

National Inquiry into Children in Immigration Detention 2014

Sydney Public Hearing

Thursday, 31 July 2014

President	<p>Thank you very much we really appreciate your giving us so much of your time but we will now call, if we may, the Department of Immigration officials, Mr Martin Bowles who is the Secretary of the Department. Mr Mark Cormack who is the Deputy Secretary Immigration Status and Resolution Group and Ms Katie Constantinou who is the Assistant Secretary and is particularly assigned to the task force to assist the Australian Human Rights Commission in its inquiry.</p>
	<p><i>[Witnesses sworn in]</i></p> <p>Well may I thank you Mr Secretary and Mr Cormack and Kate Constantinou. Thank you for your time. We do appreciate it, you have come from Canberra but as you know the aim is to get as close to the facts and the truth as we possibly can for the purposes of this inquiry so your time is going to be very important for this, the next phase. I pass if I may then to counsel who will direct the questions. Thank you very much.</p>
Mr Secretary	<p>Excuse me President but I would like to make an opening statement.</p>
President	<p>If you would like to make an opening statement that would be very welcome, thank you very much</p>
Mr Secretary	<p>Thank you very much. Good afternoon President and others. Before commencing, I would like to acknowledge that this meeting is being held on the traditional lands of the Gadigal people and pay our respects to the elders both past and present. Thank you for the invitation to appear at this third public hearing. As with the first two hearings, the Department is pleased to have the opportunity to deliver an opening statement and to speak to the Commission. In its opening statement to the first two hearings, the Department has already spoken in some detail about the range of improvements that have been made to the administration of immigration detention in Australia in the 10 years since the previous inquiry. The Department has spoken about improvements to models of governance, case management, service delivery and care. Improvements designed to ensure that individuals are treated with dignity and respect and are provided with care and services according to their needs. The Department has also spoken about its ongoing commitment to a programme of engagement with stakeholders and public scrutiny bodies which ensures continued transparency and accountability of immigration detention in Australia. Importantly, the Department remains committed to the ongoing improvement of immigration</p>

detention and to ensuring that the accommodation and services provided remain appropriate for individuals and families while they remain in our care. President, the Department has been heartened by the statements you have made, particularly at the outset of this inquiry, that you are committed to an evidence based process and that you are looking to ensure that any claims made to the inquiry or by the inquiry can be supported in fact. The Department has sought to support you in this respect by engaging closely with members of your staff through the duration of the inquiry and by providing information and documents to the Commission upon request. I note with some reservation that, since the time of the second hearing and the Commission's return to visit the Christmas Island facilities earlier this month, there appears to be a shift away from this approach. Whilst the Commission has already gone on record in the media regarding this visit, I would like to take the opportunity to touch on a few issues that have been discussed either directly with the Department in the course of the Commission's visit or in the media over the past few weeks. I reject claims made in the media in relation to the conditions on Christmas Island. They have been highly emotive claims which offend greatly the skilled professionals, both public servants and service provider staff, who work to deliver high quality care in difficult circumstances. Chest and gut infections are not pervasive on Christmas Island as claimed. All illnesses are treated with proper and appropriate medical and other support. The health care services available to detainees on Christmas Island, including women and children, are commensurate with those available in the Australian community. While members of the Commission have sought to question this during the course of the inquiry, I have not yet seen any evidence to support these claims. It is concerning to me that despite the Department's considerable efforts to date to remain open, engaged and forthcoming with the Commission, we have seen statements in the media suggesting that the Department has redefined 'suicide attempt' as acts of self-harm and that it has been less than honest in terms regarding the public's right to understand the conditions on Christmas Island and the associated impact on detainees. Conversely, it is entirely misleading to re-define some acts of self-harm as attempted suicide. The Department has, and continues to provide the Commission with the data it has required regarding instances of self-harm. You have been provided with the relevant incident reports and through this have been provided with appropriate visibility regarding the nature of those incidents of self-harm. This characterisation is quite disturbing to the many professional staff and service providers who do their best to manage these difficult circumstances and issues in a highly contested policy space. For its part, the Department recognises that the challenges in managing self-harm risk are not unique to immigration detention, they are faced in other settings including the Australian community. The Department and its service providers seek to manage such instances appropriately and have processes in place to prevent and reduce further incidents. I would like to make the point that, as made on numerous occasions during the course of this inquiry, the Department remains committed to ensuring that the conditions of

