

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Additional Estimates Hearings February 2016
Communications Portfolio
Australian Broadcasting Corporation

Question No: 57

Australian Broadcasting Corporation

Hansard Ref: Written, 12/02/2016

Topic: Asylum seeker – recent broadcast

Senator Abetz, Eric asked:

1. Reference is made to the recent broadcasting of an allegation that a five year old asylum seeker at Nauru had been raped.
 - (a) On how many radio and TV stations stating which and how often was this false report broadcast by the ABC?
 - (b) Who was responsible for allowing this false broadcast to go to air?
 - (c) What was the source of this false information?
 - (d) Which person or persons undertook the research, if any, to verify the source of this allegation?
 - (e) What disciplinary or other action has been taken in relation to those people that so neglected their duty that allowed this false report to go to air? Please detail.
 - (f) On how many occasions has the ABC broadcast an apology and correction for airing the false allegation? (Please specify all stations and news bulletins).
 - (g) Please provide the wording of any such apology.
 - (h) Please provide the wording of the false new stories.

Answer:

- a) Five versions of the original story that reported that a five-year old had allegedly been raped on Nauru were broadcast or published on 2 February. These were broadcast in an article on ABC News Digital; two radio news stories broadcast on ABC radio news across the local radio network and Radio National (RN); a TV News story broadcast on the 7pm News in all states on ABC TV and on News 24; and a radio current affairs story on PM, which is broadcast on both the local radio network and RN and streamed online. References to the allegation were also made in introductions or questions during live interviews on Lateline (2 February), 7.30 (3 February), RN Breakfast (3 February) and News Breakfast (3 February).

In addition, on 3 February, News Breakfast reported the response made by the Immigration Minister, Peter Dutton to the question put to him the previous evening on Lateline referring to the alleged rape. Mr Dutton's response on Lateline was also reported in radio news bulletins and live Q&As with reporters on News Breakfast and News 24 on the morning of 3 February.

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- b) Responsibility for the error is shared among several people, including the reporter and editorial managers.
- c) The source of the error was confusion about comments made by a source who spoke to the ABC, and which child she was referring to.
- d) The source of this confusion was the reporter who wrote the original story.
- e) The person principally responsible for the error has been strongly counselled by senior management. In addition, News Management has discussed the incident in detail with the National Reporting Team and 7.30 and is progressively discussing it with state newsrooms. Decisions about further actions are under consideration. ABC News management, the Editorial Director and ABC Editorial Policies have instigated training programs that directly address the issues raised by this incident. Training sessions have been held with staff from 7.30, the National Reporting Team, the Melbourne newsroom and the Hobart newsroom. Other sessions are planned in the other state newsrooms in the period from March to May 2016.
- f) On-air apologies and corrections were broadcast on the 7pm News on ABC TV, News 24, 7.30 and ABC Radio News on 8 February. A correction was posted on the ABC Corrections page on 9 February and editor's notes were attached to the online transcripts of 7.30, Lateline, and PM. The original ABC News Digital story has been removed from the website.

g)

The correction on the News Corrections page states:

[Sexual Assault Allegations](#)

Posted 9 Feb 2016, 11:31am Tue 9 Feb 2016, 11:31am | Updated 26 Feb 2016, 4:53pm Fri 26 Feb 2016, 4:53pm

ABC News: On 2 February ABC News reported that a five year old child being treated by paediatrician Dr Karen Zwi had allegedly been raped on Nauru. That allegation was referred to in other ABC programs on 2 February and 3 February. The quotes attributed to Dr Zwi referring to a five year old were misattributed; Dr Zwi was referring to another case involving a 12 year old boy. On 9 February, the online story was changed reporting that Dr Zwi had also discussed with the ABC journalist a five year old who had been allegedly sexually assaulted.

This correction reflected several discussions between Dr Zwi and the ABC as well as a written statement from a spokesperson for Dr Zwi, which stated:

“Dr Zwi takes her professional responsibilities very seriously and has never discussed identifying information in any of her interviews. She does however acknowledge that in her off-camera discussions with you there were discussions around a number of children

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including some around the ages of five to seven. She believes the situation has arisen as a result of a genuine misunderstanding as a result of the cases being mixed up."

Dr Zwi raised no objection to the amended reports. However on 26 February Dr Zwi contacted the ABC saying the allegation relating to the five-year-old being sexually assaulted was

"... not information I provided. This has resulted in the Department of Immigration and Border Protection requesting information about the five-year-old, which I cannot provide,"

Consequently, ABC News has removed the original article from ABC News Online; has modified the editor's note on 7.30 and Lateline websites; and added editor's notes on other online stories.

