Chair's foreword

Australia's policy of offshore processing has been the subject of a number of Senate inquiries. These inquires have been highly critical of many aspects of the Regional Processing Centre (RPC) policy.

The evidence which this committee has received has fallen primarily within three main areas:

- the operation and administration of RPCs, including service delivery, incident reporting, and health, safety and welfare;
- the offshore processing policy itself, including whether it is effective, lawful, and/or represents 'value for money'; and
- looking to the future, including how Australia can expedite third country resettlement options.

A substantial part of this report is devoted to recording the high number of incident reports made public through the publication of 'the Nauru files',[1] and supported by evidence from submitters to this inquiry. While evidence of this nature is not new, and reflects evidence which has been presented to previous inquiries, it is the first time that this volume and detail of information has been publicly available. Some of the reports are recordings of allegations made by refugees and asylum seekers, and many contain information which workers have observed first hand. The content is deeply concerning. Collectively, these reports paint the picture of a deeply troubled asylum seeker and refugee population, and an unsafe living environment—especially for children. Even more troublingly, these reports *only* record those incidents which have actually been reported to workers, or which workers have themselves observed. Undoubtedly, they do not reflect the true prevalence of such incidents.

In its current manifestation, Australia's policy of offshore processing is deeply affected by structural complexity. Despite the efforts of the Department of Immigration and Border Protection (the department), its contractors and sub-contractors, and other related stakeholders, there are clear failures by the department in administering the current policy in a safe and transparent manner. The policy structure is complex, and it relies heavily on the private sector to administer the day-to-day management of the scheme. This structural complexity has led to a lack of accountability and transparency in the administration of the policy, and a failure to clearly acknowledge where the duty of care lies in relation to those asylum seekers and refugees. For a policy which represents such a significant investment of Australian public funds, this lack of accountability is disturbing.

1 The Guardian Australia, *The Nauru files*, www.theguardian.com/australia-news/ng-interactive/2016/aug/10/the-nauru-files-the-lives-of-asylum-seekers-in-detention-detailed-in-a-unique-database-interactive (accessed 20 April 2017).

For the Australian Government to continue to facilitate the processing of asylum seekers who have claimed or attempted to claim protection from Australia, significant changes to the administration of the policy are necessary.

First and foremost, the Australian Government must acknowledge that it controls Australia's RPCs. Through the department, the Australian Government pays for all associated costs, engages all major contractors, owns all the major assets, and (to date) has been responsible for negotiating all third country resettlement options. Additionally, the department is the final decision-maker for approving the provision of specialist health services and medical transfers (including medical evacuations) and the development of policies and procedures which relate to the operation of the RPCs. Incident reports are also provided to the department so it cannot claim that it was not aware of incidents that occurred in RPCs outside of Australia.

The Australian Government clearly has a duty of care in relation to the asylum seekers who have been transferred to Nauru or Papua New Guinea. To suggest otherwise is fiction.

Secondly, the secrecy surrounding RPC operations must cease. Refugees and asylum seekers are highly vulnerable, and this vulnerability is exacerbated where they are housed in distant and remote locations. The Senate, international human rights bodies, and indeed all Australians, must be in a position to scrutinise the running of Australia's RPCs. While Australia continues to manage concerns about asylum seekers making the dangerous journey to Australia by boat, the day-to-day management of RPCs has little connection with this. It is difficult to see how transparency about the provision of medical and education services, the Refugee Status Determination processes and Deportation Risk Assessments would have any bearing on the future success of these efforts.

Thirdly, a much greater degree of transparency is needed in relation to the costs of administering this policy and the services provided as part of any contracts. Australian taxpayers bear all the costs of offshore processing. They are entitled to know how public funds are being spent. The Senate is likewise entitled to this information.

For Australia to continue facilitating the processing of claims for asylum offshore, the major faults which mar the current manifestation of the policy of offshore processing must be acknowledged and rectified.