

**Community and Public Sector Union**

Kristin van Barneveld – Deputy National Secretary

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Joint Select Committee on Australia's Immigration Detention Network  
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Dear Committee Secretary

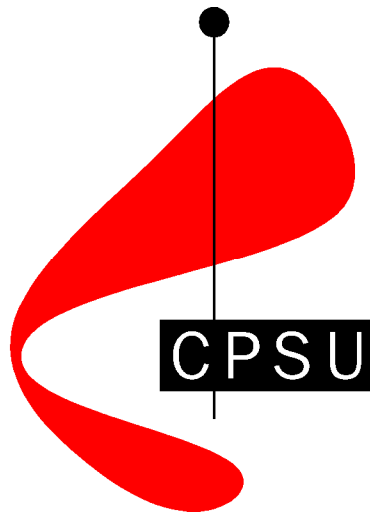
Please find attached a submission from the Community and Public Sector Union (PSU Group) to the Inquiry into Australia's Immigration Detention Network.

The contact person for this submission is Aidan Nash, Research Officer (03) 8620 6329.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kristin van Barneveld', is written over a faint, light blue grid background.

Kristin van Barneveld  
**CPSU Deputy National Secretary**



## **CPSU (PSU Group) Submission:**

### **Joint Select Committee on Australia's Immigration Detention Network Inquiry**

**August 2011**

## **Introduction**

The PSU Group of the Community and Public Sector Union (CPSU) is an active and progressive union with approximately 60,000 members. The CPSU represents workers in the Australian Public Service, the ACT and Northern Territory Public Services, the telecommunications sector, call centres, employment services and broadcasting. We are a national union with members in every state and territory.

The CPSU represents employees of the Department of Immigration and Citizenship (DIAC) who work in the immigration detention network. DIAC employees are involved in the immigration detention network on a number of levels on a permanent basis and as members of non-ongoing taskforces. Roles include the management of the DIAC presence in the centres, general administration work such as office, finance, and infrastructure management, managing travel and accommodation, support services for staff and liaising with state and national offices.

Detention Operations include liaising with the Detention Services Provider (Serco) to manage the accommodation, food, clothing and wellbeing of detainees, as well as the provision of religious, education and recreation services to detainees and their transportation and movement within and from the centres. DIAC employees also manage and report on the service provider's conduct against the detention contract, perform detention health liaison and a wide range of interviewing tasks from the clients first arrival, ongoing visa assessment and assisting with the exit of asylum seekers from detention. In addition DIAC staff provide case management services to clients through case managers who keep the asylum seekers advised of the progress of their claims and escalate claims where necessary. They also report any health issues and put names forward for community detention. CPSU members also work in a number of other related areas such as immigration detention policy, review, and infrastructure.

The CPSU welcomes the opportunity to make a submission on behalf of its members to the Inquiry into the Immigration Detention Network. To prepare this submission, CPSU conducted a survey of DIAC employees who work in the immigration detention network. The survey was open to both CPSU members and non-members. This submission is primarily based on the issues raised by employees in that survey.

Information that could identify an individual employee has been removed from the responses where necessary.

## Background

There have been a number of previous inquiries into Immigration Detention in Australia, all of which have highlighted serious deficiencies in the immigration detention network. After the most recent inquiry by the Joint Standing Committee on Migration, the Australian Government signed a 5 year contract with Serco to take over the management of Australia's immigration detention centres.

Recent riots at Christmas Island and Villawood detention centres led to calls for the current inquiry into the immigration detention network. These events have also highlighted concerns about appropriate levels of training and workplace safety from CPSU members who perform work in immigration detention centres. The CPSU notes the release of the report by Comcare that is highly critical of the conditions in immigration detention centres. The CPSU is currently considering that report.

CPSU members have raised a number of Occupational Health and Safety issues and other workplace issues with DIAC management about working conditions in the detention network. Many of these are outlined in this submission.

This submission does not address the broader policy issues of the appropriateness of immigration detention policy. The submission only addresses the following terms of reference that are relevant to the working environments of DIAC employees:

- (a) Any reforms needed to the current Immigration Detention Network;
- (c) The resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties;
- (f) The effectiveness and long-term viability of outsourcing immigration detention centre contracts to private providers;
- (i) The performance and management of Commonwealth agencies and/or their agents or contractors in discharging their responsibilities associated with the detention and processing of irregular maritime arrivals or other persons;
- (j) The health, safety and wellbeing of employees of Commonwealth agencies and/or their agents or contractors in performing their duties relating to irregular maritime arrivals or other persons detained in the network;
- (p) The expansion of the immigration detention network including the costs and process adopted to establish new facilities.
- (r) Processes for assessment of protection claims made by irregular maritime arrivals and other persons and the impact on the detention network

**(a) Any reforms needed to the current Immigration Detention Network;**

The CPSU makes the following recommendations for reforms to the current Immigration Detention Network.

