

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q225\***

**Question:** I am interested to know how many abatements there have been in the Northern Territory in the last, say, 12 months.

**Answer:** Between December 2010 and November 2011, Northern IDC was subject to abatement in each of the 12 months.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q226\***

**Question:** Can you take on notice for me in relation to the two centres that are now open in Darwin—we will exclude the Asti because it is now closed—in the last 12 months, how often has the POS been audited?

**Answer:** There are three sites in Darwin; Northern IDC (NIDC), Darwin Airport Lodge (DAL) and Wickham Point. The department has undertaken testing to ensure that all services are being delivered in accordance with the contract including the elements of the operation of the POS through a process called Acceptance Testing. In the last 12 months testing was undertaken once at NIDC and DAL. Acceptance testing for the newly commissioned Wickham Point will occur when the full centre is operational.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q227\***

**Question:**

Correct me if I am wrong: as of the last estimates session, the youngest unaccompanied child at that facility was six. Is that still the case?

**Answer:**

On 15 November 2011, the youngest unaccompanied minor at the Port Augusta Immigration Residential Housing facility was aged 6 years.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q228\***

**Question:** What age determination process has been used in Port Augusta?

**Answer:** DIAC has developed national Standard Operating Procedures for assessing the age of unaccompanied minors. This process consists of gathering all available information, conducting a focused interview with two trained officers, an interpreter and an independent person (a Life Without Barriers representative). The client is given the opportunity to provide any supporting documentation to support their claim, and this will be taken into account. The two officers come to their finding independently. Where an outcome is not absolutely clear, the client is given the benefit of the doubt.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q229\***

**Question:** Does the department have a policy with regards to timeframes around enrolling students in school?

**Answer:** The department seeks to facilitate access to education as quickly as possible, subject to age determination processes, student immunisations and parental consent. The department is committed to ensuring that children in immigration detention facilities have access to education consistent with Australian community standards and jurisdictional requirements.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q230\***

**Question:** When was the last time there was a visit to clients in the Port Augusta facility from an independent advocate—a lawyer, a migration agent?

**Answer:** As at 15 November 2011, the last time clients at the Port Augusta Immigration Residential Housing were visited in relation to their cases was on 13 November 2011 by migration agents who are also Immigration Advice and Application Assistance Scheme (IAAAS) providers. As there are different agents allocated for each client, this visit was not for all clients.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q231\***

**Question:**

We heard this morning that there is no fax number to fax the visit request form to. Is that the case?

**Answer:**

Serco is currently looking into gaining access to an optic fibre line to install a fax line at Inverbrackie APOD. However, there are several other options for submitting an application to visit:

- Via telephone - (08) 8389 9235;
- Via email - [inverbrackie.visits@serco-ap.com.au](mailto:inverbrackie.visits@serco-ap.com.au); or
- In person – either at reception or via a client lodging a request form.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q232\***

**Question:** Have there been any representations to Serco that the level of expertise and experience with children has been inadequate?

**Answer:** There has been one occasion when a representation was made to Serco about the training status of staff. On 29 October 2010, the department wrote to Serco to express concern about the training and qualifications of Serco staff at Port Augusta IRH. Serco replied on 9 November 2010 to the Contract Administrator to confirm that all staff members at Port Augusta IRH without a relevant Certificate III qualification were scheduled to complete this qualification by 31 December 2010.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q233\***

**Question:** Could you take on notice whether there have been any formal discussions with Serco about their level of staffing and the qualifications of staff in various facilities?

**Answer:** In the three months August to November 2011, there were no formal discussions with Serco about its level of staffing in various facilities.

In relation to the qualifications of staff, Serco provided its Quarterly National Recruitment and Training Report on 11 August 2011 as required under the contract. On 1 October 2011, the DIAC Contract Administrator asked Serco to provide an update on its training activity.

From August to November 2011, DIAC asked formally for assurances about the qualifications of Serco staff on two occasions for two facilities. Serco provided assurances for staff training at Port Augusta Immigration Residential Housing facility on 19 August 2011 and qualifications for individual staff at Villawood Immigration Detention Centre on 11 October 2011.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q234\***

**Question:**

That is certainly different to what I understand. I understand the two officers resigned because they were frustrated by a lack of information. That was the proposition that was publicly reported. I am interested that there is a different perspective.

**Answer:**

On 12 April 2011, the Adelaide Hills Council resolved to negotiate with the department to 'pause' the Community Liaison Project, pending future developments.

The department subsequently met with the Council and both parties agreed to pause the project and, therefore, the Community Liaison Officer positions at Inverbrackie were no longer engaged with effect from 30 June 2011.

It would be a matter for the Adelaide Hills Council to comment on the employment status of the two officers.

The department has developed a strong and proactive role in engaging positively with the local Adelaide Hills community, and the position of a Stakeholder Liaison Officer has been progressively developed throughout the year.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
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**\*Q235\***

**Question:** When Serco developed that policy and gave it to DIAC for consultation, did DIAC raise any concerns about it; were there any amendments made to it?

**Answer:** The Keep Safe Policy and Procedure Manual (PPM) aims to operationalise the component of the Psychological Support Program (PSP) that relates to increased engagement of clients assessed as being at risk of suicide or self-harm.

DIAC provided feedback to Serco on its draft Keep Safe PPM which led to some changes being made to the PPM. DIAC is continuing to provide feedback to Serco about the Keep Safe PPM.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q236\***

**Question:** Has there been any time frame given from the Minister's office in relation to when recommendations should be finalised?

**Answer:** No specific time frame was identified by the Minister's Office in advance of the Minister's announcement on 25 November 2011 that he had granted bridging visas to a group of 27 long term detainees who were Irregular Maritime Arrivals.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q237\***

**Question:** Whose recommendation it was for that solitary confinement – at both ends, before the hospital visit and afterwards. (Relevant incident report to also be provided).

**Answer:** The decision to place the client in an interview room was made by the Serco Operations Manager.



# Incident Detail Report

[REDACTED]

## Participants

### Staff

Family Name:	[REDACTED]	Participation Type:	Involved
Given Name(s):	[REDACTED]	Job Title:	
Login:	[REDACTED]		
Organisation:	Default Organization		

### Staff

Family Name:	[REDACTED]	Participation Type:	Witness
Given Name(s):	[REDACTED]	Job Title:	
Login:	[REDACTED]		
Organisation:	Default Organization		

### Staff

Family Name:	[REDACTED]	Participation Type:	Witness
Given Name(s):	[REDACTED]	Job Title:	
Login:	[REDACTED]		
Organisation:	Default Organization		

### Staff

Family Name:	[REDACTED]	Participation Type:	Involved
Given Name(s):	[REDACTED]	Job Title:	
Login:	[REDACTED]		
Organisation:	Default Organization		

## Incident Details

Version: 4      Created On: [REDACTED] 11:23:46 PM      Created By: [REDACTED]  
 Description: No further information regarding this incident is to follow. This IR is now considered closed.

Version: 3      Created On: [REDACTED] 09:07:37 AM      Created By: [REDACTED]  
 Description: Note the DIAC contact is [REDACTED] not [REDACTED] as indicated



### Incident Detail Report

As at [REDACTED]

#### Incident Summary

Incident Number:	1-A4Q9GC	DIAC Notified:	[REDACTED] 10:25:00 PM
Type:	Demonstration - Onsite	DIAC Notified By:	[REDACTED]
Level:	Major	DIAC Contact:	[REDACTED]
Version:	4	Initial Release On:	[REDACTED] 04:53:34 AM
Status:	Closed	Version Released On:	[REDACTED] 11:24:17 PM
Location:	Northern IDC	Transport Id:	
Occured On:	[REDACTED] 08:30:00 PM	Sensitive:	N
Informed By:	Service Provider Staff	Summary:	Client sighted on rooftop
Informed On:	[REDACTED] 10:00:00 PM	Organisation:	Serco
Location Details:	North 2	CCTV Recording Number:	

#### Participants

##### Client

Participation Type:	Alleged Offender	Client was armed:	N
Service Number:	1-2ZYL0V	Interpreter:	
Family Name:	[REDACTED]	Interpreter Id:	
Given Name(s):		TIS Job No:	
Date of Birth:	[REDACTED]	Comments:	
Minor:	N		

##### Staff

Family Name:	[REDACTED]	Participation Type:	Involved
Given Name(s):	[REDACTED]	Job Title:	
Login:	[REDACTED]		
Organisation:	Default Organization		

##### Staff

Family Name:	[REDACTED]	Participation Type:	Witness
Given Name(s):	[REDACTED]	Job Title:	
Login:	[REDACTED]		
Organisation:	Default Organization		

##### Staff

Family Name:	[REDACTED]	Participation Type:	Witness
Given Name(s):	[REDACTED]	Job Title:	
Login:	[REDACTED]		
Organisation:	Default Organization		



Australian Government

Department of Immigration  
and Citizenship

## Incident Detail Report

As at [REDACTED]

## Incident Details

Version: 2 Created On: [REDACTED] 07:24:20 AM Created By: [REDACTED]

Description: On the [REDACTED] at approximately 2032 hours Client Service Officer (CSO) [REDACTED] (not on Portal) notified Operational Manager (OM) [REDACTED] that [REDACTED] [REDACTED] climbed on to North 2 Compound roof to gain access to North 1 Compound as he was denied inter compound visits to South 1 Compound. [REDACTED] was advised by Client Service Manager (CSM) [REDACTED] stated that approved was needed for him to be able to visit South One compound. [REDACTED] at approximately 2037 hours descended into the North 1 Compound and walked across the oval towards the Energised Inner Zone 8 began to climb the fence at approximately 2038 hours Response One Code Black was called by CSO [REDACTED] (not on Portal). [REDACTED] donned socks on his hand and worn Dunlop sneakers. All response officers attended the scene. CSM [REDACTED], CSW [REDACTED] (not on Portal), CSO [REDACTED] and CSO [REDACTED] went into the Sterile Zone while CSM [REDACTED], CSO [REDACTED] (not on Portal), CSO [REDACTED] (not on Portal), CSO [REDACTED] (not on Portal), CSO [REDACTED] (not on Portal), CSO [REDACTED] were standing on the same side as [REDACTED] who was on the top of the fence attempting climb over. The shocks given by energised fence deterred his movement. CSM [REDACTED] and [REDACTED] spoken to [REDACTED] several times and he stated that he wants to visit South 1 tonight and this is how he was going to gain access. [REDACTED] tried to disconnect the energised fence numerous times as he was trying to climb over. CSO [REDACTED] and CSO [REDACTED] brought mattresses and placed them on other side of the fence as a precautionary tool. At approximately 2055 hours [REDACTED] expressed to CSM [REDACTED] that he wishes to come down. CSO [REDACTED] fetched a step ladder from Control room. At Approximately 2100 hours [REDACTED] came down. He was asked to come to the Interview room in North Compound, he was non





### Incident Detail Report

As at [REDACTED]

#### Incident Details

compliant and continued to walk towards the Cabana in North One and sat down. [REDACTED]

[REDACTED] repeatedly shouted abuses at officers and instantly refused to meet the terms of officers request.

At approximately 2115 hours CSM [REDACTED] directed CSO [REDACTED], CSO [REDACTED], CSO [REDACTED] CSO [REDACTED] and CSO [REDACTED] to relocate [REDACTED] using approved control and restraint technique to North interview room. CSO [REDACTED] held [REDACTED] right arm and CSO [REDACTED] held [REDACTED] left arm and CSO [REDACTED] assisting the client to move forward. While moving the client [REDACTED] tried to pull [REDACTED] away from the escorting officers. CSM [REDACTED] and CSO [REDACTED] pulled [REDACTED] away from [REDACTED] and the escorting officers walked [REDACTED] on though to the interview room where he was offered a seat and he refused. CSW [REDACTED] offered medical assistance [REDACTED] did not acknowledge the offer. [REDACTED] was offered water, a seat and medically assistance at 5 minutes interval to which he refused each time. From approximately 2145 hours til 2248 hours 5 x CSO [REDACTED] and CSM [REDACTED] continued to control and restraint [REDACTED] on a rotational basis until he appeared exhausted and dropped to the floor. He was placed in recovery position. CSW [REDACTED] called for an ambulance at approximately 2313 hours. Ambulance arrived at approximately 2328 hours. [REDACTED] departed to [REDACTED] Hospital at approximately 2344 hours. [REDACTED] returned to Northern Immigration Detention Centre at approximately 0518 hours and was taken into the interview rooms and spoken to by OM [REDACTED] before being accommodated into North 3.

#### Related Incidents

Incident Number:	1-A4Q9GI	Status:	Closed
Type:	Use of Force	Level:	Major
Location:	Northern IDC	Occurred On:	[REDACTED] 09:15:00 PM



Australian Government  
Department of Immigration  
and Citizenship

### Incident Detail Report

[REDACTED]

#### Related Incidents

Incident Number:	1-A4Q9GI	Status:	Closed
Type:	Use of Force	Level:	Major
Location:	Northern IDC	Occurred On:	[REDACTED] 09:15:00 PM

#### Attachments

File Name:	[REDACTED] Use of Force Statement [REDACTED]	File Date:	[REDACTED] 06:17:32 AM
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Comments:

File Name:	Use of Force Statement [REDACTED] [REDACTED]	File Date:	[REDACTED] 06:17:09 AM
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Comments:

File Name:	[REDACTED] Report [REDACTED]	File Date:	[REDACTED] 09:19:42 AM
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Comments: OFFICER REPORT CSO [REDACTED]

File Name:	[REDACTED] Use of Force Statement [REDACTED] [REDACTED]	File Date:	[REDACTED] 09:15:39 AM
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Comments: OFFICER REPORT CSO [REDACTED] USE OF FORCE

File Name:	[REDACTED] Officer Report [REDACTED]	File Date:	[REDACTED] 09:14:50 AM
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Comments: OFFICER REPORT CSO [REDACTED]

File Name:	[REDACTED]	File Date:	[REDACTED] 09:14:03 AM
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Comments: OFFICER REPORT CSO [REDACTED]

File Name:	[REDACTED] Officer Report [REDACTED]	File Date:	[REDACTED] 09:13:13 AM
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Comments: OFFICER REPORT CSO [REDACTED]



### Incident Detail Report

As at [REDACTED]

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#### Attachments

File Name: [REDACTED] File Date: [REDACTED] 09:11:10 AM  
Officer Report [REDACTED]  
[REDACTED]

Comments: OFFICER REPORT CSO [REDACTED]

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File Name: [REDACTED] File Date: [REDACTED] 09:12:18 AM  
Officer Report [REDACTED]

Comments: OFFICER REPORT CSO [REDACTED]

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File Name: [REDACTED] File Date: [REDACTED] 09:08:55 AM  
Use of Force Statement  
[REDACTED]

Comments: OFFICER REPORT CSO [REDACTED]

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File Name: [REDACTED] SIT REP File Date: [REDACTED] 02:04:44 PM

Comments: SIT REP REGARDING INCIDENT AND GENERAL OVERVIEW OF CLIENTS  
BEHAVIOUR.

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**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q238\***

**Question:** The second issue is in relation to the approach of the department to the provision of water to detainees on hunger strike. The committee is interested, in light of what Senator Hanson-Young has raised in earlier questions in how this came about and what has happened since it came about to make sure it does not come about again.

**Answer:** This situation came about while a client was carrying out a rooftop protest at the Northern Immigration Detention Centre. Staff were informed that they should encourage the client to come off the roof.

It appears that as part of the approach to encourage the client to leave the roof, the client was not offered water or food. The client was being monitored by IHMS on a regular basis to address any health concerns.

To clarify the department's expectations in the management of a rooftop protest, a direction has since been given to the Detention Service Provider, Serco, that if any client is on a roof he (or she) must be offered water.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q239\***

**Question:** When did the department first identify Scherger as a potential site for a detention centre?

**Answer:** As part of responsible contingency planning the department, together with the Department of Defence, looked at a range of options to determine which might be available if additional mainland accommodation was required by Government.

The department first visited the RAAF Base Scherger site on 9 July 2010 to do a due diligence inspection of the site.

This inspection identified that the site was suitable for immigration purposes.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q240\***

**Question:**

I am wondering when it was identified as a contingency option and when any works may have been commissioned on the site in that context?

**Answer:**

In July 2010, RAAF Base Scherger was identified as a suitable contingency site.

No works were carried out on the site prior to the announcement on 17 September 2010.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q241\***

**Question:** So the fence did not go up, and no contractor was contacted regarding the erection of that fence or any preparatory site works, prior to the announcement.

**Answer:** As part of contingency planning the Department of Defence spoke to its North Queensland based contracted service provider and authorised the procurement of fencing materials prior to the announcement. However, that material could have been used in the normal course of Defence operations elsewhere, if it was not required at RAAF Base Scherger.

The procured materials were delivered to RAAF Base Scherger on 3 October 2010.  
No works started on the construction of the fence until 14 October 2010.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q242\***

**Question:** Did DIAC procure the fence materials?

**Answer:** The fencing materials were procured by Department of Defence through its contracted service provider.

DIAC reimbursed Department of Defence for all costs associated with the materials and construction.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q243\***

**Question:** Prior to the election last year, was there any discussion or identification of Scherger in any form by the department as a potential detention facility?

**Answer:** As part of responsible contingency planning the department, together with the Department of Defence, looked at a range of options to determine whether any Defence sites might be available if additional mainland accommodation was required by Government.

The department first visited the RAAF Base Scherger site on 9 July 2010 to do a due diligence inspection of the site.

This inspection identified that the site was suitable for immigration purposes.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q244\***

**Question:** When was Serco first advised of the fact that they might have to prepare to run a facility at Scherger?

**Answer:** Discussions with Serco occurred following the Minister's announcement on 17 September 2010.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q245\***

**Question:** Had any costings been done?

**Answer:** No costings were done for Scherger in advance of the Government announcement.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q246\***

**Question:** Was the Minister aware and had he been advised of the preparations, planning and identification of that site as a potential detention centre at that time?

**Answer:** The Minister was briefed by the department that RAAF Base Scherger had been identified as a suitable contingency site and of the planning that had occurred.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q247\***

**Question:** How much have we spent this year?

**Answer:** There has been \$102,000 (exclusive GST) spent on Capital Works at the Scherger location from July-Dec 2011.

## JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

\*Q248\*

**Question:** Was there a list of criteria that the department went through in determining what location would be proposed to the minister?

**Answer:** The department's preference is to locate Immigration Detention Centres close to urban areas that have adequate services.

No formal criteria exists, however, a number of factors are taken into account when choosing the location of an IDF. These factors being:

- Consideration of whether an immigration detention facility is already established in the area
- Consideration of available Commonwealth property
  - The department works closely with the Department of Defence and the Department of Finance and Deregulations Commonwealth Land Register to identify available Commonwealth property
- That the potential site has adequate services such as:
  - accommodation – including for DIAC and service provider staff
  - power,
  - water,
  - sewerage,
  - telecommunications,
  - transport servicesor that the required service/s can be bought up to up to speed quickly and efficiently.
- Consideration of already established infrastructure on the potential site
- Consideration of the impact on the local community
- Environmental impact
- Heritage issues

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q249\***

**Question:** Mr Davis, are you stating for the record that, aside from the new buildings that will be opened on 15 December, everything else was there?

**Answer:** At the time that Scherger was identified as a contingency centre, there was total of 60 existing buildings on-site.

DIAC has installed an additional 59 buildings to the site.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q250\***

**Question:** How often has the Royal Flying Doctor Service been used?

**Answer:** According to DIAC records, the Royal Flying Doctor Service has been used seven times between 1 January 2011 and 1 January 2012 to transfer clients from Weipa Hospital to Cairns.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q251\***

**Question:** How much money has been billed to the department via IHMS for the use of the Royal Flying Doctor Service?

**Answer:** As at 19 January 2012, records are only available until 30 October 2011 and as such only reflect the costs for five of the seven flights. These five flights have been billed to the Department at an average cost of \$5,100 each.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q252\***

**Question:** Of the 38 people who were transferred, did any of those people have letters from the psychiatrist suggesting that they be moved?

**Answer:** In relation to the 38 people transferred from Scherger IDC to Pontville IDC on 30 November 2011, the Health Services Provider, IHMS, advises that three of the people had consulted psychiatrists. There is no record of recommendations received from psychiatrists relating to the transfer or placement of any of the 38 clients.

Four people, detained at Brisbane Immigration Transit Accommodation (BITA), joined the charter flight in Brisbane and proceeded to Pontville IDC with the others. There is no record of psychiatrist recommendations regarding transfer or placement for these clients.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q253\***

**Question:** What is the length of time those people have been in the detention network?

**Answer:** According to DIAC systems, as at COB 2 December 2011, the 38 clients who were transferred from Scherger Immigration Detention Centre (IDC) to Pontville IDC during the week of the Joint Select Committee Hearing had been in immigration detention for between 595 and 646 days. Since that time four have been granted a protection visa, 30 are living in the community on a Bridging Visa and four are in community detention (as at cob 8 March 2012).

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q254\***

**Question:** Did anybody out of that group of 38 spend any time in the Cairns hospital? I would also like to know whether any of the 38 spent any time at the Toowong Private Hospital?

**Answer:** In relation to the 38 people transferred from Scherger IDC to Pontville IDC on 30 November 2011, the Health Services Provider, IHMS, advises that:

- three people had spent time at Cairns Hospital for treatment relating to a chest infection and dehydration; surgery for a fractured nose; and attendance at an ophthalmology appointment.
- none of these people spent time at Toowong Private Hospital.

Four people, detained at Brisbane Immigration Transit Accommodation (BITA), joined the charter flight in Brisbane and proceeded to Pontville IDC with the others. None of these people spent time at Cairns Hospital or Toowong Private Hospital.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q255\***

**Question:** Could you provide on notice the number of staff employed by IHMS and also break it down by who is on the nine-to-five roster, the after-five roster and the evening roster, just so we know at any one point in the day how many medical staff are on deck?

**Answer:** The Health Services Provider, IHMS, employs 13 primary health care professionals, nine mental health care professionals and two administrative staff at Scherger IDC.

Nursing and mental health clinics are available seven days a week and general practitioner clinics five days a week.

The morning shift (0830–1700) has approximately 13 primary and mental health care and two administrative staff.

The evening shift (1245–2115) has three to four primary and mental health care staff.

The night shift (2000-0700) has one but can also have two primary health care staff.

The overlap between shifts allows for medication rounds to be completed, ensures that staff are able to attend professional training and also ensures that handover between shifts can be completed while leaving staff available in the clinic to deal with clients.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q256\***

**Question:** Can you tell me what the three-month forward projection is for the capacity or overcapacity situation at Christmas Island for each of the next three months.

**Answer:** The department uses Christmas Island as an initial reception point for Irregular Maritime Arrivals (IMAs). Currently the large majority of IMAs spend a relatively short period of time on Christmas Island before being transferred to a mainland facility.

