



12 August 2011

Committee Secretary
Joint Select Committee on Australia's Immigration Detention Network
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

By email: immigration.detention@aph.gov.au

Dear Sir/Madam

United Voice submission to the Joint Select Committee on Australia's Immigration Detention Network

We refer to the above and enclose United Voice's submission to the Joint Select Committee on Australia's Immigration Detention Network.

We do not require our submission to be kept confidential.

United Voice has asked two of its elected delegates employed by Serco Australia Pty Ltd to consider making themselves available to give evidence before the Committee should the Committee see fit to receive evidence. These delegates, who have representative responsibilities under the registered rules of United Voice (which rules are certified under the *Fair Work (Registered Organisations) Act 2009*), have assisted in the preparation of the attached submission. Should the Committee see fit, we will confirm their names, contact details and availability, as required.

We thank the Committee for considering our submission.

Yours faithfully

David McElrea
NATIONAL OFFICE DIRECTOR



Submission to Joint Select Committee into Australia's Immigration Detention Network

12 August 2011

This submission has been prepared by United Voice National Office on behalf of United Voice members and branches across Australia.

Authorised by Louise Tarrant, National Secretary,
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1. Executive Summary

In many ways, the experiences and conditions of workers within the immigration detention network mirror those experienced by asylum seekers. Employees are faced with a work environment which is often unsafe. They experience impediments such as a lack of training and understaffing which prevent them from performing their jobs to the best of their abilities. These same conditions have the potential to impact on the health, safety and well-being of asylum seekers in detention. Moreover, immigration detention network employees are subject to public scrutiny and vilification for the work they do from both sides of the political spectrum. Despite being on the front-line of the Government's immigration detention system, they receive limited support from both their employer Serco Australia Pty Ltd (Serco) - contracted to run the centres - and the Department of Immigration and Citizenship (DIAC). At the same time, workers are severely restricted in their ability to speak publicly about their experiences within the immigration detention network, due to the strict confidentiality agreement entered into between the Federal Government and Serco. Serco in turn imposes confidentiality restrictions on its employees. United Voice believes that this lack of transparency is detrimental to the overall well-being of both workers and asylum seekers within the immigration detention network.

This submission will explore the issues that confront immigration detention network employees and will present their own experiences in their own words. The issues covered include:

- occupational health and safety within detention centres;
- asylum seeker health, safety and well-being;
- training and understaffing within centres;
- incidents and incident reporting;
- the impact of length of detention on asylum seekers and workers; and
- the role of Serco management and the Federal Government in managing the immigration detention network.

We urge the Committee to further investigate the issues raised here and we have made some recommendations to this effect. The most important of these relates to the establishment of a genuine space for employee consultation within immigration detention centres. We believe that many of the specific problems confronting the immigration detention network at the operational level – including elevated rates of self-harm and other incidents – can be prevented through greater consultation of those who have the most direct engagement with asylum seekers on a daily basis.

Many of our recommendations also relate specifically to training and staffing levels. We believe that adequate training and staffing levels are essential for the provision of a safe working environment for detention network employees and for ensuring that the overall well-being of asylum seekers is being looked after. While we acknowledge that Serco has made efforts in recent times to improve the provision of training in a number of centres, many of our members consider their training to be inadequate or inappropriate. We also feel that this is an area where greater Government oversight is needed, to ensure that all employees have up-to-date training appropriate to their work environment. Additionally, many workers feel that staff-to-client ratios should be mandated by the Government in an open and transparent way in order to minimise the risk of danger or harm arising from situations of understaffing.

STOP PRESS

This report was drafted in advance of the release of the Comcare report into occupational health and safety in the immigration detention centre system, released to ABC Lateline on 11 August 2011. As at the date of submission, United Voice has not had the opportunity to view the Comcare report. However, based on media reports it appears to support many of the statements contained in this submission including :

- *lack of a risk management process*
- *issue with staff numbers*
- *lack of training for staff*
- *lack of written plan to deal with crisis issues.*

These were all areas identified by staff in this submission prepared prior to the report being released.

1.1 Summary of Recommendations

United Voice Recommendation 1:

Respect for the experience and work of staff through the establishment of properly functioning union and workplace committees.

United Voice Recommendation 2:

Improved risk management procedures, including the incorporation of risk management into employee training.

United Voice Recommendation 3:

That Comcare be requested by the Committee to undertake an immediate audit of occupational health and safety at immigration detention centres and that the results be published. That in the event that occupational health and safety is found to be inadequate that Comcare is requested to enforce occupational health and safety compliance.

United Voice Recommendation 4:

Safety and planning checks to ensure facilities are adequate and maintenance is sufficient, especially prior to the opening of a new centre.

United Voice Recommendation 5:

That, as the owners of the sites, DIAC be required to report annually on their compliance with occupational health and safety requirements.

United Voice Recommendation 6:

A standard induction and training programme needs to be developed and implemented with oversight from DIAC and regular workplace committee meetings.

United Voice Recommendation 7:

Training programmes tailored according to the needs of each facility. Training needs to be assessed through regular workplace committee meetings.

United Voice Recommendation 8:

Improve content and deployment guidelines for particular training modules, including cultural awareness training and the appropriate use of control and restraint training.

United Voice Recommendation 9:

The Committee should investigate appropriate minimum staff-to-client ratios in different types of centres to ensure that safety and well-being of staff and detainees is upheld. Consideration should be given to including these ratios within legislation or at least within the publicly disclosed contract between the Federal Government and its contractor.

United Voice Recommendation 10:

Improved procedures for dealing with detainees who have had a negative assessment, including providing immediate access to counselling and a general increase in access to information about how the immigration system works.

United Voice Recommendation 11:

Counselling and assistance should be offered to all staff who have been involved in major incidents.

United Voice Recommendation 12:

Consideration should be given to extending legislative protection to detention centre officers so that assaults against them are considered a particularly serious class of assault, such as exists for police and correctional officers. See for example Part 3 Division 8A of the Crimes Act 1900 (NSW).

United Voice Recommendation 13:

Improved transparency within incident reporting systems, including the improvement of response times and resolutions by both Serco and DIAC.

United Voice Recommendation 14:

Whistleblower protections to be afforded to employees within the immigration detention network when reporting incidents and concerns which are relevant to the public interest.

United Voice Recommendation 15:

Faster transition of detainees through the network and the removal of people from IDCs to community facilities where possible.

United Voice Recommendation 16:

Improved consultation of workers by Serco management and DIAC, including the resolution of issues via workplace committees.

United Voice Recommendation 17:

Greater transparency regarding the contractual obligations entered into by the Government and the contractor, with the Government playing a more active role in establishing and monitoring minimum standards and conditions within the Immigration Detention Network.

