

# National Inquiry into Children in Immigration Detention

Sydney Public Hearing

Friday, 4 April 2014

**President** Mr Tinkler we very much appreciate your spending some time today explaining your own experiences. I understand you are going to make an opening statement.

**Mr Tinkler** Yes, that's right.

**President** And I would be interested in your own background, you are the Director of Policy and Public Affairs and a little bit about your own background and how you, in essence, why you are an expert to tell us a little bit about the work of Save The Children.

**Mr Tinkler** Sure well, thank you very much for the opportunity to appear today. As you said I am representing Save The Children Australia. I am the Director of Policy and Public Affairs at Save The Children. Globally we are leading aid and development organisation focussed on children. We work in 120 countries around the world and we have offices in every Australian State and Territory and globally a big part of what we do is assisting internally displaced refugee children and families so for example we operate in a refugee camp in Jordan, a refugee camp in Kurdistan a region of Iraq and in Lebanon. Save The Children is also contracted by the Australian Government to provide services to children and families held at the Nauru Immigration Detention Centre, those services include case management services, education, recreation and child protection and previously we provided services on Manus Island.

Let me say at the outset that Save The Children is opposed to the mandatory and indefinite detention of asylum seeker children - we've put this on record on a number of times, we believe that mandatory detention on Nauru is really no place for children. However, we also believe that children of families that are held for prolonged periods there are in need of our help. The services we provide we believe are critical in minimising the harmful effects of detention. Children can access essential support services that enables them to grow and develop; gives them some structure and some chance of normality and routine in that environment. Our primary concern is that every step is taken to provide an environment that is safe and protective for children, that is to the extent that the conditions on Nauru allow and our mission as an organisation is to improve the lives of children and we believe that our voice in that context on Nauru where most other services providers are organisations driven by profit provides a vital role.

So, as at the end of March this year Save The Children were supporting around 180 children and 535 adult family members on Nauru, so that's 715 individuals in total

who we're providing services to.

**President** Could you tell us again the number of children. 715?

**Mr Tinkler** 180 children, 535 adult family members.

**President** 530 ...

**Mr Tinkler** 5

**President** Adults.

**Mr Tinkler** Adults.

**President** Thank you.

**Mr Tinkler** The children on Nauru range in ages between 4 and 17 years, there is presently 20 unaccompanied children. We are very proud of the work of our dedicated employees, they work in difficult conditions and often wrestling with an overarching policy that raises challenging moral questions for many of them. We have around 140 staff employed on Nauru. They are employed on a rotating 3 week roster, so 3 weeks on, 3 weeks off. So around 70 or up to 70 at any one time. Within that there is 40 residential staff and this group importantly provides 24 hour care to unaccompanied children. Generally they are qualified in areas like social work, psychology, community services and youth studies. We have 25 Australian teachers working with children. We have six teachers working with adults and 17 teaching assistants working with both children and adults. All of the teachers are Australian qualified and teaching assistants are required to have Cert III in education support. In addition, we have 27 Australian qualified youth and child recreation officers all of whom are qualified in Cert IV Child Services or Youth Work equivalent. We have 20 child protection staff, all of whom are Australian qualified and usually have a Bachelor Degree in Social Work, Psychology or Human Services.

**President** Can I ask you to repeat that again. Of the staff how many would have relevant, directly relevant qualifications?

**Mr Tinkler** Well all of them would be qualified in either child protection, youth and recreation, support, education, education support and then there is Managers who are in more logistics and management role.

As I said, our top priority on Nauru is the protection and safety of children and the role of our child protection staff is to engage and build relationships with children and their families. They provide emotional and practical support, things like basic access ing services, clothing, toiletries and also help kids to engage in meaningful activities and

they work to identify any individuals who are vulnerable and we put strategies in place, working with other providers to protect children and minimise harm.

We also provide case management, psycho-social support and facilitate access to things like health services.

Education on Nauru – our programs are working well and there is good progress there. We have a very strong working relationship and I say with the Department and with the other providers on Nauru, the contractors and we've managed, I think, to establish a fairly solid educational environment and routine.

We are currently supporting 16 asylum seeker children who are attending Nauruan schools and we are also running both primary and secondary school facilities within the detention centres themselves.

Our recreation staff provide daily activities in programs in four streams – sports and fitness, visual arts, performance arts and life skills and resilience activities and we have managed to engage a vast majority of kids on the island and for example on the week ending 28 March the rec team engaged every child in at least one activity for that week.

