



Australian Government
Department of Immigration
and Border Protection

Review into allegations of misconduct at the Manus Regional Processing Centre

Detention Assurance Team
November 2015

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Executive Summary

Introduction

1. The Detention Assurance Team (DAT) has completed an Assurance Review of the allegations contained in the anonymous letter received by the Minister on 22 April 2015. The review found no evidence to substantiate any of the allegations in the letter.

Background

2. On 22 April 2015, the Minister for Immigration and Border Protection, the Hon Peter Dutton MP (the Minister) received an anonymous letter from a person claiming to be s. 47G(1)(a).
3. The letter outlined nine allegations of misconduct against staff at the Manus Regional Processing Centre (Manus RPC), allegedly observed over a s. 47F(1) period by the writer.
4. The letter was copied to: Senator Alex Gallacher, Senator Sarah Hanson-Young, Hon Richard Marles MP, Rimbink Pato MP and Julian Burnside QC.
5. On 23 May 2015, First Assistant Secretary (FAS) Integrity, Security and Assurance Division wrote to the Minister to advise him of the DAT review of the allegations contained in the letter as well as to advise him s. 47E(d).
6. The submission also provided a Terms of Reference (TORs), which outlined the objectives, scope and proposed methodology of the Assurance Review into the allegations. On 28 May 2015, the Minister noted the information provided.
7. During the early stages of the review, the DAT became aware that the letter had been provided to the then Acting FAS Detention Services, who had provided it to s. 47G(1)(a).
8. On 5 May 2015, s. 47G(1)(a) engaged s. 47G(1)(a) to conduct an investigation into the allegations raised in the letter to the Minister.
9. In course of the Assurance Review, the DAT considered s. 47G(1)(a) investigations into the allegations. A site visit to the Manus RPC was also conducted.
10. During the course of the review, the Review Team comprising Departmental Officers, s. 22(1)(a)(ii) and s. 22(1)(a)(ii) conducted a site visit to the Manus RPC to meet with key stakeholders.

Review of Documents

11. The review considered a number of documents including s. 47G(1)(a) s. 47G(1)(a) [REDACTED], site visit report, APS Values and Code of Conduct, the Moss Report, Mr Robert Cornall's report regarding sexual allegation on Manus RPC, the interviews undertaken by s. 47G(1)(a) and their investigation report.

Summary of findings

12. The DAT Review Team found no evidence to substantiate the allegations raised in the letter to the Minister.
13. Confidential information provided to the Department should be handled appropriately.

Recommendation


14. It is recommended that allegations of misconduct by Departmental, Australian Border Force officers and contracted service providers should be referred to the Department's Integrity and Professional Standards Branch (I & PS) for assessment and appropriate referral.

Chapter 1: Background

15. On 22 April 2015, the Minister received an anonymous letter from a person claiming to be an employee of s. 47G(1)(a)
16. The letter outlined nine allegations of misconduct against staff at Manus RPC, allegedly observed over a s. 47F(1)
17. The letter was copied to: Senator Alex Gallacher, Senator Sarah Hanson-Young, Hon Richard Marles MP, Rimbink Pato MP and Julian Burnside QC. A copy of the letter is at Attachment A.
18. On 23 May 2015, First Assistant Secretary (FAS) Integrity, Security and Assurance Division wrote to the Minister to advise him of the DAT review of the allegations contained in the letter as well as to advise him of s. 47E(d)
19. The submission also provided a Terms of Reference (TORs), which outlined the objectives, scope and proposed methodology of an Assurance Review into the allegations at Attachment B. On 28 May 2015, the Minister noted the information provided.
20. During the course of the review, the Review Team comprising Departmental Officers, s. 22(1)(a)(ii) and s. 22(1)(a)(ii) conducted a site visit to the Manus RPC to meet with key stakeholders.
21. During the site visit, the team met with the Department's duty Centre Manager, s. 22(1)(a)(ii) and s. 47G(1)(a) rotation Centre Manager (CM).
22. In the early stages of the review, the DAT became aware that the letter had been provided to the then Acting FAS Detention Services, who had provided it to s. 47E(d).
23. On 5 May 2015, s. 47G(1)(a) s. 47G(1)(a) to conduct investigations into the allegations, specifically to:
 - (a) interview selected employees;
 - (b) seek to identify any further witnesses who might provide information relevant to the allegations;
 - (c) seek to identify any documentary or other evidence that may provide information relevant to the allegations raised;
 - (d) analyse the allegations and provide recommendations to s. 47G(1) regarding any further action required by them; ()
 - (e) s. 47F(1) s. 47E(d)
 - (f) analyse the incident register for any information that may support the allegations.