2. Introduction

2.1 Introducing United Voice

On March 1st 2011, LHMU became United Voice. National Secretary, Louise Tarrant, described this change in a speech to the National Press Club:

In becoming United Voice we are breaking with the Australian union movement's traditional description of itself solely by reference to the jobs and work of its members. And in doing so we are embracing a broader role as a community advocate for an alternative economic agenda. We are the first union in Australia to take this step, so today really does mark an historic new chapter for United Voice.

Of course, this does not mean we will stop campaigning in workplaces, organising workers and representing our members. That has always been the core work of unions and it will continue to be so. But it does mean that our work will become increasingly relevant to many Australians who might not be members of our union or engaged with the union movement at all.¹

2.2 United Voice Coverage

United Voice is a union with over 120,000 members in every State and Territory in Australia. Members work across a range of industries including cleaning, security, hospitality and gaming health and aged care, education, childcare and manufacturing.

The rules of United Voice gives the union coverage of employees engaged in the frontline operations of immigration detention centres, including Client Service Officers (CSOs), Client Support Workers (CSWs), cooks and cleaners.² Our membership extends to all the immigration detention network facilities across Australia with the exception of workers employed by Serco on Christmas Island, who have their own union, the Union of Christmas Island Workers (UCIW). However, many of our members have the opportunity to go on secondment to Christmas Island during the year, during which time they remain under our coverage. United Voice has a close working relationship with the UCIW.

Approximately 80% of employees of Serco engaged in immigration detention centres and eligible to be members of United Voice are members of the union.

United Voice and UCIW are currently engaged in enterprise bargaining negotiations with Serco, the immigration detention network contract holder. Through this process we hope to facilitate greater outcomes for workers within the immigration detention network, particularly with regard to training and occupational health and safety standards.

¹ Louise Tarrant, "Working – It's a risky business", speech to the National Press Club, March 1 2011, available at <http://unitedvoice.org.au/news/working-its-a-risky-business>

² Rule 4 Part 26 Rules of United Voice available at <http://www.e-airc.gov.au/108v/rules>

2.3 About this Submission

This submission is informed by a series of interviews conducted with United Voice members and officials working within the Immigration Detention Network across Australia. We have also received informal reports from members relating to specific issues and concerns raised by the Committee. Given the strict confidentiality required of employees within detention centres, we have had to be careful in presenting the evidence provided to us by our members, many of whom fear reprisals for their involvement in this process. Despite the importance of their evidence, and their desire to bring their concerns to the Committee's attention, few of our members wished to be identified by name in this submission. Nevertheless, United Voice believes that the voice of the Immigration Detention Network workforce deserves a place within Australia's immigration debate. We feel that the concerns and experiences of these employees, although often unheard or misrepresented within the debate, provide a unique insight into the operational culture of immigration detention centres.

Given the extensive terms of reference for this Joint Select Committee, we have chosen to confine our submission to the issues that relate to our members' direct experience on the operational front-line of the immigration detention network. Accordingly, we will not be addressing a number of the terms of reference of the Committee, including those that relate to the cost of immigration detention or the processing of irregular maritime arrivals. Despite this, we feel that in presenting the concerns and experiences of the immigration detention network workforce we have been able to reflect on the broader issues relating to asylum seeker welfare raised in the Committee's terms of reference.

3. Workforce Profile

3.1 Overview

Detention centre workers are employed in a variety of roles across 18 different immigration detention facilities in all states and territories except Tasmania (where Pontville IDC is still under construction) and the ACT. These facilities include Immigration Detention Centres (IDCs), Alternative Places of Detention (APODs), Immigration Transit Accommodation (ITA) and Immigration Residential Housing (IRH). The most recent figures provided to United Voice by the detention network contractor, Serco, indicate that there are 2,300 workers employed by Serco in the sector. However, these figures change regularly due to the fluctuating number of detainees across the network. Serco's figure also does not include workers employed by subcontractors. Workers' roles across the sector vary from security and escort roles to client support and welfare. Detention centres also employ cleaners and kitchen staff. For the purposes of this submission, we will be focussing on the two main occupational categories covered by United Voice within the immigration detention network, Client Service Officers (CSOs) and Client Support Workers (CSWs), who together are responsible for day-to-day interaction with and care of asylum seekers in detention. Both CSOs and CSWs are responsible for monitoring detainee well-being, escorting detainees on medical visits and supervising excursions and activities.

3.2 Occupational background, staffing levels and turnover

CSOs and CSWs come into the immigration detention network from a variety of occupational backgrounds; the most common of these are corrective services and security, but others have an employment background in defence, social work, education and mental health. When asked what the best thing is about their current job, detention centre workers gave a variety of responses which ranged from opportunities to meet new people and interact with clients and staff, to the variety of work, the travel opportunities offered by secondments and escorts, and the fact that it is not a desk job. All the members interviewed for this submission were focussed on providing the best conditions for people in detention and were empathetic to the situations that their clients face.

Despite this, CSOs and CSWs face a number of challenges as employees on the front-line of the immigration detention network. These challenges range from the pressures associated with the work to serious Occupational Health and Safety (OH&S) concerns. Many also reported feeling vilified by other members of the community and the media for the work that they do. While most of the members who were interviewed for this submission have been in the sector for a number of years, turnover is a significant problem amongst the workforce. Reports from the Northern Immigration Detention Centre (IDC) in Darwin indicate that the average length of tenure of a CSO there is about 12 to 18 months. From amongst the first intake of workers to the Inverbrackie Alternative Place of Detention (APOD) in December 2010, a third had left within the first six months. Reasons given for the high turnover rate in the sector included: the working conditions experienced in detention centres, issues relating to adequate remuneration, problems with the way Serco management treats people, high workloads and understaffing, feeling under stress and feeling like their skills are not being adequately utilised.

The amount of stress and pressure experienced by staff is partially related to the ratio of staff-to-clients within centres and appears to increase in proportion to the size of the centre. Employees in

larger centres such as Christmas Island, Northern IDC, Inverbrackie and Villawood report major understaffing issues on a daily basis. Casualisation amongst the workforce is also dependent on the centre, with Villawood in particular reporting very high levels of casual employment, including serving members of the NSW police force who take second jobs as casual employees in the centre.