<b>Recommendations</b>
<ul style="list-style-type: none"><li>• DIAC should improve and upgrade its IT infrastructure and systems, and delays in the provision of portable and fixed computers and phones in detention facilities should be reduced.</li><li>• Sufficient office facilities and separate purpose-built interview rooms must be provided for use of all employees in working in detention centres.</li><li>• Comprehensive general and role specific pre-deployment training is to be provided to all DIAC employees who join IMA taskforce whether short term or long term, including training in security and emergency management.</li><li>• The IMA allowance should not reduced below current entitlement for all employees regardless of location.</li><li>• The IMA allowance should be paid to all DIAC employees doing IMA work regardless of the location or whether they are part of a declared IMA taskforce.</li><li>• Responsibility for the management and provision of services at immigration detention centres in Australia should revert to the Commonwealth.</li><li>• DIAC should ensure that staff are backfilled in their home work area when they join an Irregular Maritime Arrival (IMA) taskforce.</li><li>• DIAC should ensure that the Department is adequately staffed to accommodate the increased amount of work and to allow employees to take flex-time or TOIL at times convenient to the employee.</li><li>• DIAC should provide adequate Occupational Health and Safety training for employees before being deployed to work in an immigration detention facility.</li><li>• DIAC should consult with the CPSU and DIAC staff when building and establishing new centres to ensure that the centres meet OHS requirements and provide appropriate facilities to perform the work that is required of DIAC staff.</li><li>• Serco should employ and roster sufficient guards to assist DIAC employees in detention centres.</li><li>• All employees working in detention facilities should have access to duress alarms.</li><li>• All DIAC employees should be provided with rest breaks during and between shifts and staffing levels should be appropriate to allow staff to take their rest breaks.</li></ul>

- Arrangements should be made to ensure that security clearances can be granted more quickly once an asylum seeker has been granted refugee status.
- DIAC should increase the amount of case managers it employs to assess the refugee status of detainees ensure that faster processing of claims can be accommodated.

**(c) The resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties;**

**(p) The expansion of the immigration detention network including the costs and process adopted to establish new facilities.**

### Facilities

Australia's immigration detention centres were not built to hold the volume of detainees that they currently hold. As more IMAs arrive, they are being catered for on an overflow basis. As the centres become more crowded, the space for DIAC employees to perform their work diminishes. The following comments from DIAC employees are illustrative:

*"It would seem that the facilities are continually oversubscribed in their client numbers with their resources not being increased appropriately. I understand the costs and time of providing extra facilities at detention centres but the issue is not new and does not look to be reduced in the immediate future."*

*"Initially they were ok but when centres are required to expand rapidly the first thing to go is staff amenities."*

There is a vast difference in the standards of facilities at different immigration detention centres in Australia. However, the CPSU received many reports about substandard arrangements. Almost half of employees surveyed by the CPSU stated that the facilities in the detention centres in which they worked were not adequate to meet their needs for the work they performed.

Although most of the detention centres, particularly those in capital cities, were specifically built for the purpose, the increase in detainees has led to new centres being quickly established in non-purpose built sites. For example, facilities have been established in old RAAF bases in Scherger and Curtin. These non-purpose-built facilities make it even more difficult for DIAC employees to perform their work.

Even in the purpose built sites, there was no consultation with DIAC employees about their requirements when many of the facilities were built. The consequence of this is that many immigration detention centres do not adequately cater for the work needs of DIAC employees.

### *Insufficient desk space and interview rooms*

The most common complaints received by the CPSU were that there is insufficient desk space for DIAC employees and insufficient space for DIAC employees to conduct interviews with detainees. Desks often have to be shared between multiple

people and some employees have reported desks having to be set up in the only available space, essentially corridors.

In some centres, interviews are conducted in the kitchen and tea rooms because they are the only quiet places available. This means that staff then have no access to these break out areas.

The following comments for DIAC employees are indicative of the situation:

*“I worked at the BITA in Brisbane. This facility was never set up for long term detainees. So there was no space for Case Managers to set up for the day to be able to access systems and record case notes. This meant a lot of wasted time because if clients had concerns I'd have to take notes and check the status of their case back in the main DIAC office. There was also no dedicated/appropriate interview room. I believe DIAC tried their best to accommodate staff under these circumstances, it was just an unfortunate fact of trying to make do in difficult circumstances.”*

*“When working at the DAL in Darwin there was no office we had to work with clients while we were sitting on stairs in breezeways etc. This was during the wet season with extreme weather conditions, rain etc. There was no place for tea, coffee or to have lunch away from the clients (other than locking yourself in a small empty room with clients waiting outside the door)”.*

#### *Other amenities*

In addition to a lack of work space, DIAC employees have reported a lack of other amenities in detention centres. Many employees stated that the centres that they worked in had poor air-conditioning, which in hot weather can lead to problems as the following comment notes:

*“The temperature was often over 38 degrees with 85% humidity. Working in uniforms not designed for the extreme weather here we often were extremely hot and sweaty and often suffered headaches and fatigue due to no cold water taps available”.*

In many facilities staff need to bring their own food to work but there is a lack of fridge space, microwave and easy access to clean water.

