



**Australian Government**  
**Department of Immigration  
and Border Protection**



**Australian  
CUSTOMS AND  
BORDER PROTECTION**

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

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## Introduction

The Department of Immigration and Border Protection (the Department) welcomes the opportunity to make a supplementary submission to the *Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru*.

The Department has been reviewing the submissions received by the Committee as they are being published on the website. A number of these submissions are of significant concern to the Department, in that they contain serious allegations of potentially criminal behaviour in relation to the conduct of operations and provision of services to refugees and transferees at the Nauru Regional Processing Centre.

The Department has reviewed each of the available submissions at the time of writing and this supplementary submission intends to provide appropriate additional information to assist the Committee in its consideration of the matters across the key themes.

A number of the allegations are broad and lack sufficient specificity to allow interrogation of departmental reporting systems such that the Department could respond in an informed manner.

Should the Committee wish to further inquire into the source and detail of these allegations, with a view to identifying specifics and supporting evidence to substantiate same, the Department would be pleased to investigate the handling and action undertaken as a result of, and in response to, the incidents.

Where allegations contain sufficient detail to allow definitive cross-referencing with departmental records, the Department has confirmed that they were dealt with appropriately at the time of the incident in accordance with extant policy and procedures.

## Departmental Response to Allegations

In light of the broad themes raised in the various submissions and allegations contained therein, the Department does not propose to address each allegation; rather, the Department will provide relevant information to outline actions that have been taken, or activity underway relating to the themes, and information that may also assist the Committee should it wish to consider the veracity of, and motivating factors behind, said allegations. A small number of specific allegations have, however, been referenced in this supplementary submission. Those referenced do not represent the entirety of the submissions received by the Committee that raise the issues to which we refer.

### Moss Report – Recommendations Implemented & Underway

On 3 October 2014, the then Minister for Immigration and Border Protection, the Hon Scott Morrison MP, announced a Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru (Moss Review). Mr Philip Moss, former Integrity Commissioner, Australian Commission for Law Enforcement Integrity, was commissioned to conduct the review.

The Secretary received the final report from Mr Moss on 9 February 2015, and a public version was released on 20 March 2015.

The Department accepted all of the 19 recommendations made by Mr Moss in the Review and has been working closely with the Government of Nauru and service providers to implement the recommendations. The Department has also been working with the Australian Federal Police, the Attorney-General's Department and the Department of Foreign Affairs and Trade on the recommendations which require a whole-of-government response.

Implementation of recommendations have included the deployment of additional Australian Federal Police officers to support the Nauru Police Force, improvements to incident reporting and management of incidents, reviews of all stakeholder meetings and guidelines, enhancements to staff training, development of child protection framework and the introduction of two Nauru Police Force officers stationed permanently at the Regional Processing Centre.

### Changes to Service Delivery since the Moss Review

The Department and service providers have taken ongoing incremental steps to improve a number of areas in relation to service delivery since the Moss Review. A number of actions have been implemented in relation to infrastructure and enhanced accessibility to assistance for transferees.

A recent example is the establishment of a drop-in centre/shopfront at the Regional Processing Centre Three (RPC3) site that is operated by culturally appropriate service provider staff, to provide a non-confrontational channel through which transferees can raise concerns and issues for prompt attention and action where possible. Additional programmes and activities are also being provided to transferees at RPC3. These initiatives have been well received.

### Guideline and Protocol Reviews

To ensure further enhancements are made, particularly in regards to the escalation of incidents and complaints, the Department has initiated a number of targeted reviews of service delivery guidelines including those covering 'Staff Relationships with transferees', 'Interactions with transferees' and 'Welfare support and care workers'.

In addition, the Department, in conjunction with service providers, is reviewing the guidelines relating to 'Child safeguarding protocol and code of conduct', 'Incident reporting and 'Complaints management'.

## Information security and acceptable behaviour of personnel

The Department has formally communicated its expectations in respect of complying with contractual obligations to all service providers working within the Nauru Regional Processing Centre and the Nauruan community. Specifically, the Department has emphasised the importance of the need for improved information security and handling of personal information; the need to amend service provider policies to ensure consistency with those of the Department, including communication policies; and maintaining and managing acceptable behaviour of personnel and taking appropriate action when an appropriate standard of behaviour is not maintained.

All service providers have formally acknowledged the Department's correspondence and confirmed their understanding of their contractual obligations.

Where there are potential or substantiated breaches of information security or unacceptable behaviour, the Department has taken prompt action to address these matters including requests for information from service providers including copies of the relevant investigation reports; referrals to the Department's internal review body, the Detention Assurance Team; and putting in place necessary improvements, where required, to prevent recurrence of such matters.

The Department has noted improvements to information security and behaviour of personnel through the monthly performance reporting process.

## Incident Management Process

All incidents occurring in the Nauru Regional Processing Centre are reported to Transfield Services Limited (Transfield) Incident Control Team. The initial response to incidents is coordinated and managed by Transfield.

Transfield reports all incidents to the Government of Nauru Operations Managers and the Department in accordance with their Incident Reporting Framework and Guidelines.

