



IMPROVEMENT NOTICE

This notice is issued under s 191 of the Commonwealth *Work Health and Safety Act 2011* (**WHS Act**). This notice requires the person to whom it is issued to remedy a contravention of the WHS Act or the Commonwealth *Work Health and Safety Regulations 2011* (**WHS Regulations**).

Section 210 of the WHS Act requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place, at or near the workplace or part of the workplace, at which work is being carried out that is affected by the notice.

NOTICE ISSUED TO:	Notice Number: MC00039238 – NT01		
Legal name of person:	Commonwealth of Australia in the right of the Department of Home Affairs		
ABN:	33380054835	ACN:	
Trading as:	Department of Home Affairs		
Address line 1:	PO Box 25		
Address line 2:	Belconnen ACT 2617		

DETAILS:

Site/workplace location:	s47E(d)
<p>I, s22 being an Inspector appointed under s 156 of the WHS Act, reasonably believe that on 28/07/2025, at 11:45 AM you:</p> <p><input checked="" type="checkbox"/> are contravening a provision, or <input type="checkbox"/> have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated, of the:</p> <p><input checked="" type="checkbox"/> <i>Work Health and Safety Act 2011</i> (Cth), s19</p> <p><input checked="" type="checkbox"/> <i>Work Health and Safety Act 2011</i> (Cth), r43</p>	

BRIEF DESCRIPTION OF HOW THE PROVISION IS BEING OR HAS BEEN CONTRAVENED:

<p>On 11 July 2025, Comcare received a complaint involving Secure Journeys and the Department of Home Affairs (the Department) in relation to unsafe fire evacuation arrangements at an Alternative Place of Detention (APOD) located at s47E(d) (the workplace). The Department has a duty under the Work Health and Safety Act 2011 (WHS Act) to ensure, so far as is reasonably practicable, the health and safety of its workers and those involved in detainee operations at Commonwealth workplaces.</p> <p>Under section 19(3)(a) of the WHS Act, a person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety. Additionally, under section 19(3)(f), the PCBU must ensure, so far as is reasonably practicable, the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking. It is a requirement that supervision and monitoring should ensure, pursuant to section 28(a)-(b) of the WHS Act, a worker takes reasonable care for his or her own health and that his or her acts or omissions do not adversely affect the health and safety of other persons. The supervision and monitoring should also ensure that pursuant to section 28(c)-(d) of the WHS Act, a worker complies, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking and cooperates with any reasonable policy or procedure of the person conducting the business</p>
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or undertaking relating to health or safety at the workplace. Under Regulation 43 of the Work Health and Safety Regulations 2011 (WHS Regs), a PCBU at a workplace must ensure that an emergency plan is prepared for the workplace, that provides for emergency procedures (including effective response, communication and evacuation procedures), testing of emergency procedures (including frequency of testing), and information, training and instruction to relevant workers in relation to implementing the emergency procedures.

Following an inspection of the workplace by Comcare on the 28 July 2025, and s47E(d)

have been required.

Information obtained during the inspections s47E(d)

Although the Department conducts regular quality assurance visits to the APOD, the ongoing absence of a formalised and approved emergency evacuation plan or system does not appear to have been identified through these assessments. Secure Journeys has held responsibility for service delivery at the workplace since April 2025, which is likely to constitute sufficient time to have developed, implemented, and tested compliant evacuation plans and/or procedures. These should have included documented inductions, training records, and evidence of emergency preparedness activities. The absence of these safety systems, and the Department's failure to identify or address them through routine oversight, exposes workers and detainees to unnecessary and foreseeable risk in the event of an emergency.

It is my reasonable belief, pursuant to section 19(1) of the WHS Act, that the Department is contravening a provision of the Act; specifically, s47E(d)

The current deficiencies create a clear and ongoing risk of repeated or continued contravention of the WHS Act and WHS Regs. Without formal systems to govern evacuation planning and response, there remains a real and foreseeable risk of harm to workers and detainees should an emergency occur.

