

## Chapter 3

### Living conditions at the Regional Processing Centre on Nauru

3.1 The committee received substantial evidence during its inquiry concerning living conditions in the Regional Processing Centre (RPC). Asylum seekers presently or formerly in the RPC related their concerns at the low standard of conditions afforded to them. Submissions received from former contractors also detailed concerns over the living conditions.

3.2 This chapter will address the evidence received by the committee regarding living arrangements for adults, children and families; and the provision of services and facilities.

3.3 As noted in Chapter 2, the Secretary of the Department of Immigration and Border Protection, Mr Michael Pezzullo, advised the committee that the care and welfare of asylum seekers within the RPC was the responsibility of the Nauruan Government, noting that the Nauruan Government manages and runs the RPC.<sup>1</sup>

3.4 While the department advised that they neither run nor manage the RPC on Nauru, the evidence shows that the department has in-depth involvement in oversight of contracted service providers, including funding and complaints handling, and exerts a significant amount of control over the daily operations of the RPC on Nauru.

#### Department of Immigration and Border Protection responses to questions

3.5 A series of questions asked of the department regarding the facilities, amenities and accommodation at the RPC failed to elicit informative responses. The committee considers the answers provided to these questions to be inadequate.

3.6 For example, the department was asked by the committee to provide information on the accommodation at the RPC, including specific data relating to type and size. The department's response did not provide any information to the committee:

Asked:

Please provide the following information:

The accommodation capacity at the Nauru Detention Centre and any subsequent changes to that capacity since 1 January 2014, including accommodation type and average square metre allocation for each asylum seeker.

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<sup>1</sup> Mr Michael Pezzullo, Secretary, Department of Immigration and Border Protection, *Committee Hansard*, 9 June 2015, p. 43.

Answer:

There is sufficient accommodation capacity at the Regional Processing Centre on Nauru.<sup>2</sup>

3.7 Further, the department declined to provide the committee with plans of the RPC which included staff quarters on the grounds of 'operational security reasons'.<sup>3</sup> The department also declined to provide the committee with documents relating to the decision to halt construction on RPC 2 and RPC 3, citing that they were deliberations of the government and could not be provided.<sup>4</sup>

3.8 The committee sets out the conclusions it has drawn in relation to these matters in Chapter 5.<sup>5</sup>

### **Provision of and responsibility for marquees**

3.9 Throughout its inquiry, the committee has sought to determine where the ultimate responsibility lies for the provision and maintenance of the white vinyl marquees currently used for accommodation in the RPC.

3.10 In a response to a question on notice, the department noted that the white vinyl marquees used for accommodation and facilities in the RPC were procured and installed by Transfield Services, that the department does not have oversight of Transfield Services' sub-contractual arrangements, and that Transfield Services purchased the marquees on the department's behalf.<sup>6</sup>

3.11 However, Transfield Services put to the committee that the provision of infrastructure, including marquees, was a matter for the department, and that the 'decisions on specifications were made by the department'.<sup>7</sup> Transfield Services further noted that while they procured the majority (120 of 140) of the marquees, twenty were purchased directly by the department.

Transfield Services procured the marquees from Barlens to replace the army style tents that were erected following the destruction of the demountable buildings in July 2013. Other quotes were sought at the time though only Barlens could supply the required quantity in the timeframe requested by the Department.

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<sup>2</sup> Department of Immigration and Border Protection, answer to question on notice, 18 May 2015, (received 5 June 2015).

<sup>3</sup> Department of Immigration and Border Protection, answer to question on notice, 18 May 2015, (received 5 June 2015).

<sup>4</sup> Department of Immigration and Border Protection, answer to question on notice, 18 May 2015, (received 5 June 2015).

<sup>5</sup> This issue is discussed at paragraph 5.11.

<sup>6</sup> Department of Immigration and Border Protection, answer to question on notice, 27 May 2015 (received 9 June 2015).

<sup>7</sup> Mrs Munnings, Mr Osborn, Transfield Services, *Committee Hansard*, 19 May 2015, pp 9-10.

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The remaining twenty marquees were procured directly by the Department. Our understanding is that these were purchased from Toll.<sup>8</sup>

3.12 When the discrepancy in these answers was brought to the department's attention, the department reiterated that it considered Transfield Services best placed to provide all advice relating to the 'procurement, provision, installation, maintenance and oversight' of the marquees at the RPC. The department stated that '[w]hile the Department advised Transfield that marquees could be used for accommodation, Transfield undertook the procurement and installation of the marquees and associated infrastructure'. The department confirmed that it had, separately, purchased 20 marquees from Toll in August 2013.<sup>9</sup>

3.13 The committee considers this to be evidence that the provision of infrastructure, and responsibility for it, is unclear, with both the department and Transfield Services referring the committee to the other to seek further information. The committee notes that the twenty marquees purchased directly by the department were not referred to in the department's initial answer about procurement of marquees. The committee has sought to clarify responsibility for the marquees in order to establish important facts around the standard of living provided to asylum seekers in the RPC, but this has been frustrated by a lack of clear lines of responsibility.

### **Living arrangements**

3.14 The RPC comprises three sites which provide accommodation: RPC 1, which provides accommodation for staff and service providers; RPC 2, which provides accommodation to single adult male asylum seekers in dormitory style sleeping arrangements, and RPC 3, which provides accommodation to single adult female asylum seekers and families.<sup>10</sup>

3.15 Transfield Services advised that the marquees currently used for accommodation in RPC 2 and RPC 3 were made of flame retardant material, with particle board flooring:

The exterior of the marquees (the walls and roof) is made from Flame Retardant Vinyl, being a layered polyester yarn fabric coated on both sides with PVC flame retardant (Vinyl) and varnish. All marquees also have a solid floor made out of commercial grade particle board flooring, supported by treated pine bearers.<sup>11</sup>

3.16 RPC 1 currently accommodates 'up to 850 staff and service providers in permanent modular accommodation', and has facilities for both staff and asylum

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<sup>8</sup> Transfield Services, answer to question on notice, 28 May 2015 (received 16 June 2015).

<sup>9</sup> Department of Immigration and Border Protection, answer to question on notice of 29 June 2015 (received 17 July 2015).

<sup>10</sup> Department of Immigration and Border Protection, *Submission 31*, p. 33. These facilities were noted in Chapter 1.

<sup>11</sup> Transfield Services, answer to question on notice, 19 May 2015 (received 16 June 2015).

seekers. The department advised that the site also includes a 'managed accommodation area for high-risk transferees'.<sup>12</sup>

3.17 Single adult male asylum seekers are currently accommodated in RPC 2, in white vinyl marquees measuring 10m x 12m in three compounds. The department advised that each marquee is capped at a capacity of 22.<sup>13</sup>

3.18 Much of the evidence received by the committee related to the conditions in RPC 3, which currently houses families and single adult female asylum seekers in white vinyl marquees measuring 10m x 12m in six compounds. The marquees are divided using vinyl walls. Families with children under the age of four are accommodated in air-conditioned marquees.<sup>14</sup> According to a submission received by the committee, RPC 3 is located in a depression 'much lower in elevation than any of the surrounding areas'.<sup>15</sup> Ms Natasha Blucher, a former Save the Children Australia employee, described the physical environment of RPC 3:

The effect of the topography of the area is such that heat is contained in the depressed area where the client accommodation is located. There is limited wind and breeze due to surrounding raised pinnacled areas. The result is a very intense and persistent heat with little reprieve.<sup>16</sup>

3.19 The committee sought clarification as to why children over the age of four were not able to be placed in accommodation with air-conditioning. The department provided the following response: 'With advice from service providers, the Government of Nauru determines operational matters'.<sup>17</sup> The committee considers this to be an entirely inadequate response to the question.

3.20 The committee received a large volume of evidence that the living conditions in the RPC on Nauru were of a lower standard than would be accepted in Australia, and had an unacceptable lack of privacy and poor hygiene.<sup>18</sup> For example, letters written by asylum seekers which were received by the committee referred to respiratory complaints arising from exposure to high levels of phosphate dust.<sup>19</sup>

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<sup>12</sup> Department of Immigration and Border Protection, *Submission 31*, p. 33.

<sup>13</sup> Department of Immigration and Border Protection, *Submission 31*, pp 33-34.

