



**Australian Government**

**Department of Immigration  
and Border Protection**

# Submission

Senate Inquiry into the Conditions and Treatment of  
Asylum Seekers and Refugees at the Regional  
Processing Centres in the Republic of Nauru and  
Papua New Guinea

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## Introduction

The Department of Immigration and Border Protection (the Department) welcomes the opportunity to make a submission to the *Senate Inquiry into the Conditions and Treatment of Asylum Seekers and Refugees at the Regional Processing Centres in the Republic of Nauru and Papua New Guinea*.

Regional processing under the current legislative framework (from August 2012) has had a significant impact on the flow of illegal maritime arrivals to Australia. It has been instrumental in stopping unnecessary deaths at sea and provides persons in need of international protection with durable settlement solutions.

Australia's strong border security policy is underpinned by regional processing in Nauru and Papua New Guinea (PNG) and a position that illegal maritime arrivals will not be settled in Australia. The Department maintains its ongoing support to the Governments of Nauru (GoN) and PNG (GoPNG) to:

- implement agreed regional processing arrangements
- provide appropriate arrangements for transferees during the assessment of their protection claims, including funding specialist service providers to care for transferees
- identify suitable and durable settlement arrangements for persons found to be in need of international protection
- support Nauru and PNG to provide settlement services to refugees settling, whether permanently or temporarily, in those countries, and
- support the voluntary return or removal of persons found not to be in need of international protection.

This submission focuses on changes and improvements to regional processing arrangements in Nauru since June 2015 and in Manus, PNG since May 2014, noting that the Department provided submissions and input to public hearings in earlier parliamentary committees about regional processing arrangements on or around those times. This submission will therefore build on information presented to those Committees, rather than repeating information already in the public arena.

## Part 1: Oversight and accountability

### Select Committee Nauru 2015

On 26 March 2015, a Select Committee was established and commenced the *Inquiry into the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru* (the Nauru Inquiry). The Department submitted a comprehensive submission to the Nauru Inquiry and provided the Select Committee with its full cooperation; attending public hearings and providing additional information on request.

The Select Committee released three reports within the Inquiry period; an interim report on 12 June 2015, a further interim report on 31 July 2015, and its final report, *Taking Responsibility: Conditions and Circumstances at Australia's Regional Processing Centre in Nauru*, on 31 August 2015.

The Committee's final report made 15 recommendations, comprising 23 action items. The Committee's Coalition Senators issued a dissenting report advising that they did not support 12 of the 15 recommendations, noting that many of the recommendations had already been raised and investigated in the Moss Review.

A number of the Committee's recommendations (six action items) assume Australia has effective control over the Regional Processing Centre (RPC) in Nauru and other facets of regional processing arrangements. This is not accurate. The Republic of Nauru is a sovereign nation and Australia does not exert control over Nauru's functions, its law, its judicial system or law enforcement.

The Report also assumes that no progress had been made in relation to refugee determination, open centre, and a range of other issues, including many referenced in the Moss Review. The GoN has made significant progress on refugee status determination processing; completing primary determinations for more than 75 per cent of the persons transferred to Nauru, and has instituted full open centre arrangements. The GoN commenced open centre arrangements on 25 February 2015 and progressively expanded arrangements to full open centre on 5 October 2015. The GoN is responsible for the placement and management of transferees and refugees who have been transferred or settled under the Memorandum of Understanding (MoU). Australia has supported the GoN to implement these arrangements by funding accommodation and support services for all transferees and refugees, including welfare, financial and health services. Australia continues to support the GoN to build its capacity to deal with law enforcement and legal matters.

Australia welcomes independent scrutiny of regional processing matters, noting that access to the Centre is a matter for the GoN. The GoN permits regular access to scrutiny bodies such as Commonwealth Ombudsman, United Nations High Commissioner for Refugee (UNHCR), International Committee of the Red Cross (ICRC), Australian National Audit Office (ANAO), and the International Organization for Migration (IOM) and Comcare.

The Department prepared a Government Response to the Recommendations made by the Committee, which was tabled out of parliamentary sitting periods, and formally tabled in the Senate on 2 February 2016.

## Moss Review 2015

The Moss Review reviewed allegations relating to conditions and circumstances at the Nauru RPC between July 2013 and October 2014.

The Moss Review Report was presented to the Secretary of the Department on 9 February 2015, and contained 19 recommendations comprising 38 action items, which were agreed to by the Department. At 15 March 2016, 16 of the 19 recommendations and 35 of the 38 action items have been implemented.

With regards to the implemented recommendations, significant work has been undertaken including:

- supporting the GoN to develop a child protection framework focusing on child safeguarding and prevention
- privacy screens installed in family accommodation to ensure privacy
- new settlement accommodation for refugees and retro-fitting of air-conditioning in most settlement accommodation
- supporting the GoN to progress refugee status determinations through mentoring and training
- increased fencing and lighting to improve personal safety, and
- introduction of a 'drop-in' centre staffed by Service Providers for transferees to raise issues as required.

While 16 recommendations have been closed, the Department maintains a programme of continuous improvement to support the GoN implement regional processing arrangements.

The Moss Review also referred 43 allegations raised by individuals during interviews or identified throughout the review to the Department for investigation in late 2014. These allegations were also referred to the Child Protection Panel for review.

The Department has commenced planning and preparations to acquit the recommendations and allegations made in the Moss Review. Departmental staff will visit Nauru to undertake a physical inspection of the RPC and report progress against all recommendations that have been finalised.

## Child Protection Panel

The Department supports the GoN in its role in protecting children in RPCs from abuse, neglect or exploitation. Consistent with this commitment, in May 2015, on the Minister's direction the Secretary established a Child Protection Panel to provide independent advice on child protection in immigration detention and in relation to RPCs. A particular focus of the Panel's work is to assess the adequacy of Departmental and service provider policy and practice around the management of incidents of abuse, neglect or exploitation involving children.

As part of its work, the Panel is reviewing incidents which occurred in immigration detention in Australia and at RPCs during the period 1 January 2008 through to 30 June 2015 to assess whether they were handled appropriately and in accordance with incident management and reporting protocols. Reviews focus on how the Department and its service providers have responded to incidents.

The Panel is scheduled to submit its report to the Secretary this financial year.

## Legal challenges to regional processing arrangements

The Government remains committed to regional processing and settlement arrangements, which are a critical element of its Operation Sovereign Borders policy. Processing of protection claims and settlement of refugees in countries other than Australia sends a clear message that people smugglers cannot offer a path to permanent settlement in Australia.

A number of transitory persons brought to Australia for temporary purposes have sought to prevent their return to regional processing countries through legal challenges to Australia's role in regional processing arrangements. The lead High Court of Australia matters are *Plaintiff M68/2015 v Minister for Immigration and Border Protection & Ors* ('M68') and *Plaintiff M80/2015 v Minister for Immigration and Border Protection & Ors* ('M80').

### M68 overview and outcome summary

M68 was filed in the High Court of Australia on 14 May 2015, by an individual who was transferred to Nauru from Christmas Island in January 2014. In August 2014, Plaintiff M68 was brought to Australia.

On 3 February 2016, the Court by majority (6-1) ruled in favour of the Commonwealth, confirming the legal basis for Australia's role in regional processing arrangements with Nauru. The Court held that the *Migration Act 1958* confers authority on the Commonwealth to give effect to the *Memorandum of Understanding between the Republic of Nauru and the Commonwealth of Australia, Relating to the Transfer To and Assessment of Persons in Nauru, and Related Issues*. The Court further held the conduct by the Commonwealth in relation to the plaintiff's previous detention in Nauru was validly authorised.

On 15 February 2016, Plaintiff M68, her husband and child filed new proceedings in the High Court (*Plaintiff M23/2016 v MIBP*), seeking orders to prevent their return to Nauru on the basis of new grounds not previously raised.

Minister Dutton has confirmed the Government's intention that transitory persons currently in Australia for a temporary purpose receiving medical treatment will be returned to Nauru and Manus at the conclusion of their medical treatment. Returns will be managed on a case by case basis and handled in a compassionate manner.

### Brief precis of M80 and status update

*Plaintiff M80 v MIBP & Ors* was filed in the High Court of Australia on 28 May 2015, by an individual who was transferred to PNG from Darwin in September 2013. In August 2014, Plaintiff M80 was brought to Australia temporarily for medical treatment.

Plaintiff M80 raises similar issues to those raised in the M68 matter, but in relation to regional processing arrangements with PNG. As at 15 March 2016, M80 had not been listed for final hearing before the High Court.

## Scrutiny and Governance arrangements

Significant scrutiny has been and continues to be afforded to regional processing arrangements through recent senate and select inquiries and through independent investigations and reviews, and regular independent scrutiny visits to regional processing countries by organisation such as the Commonwealth Ombudsman, ICRC, UNHCR, ANAO and Comcare.

In May 2014, the Secretary received an independent report by Robert Cornall AO, *Review into the Events of 16-18 February 2014 at the Manus Regional Processing Centre* and provided the report and other submissions to the Senate Inquiry into the *Incident at the Manus Island Detention Centre during 16 February to 18 February 2014*. In June 2014, senior departmental officers participated in public hearings at the Senate Inquiry.

In March and June 2015, the Department prepared submissions to the *Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru*, as well as the provision of evidence by senior departmental staff at three public hearings.

