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1. INTRODUCTION

1.1 Policy

The purpose of the managed accommodation area Standard Operating Procedures (SOPs) is to provide a framework for the use of managed accommodation areas ensuring they are utilised in accordance with the Department of Immigration and Border Protection (DIBP) policies and procedures, and to ensure that transferees are treated with humanity and respect.

Moving a transferee to a different area of the centre designated at the Manus Regional Processing Centre (MRPC) as either a Managed Accommodation Area (MAA) or a Supportive Accommodation Area (SAA) may assist with several functions:

- It may provide an opportunity for that transferee to receive extra support and counselling in order to assist them in modifying their behaviour.
- It may allow them to have a break from their environment which may serve to assist in reducing any frustration they may be experiencing It may provide greater access for medical assistance.
- It may provide respite for other transferees in the area if an individual has been displaying consistently antisocial behaviour.
- It may allow for the respite of grieving or mentally unwell transferees in a supportive environment with access to specialist services.

1.2 Design

Managed accommodation areas (which include the MAA and SAA) should be safe, clean and supervised. They should be equipped with adequate storage for property and provide reasonable privacy for transferees.

s 47 or s 47G

Managed accommodation areas should have adequate lighting and ventilation.

Transferees in managed accommodation areas must have access to showers and ablutions.

1.3 Conditions

Managed accommodation areas must only be used to manage immediate risks - such as preventing the continuance of an offence, to prevent injury or harm to themselves or others, or to provide respite/rehabilitation and time out in order to assist in the mental health and behaviour management process. It is used only for as long as is necessary to prevent such events and for the shortest practicable time or to enable sufficient support. The areas must not be used as punishment.

Transferees in managed accommodation areas should be offered a shower, adequate meals and drinks, and are able to use ablutions when necessary.

Transferees in managed accommodation areas should still have access to telephone calls where practicable.

Transferees in managed accommodation areas must continue to have access to health care, medication, case managers, religious representatives, education staff and legal visits. Transferees are able to exercise, be outdoors, and access educational and reading materials whilst in managed accommodation areas.

1.4 Authority

Prior to placing a transferee in the MAA, the Behaviour Management Specialist must obtain approval of the DIBP Director. The only exception to this is where the transferee is escorted to MAA to prevent the continuance of an offence or to prevent injury to themselves or others. On these occasions the DIBP Director must be notified at the first available opportunity.

The Behaviour Management Specialist or IHMS director may place a transferee into the SAA as agreed through daily Support, Monitor & Engage (SME) meetings and should wherever practicable advise the DIBP Director as soon as possible.

Authority to utilise the designated MAA location situated within the "Chauka Compound" is granted via Brigadier General Gilbert TOROPO, DMS, MBE Commander Papua New Guinea Defence Force, National Capital District. See Appendix 7.2

1.5 Monitoring

Managed accommodation areas should be searched to remove hazards prior to the transferee being placed in the accommodation. The transferee should remain supervised whilst in managed accommodation areas, observations are recorded on an observation log. The log should record observations of the transferee's behaviour, health and well-being.

1.6 Use of Force

Force is only to be used as a last resort, when strictly necessary and for the shortest possible period of time to prevent the transferee inflicting injury to themselves or others and to prevent the serious destruction of property. Use of force must be reported on incident report in accordance with DIBP policies and procedures.

1.7 Review

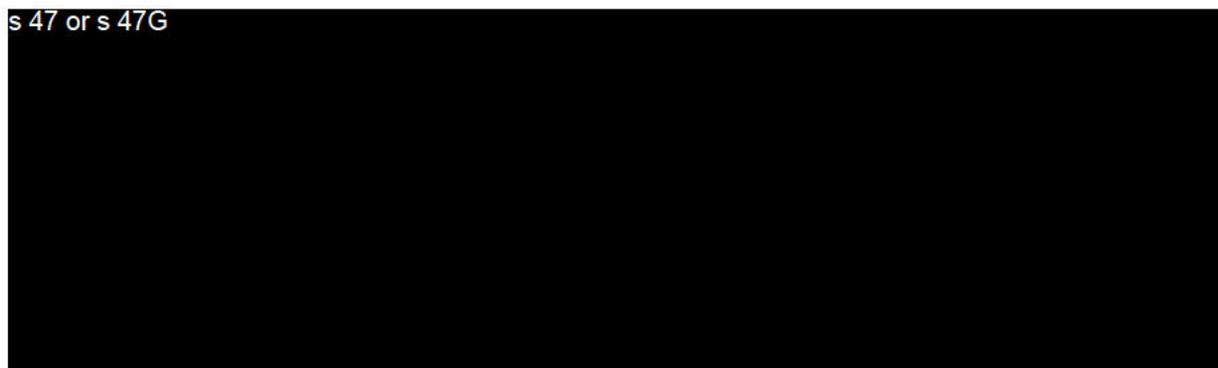
A transferee in a managed accommodation area will be reviewed every 24 hours with regards to the transferees' physical and mental health. Approval should be sought from DIBP for maintaining a transferee in the MAA every 24 hours.

1.8 Reporting Requirements

All incidences of transferees being placed into the MAA must be documented on a Behaviour Management Plan.

2.0 Managed Accommodation Area (MAA)

s 47 or s 47G



Summary of Comments on TS Proposal Template - Document

Page: 4

 Number: 1 Author: S 47F Date: 4/03/2021 10:24:05 AM
Does it also record staff interaction with the Transferee?

s 47 or s 47G



3.0 Restrictive Accommodation Area (RAA)

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4.0 Supportive Accommodation Area (SAA)

s 47 or s 47G





Number: 1

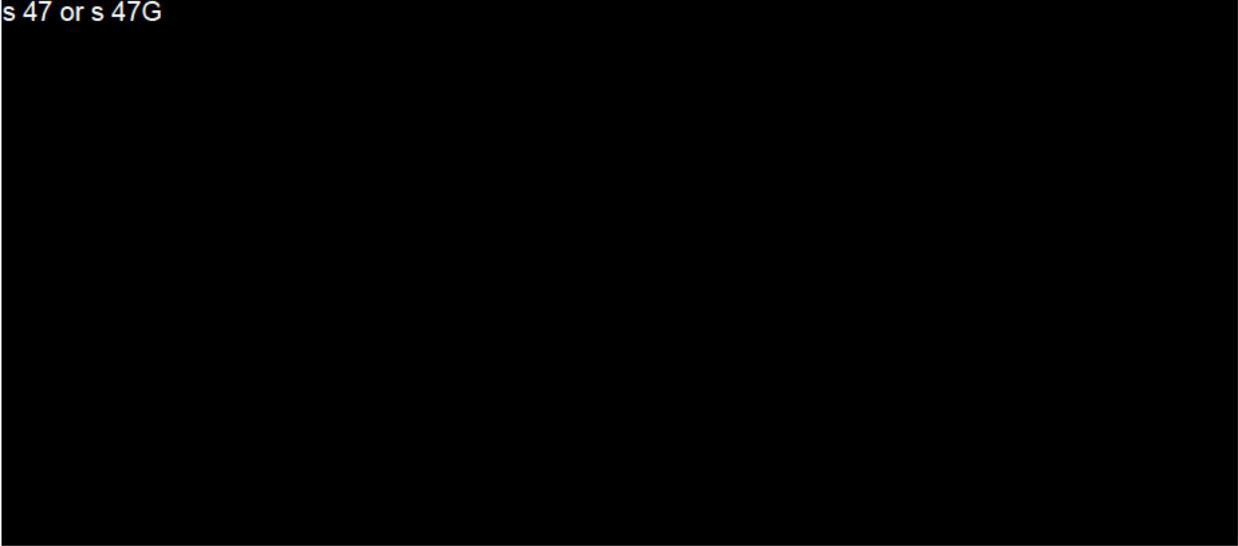
Author:

s 47F

Date: 4/03/2021 10:23:57 AM

Transferees requiring lower levels of support?

s 47 or s 47G



5.0 Command and Control

- Movements/transfer of **ALL** transferees into and out of the areas are controlled and authorised by the Behaviour Management Supervisor.
- Command of the Restrictive Accommodation Area is the responsibility of the Behaviour Management Specialist via the Whiskey Team Leader.
- Command of the Managed Accommodation Area is the responsibility of the Behaviour Management Specialist in consultation with the Shift Supervisor via a designated Shift Supervisor via a Compound Team Leader.
- Command of the Supportive Accommodation Area is the responsibility of the Behaviour Management Specialist in consultation with the Shift Supervisor via a designated Compound Team Leader.
- Recording of all SME, BMP and Whiskey Watch observations and contact log entries is the responsibility of the Whiskey Team Leader via Whiskey staff under control of the Behaviour Management Specialist.

6.0 DEFINITIONS

TERM	DEFINITION
MAA	Managed Accommodation Area
RAA	Restrictive Accommodation Area
SAA	Supportive Accommodation Area
BMP	Behaviour Management Plan
IOM	International Organisation for Migration
AVR	Assisted Voluntary Return
DIBP	Department of Immigration & Border Protection
MIRPC	Manus Island Regional Processing Centre
SSA	Safety & Security Advisor
SME	Support, Monitor & Engage

Reference:	Document:
Scope of Works	Behaviour Management Plan
Authority Letter	Brigadier General Gilbert TOROPO, DMS, MBE

7. APPENDIX

- 7.1 Behaviour Management Plan.**
- 7.2 Authority letter to use “Chauka Compound”**

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

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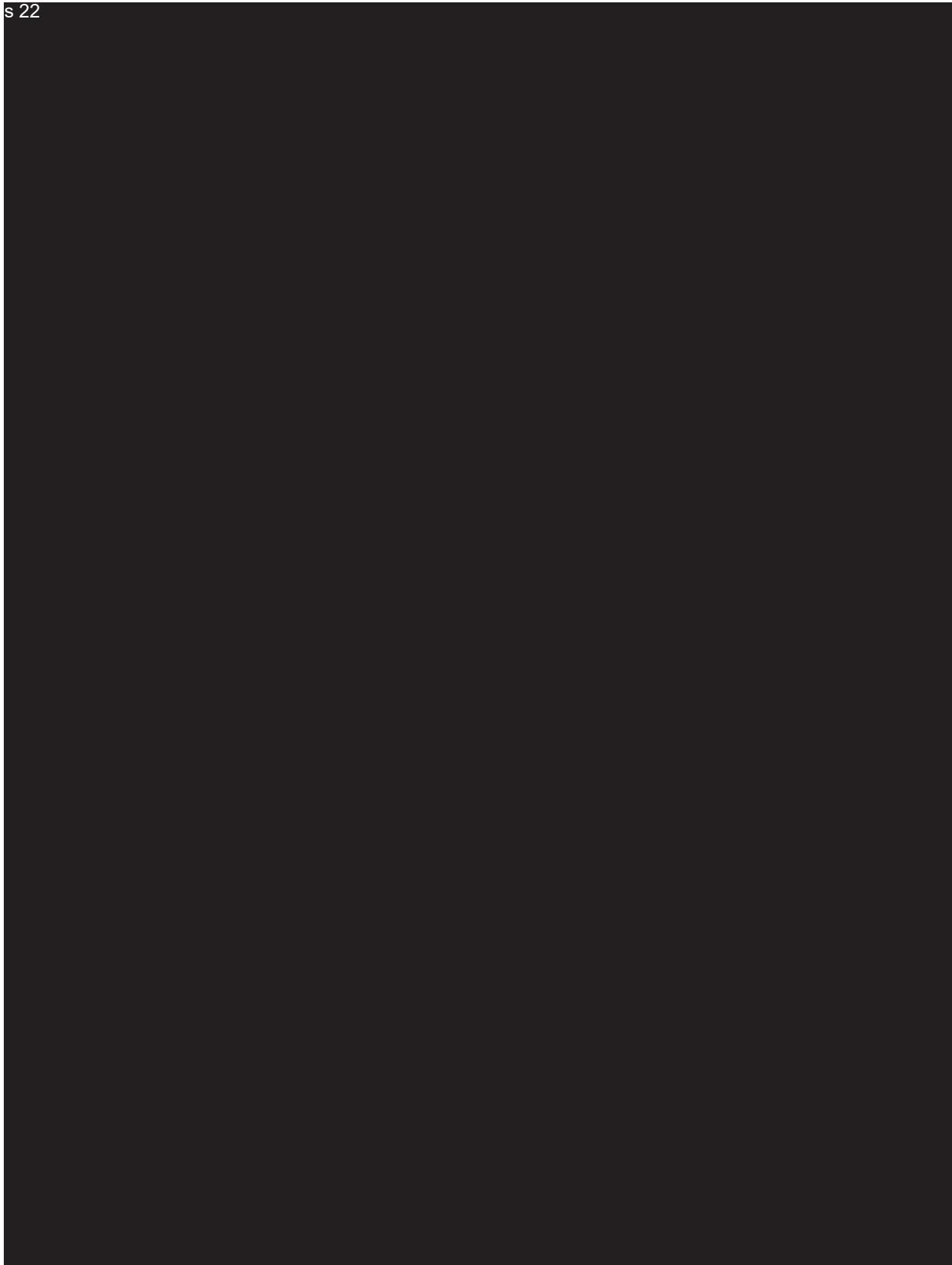




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- The building program in RPC1 continues and we noted the following:

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- Ongoing debate over how the Managed Accommodation Area (MAA) and Supported Accommodation Area (SAA) are to be structured and utilised.

Suggestions:

It is suggested that, as far as environmental factors permit and noting the inherent logistic challenges posed by the location of the RPC, DIBP in consultation with their service providers and as appropriate, ICSA consider:

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- resolving the debate over how the MAA and SAA are to be structured and utilised.

