

CHAPTER 8

Nature and causes for disturbances in detention centres: the Hawke–Williams Review

Background

8.1 The Committee is grateful for the detailed and comprehensive review conducted by Dr Allan Hawke AO and Ms Helen Williams AM into the riots and disturbances at Northwest Point Immigration Detention Centre (IDC) on Christmas Island and at Villawood IDC.⁶⁹⁷ The report spans almost 200 pages, and the Committee does not propose to repeat the full detail here. Rather, this chapter will discuss the most significant findings.

8.2 On 18 March 2011 the Minister for Immigration and Citizenship, Senator the Hon. Chris Bowen, announced a review into the Christmas Island riots in March 2011. Subsequently the terms of reference for the inquiry were expanded to include the riots in Villawood Immigration Detention Centre (IDC) which took place in April of the same year.

8.3 Dr Hawke and Ms Williams were commissioned to conduct the inquiry. The expanded terms of reference stated that the reviewers were to investigate and report to the Minister on the management and security at the Christmas Island and Villawood IDCs, and to make recommendations to strengthen security and prevent similar incidents occurring again. Particular attention was paid to:

- the clarity of roles and responsibilities between Serco and DIAC in managing the IDC and in managing the incident;
- how breaches of security were achieved, what access detainees of the centre had to tools to assist with such breaches, and, if relevant, how such access occurred;
- the extent of any prior indicators or intelligence that would have assisted in the prevention and/or management of the incident;
- the adequacy of infrastructure, staffing and detainee management in maintain appropriate security at the centre;
- the adequacy of training and supervision of DIAC and Serco staff;
- the effectiveness of the communication and coordination between the relevant government agencies and contractors; and

697 Dr Allan Hawke AO and Ms Helen Williams AM, Independent Review of the Incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre, 31 August 2011, <http://www.immi.gov.au/media/publications/pdf/2011/independent-review-incidents-christmas-island-villawood-full.pdf> (accessed 1 February 2012). Hereafter 'Hawke-Williams Review'.

- the appropriateness of the response measures taken to the incident.⁶⁹⁸

8.4 The review focused on the relationship between DIAC and Serco in responding to the incidents. The actions of the Australian Federal Police (AFP) were outside the scope of the inquiry. Dr Hawke and Ms Williams made 48 recommendations, all of which were accepted by DIAC. The recommendations are aimed at the improved management of good order in IDCs. While the review focused particularly on Christmas Island and Villawood IDCs, other recommendations can be applied to the detention network more generally, and to the management of the Detention Services Contract. The Minister has asked the Department to report on implementation of the recommendations in the middle of 2012.⁶⁹⁹

The nature of the riots and disturbances in detention facilities

8.5 The incident on Christmas Island commenced on 11 March 2011. Detainees gained unrestricted access to all parts of the IDC, breached the perimeter fence and and were able to move freely around Christmas Island. In the following days:

Mass non-compliance and fires caused considerable damage to detention infrastructure over the following days; the safety of staff and some detainees was under threat and sections of the Christmas Island community also felt threatened. Order was restored only after control of the incident was handed over to the Australian Federal Police (AFP).⁷⁰⁰

8.6 The incident at Villawood IDC started on 20 April 2011 when two detainees gained access to the roof of an accommodation block in Fowler compound to protest. The protest escalated into a riot and authorities lost control of both the Fowler and Hughes compounds:

Fires were set, extensive damage was caused to infrastructure, and detainees and staff were at significant risk of harm. The last two detainees remaining on the roof agreed to come down on 30 April 2011.⁷⁰¹

The reasons for the disturbances in detention facilities

8.7 The reviewers concluded that the occurrence of these incidents should not have been surprising, but acknowledged that the severity and speed of escalation was less predictable.

8.8 DIAC commissioned Mr Keith Hamburger, from Knowledge Consulting, to assess the security arrangements at Villawood IDC and on Christmas Island in early

698 Hawke-Williams Review, pp 17–18.

699 *Minister's Response*, Independent Review of the Incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre, November 2011, <http://www.immi.gov.au/media/publications/pdf/2011/response-independent-review-incidents-christmas-island-and-villawood-full.pdf> (accessed 16 February 2012) (Hereafter 'Minister's Response').

