

Independent Review of the Incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre

MINISTER'S RESPONSE

The Government welcomes the Report of the Independent Review of the Incidents at the Christmas Island and Villawood Immigration Detention Centres by Dr Allan Hawke AC and Ms Helen Williams AO. I thank Dr Hawke and Ms Williams for the Report and the rigor and dedication they have brought to the Review.

As outlined by Dr Hawke and Ms Williams, between late 2009 and late 2010 there was increased stress placed on the immigration detention network which made the management task a difficult one. The environment and resulting challenges experienced have been extraordinary and have required extraordinary commitment and resilience on the part of departmental, Serco and IHMS staff involved in the management and operation of the detention network. I acknowledge the efforts that have been made, and continue to be made, by officers of the department, contracted service providers and other agencies.

Managing a stressed detention environment is a challenge that successive governments have had to grapple with. The last IMA surge was characterised by regular instances of violence, large-scale property damage, serious fires and mass escapes by people in immigration detention who were frustrated by their ongoing detention and delays in visa processing.

What distinguishes the incidents at Christmas Island and Villawood from those in the past is the higher proportion of people on a negative pathway. As Dr Hawke and Ms Williams detailed, a majority of those charged in relation to their involvement in these incidents had received a negative visa decision. The violence and destruction was, to a significant extent, a reaction to having received an outcome that was contrary to what they believed they had been sold when they handed over large sums of money to people smugglers.

As many of the contributing factors to the March and April incidents – significant numbers of people on negative pathways, increasing length of detention, difficult client cohorts – remain in the current detention network, the findings and recommendations of the Report provide a valuable prescription for improving the management of incidents in the immigration detention network going forward. In line with our commitment to continually improve the management of the immigration detention network, the Government accepts all 48 recommendations and I have asked my department to ensure that they are all fully implemented as a priority. To that end, I have asked the department to report on its progress in implementing the recommendations by mid-2012.

My Department has already committed to improve preventative strategies and response capabilities, following internal reviews of the management of these incidents. In addition, a number of significant steps to respond more effectively to the large numbers of irregular maritime arrivals in detention have been taken, including:

- processing improvements, such as implementing revised refugee processing arrangements and working with security agencies to streamline security assessments to increase processing efficiency;
- improving conditions in detention, by increasing the immigration detention network to accommodate clients to reduce the pressure on overcrowded facilities;

- enhancing the skills and capacity of staff working at detention facilities through improvements to the design and delivery of training programs and increasing the number of case managers;
- significantly expanding the use of community detention for children, families and vulnerable people; and
- the placement of irregular maritime arrivals in the community on bridging visas, as part of the new approach to asylum seeker management.

I want to make it clear that the lessons learnt from the incidents on Christmas Island in March and at Villawood in April have been heeded. Nevertheless, tensions continue to be relatively high and there remains potential for critical incidents. The Government is working hard to prevent serious incidents, but where there have been critical incidents in the detention network they have been responded to in a more timely, effective manner and there has been greater clarity of roles and responsibilities. The result has been that the violence and damage has been more effectively contained and incidents have been brought under control much faster and with less need for external intervention. The increased focus on containment and preventative strategies has also meant that the Department and Serco have responded more effectively to intelligence of possible unrest, with the effect that the prolonged mass protest action previously experienced has been largely avoided.

While the Department and Serco continue to make improvements in line with the recommendations of the Report, it is important to recognise that there is no excuse for the violent and destructive behaviour of those involved in the incidents at Christmas Island and Villawood. Such conduct is completely unacceptable and out of line with the expectations of the Australian people. For this reason, the Government has amended the *Migration Act 1958* to make it clear that a person who is convicted of an offence while in immigration detention automatically fails the character test and is liable to be considered for the refusal of a permanent visa.

This Report is a timely reminder of what happens when there is increased pressure on the detention network due to higher numbers of people in detention. It is for this reason that the Government remains committed to the Malaysia arrangement – the only genuinely effective plan to deter asylum seekers arriving in Australia by boat.

DEPARTMENT'S RESPONSE

Recommendation 1: It is recommended that DIAC consider possible amendment to the Detention Services Contract, in consultation with Serco, to improve the enunciation in the purpose of detention in the Objectives Section of the Contract in line with the Immigration Detention Values.

