

**JOINT SELECT COMMITTEE ON AUSTRALIA'S
IMMIGRATION DETENTION NETWORK**

Q173

Question: Has the department got a position on the core findings of the Comcare report, which was based on the fact that regardless of whether they are Serco officers, contracted Serco officers or DIAC staff ultimately all staff working within the facilities were under the responsibility of the department?

Answer: In relation to the core findings arising from the Comcare investigation of seven Immigration Detention Facilities completed in June 2011, the department takes health and safety matters relating to staff, contractors and clients very seriously and responded to Comcare's recommendations on 19 August 2011. The department has and continues to work very closely and cooperatively with Comcare to ensure its obligations under the Work Health Safety Act 2011 are met in what is a very challenging detention environment.

In terms of the department's responsibilities when it comes to staff, it is assumed that the "facilities" referred to in the question are Commonwealth premises under the Work Health Safety Act 2011 ('the WHS Act') and therefore workplaces under that Act. On this basis and under the WHS Act, the Commonwealth has a duty to Serco personnel (Serco officers and contracted Serco officers, where those contracted employees are not independent contractors), as well as DIAC staff, to take all reasonably practicable steps to protect their health and safety at work.