The Department must implement and maintain systems to ensure emergency evacuation risks associated with the operation of the workplace are identified, assessed, and controlled in accordance with its duties under the WHS Act and WHS Regs. This includes ensuring the contractor Secure Journeys develops and implements site-specific evacuation procedures, that all relevant staff are appropriately inducted and trained, that suitable supervisory arrangements are in place during operations, and that routine quality assurance processes verify and validate the existence and effectiveness of emergency planning and preparedness activities at the workplace.

This situation creates a risk of harm due to the absence of an emergency plan that provides for effective response procedures in accordance with Regulation 43 of the WHS Regs. By allowing operations to proceed without a documented and tested emergency plan – including evacuation procedures, communication protocols, and staff training – the Department likely contravenes section 19(1) of the WHS Act through non-compliance with Regulation 43 and Part 3.1 of the WHS Regulations. This failure exposes workers and detainees to foreseeable and preventable risks in the event of an emergency.

Accordingly, I have formed the reasonable belief that the Department of Home Affairs have contravened a provision of the WHS Act, specifically section 19, in circumstances that make it likely that the contravention will continue or be repeated.

DIRECTIONS (if any) AS TO THE MEASURES TO BE TAKEN TO REMEDY OR PREVENT THE CONTRAVENTION OR LIKELY CONTRAVENTION: *(Compliance is **mandatory** pursuant to s 193 of the WHS Act)*

- (Select one:)
- Remedy the contravention by:
- Prevent a likely contravention from occurring by:
- Remedy the things or operations causing the contravention or likely contravention by:

The Department of Home Affairs Must:

1. Implement and maintain a system that identifies, assesses, and controls emergency evacuation related risks associated with detainee operations at the APOD.
2. Ensure that emergency evacuation procedures include defined and operationally viable arrangements for full evacuation from the APOD facility, including the safe and secure management of detainees outside of the hotel premises.
3. With regards to the conduct of the activity:
 - Identify reasonably foreseeable hazards that could give rise to risks to health and safety.
 - Eliminate risks to health and safety, so far as is reasonably practicable, and if it is not reasonably practicable to eliminate the risks to health and safety, minimise those risks so far as is reasonably practicable in accordance with the hierarchy of controls.
 - Provide information, training, instruction and supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.
4. Manage all of the above pursuant to Part 3.1 and Regulation 43 of the WHS Regs.

RECOMMENDATIONS (if any):

1. It is recommended that the Department of Home Affairs undertake a comprehensive review of all other workplaces where Secure Journeys is engaged to deliver detainee related services, particularly those operating at APODs or similar environments.
2. The Department of Home Affairs should:
 - Assess whether emergency plans, evacuation procedures and staff training are in place and compliant with Part 3.1 and Regulation 43 of the WHS Regs.
 - Verify that site-specific risks are identified and controlled, and that supervisory arrangements are clearly defined.
 - Ensure the quality assurance processes are capable of detecting deficiencies in emergency preparedness and response.
 - Implement corrective actions where any gaps are identified to prevent reoccurrence of the contravention at the APOD located in Parramatta NSW.

NOTICE ISSUED BY:

s22	Inspector: s22	Inspector ID: s22
<i>Signature</i>	Email: s22	
	Phone: s22	
	Postal Address: GPO Box 1993, Canberra, ACT 2601	

DATE OF ISSUE 29/07/2025

This section is completed if the notice is to be delivered in person by a Comcare Inspector.

Name of person notice was personally delivered to:

Relationship to the person issued the notice:

THIS CONTRAVENTION MUST BE REMEDIED NO LATER THAN 12/08/2025 *note: the date for compliance must be reasonable in all the circumstances*

PENALTIES

You must comply with this notice. Failure to comply may incur a tier B monetary penalty.

It is an offence to fail to display the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out; or to remove, destroy, damage or deface a notice displayed while it is in force. Non-compliance may incur a tier F monetary penalty.

The Work Health and Safety (Public Notification of Indexed Penalty Amounts) Notifiable Instrument is updated each year and details all indexed penalty amounts. The notifiable instrument is published on the [Federal Register of Legislation](#).

