

The Senate

Committee of Privileges

Possible false or misleading evidence given
to the former Nauru select committee

Volume of documents presented to the committee

May 2016

© Parliament of the Commonwealth of Australia 2016

This document was produced by the Committee of Privileges, and printed by the Senate Printing Unit, Parliament House, Canberra

Volume of documents presented to the committee

| | |
|--|-----|
| Letter from Senator Di Natale to President (and attachments), raising a matter of privilege, dated 27 October 2015 | 1 |
| Letter from Senator Gallacher to President (and attachments), raising a matter of privilege, dated September 2015 | 25 |
| Submission by Wilson Security, dated 27 November 2015 | 115 |
| Submission by Transfield, dated 26 November 2015 | 125 |
| Submission by the Department of Immigration and Border Protection, received 2 December 2015 | 129 |
| Response to additional questions (Wilson Security), dated 23 February 2016..... | 135 |
| Response to additional questions (Transfield), dated 25 February 2016 | 139 |
| Response to additional questions (Department of Immigration and Border Protection), dated 26 February 2016 | 149 |
| Further response to questions (Transfield), dated 11 March 2016..... | 153 |



DR RICHARD DI NATALE
Leader of the Australian Greens
 Senator for Victoria

senator.dinatale@aph.gov.au
 Level 4, 199 Moorabool St, Geelong VIC 3220
 P. (03) 5221 4100 F. (03) 5221-5100

Parliament House, Canberra ACT 2600
 P. (02) 6277 3170 F. (02) 6277 3185



27 October 2015

Senator the Hon Stephen Parry
 President of the Senate
 Suite SG.40
 Parliament House
 Canberra ACT 2600

Received President's Office
 Hobart 1345 27/10/15
 J. M. W. H.

Mr President

**MATTER OF PRIVILEGE ARISING FROM PROCEEDINGS BEFORE THE SELECT COMMITTEE ON THE RECENT ALLEGATIONS RELATING TO THE
 CONDITIONS AND CIRCUMSTANCES AT THE REGIONAL PROCESSING CENTRE IN NAURU**

I write to raise a matter of privilege under standing order 81 and ask that you grant precedence to a notice of motion referring the matter to the Senate Standing Committee of Privileges. It is my concern that potentially false or misleading evidence was supplied to the Select Committee by the Department of Immigration and Border Protection and representatives from Wilson Security and Transfield Services.

The evidence in question was given during public hearings on 9 June and 20 July 2015 regarding a covert operation that saw multiple people spy on Senator Sarah Hanson-Young while she was on Nauru in December of 2013.

In summary, the Select Committee received the following evidence in relation to the spying;

- On 4 June 2015 the committee met and determined to accept and publish a submission from a former employee of Wilson Security. The submission alleged that Wilson Security organised a group from their Emergency Response Team to spy on Senator Sarah Hanson-Young throughout her visit to Nauru.
- At the committee's public hearing on 9 June 2015, Secretary of the department, Mr Michael Pezzullo, stated that his department had investigated the matter and found that one rogue Wilson employee instructed two other Wilson employees to monitor Senator Hanson-Young's car overnight while it was parked outside her hotel and that is the extent of the spying that took place.
- At the public hearing on 20 July 2015, Senator Scott Ludlam questioned the department, Wilson Security and Transfield Services in relation to these allegations. All parties denied the spying went any further than outlined by the department at the hearing on 9 June 2015.
- On 13 August 2015 on the 7.30 program, a number of former guards reported to Australian Broadcasting Corporation (ABC) that:
 - (a) the surveillance of Senator Hanson-Young involved up to eight members of the Emergency Response Team;



100% post-consumer recycled



DR RICHARD DI NATALE
Leader of the Australian Greens
Senator for Victoria

senator.dinatala@aph.gov.au
 Level 4, 199 Moorabool St, Geelong VIC 3220
 P. (03) 5221 4100 F. (03) 5221 5100

Parliament House, Canberra ACT 2600
 P. (02) 6277 3170 F. (02) 6277 3185

- (b) the surveillance continued for the full three days Senator Hanson-Young was in Nauru;
 (c) guards were ordered to photograph Senator Hanson-Young and make notes about who she met with; and
 (d) one guard witnessed shredding of all documents relating to surveillance operation, including photos and notes.

The Australian Greens understand from the ABC that its reports relied on the evidence of three former Wilson guards, none of whom gave evidence to the Select Committee. Transcripts from the 7.30 program, as well as the ABC AM radio program which includes related testimony, are attached.

- On 19 August 2015 the Committee received another submission which appeared to be from a former Wilson Security guard. That submission contradicted the evidence given by the department, Wilson Security and Transfield Services during the public hearings on 9 June and 20 July 2015. Specifically it said that approximately 6-8 ERT members conducted the spying and that the operation was authorised, sanctioned and fully supported by senior Wilson Security managers.

The evidence given to the committee by the department, Wilson Security and Transfield Services regarding the extent of the spying is at odds with the evidence of five separate Wilson Security guards with first-hand knowledge of these events, who have each separately approached this committee or the media, suggesting these organisations have misled the senate, either wilfully or as a result of inadequate investigations conducted by them into these matters.

I attach a copy of the two submissions referred to above and relevant parts of the transcript of the public hearings. I also attach the relevant 7.30 program transcript, as well as a related ABC AM radio transcript from 14 August 2015.

I am concerned that false or misleading evidence may have been given to the Select Committee and therefore propose the issue be considered by the Committee of Privileges.

I appreciate your consideration of this very serious matter.

Yours sincerely,

Senator Richard Di Natale
 Leader of the Australian Greens



Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru
Submission 62

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru

To the committee secretariat,

I am a former employee for Transfield sub contractor Wilson security. I worked at the Nauru Offshore Processing Centre for just over one and a half years and I was employed in the Emergency Response Team for this time.

I have witnessed abuse of asylum seekers, corruption and cover-ups from Wilson security, the Nauruan Government and Nauruan locals (employed in the processing centre and in the community). Additionally I have witnessed discrimination, corrupt management and deceptive conduct from Wilson security. Below is an overview of subjects detailed in the following pages of my submission:

- Wilson security spying on Senator Sarah Hanson-Young while on Nauru
- Military imposters employed in supervisor roles within Wilson security
- Discrimination against Australian staff from Wilson management
- I have seen a video from before the 19th of July riots where three Wilson guards are planning to use unreasonable force and assault asylum seekers.
- Nauruan employees threatening refugees prior to being settled in the community.
- Nauruan employees using visa cancellations as leverage (which has taken a direct impact on reports not being written on Nauruan staff).
- Nauru government stating they will cancel the visa of anyone they believe to be in a relationship with a refugee that has been settled into the Nauru community.

During my employment on Nauru I have witnessed or became aware of the following:

- a. When Senator Sarah Hanson-Young visited Nauru, Wilson Security organised a team from ERT to spy on her while she was on Nauru. This included following her around the island while she was outside of the OPCs and setting up an observation post to watch her room at the Menen hotel. The briefing was given by ERT supervisor [redacted] in which he gave orders to spy on the senator. This briefing included her room number, vehicle registration and even using code name "Raven" over the radio to make reference to her.
- b. There are approximately five employees within Wilson security that are military imposters claiming to have served in the Australian defence force and have been found out to be fakes (This includes employees in supervisor and management positions). In the case of one individual, I have a copy of an email conversation between a work colleague and Wilson HR. The individual claiming to have served admits he was never in the defence force, Wilson HR acknowledges this (and are aware it is a federal offence to impersonate military personnel), and yet he retains his employment and his position as supervisor at OPC03.

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in
Nauru
Submission 62

- c. There is vast discrimination against Australian employees by Wilson management on Nauru, who the majority of (if not all) are all New Zealanders. This is evident from recruitment to selecting workplace positions and finally who they wish to retain at the end of contracts. During recruitment for more staff in late 2013, the position advertised by Wilson security had stated a requirement of previous experience in the military, police or corrections. Someone I know applied to this position; having served in the Australian defence force his work experience matched the job requirements. However he was not selected and instead a cousin to one of the New Zealander supervisors was employed with no relevant work experience. The administration office at OPC01 (office for Wilson management and other favourable positions) is referred to by the majority of all Wilson employees as "Auckland castle". Additionally other references to this corruption and discrimination within Wilson are that if you want to get promoted you will need a passport with a silver fern. This is unfair, corrupt and extremely dangerous as people are employed and even given supervisor roles that are incapable of conducting their job. It is by sheer luck nothing has gone drastically wrong.
- d. Recently due to the decreasing number of asylum seekers within the centre, Wilson security notified all employees on Nauru in December 2014 they would be reducing the number of staff on Nauru. This was to coincide with the expiration of employment contracts in February 2015. In the emails received from Wilson security they stated the selection process to determine who will receive new contracts would be based on previous work performance. Despite these assurances Wilson security have instead based the selection of favouritism and refused to continue the employment of staff with immaculate performance reviews while offering employees with poor reviews and severe work problems new contracts. This is misleading and deceptive conduct by Wilson management and HR.
- e. I have seen a video from a camera worn by a Wilson security guard on 19 JULY 2013. The recording was before the riot started and was of three Wilson employees (including the employee wearing the camera) talking to each other at the recreation centre in OPC01. The male Wilson employee wearing the camera states if something happens "we go Charlie 2 and take c ... down", soon after one of the other Wilson employees states "If a cop tells you what to do you can do it. I don't understand Nauruan so I'm just gonna say he told me to do everything... I'm pretty sure he said s ... like that. I'm fairly confident he gave me that direction". From seeing this video it was obvious to me that these Wilson guards were planning to use unreasonable force and assault the asylum seekers even before the riot started.
- f. I have not witnessed this myself, however I know people who has observed and are willing to attest to Wilson Management shredding reports regarding use of force from 19JUL2013, concerns for safety and anything that will reflect badly on Wilson management or the processing centre.
- g. When located in OPC03, ERT were frequently tasked with maintaining observations on specific Nauruan employees suspected of trading contraband. We would also search through areas within the camp (such as the laundry facilities) and frequently find packets of

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru
Submission 62

cigarettes stashed under or behind the washing machines. It was well suspected that Nauruan employees were bringing in contraband such as cigarettes and attempting to gain sexual favours from asylum seeker females. It was also known that Nauruans not employed at the centre would occasionally sneak up to the camp at night and hang outside the fence of the SAF (single adult female) area and look into tents or attempt to trade contraband for sexual favours. I have twice observed and questioned Nauruan locals loitering in the rocks outside the area of OPC03, in both occasions I received no response and they merely moved further away from the camp and into the rocks until out of sight.

- h. In the days leading up to the first RSD (refugee status determination) and following after, I have overheard Nauruans making threats to asylum seeker women inside OPC03, stating that "We'll find you outside" and most commonly "This is our island, our rules".
- i. On a date I cannot remember in June 2013, at approximately 0300 in the morning I received a phone call from a refugee living in the community after receiving a positive RSD. She sounded deeply distressed and told me her friend had just called her saying a Nauruan is trying to break into her room. The Nauruan male was known to the female refugee in the room he was attempting to enter. Eventually the male broke the door handle and left. I saw the broken door handle the following day while walking to the Anibare boat harbor. I am aware that there are frequently drunk Nauruan males entering the refugee accommodation sites in the community calling for females to come out of their rooms.
- j. There are huge problems between Nauruan employees and Expat employees. To this date, the Nauruan government has cancelled the visas of seven Wilson employees on Nauru (that I am currently aware of). These visa cancellations have been the result of disagreements at work, mistaken identity and an allegation of racism when the individual involved was not even on the island at the time of the alleged incident. One of the seven includes a Wilson security manager who had his visa cancelled after a disagreement with the Nauruan Ops manager for OPC03 (He did however have his visa reinstated). The Nauruan employees use this and will quite frequently make hints or even direct threats of cancelling visas so they can avoid work or repercussions for their actions at work. This has taken a direct impact on reporting incidents involving Nauruan employees and for many incidents people will turn a blind eye to for fear of losing their visa.
- k. A fellow employee who was on a bus asked the driver (A Nauruan employee) if she could turn the air conditioner down. The driver somehow took offence to this request and threatened to call her relatives up to camp to bash him and the other Wilson employee with him, then follow this up with getting their visas cancelled.
- l. I have heard a recording of ERT supervisor giving our team a start of shift briefing in which he states that if a local employee has a problem with you, they do not need to follow the chain of command, they can go straight to the Nauru government and cancel your visa or take matters into their own hands. Additionally during this recording he states that the Nauru government has stated that they will cancel the visa of anyone they believe to be in a relationship with a refugee that has been settled into the Nauru community.

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in
Nauru
Submission 62

m. I am aware of an incident when a male Wilson employee was at Jules bar on his day off and observed Nauruan males harassing and groping a female refugee. The female refugee sighted the Wilson guard and approached to begin a conversation (The Wilson guard immediately had every Nauruan at the bar staring at him). The two talked for approximately five minutes and went separate ways. The following day all the Nauruan security staff at OPC03 were asking expat Wilson guards for the name of the Wilson guard talking to the refugee at Jules last night. Approximately a week later, an allegation was made against this individual by a Nauruan, stating he had been dealing marijuana inside the camps. On the alleged date of this incident, the male was not even in Nauru. The individual was subsequently stood down from work and never returned to the island.

I strongly recommend the centre is shut down, the remaining asylum seekers be processed onshore and all the refugees that were released into the Nauruan community be brought to Australia.

I hope my submission provides some more insight into what is happening on Nauru.

Regards

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru
Submission 99

I would like to make a submission regarding recent allegations concerning events on Nauru, I would like to remain anonymous while doing so, however I believe this information should be made public.

1. In relation to the allegation that Sarah Hanson Young was spied on by Wilson security staff while in Nauru and the response from Wilson Security Management that it was the unauthorised actions of a single Emergency Response Team (ERT) Supervisor

This is incorrect as the management of Wilson Security on Nauru both authorised and sanctioned this operation. This operation involved approximately 6-8 ERT members and consisted of recording her every movement both in and out of the camps, they were also to report on whom she spoke with and if possible they were to ascertain what was said. Staff were requested to compile reports on her movements, contact with employees or Stakeholders. These reports and video surveillance footage were to be handed to the Intelligence unit for collation and dissemination.

Wilson management were very concerned about her agenda while in Nauru and believed Wilson Security could be shown in a negative light. Staff were strongly advised/warned by Wilson Management prior to her arrival to refrain from speaking with her about asylum seekers, centre operations and anything that could be detrimental to Wilson's reputation in the processing centres.

Wilson investigations manager and intelligence officer met with Sarah hanson-young with the sole purpose of extracting and recording information from her with regards to her agenda while on Nauru. As stated previously, Wilson Management were extremely concerned with her political leanings/ stance on asylum seekers and believed that she had the political clout to seriously tarnish or damage Wilson's reputation as the security provider at the processing centres.

The Emergency Response Team Supervisor who Wilson Security management said conducted unauthorised surveillance on Hanson Young appears to have been a scapegoat. Management authorised, sanctioned and fully supported surveillance on Sarah Hanson Young while she was in Nauru.

I have spoken with ERT members involved in this operation and they have stated that their primary role was to obtain information that could assist Wilson's with negating, refuting allegations made by Hanson Young with regards to the security role conducted by Wilson's at the processing centres. Their secondary role was to ensure her safety.

The Senate has been misled and misinformed by Wilson Security Executive Management that this was the action of a lone wolf operator, management were fully aware of this operation. A considerable amount of video surveillance footage was taken of Sarah Hanson Young, both inside and out of the processing centres by tasked Emergency Response Team members. This was then provided to the Wilson Security Intelligence unit for dissemination.

2. Another concerning matter involves a Wilson Security Client Service Officer in August 2014. made an assault complaint against an asylum seeker claimed had assaulted him at Regional Processing Centre 2. The matter was investigated and was charged with assault by the Nauru police force.

claimed that had struck him in the face. spent several weeks in custody as a result. He indicated that would be pleading not guilty to the assault allegation and the matter went to court in November 2014. and another Client Services Officer gave evidence to say that he had been assaulted while two Transfield Case

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru
Submission 99

Managers gave evidence on behalf of [redacted] alleging that he did not assault [redacted].
The Magistrate then reserved her decision until a later date.

A decision was made in January 2015 and [redacted] was found not guilty of assault.

In December 2014, information was received from a colleague of [redacted] that he had fabricated the entire incident and [redacted] had not assaulted him at all. An investigation was conducted into this and as a result, a voice recording was obtained of [redacted] stating that he "took a dive". [redacted] stated that he waited until [redacted] approached him and went to walk past him, before grabbing him [redacted] and wrestling him to the ground while making it look like the asylum seeker had assaulted him. [redacted] justifications for doing so was that he didn't like [redacted] and wanted him charged and ultimately receive a conviction for assault so he could never get to Australia. (Refugees with certain convictions are sometimes not permitted to travel to Australia.)

[redacted] had spent a total of four weeks in custody and had self harmed on three occasions as a result of this incident. After his fellow asylum seekers left Nauru and went to be processed in Australia, [redacted] attempted to hang himself. This undue stress and attempted suicide was a clear result of a negligence of Wilson Security.

[redacted] has made a false complaint, perverted the course of justice, assaulted an asylum seeker and committed perjury in the Nauruan court. Wilson Security management knew about this matter in December 2014, [redacted] remained in his position during this time until he was urgently removed from Nauru very recently by Wilson Security as the Nauru police force had been made aware of this matter. Wilsons Management were concerned should this matter be investigated by the Nauruan Police Force, the media would have also been made aware and ultimately it could reflect badly due to the inaction taken by Wilson Management. [redacted] is still employed by Wilson Security and Wilson Security management believe this matter will blow over with no further repercussions.

[redacted] was the unfortunate victim in this matter. He has spent time in custody as a result, he has also attempted self harm on three separate occasions, [redacted] however continues to retain his position and his actions appear to have been sanctioned by Wilson Security management who have known about this for a considerable time. Furthermore, management did not advise the department of Immigration or Transfield services about this incident at the time as per contractual requirements.

3. During my time in Nauru, I have been made aware that Wilson Security regularly checks both work and private emails of their employees. Wilson Security's Brisbane based operations have computer programs they use to collect information on employees and other service providers by accessing their social media sites, phones and emails. They cannot use this information in a legal capacity however they can use it to assist them in identifying/collecting information on staff and service providers they deem to be a problem/security risk. These computer programs used by Wilson Security in Brisbane also allows them to track the phones of their employees and other service providers and allows them to see what numbers/locations have been called by staff both in Nauru and Australia.

There is clearly a concern that Wilson's are a private security company not a government agency. How is it they have access to this? What do they do with this data?

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in
Nauru
Submission 99

4. A female asylum seeker was sexually assaulted by a Nauruan local while attempting to catch a bus back to RPC 3. This unidentified male subjected the victim to a prolonged attack (several hours) and she was eventually found running down the road half-naked by an expat female who advised the police. The police eventually arrived after initially going to the wrong location. She was placed in the rear of the police vehicle and the police then stopped on the way back to the station to watch a fireworks display for 45 mins (with a distraught, half-naked, sexual assault victim).

Eventually after arriving back at the police station, the asylum seeker was interviewed and then taken to the hospital for treatment, her injuries (bruising and bite marks on her back/shoulder) were photographed by the doctor.

The Nauru police force initially denied the incident even occurred and believed that she had made the whole thing up. The police however eventually conceded that it did occur, but stated that it would have been a refugee that attacked her and not a local. The police also indicated that they would vigorously pursue this investigation. Local Nauruan staff were coached by members of the Nauruan government/police to state to the asylum seekers in the camps that it was a refugee and not a local that attacked her.

The Nauruan government was concerned that should it be insinuated that a local was responsible it would create negative connotations regarding the safety of asylum seekers/refugees on Nauru and perhaps be used as political leverage by those parties opposed to the processing centre.

To date nothing has been finalised, the victim is still in Nauru, the investigation has not progressed at all. There is no capability within the Nauru Police Force to interview or forensically examine the victims of a sexual/serious assault. Australian Federal Police are there to assist the Nauruan Police Force only in an advisory capacity. Unfortunately the Nauruan police force don't have the training, equipment, skill set or experience to deal with major investigations, they are a third world country with third world policing issues.

As more and more asylum seekers are released into the Nauruan community, there are also more incidents in which refugees are assaulted and attacked by Nauruan locals, I have spoken with CONNECT staff (External Refugee Resettlement agency based in Nauru) and I have been advised that refugees are being targeted and assaulted on a weekly basis by locals, some of these matters are reported to the Nauruan police force, however many are not for fear of retaliation by Nauruan locals or inaction by the Nauru Police.

It will only be a matter of time before there is another serious sexual assault on either a refugee or asylum seeker by a local/s and I also believe that the ingrained culture of the locals who believe asylum seekers/processing centres have ruined Nauru and have an inherent hatred of refugees and asylum seekers will result in a serious assault or perhaps the death of either an asylum seeker or refugee.

5. Nauru Offshore Processing centre is supposed to be a humanitarian environment, Wilson Security however runs it like it is a military operation. A very large majority of supervisors and staff are either ex New Zealand or Australian military personnel, their doctrines, procedures and methodology are all military based, this unfortunately does not translate well to an environment that should be focused on providing nurturing care, safety and security to asylum seekers. A one or two day course in cultural awareness run by Wilson Security is not going to change people's perceptions, especially those military personnel that have worked in overseas conflict zones such as Iraq or Afghanistan and have an ingrained or preconceived perceptions of people from these areas.

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru
Submission 99

While working in Nauru, I quickly became disillusioned with the smoke and mirrors mentality of Wilson Management. Any attempt to address serious concerns, major issues or disturbing behaviour was immediately stifled by management and on more than one occasion I was directed by Management to alter, modify reports outlying these concerns so as to reflect Wilson Security in a more favourable light to external agencies.

6. I also have some major concerns about the Wilson Security Intelligence team on Nauru regarding the dismissal of save the children employees. Intelligence analyst [redacted] was responsible for authoring an intelligence report for the Minister of Immigration some time ago, together with Investigations Manager [redacted] were also responsible for ultimately identifying and ensuring that the sacked Save the children workers were removed from Nauru as they both believed that they all were coaching and assisting Asylum Seekers with protest activity. I can categorically state that [redacted] had no evidence whatsoever in relation to those staff coaching or assisting the Asylum seekers with protest activity. In fact [redacted] panicked after he realised that the intelligence report had been sent and attempted to solicit and cajole information from anyone that knew these Save the children workers that would show them in a negative light and therefore justify his report.

[redacted] has conducted an investigation to ascertain who the anonymous whistleblowers were that have provided submissions to the senate inquiry about information that is detrimental to Wilson Security and the security operation at the Processing Centres. If the results of this investigation established that these anonymous whistleblowers were current Wilson Security employees then once identified these employees were to be targeted and their employment terminated under the guise of substandard work performance.

I believe that [redacted] is committing a criminal offence, in that he has conducted an investigation attempting to identify these 'Whistleblowers' as the information submitted to the Senate is protected under the Whistleblower Protection Act and Federal legislation. In Australia a charge of "taking detrimental action in reprisal for a person making a public interest disclosure", could be considered a crime. The penalty for this is 2 years imprisonment and \$11000 fine.

7. Another area of major concern is the Wilson Security Behavioural unit, this is managed and staffed by inexperienced, unqualified Wilson employees, their role is a significant one however and they deal with all welfare issues relating to the asylum seekers, these can range from behavioural changes in the asylum seekers through to serious attempts at self-harm.

I believe they are unqualified to make decisions regarding the mental and physical welfare of the asylum seekers, none of the behavioural team have a mental health or welfare background, How can these people determine what is the best end result for the asylum seekers when they themselves have no experience or skill set to draw upon.

The majority of the asylum seekers had prior significant mental health issues before they arrived in Nauru, however the conditions at Nauru appeared to have exacerbated these issues and the resulting behaviour of these Asylum seekers is recorded, monitored and their welfare needs and requirements decided by manifestly inadequately trained Client Service Officers under the guise of Behavioural specialists/managers.

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in
Nauru
Submission 99

Finally, I thank you for allowing me an opportunity to outlay my concerns and issues. Unfortunately the above matters are only the tip of the iceberg. I have no doubt that should a detailed and full investigation be conducted, many other concerning matters will be uncovered.

they talk to the various infrastructure that has been put in place over the last few months. And I am happy to source additional photographs if that would aid the committee; we can do that.

Senator REYNOLDS: I think that would be good. As you have seen, there is a range of evidence that we have had—that they are in tents with no hard standing; that there are substandard toilet facilities. If you could go through some of those, and if you have photos from the last 24 hours, I think that would be very instructive—so that we can see what the facilities are like now, and we can test some of the evidence.

Mr Pezzullo: Just to Senator Hanson-Young's point, we might be able to—through discussion with the centre management and subject to respecting privacy; obviously, we do not want to provide imagery of lived-in spaces because there will be personal items laid about but, if it is the committee's desire, we can arrange to get into a currently unused space inside a marquee. I am sure that we can get some imagery sorted out for the committee.

Senator REYNOLDS: Thank you. I think that would be very helpful for us to make some determination about that evidence. In relation to Senator Hanson-Young's question about being followed, Dr Young made some further allegations. I think you are aware of some of these allegations, but he said that it was more systemic than that, and there was a culture of—I do not think he used the word 'spying', but checking on and monitoring anybody from off-island. I am just wondering, have you got any further advice? Is this policy? What was the story?

Mr Pezzullo: I will deal with the specifics first and then perhaps, more broadly, go to this question of some kind of implied policy in this regard. Senator, when I saw those references to how your visit was handled, I myself asked questions, as you would expect me to, in terms of Wilson Security. I have seen the advice, which I think Wilson has now provided—and I stand to be corrected here—directly in response to the submission that came in to the committee. Wilson has provided its response. I have no reason at all to question that. They have indicated that on the occasion of your visit, Senator, someone within their company took it upon themselves—as I recall it, Mr Skill—to monitor your vehicle overnight, such as they thought was required in the circumstances. I do not know why they would have done that. I do not know whether this matter was discussed with you, Senator. Clearly, from your public comments, I suspect it was not. Wilson have otherwise dismissed those allegations and said that, in that case, the officer involved—the officer of their company—acted without authority and has been dealt with.

CHAIR: Did anybody ask him why he took that action?

Mr Pezzullo: I have got no idea why.

CHAIR: So have you not asked Wilsons whether they asked him?

Mr Pezzullo: No; we have been in dialogue—Chair, when you ask me, I think you are asking me personally—but I will ask Mr Skill, who has been discussing these matters with the company, and see if he has anything to add.

Mr Skill: I have spoken with Transfield, who are our key contractor, and they subcontract Wilson to provide this service for us. We have received assurances from Transfield and Wilson that the activities that were undertaken were not authorised—not official—and that the officer involved was disciplined as soon as it came to light at the morning handover, following the evening of monitoring Senator Hanson-Young's car.

CHAIR: Does that indicate that you have no control over your subcontractors down the line?

Mr Pezzullo: No, it does not.

Mr Skill: No, absolutely not.

Mr Pezzullo: In any large, complex organisation you have all sorts of people making decisions about all sorts of things. In my very lengthy experience—and I do not wish to in any way imply otherwise, but normally, if a person is the subject of protection, there is a dialogue with them.

CHAIR: You would be familiar with the legislation that senators can move unimpeded throughout the Commonwealth in their—

Senator REYNOLDS: We are in Nauru.

Mr Pezzullo: There is the question of both the privileges act—

CHAIR: We are in Nauru: I am asking you, did anybody ask the person who took the action of surveillance—or following, or spying—why he did it? You are all saying: 'We don't know. It was nothing to do with us.'

Mr Pezzullo: That is precisely not what the officer said. Mr Skill said that he has had a discussion with the prime contractor, Transfield, who has had a discussion with Wilson. They have advised us that the officer undertook that action without authority and has been disciplined.

CHAIR: Why did the officer take that action without authority?

Mr Pezzullo: Well, if the question from the committee is—we can ask it through the contractual chain—why did that officer—

Senator KIM CARR: The question goes broader than that, because the report we have here is that more than one officer is involved and it was more than just surveillance on a motor car. I am very concerned that there is accuracy in the evidence that is presented.

Mr Pezzullo: Indeed, and so am I. And that is why we have asked the question: what do you know of this matter? Transfield is our prime contractor. They have spoken to Wilson, their subordinate contractor, and they have said, 'Yes, we accept that on one occasion.' This is what Wilson has told us through—

Senator HANSON-YOUNG: This is different to the information Wilson has provided to us—

Senator REYNOLDS: Let the secretary finish, please.

Mr Pezzullo: I have read the response to submission No. 62 and they have conceded on one occasion a matter of discipline arose and they have undertaken discipline in relation to that officer. The chair has asked, 'Why did that particular employee undertake the actions that he took?' We could ask the question and we will see what we can come back with on notice.

CHAIR: I think the question needs to be asked why someone took it upon themselves to institute—

Mr Pezzullo: Quite, Chair, and I do not know. I do not wish to impugn the person in question at all. He might have had a brain explosion. He might have thought that he was operating under what was diligent action—

Senator HANSON-YOUNG: I want clarification. The Wilsons' response says: Wilson Security is aware of individuals—

plural—

who attended the Menen Hotel at the same time as Senator Hanson-Young. We understand that their primary motivation was the security of the Senator.

This activity was not authorised by Wilson security, and is not a part of our scope of works in providing security at the Regional Processing Centre.

The matter was immediately investigated ... and the individuals—

plural—

involved were subject to disciplinary action for acting beyond their brief.

You keep referring to one person. Wilsons' response to me here, and to this committee, is that it was individuals. I would like clarification as to whether you have been told something different.

Mr Pezzullo: They have obviously dealt with all the persons associated with that and presumably there would have been someone who organised that activity. Mr Skill has some further information.

Mr Skill: I was speaking as an individual. There was a shift supervisor who arranged for your vehicle to be monitored overnight. That was the individual that I am advised was disciplined by Wilsons. If there was flow-on effect for more junior officers within Wilson then I have not been provided that information—

Senator HANSON-YOUNG: So that is not the person who is part of the people who came to my hotel? That is a separate incident?

Mr Skill: I do not have that information. I am advised by Wilsons, via Transfield, that nothing unusual in relation to provision of safety and security to visitors to the island was provided with the exception of this one incident where a shift supervisor authorised or requested—I would have to clarify the wording there—for your vehicle to be monitored overnight at the hotel for security purposes.

Senator REYNOLDS: I asked a question about seven minutes ago and I have not had the opportunity to hear the response from the department, so if I could continue. I am sure Senator Hanson-Young will have plenty of opportunities.

Senator HANSON-YOUNG: You did reference the—

Senator REYNOLDS: Yes, but I think there have been five questions in my time, and I would like the department to answer my question about any policy of monitoring, or security in a more general sense, from the department initially. That was my question to start with.

Mr Pezzullo: Sorry, Senator, I have lost the thread of that.

Senator REYNOLDS: That is all right. It is no wonder. We have had individual allegations raised. The question is: is there anything in terms of departmental policy, for Transfield or Wilson, to monitor if they have concerns about the security of people from off island? Is there any official policy or—

Mr Pezzullo: No.

Senator REYNOLDS: There is none at all?

Mr Pezzullo: In terms of the mandate that we exercise, it is to support the government of Nauru. The government of Nauru is responsible for the good order of the centre—

Senator REYNOLDS: And they are responsible for security—

Mr Pezzullo: We provide, through the contractual arrangement we have—as referred to several times—with Wilson Security, which is a contractual flow that comes through Transfield. We provide support services. As far as I am concerned, and to reassure the chair and others, there is absolutely no policy implied or otherwise that visiting Australian parliamentarians will be put under any form of scrutiny or surveillance or be monitored otherwise.

Senator HANSON-YOUNG: But it has happened.

Senator REYNOLDS: Thank you very much. I would like to move on to—

Mr Pezzullo: It did happen once, Wilson—I am sorry, Senator, but I cannot let the—

Senator REYNOLDS: I know you have got these interjections and it is a bit hard to know—

Senator HANSON-YOUNG: This is actually important because it has—

Senator REYNOLDS: Senator Hanson-Young will have an opportunity shortly to ask all her questions—

CHAIR: Senator Reynolds, the secretary made the point. It was not an interjection from this side. The secretary took that interjection and wanted to respond. Do you want to let the secretary respond or do we tell him not to?

Senator REYNOLDS: My point is that my colleagues keep interjecting and I would actually like to—

CHAIR: Interjections are disorderly and I ask everybody to desist.

Senator REYNOLDS: I asked this question at least 10 if not 12 minutes ago and I am still trying to work through the answer to my question of 10 minutes ago. As you well know, I have to leave, and there are continual interjections.

CHAIR: You have until five o'clock you told me and it is now half past four.

Senator REYNOLDS: If I could actually, please Chair, be allowed to at least go through my questions.

CHAIR: I am asking you whether you wish the secretary to complete his explanation.

Senator REYNOLDS: I would actually like him to answer my question, not the interjection.

Mr Pezzullo: My apologies, Senator, I will go to your question. Leaving aside the one incident, which involves, as you heard from Mr Skill, a shift supervisor taking it upon themselves to undertake certain actions, and clearly some subordinates complied with that direction, the supervisor, as Mr Skill has been advised, has been disciplined. I am not aware of any other case where a visiting parliamentarian or indeed any other dignitary has been dealt with in that way.

Senator REYNOLDS: It certainly would not be sanctioned by the department or encouraged.

Mr Pezzullo: Absolutely not.

Senator REYNOLDS: Okay. I would like to move on to other allegations from Dr Young today. He made some very serious allegations. Firstly, not all of the IHMS complaints to the department were addressed, were actioned or were reported back. Do you have a process of dealing with the allegations?

Mr Pezzullo: In this case Ms Briscoe might be supported by other officers. It is difficult to deal with some of these allegations because they tend to be generalised. The allegation that certain matters were not attended to by the department is abstract and general, so which allegations were not attended to? You need to know which date, which piece of IHMS advice was set aside, tampered with, or dealt with in a particular way according to Dr Young's perception of these matters. I am sure he absolutely believes in good faith in what he is saying. We are trying to reconcile that with the facts.

Senator REYNOLDS: In terms of any specific allegations, issues or incidents that have been passed through to the department, you are not aware of any that have not been actioned?

Senator LUDLAM: Can we go to the protocol. What happens when you are made aware of an impending visit by a high-profile individual? What protocols kick into place? Obviously, in this instance it is Senator Hanson-Young, but it could be anybody. It could be a journalist or a human rights advocate—take your pick.

Mr White: We have some pretty standard operating procedures, if you like, where we look at what the VIP may want to do. We put in arrangements to make sure that visits in and around the centre are managed appropriately. Often, when VIPs come to visit, the asylum seekers want to have some interaction.

Senator LUDLAM: What responsibility do you take for the conduct or for the welfare of the individuals when they are off site—when they are not at the centre that you are responsible for?

Mr White: When off the site, ordinarily, unless we were requested to do so, we would not have any responsibility. That would sit with the Nauruan police force.

Senator LUDLAM: Do you mean requested by the individual in question or requested by some other third-party?

Mr White: I think that if someone, for whatever reason, felt unsafe, then they would be working with the department to make arrangements for their security off the site.

Senator LUDLAM: With the incidence of Senator Hanson-Young's visit between 15-18 December 2013, when was Transfield first made aware that she was travelling to the island?

Mr White: I would not be able to tell you the exact date. There was also another visit at the time, with members of parliament, Julie Bishop and other senators—

Senator LUDLAM: Were those other visitors also surveilled by Wilson Security when they were off site?

Mr White: As I said, that is not part of our scope of work—

Senator LUDLAM: No. I am not sure why you brought it up. There is evidence that Senator Hanson-Young was surveilled while she was off site. That was nothing at all to do with the visit to the centre. I am wanting to know—just to go back in time, if I can, briefly—when was Transfield first made aware that she was travelling to the island?

Mr White: Again, I would not be able to give you an exact date. But, typically, it is a week or two prior to someone's visit that we would get something from the department to say that we have a visitor and that we need to prepare an itinerary and prepare arrangements for that visit.

Senator LUDLAM: Submitter No. 2 to this inquiry alleges a number of quite serious allegations—some of them which have been rebutted by Wilson Security and some of which have not. And a bit more detail has been provided. Submitter No. 2, who is anonymous, says:

Wilson Security organised a team from ERT—

That is the emergency response team—

to spy on her while she was on Nauru. This included following her around the island while she was outside of the OPCs and setting up an observation post to watch her room at the Menen hotel.

When were you first made aware of the allegations that those out-of-scope activities had occurred?

Mrs Munnings: I can take up the evidence at that point. I understand—and the evidence is—that at 7.40 am on 16 December 2013 Wilson reported the matter to Transfield, having been made aware of it by the individuals involved contemporaneously to that time.

Senator LUDLAM: Okay, 7.40 am coincides with the file note, which I am presuming that you have a copy of—by Ben Gilbert relating to the CSO, Jason Kahika. So, on your evidence, if it was around 7.40 on Monday, the 16th, Transfield was notified immediately the security manager was made aware of it. Does that sound consistent?

Mrs Munnings: Our evidence is that after Wilson were made aware of it they informed Transfield, correct.

Senator LUDLAM: Can you confirm for us that nobody from Transfield had any prior knowledge of those allegations—that you discovered those after, consistent with the file note?

Mrs Munnings: I can confirm that. It was not something that we sought. Our discussions with our subcontractor have determined that the individuals involved did have the safety and security of the senator in mind, and—

Senator LUDLAM: I do not want to go to the justification yet, so please spare me that. I want to know what happened and when, and so far we are doing quite well. So I am happy to just stick to the facts of what occurred.

Did any Transfield staff attend a security team briefing prior to the arrival of Senator Hanson-Young to the island?

Mrs Munnings: I do not have details in relation to the attendance at a briefing prior to the arrival.

Senator LUDLAM: Were you not expecting this issue to come up this morning?

Mrs Munnings: Of course, and we have done extensive performance management in relation to this issue, because it was outside of the scope of Wilson's services.

Senator LUDLAM: So you are not aware of whether there were any Transfield staff in attendance at briefings at which Senator Hanson-Young's visit was discussed prior to her arrival?

Mrs Munnings: I can confirm that there were no Transfield Services personnel at a briefing which discussed the incident at hand.

Senator LUDLAM: I am talking about prior to the arrival. You have said that the operations manager on the island is a Transfield employee. You have also said—or Mr White has indicated—that there are standard protocols that kick in when a VIP or a high-profile individual is scheduled to arrive. Did your ops manager just sit those meetings out?

Mrs Munnings: It would be usual for the operations manager to be in certain security meetings, but there was no Transfield Services employee present when an ERT supervisor gave an instruction to watch the car of Senator Hanson-Young.

Senator LUDLAM: That is really not the question that I am asking you, though.

Mrs Munnings: I am just providing the evidence that I am able to on the point.

Senator LUDLAM: Were any Transfield employees present at meetings prior to Senator Hanson-Young's arrival at which her itinerary or visit was discussed? That is the question that I am putting to you.

Mrs Munnings: We can confirm that on notice. It is the usual protocol that there would be Transfield staff at security meetings, but there was not a Transfield Services staff member present when the watching of the car of Senator Hanson-Young was instructed by the ERT supervisor.

Senator LUDLAM: Yes, that is also a question that I had not asked you. So you will confirm that for us. I would expect that, on notice, the answer would be: yes, either the operations manager or, if not, some other employee—you do not have to identify who, but just at what level they are employed by Transfield—was present at one or more meetings prior to the arrival. It would seem to me to be reasonably consistent with the practice, as you have described it, that somebody would have been in attendance at such a meeting.

Mrs Munnings: We can confirm who and when.

Senator LUDLAM: Okay. When did you first receive the file note? I am presuming that you are aware of the one that I am referring to; it was provided to us by Wilson on Friday, the 17th.

Mrs Munnings: I will ask my colleagues whether they know when specifically that file note came to us. I do not have an exact time as to when that file note was provided to Transfield. I assume that it is the date and time on the file note.

Senator LUDLAM: It is 16 December 2013 at 17:45.

Mrs Munnings: In order to be of most assistance I might ask Erin if she is able to provide any evidence on that point. Just to clarify your question for—

Senator LUDLAM: We are seeing the file note for the first time as of this Friday—in terms of the committee being provided with it on 17 July. When was Transfield first made aware of that?

Mrs Munnings: Erin, do you understand the question? Are you aware of when Transfield was first provided with the file note that the committee is referring to?

Ms O'Sullivan: I understand the question. We will need to take that question on notice to provide an answer to the committee with certainty.

Senator LUDLAM: Is it reasonable to assume that you have had it since December 2013 at some stage? The subject is 'Failure to follow directions and giving unlawful instructions'—a reasonably severe and serious incident. Would that have been provided to you reasonably shortly after the incident itself?

Mrs Munnings: We will provide confirmation of whether or not it was.

Senator LUDLAM: Are you confirming for us this morning that you do not believe that a member of the Australian Senate is a legitimate target for off-site surveillance?

Mrs Munnings: That is our evidence. Senators are allowed to move freely, as are other VIPs who attend the island. When they are outside the centre, they move freely around the community.

Senator LUDLAM: Is there anyone you would consider to be a legitimate target of off-site surveillance—for example, a high-profile journalist or somebody from Amnesty International who might be quite critical of your operations? That is the sort of services that Wilson provides.

Mrs Munnings: That is not within the scope of services that we have subcontracted to Wilson Security.

Senator LUDLAM: So unless the individual in question requests that kind of assistance for their own security there would be no circumstances under which they would be placed under that sort of surveillance?

Mrs Munnings: That is definitely our expectation of Wilson. Their scope does not include surveillance of any individual outside the centre and certainly not of the nature you are describing.

Senator LUDLAM: What's with the bird names—Project Swan, Project Cygnet and Project Duckling? Is that just part of the corporate culture?

Mrs Munnings: It is usual corporate practice to have codenames. They mean very little other than to protect the privacy of the project that is being discussed.

Senator LUDLAM: I am curious that Senator Hanson-Young was designated as 'Raven'. Is it part of the Transfield corporate culture as well to designate people or individual targets with codenames?

Mrs Munnings: That is not part of Transfield's culture. We have codenames for projects that have high levels of confidentiality. That is common across most organisations.

Senator LUDLAM: Yes, but there was a designated codename for an individual who was placed under surveillance.

Mrs Munnings: In relation to that, it was the decision of an individual who acted outside of his authority and disciplinary action was taken. Again, it was extremely regrettable and, on behalf of Transfield, I apologise that this occurred.

Senator LUDLAM: That is the first apology that has been tendered.

Senator HANSON-YOUNG: Why has it taken this long? If you knew, why wasn't I told while I was on the island that this had occurred? Why hadn't anybody bothered to tell me?

Mrs Munnings: The actions of the individuals were in the interests of your safety. We have received that assurance from Wilson as we undertook the performance management of our subcontractor. Disciplinary action—

Senator LUDLAM: We might get to the justification when we come to Wilson. There is a striking inconsistency given between submitter No. 62 and the evidence tendered by Wilson that makes it apparent that the surveillance activities went well beyond observing someone's car in a car park. There is also evidence that people outside the three individuals who are referenced both in the file note and in other material knew well before that what was to occur. I am trying to identify—and you are well aware that it is a very grave issue to give false or misleading evidence to a select committee—that categorically nobody from Transfield knew in advance that the senator was to be placed under any form of off-site surveillance.

Mrs Munnings: That is my evidence.

Senator KIM CARR: If Transfield does not regard itself as being contractually obliged to guarantee the security of detainees, who in your opinion is?

Mrs Munnings: I do not quite understand your question.

Senator KIM CARR: Who is responsible to guarantee the security of detainees on Nauru?

Mrs Munnings: As I said in my evidence, all the stakeholders work together—

Senator KIM CARR: I know that everything is going really swimmingly out there! There is \$1.2 billion for 20 months work and you are saying that that contract does not oblige you to guarantee the security of detainees. Who is responsible?

Mrs Munnings: I do not believe that was the evidence I gave. But what I can confirm is that the government—

Senator KIM CARR: Are you contractually obliged to guarantee the security of detainees?

Mrs Munnings: As I said in the evidence I gave to Senator Johnston, we are not contractually obliged to guarantee the welfare of the asylum seekers—

Senator KIM CARR: I said 'security'.