<sup>14</sup> Department of Immigration and Border Protection, *Submission 31*, p. 34.

<sup>15</sup> *Submission 82*, p. 3.

<sup>16</sup> Ms Natasha Blucher, *Submission 83*, p. 4.

<sup>17</sup> Department of Immigration and Border Protection, answer to question on notice, 21 May 2015 (received 9 June 2015).

<sup>18</sup> NetAct, *Submission 20*, p. 3; Asylum Seeker Resource Centre, *Submission 27*, p. 3; Australian Churches Refugee Taskforce, *Submission 31, Attachment 1*; Darwin Asylum Seeker Support and Advocacy Network, *Submission 61*, p. 6; RAC-Q, *Submission 73*, p. 5; *Submission 80*, p. 3; *Submission 85*, p. 1.

<sup>19</sup> Australian Churches Refugee Taskforce, *Submission 31, Attachment 1*.

3.21 The living conditions were noted by a number of submitters to be hot, humid and crowded.<sup>20</sup> The Darwin Asylum Seeker Support and Advocacy Network (DASSAN) informed the committee that asylum seekers were concerned about high levels of heat inside the marquees, and a lack of privacy and cleanliness.<sup>21</sup> The presence of mice, rats and other pests such as mosquitos was also noted by submitters.<sup>22</sup>

3.22 Transfield Services administers both scheduled and responsive cleaning programs.<sup>23</sup> They noted that the maintenance of the vinyl marquees and monitoring of mosquitoes is challenging owing to the tropical conditions experienced on the island.<sup>24</sup>

3.23 Several submitters raised concerns that low standards of maintenance and hygiene in the accommodation areas were having a detrimental impact on physical and mental wellbeing.<sup>25</sup> The Refugee Action Collective of Queensland (RAC-Q) told the committee that substandard living conditions, stress and anxiety were leading to poor health, with high rates of 'diarrhoea, mosquito related illnesses, vaginal fungal infections, coughs [and] dizziness'.<sup>26</sup>

3.24 Mr Lee Gordon, Head of Nauru Programs from Save the Children Australia, told the committee that the environment was a factor for physical and mental health:

I think it would be fair to say that, in the regional processing centre, we are dealing with a range of incredibly traumatised people who are often extremely stressed. I think conditions of hardship where tent conditions are hot, where there is a lack of privacy and where you may not be able to sleep contribute to stress and I think makes a situation where self-harm or other types of antisocial behaviours are very possible. So I do think it is a contributing factor.<sup>27</sup>

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<sup>20</sup> ChilOut, *Submission 13*, p. 4; Mr Lee Gordon, Head of Nauru Programs, Save the Children Australia, *Committee Hansard*, 19 May 2015, p. 52.

<sup>21</sup> Darwin Asylum Seeker Support and Advocacy Network, *Submission 61*, p. 4.

<sup>22</sup> Asylum Seeker Resource Centre, *Submission 27*, p. 4; Australian Churches Refugee Taskforce, *Submission 31, Attachment 1*, Darwin Asylum Seeker Support and Advocacy Network, *Submission 61*, p. 4; RAC-Q, *Submission 73*, p. 5; Ms Charlotte Wilson, *Submission 79*, p. 2.

<sup>23</sup> Transfield Services, response to *Submission 66*, p. 12.

<sup>24</sup> Transfield Services, answer to question on notice, 20 May 2015 (received 16 June 2015). In a response to a submission, Transfield Services drew to the attention of the committee the implementation of a mosquito eradication program and Vector Emergency Response plan which would be initiated in the event of an outbreak of a mosquito-borne disease. Transfield Services, response to *Submission 85*, pp 6-7.

<sup>25</sup> ChilOut, *Submission 13*, p. 4; Australian Churches Refugee Taskforce, *Submission 31, Attachment 1*, RAC-Q, *Submission 73*, p. 5.

<sup>26</sup> RAC-Q, *Submission 73*, p. 5.

<sup>27</sup> Mr Lee Gordon, Head of Nauru Programs, Save the Children Australia, *Committee Hansard*, 19 May 2015, p. 51.

3.25 Save the Children Australia recommended the installation of air-conditioning, saying that it would 'reduce family tensions, improve students' ability to learn and enable a range of recreation activities to be conducted safely'.<sup>28</sup>

3.26 When asked what priority was being given to improving physical comfort for asylum seekers, such as the provision of air-conditioning, the department provided the following response: 'Such matters would be subject to agreement by the Government of Nauru and the appropriation of additional capital funding'.<sup>29</sup>

### ***Presence of mould***

3.27 The presence of mould on the inside of the white vinyl marquees used for accommodation was raised by submitters, some of whom linked its presence with eye infections and skin complaints.<sup>30</sup> One submitter said that:

Throughout the time that I was employed at the Nauru RPC, I observed large quantities of mould on tents, including the tents that asylum seekers lived in. The mould was black and so pronounced that people would actually write things on the outside of the tent in the mould, similar to the manner that some people write on dusty cars in Australia.<sup>31</sup>

3.28 Transfield Services advised the committee that all marquees in the RPC are affected by mould to varying degrees, which for a period was treated with 'bleach wash downs':

This improved the situation for a period though mould typically reappeared within a few months. In or about May – June 2014, it became clear that bleach wash downs were not a viable permanent solution.<sup>32</sup>

3.29 Installation of air-conditioning units, improvements to ventilation and a more thorough cleaning regime are being carried out by Transfield Services and the department.<sup>33</sup> Three major avenues for the removal of mould are being pursued by Transfield Services, including a 'Procedure for Mould Decontamination' and a 'Mould Remediation Plan' including:

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<sup>28</sup> Save the Children Australia, *Submission 30*, pp 26-27.

<sup>29</sup> Department of Immigration and Border Protection, answer to question on notice, 21 May 2015 (received 9 June 2015).

<sup>30</sup> For the presence of mould, see: Professor David Isaacs, *Submission 11*; p. 1; Ms Viktoria Vibhakar, *Submission 63*, p. 31; Ms Alanna Maycock, *Submission 66*, p. 2; Ms Charlotte Wilson, *Submission 79*, p. 2; *Submission 82*, p. 3. For submissions linking mould with infection, see: Asylum Seeker Resource Centre, *Submission 27*, p. 3; *Submission 81*, p. 3.

<sup>31</sup> Ms Viktoria Vibhakar, *Supplementary Submission 63.1*, p. 14.

<sup>32</sup> Transfield Services, answer to question on notice, 20 May 2015 (received 16 June 2015).

<sup>33</sup> Transfield Services, answer to question on notice, 20 May 2015 (received 16 June 2015); Ms Cindy Briscoe, Deputy Secretary, Immigration Status Resolution Group, Department of Immigration and Border Protection, *Committee Hansard*, 9 June 2015, p. 51.

- a systematic interior and exterior cleaning regime using a 'specialised chemical', the cleaning or replacement of floor and roof panels and the application of a regrowth inhibitor;
- an industrial high pressure steam cleaner; and
- a dedicated supervisor for the Mould Remediation Plan.<sup>34</sup>

3.30 Transfield Services told the committee on 20 July that 91 tents had been cleared of mould, but acknowledged that there was potential for the mould to return, 'probably [in] 12 months plus'.<sup>35</sup>

### ***Access to water***

3.31 Access to water was raised as an area of concern by submitters, who noted that there is no running water in the accommodation marquees and that obtaining water was difficult for some asylum seekers.<sup>36</sup>

3.32 The Nauruan Government have said that access to water and sanitation on the island is 'challenging', and noted that most households rely on rainwater storage. The Ministry for Commerce, Industry and Environment in Nauru said that the ability to sustain water demand during times of drought is an important goal.<sup>37</sup>

3.33 The department advised that RPC 2 and RPC 3 are self-sufficient in water storage,<sup>38</sup> and that a major upgrade of water infrastructure on Nauru has been funded by the department:

In June 2014 the Department and the Government of Nauru reached agreement to enable the upgrade of the Nauruan Utilities Corporation water production infrastructure. The Department committed significant capital costs to upgrade the Nauru water supply to ensure water security for the Regional Processing Centre.

The arrangement includes the upgrade of infrastructure and the ongoing payment of all operational costs for the new units. As part of the scope, two new reverse osmosis water production units, a decant standpipe, new sea water intake pumps and backup generators were installed.<sup>39</sup>

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<sup>34</sup> Transfield Services, answer to question on notice, 20 May 2015 (received 16 June 2015).