The department is able to adjust the rate at which people are transferred from Christmas Island in order to retain capacity for future arrivals.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q257\***

**Question:** Did the department receive any advice, in the six months following that decision in February 2008 to abolish the Pacific Solution, that there had been an increase in people smuggling networks being reformed in that period following that advice?

**Answer:** The department is not able to comment publicly on intelligence matters.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q258\***

**Question:**

When did the department first recommend to the minister that people should be transferred off Christmas Island to the mainland and that facilities should be established on the mainland to support people transferred? Do you recall whether that advice was given about the need to get people off Christmas Island was in January or February?

**Answer:**

The department was engaged in contingency planning activities to manage a surge in irregular maritime arrivals from early 2009. Part of this planning involved briefing the Government on mainland accommodation options which may be suitable should the number of arrivals exceed capacity at existing Christmas Island detention facilities. Advice about people being transferred off Christmas Island was given to the then Minister in January 2010.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q259\***

**Question:** Was there any delay, to your knowledge, after the advice was first given to actually get people off Christmas Island because the centre was overcrowded and it was creating tensions?

**Answer:** The department provided ongoing operational updates to the Minister about the situation on Christmas Island. This included updates on client numbers, capacity issues and tensions between the client cohorts.

In March 2010 senior departmental officers met with the then Minister of Immigration and Citizenship to advise that immediate decisions needed to be taken on the transfer of single men at advanced stages of processing to the Northern Immigration Detention Centre (NIDC) in Darwin. On 19 April 2010, the first group of 68 single male irregular maritime arrivals was transferred to the NIDC, the timing of which was predicated by a number of operational considerations.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q260\***

**Question:**

a) If you could let me know when the capacity that you had in mind had actually set in terms of the viable options for the department and what was being put forward I would be grateful.

b) In addition to the decision to reopen the Curtin facility, which had been closed by the previous government.

c) Could you also let me know when the decision to transfer people to Northern took place?

**Answer:**

a) The department is not able to comment on considerations leading to government decisions or possible decisions.

b) The Government announced its decision to reopen the Curtin Immigration Detention Centre (IDC) on 18 April 2010.

c) On 18 April 2010 the Government announced its decision to move single adult males to the Northern IDC in Darwin to ease pressure on facilities at Christmas Island. The first movement of people occurred on 19 April 2010.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q261\***

**Question:** When was the asylum freeze first proposed by the department?

**Answer:** The suspension of processing Sri Lankan and Afghan applicants was first raised in early 2010.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q262\***

**Question:** Had the idea of an asylum freeze been floated prior to the end of December 2009

**Answer:** The department had not proposed an asylum freeze prior to December 2009.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q263\***

**Question:**

What we really need to know is the percentage of people who are given permanent visas, who are already living in the community and who are then referred by DIAC to you, to ASIO, for a thorough assessment.

**Answer:**

According to DIAC systems an estimated 18% of applicants whose Protection visa application was finally determined between 1 July 2010 and 30 June 2011, had been referred to ASIO for full assessment. Criteria for which applicants undergo full security assessment is determined by ASIO. Questions regarding ASIO assessments should be addressed to ASIO.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q264\***

**Question:** Who was it shared with? (What other agencies were involved in the discussions regarding the asylum freeze?)

**Answer:** There are a range of agencies that the department works with on a regular basis in the preparation of asylum policy advice, for example the Department of Foreign Affairs and Trade, the Department of the Prime Minister and Cabinet, the Australian Customs Service and on some issues, where relevant, agencies such as ASIO, Defence and other parts of the intelligence community.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q265\***

**Question:** Did the Prime Minister's office get involved early in 2010 or in the months or weeks leading up to the announcement? (Regarding the asylum freeze)

**Answer:** Relevant agencies and Ministers' Offices, including the Prime Minister's Office, are usually involved in policy discussions on issues related to irregular maritime arrivals.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q266\***

**Question:** On that basis, why in the incoming brief in 2010 were there still references to how you would implement Nauru for the incoming Labor government?

**Answer:** Any references to Nauru in the incoming Labor government brief were historical or comparative and not for implementation purposes.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q267\***

**Question:**

Can you tell me which of those finding was not included in the draft report that was provided to the department in May?

In other words, was the draft report you received in May effectively the same as the report you received in October and, if there were any material differences, what were they?

**Answer:**

The findings in the draft report titled 'Assessment of the Current Immigration Detention Arrangements at Christmas Island' received by the department in May 2010 were effectively the same as those in the final report received by the department in October 2010.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q268\***

**Question:** Was Minister Evans aware of the report?

**Answer:** The office of the then Minister was aware of the May 2010 draft report titled 'Assessment of the Current Immigration Detention Arrangements at Christmas Island'.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q269\***

**Question:**

I just want to understand whether the department had formed the view that expansion of capacity at that time was sufficient to deal with the expected demand or whether you felt at that time that government should be going further to expand the network even more broadly than that.

**Answer:**

In April 2010, detention facilities on Christmas Island reached maximum capacity and the Government announced the recommissioning of Curtin Immigration Detention Centre to provide additional capacity to accommodate single adult males. At the same time, the Government announced the transfer of a number of single adult males from Christmas Island to the Northern Immigration Detention Centre in Darwin. It was the department's view that if we continued to see large numbers of irregular maritime arrivals, the department would need to find extra capacity at Curtin or elsewhere.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q270\***

**Question:** Was the advice of the adviser to Mr Evans, Allison Henry, correct and did that confirm your own concerns about the looming shortage in accommodation capacity in the detention network on 6 and 7 May?

**Answer:** The department closely monitored intelligence in relation to possible Irregular Maritime Arrival flows and capacity pressures in the Immigration Detention Network throughout 2010. The department regularly communicated with the Minister and his office in relation to these issues.

**Supplementary Answer:**

According to the Council for Immigration Services and Status Resolution 5<sup>th</sup> General Meeting Minutes of 6 and 7 May 2010, Ms Henry reported to the meeting that "over 3000 additional arrivals were predicted within the next few months".

The actual number of Irregular Maritime Arrivals for the three month period of May to July 2010 was 1750.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q271\***

**Question:**

Were issues in May of the potential to further expand the network after the existing expansion of Darwin and Curtin a matter of regular discussion between you and the Minister and did you think that you needed to expand it then further? Was it going to be enough?

**Answer:**

The department has regular and ongoing communications with the Minister about the detention network. During May 2010 anticipated arrival predications and accommodation options were raised during the course of such discussions.

The department is not able to comment on considerations leading to government decisions or possible decisions.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q272\***

**Question:** Did you receive any instruction to expand further the accommodation network within the detention network between April 2010 and the federal election in August 2010?

**Answer:** The department undertook the expansion of the detention network through the recommissioning of Curtin Immigration Detention Centre in Western Australia. This was announced by the Government on 18 April 2010. Subsequently, the department also opened the Leonora Alternative Place of Detention in Western Australia. The commissioning of this site was announced by the Government on 1 June 2010.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q273\***

**Question:** What I want to know is: in the contract do you require IHMS to get a pharmacist in to regularly do an audit and stocktake of the drugs that are kept on site?

**Answer:** The *Health Services Contract* requires the Health Services Provider, IHMS, to manage medications in accordance with the Detention Health Standards, Department Health Policy and all relevant state and territory laws. The *Health Services Contract* does not require that audits of medication be conducted by a pharmacist.

IHMS advises that the following medication audits and stocktakes occur at detention facilities:

An external pharmacist audits medications twice yearly on-site.

A monthly stock audit is conducted by Health Services Managers and/or Clinical Team Leaders.

Weekly audits are conducted by on-site Clinical Team Leaders.

Random on-site audits are conducted by IHMS Quality and Audit Manager and the Director of Nursing and/or Medical Director during site visits.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q274\***

**Question:** Are outcomes of those risk assessments available?

[Refers to the outcomes of risk assessments undertaken on a centre-by-centre basis with Serco over the last couple of months.]

**Answer:** Serco is required to actively and continually conduct Workplace Health and Safety (WH&S) risk assessments. Any questions regarding Serco's WH&S assessments should be directed to Serco.

Under the Detention Services Contract, Serco is required to ensure that it and Service Provider Personnel at all times comply with the applicable Commonwealth and State and Territory Laws and Australian Standards relating to Workplace Health and Safety and manage all workplace health and safety issues at the Facilities.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q275\***

**Question:** You need to satisfy yourself that every Serco employee in the Northern Territory has an Ochre Card.

**Answer:** Under the Contract, Serco must ensure that all of their staff who will or may work with minors in any capacity comply with all relevant state or territory child protection legislation.

Consequently, all persons working with minors in the Northern Territory must complete all necessary checks in accordance with the Northern Territory Child Protection Legislation before being issued with an Ochre Card.

The department has confirmed with Serco that all staff in the Northern Territory, who are working with minors, have completed all necessary checks and hold an Ochre Card.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q276\***

**Question:** Can you clarify whether that is the case or not—whether Customs or Immigration officers have been exposed to TB as result of some of the IMAs having TB?

**Answer:** The department is not aware of any Customs or DIAC staff developing tuberculosis (TB) as a result of exposure to Irregular Maritime Arrivals (IMAs).

Clinical advice is that transmission of TB typically requires prolonged close contact with an actively infected person in a poorly ventilated area. The nature of Customs and DIAC staff contact with IMAs makes it very unlikely that they face any meaningful risk of contracting the disease.

IMAs are screened for tuberculosis and other communicable diseases upon their first arrival at a detention facility, usually at Christmas Island. If a case of active TB is found the relevant state government health unit is notified and the client will be quarantined and receive medical treatment until they cease to be infectious. Contact tracing will also be undertaken to identify other people who may have been at risk of infection and those people receive testing and treatment if required.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q277\***

**Question:**

If you wanted to see what the staffing levels are you could I imagine. What is your understanding of what is so sensitive about having that information given to us?

**Answer:**

Serco has previously advised the Joint Select Committee that it will provide staff numbers in-camera. That for operational and security reasons Serco does not make staffing numbers public.

There is concern that if staffing numbers at particular centres were to become public, it is reasonable to expect the information will become available to the client population, which may compromise Serco's ability to maintain the security of detention facilities and the good order within detention facilities, endangering the safety of staff and those in our care.

Serco has advised that there is a commercial in confidence element to the issue as the significant proportion of the cost of delivering its services, and therefore the price it bids for those services, is related to the number of people that it has employed.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q278\***

**Question:** Are you able to identify a static number at a point in time?

**Answer:** Mental health awareness and/or Psychological Support Program (PSP) training is delivered in various forums:

All Serco detention services staff are required to undertake mental health awareness training as part of their induction training and at least every two-years thereafter. This training is coordinated by Serco.

IHMS provides its employees with orientation training and then regular ongoing training at detention facilities on a wide range of health service delivery issues, including mental health awareness and PSP.

Relevant DIAC operations staff, including case managers, receive mental health awareness training as part of their orientation and ongoing role-specific training. The case management training includes PSP training. This training is coordinated by DIAC and during 2010 was delivered to 381 staff and during 2011 to 550 staff.

In addition to the above training, a joint IHMS and DIAC team delivers mental health awareness and mental health policy (including PSP) training across the detention network to staff from Serco, IHMS and DIAC. During 2010 this training was delivered to approximately 1180 staff and during 2011 652 staff (and will continue across the network during 2012).

Given the variety of mental health awareness and PSP training which is delivered to Serco, IHMS and DIAC staff and staff turnover and movement between facilities, the department is unable to provide the number of staff at any point in time, working with detainees at specific places of detention, who have not undertaken some form of mental health awareness and/or PSP training.

## JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

\*Q279\*

**Question:** I would be very interested to know in what sort of range they are looking for with respect to property, given what you said about them trying to avoid the cheaper rentals. I would be very interested to know the range, where they are looking for property and in what numbers.

**Answer:** The Australian Red Cross is responsible for the sourcing and leasing of suitable accommodation (generally a house, townhouse or apartment) for use by family groups, unaccompanied minors and adult clients in community detention.

The department requires that properties sourced and leased by Red Cross should:

- be sustainable and appropriate for potentially long term occupancy,
- be a reasonable cost as determined by market rent,
- range in size appropriate for small to large family groups,
- be clean and in good condition with no safety concerns,
- meet health and safety standards,
- be located as near as possible to schools, public transport, shops and any other culturally appropriate networks, and
- not be of a substantially higher standard than a low income earner in Australia would be able to afford.

Additionally, Red Cross must consider clients' health and other such requirements when sourcing client accommodation.

While Red Cross is required to source properties that are not substantially of a higher standard than a low income earner in Australia, the Department is also mindful of not "crowding out" the availability of affordable accommodation for lower income Australians.

In addition, there is a significant number of large properties used in community detention to accommodate large family groups, groups of unaccompanied minors and as share-houses for individual adult males. These larger properties incur a higher rental cost, and as such increase the average rental costs for the program. Where possible the Department avoids using single dwelling apartments as these also have a higher rental cost.

The average cost of rent per week for leasing properties for community detention across Australia is listed in the table below.

For comparison, the table also includes data published by the Real Estate Institute of Australia (REIA) for the average weekly market rent in the major capital cities of Brisbane, Sydney, Perth, Adelaide and Melbourne. This data is available at:

[http://blog.realestateview.com.au/2011/11/australian-renters-still-feeling-the-squeeze/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+ExpertView+%28Expert+View%29](http://blog.realestateview.com.au/2011/11/australian-renters-still-feeling-the-squeeze/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ExpertView+%28Expert+View%29)

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q279\***

**Average Rental Cost for Community Detention Properties\***

<b>State</b>	<b>CD average per week</b>	<b>REIA published average</b>
QLD	\$383	\$350 (Brisbane)
NSW	\$416	\$400 (Sydney)
ACT	\$458	\$450
VIC	\$343	\$350 (Melbourne)
TAS	\$272	\$360
SA	\$341	\$320 (Adelaide)
WA	\$358	\$390 (Perth)

\* Average rental cost for community detention properties is dependant on a range of factors including the number of leased properties, number and permutation of client groupings, and market rate. Average number of occupants per property is 3 clients.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q280\***

**Question:** What action was taken to the concerns that they raised prior to March?

**Answer:** While there were some limitations with infrastructure, the department actively sought to mitigate these issues through a number of operational responses. Examples of some the operational responses are detailed in Supplementary response 125 and 127.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q281\***

**Question:** Of the 58 that you originally identified, how many have been given a visa and how many have been released into the community or have been put on bridging visas?

**Answer:** According to DIAC systems, as at COB 16 October 2011, of the 58 identified, 43 are no longer persons of interest to the Australian Federal Police (AFP), 15 remain as persons of interest to the AFP. Their current status is as follows:

- 6 – 1A Met; undergoing visa checks.
- 2 – Judicial Review commenced.
- 2 – Independent Merits Review negative hand down.
- 5 – Within the Independent Merits Review process.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q282\***

**Question:** Is it possible, if there are subsequent minutes, for the Committee to be given those minutes?

**Answer:** Subsequent minutes of the Minister's Council on Asylum Seekers and Detention (formerly the Council for Immigration Services and Status Resolution) meetings have not been finalised by the Council, and are therefore not able to be provided to the Committee at this time. If they become available before the Committee reports, these documents will be forwarded to the Committee Secretariat.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q283\***

**Question:** Did the minister ask to see any of those reports?

**Answer:** Since becoming Minister in September 2010, the Minister has received regular and frequent briefing on the substantive issues around detention accommodation and management of the immigration detention network, including briefing on range of reports prepared about immigration detention matters.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q284**

**Question:** Were these warnings noted specifically or generally in the incoming brief to the Minister – that Serco did not have the capacity or the people to deal with a riot in a detention centre?

**Answer:** The incoming brief provided to the Minister noted the range of pressures affecting the management of the detention centres.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q285\***

**Question:** With all of that occurring, when did the department say to the AFP, 'We need to get police back on the island'?

**Answer:** All agencies involved in irregular maritime arrival operations on Christmas Island were aware of the complexities and potential risks associated with overcrowding at the facilities on the island. Such information was shared at regular inter-agency briefings and other similar high level meetings both on Christmas Island and in Canberra. Officials from the department and the AFP were involved in those discussions but any decision to increase or decrease the AFP presence on Christmas Island was, and remains, a matter for that agency.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q286\***

**Question:** Was the minister aware that the police had been withdrawn from the island in November 2010?

**Answer:** The Minister's Office was briefed on the withdrawal of the Australian Federal Police Operational Response Group from Christmas Island and the level of policing resources that remained available as part of their Community Policing role.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q287\***

**Question:** Given what I outlined before and the significant escalation in risk factors around what was occurring on Christmas Island over the months of January and February, in the lead-up to the March riot, why wasn't a similar action taken?

**Answer:** All agencies involved in irregular maritime arrival (IMA) operations on Christmas Island were aware of the complexities and potential risks associated with overcrowding at the facilities. Any decision to increase the Australian Federal Police presence on Christmas Island was, and continues to be, a matter for that agency.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q288\***

**Question:** Was there any reticence, to your knowledge, about returning the AFP to the island because of budgetary constraints on the AFP? Was that a concern raised with you by the AFP?

**Answer:** The department is not aware of any such matters. Given that the question relates to the AFP, questions relating to AFP resourcing should be directed to that agency.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q289\***

**Question:** How many initially adverse IMA security assessments in the past 3 years have subsequently been overturned?

**Answer:** No IMAs have had their adverse security assessment overturned in the past 3 years.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q290\***

**Question:** In terms of that processing, do you have an estimate of cost? How much might that save the taxpayer?

**Answer:** The department has modelled that the Bridging Visa E process will be less expensive for the taxpayer, both initially and in the longer term, when compared to alternative forms of detention. The forecast lower cost relates to Bridging Visa E holders not being held in high security detention facilities. The medical and mental health costs of people being held in long term detention may also be expected to reduce as the length of detention time decreases. Additionally, Bridging Visa E holders have the opportunity to sustain themselves and become self sufficient through work rights which will reduce their dependence on other forms of assistance.

While there are strong evidence based reasons to support the assumption that costs will be lower for clients on Bridging Visa E, the implementation of the movement of clients into the community is a new program for DIAC. Following a period of full operation of the new arrangements, and after the program numbers stabilise, we will have sufficient program data to undertake a detailed calculation of a cost savings comparison to other forms of IMA care and management.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q291\***

**Question:** Of that 107, how many have been able to find employment over January and February?

**Answer:** As of 31 December 2011, 107 people had been granted Bridging Visa Es. Of this group the department can confirm that 13 clients had found employment as of 7 January 2012. This is a dynamic caseload and data around employment outcomes changes quickly.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q292 &  
293\***

**Question 292:** Can the department advise whether the proportion of the people who are going on bridging visas that they assume will be able to find employment is factored into how it has put its numbers together?

**Question 293:** Could you also tell me what your assumption is about how many months it takes people whom you would expect to be able to be in a position to find employment? What are your expectations of that?

**Answer:** Bridging visas are granted to IMAs in a staged and orderly manner, using a prioritisation model which considers people on a case by case basis. This includes the length of time a client has been in detention and the need for clients to satisfy health and security requirements before being considered for the grant of a BVE.

This program is new and operational data is not yet available. While in no way being a prediction of the number of clients who would find employment (or within what timeframes), the financial modelling in the 2011-12 Portfolio Additional Estimates Statements takes a conservative approach and assumes that clients entering the program will require financial assistance for an average of 36 weeks. This approach has been adopted in view of the infancy of the program and the potential makeup of the initial cohort of clients.

On 25 November 2011, the department began granting Bridging Visa Es (BVEs) at first to people who had been in detention for longer than 15 months. It is expected that, at least initially, there will not be high take-up rates of work while people who have been in detention the longest adjust to living in the community. Over time, this is expected to change as the BVE program ramps up and grants visas to clients who have been in detention for shorter periods.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q294\***

**Question:** You gave some advice in January that it was time to get people off Christmas Island. I want to know when Minister Evans gave you the go order to do that.

**Answer:** In early January 2010 discussions took place with the Minister's Office about capacity issues on Christmas Island and the need to consider moving clients to other centres.

On 10 February 2010 the Minister publicly announced that IMA's on positive pathways would be transferred to Darwin Immigration Detention Facilities while their processing was finalised.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q295\***

**Question:**

I understand DIAC conducts initial identity, health and character checks.

- a) What would cause a person to fail a character test?
- b) What effect would this have on their refugee status determination?
- c) If a person fails the character test due to history of violence, such as rape or murder or assault, what safeguards are in place to protect the rest of the detention population around them—for instance placement or accommodation?

**Answer:**

a) Subsection 501(6) of the Migration Act 1958 (the Act) defines the circumstances in which a person will not pass the character test.

(a) the person has a substantial criminal record (as defined by subsection 501(7) of the Act); or

(aa) the person has been convicted of an offence that was committed:

- (i) while the person was in immigration detention; or
- (ii) during an escape by the person from immigration detention; or
- (iii) after the person escaped from immigration detention but before the person was taken into immigration detention again;

or

(ab) the person has been convicted of an offence against section 197A; or

(b) the person has or has had an association with someone else, or with a group or organisation, whom the Minister reasonably suspects has been or is involved in criminal conduct; or

(c) having regard to either or both of the following:

- (i) the person's past and present criminal conduct;
- (ii) the person's past and present general conduct;

the person is not of good character; or

(d) in the event the person were allowed to enter or remain in Australia, there is a significant risk that the person would:

- (i) engage in criminal conduct in Australia; or
- (ii) harass, molest, intimidate or stalk another person in Australia; or
- (iii) vilify a segment of the Australian community; or
- (iv) incite discord in the Australian community or in a segment of that

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q295\***

community; or

- (v) represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way.

Otherwise, the person passes the character test.

Subsection 501(7) of the Act defines what constitutes a substantial criminal record and is provided below:

- (7) For the purposes of the character test, a person has a substantial criminal record if:
  - (a) the person has been sentenced to death; or
  - (b) the person has been sentenced to imprisonment for life; or
  - (c) the person has been sentenced to a term of imprisonment of 12 months or more; or
  - (d) the person has been sentenced to 2 or more terms of imprisonment (whether on one or more occasions), where the total of those terms is 2 years or more; or
  - (e) the person has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution.

A person does not fail the character test as defined in section 501 of the Act if they have only been charged with a criminal offence. Where a visa applicant has an outstanding criminal charge, a decision on their visa application would not be made until the charge has been resolved in the Courts.

**b)** A refugee status determination is done independently of character checks. Being found to be a refugee in line with the definition in the 1951 Convention Relating to the Status of Refugees (the Refugees Convention) is a criteria for the grant of a protection visa in Australia. However, a visa applicant is also required to satisfy Public Interest Criteria, including character requirements, before they can be granted a visa. Character considerations may also give rise to the application of either Article 1F or 33(2) of the Refugees Convention under which, a person could be excluded from the provisions of this Convention and thus not owed Australia's protection.

