



31 March 2016

Committee Secretary
Senate Legal and Constitutional
Affairs References Committee
Parliament House
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Attention: Committee Secretary, Sophie Dunstone

PDF by email: legcon.sen@aph.gov.au

Dear Ms Dunstone

References to the Senate Legal and Constitutional Affairs References Committee ("LCAR Committee") the subject of your email dated 27 October 2015 ("your email") to Broadspectrum (Australia) Pty Ltd ("Broadspectrum").

Thank you for your email and for the opportunity to provide a submission in response to the matters in paragraphs (a) to (f) of your email.

As to the matters in your email, we respond as follows:

(a) Conditions and Treatment of Asylum Seekers and Refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea ("SSC Inquiry").

Nauru

We provided a detailed submission to the Senate Select Committee ("**SSC**") on Recent Allegations relating to conditions and circumstances at the Regional Processing Centre ("**RPC**") in Nauru ("**Nauru RPC**"), responded to a number of submissions of third parties and answered all questions asked of us by the SSC ("**SSC Submission**") which we seek to also rely on for the purpose of this Inquiry. In addition to those submissions and answers to questions on notice, we made relevant employees available to attend the hearing as witnesses to give evidence over the course of the SSC Inquiry for which transcripts were also recorded.

We assume that the LCAR Committee has all of the information that we provided the SSC available for the purpose of this inquiry. If that is not the case, please let us know.

We also note that since 25 February 2015 at RPC3, and since 21 March 2015 at RPC2, the Government of Nauru implemented, "open centre arrangements". The open centre arrangements are also now embodied in section 18 C of the Asylum Seekers (Regional



Processing Centre) Act 2012 (Nauru). We assume that the LCAR is familiar with the open centre arrangements at the Nauru RPC. If that is not the case, or the LCAR requires further information from BRS please let us know.

Our submissions and evidence to the SSC provided considerable detail regarding conditions and arrangements at the Nauru RPC and the only significant change in arrangements at the Nauru RPC since the SSC report is the introduction of the open centre arrangements referred to above and an increase in the number of refugees choosing to live at the Nauru RPC. In the circumstances, we have assumed that the LCAR would not be assisted by any further submission as to the condition and treatment of asylum seekers and refugees at the Nauru RPC to the LCAR Committee. However, if the LCAR Committee wishes further clarification from Broadspectrum on any particular issue in relation to the Nauru RPC, we would of course be happy to assist, where possible.

Papua New Guinea

On or about 21 February 2014 Broadspectrum commenced providing welfare services to single adult males. Before that date, the Salvation Army was responsible for the provision of welfare services.

On about 24 March 2014, Broadspectrum commenced providing garrison services to adult single male asylum seekers residing at the Regional Processing Centre at Manus Island in Papua New Guinea ("**Manus RPC**"). Prior to that date, G4S remained the provider of garrison services (including security services) under its contract with the Department in respect of the Manus RPC which continued until 28 March 2014.

Until around July 2013, some women and children had been at the Manus RPC but by the time Broadspectrum commenced work at the centre the transferee population was exclusively adult male asylum seekers.

As also stated in our SSC Submissions, on 24 March 2014, Broadspectrum entered into a contract with the Department of Immigration and Border Protection ("**Department**") to continue to provide welfare services and the provision of garrison services ("**Current Contract**") to the Manus RPC (in addition to the Nauru RPC). Around the same date, Broadspectrum (with the knowledge and approval of the Department) entered into a subcontract with Wilson Protective Services (PNG) Limited ("**Wilson Security**") to provide security and escort services and other ancillary services at the Manus RPC.

The welfare services Broadspectrum provides at the Manus RPC comprise in summary individual management of transferees (which in the main encompasses case management and welfare support services), programs and activities (which incorporates education, recreation and cultural and religious programs) and complaints and requests management.

The garrison services Broadspectrum provides at the Manus RPC comprise management and maintenance of assets, cleaning, security, catering, environmental management, work health and safety, management of emergencies, logistics, personnel accommodation and transport and escort services).