Weeknights on ABC and [ABC News 24](#)

Spying and abuse described by Nauru detention centre's former staff

[Print](#) [Facebook](#) [Twitter](#) [More](#)

Australian Broadcasting Corporation
Broadcast: 13/08/2015
Reporter: Hayden Cooper and Lisa Main

Whistleblowers have defied the law to speak out about a culture of cover-ups and abuse at Nauru's immigration detention centre, and they challenge the evidence given by centre operators before parliament.

Transcript

LEIGH SALES, PRESENTER: Detention centre whistleblowers are defying the law to speak out about a culture of cover-ups and abuse on Nauru and challenge the evidence given by centre operators before Parliament.

A Senate inquiry into the island is due to report within days.

Tonight, 7.30 can reveal the likely findings of the committee, including a demand for children to be removed from detention.

As Transfield and Wilson Security seek to renew their lucrative contract to run the detention centres, the conduct of their staff is under more scrutiny, not least over a covert operation to spy on an Australian senator and Wilson's attempt to play it down.

This report from Hayden Cooper.

HAYDEN COOPER, REPORTER: Inside the Nauru detention centre in the hours before the riot of July, 2013. This footage is from a camera worn by one of the Wilson security guards.

10/27/2015

Spying and abuse described by Nauru detention centre's former staff - 13/08/2015

SECURITY GUARD: We've got the cops at Charlie 2.

SECURITY GUARD II: Yep.

SECURITY GUARD: If they do try to escape, the coppers want your team up there to give them a hand, arrest the f**kers.

SECURITY GUARD II: Sweet as.

SECURITY GUARD: Alright.

HAYDEN COOPER: The guards are preparing to join Nauruan police at the camp's gate in an effort to contain the unrest.

SECURITY GUARD III: So if something happens, all the cops are on standby out at Charlie 2, man. If something happens and they all go out through here, then we go Charlie 2.

SECURITY GUARD IV: Yeah.

SECURITY GUARD III: Take (beep) down. The cops have asked ERT to assist.

SECURITY GUARD IV: So just grab 'em.

SECURITY GUARD III: We assist the cops in any way in as much capacity as - because you become an authorised officer.

SECURITY GUARD IV: Yeah, yeah, as soon as the cop tells you what to do, you can do it.

SECURITY GUARD III: Yeah.

SECURITY GUARD IV: Now I don't understand Nauruan, so I'm just gonna say he told me to do everything.

SECURITY GUARD V: I'm pretty sure he said shoot that guy. I'm fairly confident he gave me that order.

HAYDEN COOPER: This video has come to light because of more and more Australians who are prepared to defy the new Border Force Act and risk two years' jail by revealing what they experienced on Nauru - guards, social workers, doctors.

DAVID ISAACS, PEDIATRICIAN: If I see child abuse in Australia and I don't report it, I can get into enormous trouble. If I see child abuse on Nauru and I do report it, I might go to prison for two years.

NATASHA BLUCHER, SOCIAL WORKER: Australian people deserve to know what's being done in their name with their tax money. And - and they don't know.

HAYDEN COOPER: Tonight, 7.30 reveals a rare glimpse of life on Nauru, through photographs, videos filmed by asylum seekers and the testimony of those who worked there. A former Wilson Security guard who feels compelled to speak out.

Is this sort of abuse still going on, do you think?

FORMER WILSON SECURITY GUARD: I'd say definitely, yes.

HAYDEN COOPER: Paediatrician David Isaacs, a man still shocked by what he witnessed on Nauru during a visit last December.

DAVID ISAACS: I saw a six-year-old girl who tried to hang herself with a fence tie and had marks around her neck. I've never seen a child self-harm of that age before.

HAYDEN COOPER: And there with him was Sydney nurse Alanna Maycock.

ALANNA MAYCOCK, NURSE: David and I heard a report from a mother that we'd seen that she'd been raped there. She was offered more time in the showers for sexual favours.

DAVID ISAACS: After five days, I went home and had nightmares. I didn't expect that. I didn't expect to be so, um, traumatised by these people's trauma. These are people, ordinary people and we're treating them with, um - sorry. We're treating them with incredible cruelty.

HAYDEN COOPER: These serious allegations of rape, self-harm and abuse have dominated the Senate inquiry, and since, some have been referred to Nauruan police. But the responses of centre operators Transfield and Wilson Security are now being called into question. Both claim staff are trained to report abuse, including through a special hotline.

NAURU DETENTION CENTRE OPERATOR REPRESENTATIVE: We have had this whistleblower hotline in place for a long time. It is actually on the backdrop of every person's screen at work.

HAYDEN COOPER: This former guard says otherwise.

FORMER WILSON SECURITY GUARD: I'd never heard of it. During my induction course when I first started work, they never mentioned it and the whole time I worked there, I never heard of it.

HAYDEN COOPER: No-one said there's a hotline you can call if you want to report abuse or anything like that?

FORMER WILSON SECURITY GUARD: Never.

HAYDEN COOPER: You never saw the whistleblower hotline advertised?

FORMER WILSON SECURITY GUARD: Never.

HAYDEN COOPER: Alcohol and drug use among guards and other staff on Nauru is a problem. This record of a Wilson Security management meeting obtained by 7.30 confirms the incidents of alcohol abuse.

Transfield told the inquiry that staff on Nauru are subject to random alcohol testing.

SARAH HANSON-YOUNG, GREENS SENATOR: Is it every day?

TRANSFIELD REPRESENTATIVE: Ah - yes, my understanding is every day, testing would occur.

HAYDEN COOPER: Can you describe for me what sort of alcohol testing was done on you while you worked at Nauru?

FORMER WILSON SECURITY GUARD: None, not once. The whole time that I worked there, I was never tested for alcohol and I'd never seen any alcohol testing.

HAYDEN COOPER: You never saw any random breath testing at all?

FORMER WILSON SECURITY GUARD: Not at all.

HAYDEN COOPER: But it's the evidence provided on so-called Operation Raven that several guards now dispute - the spying on Senator Sarah Hanson-Young during her visit to the island, an incident the Government dismissed.

10/27/2015

Spying and abuse described by Nauru detention centre's former staff - 13/08/2015

TONY ABBOTT, PRIME MINISTER: I don't accept that characterisation. I believe she was being in fact looked after while she was there.

PETER DUTTON, IMMIGRATION MINISTER: My experience of Sarah Hanson-Young is that she gets most of the facts wrong most of the time.

HAYDEN COOPER: Wilson admitted the spying, but said it was limited in scope to one supervisor and two of his staff.

WILSON SECURITY REPRESENTATIVE: Senator, there was no reporting that came out of this that didn't inform any decision-making. It was the rogue actions of a misaligned individual.

HAYDEN COOPER: But several former guards have told 7.30 that in fact up to eight Wilson employees were involved.

FORMER WILSON SECURITY GUARD: What I was aware of or what I'd heard from other guys who were involved was that they were briefed on her room number, the vehicle and what time she was going to be in and out of the camp. They were also told to follow her and they were told to keep notes on who she was talking to around the island and in her room.

HAYDEN COOPER: So it was quite an extensive spying operation?

FORMER WILSON SECURITY GUARD: Yes.

HAYDEN COOPER: Do you have any doubts about that at all?

FORMER WILSON SECURITY GUARD: I have no doubts.

HAYDEN COOPER: Later when news spread, they panicked.

FORMER WILSON SECURITY GUARD: Basically, the individuals involved and the supervisor were called into the Wilson office. They were told to shred pages from their notebooks and any reports they had written up.

HAYDEN COOPER: It's not yet clear if the committee will refer this allegation to Australian Federal Police.

With the Senate inquiry drawing to a close, 7.30 understands it will make a number of key recommendations. These are likely to include a demand for children to be removed from detention, for the reporting of sexual abuse to be made mandatory and for the Immigration Department and Federal Police to conduct a full audit of all allegations. The committee may also recommend comprehensive drug and alcohol testing on Nauru and for the Immigration Ombudsman to review all complaints made against detention centre staff.

These photos obtained by 7.30 reveal the mouldy and ramshackle tents housing asylum seekers. 700 are held on Nauru at a cost per detainee of \$2,000 a day.

Natasha Blucher is another former staffer who won't stay quiet. She worked for Save the Children and wants the centre closed, but she's pragmatic.

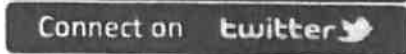
NATASHA BLUCHER: You won't get an argument from me in relation to whether or not we need to stop the boats. We shouldn't have people getting on boats because they're desperate and drowning. Like, that argument does have merit. But you can't tell me that in a country that's developed and full of educated people, that we can't do it in a way that's not so brutal and doesn't cause so much harm to people.

HAYDEN COOPER: Dr David Isaacs believes he'll never return to Nauru because he won't be allowed back - the price of ignoring the Border Force Act and going public.

DAVID ISAACS: It's child abuse. Putting children in detention is child abuse. So, our Government is abusing children in our name.

LEIGH SALES: Hayden Cooper reporting.

Search



Contact Us

If you have inside knowledge of a topic in the news, [contact 7.30.](#)

Images

Spying and
abuse
described by
Nauru



© 2015 ABC

AM with Michael Brissenden

Monday to Saturday from 8:00 am on ABC Local Radio and 7:10 am on Radio National.

Greens call for investigation into claims of spying of senator on Nauru

Lisa Main reported this story on Friday, August 14, 2015 08:10:00

| [MP3 download](#)

MICHAEL BRISSENDEN: The Australian Greens have called for the Federal Police to investigate fresh claims about an operation to spy on a senator during her visit to Nauru.

Sarah Hanson-Young was given the codename Raven and watched and followed by Wilson Security guards when she went to Nauru in December 2013.

More guards have now come forward to verify the allegations and challenge the evidence given by Wilson Security to a parliamentary committee.

Lisa Main reports.

LISA MAIN: The allegation first emerged in June. Sarah Hanson-Young was the target of Operation Raven - a coordinated effort by Wilson security guards to spy and report on the Senator's trip to Nauru.

At the time, the Prime Minister and the Immigration Minister, Peter Dutton, dismissed the claim.

PETER DUTTON: My experience of Sarah Hanson-Young is that she gets most of the facts wrong most of the time. She makes these allegations which are completely unfounded, and I think Sarah Hanson-Young conducts herself in a way which frankly is an embarrassment to our country.

LISA MAIN: But Wilson admitted in the Senate committee that it did happen.

They said it was a rogue act by just three employees who watched the senator's hotel room from the car park.

But several former guards have told the ABC's 7.30 program, it was bigger than that - that up to eight Wilson staff were involved and it went for three days, the entirety of the Senator's visit.

FORMER NAURU GUARD: What I was aware of, or what I'd heard from other guys who were involved, was that they were briefed on her room number, the vehicle and what time she was going to be in and out of the camp.

They were also told to follow her, and they were told to keep notes on who she was talking to around the island and in her room.

HAYDEN COOPER: So it was quite an extensive spying operation?

FORMER NAURU GUARD: Yes.

10/27/2015

AM - Greens call for investigation into claims of spying of senator on Nauru 14/08/2015

LISA MAIN: Later, when news of the operation spread, the guards panicked.

FORMER NAURU GUARD: Basically, the individuals involved and the supervisor were called into the Wilson office, they were told to shred pages from their notebooks and any reports they'd written up.

RICHARD DI NATALE: Oh, this allegations are as serious as things get.

LISA MAIN: Greens leader, Richard Di Natale, says the committee should refer the allegations to the Australian Federal Police.

RICHARD DI NATALE: We have a member of the Australian Parliament being spied upon systematically over days by a number of people and then we have Wilson Security, the organisation, government-funded contractors, who were responsible for that apparently lying to a parliamentary committee about the extent of what went on.

I think nothing could be more serious than that. I think Minister Dutton firstly needs to give a complete account of why he dismissed these allegations.

I think he needs to ensure that there is a full police investigation. We also need to ensure that any further contract negotiations that are going on with Wilson Security are immediately put on hold, and I think that unless he takes those actions, then he needs to seriously consider his position as a minister of this Government.

LISA MAIN: The Senate inquiry is due to deliver its report within weeks.

AM understands the likely recommendations include a call for children to be removed from detention, and for the Immigration Department and Federal Police to conduct an audit of all abuse allegations.

MICHAEL BRISSENDEN: Lisa Main reporting.

©2015 ABC



© 2015 ABC



265 Churchill Road
Prospect SA 5082
Tel: +61 8 8269 6022
Fax: +61 8 8269 6044

Parliament House
Canberra ACT 2600
Tel: +61 2 6277 3450
Fax: +61 2 6277 5966

senator.gallacher@aph.gov.au

September 2015

Senator the Hon Stephen Parry,
President of the Senate
Suite SG40
Parliament House

CANBERRA ACT 2600

Mr President,

**MATTER OF PRIVILEGE ARISING FROM PROCEEDINGS BEFORE THE SELECT COMMITTEE
ON THE RECENT ALLEGATIONS RELATING TO CONDITIONS AND CIRCUMSTANCES AT THE
REGIONAL PROCESSING IN NAURU**

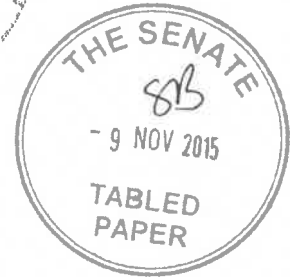
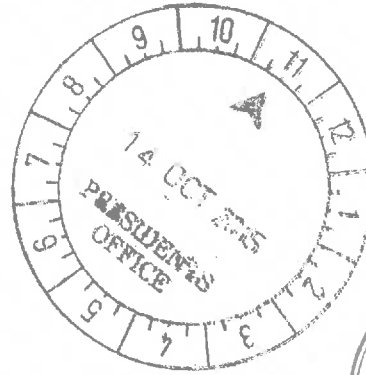
I write to raise a matter of privilege under standing order 81 and to ask that you grant precedence to a notice of motion referring the matter to the Committee of Privileges. The matter of privilege I wish to raise relates to evidence taken by the Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru which reported on 31 August 2015.

The committee received evidence about the disturbance which occurred at the Regional Processing Centre on 19 July 2013 which resulted in the destruction of most of the buildings and infrastructure at the site. Wilson Security, a company that provided security services at the Centre, provided evidence to the committee.

At the committee's hearing on 19 May 2015, representatives from Wilson Security were asked a series of questions about the use of body cameras by their security staff during the incident and the company's policy about who could use the cameras and how the information recorded by the cameras is stored and used. In the course of the hearing it was suggested that there was no relevant information about the incident arising from any camera footage.

On 20 May 2015 Wilson Security was asked to respond to allegations made in a submission concerning the conduct of Wilson Security staff on the day of the disturbance. In their response, Wilson Security advised that they were "not aware of the video footage referred to in the submission".¹

¹ Wilson Security, response to Submission 62, p 4.



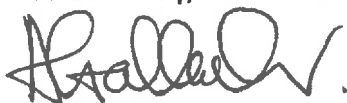
Again at a committee hearing on 20 July 2015 the issue of body cameras and their use on the day of the disturbance was canvassed and again Wilson Security indicated that there was no footage held by the company.

On 13 August 2015 the Australian Broadcasting Commission on the program 7.30 aired a report that included footage referred to in Submission 62. The committee held a further public hearing on 20 August 2015 at which Wilson Security indicated that previous evidence that had been given to the committee was incorrect. The Security Contract Manager (Mr Brett McDonald) indicated that he was aware that evidence given on 20 July was incorrect, but "did not pick it up at the time to think to correct it"².

While Wilson Security has acknowledged that the evidence provided by various witnesses on their behalf was "not reflective of the true situation"³ they have rejected the characterisation of their evidence as being false. In a further response to a question taken on notice on 20 August 2015, the company advised that "A copy of all footage was provided to the Department [of Immigration and Border Protection] and the Nauru Police Force"⁴. The Department advised the committee that the footage was not available to them.⁵

My concern about the seemingly deliberate and continual obfuscation of Wilson Security during the conduct of the inquiry prompts me to propose that the matter should be referred to the Committee of Privileges to investigate.

Yours sincerely,



Alex Gallacher
Senator for South Australia

² Mr Brett McDonald, Security Contract Manager, Wilson Security, *Committee Hansard*, 20 August 2015.

³ Wilson Security, Clarification of evidence, received 24 August 2015.

⁴ Wilson Security, Answer to question on notice, 20 August 2015.

⁵ Department of Immigration and Border Protection, answer to question on notice, 21 August 2015.



**Select Committee on the recent allegations relating to
conditions and circumstances at the Regional
Processing Centre in Nauru**

Official Hansard Transcript

19 May, 2015

(Witness: Wilson Security)

DONNINI, Ms Lara, General Manager, Human Resources, Wilson Security

McDONALD, Mr Brett, Security Contract Manager, Wilson Security

ROGERS, Mr John, Executive General Manager, Southern Pacific, Wilson Security

CHAIR: Welcome. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. We have received your submission, which we have numbered as submission 21. I now invite you to make a short opening statement and then, after you have spoken, I will invite members of the committee to put questions to you. First, is there anything you would like to add about the capacity in which you appear today?

Mr McDonald: I am the security contract manager for the regional processing centres with Wilson Security.

CHAIR: Thank you very much for your patience. We apologise for running over time; unfortunately, we could not avoid that. I will just put some questions to you which I am happy for you to take on notice, for completeness, but, if you do have the information, I would really appreciate it if you gave it straight out. Can you provide the breakdown of the staff employed at Nauru: expatriate—what nationality, Nauruans, and the gender balance?

Mr Rogers: Certainly, Chair. Sorry—could I just clarify: would you like me to make a short opening statement?

CHAIR: Oh—yes, we certainly would. My apologies. I got a bit ahead of myself.

Mr Rogers: Firstly, thank you for the opportunity to provide the committee with a written submission regarding the recent allegations on Nauru, and we welcome the opportunity to appear before the committee. I am here representing the company to answer any questions you may have regarding our contract to provide security services at the regional processing centre on Nauru. I have two colleagues with me to whom I may refer some of your questions. Brett McDonald has spent over a year in the operation on Nauru and was our security manager for that time there and has now moved up into a more senior role as our contract manager for that contract. So he will be able to answer any specific questions regarding our operating processes and procedures on Nauru. Lara Donnini, our general manager of human resources, will be able to address any specific questions about our corporate human-resource policies and procedures that you may have.

Wilson Security is contracted to Transfield Services to provide security services at the regional processing centre on Nauru. We commenced providing these services in September 2012. We are primarily responsible for providing trained security personnel 24 hours a day to create an environment in which asylum seekers feel safe, supported and able to raise issues. This includes managing access control, conducting security and welfare checks, maintaining perimeter security, responding to incidents, gathering safety and security information, developing incident response plans and managing illegal or antisocial behaviour.

We have a diverse workforce comprising staff with backgrounds from the military, from police, from immigration, from health and from the social services sectors. We employ 370 safety and security officers and engage two local security companies who provide a further 450 local safety and security officers. Wilson Security has strong and detailed policies, procedures, processes and plans that support our operations on Nauru. Our written submission provides an overview of these, including our recruitment process, our training framework, our complaints management process, reporting protocols and intelligence management. We are also committed to ensuring our staff and contractors adhere to our own policies and procedures. Despite our commitment and our best efforts, some incidents and allegations have arisen over time. These cases we thoroughly investigate and resolve incidents in a way that ensures individuals are removed from risk and that staff are afforded the appropriate level of procedural fairness.

With regards to the terms of reference that relate to the circumstances that precipitated the Moss review, we have fully supported the review. We freely and voluntarily provided all data and all reporting that we have regarding the matters Mr Moss investigated. We accept the findings and fully support Transfield Services and the department in implementing the recommendations from the review. Thank you, Chair.

CHAIR: I would like to go to the breakdown of your staff—Nauruan gender balance, expatriate staff—Australian citizens and other nationalities—and their gender balance.

Mr Rogers: I do not have all of that detail. What I can inform you of is that within Regional Processing Centre 3, where the family groups reside, we have a female staff ratio in the vicinity of 40 per cent. I would be very happy to gain the other information for you and provide it on notice.

CHAIR: In an earlier submission it was noted that male personnel are not permitted to enter female ablution areas unless responding to an emergency. Many submitters have drawn attention to the presence of male staff during showers in female ablution areas and where children are present. Are male staff present when women and children use ablution facilities?

Mr Rogers: I do not believe so, but I am going to ask Brent McDonald to assist with that question, given his detailed operational understanding.

Mr McDonald: Part of our process in Regional Processing Centre 3, which is where families and women are, is to buddy our staff up—males and females. As part of that process, they will do patrols of the ablution blocks at times when the female will enter the shower block and the male will wait outside.

CHAIR: So there are male guards present but they are with a female guard?

Mr McDonald: That is correct.

CHAIR: At all times?

Mr McDonald: Our process is for them to be buddied up, a male with a female.

CHAIR: How much is the contract worth to Wilson's?

Mr Rogers: Given that this contract is currently at tender, that is very commercially sensitive information. I would appreciate the opportunity to provide that in confidence and on notice.

CHAIR: What pre-employment checks are conducted for Nauruan local staff employed by Wilson's? Do you, in particular, include a working-with-children check?

Mr Rogers: For clarity, we do not directly employ our Nauruan staff. We engage them through two local subcontractors. The purpose of that is to assist in the development of local business and local capability. I will again ask Brett to assist with the operational detail, but I can assure you that we require a Nauruan police check for all of our locally employed staff.

Mr McDonald: There is not a currently a jurisdiction in Nauru to conduct working-with-children checks. What we do in substitute of that is we have some specific behavioural questions, we have a specific statutory declaration that employees sign during the recruitment process and we also have a code of conduct that we go through. We also undertake a local police check in Nauru.

CHAIR: It is quite normal in lots of Australian workplaces for there to be drug and alcohol testing as part of the contract of employment, or part of the agreed position between employees and employers. Do you have drug and alcohol testing for your staff?

Mr Rogers: Yes, we do.

CHAIR: And that has been ongoing since you took the contract on?

Mr Rogers: No. We commenced early in the contract, and I do not recall the exact date, and then we went through a period where we reviewed the policies, consulted with the union and then re-implemented the policy. So that is again in process now.

CHAIR: Perhaps you could take on notice the exact dates that that happened.

Mr Rogers: Thanks.

CHAIR: In relation to the subcontracted companies that employ the 450 local workers, what is the situation? Do they have drug and alcohol testing as part of their agreement?

Mr McDonald: Yes. They fall still under our current policies and procedures, so we apply the same process as we do for our expat workers.

CHAIR: Is it a random testing? Is it a sample testing? Just give me a bit more information. Do people's names get randomly pulled up and tested, or do you do it as a site-specific or a risk assessment?

Mr McDonald: It is a random test.

CHAIR: And it applies to all of the people on this contract, which is 370 expatriates and 450 locals?

Mr McDonald: It applies to the security personnel under the contract. That is right.

CHAIR: What has been the result of that testing? Has it given you greater confidence or less confidence?

Mr Rogers: I think it has given us confidence that the workforce that starts a shift on a given day is fit for work.

CHAIR: And, if they are not, they are dismissed?

Mr Rogers: I would probably like to confirm that.

CHAIR: They would be subject to disciplinary action?

Mr Rogers: They would be subject to disciplinary action.

CHAIR: Your submission states that local staff members receive customised training in cross-cultural communication, conflict resolution and professional boundaries to minimise the risk of inappropriate behaviour as a result of cultural differences. Is this training seen as only relevant to Nauruan staff?

Mr Rogers: The training that you are referring to runs through many areas of our business and, no, it is not seen as specifically required for, or relevant to, Nauruan staff.

CHAIR: So what training?

Mr Rogers: As a business, and in particular within the operations across both Nauru and Manus, we are absolutely committed to a very positive, strong and supportive culture with all of our staff, all of our contractors and the people that we are there contracted to care for.

CHAIR: Just in relation to your expatriate staff, do you bring people from all over the region or do you have all Australians?

Mr Rogers: Everyone is employed in Australia, so they are all Australian taxpayers. There are a number of people, for example, from New Zealand who are entitled to work in Australia who meet the other prerequisites that we employ, but everyone is an Australian employee.

CHAIR: Do they fly in and fly out of Australia?

Mr Rogers: They fly in and fly out of Brisbane.

CHAIR: All right. That concludes my early questions.

Senator HANSON-YOUNG: Mr Rogers, could you provide the committee with a copy of the current contract you have with the Commonwealth government?

Mr Rogers: I do not have a copy with me. I think that would be—

Senator HANSON-YOUNG: You will take that on notice?

Mr Rogers: I am happy to take it on notice.

Senator HANSON-YOUNG: Thank you.

Mr Rogers: Senator, could I just clarify that our contract is not with the Commonwealth government.

Senator HANSON-YOUNG: With Transfield Services.

Mr Rogers: Yes.

Senator HANSON-YOUNG: You said that you were happy to provide the value of the current contract but that you want that done in confidence.

Mr Rogers: I said that I would appreciate the opportunity to provide that on notice and in confidence.

Senator HANSON-YOUNG: Sure. How long has your contract with Transfield Services been in existence?

Mr Rogers: We were first engaged by Transfield Services in September 2012. Over the ensuing period, I believe we have had two further versions of that subcontract.

Senator HANSON-YOUNG: Has the original role or have the services broadened over that time?

Mr Rogers: Are you asking me about the scope of our services?

Senator HANSON-YOUNG: Yes.

Mr Rogers: No; I think it has been fairly consistent. I could be corrected on that, but I am not aware of the scope broadening significantly.

Senator HANSON-YOUNG: Mr McDonald, we have met before.

Mr McDonald: We have, Senator.

Senator HANSON-YOUNG: How long were you posted on Nauru for?

Mr McDonald: I first went to Nauru in September 2012. It was January 2014 when I finished at Nauru and went over and assisted in Manus.

Senator HANSON-YOUNG: During your time in Nauru, what was your specific role?

Mr McDonald: During that time I was a security manager.

Senator HANSON-YOUNG: Can you give a sense of what that entails. Is that ensuring that you have got all the staff out on the floor, so to speak, in terms of the camp, or is that being in the admin block, OPC1, dealing with time sheets?

Mr McDonald: There are probably three key areas there. The first one is responsible for delivering our contract deliverables, so the things that are required of us under the contract. The second is in relation to our service delivery, so that is ensuring that we resolve anything requested from Transfield. And then the third one is engaging with the other service providers, being that interface for security with those other service providers and the department.

Senator HANSON-YOUNG: As the management of security, are you made aware of serious allegations or incidents that occur that your staff come across?

Mr McDonald: Yes, I would be. The normal process for an incident, regardless of whether that was reported by one of our own security officers or another service provider, was to funnel that through our security control room. They would have a requirement then to notify the department and the other service providers verbally, and then a written report would follow that.

Senator HANSON-YOUNG: So that I am absolutely crystal clear: you are involved in that security control room, or are staff that you manage who are doing that?

Mr McDonald: It is staff that I manage. I would have been one of the persons who received a call from them, advising of the incident, and then received the written report later on.

Senator HANSON-YOUNG: Whose job is it to tell Transfield Services, as your contractor, that an incident has occurred?

Mr McDonald: The typical process for filing an incident report when the security control room notify them is, first off, the department and then Transfield, and then it would be the other service provider, leads or managers.

Senator HANSON-YOUNG: Who physically does that notification?

Mr McDonald: It is the security control room; so an operator within there.

Senator HANSON-YOUNG: That person might rotate.

Mr McDonald: That is correct.

Senator HANSON-YOUNG: It is not you as the manager who informs the department.

Mr McDonald: Not the first time they are notified, no.

Senator HANSON-YOUNG: Do you have to sign off on the written report before it goes to the department?

Mr McDonald: Often the written report would not be signed off by me, no. The written report would come to the control room and very quickly go through to the department. Serious incidents then often involve further collection of information and further updates and there may be a subsequent report which I would have reviewed prior to going to the department.

Senator HANSON-YOUNG: How many staff are in the security control room?

Mr McDonald: During a shift typically two—that is, two during the day shift and two during the night shift.

Senator HANSON-YOUNG: How many serious incidents would be reported to the security control room on any given day?

Mr McDonald: I do not have the exact number. I can take on notice to give you an average.

Senator HANSON-YOUNG: Is it something they would have to act on every day?

Mr McDonald: Yes.

Senator HANSON-YOUNG: Who at the immigration department do you have to inform?

Mr McDonald: Typically there would be a duty phone and that might be rotated between key people in the department.

Senator HANSON-YOUNG: Are they on the island or are they based in Canberra?

Mr McDonald: They are on the island.

Senator HANSON-YOUNG: So people who would be stationed at IPC1 as representatives of an Australian Commonwealth department?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: So there is a phone, you ring up and you say, 'FYI, this has occurred'?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: Are you asking for direction from them when that happens?

Mr McDonald: The purpose of the call is to inform them but it is quite common in the department to provide specific additional information that they may require or clarification that they would seek.

Senator HANSON-YOUNG: Have you read the Moss review report?

Mr McDonald: I have.

Senator HANSON-YOUNG: Are any of the allegations in that report familiar to you?

Mr McDonald: I am across most of them. I was also the key person from Wilson Security with the Moss review helping prepare some of the documents we provided.

Senator HANSON-YOUNG: Prior to Philip Moss conducting his review, what was your knowledge of those instances, those accusations?

Mr Rogers: If I might answer, we were aware of a range of claims. There have been a range of claims made since early in our term in the contract. I can assure you and the committee that whenever a claim has been made to us we have appropriately notified both Transfield and the department and we have then gone about investigating each of those claims. Where there is an allegation of a criminal offence, we have also referred that to the Nauru Police Force.

Senator HANSON-YOUNG: Mr McDonald, do you need me to put the question to you again?

Mr McDonald: I understand the question to be was I aware of some of those incidents. There were some incidents we were aware of which had been reported to us and we then disclosed to Moss. Then there were some we were unaware of and, as indicated in the Moss review, have not been provided either.

CHAIR: Based on your Nauru experience and on your responsible position, do you have confidence in the Nauru Police Force fully investigating and acting in an Australian way, so to speak, as you would with the Canberra police?

Mr McDonald: I am no expert to be able to give you an honest opinion about how the Nauru Police Force work. We certainly work very hard with the Nauru Police Force in providing information. They regularly attend the centre. We help facilitate access to transferees and interpreters on a regular basis with them. But I am not in a position to answer the specific question as to the level of their competency.

CHAIR: Do people in the detention centre exhibit confidence in the Nauruan police taking up their issues?

Mr McDonald: I am sorry, I cannot answer that question either. I am not familiar with their level of confidence in them.

Senator HANSON-YOUNG: When were you first made aware that there was a trading of sexual favours for access to cigarettes inside the camp?

Mr McDonald: I am not aware of the exact date when some allegations were first raised. I could take that on notice and come back to you.

Senator HANSON-YOUNG: Thank you. I would appreciate that so that we are clear.

Senator REYNOLDS: Just on that, can you also take on notice what action was taken—not only when it was raised but what action was taken—and whether any of those matters have been concluded?

Mr McDonald: Yes.

Senator HANSON-YOUNG: Were you aware, before you have to sit down with Philip Moss and go through that review process, of those allegations?

Mr McDonald: We were aware of a very small number of allegations that had been raised prior to the Moss review.

Senator HANSON-YOUNG: That go to the issue of trading sexual favours?

Mr McDonald: Of trading contraband for sexual favours.

Senator HANSON-YOUNG: Is that the type of incident where a report would go to the security control room?

Mr McDonald: That is correct. Something like that is treated very seriously on the island and the current incident-reporting process on the island is quite mature and quite robust, and anything like that is certainly followed up.

Senator HANSON-YOUNG: Those allegations would have, at some stage, gone to the security control room and then a report would have gone to the department?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: Are you going to take on notice when those first occurred, including when the security control room notified the department?

Mr McDonald: Yes, we will take that on notice.

Senator REYNOLDS: Also, can you confirm that the Moss review team had access to the security control room logs? Presumably, you keep incident logs. Did the Moss review have full access to those?

Mr Rogers: Can we take that on notice? I am not sure.

Senator REYNOLDS: Yes.

Senator HANSON-YOUNG: Thank you, Mr McDonald, you have been very helpful. Is there a regular check of the types of incidents that are being reported to the security control room for you as management to get a sense of whether you are getting a few of them and something must be going on, or why there is a stream of these types of incidents? Is that type of analysis done?

Mr McDonald: There is. There are two processes of a review of an incident. Where incidents are typically categorised as defined in a department guideline. And where there are major or critical incidents, we undertake a person incident review. That is a formal process in which we review contributing factors to the incident, root causes, so to speak, and any lessons that we learned from that. Secondly, we have an intelligence management function. That function largely is around identifying trends that occur or indicators which are worthy of note that may impact on the good order of the centre. So where there is a trend identified, our intelligence analyst would typically prepare a report identifying that trend.

Senator HANSON-YOUNG: I imagine then that you would be able to find for us how many cases of alleged abuse of children had been raised with the security control room. I imagine you would have had to have kept the dates of those and the status. Could you take that on notice, please?

Mr McDonald: We will take that on notice.

Senator HANSON-YOUNG: I would also like to know how many cases of sexual assault of men, women or minors have been raised with the security control room and the dates and status of those. Are incidents of self-harm something that is raised with the security control room?

Mr McDonald: They are. The large majority of incidents of self-harm will have been reported via the security control room. There may be some others that were provided from the health provider, which is IHMS, to the department that we might not have been privileged to see.

Senator HANSON-YOUNG: If you could give us the figures of those as well, that would be very helpful.

Mr McDonald: Sure. We will take that on notice.

Senator HANSON-YOUNG: Is there anything beyond assaults, self-harm and attempted suicides that would normally come under the gamut of being reportable incidents to the control room?

Mr Rogers: Those are all clearly defined in the department guidelines.

Senator HANSON-YOUNG: Is there anything else that falls outside of those three things?

Mr McDonald: There are. They may be things such as property damage or theft—what you would expect to be a security related incident.

Senator HANSON-YOUNG: Behavioural kind of management issues?

Mr McDonald: More security related is probably how I would define them.

Senator HANSON-YOUNG: We have received a submission that has been published by the committee from Professor David Isaacs, a clinical professor in paediatric infectious diseases. He was on the island for a period of time. In his submission he details that a young mother was raped by a cleaner when she visited the toilet at night. Are you aware of that allegation?

Mr McDonald: I am not aware of that allegation. I could double check our records, though, and take that on notice.

Senator HANSON-YOUNG: I would appreciate it if you could. Mr Rogers, are you aware of that?

Mr Rogers: Only through what you have just informed us.

Senator HANSON-YOUNG: Who is in charge of the cleaners? Are they contractors of yours?

Mr Rogers: No, they are not.

Senator HANSON-YOUNG: So who is in charge of the cleaners?

Mr Rogers: I believe that would be Transfield Services.

Senator HANSON-YOUNG: I want to go back to a question that was asked before about the individuals outside the asylum seekers who are inside the camp at any given time. Can we be made really clear about who is inside the camp in terms of their roles and who their employers are?

Mr Rogers: Sorry, could you just rephrase the question?

Senator HANSON-YOUNG: I assume, Mr McDonald, as manager of security, you must be aware if this. I have been to Nauru with you. I know that you get checked and when you go in everyone gets wiped down with a wand. The security going in and out of those centres is extremely tight. Would you agree with that?

Mr McDonald: We certainly do our best to do a thorough security job at the centres.

Senator HANSON-YOUNG: So there must be a log of everybody who is inside the camp at any given time—yes?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: So, Mr Rogers, I would like to know which individuals are engaged in working inside the centre beyond just the asylum seekers being there—for example, your staff and what they do and who else's staff are in there that obviously have to go through Mr McDonald's thorough security checks to get in the gate?

Mr Rogers: From my understanding, and I will explain it to the best of my ability, there will be Wilson Security staff subcontracted to Transfield Services. Locally we engage two local subcontractor companies, so clearly they will be separate employers in that environment as well.

Senator HANSON-YOUNG: Acting as security officers?

Mr Rogers: Acting as safety and security officers, yes. I am unaware of what other subcontractors Transfield Services may employ—for example, for cleaning or something like that. But that is possible. And then IHMS are delivering medical services, and then I am sure there will be a range of other contractors that may be in and out of the centre for construction tasks and specialist tasks like that as well.

CHAIR: Senator Hanson-Young, I will just remind you of the time. We do need to go to Senator Reynolds and Senator Carr, but we are on track for a quarter past—

Senator HANSON-YOUNG: Thank you, Chair. Mr McDonald, just to be clear, Wilson Security do not contract the cleaners inside the centre, and you believe that they are contracted by Transfield Services.

Mr McDonald: That is correct. They are contracted by Transfield.

Senator HANSON-YOUNG: And you do not have to do security checks for them to make sure that they are appropriate people to be inside a centre with women and children?

Mr McDonald: No. Our current contract with Transfield does not require us to do any background checks or screening.

Senator HANSON-YOUNG: Chair, I am happy to hand over for the moment.

Mr Rogers: Perhaps I could just clarify that last point. Our contract with Transfield requires us to do rigorous checks on our own people but not on their people.

Senator HANSON-YOUNG: Thank you.

Senator REYNOLDS: I just want to pick up an issue that Senator Carr raised earlier with the previous witnesses. I am not sure whether you were here for it or not, but it relates to a relationship between the conditions in the RPCs and also behaviour. It was interesting to note that you have obviously been there since September 2012.

Mr Rogers: Yes.

Senator REYNOLDS: So, you were there pretty much when the centre was opened straight after the MOU was signed in August that year. Could you just clarify, Mr McDonald: what period did you say you were there for?

Mr McDonald: I first arrived in September 2012, until January 2014.

Senator REYNOLDS: I just want to explore that a bit more, given that you were there and you experienced the establishment of the RPC and had a particular safety and security focus. As I understand it, the first transferees arrived on 14 September.

Mr McDonald: That is correct.

Senator REYNOLDS: So, they arrived, but the first construction did not start until three months after that, when there were already 366 male transferees on the island, and the numbers continued to ramp up. So, I was just wondering whether you could take the committee through when you first arrived there in 2012, when obviously there were not the facilities that there are now, and in your own words describe what it was like and also, when you went in, the first safety and security issues you had. Perhaps you could take us through the environment first, and we will come back to the rest later.

Mr Rogers: Sorry, Senator, but just for clarity: part of your question is about the physical environment initially, and part of your—

Senator REYNOLDS: Sorry; I will break it down. Senator Carr raised the issue, which I think is a good one, about the linkage between conditions at the time and also any behaviours. So, given that your company and Mr McDonald were there from the very beginning, I was wondering, first of all, if Mr McDonald could share his reflections on the conditions when you first arrived—what it was like, without having proper buildings and having a number of male transferees there. Perhaps you could in your own words describe to us what it was like and what facilities were available.

Mr McDonald: When we first arrived it was obviously some temporary infrastructure. That was tents at the time. There were some existing recreation facilities from the previous time the centre was open, and then construction started a few months later.

Senator REYNOLDS: I understand that it is about three months. So, construction of more permanent facilities, not just for the transferees but also for staff—for the various contractors who were in location?

Mr McDonald: Yes.

Senator REYNOLDS: So, what were you working from?

Mr McDonald: We were working from demountable portable huts.

Senator REYNOLDS: Did you have water and power issues back then, and sewerage?

Mr McDonald: To help answer that question—and I could not be specific on it—there were generators and there was water being delivered. There were occasions when a generator might not work but other generators were working, so I could not answer the question as to—

Senator REYNOLDS: That is all right. Again I am asking about your own personal experience. When you got there, given you were there as people started arriving, what was the status of your processes and procedures at the time? Are they things that you had to develop once you were in location, given it happened so quickly? Or did you have the time to develop them in conjunction with all the other relevant agencies?

Mr McDonald: We were given some guidelines initially from the department. It was a quick deployment, so we adopted those guidelines from the outset. Under our contract we had some specific time frames to develop further management plans.

Senator REYNOLDS: What was the time frame to put a few pages of guidelines into actual procedures for your staff to engage in?

Mr McDonald: There was an interim document which had to be prepared within seven days. I cannot recall the exact time for the final copy but I could take that on notice.

Senator REYNOLDS: So sometime after, you had been in location, you had transferees in location, you started developing the processes in accordance with the guidelines, and then presumably sometime after that you would go through and do training for your staff and implement the procedures. You are talking about a lead time of weeks maybe.

Mr Rogers: Could we take that question on notice?

Senator REYNOLDS: I am happy for you to. I just want to get a picture of what it was like initially.

Mr Rogers: I can probably add a couple of key points for you. We put a dedicated team onto preparing all of the processes and procedures, and we met each of the time line KPIs set for us in that process. It is no secret that, very early on, our staff were accommodated in tents, on stretchers and in very testing conditions to commence that operation.

Senator REYNOLDS: When you went in you would have done a risk assessment in terms of safety and security. Could you share with the committee what the key security risks or safety risks were that you identified, going in so quickly and setting up your procedures and protocols at the same time as implementing safety and security measures?

Mr Rogers: Some of the key safety risks that were identified at that point were environmental matters, health and safety matters—heat injuries, local fauna and flora, the climate is a difficult one to operate in. As far as the details of the initial detailed security risk assessment, we would be very happy to provide that on notice.

Senator REYNOLDS: It would be good if you could take that on notice. Coming directly to the substance of Senator Carr's question earlier: in terms of your security assessments, having so many people—three months before you even had the building there, there were over 366 and then it went up to 500 or 600 in incomplete facilities and with new service providers there. Did you at any time have a look at that process itself as a risk that could cause a disturbance or a conflict amongst the detainees, or the detainees and the staff—who were running around to catch up?

Mr Rogers: Could I take that on notice, please?

Senator REYNOLDS: Yes. The question is: did the quick ramp-up and putting so many single young men in incomplete facilities with an absence of proper ablutions and all the other things that went with the start of the detention centre, was that a specific identified risk? If so, could you provide the information surrounding that risk assessment and how you negated it?

Mr Rogers: We can do that.

Senator REYNOLDS: You talked about your recruitment and screening processes. I wonder if you could go through that in a bit more detail for us in terms of what type of people you looked to attract, how you screened them, how you recruited them? Can you tell me a bit more about that process?

Mr Rogers: Yes. In the first instance I will ask Lara to respond to that in the HR sphere.

Ms Donnini: With respect to attracting candidates, we obviously develop selection criteria based on the particular position that we are recruiting for. So, with respect to client services officers, we are looking for empathy as well as experience; with cultural advisers, we are looking for a particular experience as well. We screen the individuals through an interview process. So first the individuals are telephone-screened. If they pass through that initial phase, they are then interviewed. We then do pre-employment checks and clearances, and those would include police checks; working-with-children checks, if that is relevant; and a medical fitness for work test, which would then also include a drug and alcohol test as well. If they then meet all those criteria, they pass through those phases of the recruitment process, and then we also do reference checking—so we do telephone reference checking as well as written reference checking. Then, at that point, if they are selected for employment, we have them attend a pre-deployment briefing. I might ask Mr McDonald to speak specifically, if he has anything further to add, given his operational experience.

Mr McDonald: The only other things I would add would be: we use a portal where we collect interested people. We certainly have attracted people from a diverse range of fields, from military and police to the health sector and social services sector. We have been able to get a good mixture of people amongst our team. On the portal that we use to collect applicants, we also have a number of behavioural questions throughout that which help us to filter out a large number.

Senator REYNOLDS: So you do look for diversity amongst the team so that it is not just one cultural or professional type?

Mr Rogers: We have a very diverse team in terms of gender, race, employment background. It is a diverse team.

Senator REYNOLDS: Thanks for providing further detail on your processes, but, as you know, any process is only as good as the compliance, auditing and processes you have to assure yourself and also your prime contractor, Transfield, that you are actually delivering to the standards and to your procedures. Can you describe, Mr McDonald—given that you are implementing this—how you go about doing that compliance checking?

Mr Rogers: With respect, I probably carry the management of the contract so—

Senator REYNOLDS: Mr Rogers, how do you go about that process?

Mr Rogers: Thank you. The first step, in fact, is supervision on the ground. So we have appointed, selected and trained supervisors who are responsible for that first level of application and enforcement of our policies and procedures. The next level back from that is our own self-auditing, and we are also measured by Transfield on a monthly basis in line with their performance management framework back to the department. So there is our own

internal review, as well as an external and independent review mechanism, and, for some specific areas of the services we provide, we contract a third party to further review. For example, our emergency management procedures are then audited by an independent third party to make sure that we have done the training and that sort of thing.

Senator REYNOLDS: You said that you had fully cooperated and engaged with Mr Moss on the review. Is that correct?