700 Hawke-Williams Review, pp 4, 53–66.

701 Hawke-Williams Review, pp 4, 70–78.

2010.⁷⁰² Mr Hamburger reached 19 findings and made 5 recommendations in the final report that was provided to DIAC on 14 October 2010.⁷⁰³ Crucially, he concluded that the facilities on Christmas Island were overcrowded and understaffed, staff and detainee safety was compromised, detainee mental health was at risk due to a lack of meaningful activity and intelligence gathering was limited due to staff shortages.⁷⁰⁴

8.9 Unfortunately the final report was not provided to the DIAC Secretary or to the Minister until after the incidents at Christmas Island in March 2011. Dr Hawke and Ms Williams described the failure to provide the report to the Secretary and the Minister as 'highly regrettable'.⁷⁰⁵ Nonetheless, the Committee notes that Mr Hamburger's interim report was provided to DIAC in May 2010, and the Secretary and the former Minister were aware of its contents, and had initiated measures to respond to concerns raised.⁷⁰⁶

8.10 In relation to Christmas Island, the department had received other regular warnings about the effect of overcrowding:

Organisations and professional bodies had been warning of significant management issues associated with overcrowding, including processing delays and the impact on services and amenities on Christmas Island. There were indications that the risk of a major incident was increasingly more likely if these factors were not addressed.⁷⁰⁷

8.11 In relation to Villawood IDC, managers were aware of general threats of the likelihood of disturbances around the Easter period. However, protests often occurred at Easter, and no intelligence conveyed serious or specific details of the threat.⁷⁰⁸

8.12 The reviewers found that in the days leading up to the disturbances at both facilities Serco and DIAC had made efforts to mitigate the risks involved. However, the 'scale' and 'severity' of the incidents made it very difficult for Serco to effectively manage the incidents and maintain control over the centres. Ultimately, the reviewers concluded that the causes of the disturbances also challenged the ability of both Serco and DIAC to respond.⁷⁰⁹

8.13 The reviewers noted that the majority of detainees involved in the incidents were on negative pathways, and this was the predominant motivation for their actions:

702 Hawke-Williams Review, p. 43.

703 Mr Keith Hamburger AM, *Assessment of the Current Immigration Detention Arrangements at Christmas Island*, Knowledge Consulting, 14 October 2010; DIAC, answer to question on notice, Q306 (received 23 March 2012).

704 Mr Keith Hamburger AM, *Assessment of the Current Immigration Detention Arrangements at Christmas Island*, Knowledge Consulting, 14 October 2010, pp 4–9.

705 Hawke-Williams Review, p. 44.

706 Hawke-Williams Review, p. 44; Mr Andrew Metcalfe, Secretary, DIAC, *Proof Committee Hansard*, 29 February 2012, p. 31.

707 Hawke-Williams Review, pp 4, 42–45.

708 Hawke-Williams Review, pp 4, 112–118.

709 Hawke-Williams Review, pp 5, 121.

Although the length of processing time is a contributing factor, a strong motivation from detainees who have received a negative decision flows from their reaction to having paid a significant sum of money to people smugglers to facilitate their travel to Australia with an accompanying "promise" of receiving a visa. Having received the wrong outcome in their eyes is manifesting itself in non-compliance, inappropriate behaviours, disturbances and resort to self harm by these detainees.⁷¹⁰

8.14 This view is consistent with the evidence provided to this Committee during the course of the inquiry.

The management of good order and public order

8.15 The reviewers examined the respective responsibility of DIAC, Serco and the AFP in maintaining and restoring good order (and public order) in the network. The Detention Services Contract was found to contain a clear description of Serco's role in the IDCs. However, as discussed in Chapter 3, the contract was negotiated and signed in a very different detention context to the present day. Dr Hawke and Ms Williams explained:

[T]he Detention Contract was designed in the context of a small and relatively compliant detention population where the emphasis was on establishing a physical and social environment that mitigated the risk of non-compliance. The contract is less helpful, therefore, in formulating management responses to critical incidents and in understanding roles and responsibilities in that context.⁷¹¹

8.16 The Detention Services Contract focuses on preventing disturbances. However, this focus was unhelpful when, for whatever reason, preventative strategies have not been successful and the situation has escalated.⁷¹²

8.17 Five key elements were identified to maintain good order in an IDC:

- physical security, including infrastructure that accommodates the placement of detainees with varying degrees of security risk and vulnerability risk profiles as well as appropriate guarding capacity (broadly infrastructure is provided by DIAC and is maintained and operated by Serco, and guarding capacity is provided by Serco);
- dynamic/operational security where Serco personnel are highly visible, engaging regularly with detainees so that they provide both a deterrence to security breaches and are alert to issues or concerns;
- ongoing intelligence and analysis concerning potential risks supported by Serco's dynamic security model; the onus is on Serco to gather,

