Australian Government
Department of Home Affairs

OFFICIAL

Detention Services Manual – Programs and activities – Off-site appointments and movements

Procedural Instruction

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1. Purpose

1.1. Introduction

1.1.1. This Procedural Instruction (PI) provides guidance to officers of the Department of Home Affairs (the Department), including the Australian Border Force (the ABF), and contracted service providers on the management of detainees attending appointments, excursions or special purpose visits (SPVs) off-site from immigration detention facilities (IDFs).

1.2. Legislative Framework

1.2.1. In accordance with the definition of immigration detention in s 5(1) of the *Migration Act 1958* (the Migration Act), 'immigration detention' means:

- being in the company of, and restrained by, an officer (as defined in the Migration Act) or
- being in the company of, and restrained by, another person directed by the Secretary or the ABF Commissioner (or a delegate) to accompany and restrain a particular detainee or
- being held by, or on behalf of, an officer (as defined in the Migration Act) in a detention centre established under this Act, or in a prison or remand centre of the Commonwealth, State or Territory, or in a police station or watch house, or on a vessel in certain circumstances, or at an alternative place of detention approved by the Minister (or a delegate) in writing. For guidance, refer to *DSM – Programs and activities – Directed Persons – PI (DM-5130).*

1.2.2. An 'officer' is defined in s 5(1) of the Migration Act to generally include departmental officers, officers for the purpose of the *Customs Act 1901*, protective service officers for the purposes of the *Australian Federal Police Act 1979*, other members of the Australian Federal Police or state/territory police forces or members of the police force of an external Territory. The Minister may also authorise in writing a class of persons who are 'officers' or specify in writing that a person is not an 'officer', for the purpose of the Migration Act.

1.3. Guiding principles

1.3.1. Detainees **must not** leave an IDF for the purpose of an off-site appointment without the prior approval of the ABF Detention Superintendent (Facility).

1.3.2. Detainees **must not** leave an IDF for the purpose of an excursion or SPV without the prior approval of the Commander, Detention Operations (DO).

1.3.3. All detainees can have their request for an off-site appointment, excursion or SPV considered. Detainees can make a request by completing a Detainee Request Form (DRF). A request for such activities is to be progressed as soon as practicable, and where possible, the Facilities and Detainee Service Provider (FDSP) should ensure detainees have relevant supporting identity documents, if required, in support of their request being made.

1.3.4. The accompanying officer for the scheduled travel may be a FDSP officer, an ABF officer or a Directed Person. For guidance, refer to:

- *DSM – Programs and activities – Directed Persons – PI (DM-5130).*
- *DSM* – Detainee entry and exit –Transfer of detainees – PI (DM-618).

1.3.5. The Australian Risk Management Guidelines (AS/NZS ISO 31000:2018) process for assessing risks, the detainee's Security Risk Assessment (SRA), and *Risk Management – PS (SM-1607)* apply to all off-site appointments, excursions and SPVs.

1.3.6. In the case of children, management of off-site appointments, excursions and SPVs must also be in line with the *Child Safety and Wellbeing – PS (SM-7088).*

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2. Scope

2.1. In Scope

2.1.1. This PI provides guidance to departmental officers and contracted service providers regarding a detainee's access to off-site appointments, excursions and SPVs.

2.2. Out of Scope

2.2.1. This PI does not apply to:

- Detainees in border screening detention during the period of border screening detention
- Detainees subject to a Residence Determination arrangement
- Visitors to the IDFs.

3. Procedural Instruction

3.1. General information

3.1.1. A detainee **must not** leave an IDF without the approval of the relevant ABF Detention Superintendent (Facility) or in some circumstances the Commander, DO

3.1.2. The ABF approval process is to include consideration of:

- The operational capacity of the IDF.
- Availability of FDSP Officer/s for all planned and unplanned transport and escort (T&E) requests or, if appropriate, a Directed Person to escort the detainee off-site.
- The appropriateness of the excursion following current security, site and flight risk assessment.
- Advice of medical practitioners treating the detainee.
- Approval of the Immigration Guardianship of Children (IGOC) delegate for any IGOC children.
- The individual detainee's circumstances to determine if approval should be sought from the Commander, DO, for a compassionate or humanitarian circumstance or for the purpose of visiting financial institutions, which are considered a SPV.
- The Department's obligation to take reasonable steps to ensure the safeguarding of a detainee's health and wellbeing.
- Additional support services required by detainees, as identified.

3.1.3. The ABF officer must also ensure that:

- There are no adverse incidents recorded against the detainee for at least one month prior to their request. This can be considered on a case-by-case basis, for example, if a detainee is progressing on a voluntary removal pathway.
- Eligible detainees have equal access to off-site trips (noting access may be limited by the availability of escort resources, transport limitations or the capacity of an off-site location)
- Detainees are provided with a written response to their requests.

3.1.4. As part of the risk analysis undertaken by the FDSP, stakeholders, such as the ABF are to be consulted on the risks of allowing high-risk detainees to temporarily leave an IDF for non-routine appointments and excursions or SPVs.

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3.1.5. Information on the detainee's active immigration pathway and relevant case history should also be considered.

3.1.6. The Department reserves the right to refuse, cancel or postpone offsite trips for operational or security purposes.

3.2. Direction to comply with court orders

3.2.1. All Departmental, ABF and contracted service provider officers **must** comply with the following lawful and reasonable directions:

- Court orders **must** be complied with promptly.
- Where court orders include explicit direction as to the time for compliance, that time for compliance **must** be observed.
- Where court orders require 'immediate' release of a detainee, processes to facilitate the release **must** be commenced immediately.
- If court orders cannot be complied with, instructions **must** be given to approach the court to vary the orders and evidence will be required to be given on oath or affirmation of the reasons why variation is necessary and justified; advice from Legal Group will be required in these circumstances.
- The possibility or prospect of Ministerial or other decisions that may give rise to an obligation to re-detain a person are not an adequate reason to delay implementation of court orders.

3.2.2. As a subpoena is an order of a court or tribunal, the above directions also apply to compliance with subpoenas. For further guidance on subpoenas, refer to *Subpoenas – Frequently Asked Questions (ADD2019/1967309)*.

3.3. Appointments

3.3.1. Appointments include planned escorted off-site trips for scheduled medical appointments, court appearances, tribunal hearings, law enforcement interviews or to meet court imposed bail requirements.

3.3.2. s. 47E(d) [redacted] he matter will be referred to the Department's *Media and Communication* Branch (media@abf.gov.au). For further guidance including any incident reporting obligations, refer to *DSM – Safety and security management – Incident management and reporting – PI (DM-616).*

Medical and health

3.3.3. Medical practitioners may determine that a detainee needs to attend appointments for hospital or medical specialist consultations for examination and/or treatment. Appointments with allied health professional may also be required.

3.3.4. Further confirmation or clarification can be obtained through the Detention Health Operations section if required as part of the approval process. For policy instructions and/or guidance, contact *health@homeaffairs.gov.au;* for operational matters contact s. 22(1)(a)(ii) *@abf.gov.au*; and for contractual issues contact s. 22(1)(a)(ii) [redacted] @abf.gov.au

3.3.5. The ABF must notify the IGOC delegate in writing of any medical appointments relating to an IGOC child.

3.3.6. The FDSP must ensure they meet contractual obligations of detainee medication management.

3.3.7. Where detainees are admitted to a medical facility outside of business hours, the FDSP must inform both the ABF and the DHSP in writing as soon as practicable, capturing key information.

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such as detainee details, medical facility details including a point of contact. This will allow for APOD acknowledgement, continuity of care and the DHSP to initiate and update medical incident reports and liaise with the treating facility until the incident is closed upon discharge.

Discharge from inpatient medical facility including Emergency Department

3.3.8. Detainees may need to attend an inpatient medical facility for a planned admission or in an emergency. Discharge will occur either within or outside of business hours. The below processes are applicable for detainees discharged from all medical treatment facilities including mental health facilities.

3.3.9. As FDSP Officers are not trained medical professionals, it is critical that advice or direction provided by the DHSP is implemented accurately and in a timely manner to minimise risk to the detainee.

3.3.10. Where the discharge occurs within business hours, the FDSP must notify the onsite DHSP and the ABF of the discharge on arrival to the IDF. The FDSP must provide any medication and/or paperwork from the treating facility to the DHSP.

3.3.11. Where the discharge occurs outside of business hours and the DHSP is not onsite, the FDSP must contact the Health Advice Service (HAS) line (1800 197 659) to advise of the discharge. The FDSP must disclose if the detainee has been prescribed any medication by the treating facility and follow HAS advice and recommendations. Where possible, this communication is to be done by the FDSP (T&E) officers as soon as practicable following discharge.

3.3.11. If the DHSP are onsite, the FDSP must immediately provide the DHSP with all medication and medical paperwork upon return to the IDF. If the discharge occurs outside of business hours, the FDSP must follow local IDF arrangements to securely store any medication or medical paperwork provided by the treating facility for the DHSP to access once onsite.

3.3.12. Once the FDSP has advised of the discharge and any medication prescribed to the detainee, the DHSP will be responsible for obtaining any further medical information or discharge documentation from the treating facility.

3.3.13. Where the discharge occurs outside of business hours, the FDSP must notify the ABF in writing on the same day to inform them of the discharge.

Law enforcement interviews, court imposed bail requirements, court or Administrative Review Tribunal hearing or appearances

3.3.15. Detainees may need to attend law enforcement interviews, judicial court appearances, Administrative Review Tribunal hearings for the purpose of an appeals process or other appointments to meet court imposed bail requirements.

3.3.16. Scheduled T&E must be organised to meet these requirements. In the event that scheduled T&E cannot be facilitated, effective alternative arrangements must be made. Refer to sections **3.6.6 – 3.6.11** – *Transport and escort for all court related activities.*

3.3.17. Some courts may use their own security services which may have policies differing to those of the Department, such as automatically restraining (handcuffing) a detainee and holding them in a sally port or holding cell.

3.3.18. Where the policies of a court do not allow the Department's standard operating procedure/s to be followed, the court's policies are to be followed. The FDSP officer must always remain present with the detainee to maintain the detainee's immigration detention. The FDSP is also responsible for making complete and accurate records of any directions given by court personnel, including security services.

3.4. Excursions

3.4.1. Excursions have a recreational emphasis and fit the objective of contractually obligated programs and activities. They may also be related to a child's school attendance.

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3.4.2. For further guidance please refer to *DSM – Programs and activities – Program and activities and Religious Care - PI (DM-607).*

3.5. Special purpose visits

3.5.1. SPVs are visits by detainees where significant compassionate or humanitarian circumstances exist. These circumstances may include the death or critical illness of a close family member or the birth of a child to the detainee.

3.5.2. Detainees can also apply for a SPV to visit an accredited financial institution. The detainee must be able to provide the relevant identification document/s required by the accredited financial institution prior to the SPV being submitted for approval to the Commander, DO via the ABF Detention Superintendent (Facility).

3.5.3. A detainee may need to and/or benefit from visiting an accredited financial institution to close an active account prior to a planned removal from Australia or to attend to financial matters since their release from a correctional facility into immigration detention.

3.5.4. While a detainee may have a need for a SPV to open a new account at an accredited financial institution, close consideration should be given to the reason a new account is required, noting factors such as a detainee's immigration pathway, length of time in immigration detention and potential impacts, financial or other, to the detainee, should SPV not be approved.

Risk assessment

3.5.5. Consideration of all requests for SPVs must include a risk assessment, s. 47E(d)

3.5.6. s. 47E(d)

3.5.7. s. 47E(d)

3.5.8. s. 47E(d)

Decision process

3.5.12. Requests by detainees for SPVs are made in writing to the FDSP then referred to the ABF Detention Superintendent (Facility) in the first instance.

3.5.13. When a detainee's application for a SPV has been recommended to be approved by the FDSP T&E Manager to the ABF Detention Superintendent (Facility), the approving authority is the Commander, DO.

3.5.14. Decisions on SPV requests must be in accordance with the service delivery values of being fair and reasonable, and upholding the dignity of, and respect for, the detainee. Whether the request is for a compassionate, humanitarian or financial reason each request should be considered on a case-by-case basis.

3.5.15. The following details are to be provided by the FDSP:

- Type (off-site appointment, excursion, or SPV).
- Date.
- Number of participants.

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- Number and sex of escorts required.
- Location.
- Estimated time frame.
- Current security risk.
- Current flight risk.
- Current site risk assessment.
- Risk to the detainee.
- Tactical plan for SPV.
- Any additional information to assist the decision maker in making decisions on such activities by detainees, including sufficient detainee identity documents required for financial institution visits and where possible, evidence provided by the detainee to support their reason for request, for example a funeral notice.

3.5.16. The ABF Detention Superintendent (Facility) is to review the application and ensure the request is for a compassionate or humanitarian circumstance or for the purpose of visiting a financial institution. Should the request not fall within these categories, the ABF Detention Superintendent (Facility) should not refer the matter to the Commander, DO and is to advise the FDSP T&E Manager in writing. All correspondence must be via email for recording purposes in departmental systems.

3.5.17. A request for a SPV should also be balanced against the cost of the visit and the operational capacity of the FDSP, especially when interstate travel is required.

3.5.18. Where relevant, alternatives to travel, such as teleconferencing, should be explored.

3.5.19. When deciding an application for a SPV, the roles and responsibilities of both the Department and the FDSP equally apply, with special emphasis on correct assessment of security, flight and site risk, risk to the detainee and the involvement of departmental SROs.

3.5.20. Decisions for all activities involving IGOC children must be sought from the IGOC delegates, with consideration given to the best interest of the child and Convention on the Rights of the Child. All correspondence is to be recorded on departmental systems.

3.5.21. The Commander, DO (or delegate) may inform the Minister for Home Affairs' office due to the potential for public and media interest where appropriate.

3.5.22. **All decisions must be recorded by the decision maker** in a complete, accurate and timely manner and documented on the detainee's individual file and the s. 47E(d) Written supporting documentation including detailed reasoning **must** also be included to ensure accurate record keeping of decisions occurs.

3.5.23. The Department **must** be able to demonstrate that these decisions were transparent and accountable. If there are legitimate operational reasons for the SPV not being able to be facilitated, detailed reasons must be documented in writing and provided to the detainee. **General reasoning will fall short of the consideration required.** The specific circumstances of the request **must** be considered and documented, for example, the number of officers required to facilitate the request and the likely impact on staffing levels in the IDF while the SPV is being facilitated. The reason for the refusal may include any risk factors about the detainee that may complicate the facilitation of the request (for example, mental health issues requiring specialised or further staff for supervision).

3.5.24. Where the request is refused, there **must** be a record of alternative arrangements that were attempted relevant to the circumstances of the detainee and that **all** these relevant circumstances were considered. ABF Detention Superintendents (Facility) **are to ensure that the written response to the request is consistent with any legal or international obligations.** If there are genuine operational constraints, these need to be considered as part of the request and recorded accordingly.

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3.5.25. It is the FDSP's responsibility to advise the detainee of the decision (and reason/s) regarding their SPV application.

3.6. Transport and escort arrangements

3.6.1. The FDSP is responsible for managing and coordinating all Australian based local and regional T&E tasks where approval from the Department has been given.

3.6.2. A local T&E task refers to transporting and escorting detainees and their property to and from the same IDF or another IDF within a 100km radius.

3.6.3. A regional T&E task refers to transporting and escorting detainees and their property to and from the same IDF or another IDF outside a 100km radius.

3.6.4. A T&E task may be conducted to facilitate a detainee:

- Attending a medical or specialist appointment.
- Attending an excursion.
- Being transferred to a Directed Person (such as a child attending school).
- Attending a court, tribunal, law enforcement interviews or complying with court imposed bail requirements.
- Attending a SPV.
- Being transported to an IDF after a compliance pickup operation.

3.6.5. Prior to an approved SVP, under no circumstances is the escort team to undertake a search of the facility or the premises for possible security risks without the consent of the occupier. If consent is refused and there is a reasonable basis for the escort team to be concerned about their ability to maintain the detainee's immigration detention or the security of the detainee and the escort team, the SPV should be discontinued.

3.6.6. The escort team's shoes must remain on at all times. Disposable shoe covers may be worn to minimise dirtying or damaging property or to demonstrate respect for religious, cultural, or social norms.