**c)** The department has a variety of accommodation options from higher security Immigration Detention Centres such as North West Point on Christmas Island, to low security Residential Housing facilities such as the Residential Housing Project in the suburbs of Perth. Upon induction, Serco is required to give each person an Individual

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q295\***

Management Plan and Security Risk Rating which informs their placement in the network, including placement impact on existing detainee cohorts in the facility. The Risk Rating is reviewed regularly based on the person's behaviour. Issues that may cause a person to fail the Character Test are taken into account in this process, however, it should be noted that immigration detention is administrative not correctional as persons have already served any sentence imposed by the courts.

## JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

\*Q296\*

**Question:** The committee is aware of reports, for instance in the *Sydney Morning Herald* of 23 February 2012, that the IHMS contracts have been renegotiated recently. Are you able to update the committee about the status and value of the IHMS contracts?

**Answer:** The department currently has two contracts with the detention health services provider, International Health and Medical Services (IHMS).

The *Health Services Contract*, which commenced on 14 January 2009 and is due to expire on 14 January 2014, covers the provision of health care services to people in immigration detention on mainland Australia.

The *Health Care Services Agreement*, which commenced on 29 September 2006 and is due to expire on 31 March 2012, covers the provision of health care services to people in immigration detention on Christmas Island.

After 31 March 2012, services for both the mainland and Christmas Island will be provided only under the *Health Services Contract*.

The combined value of the contracts is currently estimated at \$769.3m, comprising the estimated value of the *Health Services Contract* of \$679.8m and the estimated value of the *Health Care Services Agreement* of \$89.5m.

On 17 February 2012 the contract amounts on AusTender were updated to reflect the estimated expenditure.

### **Contract Revision**

Since the commencement of the *Health Services Contract* the number of detention facilities and the scope of the services provided by IHMS have increased.

The department or IHMS is able to propose services additional to those specified in the contracts. Under such proposals additional health services, including mental health services, have been approved on a temporary basis.

In April 2011 a departmental taskforce was established to comprehensively review the detention health service delivery model and identify required contract variations. This includes incorporating temporary proposals that had previously been approved.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q297\***

**Question:** How many suicides and suicide attempts have there been in detention over the past 24 months?

**Answer:** The detention service provider is required to report all self harm or threatened self harm incidents on the departmental reporting system. Detention service provider staff are not qualified to assess whether a self harm incident is actually a suicide attempt. There have been 9 deaths in immigration detention in the period between February 2010 and February 2012. To date, coronial inquests have found the cause of death in 3 cases was suicide. Inquests for the remaining six deaths are still ongoing.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q298\***

**Question:** How many children are in detention as of today? We would like the breakdown for:  
a) the number being held in detention and community detention and  
b) how many are unaccompanied minors

**Answer:** According to DIAC operational data, as at COB 14 March 2012, there were a total of 479 minors (including 19 crew) held in immigration detention facilities, and of these, 59 were awaiting transfer into community detention in coming days.

There were 544 minors in community detention.

Of the 479 minors held in immigration detention facilities, 254 were unaccompanied minors.

Of the 544 minors in community detention, 130 were unaccompanied minors.

Once transfers are complete, there will be 420 minors in detention facilities, and 603 in community detention.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q299\***

**Question:** How many children are currently in detention due to a parent's adverse ASIO assessment?

**Answer:** As at COB 28 February 2012, there were three children in detention facilities as unlawful non-citizens as their parents have received an adverse security assessment from ASIO. These children are accommodated in the Sydney Immigration Residential Housing (SIRH) with their parents. In addition, one child, a protection visa holder, resides in the SIRH with his parents due to their request that he do so.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q300\***

**Question:** In what form was that request made?

**Answer:** Senior departmental officials had discussions with, and then met, Senior AFP officers to raise concerns about the withdrawal of the AFP Operational Response Group from Christmas Island.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q301\***

**Question:** What was the relationship of those forces to Operation Chiron? I am talking about the operational response group. Were they an integral part of Operation Chiron, or is that a separate matter?

**Answer:** Questions related to Operation Chiron and the composition of the Australian Federal Police (AFP) operational response group are a matter for that agency and as such should be directed to the AFP.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q302\***

**Question:** Could the department provide the total capital spend on Australia's detention network since 2007. That is existing facilities that were there in November 2007—including Christmas Island obviously—as well as all other facilities that have come since. Could you provide us with a breakdown of the capital costs, which would include extensions, refurbishments and all of those things, by year and by facility, up to the current time, please.

**Answer:** The capital works spend for all detention facilities by financial year and by facility is shown below:

State	Location	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012 (*)
NSW	Villawood IDC	\$302,952	\$4,365,818	(\$271,181)	\$3,874,105	\$1,334,970
	Sydney IRH	\$0	\$0	\$298,934	\$240,516	\$0
VIC	Maribyrnong IDC	\$713,933	\$180,248	\$375,656	\$1,143,254	\$1,609,847
	Melbourne ITA	\$3,196,681	\$329,651	\$255,042	\$444,879	\$3,850,959
QLD	Brisbane ITA	\$2,160,460	\$672,532	\$15,737	\$2,652,556	\$16,251
	Scherger IDC	\$0	\$0	\$0	\$4,641,220	\$117,195
SA	Baxter IRPC	\$44,693	\$0	\$0	\$0	\$0
	Port Augusta IRH	\$0	\$0	\$40,338	\$424,313	\$34,582
	Adelaide ITA	\$2,367	\$1,024,739	\$172,777	\$2,608,206	\$48,773
	Inverbrackie APOD	\$0	\$0	\$0	\$6,323,045	\$1,778,950
WA	Perth IDC	\$214,070	\$2,354,029	\$512,598	\$0	\$0
	Perth IRH	\$26,716	\$10,197	\$26,690	\$0	\$9,467
	Curtin IDC	\$0	\$0	\$2,906,051	\$111,420,544	\$8,454,936
	Yongah Hill IDC	\$0	\$0	\$0	\$5,613,127	\$96,300,309
	Christmas Island (**)	\$292,924,858	\$375,032	\$33,964,774	\$14,033,116	\$10,417,282
NT	Northern IDC including Berrimah House	\$4,541,863	\$2,594,224	\$1,188,039	\$4,222,725	\$8,312,510
	Wickham Point IDC	\$0	\$0	\$0	\$11,692	\$8,102,024

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q302\***

TAS	Pontville IDC	\$0	\$0	\$0	\$2,541,875	\$10,780,355
	General asset replacement all sites	\$18,978	\$197,636	\$255,701	\$237,936	\$119,100

\* This is as at 29 February 2012

\*\* This includes Christmas Island IDC, Christmas Island – Aqua/Lilac, Christmas Island – Construction Camp and Christmas Island – Phosphate Hill.

\*\*\* No capital funding was allocated to Leonora, Jandakot or the Darwin Airport Lodge

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q303\***

**Question:** Could you also tell me what the budgeted spend is on capital works for the detention network in the current financial year and how much of that budget remains unacquitted at this point, or at the point when you provide us with the advice.

**Answer:** The 2011-12 capital works budget, as per the Portfolio Additional Estimates Statements, for the detention facilities is \$195 606 000. The year to date capital expenditure (to 29 February 2012) is \$151 617 407, leaving a remaining 2011-12 budget of \$43 988 593.



**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q304\***

**Question:**

I understand that the secretariat to the Hawke-Williams Review made a number of approaches to the NSW police. Perhaps you could provide us with the details of those approaches.

**Answer:**

The Reviewers have informed the department that they will respond in their own right to the Joint Select Committee on Australia's Immigration Detention Network regarding this question.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q305\***

**Question:** How many Bridging Visa Es have been issued to asylum seekers released into the community? Of those, how many have received an outcome of their refugee status assessment and had the bar lifted to allow them to apply for a visa?

What is the criteria that these asylum seekers have to meet in order for them to be eligible for a Bridging Visa E? How many have actually met that criteria?

If they have not met the criteria that requires them to be making arrangements to leave the country; or to have an application pending for a substantive visa, what criteria have they met?

**Answer:** At 6 March 2012, 615 Bridging Visa E (BVE) grants have been issued to Irregular Maritime Arrivals (IMAs). Of those 615, 23 clients have had the s91K bar lifted to allow them to apply for a permanent protection visa.

BVEs are granted to IMAs in a staged and orderly manner, using a prioritisation model which considers people on a case by case basis. This includes the length of time a client has been in detention and the need for clients to satisfy health, security and behaviour requirements before being considered for the grant of a BVE.

Those who are not prioritised for consideration or fall outside the parameters for the grant of a BVE will have their protection claims considered whilst they remain in detention whether that be held detention or Community Detention. If a client is on a negative pathway, consideration regarding their removal will occur through established process.

**JOINT SELECT COMMITTEE ON AUSTRALIA'S  
IMMIGRATION DETENTION NETWORK**

**\*Q306\***

**Question:** We have asked for a copy of the draft report and the final report of the Hamburger report.

**Answer:** A copy of the draft and final report is attached. The reports have been redacted to remove information, which if publicly disclosed would compromise the security of the immigration detention facility, and/or reveal commercial-in-confidence information of the detention service provider, Serco.



**Draft Report**

**Assessment of the Current Immigration Detention  
Arrangements at Christmas Island**

**13<sup>th</sup> May 2010**

**Keith Hamburger AM**

Draft Interim Report

Assessment of Current Immigration Detention Arrangements at Christmas Island

Index

Section	Content	Page
1	Summary of Findings	4
2	Summary of Recommendations	9
3	Introduction and Terms of Reference	12
4	Relevant History that Provides Context for the Assessment Made in this Report	16
5	Addressing the Terms of Reference	20
5.1	Given the current number of clients held in the facilities on Christmas Island provide advice as to the optimal capacity of the infrastructure on the Island	20
5.2	An assessment of the risks currently being faced in administering the facilities in a safe, secure and humane manner	39
5.3	An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities	40
5.4	A review of the security arrangements in place, both physical and dynamic, including intelligence gathering	40
5.5	Other Issues	41

Draft Interim Report

Assessment of Current Immigration Detention Arrangements at Christmas Island

**Disclaimer**

This document has been prepared in good faith, exercising due care and attention following advice from DIAC and SERCO employees and officers from other agencies on Christmas Island as to the situation that existed at the time the report was prepared.

No representation or warranty, expressed or implied, is made as to the relevance, accuracy, completeness or fitness for purpose of this document in respect of the user's circumstances. Knowledge Consulting Pty Ltd shall not be liable to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to have been caused directly or indirectly by this report.

Where DIAC believes there are Duty of Care implications arising from circumstances described in this Report it is DIAC's responsibility to take this into account in reaching decisions arising from Findings and Recommendations contained in the Report.

**Acknowledgements**

The author wishes to acknowledge and thank the undermentioned people for their assistance and contribution that facilitated the undertaking and completion of this assessment and report in the very short time frame required. Each of the officers is carrying an extremely heavy and demanding work load. However, they made themselves available as required for discussion and provided every assistance:

- [Redacted]
- [Redacted]
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## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

## 1. Summary of Findings

### Relevant History that Provides Context for the Assessment Made in this Report

#### Finding 1 – Page 19

There are many similarities between the current challenges facing DIAC due to the rapid and significant increase in the number of IMA's and those faced by the then Department in the circa 2000 and post period under similar circumstances. The circa 2000 and post period challenges were not met adequately resulting in disastrous consequences. Experience from the previous events needs to be taken into account in developing strategies to deal with current circumstances;

#### North West Point (NWP) IDC –Current Numbers of Clients, Temporary Additional Accommodation and Impact on Safety and Amenity

#### Finding 2 – Page 22

North West Point Immigration Detention Centre (NWP IDC) is overcrowded and understaffed; much of the temporary sleeping accommodation is not fit for purpose; staff and client safety is compromised; processes for client case management are conceptually sound but implementation is degraded through lack of client placement options and staff shortages; intelligence gathering is compromised due to staff shortages; centre maintenance and services are under stress; and client mental well being is at risk due to lack of meaningful activity; The foregoing raise significant Duty of Care issues for DIAC and SERCO;

#### Finding 3 – Page 23

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will create *two classes* of IMA's within the NWP IDC. This will increase pressure on placement and segregation which has already reached a dysfunctional and unsafe situation;

#### Finding 4 – Page 23

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will mean that a significant number of clients will spend longer in detention. On past experience initiatives will be required to engage clients in meaningful activities for significant proportions of their time to mitigate the adverse impact on client's mental well being of lengthy periods of detention in a state of uncertainty;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### **Finding 5 – Page 23**

Concerning early warning signs of deterioration in client morale are evident at NWP which if not addressed have the potential to escalate into a serious incident or incidents;

#### **NWP IDC – The Original Design Concept**

#### **Finding 6 – Page 24**

The original infrastructure at NWP IDC was a purpose built facility which if utilised in accordance with its design concepts achieves DIAC's goals for humane and safe detention of clients;

#### **Finding 7 – Page 24**

Due to the current circumstances commented upon in Finding 2, the infrastructure and operating model has been degraded and is not operating in a fit for purpose manner;

#### **NWP IDC – Optimum Client Capacity of the Infrastructure**

#### **Finding 8 – Page 27**

To ensure *duty of care* is met and effective operational outcomes are achieved a decision to increase the optimum client capacity at NWP IDC would need to be taken in the light of holistic architectural / building consultant and operational advice that takes account of:

- The client demographic;
- Processes and infrastructure needs for initial client processing;
- Client separation and case management needs;
- Likely length of client's stay in detention at NWP IDC;
- The program and activity menu proposed for the various categories of clients;
- The capacity to create a community environment within NWP IDC;
- A staffing model to support the operating culture of a facility based on values and rules that encourage the functioning of a *civil society*; and
- Infrastructure that does not compromise on providing for preservation of individual dignity and safety;



## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### Short Term Remediation

##### Finding 9 – Page 29

DIAC's initiatives to mix clients from different racial backgrounds together in each compound to avoid creating "*cultural enclaves*", to maintain clients who do not meet refugee requirements in their current accommodation and manage them intensively via Case Managers and allowing clients who are subject to the announced processing suspension to mix in the general population are good practice;

##### Finding 10 – Page 30

While the above client management strategies are sound there is every possibility that in isolation they are unlikely to avert incidents as to be successful they are heavily dependent upon a range of other matters which are summarised below with comment concerning their current status:

- Intensive case management; **Note:** There is evidence in this report that while case management concepts are sound, staff shortages and overcrowded facilities have reduced its effectiveness;
- Meaningful and purposeful activity/ programs for clients to assist in offsetting the boredom and frustrations associated with institutional living, the uncertain future and negative outcomes when they occur; **Note:** This is mostly not in place;
- Robust pro-active intelligence to identify early warning signs of deterioration in client morale and detect potential malcontents who may be planning to disrupt and or damage the fabric of NWP functioning; **Note:** The intelligence system is degraded because of staff shortages and overcrowding;
- The capacity to manage/ modify the behaviour of malcontents in separate accommodation where necessary; **Note:** Not possible in the current circumstances;
- The capacity to appropriately place clients according to their risk profile and case management outcomes; **Note:** Not possible in the current circumstances;
- A centre where services are functioning efficiently so that clients are content that their basic daily needs are being met effectively and efficiently; **Note:** Service failures are becoming evident; and
- Staff and clients feeling safe in the institution; **Note:** Staff are starting to express concern largely due to the overcrowded conditions and shortage of staff;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

**Note:** Following Finding 10, on Pages 29 through 32 some suggestions have been made relating to other short term remediation's that may assist in maintaining "good order";

#### **Finding 11 - Page 32**

Even if all of the above suggestions were implemented quickly and this is unlikely given resource issues and that the suggestion for meaningful activity for longer term clients may not be supported and there is no alternative suggestion under consideration, the author's opinion is that they would not in themselves provide sufficient mitigation to lower the risk of a major incident to an acceptable level due to the overcrowded environment and staff shortages that result in:

- An incapacity to appropriately place clients in accommodation according to their risk profile;
- A degraded intelligence gathering system that may not detect in a timely manner warning signs of potential serious challenges to the good order of the IDC; and
- DIAC and SERCO not being able to provide the level of intensive case management required to engage clients positively over time to ensure that they will mostly remain compliant with their circumstances.

#### **Finding 12 - Page 33**

The fundamental underlying challenge is that there are far too many clients accommodated in NWP for the current capacity of the infrastructure, far too many of them are not engaged in meaningful or purposeful activities or programs, client frustration is starting to increase and the potential has now emerged for clients to spend longer periods in an overcrowded, unproductive and frustrating environment.

#### **Lilac Compound, AQUA Compound, Construction Camp and Phosphate Hill Detention Facilities – Optimum Client Capacity of the Infrastructure**

#### **Finding 13 – Page 36**

Lilac Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 100 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (200 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Lilac Compound in a High Risk category for serious incidents in the months ahead;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### **Finding 14 – Page 37**

Aqua Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 200 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (400 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Aqua Compound in a High Risk category for serious incidents in the months ahead;

#### **Finding 15 – Page 37**

Phosphate Hill Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. Some of the accommodation was designed to accommodate 24 civilian workers who spend their waking hours at work and not confined to the area of their barracks and the remainder is tents. This factor coupled with crowded accommodation (168 -189 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Phosphate Hill Compound in a High Risk category for serious incidents in the months ahead;

#### **Finding 16 – Page 38**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy;

#### **An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities**

#### **Finding 17 – Page 40**

From discussions with relevant senior officers, the respective case management roles of DIAC and SERCO appear to be well defined and developed. As discussed throughout this Report their operational effectiveness has been degraded by infrastructure and staffing issues;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### **A review of the security arrangements in place, both physical and dynamic, including intelligence gathering**

##### **Finding 18 – Page 40**

The physical security designed into the original NWP IDC infrastructure is high quality. The proposed dynamic security model is best practice. However, the effectiveness of the physical and dynamic security, including intelligence gathering, has been degraded by overcrowding, temporary accommodation and staff shortages;

##### **Finding 19 – Page 40**

The security within Lilac, Aqua and Phosphate Hill Compounds is not at the level required for the category of client accommodated or proposed to be accommodated there, that is, *Single Adult males – Medium Risk*;

##### **Finding 20 – Page 40**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy;

## **2. Summary of Recommendations**

### **Recommendation 1 – Page 33**

Take immediate action to commence reducing the number of clients accommodated within NWP IDC to a level where DIAC and SERCO senior management at NWP, supported by their respective Head Offices, are prepared to certify that they have the appropriate physical infrastructure and staffing resources to effectively discharge their responsibilities to:

- Place clients according to their risk profile;
- Deliver their respective client case management responsibilities effectively;
- Maintain the security of the IDC and the safety of staff and clients;
- Deliver services efficiently and effectively to clients; and
- Provide programs and activities appropriate for the various categories of clients that support maintenance of good order within the IDC and maintain the well being of clients;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### Recommendation 2 – Page 33

Concurrent with adopting Recommendation 1 seek architectural / building consultant and operational advice in a holistic form that develops in consultation with DIAC and SERCO Christmas Island and Head Office senior management teams recommendations relating to:

- The operational and infrastructure enhancements necessary at NWP IDC to support an optimum maximum client capacity to be determined above the present capacity of 400 with temporary surge capacity to 800;
- How long it would take and an estimate of cost for any recommended changes; and
- How to manage any challenges associated with infrastructure modification in an operating IDC;

DIAC officers have advised that Recommendation 1 is not a practical recommendation while the off shore processing and mandatory detention policy is in place as there is insufficient immigration detention accommodation elsewhere to allow the overcrowded situation at Christmas Island to be relieved to the extent envisaged by the Recommendation.

Therefore, as previously stated in this Report it is reasonable to assert that DIAC does not currently have the capacity to implement a policy of off shore processing and mandatory detention of IMA's without resorting to overcrowding and temporary facilities which brings into play Duty of Care issues affecting clients and staff arising from:

- Severe overcrowding at NWP compounded by understaffing;
- The planned client demographic of "*single adult males- High Risk*";
- Temporary accommodation that is not fit for purpose;
- Incapacity to appropriately place clients according to their risk profile and case management outcomes;
- Lack of meaningful activity for significant numbers of clients;
- Intelligence gathering compromised due to staff shortages;
- Centre maintenance and services under stress;
- Staff and client safety compromised due to overcrowding, insufficient staff and temporary facilities;
- Early warning signs of deterioration in client morale at NWP;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- Potential for clients to remain longer in detention. This together with lack of meaningful and purposeful activity for significant numbers of clients in an overcrowded environment will potentially adversely affect client mental well being leading to adverse behavioural outcomes; and
- All of the above representing similar pre-existing circumstances to those that triggered the disastrous outcomes during the period circa 2000 and post 2000;

This leads the author to the conclusion that Recommendation 1 requires consideration at policy level concerning:

- Alternative arrangements for processing and detaining IMA's within the framework of current policy; or
- Making adjustments to current policy until such time as DIAC can achieve an appropriate level of detention infrastructure; or
- Continue with the current overcrowded arrangements with additional resources and initiatives to improve circumstances for clients while working to achieve appropriate detention infrastructure provision; **Note:** For a range of practical operational reasons as covered in this Report this is considered to be High Risk option that will be unlikely to mitigate the risks to a reasonable level;

### **Recommendation 3 – Page 39**

If Recommendation 2 of this Report is adopted, Lilac, Aqua, Phosphate Hill and Construction Camp Compounds infrastructure and operational requirements should be included in the assessment and advice sought from architectural / building and operational consultants to achieve outcomes that will provide for an environment that reflects DIAC's values;

### **Recommendation 4 – Page 39**

If Recommendation 2 is adopted, the risks identified in this Report should be taken into account by the consultants engaged to provide the holistic advice sought in Recommendation 2;

### **Recommendation 5 – Page 41**

DIAC and SERCO management on site at Christmas Island should review intelligence gathering by both parties to ensure that it is effective. If it is found that it is not effective and cannot be made so within the constraint of existing resources this fact should be immediately drawn to the attention of their respective Head Offices;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

### 3. Introduction and Terms of Reference

Due to the high number of Irregular Maritime Arrivals (IMA's) at Christmas Island during 2009 - 2010 Knowledge Consulting has been engaged by the Department of Immigration and Citizenship (DIAC) to conduct an assessment of the current arrangements at the Christmas Island Immigration Detention Centre.

In late 2007 construction of the Christmas Island Immigration Detention Centre (IDC), the Department's first purpose built IDC, was completed and handed over to the Commonwealth. The Centre first received clients in September 2008. It is a modern, purpose built secure centre designed to house four hundred (400) clients with a temporary surge capacity to eight hundred (800) clients.

The infrastructure contains high quality provision for support services such as catering, medical, recreation, programs, activities, visitations, administration, storage, case management and staff requirements to deal safely, humanely and securely with the client capacity outlined above.