710 Hawke-Williams Review, p. iii.

711 Hawke-Williams Review, pp 5, 82.

712 Hawke-Williams Review, p. 84.

analyse and report information that is relevant to managing risk within an IDC;

- management by Serco of the day-to-day needs of detainees and the provision of meaningful activities and programs; and
- detainee case management by DIAC, supported by providing a clearly articulated pathway for detainees balanced by their understanding that provision of correct background information and identity documentation will assist timely status resolution.⁷¹³

8.18 The contract provides that Serco bears responsibility for incident prevention and management. However, the reviewers concluded that responsibility for management of critical incidents and restoring public order when large numbers of detainees are non-compliant is unclear. Dr Hawke and Ms Williams concluded that:

The Contract does not give sufficient attention to behavioural management in the context of a detention population where a significant and increasing number of those in detention are on a negative pathway.

Prevention rather than cure is a sound strategic approach so long as the framework also caters for situations where prevention becomes increasingly difficult and critical incidents more likely.⁷¹⁴

8.19 Dr Hawke and Ms Williams observed that the management of public order in detention services will always be made more difficult by a larger detainee population.⁷¹⁵

Management of Capacity in IDCs

8.20 Dr Hawke and Ms Williams looked to the effect that increases in numbers of people in immigration detention have had in the past, concluding that the incidents at Christmas Island and Villawood were consistent with historical experience:

Previous waves of IMAs in the late 1990s and early 2000s were characterised by levels of mass non-compliance of similar scale and intensity to the present surge, with riots by detention populations at Baxter, Curtin, Port Hedland, Villawood and Woomera and frequent instances of self harm across all immigration detention facilities.⁷¹⁶

8.21 Following a number of external reviews in 2005 that identified ways that the detention network could be improved, the then government embarked on a series of reforms to the detention network:

At that time, asylum seekers arriving by boat and the numbers of people in immigration detention were negligible. In fact, immediately prior to arrival of the first boat of this current wave, there were only 247 people in the

713 Hawke-Williams Review, p. 5.

714 Hawke-Williams Review, pp 5, 85–88.

715 Hawke-Williams Review, p. 6.

716 Hawke-Williams Review, p. 6.

detention network, all on the mainland. DIAC's focus was on implementing the Government's New Directions policy, including resolving the status of low risk unlawful non-citizens in the community by placing them on Bridging Visas with strict reporting conditions and detaining those representing a higher risk in an immigration detention facility. The corollary of this strategy, given low numbers in the network, was to identify those facilities that could be closed or mothballed.⁷¹⁷

8.22 When the current surge began DIAC and Serco were faced with a number of logistical challenges. DIAC needed to source appropriate accommodation for the rising number of IMAs and qualified decision makers for their asylum claims. Serco needed to quickly increase the scale of the service it provided to DIAC. This included increasing the number of trained client service officers it had. Dr Hawke and Ms Williams found that these issues distracted DIAC and Serco from other matters:

Given that arrivals at Christmas Island for most of this period averaged over 600 people per month, 200 more than the purpose-built NWP design capacity and over double the average daily national detention population for 2008, Serco, and a large part of DIAC, were almost entirely preoccupied with the complex challenge of increasing their capacity to manage the immigration detention population.⁷¹⁸

8.23 Processing of applicant claims slowed down during this period. The reviewers noted that only 42 per cent of IMAs who arrived between January 2010 and May 2010 had their status resolved by May 2011.

Changes to accommodation arrangements on Christmas Island as a result of the surge

8.24 North West Point IDC on Christmas Island is the only purpose built medium risk IDC in the immigration detention network.⁷¹⁹ However, when it was first used by the government it was operated as a low risk facility. The high security Red Compound was not in use, and the electric fence was activated. Detainees were relatively free to move throughout the different compounds, and security roller doors that limited access between compounds were not maintained.

