

DOC2269768



Australian Government

Comcare

INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I commenced an intervention to respond to a request to provide information.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	09 July 2013	Reference no.	EVE00218753-0001
Entry time		Departure time	

SUMMARY OF COMMITMENTS/OUTCOMES

On 9 July 2013, s47F Aurecon Engineering called to enquire about jurisdiction and Contractor responsibility for overseas projects.

s47F regarding a project being conducted on Manus Island near Papua New Guinea. s47F the project was being funded by the Australian Government and involved the building of a Regional Processing Centre (RPC). The building of the Centre would be conducted by Decmil Global Constructions. s47F Decmil had submitted their Safe Work Management System and these documents referred to the WHS Act for the State of Qld. Aurecon are the administrators for the project.

The building of the RPC has been contracted out for construction by the Dept of Immigration & Citizenship (DIAC) to Decmil Global Constructions, therefore DIAC are responsible for providing a safe work environment for all contractors at the worksite.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Regional Processing Centre – Manus Island		
Address			
	State		Postcode

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Citizenship	ABN	33 380 054 835
Address			

THIS REPORT ADDRESSED TO

Name	s47F	Role	
Address			
	State		Postcode

CORPORATE OR NATIONAL CONTACT

Name	N/A	Title	
Phone		Email	

WORKPLACE CONTACT

Name	s47F	Title	
Phone		Email	s47F

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	N/A	Workgroup	
Email		Phone	

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	N/A	Position/role	
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SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

On 26 August 2013, I called s47F in response to s47F enquiry.

During the conversation I discussed the basic contractual agreement and where each party to the contract was placed in regard to the commonwealth jurisdiction.

I advised s47F that for the purposes of the Work Health and Safety Act (2011) both Decmil and Aurecon are considered to be workers of DIAC and as such the responsibility for providing a safe workplace lies with DIAC.

I also advised s47F the responsibility for notification of any incidents that may occur, lies with DIAC however; I recommended that they may want to consider notifying their own state based regulator.

I discussed the project s47F and advised s47F that Comcare were well aware of the intended construction of a new RPC on Manus Island and we are currently in discussions with DIAC to visit Manus Island and inspect the project.

Contact details were forwarded s47F in the event that s47F further questions.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

N/A

DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

N/A

NOTICES ISSUED

Type of notice(s) issued	None
If 'other' is selected or more than one type of notice is issued:	

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Greg Zadro	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Services	Phone	s47F
Email	s47F		
Signature		Date	29 August 2013

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	N/A
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	s47F	Role	
Email		Phone	s47F

COPY OF REPORT PROVIDED TO

Name		Role	
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NEED HELP?

If you do not understand the information provided in this report or the information provided by an inspector during a site visit, or you are uncertain how to address the actions required of you, please discuss your concerns with the inspector/investigator who attended your workplace.

The inspector that attended your workplace should also be contacted should you wish to view photographs, documents or other evidence taken during the visit.

REVIEW OF CERTAIN INSPECTOR DECISIONS

Comcare will seek to resolve your concerns in a staged process.

Decision Maker Review

If you disagree with a regulatory decision made by an Inspector as part of this activity, you may request a review of the decision. Comcare requests you firstly consult with the Inspector to discuss and resolve the issue at the operational level. If you are not satisfied with the reviewed decision you may subsequently request a further review with their Manager.

Independent Review

If you believe your concerns were not addressed through the Decision Maker Review process, then you or any concerned party, may put a complaint in writing (via email) to complaints@comcare.gov.au. This is a formal independent process. Comcare conducts two types of Independent Reviews:

- **Professional Standards Enquiry** is conducted for complaints regarding non-statutory regulatory decisions, actions and findings against Comcare's service charter, policy commitments, procedures and professional standards.
- **Statutory Review** is conducted where an eligible party makes a complaint related to specific statutory provisions of the WHS Act. If you want to apply for statutory review of a decision made by an Inspector during this activity, you must do so with Comcare within 14 days of the date the decision came to your notice or—in the case of an improvement notice—the lesser of 14 days or the period specified in the notice for compliance (or such longer period as the regulator allows). Comcare must conduct the internal review within 14 days (unless further information is required). If Comcare does not notify you of the internal review decision within the required time, Comcare is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person. If you are not satisfied with an internal review decision you can apply for an external review to Fair Work Australia. For further information about Statutory Reviews and to download the application form, go to our website at www.comcare.gov.au/WHS/guidance_and_resources/guidance.

PRIVACY STATEMENT

Comcare collects, uses, discloses and stores information in accordance with the WHS Act, other legislation under which Comcare performs functions, and the Privacy Act 1988. This includes information collected by Comcare Inspectors or authorised officers. Note that privacy laws may allow the use and/or disclosure of personal information where certain exemptions apply. Those exemptions include instances where the use and/or disclosure of personal information is required or authorised by law. Comcare privacy information is at our website www.comcare.gov.au/about_us/privacy.

FURTHER INFORMATION

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. To access these, visit our website at www.comcare.gov.au. To get further advice, assistance and information, call 1300 366 979 or email ohs.help@comcare.gov.au.

DISCLAIMER

This report contains information based on the recent visit to your workplace and is given to assist you to take any steps in regard to your obligations under the WHS Act. To ensure you comply with your legal obligations you must refer to the WHS Act and associated Regulations. A link to these documents is provided on our website at www.comcare.gov.au.

While every step will be taken in providing advice to you, Comcare will not be liable for any errors or omissions or for any loss or damage suffered by you or any person which arises from your reliance on this advice or for any breach by you of your obligations under the WHS Act. The fact that an inspector has inspected a particular workplace is not a representation by Comcare that the particular workplace is in any way approved or free of hazards.

DOC 2560982

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Australian Government

Comcare

INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I commenced an intervention to enquire into or investigate a reported incident.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	8 November 2013	Reference no.	EVE00221252-0001
Entry time		Departure time	

SUMMARY OF COMMITMENTS/OUTCOMES

As a result of the notification submitted by Department of Immigration and Border Protection (DIBP), Comcare commenced a Liaison Inspection activity into an incident where s47F a vending machine on a removalist style trolley, s47F between the ground surface and the vending machine when the load became unstable and fell to the ground. The incident occurred at the Nauru Offshore Processing Centre (OPC) in the breezeway of the administration building on 8 November 2013. The notification was received by Comcare on 11 November 2013.

The Liaison Inspection activity is now complete.

I have reviewed the information provided by DIBP regarding the incident and I am satisfied the response provided has indicated that DIBP have identified factors congruent to the incident and have drawn the appropriate conclusions.

The Incident Investigation Report conducted by Transfield (as the contractor) provided the following recommended corrective actions in relation to the identified causal and contributing factors of (a) People directly involved performed the task without proper care or attention; and (b) Plant and equipment failed because it was operated outside of its design limits:

- Transfield Services OPC – Nauru shall retrain trades staff in the completion of START right's and the risk assessment process; and
- Transfield Services shall identify and maintain trolleys using the Transfield Services OPC – Nauru asset maintenance register.

I would make two (2) recommendations for the consideration of DIBP:

- that DIBP ensures the recommendations and actions outlined in the response provided to Comcare are implemented; and
- that DIBP ensures the recommendations and actions outlined in the response to Comcare are communicated to all workers involved in maintenance activities conducted at the OPC - Nauru.