	<p>detention meet the needs of detainees including families and children. Through its service providers, the Department implements Government policy to deliver programmes and services which meet these needs. President, I would respectfully suggest that any assertion of the conditions on Christmas Island must continue to make reference to the many improvements and considerable progress that has already been made particularly over the last year as well as taking account of the further improvements currently at various stages of planning and implementation designed to further improve the environment and amenities available on Christmas Island. Appropriate funding has been provided for these improvements.</p>
	<p>You were afforded the opportunity to see as part of your recent visit to Christmas Island the recent works to establish a learning centre which includes 10 classrooms, a library, teachers, teachers' offices, a multi-purpose play area and assembly area. I am pleased to confirm that classes at the learning centre commenced this week after many months of planning and delivery. Additional works at the Phosphate Hill site include the refurbishment of kitchenettes, which will allow for some additional basic self-catering, the provision of new activity spaces, the installation of a kitchen to be used for programs and activities and the installation of a gymnasium and recreation equipment including pool and air hockey tables. Refurbishment of accommodation is also in train at Phosphate Hill and planning and design works has commenced to better support family style living and for further recreational spaces. At the Construction Camp site, a crèche and play centre has been established with the classes already under way and more becoming available in the coming weeks as works are completed. Installation of additional large screen televisions and DVD players is underway and a sewing room is being installed. Plans are being made for the provisions of gardens and playgrounds along with the installation of a teaching kitchen and gymnasium. Basic self-catering options are also being explored for the Construction Camp site and basic refurbishment of accommodation and amenity areas is occurring in a staged manner. The improvements to the Christmas Island environment are not only limited to infrastructure improvements. The Department has been working steadily to reduce the overall population on Christmas Island which itself has resulted in some significant improvements to the amenity of the environment and to the flexibility in which resources are used for basic... for the benefit of detainees. President, as you would remember at the peak of the arrivals in July 2013 Christmas Island was receiving approximately 4500 people into the centre every month. At that time there were 1992 children in held detention including 688 children held on Christmas Island. The Department has effected significant changes since this time and the number of children in held detention has now reduced to 659 as at the 22nd of July 2014 with 153 children remaining on Christmas Island. This represents a net reduction of over 530 children on Christmas Island in the past 12 months and a net reduction of 1330 in the number of children in held detention overall. Indeed any assessment of immigration detention in Australia must similarly</p>

take into account the changing and dynamic nature of the immigration detention program. It is the Department's ability to respond to change in a manner that ensures services remain appropriate that characterises many of the most significant improvements that have been made over the past decade. It is not to say that the Department gets it right all the time. We are on record acknowledging the recent deficit in access to education services on Christmas Island as a case in point. However, where such shortcomings are identified at a particular point in time, the Department works diligently towards their resolution as it is done with the recent establishment and commencement of the learning centre on Christmas Island. President, the Department accepts that the Commission will receive a range of opinions, assertions and allegations both from detainees and from the stakeholders and interested parties during the course of its inquiry. For its part, the Department continues to offer its full co-operation and support particularly to the extent it can offer data and other information which will serve to verify claims made. It is vital that the facts and information provided by the Department are used to contribute to a complete and balanced view of immigration detention rather than being selectively used to support a particular position. As is appropriate, the Department will continue to offer a professional and expert service to government in implementing its policies in the administration of its immigration detention program. All individuals in detention will continue to be provided with proper and appropriate medical care and support. Finally, I note that at a previous hearing in Melbourne, the Department was asked to provide the average cost of holding an individual in detention on Christmas Island in comparison to that of holding an individual in detention facilities in Darwin. Can I reiterate that the Department is not funded to provide immigration detention services on an average per capita cost basis. Funding is determined based on a demand driven funding model which takes into account the complexity of the environment as well of the specific needs of the detainees. I would again like to note for the record the Department's position that the accommodation care of children and families at offshore processing centres does not fall within the scope of the inquiry and as such the Department will not discuss these matters at this public hearing. I would also like to make a brief comment on the report released yesterday by the Australian Churches Refugee Task Force entitled "Protecting the Lonely Children". The Department takes the protection of children very seriously and is committed to ensuring they are protected from exploitation and abuse. To the extent that the allegations made in the report relate to specific circumstances, I am extremely concerned that the task force has not already provided details to the Department so that these can be urgently investigated and the appropriate protection mechanisms engaged including referral to police, if appropriate. I have written directly to the Chair of the taskforce, The Very Reverend, Dr Peter Catt, requesting that the specific allegations be put to the Department urgently for this purpose. I would like to extend my thanks to the Commission and the President for inviting the Department to appear at this hearing and at previous hearings. I look forward to any recommendations of

	<p>the inquiry that will assist us in improving the services offered to children in immigration detention within the current legislative and policy framework. Can I finally thank my staff and service providers for their professionalism and dedication in the delivery of services in a highly contested policy space. My colleagues and I are happy to respond to specific questions so thank you.</p>
President	<p>Thank you very much Mr Bowles and I do appreciate your comments and for the sake of those who are here today it might be worth understanding that you have appreciated that the core objective of this inquiry is to get to the facts and the task force that assists us particularly headed by Katie Constantinou has been excellent and we've had a lot of careful and detailed support for the program over some months now and we appreciate that but the key point that I'd like people to understand is that we will report in draft form to the Department and the Department will have an opportunity to correct any errors that we might have made on their perception or understanding of the facts so that before we finally report to Parliament as I am bound to do in September there will have been a fair opportunity for the Department to challenge any conclusions that we reach if we have reached those conclusions on a misunderstanding of the facts. So, of course we are receiving very powerful evidence that would in fact contradict many of the points that you have made but we will do everything we can to make sure that we get this in balance and we get as close to the truth as we possibly can. So thank you very much for that statement and I will now pass, if I may, to Counsel.</p>
Mr Secretary	<p>Thank you President</p>
Ms Sharp	<p>Mr Bowles, could you state your full name for the record?</p>
Mr Secretary	<p>My name is Martin Gerard Bowles.</p>
Ms Sharp	<p>And you are the Secretary of the Department?</p>
Mr Secretary	<p>I am.</p>
Ms Sharp	<p>And how long have you held that position?</p>
Mr Secretary	<p>I was originally appointed as an Acting Secretary and then appointed. In all, I have held the role of either Acting or Secretary for approximately 2½ years.</p>
Ms Sharp	<p>Thank you. Mr Cormack could you state your full name for the record please?</p>
Mr Cormack	<p>Mark Francis Cormack.</p>
Ms Sharp	<p>And it's correct that you are the Deputy Secretary of the Immigration Status Resolution Group?</p>