The use of substandard and facilities can also create OHS issues in some instances. For example, at the Christmas Island facility, mouldy mattresses in the staff accommodation at have lead to reported cases of lung infections, and as noted earlier, interview rooms do not all sufficiently provide for employee safety:

*“Some of the interview rooms did not have two exits so in a threatening situation we would have had to push past the client to leave the room.”*

#### *IT Systems*

A lot of frustration was expressed by DIAC employees about the Department's IT systems and IT facilities particularly in remote immigration detention centres. The general feeling reported to the CPSU about the DIAC IT system is that it is slow, outdated, and crashes often.

In remote facilities, the CPSU has been told that computers can take 20-30 minutes to load and 30-40 seconds to refresh a page. For staff this is frustrating and adds to their mounting workload as reporting and data entry take much longer than they should. Staff working in some remote detention facilities have to use their personal laptops in their hotel rooms in town to complete all their required reporting because of the lack of access to computers in the centre or limited/non-existent internet access. In addition, when new facilities are established, it can take a long time before adequate telephone and computer facilities are provided. The comments below highlight some of the frustration felt by employees:

*“Very long waiting times for programs to load, refresh and update... Downloading required documentation for client meetings from TRIM takes so long that it is extremely inconvenient when client meetings are back to back. Files had to be sent in different formats for access, or documents had to be separated from each other to reduce the size of the file so that they could come through more quickly - this was a major inconvenience when files were required for various reasons and quickly.”*

*“The computers were very slow. Yet we were asked to update any client contact we had. If we had to stay back then overtime was not readily agreed to.”*

*“It is the worst computer system I have ever worked with... Both the software and hardware are problems. Connections are slow and unreliable, and the various bits of software do not seem to interact well with each other. Overall it seems at times it would be almost better to give the systems a miss and go back to paper-based systems!!”*

*“The systems are poor and old. Connection is poor and slow. All the databases that were developed to consolidate post 2005 Palmer/ Comrie reports recommendations have been a failure. Too complex, too many technical problems, system down/ outages, duplication.”*

This is particularly concerning when employees have such strict reporting requirements. Almost 1 out of every 6 employees stated that they worried about breaching their legislative requirements as a result of inadequate facilities.

Many DIAC employees also complained about lack of telephone access in remote areas. DIAC has phone contracts with Optus and the Optus network does not extend to more remote places. Some employees stated that they had to use their personal phones if they happened to be on the Telstra network, or share Departmental Telstra pre-paid mobile phones. This made it difficult for staff to communicate with each other on these sites.

<b>Recommendations</b>
<ul style="list-style-type: none"><li>• DIAC should improve and upgrade its IT infrastructure and systems and delays in the provision of portable and fixed computers and phones in detention facilities should be reduced.</li><li>• Sufficient office facilities and separate purpose-built interview rooms are to be provided for all employees in working in detention centres.</li></ul>

## Training

It is important that both DIAC employees who work in immigration detention centres and the Serco employees who they work with are appropriately trained before commencing their role in detention centres. Appropriate training is essential to ensure that employees are mentally prepared and have the appropriate skills to perform work in an often stressful environment. Employees also depend on those around them to be trained properly to support them in undertaking their work. This is particularly true of the reliance by DIAC staff on Serco employed security at immigration facilities.

### *Training for Serco Employees*

The 2010 report by the Joint Standing Committee on Migration highlighted a lack of training for staff working at immigration detention facilities.<sup>1</sup> The Committee recommended that DIAC introduce a mandatory ongoing training program for all staff of Serco. The Committee recommended that the training should encompass: cultural appropriateness and sensitivity, basic counselling skills, first aid, managing conflict through negotiations, and the provision of appropriate security measures<sup>2</sup>. However, it appears that this has not happened given that in the Senate Legal and Constitutional Affairs Committee Budget Estimates hearings in May 2011, DIAC could not provide detailed information what training was provided to Serco staff<sup>3</sup>.

In addition to being a problem for the wellbeing of detainees, this is a concern for DIAC employees who rely on the ability of Serco employees to provide appropriate security measures. This submission has already highlighted the concerns expressed by DIAC employees about inadequate training of Serco employees in this regard. This submission has also highlighted the need for additional training for Serco employees about the requirements, processes and obligations of DIAC employees.

### *Training for DIAC employees*

Since the 2010 Joint Standing Committee report, DIAC has introduced mandatory training for most employees who are deployed to work in detention facilities. This has led to improvements in the preparedness and confidence of DIAC employees to perform their work during deployments to immigration detention centres.

The CPSU received a lot of feedback from DIAC employees who were deployed to work in immigration detention centres before the implementation of mandatory training. Many employees were critical of the fact that they were placed in a working situation that they were not at all prepared for. It seems that the situation has improved since the introduction of mandatory training.