Mr Rogers: That is correct.

Senator REYNOLDS: Was there any aspect of your operations on Nauru that they could not get access to? Were you able to provide and assist them with everything they wanted?

Mr Rogers: I believe we were able to provide them with everything they wanted. I am also greatly reassured by the fact that everything we provided to Mr Moss we had already provided to Transfield, and via Transfield to the department.

Senator REYNOLDS: In relation to the recommendations Moss made that are relevant to your contracted responsibilities, which areas were they? How are you implementing those recommendations and then monitoring their successful implementation?

Mr Rogers: Mr Moss made 19 recommendations. I will not address all of them.

Senator REYNOLDS: No, just some of the key areas that were most applicable to improving your contract delivery?

Mr Rogers: I think one of the key matters was our interaction and integration with the Nauruan police force. We were in the practice of a fortnightly joint intelligence group meeting. I think that Mr Moss's observation was that the intelligence-sharing mechanisms need to be more joined up, and we have since worked to achieve that with the Nauruan police force. We provide them with all of our intelligence reporting where it relates to an activity that falls within their jurisdiction—so a criminal act, or an allegation of a criminal act, within the centre. I will refer to my notes for the precise term, but we now have a joint security committee, which also now meets fortnightly, and the Nauruan police force are invited to attend that. We are formalising a range of meeting agendas, minutes and processes around facilitating that interaction between the two organisations. I can confirm for you that our corporate guidelines—in this case our corporate policy—are under HR review and will receive legal review. We are absolutely confident that our code of conduct reflects the values of the company and meets the requirements that Mr Moss was looking for.

Senator REYNOLDS: Thank you.

CHAIR: I have no idea how big the Nauruan police force is. Does it number in the 10s or 20s? There are only 10,000 people there, so how big is the Nauruan police force and what is its structure?

Mr Rogers: I am probably the wrong person to ask that question. I would—

CHAIR: Well, who do you meet with on this fortnightly basis? One person? Ten people?

Mr Rogers: I will ask Brett to give some detail, because he has participated in these meetings, but I am unaware of the broad numbers in the Nauruan police force.

Mr McDonald: The key people we meet with are at the inspector level and the director level. So the key interfaces day-to-day are with the inspector, and more formal arrangements are with the director. I am also not aware of broad numbers. In terms of structure, it is a very similar structure to what you would expect in an Australian police force.

Senator REYNOLDS: My next question relates to the July 2013 disturbances. Were you still there at that time, Mr McDonald?

Mr McDonald: I had just flown out on the Thursday prior to the incident, which occurred on a Friday.

Senator REYNOLDS: This was before my time in this place, but did you put a submission in at the time to the department or to any of the inquiries on the incident itself or the lead-up to it?

Mr McDonald: In the lead-up to it?

Senator REYNOLDS: This was before my time, but obviously this was something that was integral to your role, so did you do a report at the time or make any observations on the incident itself?

Mr Rogers: Post the incident? We participated in the review that was conducted post the incident. I think that our relevant staff were all interviewed and contributed to that process.

Senator REYNOLDS: So what would have been your key observations about your reasons for the disturbance? I am happy for you to take that on notice.

Mr Rogers: Thank you.

Senator REYNOLDS: Again this comes back to Senator Carr's question: I am particularly interested in—from security, safety and risk assessments—what were the factors that led up to the incident? What actions have you taken since then, in that security and safety space, as a result of what happened? I am very happy for you to take those on notice.

Mr Rogers: Thank you; we will do that.

Senator KIM CARR: I am wondering if you could help me here. I understand that as of April this year there were 718 detainees in the centre at Nauru, but, as I look at your submission, I see that there are 820 staff that you have directly engaged. How is it that you have 100 more guards than you have detainees?

Mr Rogers: I might explain the roster structure. We are required to maintain 24-hour coverage and we work on a two-weeks-on, two-weeks-off roster for our fly-in fly-out staff. What that means is that, of 800 staff, for argument's sake, you have effectively got 200 of those in the workplace at a time.

Senator KIM CARR: Right. At any one time you have 200 people in the camp?

Mr Rogers: Could I take that on notice? It actually changes during the year. So how many we have got there today is different from how many we might have had there a month ago.

Senator KIM CARR: I understand you want to be precise, and I really do appreciate the approach that you have taken to the committee, but I am just trying to understand this. If you have 100 more security staff than you have detainees, that does seem to me to be an unusual ratio compared to most detention centres, I would think—in Australia, in any event. But if you are saying to me that at any one time there are probably around 200 people on duty—

Senator REYNOLDS: Can I just clarify. I presume you have them on shifts. They are not there on 24-hour shifts. So presumably you have, what, eight- to 12-hour shifts—

Senator KIM CARR: We got that message. Thank you very much, Senator! I do not need your assistance. My point is that we have had submissions here that go to the fact that women cannot go to the toilet at night because they are frightened of being assaulted. How could that be?

Mr Rogers: Could you just clarify the question, because I—

Senator KIM CARR: Yes. If you have about 200 people on the site at any one time—and you are going to give me the precise number on notice—I am saying you have about 100 more guards there than you have detainees overall, but at any one time there are about 200 people in the camp. But we have submissions here that women cannot go to the toilet at night without fear of being assaulted. How could that be?

Mr Rogers: I do not accept that the number of 200 is the right number. It could be 120. It could be 150. There are a very wide range of functions that those staff are required to perform, so some of them would be managing access in and out of gates, some of them would be managing internal access between—

Senator KIM CARR: Okay. I will put my question to you another way. You have a very large number of staff employed, whatever the precise number is. How is it that you are not able to maintain the security so that women can go to the toilet at night without fear of being assaulted?

Mr Rogers: I do not accept that we are not able to maintain the security there. In the execution of our contract, we have consistently exceeded the KPIs that have been set for us, and I believe we have done a very professional job of managing the security within the centre.

Senator KIM CARR: So how do you account for the submissions that we have received about physical assaults, sexual assaults and other abuses of detainees under your direct supervision?

Mr Rogers: The claims that have been made cause us all great concern, and I am sure that, as every single one of those claims has been raised with us, then we have appropriately investigated and tried to gain sufficient additional information or sufficient evidence to substantiate any of those claims. Where—

Senator KIM CARR: You are not saying they are not true, are you?

Mr Rogers: I am not saying they are not true—no, not at all. What I am saying is that, as yet, there has not been sufficient evidence raised to substantiate them.

Senator KIM CARR: The claims? What, none of them have been substantiated? Is that the evidence you are presenting to the committee?

Mr Rogers: I would like to take that on notice.

Senator KIM CARR: Well, it is a pretty straightforward proposition. Have any of the claims of physical abuse at the centre been substantiated?

Mr Rogers: I am not aware that there have been charges laid outside of the incidents that occurred—

CHAIR: Have any of your expatriate or local staff been disciplined, counselled, moved or dismissed in response to any of these allegations?

Mr Rogers: In response to the specific allegations raised in Mr Moss's report?

CHAIR: That will do for a start.

Mr McDonald: Yes, there have been some occasions where we have moved staff on or terminated staff. In respect of your earlier question about the perception of safety and going to the toilets, it is something we approach on a daily basis. Where we do become aware of a concern or an issue, and there are a number of forums for asylum seekers to raise those with us, we have a formal risk management process to try to look at lighting, positioning, staffing, patrols to help resolve some of those.

Senator KIM CARR: I just want to be clear about this. Mr Rogers, were you suggesting to the committee that the claims being made about abuses at this centre have not been substantiated? Is that the proposition you are putting to this committee?

Mr Rogers: I am not putting a proposition. What I am saying is—

Senator KIM CARR: Can you clarify your evidence, because I understood you to be saying that.

Mr Rogers: Of any of the claims that have been raised, any that have been raised with us as an organisation have been appropriately referred to the Nauruan police force for investigation and notified to Transfield and to the department.

Senator KIM CARR: You have moved these people on, sacked them, without any evidence of an offence?

Mr Rogers: I do not think that is correct.

Senator KIM CARR: Why have you moved them?

Mr Rogers: I will take that on notice. I am unaware of staff that we have moved specifically arising—

Senator KIM CARR: from any incident involving physical harm to a detainee.

Mr Rogers: The one incident that I can recall is a staff member whose employment was terminated because, on the balance of probability, they had inappropriately handled a transferee.

Senator KIM CARR: In relation to these reports and detailed submissions that we have of mistreatment of detainees, which are quite extensive now, you are saying there is no basis to them other than this one incident?

Mr Rogers: That is not what I am saying at all. I am saying—

Senator KIM CARR: How widespread, in your view, is the incidence of sexual assault or physical assault within the centre?

Mr Rogers: I can only comment on the reports and allegations that have been raised with us, and that is a minimal number.

Senator KIM CARR: A minimal number.

CHAIR: If the committee could get the numbers of your workforce that have been disciplined, counselled or moved on in breach of policies, that might give us a basis—

Mr Rogers: We would be happy to provide that on notice.

Senator KIM CARR: We have evidence of very substantial numbers of incident reports. Are you saying that none of those have been demonstrated to be valid?

Mr Rogers: No, that is not what I am saying. Those incidents reports have been raised quite appropriately and then investigated and either closed, or investigated further until there has been sufficient evidence to warrant further action.

Senator KIM CARR: You are only aware of one occasion in which it has been found that there was a cause to remove an employee for the mistreatment of detainees?

Mr Rogers: That is my awareness—

Senator KIM CARR: One. Is that correct?

Mr Rogers: but I am happy to take that on notice and correct that if I need to.

Senator KIM CARR: I appreciate that. I find this a little at odds with what we have seen. You are saying you have only had one occasion that you can recall?

Mr Rogers: I will invite Brett to comment further, because he may have greater awareness. Apart from that, I am happy to take that on notice.

Senator KIM CARR: Mr McDonald, do you have anything to add?

Mr McDonald: Yes. The process we follow for allegations captures that information you are after. We could take that on notice and collect the exact number for you and come back to you.

Senator KIM CARR: You have been there. You have witnessed firsthand. Are you aware of only one incident in which an employee of yours, or your subcontractors, was moved on?

Mr McDonald: I am aware of some additional incidents which Mr Rogers may not be aware of. I would be happy to take that on notice.

Senator KIM CARR: How many would you be aware of?

Mr McDonald: I will take it on notice and come back to you with the exact number, because I would like to be exact on that particular point.

Senator KIM CARR: Okay. Is it a significant number?

Mr McDonald: Again, Senator, if I could ask to come back on notice with the exact number for you.

Senator KIM CARR: You have got a significant number of employees there, according to your submission. Why would women be frightened to go to the toilet at night for fear of being attacked?

Mr Rogers: I think we have answered that question.

Senator KIM CARR: I am asking Mr McDonald, if you wouldn't mind. He has had direct experience of the centre. Why would you think that would occur?

Mr McDonald: I do not think I can answer that question to presume how an asylum seeker feels. What I can say, though, is that we treat that extremely seriously. That information is passed on through the asylum seeker, through the transferee committee, through a complaint. There are some key steps that we will take to help either an individual or a family. One of the key things undertaken at the centre is what they call an SME program, which is how we go about supporting, managing and engaging with transferees. That is an opportunity where collectively, as the service providers, we can help put a plan in place—

Senator KIM CARR: Mr McDonald, your experience with the company is quite extensive. Why is it that detainees have such fear? What sorts of propositions have been put to you directly as the reasons they give you for their fear?

Mr McDonald: I wouldn't want to speculate on that.

Senator KIM CARR: They have not given you any? You have never had a conversation, never seen an incident report? You have had no direct experience whatsoever of any of the detainees on the island ever expressing fear as to their treatment?

Mr McDonald: I have been involved in some of those and the process that we follow is where a concern is raised, a fear is raised, we collectively put together a management plan with all the relevant service providers—

Senator KIM CARR: That is great bureaucratic language. You must have been well tutored in this regard, but what is the direct evidence that detainees have put to you, as a supervisor of these guards, as to why they are frightened?

Mr McDonald: The engagement I have had with transferees over the course of time has been extensive, and I will need to come back to you, take on notice, any specific incidents that I have had over the course of that time in Nauru.

Senator KIM CARR: What is the pay rate for an expat on the island?

Mr McDonald: The pay rates have changed over a period of time—

Senator KIM CARR: Roughly, what does a guard, an Australian employee, get?

Mr McDonald: If I can provide that on notice, because it has just changed.

Senator KIM CARR: Roughly, what is it?

Mr McDonald: I will come back to you with it exactly, Senator.

Senator KIM CARR: You do not know what it is, roughly?

Mr McDonald: There are a range of rates, and I will be happy to provide that for you.

Senator KIM CARR: Roughly, what is the rate for the local employees?

Mr Rogers: Again, we would be happy to check with our subcontractors and provide that on notice.

Senator KIM CARR: What is it roughly in terms of the local pay rates versus the expatriate pay rates.

Mr Rogers: There is a differential because we source expatriate—

Senator KIM CARR: I understand that. Do they get paid 10 per cent of the expatriate wage rates?

Mr Rogers: I am very happy to check that.

Senator KIM CARR: That would be about right, wouldn't it? It would be about 10 per cent?

Mr Rogers: I will give you that on notice.

Senator KIM CARR: Has it ever been put to you that there is some resentment from the locally engaged staff about the pay rates of the expatriates in the centre?

Mr Rogers: I have never had that communicated directly to me, no.

Senator KIM CARR: Mr McDonald, have you ever had that proposition put to you?

Mr McDonald: I have never had that personally, no.

Senator KIM CARR: So you do not know of any evidence of that?

Mr McDonald: No.

Senator KIM CARR: In your experience, Mr McDonald, is there any correlation between the way in which detainees behave and the physical conditions in which they are kept?

Mr McDonald: I am not an expert to be able to speculate on that.

Senator KIM CARR: But you have had almost two years on the island. Did you notice any difference in the way in which people responded if they were housed in tents or if they were housed in hard-walled facilities?

Mr McDonald: I could not draw that comparison, as the majority of the time that we were there they were in tent- or marquee-style accommodation.

Senator KIM CARR: While you were there, was there ever any talk of having hard-walled facilities built?

Mr McDonald: The original construction included hard-wall facilities for asylum seekers.

Senator KIM CARR: That is right. The original plan was to have hard walls. Do you recall the circumstances under which that plan changed?

Mr McDonald: I was not privy to the exact circumstances. Obviously, the disturbance on 19 July 2013 caused the need to accommodate the asylum seekers at an alternative location and after that I was not privy to the decision making.

Senator KIM CARR: Were you aware of any discussion about hard-walled facilities being provided earlier than that?

Mr Rogers: Senator, could I just explain that we have no responsibility under our contract—

Senator KIM CARR: I appreciate that. I understand exactly, but my interest here is what the people who worked in the centre believed. Presumably, they would also have to put up with those conditions—the physical conditions affect the way in which they work. Was there any conversation amongst the security staff about the provision of hard-walled facilities in the detention centre?

Mr McDonald: Not that I am aware of after 19 July—

Senator KIM CARR: Yes, but before 19 July?

Mr Rogers: Not that we are aware of.

Senator KIM CARR: In fact, there was a decision taken not to build hard-walled facilities, wasn't there?

Mr Rogers: We are unaware of the decisions around that.

Senator KIM CARR: Mr McDonald, were you aware?

Mr McDonald: I am also unaware, Senator.

Senator KIM CARR: I see. It has never been discussed with you—it has never been discussed within your hearing?

Mr McDonald: That is correct.

Senator KIM CARR: Is there a requirement in your arrangements for a threshold of local staff employed at the centre?

Mr Rogers: There is.

Senator KIM CARR: What is that?

Mr Rogers: Can I take that on notice, Senator?

Senator KIM CARR: Yes, and can you provide us with advice as to what is the contract value for the subcontracting that you do to Sterling Protective Security Services?

Mr Rogers: Yes, we can provide that on notice.

Senator KIM CARR: What is the current breakdown of local security personnel, split between service security and protective security? Are you able to provide that?

Mr Rogers: Certainly.

Senator KIM CARR: Do you have any statistics on how many complaints relate to expats and how many relate to locally engaged staff?

Mr Rogers: That information would be part of any complaint that was submitted. If it was submitted as a complaint against an individual—

Senator KIM CARR: Do you have any information on that?

Mr Rogers: I do not have the information here, Senator, but we would happy to—

Senator KIM CARR: Take it on notice, please. We are told that the operating expense for the seven months between July 2014 and January 2015 was \$276 million. Would a significant proportion of that be moneys paid to you?

Mr Rogers: I am sorry. Could you please explain your question?

Senator KIM CARR: The operating expense was \$276.45 million for the seven months between July 2014 and January 2015. A significant proportion of that amount would be for your services, wouldn't it?

Mr Rogers: There would be a sum in there for our services.

Senator KIM CARR: A significant proportion of it?

Mr Rogers: I would have to have a look at the—

Senator KIM CARR: Can you take that on notice, please?

Senator HANSON-YOUNG: Mr Rogers, you have staff who are effectively guards who walk around the centre; you have people who check who goes in and out. We heard earlier today from Transfield Services that any intelligence from the centre is collected by your team. Who are they? Are they members of a particular team?

Mr Rogers: We have an Intelligence Analysis Team, and their job is to compile the range of reports that are submitted, including complaints, incident reports and any other reporting that is relevant. They analyse that reporting and then produce usable information to inform the safety and security decision making in the centre.

Senator HANSON-YOUNG: Just to make sure we have the name correct, is that the Intelligence Management Team?

Mr McDonald: We would traditionally refer to the intelligence management framework. We refer to the intelligence team as the intelligence team.

Senator HANSON-YOUNG: Are they the team of staff who are responsible for producing intelligence reports?

Mr Rogers: Yes, that is correct.

Senator HANSON-YOUNG: What type of equipment do they have available to them for gathering this type of intelligence?

Mr Rogers: Most of the intelligence is gathered via a reporting mechanism—normal reporting via radios through the operation centre, the submission of written incident reports and any other reporting that comes in. There is no other specific equipment that they need, apart from a computer, to be able to compile that information.

Senator HANSON-YOUNG: Just to be clear; so they get their information through the security control room that we were talking about earlier?

Mr Rogers: They will get it from reports from all of the service providers who will submit reports into that system for.

Senator HANSON-YOUNG: Does that team sit outside, next to, below or within the security control room?

Mr Rogers: I will ask Brett to respond to that. My understanding is that it is outside, but I will get a confirmation.

Mr McDonald: That is correct: it is outside. It is a separate office.

Senator HANSON-YOUNG: Is there CCTV anywhere in relation to the three camps?

Mr Rogers: Can I take that on notice, Senator? The reason is the infrastructure is developing. I know that there was not the last time I was there, but there may well be now. Really that is an infrastructure matter, not a specific security matter. So might I take that on notice?

Senator HANSON-YOUNG: So at the moment you cannot tell me whether there has been CCTV anywhere?

Mr Rogers: I will clarify with Brett.

Mr McDonald: There is close-circuit television at RPC1.

Senator HANSON-YOUNG: Which is basically the administration block.

Mr McDonald: Administration and recreation and IHMS medical clinic.

Senator HANSON-YOUNG: Do any of your officers wear GoPro type cameras?

Mr Rogers: Some do at times of heightened risk.

Senator HANSON-YOUNG: So that is equipment that is now available?

CHAIR: Could you clarify what the risk would be to a guard? What examples of risk would one of these guards face?

Mr Rogers: It is quite a diverse risk—from being accosted by an asylum seeker, being spat or being in some other way assaulted or harmed. We have had numerous occurrences of those kinds of events. At the upper level is when there has been a wider disturbance, and we have staff who are at risk during those periods.

CHAIR: And you have cameras on security guards for those cases?

Mr Rogers: Some would have a video camera on their clothing—so a worn camera.

CHAIR: Do you have a log of how many times that has occurred?

Mr Rogers: I would need to take that on notice.

Senator HANSON-YOUNG: So sometimes people wear them?

Mr Rogers: That is correct.

Senator HANSON-YOUNG: Is there somebody who has a camera on them at any point on any given day?

Mr Rogers: Again, can I take that on notice? I am just not familiar with the specific procedure that we have in place around that. It is a risk-based approach. So it will be dependent on the risk.

Senator HANSON-YOUNG: Who makes the decision as to whether there is enough risk to wear a camera?

Mr Rogers: Again, could I take that on notice? I know there is an approval process; I just do not have the detail of it for you.

Senator HANSON-YOUNG: Mr McDonald, were GoPro type cameras used when you were manager of security?

Mr McDonald: They were.

Senator HANSON-YOUNG: Was it at your direction that people wore them or was it at somebody else's direction?

Mr McDonald: It was traditionally allocated to persons who provide a second level of response when there is an incident, not typically your first responders. But where there was an incident that had been escalated and they would attend, they would be the people who would be allocated a body camera.

Senator HANSON-YOUNG: Are you familiar with the protocols in relation to the use of those cameras?

Mr McDonald: I am.

Senator HANSON-YOUNG: Maybe you could help us out. Who makes the decision that an officer is to wear a GoPro camera?

Mr McDonald: They would be allocated by the emergency response team supervisor.

Senator HANSON-YOUNG: Is that somebody who reports to you as the manager of security?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: So the head of the emergency response team makes a decision that something is happening and that you want X number of people with cameras on their clothing?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: Would that happen once a week?

Mr McDonald: To clarify the process: there would be a set number of people who would be allocated who would be nominated as those second responders when an incident escalates. They might be given a camera and not have used it during the course of their shift because there was no incident that they attended.

Senator HANSON-YOUNG: Okay. Let me clarify: so a number of people are allocated the camera during any shift and it is whether the camera is turned on or not?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: So a staff member is on a roster and those staff members know they have to go into the camp with a camera regardless of whether there is a particular incident happening at that time?

Mr McDonald: Certain people would be allocated a duty within the emergency response team where they would not traditionally be going into the camp, but if an incident occurred they would be deployed and they would attend with the body cameras.

Senator HANSON-YOUNG: What happens to the footage that is recorded on those cameras?

Mr McDonald: There is a current guideline that we need to follow that is issued by the department for video surveillance, where we download the footage, provide it to the department and then there are some retention requirements around that.

Senator HANSON-YOUNG: Every time the camera is used, the footage is given to the department?

Mr McDonald: Every time the camera is used relating to an incident. There is another process where we make sure footage is deleted if there is no incident and it was activated.

Senator HANSON-YOUNG: Why would it be activated if there was no incident?

Mr McDonald: I am sorry, I should clarify that: if it was activated and it did not capture any relevant information about the incident.

Senator HANSON-YOUNG: I want to be clear. I do not want to misinterpret what you are saying. Are there staff inside the camp every day who have a camera on them?

Mr McDonald: Not staff every day. The staff who are allocated will from time to time will go throughout the centre, but they are traditionally not rostered in the centre. They are traditionally designated people as a second responder.

Senator HANSON-YOUNG: What do they do when they are not in the centre?

Mr McDonald: They would traditionally be given other tasks to check emergency equipment, fire exits and audit type tasks.

Senator HANSON-YOUNG: Who goes through and decides what footage is handed to the department and what footage is deleted?

Mr McDonald: Traditionally, that would be allocated to an investigator. So an incident would occur and an investigator would then help collect all the available information around that incident to collate a further report or a further progress report.

Senator HANSON-YOUNG: Can we be clear. What do you mean by 'investigator'? Is that one of your staff?

Mr Rogers: We constitute a separate and independent investigations team and that team comprises qualified, experienced investigators—they will hold a formal qualification and they will have experience whether that be from AFP or one of Australia's state police forces, for example.

Senator HANSON-YOUNG: But they are Wilson Security staff?

Mr Rogers: That is correct, Senator.

CHAIR: They make the decision as to what is relevant to the incident?

Mr Rogers: They will review the footage and, if there is anything that is relevant, they will escalate that or they will provide that. If there is nothing, which is frequently the case, then there is a protocol around that.

CHAIR: But they make a decision to either delete or refer?

Mr Rogers: That is correct, Senator.

Senator HANSON-YOUNG: Do they have to get permission from anybody else or clearance from anybody else before footage is deleted?

Mr Rogers: I will ask Brett to assist with that.

Mr McDonald: Currently, there is no requirement on us to do that.

Senator HANSON-YOUNG: In relation to the creation or development of an incident report, who instigates an incident report being produced? Whose job is it to say, 'We want this done'?

Mr McDonald: We endeavour to promote that it is the person who witnessed it or was the first person to receive the information. The reason for that is that they normally have access to the most amount of information. From time to time, one of the security guys might help somebody write a report.

Senator HANSON-YOUNG: It would be helpful for us to understand the distinction between an intelligence report and an incident report. Could you clarify that for us, please?

Mr McDonald: Sure. We would describe an incident report as an event or occurrence. It is a factual incident which occurred. An intelligence assessment is traditionally where we have identified a trend or a pattern or a specific risk and we have drawn a logical conclusion based on that trend and pass that on. It is not necessarily factual; it is probability based.

Senator HANSON-YOUNG: Thank you. Your intelligence management team are ultimately responsible for the production of intelligence reports, I imagine. Does Transfield Services go to that team and say, 'We want an intelligence report in relation to this particular matter or this particular issue'?

Mr McDonald: It is a very joined up process. It would often be that our intelligence analysts may have written an initial report and then they would say, 'We would require more information,' or 'Can you provide additional information about it?' or 'If any further information comes about, can you provide another report?'

Senator HANSON-YOUNG: Does the department ever request intelligence reports to be written?

Mr McDonald: In a very similar process, it is not normal for them to come and ask specifically for a report, but, again, they may have received a report and then asked for specific information or additional information about something.

Mr Rogers: There is also a joint intelligence group which meets regularly. All the reporting is passed through that group and direction can come out of that group as well.

Senator HANSON-YOUNG: Who is on that group? Who makes up that group?

Mr McDonald: There is a representative from each of the service providers, the department, a representative from the Nauruan government, which is typically their local operations manager, and the Nauru Police Force.

Senator HANSON-YOUNG: If there is a request for an intelligence report to be created, who specifically does that request go to? Is there usually some kind of time frame given?

Mr Rogers: Senator, could you explain the question?

Senator HANSON-YOUNG: Sure. If the department were to request an intelligence report be created or, as Mr McDonald has explained, expanded upon—more detail—who does that request actually go to?

Mr Rogers: Perhaps I could check that process and get that to you on notice. That would be appreciated, thanks.

Senator HANSON-YOUNG: Sure. I have got a copy of an intelligence report that I would like you to refer to if the secretariat could hand it up to you. Mr McDonald, can you just remind me: when did you leave the island?

Mr McDonald: January 2014.

Senator HANSON-YOUNG: So this report has been created after you were there, but I imagine you are aware of it.

Mr McDonald: I am aware of it.

Senator HANSON-YOUNG: And, Mr Rogers, I imagine you are aware of it. For Hansard's sake, this is the intelligence report dated September 2014, subject: Save the Children staff on Nauru. It is a report that has been tabled in the Senate previously. It is now a public document. Mr Rogers, who wrote this report?

Mr Rogers: Can I take that on notice? It is not on the report.

Senator HANSON-YOUNG: No, it is not on the report. Yes, you can take that on notice. You would be aware of the significance of this report, I imagine.

Mr Rogers: I am.

Senator HANSON-YOUNG: Were you on the island at all when this report was created?

Mr Rogers: No, I was not.

Senator HANSON-YOUNG: Were you are aware of the creation of this report at the date that it was submitted, on 30 September?

Mr Rogers: I was aware of it when it entered the public domain.

Senator HANSON-YOUNG: Was that on 5 March, when it was tabled in the Senate, or prior to then?

Mr Rogers: I believe prior, when it appeared in the media.

Senator HANSON-YOUNG: The front page of *The Daily Telegraph*?

Mr Rogers: I do not recall.

Senator HANSON-YOUNG: So you had not seen a copy of this prior to that?

Mr Rogers: That is correct.

Senator HANSON-YOUNG: Who in your management team would have known about this report prior to it being leaked to the media?

Mr Rogers: If you would allow me to take that on notice, I can provide that on notice.

Senator HANSON-YOUNG: Would it have just been people on the island or is there some mechanism to report these types of matters back to head office?

Mr Rogers: Allow me to take that on notice and I can provide a precise response.

Senator HANSON-YOUNG: If you could give us a time frame, that would be good.

Mr Rogers: Yes.

Senator HANSON-YOUNG: Are you aware as to why this report was created?

Mr Rogers: The intelligence process is a predictive probability based process where an analyst will take data from a range of different areas and interpret that and make recommendations, and I believe that is what occurred with this report. There are a number of indicators that are described in the report and a recommendation that there was sufficient evidence to warrant further investigation. I believe that was the purpose of the report—to highlight what this analyst perceived as a risk to the operation of the centre.

Senator HANSON-YOUNG: I imagine that you assumed that I would be asking questions about this report today. This is the crux of why the Moss inquiry was first announced, is it not?

Mr Rogers: Sorry; can you explain your question? I do not assume anything.

Senator HANSON-YOUNG: I guess I am just a little bit perplexed as to why you would not have come here today knowing about who asked for this report to be created and the moment that you and your staff were made aware of its creation and what happened to it, considering it is the basis of what the Moss review was launched off of, in the minister's own words.

Mr Rogers: I am not aware that the report was requested specifically at all. I think there were a range of indicators that an analyst had to—

Senator HANSON-YOUNG: So why would somebody in your intelligence team create this report? It is just something they would do off their own bat—is that what you are suggesting?

Mr Rogers: As far as the process goes, if there are a range of indicators that an analyst is aware of—and they may come from a range of different directions, from incident reports or other intelligence reports or from the media or wherever—and they see a pattern forming which may contribute to the security risk in the centre, then they are obliged to describe that in a report and make recommendations, and that is what has occurred in this case.

Senator HANSON-YOUNG: So, in this case, the officer who wrote this did it off their own bat?

Mr Rogers: I will take that on notice, because I am unaware of anything else, but I would be happy to check that and confirm for you on notice.

Senator HANSON-YOUNG: Did it raise alarm bells with you when you first found out about this intelligence report by reading it in the media?

Mr Rogers: I am always concerned to see sensitive and confidential information leaked to the media.

Senator HANSON-YOUNG: How do you suppose it got there?

Mr Rogers: I do not know.

Senator HANSON-YOUNG: Who do your intelligence reports go to? Once this has been written and lodged, who does this go to?

Mr Rogers: I could not tell you the exact distribution of the specific report. I would be happy to check that and take it on notice.

Senator HANSON-YOUNG: Who would it go to traditionally? They are intelligence reports. Surely there is not a large number of people who have access to them.

Mr Rogers: From a process perspective, and I do not refer to this specific report, we would provide our report to Transfield who would provide up to the department.

Senator HANSON-YOUNG: So you do not provide it. None of your staff provide it directly to the department themselves?

Mr Rogers: I do not exclude that and let me take that on notice.

Senator HANSON-YOUNG: So that does occur?

Mr Rogers: It may occur. I will take it on notice.

Senator HANSON-YOUNG: Mr McDonald, who do you understand to have access to intelligence reports once that have been created?

Mr McDonald: The typical people who would have access to them are the leads from each service provider in the department.

Senator HANSON-YOUNG: Is that just a matter of course? Are they uploaded somewhere where those people have access to them? How does that occur?

Mr McDonald: As Mr Rogers has indicated, traditionally they would go to Transfield first and then they would be emailed to the other parties.

Senator HANSON-YOUNG: Mr Rogers, you are going to take on notice the time frame in relation to this report, whether it was requested to be requested to be created, who requested it and when, when it was created and who it was given to and when?

Mr Rogers: Certainly, Senator.

Senator HANSON-YOUNG: Thank you. Mr McDonald, you would be aware of it because, as you said, you were the main contact for Philip Moss during the review. Is this a normal type of intelligence report that would be created by the team on Nauru? Is this a normal type of report?

Mr McDonald: In terms of its format and structure it is quite normal.

Senator HANSON-YOUNG: In terms of the content?

Mr McDonald: Content is around a risk that may occur at the centre. So it can be varied over time.

Senator HANSON-YOUNG: Is it often that intelligence reports are written about other service providers staff?

Mr McDonald: I do not have the exact number but I would not say often.

Senator HANSON-YOUNG: It would not happen very often?

Mr McDonald: I do not have the exact number but I would not describe it as often.

CHAIR: With this intelligence report, is it an observation and a judgment made by the person observing the behaviour, as to what they were doing?

Mr Rogers: There may not have been direct observations of specific behaviour. There would have been indicators drawn from a range of other reports, verbal reports and from the media and from assessing a whole range of different—

CHAIR: Was any of this put to the people, that the intelligence was gathered and sent off? Did anyone ask them what they were doing or was that just too obvious?

Mr Rogers: I am unaware and I am happy to take that on notice.

Senator HANSON-YOUNG: Mr McDonald, been quite familiar with this report and the process you have gone through with Philip Moss as he conducted his inquiries, is the content and robustness of this report up to the normal standard of what you have seen in terms of intelligence reports produced by your team?

Mr McDonald: It is. If I could briefly mention that we have what we call our intelligence management framework—that is, a series of risks which potentially occur at the centre—and what we call key indicators. That is the basis on which an intelligence analyst will say, 'I have identified these key indicators; therefore, this is

potentially likely' and make a report on it. The analyst was essentially using that framework in which to prepare this report.

Senator HANSON-YOUNG: It is pretty flimsy, though, isn't it? There is nothing concrete in this at all. It does not accuse Save the Children staff of doing anything wrong, actually.

Mr Rogers: The purpose of the report is to identify and highlight a risk to the security of the centre. It is a risk management tool, and it is a completely well-recognised and standard process.

Senator HANSON-YOUNG: It was never really produced then for being the basis of making a judgement about whether other staff had done the right or the wrong thing.

Mr Rogers: It was produced to identify a potential risk to the centre.

Senator HANSON-YOUNG: But it does not actually say that the staff have done anything wrong, does it?

Mr Rogers: You have got the report there, Senator—

Senator HANSON-YOUNG: As have you, Mr Rogers, and I imagine you have read it several times.

Mr Rogers: And I have explained to you, Senator, exactly the reason the report was submitted. It was there to highlight potential risk to the centre.

Senator REYNOLDS: Just to clarify: it is an intelligence report on a potential risk. It is not a brief of evidence or anything else; it is just a log.

Mr Rogers: That is correct.

CHAIR: Senator Hanson-Young, Senator Reynolds does have a question and we look like concluding at one o'clock.

Senator HANSON-YOUNG: That is fine. Could you take on notice, Mr Rogers, how often your team has carried out intelligence activities as instructed by the department. I assume you have them logged somewhere.

Mr Rogers: I am happy to take it on notice. It is a very complex question, because someone from the department might have said, 'Can you please tell me or give me an assessment of this transferee's current risk.' So I wonder if you could clarify the question to make it a bit narrower, perhaps.

Senator HANSON-YOUNG: I would like to know when the department has requested that a particular intelligence report be created.

Mr Rogers: Thank you, Senator.

Senator HANSON-YOUNG: Has the department ever instructed your intelligence team to gather intelligence on particular individuals?

Mr Rogers: I am not aware of that. I am happy to take it on notice.

Senator HANSON-YOUNG: What type of intel operations are you required to carry out, or is it left as fairly open scope for your team to decide that themselves?

Mr Rogers: No, it is very clearly defined and limited in the contract. I will ask Brett to describe that further, but we have got very clear parameters for the management of that function within the contract.

Mr McDonald: Just to confirm: that is documented in our intelligence management framework. So we have identified those—

Senator HANSON-YOUNG: Can we have a copy of that, please.

Mr McDonald: Yes, I can take that on notice and provide it.

Senator HANSON-YOUNG: Thank you. Finally, Mr Rogers, has it ever been raised with you that your intelligence gathering may be a breach of either Australian or Nauruan law?

Mr Rogers: No, it hasn't.

Senator HANSON-YOUNG: Has anyone ever raised any concerns with you that it may breach laws in either Nauru or Australia?

Mr Rogers: No.

Senator REYNOLDS: I have just three very quick clarificatory questions in relation to some of the evidence today. Firstly, could you clarify further in relation to the number of staff you have. You said that you have 24-hour coverage and you have a two-on, two-off FIFO arrangement, but you did not say how your shifts work. Obviously, not everyone is there 24 hours a day. Do you have eight-hour shifts, 12-hour shifts? How does that work?

Mr Rogers: For our fly-in fly-out staff, we have 12-hour shifts. I think for our local staff we also have 12-hour shifts—but I will just check with Brett.

Mr McDonald: They are 12-hour shifts for both fly-in fly-out and local staff. Traditionally, there is a day shift and a night shift. There may be some additional people on day shift because of an increase in programs and activities and other things that we support during daytime and not night-time.

Senator REYNOLDS: In relation to the 150 to 200 number that was discussed, being on the island at any one time, obviously they are split between the shifts. Take this on notice, but how many would be on duty at any one time? As you said, they have got a whole variety of different responsibilities and different teams. I am happy for you to take that on notice, if you could.

Mr Rogers: Thank you, Senator.

Senator REYNOLDS: The question in relation to the allegations that there have been some women who have been scared to go to the toilet at night—presumably they are scared of other detainees in the centre at that time of night: in addition to what you have said, they do have a number of avenues to raise those issues and you can work through that, with security and escorts, but if someone was in that circumstance is it possible for them to ask security in the area to escort them—or to ask a family member or someone to go with them? Would that be possible?

Mr Rogers: That is possible, yes.

CHAIR: I think the allegations that I have read relate to a fear of the guards more than fear of other people detained with them. I just want to put that on the record.

Senator REYNOLDS: But as I understand it, it is not just from the guards; it is fear of other detainees who are accommodated with—

CHAIR: I accept that.

Senator REYNOLDS: Finally, just to summarise what you have said today in relation to the allegations, your process is that any incident or complaint is logged and then you do a quick verbal report which is then followed up by a written report to the department and the other relevant agencies in location. Then all allegations are investigated. Correct?

Mr Rogers: That is correct, Senator.

Senator REYNOLDS: It was your testimony that the Moss review—Mr Moss himself and his team—had full access to this information, so they could see what the allegations were and follow through how they were investigated?

Mr Rogers: That is absolutely correct, Senator.

Senator REYNOLDS: And any matters that have come out of the Moss review or previously, that you are aware of, have been referred to the Nauru police, and those are in various stages of progress in terms of investigation, and that is now being done with the assistance of the AFP in location.

Mr Rogers: That is also correct, Senator.

CHAIR: I just want to clarify one point. I have read in submissions that people are not allowed to carry water bottles because they could constitute a weapon and they are only allowed to carry their water in plastic cups. Is that true?

Mr Rogers: I am unaware of that policy, Senator. It is probably not a security-controlled policy. I would be happy to take it on notice.

CHAIR: Mr McDonald?

Mr McDonald: I am also unaware of that, and I have regularly seen security bottles of water being carried around.

CHAIR: Thank you.

Senator HANSON-YOUNG: Could I clarify one point: who is responsible for the distribution of things like sanitary pads to women inside the camp?

Mr Rogers: I am not aware, Senator, but it is not a security matter.

Senator HANSON-YOUNG: So it would be one of the other service providers. Is that what you are suggesting? Is it the same with all clothing, shoes—

Mr Rogers: That is correct.

CHAIR: Thank you very much for being so patient at the start and being good enough to stay over your time. We thank you for your evidence. The date set for the questions on notice that you have taken to be answered is 29 May. Should the committee wish to speak to you again, we will be in contact.

Proceedings suspended from 13:04 to 13:38



**Select Committee on the recent allegations relating to
conditions and circumstances at the Regional
Processing Centre in Nauru**

Response from Wilson Security to Submission 62 (name withheld)

20 May, 2015



Ms Toni Matulick
 Committee Secretary
 PO Box 6100
 Parliament House
 Canberra, ACT, 2600

Tuesday, June 02, 2015

Dear Members of the Select Committee,

RE: Response to Submission to the Select Committee

Wilson Security welcomes the opportunity to provide a response to your letter dated 20 May 2015 in relation to a submission made to the Select Committee by a former employee of Wilson Security.

