



Justice and Immigration

**Sophie Dunstone – Secretary**

**Legal and Constitutional Affairs Committee**

Australian Parliament House, Canberra 2600

15 June 2020

Dear Ms Dunstone

**Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020**

I refer to your letter dated 19 May and thank you for the invitation for Serco Asia Pacific to make a submission to the inquiry into the above Bill.

Serco welcomes the Bill and this inquiry on the presumption that it will help inform the level of debate on what is a serious issue for the health and safety of detainees and Serco staff.

Serco Australia has provided onshore immigration detention services to the Department of Home Affairs, formerly the Department of Immigration and Border Protection (DIBP) since 2009. Throughout this time we have been engaging on issues around health and safety in immigration detention centres for both our staff and detainees. We provide our services in alignment with the government's priorities around national security and the safety of the Australian community.

Serco is strongly committed to providing a safe and secure environment for the people in our care; staff and visitors. The Bill will allow prohibited items to be seized if they are being used for criminal activity or because they are putting at risk the health, safety or security of persons in the immigration detention facility. In this context, Serco supports the move to establish a legislative framework to support the internal operations of the immigration detention network.

While there are many examples of health and safety breaches in immigration detention, these are not included here for the protection of our staff and operational procedures. However, I believe this information would greatly assist the committee and can provide it separately. I am also happy to engage further with the committee at any time.

I look forward to the Committee's consideration of this submission, and the arguments in favour of providing a legislative framework with regards to health and safety of all detainees and Serco staff.

Yours sincerely

Michael Strickland

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**Executive Summary**

Serco has provided immigration detention services to the Australian Government since 2009. Throughout this time we have been engaging on issues around health and safety in immigration detention centres for both our staff and detainees.

Serco is strongly committed to providing a safe and secure environment for the people in our care; staff and visitors. The Bill will allow prohibited items to be seized if they are being used for criminal activity or because they are putting at risk the health, safety or security of persons in the immigration detention facility. In this context, Serco supports the move to establish a legislative framework to support the internal operations of the immigration detention network.

There has been considerable change in the detainee cohort over this time. In just the last five years there has been a 60 per cent increase in proportion of people in detention who are categorised as high or extreme risk. A significant number of people in detention will come into our care directly from a correctional facility. With this increase there have been challenges to the good management of facilities. This legislation both reflects the changes in the immigration detention cohort and will help achieve the health and safety outcomes Serco aims to provide.

**Serco Australia's services to the Department of Home Affairs**

Serco Australia has provided onshore immigration detention services to the Department of Home Affairs, formerly the Department of Immigration and Border Protection (DIBP) since 2009. We provide our services in alignment with the government's priorities around national security and the safety of the Australian community.

Under our Immigration Detention Facilities and Detainees Services contract, we provide the following services:

- Garrison services: catering, cleaning, stores management, environmental services and workplace health and safety;
- Facilities management: management and maintenance of assets, pest control and grounds maintenance;
- Security services: entry control, facility security, incident management and emergency response;
- Transport and escort services: local, domestic and international transfers, movements and charters;
- Welfare and engagement services: communications and complaints management, visitor management, programs and activities, reception, induction, transfer, accommodation and discharge, individual management plans and managing detainee property; and
- Business services: contract management and reporting.

Serco has delivered a range of continuous improvement initiatives over the life of the contract both as a value-add for our customer(s) and in response to the changing detainee cohort and Government policy framework. We have adapted our service offering to enhance our operational capabilities, intelligence gathering, risk management and resource mobility. We have also

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introduced various services such as vocational training, English language and other educational resources, health and wellbeing activities and culturally sensitive repatriation assistance.

In delivering our services in the immigration detention network we employ approximately 2250 people across Australia.

### **Change in cohort**

Immigration detention facilities now accommodate an increasing number of higher risk detainees awaiting repatriation. An increasing number of these enter immigration detention directly from a correctional facility, including members of outlaw motorcycle gangs and other organised crime groups.

Approximately 14 per cent of people in detention were categorised as high or extreme risk in January 2015, today 74 per cent per cent of the detainee population are categorised as high or extreme-risk individuals (April 2020). A significant number of the detention population have been transferred from a correctional facility.