<sup>35</sup> Mr Derek Osborn, Executive General Manager, Logistics and Facilities Management, Transfield Services, *Committee Hansard*, 20 July 2015, p. 21.

<sup>36</sup> ChilOut, *Submission 13*, p. 8; Asylum Seeker Resource Centre, *Submission 27*, p. 5; Australian Christian Refugee Taskforce, *Submission 32*, p. 1; Darwin Asylum Seeker Support and Advocacy Network, *Submission 61*; Ms Alanna Maycock, *Submission 66*, p. 2; *Submission 81*, p. 2; Ms Natasha Blucher, *Submission 83*, p. 10.

<sup>37</sup> Ministry for Commerce, Industry and Environment, Water and Sanitation in Nauru – Overview, <http://nauruenv.appspot.com/water-unit/watsan> (accessed 7 May 2015).

<sup>38</sup> Department of Immigration and Border Protection, *Submission 31*, p. 33.

<sup>39</sup> Department of Immigration and Border Protection, *Submission 31*, p. 34.

3.34 Submissions from asylum seekers formerly or presently in the RPC on Nauru referred to water restrictions impacting on their health and wellbeing through restricting access to drinking water and water for showers.<sup>40</sup> The committee received letters from asylum seekers formerly or currently in the RPC which referred to short shower times of two minutes or less, water restrictions, and a lack of warm water.<sup>41</sup>

3.35 A submission from Ms Alanna Maycock and Professor David Isaacs highlighted the health risks involved when drinking water cannot be accessed:

Gastroenteritis is common and potentially dangerous. Parents complain they have been unable to access water at night when their children have vomiting and diarrhoea. They are rightly concerned about the risks of dehydration.<sup>42</sup>

3.36 Ms Cindy Briscoe, Deputy Secretary, Immigration Status Resolution Group, Department of Immigration and Border Protection, acknowledged that restrictions on water had happened when machine maintenance was occurring:

There are occasions where restrictions are placed on the water when maintenance is happening with those machines. At all times, there is ample bottled water made available... We have recently upgraded the water capacity from 300 kilolitres to 2.2 megalitres per day.<sup>43</sup>

3.37 While the committee heard that bottled water was not allowed or provided inside the RPC,<sup>44</sup> the department has advised that bottled water is available every day to asylum seekers.<sup>45</sup>

### ***Lack of privacy***

3.38 The Moss Review noted a number of concerns raised about the low level of privacy afforded to asylum seekers, and the detrimental effect that was having on mental health and relationships.

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<sup>40</sup> Australian Churches Refugee Taskforce, *Submission 31, Attachment 1*, p. 11; *Submission 80*, p. 10.

<sup>41</sup> Australian Churches Refugee Taskforce, *Submission 31, Attachment 1*, pp 8-9; Darwin Asylum Seeker Support and Advocacy Network, *Submission 61*, p. 6;

<sup>42</sup> Ms Alanna Maycock and Professor David Isaacs, *Submission 66, Supplementary Submission*, p. 3.

<sup>43</sup> Ms Cindy Briscoe, Deputy Secretary, Immigration Status Resolution Group, Department of Immigration and Border Protection, *Committee Hansard*, 9 June 2015, p. 50.

<sup>44</sup> Asylum Seeker Resource Centre, *Submission 27*, p. 5; Ms Natasha Blucher, *Submission 83*, p. 10. The Moss Review related evidence that bottled water was no longer available in an attempt to prevent alcohol being brought inside the RPC. Mr Philip Moss, *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru*, 6 February 2015, p. 43, fn 93.

<sup>45</sup> Mrs Kylie Scholten, Acting Assistant Secretary, Offshore Operations Branch, Department of Immigration and Border Protection, *Committee Hansard*, 9 June 2015, p. 50.



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The apprehension about personal safety and the concern about privacy arises from high density accommodation in mostly non-air-conditioned, soft walled marquees in a tropical climate.<sup>46</sup>

3.39 Issues relating to a lack of privacy were raised by submitters, who noted that tents housing multiple families were delineated by plastic sheeting walls, which afforded an inadequate level of privacy.<sup>47</sup> Much of the evidence related to RPC 3, which accommodates families and single adult females. The effects of a lack of privacy on mental health and personal safety and security were noted by submitters.<sup>48</sup>

3.40 Ms Viktoria Vibhakar, a former social worker with Save the Children Australia, told the committee that the inability for asylum seekers to lock their accommodation led to a breakdown in privacy and security:

One of the difficult things in the Nauru detention facility is that people are held in extremely crowded conditions, they lack privacy and they have accommodation that cannot be locked. So parents are unable to keep intruders or people who would seek to do harm or sexually assault children from entering their accommodation whether it be at night time or during the day time—and that includes both Commonwealth contracted providers as well as anyone else in the detention facility.<sup>49</sup>

3.41 One submitter told the committee that privacy and security could not be guaranteed owing to the nature of the marquees:

The board walls did not reach the top of the tent. Individual partitioned sections did not have doors, and in lieu of doors, had tarpaulin style coverings. Such an arrangement afforded little privacy and security, as tarpaulin style coverings could not be secured.<sup>50</sup>

3.42 Transfield Services told the committee that, in conjunction with the department, the lack of privacy was currently being addressed as part of the response to the recommendations of the Moss Review.<sup>51</sup>

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<sup>46</sup> Mr Philip Moss, *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru*, 6 February 2015, p. 43.

<sup>47</sup> Save the Children Australia, *Submission 30*, p. 27.

<sup>48</sup> UNHCR, *Submission 19*, p. 4; Asylum Seeker Resource Centre, *Submission 27*, p. 3; *Submission 39*, p. 1; Darwin Asylum Seeker Support and Advocacy Network, *Submission 61*, p. 6; Ms Alanna Maycock, *Submission 66*, p. 2; Ms Charlotte Wilson, *Submission 79*, p. 2. The Moss Review noted that children may be able to observe adult sexual activity owing to the lack of privacy, which may have resulted in the sexualised behaviour of children. Mr Philip Moss, *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru*, 6 February 2015, p. 44.

<sup>49</sup> Ms Viktoria Vibhakar, *Committee Hansard*, 9 June 2015, p. 30.

<sup>50</sup> *Submission 81*, p. 3.

<sup>51</sup> The Moss Review made a recommendation around the need for a greater focus on privacy:

3.43 Transfield Services advised the committee that extra partitions were being installed as a means to increase privacy:

We acknowledge that concerns have been raised regarding the privacy of asylum seekers and Transfield Services is working with the Department to address these concerns.<sup>52</sup>

Transfield Services are working with the Department in respect of the following improvements to accommodation which will enhance personal safety and privacy:

1. increased ventilation via the provision of central duct air conditioning, fans (ceiling fans for families and wall fans above the door for single adult males and single adult females) and insulation;
2. added screening (including floor to ceiling partitions) for families of 3 or more persons such that their accommodation is transformed into studio living;
3. added screening for single adult males and females such that marquee accommodation is transformed into 2 person rooms with floor to ceiling partitions;
4. additional lighting in walkways, open areas, toilets, ablution areas and laundries; and
5. additional lighting in accommodation areas.

Transfield Services has also installed privacy walls in response to specific privacy concerns where those have been raised from time to time by individual asylum seekers.<sup>53</sup>

3.44 The department noted that as asylum seekers were resettled in the community, more space would be allocated to those within the RPC.<sup>54</sup>

### **Provision of services and facilities**

3.45 Services (other than medical care) and material goods are currently provided by Transfield Services to all asylum seekers in the RPC on Nauru. Although initially contracted to provide welfare services to single adult males, their role has expanded:

Since being engaged to provide welfare services to single adult males in February 2014, Transfield Services' service delivery model has expanded to a fully integrated, welfare led model. This means that all Transfield

**'RECOMMENDATION 1:** The Department and the Nauruan Government take into account the personal safety and privacy of transferees when making decisions about facilities and infrastructure at the Centre.' Mr Philip Moss, *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru*, 6 February 2015, p. 9.

<sup>52</sup> Transfield Services, response to *Submission 85*, p. 3.

<sup>53</sup> Transfield Services, answer to question on notice, 19 May 2015 (received 16 June 2015).