The infrastructure is designed to support the desired operational model for the Christmas Island IDC determined by DIAC which is based upon:

- A highly interactive and engaging client case management system both for clients' immigration status (DIAC's responsibility) and for their day to day needs within the IDC (Contracted Service Providers' responsibility);
- An emphasis upon dynamic security where staff are:
  - Highly visible and engaging interpersonally on a very regular basis with clients so that they are alert to changes in client's moods, circumstances etc;
  - Part of a multi-disciplinary staffing model that supports both case management streams so that clients various needs can be met in a seamless manner;
  - To adopt a "*lead by example*" approach to place emphasis upon appropriate values and behaviours within the IDC for clients;
  - Well trained in all facets of their work including their interface with the physical and operational security systems;
- A robust intelligence system to gather and analyse information that is relevant for the effective management of risks within the IDC;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- A robust risk assessment and risk management system;
- Protocols that are regularly scenario tested for engagement with all emergency services and other stakeholders essential for the safe and secure operation of the IDC; and
- Strong and proactive IDC leadership committed to continuous improvement

During 2009 and continuing into 2010 DIAC has been required to respond rapidly to a high number of Irregular Maritime Arrivals (IMA's) at Christmas Island. This has resulted in the number of IMA's needing to be detained exceeding the design capacity of the IDC at North West Point.

To meet this demand for additional accommodation DIAC:

- Has utilised the 400 bed temporary surge capacity within NWP as permanent beds and added a further 558 temporary beds in activity and program areas, in accommodation blocks and in tents;
- Constructed a compound adjacent to NWP IDC known as Lilac Compound containing 100 single person Transportable Rooms plus some limited support facilities;
- At the time of the inspection was constructing adjacent to Lilac Compound a further Compound known as AQUA containing 200 single person Transportable Rooms plus some limited support facilities;
- Is utilising the Construction Camp site some 30 minutes drive from NWP which has 100 single person Transportable Rooms; and
- At Phosphate Hill adjacent to the Construction Camp, is utilising 24 single person Transportable Rooms plus tents;

The following Table summarises the IMA accommodation situation on Christmas Island:

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Draft Interim Report

Assessment of Current Immigration Detention Arrangements at Christmas Island

Facility	Design Capacity	Additional Temporary Beds mid – April 2010	No of Clients above Permanent Design Capacity
North West Point	400 with Temporary Surge to 800	174 within accommodation blocks 144 within education block 240 in tented area Red Compound 400 temporary surge capacity in permanent use Total clients = 1,358	958
Lilac Compound	100 single person Transportable Rooms	100 through double bunks in single person Transportable Rooms	100
Aqua Compound	200 single person Transportable Rooms	200 planned through double bunks in single person Transportable Rooms	200 – Planned, AQUA under construction at time of inspection
Phosphate Hill	24 single person Transportable Rooms	24 through double bunks in single person Transportable Rooms 120 in Tents	189 at time of inspection achieved through some single person Transportable Rooms accommodating 3 men and additional beds in Tents
Construction Camp	100 single person Transportable Rooms	100 through double bunks in single person Transportable Rooms	270 at time of inspection achieved through additional clients in the Transportable Rooms and utilising activity space
<b>Total Permanent Design Capacity</b>	<b>824</b>		<b>1,717</b> clients above permanent design capacity

The figures in the above Table show that client numbers in **NWP IDC** are at **240%** above permanent design capacity and **70%** above maximum temporary surge capacity. All of the other facilities are accommodating numbers of clients well above the original design capacity.

Due to the rapid escalation of IMA numbers with the associated creation of additional temporary accommodation and the significant expansion of services and staffing required to meet the needs of clients, DIAC has decided to seek an independent opinion concerning "the

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

*security risk exposures at North West Point, Phosphate Hill and Construction Camp*” as covered in the following Terms of Reference:

*“The focus of the review is to identify the security risk exposures at North West Point, Phosphate Hill and Construction Camp in the context of the emerging IMA numbers and processing arrangements on Christmas Island.*

*This assessment to include but not limited to:*

- *Given the current number of clients held in the facilities on Christmas Island, provide advice as to the optimal capacity of the infrastructure on the Island;*
- *An assessment of the risks currently being faced in administering the facilities in a safe, secure and humane manner;*
- *An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities;*
- *A review of the security arrangements in place, both physical and dynamic, including intelligence gathering; and*

*The assessment should involve consultation with DIAC, SERCO, IHMS Executive and lead of the Australian Federal Police on Christmas Island to achieve an understanding of the operation of the facility.*

*Reports and recommendations of the assessment to be provided with verbal updates to be provided to DIAC Executive as significant risks are identified. An interim report to be available by Tuesday 13<sup>th</sup> April 2010”;*

The Author of this Report inspected immigration detention facilities on Christmas Island, including meetings with senior DIAC and SERCO officers and Australian Federal Police officers, during the period Thursday evening 8<sup>th</sup> April through Tuesday 13<sup>th</sup> April 2010.

Since the inspection meetings have been held with senior DIAC officers to discuss the author’s initial perceptions and Findings from his inspection in the context of the practical issues DIAC and SERCO are facing in being required to respond rapidly to the high number of Irregular Maritime Arrivals (IMA’s) at Christmas Island.

This report is founded in:

- Information gathered during the inspection of immigration detention facilities on Christmas Island;
- Information provided by senior DIAC and SERCO officers on Christmas Island;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- Information provided by senior DIAC officers from Canberra Head Office; and
- The author's experience over the past decade in investigating and reporting upon serious incidents in immigration detention facilities as well as reviewing outcomes arising from the Palmer and Comrie reports and governance issues under the previous detention services contracts;

#### **4. Relevant History that Provides Context for the Assessment Made in this Report**

The context in which DIAC is working to address the challenge of a rapid and significant increase in the number of IMA's in many ways mirrors the circumstances circa 2000 when a similar surge in "boat people" occurred. Then:

- The event was politically sensitive, aroused community concern and divided community opinion;
- The Department had inadequate infrastructure to accommodate the IMA's and housed many of them in remote locations in mostly overcrowded temporary accommodation not fit for purpose. These remote locations were extremely difficult and costly to staff and service;
- While the Department conducted the immigration case management of the IMA's, the management of the detention facilities to service the daily needs of IMA's and their supervision was outsourced to a private contractor. The governance arrangements for the outsourced contract by both the department and the private contractor were inadequate as proven by a number of serious service delivery failures with adverse consequences for the Department, the private contractor and ultimately for the IMA's;
- An assumption was made by the Department in outsourcing the detention services contract and novation of the temporary and not fit for purpose accommodation to the contractors that the IMA's would be largely compliant with their circumstances. The contractors staffing model reflected this assumption;
- The assumption of compliance was initially valid circa 2000. However, after a period of time when delays in processing of IMA's applications for Visas became systemic and significant numbers spent many months and in some cases years in detention the assumption unravelled and the Department, the private contractor and the IMA's endured a tragic period of extreme disorder in a number of detention facilities.

This disorder was fuelled not only by processing delays but also by the destruction of client well being by the mind numbing boredom of daily life in detention due to lack

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

of meaningful activity. Basically detention facilities became places of human storage where clients were under guard but not engaged thus they lost any sense of purpose and hope.

In these circumstances many clients lost confidence in the official processes and began to rebel against authority. This initially involved hunger strikes and self harming and extended to riots, burning and trashing of infrastructure, mass escapes, serious injuries to IMA's and staff including post traumatic stress, loss of reputation for the Department and the private contractor and loss of political capital by the government of the day;

- The extreme disorder in the detention facilities supported by "*protest groups*" in the community and the resultant community and political pressure forced departmental executives, who were extremely hard working and dedicated people, into a reactive/crisis management mode. This left insufficient time to focus on planning, governance and continuous improvement which in turn, it can be argued, contributed to further disasters such as the Cornelia Rau and Vivian Alvarez cases;

The above "*thumb nail*" summary of history is as recalled from the author's involvement in a range of investigative and other projects for the then department. This history is relevant to this assessment of the circumstances at Christmas Island in so far as there appears to be a risk emerging that history is in danger of repeating itself if urgent mitigation action is not taken. For example, as in the period circa 2000:

- This current surge in arrival of IMA's is politically sensitive, has aroused community concern and there is divided community opinion on how to deal with those seeking to enter Australia in this manner and with those who actually arrive;
- DIAC has inadequate infrastructure to accommodate the IMA's and is housing significant numbers of them in a remote location in overcrowded temporary accommodation that is logistically difficult and costly to staff, service and to support. This is even more so in emergencies. DIAC is about to open a further facility in another remote location;
- Given the nature of the additional temporary accommodation provided for IMA's, DIAC and the private contractor are relying to a significant extent upon the assumption that IMA's will remain compliant for good order to be maintained at the Christmas Island Detention Facilities. The Government has recently announced a pause in processing of certain categories of IMA's which as in the 2000 experience will considerably extend the time that many IMA's remain in detention;
- Because of the overcrowded situation in detention facilities many of the activity and program facilities have been lost. The situation is now emerging where it is clear that

Draft Interim Report

Assessment of Current Immigration Detention Arrangements at Christmas Island

many clients will be in detention for longer periods and there are currently little and mostly no alternate strategies in place to engage clients in meaningful activities to mitigate adverse outcomes from frustration due to processing delays and boredom from inactivity;

- In these circumstances, if as in circa 2000 many clients lose confidence in the official processes and if this is compounded by boredom and inactivity, client's mental well being will be adversely affected and the assumption of "*compliant clients*" will quickly unravel. The likely consequence is that clients as in 2000 and post will begin to rebel against authority. This potentially could follow the same path of hunger strikes and self harming, riots, burning and trashing of infrastructure, mass escapes, serious injuries to IMA's and staff including post traumatic stress, loss of reputation for the Department and the private contractor and loss of political capital by the government of the day;

[REDACTED]

The current overcrowded situation and shortage of staff does not allow for proactive intelligence gathering that identifies potential "*trouble makers*". Further, if they were to be identified the overcrowding makes it impossible to segregate them at NWP IDC to minimise their capacity to influence others.

- If a potential worst case scenario as described above was to occur, then the best efforts of staff and or emergency services to contain unruly and or unlawful behaviour would be severely compromised by the current overcrowding and the inadequate temporary accommodation facilities. There is also the added challenge of the delay factor in getting support personnel to the Island should a serious incident occur unexpectedly;

In the context of the foregoing, in detention facilities a fundamental consideration and accountability of responsible officers is "*duty of Care*". Failures that lead to harm to staff, clients, visitors and members of the public must be avoided at all costs.

Apart from the harm and distress caused to victims of duty of care failures, officials with decision, supervision and leadership responsibilities where catastrophic failures occur (loss of life being a worst case example) can face serious legal consequences if it is established

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

that, given their professional training, knowledge, skills and experience they did not take all reasonable steps and precautions to manage the risks that caused the failure.

Elements in detention facility functioning where "*duty of care*" implications exist that require robust risk management are:

- Ensuring that the design of the facility is fit for purpose;
- Ensuring that the facility is used in the manner for which it was designed;
- Ensuring that the design and implementation of the Centre operational model functions in concert with the physical infrastructure in a manner that provides for a dynamic approach to internal security of the centre. This covers the staffing model – roles, functions and hours of duty and the structure of daily programs and activities for clients;
- Ensuring that the centre Operating Procedures take account of "*duty of care*", are fit for purpose and where necessary are accredited by the appropriate independent authorities/ experts;
- Ensuring that all staff are appropriately trained and qualified for their roles;
- Ensuring that staff at all levels are appropriately mentored, supported and supervised;
- Ensuring that all equipment is fit for purpose at all times; and
- Ensuring that the governance arrangements are robust.

The foregoing is a summary of a past problematic period in immigration detention, the current circumstances that potentially could see history repeat if mitigation action is not taken and the duty of care implications should this occur. This is provided as contextual information for this report to illustrate the serious challenge that the author believes DIAC is facing to ensure that immigration detention services are delivered in a safe, secure and humane manner in the current environment of a rapidly expanding IMA population.

#### **Finding 1**

There are many similarities between the current challenges facing DIAC due to the rapid and significant increase in the number of IMA's and those faced by the then Department in the circa 2000 and post period under similar circumstances. The circa 2000 and post period challenges were not met adequately resulting in disastrous consequences. Experience from the previous events needs to be taken into account in developing strategies to deal with current circumstances;

## 5. Addressing the Terms of Reference

### 5.1 Given the current number of clients held in the facilities on Christmas Island provide advice as to the optimal capacity of the infrastructure on the Island;

In dealing with this TOR each accommodation facility is examined separately.

#### a) North West Point (NWP) IDC –Current Numbers of Clients, Temporary Additional Accommodation and Impact on Safety and Amenity

As stated in the Introduction to this Report, DIAC has been faced with the need to accommodate increasing numbers of IMA's by rapidly increasing the capacity at NWP through a range of temporary accommodation facilities that has achieved a total of 1,358 beds within the secure perimeter.

The above additions have created an extremely overcrowded environment for clients to live in. Further, much of the temporary accommodation is not suitable for clients who may stay in the centre for months or more. The arrangements have also created a very challenging work place for staff and a potentially dangerous situation for clients and staff should an emergency situation arise. In summary a situation existed at the time of the inspection where:

- NWP was accommodating 558 clients permanently above its maximum design capacity of 800 at full temporary surge;
- Under these conditions staff say it is not possible to appropriately place and segregate clients in a manner that best suits their needs as covered by a variety of assessment factors;
- In the event of a major violent incident, due to overcrowding and the range of temporary facilities the capacity to respond in a manner that contains those who are a threat while at the same time providing "sanctuary" for those not wishing to be involved is severely compromised;
- The temporary sleeping accommodation which includes tent accommodation, is not satisfactory accommodation, particularly for clients who spend weeks and or months in these facilities;
- Overcrowding has created loss of privacy for clients, loss of access to programs and activities, frustration in delays in access to services such as telephones and responses by staff to personal equipment failure. A senior DIAC officer said, "Clients now queue for everything and they are getting frustrated". A DIAC officer said, "Clients are starting to say to Case Managers – we don't want to talk to you, you can't do anything for us";

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- Maintenance is becoming a serious issue. Infrastructure such as air conditioning is wearing out more quickly than planned. Delays are occurring in effecting repairs due to the capacity of the limited maintenance staff on the Island to respond. Lack of air-conditioning for periods in the Christmas Island climate will be a negative factor for client morale;
- The author was advised that the current client numbers have put considerable strain upon warehousing and refrigeration facilities.
- SERCO is facing significant difficulties in meeting the staffing needs of services functions as the labour pool on the Island is exhausted. The author was advised that catering, cleaning and laundry services are "maxed out" and with the opening of the 400 bed AQUA Compound in the near future they will be functioning largely in a "make do" situation.
- Despite the best efforts by DIAC and SERCO staff the author observed significant numbers of clients in each of the facilities inspected during this "snapshot" review lying on bunks or sitting around with nothing to do. This is an indicator of looming behaviour challenges. [REDACTED]  
[REDACTED]  
[REDACTED]
- A common theme in comments from DIAC and SERCO officers is that more staff is urgently required. However, apart from the capacity to attract people, a major impediment is the lack of suitable staff accommodation on the Island. DIAC is working hard to overcome this but it is costly and will take time.

In the short time available for this review it is not possible to quantify the extent of staff shortages in the DIAC and SERCO Teams. However, from observation and discussion with officers the author can say that in addition to the support services covered above, services critical to "duty of care" such as case management, intelligence gathering and maintaining an active and engaged client group have become degraded. This degradation, apart from the need for more staff, is also caused by the loss of program and activity space to create bed space;

DIAC's Case Management Team has a conceptually sound approach to client case management and the author was impressed with the energy, enthusiasm and empathy of the Case Management Team. They are very visible and active within the Centre in engaging with clients. The Team is spread between NWP, Lilac Compound, the Construction Camp and Phosphate Hill. Their workload was described to the author as "demanding".



## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

It is understood that more Case Management staff will be allocated to assist with the increased work load involved with the shortly to be opened AQUA Compound and increasing demands at the Construction Camp and Phosphate Hill. However, lack of staff accommodation on the Island may delay this being implemented.

Another issue of concern from a Case Management perspective is that SERCO is in a similar situation to DIAC in finding accommodation for staff which is impacting on its capacity to have sufficient staff in the compounds to play an active engagement role in client Case Management. This outcome also degrades the Intelligence gathering function.

- The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will create *two classes* of IMA's within the IDC. This will increase pressure on placement and segregation which has already reached a dysfunctional and unsafe situation;
- There is evidence that the number of client incidents is increasing. For the first time since the IDC commenced operation a recent incident has occurred of an alleged assault upon a SERCO officer by a client. It is alleged that a client has *"pressed against a female SERCO officer's chest with his body and shoulder as he walked past her"*. (Source of this information – Operational Intelligence Report 01/04/2010 – 07/04/2010)

The Health Services Manager advised the author that over the last couple of weeks he has noticed an increase in self harm and *"acting out behaviour such as throwing chairs, yelling out, etc"*. He says that more hours are being expended by Mental Health staff in dealing with this.

The evidence in a number of the dot points above, in the author's experience, provides early and concerning warning signs of deterioration in client morale which if not addressed has the potential to escalate into a serious incident or incidents.

### **Finding 2**

North West Point Immigration Detention Centre (NWP IDC) is overcrowded and understaffed; much of the temporary sleeping accommodation is not fit for purpose; staff and client safety is compromised; processes for client case management are conceptually sound but implementation is degraded through lack of client placement options and staff shortages; intelligence gathering is compromised due to staff shortages; centre maintenance and services are under stress; and client mental well being is at risk due to lack of meaningful activity; The foregoing raise significant Duty of Care issues for DIAC and SERCO;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### **Finding 3**

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will create *two classes* of IMA's within the NWP IDC. This will increase pressure on placement and segregation which has already reached a dysfunctional and unsafe situation;

#### **Finding 4**

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will mean that a significant number of clients will spend longer in detention. On past experience initiatives will be required to engage clients in meaningful activities for significant proportions of their time to mitigate the adverse impact on client's mental well being of lengthy periods of detention in a state of uncertainty;

#### **Finding 5**

Concerning early warning signs of deterioration in client morale are evident at NWP which if not addressed have the potential to escalate into a serious incident or incidents;

#### **b) NWP IDC – The Original Design Concept**

As stated in the introduction to this Report NWP IDC was the Department's first purpose built IDC. It took account of the lessons learned from the catastrophic events circa 2000 and post and provided for secure and humane containment of clients via:

- A perimeter that provides for the key perimeter security elements of *deterrence, detection and delay* in a manner that makes escape an unlikely event;
- A range of accommodation options for clients in rooms located in accommodation buildings in four (4) separate compounds with each compound containing two accommodation buildings. This arrangement provides for flexibility in the placement and segregation of clients according to a range of needs including ethnicity, gender, processing requirements and behaviour. There is also a unit specifically designed for the temporary accommodation of recalcitrant clients;
- High quality provision for support services such as reception, induction, case management, catering, medical, education, recreation, programs, activities, visitations, laundry, religious facilities, administration, conference, storage and staff needs to deal safely, humanely and securely with the client capacity outlined above; and

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- Sufficient open space to reduce the feeling of claustrophobia, to enhance the social amenity of the centre and to provide opportunities for clients to enjoy socialising in the open air. This amenity, together with a proactive case management approach by DIAC and the Detention Services Provider officers and the facilities listed above for support services works to provide for the mental well being of clients;

The above infrastructure represents the outcome of extensive planning and input from experienced DIAC officers and design and operation consultants with relevant expertise to achieve a secure but humane environment where people detained in the facility can be accommodated safely while their immigration status is assessed.

The aim was to achieve a working environment for staff where their services to clients are delivered safely, professionally and empathetically and where clients access and engage with these services according to their needs, in an environment where they feel their circumstances are respected and their safety is assured.

Importantly, the Department in designing and building the Christmas Island IDC met its "duty of care" obligation by "ensuring that the design of the facility was fit for purpose".

#### **Finding 6**

The original infrastructure at NWP IDC was a purpose built facility which if utilised in accordance with its design concepts achieves DIAC's goals for humane and safe detention of clients;

#### **Finding 7**

Due to the current circumstances commented upon in Finding 2, the infrastructure and operating model has been degraded and is not operating in a fit for purpose manner;

#### **c) NWP IDC – Optimum Client Capacity of the Infrastructure**

As previously stated the original design capacity of NWP IDC is for four hundred (400) clients with capacity for temporary surges to eight hundred (800). This is not to say that the capacity could not be increased beyond these numbers. However, to ensure *duty of care* is met and effective operational outcomes are achieved decisions to increase the client capacity would need to be taken in the light of holistic architectural / building consultant and operational advice.

The author of this report has not been provided with evidence of such holistic input in the decisions taken to date to increase client capacity at NWP IDC to 240% above permanent design capacity.

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

The author understands from discussions with Senior DIAC officers that the current shortfall in immigration detention accommodation nationally for clients is such that if the surge in IMA's continues, then for the foreseeable future NWP will be required to accommodate considerably more clients than its original permanent design capacity.

In the author's opinion, the following are critical elements for analysis in arriving at a decision as to any increase in the optimum achievable client capacity of NWP IDC:

- The client demographic, particularly their risk profile. In this regard DIAC has indicated that NWP will accommodate "*single adult males- High Risk*";
- Processes and infrastructure needs for initial client processing;
- Client separation and case management needs;
- Likely length of client's stay in detention at Christmas Island – how many less than one month, how many between one month and three months, how many between three months and six months and how many longer than six months;
- The program and activity menu proposed for the various categories of clients with particular focus around length of stay. That is, the longer clients remain at NWP IDC the more intensive, purposeful and stimulating activity intervention needs to be to offset the effects of institutionalisation and to facilitate compliance with their circumstances;
- The capacity to create a community environment within NWP IDC that is as natural as is possible taking account of the planned client demographic of "*single adult males- High Risk*". That is, a community founded in the premise that the clients are mostly innocent and responsible citizens who are enduring a difficult life circumstance while attempting to transition to a better future.

Based on this premise the operating culture of the facility needs to be driven by values, expectations and rules that encourage the functioning of a "*civil society*" within the institution. These values, expectations and rules need to be reflected in the functioning of NWP IDC through:

- Relaxed, good humoured and supportive interaction between staff and clients and encouragement of similar interaction among clients;
- Friendly and fair application of rules by staff, that is no officious behaviour, but with the capacity to firmly apply rules when necessary for the good order of NWP IDC and to separate those who choose to behave negatively with the potential to degrade the desired relaxed culture. That is, once again taking account of the planned client demographic of "*single adult males- High Risk*";

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- High quality and very frequent communication from staff to clients concerning both the client's immigration case circumstances and their day to day needs and activities;
- A capacity for clients to have quality input and a degree of control and ownership of the manner in which NWP IDC functions to meet their daily needs. For example:
  - a capacity to move relatively freely within their accommodation areas and between their accommodation areas and service areas such as programs, activities, catering, medical and recreation;
  - fostering of positive leadership by clients with this aptitude and inclination to assist and encourage other clients in coping with their circumstances in a variety of ways;
  - meaningful input through client committees to decisions relating to catering, recreation, activities, programs, feedback concerning rules and procedures, mental well being issues etc;
  - encouraging clients to undertake and lead initiatives that create a sense of community within NWP IDC where they form friendships across cultural divides, enhance their positive thinking skills and develop attitudes conducive to ongoing self development such that in the future they will look back on their time at NWP IDC as a positive life transition period rather than negative incarceration;
- A staffing model to support the operating culture of a facility based on values and rules that encourage the functioning of a "civil society" within the institution where clients take a high degree of ownership for the operational outcomes in so far as the way in which their daily service needs are delivered;
- Infrastructure that does not compromise on providing for preservation of individual dignity and safety;

It may be argued that the outcomes described above relating to clients having input, control and ownership of certain functions relating to their daily needs and developing a sense of community, a civil society, within NWP IDC does not fit well with a client demographic of "single adult males- High Risk". The author argues from the basis of evidence in the literature and from personal experience in the operation of a range of institutions that with the appropriate infrastructure and staffing model the concepts suggested above work well with particular categories of high risk clients.