3.6.7. s. 47E(d)

3.6.8. For guidance refer to *DSM – Detainee entry and exit –Transfer of detainees – PI (DM-618).*

Transport and escort for all court related activities

3.6.6. ABF Detention Superintendents (Facility) are responsible for deciding all off-site movements of detainees.

3.6.7. All departmental, ABF and contracted service provider officers must comply with lawful and reasonable directions issued by a court, including subpoenas and those requiring the attendance of a detainee at that court.

3.6.8. Failure of the Department to transport a detainee to a court, in compliance with the orders or directions of a judge, exposes the Department and its Minister/s to significant risks, including penalties issued by that court to individuals, up to and including the Minister.

3.6.9. In addition to the T&E activity to convey a detainee to court, any decision to vary the T&E activity, including to cease the T&E activity prior to the delivery of the detainee to court, must only be made by the ABF Detention Superintendent (Facility) or higher ranked ABF officer.

3.6.10. If approached by any party to vary or cease a court-related T&E activity, ABF Detention Operations (Facility) officers are to **immediately escalate the matter** to the ABF Detention Superintendent (Facility), or higher ranked ABF officer, if the ABF Superintendent (Facility) is unavailable.

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3.6.11. Any decision to vary or cease a court-related T&E activity is to be comprehensively documented, noting all relevant factors involved in the decision, all efforts made to comply with the court's orders or directions, and every attempt made to notify the court, including the Judge or Magistrate, of the potential failure to comply.

3.7 Privacy

3.7.1. The *Privacy Act 1988* (the Privacy Act) provides the legislative framework for the management of the collection, use and potential disclosure of both personal and sensitive information about an individual. The Department is bound by the Privacy Act. The Privacy Act establishes the Australian Privacy Principles (APPs), which regulate the collection, handling and protection of personal and sensitive information.

3.7.2. All officers and contracted service providers dealing with personal and sensitive information in the context of post arrest procedures, must be aware of the Department's obligations under the APPs in the Privacy Act. The Privacy Act determines how officers must handle personal and sensitive information, and covers the collection, accuracy, storage, access, modification, use and disclosure of the information.

3.7.3. For further information, refer to:

- Privacy and information disclosure (bcz.gov.au)
- Australian Privacy Principles - handling personal information (bcz.gov.au)

4. Statement of expectation

4.1.1. The APS Code of Conduct states that an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction under subsection 13(5) of the *Public Service Act 1999* (the Public Service Act).

Failure by an APS employee to comply with any direction contained in this PI document may be determined to be a breach of the APS Code of Conduct, which could result in sanctions under subsection 15(1) of the Public Service Act.

The Secretary's Professional Standards Direction, issued under subsection 55(1) of the *Australian Border Force Act 2015* (the ABF Act), requires all IBP workers who are not employed under the Public Service Act to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

Failure by an IBP worker who is not an APS employee to comply with a direction contained in this PI document may be treated as a breach of the Professional Standards Direction, which may result in the termination of their engagement under section 57 of the ABF Act. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

All IBP workers who make decisions or exercise powers or functions under legislation have a duty to do so in accordance with the requirements of the legislation and legal principles.

5. Accountabilities and Responsibilities

Role	Description
Commander, Detention Operations (DO)	Is responsible for:

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Role	Description
	• Giving due consideration to a detainee's request for access to excursions and SPVs on a case-by-case basis. • Informing the Minister, where appropriate, of potential for public and media interest.
ABF Detention Superintendent (Facility)	Is responsible for: • Giving due consideration to a detainee's request for off-site movement requests, taking into account detainee circumstances, purpose of the request and operational capability assessment. • Making a decision on a request and granting approval if the request is supported. Ensures: • The FDSP and T&E Manager are advised of refusal of SPV where the purpose does not meet policy requirements. • The absence of detainee incidents for at least one month prior to their request before a request is granted. • Eligible detainees have equal access to off-site trips. • The provision of a written advice to detainee in response to their request.
IGOC delegate	Is responsible for: • Overseeing the care and welfare of all IGOC children within the IDF. • Considering requests in relation to IGOC children, such as but not limited to, medical appointments and excursions. • Making decisions in the best interest of the child.
Facilities and Detention Services Provider (FDSP)	Is responsible for: • Undertaking risk analysis on allowing temporary leave to high-risk detainees. • Assessment of security, flight and site risk and risk to the detainee for all requests for off-site appointments, excursions and SPVs. • Consultation with stakeholders when undertaking risk analysis. • Complete, accurate and timely documentation of decision-making on detainee request in the detainee's individual file and s. 47E(d) SPV responsibilities include: • Receiving written detainee requests to attend SPVs. • Decision-making on detainee's application. • Referral of detainee requests to ABF Detention Superintendent (Facility) for approval. • Where the request for a SPV is refused, recording alternative arrangements that were attempted relevant to the circumstances of the detainee.

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Role	Description
	• Advising the detainee of the decision (and reason/s) regarding the SPV application.
FDSP Officer	Is responsible for: • Maintaining the detainee's immigration detention. • Notifying the IGOC delegate in relation to hospital or medical visits, excursions or activities of IGOC children. • Making complete and accurate records of any directions given by court personnel, including security services. • Following court policy where the policies of the court do not allow the Department's standard operating procedure/s to be followed. s. 47E(d)
FDSP Transport & Escort (T&E) Manager	Is responsible for: • Making a recommendation on the detainee's application for a SPV. • Ensuring the outcome of the SPV decision is communicated to the detainee. s. 47E(d)
Detention Operational Policy	Is responsible for: • Drafting, amending, monitoring, and reviewing updates to this procedural instruction and related PCCF documents. • Providing guidance to officers on the operation of this procedural instruction. • Providing further policy advice in relation to this procedural instruction and other related PPCF documents.

6. Version Control

Version number	Date of issue	Author(s)	Brief description of change
2.0	30/06/2017	Detention and Removals Operational Policy	Update of detention instructions to reflect PPCF requirements.
3.0	22/12/2017	Detention and Removals Operational Policy	Reviewed as per Duty Commissioner's request for 'extraordinary review'.

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Version number	Date of issue	Author(s)	Brief description of change
4.0	09/07/2018	Detention and Removals Operational Policy	PPCF feedback incorporated
5.0	27/09/2018	Detention and Removals Operational Policy	Update post-legal review.
6.0	10/10/2018	Detention and Removals Operational Policy	Update post-Superintendent review.
7.0	02/02/2023	Detention Operational Policy	PPCF mandatory three (3) year review. Updates: • PPCF template • policy owner (section name) • terminology
8.00	26/06/2024	Detention Operational Policy	PPCF mandatory three (3) year review. Updates: • Title name change • Addition of Attachment A Definitions • Addition of "Discharge from inpatient medical facility including Emergency Department". • Terminology

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Attachment A - Definitions

Term	Acronym (if applicable)	Definition
s. 47E(d)		
Departmental Officers		All officers employed within the Department of Home Affairs (including the Australian Border Force).
Detainee		As defined under subsection 5(1) of the Migration Act. A 'detainee' means a person detained (in immigration detention). Note: This definition extends to persons covered by a Residence Determination (see section 197AC of the Migration Act).
Detention Health Service Provider	DHSP	The organisation contracted by the Department to deliver health services, and to facilitate access to secondary and tertiary health care services for detainees (Integrated Primary Health Care) and, where the context permits, includes Health Service Provider Personnel.
Directed Persons		A person directed by the Secretary or the ABF Commissioner (or their delegate) to: • accompany and restrain (but as a matter of policy, not physically restrain) detainees, including children, when they leave an immigration detention facility or undertake offsite appointments, activities or visits (see paragraph (a)(ii) of the definition of immigration detention in s 5(1) of the Migration Act) or • in the case of children, hold the child on behalf of an officer at an alternative place of detention (e.g. school) (see paragraph (b)(v) of the definition of immigration detention in s 5(1) of the Migration Act).
Excursion		Means detainees exiting the IDF for the purpose of recreational activities.
Facilities and Detention Service Provider	FDSP	Contracted by the Department to provide immigration detention, transport and escort, welfare and garrison services to immigration detainees on behalf of the Australian Government.
Health Advice Service	HAS	A phone service managed by the health services provider that provides out of hours medical and mental health advice to departmental officers and contracted service providers.
Issue Motivated Groups	IMGs	Means coalitions of people drawn together by a common interest, for example political reaction, protest, petition etc.
Child		A person who is under 18 years of age.

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Term	Acronym (if applicable)	Definition
Residence Determination		Allows a person who is in immigration detention, to reside in the community at a specified address and in accordance with certain conditions.
Risk Assessment		Means assessing the risks associated with a detainee off-site visit request, including the risks of a physical off-site location, to determine if a request should be approved or refused in line with the Department's risk framework.
Special Purpose Visit	SPV	SPVs are off-site visits by detainees where significant compassionate or humanitarian circumstances exist. These circumstances may include the death or critical illness of a close family member or the birth of a child to the detainee. A SPV can also be to attend an accredited financial institution.
Subpoena		An order of a court or tribunal requiring the person to attend at court or tribunal to give evidence, to produce a document to the court or tribunal, or to do both things.
Transport and Escort	T&E	Refers to transporting and escorting detainees and their property from an IDF to another location, either local or regional. This could be another IDF. T&E responsibilities fall under the scope of the FDSP.

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Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

Please Note: Officers exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Australian Border Force Act 2015	subsections 44(3) and 45(3)	Disclosure of Immigration and Border Protection (IBP) information.	yes - authorisation	Authorisation to Disclose Immigration and Border Protection Information (Department of Home Affairs) *Instrument of Delegation 2017* (DEL 17/082) for IBP workers in the Department *Australian Border Force (Secretary) No. 1 of 2018* (ABF (S) No. 1 of 2018) for IBP workers in the ABF Authorisation to disclose Immigration and Border Protection information - ADD2020/5712705 (ABF)
	s55(1)	The Secretary may, by writing, give directions to IBP workers in connection with the administration and control of the Department.	no	n/a
Immigration (Guardianship of Children) Act 1946 (the IGOC Act)	s5(1)	Delegation - the Minister for Immigration, Citizenship and Multicultural Affairs, or the Minister for Home Affairs, may delegate his or her powers under the IGOC Act.	yes	Immigration (Guardianship of Children) Delegation 2024 (ADMIN 24/017)
Immigration (Guardianship of Children) Regulations 2018 (the IGOC Regulations)	s18	The IGOC Regulations give effect to provisions set out in the IGOC Act for the care and support of certain non-citizen children who arrive in Australia without a parent or guardian.		

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Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Migration Act 1958	paragraph 5(1)(g)	Definition of an officer	yes - authorisation	Migration (Officer – Departmental Contractors) Authorisation (ADMIN 23/082) 2023

1.2. Controls and Assurance

Related Policy	*Records Management – PS (TI-1094)* *Risk Management – PS (SM-1607)*
Procedures / Supporting Materials	*DSM – Programs and activities - Directed Persons – PI (DM-5130)* *DSM – Managing the administration of detention – Interaction with the media and external enquiries – PI (DM-749)* *DSM – Detainee entry and exit –Transfer of detainees – PI (DM-618)* *DSM – Programs and activities – Programs and activities and Religious care – PI (DM-607)* *Mandatory Reporting – PI (SM-1557)* *Best Practice for Interacting with Children - PI (BC-764)*
Training/Certification or Accreditation	Working with Vulnerable People Check Working with Children's Check (or equivalent) Child Safeguarding Essentials eLearning Working in a Child-related Role eLearning
Other required job role requirements	Delegations Security clearance Departmental systems access
Other support mechanisms (eg who can provide further assistance in relation to any aspects of this instruction)	If you require further advice or assistance, or would like to provide feedback in relation to this PI, please contact the Detention Operational Policy section at s. 22(1)(a)(ii) @abf.gov.au
Escalation arrangements	Escalation of concerns or issues regarding this PI can be sent to Superintendent, Detention Operational Policy at s. 22(1)(a)(ii) @abf.gov.au
Recordkeeping (eg system based facilities to record decisions)	All records created as a result of this procedure must be managed in accordance with the *Records Management – PS (TI-1094).* Records created as a result of this procedure must be saved in Content Manager (formerly known as TRIM) or an approved business system s. 47E(d)
Program or Framework (i.e. overarching Policy Framework or Business Program)	Immigration Detention Facilities and Detainee Service Contract National and site-specific work instructions
Job Family Framework Role	Detention Operations Officer – Job Code 30001731

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Attachment C – Consultation

1.1. Internal Consultation

1.1.1. The following internal stakeholders were consulted in the development of this PI:

- National Detention Operations Branch, including Regional Commands
- Detention Governance, Strategy and Standards Branch
- Service Delivery Operations Branch
- Legal Group
- Privacy, FOI and Records Management Branch
- Integrity and Professional Standards Branch
- People Operations Branch
- Status Resolution Branch
- Humanitarian Policy and Child Wellbeing Branch
- Settlement Program Operations Branch
- All staff

1.2. External Consultation

1.2.1. The following external stakeholders were consulted in the development of this PI:

- FDSP
- DHSP

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Australian Government
Department of Home Affairs

OFFICIAL

Detention Services Manual - Detainee entry and exit - Transfer of detainees

Procedural Instruction

Document ID (PPN)	DM-618
TRIM Record Number	ADD2018/5730172
BCS Function	Detention Management
Document Owner	Commander, Detention Contracts, Policy and Assurance
Approval Date	13 December 2024
Document Contact	Detention Operational Policy s. 22(1)(a)(ii)@abf.gov.au

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1. Purpose

1.1. Purpose

1.1.1. This Procedural Instruction (PI) provides guidance to officers of the Department of Home Affairs (the Department), which includes the Australian Border Force (ABF), and the Facilities and Detainee Services Provider (FDSP) concerning the transfer of a detainee within, and from, the immigration detention network (IDN).

1.1.2. Appropriate transfer decisions rely on thorough assessment of identified risks associated with a detainee, careful planning and adequate supports in place resulting in minimal disruption to the sending and receiving immigration detention facility (IDF).

1.1.3. This PI must be implemented in conjunction with Detention Services Manual - Detainee placement – Assessment and placement of detainees in IDFs – Procedural Instruction (DM-5126).

1.2. Legislative framework

1.2.1. *'Immigration detention'* is defined in s5(1) of the *Migration Act 1958* (Migration Act).

2. Scope

2.1. In Scope

2.1.1. This PI provides guidance to departmental officers and contracted service providers on the process for:

- Transfers between states and territories (Interstate)
- Transfers within a state/territory (Intrastate)
- Transfers within an IDF
- Transfers from an IDF to APOD
- Transfers to enact specialised detention placements
- Transfers from an offshore regional processing country to Australian IDFs
- Transfer of custody and
- Request to hold a detainee on behalf of the Department.

2.1.2. This PI applies to the transfer of all detainees, including Suspected Illegal Foreign Fishers and Suspected Foreign Offenders held throughout the IDN.

2.2. Out of Scope

2.2.1. This PI does not provide guidance to departmental officers and contracted service providers regarding:

- Transfer within an IDF to high care accommodation
- Transfers from IDFs to a Residence Determination (community placement) arrangement or

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- Transferring transitory persons in IDFs to a regional processing country.

3. Procedural Instruction

3.1. Recommendation to transfer

3.1.1. It may be necessary to transfer a detainee to another place of accommodation within or out of the IDN for a number of reasons including, but not limited to, the following:

- Physical and/or mental health. This includes ensuring transfers/placements are with consideration of clinical input from the Detention Health Services Provider (DHSP)
- Safety, security and good order
- Capacity/rebalancing/logistical purposes
- Compassionate grounds
- Family considerations (reunification)
- Fitness to travel
- Court matters (civil or criminal)
- Repositioning for removal of detainee – repositioning may be required prior to removal as flight path may only be available from an interstate city.

Vulnerable detainees and minors

3.1.2. Special consideration should be given to minors and detainees who are identified as requiring extra support. It is departmental policy that minors are not placed in an immigration detention centre (IDC) and a less restrictive option should be explored. A minor shall only be detained as a measure of last resort under s4AA of Migration Act. The best interests of the child should be a primary consideration for the purposes of determining where a minor is accommodated.

