

Annexure 1 - Response to Transfield Services Questions of Notice no 7

1. What was the process of engagement with the Moss Review?

The process of engagement included lengthy and detailed responses and communication with the Moss Review during October 2014 to December 2014. That process included:

- (a) a detailed written submission to the Moss Review addressing the terms of reference and incorporating information relating to alleged physical and sexual assaults or misconduct;
- (b) a detailed response to numerous questions asked by the Moss Review in respect of specific incidents both inside and outside the scope of the initial terms of reference;
- (c) attendance by a number of our staff, and the staff of Wilson Security, at interviews with Mr Moss, both in Nauru and Australia;
- (d) facilitating an inspection of the RPC by the Moss Review. During that time a number of representatives of the Moss Review interviewed a number of asylum seekers. Asylum seekers were also given the opportunity to address the Moss Review on any complaints or concerns (through meetings or via confidential written complaint forms); and
- (e) responding to numerous other ad hoc questions and requests for assistance and information issued by the Moss Review.

2. What was the process of engagement with the Department?

The process for engagement with the Department included:

- (a) assisting the Department respond to the Moss Review on matters relevant to our provision of services or that of our subcontractors; and
- (b) assisting and fully co-operating with the Moss Review as the Department requested that we do.

3. Can Transfield Services go through the recommendations we have acknowledged should be, and are being, implemented? Where have Transfield Services seen the improvements occurring, and how are we doing that?

We provide below a table that lists the recommendations made or issues raised by Mr Moss that are relevant to Transfield Services taking into account the scope of our role on Nauru.

In respect of each of the recommendations or issues raised, we have outlined the approach taken by Transfield Services in response. Our response to the recommendations has been developed and implemented in close collaboration with the Department, Government of Nauru and other service providers.

We also make the following general observations regarding our response to the Moss Review recommendations.

- a. A number of changes have been made to the facilities and infrastructure of the RPC to improve the personal safety and privacy of the asylum seekers.
- b. A more structured approach has been taken in respect of the meetings and other interactions between the Department, the Government of Nauru, the NPF and Australian Federal Police, and the various service providers by introducing a roster, standing agendas for such meetings, and the distribution of minutes following such meetings. An illustration as to the structured approach of these meetings is discussed in more detail below.
- c. Transfield Services, in collaboration with the Department, has conducted a review of the incidents and allegations raised within the Moss Review to ensure the processes in place in respect of reporting and responding to such incidents and allegations are adequate.

- d. An addendum to the Corporate Communications Policy has been released that further articulates the obligations of our employees with respect to their communications on social media.
- e. The scope of the training, support and supervision provided to all Transfield Services and Wilson Security employees (and in particular to Nauruan staff) has been supplemented and will continue to expand. This is especially the case with respect to Nauruan employees.
- f. Wherever requested to do so, we have worked with and assisted the Department, the Nauruan government and other service providers to ensure implementation of the Moss Review's other recommendations.

[See table on next page]

Recommendations in the Moss Review	Transfield Services Approach or Response
<p>RECOMMENDATION 1: The Department and the Nauruan Government take into account the personal safety and privacy of asylum seekers when making decisions about facilities and infrastructure at the Centre.</p>	<p>While facilities and infrastructure do not fall within the scope of the services provided by Transfield Services, we are collaborating with the Department to identify and implement ways in which facilities and infrastructure can be enhanced to better ensure privacy and personal safety.</p> <p>Improvements to ventilation, screening and lighting</p> <p>Transfield Services are working with the Department in respect of the following improvements to accommodation which will enhance personal safety and privacy:</p> <ol style="list-style-type: none"> 1. increased ventilation via the provision of central duct air conditioning, fans (ceiling fans for families and wall fans above the door for single adult males and single adult females) and insulation; 2. added screening (including floor to ceiling partitions) for families of 3 or more persons such that their accommodation is transformed into studio living; 3. added screening for single adult males and females such that marquee accommodation is transformed into 2 person rooms with floor to ceiling partitions; 4. additional lighting in walkways, open areas, toilets, ablution areas and laundries; and 5. additional lighting in accommodation areas. <p>Transfield Services has also installed privacy walls in response to specific privacy concerns where those have been raised from time to time by individual asylum seekers.</p> <p>Increased living space</p> <p>With the gradual decrease in asylum seeker numbers at the RPC and in the accommodation, there has been a reduction in the number of asylum seekers per tent, resulting in overall general increase in personal living space and privacy.</p> <p>Increase in rostered female staff</p> <p>The use of female employees in RPC3 has increased since completion of the Moss Review including security guard, cultural advisors and cultural shop fronts. This has resulted in increased consultation with female asylum seekers and programs and activities.</p>