Chapter 2 :Methodology

24. As per the TORs noted by the Minister on 28 May 2015, in conducting the review, the DAT adopted the following approach:

- a. Plan and identify criteria for assessment and review through:
 - i. engagement with stakeholders and subject matter experts; and
 - ii. critical analysis of all available information in relation to allegations and incidents identified.
- b. s. 47E(d), s. 47F(1)

- c. A review of relevant Departmental and contract service provider policy and procedural artefacts to determine gaps and areas of non-compliance.
- d. Conduct interviews with National Office Departmental officers.
- e. Conduct a site visit to Manus Island Regional Processing Centre:
 - i. interview local officers from both the Department and contracted service providers;
 - ii. interview transferees involved in the identified incidents. Note: these interviews were facilitated through the assistance of departmental officers and the contract service providers. These interviews were conducted with due care and concern;
 - iii. observe the screening practices of personnel and contractors entering centre; and
 - iv. review onsite incident reporting, record keeping and notifying processes.
- f. Assess and analyse the progress of recommendations from the 2013 *Review into allegations of sexual and other serious assaults at the Manus Regional Processing Centre* to determine if more diligent action by the Department may have mitigated further incidents.
- g. Draft a report summarising outcome of the fieldwork undertaken.
- h. Present the final report of the review to the First Assistant Secretary, Integrity, Security and Assurance Division.

Chapter 3 :Relevant facts

25. The allegations set out in the letter to the Minister are:

- (1) *There have been allegations, numerous allegations, that s. 47G(1)(a) are bringing marijuana onto site and providing the marijuana to transferees in exchange for information.*
- (2) *There was an alleged allegation of sexual abuse of asylum seekers by s. 47F(1) back in November 2014 that was allegedly covered up by centre management s. 47G(1)(a).*
- (3) *An allegation from earlier this year that a member of the s. 47G(1)(a) had sex with a s. 47F(1).*
- (4) *s. 47F(1) referring to s. 47F(1) including s. 47F(1) staff as "pickaninnies" and "jungle bunnies", which as s. 47F(1) I find extremely offensive and racist.*
- (5) *s. 47F(1) s. 33(a)(iii)*
- (6) *s. 47F(1)*
- (7) *s. 47F(1) told that the s. 47F(1) only come to Manus to get the "generous allowances" and that we are not to have direct conversations with them.*
- (8) *Staff complaints about restrictions on transferees ability to practice their religion goes ignored by management*
- (9) *s. 47F(1) that the majority of the asylum seekers are s. 33(a)(iii)*

Chapter 4 :Detailed Findings

26. The s. 47G(1)(a) report commissioned by s. 47G(1) found:
()

Allegation 1 – On Marijuana

s. 47G(1)(a) found in respect to allegation one s. 47G(1)(a) supplying Marijuana to transferees, there is no evidence to suggest that this is occurring, however, it was noted by all interviewees that contraband of any type is a constant security issue that they are constantly managing accordingly.

Allegation 2 - Sexual abuse

s. 47G(1)(a) found in respect to allegation two regarding sexual abuse of asylum seekers by s. 47F(1) in November 2014 that was allegedly covered up on Island there is no evidence to support this allegation and interviewees had no knowledge of such an event occurring.

Allegation 3 – Sex with an underage girl

s. 47G(1)(a) found in respect to allegation three earlier this year a member of the s. 47G(1)(a) had sex with a s. 47F(1) there was no evidence to support this allegation. Interviewees also noted that if an event did occur it would be very difficult to hide and locals including community liaison staff would definitely have raised such an issue.

Allegation 4 – s. 47F(1) and s. 33(a)(iii)

s. 47G(1)(a) found in respect to allegation four of s. 47F(1) referring to s. 33(a)(iii) f, including s. 33(a)(iii) as “pickaninnies” and “jungle bunnies” this was not substantiated and interviewees agreed that the references were completely inconsistent with s. 47F(1) behaviour and values.

Allegation 5 – s. 47F(1)

s. 47F(1), s. 33(a)(iii)

Allegation 6 – s. 47F(1)

s. 47F(1)

Allegation 7 – Onshore staff on generous allowances

s. 47G(1)(a) found in respect to allegation seven that staff are constantly told that onshore staff only go to Manus to get the “generous allowances” and they are not to have direct conversations with them was not substantiated. Interviewees agreed that onshore staff attend Manus Island with specific tasks and action plans in place before arrival. Similarly, offshore staff are encouraged to liaise with onshore staff.