3.1.3. Minors can be accommodated in alternative places of detention (APODs) where necessary, prior to longer term arrangements. For further information, refer to:

- Best Practice for Interacting with Children – Procedural Instruction (BC-764)
- Child safe environments that enhance wellbeing – Supporting Material (BE-892)
- Detention Services Manual – Detainee placement – Alternative places of detention – Procedural Instruction (DM-588)
- Detention Services Manual – Detainee placement – Approving an alternative place of detention (non-facility) – Standard Operating Procedure (DM-3249)
- Detention Services Manual – Detainee placement – Managing detainees in APODs – Standard Operating Procedure (DM-3287).

3.1.4. Any decisions relating to transfer of Immigration Guardianship of Children (IGOC) minors must consult the IGOC delegate. For IGOC delegate guidance contact s. 22(1)(a)(ii) @homeaffairs.gov.au. The Child Wellbeing Strategy and Capability (CWSC) section must be included in any decision making regarding minors. For additional support and guidance, contact s. 22(1)(a)(ii) @homeaffairs.gov.au.

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Transfers involving family units

3.1.5. When transfers involve family units, all efforts must be made to ensure the family is not separated prior to, during and post the transfer . Should the transfer result in temporary separation, each member of the family unit should be informed of each other's locations and provided an approximate timeframe of when they will be reunite. Every effort should be made to expedite reunification of the family unit.

3.1.6. In circumstances where members of a family unit are temporarily separated during a transfer, the reasoning and decision making process must be accurately recorded in a timely manner. Complete and concise records must also be made as to when family members were notified, location of their other family members and any advice provided regarding reunification.

Recommendation to transfer

A recommendation to transfer a detainee should be collectively made by stakeholders of both sending and receiving IDFs which may include (but is not limited to):

- Status Resolution Officers (SRO)
- The senior Detention Operations decision makers
- The relevant ABF Detention Superintendents
- The FDSP
- The DHSP
- The IGOC delegate, in the case of IGOC minors
- The CWSC section for any minor and
- Any other stakeholders deemed required.

3.1.7. The transfer planning process should include discussions around reason for transfer, identified risks for consideration, and health support, as well as, but not limited to:

- Date of proposed transfer
- Time of proposed transfer
- Method of proposed transfer
- Support required during transit
- Transfer of responsibility and electronic/hard copy files
- Transfer of detainee's possessions and
- Any other considerations required to properly effect the transfer.

Bulk transfers

3.1.8. Bulk transfers of detainees may be triggered for capacity/logistical reasons or reasons related to good order and security. The initial detainee group transfer or rebalancing charter list is generated by Detention Management and Planning (DMP) section.

3.1.9. For priority bulk transfers, a detainee list should be developed with concerns discussed with relevant stakeholders to ensure individual detainee's needs are supported. This may include health, welfare and mobility requirements.

3.1.10. Bulk transfers are not typically emergency transfers and should follow the procedures associated with a usual transfer process.

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Transfers to health facilities

3.1.11. Specialised Health Care should be provided for a detainee where there is clinical evidence that the required mental health support and/or physical health care needs cannot be provided and effectively managed in the IDN. Specialised Detention Health placement options may include, but are not limited to, mental health, disability services, nursing care, aged care and/or palliative care services/facilities.

3.1.12. For assistance with transfers to health facilities (Specialised Detention Placement, Tier 4 Stream 1), refer to ABF Detention Health Operations at s. 22(1)(a)(ii) @abf.gov.au

Transfers to correctional facilities

3.1.13. For transfer to a correctional facility as a result of being taken into police custody or following a court sentencing. Refer to section 3.2 - Transfer of Custody.

3.1.14. Detention Operations Commander must approve the transfer of a detainee to a correctional facility where the detainee is considered to pose a significant risk to the good order and security of the detention facility. For assistance with transfers to correctional facilities, contact ABF Detention Security s. 22(1)(a)(ii) @abf.gov.au. The correctional authorities have the final decision to accept or reject the transfer to a state correctional facility.

3.1.15. The DHSP is responsible with detainee consent for the provision of any detainee's medical records to the correctional facility receiving custody. If there are any further queries regarding privacy or the *Privacy Act 1988*, please contact the Privacy group mailbox at s. 22(1)(a)(ii) @homeaffairs.gov.au.

3.1.16. Departmental representatives from Status Resolution or Removals should continue regular visits to the detainee in order to progress either immigration status or removal from Australia. The requirement for ongoing departmental visits should be discussed with the correctional facility in the planning process and included in a letter of agreement between the two agencies as evidence of agreed arrangements.

3.1.17. A detainee transferred to a correctional facility may be transferred back into the IDN once the law enforcement process has been completed or in the case of specialised detention placement, Tier 4, Stream 2, when the detainee is no longer considered a significant risk to the good order and security of the Immigration detention facility (IDF).

3.1.18. Detainees should be kept informed and provided with written notification of the transfer. Details of the transfer of custody and notification provided to the detainee should be appropriately recorded and copies should be kept on the detainee's file in the Compliance Case Management and Detention s. 47E(d)

Information recorded on transfer documentation may include (but is not limited to):

- Date and time of custody transfer
- Name of the detainee being transferred
- Name of facility to which custody is transferred.

In the case of irregular maritime crew, stakeholders will also include the Indonesian Consulate.

3.1.19. For logistical purposes, a detainee may also be temporarily held at another suitable place, such as a police station or watch house, in order to allow for the safe completion of the transfer or while awaiting a bail hearing etc. Such measures are to occur for the shortest practicable period and are not a placement option. The transfer does not require internal approval, however, all stakeholders should be advised of the transfer.

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3.1.20. Upon release of the detainee from a correctional facility, all relevant files relating to the period of incarceration should be provided to the department for continuity of care and record keeping purposes.

3.2. Transfer of Custody

3.2.1. When a person in the migration zone is detained under s189(1) of the Migration Act (or is in fisheries detention under the *Fisheries Management Act 1991* or in environment detention under the *Environment Protection and Biodiversity Conservation Act 1999*), it may be necessary to transfer the custody of that person to another party.

3.2.2. Approved 'transfer of custody' forms must be used for the transfer. At each point custody of a detainee changes from one officer under the Migration Act to another, a transfer of custody form is to be completed. The forms are designed to assist in ensuring that a detainee that is being transferred remains during the transfer in 'immigration detention' as defined in the first limb of the definition of 'immigration detention' under s5(1) of the Migration Act which refers to a detainee being in the company of, and restrained by, an officer (or, in relation to a particular detainee, another person directed by the Secretary or ABF Commissioner) under the Migration Act.

3.2.3. The transfer of custody must be recorded (Forms 1A, 1B or 1C attached) and these records are held by the Department. Recording the completion of the transfer of custody ensures that:

- The transferring or receiving officer acknowledges that they are acting as 'officers' under the Migration Act
- They are continuing the detainee's immigration detention in their capacity as an 'officer' under the Migration Act. There is a record created of when this acknowledgement occurs. To evidence the transferring officer's state of mind, i.e., he/she knows or reasonably suspects that the detainee is known or reasonably suspected to be a unlawful non citizen. .

3.2.4. The situations in which the 'transfer of custody' forms are to be used:

- Form 1A - Transfer of custody from the ABF to police

  A detainee is transferred from the custody of the Department to the Australian Federal Police (AFP) or a state/territory police force, for the purposes of:

  - Questioning/interview held outside of the IDF
  - Conducting an arrest
  - Being charged with a criminal offence
  - As mandated by the courts.
- Form 1B - Transfer of custody from Home Affairs to State/Territory correctional services agency

  A detainee who is transferred from the custody of the Department to correctional services/prison officers charged with an offence and is remanded or ordered into criminal custody by a court. This is not a 'request to hold'. Rather, it is a record that the immigration detainee has been given into the custody of a correctional services agency.
- Form 1C - Transfer of custody from ABF to service providers

  A detainee is handed over from the custody of the Department to a service provider for the purpose of being taken to an IDF or for the purpose of being transported and escorted within the IDN in Australia (for example, field compliance operations pick up).

  From the custody of one officer under the Migration Act to another officer under the Migration Act for the purpose of being transported and escorted within the IDN in Australia

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(for example, transport and escort tasks involving multiple transfers from originating IDF to aircraft escort team, to destination transport and escort officers at destination IDF).

3.3. Request to hold

3.3.1. There may be situations where the Department requests a state or territory correctional authority to hold a detainee in a prison or remand centre in accordance with paragraph (b)(ii) of the definition of '*immigration detention'* in s5(1) of the Migration Act.

- Form 1D - Request to hold in immigration detention

  The *'Request to Hold'* form is designed to satisfy the second limb of the definition of 'immigration detention' under s5(1) of the Migration Act which refers to a detainee being held by, or on behalf of, an officer under the Migration Act in any of the places specified in paragraph (b) of the definition of 'immigration detention'.

  In exceptional circumstances, the request to hold form may be used where the Department requests a state or territory police force to hold a detainee in a police station or watch house in accordance with paragraph (b)(iii) of the definition of 'immigration detention' in s5(1) of the Migration Act.

Withdrawal of request to hold

- Form 1E - Withdrawal of 'Request to hold'

  Withdrawal of the request to hold applies in circumstances where a detainee is detained in accordance with the Migration Act at the prison, police station or watch house and needs to be transferred to an IDF.

  A *'Withdrawal of Request to hold'* form must be completed to evidence the transfer of the detainee to the Department, as the receiving agency, who receives the custody of a detainee from either a prison, police station or a watch house, who had previously agreed to hold that detainee on behalf of the Department in accordance with the terms of the *'Request to Hold'* form. The "Withdrawal of *Request to hold*" form is to be completed by ABF Detention Operations Facility officer at the time of release from prison, police station and watch house.

  The ABF Detention Operations Facility or FDSP is to:

  - Advise the ABF Detention Operations Facility Superintendent when a detainee is no longer required to be held on behalf of the Department (at a correctional facility, police watch house etc.)
  - Advise s. 22(1)(a)(ii) @homeaffairs.gov.au if the detainee is a minor
  - Give law enforcement/correctional officer the original Form 1E and
  - Retain a copy of the Form 1E and provide it to ABF Detention Operations Facility. They must ensure the form is recorded on the detainee's dossier and recorded in the s. 47E(d)

  The FDSP is to transport the detainee to the IDF and process the detainee into the IDF in accordance with instructions from the ABF.

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3.4. Approval of recommendation

Official approval

3.4.1. After the recommendation to transfer a detainee has been made, the transfer should be officially approved following consultation with relevant stakeholders. The following specific approval mechanisms apply:

- ABF DMP section Superintendent must approve interstate and intrastate transfers and transfers from a detention facility at an offshore excised place to Australian IDFs
- ABF Detention Operations Facility Superintendent must approve intrastate transfers

If delegates have been assigned to approve the transfers, the reasons for the decision must be recorded on the s. 47E(d) .

Transfers within an IDF including transfers between IDFs and APODs (within a state)

3.4.2. The FDSP is responsible for effecting transfers within the facility.

3.4.3. ABF Detention Operations Facility Superintendent must approve transfers from an IDF to an APOD; ABF Detention Security and ABF DMP section must be included into the approval correspondence for awareness.

3.4.4. There may be circumstances out of hours where an FDSP may need to transfer a detainee to an alternative accommodation room. This may be due to behavioural concerns, safety concerns etc. The FDSP must contact the ABF duty officer in the first instance. Further stakeholder discussions should occur when practicable, with longer term solutions confirmed and recorded.

3.4.5. Transfers to high care accommodation for greater than 72 hours must be approved by the ABF Detention Operations Commander.

For guidance refer to Detention Services Manual – Detainee placement - Closer supervision and engagement of high-risk detainees (High care accommodation) - Procedural Instruction (DM-626).

Transfer not approved

3.4.6. In a situation where a recommendation to transfer is not approved, s. 47E(d)

Refer to Detention Services Manual - Detainee placement – Assessment and placement of detainees in IDFs – Procedural Instruction (DM-5126)

3.5. Notification

Must be recorded

3.5.1. Notification is a critical element of the transfer process and must be recorded on the detainee's file in the s. 47E(d) . The notification process applies to all in-scope transfers in this PI.

3.5.2. Notification to the detainee pending transfer may be conducted by the FDSP following email instruction by the ABF. The correspondence to FDSP must include a request for response as well as the following:

- Detainee Name
- Detainee response (how the message was received, whether an interpreter was required/used)

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- Comment (recommendation for DHSP support/other)
- Date and time notification was delivered
- FDSP Officer Name.

3.5.3. Notification and recording of the notification should occur before the transfer takes place, or as soon as reasonably practicable to do so and no later than 24 hours after the transfer.

3.5.4. For rapid and emergency transfers, refer to section 3.8.

3.5.5. In the case of an IGOC minor, the IGOC delegate and CWSC section must be notified.

3.5.6. For all unaccompanied minors, the CWSC section must be notified via email at s. 22(1)(a)(ii) @homeaffairs.gov.au. Additionally, an Independent Observer must be present during the notification process.

3.5.7. For guidance refer to Child Safety and Wellbeing - PS (SM-7008)

3.6. Transfer of a detainee

Timing

3.6.1. Once a recommendation to transfer has been approved, the transfer should be carried out as soon as practicable

3.6.2. All detainees should be informed within 24 hours of any internal transfers decision to move them within the IDN., where appropriate.

3.6.3. On arrival of the detainee/s, the ABF Detention Operations Facility officer at the receiving facility must update the s. 47E(d) preferably within 48 hours ensuring historic detention information is correct.

3.6.4. Detainees have the responsibility to inform visitors and other parties of any accommodation changes within the IDN should they wish to do so.

Health, welfare and access to services

3.6.5. Continuity of care must be maintained by the DHSP as part of the transfer process. Detainees should be able to access their medical records in a timely manner. Access to legal representation and a migration agent should also be available.

3.6.6. Medical escorts are available and may be used to support detainees who have been identified as high-risk from a health perspective. The DHSP is responsible for determining the level of care during and post-transfer, as well as providing input on the proposed mode of transport.

Personal property and file transfer

3.6.7. Detainee files, dossiers, personal property and Individual Allowance Program points should be transferred to the receiving IDF. Detainee's current treatment plans, including medication and pending appointments, should be highlighted to DHSP at the receiving IDF.

Use of force during transfers

3.6.8. The use of force (UoF) or an instrument of restraint may be used on a detainee who, at any stage of being transferred, exhibits behaviour that could reasonably be viewed as posing a risk to the good order and security of the facility, or the safety of themselves, others or property, or the detainee attempts to escape.

3.6.9. For high-risk detainees, who may be identified by risk management procedures, the use of restraints should be considered in the planning process. UoF, as well as use of restraints, should

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be a last resort to ensure safety to detainee themselves and others. All requests for UoF must be documented with evidence from the DHSP to indicate whether the UoF is appropriate for the detainee.

3.6.10. All FDSP personnel who use force, planned or unplanned, during an incident or transport and escort activity, must refer to and comply with Detention Services Manual - Safety and security management - Use of force - Procedural Instruction (DM-623).

3.6.11. The below documents are for additional reference:

- Detention Services Manual – Safety and security management - Use of force – Standard Operating Procedure (DM-3291)
- Detention Services Manual - Safety and security management - Incident management and reporting – Procedural Instruction (DM-616)
- Detention Services Manual - Safety and security management - Incident response and management – Standard Operating Procedure (DM-3303).

Regional Processing Country (RPC) to Australian IDFs

3.6.12. When a transferee is transferred from an RPC to an Australian IDF, the ABF Detention Operations officer (receiving facility) must check that the transferee was detained under s189(1) of the Migration Act on arrival to Australia.

3.6.13. Before leaving the RPC, the transferee is informed that they will be detained upon their arrival to the Australia.

Post transfer procedures

3.6.14. The transfer of a detainee from one place to another must be recorded in a complete, accurate and timely manner. No later than 24 hours after the transfer. Stakeholders should be informed of the completion of the transfer and the detainee should undergo the reception and induction process of the receiving IDF. For guidance on reception and induction, refer to Detention Services Manual - Detainee entry and exit - Reception and induction - Procedural Instruction (DM-596)

3.7. Recordkeeping

3.7.1. All files must be kept in good order and in accordance with departmental policy and best practice in records management. It is departmental policy that comprehensive and reliable records are maintained in departmental systems.