3.3 Subcontracting

Serco has contracted out security operations such as perimeter control in centres across the country, with the contract going to companies such as Wilsons and MSS Security. For the most part, these contract workers are used exclusively for security purposes and do not engage with detainees. The exception to this relates to a number of reports that contractor staff are being used on escorts due to an insufficient supply of CSOs. A number of recent media reports have indicated that contract security staff have been used to handle detainees inside detention centres at some locations.³ Members sent on recent secondments to Christmas Island confirm this, saying that MSS Security guards were being deployed in all areas of the IDC at North West Point, including as escorts for interviews and activities. The Serco-employed officers at the centre reportedly manage the situation by providing the MSS guards on-the-job training in order to prevent serious incidents from arising. However, the use of untrained subcontractor staff inside detention centres creates unnecessary risks for both staff and detainees. In July this year, MSS Security guard, Kieran Webb committed suicide after having been deployed in a cut-down of a detainee who had hanged himself at Curtin detention centre – a role for which he was not employed or trained to handle.⁴

3.4 Secondments

The opportunity for secondment to other places such as Darwin, Christmas Island and Scherger is widely recognised as a benefit for employees in immigration detention centres, due to the higher rates of remuneration awarded for secondments. These centres frequently receive staff from detention centres across the country for secondment periods that usually last up to 10 weeks. Members at Northern IDC in Darwin report that the centre is currently hosting a number of Serco employees from Tasmania as part of their training for work in the new detention facility at Pontville. Despite general support amongst the workforce, secondments raise attendant problems, not least of which relate to constant reports of incorrect payment by Serco management. In addition, while secondments have been used to fill staff shortages in remote areas they have had the additional side-effect of creating staff shortages elsewhere. This is particularly the case at Villawood, where secondments have been blamed for massive understaffing and delays in providing training.

³ Paige Taylor, 'Detention toll too much for centre guard,' *The Australian*, July 11 2011
<http://www.theaustralian.com.au/national-affairs/detention-toll-too-much-for-centre-guard/story-fn59niix-1226091921645>

⁴ Karlis Salna, "'Living hell hole" still taking a toll,' *Sydney Morning Herald*, July 12 2011
<http://news.smh.com.au/breaking-news-world/living-hell-hole-still-taking-a-toll-20110712-1hbpg.html> Paige Taylor, 'Detention misery cuts both ways on Christmas Island,' *The Australian*, July 13 2011
<http://www.theaustralian.com.au/news/features/detention-misery-cuts-both-ways-on-christmas-island/story-e6frg6z6-1226093376728>

4. Workforce Issues

United Voice members in the Immigration Detention Network have raised concerns about their employment conditions across the network in relation to: Occupational Health and Safety (OH&S), inadequate training, understaffing, dangers associated with the job, and the role currently played by Serco management and DIAC. The balance of our submission will expand on these issues in greater detail, focussing in particular on the health, safety and well-being of both staff and asylum seekers in detention.

4.1 Health, Safety and Well-being of Asylum Seekers in Detention

Immigration detention network employees are on the whole compassionate towards asylum seekers and detainees and their main interest in performing their duties is to provide the care and compassion needed to make detention a safe and comfortable environment for detainees. Despite this, many staff members complain about an inability to adequately perform their duties to the best of their ability as a result of the employment conditions within detention centres. These employment conditions also have a direct impact on the health, safety and well-being of asylum seekers while in detention.

Many of the issues that confront staff within the immigration detention network have a direct impact on the health and safety of asylum seekers. This is particularly the case with understaffing and inadequate training. However, one of the most egregious consequences of understaffing is a lack of opportunity for staff to engage with clients, which leads to an overall decline in well-being and morale amongst detainees. Some workers report being drawn into the immigration detention network based on the promise that they would be able to engage in activities with detainees on a daily basis. This was particularly the case with the recent opening of Inverbrackie, where the environment of the facility provides ample opportunity for detainees to engage in recreational activities such as volleyball. However, a recent management edict ordered staff to minimise engagement with detainees. Inverbrackie staff have found this directive baffling and upsetting. Yet even aside from this directive, chronic staff shortages have left the staff at Inverbrackie feeling constantly overworked and without time for genuine engagement with the detainee families at the facility.

At the same facility, staff also expressed a desire for input into the day-to-day management of detainee welfare, particularly in relation to housing arrangements. They felt that their on-the-ground knowledge could help to allay tensions arising between different families within the facility, but that their input was rarely accepted or facilitated by the centre management. As one member commented:

Staff are told that they're not allowed to intervene, but it leads to fights between the families. You can watch the tensions rise, you can see the families drawing lines in the sand. The management should be using the operational knowledge of the staff to help with this.⁵

⁵ Interview with Witness D, 2nd August, 2011.

At other centres across the country, staff have expressed similar frustrations regarding a lack of consultation and consideration by Serco management of staff knowledge in relation to detainee welfare, as well as health and safety risks. As the front-line operational staff, CSOs and CSWs have a greater capacity for personalised knowledge which can be utilised to prevent distressing incidents from developing.

4.1.1 Staff versus Detainee Culture

While most members wanted to talk about the structural and managerial issues that led to these frustrations within their work, it is clear both from media reports and individual conversations that the conditions of work experienced in the immigration detention network creates a staff versus detainee dichotomy which is hard to reconcile with the compassionate statements made by staff at other times. Many members have spoken about feeling like being treated as second-class citizens – that all effort and attention is focussed on providing for asylum seekers, while staff welfare is considered unimportant. At the same time, detention centre workers feel unjustly associated with the public negativity surrounding the system of immigration detention itself. They feel scrutinised within public debate as perpetrators of detention, while the care and consideration that they put into helping detainees is not acknowledged. At times, this culture can spill out into outward expressions of racism, which has recently led to concerns raised by the Australian Human Rights Commission.⁶ United Voice firmly believes that the detention centre workforce should be accorded respect for the difficult work that they undertake and that this respect needs to be shown through the provision of adequate OH&S standards in detention centres, including adequate facilities, training and staffing levels as well as improved consultation with staff in the management of detainees. We believe that this is also the best way to combat a negative ‘us versus them’ culture within detention centres and will aid in the removal of any hint of racism from the network.

RECOMMENDATION 1: Respect for the experience and work of staff through the establishment of properly functioning union and workplace committees.

4.2 Occupational Health and Safety

OH&S is a widespread concern amongst employees across the network. Their concerns range from a lack of access to adequate facilities, to unsafe work environments, to associated risks with dealing with detainees. This last is particularly compounded by understaffing in most centres. Workers widely report that OH&S issues within detention centres pose a significant safety risk to clients as well as staff.

United Voice believes that inadequate OH&S provision within the immigration detention network is the cause of many preventable incidents that place both staff and detainees at risk every day. We are seriously concerned about the risks that staff are being exposed to on a daily basis particularly due to inadequate training and staffing levels. Yet we also believe that by looking at the OH&S concerns that staff confront every day it is possible to see how employment conditions within the immigration detention network directly impact on asylum seeker well-being. The committee needs

⁶ Australian Human Rights Commission, *2010 Immigration Detention on Christmas Island*, pp. 46-47: http://www.hreoc.gov.au/human_rights/immigration/idc2010_christmas_island.html

to consider to what extent OH&S concerns impact on the ability of Serco, as the immigration detention network contractor, to adequately fulfil their duty of care to staff and detainees.