Wilson Security has tabled below the relevant references to Wilson Security from the submission, together with our response.

| Page No | Extract | Response |
|------------------------|---|--|
| Page 1 of Attachment A | I have witnessed abuse of asylum seekers, corruption and cover ups from Wilson Security. Additionally I have witnessed discrimination, corrupt management and deceptive conduct from Wilson Security. | Wilson Security strongly rejects the allegation that it participates in the abuse of asylum seekers, corruption, cover ups, discrimination, and deceptive conduct. Wilson Security has strong corporate values that underpin our entire business. This is supported by a code of conduct that provides clear behaviours and expectations for employees. Despite our best efforts there are individuals that do not do the right thing from time to time. In these cases we work hard to investigate and resolve the matter in a timely manner. |
| Page 1 of Attachment A | When Senator Sarah Hanson-Young visited Nauru, Wilson Security organised a team from ERT to spy on her whilst she was on Nauru. This included following her around the island while she was outside of the OPCs and setting up an observation post to watch her room at the | Wilson Security strongly rejects the allegation that it organized a team to spy on Senator Sarah Hanson-Young. Wilson Security is aware of individuals who attended the Menen Hotel at the same time as Senator Hansen-Young. We understand that their primary |



| | | |
|-------------------------------|--|---|
| | <p>Menen hotel. The briefing was given by ERT Supervisor in which he gave orders to spy on the Senator. This briefing included her room number, vehicle registration and using code name "Raven" over the radio to make reference to her.</p> | <p>motivation was the security of the Senator.</p> <p>This activity was not authorised by Wilson Security, and is not a part of our scope of works in providing security at the Regional Processing Centre.</p> <p>The matter was immediately investigated by Wilson Security, and the individuals involved were subject to disciplinary action for acting beyond their brief.</p> |
| <p>Page 1 of Attachment A</p> | <p>There are approximately five employees with Wilson Security that are military imposters claiming to have served in the Australian defence force and have been found to be fakes. (This includes employees in supervisor and management positions). In the case of one individual. I have a copy of an email conversation between a work colleague and Wilson HR. The individual claiming to have served admits he was never in the defence force, Wilson HR acknowledges this (and are aware it is a federal offence to impersonate military personnel), and yet he retains his employment and his position as supervisor at OPC03.</p> | <p>Wilson Security is aware of one incident where an employee misled colleagues as to his professional background. When the incident came to Wilson Security's attention, the matter was investigated, and the individual was subject to disciplinary action.</p> <p>The individual was not a Supervisor and did not misrepresent his experience to Wilson Security during his application for employment.</p> <p>Wilson Security is not aware of any other matters of this kind.</p> |
| <p>Page 1 of Attachment A</p> | <p>There is vast discrimination against Australian employees by Wilson management on Nauru, who the majority of (if not all) are all New Zealanders. This is evidence from recruitment to selecting workplace positions and finally who they wish to retain at the end of contracts. During recruitment for more staff in late 2013, the position advertised by Wilson Security had stated a requirement of previous experience in the</p> | <p>Wilson Security rejects that it is discriminatory or participates in corrupt practices.</p> <p>Wilson Security currently employs 96 people from New Zealand at the Regional Processing Centre in Nauru. This represents 26.8% of the expat workforce. Two of the security management team are from New Zealand and two are from Australia.</p> |



| | | |
|-------------------------------|--|--|
| | <p>military, police or corrections. Someone I know applied to this position; having served in the Australian defence force his work experience matched the job requirements. However he was not selected and instead a cousin to one of the New Zealand supervisors was employed with no relevant work experience. The administration office at OPC1 (office for Wilson management and other favourable positions) is referred to by the majority of all Wilson employees as "Auckland castle". Additionally other references to this corruption and discrimination within Wilson are that if you want to get promoted you will need a passport with a silver fern. This is unfair, corrupt and extremely dangerous as people are employed and even given supervisor roles that are incapable of conducting their job. It is by sheer luck nothing has gone drastically wrong.</p> | <p>Our recruitment process is managed by a Recruitment Coordinator in our Brisbane office in Australia. The Recruitment Coordinator is responsible for shortlisting applicants based on an evaluation of candidates against the position description.</p> |
| <p>Page 2 of Attachment A</p> | <p>Recently due to the decreasing number of asylum seekers within the centre, Wilson Security notified all employees on Nauru in December 2014 they would be reducing the number of staff on Nauru. This was to coincide with the expiration of employment contracts in February 2015. In the emails received from Wilson Security they stated the selection process to determine who will receive new contracts would be based on previous work performance. Despite these assurances Wilson Security have instead based the selection of favouritism and refused to continue the</p> | <p>Wilson Security rejects that it engaged in misleading and deceptive conduct in relation to the reduction of staff in January 2015.</p> <p>In late December 2014 Wilson Security completed an evaluation of all staff working at the Regional Processing Centre in Nauru. Wilson Security consulted with United Voice Union in relation to process prior to commencing the evaluation.</p> <p>The evaluation enabled us to rank staff to determine those that would receive a new offer of employment.</p> |



| | | |
|-------------------------------|---|--|
| | <p>employment of staff with immaculate performance reviews while offering employees with poor reviews and severe work problems new contracts. This is misleading and deception by Wilson management and HR.</p> | <p>The evaluation criteria was objectively applied, and based on the following criteria:</p> <ul style="list-style-type: none"> • Conflict resolution skills • Safeguards confidentiality • Cultural Awareness • Personal presentation • Uses initiative • Honesty and integrity • Professional attitude • Team work • Effective communication • Attendance • Safety • Conduct and compliance • Work quality • Report writing skills |
| <p>Page 2 of Attachment A</p> | <p>I have seen a video from a camera worn by a Wilson security guard on 19 July 2013. The recording was before the riot started and was of three Wilson employees (including the employee wearing the camera) talking to each other at the recreation centre in OPC01. The male Wilson employee wearing the camera states if something happens "We go Charlie 2 and take c down", soon after one of the other Wilson employee's states "If a cop tells you what to do you can do it. I don't understand Nauruan so I'm just gonna say he told me to do everything...I'm pretty sure he said sl like that. I'm fairly confident he gave me that direction". From seeing this video it was obvious to me that these Wilson guards were planning to use unreasonable force and assault the asylum seekers even before the riot started."</p> | <p>Wilson Security is concerned by the matter raised in the Submission.</p> <p>Wilson Security is not aware of the video footage referred to in the submission.</p> <p>Wilson Security has a strict operating procedure in relation to the use of force, and undertakes post incident reviews for all incidents where there was a use of force.</p> <p>If an officer engages in excessive use of force then they are subject to a strict disciplinary process, and may be subject to criminal charges.</p> |



| | | |
|-------------------------------|--|---|
| <p>Page 2 of Attachment A</p> | <p>I have not witnessed this myself, however I know people who has observed and are willing to attest to Wilson management shredding reports regarding use of force from 19 July 2013, concerns for safety and anything that will reflect badly on Wilson management or the processing centre.</p> | <p>Wilson Security is not aware of the matter raised in the submission.</p> <p>Wilson Security does not condone the shredding of any official records or evidence. Wilson Security also notes that Transfield Services and the Department maintain independent records of complaints by asylum seekers.</p> |
| <p>Page 2 of Attachment A</p> | <p>When located in OPC03, ERT were frequently tasked with maintaining observations on specific Nauruan employees suspected of trading contraband. We would also search through areas within the camp (such as the laundry facilities) and frequently find packets of cigarettes stashed under or behind the washing machines. It was well suspected that Nauruan employees were bringing in contraband such as cigarettes and attempting to gain sexual favours from asylum seeker females. It was also known that Nauruans not employed at the centre would occasionally sneak up to the camp at night and hang outside the fence of the SAF (single adult female) area and look into tents or attempt to trade contraband for sexual favours. I have twice observed and questioned Nauruan locals loitering in the rocks outside the area of OPC03, in both occasions I received no response and they merely moved further away from the camp and into the rocks until out of sight.</p> | <p>Wilson Security is deeply concerned by reports of contracted staff suspected of trading contraband for sexual favours.</p> <p>Between June 2014 and September 2014, Wilson Security participated in an operation with the Nauruan Police Force to investigate allegations of staff trading contraband for sexual favours. The operation involved an increase in information collection, targeted searches and other measures.</p> <p>As a result of this operation, one local staff member was identified as a suspect. The individual was terminated and the matter was referred to the Nauruan Police Force.</p> |
| <p>Page 3 of Attachment A</p> | <p>There are huge problems between Nauruan employees and expat employees. To this extent, the Nauruan government has cancelled</p> | <p>Wilson Security rejects the suggestion that there are huge problems between Nauruan and FIFO employees.</p> |



| | | |
|--|--|---|
| | <p>the visas of seven Wilson employees on Nauru (that I am currently aware of). These visa cancellations have been the result of disagreements at work, mistaken identity and an allegation of racism when the individual involved was not even on the island at the time of the alleged incident. One of the seven includes a Wilson Security Manager who had his visa cancelled after a disagreement with the Nauruan Ops Manager for OPC03 (He did however have his visa reinstated). The Nauruan employees use this and will quite frequently make hints or even direct threats of cancelling visas so they can avoid work or repercussions for their actions at work. This has taken a direct impact on reporting incidents involving Nauruan employees and for many incidents people will turn a blind eye for fear of losing their visa.</p> <p>A fellow employee who was on a bus asked the driver (A Nauruan employee) if she could turn the air conditioner down. The driver somehow took offence to this request and threatened to call her relatives up to camp to bash him and other Wilson employee with him, then follow this up with getting their visa cancelled.</p> <p>I heard a recording of ERT supervisor giving our team a start of shift briefing in which he states that if a local employee has a problem with you, they do not need to follow the chain of command, they can go straight to the Nauru Government and cancel your visa or take matters into their own hands.</p> | <p>Wilson Security respects the Government of Nauru's sovereignty and their ability to issue and cancel visas for persons visiting Nauru.</p> <p>Wilson Security welcomes the recent introduction of a steering committee to review complaints and grievances against expat staff by the Government of Nauru.</p> |
|--|--|---|



| | | |
|-------------------------------|--|---|
| | <p>Additionally during this recording he states that the Nauru government has stated that they will cancel the visa of anyone they believe to be in a relationship with a refugee that has been settled into the Nauruan community.</p> | |
| <p>Page 4 of Attachment A</p> | <p>I am aware of an incident when a male Wilson employee was at Jules bar on his day off and observed Nauruan males harassing and groping a female refugee. The female refugee sighted the Wilson guard and approached to begin a conversation (The Wilson guard immediately had every Nauruan at the bar staring at him). The two talked for approximately five minutes and went separate ways. The following day all the Nauruan security staff at OPC03 were asking expat Wilson guards for the name of the Wilson guard talking to the refugee at Jules last night. Approximately a week later, an allegation was made against this individual by a Nauruan, stating he had been dealing marijuana inside the camps. On the alleged date of this incident the male was not even in Nauru. The individual was subsequently stood down from work and never returned to the island.</p> | <p>In December 2014 Wilson Security suspended an employee on full pay following an allegation that he was involved in trading contraband. The employee's fixed term contract expired during the course of the investigation and the contract was not renewed.</p> |

Yours Sincerely,

John Rogers
 Executive General Manager – Southern Pacific
 Wilson Security



**Select Committee on the recent allegations relating to
conditions and circumstances at the Regional
Processing Centre in Nauru**

Official Hansard Transcript

20 July, 2015

(Witness: Wilson Security)

McDONALD, Mr Brett, Security Contract Manager, Wilson Security

ROGERS, Mr John, Executive General Manager, Southern Pacific, Wilson Security

CHAIR: Welcome. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. We have received your submission, which we have numbered as submission 21. I invite you to make a short opening statement and, after you have spoken, I will invite members of the committee to put questions to you.

Mr Rogers: Thank you for the opportunity to appear again before the committee. Since we last appeared, on 19 May, Wilson has responded to a number of submissions that have been made to the committee. Some of these submissions included a range of unsubstantiated claims, and we appreciate the opportunity to provide a response to those. I wish to reassure the committee of our continuing commitment to delivering an excellent service under the guidance of Transfield Services and working in partnership with the other service providers. As noted by Mr Moss, the great majority of service provider staff are highly professional, and I know they take great pride in what they do. We accepted Mr Moss's recommendations in their entirety, and we seek to continuously improve the quality of our support to the Commonwealth.

For the committee, I would like to address three general areas. Firstly, I am aware of an incident where a staff member, without authorisation or direction from the company, took it upon himself to act incorrectly towards Senator Hanson-Young while the senator was visiting Nauru. I wish to reassure the committee that this activity was not part of any organised or approved security measure regarding the senator's visit but the isolated actions of a misguided individual. As soon as a responsible manager of the company was made aware of the activity, the individual was stood down and the subject of disciplinary action. Although, as I mentioned, the activity was not sanctioned by Wilson Security, I offer an unreserved apology to Senator Hanson-Young for any distress that this may have caused.

Secondly, there have been a number of unsubstantiated claims made about our staff to this committee since our last appearance here. It is a concern to us that such claims have been represented as fact in some public commentary. I would ask that the committee test the evidence for these claims and consider any claim in the same light that they would be considered under any reasonable application of natural justice. I can assure the committee of this: where an allegation is made with conclusive supporting evidence, the company has taken entirely appropriate action regarding the safeguarding of those in our care, and this is well documented. Allegations in this category are a minority. Far more common are allegations where, after thorough investigation, insufficient evidence is found to enable us to take decisive action against an individual. To characterise such unsubstantiated or unproven allegations as a systemic problem is inaccurate and unhelpful, particularly given the range of motivations that may be behind them. It is particularly harmful to the reputations of the many staff who have performed exceptionally in complex and demanding conditions and whose efforts to fulfil their responsibilities under our contract should be commended. We have no tolerance for individuals who are unable to uphold our exacting standards of conduct, and we do not hesitate to remove such individuals from our organisation. I can assure the committee that all allegations are taken extremely seriously and investigated with rigour to attempt to determine the full facts, in order to take appropriate action where necessary.

Thirdly, and finally, we are absolutely committed in our support for the implementation of the recommendations of Mr Moss's review. We are proud of the progress we have made and the improvements to the overall operation of the centre that these recommendations have underpinned. We have commenced a review of our code of conduct to strengthen existing guidelines that govern acceptable behaviour. We are in the process of expanding our professional development program for officers with regard to safeguarding children and sexual harassment. We have engaged an independent company to conduct quality reviews of investigations involving staff misconduct. We welcome any questions that the committee may have.

CHAIR: Thank you, Mr Rogers. Just a point of clarification for my understanding: you do not hold a contract with the Commonwealth; you are only a subcontractor for Transfield?

Mr Rogers: That is correct.

Senator KIM CARR: When Wilson undertook the subcontract, in effect, as you have just explained to us, did you believe that you were required to act under international human rights obligations?

Mr Rogers: Yes.

Senator KIM CARR: Did you undertake any due diligence on that matter before you took up the contract?

Mr Rogers: I would describe the process we went through as a review of the relevant international legislation and agreements, consideration of Australian law and Nauruan law and our own obligations that we impose on

ourselves through a range of internal policies. We are also obliged to conform to Transfield Services policy under the terms of our subcontract and, by extension, the departmental policy. The due diligence was a review of relevant legislation and documentation, and that has resulted in us including reference to specific documents in various of our SOPs and site operating instructions for the centre. I can ask Brett to provide some further detail perhaps on some of those specific documents.

Senator KIM CARR: Yes, if you wouldn't mind. You heard the questions I asked of Transfield, so you would appreciate where I am going with this. Can you enlighten the committee on what action your company took with regard to the due diligence process on human rights.

Mr McDonald: We had a number of obligations on us to produce standard operating procedures and risk assessments. The dates varied from within the first seven days to the first 30 days. Firstly, I should say that many of the guidelines provided by the department to us actually cover the obligations to meet those human rights obligations, but we wrote into our standard operating procedures the obligations on us under the UN conventions relating to refugees, children, women, torture and trauma as part of our overall standard operating procedure.

Senator KIM CARR: Did you produce a document?

Mr McDonald: We did.

Senator KIM CARR: Can we have access to that document?

Mr Rogers: We can certainly provide that on notice.

Senator KIM CARR: Thank you very much. How well do you think you have fulfilled your obligations?

Mr Rogers: I believe by any measure we have performed very well under the terms of our contract. We have got a very stringent performance management framework in place. I think we have consistently exceeded the requirements of that performance management framework, and there have been one or two minor exceptions to that.

Senator KIM CARR: I will come to one or two of those, and there are probably a few more than that. Do you think your subcontract replaces any obligation to protect the security of the detainees?

Mr Rogers: Can you just rephrase the question, Senator.

Senator KIM CARR: I will try and explain what I mean. I would like to know who is responsible for the security of the people that the Australian government locks up on Nauru. Are you?

Mr Rogers: We have a subcontract, which we have provided on notice, that describes the range of services that we do provide and they include providing security staff and security and emergency management process and procedure. So it is very clear in the contract, which we have provided to the committee, exactly what our obligations are.

Senator KIM CARR: Do you think you fulfil that? You can guarantee the security of people detained in that centre?

Mr Rogers: I think we do a very professional and capable job of delivering the services we are contracted to deliver, Senator; yes.

Senator KIM CARR: What then do you say to the observations that the Moss review has documented about examples of people's security not being protected?

Mr Rogers: Any allegation or claim of the type raised by Mr Moss—a number of which have been raised directly with us or directly with Transfield—is of great concern. And it is absolutely essential that we have the processes in place to do everything we can to prevent events occurring or, if they do occur, to mitigate the outcomes from those events and to take corrective actions to ensure that they do not occur again. Mr Moss made a number of very constructive recommendations, and we are working very hard with Transfield, our client, and the department to make sure that we have implemented them.

Senator KIM CARR: Is it too much to expect that we guarantee the security of people that the Commonwealth of Australia detains in centres such as this?

Mr Rogers: Senator, I can comment on our performance of the services that we are contracted to perform, and against any objective measure which is applied through that performance management framework. We are performing very well against the contract.

Senator KIM CARR: That is not quite the same as ensuring the security of people that we as the Commonwealth of Australia have detained—which is the service that you are subcontracted to provide. My question is: is it too much to expect that, when we detain people in a facility such as that on Nauru, we guarantee their security?

Mr Rogers: Senator, it is a very complex and challenging environment. To manage all of the services in that environment—there are a range of contracts and subcontracts in place—and the contractors to perform those services—I can assure you that, under any measure of our performance, we are doing a very professional job.

Senator KIM CARR: Look, it troubles me enormously that this parliament appropriates very large sums of money on these facilities, yet we cannot stop women from being raped or children from being sexually abused in these facilities—which, as I say, are funded by the Commonwealth. Why can you not guarantee that?

Mr Rogers: Well, a guarantee has a very specific legal sense, Senator. It is a very complex and challenging environment: I can assure you and assure the committee that we implement best practice to ensure that the standard of security—and the environment that people are living in—is industry-leading and world-leading in the quality of that environment.

CHAIR: Just on that point about being industry-leading: do you conduct drug and alcohol testing on site?

Mr Rogers: On the site in Nauru?

CHAIR: Yes.

Mr Rogers: We do.

CHAIR: So you have alcohol and—

Mr Rogers: Sorry; let me just clarify, Senator: we conduct alcohol testing. We do not conduct drug testing.

CHAIR: Why not?

Mr Rogers: Because we can conduct the initial test but, for it to be evidentially admissible, we need to be able to conduct a second test, and that second test needs to be conducted in a laboratory—which cannot be done in Nauru. So until we are able to find a solution to that logistical issue—

CHAIR: I am sure that that logistical issue has been solved in a number of mine sites around Australia, where there are very high numbers of fly-in fly-out workers, and where companies and contractors and truck drivers are subjected to random testing. This the first time I have ever heard of an organisation that is employing quite a number of people which is unable to actually get saliva testing or urine testing for drugs and alcohol operational. And I accept that it is challenging, but it is no different to Groote Island and it is no different to Christmas Creek, Solomon Mine or any of the other large mines around this country where anybody who drives in, flies in, walks in, or works there is subjected to drug and alcohol testing—from the managing director down. What is so complex and challenging in Nauru that this simple, common-sense safeguard cannot be implemented?

Mr Rogers: I will ask Brett to add some operational detail to this, but we have taken very clear advice and we have consulted on this matter. There is nothing we would like more than to be able to do this, but for it to be legitimate it clearly has to provide a level of procedural fairness for the people being tested and to be able to be managed properly. But I will ask Brett to—

CHAIR: If you want to test whether there is alcohol or drugs in a person's system, you use a saliva test. If you want to take them to court and prosecute them is another matter, but you immediately know whether people have it in their system or not. I struggle to accept this. You tell us you are doing world standard stuff. Well, give us the comfort and security that all of your workers are not affected by drugs or alcohol and we can move on.

Mr Rogers: I will ask Brett to finish the answer to your question.

Mr McDonald: Senator, you have probably alluded to part of the answer in your question—that is, the two different requirements. We have the capability to do saliva drug testing on the island; we have the tests on the island and the training and the policy, and we rolled that out. Where we came unstuck was simply that in the event that somebody was detected, the union objected to us being able to then take any disciplinary action with that person because we could not get a secondary blood test to a laboratory within a certain period of time. It is that particular bit that is challenging us. It is not the challenge of the initial test or our capability, it is being able to then take some reasonable action in accordance with our policy. This is where we are stuck and we have not been able to resolve this.

CHAIR: I just find that absolutely confusing. There are a number of remote locations in Australia where it is undertaken satisfactorily. I will move on.

Senator JOHNSTON: The reason why you cannot dismiss people and exact some form of disciplinary action is because of the tremendously high proportion of false positives in all of the testing that goes around random drug and alcohol testing—correct?

Mr McDonald: Yes.

Senator JOHNSTON: Secondly, which particular drug do you test for, if at all?

Mr Rogers: Based on our drug and alcohol policy, we would actually publish a list, but I do not believe we have currently published that pending resolving any of these issues.

CHAIR: You could start with marijuana; that is the one that has been suggested.

Senator JOHNSTON: So Nauru is a considerable distance from an accredited laboratory for secondary testing to affirm an initial positive.

Mr Rogers: Correct.

Mr McDonald: That is right.

Senator JOHNSTON: Correct me if I am wrong: the technical problem is that the sample changes its molecular structure; it ferments over time and gives a different reading to the result given at the time it was taken. That is the problem that most mine sites have in Australia, and I am sure that is the problem Nauru has, except multiplied by the huge distance it has to travel.

Mr Rogers: And the lack of scheduled flights.

CHAIR: I am sure there is a technical solution to this.

Senator KIM CARR: Can I continue? I am interested to know about the 11 security employees or subcontractors who have been disciplined or terminated in response to specific incidents, including sexual assault and excessive force, between November 2013 and March 2015. You agree with that assessment you have provided us with? I have not misrepresented that?

Mr Rogers: I believe they sound like the figures we have provided.

Senator KIM CARR: What does that tell you? You have 11 examples of that type of conduct that you would acknowledge to the committee. Does that demonstrate that your practices are adequate?

Mr Rogers: Perhaps if I describe some of the examples in greater detail, it would probably add some clarity to the issue overall. When we talk about mistreatment of children—I want to describe the six cases of staff who have been terminated or, in the case of a subcontractor, who have been refused access back to the site. In effect, they will never work for us again. One of those matters regarded an allegation that a guard used threatening language towards two minors. That allegation was investigated. It was determined that it was, in all likelihood, true and the individual, who was engaged through a subcontractor, never returned to the site. In the second allegation, via the complaints process, it was alleged that a locally employed, subcontracted staff member had struck a minor. This matter was investigated. Sufficient evidence was determined to warrant terminating that staff member and he was terminated.

In the next matter, a minor alleged he was pushed by a locally employed, subcontracted staff member, in this case a female staff member. That was reported by other staff. It was investigated and the individual was terminated. In the next matter, a locally employed, female, subcontracted staff member had an inappropriate physical relationship with a 17-year-old transferee. That was actually reported by her as an indecent assault by the transferee and it was reported to the Nauru Police Force. Fortunately the Nauru Police Force investigated and determined that it was completely consensual. Her conduct was completely inappropriate and unacceptable and she was terminated.

The last matter, I believe, was an expatriate staff member who, in removing some misbehaving children from a bus, effectively smacked one of them on the bottom. That was identified by other staff. It was reported. It was investigated. Sufficient evidence was produced to conclude that it was completely inappropriate, well beyond any threshold of any kind of conduct that we would ever accept, and that staff member was terminated.

I believe that the answer to your question is that there have been a number of isolated incidents. I believe we have got a very strong code of conduct. I believe that, almost universally, we have staff of the highest quality with good training, the best of intentions and the greatest respect for the people that they are caring for. There have been some exceptions. When those exceptions have been proven we have acted entirely appropriately and we have no tolerance for people who cannot meet our standard of conduct.

Senator KIM CARR: It has been put to the committee that there have been occasions where Wilson Security staff have intentionally provoked detainees to violence. Are you aware of that?

Mr Rogers: I am aware of the assertion. There has certainly been no evidence of that provided to us. If something like that had occurred it would be completely inappropriate, it would be completely in contravention of our code of conduct and an individual who was found to have behaved in that way would be terminated.

Senator KIM CARR: And have they?

Mr Rogers: No.

Senator KIM CARR: You have not been able to demonstrate—

Mr Rogers: We have not been able to prove an allegation like that.

Senator KIM CARR: It has also been put to the committee that there has been a directive issued to Wilson staff requiring them to call transferees by their names rather than their boat ID numbers. Is that correct?

Mr Rogers: Perhaps I could speak to the standard practice, which is to refer to individuals by their names. For some administrative reasons sometimes people are recorded by their name and their boat number, and it is conceivable that sometimes they could be recorded by their boat number, but the practice would be for people to call people by their names.

Senator KIM CARR: Has that been the practice throughout the time in which you have been engaged on Nauru?

Mr Rogers: I will ask Brett to assist with providing some operational detail from his time on Nauru. There have probably been times when we have had to make cultural corrections along the way, but I will ask Brett to perhaps respond in more detail.

Mr McDonald: Yes, there has always been a clear request or guideline by the department to ensure that we use names, and the clear reason is around the dignity and respect of the asylum seeker. As John said, that has not always been the case and there have been times when we have had to reinforce our correct procedure to people. There have been occasions when forms have been produced with just numbers on them and we have had to go about correcting those.

Senator KIM CARR: So the department has always required that you identify people by name.

Mr Rogers: That is correct.

Senator KIM CARR: So how were forms produced where that practice was not followed?

Mr Rogers: It was not the matter of the form; it was probably the matter of the person filling in the form under time pressure and potentially inaccurately.

Senator KIM CARR: How often did that occur?

Mr Rogers: I would not have an answer to that. I am sorry.

Senator KIM CARR: How often are you aware of people being referred to verbally by boat number rather than name?

Mr Rogers: Again, it would be impossible to put a number on it. The practice is to call people by their name.

Senator KIM CARR: I just cannot quite follow why it happens at all. If you are saying the department has always required people to be referred to in a respectful manner but there are occasions when this does not happen, how does that occur? That is the nature of your evidence, isn't it?

Mr Rogers: That is not the evidence that I have given.

Senator KIM CARR: All right. Please correct my mistake, then. How often does it occur that these departmental instructions are not followed?

Mr Rogers: I do not think it would be possible to put a figure on that, because of the number of engagements and interactions between individuals over the course of nearly two years.

Senator KIM CARR: We will clearly seek further evidence on this, but it has been put to us that it is practice to refer to people by boat number rather than by name.

Mr Rogers: What I can absolutely assure you of, Senator, is that the company's practice is to refer to people by their name, and we teach our staff that, and that is our requirement of our staff.

Senator KIM CARR: And that has always been the case?

Mr Rogers: That is correct.

Senator KIM CARR: Thank you. I am told that you employ 358 fly-in fly-out staff and a total of 465 locally engaged staff, split between two local security providers, so there are over 100 fewer expat staff in your employ. There appear to be 180 complaints against expat staff and 91 against local staff. Is that right? In terms of the total number of complaints received, there are a disproportionate number against expats. Is that right or not?

Mr Rogers: I do not believe that would be the case. Could you just run through those figures again.

Senator KIM CARR: Despite the fact that there are 100 fewer expats than local staff, the number of complaints against the expats is disproportionately high—that is, 180 complaints against 91. Is that correct?

Mr Rogers: I will ask Brett to assist with a comment, but I would suggest that there are a couple of contributing issues to those figures. The first would be the pattern of work that individuals perform—the roster structure that the expats are in and the specific roles that people are performing. Typically, if they are in greater direct contact with asylum seekers then there is greater opportunity for complaint. Would you care to comment further on that?

Mr McDonald: Yes. The only further comment—and maybe we can take a further question on notice for you—is that the further breakdown of those complaints can vary considerably. It can be a complaint of, 'I haven't been allowed in the front gate.' Where we rostered staff may skew that result.

Senator KIM CARR: Can you give me a breakdown of those complaints by category, please? I am interested to know why there seems to be a disproportionate number of complaints in those two categories, despite the fact that there are fewer people—there is not a 50-50 break in the staff. I also understand that expat salaries are five times those of locally engaged staff. Do they work similar hours?

Mr Rogers: Our expat staff work a roster cycle that is two weeks on the island and two off. During their two weeks on, they do a week of day shifts and a week of night shifts. The local staff would tend to work a series of day or night shifts, depending on their availability and their preference; it is a less regular and less structured pattern of work because they do not need to conform to international flights and those sorts of things.

Senator KIM CARR: Is it right to assume that the expat staff have the more managerial and more skilled tasks?

Mr Rogers: They are certainly in some of the more specialised tasks, but we have a very strong focus on developing our Nauruan workforce into managerial roles to be able to build a sustainable workforce there that can support and manage itself.

Mr McDonald: Operationally, we have an equal number in supervisor and operational positions. It is the specialist staff where we have more expats.

Senator KIM CARR: Do you regard Wilson Security staff are subject to the Australian Border Force Act?

Mr Rogers: Yes, Senator.

Senator KIM CARR: On page 8 of your submission you say that 'Wilson Security employs investigators qualified in Certificate IV Government Investigations'. What does Certificate IV cover?

Mr Rogers: I will ask Brett to respond to that one.

Mr McDonald: It is primarily around conducting investigations in accordance with the Australian investigation standards—understanding investigations methodology.

Senator KIM CARR: Investigations of what?

Mr McDonald: Our investigators on the island conduct investigations into complaints or allegations.

Mr Rogers: To clarify that further, all those investigators not only hold the qualifications, but they are typically experienced in either a state police force or the Australian Federal Police, by way of background.

Senator KIM CARR: Can you tell me how many of your employees hold that qualification?

Mr Rogers: I can certainly take that on notice.

Senator KIM CARR: Thank you. Where do your incident reports go? Who do you report to?

Mr Rogers: I will go back to describe the actual operational procedure in a bit of detail for you, but typically our reporting would go directly to Transfield.

Mr McDonald: We collate our incident reports in the Security Control Room, who are then tasked with verbal notifications to the department and service provider managers. Where it is a major or critical incident, they do a written report to a distribution list and each day incident reports are collected and passed on to data-entry teams who enter them into an information-management system.

Senator KIM CARR: Is there a statutory requirement for you to report allegations of sexual abuse?

Mr Rogers: It is certainly a contractual requirement and so it is a requirement that we stringently observe.

Senator KIM CARR: To whom do you report them? Do you report to local police if there is a criminal matter?

Mr Rogers: I will ask Brett to respond directly to that.

Mr McDonald: No, we do not report directly to the police. Our process would remain the same. That would be a critical incident; it would be verbally reported to the department and the service providers and followed by a

written report within the next couple of hours. Save the Children would take the lead in determining whether that would be reported to the police. We certainly provide some assistance, where requested.

Senator KIM CARR: In all cases is an incident report forwarded to the Australian government through the department?

Mr McDonald: Through the department is our only notification.

Senator KIM CARR: Of all instances?

Mr McDonald: Of all instances. That is correct.

Senator KIM CARR: Thank you.

Mr McDonald: Could I just clarify? That is all incidents that are reported as an incident. From time to time, a disclosure may be made through a complaint, in which case, where a complaint is made, that might be referred directly to Save the Children or the department at that level, not through the incident reporting.

Senator KIM CARR: That is in regard to children, but, in regard to adults, Moss refers to allegations concerning rape and threats of rape. And the allegations are quite detailed here of indecent assault and sexual harassment. When those matters come to your attention, you would, as a matter of course, report those?

Mr Rogers: Any matter of illegal or otherwise inappropriate behaviour would be reported. Our obligation is to report it, and we meet that obligation.

Senator KIM CARR: Moss refers to an incident—on what is page 411 in our papers—specifically referring to Wilson Security staff members, following an article that appeared in *The Saturday Paper* where it was said that, while waiting for a centre shuttle bus, two female transferees were subject to indecent exposure and lewd gestures by Wilson Security staff members. Moss also says:

Wilson Security decided that there was not enough information to pursue the matter further. Although Wilson Security had no record of the first complaint, the Transfield Services complaints logbook showed that a complaint was received on 14 August 2014.

Is that accurate?

Mr Rogers: That may well be accurate. The process in place—and again I will ask Brett to assist with any operational detail—is that the responsibility for the management of complaints sits with Transfield Services, not with Wilson. So it is entirely conceivable that an individual could make a complaint and that complaint would be made directly to Transfield Services and we would not necessarily be aware. If we were made aware of a matter like that—in this case, I would expect, by Transfield Services—then we would investigate it and act in accordance with the outcome of that investigation. Are you able to comment further?

Mr McDonald: I am not able to comment on this specific one. I just cannot recall enough detail there. The only bit I would add is that sometimes complaint forms come in and need to be translated, and that does cause a few days. Where we are given a complaint, we have got three days in which to attempt to resolve it and, if we cannot resolve it, we have got to then go back to both the complainant and the department with further reasons.

Senator KIM CARR: This is Moss's report. This is not some people that you have made allegations against stirring up trouble on the island or tutoring people in protests, or any of the other claims that were made that led to the dismissal of Save the Children employees. What this report says to us is that Wilson Security decided there was not enough information to pursue the matter. When the matter was referred to the Moss review, the review referred the information to the department, with a recommendation that Transfield Services review the matter. The matter was subsequently referred to the Nauruan police. The report goes on to say—and correct me if I have misread this in any way:

The Review was unable to locate any incident or information reports, complaints or any other details from any other source, about the allegation.

If the matter was referred to the police, why weren't you able to find evidence that the matter had actually been reported to the Australian government?

Mr Rogers: I would be happy to review the circumstances around this whole thing and provide that answer on notice. I am probably unable to provide you with sufficient detail at the moment, but we can certainly give you a response on notice.

Senator KIM CARR: Would it not be evidence that there is an underreporting of human rights abuses of people under your care?

Mr Rogers: No, I do not believe so.

Senator KIM CARR: 'When in Nauru the review received other accounts of alleged sexual harassment. These accounts were generally not reported and did not result in any information that can be referred for investigation,' says the review. Do you think that is wrong?

Mr Rogers: No. What I would say is that we have processes in place, as do the other service providers, to encourage complaints or reporting of any inappropriate conduct and none of those complaints or reports relating to those matters had been provided before Mr Moss spoke to some of those witnesses.

Senator KIM CARR: How would we know that Moss is incorrect, when he draws attention to the underreporting of sexual abuse?

Mr Rogers: Sorry—I am not suggesting that he is incorrect at all. What I am saying is that there is a process in place, and that process encourages people to make complaints or to report inappropriate conduct or behaviour.

Senator KIM CARR: My point to you, though, is that surely it demonstrates how inadequate those processes are, given what Mr Moss has found.

Mr Rogers: And, as I explained right at the outset, of the recommendations that Mr Moss has made, we are completely supportive and look forward to continuing to improve the service we deliver to the Commonwealth.

Senator KIM CARR: When does your contract expire?

Mr Rogers: Our subcontract for Nauru expires on 31 October.

Senator KIM CARR: The same as—

Mr Rogers: That is correct.

Senator KIM CARR: And I take it that at that point you will have to retender for the work with the new contractor, whether that is Transfield or someone else.

Mr Rogers: I guess that would be a commercial consideration.

Senator KIM CARR: You will have to make that call on whether or not you seek the work. Is that what you are saying?

Mr Rogers: No, what I am saying is that there are some commercially confidential discussions that we have had, and I would be happy to provide a response on notice and in confidence.

Senator KIM CARR: Yes, if you would, please. But am I correct to assume that you are seeking to continue your work on the island?

Mr Rogers: Yes, you are.

Senator KIM CARR: Do you think the changes in the policy positions that have been outlined, in terms of Transfield's human rights statements—and there appears to be the new draft contract—are matters that you can satisfy?

Mr Rogers: Our hope would be to negotiate a subcontract with Transfield Services again. We are already compelled to conform to their human rights policy, so we are covered by that in terms of our—

Senator KIM CARR: Yes, but it is a new policy.

Mr Rogers: We are still bound to that under our subcontract, even though it is a new policy, and we are very happy to continue to be bound by those instruments.

CHAIR: Why do Transfield even need you? They run garrison services around the country. What do you bring that is so special in this relationship?

Mr Rogers: I believe we provide an industry-leading approach to the security services specifically. When you look at the breakdown of responsibilities that Transfield has subcontracted to us, we are not into facilities management, catering or maintenance or pest control or any of those other areas; we are very focused into a specialist security environment. We have performed security services for Transfield Services, including in a Defence garrison environment for something like the past seven years or so, so that is how they were familiar with our—

CHAIR: So, what has changed in Nauru, given that Nauru was to be an open centre where people could cook and move around the community? And then I understand that in discussions with the Nauruan government it became a more closed security environment. Are you familiar with that?

Mr Rogers: I am probably not able to comment on that—

CHAIR: It is a fact, though, isn't it?

Mr Rogers: Again, I will ask Brett to perhaps—

CHAIR: You have given an example of the security you provide. At some point in time, did the environment in Nauru change from an open plan, 'let's get this thing sorted out', and people moving around the community, to being more fixed and 'you shall not move in the community'?

Mr Rogers: I will ask Brett perhaps to address that initially. He was there right from the very start.

Mr McDonald: It started as a closed centre. During that time—whilst I was not privy to it—there were conversations about the arrangements for that open centre. It was only earlier this year that they started moving towards an open centre—but it is only a set number of people per day that are currently able to go out into the open centre.

CHAIR: What risks do these detainees pose to Nauruans or to your staff that they need such close security monitoring?

Mr Rogers: Our role under the contract is controlling access to the centre, monitoring the perimeter of the centre, responding to emergencies, providing direct support to high-risk individuals. So it is a range of those kinds of functions that are going to be required in some form or another.

CHAIR: I get a bit confused. You can drive around Nauru—the eight miles takes about 17 minutes. I am not sure why need a totally closed-in secure facility, on an atoll in the middle of the Pacific Ocean, with a thousand-odd guards, but I will leave that to others to answer.

Senator HANSON-YOUNG: Mr Rogers, you said in your opening statement that perhaps this committee has received evidence from others that Wilson Security does not accept or does not agree with. I want to go to a number of cases in relation to specific allegations. I find it difficult to believe that somehow all these former staff—whether they be Transfield, Wilson Security or indeed Save the Children—are making all of this up? Some very consistent issues have been raised over the 40 or so accounts of staff or former staff that have been put forward to this committee. I firstly want to go to the issue raised by Ms Vibhakar's submission, who was a former Save the Children worker, in relation to an incident on 8 December 2013, alleging that a Wilson security guard had been often seen visiting a tent of a female asylum seeker at around 2 o'clock in the morning. This guard was seen to give female asylum seekers in this tent pairs of shoes and in return the asylum seekers referred to this guard as 'my lover'. Are you aware of this incident? And, if so, what was done to investigate it?

Mr Rogers: I believe that we were only made aware of it through the comment arising from the submission to which you refer. It is not to my knowledge recorded in any kind of incident report or complaint from anyone within the centre. Given that the allegation was not levelled at a specific person and given that it is some 18 months post the matter, the ability to investigate the matter is quite challenging. Could you just confirm the date that you mentioned?

Senator HANSON-YOUNG: It was 8 December. Ms Vibhakar states that in an email sent to Save the Children management, so she has clearly has documented it as a worker

Mr Rogers: Sorry, I wrote down 8 December 2013.

Senator HANSON-YOUNG: That is right. And that is the date of an email that this worker gave to Save the Children management in relation to this issue. So there is clearly, at that level, an incident raised. And you are saying that you were not made aware of that.

Mr Rogers: I do not believe that Wilson has been made aware of that matter.

Senator HANSON-YOUNG: On 21 April 2014, there was an allegation that an asylum seeker who had claimed to have been punched in the face by a service provider was offered dentures if he would withdraw his complaint. Are you aware of that incident?

Mr Rogers: I will check with Brett as to whether we have got any record of that, but what I would say is—

Senator HANSON-YOUNG: I just want to point out here that the witness to this committee said that she completed an incident report on 21 April 2014 in relation to that incident.

Mr Rogers: If an allegation like that had been raised it would have been investigated. Clearly, we would never instruct or encourage our staff to try to get someone to remove or withdraw a complaint. A number of complaints do get withdrawn over time, but that would be a complete departure from our code of conduct and the set of values that we teach these staff to apply. Brett, have you got any specific comment on that matter?

Mr McDonald: Certainly not in relation to the allegation where we offered to pay for departures. There have been previous incidents where we have reported and investigated striking another asylum seeker but certainly not in relation to the claim about the dentures.

Senator HANSON-YOUNG: There is, of course, the case that I have raised with you and with Transfield Services this morning but also previously. It is the first reported incident that we have been able to find in relation to the abuse of a child in November 2013. This child were sexually assaulted by a Transfield cleaner on 16 November 2013. Last time we spoke about this you said, 'We're not responsible for the cleaners.' You are aware of the incident I am referring to. We have been given evidence from Save the Children staff that they were instructed not to report this incident to the police but to in fact report it to Wilson Security. Even though the cleaner was apparently another contractor of Transfield Services, it has been put to us that it was Wilson Security that managed the investigation and response to that incident.

Mr Rogers: I will again get Brett to comment on the detail, and I cannot speak for what the Save the Children staff were instructed to do. What I can describe is the very well-recognised standard process that we have got in place, which would be that, if that matter had been raised with Save the Children and it was regarding a child's welfare, their procedure would be to report that to the Nauruan police force. We would assist in the provision of interpreters for interviews and additional investigators to assist oversight of the investigation, but that would clearly be a matter between Save the Children and the Nauruan police force. I cannot imagine why someone—

Senator HANSON-YOUNG: We have been given evidence from more than one witness that it was Wilson Security that took over the investigation and management of this incident. I want to know whether that is correct, whether you are aware of the incident—you must be aware. It has been referenced even in this committee several times. Why was it that this incident was left until this committee started to investigate before anything was really done about the safety of this child?

Mr Rogers: I will ask Brett to add some detail to that answer.

Mr McDonald: I can confirm that we did do the investigation in relation to that incident—and by 'investigation' I mean taking statements from the individuals involved, referring that to Transfield, who then referred that to the police. I want to provide some context for your information. That was in November 2013. The child safeguard policy and guideline was implemented, I believe, in early December, and it was really that policy that provided the framework for Save the Children taking the lead in those investigations.

Senator HANSON-YOUNG: So this was prior to that being put in place?

Mr McDonald: That is correct.

Senator HANSON-YOUNG: Are you aware that as a result of this incident—and you would have heard my evidence in relation to Transfield officers earlier—this child and their family remained in the detention centre and became subject to further abuse and harassment as part of retribution because the staff member who had originally assaulted the child had friends who were still working in the centre, and they picked on the child as a result? Were you aware of that?

Mr Rogers: I do not believe we are aware of that. We would be happy to check any of the other incident reporting and get a response back to you on those.

Senator HANSON-YOUNG: I would be very interested to know if there are other incident reports as a follow-up to this particular issue. It has been documented quite clearly, in evidence to us, that this child continued to receive bullying from other members of staff inside the facility.

Mr Rogers: I would be very happy to investigate that and provide you with a response on notice.

Senator HANSON-YOUNG: Thank you. Would you also be able to tell me—and perhaps, Mr McDonald, you are in the best position for this—if Wilson Security conducted this investigation and Transfield Services were aware of it, would that also mean that the department was aware that this had occurred?

Mr McDonald: Yes, I can confirm that an incident report was completed and reported to the department—and an investigation report.

Senator HANSON-YOUNG: Is it the department which determines whether a child and its family stay in that facility?

Mr McDonald: I will have to say yes to that. It is certainly not something which any of the service providers have the ability to influence.

Senator HANSON-YOUNG: There have been some other very serious allegations that have been raised throughout this inquiry. I am not sure if you have seen the submission by Charlotte Wilson, a former Save the Children member, who says that there was filming of solicited sex between asylum seekers and Wilson Security staff. Have you seen that submission?

Mr Rogers: Yes, I have seen the submission.

Senator HANSON-YOUNG: What is your response to that?

Mr Rogers: I have been unable to find any evidence whatsoever that would suggest that our staff have solicited with regard to asylum seekers, filmed or otherwise distributed via any kind of material, as is suggested in Ms Wilson's submission. That has never been reported. It has never been even rumoured, to my knowledge, and I do not know where that suggestion has come from.

Senator HANSON-YOUNG: Have you been aware of an incident where a Transfield cook or chef performed oral sex on a Wilson Security staff member—so, staff member to staff member—which was recorded and distributed amongst officers?

Mr Rogers: No, I am not aware of that.

Senator HANSON-YOUNG: When you were first made aware of this filming of sex in this submission put forward—you said you could not find any evidence—what did you do to investigate?

Mr Rogers: As soon as we saw the submission, we went back through our records and conducted key word searches through the various reporting formats that we have and also queries back to the management and leadership teams on each of the islands.

Senator HANSON-YOUNG: So you tried to see whether something was filed in relation to an incident like this?

Mr Rogers: And whether there was any other meaningful information around a matter like this.

Senator HANSON-YOUNG: Who has access to cameras in the facility?

Mr Rogers: Could I take that on notice. Within the facility itself, there are a number of staff who have GoPro mobile cameras for the purpose of capturing security-related imagery. I do not have an exact number of those, but we can certainly obtain that and provide that on notice.

Senator HANSON-YOUNG: And what team they are in. We did have a bit of a discussion about this last time. There was not very much clarity about exactly how many people wore them and how often they wore them. Some clarification about the protocols of the wearing of the GoPros would be helpful. You also said in evidence last time that video footage would often be deleted if it was not deemed to be important. It strikes me that that is quite concerning. We are hearing that things like sex tapes are being made. Whether that is a rumour or fact, it has least been alleged. Then we have other evidence put to this committee that footage in relation to the July 2013 riots was deleted. Have you perhaps rethought the protocols around the deletion of footage?

Mr Rogers: If I could quickly clarify a couple of things there. I do not believe that we had any kind of individual video cameras in place at the time of the July 2013 riot. I believe there was one video camera that was there for the purposes of recording the events that occurred and it was destroyed during the riot. That was the only matter that I am aware of.

Senator HANSON-YOUNG: So you do not think that there is any footage that exists from that particular incident?

Mr Rogers: There is none held by the company that I have been able to obtain. I will ask Brett to perhaps add some details around the procedures and the questions you have asked regarding the procedures.

Mr McDonald: In relation to your question around whether we are looking into any different procedures, we are actually in the process of trialling a new system. It is called MVIEW. It uploads footage to a secure website without any intervention by a person and then provides an audit log from that. Any deletions or views, et cetera, will then be auditable. That strengthens our current procedure.

Senator HANSON-YOUNG: Why have you decided to take that action?

Mr McDonald: It initially came about as a result of a review of the guidelines, which we do annually. The review started in March this year.

Senator HANSON-YOUNG: Is it that you were looking for footage that subsequently does not exist?

Mr Rogers: No, we are always going through a review and audit process of our procedures with a view to being able to improve them. This was identified. Brett identified to me a potential improvement that we could make. I have approved going through and implementing that improvement.

Senator HANSON-YOUNG: So there has never been a specific incident where you have inadvertently deleted footage that you needed subsequently?

Mr Rogers: I am not aware of anything that has supposedly had evidential value that we have then inadvertently deleted.

Senator HANSON-YOUNG: Has the immigration department ever asked you about your record keeping in relation to footage collected inside the facility?

Mr Rogers: I am unaware of that, but I will ask Brett if there is any response there.

Mr McDonald: We have had some requests by Transfield about our current recordkeeping in relation to CCTV footage and digital photography. With the review that we do on our guidelines, we actually do that in conjunction with Transfield and the department. The discussions are normally joint, in relation to what we need to look at and update.