Agreed.

The department recognises that the Detention Services Contract was developed within a particular context and in part reflects the range of issues present at that time. It is also recognised that the context has altered and that there is likely to be merit in refining the contract to better reflect the current context as well as the ongoing role of detention in the broader migration system. The department will consider its positions and write to the detention service provider, Serco, regarding this matter by the end of December 2011.

Recommendation 2: It is recommended that DIAC finalise and publish the "incident management and reporting" section of its DSM, ensuring clear delineation of Serco and DIAC's roles.

Agreed.

The department is at an advanced stage of preparing the 'Incident Management and Reporting' instruction which forms part of the Detention Services Manual (DSM), Chapter 8, Safety and Security. It is anticipated that, following stakeholder consultations and executive approval, this instruction will be available on LEGEND, the department's database of legislation and policy instructions for migration and citizenship, from late 2011.

Recommendation 3: It is recommended that the three core incident management documents for Christmas Island are revisited, finalised and promulgated among relevant parties.

Agreed.

During the period immediately following the March 2011 incident, the department recognised the need to further improve and finalise the incident management documentation for Christmas Island, notwithstanding the view that incident management coordination was overall relatively sound.

Work has commenced on the review of the incident management documents related to Christmas Island in the context of current operational requirements and as part of ongoing business processes. The initial review will be completed by the end of 2011, with ongoing reviews to follow.

Recommendation 4: It is recommended that an MOU concerning the operational roles and responsibilities of DIAC, the AFP and local Police Forces in relation to incident management be finalised in all jurisdictions, operationally tested and made known to all relevant staff.

Agreed.

The department convened a meeting with senior representatives from the Australian Federal Police (AFP) and the state and territory police forces on 19 April 2011 to progress the development of a Memorandum of Understanding (MOU). At this meeting it was agreed that, with the participation of all jurisdictional police and the support of other relevant partners such as Serco and International Health and Medical Services (IHMS), risk assessments would be undertaken at all established immigration detention facilities including Alternative Places of Detention. These risk assessments were designed to identify what might be required of external providers in incident management and to identify gaps in response capability, particularly in relation to the availability of resources at remote locations.

Following the April 2011 meeting, the department conducted workshops in all States and Territories and on Christmas Island to further progress the development of the MOU. All workshops and the risk assessments for each immigration detention facility have been completed and will be used to inform the MOU. A draft MOU has been developed and disseminated to relevant parties.

The department has worked continuously and cooperatively with the AFP and state and territory police to finalise the MOU. Negotiations are well advanced with the majority of jurisdictions, with many of them indicating they are willing to sign the current draft of the MOU.

Recommendation 5: It is recommended that the issue of hand-over between DIAC and the AFP or the local Police Force be clarified, a protocol developed, tested and promulgated to support the hand-over, and consideration be given to whether the Contract should be amended to provide greater clarification in this area.

Agreed.

The department has commenced work on developing procedures to assist departmental staff during critical incidents and is developing a training module covering this area for inclusion in its contract management training.

This work will include finalising of protocols to cover hand-over to the AFP, consistent with the department's contract obligations and Serco's Incident Management Protocol.

It is anticipated that this work will be substantially completed by the end of 2011.

Recommendation 6: It is recommended that, as was intended by the design of the CIIDC, the roller doors to the NWP Accommodation Compounds not be used as the primary means by which detainees enter or exit these compounds. It is also recommended that consideration be given to the value of reactivating the key-card system for use at times of increased tension.

Agreed.

The roller doors to North West Point are no longer used as a primary point of entry and exit for clients. Since March 2011, entry and exit has been through the main door at the officer's station and through a corridor that runs between compounds.

The department will consider the reactivation of the key-card system, and in doing so will take into account broader implementation issues (such as Occupational Health and Safety).

Recommendation 7: It is recommended that more substantial weld-mesh or solid materials be used rather than chain-link gates and fencing in medium or high security IDCs to provide additional protection against damage and breach.

Agreed.

In future, facilities designated as medium or high security will utilise more robust materials including anti-climb mesh and building fabrics more resistant to abuse. Existing medium and high security facilities will be modified as part of the ongoing capital program. As part of this year's capital program, funds have been identified to improve security features at the major Immigration Detention Centres (IDCs).