Papua New Guinea is responsible for the operation of the Manus RPC as stated in the Migration Act 1978 (PNG). Australia provides support to Papua New Guinea to carry out Papua New Guinea's obligations at the Manus Centre and in so doing has engaged a number of contractors, of which Broad Spectrum is one, to deliver services to asylum seekers and refugees that reside at the Manus RPC. Other contractors which we are aware are engaged by the Department to deliver services to support asylum seekers and refugees that reside at the Manus RPC include:

- (a) IHMS, which is responsible for the provision of medical and health services to asylum seekers and refugees at the Manus RPC. Offshore Survivors of Torture and Trauma (OSTT) is engaged as a subcontractor to IHMS and provides torture and trauma specialist counsellors;
- (c) Jacobs, which is responsible for building project management services to the Department; and
- (d) Decmil, which is responsible for construction and infrastructure project works.

The Manus RPC currently comprises:

- (a) RPC 1 which is comprised of transferee accommodation, programs and activities areas, catering facilities, canteen facilities, staff administration area and some interview rooms; and
- (b) RPC 2 which is comprised of staff administration, staff accommodation, managed and supported accommodation area for transferees, interview rooms, a medical centre, transferees' property store, oval and multipurpose programs and activities area and a multipurpose undercover sports court.

Submissions at the SSC that also apply to Papua New Guinea

As we noted above, we provided detailed submissions to the SSC in respect of the SSC Inquiry.

The written submission we provided dated 1 May 2015 to the SSC (**BRS May Submission**) addresses a number of issues relevant to LRAC's terms of reference for this inquiry including: the obligations that we consider that we have towards asylum seekers in our care at the Nauru RPC and to our own staff at that RPC, Broad Spectrum's company values and policies, the rigorous processes and policies that Broad Spectrum has in place to ensure that its staff, and contractor staff, are of good character and comply with high standards of conduct expected of persons working at the Nauru RPC and the various initiatives, procedures and guidelines that are in place to promote a safe and secure environment at the Nauru RPC.

Recognition of Our Role

Much of our BRS May Submission applies equally to this submission that we make to the LCAR Committee. In that regard, we note that we consider that we have obligations to asylum seekers in our care at the Manus RPC and to our own staff and the many others who work at the Manus RPC. We take these obligations very seriously and are deeply committed to promoting the care and wellbeing of all asylum seekers, refugees and staff there. At the Manus



RPC, as in all our operations globally, we are committed to ensuring that all our staff and contractors understand and comply with our organisations' core values: Integrity, Collaboration, Challenge and Ingenuity.

As we explain in our May SSC Submission, we promote these goals by taking care to recruit and screen our staff appropriately and by supporting them through both ongoing training and education and through carefully and expertly designed policies and procedures. We expect all our staff and contractors to put the highest priority on the care and wellbeing of asylum seekers and refugees at the Manus RPC and we are committed to equipping them with the skills, knowledge and understanding to meet this expectation. We also work hard to create an environment in which asylum seekers, refugees and staff feel safe, supported and able to raise any issues of concern. In all these matters, we work closely with the Department, PNG Immigration and Citizenship Service Authority (**ICSA**) and other service providers including IHMS and our subcontractor Wilson Security.

We acknowledge that the environment at the Manus RPC can be complex and challenging and that despite our commitment and our best efforts, some incidents and allegations of misconduct have arisen. Where this has occurred we have worked hard to respond promptly, sensitively and transparently and have worked closely with the Department, ICSA, and (where relevant) other service providers and the Provincial Police Force on Manus Island (**Manus Police**) to report, investigate and resolve incidents, allegations and concerns. In a small number of instances where our staff or contractor's staff have acted inappropriately, we have acted firmly and decisively to eliminate any risk and to ensure that it is understood that misconduct will not be tolerated.

Our Values

Broadspectrum expects and demands high standards of professionalism and integrity from all our staff. Our policies and processes for recruiting, screening training and supporting staff are all designed to ensure our staff have suitable qualifications for their positions and are able to meet the high standards expected of them.