With the consent and cooperation of the Governments of PNG and Nauru, a number of external scrutiny agencies visit the RPCs and provide the Department and the two governments with independent advice on:

- mental health and broader health issues across the detention network and at the RPCs
- detention infrastructure
- detention operations
- case management
- child protection, and
- family separation and unity.

These agencies include the ICRC, Commonwealth Ombudsman, UNHCR, United Nations High Commissioner for Human Rights, IOM, ANAO and Comcare.

These independent scrutiny agencies play an active role in monitoring the RPCs through regular visits. Independent subject matter experts also make regular visits to Nauru and PNG in their advisory capacity to provide advice to the Governments of Nauru, PNG and Australia.

Recommendations for improvement arising from these visits are made to the Governments of Nauru and PNG and the Department. The Department works collaboratively with the PNG and Nauru Governments, its service providers and these external agencies to implement the recommendations of these visits, assessments and reviews as required, and within the context of Government policy.

### ANAO

The ANAO conducts regular independent audits of the Department's performance. This year the ANAO is completing an audit of contracting and procurement in the RPCs, which includes contacts relating to the provision of garrison and welfare services. The audit is currently underway and is expected to be reported to Parliament in June 2016.



## Comcare

Comcare has functions and responsibilities under the *Safety Rehabilitation and Compensation Act 1988*, the *Work Health and Safety Act 2011* and the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*, as insurer, regulator and scheme manager.

Comcare conducted liaison inspections of the Nauru RPC in October 2014 and November 2015, and the Manus RPC in September 2014 and October 2015.

The Department has in place its own work health and safety systems to cover its involvement in RPCs; service providers' work health and safety systems are consistent with a suite of detention operational procedures. During its 2014 and 2015 inspections, Comcare found no evidence of DIBP non-compliance with the *Work Health and Safety Act 2011*, section 19 – Primary Duty of Care. Comcare has also observed positive interactions between departmental staff and stakeholder employees and transferees at the Nauru RPC. It commented that there appears to be a “transferee centric” culture and a strong safety culture at the Nauru RPC.

## Comcare reporting requirements

The Department has statutory reporting obligations under the *Work Health and Safety Act 2011* in relation to matters involving persons engaged in the Department's operations. The Department must notify Comcare that the incident has occurred immediately after becoming aware of a notifiable incident (death of a person, a serious injury or illness of a person or a dangerous incident). Whether a notifiable incident ‘arises out of’ the department's operations will depend on the relevant immediate factual circumstances including the identity of the victim of the incident.

The following table shows the number of visits to the Nauru and PNG RPCs during 2015 by scrutiny agencies:

**Table 1: Visits to RPCs by independent scrutiny organisations during 2015**

	Cth Omb	ICRC	UNHCR / UNHCHR	ANAO	Comcare	IOM
Nauru	2	2	1	1	1	1
Manus	2	3	3	1	1	1

## Joint Advisory Committees (JAC)

Under the respective MoUs, the Department and the Governments of Nauru and PNG have established separate JACs to guide the implementation of regional processing and settlement arrangements. JACs provide advice and guidance to support continuous improvement of conditions in the Nauru and Manus RPCs.

### Nauru JAC

The Nauru JAC comprises Australian and Nauruan Government officials, independent subject matter experts, members and observers, including the UNHCR and the Commonwealth Ombudsman.

The Nauru JAC has convened 14 times since inception in December 2012 and is scheduled to meet every 10-11 weeks in 2016. The JAC has four subcommittees:

- Physical and Mental Health
- Legal

- Safety and Security, and
- Children and Community Services.

The subcommittees hold up to four meetings throughout the year, and undertake up to two site visits.

The Nauru JAC, including subcommittees, made seven visits to Nauru during 2015.

### PNG JAC

The JAC is co-chaired by representatives of the PNG Government and the Department. At the mutual agreement of PNG and Australia, two independent experts observe and advise the JAC. The PNG JAC has met seven times since August 2013.

The PNG JAC made two visits to Manus RPC during 2015.

## Australia's international legal obligations

Australia is relevantly a party to the 1951 *Convention relating to the Status of Refugees* and its 1967 Protocol (Refugees Convention), the *International Covenant on Civil and Political Rights* (ICCPR) and its Second Optional Protocol, and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). Under those treaties, Australia has certain obligations to all persons within its jurisdiction. One of the obligations engaged is non-refoulement, being the requirement not to send a person to a country where the person would be at risk of persecution or other significant harm.

Under the Government's legal framework surrounding regional processing, illegal maritime arrivals arriving in Australia by boat after 19 July 2013 will be sent to a regional processing country for assessment, by that country, of whether or not the person engages protection obligations and if so, will be settled in the regional processing country or a third settlement country.

Australia complies with its non-refoulement obligations by conducting pre-transfer assessments in relation to all persons liable for transfer to a regional processing country. This assessment is used to consider whether appropriate support and services are available in the regional processing country and to confirm that there are no barriers to the transfer occurring. Where barriers to transfer exist, the assessment may recommend that the person be reconsidered for transfer at a later date, transferred to an alternative regional processing country, or referred to the Minister for exemption in accordance with the 'public interest' Ministerial power in section 198AE of the *Migration Act 1958*.

Once a person is transferred to a regional processing country, the assessment of whether or not protection obligations are engaged by the regional processing country is a matter for the Government of that country, having regard to their international legal obligations. Australia's international obligations apply only to those who are subject to its jurisdiction. The Australian Government has assisted and continues to provide support to regional processing countries in the development and implementation of robust protection determination processes and settlement services for those determined to be refugees or who are otherwise in need of international protection.

## Regional processing country international legal obligations

The Governments of Nauru and PNG are party to a number of international treaties and conventions, including the Refugees Convention.

Additionally, under the 2013 *Memorandum of Understanding between the Republic of Nauru and the Commonwealth of Australia, relating to the transfer to and assessment of persons in Nauru, and related issues* (Nauru MoU) and the 2013 *Memorandum of Understanding between the Government of the Independent State of Papua New Guinea and the Government of Australia, relating to the Transfer to, and Assessment and Settlement in, Papua New Guinea of Certain Persons, and Related Issues* (PNG MoU), the GoN and the GoPNG have made a commitment under clause 17 of each MOU, to treat transferees with dignity and respect and in accordance with relevant human rights standards.

The Nauru and PNG Governments have also made commitments under clause 18 of the Nauru MoU and clause 20 of the PNG MoU concerning non-refoulement, that derive from the Refugees Convention, the ICCPR, its Second Optional Protocol, and the CAT.

To assist the Governments of Nauru and PNG in the implementation of the respective MoUs, including complying with their commitments under clause 18 of the Nauru MoU and clause 20 of the PNG MoU, the Department has provided support to Nauru and PNG to build their respective capacities and capabilities to assess transferees' protection claims by building robust protection determination processes. This assistance has included the provision of ongoing training and mentoring of Nauruan and PNG protection officers and support staff as well as support in developing processing guidelines, application forms and other material to support the PNG and Nauruan protection determination processes.

The security, good order and management of the RPCs, including the care and welfare of persons residing in the centres, remain the responsibility of the respective regional processing countries although Australia supports each country in relation to such matters through the provision of services by contracted service providers.

## Part 2: Procurement

### Execution of current contract

#### Garrison and welfare

In 2013, the Department undertook to explore the consolidation of services at RPCs to improve consistency, security and efficiency and extend remaining contracts through to 31 October 2015. As part of the consolidation of services, the Department undertook a limited tender approach to Broadspectrum (BRS) to provide garrison and welfare services at the Nauru and Manus RPCs.

This limited tender was approved pursuant to section 10.3(b) of Division 2 of the Commonwealth Procurement Rules (CPRs): *“where, for reasons of extreme urgency brought about by events unforeseen by the agency, the goods and services could not be obtained in time under open tender or prequalified tender”*.

The contract commenced on 24 March 2014 and resulted in an estimated cost saving of \$93.2m and a number of service enhancements.

#### Health

On 14 September 2012, the Department and IHMS entered into a Heads of Agreement for the provision of interim health services to transferees on Nauru and Manus, until a contract for ongoing services could be negotiated. Limited tender approval was provided for the Heads of Agreement under provision 10.3(b) of Division 2 of the (CPRs).

Limited tender approval was provided on the above same grounds to commence negotiations for the contract for ongoing services. On 29 January 2013, the Department and IHMS entered into the contract for the ongoing provision of health services to transferees on Nauru and Manus RPC (the RPC Health Services Contract). The RPC Health Services Contract replaced the Heads of Agreement on 14 September 2012.

On 21 July 2014, the Department and IHMS entered into the Heads of Agreement for the Provision of Settlement Health Services on Nauru (the HoA). This contract provides health services for people found to be refugees on Nauru. On 6 February 2015, the Department and IHMS agreed to a Letter of Amendment to the HoA for the Provision of Settlement Health Services on PNG (the LoA). The LoA applied the terms of the HoA to people found to be refugees in PNG.

On 30 January 2015, the Department released a Request for Tender (RFT) for the provision of services in regional processing countries, including health services to transferees and refugees. On 30 October 2015, the RPC Health Services Contract was extended to 29 February 2016 to provide time for the completion of the RFT procurement process. The Department exercised a further option to extend the RPC Health Services Contract to 30 June 2016 to provide additional time for the completion of the RTF procurement process.