	<p>Continuous review and improvement of existing practices and procedures</p> <p>Transfield Services identifies privacy and security concerns at the RPC in the following ways:</p> <ol style="list-style-type: none"> 1. individual risk ratings of asylum seekers; 2. collection and analysis of complaints; 3. intelligence gathering and analysis; 4. attendance in the placement review committees; 5. provision of intelligence reports; 6. review of marquee capacity; 7. asylum seeker consultative committees; and 8. interaction with asylum seekers by cultural liaison officers. <p>Information regarding privacy and security concerns that is obtained through these mechanisms is communicated to the Department and the Government of Nauru and informs our review of our own existing practices and procedures.</p>
<p>RECOMMENDATION 2: Contract service providers review their guidelines relating to sexual harassment and sexual relationships to ensure that staff members understand what behaviour is acceptable in the context of a Centre with a diversity of cultures.</p>	<p>Since the release of the Moss Review, Transfield Services has reviewed its corporate policies and practices, both independently collaboratively with the Department, to ensure that staff members understand what behaviour is acceptable in the context of an environment with a diversity of cultures.</p> <p>Having done so, we are confident that our existing policies and guidelines appropriately inform staff about expected behaviours. In this regard, as we detailed in our submission, Transfield Services has in place robust Codes of Conduct, House Rules and other policies and procedures that clearly communicate to staff our expectations in respect of improper conduct. Transfield Services and its staff and contractors are also required to comply with RPC Guidelines approved by the Department.</p>
<p>RECOMMENDATION 4: Nauruan Government officials and the Department review and enhance the existing policy framework for identifying, reporting, responding to, mitigating, and preventing incidents of sexual and other physical assault at the Centre. All staff members working at the Centre</p>	<p>The Moss Review raises concerns in respect of the management of a number of incidents that have occurred at the RPC. We have engaged in a detailed review of these incidents with the Department with a view to ensuring the procedures in place are adequate.</p> <p>As a consequence of this process, the Department has recently ensured greater clarity regarding the role of service providers in investigations by directing that:</p>

<p>(Nauruan, Departmental and contract service provider) must understand the framework and their responsibilities under it.</p>	<ol style="list-style-type: none"> 1. Transfield Services will not undertake any investigative process in relation to incidents involving minors. Incidents involving minors are to be referred, by Save the Children, to the NPF for investigation; 2. Transfield Services is to continue its current practice of cooperating with and supporting the NPF during the investigation process; and 3. where Transfield Services is considered the relevant service provider associated with the incident and/or the incident involves Transfield Services employees, we are required to make all reasonable inquiries and take all reasonable steps in relation to the incident in accordance with Transfield Services' internal processes and contractual requirements. <p>Transfield Services is engaged in an ongoing review of the Incident Reporting Guidelines with the Department with respect to amendments suggested by us that we believe would enhance the existing investigation framework.</p>
<p>RECOMMENDATION 6: The Department and the contract service providers continue to work with the Nauruan Government to ensure that a robust child protection framework is developed.</p>	<p>Following the Moss Review, the Department has instructed us that Save the Children is in the process of updating the Child Safeguarding Protocol and Code of Conduct.</p> <p>Additionally, we note that the Australian Attorney General's Department is working with the Government of Nauru developing a country wide framework.</p> <p>At this stage, Transfield Services is not participating directly in these updates though is willing to participate and collaborate with the Department, the Attorney General's Department or the Government of Nauru.</p> <p>In respect of the existing <i>"RPC Guideline – Child Safeguarding Protocol"</i>, Transfield Services is working with all relevant stakeholders to ensure it is implemented effectively. In this respect, we note:</p> <ol style="list-style-type: none"> 1. Transfield Services currently provides training in relation to this protocol to our staff during inductions, and Wilson Security and Save the Children also provide training in respect of working with children. Extracts of Transfield Services induction modules and that of Save the Children include those attached. 2. We continue to monitor and engage with the Department in respect of changes to the protocol.