Senator HANSON-YOUNG: Has there ever been a leaking of footage gathered from inside the facility that you are aware of?

Mr Rogers: I am unaware of any.

Mr McDonald: I am not sure whether footage has been. There has definitely been photos from within inside the centre that have been taken and published.

Senator HANSON-YOUNG: But as far as you know, you have not identified any lapses, so of footage being unauthorised in terms of its release?

Mr Rogers: I think there is been a number of images released by, in some cases, asylum seekers with contraband phones or cameras.

Senator HANSON-YOUNG: No, I am talking about your official GoPros.

Mr Rogers: No, I am not aware of that.

Senator HANSON-YOUNG: Mr Rogers, obviously this allegation of the solicitation of sex and the filming of that is pretty serious. I hear from you that you have got nothing on your files that indicates this is correct. I put to you a new allegation in relation to footage of staff having sex with each other that has allegedly been circulated. You are saying you have got no file notes or incident reports in relation to this. Are you concerned that these kinds of rumours are coming out of the facility? And these are from staff. These are staff members who are coming forward to this committee. What interest do these people have in making this up?

Mr Rogers: I am sure people are acting from the best of intentions. I am sure they are making their own judgements on the information that they have had presented to them. I cannot really speak, apart from that, as to the motivation to make any of these allegations.

Senator HANSON-YOUNG: Mr McDonald, you were on the island for a long time. There are a whole raft of allegations that have been put to us as a committee from your own staff members. What is your view—is there truth to some of these rumours or are people simply disgruntled? They are pretty serious. We have got evidence saying this. You guys say you do not have evidence at all. It is a bit hard to match the two up.

Mr Rogers: I am sure Brett will want to answer your question, but I went through in some detail, before, what I hoped would demonstrate the threshold of tolerance that we have for any kind of inappropriate conduct. We have no tolerance whatsoever for people who are unable to meet our code of conduct and our ethical standards, and we will act absolutely decisively to remove those people from our operation. With regard to the broader nature of those allegations, if Mr McDonald has got an observation then that would be good.

Mr McDonald: It is really hard to answer an individual's motivations for coming forward. From my time on the island, my observations are that it is extremely complex. You have got different ethnic groups and you have got a local culture and understandably asylum seekers do not want to be there, and so it is not uncommon to have a large number of allegations. That is the key reason why we really do have to follow a pretty tight framework with the investigation. But as to the actual motivation for why they come and say it—it is hard. I am not for one minute suggesting that a person—a staff member especially is generally probably reporting on what they may have been told.

Senator HANSON-YOUNG: Were you aware that the AFP were investigating a number of your staff for suspected steroid possession?

Mr Rogers: We were made aware of an allegation, I think 18 months ago or so.

Senator HANSON-YOUNG: Were you surprised that the Australian Federal Police would be investigating your staff?

Mr Rogers: Yes. I think it is fair to say I was surprised.

Senator HANSON-YOUNG: Has there been any result of those investigations?

Mr Rogers: None at all.

Senator HANSON-YOUNG: We obviously have some information from the department that these investigations were underway, but there is no conclusive evidence about it?

Mr Rogers: We have had really no further—

Senator HANSON-YOUNG: No-one has told you whether it has concluded or not?

Mr Rogers: That is correct.

Senator HANSON-YOUNG: That is surprising, isn't it? You would want to know, surely, if your staff are trafficking steroids into Nauru.

Mr Rogers: I am sure if that were the case then we would know, because the investigation would have concluded that.

Senator HANSON-YOUNG: One of the more recent submissions that has been given to us is from one of the teachers that was employed by Save the Children. This was earlier this year. It is in relation to the sexual assault of a seven-year-old child in early 2015. Are you aware of any incident that relates to the sexual assault of a seven-year-old girl inside the facility?

Mr Rogers: I am not specifically.

Mr McDonald: Senator, I am aware of a disclosure—and I believe it was around about February or so of this year—that was passed on as an incident report from a disclosure to a Save the Children staff member.

Senator HANSON-YOUNG: This must be the same case. There are a number of issues that have been raised in this teacher's submission. She talks about the condition of this child. Obviously, I am extremely concerned to hear that, despite the allegations that were aired very publicly in October and in the Moss review, we now have another case as early as February relating to such a young child. Do you know whether this child is still in the detention facility?

Mr Rogers: I am unaware of that, Senator; I am sorry.

Senator HANSON-YOUNG: Who would be able to give us that information?

Mr Rogers: I think that should be directed to the department.

Senator HANSON-YOUNG: Mr McDonald, you do not have any update?

Mr McDonald: I am not familiar with that particular child—whether she still remains in the centre; sorry, Senator.

Senator HANSON-YOUNG: One of the concerns raised by the teacher was that she tried to get some more information about what had occurred in the investigation into the incident that had happened so that she could help manage this child's behaviour and care for her. She was told that she had no right to know about that information. There are these different groups: you have Transfield; you have Wilson Security; you have the department; you have Save the Children. When you are talking about the welfare of the child, surely there needs to be a bit more communication or collaboration about how that child's care is managed. Whose responsibility is it to make sure that all those partners are talking to each other?

Mr Rogers: With regard to the welfare of children, that is very clearly a contractual requirement on Save the Children. Save the Children regularly request support from us to assist in that regard, and we provide that support very reliably and regularly and consistently. The lead agency, if I understand your question, would be Save the Children.

Mr McDonald: Senator, there are three different forums which provide avenues to collect that information. There is a daily operations meeting with all the heads of each service provider and the department; there is a weekly complex behaviour review; and a daily review of vulnerable asylum seekers. All service providers attend those forums, and that is where we share information about it. If there was an incident where somebody was not able to get the information, that certainly would have then been addressed at the daily operations meeting.

Senator HANSON-YOUNG: I am just rereading the evidence that the teacher has given in relation to this incident. She says that the child was being watched by the perpetrator outside the fence that looks into the school. Was anything done to make sure that perpetrator could not continue watching the child while she was in a learning environment?

Mr Rogers: I am probably unable to comment on that. I would be happy to review it, take it on notice and provide you with a response.

Senator HANSON-YOUNG: Could you, please. I am concerned about it in terms of it being evidence that we are collecting in the inquiry, but I am also just genuinely concerned about what is going on with this child now.

Mr McDonald: We will take it on notice and get all the available information. But the particular asylum seeker who the allegation was made against: when it was referred to the police, he was charged, and his bail conditions also prevented him from being within a certain distance, from memory. I will get that specific information. So there was some protection there to take action if that was the case.

CHAIR: Can I just ask a question in respect to Save the Children. Did Wilson Security make any formal submissions or findings or evidence in respect to the decision that was made to remove Save the Children?

Mr Rogers: No. We have given evidence with regard to the report that was submitted by one of our intelligence analysts.

CHAIR: Clearly, Save the Children were regarded as the responsible entity for child safety by all contractual organisations on Nauru. Is it your evidence that anything to do with child safety was Save the Children's responsibility?

Mr Rogers: They are the lead agency, Senator; yes.

CHAIR: When they were gone, what did you do?

Mr Rogers: Save the Children have never been gone.

CHAIR: When the nine people who were undertaking those activities were removed, did you just carry on as normal?

Mr Rogers: Save the Children continued to deliver their services with other staff.

CHAIR: And you were not party to any of the evidence that led to their removal?

Mr Rogers: Only the report that was prepared by one of our intelligence analysts.

Senator KIM CARR: On that point: given that the intelligence analyst put that report in and it was repudiated by Moss, what have you done about it?

Mr Rogers: What have we done about what, Senator?

Senator KIM CARR: The report of your intelligence officer, which led to the deportation of those Save the Children personnel, was referred to the Moss review. The Moss review said that there was no evidence to sustain the charge. What have you done about that intelligence officer?

Mr Rogers: Could I just start by saying: intelligence analysis is a predictive, probability-based activity.

Senator KIM CARR: This is where you tell me what you do when you are wrong, is it not?

Mr Rogers: If I finish the response, Senator, and if it does not satisfy you, I will be happy to answer another question. In this case Mr Moss did not say that the report was wrong; he said that there was no conclusive evidence. An intelligence report does not have conclusive evidence in it. What it did was draw together a number of variables and a number of factors and drew some conclusions and recommended that an investigation be conducted to then provide evidence. An intelligence report is never intended to be evidence; it is intended to inform risks to the safety and security of the people in the centre.

Senator KIM CARR: So, Mr Rogers, are you now saying that you were mistaken, or are you saying that Moss just could not find any evidence to sustain your well-founded belief?

Mr Rogers: I am not saying it was a well-founded belief; I am saying, Senator, that it was an assessment that an intelligence officer made at that point in time based on the facts that he had available to him. It is like weather forecasting.

Senator KIM CARR: I would have thought the weather bureau is a little bit better than that! The fact remains that these people were removed from the island on the basis of that report which the independent review did not sustain. Is that not correct?

Mr Rogers: Could I take that on notice, because I would like to check Mr Moss's exact words with regard to that report.

Senator KIM CARR: He did not sustain the case against the personnel.

Mr Rogers: He did say that there was insufficient evidence to conclude that—

Senator KIM CARR: Do you regard that as he did sustain it, then?

Mr Rogers: No. The intelligence report was never intended and is never going to be able to provide conclusive proof, but it can cue subsequent actions—for example, triggering an investigation into something.

CHAIR: I have two quick questions before we go to Senator Ludlam. There is a differential in remuneration between locally-employed and fly-in fly-out workers. Does that cause any antipathy in the workforce?

Mr Rogers: Nothing that has really been documented. We were very careful early on in two areas. First of all, we wanted to strike a rate for expatriate staff that would attract good quality people with relevant backgrounds, skills and the appetite to work in a difficult and challenging environment. At the same time, we wanted to engage local subcontractors and local staff at rates that were not going to unnecessarily attract good quality people out of government essential services such as the police force, the fire department, teaching and the like. So the relative rates are struck within the labour markets that we are sourcing those people from.

CHAIR: We understand that there are about 10,000 people on Nauru and that there has historically been a high level of unemployment, but I think that we are getting some evidence that there is a fairly high attrition rate here—people are either not turning up for work or relinquishing their tasks, or they may not be not up to speed, educated or trained to do your tasks. Are you experiencing difficulty filling the roles in Nauru with competent trained professionals?

Mr Rogers: I would say no.

CHAIR: Professional security providers?

Mr Rogers: The answer is no, we are not having difficulty filling the roles. We provide the training so that we are confident that we are getting people who understand the culture, the policies, the procedures, the structures that they are working in; who have the ability to communicate; and who show the level of dignity and respect that we demand, with regard to the people that they are caring for. What is an ongoing challenge is attendance rates. We probably achieve a higher attendance rate from our expatriate workforce than we do from the local workforce, but then that becomes a management issue for us. But, no, we get good quality people from there.

CHAIR: In relation to attendance rates: if they do not turn up, do they get paid?

Mr Rogers: No.

CHAIR: Thank you.

Senator LUDLAM: I have some questions that go specifically to the issue of the surveillance of Senator Hanson-Young when she was on the island. I think you were in the room when we were taking evidence from Transfield. Can I take it from your rebuttal to submission 62 that you do not concede—apart from two staff who were sent to watch, I understand, the car park on the night of 15 December 2013—that any other surveillance activities were undertaken.

Mr Rogers: That is correct.

Senator LUDLAM: I want to go through what did happen, and then we will work out what did not happen. When you were advised that Senator Hanson-Young was visiting the island, how long prior to the visit was that?

Mr Rogers: I am unaware specifically. It would have been within the week or two prior. I would be happy to try to research that and provide you a response on notice.

Senator LUDLAM: If you could. Presumably you get tipped off by the department that—

Mr Rogers: Typically, we would be informed by the Transfield operations manager on the island, who would have been informed by the department.

Senator LUDLAM: Can you go through the process of when you are advised that somebody reasonably high-profile—in this instance Senator Hanson-Young—is visiting the island? How does that filter through to the security team, and how do they prepare?

Mr Rogers: I will ask Brett to describe that process, because he has been involved in a number of different VIP visits.

Mr McDonald: We would typically get an itinerary as a starting point. We would then participate in a number of planning meetings. They are normally attached to the daily operations meeting, so each of the service provider leads in the department will discuss the itinerary. Then each respective service provider would go and coordinate their part. So, for us, transport and escort are the key ones. So our briefings would then be to the people that we are going to allocate those tasks to.

Senator LUDLAM: Thank you. Mr Rogers has undertaken to take on notice when Wilson Security was first notified that the visit was going to occur. Can you tell me when the visit was first brought up in one of your morning meetings or one of your security briefings?

Mr McDonald: I will confirm the exact date. I imagine that it is one to two weeks out from the visit as well.

Senator LUDLAM: Would it have been discussed more than once? Presumably, it would have.

Mr McDonald: Absolutely, it would have.

Senator LUDLAM: Your response to the file note that I have got in front of me that was provided to the committee last Friday, and your response to submitter No. 62, make it sound very much as though, on the night of the 15th, the decision was made by this supervisor to task two employees to go and watch the hotel and that there was no premeditation involved at all. That was where it began. It ended the following morning when Mr Gilbert became aware of it. Is that a fair characterisation?

Mr Rogers: That is a good characterisation.

Senator LUDLAM: So no premeditation, no preplanning of any form of off-site surveillance of any kind?

Mr Rogers: That would be absolutely outside of the scope of our contract. It would be completely inappropriate. If a responsible manager had heard of this activity being intended, he would have stopped it immediately, and it should never have happened.

CHAIR: Is it also outside the scope of your geography?

Mr Rogers: Of what?

CHAIR: Your geography. Are you contracted to provide any security services outside the RPCs?

Mr Rogers: The contract actually defines the area as the island of Nauru.

CHAIR: So someone would not think it is untoward to be sent to do this job?

Mr Rogers: I really could not speculate on—

CHAIR: Where do you roster your people? Do you roster them on the RPCs or do you roster them outside the Menen Hotel?

Mr Rogers: On the RPCs.

CHAIR: So someone has rostered people outside the normal scope of their duties, but they did not think it was unusual?

Mr Rogers: For the junior people who were involved, I think they were following what they believed to be legitimate instructions.

CHAIR: But it has never happened before. They were always rostered at the RPCs?

Mr Rogers: That is correct.

Senator LUDLAM: When was the codename 'Raven' assigned to Senator Hanson-Young?

Mr Rogers: I do not know. I can only surmise that the supervisor at that time selected a radio reference name for the senator at the point that he issued the unauthorised and completely inappropriate instruction.

Senator LUDLAM: Can you check for us, on notice, that it was assigned that evening and was not part of the briefing schedules in advance of the visit?

Mr Rogers: I certainly can. Maybe we will be able to assist with a response now.

Mr McDonald: Yes. I can confirm that we at no stage used the call sign 'Operation Raven' for any other part of the senator's visit.

Senator LUDLAM: It was just that one night?

Mr McDonald: The first I became aware of that codename was the morning of 16 December.

Senator LUDLAM: The first you became aware of it?

Mr McDonald: And I was involved in the previous planning, and I was on the island at the time.

Senator LUDLAM: Had you been involved in the security meetings and briefings prior to Senator Hanson-Young's arrival?

Mr McDonald: I was.

Senator LUDLAM: What is a 'ghosting technique'? What does that mean?

Mr Rogers: I cannot even begin to try to explain the rationale behind this. What I can say is that it was completely unauthorised. It was completely inappropriate.

Senator LUDLAM: I understand. We have that on the record. In the parlance of your trade, what is a 'ghosting technique'? I am not familiar with that. What does that mean?

Mr Rogers: It is not a term that I have ever used. I have seen it in the file notes.

Senator LUDLAM: What do you think it means?

Mr Rogers: I will ask Brett to provide a response.

Mr McDonald: It is not a terminology we use. However, in my opinion it would be to be there without being seen.

Senator LUDLAM: 'Jason had informed his staff to perform a ghosting technique on the car throughout the shift.' So it is the car that is being surveilled?

Mr McDonald: That is correct. So they were placed in the car park at the Menen Hotel.

Senator LUDLAM: They sat in a car themselves?

Mr McDonald: That is correct.

Senator LUDLAM: And they sat there all night. How long is the shift?

Mr McDonald: Twelve hours.

Senator LUDLAM: Do you know when they went on station—at what time?

Mr Rogers: We do not. We are happy to check that and provide you with a response on notice.

Senator LUDLAM: If you could—when they went on and when they went off station. The instruction to these two individuals is: 'Sit in a car park, in a car, for 12 hours watching this other vehicle, and let headquarters know if the car is moved.' Is that right?

Mr Rogers: We do not know the exact instructions that were given to the individuals.

Senator LUDLAM: You have not sought to find that out? What was their tasking? I would have thought that would be quite important to have known.

Mr Rogers: There was absolutely no tasking from the company.

Senator LUDLAM: Well, no; there was, unless you are telling us that Mr Kahika was not a Wilson Security employee at the time.

Mr Rogers: No, he was an employee.

Senator LUDLAM: An employee of your company tasks two individuals to sit in a carpark for 12 hours to watch a vehicle.

Mr Rogers: Without any authority and without any reference to people who are empowered or enabled to make that decision. It was a complete error of judgement.

Senator LUDLAM: Did it happen on the night of the 16th and 17th while Senator Hanson-Young was also on the island?

Mr Rogers: All I have is what we are aware of from that file note, Senator.

Senator LUDLAM: Does the file note indicate whether that happened again?

Mr McDonald: I can confirm that he was stood down on the 16th and no such action occurred.

Senator LUDLAM: What does 'standing down' mean in the context of this sort of thing?

Mr McDonald: Suspended with pay whilst we collect the relevant information and take disciplinary action.

Senator LUDLAM: Does the file note initiate that action?

Mr McDonald: Yes. It was a note made by the supervisor at the time.

Senator LUDLAM: That was not submitted to the department, was it? I think we have already had that in evidence.

Mr Rogers: No, I believe it was included on the individual's personal file.

Senator LUDLAM: Does that get submitted to the department?

Mr Rogers: Not necessarily.

Senator LUDLAM: Does it get submitted to Transfield?

Mr Rogers: Not necessarily.

Senator LUDLAM: It does not leave Wilson, as far as you are aware?

Mr Rogers: At that stage it is an individual disciplinary document on a personal file.

Senator LUDLAM: About spying on a member of the Senate? You stood the employee, Mr Kahike, down; you have not taken disciplinary action against the junior employees, because you figure they were doing as they were told. What happens to the documentation, and this file note in particular, and who else is notified outside of Wilson Security?

Mr Rogers: At that stage it was treated as an internal disciplinary issue. I believe Transfield had been informed very shortly after Mr McDonald was informed. The actual outcome of the disciplinary matter was recorded internally.

Senator LUDLAM: You say it was very shortly after Monday the 16th that this document was drawn up.

Mr Rogers: That is correct.

Senator LUDLAM: And Transfield were notified. They took that on notice, and so we shall see if that is consistent. Do you subcontract any other security or surveillance functions to other entities on the island? Would any other surveillance activities be conducted by Wilson?

Mr Rogers: We do not conduct any surveillance activities at all.

Senator LUDLAM: Alright. Do you subcontract any of those activities out to third parties?

Mr Rogers: No, we do not.

Senator LUDLAM: Were there any wire taps, listening devices or other wires placed in Senator Hanson-Young's room or vehicle?

Mr Rogers: No, absolutely not.

Senator LUDLAM: Was there any pursuit or vehicle surveillance while Senator Hanson-Young was mobile on the island?

Mr Rogers: I will ask Brett to respond to that. I am unaware of any.

Mr McDonald: Possibly between the centres. There would have been vehicles operating between RPC 1, 2 and 3 during the visit.

Senator LUDLAM: Would that be normal practice?

Mr McDonald: That would be.

Senator LUDLAM: But not from home base to the RPCs?

Mr McDonald: I am not aware, Senator.

Senator LUDLAM: It would be a lot more practised if I was someone from home base to one of the processing centres?

Mr McDonald: To answer your question, it would be standard practice to follow people between the centres. I am not aware of surveillance from any other point to the centres.

Senator LUDLAM: Is that part of your procedures?

Mr McDonald: It would have been a part of planning the logistics, the transport and the escort of the senator.

Senator LUDLAM: What about from the centre back to home base to make sure that she left the site and returned to the hotel?

Mr Rogers: I think her departure from the site would have been recorded at the access control point, and so from that point—

Senator LUDLAM: She is handed off at the gate and is of no further concern to Wilson?

Mr Rogers: I was not there at the time, but our standard practice would be to see you to the vehicle and fare you well until your next visit.

Senator LUDLAM: Some pretty non-standard practice seems to have been applied at least in this instance. I am trying to establish what other departures from standard practice might have occurred during Senator Hanson-Young's visit. Can you confirm for us whether there was any other off-site surveillance of the vehicle on its way back to the hotel or from the hotel during the subsequent two days?

Mr Rogers: What I can confirm is that there was absolutely nothing in any of the planning—the itinerary, management or anything else—and we are unaware of any other—

Senator LUDLAM: But neither was this.

Mr Rogers: That is correct. As I have highlighted, it was unauthorised, it was inappropriate and it should not have happened.

Senator LUDLAM: Okay. Can you undertake to take on notice for us whether any of those other activities did or did not occur.

Mr Rogers: I am happy to take that on notice.

Senator LUDLAM: If it is just a straight-out confirmation that it did not, that will assist. For how long was the employee Mr Kahika stood down?

Mr Rogers: I am not sure exactly how long he was stood down from employment. He was stood down from his supervisory roles for, I think, up to a year.

Senator LUDLAM: I understand that he was then reinstated.

Mr Rogers: He then applied for a supervisory role at a later point. Based on his performance, he was selected for the role.

Senator LUDLAM: Prior to the visit, during the security briefings, was Mr Gilbert approached by any employees to raise concerns about any of the matters or arrangements surrounding Senator Hanson-Young's visit?

Mr Rogers: I am unaware.

Mr McDonald: I am unaware, but we could make that inquiry.

Senator LUDLAM: What I am keen to know is whether after any of the directives given in the briefings—again, these are prior to the visit occurring, not the actions that were taken subsequently—any concerns were raised with Mr Gilbert or any other supervisors or senior staff about the protocols or the directions or directives that anybody was being given.

Mr Rogers: I can categorically state that we received no direction in this matter. We issued no direction to Mr Gilbert or Mr Kahika in this matter.

Senator LUDLAM: I am interested to know what directions Mr Gilbert might have given—or Mr Kahika, for that matter—in advance of the visit and whether any employees raised concerns prior to Senator Hanson-Young's arrival.

Mr Rogers: I am very happy to take that on notice.

CHAIR: Is it possible he was acting on someone else's instructions?

Mr Rogers: I find that very, very unlikely.

Mr McDonald: I can confirm that I had a conversation with him and he confirmed that he was acting on his own instructions.

Senator LUDLAM: This was Mr Kahika who said so. Mr Gilbert is not here to answer for himself. If he were, what I would ask him is: prior to Senator Hanson-Young's arrival on the island and subsequent to the briefings, including security briefings, preliminary to the visit, had any members of the security team or anybody else raised any concerns with him, Mr Gilbert, about any of the directions or instructions that had been given?

Mr Rogers: We can probably provide two parts to your answer. I am happy to undertake to contact Mr Gilbert, put that question to him and respond to you on notice. Also, Brett McDonald, who Mr Gilbert was reporting to, is right here and can answer whether he received any concerns or anything, if that would assist you.

Senator LUDLAM: It was a separate question, but yes, sure.

Mr McDonald: No, nobody raised any concerns with me in relation to the activities that were being planned for the senator's visit.

Senator LUDLAM: I would ask you, if you could, to put that question in those terms to Mr Gilbert. Are we able to have a copy of the brief of intended operations? Is that a single document that is prepared in advance of a high-profile visitor?

Mr Rogers: It is effectively an itinerary, and I believe we can provide that.

Senator LUDLAM: I understand why you might have to make some redactions to that, but if you could—so what has gone out to your security staff in those morning briefings, the itinerary and any instructions that might arise from the same. If you can provide that, I am happy if names are taken out if you would prefer. I think that has been your request on some of this evidence. But, apart from that, if you could provide that—

Senator HANSON-YOUNG: Positions.

Senator LUDLAM: Yes, positions would be appropriate, I guess—level of seniority.

Mr Rogers: Sure.

Senator LUDLAM: And who prepares the security briefs. Mr McDonald, is that part of your ambit?

Mr McDonald: I would have seen it, but I would not have prepared it myself.

Senator LUDLAM: Who attends those—how many people and who are they?

Mr McDonald: It is normally attended by the people who are responsible for playing a part in it. On this occasion—I will refresh my memory when we check it on notice—there would have been half a dozen.

Senator LUDLAM: In the aftermath, was there a reason why Senator Hanson-Young was not notified that that surveillance had occurred?

Mr Rogers: I guess a couple of reasons. To characterise it as surveillance, I think, is not quite correct.

Senator LUDLAM: 'Ghosting technique' sounds a little bit like surveillance.

Mr Rogers: There is no way that this company has conducted surveillance as part of—

Senator LUDLAM: 'I inquired with Jason as to what authority he had to conduct the surveillance', so let's not fool around with semantics; that is what it was.

Mr Rogers: It is not a matter of semantics.

Senator LUDLAM: I am reading your own file note. Your supervisor from ERT said, 'What authority did he have to conduct the surveillance?'

Mr Rogers: I understand what is in the file note. I was going to explain. Surveillance is an organised process as part of an overall intelligence process to gain information to inform decision making. This was absolutely categorically not on that scale at all. It was a misguided action by an unauthorised individual that should never have occurred.

Senator LUDLAM: The whistleblower who wrote submission 62, who seems to be very well placed—I do not know who it is—and well informed, said that Wilson Security organised a team from ERT to spy on her while she was on Nauru. This included following her around the island while she was outside of the OPCs and setting up an observation post to watch her room—it does not say her car; it says her room—at the Menen Hotel. The briefing was given by an ERT supervisor—that name has been redacted—in which he gave orders to spy on the senator. The evidence you are giving us today is in direct contradiction to nearly all of that.

Mr Rogers: That is absolutely correct, yes.

Senator LUDLAM: The briefing included her room number, vehicle registration and using the codename 'Raven' over the radio to make reference to her. So you are asserting that that is all just completely made up? You did not deny that 'Raven' was used; you were not sure where it originated. But is the rest of that just fabrication?

Mr Rogers: I am absolutely maintaining what I have described to you as Wilson Security did not authorise or instruct or direct this action to occur.

Senator LUDLAM: Who do you mean when you—**CHAIR:** And the supervisor for the 12 hours that they observed a car outside the hotel, you paid them?

Mr Rogers: We stood the supervisor who made that—

CHAIR: You paid them for the work they undertook; you just did not know where they were.

Mr Rogers: I will take on notice whether we paid the supervisor.

CHAIR: You would have paid the two staff, who were there for 12 hours observing the hotel or the car.

Mr Rogers: That would have occurred, yes.

CHAIR: So it is not correct to say that you were not involved. You actually had your people on your payroll undertaking activities. I accept that you do not like the activities but they were your people. As the sun comes up every morning, if you are sitting for 12 hours looking at something then that is surveillance.

Mr Rogers: There was no reporting that came out of this. It did not inform any decision making. It was the rogue actions of a misaligned individual.

Senator LUDLAM: But your evidence does strikingly contrast with what submission 62 has put to the committee.

Mr Rogers: I do not know the motivation for the person who submitted submission 62 to make their claims. I do know it is an individual who, as a disaffected ex-employee—

Senator LUDLAM: Do you know who the submitter is?

Mr Rogers: Yes I know who it is.

Senator LUDLAM: Is it a disaffected ex-employee of Wilsons?

Mr Rogers: Yes, that is correct.

Senator LUDLAM: Were they on the security team?

Mr Rogers: Could you rephrase that question for me?

Senator LUDLAM: For example, were they a member of the ERT?

Mr Rogers: I am unaware. I am happy to take that on notice.

Senator LUDLAM: It sounds like you know who it is. Were they a member of your company providing security on Nauru?

Mr Rogers: That is correct.

Senator LUDLAM: Will you undertake to find out whether they were a member of the ERT? When you say 'disaffected', in what way were they disaffected?

Mr Rogers: I believe their employment was not renewed at a point where they rather felt it should have been.

Senator LUDLAM: Do you think maybe it was employment issues—I guess we are drifting into hypotheticals here. Do you dispute the evidence?

Mr Rogers: That is correct.

Senator LUDLAM: How long was the person in your employ?

Mr Rogers: Could I take that on notice? I am happy to provide a response. I just want to be precise.

Senator LUDLAM: That is okay. For how long had they been gone and not an employee?

Mr Rogers: They would have ceased their employment late January or early February this year.

Senator LUDLAM: The committee has not been made aware of who the author of submission 62 was and, presumably, they wanted to keep their identity confidential for a reason. Have you undertaken investigations or are you just using an educated guess?

Mr Rogers: No, the committee has communicated the name to us.

Senator LUDLAM: The committee has done that but it has not been published so I am going to leave it there. Presumably you would have taken these allegations very seriously because they go to a lot more than just asking two individuals to watch a car. What have you done to either validate or invalidate the balance of those allegations around following around the island and watching the room?

Mr Rogers: I think as Brett described to you, he has called Mr Kahika and discussed the activities of the instructions that he issued completely inappropriately on that occasion and that was the limit that of what occurred.

Senator LUDLAM: But for all we know, Mr Kahika might have had nothing to do with following Senator Hanson-Young around the island or any of these other allegations. It may well have had nothing to do with this individual.

Mr Rogers: I believe the submission described that as being a part of what Mr Kahika issued instructions to do.

Senator LUDLAM: It does not actually say that. I will leave it there.

Senator KIM CARR: I do appreciate the approach you have taken to the committee. I had the opportunity to actually check the Moss review. You relied on clause 24, referring to their security report, which says:

... indicated conclusively to the review that a particular contract service provider staff members had engaged in these activities.

That is, the allegations made in this intelligence report. But then in clause 28—this is the one I am particularly interested in—it says:

The review notes that has not obtained any information which substantiates the alleged misconduct in relation to Save the Children staff members.

When you read that, what was your response?

Mr Rogers: I accept that the allegations have never been substantiated.

Senator KIM CARR: But it says not 'any information'.

Mr Rogers: That is my response. I accept that Mr Moss never received evidence to substantiate those allegations.

Senator KIM CARR: What have you said to your intelligence officer who produced that report?

Mr Rogers: I have spoken to him specifically about the report on two occasions since it has surfaced. I think the report in itself is entirely suitable for the purpose for which it was made, which was to highlight the potential of a risk to the safety and security of the centre. The intention of the report and the recommendation in the report was to conduct a further investigation.

Senator KIM CARR: Not to sack everyone?

Mr Rogers: It was to conduct further investigations.

Senator HANSON-YOUNG: Could we please have any documents, emails or file notes in relation to the disciplinary action, the standing down and the reasons why in relation to the incident referred to by Senator Ludlam.

Mr Rogers: Yes.

CHAIR: Thank you very much Mr McDonald and Mr Rogers. If you have taken—and I know you have—a few questions on notice, we would be seeking answers to those questions by the 24th if that is at all possible. Thank you very much for your evidence.

Proceedings suspended from 13:29 to 14:01



**Select Committee on the recent allegations relating to
conditions and circumstances at the Regional
Processing Centre in Nauru**

Australian Broadcasting Commission

***7:30 Report: Spying and abuse described by Nauru detention
centre's former staff***

13 August, 2015

Weeknights on ABC and [ABC News 24](#)

Spying and abuse described by Nauru detention centre's former staff

[Print](#) [Facebook](#) [Twitter](#) [More](#)



Australian Broadcasting Corporation

Broadcast: 13/08/2015

Reporter: **Hayden Cooper and Lisa Main**

Whistleblowers have defied the law to speak out about a culture of cover-ups and abuse at Nauru's immigration detention centre, and they challenge the evidence given by centre operators before parliament.

Transcript

LEIGH SALES, PRESENTER: Detention centre whistleblowers are defying the law to speak out about a culture of cover-ups and abuse on Nauru and challenge the evidence given by centre operators before Parliament.

A Senate inquiry into the island is due to report within days.

Tonight, 7.30 can reveal the likely findings of the committee, including a demand for children to be removed from detention.

As Transfield and Wilson Security seek to renew their lucrative contract to run the detention centres, the conduct of their staff is under more scrutiny, not least over a covert operation to spy on an Australian senator and Wilson's attempt to play it down.

This report from Hayden Cooper.

HAYDEN COOPER, REPORTER: Inside the Nauru detention centre in the hours before the riot of July, 2013. This footage is from a camera worn by one of the Wilson security guards.

SECURITY GUARD: We've got the cops at Charlie 2.

SECURITY GUARD II: Yep.

SECURITY GUARD: If they do try to escape, the coppers want your team up there to give them a hand, arrest the f**kers.

SECURITY GUARD II: Sweet as.

SECURITY GUARD: Alright.

HAYDEN COOPER: The guards are preparing to join Nauruan police at the camp's gate in an effort to contain the unrest.

SECURITY GUARD III: So if something happens, all the cops are on standby out at Charlie 2, man. If something happens and they all go out through here, then we go Charlie 2.

SECURITY GUARD IV: Yeah.

SECURITY GUARD III: Take (beep) down. The cops have asked ERT to assist.

SECURITY GUARD IV: So just grab 'em.

SECURITY GUARD III: We assist the cops in any way in as much capacity as - because you become an authorised officer.

SECURITY GUARD IV: Yeah, yeah, as soon as the cop tells you what to do, you can do it.

SECURITY GUARD III: Yeah.

SECURITY GUARD IV: Now I don't understand Nauruan, so I'm just gonna say he told me to do everything.

SECURITY GUARD V: I'm pretty sure he said shoot that guy. I'm fairly confident he gave me that order.

HAYDEN COOPER: This video has come to light because of more and more Australians who are prepared to defy the new Border Force Act and risk two years' jail by revealing what they experienced on Nauru - guards, social workers, doctors.

DAVID ISAACS, PEDIATRICIAN: If I see child abuse in Australia and I don't report it, I can get into enormous trouble. If I see child abuse on Nauru and I do report it, I might go to prison for two years.

NATASHA BLUCHER, SOCIAL WORKER: Australian people deserve to know what's being done in their name with their tax money. And - and they don't know.

HAYDEN COOPER: Tonight, 7.30 reveals a rare glimpse of life on Nauru, through photographs, videos filmed by asylum seekers and the testimony of those who worked there. A former Wilson Security guard who feels compelled to speak out.

Is this sort of abuse still going on, do you think?

FORMER WILSON SECURITY GUARD: I'd say definitely, yes.

HAYDEN COOPER: Paediatrician David Isaacs, a man still shocked by what he witnessed on Nauru during a visit last December.

DAVID ISAACS: I saw a six-year-old girl who tried to hang herself with a fence tie and had marks around her neck. I've never seen a child self-harm of that age before.

HAYDEN COOPER: And there with him was Sydney nurse Alanna Maycock.

ALANNA MAYCOCK, NURSE: David and I heard a report from a mother that we'd seen that she'd been raped there. She was offered more time in the showers for sexual favours.

DAVID ISAACS: After five days, I went home and had nightmares. I didn't expect that. I didn't expect to be so, um, traumatised by these people's trauma. These are people, ordinary people and we're treating them with, um - sorry. We're treating them with incredible cruelty.

HAYDEN COOPER: These serious allegations of rape, self-harm and abuse have dominated the Senate inquiry, and since, some have been referred to Nauruan police. But the responses of centre operators Transfield and Wilson Security are now being called into question. Both claim staff are trained to report abuse, including through a special hotline.

NAURU DETENTION CENTRE OPERATOR REPRESENTATIVE: We have had this whistleblower hotline in place for a long time. It is actually on the backdrop of every person's screen at work.

HAYDEN COOPER: This former guard says otherwise.

FORMER WILSON SECURITY GUARD: I'd never heard of it. During my induction course when I first started work, they never mentioned it and the whole time I worked there, I never heard of it.

HAYDEN COOPER: No-one said there's a hotline you can call if you want to report abuse or anything like that?

FORMER WILSON SECURITY GUARD: Never.

HAYDEN COOPER: You never saw the whistleblower hotline advertised?

FORMER WILSON SECURITY GUARD: Never.

HAYDEN COOPER: Alcohol and drug use among guards and other staff on Nauru is a problem. This record of a Wilson Security management meeting obtained by 7.30 confirms the incidents of alcohol abuse.

Transfield told the inquiry that staff on Nauru are subject to random alcohol testing.

SARAH HANSON-YOUNG, GREENS SENATOR: Is it every day?

TRANSFIELD REPRESENTATIVE: Ah - yes, my understanding is every day, testing would occur.

HAYDEN COOPER: Can you describe for me what sort of alcohol testing was done on you while you worked at Nauru?

FORMER WILSON SECURITY GUARD: None, not once. The whole time that I worked there, I was never tested for alcohol and I'd never seen any alcohol testing.

HAYDEN COOPER: You never saw any random breath testing at all?

FORMER WILSON SECURITY GUARD: Not at all.

HAYDEN COOPER: But it's the evidence provided on so-called Operation Raven that several guards now dispute - the spying on Senator Sarah Hanson-Young during her visit to the island, an incident the Government dismissed.

TONY ABBOTT, PRIME MINISTER: I don't accept that characterisation. I believe she was being in fact looked after while she was there.

PETER DUTTON, IMMIGRATION MINISTER: My experience of Sarah Hanson-Young is that she gets most of the facts wrong most of the time.

HAYDEN COOPER: Wilson admitted the spying, but said it was limited in scope to one supervisor and two of his staff.

WILSON SECURITY REPRESENTATIVE: Senator, there was no reporting that came out of this that didn't inform any decision-making. It was the rogue actions of a misaligned individual.

HAYDEN COOPER: But several former guards have told 7.30 that in fact up to eight Wilson employees were involved.

FORMER WILSON SECURITY GUARD: What I was aware of or what I'd heard from other guys who were involved was that they were briefed on her room number, the vehicle and what time she was going to be in and out of the camp. They were also told to follow her and they were told to keep notes on who she was talking to around the island and in her room.

HAYDEN COOPER: So it was quite an extensive spying operation?

FORMER WILSON SECURITY GUARD: Yes.

HAYDEN COOPER: Do you have any doubts about that at all?

FORMER WILSON SECURITY GUARD: I have no doubts.

HAYDEN COOPER: Later when news spread, they panicked.

FORMER WILSON SECURITY GUARD: Basically, the individuals involved and the supervisor were called into the Wilson office. They were told to shred pages from their notebooks and any reports they had written up.

HAYDEN COOPER: It's not yet clear if the committee will refer this allegation to Australian Federal Police.

With the Senate inquiry drawing to a close, 7.30 understands it will make a number of key recommendations. These are likely to include a demand for children to be removed from detention, for the reporting of sexual abuse to be made mandatory and for the Immigration Department and Federal Police to conduct a full audit of all allegations. The committee may also recommend comprehensive drug and alcohol testing on Nauru and for the Immigration Ombudsman to review all complaints made against detention centre staff.

These photos obtained by 7.30 reveal the mouldy and ramshackle tents housing asylum seekers. 700 are held on Nauru at a cost per detainee of \$2,000 a day.

Natasha Blucher is another former staffer who won't stay quiet. She worked for Save the Children and wants the centre closed, but she's pragmatic.

NATASHA BLUCHER: You won't get an argument from me in relation to whether or not we need to stop the boats. We shouldn't have people getting on boats because they're desperate and drowning. Like, that argument does have merit. But you can't tell me that in a country that's developed and full of educated people, that we can't do it in a way that's not so brutal and doesn't cause so much harm to people.

HAYDEN COOPER: Dr David Isaacs believes he'll never return to Nauru because he won't be allowed back - the price of ignoring the Border Force Act and going public.

DAVID ISAACS: It's child abuse. Putting children in detention is child abuse. So, our Government is abusing children in our name.

LEIGH SALES: Hayden Cooper reporting.

Contact Us

If you have inside knowledge of a topic in the news, [contact 7.30](#).

Images

Spying and
abuse
described
by Nauru



© 2015 ABC





**Select Committee on the recent allegations relating to
conditions and circumstances at the Regional
Processing Centre in Nauru**

Official Hansard Transcript

20 August, 2015

(Witness: Wilson Security)

McDONALD, Mr Brett, Security Contract Manager, Wilson Security

ROGERS, Mr John, Executive General Manager, Southern Pacific, Wilson Security

[16:33]

CHAIR: Welcome back. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. We have received your submission, which we have numbered as submission No. 21. I now invite you to make a short opening statement, and after you have spoken I will invite members of the committee to put questions to you.

Mr Rogers: Thank you for the opportunity to appear again before the committee. We continue to assist the committee in a completely transparent and factual manner, and appreciate the committee's earlier recognition of this fact. You will be aware that we have responded to a number of adverse comments raised in other submissions and that we have provided a significant amount of material supporting our responses to questions on notice. We have provided factual evidence to the committee, in contrast with generalised allegations in some other submissions, many of which are based on hearsay and rumour. I refer to my earlier comments from a previous hearing and once again ask the committee to consider any claims under the same light as they would be in any reasonable application of natural justice.

A number of contentious issues have been published, which we wish to address directly. Firstly, there have been some particularly disturbing allegations of torture of asylum seekers. These are rejected outright—and, frankly, the evidence that I have heard is preposterous. Before this afternoon, the only allegations resembling these have been reported by a lawyer, representing an ex-employee, who has indicated that his client will give evidence in this regard. I can categorically confirm that there has never been a report, or even the slightest rumour, of activity of this nature. Understand, Chair, that asylum seekers have access to phones, email, social media and a range of agencies, including Transfield Services, IHMS, the department, Save the Children, advocacy groups, the International Red Cross, the UN Commissioner for Refugees, Amnesty International, the Commonwealth Ombudsman, members of the Senate and the Moss review to name a few. To think that events like those described could go undetected or unreported is absurd.

Secondly, we are well aware of the matters regarding court proceedings in Nauru raised in today's media. I would highlight the fact that the transcript which has been reported arises from an investigation initiated and conducted by us to shed light on the matter that was being investigated. The matter was investigated earlier this year, and a decision was made based on the available and admissible evidence. This has been a very complex HR issue, perhaps one of the most complex we have had to manage, and we acknowledge, with the benefit of hindsight, that some of our processes were not applied well.

An independent review of our investigation overall has led to some significant improvements, which we have implemented, and that review is ongoing. I highlight that this matter has arisen from an investigation initiated by us in an attempt to determine the true facts of the matter. I can assure the committee that there has been no attempt to conceal any issue whatsoever and it is not a systemic issue. We would be happy to update the committee with the material changes made to our processes as our review progresses. For complete clarity, if the statement made by the individual in the recording published today proves to be accurate, that would be despicable, a complete departure from the culture that we have built, and we would immediately terminate the employee.

Thirdly, there is the matter of the unauthorised monitoring of Senator Hanson-Young during her visit in 2013. We have previously discussed this matter at length, and our position with regard to the events that occurred has not changed. We stand behind the evidence we have previously given to the committee. We reject that spying was somehow sanctioned by the department, Transfield or Wilson; we reject that the senator was filmed at the direction of the company; and we reject that we have in any way misrepresented or misinterpreted any of the facts available to us. We have gone to the lengths of seeking a sworn affidavit from the supervisor involved, which supports our position. If the committee has further information not currently available to us, we are committed to investigating the matter further. If it is felt that there is still a need for an independent investigation, then we would assist that willingly and are confident that the facts will stand as we have described them.

Fourthly, I wish to highlight the context of the issues that have been raised in a variety of submissions to this inquiry. We strive to operate a highly professional, well-disciplined workforce delivering security services in support of the Commonwealth. We have structured processes and procedures and a strong ethical culture. Our overall aim is to support the safety, security and wellbeing of those in our care. We acknowledge that there are rare exceptions among the 1,200-plus employees we have engaged on Nauru since our commencement who fail to uphold the standards of conduct and performance we require, and we believe that we manage these issues

competently. When we receive an allegation, we investigate. When there is sufficient evidence, we act with due consideration for the welfare of a complainant and procedural fairness to an employee. We continuously seek to improve our processes, and this inquiry has provided some opportunities for that. We commit to investigating any matters raised by the inquiry and welcome any further evidence you may provide.