<sup>54</sup> Ms Cindy Briscoe, Deputy Secretary, Immigration Status Resolution Group, Department of Immigration and Border Protection, *Committee Hansard*, 9 June 2015, p. 51.

Services' service lines, including security, are managed by the Transfield Services' Operations Manager and the application of welfare service principles underpin all aspects of service delivery.<sup>55</sup>

3.46 Submitters told the committee that the provision of goods was minimal, and that the service providers were often slow to respond.<sup>56</sup>

3.47 Ms Viktoria Vibhakar, a former Save the Children Australia employee, told the committee that the provision of material goods was considered to be a low priority at the RPC. She submitted that these lower priority issues included:

...adequate clothing and footwear, beds, changing out urine stained sheets for children with bedwetting problems, providing appropriate quantities of undergarments, a lack of toys for children, or addressing issues with bullying/harassment within the detention facility.<sup>57</sup>

3.48 The committee notes that the Nauru Regional Processing Centre Rules as set out by the Nauruan Government prohibit the exchange of goods between asylum seekers within the RPC:

### **3. Responsibilities of Asylum Seekers**

#### **3.1. At all times, asylum seekers residing at the Centre must:**

3.1.8. not participate in any form of exchange or bartering within the Centre. This includes the provision of gifts or any material goods or favours;<sup>58</sup>

#### ***Provision of clothing and footwear***

3.49 Access to clothing and footwear was referred to in a number of submissions as being sporadic and minimal, with submitters also referring to instances where clothing that was culturally inappropriate or an incorrect size was provided with no chance of exchange.<sup>59</sup>

3.50 It was noted by submitters that access to clothing and footwear had been below acceptable standards during the period of The Salvation Army's management of the stores:

It was rare for children to have appropriate footwear in the RPC, and this was well known by all staff. Most children wore rubber thongs, which were

<sup>55</sup> Transfield Services, *Submission 29*, p. 8.

<sup>56</sup> *Submission 38*, p. 1; *Submission 80*, p. 10.

<sup>57</sup> Ms Viktoria Vibhakar, *Submission 63*, p. 35. Save the Children Australia advised the committee that they did not agree with the assessment that the provision of goods was a low priority. Save the Children Australia, response to *Submission 63*, p. 9.

<sup>58</sup> Transfield Services, *Submission 29, Attachment 2*, p. 5.

<sup>59</sup> Asylum Seeker Resource Centre, *Submission 27*, p. 4; Save the Children Australia, *Submission 30*, p. 24; *Submission 38*, p. 1; Ms Viktoria Vibhakar, *Submission 63*, p. 26; *Submission 81*, pp 2-3; *Submission 82*, p. 7; Ms Natasha Blucher, *Submission 83*, pp 8-9.

often broken or had holes in the sole. On occasion I witnessed children with wire strapping the thongs to their feet.<sup>60</sup>

3.51 The Salvation Army advised the committee that delays in delivery of the goods were a problem, but noted that they were not responsible for procurement:

The Salvation Army notes that there were occasions on which goods would run out and due to the remoteness of the RPCs there would be a delay in the delivery of those goods to the RPCs. However, The Salvation Army was not responsible for procurement of goods. This responsibility rested with the security and garrison service providers.<sup>61</sup>

3.52 Transfield Services began to administer and manage the stores at RPC 2 and RPC 3 in February 2014, taking over the role from The Salvation Army. Transfield Services told the committee that since their management of the stores, they have tried to ensure fair and appropriate access to clothing. They acknowledged that a significant number of outstanding requests required attention when they assumed management:

...at the time of assuming responsibility for the stores in February 2014, Transfield Services was provided by the outgoing service provider [The Salvation Army] with a database of 571 outstanding requests for clothing and other material goods. We implemented a number of measures immediately to address these timeliness and efficiency of clothing distribution and to resolve this large number of outstanding requests.<sup>62</sup>

3.53 Transfield Services advised the committee that measures they had taken included the establishment of a canteen in which 'items that had been incorrectly issued' could be exchanged.<sup>63</sup> Save the Children Australia acknowledged that until February 2014, issues concerning the provision of material goods had been 'particularly pronounced' until they began to provide welfare services in RPC 3.<sup>64</sup>

3.54 The committee sought clarification in relation to the issues with procurement and provision of material goods. Save the Children Australia told the committee that when the backlog of requests was provided to them, they worked to improve the processes involved:

SCA prioritised the resolution of outstanding requests and worked hard with Transfield to resolve them as quickly as possible. However, it was clear that the process required significant improvement.<sup>65</sup>

3.55 Save the Children Australia noted that Transfield Services is responsible for the procurement and distribution of material goods, and since July 2014, took up the

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<sup>60</sup> Ms Kirsty Diallo, *Submission 64*, p. 5.

<sup>61</sup> The Salvation Army, response to *Submission 69*, p. 1.

<sup>62</sup> Transfield Services, response to *Submission 69*, p. 7.

<sup>63</sup> Transfield Services, response to *Submission 63*, p. 12.

<sup>64</sup> Save the Children Australia, response to *Submission 63*, p. 8.

<sup>65</sup> Save the Children Australia, answer to question on notice, 3 July 2015 (received 9 July 2015).

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recommendation of Save the Children Australia to establish a canteen for asylum seekers to access material goods directly:

SCA urged Transfield to make material goods available to asylum seekers from its canteen at RPC3, so that people could obtain these goods directly. SCA considered that improving this service would remove SCA from the process entirely, which would help to restore some self-agency to asylum seekers, improve SCA's relationships with beneficiaries and free-up SCA employees to focus on their core duties, being the provision of welfare, education and recreation services.<sup>66</sup>

3.56 The department declined to provide the committee with Ministerial Submissions or Minutes to the Secretary concerning, among other things, a lack of adequate clothing, footwear, sunglasses or sanitary products, advising that '[t]he Department may not divulge advice provided to Ministers as part of Government deliberations'.<sup>67</sup>

3.57 Since November 2014,<sup>68</sup> Transfield Services have implemented a 'Clothing Distribution Procedure' to provide clothing and material goods to asylum seekers at various times:

The Clothing Distribution Procedure provides that asylum seekers are to receive the minimum material items at intervals as follows:

- Arrival allocation;
- Urgent needs;
- Stolen/Lost replacement;
- Three month;
- Six month.<sup>69</sup>

3.58 Although the committee heard that access to basic material goods had improved since Transfield Services assumed management of the stores, submitters told the committee that the provision was still inadequate. One submitter noted that '[r]equests for clothing (from Transfield logistics) were often ignored or met with vague answers around lack of availability'.<sup>70</sup>

3.59 Transfield Services advised the committee that asylum seekers who wish to report stolen property must fill out a Request Form, after which, a Wilson Security officer will undertake a search of the possessions of the asylum seekers making the claim:

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<sup>66</sup> Save the Children Australia, answer to question on notice, 3 July 2015 (received 9 July 2015).

<sup>67</sup> Department of Immigration and Border Protection, answer to question on notice, 18 May 2015, (received 5 June 2015).

<sup>68</sup> Transfield Services, answer to question on notice, 3 July 2015 (received 13 August 2015).

<sup>69</sup> Transfield Services, response to *Submission* 85, p. 6.

<sup>70</sup> *Submission* 38, p. 1.

A Security Officer will conduct a search of the Asylum Seekers belongings and assess if the items have been stolen and submit the report...The Stores/Canteen Coordinator will review the Asylum Seekers property inventory and determine if they will be allocated additional items. If it is found that the Asylum Seeker has sufficient clothing still in their possession they will not be issued with a replacement for stolen items.<sup>71</sup>

3.60 Mr Tobias Gunn, a former Save the Children employee, told the committee that no new or replacement shoes were available for asylum seekers between February and June 2014 and that because of the physical environment, inappropriate footwear such as thongs would wear out quickly:

The gravel is too jagged to walk on in bare feet, and the thongs that were provided to asylum seekers wore out after only a few weeks. A female asylum seeker told me that she was sharing one pair of thongs with four women, and they would take turns wearing them to go to the toilet block or English classes.

...