Recommendation 8: It is recommended that staff induction training and procedures emphasise the need to secure vehicles and storage areas in the vicinity of immigration detention facilities.

Agreed.

Staff induction processes are generally developed locally and each service provider operating at detention facilities on Christmas Island and elsewhere runs its own induction program. The department will stipulate the need for greater attention to security, including the importance of securing vehicles, during its induction process and will emphasise to service providers the need to do likewise during their induction programs.

Recommendation 9: It is recommended that the use of aerosol cans be banned and prevented from entering medium and high security IDCs.

Agreed.

The department has taken action to ensure that Centre Managers reinforce the existing ban on all aerosols within centres. This includes aerosols sold in centres and those brought in by clients and visitors.

The department's updated Procedures Advice Manual (Version 3) Detention Services Manual Instruction 'Items Not Permitted', is planned to be available on LEGEND from 1 January 2012. The updated manual will provide improved guidance for departmental and

Detention Service Provider (DSP) officers on the management of items that might present a risk to the health, security and good order of Immigration Detention Facilities.

Recommendation 10: It is recommended that consideration be given to means of disconnecting electricity supply to detainee accessible areas during serious incidents without interfering with the operation of security infrastructure, such as lights and CCTV cameras.

Agreed.

The department agrees that this is an important issue and consideration will be given to electrical designs which enable the isolation of power circuits that do not also feed security infrastructure. Under Australian electrical regulation, lights are to operate on a separate circuit and so would not be affected.

The implementation of this recommendation may not be achievable within existing infrastructure. It might, for example, involve a disproportionate cost to rewire existing facilities and there could be logistical difficulties in undertaking such work while facilities are in operation.

Recommendation 11: It is recommended that thorough and consistent risk assessments be conducted for secure compounds within the Immigration Detention Network, particularly following significant alterations to the design of an IDC, and that control and restraint equipment not be located within them unless these risk assessments have been carried out.

Agreed.

The department recognises the importance of ensuring secure facilities are fit for purpose and has instructed Serco to undertake assessments when these facilities are to be used. The department will review the contract and policy instructions, and if necessary will issue an appropriate policy instruction to ensure greater clarity in this area. This will be done by the end of January 2012.

Recommendation 12: Given the impact of detainees on the roof of the Macquarie Residential Block on Serco's ability to maintain control during the April 2011 incident, it is recommended that DIAC and Serco consider further strategies to maintain effective dynamic security within Fowler in a range of possible scenarios, such as the provision of appropriate "anti-climb" infrastructure to prevent people from accessing roofs.

Agreed.

A major redesign is shortly to be undertaken as part of the Villawood redevelopment. Interim measures have already been taken to restrict access to the roof of the Macquarie Residential block, including:

- external cabling (used by clients to access the roof) being placed underground; and
- ceilings in parts of the building being hardened to resist intrusion into the roof cavity.

The department is also engaging with Serco to improve and develop better strategies for its dynamic security in order to manage possible non-compliant behaviour by clients. This

includes developing expertise in detection of potential problems and ensuring all Serco staff are trained to de-escalate situations before serious problems arise. This will be completed by the end of November 2011.

Recommendation 13: It is recommended that more stringent screening of visitors to IDCs be undertaken in line with controls at Australia's airports and that improved exclusion zones be put in place around IDC perimeters.

Agreed.

Under the contract, there are specific clauses that relate to visitor management. Serco must:

- screen visitors on arrival for excluded, controlled and illegal items;
- escort visitors to and from designated visit areas; and
- inform visitors of any conditions or restrictions imposed on them.

Under the contract, if Serco has a reasonable suspicion that a visitor may pose a security threat or jeopardise the safety and well-being of any client in detention or a member of Serco personnel, they can refuse entry to that visitor or remove them from the facility.

Serco is responsible for security of the perimeter, which is checked daily and recorded accordingly. The department is engaging with Serco on a review of all visitor screening and perimeter security arrangements. The department's contract management staff at facilities will work with Serco on an ongoing basis to identify ways to achieve continuous improvement in this area.

The prospect of improved exclusion zones around facility perimeters has been considered, however, due to access roads available to the general public this may not be practical in some centres.

Recommendation 14: It is recommended that dangerous items usually located in kitchens or Medical Centres be appropriately secured within those locations, and that a protocol be developed that dangerous items be removed from such places at times of increased tension within an IDC.