Response required within 90 days: Yes

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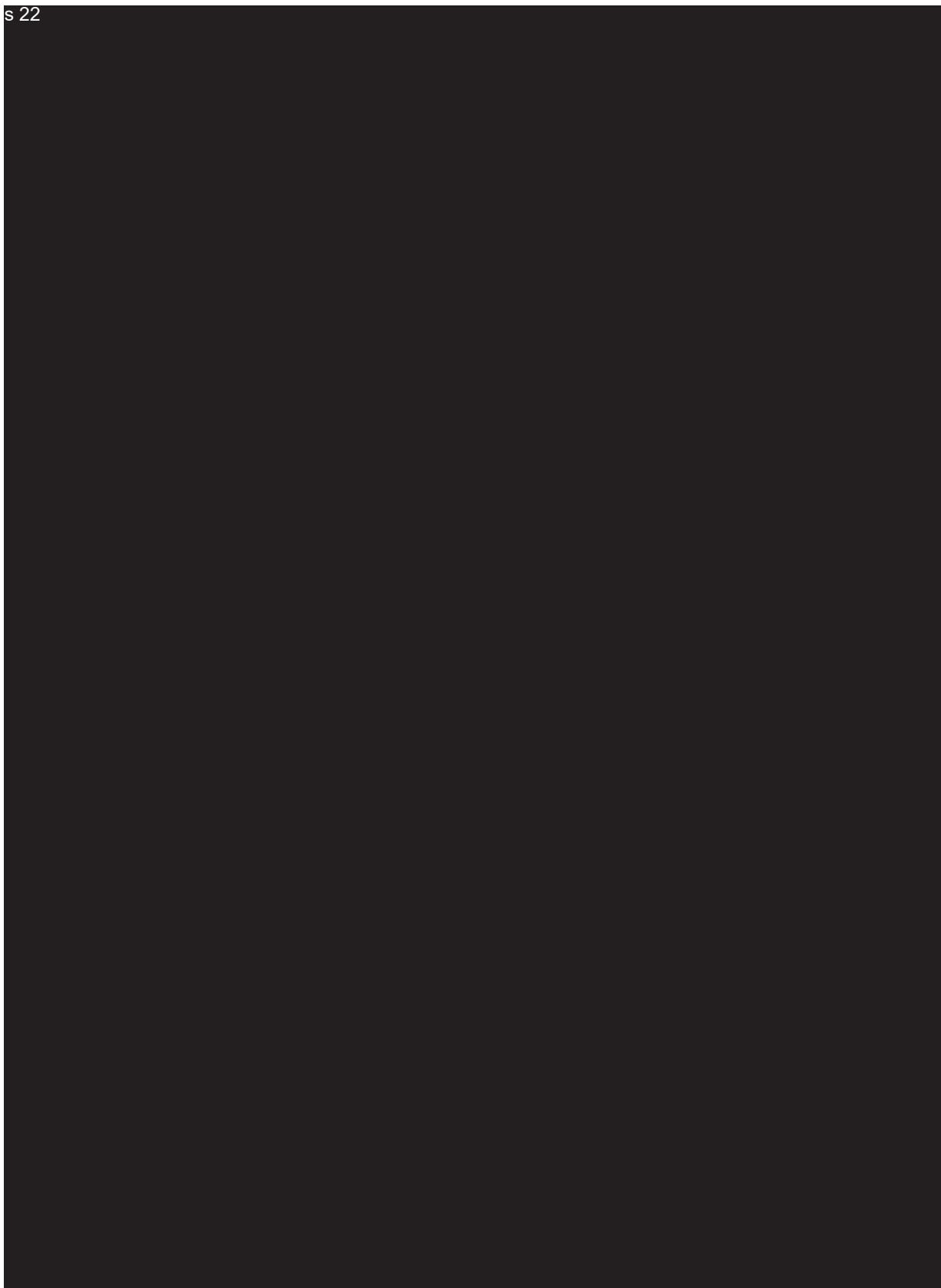
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Managed Accommodation Area (MAA)

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

Document 02
Immigration Detention-In-Confidence
Not for public dissemination

expected for restrictive detention however there is appropriate mitigation in place to address the shortfalls of the temporary accommodation.

It became apparent that there are opposing points of view regarding the use of sanitised safe rooms that will permit the safe placement of highly aggressive, violent and agitated transferees¹⁷ in the new RPC 1 facility. It is apparent from the discussions that the subject has generated considerable debate and emotive responses with a number of key staff viewing the issue from a police/control aspect and others from the mental health perspective. For example the use of sanitised safe rooms is an option available to police under stringent guidelines for the immediate containment of a person who is uncontrollably violent where de-escalation has failed to work and continued control would include the application of physical force that could reasonably be expected to place staff and/or the transferee at unacceptable risk¹⁸. Alternatively the use of sanitised safe rooms or “padded rooms” for the ongoing or extended containment of a violent person in a mental health environment has been considered to be counterproductive and the practice has not occurred in most mental health facilities for a number of years.

Suggestions

It is suggested that DIBP in consultation with Transfield, their service providers and as appropriate ICSEA, address the above issues and note that we consider that it is critical at this late stage of the RPC1 development for the department 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. We would further suggest that:

¹⁷ These circumstances do arise in onshore facilities and it is reasonable to anticipate the need to restrain very aggressive and violent transferees in RPCs especially as the cohort moves to longer term finally determined failed asylum seekers

¹⁸ AFP National Guidelines on Persons in Custody and Police Custodial Facilities of 7 May 2012

<http://www.afp.gov.au/~media/afp/pdf/ips-foi-documents/ips/publication-list/afp%20national%20guide%20on%20persons%20in%20custody%20and%20police%20custodial%20facilities%20and%20people%20in%20custody%2010may2012.pdf>

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

Response required within 90 days: Yes

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Transferee Engagement

During the course of this visit we undertook a series of group discussions with Transferees. The key issues of concern raised by the Transferees included:

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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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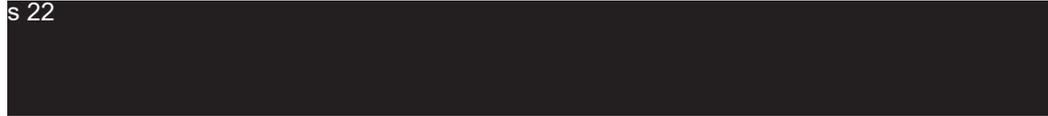


The above issues were addressed with the relevant service providers during the exit interviews.

Conclusion

This visit to the RPC identified a number of shortfalls in administrative and operational processes and procedures that were raised with the respective managers during the course of this visit. Of particular concern is:

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- The management of the new RPC1 MAA and finalisation of the decisions on how it will be utilised, in particular the debate about the establishment of a sanitised safe room.

Gregory Parkhurst

From: s 47F |s 47E on behalf of s 47E
s 47E
Sent: Tuesday, 22 December 2015 1:48 PM
To: Sally s 47F
Cc: s 47E |s 47F
Subject: Departmental Response: Ombudsman's Office post visit observations and suggestions - visit to the Manus Island Regional Processing Centre 13 - 19 April 2015 [DLM=For-Official-Use-Only]
Attachments: Departmental Response to Ombudsman's Office Post Visit Report Manus Island Visit April 2015.pdf

For-Official-Use-Only

Dear Sally,

Please see attached the Department's response to the post visit observations and suggestions for the Ombudsman's Office visit to Manus Island Regional Processing Centre from 13 – 19 April 2015.

Regards,

s 47F

External Accountability Section
Risk and Assurance Branch / Integrity, Security and Assurance Division
Corporate Group
Department of Immigration and Border Protection
Email s 47E
Telephone: s 47E

For-Official-Use-Only

For-Official-Use-Only

From: Sally s 47F [mailto:s 47E]
Sent: Thursday, 28 May 2015 11:41 AM
To: s 47F
Cc: s 47F |s 47E |s 47F Doris Gibb
Subject: TRIM: Manus and Nauru RPC PVRs 2015 (A308622) [DLM=For-Official-Use-Only]

Good morning ladies and gentlemen

Attached for your information is the electronic version of the post visit observations and suggestions from our visits to the Nauru and Manus Island RPCs in February and April 2015 respectively. The original hard copy will leave our office today and we anticipate that it should be with the Secretary tomorrow.

Please note that these will form part of the discussions that the Ombudsman is having with the Secretary on 18 June 2015.

The attached document is not for public dissemination and provided on the understanding that the content either specific or implied is not circulated in the public domain.

We would appreciate a response to most issues within 90 days or prior to our next visits (dates TBA).

If you have any queries in regard to this please contact me

Regards

Sal

Sally 47F

Director

Immigration Detention Review-Inspections
Commonwealth Ombudsman

Ph: S 47E | Fax: 02 6276 0123

Mobile: S 47E

email: S 47E

website: www.ombudsman.gov.au

'Influencing agencies to treat people fairly through our investigations of their administration.'

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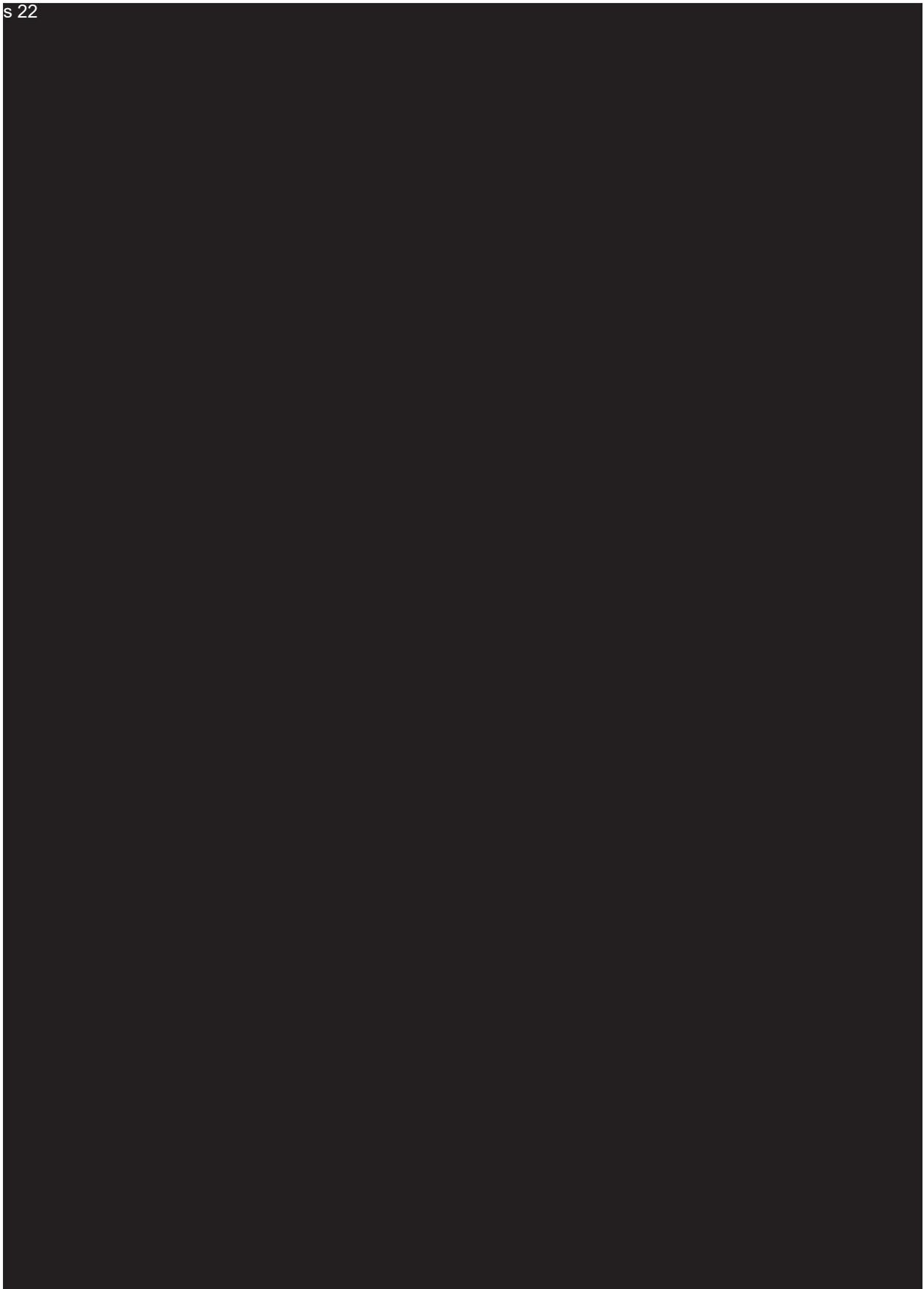
FINAL RESPONSE TO IMMIGRATION OMBUDSMAN

