

## The Salvation Army - Opening Statement

### **Condolences to the family of the late Reza Berati**

The Salvation Army again wishes to offer its deepest condolences to the family of Mr Reza Berati and also expresses its great concern for all of those who have suffered harm as a result of the tragic incidents occurring over the days in question.

The Salvation Army has co-operated with all investigations to date and will continue to do so, to the extent that it can be of any assistance.

### **Introduction to Opening Statement**

This Opening Statement will focus on 8 key points, namely:

1. History of The Salvation Army contract and role in the OPCs
2. The Salvation Army's presence on Manus Island on 16-18 February 2014
3. Our response to what the Cornall review actually said
4. Our concerns regarding Minister Morrison's press conference following the release of the Cornall report
5. Our participation in the Cornall review
6. Claims by former staff
7. Conditions on the ground changed after the July 19 announcement
8. Documents show Manus warnings were made in advance of the disturbances

### **History of The Salvation Army's contract and role in the OPCs**

The Salvation Army was present in the OPCs from August 2012 until February 2014. We provided humanitarian support throughout this time from the commencement of operations under this revived policy, including the initial stages pre-infrastructure, as well as throughout the development of permanent facilities on each of the two islands. The July 19 changes were representative of a much broader experience by The Salvation Army in its observations of the administration of this policy of dealing with asylum seekers, across one federal election, two governments, three Prime Ministers and four Immigration Ministers. Throughout this time, The Salvation Army observed changes to policy implementation which were highly politically charged and reactionary, with often little detail being known by anyone (either within or outside of the department) until after the relevant changes were required to be implemented. It was The Salvation Army's experience that these rapid and reactionary changes led to high levels of anxiety by asylum seekers who were living in the OPCs.

Despite all this, we were greatly disappointed that we were not able to continue to serve the asylum seekers after February 2014 and particularly, were disappointed that the decision to consolidate service providers contracts was made for economic efficiency reasons, rather than by reference to our success in caring for the asylum seekers under very difficult conditions over an 18 month period, as had been highlighted at various times by the UNHCR, International Red Cross and others, including from the Department itself.

### **The Salvation Army's Presence on Manus Island on 16-18 February 2014**

At 5:30pm on 17 February 2014, on advice received from Mr Kevin Pye (a G4S Senior Officer), all Salvation Army employees were removed from the OPC on Manus Island and moved to employee accommodation on The Bibby (expatriate employees) or returned to their homes (Manusian employees). The only exceptions to this were of our two most senior managers, who were in an administration building and were vacated by 11pm on 17 February 2014.

It should be recalled that a large number of Salvation Army employees bravely (and voluntarily) assisted in the treatment of injured asylum seekers on the pier of the Bibby, helping IHMS staff in the triage centre. The Salvation Army wishes to acknowledge the assistance provided by all employees in the treatment of the injured during these critical hours. Their actions showed remarkable fortitude, acting above the call of duty and under incredibly intense conditions.

We were not aware until 18 February 2014 of the alleged involvement of any local (i.e. PNG) Salvation Army employees in the events which took place on 17 February 2014. The Salvation Army condemns any such behaviour and to the extent that any criminal actions as alleged are ultimately found by the PNG authorities to have occurred, they were not done with the knowledge or authority of The Salvation Army.

The Cornall review has found a number of unauthorised PNG nationals and expats were involved in the violence which resulted in the death of Mr Berati. One former Salvation Army employee, a Papua New Guinea national, is alleged to have been part of this group. The Salvation Army is concerned as to how Mr Cornall's review has been interpreted by some and whether what he has actually stated, has been properly understood. It is important to note that Cornall stresses in his report "I have not sought to test the veracity or accuracy of individual accounts other than to weigh them against all the other information available to the review."

Further, The Salvation Army was surprised to read that the Cornall review did not make mention of some significant pieces of evidence submitted by us to him, which are relevant to the allegations being made as to the death of Reza Berati, specifically the documents provided by The Salvation Army to Mr Cornall on 17 March 2014 (copies of which were attached to our submission to this Inquiry).

### **Our response to what the Cornall Review actually said**

What the Cornall review actually said in this regard was (p. 8) "The Review interviewed an eye witness to Mr Berati's assault. He said the attack was led by an identified PNG national employed by The Salvation Army and he named several other witnesses who he says can corroborate his statement." This is not a finding of fact, merely a re-statement of one person's claim.

