

**DEPARTMENT OF HOME AFFAIRS
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Legal and Constitutional Affairs
Migration Amendment (Prohibiting items in Immigration Detention Facilities)
Bill 2020 [Provisions]

3 July 2020

QoN Number: 01

Subject: Detainees held in APODs

Asked by: Kim Carr

Question:

Senator KIM CARR: Sure. Okay. How many of those 1,373 persons are in APODs?

Mrs Rees: I don't have that precise number. I can tell you that the majority of the overall population is in established immigration detention centres or facilities.

Senator KIM CARR: Is it a significant number in APODs? They are places outside of the detention centres themselves, aren't they? We're talking about hotels and the like.

Mrs Rees: It could be a hotel. It could be a hospital. It could be a nursing home.

Senator KIM CARR: What sort of percentage, roughly, would you say it is?

Mrs Rees: I would say 10 to 20, but I'm—

Senator KIM CARR: They're the people who are here on medical transfers and the like, aren't they?

Mrs Rees: Regional processing transferees—that could be correct, yes.

Senator KIM CARR: It's unlikely that any of those would be regarded as being in the high-risk category.

Ms de Veau: While Mrs Rees is attending to that, I might assist. There are two types of APODs. One might be a facility based APOD that is owned and operated by the Commonwealth. The transit accommodations, the MITA and BITA, are APODs as well. That's a bit different to those that are not operated by the Commonwealth. As you rightly identified, they may include hotels, hostels. It might be a hospital ward.

Senator KIM CARR: If we could have the numbers, please—can you provide them?

Mrs Rees: I don't have the exact numbers.

Senator KIM CARR: I appreciate that, but could you provide them as soon as you can.

Mrs Rees: We'll take that on notice.

Answer:

As at 31 March 2020, there were 1,373 people in held detention. Of these, 213 were in alternative places of detention (APODs), approximately 15.5% of the held detention population.

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QoN Number: 02

Subject: Media Report - Smuggling Contraband by Serco Officers

Asked by: Kim Carr

Question:

Senator KIM CARR: The media report relates to the smuggling of contraband by Serco officers on Christmas Island.

Ms de Veau: Do you have the reference to that media report? It might assist.

Senator KIM CARR: It was a Channel Nine report on 18 July 2017. According to this report, it had been part of a wideranging investigation by the Australian Commission for Law Enforcement Integrity. Have you had no report back from them?

Mrs Rees: Not during my tenure, but I'm not always alive to the specifics of investigations.

Ms de Veau: We'll take it on notice.

Senator KIM CARR: I'm surprised that you wouldn't be familiar with this. It's a pretty serious proposition.

Ms de Veau: We'll take it on notice and confirm whether—

Senator KIM CARR: I recall, from another part of this committee's work, that there had been some reports to this committee about the nature of these inquiries involving corruption within the department.

Ms de Veau: Clearly, we didn't come prepared for a response to a 2017 ACLEI investigation, but we'll take it on notice.

Answer:

The news article published on 18 July 2017 by News Corp Australia primarily related to allegations that a Serco officer was smuggling contraband, including alcohol and mobile telephones, into the Christmas Island Immigration Detention Centre (CIIDC) for detainees in exchange for cash and drugs. It was further alleged that 'officers' brought drugs in to the CIIDC.

These allegations formed part of Operation ELEKTRA. Operation ELEKTRA is an ongoing joint investigation between the Australian Commission for Law Enforcement Integrity (ACLEI) and the Department of Home Affairs.

As Operation ELEKTRA remains ongoing, the Department has not received a final report of investigation from ACLEI in accordance with section 54 of the *Law Enforcement Integrity Commissioner Act 2006*.

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QoN Number: 03

Subject: Categories of Contraband

Asked by: Nick McKim

Question:

Senator McKIM: Thank you. The department and others have proactively spoken about contraband, and the need to manage contraband in immigration detention is one of the reasons for this legislation. I'm happy for you to take this on notice if you need to. What percentage of items discovered and seized as contraband actually falls into the categories of weapons or drugs or other unlawful material, as opposed to things like extra bedsheets or shaving cream or shampoo, which clearly would not fall into those categories? Do you have that breakdown? If you don't, would you take that on notice, please?

Mrs Rees: It appears that I do not have that breakdown, so I'll take that on notice.

Senator McKIM: Okay.

Mrs Rees: Just for my clarification, it's around the definition of contraband and high-end materials versus some of the more mundane items?

Senator McKIM: What percentage of what the department describes as contraband falls into the category of things that are dangerous or unlawful, as opposed to a mundane item that is simply unauthorised? Thank you....

Answer:

A summary review of available data indicates **29%** of all contraband items found would be considered to be dangerous or unlawful, as opposed to unauthorised.

A further review of each 'Contraband Found' incident, including the review of officer reports, would provide further evidence of dangerous and unlawful items in Immigration Detention incident reporting however to do this would be an unreasonable diversion of resources.

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QoN Number: 04

Subject: Investigations mounted against staff of detention facilities

Asked by: Nick McKim

Question:

Senator McKIM: Does anyone know how many, if any, investigations have been mounted into staff of detention facilities bringing in contraband, including drugs?

Mr Kefford: Sorry, Senator; the video crackled just as you were speaking. Did you say staff were bringing in those materials?

Senator McKIM: Yes, I did—either departmental staff or contractors like Serco?

Mrs Rees: I have available to me the information that 22 allegations were registered by Integrity and Professional Standards between 1 January 2019 and 31 March 2020. Of those, eight were in relation to property or contraband.

Senator KIM CARR: But the question was on drugs and staff. How many allegations involve staff?

Mrs Rees: I don't have that level of detail.

CHAIR: You might take that on notice.

Answer:

Between 1 January 2019 and 31 March 2020 there were eight investigations into allegations that staff of detention facilities were bringing in contraband including drugs. Of these:

- none related to Department or Australian Border Force staff;
- eight related to Serco officers; and
- five related to the bringing of illicit drugs or drug paraphernalia into immigration detention centres.

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QoN Number: 05

Subject: Serco Contract

Asked by: Kim Carr

Question:

Senator KIM CARR: Firstly, what's the current value of the contract with Serco for Home Affairs...?

Answer:

It is valued at \$2,549,340,782.20 as notified on AusTender.

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QoN Number: 06

Subject: Serco Procurement Contracts

Asked by: Kim Carr

Question:

Senator KIM CARR:secondly, what is the value of the procurement contracts that Serco has attracted between 11 December 2014 and 10 December 2021? I've used AusTender as the model. Can you confirm that it is \$2.5 billion?

Mrs Rees: We'll take them on notice.

Senator KIM CARR: And, if you can't confirm it, can you provide what the amount is.

Mrs Rees: Yes.

Answer:

It is valued at \$2,549,340,782.20 as notified on AusTender.