Comcare is not proposing any enforcement action regarding this incident; however Comcare reserves the discretion to review if all recommendations made in this report have been implemented.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Breezeway – Administration Building NOPC1		
Address	Offshore Processing Centre – Nauru		
	State		Postcode

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Border Protection	ABN	33 380 054 835	
Address	6 Chan Street Belconnen, ACT 2617			

THIS REPORT ADDRESSED TO

Name	Joel Dorrell	Role	s47F		
Address	6 Chan Street				
Belconnen	State	ACT	Postcode	2617	

CORPORATE OR NATIONAL CONTACT

Name	Rita Haddad	Title	s47F		
Phone	s47F	Email	s47F		

WORKPLACE CONTACT

Name	Jane Bloomfield	Title	s47F		
Phone	s47F	Email	s47F		

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	Jane Bloomfield	Workgroup	s47F		
Email	s47F	Phone	s47F		

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	N/A	Position/role			
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SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

Liaison Inspection activity commenced by email 13 January 2014.

Response received from DIBP 15 January 2014.

Observations of note as identified in the Transfield Services Integrity Investigation Report:

- The risk assessment did not identify control measures for moving the vending machine
- The electricians used the weight of the vending machine (estimated 300kg) to test the suitability of using the trolley to move the vending machine
 - The risk assessment did not control the foreseeable risk namely:
 - The suitability of the trolley
 - The vending machine falling during the move
- The vending machine was not secured to the trolley
- The risk of the vending machine falling over was not satisfactorily controlled
- Plant and equipment failed because it was operated outside its design limits
 - The weight of the vending machine (estimated at 300kg)
 - The load limit of the trolley (estimated at 100kg)
 - The physical condition of the trolley (uneven tyre pressure)
- People directly involved performed the task without proper care or attention
- Protection failed because the warning detection systems failed
 - The trolley did not have a load-rating sticker fixed to it

I have reviewed the DIBP response and find the recommended actions to be appropriate.

I would make two (2) recommendations for the consideration of DIBP:

- that DIBP ensures the recommendations and actions outlined in the response provided to Comcare are implemented; and
- that DIBP ensures the recommendations and actions outlined in the response to Comcare are communicated to all workers involved in maintenance activities conducted at the OPC - Nauru.

Inspector Report concluded and emailed to Joel Dorrell 28 January 2014.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

Transfield Services – Integrity Investigation Report Dated - 14/01/14

DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

N/A

NOTICES ISSUED

Type of notice(s) issued	None
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If 'other' is selected or more than one type of notice is issued:

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Greg Zadro	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Services	Phone	s47F
Email	s47F		
Signature	s47F		Date 28 January 2013

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	N/A
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	Joel Dorrell	Role	s47F
Email	s47F	Phone	s47F

COPY OF REPORT PROVIDED TO

Name	Rita Haddad	Role	s47F
Name	Jane Bloomfield	Role	s47F

NEED HELP?

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Australian Government

Comcare

INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I entered this place to conduct a liaison inspection.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	02 December 2013	Reference no.	EVE00223150-0001
Entry time		Departure time	

SUMMARY OF COMMITMENTS/OUTCOMES

On 2 December 2013, Inspector Zadro travelled to Manus Island, Papua New Guinea to conduct a Liaison Inspection of the Department of Immigration and Border Protection (DIBP) Manus Island Regional Processing Centre (MIRPC).

Over the course of the visit, meetings were conducted with the key stakeholders involved in the daily running of the centre. The key stakeholders at the time of the visit are; DIBP, Group 4 Securicor (G4S), The Salvation Army (TSA) and International Health and Medical Services (IHMS). Discussions were undertaken to determine the role, deployment rotation and type of activity carried out by each stakeholder.

DIBP provide management and coordination of the delivery of services by contracted stakeholders at centre. Currently DIBP workers are deployed to the MIRPC for a three (3) month period.

G4S are contracted to provide garrison support services along with security services for the MIRPC and Bibby Progress accommodation barge. Aspects of the garrison support services are sub-contracted however the security services are self-delivered by G4S. The current deployment roster for G4S workers and sub-contractors is 4 weeks on/2 weeks off.

TSA are contracted to provide welfare services for the transferees in the form of case management, canteen services, internet/phone access and education programs and activities. Currently TSA have some staff on a 3 week on/3 week off deployment roster and others on the 4 weeks on/2 weeks off roster.

IHMS are contracted to provide health and medical services for transferees and MIRPC staff. This service includes treatment for coughs, colds, cuts etc. through to medical emergency along with staff involved in the treatment of mental health issues. The deployment roster for IHMS workers is four (4) weeks with many of the IHMS workers taking one (1) day in Cairns as part of their rotation and then returning for a subsequent four (4) weeks, working up to 8 weeks in total before respite.

All service providers have a limit of 28 days in which they are able to remain in Papua New Guinea (PNG) before needing to do a 'visa run' to Cairns.

A tour of the various aspects of the project to construct a second processing facility at East Lorengau was also undertaken. This project is being managed by Decmil Australia. The areas visited included the location of the yet to be constructed processing centre, the hardstand area and access road constructed by Decmil, the Roll-on/Roll-off wharf constructed by Decmil and the quarry used to obtain coral for the purposes of construction.

It was determined during the meetings, discussions and site inspections that despite various constraints (e.g. aging infrastructure; logistical arrangement both geographically and politically influenced and those described in my observations below), all stakeholders seem actively engaged and working towards improving the services provided and so health and safety outcomes for all persons involved.

Based on the information gathered and the observations noted below, I am of the view that there are a number of reasonably practicable steps available to DIBP, who are in control of the workplace, to protect the health and safety of their workers, contractors and the transferees in their care in relation to the daily activities involved in the operation of the MIRPC.

As such, I make the following recommendations for the earliest possible consideration of DIBP:

- that DIBP in conjunction with G4S, as the garrison support contractor;
 - develop a plan and implement it as soon as reasonably practicable to carry out removal of the old kitchen facility including the remediation of the surrounding area of ground contamination to minimise or eliminate the health and safety risks to workers and third parties in and around this area;
 - develop a plan and implement it as soon as reasonably practicable to expedite the construction of security fencing in the area of the kitchens following the above mentioned removal and remediation works to assist manage the health and safety risks associated with inadequate security for workers and third parties;

- o develop a plan and implement it as soon as reasonably practicable to carry out works to rectify the apparent design flaw in the new kitchen facility that prevents the removal/expulsion of hot air and steam that results from cooking processes and is exacerbated by the local high humidity conditions and thereby improving the management of risks to the health and safety of workers and third parties using this area;
 - o develop a procedure and implement it as soon as reasonably practicable that allows for a complete and effective clean to be carried out of the new kitchen facility in order to remove the mould that has built-up due to the above mentioned apparent design flaw and local high humidity conditions. This procedure should include implementation of a regular scheduled cleaning program to minimise or eliminate the risk of further build-up of mould;
 - o develop and as soon as reasonably practicable implement a procedure that improves the security capability at the MIRPC entry gate to reduce/minimise the risk of unauthorised personnel or contraband being admitted into the MIRPC which carry with them risks to health and safety of workers and third parties; and
 - o develop and as soon as reasonably practicable implement an improved procedure to track workers presence on the Bibby Progress with the objective of quicker and more reliable confirmation of the presence of workers on-board especially during an emergency evacuation process.
- that as soon as practicable DIBP develop a succinct but accurate summary of the above plans to include an expected timeframe for completion of each of the above recommendations; and
 - a copy of this summary is provided to Comcare as soon as practicable.