### Contract management and performance

Performance under the Garrison and Welfare Services Contract and the Health Services Contract is managed through the monthly application of performance measures against BRS and IHMS performance in key service delivery areas. The Department, including departmental staff on Manus and Nauru, scrutinises BRS's and IHMS's performance against the risk rating for each

performance measure. BRS and IHMS are liable for financial abatements where performance failure has occurred.

## Compliance with Australian standards

### Garrison and welfare

BRS is required to comply with Australian standards and Australian laws and the services provided are to be the best available in the circumstances which utilise facilities and, where possible, personnel from the Republic of Nauru. Contract and performance management of the BRS contract assessment compliance against these standards.

### Health

The RPC Health Services Contract provides health care to transferees on Nauru and Manus to a level, standard and timeliness broadly consistent with the health care available to the Australian community. This standard takes into account the diverse and potentially complex health needs of transferees.

In 2015, the Department expanded the services available to transferees on Nauru to include regular obstetric and neonatal services and radiography services. This is in addition to the regular visits of medical specialists and tele.-medicine services.

Health care provided to refugees on Nauru and Manus under the HoA and LoA is to a standard that is broadly commensurate with Nauruan and PNG standards. Refugees on Nauru are also provided access to the radiography services, and benefit from the capacity building of obstetric and neonatal services through the Republic of Nauru Hospital, as well as access to visiting specialists.

## Current garrison, welfare and health procurements

On 30 January 2015 the Department issued an open tender (RFT 28/14) for the provision of services in regional processing countries. This followed an industry consultation process which took place in late 2014. The request for tender sought responses in relation to two service categories: health services, and garrison and welfare services.

Following evaluation of the responses received, BRS (formerly Transfield) was advised on 28 August 2015 that it was the preferred tenderer for the provision of garrison and welfare services in Nauru and Manus, PNG.

Since the announcement of the preferred tenderer, there have been a number of developments in the operating environment, including but not limited to, the implementation of accelerated refugee status determinations in Nauru, as well as infrastructure changes to the sites. As a result of these developments, the Department, as advised by external probity and commercial and financial advisers, could not conclude that BRS's offer represented best value for money for the Department. As a result two tenderers have been invited to participate in an amended request for tender process. The amended request for tender process is expected to be completed by August 2016. The Department is undertaking the necessary contract extensions to ensure a continuity of garrison and welfare services in regional processing countries.

The procurement process in relation to health services is not yet complete. The current contract for provision of health services at RPCs is due to expire on 30 June 2016. The current agreement for provision of health services for refugees is due to expire on 31 March 2016. The procurement process was designed to provide services to both transferees and refugees under the one contract. Further extensions to the current contracts will be necessary whilst the procurement process continues.

## Part 3: Regional processing arrangements

### Role of regional processing countries

The Governments of Nauru and PNG are responsible for the implementation and administration of regional processing arrangements in their respective countries. The Australian Government, through the Department, supports regional processing countries to administer these arrangements by funding services contracts and delivering capacity building support.

Regional processing operations in Nauru are governed by domestic legislation including the *Asylum Seekers (Regional Processing Centre) Act 2012*, the *Immigration Act 2014*, and associated *Immigration Regulations 2014*, and the *Refugees Convention Act 2012*.

In PNG, regional processing operations are governed by the *PNG Migration Act 1978*.

### Service provision

In support of the Governments of Nauru and PNG, the Department funds a number of specialist service providers to provide services to transferees in the centre and refugees living in the Nauru and PNG communities.

### Garrison and welfare

BRS is the lead contractor for all garrison and welfare services in Nauru and PNG, including security, facilities management and logistics in the settlement environments.

### Qualifications and training

#### Security

All service personnel must complete the RPC security induction training which comprises the following six modules:

- Security A - (Security in an RPC, Situational Awareness, Searching/Screening, Crime Scene Preservation and Radio Communications)
- Security B - (First Response Officer, Key Control, Fire Awareness, Operational Safety and Intelligence Overview)
- Communication - (Professional Boundaries, Logbooks Registers & Notebooks, Report Writing, Introduction to Legislation and Tactical Communications)
- Welfare - (Workplace Health & Safety, Working with Families and Minors, Self-Harm Prevention, Presence & Safety Checks & Psychological First Aid)
- Organisational Knowledge - (Duty of Care, Manage conflict through negotiation, Problem solving & decision making and Working with Interpreters), and
- Induction Refresher Practical Assessment - (This assessment will test the competency of staff in relation to Operational Safety and First Response Officer).

Additionally, all security staff are required to successfully complete the following training courses prior to commencing duties at the RPC:

- Cultural Awareness
- Mental Health Awareness
- Wilson Security Induction containing the code of conduct



- Workplace Bullying and Occupational Violence, and
- RPC Induction Training.

### Welfare

BRS welfare staff are required to hold qualifications in line with best practice and industry standards in their area of expertise. Where appropriate, tertiary qualifications are stipulated and BRS has recruited employees in line with this requirement. BRS employs the following staff:

- *Welfare Officer* - tertiary qualifications in Social Work/Psychology/Community Development/Health Care, or a Certificate/Diploma in Community Service, or welfare with a strong employment history in Case Management and Human Services.
- *Education Officer* – tertiary qualifications in Education and/or ESL/TESOL certification.
- *Recreation Officer* - qualifications in Physical Education or Sports and Exercise Science, Certificate III in Health & Fitness, Bronze Medallion or equivalent certification/experience in relevant discipline.
- *Behavioural Management Specialist* - tertiary qualifications in behavioural studies.

Ongoing training is provided to the welfare team in 'soft skills' by Psycare, the BRS Psychological Support Provider and Professional Development, the BRS training provider.

### Working with children checks

The BRS garrison and welfare contract requires BRS to ensure that personnel who carry out work or perform duties under the contract to have a current working with children check (WWCC) or equivalent certificate. BRS complies with this requirement and has strengthened the Child Safeguarding and Wellbeing Protocol to require all BRS personnel and contractors to:

- sign and comply with the Working with Children Code of Conduct and Child Safety Incident Reporting Process
- declare if they have been charged or convicted of any criminal offence, and
- notify if they have been involved in any relevant (i.e. child related) employment action including formal reprimands, final warnings or cautions, or have been dismissed from employment or had any other disciplinary action taken against them.

### Engagement of locals

Under contract BRS must engage with the local community to employ local personnel or subcontract local businesses who meet the requirements of this Statement of Work. The following levels of local personnel should be maintained as a minimum:

- Security 45%
- Cleaning 75%
- Gardening 75%
- Catering 50%

Where local capacity exists, BRS is required to use this capacity as far as possible. BRS consistently satisfies this requirement. At 15 March 2016, 382 Nauruan nationals and 505 PNG nationals (including 458 Manus locals) were employed under the BRS contract.



## Programmes and activities, including excursions

BRS operates a comprehensive schedule of programmes and activities at the RPCs. Activities are designed to provide educational and recreational opportunities, and provide meaningful activities that will enhance the mental health and wellbeing of transferees. BRS offers a range of programmes and activities, including education, religious, recreation, sporting and excursions that cater for the diverse needs of transferees.

**Table 2: Participation rates in programmes and activities in Nauru and Manus RPCs**

Nauru	November 2015		December 2015	
	RPC2	RPC3	RPC2	RPC3
Average number of P&A offered per day	33	31	30	21
Average P&A attended per day per transferee	1.6	1	1.35	1.2
Manus	November 2015		December 2015	
Average number of P&A offered per day	50		53	
Average P&A attended per day per transferee	1.49		1.68	

## Education and Religious Programmes

BRS has developed and implemented an education programme which provides transferees an opportunity to develop and learn a range of skills, including English language skills.

BRS ensures all transferees are free to practice their religion of choice individually or communally. BRS provides religious services to transferees including religious activities and cultural liaison, transport to and from the religious service and appropriate equipment for use during the religious service.

## Recreation and Sporting Programmes

BRS provides opportunities for transferees to participate in unstructured recreational activities within the RPC. This may include arts and crafts, chess, table tennis games and television. BRS also provides opportunities for transferees to participate in structured sporting activities both within and outside of the RPC. This may include soccer, cricket and volleyball. Recreational and sporting infrastructure has been constructed to support the delivery of these programmes.

## Excursions

BRS provides transferees with opportunities to participate in structured excursions outside the RPC. This may include, but is not limited to, sporting tournaments, community activities and religious services. Until 5 October 2015, BRS operated an excursion programme for all transferees in Nauru. The introduction of full open centre has removed this requirement.

## Food standards and variety

BRS provides transferees and all personnel with access to food and beverages that are sufficient in quantity, offer variety and are nutritious and culturally appropriate. Catering is delivered in compliance with all applicable health and food safety regulations. The garrison and welfare contract directs portion size and requires that dietary requirements are catered for.

Self-serve snacks and refreshments are available at all times. Food preparation must meet Australian guidelines and services are periodically independently assessed to ensure compliance with Australian standards.

BRS delivers food and beverages to transferees that meet the standards set out in their contract. The following table highlights the meal options and requirements for transferees in RPCs.

