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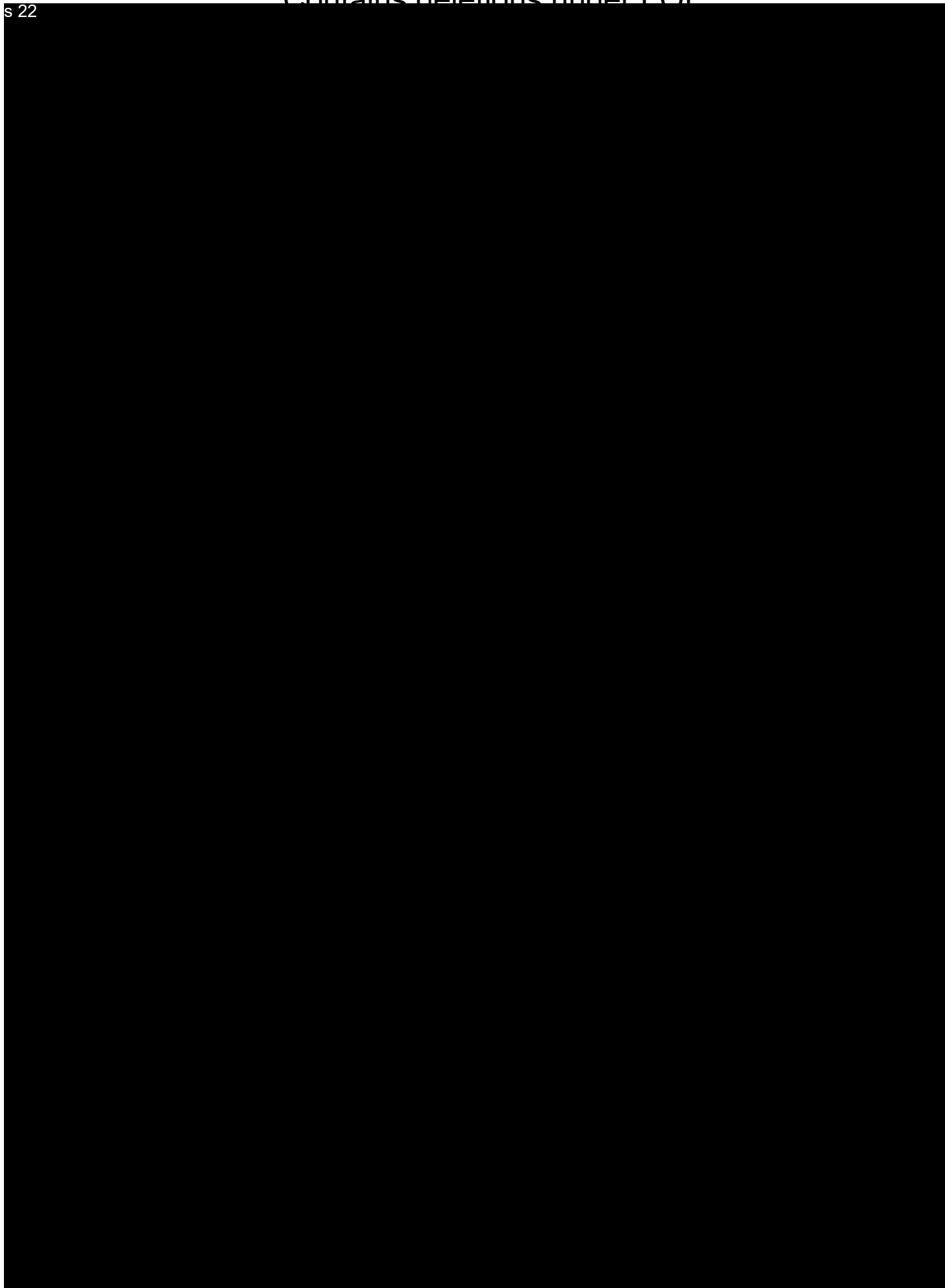
Immigration Detention-In-Confidence

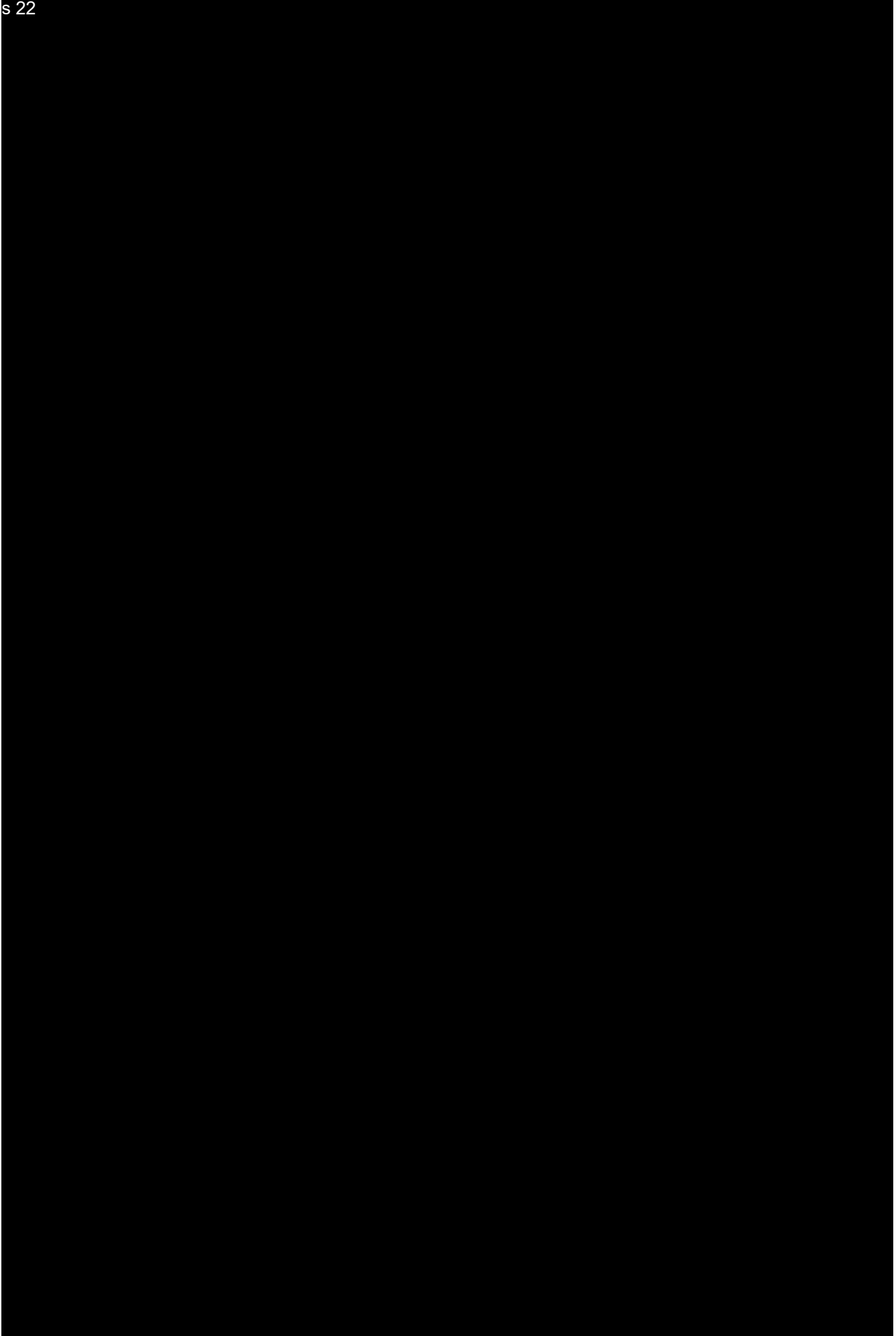
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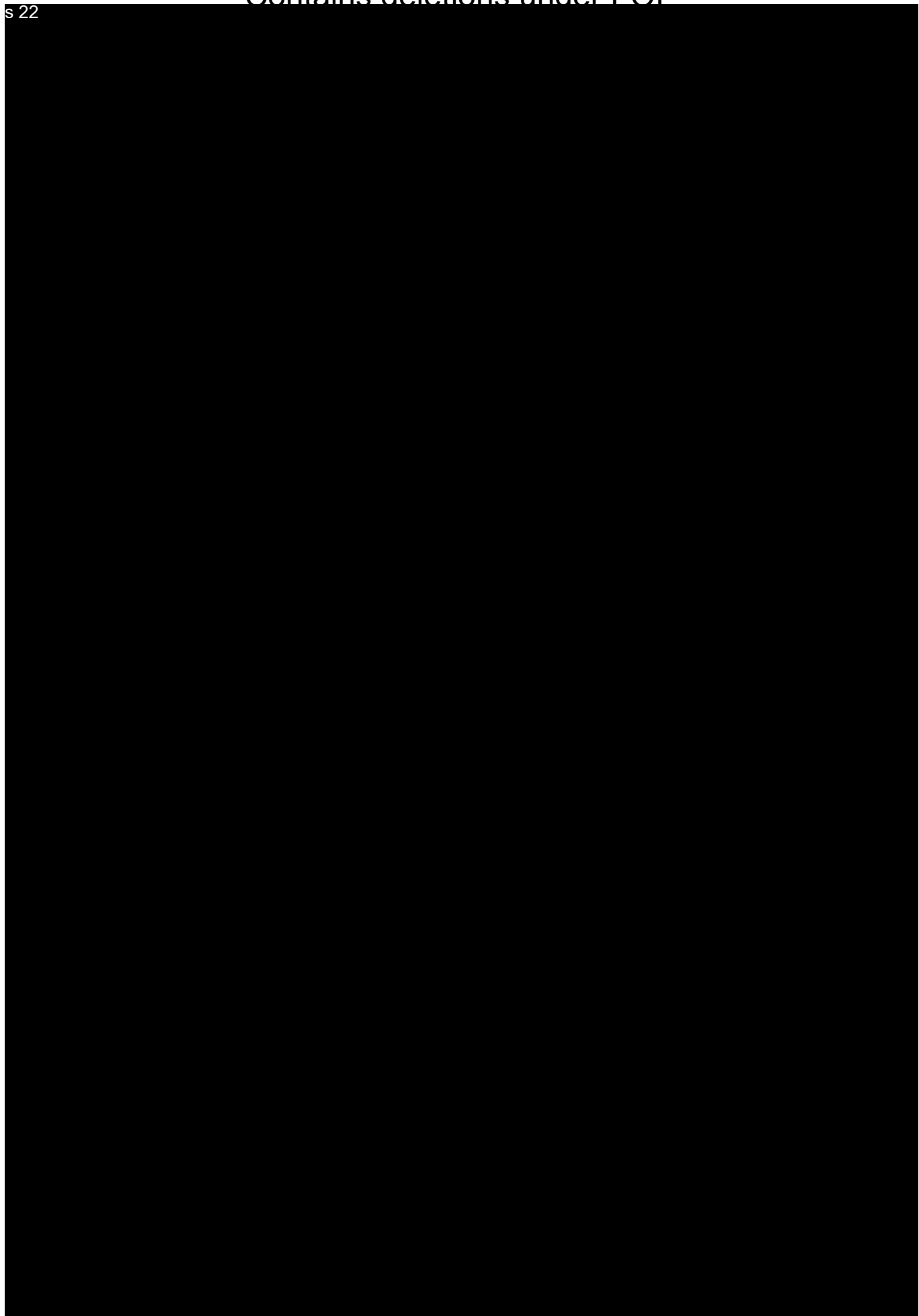
**Immigration Ombudsman
Post visit observations and suggestions -
Manus Island Regional Processing Centre
13 – 20 April 2015**

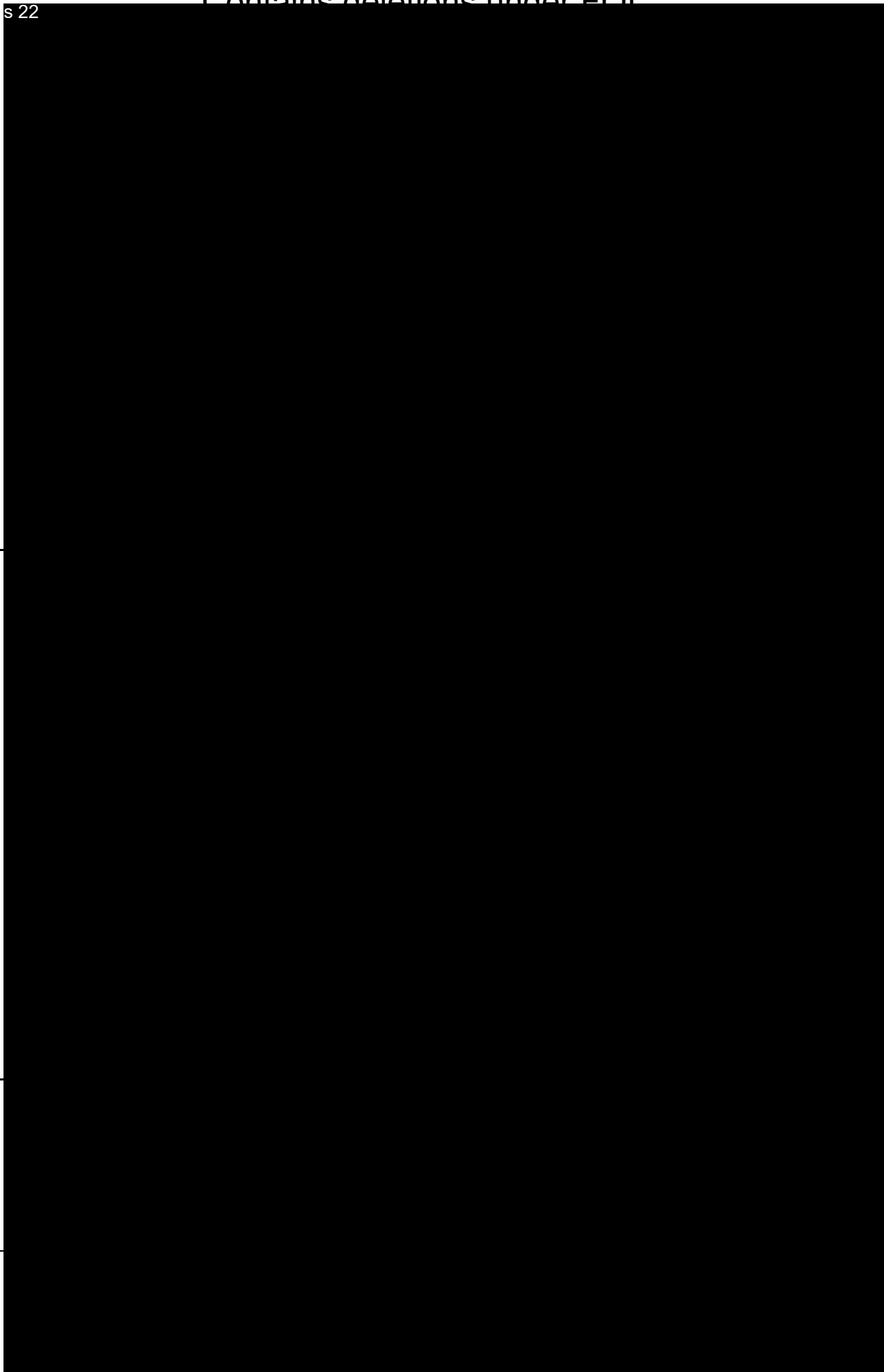
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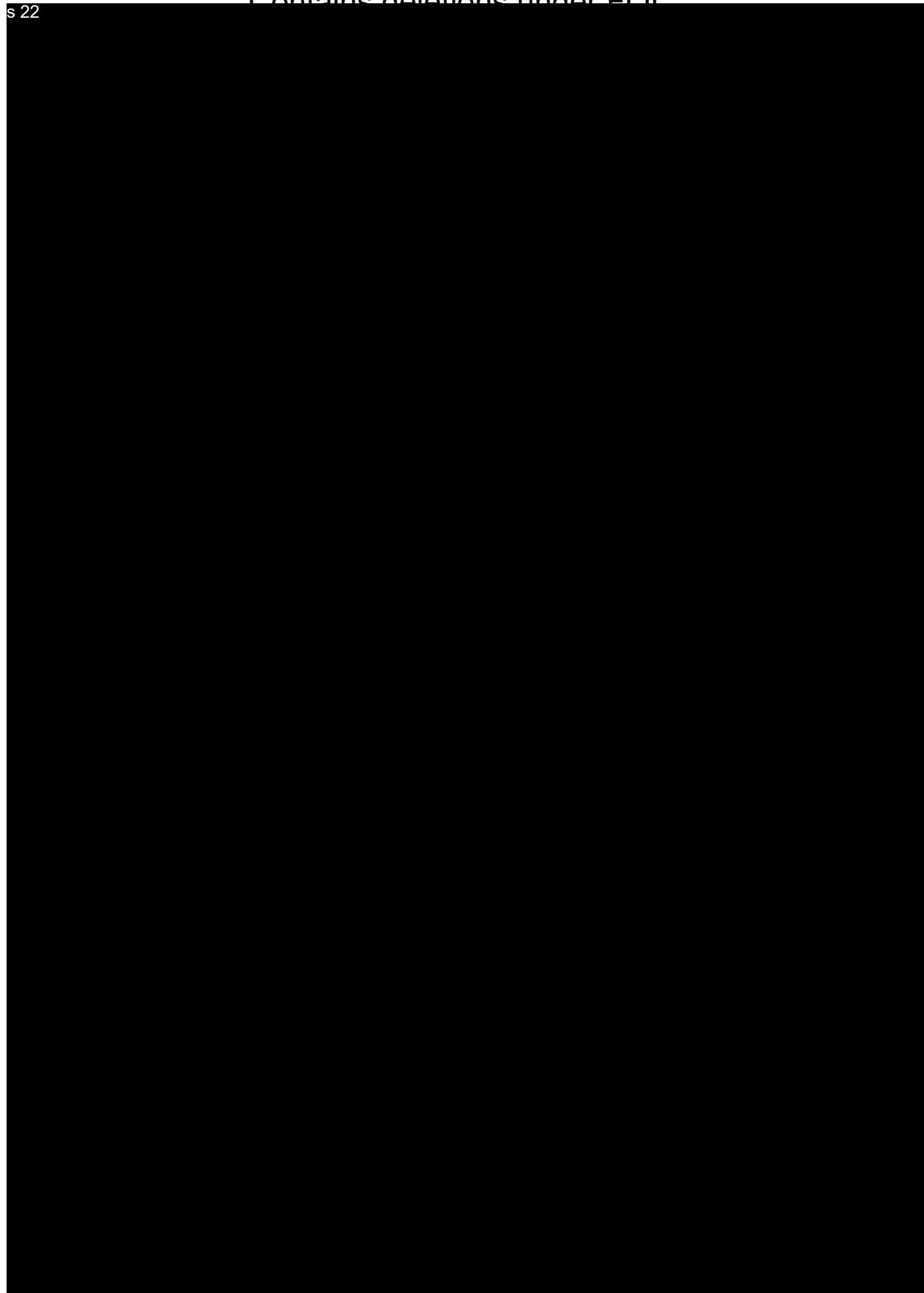