OH&S concerns within detention centres can broadly be divided into two categories:

- i. conditions over which the contractor has direct control; and
- ii. risks associated with the job which could be addressed at the level of Government policy.

4.2.1 Failure to Manage OH&S Risks

The two major issues that relate directly to the contractor are training and understaffing, both of which will be dealt with in more detail later in this submission. While Serco is contractually required to provide ongoing training to its staff, members across the immigration detention network consistently report that training is inadequate, less than promised and often rescheduled or cancelled at the last minute. Employees are consequently often placed in unsafe situations which could be mitigated through better training. United Voice is currently working with Serco through the enterprise bargaining process to improve this situation. Understaffing is also an insidious problem that impacts on the safety of workers within detention centres. While a centre can start out with what seems like a full complement of workers at the start of the day, numbers are very quickly reduced to unsafe levels due to the natural daily ebb and flow of the workplace with such things as hospital visits and escorts taking staff out of the centres. Understaffing also leads to overtime hours, excessive workloads and the deployment of untrained security contractors. Members report excessive stress levels amongst their colleagues across the network.

At the same time, CSOs and CSWs are by nature of their jobs exposed to the same risks that affect asylum seekers in detention. They are required to deal with deaths in custody, frequent suicide attempts, incidents of self-harm, hunger strikes, riots and escapes. As over-crowding and extended detention times for asylum seekers persist, detention centres have increasingly become volatile places. One staff member who had previously worked in corrective services expressed the opinion that the work of officers in detention centres is far more dangerous than in the prison environment because of chronic shortages of staff and a lack of genuine knowledge about individual detainees and how to engage with them. Staff report receiving threats to their personal safety from clients. They are also exposed to other health risks, including one report at the Inverbrackie APOD of exposure to blood during an incident where a detainee smashed his head through a window. This particular case resulted in lengthy medical tests for the staff member, and the contractor reportedly refused to cover these medical bills. This same employee reported a lack of knowledge of blood protocols and no access to uniforms, both of which would have helped prevent the risk of exposure.

RECOMMENDATION 2: Improved risk management procedures, including the incorporation of risk management into employee training.

4.2.2 Conditions within Detention Facilities

Most staff members attribute these heightened risks within their jobs to increasing frustration amongst the detention centre population due to decisions being made by DIAC regarding asylum seekers. Many employees feel that the length of detention is directly related to increased risks of fighting, rioting and deteriorating mental health amongst detainees, all of which place strain on an

already overburdened workforce. Additionally, the quality of amenities and housing within detention centre facilities themselves have a direct impact on OH&S. Lack of adequate facilities in Darwin led to overcrowding earlier this year, which in turn became the impetus for major riots and escapes. A Comcare report into Villawood IDC in March this year raised serious concerns about the adequacy of the facility, particularly in relation to the removal of violent detainees from Christmas Island to the Villawood facility. Comcare reported broken and missing video cameras, a lack of hazard assessment within the facility and a lack of adequate information, instruction and training of employees in the centre 'regarding the risks associated with the relocation and arrival of the Christmas Island detainees at the Villawood IDF.'⁷ United Voice understands that DIAC has responded to Comcare's concerns; however, the role of the Government agency in ensuring a safe environment within detention centres needs to be highlighted. Facilities are not only an issue for workers, but at times have also impinged on the rights of asylum seekers. One particular report from Christmas Island suggested that air conditioning in a dormitory of up to 18 men went unfixed for over a week in the middle of summer, while repairs to refrigerators often did not happen until all the food inside had spoiled.

RECOMMENDATION 3: That Comcare be requested by the Committee to undertake an immediate audit of occupational health and safety at immigration detention centres and that the results be published. That in the event that occupational health and safety is found to be inadequate that Comcare is requested to enforce occupational health and safety compliance.

4.2.3 Inverbrackie APOD Case Study

While OH&S concerns are widespread across the detention network, the Inverbrackie site provides a useful case-study of the circumstances which we wish to draw to the Committee's attention. Inverbrackie is a former defence site located in the Adelaide Hills, which once provided housing for defence personnel and their families. In late 2010, Inverbrackie was commissioned as the site of an Alternative Place of Detention (APOD) and opened in December of that year. Reports from union members and officials involved with the site indicate that the planning and management of the facility in these early days exposed the staff to significant OH&S risks. Inverbrackie had the particular problem of a complete lack of facilities for staff when it was first opened. This included basic things like a lunch room, toilet blocks and changing rooms for staff. Staff were expected to share one three-bedroom house with one toilet, one bathroom and one kitchen between 45 to 50 staff. Extensive representations to the company by the union resulted in the instalment of a lunchroom and changing rooms in May and June of this year – six months after the opening of the centre. However, almost immediately half of the lunch room was commandeered by management as office space. Employees at Inverbrackie felt they were being treated as second-class citizens by DIAC, who are responsible for the facilities at the detention centres.

Staff at the Inverbrackie site expanded on a number of these issues. The lack of toilets in particular was a source of anger and frustration. In the early days, when there was only one toilet for over 40

⁷ Tabled Document: *Comcare Improvement Notice, April 1, 2011*, Senate Education, Employment and Workplace Relations Committee Budget Estimates 2011-12, June 1, 2011.

staff on shift, stomach bugs were common because it was simply impossible to maintain basic sanitation – ‘once one got it, everyone got it.’ Toilets remain an issue, despite four more being installed on site, as there were no toilets installed in the vicinity of the lunch room. The lunch room itself has been dubbed by staff the “lunchbox” because it is so small. Until recently, rain poured in the front of the lunch room because of inadequate construction. In addition, staff at Inverbrackie report an overall lack of maintenance on the site, which poses a risk to both staff and detainees. They had to lobby hard for the installation of concrete paving, and a large ditch on the site led to the injury of at least one worker, who had to take out a Workcover claim. Street lighting on the site is poor and staff on night watch are not issued with torches. Another member said that there had been a lot of concern amongst staff about the possibility of an outbreak of Legionnaires disease due to the poor maintenance of facilities on site.