3.7.2. Recordkeeping is a critical component in every step of transferring people in immigration detention. As such, records should be updated before a transfer takes place to reflect all key considerations, including:

- Decisions of transfer
- Agreements
- The transfer recommendation
- Approval of transfer
- Notifications of transfer
- Details of the planned transfer.

3.7.3. Recordkeeping of departures from an IDF, arrivals at an IDF and post transfer notifications must occur as soon as practicable, and no later than 24 hours after the transfer.

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3.8. Rapid and emergency transfers

3.8.1. An emergency may constitute significant and immediate threat to the health, safety, security or good order of an IDF, its residents, personnel or visitors and may include (but are not limited to):

- Fire or flood
- Natural disaster
- Civil disturbances (assault, riot)
- Medical issues that threaten a detainee or detainees' health, wellbeing and safety, or
- Family circumstances (for example, death of close family member and requirement to attend funeral

3.8.2. In the event of an emergency, a truncated transfer process is acceptable. An emergency transfer can be triggered by either the Department, FDSP, or DHSP. All detainees must be assessed as Fit to Travel by the DHSP prior to movement. All transfers must consider the needs of the detainee where reasonably practicable.

3.8.3. Detention Operations Facility Superintendent at the receiving IDF must approve verbally prior to the emergency transfer being executed. All relevant stakeholders should be kept informed as required. Confirmation of the transfer movements must be recorded on s. 47E(d) and detainee profiles.

3.8.4. In circumstances where a detainee cannot return to their original location following the transfer, a complete review of the detainee's circumstances must be conducted as soon as reasonably practicable to identify the best placement within the IDN. This process is done via the Detention Placement Assessment and recorded in the s. 47E(d)

3.8.5. For guidance refer to:

- Detention Services Manual - Detainee placement – Assessment and placement of detainees in IDFs – Procedural Instruction (DM-5126)
- Detention Health: Communicable Diseases – Prevention and Management – Procedural Instruction (DM-5928).

3.8.6. Notification and recordkeeping relating to the emergency transfer, where reasonably practicable must occur no later than 24 hours after the transfer taking place.

3.8.7. For guidance on managing incidents, refer to:

- Detention Services Manual - Safety and security management - Incident management and reporting - Procedural Instruction (DM-616)
- Detention Services Manual - Safety and security management -Incident response and management – Standard Operating Procedure (DM-3303).

3.9. Transport and escort services

3.9.1. The FDSP is tasked with managing and coordinating all Australian-based local and regional transport and escort (T&E) tasks including transfers.

3.9.2. T&E tasks can take several different forms and vary greatly in complexity, risk and security. Despite these differences, most T&E tasks have a common process for submission, review and planning. Initiation of a T&E task will occur through the submission of a request for service or a request for transport from the Department, DHSP or the FDSP.

For guidance on transport and escort services, refer to:

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- Detention Services Manual - Programs and activities - Off-site appointments and movements - Procedure Instruction (DM-615)
- Removal from Australia – Planning and Logistics - SOP (BC-7204)

4. Accountabilities and Responsibilities

Role	Description
ABF Detention Operations Commander	Approve the transfer of a detainee to a correctional facility where the detainee is considered to pose a significant risk to the good order and security of the facility.
ABF Detention Management and Planning Section (DMP)	• Make written request to a state or territory correctional authority (or, in exceptional circumstances, AFP or state/territory police) to hold a detainee on behalf of the Department • If the decision is made to 'request to hold' a detainee in a police station or watch house, advise and seek approval from ABF Detention Operations Commander for this to occur.
ABF Detention Operations Facility	Ensure a copy of the transfer forms are recorded on the detainee's dossier and the transfer is recorded on s. 47E(d) . Manage all aspects of transport and escort within an immigration detention facility.
ABF Detention Operations Facility Superintendent	Maintain overall command of an immigration detention facility: • Transport and escort tasks of detainees
ABF Detention Operations Facility or FDSP	• Complete relevant forms to facilitate transfers or transfer of custody. • Provide to ABF Detention Operations Facility and police/correctional facility copies of the completed forms as applicable.
FDSP	FDSP officer responsibilities include: • Identify the need to request a correctional authority (or, in exceptional circumstances, state/territory police) to hold a detainee on behalf of the Department and advise the ABF Detention Superintendent Facility for approval by ABF Detention Operations Commander.
Immigration Guardianship of Children (IGOC) delegate	An ABF Detention Superintendent or ABF Detention Inspector at each IDF who has accepted certain powers and functions in accordance the Immigration Guardianship of Children (IGOC) Instrument of Delegation. The IGOC delegate is required to oversee the care and welfare of IGOC minors and must be notified of any incidents or non-routine decision making involving IGOC minors.
Child Wellbeing Strategy and Capability Section (CWSC)	The CWSC Section provides advice and assistance to ABF Detention Operations Facility Superintendent and their teams regarding Child Safeguarding Inquiries; and assist in explaining their obligations and determining the best course of action under the Child Safeguarding Framework. This involves triaging enquiries, assessing Best Interest Considerations for Children, assisting with stakeholder engagement,

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Role	Description
	liaison/referral with state and territory Child Welfare Authorities, recording and monitoring of incidents, analysing case reports and care plans, and providing subject matter expertise and support.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
2.0	30/06/2017	National Detention and Removals Programmes	Update of detention instructions to reflect PPCF requirements.
3.0	22/12/2017	National Detention and Removals Programmes	Reviewed as per Duty Commissioner's request for 'extraordinary review'.
4.0	22/08/2018	Detention and Removals Operational Policy	Update PPCF review
5.0	27/09/2018	Detention and Removals Operational Policy	Legal review
6.0	10/10/2018	Detention and Removals Operational Policy	Final Inspector/Superintendent review.
7.0	08/05/2019	Detention and Removals Operational Policy	First revision
8.0	26/02/2020	Detention and Removals Operational Policy	Inclusion of policy regarding transfers of families in immigration detention facilities, following recommendation from AHRC (section 4.1.6-4.1.7 refers). Amendment of term 'mainland facility' to 'Australian IDF' in the context of transfers between regional processing countries (section 4.6.18 refers). Remove references to *DM-583* in PPCR *(DSM – PS – Legislative Principles and Overviews - Duty of care to detainees)* as it no longer exists.
9.0	13/12/2024	Detention Operational Policy	PPCF mandatory three year review Updates: • Current PPCF template • Revised terminology • Policy owner (section name) • IGOC delegate guidance contact details

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Version number	Date of issue	Author(s)	Brief description of change
			• Transfers to high care accommodation for greater than 72 hours must be approved by the Commander • Form 1A, 1B, 1C, 1D and 1E

Attachment A – Definitions

The terms and their accompanying definitions that have specific meanings in the context of the suite of detention instructions is at *Detention Services Manual – Glossary – Supporting Material (DM-5249).*

Term	Acronym (if applicable)	Definition
Australian Border Force	ABF	Means that part of the Department of Home Affairs known as the Australian Border Force (ABF). Responsible for offshore and onshore border control enforcement, investigations, compliance and detention operations in Australia.
s. 47E(d)		
Child Wellbeing Strategy and Capability Section	CWSC Section	CWSC Section provide timely advice to stakeholders and consult across the Department and interagency on operational child wellbeing policy and practice matters.
Detention Health Service Provider	DHSP	The organisation contracted by the Department to deliver Health Services, and to facilitate access to secondary and tertiary health care services for Detainees (Integrated Primary Health Care) and, where the context permits, includes Health Service Provider Personnel.
s. 47E(d)		
Facilities and Detainee Service Provider	FDSP	An organisation contracted by the Department to manage operational and general welfare aspects of immigration detention facilities.
Immigration detention facility	IDF	Refers to both immigration detention centres (IDC) and alternative places of detention (APOD).
Immigration detention network	IDN	Comprise of all onshore immigration detention facilities.

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Term	Acronym (if applicable)	Definition
Immigration Guardianship of Children delegate	IGOC delegate	An officer of the Department of Home Affairs agency who has been delegated by the Minister in the IGOC Instrument of Delegation and who is legally authorised to exercise the certain powers and functions specified under the IGOC Act and Instrument of Delegation with respect to an IGOC minor. In immigration detention facilities, the delegated guardian is usually the ABF Detention Superintendent.
Immigration Guardianship of Children minor	IGOC minor	IGOC minor is under the age of 18 and in the guardianship of the Minister as per the *Immigration (Guardianship of Children) Act 1946* (the IGOC Act).
Independent Observer	IO	An independent observer is utilised to assure that a minor's emotional and physical wellbeing needs are met during processes that contribute to an immigration or legal outcome. The observer provides a mechanism to prevent the potential rise or escalation of distress experienced by the minor.
Minor		A minor is a child who is under the age of 18.
Request for service	RFS	Request for service will stipulate as a minimum date of transfer, identity, location, destination and known detainee risks factors of the detainee.
Request for transport	RFT	Request for transport is a document that is provided by the stakeholders to allow the transport and escort task to be undertaken. RFT received from DHSP will be related to medical issues.
Specialised Detention Placement - Tier 4		Specialised Detention placements include two streams: • Stream 1: Specialised Health Care - provided for a detainee where there is clinical evidence that the required mental health support and/or physical health care needs cannot be provided and effectively managed in the IDN. Specialised Detention (Health) placement options may include, but are not limited to, mental health, disability services, nursing care, aged care and/or palliative care services/facilities. • Stream 2: Corrections Placement – provided for a detainee who presents a significant risk to the safety, security and good order of the IDN, and the decision has been deemed more appropriate for placement in a secure correctional facility. Specialised Detention placements are not for punitive reasons, but rather, it is necessary because the detainee's risk exceeds the capabilities of the IDN to safely manage them.
Status Resolution Officer	SRO	SROs are administrative decision makers who work in both service and detention environments. SROs act as a central point of contact and coordination, responsible for providing clear and consistent information to non-citizens/detainees,

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Term	Acronym (if applicable)	Definition
		and to departmental stakeholders to ensure the ongoing timely progression of their case.
Suspected Foreign Offenders		Non-citizens held in environment detention under the *Environment Protection and Biodiversity Conservation Act 1999*.
Transport and Escort	T&E	Transport and escort tasks are managed and coordinated by FDSP to facilitate all Australian based local and regional detainee movements (appointments, change in placement, excursions etc).
Unaccompanied minor	UAM	UAM has no definition in migration-related legislation and for the purpose of the Detention Services Manual (Policy Statement, Procedural Instructions and Standard Operating Procedures), it is a person under 18 years of age who arrives in Australia without being in the charge of, or for the purpose of being cared for, by a parent or legal guardian as recognised under Australian law.

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Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Migration Act 1958	paragraph 5(1)(g)	Definition of an officer	yes - authorisation	*Migration (Migration Officers) Authorisation 2021/001* (ADMIN21/001)
Australian Border Force Act 2015 (ABF Act)	subsections 44(3) and 45(3)	Disclosure of Immigration and Border Protection information.	yes - authorisation	*Secretary (Department of Home Affairs) Appointment, Authorisation, Delegation and Nomination (No. 1) (ADMIN 23/002) Instrument 2023* (delegation applies to IBP workers of the Department of Home Affairs) *Australian Border Force (Secretary) No 1 of 2018 (ABF (S) No. 1 of 2018)* (delegation applies to IBP workers in the ABF) Authorisation to disclose Immigration and Border Protection information *DEL18/004* (Department of Home Affairs) Authorisation to disclose Immigration and Border Protection information - ADD2020/5712705 (applies to IBP workers of the ABF excluding OSB JATF)
Immigration (Guardianship of Children) Act 1946	subsection 5(1)	Delegation	yes	*Immigration (Guardianship of Children) Delegation 2024* (ADMIN 24/017)

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1.2 Controls and Assurance

Related Policy	Child Safety and Wellbeing – PS (SM-7088) Status Resolution System Control Framework – Policy Statement (BC-763) Records Management – Policy Statement (TI-1094)
Procedures / Supporting Materials	Best Practice for Interacting with Children – Procedural Instruction (BC-764) Detention Health: Communicable Diseases – Prevention and Management – Procedural Instruction (DM-5928) Detention Services Manual – Closer supervision and engagement of high-risk detainees (High care accommodation) – Procedural Instruction (DM-626) Detention Services Manual – Detainee placement – Alternative places of detention – Procedural Instruction (DM-588) Detention Services Manual – Detainee Placement – Assessment and placement of detainee in IDFs – Procedural Instruction (DM-5126) Detention Services Manual – Safety and Security Management - Use of force – Procedural Instruction (DM-623) Detention Services Manual – Safety and security management– Incident management and reporting – Procedural Instruction (DM-616) Detention Services Manual – Safety and security management – Incident response and management – Standard Operating Procedure (DM-3303) Detention Services Manual – Detainee placement – Approving an alternative place of detention (non-facility) – Standard Operating Procedure (DM-3249) Detention Services Manual – Detainee placement – Managing detainees in APODs – Standard Operating Procedure (DM-3287) Detention Services Manual – Safety and Security Management - Use of force – Standard Operating Procedure (DM-3291) Child safe environments that enhance wellbeing – Supporting Material (BE-892)
Training/Certification or Accreditation	Working with Vulnerable People registration Working with Children Check Use of Force Child Safeguarding Essentials eLearning
Other required job role requirements	Delegations Security clearance Departmental systems access
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	If you require further advice or assistance, or would like to provide feedback in relation to this PI, please contact the Detention Operational Policy Section at s. 22(1)(a)(ii)@abf.gov.au.

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Escalation arrangements	Escalation of concerns or issues regarding this PI can be sent to Superintendent, Detention Operational Policy at s. 22(1)(a)(ii)@abf.gov.au.
Recordkeeping (e.g. system based facilities to record decisions)	All records created as a result of this procedure must be managed in accordance with the Records Management – Policy Statement (TI-1094). Records created as a result of this procedure must be saved in TRIM or an approved business system s. 47E(d)
Program or Framework (i.e. overarching Policy Framework or Business Program)	Immigration Detention Facilities and Detainee Service Contract National and site-specific work instructions
Job Family Framework Role	Detention Operations Officer - Job Code 30001731

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Attachment C – Consultation

1.1 Internal Consultation

1.1.1. The following internal stakeholders were consulted in the development of this PI:

- ABF Commercial and Transfers
- ABF Detention Contract Management Unit
- ABF Detention Management and Planning Section
- ABF Detention Operations, including regional commands
- ABF Detention Strategy and Risk
- ABF Detention Security
- ABF Removals
- All Staff
- Child Wellbeing Strategy and Capability Section
- Immigration Health Policy and Assurance Branch
- Legal Group
- Privacy & Information Disclosure Section
- Status Resolution Program Management and Capability Section
- UHM and Guardianship Section

1.2 External Consultation

1.2.1 The following external stakeholders were consulted in the development of this PI:

- DHSP
- FDSP

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Form 1A

COMMONWEALTH OF AUSTRALIA

MIGRATION ACT 1958

TRANSFER OF CUSTODY FROM ABF TO POLICE

To: *[insert name of police officer],*

who is an 'officer' for the purposes of the *Migration Act 1958* (the Act).

1. I *[insert name of ABF officer]* am an 'officer' for the purposes of the Act at *[insert name of immigration detention facility].*
2. Knowing or reasonably suspecting that *[insert name, date of birth and ICSE number of immigration detainee]* is an unlawful non-citizen, I have detained/am detaining him/her under section 189 of the Act. Pursuant to section 196 of the Act, he/she must be kept in immigration detention until one of the events specified in subsection 196(1) of the Act happens.
3. I am hereby transferring custody of *[insert name and ICSE number of immigration detainee]* to you in your capacity as an 'officer' under the Act.
4. By receiving custody of [insert name and ICSE number of immigration detainee] as an 'officer' under the Act, you acknowledge you will continue to keep [insert name and ICSE number of immigration detainee] in immigration detention pursuant to section 189 of the Act.

Signature

[Officer Name]

[Department / ABF]

[Date] [Time]

Signature

[Name of Police Officer]

AFP or State/Territory Police

[Date] [Time]

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Form 1B

COMMONWEALTH OF AUSTRALIA

MIGRATION ACT 1958

TRANSFER OF CUSTODY FROM HOME AFFAIRS TO STATE/TERRITORY CORRECTIONAL SERVICES AGENCY

To: *[insert name of correctional officer],*

who is an 'officer' for the purposes of the *Migration Act 1958* (the Act).