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

On the evidence available it is considered that the significant proportion of "*single adult males- High Risk*" immigration clients would react more favourably to the *sense of community, a civil society* approach than to a restrictive *prison culture* environment. Such a strategy is in line with DIAC's values and would assist in facilitating maintenance of a compliant client population.

#### **Finding 8**

To ensure *duty of care* is met and effective operational outcomes are achieved a decision to increase the optimum client capacity at NWP IDC would need to be taken in the light of holistic architectural / building consultant and operational advice that takes account of:

- The client demographic;
- Processes and infrastructure needs for initial client processing;
- Client separation and case management needs;
- Likely length of client's stay in detention at NWP IDC;
- The program and activity menu proposed for the various categories of clients;
- The capacity to create a community environment within NWP IDC;
- A staffing model to support the operating culture of a facility based on values and rules that encourage the functioning of a *civil society*; and
- Infrastructure that does not compromise on providing for preservation of individual dignity and safety;

#### **d) Short Term Remediation**

Analysis as covered above to achieve a recommendation as to whether and or to what extent the optimum client capacity of NWP can be increased and then to implement any such recommendation will of necessity take time.

DIAC advises that in addition to any mid to longer term suggestions they are seeking advice as to any short term remediation actions that could make the current arrangements work more effectively and in accordance with DIAC's "*Values*".

Any such advice needs to be viewed in the context of a facility that is operating with the number of clients housed there at 240% above permanent design capacity, where temporary facilities have been installed that are not fit for purpose which have created a very challenging work place for staff and a potentially dangerous situation for clients and staff should an emergency situation arise.

Draft Interim Report

Assessment of Current Immigration Detention Arrangements at Christmas Island

DIAC advise that there is no evidence of fall off at this stage in the numbers of IMA's arriving.

In investigations the author has been involved with following riots, disturbances and incidents at various immigration detention facilities he has been required to apply the "*wisdom of hindsight*" to identify the reasons for the failure. Many of the factors covered in **Section 5.1. a** of this Report were identified in investigation of these events. Fortunately in the case of this report a serious incident has not occurred. The report is founded in a proactive request by DIAC to an independent person to provide advice so that pre-emptive action can be taken if required to avert risks emerging with serious consequences.

Given the relevant History and Context provided in **Section 4** of this Report and the evidence relating to current circumstances at NWP as summarised in **Section 5.1. a**, the author argues that it is reasonable to assert that if the severe overcrowding at NWP remains then it is likely that a serious incident will occur in the next six months and highly likely during the next twelve months, particularly if the pause in processing results in significant numbers of clients spending much longer in detention in a state of uncertainty in severely overcrowded conditions.

It is appreciated that this is a qualitative judgement. However, it is based on considerable experience, evidence from an on-site inspection, concerns expressed to the author by DIAC and SERCO staff and synthesis of this information as covered in this Report.

Based on DIAC's advice that it does not have sufficient immigration infrastructure at present to accommodate the current surge in IMA's without resorting to overcrowding and temporary facilities, it is reasonable to assert that DIAC does not currently have the capacity to implement a policy of off shore processing and mandatory detention of IMA's in a manner that meets Duty of Care requirements for clients and staff.

Therefore, to effectively implement a policy of mandatory detention for IMA's, in addition to the Finding and Recommendation above relating to the need for holistic advice concerning a possible expansion of optimum client capacity at NWP, additional purpose built immigration detention facilities are required. The author is advised that plans are underway to achieve this. However, it will take some time to bring these plans to fruition.

The immediate question from the perspective of effectively implementing the current policy of off shore processing and mandatory detention in the short term is – *can appropriate controls be put in place during the current and the likely continuing period of overcrowding to mitigate the risk of a serious incident or incidents that may result in the loss of infrastructure and or loss of life until sufficient purpose built infrastructure is available?*

The author has turned his mind to this question. From discussion with DIAC and SERCO officers it is clear that they have as well. DIAC and SERCO Leadership and staff at NWP IDC

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

are working intensively in challenging circumstances to maintain the good will of clients which is an essential element in maintaining good order within any facility of detention.

In the area of client management DIAC has a strategy of mixing clients from different racial backgrounds together in each compound to avoid creating "*cultural enclaves*". The author is advised that this strategy has been successful to date. This is in line with strategies that have been adopted in corrections for many years and has proven advantages over "*cultural enclaves*".

Another initiative adopted is to maintain clients in their current accommodation who do not meet refugee requirements and manage them intensively via Case Managers rather than place them in a separate area. The author supports this initiative. It maintains clients in their normal environment where they have established relationships and does not create a separate group of disaffected clients who may tend to build upon each other's negativity resulting in combined adverse behaviour outcomes which are difficult to manage.

The foregoing strategies are in line with the philosophy outlined previously in this report of creating a community environment within NWP that is as natural as is possible.

A DIAC officer has asked the author to comment on whether clients who are subject to the announced processing suspension should be separated from the rest of the client cohort or allowed to mix generally in NWP. Once again the author believes that there are advantages in the "*allowing to mix option*" in line with the values underpinning a community environment. The "*allowing to mix option*" needs to be supported by the initiative previously mentioned of fostering positive leadership by selected clients who can assist these clients in coping with their circumstances.

#### **Finding 9**

DIAC's initiatives to mix clients from different racial backgrounds together in each compound to avoid creating "*cultural enclaves*", to maintain clients who do not meet refugee requirements in their current accommodation and manage them intensively via Case Managers and allowing clients who are subject to the announced processing suspension to mix in the general population are good practice;

However, the above initiatives need to be viewed in the context of a Facility that is not currently functioning with a "*community environment*" due to severe overcrowding, loss of social amenity and clients growing increasingly frustrated with their circumstances. There are also the fundamental shortcomings covered in **5.1.a)** above which must be addressed holistically.



## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### Finding 10

While the above client management strategies are sound there is every possibility that in isolation they are unlikely to avert incidents as to be successful they are heavily dependent upon a range of other matters which are summarised below with comment concerning their current status:

- Intensive case management; **Note:** There is evidence in this report that while case management concepts are sound, staff shortages and overcrowded facilities have reduced its effectiveness;
- Meaningful and purposeful activity/ programs for clients to assist in offsetting the boredom and frustrations associated with institutional living, the uncertain future and negative outcomes when they occur; **Note:** This is mostly not in place;
- Robust pro-active intelligence to identify early warning signs of deterioration in client morale and detect potential malcontents who may be planning to disrupt and or damage the fabric of NWP functioning; **Note:** The intelligence system is degraded because of staff shortages and overcrowding;
- The capacity to manage/ modify the behaviour of malcontents in separate accommodation where necessary; **Note:** Not possible in the current circumstances;
- The capacity to appropriately place clients according to their risk profile and case management outcomes; **Note:** Not possible in the current circumstances;
- A centre where services are functioning efficiently so that clients are content that their basic daily needs are being met effectively and efficiently; **Note:** Service failures are becoming evident; and
- Staff and clients feeling safe in the institution; **Note:** Staff are starting to express concern largely due to the overcrowded conditions and shortage of staff;

To respond to DIAC's request for *advice as to any short term remediation actions that could make the current arrangements work more effectively and in accordance with DIAC's "Values"*, the following suggestions are put forward for consideration:

- Develop strategies to engage clients in enjoyable and constructive programs and activities that create a sense of community within NWP. That is staff working with clients to encourage an attitude of *"it may be crowded in here and there are some challenges but this could be a step towards a brighter future for you so let's see what we can do together to make this as happy a time as possible so that time passes quickly"*.

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

In this process culturally appropriate structures should be created to bring clients together to be part of the solution. Staff should as much as possible play *facilitative and enabler* roles in encouraging clients to put forward suggestions and ideas and then work with clients in implementation. Guidance should be provided that focuses thinking toward ideas that will create *enjoyment for clients or education or improve health, well being, optimism and self efficacy or enhance the amenity of the IDC.*

Opportunities should be taken to encourage and or train clients to lead programs for other clients. Concerning program facilities, while tents are not appropriate for living quarters they may be able to be located in suitable areas to accommodate certain programs if the purpose built program facilities cannot be freed up.

A critical part of this process is to identify and encourage positive Leaders within the client community, tap into ideas and enthusiasm from staff at the client work face and to reward clients and staff who show excellence in developing community spirit with recognition that should always be accompanied by a celebration;

- To support the foregoing, work with SERCO to ensure that the staffing model at NWP has an appropriate Team of *Activity Officer* type people who are skilled at implementing strategies of the type described above in a culturally diverse environment and have them on the ground working with clients as quickly as possible. The Leader of this Team should report to a senior SERCO Officer at NWP so that the Team can achieve quick decisions on "*client and staff ideas*" so that clients and staff see them as credible *enablers*;
- SERCO need more staff in the client compounds/ accommodation areas than were apparent at the time of the inspection. **Note:** While this is considered to be an essential short term action it is most likely impractical at this stage given the unavailability of staff accommodation on the Island;
- Many of the clients have suffered traumatic experiences and the claustrophobic environment of an overcrowded IDC can have further adverse effect upon individual well being resulting in dysfunctional behaviour. To mitigate this, as often as possible, desirably each day, and for as many clients as is practicable there should be excursions away from the IDC. These excursions could be constructed around a variety of potential activities, once again created with client and staff input;
- Meaningful activity for clients is one of the critical issues that need to be addressed to mitigate the risks impacting on the preservation of the good order and safety of the facilities on Christmas Island and in other places while achieving the maximum optimum client capacity within the facilities. It is also an area that will attract criticism from external stakeholders if effective outcomes are not achieved due to the adverse impact this will have on clients well being and mental health.

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

The initiatives above relating to culturally appropriate client structures supported by proactive Activities Officers to facilitate delivery of programs and activities and regular excursions away from the IDC for as many clients as is possible as often as possible will be helpful.

However, particularly for longer term clients there needs to be something beyond programs and activities. The author has interviewed many long term detainees who have commented on the boredom arising from the repetitive nature of programs and activities conducted over many months and years within the fence of an IDC. They were seeking the dignity of work, of a sense of achievement of doing something worthwhile. Experience from the last surge in IMA's has been that bored and frustrated longer term clients have in many cases become dysfunctional and engaged in problematic behaviour that has led to dreadful outcomes.

The author has raised a suggestion with DIAC officers relating to possible community work programs for longer term clients supported by vocational training. Such an approach would have the benefits of engaging clients in meaningful activities, skill development, allowing numbers of clients to be away from the IDC on a daily basis thus reducing the effect of institutionalisation and reducing crowding within the IDC during the day.

The initial reaction by DIAC officers is that such a proposal may not meet current policy settings. If a community work program is not acceptable then some other meaningful activity must be developed for longer term clients.

*In the light of the foregoing, to address the question previously posed - can appropriate controls be put in place during the current and the likely continuing period of overcrowding to mitigate the risk of a serious incident or incidents that may result in the loss of infrastructure and or loss of life until sufficient purpose built infrastructure is available?*

#### **Finding 11**

Even if all of the above suggestions were implemented quickly and this is unlikely given resource issues and that the suggestion for meaningful activity for longer term clients may not be supported and there is no alternative suggestion under consideration, the author's opinion is that they would not in themselves provide sufficient mitigation to lower the risk of a major incident to an acceptable level due to the overcrowded environment and staff shortages that result in:

- An incapacity to appropriately place clients in accommodation according to their risk profile;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- A degraded intelligence gathering system that may not detect in a timely manner warning signs of potential serious challenges to the good order of the IDC; and
- DIAC and SERCO not being able to provide the level of intensive case management required to engage clients positively over time to ensure that they will mostly remain compliant with their circumstances.

#### **Finding 12**

The fundamental underlying challenge is that there are far too many clients accommodated in NWP for the current capacity of the infrastructure, far too many of them are not engaged in meaningful or purposeful activities or programs, client frustration is starting to increase and the potential has now emerged for clients to spend longer periods in an overcrowded, unproductive and frustrating environment.

Given the *Duty of Care* implications the author's recommendation is:

#### **Recommendation 1**

Take immediate action to commence reducing the number of clients accommodated within NWP IDC to a level where DIAC and SERCO senior management at NWP, supported by their respective Head Offices, are prepared to certify that they have the appropriate physical infrastructure and staffing resources to effectively discharge their responsibilities to:

- Place clients according to their risk profile;
- Deliver their respective client case management responsibilities effectively;
- Maintain the security of the IDC and the safety of staff and clients;
- Deliver services efficiently and effectively to clients; and
- Provide programs and activities appropriate for the various categories of clients that support maintenance of good order within the IDC and maintain the well being of clients;

#### **Recommendation 2**

Concurrent with adopting Recommendation 1 seek architectural / building consultant and operational advice in a holistic form that develops in consultation with DIAC and SERCO Christmas Island and Head Office senior management teams recommendations relating to:

- The operational and infrastructure enhancements necessary at NWP IDC to support an optimum maximum client capacity to be determined above the present capacity of 400 with temporary surge capacity to 800;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- How long it would take and an estimate of cost for any recommended changes; and
- How to manage any challenges associated with infrastructure modification in an operating IDC;

DIAC officers have advised that Recommendation 1 is not a practical recommendation while the off shore processing and mandatory detention policy is in place as there is insufficient immigration detention accommodation elsewhere to allow the overcrowded situation at Christmas Island to be relieved to the extent envisaged by the Recommendation.

Therefore, as previously stated in this Report it is reasonable to assert that DIAC does not currently have the capacity to implement a policy of off shore processing and mandatory detention of IMA's without resorting to overcrowding and temporary facilities which brings into play Duty of Care issues affecting clients and staff arising from:

- Severe overcrowding at NWP compounded by understaffing;
- The planned client demographic of "*single adult males- High Risk*";
- Temporary accommodation that is not fit for purpose;
- Incapacity to appropriately place clients according to their risk profile and case management outcomes;
- Lack of meaningful activity for significant numbers of clients;
- Intelligence gathering compromised due to staff shortages;
- Centre maintenance and services under stress;
- Staff and client safety compromised due to overcrowding, insufficient staff and temporary facilities;
- Early warning signs of deterioration in client morale at NWP;
- Potential for clients to remain longer in detention. This together with lack of meaningful and purposeful activity for significant numbers of clients in an overcrowded environment will potentially adversely affect client mental well being leading to adverse behavioural outcomes; and
- All of the above representing similar pre-existing circumstances to those that triggered the disastrous outcomes during the period circa 2000 and post 2000;

This leads the author to the conclusion that Recommendation 1 requires consideration at policy level concerning:

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

- Alternative arrangements for processing and detaining IMA's within the framework of current policy; or
- Making adjustments to current policy until such time as DIAC can achieve an appropriate level of detention infrastructure; or
- Continue with the current overcrowded arrangements with additional resources and initiatives to improve circumstances for clients while working to achieve appropriate detention infrastructure provision; **Note:** For a range of practical operational reasons as covered in this Report this is considered to be High Risk option that will be unlikely to mitigate the risks to a reasonable level;

### **e) Lilac Compound, AQUA Compound, Construction Camp and Phosphate Hill Detention Facilities – Optimum Client Capacity of the Infrastructure**

#### **Lilac Compound**

Lilac compound is external but adjacent to the NWP facility with a capacity for up to 200 beds in demountable accommodation buildings surrounded by a non-secure perimeter. The 200 bed capacity is achieved through double bunks in 100 transportable rooms designed for one person on construction sites. Each of these rooms has an en-suite shared by the two occupants.

There are limited support facilities for administration, interviews, data and communication services and outdoor cabanas that provide for some recreation.

At the time of the inspection the 200 capacity had been exceeded by the creation of a dormitory situation with double bunks in an area that had originally been intended for dining purposes. It is understood that since the inspection this dormitory no longer exists.

Lilac Compound's sleeping and living arrangements for clients is crowded. This crowded environment combined with the limited opportunities for stimulating activity make it unsuitable in its current configuration for individual clients to remain for months at a time.

DIAC officers have advised that the location of Lilac and Aqua Compounds (see Aqua report below) puts further strain on the delivery of case management services given the time taken to physically access these compounds from their base in NWP administration block.

DIAC advise that their plans are to house clients in Lilac Compound who are *Single Adult males – Medium Risk*.

Lilac Compound's physical infrastructure is not of a standard for a client category of *Single Adult males – Medium Risk*. This factor coupled with crowded accommodation, lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

circumstances. This places Lilac Compound in a High Risk category for serious incidents in the months ahead.

#### **Finding 13**

Lilac Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 100 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (200 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Lilac Compound in a High Risk category for serious incidents in the months ahead.

#### **Aqua Compound**

Aqua Compound was under construction at the time of the author's inspection. It is adjacent to Lilac Compound. It will contain 400 beds in demountable accommodation buildings with support facilities surrounded by a non-secure perimeter. It is understood that the compound will be self sufficient for catering purposes.

The 400 bed capacity is achieved through double bunks in 200 transportable rooms designed for one person on construction sites. Each of these rooms has an en-suite shared by the two occupants. The indications are that this number of clients will provide a similar crowded environment to that of Lilac Compound.

The author is not aware of the extent of programs and activities that will be offered to clients in Aqua Compound. However, at this stage it appears that they will be limited.

DIAC officers have advised that the location of Lilac (see Lilac report above) and Aqua Compounds puts further strain on the delivery of case management services given the time taken to physically access these compounds from their base in NWP administration block.

DIAC advise that their plans are to house clients in Aqua Compound who are *Single Adult Males – Medium Risk*.

Aqua Compound's physical infrastructure is not of a standard for a client category of *Single Adult males – Medium Risk*. This factor coupled with crowded accommodation, lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Aqua Compound in a High Risk category for serious incidents in the months ahead.

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### **Finding 14**

Aqua Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 200 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (400 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Aqua Compound in a High Risk category for serious incidents in the months ahead.

#### **Phosphate Hill Compound**

The Phosphate Hill Compound consists of demountable accommodation buildings and tent accommodation with some limited support facilities. DIAC advise that there are 24 demountable accommodation buildings designed as for use as single rooms providing beds for 48 clients through use of double bunks. There are tents accommodating 120 beds in crowded circumstances. This provides for 168 beds. At the time of the inspection there were 189 single men accommodated there. The 21 beds over the original bed figure has been achieved through further crowding in the accommodation buildings and Tents.

The Compound is enclosed by a single non secure fence. DIAC advise that their plans are to house clients in Phosphate Hill Compound who are *Single Adult Males – Medium Risk*.

The recreation and program opportunities in this compound are totally inadequate for the client group. The sleeping accommodation is crowded.

At the time of the inspection a significant number of men were observed either lying on bunks or sitting around with nothing to do. The general demeanour of clients could be described as "*withdrawn*". Greetings from the author to clients were often not responded to.

Given the racial mix in the compound, the fragile infrastructure, the lack of meaningful activity and the uncertainty in the mind of each client concerning their personal future, the author considers this compound to be a high risk area for DIAC and SERCO.

#### **Finding 15**

Phosphate Hill Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. Some of the accommodation was designed to accommodate 24 civilian workers who spend their waking hours at work and not confined to the area of their barracks and the remainder is tents. This factor coupled with crowded accommodation (168 -189 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients



## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

not being compliant with their circumstances. This places Phosphate Hill Compound in a High Risk category for serious incidents in the months ahead.

#### **Construction Camp**

At the time of the inspection the Construction Camp consisted of demountable accommodation buildings providing for around 370 beds and support facilities. This compound is used to house families, women and minors. It is enclosed by a non-secure perimeter.

DIAC advice is that they plan to limit capacity to 200 beds achieved through double bunks in the current 100 transportable rooms designed for one person on construction sites. Each of these rooms has an en-suite which will be shared by the two occupants.

At the time of the inspection some support facilities were in the process of being converted for use as bed accommodation. The amenity of the Compound is regularly disrupted due to the dining area and other facilities being utilised to process new arrivals. There are insufficient staff and support facilities to provide meaningful activities and programs for clients to maintain their mental well being over a period of time.

The layout of the demountable buildings creates a confusing and claustrophobic environment.

However, in spite of the facilities credit must go to DIAC and SERCO staff for the considerable effort they are making to engage the women and children in constructive activities. Children attend the local school and have access to a nearby sports oval and courts for recreation each day. The author was advised that a Women's Group has been established. Nevertheless at the time of the inspection there appeared to be significant numbers of clients not engaged in meaningful activity.

DIAC advise that their plans are to house clients in Aqua Compound who are *Families – low Risk and Crew*.

However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy.

#### **Finding 16**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy.

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### **Recommendation 3**

If Recommendation 2 of this Report is adopted, Lilac, Aqua, Phosphate Hill and Construction Camp Compounds infrastructure and operational requirements should be included in the assessment and advice sought from architectural / building and operational consultants to achieve outcomes that will provide for an environment that reflects DIAC's values;

#### **5.2 An assessment of the risks currently being faced in administering the facilities in a safe, secure and humane manner**

The Key Potential Risks identified by the author as requiring assessment and management are:

- Inadequate and or insufficient detention infrastructure on Christmas Island to allow clients to be placed according to their risk profile;
- Inadequate staffing and or inappropriate staffing models to allow effective delivery of services to clients and to ensure the safety and security of the detention facilities;
- Lack of meaningful and purposeful activities for clients;
- Impact of the policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement;
- Inadequate governance of detention services at Christmas Island;

The consequences of the above risks have been canvassed throughout this report. If Recommendation 2 is adopted these risks should be taken into account by the consultants engaged to provide the holistic advice sought in that Recommendation.

#### **Recommendation 4**

If Recommendation 2 is adopted, the risks identified in this Report should be taken into account by the consultants engaged to provide the holistic advice sought in Recommendation 2;

## Draft Interim Report

### Assessment of Current Immigration Detention Arrangements at Christmas Island

#### **5.3 An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities**

##### **Finding 17**

From discussions with relevant senior officers, the respective case management roles of DIAC and SERCO appear to be well defined and developed. As discussed throughout this Report their operational effectiveness has been degraded by infrastructure and staffing issues;

#### **5.4 A review of the security arrangements in place, both physical and dynamic, including intelligence gathering**

To summarise information covered previously in this report:

##### **NWP Christmas Island IDC**

##### **Finding 18**

The physical security designed into the original NWP IDC infrastructure is high quality. The proposed dynamic security model is best practice. However, the effectiveness of the physical and dynamic security, including intelligence gathering, has been degraded by overcrowding, temporary accommodation and staff shortages;

##### **Lilac, Aqua and Phosphate Hill Compounds**

##### **Finding 19**

The security within Lilac, Aqua and Phosphate Hill Compounds is not at the level required for the category of client accommodated or proposed to be accommodated there, that is, *Single Adult males – Medium Risk*;

##### **Construction Camp Compound**

##### **Finding 20**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy;

Draft Interim Report

Assessment of Current Immigration Detention Arrangements at Christmas Island

**5.5 Other Issues**

**Emergency Support and Response Protocols**

DIAC and SERCO have been working closely with the Australian Federal Police (AFP) and other emergency support services. [REDACTED]

[REDACTED] This scenario based exercise appears to have been a valuable learning experience for all involved.