The statement broadcast on 8 February in all state and territory 7pm bulletins and News 24 stated:

A doctor who raised concerns about alleged sexual assaults against children on Nauru is standing by her claims. The head of the Department of Immigration today appeared before a Senate hearing. Michael Pezzullo contested allegations that a five year old asylum seeker had been raped. Doctor Karen Zwi spoke to the ABC about two cases. One was an older child who the doctor said had allegedly been raped. Another was a 5 year old who she alleged had been sexually assaulted. The ABC incorrectly reported the five year old was the rape victim. The ABC apologises for the error.

Doctor Zwi today issued a statement saying the information she provided about children in detention was factually accurate.

The statement broadcast on 8 February on 7.30 stated:

Before we go, last Wednesday 7.30 referred to an ABC online story alleging that a 5 year old child had been raped on Nauru.

Today, the head of the Department of Immigration denied that incident had occurred.

Last week Doctor Karen Zwi spoke to the ABC about two cases ... One was an older child the doctor said had been raped ... The other was a five year old she said had been sexually assaulted. 7.30 incorrectly reported that the five year old was the rape victim ... We apologise for the error ... And Doctor Zwi stands by her original allegations...

In addition, ABC Radio News and PM broadcast stories on 8 February that included criticism of the original stories by Mr Pezzullo and incorporated the apology by ABC News.

ABC Radio News reported in the 6pm bulletin on 8 February:

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Introduction: The ABC has acknowledged there were errors in a story which has been fiercely criticised by the head of the Immigration Department in a Senate Estimates hearing. Stephen Dziedzic reports from Parliament House

Story: The Secretary of the Department of Immigration and Border Protection Michael Pezzullo has used a senate estimates hearing to attack an ABC story which said a five year old child was raped on Nauru. Department officials say the alleged victim was more than ten years old and suffered only what they called "skin to skin" contact with another young detainee. The ABC says the story conflated two cases - one five year old who was allegedly sexually assaulted and an older child who was allegedly raped. It says the doctor who made both allegations stands by her claims. But the ABC has apologised for the error and confusion.

ABC radio news reported in the 11pm bulletin on 8 February:

The ABC has issued an apology for a story that was strongly criticised by the head of the Immigration Department in a Senate Estimates hearing.

Immigration head Michael Pezzullo told the hearing, reporting of claims that a five year old detainee was raped on Nauru bordered on political pamphleteering and was deeply misleading.

The ABC says the story conflated two cases - one five year old who was allegedly sexually assaulted and an older child who was allegedly raped.

It says the doctor who made both allegations stands by her claims...but the ABC has apologised for the error and confusion.

PM reported on 8 February

MARK COLVIN: The ABC has admitted that it got a story wrong last week about the alleged rape of a five-year-old boy on Nauru.

The ABC director of news Gaven Morris acknowledged the mistake in a statement this afternoon. He said the source quoted in the story - a paediatrician - had been wrongly quoted.

Statements she made about the alleged rape of an older child had been mistakenly taken as referring to the five-year-old.

The top bureaucrat at the Immigration Department had earlier questioned the story and accused journalists of "unacceptable" bias.

Tom Iggulden in Canberra.

TOM IGGULDEN: In a statement issued late today, the ABC apologised for an error in a report on its website about allegations a five-year-old boy had been raped on Nauru.

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The report was based on an interview with Dr Karen Zwi, a paediatrician who has been treating two children from the Nauru detention centre who'd been sent to Australia for medical care.

The statement acknowledges the report confused the two cases.

EXCERPT FROM ABC STATEMENT (voiceover): ABC News acknowledges an error. Our source, the treating doctor, told our reporters about two cases: one was an older child.

The doctor stands by her statement that this child was allegedly raped on Nauru. She also told our reporters about another of her patients, a five-year-old, who was allegedly sexually assaulted on Nauru.

Our story incorrectly used quotes about the older child in referring to the younger child. In addition, on at least one occasion the incident was referred to as a rape instead of an alleged rape.

ABC News apologises for the errors and confusion.

TOM IGGULDEN: The back-down comes after the secretary of the Immigration Department, Michael Pezzullo, questioned the story's accuracy at a Senate estimates hearing in Canberra this morning.

MICHAEL PEZZULLO: There is no five-year-old child. It's a figment.

TOM IGGULDEN: He told the hearing he was concerned after being told of the report. He then dispatched assistant secretary Cheryl-Anne Moy to speak with Dr Zwi.

Ms Moy also appeared at today's hearing.

CHERYL-ANNE MOY: The child was not five. The allegation was of a sexual assault from another child, who was about two years older, which was a physical skin-to-skin contact, it wasn't an allegation of rape by child.

The child is more than double the age of five.

TOM IGGULDEN: Dr Zwi this afternoon issued a statement through a lawyer standing by her claim that the older child was raped.

EXCERPT FROM STATEMENT BY DR ZWI (voiceover): As a paediatrician I have provided information which was factually accurate.