Mr Cormack	That's correct.
Ms Sharp	And how long have you held that position Mr Cormack?
Mr Cormack	12 months.
Ms Sharp	Thank you.
Ms Sharp	Miss Constantinou you are the Assistant Secretary of the Australian Human Rights Commission Inquiry Task Force?
Ms Constantinou	That's correct.
Ms Sharp	Alright. Could you state your full name for the record?
Ms Constantinou	Katerina Constantinou.
Ms Sharp	Thank you. You also have a particular role with respect to children in immigration detention do you?
Ms Constantinou	That's correct. My substantive position is Assistant Secretary of the Community Support and Children Branch.
Ms Sharp	Thank you. Mr Bowles, is it correct that you were not present at this inquiry this morning when evidence was given?
Mr Secretary	That's correct.
Ms Sharp	And is it correct that you made that opening statement without the benefit of hearing any of the evidence that was given this morning?
Mr Secretary	I didn't hear any evidence this morning.
Ms Sharp	Now you spoke in your opening statement Mr Bowles of the fact that the number of children at Christmas island has recently reduced to 153. Is it the case that some of the children who are no longer located on Christmas Island have been transferred to Nauru?
Mr Secretary	That is correct. Some of them have ...
Ms Sharp	How many have been transferred to Nauru in the last 2 months say Mr Secretary?
Mr Secretary	I wouldn't know the number in the last 2 months. I don't think ...

Ms Constantinou	We will try and get those figures for you.
Ms Sharp	Now, you also indicated Mr Secretary in your opening statement that the Department is co-operating fully with this inquiry. You're aware Mr Secretary that one of the issues or questions the Commission has asked about is the cost of detaining people on Christmas Island and what the cost per detainee is. Now, it is within the ability of your Department to come up with those costs, is it not?
Mr Secretary	Just excuse me for a process issue, but how do I refer to you?
Ms Sharp	You can call me Ms Sharp if you would like.
Mr Secretary	I just can't see your sign that's all. I'm a little short sighted. Ms Sharp, I might just explain a little bit. I referred to it in my opening statement around the whole issue of the costs of detention. This is an issue that has been around for a long time about average costs and things like that. When I took over this role, I took a particular interest in trying to understand the basis for how we fund and cost and operate in the detention space. And we have been developing over the last 2 years in particular quite a complex but sophisticated model that actually starts to work out how we actually deal with things. I have always resisted the notion of average costs because the nature of average means that you are actually coming up with a generic person almost to actually cost and that is not how things operate in the real world. We have developed quite a specific model that takes into account the type of detention, the environment, the place, be it at Christmas Island versus an on-shore detention centre. We've tried to understand are they a single adult, are they part of a family group, are they children, are they unaccompanied or are they part of a family group. All of those things play into the cost. If you take ...
Ms Sharp	Mr Secretary, we have limited time and I do apologise for cutting across you. However, the question I asked was whether it was within the ability of the Department to come up with the average cost per detainee of detention on Christmas Island. Is it within the Department's ability or not?
Mr Secretary	Ms Sharp, I am answering your question in a way that explains what actually happens in the real world of understanding the costs of the system. We do not fund the system on an average cost. We fund the system based on a very complex demand funding model and I am explaining how that actually works.
Ms Sharp	But Mr Secretary, I might move on. One of your key roles as the Secretary of the Department is to keep the Minister fully informed of events and circumstances relating to immigration detention. Is that correct?

Mr Secretary	That's correct.
Ms Sharp	Now, Mr Secretary, the Commission has information that in the 15 month period from January of 2013 through to March of 2014, in detention centres on the Australian mainland and on Christmas Island where children are being held, there have been 57 serious assaults, 233 assaults involving children, 436 incidents of threatened self-harm, 207 incidents of actual self-harm, 33 incidents of reported sexual assault and 183 incidents of voluntary starvation or hunger strike. Does the Department accept that immigration detention is not a safe environment for children?
Mr Secretary	Ms Sharp I think you are quoting a lot of statistics which, you know, I have no reason to doubt. I don't have them at the top of my head obviously but you are describing an environment where since the ... you mentioned January 2013? If I was to go back and look at the arrival rates from January 2013 to March 2014 there was significant numbers of people arriving and yes, there were incidents of assaults and self-harm and a range of different issues. All of which the Department takes extremely seriously and we will investigate any ... any of those issues. We provide a safe environment and in all safe environments with the sheer numbers of people that were being dealt with in those times, I am sure some of those issues did happen and whenever they did happen we would investigate and try and rectify those issues. If we identified a systemic issue that is actually allowing for certain things to happen, of course we will actually move to rectify that. So there is never a right point in time answer to any of those assertions.
Ms Sharp	Mr Secretary does the Department accept that it owes a non-delegable duty of care to children in immigration detention?
Mr Secretary	That's the nature of the work we undertake.
Ms Sharp	Mr Cormack can I direct some questions to you now please. Firstly, do you accept that the average length of immigration detention is increasing?
Mr Cormack	Yes.
Ms Sharp	Now, the Department releases statistics on immigration detention on a quarterly basis, I beg your pardon on a monthly basis and the most recent statistics as at 30 June this year state that the average period of time for people held in detention facilities is increasing to 350 days as at 30 June 2014. That's a very long time for a child to be in immigration detention isn't it?
Mr Cormack	Look I think it's acknowledged in my previous evidence to the Commission and also in those figures that they are long periods of time to spend in detention.