	<ol style="list-style-type: none"> 3. Transfield Services has engaged a Senior Child Welfare Advisor to provide organisational advice on best practice in relation to working with children and young people. 4. Transfield Services participated in the recent Department Child Protection Workshop held in Nauru between 4 and 6 May 2015. 5. With our new Senior Child Welfare Advisor, we have developed targeted training modules in relation to the identification and elimination of child abuse (including training on appropriate professional boundaries) and on child welfare and safety. Training for our staff and Wilson Security staff will commence in both Australia and Nauru from June 2015 and will occur by way of two full days training that is compulsory for all current staff. Induction (for new employees) and refresher training on these topics will also form part of our training schedule going forward. The new child safety and welfare training will be supported by packs of training material and other resources that are to be provided to attendees at training sessions in hard copy and which will also be available on line. 6. We are (with other service providers) meeting to discuss the need to allocate areas of the Centre to provide enhanced play space and other amenities for children and parents. The need to ensure child safety and appropriate supervision at any such allocated spaces is a key consideration being discussed at these meetings.
<p>RECOMMENDATION 7: All contract service providers review their existing policies in relation to social media to ensure that their staff members have a clear understanding of their obligations concerning its use.</p>	<p>Transfield Services has recently reviewed its Corporate Communications Policy. In this respect we note:</p> <ol style="list-style-type: none"> 1. throughout the period November 2014 to February 2015, Transfield Services undertook a review of our social media policy to strengthen the existing confidentiality obligations on Transfield Services and employees working on the Department contract, and to protect the safety of our employees and the asylum seekers; 2. in February 2015, the Social Media Policy Addendum for all staff at Nauru (and Manus Island) was released; 3. following the Moss Review, in or about 27 March 2015, the Department requested that Transfield Services review its Corporate Communications Policy; 4. that review was completed by about 7 April 2015 and copies of the relevant policy provided to the Department on or about 20 April 2015; and 5. it was acknowledged that there is consistent practice in this respect between the Department and Transfield Services.

	<p>Following the introduction of the Social Media Policy Addendum, a number of measures have been undertaken to ensure all members of staff have a clear understanding of their obligations concerning its use, and the application of the Corporate Communications Policy more generally. We note:</p> <ol style="list-style-type: none"> 1. the key points in the Policy Addendum were discussed with managers prior to its distribution in February 2015; 2. when the Social Media Policy Addendum was introduced in in February 2015, staff were required to read it and confirm their understanding by signing confirmation sheets; 3. the document was developed into structured training delivered to managers in March 2015 complementing earlier structured training from March 2014 about the global Social Media Policy; 4. staff now receive the Policy Addendum and sign off on receipt and understanding during induction; 5. induction training covers the confidentiality obligations under the Department contract; and 6. a focus group with welfare staff has been run to take and address questions about the Policy Addendum. <p>There are also a series of measures that are being finalised and are to be rolled out in the near future to ensure compliance, including:</p> <ol style="list-style-type: none"> 1. detailed face-to-face training on the Transfield Services Code of Business Conduct, including social media as a topic, is scheduled to occur on Nauru in June 2015; 2. online training modules on the Social Media Policy are due to be introduced to Nauru staff in July 2015; and 3. Transfield Services is currently working with Wilson Security on running the Transfield Services online training modules for Wilson Security staff in the Wilson learning management system.
<p>RECOMMENDATION 8: The Department review contract provisions and other guidelines to ensure that the obligation on contract service providers to report any data loss is explicit</p>	<p>The Department has sought and obtained confirmation from Transfield Services that we are aware of our obligations pursuant to contractual provisions requiring us to report any incident of data loss.</p>
<p>RECOMMENDATION 10: The Department ensure that Nauruan</p>	<p>To ensure that full participation is encouraged in meetings between stakeholders at the Centre, and so that those meetings are as effective as possible, all stakeholders have now been provided with a meeting</p>