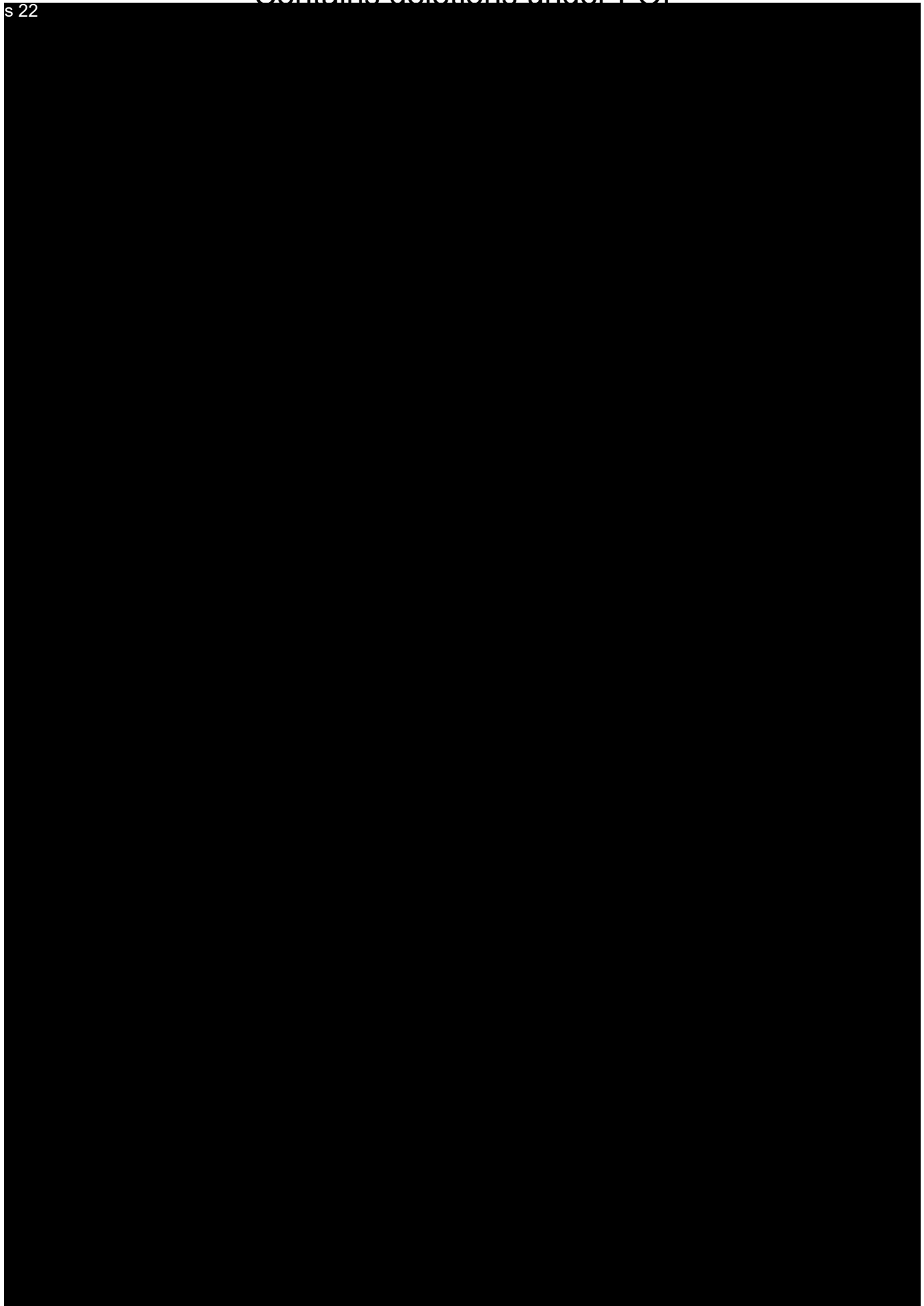


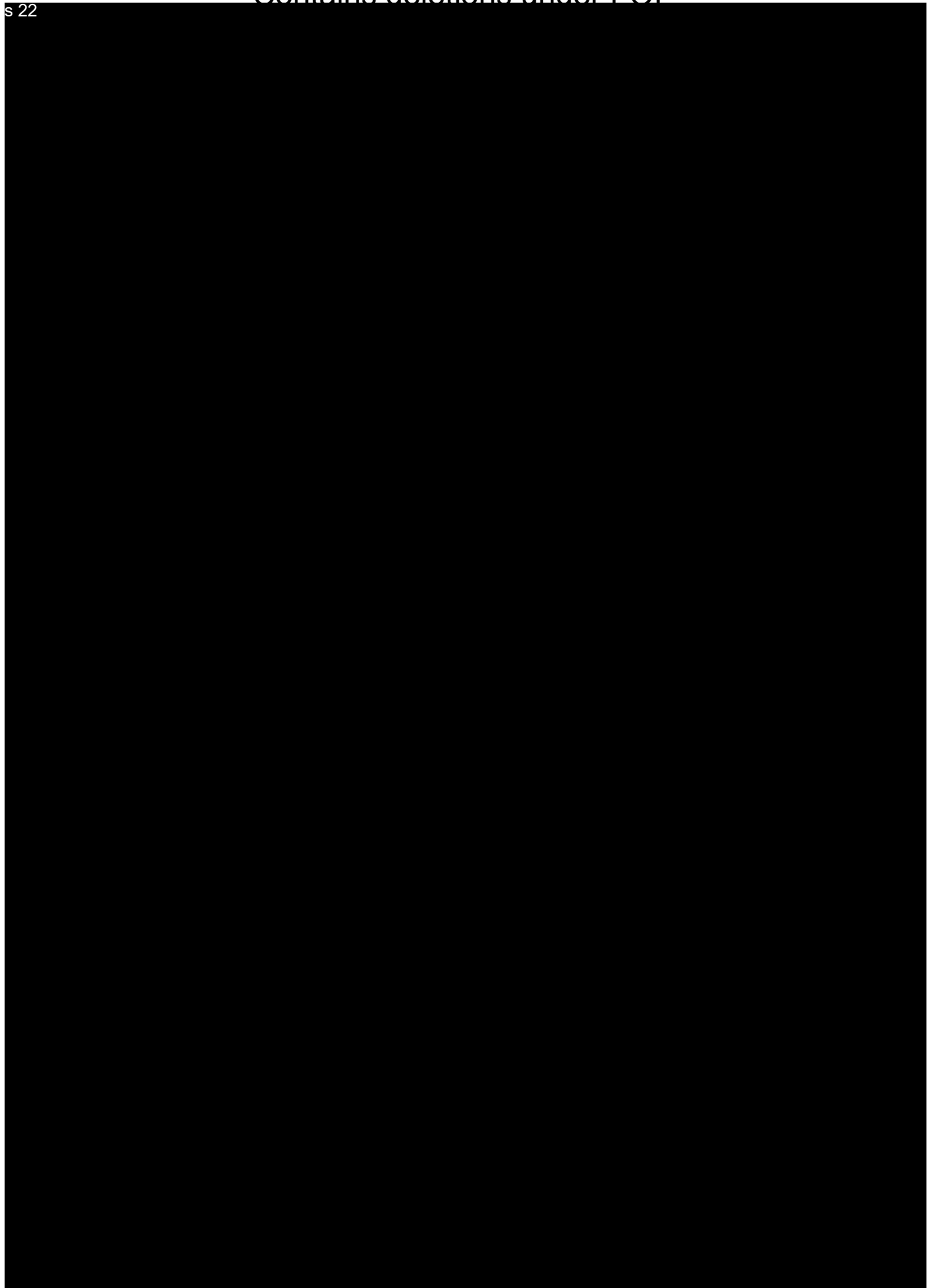


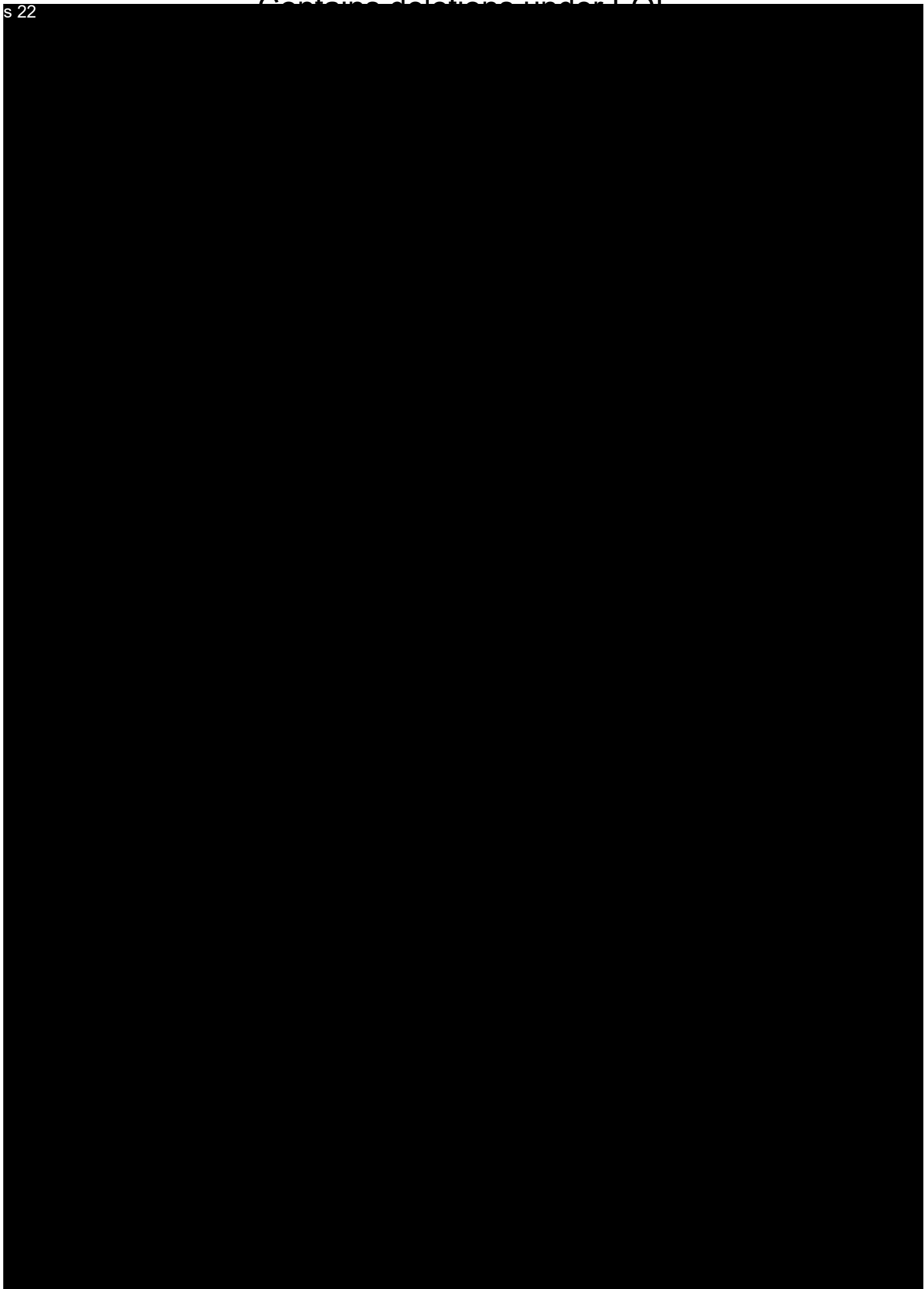




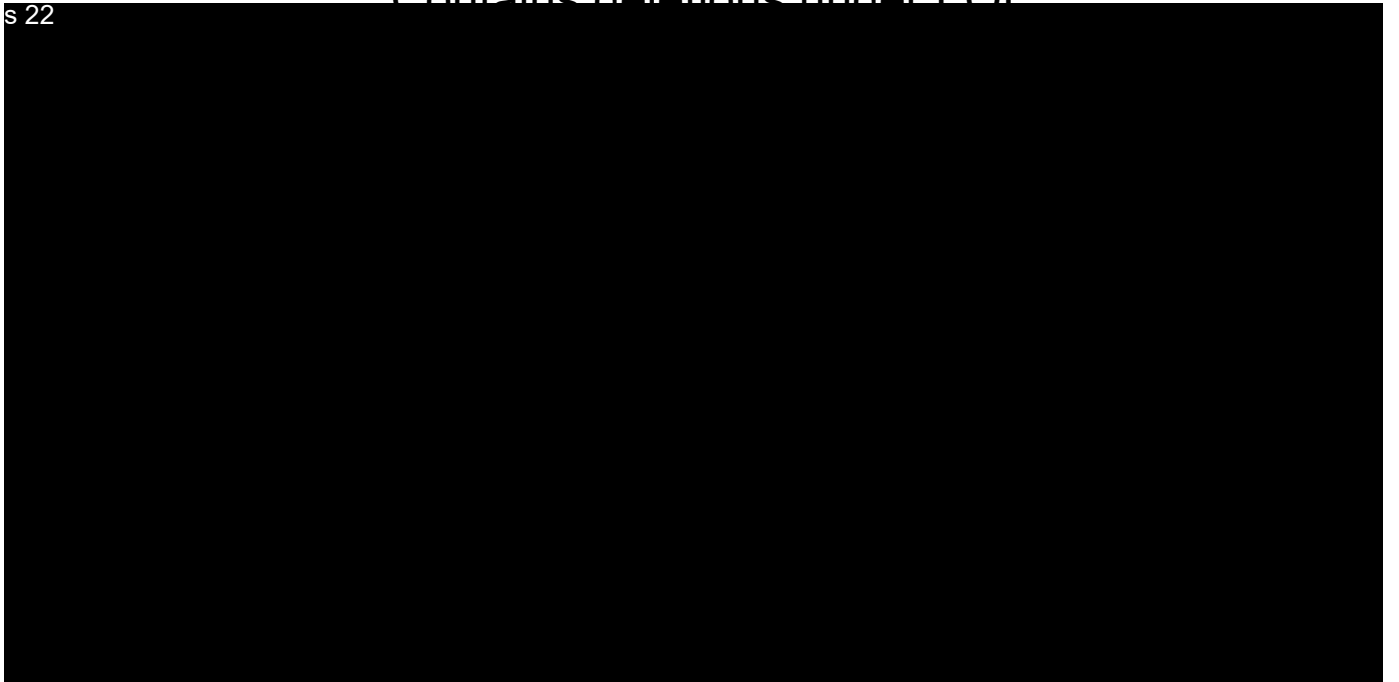








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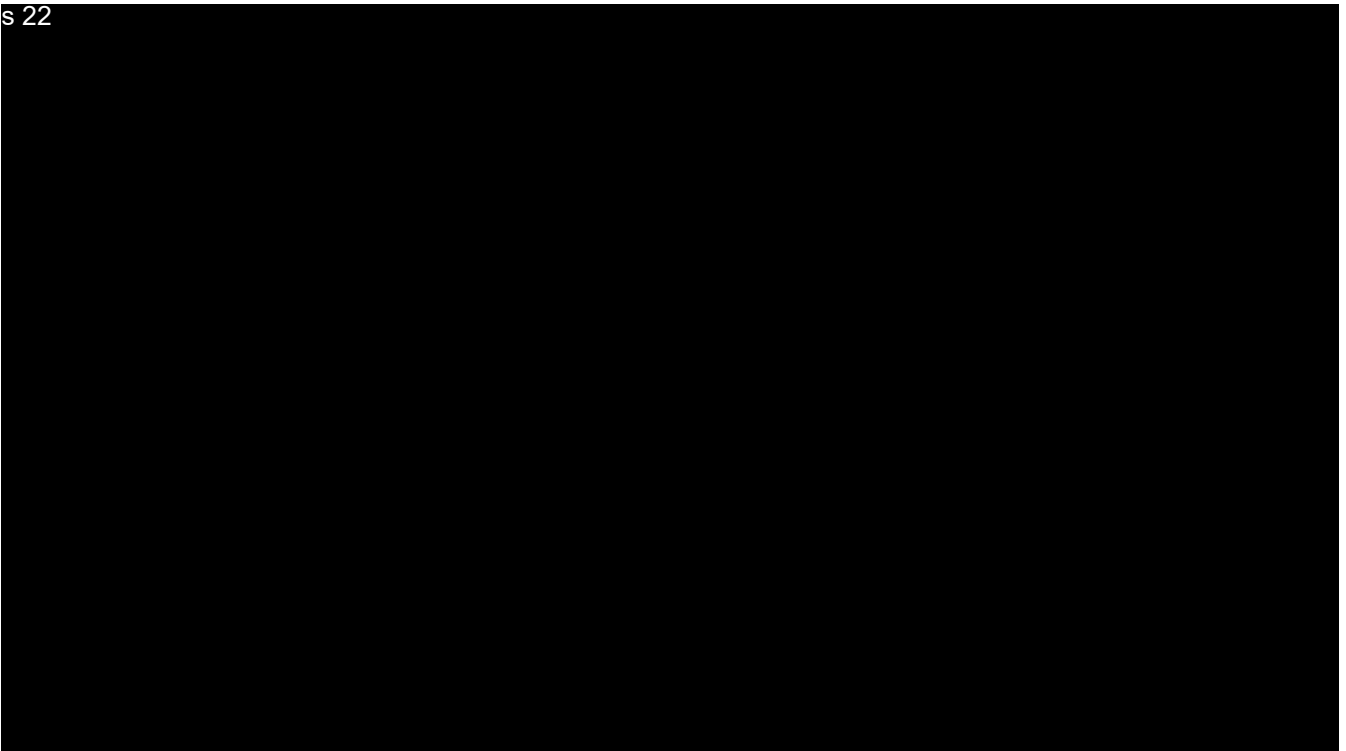
- s33 [redacted] Managed Accommodation Area (MAA) and Supported Accommodation Area (SAA) are to be structured and utilised.

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- s33 [redacted] MAA and SAA are to be structured and utilised.

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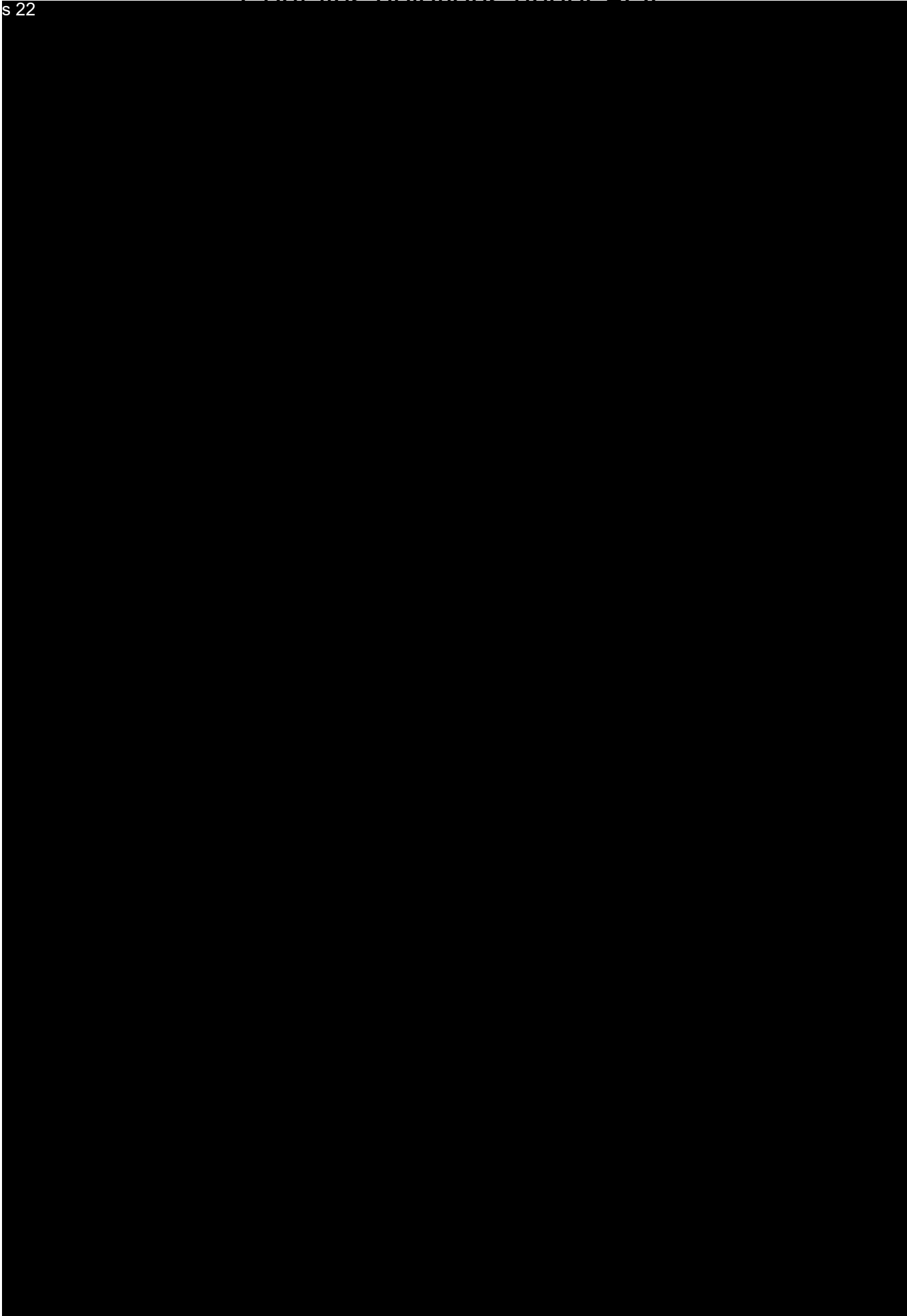
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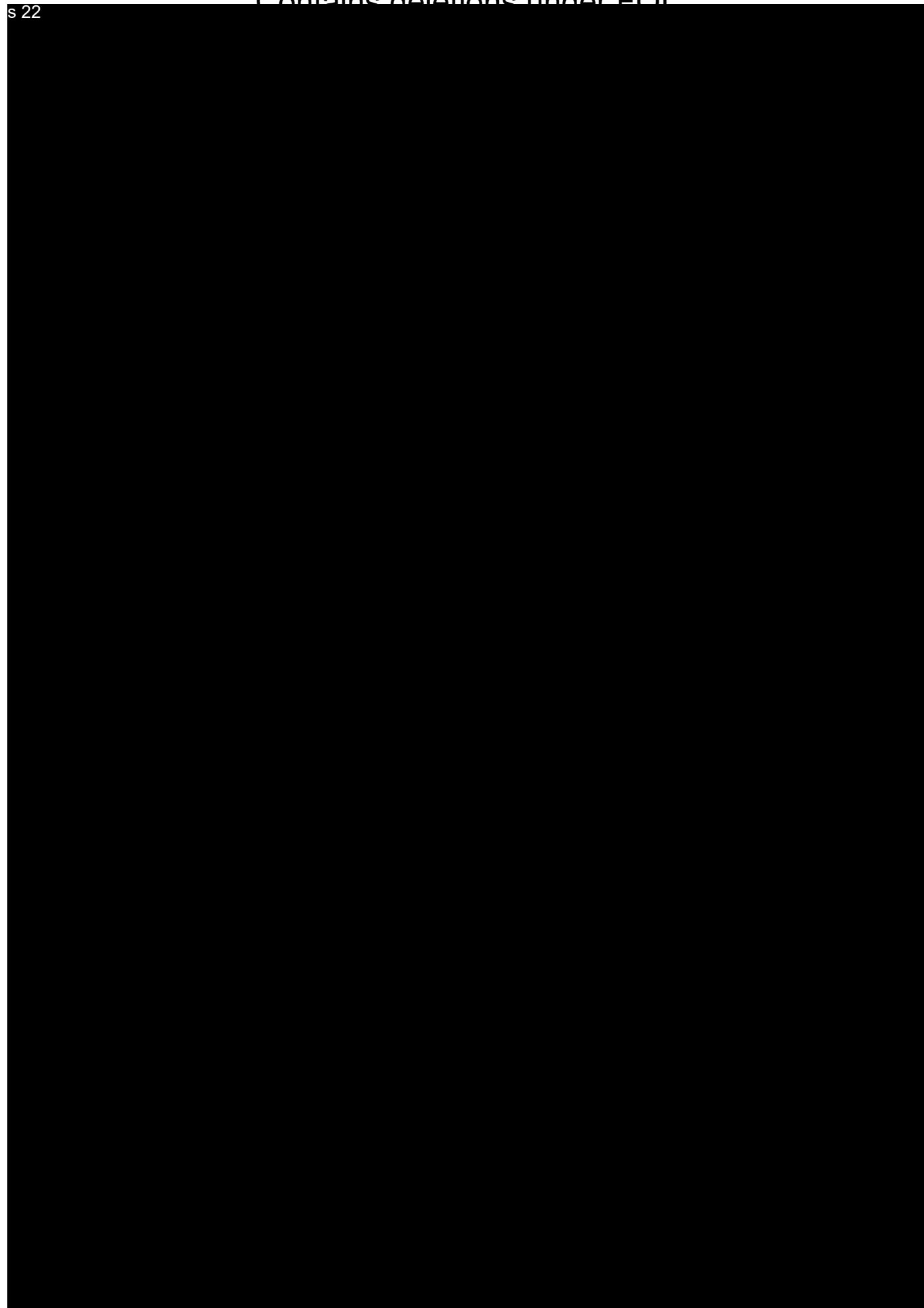