Allegation 8 – Complaint regarding restrictions on religious practices

s. 47G(1)(a) found in respect to allegation eight of staff complaints about restrictions on the transferees’ ability to practice their religion goes ignored by management was not substantiated. All religious requests are adhered to according to security and operational guidelines.

Allegation 9 – s. 47F(1) on radicalisation

s. 47G(1)(a) found in respect to allegation nine s. 47F(1) telling staff that the majority of asylum seekers s. 33(a)(iii) was not substantiated. Similar to point ‘6’ above this was not supported by any of the interviewees.

Departmental handling of the anonymous letter

27. During the early stages of the review process, the DAT became aware that a copy of the anonymous letter was provided by the Departmental Liaison Officer (DLO) to the then FAS Detention Services Division.

28. It also became clear that in seeking a response to the allegations, the FAS provided as. 47E(d)

29. s. 47C(1), s. 47E(d), s. 47F(1)

30. As part of its investigations, s. 47G(1)(a) interviewed eight staff members of s. 47G(1). A transcript of each of the interview was provided to the Department and analysed as part of this assurance review.

Allegation regarding Marijuana

31. The Department takes allegations that s. 47G(1)(a) bringing marijuana to the centre in exchange for information very seriously. For example, when the Department became aware of allegations of trading marijuana for sexual favors s. 33(a)(iii), Mr Moss was commissioned in February 2015 to conduct a review into the incident.

32. The Moss Review noted that the activity is possibly occurring. However, it could not obtain specific details because transferees were not prepared to provide them. The details obtained about transferees who allegedly dealt in marijuana were provided to the Department for referral to the appropriate authorities.

Allegation of sexual abuse

33. Regarding the allegation of sexual abuse, Department became aware of a similar allegations in the Manus RPC in September 2013. The Secretary of the former Department of Immigration and Citizenship, Mr Martin Bowles initiated a review to investigate and report on the issues raised in the allegations.
34. Mr Robert Cornall was commissioned to conduct review into the allegations. He produced a report titled *"Review into allegations of sexual and other serious assaults at Manus Regional Processing Centre"* In this report, Mr Cornall made six recommendations for improvements.
35. The Department accepted the recommendations and is progressively implementing them.
36. In regards to sexual abuse allegations, the review found that the allegations were not substantiated.

Allegation of misconduct by s. 47F(1)

37. With specific reference to whether s. 47F(1) [REDACTED] the DAT recommends that s. 47G(1)(a) may wish to investigate this matter further in light of its Code of Business Conduct.
38. s. 47F(1), s. 33(a)(iii) [REDACTED]

Allegation regarding inappropriate relationship

39. In order to verify or negate the allegation regarding inappropriate relationship between s. 47G(1) and Departmental Officers. The DAT interrogated approximately 1,500 emails of relevant Departmental Officers sent to and received from s. 47G(1)(a), s. 47F(1) [REDACTED], using specific key words search.
40. The DAT did not identify any emails relevant to the allegation.

Summary of findings

41. The DAT Review Team found no evidence to substantiate the allegations raised in the letter to the Minister.
42. Confidential information provided to the Department should be handled appropriately.

Recommendation

43. It is recommended that allegations of misconduct by Departmental Officers should be referred to the Department's Integrity and Professional Standards Branch (I & PS) for assessment and appropriate referral.

Endorsed

s. 22(1)(a)(ii)



s. 22(1)(a)(ii)



s. 22(1)(a)(ii)