Mr Secretary	Could I just add to that answer as well?
Ms Sharp	Yes please Mr Secretary.
Mr Secretary	I referenced in my opening statement the work that we've been trying to do to get children out of detention as soon as we possibly can. That will impact on all of these sorts of issues when again we're talking about averages and we always continue to work on these issues. As I mentioned, there's been quite a significant reduction in the number of children in detention. We will continue to do our darndest to actually do more than is humanly possible to get these things happening, but there are still some children in detention at this stage.
President	Mr Secretary I'm rather concerned by this repetition of the idea that you, through the Minister, are removing children from detention. What you're not doing is finishing the sentence by saying that a significant number of them are going to another detention form on Nauru. Are you being straightforward in telling the Australian public that you're getting significant numbers of children out of detention when in fact they are being sent somewhere else for detention?
Mr Secretary	Well let me make it very clear President, I reject the imputation on that question. I said right up front some are going to Nauru.
President	But you can't tell us how many?
Mr Secretary	You asked for about two months and we're trying to find that out for you at the moment, so we're working on that. But there has been a significant reduction, at July, and I'll stress again, nearly 4,500 people arrived into Christmas Island in July alone. At that point, there were 1,992 children in detention. Today there is 659. There is a number on Nauru. It's not the difference. There is not 1,400 children on Nauru. There's a hundred and something in total. So, I reject the imputation that we are either misleading or lying to anybody in relation to the reduction of children in detention. There has been a significant and considerable decrease in the number of children in detention.
Ms Sharp	Thank you for that Mr Secretary. According to the 30 June 2014 detention immigration statistics, there were 699 children in detention in mainland Australia or Christmas Island. In your opening statement you said that figure has now come down to 629 children.
Mr Secretary	59.
Ms Sharp	I beg your pardon, 659 children. Now perhaps you can take this on notice and one of you may be able to answer this question towards the end of this examination, of the 40 children who have moved out of immigration detention on the mainland or on

	Christmas Island, how many of those children have gone to Nauru. Is that something you can take on notice?
Mr Secretary	We can take on notice, I'm not sure we'll be able to get it straight away, but will take it on notice.
Ms Sharp	Thank you. And Mr Secretary also according to the 30 June statistics, as at that time there were 193 children on Nauru. Again, may I ask you to take on notice a question of how many children there are now on Nauru?
Mr Secretary	My understanding I think it was the 22nd July figures 185.
Ms Sharp	Thank you. Now, again I'll direct this question to you if I may Mr Cormack. In 2010 the Department commissioned a study by Janette Green and Kathy Eagar called "The Health of People in Immigration Detention Centres". Are you familiar with that study?
Mr Cormack	No I'm not.
Ms Sharp	Are any other members of the panel familiar with that study?
Ms Constantinou	No.
Ms Sharp	So, none of the three members of the panel are familiar with the study convened by the Department entitled "The Health of People in Immigration Detention Centres"?
Mr Secretary	I'm not specifically aware of the report at this particular point. I'm aware Kathy Eagar was a member of the then Immigration Health Advisory Group.
Ms Sharp	All right. So I take it you would not be aware of the finding in that study that the incidents of mental disorder among detainees increased as the length of time in immigration detention increased?
Mr Secretary	I think even without knowledge of that report, I think it is a well-established issue that the longer people are there the more issues people do face. I think that's a given. That's not to say that the Department is not doing everything that is humanly possible to deal with that in a mental health context.
Ms Sharp	Mr Secretary, data that has been provided by your Department to the Commission reveals that 128 children in closed detention in mainland Australia or on Christmas Island self-harmed in a 15 month period from January 2013 to 31 March this year and in the same period 89 adults self-harmed. May I ask you this, why do you think the rate of self-harm is so high amongst children?

