



Australian Government
Department of Immigration
and Border Protection

Assessment and Placement of Detainees in Immigration Detention Facilities in Australia

DETENTION STANDARD OPERATING PROCEDURE

This Detention Standard Operating Procedure describes the procedure for assessing a detainee and determining placement of detainees within the held detention network in Australia.

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Introduction

Purpose

This Detention Standard Operating Procedure (SOP) describes the procedure for assessing a detainee and determining placement of detainees within the held detention network in Australia.

It describes a nationally consistent process that outlines the roles and responsibilities of national office, Australian Border Force (ABF) facility staff, the Facilities and Detainee Services Provider (FDSP) and the Health Services Provider (HSP). This ensures that departmental staff and contractors understand the assessment and placement procedures and how their role and responsibilities integrate with the overall placement procedure.

Background

Detainee placement decisions are guided by the *Immigration Detention Values* and supported by the national detention placement assessment tool and the FDSP's security risk assessment tool (SRAT). Accurate assessment and appropriate placement of detainees within the held detention network improves detainee safety and welfare, helps Australia meet its international human rights obligations towards detainees, minimises disruption within the network and reduces operating costs.

Appropriate placement decisions rely on a thorough assessment of the risks associated with individual detainees, the risks to other detainees, departmental staff and contractors, the risks to the safety and good order within the facility, and risks to the facility itself. Placement decisions will also take into account welfare issues such as keeping families intact recognising community links, health, welfare needs, minors and pending and extant marriages.

Detainees' circumstances should be considered in order to determine the most appropriate facility for the detainee. These may include, but are not limited to, the following:

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- s. 47E(d)

Placement in any detention facility or within a detention facility is not an indicator of any immigration status resolution outcome. The provision (or revocation) of suitable accommodation is never to be used as a behavioural management tool or punitive measure.

The use of the national detention placement assessment tool, the SRAT and the national detention dashboard allows all key ABF and FDSP staff to be aware of detainee movements and placements and s. 47E(d) attached to these detainees.

All decisions taken by departmental staff and contractors in the held detention network in relation to minors must treat the best interests of the minor as a primary consideration. **Minors will never be placed in an IDC.** In assessing the minor's best interests, departmental staff and contractors must take into account all of the minor's circumstances, including short-term

and long-term welfare concerns, consideration of physical, mental and emotional wellbeing, financial, moral, religious and health interests. This includes, but is not limited to:

- consideration of the minor's wishes and feelings
- the minor's relationship with each parent or other people
- the effect of the change on the minor (including separation from parents or other people)
- practical difficulty of the minor having contact with a parent and other family members
- the minor's personal characteristics
- the need to mitigate the risk of harm to the minor from harm
- physical, emotional and / or educational needs
- possible existence of family violence and/or associated court orders
- location of other family members in immigration detention and in the Australian community
- likely effect on the minor of any change in the circumstances now and in the future.

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Scope

This Detention SOP describes the procedures for:

- assessing a detainee and placing the detainee within the held detention network after a planned or unplanned arrival
- assessing and placing a detainee within an IDF
- assessing detainees for transfer to another IDF
- assessing and placing a person of interest (POI)
- moving groups to re-balance the held detention network for capacity/logistical purposes.

Application

This Detention SOP applies to detainees as defined in this Detention SOP. It also applies to Suspected Illegal Foreign Fishers and Suspected Foreign Offenders held in an IDF, as if they were detainees as defined in this Detention SOP. See the Glossary for definitions of the terms used in this Detention SOP. s. 37(2)(b)

In this Detention SOP, **Immigration Detention Facility** means the following facilities in Australia where detainees are held in immigration detention:

- immigration detention centres (IDCs)

- immigration transit accommodation (ITA)
- immigration residential housing (IRH)
- alternative place of detention (APOD) (non-facility).

Note: Immigration detention facilities are referred to as 'held immigration detention', in contrast to a detainee residing at a specified place in the community because he or she is covered by a residence determination made by the Minister under s 197AB of the Migration Act.

Note: For the purpose of this Detention SOP, an APOD refers to a community space such as a hospital, school or other location declared by the Minister, or the Minister's delegate, under subparagraph (b)(v) of the definition of immigration detention in subsection 5(1) of the *Migration Act 1958* to be an APOD.

Structure

This Detention SOP is in two parts. Part A provides the step-by-step procedural instructions. Part B provides additional context and guidance for the functional roles and tasks identified in the procedures.

Out of scope

This Detention SOP excludes discussion of:

- internal placement arrangements within immigration detention facilities themselves (this is a matter for the FDSP)
- transfer and placement in community detention
- airport turnarounds
- transferring transitory persons in detention to a regional processing country
- process of physically transferring the detainee or detainees
- non-POI placements in a correctional facility.