Contrary to assertions otherwise, at no time in the report does Mr Cornall find that *a Salvation Army worker from PNG and local security guards were responsible for Mr Berati's death*. It is important to note that:

- Mr Cornall takes great care to state that he is reporting what he was told by those interviewed (p. 26) and has not sought to test the veracity or accuracy of any statements;
- In the Review's Assessment of Factors, Mr Cornall states '...some individuals employed by service providers committed criminal offences, acting on their own initiative, contrary to any instruction they were given by their employer and in breach of their terms of employment'. (p. 82 - repetition of p.9);
- Mr Cornall reports inconsistent and incomplete accounts from transferees (p. 41);
- Mr Cornall notes "Mr Berati was attacked by a number of people and the attack was witnessed by (redacted) who I will call Mr T3". At the time of interview, Mr T3 (witness to Reza Barati's attack) had not spoken to police (p. 63). The Review also cites a witness (name redacted) who said: 'I saw in front of me Reza Barati was murdered they 'MOBO Squad' and G4S hit them on head with stones and sticks and we could not save our friend' (p.64);
- Finally, under Conclusions the Review notes 'Police investigations are progressing but no charges have yet been laid.' (p. 105)

The Salvation Army is concerned at selective reporting of the content of the Cornall Review, specifically those reports which focus on the involvement of the former PNG Salvation Army employee, particularly in circumstances where other direct testimony contradicts this.

### **Our concerns regarding Minister Morrison's press conference following the release of the Cornall report**

On 26 May 2014 Minister Morrison gave a press release to media in which he stated:

*"...this report makes reference to a number of individuals whose names have been redacted for the obvious reasons...Notes that Mr Berati was struck from behind by a service provider staff member. Not G4S, it was actually Salvation Army."*

The Salvation Army was greatly concerned when the Minister used these words to summarise the content of the Cornall report. The way in which the Minister made reference to the event in question, gave the very clear impression (which was picked up by media) that the Salvation Army staff member was found by Mr Cornall to have engaged in the assault in question. That is in contrast to what Mr Cornall actually wrote and it must be made very clear that Mr Cornall went to great lengths to explain that was merely what had been told to him by one witness and that his review did not in fact test the veracity or accuracy of any witnesses accounts. Mr Cornall had also received evidence which contradicted this assertion.

The relevant witnesses' account is in contrast to other evidence which was given to Mr Cornall but which was not referred to in his report, namely the witness evidence which referred to the relevant staff member as having re-entered the compound of his own volition and without the knowledge of The Salvation Army, in efforts to pull asylum seekers to safety and to rescue them. Furthermore, The Salvation Army wishes to remind this Senate Inquiry of the very contrasting evidence set out in the submission provided by the Hon. Andrew Wilkie MP, in which the alleged offender was identified as G4S officers and a 'Spic and Span' employee [this was highlighted by us in para 15 of our submission to this Senate Inquiry].

What is most concerning about the Minister's press interview was what he omitted to say about the Cornall Review, namely:

- (a) That it did not test the accuracy or veracity of the witnesses' accounts;
- (b) That the allegation of the involvement of a PNG Salvation Army employee was the account of one untested witness;
- (c) That Cornall received written evidence from the relevant PNG Salvation Army employee who categorically denied any involvement;
- (d) That there were other witnesses who Cornall interviewed who gave contradictory evidence to the witness in question and identified the attackers as persons other than Salvation Army employees; and
- (e) That there were other witnesses who gave evidence that the PNG Salvation Army employee was in fact one of the persons helping rescue the asylum seekers, not leading the attack upon them.

In the circumstances of all of the above, The Salvation Army is profoundly disappointed that the Minister made such comments in the absence of any clear and reliable evidence. Comments being made in those circumstances were apt to mislead the media and have caused great distress to both Salvation Army personnel and supporters in Australia and in PNG.

### **Our participation in the Cornall review**

On 17 March 2014 we provided information to Mr Cornall for his investigation which included all staff details, statements from and regarding the identified PNG Salvation Army employee, as well as our response to key questions asked of us by Mr Cornall. A copy of that response was provided with our submission to this Inquiry. Furthermore, key Salvation Army personnel gave full and frank interviews to Mr Cornall to assist with his review.

At all times, The Salvation Army co-operated with the Cornall review. The Salvation Army has never been approached by PNG authorities regarding this matter and remains ready, willing and able to be of assistance to their work if they feel it would be of benefit to their investigation.

The Salvation Army does not know if Mr Cornall had any regard to the statements of or regarding AB, supplied in our submission to Mr Cornall's review. The Salvation Army does not know if Mr Cornall sought to obtain from AB a copy of his further statement.

The Salvation Army is aware that AB maintains his innocence and has not presently been charged by PNG authorities. Other than that, The Salvation Army has no further information regarding the actions of AB in respect of the events in question.

### **Claims by former staff**

A number of former Salvation Army staff have made various concerning allegations regarding serious matters to this Senate Inquiry. These have been addressed in our formal submission to this Inquiry but also, a number of them were raised with the earlier Cornall Review which was undertaken in response to allegations aired on Dateline in 2013. That earlier Cornall Review did not find any basis to the allegations then under review.

