

Senate Standing Committee Legal and Constitutional Affairs Legislation Committee
Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020

Answers to Questions on Notice

Office of the Commonwealth Ombudsman

Question 1

Senator Carr asked the following question on 3 July 2020:

Are there examples that have been brought to your attention of breaches of the law by Serco officers?

The response to the honourable Senator's question is as follows:

The Office of the Commonwealth Ombudsman (the Office) receives complaints about the administrative actions of the Department of Home Affairs (the Department) and service providers contracted to work in immigration detention facilities. The Office also monitors the administration and operation of immigration detention facilities.

Through both processes, the Office is aware of allegations of conduct by department staff and/or Serco officers that could constitute unlawful behaviour. These allegations include:

- General assault
- Misuse of mechanical restraints
- Excessive use of force
- Drug trafficking.

In some instances, we have made suggestions or recommendations to the Department about areas where our investigations have identified improvements could be made, but we have not made any definitive findings of unlawful conduct.

Question 2

Senator Carr asked the following question on 3 July 2020:

Is it your observation that the demographics of these centres has changed dramatically and what has the Ombudsman observed in particular in centres such as Preston Mantra or Kangaroo Point.

The response to the honourable Senator's question is as follows:

The Department of Home Affairs (the Department) has advised that all detainees held at the Mantra Bell and Kangaroo Point Alternative Places of Detention are assessed as posing a low flight and behavioural risk. Our observations during inspections supports this advice.

However, we have noted an increasing number of detainees held in the immigration detention network who are assessed by the department and/or its service providers as posing a high or extreme risk for flight or dangerous behaviour. These assessments are based on a range of information including criminal history, previous incidents in detention and mental health concerns.

We do not keep records detailing the numbers of Low, Medium, High and Extreme risk detainees held in each facility. However, we review approximately 10 – 15 per cent of the risk assessments during each inspection and make an assessment of the validity of the risk rating based on the evidence available to the analyst at the time. On occasions, we identify ratings that we consider are too high, and we make recommendations or suggestions to review or change those ratings to more accurately reflect detainee behaviour.