1. I *[insert name of ABF officer]* am an 'officer' for the purposes of the Act at *[insert name of immigration detention facility].*
2. Knowing or reasonably suspecting that *[insert name, date of birth and ICSE number of immigration detainee]* is an unlawful non-citizen, I have detained/am detaining him/her under section 189 of the Act. Pursuant to section 196 of the Act, he/she must be kept in immigration detention until one of the events specified in subsection 196(1) of the Act happens.
3. I am hereby transferring custody of *[insert name and ICSE number of immigration detainee]* to you in your capacity as an 'officer' under the Act.
4. By receiving custody of [insert name and ICSE number of immigration detainee] as an 'officer' under the Act, you acknowledge you will continue to keep [insert name and ICSE number of immigration detainee] in immigration detention pursuant to section 189 of the Act.

Signature

[Officer Name]

Department / ABF

[Date] [Time]

Signature

[Name of Correctional Officer]

State/Territory Correctional Services Agency

[Date] [Time]

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Department of Home Affairs

Form 1C

COMMONWEALTH OF AUSTRALIA

MIGRATION ACT 1958

TRANSFER OF CUSTODY FROM ABF TO SERVICE PROVIDER

To: *[insert name of employee of service provider]*,

who is an 'officer' for the purposes of the *Migration Act 1958* (the Act).

1. I *[insert name of ABF officer]* am an 'officer' for the purposes of the Act.
2. Knowing or reasonably suspecting that *[insert name, date of birth and ICSE number of immigration detainee]* is an unlawful non-citizen, I have detained/am detaining him/her under section 189 of the Act. Pursuant to section 196 of the Act, he/she must be kept in immigration detention until one of the events specified in subsection 196(1) of the Act happens.
3. I am hereby transferring custody of *[insert name and ICSE number of immigration detainee]* to you in your capacity as an 'officer' under the Act.
4. By receiving custody of [insert name and ICSE number of immigration detainee] as an 'officer' under the Act, you acknowledge you will continue to keep [insert name and ICSE number of immigration detainee] in immigration detention pursuant to section 189 of the Act.

Signature	Signature
[Officer Name]	[Officer Name]
Department / ABF	[Company name of the Service Provider]
[Date] [Time]	[Date] [Time]

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Form 1D

COMMONWEALTH OF AUSTRALIA

MIGRATION ACT 1958

REQUEST TO HOLD IN IMMIGRATION DETENTION

To: *[insert name of officer-in-charge of the relevant State or Territory correctional facility or police officer of relevant police force]*

1. I *[insert name of ABF officer]* am an 'officer' for the purposes of the *Migration Act 1958* (the Act).
2. [Insert name, date of birth and ICSE number of immigration detainee] is an unlawful non-citizen detained under subsection 189(1) of the Act who, under section 196, must be kept in immigration detention until one of the events specified in subsection 196(1) of the Act happens.
3. Pursuant to subsection 5(1) of the Act, a person is in immigration detention if being held by, or on behalf of, an officer in any of the places specified in paragraph (b) of the definition of 'immigration detention' (referred to here as a place of immigration detention).
4. As an officer for the purposes of the Act, I hereby request you to hold *[insert name and ICSE number of immigration detainee]* on my behalf in *[insert name of relevant State or Territory correctional facility or police station or watch house]*, which is a place of immigration detention.

Signature	Signature
[Officer Name]	[Officer Name]
Department / ABF	[Name of State/Territory Correctional or AFP or State/Territory Police]
[Date] [Time]	[Date] [Time]

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Form 1E

COMMONWEALTH OF AUSTRALIA

MIGRATION ACT 1958

WITHDRAWAL OF 'REQUEST TO HOLD'

TRANSFER OF CUSTODY OF A DETAINEE FROM A CORRECTIONAL FACILITY OR POLICE STATION OR WATCH HOUSE TO AN IMMIGRATION DETENTION FACILITY

To: *[insert name of correctional officer/police officer and name of correctional facility/police station or watch house]*,

1. I *[insert name of ABF officer]* am an 'officer' for the purposes of the *Migration Act 1958* (the Act).
2. In accordance with the definition of 'immigration detention' in subsection 5(1) of the Act and pursuant to a 'Request to Hold', *[insert name and ICSE number of immigration detainee]* has been held on behalf of an officer at this correctional facility/police station/watch house which is a place of immigration detention as specified in paragraph (b) of the definition of 'immigration detention'.
3. I am now withdrawing the 'Request to Hold' for *[insert name of detainee]* and taking custody of him/her from you.
4. As a person known or reasonably suspected to be an unlawful non-citizen, *[insert name of detainee]* will continue to be detained under the Act until, relevantly; he/she is removed from Australia or is granted a visa.

Signature	Signature
[Officer Name]	[Correctional Officer/Police Officer's name]
Department / ABF	[Name of State/Territory Correctional or AFP or State/Territory Police]
[Date] [Time]	[Date] [Time]

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Australian BORDER FORCE

OFFICIAL

Detention Services Manual – Safety and security management – Use of force

Procedural Instruction

Document ID (PPN)	DM-623
TRIM Record Number	ADD2018/5548985
BCS Function	Detention Management
Document Owner	Commander, Detention Operational Policy
Approval Date	23/07/2026
Document Contact	Detention Operational Policy s. 22(1)(a)(ii)@abf.gov.au

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1. Introduction

1.1. Purpose

This Procedural Instruction (PI) provides policy and procedural guidance to Australian Border Force (ABF) and authorised Facilities and Detainee Services Provider (FDSP) officers (Officers) on the use of force (UoF) and/or restraint to achieve lawful and operational outcomes in maintaining immigration detention, including within immigration detention facilities (IDFs), under the Migration Act 1958 (the Migration Act).

This guidance is intended to mitigate inappropriate use of force (UoF) and risk of harm to detainees, officers and third parties.

This PI aligns with and is to be implemented in conjunction with *DSM - Safety and security management – Use of force – SOP (DM-3291).*

1.2. Legal framework

1.2.1. In limited cases, UoF is authorised under s189 of the Migration Act. In other limited cases, the common law or the law of the State or Territory (as applicable) may allow force as reasonably necessary to be used to prevent self-harm, in self-defence, or to protect others.

Section 252A of the Migration Act provides powers for allowing authorised officers to strip search a detainee to locate items that can inflict bodily injury and/or help a person to escape immigration detention.

1.2.2. Further references to use of force under the Migration Act are made in:

- s189 – detention of unlawful non-citizens
- s192 – detention of visa holders whose visas are liable for cancellation
- s252(8) – searches of persons
- s252AA (2) – power to conduct a screening procedure
- s252B(1)(k) – use of force in conducting a strip search
- s252BA (7) search must not use more force than is reasonably necessary
- s261AE (1) – (4) – use of force in carrying out identification tests.

1.2.3. For further detail on the provisions in the Migration Act regarding the UoF in the immigration detention environment, refer to *DSM – Legislative and principles overview – Detention legal framework – PS (DM-587)*.

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2. Scope

2.1. In Scope

This PI provides guidance to all officers who may be required to use force in the performance of their duties in the immigration detention network (IDN) (including where a detainee is outside of an immigration detention facility, but remains in 'immigration detention' as defined in s5(1) of the Migration Act because, for example, they are in the company of, and restrained by, an officer).

2.2. Out of Scope

This PI does not apply to:

- Residence Determination arrangements (community detention).
- Operations undertaken prior to a detainee's placement in an immigration detention facility (such as field compliance) until transfer of custody to the FDSP.
- Aviation and maritime operations prior to a detainee's transfer of custody to the FDSP and their placement in an immigration detention facility (including APOD).
- State/territory police and Australian Federal Police officers conducting their duties, including exercising powers under the Migration Act.
- Contracted escort providers other than authorised FDSP officers, and
- Correctional, prison and court officers.

3. Procedural Instruction

3.1. Guiding Principles

4. The below principles are to be used as a guide for FDSP officers in the execution of their duties including the UoF.

- **Lawful - UoF should not occur unless it is lawful and reasonably necessary**
- **Safety** – The primary consideration must be the safety of all persons involved.
- **Evaluation** – Continuously evaluate the risk environment and make decisions (where possible) which are informed by intelligence analysis. Planning should include contingency plans and emergency plans which are captured in Content Manager (TRIM).
- **Negotiation** – Negotiation is the preferred means of conflict management wherever possible. Communication should be active and ongoing wherever possible.

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- **Preparation** – Officers should prepare mentally and physically. Consider limitations. Mandatory training/education and relevant qualifications/certification and drills should be regular and ongoing.

- **Objectives** – Objectives should be continuously reassessed. Do not lose sight of required operational outcome because of conflict or confrontation.

- **Sensitivity** – Adoption of communication strategies. Acceptance and accommodation of cultural diversity in interactions. Sensitivity to the persons and issues involved.

- **Empowerment** – Acceptance of responsibility and accountability. Request and allocation of appropriate resources.

- **Communication** – Communication should be active and ongoing wherever possible; inclusive of both communication with persons involved in the event or incident and communication with Operational Command.

- **Assess and Reassess** – The situation should be assessed and continuously reassessed.

3.2. Use of force in immigration detention

3.2.1. The following considerations and obligations apply to the application of force and/or restraint in the IDN, where **restraint refers to a physical application.**

3.2.2. There is a presumption against the UoF. Authorised officers must consider the individual circumstances of each case before applying UoF, whether it be the use of restraints or other restrictive mechanisms.

Use of force is a measure of last resort

3.2.3. UoF should not occur unless it is lawful and reasonably necessary according to the circumstances of each case.

3.2.4. Departmental and FDSP staff must exercise care and engage in informed decision-making before using force against any person. Whilst it is understood that there may be circumstances whereby "force" may be required to prevent injury to self or others, the FDSP must ensure there is video/audio recording of events for examination by the ABF where possible. Refer to *DSM – Safety and security management – Audio-visual recording – PI (DM-614)*.

3.2.5. Conflict resolution through **negotiation and de-escalation, where practicable, must be considered** before any UoF. De-escalation techniques must allow a detainee sufficient time to comply with a direction from an officer. If the objective of the engagement with the detainee can be achieved by other means, force must **not** be used.

3.2.6. If force is used, the amount of force used must be reasonable. Reasonable force is the minimum force necessary and proportionate to the threat or resistance offered. Force must only be used for the shortest amount of time possible, with consideration to preserving dignity and complying with the law.

3.2.7. The use of physical restraints is a UoF. Pre-approval from an ABF Detention Superintendent (Facility) or delegate is required prior to the use of physical restraints. Prior

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approvals must be recorded on the Compliance Case Management and Detention s. 47E(d) portal as evidence of the decision-making process.

3.2.8. s. 47E(d)

3.2.9. UoF must not be used for the purposes of punishment.

3.2.10. Excessive UoF is unlawful and must not occur under any circumstances. Excessive force on a detainee may constitute an assault.

3.2.11. Excessive force will be reviewed through mechanisms such as internal scrutiny (audits, reviews and other assurance programs), external scrutiny (investigations by external scrutiny bodies such as the Commonwealth Ombudsman) or integrity reviews (internal integrity areas of the Department or external integrity agencies such as the National Anti-Corruption Commission).

3.2.12. All instances of UoF (including any follow-up action), must be reported in accordance with the Incident Reporting Guidelines v7. located at ADD2026/349775

3.2.13. Any detainee may commence legal action if they consider that a UoF was excessive, disproportionate, unnecessary or unlawful. Departmental officers and FDSP officers must always keep accurate and clear written records explaining their decision to use force or restraints in any situation.

Planned use of force

3.2.14. All planned UoF approvals by the ABF Superintendents must be received prior to enacting Seeking and providing approvals for planned UoF is a mandatory process.

3.2.15. Only the relevant ABF Detention Superintendent (Facility) can approve planned UoF.

3.2.16. The FDSP must prepare a risk assessment and consult with the Detention Health Service Provider (DHSP) to obtain relevant detainee health information which may impact the decision making process. Detainee health information must be included in the formal application for UoF allowing the ABF Detention Superintendent (Facility) to make an informed decision about whether to approve the planned UoF. Planned UoF without input from the DHSP must only be considered as a last resort for emergency situations and must be noted on approval documents with reasoning provided and approved by the ABF Detention Superintendent (Facility).

3.2.17. When consulting with the DHSP on a planned UoF, the FDSP must document the request for detainee health information from the DHSP in writing, as well as any advice provided by the DHSP. Written advice received from the DHSP must be included in the UoF decision request submitted to the ABF Detention Superintendent (Facility).

3.2.18. Approval for planned UoF can be provided verbally in exceptional circumstances, where time constraints apply, but must be documented in writing after the event in accordance with the Incident Reporting Guidelines v7. ADD2026/349775

3.2.19. Planned UoF **must not** commence without the approval of the ABF Detention Superintendent (Facility). If approval for planned UoF is not received prior to the intended scenario to employ the UoF, the need to use force **must** be reconsidered and only

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employed as a last resort in response to an immediate emergency. If so, it must be reported by the relevant officer as an incident in line with the Incident reporting guidelines.

3.2.20. Where there is a planned UoF involving more than one detainee (such as a group transfer operation), the planning documents for the operation must consider whether UoF is necessary in relation to **each detainee on an individual basis**. In this circumstance, authorisation must be separately obtained from the ABF Superintendent (Facility) for the UoF in relation to each detainee. UoF in relation to a group of detainees is not to be considered or approved as a whole. In addition, there should be no presumption that force should be used on a detainee only because it is necessary to use force (e.g. use restraints) on another detainee.

3.2.21. Officers must make audio and video recordings of all planned UoF in accordance with Departmental policy, refer to *DSM – Safety and security management – Audio visual recording – PI (DM-614).*

3.2.22. Officers must conduct regular wellbeing checks of detainees while UoF is being applied. They must ensure, as far as possible and practicable, that the detainee's comfort and dignity is maintained and that the detainee is safe while subjected to UoF. This is particularly important when a detainee is restrained in a vehicle or their movement is restricted.

3.2.23. Officers must use force for only as long as is necessary and reasonable in the circumstances. If restraints are used, they must be removed at the first reasonable and practicable opportunity.

Unplanned use of force

3.2.24. Unplanned UoF may be used in an emergency situation where an operational response is required to prevent immediate harm as outlined at 3.2.5. and circumstances prevent an opportunity to seek approval or prepare a risk analysis for using force.

3.2.25. In the event that approval for planned UoF is not received prior to the application of force, the UoF will be considered unplanned and must be reported as such in accordance with the Incident Reporting Guidelines v7. ADD2025/5468505.

3.2.26. Under no circumstance can retrospective approval be given for the UoF, noting that it may be recorded retrospectively. All officers are accountable and must be able to justify their decision to use force, including restraints.

3.2.27. In the event there is a medical emergency, and an ambulance transports a detainee:

- Officers must evaluate the need for restraints to be applied to the detainee.
- Liaise with ambulance officers about the appropriateness of applying restraints and particularly, whether they will interfere with the medical care to be provided or the health of the detainee.
- A FDSP officer must accompany a detainee in an ambulance. UoF is to be determined based on a case-by-case basis.

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3.3. Last resort principles

3.3.1. In the absence of a legislative basis outside the criteria at 1.2.3. all UoF must be proportionate to the situation, objectively justifiable and only used as a measure of last resort. The officer must reasonably believe that there is no other option other than the UoF. The level of force must be proportionate to the threat being faced and always at the minimum level required. UoF must not be used for the purpose of behaviour modification.

3.3.2. Force cannot be used unless it is reasonably necessary in accordance with legislative requirements or in some other limited circumstances such as self-defence, the protection of others or to prevent self-harm in accordance with the common law. In the first instance, officers should seek to achieve the desired objective, through de-escalation techniques. This includes discussion, negotiation, verbal persuasion and co-operation. De-escalation techniques must allow a detainee sufficient time to comply with a direction from an officer.

3.3.3. Where UoF has been allegedly utilised in response to non-compliant detainee behaviour, the appropriateness of UoF will be reviewed through mandatory incident reporting mechanisms. Post incident reviews are conducted by the ABF and where applicable investigations will be conducted.