Please note; whilst the above are recommendations, Comcare may consider further enforcement action if an assessment about the effectiveness of the DIBP plans in response to those recommendations indicates health and safety risks are still not being adequately managed.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Manus Island Regional Processing Centre		
Address	Lombrum Naval Base		
Manus Island	Country	Papua New Guinea	

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Border Protection	ABN	33 380 054 835	
Address	6 Chan Street Belconnen, ACT 2617			

THIS REPORT ADDRESSED TO

Name	Rita Haddad	Role	s47F		
Address	6 Chan Street				
Belconnen	State	ACT	Postcode	2617	

CORPORATE OR NATIONAL CONTACT

Name	Rita Haddad	Title	s47F		
Phone	s47F	Email	s47F		

WORKPLACE CONTACT

Name	Anthony Kniepp	Title	s47F		
Phone		Email	s47F		

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	Lauran Leung	Workgroup	s47F
Email	s47F	Phone	

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	Matt Voller	Position/role	DIBP s47F
Name	Nives Klesnik	Position/role	DIBP
Name	Myles Hannah	Position/role	DIBP
Name	s47F	Position/role	G4S s47F
Name		Position/role	G4S
Name		Position/role	G4S
Name		Position/role	TSA
Name		Position/role	IHMS s47F
Name		Position/role	DECMIL s47F

SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

On 2 December 2013, I attended the MIRPC.

During the period of 2-5 December 2013, carried out site familiarisation, inspections and met with management of key stakeholders conducting work connected with daily activities at the MIRPC.

Departed MIRPC on 5 December 2013.

OBSERVATIONS:

- Transferee numbers have increased from approximately 400 in July 2013 to 1137 at the time of the visit.
- The existing MIRPC is undergoing expansion to better accommodate this increase in numbers and provide for the expected arrival of further numbers of transferees.
- Construction of a second processing centre is to commence at another site on Manus Island soon. This area is currently being cleared of vegetation with connection of infrastructure services having just begun at the time of the visit.
- There are some identified potential health risks to workers, contractors and transferees regarding the condition and design of kitchen facilities at the existing MIRPC;
 - An old kitchen is currently being de-mobilised; cleaning of surfaces of the tent structure is to be carried out to remove a coating of mould and the floor has collapsed in some areas This area has been barricaded.
 - Build-up of waste (cleaning materials and kitchen spills) has seeped/fallen through the floor mesh and has contaminated the ground immediately below and surrounding the old kitchen; this is to be remediated once the old kitchen structure has been removed.
 - Airconditioning units supplying the old kitchen are situated in the area of contamination.
 - A new kitchen, whilst being an improved facility generally, seems to have some basic design flaws;
 - There is no provision for hot air and steam (from cooking) to be removed from the interior and as a result it seems mould has begun to form on the interior surfaces. This process seems to be exacerbated from local high humidity conditions and a continual flow of workers in and out of the kitchen.
 - Currently there are no expressed arrangements in place to "shut down" the kitchen to enable effective cleaning of the mouldy surfaces to take place.

- Risks to workers from inadequate security do not seem to be managed effectively;
 - In the area leading to the kitchens it is possible to easily bypass security checkpoints as there is currently no security fencing in place. This situation is known to DIBP staff and the security contractor G4S. A plan is in place to improve access security but it is understood rectification work is tied in with the removal of the old kitchen and ground contamination remediation and as such may take some time.
 - Security at the main access to the MIRPC seems ineffective; it was observed on a number of occasions that it is possible to enter/exit the facility without receiving a bag inspection or being monitored; for example even for signing in/out. Apart from risks from such open access by anyone, this situation can greatly reduce the ability to quickly and accurately account for workers in the event of a critical incident.
- Current office/administration facilities for contractors and workers seem cramped. The facilities also experience high temperatures creating increased heat related risks to workers. Some facilities used by TSA to provide education services also experience high temperatures.
- There are no emergency ambulance or fire fighting services available on Manus Island.
- IHMS capability to provide health services to the facility as they are contracted to do seems to be under strain; it is understood this results from the increase in transferee numbers recently without a proportionate increase in medical services provision capability. For example;
 - Current ability to manage a critical injury event is limited due to the size of the single emergency medical procedures room. In the event of a mass casualty incident, this single room is probably inadequate. Moreover local medical services seem to be substandard.
 - Emergency planning seems to include a reliance on instigating medical evacuation to Port Moresby being the closest place with better medical services provision capability than Manus Island. Meanwhile, Cairns is assessed to be the closest location with the most reliable and effective medical services provision capability.
 - Appropriate storage of pharmaceuticals is restricted due to the small number of refrigerators available for this task on-site.
 - Work is underway to expand IHMS capability including providing extra pharmaceuticals storage equipment.
- Whilst the introduction of the vessel 'Bibby Progress' for accommodation of workers seems to have resulted in a positive influence on worker morale, it was observed there are limited opportunities for workers to 'disconnect' and 'unwind' from the demands of the workplace and work related activities;
 - Most rooms on-board are dormitory style rooms for up to five people, usually from the same organisation, sharing one en-suite.
 - At the time of the visit, there were no facilities provided to workers on-board to make phone calls, watch television or access the internet. These facilities are expected to be connected prior to Christmas 2013.
 - A gymnasium is provided for workers on-board.
 - The 'Bibby' is a dry vessel and as such no alcohol is permitted on-board.
 - The PNG Defence Force has an Officer's Club located on the Lombrum Naval base. Only workers employed at a managerial level are permitted access to this facility.
 - Recreational activities on Manus Island seem generally limited to sightseeing, fishing, swimming and snorkelling.
- Current restrictions on a worker's ability to effectively disconnect and unwind could potentially lead to an increased risk of psychological or psychosocial type injury.
- Induction of staff to the Bibby Progress is generally of an appropriate standard. However the administrative system in place to account for all persons on-board in the event of an emergency evacuation situation relies on each individual following the process each time they embark/disembark. The requirements of this system were not conveyed to workers during the induction at the time of the visit.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

Manus Island – A living and working guide
Temporary Accommodation Arrangements at Manus Island OPC - The Bibby
Bibby Fire Procedure
Minutes – MIRPC: WHS Committee Meeting 06/11/13
MIRPC – WHS Committee Meeting Agenda
Eurest HSEQ MIRPC Incident and Hazard Highlights-Catering
IHMS – Typhoid Employee Briefing
G4S – Training and Assessment Strategy
G4S – Example of training record
G4S – Contingency Plan for MIRPC
G4S – Emergency Management Plan MIRPC
G4S – Safety and Security Management Plan MIRPC

DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

N/A

NOTICES ISSUED

Type of notice(s) issued	None
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If 'other' is selected or more than one type of notice is issued:

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Greg Zadro	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Services	Phone	s47F
Email	s47F		
Signature	s47F		Date 8 January 2014

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	N/A
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	Rita Haddad	Role	s47F
Email	s47F	Phone	s47F

COPY OF REPORT PROVIDED TO

Name	Anthony Kneipp	Role	s47F
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NEED HELP?

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The inspector that attended your workplace should also be contacted should you wish to view photographs, documents or other evidence taken during the visit.