Broadspectrum is also willing to take disciplinary action (where there is misconduct) to ensure those standards are met.

A central part of our engagement with staff across our organisation, and what we also expect from our contractors too is our Code of Business Conduct which is described at section 2.2 of the May SSC Submission and a copy of our current Code of Business is **attached** and also available on Broadspectrum's website at <http://www.broadspectrum.com/esg/code-of-business-conduct>.

Our Policies

Our Code of Business Conduct is supported by detailed policies and procedures as described in section 2.3 of the May SSC Submission which all our staff and contractors, regardless of where they are located must comply with. As also described in our May SSC Submission there are numerous aspects of our policies that are designed to support the safety and security of the Manus RPC, the welfare and wellbeing of asylum seekers and refugees and our



requirements that all personnel treat asylum seekers and refugees fairly and with dignity and respect at all times.

In addition to the policies described in the May SSC Submission, and as we explained to the SSC in questions on Notice, BroadSpectrum has adopted a Human Rights Statement and a new Conduct Principle for inclusion in BroadSpectrum's Code of Business Conduct with which all staff and contractors must also abide.

The Human Rights Statement is BroadSpectrum's global standard on its approach to human rights and is supported by the Code of Business Conduct, other policies and procedures, and training programs.

A copy of the Human Rights Statement is **attached** and is also available on BroadSpectrum's website http://www.broadspectrum.com/pdf/Human_Rights_Statement_TMC-0000-LE-0020.pdf. We also refer you to page 8 of our Code of Business Conduct.

Our Welfare Services Framework

BroadSpectrum's delivery model for the services it provides to the RPCs in Nauru and Manus is a fully integrated, welfare led model as described in section 2.5 of the May SSC Submission and we consider that this has had a positive influence on the RPCs as asylum seekers (and refugees where they are present) become more engaged through programs and activities.

Our comments in section 2.5 of the May SSC Submission apply generally to the Manus RPC too, noting that the examples provided in the May SSC Submission are specific to Nauru. Our enhancements to programs and activities at the Manus RPC has included an increase in variety of programs and activities on offer having regard to incorporation of transferee feedback in the design and delivery of the programs and activities, new educational curricula (for example IT, maths curriculum and cultural and orientation preparation program), introduction of transferee-led activities and more vocationally relevant programs and activities (for example English for trades and catering programs).

Reducing Risk of Harm

BroadSpectrum has rigorous processes and policies in place to ensure that its staff, and contractor staff, are of good character and comply with the high standards of conduct that are rightly expected of persons working at the Manus RPC.

We have comprehensive and robust staff recruitment and management processes essential to ensuring our staff at the Manus RPC can meet the high standards expected of them and to reduce the risk that staff engage in any improper conduct and we refer generally to the matters described in section 3 of the May SSC Submission as to the processes, procedures and in place in respect of selection, recruitment, training and behaviour management of staff and contractors. While this section describes our processes in respect of the Nauru RPC it is also largely applicable to our services at the Manus RPC with the following main exceptions:

- (a) the Nauru Centre Rules do not apply to the Manus RPC (section 3.3 (c) of the May SSC Submission);



- (b) there are no women and children at the Manus RPC (section 3.5 (b) of the May SSC Submission) such that the matters particular to children and women asylum seekers in Nauru do not apply to the Manus RPC.

Availability of Complaints and Incident Reporting Processes

Broadspectrum is committed to ensuring that asylum seekers and refugees (where present at the Manus RPC) and staff can report any concerns or complaints in a safe and secure environment where concerns are taken seriously and actioned appropriately.

We provide a procedure whereby requests for various personal items or issues of concern can be raised and dealt with effectively, fairly and efficiently. Our contract with the Department requires that all requests and complaints be responded to within a reasonable time and that any complaints be treated with confidentiality and integrity. It also requires us to allocate requests and complaints to the appropriate service provider, ICSA or the Department (depending on who the complaint or request/feedback pertains to) as appropriate and co-ordinate a response from them as needed.