Mr Secretary	Firstly, can I just correct you because my understanding is its 128 incidents, not children.
Ms Sharp	I accept that correction.
Mr Secretary	And I think the adults it's the same issue. Its incidents not people.
Ms Sharp	Yes
Mr Secretary	And I think that... and what you do find when you get into this base it's the same person who may have multiple incidents so we can't necessarily extrapolate the numbers to number of people, now sorry what was the rest of the question?
Ms Sharp	I asked you why you – do you know why the rates of self-harm are so high in children in immigration detention.
Mr Secretary	I think there is a range of factors and look I am not a psychiatrist or a mental health practitioner so I don't really want to make any assertions in relation to why one group might be higher than the other. Again, this is this is why we have experts appointed to actually look at all of these issues. We constantly monitor the incidents of self-harm. We manage... cause... some self-harm incidents are threatened some are actually attempted so we try and actually manage them in a very, quite a strategic and operational way, so that we can actually reduce the impact on any... any future issues that might happen in a detention centre.
Ms Sharp	Mr Secretary in view of that strategic management objective you've just spoken of what steps if any has the Department taken to investigate the causes of these high levels of self-harm amongst children in detention?
Mr Secretary	A range of issues happen and I might get Ms Constantinou or Mr Cormack to help me on this but again we have a whole you know the IHMS group assist us with developing, developing statistics around this issue – we look at this in quite a broad way there are significant numbers of mental staff on Christmas Island for instance in the context of Christmas Island but across the entire detention system and its working with all of these people. We put in place different steps from our support programs, psychological support programs in each of the programs that makes treatment specific to individuals because generally speaking most of the issues that impact on people are different person to person so we try and personalise all of these things to the individuals concern.
Ms Sharp	Mr Bowles at the moment I'm not talking about the incidents of self-harm I'm talking about looking at the causes of self-harm among children, has the Department taken any steps to investigate the causes of these high levels of self-harm amongst children?

Mr Secretary	If I could just respond to that. The premise of our psychological support program is on preventative and monitoring strategies that reduce detainee self-harm, there is a reasonably solid literature base which we're not contesting at all which associates a length of detention with a whole range of adverse health conditions so we're not in any disagreement there but the PSP accepts that and focuses on reducing the risk of self-harm through co-ordinated and individual care planning that is getting to know the individual person whose in detention providing a range of meaningful activities providing a supportive environment as possible and also when there are signs of early signs of mental illness or mental health issues then a supportive monitoring and engagement program is put in place and that that works across 3 levels which could be just increasing the level of monitoring if and obviously referral to our mental health clinicians if a person's mental health condition deteriorates then a higher level of monitoring and support is provided so our approach is to recognise that there is a risk and to put in place a package of programs put together by skilled health professionals, psychiatrists, mental health workers to best respond to that.
Ms Sharp	Mr Bowles you spoke of the experts who are monitoring the levels of self -harm in children who are those experts?
Mr Secretary	Again the clinical staff that work for IHMS.
Ms Sharp	And do they report regularly to you?
Mr Secretary	They report through the system – there is various levels of reporting right the way from the lowest level so they are managing individuals through to the centres through to the detention world and so we get a good understanding of what is happening. Mr Cormack manages the major issues with IHMS so it's a very senior arrangement with IHMS in understanding the delivery of health services more broadly to the detention network. There is significant resources dedicated in this area and I would also say over the last 12 months the investment in health and medical services more broadly has been significantly enhanced.
Ms Sharp	This morning we had some evidence from Dr Peter Young who is the former medical director of mental health services at IHMS and he gave the Commission some evidence that IHMS has introduced a new scale for measuring mental health amongst children in detention called the HoNOSCA, have you heard of that measure before?
Mr Secretary	Yes I have.
Ms Sharp	Dr Young reported that IHMS had determined on the basis of the HoNOSCA that I believe one third of all children in immigration detention were suffering signs of mental distress and the like at rates that were a third higher than those reported

	amongst children already engaging in community mental health services. Are you aware of that data?
Mr Secretary	I wasn't as I indicated earlier, I wasn't here this morning for Dr Young. I just might add that the HoNOSCA reporting is a national scale reporting it's not specific to immigration detention, sorry Ms Sharp, I just want to make a.. its quite a specific point. The HoNOSCA reporting is a national outcome scale on mental health related issues for children and adolescents it is not specific to an immigration setting, so I make that point. So I'm happy to look at all of these issues but as I understand it the IHMS, through Dr Young and others, have been looking at introducing new data into the scale and I see you very helpfully got it up on the wall there, into the detention network. We are currently actually making an assessment of that about how we can actually incorporate that. This is a relatively new thing that has been introduced by IHMS and we are considering how to use this. We have, I have a Chief Medical Officer and he is currently assessing how we can actually do that. I also have an independent health advisor who will also do that and it is more than likely that we will introduce this into our system but equally we want to be sure that it is actually pointing to the right issues for us to manage given this is a broader scale and we are now talking quite specifically about immigration detention but I don't have any objection to the broad use of some scales like this.
Ms Sharp	Mr Bowles, Dr Young gave evidence this morning that the results reported on the HoNOSCA were concerning. Dr Young also gave evidence that the HoNOSCA is a reliable measure and Dr Young also gave evidence that the HoNOSCA is a scale that is used widely in the community and amongst mental health facilities in the community. Do you accept those propositions?
Mr Secretary	That's what I said, just said. It is a national outcome scale, absolutely.
Ms Sharp	Mr Bowles are you aware of when IHMS first reported the results of the HoNOSCA measure to the Department?
Mr Secretary	I am not personally aware of that but as I said what we would normally do in these circumstances, and I understand we did in this circumstance, we take it on board, we don't necessarily accept it on the first throw, you know if someone launches something into us we want to understand how does that actually fit with our current reporting. It hasn't been part of our current reporting but as I said I have got the Chief Medical Officer and my independent health advisor actually looking at that now. If it actually fits within the environment, and I have no doubt that it probably will in some shape or form, we will introduce that.
Ms Sharp	Ms Constantinou are you aware of when IHMS first reported the HoNOSCA results to the Department?