REVIEW OF CERTAIN INSPECTOR DECISIONS

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Decision Maker Review

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PRIVACY STATEMENT

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DOC3042660 4.



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INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I commenced an intervention to enquire into or investigate a reported incident.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	22 January 2014	Reference no.	EVE00223680-0001
Entry time		Departure time	

SUMMARY OF COMMITMENTS/OUTCOMES

As a result of the notification submitted by Department of Immigration and Border Protection (DIBP), Comcare commenced a Liaison Inspection activity into an incident s47F s47F suspected case of Japanese Encephalitis. The incident occurred at the Manus Island Regional Processing Centre (MIRPC) on 22 January 2014.

The Liaison Inspection activity is now complete.

I have reviewed the information provided by DIBP regarding the incident and I am satisfied the response provided demonstrates that DIBP have systems in place to manage hazards associated with infectious disease.

Information provided revealed that:

- s47F s47F not s47F Japanese Encephalitis as originally thought. s47F s47F for Japanese Encephalitis prior to s47F employment.
- As part of the s47F recruitment process for Manus Island all employees must go through a full pre-deployment medical and receive the below inoculations:

• Vaccination: Diphtheria, Tetanus, Polio
• Vaccination: Mumps Measles Rubella (MMR)
• Vaccination: Varillix
• Vaccination: HEP A & B
• Vaccination: Typhoid
• Vaccination: Jap Encephalitis (IMOJEV)

If a candidate is up-to-date or can provide evidence they have been recently vaccinated against these to an acceptable level, they will not be provided during the medical.

- General vaccinations are provided to DIBP staff when travelling within the IMA network however this list is not exhaustive and the Travel Doctor will assess each staff member individually to ensure appropriate coverage for the destination.
- The RPC is 'fogged' regularly which ensures that the risk of being stung by a disease-carrying mosquito is much reduced. And there is a team of vector control staff provided on the island to test the larvae on a very regular basis. However, straying just into the Navy base means losing this protection, and therefore staff are strongly recommended to take the malaria pills supplied to them. The high risk period is at dawn or dusk and at night. Staff are strongly encouraged to wear long sleeves and pants during these periods to minimise the risk of being stung.

I would make one (1) recommendation for the consideration of DIBP:

- that DIBP ensures that all workers are provided with information reminding them of the hazards and risks of infectious disease in Offshore Processing activities.

Comcare is not proposing any enforcement action regarding this incident; however Comcare reserves the discretion to review if all recommendations made in this report have been implemented.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Manus Island Regional Processing Centre		
Address	Lombrum Naval Base		
Manus Island	Country	Papua New Guinea	

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Border Protection	ABN	33 380 054 835	
Address	6 Chan Street Belconnen, ACT 2617			

THIS REPORT ADDRESSED TO

Name	Kate Cleary	Role	s47F		
Address	6 Chan Street				
Belconnen	State	ACT	Postcode	2617	

CORPORATE OR NATIONAL CONTACT

Name	Rita Haddad	Title	s47F		
Phone	s47F	Email	s47F		

WORKPLACE CONTACT

Name	N/A	Title			
Phone		Email			

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	Debbie Masri	Workgroup	s47F		
Email	s47F	Phone			

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	N/A	Position/role			
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SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

Liaison Inspection activity commenced by email 4 February 2014.

Response received from DIBP 18 February 2014.

Information provided in response received from DIBP:

- An investigation was not conducted as s47F not s47F Japanese Encephalitis as originally thought. s47F for Japanese Encephalitis prior to s47F deployment.
- s47F
- General vaccinations are provided to DIBP staff when travelling within the IMA network however this list is not exhaustive and the Travel Doctor will assess each staff member individually to ensure appropriate coverage for the destination. (refer IMA vaccines pdf) In regards to the immunisation policy the department has in place an Infectious Disease and Vaccination Programme. This programme was implemented to reduce the risk of exposure to infectious disease when working in high risk work roles and environments. The program was developed in consultation with Medibank Health Solutions and the department's Chief Medical Officer. The vaccination programme extends to interpreters. In relation to Manus Island and Nauru, the department has applied the same programme to all staff deploying to Manus and Nauru where operationally possible. As a contingency, IHMS are able to provide staff with vaccinations when required on Nauru and Manus Island. The department has recently implemented a Professional Support Framework which consists of pre-existing and new initiatives, with a particular emphasis on support for staff working in Immigration Detention Facilities (IDFs) and Overseas Processing Centres (OPCs). One of the initiatives is extension of medical assessments, resilience assessments and vaccinations as a mandatory requirement prior to any deployment to Manus Island, Nauru and Christmas Island.
- As part of the G4S contractors recruitment process for Manus Island all employees must go through a full pre-deployment medical and receive the below inoculations:

Vaccination: Diphtheria, Tetanus, Polio
Vaccination: Mumps Measles Rubella (MMR)
Vaccination: Varilix
Vaccination: HEP A & B
Vaccination: Typhoid
Vaccination: Jap Encephalitis (IMOJEV)

If a candidate is up-to-date or can provide evidence they have been recently vaccinated against these to an acceptable level, they will not be provided during the medical.

- G4S do not have a policy; however staff and contractors must go through a full pre-deployment medical and receive the abovementioned inoculations.
- G4S have not developed an action plan with respect to this incident. It should be noted that s47F s47F for JE prior to deployment. G4S's mitigation strategy revolves around the inoculation process. Each staff member (prior to deployment) is vaccinated for Japanese Encephalitis. Vector control is managed by the medical services provider IHMS. Staff are advised during the vaccination process of precautions to take whilst deployed with respect to applying insect repellent etc. The deployment guide recommends the following: The RPC is 'fogged' regularly which ensures that the risk of being stung by a disease-carrying mosquito is much reduced. And there is a team of vector control staff provided on the island to test the larvae on a very regular basis. However, straying just into the Navy base means losing this protection, and therefore staff are strongly recommended to take the malaria pills supplied to them. The high risk period is at dawn or dusk and at night. Staff are strongly encouraged to wear long sleeves and pants during these periods to minimise the risk of being stung.

I have reviewed the information provided by DIBP find the response demonstrates that DIBP have systems in place to manage hazards associated with infectious disease.

I would make one (1) recommendation for the consideration of DIBP:

- that DIBP ensures that all workers are provided with information reminding them of the hazards and risks of infectious disease in Offshore Processing activities.

Inspector Report concluded and emailed to Kate Cleary 20 March 2014.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

Infectious Disease Screening Guidelines - DIBP
 Vector Control Fogging Schedule 2014 - IHMS
 Vector Control Management Advice - email communication
 Deployment Guidelines – Manus Island Revision 5 Dated 27 November 2013 - G4S
 Non-Medical Patient Report - International SOS (IHMS)
 IMA Vaccines
 Patient Vaccine History – Travel Doctor
 G4S Response – email communication
 G4S Action Plan & Mitigation Strategy – email communication

DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

Inspector Report

NOTICES ISSUED

Type of notice(s) issued	None
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If 'other' is selected or more than one type of notice is issued:

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Greg Zadro	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Operations	Phone	s47F
Email	s47F		
Signature		Date	20 March 2013

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	N/A
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	Kate Cleary	Role	s47F
Email	s47F	Phone	

COPY OF REPORT PROVIDED TO

Name	Rita Haddad	Role	s47F
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Australian Government

Comcare

INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I commenced an intervention to enquire into or investigate a reported incident.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	22 January 2014	Reference no.	EVE00223790-0001
Entry time	10 February 2014	Departure time	14 February 2014

SUMMARY OF COMMITMENTS/OUTCOMES

As a result of the Phone and subsequent written notification submitted by Department of Immigration and Border Protection (DIBP), Comcare commenced a Liaison Inspection activity into an incident where on Nauru on 30 January 2014, s47F a fire that broke out in a Lodge room that was unoccupied and unallocated and in s47F the fire extinguisher powder.