In addition to these issues with maintenance and facilities, Inverbrackie staff suffer from the same excessive workloads felt across the detention network. These workloads are largely the result of inadequate staffing of the centre. Unlike other centres, however, Inverbrackie staff report being unable to take breaks during their 12 hour shift, including lunch breaks which are often pushed back to late afternoon despite the fact that shifts start at 6am. Staff who are required to accompany detainees on hospital visits are not allowed to leave until they are relieved by staff from the next shift. This has sometimes led to excessive overtime. One member reported a recent shift lasting for over 15 hours in this manner. Long shifts place strain on detention employees, with one report of an employee getting into a car accident immediately after a particularly long shift. Finally, the specific environment of Inverbrackie has been the cause of OH&S concerns. Many of the older workers on the site find the requirement to walk around the 80 hectares of the site without breaks difficult. One worker was hospitalised due to significant dehydration after working a 12 hour shift in the hot sun without adequate access to water on site. It is understood that they were promised access to a mode of transportation around the site prior to the facility being opened, which has not yet been provided.

Members at the Inverbrackie site claim that the OH&S manager employed by Serco has never visited the site in the time since its opening. The case of Inverbrackie highlights the need for careful planning and safety checks of detention centre sites prior to opening.

RECOMMENDATION 4: Safety and planning checks to ensure facilities are adequate and maintenance is sufficient, especially prior to the opening of a new centre.

RECOMMENDATION 5: That, as the owners of the sites, DIAC be required to report annually on their compliance with occupational health and safety requirements.

4.3 Training

Staff at different detention centres report an overall lack of training provided by the contract holder, Serco. Many also believe that the types of training which they do have access to are inappropriate to their particular work environments.

Serco is contractually required by the federal Government to provide training for employees, covering 'regular cultural awareness, mental health awareness, human rights and human interaction training' in a manner which is 'based on the training needs' of the facility and 'is relevant to the roles of Service Provider Personnel.'⁸ This training is intended to occur before employees begin work. In addition to this, Serco is required to incorporate rolling training programmes into duty rosters and to provide refresher training at least once every two years in security awareness, first aid, mental health awareness, suicide awareness, use of force and use of restraints.

Despite this, training has consistently been a haphazard affair for most Serco employees. Members who were recruited under previous service providers, such as GSL, recalled undertaking what seemed like a relatively exhaustive six week training programme that covered many of the requirements detailed above. Since Serco took over the contract, however, this six weeks of training has been reduced to four or even two weeks for new recruits, with up to a week of this being taken up by 'shadowing' – on-the-job training by other staff members. The first intake of staff at Inverbrackie reported that they were promised four weeks of training before starting, but delays in the process ensured that workers eventually started the job without having completed the course. Members sent on secondment to Christmas Island report not being given induction training on arrival at the centre, including not being told what duties they would be performing while on secondment. Additionally, these members claim that staff on secondment were not shown how to fill out essential paperwork, including personal support plans, individual management plans and behavioural management plans, which then led the company to blame staff for abatements received as a result of improper incident reporting.

The type of training offered to employees does not appear to accord with the individual work requirements of each centre. The implementation of control and restraint training is illustrative of this problem. While a number of members in IDCs felt that control and restraint tactics were necessary for their job, others who worked in smaller centres such as Brisbane ITA found the excessive emphasis on this type of training to be 'top heavy' and unnecessary for their environment. Training in control and restraint has not necessarily been coupled with training in the appropriate deployment of these tactics, with staff often having to rely on previous training from a background in corrections or security when responding to a situation. This sort of response has the potential to lead to undesirable escalations between staff and detainees. Many employees feel that there is an insufficient emphasis placed on cultural awareness training, given the nature of the job, and that this training is at least as important as control and restraint training. Some members have expressed the view that the training offered by Serco is so deficient that it is more or less a waste of time. Prior training above the Certificate II base minimum required by Serco is not recognised, meaning that higher skilled workers are neither recognised nor remunerated for those skills that they bring to the job.

Adequate training is absolutely crucial to creating a safe environment for workers and detainees in the detention network. One member expressed the opinion that the level of training was so low across the detention network that the company was actually placing people at risk by allowing them to continue to come to work every day. Other workers suggested that the lack of training in certain areas – such as procedures around disputes and grievances – was more insidious, since employees'

⁸ Immigration Detention Centre Contract, Section 2.2.3 – Business Services and Continuous Improvement, (Public Release Version), pp. 8-9

lack of knowledge of these policies allowed the company to delay investigations. United Voice accepts that senior Serco management has become more aware of these issues in recent times and has made significant efforts to improve the level of training across the network. We are also working closely with the company to develop training plans and schedules appropriate to individual sites. At the same time, the level of training of detention centre employees is a significant safety issue. It is for this reason that an argument can be made for the need for greater Government oversight within this arena.

RECOMMENDATION 6: A standard induction and training programme needs to be developed and implemented with oversight from DIAC and regular workplace committee meetings.

RECOMMENDATION 7: Training programmes tailored according to the needs of each facility. Training needs to be assessed through regular workplace committee meetings.

RECOMMENDATION 8: Improve content and deployment guidelines for particular training modules, including cultural awareness training and the appropriate use of control and restraint training.

4.4 Inadequate Staffing levels

Particularly at larger centres, understaffing has been identified as one of the core reasons behind increasingly serious and life-threatening situations emerging within detention centres which place both staff and detainees at risk on a daily basis. Improving staff levels through the imposition of mandatory ratios would tackle many of the OH&S concerns that plague the detention centre network.

Understaffing is a common problem reported by all employees interviewed for this submission. Members identified inadequate staffing levels as a contributing factor to excessive workloads and high stress-levels amongst staff. Additionally, a lack of staff has led to the emergence of dangerous situations for both staff and detainees. In particular, the ability of staff to respond to emergency situations – including episodes of self-harm, suicide attempts and aggressive detainee behaviour against members of staff and other detainees – is seriously compromised when staff are overstretched. This exposes employees to episodes of extreme stress and trauma. It is for this reason that minimum staff-to-client ratios in each centre should be seriously considered.

One employee at the Northern Immigration Detention Centre described how staffing levels can quickly decline during the ordinary operations of a detention centre on any given day:

Shifts start each day at 6am and there's always heaps of staff coming on shift. But by 8 or 9am the day starts getting into full swing – you know, with the medical appointments, interviews, escorts and contractor escorts. So quite often you are left with only one or two officers per compound. And each compound has between 100 clients up to over 200 – at the moment our largest compound has 226 clients. So you might find yourself in a compound with only one other person if you're lucky and you have to respond to anything that happens. And we enter compounds

without any basic safety precautions, without keys or radios, and that means that if you want to leave you have to have a work mate who can let you out.⁹