Our contract with the Department also requires Broadspectrum to record, report and respond to certain types of events at the Manus RPC which are characterised as 'incidents'.

The requests and complaints management process and incident management process are recorded in various Centre Guidelines similar in content to those described in section 4.1 of the May SSC Submission in respect of Nauru, except for the Child Safeguarding Protocol and Code of Conduct that does not apply to the Manus RPC.

The processes for reporting and investigating complaints and allegations of any injury or harm are considered robust and appropriate. Broadspectrum is committed to continuous improvement, and welcomes any feedback made by this Committee with an eye to further development.

Further to the above, there is a transferee consultative committee (**TCC**) in each area of accommodation at RPC1. Each TCC has one nominated representative for each community that they represent in the Manus RPC that has been selected by a voting system. The TCCs meet with key service providers on a monthly basis for the purpose of providing feedback on the services provided at the Manus RPC by all service providers. The matters raised in these meetings provide a forum for feedback from asylum seekers as to the services being provided and an ability for service providers to take on board, where possible within the terms of their engagement, feedback provided by asylum seekers through their representatives and address the issues raised promptly and at consultative level with asylum seekers too. The Department is also kept informed of matters discussed at these meetings and attends some of the meetings from time to time.

Prevention of Improper Conduct

In line with Broadspectrum's welfare obligations under the Contract, Broadspectrum has undertaken various initiatives that promote a safe and secure environment at the Manus Centre. We have also worked closely with the Department, Papua New Guinean authorities



and other Service Providers to develop and implement processes and procedures to deal with illegal or anti-social behaviour.

Examples of Broadspectrum's initiatives include:

- (i) 'Toolbox Talks' delivered to all staff on Bullying and Harassment using Social Media and Technology and Broadspectrum's House Rules (expectations regarding actions and behaviour), copies of which are **attached** ;
- (ii) specific case management training has been delivered by the Multicultural Development Association Ltd;
- (iii) the Individual Management Plan structure, requiring an individual management plan for each asylum seeker, has been developed and implemented as required by the Contract. Broadspectrum has also been supported in its obligations by the engagement of Multicultural Development Association Ltd to develop an effective case management structure. Individual management plans are implemented and then reviewed by Broadspectrum' Case Managers following meetings with Transferees;
- (iv) a behavioural management strategy has been developed by Wilson Security in consultation with Broadspectrum and approved by the Department. It primarily addresses incident response, strategies to diffuse and de-escalate conflict and ways to implement agreed behavioural management policies with Transferees. This includes processes for managing illegal and anti-social behaviour in cooperation with Department, local authorities and other service providers. This strategy also requires reporting of suspected illegal, non-compliant, antisocial behaviour and developing and implementing appropriate behaviour management. During induction, asylum seekers are informed about policies regarding anti-social behaviour and checklists are also completed by asylum seekers on induction to the centre as to matters that they need be aware of and expected behaviour;
- (v) a schedule for programs and activities has been developed and is being implemented to recognise the demographic and cultural needs of the asylum seekers in the centre. The current P&A program includes education, religious, recreational, sporting and excursion activities. These enhance the mental health and wellbeing of asylum seekers accommodated at the site. We consider that we have successfully implemented strategies to encourage asylum seeker participation with many transferees participating in structured P&A activity in the Manus RPC; and
- (vi) procedures have been put in place to allow access for asylum seekers to internet and phones at the Manus Centre.



Other Measures in place for a safe and secure environment

In accordance with our Contract with the Department, Broadspectrum has implemented Emergency Management Plans, Incident Management Plans and an Emergency Control Organisation to respond to critical incidents which involve a threat to people, the environment, property or the community.

In addition to developing these frameworks for emergency response, we have engaged and continue to engage in regular scenario and response simulations and rehearsals. This has ensured that during escalated security situations at the Manus Centre we (with Wilson Security) have been well prepared to resolve situations and return to 'business as usual' as quickly as possible. In the context of critical events, our ability to recover quickly has been as a direct result of our well-developed contingency and business continuity plans.