**President** Within a week.

**Mr Tinkler** At least one. So we are reaching everyone and many are engaging more.

I will take some questions in a moment but despite the good progress there's some areas of concern that I would like to highlight. At a very practical level our key challenge is the adequacy of educational facilities in an environment like Nauru. For example primary school-aged children are being educated in a tent it's called OPC3 the family camp, it's hot, there's no air conditioning and they tend to disengage when the temperature gets to a certain level, whereas secondary school kids are coming up to what's called OPC1 in a purpose filled air conditioned facility.

We are working actively with the Department to address this and they have agreed with us that that is an area of priority.

There is limitations on the provision of recreation services. You can imagine there is limited space resources, there is no grass. There is limited equipment to allow children to play and exercise.

As mentioned in the testimony of other witnesses this morning we're concerned that there is no access to some medical specialists, for example no speech therapist, no optometrist, no dentist, no orthodontist, no education psychologist who could diagnose learning difficulties. There is no television, there is limited access to music and books, the environment is hot, it's humid, it's dusty, living conditions are very cramped. The island is very isolated the detention centres within the island are

isolated. There is no shade, it's a difficult place to live and for many of our staff it is also a difficult place to work and I am happy to take your questions.

**President** Thank you very much Mr Tinkler and may I say of course it is critical for this inquiry to be clear that we are not going to Nauru and our powers do not extend to exercising functions on Nauru as a sovereign nation, so we are most particularly dependent on your evidence in relation to the conditions of the children when they are there and it's very important for us to know that people with the credibility and experience of Save The Children are providing these services on Nauru. So with that as a sort of general approach and explaining the importance of your evidence to this inquiry, could I just pick up on some of the points that you've already started to talk about. The first was the quality of the staff, I think you have answered that question but one question that we did have is how long are the staff staying for practical purposes, what are the lengths of the contracts or typical times that staff are staying with the children and developing relationships with them?

**Mr Tinkler** It varies, as I said they are on 3 week rotating rosters, they are employed ongoing as Save The Children employees and many of the staff have been with us since the beginning, but we have experienced recently a significant ramp up in our services when the contract for the Salvation Army ended on Nauru and those responsibilities to care for family members transferred to Save The Children, that was in February/March this year that transition has occurred. So, we have gone from an environment where they are providing services to 180 children or less than that actually, less than 100 it was at the time to families coming in and us providing services more holistically to the families, so we have a lot of new staff coming on board, we've got a full team of recruiters in our Head Office dedicated to Nauru.

**President** Thank you, now perhaps we could move to the particular question of the conditions on Nauru, that you raised education and we know from our other detention visits this is critical to the mental health and sense of a future that all asylum seekers have but it was particularly noticeable that the children are very alert to the fact that if they don't get the education that will impede the development of the rest of their lives and that it was itself I think interesting but can you tell us for the children, the 170 children and those at least at school age, are you able to provide them with a curriculum that is reasonably rigorous that allows them to keep up with their counterparts were they to be held in Australia?

**Mr Tinkler** We try our best. So we use... teach to an Australian curriculum, we have a number of Australian ex-school principals employed on our team and 25 teachers, so the standard that we aim for is very high, we essentially try and create the environment that is a school within the Centre, as I mentioned before, secondary students, they

are being bussed from the family camp OPC3 up to the admin camp OPC1 going to classroom style environments, they are air conditioned. Table and chairs are set up.

**President** It seems like a school day.

**Mr Tinkler** It's like a school day and they are taken away from their parents which gives them a break too and gives them some sense of retaining normality. So we try but it's a difficult environment, so the living conditions are very cramped, they are very hot, disturbances will happen overnight and kids won't sleep, so they will miss the school bus or they will be tired and disengaged from work. Primary school students I mentioned, unlike the secondary students that I have just described are educated in a tent, a PVC white vinyl tent in OPC3, there is no air-conditioning, it's very hot, it's been reported to get to temperatures up to 50 degrees in that tent. So you can imagine kids who are 7, 8 and 9 come after lunch and in those temperatures aren't really engaged in their school work. The temporary classroom that gets packed up every day and parents can wander through. So we are doing our best and there is a lot of goodwill amongst the service providers, the Department and the Government to make education a priority. It's something that we are very passionate about as an organisation.

**President** You mentioned very limited access to books and so on, can you tell us a little bit more about the tools for education that are available to the teachers and the children but also their opportunity to learn computer techniques or have access to the world that a computer and the internet will give any child?

**Mr Tinkler** There is very limited access to computers and internet. Limited access to books and materials, although and partly that is a result of supply constraints on the island. There's one port, it's in a state of disrepair, it's hard to get goods onto the island and you are competing with heavy infrastructure coming in to establish infrastructure in the camps, so we've had a number of organisations donate goods and services, so we are facilitating that to the extent we can. Senator Hanson Young when she visited organised a toy drive and that shipment has just arrived on the island, so toys and books and materials for kids. So it's a work in progress.

