



Australian Government  
Department of Immigration  
and Border Protection

# Response to the 'Forgotten Children' report by ABC's *Four Corners*

March 2017

## Response

1. On 17 October 2016, the ABC aired a *Four Corners* programme titled 'The Forgotten Children' which was critical of regional processing arrangements in Nauru, focusing on child refugees and transferees. The report made numerous erroneous assertions that were not verified prior to airing. The episode presented a one-sided view of child protection, welfare and education services in Nauru.
2. The Department of Immigration and Border Protection (the Department) welcomes independent scrutiny of Australia's support of regional processing arrangements. Independent oversight is provided by a range of organisations, including the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and the Commonwealth Ombudsman – all of which have visited Nauru.
3. *Four Corners* did not seek nor include up-to-date information about the state of educational services and facilities in Nauru. *Four Corners* used footage out of context, including airing vision of dilapidated toilets at Nauru College to imply it was representative of conditions for refugee and transferee children. This footage actually showed toilet facilities at the college before they had been refurbished and before refugee and asylum seeker children were enrolled. In failing to check its claims directly with the Department, *Four Corners* adopted a regrettable approach of relying on unverified accounts and claims from individuals.
4. *Four Corners* rejected and considered 'not helpful' an offer from the Department of a background pre-report briefing despite it being directly relevant to a report focussed heavily on the experiences of refugee and transferee children in Nauruan schools.
5. Many of the claims in the programme have been aired previously and refuted by the Department, its service providers and the Government of Nauru in a number of public fora.
6. The Australian Government provides support and assistance to the Government of Nauru to ensure that children are protected from abuse, neglect or exploitation, and have access to health, welfare and educational services.
7. The Australian Government takes the health and safety of refugees and transferees in Nauru seriously and continues to support the Government of Nauru to ensure people are treated humanely. The Department has reviewed the incidents raised by the *Four Corners* report in relation to self-harm and general mental health, and is satisfied appropriate action was taken. The Department provides the following response to the matters raised.

## Secrecy and the *Australian Border Force Act 2015*

8. The Department rejects the claim that there is an excessive level of secrecy in relation to regional processing arrangements in Nauru. Updates on refugee processing are provided monthly on the Operation Sovereign Borders Newsroom website, and the Department reports on regional processing activities regularly in Senate Estimates hearings.
9. It is a reflection of the Department's broad range of functions protecting Australia's border and managing the movement of people and goods, that it is privy to, and entrusted with, information that is sensitive and confidential. The provisions of the *Australian Border Force Act 2015* (ABF Act) that control the release of information are designed to enable the Department to carefully manage the sensitive and confidential information entrusted to it. This means that all of the Department's stakeholders, including those who give us their sensitive and confidential information, can be confident in the Department's handling of that information.

10. The Department has consistently maintained its view that the ABF Act does not prevent, and has never prevented, individuals from speaking out about their concerns regarding general conditions in regional processing centres, or from fulfilling their mandatory reporting obligations, including in relation to child abuse. Claims to the contrary are misleading.
11. The Department has issued an amended determination to make it clear that health practitioners are not subject to the ABF Act, including its secrecy and disclosure provisions. This extends to health practitioners working in regional processing centres and immigration detention centres in Australia.
12. The Department and its service providers have robust internal policies, procedures and review mechanisms in place through which any concerns, including those relating to medical treatment, can be raised and addressed.
13. The *Public Interest Disclosure Act 2013* (PID Act) also provides protections for officials, including contractors, who wish to make a disclosure in the public interest. Disclosures defined within the PID Act would not be subject to a criminal prosecution under the ABF Act.

## State of facilities

14. The footage *Four Corners* aired of toilet blocks was outdated and taken prior to the refurbishment that occurred before children from the regional processing centre were transitioned into the local schools. During late 2014 and early 2015, the Department undertook repair and refurbishment works at the Nauru Primary School and the high school, Kayser College. This work included:
  - various toilet repairs, including installing new stainless steel hand basins and new toilet cisterns and seats where required
  - replacing ceiling fans, lighting and air conditioning systems in various areas, as well as installing additional fans
  - replacing wooden shutters with glass louvres
  - fitting mosquito screen fabric to the outside of all classroom windows
  - painting the exteriors and interiors of various school buildings
  - fencing playgrounds
  - installing new shade cloth
  - repairing broken doors and replacing broken fibro compressed sheeting in various areas
  - constructing new walkway ramps to replace rotten and damaged ramps
  - re-painting blackboards.
15. The footage *Four Corners* aired of mould in the marquee accommodation is being managed in accordance with cleaning and sanitation management requirements. In February 2015 Broadspectrum, the Department's contracted service provider, established and implemented a scheduled cleaning programme, and developed a Remediation Action Plan to control mould. The Department engaged a certified indoor environmental consultant to review the Remediation Action Plan to ensure consistency with internationally accepted best practice standards. Recommendations from the review have been implemented by Broadspectrum, with moisture issues now addressed.