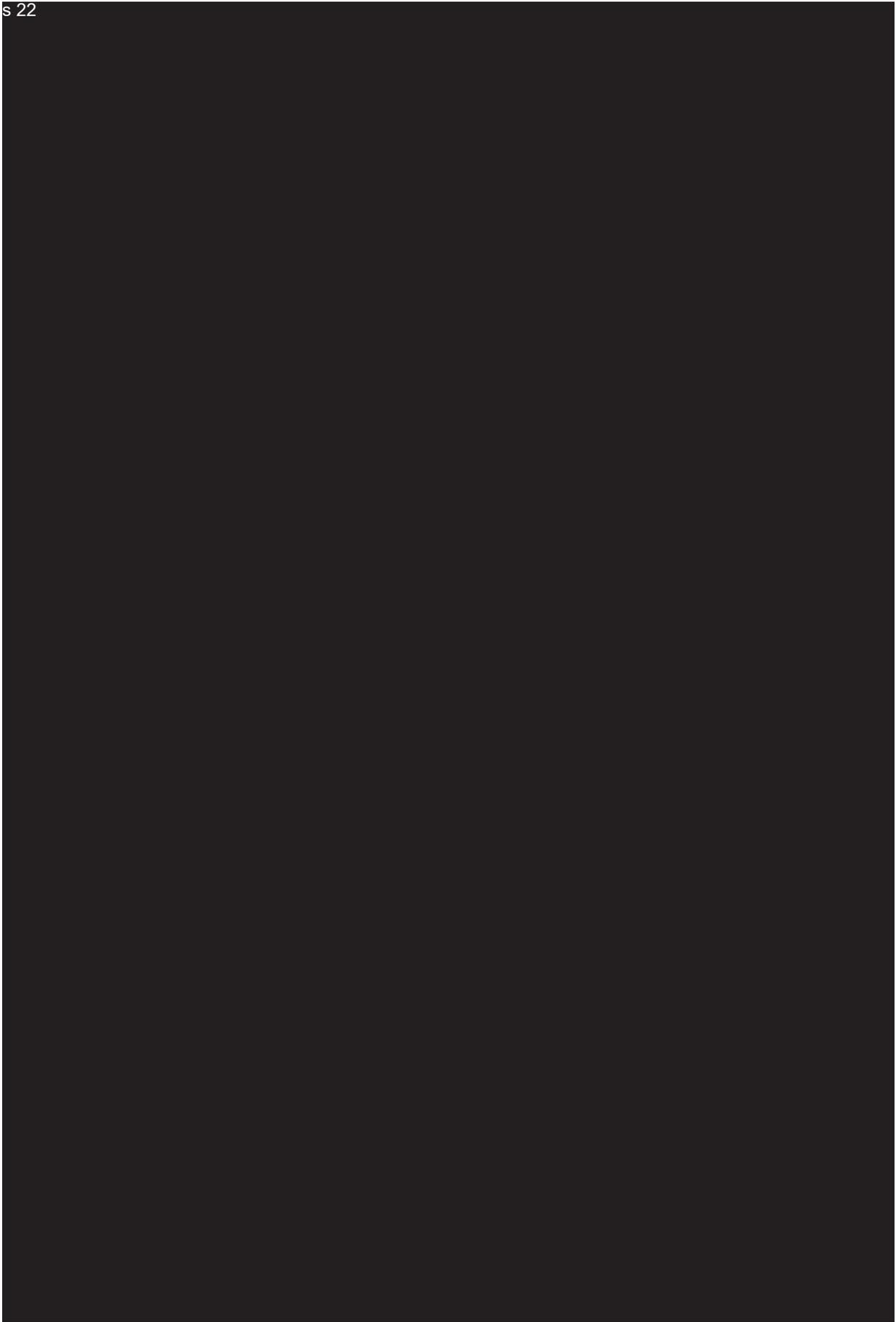
POST VISIT OBSERVATIONS AND SUGGESTIONS

VISIT TO MANUS REGIONAL PROCESSING CENTRE 13–20 April 2015

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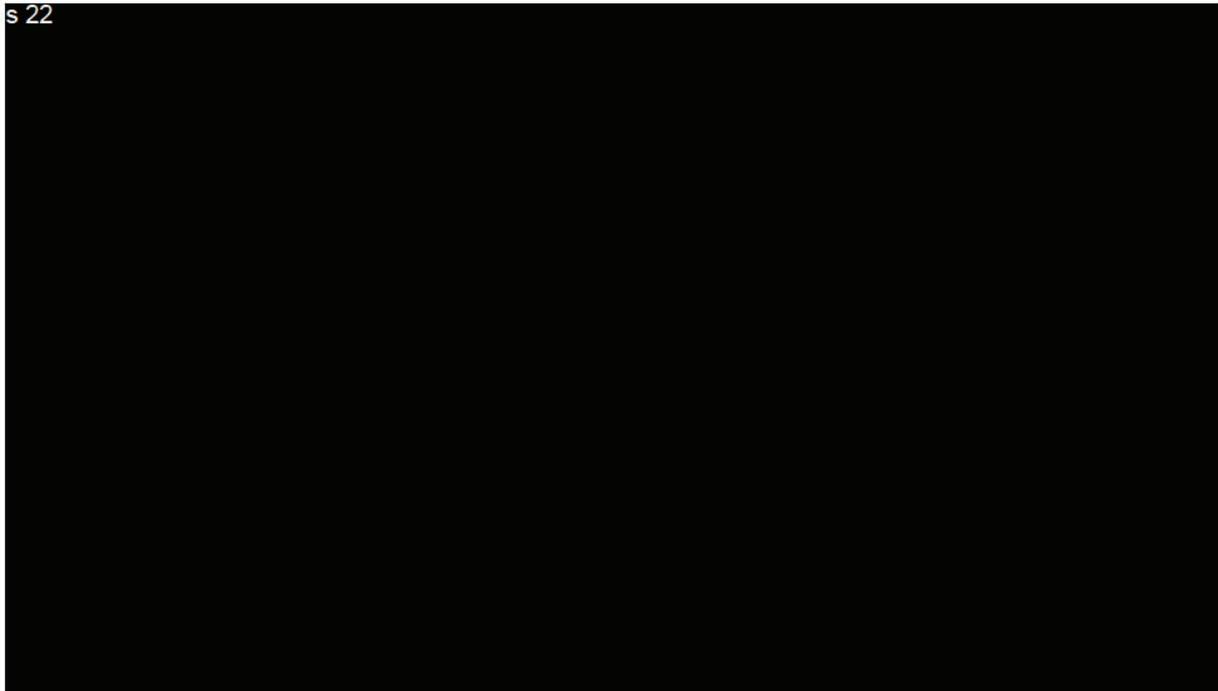






Accommodation and Facilities

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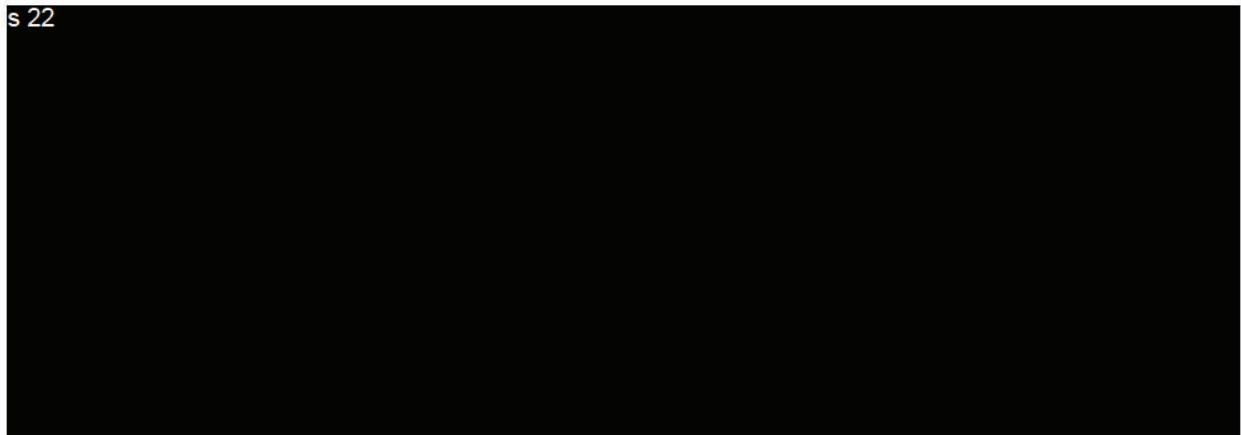
Suggestion 21: resolving the debate over how the MAA and SAA are to be structured and utilised.

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

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

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.



Our ref: A383336

July 2016

Mr Michael Pezzullo
Secretary
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616

For Information:
Mr Roman Quaedvlieg
Commissioner
Australian Border Force

Dear Mr Pezzullo

Post visit observations and suggestions – Manus Island Regional Processing Centre

During the period 2 – 8 May 2016, a team from my office undertook an inspection of the Manus Island Regional Processing Centre (RPC) in accordance with the own motion notice issued 15 July 2015 and with the concurrence and support of the Government of Papua New Guinea (PNG). This was the fourth visit to the RPC and the third inspection of those areas of the facility within the jurisdiction of the Immigration Ombudsman.

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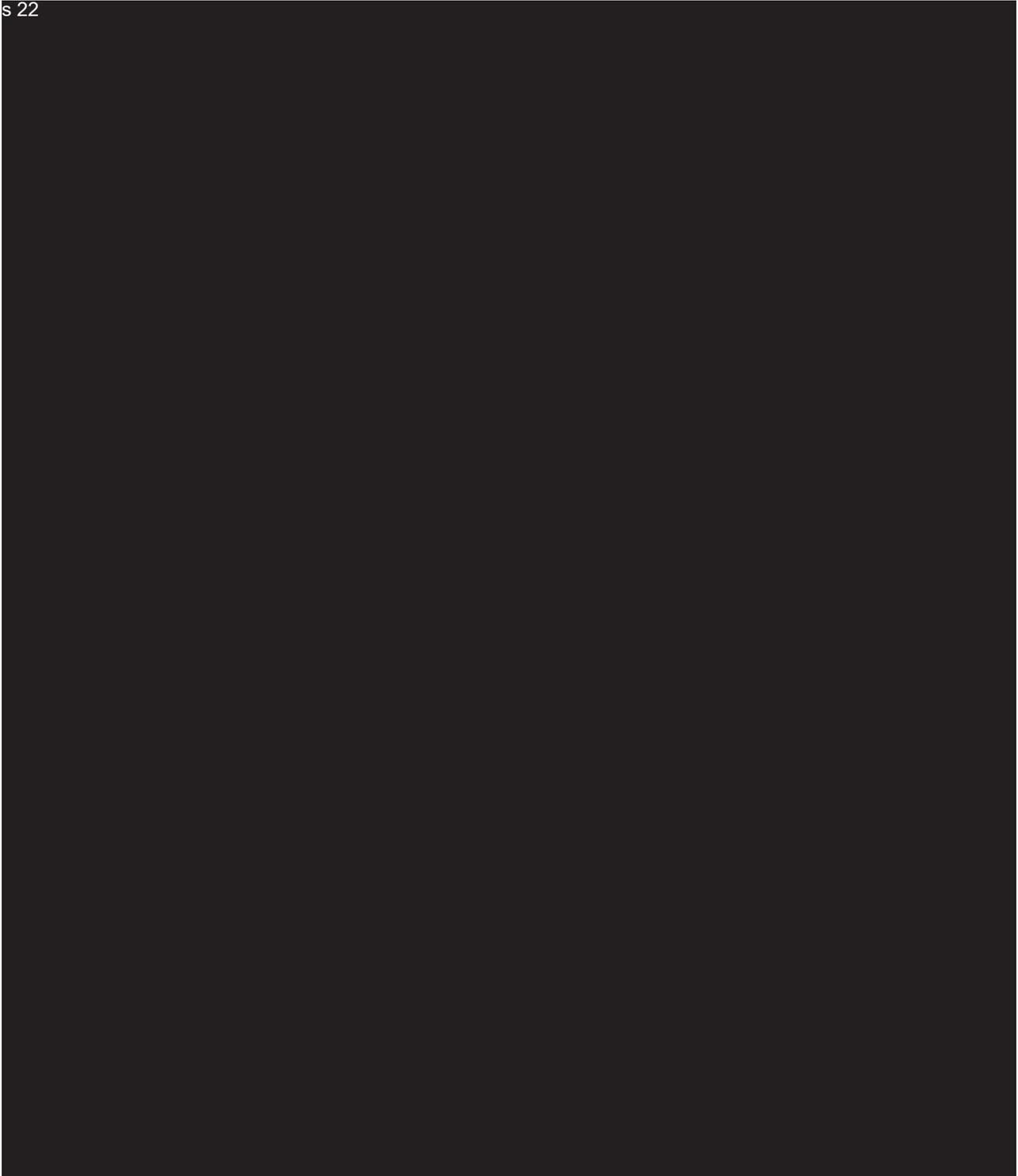
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Broadspectrum Limited

(Including Wilson Security Services)

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Accommodation and Facilities

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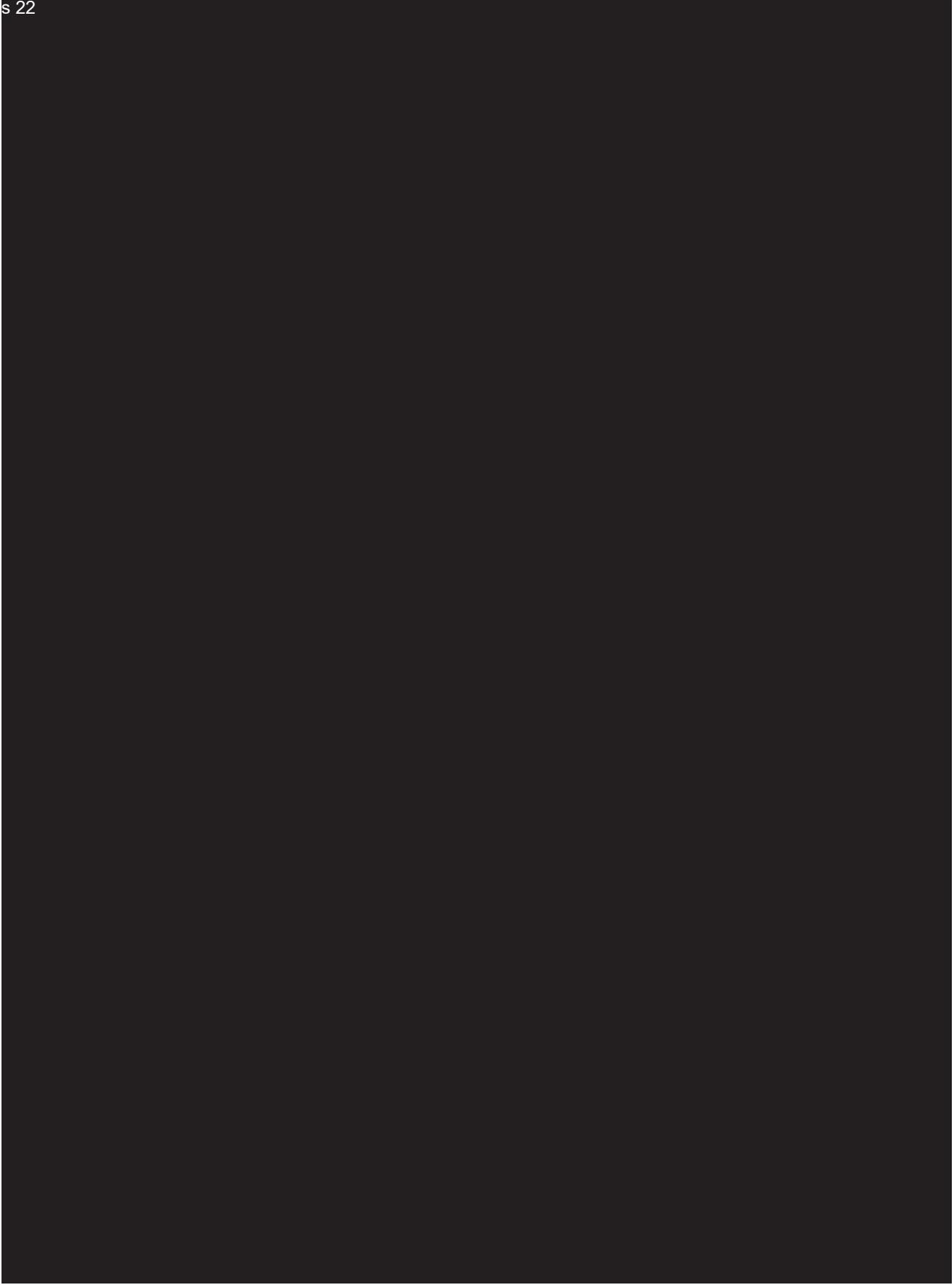
6. The establishment of RPC 2 has provided a significant improvement in the facilities available for Managed Accommodation Areas, medical and administrative and operational support functions undertaken by BRS and ABF.