Agreed.

The Health Services Contract requires IHMS to securely and safely store all consumables and supplies at medical centres.

In relation to dangerous items located in kitchens, the removal of such items during times of heightened tensions is being formalised in operational procedures. It is expected that relevant instructions will be finalised and available by February 2012.

Recommendation 15: It is recommended that DIAC articulate more clearly the responsibility of public order management so that an agreed position is established with DIAC, Serco, the AFP and other police forces.

Agreed.

The department, Serco, AFP and State and Territory Police Services are working together to clearly articulate responsibility for public order management within facilities.

Discussions and negotiations include Serco's role in establishing and maintaining greater public order management capability at detention facilities. This is recognised by all parties as being a priority issue.

Recommendation 16: It is recommended that Serco's commitments under the Contract in relation to both Security Risk Assessments at each Centre, and People in Detention Risk Assessments for each detainee be met fully as a matter of priority.

Agreed.

The department is working with Serco to ensure compliance in this area through established governance forums.

The department will undertake a national independent audit of Serco's delivery of risk assessment obligations. This will be completed by the end of December 2011.

Recommendation 17: It is recommended that consideration by DIAC and Serco be given to whether additional qualifications are required for Detention Service Provider Personnel undertaking the security intelligence function and that the Contract be amended to specify the level of qualification required.

Agreed.

The department will work with Serco to strengthen this aspect of the Detention Service Contract. Suitable training modules will be identified and training undertaken by the end of December 2011.

Recommendation 18: It is recommended that a protocol be developed between DIAC, Serco and the AFP on the formation and operation of a Joint Intelligence Group as part of incident response and management, with specific reference being given to the respective parties' roles and responsibilities.

Agreed.

A Joint Intelligence Group has been operating continuously and successfully at Christmas Island since March 2011. The department will work with the AFP and Serco to formalise the arrangement through a written protocol.

Recommendation 19: In order to ensure that the EDDS remains an effective means of monitoring the extensive NWP perimeter, it is recommended that the EDDS be regularly activated, maintained and tested by Serco, and that upgrading with appropriate materials be placed on DIAC's capital expenditure plan.

Agreed.

Following the March 2011 incident, the department engaged a company for the repair and upgrade of the Electronic Detection and Deterrence System at North West Point. A maintenance program has been incorporated as part of the repair and upgrade.

If any additional works are required over and above the works currently in place, this will be added to the capital expenditure plan.

Recommendation 20: It is recommended that DIAC investigate use of more sturdy material in the construction of gates and roller doors and their locking and operation mechanisms in medium and high security compounds.

Agreed.

Most of the existing gates are already of heavy steel construction and have withstood assault from clients.

The department has been in discussions with Serco and as a result has received a proposal to strengthen some roller doors (which give access from compounds to the Green Heart) with hinged steel doors that could withstand greater force. This proposal is currently being scoped with an engineering assessment being required to be undertaken to determine whether these doors are viable.

Recommendation 21: It is recommended that the panel of fencing removed to allow the runway access to Lilac and Aqua Compounds be fully reinstated and maintained to re-establish NWP perimeter security.

Agreed.

This was completed in March 2011.

Recommendation 22: It is recommended that future construction or upgrading of detention infrastructure be planned to allow for sufficient medium and high risk infrastructure within the Immigration Detention Network to match the risk profile of detainees.

Agreed.

The department believes that it is important to have the capacity to adequately accommodate high risk clients in appropriately secure infrastructure at any given time. In the past, infrastructure was constructed to align with the then low risk profile of detainees, but the risk profile changed rapidly and dramatically. The department's ability to respond to the changing risk profile was severely compromised by the need to respond to high numbers of irregular maritime arrivals (IMAs).

The department continues to examine higher security infrastructure designs and is currently modifying parts of North West Point on Christmas Island to provide a more secure environment.

The Villawood IDC redevelopment will incorporate a high security area for high risk clients.

The department is working with the Border Protection Taskforce to examine the need for further medium and high risk infrastructure.

Recommendation 23: It is recommended that DIAC prepare options to maintain contingent immigration detention infrastructure capacity for Government consideration.

Agreed.