The Liaison Inspection activity is now complete.

I have reviewed the information provided by DIBP regarding the incident and I am satisfied the response provided demonstrates that DIBP have systems in place regarding contractor management.

I would make two (2) recommendation for the consideration of DIBP:

- that DIBP ensures the corrective actions as outlined in the information provided to Comcare are completed.
- that DIBP ensures all local providers of contracted services are offered the information, and if appropriate and required the education and training, on how to meet their Work Health and Safety (WHS) requirements to the standard outlined in the contractual agreement.

Comcare is not proposing any enforcement action regarding this incident; however Comcare reserves the discretion to review if all recommendations made in this report have been implemented.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Nauru Regional Processing Centre One (RPC1) & Anibare Lodge		
Address			
	Country	Nauru	

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Border Protection	ABN	33 380 054 835	
Address	6 Chan Street Belconnen, ACT 2617			

THIS REPORT ADDRESSED TO

Name	Melissa Crowther	Role	s47F		
Address	6 Chan Street				
Belconnen	State	ACT	Postcode	2617	

CORPORATE OR NATIONAL CONTACT

Name	Rita Haddad	Title	s47F		
Phone	s47F	Email			

WORKPLACE CONTACT

Name	Jane Bloomfield	Title	s47F
Phone	s47F	Email	

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	Jane Bloomfield	Workgroup	s47F
Email	s47F	Phone	

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	Amara Foster	Position/role	s47F
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SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

Liaison Inspection activity commenced by email 5 February 2014.
 Information provided by DIBP during Liaison Inspection - conducted 10 - 14 February 2014.
 Site inspection of the damaged room – conducted on 13 February 2014
 Information provided indicated that:

- According to the Nauru Rescue and fire service (s47F s47F).
 - "Through observation found that the power supply cord for the air conditioning unit was badly burnt. There might be a chance that a leak from the roof/ceiling area onto the power supply cord resulting in short circuiting the power supply cord, melting the outer skin of the power cord which then drips onto the bed (by the intensity of the heat) resulting in the bed catching fire."
- DIBP, through working with the local contractor/supplier of the accommodation, carried out corrective actions and developed an action plan that included:
 - The flat top linings of all the rooms including unit 15 being checked to see if there were any deposits of water. This has been completed and deemed satisfactory.
 - A check of the roofing for leaks. This has been completed and deemed satisfactory.
 - New guttering installed on two sections of building where it was suspected that there may be water flowing onto the sides of rooms causing wet walls. This has been completed and deemed satisfactory.
 - Replacement of used fire extinguishers. This has been completed.
 - Repairs to unit 15 upon the completion of inspections by insurance providers.
 - Training is scheduled for employed security guards in the operational use of fire extinguishers.
- Information was also provided by DIBP regarding the Contractual WHS requirements as outlined to the contractor/supplier of the accommodation. These indicated that the expectation placed upon the contractor/supplier was to provide the contracted services in line with relevant Australian Standards. It was also indicated through general conversation with DIBP leads that where possible and suitable, assistance is provided to the local contractors/suppliers in order to attain the required standard.

I have reviewed the information provided by DIBP regarding the incident and I am satisfied the response provided demonstrates that DIBP have systems in place regarding contractor management.

I would make two (2) recommendation for the consideration of DIBP:

- that DIBP ensures the corrective actions as outlined in the information provided to Comcare are completed.
- that DIBP ensures all local providers of contracted services are offered the information, and if appropriate and required the education and training, on how to meet their Work Health and Safety (WHS) requirements to the standard outlined in the contractual agreement.

Inspector Report concluded and emailed to Melissa Crowther 24 March 2014.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

Extract from DIBP Procurement terms and condition.
 Nauru Rescue & Fire Service Incident Report: Fire at Anibare Lodge
 Email communication regarding corrective actions.

DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

Inspector Report

NOTICES ISSUED

Type of notice(s) issued	None
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If 'other' is selected or more than one type of notice is issued:

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Greg Zadro	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Operations	Phone	s47F
Email	s47F		
Signature	s47F		Date 24 March 2013

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	N/A
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	Melissa Crowther	Role	s47F
Email	s47F	Phone	s47F

COPY OF REPORT PROVIDED TO

Name	Rita Haddad	Role	s47F
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Doc 2673610

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Australian Government

Comcare

INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I commenced an intervention to enquire into or investigate a reported incident.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	29 January 2014	Reference no.	EVE00223803-0001
Entry time	10 February 2014	Departure time	14 February 2014

SUMMARY OF COMMITMENTS/OUTCOMES

As a result of the phone and subsequent written notification submitted by Department of Immigration and Border Protection (DIBP), Comcare commenced a Liaison Inspection activity into an incident occurring at the Nauru Regional Processing Centre where s47F a phone charger.

The Liaison Inspection activity is now complete.

I have reviewed the information provided by DIBP has identified factors congruent to the incident and has drawn the appropriate conclusions.

I would make two (2) recommendations for the consideration of DIBP:

- that DIBP ensures that all workers are provided with information reminding them of the hazards and risks of electrical equipment and the need for physical inspection each time an item is used.
- that DIBP review the procedure for testing and tagging to ensure it is appropriate for the environment in which the equipment is used.

Comcare is not proposing any enforcement action regarding this incident; however Comcare reserves the discretion to review if all recommendations made in this report have been implemented.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Nauru Regional Processing Centre three (RPC3)		
Address			
	Country	Nauru	

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Border Protection	ABN	33 380 054 835	
Address	6 Chan Street Belconnen, ACT 2617			

THIS REPORT ADDRESSED TO

Name	Melissa Crowther	Role	s47F		
Address	6 Chan Street				
Belconnen	State	ACT	Postcode	2617	

CORPORATE OR NATIONAL CONTACT

Name	Rita Haddad	Title	s47F		
Phone	s47F	Email			

WORKPLACE CONTACT

Name	Jane Bloomfield	Title	s47F
Phone	s47F	Email	

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	Jane Bloomfield	Workgroup	s47F
Email	s47F	Phone	

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	N/A	Position/role	
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SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

Information received from DIBP 3 February 2014.
 Liaison Inspection activity commenced by email 5 February 2014.
 Site visit and discussions 11 February 2014.
 Information provided in response received from DIBP:

- Whilst s47F the charger had been "Blu Tac'ed" together, there was no evidence to substantiate this.
- On inspection by a competent person (a trade qualified electrician), it was evident that the charger in question appeared to have faulted from simple wear and tear.
- Discussion with the contractor (The Salvation Army – TSA) revealed that the location of the phone and charger in question was RPC3 – preservation of the scene would most likely have created an increased risk to others via the fact that the transferees would not have been able to access the phones – this may have created a situation of increased aggravation amongst the transferees.

I have reviewed the information provided by DIBP has identified factors congruent to the incident and has drawn the appropriate conclusions.