8.25 As the numbers of IMAs increased, beds were put in education rooms and further accommodation (Aqua and Lilac) compounds were built on the perimeter of the IDC. While these facilities were under construction, part of the NWP perimeter fencing was removed, allowing detainees in Aqua and Lilac to enter NWP and, as a consequence, the sterile zone between the inner and outer perimeter fences around NWP.⁷²⁰

717 Hawke-Williams Review, pp 6, 39–40.

718 Hawke-Williams Review, pp 6, 40–42.

719 Hawke-Williams Review, p.7.

720 Hawke-Williams Review, p. 7.

8.26 Dr Hawke and Ms Williams observed that the move to create more accommodation worked with a low risk detainee population, but did create some risks that had serious consequences during the incident, including that:

- it was no longer possible to place and segregate detainees according to their risk profiles;
- there was no way to compartmentalise the facility easily in the event of a critical incident, to contain threats on the one hand, and provide sanctuary for those not wishing to be involved on the other;
- fencing turned out to be wholly inadequate for the risk profile of the detainees, providing only minimal deterrence, an issue of considerable concern for an IDC close to local communities and not easily supported in the event of an emergency; and
- the temporary nature of Christmas Island accommodation, and use of demountables in both the CIIDC and VIDC, provided easy access to a range of items that could readily be fashioned into weapons.⁷²¹

Physical environment

8.27 During the incidents on Christmas Island a number of other aspects of the physical environment at NWP hampered the authority's response. Not all security features worked. For example, a lot of CCTV failed or did not provide necessary coverage and the roller doors at NWP could be forced open by detainees.⁷²²

Key recommendations

8.28 The review's recommendations were grouped under six headings.

Clarity of roles and responsibilities between Serco and DIAC in managing security and the incidents

8.29 Dr Hawke and Ms Williams found that there was a lack of clarity of roles and responsibilities between DIAC and Serco in relation to the management of security and response to incidents at IDCs. To begin with, the authors believed that the contract did not strike the right balance between fairness to people in detention and the purpose of immigration detention – which was described as a compliance tool to protect the integrity of the Australian immigration system and manage the risks to the Australian public.⁷²³ The authors also found that DIAC had not developed up-to-date incident and reporting policies.

8.30 Dr Hawke and Ms Williams recommend that:

721 Hawke-Williams Review, pp 7, 49–53.

722 Hawke-Williams Review, p. 8.

723 Hawke-Williams Review, p. 82.

- DIAC consider possible amendment to the Detention Services Contract, in consultation with Serco, to improve the enunciation in the purpose of detention in the Objectives Section of the Contract in line with the Immigration Detention Values (R1);
- DIAC finalise and publish the “incident management and reporting” section of its Detention Services Manual, ensuring clear delineation of Serco’s and DIAC’s roles (R2);
- the three core incident management documents for Christmas Island are revisited, finalised and promulgated among relevant parties (R3);
- an MOU concerning the operational roles and responsibilities of DIAC, the AFP and local Police Forces in relation to incident management be finalised in all jurisdictions, operationally tested and made known to all relevant staff (R4); and
- the issue of hand-over between DIAC and the AFP or the local Police Force be clarified, a protocol developed, tested and promulgated to support the hand-over, and consideration be given to whether the Contract should be amended to provide greater clarification in this area (R5).⁷²⁴

8.31 DIAC accepted each of these recommendations and work on incident management and reporting and the MOU is at an advanced stage.⁷²⁵

Breaches of security and detainee access tools to enable breaches

8.32 The reviewers found that security measures in place in Christmas Island IDC had not been activated. This was because the centre was first used for a compliant population, with low numbers of detainees. With the changing risk profile of the detainees the reviewers believed that risk mitigation measures should be implemented. The reviewers found that the infrastructure at VIDC was inappropriate for the detainee groups accommodated there, and that visitor screening processes were not sufficiently robust at both centres. Further, staff had not been trained to secure vehicles and objects that could be fashioned into weapons.⁷²⁶

8.33 Dr Hawke and Ms Williams recommended that:

- as was intended by the design of the Christmas Island IDC, the roller doors to the NWP Accommodation Compounds not be used as the primary means by which detainees enter or exit these compounds. It was also recommended that consideration be given to the value of reactivating the key-card system for use at times of increased tension (R6);