3.3.4. Appropriate UoF in an IDF **may** be necessary to:

- Prevent a detainee from injuring themselves or others.
- Conduct a search and screening procedure or conduct a strip searchprocedure.
- Transporting detainee to or from an IDF (prevent an escape)
- Collect personal identifiers (does not apply to minors, incapable persons or when collecting a signature).

3.4. Use of force when collecting personal identifiers

3.4.1. Officers must be aware of specific legislative provisions related to vulnerable detainees. For example, s261AE of the Migration Act does not authorise the UoF on minors or 'incapable persons' when carrying out an identification test.

3.5. Special consideration for vulnerable detainees

3.5.1. Officers should be mindful that vulnerabilities and the existence of chronic conditions, or other factors, may contribute to a detainee's behaviour. Officers must exercise care and informed decision making before using force on any detainee.

3.5.2. A vulnerable person is a person who, because of any condition or circumstance, has a reduced capacity to look after or manage their own interests. Whether a person is vulnerable can depend on both the situation and resilience of the individual concerned. Vulnerability can be either temporary or ongoing. For further information refer to *Vulnerable Persons - SM (SM-5337)*.

3.5.3. Although it is not possible to provide an exhaustive list of the characteristics of detainees who are vulnerable persons, examples of those characteristics may include:

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- Any child under 18, whether or not accompanied by a parent, guardian or responsible adult.
- Pregnant women and women who have recently given birth.
- Persons who are aged 65 years and over.
- Persons with a physical disability, impairment, condition or illness.
- Persons with an intellectual disability or mental health condition.
- Persons who identify as transgender or intersex. Persons who have been subjected to psychological, emotional, physical or sexual violence or abuse.
- Persons who have been or are victims of a serious crime.
- Persons who have experienced or are experiencing family violence (including coercive control or dowry-related abuse).
- Victims or alleged victims of modern slavery.
- Persons with limited literacy (in English or any language) or limited English language ability.
- Persons who are intoxicated or drug-affected and/or addicted to illicit and legal drugs and/or alcohol. Officers must use greater care than would otherwise be required should reasonable force bewarranted against a vulnerable detainee.
- Where medical evidence is provided that supports a detainee's mobility being severely limited, for example, due to their use of crutches or a wheelchair, consideration must be given to the necessity of restraints.
- Officers must also be aware of the distress that can be inflicted on a minor if they see a parent, guardian or another person having force used on them, particularly being mechanically restrained. Force must only be used in-front of a minor in exceptional circumstances, for example, to prevent harm to themselves/others or damage to public property.
- Force must not be used on a minor unless reasonable/minimal force is deemed essential to safely transport or protect the welfare and/or security of the minor or another person. In all actions and decisions concerning children undertaken by the Department, the best interests of the child must be a primary consideration.

Torture and Trauma counselling

3.5.4. As with all UoF, detainees being escorted to Torture and Trauma (T&T) counselling outside of an IDF are only to be subject to UoF as a last resort. The level of force must be proportionate to the threat being faced and always at the minimum level required for the circumstances.

3.5.5. If, considering all relevant information, the FDSP believes the security risks of an offsite escort to a T&T counselling appointment warrants the UoF, the FDSP should discuss other options with the ABF Superintendent (Facility). Other risk mitigations may be implemented apart from UoF, such as enhanced escort procedures or an increased officer

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presence. Alternatively, options that do not require an offsite escort may be more appropriate, such as the counselling being provided within the IDF or via phone/video.

3.6. Instruments of restraint

Approved items

3.6.1. Whether mechanical or otherwise, only items approved by the ABF Commissioner are to be used. Instruments of restraint must:

- **Never** be applied as a punishment or for discipline.
- **Never** be applied as a substitute for medical treatment.
- **Never** be used for convenience or as an alternative to reasonable staffing.
- Be removed as soon as practicable and the officer believes that the person is no longer a threat to themselves or others.

3.6.2. Unless the situation requiring instruments of restraint is an emergency, any planned application of restraints first requires a detailed risk-management assessment to be undertaken by the FDSP in accordance with planned UoF processes.

3.6.3. s. 47E(d)

Use of restraints

3.6.4. The use of any chemical agents of restraint, including sedatives, tear gas, pepper spray and capsicum spray is strictly prohibited for all ABF and FDSP officers, in immigration detention facilities.

3.6.5. Whenever an instrument of restraint is applied, an appropriately trained and qualified officer not directly involved in the process should observe and record the occurrence. The Commander Detention Operations or delegated ABF Superintendents (Facility) may instruct the FDSP not to restrain a detainee and have them provide alternative direction regarding risk mitigation strategies.

3.6.6. In an emergency situation, the decision to apply an instrument of restraint is to be made by the most senior officer present.

3.6.7. The decision to remove an instrument of restraint will be made by the most senior officer present.

3.6.8. The use and removal of an instrument of restraint is to be reported by officers involved to the Department in accordance with reporting standards – refer to *DSM – Safety and security management – Incident management and reporting – PI (DM-616).*

Transport and escort

3.6.9. The presumption against UoF applies to transport and escort (T&E) tasks.

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3.6.10. As with all UoF, the use of restraints during T&E must be proportionate to the situation, objectively justifiable and only used as a measure of last resort. Officers must consider whether use of restraints is necessary in relation to each detainee on an individual basis.

3.6.11. An instrument of restraint may be used on a detainee who, at any stage of being escorted, exhibits behaviour that could reasonably be viewed as posing a risk to the safety of themselves,others, or an attempt to escape. These cases will constitute an unplanned UoF and must be managed as such, including compliance with the incident reporting guidelines.

3.6.12. If a detainee is restrained, the responsible officer **must**:

- Conduct welfare checks with the detainee at regular intervals. Consideration must be given to mode of travel, motor vehicle, aircraft, sea vessel (rest/meals where appropriate)
- Particularly take into account the detainee's comfort and dignity, especially when there is a need to apply restraints to the detainee for a lengthy period.

3.6.13. There is an accepted inherent risk of escape or harm stemming from a likely lack of knowledge of any person who has been in detention for less than 28 days. Consequently, these detainees may be escorted in mechanical restraints. Noting the risks, the FDSP T&E Officer must consider each instance on a case-by-case basis weighing up the risks of escape against any available information for the detainee and consider alternatives to mechanical restraints such as additional escort officers if operationally feasible.

3.6.14. For policy and procedure, refer to *DSM – Programs and activities – Off-site appointments and movements– PI (DM-615)*.

3.7. After using force and/or restraint

Aftercare

3.7.1. UoF may be required in limited number of circumstances; however, the welfare of the person subjected to that UoF and personnel involved in the action are paramount. All departmental/ABF officers and FDSP officers using force must ensure that first aid and well-being considerations are applied and managed for any detainee subjected to force.

3.7.2. All detainees who have been subject to restraints must be offered a medical assessment. The detainee's response to the offer for medical assessment must be recorded as part of the incident. In most cases, the medical assessment will be undertaken by the DHSP.

3.7.3. Ensure that the detainee(s) understands why UoF was enacted and the benefit of a medical assessment post the use of restraints. Use an interpreter as necessary and appropriate. Refer to *DSM – Communication and engagement – Translating and Interpreting Services – PI (DM-600)*.

Reporting use of force

3.7.4. All officers are accountable for and must be able to justify their UoF.

3.7.5. Officers who use force are accountable to the Department, external and internal review bodies

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and the courts. Accurate and timely reporting ensures accountability and trust in the decision making and operational processes for UoF and that officers are applying it appropriately.

3.7.6. Recording and reporting also provides an opportunity to identify training and future needs, repeated areas of concern or threats to officers and others.

3.7.7. For more information, refer to *DSM – Safety and security management – Incident management and reporting – PI (DM-616)*.

Debriefing

3.7.8. All officers present during situations in which force has been used must be debriefed by a suitably qualified senior officer as soon as reasonably practicable. Debriefing sessions should be structured to provide officers with an opportunity to discuss issues and concerns arising from the particular incident and the circumstances in which force was used.

3.7.9. Departmental/ABF officers may also avail themselves of the Employee Assistance Program (EAP)which provides free confidential and professional assistance through short-term counselling and consulting.

3.7.10. Debriefing should also be provided to people who have been the subject of UoF. This process serves an important role in reducing stress and can assist in re-establishing positive relationships between those involved in the incident.

Complaints

3.7.11. Where a detainee believes they have been subjected to force that is excessive, inappropriate or unreasonable, the FDSP must advise them how to access,the full range of complaints handling mechanisms available to all detainees, including:

- The FDSP.
- The Department/ABF.
- The Australian Human Rights Commission.
- The Commonwealth Ombudsman.
- The state/territory police and the Australian Federal Police (AFP).
- Legal representation, if requested.

4. Statement of Expectation

4.1.1. The APS Code of Conduct states that ‘an APS employee must comply with any lawful and reasonable direction given by someone in the employee’s Agency who has authority to give the direction’ (subsection 13(5)) of the *Public Service Act 1999* (the Public Service Act).

4.1.2. Failure by an APS employee to comply with any direction contained in this PI document may be determined to be a breach of the APS Code of Conduct, which could result in sanctions under subsection 15(1) of the Public Service Act.

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4.1.3. The Australian Border Force (Immigration and Border Protection Worker Professional Standards) Directions 2024 issued under subsection 55(1) of the *Australian Border Force Act 2015* (the ABF Act), requires all IBP workers who are not employed under the Public Service Act to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

4.1.4. Failure by an IBP worker who is not an APS employee to comply with a direction contained in this PI document may be treated as a breach of the Secretary's Professional Standards Direction, which may result in the termination of their engagement under section 57 of the ABF Act. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

4.1.5. All IBP workers who make decisions or exercise powers or functions under legislation have aduty to do so in accordance with the requirements of the legislation and legal principle.

5. Privacy

All officers and contracted service providers dealing with personal information in the context of detainees must be aware of the Department's obligations under the Australian Privacy Principles (APPs) in the *Privacy Act 1988.*

The Privacy Act determines how officers must handle a detainee's personal information, and covers the collection, accuracy, storage, access, modification, use and disclosure of the information.

The most relevant APPs to consider relate to:

- Collection of information (APP 3 & 5). Ensure the detainee is aware what is being collected, why it is being collected and how it may be used or disclosed.
- Accuracy of the information (APP 10). Reasonable steps must be taken to ensure the personal and sensitive information collected is accurate, up to date, complete and relevant, both at the point of collection, and prior to any use or disclosure of this information.
- Secure storage of information (APP 11). When the information is not in use, the Department must ensure the information is secure from unauthorised access, loss or modification.
- Use and disclosure (APP 6 & 8). The Department must ensure the information is only used or disclosed for its intended purpose, unless officers have the consent of the individual to do this, or unless an exception is met.
- Departmental staff including ABF officers are encouraged to reach out to the Privacy Operations Section at s. 22(1)(a)(ii) @homeaffairs.gov.au if they have any questions or are unsure about their privacy obligations.

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6. Accountabilities and Responsibilities

Role	Description
ABF Superintendent (Facility)	• Exercise overall management of the IDF. • Receive and facilitate any applications for the planned UoF. • Communicate decisions for the UoF to the FDSP. • Consider and make decisions on planned UoF for a T &E task. (This responsibility cannot be delegated.) • Is the appointed IGOC delegate for IGOC minors. In this role, the IGOC delegate makes decisions on behalf of those minors and must be notified immediately of incidents involving IGOC minors.
ABF Officers	• Perform functions, duties as permitted, authorised under law, and specific relevant Acts pertaining to immigration and detention functions. • Ensure knowledge of relevant legislation and policies, particularly legislative UoF provisions in the Migration Act. • Apply training and qualifications responsibly and in accordance with legislation and policy. • Ensure decision-making and actions are properly documented and reported.
Detention Health Services Provider (DHSP)	• Responsible for medical response and support of detainee. • Support decision making in the UoF against detainees and providing advice to relevant departmental/ABF officers and contractors about any known health issues that may affect the UoF. • Assess detainee's health following any UoF if requested by the ABF or FDSP.
Facilities and Detainee Services Provider	• Respond to and manage critical and major incidents and perform emergency response duties in accordance with

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Role	Description
(FDSP)	relevant national andsite-specific work instructions.
	• Ensure appropriate personal knowledge of relevant legislation andpolicies, particularly legislative search provisions. • Personally understand and apply the powers of search in accordancewith the law. • Handle and manage any equipment according to their training, qualifications and national work instructions. • Be personally accountable for any UoF. • Be personally aware of, and comply with, legal obligations. • Record and report any UoF. • Manage all aspects of T&E within an IDF. • Evaluate and decide appropriate resourcing and mitigation tools, including UoF, to be utilised during the task. • Liaise with ABF Detention Superintendent (Facility) on matters requiring UoF and seek approvals from the ABF Detention Superintendent (Facility) for UoF. • Liaise with DHSP on health matters with respect to detainee/s requiringUoF. • Provide direction to the T&E escort team leader. • Ensure that accurate records of the UoF are made and maintained. • Command and manage T&E team during an approved T&E task. • Fulfil the role of line manager and supervise FDSP officers. • Provide advice and oversight to officers in the UoF. • Supervise screening procedures undertaken with force. Supervise pat down search procedures undertaken with force. • Engage the DHSP or other relevant health provider to ensure

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Role	Description
	that the detainee receives a medical review following UoF. • Receive, consider and recommend the application for UoF to the ABF Superintendent (Facility). • Communicate decisions for the UoF to FDSP officers. • Ensure that accurate records of the UoF are made and maintained. • Ensure notification to appropriate ABF officer of the UoF. • Conduct screening and search activities in accordance with the Migration Act and appropriate delegation, authorisation, training and qualifications. • May use force to complete certain actions under relevant legislative provisions and as specifically authorised under an Instrument of Authorisation for those provisions. • Ensure any force used is proportionate to the threat or resistance. UoF is a last resort. • Command and manage T&E team during an approved T&E task.

7. Version Control

Version number	Date of issue	Author(s)	Brief description of change
2.0	30/06/2017	National Detention and Removals Programmes	Update of detention instructions to reflect PPCF requirements.
3.0	22/12/2017	National Detention and Removals Programmes	Reviewed as per Duty Commissioner's request for 'extraordinary review'.
3.1	06/02/2018	Detention and Removals Operational Policy	Update PPCF feedback.
4.0	05/10/2018	Detention and Removals Operational Policy	Update post legal review.
5.0	XX/10/2023	Detention Operational Policy	Update post internal review (version for consultation).

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Version number	Date of issue	Author(s)	Brief description of change
6.00	23/07/2026	Detention Operational Policy	PPCF mandatory three (3) year review. Updates: • PPCF template • Inclusion of information on vulnerable persons • Inclusion of paragraph relating to T and E to Torture and Trauma counselling • Inclusion of privacy principles.