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Immigration Detention - Not for Public Dissemination

Annex D
Manus Island RPC Post Visit Report
Dated July 2016

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Our ref: A383336

December 2016

Mr Michael Pezzullo
Secretary
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616

For Information:
Commissioner Roman Quaadvlieg
Australian Border Force
PO Box 25
BELCONNEN ACT 2616

Dear Mr Pezzullo

Post visit observations and suggestions – Manus Island Regional Processing Centre

During the period 10 – 14 October 2016, a team from my office undertook an inspection of the Manus Island Regional Processing Centre (RPC) in accordance with the own motion notice issued 20 May 2016 and with the concurrence and support of the Government of Papua New Guinea (PNG). This was the fifth visit to the RPC and the fourth inspection of those areas of the facility within the jurisdiction of the Immigration Ombudsman.

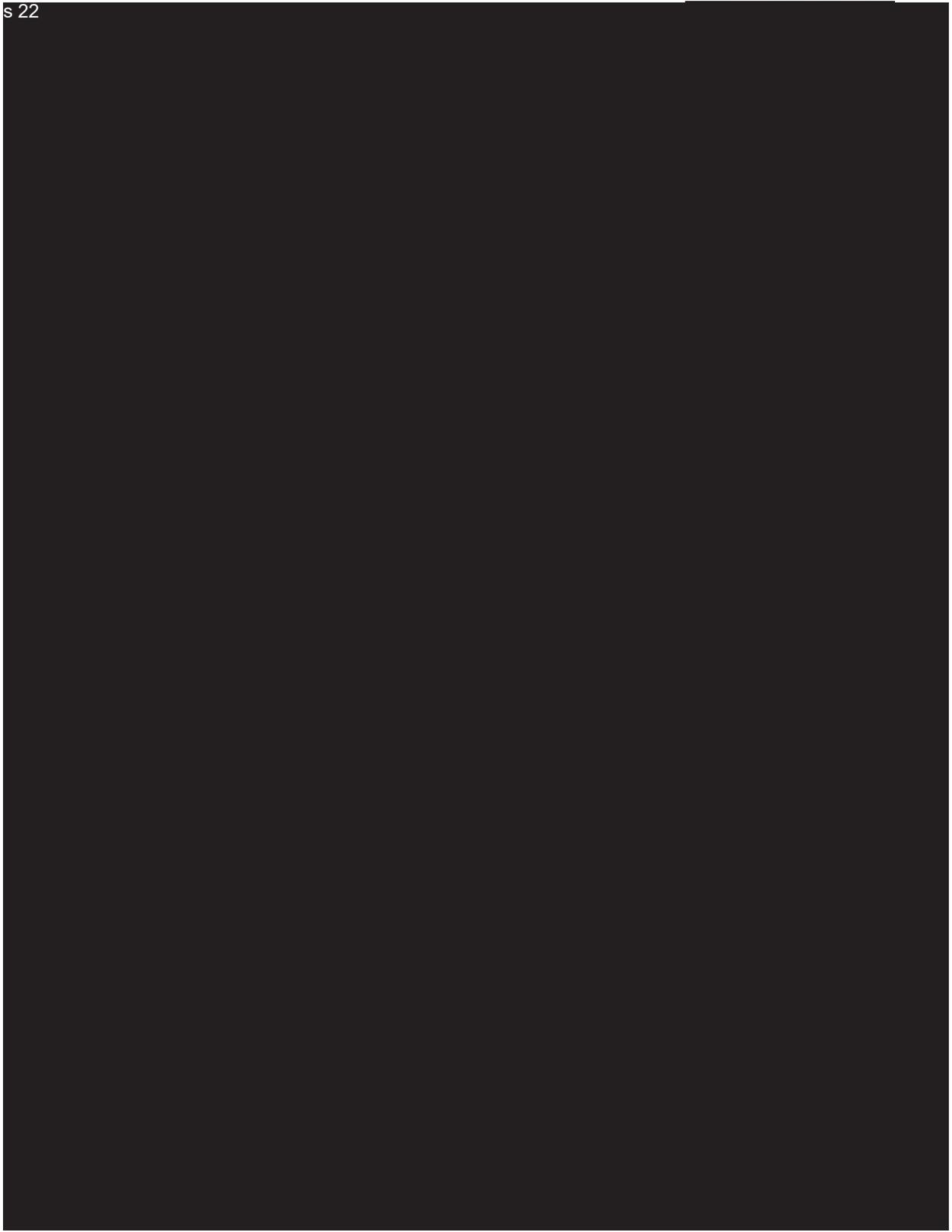
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Accommodation and Facilities

3. We did not note any substantive change to the overall accommodation and facilities within the RPC. We understand that a facilities audit is pending, in preparation for the eventual closure and hand back of the RPC to the PNG Defence Force. 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

Document 05
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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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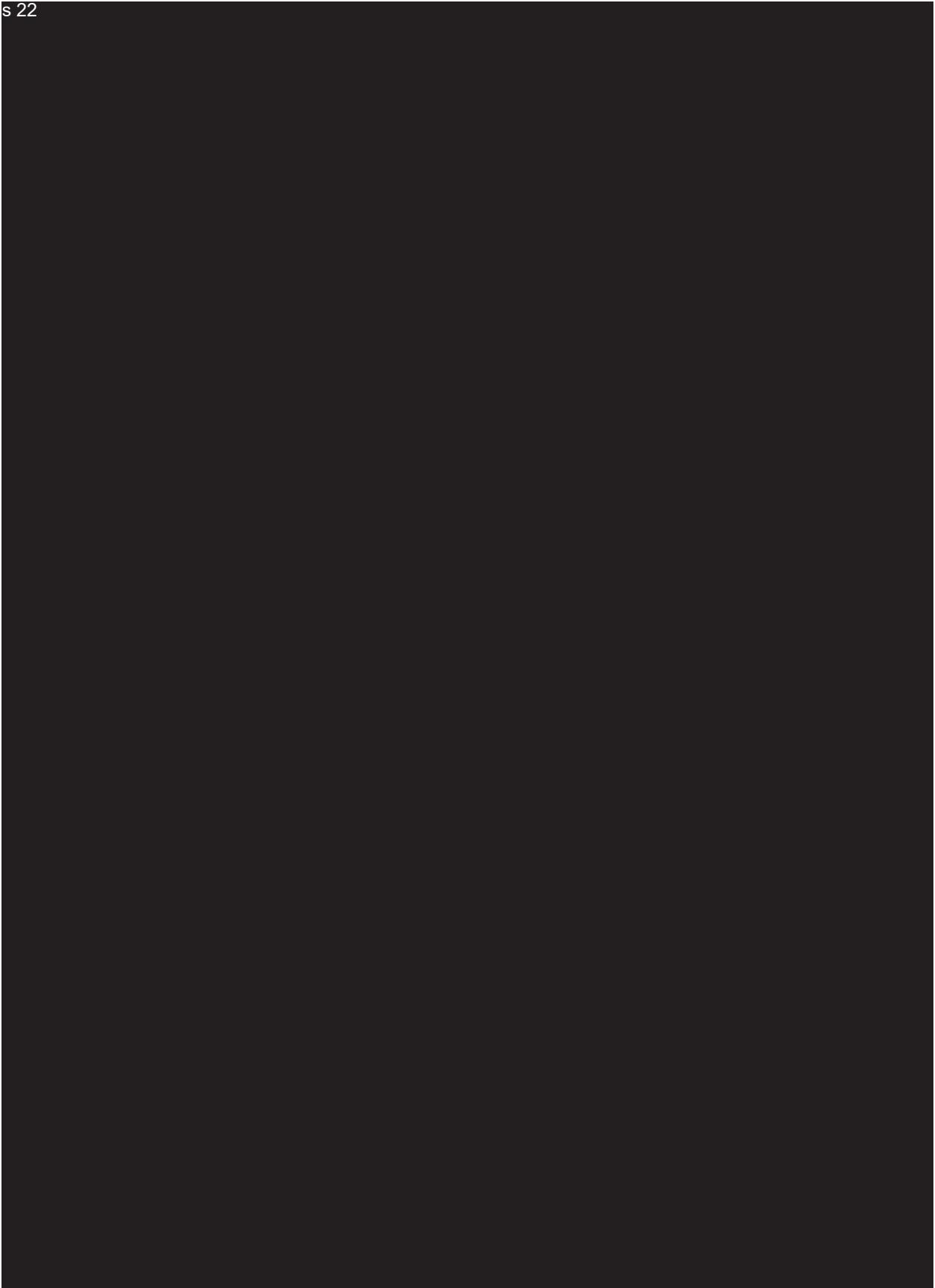
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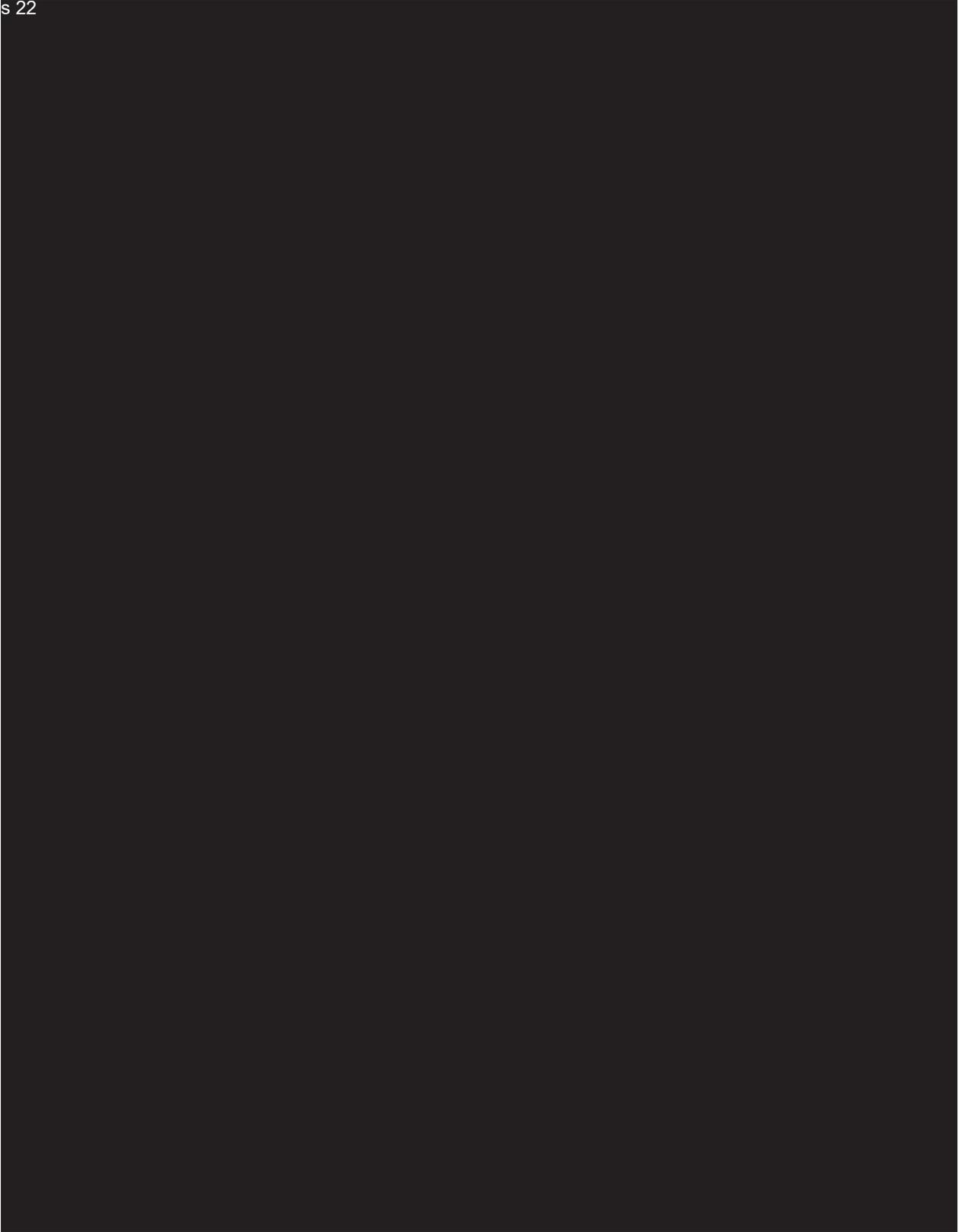
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24 February 2017

Mr Richard Glenn
A/g Commonwealth Ombudsman
GPO Box 442
Canberra
ACT 2601

Dear Mr Glenn

Thank you for your letter of 19 December 2016 relating to the visit of your office to the Manus Island Regional Processing Centre (RPC) over the period 10-14 October 2016.

The Department appreciates your invitation to respond to the observations and suggestions noted in your report.