This evidence was corroborated by reports from members at other centres. At Inverbrackie, staff have frequently reported that the minimum requirements of staff on night-shifts – twelve employees – has been reduced by up to two-thirds due to hospital call-outs. When this was reported to the centre management nothing was done until the following day. Another officer who went on secondment to Christmas Island reported that the IDC there was operating at a ratio of one officer to 126 detainees, which was a situation that placed both staff and detainees at risk. This report was made some months after the initial riots on the island, raising concerns that Serco has not adequately prepared the site to deal with the rising tensions and frustrations within the centre. United Voice members who had been on secondment to Christmas Island spoke of feeling constantly unsafe due to the remoteness of the site which led to a lack of resourcing and a lack of public scrutiny as to what happens there. There are fears amongst workers on Christmas Island that these conditions have the potential to lead to deaths amongst workers – an opinion supported by Kaye Bernard of the Union of Christmas Island Workers.¹⁰

Most employees in detention centres are aware that Serco staffs the centres on the basis of 'banding level' ratios, where the number of employees increased incrementally according to the number of detainees at the centre. However, no one was clear on exactly what these banding levels were and how they were being applied. Some thought that administration and management staff were being included in the ratios, limiting the overall number of operational staff on the ground to look after the detainees. Others felt that the banding levels were being applied without taking into account transport and escort needs during the day, which in turn reduced the overall numbers of officers on the ground in the centres. A particular concern was raised in relation to Villawood detention centre, where management has been proposing a change to the way that staff are deployed across the different Villawood compounds. Villawood management have proposed to increase the overall number of staff, but to transform a contingent into a roaming security team, which would travel from compound to compound during the day. The implication of this is that at given times the overall number of staff at individual compounds will be reduced.

Support for mandated minimum ratios for each centre is wholehearted amongst employees across the network. Many believe that ratios should be at least in part modelled on correctional service ratios, yet there is also an acknowledgment that different sites probably require different ratios according to living arrangements and different types of clients. For instance, ratios were considered far more of a vital issue within large detention centres such as Northern IDC – where one member was suggesting that an appropriate ratio would be 1 officer for every 15 to 20 detainees – than in APOD's which mostly house families. United Voice does not feel that it has the expertise to specify the most appropriate number of clients to officers in detention centres, however we believe that ratios need to be seriously considered for the safety of both staff and detainees alike.

RECOMMENDATION 9: The Committee should investigate appropriate minimum staff-to-client ratios in different types of centres to ensure that safety and

⁹ Interview with Witness A, 3rd August 2011.

¹⁰ 'Claims Christmas Island Staff in Danger,' *ABC Online*, July 22, 2011: <http://www.abc.net.au/news/2011-07-22/malaysia-deal/2805558>

well-being of staff and detainees is upheld. Consideration should be given to including these ratios within legislation or at least within the publicly disclosed contract between the Federal Government and its contractor.

4.5 Incidents in Detention Centres

A significant concern of many staff is the day-to-day danger that they feel exposed to within detention centres. For the most part this relates to dealing with aggressive, disorderly or distressed clients. This concern is not limited to the larger IDCs, but is also felt by employees at APODs. Almost universally, workers felt that DIAC's policies and detainee's lack of understanding of those policies were to blame for elevated and unreasonable dangers associated with their work.

Recent media reports have highlighted an increase in serious incidents occurring within the detention centre network. Particular attention has been placed on incidents of self-harm and attempted and actual suicide amongst detainees. Commonwealth Ombudsman, Allan Asher, announced on July 29 that he would be conducting an investigation into suicide and self-harm rates across the network, which are said to have reached an average rate of three incidents a day.¹¹ Our survey of workers within the detention network, however, revealed that rates of incidents are likely under-reported and are not open to public scrutiny due to confidentiality requirements specified in the immigration detention centre contract. In a visit to Christmas Island in June, the Commonwealth Ombudsman found more than 30 incidents of self-harm reported in just one week. Media reporting coinciding with the Ombudsman's statements indicate that there were 1,132 incidents of actual or threatened self-harm across the network as well as six deaths in custody in the last 12 months. ABC's *Lateline* obtained internal Serco documents from Christmas Island, which 'show that on the day of June 9, there were five incidents of self-harm, two hanging attempts, four threats of self-harm and one of "suicide ideation"'.¹²

Incidents within detention centres are not confined to self-harm or suicide attempts but at times can involve acts of aggression directed at other detainees and against officers themselves. Some employees within the network expressed feeling like they are under constant attack on a daily basis without any means to make these incidents public or any support from the company for coping in the aftermath of traumatic or violent events. This is particularly the case in large IDCs such as Northern IDC and Christmas Island, where over-crowding coupled with understaffing has been a significantly problem. We have received information that Northern IDC logged 81 incident reports in one week at the end of July. At this same centre, a CSO was stabbed and seriously injured by a detainee on 3 August.

CSO and CSWs enjoy no special legislative protection in circumstances where they face assault or threats of assault from detainees. This distinguishes them from police, correctional officers, sheriffs,

¹¹ Commonwealth Ombudsman, 'Inquiry to examine suicide and self-harm in immigration detention,' media release, July 29, 2011 <http://www.ombudsman.gov.au/media-releases/show/189>. Tom Iggulden, 'Skyrocketing self-harm rates spark detention inquest,' *ABC Online*, July 28, 2011 <http://www.abc.net.au/news/2011-07-28/inquiry-into-asylum-seeker-mental-health/2815022>.

¹² Tom Iggulden, 'Skyrocketing self-harm rates spark detention inquest,' *ABC Online*, July 28, 2011 <http://www.abc.net.au/news/2011-07-28/inquiry-into-asylum-seeker-mental-health/2815022>.

bailiffs, parole officers etc whose role, on behalf of the community, is recognised in legislation which makes an assault or threatened assault against them a more serious offence than an assault against a member of the public. United Voice believes this category of assault should be extended to those who work in immigration detention centres.

Although officers are extremely reluctant to talk about specific incidents, there have been many reports of detainees reacting severely to negative assessments from DIAC. Members reported incidents of detainees smashing their heads against the wall or through glass windows and of others slashing themselves with razors. Other detainees reportedly take their frustration out on family members, other detainees, staff members or detention centre property.

The Committee will also be well aware of the more notorious incidents of rioting and hunger strikes. Rumours have circulated around various detention centres that detainees are threatening to take officers hostage. Another rumour issuing out of Northern IDC was that detainees were threatening to stage a mass-hanging at a time when it was well known that the centre would be understaffed and unable to cope with multiple incidents all at the same time. While it is unclear whether these are anything more than rumours, their existence alone is indicative of a culture of desperation within detention centres that impacts on all parties. A number of interviewees commented on their genuine pleasure when detainees finally received their visas after long months of waiting. However, it was apparent that this pleasure was greatly overshadowed by the more pervasive sense of constant stress, fear and frustration.

A number of earlier recommendations contained in this paper, in particular those relating to occupational health and safety and staff ratios, would help alleviate some of the issues regarding major incidents.