Asylum seekers were repeatedly instructed to fill in a request form for shoes, when it was known there were none available. Clothes were also very limited during this time, and it was not uncommon for men and women to only have only one change of clothes.<sup>72</sup>

3.61 Former Save the Children staffer Samantha Betts said that:

The issue of clothing is absolutely horrendous. There were parents who actually had to cut holes in their children's sneakers because their feet were growing too much and the shoes were too small. Children would often ask us to help fix their thongs, which we tried to do on several occasions—we got a bit ingenious with bread ties and bits of string.<sup>73</sup>

3.62 The process for requesting and being granted appropriate and sufficient clothing and footwear was said to be inadequate by former employees of contracted service providers, who told the committee that the process was confusing and arbitrary. Ms Blucher told the committee that when appointments were given to asylum seekers to obtain clothing, the clothing was often inappropriate, and there was 'no recourse or ability to try them on'.<sup>74</sup> Ms Blucher gave an example of inappropriate clothing given to a female asylum seeker:

This woman had been sharing one pair of covered shoes with her daughter since her arrival on Nauru. I attended the appointment with her and she requested another pair of shoes. She was given a pair of large men's shoes that were too big, and informed that they had no shoes of her size.

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<sup>71</sup> Transfield Services, answer to question on notice, 3 July 2015 (received 13 August 2015).

<sup>72</sup> Ms Charlotte Wilson, *Submission 79*, p. 6.

<sup>73</sup> Ms Samantha Betts, *Committee Hansard*, 20 July 2015, pp 57-58.

<sup>74</sup> Ms Natasha Blucher, *Submission 83*, p. 9.

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Transfield informed her that she should take these shoes and swap them at her next appointment a few weeks later.<sup>75</sup>

3.63 One submitter told the committee that sun cream and hats were not available to asylum seekers,<sup>76</sup> however this was disputed by Transfield Services, who advised that these items were provided upon arrival and then monthly:

All asylum seekers are issued with sunscreen in their "Monthly hygiene pack". Extra sunscreen is available to purchase from the canteen for 5 IAP [Individual Allowance Programme]. Every asylum seeker is also issued with a hat and sunglasses when they first arrive in the centre in their "Welcome pack". They are able to exchange their hat, for free, if damaged. If their hat is lost or stolen, a request form can be submitted by the asylum seeker for a replacement hat. Extra sunglasses are available for purchase from the canteen for 10 IAP.<sup>77</sup>

### ***Toilet facilities***

3.64 Unclean toilet facilities were noted by submitters, with references to toilets in a state of disrepair or with poor hygiene.<sup>78</sup>

3.65 The Asylum Seeker Resource Centre told the committee that the lack of clean toilet facilities was having an impact on the health and wellbeing of asylum seekers, with long queues affecting the ability of all to use them:

Asylum seekers talk of the filthy toilets, which the children don't want to use. The toilets have no water and asylum seekers are not allowed cleaning agents to clean the facilities by themselves. They talk of the constant long queues for the toilet. Many women and children cannot wait and have become incontinent as a result. They wear pads when they can get them. Even the older children are wearing pads because they do not have enough clothes to change if they get soiled.<sup>79</sup>

3.66 Allegations of abuse and harassment occurring in the toilet facilities are discussed in Chapter 4.

### ***Food***

3.67 Information concerning the provision of food in the RPC was not readily available from Transfield Services, although they did advise the committee of the process for provision of meals to those unable to attend the mess:

Asylum seekers can access the mess at any time, 24 hours a day, to access beverages and snacks, such as tea, coffee, cordial, and biscuits.

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<sup>75</sup> Ms Natasha Blucher, *Submission 83*, p. 10.

<sup>76</sup> Ms Samantha Betts, *Submission 85*, p. 2.

<sup>77</sup> Transfield Services, response to *Submission 85*, p. 9.

<sup>78</sup> *Submission 81*, p. 2; *Submission 83*, p. 5.

<sup>79</sup> Asylum Seeker Resource Centre, *Submission 27*, p. 4.

Transfield Services provides meals for asylum seekers who are unable to attend during the scheduled mess hours. This may be due to an attendance at an offsite excursion, a medical appointment (as in the circumstances identified in the Submission), or other meeting at the site on RPC1.

Meals are facilitated by the Meal Request process. A meal request form is submitted and meals are provided as requested. Transfield Services addresses and actions ad hoc and urgent requests as required.<sup>80</sup>

3.68 The committee notes the advice of the department that the Nauruan Government has engaged three Operational Managers, whose role, in part, is to 'ensure that each person residing at the centre is provided with a range of things, including...food that is adequate to maintain his or her health and well-being'.<sup>81</sup>

3.69 Submissions from former employees of the RPC provided further information about the process for food to be provided. Ms Blucher told the committee that food was provided three times a day in the mess:

Food was provided to clients three times a day in the mess. Upon entry, clients would queue and have their names ticked off.

Down the left hand side of the mess hall was a queue for meals, which were located in hot boxes and served by staff...

Food generally consisted of two types of meat dish, one vegetable dish and a dhal. There was generally rice available as well as a simple garden salad. The food did not change very frequently. Often the meat dishes were slices of some type of meat or sausages in thin gravy and some type of meat stew in thin gravy. I often observed the meat stew to be the same as the stew served at the staff mess the night before, but more watery. There was normally a box with fruit in it, generally apples or bananas.<sup>82</sup>

3.70 A number of submitters told the committee that access to food of an acceptable standard was not provided, with submitters noting:

- that food provided to asylum seekers was substandard, unappetising and sometimes off; and
- that some asylum seekers were not always able to attend the mess at meal times or were required to queue for long periods.<sup>83</sup>

3.71 Ms Charlotte Wilson, a former Save the Children employee, told the committee that '[i]t was forbidden to remove food from the mess and this was enforced by security'.<sup>84</sup> This rule was noted by other submitters.<sup>85</sup>

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<sup>80</sup> Transfield Services, response to *Submission 84*, p. 3.

<sup>81</sup> Department of Immigration and Border Protection, *Submission 31*, p. 12.

<sup>82</sup> Ms Natasha Blucher, *Submission 83*, p. 10.

<sup>83</sup> Australian Churches Refugee Taskforce, *Submission 32*, p. 1; Ms Alanna Maycock, *Submission 66*, pp 1-2; Ms Charlotte Wilson, *Submission 79*, p. 4; *Submission 80*, p. 10; *Submission 82*, p. 7; Ms Natasha Blucher, *Submission 83*, p. 7.



3.72 According to submitters who had been employed in the RPC, the food provided to asylum seekers differed greatly in quality to that provided to staff.<sup>86</sup> This claim was disputed by Transfield Services.<sup>87</sup>

3.73 Submitters told the committee that food that was rotten was served to asylum seekers in RPC 3, with a former contracted service provider employee noting '...when eating in the [RPC] 3 mess at lunch, I encountered mouldy and rotten fruit being served many times. I never encountered this fruit in the [RPC] 1 mess'.<sup>88</sup> Similarly, a former Save the Children Australia employee told the committee that the food served to asylum seekers was unappetising and could be mouldy at times:

This has included wheels of processed meat cut into approx 2cm thick slices covered with red sauce as a protein option, staff being unable to advise what ingredients were in hot dishes (including if the dishes contained meat), sliced raw brown onions as a salad option, mouldy food in bain-marie and stale bread.<sup>89</sup>

3.74 The former Save the Children Australia employee told the committee that the quality and appropriateness of the food was the subject of frequent complaints:

Asylum seekers would regularly complain that the food was of poor quality, flavourless and culturally inappropriate, these complaints would be made using the Transfield feedback mechanism, to visiting ICRC monitoring delegations and to case workers who documented the complaints in individual management plans.<sup>90</sup>

3.75 Transfield Services advised the committee that culturally appropriate meals had been developed:

...we have developed specific Ramadan meal plans and service delivery methodology and modified the program times for programs and activities to take into account the religious customs during the Ramadan period;<sup>91</sup>

3.76 Transfield Services noted that between 26 February 2014 and 25 May 2015, 41 complaints were made by asylum seekers with regard to the food provided.<sup>92</sup>

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<sup>84</sup> Ms Charlotte Wilson, *Submission 79*, p. 4.

<sup>85</sup> Asylum Seeker Resource Centre, *Submission 27*, p. 3; Ms Natasha Blucher, *Submission 83*, p. 19.

<sup>86</sup> *Submission 82*, p. 7; *Submission 84*, p. 2.