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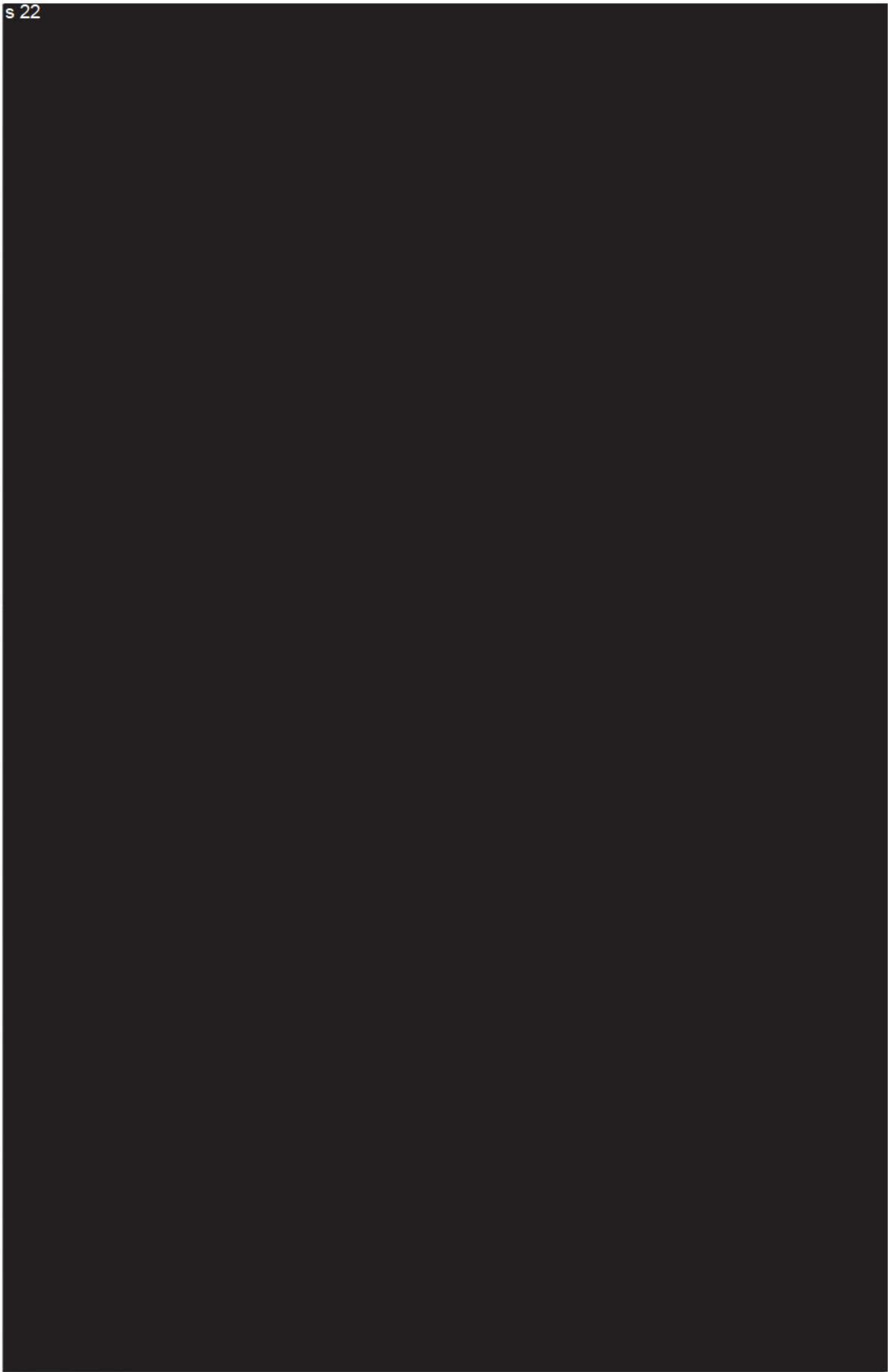
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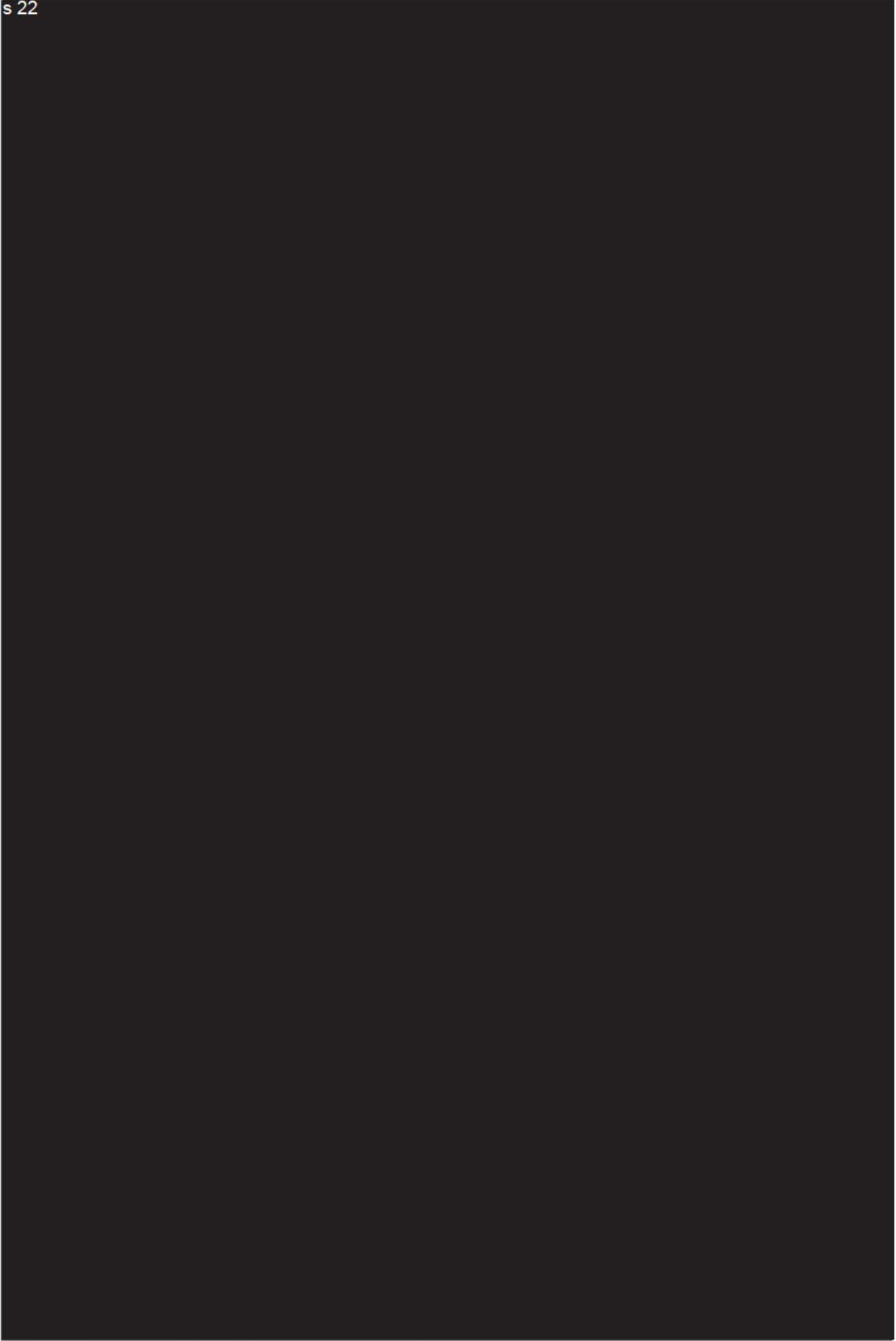
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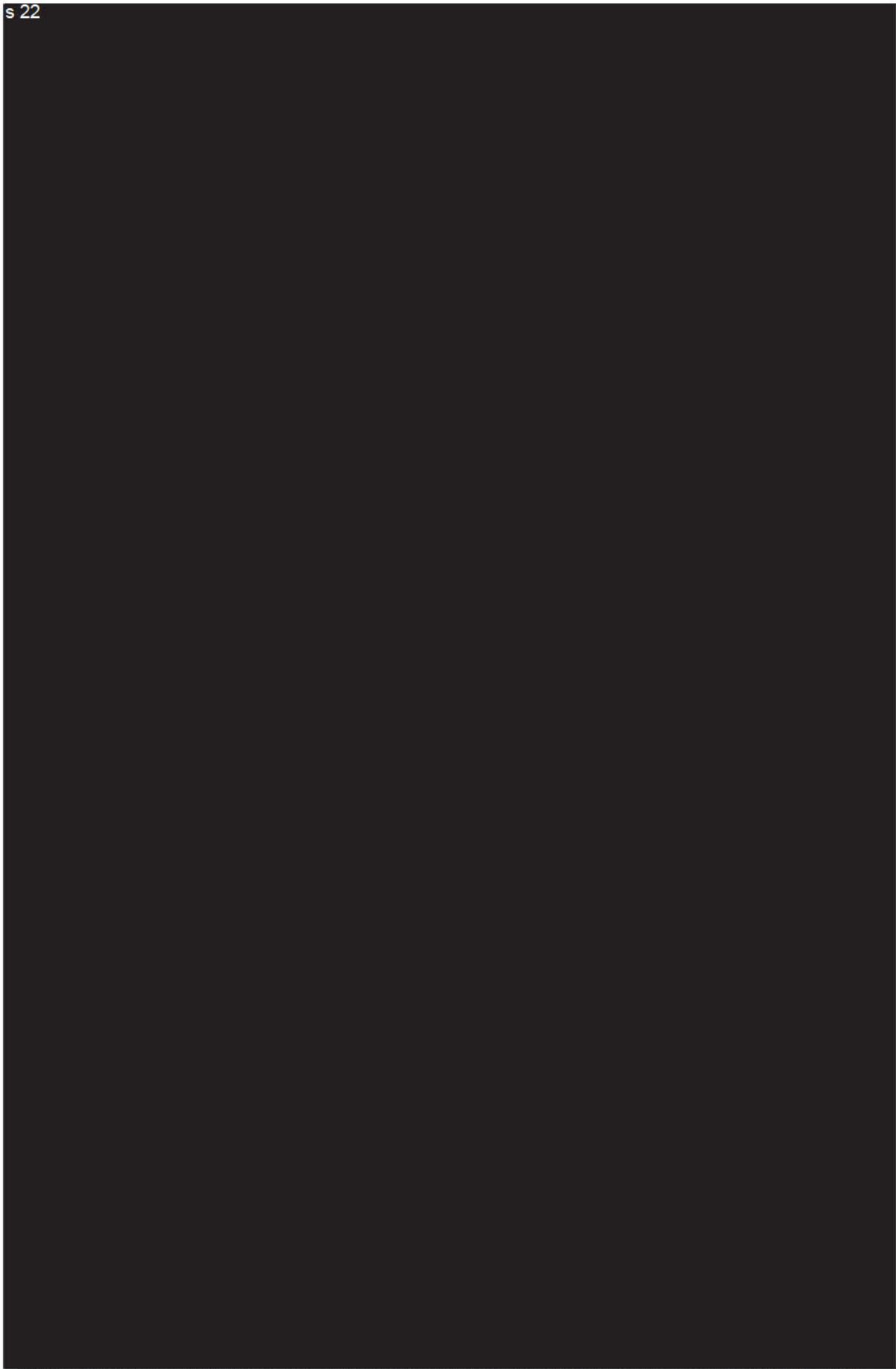
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7. It is suggested that as far as environmental factors permit and noting the inherent logistic challenges posed by the location of the RPC, the ABF in consultation with ICSA and their respective service providers consider ways to address the above issues.

In response to questions relating to accommodation and facilities, the Department notes that a number of these issues have been raised again during the October visit and as such, have been addressed in the Department's response above. Please note the following additional information:

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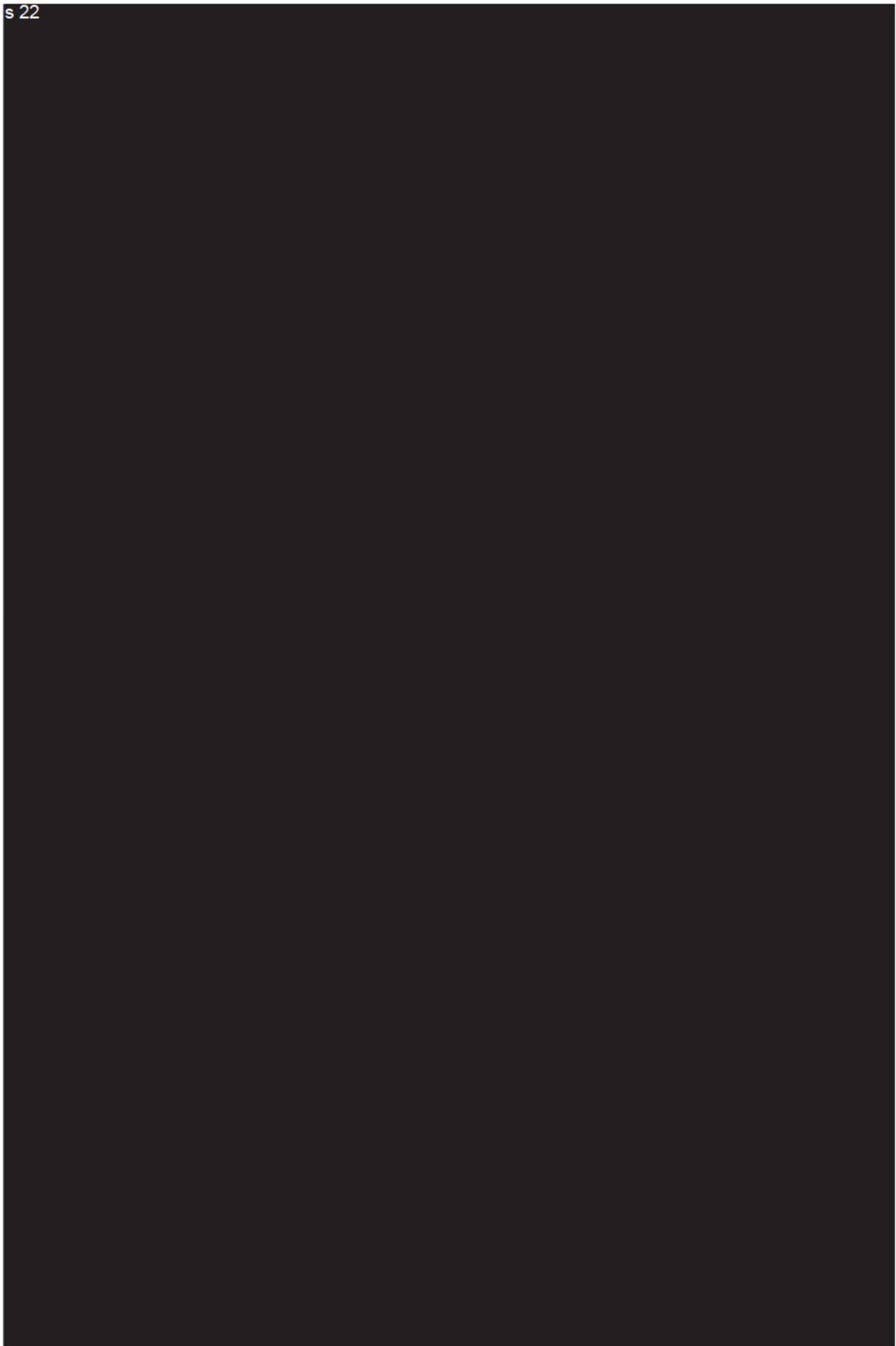
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- The Department also recognised that the infrastructure the Supportive Accommodation Area (SAA) was operating in was unsuitable. Accordingly, the Department decommissioned the SAA. The Department redeveloped infrastructure in RPC 2 into the Voluntary Respite Support Area (VSRA), which allows residents to voluntarily attend the area for Respite purposes, and allows them to leave when they choose. The VSRA was ready for use on 10 September 2016 and first occupied by a resident on 12 September 2016.