**Table 3: Meal requirements in RPCs**

	Hot	Cold	Beverages
Breakfast	<ul style="list-style-type: none"><li>• egg dish option 1</li><li>• protein dish 1</li><li>• rice</li><li>• vegetarian (baked beans /spaghetti)</li></ul>	<ul style="list-style-type: none"><li>• fresh fruit option 1</li><li>• fresh fruit option 2</li><li>• yoghurt</li><li>• sweet pastry /breads</li><li>• dried fruits</li><li>• fruits (peaches, pears, two fruits, etc )</li><li>• breakfast cereals</li><li>• sweet and savoury biscuits</li><li>• bread selection including roti breads</li></ul>	<ul style="list-style-type: none"><li>• water</li><li>• fruit juice/cordials</li><li>• milk</li><li>• tea/coffee</li></ul>
Lunch and Dinner	<ul style="list-style-type: none"><li>• protein dish option 1</li><li>• protein dish option 2</li><li>• vegetarian dish/dahl /soup</li><li>• rice</li><li>• potato /starch</li><li>• vegetable option 1</li><li>• vegetable option 2</li></ul>	<ul style="list-style-type: none"><li>• lettuce</li><li>• salad component 1</li><li>• salad component 2</li><li>• salad component 3 include cheese/dairy</li><li>• dessert /sweet pastry option 1</li><li>• fruit option 1</li><li>• fruit option 2</li><li>• dried fruits/nut</li><li>• sweet and savoury biscuits</li><li>• bread selection including roti breads</li></ul>	
Brew Points	<ul style="list-style-type: none"><li>• tea and coffee supplies including milk and sugar</li><li>• cold water and cordial</li><li>• assorted biscuits and/or fruit cake</li></ul>		

### Clothing, footwear and canteen items

Transferees residing in RPCs receive a regular supply of clothing and footwear suitable for the climate and conditions, which can be exchanged for new items at the canteen if broken or damaged. Transferees receive new clothing items every three months.

Transferees may also use weekly Individual Allowance Programme (IAP) points to purchase additional clothing items from the canteen. Transferees receive a weekly IAP points allocation which can be supplemented through participation in programmes and activities. IAP points are allocated on a weekly basis and cannot be carried over.

Transferees receive monthly hygiene packs, including toothpaste and toothbrush, soap, shampoo and conditioner, suitable for family size. Items over and above the monthly allocation may be purchased with IAP points. Female transferees have unlimited supply of feminine hygiene

products and parents with babies or small children have unlimited supply of baby products, including nappies and baby wipes.

The canteen stocks a variety of food and other items that transferees may purchase with IAP points.

## Correspondence

All correspondence personally addressed to transferees will be provided to transferees by BRS. Unaddressed and unsolicited mail will not be delivered and is managed in accordance with the *Asylum Seeker Property Management Standard Operating Procedures*.

All mail items, including unsolicited mail, are recorded in the electronic property management system, and stored securely until collected. Unaddressed or unsolicited mail is treated as lost property and where possible returned to sender.

## Telecommunications and Internet

All transferees have equitable access to communications and media including internet and voice over internet protocol telephone.

Telephone cards are available through the canteen purchased with IAP points. Since March 2015, basic mobile phones have been made available in Nauru through the canteen in exchange for IAP points. Mobile phone credit is available through the canteen in exchange for IAP points. Mobile phones are not currently available in the Manus RPC.

Internet and computer services are managed through a booking system. All transferees have fair and reasonable access to computer and internet services for personal use. Filters are in place to restricted access to sites which are deemed high risk or prohibited.

## Water

All transferees in the Nauru and Manus RPCs have access to potable bottled drinking water. Refugees living in the Nauru community and East Lorengau Refugee Transit Centre (ELRTC) also have access to bottled drinking water.

Water restrictions at RPCs are rare and are implemented on a case by case basis, generally only as a result of failure of the water treatment plant. Staff and stakeholders are the first impacted by water restrictions and this is for non-potable water only. At no time has drinking water been affected by water restrictions. As a general standard, water saving practices and devices have been installed in RPCs in Nauru and Manus, including staff accommodation.

## Health services

### Health care available at RPCs for transferees

All transferees at the Nauru and Manus RPC receive clinically indicated health care, broadly consistent with Australia public health standards. Health care clinics are open at the Nauru RPC seven days per week. There is also after-hours medical staff to respond to any after-hours medical emergencies. These services are supplemented by visiting health practitioners, a tele-health service and medical transfers when required.

IHMS has advised the Department that during the period October to December 2015, common health presentations included:

- musculoskeletal conditions, such as injuries or pain in the body's joints and ligaments
- digestive symptoms, such as abdominal pain, constipation and vomiting
- skin conditions, such as eczema, dermatitis and acne, and
- psychological symptoms, such as depression and anxiety.

Unspecified medical presentation remains the most common reason for medical presentations.

### Nauru

On 28 September 2015, a Mental Health Inpatient Unit located at the RPC and staffed by IHMS became operational. The Department intends that an integrated mental health service delivery will be established at the Republic of Nauru Hospital in association with Stage Two of the Hospital Redevelopment, due for completion in June 2016.

On 1 January 2016, a CT scanner, located at the Republic of Nauru Hospital, became operational. Enhanced Diagnostic Imaging is now available to transferees, refugees and local Nauruans.

The Department has established a visiting specialist programme that provides consultation and surgical services to transferees, refugees and local Nauruans. To 14 February 2016, under this programme, surgical services have been undertaken at the Republic of Nauru Hospital to transferees, refugees and local Nauruans for orthopaedic and ear, nose and throat conditions.

At the RPC, primary care for pregnant transferees is provided by IHMS medical professionals, including a full-time obstetrician and a midwife, with support from the Republic of Nauru Hospital. IHMS operates an anatomical ultrasound machine at the RPC to conduct morphological scans.

Pregnant transferees are moved to air-conditioned accommodation in the RPC at 28 weeks and at 35 weeks are offered the option to move to the Restricted Access Accommodation in RPC1. Currently all transferee and refugee mothers with young children (four months and under) are accommodated at the Restricted Access Accommodation in RPC1, where mothers have their own rooms and can breastfeed in private. Partners and other children may also relocate to the Restricted Access Accommodation.

Transferees relocating to the RPC after birth are accommodated in air-conditioned hard-walled marquees, with baby washing and baby changing facilities, including running hot water, and quiet areas for breastfeeding. Post-natal support is provided by IHMS through a maternal health nurse. Mothers are invited to participate in a mothers and babies group, which focuses on maternal and infant health, parenting skills and other emotional supports.

Births have already occurred at the Republic of Nauru Hospital, with assistance from IHMS obstetricians with access to other staff with neonatal skills. As at 15 March 2016, there have been 11 births on Nauru (four transferees and seven refugees). IHMS reports that all babies born to transferee (and refugee) parents are developing well and the mothers are engaged in a mothers and babies group.

Over the coming months the Department will continue to rely on Pacific International Hospital (PIH), but expect to see obstetric capacity in Nauru developed further.

## Refugee Health Services

### Nauru

IHMS provides health care to refugees, in line with Nauruan community standards. The Settlement Clinic is open at the Republic of Nauru Hospital six days per week, with after-hours care provided through the emergency department at the Republic of Nauru Hospital. The Settlement Clinic is staffed by IHMS General Practitioners, Registered Nurses, Mental Health Nurses, a Counsellor and an Obstetrician. Psychiatrist and Psychologist services are also available, as required.

Pregnant women settled in the Nauruan community receive primary care from the Settlement Health Clinic, located at the Republic of Nauru Hospital. This includes access to midwives and an obstetrician.

As at 15 March 2016, there are seven confirmed pregnant refugees on Nauru.

### Manus

IHMS provides a weekly medical clinic at the ELRTC. Settled refugees access the Lorengau Hospital on Manus for care outside of the weekly clinic. The clinic is staffed by an IHMS Registered Nurse and General Practitioner. Torture and Trauma counselling is also provided as required. Refugees have been briefed by service providers about how to access emergency care via the Lorengau Hospital.

Some people with positive refugee determination are still residing within the RPC. Their health matters are managed by IHMS at the RPC.

Since 8 January 2016, as part of arrangements to transition refugees to living in the PNG community, IHMS has implemented a programme whereby refugees will obtain their own medications from local pharmacies. Refugees have been provided with education and information as to the changes prior to their implementation. IHMS provide 28 days' supply of all clinically indicated medication to refugees departing the RPC. Refugees receive a weekly subsistence allowance to purchase such items. Where a refugee has a chronic illness the patient can register at the Lorengau Lifestyle Clinic and receive free treatment and medication. Currently there are two refugees registered at the clinic, one has diabetes and the other suffers from epilepsy.

### Staff Profile

IHMS current employs 57 staff in the Nauru RPC and 10 staff in the Settlement Clinic, and 58 staff in the Manus RPC (staff also provide health services at the ELRTC weekly clinic).

All staff employed by IHMS in Nauru and PNG who deliver health care to transferees and refugees must:

- Be appropriately licensed, qualified and registered to practice with the relevant body (and observe any conditions or requirements imposed on their licence or registration), before delivering any health care to transferees or refugees.
- Maintain their registration as current for so long as they continue to provide health care to transferees or refugees.
- Be appropriately insured in accordance with contractual obligations, the law and professional and industry best practice and standards at all times when delivering health care to transferees and refugees.

- Be actively involved in maintaining and updating their professional skills and standards through regular training and education, including by completing any training developed and made available by IHMS.
- For staff exclusively operating in Nauru, hold appropriate WWCC.