INTERNAL REVIEW OF DECISION

The inspector's decision to issue an improvement is reviewable under Part 12 of the WHS Act. To request a review, you must be an 'eligible person', which is:

- the person to whom the notice was issued
- a person conducting a business or undertaking whose interests are affected by the decision
- a worker whose interests are affected by the decision
- a health and safety representative who represents a worker whose interests are affected by the decision.

How to apply for a review of the decision to issue the notice

An eligible person must lodge an *Application for Internal Review* form with Comcare before the compliance date on the notice or within 14 calendar days of becoming aware of the notice, whichever period is the lesser (WHS Act, s 224), or such longer period as Comcare allows. The form is available from Comcare's website.

Stays of the operation of the decision to issue the notice

Once an application for a review of the improvement notice is made, the original decision is suspended (a stay is granted). This stay continues to have effect until either of the following occur:

- the decision is made by the internal reviewer and the period to apply for an external review has expired
- an application for an external review is made.

Review process

Comcare will review your application within 14 calendar days unless additional information is required. You will be provided with the outcome of the internal review (the decision) in writing, and the reasons for the decision (WHS Act, s 227).

EXTERNAL REVIEW

If you do not agree with the internal review decision made by the reviewing officer and you are an eligible person, you may apply to the Fair Work Commission for an external review. Your application must be made within 14 days of first becoming aware of Comcare's internal review officer's decision (WHS Act, s 229). See our website for information on how to apply for an external review.

PRIVACY STATEMENT

Comcare will only collect, use or disclose personal information in accordance with the Commonwealth *Privacy Act 1988* and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. Comcare is the Commonwealth agency authorised by the WHS Act to collect personal information relevant to the exercise of functions and powers under the WHS Act, the WHS Regulations and the administration and evaluation of Comcare's WHS programs. Any personal information collected in these forms will be used for those purposes. In exercising its functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

If Comcare does not collect personal information from you for the purposes of its legislated functions or related functions, we may not be able to perform our functions or activities. For further information on how Comcare handles personal information, please read our Privacy Policy on our website. If you require further information or wish to request a change to your personal information or to make a complaint, please email privacy@comcare.gov.au.



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NOTICE ISSUED TO:	Notice Number:	MC00040047-NT01	
Legal name of person:	Commonwealth of Australia in the right of Department of Home Affairs		
ABN:	33380054835	ACN:	
Trading as:	Department of Home Affairs		
Address line 1:	5 Chan Street		
Address line 2:	BELCONNEN ACT 2616 AUSTRALIA		

DETAILS:

Site/workplace location:	Villawood Immigration Detention Centre
<p>I, s22 being an Inspector appointed under s 156 of the WHS Act, reasonably believe that on 25 September 2025, at 11:00 a.m. you:</p> <p><input type="checkbox"/> are contravening a provision, or <input checked="" type="checkbox"/> have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated, of the:</p> <p><input checked="" type="checkbox"/> <i>Work Health and Safety Act 2011</i> (Cth), s s19(1) <input checked="" type="checkbox"/> <i>Work Health and Safety Regulations 2011</i> (Cth)</p>	

BRIEF DESCRIPTION OF HOW THE PROVISION IS BEING OR HAS BEEN CONTRAVENED:

<p>I formed a reasonable belief that Department of Home Affairs, as the person conducting a business or undertaking (PCBU) at 15 Birmingham Ave, Villawood NSW 2163 (the workplace) are contravening Section 19(1) of the WHS Act based on the following:</p> <ol style="list-style-type: none"> On 23 September 2025 at approximately 1941 AEST, a fire (Code Orange) was initiated in Room 5, Unit 3, Building 4 of the Latrobe Compound at Villawood Immigration Detention Centre (VIDC). The incident escalated to a Code Red when smoke and flames were observed. Detention Service Officers from Secure Journeys Pty Ltd attempted to forcibly enter a locked detainee room during a fire emergency to save the individual inside. Their efforts were hindered by intense heat and smoke, and they lacked appropriate respiratory protective equipment and fire-response training. As a result, the officers were exposed to hazardous conditions, compromising their safety during the rescue attempt.