Finally, we believe some damaging allegations are now being put to the committee that have absolutely no basis in fact. This is of deep concern to us and, equally importantly, to our staff. We are well aligned with the goals of the committee in wanting to highlight the truth and the facts. We look forward to any recommendations of the select committee that will assist us in strengthening existing frameworks, and we will support Transfield Services and the department in implementing those recommendations. Chair, we welcome any questions the committee may have.

CHAIR: Thank you, Mr Rogers. I might just clear a few questions away initially—and you may need to take this on notice. How many children are currently in detention on Nauru?

Mr Rogers: I would have to take that on notice, Chair, sorry.

CHAIR: Based on the current time lines, how long will it be until all children are transferred from the island either into the community—

Mr Rogers: I am unaware of that information. I would have to seek advice.

CHAIR: Could you take those two on notice. The previous witness highlighted what he thought were—to be polite—inconsistencies with your evidence. I am not sure whether you heard that, so I will give you the three that I wrote: alcohol and drug testing; whistleblower hotline; and an allegation about shredding of reports. They were three examples that the witness put that were contrary to the evidence that you have given. Could you review the *Hansard* of the evidence and give us a prompt reply on those things.

Mr Rogers: Senator, I may be able to start by addressing each of those now, if that would assist?

CHAIR: We want some evidence.

Mr Rogers: Certainly—and I would be happy to take that on notice.

CHAIR: If you had an alcohol and drug testing policy in place, then that would only have been put in place after it had been communicated to and agreed with the workforce. There would be a memo and a date of operation. In respect of the whistleblower hotline, there is no point having a whistleblower hotline that no-one knows about, so presumably there would have been a memo saying what happens if you have a problem. The shredding of reports is for you to take on notice and get back to us.

Mr Rogers: I appreciate the opportunity to make an initial comment and then I would be able happy to provide further detail on notice. The reporting process: when there is an incident, there is an immediate radio report which goes through to the control room where it gets recorded and logged. It is followed up at some later point, within very clearly defined time frames, by a written report. To not provide a written report at some point within, for example, six hours of when the radio report has been submitted would cause us significant penalties under the contract. So, there may well have been documents shredded, but not material documents—perhaps draft documents or something like that. But it is not possible, once that initial report has been logged, for a follow-on written report not to be submitted. I will ask Brett to provide some more operational detail on that one.

CHAIR: As I understand the allegation, it was that reports from other stakeholders, for want of a better word, were shredded.

Senator HANSON-YOUNG: Before they were logged.

CHAIR: Before they were logged.

Mr Rogers: Right. I will ask Brett to comment further on that process.

Senator HANSON-YOUNG: It is the 'before' that is the issue.

Mr McDonald: To help put the incident reporting process it into perspective, even if an incident comes from another service provider, there are still two parts to our requirements under the department guidelines. The first one is a verbal notification, and the second one is the written report. Even before we receive the written report, there would have been verbal notification to each of the stakeholder service leads or managers notifying them of that incident, and then the written report is subsequent to that. The concept that a written report is shredded would have to be explained in some way, because we would have made a verbal notification.

CHAIR: But your reporting logs are not like an accountable document. They are not a document that is filled out like a receipt book where, if someone rips it out, you can see it is gone.

Mr Rogers: It is an electronic log that cannot be tampered with.

CHAIR: You have touched on this issue. I have a couple of questions from Senator Carr who, unfortunately, cannot be here. They relate to the Fairfax story today which reveals that a Wilson guard confessed to framing an asylum seeker for assault. Is this the same known incident you referred to in response to Mr Nichols?

Mr Rogers: Yes, it is.

CHAIR: Was the department or the minister alerted when you became aware that these allegations were false.

Mr Rogers: Senator, what I would like to do is perhaps run through a time line of the incident and the subsequent issues.

CHAIR: We are happy for you to do that. I am trying to do a job for Senator Carr. So if I put these three questions to you, hopefully your time line will answer those questions.

Mr Rogers: Yes, it will.

CHAIR: Was the minister or the department aware? What steps have you put in place to ensure this incident does not happen again? How does Wilsons verify claims made by staff? What is the process for investigation of allegations of assault?

Mr Rogers: I believe I can answer two of those, and one I will take on notice, but that will become clear. I will ask Brett to start describing the initial time line around the original incident from which this material derives, and then I will elaborate further.

Mr McDonald: The initial incident occurred in August 2014 and involved an altercation between a staff member and an asylum seeker where they fell to the ground. There were four witness statements provided at the time. Two of those witness statements outlined the fall to the ground and also where one of the staff members was struck to the head. The staff member who had the strike to the head also went to the medical clinic and submitted an injury report following that. The other two witness statements observed the fall but did not observe the actual strike to the head. All that information was provided or reported to the department at the time in the normal incident reporting process. It was then referred to the police. The matter was subsequently dealt with in then Nauru District Court in November 2014 where each of those four people gave evidence.

Mr Rogers: On 31 December, the following month, we were advised of an allegation that the staff member who had made the initial allegation had embellished that story. So we commenced an immediate—

Senator HANSON-YOUNG: After the court case.

Mr Rogers: That is correct. That is the point. The court case had occurred in November, and we were advised—

Senator HANSON-YOUNG: Sorry, I just want to be clear: is that when the asylum seeker was put into jail, or where they put into jail prior to that?

Mr Rogers: I am not sure of the particulars. We are giving you the dates and times that we have available. On 31 December we received an allegation and we immediately commenced an investigation, and the audiotape that has been reported was captured in the process of that investigation. As a result of that, the staff member was suspended and we then referred the matter to our internal HR department in Brisbane for a disciplinary outcome. The audiotape, due to Australian law, was unable to be considered in that disciplinary matter, and the process that the HR team went through was to interview the employee against whom the allegations were being levelled to give him the opportunity to respond and then to consider that material in its totality.

The employee strenuously denied that he had fabricated any assault. He explained his comments that he had made to other people as embellishments—talking himself up—and we interviewed another witness who also supported that version of events. As a result, there was sufficient doubt as to what had actually occurred to prevent us from being able to meet the standards of proof required to terminate this individual and be confident that that would stand up to an unfair dismissal case at some later point. We therefore returned the individual to the island at some point in March and he was moved into a site identification role with very limited interaction with asylum seekers, and that role was not a promotion as I think has been reported. At that point we also updated the Nauruan Department of Public Prosecutions and Transfield Services. That is a summary of the events as they occurred.

CHAIR: Did you also notify the department?

Mr Rogers: We had notified Transfield Services at a point in that process. I am unable now to say now but I am very happy to continue our research—given that this has really arisen in the media yesterday and today—to undertake to provide you the point at which we notified them.

I just want to highlight a couple of points, Chair, if I may? This incident is not representative of the culture we have built in this facility. As soon as we were aware of an allegation we investigated it, and we have gone to great lengths to try to adduce sufficient evidence to take the appropriate steps. The recording published today arises directly from that investigation. We have done everything in our power to determine the level of force that was actually applied and what actually happened back in the original occurrence, which is actually going to lead into conclusions in every other part of this investigation.

CHAIR: I know there will be other senators who have questions which may revisit this ground, but I just want to try to get through this tourney brief I have here. Mr Rogers, was it you who made the decision that there was insufficient evidence to make a finding against this staff member?

Mr Rogers: I made that decision, yes.

CHAIR: Fine. So, the guard is still employed in a different role and capacity?

Mr Rogers: The guard is currently stood down, suspended from duty, from a later point where a whistleblower using the Transfield Services whistleblower hotline made Transfield aware and then Transfield made me aware that there may be further evidence, although they were unable to communicate that evidence to me at that point. In consultation with Transfield we initiated a review of the original investigation and that review is ongoing. I am not sure whether I have fully answered your question or not?

CHAIR: That man is still in Wilson's employ?

Mr Rogers: He is employed and suspended from duty.

CHAIR: On paid suspension?

Mr Rogers: Correct.

CHAIR: So, basically, Mr Nichols and Natasha Blucher have given reasonably compelling evidence alleging that Wilson Security staff have intentionally provoked asylum seekers into violence. This is evidence that has been before the committee for some time. This revelation that there appears to be some sort of weight to those claims is something that you are seriously going to need to answer. Here we have a person who has suffered considerable trauma and been imprisoned, and it appears to be that it was on erroneous grounds. Are you considering compensation or any action in respect of the asylum seeker?

Mr Rogers: I think that any of those actions would arise from the conclusion of the review that we are conducting of the original investigation.

CHAIR: You have not finished the review—

Mr Rogers: I—

CHAIR: You have not ruled it out, but it will be at the end of your review?

Mr Rogers: It would be in response to proof of this having occurred, I would imagine.

CHAIR: Okay. So your evidence here today is that all claims have been properly investigated where people have alleged in evidence that asylum seekers have been provoked intentionally.

Mr Rogers: That is the basis of my evidence. What I have acknowledged with regard to the specific incident is that with the benefit of hindsight there are aspects of the original HR investigation that we would review. We have taken two key steps as a result of the review process that we have gone through. One of those is the appointment of an independent investigator to oversee any investigation of serious misconduct. We have done that to have a level of arms-length oversight of those investigations. The second is formalising our process for the reporting and updating of those investigations as well.

CHAIR: Finally, if we were to point to an allegation and there is documentation of that being reported, you would then be able to point us to a proper investigative process, including file notes and those sorts of things?

Mr Rogers: We should be able to do that, yes.

Senator HANSON-YOUNG: I would like to get a bit more clarification about the incident that was reported in the paper today. The committee has also been given some evidence in relation to it. You said, Mr Rogers, that you notified the Nauruan police and you notified Transfield Services. What did you notify them of?

Mr Rogers: The point at which I was describing that was our notification to the Nauruan Department of Public Prosecution, not the police. It was a notification that this event had occurred, that we had investigated it, that we had found insufficient evidence to support an outcome of termination and that we were going to return the individual to the workplace.

Senator HANSON-YOUNG: So, you never actually notified any part of the Nauruan justice system that that evidence had already come forward regarding the asylum seeker who was being effectively framed for physical assault? You never actually gave them that information?

Mr Rogers: I will take that on notice, because I think I have indicated that we have provided that.

Senator HANSON-YOUNG: That is what I am trying to get an indication of. I have not heard you say that.

Mr Rogers: Right. So—

Senator HANSON-YOUNG: Did you tell the Nauruan police or those investigating within the justice system, before the court case or after the court case, that there was evidence that this was all made up?

Mr Rogers: There was no evidence whatsoever of this before the court case, and I do not believe it was reported to the Nauruan police after the court case, because it was the subject of a human resources investigation that was inconclusive.

Senator HANSON-YOUNG: So, you had evidence—so much that you had it in recorded form, such as what has been publicised today; you do not deny that it was made up but accept that that is evidence that Wilson Security has had ownership of—

Mr Rogers: On Nauru, yes.

Senator HANSON-YOUNG: That evidence was never given over to the Nauruan police investigators or indeed Public Prosecution?

Mr Rogers: That evidence has been given to them, but I will need to give you the time line for that on notice.

Senator REYNOLDS: Perhaps I could just clarify that. You are saying that the issue Senator Hanson-Young was talking about has been given to the Nauruan police.

Mr Rogers: More recently, as a result of the review we have conducted, we have provided all that evidence, and I am unable to determine whether we have given the actual evidence to them earlier this year.

Senator REYNOLDS: But it has been provided to them.

Mr Rogers: Yes, it has.

Senator HANSON-YOUNG: The question is whether that was before you made your own decisions about your own HR issues. Your own HR issues with your staff are your problem. Surely they are totally irrelevant to whether evidence in your possession is given to a court.

Mr Rogers: I have been unable to determine, on the short notice I have had, whether that has been provided at that point. I am happy to take it on notice.

Senator HANSON-YOUNG: What notification was given to Transfield Services about your investigation into the claims and the collection of the evidence such as the recording, which effectively captured a confession from your staff member?

Mr Rogers: Well, it captured an allegation and an interpretation of a confession. It needs a lot of consideration and detailed analysis.

Senator HANSON-YOUNG: Well, you thought it was a confession enough to warrant standing him down.

Mr Rogers: It was contributing, as other statements were contributing, to a suspicion that something had occurred. It was enough to stand him down, and it was not enough to terminate his employment.

Senator HANSON-YOUNG: Was that evidence, as well as information that that had occurred and that you had that evidence in your possession, given to Transfield Services?

Mr Rogers: I know, and it is in records, that Transfield was updated on the whole matter at the beginning of March. I have as yet been unable to locate earlier emails, but I understand there were earlier verbal updates on the situation.

Senator HANSON-YOUNG: You said earlier that there was an order for investigation into this incident in December. Who ordered that?

Mr Rogers: It would have been one of the managers on the island.

Senator HANSON-YOUNG: That was in December, but Transfield Services was not given any official notice until March?

Mr Rogers: What I am saying is that I have been unable to locate anything yet. I know there were verbal—

Senator HANSON-YOUNG: Perhaps it is in the shredder.

Mr Rogers: I know there were verbal discussions, and those were followed on at a later point by emailed updates.

Senator HANSON-YOUNG: Was any information handed on to the immigration department in relation to the welfare of the asylum seeker who had been falsely accused?

Mr Rogers: I am unaware of that. That would not have been our responsibility.

Senator HANSON-YOUNG: Whose responsibility is that?

Mr Rogers: We would have been updating Transfield Services in that regard.

Senator HANSON-YOUNG: Do you have any information as to what happened to this poor guy?

Mr Rogers: I do not have any substantive information. I understand that he is now in Australia somewhere, but I am unaware of where or how or anything else.

Senator HANSON-YOUNG: I want to go back to what we were talking about regarding the allegations. I must say, it is in a number of submissions that we have been given, including other whistleblower accounts that have been aired primarily on 7.30 last week, in addition to what has been given to our committee. On this issue of shredding and destroying documents, specifically in relation to incident reports handed over from other officers or staff from other contractors—and Senator Gallacher was asking you a little bit about this earlier—I just want to be really clear: when an incident occurs, it is written down, like this incident report I am holding here in my hand. It is handwritten or typed by an individual staff member, and it is handed up to the control room. Am I correct so far?

Mr Rogers: I am going to ask Brett to work through the process with you, because he is familiar with it in detail.

Senator HANSON-YOUNG: Well, that is good, because I actually have some further questions for Mr McDonald as to how he personally has handled incident reports. Mr McDonald, an individual officer who sees an incident and wants to report it fills one of these sheets out and then hands it up to the control room.

Mr McDonald: That is correct. There might be times when they refer it through their own supervisors or managers to review first, but it ultimately ends up in the control room.

Senator HANSON-YOUNG: When they are handed up, what happens to them physically?

Mr McDonald: Perhaps I could talk you through the two chains of events that follow. We make an initial log of the incident. Usually prior to the handwritten or the written report there is a verbal report that has already gone—that is what commenced the log. So, the log would be updated. Then they are put in a tray and every morning they are copied, and the copies are given to intel, behaviour and the management team to run through at the daily operations meeting.

Senator HANSON-YOUNG: Is there a shredder in the control room?

Mr McDonald: I cannot recall exactly whether it is in the control room or the admin building, but there is a shredder at the facility.

Senator HANSON-YOUNG: Have you ever shredded any incident reports?

Mr McDonald: I have not shredded any incident reports that are—I am sure there are copies or drafts that I have shredded, but not originals and nothing that is required to be reported in any way.

Senator HANSON-YOUNG: Who decides whether something is required to be reported?

Mr McDonald: I should clarify that. When I say 'required to be reported', there might be times when you have asked somebody to rewrite something because they have not completed it comprehensively or there might be missing details or you need further details. That is really the only occasion when you would not use that incident report and request a further one.

Senator HANSON-YOUNG: Have you ever seen anybody shred an incident report?

Mr McDonald: I have seen plenty of incident reports being shredded, but I need to—

Senator HANSON-YOUNG: In what room does that occur? Let's be clear: I did ask you whether you knew whether there was a shredder in the control room. Where would you have seen one there?

Mr McDonald: I need to give context to my previous answer, and that is that of a morning we get a copy of incident reports, as do the intel team and the behaviour team. What we are shredding are copies of incident reports that we have been provided with that morning, not the original incident reports.

CHAIR: So, there is a shredder.

Mr McDonald: There is a shredder, and I do not recall that there is one in the control room; I believe it is actually in the admin building.

Senator HANSON-YOUNG: Have you ever ordered any of the staff in your team to shred incident reports?

Mr McDonald: No. I have never given the order to shred or myself shredded original incident reports.

Senator HANSON-YOUNG: Where does the original incident report go—the physical hard copy?

Mr McDonald: The originals are usually scanned and sent through to Brisbane, where we have a data entry team. Then in the property room there is a set of files in which they are filed.

Senator HANSON-YOUNG: So, if it is not scanned, there is only one copy.

Mr McDonald: No. Of a morning, incident reports are copied and copies are given to the intel team, the management team and the behaviour team.

Senator HANSON-YOUNG: Is every incident report scanned and uploaded to the IT system?

Mr McDonald: Yes, as far as I know. Every incident report is scanned and sent through to Brisbane for the data entry team.

Senator HANSON-YOUNG: Have you ever been asked not to scan an incident report?

Mr McDonald: No, I have not.

Senator HANSON-YOUNG: Have you ever asked anybody else not to scan an incident report?

Mr McDonald: No, I have not.

Senator HANSON-YOUNG: How many incident reports would you see scanned on a regular basis?

Mr McDonald: During my time on Nauru I would review probably 20 reports a day, approximately.

Senator HANSON-YOUNG: Who determines which ones should be copied and handed out?

Mr McDonald: I do not think there is anyone who makes a determination. As the reports come in they are put in a tray, and every morning they are copied and distributed to those three people, because each of them has different duties that they need to follow.

Senator HANSON-YOUNG: I will quote from one submission that has been put to us: 'Any attempt to address serious concerns, major issues or disturbing behaviour was immediately stifled by management. On more than one occasion I was directed by management to alter or modify reports outlining these concerns to reflect Wilson Security in a more favourable light to external agencies.' Have you ever altered a report that has been written?

Mr McDonald: I have not altered a report. I have definitely asked people to rewrite reports that were not comprehensive, but not for the reason of altering it for the reputation. If that had occurred we would have treated that seriously. There have been no times when we have asked people to deliberately remove, delete or alter incident reports for that reason.

Senator HANSON-YOUNG: No time?

Mr McDonald: No time.

Senator HANSON-YOUNG: You say you have asked people to alter their reports to perhaps be more comprehensive. Do you mean putting things in context?

Mr McDonald: Quite often it would be adding conversation—'I said', 'He said.' There might not have been sufficient detail of what had led to an incident. It really is about being thorough in the report.

Senator HANSON-YOUNG: What happens to the original incident report in that circumstance—the original incident report that a staff member has written before you asked them to alter it?

Mr McDonald: I do not believe we retain it if it has been rewritten by the person who wrote the original report.

Senator HANSON-YOUNG: So the original may not exist anymore?

Mr McDonald: If a report had occurred which we had asked somebody to rewrite because there were missing parts, there is a chance that that might not have been retained.

Senator HANSON-YOUNG: How that would have been destroyed or not retained—put in the bin or put in the shredder?

Mr McDonald: I imagine it would have been one or both of those.

Senator REYNOLDS: Thank you, Gentlemen, for appearing again and thank you also for your very comprehensive and prompt responses to issues which are obviously extremely unsettling. I do not know whether you heard the previous testimony, but in relation to the shredder, my understanding of the evidence is that there was one copy of an incident report and the shredder was in the control centre. I understand from your testimony that in fact the shredder was not in the control centre; it was in another room. Is that correct?

Mr McDonald: I know there is a shredder in the admin building. I would need to confirm whether there was one in the control room as well.

Senator REYNOLDS: If you could clarify that, I think that is a salient detail.

Mr McDonald: I am happy to take that on notice.

Senator REYNOLDS: Thank you. In the previous testimony, we heard that one of your ex-employees said that he had for six months been treating incident reports but had never come forward beyond his supervisor to report this. You have obviously said that, in fact, in addition to the incident report being scanned and entered electronically, there are three hard copies of the incident report. Is that correct?

Mr McDonald: That is correct, also in addition to a verbal report.

Senator REYNOLDS: That now makes me wonder, if it did happen as the witness recalled, which one of the three copies he may have thought he was shredding. I know you cannot answer that but that is what your evidence has just raised. We might have to seek further clarification from the previous witness. We have heard evidence about the conduct of the ER teams. Could you give me a quick overview of what the ER teams do?

Mr Rogers: It is exactly what their title suggests—emergency response. They are available to respond to a typical range of emergencies that may occur in the centre at any time, whether that is an event involving unrest or an antisocial action or anything like that. None of us wants to be paying people to be sitting around watching TV the whole time. They are well employed. I am sure we will find an exception to this at some point but the intention is that those people are fully employed within parts of the centre and then are able to be constituted as a response team and, with a higher level of fitness and skills, to resolve some of those emergencies.

Senator REYNOLDS: We also had testimony from the previous witness that he had not personally seen waterboarding but he had heard rumours that it might have occurred and that on three separate occasions he saw—one or more; I was not quite sure—men coming out of tent 11 in Bravo compound with water coming out of their mouths—water or whatever it was. We had different testimony from him but that was the last testimony—it was tent 11. My understanding is that tent 11 would not be isolated. Having other accommodation tents, there would be a lot of other people around and also there is a recreational facility there. So have you ever had any reports of incidents in tent 11? How could this happen without anyone seeing or hearing things?

Mr Rogers: I will ask Brett shortly to add some specific operational detail about that compound. The tents are communal, dormitory facilities with public access. They are largely open all the time. There are many people—hundreds of people—in the vicinity. I cannot fathom how an allegation like this could have any credibility whatsoever.

Senator REYNOLDS: Did they have running water in the tents?

Mr Rogers: No.

Senator REYNOLDS: Presumably, if this were true, somebody would have to have brought a large amount of water into the tent for this to have occurred on one occasion. So no-one saw anything? They were open tents with hundreds of people around tent 11. So nobody has ever reported that they saw or heard anything? There was not an uproar with other detainees seeing and hearing this going on?

Mr Rogers: Nothing at all, not even the merest sniff of a rumour.

Senator REYNOLDS: About the zipping—which I understand from the evidence is tying somebody to a bed—presumably in Bravo compound there are other people in the shared dormitories?

Mr Rogers: There are shared bunks, so—

Senator REYNOLDS: Presumably if someone was tied—

CHAIR: Are the ER team issued with cable ties? Are cable ties issued to anyone on Nauru?

Mr Rogers: I will ask Brett to respond to that question.

Senator REYNOLDS: Can I just get—

CHAIR: I just want to clarify that. It is a really important issue. If there are no cable ties on Nauru there is probably no case to answer. Are cable ties issued to anyone on Nauru in your security effort?

Mr McDonald: There are not issued. There are cable ties that are used for some of the construction fencing during the time but no cable ties are issued, no.

CHAIR: Plastic cable ties?

Mr McDonald: That is right. The plastic cable ties, at different times, were used to secure temporary fencing together in the centres, but they are not issued to staff members.

Senator REYNOLDS: As I understand the science of a cable tie, once you use it you cannot re-use it? You have got to cut it?

Mr McDonald: Yes.

Senator REYNOLDS: Thank you, that is a very good point. There was no access to cable ties to do it. Even if someone had been restrained there would be other people in the tents to either assist them, to come to their aid or to call out for help.

Mr Rogers: There are a lot of people in those compounds.

Senator REYNOLDS: And there were never any reports of that?

Mr Rogers: Never once.

Mr McDonald: I should probably add that in the marquees in Bravo camp there are actually bunks, so the concept that somebody is cable tied and the bed is thrown—we are talking about throwing a bunk with a person on it. I should also add that the people in the Bravo compound were people who had previously been charged for the disturbance on 19 July and all of those had legal representation. They had regular access, at all times that they resided in Bravo, to their independent legal advice.

Senator REYNOLDS: We read in the testimony from the previous witness that indeed in that compound the guards were subject to ongoing threats of violence, death threats, and some were assaulted by the same detainees who were involved in the riot. They not only had legal representation in the compound, but also others had mobile phones. So while they could not take photos they could ring somebody else. They could ring their legal counsel or—

Unidentified speaker: Did they have mobile phones?

Mr Rogers: No, I think in this particular aspect they would not have had mobile phones but they had regular access to—

Senator REYNOLDS: Internet?

Mr Rogers: phones and internet, yes.

Senator REYNOLDS: While they may not have mobile phones—thank you for the clarification—they had access to phones, to legal counsel and were able through communal computers to get on the internet?

Mr Rogers: That is correct.

CHAIR: If you do need to restrain a person on Nauru, how do you do it?

Mr McDonald: Restraint is unusual. To get to a point where you restrain somebody you would go through a level of escalation first. You would usually use a person to restrain them for a short period of time to hope you do not—

CHAIR: You do not use handcuffs?

Mr McDonald: There are flexi-cuffs that are used on a very rare occasion.

CHAIR: What are they?

Mr McDonald: Flexi-cuffs are a type of handcuff that is easily attached and—

CHAIR: They are not a cable tie?

Mr McDonald: No, they are not a cable tie.

CHAIR: They are not referred to as cable ties?

Mr McDonald: No, they are not referred to as cable ties.

CHAIR: They are flexi-cuffs?

Mr McDonald: Flexi-cuffs, yes.

Senator JOHNSTON: Mr Rogers, we have heard from Mr Nichols. I am sure you are aware of Mr Nichols. He came this afternoon with his legal counsel and was reluctant, in some sense, to answer some questions about his current disposition towards your company. Do you feel comfortable in answering my questions about the

status of the litigation or the disputation or issues—because I am not sure what they are—between Mr Nichols, who has made the serious allegations that I am sure you are aware of, and your company? Are you happy to talk to me about those?

Mr Rogers: I would be happy to give you those issues in outline, yes.

Senator JOHNSTON: Is he the only one of the guards who is currently in dispute or having issues with Wilson?

Mr Rogers: No. There would be a number of staff who have claims, particularly workplace injury claims and that sort of thing, who are in dispute with Wilson.

Senator JOHNSTON: Could you give me the approximate number of those people?

Mr Rogers: Could I take that on notice? I do not have a number.

Senator JOHNSTON: Could you tell me whether they were working with Mr Nichols?

Mr Rogers: I am unaware of that.

Senator JOHNSTON: Could you take that on notice? I think you will see where this is leading in a moment. It was indicated to us that this is heading towards the Supreme Court. Is it fair to say that Mr Nichols has a sizeable quantum claim against Wilson?

Mr Rogers: I think it is fair to say that Mr Nichols has offered to settle a claim for a sizeable sum.

Senator JOHNSTON: So he is in negotiation with you about a sizeable sum of money?

Mr Rogers: Mr Nichols has made a claim against our insurer for a workplace injury. I am unaware at this minute of the progress of that. He has indicated that at some point after his resignation he has decided to claim for constructive or unfair dismissal.

Senator JOHNSTON: So he left, as he told us today. He terminated his employment himself, he alleged. You are now saying that that termination is being sought to be portrayed as a constructive dismissal.

Mr Rogers: That is correct.

Senator JOHNSTON: The first line of his submission causes me some extreme concern, as I think would be quite understandable. He says:

Waterboarding of asylum seekers throughout the facility;

I personally am only a recent appointee to this committee. How long have you been in charge of the Nauru facility?

Mr Rogers: Since September 2012.

Senator JOHNSTON: So going on for three years.

Mr Rogers: That is correct.

Senator JOHNSTON: Have you ever been privy to an allegation that there was, firstly, any waterboarding whatsoever of any of the personnel at the centre? What do we call them—detainees?

Mr Rogers: Transferees.

Senator JOHNSTON: Have you ever been privy to any allegation that there has been waterboarding of any transferees at Nauru?

Mr Rogers: I have never been privy to an allegation. I have never been privy to the merest rumour of an allegation.

Senator JOHNSTON: So this submission is the first time in three years that the term 'waterboarding' has been put to you as occurring at Nauru?

Mr Rogers: That is absolutely correct.

Senator JOHNSTON: He has withdrawn the expression 'throughout the facility'. He has identified the locale of the waterboarding as tent 11 at compound Bravo, or whatever. His evidence is in *Hansard*. It is tent 11, where he worked. Can you take me through who and what organisations have been through the facility and have been interacting with the transferees over the three years that you have been running the facility?

Mr Rogers: I will go back to my opening statement. This list is comprehensive and probably incomplete, but since the commencement of operations in the centre the range of agencies operating there, independent from Wilson, has included Transfield Services, IHMS, who provides separate and independent medical services, the Salvation Army—

Senator JOHNSTON: Can you pause to explain to me who IHMS are? I am not up to speed on all of the details.

Mr Rogers: IHMS is the medical services contractor.

Senator JOHNSTON: So these are doctors and nurses?

Mr Rogers: That is correct. The Salvation Army was there for 12 to 18 months—I do not recall the exact period.

Senator JOHNSTON: Are the Salvation Army people counselling and dealing with individuals?

Mr Rogers: They are welfare services providers. There is Department of Immigration and Border Protection and, more recently, Save the Children, although they are focused well and truly on the families compound, so they may not have had the same level of exposure elsewhere.

Senator JOHNSTON: Good.

Mr Rogers: There are a range of other advocacy groups, including the International Committee of the Red Cross, the UNHCR—the High Commission for Refugees—

Senator JOHNSTON: Are the Red Cross and the UNHCR actually interacting with people? Are they interviewing them individually?

Mr Rogers: They periodically visit the centre. I will ask Brett to elaborate on the level of access they have to individuals.

Mr McDonald: Both of those agencies, when they attended, have had access to interact with transferees.

Mr Rogers: I would add Amnesty International, the Commonwealth Ombudsman, members of the Senate and the Australian parliament who have visited and, of course, the Moss Review, which spent some time discussing a range of serious matters.

Senator JOHNSTON: With all of those agencies, I take it there were issues arising from people who had issues—the food was not good, or they could not get what they wanted in terms of access to books or whatever—I do not know what. Issues were raised with those people?

Mr Rogers: Yes, they were .

Senator JOHNSTON: Can you give me a broad example of what sorts of issues you have had to deal with as a result of the free interaction of a complaints mechanism with various agencies?

Mr Rogers: They have ranged, as this committee has had portrayed to it very clearly, from allegations of assaults, of mistreatment of children—

Senator JOHNSTON: So serious allegations have come forward?

Mr Rogers: Absolutely. There have been some serious allegations come forward. Do you want to add to that, Brett?

Mr McDonald: The normal process would be that a representative from the department would take the lead in following up any issues or recommendations that came from a visit. Each service provider would be required to go away and implement those recommendations with further information and further particulars, then come back and close those off with the department, who would normally then facilitate the response back.

Senator JOHNSTON: From what you have said already in answer to my questions—I am coming to the end of my time—I take it that at no time have any of the serious allegations, the number of allegations, the issues that have been raised freely and openly by the transferees, ever been about waterboarding?

Mr Rogers: That is absolutely correct. I will give you a recent example. We are required by Transfield Services to comment on International Committee of the Red Cross reports. These reports report in detail on interviews with transferees and allegations that they have made, and we are required to respond to those, which we do. There has never been an allegation of that nature.

Senator JOHNSTON: Thank you. Chair, those are the only questions I have for these witnesses.

CHAIR: Before we go to Senator Ludlam, I have taken the liberty of googling 'plastic handcuffs'. In the description it says, 'A traditional form of plastic handcuffs are cable ties.' Then it gives you a photo. They are basically cable ties.

Senator LUDLAM: I am not quite sure what the *Hansard* is going to make of that. For the benefit of the record, they look like zip ties to me. They look like reusable cable ties. Maybe we could just dispense with that distinction. I think we can understand why a previous witness might have not made any distinction between the two.

I will constrain my comments mostly to questions that I put to you guys last time you were here. Thanks for coming back, and thanks also for your, in some cases, quite detailed responses to the questions that we put on notice to you. That has helped clear up a number of matters.

A couple of witnesses, I believe, have declined to give evidence tonight, so I will put a couple of questions to you guys. Are you able to identify the additional staff members who were involved, the two gentlemen—I think they were male—who were tasked to monitor Senator Hanson-Young's vehicle while she was on the island?

Mr Rogers: I am unable to identify them by name. I am sure I can provide that on notice. One was an expatriate staff member and another one was a local staff member on the island.

Senator LUDLAM: I think maybe the way we are treating other witness names, if you like, Chair, is fine if they are put to the committee. Were those two disciplined at all?

Mr Rogers: No, they were not, Senator.

Senator LUDLAM: They were not. I think you explained some of the reasons behind that before. The former guard who was interviewed on the recent 7:30 Report states that eight staff members were briefed to spy on Senator Hanson-Young. That is reasonably consistent with the previous witness. Were you in the room when the previous gentlemen were at the table?

Mr Rogers: I was able to observe part of the testimony.

Senator LUDLAM: He said seven, which is reasonably similar. Is that correct and, if so, who are those additional five or six staff members?

Mr Rogers: I have seen the allegations of anywhere from six to eight additional staff being briefed. It causes me concern. However, we have investigated this matter—and I will actually ask Brett to take you through the approach we have taken to investigating this—and we have been unable to determine any further involvement than what we have very clearly and factually described to you. Brett—

Senator LUDLAM: Just before you pass on, are you referring to investigations that you have conducted very recently as a result of these sorts of questions or investigations that date back to the incident itself?

Mr Rogers: Investigations that we have conducted as a result of having seen the allegations and some anonymous submissions, and in the media, that there were additional staff involved.

Senator HANSON-YOUNG: As of this week, then?

Mr Rogers: That is correct. But some—

Senator LUDLAM: Is that anonymous?

Mr Rogers: Sorry, Senator, just let me clarify. When the allegations first arose, we investigated them and we reported back to the committee. More recently, we are now trying to determine whether there is any veracity or validity to the assertion that there were additional staff involved.

Senator LUDLAM: There is quite a measure of evidence coming forward now, some of it anonymous and some of it on the open record, evidence that is reasonably consistent with what different whistleblowers are telling us but dramatically inconsistent with what you have told us.

Mr McDonald: There was first a submission to the committee by a former Wilson Security staff member that indicated there had been the incident involving Senator Hanson-Young at the Menen that was as a result of an instruction from the ERT supervisor.

Senator LUDLAM: We were calling that submitter 62. Does that sound right? The original one.

Mr McDonald: I do not recall the exact submission, but it was an earlier submission. As a result of that, we went and spoke to the ERT supervisor and confirmed what had occurred. That was consistent with what we knew from the incident that we were involved in back on 15 December 2013. We then spoke to the day shift supervisor, who also confirmed that information, and we spoke to the expat staff member who was involved in going to the Menen. He also confirmed that information and that is what we reported back to the committee at the time. Then there was a second submission from Mr Nichols, that we received a few weeks ago, which said it was more widespread than that. We went back to the ERT supervisor and that is when we took a sworn affidavit confirming that it was not in fact any wider. We also undertook a search of all our records that we had to confirm if there were any records we had to suggest that it was wider. That is what we have reported back to the committee.

Mr Rogers: The suggestion that this would have occurred over a more extended period—I just do not understand it. We have already explained that, as soon as that was alerted to the supervisor the next morning, the individual who had organised it was stood down. So he was suspended from employment at that point.

Senator LUDLAM: One of the reasons that we have invited you back here is the dramatic discrepancies between what you have told us—and your testimony has been reasonably consistent—and what an increasing number of other former employees of yours are telling us. You said you are confused. It is confusing, because the testimony is so different. Mr McDonald, you were on the island, I think, in that December at the time of Senator Hanson-Young's visit. What was your role?

Mr McDonald: I was on the island in the capacity of security manager.

Senator LUDLAM: You were managing overall security, not just for dignitary visits but for everything at the time?

Mr McDonald: That is correct.

Senator JOHNSTON: Senator, just before you leave the subject of the veracity of the witnesses, we have a sworn document that Wilsons have deferred to. I am just wondering how they feel about tabling it for the committee.

Senator LUDLAM: It is in the—

Senator JOHNSTON: We have got it, have we?

Senator HANSON-YOUNG: Yes.

Senator JOHNSTON: I did not see that.

Senator HANSON-YOUNG: It was part of their adverse comment response.

Senator JOHNSTON: Is it sworn under the Evidence Act?

Senator LUDLAM: I guess it would be. The secretary might know. We will leave that with you. Let us go to Mr Kahika's change in employment. You stood him down while you were trying to work out exactly what it was that had happened, which is understandable. In your answer 22 that you put to the committee in response to questions that you took on notice at your last appearance—it has been lightly redacted—it says: 'The change of employment status form associated with the demotion of X'—we presume it is Mr Kahika—'cannot be located due to the disruption of the IT infrastructure following the disturbance and fire at the RPC on 19 July 2013,' and you provide a little bit more detail. The fire at the RPC was six months prior to Senator Hanson-Young's visit. Can you just describe for us the nature of the disruption to your IT infrastructure and how you managed to run your business on the island for six months with fire-damaged IT equipment?

Mr Rogers: I will ask Brett to answer that.

Mr McDonald: The specific reference at the time meant that we were relying on people saving things to their actual desktop computers. When the centre was rebuilt, we still had a local area network and we were still able to connect to printers and individual computers. Some of our servers were not put in until early 2014.

Senator LUDLAM: So it took six months. Who provides IT support for Wilsons on the island?

Mr McDonald: We supply our own support for IT infrastructure.

Senator LUDLAM: You have got a dedicated division for servers, networks, PCs and stuff?

Mr Rogers: We use a contractor.

Senator LUDLAM: That is what my question was. Who provides that?

Mr McDonald: We actually provide it ourselves. We have an IT—

Senator LUDLAM: Do you provide it yourselves or do you have a contractor? It has got to be one or the other. I am happy with either, but just pick one.

Mr Rogers: I will defer to Brett's response. I may be confusing myself.

Mr McDonald: To confirm: we have our own IT resource on Nauru.

Senator LUDLAM: You do not sub that out?

Mr McDonald: That is correct.

Senator LUDLAM: That is done within Wilsons. What was the nature of the disruptions to your IT infrastructure by December? Your submission here says 'disruption of the IT infrastructure'. Can you just describe what kind of disruption that was, not at the time of July obviously, but what forms of disruption were you experiencing that following December?

Mr McDonald: Our reference to that was that we did not have our servers in. We were relying on people with items on their individual computers.

Senator LUDLAM: For six full months you had no server infrastructure; you just had people saving stuff in folders on their desktops?

Mr McDonald: That is correct.

Senator LUDLAM: What else went missing during that time? Was it just that one single document about that one single event or is there a whole bunch of stuff that you cannot locate?

Mr McDonald: The specific document that we cannot locate was on the HR manager's laptop, and we just do not have a further record of that, I am sorry.

Senator LUDLAM: That is really fascinating, because we have got these extraordinary discrepancies between what you are telling us—you have gone back; you have investigated; you have looked for records; you cannot find things. What is the possibility that the reason you cannot find evidence to corroborate that seven or eight people knew what was going on, in a much wider operation, is that those documents could not be located because they are on people's private laptops as well?

Mr Rogers: There has been no evidence put to the company that this has actually occurred.

Senator LUDLAM: There is lost evidence. There is a piece of evidence you cannot provide us with because, six months after a fire at the RPC, you still do not have a file server in place, and people are just storing things in a really ad hoc way. I am asking you what else might have gone missing in that time.

Mr Rogers: It is a very challenging environment over there. It is not a simple task to reconstruct after a complete destruction of the centre. I am sure other service providers experienced similar issues. I would have to take the question on notice because I do not know what else, if anything else, has unable to be located.

Senator LUDLAM: Did you run any kind of audit on how many of your records have been destroyed or misplaced since that fire?

Mr McDonald: No, we do not have a specific audit where we can compare it to prior to the fire.

Senator LUDLAM: It is not about prior to the fire. Do you have any idea how much documentation you have lost as a result of the disruption to your network infrastructure after the fire? Is that something you would be interested to know?

Mr McDonald: Just to clarify my previous response, we do not have the ability to identify the discrepancy by comparing what we currently have with what we had prior to the fire.

Senator LUDLAM: I am actually interested in people keeping records about, in some instances, quite severe or extreme disruptions. There are the various incident reports that you have described, not relative to prior to the fire. I am interested in record keeping during that period. Was it only six months? When did you say you got a server back in place and started to restore some sort of normality?

Mr McDonald: A server came in place in early 2014. I would have to confirm the exact date.

Mr Rogers: There was an extended—

Senator LUDLAM: I cannot imagine running any kind complex operation like that for days, let alone six months.

Mr Rogers: There was a period post the fire when all of the record keeping was on paper in any case.

Senator LUDLAM: Sorry—could you say that for us again?

Mr McDonald: It was all paper record keeping.

Senator LUDLAM: Prior to the fire?

Mr McDonald: No, post the fire.

Senator LUDLAM: There was no digital infrastructure at all?

Mr Rogers: For a period it was very limited.

Senator LUDLAM: How long?

Mr Rogers: I would have to take that on notice.

Senator LUDLAM: I am not having a go at you guys for the riot. You did not start the fire.

Mr Rogers: I understand, Senator.

Senator LUDLAM: So you did not have a LAN for that period of time. Did you have access to the internet?

Mr McDonald: Yes, there was access to the internet.

Senator LUDLAM: Has Wilson come across the concept of cloud storage providers?

Mr McDonald: It is very difficult in Nauru. The bandwidth just was not there for a lot of that infrastructure.

Senator LUDLAM: So you cannot store stuff externally because the internet connection is not—

Mr Rogers: Perhaps I could illustrate the level of the problem. We are unable to update our cloud based systems from Nauru because of the bandwidth. That is why we scan these reports and send them back to Brisbane to be entered into the cloud process. That is the magnitude of the infrastructural issues that we are working through in that environment.

Senator LUDLAM: It is really difficult for the committee to evaluate whose version is correct. These versions of events are so disparate. It is very difficult for us to evaluate. Somebody is making stuff up if there is this gap in your records. I am trying to work out whether the loss of that file, file note or whatever the document category is, of Mr Kahika being stood down is indicative of a whole pile of material that you have been unable to locate. Perhaps that is one of the reasons why these versions are so different.

Mr McDonald: I believe we provided the file note of Mr Kahika being stood down. What we could not provide was a copy of the payroll record where he had changed from a supervisor rate to a different rate.

Senator LUDLAM: Is Mr Kahika an Australian citizen or is he one of the locals?

Mr Rogers: I will take that on notice. He is either an Australian or New Zealand citizen. He has New Zealand heritage.

Senator LUDLAM: We might have covered that in a bit of detail last time, but I do not remember what the answer was. If we are out of time, Chair, I will leave it there.

CHAIR: Senator Johnston wanted to re-examine a particular point.

Senator JOHNSTON: Very briefly and hopefully to assist. Mr Kahika swore an affidavit on 7 August this year—two weeks ago, approximately.

Mr Rogers: That is correct, Senator.

Senator JOHNSTON: He did that in Queensland. Did you have legal advice on the swearing of this affidavit when it was done?

Mr McDonald: No, I do not believe I obtained legal advice for the swearing of the affidavit.

Senator JOHNSTON: So your use of the word 'affidavit' is a layman's expression to give the document some authenticity and authority?

Mr McDonald: Our objective was to find the strongest possible means we could to present something back to the committee.

Senator JOHNSTON: If I said to you that the committee may be more impressed with the swearing of such matters in a statutory declaration that is subject to the Evidence Act of Queensland, do you think you could take that on notice, get legal advice and then file an appropriate document that does provide a penal sanction for the telling of lies—do you follow where I am going on this?

Mr Rogers: I would be very happy to take that on notice.

Senator JOHNSTON: I do not think this cuts the mustard, if I may say so. I respect the objective, but I think it is neither here nor there. Affidavits are usually sworn pursuant to some proceedings. We do not have any proceedings here, other than these proceedings that we are in now. I would appreciate, and I think the committee would appreciate, if we saw a sworn statement that would be perjury if it is false, if you follow me.

Mr Rogers: Very happy to take that on notice.

Senator LUDLAM: I want to come to this question of footage and some evidence that was provided by a previous witness about some kind of transition where staff were no longer provisioned with iPhones—for their security work at least; I do not know about who else on the island—and you rolled back to old model Nokias that do not have cameras in them. Could you explain to the committee when that transition took place—if it is true, first of all; if you agree with that evidence—and the purpose of that transition?

Mr Rogers: I heard the evidence and I have actually asked already to have purchase orders forwarded to me, and I will be very happy, if we can locate those, to provide them to the committee. My understanding is that the evidence that was given is a misremembering of the facts. We absolutely had the Nokias through to a period to mid-2014, at which point we replaced a number of them for senior people with iPhones to allow them data access.