<sup>87</sup> Transfield Services, response to *Submission 84*, p. 4.

<sup>88</sup> *Submission 82*, p. 7.

<sup>89</sup> *Submission 84*, pp 1-2.

<sup>90</sup> *Submission 84*, p. 1.

<sup>91</sup> Transfield Services, *Submission 29*, p. 5.

<sup>92</sup> Transfield Services, response to *Submission 84*, p. 4.

3.77 When asked about the reporting of cases of food poisoning, Transfield Services reported to the committee that they do 'not hold information relating to any medical services'.<sup>93</sup>

### ***Education***

3.78 Education, recreation and welfare services to asylum seekers in the RPC are provided by Save the Children Australia to 'asylum seekers, including children and their families, childless couples and single adult women'.<sup>94</sup>

3.79 The department advised that RPC 1 houses an education facility 'providing curriculum-based education services to school-aged children'<sup>95</sup> and education spaces in RPC 2 and RPC 3. A range of services are provided to all asylum seekers within the RPC:

A range of educational and recreational activities are available to all transferees at the Regional Processing Centre to support their physical and mental wellbeing including learning numeracy, English, history, art, and vocabulary, and participating in walking groups, sporting activity and watching movies.<sup>96</sup>

3.80 With regard to education for children, the department advised that:

A curriculum based education programme for school-aged transferee children is delivered by Save the Children Australia, utilising expatriate teachers qualified to Australian standards. All children have educational goals tailored to their needs taking into account schooling background, level achieved and English language skills. A comprehensive after school and weekend schedule engages students in a variety of activities including arts, crafts, social interaction, sport, music and family group activities.<sup>97</sup>

3.81 Save the Children Australia also provide educational programs for adults:

The establishment of an adult education program, including a library facility, that is providing asylum seekers with opportunities to build their English language and other vocational skills during their time in detention<sup>98</sup>

3.82 Mr Lee Gordon, Head of Nauru Programs, Save the Children Australia, spoke of the success of the education facility in RPC 1:

A key improvement that has occurred is the school, which is located in compound 1. That is a dedicated educational facility which is air-conditioned, and our teachers do terrific work there with students. That is something which has been absolutely amazing, I think, for asylum seekers.

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<sup>93</sup> Transfield Services, answer to question on notice, 26 May 2015 (received 16 June 2015).

<sup>94</sup> Mr Paul Ronalds, Chief Executive Officer, Save the Children Australia, *Committee Hansard*, 19 May 2015, p. 43.

<sup>95</sup> Department of Immigration and Border Protection, *Submission 31*, p. 33.

<sup>96</sup> Department of Immigration and Border Protection, *Submission 31*, p. 39.

<sup>97</sup> Department of Immigration and Border Protection, *Submission 31*, p. 40.

<sup>98</sup> Save the Children Australia, *Submission 30*, p. 19.

It has been a very positive, normalising influence on their experience in the centre.<sup>99</sup>

3.83 However, ChilOut drew the committee's attention to low levels of educational materials and goods available to children in the RPC:

Basic educational items such as pencils, notebooks, pencil cases, school bags, water bottles and hats were not provided to children as part of funded services and Save the Children relied on donated goods;<sup>100</sup>

3.84 The media has reported that asylum seeker children of school age will no longer be educated within the RPC, and will attend one of the four local schools.<sup>101</sup>

3.85 Concerns were raised in the media that asylum seeker children would be subject to corporal punishment in Nauruan schools, however, Save the Children Australia advised the committee that corporal punishment was banned by the Nauruan Government 'in or about March 2015'.<sup>102</sup>

3.86 Save the Children Australia told the committee that they supported 'a renewed focus on the integration of asylum seeker or refugee children into the Nauruan educational system'.<sup>103</sup>

3.87 Save the Children Australia recommended that specialist training be given to teachers in Nauruan schools to enable them to teach students who have experienced trauma:

To mitigate displacement trauma, as experienced by asylum seeker children in Nauru, **Save the Children recommends ongoing and intensive professional development for all Nauruan teachers on teaching students with trauma backgrounds, with a view to building skills of recognising and managing postsettlement behaviour in a positive and constructive way.**<sup>104</sup>

3.88 The committee received evidence that, as the local schools are outside of the RPC, the reporting of incidents related to asylum seeker children was not required.<sup>105</sup> The committee also heard that conditions at local schools and treatment of asylum

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<sup>99</sup> Mr Lee Gordon, Head of Nauru Programs, Save the Children Australia, *Committee Hansard*, 19 May 2015, p. 56.

<sup>100</sup> ChilOut, *Submission 13*, p. 4.

<sup>101</sup> Paul Farrell, 'Nauru plan to move asylum seeker children to local schools sparks concern', *The Guardian Australia*, 30 June 2015, <http://www.theguardian.com/australia-news/2015/jun/30/nauru-plan-to-move-asylum-seeker-children-to-local-schools-sparks-concern> (accessed 1 July 2015).

<sup>102</sup> Save the Children Australia, response to *Submission 63*, p. 8.

<sup>103</sup> Mr Paul Ronalds, Chief Executive Officer, *Committee Hansard*, 19 May 2015, p. 43.

<sup>104</sup> Save the Children Australia, *Submission 30*, p. 28 (original emphasis).

<sup>105</sup> Ms Viktoria Vibhakar, *Submission 63*, p. 26.

seeker children were areas of concern, and caused anxiety among the school attendees.<sup>106</sup>

3.89 Save the Children Australia responded to claims that incidents of abuse occurring in Nauruan schools were not being reported:

...while reporting of incidents in the community is not strictly required by the RPC Guidelines, SCA's practice is to report all such incidents when it is made aware of them. It is important to note however that while SCA and security staff have been present at schools that are attended by asylum seeker children, those children are spread between a number of classrooms, so service providers will not necessarily be made aware of every incident that occurs.<sup>107</sup>

3.90 The department advised the committee that an incident report would have to be filed if an incident occurred with an asylum seeker who had travelled outside the RPC.<sup>108</sup> This advice is at odds with the advice of Save the Children Australia, who, as noted above, told the committee that incidents occurring outside of the RPC are 'not strictly required' to be reported.

### **Recreation**

3.91 The department advised that various recreation facilities are available in the three RPC sites. RPC 2 has 'multi-use recreational facilities such as multi-faith rooms, telecommunications, education spaces, a gymnasium and volleyball areas'. RPC 3 includes:

[a] children's playground and multi-use recreation facilities including multi-faith rooms, telecommunications, education spaces, gymnasium and synthetic playing field (soccer).<sup>109</sup>

3.92 Transfield Services advised that a range of programs and activities were being developed and run:

Since being engaged to provide welfare services, we have undertaken a number of enhancements to programs and activities including an increase in frequency, incorporation of asylum seeker feedback in the design and delivery of programs and activities, new educational curriculums, the introduction of asylum seeker led activities (including, for example, 'open mic' poetry night) and more vocationally relevant programs and activities.<sup>110</sup>

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<sup>106</sup> *Submission 80*, p.9. The committee also heard that there is no toilet at the school. *Submission 74*, p. 2.

<sup>107</sup> Save the Children Australia, response to *Submission 63*, p. 7.

<sup>108</sup> Department of Immigration and Border Protection, answer to question on notice, 21 May 2015, (received 5 June 2015).

<sup>109</sup> Department of Immigration and Border Protection, *Submission 31*, p. 34.

<sup>110</sup> Transfield Services, response to *Submission 66*, p. 3.

3.93 They noted that the programs were developed to respond to the various needs of those attending:

The programs recognise the demographic, gender and cultural needs of the asylum seekers in the centre by including education, religious, recreational, sporting and excursion activities. In this way, we consider that these programs support asylum seeker's rights of education, expression and religion.<sup>111</sup>

3.94 Transfield Services drew to the committee's attention the significant increase in engagement of asylum seekers that had occurred because of the increased focus on recreational activities.<sup>112</sup>

3.95 Save the Children Australia is responsible for the provision of recreation services at the RPC and submitted that they deliver:

...a range of recreational activities that allow asylum seekers to undertake sport, craft, excursions and a wide range of social activities which help to keep these people engaged, assist them to develop new skills and contribute to their overall health and wellbeing.<sup>113</sup>

3.96 However, submitters told the committee that recreation activities had been conducted in unsafe levels of heat,<sup>114</sup> with Mr Tobias Gunn, a former Save the Children Australia employee, telling the committee:

The heat inside the recreation tent was of an unsafe level, this was brought to the attention of managers who then, according to Senior SCA management in Melbourne took the issue to Canberra, however it was rejected.