The department recognises the importance of contingency planning and is in the process of developing a strategic infrastructure plan which will be finalised by the end of March 2012.

Recommendation 24: Further to Recommendation 22, given the limitations of the “open centre” compound formation, which is suitable only for low risk detainees, it is recommended that DIAC commission further design work to determine the compound formations most appropriate for the different types of detainee security risk.

Agreed.

The department is working with Serco to ensure that new facilities have appropriate levels of security, retain operational functionality and meet detention policy requirements. Advice is also being sought from security consultants in the design and installation of security infrastructure.

Recommendation 25: Particularly if medium or high risk detainees are to be accommodated in a Compound, it is strongly recommended that fencing be supported by detection or deterrence infrastructure, including CCTV, and that Serco personnel be trained in its operation.

Agreed.

Detection or deterrence infrastructure already exists at a number of sites. The department will progress implementation of such infrastructure at other sites that may be used to hold medium and/or high risk detainees.

Recommendation 26: It is recommended that Red Compound be regularly tested and maintained and all staff familiarised with its operation and use.

Agreed.

The Red Compound has been renamed the Support Unit to better reflect its function. The department acknowledges the issues raised in the report and agrees with the recommendation, including the need for the Support Unit to be regularly tested and maintained. The department and Serco will ensure that testing and maintenance is undertaken and that all relevant staff are familiar with the Support Unit's function as well as all relevant operational aspects.

Recommendation 27: It is recommended that an infrastructure solution be developed to address the ease with which detainees accessed the Macquarie Residential Block roof, having regard to any impact on the overall security of Fowler.

Agreed.

A major redesign is shortly to be undertaken as part of the Villawood redevelopment. Interim actions have already been taken to restrict access to the roof of the Macquarie Residential block, including:

- external cabling (used by clients to access the roof) being placed underground; and
- ceilings in parts of the building being hardened to resist intrusion into the roof cavity.

Recommendation 28: It is recommended that the POS be fully implemented at all IDCs in the network in line with the requirements of the Contract and that Serco ensure IMPs are completed for all detainees and regularly reviewed in partnership with DIAC Case Management.

Agreed.

The department is engaging with Serco to achieve full implementation of the Personal Officer Scheme across the network and the completion and review of Individual Management Plans. This is being monitored by the department's Regional Detention Managers.

Recommendation 29: It is recommended that DIAC enhance further its Case Management capacity with a view to aligning IMA oversight more closely with the domestic Compliance caseload, and complete CCMA's for all IMAs in accordance with its Detention Related Decision-Making Control Framework provisions.

Agreed.

Initiatives to address this recommendation are already well advanced with Case Management capacity for IMAs and client to case manager ratios increasing to levels commensurate with the domestic compliance caseload. All IMA clients who are not on an immediate 'turn around pathway', including those held in community detention, are case managed. As at 21 November 2011, departmental systems showed there were a total 174 full time equivalent case managers operating within the detention network (including community detention) engaged in the management of IMA clients. This equates to a ratio of approximately one case manager to 31 IMA clients. As at 21 November 2011 there were 5350 IMA clients being case managed.

On 1 November 2010 the department formally revised its Detention-related Decision-Making (DRDM) control framework and extended it to encompass IMA clients. This framework provides for a structured approach whereby case managers engage with each client on a regular one-to-one basis to ensure that clients' needs are actively assessed and regularly reviewed. Case managers are required to provide input into regular Detention Review Committee meetings which engage relevant Global Managers or Program Directors to review the circumstances and detention of every client. At the Detention Review Committee, a mechanism is provided for escalation of cases to Global Managers or Program Directors if cases are not progressing appropriately.

Case managers regularly conduct reviews of their cases within a performance framework which seeks to achieve service level standards whereby 95 per cent of all case reviews are conducted within the required timeframes. A phased approach to achieving the 95% service level target was implemented over the second half of 2011. Case managers were expected to achieve the required service level standard in November 2011.

A departmental census of detention clients conducted on 21 November indicated that across the detention network an overall monthly case review completion rate of 98.3% had been achieved as at the census date.

Recommendation 30: It is recommended that DIAC provide Case Managers with accurate information on the options available to detainees and progress of their case.

Agreed.