Senator Hanson-Young interjecting—

Senator LUDLAM: That is a direct contradiction of what the previous witness told us.

Mr Rogers: I know much of the evidence you have received has been in direct contradiction to what we have said. I am looking forward to providing you with very clear evidence to support what I am telling you.

Senator LUDLAM: Mr Nichols states—and you heard; I do not have to go into this in too much detail—that 20 or 30 seconds of film on a Wilson employee's mobile phone of Senator Hanson-Young that he believes to be the senator at her hotel is what was confirmed to him verbally. You have undertaken to provide us with the purchase orders. So the transition between iPhones rolling back to old Nokia 101s, as far as you are concerned, happened in the reverse direction and for only a handful of staff—is that what you are telling us?

Mr Rogers: I do not know the exact number. I would be very happy to provide that on notice. I also recall, I think, Mr Nichols stating that it was a personal phone that he someone showed him this footage on.

Senator LUDLAM: I do not think you gave evidence as to what the status of the phone was. His evidence to us was that the phones were passed on shift to shift, which would imply that they were not personal devices, that they were company devices. That is what he told us.

Mr Rogers: I would be happy to review the *Hansard*.

Senator LUDLAM: Are the Nokias treated in that way? Are they passed on from shift to shift or is each handset assigned to a particular staff member?

Mr McDonald: There is a combination of that. Some of the more senior staff have one allocated to them and those who are in positions such as supervisors, where you want a single number for people to call, have ones that are passed on from shift to shift.

Senator LUDLAM: All right. If your version of events is correct and you are going to provide us with those purchase orders, I presume, and the staff were issued with Nokia 101s at the time that did not have cameras, did staff at the time of the alleged incident in 2013 have access to GoPro cameras or would they have been able to bring their own private devices onto the island and maybe use them?

Mr McDonald: Yes there would have been some form of body-camera, I could not recall if they are exactly GoPros but there would have been—

Senator LUDLAM: Sorry, that was lazy of me—some kind of body camera?

Mr McDonald: Yes.

Senator LUDLAM: They could have or they would have?

Mr McDonald: No—there were body cameras at the time, I just cannot remember the exact model.

Senator LUDLAM: That was standard kit, okay. What about the question of private mobile devices? What is company policy on that?

Mr Rogers: They would have been able to have a private mobile device while they were not in the centre. I believe the procedure has changed over time. As they were entering the centre they would either surrender that device or have it in a bag in a locker, or something of that nature.

Senator LUDLAM: The footage in this incident was alleged to have been shot in the hotel carpark, so the evidence does not need to be contradictory. He could have shot that on his own phone and then shown that to our previous witness—it is possible.

Mr Rogers: I do not know, I have not seen any evidence of this.

Senator LUDLAM: No, but we are dealing with people face-to-face who are providing us with that testimony, so we have to take it seriously—as we take yours.

Do you want to come directly to the question about surveillance inside the room—footage of Senator Hanson-Young inside her room? Do the body cameras just record surveillance inside the RPCs? Are they live—real-time?

Mr Rogers: Can you perhaps separate those questions for me?

Senator LUDLAM: Allegations that Senator Hanson-Young was filmed inside her hotel room by persons as yet unknown.

Mr Rogers: We have seen absolutely no suggestion of that, and we would not have any equipment. Unless someone was standing up against the senator's window with their iPhone, which I am sure would have alerted the senator to the fact, I cannot imagine how this would have happened. You would need sophisticated equipment to conduct surveillance of that nature and we absolutely do not carry nor have any requirement for that kind of equipment.

Senator LUDLAM: When the staff with the body cameras are inside the processing centres and they are escorting people, are those cameras live? And what is the nature of the footage that they record?

Mr McDonald: When you say 'live', I presume you mean streaming back somewhere?

Senator LUDLAM: A frame every 15 seconds or are they actually recording real-time video?

Mr McDonald: Basically, they have an on-and-off button that you use to start the recording and to cease the recording. When you start the recording it is continuous.

Senator LUDLAM: Okay, and what happens to the footage at the end of the shift?

Mr McDonald: The footage goes to the investigators, who need to log it in an exhibit log, burn a copy to a DVD and review it with an incident.

Senator LUDLAM: Is that recorded on people's laptops? In the absence of a file server, what happens? It has to be gigabytes of footage, hours and hours—where does that get stored?

Mr McDonald: At the time when we did not have the server infrastructure they used what they call a 'NAS' box or a network storage device.

Senator LUDLAM: Connected to what?

Mr McDonald: To a laptop—the investigator's laptop.

Senator LUDLAM: Was Senator Hanson-Young filmed or footage taken on those body cameras while she was inside the camp?

Mr McDonald: We did a search for footage, and we do not have any footage recorded on our network storage device. However, as to whether there was any occasion when the cameras were turned on during the visit I would need to go back and check with the escort officers.

Senator HANSON-YOUNG: Mr McDonald, you and I had a conversation before I went into the camp on day one. I pointed to an officer's GoPro and I asked, 'What is that?' You said, 'Oh, that's a camera.' As I was escorted around the facility there were officers with GoPros on.

Mr McDonald: That is correct. There would have been officers with the body cameras on.

Mr Rogers: Can I just say that does not mean that they were turned on.

Senator HANSON-YOUNG: I guess that is my question: at what point were they turned on? What happened to that footage, and where is it now?

Mr McDonald: In answering that question we have undertaken a search of anything that is stored, and there was nothing stored during that period. As to the answer whether—

Senator HANSON-YOUNG: Because you did not have a storage system.

Mr McDonald: No, we had a network storage device. But what I cannot confirm is whether somebody turned it on and off at a point in time throughout the course of the visit. It would be normal practice if an incident is likely to occur or about to occur that they would turn it on. If it does not occur, then that footage gets deleted. We only store footage that has some kind of evidentiary value or where there is an incident. Our checks show that we have not got any footage of that during your visit.

Senator LUDLAM: So, for a visit of a VIP or a high-profile person such as Senator Hanson-Young, you would not store footage like that, normally, unless there was some kind of incident during the trip?

Mr McDonald: Unless there was an incident, that is correct. And that would be consistent with any high-profile visit.

Senator HANSON-YOUNG: This still relates to footage but for a totally different incident. Last time we spoke, I asked about whether there was any footage captured in relation to the riots in 2013. Mr Rogers, you said that there was not. I asked specifically about whether GoPros had been used during that incident, and you said that they had not. I would like to know how you respond to footage which was aired on 7.30 last Thursday, which clearly showed body camera footage captured during that evening?

Mr Rogers: Clearly, I was mistaken in what I described to you. What I was describing to you was my reading of the post-incident reporting. In that reporting, it was clearly evident and it was reported that the one video camera that had been taken to the site for the purposes of recording that had been destroyed in the process of the riot. I was unaware of any other cameras, and I apologise for the error.

Senator HANSON-YOUNG: So no-one checked? This was a serious incident, and yet the footage that was captured on a GoPro by your staff was not saved somewhere?

Mr McDonald: Maybe I can answer that question. Yes, it was saved. There were many hours of footage recorded. If I can describe that time, there was a significant lead-up to the incident from when things were getting quite tense. Many of the officers who had body cameras commenced that footage; however, the incident did not occur till some several hours later. So most of the footage then that was copied and passed onto the police really was from when the incident occurred some several hours later and not of the footage that had just been rolling some time earlier.

Senator HANSON-YOUNG: Mr McDonald, when were you aware of the footage that was collected? That is quite a lot of information that you have just given us today. When did you become aware of that?

Mr McDonald: That there was footage collected? I was aware that there was footage collected after the—

Senator HANSON-YOUNG: Why didn't you clarify Mr Rogers's evidence at the last hearing when you knew it was wrong?

Mr McDonald: I can also only apologise. I did not pick it up at the time, and—

Senator HANSON-YOUNG: I was pretty clear. The *Hansard* shows that I specifically asked if anybody was wearing GoPros and whether there was any footage at all from body-worn cameras.

Mr McDonald: I can only apologise. I did not pick it up at the time to think to correct it and stuff, but I can confirm that there were numerous officers wearing body cameras and also a Handycam during the incident on 19 July.

Senator HANSON-YOUNG: You must understand, Mr McDonald and Mr Rogers, why we find it difficult to dismiss all of the other evidence that contradicts your evidence in a variety of areas when I have just found one example where it has been proven that you gave false evidence to this committee. Mr McDonald, you were aware that that was not correct, and yet it has taken me questioning you to actually get to the truth.

Mr Rogers: I think I have explained to you that I spoke from the best of knowledge, based on the reporting that I had reviewed, and Brett has explained that he had not picked up on the misspeaking. There has been another occasion on which, when we have detected that we have incorrectly stated something, we have immediately corrected it for the committee and for the record. I think that speaks, as well, to exactly the approach that we have taken to this whole committee. We have given you factual evidence. Clearly there are many perspectives and many recollections of these different matters, particularly when they come at high-stress periods, and if there is evidence that you wish to pass to us to investigate and to validate what we are saying or what other people are saying, we commit to doing that.

CHAIR: You would accept though, Mr Rogers and Mr McDonald, that we reviewed the *Hansard* and the evidence provided to the committee and you are the responsible officers of Wilson Security. There are no higher responsible officers, and if your evidence is subsequently inadvertently changed, it does not reflect all that greatly on your evidence in general sometimes. You can come here and say, 'I'm sorry, I made a mistake.' But the evidence is that you told us you had no video footage and then subsequently there is footage.

Mr Rogers: I can only apologise for the error.

Senator HANSON-YOUNG: And you can imagine the shock when we saw the evidence. It was not just footage; it was the pretty disturbing attitude and behaviour of the officers around that time. Do you know what has happened to those officers? Do they still work for you?

Mr Rogers: I believe, having investigated it post seeing that footage myself, that the officer who spoke offensively—and I just want to state categorically that that is a complete departure from our code of conduct and is unacceptable—left our employment some time ago and has resigned.

CHAIR: We probably need to get onto the next item.

Senator HANSON-YOUNG: That is it. Thank you.

CHAIR: Thank you very much, Mr McDonald and Mr Rogers, for your evidence and the prompt response to quite extraordinary evidence that has been presented. Your responding back to the committee in a very prompt way has been appreciated. If you have taken some questions on notice, and I believe we will send you a number, 25 August is the date for response. If you could continue your excellent efforts in responding to the committee it would be much appreciated.

Mr Rogers: Thank you, Senator.



**Select Committee on the recent allegations relating to
conditions and circumstances at the Regional
Processing Centre in Nauru**

**Response by Wilson Security to Questions on Notice from
Committee Hearing, 20 August 2015**

Response received 25 August 2015



Additional Questions on Notice

13. During the public hearing of 20 July 2015, Wilson Security advised the committee that no body cameras were worn by staff on 19 July 2013. Video footage provided to the media appears to contradict that statement. Is Wilson Security aware of the footage?

Wilson Security is aware of the footage to which the Committee refers.

During the hearing of 20 July 2015, Mr Rogers gave evidence to the Committee that he believed to be correct, based on his knowledge at the time. Mr Rogers never purported to be conveying absolute fact to the Committee. This is evident through the use of the words "I believe" and limiting his knowledge to that of himself, and not seeking to represent the knowledge of the company. We confirm that there was no intention to mislead the Committee.

We wish for it also to be noted that previously, upon Wilson Security becoming aware of an incorrect statement, we contacted the Committee immediately to correct the record. We are committed to providing accurate and honest information to assist the Inquiry.

The transcript in question is outlined below:

John Rogers: I do not believe that we had any kind of individual video cameras in place at the time of the July 2013 Riot. I believe there was one video camera that was there for the purposes of recording the events that occurred and it was destroyed during the riot. That was the only matter I am aware of.

[Transcript from Senate Committee Inquiry into Regional Processing Centre Nauru, 20th July 2015, p. 42]

14. Are the staff visible in the footage Wilson Security staff?

The staff that were visible in the footage that was played on the 7:30 program on 13 August 2015 were our staff.

15. Please provide information about what happened to the footage, e.g., was the footage provided to the department or was it deleted by Wilson Security investigators?

All footage obtained by us during the incident on 19th July 2013 was saved to a network storage device. A copy of all footage was provided to the Department and the Nauru Police Force.

16. How was that footage stored and who had access to it?

The footage was saved to a network storage device. The device was accessible to Wilson Security Investigators and Managers.



17. Were steps taken to investigate the matter, and were the staff members disciplined in any way?

After seeing the footage on the 7:30 Report, we identified the staff member who made the offensive statements in the video. This individual had left Wilson Security employment before the 7:30 Report aired.

This behaviour is extremely disappointing and was contrary to the values of the company, and is in breach of our code of conduct. If Wilson Security was aware of the statements made by the individual while in our employment, he would have been subject to strict disciplinary action.



**Select Committee on the recent allegations relating to
conditions and circumstances at the Regional
Processing Centre in Nauru**

**Response by the Department of Immigration and Border Protection
to Questions on Notice from Committee Hearing, 20 August 2015**

Response received 25 August 2015

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 21 August 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(NI/143) – Select Committee on Nauru - Video footage from 19 July 2013 riots -

Gallacher, Alex Asked:

Wilson Security advised the committee that footage of incidents recorded on GoPro-type body cameras is provided to the department.[1] Video footage provided to the media appears to contradict that statement. Is the department aware of the footage?

- a. Was the department provided with footage recorded on a GoPro-type body camera on 19 July 2013, which shows security staff speaking shortly before the riot? If so, how was this footage stored and who had access to it?
- c. When was the department first made aware of the footage?
- d. What was the department's response to this footage?

Answer:

- a. – The department has not been provided with the footage that aired on the 7:30 Report, allegedly recorded by security staff during the disturbance at the Nauru Regional Processing Centre on 19 July 2013.
- c. – The department was first made aware of the footage when it was aired on the 7:30 Report on 13 August 2015.
- d. – The department has not formally responded to the footage.

QUESTION TAKEN ON NOTICE**Parliamentary Inquiry : 21 August 2015****IMMIGRATION AND BORDER PROTECTION PORTFOLIO****(NI/144) – Select Committee on Nauru - Video footage of -***Gallacher, Alex Asked:*

Wilson Security advised the committee that footage of incidents recorded on GoPro-type body cameras is provided to the department.[1] Video footage provided to the media appears to contradict that statement. Is the department aware of the footage?

b. Is the department aware of whether the staff featured are employees of Wilson Security?

e. Have any investigations been undertaken with regard to the personnel featured?

Answer:

b. – All personnel depicted in the footage appear to have been Wilson Security employees.

e. – An investigation has commenced in regards to the footage aired on the 7:30 report and is currently ongoing. This investigation will include the identification of persons featured in the footage and a review of all comments made.

Chair
 Committee of Privileges
 Australian Senate
 Parliament House
 Canberra ACT 2600

27 November 2015

By email

c/ Richard Pye
christine.jurjevic@aph.gov.au

Dear Chair

Private and Confidential

Committee of Privileges - Nauru Inquiry

We refer to your letter dated 13 November 2015 regarding allegations of false or misleading evidence being given to the Committee by Mr Rogers and Mr McDonald.

Having given evidence together and worked closely together in assisting the Select Committee, we are providing a joint response.

The question of whether any contempt has been committed by us is an extremely serious allegation, and is personally most distressing to each of us.

We refute outright the allegation that we have committed contempt in relation to the evidence provided to the Select Committee. At all times during the previous committee process we have acted openly and honestly, and provided evidence to the best of our knowledge.

1 The three allegations

Your letters do not identify exactly what statements we are alleged to have made that are false or misleading. Having reviewed the material provided to us and all associated documentation, our view is that the allegations could be separated out as follows:

- (a) **Allegation One:** The first allegation relates to various pieces of evidence given by Mr Rogers regarding the alleged surveillance of Senator Hanson-Young during a visit to Nauru.
- (b) **Allegation Two:** The second allegation relates to Wilson Security's response to the written submission (Number 62), which stated: "Wilson Security is not aware of the video footage referred to in the submission". The submission referred to video footage taken prior to the disturbance at the Centre on 19 July 2013.
- (c) **Allegation Three:** The third concerns the response provided by Mr Rogers to questions from Senator Hanson-Young at the hearing on 20 July regarding the same video footage referred to in Allegation Two above.

2 What constitutes contempt

Thank you for providing us with a copy of the Parliamentary Privilege resolutions, agreed on 25 February 1988 (**Resolutions**).

The Resolutions set out the Senate's guidance as to the matters that it may treat as contempt. Resolution 6(12) provides that a witness shall not:

Give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

On our reading that means that the relevant questions are:

- Did one of us say something that was untrue?
- If so, did we know it was untrue when we said it; or
- Did we reasonably believe the evidence to be true?

The effect of this is that errors by well-meaning witnesses arising from misunderstanding or inadvertence cannot amount to contempt.

2.1 Summary of our position

In relation to Allegation One, we do not believe that any false or misleading evidence has been provided by Wilson Security. To the best of our knowledge and belief, having made extensive inquiries, all of Mr Rogers' statements provided to the Select Committee are true.

In relation to Allegation Two, no knowingly false or misleading evidence was given. Mr Rogers stated that Wilson Security was not aware of the video footage in question, and, at the time, that was correct. We do not believe the footage in question was held by Wilson Security at the time of responding to the submission. We did not see the footage until it was shown on the ABC. Whilst the footage was taken from the bodycam of a Wilson Security officer just prior to the disturbance, it was not part of the video footage that Wilson Security was able to locate during the Inquiry.

Our best view is that the video was deleted or archived as part of the post-incident review, but that an unnamed individual kept a copy of it for his or her own use.

In relation to Allegation Three, it is true that at the hearing Mr Rogers stated that he did not believe that Wilson Security had video cameras in place at the time of the July 2013 disturbance, and in fact there were bodycams in place. However, there was no intention to give false or misleading evidence, as a careful reading of the transcript of the day shows.

We will deal with the three allegations in more detail shortly. However, before then allow us to briefly set our understanding of what the contempt we are alleged to have committed means.

3 Allegation 1

3.1 Allegation 1 - background

Allegation 1 derives from some unsworn statements by ex-employees, and a transcript from an ABC report, which we refer to here as the 'contradictory statements'.

Together the contradictory statements effectively assert that 6 to 8 ERT members conducted spying or observation on Senator Hanson-Young whilst she visited Nauru in December 2013, and that the spying or observation was authorised and sanctioned by Wilson Security management.

Wilson Security has previously provided several statements to the Inquiry to the effect that:

- only 3 Wilson Security staff members were involved in this regrettable incident, and
- Wilson Security management neither authorised nor sanctioned the surveillance.

For example, in the letter dated 17 July 2015 to the Committee, Mr Rogers provided responses to questions on notice raised in by the Inquiry. On page two he states:

"The file note clearly demonstrates that the actions of the relevant supervisor were not in any way sanctioned or condoned by Wilson Security. This fact has been clearly admitted by the relevant supervisor."

On page 3 he states:

"The night shift Emergency Response Team Supervisor, without authorisation, took it upon himself to instruct two staff members to wait in the car park of the Menen Hotel. The Supervisor was himself not present at the Hotel."

During the Senate Inquiry hearing on 20 July 2015, Mr Rogers responded "That is correct", to this statement of Senator Ludlam:

"Can I take it from your rebuttal to submission 62 that you do not concede—apart from two staff who were sent to watch, I understand, the car park on the night of 15 December 2013—that any other surveillance activities were undertaken."

At the same hearing, the following exchange occurred:

Senator Ludlam: Your response to the file note that I have got in front of me that was provided to the committee last Friday, and your response to submitter No. 62, make it sound very much as though, on the night of the 15th, the decision was made by this supervisor to task two employees to go and watch the hotel and that there was no premeditation involved at all. That was where it began. It ended the following morning when Mr Gilbert became aware of it. Is that a fair characterisation?

Mr Rogers: That is a good characterisation.

Senator Ludlam: So no premeditation, no preplanning of any form of off-site surveillance of any kind?

Mr Rogers: That would be absolutely outside of the scope of our contract. It would be completely inappropriate. If a responsible manager had heard of this activity being intended, he would have stopped it immediately, and it should never have happened."

During the Senate Inquiry hearing on 20 August 2015 Mr Rogers stated:

"I have seen the allegations of anywhere from six to eight additional staff being briefed. It causes me concern. However, we have investigated this matter—and I will actually ask Brett to take you through the approach we have taken to investigating this—and we have been unable to determine any further involvement than what we have very clearly and factually described to you."

Finally, by letter dated 20 August 2015 Wilson Security was asked to give a written response to an anonymous submission. That Submission contained this statement:

"... the management of Wilson Security on Nauru both authorised and sanctioned this operation. This operation involved approximately 6-8 ERT members..."

Mr Rogers' response, in a letter dated on 25 August (page 1), is:

"We reject the allegation that management authorised and sanctioned any such operation regarding the collection of information on Senator Hanson-Young. We also reject the claim that we have misled the Committee in any way... Despite a thorough investigation, we have not found any evidence to support these allegations."

3.2 Allegation 1 – the allegation

The allegation is presumably that Mr Rogers gave false or misleading evidence to the Inquiry because he knew that:

- more than 3 Wilson Security staff members were involved in this incident; and
- Wilson Security management authorised or sanctioned the surveillance.

This is simply not true.

We are not aware of greater surveillance or observation than that which was referred to in our evidence given to the Select Committee. We have extensively investigated this issue and have obtained a signed affidavit from the Supervisor involved, which was corroborated by the others involved.

Mr Rogers did not knowingly give false or misleading evidence. There is no credible evidence that the evidence provided by Mr Rogers is in fact false. In any event, Mr Rogers did not give false or misleading evidence knowingly.

3.3 Allegation 1 – further detail

Wilson Security has apologised to Senator Hanson-Young for the monitoring that did occur during her visit, and has made substantial efforts to investigate the matter and discipline those involved,

If we were aware that anything more had occurred, we would have disclosed it to the Committee. Our employer has at all times instructed us to be open and honest in our dealings with this Inquiry, and we personally understand the implications of giving evidence under oath. Furthermore, giving false or misleading evidence is inconsistent with our personal values.

If any further observation of the Senator did in fact take place, it did not occur with our knowledge, and was not authorised by Wilson Security management. We emphasise, however, that we have absolutely no knowledge of any such observation, despite our thorough inquiries. Any inaccuracy in our evidence would be the result of us being unknowingly misinformed or misled by others.

We have reviewed the statements contradicting our evidence. We appreciate that they call our understanding of events into doubt, but they do not contain any credible evidence. They are unclear and vague. They are not sworn. They have not been tested. Some are anonymous. It is difficult to address such vague statements, that are capable of describing many different things, but it is useful to point to some of the inadequacies in the statements, which emerge quickly on review:

- Submission 62 states that the writer ‘witnessed or became aware of’ certain things, but for the most part does not distinguish between personal observations and rumours that the writer has heard.
- Similarly, Submission 99 purports to make sweeping observations about the state of mind of ‘Wilson management’, without basis, attribution or identifying what tier of management it refers to.
- There is also no ability to analyse the motives, or the personal situation, of the person making the allegation, which is vitally important in assessing its reliability. Submission 62, for example, seems to have been written by someone with a grudge against our employer. The extent to which this affects the issues now at hand, and which might have consequences for each of us, is untested.
- The ABC broadcast on 13 August 2015 includes an interview with an anonymous person said to be a former Wilson Security guard. The dates of the guard’s employment are never disclosed, a detail which is likely to have been relevant to a number of questions. The nature of the

questioning falls well short of the scrutiny and analysis that would apply in a court or Committee environment. For the most part they are leading questions or invitations to speculate. Again, there is no attempt to distinguish between personal observations and accounts heard from others. The statements and allegations made have simply not been tested.

3.4 Allegation 1 - conclusion

To the best of our knowledge and belief, and having made extensive inquiries, the evidence provided to the Select Committee was accurate.

We therefore respectfully submit that the Privileges Committee should discharge its inquiry into Allegation One because:

- it cannot be established on reasonable evidence that in fact 6-8 ERT members conducted spying or observation on Senator Hanson-Young; and
- in any event, even if such findings could be made, there is no contempt, in that the evidence we gave was and still is true to the best of our knowledge and belief, having made inquiries.

4 Allegation 2

4.1 Allegation 2 - background

Allegation 2 relates to the disturbance that occurred at the Regional Processing Centre on 19 July 2013, and our knowledge of some specific video footage taken prior to the incident, and subsequently shown on ABC Television.

By letter dated 20 May 2015 we were asked to give a written response to an anonymous submission called Submission 62. That Submission contained this statement:

"I have seen a video from a camera worn by a Wilson Security guard on 19 July 2013. The recording was before the riot started and was of three Wilson employees...talking to each other"

Mr Rogers' response to this statement, on 2 June (page 4), is:

"Wilson Security is not aware of the video footage referred to in the submission".

It subsequently transpired that the footage did exist – it was aired on ABC Television on 13 August 2015.

4.2 Allegation 2 - the allegation

The allegation is presumably that, at the time Mr Rogers wrote his response to the submission, that he was aware of the existence of the footage, and that he therefore knowingly gave false or misleading evidence to the Inquiry.

In fact, Mr Rogers did not know of the existence of the video until such time as it aired on the ABC, and therefore that he did not knowingly give false or misleading evidence.

4.3 Allegation 2 – further detail

The procedure followed by Wilson Security at the time of the disturbance was that, after the occurrence of an incident on Nauru, any available video footage would be collected, reviewed, and anything that was not relevant was deleted. The objective is to retain only relevant footage.

This process was followed after the disturbance on 19 July 2013. The footage that was retained was provided to the Nauru Police, and a copy retained by Wilson.

The specific footage that was shown on ABC Television, and which was the subject of the statement in the Submission and Mr Rogers' response, was not footage that Wilson Security was able to locate during the Inquiry. It was clearly taken from a bodycam being worn by a Wilson Security officer.

We can only presume that individual retained a copy of this particular footage for their own purposes, but that the footage was either deleted by Wilson Security or unable to be recovered from the post-disturbance computer system. We do not know who held on to the video footage, or how it was taken from the Wilson Security computer system.

4.4 Allegation 2 - summary

The accusation is that we have provided knowingly false or misleading evidence in relation to footage that we did not know about, and which our employer did not possess. In summary:

- we were not aware of the video footage referred to in Submission 62 at the time we commented on the submission;
- we did not see the footage until it was shown on the ABC; and
- whilst the footage was taken from the bodycam of a Wilson Security officer just prior to the disturbance, it was not part of the video footage that Wilson Security was able to locate during the Inquiry.

4.5 Allegation 2 - conclusion

On this basis, it should be clear that:

- no false or misleading evidence was provided; and
- Mr Rogers believed on reasonable grounds that the evidence he provided was true or substantially true in every material particular.

We accordingly respectfully submit that the Privileges Committee ought discharge its inquiry into this matter.

5 Allegation 3

5.1 Allegation 3 - background

Allegation 3 relates to an exchange that occurred at the hearing on 20 July 2015.

It commences with Senator Hanson-Young saying (at page 42):

"...we have other evidence put to this committee that footage in relation to the 2013 riots was deleted. Have you perhaps rethought the protocols around the deletion of footage?..."

to which Mr Rogers responded:

"If I could quickly clarify a couple of things here. I do not believe that we had any kind of individual video cameras in place at the time of the July 2013 riot. I believe there was one video camera that was there for the purpose of recording events, that occurred, and it was destroyed during the [riot]. That was the only matter that I was aware of."

Senator Hanson-Young then said:

"So you do not think that there is any footage that exists from that incident",

to which Mr Rogers replied:

"There is none held by the company that I have been able to obtain ...".

5.2 Allegation 3 - the allegation

The allegation is presumably that when Mr Rogers said:

"I do not believe that we had any kind of individual video cameras in place at the time of the July 2013 riot",

and then said:

"There is none (footage) held by the company that I have been able to obtain,"

that he was aware that there were individual cameras in place at the time of the riot, and he was aware of the existence of the footage of the incident, and that he therefore knowingly gave false or misleading evidence to the Inquiry.

In fact, although Mr Rogers was mistaken, he was innocently so. He answered honestly. He thought his statements to be true. He did not knowingly give false or misleading evidence.

5.3 Allegation 3 – further detail

The flow of the exchange that day is instructive.

Senator Hanson-Young raised an issue regarding the protocols around the deletion of footage. In the context of that question, she had raised the example of footage from the 2013 disturbance.

Mr Rogers' response, as indicated by his opening words, is not directed to the Senator's question; it relates to her aside on the disturbance. Mr Rogers was trying to be helpful and clarify a detail for the Senator. He had been on site, and while there he had heard at a briefing that the handycam which was to be used at the disturbance had been destroyed, and that no footage had been produced from it.

His response was focused on that issue, and he was trying to pass this information on to the Committee.

In fact, whilst the handycam had been destroyed, there were also bodycams that Mr Rogers was not aware of. It did not occur to him that there was or may be footage from bodycams.

The Senator then asks for the point to be clarified. Mr Rogers repeats his answer, then defers to Mr McDonald.

As can be seen from Hansard, Mr McDonald's answer is directed towards the initial question that the Senator had asked: has Wilson Security rethought its protocols around the deletion of footage? Hansard demonstrates that, while the side issue of footage from the disturbance was discussed by the Senator and Mr Rogers, Mr McDonald has been reflecting on what he thought was the key question the Senator had asked.

The evidence was provided in oversight. The existence of footage taken at the time of the incident was not at all secret, and it had been handed to police.

What happened was the result of an error arising by way of inadvertence, rather than as a consequence of any intention to give false or misleading evidence to Parliament, in circumstances where there was no benefit in, or reason to, give false or misleading evidence.

During the hearing on 20th August 2015 both Mr Rogers and Mr McDonald apologised to the Committee for the mistake.

5.4 Allegation 3 – other matter

In this context we also wish to respond to the comments in the penultimate paragraph of the Hon. Mr Gallacher's letter to the Privileges Committee. These comments appear to have been provided for the purpose of illustrating Mr Gallacher's concerns, rather than as a specific allegation against us.

We completely accept that Mr Rogers was incorrect in stating that there was no footage of the disturbance. Mr Gallacher states that we have rejected the characterisation of our evidence as false. That is not so.

The point we seek to make is that we reject any characterisation of the evidence as *knowingly* false. This is a key distinction. We are open about having made mistakes, but there is distinction between mistakes of inadvertence and knowing mistakes.

Senator Gallacher's letter goes on to extract as follows:

"In a further response to the question on notice on 20 August 2015, the company advised that 'A copy of all footage was provided to the Department (of Immigration and Border protection) and the Nauru Police Force', The Department advised the committee that the footage was not available to them".

By way of clarification, the response quoted by Senator Gallacher above was in reference to footage of the actual disturbance – not the pre-disturbance footage. The footage that aired on the ABC was not provided to the Department as it occurred prior to the disturbance taking place. This particular footage would also not have been made available to the Nauru police force.

5.5 Allegation 3 – summary

In summary:

- Mr Rogers made two statements that were incorrect; however he believed them to be correct at the time he made them.

5.6 Allegation 3 - conclusion

We regret that this occurred. It was an oversight on our part. However, it should be clear that, whilst incorrect evidence was provided:

- When he gave the evidence, Mr Rogers believed on reasonable grounds that the evidence was true; and
- our failure to correct the error sooner was due to oversight, and certainly not due to any intention. We again draw the attention of the Privileges Committee to the complete exchange.

We respectfully submit that the Privileges Committee ought discharge its inquiry into this matter.

We wish to draw the Committee's attention to a specific example where we identified evidence that we had given to the Committee was incorrect and we wrote to the Committee to correct the record. During the hearing on 19th May 2015 the Chair asked several questions about drug and alcohol testing. Upon becoming aware that our response was unclear we wrote to the Committee on 25th August 2015 to provided further clarification.

6 Final comments

As you can imagine, it is personally distressing to us to be accused of having given false or misleading evidence to the Senate.

We have, at all times, strived to assist the Committee in its inquiries. The Committee's inquiries have been ongoing since May, and were preceded by the Moss Inquiry, which we also assisted.

We were in front of Senate Inquiry hearings on 3 occasions for a total of over 5 hours. During that time we were asked approximately 500 questions and provided almost 450 answers at the hearings, and more than 90 more on notice.

We were also asked to comment on over 200 pages of adverse submissions, which involved over 150 statements in response.

Being examined by a 5 person committee is not something that we are trained for, or have had prior experience in. Courts recognise that this situation is difficult on witnesses. Further, as you are aware, in many cases we were providing answers based on information we had gathered from others.

We were also at times dealing with questions and allegations arising from media and others we could not identify, based on materials that we did not know of or have access to. Some of the material we were required to respond to, and indeed which forms the basis of the allegations against us, is anonymous, unsworn and and/or untested.

Our answers often reflect a degree of uncertainty. Sometimes they reflect confusion about the questions. We did our best to research matters and make inquiries.

The best we could ever do was to strive to assist the Committee in its inquiries. Whilst we accept that there were inadvertent errors, there was never any intention to mislead the Committee. We did our best to assist, in real time, in a wide-ranging inquiry.

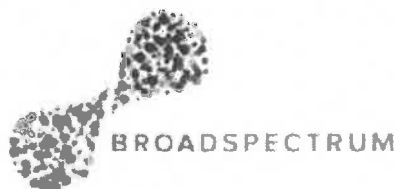
We should add that our employer has at all times completely supported us in this, and in our efforts to be open and cooperative.

We thank the Privileges Committee for giving us the opportunity to respond.

Yours sincerely

John Rogers

Brett McDonald



Reference Number: Quirk

26 November 2015

Senator the Hon. Jacinta Collins, Chair
Privileges Committee
Parliament House
Canberra ACT 2600

Level 10, 111 Pacific Highway
North Sydney NSW 2060
Locked Bag 917
North Sydney NSW 2059
Telephone: +61 2 9464 1000
Facsimile: +61 2 9464 1111

PDF by email: to priv.sen@aph.gov.au

Dear Senator Collins

References to the Committee of Privileges ("the Privileges Committee") referred to in your letter of 13 November 2015 to our Mrs Kate Munnings ("the Letter").

Thank you for your Letter and for the opportunity to provide a submission in response to the matters raised by Senator Di Natale and Senator Gallacher with respect to concerns connected with evidence given during hearings before the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru ("Select Committee").

We take this opportunity to advise the Privileges Committee that our company's name was changed from "Transfield Services Limited" to "Broadspectrum Limited" by the shareholders at our AGM on Wednesday 28 October 2015. For convenience, below we refer to ourselves as "Transfield".

This correspondence constitutes our submission (including as to appropriate findings the Privileges Committee should make) on the matters raised by Senator Di Natale and Senator Gallacher.

Concerns raised by Senator Di Natale

We take extremely seriously any suggestion that false or misleading evidence was given to the Select Committee by any person, particularly any witness from our company. We appreciate the grave nature of the concerns raised by Senator Di Natale and to that end we have carefully reviewed the letter dated 26 October 2015 sent by Senator Di Natale to the President of the Senate and the materials provided to the President under cover of that letter. We have also taken steps to identify and review any other evidence received by the Select Committee (including via Questions on Notice) on the matters raised by Senator Di Natale and have undertaken further internal inquiries of relevant staff members and document repositories.

We acknowledge (and observe that witnesses from Wilson Security likewise freely acknowledged) that there were errors in evidence received during hearings before the Select Committee in relation to the existence of video footage filmed on 19 July 2013. We well understand that the Privileges Committee wishes to inquire further into those errors. However, our review of the transcripts and other evidence provided to the Select Committee on this issue has identified no evidence provided by witnesses from



Transfield that is now suggested to be incorrect or inaccurate in any respect. Our internal inquiries have likewise reconfirmed that the evidence given by Transfield witnesses was wholly accurate.

Neither the submissions nor the transcripts provided under cover of Senator Di Natale's letter of 26 October 2015 contain evidence or information that is contrary in any respect to the evidence given by witnesses from Transfield in relation to the apparent surveillance of Senator Hanson Young in December 2013. Specifically, there has been no challenge of any kind to the accuracy of the evidence given by witnesses from Transfield on 20 July 2015 (T28-T30).

As we understand it, no witness before the Select Committee (through anonymous submission or otherwise) has at any time suggested that Transfield had any role whatsoever in the planning, authorisation or execution of the surveillance operation in December 2013. Nor was any suggestion of that kind ever put to Transfield during the hearings before the Select Committee. Instead, the Select Committee was (understandably) concerned to identify when Transfield was first made aware of the surveillance operation and when it alerted the Department to that knowledge.

Transfield's evidence was that it was first made aware of the operation after the fact (on 16 December 2013). We understand that evidence to have been accepted by the Select Committee. Certainly we are not aware of any Senator member of the Select Committee, nor any witness or other person, expressing concern about the accuracy of the evidence provided by Transfield on the surveillance operation either during the hearings or subsequently. To the extent that the Privileges Committee is aware of any such concern or evidence contrary to that given by Transfield witnesses, we ask that we be alerted to the relevant details as soon as possible and that we have the opportunity to respond by way of a further submission.

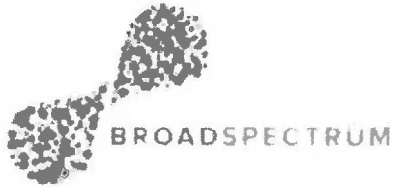
In the circumstances, we respectfully suggest that the only appropriate finding available to the Privileges Committee with respect to evidence given by Transfield on the surveillance operation is that there is no basis for a finding that false and misleading evidence was given by any witness from Transfield.

Concerns raised by Senator Gallacher

We have carefully reviewed the letter dated September 2015 sent by Senator Gallacher to the President of the Senate and the materials provided to the President under cover of that letter. We have also taken steps to identify and review any other relevant evidence received by the Select Committee (including via Questions on Notice) on the matters raised by Senator Gallacher.

We have not been able to identify any occasion during the hearings before the Select Committee on which questions were put to witnesses from Transfield in relation to the matters described by Senator Gallacher as to the existence and retention of video footage. Nor have we been able to identify any occasion on which Transfield made any comment about such matters or provided evidence by way of Questions on Notice or any other means. To the extent that the Privileges Committee can assist us to understand the evidence that is said to have been given on this matter by Transfield witnesses, we ask that this occur as soon as possible and that we have the opportunity to respond by way of a further submission.

It was the evidence of witnesses from Wilson Security on 19 May 2015 [T37], that neither Transfield nor the Department of Immigration and Border Protection (as it then was) had any role in the review, deletion, retention or referral of video footage. Instead, the evidence was that all such decisions were made by a specialist internal investigation team within Wilson Security. As we understand it, there is no suggestion



that Wilson Security's evidence on these matters was in any way inaccurate and the evidence appears to have been accepted by the Select Committee.

In the circumstances, we respectfully suggest that the only appropriate finding available to the Privileges Committee is that no evidence was given by Transfield to the Select Committee on the matters raised by Senator Gallacher. It follows that there is no basis for a finding that Transfield can have misled the Senate on these matters.

We are keen to ensure that the Privileges Committee and the Senate generally has the information it needs to make findings on these important matters. Consequently, we stand ready to assist the Committee further, if so required.

Yours sincerely

A handwritten signature in black ink, appearing to read "K Munnings", written over a faint circular stamp or watermark.

Kate Munnings
Chief Executive Operations
For BroadSpectrum Limited



Australian Government

**Department of Immigration
and Border Protection**

Inquiry into possible false or misleading evidence given to the former Nauru Select Committee

Senate Standing Committee of Privileges

Table of Contents

| | |
|--|---|
| Introduction..... | 3 |
| Response | 3 |
| Surveillance of Senator Hanson-Young..... | 3 |
| Use of Body Cameras by Wilson Security Staff | 4 |
| Summary | 4 |

Introduction

The Department of Immigration and Border Protection (the Department) welcomes the opportunity to make a submission to the *Senate Standing Committee of Privileges relating to possible false or misleading evidence given to the former Nauru Select Committee*.

The former *Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru* (the Select Committee) held hearings on 19 May 2015, 9 June 2015, 20 July 2015 and 20 August 2015.

On 27 October 2015 Leader of the Australian Greens, Senator Dr Di Natale, wrote to the President of the Senate, Senator the Hon Stephen Parry, requesting a Notice of Motion under Standing Order 81. This letter outlined concerns that potentially false or misleading evidence was presented to the Select Committee by the Department and representatives from Wilson Security (Wilson) and Transfield Services (Transfield). Senator Di Natale specifically cited evidence given during the public hearing on 9 June and 20 July 2015 regarding the apparent surveillance of Senator Sarah Hanson-Young during her visit to Nauru in December 2013.

In addition, Senator Gallacher also wrote to the President of the Senate in September 2015 under Standing Order 81 to grant precedence to a Notice of Motion with respect to evidence provided by Wilson in relation to video footage of Wilson staff prior to the disturbance on the Nauru Regional Processing Centre (RPC) on 19 July 2013.

A statement by the President of the Senate – Matters of Privilege outlining the requests under Standing Order 81, and consideration by the President of the Senate to invite Senators Di Natale and Gallacher to give Notices of Motion to refer the matters to the Privileges Committee.

Response

Surveillance of Senator Hanson-Young

On 11 December 2013, the Australian High Commissioner in Nauru formally advised the Department of Senator Hanson-Young's proposed visit to Nauru. The Department was requested to facilitate access to the RPC, in consultation with the Government of Nauru. No special requirements or requests were made by the Minister's Office or the Department in respect to the visit. This advice was provided in answer to a question taken on notice at the Committee hearing of 20 July 2015.

Senator Hanson-Young visited the Nauru RPC from 15 to 18 December 2013.

On 4 June 2015 the ABC reported in a news article that allegations of Wilson personnel 'spying' on Senator Hanson-Young were raised in an anonymous submission (No. 62) presented to the Committee former Nauru Select Committee in May 2015.

As advised at the Committee hearing on 9 June 2015, and subsequently, in response to a question taken on notice by the Secretary during the hearing, the Department first became aware of the allegations on 4 June 2015 as a result of the ABC news article. No departmental staff were informed of the incident at the time.

The Department immediately conducted an investigation into the matter.

During the Committee hearing on 9 June 2015, the Secretary confirmed in evidence that:

"As far as I am concerned, and to reassure the chair and others, there is absolutely no policy implied or otherwise that visiting Australian parliamentarians will be put under any form of scrutiny or surveillance or be monitored otherwise." (p54)

During the Committee hearing on 20 July 2015, the First Assistant Secretary, Detention Services Division confirmed in evidence that:

"You can definitely confirm that we did not and we have no record of anybody being instructed to do so from the department or the government or the minister's office."(p85)

If Surveillance was undertaken this was done without the knowledge of the Department.

It is noted that the Committee provided the Department with an internal Wilson file note relating to the surveillance during proceedings at the hearing on 20 July 2015, which Wilson provided to the Committee on 17 July 2015.

On 13 August 2015 the ABC 7.30 Report raised further allegations in relation to this matter, subsequently, the Department sought advice from Transfield and Wilson and found that the claims were unsubstantiated.

The Department provided further evidence in the subsequent Nauru Select Committee hearing on 20 August 2015.

Use of Body Cameras by Wilson Security Staff

On 13 August 2015 the ABC 7.30 Report (7.30 Report) program aired video footage of Wilson staff preceding the disturbance at the Nauru RPC on 19 July 2013, which was referred to in the anonymous submission (No. 62).


The Department received footage of the 19 July 2015 incident from Wilson, however this did not include the footage which aired on the 7:30 report.

As advised by Wilson in answers to additional questions on notice, from the Select Committee hearing on 20 August, a copy of all footage during the incident on 19 July 2015 was provided to the Department. The Department in answers to questions on notice dated 21 August 2015 confirmed that the footage aired on the 7.30 Report was not provided. The Department first became aware of the footage when it was aired on the 7.30 Report.

Summary

In summary:

- evidence and submissions made by the Department over the course of the Select Committee hearings were based on information and facts at the time of those hearings;
- the Department is unable to provide any additional information on the matters raised;
- the Department maintains that it has provided consistent evidence in relation to matters raised, and maintains that at no time did any of its officers provide any false or misleading evidence to the Committee hearings; and in particular
- the Department contends that it has not provided false or misleading evidence to the Select Committee in regard to apparent surveillance of Senator Sarah Hanson-Young during her visit to Nauru in December 2013 or in relation to video footage of Wilson staff on 19 July 2013.