The author sat in on a security briefing [REDACTED] involving DIAC, SERCO and AFP representatives. This was a professionally conducted briefing and relevant emergency support and response protocols are in place. Strong attention is being paid to intelligence gathering and communication and coordination between agencies.

In the time available it has not been possible to make an informed assessment of intelligence gathering within the various detention facilities. However, from observations by the author in the various compounds his initial feeling is that intelligence gathering by SERCO officers may be constrained by their workload due to staff shortages.

**Recommendation 5**

DIAC and SERCO management on site at Christmas Island should review intelligence gathering by both parties to ensure that it is effective. If it is found that it is not effective and cannot be made so within the constraint of existing resources this fact should be immediately drawn to the attention of their respective Head Offices;

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## **Assessment of the Current Immigration Detention Arrangements at Christmas Island**

**14<sup>th</sup> October 2010**

**Keith Hamburger AM**

## Index

Section	Content	Page
1	Summary of Findings	4
2	Summary of Recommendations	10
3	Introduction and Terms of Reference	12
4	Relevant History that Provides Context for the Assessment Made in this Report	16
5	Addressing the Terms of Reference	19
5.1	Given the current number of clients held in the facilities on Christmas Island provide advice as to the optimal capacity of the infrastructure on the Island	19
5.2	An assessment of the risks currently being faced in administering the facilities in a safe, secure and humane manner	38
5.3	An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities	38
5.4	A review of the security arrangements in place, both physical and dynamic, including intelligence gathering	39
5.5	Other Issues	40

**Disclaimer**

This document has been prepared in good faith, exercising due care and attention following advice from DIAC and SERCO employees and officers from other agencies on Christmas Island as to the situation that existed at the time the report was prepared.

No representation or warranty, expressed or implied, is made as to the relevance, accuracy, completeness or fitness for purpose of this document in respect of the user's circumstances. Knowledge Consulting Pty Ltd shall not be liable to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to have been caused directly or indirectly by this report.

Where DIAC believes there are Duty of Care implications arising from circumstances described in this Report it is DIAC's responsibility to take this into account in reaching decisions arising from Findings and Recommendations contained in the Report.

**Acknowledgements**

The author wishes to acknowledge and thank the undermentioned people for their assistance and contribution that facilitated the undertaking and completion of this assessment and report in the very short time frame required. Each of the officers is carrying an extremely heavy and demanding work load. However, they made themselves available as required for discussion and provided every assistance:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



## **1. Summary of Findings**

### **Relevant History that Provides Context for the Assessment Made in this Report**

#### **Finding 1 – Page 19**

There are many similarities between the current challenges facing DIAC due to the rapid and significant increase in the number of IMA's and those faced by the then Department in the circa 2000 and post period under similar circumstances. The circa 2000 and post period challenges were not met adequately resulting in disastrous consequences. Experience from the previous events needs to be taken into account in developing strategies to deal with current circumstances;

#### **North West Point (NWP) IDC –Current Numbers of Clients, Temporary Additional Accommodation and Impact on Safety and Amenity**

#### **Finding 2 – Page 22**

North West Point Immigration Detention Centre (NWP IDC) is overcrowded and understaffed; much of the temporary sleeping accommodation is not fit for purpose; staff and client safety is compromised; processes for client case management are conceptually sound but implementation is degraded through lack of client placement options and staff shortages; intelligence gathering is compromised due to staff shortages; centre maintenance and services are under stress; and client mental well being is at risk due to lack of meaningful activity; The foregoing raise significant Duty of Care issues for DIAC and SERCO;

#### **Finding 3 – Page 22**

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will create *two classes* of IMA's within the NWP IDC. This will add a further challenge to client management within an overcrowded centre;

#### **Finding 4 – Page 22**

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will mean that a significant number of clients will spend longer in detention. On past experience initiatives will be required to engage clients in meaningful activities for significant proportions of their time to mitigate the adverse impact on client's mental well being of lengthy periods of detention in a state of uncertainty;

#### **Finding 5 – Page 23**

Concerning early warning signs of deterioration in client morale are evident at NWP which if not addressed have the potential to escalate into a serious incident or incidents;

**Note:** DIAC say that Serco, IHMS and DIAC assess the mood and dynamics of the Centre on a daily basis and to date morale has been found to be consistent and not deteriorating. Nevertheless, given the matters identified in this Report, experience shows that client concerns/ grievances in this situation can rapidly escalate into wilful disobedience and violence. Therefore, it is important that the underlying issues that drive client concerns are addressed urgently;

### **NWP IDC – The Original Design Concept**

#### **Finding 6 – Page 24**

The original infrastructure at NWP IDC was a purpose built facility which if utilised in accordance with its design concepts achieves DIAC's goals for humane and safe detention of clients;

#### **Finding 7 – Page 24**

Due to the current circumstances commented upon in Finding 2, the infrastructure and operating model has been degraded and is not operating in a fit for purpose manner;

### **NWP IDC – Optimum Client Capacity of the Infrastructure**

#### **Finding 8 – Page 26**

To ensure *duty of care* is met and effective operational outcomes are achieved a decision to increase the optimum client capacity at NWP IDC would need to be taken in the light of holistic architectural / building consultant and operational advice that takes account of:

- The client demographic;
- Processes and infrastructure needs for initial client processing;
- Client separation and case management needs;
- Likely length of client's stay in detention at NWP IDC;
- The program and activity menu proposed for the various categories of clients;
- The capacity to create a community environment within NWP IDC;
- A staffing model to support the operating culture of a facility based on values and rules that encourage the functioning of a *civil society*; and
- Infrastructure that does not compromise on providing for preservation of individual dignity and safety;

## Short Term Remediation

### Finding 9 – Page 29

DIAC's initiatives to mix clients from different racial backgrounds together in each compound to avoid creating "*cultural enclaves*", to maintain clients who do not meet refugee requirements in their current accommodation and manage them intensively via Case Managers and allowing clients who are subject to the announced processing suspension to mix in the general population are good practice;

### Finding 10 – Page 29

While the above client management strategies are sound there is every possibility that in isolation they are unlikely to avert incidents as to be successful they are heavily dependent upon a range of other matters which are summarised below with comment concerning their current status:

- Intensive case management; **Note:** There is evidence in this report that while case management concepts are sound, staff shortages and overcrowded facilities have reduced its effectiveness;
- Meaningful and purposeful activity/ programs for clients to assist in offsetting the boredom and frustrations associated with institutional living, the uncertain future and negative outcomes when they occur; **Note:** This is mostly not in place;
- Robust pro-active intelligence to identify early warning signs of deterioration in client morale and detect potential malcontents who may be planning to disrupt and or damage the fabric of NWP functioning; **Note:** The intelligence system is degraded because of staff shortages and overcrowding;
- The capacity to manage/ modify the behaviour of malcontents in separate accommodation where necessary; **Note:** Not possible in the current circumstances;
- The capacity to appropriately place clients according to their risk profile and case management outcomes; **Note:** Not possible in the current circumstances;
- A centre where services are functioning efficiently so that clients are content that their basic daily needs are being met effectively and efficiently; **Note:** Service failures are becoming evident; and
- Staff and clients feeling safe in the institution; **Note:** Staff are starting to express concern largely due to the overcrowded conditions and shortage of staff;

**Note:** Following Finding 10, on Pages 30 and 31, some suggestions have been made relating to other short term remediation's that may assist in maintaining "good order";

### **Finding 11 - Page 32**

Even if the suggestions made on pages 30 and 31 were implemented quickly and this is unlikely given resource issues and that the suggestion for meaningful activity for longer term clients may not be supported and there is no alternative suggestion under consideration, the author's opinion is that they would not in themselves provide sufficient mitigation to lower the risk of a major incident to an acceptable level due to the overcrowded environment and staff shortages that result in:

- An incapacity to appropriately place clients in accommodation according to their risk profile;
- A degraded intelligence gathering system that may not detect in a timely manner warning signs of potential serious challenges to the good order of the IDC; and
- DIAC and SERCO not being able to provide the level of intensive case management required to engage clients positively over time to ensure that they will mostly remain compliant with their circumstances.

### **Finding 12 - Page 32**

The fundamental underlying challenge is that there are far too many clients accommodated in NWP for the current capacity of the infrastructure, far too many of them are not engaged in meaningful or purposeful activities or programs, client frustration is starting to increase and the potential has now emerged for clients to spend longer periods in an overcrowded, unproductive and frustrating environment.

### **Lilac Compound, AQUA Compound, Construction Camp and Phosphate Hill Detention Facilities – Optimum Client Capacity of the Infrastructure**

#### **Finding 13 – Page 35**

Lilac Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 100 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (200 clients), lack of meaningful activity for clients (although DIAC is making considerable effort to increase activity options) and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Lilac Compound in a High Risk category for serious incidents in the months ahead.

#### **Finding 14 – Page 36**

Aqua Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 200 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (400 clients), lack of meaningful

activity for clients (although DIAC is making considerable effort to increase activity options) and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Aqua Compound in a High Risk category for serious incidents in the months ahead.

**Finding 15 – Page 36**

Phosphate Hill Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. Some of the accommodation was designed to accommodate 24 civilian workers who spend their waking hours at work and not confined to the area of their barracks and the remainder is tents. This factor coupled with crowded accommodation (168 -189 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Phosphate Hill Compound in a High Risk category for serious incidents in the months ahead;

**Finding 16 – Page 37**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy;

**An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities**

**Finding 17 – Page 38**

From discussions with relevant senior officers, the respective case management roles of DIAC and SERCO appear to be well defined and developed. As discussed throughout this Report their operational effectiveness has been degraded by infrastructure and staffing issues;

**A review of the security arrangements in place, both physical and dynamic, including intelligence gathering**

**Finding 18 – Page 39**

The physical security designed into the original NWP IDC infrastructure is high quality. The proposed dynamic security model is best practice. However, the effectiveness of the physical and dynamic security, including intelligence gathering, has been degraded by overcrowding, temporary accommodation and staff shortages;

### **Finding 19 – Page 39**

The security within Lilac, Aqua and Phosphate Hill Compounds is not at the level required for the category of client accommodated or proposed to be accommodated there, that is, *Single Adult males – Medium Risk*;

**Note:** When reviewing the draft of this Report, DIAC asked the following question - *What can be done to improve the security at Lilac, Aqua and Phosphate Hill if it is not at the level required for the category of client?*

**Response:** The current physical security level of the facilities at Lilac, Aqua and Phosphate Hill is appropriate for clients classified as "open security". A classification of "open security" relates to clients who are not an escape risk and have no behavioural issues that could endanger the safety of other clients, staff or members of the public or create a risk to the good order and security of the facility.

However, it must be noted that clients who are placed in open security facilities are normally engaged in meaningful work activity or education or training such that their mental well being is preserved. That is, the soft physical facilities are complemented by an activity, program and staffing regime that ensures clients are constructively engaged such that the likelihood of behaviour issues is minimised.

Even if at the time of my inspection the clients in Lilac, Aqua and Phosphate Hill facilities were classified as "open security", given the limited activities and programs and as the low staff levels precluded a "dynamic security model" and resulted in a "guarding staffing model" being in place, I would have little confidence that good behaviour of these clients could be assured.

Therefore, to answer your question, what can be done to improve the security at Lilac, Aqua and Phosphate Hill if it is not at the level required for the category of client?

#### **For Open Security Clients**

Implement an activity, program and staffing regime to ensure clients are constructively engaged such that the likelihood of behaviour issues is minimised;

#### **For Medium or High Risk Clients**

To house medium or high risk clients in these facilities would require considerable hardening of the physical infrastructure which in effect would involve scrapping the existing facilities entirely and building a fit for purpose facility. This new facility would need to be complemented by an activity, program and staffing regime that ensures clients are constructively engaged such that the likelihood of behaviour issues is minimised.

### **Finding 20 - Page 40**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy;

## **2. Summary of Recommendations**

### **Recommendation 1 – Page 32**

Take immediate action to commence reducing the number of clients accommodated within NWP IDC to a level where DIAC and SERCO senior management at NWP, supported by their respective Head Offices, are prepared to certify that they have the appropriate physical infrastructure and staffing resources to effectively discharge their responsibilities to:

- Place clients according to their risk profile;
- Deliver their respective client case management responsibilities effectively;
- Maintain the security of the IDC and the safety of staff and clients;
- Deliver services efficiently and effectively to clients; and
- Provide programs and activities appropriate for the various categories of clients that support maintenance of good order within the IDC and maintain the well being of clients;

### **Recommendation 2 – Page 33**

Concurrent with adopting Recommendation 1 seek architectural / building consultant and operational advice in a holistic form that develops in consultation with DIAC and SERCO Christmas Island and Head Office senior management teams recommendations relating to:

- The operational and infrastructure enhancements necessary at NWP IDC to support an optimum maximum client capacity to be determined above the present capacity of 400 with temporary surge capacity to 800;
- How long it would take and an estimate of cost for any recommended changes; and
- How to manage any challenges associated with infrastructure modification in an operating IDC;

DIAC officers have advised that Recommendation 1 is not a practical recommendation while the off shore processing and mandatory detention policy is in place as there is insufficient immigration detention accommodation elsewhere to allow the overcrowded situation at Christmas Island to be relieved to the extent envisaged by the Recommendation.

Therefore, as previously stated in this Report it is reasonable to assert that DIAC does not currently have the capacity to implement a policy of off shore processing and mandatory detention of IMA's without resorting to overcrowding and temporary facilities which brings into play Duty of Care issues affecting clients and staff arising from:

- Severe overcrowding at NWP compounded by understaffing;

- The planned client demographic of "*single adult males- High Risk*";
- Temporary accommodation that is not fit for purpose;
- Incapacity to appropriately place clients according to their risk profile and case management outcomes;
- Lack of meaningful activity for significant numbers of clients;
- Intelligence gathering compromised due to staff shortages;
- Centre maintenance and services under stress;
- Staff and client safety compromised due to overcrowding, insufficient staff and temporary facilities;
- Early warning signs of deterioration in client morale at NWP;
- Potential for clients to remain longer in detention. This together with lack of meaningful and purposeful activity for significant numbers of clients in an overcrowded environment will potentially adversely affect client mental well being leading to adverse behavioural outcomes; and
- All of the above representing similar pre-existing circumstances to those that triggered the disastrous outcomes during the period circa 2000 and post 2000;

This leads the author to the conclusion that Recommendation 1 requires consideration at policy level concerning:

- Alternative arrangements for processing and detaining IMA's within the framework of current policy; or
- Making adjustments to current policy until such time as DIAC can achieve an appropriate level of detention infrastructure; or
- Continue with the current overcrowded arrangements with additional resources and initiatives to improve circumstances for clients while working to achieve appropriate detention infrastructure provision; **Note:** For a range of practical operational reasons as covered in this Report this is considered to be High Risk option that will be unlikely to mitigate the risks to a reasonable level;

### **Recommendation 3 – Page 38**

If Recommendation 2 of this Report is adopted, Lilac, Aqua, Phosphate Hill and Construction Camp Compounds infrastructure and operational requirements should be included in the assessment and advice sought from architectural / building and operational consultants to achieve outcomes that will provide for an environment that reflects DIAC's values;



#### **Recommendation 4 – Page 38**

If Recommendation 2 is adopted, the risks identified in this Report should be taken into account by the consultants engaged to provide the holistic advice sought in Recommendation 2;

#### **Recommendation 5 – Page 40**

DIAC and SERCO management on site at Christmas Island should review intelligence gathering by both parties to ensure that it is effective. If it is found that it is not effective and cannot be made so within the constraint of existing resources this fact should be immediately drawn to the attention of their respective Head Offices;

### **3. Introduction and Terms of Reference**

Due to the high number of Irregular Maritime Arrivals (IMA's) at Christmas Island during 2009 - 2010 Knowledge Consulting has been engaged by the Department of Immigration and Citizenship (DIAC) to conduct an assessment of the current arrangements at the Christmas Island Immigration Detention Centre.

In late 2007 construction of the Christmas Island Immigration Detention Centre (IDC), the Department's first purpose built IDC, was completed and handed over to the Commonwealth. The Centre first received clients in September 2008. It is a modern, purpose built secure centre designed to house four hundred (400) clients with a temporary surge capacity to eight hundred (800) clients.

The infrastructure contains high quality provision for support services such as catering, medical, recreation, programs, activities, visitations, administration, storage, case management and staff requirements to deal safely, humanely and securely with the client capacity outlined above.

The infrastructure is designed to support the desired operational model for the Christmas Island IDC determined by DIAC which is based upon:

- A highly interactive and engaging client case management system both for clients' immigration status (DIAC's responsibility) and for their day to day needs within the IDC (Contracted Service Providers' responsibility);
- An emphasis upon dynamic security where staff are:
  - Highly visible and engaging interpersonally on a very regular basis with clients so that they are alert to changes in client's moods, circumstances etc;
  - Part of a multi-disciplinary staffing model that supports both case management streams so that clients various needs can be met in a seamless manner;

## Assessment of Current Immigration Detention Arrangements at Christmas Island

- To adopt a "*lead by example*" approach to place emphasis upon appropriate values and behaviours within the IDC for clients;
- Well trained in all facets of their work including their interface with the physical and operational security systems;
- A robust intelligence system to gather and analyse information that is relevant for the effective management of risks within the IDC;
- A robust risk assessment and risk management system;
- Protocols that are regularly scenario tested for engagement with all emergency services and other stakeholders essential for the safe and secure operation of the IDC; and
- Strong and proactive IDC leadership committed to continuous improvement

During 2009 and continuing into 2010 DIAC has been required to respond rapidly to a high number of Irregular Maritime Arrivals (IMA's) at Christmas Island. This has resulted in the number of IMA's needing to be detained exceeding the design capacity of the IDC at North West Point.

To meet this demand for additional accommodation DIAC:

- Has utilised the 400 bed temporary surge capacity within NWP as permanent beds and added a further 558 temporary beds in activity and program areas, in accommodation blocks and in tents;
- Constructed a compound adjacent to NWP IDC known as Lilac Compound containing 100 single person Transportable Rooms plus some limited support facilities;
- At the time of the inspection was constructing adjacent to Lilac Compound a further Compound known as AQUA containing 200 single person Transportable Rooms plus some limited support facilities;
- Is utilising the Construction Camp site some 30 minutes drive from NWP which has 100 single person Transportable Rooms; and
- At Phosphate Hill adjacent to the Construction Camp, is utilising 24 single person Transportable Rooms plus tents;

The following Table summarises the IMA accommodation situation on Christmas Island:

Assessment of Current Immigration Detention Arrangements at Christmas Island

Facility	Design Capacity	Additional Temporary Beds mid – April 2010	No of Clients above Permanent Design Capacity
North West Point	<b>400</b> with Temporary Surge to <b>800</b>	<b>174</b> within accommodation blocks <b>144</b> within education block <b>240</b> in tented area Red Compound <b>400</b> temporary surge capacity in permanent use Total clients = <b>1,358</b>	<b>958</b>
Lilac Compound	<b>100</b> single person Transportable Rooms	<b>100</b> through double bunks in single person Transportable Rooms	<b>100</b>
Aqua Compound	<b>200</b> single person Transportable Roms	<b>200</b> planned through double bunks in single person Transportable Rooms	<b>200</b> – Planned. AQUA under construction at time of inspection
Phosphate Hill	<b>24</b> single person Transportable Rooms	<b>24</b> through double bunks in single person Transportable Rooms <b>120</b> in Tents	<b>189</b> at time of inspection achieved through some single person Transportable Rooms accommodating 3 men and additional beds in Tents
Construction Camp	<b>100</b> single person Transportable Rooms	<b>100</b> through double bunks in single person Transportable Rooms	<b>270</b> at time of inspection achieved through additional clients in the Transportable Rooms and utilising activity space
<b>Total Permanent Design Capacity</b>	<b>824</b>		<b>1,717</b> clients above permanent design capacity

The figures in the above Table show that client numbers in **NWP IDC** are at **240%** above permanent design capacity and **70%** above maximum temporary surge capacity. All of the other facilities are accommodating numbers of clients well above the original design capacity.

Due to the rapid escalation of IMA numbers with the associated creation of additional temporary accommodation and the significant expansion of services and staffing required to meet the needs of clients, DIAC has decided to seek an independent opinion concerning "the security risk exposures at North West Point, Phosphate Hill and Construction Camp" as covered in the following Terms of Reference:

*"The focus of the review is to identify the security risk exposures at North West Point, Phosphate Hill and Construction Camp in the context of the emerging IMA numbers and processing arrangements on Christmas Island.*

*This assessment to include but not limited to:*

- Given the current number of clients held in the facilities on Christmas Island, provide advice as to the optimal capacity of the infrastructure on the Island;*
- An assessment of the risks currently being faced in administering the facilities in a safe, secure and humane manner;*
- An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities;*
- A review of the security arrangements in place, both physical and dynamic, including intelligence gathering; and*

*The assessment should involve consultation with DIAC, SERCO, IHMS Executive and lead of the Australian Federal Police on Christmas Island to achieve an understanding of the operation of the facility.*

*Reports and recommendations of the assessment to be provided with verbal updates to be provided to DIAC Executive as significant risks are identified. An interim report to be available by Tuesday 13<sup>th</sup> April 2010";*

The Author of this Report inspected immigration detention facilities on Christmas Island, including meetings with senior DIAC and SERCO officers and Australian Federal Police officers during the period Thursday evening 8<sup>th</sup> April through Tuesday 13<sup>th</sup> April 2010. A Draft Report arising from the above inspection was submitted to DIAC on 13<sup>th</sup> April 2010 the day the inspection of facilities concluded.

This Draft Report identified amongst other things a number of matters that in the opinion of the author raised Duty of Care issues. Since 13<sup>th</sup> April 2010 there have been a number of discussions with DIAC officers. These discussions covered the author's initial perceptions and Findings in the context of the practical issues DIAC and SERCO are facing in being required to respond rapidly to the high number of Irregular Maritime Arrivals (IMA's) at Christmas Island. Further drafts of the Report containing amendments were prepared and discussed between the author and DIAC officers.

On 11<sup>th</sup> October 2010 the author was advised by email that the Draft Report provided on 17<sup>th</sup> September 2010 with amendments agreed between the Author and DIAC officers should be submitted as a final report.