A number of formal communication guides and client information sheets have been developed to ensure case managers have accurate information to provide to clients as to the options available to them to resolve their immigration status and provide regular information about the expected timeframes to progress their case.

Regular visits to centres by senior staff and frequent communication in the form of video or telephone conferences (including information sessions) help to underpin a two-way communication process. This process ensures case managers have accurate information about policy parameters that can help inform clients of how they can regularise their immigration status, including making decisions to discontinue their claims for asylum and depart from Australia.

The '*Strategic Framework for communicating with irregular maritime arrivals: A status resolution approach*' establishes principles for clear communication with clients about their options and case status.

Recommendation 31: It is recommended that DIAC give priority to finalising and implementing its Status Resolution Focussed Communication Framework and that this include the development of more specific engagement strategies for detainees on arrival concerning the importance of providing full and complete identity information wherever possible.

Agreed.

The department finalised its *Strategic framework for communicating with irregular maritime arrivals: A status resolution approach* in August 2011 and this has been disseminated among staff involved in the management of IMAs. Elements of the framework are currently at different stages of implementation. This includes the development of a 'personal record' folder in which IMAs collate and hold general and specific information about their case, as well as tools/guides to simply and clearly educate IMAs about the processes they will undertake as part of seeking Australia's protection.

The early provision of identity related documentation is a key client management issue. This issue is reflected in the framework and the department has undertaken action in this area. IMAs are educated about the importance of providing identifying documentation and its value in aiding the timely processing of claims. The strategy and departmental processes aim to give clients clear advice on how to provide documentation through engagements with case managers and a detailed information sheet and poster (available in eight of the most common IMA languages). Operational teams have reported early successes in identity focused interviews with IMAs, even with those who have received negative primary outcomes.

Recommendation 32: It is recommended that Serco and DIAC develop and deploy a revamped programs and activities model, focussing specifically on:

- **enhancing self determination and decision making;**
- **providing skills for life after detention, whether that be in Australia or elsewhere;**
- **maintaining or promoting a work ethic; and**
- **enhancing detainee well being, by providing the detainee with achievable goals.**

Agreed.

Serco is developing a revised programs and activities model with all relevant stakeholders, to encourage clients to strive for greater individual self determination by establishing a weekly routine. The revised model includes teaching people in detention about Australian culture and way of life, and encouraging clients to adopt a positive work ethic. Serco has appointed a research company to engage with clients to establish the type of programs and activities they would like to have the opportunity to be involved in.

The department understands the importance of a program of meaningful activities for the wellbeing of all people in detention, with particular emphasis on learning English. The department is working closely with Serco on improving programs and activities at all sites.

The department is supportive of including the views of clients in planning activities through client consultative committee meetings.

Recommendation 33: It is recommended that Serco and DIAC finalise the development and implementation of the Client Incentive and Earned Privilege Scheme.

Agreed.

Serco is required to implement departmental policy in relation to the provision of an Individual Allowance Program (IAP) for people in immigration detention.

As currently designed, the IAP is an incentive-based program that allows clients to accrue a set number of points per week. These points can be exchanged for a range of discretionary personal items available from the immigration detention facility's canteen. Apart from providing access to these items and the improvement in the quality of life that access to such items may offer, the purpose of IAP is to act as an incentive to voluntarily participate in programs and activities as a means towards maintaining individual mental health and encouraging good behaviour. The IAP supersedes the previous Personal Allowance Scheme and is currently being rolled out across the immigration detention network with full implementation anticipated by December 2011.

The department will continue to work with Serco to incorporate the design elements from their proposed Client Incentive and Earned Privilege Scheme into the IAP which encourage participation in programs and activities, and promote good behaviour.

Recommendation 34: It is recommended that consultative committees, a visits program and social education programs be features of the Security Services Plan of each IDC.

Agreed.

The department recognises the positive impact consultative committees, visits programs and social education programs (including a well structured program and activities schedule) have on the well being of clients, and that these elements contribute to the safety and good order of a facility.

Through workshops at each facility, the department will work with Serco to ensure that these programs are developed and delivered, and become features of the Security Services Plan.

The department's contract administrator is engaging with Serco to ensure that Serco and the department's contract managers conduct a monthly review of Security Service Plans to ensure that consultative committees, visits programs and social education programs are part of these plans and they contribute to the safety and good order of a facility.

