

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARINGS: 24 MAY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE11/0496) Program 4.2: Onshore Detention Network

Program 4.3: Offshore Asylum Seeker Management

Senator Cash (L&CA 47-48) asked:

Can you provide the list of incident types and levels that Serco report to you on? Provide the list as it has been for the last two years, so incorporate any changes that have occurred.

Answer:

There are 3 categories of incidents that Serco is required to report on as described in the contract. The list has not been amended since the contract was signed in June 2009. The 3 categories are:

Critical Incidents

A Critical Incident is an incident or event which critically affects the security or safety of the Facility or where there is serious injury or a threat to life.

Critical Incidents include:

- (a) death – Personnel or a Person in Detention;
- (b) serious accident/injury;
- (c) actual self harm;
- (d) attempted serious self harm;
- (e) serious public health risk;
- (f) allegations or reasonable suspicions of serious assault including:
 - (i) sexual assault; and
 - (ii) assault causing serious bodily harm;
- (g) allegations or reasonable suspicions of assault:
 - (i) by Personnel on a Person in Detention; or
 - (ii) on a minor;
- (h) escape;

- (i) mass breakouts;
- (j) hostage situation;
- (k) riot;
- (l) use of force resulting in bodily harm, either by Personnel or a Person in Detention;
- (m) bomb, biological or chemical threat;
- (n) serious damage to a Facility including fire;
- (o) use of emergency response equipment;
- (p) unauthorised media presence at a Facility;
- (q) unplanned use of instruments of restraint;
- (r) use of a weapon by a Person in Detention;
- (s) withdrawal of labour;
- (t) high profile Visitor refused access;
- (u) protest action outside Facility;
- (v) a Force Majeure Event that has an impact on the operation of the Facility or the welfare of a Person in Detention; and
- (w) any known complaint about any of the above Incidents.

The classification of media presence at a Facility as *Critical* has no bearing on operational response and relates to a record-keeping system only.

Major Incidents

A Major Incident is an incident or event which seriously affects, or has the potential to threaten or harm, the security and safety of the Facility, the welfare of People in Detention, or the success of Escorts, Transfer or Removal activities.

Major Incidents include but are not limited to:

- (a) infection or contamination of a Facility;
- (b) epidemic;
- (c) use of force either by Personnel or a Person in Detention;
- (d) voluntary starvation (over 24 hours);
- (e) voluntary starvation by minor;

- (f) hazardous waste contamination;
- (g) attempted or threatened self harm;
- (h) electronic security system failure caused by nature e.g. fire, storm, tempest flood, or by other means, for example sabotage;
- (i) sabotage;
- (j) sit-in or barricade;
- (k) notification by State or Territory welfare authorities;
- (l) demonstration by People in Detention;
- (m) other major disturbance;
- (n) attempted escape;
- (o) a Person in Detention is found to be in possession of a weapon or means of escape;
- (p) use of an observation room (over 24 hours);
- (q) an Incident likely to attract media attention;
- (r) actual or suspected case of unlawful detention;
- (s) aborted Removal;
- (t) strip search;
- (u) assault causing minor bodily harm; and
- (v) any known complaint about any of the above Incidents.

Minor Incidents

A Minor Incident is an incident or event which affects, but to a lesser degree than a Major Incident, the safety and security of the Facility, the welfare of People in Detention or which threatens the success of Escorts, Transfer or Removal activities.

Minor Incidents include, but are not limited to:

- (a) voluntary starvation (under 24 hours);
- (b) end of voluntary starvation;
- (c) less serious public health risk;
- (d) clinical depression;

- (e) substance abuse resulting in medical attention;
- (f) birth of a child;
- (g) use of instruments of restraint;
- (h) food poisoning;
- (i) threatening or aggressive behaviour by People in Detention or Personnel;
- (j) contraband or prohibited article found;
- (k) assault not occasioning bodily harm;
- (l) approaches by media to Personnel or People in Detention;
- (m) Person in Detention or staff subjected to abusive or offensive remarks;
- (n) transfer of Person in Detention between Facilities;
- (o) transfer of Person in Detention to alternative place of detention;
- (p) minor industrial action by Personnel;
- (q) minor disturbance;
- (r) failure of mains system/power failure if the backup systems fail;
- (s) failure of the Service Provider's information technology system for a duration of six hours or more;
- (t) less serious damage to Facility;
- (u) theft;
- (v) missing money;
- (w) missing property;
- (x) contraband brought in by Visitors;
- (y) Person in Detention denied a Visitor during visiting hours;
- (z) other Visitors refused access;
- (aa) complaints or feedback received by the Service Provider are not resolved within the required timeframe, or are escalated to an external third party;
- (bb) Person in Detention denied information from their file; and
- (cc) any known complaint about any of the above Incidents.