Ms Constantinou	No, I am not aware.
Ms Sharp	Alright. Dr Young gave evidence this morning that it was first reported to the Department within the last few weeks. Has the Department accepted the accuracy of the reporting by IHMS of the HoNOSCA results?
Ms Constantinou	I can't comment on that, I don't work in the detention health area.
Ms Sharp	Mr Bowles are you able to comment on that?
Mr Secretary	I have just answered all of those questions in relation to the HoNOSCA. I said I have my Chief Medical Officer and my independent health advisor looking at that right now. As you rightly say, it was introduced in the last couple of weeks. We are looking at that and as I said I have no doubt that most of this sort of reporting is mainstream, it is mainstream. I have worked in the health system myself, I understand how all these things work, so I have no doubt that it may, I want to make sure that it actually fits within the immigration detention data reporting requirements that we have. If it does, we will include it.
Ms Sharp	Mr Bowles have you personally been briefed on the results of the HoNOSCA reporting?
Mr Secretary	No I haven't.
Ms Sharp	Dr Young gave evidence this morning that when IHMS reported the HoNOSCA results to the Department the Department had a negative reaction to this reporting and requested IHMS to withdraw the reporting. Are you aware of that Mr Bowles?
Mr Secretary	I wasn't there so I don't know what the reaction was like Ms Sharp.
Ms Sharp	Are you aware of that Ms Constantinou?
Ms Constantinou	No.
Ms Sharp	Are you aware of that Mr Cormack?
Mr Cormack	No.
Ms Sharp	Does it concern you that the former Medical Director of Mental Health Services of IHMS has given evidence that IHMS reported these results on mental health of children to the Department and somebody in the Department requested IHMS to withdrawn the report?

Mr Secretary	Just a brief comment and I will hand to Mr Cormack. I have said a number of times Ms Sharp that we are assessing the data. I have a Chief Medical Officer. I am not doubting Dr Young, I am not doubting the reporting, I have said that, we will look at this and you know, it's like anything, when something new comes in we will make assessments. I have a Chief Medical Officer and an independent health advisor who I have asked to make sure that they are across a whole range of issues. This will be one of them.
Ms Sharp	I am sorry Mr Secretary I don't think that you have answered my question. My question was this: are you concerned that somebody within the Department has asked IHMS to withdraw the results that it has reported about the HoNOSCA measures of mental health in children?
Mr Secretary	Ms Sharp there has been a statement made today. You have heard one side of a statement. What our normal practice is, and it depends on how the interpretation of rejected and what, I think you have said negative, is. If we, our normal practice is to consider these things through our Chief Medical Officer and Independent Health Adviser. We will do that. I cannot make an assessment about something I did not see personally if in fact, if in fact there was a problem and some of our staff did an inappropriate thing I will deal with that. I cannot say that that actually happened in that way at this point.
Ms Sharp	Mr Bowles will you be taking steps to understand for yourself whether it is in fact the case that somebody from the Department has requested IHMS to withdraw the reporting on the HoNOSCA results for children in detention?
Mr Secretary	Ms Sharp if it is in the context of getting advice from the Chief Medical Officer and the Independent Health Adviser I would suggest it is appropriate until we actually get that assessment I am not going to make any, take any conclusion on that one.
Mr Cormack	If I could just add a point there. We work very closely with our service providers, Serco for the general detention service providers, IHMS for health. It is a dynamic working arrangement, ideas for improving services are regularly put to us and it is part of our ongoing relationship with them. Some of those ideas can be based on new reporting tools and I think this is probably a good example of one of those and our response would typically be when something is first reported if it requires an immediate clinical response or if we need to put additional resources in to respond to a disturbing trend, then we will take steps to do that if a service provider is suggesting to us, as would appear to be the case here that they want to improve and revise their reporting arrangements and that's what the HoNOSCA does. It reports on, you know, the mental health of our detainees. Then we would look to work with them to incorporate that into our regular reporting arrangements. So, the fact that, if indeed it is a fact, that data was requested to be withdrawn from a regular reporting tool simply

	means that we have to work through that with the provider and incorporate it into our regular monthly or quarterly reports. I think it could be explained as simply as that.
Ms Sharp	Given ... Mr Secretary, given that the Department accepts that the length of detention has an adverse effect on the mental health of detainees, have you taken any steps to inform the Minister of the effects that increasing times in detention are likely having on the mental health of detainees and in particular child detainees?
Mr Secretary	Ms Sharp, the ... I have regular conversations with the Minister about all parts of this portfolio which I am not going to go into in this forum. The Minister is acutely aware of the issues of all parts of the detention system and as has all Governments since I have been in this portfolio. As we know, we've had a change in Government last September so the policy around detention has not shifted in the last ... at least the last 10 years that I'm aware of. I don't know a lot about prior to my time obviously but clearly I have a number of conversations with the Minister about as I said, about all facets of this portfolio, children, families and other detainees being some of those.
Ms Sharp	You mentioned in your opening statement that a learning centre is being constructed on Christmas Island. Is it right that at this point of time and up until this point in time, there have been no school facilities on Christmas Island for the children?
Mr Secretary	That is not correct. There has been an arrangement in place that had a small centre or a small arrangement in place with the West Australian Government around schooling. That goes back when the numbers were much less. I've explained a little bit earlier the significant upsurge in numbers in recent times. I have also said in my opening statement that where we become aware, I'll just try and find the specific paragraph because I actually made a specific point about this that where we do identify a problem we seek to address it. The numbers that we ... the schooling arrangements that we had in place prior to the upsurge was okay. The upsurge happened. I'll admit we were not quick enough to do that but I did go to Government and we did get funding through the normal budget process to develop the current structure for education and learning on the island which is now up and running and will be progressively built on over the next little while.
Ms Sharp	Mr Secretary, in giving that answer, when do you date the upsurge in occurring?
Mr Secretary	The real upsurge probably goes back to sometime in 2013. Maybe ... It's hard for me to say off the top of my head but let me just talk. So, where are we?
Ms Sharp	Where it hit the high point in July of last year isn't it?
Mr Secretary	That's right.
Ms Sharp	All right.