724 Hawke-Williams Review, p. 11.

725 Minister's Response, pp 3–4.

726 Hawke-Williams Review, pp 95–101.

- more substantial weld-mesh or solid materials be used rather than chain-link gates and fencing in medium or high security IDCs to provide additional protection against damage and breach (R7);
- staff induction training and procedures emphasise the need to secure vehicles and storage areas in the vicinity of immigration detention places (R8);
- use of aerosol cans be banned and prevented from entering medium and high security IDCs (R9);
- consideration be given to means of disconnecting electricity supply to detainee accessible areas during serious incidents without interfering with the operation of security infrastructure, such as lights and CCTV cameras (R10);
- thorough and consistent risk assessments be conducted for secure compounds within the Immigration Detention Network, particularly following significant alterations to the design of an IDC, and that control and restraint equipment not be located within them unless these risk assessments have been carried out (R11);
- given the impact of detainees on the roof of the Macquarie Residential Block on Serco's ability to maintain control during the April 2011 incident, DIAC and Serco consider further strategies to maintain effective dynamic security within Fowler in a range of possible scenarios, such as the provision of appropriate "anti-climb" infrastructure to prevent people from accessing roofs (R12);
- more stringent screening of visitors to IDCs be undertaken in line with controls at Australia's airports and that improved exclusion zones be put in place around IDC perimeters (R13);
- dangerous items usually located in kitchens or Medical Centres be appropriately secured within those locations, and that a protocol be developed that dangerous items be removed from such places at times of increased tension within an IDC (R14); and
- DIAC articulate more clearly the responsibility of public order management so that an agreed position is established with DIAC, Serco, the AFP and other police forces (R15).⁷²⁷

8.34 DIAC accepted all these recommendations, and a number of changes have already been implemented. For example, the roller doors to NWP are no longer used as a primary point of entry and DIAC is working with Serco to ensure existing visitor screening policies are followed. Scheduled capital works at Villawood will be developed in line with the recommendations.⁷²⁸

727 Hawke-Williams Review, pp 11–12.

728 Minister's Response, pp 5–7

Intelligence or indications that would have assisted management of prevention

8.35 The reviewers found that Serco was not fully meeting its obligations under the contract to conduct security and people risk assessments at each centre. The reviewers queried whether staff conducting risk assessment were fully qualified for this role, and were concerned that Serco and DIAC were not acting jointly from the very beginning of the incident on Christmas Island.⁷²⁹

8.36 Dr Hawke and Ms Williams recommended that:

- Serco's commitments under the Contract in relation to both Security Risk Assessments at each Centre, and People in Detention Risk Assessments for each detainee be met fully as a matter of priority (R16);
- consideration by DIAC and Serco be given to whether additional qualifications are required for Detention Service Provider Personnel undertaking the security intelligence function and that the Contract be amended to specify the level of qualification required (R17); and
- a protocol be developed between DIAC, Serco and the AFP on the formation and operation of a Joint Intelligence Group as part of incident response and management, with specific reference being given to the respective parties' roles and responsibilities (R18).⁷³⁰

8.37 DIAC accepted these recommendations in full. DIAC undertook to audit Serco's compliance with the contract in relation to risk assessments and support training for officers performing the security intelligence function. DIAC noted that the Joint Intelligence Group has been operating at Christmas Island since March 2011, and DIAC is looking formalise this arrangement in writing with Serco and the AFP.⁷³¹

Maintaining appropriate security at the IDCs: infrastructure and detainee management

8.38 Dr Hawke and Ms Williams identified a number of areas where the management of the infrastructure of the two IDCs could be improved and where DIAC and Serco could improve detainee management. Significantly, the reviewers identified a number of existing policies and programs that had not been fully implemented by DIAC and Serco. This assessment touches on some of the issues discussed in Chapter 5, regarding the impact of detention on detainees.

8.39 Dr Hawke and Ms Williams recommended:

- in order to ensure that the electric fence remains an effective means of monitoring the extensive NWP perimeter, it be regularly activated,

729 Hawke-Williams Review, pp 109–118.

730 Hawke-Williams Review, pp 109–118.

731 Minister's Response, p. 8.

maintained and tested by Serco, and that upgrading with appropriate materials be placed on DIAC's capital expenditure plan (R19);