## Pharmaceuticals

In the three month period from October and December 2015:

- 74 percent of the RPC population, both Manus and Nauru, were prescribed regular medication, an increase of 2 per cent on the previous quarter
- The highest usage of medication, combined total for both Manus and Nauru, is nonsteroidal anti-inflammatory agents, such as ibuprofen (662 prescriptions) and simple analgesics and antipyretics, such as paracetamol (592 prescriptions). These medications are prescribed for minor musculo-skeletal problems and minor painful ailments, and
- A total of 174 antidepressant (11.3 per cent of the total population) and 84 antipsychotic (5.4 per cent of the total population) prescriptions were issued across Manus and Nauru.
  - There were no mental health medications prescribed for transferee children in Nauru.

Malaria is transmitted by the bite of an infected Anopheles mosquito. These mosquitoes are present in Manus, however are not present in Nauru. All transferees on Manus are offered anti-malarial medication for the prevention of malaria. The 2015 Therapeutic Guidelines Limited recommends one of three alternative preparations for malaria prophylaxis:

- Atovaquone+proguanil (Malarone) – daily administration
- Doxycycline – daily administration, and
- Mefloquine – weekly administration.

IHMS offers transferees in Manus with the option of the three medications.

The Department is aware that cases of the Zika Virus have been confirmed in Nauru. Every precaution is being taken to protect transferees against contracting the virus (see vector control practices below). Insect repellent with higher DEET content has recently been provided to transferees in Nauru and Manus for use.

## Immunisation

IHMS provide all transferees the opportunity to obtain appropriate vaccinations.

## Vector and pest control

The Vector Control Programme on Manus is led by IHMS. The programme consists of:

- regular fogging operations
- environment management and source reduction
- mosquito larvae surveying and monitoring
- mosquito (Container) Larvae Surveying and Monitoring, and

- adult Mosquito Trapping using CO2 CDC light traps.

The Vector Control Programme on Nauru includes:

- daily spraying the RPC 1 kitchen loading dock for flies
- daily servicing and inspecting of the mess in all compounds
- weekly spraying of skip bins for flies in all compounds
- weekly checking of the fly zappers and rodent bait stations in all compounds
- twice weekly spraying of mosquitoes in all compounds
- monthly spraying of other areas in the compounds such as tents, recreation areas, under buildings and staff accommodation, and
- monthly spraying of weeds in all compounds.

The Pest and Vermin Management Plan for Nauru outlines the procedures and scope of the service on the island and is managed by BRS. The Pest and Vermin Task Schedule specifies the day-to-day requirements to maintain low populations of pests and vermin. The Pest and Vermin service at Nauru is conducted internally with the use of qualified pest technicians.

BRS undertakes regular pest and vermin control which includes:

- daily spraying the RPC 1 kitchen loading dock for flies
- daily servicing and inspecting of the mess in all compounds
- weekly spraying of skip bins for flies in all compounds
- weekly checking of the fly zappers and rodent bait stations in all compounds
- twice weekly spraying of mosquitoes in all compounds
- monthly spraying of other areas in the compounds such as tents, recreation areas, under buildings and staff accommodation, and
- monthly spraying of weeds in all compounds.

## Medical Transfers to Port Moresby

Transferees and refugees requiring medical treatment not available in Nauru or Manus may be transferred to another location to receive treatment. Medical transfers to Port Moresby from both Nauru and Manus are undertaken on medical advisement from IHMS. The Department makes logistical travel arrangements for all medical transfer cases. Emergency cases are medivac'd as a priority, whereas commercial or charter aircraft is used to transfer more routine, non-urgent cases.

Since July 2015, medical transfers from Nauru to the Pacific International Hospital (PIH) at Port Moresby have provided medical treatment to transferees and refugees for services not available on Nauru. PIH continues to offer a range of services for transferees and refugees including, but not limited to, orthopaedic, ENT, urology and obstetric services for high risk pregnancies.



**Table 4: Medical transfers to Port Moresby 1 July 2015 – 31 January 2016**

<b>Nauru – Port Moresby</b>	<b>Transferees</b>	<b>Refugees</b>	<b>Total</b>
Medical transfer	31	20	51
Accompanying family	12	5	17
Babies born in POM	1	*	1
	44	25	69
<b>Manus – Port Moresby</b>	<b>Transferees</b>	<b>Refugees</b>	<b>Total</b>
Medical transfer	82	10	92
	82	10	92

### Overseas Medical Referral (OMR)

The GoN and Republic of Nauru Hospital are responsible for the management and oversight of OMR processes for refugees. Where requested, the Department and IHMS assist the GoN and Republic of Nauru Hospital to facilitate medical transfer for refugees to Port Moresby. Some refugees have been transferred to Australia for care. Transfer is considered on a case by case basis.

Alternative destinations for clinical care may also be considered in line with the Nauru OMR policy for local Nauruans, however, no transfers to alternative destinations have been requested to date.

## Infrastructure

\* Photographs included throughout this section are published with the permission of the GoN and GoPNG, as appropriate.

## Nauru

### Accommodation

The Nauru RPC comprises three separate centres:

- RPC1 is the administrative and logistics hub. It includes the medical centre, interview rooms, managed transferee accommodation units and staff accommodation.
- RPC2 provides accommodation for up to 500 single adult adults in marquee accommodation with solid timber flooring. It includes a gym, recreation areas, phone banks and internet rooms, as well as a servery and dining areas. At 15 March 2016, there were 312 people (176 transferees and 136 refugees) living in RPC2.
- RPC3 accommodates up to 600 persons and is designed to cater for families and single adult females in marquees with privacy screening. Areas housing families with children under four are air-conditioned. It includes facilities for babies, servery and dining facilities, recreational facilities, including a playground, volleyball court and astro-turf soccer pitch, and hard-walled ablutions. At 15 March 2016, there were 156 people (154 transferees and 2 refugees) living in RPC3.



## Settlement accommodation

The Department has facilitated a range of accommodation options for refugees in Nauru, including privately leased houses, renovated and purpose built accommodation complexes. Accommodation is generally self-contained, with shared or stand-alone kitchen and laundry facilities and communal areas. Where appropriate, air-conditioning will be retro-fitted to accommodation during 2016.



Photo: Nibok settlement site 2016



Photo: Ewa settlement site 2016



Photo: Fly camp settlement site 2016

### RPC3 redevelopment – Anuijo settlement site

The Department is currently constructing new settlement accommodation for refugees at RPC3. Forty-eight temporary beds for singles were released in September 2015, comprising hard-walled marquee style accommodation with separate bedrooms and communal cooking and bathroom facilities. Refugees living in this accommodation will be relocated into permanent hard-walled accommodation as soon as it becomes available.

The redevelopment of RPC3 into permanent settlement accommodation is being completed in stages and will deliver a total of 838 beds.

- The first stage provided 252 beds. 120 beds came online in November 2015 with the remaining 132 beds delivered in January 2016.
  - Self-contained accommodation (apartment style) equipped with kitchen and cooking facilities, dining areas, bedrooms, bathrooms, and laundry facilities.
- The second stage will provide a further 100 beds and is due for completion by the end of September 2016 with the first 44 beds available in May 2016.
  - Self-contained ensuite accommodation for single people. Supplemented by communal cooking and living spaces.
- The third stage will provide a further 236 beds and is due to commence construction in April 2016. Completion is scheduled for November 2016.
- All units will include air-conditioning.



Photo: Anuijo settlement site 2016

### Nauru Community projects

#### Community Resource Centre

The Department is building a community resource centre in Nauru that will provide office space for refugee settlement staff and communal rooms for classes, community meetings and functions and training. This project is scheduled for completion in April 2016.

#### Redevelopment of Nauru Primary School

The Department is constructing eight new classrooms, administration areas, ablutions, waste water treatment system and playgrounds. The project is scheduled for completion in June 2016.

#### New Correctional Facility

The Department is building a new correctional facility with construction taking place offsite for shipment to Nauru. The project will provide 80-beds, administration and recreational facilities and secure perimeter fencing and is scheduled for completion in June 2016.

### RoN Hospital Redevelopment

The Department, in conjunction with DFAT, is replacing infrastructure destroyed by fire at Republic of Nauru Hospital, and will install new capability at the hospital which will be completed in two stages:

- Stage 1 includes refurbishment of some existing facilities and installation of a surgical ward and a six-bed inpatient ward, primary and mental health consultation rooms and imaging capability (X-Ray and CT Scan). Imaging equipment was installed in December 2015 and surgical and in-patient wards and consultation rooms were completed and released for use in January 2016, and
- Stage 2 will include an upgrade to permanent services, a new waste water treatment plant, potable water storage, new dental and pathology buildings and some existing building refurbishment.



Photo: Republic of Nauru Hospital 2016

## Manus

### Accommodation and facilities

In June 2015 new RPC2 facilities were commissioned and handed over for use. New facilities include a medical centre, transferee recreation facilities, comprising a playing field, covered court, classrooms and gymnasium, commercial kitchen for staff and transferees. The facility also encompasses an interview and processing facility, which includes a property store, managed accommodation facility, commercial grade laundry and logistics hub incorporating water production and storage, fuel storage, power generation and warehousing.



Photo: Manus RPC recreational facilities 2016



## Refugee accommodation - ELRTC

In October 2014 the ELRTC was commissioned and handed over for use. The facility includes 298 bed refugee accommodation, training rooms, community gardens, sports field, outdoor shade structures and outdoor exercise equipment, and central administration building.