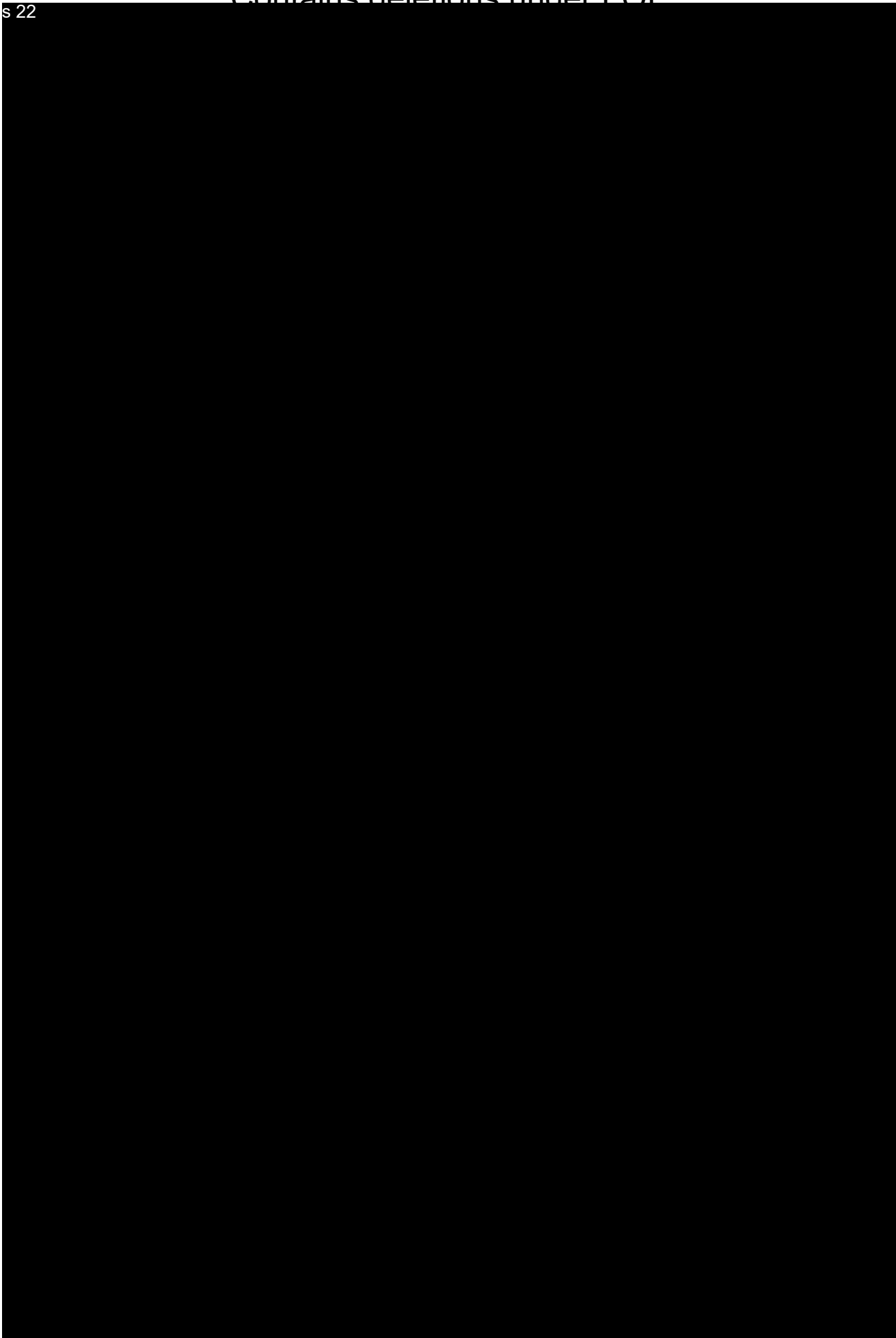
- CCTV coverage in Chauka Compound is not linked to the control room and no staff member appeared to know what happens to the CCTV tapes.
- individual transferee property, including valuables continue to be transported from Chauka Compound to Echo Compound along Pugwash by foot.

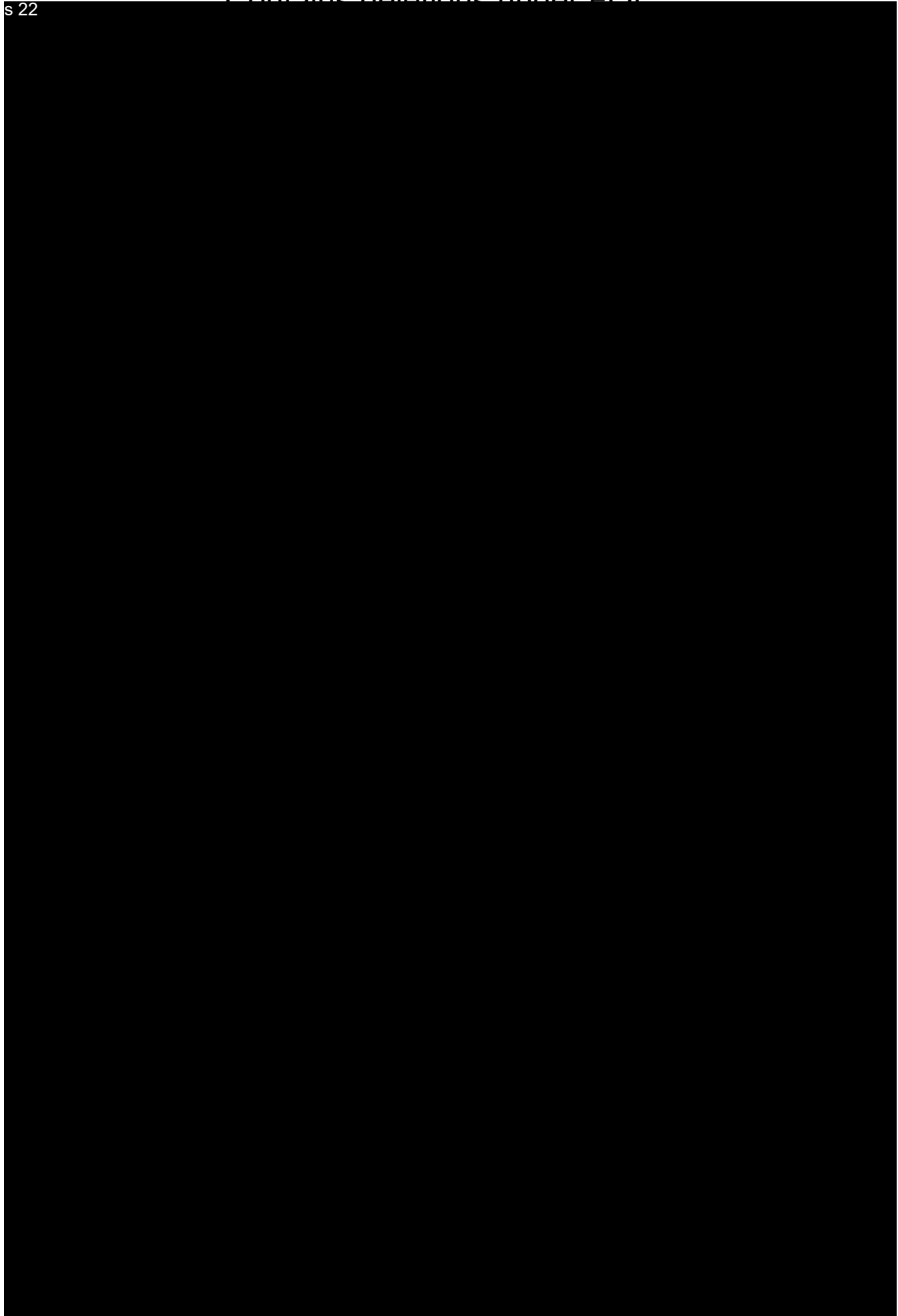
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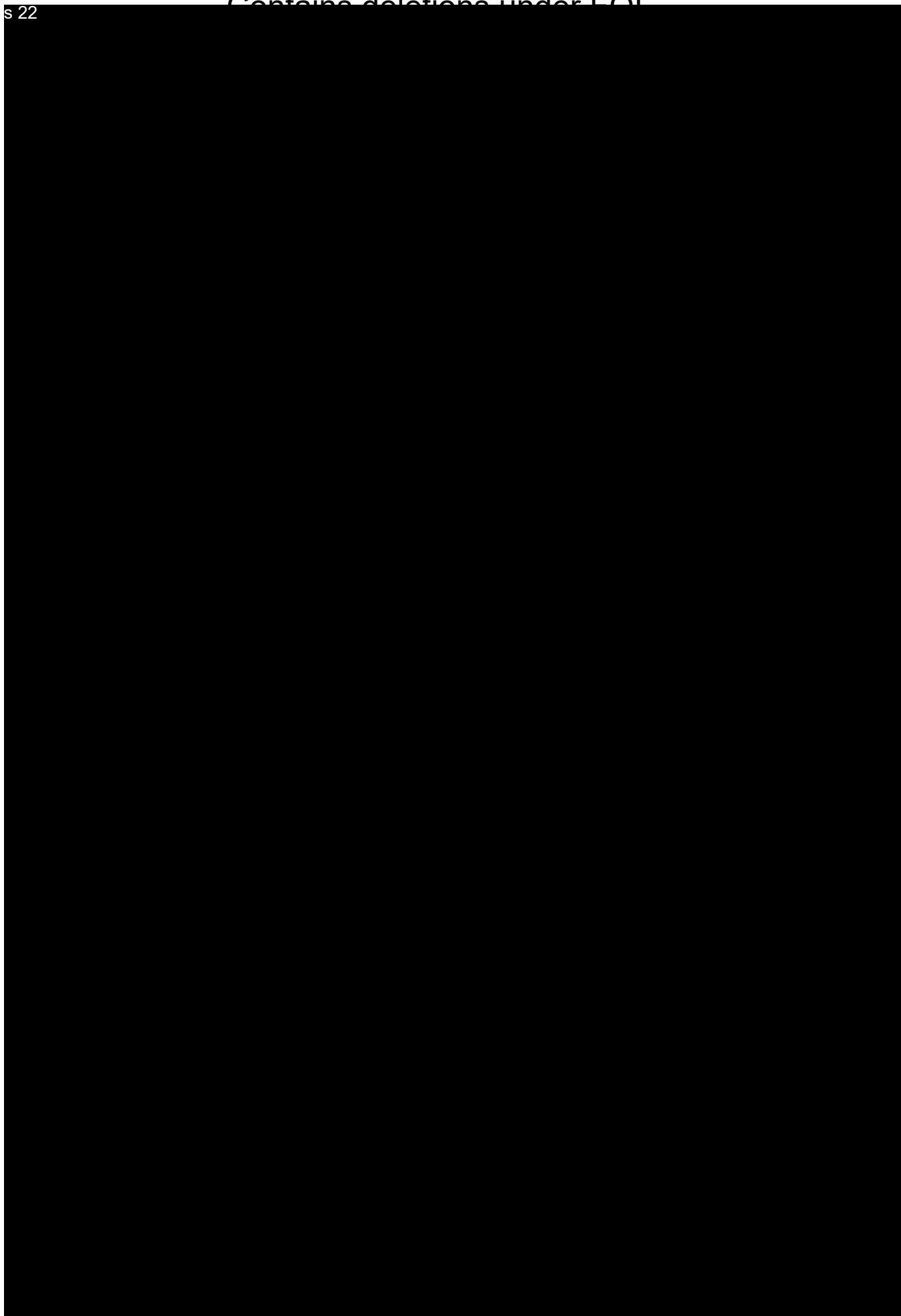


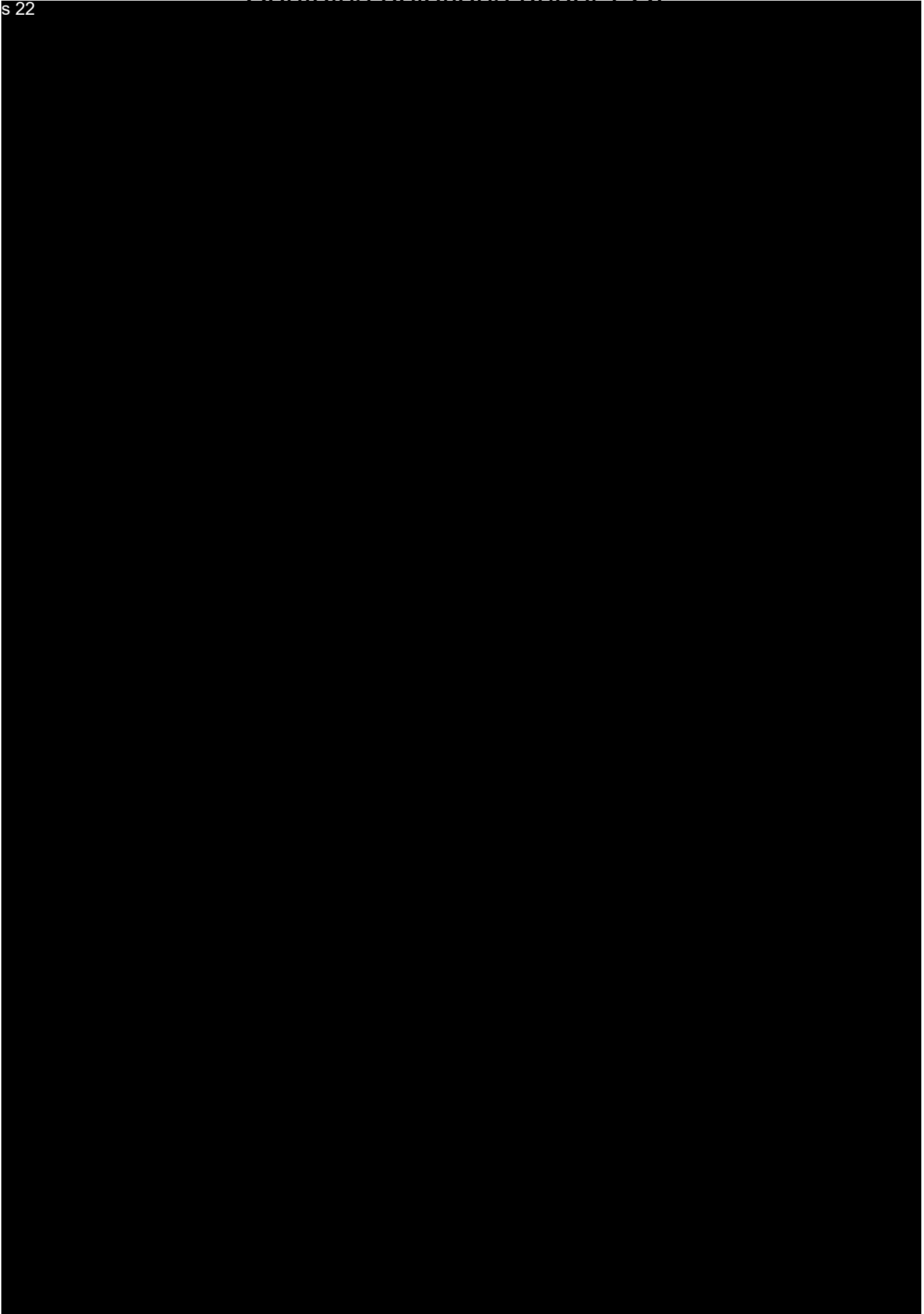












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Managed Accommodation Area (MAA)

We had the opportunity to view the temporary MAA and the area identified for the MAA in RPC 1. Our observations of the temporary MAA were that it is below the standard normally expected for restrictive detention however there is appropriate mitigation in place to address the shortfalls of the temporary accommodation.

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- Concerns that excessive force was used on transferees moved to Charlie compound and/or the MAA during the January disturbance

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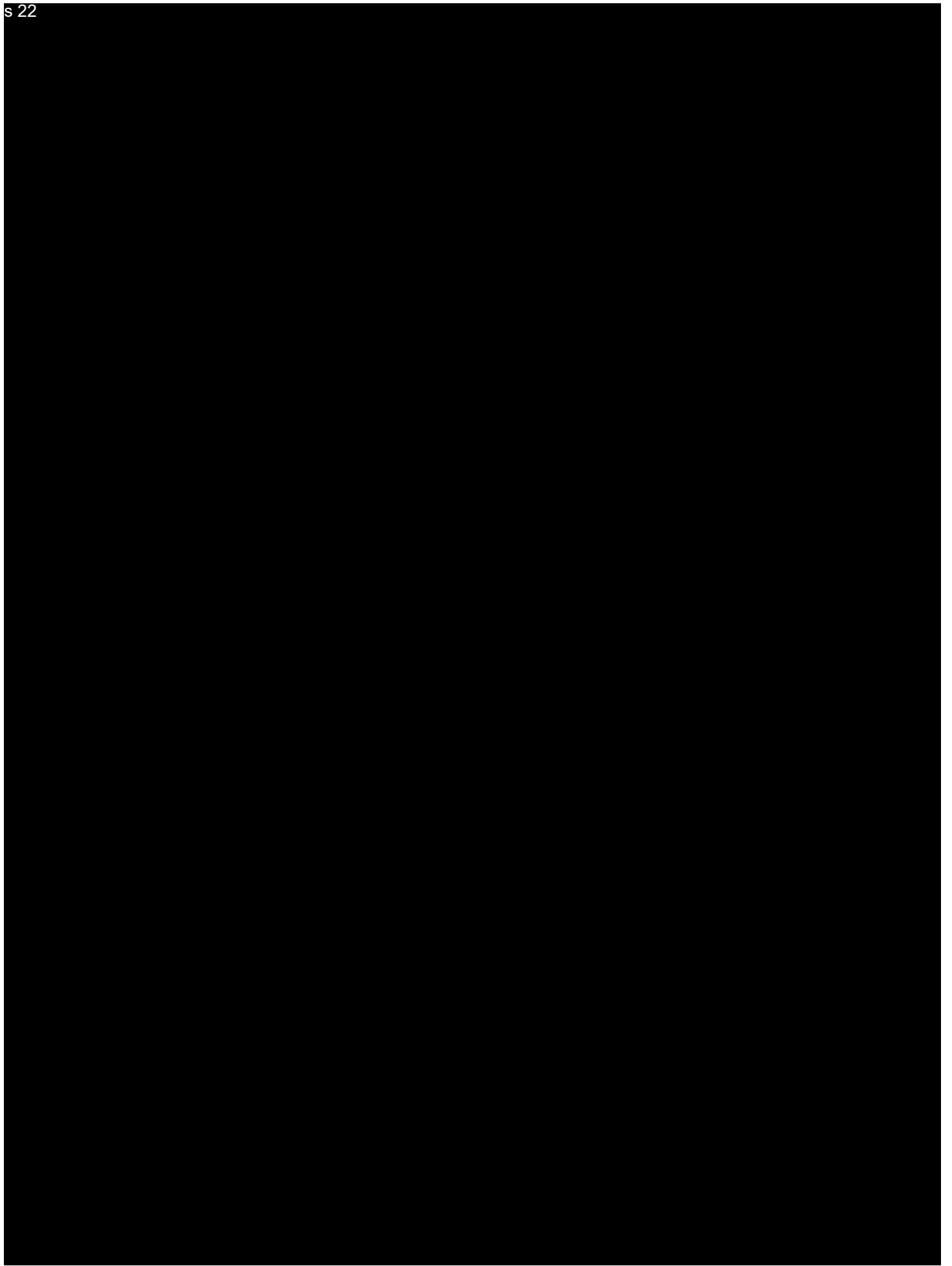