However, despite the new training arrangements, many DIAC employees currently working in detention facilities still feel that they do not feel that they have been given adequate training for their work in immigration detention centres. One third of employees who are currently working in detention centres not believe that they have received sufficient training to confidently do their job, and one quarter of employees believe they have received no formal training on top of their on the job training. Of the

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<sup>1</sup> Joint Standing Committee on Migration, Report 3 of the Immigration Detention in Australia Inquiry, 'Facilities, Services and Transparency', 2010, pp 93-96

<sup>2</sup> Ibid p 97

<sup>3</sup> Hansard, Senate Legal and Constitutional Affairs Committee, 2011-12 budget estimates, 24 May 2011, pp 31-32

employees currently engaged to work on an IMA taskforce, only 4 out of every 10 believe that they were given adequate training before beginning that work.

Employees on long term deployments receive pre-deployment overview training. However, this training is very general and many employees reported that they did not receive any role specific training. Case managers, refugee status assessment interviewers and entry interviewers receive role specific training, but many employees in admin and operational roles are not even informed of the specific role that they will be performing before they arrive at the detention facility. Employees on short term deployments only receive very limited training.

The areas in which employees stated that they would like more training include: emergency procedures, personal security, conflict resolution, negotiation, de-escalation skills, working with interpreters, and dealing with difficult/complex clients.

The following comments from employees highlight some of the issues.

*“Staff working in the IMA area need to have access to ongoing training in relation to dealing with clients who have complex needs e.g. mental health issues, torture & trauma issues, domestic & family violence, adolescent & child issues and critical incidents.”*

*“The limited detention training we get is very basic and only scratches the surface of the work, it does not give us exposure to the wide business including emergency management, dealing with crisis, managing ourselves in difficult circumstances, critical decision making, working without systems and basically everything the office environment is not.”*

*“I currently work in a detention centre that houses families with babies and young children and unaccompanied minors... I am exposed to clients on a daily basis. Some of this exposure is pleasant and some not. I also am exposed to some of the specific incidents that occur at a detention centre on a day to day basis including details of self harm incidents. Although I have worked in the public service for many years I have not been exposed to such raw and direct personal interaction which I have no skill sets to deal with.”*

*“Staff should be given a tour (could be virtual) of the Centre and drilled in what to do if there is an emergency situation while they are in the Centre. We have fire drills for the DIAC demountable but no drill for the situation where we are in the Centre.”*

<b>Recommendations</b>
<ul style="list-style-type: none"><li>• Comprehensive general and role specific pre-deployment training must be provided to all DIAC employees who join IMA taskforce whether short term or long term, including training in security and emergency management.</li></ul>

## IMA allowance

In recognition of the stressful nature of the work, the additional pressures faced by employees, the difficulty attracting and retaining skilled people to perform the work, and the potential isolation of the work, DIAC employees who are part of an IMA taskforce are paid an additional allowance for working with IMAs in immigration detention centres.

In order to be paid the allowance, employees must be part of a declared IMA taskforce. The effect of this requirement is that there are employees working in remote and isolated areas, who are required to perform the same work as those people on an IMA taskforce, who are not paid the allowance. This is because DIAC maintains that the purpose of the allowance is to compensate for dislocation. Below are examples of some of the frustrated comments the CPSU received about disparities in the payment of the IMA allowance:

*“Staff at Villawood are not part of the IMA task force yet 80% of our work is IMA related, hence we do the same work as staff on deployment but receive nil remuneration for this. Senior staff at Villawood are expected to be contactable 24/7 and undertake the duty phone every third week which is working 24/7 for the week, including weekend, as well as doing your normal role.”*

*“Executive Level staff do not receive any benefits for working at a detention centre. Any additional time worked above the 38 hour week is calculated at 2 for 1 (ie must work 2 hours to get 1 off).”*

*“The IMA allowance is not paid to me as I work within 100 km from my home. I find this totally unjust and unfair. I am not entitled to respite break or TA allowances either yet I am required to complete the same work, work the same hours as others who receive approx \$32,000pa in allowances more than I do.”*

Most DIAC employees were quick to say how passionate they were about working with IMAs and how they enjoyed the work and found the experience rewarding. Many also mentioned that they undertook the work for professional development reasons as it gave them a greater understanding of the circumstances of IMAs. However, the additional pressures, stress, isolation and additional costs of living in a remote area away from home mean that employees are reluctant to undertake this work.

The IMA allowance is necessary to ensure that skilled and capable employees are attracted to perform this difficult but important work. Of the surveyed employees who took part in an IMA taskforce, approximately half stated that the IMA allowance was a factor in their decision to take up that work. The allowance is particularly important to encourage skilled employees who have already been part of an IMA taskforce to return to take part in future taskforces. One comment received sums up this issue:

*“I enjoy working in the Detention Centre environment, however if the allowances drop I will not spend time away from my family.”*

The allowance is currently paid for each day that an employee is engaged in IMA work in a detention facility. It is not paid for the days the employee spends travelling to and from the facility, for days that the employee does not present for work because they are ill, regardless of the fact that they may still be in a remote area separated from family and friends, or because the centre has been shut down temporarily due

to riots and violence, as recently occurred in Christmas Island, regardless of whether staff are on standby to return at any time.