Part A: Step-by-step actions

Section 1 - Individual assessment for placement within the held detention network (planned arrival)

Once an unlawful non-citizen (UNC) has been detained, their placement risk must be assessed using the placement assessment tool. This will determine the facility in which the detainee is to be placed. **Note that the term ‘detaining officer’ used below is a general one and may include compliance officers.**

Serial	Action	Responsible entity
s. 47E(d)		
1.1.5	Finalise the placement assessment tool.	Detaining officer
1.1.6	Save a copy to the detainee’s record in the Compliance, Case Management and Detention (CCMD) Portal and on their Total Record and Information Management (TRIM) client folder.	Detaining officer
1.1.7	Where a detainee is yet to be recorded in CCMD portal, save the placement assessment on TRIM.	Detaining officer
1.1.8	Email a copy to the ABF Detention Placements Section (National).	Detaining officer
1.1.9	Consult the national detention dashboard to confirm the appropriate placement, s. 47E(d) [REDACTED] Make the placement decision.	ABF Detention Placements Officer (National)
1.1.10	Inform the ABF Detention Superintendent at the receiving facility of a recommendation given to place a detainee at the	ABF Detention Placements Officer

Serial	Action	Responsible entity
	facility.	(National)
1.1.11	Approve/reject placement decision.	ABF Detention Superintendent (receiving facility)
1.1.12	Determine placement if rejected by the ABF Detention Superintendent at the receiving facility. If a placement cannot be determined, refer to the Commander, Detention Operations.	ABF Superintendent Detention Placements Section (National)
1.1.13	Determine final placement if still unresolved.	ABF Commander Detention Operations
1.1.14	Where placement requires a transfer (for example, interstate), submit a transfer request and placement approval email to ABF Detention and Removals Operations Officer (National), at least 72 hours prior to intended transfer.	Detaining officer
1.1.15	Create an Request For Service (RFS) and submit it to Detention and Removals Operations (National). Advise detainee of arrangements.	Detaining officer
1.1.16	Submit RFS to National FDSP Transport and Escort Manager Confirm travel arrangements for the transfer to the receiving IDF with the ABF detaining officer and the ABF Detention Superintendent at the receiving facility.	ABF Detention and Removals Operations Officer (National)
1.1.17	Communicate the confirmed travel details to ABF Detention Operations (receiving facility).	ABF Detention and Removals Operations Officer (National)
1.1.18	Transfer the detainee to the receiving facility in accordance with 'Detention SOP – Transporting Detainees by Aircraft'.	FDSP Transfer and Escort Team
1.1.19	Conduct induction into the facility as per 'Detention SOP – Reception and Induction of Detainees'.	FDSP Property Officer
1.1.20	If arrival takes place during business hours, complete all sections of the SRAT. If arrival takes place after business hours, complete an induction risk assessment.	FDSP Security Manager
1.1.21	Conduct health screening of the new detainee in the form of a Health Induction Assessment (HIA), the public health component of which must be completed within 12 hours of receiving access to the detainee (as per the IHMS HIA procedures and 'Detention SOP – Health Induction Assessment and Ongoing Health Screening').	HSP staff

Serial	Action	Responsible entity
1.2	Finalising placement in facility	
1.2.1	Attach the completed SRAT to the detainee's CCMD profile once it is confirmed.	FDSP Staff Security Manager
1.2.2	Place the detainee in suitable accommodation, based on their SRAT.	FDSP Facility Operations Manager
1.2.3	Notify the HSP clinic of the placement arrangements.	ABF Detention Operations Officer (Facility)

Section 2 - Individual assessment for placement within the held detention network (unplanned arrival)

When an unlawful non-citizen (UNC) is detained and arrives at the nearest detention facility with no notice, their ^{s. 47E(d)} must be assessed within the first five days using the national detention placement assessment tool. This will determine if the facility is appropriate or if the detainee should be placed elsewhere in the held detention network.

Serial	Action	Responsible entity
2.1	Conducting an individual assessment of an unplanned arrival	
2.1.1	Conduct induction of the detainee into the facility.	FDSP Property Officer
2.1.2	Complete all SRAT actions.	FDSP Security Manager
2.1.3	Attach the completed SRAT to the detainee's profile in the CCMD portal once the SRAT is confirmed.	FDSP Security Manager
2.1.4	Place the detainee in suitable accommodation based on their SRAT risk rating.	FDSP Facility Operations Manager
2.1.5	Notify the HSP clinic of placement arrangements.	ABF Detention Operations Officer (Facility)
2.1.6	Complete all sections of the placement assessment tool to determine if initial placement at the facility is appropriate or if a more appropriate placement is required.	ABF Detention Operations Officer (Facility)
2.1.7	Provide the completed placement assessment tool to the ABF Detention Superintendent at the facility.	ABF Detention Operations Officer (Facility)

Serial	Action	Responsible entity
2.1.8	s. 47E(d)	ABF Detention Superintendent (Facility)
2.1.9	If placement in another facility is required, follow the step for transfer between immigration facilities in Section 3 of this Detention SOP.	ABF Detention Superintendent (Facility)

Section 3 - Assessing detainees for transfer between IDFs

An individual detainee or group of detainees will be moved to another IDF if their current placement is deemed to be unsuitable (for example in the Individual Management Placements and Review Committee – IMPRC) and there are no suitable alternative arrangements within the facility. s. 47E(d)

Note: As per the DSM, if a sudden or urgent occasion for a transfer arises, a truncated transfer process is acceptable. An emergency transfer can be triggered by either the ABF Detention Inspector the ABF Detention Superintendent, the Commander, Detention Operations, the senior status resolution officer, FDSP or HSP.

