

REPORT TO THE SECRETARY

DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION

REVIEW INTO ALLEGATIONS OF SEXUAL AND OTHER SERIOUS
ASSAULTS AT THE MANUS REGIONAL PROCESSING CENTRE

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PUBLICATION VERSION

TERMS OF REFERENCE

Review into allegations of sexual and other serious assaults at the Manus Regional Processing Centre

On Tuesday 23 July 2013, the SBS *Dateline* television program aired allegations that sexual and other serious assaults between residents of the Manus Regional Processing Centre were occurring and going unaddressed by the Department of Immigration and Citizenship and service providers, including that victims remained accommodated in the same compound as assailants, without adequate protection. The initial allegations were made by a person who had worked at the centre as an employee of G4S, one of the service providers at the centre. Subsequent media reporting has included further similar allegations sourced to other individuals who have worked at the centre.

The Secretary of the Department of Immigration and Citizenship, Mr Martin Bowles PSM, has initiated a review to investigate and report on the issues raised by those allegations, in particular:

- to determine exactly what the facts were;
- to ensure that those facts are available to any of the authorities for any action that would take place as a result; and
- to ensure that the Department is provided with clear recommendations on any systems improvements that can be made to avoid what has been alleged, from happening in the future.

This will involve assessing:

- the accuracy of the allegations;
- the handling of, and responses to, allegations by employees of the department and service providers; and
- the adequacy of arrangements for identifying, reporting, responding to, mitigating and preventing incidents of sexual and other serious assaults at the centre.

Any evidence of possible criminal activity obtained by the review is to be made available to relevant authorities.

The review may make recommendations to strengthen relevant arrangements at the centre.

REVIEW INTO ALLEGATIONS OF SEXUAL AND OTHER SERIOUS ASSAULTS AT MANUS REGIONAL
PROCESSING CENTRE

The review is to commence as soon as possible and report to the Secretary of the Department of Immigration and Citizenship by 23 September 2013 or such other date as may be negotiated, with a progress report to be provided by 30 August 2013.

Background

The Manus Regional Processing Centre has been established under a Memorandum of Understanding between the governments of Australia and Papua New Guinea, supported by formalised Administrative Arrangements agreed between the PNG Chief Migration Officer and the Secretary of the Australian Department of Immigration and Citizenship. It is located on a portion of land at the PNG Navy Patrol Boat Base on Los Negros Island, Manus Province.

The PNG Government has determined that the Head of the PNG Immigration and Citizenship Service Agency - the PNG Chief Migration Officer - is the Senior Responsible Officer with overall management oversight of operations at the Regional Processing Centre.

The agency has posted an Operations Manager to the centre who has oversight responsibility for the day-to-day operations of the Centre and reports directly to the PNG Chief Migration Officer.

The Department of Immigration and Citizenship has a team of six officers on short-term (three months) deployment to the centre, led by an Executive level 2 officer and supported by staff in the department's National Office in Canberra.

Services are provided by agencies contracted by the Department of Immigration and Citizenship to provide particular services as follows:

- G4S - garrison support, infrastructure support, utilities (water, power, sewerage), daily operations (including movements in and out, staff and transferee accommodation), security and catering and supplies;
- The Salvation Army-transferee welfare services, including programs and activities and education services; and
- IHMS - medical services, including primary health care and mental health care.

EXECUTIVE SUMMARY

The Secretary of the then Department of Immigration and Citizenship commissioned this Review in mid-August 2013. The Terms of Reference required me to investigate allegations made about the events at the Manus Regional Processing Centre in the SBS *Dateline* program broadcast on 23 July 2013 and similar allegations made in articles published in the *Melbourne Age* and other Fairfax papers on 26 July 2013.

The Manus Centre was reactivated by the Australian Government in late 2012 and most of the allegations to be investigated occurred in the first half of 2013. Therefore, I decided to conduct an investigation starting from the reopening of the Centre in November 2012 and concluding on 25 July 2013 when, as a result of a change in government policy, all but 26 of the transferees then on Manus were removed to Australia.

The Manus RPC is a Papua New Guinea processing facility supported by Australia. It is established on the PNG Lombrum Naval Base on Los Negros Island in Manus Province. The PNG Minister for Foreign Affairs and Immigration appoints the administrator of the Centre (a PNG national) under section 15 D of the PNG Migration Act.

Australia supports the PNG Administrator, engages contractors and pays all the costs. During the period under investigation, Australia contracted:

- G4S Australia Pty Ltd to provide operational and maintenance services including guarding and security
- International Health and Medical Services Pty Limited for the provision of health services
- The Salvation Army (New South Wales) Property Trust to provide welfare and support services, and
- Save the Children Australia for care and support services, particularly for children.