The Department also notes that on 13 August and 14 August 2015, Transfield and Wilson respectively released public statements categorically denying providing false or misleading advice to the Committee.



Mr Richard Pye
Secretary Privileges Committee
PO Box 6100
Parliament House
Canberra, ACT, 2600

Tuesday, February 23, 2016

Dear Members of the Privileges Committee,

RE: Additional Questions – Senate Privileges Committee

Wilson Security welcomes the opportunity to respond to the additional questions, outlined in letter dated 9 February 2016, in relation to the Committee's investigations into whether false or misleading evidence was provided to the Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre.

Please find attached our response to each of the questions.

Yours Sincerely,

John Rogers
Chief Executive Officer
Wilson Security



Response

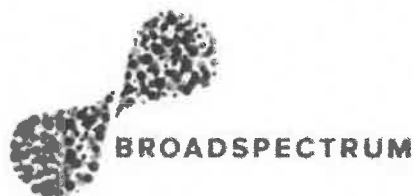
| Question | Response |
|---|---|
| <p>The incident reporting guidelines classify incidents 'that are likely to attract media attention' as major incidents. Major incidents are required to be notified to the Department via a verbal report 'as soon as possible – no later than 1 hour' and in writing 'within 6 hours or by the end of the shift.'</p> <p>The surveillance of Senator Hanson-Young attracted significant media attention when it eventually came to light.</p> <p>Why did Wilson Security choose not to report the surveillance to the Department on 16 December 2013 immediately after the surveillance occurred?</p> | <p>The incident reporting guidelines have been developed according to the unique and difficult operating environment in Nauru.</p> <p>The information and allegations in relation to the incident on 15th December 2013 has developed over time. The incident was not categorised as surveillance and the classification decision was made in relation to unauthorized observation of the Senator's vehicle, from another vehicle. At the time it was not considered likely to attract media attention. It therefore did not fall within Department guidelines for reporting major incidents. As such Wilson Security only reported the matter to Transfield.</p> <p>In hindsight, we acknowledge this may have been short-sighted. This assessment notwithstanding, Wilson Security undertook a thorough investigation with appropriate internal disciplinary action.</p> |
| <p>What criteria did Wilson Security use to determine that the surveillance should be deemed 'an internal disciplinary matter' and therefore not reported to the Department?</p> | <p>Wilson Security determined that the matter was an internal disciplinary matter as it involved employees, involved unauthorized action, and occurred outside of the Regional Processing Centre.</p> <p>This incident was and continues to be taken very seriously by Wilson Security and thus appropriate reporting procedures were followed.</p> <p>Further, we do not believe this incident was criminal in nature and thus the Nauruan Police Force and the Department were not required to be involved.</p> |
| <p>Why did Wilson Security not discuss the surveillance of Senator Hanson-Young at the 9am daily operations meeting at which the arrival of Senator Hanson-Young, at 10am that day, was discussed?</p> | <p>The purpose of the daily operations meeting is to discuss the logistics and operations of the Regional Processing Centre. These meetings largely focus on discussion points that relate to the operation of the Centre, this includes such things as the number and location of transferees, atmospheric conditions of the centre, daily activities, planned maintenance and construction, changes to transport, and a health services update.</p> |



| | |
|--|--|
| | <p>The incident was not one that was thought to impact the operations of the Regional Processing Centre. It was seen at the time as an internal disciplinary matter. For these reasons, the incident fell outside the scope of the daily operations meeting and as such the incident was not raised.</p> |
| <p>Can you explain why Transfield Services also chose not to discuss the surveillance at that meeting?</p> | <p>Wilson Security is not able to comment on behalf of Transfield Services. Wilson Security focuses on operational and logistic agenda items for discussion in the meeting. Therefore, the scope of the discussion items was limited to the purpose of the meeting.</p> |
| <p>When did Wilson Security and Transfield Services come to an agreement not to mention the surveillance at the 9am meeting?</p> | <p>There was never any agreement between Wilson Security and Transfield Services not to mention the surveillance at the 9am meeting. Wilson Security followed usual, proper procedure throughout the process of handling this incident. Wilson Security rejects the allegation, implicit in the question, that there was some kind of collusion throughout any stage of this incident or these proceedings.</p> |
| <p>Does Wilson Security agree now that the matter should have been reported to the Department?</p> | <p>In retrospect, the incident does appear to be the type of incident capable of attracting media attention. Wilson Security agrees that, for that reason, it should have been classified as a major incident and reported.</p> <p>Since this incident occurred, Wilson Security has conducted a thorough review of its policies and procedures. In part, to ensure that incidents such as this are appropriately and efficiently handled. Although Wilson Security recognises, that the reporting of this matter could have been handled in a more appropriate way, that question of reporting did not influence the seriousness with which it was taken internally. To the contrary, it was taken very seriously and was handled in accordance with reporting guidelines as well as thoroughly investigated. Wilson Security has apologised to Senator Hanson-Young and is confident that no future incidents such as this will occur.</p> |
| <p>Why did Wilson Security not take the opportunity to inform the Select Committee about the surveillance on 19 May 2015?</p> | <p>Wilson Security has never intentionally mislead the Committee or provided incorrect information. When further information arose or a clarification was required these were promptly provided. In every instance, Wilson Security has respected the process and purpose of the Committee.</p> |



| | |
|---|---|
| | <p>Wilson Security recognises that the terms of reference for the Select Committee inquiry were broad. As such we provided what we thought was all the relevant information, with a particular focus on the Moss Review, to the best of our knowledge and answered all questions from the members of the Committee openly and honestly.</p> <p>We were notified by the Committee of the allegation of spying on Senator Hanson-Young through a submission that contained an adverse comment about Wilson Security in a letter from the Committee dated 20 May 2015. Wilson Security recognised the importance of this adverse submission and therefore made immediate further enquiries. Upon gathering further information internally within Wilson Security we provided a response to the Committee that answered all questions. We have continued to respond to additional questions from the Committee and have provided evidence to the Committee upon every request. Our engagement with the Committee has been thorough, transparent and based on respect for the importance of the proceedings.</p> |
| <p>Transfield Services also appeared at the hearing on 19 May 2015 and also chose not to tell the committee about the surveillance. Did Wilson Security speak to Transfield Services before the hearing about not revealing the surveillance?</p> | <p>No.</p> <p>Wilson Security did not speak to Transfield before the hearing on 19 May 2015 in relation to the disclosure of the surveillance on Senator Hanson-Young to the Committee.</p> <p>This question amounts to an allegation of tampering with evidence. The seriousness of such allegations is self-evident. Wilson Security firmly rejects these allegations and will defend them forcefully if required.</p> <p>We note that there were no questions put to either Transfield Services or Wilson Security during the course of the 19 May 2015 inquiry that focused on this incident or sought information in relation to it. As such, there were no responses made in relation to this matter.</p> |



Reference Number: Quick

25 February 2015

Senator the Hon. Jacinta Collins, Chair
Privileges Committee
Parliament House
Canberra ACT 2600

Level 10, 111 Pacific Highway
North Sydney NSW 2060
Locked Bag 917
North Sydney NSW 2059
Telephone: +61 2 9464 1000
Facsimile: +61 2 9464 1111

Attention: Secretary, Richard Pye

PDF by email: to priv.sen@aph.gov.au

Dear Senator Collins

References to the Committee of Privileges ("the Privileges Committee") referred to in your letter of 9 February 2016 ("Letter") to BroadSpectrum (Australia) Pty Ltd ("BAPL").

Thank you for your Letter and for the opportunity to respond to the matters in your Letter.

As stated in Ben Quirk's email to Mr Pye dated 10 February 2015, Kate Munnings has left BAPL and Derek Osborn was recently appointed to the role of Chief Executive, Logistics, Consulting and Welfare.

We respond to the questions in the Letter as follows:

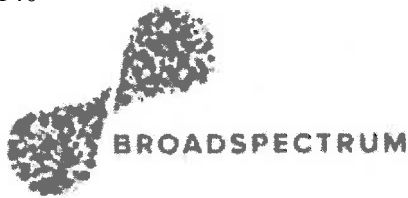
- 1 **The incident reporting guidelines classify incidents 'that are likely to attract media attention' as major incidents. Major incidents are required to be notified to the Department via a verbal report 'as soon as possible – no later than 1 hour' and in writing 'within 6 hours or by the end of the shift.'**

If Transfield Services takes responsibility for the actions of the subcontractor and, if Transfield Services are required to follow the incident reporting guidelines, why did Transfield Services not report the surveillance of Senator Hanson-Young to the Department?"

As BAPL has stated in replies to questions on notice from the Senate Select Committee, the Department's Guidelines "Incident Management – Incident Reporting" (Incident Reporting Guidelines) have changed from time to time since BAPL (formerly known as Transfield Services (Australia) Pty Ltd) was engaged in connection with the Nauru Regional Processing Centre in September 2012.

We assume that the reference to the Incident Reporting Guidelines in the above Question is that dated 1 June 2013 and answer the question on that basis.

It was not until early June 2015 that BAPL first became aware at an organisational level that there had been unauthorised surveillance of Senator Hanson – Young while she was at Nauru in December 2013. At that time, as a consequence of Submission 62 which was filed with and published by the Senate



Select Committee on 2 June 2015, BAPL made various inquiries within BAPL and through contact with Wilson Security representatives. The results of those inquiries informed responses subsequently given by BAPL representatives, including by Ms Munnings, at the Senate Select Committee hearing on 20 July 2015. Further inquiries have been made by BAPL since receipt of your Letter.

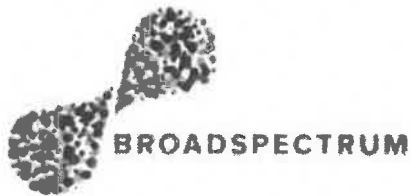
Based on the inquiries made by BAPL in June 2015 and since receiving your Letter, we can confirm that BAPL's understanding of the relevant matters is as follows:

- (a) At some time after the unauthorised surveillance operation occurred in December 2013, but prior to June 2015, BAPL's Nauru based Operations Manager () was informed in general terms that Wilson Security officers had engaged in unauthorised surveillance of Senator Hanson – Young while she was at Nauru in December 2013.
- (b) does not have a clear recollection of when, where or by whom he was told about the unauthorised surveillance involving Senator Hanson-Young. recalls that when he was told about the surveillance that it had already occurred (i.e. he is certain it was not a planned or anticipated operation and that he was first told after it had taken place). also recalls that he had been made aware of the unauthorised surveillance before he was asked about the matter when BAPL commenced inquiries into the matter in June 2015.
- (c) Inquiries made by BAPL of Wilson Security in early June 2015 shortly after the publication of Submission 62 disclosed that Wilson Security's contemporaneous records indicated Brett McDonald of Wilson Security had made an oral report of the unauthorised surveillance operation to on the morning of 16 December 2013. does not have any recollection of that meeting, nor of Mr McDonald communicating the information to him either on 16 December 2013 or subsequently. However, accepts that the oral report described by Mr McDonald as having taken place on 16 December 2013 may have been the occasion on which he first learnt about the unauthorised surveillance operation.
- (d) does not recall making any written or oral report to the Department regarding the unauthorised surveillance operation (either in accordance with the Incident Reporting Guidelines or otherwise) on or at any time after 16 December 2013. Inquiries made by BAPL of Wilson Security in early June 2015 disclosed that Mr McDonald's recollection was that it was likely that made a report of the unauthorised surveillance operation to the Department's Nauru based Director (). Subsequent enquiries of Mr McDonald by BAPL disclosed that Mr McDonald held that belief because it was his recollection that said words to him on morning of 16 December 2013 to the effect that intended to brief . However, as already noted, does not have any independent recollection of a meeting with Mr McDonald.

did not make any written report regarding unauthorised surveillance involving Senator Hanson-Young to or to any other representative of the Department.

Further does not recall making any oral report regarding unauthorised surveillance involving Senator Hanson-Young with or to any other representative of the Department.

Nonetheless, accepts that he may have had a conversation with Mr McDonald on 16 December 2013 in relation to the unauthorised surveillance operation and that during that conversation he may have said words of the kind attributed to him by Mr McDonald (namely that intended to make an oral report to).



- (e) also does not recall communicating with any other employee or representative of BAPL, including any person senior to him, about the unauthorised surveillance of Senator Hanson-Young until inquiries were made of him in June 2015.
- (f) practice in December 2013 (and his current practice) was to comply with the Incident Reporting Guidelines (as in force from time to time). It was also practice to, in addition to formal reports required under those guidelines, make reports orally or by email about any matter he considered concerning or of interest to either (or both) his BAPL line manager and to the Department's Nauru based Director. It is view that the fact he appears not to have made any report about the unauthorised surveillance either internally at BAPL or to the Department indicates that, assuming he was in fact informed of the operation on 16 December 2013 - which he cannot recall, he did not consider the information needed to be reported in accordance with the Incident Reporting Guidelines and that it was not otherwise information that he considered of concern or interest to or to the Department.
- (g) (line manager) believes that he was first made aware of the unauthorised surveillance operation when internal BAPL inquiries commenced shortly after the publication of submission 62 in June 2015. does not recall receiving any report or information from or any other person regarding the operation prior to early June 2015.
- (h) BAPL's searches of its contemporaneous records have not identified any oral or written report ever having been made by or by any other person either internally at BAPL or to the Department regarding the unauthorised surveillance that occurred in December 2013. BAPL's records otherwise indicate that BAPL's first knowledge at an organisational level of the unauthorised surveillance was in early June 2015 shortly after the publication of Submission 62 by the Senate Select Committee.
- (i) BAPL's contemporaneous records, and the independent recollection of and , indicate that December 2013 was an extremely busy period at the Nauru RPC and that there were numerous visits from high profile committees and individuals at that time. was attending to many urgent and complex matters on a daily basis during that period.

BAPL accepts that it may be said with the benefit of hindsight that the unauthorised surveillance operation was an incident that was likely to attract media attention and for that reason it was an incident that was captured by the Incident Reporting Guidelines. However, BAPL also submits that if (as he accepts may have occurred) was informed of the operation on 16 December 2013, his decision that the information did not need to be reported (both in accordance with the Incident Reporting Guidelines or otherwise) was made in good faith and on the basis of his informed understanding of the guidelines at the time.



- 2 According to the evidence given by Transfield Services on 20 July 2015, Transfield Services were first notified of the surveillance at 7.40 am on 16 December 2013. However the evidence in the file note from Wilson Security shows that the Wilson Security Emergency Response Team Supervisor notified the Wilson Security Manager (his supervisor) of the surveillance at 7.40 am as well.**

How is it that Transfield Services came to be notified at the same time?

As explained in our response to Q1 above, it was not until early June 2015 that BAPL first became aware at an organisational level that there had been unauthorised surveillance of Senator Hanson – Young while she was at Nauru in December 2013. At that time, as a consequence of submission 62 which was filed with and published by the Senate Inquiry on 2 June 2015, BAPL made various inquiries internally at BAPL and with Wilson Security. The evidence given by BAPL representatives at the hearing on 20 July 2015 was based on those inquiries, the results of which included the file note from Wilson Security dated 16 December 2013.

As explained in our answer to Q1 above, subsequent inquiries have been made by BAPL since receipt of your Letter and BAPL's current understanding is as set out in answer to Q1.

- 3 Transfield Services agreed with Wilson Security that the matter of the surveillance should be treated as an internal disciplinary matter and therefore not reported further.**

What criteria were used to determine the position?

BAPL agrees that the unauthorised surveillance of Sarah Hanson-Young while she was outside the Regional Processing Centre in Nauru was entirely inappropriate and that internal disciplinary action by Wilson Security was an appropriate response.

BAPL also repeats its answer to Q1 above as to why the matter was not formally reported by it in December 2013.

BAPL also notes that although its first knowledge of these matters was in early June 2015, its understanding from Wilson Security is that Wilson Security:

- (a) immediately on learning of the misconduct by its Supervisor, advised him of the inappropriateness of his actions and suspended him from duties;
- (b) followed a detailed disciplinary process with the individual in relation to the misconduct to ensure that this would not occur again;
- (c) believed that the Senator had not been negatively affected by the incident as:
 - (A) No material – such as notes, sound, video or any other record – was created by the individuals in relation to the incident.
 - (B) The Senator was not personally observed during the incident.

Since being informed of these matters by Wilson Security in early June 2015, BAPL has communicated to Wilson Security its view that the unauthorised surveillance was unacceptable and we have received assurances from Wilson Security that it has taken steps to ensure conduct of this nature will not occur again.



BAPL's representatives who attended the Senate Select Committee hearing on 19 May 2015 had no knowledge of the unauthorised surveillance until after their appearance at that hearing (namely, until early June 2015).

BAPL's representatives were not asked any questions relating to any surveillance of Senator Hanson-Young by the Committee either before or at the hearing on 19 May 2015 and neither the representatives, nor BAPL more generally, were aware at that time that any such surveillance had occurred.

The only questions asked of BAPL on 19 May 2015 relating to Senator Hanson-Young's visit to Nauru over 15 to 18 December 2013 were as follows in the last few minutes of the time allocated to BAPL (refer to page 19 of Transcript):

***HANSON-YOUNG:** Mr Osborn, can I cut you off because we are running short of time. I have one final area that you need to take away and come back to us about. It is in relation to who of your staff were rostered on from 15 December 2013 to 18 December 2013. As you would know, that is when I was on the island and I visited the detention centre. I would like to know who of your staff were rostered on over those three days.*

***Mr Osborn:** I am happy to take the question on notice to get that detail.*

***Senator HANSON-YOUNG:** I would also like to know whether there were any intelligence reports filed during that period, while I was on the island, and I would like copies of those provided to the committee.*

***Mr Osborn:** I am happy to take the question on notice.*

***Senator HANSON-YOUNG:** Thank you.*

***CHAIR:** Thank you very much Transfield Services. Apologies once again for the late start. You have been very cooperative. There is a lot of work on notice. We have set 29 May as the date for answers to questions on notice. As the evidence has portrayed, a \$1.2 billion contract over 20 months is going to invite some serious scrutiny and we look forward to your answers to questions on notice and perhaps your reappearance.*

***Mr Osborn:** Thank you."*

The questions taken on notice were responded to by BAPL in writing following that hearing date.

7 Did Transfield Services consider revealing the information about the surveillance after the following exchange on 19 May 2015?

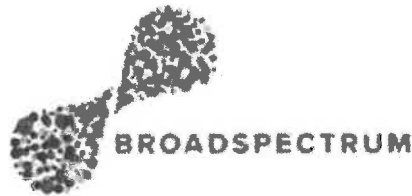
***HANSON-YOUNG:** Mr Osborn, can I cut you off because we are running short of time. I have one final area that you need to take away and come back to us about. It is in relation to who of your staff were rostered on from 15 December 2013 to 18 December 2013. As you would know, that is when I was on the island and I visited the detention centre. I would like to know who of your staff were rostered on over those three days.*

***Mr Osborn:** I am happy to take the question on notice to get that detail.*

***Senator HANSON-YOUNG:** I would also like to know whether there were any intelligence reports filed during that period, while I was on the island, and I would like copies of those provided to the committee.*

***Mr Osborn:** I am happy to take the question on notice. "*

Please refer to our answer to Q6 above.



4 Why did Transfield Services not mention the surveillance at the 9am daily operations meeting at which the visit of Senator Hanson - Young, scheduled to occur at 10 am that morning, was discussed and which officers from the Department attended?

As explained in our answer to Q1 above, no person within BAPL other than possibly [redacted] had any knowledge of the unauthorised surveillance prior to early June 2015.

BAPL also submits that if (as he accepts may have occurred) [redacted] was informed of the unauthorised surveillance on 16 December 2013, his decision not to raise or discuss that incident at the 9am Daily Operations Meeting was made in good faith and on the basis of his informed understanding of the purpose of that meeting.

All key stakeholders involved in delivery of services in respect of transferees at the Regional Processing Centre (including the Government of Nauru Operations Managers and/or their Deputies) are represented at the Daily Operations Meetings.

The purpose of the Daily Operations Meetings was for all stakeholders to be briefed on key issues that may affect the good order/operation of the Centre on a daily basis, including any matters that may affect the safety of transferees and others at the Centre.

The unauthorised surveillance of Senator Hanson- Young (which was not an approved operation and which occurred outside the Centre) is not a matter that would typically have been raised at the Daily Operations Meetings as it involved events that occurred outside the Centre and did not require consideration or accommodation of operational matters at the Centre.

5 Is it fair to draw the conclusion that Wilson Security and Transfield Services agreed between 7.40 am and 9.00 am on 16 December 2013, that it would be better not to mention the surveillance at the 9am meeting?

No.

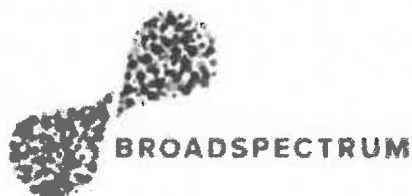
As explained in our answer to Q1 above, no person within BAPL other than possibly [redacted] had any knowledge of the unauthorised surveillance prior to early June 2015.

[redacted] believes that if (as he accepts may have occurred) he was informed of the unauthorised surveillance on 16 December 2013, his decision not to raise or discuss that incident at the 9am Daily Operations Meeting was made in good faith and on the basis of his informed understanding of the purpose of that meeting. [redacted] denies that he ever made or was ever involved in any deliberate decision to withhold information about the unauthorised surveillance operation, whether by a failure to communicate that information at the 9am Daily Operations Meeting or otherwise.

Similarly, BAPL's inquiries have revealed no record or information that supports a conclusion that [redacted], Mr McDonald nor any other employee of BAPL or Wilson Security made or was ever involved in any deliberate decision to withhold information about the unauthorised surveillance operation, whether by a failure to communicate that information at the 9am Daily Operations Meeting or otherwise.

6 Why did Transfield Services not take the opportunity to tell the Select Committee about the surveillance on 19 May 2015?

As explained in our answer to Q1 above, no person within BAPL other than possibly [redacted] had any knowledge of the unauthorised surveillance prior to early June 2015.



8 Did Transfield Services consider revealing the information about the surveillance in the answer they were to provide on notice?

Please also refer to our answer to Q6 above.

9 Wilson Security also appeared at the hearing on 19 May 2015 and also chose not to inform the select committee about the surveillance. Did Transfield Services communicate with Wilson Security before the hearing about not revealing the surveillance?

Please also refer to our answer to Q6 above.

10 Does Transfield Services agree now that the surveillance should have been reported to the Department?

Please refer to our answer to Q1 above.

11 Please provide minutes of the meeting on 16 December 2013?


Please find attached a copy of these minutes as requested. We apologise for inadvertently attaching two sets of the meeting minutes of 12 December 2013 to our answers to Questions on Notice.

As also noted in our earlier letter to the Privileges Committee dated 26 November 2015, BAPL is keen to ensure that the Privileges Committee and the Senate generally has the information it needs to make findings on these important matters. Consequently, we continue to stand ready to assist the Committee further, if so required.

Yours sincerely

A handwritten signature in black ink, appearing to be "Derek Osborn", written over a large, light-colored oval shape.

Derek Osborn
Chief Executive, Logistics, Consulting and Welfare
For Broadspectrum Limited

| | | | |
|---|---|----------|---|
|  Humanitarian Mission Services | Nauru OPC – TSA Daily Operations Meeting Minutes | Date | 16/12/2013 |
| | | Location | Meeting Room, Administration Building, OPC1 |
| | | Time | 0900hrs |

Chair:

Attendees:

| | |
|------------------|----------|
| • TSA – | • DIBP – |
| • TSA – | • DIBP – |
| • TSL Security – | • GoN – |
| • TSL – | • GoN – |
| • DIBP – | • GoN – |
| • DIBP – | • IHMS – |
| • DIBP – | • IHMS – |
| • DIBP – | • SCA – |
| • DIBP – | • IOM – |

| Item # | Description |
|--------|--|
| 1. | Apologies: Construct |
| 2. | Previous Minutes reviewed and accepted |
| 3. | 1 action item outstanding |

Updates

| | |
|-----|--|
| 4. | Security |
| 4.1 | 775 Transferees: OPC 1: 2 OPC 2 A: 265 OPC 2 B: 83 OPC 3: 424 Jail: 1 |
| 4.2 | No incidents to report |
| 4.3 | Extra posts at weighbridge, checking speed limits and seat belts. |
| 4.4 | JIG postponed, documentation will be distributed. |

| | |
|-----|---|
| 5. | IHMS |
| 5.1 | Gastro - 0 - Stakeholders: 0 - Transferees: 0 |
| 5.2 | SAA: 1 MAA: 1 Resus: 0 |
| 5.3 | SME x 2 – 2 x ongoing |
| 5.4 | Stakeholder injuries x 0 |
| 5.5 | 14 x confirmed pregnancies |
| 5.6 | Trialling medication collection at OPC1 this week between 1900-2100hrs. Extra bus arranged. |

| | |
|-----|---|
| 5.7 | To prevent unnecessary traffic in the Clinic all non-essential doors will be secured. |
|-----|---|

| | |
|-----|---|
| 6. | Transfield |
| 6.1 | Road Closure – OPC2 at 1400hrs for unloading of fuel cell. |
| 6.2 | Food Trolley – will not be operating on Thursdays or Sundays. |

| | |
|-----|---|
| 7. | DIBP |
| 7.1 | Intakes – expecting 44 Wed 18/12 at 0915 |
| 7.2 | OCP1 Accommodation – SCA will move into new air-conditioned blocks 1.15 & 1.21 Wed-Thu (18-19/12) |
| 7.3 | OCP3 Playground – issues with installation due footing depth requirements, area will be built up due to hard ground at the site. |
| 7.4 | OPC3 Water supply – Cut over to mains at 0930hrs. |
| 7.5 | Sen. Sara Hanson-Young on site today accompanied by Chief of Staff, expect focus on FAMs. Note to manage transferee expectations afterwards. |

| 8. | TSA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------|--|-----------------------|---------------------|-----------------------|---------------------|-----------------|-----|-----|----|------------------|-----|---|---|---------|-----|-----|----|-------|----|---|---|------|-----|----|----|--------------|------------|------------|-----------|--|---------------------|-----------------------|---------------------|-------|-----|-----|-----|-------|----|----|-----|-------|---|---|---|------|-----|-----|-----|--------------|------------|------------|------------|--|---------------------|-----------------------|---------------------|---------------|---|---|---|---------------|---|---|---|------------------|---|---|---|-------------|---|---|---|-------------------|---|---|----|--------------|----------|----------|-----------|
| 8.1 | <p>Mind</p> <table border="1"> <thead> <tr> <th></th> <th>Friday 13-Dec-13</th> <th>Saturday 14-Dec-13</th> <th>Sunday 15-Dec-13</th> </tr> </thead> <tbody> <tr> <td>English Classes</td> <td>502</td> <td>168</td> <td>93</td> </tr> <tr> <td>Other Activities</td> <td>188</td> <td>0</td> <td>6</td> </tr> <tr> <td>OPC2A&B</td> <td>382</td> <td>156</td> <td>64</td> </tr> <tr> <td>OPC2B</td> <td>28</td> <td>0</td> <td>0</td> </tr> <tr> <td>OPC3</td> <td>236</td> <td>12</td> <td>35</td> </tr> <tr> <td>Total</td> <td>690</td> <td>168</td> <td>99</td> </tr> </tbody> </table> <p>Body</p> <table border="1"> <thead> <tr> <th></th> <th>Friday 13-Dec-13</th> <th>Saturday 14-Dec-13</th> <th>Sunday 15-Dec-13</th> </tr> </thead> <tbody> <tr> <td>OPC2A</td> <td>164</td> <td>183</td> <td>211</td> </tr> <tr> <td>OPC2B</td> <td>47</td> <td>40</td> <td>149</td> </tr> <tr> <td>OPC2C</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>OPC3</td> <td>165</td> <td>114</td> <td>129</td> </tr> <tr> <td>Total</td> <td>376</td> <td>337</td> <td>489</td> </tr> </tbody> </table> <p>Spirit</p> <table border="1"> <thead> <tr> <th></th> <th>Friday 13-Dec-13</th> <th>Saturday 14-Dec-13</th> <th>Sunday 12-Dec-13</th> </tr> </thead> <tbody> <tr> <td>Quran Studies</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Catholic Mass</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Muharram Program</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Bible Study</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Christian Service</td> <td>0</td> <td>0</td> <td>51</td> </tr> <tr> <td>Total</td> <td>0</td> <td>0</td> <td>51</td> </tr> </tbody> </table> | | Friday 13-Dec-13 | Saturday 14-Dec-13 | Sunday 15-Dec-13 | English Classes | 502 | 168 | 93 | Other Activities | 188 | 0 | 6 | OPC2A&B | 382 | 156 | 64 | OPC2B | 28 | 0 | 0 | OPC3 | 236 | 12 | 35 | Total | 690 | 168 | 99 | | Friday 13-Dec-13 | Saturday 14-Dec-13 | Sunday 15-Dec-13 | OPC2A | 164 | 183 | 211 | OPC2B | 47 | 40 | 149 | OPC2C | 0 | 0 | 0 | OPC3 | 165 | 114 | 129 | Total | 376 | 337 | 489 | | Friday 13-Dec-13 | Saturday 14-Dec-13 | Sunday 12-Dec-13 | Quran Studies | 0 | 0 | 0 | Catholic Mass | 0 | 0 | 0 | Muharram Program | 0 | 0 | 0 | Bible Study | 0 | 0 | 0 | Christian Service | 0 | 0 | 51 | Total | 0 | 0 | 51 |
| | Friday 13-Dec-13 | Saturday 14-Dec-13 | Sunday 15-Dec-13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| English Classes | 502 | 168 | 93 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other Activities | 188 | 0 | 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OPC2A&B | 382 | 156 | 64 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OPC2B | 28 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OPC3 | 236 | 12 | 35 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 690 | 168 | 99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Friday 13-Dec-13 | Saturday 14-Dec-13 | Sunday 15-Dec-13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OPC2A | 164 | 183 | 211 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OPC2B | 47 | 40 | 149 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OPC2C | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OPC3 | 165 | 114 | 129 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 376 | 337 | 489 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Friday 13-Dec-13 | Saturday 14-Dec-13 | Sunday 12-Dec-13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Quran Studies | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Catholic Mass | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Muharram Program | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bible Study | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Christian Service | 0 | 0 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 0 | 0 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|----|-----------------------------------|
| 9. | Canstruct – Nil Attendance |
|----|-----------------------------------|

| | |
|-----|-------------------------------|
| 10. | IOM – No Announcements |
|-----|-------------------------------|

| | |
|------|--|
| 11. | SCA |
| 11.1 | <p>Friday</p> <p>Child Protection</p> <p>Education</p> <ul style="list-style-type: none"> - Primary class 50 attendees - Secondary class: 35 attendees <p>(No classes on the weekend)</p> <p>Recreation:</p> <ul style="list-style-type: none"> - 3 Sessions <p>Gym - 3 Art - 35 Youth Outreach - 19</p> <p>Disco/Dance Children - 46 Youth - 38</p> <ul style="list-style-type: none"> - Daily stats from CSPW Incident Management: Nil, Induction Family Meeting Nil, Completed IMP <5 days Nil, Completed IMP >5 8, IMP Review Nil. <p>Saturday</p> <ul style="list-style-type: none"> -2 Sessions Children session 1 sports/soccer - 35 children session 2 Bingo - 40 children <p>Youth session 1 Volleyball - 5 youth session 2 Bingo - 10 youth</p> <p>Daily stats from CSPW Caseworker stats Casework Meeting with Parents = 7, Case work meeting with Children = 5 IHMS referral = 1, TSA = 1, Other = 9 Casework Mgt with Children = 3 Casework Mgt = 3</p> <p>Sunday</p> <p>Children Session 2: Art, Cartoons and Hockey: 32 children and 2 parents Session 3: Family movie night. 40 children and 5 parents</p> <p>Youth Session 2: Ping Pong, Soccer & Cartoons. 27 youth and 1 parent Session 3: Family movie night 27 youth and 2 parents</p> <p>Completed psychosocial: Nil, Case Working Meeting with Parents: 4, Case Working meetings with Child: 10, (8 x child, 2 x UAM) Case Work meeting with Stakeholders Nil, Referrals to IHMS: 4 (3 x medical + 1 x Mental), Referrals to TSA: 1, Referrals to Others Nil</p> <p>Incident Management: Induction Family Meeting. Completed IMP <5 days: Completed IMP >5: IMP Review: 1 Completed psychosocial: Case Working Meeting with Parents: 1 Case Working meetings with Child: 14</p> |



Australian Government
**Department of Immigration
and Border Protection**

SECRETARY

SEC337/2016

Mr Richard Pye
Secretary
Committee of Privileges
Parliament House
CANBERRA ACT 2600

Dear Mr Pye

I am writing in response to the letter dated 9 February 2016 from Senator the Hon. Jacinta Collins, Chair of the Committee of Privileges (the Committee), regarding the Committee's inquiry into whether false or misleading evidence was provided to the Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru.

I note that the Chair has sought answers to a number of questions relating to my Department's submission to the Inquiry on 2 December 2015, as well as other issues as a result of investigations the Committee has conducted.

I have provided responses to the Committee's questions at Attachment A to my letter.

If the Committee has further questions in relation to this Inquiry, I would be more than happy to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Pezzullo'.

Michael Pezzullo

25 February 2016

Response to Questions – Committee of Privileges

Inquiry into whether false or misleading evidence was provided to the Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru

Question 1

The Department has a number of officers at the Regional Processing Centre (RPC) on Nauru. For example, the minutes from the Daily Operations meeting on 12 December 2013 shows two officers attending and a further two officers as apologies.

Assuming similar attendance at the 9am daily operations meeting on 16 December 2013, 80 minutes after Transfield Services were notified about the surveillance of Senator Hanson Young, and 60 minutes prior to the Senator's arrival at the RPC, can you explain how your officers were unaware of the surveillance until 4 June 2015?

Response

No departmental officers were aware of the incident as, based on a review of the daily operational meeting minutes, it was not raised at the 16 December 2013 meeting, or during any of the Daily Operations meetings in the month of December 2013.

As detailed in the Question on Notice response from 9 June 2015 (SQ15-006088), the Department first became aware of the allegations of surveillance on 4 June 2015.

Question 2

Was an investigation conducted into the surveillance?

Response

The Department did not conduct an internal investigation into the allegations of surveillance.

The Department did conduct an internal investigation to determine if any officials were aware of the alleged surveillance prior to 4 June 2015. This investigation was conducted after the allegations were reported by the ABC News on 4 June 2015.

Question 3:

Was a report written about the Department's investigation of the surveillance?

- a. If yes – please provide the report to the Committee.
- b. If no – how is that consistent with an effective response to the situation?

Response

The investigation undertaken by the Department involved an examination by staff of internal correspondence to determine if any evidence existed to suggest that the allegations were known to the Department prior to 4 June 2015. As the investigation was conducted in an extremely short timeframe (due to the urgency of the matter) and that no evidence was found, a formal written report was not considered necessary.

All service provider staff are contractually required to adhere to a strict Code of Conduct. Where staff breach this Code of Conduct, the Department requires the service provider to investigate the incident and take appropriate disciplinary action as necessary. As this incident occurred outside the scope of the contract, and without the knowledge of the Department, it was considered appropriate that any investigation into the actions of its staff be dealt with by the service provider.

Question 4

What steps has the Department taken to ensure non-reporting of incidents does not happen again?

Response

The Department regularly reviews its incident reporting guidelines under the contract to ensure relevant incidents are captured and reported correctly.

The Department will strengthen, under the new contract currently being tendered, the reporting requirements of service providers in relation to significant HR and Code of Conduct breaches.

Question 5

The following exchange shows Mr Skill taking a question on notice at the hearing on 9 June 2015 regarding 'the reporting of out of scope activities'?

Senator Hanson-Young: *I would like to go back and finish this questioning in relation to the Wilson Security response in relation to the surveillance allegation when I was on the island in December 2013. I want to know whether there is anything specific in the government's contract with Transfield Services, who are the primary contract holder of course, regarding the reporting of out-of-scope activities.*

Mr Pezzullo: *Regarding their obligation to report them undertaking such activities?*

Senator Hanson-Young: *Yes*

Mr Pezzullo: *That is a question of fact, so I will ask Mr Skill.*

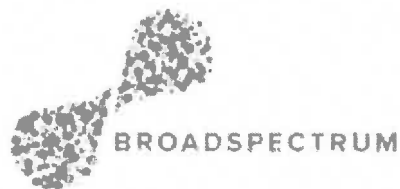
Mr Skill: *Senator, I will have to take that on notice because it goes to the very details within the contract. We can certainly get back to you very quickly on that.*

An answer does not appear to have been provided to the select committee. Please provide the answer.

Response

There is no provision in the current contract that requires the service provider to report activities occurring outside the scope of the contract.

As detailed in the response to question 4 above, the requirements relating to the reporting for significant HR and/or Code of Conduct breaches will be formalised in the new contract currently being tendered.



Reference Number: Quick

11 March 2016

Senator the Hon. Jacinta Collins, Chair
Privileges Committee
Parliament House
Canberra ACT 2600

Level 10, 111 Pacific Highway
North Sydney NSW 2060
Locked Bag 917
North Sydney NSW 2059
Telephone: +61 2 9464 1000
Facsimile: +61 2 9464 1111

Attention: Secretary, Richard Pye

PDF by email: to priv.sen@aph.gov.au

Dear Senator Collins

References to the Committee of Privileges ("the Privileges Committee") the subject of your letter of 3 March 2016 ("March Letter") to Broadpectrum (Australia) Pty Ltd ("BAPL").

We refer to your March Letter and thank you for the opportunity to respond to the matters in your March Letter. We also refer to your letter of 9 February 2016 (your February Letter) and BAPL's response to that letter dated 25 February 2016 (BAPL's February Letter).

We accordingly respond to your questions in your March Letter as follows:

1. It is not immediately clear what the phrase 'at an organisational level means'. It would be appreciated if you could clarify your use of the term and how it relates to the actions of your Nauru –based operations manager?

The reference to BAPL first becoming aware of the unauthorised surveillance of Senator Hanson – Young while she was at Nauru in December 2013 'at an organisational level' is to distinguish between the management of BAPL at our Australian based head office, as opposed to BAPL's operations manager who was based 'on site' at Nauru. The purpose of making that distinction in BAPL's February Letter was to address the questions in your February Letter regarding BAPL not reporting the unauthorised surveillance of Senator Hanson-Young and the BAPL witnesses not addressing the surveillance in evidence given by them to the Senate Select Committee on 19 May 2015.

2. The evidence previously given to the Senate Select Committee, and in BAPL's earlier submission to the Privileges Committee, indicated unequivocally that Transfield was made aware of surveillance early on the morning of 16 December 2013. (a) On what basis did Transfield give that unequivocal evidence on those occasions? (b) Can you explain why it is only now that BAPL has provided new, heavily qualified evidence on this point?



The relevant evidence given by BroadSpectrum at the hearing on 20 July 2015 by Kate Munnings (as extracted from the transcript) was as follows:

Senator LUDLAM: ...

When you were first made aware of the allegations that those out-of-scope activities had occurred?

Mrs Munnings: I can take up the evidence at that point. I understand—and the evidence is—that at 7.40 am on 16 December 2013 Wilson reported the matter to Transfield, having been made aware of it by the individuals involved contemporaneously to that time.

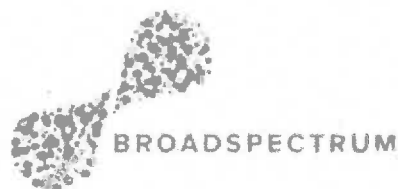
Senator LUDLAM: Okay, 7.40 am coincides with the file note, which I am presuming that you have a copy of—by Ben Gilbert relating to the CSO, Jason Kahika. So, on your evidence, if it was around 7.40 on Monday, the 16th, Transfield was notified immediately the security manager was made aware of it. Does that sound consistent?

Mrs Munnings: Our evidence is that after Wilson were made aware of it they informed Transfield, correct.

The evidence extracted above which was given by BAPL representatives at the 20 July 2015 hearing was and remains accurate. In early June 2015, as a consequence of Submission 62 which was filed with and published by the Senate Select Committee on 2 June 2015, BAPL made various inquiries within BAPL and through contact with Wilson Security representatives. The results of those inquiries informed evidence subsequently given by BAPL representatives, including by Ms Munnings, at the Senate Select Committee hearing on 20 July 2015.

The inquiries made by BAPL in early June 2015 did not include a discussion with [redacted]. Efforts were made to contact [redacted] on 5 June 2015, however, he was on leave and known to be caring for a family member who was receiving chemotherapy and radiation. Further, the other inquiries that had been made by BAPL of Wilson Security on around 5 June 2015 had resulted in the identification of a contemporaneous file note created by Wilson Security regarding events on 16 December 2013 and BAPL accepted those records as accurate and comprehensive and relied on them when briefing its witnesses who appeared to give evidence to the Senate Select Committee on 20 July 2015.

On receipt of your February Letter, [redacted] was contacted again about the issue because the specific questions posed in your February Letter required that we explore with [redacted] his personal recollection of the events of 16 December 2013. With the benefit of hindsight, we accept that the inquiries made in preparation for the 20 July 2015 would ideally have included a detailed discussion with [redacted] to test his recollection of events on 16 December 2013. However, the decision not to pursue [redacted] on 5 June 2015 was made in good faith and in circumstances where (as noted above) he was on leave and occupied by family matters. Another important factor in not speaking to [redacted] on 5 June 2015 was that BAPL had (through inquiries to Wilson Security) obtained copies of contemporaneous records which it considered were accurate and could (and should) be relied on by BAPL.



As is explained in BAPL's February Letter, it is now apparent to BAPL that [redacted] does not have a clear, unequivocal recollection of the events of 16 December 2013. However, we consider that the evidence given by BAPL representatives on 20 July 2015 was given in good faith and was (and is) consistent with the contemporaneous records and is not inconsistent with [redacted]'s recollection. BAPL does not in any way resile from the accuracy of the evidence given on 20 July 2015, but in light of the specific questions in your November Letter, we considered it important that you be provided with a thorough and detailed account of [redacted] personal recollection.

As to the matters in the November Letter, the Senate Privileges Committee invited us to make a submission as to whether any false or misleading evidence was given to the former Select Committee in relation to the apparent surveillance of Senator Hanson Young while on a visit to Nauru in 2013. Attached to the letter of invitation from the Senate Privileges Committee were copies of correspondence relating to the matters that we were informed were in issue. The matters, as we understood it, related to investigations into allegations to the effect that the surveillance was a planned activity that went much further than was stated at the Hearing and the knowledge of the parties concerned as to allegations that any planned surveillance or surveillance that had occurred and consequently we focused our enquiries on those matters.

As stated in our November Letter, the inquiries we made at that time reconfirmed that the evidence given by BAPL at the Hearing was accurate. These inquiries included asking relevant BAPL staff, including [redacted] to confirm whether or not the following evidence (stated in italics) that had been provided to the Senate Select Committee was correct, to which he responded: *"As far as I can recall this is correct"*.

"The first we learned of any surveillance was at 0740 on 16 Dec 2013 when we were told that one Wilson supervisor had instructed two other staff to surveill SHY by sitting in the Menen Hotel car park overnight"

The information that we provided in BAPL's February Letter was provided in direct response to the specific questions asked of BAPL by this Senate Privileges Committee in your February Letter.

Those questions, and particularly questions 2 and 3, required that we engage with [redacted] about his precise personal recollection of the events of 16 December 2013, including whether he made any reports to the Department or other persons, including his managers or any other person at head office, within BAPL. BAPL provided a detailed account of [redacted]'s recollection in BAPL's February Letter because we believed that this was necessary to provide a comprehensive response to the questions in your February Letter and in the expectation that the important and serious work of your committee would be assisted by us doing so.

We have sought at all times to assist the Senate Select Committee and the Privileges Committee with its inquiries and we consider that we have provided an accurate response to each Committee at all times based on the information then available to us.



As noted in our earlier letters to the Privileges Committee, we are keen to ensure that the Privileges Committee and the Senate generally has the information it needs to make findings on these important matters. Consequently, we continue to stand ready to assist the Committee further, if so required.

Yours sincerely

A handwritten signature in black ink, appearing to be "Derek Osborn", written over a horizontal line.

Derek Osborn
Chief Executive, Logistics, Consulting and Welfare
For Broad Spectrum (Australia) Pty Ltd