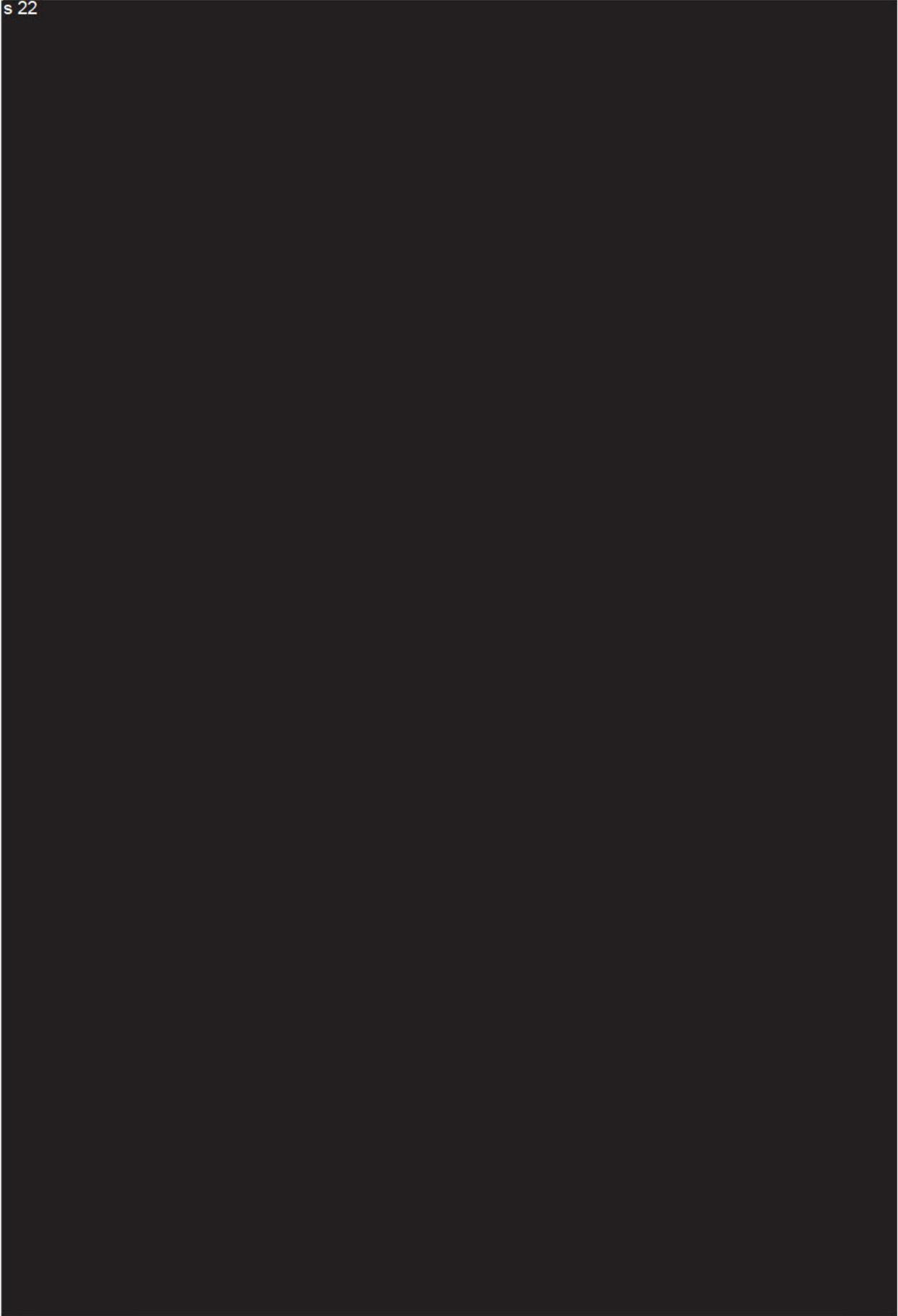
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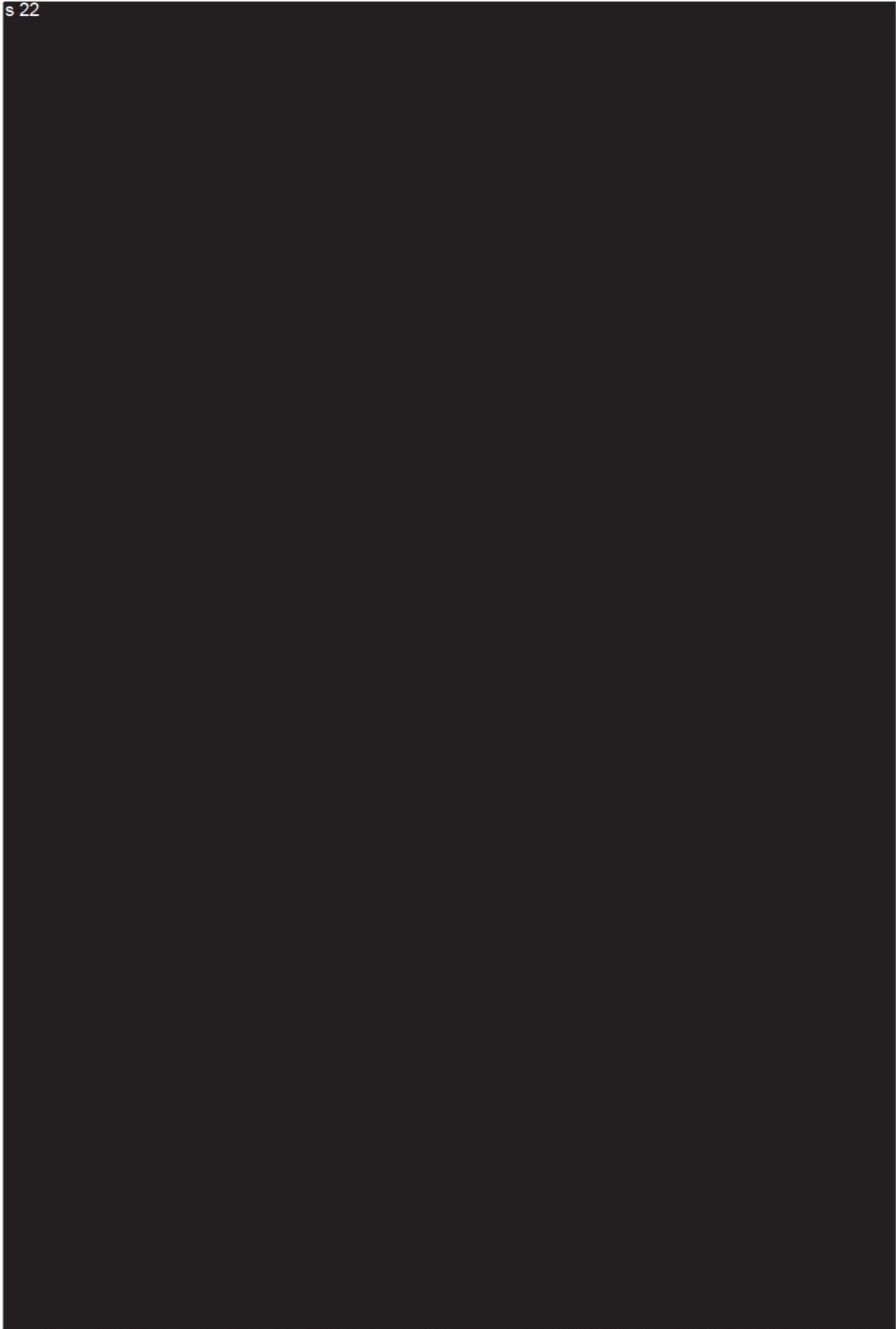
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Our ref: A485795

May 2017

Mr Michael Pezzullo
Secretary
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616

For Information:
Mr Roman Quaadvlieg
Commissioner
Australian Border Force
PO Box 25
BELCONNEN ACT 2616

Dear Mr Pezzullo

Post visit observations and suggestions – Manus Island Regional Processing Centre

During the period 27 February – 4 March 2017, a team from my office undertook an inspection of the Manus Island Regional Processing Centre (RPC) in accordance with the own motion notice issued 4 November 2016 and with the concurrence and support of the Government of Papua New Guinea (PNG). This was the sixth visit to the RPC and the fifth inspection of those areas of the facility within the jurisdiction of the Immigration Ombudsman.

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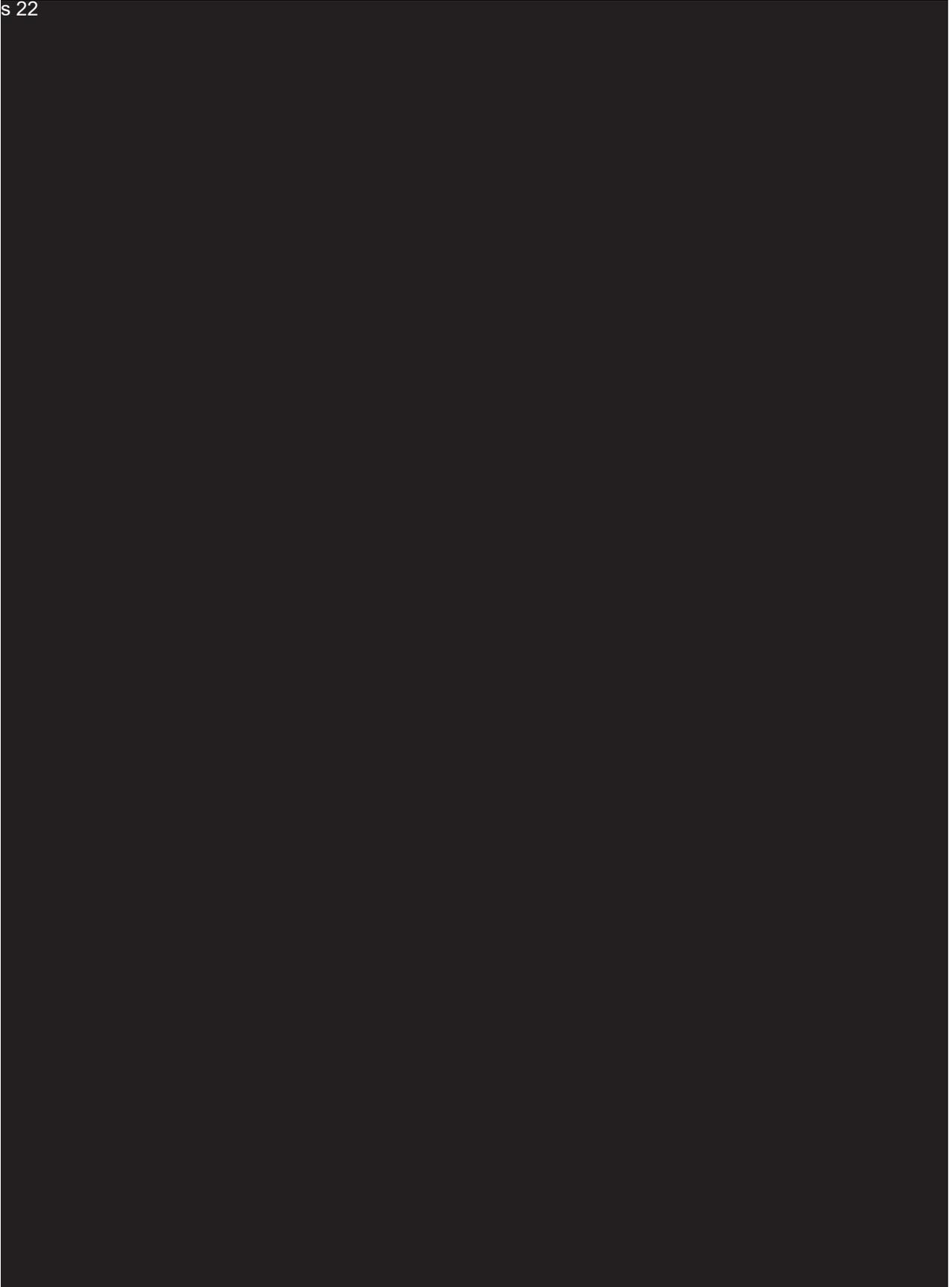
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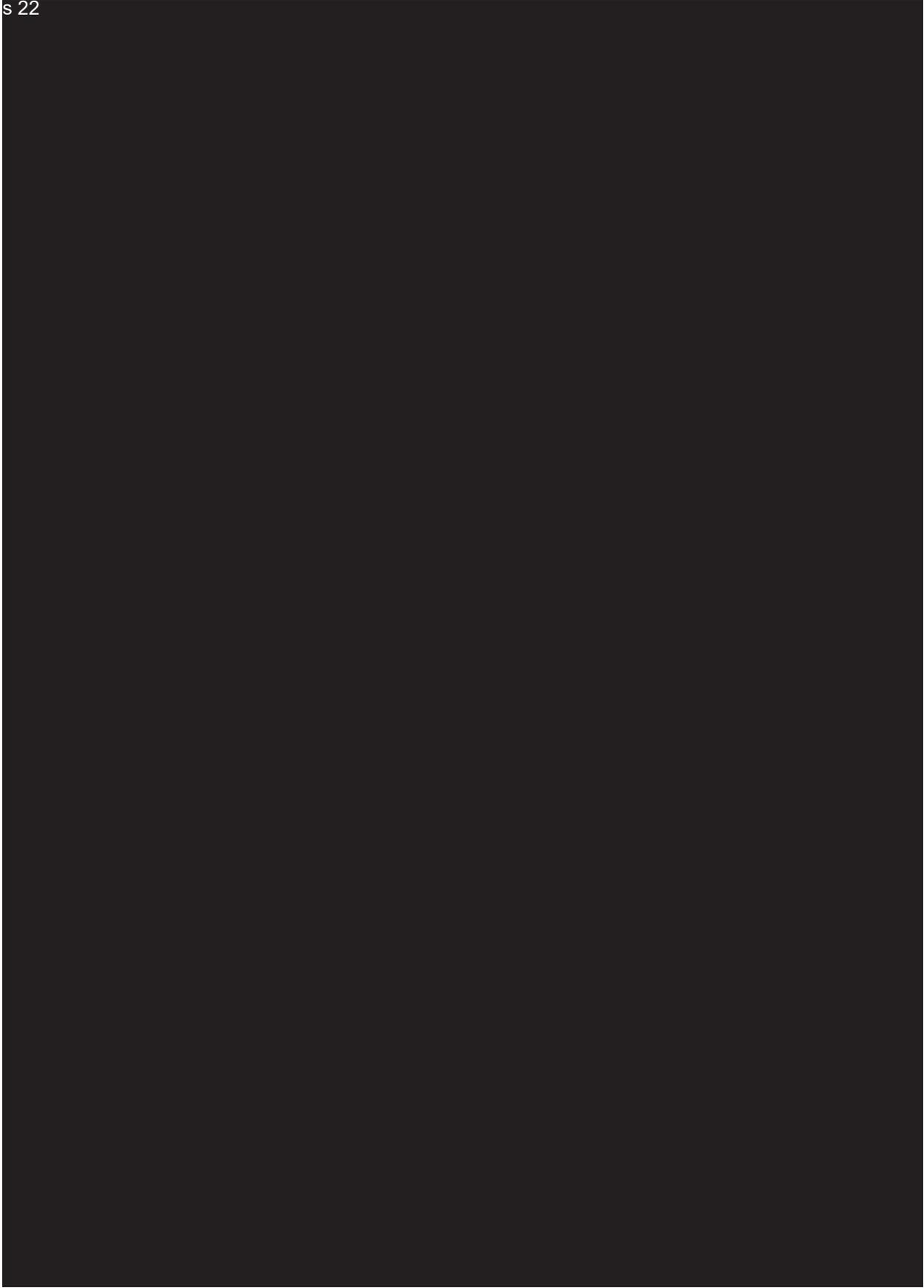
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Broadspectrum Limited

