



To Minister for Immigration and Border Protection
Subject Nauru Files - completion of research
Timing Please action by 30 November 2016

Received
18 NOV 2016
Minister for Immigration
and Border Protection

Recommendations

That you:

- 1. Note the information in relation to the additional 16 incidents reported by The Guardian on 19 September 2016; and noted please discuss
- 2. Note the status update on the 2123 Nauru Files, and that the research has been completed. noted please discuss

Minister for Immigration and Border Protection

Signature 

Date: 12/12/2016

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under the Freedom of Information Act 1982

Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. You were previously updated on work in relation to the leaked incident reports via ministerial submission (MS16-002793 and MS16-002915 refer).
2. On 10 August 2016 The Guardian published 2107 leaked incident reports pertaining to the Nauru Regional Processing Centre on its website under the web-handle 'the Nauru files'.
3. On 19 September 2016, The Guardian published a further 16 incident reports relating to the Nauru Regional Processing Centre (RPC). These incident reports were documents created by Connect Settlement Services (CSS).
4. These additional 16 incidents have been reviewed by the Department for immediate action taken and the appropriateness of action. The incidents fall into the following categories:
 - ^{s. 47F(1)} Critical (^{s. 47F(1)} were actual self-harm incidents)
 - ^{s. 47F(1)} Major (comprising ^{s. 47F(1)} actual self-harm, ^{s. 47F(1)} assault, ^{s. 47F(1)} sexual assault on an adult, and ^{s. 47F(1)} threatened self-harm incidents)
 - ^{s. 47} Minor reports.
5. Of these 16 incident reports, four incidents involved a child (three major incidents including one actual self-harm, two threats of self-harm, and one minor incident involving a threat of self-harm). The actual self-harm incident involved ^{s. 47F(1)}. The ^{s. 47F(1)} ^{s. 47F(1)} and the child is receiving appropriate medical treatment. The Department has confirmed that appropriate action was taken in all cases.
6. Of the 11 critical and major incidents, three were referred to the Nauru Police Force (NPF). ^{s. 47F(1)} of these cases, the alleged perpetrator has been charged and ^{s. 47F(1)} remains under investigation. In the case of the adult sexual assault, the ^{s. 47F(1)} ^{s. 47F(1)}, however, stated that she did not wish to make a formal statement.

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7. The review of the ^{s. 47F(1)} minor incidents indicates that ^{s. 47F(1)} relates to an accident injury and ^{s. 47F(1)} incidents relate to threats of self-harm. The Department has ensured that there has been appropriate follow-up and response in all cases.
8. The Department has now completed a review of all 2123 incidents (covering the period May 2013 to March 2016) to establish that actions have occurred in response to these reports.
9. The total incidents published by The Guardian fall into the following four categories:
 - 23 Critical;
 - 281 Major;
 - 968 Minor; and
 - 851 Information and unclassified reports
10. Of the 23 reports categorised as being Critical, the Department has confirmed that in all cases immediate and appropriate action was taken.
11. Of the 281 reports categorised as being Major incidents:
 - 270 incidents had immediate and appropriate action taken
 - 11 had insufficient information to determine what actions were taken and accordingly it is not possible to determine if appropriate action was taken.
12. Of the 1819 reports categorised as minor, information and unclassified.
 - The Department has been able to match or find a corresponding record for 1527 incidents against Departmental holdings. Irrespective of this, the Department reviewed all 1819 Guardian documents within the minor, information only or unclassified descriptor to determine actions taken and the appropriateness of these actions.
 - Immediate and appropriate action was taken in 1460 incidents.
 - 268 records had insufficient information to determine what actions were or were not taken. Accordingly it is not possible to determine if appropriate action was or was not taken.
 - 91 incidents were identified as having immediate action taken however there was nil or minimal information available for the officers reviewing these incidents to determine the appropriateness of that action.
13. During the Senate Legal and Constitutional Affairs Legislation Committee Hearing on 17 October 2016, the Australian Federal Police (AFP) was asked about referrals to the NPF. The Department is able to confirm that:
 - From Departmental records, 32 matters relating to the Nauru Files were referred to the NPF. In addition the AFP has linked a further seven incidents from other sources to incidents released on The Guardian website – a total of 39 incidents;
 - Of the 39 referrals, four related to Critical incidents, 22 related to Major incidents (including three duplicate referrals), ^{s. 47F(1)} related to Minor incidents, ^{s. 47F(1)} related to Information incidents, and ^{s. 47F(1)} related to Unclassified incidents.
 - Once referred, the NPF considers these reports and determines whether the incident meets the threshold for further investigation of a breach of the criminal code in Nauru.
 - 21 of the reports referred did not warrant further investigation as the NPF determined that no offence had been committed.

- Of the remaining 18 incidents that warranted further investigation:
 - i. s. 47F(1) cases remain open;
 - ii. s. 47F(1) were fully investigated and no offence found;
 - iii. s. 47F(1) complaints were withdrawn (including three duplicate incidents); and
 - iv. s. 47F(1) referral to date has resulted in charges being laid.

Background

14. Save the Children Australia (SCA) was previously contracted to provide welfare services to transferee families and children within the Nauru Regional Processing Centres between 1 August 2013 and 31 October 2015. In this period, SCA maintained data holdings including (but not limited to) learning plans, educational attendance and evaluation records for children, and internal processes for providing welfare support as part of the response to reporting and managing incidents.
15. Connect Settlement Services is contracted to deliver settlement support to refugees temporarily settling in the Nauru community. The contract commenced on 8 December 2014 and will expire on 7 December 2016. Settlement support services are provided through a needs-based welfare case management model designed to promote independence and self-agency, and include income and accommodation support, and employment, education and health linking.
16. An interim *Tableau* IT Solution has been developed by KPMG to effectively interrogate, analyse and generate statistical reporting of the incidents released by The Guardian, including an ability to explore individual incidents and related reports.

Consultation – internal/external

17. Consultation has occurred with Strategic Reform, Detention Services Division and Service Providers. Cross matching of the reports occurred with the Detention Assurance Team (for connection to Moss Review and Child Protection Panel review). The AFP and NPF were consulted in finalising the referral numbers.

Consultation – Secretary/Commissioner

18. The Secretary and Commissioner were not consulted on the approach in the submission.

Client service implications

19. N/A.

Sensitivities

20. All incident data is regarded as sensitive as it relates to specifics involving individuals.

Financial/systems/legislation/deregulation implications

21. Financial implications following the Department's response to The Guardian's unauthorised release of Nauru incident reports has resulted in contracts with KPMG Australia and Hudson's Recruitment to the value of \$150,000. Hudson's Recruitment supplied surge staff to undertake administration tasks, including recordkeeping and data entry. Review of the Nauru Files required approximately 4,000 hours of unanticipated response work.

Attachments

N/A

Authorising Officer
Cleared by:
Kingsley Woodford-Smith Assistant Commissioner Detention, Compliance and Removals Division
Date: 18 November 2016 Ph: s. 22(1)(a)(ii)

Contact Officer Vicki Ludwig, A/g Commander, Offshore Operational Coordination Branch, Ph: s. 22(1)(a)(ii)

Through Acting Deputy Commissioner Operations

CC Secretary
Acting Commissioner
Acting Deputy Commissioner Support
Deputy Secretary Strategic Reform Group

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