8. Records management

All records created relating to UoF must be managed in accordance with the *Records Management PS (TI-1094)*. Records created as a result of this procedure must be saved in TRIM or an approved business system, s. 47E(d)

9. References and legislation

References and legislation include:

- *Australian Border Force Act 2015*
- *'Australian Border Force (Immigration and Border Protection Worker Professional Standards) Directions 2024'*
- *Australian Public Service Code of Conduct*
- *Freedom of Information Act 1982*
- *Immigration (Guardianship of Children) Act 1946*
- *Immigration Detention Facilities and Detainee Services Contract*
- *Migration Act 1958*
- *National Anti-Corruption Commission Act 2022*
- *Privacy Act 1988*
- *Public Governance, Performance and Accountability Act 2013*
- *Public Interest Disclosure Act 2013*
- *Public Service Act 1999*
- *Work Health and Safety Act 2011 (Cth)*

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Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Excessive		In relation to force, means force beyond that which is reasonably necessary in the circumstances and may include any force when none is needed, more force than is needed, any force or level of force continuing after the necessity for it has ended, or knowingly wrongful use of force.
IGOC minor	Also referred to as 'non-citizen child'	A UAM who, as defined under section 4AAA of the *Immigration (Guardianship of Children) Act 1946* (the IGOC Act): • Enters Australia as a non-citizen; • Has not turned 18; • Intends, or is intended, to become a permanent resident of Australia; and • Did not enter Australia in the charge of, or for the purposes of living in Australia under the care of, a parent, a relative who is 21 years of age or over, or an intending adoptive parent.
IGOC delegate		The Minister delegates powers and functions to certain officers of the Department of Home Affairs, including the ABF, and of state/territory child welfare agencies. These officers are known as IGOC delegates.
Minor		Also referred to as child, is a person who is under 18 years of age. The *United Nations Convention on the Rights of the Child 1989* (CRC) is an international human rights treaty setting out the fundamental human rights of children. Article 1 of the CRC defines a child as any human being under 18 years old.
Planned		In relation to use of force, means use of force that occurs after a planning process has been undertaken, which has included risk assessment procedures and/or operational orders, approval from ABF Detention Superintendent (Facility), and prior consultation with the DHSP in relation to the health of the detainee. Planned use of force may be involved in: • Behaviour management; • Deliberate actions to resolve incidents; • Search; • Transport and escort tasks.
Reasonable		In relation to force, means force that is objectively justifiable and proportionate to the risk or threat faced, and is the

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Term	Acronym (if applicable)	Definition
		minimum force necessary and reasonable in the circumstances of a particular incident or situation.
Unplanned		In relation to use of force, means use of force that occurs in an immediate or emergency situation where a response is required and circumstances prevent an opportunity to seek approval for the use of force from ABF Detention Superintendent (Facility), undertake risk assessment processes and seek prior consultation with the DHSP.
Use of Force	UoF	In relation to force, means the application of that force on another person. In relation to restraints specifically, means the application of restraints to a person. Means an action taken to limit, or control, the movement or freedom of an individual.

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Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Migration Act 1958	Paragraph (g) of the definition of 'officer' in s 5(1)	Definition of an officer	yes - authorisation	*Migration Act 1958*
Public Service Act 1999	Section 13	APS Code of Conduct	no	n/a
Australian Border Force Act 2015	Subsections 44(3) and 45(3)	Disclosure of Immigration and Border Protection (IBP) information.	yes - authorisation	*Instrument of Delegation 2017* (DEL 17/082) (delegation applies to IBP workers of the Department of Home Affairs) *Australian Border Force (Secretary) No 1 of 2018 (ABF (s) No. 1 of 2018)* (delegation applies to IBP workers in the ABF) Authorisation to disclose Immigration and Border Protection information *DEL18/004* (Department of Home Affairs) Authorisation to disclose Immigration and Border Protection information - ADD2020/5712705 (applies to IBP workers of the ABF excluding OSB JATF)
	Subsection 55(1)	The Secretary may, by writing, give directions to IBP workers in connection with the administration and control of the Department.	no	n/a

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Immigration (Guardianship of Children) Act 1946)	subsection 5(1)	Delegation	yes	*Immigration (Guardianship of Children) Delegation* (01725/178) 20254 and *Home Affairs (Minister) amendment (ABF Organisational Realignment) Instrument 2025* (ADMIN 25/209), (see ADF2022/394448 for the latest Instrument)

1.2 Controls and Assurance

Related Policy	*DSM – Legislative and principles overview – Detention legal framework – PS (DM-587)* *DSM – Legislative and principles overview – Service delivery values – PS (DM-582)* *DSM – Legislative and principles overview – Duty of care to detainees – PS (DM-583)*
Procedures / Supporting Materials	*DSM – Programs and activities – Off-site appointments and movements – PI (DM-615)* *DSM – Safety and security management – Screening and search of detainees and their property – PI (DM-619)* *DSM – Safety and security management – Screening and search of detainees and their property – SOP (DM-3289)* *DSM – Safety and security management – Use of force – SOP (DM-3291)* *DSM – Detainee entry and exit – Transfer of detainees – PI (DM-618)* *DSM – Detainee placement – Closer supervision and engagement of high-risk detainees – PI (DM-626)* *DSM – Managing the administration of detention – Identification tests – SOP (DM-3253)* *DSM – Safety and security management – Evidence management – SOP (DM-3306)* *Mandatory reporting – PI (SM-1557)* *Operational safety order (2015) ADD2018/4047756* *Guardianship of non-citizen children under the IGOC Act – PS (VM-6457)*

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Training/Certification or Accreditation	Use of Force training
Other required job role requirements	Delegations Security clearance Departmental systems access
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	If you require further advice or assistance or would like to provide feedback in relation to this PI, please contact the Detention Operational Policy Section at s. 22(1)(a)(ii) *@abf.gov.au.*
Escalation arrangements	Escalation of concerns or issues regarding this PI can be sent to Superintendent, Detention Operational Policy Section at s. 22(1)(a)(ii) *@abf.gov.au*.
Recordkeeping (e.g. system based facilities to record decisions)	All records created as a result of this PI must be managed in accordance with the *Records Management – PS (TI-1094)*. Records created as a result of this PI must be saved in Content Manager (commonly known as TRIM) or an approved business system s. 47E(d)
Program or Framework (i.e. overarching Policy Framework or Business Program)	National and site-specific work instructions.
Job Family Framework Role	Detention Operations Officers – Job Code 30001731

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Attachment C – Consultation

1.1 Internal Consultation

The following internal stakeholders were consulted in the development of this PI:

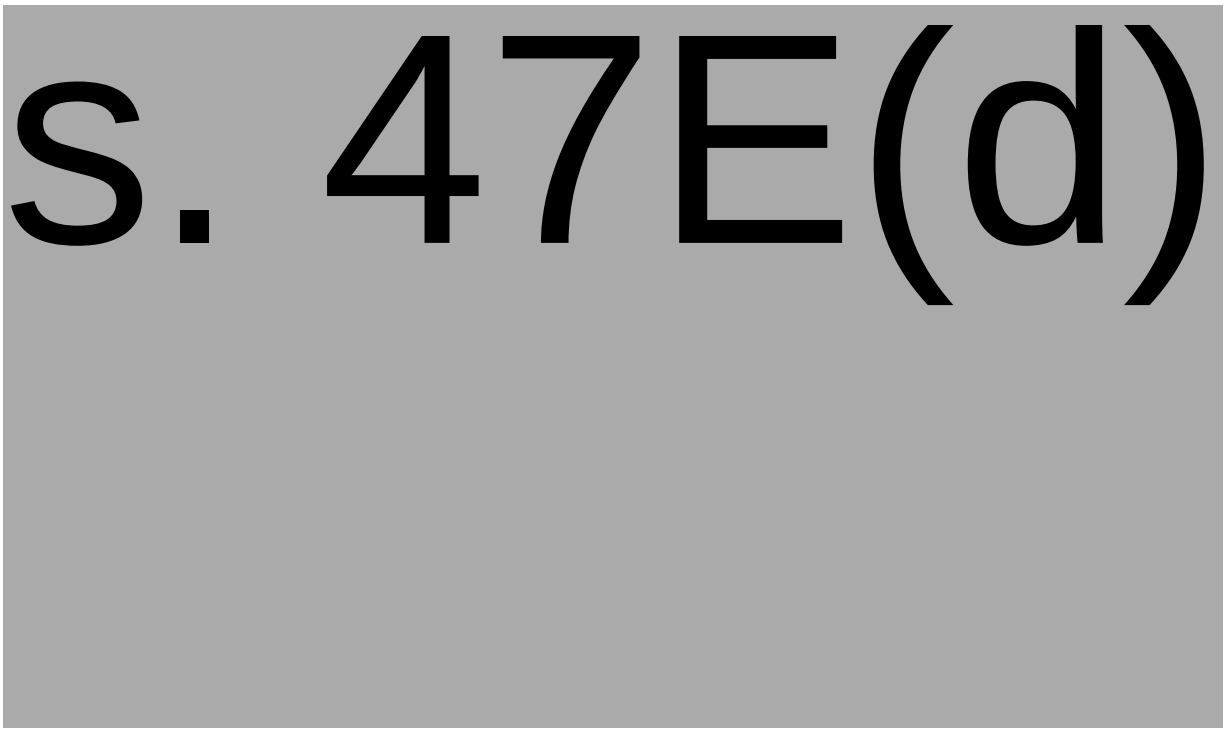
- Detention Operations
- Detention Health Operations
- Detention Risk Assurance & Reports
- Detention Scrutiny and Liaison
- Detention Contract Management Unit
- Health Policy
- Child Wellbeing Strategy and Capability
- Integrity and Professional standards
- Privacy
- Operation Safety Capability
- Status Resolution Framework and Procedures
- Workforce Health and Safety
- Unaccompanied Humanitarian Minors & Guardianship
- Legal Group
- All Staff

1.2 External Consultation

The following external stakeholders were consulted in the development of this PI

- FDSP
- DHSP

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Australian Government
Department of Home Affairs

Australian BORDER FORCE

Detention Services Manual – Safety and Security management – Use of force

Standard Operating Procedure

Document ID (PPN)	DM-3291
TRIM Record Number	ADD2018/5549614
BCS Function	Detention Management
Document Owner	Commander, Detention Contracts, Policy & Assurance
Approval Date	23/07/2026
Document Contact	Detention Operational Policy s. 22(1)(a)(ii) @abf.gov.au

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1. Purpose

This Standard Operating Procedure (SOP) provides Australian Border Force (ABF) and Facilities and Detainee Services Provider (FDSP) officers with guidance on the lawful use of force (UoF) and/or restraint in the immigration detention network (IDN), as specified in the *Migration Act 1958* (Migration Act).

This SOP describes the concept of UoF and how force may be applied, and must be reported, when used in held detention by ABF and FDSP officers.

This SOP aligns to and must be implemented in conjunction with *DSM – Safety and security management – Use of force – PI (DM-623)*.

2. Scope

2.1. In Scope

This SOP applies to all ABF and FDSP officers who may be required to use force in the performance of their duties in the IDN.

2.2. Out of Scope

This PI does not apply to:

- Residence Determination arrangements (community detention).
- Operations undertaken prior to a detainee's placement in an immigration detention facility (such as field compliance).
- Aviation and maritime operations prior to a detainee's placement in an immigration detention facility.
- State/territory police and Australian Federal Police officers conducting their duties, including:
    - Exercising powers under the Migration Act.
    - Contracted escort providers other than authorised FDSP officers
    - Correctional and prison officers.

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3. Standard Operating Procedure

S. 47E(d)

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3.1.12.	Apply approved UoF in accordance with training and qualifications. If the UoF includes the use of restraints refer to section 3.3 *Use of equipment*. Note: The use of restraints must always be necessary and proportionate to the circumstances and reported. If it is likely that leg restraints may be used with the Humane Restraint (waist-body belt), it should be noted in the approval.	FDSP
3.1.13.	Conduct regular wellbeing checks of detainee while UoF is being applied. Ensure, as far as possible and practicable, that the detainee's comfort and dignity is maintained and that the detainee is safe while subjected to UoF. Note: This is particularly important when a detainee is restrained in a vehicle or their movement is restricted.	FDSP
3.1.14.	Use force for only as long as is necessary and reasonable in the circumstances. Remove restraints at the first reasonable and practicable opportunity.	FDSP
3.1.15.	Follow considerations and actions as per section 3.2 *Aftercare*.	FDSP
3.1.16.	Report as per section 3.4. *Reporting requirements.*	FDSP
3.1.17.	After task is identified - develop and finalise an Escort Operational Order (EOO) in consultation with ABF Detention Superintendent (Facility).	FDSP T&E
3.1.18.	Review SRA and assess the need for UoF to complete the identified activity.	FDSP T&E
3.1.19.	Consider site risk assessment and assess the need for mitigation measures.	FDSP T&E
3.1.20.	Consult the DHSP about the detainee and whether UoF is appropriate if there are known health issues with the detainee. Document the written request for information from the DHSP. This information must be provided to ABF in order to assist with the decision making process. The DHSP may also provide advice on appropriate strategies given any known health issues.	FDSP T&E
3.1.21.	Provide written advice to T&E Manager on UoF.	DHSP
3.1.22.	Consider DHSP advice. Note: Advice received from the DHSP must be included in any UoF approval request submitted to the ABF Superintendent (Facility).	FDSP T&E
3.1.23.	If the risk assessment(s) result in identifying the need for UoF, decide if it will be recommended for implementation to the ABF Detention Superintendent (Facility).	FDSP T&E
3.1.24.	Finalise EOO in accordance with standard procedure.	FDSP T&E
3.1.25.	Seek approval from ABF Detention Superintendent (Facility) for tasking and UoF.	FDSP T&E
3.1.26.	Provide approval to FDSP T&E for UoF and any limitations to be applied. **Note:** The use of restraints **must** always be necessary, proportionate and reported. If it is likely that leg restraints may be used with the Humane Restraint (waist-body belt) it **should** be noted in the approval.	ABF Superintendent (Facility)

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3.1.27.	Provide approval to T&E Team Leader for UoF and any limitations to be applied.	FDSP T&E Leadership
3.1.28.	Make an audio-visual recording of all planned UoF in accordance with *DSM – Safety and security management – Audio visual recording – SOP (DM-3300).*	FDSP T&E
3.1.29.	Apply approved UoF in accordance with training and qualifications. If the UoF includes the use of restraints refer to section **3.3.** *Use of equipment.*	FDSP T&E
3.1.30.	Conduct regular wellbeing checks of detainee while UoF is being applied.	FDSP T&E
3.1.31.	Ensure detainee is safe during any transport activity, while in the presence of escorting officers and while subjected to UoF. Ensure, as far as possible and practicable, that the detainee's comfort and dignity is maintained. **Note:** This is particularly important when a person is restrained in a vehicle or their movement is restricted.	FDSP T&E
3.1.32.	Use force for only as long as is necessary and reasonable in the circumstances. Remove restraints at the first reasonable and practicable opportunity.	FDSP T&E
3.1.33.	Follow considerations and actions as per section **3.2.** *Aftercare.*	FDSP T&E
3.1.34.	Report as per section **3.4.** *Reporting requirements.*	FDSP T&E

Planned use of force transport and escort tasks

Unplanned use of force

Step	Action	Person Responsible
3.1.35.	Consider and decide if the UoF to be applied is necessary in line with legislation, policy and procedures. For minors, refer to *(DSM – Safety and security management – Use of force – PI (DM-623).*	ABF or FDSP
3.1.36.	In the event there is a medical emergency and an ambulance transports a detainee: • Evaluate the need for restraints to be applied to the detainee; • Liaise with ambulance officers about the appropriateness of applying restraints and particularly, whether they will interfere with the medical care to be provided or the health of the detainee; • Do not use restraints unless an FDSP officer accompanies the detainee in the ambulance.	FDSP
3.1.37.	Respond in line with training and qualifications and reasonably to the threat or risk being faced. Call Emergency Services if required **See:** *DSM – Safety and security management – Engagement with police – SOP (DM-3305).*	FDSP
3.1.38.	Follow considerations and actions as per section **3.2.** *Aftercare.*	ABF or FDSP

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Step	Action	Person Responsible
3.1.39.	Report as per section **3.4.** *Reporting requirements.*	ABF or FDSP

3.2. Aftercare

Actions after use of force

Step	Action	Person Responsible
3.2.1.	Ensure effective communication with the detainee(s) to ensure that the detainee(s) understands the benefits of medical review post use of restraints.	FDSP
3.2.2.	Use an interpreter as necessary and appropriate. **See:** *DSM – Communication and engagement – Translating and Interpreting– PI (DM-600).*	FDSP
3.2.3.	Visually inspect the detainee(s) subjected to UoF for any injuries, render first aid as appropriate, and needed.	FDSP
3.2.4.	Seek medical assistance and review of the detainee(s) from DHSP or other health provider as soon as practicable. **Note:** This may not be practicable if the detainee is being removed from the country. In these circumstances, visually inspect detainee for any indication of injury post the use of any approved restraints. FDSP to administer first aid if required. Record observations and actions in the UoF incident report and record whether any injuries were or were not present.	FDSP
3.2.5.	Observe the detainee and ensure appropriate and timely responses to any deterioration to the detainee, by carefully monitoring, among other things: • Mental state; • Demeanour; • Breathing; • Welfare; and • General health.	FDSP
3.2.6.	Medically examine the detainee as soon as practicable upon receipt of request from the FDSP or ABF.	DHSP
3.2.7.	Consider implementation of support to the detainee as appropriate in consultation with DHSP.	FDSP and DHSP
3.2.8.	Complete a UoF incident report form and lodge on the s. 47E(d) . Incident Reporting Guidelines located at ADD2026/349775	FDSP