<p>operation and management of the Centre is enhanced through a more joined-up approach between the Nauruan operations managers and the contract service providers.</p> <p>RECOMMENDATION 18: The Department work with Nauruan authorities and contract service providers to develop new strategies and training programs to build the capacity of the contract service providers' Nauruan workforces.</p>	<p>timetable that clearly articulates the time and location of all of the relevant meetings for all invitees. Additionally, all stakeholders have also been briefed with standard agendas for such meetings, information with respect of the role of the chair and the recording and distribution of minutes.</p> <p>Supervision and training of Transfield Services and Wilson Security Staff</p> <p>In the discussion in respect of recommendation 10, the Moss Review notes that <i>“the supervision and training provided to the Transfield Services and Wilson Security staff members, particularly locally engaged Nauruans, needs to be enhanced”</i>. Additionally, the discussion around Recommendation 18 notes that <i>“the capability of Nauruan staff members needs to be enhanced through training and personal development”</i>.</p> <p>Transfield Services takes these comments very seriously. We have invested considerable time and effort in ensuring that training programs in place within the RPC in respect of all employees are of the highest quality and demonstrate our commitment to ensuring the competency and continuous improvement of our and our subcontractor's staff. However, we are committed to continuous improvement and we are building on the existing programs so as to ensure the training and support offered to our staff is enhanced in response to the concerns raised by the Moss Review. Specifically, in combination with the Department we have revisited the relevant training programs and materials and made a number of enhancements in direct response to those concerns. We note the following:</p> <ol style="list-style-type: none"> A new traineeship for a Nauruan local in a specialist behaviour management role was introduced in October 2014. Four Australian based Nauruans have recently completed a general traineeship and have all successfully obtained a Certificate III in Security Operations. All four are now employed at the RPC. Four Nauruan locals have successfully completed a traineeship in training and have obtained their Certificate IV in Training and Education. This training allows them to deliver mandatory training to Nauruan staff. A traineeship for local Security Operations Manager (Command 2) has been approved by Wilson Security management and will shortly be advertised. This is a senior management position on island. Tranfield Services is in the process of developing a peer support network of dedicated officers to assist local employees who seek support and assistance independently for their respective employers. It is intended that participants have a background, or history that is characterised by
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	<p>elements of functional relationships that encourage exploration, empowerment and positive change.</p> <ul style="list-style-type: none"> f. Planning is underway for the commencement of Certificate II in Security Operations Training for all local staff. g. Transfield Services began cooking classes for local staff in or about April 2015. h. In order to supplement the induction provided, we have recently requested that Wilson Security provide additional Child Safeguarding Protocols and Code of Conduct training to all Transfield Services local staff. We note that in respect of the Child Safeguarding Protocol training: <ul style="list-style-type: none"> i. the program was developed by Save the Children; and ii. the Wilson Security employees who provide the training are Certificate IV trained in “Training and Assessment” and were instructed as to how to provide the Child Safeguarding Protocol training, by Save the Children. i. Transfield Services are in discussion with the Wilson Security trainers with respect to rolling out the Child Protection Protocol training more broadly.
<p>RECOMMENDATION 11: Greater cooperation between the contract service providers be encouraged, including through the Department:</p> <p>ensuring that contract service provider staff members have a clear understanding of each other's roles and responsibilities;</p> <p>reviewing the range of meetings at the Centre to ensure that information is shared effectively; and</p> <p>taking a more proactive role to ensure that contract service providers are working cooperatively together and are responsive to each other</p>	<p>Roles and responsibilities of the various service providers</p> <p>As was stated in response to Recommendation 4, Transfield Services considers that we do have an appropriate understanding of the framework under which we operate at the RPC and the responsibilities each of the various service providers hold. However, as already noted steps have been taken to enhance participation and effectiveness at the regular meetings that take place between the Department, the service providers and Nauruan Operations Managers.</p> <p>In order to facilitate continuous improvement in this space, we engage regularly with the Department and other service providers with respect to facilitation of effective collaboration. For instance:</p> <ul style="list-style-type: none"> 1. Transfield Services actively participated in a recent review of all on site meetings lead by the Department in Nauru in response to this recommendation (See further information in respect of Recommendation 10 and 18 above); and 2. following discussion with the Department, Transfield Services has confirmed its commitment and participation in a National Joint Committee Meeting between stakeholders.