In responding to a threat, Broadspectrum ensures effective coordination between service providers, the Department, PNG ICSA and the Manus Police to resolve the issue quickly and effectively. Broadspectrum upholds its high standards of service in incident management, and in doing so delivers optimal outcomes for stakeholders consistent with the Contract with the Department.

(b) Transparency and accountability mechanisms that apply to the regional processing centres in the Republic of Nauru and Papua New Guinea

As a service provider to the Commonwealth, we have extensive reporting obligations to the Department under our contract and the Department's Guidelines.

We also note that Broadspectrum has been involved and provided assistance in various independent inquiries and investigations into matters relating to the RPCs including the Moss Review, the SSC Inquiry into conditions at the Nauru RPC, the Hamburger Investigations into Nauru, the Cornell Inquiry into Manus, and a number of inspections and inquiries by the Commonwealth Ombudsman of the RPCs as well as International Red Cross and the UNHRC.

(c) Implementation of Recommendations of Moss Review in relation to Regional Processing Centres in Nauru

We provided the SSC with a response as to the implementation of the recommendations made by the Moss Review that are relevant to Broadspectrum taking into account our role in Nauru on 16 June 2015.

A copy of this response is **attached** at Annexure 1 of this letter.



Since that time, there have been the following additional developments:

Recommendation in Moss Review (adopting the numbering in the table contained in Annexure 1 of this letter)	Events since 16 June 2015
Recommendation 1	<p>Broadspectrum proposed a number of possible improvement solutions to the Department for consideration in March 2015 (as described in Annexure 1 to this letter). To date the Department has approved the purchase of a number of air-conditioning units.</p> <p>In addition to the above, Broadspectrum has also undertaken the fit out of 3 marquees with hard-walls for asylum seekers returning from medical treatment following instructions from the Department to proceed with these works.</p>
Recommendation 4	<p>On 16 January 2016 the Department released revised RPC Incident Reporting Guidelines.</p> <p>All service providers are required to comply with the Department's Guidelines and Broadspectrum has implemented the Guidelines on island.</p>
Recommendation 6	<p>Broadspectrum commenced providing welfare services to families with children, unaccompanied minors and single adult females at the Nauru RPC within the scope agreed with the Department on 1 November 2015.</p> <p>Prior to that date, Save the Children was responsible for providing such welfare services.</p> <p>Since commencing child welfare services, Broadspectrum has worked with the Department and the Government of Nauru (where requested by the Department) to review and further develop the tools and processes at the Nauru RPC to support the wellbeing of residents and promote an environment that fosters safety and security, with a particular focus on the welfare of children.</p> <p>Our services have included contributions to the development of a revised Service Provider Child Safeguarding and Wellbeing Protocol and Code of</p>



	<p>Conduct (amongst other operational documents) that is intended to guide all stakeholders to ensure they work and engage safely and positively with children and their families throughout the Nauru RPC.</p> <p>Broadspectrum has also implemented a comprehensive Collaborative Assessment and Planning Framework incorporating safety planning and supported training and professional development of its staff and systems for recording information.</p> <p>Broadspectrum interacts regularly with the Government of Nauru RPC Operations Management Team within the scope of its services and the Government of Nauru RPC Operations Management Team are in attendance at a number of multi-stakeholder forums, including daily operations meetings.</p> <p>Broadspectrum has also engaged with the Nauru Child Protection Services (as well as the Gender Based Violence Counsellor/Specialist, Ministry of Health in Nauru) regarding various matters relating to child welfare and protection services, including the development and implementation of Service Provider Child Safeguarding and Wellbeing Protocol and Code of Conduct and the Collaborative Assessment and Planning Framework. In addition, representatives of the Government of Nauru RPC Operations Management Team and Nauru Child Protection Services have attended Broadspectrum’s Child Safeguarding and Wellbeing training at the Nauru RPC.</p>
<p>Recommendation 7</p>	<p>Broadspectrum continues to communicate to current and prospective employees its expectation regarding the use of social media and other privacy obligations during its recruitment, on boarding and induction processes. Prior to commencing work employees are required to read and sign various documents acknowledging their agreement to complying with the same, including our social media policy and the confidentiality deed and deed of non-disclosure included in our contract with the Department.</p>
<p>Recommendation 18</p>	<p>Further to the programs and initiatives described in Annexure 1 of this letter, Broadspectrum has implemented the following programs and initiatives for the development of its staff:</p>