This report is founded in:

- Information gathered during the inspection of immigration detention facilities on Christmas Island;
- Information provided by senior DIAC and SERCO officers on Christmas Island;
- Information provided by senior DIAC officers from Canberra Head Office; and
- The author's experience over the past decade in investigating and reporting upon serious incidents in immigration detention facilities as well as reviewing outcomes arising from the Palmer and Comrie reports and governance issues under the previous detention services contracts;

#### **4. Relevant History that Provides Context for the Assessment Made in this Report**

The context in which DIAC is working to address the challenge of a rapid and significant increase in the number of IMA's in many ways mirrors the circumstances circa 2000 when a similar surge in "*boat people*" occurred. Then:

- The event was politically sensitive, aroused community concern and divided community opinion;
- The Department had inadequate infrastructure to accommodate the IMA's and housed many of them in remote locations in mostly overcrowded temporary accommodation not fit for purpose. These remote locations were extremely difficult and costly to staff and service;
- While the Department conducted the immigration case management of the IMA's, the management of the detention facilities to service the daily needs of IMA's and their supervision was outsourced to a private contractor. The governance arrangements for the outsourced contract by both the department and the private contractor were inadequate as proven by a number of serious service delivery failures with adverse consequences for the Department, the private contractor and ultimately for the IMA's;
- An assumption was made by the Department in outsourcing the detention services contract and novation of the temporary and not fit for purpose accommodation to the contractors that the IMA's would be largely compliant with their circumstances. The contractors staffing model reflected this assumption;
- The assumption of compliance was initially valid circa 2000. However, after a period of time when delays in processing of IMA's applications for Visas became systemic and significant numbers spent many months and in some cases years in detention the assumption unravelled and the Department, the private contractor and the IMA's endured a tragic period of extreme disorder in a number of detention facilities.

This disorder was fuelled not only by processing delays but also by the destruction of client well being by the mind numbing boredom of daily life in detention due to lack of meaningful activity. Basically detention facilities became places of human storage where clients were under guard but not engaged thus they lost any sense of purpose and hope.

In these circumstances many clients lost confidence in the official processes and began to rebel against authority. This initially involved hunger strikes and self harming and extended to riots, burning and trashing of infrastructure, mass escapes, serious injuries to IMA's and staff including post traumatic stress, loss of reputation for the Department and the private contractor and loss of political capital by the government of the day;

- The extreme disorder in the detention facilities supported by "*protest groups*" in the community and the resultant community and political pressure forced departmental executives, who were extremely hard working and dedicated people, into a reactive/crisis management mode. This left insufficient time to focus on planning, governance and continuous improvement which in turn, it can be argued, contributed to further disasters such as the Cornelia Rau and Vivian Alvarez cases;

The above "*thumb nail*" summary of history is as recalled from the author's involvement in a range of investigative and other projects for the then department. This history is relevant to this assessment of the circumstances at Christmas Island in so far as there appears to be a risk emerging that history is in danger of repeating itself if urgent mitigation action is not taken. For example, as in the period circa 2000:

- This current surge in arrival of IMA's is politically sensitive, has aroused community concern and there is divided community opinion on how to deal with those seeking to enter Australia in this manner and with those who actually arrive;
- DIAC has inadequate infrastructure to accommodate the IMA's and is housing significant numbers of them in a remote location in overcrowded temporary accommodation that is logistically difficult and costly to staff, service and to support. This is even more so in emergencies. DIAC is about to open a further facility in another remote location;
- Given the nature of the additional temporary accommodation provided for IMA's, DIAC and the private contractor are relying to a significant extent upon the assumption that IMA's will remain compliant for good order to be maintained at the Christmas Island Detention Facilities. The Government has recently announced a pause in processing of certain categories of IMA's which as in the 2000 experience will considerably extend the time that many IMA's remain in detention;
- Because of the overcrowded situation in detention facilities many of the activity and program facilities have been lost. The situation is now emerging where it is clear that many clients will be in detention for longer periods and there are currently little and

mostly no alternate strategies in place to engage clients in meaningful activities to mitigate adverse outcomes from frustration due to processing delays and boredom from inactivity;

- In these circumstances, if as in circa 2000 many clients lose confidence in the official processes and if this is compounded by boredom and inactivity, client's mental well being will be adversely affected and the assumption of "*compliant clients*" will quickly unravel. The likely consequence is that clients as in 2000 and post will begin to rebel against authority. This potentially could follow the same path of hunger strikes and self harming, riots, burning and trashing of infrastructure, mass escapes, serious injuries to IMA's and staff including post traumatic stress, loss of reputation for the Department and the private contractor and loss of political capital by the government of the day;

[REDACTED]

The current overcrowded situation and shortage of staff does not allow for proactive intelligence gathering that identifies potential "*trouble makers*". Further, if they were to be identified the overcrowding makes it impossible to segregate them at NWP IDC to minimise their capacity to influence others.

- If a potential worst case scenario as described above was to occur, then the best efforts of staff and or emergency services to contain unruly and or unlawful behaviour would be severely compromised by the current overcrowding and the inadequate temporary accommodation facilities. There is also the added challenge of the delay factor in getting support personnel to the Island should a serious incident occur unexpectedly;

In the context of the foregoing, in detention facilities a fundamental consideration and accountability of responsible officers is "*duty of Care*". Failures that lead to harm to staff, clients, visitors and members of the public must be avoided at all costs.

Apart from the harm and distress caused to victims of duty of care failures, officials with decision, supervision and leadership responsibilities where catastrophic failures occur (loss of life being a worst case example) can face serious legal consequences if it is established that, given their professional training, knowledge, skills and experience they did not take all reasonable steps and precautions to manage the risks that caused the failure.

Elements in detention facility functioning where "*duty of care*" implications exist that require robust risk management are:

- Ensuring that the design of the facility is fit for purpose;
- Ensuring that the facility is used in the manner for which it was designed;
- Ensuring that the design and implementation of the Centre operational model functions in concert with the physical infrastructure in a manner that provides for a dynamic approach to internal security of the centre. This covers the staffing model – roles, functions and hours of duty and the structure of daily programs and activities for clients;
- Ensuring that the centre Operating Procedures take account of "duty of care", are fit for purpose and where necessary are accredited by the appropriate independent authorities/ experts;
- Ensuring that all staff are appropriately trained and qualified for their roles;
- Ensuring that staff at all levels are appropriately mentored, supported and supervised;
- Ensuring that all equipment is fit for purpose at all times; and
- Ensuring that the governance arrangements are robust.

The foregoing is a summary of a past problematic period in immigration detention, the current circumstances that potentially could see history repeat if mitigation action is not taken and the duty of care implications should this occur. This is provided as contextual information for this report to illustrate the serious challenge that the author believes DIAC is facing to ensure that immigration detention services are delivered in a safe, secure and humane manner in the current environment of a rapidly expanding IMA population.

### **Finding 1**

There are many similarities between the current challenges facing DIAC due to the rapid and significant increase in the number of IMA's and those faced by the then Department in the circa 2000 and post period under similar circumstances. The circa 2000 and post period challenges were not met adequately resulting in disastrous consequences. Experience from the previous events needs to be taken into account in developing strategies to deal with current circumstances;

## **5. Addressing the Terms of Reference**

### **5.1 Given the current number of clients held in the facilities on Christmas Island provide advice as to the optimal capacity of the infrastructure on the Island;**

In dealing with this TOR each accommodation facility is examined separately.

#### **a) North West Point (NWP) IDC –Current Numbers of Clients, Temporary Additional Accommodation and Impact on Safety and Amenity**



As stated in the Introduction to this Report, DIAC has been faced with the need to accommodate increasing numbers of IMA's by rapidly increasing the capacity at NWP through a range of temporary accommodation facilities that has achieved a total of 1,358 beds within the secure perimeter.

The above additions have created an extremely overcrowded environment for clients to live in. Further, much of the temporary accommodation is not suitable for clients who may stay in the centre for months or more. The arrangements have also created a very challenging work place for staff and a potentially dangerous situation for clients and staff should an emergency situation arise. In summary a situation existed at the time of the inspection where:

- NWP was accommodating 558 clients permanently above its maximum design capacity of 800 at full temporary surge;
- Under these conditions staff say it is not possible to appropriately place and segregate clients in a manner that best suits their needs as covered by a variety of assessment factors;
- In the event of a major violent incident, due to overcrowding and the range of temporary facilities the capacity to respond in a manner that contains those who are a threat while at the same time providing "sanctuary" for those not wishing to be involved is severely compromised;
- The temporary sleeping accommodation, which includes tent accommodation, is not satisfactory accommodation, particularly for clients who spend weeks and or months in these facilities. DIAC advise that *"there is a rotation policy within NWP so that clients are regularly moved through the centre to more permanent accommodation facilities. Clients are not expected to be in temporary accommodation for more than a few weeks"*;
- Overcrowding has created loss of privacy for clients, loss of access to programs and activities, frustration in delays in access to services such as telephones and responses by staff to personal equipment failure. A senior DIAC officer said, *"Clients now queue for everything and they are getting frustrated"*;
- Maintenance is becoming a serious issue. Infrastructure such as air conditioning is wearing out more quickly than planned. Delays are occurring in effecting repairs due to the capacity of the limited maintenance staff on the Island to respond. Lack of air-conditioning for periods in the Christmas Island climate will be a negative factor for client morale;
- The author was advised that the current client numbers have put considerable strain upon warehousing and refrigeration facilities;

- SERCO is facing significant difficulties in meeting the staffing needs of services functions as the labour pool on the Island is exhausted. The author was advised that catering, cleaning and laundry services are "maxed out" and with the opening of the 400 bed AQUA Compound in the near future they will be functioning largely in a "make do" situation;
- Despite the best efforts by DIAC and SERCO staff the author observed significant numbers of clients in each of the facilities inspected during this "snapshot" review lying on bunks or sitting around with nothing to do. This is an indicator of looming behaviour challenges. [REDACTED]  
[REDACTED]  
[REDACTED]
- A common theme in comments from DIAC and SERCO officers is that more staff is urgently required. However, apart from the capacity to attract people, a major impediment is the lack of suitable staff accommodation on the Island. DIAC is working hard to overcome this but it is costly and will take time;

In the short time available for this review it is not possible to quantify the extent of staff shortages in the DIAC and SERCO Teams. However, from observation and discussion with officers the author can say that in addition to the support services covered above, services critical to "duty of care" such as case management, intelligence gathering and maintaining an active and engaged client group have become degraded. This degradation, apart from the need for more staff, is also caused by the loss of program and activity space to create bed space;

DIAC's Case Management Team has a conceptually sound approach to client case management and the author was impressed with the energy, enthusiasm and empathy of the Case Management Team. They are very visible and active within the Centre in engaging with clients. The Team is spread between NWP, Lilac Compound, the Construction Camp and Phosphate Hill. Their workload was described to the author as "demanding";

A DIAC officer said, "Clients are starting to say to Case Managers – we don't want to talk to you, you can't do anything for us." A senior DIAC Officer has advised that this type of comment was in relation to visa outcomes and there has been no indication that the client population is becoming disengaged from Case Managers";

It is understood that more Case Management staff will be allocated to assist with the increased work load involved with the shortly to be opened AQUA Compound and increasing demands at the Construction Camp and Phosphate Hill. However, lack of staff accommodation on the Island may delay this being implemented;

Another issue of concern from a Case Management perspective is that SERCO is in a similar situation to DIAC in finding accommodation for staff which is

impacting on its capacity to have sufficient staff in the compounds to play an active engagement role in client Case Management. This outcome also degrades the Intelligence gathering function;

- The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will create *two classes* of IMA's within the IDC. This will add a further challenge to client management within an overcrowded centre;
- There is evidence that the number of client incidents is increasing. For the first time since the IDC commenced operation a recent incident has occurred of an alleged assault upon a SERCO officer by a client. It is alleged that a client has "*pressed against a female SERCO officer's chest with his body and shoulder as he walked past her*". (Source of this information – Operational Intelligence Report 01/04/2010 – 07/04/2010);

The Health Services Manager advised the author that over the last couple of weeks he has noticed an increase in self harm and "*acting out behaviour such as throwing chairs, yelling out, etc*". He says that more hours are being expended by Mental Health staff in dealing with this;

The evidence in a number of the dot points above, in the author's experience, provides early and concerning warning signs of deterioration in client morale which if not addressed has the potential to escalate into a serious incident or incidents.

### **Finding 2**

North West Point Immigration Detention Centre (NWP IDC) is overcrowded and understaffed; much of the temporary sleeping accommodation is not fit for purpose; staff and client safety is compromised; processes for client case management are conceptually sound but implementation is degraded through lack of client placement options and staff shortages; intelligence gathering is compromised due to staff shortages; centre maintenance and services are under stress; and client mental well being is at risk due to lack of meaningful activity; The foregoing raise significant Duty of Care issues for DIAC and SERCO;

### **Finding 3**

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will create *two classes* of IMA's within the NWP IDC. This will add a further challenge to client management within an overcrowded centre;

### **Finding 4**

The policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement will mean

that a significant number of clients will spend longer in detention. On past experience initiatives will be required to engage clients in meaningful activities for significant proportions of their time to mitigate the adverse impact on client's mental well being of lengthy periods of detention in a state of uncertainty;

### **Finding 5**

Concerning early warning signs of deterioration in client morale are evident at NWP which if not addressed have the potential to escalate into a serious incident or incidents;

**Note:** DIAC say that Serco, IHMS and DIAC assess the mood and dynamics of the Centre on a daily basis and to date morale has been found to be consistent and not deteriorating. Nevertheless, given the matters identified in this Report, experience shows that client concerns/ grievances in this situation can rapidly escalate into wilful disobedience and violence. Therefore, it is important that the underlying issues that drive client concerns are addressed urgently;

### **b) NWP IDC – The Original Design Concept**

As stated in the introduction to this Report NWP IDC was the Department's first purpose built IDC. It took account of the lessons learned from the catastrophic events circa 2000 and post and provided for secure and humane containment of clients via:

- A perimeter that provides for the key perimeter security elements of *deterrence, detection and delay* in a manner that makes escape an unlikely event;
- A range of accommodation options for clients in rooms located in accommodation buildings in four (4) separate compounds with each compound containing two accommodation buildings. This arrangement provides for flexibility in the placement and segregation of clients according to a range of needs including ethnicity, gender, processing requirements and behaviour. There is also a unit specifically designed for the temporary accommodation of recalcitrant clients;
- High quality provision for support services such as reception, induction, case management, catering, medical, education, recreation, programs, activities, visitations, laundry, religious facilities, administration, conference, storage and staff needs to deal safely, humanely and securely with the client capacity outlined above; and
- Sufficient open space to reduce the feeling of claustrophobia, to enhance the social amenity of the centre and to provide opportunities for clients to enjoy socialising in the open air. This amenity, together with a proactive case management approach by DIAC and the Detention Services Provider officers and the facilities listed above for support services works to provide for the mental well being of clients;

The above infrastructure represents the outcome of extensive planning and input from experienced DIAC officers and design and operation consultants with relevant expertise to

achieve a secure but humane environment where people detained in the facility can be accommodated safely while their immigration status is assessed.

The aim was to achieve a working environment for staff where their services to clients are delivered safely, professionally and empathetically and where clients access and engage with these services according to their needs, in an environment where they feel their circumstances are respected and their safety is assured.

Importantly, the Department in designing and building the Christmas Island IDC met its "duty of care" obligation by "ensuring that the design of the facility was fit for purpose".

### **Finding 6**

The original infrastructure at NWP IDC was a purpose built facility which if utilised in accordance with its design concepts achieves DIAC's goals for humane and safe detention of clients;

### **Finding 7**

Due to the current circumstances commented upon in Finding 2, the infrastructure and operating model has been degraded and is not operating in a fit for purpose manner;

#### **c) NWP IDC – Optimum Client Capacity of the Infrastructure**

As previously stated the original design capacity of NWP IDC is for four hundred (400) clients with capacity for temporary surges to eight hundred (800). This is not to say that the capacity could not be increased beyond these numbers. However, to ensure *duty of care* is met and effective operational outcomes are achieved decisions to increase the client capacity would need to be taken in the light of holistic architectural / building consultant and operational advice.

The author of this report has not been provided with evidence of such holistic input in the decisions taken to date to increase client capacity at NWP IDC to 240% above permanent design capacity.

The author understands from discussions with Senior DIAC officers that the current shortfall in immigration detention accommodation nationally for clients is such that if the surge in IMA's continues, then for the foreseeable future NWP will be required to accommodate considerably more clients than its original permanent design capacity.

In the author's opinion, the following are critical elements for analysis in arriving at a decision as to any increase in the optimum achievable client capacity of NWP IDC:

- The client demographic, particularly their risk profile. In this regard DIAC has indicated that NWP will accommodate "*single adult males- High Risk*";
- Processes and infrastructure needs for initial client processing;

- Client separation and case management needs;
- Likely length of client's stay in detention at Christmas Island – how many less than one month, how many between one month and three months, how many between three months and six months and how many longer than six months;
- The program and activity menu proposed for the various categories of clients with particular focus around length of stay. That is, the longer clients remain at NWP IDC the more intensive, purposeful and stimulating activity intervention needs to be to offset the effects of institutionalisation and to facilitate compliance with their circumstances;
- The capacity to create a community environment within NWP IDC that is as natural as is possible taking account of the planned client demographic of "*single adult males- High Risk*". That is, a community founded in the premise that the clients are mostly innocent and responsible citizens who are enduring a difficult life circumstance while attempting to transition to a better future.

Based on this premise the operating culture of the facility needs to be driven by values, expectations and rules that encourage the functioning of a "*civil society*" within the institution. These values, expectations and rules need to be reflected in the functioning of NWP IDC through:

- Relaxed, good humoured and supportive interaction between staff and clients and encouragement of similar interaction among clients;
- Friendly and fair application of rules by staff, that is no officious behaviour, but with the capacity to firmly apply rules when necessary for the good order of NWP IDC and to separate those who choose to behave negatively with the potential to degrade the desired relaxed culture. That is, once again taking account of the planned client demographic of "*single adult males- High Risk*";
- High quality and very frequent communication from staff to clients concerning both the client's immigration case circumstances and their day to day needs and activities;
- A capacity for clients to have quality input and a degree of control and ownership of the manner in which NWP IDC functions to meet their daily needs. For example:
  - a capacity to move relatively freely within their accommodation areas and between their accommodation areas and service areas such as programs, activities, catering, medical and recreation;
  - fostering of positive leadership by clients with this aptitude and inclination to assist and encourage other clients in coping with their circumstances in a variety of ways;

- meaningful input through client committees to decisions relating to catering, recreation, activities, programs, feedback concerning rules and procedures, mental well being issues etc;
  - encouraging clients to undertake and lead initiatives that create a sense of community within NWP IDC where they form friendships across cultural divides, enhance their positive thinking skills and develop attitudes conducive to ongoing self development such that in the future they will look back on their time at NWP IDC as a positive life transition period rather than negative incarceration;
- A staffing model to support the operating culture of a facility based on values and rules that encourage the functioning of a “civil society” within the institution where clients take a high degree of ownership for the operational outcomes in so far as the way in which their daily service needs are delivered;
  - Infrastructure that does not compromise on providing for preservation of individual dignity and safety;

It may be argued that the outcomes described above relating to clients having input, control and ownership of certain functions relating to their daily needs and developing a sense of community, a civil society, within NWP IDC does not fit well with a client demographic of “single adult males- High Risk”. The author argues from the basis of evidence in the literature and from personal experience in the operation of a range of institutions that with the appropriate infrastructure and staffing model the concepts suggested above work well with particular categories of high risk clients.

On the evidence available it is considered that the significant proportion of “single adult males- High Risk” immigration clients would react more favourably to the *sense of community, a civil society* approach than to a restrictive *prison culture* environment. Such a strategy is in line with DIAC’s values and would assist in facilitating maintenance of a compliant client population.

### **Finding 8**

To ensure *duty of care* is met and effective operational outcomes are achieved a decision to increase the optimum client capacity at NWP IDC would need to be taken in the light of holistic architectural / building consultant and operational advice that takes account of:

- The client demographic;
- Processes and infrastructure needs for initial client processing;
- Client separation and case management needs;
- Likely length of client’s stay in detention at NWP IDC;

- The program and activity menu proposed for the various categories of clients;
- The capacity to create a community environment within NWP IDC;
- A staffing model to support the operating culture of a facility based on values and rules that encourage the functioning of a *civil society*; and
- Infrastructure that does not compromise on providing for preservation of individual dignity and safety;

#### **d) Short Term Remediation**

Analysis as covered above to achieve a recommendation as to whether and or to what extent the optimum client capacity of NWP can be increased and then to implement any such recommendation will of necessity take time.

In addition to any mid to longer term suggestions DIAC has requested the author of this Report to provide advice as to any short term remediation actions that could make the current arrangements work more effectively and in accordance with DIAC's "*Values*".

Any such suggestions need to be viewed in the context of a facility that is operating with the number of clients housed there at 240% above permanent design capacity, where temporary facilities have been installed that are not fit for purpose which have created a very challenging work place for staff and a potentially dangerous situation for clients and staff should an emergency situation arise.

DIAC advise that there is no evidence of fall off at this stage in the numbers of IMA's arriving.

In investigations the author has been involved with following riots, disturbances and incidents at various immigration detention facilities he has been required to apply the "*wisdom of hindsight*" to identify the reasons for the failure. Many of the factors covered in **Section 5.1. a** of this Report were identified in investigation of these events. Fortunately in the case of this report a serious incident has not occurred. The report is founded in a proactive request by DIAC to an independent person to provide advice so that pre-emptive action can be taken if required to avert risks emerging with serious consequences.

Given the relevant History and Context provided in **Section 4** of this Report and the evidence relating to current circumstances at NWP as summarised in **Section 5.1. a**, the author argues that it is reasonable to assert that if the severe overcrowding at NWP remains then it is likely that a serious incident will occur in the next six months and highly likely during the next twelve months, particularly if the pause in processing results in significant numbers of clients spending much longer in detention in a state of uncertainty in severely overcrowded conditions.



It is appreciated that this is a qualitative judgement. However, it is based on considerable experience, evidence from an on-site inspection, concerns expressed to the author by DIAC and SERCO staff and synthesis of this information as covered in this Report.

Based on DIAC's advice that it does not have sufficient immigration infrastructure at present to accommodate the current surge in IMA's without resorting to overcrowding and temporary facilities, it is reasonable to assert that DIAC does not currently have the capacity to implement a policy of off shore processing and mandatory detention of IMA's in a manner that meets Duty of Care requirements for clients and staff.

Therefore, to effectively implement a policy of mandatory detention for IMA's, in addition to the Finding and Recommendation above relating to the need for holistic advice concerning a possible expansion of optimum client capacity at NWP, additional purpose built immigration detention facilities are required. The author is advised that plans are underway to achieve this. However, it will take some time to bring these plans to fruition.