**President** Can you tell us, because we have observed this on Christmas Island where some of the children for a very short period of time, but nonetheless have been taken into the community school, has that happened in Nauru or is it happening now?

**Mr Tinkler** It's happening now. So there is 16 children in total in – there's two secondary schools on Nauru. Nauru College is years 7 to 9 and Nauru Secondary School is the senior school, only two I think go to the senior school and the remainder in the middle school environment. So it's gone well, they are really at capacity. The Nauruan

school system the environment and infrastructure varies as to whether it has air conditioning and whether the toilets work and things like that. They have a very low attendance rate amongst the Nauruan population and there is a high level of disengagement from students and some teachers there. We send kids to those schools with teaching aids, sometimes the teachers revert to talking in Nauruan and so it is hard for those kids who already speak English as a second language to follow and keep up.

Having said that, it's our view that kids should be educated in mainstream schools where possible and taken outside the camp, so we're working hard with the Department now to identify options to increase the capacity of the local schools through additional support and teaching capacity so we can have more kids in that environment.

**President** And how prepared are you for receiving the 315 or so that are on Christmas Island at the moment, given Government policy and what we have heard from the Department this morning that they will be moving them across. What extra strain is that going to put on your capacity to deliver at least an acceptable level of education?

**Mr Tinkler** It will be difficult. So we are keeping up and we are working to establish care models, support models, and sort of basic levels of assistance that we deem necessary and working with the Department to try and manage the flow of incoming asylum seekers so we can help to manage that.

**President** Moving away then from educational facilities could we look you have mentioned your own concerns about the facilities in which the facilities are being taught, can you tell us a little bit also about the wider facilities, their accommodation, showers, toilet facilities, the general hygiene which is an observed concern of ours in relation to other detention centres, particularly Christmas Island. Do you feel that the facilities are acceptable there or they raise particular problems?

**Mr Tinkler** The facilities, it's the totality of the environment on Nauru which is challenging, so you are flown 4 hours into the middle of the Pacific. You land on a runway that juts out on the perimeter because it can't fit on the island which is very small. You are bussed through a community where housing is in a state of disrepair. Down a very bumpy dirt road and through a working phosphate mine to arrive at the camps. Things are covered in a film of phosphate, it's very hot and very humid. The centre of the island is full of fossilised coral pinnacles, they are called, with jungle and growth over them. It's not a hospitable environment and they've literally been bulldozed and had gravel poured on top and on top of that is the tents that people are living in. So you could imagine a tent that might be 10 x 20 metres split down the middle, 6 rooms divided by you know tarps and vinyl walls and a family to each area. So living conditions are

cramped, privacy is a real concern and that puts strain on family relationships. The toileting facilities, they are temporary facilities, donga style if you imagine a music festival, port a loos and portable showers that are there, in my observation they were hygienic, I haven't looked that closely, access to those is limited, you have one shower a day at a set time, so if you get hot and sweaty in the afternoon and your shower is not until the morning

**President** And soap is available?

**Mr Tinkler** Yes, my understanding, I don't have direct observation of that.

**President** Okay, but it is the kind of detail that sticks in one's mind when I have been to these donga facilities on Christmas Island and there is no soap, or if there is it is a tiny slither left over and these things do stick, they stay with you as indicators of the level of care.

Can you tell us a little bit about the health facilities on your observation that are available to families?

**Mr Tinkler** Yes, so IHMS is the health provider on the island. They have quite substantial semi-permanent facilities up at the camp known as OPC1. My experience is that people have good access to that service. People who have prolonged illnesses are sometimes housed up at that camp in separate facilities to try and control spread of infection and that sort of thing. So in terms of in a primary and basic healthcare, people's needs are being met. There is occasionally my understanding is delays in getting appointments and sort of thing. Our concerns I guess go to those secondary health services that I mentioned, so your speech pathologist, dentists, orthodontists if you had braces fitted on Christmas Island at the moment, you can't get them tightened or loosened without a significant wait.

**President** What about, we are hearing a lot about glasses not being available or broken or lost.

**Mr Tinkler** Yes.

**President** What about replacement capacity for the children?

**Mr Tinkler** I don't have any direct knowledge of that.

**President** Perhaps you may take those up.

**Mr Tinkler** I'll take that on notice.

**President** We are very interested to know, partly what we have observed at Christmas Island is being replicated in Nauru and whether may be with under Save The Children you are

actually to provide a different level of service. That would be very interesting for us.