(Including Wilson Security Services)

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Accommodation and Facilities

s 22

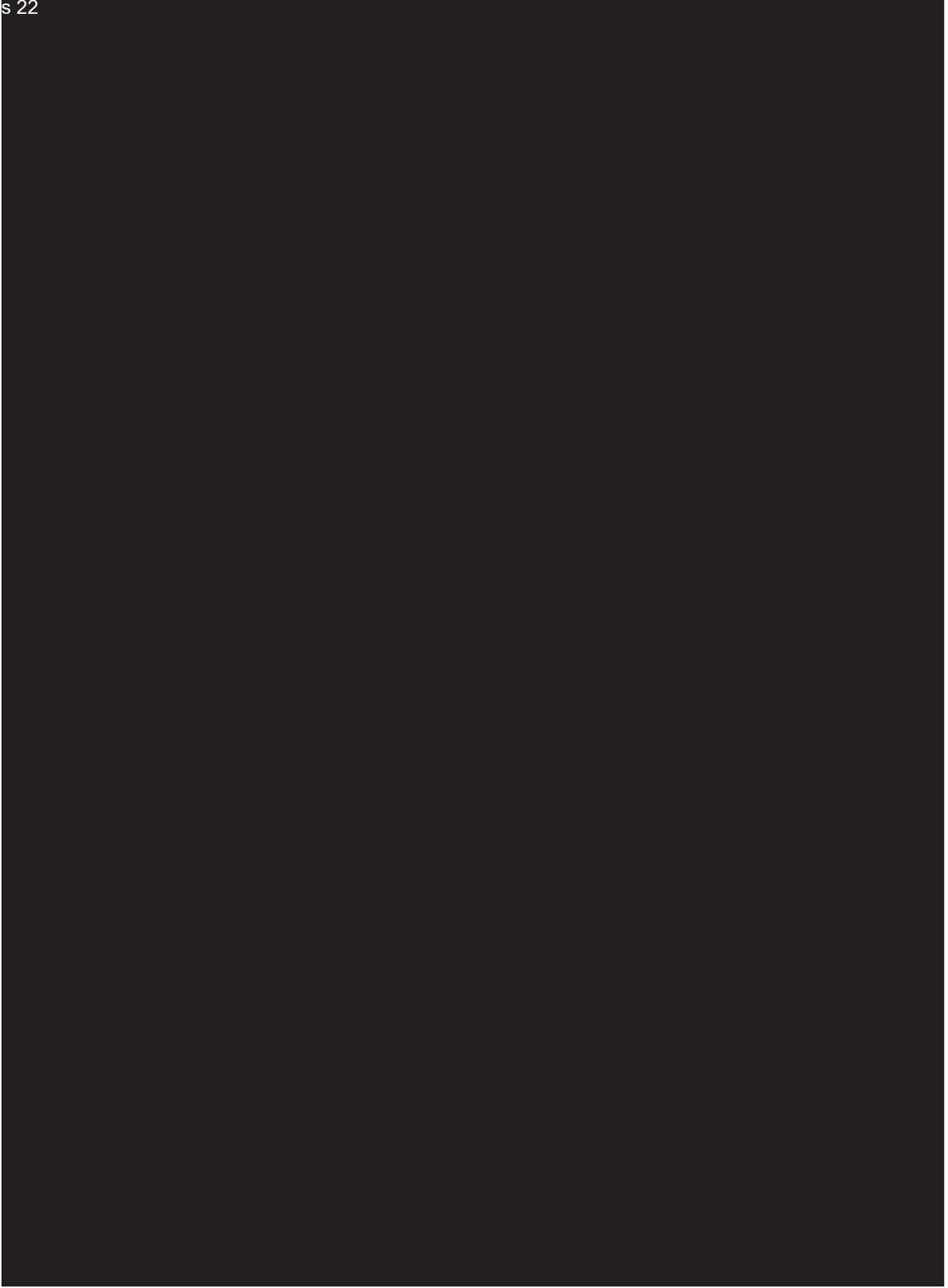


3. The airflow within the Voluntary Respite Support Accommodation (VRSA) has not improved since our previous visit. The advice we received during our previous visit that it was intended to fit air-conditioning units to some of these rooms has not eventuated and as a result the rooms remain hot and airless.

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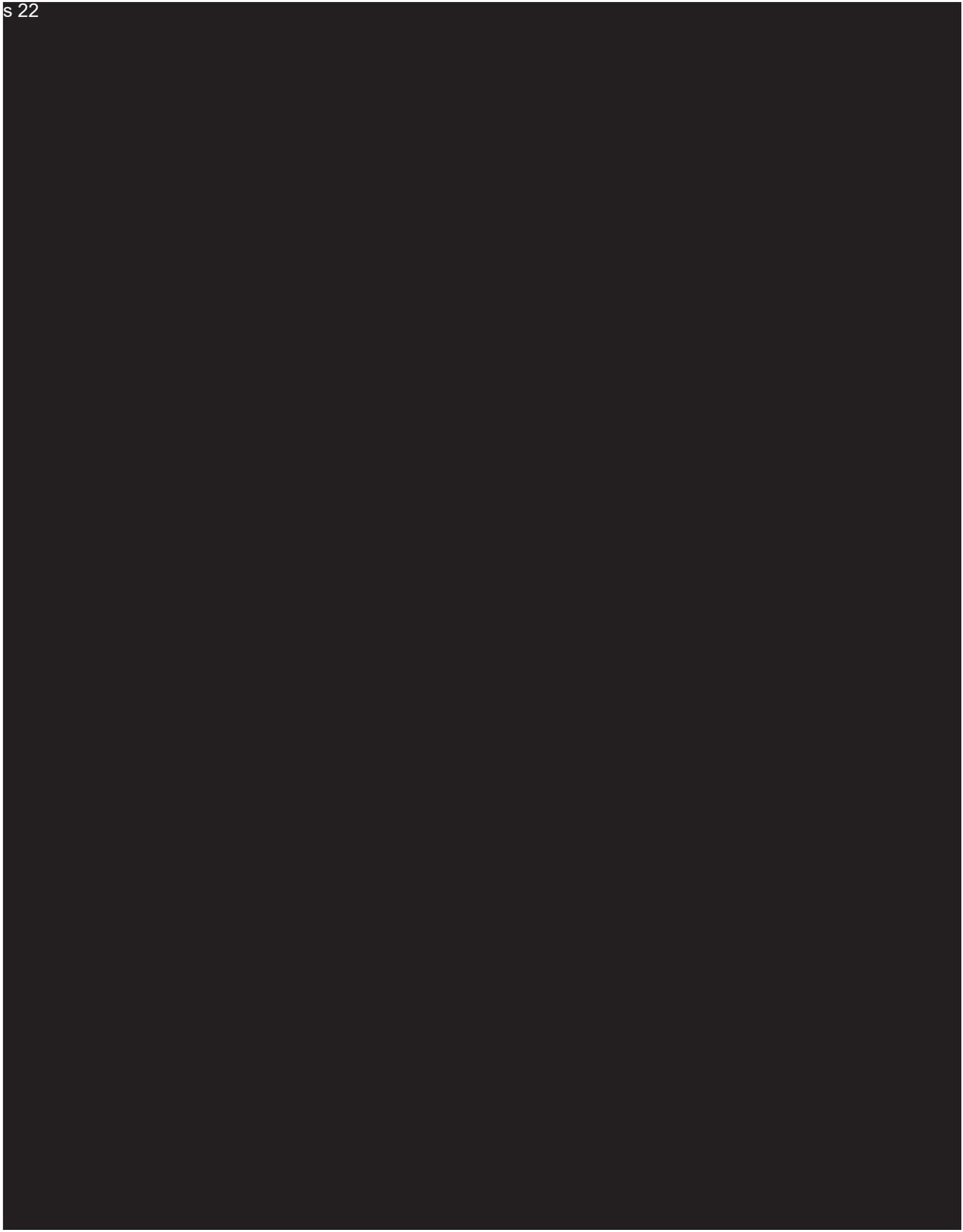
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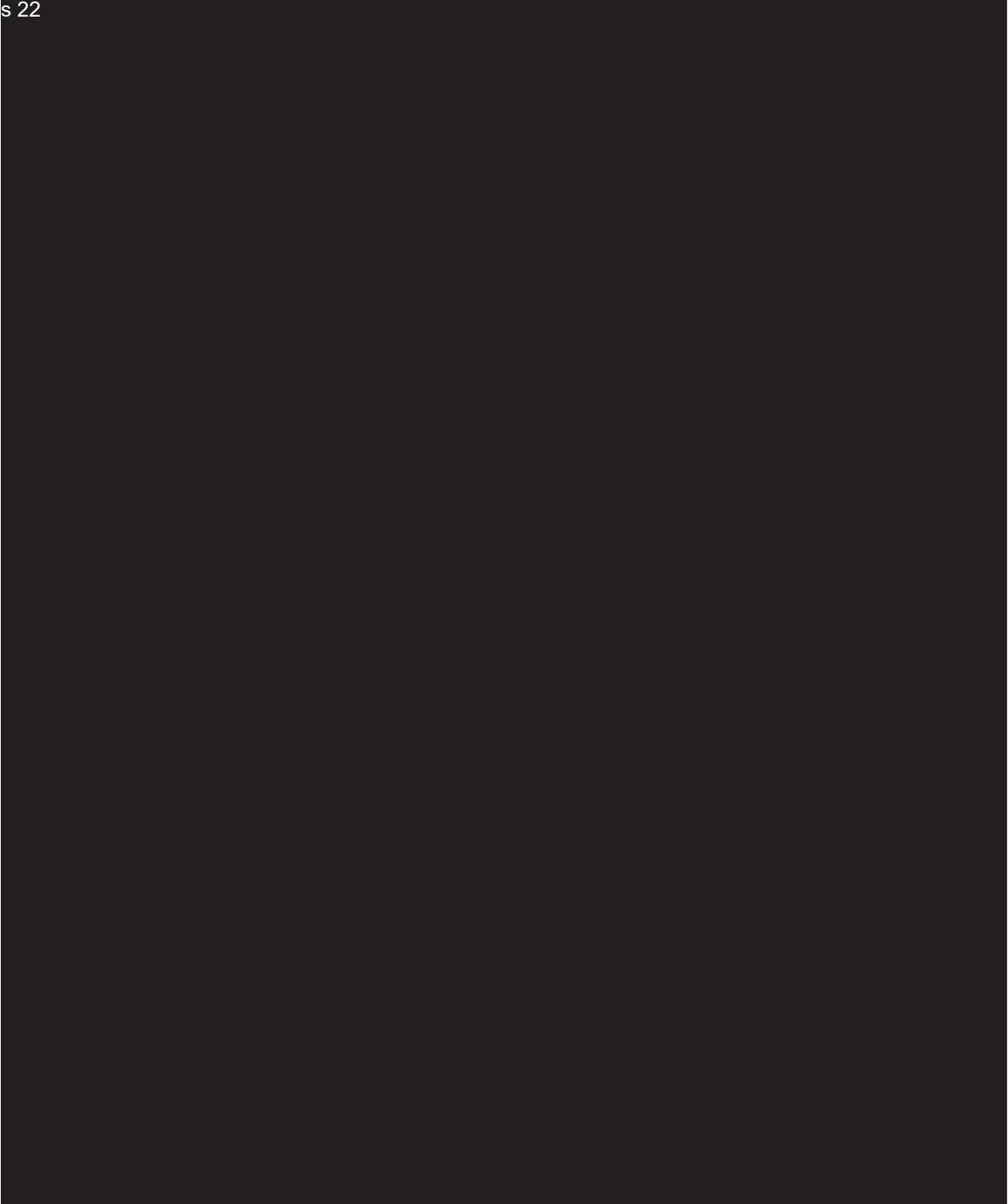
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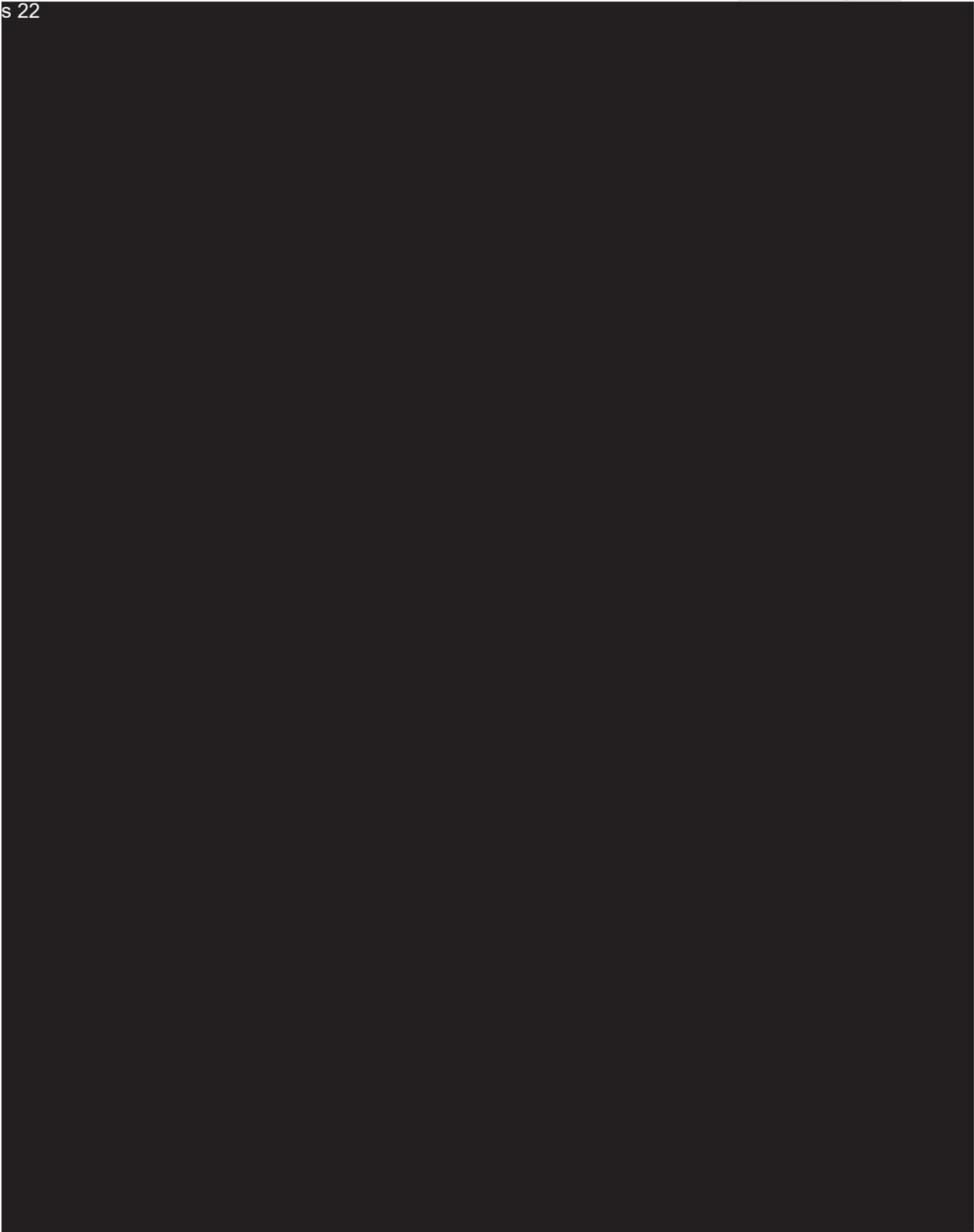
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www.ombudsman.gov.au