Photo: ELRTC 2016



Photo: ELRTC 2016



## Managed accommodation – Nauru and Manus

RPCs in Nauru and Manus include specialist managed accommodation areas (MAA) where vulnerable transferees who present an immediate threat to others or themselves, or pose a risk to the security of the centre can be temporarily placed. The MAA is designed and managed to mitigate self-harm attempts or attempts to harm others through constant monitoring in a controlled environment, away from other transferees and staff. Situations in which a transferee would be placed in the MAA may include assaults on others, threatening others with violence, and actual self-harm requiring restraint to prevent injury.



Photo: Nauru SAA bedroom 2016

The MAA can also be used to accommodate transferees whose behaviour poses a threat, or may seriously affect, the security and/or safety of the site, staff or other transferees.

The Supportive Accommodation Area (SAA) is also available to support transferees with medical conditions, authorised respite or prior to IOM assisted voluntary returns. The SAA is supervised by a welfare team member who provides regular observations. All movements or transfers in and out of the area are controlled and authorised.

## Mould reduction – Nauru and Manus

BRS cleans marquees and removes mould in accordance with cleaning and sanitation management requirements. BRS established and implemented a scheduled cleaning programme in February 2015 and developed a Remediation Action Plan (RAP) to address ongoing issues related to mould. The Department engaged a certified indoor environmental consultant to review the RAP to ensure consistency with internationally accepted best standards. Recommendations from the review have been implemented by BRS, with moisture issues now corrected and controlled.

## Health infrastructure in RPCs

### Nauru

In 2014, a new multipurpose primary and mental healthcare facility that provides over 18 separate consultation rooms was constructed at RPC1. The centre includes a two-bed emergency and resuscitation ward and a four-bed isolation ward, pharmacy and dispensary, central reception area and waiting room, staff administration, write up rooms, general office space, and a storeroom, conference room, staff break out area and meeting rooms.



Photo: RPC1 Medical Centre 2016



Photo: RPC1 Medical Centre Pharmacy 2016



Photo: RPC1 Medical Centre Emergency 2016

## Manus

In June 2015 a new medical centre was commissioned and handed over for use as part of the Manus RPC2 works. The medical centre provides a dental unit, x-ray facility, pharmacy, six person in-patient facility, mental health and GP consult rooms. The facility also includes a surgical unit which is yet to be commissioned.



Photo: Manus RPC medical centre 2016



## Part 4: Complaints and Incidents

### Complaints management

Transferees have access to a complaints and feedback management procedure that allows for issues to be resolved in an effective and fair manner and within a reasonable timeframe.

Feedback and complaints made by transferees are recorded, acknowledged and delegated for internal investigation and responded to within clear timeframes.

Transferees are provided with information about the feedback and complaint system as part of the induction process when they first arrive at a RPC. Transferees are provided with an Induction Handbook which includes an outline of the complaints and feedback management process in their preferred language. Copies of the Complaints Management Procedure and complaint forms are available throughout the RPCs. A locked complaints box mounted in an accessible location is present in each RPC compound. This ensures confidentiality if and when a transferee chooses to make a complaint. BRS also holds shop front sessions and resident consultative groups where issues and complaints can be raised face to face with BRS staff.

All complaints are recorded in a complaints register and assigned tracking numbers to enable complaint monitoring through to resolution. Complaints received in a language other than English are registered in the complaints register and translated. All actions associated with complaint management are recorded in the register.

Transferees will be provided with a response or update on the progress of the complaint within three days. If the complaint is not resolved within seven days an interim update is then provided on the seventh day and every seven days thereafter. Transferees are provided with details of action taken to resolve their complaint and informed when the complaint is closed.

All transferees have access to external scrutiny organisations and information is provided by service providers about how to make a complaint with an external scrutiny organisation. Scrutiny organisations make regular visits to RPCs and engage with transferees during these visits (see Part 1: Oversight). Any complaints raised through this process or direct with the scrutiny organisation are referred to the regional processing country Government for response and remedy, as appropriate, with a copy going to the Department. Matters relating to the provision of services are managed and addressed by the Department.

### Incident reporting and management

Service providers in the RPC are responsible for the immediate response and management of all incidents involving transferees. Incident data is defined by the Department's incident reporting framework.

Service providers are contractually required to report and record all alleged incidents and report those incidents to the Department. The Department maintains a record of all reported alleged incidents. Robust reporting protocols govern the reporting of all incidents. Reporting timeframes depend on the nature and severity of the incident. Service providers are required to verbally report incidents to the Department within the following timeframes:

- critical incidents - no later than 30 minutes, and
- major incidents - no later than 60 minutes.



Verbal reports must be followed up with written notification of the incident within the following timeframes:

- critical Incident – within three (3) hours,
- major Incident – within six (6) hours, and
- minor Incident – within 24 hours.

Where an alleged victim consents, an allegation of assault or criminal conduct is reported to the Nauru Police Force (NPF) or Royal PNG Constabulary, via GoN and ICSA Operational Managers, for investigation. In the event of an alleged assault at the RPC, including sexual assault and incidents involving children, the alleged victim is provided with medical treatment and mental health support by IHMS; and in Nauru, is referred to the GoN Victim Support Service, as appropriate. The alleged victim's placement within the centre is also reviewed for appropriateness.

If the incident involves a child (Nauru only) it is referred to the BRS Welfare Team and alleged victims are routinely monitored at the weekly Vulnerable Children Meeting. The matter is also referred to the GoN Victim Support Service.

In Nauru, BRS reports any known alleged incidents involving transferees that occur outside the centre, that is transferees participating in open centre (see Part 5: Nauru Open Centre), to the GoN Operational Managers for forward action to the NPF.

Where a staff member is alleged to be involved in an assault the allegation is referred to the relevant service provider and relevant police jurisdiction for investigation. A staff member may be stood down during investigation of a matter, and will be terminated on substantiation of an allegation.

For incidents involving refugees in the Nauruan community, Connect encourage the alleged victim to report the alleged incident direct to the NPF and seek appropriate medical and mental health care from the Republic of Nauru Hospital or IHMS Settlement Clinic. In some cases, alleged victims choose not to report the matter to the police or seek medical advice. The NPF does not provide updates regarding investigations involving refugees to the Department or Connect.

Matters involving refugees in Manus or the PNG community will be referred by PNG Immigration and Citizenship Service Authority (ICSA) to the Royal PNG Constabulary, where known, for investigation and action as appropriate.

The Department, together with GoN and GoPNG and service providers, will continue to closely monitor incidents in RPCs to implement continuous improvements to minimise reported incidents, where possible.

## Role of the police

Law enforcement and prosecutions in Nauru and PNG are a matter for each sovereign nation. The Department maintains a sound relationship with local law enforcement in Nauru and PNG whose police forces, the NPF and the Royal PNG Constabulary, are responsive to call outs to the RPC, reports of allegations of misconduct or criminal behaviour and requests from their Governments to maintain the good order of the RPCs. Contracted service provider provide police with all available assistance to conduct their investigations.



## Part 5: Nauru

### Refugee status determination progress

Refugee status determination is undertaken by the GoN under the *Refugees Convention Act 2012*. The Department supports the refugee status determination process by funding an independent claims assistance provider, Craddock Murray Neumann, to assist transferees prepare and lodge their primary, and if required, merits and judicial review applications. All transferees have access to interpreter services to support the preparation of their claims. Departmental staff have also provided mentoring support for GoN protection claims assessors and other support as required.

In October 2015, the GoN announced it intended it would complete all refugee determinations in the coming weeks. The GoN finalised 400 determinations in October 2015. Outstanding cases involve persons in Australia for medical treatment, split families or complex cases requiring additional assessment. The GoN has committed to resolving these matters as soon as practicable, indicating it will not hand down decisions to persons outside Nauru.

As at 15 March 2016, the GoN had made 1131 refugee status determination decisions; 866 positive and 265 negative. Negative primary determinations may be appealed to the Refugee Status Review Tribunal (RSRT) where the outcome will either result in the decision being affirmed or overturned. Affirmed RSRT decision may be appealed to the Nauru Supreme Court. The GoN commenced hearing judicial review matters on 14 March 2016.

### Open centre

The GoN commenced open centre arrangements in Nauru on 25 February 2015, increasing hours of operation and associated conditions to full open centre on 5 October 2015. Transferees living in Nauru, regardless of their refugee determination status are free to move in and out of the centre 24 hours a day, seven days a week. On the whole this means that there are no restrictions on the movement of transferees in Nauru; with the exception of a small number of transferees with significant health issues whom the GoN has restricted from temporarily participating in open centre.

Transferees continue to reside in the RPC where they can access health and welfare services, meals, and programmes and activities. Transferees do not currently have access to income support as all their needs are catered for in the centre. They are also not eligible for employment. Transport services to and from RPC2 and RPC3 have been increased to provide appropriate transport for transferees participating in open centre. Certain items, including weapons, alcohol and drugs are not permitted inside the centre. All transferees are screened using hand held wands on entry and exit to preserve the safety and security of the centre, its residents and stakeholders working at the centre.

The GoN gazetted revised Centre Rules on 10 February 2016. Centre Rules set conditions for the good order of the centre and are based on sound principles of law and order and respect.

## Unaccompanied Minors (UAM)

As at 15 March 2016 there are 27 former UAMs (since turned 18 years old) and one UAM who turns 18 years old on 31 December 2016. Former UAMs continue to be supported under the UAM programme, despite no longer being guardians of the Nauruan Minister for Finance.