<p>RECOMMENDATION 12: The Department ensure that the relationship between Transfield Services/Wilson Security and the Nauruan Police Force becomes more structured and is based on cooperative and consistent interaction.</p>	<p>In order to ensure a “joined up approach” is adopted between Transfield, Wilson and the NPF, Transfield Services and Wilson Security have a number of interfaces with the Police that include both Formal and informal meetings. The formal meetings with the police include:</p> <ul style="list-style-type: none"> • the Joint Intelligence Meeting; • Selected ECO Training (depending on the scenario); • ECO Activities; and • Joint Working Group Meetings (Chaired by the Nauruan Government). <p>Following the release of the Moss Review, Transfield Services as well as the Department and other stakeholders have increased the frequency of meetings with the NPF, and greater structure has been introduced to these meetings through the development of standing agendas and the distribution of minutes (see response to Recommendation 10 and 18, above).</p> <p>Additionally, Transfield Services has also been facilitating additional ‘walk throughs’ of each RPC by the NPF to address concerns expressed by the Moss Review that there needed to be greater visibility of the NPF at the Centre.</p>
<p>RECOMMENDATION 15: The Department ensure that there is a more joined-up approach between the Wilson Security intelligence unit and the Nauruan Police Force</p>	<p>As is described above in response to Recommendations 10 and 18, the meetings between all stakeholders have become more structured. In this regard, we note that the enhancements discussed elsewhere also apply to the fortnightly meetings of the Joint Security Committee which is attended by representatives of the Department, Wilson Security, Transfield Services, the Government of Nauru, the Nauruan Local Authorities.</p>
<p>RECOMMENDATION 17: The Department and contract service providers review and enhance existing efforts to ensure that Nauruan staff members are treated with respect and that there is courteous regard shown for the Republic of Nauru. This requirement could be enhanced through:</p> <ul style="list-style-type: none"> a. the induction programs for all non-Nauruan contract service provider staff members about 	<p>The specific suggestions made by the Moss Review already form part of Transfield Services’ standard procedures and training. However, we welcome the opportunity to improve this aspect of our work and we are working with the local community to identify ways in which we can enhance the existing procedures and training.</p>

<p>Nauruan culture and Nauruan society be delivered by Nauruans;</p> <p>b. establishment of a framework to deliver positive messaging about Nauru;</p> <p>c. the Department taking the lead with its contract service providers to assist Nauruan authorities to continue to find ways to introduce asylum seekers and Nauruans to each other's cultures and traditions</p>	
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