Mr Secretary	It hit the high point in July. So, from January 13 it started to escalate to the high point in July which was that 1,992 I mentioned down to 659 as of the 22 nd July.
Ms Sharp	But say ... in view of the previous answers you've given Mr Bowles, do you accept that for at least a whole year, children on Christmas Island have not been provided with adequate educational opportunities?
Mr Secretary	No, I don't accept that. I think it's a couple of things that one, you've missed what I ... my answer to the last question which is, we did have a small arrangement in place when the numbers were smaller. There was a period but equally, before the change in the current ... before the change in Government of current policy, a number of people were moving on and off Christmas Island very, very quickly and they were going on to bridging visas. So there were small ... short periods of time where they didn't have access to education. Once we became aware of this real surge, we started to do some work on this and we have the facility we have today.
Ms Sharp	Is it your evidence Mr Bowles that over the last year, that is since the surge in July of 2013, there have been adequate educational opportunities provided to all children on Christmas Island?
Mr Secretary	Firstly, I didn't say the surge started in July. The surge started much earlier than that. It reached its peak in July and I have said a couple of times now, that we recognise that we didn't have appropriate education in place. I said it in my opening statement. I said it a couple of minutes ago and I am saying it now. When we recognised these things. When they come to attention we do something about it. I went to Government. I asked for funding. I got funding in the budget round and we've developed the current system.
Ms Sharp	Mr Secretary, do you consider that the Department is presently fulfilling its non-delegable duty of care to children on Christmas Island?
Mr Secretary	Yes. Yes, Ms Sharp.
Ms Sharp	Now, Mr Secretary, you'd be well aware of the situation of the 157 Sri Lankan asylum seekers who have been recently detained on a customs ship. They have now been transferred to Curtin Immigration Detention Centre haven't they?
Mr Secretary	I think that's in the media that that's what has happened.
Ms Sharp	Regardless of whether it's in the media, what is your evidence to the inquiry? Is that where they have been detained?
Mr Secretary	That's correct.

Ms Sharp	All right. Are there children amongst those people?
Mr Secretary	There are. I don't know the specific numbers at this stage. We're going through what we would normally do in entry interview processes to determine all those things. You know, there's obviously a range of issues that we need to determine through that process.
Ms Sharp	To the best of your knowledge and information, is it about 37 children that are presently being detained at Curtin?
Mr Secretary	I couldn't ... I couldn't comment on the specific number at this stage Ms Sharp.
Ms Sharp	Do you have
Mr Secretary	That sounds about ... well it could be more, it could be less. I don't know until we actually go through the process.
Ms Sharp	All right. Mr Bowles, do you have no idea whatsoever how many children are presently detained?
Mr Secretary	I just said there's probably around that number. There may be a few more. There may be a few less. We need to finalise the entry interviews.
Ms Sharp	Ms Constantinou, does that accord with your understanding of the situation?
Ms Constantinou	My understanding is that we are still working through bio-data.
Ms Sharp	All right. Does it sound about right that there are 37 children detained there?
Ms Constantinou	That sounds about right.
Ms Sharp	Alright. Is it right Mr Secretary that Curtin Immigration Detention Centre was designated to be closed?
Mr Secretary	That's correct.
Ms Sharp	When was that closure to occur?
Mr Cormack	Its next year, I can confirm the date for you in a minute but it's next year.
Ms Sharp	Just on the question of how many children are now at Curtin are there any babies amongst those children?
Mr Secretary	Again until we actually confirm the bio-data and all of those sorts of issues but my