Note: Group rebalancing moves for capacity/logistical purposes are not typically emergency transfers and usual procedures apply. See **Section 5** of this Detention SOP.

Any recommendation to transfer must take into consideration the detainee's welfare.

The ABF Detention Superintendent (Sending Facility) must receive oral approval from the ABF Detention Superintendent (Receiving Facility) by prior to the move being made. All relevant stakeholders should be kept informed as required.

Notification and recordkeeping relating to the emergency transfer should occur within 24 hours of the transfer taking place.

Serial	Action	Responsible entity
3.1	Moving detainees between IDFs	
3.1.1	Complete the placement assessment tool s. 47E(d) or other potential status resolution impacts including the best interests of any minors involved, on the proposed transfer.	ABF Detention Operations Officer (Facility)
3.1.2	Request and obtain a fit to travel (FTT) assessment from the HSP for the individual to be transferred.	ABF Detention Operations Officer (Facility)
3.1.3	Request a detention service provider assessment (DSPA) from FDSP staff for the individual to be transferred.	ABF Detention Operations Officer

Serial	Action	Responsible entity
		(Facility)
3.1.4	Finalise the placement assessment tool.	ABF Detention Operations Officer (Facility)
3.1.5	Save a copy of the placement assessment tool on the detainee's record in the CCMD portal and on their TRIM dossier.	ABF Detention Operations Officer (Facility)
3.1.6	Email a copy of the finalised placement assessment tool to ABF Detention Placements Section (National).	ABF Detention Operations Officer (Facility)
3.1.7	Consult the IDN Cohort Dashboard to determine the most appropriate available receiving facility and contact the ABF Detention Superintendent at the facility to confirm availability. Make placement decision.	ABF Detention Placements Officer (National)
3.1.8	Discuss the recommendation to place a detainee at a facility with receiving ABF Detention Superintendent.	ABF Detention Placements Officer (National)
3.1.9	Approve/reject the placement decision. If an <i>Immigration (Guardianship of Children) Act 1946</i> (IGOC) minor is to be transferred, advise the delegated guardian about the decision.	ABF Detention Superintendent
3.1.10	Determine placement (if rejected by the ABF Detention Superintendent at the facility). If a placement cannot be determined, refer to the ABF Commander Detention Operations.	ABF Superintendent Detention Placements Section (National)
3.1.11	Determine final placement if still unresolved.	ABF Commander Detention Operations
3.1.12	Complete a FTT assessment and provide to the ABF Detention Operations Officer within 48 hours from receipt of the request. Where applicable, the HSP may provide feedback/advice on the suitability of the suggested final placement based on clinical considerations and requirements.	Health Services Manager (HSM)
3.1.13	Where placement requires a transfer (for example, interstate), submit a transfer request, DSPA, FTT and placement approval email to the ABF Detention and Removals Operations Officer (National), at least 72 hours prior to intended transfer (where possible).	ABF Detention Operations Officer (sending facility)

Serial	Action	Responsible entity
3.1.14	Advise the FDSP and HSP of the transfer date, time and transfer arrangements at least 48 hours prior to intended transfer and as soon as possible.	ABF Detention Operations Officer (sending facility)
3.1.15	Advise the detainee and their representative(s) of the transfer within business hours no later than the day prior to the day of the intended transfer (where appropriate).	ABF Detention Operations Officer (Facility)
3.1.16	Inform the ABF Detention and Removals Operations Section (National) of the decision to transfer a detainee or detainees.	ABF Detention Operations Officer (sending facility)
3.1.17	Send Intent to Transfer to sending and receiving facility.	ABF Detention Placements Section (National)
3.1.18	Transfer the detainee to the receiving facility (see 'Detention SOP – Transporting Detainees by Aircraft' and 'Detention SOP – Reception and Induction for Detainees').	ABF Detention and Removals Operations Officer (National)

Section 4 - Person of interest placement

A person of interest (POI) is a detainee who is considered to pose specific risks within held detention in Australia due to a range of indicators (see Glossary). A specialised placement process is used for POIs that considers whether the person should be placed in a correctional facility. This POI placement process has a higher degree of oversight by the ABF Commander Detention Operations.

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Section 5 - Group movement for capacity/logistical purposes

A group movement for capacity/logistical purposes is undertaken when there is an imbalance in the held detention network capacity that can be rectified by moving groups of particular cohorts to alternative IDFs. A movement can be initiated either by the ABF Detention

Superintendent or the ABF Detention Placements Section (National). The ABF Detention Placements Section is responsible for coordinating group movements for capacity/logistical purposes.

Group movements for capacity/logistical purposes must still take into consideration individual welfare, health or security concerns, including considerations for families and children (including those in the community).