This allowance has been a contentious point in recent collective bargaining negotiations between DIAC and the CPSU, because DIAC is seeking to reduce the amount of the IMA Allowance. In order to attract and retain highly skilled staff to perform this work, it is important that this allowance is paid for all days that a person performs work with IMAs, whether part of a declared taskforce or not. It is also important that the amount of the allowance is not reduced.

<b>Recommendations</b>
<ul style="list-style-type: none"><li>• IMA allowance should not be reduced below current entitlement for all employees regardless of location</li><li>• IMA allowance should be paid to all DIAC employees doing IMA work regardless of the location or whether they are part of a declared IMA taskforce.</li></ul>



**(f) The effectiveness and long-term viability of outsourcing immigration detention centre contracts to private providers**

The provision of detention services at immigration detention facilities in Australia has been outsourced to private organisations since November 1997. This has been the subject of criticism from the CPSU and other stakeholders for a long time. A report by the Senate Legal and Constitutional References Committee in 2006 recommended that direct responsibility for the management and provision of services at immigration detention centres in Australia should revert to the Commonwealth.<sup>4</sup> The 2006 inquiry found, amongst other things, that the removal of direct ministerial control and the reliance of generalised immigration detention standards has increased the risk of inhumane treatment.

In addition to this, feedback from DIAC employees is that the outsourcing of detention centre management has a detrimental effect on their work. Of surveyed DIAC staff who had worked in a detention centre, just 4 in 10 reported that they did not believe the outsourcing of detention centre management had a negative impact on the way that they perform their work.

*Serco Staffing*

DIAC case managers working in immigration detention centres are reliant on Serco employees to enable them to perform their work. Serco employees provide security in the centres and day to day management and administration of centres. Before a DIAC employee can interview an asylum seeker client, the client must be brought to the interview room by a Serco employee. CPSU members have observed that, unsurprisingly, Serco management do no more than meet the minimum service levels required under their contract. They are effectively understaffed and their employees overworked. This affects their ability to respond to the requests of DIAC staff in terms of collecting detainees to be interviewed or providing adequate security. This can also create additional work for DIAC employees as the comment below highlights:

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<sup>4</sup> Legal and Constitutional References Committee Senate Report on Inquiry into the Administration and operation of the *Migration Act 1958*, March 2006.

*“The detention services provider (DSP) does not always seem to have adequate resources or training for staff. Staff are often under considerable pressure and the provider appears to offer them little support. Some of the work which is meant to be performed by the DSP is actually being performed by DIAC staff to ensure adequate duty of care towards detainees.”*

### *Lack of Cohesion*

The outsourcing of detention centre management has resulted in a lack of cohesion in the immigration detention network. Serco employees must adhere to different legal obligations, policies and procedures to DIAC employees. Privately run companies will have different priorities to the government when it comes to immigration detention and these priorities will not always be compatible with the priorities of the government.

Although Serco is bound by a contract with the Department which incorporates government priorities, it is a different thing to adhere to the terms of a contract than it is to consider underlying policy in all decision making. Relying on a contract with a private company to undertake important government functions risks that the provider will never do any more than the minimum required in the contract. Being bound by a contract also provides less scope to Serco adapt to changing circumstances that arise in the immigration detention network.

The CPSU received the following comments from DIAC employees:

*“I am not convinced that non-DIAC staff (i.e., staff employed by outsource company) are aware of DIAC officers' needs re: timeliness, accuracy of information provided, and the nature of what DIAC officers' jobs entail which leaves them unaware of how their actions (or lack thereof) affect DIAC officers' abilities to perform jobs.”*

*“Serco are unaware of all the processes and policies DIAC staff must follow and at times this leads to them providing incorrect information to clients, thereby making it harder for DIAC staff”.*

*“There is no sense that the DSP and DIAC are working together toward a common goal. At times it seems like the two organisations are competing, rather than working together. There's a tension which sometimes expresses itself through resentment.”*

This lack of cohesion would be reduced if immigration detention centres were government run. It would ensure more harmony between detention centre guards and DIAC case managers. It would help to ensure all decisions are in accordance with government policy, and all those in contact with detainees are bound by the APS values and code of conduct and have access to the APS whistleblower protections. The concerns that some DIAC employees have about the conduct of non-APS employees are typified by the following comment to the CPSU:

*“The DIAC ethos doesn't appear to be upheld. DIAC works within a strict code of conduct. I was mortified at how some stakeholders treated our clients. Although we were supposed to be one group working towards a common goal, this was rarely achieved.”*

### *Record Keeping*

Serco does not have the same strict record keeping requirements as DIAC simply because it is not a government agency. CPSU members reported that insufficient record keeping by Serco, compounded by the fact that DIAC employees do not have access to Serco records, makes it difficult for them to do their job.