- DIAC investigate use of more sturdy material in the construction of gates and roller doors and their locking and operation mechanisms in medium and high security compounds (R20);
- the panel of fencing removed to allow runway access to Lilac and Aqua Compounds be fully reinstated and maintained to re-establish NWP perimeter security (R21);
- future construction or upgrading of detention infrastructure be planned to allow for sufficient medium and high risk infrastructure within the Immigration Detention Network to match the risk profile (R22);
- DIAC prepare options to maintain contingent immigration detention infrastructure capacity for Government consideration (R23);
- given the limitations of the "open centre" compound formation, which is suitable only for low risk detainees, DIAC commission further design work to determine the compound formations most appropriate for the different types of detainee security risk (R24);
- particularly if medium or high risk detainees are to be accommodated in a Compound, fencing be supported by detection or deterrence infrastructure, including CCTV, and that Serco personnel be trained in its operation (R25);
- Red Compound be regularly tested and maintained and all staff familiarised with its operation and use (R26);
- an infrastructure solution be developed to address the ease with which detainees accessed the Macquarie Residential Block roof, having regard to any impact on the overall security of Fowler (R27);
- the Personal Officer Scheme be fully implemented at all IDCs in the network in line with the requirements of the Contract and that Serco ensure Individual Management Plans are completed for all detainees and regularly reviewed (R28);
- DIAC enhance further its Case Management capacity with a view to aligning IMA oversight more closely with the domestic Compliance caseload, and complete Comprehensive Case Management Assessments for all IMAs in accordance with its Detention Related Decision-Making Control Framework provisions (R29);
- DIAC provide Case Managers with accurate information on the options available to detainees and progress of their case (R30);
- DIAC give priority to finalising and implementing its Status Resolution Focussed Communication Framework and that this include the development of more specific engagement strategies for detainees on

arrival concerning the importance of providing full and complete identity information wherever possible (R31);

- Serco and DIAC develop and deploy a revamped programs and activities model, focussing specifically on:
 - enhancing self determination and decision making;
 - providing skills for life after detention, whether that be in Australia or elsewhere;
 - maintaining or promoting a work ethic; and
 - enhancing detainee well being, by providing each detainee with achievable goals (R32);
- Serco and DIAC finalise development and implementation of the Client Incentive and Earned Privilege Scheme (R33);
- consultative committees, a visits program and social education programs be features of the Security Services Plan of each IDC (R34);
- DIAC finalise their end-to-end business model for resolving IMA status (R35); and
- DIAC develop advice for the Government on options for managing detainees on a negative pathway, particularly those who have been found not to be refugees, but where removal is problematic (R36).⁷³²

8.40 DIAC accepted each of these recommendations in full and is working towards implementing them. A number of infrastructure recommendations have been added to the capital expenditure plans for the IDCs. DIAC advised that it is working with Serco to ensure that it is implementing the Personal Officer Scheme, Individual Management Plans, and providing activities across the detention network. A number of improvements to case management and status resolution have also been implemented.⁷³³

Adequacy of support for DIAC and Serco staff

8.41 The reviewers identified low Serco staff numbers at Christmas Island IDC and incomplete training records for Serco staff, and that this weakness had not been properly contract managed by DIAC. Serco and DIAC officers lacked the experience to effectively manage incidents at IDCs.

8.42 Dr Hawke and Ms Williams recommend that:

- DIAC agree on a system for collecting Serco staffing metrics and assessing staffing capability at each Centre and that this be distributed for use across its network (R37);

⁷³² Hawke-Williams Review, pp 13–14, 123–143.

⁷³³ Minister's Response, pp 8–14.

- DIAC require Serco to maintain records on the certification and qualifications for personnel that are provided under the Contract, and Regional Management Teams audit these regularly (R38);
- Serco run live exercises in incident management based on joint incident management protocols involving all relevant stakeholders at least annually and preferably more often where there is a risk of volatility in the detainee population (R39);
- DIAC review its training requirement in contract management for senior level staff in IDCs to ensure both that they have skills in contract management more generally and that they understand the more specific requirements of the Detention Contract and its provisions (R40);
- the DIAC training model continue to be sufficiently resourced to provide role specific training that incorporates face-to-face training, mentoring and site induction (R41);
- DIAC improve training of DIAC Regional Managers and their staff following finalisation of joint incident management protocols, with particular reference to identifying:
 - roles and responsibilities in local and national command suites;
 - methods of communication and coordination within the command suites; and
 - protocols more generally, including in relation to contractual matters such as “hand-over/hand-back” and the roles and responsibilities of other stakeholders within the command suite (R42).⁷³⁴

8.43 DIAC accepted these recommendations in full, and has been working towards improving training for case managers and contract managers. It has also improved its auditing of Serco's compliance with the contract. The department has undertaken to develop joint incident management protocols.⁷³⁵

Effectiveness of relationship between the Government and Contractors

8.44 The reviewers found that DIAC and Serco had a strong working relationship with good day to day communication and coordination. However, communication and coordination during a major incident was not as strong. Further, management of information in relation to incidents could be improved.