RECOMMENDATION 10: Improved procedures for dealing with detainees who have had a negative assessment, including providing immediate access to counselling and a general increase in access to information about how the immigration system works.

RECOMMENDATION 11: Counselling and assistance should be offered to all staff who have been involved in major incidents.

RECOMMENDATION 12: Consideration should be given to extending legislative protection to detention centre officers so that assaults against them are considered a particularly serious class of assault, such as exists for police and correctional officers. See for example Part 3 Division 8A of the Crimes Act 1900 (NSW).

4.5.3 Incident Reporting

The reporting of incidents is a fraught issue amongst Serco employees, as the contract entered into between Serco and DIAC precludes staff members from speaking out about their conditions and experiences of work inside the immigration detention network. At a recent Senate Estimates hearing, representatives of the Federal Government confirmed that 'under the contract, Serco are required not to allow their staff to speak to the media. If staff do or if they make inappropriate

comments, Serco need to take action against them.¹³ As a result of this contractual obligation, there have been serious allegations levelled against both Serco and DIAC about cover-ups of incidents occurring within the immigration detention network. Earlier this year, two detention centre workers were stood down for breaching the confidentiality contract and speaking out to the media about the conditions within detention centres.¹⁴ It is for this reason that our members have been reluctant coming forward in a public way for this enquiry.

At the same time, members have reported that trying to work internally within Serco's own reporting systems has often led them nowhere. We received reports of members who were assaulted while at work being handed a pamphlet for the employee counselling service and told to contact the police privately. Members on secondment at Christmas Island alleged that staff reports of potential issues were regularly ignored, including the possibility that detainees had weapons. When a detainee was subsequently stabbed, it was also alleged that the police were not contacted for fear of media scrutiny. Perhaps even more significantly, prior to the stabbing of the officer at Northern IDC on 3 August, numerous reports were made that the particular detainee had been making threats against officers and was generally known to be aggressive, yet nothing was implemented to prevent the stabbing that subsequently occurred.

Consequently, many members report feeling that incident reporting is a waste of time. Members from different centres had varying opinions as to whether incident reports were actually passed on to DIAC. Some felt that Serco actively discouraged report writing, preferring to deal with things in-house to prevent them from escalating and potentially resulting in an abatement for the company. Others argued that all incidents were logged on the internal portal which DIAC also has access to, including control room logs of code reports as well as individual security assessments and suicide watch levels. Despite this, very little resulted from reporting, and these members therefore felt that DIAC were equally responsible for a culture of silence and incident neglect within detention centres. One member argued:

We don't have a problem with being silenced, but there is a general perception that it's frowned upon if you take something too far, and staff are fearful of retribution, of maybe losing their job, or having their pay cut. There's also this culture that's emerging that there's no point in reporting incidents because nothing ever gets done, and that really needs to change.¹⁵

United Voice believes that workers inside detention centres should be afforded special whistleblower protection. The public reporting of serious incidents within the detention network is a matter of public interest which directly relates to the transparency of immigration practices within Australia as well as the ongoing safety and wellbeing of detainees and staff alike. Furthermore, Serco should respond to incidents in a timely manner, including through the provision of adequate counselling, as part of their duty of care to their own staff within the detention network.

¹³ Ms. Fiona Lynch-Magor, Legal and Constitutional Affairs Legislation Committee, Senate Estimates hearing, 24 May, 2011

¹⁴ Paige Taylor, 'Second "leaker" suspended,' *The Australian*, May 3, 2011

<http://www.theaustralian.com.au/national-affairs/second-leaker-suspended/story-fn59niix-1226048724975>

¹⁵ Interview with Witness A, 2nd August, 2011

RECOMMENDATION 13: Improved transparency within incident reporting systems, including the improvement of response times and resolutions by both Serco and DIAC.

RECOMMENDATION 14: Whistleblower protections to be afforded to employees within the immigration detention network when reporting incidents and concerns which are relevant to the public interest.

4.6 Impact of Length of Detention on the Health, Safety and Well-Being of the Detention Centre Community

Immigration detention network employees are attuned to the problems faced by asylum seekers who experience lengthy periods of detention. Length of detention also has an impact on employees. At the most basic level, detainees kept in detention for extended periods tend to become more unruly and harder to handle. Length of detention is therefore clearly linked by staff to heightened instances of aggression and violence towards staff members and other detainees, as well as increased risks of mental illness leading to episodes of self-harm and suicide attempts.

When speaking about clients who have spent a long time in detention, one employee said:

It's both the physical and mental well-being of clients that's affected. And you can see it change in the space of a week. If I go off shift and come back a week later, I will see the changes. They will have put on weight, for one thing. Because they have nothing to do but cooking and eating and watching a bit of TV. They're also agitated. And over time, good relationships change. People revert into their shells, they become introverted, they stop talking. And then some people start to be admitted into mental health institutions – some of our cases have started to get more serious, as well. The longer they're here, the more they need medication. They go to the health clinic to get drugs just to get through it.¹⁶

Another employee commented:

The type of behaviour people engage in differs depending on the person. They can become more reclusive, they stop talking, they're not their usual bubbly self. But others become aggressive, and especially you get these natural born leaders who get a group of people together to support their cause and that's when you end up with 20 people on a roof. But the quiet ones are the ones you have to watch. The loud and proud ones, you always know where they are, because you can hear them. It's the others that you have to keep a close eye on, and if you haven't seen or heard from them in a few hours then you need to go and find them and check up on them. They are the ones that are likely to slash up or try to hang themselves. We don't worry as much about the loud ones.¹⁷

¹⁶ Interview with Witness D, 2nd August, 2011.

¹⁷ Interview with Witness A, 2nd August 2011.

When asked to identify why detainees were behaving in this way, members argued that it stemmed largely from a lack of understanding of the system of detention, how it worked and why they were being detained for such long periods of time while others were being granted visas and released into the community. While the service provider and staff put effort into making the conditions in detention as comfortable and tolerable as possible – including providing detainees with activities and outings – there is evidence to suggest that even the best facilities and conditions cannot outweigh the impact of extended detention. Members at Inverbrackie APOD in particular indicate that detainees are looked after and provided with very good conditions, but despite this they have watched the most patient families become frustrated, agitated and depressed. By contrast, community placements were considered by these same members to offer asylum seekers with a greater freedom to experience life in Australia, which in turn ameliorates the negative mental health impacts of detention.

The counter-side to increasing asylum seeker distress as a result of lengthy detention periods is the impact that detainee behaviour has on the mental well-being of staff. Employees are largely held responsible for preventing episodes of self-harm and attempted suicide amongst detainees. At the same time, employees in IDCs are exposed on a daily basis to physical confrontations, aggressive behaviour and threats against their persons, leading at times to actual physical assault of officers and other detainees. Such experiences undoubtedly have a long-term impact on the mental well-being of the detention network workforce, and the death of Kieran Webb is only one notable example of this. Counselling services for staff are variable according to the centre, with reports differing from across the country. On the whole, many think that the support offered by the company to help employees cope with the daily stresses of their jobs is insufficient.