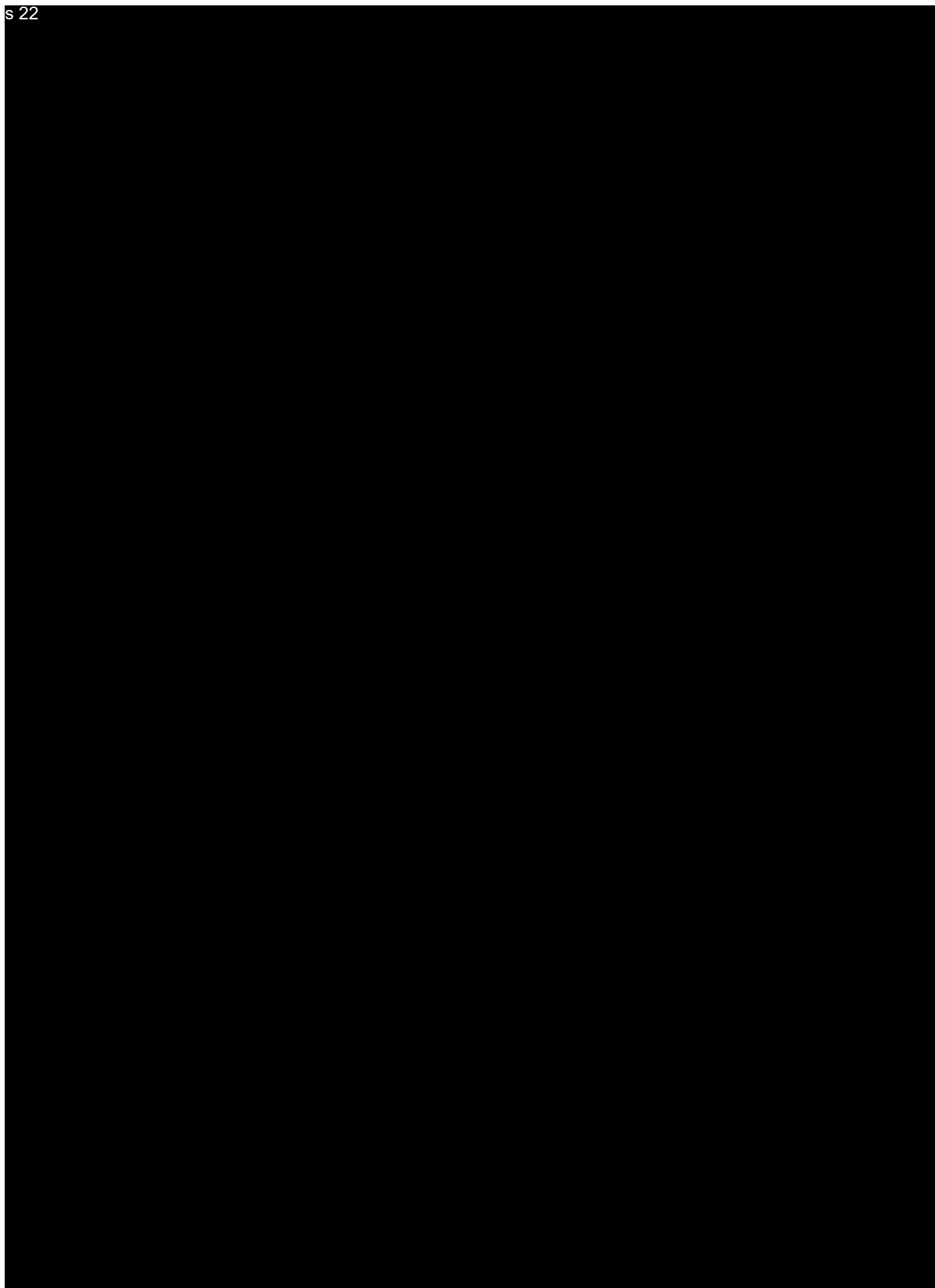
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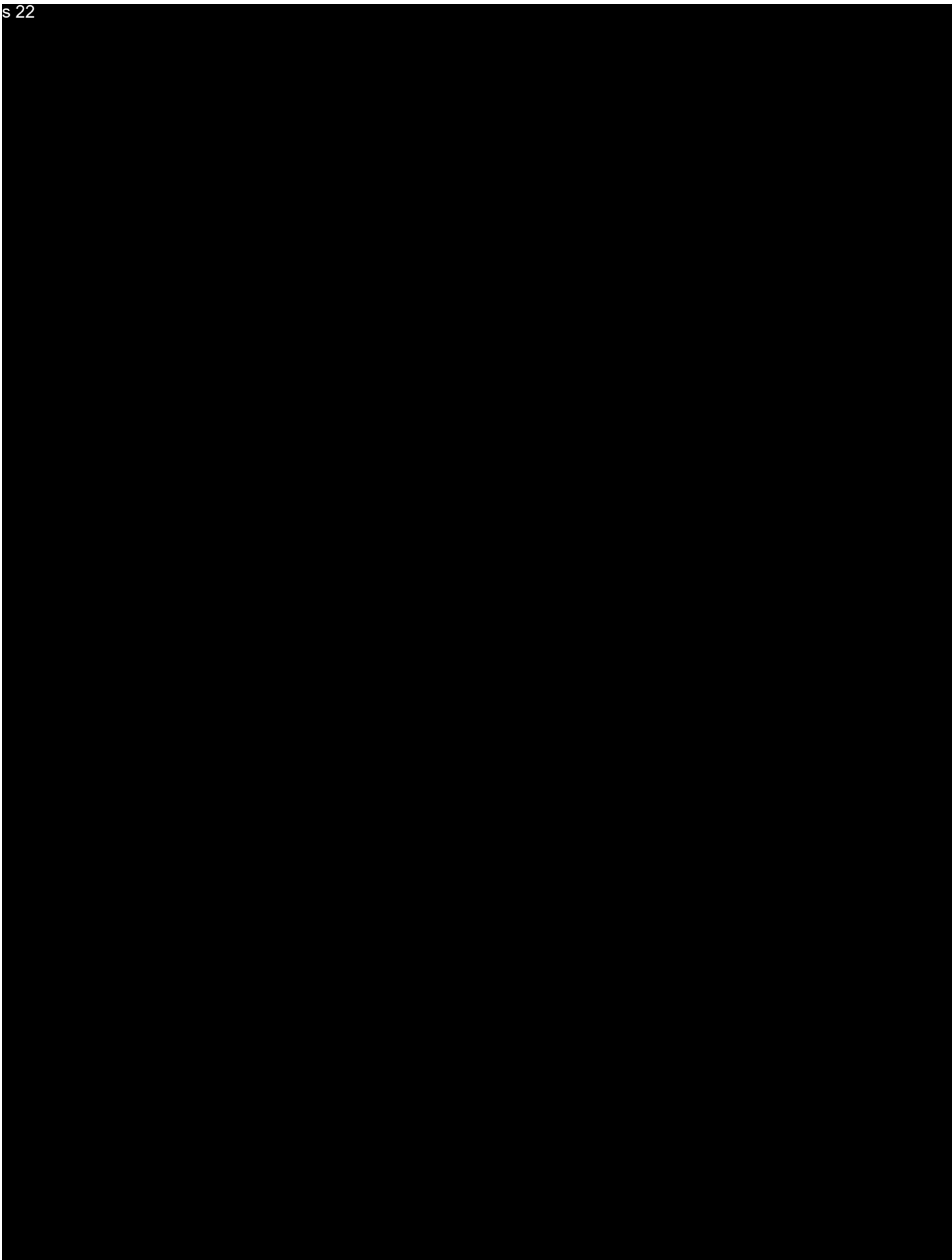


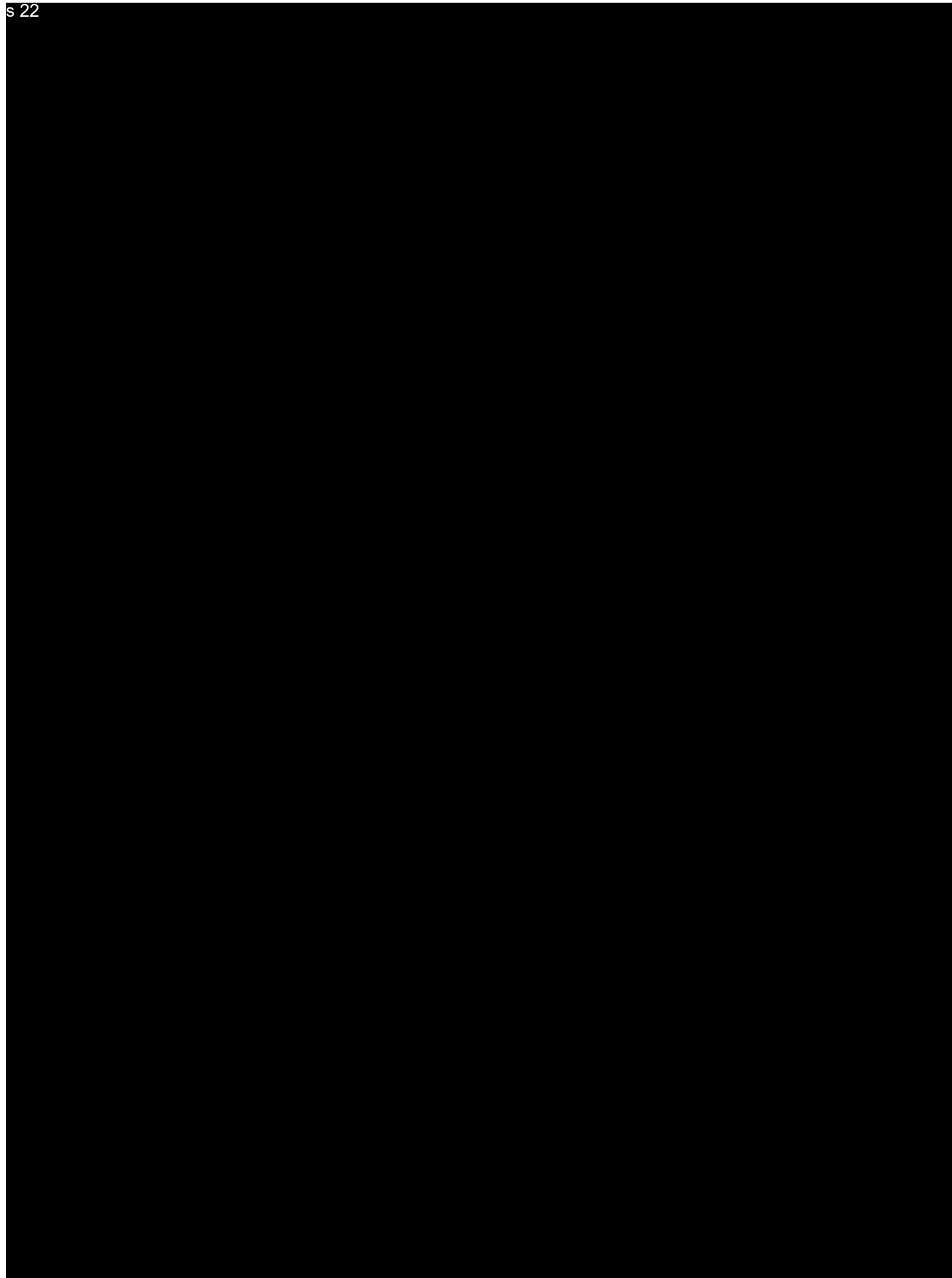
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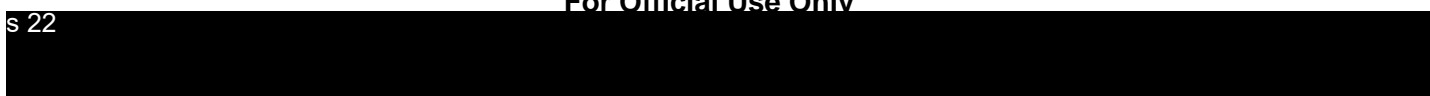
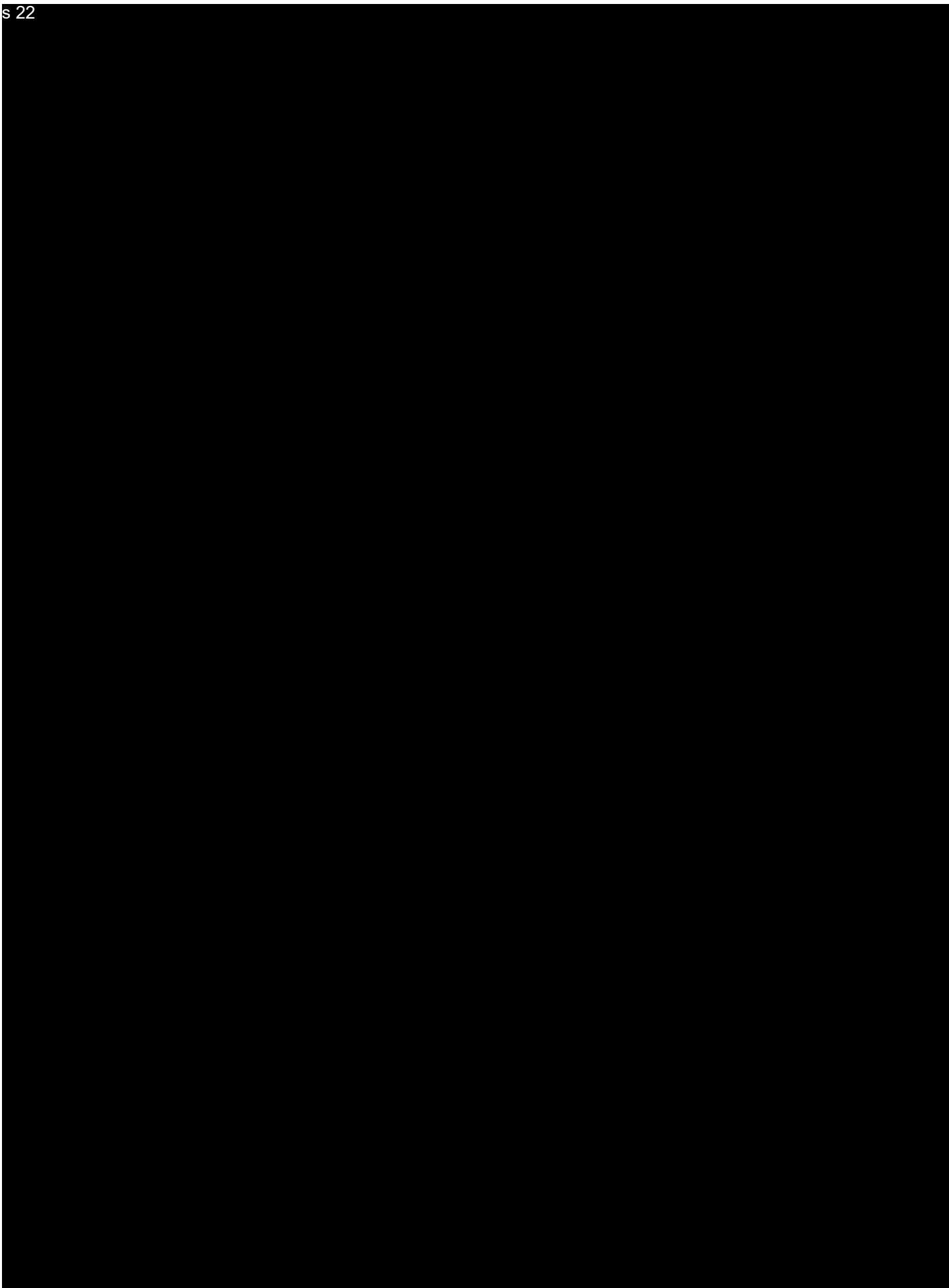


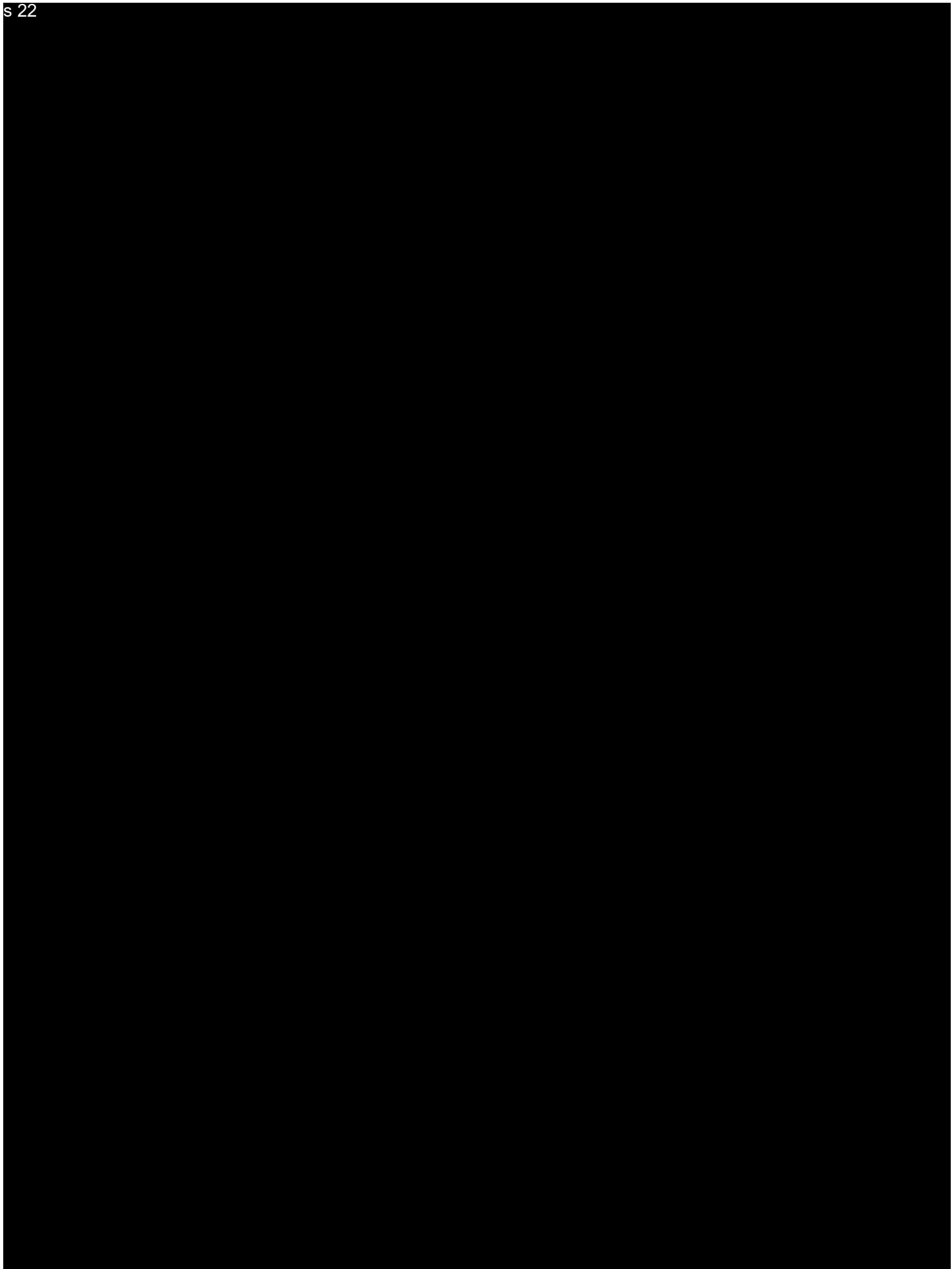


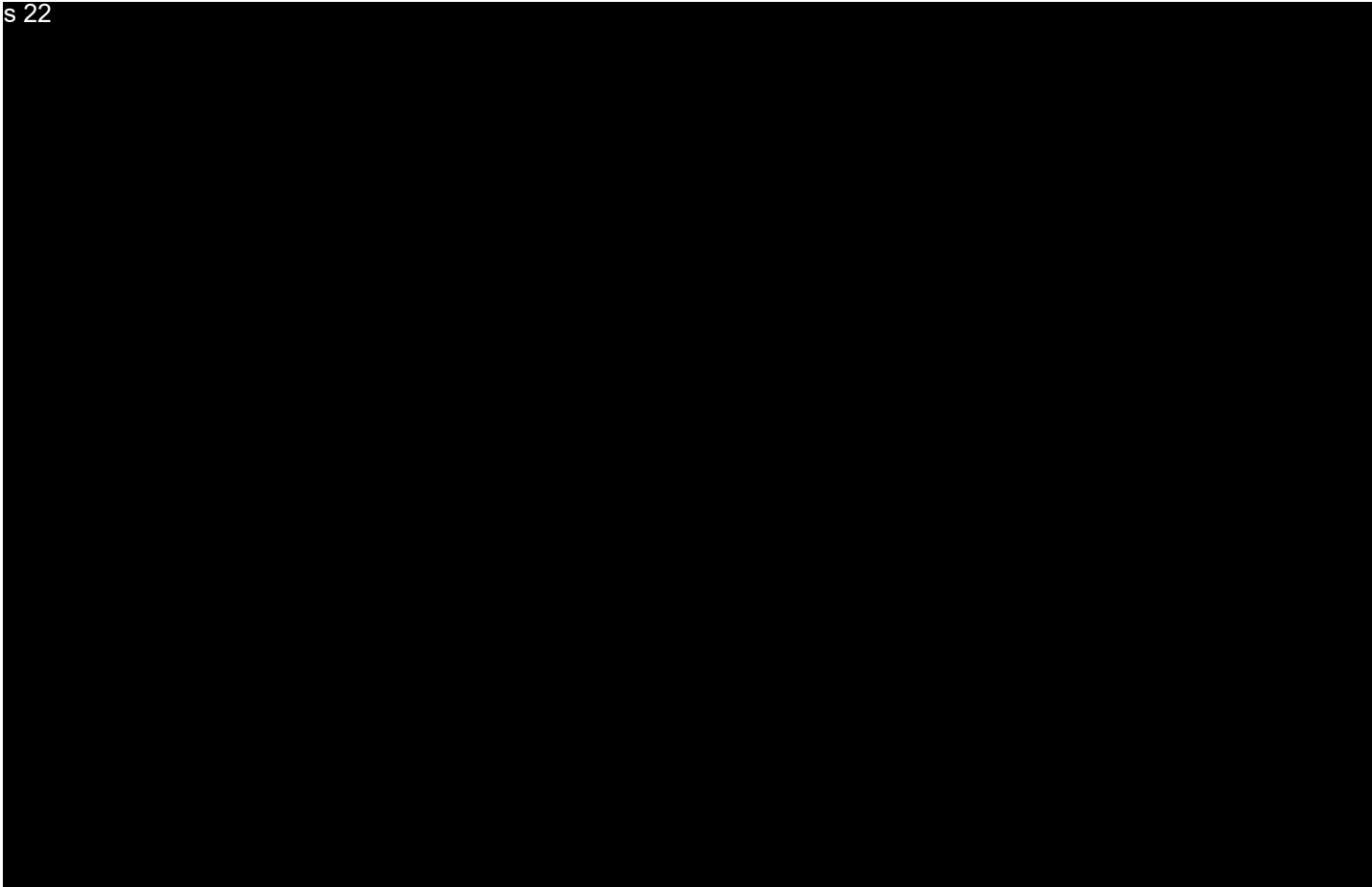


- d. The Supported Accommodation Area (SAA) area is in poor repair and not well suited to providing support to transferees.