Serial	Action	Responsible entity
5.1	Undertaking group movement for capacity/logistical purposes	
5.1.1	For each detainee being considered for the group movement: <ul style="list-style-type: none"> Complete a new placement assessment tool s. 47E(d) [REDACTED] [REDACTED] [REDACTED] [REDACTED] 	ABF Detention Operations Officer (Facility)
5.1.2	Check the national detention dashboard to determine potential group movement options.	ABF Superintendent, Detention Placements (National)
5.1.3	Liaise with the ABF Removals Operations Section (National) to confirm availability of charter date specified or advise of next possible date.	ABF Detention Placements Officer (National)
5.1.4	Contact relevant IDFs to discuss movement options.	ABF Superintendent, Detention Placements (National)
5.1.5	Provide notice of intent to facilities (both sending and receiving) to obtain numbers of detainees being transferred.	ABF Superintendent, Detention Placements (National)
5.1.6	Confirm numbers and cohorts for movement.	ABF Superintendent, Detention Placements Section (National)
5.1.7	Provide a list of suitable detainees (based on agreed cohorts) in order of priority with FTTs and DSPAs to the ABF Superintendent Detention Placements (National) (receiving facility), Detention Health, and ABF Detention and Removals Operations (National).	ABF Detention Superintendent (sending facility)
5.1.8	Approve or reject placement decision. If a placement cannot be agreed, refer to the ABF Superintendent, Detention Placements (National).	ABF Detention Superintendent (receiving facility)

Serial	Action	Responsible entity
5.1.9	Determine placement if rejected by the ABF Detention Superintendent (receiving facility). If a placement cannot be determined, refer to the ABF Commander Detention Operations.	ABF Superintendent, Detention Placements Section (National)
5.1.10	Determine placement if rejected by the ABF Superintendent Detention Placements (National).	ABF Commander Detention Operations
5.1.11	Provide an updated transfer list to the ABF Detention and Removals Operations Section (National).	ABF Superintendent (sending facility)
5.1.12	Confirm charter travel arrangements for the group transfer.	ABF Removals Operations Officer (National)
5.1.13	Communicate the confirmed travel details to the ABF Detention Operations (receiving and sending facilities) and the ABF Detention Placements Section (National).	ABF Removals Operations Officer (National)
5.1.14	Advise the detainee and their representative/s of the transfer within business hours on the day prior to the day of the intended transfer (where appropriate). Note: Operational security requirements can override detainee notification requirements.	ABF Detention Operations Officer (Facility)

Part B: Description

Overview

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. The use of the national detention placement assessment tool, the SRAT and the national detention dashboard allow ABF and FDSP staff to be aware of detainee placements, movements and risk profiles.

The FDSP Security Manager is responsible for the placement of the detainee *within* the facility based on the SRAT. The FDSP informs the Department of Immigration and Border Protection (DIBP) and the DIBP may, through the Senior Status Resolution Officer, alter this placement decision.

Placement in any detention facility or within a detention facility is not an indicator of any immigration status resolution outcome. Additionally, the provision (or revocation) of suitable accommodation must not to be used as a behavioural management tool or punitive measure.

Responsibilities by role or appointment

ABF Commander Detention Operations

The responsibilities of the ABF Commander Detention Operations are as follows:

Individual assessment for placement within the held detention network (planned arrival)

- Determine final placement if still unresolved.

Assessing detainees for transfer between IDFs

- Determine final placement if still unresolved.

Person of interest placement

- Review and endorse the POI placement minute and placement brief.
- Determine placement if rejected by the ABF Superintendent at the receiving facility.

Group movement for capacity/logistical purposes

- Determine placement if rejected by ABF Superintendent Detention Placements Section (National).

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Assessing detainees for transfer between IDFs

- Check the national detention dashboard to determine the most appropriate available receiving facility and contact the ABF Detention Superintendent at facility to confirm availability.
- Make placement decision.
- Discuss with the ABF Detention Superintendent at the receiving facility the decision to place a detainee at the facility.

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Group movement for capacity/logistical purposes

- Liaise with the Removals Operations Section (National) to confirm availability of the charter date specified or advise next possible date.
- Provide an updated transfer list to the ABF Removals Operations Section (National).

ABF Removals Operations Officer (National)

The responsibilities of the ABF Removals Operations Officer (National) are as follows:

Individual assessment for placement within the held detention network (planned arrival)

- Confirm commercial or charter travel arrangements with the ABF detaining officer and the ABF Detention Superintendent at the receiving facility.
- Communicate the confirmed travel details to ABF Detention Operations (receiving facility).
- Facilitate the transfer of the detainee to the receiving facility.

Assessing detainees for transfer between IDFs

- Confirm commercial travel arrangements if individual, or charter travel arrangements for group transfer.
- Communicate the confirmed travel details to ABF Detention Operations (receiving facility).

Group movement for capacity/logistical purposes

- Confirm charter travel arrangements for group transfer.
- Communicate the confirmed travel details to ABF Detention Operations (receiving and sending facility) and ABF Detention Placements Section (National).

ABF Detention Operations Officer (Facility)

The responsibilities of ABF Detention Operations Officers (Facility) are as follows:

Individual assessment for placement within held detention in Australia (planned arrival)

- review and confirm the security risk assessment tool (SRAT) rating
- provide the SRAT to the ABF Superintendent at the facility
- notify the HSP facility manager of the placement arrangements.

Individual assessment for placement within the held detention network (unplanned arrival)

- review and confirm the SRAT
- provide the SRAT to the ABF Superintendent at the facility
- notify the HSP facility manager of the placement arrangements
- complete all sections of the placement assessment tool to determine if placement at the facility is appropriate or if more appropriate placement is required
- provide the completed placement assessment tool to the ABF Detention Superintendent at the facility.