3.97 Mr Gunn further submitted that 'the department were knowingly putting children at extreme risk of heat related illness' and that 'no follow up to further investigate...the primary evidence the recreation team put forward was ever requested'.<sup>115</sup> Another submitter also told the committee that '[t]his was reported to DIBP and recommendations were made to DIBP to install air-conditioning in the tent however this was never resolved and air-conditioning [was] never installed'.<sup>116</sup> The effect of heat on the ability of asylum seekers to participate in recreation activities was noted by Save the Children Australia.<sup>117</sup>

3.98 The committee was also told that the location of the recreation tent was:

- unsafe;

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<sup>111</sup> Transfield Services, response to *Submission 66*, p. 4.

<sup>112</sup> Transfield Services, response to *Submission 66*, pp 3-4.

<sup>113</sup> Save the Children Australia, *Submission 30*, p. 19.

<sup>114</sup> Mr Tobias Gunn, *Submission 68*, p. 5; *Submission 80*, p. 3.

<sup>115</sup> Mr Tobias Gunn, *Submission 68*, p. 5.

<sup>116</sup> *Submission 80*, p. 3.

<sup>117</sup> Save the Children Australia, *Submission 30*, p. 26.

- not child friendly;
- often unsupervised; and
- that single adult female asylum seekers were not able to access recreation space.<sup>118</sup>

### **Access to medical care**

3.99 The Department has advised that medical care is provided by International Health and Medical Services (IHMS), who deliver health services for 'transferees and refugees settled in Nauru, including general practitioner, nursing and mental health care services'.<sup>119</sup> They further advised that:

Transferees at the Nauru Regional Processing Centre have access to clinically recommended care that is broadly comparable with health services available within the Australian community. As with many remote communities within Australia, everyday services are supplemented by visiting health practitioners and a tele-health service.

General practitioner, nursing and mental health care clinics are open at the Nauru Regional Processing Centre seven days per week. There is also after-hours medical staffing to respond to medical emergencies. IHMS staffing levels at the Regional Processing Centre are adjusted as required for the number of transferees, taking into account the health needs of the cohort.<sup>120</sup>

3.100 Within the RPC, medical facilities are located in RPC 1, RPC 2, and RPC 3.

3.101 IHMS advised the committee that they provide medical care throughout the detention network:

IHMS is contracted by the Department of Immigration and Border Protection (DIBP) to provide health services across the detention network, including at the RPC in Nauru. IHMS supplements this service with a specialist provider network which it calls upon to provide specialist care and advice where required.<sup>121</sup>

3.102 IHMS advised that the services they provide are 'broadly comparable' with services provided in Australia:

IHMS employs doctors, nurses, psychologists, counsellors and administrators as well as other specialist health care professionals to ensure that, as far as possible, the health care services received by Transferees are broadly comparable with that available in the Australian community. This means that transferees [are] reviewed at first by a nurse. They will give advice and treatment, or they may refer the Transferee to a doctor or other health care professional if required. If required, the Transferee makes an appointment to see a member of the health staff during the published clinic

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<sup>118</sup> *Submission 80*, p. 7; *Submission 82*, p. 6.

<sup>119</sup> Department of Immigration and Border Protection, *Submission 31*, p. 14.

<sup>120</sup> Department of Immigration and Border Protection, *Submission 31*, p. 40.

<sup>121</sup> IHMS, response to *Submission 66*, p. 1.

hours for any routine or non-urgent matters. If the matter is urgent the transferee will be seen more quickly or immediately. If the Transferee is referred to another health care professional, there is a waiting period which may be up to several weeks or longer.<sup>122</sup>

### ***Transfer to Australia for medical care***

3.103 In the event of a serious medical condition, the person may be transferred to Australia for healthcare:

Where health services for a serious health condition are not available in Nauru through the IHMS or Nauru hospital, visiting specialists and tele-health, the person will be transferred to Australia to access treatment, along with family members, where appropriate. When the transferee is medically fit, they will be returned to the Regional Processing Centre.<sup>123</sup>

3.104 Mr Pezzullo advised the committee that more services would be provided at the Republic of Nauru hospital when upgrades had occurred:

Health services on Nauru are being currently further expanded to reduce the number of medical transfers to Australia. The priority services to be provided are MRI and CT scanning capabilities, a full-time obstetrician and a strengthened multidisciplinary mental health team able to provide in-patient care. It is intended that all of these services will be provided at the Republic of Nauru Hospital.<sup>124</sup>

3.105 The Human Rights Law Centre told the committee that by transferring asylum seekers to and from Australia for medical reasons, the department was exerting a high degree of control over the asylum seekers in the RPC. They went on to argue that this control could be interpreted to mean that Australia has jurisdiction and therefore human rights obligations in relation to asylum seekers.<sup>125</sup>

3.106 DASSAN submitted that asylum seekers from the RPC in Nauru who are in Australia for medical treatment are fearful of their return to Nauru:

While in detention in Australia the major stressor on these people is an intense fear of being returned offshore and an abject lack of knowledge as to the time frame they will be in Australia.<sup>126</sup>

3.107 Ms Viktoria Vibhakar told the committee that when asylum seekers are medically evacuated to Australia for treatment, children are often separated from parents.<sup>127</sup>

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<sup>122</sup> IHMS, response to *Submission 79*, pp 1-2.

<sup>123</sup> Department of Immigration and Border Protection, *Submission 31*, p. 40.

<sup>124</sup> Mr Michael Pezzullo, Secretary, Department of Immigration and Border Protection, *Committee Hansard*, 9 June 2015, p. 45.

<sup>125</sup> Human Rights Law Centre and UNICEF Australia, *Submission 58*, p. 6.

<sup>126</sup> DASSAN, *Submission 61*, p. 4.

<sup>127</sup> Ms Viktoria Vibhakar, *Submission 63*, p. 29.

### *Claims of slow, inadequate provision of medical care*

3.108 Evidence to the committee suggested that when medical care is required, it is often slow to be provided, and could involve asylum seekers queueing for long periods.<sup>128</sup> Submitters also told the committee that when medical care was provided, it was often inadequate.<sup>129</sup>

3.109 Ms Alanna Maycock and Professor David Isaacs provided the committee with comments and recommendations made by them to IHMS after their visit to Nauru. In their submission, they referred to a culture of scepticism and mistrust of patients, lack of respect shown to patients, and use of a boat number ID to refer to patients instead of the patient's name.<sup>130</sup>

3.110 The committee received evidence relating to the provision of:

- immunisation;<sup>131</sup>
- medical care and screening for tuberculosis cases;<sup>132</sup> and
- general medical services.<sup>133</sup>

3.111 Evidence relating to these concerns was also accepted by the committee on a confidential basis.

3.112 While these are clearly important matters, the committee considers that it has not had sufficient time to give detailed consideration to the evidence it received in order to report specific findings with respect to the provision of these services. As an indication of the type of evidence received in relation to medical services and the difficulties caused by the standard of medical care available on Nauru, the committee has set out some of the evidence related to the provision of perinatal and neonatal care below.

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<sup>128</sup> DASSAN, *Submission 61*, p.10. Ms Alanna Maycock and Professor David Isaacs, *Submission 66, Supplementary Submission*, p. 7; Ms Charlotte Wilson, *Submission 79*, p. 3; *Submission 82*, p. 7.

<sup>129</sup> DASSAN, *Submission 61*, p.11.

<sup>130</sup> Ms Alanna Maycock and Professor David Isaacs, *Submission 66, Supplementary Submission*, p. 4. IHMS advised the committee that the majority of the recommendations made by Ms Maycock and Dr Isaacs have been implemented. IHMS, response to *Submission 66*, pp 2-3.

<sup>131</sup> See: Labor for Refugees, *Submission 9*, p. 6; Ms Alanna Maycock and Professor David Isaacs, *Submission 66, Supplementary Submission*, pp 5-6.

<sup>132</sup> See: Labor for Refugees, *Submission 9*, p. 5; Ms Alanna Maycock and Professor David Isaacs, *Submission 66, Supplementary Submission*, pp 6-7; *Submission 80*, p. 8.