### *Responsibility but no control*

The Australian Government and DIAC employees are widely seen by the public to be responsible for the conditions in detention centres. However, many of the things that attract public criticism are under the control of Serco. The CPSU received the following comments which illustrate the frustration that this brings to some DIAC employees:

*“As a DIAC officer I am deemed responsible but I have no control. [Management of detention centres] should be done only by public servants governed by the APS codes, experienced in its values and accountable in the same way. It embarrasses me as a public servant and angers me as a private citizen”.*

*“[Outsourcing] creates a very negative image of the Department and its ability to effectively manage IMAs and other detention issues, to key stakeholders and the public. It makes it more difficult to meet the Strategic Plan requirement to be “an open and accountable organisation providing visibility and transparency of our processes”. This makes it impossible for staff and the Department to fulfil the objectives of the DIAC Strategic Plan to “support informed public consideration of immigration issues” and “build public confidence in our programs”.*

<b>Recommendation</b>
<ul style="list-style-type: none"><li>• Responsibility for the management and provision of services at immigration detention centres in Australia should revert to the Commonwealth.</li></ul>



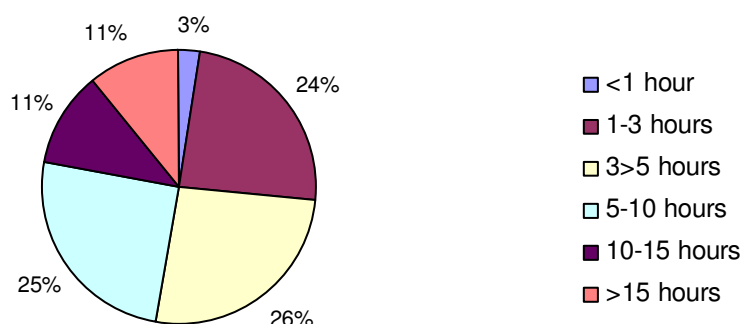
**(i) The performance and management of Commonwealth agencies and/or their agents or contractors in discharging their responsibilities associated with the detention and processing of irregular maritime arrivals or other persons**

### Workload

Many DIAC employees who work in the immigration detention network are undergoing increasing pressure due to increased workloads. This is true right across the department.

Nearly two thirds of staff indicated that their workload has increased in the previous 12 months. DIAC employees are not able to complete all of this additional work in their ordinary working hours; and unsurprisingly almost half of staff said that they regularly have to work additional hours. Concerningly, more than one in five said that, on average, they work more than 10 additional hours per week and another quarter work between 5-10 additional hours per week.

**Number of additional hours worked each week by DIAC employees who regularly work additional hours**



Of the employees who said they regularly work additional hours, two thirds reported that the number of additional hours they are required to work has increased in the previous 12 months and not all employees are being compensated for the additional hours that they work. Only two thirds of these employees say that they are compensated for all of the additional hours that they work.

The most common reason given for increased workloads can be summed up as “more work, less staff”. Increased Irregular Maritime Arrivals has led to increased caseloads for employees working in detention centres. Not only are there more IMAs but they are becoming more complex to case manage. One member wrote:

*“[I had an increased workload] initially because of an increase in numbers, now because more detainees are having behavioural or mental health problems due to time spent in detention. This is only going to get worse.”*

The flow on effects of increased IMAs and incidents in immigration detention centres are just as significant. Work has also increased for employees working in detention infrastructure as the increase in detainees results in an increased need to accommodate them. Community Liaison Officers who deal with local communities, service providers, stakeholders affected by the IMA policies have increased workloads in terms of dealing with the various local IMA affected communities and responding to DIAC National Office requests on the reaction of these communities to government policies and other media related issues.

As well as an increased number of IMAs, recent incidents in detention centres have led to increased public and governmental scrutiny which creates additional work in the form of increased reporting requirements. Growing public awareness and outcry about the lengthy detention times for asylum seekers has meant that there is increased pressure on employees to process detainees more quickly. However, there has not been an equivalent increase in staff to assist with this.

On top of this, many DIAC employees are being removed from other work areas to be seconded to IMA taskforces. These employees are being taken out of their normal work area but they are not being sufficiently replaced. This places an extra burden on the other employees in their work area to pick up their work. This has an impact on

all areas of DIAC, not just those that are directly involved in the immigration detention network.

#### *Payment for additional hours*

Many staff commented that they are not adequately compensated the overtime that they work. A third of employees who said they regularly work additional hours said that they were not compensated for all of the additional hours that they worked. Other employees complained about the lack of availability of overtime payments. Instead employees are given days off on flex time. Some comments from staff included:

*“As an APS 1-6 officer I access flex time in exchange for the extra hours I work. There is never the suggestion of any possibility of over-time payment. The extra hours are required to be worked when it suits DIAC but they are not repaid to me when it suits me - but rather when work pressure permits”*

*“I regularly work beyond the [hours] set in my agreement, and as such, have accrued more than 20 hours of flex credit in the space of one month. I requested a pay-out of my flex credit, and was denied. I don't want to take flex days, as my work builds up and I won't be able to meet reporting deadlines. However, I have no choice but to take days off as flex... given we are not to let our flex credit exceed 38 hours”*

Executive level staff have no access to flex time. Instead they are paid time of in lieu (TOIL) which is accrued at the rate of 1 hour for every 2 additional hours worked. This makes it difficult to attract senior employees to areas of the department as the following comment notes:

*“We receive 2 for 1 toil which is insufficient.(I currently have 180hrs of toil but will get only 90 hours off for it). There is the extended hours allowance but it is extremely difficult to get and is very rarely obtained. Considering the high workload we have combined with the long hours, it is frustrating that staff working under me will earn more in a fortnight then someone at the executive level. This is one of the main reasons why it is so difficult to get experienced EL1's agreeing to go on deployment.”*

#### *Effects of increased workload*

Increased workloads are taking their toll on DIAC employees. Nearly 9 of every 10 employees reported feeling stressed as a result of their work, with close to a third of all surveyed employees saying that they *regularly* felt stressed.