Detention Assurance Team

Sharon Nyakuengama

Assistant Secretary, Detention Assurance



Australian Government
Department of Immigration
and Border Protection



Australian
**CUSTOMS AND
BORDER PROTECTION**



Detention Assurance Team

Review into allegations of misconduct at the Manus Regional
Processing Centre

Terms of Reference

Released by DIBP under the
Freedom of Information Act 1982

Background

1. A letter was received by Mr Peter Dutton MP, Minister for Immigration and Border Protection, on 22 April 2015 from an anonymous s. 47G(1)(a) [redacted] outlining allegations of misconduct observed s. 47F(1) [redacted] at Manus Regional Processing Centre (RPC). Examples of alleged misconduct included (referred to subsequently in this document as 'the allegations'):
 - a. the trafficking of illicit substances by s. 47G(1)(a) [redacted] to transferees in exchange for information;
 - b. an incident of sexual assault against a transferee in November 2014 which was "covered-up" by s. 47G(1)(a) [redacted];
 - c. a s. 47G(1)(a) [redacted] engaging in a sexual relationship with an s. 47F(1) [redacted];
 - d. inappropriate relationships between s. 47G(1)(a) [redacted] the Department;
 - e. religious needs of transferees not being met; and
 - f. derogatory terms used to describe locally engaged employees.
2. The acting Assistant Secretary of the Contract and Services Management Branch has identified s. 47E(d) [redacted]
[redacted]
[redacted]
 - a. s. 47G(1)(a) s. 47E(d) [redacted]
[redacted] As a result of an internal investigation by s. 47G(1)(a) [redacted] dismissed s. 47G(1)(a) [redacted]. The Department became aware of the incident through an article in *The Guardian* on 18 March 2015. s. 47G(1)(a) [redacted] are in the process of commissioning an external review. A letter has been sent to s. 47G(1)(a) [redacted] a copy of the terms of reference.
 - b. s. 47E(d) [redacted]
[redacted]
[redacted]
[redacted] The Department has sent a letter to s. 47G(1)(a) [redacted] requesting it conduct a review into current behavioural management practices used for the management of transferees and the discrepancies between the initial and final investigation report.

Need

3. In 2013, Mr Robert Cornall AO conducted a *Review into allegations of sexual and other serious assaults at the Manus Regional Processing Centre*. Mr Cornall made six recommendations to "strengthen the relevant arrangement" at the centre. Recommendations of this review continue to be actioned by the Department.
4. Given the seriousness of the allegations received and incidents reported, the Detention Assurance Team will undertake an assurance review to examine all points detailed in the letter to the Minister and further explore the operational failures identified.
5. The review may make recommendations to enhance practices to:
 - a. contribute to the security, good order and management of the centre and the maintenance of the care and welfare of transferees within the centre; and
 - b. assist PNG in mitigating the recurrence of any similar incidents in the future.

Objectives

6. The objectives of this review will involve, but is not limited to, assessing:
 - a. the validity and facts of the allegations received;
 - b. the adequacy of arrangements for identifying, reporting, responding to, mitigating and preventing incidents of sexual and other serious assaults at the centre;
 - c. the behaviour and conduct of contract service providers at the centre;
 - d. the policies and procedures for screening of personnel and contractors entering the RPC;
 - e. the integrity framework and accompanying policies of the contract service provider with particular focus on professional conduct and drug and alcohol use;
 - f. the status of the working relationship between the contract service provider and the Departmental officers working in the regional processing centre(s);
 - g. policies and associated artefacts in relation to cultural and religious diversity for both employees and transferees;
 - h. determine the effectiveness of the action taken s. 47G(1)(a) and the department in response to the incidents; and
 - i. the progress of implementing the six recommendations from the 2013 *Review into allegations of sexual and other serious assaults at the Manus Regional Processing Centre*.

Scope

7. The following will be included within the scope of this review:

- a. the views and experiences of the transferees, department officers and contract service provider;
- b. the policies and procedures that assist PNG in the management of the centre centre and transferees from the contracted service provider and the Department;
- c. effectiveness of policies and procedures on screening personnel at point of entry to the centre for illicit drugs and prohibited items;
- d. communication between the Department, transferees, contract service providers; and
- e. reviews commissioned by the Department in relation to Regional Processing Centres.
- f. Any evidence of possible criminal activity obtained by the review will be made available to relevant authorities.

Out of Scope

8. This review will not consider:

- a. the conduct or outcomes of other external entities;
- b. media handling or other internal messaging or communication other than that directly related to the above mentioned incidents; and
- c. any activities involving government officials from the Government of Papua New Guinea (PNG)

Risks

9. The following inherent risks have been identified in this engagement:

Risk Category		Inherent Risks
Strategic Risks		
Reputation and Engagement		Damage to Departmental reputation and public perception
Reputation and Engagement		Loss of confidence in agency by the Minister
Reputation and Engagement		Poor supervision, inadequate training or misalignment of skills to work requirements
Enabling Risks		
Property and physical security		Failure to address security needs
Governance & accountability		Inconsistent or ineffective policy and protocols, including misapplication of risk management tools
Governance & accountability		Poor contract management
Health and Safety		Exposure to violence leading to harm to employees or transferees
Health and Safety		Maintain a drug free workplace
Security / Legal		Detection and prevention of criminal activity
Relationships		The effectiveness of the stakeholder relationships in the regional processing environment