The outcome of these arrangements is that the day-to-day management and operation of the Manus Processing Centre fell on PNG, Australia, G4S, the Salvation Army and IHMS as a

REVIEW INTO ALLEGATIONS OF SEXUAL AND OTHER SERIOUS ASSAULTS AT MANUS REGIONAL
PROCESSING CENTRE

shared responsibility¹. Their officers worked very closely together in a small space in an otherwise sparsely populated area. The Review formed the view that it would not have been possible for any significant event - such as mistreatment of a detainee – to occur without it becoming common knowledge.

The Review carefully considered the SBS program and the *Age* article and identified 17 allegations for investigation. These allegations were subsequently consolidated in 15 allegations in this Report to avoid repetition.

The Review undertook an extensive examination of daily reports, incident reports, meeting minutes, memos, emails and other documentation held by the Department or given to the Review by the service providers and others. The Review interviewed 25 witnesses and called for and received submissions from G4S, the Salvation Army and IHMS.

The Review also visited the Manus Processing Centre on 27 and 28 August 2013 which was very useful and instructive. However, there have been significant changes and improvements to the Centre since the first half of this year and they had to be taken into account in considering the situation as it was in the period under investigation.

During the course of the Review, it became apparent that the major allegation of concern involved the sexual assault of a young man known as Mr A in the Single Adult Male compound. As is the case in many allegations of sexual assault, the exact details are not entirely clear. The most common reporting and general understanding is that Mr A was sexually assaulted on two occasions.

There was a lot of discussion about Mr A's treatment, which included suggestions from the service providers to return him to the Family compound instead of the Single Adult Male compound or to remove him from Manus. Neither of these suggestions was acceptable to the Department as single adult males could not live in a compound with families and children and appropriate medical treatment was available at the Centre.

Mr A reported the assaults. It was decided he could not return to the compound but there are no separate facilities at the Manus RPC. After a period, Mr A returned to the Single Adult Male compound of his own volition.

¹ I excluded Save the Children from this Review as none of the allegations involved women or children, who were accommodated in the Family Compound

REVIEW INTO ALLEGATIONS OF SEXUAL AND OTHER SERIOUS ASSAULTS AT MANUS REGIONAL
PROCESSING CENTRE

Mr A's allegations of assault were reported to the PNG local police who attended the Centre to interview him. Mr A refused to speak to the police and he also declined to speak to this Review.

The second allegation of most concern involved up to five other vulnerable young men who were thought to be receiving unwanted sexual advances or were possibly the subject of some level of sexual harassment or assault. As they did not make any reports of harassment or assault, nothing further came of those suspicions. However, the concern staff had for those young men reinforced the desirability of having a separate facility for vulnerable transferees.

I will quickly summarise the remainder of the Review's findings.

The Review found that the following events did not occur:

- Transferees being sexually abused, raped and tortured with the full knowledge of staff
- Victims being returned to Single Adult Male compound to be raped again
- Weapons including knives being held by transferees, and
- A man having solvent poured into his ear.

The Review found that the following events did occur but they were distorted or their significance was either exaggerated or misunderstood in the SBS television program and the press articles:

- Self-harm incidents
- Guards being assaulted
- Two men sewing their lips together
- A transferee scratched and cut with a sharp object
- Escapes from the Manus Centre
- Protests, and
- Transferees swimming away from the Centre.

REVIEW INTO ALLEGATIONS OF SEXUAL AND OTHER SERIOUS ASSAULTS AT MANUS REGIONAL
PROCESSING CENTRE

Full explanations for these findings are set out in the body of this Report.²

Throughout the course of the Review, I received complete cooperation and assistance from the Department, G4S, the Salvation Army and IHMS. Officers and past officers attending interviews (in particular, Mr Rod St George) responded frankly and openly to my questions. No one (except Mr A) declined my request for an interview. A huge amount of documented records and other material was provided to assist my investigation.

The Terms of Reference require me to put forward recommendations to strengthen arrangements at the Centre. My recommendations are set out in the next section of this Report.

RECOMMENDATIONS

Based on the findings set out in this Report, I make the following six recommendations:

1. A separate area should be established at the Manus Regional Processing Centre as soon as possible to accommodate vulnerable transferees who need to be taken out of the Single Adult Male compound for their safety and protection or to enable them to receive necessary medical treatment and psychological care. This proposal accords with the commitment to develop special arrangements for vulnerable cases set out in the Memorandum of Understanding made between the Government of Papua New Guinea and Australia in August 2013. The separation area could also accommodate transferees with behaviour management issues or who need separation for other reasons (such as health concerns)³.
2. The Department should establish a clear and well understood policy for dealing with any future allegations of sexual assault at the Manus RPC (which takes account of the best interests of the victim and the Papua and New Guinea criminal law) and appropriate operational procedures to implement that policy (including preventive strategies and staff training).
3. The Department should consider how to make the Manus RPC into a more open centre. The recently constructed facilities at the Centre on the former soccer pitch are a significant improvement. However, there is now only a small open area within the new Adult Single Male compound and the physical constraints of the existing site suggest it will be difficult to