In addition, there is a population of illegal maritime arrivals (27 per cent). This cohort also includes individuals with criminal histories or other security concerns which the Department of Home Affairs have identified, sufficient to exclude them from eligibility for placement in the community.

Serco acknowledges that if enacted, this Bill will apply to all detainees, not just high-risk individuals. It is Serco's position based on the evidence that this is appropriate. The rate of contraband incidents, including weapons, illicit drugs and other banned or illegal items has more than double the rates observed in 2015. These incidents have involved persons of all risk categorisations from low to extreme. On balance we believe that this Bill, if enacted, will have a net improved benefit for the health and safety of all detainees and staff.

### **Health and Safety of detainees**

Specific vulnerabilities for detainees continued to be a focus for Serco Welfare and Engagement. For example, in 2019 Serco promoted an integrated and practical approach to the identification of detainees who may be at risk. We do this along with a referral process for professional assessment (where appropriate), and ensure detainees are monitored and supported appropriately. This is achieved through mechanisms such as the Individual Management Placement Review Committee (IMPRC) and the National Complex Case Review forum.

These activities are undertaken to help manage the overall health and welfare of detainees but are subject to disruption where items subject to seizure under the Bill are utilized to undermine programs for overall health and management, and vulnerable individual detainees.

### **Health and safety of staff**

A more recent development of concern to Serco is the ongoing threats to staff. Some detainees have taken to collecting large amounts of information about staff and clients and broadcast it across the various social media platforms, which can result in intimidation tactics by detainees on staff.

In some cases, staff member families have been targeted and subjected to on-going harassment.

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Staff morale continues to be negatively impacted by this and to address it, we continuously monitor welfare and conduct welfare checks on an as required basis to keep a check on the health of our team. We expect that this problem will not only continue but increase without abatement if the Bill is not successful.

In 2019 Serco received four Workers Compensation claims and had 60 reports as a result of this kind of behaviour. There have to date been several matters before Victorian and New South Wales State Courts where detainees and Serco staff are parties to applications for Intervention Orders that go, in part, to the posting of prejudicial and often slanderous material on social media websites via mobile phones.

### **Standards**

Individual Serco staff, and our company as a whole are required to meet and exceed a range of procedural and management standards. The Bill will not reduce any of these exacting levels which are ultimately overseen by both state and federal law enforcement. Some of these standards include:

- Serco employees working in immigration detention are bound by the APS code of conduct and Serco's own code of conduct.
- Serco is required to handle records and documents in accordance with the Archives Act 1983 (Cth) as though Serco was a Commonwealth body. All records produced by Serco pursuant to the deliver of services under its contract(s) with the Commonwealth become, upon their creation, and continue to be in perpetuity, Commonwealth records.
- The contract(s) between Serco and the Commonwealth contain significant performance management mechanisms for any shortfalls in practice or process, ranging from financial abatement to potential loss of contract.
- The Commonwealth Ombudsman, Australian Human Rights Commission, United National High Commission for Refugees and other statutory bodies regularly and continuously assess, scrutinise and investigate operations generally and in response to alleged incidents. Serco is required to fully cooperate with those agencies in those matters.

Beyond this, during 2019 Serco received 382 unique information requests from external scrutiny stakeholders, this represents an 84 per cent increase on 2018.

These reports and other instruments informed all applicable stakeholders of emerging issues, trends and risks of concern, allowing targeted and proactive measures to be taken where appropriate. This approach provided strengthened security and safety within the detention environment.

The production of these 313 Intelligence Reports covered information including:

- the misuse of mobile phones;
- supply and procurement of contraband;
- escape indicators;
- criminal activity;

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- cohort analysis;
- key leadership figures; and
- planned protests.

**Conclusion**

Serco Australia supports the appropriate safeguards to achieve health and safety for both detainees and staff in the immigration detention network. This Bill, based on the relevant harm that is currently being imposed on staff and other detainees, is proportionate and provides an appropriate contextual response which minimises the overall impact upon all human rights. Thank you for the opportunity to make this submission.