- 7. The establishment of RPC 2 has provided a significant improvement in the facilities available for Managed Accommodation Areas (MAA), medical and administrative and operational support functions undertaken by Broadspectrum and ABF.

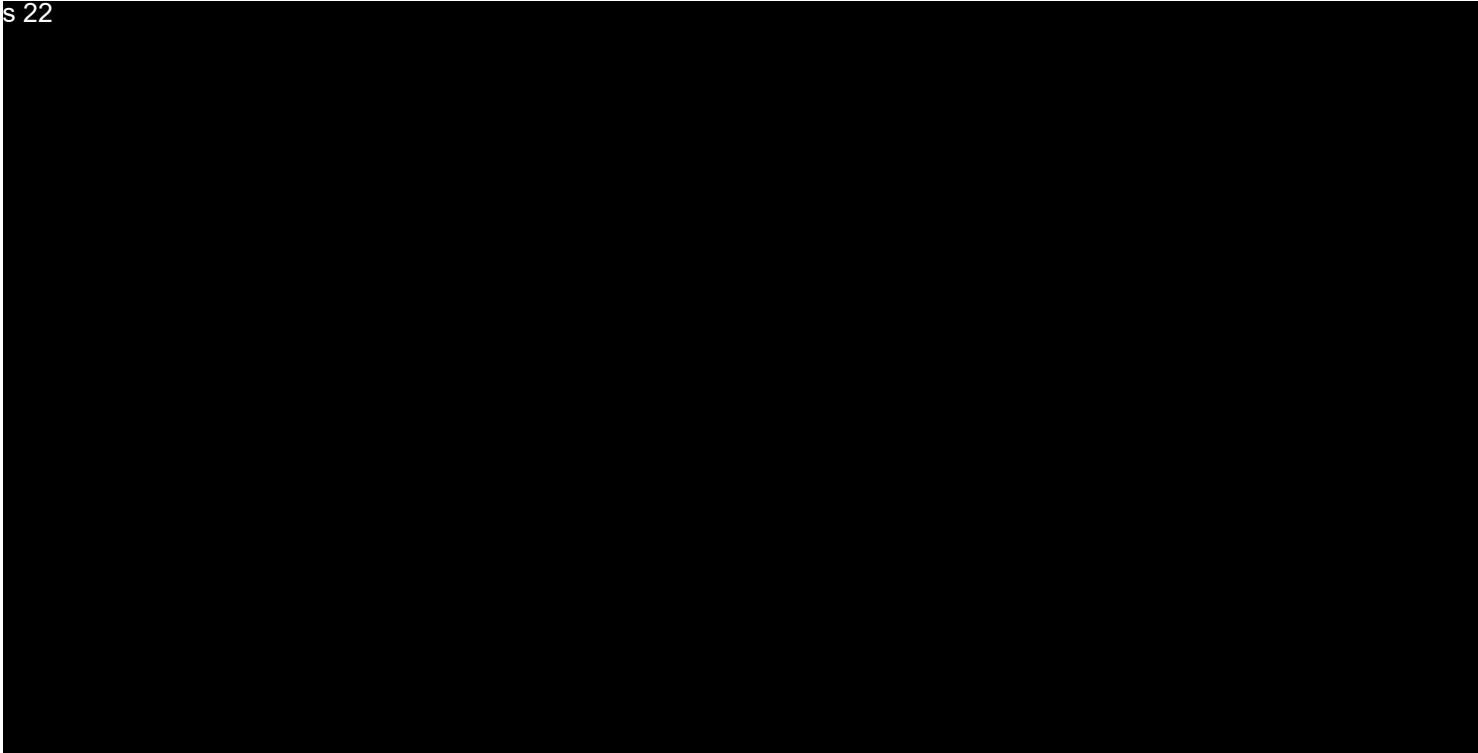


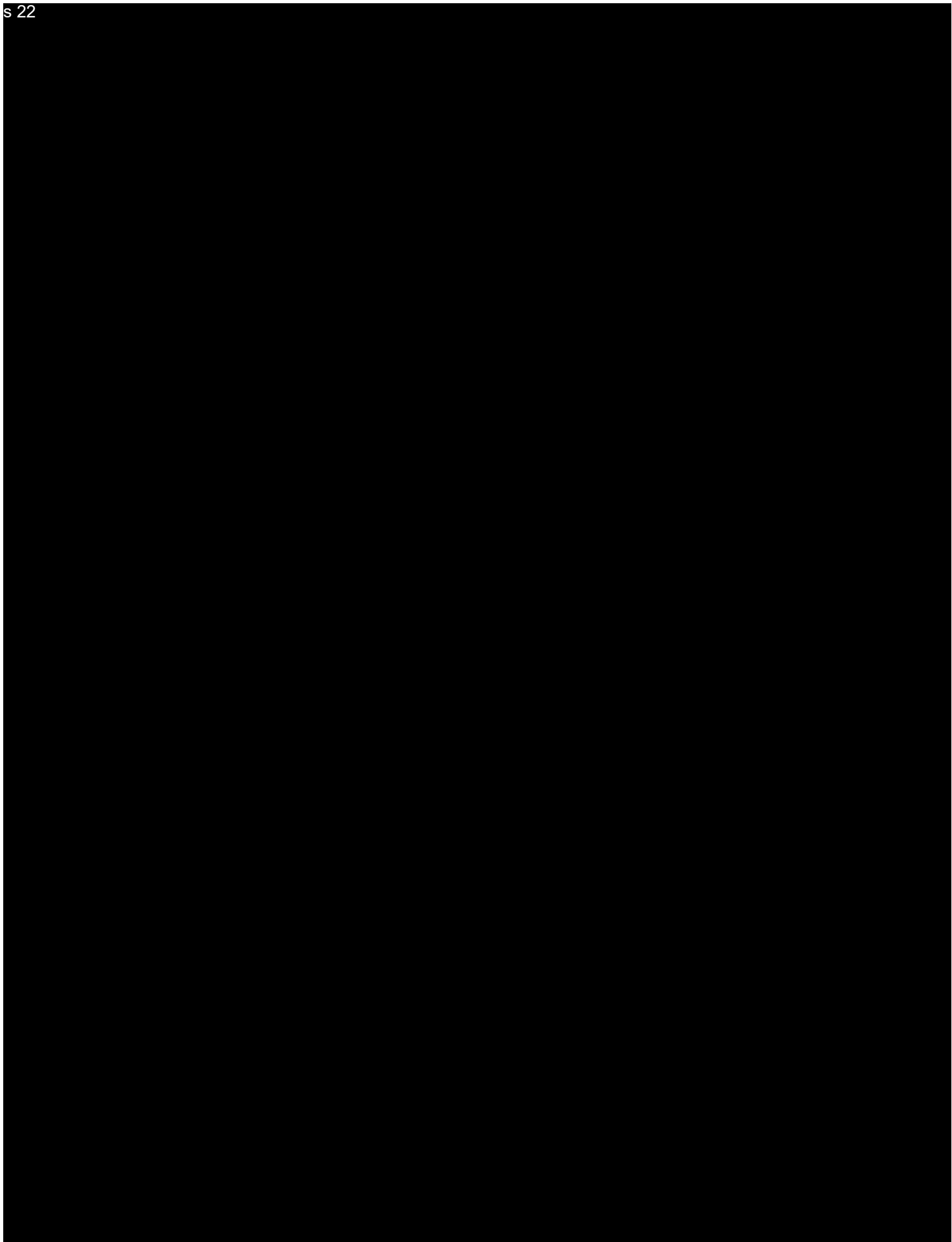


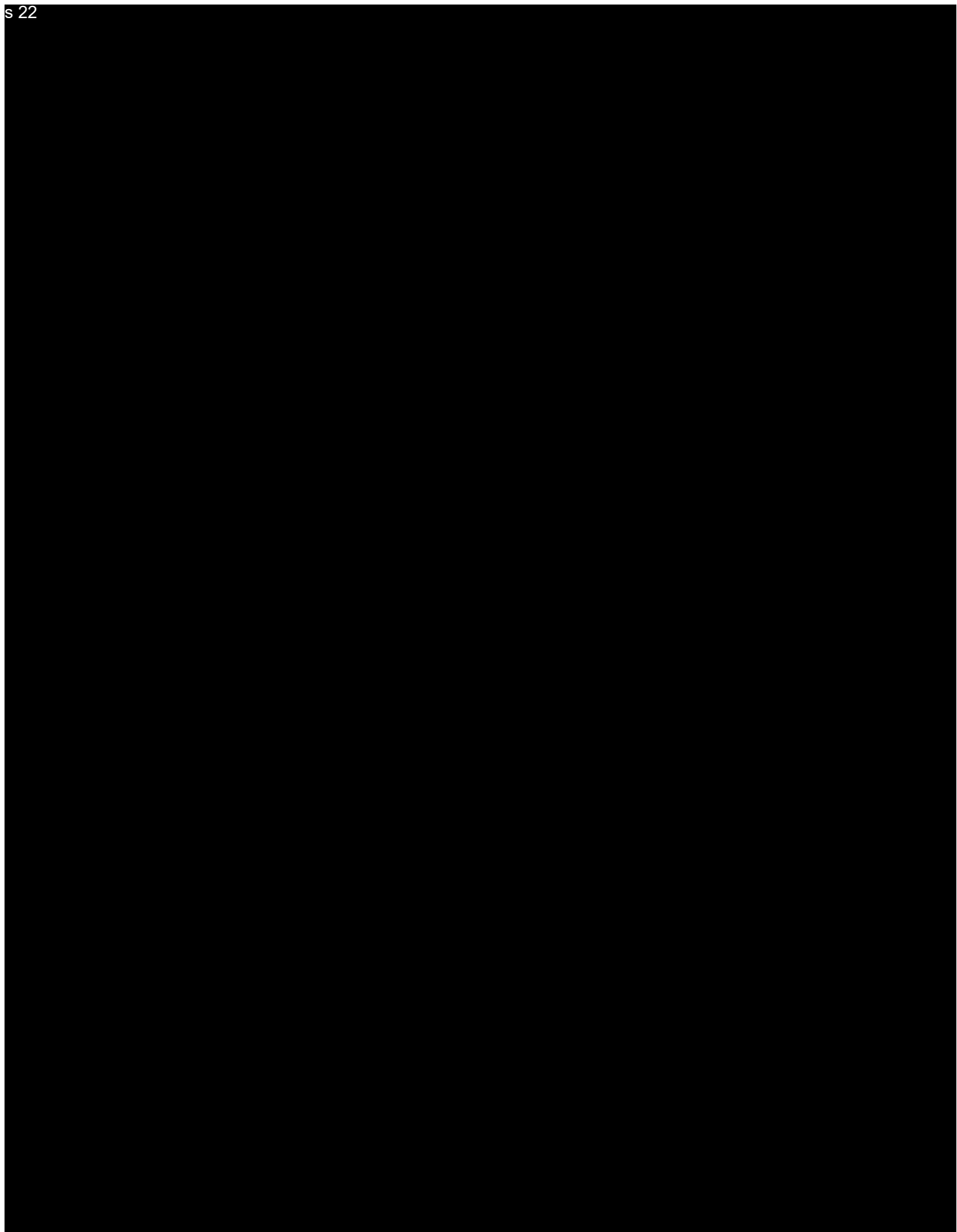


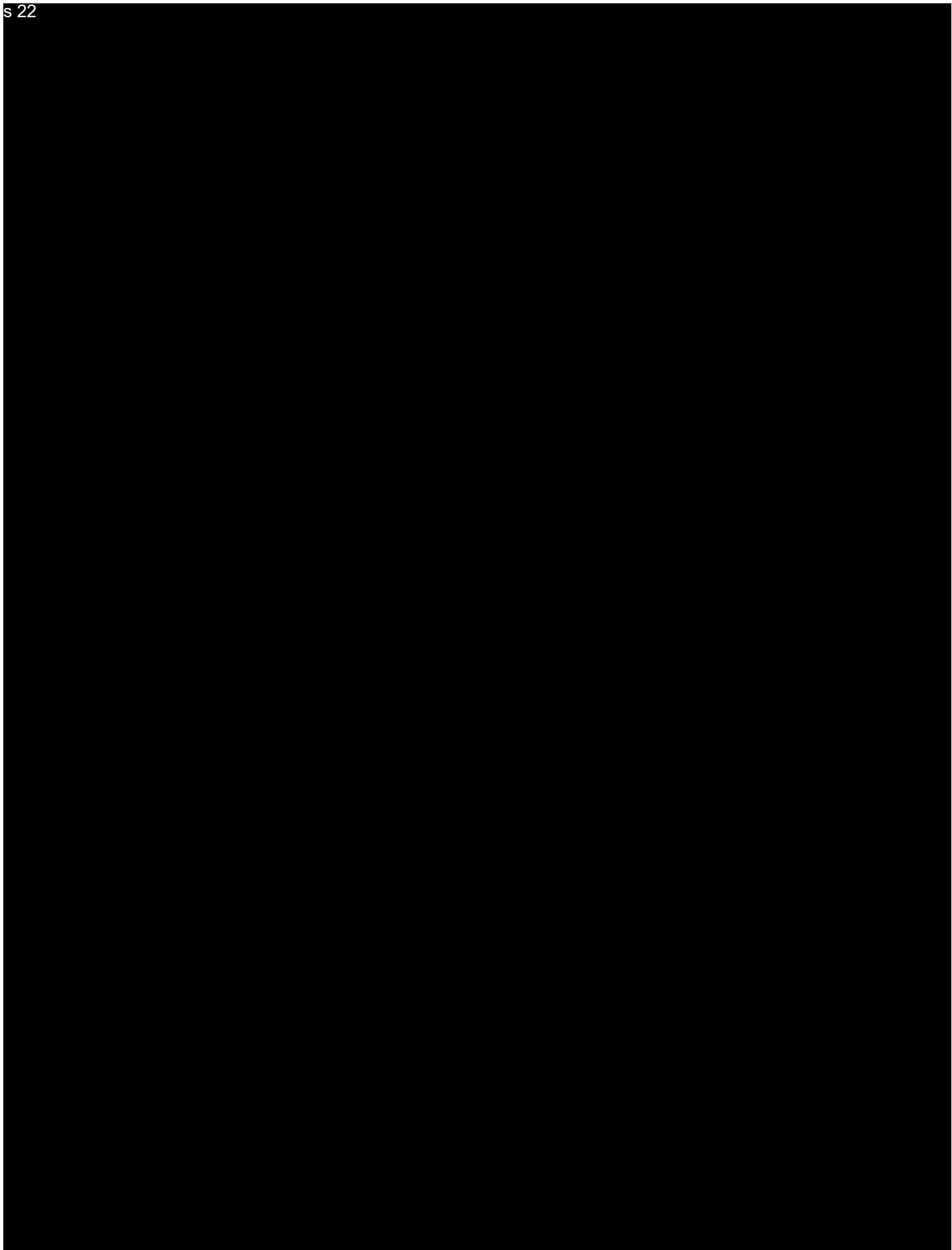
Behaviour Management

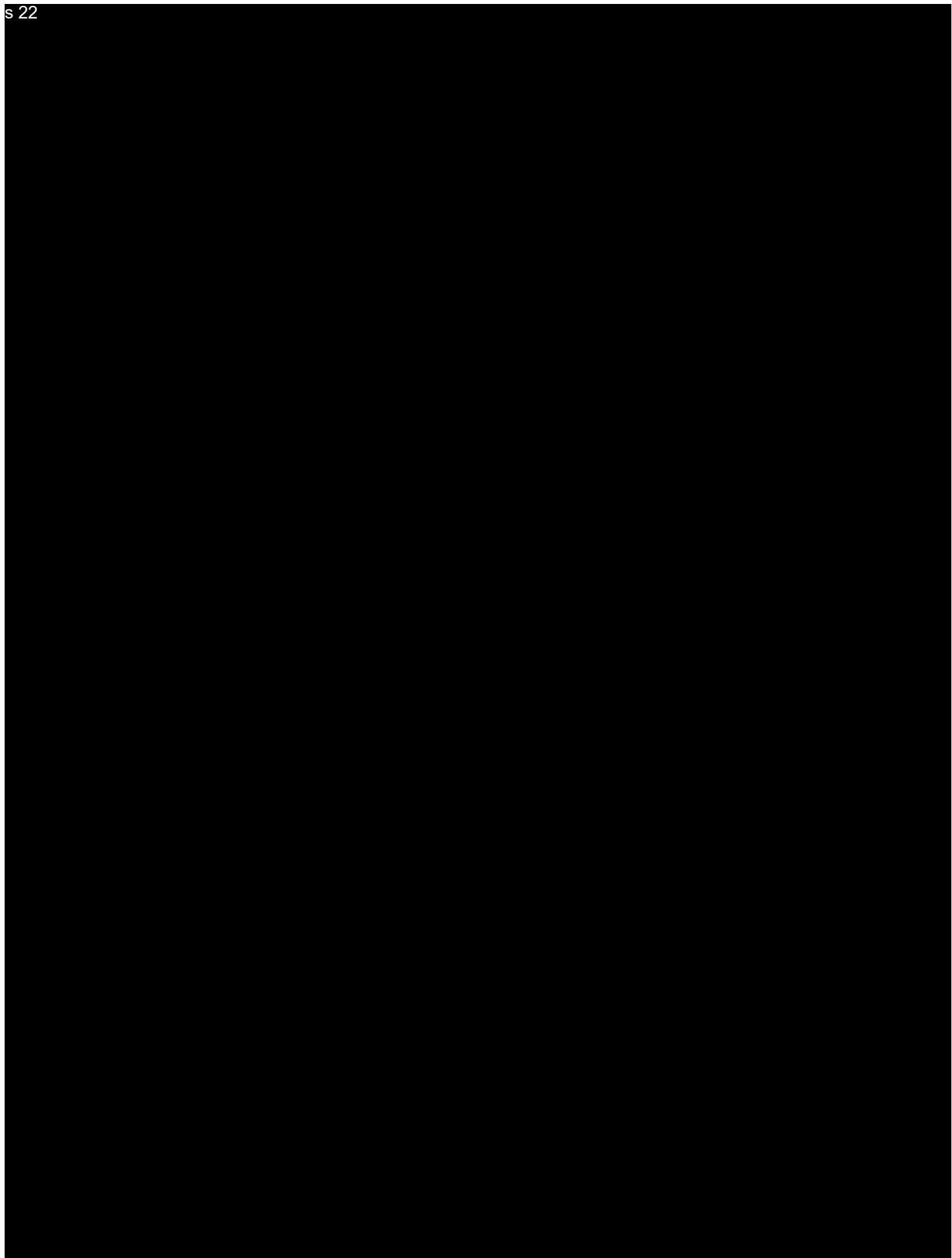
18. A review of the MAA and SAA did not identify any significant shortfalls. The appropriate guidelines and directions to staff assigned to these areas are in place. Discussion with staff members indicated a reasonable level of knowledge of their roles and responsibilities within this environment.