² This section has been removed from the public release version of the report as it contains significant amounts of personal information

³ On the question of vulnerable transferees, see also recommendation 3.48 made by the Expert Panel on Asylum Seekers

REVIEW INTO ALLEGATIONS OF SEXUAL AND OTHER SERIOUS ASSAULTS AT MANUS REGIONAL
PROCESSING CENTRE

find more open space for the Centre within the Lombrum Naval Base. In addition, the available, hard-surface open area has not yet been landscaped. As the number of transferees accommodated at the Centre increases, this limitation on open space could contribute to friction, disturbance and other forms of protest.

4. The Department should press the PNG Government to cooperate in allowing media access to the Manus Regional Processing Centre in accordance with the Government's policy and the Department's established procedures for media access to onshore detention centres. Appropriate media reporting about the Manus RPC could reduce the likelihood of the dissemination of the sort of misinformation or misunderstanding which led to this investigation.
5. The Department should ensure that service providers engaging PNG nationals provide adequate training, support and on the job supervision for those employees, particularly officers engaged by G4S Pty Ltd for security and guarding work, to enable them to meet the standards required for the effective and efficient administration and operation of the Centre. The implementation of this recommendation would include assessing or introducing selection criteria, induction programs, training in relevant procedural requirements (such as incident reporting) and an introduction to the particular issues which can arise in a regional processing centre.
6. The Review supports the following proposals put forward by G4S Australia Pty Ltd to improve morale and therefore reduce the scope for future unrest and disruption. The Review recommends the Department give careful consideration to adoption of the following initiatives, as appropriate:
 - More education services, particularly English language classes
 - More excursions and activities for transferees, including sports activities and especially swimming excursions given the heat of a tropical island, and
 - More telephones and internet access for transferees.

CONCLUSION

This Report has determined, as far as possible, the facts surrounding the allegations made in the SBS *Dateline* program broadcast on 23 July 2013 and the article published in *The Age* on 26 July 2013.

Some of the allegations are accurate. Although other allegations are based on fact, they are inaccurate because they misinterpret those facts or the facts are distorted by exaggeration. Other allegations are simply false.

The only matters which appeared to the Review to be appropriate to refer to other authorities were allegations of criminal behavior. Reports were made to the PNG police and, in some cases, charges were laid. However, there are two points to note about such reports:

- There is a strong view that reports of sexual assault should only be made with the consent of the alleged victim, and
- As nearly all of the transferees who were accommodated at Manus RPC have now left PNG, they are beyond the jurisdiction of the PNG criminal law and nothing further can be done. Offences committed in PNG cannot be tried in another jurisdiction.

The Department and the service providers appear to this Review to have responded appropriately to the various issues and incidents noted in this Report, given the limitations they faced and the particular problems that arise in a temporary facility in its development phase. The most contentious single issue surrounded the treatment of Mr A but that matter is fully explained in the body of this Report.

The Review found that there was certainly no lack of reporting or consideration of incidents as they arose. However, it is noted that Mr St George argued that not all matters were reported, partly because PNG national guards lacked the experience to appreciate some of the security implications in situations they faced or the ability to write accurate and timely reports.

This Report provides recommendations for improvements which should reduce the likelihood of some of the problems which were found to have occurred at the Manus Regional Processing Centre earlier this year from happening again. It is also noted that the infrastructure developments

REVIEW INTO ALLEGATIONS OF SEXUAL AND OTHER SERIOUS ASSAULTS AT MANUS REGIONAL
PROCESSING CENTRE

which have taken place at the Manus Centre over the last few months will contribute to that improvement.

ACKNOWLEDGEMENTS

Throughout the course of this investigation, I have received complete cooperation and assistance from the Department, G4S, the Salvation Army and IHMS.

Each of them authorised their officers (and in some cases, past officers) to assist me by attending interviews and responding frankly and openly to my questions. No one (except Mr A) has refused a request to do so. In particular, Mr Rod St George has cooperated fully with me by attending a long interview and assisting in the preparation of the transcript of that interview at some personal inconvenience.⁴

The Department and the service providers have also provided me with access to a huge amount of documented records and other material to advance my inquiries.

I thank all of them for their cooperation and assistance. In my view, it reflects their commitment to contribute to making improvements to the Manus Regional Processing Centre in everyone's interest.



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30 September 2013

⁴ Mr St George did not approve the final version of the draft transcript of his interview.