RECOMMENDATION 15: Faster transition of detainees through the network and the removal of people from IDCs to community facilities where possible.

4.7 Contractor Management and Government Oversight of Immigration Detention Centres

The conduct of Serco management was commonly cited as a major reason why employees leave the sector. The union has received numerous complaints of bullying and harassment by Serco managers. In general, detention network staff feel like they are not listened to in their workplace. This leads to a reluctance amongst staff to report incidents and to talk openly about work pressures and stress. There is a general feeling amongst employees that Serco management are incompetent, unsupportive and largely self-interested. However, many feel that this also reflects badly on DIAC.

4.7.1 Mismanagement

In relation to the management of the centres one employee said:

The company themselves is the worst thing about working here. We have payroll problems, people aren't trained properly, they are tardy with paperwork regarding qualifications which leads to underpayment. Management is incompetent in terms of correct pay. Stress is not caused by the job, it's caused by management and lack of good processes in the company. I have seen people being angry and emotional. They like their jobs and most of the detainees are good to deal with, but they constantly deal with ineffective managers and HR.

Workers can't rely on any support networks from management, they prefer to rely on one another and the union instead.¹⁸

Serco is generally considered to be an incompetent and uncaring employer by its employees in the immigration detention network. In part this is due to widespread – almost universal – payment issues which have been reported in every detention centre in the country and resulted in cases in Fair Work Australia. One member suggested that they had never received a correct pay check in the two years that they had worked for Serco. While payment is a significant issue for the workforce, it is also importantly a clear indication of a managerial style that workers believe contributes both to elevated stress levels amongst the workforce and deleterious conditions within detention centres. One member argued that poor management led to widespread stress amongst the staff, and that they felt like their concerns and suggestions for improvements were systematically ignored. This same member suggested that if management listened to staff more, then there would be better conditions within the centre for both staff and clients.

4.7.2 Bullying, Harassment and Communication Failures

There have been significant claims of bullying by managers from both Serco and DIAC:

Serco and DIAC are bullies, they are intimidating. We constantly get told, 'If you do this then you will walk.' Phrases like this are used to dominate and scare people. But we're all professionals, and we hate being treated that way. DIAC come in and say, "Do you know who I am?" They throw their weight around like they're really important.¹⁹

The union has received specific bullying allegations from a number of sites, including Christmas Island where it was alleged that younger staff were being targeted by managers while staff in general were not treated fairly because of the remoteness of the site and a lack of genuine monitoring. A number of members at other sites have reported receiving constant threats to their employment by management and sexual harassment and bullying claims that were not investigated by Serco HR. Some of these cases led members to take out WorkCover claims due to significant stress caused by bullying and harassment at work.

There is a belief amongst workers that, as the contract holder, Serco has a duty of care to their employees as much as to detainees within the centres. Many members also believe that most of the problems experienced by workers in the immigration detention network could be mitigated through better communication and respect between management and workers. United Voice is currently facilitating this communication through the enterprise bargaining process, and in doing so we hope to institute better training and OH&S frameworks for detention centre workers.

RECOMMENDATION 16: Improved consultation of workers by Serco management and DIAC, including the resolution of issues via workplace committees.

¹⁸ Interview with Witness B, 29th July 2011

¹⁹ Interview with Witness D, 2nd August 2011

4.7.3 Lack of Transparency and Oversight

Enterprise bargaining and an acknowledgement by the contract holder of the concerns of its employees will resolve some of the problems in immigration detention. However, there are multiple issues that cannot be resolved through enterprise bargaining, including issues specifically relating to the way in which workers engage with detainees. Many members express frustration over being prevented from adequately doing their job due to management intervention and incompetence. At the same time, United Voice is concerned that neither Serco nor DIAC have made a notable commitment to ensuring transparency within the operation of the immigration detention network.

A number of members expressed the opinion that, whilst Serco was mismanaging the contract, it had also become the scapegoat for the DIAC's mess – that the private contract entered into by DIAC has become a way for it to walk away from its obligations to asylum seekers, detainees and those that staff the centre. United Voice believes that the Federal Government could and should play a more positive role in the design and implementation of immigration policy in Australia. We believe that the Government could do this by playing a more active role in ensuring that standards within immigration detention centres are upheld. This includes allowing for greater public scrutiny of the contract between DIAC and Serco. As previously noted, it also includes allowing workers to speak out when they feel that there has been a breach in the contract or a breach in Serco's duty of care to either detainees or employees. It also includes ensuring that minimum staffing levels are implemented and monitored, that training takes place and that the immigration detention centre environment is adequately safe to ensure the ongoing health, safety and well-being of workers and detainees. The Australian Human Rights Commission recently summarised many of these points in their investigation into Immigration Detention on Christmas Island, by saying:

The Commission has repeatedly raised concerns about the lack of transparent and enforceable standards for conditions in immigration detention, and has called numerous times for minimum standards to be codified in legislation. ... In response to the Commission's report, DIAC highlighted measures taken to ensure minimum standards for the treatment of people in immigration detention including Detention Instructions for departmental staff and service providers, standards contained in contracts with the detention and health service providers and monitoring of these by DIAC's contract management area... The Commission welcomes these initiatives. However ... these standards are not freely available to the public, there is very little public reporting about whether the standards are being complied with and the standards are not legally enforceable. ... In the Commission's view, the most appropriate way to ensure that standards for detention conditions are adequately and consistently implemented is to embed minimum standards in legislation. This would be in line with UNHCR guidelines which require conditions of detention for asylum seekers to be prescribed by law.²⁰

Finally the Government's role extends to ensuring that the length of detention experienced by people in the immigration detention network is kept to a minimum and complies with human rights

²⁰ Australian Human Rights Commission, *2010 Immigration Detention on Christmas Island*, p.62: http://www.hreoc.gov.au/human_rights/immigration/idc2010_christmas_island.html

standards as set out by the Australian Human Rights Commission. Like the Commonwealth Ombudsman, we would like to see the Federal Government commit to its own set of Immigration Detention Values. We believe that this 'practicability' should not merely be determined by Government resourcing, but must also take into account the unnecessary suffering of people kept in detention and the massive overburdening of the staff who look after them.

RECOMMENDATION 17: Greater transparency regarding the contractual obligations entered into by the Government and the contractor, with the Government playing a more active role in establishing and monitoring minimum standards and conditions within the Immigration Detention Network.