Workload was the most common cause of the stress. Two thirds of employees who reported that they felt stressed at work said that their workload was one of the contributing factors.

<b>Recommendations</b>
<ul style="list-style-type: none"><li>• DIAC should ensure that staff are backfilled in their home work area when they join an IMA taskforce</li><li>• DIAC should ensure that the Department is adequately staffed to accommodate the increased amount of work and to allow employees to take flex-time or TOIL at times convenient to the employee</li></ul>

**(j) the health, safety and wellbeing of employees of Commonwealth agencies and/or their agents of contractors in performing their duties relating to irregular maritime arrivals or other persons detained in the network.**

DIAC employees who work in the immigration detention network have highlighted a number of Occupational Health and Safety (OHS) concerns in detention centres. The conditions in the various detention facilities are different, with some better than others. While the majority of employees did not report any safety concerns, almost 1 out of every 5 employees who have worked at a detention centre said that they don't feel safe when undertaking that work.

Approximately 3 out of 10 employees working in detention centres reported specific safety concerns. There were a number of recurring themes in the feedback provided to the CPSU.

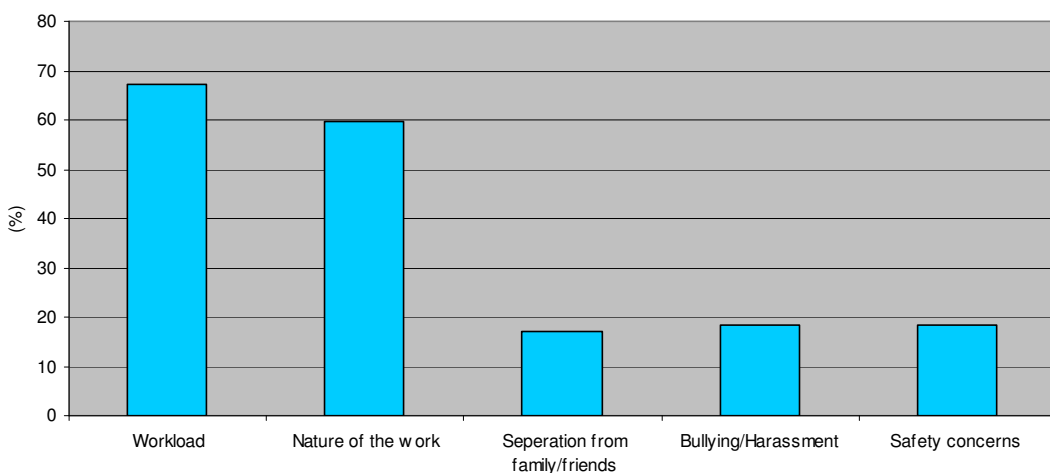
*Lack of OHS information given to employees*

Working conditions in detention centres are very different to the conditions that DIAC employees are used to in their regular place of work. They can present a range of new risks that do not occur working in an office environment. However, almost two thirds of surveyed employees currently working in immigration detention centres said that they were not given any specific OHS information or training about performing work in immigration detention facilities before being deployed to work in facility.

*High levels of stress*

As reported above, nearly 9 of every 10 employees reported feeling stressed as a result of their work, with close to a third of all surveyed employees saying that they *regularly* felt stressed. Most employees stated that the reasons for their stress include their workload and/or the nature of their work. See the chart below for more detail .

**Reasons for work related stress**



These high levels of stress are not limited to employees working in immigration detention facilities. Increased work pressures are being reported throughout the department.

Of those who do work in immigration detention facilities, several DIAC mentioned that their stress was caused by a disconnect between staff in the DIAC national office and those who work in the detention centre. Specifically they suggested a discord between policies and procedures created at the national office level and how these practically apply to the work done in detention centres.

Such high levels of stress have been reported despite the fact that employees who are deployed to detention centres for a period of 3 months or more are required to undergo resilience testing. The CPSU has previously commented to DIAC that it considers the resilience test to be a blunt and ineffective instrument for selecting staff for deployment and potentially determining the career prospects for staff.

#### *Insufficient Serco employed guards in Immigration Detention Facilities*

Many asylum seekers detained in immigration detention centres are in desperate situations. Histories of persecution, coupled with long and uncertain periods in detention can lead to anger and mental health issues in detainees. This means that potentially risky situations can arise for DIAC employees when they are conducting interviews with detainees. The riots at Villawood detention centre in April as well as the mounting number of incidents that have occurred in Christmas Island are examples of how matters can get out of hand.