I would make two (2) recommendations for the consideration of DIBP:

- that DIBP ensures that all workers are provided with information reminding them of the hazards and risks of electrical equipment and the need for physical inspection each time an item is used.
- that DIBP review the procedure for testing and tagging to ensure it is appropriate for the environment in which the equipment is used.

Inspector Report concluded and emailed to Melissa Crowther 24 March 2014.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

Hazard/Incident & Injury Report – TSA
 Hazard/Incident & Injury Investigation – TSA
 Near Miss Report (including photos of charger) – Transfield
 Medical Certificate - IHMS

DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

Inspector Report

NOTICES ISSUED

Type of notice(s) issued	None
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If 'other' is selected or more than one type of notice is issued:

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Greg Zadro	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Operations	Phone	s47F
Email	s47F		
Signature	s47F		Date 24 March 2013

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	N/A
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	Melissa Crowther	Role	s47F
Email	s47F	Phone	s47F

COPY OF REPORT PROVIDED TO

Name	Rita Haddad	Role	s47F
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The inspector that attended your workplace should also be contacted should you wish to view photographs, documents or other evidence taken during the visit.

REVIEW OF CERTAIN INSPECTOR DECISIONS

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DOC 2711665 7.



Australian Government
Comcare

INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I entered this place to conduct a liaison inspection.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	10 February 2014	Reference no.	EVE00223883-0001
Entry time		Departure time	

SUMMARY OF COMMITMENTS/OUTCOMES

On 9 February 2014, Inspector Zadro travelled to Nauru to conduct a Liaison Inspection of the three (3) Nauru Regional Processing Centres (RPC) managed by the Department of Immigration and Border Protection (DIBP).

Over the course of the visit, meetings were conducted with the key stakeholders involved in the daily running of the centres. The key stakeholders at the time of the visit were; DIBP, Transfield Services (Transfield), Transfield Security (Wilsons Security), The Salvation Army (TSA), Save The Children Australia (SCA) and International Health and Medical Services (IHMS). Discussions were undertaken to further understand the role and type of activity carried out by each stakeholder along with confirming certain aspects such as deployment rotation, levels of training and standards of service provided.

DIBP provide management and coordination of the delivery of services by contracted stakeholders at the 3 centres. Currently DIBP workers are deployed to the RPC for a three (3) month period.

Transfield are contracted to provide garrison support services for the RPC with Wilsons Security sub-contracted by Transfield to provide security services for the RPC. Transfield also sub-contracts various minor aspects of the day to day running of the RPC to local companies; these include hire cars, laundry services, waste services, fuel supply and certain aspects of food supply.

TSA are contracted to provide welfare services for the transferees in the form of case management, canteen services, internet/phone access and education programs and activities. The current contract is due to cease at the end of February.

SCA are contracted to provide welfare services for any young transferees (minors) in the form of education programs and activities.

IHMS are contracted to provide health and medical services for transferees and RPC staff. This service includes treatment for coughs, colds, cuts etc. through to medical emergency along with staff involved in the treatment of mental health issues.

Construct, whilst not directly involved in the daily activities at the RPC, have been contracted to carry out construction of the RPC and associated infrastructure. This construction phase is nearing completion with the remaining works expected to be finalised by middle to late 2014.

A tour of the 3 RPC locations was undertaken. At RPC 2 & 3, along with mess, security static points and medical facilities, aspects of construction were viewed with the requirement for Hi-Viz vests to be worn by all persons (transferees included) who may enter these areas noted. Certain areas of construction such as recreation areas were nearing completion.

It would appear, based upon meetings and discussions undertaken during the visit, that recommendations as outlined in the "Executive Report of the review into the 19 July 2013 Incident at the Nauru Regional Processing Centre" dated 8 November as developed by Keith Hamburger AM, have been taken into consideration and acted upon. It was evident, as the observations noted below indicate, that the Emergency Management Plan (EMP) that was in place at the time of the disturbance is reviewed on a regular basis. This review process occurs at the completion of training drills/scenarios or completion of actual incident. It was somewhat unclear at the time of the previous Comcare visit as to the timing and frequency of these Training drills/scenarios. The involvement by the Nauruan authorities in any incident now appears to be clearly defined and in order to maintain this understanding; these local authorities are involved in the previously mentioned training scenarios/drills.

Despite the continued constraints imparted upon the those involved (e.g. aging infrastructure; logistical arrangement both geographically and politically influenced and those described in my observations below), all stakeholders continue to be actively engaged and working towards improving the services provided and health and safety outcomes for all persons involved.

As such, I make the following recommendations for the consideration of DIBP:

- that DIBP implement, so far as possible, similar arrangements at the Manus Island Regional Processing Centre (MIRPC) in conjunction with Transfield Services, as the garrison support contractor.

Please note; whilst the above are recommendations, Comcare may consider further enforcement action if an assessment about the effectiveness of the DIBP plans in response to those recommendations indicates health and safety risks are still not being adequately managed.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Nauru Regional Processing Centres		
Address	Nauru Topside		
	Country	Nauru	

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Border Protection	ABN	33 380 054 835
Address	6 Chan Street Belconnen, ACT 2617		

THIS REPORT ADDRESSED TO

Name	Rita Haddad	Role	s47F		
Address	6 Chan Street				
Belconnen	State	ACT	Postcode	2617	

CORPORATE OR NATIONAL CONTACT

Name	Rita Haddad	Title	s47F		
Phone	s47F	Email	s47F		

WORKPLACE CONTACT

Name	Jane Bloomfield	Title	s47F		
Phone	s47F	Email	s47F		

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	Jane Bloomfield	Workgroup	s47F		
Email	s47F	Phone	s47F		

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	Julie Furby	Position/role	DIBP	s47F	
Name	Amara Foster	Position/role	DIBP	s47F	
Name	s47F	Position/role	Transfield	s47F	
Name	s47F	Position/role	Transfield	s47F	
Name	s47F	Position/role	Transfield	s47F	

Name	s47F	Position/role	Transfield s47F
Name		Position/role	Wilsons Security s47F
Name		Position/role	Wilsons Security
Name		Position/role	Canstruct s47F
Name		Position/role	Canstruct
Name		Position/role	Canstruct
Name		Position/role	TSA s47F
Name		Position/role	TSA
Name		Position/role	TSA
Name		Position/role	SCA
Name		Position/role	SCA
Name		Position/role	IHMS s47F
Name		Position/role	IHMS

SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

On 10 February 2014, I attended the Nauru RPC.

During the period of 10-13 February 2014, carried out site familiarisation, inspections and met with management of key stakeholders conducting work connected with daily activities at the RPC.

Departed RPC on 13 February 2014.

OBSERVATIONS:

There were no significant WHS issues identified in these visits.