Assessing detainees for transfer between IDFs

- complete new placement assessment tool and review any upcoming health appointments, court hearings, adverse security assessment notification or other potential status resolution impacts, including on any minors involved, on the proposed transfer
- request fit to travel (FTT) assessments from the HSP for the detainee to be transferred
- request a DSPA from FDSP staff for the detainee to be transferred
- finalise the placement assessment tool
- save a copy of the placement assessment tool to the detainee's record in the CCMD portal and their TRIM dossier
- email a copy to the ABF Detention Placements Section (National)
- where placement requires a transfer (for example, interstate) submit a transfer request, DSPA, FTT and placement approval email to the ABF Detention and Removals

Operations Officer (National), at least 72 hours prior to the intended transfer (where possible).

- advise the detainee of the transfer within business hours of the day prior to the day of intended transfer (where appropriate)
- create a request for service (RFS) and organise the transfer between facilities, allowing 24 hours' notice for detainee to notify all of their stakeholders.

Group movement for capacity/logistical purposes

- Advise detainees of the placement decision. Advise the detainee of the transfer within business hours on the day prior to the day of the intended transfer (where appropriate).

Note: Operational security requirements can override detainee notification requirements.

ABF Detention Superintendent (Facility)

The responsibilities of the ABF Detention Superintendent (Facility) are:

Individual assessment for placement within the held detention network (planned arrival)

- approve/reject placement decision
- note the finalised SRAT rating.

Individual assessment for placement within the held detention network (unplanned arrival)

- notify ABF Commander Detention Operations of changes in risk ratings that require transfer to another facility
- if placement in another facility is required, refer to 'Detention SOP- Transporting Detainees by Aircraft'.

Assessing detainees for transfer between IDFs

- approve or reject the placement decision. If an IGOC minor is to be transferred, advise the delegated guardian about the decision.

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Group movement for capacity/logistical purposes

- provide list of suitable detainees (based on agreed cohorts) in order of priority with FTTs and DSPAs to the ABF Superintendent Detention Placements (National), receiving facility, Detention Health, ABF Removals Operations (National)
- approve/reject placement decision (at receiving facility).

ABF Superintendent Detention Placements Section (National)

The responsibilities of the ABF Superintendent Detention Placements Section (National) are:

Individual assessment for placement within the held detention network (planned arrival)

- determine placement if rejected by the ABF Detention Superintendent (receiving facility).

Assessing detainees for transfer between IDFs

- determine placement if rejected by the ABF Detention Superintendent (receiving facility).

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Group movement for capacity/logistical purposes

- check the national detention dashboard to determine potential group movement options
- provide notice of intent to facilities to obtain numbers of detainees being transferred
- confirm numbers and cohorts for movement
- determine placement if rejected by the ABF Detention Superintendent (receiving facility).

Detaining officers

The responsibilities of detaining officers are:

Individual assessment for placement within the held detention network (planned arrival)

- assess detainee placement risk using the placement assessment tool to determine the appropriate facility
- s. 37(2)(b)
- finalise the placement assessment tool
- save a copy of the placement assessment tool to the detainee's record in the CCMD portal and on their TRIM dossier
- email a copy of the placement assessment tool to the ABF Detention Placements Section (National)
- where placement requires a transfer (for example, interstate), submit a transfer request and placement approval email to the ABF Removals Operations Officer (National), at least 72 hours prior to the intended transfer
- create an RFS and organise the transfer.

FDSP Facility Operations Manager

The responsibilities of FDSP Facility Operations Managers are:

Individual assessment for placement within the held detention network (planned arrival)

- place detainee in suitable accommodation, based on their SRAT risk rating.

Individual assessment for placement within the held detention network (unplanned arrival)

- place detainee in suitable accommodation, based on their SRAT risk rating.

FDSP Property Officer

The responsibilities of FDSP Property Officers are:

Individual assessment for placement within the held detention network (planned arrival)

- conduct inductions into the facility.

Individual assessment for placement within the held detention network (unplanned arrival)

- conduct inductions into the facility.

FDSP Security Manager

The responsibilities of FDSP Security Managers are:

Individual assessment for placement within the held detention network (planned arrival)

- complete all SRAT actions (if detainee arrives during business hours) using:
 - information contained in categories 1–8 of the national detention placement assessment tool
 - s. 47E(d)
 - CCMD portal
- complete an induction risk assessment (if detainee arrives outside of business hours)
- attach completed SRAT to the detainee profile on the CCMD portal once it is confirmed.

Individual assessment for placement within the held detention network (unplanned arrival)

- complete all SRAT actions
- provide the SRAT to ABF Detention Operations (Facility)
- attach completed SRAT to the detainee profile on the CCMD portal once it is confirmed.

FDSP Transport and Escort Team

The responsibilities of the FDSP Transport and Escort Team are:

Individual assessment for placement within the held detention network (planned arrival)

- transfer detainees to receiving facilities (see 'Detention SOP – Transporting Detainees by Aircraft').