DIAC detention centre staff have told the CPSU that they feel that they have had insufficient training to know what to do if they find themselves in a threatening situation. Although security in detention facilities is the responsibility of Serco employees and the AFP in some instances, guards often wait outside interview rooms and they are not always at hand. Employees have told the CPSU that Serco employs insufficient guards and those who are there are overworked. This limits the capacity of the guards to assist in a threatening situation. Below is a snapshot of some of the comments received from DIAC employees.

*“Christmas Island - I've seen things go wrong badly and the staff just don't know what to do. Long-term staff know but those of us who come in to do specific jobs just don't get told, and are usually forgotten in a panic anyway.”*

*“...I have no skills to react to an incident and would be totally reliant on the Service Provider”.*

*“While working in one of the rooms cleared out for us, it had a desk and two chairs. If we were sitting facing the door to interview clients we discovered that if the clients decided to shut the door you were locked in the room as it only opened from the inside, no one but SERCO could assist and they often had to look for the keys to open rooms. There was often female DIAC staff working with one interpreter and you could find yourself in a room with 3 angry men - it was disturbing.”*

Although some employees are given personal duress alarms to wear, some reported that these could not be heard from the guard station, other employees complained that they were given no duress alarms at all:

*“Previously while working as case manager at Darwin Airport Lounge (DAL) the biggest concern for staff was that we were working in the compound with approx 400 clients with no sufficient protection for our safety. SERCO guards were minimal and could not be with you for the time you worked as they were understaffed and there were no personal alarms to signal to anyone if there was an emergency.”*

*“Being in a room interviewing detainees with no security or a security person outside the door who is in their first day with SERCO and has no idea what they are doing and no training. I have never been trained in dealing with these people who are at times aggressive and distressed. I have not been advised if and where a duress alarm is located.”*

### *Fatigue*

Long hours worked by many employees in detention centres, often in very hot and humid climates, can add to the OHS dangers in the workplace. This is of particular concern in remote detention centres where some employees are required to drive for long periods to get to the nearest town. Fatigue has particularly been reported to the CPSU as an issue for duty officers. One employee commented that:

*“Duty Officers are required to be on call 24 hours and typically receive at least 6 calls to action overnight, then come in for their day job. I made a big data error one day after this sleep deprivation and feel a physical error will be next.”*

### *Difficulty resolving OHS complaints about immigration detention facilities*

Serco is responsible for OHS matters inside of detention centres. However, DIAC employees come under the responsibility of DIAC management. This can put employees in a difficult position when it comes to raising workplace issues. Many employees have reported that any complaints made to Serco were not followed up and DIAC only has a limited capacity to address complaints by employees working in detention facilities given the Department does not have operational control of the facilities.

Several staff reported having insufficient support from their managers including being told to ‘toughen up’ when raising OHS complaints. This type of comment is not surprising and reflects the broader finding that of the 66 employees who stated that they have reported their safety concerns, almost two thirds stated that they were not happy with the response.

<b>Recommendations</b>
<ul style="list-style-type: none"><li>• DIAC should provide adequate Occupational Health and Safety training for employees before being deployed to work in an immigration detention facility.</li><li>• DIAC should consult with the CPSU and DIAC staff when building and establishing new centres to ensure that the centres meet OHS requirements and provide appropriate facilities to perform the work that is required of DIAC staff.</li><li>• Serco should employ and roster sufficient guards to assist DIAC employees in detention centres.</li></ul>

- All employees working in detention facilities should have access to duress alarms. These should be constantly monitored with immediate response capability.
- All DIAC employees should be provided with rest breaks during and between shifts and staffing levels should be appropriate to allow staff to take their rest breaks.

**(r) Processes for assessment of protection claims made by irregular maritime arrivals and other persons and the impact on the detention network**

The CPSU supports faster processing of protection claims. The speedy processing of claims for protection is essential to reduce the amount of time asylum seekers spend in detention and consequently reduce the damaging effects of long detention periods on the mental health of detainees.

Faster processing times would also reduce the workloads of DIAC staff which this submission has already noted have increased in the past 12 months and are causing high stress levels in staff.

A major cause of the processing delays is the time that it takes for security clearances to be granted by ASIO. Once DIAC has approved the refugee status of an asylum seeker, there can continue to be a long delay before the security clearance is granted.

Arrangements should be made by ASIO or whoever is responsible for the delays to ensure that security clearances can be granted more quickly once an asylum seeker has been granted refugee status.

Faster processing of claims also depends on having sufficient employees to process claims to prevent a backlog, or overworking of assessors. DIAC should increase the amount of case managers it employs to ensure that faster processing of claims can be accommodated.

**Recommendations**

- Arrangements should be made to ensure that security clearances can be granted more quickly once an asylum seeker has been granted refugee status.
- DIAC should increase the amount of case managers it employs to assess the refugee status of detainees ensure that faster processing of claims can be accommodated.