8.45 Dr Hawke and Ms Williams recommended that DIAC:

734 Hawke-Williams Review, p. 158.

735 Minister's Response, pp 15–16.

- move to one mandated source of recording detainee location, utilising a single system or database, and that it ensure that data is entered in a timely manner by all relevant parties
- clarify the roles and responsibilities with regard to end-to-end management of IMA caseload needs;
- clarify rules for data entry of milestone events for detainees; and
- improve the quality and consistency of data entry practices in relation to decision hand downs (R43);
- conduct a systemic review of the quality, timeliness and accuracy of incident reporting and post-incident reviews to ensure that Serco is fulfilling its reporting obligations under the Contract (R44);
- review the SitRep system to consider whether it is the most efficient and effective means of alerting those who need to know about incidents occurring within the Detention Services Network. The review should include development of a priority order of significance or urgency in place of the current single distribution list so that the most important or urgent SitReps can be directed to key people (R45);
- decide whether it needs its own incident logs and adopt clearer protocols in line with Serco's Occurrence Log to ensure record keeping is as comprehensive and accurate as possible (R46);
- and Serco develop a Command Suite protocol which sets out the level of responsibility of the key players in incident management and defines the purpose, structure and personnel required (R48); and that Serco
- explore whether it would be useful to have video conferencing capacity between its existing Canberra Command Suite and local Command Suites during an incident, noting that there may not be standing Command Suites in all locations (R47).⁷³⁶

8.46 DIAC accepted these recommendations, and is close to fully implementing them.

Evidence received by the Committee

8.47 The Committee received evidence throughout the inquiry that is consistent with the findings reached by Dr Hawke and Ms Williams. DIAC recently advised that it has actioned all the recommendations, of which 23 are already fully implemented.⁷³⁷ The Committee is pleased that the Department has taken the recommendations seriously and is actively working on their implementation.

⁷³⁶ Hawke-Williams Review, pp. 161–165.

⁷³⁷ Mr John Moorhouse, Deputy Secretary, DIAC, *Proof Committee Hansard*, 29 February 2012, p. 40.

8.48 Particular issues pursued by the Committee include DIAC's finalisation of MOUs with state and territory local police and the AFP, the AFP's decision to withdraw public order management officers from Christmas Island, and Serco's delivery of recreational and activity programs.

Removal of AFP officers from the Christmas Island

8.49 In November 2011 the AFP decided to remove the team of officers who were trained in public order management from Christmas Island. DIAC told the Committee that a senior Canberra-based DIAC officer was made aware of the AFP's decision to withdraw officers from Christmas Island. The DIAC officer expressed strong concern to the AFP, and raised this concern with the Secretary. However DIAC ultimately accepted that this was a decision for the AFP. Mr John Moorhouse, Deputy Secretary of DIAC, explained:

[It] is my understanding that there was a senior DIAC officer on the island at the time of the proposal to withdraw—that is, a first assistant secretary responsible for detention services—and that she and other DIAC staff did express our concern about the potential increased risks that would be presented by the withdrawal of the operational response group staff from AFP. But we understand that, at the same time, the AFP are required to balance a range of pressures across their area of responsibility. So, essentially, the decision to withdraw is a matter for the AFP...yes, we did express our concern about the potential impacts of that.⁷³⁸

8.50 DIAC acknowledged that the disturbances would likely have been contained if AFP had maintained a public order management presence on Christmas Island. However, DIAC advised the Committee that the AFP's view at the time was that 'they have a whole range of issues they need to manage at any one time and deploying a significant resource in a quite remote place like Christmas Island chews up a lot of those resources'.⁷³⁹ In its evidence to the Committee, the AFP explained its decision to remove public order management officers this way:

In November 2010 we took a decision to remove those resources from the island based on their utilisation and based on our need to reconstitute what is a finite resource so that were able to use it flexibly against a range of activities including our offshore requirements, possible calls on it from other detention centres and also our normal day-to-day high-risk activities in our normal policing activities which those particular assets are used to support. In doing that we set up arrangements whereby intelligence assessments were being provided to the AFP on a regular basis about issues at the centre. We would have used those in conjunction with the feedback from our people on island to determine if other resources were required. Our drawdown, however, was always predicated on the ability to be able to