	understanding is there are some small children there.
Ms Sharp	Alright, I withdraw that, how many what's your best information as to how many babies are at Curtin?
Mr Secretary	I don't know.
Ms Sharp	Ms Constantinou are you able to assist?
Ms Constantinou	No I don't know.
Ms Sharp	Alright are there any pregnant women on in Curtin Mr Secretary?
Mr Secretary	Again I don't know at this particular point. Sorry Ms Sharp can I ask the audience to remain quiet, they're distracting me at the moment.
Ms Sharp	Certainly Mr Secretary, it's important that we move through this examination as quickly as possible to get through our witnesses.
Mr Secretary	Exactly.
Ms Sharp	Mr Secretary there's a detention facility at Blaydin in Darwin isn't there?
Mr Secretary	That's correct.
Ms Sharp	That has about 700 empty spaces at the moment doesn't it?
Mr Secretary	I don't know the specifics but there are a number of spaces available in many of our detention centres across the country Ms Sharp that's why we are closing a number of them.
Ms Sharp	The case that Blaydin is a far more modern immigration detention facility than Curtin Immigration Detention Facility isn't it?
Mr Secretary	I don't understand the question.
Ms Sharp	It's a more modern. I'll put it another way. I'll withdraw that. You are aware that for many years the Australian Human Rights Commission has expressed concern about the conditions of detention at Curtin Immigration Detention Centre.
Mr Secretary	I have heard past issues around that but I also know that we have done a lot of work in the Curtin detention centre over recent times.
Ms Sharp	But aren't you designated to close the Curtin Immigration Detention Centre?

Mr Secretary	Yes, yes we are.
Ms Sharp	Isn't the case that you're aware that the Commission has urged the Government not to detain asylum seekers at Curtin Immigration Detention Centre?
Mr Secretary	First of all, the detention centre is due to close on the 30 June 2015 and it is one of our detention centres and it will continue to remain operational until it's closed down.
Ms Sharp	Mr Secretary are you able to explain to this inquiry why Curtin was selected to accommodate these asylum seekers?
Mr Secretary	It's part of the detention network and it was, it's close where they were received at Cocos (Keeling) Island.
Ms Sharp	Darwin, the detention centre in Darwin is closer isn't it?
Mr Secretary	No it is not.
Ms Sharp	Who made the decision to detain this cohort of asylum seekers at Curtin?
Mr Secretary	Well ultimately I suppose I take responsibility for that, I take responsibility for the operational decisions but I would have been advised through my officials.
Ms Sharp	Will the children who are now detained at Curtin attend school?
Mr Secretary	It's a little ... obviously anybody who resides in our system I think the Minister has made it very clear they remain subject to the normal policies of the government and they will and wherever they finish they will have access to schools.
Ms Sharp	The Commission inquiry has evidence today that the clinical decisions and recommendation of IHMS health staff are being overridden by the Department. To your knowledge Mr Secretary are the recommendations of these medical staff routinely overridden by the Department?
Mr Secretary	Not to my knowledge and I would be very upset if that were the case.
Ms Sharp	Is it right that mandatory detention is sustained as a policy in order to deter people coming to Australia by boat?
Mr Secretary	It is not my role or job to talk about the policy position of the government, I will make the statement that it has been the policy of subsequent governments over a long period of time.
Ms Sharp	Is it right that it's a government policy of deterrence being a guiding objective in managing immigration detention centres?

Mr Secretary	It's an issue in understanding the broader movement of people and trying to stop people getting on boats and dying in the oceans yes, it is one of them, I wouldn't necessarily suggest it's guiding.
Ms Sharp	Some people have suggested that immigration detention particularly on Christmas Island is designed to break the will of the asylum seekers so that they elect to return home. Do you agree with that proposition?
Mr Secretary	I actually am quite offended by a range of these statements because it actually attacks the professionalism of my staff and service partners' staff in trying to deliver the best possible care for the people that we are dealing. I have made it very very clear that this has been a policy of many governments over many years. My job is to deliver on those policy positions and we will continue to do the best, absolute best we possibly can to deliver the health and safety of the individuals in our care.
Ms Sharp	Mr Secretary, how do you reconcile the non-standing policy of deterrence with the Department's non delegable duty of care to children in immigration detention?
Mr Secretary	Ms Sharp I'm not going to go into a pros and cons of government policy. If that point needs to be made, it needs to be made to the Minister or politicians more broadly.
Ms Sharp	Do you have any evidence on how those two matters can be reconciled Mr Secretary.
Mr Secretary	I'm not going into any of those. I just said there are policy positions of governments of the day, plural, over many years. I am not going to go into a critique of that.
Ms Sharp	Mr Secretary a little earlier in our discussions I asked you to take a question on notice about the change from 699 children in immigration detention as at 30 June down to 659 today, are you now in a position to say how many of those let me do my maths, 40 children were transferred to Nauru.
Mr Secretary	Our understanding is 17.
Ms Sharp	Thank you. Could you pardon me for one moment please.
Ms Sharp	Mr Secretary, Deputy Secretary and Assistant Secretary. Thank you for your time this afternoon.
Ms Constantinou	May I just correct.
Ms Sharp	Yes of course.
Ms Constantinou	In relation to the 17 children we spoke about that was in response to your question regarding how many children had been transferred in the last two months.

Ms Sharp	Thank you so just so I can clarify that number. There were 699 children in immigration detention on Christmas Island as at 30 June this year. There are now 659 children on Christmas Island. That's a 40 child difference. In relation to that 40 child difference, 17 of those children were transferred to Nauru?
Mr Cormack	No, 17 have gone over the last two months so the number, the 699 number may not be the right figure to use as your base, that's all. We will take that on notice and confirm that properly for you.
Ms Sharp	Thank you. Well if I can thank you all and thank you on behalf of the President for your attendance today. It's been much appreciated.
Mr Cormack	Thank you Ms Sharp.
Ms Baldan	And we'll take a break until 2 o'clock and the President will be back. She has a meeting with the Attorney General and apologies for having to leave.