In November 2015 Connect offered and encouraged all UAMs to participate in a 10 week literacy and numeracy course. The aim of this course was to reengage UAMs in education and to assess their language and literacy skills in support of further education pathway planning.

In 2015, five UAMs enrolled in a University of South Pacific (USP) six week bridging accountancy course. Four of the five UAMs completed and passed the course, and have been accepted to study at USP in 2016; two in an Information Technology Diploma and two in a Bachelor of Law.

Five UAMs are currently working and a number of other UAMs are participating in job readiness activities (work experience etc.) with Connect.

Connect continues to provide further pathway planning support for all UAMs through its education and employment teams.

## Education

Education is compulsory for all children aged 7-18 years old in Nauru.

All transferee school age children (4-18 years) have transitioned into local GoN schools. Parents of school aged transferee and refugee children are supported by service providers, BRS and Connect, to enrol their children in local Nauruan schools. Transport by school bus is available for all school aged children.

Connect employs child and youth workers who support refugee parents and children when engaging with GoN school principals and teachers to resolve any school issues that may arise. BRS case managers provide the same level of support to transferee parents and children.

Connect runs out of school hours activities for all children attending Nauruan schools (for example, homework club and a school holiday programme), which enhance positive community engagement with local children and parents. The activities provide opportunities for all children to share experiences and develop friendships, and assist in overcoming any anxieties children may have about school.

Both Connect and BRS promote refugee and transferee parent and child participation in upcoming local school/community events such as fetes and sports days, as a mechanism to build positive experiences around attendance at school.

BRS has incorporated transferee feedback into the menus for the packed school lunches to ensure lunches are culturally appropriate.

School attendance has commenced positively in 2016. A number of students who had previously expressed concerns about going to school are now attending.

As at 15 March 2016, there were 45 school aged (4-18 years) transferee children in Nauru. BRS bus monitors report on school attendance for transferee children who catch the BRS RPC3 bus to school. School attendance for refugee children is managed by the Nauruan Department of Education.

## Safety and Security

The NPF is responsible for law enforcement and the safety and good order of Nauruan society. The NPF has introduced a permanent police presence at the RPC.

In May 2014, the GoN established a Community/Special Liaison Officer (CLO/SLO) programme. The programme provides a community based neighbourhood watch service aimed at improving community safety and security within each district by minimising preventable crime and addressing anti-social behaviour, providing a visible deterrent presence in each district, and promoting closer community ties. The GoN has recruited 320 CLO/SLOs to provide this service. Refugees are among recent recruits.

The GoN has also recently established a Gender Violence and Child Protection Unit within the Home Affairs Ministry and a gender violence hotline. The Unit provides first response to an incident, plus welfare, support and counselling services.

Through the Australian Federal Police (AFP) NPF Police Capacity Programme, the AFP maintains an ongoing presence on Nauru to mentor and develop the capacity of the NPF and its personnel. Under the programme the AFP currently deploys two advisors to Nauru to provide general mentoring, advisory and training support. In addition, in June 2015, the AFP deployed an additional advisor to focus on providing mentoring advice in relation to sexual assault and child abuse investigations.

## Child Protection

The GoN is responsible for child protection in Nauru. The Department, through contracted service providers, supports the GoN to provide a safe and secure environment in the RPC where children's welfare is safeguarded.

## GoN Initiatives

Since 2014-15, the GoN has taken significant steps to develop its child protection capabilities, including:

- establishing a child protection unit within the Nauruan Department of Home Affairs
- engaging UNICEF to undertake independent baseline research into child protection in Nauru, and
- engaging a gender violence specialist, funded under DFAT Aid, to strengthen family violence prevention initiatives.

In 2016, the GoN informed the Department that it had developed comprehensive Child Protection, Policy, Practice and Reporting Procedures. The procedures form the basis for child protection activity in Nauru. An integrated case coordination committee structure and process has been incorporated into the procedure. A victim support function has also been included.

## Role of the Department

The Department funds the provision of family and welfare services for children in the RPC. BRS has primary responsibility for providing welfare and support to parents and guardians in caring for the needs of children.

BRS has undertaken considerable work to review and strengthen the tools and processes that support the wellbeing of children in the RPC, including promoting an environment that fosters

safety and security. BRS has revised the existing Child Safeguarding and Wellbeing Protocol (Protocol) and Code of Conduct (Code) which set out principles that guide the conduct of all stakeholders in the RPC to ensure they work and engage safely and positively with children and their families in the RPC. The Protocol and Code have been developed with the best interests of the child as paramount. The Protocol and Code have been presented to the GoN for endorsement.

All alleged sexual assault incidents involving a minor are referred to the NPF for investigation. Investigation of any referred allegations is a matter for the NPF.

## Part 6: Papua New Guinea

### Refugee determination progress

Refugee status determination is undertaken by the GoPNG under the PNG *Migration Act 1978*. The Department supports the refugee determination process by funding independent claims assistance provider, Playfair Migration and Visa Services, to assist transferees prepare and lodge their primary, and if required, merits review applications and deportation risk assessments. All transferees have access to interpreter services to support the preparation of their claims. Departmental staff have also provided mentoring support for GoPNG protection claims assessors and other support as required.

The GoPNG has made significant progress on assessment of transferee protection claims. At 15 March 2016, 525 Minister final determinations had been reached; comprising 480 positive and 45 negative determinations.

The PNG refugee determination process includes an initial assessment notification process whereby all transferees are notified of the initial assessment. Transferees with negative initial assessments may seek review through an independent merits review panel within 28 days of negative initial notification. Positive initial assessments are progressed to the Minister for final determination. Negative assessments following merits review are progressed to the Minister for final determination.

The Department has assisted ICSA develop a deportation risk assessment process, administered after the negative minister final determination. This process assists PNG meet its international non-refoulement obligations. Transferees are issued removal orders following the deportation risk assessment process.

PNG made its first refugee determination on 12 November 2014 and refugees have been able to relocate to the ELRTC since January 2015.

On 5 February 2016, PNG Minister for Foreign Affairs and Immigration publically committed to completing all initial assessments by 31 March 2016 and all final determinations by 30 June 2016. The Department will continue to provide the GoPNG with support to complete this process, including ongoing funding of claims assistance, mentoring, training and administrative support.

## Part 7: Immigration pathways

### Settlement in Nauru

#### Settlement services and support

Settlement commenced in Nauru in April 2014 and at 15 March 2016 there are 852 refugees in Nauru, living in the Nauru community and in the RPC.

A range of settlement support services are available to refugees from contracted settlement provider, Connect. Connect provides services on a needs based case management model which focuses on building independence and self-agency. Services include:

- access to complementary community services, including health and mental health support
- cultural orientation
- income support
- vocational and language training
- provision of maternal (early), child and youth specific support services
- English language tuition and
- linking to accommodation, education and employment opportunities.

Eligible refugees receive subsistence income support to cover items such as food, clothing and living expenses. Income support rates are reviewed with adjustments made according to the refugees' financial circumstances and employment status.

IHMS provides primary and mental health (including torture and trauma counselling) services to refugees through a GP and nurse-led Settlement Health Clinic at the Republic of Nauru Hospital. Secondary, tertiary and emergency health care services for refugees are delivered by the Republic of Nauru Hospital. Refugees have access to the Nauru OMR process for treatment not available in Nauru.

#### Role of GoN settlement team

The GoN Settlement Team, in collaboration with Connect, ensures the delivery of settlement services to refugees in Nauru. The GoN Settlement Team provides cultural orientation and support to refugees to settle, integrate and participate as members of the Nauruan community and act as an important liaison point between service providers, refugees, local community and the GoN.

#### Employment

As at 15 March 2016, 333 refugees were in employment; 228 full-time and 105 part-time.

Refugees are employed in a range of different occupations including life guard, mechanics, security, administration, finance and accounting, hairdressing and beauty, hospitality and catering and are employed by a range of local businesses, service providers, RPC contractors and the GoN. The Republic of Nauru Hospital has recently employed a number of refugees in the nursing sector having recognised their foreign qualifications.

Refugees have also commenced their own businesses in Nauru, including a taxi service, beauty salon, restaurants and a food directory advertising catering and home delivery business.

A refugee who is a qualified Karate instructor is offering training to the community, including providing children's classes as part of the recent Connect summer school holiday programme.

Connect vocational training and computer courses continue to be well attended by both refugees and local Nauruans.

## Settlement in PNG

### Transitional settlement at the ELRTC

Construction of the ELRTC was completed in November 2014, and the first two refugees moved in on 21 January 2015. The Centre is managed by ICSA, with support from contracted service providers.

Since January 2015, refugees have been able to relocate to the Centre on notification of refugee determination and completion of visa and identity applications. On 23 December 2015, ICSA advised that transferees with a positive initial assessment may relocate to the ELRTC. As at 15 March 2016, there were 60 refugees residing at the ELRTC.

The PNG Government has introduced a visa framework for refugees and will grant cost-free Refugee visas to applicable applicants, valid for 12 months (and renewable). Visas provide refugees with the same conditions and access to services, including employment, as PNG Nationals.

Refugees are provided with training and support while at the ELRTC to prepare them for life in PNG, as detailed below.