Method

10. In conducting the review, the following activities will be undertaken:

- a. Plan and identify criteria for assessment and review through:
 - i. engagement with stakeholders and subject matter experts; and
 - ii. critical analysis of all available information in relation to allegations and incidents identified.
- b. s. 47F(1), s. 47E(d)
[REDACTED]
[REDACTED]
[REDACTED]
- c. A review of relevant Departmental and contract service provider policy and procedural artefacts to determine gaps and areas of non-compliance.
- d. Conduct interviews with relevant National Office Departmental officers.
- e. Conduct a site visit to Manus Regional Processing Centre:

- i. Interview relevant local officers from both the Department and contracted service providers;
 - ii. interview transferees involved in the identified incidents. Note: these interviews will be facilitated through the assistance of departmental officers and the contract service providers. These interviews will be conducted with due care and concern;
 - iii. observe the screening practices of personnel and contractors entering the centre; and
 - iv. review onsite incident reporting, record keeping and notifying processes.
- f. Assess and analyse the progress of implementing recommendations from the 2013 *Review into allegations of sexual and other serious assaults at the Manus Regional Processing Centre* to determine if more diligent action by the Department may have assisted PNG in mitigating further incidents.
- g. Draft a report summarising the fieldwork undertaken.
- h. Present the final report to the First Assistant Secretary, Integrity, Security and Assurance Division.

Review Milestones

11. Key milestones are indicated in the tables below

Category	Risk and Assurance Activity	Due
Planning	Develop and agree Terms of Reference	May 2015
Planning	Analysis of allegations and incident data. Assess documents available	May 2015
Fieldwork	Site visits to Manus Regional Processing Centre	June 2015
Fieldwork	Complete interviews and commence drafting of report	June 2015
Report	Post Action Review provided to the First Assistant Secretary, Integrity, Security and Assurance Division for clearance.	June 2015
Report	Post Action Review provided to the Secretary and Minister	July 2015

Review Team

12. The Detention Assurance Team includes:

Name	Position
s. 22(1)(a)(ii) Acting Assistant Director Detention Assurance Team, Risk and Assurance Branch	Review Lead
s. 22(1)(a)(ii) Director Detention Assurance Team, Risk and Assurance	Reviewer

Terms of Reference Sign-Off

s. 22(1)(a)(ii)

Jan Dorrington

First Assistant Secretary
Integrity, Security and Assurance Division

17 May 2015

22 APR 2015

Peter Dutton
 Minister Department of Immigration and Boarder Protection
 PO Box 6022
 House of Representatives
 Parliament House
 Canberra ACT 2600

Dear Mr Dutton,

s. 47F(1)

For example:

- There have been allegations, numerous allegations, that s. 47G(1)(a) are bringing marijuana onto site and providing the marijuana to transferees in exchange for information.
- There was an alleged allegation of sexual abuse of asylum seekers by s. 47F(1) back in November 2014 that was allegedly covered up by centre management both s. 47G(1)(a)
- An allegation from earlier this year that a member of the s. 47G(1)(a) had sex with a s. 47F(1) at the time.
- s. 47F(1) referring to PNG local staff, including PNG Immigration staff as "pickaninnies" and "jungle bunnies", s. 47F(1) find extremely offensive and racist.
- s. 47F(1), s. 33(a)(iii)
- s. 47F(1)
- s. 47G(1)(a) constantly told that the onshore staff only come to Manus to get the "generous allowances" and s. 47G(1)(a) not to have direct conversations with them.
- Staff complaints about restrictions on transferees ability to practice their religion goes ignored by management.
- s. 47F(1) telling staff that the majority of the asylum seekers s. 33(a)(iii)

You need to immediately investigate what is happening on Manus Island at the hands of people are meant to be supporting these poor souls. What is happening on Manus Island is revolting, dangerous and places the lives of vulnerable people at risk.

s. 47F(1)

A large rectangular area of the document is redacted with a solid grey block, covering approximately four lines of text.

s. 47F(1)

A single line of text is redacted with a solid grey block.

cc.

Senator Alex Gallacher

Senator Sarah Hanson- Young

Richard Marles MP

Rimbink Pato, MP

Julian Burnside