## Child protection and reporting

16. The Government of Nauru released its Child Protection Policy, Practice and Reporting Procedures in March 2016. The Department continues to support the establishment and implementation of Nauru's Child Protection Framework, including through the contracted services of two specialist child protection social workers.

17. On 12 May 2016, the Nauru *Crimes Act 2016* was amended to include provisions for offences causing or risking harm to children due to neglect, physical, emotional and sexual abuse. The *Child Protection and Welfare Act 2016* was then enacted on 10 June 2016. The Australian Federal Police placed a number of officers in Nauru in advisory roles, to provide capacity building, training and other support to the Nauru Police Force.

## Closure of school within the Nauru Regional Processing Centre

18. In 2015 the Government of Nauru agreed to all transferee and refugee children being educated in the Nauruan education system. Students were transitioned into Nauruan schools from July 2015.
19. The Government of Nauru is working with schools to ensure that the specific needs of refugee and transferee children are recognised and addressed. The Department contracts Brisbane Catholic Education to provide professional development to Nauruan teachers and to support curriculum development and pedagogical practice.
20. The Australian Government provides a range of education-related support to the Government of Nauru, including:
  - funding for the Nauru Department of Education to employ a guidance counsellor to promote engagement between transferee and refugee students, their parents and school teaching staff
  - \$8.4 million for the construction of eight classrooms, two IT classrooms, administration spaces and ablution blocks at the Nauru Primary School
  - provision of school uniforms to all school-aged transferee and refugee children
  - funding youth-specific support services
  - programmes and activities for residents living in the Nauru Regional Processing Centre, including school-aged and preschool-aged educational activities, English lessons, music, art and recreational activities
  - eleven Brisbane Catholic Education teachers, who provide professional development support in Nauruan schools
  - funding of four school counsellors to support the integration of transferee children into the Nauruan school system
  - support to school-aged refugee children and their parents in the Nauruan community through contracted child and youth workers
  - offering a mix of educational and recreational activities for school-aged refugee and Nauruan children after school hours and during school holidays.

## General safety in Nauru and child protection

21. All allegations of abuse, bullying and harassment are taken seriously. All allegations brought to the Department's attention are referred to the Nauru Police Force for investigation. The Nauru Police Force does investigate alleged crimes, including alleged assaults; however, the Government of Nauru has advised that investigations are at times made difficult when transferees or refugees fail to cooperate or where there is insufficient evidence to charge an alleged offender. The Australian Federal Police has provided capacity building, training and other support to the Nauru Police Force.
22. The Government of Nauru Child Protection Unit has lead responsibility for the care and protection of children in Nauru. It works closely with the Gender Violence Unit, which has implemented a 24/7 hotline (Victim Support Service) to assist victims of domestic violence and sexual assault.

## Calling individuals by their boat ID rather than names

23. There is no evidence that this practice exists currently. This issue was aired and dealt with at a Senate inquiry in August 2015. The service provider responsible apologised and this practice has not reoccurred.

## Use of metal detector wands on children

24. A scanning search is performed on all residents, using a metal detector wand, when they enter or leave the regional processing centre through the open-centre entry point. Their bags are also scanned and searched.
25. A scanning search of a person is a search carried out by using an electronic or mechanical device, whether handheld or otherwise, over or in close proximity to person's outer clothing.
26. Searches are undertaken in accordance with the Regional Processing Centre Guidelines, Centre Rules, Nauruan legislation and the Standard Operating Procedure on Search and Screening. Officers must at all times seek to ensure the safety of asylum seeker children within the regional processing centre. Any search conducted on a minor must only be conducted in accordance with Nauruan law, and with the best interests of the child in mind.
27. Officers must ensure that all individuals and their belongings are treated with dignity and respect throughout the scanning and screening process. Officers are required to communicate the screening process to the individual involved, including explaining why the screening process is being carried out and potential outcomes.

## Mental health

28. The Australian Government provides support and assistance to the Government of Nauru to assist with the provision of health services to transferees, refugees and the Nauruan community.
29. There are 65 health professionals delivering services across the Regional Processing Centre and the Settlement Health Clinic at the Republic of Nauru Hospital, including:
  - psychologists
  - psychiatrists
  - counsellors
  - torture and trauma counsellors
  - mental health nurses.
30. Decisions to transfer transferees are undertaken in consultation with International Health and Medical Services and the relevant Government of Nauru or Government of Papua New Guinea.
31. Decisions to transfer refugees settled in the community are undertaken in consultation with the relevant local hospital or local health services provider at the request of the Government of Nauru or Government of Papua New Guinea.