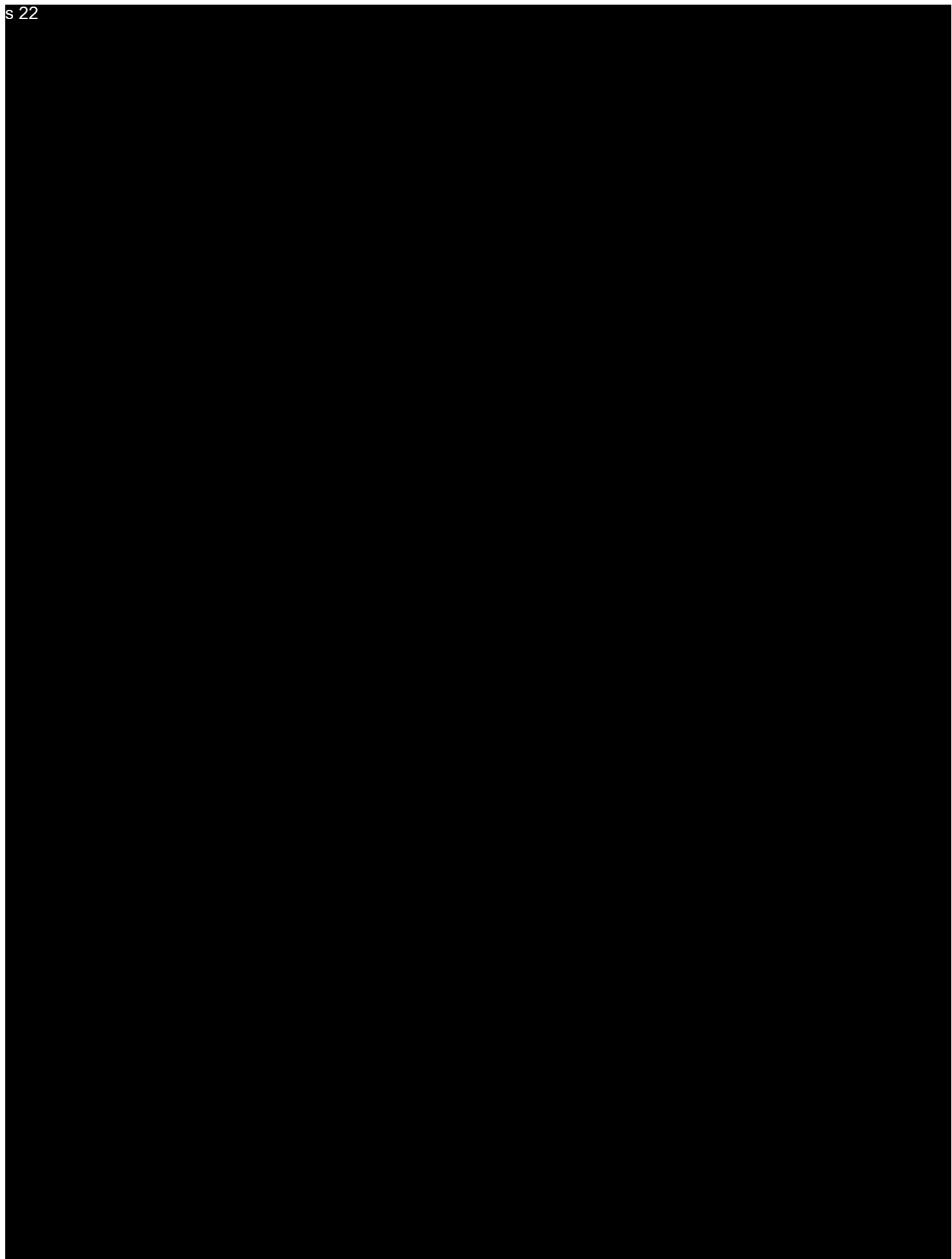


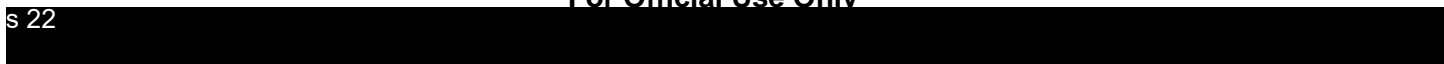
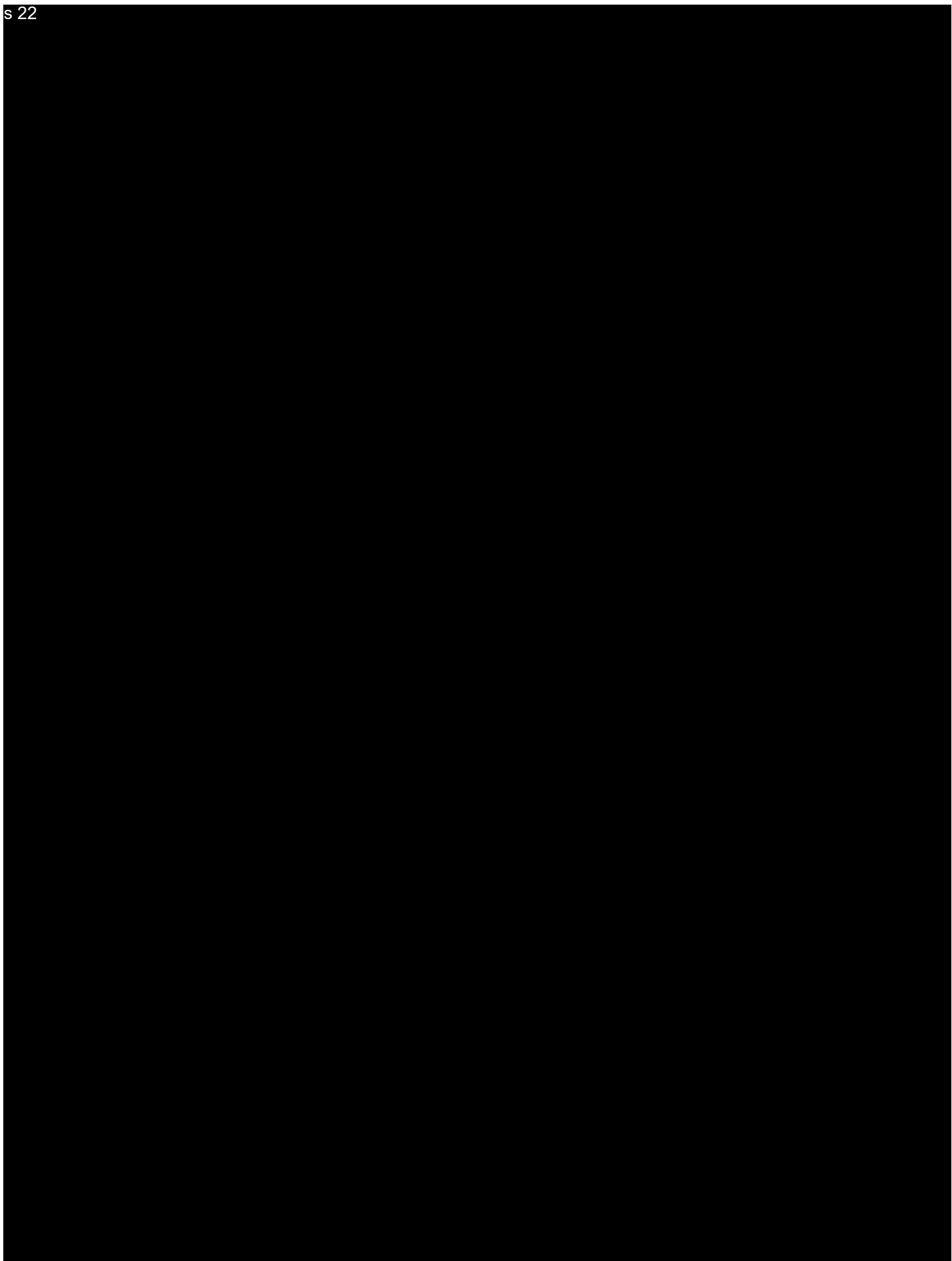


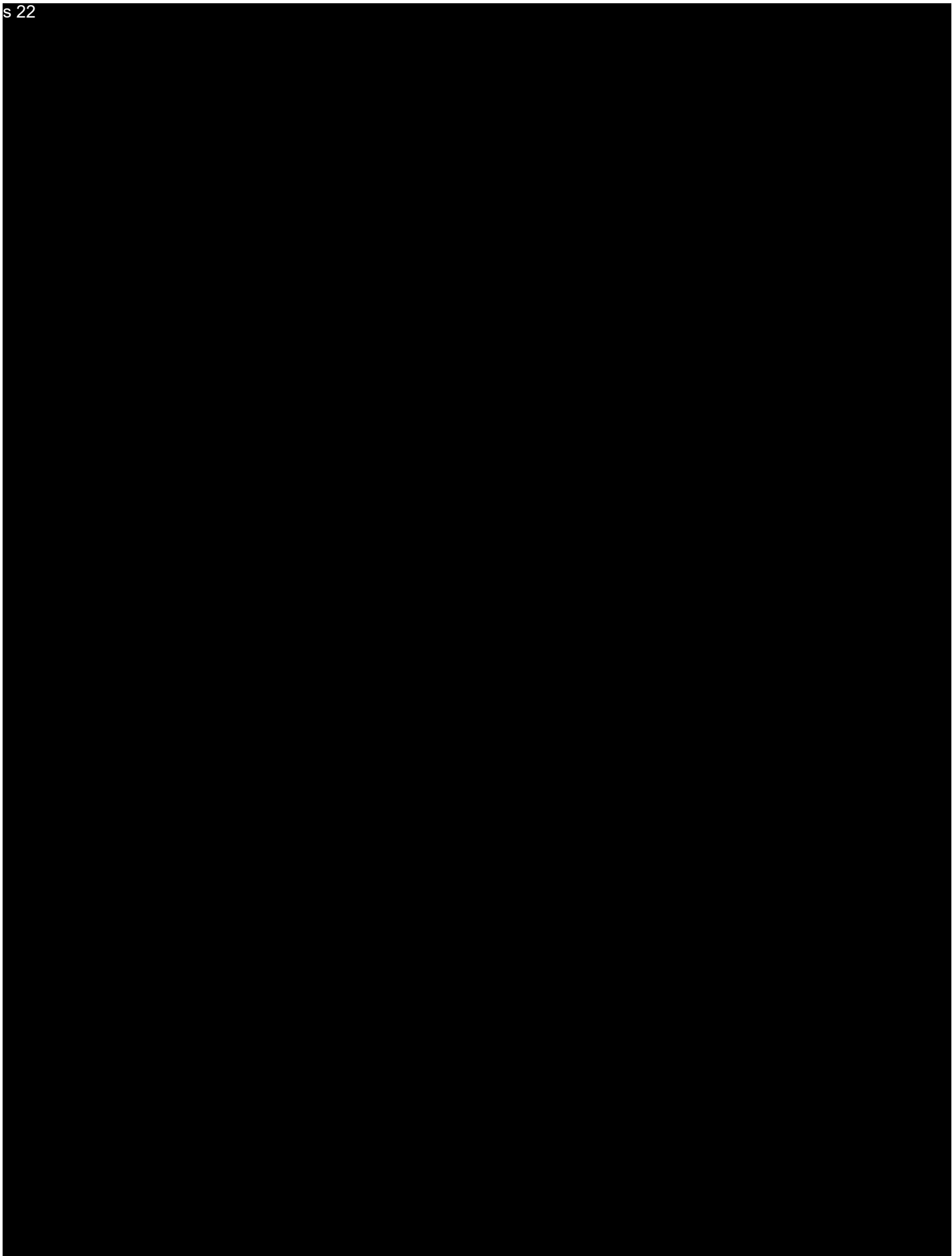


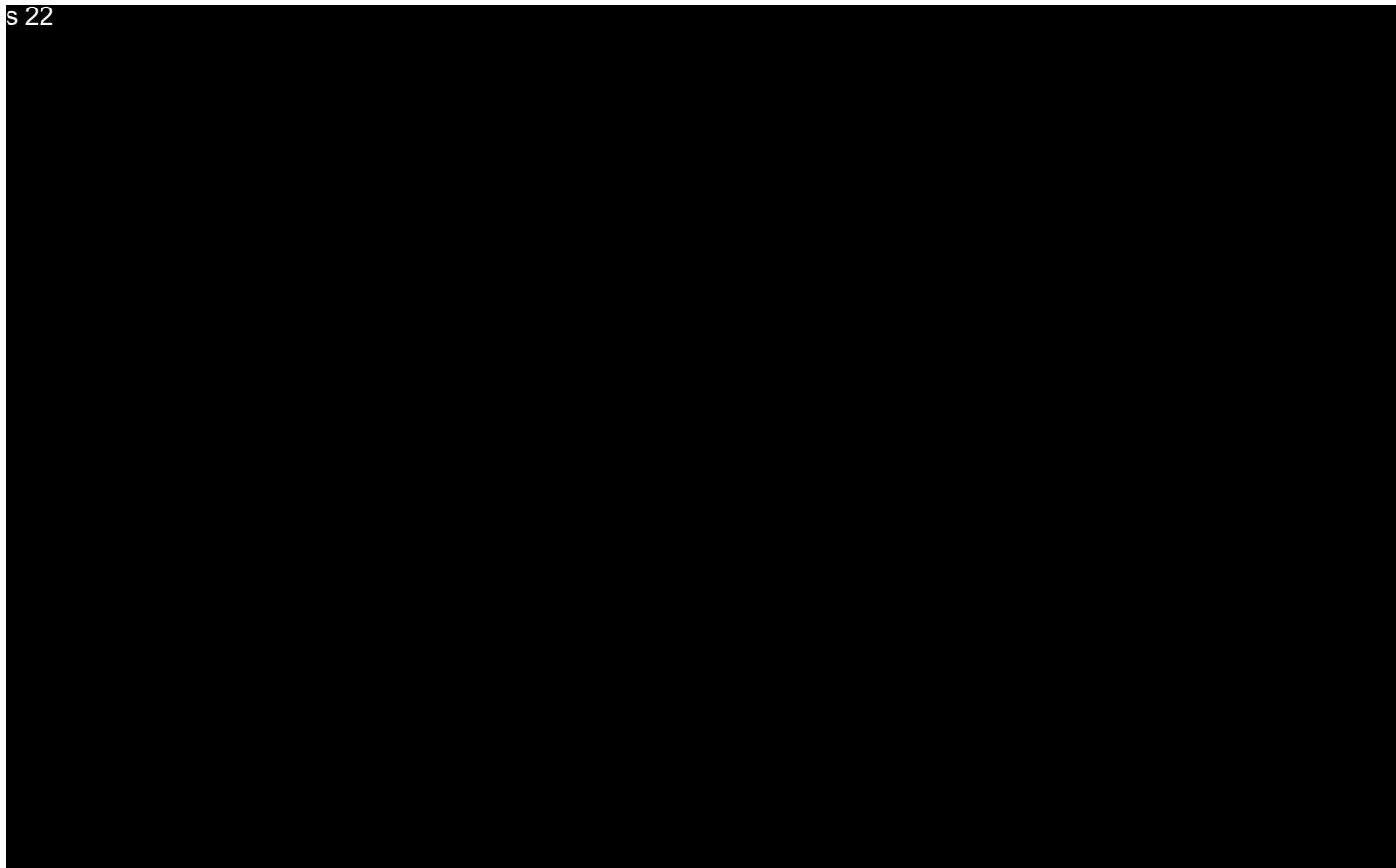




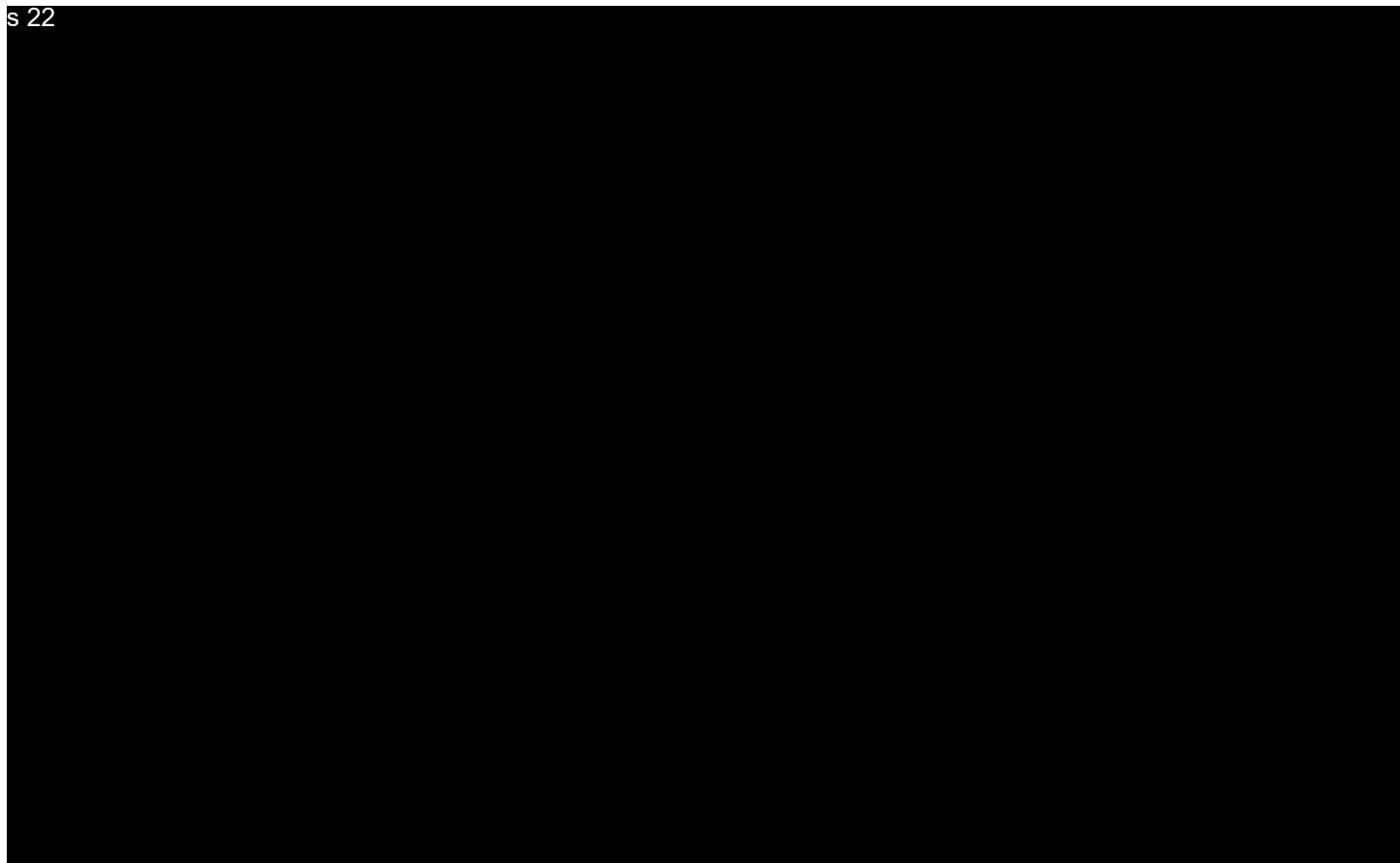








- f. A view that is no freedom of speech for transferees if they speak out about problems they are marked as trouble makers and they may end up on the MAA.



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FINAL RESPONSE TO IMMIGRATION OMBUDSMAN

POST VISIT OBSERVATIONS AND SUGGESTIONS

VISIT TO MANUS REGIONAL PROCESSING CENTRE 13–20 April 2015

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Suggestion 21: resolving the debate over how the MAA and SAA are to be structured and utilised.

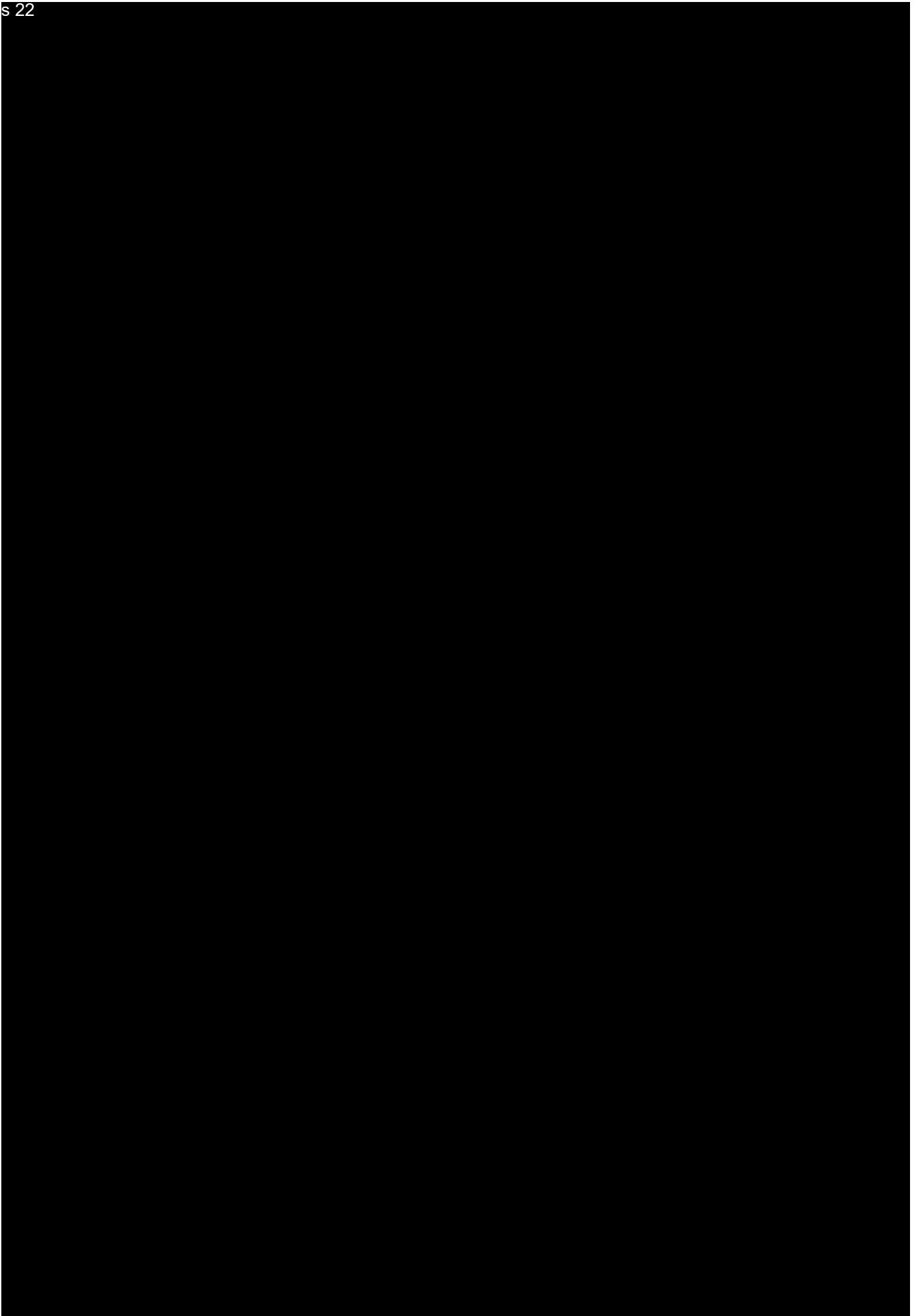
The new purpose built Managed Accommodation Area (MAA) has been handed to the service providers for their use. Guidelines relating to the use of the MAA and the Supportive Accommodation Area (SAA) are being developed by the service providers in consultation with ICSEA and DIBP.

Facilities are in place to provide support to transferees experiencing difficulties or presenting behavioural concerns. Support facilities include:

- **SAA** – provides accommodation out of the main accommodation area within the RPC. This area allows transferees to have respite from general accommodation area for mental health and wellbeing purposes, and enables service providers to provide direct support to transferees.
- **MAA** – is used where there are transferee behaviour or security concerns.