<sup>133</sup> See: DASSAN, *Submission 61*; Ms Alanna Maycock and Professor David Isaacs, *Submission 66, Supplementary Submission*; Ms Charlotte Wilson, *Submission 79*; *Submission 82*; Dr Peter Young, *Committee Hansard*, 9 June 2015, pp 1 – 14; Professor David Isaacs and Ms Alanna Maycock, *Committee Hansard*, 9 June 2015, pp 37-42.



### ***Perinatal and neonatal care***

3.113 The committee was advised that primary care for pregnant women is provided by IHMS, and that pregnant asylum seekers are medically transferred to Australia to give birth:

As agreed with Nauru, pregnant transferees are currently moved to Australia before 28 weeks gestation, to give birth, and are cared for in-line with Australian community standards. Once clinically assessed as fit to travel, transferees and their babies are to be transferred back to Nauru. IHMS monitors the growth and development of children at the Regional Processing Centre and treats any health issues that arise.<sup>134</sup>

3.114 DASSAN submitted that the transfer of pregnant asylum seekers to give birth in Australia, before transfer back to Nauru when the mother and baby are fit to travel, was a source of stress:

While in detention in Australia the major stressor on these people is an intense fear of being returned offshore and an abject lack of knowledge as to the time frame they will be in Australia...This stressor disproportionately affects asylum seekers who have been brought from Nauru to give birth.<sup>135</sup>

3.115 The department confirmed in its submission that there were no provisions in place for pregnant asylum seekers to give birth on Nauru:

The services and equipment that are required to allow pregnant women to deliver babies on Nauru are in place, with the exception of ongoing Nauru hospital obstetric and paediatric staff.<sup>136</sup>

3.116 The department subsequently advised the committee on 17 July 2015 that upgrades to neo-natal equipment had been made at the Republic of Nauru Hospital, but due to the absence of a full-time permanent obstetrician at the hospital, no asylum seekers had given birth there to date. The department intended to fund a full-time obstetrician at the hospital from August 2015, which would then provide for 'low risk transferee and refugee birthing on Nauru'.<sup>137</sup>

### ***Mental health services***

3.117 Much of the evidence received by the committee which referred to conditions and circumstances within the RPC touched on mental health issues. The effect of difficult living conditions, poor resourcing, uncertainty about their future, and a lack of personal safety and security on the mental health of asylum seekers have been noted throughout the report.

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<sup>134</sup> Department of Immigration and Border Protection, *Submission 31*, p. 41.

<sup>135</sup> DASSAN, *Submission 61*, p. 13.

<sup>136</sup> Department of Immigration and Border Protection, *Submission 31*, p. 41.

<sup>137</sup> Department of Immigration and Border Protection, answer to question on notice of 2 July 2015 (received 17 July 2015).

3.118 The department advised that prior to transfer to the RPC on Nauru, asylum seekers undergo a mental health screening which is part of a health assessment. Once in the RPC, IHMS provides services:

Upon transfer to the Regional Processing Centre, IHMS arranges specialist counselling with a subcontracted counselling provider for those transferees who have accepted referral.<sup>138</sup>

3.119 A psychological support program is also offered:

All transferees at the Regional Processing Centre are supported under the psychological support programme policy, which is the key policy for managing self-harm risk. The policy is based on the psychological support programme in use at Australian immigration detention centres which in turn has been developed and refined over time using extensive input from clinicians.<sup>139</sup>

3.120 The department noted that mental health screening may also be conducted on fixed and responsive bases, with responsive screening activated when concerns are raised through self-referral or through another party.<sup>140</sup>

3.121 However, Ms Blucher submitted that the provision of mental health services placed a higher priority on security than on care:

The overwhelming impression that I had while working in the RPC was that issues stemming from mental health concerns, distress, confusion, lack of understanding or fear were treated as 'behavioural issues' and that managing the behavior from a security perspective took precedence over addressing the underlying welfare concerns that were causing the behavior.<sup>141</sup>

### ***Republic of Nauru hospital***

3.122 The Department has advised that, outside of the RPC, upgrades have been undertaken on a ward and dental area of the Nauru hospital, and that asylum seekers may access these services:

The Department funded minor upgrades to Ward 4 and the dental area at the Nauru hospital to ensure these facilities are serviceable to transferees and refugees who require medical care at the hospital. The repairs to Ward 4 included painting, fly screen replacement, refurbishment of the toilet and shower area, new ceiling fans and gutter repairs. The repairs to the dental area included replacement of a mouldy ceiling, painting and new airconditioning.<sup>142</sup>

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<sup>138</sup> Department of Immigration and Border Protection, *Submission 31*, p. 15.

<sup>139</sup> Department of Immigration and Border Protection, *Submission 31*, p. 15.

<sup>140</sup> Department of Immigration and Border Protection, *Submission 31*, p. 41.

<sup>141</sup> Ms Natasha Blucher, *Submission 83*, p. 24.

<sup>142</sup> Department of Immigration and Border Protection, *Submission 31*, p. 14.

3.123 The department further advised of upgrades to equipment and supplies at the hospital including a blood bank and neonatal equipment, in July 2015.<sup>143</sup>

3.124 The capacity of the Republic of Nauru hospital to undertake surgery was questioned by Dr Peter Young, who told the committee about a surgical procedure conducted at the hospital which resulted in complications:

One of the most striking ones was a case of a botched surgery that occurred in Nauru. There was a patient who had a procedure done at the local hospital. There was a misdiagnosis in that case and there were very serious post-surgical complications that occurred that resulted in the person needing to be evacuated and spending time in an intensive care unit in Australia.<sup>144</sup>

3.125 The patient in the example given by Dr Young was said to be an asylum seeker within the RPC. However, the department advised that they were aware of only one instance of a surgery which resulted in complications, where a staff member of a service provider underwent surgery on Nauru in which:

...a small piece of surgical glove was left in the wound and became infected. That officer was evacuated using commercial flight from the island and underwent corrective surgery in Australia. It is the only case that we are aware of.<sup>145</sup>

3.126 A series of photographs of the Republic of Nauru hospital were provided to the committee which showed rooms and amenities in a state of disrepair, with inadequate safety precautions and unfinished renovations.<sup>146</sup> It is not clear whether these photographs were taken before or after the upgrades referred to by the department.

### **Overall living environment: prison-like conditions**

3.127 A number of submitters and witnesses offered the observation that the overall living conditions and environment at the RPC were analogous to those of a prison.

3.128 Ms Samantha Betts, who had some experience of working in prisons in Australia, told the committee that:

From a standard prison experience of what I have experienced here in Australia, they are very similar. I found the points system used for the canteen strikingly similar to an incarceration, as was the physical nature of the standardised mealtimes and standardised shower times—that sort of regimented living, I guess you would call it.<sup>147</sup>

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<sup>143</sup> Department of Immigration and Border Protection, answer to question on notice of 2 July 2015 (received 17 July 2015).

<sup>144</sup> Dr Peter Young, *Committee Hansard*, 9 June 2015, p. 9.

<sup>145</sup> Mr Neil Skill, Department of Immigration and Border Protection, *Committee Hansard*, 9 June 2015, p. 55.

<sup>146</sup> *Submission 91*.

<sup>147</sup> Ms Samantha Betts, *Committee Hansard*, 20 July 2015, p. 63.

3.129 Ms Betts observed that the one key respect in which the RPC was unlike a prison was that the detainees had no knowledge of the length of their stay.<sup>148</sup>

3.130 In a similar vein, former Chief Justice Eames said that:

I have seen plenty of prisons and as much as they have physical constraints they have an atmosphere about them of control and removal of entitlements, and certainly in my walking around the camp, seeing the demeanour and the interaction between the security guards and the people detained in the centre, it just struck me like any number of prisons I have seen.<sup>149</sup>

3.131 The committee's findings and recommendations regarding living conditions, including the provision of goods and services to asylum seekers, are set out in Chapter 5.<sup>150</sup>

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<sup>148</sup> Ms Samantha Betts, *Committee Hansard*, 20 July 2015, pp 63-64.

<sup>149</sup> Mr Geoffrey Eames, *Committee Hansard*, 20 July 2015, p. 70.

<sup>150</sup> This is discussed at paragraph 5.61.