In our submission to this Senate Inquiry (at paras 35-37), we specifically called for any witnesses who could provide critical information to facilitate the investigation of these allegations, to come forward. In our submission we indicated that without such information, we had no means of investigating or responding to some of these incredibly serious and so far untested allegations.

No information has been received by The Salvation Army from any of these former employees or in fact, from anyone, since we provided our written submission to this Senate Inquiry.

In the best interest of the asylum seekers and any staff members (past or present), The Salvation Army wishes to once again call for any witnesses to come forward and to substantiate these claims, so that they can be properly investigated in conjunction with relevant authorities.

### **Conditions on the ground changed after the July 19 announcement**

The Salvation Army feels that it is important that this Senate Inquiry is aware of its observations in the change in the operating environment in the OPCs, following the substantial shift in policy as a result of announcements made by the then government on 19 July 2013. The change in policy meant:

- (a) the policy was not one simply of no advantage, but one which would see no person arriving by boat ever reaching Australia and being granted a visa;
- (b) the model of service delivery changed, in so far as asylum seekers were not being prepared for resettlement in Australia;
- (c) the centres were significantly expanded at a rapid rate and were housing asylum seekers in far greater capacities than ever anticipated but the infrastructure did not grow proportionately, for example:
  - (i) There were insufficient telephones, computers and internet access for asylum seekers
  - (ii) Faith rooms for asylum seekers were inadequate to allow them to practice their religion
  - (iii) Recreation spaces were taken away to allow buildings for accommodation to be constructed
  - (iv) There were insufficient dedicated education classrooms, which meant that classes had to be frequently undertaken in the hot, unsheltered outdoor environment
  - (v) There were insufficient dedicated interview rooms for case management which meant that interviews had to be frequently undertaken in the hot, unsheltered outdoor environment (which could not protect the privacy of the asylum seekers or facilitate a professional and therapeutic relationship)
  - (vi) Insufficient and in some circumstances no interpreters at all for certain cultural groups
  - (vii) There were insufficient dedicated recreation rooms, which meant that asylum seekers did not have adequate spaces to engage in recreation

- (viii) There was insufficient office accommodation to allow administration and management to be undertaken as effectively as it should have been
- (ix) There were insufficient numbers of, and inadequately constructed ablution blocks, to serve the numbers of asylum seekers at the OPC
- (x) There was insufficient accommodation and resources available for staff on-island

The inadequacy of each of the items above was brought to the attention of the Department on-island and in Canberra, in person and in writing (on multiple occasions) but to no avail. The response which DIBP National Office in Canberra gave to us was to the effect "it is what it is, we are all in this together". On 6 August 2013, Liz Cruickshank was notified that her concerns (per above) had been notified to DIBP National Office in Canberra. At that time, Ms Cruickshank was still raising concerns about the lack of accommodation to house vulnerable asylum seekers, which she had been calling on since the initial complaints of sexual abuse had been made in about April 2013. As at 21 February 2014, this issue had still not been resolved.

Ultimately, the facilities pre-July 2013 were constructed to accommodate and care for 400-500 persons but by December 2013, they were now hosting 1,300 asylum seekers.

- (d) Post 19 July 2013 the concept of moving towards an open centre environment was eradicated.

Furthermore, it must be acknowledged that as at 16 February 2014, no single asylum seeker had received a refugee status determination outcome. This was a consistent point of anxiety throughout the OPCs for all concerned.

#### **Documents show Manus warnings were made**

On 10 January 2014, Liz Cruickshank attended a Safety & Intelligence Review Meeting on Manus Island, set up by DIBP. The meeting was also attended by representatives from G4S, IHMS and DIBP. A copy of the report which was generated from this meeting is tabled now. The relevant aspect of the report arising from this meeting which The Salvation Army feels needs to be highlighted is at item 17, regarding the transition to new garrison and welfare services following withdrawal of The Salvation Army. The Salvation Army felt that this needed to be noted and was assessed by G4S as a "catastrophic" risk consequence, of "extreme" risk rating, with a "possible" likelihood (page 18 of the Security Risk Assessment).

#### **Conclusion - PNG authorities are still investigating**

The PNG police spokesman has conceded local investigators have yet to conclude if PNG police entered the camp, but says the PNG courts cannot rely on the Cornall report.

"It's a private investigation, as far as we're concerned," the spokesman said. They found the report to be "inconclusive". The Salvation Army would wish to ensure that as part of the PNG investigation all relevant witnesses are interviewed and all documents examined.

Again, to date we have received no contact from those undertaking the PNG investigation.

The Salvation Army remains ready, willing and able to co-operate in any way that it might be requested by the PNG authorities in its important investigation.

In concluding these remarks, The Salvation Army wishes to express its deepest sorrow and sadness over Mr Berati's death. We would like to extend our sympathy to Mr Berati's family – our thoughts and prayers are with them.

11 June 2014