Recommendation 35: It is recommended that DIAC finalise their end-to-end business model for resolving IMA status.

Agreed.

The end-to-end business model for IMAs continues to evolve as policy decisions are made regarding processing. The department's Executive Committee is currently considering revised structural arrangements to reflect recent policy changes as a result of the High Court decision in relation to offshore processing. Final decisions are expected to be made early in the New Year.

Recommendation 36: It is recommended that DIAC develop advice for the Government on options for managing detainees on a negative pathway, particularly those who have been found not to be refugees, but where removal is problematic.

Agreed.

The department will continue to provide advice to Government on the risks, costs and strategies for managing caseloads in detention including those on a negative pathway. Advice is also provided on the limited options that are available to the ongoing management of individuals in immigration detention who have been found not to engage Australia's protection obligation but who will not co-operate with departure from Australia or otherwise cannot be removed.

Recommendation 37: It is recommended that DIAC agree on a system for collecting Serco staffing metrics and assessing staffing capability at each Centre and that this be distributed for use across its network.

Agreed.

Building on work already underway, the department will continue to work with Serco to improve capture, storage and availability of staffing metrics. This will assist with better planning and management of staff capability, consistent with changes to risk profiles and service delivery demands, and provide the information necessary to reflect the staffing dynamics in the centre operational plan. This approach will be profiled at the Detention Services Conference in December 2011 and a review of its effectiveness will be undertaken in early/mid 2012.

Recommendation 38: It is recommended that DIAC require Serco to maintain records on the certification and qualifications for personnel that are provided under the Contract, and Regional Management Teams audit these regularly.

Agreed.

The department has been working with Serco to improve its management of staff records pertaining to certifications and qualifications. This has included the development of a national database that was introduced in mid 2011. Further work is currently being progressed to enhance the integrity of the information and records contained in the database.

In addition, work is underway to make staff records available to regional management teams allowing each centre to review and access such information to better inform staffing decisions in the context of changing risk profiles. This is likely to be achieved through the detention services portal or a web-based secure platform with implementation expected in early/mid 2012.

Recommendation 39: It is recommended that Serco run live exercises in incident management based on joint incident management protocols involving all relevant stakeholders at least annually and preferably more often where there is a risk of volatility in the detainee population.

Agreed.

The department has been engaging with Serco on the implementation of these arrangements. Serco has planned a series of exercises. Serco conducted the first multi-agency, multi-faceted exercise in incident management, on Christmas Island, in September 2011. Others are scheduled to occur both before and after Christmas 2011. These activities will improve preparedness and effective joint incident management practices in Serco and the department.

Recommendation 40: It is recommended that DIAC review its training requirement in contract management for senior level staff in IDCs to ensure both that they have skills in contract management more generally and that they understand the more specific requirements of the Detention Contract and its provisions.

Agreed.

The department will require all senior level staff working at detention facilities in the future to have completed contract management training prior to deployment or as soon as practicable after taking up their position. This training will be completed for existing staff by December 2011.

Recommendation 41: It is recommended that the DIAC training model continue to be sufficiently resourced to provide role specific training that incorporates face-to-face training, mentoring and site induction.

Agreed.

The department currently conducts role-specific training for staff at the APS 4, 5, and 6 levels performing Detention Operations and Case Management roles. We intend to expand the number of courses and are currently developing role specific training for executive level staff, including face to face training, mentoring and site inductions.

A Training Needs Analysis survey is being conducted of Detention Operations Division (DOD) staff during November 2011, which will inform what new training programs need to be developed, the effectiveness of current training programs and how well supported DIAC staff working in Immigration Detention facilities in DOD are.

The results will lead to DIAC making a number of key recommendations to inform the development of a five year training plan / framework for DOD and be used to analyse, and improve current programs and develop new training initiatives in the DOD.

The findings will contribute to Recommendation 42.

Recommendation 42: It is recommended that DIAC improve training of DIAC Regional Managers and their staff following finalisation of joint incident management protocols, with particular reference to identifying:

- **roles and responsibilities in local and national command suites;**
- **methods of communication and coordination within the command suites;**
and
- **protocols more generally, including in relation to contractual matters such as “hand-over/hand-back” and the roles and responsibilities of other stakeholders within the command suite.**

Agreed.