	<ul style="list-style-type: none"> • We have developed a strategy and an action plan to further develop the skills of our local workforce. This includes processes for developing local staff including educational needs, training, mentoring programs and apprenticeships. • We have engaged specialist Training Advisers to further enhance the development of our local workforce. • We have implemented our local development of career pathways for key roles, currently developing locals in Nauru in Hospitality in Certificate III and building on this pathway with Certificate IV in Hospitality to commence in May 2016. A number of local staff have already completed the Certificate III Course with others in progress. • We have worked on a new pathway with our Cleaning workforce in Certificate II and Certificate III and Certificate IV will commence in May 2016. • We are currently engaged in discussions with several Registered Training Organisations to partner and develop our Apprentice and Trainee Programs. • We have developed our new Supervisor Program which will commence this year for local employees identified as leaders for the future.
<p>Recommendation 17</p>	<p>Further to the matters in Annexure 1 of this letter, Broadpectrum continues to deliver training and inductions to its staff addressing these matters, including tool boxes delivered on the following topics:</p> <ul style="list-style-type: none"> • Sexual harassment • Anti-discrimination/harassment/bullying • Culture and Diversity

(d) **Extent to which the Australian-funded regional processing centres in Republic of Nauru and Papua Guinea are operating in compliance with Australian and international legal obligations**



Broadspectrum has obligations under the Contract to comply with (as appropriate) the laws of Nauru and Papua New Guinea as well as applicable Australian laws. We take these obligations extremely serious and consider that we comply with those legal requirements.

We otherwise do not consider this to be a matter on which we could appropriately comment.

(e) Extent to which contracts associated with the operation of the offshore centres are:

(i) delivering value for money consistent with the definition contained in the Commonwealth procurement rules;

Broadspectrum is proud to be a service provider to the Department and takes very seriously the obligations and responsibilities on companies like ours that provide services that are funded by public monies. We believe that we deliver high quality services that represent value for money. We accept, however, that this assessment is ultimately more properly to be undertaken by our client, the Department.

Broadspectrum does not consider it is in a position to further comment on other contracts associated with the RPCs.

(ii) meeting the terms of their contracts; and

Broadspectrum's performance of its obligations under the contract is regularly audited and reviewed by and on behalf of the Department. Our view, which is supported by the results of these performance assessment mechanisms, is that almost without exception Broadspectrum meets or exceeds our contractual obligations.

Broadspectrum does not consider it is in a position to comment on other contracts associated with the RPCs.

(iii) delivering services which meet Australian Standards

Our Contract with the Department sets out the manner in which we are to deliver our services and in some cases the Contract specifically requires that we comply with Australian Standards and in other cases it acknowledges that we are not required to comply with Australian Standards. Relevantly to this issue, a primary objective and obligation of our Contract is stated to be to:

“provide Services that is the best available in the circumstances, and utilising facilities and Personnel on the Sites and that as far as possible (but recognising any unavoidable limitations deriving from the circumstances of the Sites) is broadly comparable with services available within the Australian community”

Broadspectrum does not consider it is in a position to comment on other contracts associated with the RPCs.



(f) Any other related matter

We are keen to ensure that the LACR Committee and the Senate generally has the information it needs to make recommendations on these matters. Consequently, we continue to stand ready to assist the LACR Committee further, if so required.

Yours sincerely

**Chief Executive, Logistics, Consulting and Welfare
For Broadpectrum (Australia) Pty Ltd**



Annexure 1 – Response to Broad Spectrum’s Questions on Notice – Moss Review

See attached