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Managed Accommodation Area (MAA)

Suggestion 45: It is suggested that DIBP in consultation with Transfield, their service providers and as appropriate ICSA, address the above issues (please see pages 18-19 of the Report) and note that we consider that it is critical at this late stage of the RPC 1 development for DIBP and service providers to have a clear understanding of how this facility is to operate and under what conditions further restrictive detention would be warranted.

DIBP stipulates in its contracts how the MAA is to be operated. It also lists abatements which apply if the regulations are breached.

To give effect to this contractual directive, stakeholders set up HR systems that enable them to employ the best, most suitable, and mobile workforce; and to employ staff with the appropriate skills. Ongoing specialist training is provided to enable the workforce skills and knowledge is maintained to a suitable level to deliver the services outlined in the contract.

The use of the MAA, for example, is regarded as a 'restrictive practice'. Therefore, DIBP requires the BMT to seek ICSA approval when intending to use the MAA. The use of MAA is governed by a set of SOPs that BMT are conversant with.

The safety and wellbeing of transferees are the primary focus that underpins all of our operations. As a result, behavioural management strategies, supported by the welfare team, aim to minimise any issues prior to them becoming significant or 'uncontrollably violent'.

Transfield Services has developed processes and procedures for utilisation of the MAA.

Transfield Services does not believe that, at this time, an assessment is required to be completed to have a facility for uncontrollably violent individuals (such as a padded cell type arrangement). If

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there is a time in the future when it is believed that this is required, Transfield Services has capability within its organisation, as well as its subcontractors, to make this review and recommendation.

We would further suggest that:

Suggestion 46: external experts in the management of uncontrollably violent detainees are engaged to determine the need for further restrictive detention within the MAA.

Transfield Services is committed to ensuring that the MAA is only used if all other avenues have been exhausted to de-escalate the situation.

Transferee removal from the communal accommodation area is enforced to protect the safety and security of other transferees as well as the transferee's own safety, welfare and wellbeing. ICSA must be notified if a transferee requires use of the MAA and only ICSA can approve the use of the MAA. ICSA approval is valid for 24 hours. If transferee's safety necessitates a stay in the MAA beyond 24 hours, further approval must be obtained from ICSA.

The standard practice detailed in the current SOP for the MAA states that every concerted effort must be made to ensure that the transferee spends minimal time in the MAA. The transferee is under constant watch while in the MAA, both via personal supervision and via CCTV. When the transferee can be safely returned to communal accommodation, constant high watch is maintained for the first 24 hours, then moderate watch (half hourly) for 48 hours then ongoing watch (3 hourly) for 72 hours.

Suggestion 47: should a sanitised safe room be introduced any usage be under direct physical observation and supervision for the minimum amount of time required enabling rational de-escalation tactics to be applied.

See response to suggestion 21.

Suggestion 48: use of restrictive detention such as a sanitised safe room should not be used under any circumstances for the purpose of controlling someone with or suspected to be suffering from a mental health condition.

Forms of more restrictive detention such as a sanitised safe room are only used in circumstances where a transferee has been involved in an incident which threatens the safety and security of the centre or poses a risk to themselves or others.

Following transfer to such a form of accommodation, the transferee is then assessed by IHMS staff as soon as practicable and advice is sought regarding the transferee's ongoing mental health status and whether the placement is appropriate.

DIBP does not support the use of an alternative accommodation area such as sanitised safe rooms for the purposes of controlling someone with, or suspected to be suffering from, a mental health condition.

Transfield Services advise that they are committed to ensuring that the MAA is only used if all other avenues have been exhausted to de-escalate the situation. Transfield Services remains committed to working collaboratively with stakeholders to support transferees in environments where protective

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factors are available, including existing support networks. Robust approval and reporting requirements have been established in relation to the MAA. This accords with best practice principles and ensures compliance with contractual obligations. Regional Processing Guidelines include directive requirements when placing transferees into alternative accommodation areas. This ensures that the stakeholders abide by the principles of accountability, transparency, impartiality and natural justice for all transferees.

If there were to be any change in the nature of the facility, such as high restrictions, guidelines would be amended accordingly to account for the use of that facility. These amendments would require approval from ICSA.

Suggestion 49: if transferees are to be placed in this style of restrictive detention the appropriate guidelines and authorities must be in place prior to commissioning the facility.

The Psychological Support Programme (PSP) guideline provides guidance on this matter.

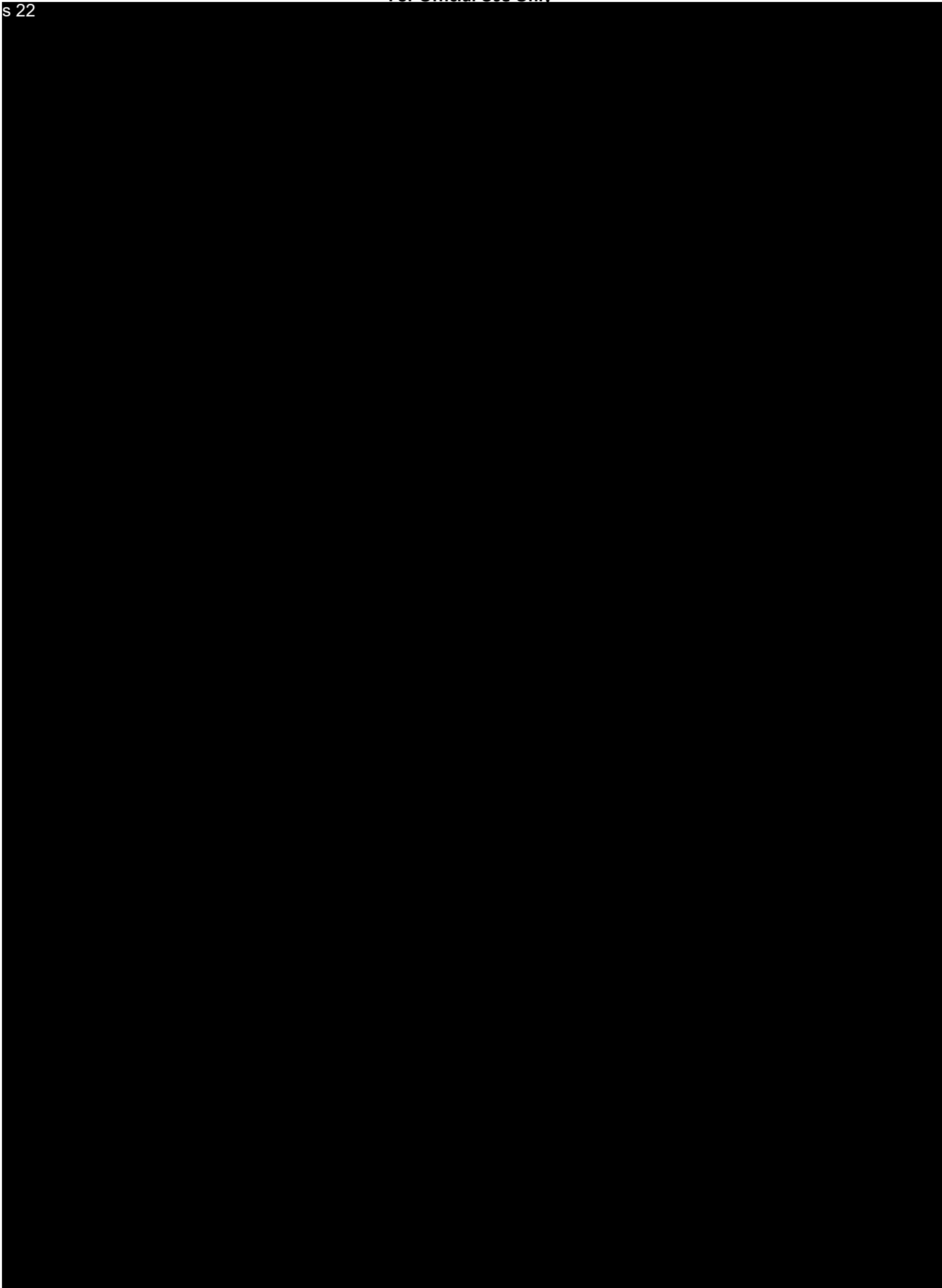
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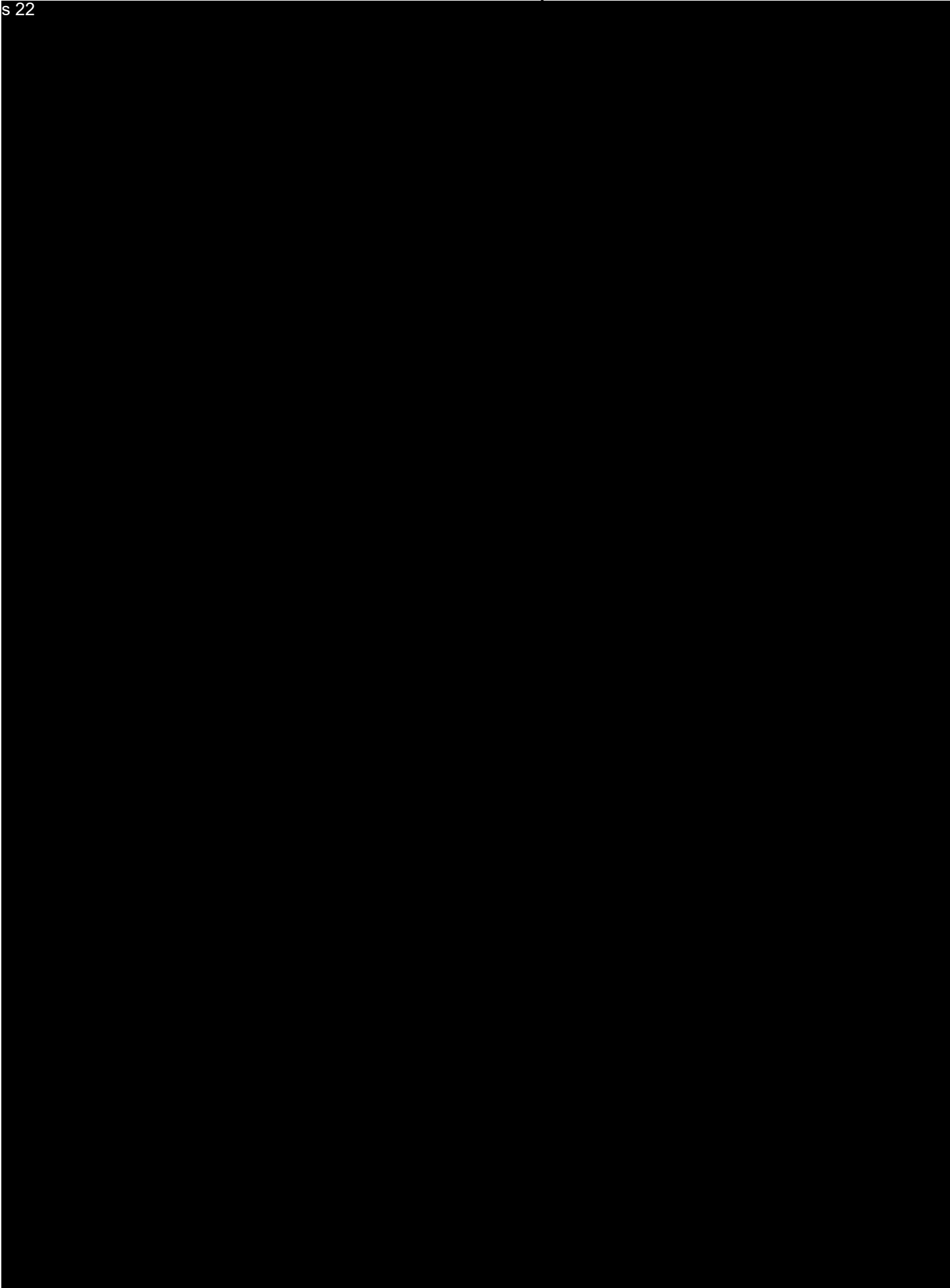
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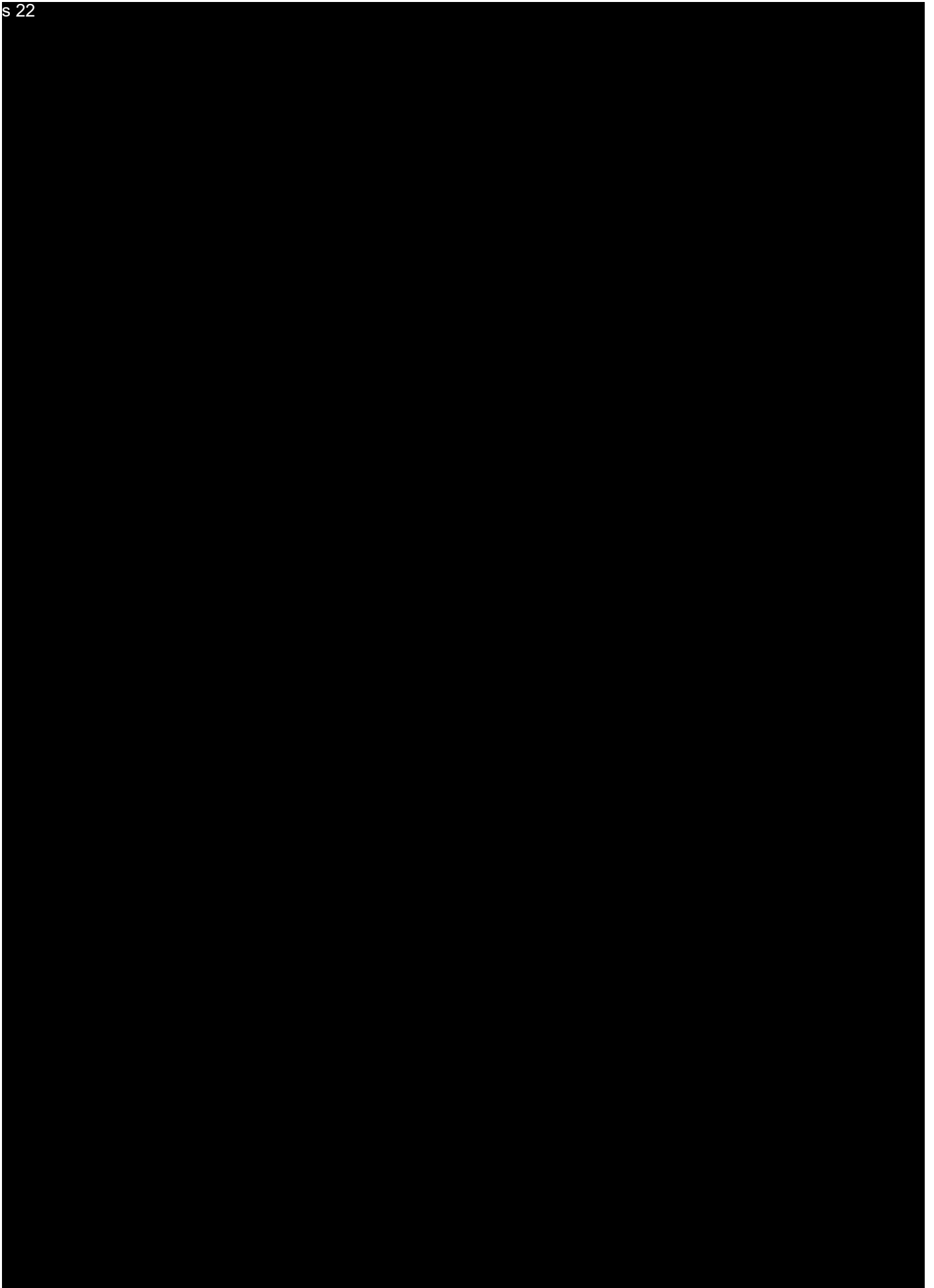


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Accommodation and Facilities

2. We did not note any substantive change to the overall accommodation and facilities within the RPC. However it was obvious that the decommissioning and refurbishment process has begun with the razing of the Supported Accommodation Area (SAA) and ground renewal of both the SAA and Bravo compound.
3. The airflow within the Voluntary Respite Support Accommodation (VRSA) has not improved since our previous visit. The advice we received during our previous visit that it was intended to fit air-conditioning units to some of these rooms has not eventuated and as a result the rooms remain hot and airless.

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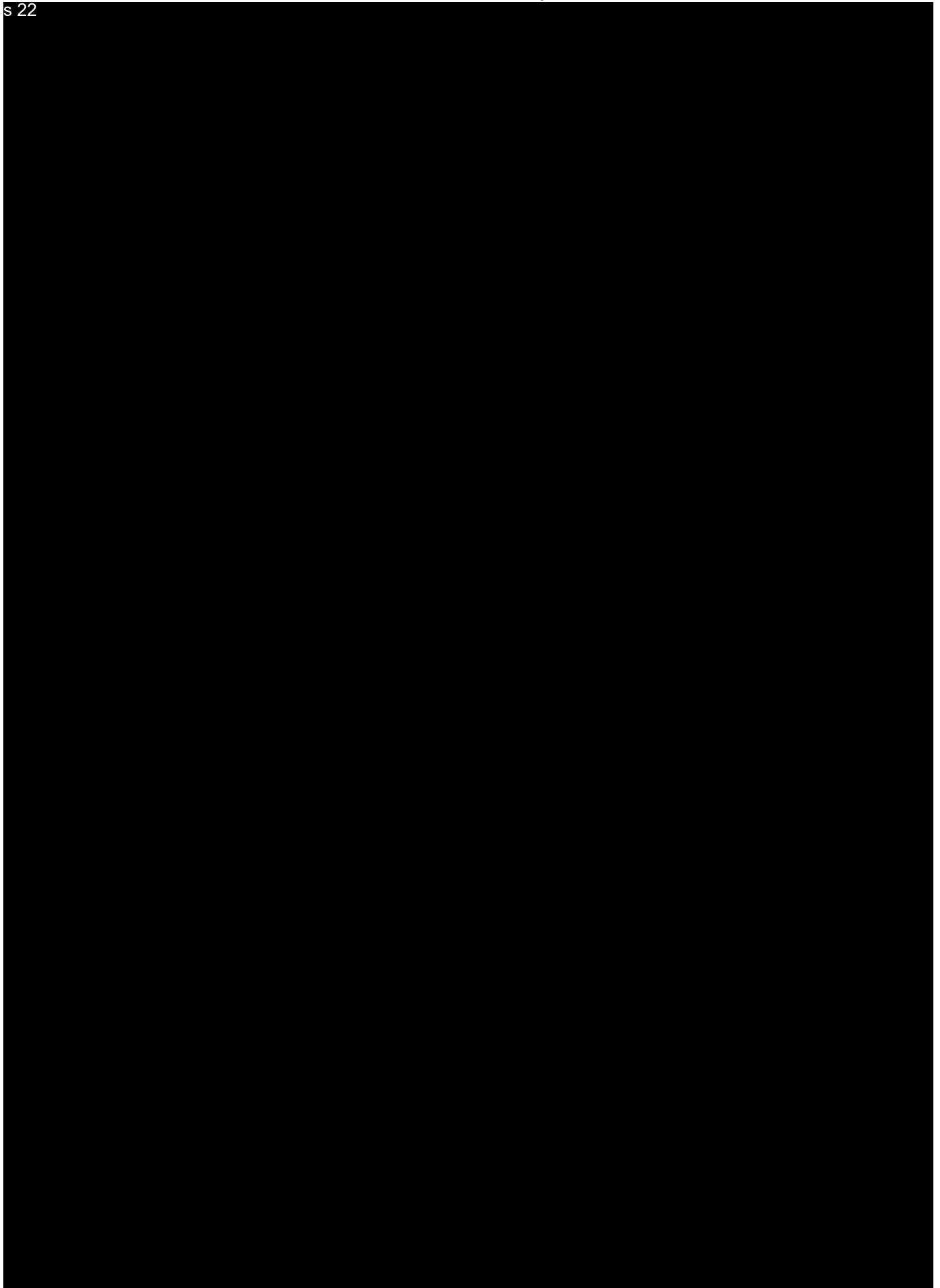