I still haven't got a clear picture in my mind about the nature of the detention. They are sleeping essentially in tents divided up. Their washing facilities are dongas we see them used a lot and they are being educated in tents. To what extent are they confined in terms of the physical area in which they can move, what is the level and security and surveillance that we have had many complaints about? And what are the opportunities of these children to get out into appropriate areas to play, I don't know if they've got beaches, can you paint us a picture of what it actually looks like in Nauru and the level of freedom that these children have?

**Mr Tinkler** Yes, so as I have described you drive down these dirt roads and through a phosphate mine and you get to an area that is temporary fencing and all the tents are pitched as if they were on gravel, so there is gravel about a foot deep that you walk around on and when you are walking around on that all day it becomes quite tiresome. There is very limited recreational space so there is no outdoor covered area, there is no shade, there is no grass, there is a volleyball court, there is a children's playground that was established recently through our lobbying and through the work of the Department and others. But you know one gentleman from Syria said to me 'all I do is eat and sleep I am just getting fat I want to exercise I want to go for a walk and I can't'. And part of the problem is as I have described on the immediate boundary of the fences, the perimeter is these coal pinnacles which are unsuitable for any activity. They are not something that....

**President** I imagine they cut your feet or legs if you fall on them.

**Mr Tinkler** Yeah so there is very limited options for recreation and exercise. We have been taking some groups of children on excursions to swim and go to the beach but it is limited by the availability of buses so there is a limited number of vehicles on the island and if they are being used to ferry people for other purposes then we just have to wait. So it is a really tough environment and I think that the sort of boredom and lack of mental stimulation is a big factor in people's condition.

**President** As you know we are really interested in the impacts of these conditions on children. Can you tell us if you know what the impacts have been on the families and children, knowing that they have been through the Christmas Island process, some of them of course coming from Australia directly prior to the 19 July change of policy but how do they adapt to the new environment, what sort of mental condition are they in when you first see them when they arrive in Nauru?

**Mr Tinkler** Look, our staff have observed deteriorating behaviour and they are concerned that individual children are displaying signs of developmental regression. Our staff are



not qualified mental health experts but they are trained in psycho-social support. So I have heard this morning and our experience is that we have seen a number of children experience bed wetting, you know the oldest child being up to 15 years which has commenced either just prior to or during their period in detention. A number of children have experienced torture and trauma. Previously there was a torture and trauma service on the island, they are not on the island at the moment so we are concerned. We understand they are being replaced but we are concerned at the moment there is no specialist service. There are instances of family breakdown so in the last week alone my understanding is two families have indicated they have been separated so you can imagine in a very small environment trying to separate a family and managing access to children and separate living quarters and that sort of thing is a big challenge. Through to at the more severe end there has been a number of instances of attempted and reported self-harm by children. So it is a challenge and being there as you have said this morning, I am not a qualified mental health expert but children are visibly distressed at times. I saw a girl painting a picture saying I just want to be free. It is this sort of sentiment that is very evident.

**President** So you see them when they arrive, I imagine traumatised from their time either in Australia or more recently on Christmas Island. They arrive to you not knowing of course what the next sovereign nation is going to be doing with them. How do they adjust in the months and some cases I think years that you have been able to observe them? Are they, with these educational opportunities which do seem to be an improvement in Nauru, are you seeing children settling and adjusting and managing the trauma or are you finding that they are actually regressing?

**Mr Tinkler** I think it varies case to case. We try to make the environment as welcoming as possible when people arrive Save the Children are very visible in bright red t-shirts and our staff are usually there to welcome children. We undertake a very holistic assessment of their needs when they arrive and early on that is often just a case of making sure they have got the basics, so their living quarters and access to food and health services etc and understand the layout of the camp. Then we develop individual management plans for each person and we monitor them over time and as I said our staff are concerned that they see individual cases of developmental regression so that is not a generalisation across the whole population.

**President** You do see instances of it?

**Mr Tinkler** It is occurring.

**President** Can you generalise about the mood of the children and I ask that question having just come from Villawood where the children, without exception, spoke of absolute hopelessness. Of course I have to be very careful as to how they use these words

and why but none the less it was a consistent theme that the children feel hopeless, they have no future and they can't get out. Is it different on Nauru?

**Mr Tinkler** I don't think it is different. I think there is certainly a level of despondency and that is generally expressed by the parents and is expressed to me more by parents than children themselves. However, it seems to be that the uncertainty of their fate is the thing that is causing the most angst and frustration.