- 5) The response to the fire incident on 23 September 2025 at the Latrobe Compound revealed that workers attempted to gain access to a burning room without appropriate respiratory protection. This lack of preparedness significantly increased the risk to both staff and detainees, with two staff members requiring hospitalisation due to smoke inhalation. Although, staff are advised to wait for fire fighters to arrive on site, however, in this instance a detainee was locked inside the room, the fire fighters arrived on site approximately 20 minutes after the initial call.
- 6) The absence of respiratory protective equipment indicates a failure to manage risks to workers arising from the conduct of the business or undertaking. Fires being ignited by detainees are a known hazard at this workplace, with three having been notified to Comcare in 2025 (NOT00038659, NOT00038280 and NOT00037133). This constitutes a breach of Section 19(1) of the Work Health and Safety Act 2011, which places a duty on the PCBU to ensure, so far as is reasonably practicable, the health and safety of workers and others by providing adequate training, safe working conditions, and necessary equipment.
- 7) Furthermore, the lack of appropriate fire response capability on-site suggests deficiencies in the emergency plan required under Regulation 43 of the Work Health and Safety Regulations 2011. Emergency plans must include not only procedures for evacuation and communication, but also the provision of appropriate training and resources to ensure workers can respond effectively and safely. The inability of staff to access the smoke-filled room, and the reliance on external emergency services to retrieve the unconscious detainee, highlights a gap in emergency preparedness. Without trained personnel equipped with BA, the facility may have failed to maintain an effective emergency response capability, potentially breaching the obligation to implement and maintain an emergency plan that protects both workers and detainees.
8. On Friday 3 October, the Centre Manager for Secure Journeys confirmed in response to my inquiries that workers have entered active fire zones voluntarily, without appropriate training, formal risk assessments, or authorisation. This practice exposes staff to a known and foreseeable hazard, in the absence of adequate control measures. The risk of fire and the need to manage fire-related emergencies, is an inherent and predictable aspect of operating within detention centres. When a PCBU is aware that workers may attempt high-risk entries to assist detainees, it is incumbent upon them to implement robust systems that eliminate or minimize such risks in accordance with the Work Health and Safety Act 2011.

DIRECTIONS (if any) AS TO THE MEASURES TO BE TAKEN TO REMEDY OR PREVENT THE CONTRAVENTION OR LIKELY CONTRAVENTION: *(Compliance is **mandatory** pursuant to s 193 of the WHS Act)*

- (Select one:)
- Remedy the contravention by: **7 January 2025**
 - Prevent a likely contravention from occurring by:
 - Remedy the things or operations causing the contravention or likely contravention by:

The Department of Home Affairs must comply with the following directions:

1. Review and update the emergency plan for Villawood IDC to ensure it provides for effective fire emergency response, including appropriate training, equipment, and procedures for staff.
2. Consider the provision of appropriate respiratory protective equipment for workers reasonably expected to respond to fire-related emergencies.
3. Implement safe systems of work that prevent staff from being required or expected to enter smoke-filled environments without proper training and equipment.

RECOMMENDATIONS (if any):

It is recommended that the directions issued to the Department of Home Affairs regarding fire safety and emergency response protocols be reviewed and considered for implementation across all other workplaces where Secure Journeys operates or manages similar activities. Given the nature of the risks identified, particularly the voluntary entry of workers into fire zones without training, risk assessment, or authorisation it is essential that consistent safety standards and procedures are applied across all sites.

NOTICE ISSUED BY:

s22 <i>Signature</i>	Inspector: s22 Email:s22 Phone: s22 Postal Address: GPO Box 1993, Canberra, ACT 2601	Inspector ID:s22
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- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

If Comcare does not collect personal information from you for the purposes of its legislated functions or related functions, we may not be able to perform our functions or activities. For further information on how Comcare handles personal information, please read our Privacy Policy on our website. If you require further information or wish to request a change to your personal information or to make a complaint, please email privacy@comcare.gov.au.