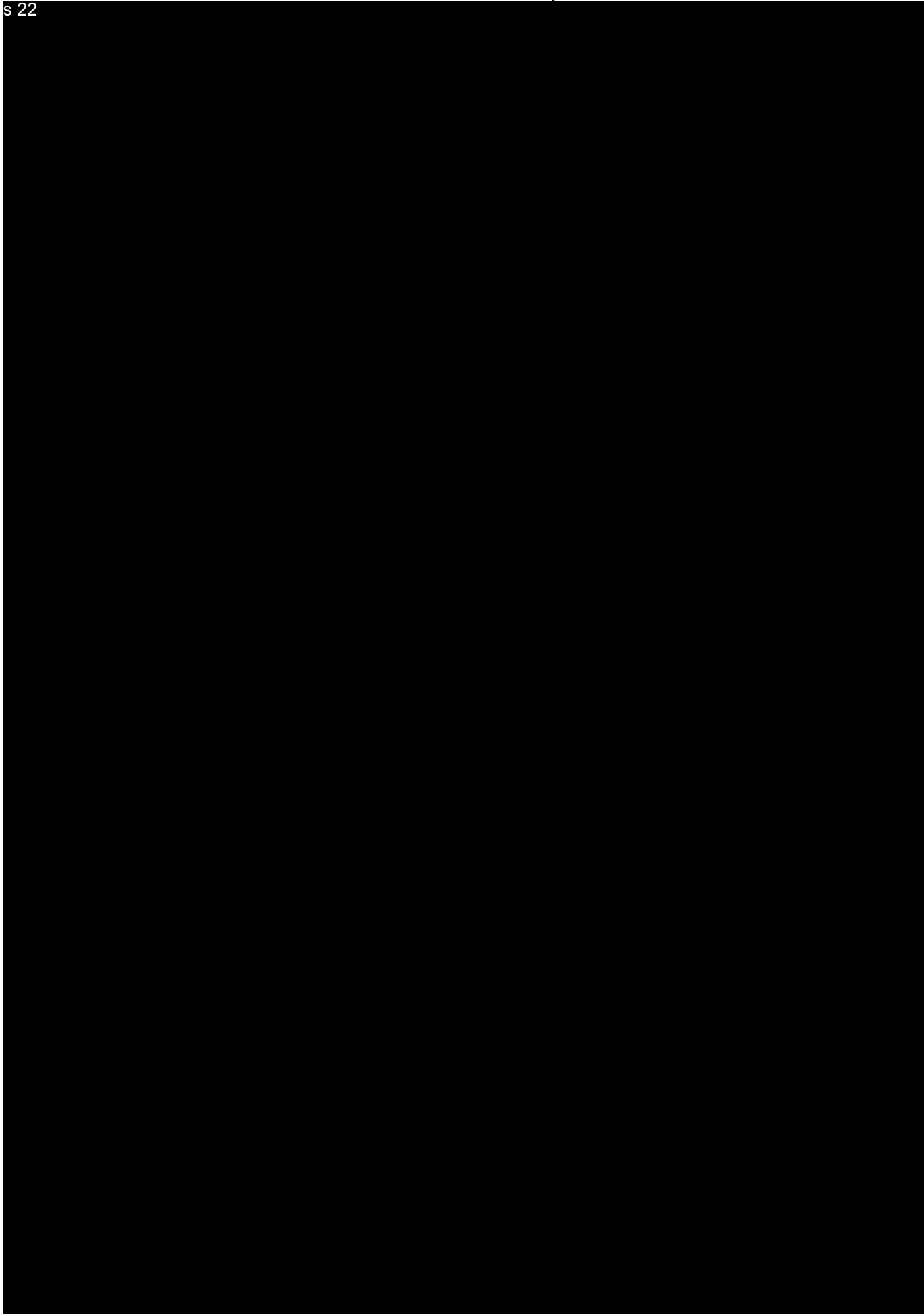
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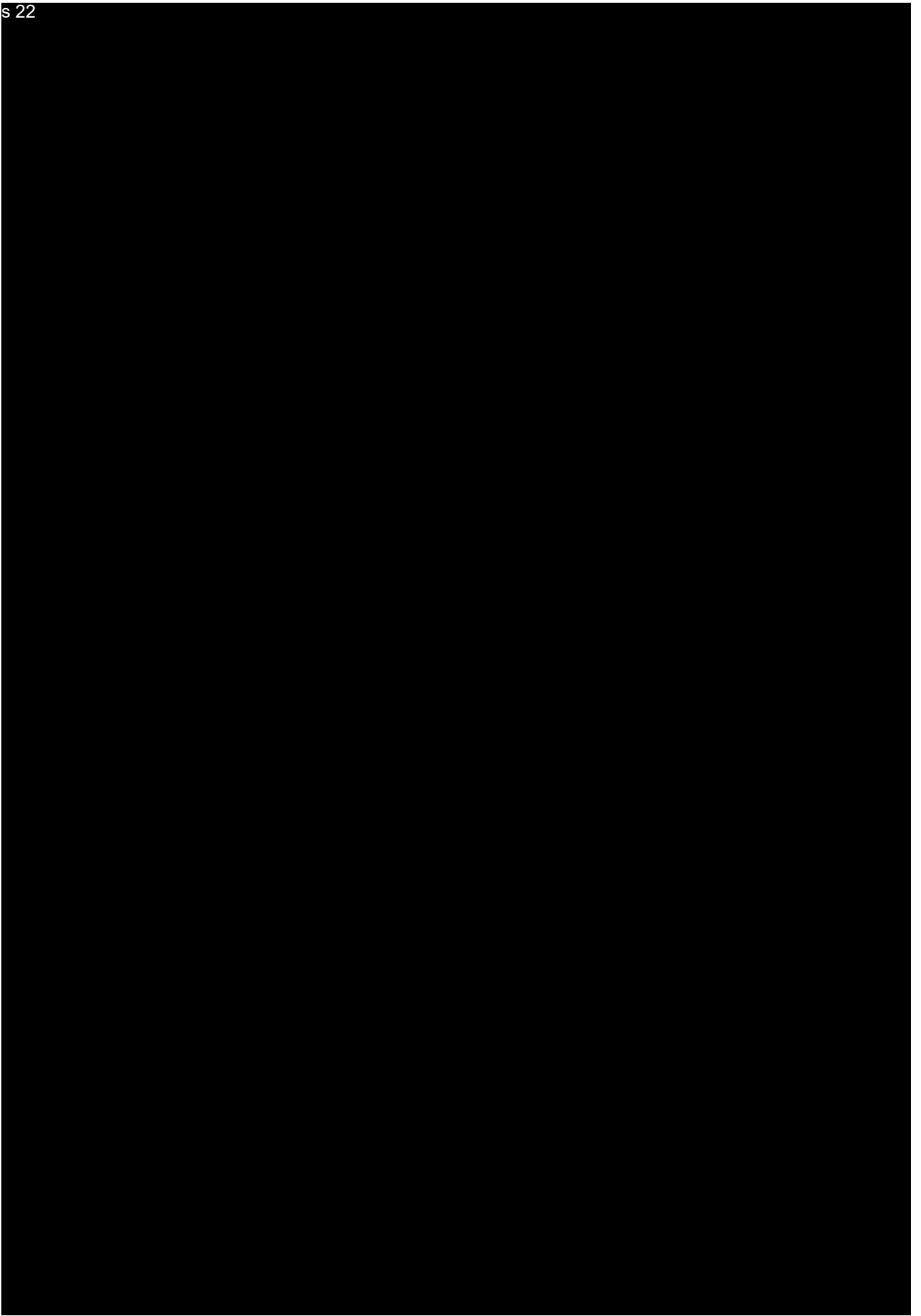
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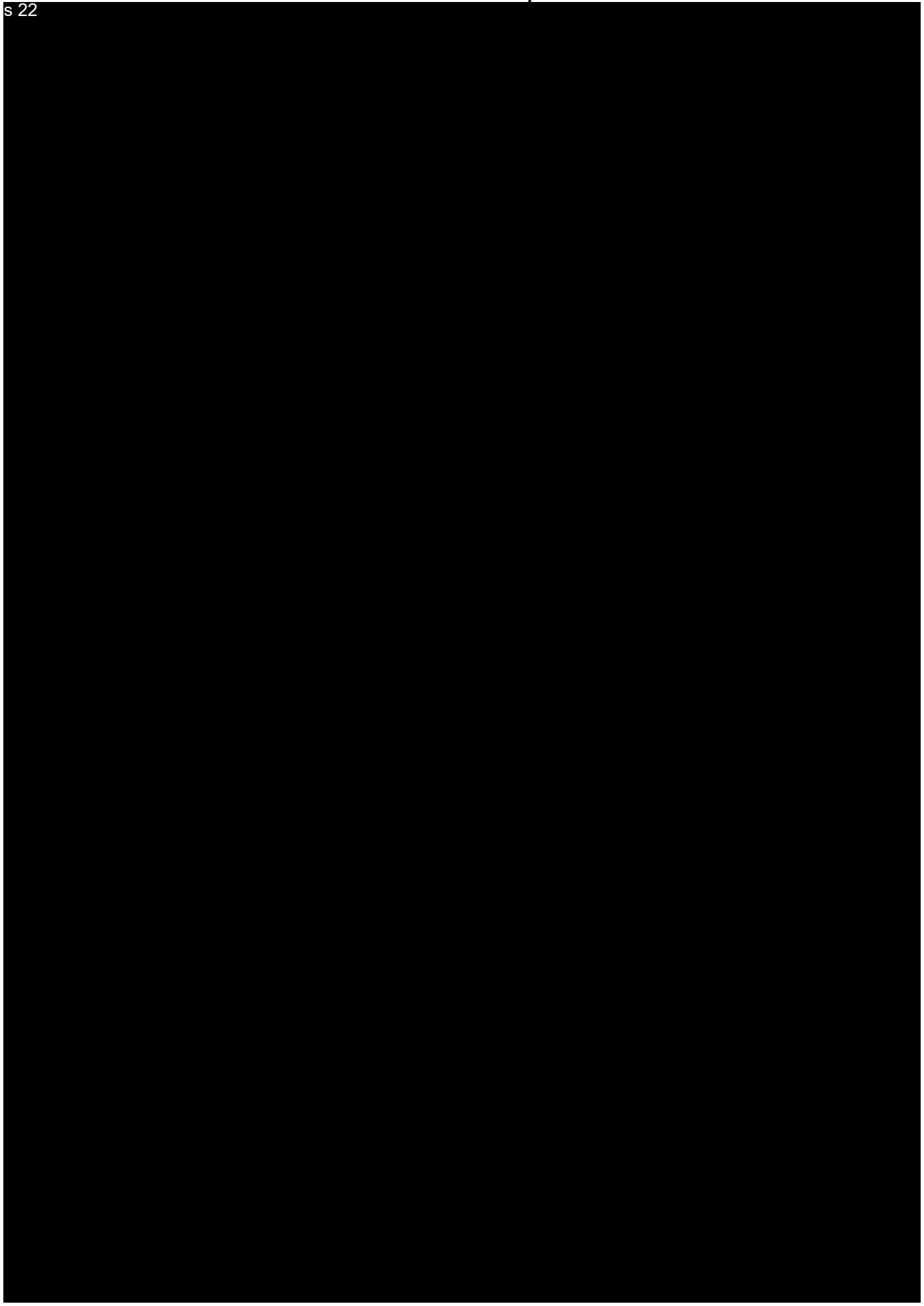
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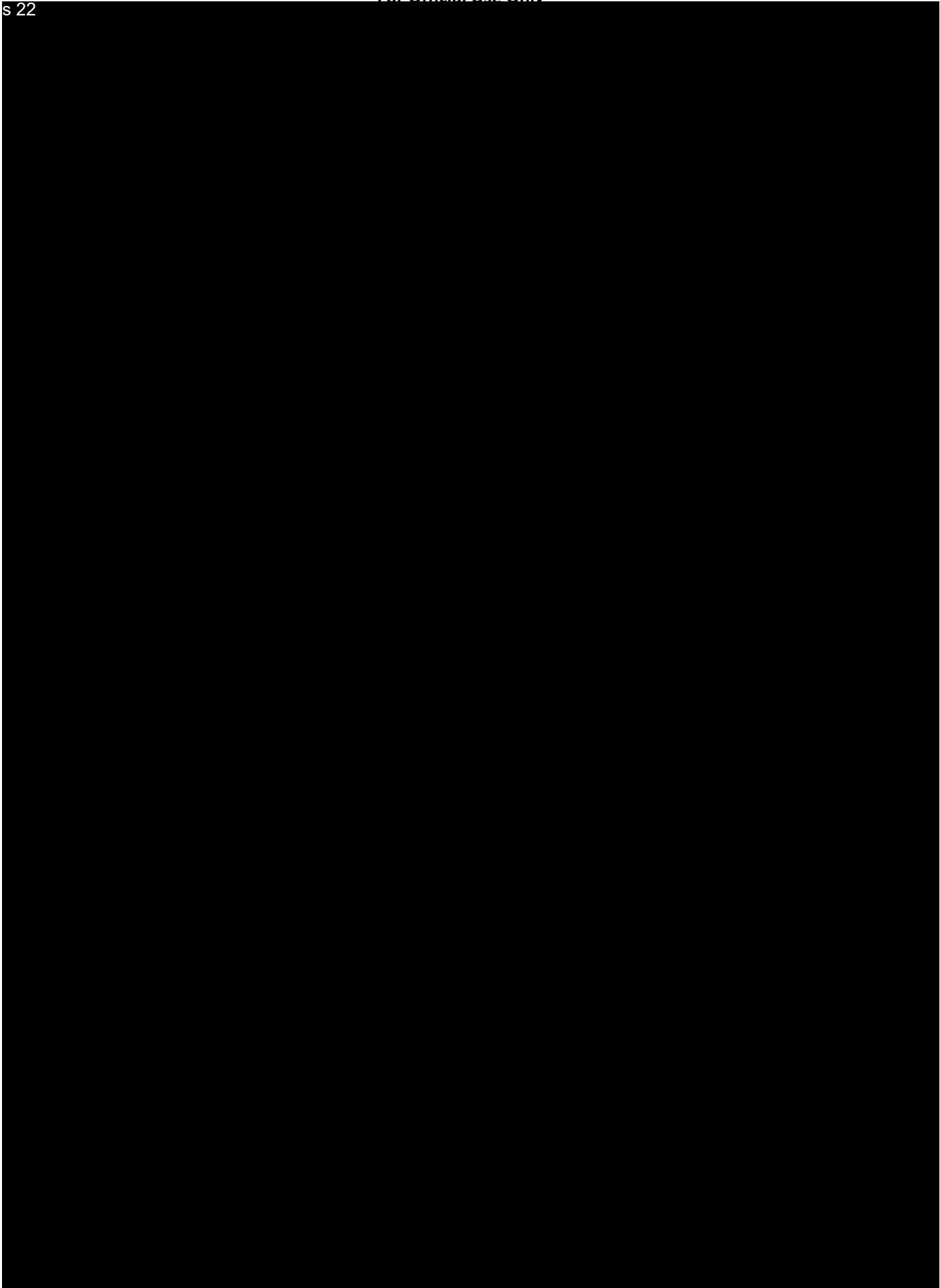


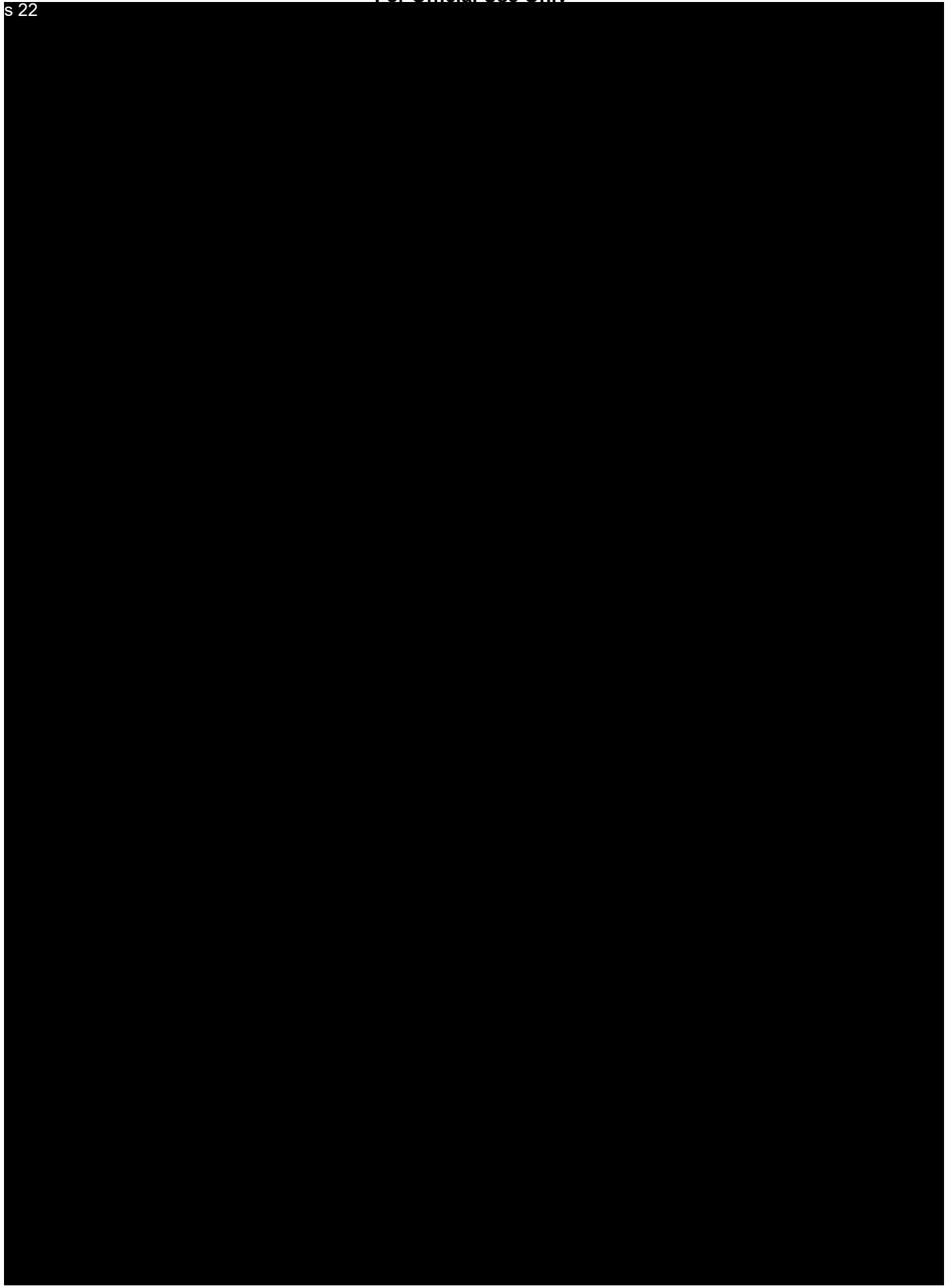












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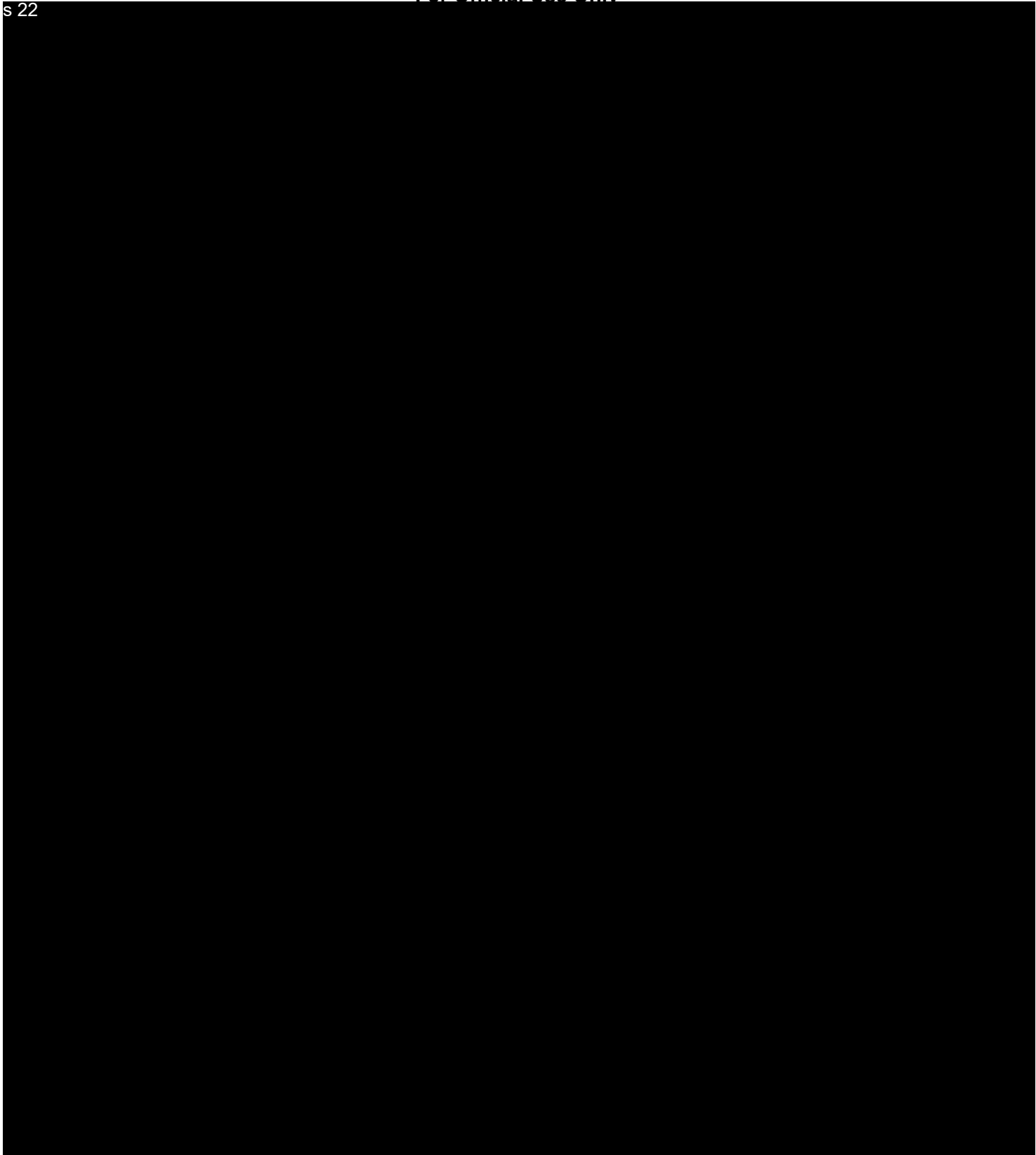


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Accommodation and Facilities

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The decommissioning of the Supported Accommodation Area (SAA) and adaption of the Managed Accommodation Area (MAA) to support vulnerable and high needs residents is a significant improvement. Now known as the Voluntary

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Respite Support Accommodation (VRSA) the area was originally intended to hold non-compliant asylum seekers and refugees in a safe area where they could not inflict harm on themselves or others for no more than 24 hours and has not been fitted out to hold individuals for longer periods of time. We noted that the rooms used as the VRSA are extremely hot with little or no airflow. The fans in the upper corners of the rooms do little to facilitate air movement. The heat and poor airflow within the rooms does not support vulnerable people especially where food and fluid refusal (FFR) is being managed. We understand that ICSA and ABF are considering the placement of spare air-conditioning units in the VRSA to address this.

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