- The original RPC (RPC1 - existing at the time of the previous visit, being expanded/developed and subsequently damaged during a disturbance in July 2013) has now been allocated as the administration centre for Nauru RPC activities.
- RPC1 has been completely redeveloped and is nearing completion of construction activities. Administration Building, Service provision Building, Medical Clinic, Warehouse and Kitchen have been completed. Approx 50% of the accommodation buildings have been completed with the remainder of these and the new mess facility yet to be completed.
- Two new "Temporary RPC's" have been established – RPC2 & RPC3, sections of these are currently under construction.
- RPC2 currently accommodates single adult males and RPC3 currently accommodates families and single adult females. Both centres are divided into numerous compounds where further separation of the transferees occurs.
- RPC3 has two separate compounds that are in place for the future accommodation of unaccompanied minors and new mothers.
- International Health and Medical Services (IHMS) capability to provide health services to the facility as they are contracted to do has improved greatly with the introduction/construction of the medical clinic;
 - RPC1 Clinic has been built to current Australian General Practice (GP) Standards and all services provided are also to the Australian GP Standard.
 - Availability of local medical facilities is limited due to a fire that occurred last year, whilst not viewed, it was advised that they are of a questionable standard.
- In-depth induction processes are in place for on-boarding new workers for each stakeholder including the site specific induction carried out at the commencement of work at the RPC. This site specific induction is facilitated by Transfield Security (Wilsons Security).
- Food Safety is to Australian standards, regular monitoring of temperatures occurs, shelf life of cooked products is monitored and strictly adhered to, swab tests of preparation surfaces is conducted for cleanliness. All observations are recorded and maintained for the required timeframes.

- Further improvements in garrison support and security services, as provided by Transfield Services and Transfield Security (Wilson's Security), have occurred since the disturbance that occurred in July 2013.
 - A documented and concise Emergency Management Plan (EMP) is in place and is reviewed on a regular basis. (Note: This EMP was in place at the time of the disturbance, it is noted here for the purposes of identifying continual improvement in process and procedures).
 - Review occurs at completion of training drills/scenarios or completion of actual incident.
 - When each review is undertaken all persons involved in the EMP are consulted for input.
 - Training drills/scenarios are undertaken on a regular basis (at least weekly/fortnightly) to ensure operational readiness of all persons involved in emergency situations.
 - The EMP contains information that identifies roles and responsibilities of each organisation involved in the EMP.
- Whilst the Menen Hotel bed sits are still in use, accommodation outside of RPC1 no longer involves the rental of local houses or "hotel rooms" at the Menen Hotel and as such has improved the accommodation standard. Two new accommodation "villages/lodges" have been constructed since the original visit; these, along with the Menen Hotel bed sits, are where workers are accommodated outside of RPC1. Issues around workmanship and quality are still of a concern due to the different standard applied to local Nauruan businesses.
- The introduction of two new "villages/lodges" for accommodation of workers seems to have resulted in a positive influence on worker morale. A gymnasium is now provided for workers in RPC1.
- Recreational activities on Nauru are generally limited to sightseeing of WW2 artefacts and locations, fishing, swimming and snorkelling.
- Geographical location of Nauru continues to place constraints on the ability to re-supply vital equipment, services and provisions.
- Despite various constraints (e.g. aging infrastructure; logistical arrangement both geographically and politically influenced and those described above), all stakeholders are actively engaged and working towards improving the services provided and also the health and safety outcomes for all persons involved.

Inspector Report concluded and emailed to Rita Haddad 8 April 2014.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

Nauru – A living and working guide
IHMS Stakeholder Staff Information
Transfield WHSMS – Viewed Online access
Wilson's Security WHSMS Documentation - Viewed
Wilson's Security Induction & Training Package and associated documentation & records – Viewed
Canstruct WHSMS Documentation - Viewed
Canstruct SWMS & JHA - Viewed
Canstruct Traffic management Plan - Viewed
Canstruct Incident Notification and Investigation reports - Viewed
Canstruct Work Permits - Viewed
Canstruct Hazardous Substances documentation - Viewed
Canstruct Verification of Competency documentation - Viewed
Canstruct Project Spot Audits - Viewed
TSA WHSMS Documentation – Viewed
SCA WHSMS Documentation - Viewed
SCA Site Safety Rules – Nauru
SCA Staffing Structure
IHMS Nauru Staff profile
IHMS Site Information Guide – Nauru
IHMS Employee Assistance Program
IHMS Site Orientation Manual
IHMS Site Orientation checklists - Role specific examples
IHMS Site Orientation Checklist – All staff
IHMS Mandatory e-learning relating to WHS
IHMS Site Specific WH&S Management plan
IHMS Site Start-up Risk Assessment & associated action plan
IHMS Safety & Performance Test Report
IHMS WHS Action plan example
IHMS – International SOS Medical Facility Audit Tool
IHMS Audit Schedule example and associated checklists
Transfield Food Safety Management processes and documentation - Viewed
Transfield Nauru Regional Processing Centre Emergency Management Plan & associated Documentation - Viewed

DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

Inspector Report

NOTICES ISSUED

Type of notice(s) issued None

If 'other' is selected or more than one type of notice is issued:

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Greg Zadro	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Operations	Phone	s47F
Email	s47F		
Signature		Date	8 April 2014

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	N/A
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	Rita Haddad	Role	s47F
Email	s47F	Phone	

COPY OF REPORT PROVIDED TO

Name	Jane Bloomfield	Role	s47F
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INSPECTOR REPORT

Work Health and Safety Act 2011 (Cth) (WHS Act)

Inspector's activity/objective		I commenced an intervention to conduct a compliance inspection.	
If 'other' is selected or there is more than one activity/objective:			
Relevant date	18-Feb-2014	Reference no.	EVE00224256-0001
Entry time		Departure time	

SUMMARY OF COMMITMENTS/OUTCOMES

Over the days of 16, 17 and 18 February 2014 there were a number of violent protests involving transferees at the Manus Island Offshore Processing Centre (MIOPC). As a result of these protests there were many injuries sustained mostly by transferees, some very serious. An Iranian transferee, Mr Reza Barati, suffered a head injury so severe that he died during the early hours of 18 February.

The Department of Immigration and Border Protection (DIBP) notified Comcare of the incident on 18 February, and an inspection was commenced.

Inspector Jason Briggs undertook a compliance inspection but no powers were exercised during the course of the inspection.

Outcome

After a thorough review of available evidence Inspector Briggs did not identify any breaches of the *Work Health and Safety Act 2011* (the WHS Act) by DIBP. On the evidence reviewed it appears DIBP provided a safe workplace as far as reasonably practicable. It is apparent that the injuries and death that occurred were the direct result of criminal actions, not as a result of inadequate WHS practices, processes or systems.

Recommendations have been made further in this report.

ACTUAL SITE ADDRESS OF ATTENDANCE OR WORKPLACE(S) INVOLVED IN INTERVENTION ACTIVITY

Name	Manus Island Offshore Processing Centre		
Address	Manus Island, Papua New Guinea		
	State		Postcode

LEGAL NAME AND ADDRESS OF THE PERSON CONDUCTING BUSINESS OR UNDERTAKING (PCBU)

Name	Department of Immigration and Border Protection	ABN	33380054835
Address	PO Box 25, Belconnen ACT 2617		

THIS REPORT ADDRESSED TO

Name	Rita Haddad	Role	s47F	
Address	PO Box 25			
Belconnen	State	ACT	Postcode	2617

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CORPORATE OR NATIONAL CONTACT

Name	Rita Haddad	Title	s47F
Phone	s47F	Email	

WORKPLACE CONTACT

Name	N/A	Title	
Phone		Email	

HEALTH AND SAFETY REPRESENTATIVE DETAILS

Name	N/A	Workgroup	
Email		Phone	

OTHER PERSONS SPOKEN WITH IN RELATION TO THE ACTIVITY

Name	N/A	Position/role	
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SUMMARY OF INSPECTOR'S ACTIONS AND OBSERVATIONS (Including any powers exercised, recommendations or directions made and compliance/s observed)

Inspector Actions

In response to DIBP's notification of the death of Mr Barati a compliance inspection was undertaken by Inspector Briggs. Early in the inspection DIBP indicated that they would cooperate with Comcare's request for information without the need for coercive notices. Prior to requesting information Inspector Briggs reviewed information obtained by Inspector Greg Zadro during his visit to MIOPC in December 2013.