HSP staff

The responsibilities of HSP staff are:

Individual assessment for placement within the held detention network (planned arrival)

- conduct health screening of the new detainee in the form of a HIA, the public health component of which must be completed within 12 hours of receiving access to the detainee with the full assessment being completed within 72 hours
- complete a FTT assessment and provide to the ABF Detention Operations Officer

- where applicable, provide feedback/advice on the suitability of the suggested final placement based on clinical considerations and requirements.

Glossary

Terms

The terms and their accompanying definition that have specific meaning in the context of this Detention SOP are listed below.

Term	Definition
Correctional placement minute	The executive order authorising the placement of a detainee into detention within a correctional facility.
Departmental staff and contractors	All departmental employees and service providers engaged in the delivery of immigration detention services.
Detainee	A non-citizen held in immigration detention in accordance with the <i>Migration Act 1958</i> .
IGOC Minor	A minor for whom the Minister is the legally recognised guardian under the IGOC Act. Under s5 of the IGOC Act, a minor means a person who is less than 18 years old.
Immigration detention	<p>Under the <i>Migration Act 1958</i>, immigration detention means:</p> <ul style="list-style-type: none"> (a) being in the company of, and restrained by: <ul style="list-style-type: none"> (i) an officer; or (ii) in relation to a particular detainee—another person directed by the Secretary or Australian Border Force Commissioner to accompany and restrain the detainee; or (b) being held by, or on behalf of, an officer: <ul style="list-style-type: none"> (i) in a detention centre established under this Act; or (ii) in a prison or remand centre of the Commonwealth, a State or a Territory; or (iii) in a police station or watch house; or (iv) in relation to a non-citizen who is prevented, under section 249, from leaving a vessel—on that vessel; or (v) in another place approved by the Minister in writing; <p>but does not include being restrained as described in subsection 245F(8A), or being dealt with under paragraph 245F(9)(b).</p> <p>Note 1: Subsection 198AD(11) provides that being dealt with under subsection 198AD(3) does not amount to immigration detention.</p> <p>Note 2: This definition extends to persons covered by residence determinations (see section 197AC).</p>
Immigration detention facility	Refer to Scope.
s. 47E(d)	s. 47E(d)

Term	Definition
	s. 47E(d)
s. 47E(d)	s. 47E(d)
Suspected Foreign Offenders	Non-citizens held in environment detention under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Suspected Illegal Foreign Fishers	Non-citizens held in fisheries detention under the <i>Fisheries Management Act 1991</i> or the <i>Torres Strait Fisheries Act 1984</i> .

Abbreviations

Abbreviation	Description
ABF	Australian Border Force
CCMD	Compliance, Case Management and Detention (portal)
Cth	Commonwealth
DSPA	Detention Service Provider Assessment
FDSP	Facilities and Detainee Services Provider
FTT	fit to travel
HIA	Health Induction Assessment
HSM	Health Services Manager
HSP	Health Services Provider
I&PS	Integrity and Professional Standards
IAAAS	Immigration Advice and Application Assistance Scheme
IBP	Immigration and Border Protection
IDF	Immigration detention facility
IGOC	Immigration Guardianship of Children
PAIS	Primary Application Information System
PID	Public Interest Disclosure

Abbreviation	Description
POI	person of interest
RPC	regional processing centre
SOP	standard operating procedure
SRAT	security risk assessment tool
TRIM	Total Record and Information Management
UNC	unlawful non-citizen
WHS	Work Health and Safety

Authorities

Authority	Description
Australian Border Force Act 2015	The Australian Border Force (ABF) Act imposes, amongst other things, secrecy and disclosure obligations on 'entrusted persons', which must be complied with when making a record of or disclosing protected information. Protected information is any information obtained by a person in the person's capacity as an entrusted person, which includes all departmental staff and may include contractors.
<i>Immigration Guardianship of Children (IGOC) Act 1946</i>	The IGOC Act makes provision for matters relating to guardianship, delegation of guardianship and custodianship for non-citizen minors who satisfy the eligibility criterion under the IGOC Act (IGOC minors).
Migration Act 1958	The Migration Act governs, amongst other things, the immigration detention of unlawful non-citizens. The Migration Act must be complied with at all times in relation to the manner in which an unlawful non-citizen is taken into or being held in immigration detention. Authorisation under the Migration Act and the Australian Border Force Act may be required to collect and/or disclose certain information.
Privacy Act 1988	The Privacy Act includes the Australian Privacy Principles which must be complied with when collecting, using, disclosing and storing personal information about an individual, including a detainee.

Accountability and Responsibilities

Position	Accountabilities and/or responsibilities
ABF Commander Detention Operations	Responsible for national level management of held detention in Australia.
ABF Compliance Operations (Regional)	Conduct compliance operations in a region.
ABF Detention Operations (Facility)	Support placement decision-making.
ABF Detention Superintendent	Place detainees in a designated IDF.
ABF Superintendent Removals Operations (National)	Manage detainee movements within the held detention network.
ABF Superintendent, Detention Placements Section (National)	Manage, forecast and plan detainee placement within the held detention network.
Health Services Manager	Provide health assessment and treatment in accordance with the Health Services Provider's contracted service agreement.

What happens if this Standard Operating is not followed?