**President** Well that does seem to accord with our own experience thus far. Can you tell us what people are telling you about the transfer process because one of the things that we are keen to know more about is why some children and families are selected for transfer to Nauru and others are not. Now it might be that question becomes unnecessary because eventually all of the children on Christmas Island will have been transferred there but for the moment we are trying to unpick why some are selected and others are not. What do they say about the process?

**Mr Tinkler** Our staff don't have any involvement in the selection process or the free transfer assessment. We essentially receive the children when they arrive and that's about it. We are told the number and a basic features of age and family relationships that sort of thing. I don't know, I know that through our organisation we have insisted on levels of care, so the care models for groups like unaccompanied children and resisted a faster intake of those children until the support services were adequate. So that may explain the flow of people.

**President** Why, it hesitates and is blocked and then begins again. As we have I think, you have alluded to one of the greatest issues affecting mental health and well-being both of the families and the children, is that they are not being assessed for their claims to refugee status. If I understand correctly and I may be a little out of date, but only one person has been assessed in Nauru and that person was successfully assessed as a refugee as they claimed. Do you have any sense at all about the progress that is being made in terms of assessing their claims?

**Mr Tinkler** So that is my understanding also that one has been assessed. But I can say our staff are involved as independent observers in the refugee settlement determination process. My understanding is it's a 4 or 5 stage interview process and that process is underway for a significant number.

**President** It has started?

**Mr Tinkler** It has started and they are at various stages of that 4 or 5 step process.

**President** And is this improving the sense of a future for the families and ultimately the children?

**Mr Tinkler** I think it helps that they have some structure and process to go into but there is still a huge level of uncertainty about what that means next. If they are determined to be refugees, what is their fate

**President** Well that was my next question to you, do you have any idea or are you told by authorities in Nauru that if they are recognised as refugees and past statistics suggest that overwhelmingly they will be, assuming the proper processes are followed in Nauru, what do you see as the likelihood of resettlement once that determination has been made?

**Mr Tinkler** It's a good question. I think it is really a question for Government what they intend to do post re-settlement. What I would say is that for an organisation like ours which is very experienced around the world in providing aid and development, development projects in small countries and developing countries obviously – if there is a significant number of refugees settled in a place like Nauru it will require a huge level of developmental support. The people on Nauru are doing their best and are co-operating and working hard to improve facilities and to undertake RSD's themselves but the level of support there in that society is very low. As I said schools are at capacity, that attendance is low, there is very little employment prospects. Accommodation options are very limited and there is a huge number of refugees in comparison to the population. Nauru has a population of about 10,000 people. So you can imagine if there is a large number of refugees and they are re-settled, and that is speculation on my behalf, then that has a big impact on a small island nation.

**President** But there are other societal problems to be dealt with once we get to that stage. Just a couple of short questions. One, a matter that concerns us greatly is that where we have been to detention centres there is this persistent tendency to identify by a number and perhaps even more disturbing children don't put their names on their pictures, they put their numbers. I assume that is not something you would encourage, can you tell us what you are doing to stop that happening and to ensure that they are identified by their names?

**Mr Tinkler** It is happening on Nauru, so it's a very dehumanising situation. People are referred to by number or by acronyms. So unaccompanied children are "UAMs", unaccompanied minors, single adult females are "SAFs". Collectively they're "transferees" and among most of the service providers that is the language that is used. When I visited there with the CEO of our organisation, it was a point we made very clearly to our staff that despite this may be the vernacular and being used in official reports for all of our communications, internally and to asylum seekers we will use language that is not dehumanising and is appropriate. So we're doing the best

we can to change that culture but we're fighting an uphill battle.

**President** And the last question, in particular with unaccompanied minors, as you know they've only very recently been transferred to Nauru very, very worryingly from Christmas Island. Can you tell us what special services are available, as in fact is required by international law, for unaccompanied minors?

**Mr Tinkler** Yes, so the Nauruan Minister for Justice and Border Protection is the legal guardian of those children. He has delegated some of his powers to our staff. So as I mentioned in my opening there is a team of around 40 I think, residential care team, that their job is solely to look after unaccompanied minors. So 24 hour care and staff are rostered on, on a ratio on 1 staff member to 7 unaccompanied children. Eight hour shifts, including during the night. They are housed in a separate and secure compound. They are air conditioned facilities. They are an improvement on what is available to families and what I understand is available to single males. And then we try as much as possible within that to integrate them into the normal activities of the other kids. So they attend school, they eat their meals in the general meals area. They go on excursions.

**President** Well thank you Mr Tinkler it's been very helpful, we very much appreciate you giving us your time, giving us a formal statement and answering the questions but also of course we appreciate the work that you're doing for children and Save the Children generally in Nauru. Thank you very much.

**Mr Tinkler** Welcome, thank you.