Complaints during or after use of force

Step	Action	Person Responsible
3.2.9.	If a detainee(s) wishes to complain, advise the detainee(s) that they may make a complaint to: • The FDSP • The Department/ABF	ABF or FDSP

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Step	Action	Person Responsible
	• The Australian Human Rights Commission • The Commonwealth Ombudsman • The police; or • May seek legal advice from a legal practitioner. **See:** *DSM – Managing administration of detention - Complaints management – PI (DM-4827).* *DSM – Legal services – Detainee access to legal representation and migration agents – PI (DM-601).*	
3.2.10.	Provide detainee(s) with access to mechanisms to lodge a complaint.	FDSP
3.2.11.	FDSP must advise ABF Superintendent (Facility) and assist the detainee access appropriate mechanisms.	FDSP

Debriefing after use of force

Step	Action	Person Responsible
3.2.12.	Review UoF circumstances.	FDSP DSM and ABF Detention Superintendent (Facility)
3.2.13.	Conduct debrief of all ABF and FDSP and/or other people involved such as the DHSP, in accordance with *DSM – Safety and security management – Debriefing – PI (DM-4845)* **Note:** Identify, report and manage any issues arising in the debriefing process.	FDSP Leadership and ABF Detention Superintendent (Facility)

3.3 Use of equipment

Issue, return and serviceability of equipment

Step	Action	Person Responsible
3.3.1.	Ensure personal issue equipment, such as first aid pouch and radio earpiece are working and in good condition.	FDSP
3.3.2.	Ensure equipment issued at beginning of shift is working and in good condition.	FDSP
3.3.3.	Ensure equipment is managed appropriately during shift and held personally. Keep restraints, flexi cuffs and handcuffs out of the view of the public unless impractical to do so.	FDSP
3.3.4.	Return equipment as required at end of shift.	FDSP
3.3.5.	If any equipment is used during shift to apply force report it in accordance with **3.4.** *Reporting requirements.*	FDSP

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Application

Step	Action	Person Responsible
3.3.6.	Consider the circumstances of the incident and specifically assess the conduct of the detainee against whom force may be applied.	FDSP
3.3.7.	Decide the need for use of any specific equipment, specifically addressing values of organisation, lawfulness of application and whether alternative and lesser measures would suffice. **Note:** The use of restraints **must** always be necessary, proportionate and reported.	FDSP
3.3.8.	Act in accordance with training and qualifications.	FDSP
3.3.9.	Record and report any usage and application of equipment in accordance with **3.4.** *Reporting requirements.*	FDSP

Storage

Step	Action	Person Responsible
3.3.10.	Ensure equipment is securely stored in an appropriate place in the immigration detention facility in accordance with local work instructions.	FDSP
3.3.11.	Ensure access to equipment is only by appropriately authorised, trained and/or qualified FDSP.	FDSP
3.3.12.	Conduct regular monthly audits of personal issue Personal Protective Equipment (PPE). In the event of any concerns or issues report to T&E Leadership.	FDSP T&E
3.3.13.	Report any concerns or issues to the ABF Superintendent (Facility).	FDSP
3.3.14.	Loss or damage to any equipment should be reported and managed in accordance with standard operating procedure	FDSP

3.4 Reporting requirements

Reporting use of force (including use of restraints)

Step	Action	Person Responsible
3.4.1.	The application of any force, including the use of restraints, **must** be reported in accordance with the *Incident Reporting Guideline* v7 (ADD2026/349775) and advice per the *Event Categorisation and Reporting Framework* **Note:** There is no requirement to report use of the Enhanced Escort Position (EEP) when used as part of a routine transport and escort task.	ABF or FDSP
3.4.2.	For planned or unplanned UoF involving a minor, notify Assistant Secretary, Performance, Governance and Inquiries Branch and Child Wellbeing Strategy and Capability Section: s. 22(1)(a)(ii)@homeaffairs.gov.au within **six** hours of verbal report. Force must not be used on a minor unless an officer believes on reasonable grounds that the use of force is essential to safely transport or protect the welfare and/or security of the minor or another person.	ABF Detention Superintendent (Facility)
3.4.3.	For planned or unplanned UoF involving a minor:	FDSP

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Step	Action	Person Responsible
	• In the case of an Immigration Guardianship of Children (IGOC) minor, notify the IGOC delegate. • In the case of an unaccompanied minor, notify the ABF Detention Superintendent (Facility).	
3.4.4.	UoF resulting in **injury to a detainee**: • Record as a 'Use of Force' Major Incident. • Report verbally to ABF Detention Superintendent (Facility) within **one** hour. • Record on s. 47E(d) within **six** hours of the FDSP using the unplanned UoF. • Complete a Post Incident Review.	FDSP
3.4.5.	UoF where the **detainee was non-compliant, resulting in a threat to safety and good order of the facility:** • Record as a 'Use of Force' Major Incident. • Report verbally to the ABF Detention Superintendent (Facility) within **one** hour of the FDSP using the unplanned UoF. • Record on s. 47E(d) within **six** hours of the FDSP using the UoF • Complete a Post Incident Review.	FDSP
3.4.6.	**Unplanned UoF, no injury and detainee compliant:** • Record as a 'Use of Force' Major Incident. • Report verbally to the ABF Detention Superintendent (Facility) within **one** hour of the FDSP using the unplanned UoF. • Record on s. 47E(d) within **six** hours of the FDSP using the UoF complete a Post Incident Review.	FDSP
3.4.7.	**Planned UoF, no injury and detainee compliant**: • Record as a 'Use of Force – Planned' Minor Incident. • Recorded on s. 47E(d) within 24 hours of the UoF. **Note:** If **Enhanced Escort Position** is applied then no reporting is required.	FDSP
3.4.8.	**Immediately report:** **DCNU and creation of s. 47E(d) must occur** • An incident that causes death of any person. • An incident causing any injury to any person. • 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(s). To: Workforce Health and Safety (WHS) • 1800 279 059 (24 hours, 7 days a week). **Note:** If the number is unanswered, leave a voice message and staff from the section will return the call as soon as possible. Additionally, communication must be followed up via email for record keeping purposes.	ABF Detention Superintendent (Facility)

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Step	Action	Person Responsible
	Email to: • s. 22(1)(a)(ii) @homeaffairs.gov.au (monitored 9am to 5pm, Monday to Friday). • s. 22(1)(a)(ii) @homeaffairs.gov.au. **Note**: If any doubt arises with respect to reporting obligations or categories of matters contact WHS as outlined above for assistance.	
3.4.9.	In the event an ABF officer who have used force **must** submit a UoF Incident Report and submit it in accordance with departmental/ABF procedures. Completed reports must be emailed to Australian Border Operations Centre (ABOC) at s. 22(1)(a)(ii) @abf.gov.au. **Note:** If the leg restraints were used with the Humane Restraint (waist-body belt) it should be noted in the report.	ABF
3.4.10.	Distribute report to line areas, Integrity and Professional Standards Branch.	ABOC

Recording and reporting planned use of force (including use of restraints)

Step	Action	Person Responsible
3.4.9.	Make an audio-visual recording of all planned UoF **See:** *DSM – Safety and security management - Audio visual recording – PI (DM-614)*.	FDSP
3.4.10.	Complete incident report on UoF and include detail of circumstances and reasons. Lodge UoF Incident Report on the s. 47E(d) . **Note:** If the leg restraints were used with the Humane Restraint (waist-body belt) it should be noted in the report.	FDSP

4. Statement of Expectation

4.1. The APS Code of Conduct states that 'an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction' (subsection 13(5) of the Public Service Act 1999 (the Public Service Act).

4.2. Failure by an APS employee to comply with any direction contained in a PPCF document may be determined to be a breach of the APS Code of Conduct, which could result in sanctions up to and including termination of employment, as set out in subsection 15(1) of the Public Service Act.

4.3. The Australian Border Force (Immigration and Border Protection Worker Professional Standards) Directions 2024 issued under subsection 55(1) of the Australian Border Force Act 2015 (the ABF Act), requires all IBP workers who are not APS employees (such as contractors or consultants) to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

4.4. Failure by an IBP worker who is not an APS employee to comply with a direction contained in a PPCF document may be treated as a breach of the Secretary's Professional Standards Direction, which may result in the termination of their engagement under section 57 of the ABF Act. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

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4.5. For all other provisions of PPCF documents, the Secretary and the Commissioner ABF expect all IBP workers to:

- Consider whether a proposed departure from any provision set out in a PPCF document is reasonable and justified in the circumstances
- Consider the risks of departing from any provision set out in a PPCF document

4.6. Be responsible and accountable for the consequences of departing from, or not adhering to the content of, all PPCF documents, including where such departure or non-adherence results in a breach of any legal or other obligations which may lead to adverse outcomes for the Department and be responsible for documenting the reasons/justification for their decision to depart from, or not adhere to, any PPCF document.

4.7. IBP workers who make decisions or who exercise powers or functions under legislation have a duty to make these decisions or exercise these powers or functions in accordance with the requirements of the legislation and legal principle.

5. Accountabilities and Responsibilities

5.1. For accountability and responsibilities, refer to *DSM – Safety and security management – Use of force – PI (DM-623)*.

6. Related Framework documents

6.1. For related framework documents, refer to *DSM – Safety and security management – Use of force – PI (DM-623)*.

7. References and legislation

References and legislation include:

- *Australian Border Force Act 2015*
- *Freedom of Information Act 1982*
- *Immigration (Guardianship of Children) Act 1946*
- *Immigration Detention Facilities and Detainee Services Contract*
- *Migration Act 1958*
- *National Anti-Corruption Commission Act 2022*
- *Privacy Act 1988*
- *Public Governance, Performance and Accountability Act 2013*
- *Public Interest Disclosure Act 2013*
- *Public Service Act 1999*
- *Work Health and Safety Act 2011 (Cth)*

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8. Version Control

Version number	Date of issue	Author(s)	Brief description of change
2.0	30/06/2017	National Detention and Removals Programmes	Update of detention instructions to reflect PPCF requirements.
3.0	22/12/2017	National Detention and Removals Programmes	Reviewed as per Deputy Commissioner's request for 'extraordinary review'.
3.1	06/02/2018	Detention and Removals Operational Policy	Update PPCF feedback.
4.0	08/10/2018	Detention and Removals Operational Policy	Update post-legal review.
5.0	10/10/2018	Detention and Removals Operational Policy	Update post Superintendent review.
6.0	23/07/2026	Detention Operational Policy	PPCF mandatory three (3) year review. Updates: • PPCF template • Removal of specific role titles where practicable • Removal of refence to documents no longer available.

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Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Escort Operational Order	EOO	A document prepared by the FDSP detailing the way in which Transport, Transfer or Removal Escort Tasks will be undertaken.
IGOC delegate		The Minister delegates powers and functions to certain officers of the Department of Home Affairs, including the ABF, and of state/territory child welfare agencies. These officers are known as IGOC delegates.
IGOC minor	Also referred to as 'non-citizen child'	A UAM who, as defined under section 4AAA of the *Immigration (Guardianship of Children) Act 1946* (the IGOC Act): • enters Australia as a non-citizen; • has not turned 18; • intends, or is intended, to become a permanent resident of Australia; and • did not enter Australia in the charge of, or for the purposes of living in Australia under the care of, a parent, a relative who is 21 years of age or over, or an intending adoptive parent.
Planned		In relation to UoF, means UoF that occurs after a planning process has been undertaken, which has included risk assessment procedures and/or operational orders, approval from ABF Detention Superintendent (Facility), and prior consultation with the DHSP in relation to the health of the detainee. Planned UoF may be involved in: • behaviour management; • deliberate actions to resolve incidents; • search; and • transport and escort tasks.
Reasonable		In relation to force, means force that is objectively justifiable and proportionate to the risk or threat faced, and is the minimum force necessary and reasonable in the circumstances of a particular incident or situation.
Unplanned		In relation to use of force, means use of force that occurs in an immediate or emergency situation where a response is required and circumstances prevent an opportunity to seek approval for the UoF from ABF Detention Superintendent (Facility), undertake risk assessment processes and seek prior consultation with the DHSP.

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Term	Acronym (if applicable)	Definition
Use of Force	UoF	In relation to force, means the application of that force on another person. In relation to restraints specifically, means the application of restraints to a person. Means an action taken to limit, or control, the movement or freedom of an individual

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Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this SOP (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Migration Act 1958	paragraph 5(1)(g)	Definition of an officer	yes - authorisation	Migration Act 1958
Public Service Act 1999	section 13	APS Code of Conduct	no	n/a
Australian Border Force Act 2015	subsections 44(3) and 45(3)	Disclosure of Immigration and Border Protection (IBP) information.	yes - authorisation	Authorisation to Disclose Immigration and Border Protection Information (Department of Home Affairs) Instrument of Delegation 2017 (DEL 17/082) for IBP workers in the Department Australian Border Force (Secretary) No. 1 of 2018 (ABF (S) No. 1 of 2018) for IBP workers in the ABF Authorisation to disclose Immigration and Border Protection information - ADD2020/5712705 (ABF)
	subsection 55(1)	The Secretary may, by writing, give directions to IBP workers in connection with the administration and control of the Department.	no	n/a
Immigration (Guardianship of Children) Act 1946)	subsection 5(1)	Delegation	yes	*Immigration (Guardianship of Children) Delegation ADMIN 25/178) 2025* and *Home Affairs (Minister) amendment (ABF Organisational*

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
				Realignment) Instrument 2025 (ADMIN 25/209) , 24/017) 2024, (see ADF2022/394448 for the latest Instrument)

1.2 Controls and Assurance

Related Policy	*DSM – Legislative and principles overview – Detention legal framework – PS (DM-587)* *DSM – Legislative and principles overview –Service delivery values – PS (DM-582)* *DSM – Legislative and principles overview – Duty of care to detainees – PS (DM-583)*
Procedures / Supporting Materials	*DSM – Programs and activities – Off-site appointments and movements – PI (DM-615)* *DSM – Safety and security management – Screening and search of detainees and their property – PI (DM-619)* *DSM - Safety and security management – Screening and search of detainees and their property – SOP (DM-3289)* *DSM – Safety and security management – Use of force – PI (DM-623)* *DSM – Detainee entry and exit – Transfer of detainees – PI (DM-618)* *DSM - Detainee placement – Closer supervision and engagement of high-risk detainees– PI (DM-626)* *DSM - Managing the administration of detention – Identification tests – SOP (DM-3253)* *DSM - Safety and security management – Evidence management – SOP (DM-3306)* *Mandatory reporting – PI (SM-1557)* *Operational safety order (2015) ADD2018/4047756*
Training/Certification or Accreditation	Use of Force training
Other required job role requirements	Delegations Security clearance Departmental systems access
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	If you require further advice or assistance or would like to provide feedback in relation to this SOP, please contact the Detention Operational Policy Section at s. 22(1)(a)(ii) *@abf.gov.au.*
Escalation arrangements	Escalation of concerns or issues regarding this SOP can be sent to Superintendent, Detention Operational Policy Section at s. 22(1)(a)(ii) *@abf.gov.au*.

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Recordkeeping (e.g. system based facilities to record decisions)	All records created as a result of this SOP must be managed in accordance with the *Records Management – PS (TI-1094)*. Records created as a result of this procedure must be saved in Content Manager (commonly known as TRIM) or an approved business system s. 47E(d)
Program or Framework (i.e. overarching Policy Framework or Business Program)	National and site-specific work instructions.
Job Family Framework Role	Detention Operations Officers – Job Code 30001731.

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Attachment C – Consultation

1.1 Internal Consultation

The following internal stakeholders were consulted in the development of this SOP:

- Detention Operations
- Detention Health Operations
- Detention Strategy and Risk
- Detention Scrutiny and Liaison
- Detention Contract Management Unit
- Health Policy
- Child Wellbeing Strategy and Capability
- Integrity and Professional Standards
- Privacy
- Operation Safety Capability
- Status Resolution Framework and Procedures
- Workforce Health and Safety
- Unaccompanied Humanitarian Minors & Guardianship
- PPCF Legal Group
- All Staff

1.2 External Consultation

For external stakeholders consulted in the development of this SOP

- FDSP
- DHSP

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