SOPs issued under the Policy and Procedure Control Framework are lawful and reasonable directions under section 13(5) of the *Public Service Act 1999*. Detention SOPs provide standardised guidelines for the application of work procedures in accordance with Departmental Policy and Procedural Instructions. Departmental staff and contractors should apply the procedures set out in Detention SOPs uniformly throughout held detention in Australia.

In certain circumstances a departmental staff member or contractor may feel that the documented procedures may not be appropriate or do not provide adequate guidance. In these circumstances, they should seek direction from their supervisor. If there is no time to

seek direction from their supervisor, they should use their professional judgment and act in accordance with the three key service delivery values:

- respect for human dignity
- fair and reasonable treatment within the law
- provision of appropriate services.

If a departmental staff member, or Australian Public Service employee seconded to the Department, acts outside of the documented procedures without a reasonable explanation or without direction from their supervisor, or they do not act in accordance with the key service delivery values, it may be referred as a breach of the Code of Conduct and may result in disciplinary action being taken.

If a contractor acts outside of the documented procedures without a reasonable explanation or without direction from their supervisor, or they do not act in accordance with the key service delivery values, it may constitute a breach of the working agreement, contract and/or a direction under the *Australian Border Force Act 2015*.

Reporting obligations

Child protection issues and family or domestic violence

Note: The following reporting provisions apply to all departmental staff and contractors.

For the purpose of all Detention Standard Operating Procedures, a 'child protection issue' means any information received, any observation made or any incident witnessed by a departmental staff member or contractor that triggers a reasonable belief or suspicion that a minor in an immigration detention facility is being, or has been, or is likely to be, abused or neglected.

- Where a child protection issue arises, refer to 'Detention SOP – Protection of Families and Minors' and report it to **Child Protection and Wellbeing**
Branch: s. 47E(d)
- If a departmental staff member or contractor is known, or suspected to have been, involved in an instance of violence, child abuse or neglect, report that information to **Integrity and Professional Standards** as soon as possible: s. 47E(d). If the harm results in death or serious injury or illness contact the **National Work Health and Safety Section** as soon as possible on s. 47E(d) who will, if required, notify Comcare in accordance with the *Work Health and Safety Act 2011 (Cth)* as required.
- Family or domestic violence causing death or serious injury or illness in detention must be reported to the **National Work Health and Safety Section** on s. 47E(d).

Work health and safety reporting

Note: The following reporting provisions apply to all departmental workers (as defined in the *Work Health and Safety Act 2011 (Cth)* [WHS Act]). An incident report form **must** be completed immediately following all work-related safety incidents including:

- those incidents where a person(s) suffers a serious injury or illness

- 'near miss' incidents, where an incident occurred and there was a possibility of a person sustaining an injury or illness
- the death of a person.

A worker can submit an incident report online or hard copy on behalf of another worker or for an external person such as a contractor or visitor. Detainee injury and illness is to be reported in Planning and Operational Management System (POMS).

A Comcare 'notifiable incident' is a **work-related** work health and safety (WHS) incident required to be notified to the WHS regulator. Notifiable incidents include:

- the death of a person
- a serious injury or illness that requires a person to receive:
 - medical treatment within 48 hours of exposure to a substance
 - immediate treatment as an in-patient in a hospital
 - immediate treatment for a serious injury or illness such as:
 - the amputation of any part of the body
 - a serious head injury
 - a serious eye injury
 - a serious burn
 - the separation of skin from an underlying tissue (such as degloving or scalping)
 - a spinal injury
 - the loss of a bodily function
 - serious lacerations.
- A dangerous incident in a workplace that exposes a worker or any other person to a serious risk to their health and safety emanating from an immediate or imminent exposure to a risk.

As soon as the work area becomes aware that a WHS incident may fall within the above notification requirements, you must **immediately contact**:

- National Work Health and Safety on s. 47E(d) (24 hrs, 7 days a week)
- Email: s. 47E(d).

More information is available at: <https://bordnet.immi.local/corporate/hr/health-safety/whs-incident-reporting>.

Comcover reporting

Comcover is the Commonwealth of Australia's general insurance fund which provides insurance cover to the Department of Immigration and border Protection (DIBP) and other Commonwealth agencies. The Department is required to notify Comcover of an incident occurring, a claim being made against a departmental employee; or whenever the Department becomes aware of circumstances that are likely to give rise to a claim against it as soon as reasonably practicable. The Department's Comcover Manager is the first point of contact for

Comcover reportable incidents. The DIBP Comcover Manager liaises with Comcover on behalf of departmental employees and may also notify Civil Litigation and Compensation Section where appropriate.

If an event occurs that may give rise to a claim for compensation against the Department or a departmental employee or contractor, a departmental employee must notify DIBP's Comcover manager as soon as reasonably practicable using the following email address:

s. 47E(d) . Departmental staff must not admit liability for, or settle, any claim for compensation without the prior written consent of Comcover, **with the exception of small claims against the Commonwealth (a claim for less than \$1000 AUD). In relation to small claims against the Commonwealth, authorised delegates (s23(3) *Public Governance, Performance and Accountability Act 2013*, Settle monetary claim) may determine that small claims are payable but should seek guidance from the DIBP Comcover Manager or the Civil Litigation and Compensation Section before making a decision.**

Integrity and professional standards reporting

Note: The following reporting provisions apply to all departmental staff and contractors who are Immigration and Border Protection workers (IBP workers). All departmental employees are IBP workers as defined in section 4 of the *Australian Border Force Act 2015*. Contractors are also IBP workers if they fall within the Secretary's Determination on IBP workers.