The immediate question from the perspective of effectively implementing the current policy of off shore processing and mandatory detention in the short term is – *can appropriate controls be put in place during the current and the likely continuing period of overcrowding to mitigate the risk of a serious incident or incidents that may result in the loss of infrastructure and or loss of life until sufficient purpose built infrastructure is available?*

The author has turned his mind to this question. From discussion with DIAC and SERCO officers it is clear that they have as well. DIAC and SERCO Leadership and staff at NWP IDC are working intensively in challenging circumstances to maintain the good will of clients which is an essential element in maintaining good order within any facility of detention.

In the area of client management DIAC has a strategy of mixing clients from different racial backgrounds together in each compound to avoid creating "*cultural enclaves*". The author is advised that this strategy has been successful to date. This is in line with strategies that have been adopted in corrections for many years and has proven advantages over "*cultural enclaves*".

Another initiative adopted is to maintain clients in their current accommodation who do not meet refugee requirements and manage them intensively via Case Managers rather than place them in a separate area. The author supports this initiative. It maintains clients in their normal environment where they have established relationships and does not create a separate group of disaffected clients who may tend to build upon each other's negativity resulting in combined adverse behaviour outcomes which are difficult to manage.

The foregoing strategies are in line with the philosophy outlined previously in this report of creating a community environment within NWP that is as natural as is possible.

A DIAC officer has asked the author to comment on whether clients who are subject to the announced processing suspension should be separated from the rest of the client cohort or allowed to mix generally in NWP. Once again the author believes that there are advantages

in the "allowing to mix option" in line with the values underpinning a community environment. The "allowing to mix option" needs to be supported by the initiative previously mentioned of fostering positive leadership by selected clients who can assist these clients in coping with their circumstances.

### **Finding 9**

DIAC's initiatives to mix clients from different racial backgrounds together in each compound to avoid creating "cultural enclaves", to maintain clients who do not meet refugee requirements in their current accommodation and manage them intensively via Case Managers and allowing clients who are subject to the announced processing suspension to mix in the general population are good practice;

However, the above initiatives need to be viewed in the context of a Facility that is not currently functioning with a "community environment" due to severe overcrowding, loss of social amenity and clients growing increasingly frustrated with their circumstances. There are also the fundamental shortcomings covered in **5.1.a)** above which must be addressed holistically.

### **Finding 10**

While the above client management strategies are sound there is every possibility that in isolation they are unlikely to avert incidents as to be successful they are heavily dependent upon a range of other matters which are summarised below with comment concerning their current status:

- Intensive case management; **Note:** There is evidence in this report that while case management concepts are sound, staff shortages and overcrowded facilities have reduced its effectiveness;
- Meaningful and purposeful activity/ programs for clients to assist in offsetting the boredom and frustrations associated with institutional living, the uncertain future and negative outcomes when they occur; **Note:** This is mostly not in place;
- Robust pro-active intelligence to identify early warning signs of deterioration in client morale and detect potential malcontents who may be planning to disrupt and or damage the fabric of NWP functioning; **Note:** The intelligence system is degraded because of staff shortages and overcrowding;
- The capacity to manage/ modify the behaviour of malcontents in separate accommodation where necessary; **Note:** Not possible in the current circumstances;
- The capacity to appropriately place clients according to their risk profile and case management outcomes; **Note:** Not possible in the current circumstances;

- A centre where services are functioning efficiently so that clients are content that their basic daily needs are being met effectively and efficiently; **Note:** Service failures are becoming evident; and
- Staff and clients feeling safe in the institution; **Note:** Staff are starting to express concern largely due to the overcrowded conditions and shortage of staff;

To respond to DIAC's request for *advice as to any short term remediation actions that could make the current arrangements work more effectively and in accordance with DIAC's "Values"*, the following suggestions are put forward for consideration:

- Develop strategies to engage clients in enjoyable and constructive programs and activities that create a sense of community within NWP. That is staff working with clients to encourage an attitude of *"it may be crowded in here and there are some challenges but this could be a step towards a brighter future for you so let's see what we can do together to make this as happy a time as possible so that time passes quickly"*.

In this process culturally appropriate structures should be created to bring clients together to be part of the solution. Staff should as much as possible play *facilitative and enabler* roles in encouraging clients to put forward suggestions and ideas and then work with clients in implementation. Guidance should be provided that focuses thinking toward ideas that will create *enjoyment for clients or education or improve health, well being, optimism and self efficacy or enhance the amenity of the IDC*.

Opportunities should be taken to encourage and or train clients to lead programs for other clients. Concerning program facilities, while tents are not appropriate for living quarters they may be able to be located in suitable areas to accommodate certain programs if the purpose built program facilities cannot be freed up.

A critical part of this process is to identify and encourage positive Leaders within the client community, tap into ideas and enthusiasm from staff at the client work face and to reward clients and staff who show excellence in developing community spirit with recognition that should always be accompanied by a celebration;

- To support the foregoing, work with SERCO to ensure that the staffing model at NWP has an appropriate Team of *Activity Officer* type people who are skilled at implementing strategies of the type described above in a culturally diverse environment and have them on the ground working with clients as quickly as possible. The Leader of this Team should report to a senior SERCO Officer at NWP so that the Team can achieve quick decisions on *"client and staff ideas"* so that clients and staff see them as credible *enablers*;
- SERCO need more staff in the client compounds/ accommodation areas than were apparent at the time of the inspection. **Note:** While this is considered to be an

essential short term action it is most likely impractical at this stage given the unavailability of staff accommodation on the Island;

- Many of the clients have suffered traumatic experiences and the claustrophobic environment of an overcrowded IDC can have further adverse effect upon individual well being resulting in dysfunctional behaviour. To mitigate this, as often as possible, desirably each day, and for as many clients as is practicable there should be excursions away from the IDC. These excursions could be constructed around a variety of potential activities, once again created with client and staff input;
- Meaningful activity for clients is one of the critical issues that need to be addressed to mitigate the risks impacting on the preservation of the good order and safety of the facilities on Christmas Island and in other places while achieving the maximum optimum client capacity within the facilities. It is also an area that will attract criticism from external stakeholders if effective outcomes are not achieved due to the adverse impact this will have on clients well being and mental health.

The initiatives above relating to culturally appropriate client structures supported by proactive Activities Officers to facilitate delivery of programs and activities and regular excursions away from the IDC for as many clients as is possible as often as possible will be helpful.

However, particularly for longer term clients there needs to be something beyond programs and activities. The author has interviewed many long term detainees who have commented on the boredom arising from the repetitive nature of programs and activities conducted over many months and years within the fence of an IDC. They were seeking the dignity of work, of a sense of achievement of doing something worthwhile. Experience from the last surge in IMA's has been that bored and frustrated longer term clients have in many cases become dysfunctional and engaged in problematic behaviour that has led to dreadful outcomes.

The author has raised a suggestion with DIAC officers relating to possible community work programs for longer term clients supported by vocational training. Such an approach would have the benefits of engaging clients in meaningful activities, skill development, allowing numbers of clients to be away from the IDC on a daily basis thus reducing the effect of institutionalisation and reducing crowding within the IDC during the day.

The initial reaction by DIAC officers is that such a proposal may not meet current policy settings. If a community work program is not acceptable then some other meaningful activity must be developed for longer term clients.

*In the light of the foregoing, to address the question previously posed - can appropriate controls be put in place during the current and the likely continuing period of overcrowding to mitigate the risk of a serious incident or incidents that may result in the loss of infrastructure and or loss of life until sufficient purpose built infrastructure is available?*

### **Finding 11**

Even if the suggestions made on pages 30 and 31 were implemented quickly and this is unlikely given resource issues and that the suggestion for meaningful activity for longer term clients may not be supported and there is no alternative suggestion under consideration, the author's opinion is that they would not in themselves provide sufficient mitigation to lower the risk of a major incident to an acceptable level due to the overcrowded environment and staff shortages that result in:

- An incapacity to appropriately place clients in accommodation according to their risk profile;
- A degraded intelligence gathering system that may not detect in a timely manner warning signs of potential serious challenges to the good order of the IDC; and
- DIAC and SERCO not being able to provide the level of intensive case management required to engage clients positively over time to ensure that they will mostly remain compliant with their circumstances.

### **Finding 12**

The fundamental underlying challenge is that there are far too many clients accommodated in NWP for the current capacity of the infrastructure, far too many of them are not engaged in meaningful or purposeful activities or programs, client frustration is starting to increase and the potential has now emerged for clients to spend longer periods in an overcrowded, unproductive and frustrating environment.

Given the *Duty of Care* implications the author's recommendation is:

### **Recommendation 1**

Take immediate action to commence reducing the number of clients accommodated within NWP IDC to a level where DIAC and SERCO senior management at NWP, supported by their respective Head Offices, are prepared to certify that they have the appropriate physical infrastructure and staffing resources to effectively discharge their responsibilities to:

- Place clients according to their risk profile;
- Deliver their respective client case management responsibilities effectively;
- Maintain the security of the IDC and the safety of staff and clients;
- Deliver services efficiently and effectively to clients; and
- Provide programs and activities appropriate for the various categories of clients that support maintenance of good order within the IDC and maintain the well being of clients;

## Recommendation 2

Concurrent with adopting Recommendation 1 seek architectural / building consultant and operational advice in a holistic form that develops in consultation with DIAC and SERCO Christmas Island and Head Office senior management teams recommendations relating to:

- The operational and infrastructure enhancements necessary at NWP IDC to support an optimum maximum client capacity to be determined above the present capacity of 400 with temporary surge capacity to 800;
- How long it would take and an estimate of cost for any recommended changes; and
- How to manage any challenges associated with infrastructure modification in an operating IDC;

DIAC officers have advised that Recommendation 1 is not a practical recommendation while the off shore processing and mandatory detention policy is in place as there is insufficient immigration detention accommodation elsewhere to allow the overcrowded situation at Christmas Island to be relieved to the extent envisaged by the Recommendation.

Therefore, as previously stated in this Report it is reasonable to assert that DIAC does not currently have the capacity to implement a policy of off shore processing and mandatory detention of IMA's without resorting to overcrowding and temporary facilities which brings into play Duty of Care issues affecting clients and staff arising from:

- Severe overcrowding at NWP compounded by understaffing;
- The planned client demographic of "*single adult males- High Risk*";
- Temporary accommodation that is not fit for purpose;
- Incapacity to appropriately place clients according to their risk profile and case management outcomes;
- Lack of meaningful activity for significant numbers of clients;
- Intelligence gathering compromised due to staff shortages;
- Centre maintenance and services under stress;
- Staff and client safety compromised due to overcrowding, insufficient staff and temporary facilities;
- Early warning signs of deterioration in client morale at NWP;
- Potential for clients to remain longer in detention. This together with lack of meaningful and purposeful activity for significant numbers of clients in an

overcrowded environment will potentially adversely affect client mental well being leading to adverse behavioural outcomes; and

- All of the above representing similar pre-existing circumstances to those that triggered the disastrous outcomes during the period circa 2000 and post 2000;

This leads the author to the conclusion that Recommendation 1 requires consideration at policy level concerning:

- Alternative arrangements for processing and detaining IMA's within the framework of current policy; or
- Making adjustments to current policy until such time as DIAC can achieve an appropriate level of detention infrastructure; or
- Continue with the current overcrowded arrangements with additional resources and initiatives to improve circumstances for clients while working to achieve appropriate detention infrastructure provision; **Note:** For a range of practical operational reasons as covered in this Report this is considered to be High Risk option that will be unlikely to mitigate the risks to a reasonable level;

#### **e) Lilac Compound, AQUA Compound, Construction Camp and Phosphate Hill Detention Facilities – Optimum Client Capacity of the Infrastructure**

##### **Lilac Compound**

Lilac compound is external but adjacent to the NWP facility with a capacity for up to 200 beds in demountable accommodation buildings surrounded by a non-secure perimeter. The 200 bed capacity is achieved through double bunks in 100 transportable rooms designed for one person on construction sites. Each of these rooms has an en-suite shared by the two occupants.

There are limited support facilities for administration, interviews, data and communication services and outdoor cabanas that provide for some recreation. DIAC advise that each hour on the hour clients in Lilac who wish to participate in activities in the main North West Point Compound are escorted from Lilac to this Compound.

**Note:** Since the time of the inspection DIAC advises that additional telephones and recreation Cabanas have been added to Lilac and that further recreation facilities are planned.

At the time of the inspection the 200 capacity had been exceeded by the creation of a dormitory situation with double bunks in an area that had originally been intended for dining purposes. It is understood that since the inspection this dormitory no longer exists.

Lilac Compound's sleeping and living arrangements for clients is crowded. This crowded environment combined with the limited opportunities for stimulating activity make it unsuitable in its current configuration for individual clients to remain for months at a time.

DIAC officers have advised that the location of Lilac and Aqua Compounds (see Aqua report below) puts further strain on the delivery of case management services given the time taken to physically access these compounds from their base in NWP administration block.

DIAC advise that their plans are to house clients in Lilac Compound who are *Single Adult males – Medium Risk*.

Lilac Compound's physical infrastructure is not of a standard for a client category of *Single Adult males – Medium Risk*. This factor coupled with crowded accommodation, lack of meaningful activity for clients (although DIAC is making considerable effort to increase activity options) and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Lilac Compound in a High Risk category for serious incidents in the months ahead.

### **Finding 13**

Lilac Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 100 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (200 clients), lack of meaningful activity for clients (although DIAC is making considerable effort to increase activity options) and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Lilac Compound in a High Risk category for serious incidents in the months ahead.

### **Aqua Compound**

Aqua Compound was under construction at the time of the author's inspection. It is adjacent to Lilac Compound. It will contain 400 beds in demountable accommodation buildings with support facilities surrounded by a non-secure perimeter. It is understood that the compound will be self sufficient for catering purposes.

The 400 bed capacity is achieved through double bunks in 200 transportable rooms designed for one person on construction sites. Each of these rooms has an en-suite shared by the two occupants. The indications are that this number of clients will provide a similar crowded environment to that of Lilac Compound.

DIAC advise that Aqua compound when completed will have facilities for a medical clinic, cabanas, green heart and other recreational facilities. Clients in Aqua will also have access to NWP on the same basis as Lilac Compound clients.

DIAC officers have advised that the location of Lilac (see Lilac report above) and Aqua Compounds puts further strain on the delivery of case management services given the time taken to physically access these compounds from their base in NWP administration block.

DIAC advise that their plans are to house clients in Aqua Compound who are *Single Adult Males – Medium Risk*.



Aqua Compound's physical infrastructure is not of a standard for a client category of *Single Adult males – Medium Risk*. This factor coupled with crowded accommodation, lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Aqua Compound in a High Risk category for serious incidents in the months ahead.

#### **Finding 14**

Aqua Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. The accommodation was designed to accommodate 200 civilian workers who spend their waking hours at work and not confined to the area of their barracks. This factor coupled with crowded accommodation (400 clients), lack of meaningful activity for clients (although DIAC is making considerable effort to increase activity options) and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Aqua Compound in a High Risk category for serious incidents in the months ahead.

#### **Phosphate Hill Compound**

The Phosphate Hill Compound consists of demountable accommodation buildings and tent accommodation with some limited support facilities. DIAC advise that there are 24 demountable accommodation buildings designed as for use as single rooms providing beds for 48 clients through use of double bunks. There are tents accommodating 120 beds in crowded circumstances. This provides for 168 beds. At the time of the inspection there were 189 single men accommodated there. The 21 beds over the original bed figure has been achieved through further crowding in the accommodation buildings and Tents.

The Compound is enclosed by a single non secure fence. DIAC advise that their plans are to house clients in Phosphate Hill Compound who are *Single Adult Males – Medium Risk*.

The recreation and program opportunities in this compound are totally inadequate for the client group. The sleeping accommodation is crowded.

At the time of the inspection a significant number of men were observed either lying on bunks or sitting around with nothing to do. The general demeanour of clients could be described as "*withdrawn*". Greetings from the author to clients were often not responded to.

Given the racial mix in the compound, the fragile infrastructure, the lack of meaningful activity and the uncertainty in the mind of each client concerning their personal future, the author considers this compound to be a high risk area for DIAC and SERCO.

#### **Finding 15**

Phosphate Hill Compound's physical infrastructure is not of a standard for a client category of *Single Adult Males – Medium Risk*. Some of the accommodation was designed to accommodate 24 civilian workers who spend their waking hours at work and not confined to

the area of their barracks and the remainder is tents. This factor coupled with crowded accommodation (168 -189 clients), lack of meaningful activity for clients and challenges in delivering intensive case management by DIAC and SERCO will potentially result in clients not being compliant with their circumstances. This places Phosphate Hill Compound in a High Risk category for serious incidents in the months ahead.

### **Construction Camp**

At the time of the inspection the Construction Camp consisted of demountable accommodation buildings providing for around 370 beds and support facilities. This compound is used to house families, women and minors. It is enclosed by a non-secure perimeter.

DIAC advice is that they plan to limit capacity to 200 beds achieved through double bunks in the current 100 transportable rooms designed for one person on construction sites. Each of these rooms has an en-suite which will be shared by the two occupants.

At the time of the inspection some support facilities were in the process of being converted for use as bed accommodation. The amenity of the Compound is regularly disrupted due to the dining area and other facilities being utilised to process new arrivals. There are insufficient staff and support facilities to provide meaningful activities and programs for clients to maintain their mental well being over a period of time.

The layout of the demountable buildings creates a confusing and claustrophobic environment.

However, in spite of the facilities credit must go to DIAC and SERCO staff for the considerable effort they are making to engage the women and children in constructive activities. Children attend the local school and have access to a nearby sports oval and courts for recreation each day. The author was advised that a Women's Group has been established. Nevertheless at the time of the inspection there appeared to be significant numbers of clients not engaged in meaningful activity.

DIAC advise that their plans are to house clients in Aqua Compound who are *Families – low Risk and Crew*.

However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy.

### **Finding 16**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy.

### **Recommendation 3**

If Recommendation 2 of this Report is adopted, Lilac, Aqua, Phosphate Hill and Construction Camp Compounds infrastructure and operational requirements should be included in the assessment and advice sought from architectural / building and operational consultants to achieve outcomes that will provide for an environment that reflects DIAC's values;

#### **5.2 An assessment of the risks currently being faced in administering the facilities in a safe, secure and humane manner**

The Key Potential Risks identified by the author as requiring assessment and management are:

- Inadequate and or insufficient detention infrastructure on Christmas Island to allow clients to be placed according to their risk profile;
- Inadequate staffing and or inappropriate staffing models to allow effective delivery of services to clients and to ensure the safety and security of the detention facilities;
- Lack of meaningful and purposeful activities for clients;
- Impact of the policy decision announced by the Australian Government on Friday 9<sup>th</sup> April 2010 concerning the pause in processing of IMA's intercepted post this announcement;
- Inadequate governance of detention services at Christmas Island;

The consequences of the above risks have been canvassed throughout this report. If Recommendation 2 is adopted these risks should be taken into account by the consultants engaged to provide the holistic advice sought in that Recommendation.

### **Recommendation 4**

If Recommendation 2 is adopted, the risks identified in this Report should be taken into account by the consultants engaged to provide the holistic advice sought in Recommendation 2;

#### **5.3 An assessment of the respective case management roles of DIAC and Serco in relation to their contribution to the effective and efficient operation of the various facilities**

#### **Finding 17**

From discussions with relevant senior officers, the respective case management roles of DIAC and SERCO appear to be well defined and developed. As discussed throughout this Report their operational effectiveness has been degraded by infrastructure and staffing issues;

#### **5.4 A review of the security arrangements in place, both physical and dynamic, including intelligence gathering**

To summarise information covered previously in this report:

##### **NWP Christmas Island IDC**

##### **Finding 18**

The physical security designed into the original NWP IDC infrastructure is high quality. The proposed dynamic security model is best practice. However, the effectiveness of the physical and dynamic security, including intelligence gathering, has been degraded by overcrowding, temporary accommodation and staff shortages;

##### **Lilac, Aqua and Phosphate Hill Compounds**

##### **Finding 19**

The security within Lilac, Aqua and Phosphate Hill Compounds is not at the level required for the category of client accommodated or proposed to be accommodated there, that is, *Single Adult males – Medium Risk*;

**Note:** When reviewing the draft of this Report, DIAC asked the following question - *What can be done to improve the security at Lilac, Aqua and Phosphate Hill if it is not at the level required for the category of client?*

**Response:** The current physical security level of the facilities at Lilac, Aqua and Phosphate Hill is appropriate for clients classified as "open security". A classification of "open security" relates to clients who are not an escape risk and have no behavioural issues that could endanger the safety of other clients, staff or members of the public or create a risk to the good order and security of the facility.

However, it must be noted that clients who are placed in open security facilities are normally engaged in meaningful work activity or education or training such that their mental well being is preserved. That is, the soft physical facilities are complemented by an activity, program and staffing regime that ensures clients are constructively engaged such that the likelihood of behaviour issues is minimised.

Even if at the time of my inspection the clients in Lilac, Aqua and Phosphate Hill facilities were classified as "open security", given the limited activities and programs and as the low staff levels precluded a "dynamic security model" and resulted in a "guarding staffing model" being in place, I would have little confidence that good behaviour of these clients could be assured.

Therefore, to answer your question, what can be done to improve the security at Lilac, Aqua and Phosphate Hill if it is not at the level required for the category of client?

##### **For Open Security Clients**

Implement an activity, program and staffing regime to ensure clients are constructively engaged such that the likelihood of behaviour issues is minimised;

**For Medium or High Risk Clients**

To house medium or high risk clients in these facilities would require considerable hardening of the physical infrastructure which in effect would involve scrapping the existing facilities entirely and building a fit for purpose facility. This new facility would need to be complemented by an activity, program and staffing regime that ensures clients are constructively engaged such that the likelihood of behaviour issues is minimised.

**Construction Camp Compound**

**Finding 20**

Construction Camp is a low security environment and the clients accommodated there match this classification. However, a low security environment can become degraded where clients are mostly not engaged in meaningful and stimulating activity for lengthy periods of time and are accommodated in cramped quarters with lack of privacy;

**5.5 Other Issues**

**Emergency Support and Response Protocols**

DIAC and SERCO have been working closely with the Australian Federal Police (AFP) and other emergency support services. [REDACTED]

[REDACTED]. This scenario based exercise appears to have been a valuable learning experience for all involved.

The author sat in on a security briefing [REDACTED] involving DIAC, SERCO and AFP representatives. This was a professionally conducted briefing and relevant emergency support and response protocols are in place. Strong attention is being paid to intelligence gathering and communication and coordination between agencies.

In the time available it has not been possible to make an informed assessment of intelligence gathering within the various detention facilities. However, from observations by the author in the various compounds his initial feeling is that intelligence gathering by SERCO officers may be constrained by their workload due to staff shortages.

**Recommendation 5**

DIAC and SERCO management on site at Christmas Island should review intelligence gathering by both parties to ensure that it is effective. If it is found that it is not effective and cannot be made so within the constraint of existing resources this fact should be immediately drawn to the attention of their respective Head Offices;

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