As a result of the allegations raised in the Moss Review, a full review of the Incident Reporting Guidelines for service providers has been undertaken. A new guideline will take effect from 1 July 2015 for all service providers, providing greater clarity on incident reporting including escalation, especially in relation to physical and sexual assault for adults and minors.

Further to this, the Department has also instituted a new incident management process for portfolio staff which provides greater clarity on expectations of the management of incidents, including the introduction of a new quality assurance process and the undertaking of audits on a random sample of incidents and allegations reported.

## Child Protection & Welfare

The Immigration Advice and Rights Centre Inc and the Australian Human Rights Commission raised concerns in relation to the child protection framework in Nauru. A range of actions have been undertaken and are continuing, including working closely with the Government of Nauru to implement a robust child protection framework that upholds child protection within the Regional Processing

Centre and within the refugee community. This framework is underpinned by preventative policies and programmes, consistent protocols for incident management and clearly articulated roles and responsibilities. The draft framework is now with the Government of Nauru for their consideration.

The Australian Federal Police has recently deployed a team to Nauru to assist in training the Nauru Police Force in conducting investigations, first response actions on reports of sexual abuse and specialised investigations for child abuse crimes.

A specialised programme of child protection training is under development for delivery to all service provider staff who interact with children.

Education services are in place and provided for children. Transferee children are supported with curriculum based services delivered by Save the Children at the Nauru Regional Processing Centre. Refugee children are enrolled in full time education at local Nauruan schools. Additional teachers and infrastructure are being provided with the assistance of the Australian Government to the benefit of all school children in Nauru.

As indicated by the Secretary of the Department during his opening statement to the Committee hearing on 9 June 2015, a Child Protection Panel has been established, comprised of three people drawn from the Australian community and selected because their skills, experience and standing is relevant and appropriate to such work. The Panel provides independent advice on child protection in immigration detention and in relation to Australia's involvement in regional processing.

## General Medical Services

International Health and Medical Services (IHMS) are contracted as the health service provider for the Nauru Regional Processing Centre. IHMS is contractually required to provide appropriately licensed and qualified health practitioners, including appropriate registration which, for Australian practitioners, is the Australian Health Practitioner Regulation Agency.

The health service provider must also ensure that non-Australian health practitioners have qualifications of a similar standing to Australian qualifications and are capable of providing health care to Australian Standards.

Wherever possible, required medical services are provided in Nauru. Where this is not possible, treatment is provided in Australia, upon the recommendation of IHMS. There have been no occasions where medically recommended transfers have been denied. All people who are transferred to Australia for medical treatment must be cleared as medically fit for transfer by IHMS before they are returned to the Regional Processing Centre.

In addition, visiting specialists attend to provide treatment, with the urgency of this treatment prioritised based on clinical need. Recently, the Department successfully deployed an orthopaedic surgical team to Nauru to perform surgery at the Republic of Nauru Hospital. The team also provided mentoring to the Republic of Nauru medical staff and assisted in the review of other orthopaedic cases.

The Department is working with IHMS to determine the appropriate specialisations and priority of these to undertake further deployments of this nature.

*Ms Natasha Blucher* and a submission with the *name withheld* raised concerns around the imaging and diagnostic equipment available in Nauru.

The Australian Government is assisting the Republic of Nauru Hospital by funding and managing a redevelopment of the hospital which will include a new medical clinic, as well as additional inpatient/surgical infrastructure and enhanced imaging equipment including MRI and CT scanners.

The Australian Government is also funding the provision of a mental health inpatient facility as well as the provision of a full-time obstetrician. An obstetrician is due to be in place by August 2015, with expanded mental health facilities and imaging capability in place by the end of 2015.

In a number of cases, the allegations made by others in their submissions to the Committee are directly at odds with the advice provided to the Department by IHMS. Where cases are able to be definitively identified, IHMS has confirmed that treatment was provided in line with Australian community standards.

## Mental Health Services

Mental Health Screening, including questions regarding torture and trauma, forms part of the Health Induction Assessment which is undertaken before transfer to a Regional Processing Centre. Mental Health Screening is also offered at regular intervals and on an ad-hoc basis, for example when concerns are raised about a transferee's mental health. If the screening identifies any significant mental health issues (whether developed or developing), further consultations with mental health clinicians are organised.

Any transferee who discloses a history of torture and trauma is offered referral to specialist torture and trauma counselling.

Any transferee who self-harms, or threatens self-harm, receives support from an interdisciplinary team led by an IHMS mental health clinician. This approach, which is called 'Supportive Monitoring and Engagement' and is part of the Department's Psychological Support Programme Policy, enhances communication and promotes integrated care between service providers. The Psychological Support Programme was detailed in the Department's original submission.

All transferees at the Nauru Regional Processing Centre are supported under the Psychological Support Programme. The Psychological Support Programme focuses on preventative and support strategies to reduce transferee self-harm risk. All service providers are required to share relevant information with each other to ensure coordinated and appropriate support is put in place, especially for children, where risks have been identified.