In accordance with the Integrity Measures Secretary Direction, IBP workers must report activity that they reasonably believe to be serious misconduct, corrupt conduct or criminal activity engaged in by an IBP worker that affects, or is likely to affect, the operations, responsibilities or reputation of the Department. Failure to report instances of serious misconduct, corrupt conduct or criminal activity will be investigated and may be treated as a breach of the Australian Public Service Code of Conduct. A proven breach of the Code of Conduct may result in a range of sanctions, including termination of employment.

For those not employed under the *Public Service Act 1999*, such as a contractor or consultant, failure to comply with mandatory reporting obligations under the Department's Integrity Framework may result in action being taken in accordance with the terms under which that worker is providing services or labour to the Department or under s 57 of the *Australian Border Force Act 2015*.

Refer to departmental Procedural Instruction on *Mandatory reporting of serious misconduct, corrupt conduct and criminal activity involving Immigration and Border Protection Workers* available at <https://bordnet.immi.local/about/integrity/standards-framework/integrity-framework>. An IBP worker can submit a mandatory report to Integrity and Professional Standards (I&PS) Branch using any of the following channels:

- by phone: 1800 277 872
- in person: visit an I&PS Branch office in Canberra, Melbourne or Sydney
- by email: s. 47E(d)
- by post: I&PS Branch, 6 Chan St, Belconnen, ACT, 2616.

Public Interest Disclosure reporting

A public interest disclosure (PID) may be made by a current or former public official about suspected wrongdoing in the Commonwealth public sector. A public official includes those defined as IBP workers (departmental employees, contractors and persons employed by a Contracted Service Provider to provide services to the Department under that contract). For more information about the kinds of conduct that may be disclosed as a public interest disclosure, visit <https://www.border.gov.au/about/access-accountability/public-interest-disclosure-scheme>.

In making a public interest disclosure in compliance with the *Public Interest Disclosure Act 2013* (PID Act) an IBP worker will receive certain protections, within specified limitations, for confidentiality, immunity and reprisal.

An IBP worker who makes a disclosure in relation to a matter which is also a mandatory report meets their mandatory reporting obligations if it is made directly to an Authorised Officer.

An IBP worker can make a disclosure their supervisor or to an Authorised Officer within the Integrity and Professional Standards (I&PS) Branch. Authorised Officers can be contacted via:

- Email: disclosures@border.gov.au
- Phone (in Australia): 1800-IBP-PID (1800 427 743)
- Phone (Overseas): +612 6275 6896.

Related documents

Document ID	Document
	Detention SOP – Health Induction Assessment and Ongoing Health Screening
	Detention SOP – Incident Response and Management
	Detention SOP – Individual Management Plan and Review
	Detention SOP – Managing Minors in Detention
	Detention SOP – Protection of Families and Minors
	Detention SOP – Reception and Induction for Detainees
	Detention SOP – Transfer of Custody
	Detention SOP – Transporting Detainees by Aircraft
	DSM – Chapter 1 – Legislative and Principles Overview
	DSM – Chapter 2 – Detainee Placement Options within the IDN

Document ID	Document
	DSM – Chapter 4 – Visitors and Entry to Immigration Detention Facilities A049
	DSM – Chapter 8 – Safety and Security – Transfers of detainees
	PAM 3: Act - Compliance and Case Resolution – Case resolution – Case management service
TRIM 2015/008292-01	Procedures for determining suspected breaches of the Code of Conduct

References

Serial	Reference
A	<i>Australian Border Force Act 2015 (the ABF Act)</i>
B	Australian Public Service Code of Conduct
C	<i>Immigration (Guardianship of Children) Act 1946</i>
D	Immigration Detention Facilities and Detainee Services Contract
E	<i>Migration Act 1958 (the Migration Act)</i>
F	<i>Privacy Act 1988 (the Privacy Act)</i>
G	Procedural Instruction on <i>Mandatory reporting of serious misconduct, corrupt conduct and criminal activity involving Immigration and Border Protection Workers</i>
H	<i>Public Governance, Performance and Accountability Act 2013</i>
I	<i>Public Interest Disclosure Act 2013</i>
J	<i>Public Service Act 1999</i>
K	<i>Work Health and Safety Act 2011 (Cth)</i>

Consultation

Internal

Stakeholders
ABF Detention Future Operations

ABF Detention Placements Section
ABF Detention Policy Branch
Child Wellbeing Branch
Commercial and Employment Law Branch
Community Support and Children Branch
Detention Assurance
Detention Health Services
Detention Policy
Integrity and Professional Standards
Legal Advice and Operational Support Branch
Onshore Contracts
Services Management Branch

External

Stakeholders
International Health and Medical Services
Serco Immigration Services

Document details

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Endorsement

Endorsed by:	Vanessa Holben, Acting Commander, Detention Operations
Endorsed on (date):	2 September 2016

Approval

Approved by:	s. 22(1)(a)(ii), Superintendent, Detention Future Operations
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END