The first request for information was made to Ms Rita Haddad by email on 28 February. On 18 March DIBP responded to the request providing some of the requested material. The remaining material from the initial request was provided on 7 April. On 15 April DIBP Assistant Secretary Nick Evans provided information to Neil Quarmby, General Manager Comcare regarding some general questions on offshore processing facilities.

After reviewing the material provided on 7 April, a further request for information was emailed to Ms Haddad on 16 April. The request was complied with on 13 May.

A comprehensive review was undertaken of all the material provided by DIBP, along with the report of Mr Robert Cornall AO and the "Nauru Review 2013" by Mr Keith Hamburger AM.

Observations

1. DIBP's position is that the WHS Act applies in full in the context of MIOPC and that MIOPC satisfies the definition of "workplace" for the purposes of the WHS Act.
2. The contract for services between DIBP and G4S contained numerous clauses relating to safety, emergency and contingency plans and systems. The evidence supports the existence and implementation of these plans.
3. No DIBP workers were injured during the protests, most likely due to effective implementation of the Emergency Management Plan.
4. There was a large percentage of Papua New Guinea (PNG) workers engaged in MIOPC. This was a requirement of the contract for services.
5. DIBP appeared to have done what is reasonably practicable to provide a safe workplace at MIOPC. DIBP exhibited no control over the events that transpired between 16-18 February that led to the death of Mr Barati.

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Recommendations

1. Consideration is given to implementing the recommendations from the Cornall Review, particularly recommendations 5, 6, 7, 8, 9, 11, and 13 which all have a direct or indirect relationship with workplace safety.
2. The same consideration is given to adapting recommendations 1, 3, 4, 7, and 10 from the Nauru Review 2013 as they apply to MIOPC.
3. Comcare inspectors undertake a further site visit to MIOPC prior to the end of 2014.

DOCUMENTS OR THINGS THE INSPECTOR RECEIVED OR REVIEWED

Memorandum of Understanding between the Government of the Independent State of Papua New Guinea and the Government of Australia, relating to the transfer to, and assessment and settlement in, Papua New Guinea of certain persons, and related issues

Contract for the provision of services between the Department of Immigration and Citizenship (now the Department of Immigration and Border Protection) and G4S Australia Pty Ltd

Numerous email responses from DIBP (received 18/3/14, 7/4/14 & 13/5/14) to questions asked by Inspector Briggs

Correspondence from DIBP Assistant Secretary Nick Evans dated 11 April 2014 (received 15 April)

Documents prepared by G4S including:

- Emergency Management Plan
- Contingency Plan
- Safety and Security Management Plan
- Security Awareness training
- Emergency Orders Incident Response training
- Emergency Awareness training (*Bibby Progress*)
- Operational Order for the Training Evacuation of MIRPC
- Operational Briefs (1 to 3) – Introduction to Evacuation
- Training Evacuation Debriefs dated 7th and 27th December 2013
- Work Health and Safety Plan
- Initial training course session plan and assessment
- Defensive options practical assessment
- Session plan and handout for staff induction
- Learning and Development Management Plan

G4S debrief document

SitReps from 16 - 19 February 2014

15 x G4S Incident Reports

Report of the review by Mr Robert Cornall AO

"Nauru Review 2013" by Mr Keith Hamburger

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DOCUMENTS OR THINGS THE INSPECTOR PROVIDED

N/A

NOTICES ISSUED

Type of notice(s) issued	None
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If 'other' is selected or more than one type of notice is issued:

Summary of notice(s) content

N/A

STATUS OF ANY EXISTING NOTICES MONITORED DURING THIS ACTIVITY

N/A

OTHER ACTION/S TAKEN

N/A

INSPECTOR'S DETAILS (appointed under s156 of the WHS Act)

Name	Jason Briggs	Title	s47F
Office	Brisbane	Region	Queensland
Group	Regulatory Operations Group	Phone	s47F
Email	s47F		
Signature	s47F		Date 26 June 2014

OTHERS ATTENDING/ASSISTING

Name	N/A	Role	
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METHOD OF SERVICE FOR THIS REPORT

Emailed to:	Rita Haddad	Role	s47F
Email	s47F	Phone	s47F

COPY OF REPORT PROVIDED TO

Name	Nick Evans	Role	Other (please specify below) Assistant Secretary DIBP
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PRIVACY STATEMENT

Your privacy is important to us. We will only collect, use or disclose your personal information in accordance with the *Privacy Act 1988*. If Comcare does not collect personal information from you for the purposes of its legislated functions or related functions, we may not be able to respond appropriately.

Comcare is the Commonwealth agency authorised by the *Work, Health and Safety Act 2011* (WHS Act) to collect personal information relevant to the exercise of functions and powers under the WHS Act, *Work Health and Safety Regulations 2011* and other legislation, and the administration and evaluation of Comcare's WHS programs. Any personal information collected in these forms will be used for those purposes.

In exercising those functions, we may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's legal advisers
- the Safety, Rehabilitation and Compensation Commission
- contractors and agents
- a court or tribunal
- state or territory work health and safety regulatory agencies
- enforcement agencies (including police investigating or conducting an interview in connection with the application)
- state and territory Coroners
- commonwealth, state or territory industry regulators
- any other person where there is an obligation under law to do so

We want to ensure personal information collected, used, stored or disclosed is accurate, up-to-date and complete. Comcare's Privacy Policy contains information on how you can request access to personal information held about you and how to seek correction of that information.

You may make a complaint to us if you consider that Comcare has interfered with your privacy or otherwise breached its obligations under the *Privacy Act 1988*. Our Privacy Policy contains more information about how to make a complaint and how we will respond.

Comcare is not likely to disclose personal information to a person who is not in Australia or an external Territory, unless the information relates to an incident, investigation, injury or illness sustained while overseas, or treatment provided by an overseas practitioner. If disclosure of personal information is made to an overseas recipient, Comcare will comply with obligations regarding disclosure to overseas entities (Australian Privacy Principle 8).

For further information about our information handling practices, for a copy of our Privacy Policy, to request an amendment of your personal information or to make a privacy complaint, please refer to www.comcare.gov.au/privacy, contact us on 1300 366 979 or email privacy@comcare.gov.au.

FURTHER INFORMATION

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. To access these, visit our website at www.comcare.gov.au. To get further advice, assistance and information, call 1300 366 979 or email ohs.help@comcare.gov.au.

DISCLAIMER

This report contains information based on the recent visit to your workplace and is given to assist you to take any steps in regard to your obligations under the WHS Act. To ensure you comply with your legal obligations you must refer to the WHS Act and associated Regulations. A link to these documents is provided on our website at www.comcare.gov.au.

While every step will be taken in providing advice to you, Comcare will not be liable for any errors or omissions or for any loss or damage suffered by you or any person which arises from your reliance on this advice or for any breach by you of your obligations under the WHS Act. The fact that an inspector has inspected a particular workplace is not a representation by Comcare that the particular workplace is in any way approved or free of hazards.