Our ref: A347144

December 2015

Mr Michael Pezzullo
Secretary
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616

For Information:
Mr Roman Quaedvlieg
Commissioner
Australian Border Force

Dear Mr Pezzullo

Post visit observations and suggestions – Manus Island Regional Processing Centre

During the period 12 -18 October 2015, a team from my office undertook an inspection of the Manus Island Regional Processing Centre (RPC) in accordance with the own motion notice issued 15 July 2015 and with the concurrence and support of the Government of Papua New Guinea. This was the third visit to the RPC and the second inspection of those areas of the facility within the jurisdiction of the Immigration Ombudsman.

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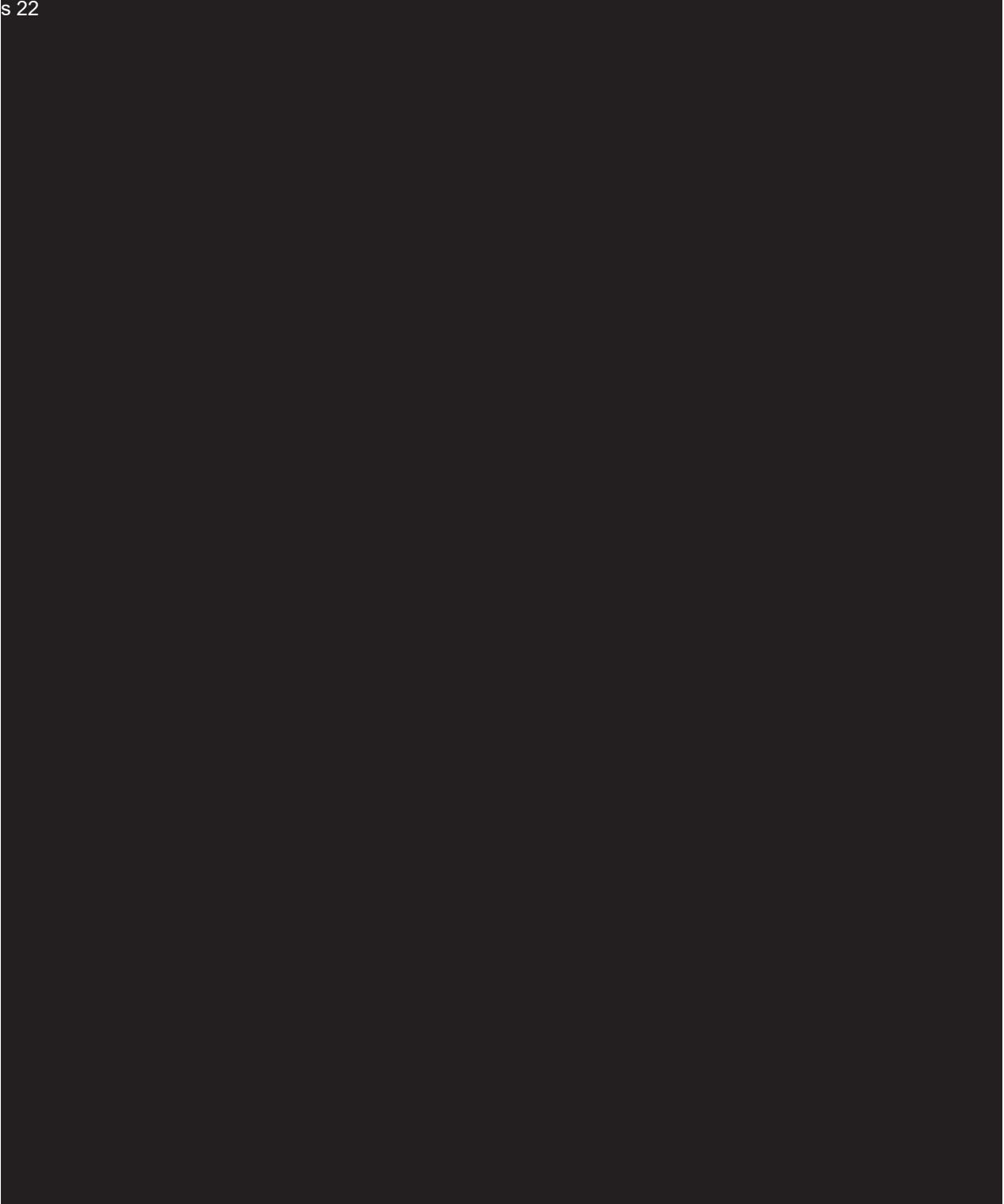


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⁵ Commonwealth Ombudsman Better Practice Guide 1, *Better Practice Guide to Complaint Handling*, April 2009
<http://www.ombudsman.gov.au/docs/better-practice-guides/onlineBetterPracticeGuide.pdf>

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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.

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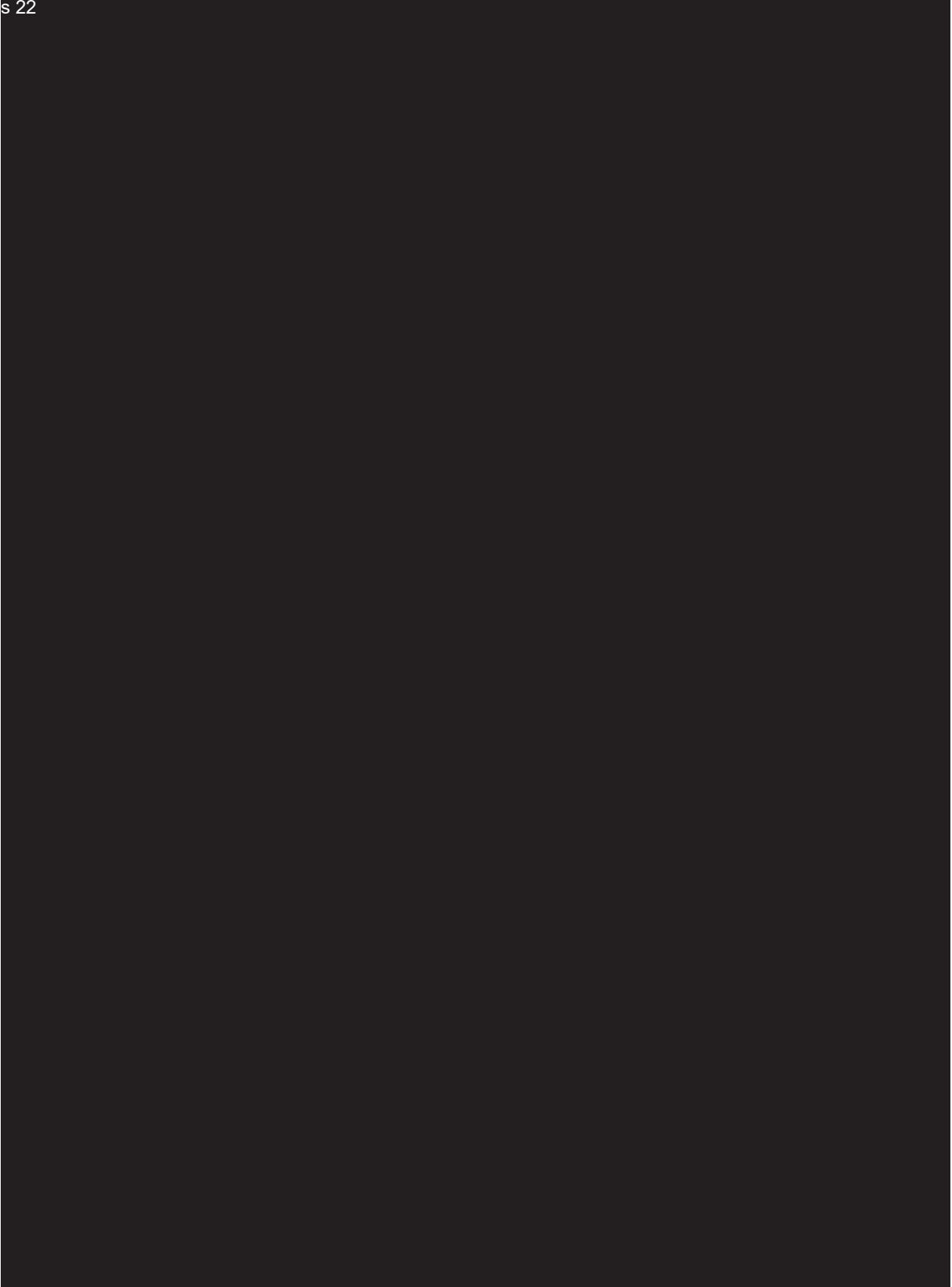
Behaviour Management

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.

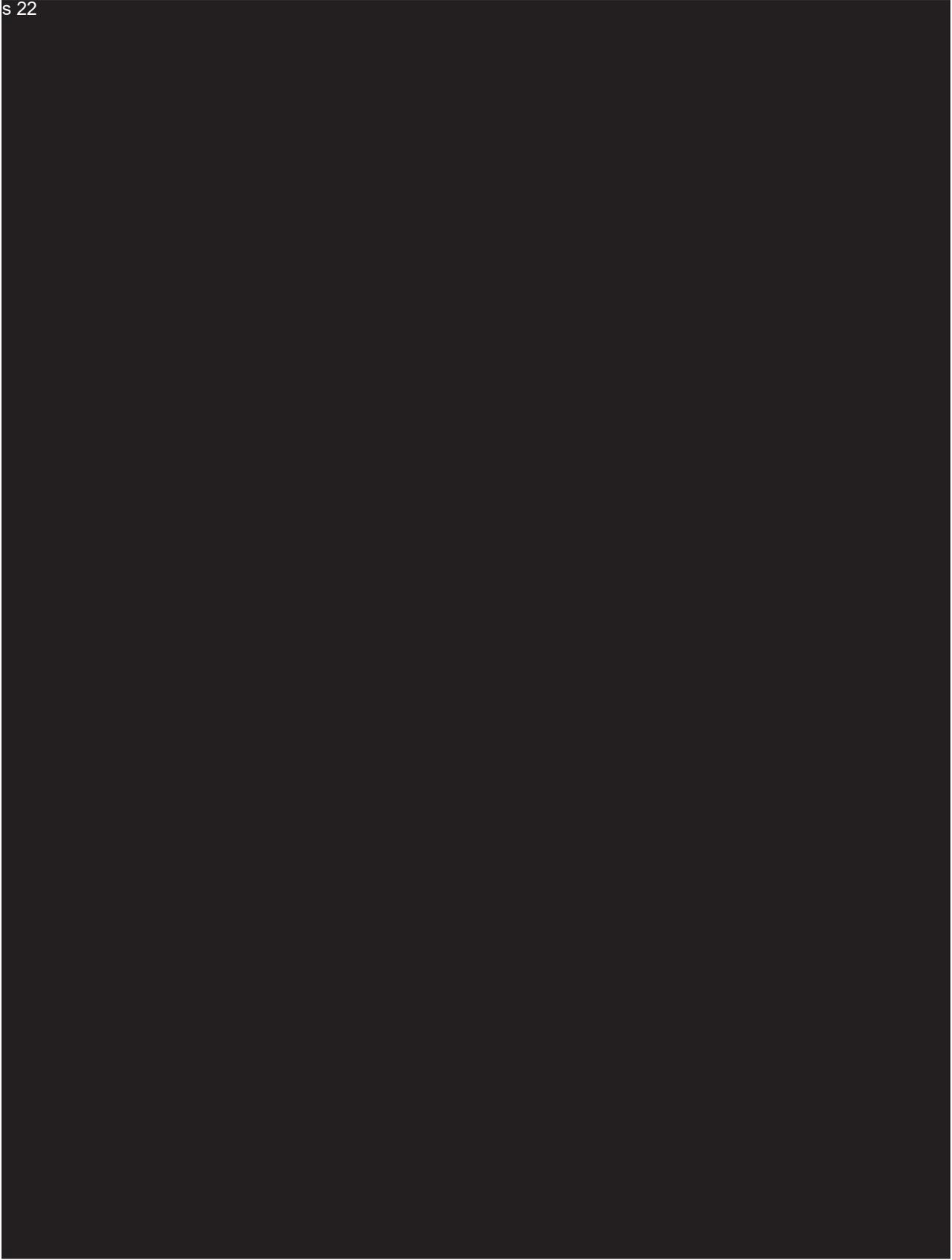
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Operational Orders

28. During the course of this visit we had the opportunity to review the operational order for an involuntary removal where Broadspectrum was tasked to undertake a repositioning move of the transferee from his accommodation compound to the MAA in support of ICSEA and the RPNGC. s 33

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Detainee Engagement

1. During this visit we undertook a series of group and individual asylum seeker engagements. The majority of issues raised related to:

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- 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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