The department is developing joint incident management protocols with particular emphasis on command suites. Once finalised, these protocols will form part of the training for executive level staff deployed to immigration detention facilities. The department will also develop a training approach involving simulation exercises to ensure all relevant departmental staff are familiar with requirements for the effective operation of command suites.

A Training Needs Analysis survey is being conducted of DOD staff during November 2011 which will contribute to the redesign of the duty statements and position descriptions for all detention operations roles across the detention network to clarify specific role requirements and to ensure role consistency. The findings will contribute to Recommendation 41.

Recommendation 43: It is recommended that DIAC:

- **move to one mandated source of recording detainee location, utilising a single system or database, and that it ensure that data is entered in a timely manner by all relevant parties;**
- **clarify the roles and responsibilities with regard to end-to-end management of IMA caseload needs;**
- **clarify rules for data entry of milestone events for detainees; and**
- **improve the quality and consistency of data entry practices in relation to decision hand downs.**

Agreed.

The department has approved a forward program of Information and Communications Technology (ICT) and business process enhancements designed to simplify, integrate and further support efficient processing of IMAs. This program of work includes the consolidation of ICT systems that support end-to-end processing of IMAs and establishment of a single system for recording and storing information for people in immigration detention, including additional mandatory control points. A data management plan is also being updated to detail the current business processes, milestones, roles and responsibilities associated with the entry and quality assurance of data associated with IMAs. This program of work is expected to be fully implemented as part of ICT change release six, currently scheduled for November 2012.

Recommendation 44: It is recommended that DIAC conducts a systemic review of the quality, timeliness and accuracy of incident reporting and post-incident reviews to ensure that Serco is fulfilling its reporting obligations under the Contract.

Agreed.

The department has already commenced work on aspects of the practices and approaches to incident reporting and post-incident reporting. This work is being progressed in collaboration with Serco to ensure findings from the review are able to be quickly implemented for future incident reporting and post-incident reporting.

Recommendation 45: It is recommended that DIAC review the SitRep system to consider whether it is the most efficient and effective means of alerting those who need to know about incidents occurring within the Detention Services Network. The review should include development of a priority order of significance or urgency in place of the current single distribution list so that the most important or urgent SitReps can be directed to key people.

Agreed.

The department has reviewed the SitRep system and in doing so has confirmed its overall efficiency and effectiveness in informing key people of incidents. As part of the review, reporting procedures have been revised to make use of the department's existing 24 hour operations centre in the delivery of situation reports relating to incidents in immigration detention facilities. An incident categorisation system (from lowest priority '0' to highest priority '3') has been developed to better reflect the significance of an incident. A number

rating is now being included in the subject line for each situation report so recipients are able to better manage and respond to the reports they receive.

Recommendation 46: It is recommended that DIAC decide whether it needs its own incident logs and adopt clearer protocols in line with Serco's Occurrence Log to ensure record keeping is as comprehensive and accurate as possible.

Agreed.

The department is currently considering the development of protocols setting out the department's role in the Operational Command Suite. Part of this includes considering whether the protocols for Serco's Occurrence Log can be utilised to streamline the department's incident recording practices. The department will finalise this process by the end of December 2011.

Recommendation 47: It is recommended that Serco explore whether it would be useful to have video conferencing capacity between its existing Canberra Command Suite and local Command Suites during an incident, noting that there may not be standing Command Suites in all locations.

Agreed.

The department, together with Serco, will investigate the value of using video conferencing during incidents between central incident command centres and on-site command suite. The department notes the concerns expressed in the Report regarding the appropriateness of the Canberra Command Suite having access to closed circuit television footage during an incident, and the potential for erosion of its strategic support role. It is intended that this issue will be substantially developed by the end of 2011.

Recommendation 48: It is recommended that DIAC and Serco develop a Command Suite protocol document which sets out the level of responsibility of the key players in incident management and defines the purpose, structure and personnel required.

Agreed.

The department will develop a Command Suite protocol which sets down the responsibilities of the key players and defines the purpose, structure and personnel required. The protocol will primarily be for departmental staff, however, the department will involve Serco in the process, bearing in mind that Command Suites are the responsibility of the department's detention service provider.

The department will also develop a training module around management of Command and Control of incidents which will be delivered to senior staff.

The department will complete this work by early 2012.