**Table 5: Support services available at the ELRTC**

<b>Accommodation</b>	Refugees are assigned a room when they arrive at the ELRTC, and are expected to share a room with another resident. Each accommodation block is divided into 'pods' (group house style units) with two or three bedrooms, bathroom and a shared kitchen. Communal laundry facilities are available for use by the refugees.
<b>Food and supplies</b>	When refugees first arrive at the ELRTC they are given toiletries, linen and a basic mobile phone with credit. Refugees are responsible for paying for these items once the initial supply has been used.  Each week refugees are given a food package plus an allowance. Treated drinking water is supplied at the ELRTC.
<b>Health care</b>	IHMS operates a clinic one day per week where a nurse and GP are available. Refugees can also access services at the Lorengau Hospital, which provides medications for chronic illnesses free under the PNG public health system. Refugees with pre-existing conditions may attend dental and specialist medical appointments at the RPC. Medications can be purchased at the local pharmacy.  Mental health services are also available through a weekly clinic, where refugees can access a specialist torture and trauma counsellor by appointment. The Lorengau Hospital also employs a trained mental health nurse.



<b>Wei Bilong PNG orientation program</b>	<p>The Wei Bilong PNG orientation course is delivered by ICSA and provides refugees with training in five competencies prior to settlement:</p> <ul style="list-style-type: none"> <li>• acculturation and modulation</li> <li>• daily living</li> <li>• access to services</li> <li>• development of life skills, and</li> <li>• community living.</li> </ul> <p>The programme includes language training in Tok Pisin and English.</p>
<b>Volunteering</b>	<p>Refugees are assisted to engage in volunteering opportunities with local organisations in the Manus community. This assists refugees to build skills and acclimatise to the PNG workplace and community.</p>
<b>Finding work</b>	<p>A PNG recruitment firm is contracted to assess refugee skills and experience and assist them to find a job and start working.</p>

## National Refugee Policy

On 23 October 2015 the PNG Minister for Foreign Affairs and Immigration, publicly announced that the PNG National Executive Council (Cabinet) had approved the National Refugee Policy (NRP). Approval of the policy paved the way for those found to be refugees to be settled in PNG.

The NRP outlines five key policy principles that guide PNG's approach to managing refugee issues into the future and meeting its international obligations under the Refugees Convention. These are:

- PNG recognises the rights of refugees in accordance with its commitments under the Refugee Convention, and incorporates these within national legislation.
- PNG is committed to working with other countries and international organisations to provide protection to refugees and combat people smuggling, trafficking in persons and related transnational crime.
- PNG may enter into arrangements with other countries or international organisations for processing of transferees' claims and where appropriate settlement of refugees.
- PNG embraces the skills and qualities of refugees, supports them to become self-sufficient and offers them the opportunity to become citizens.
- PNG contributes to global refugee support efforts and targets for international resettlement refugees with appropriate skills required by PNG for national development.

ICSA has engaged a number of caseworkers to work with refugees at the ELRTC, and to deploy to the relevant cities when settlement commences in those locations.

On 30 October 2015, PNG ICSA advised the Department that the first refugee had departed Manus Province for Port Moresby. As at 15 March 2016, seven refugees have settled in broader PNG.

The Department supported ICSA to develop a package of support for settling refugees. Refugee settlement support is based on the position that refugees will not be permitted to settle with support services until they have secured a job to support themselves financially, and that refugees should not be seen to be receiving significantly more benefits than PNG citizens.



## Settlement services and support in the PNG community

ICSA is implementing a pilot programme of settlement support services in the PNG community over the period 26 October 2015 to 31 March 2016. The Department has agreed to fund the following supports for each refugee settling in the PNG community under the pilot:

- a relocation allowance
- interim accommodation
- a starter pack of non-perishable food and household items
- flights from Manus to their settlement location
- additional baggage allowance/shipping
- a health insurance policy for twelve months, and
- rental bond and rental payments.

ICSA has recruited case workers to work with refugees at the ELRTC, and who deploy to settlement locations when refugees commence settlement. ICSA has committed to provide case worker support to settling refugees for the first 6-12 months of their settlement in PNG.

## Refugee Employment

ICSA has contracted a recruitment firm to facilitate employment and job linking services to refugees in PNG. The services are provided to overcome barriers to employment and achieve self-sustainability by preparing refugees for employment, assisting them to gain appropriate employment and providing a period of support to ensure the long-term viability of their employment arrangement.

The GoPNG is proactive in identifying employment opportunities for refugees and has held stakeholder engagement forums to provide prospective employers with information about refugee employment opportunities. Forums have attracted strong attendance from the business community, with several businesses expressing interest in refugee employment.

## Capacity building and community development

The Department provides support and capacity building to ICSA to assist it to successfully settle refugees. This includes support to ICSA officers by departmental staff and funding for specialist organisations, including MDA Ltd and IHMS.

ICSA contracted MDA Ltd to provide support in settlement and case management capacity building to ICSA staff. IHMS is currently identifying suitable PNG organisations which it will capacity build to deliver torture and trauma counselling to refugees. IOM provides communication support and capacity building to ICSA to promote positive messaging about refugees to the PNG community.

## Third country resettlement

In September 2014, the Governments of Australia and Cambodia signed a MoU for the voluntary and permanent settlement of Nauru-determined refugees. Under the arrangement, Nauru-determined refugees have the option of permanently settling in Cambodia. The Cambodian Government determines who will be settled in Cambodia. There is no cap in the numbers under the arrangement.

The first group of four refugees settled in 4 June 2015. A further refugee settled in November 2015. Their settlement is being supported by the IOM. Three of the settled refugees have repatriated to their home countries. Repatriation is supported by the Governments of Cambodia and Australia, and recognised by international organisations, as a durable settlement solution. The MoU makes provision for repatriation.

The Australian Government works closely with the Government of Cambodia and the IOM to achieve positive settlement outcomes for refugees. A four-year funding agreement with IOM was signed on 6 July 2015. Under this agreement, IOM provides settlement support services to refugees in Cambodia including cultural orientation, assistance to find permanent accommodation, language training, and links to employment and training, access to education, health services and income support for basic needs. Services provided to refugees are designed to promote self-sufficiency and independence and promote integration into Cambodian society. Services are delivered on a needs basis for up to 12 months and will vary from refugee to refugee.

## Voluntary returns frameworks

A transferee returning home from a regional processing country can either self-fund or receive assistance with their return. Assistance is available from either the IOM under the Rapid Departure Assistance service; or the Department under the Voluntary Departure Assistance service in cases where IOM is unable to assist.

The Department supports the voluntary return process by contracting the IOM to perform voluntary returns. Transferees who voluntarily depart are generally eligible for reintegration assistance. Allowances are structured on a country-specific basis. The amount of assistance provided to a returnee will be in accordance with a calculation made in relation to gross domestic product per capita in the applicable country of return.

Where the IOM is unable to facilitate a voluntary return, the Department may support the Governments of Nauru and PNG to undertake the return.

Refugees seeking and consenting to voluntarily return to their home country are provided with information about returning. Counselling and mental health support is available to refugees to help make an informed decision about returning.

Between 1 July 2015 and 15 March 2016:

- four individuals have voluntarily departed Nauru:
  - two individual returned to their country of origin
  - two individuals relocated to a third country where they had right of entry.
- nine individuals have voluntarily departed PNG:
  - eight individuals returned to their country of origin
  - one individual relocated to a third country where he had right of entry.

As at 15 March 2016, the IOM is actively facilitating return arrangements for seven cases in Manus and two cases in Nauru.

## Removal frameworks

The removal of non-refugees is an important step in the refugee determination process and a widely accepted international process. It also supports agreements between regional processing countries and Australia that persons found not to be in need of international protection will be returned to their home countries.

In Nauru, transferees who have exhausted their review and appeal entitlements and are not willing to depart voluntarily will generally be subject to removal. The Nauru *Immigration Act 2014* contains legislative provisions to authorise detention and/or removal of non-citizens who have no legal right to remain in Nauru. These provisions are administered by GoN.

As at 15 March 2016, GoN has not removed any non-refugees under the Nauru *Immigration Act 2014*.

In PNG, transferees who have received a negative Minister's final determination and are not willing to depart voluntarily will generally be subject to removal. The PNG *Migration Act 1978* contains legislative provisions to authorise detention and/or removal of non-citizens who have no legal right to remain in PNG. These provisions are administered by ICSA. The Australian Government does not have any power to remove persons from PNG.

As at 15 March 2016, the GoPNG has successfully removed two non-refugees under the PNG *Migration Act 1978*.

On 7 September 2015, the PNG Supreme Court issued an injunction preventing the removal of transferees listed in the injunction (those being registered parties to another matter before the PNG Supreme Court which challenges their *detention* in the Manus RPC).

## Removals capability building

### International security escort and operations training and removals mentoring

The Nauru and PNG Government have asked the Department to assist in the development of removals frameworks and removals training. Both countries have removals power under their domestic legislation.

The Department has contracted a specialist service provider to deliver escort training to PNG ICSA and other PNG staff in Port Moresby. Training focused on emergency management, specialist crisis response and security risk management associated with land and air involuntary removals. A similar training regime is being planning for Nauru. The Department has also held a number of other training sessions with Nauruan and PNG removals officers, including practical exercises involving shadowing departmental removal officers on removal activities.

In August 2015, the Department deployed an experienced status resolution officer to PNG to provide assistance with removal planning (including transferee communication and logistics). The officer mentored ICSA to successfully complete two involuntary removals of non-refugees. The Department will continue to support ICSA to develop its removals capability.