## Infrastructure

Concerns were raised in a number of submissions, in particular those from *Professor David Isaacs*, *Mr Tobias Gunn* and *Ms Samantha Betts*.

Substantial information has already been provided to the Committee in relation to the type, quality and amount of infrastructure installed at the Nauru Regional Processing Centre. In recent months, additional lighting has been installed in common areas and an amount of fencing has been removed from RPC3, allowing greater use of space for families and children. Some additional fencing has been installed to more clearly delineate areas and to provide greater security to cohorts.

Additional privacy screening has been installed in accommodation areas, and the accommodation density has been lowered, providing more space to transferees.



Heat concerns are addressed in sites through the provision of air conditioning, wall or pedestal fans to assist in cooling accommodation, recreation and dining areas. Temperatures are monitored regularly in the Nauru Regional Processing Centre by Transfield to ensure the safety of transferees. Where specific heat related issues are identified, additional measures are provided or alternative facilities identified and utilised.

In addition to these operational level measures, proposals are being developed to install additional air conditioning units in the Regional Processing Centre and settlement sites.

The Nauru Regional Processing Centre is self-sufficient in relation to power supply, and is not impacted where broader power failures affect Nauru. The water production capacity of the Nauru Utilities Corporation has been substantially upgraded (from 300 Kilo litres per day to 2.2 Mega litres per day) by the Australian Government providing even greater water security for the RPCs and settlement sites. Where concerns have been raised about water quality issues, testing regimes have been instigated and filters have been installed where possible and appropriate.

It is important to note that, even when water production has been interrupted due to maintenance of the equipment, drinking water has always been available to transferees and refugees without limitation.

The Regional Processing Centre and settlement sites in Nauru meet appropriate fire safety standards and have necessary fire-fighting equipment such as extinguishers. Additionally, comprehensive pest control, mould treatment, vector control and electrical test/tag activities are in place across the sites.

The Australian Government is also delivering further infrastructures projects to support transferees, refugees and Nauruans including, a school building and teacher's accommodation.



**Image 1: RPC3 – Recreation Marquee with pedestal fans**





**Image 2: Potable Water Production Upgrades – Water Production Generators – Nauru Utilities Corporation**



**Image 3: RPC3 Lighting Tower**



Image 4: RPC1 School Classroom



Image 5: RPC1 School Playing Field



Image 6: RPC2 Recreation (Indoor Soccer)



**Image 7: RPC3 Playground**



**Image 8: Ablution blocks with additional lighting**

## RPC3 Change of Use

With the continuation of large numbers of positive Refugee Status Determinations, the population is gradually decreasing at the Nauru Regional Processing Centre. This has provided greater dispersion of transferees amongst the vacant accommodation.

The department has commenced planning to reconfigure RPC3 with modular buildings for use as refugee accommodation. This undertaking is necessitated due to all usable refugee accommodation being exhausted and an inability of the Government of Nauru to provide suitable land elsewhere to construct upon.

It is proposed that Refugee Status Determinations continue whilst construction of the new accommodation progresses. Individuals who receive a positive determination will be temporarily accommodated within refitted marquee-accommodation at the Regional Processing Centre Two (RPC2) site whilst the modular buildings are constructed; however they will have all freedoms available to refugees who reside in the community.

Implementation of the proposed plan is expected to commence shortly following Government of Nauru approval, and be fully implemented by late-July 2015.

## Staff Qualifications and Training

As at 29 May 2015, the service providers in Nauru employ over 1,250 staff to provide services to the Regional Processing Centre.

All service provider staff are required to be appropriately skilled, trained and qualified to provide the services. They are to possess all relevant industry body, supplier, manufacturer accreditation or scheme memberships and professional association membership. In addition, they are to be authorised, registered or licensed in accordance with any applicable regulatory requirements.

All staff undergo induction, orientation and ongoing training that complies with the requirements of the contract with the Department.

There are also formal capacity building training programmes for locally engaged staff that deliver globally recognised qualifications. For example, a group of 16 Nauruan staff have recently graduated with a Certificate III in Hospitality.

## Security

Security services are provided by Wilson Security (Wilson) under contract to Transfield. Wilson engages appropriately licensed sub-contracted providers in Nauru to supplement the fly-in fly-out workforce, employing significant numbers of local Nauruans.

Concerns were raised by *Mr Tobias Gunn* in relation to the stationing of guards in proximity to ablution blocks. A number of female security officers are employed and support the requirement for only female officers to patrol the RPC3 ablution areas. In addition, nightshift personnel are required to be accompanied at all times.

Management of security personnel and response to allegations are a matter for Wilson. Where necessary and appropriate, the Department has sought relevant information from Wilson via Transfield, so as to assure the appropriate handling of incidents. As aforementioned, a new guideline will take effect from 1 July 2015 for all service providers, providing greater clarity on incident reporting including escalation, especially in relation to physical and sexual assault for adults and minors.

The Department also conducted an extensive review of governance and operational meetings. To address the issues raised around safety and security, a new Joint Security meeting has been established. As a result, there is now a permanent presence of two Nauru Police Force officers in the centre.