738 Mr John Moorhouse, Deputy Secretary, DIAC, *Proof Committee Hansard*, 29 February 2012, p. 36.

739 Mr Andrew Metcalfe, Secretary, DIAC, *Proof Committee Hansard*, 29 February 2012, p. 38.

surge back on the island. We surged onto the island on a number of occasions over that preceding 12 months.⁷⁴⁰

8.51 The Committee accepts that this decision is outside the control of DIAC, and the decision was made on an operational level by the Assistant Commissioner of the AFP.⁷⁴¹ The Committee notes that following the commencement of the incidents on Christmas Island in March 2011 the AFP quickly increased its numbers from 32 to 202 officers.⁷⁴²

Development of the MOU

8.52 Throughout this inquiry the Committee has asked DIAC for updates on the progress of MOUs with state and territory police forces. Repeatedly the Committee has been advised that finalisation of MOUs is imminent. At the final hearing in Canberra on 29 February 2012, the Committee was again told that finalisation was imminent. In response to questioning, the department advised that the core terms of the agreements had been met, the remaining delays related to 'issues of cost and compensation'. DIAC explained that it was seeking value for money:

When there has been criticism expressed, asking 'Why don't we have the MOUs in place?' the answer I would like to give to that is we have the core elements of the MOU, the agreement in relation to responsibilities and response already in place. What we are negotiating with other jurisdictions is primarily in relation to money—how much we will pay them for the services they are providing. It is not generally a dispute, but we are seeking to ensure value for money for the Commonwealth.⁷⁴³

8.53 The Committee accepts that DIAC has a duty to ensure that the Commonwealth obtains value for money, and is pleased that the core elements of all the MOUs have been finalised. The Committee hopes that, in line with the Hawke-William recommendations, all MOUs are shortly signed.

Other matters

8.54 A number of the recommendations made by Dr Hawke and Ms Williams have arisen in evidence provided to the Committee which is contained in other chapters of this report. Particular examples include weaknesses in Serco's compliance with the contract and DIAC's contract management, as well as processing challenges and the changing risk profile of detainees.

740 Assistant Commissioner Frank Prendergast, Australian Federal Police, *Proof Committee Hansard*, 6 September 2011, p. 56.

741 Assistant Commissioner Frank Prendergast, Australian Federal Police, *Proof Committee Hansard*, 6 September 2011, p. 60.

742 Assistant Commissioner Frank Prendergast, Australian Federal Police, *Proof Committee Hansard*, 6 September 2011, p. 55.

743 Mr John Moorhouse, Deputy Secretary, DIAC, *Proof Committee Hansard*, 29 February 2012, p. 39.

Committee view

8.55 Dr Hawke and Ms Williams have detailed the widespread destruction that the disturbances and riots in the IDCs caused. The Committee saw the remnants of the destruction during site visits to Christmas Island in September 2011 and Villawood IDC in October 2011. The reviewers observed that the reasons for the riots were grounded in a number of factors. These factors included over-crowding, loss of amenity, a change in detainee demographic, delays in processing and frustration amongst some detainees that they did not get what they had paid people smugglers for: a visa.

8.56 The severity of the riots was exacerbated by policy and training deficiencies of both DIAC and Serco, and by the AFP's decision to withdraw specially trained public order management officers from Christmas Island in late 2010.

8.57 The Committee has carefully considered the 48 detailed recommendations made by Dr Hawke and Ms Williams, all of which were accepted by the Minister, who asked DIAC to report back to him by July 2012.

8.58 While the reviewers were focused on the riots and disturbances, the Committee believes that their findings can be usefully applied to other aspects of the detention network and its administration, because they go to the heart of providing an ordered and safe experience for detainees. The review's recommendations will improve issues identified throughout the Committee's entire report, recommendations relating to mental health, contract management, risk assessment, training, compliance, protocols and policies, inter agency cooperation and status resolution. For these reasons the Committee believes it is important that the Parliament and the Australian public are assured that all the recommendations have been implemented in a fulsome and timely manner.

Recommendation 31

8.59 The Committee recommends that the Department of Immigration and Citizenship continue to work towards implementing all of the recommendations made by the Hawke-Williams review, and that the Minister for Immigration and Citizenship report to the Parliament no later than 20 September 2012 on progress in implementing the review recommendations.



Mr Daryl Melham MP
Chair



Senator Sarah Hanson-Young
Deputy Chair

Mr Adam Bandt MP

Senator Trish Crossin

Mr Robert Oakeshott MP

Senator Glenn Sterle

Ms Maria Vamvakinou MP