I do not wish to be drawn into the age of the child concerned, for confidentiality reasons, but all children have a right to expect safe and nurturing environments.

TOM IGGULDEN: Mr Pezzullo told the estimates hearing he was concerned that factual inaccuracies were made as a result of journalistic bias.

MICHAEL PEZZULLO: We've gone beyond journalism when you've got certain segments of the media undertaking essentially pamphleteering of almost political

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nature, and then in that context, the facts just get bent, and it's completely unacceptable.

TOM IGGULDEN: Greens senator Sarah Hanson-Young says the dispute over the accuracy of the story should not be a distraction from the harm done to children on Nauru.

SARAH HANSON-YOUNG: The department secretary wants to squibble [sic] over how old this child may now be.

I mean I think that's a pretty low blow for looking after and looking out for the welfare of a child and other children.

And the truth is the department secretary has confirmed this child was brought to Australia from Nauru because he was suffering.

MARK COLVIN: Senator Sarah Hanson-Young, ending that report from Tom Iggulden.

h)

News Digital story

A five-year-old boy who was allegedly raped on Nauru is facing the prospect of being returned to the offshore detention centre where his attacker remains.

The revelations come from paediatricians who have detailed their concerns to the ABC about the child and the wellbeing and safety of about 160 other children held in Australia's detention centres.

Paediatrician Karen Zwi, speaking despite the threat of jail, said the young child suffered serious mental health problems after the alleged sexual assault.

"Like many other children who are very distressed he regressed, he began bed-wetting, he became very anxious about his mother's wellbeing, he actually began to self-harm, as I've seen several other children do as well and eventually he was transferred over to the mainland for treatment," Dr Zwi said.

She said the child's greatest fear was returning to Nauru.

"That is this huge cloud hanging over him. That he will be returned to an absolutely traumatic and devastating environment for him."

The boy's fate is likely to hang on the result of a High Court decision about a challenge to the Federal Government's policy of sending asylum seekers arriving by boat to detention at centres on Manus Island and Nauru, that will be delivered tomorrow.

If the court case fails, Immigration Minister Peter Dutton has flagged his intentions of sending the group of 160 adults, 37 babies and 54 other children back to Nauru.

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Do you know more about this story? Email investigations@abc.net.au

Detention 'breaking spirit' of young people

In exclusive interviews, two young women spoke to the ABC, giving first-hand accounts of the horrific conditions children are enduring in offshore detention centres.

One of the girls, "Jamilah", from Somalia, said being in detention on Christmas Island had broken her spirit.

"My friends, all of them, they were harming themselves. I tried to be strong and say that was not the right thing I could do," she said.

"I was thinking killing myself was the last thing I could do in my life."

Another girl, "Assiya", who was held on Nauru for more than 12 months, told the ABC how she attempted to kill herself after daily taunts from her captors and being physically assaulted by a guard.

"I used to be a very strong person and always tried to think positive but they really break me down. There was a point I couldn't think of life anymore," she said.

"Sometimes the guards bring video of the Prime Minister and they make us watch it, saying you will never call Australia home. Same thing that they tell us every day.

"The more you try to do something, the more you get upset and hurt and treated like animals."

She said she attempted to hang herself with a scarf and was saved by a friend from dying.

'A mincing machine' of traumatic events

After doctors raised concerns about the mental health of Assiya and Jamilah, both were transferred to the mainland for treatment.

But they face the prospect of being returned to detention at any time.

Dr Zwi said children kept in offshore detention had "been through a mincing machine".

"They've had one traumatic event after another. Sometimes I feel they are broken into little bits and it's really hard to put the pieces back together again," she said.

"It's almost impossible to help them to heal and recover if they know that they're going to go back to that environment."

Average detention time for children stretches to 14 months

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Around 160 children are being held in detention by Australian authorities.

The figure has dropped from 2013, when the number of children detained reached almost 2,000. But children are being held for much longer, an average of 14 months.

On a visit to Nauru, paediatrician Hasantha Gunasekera said he was horrified to see how the children were suffering.

"We hardly ever see young children and adolescents so traumatised by life that they would want to take their own life," Dr Gunasekera said.

"But in Nauru and in detention centres where kids have been kept, sometimes for most of their life, we see very young children who just can't take it anymore and try to kill themselves or wanting to hurt themselves. Or saying things like, 'I may as well just jump off the roof'.

Doctors speak out despite jail threat

Dr Gunasekera and Dr Zwi know they could be charged and jailed for speaking out about what they have seen in Australia's detention centres.

Under the Border Force Act passed in 2014, anyone working in immigration detention, including doctors, faces two years' imprisonment for revealing details of what goes on there.

"Paediatricians have a responsibility to make sure the system stops damaging children and that's why many of us have chosen to speak out," Dr Zwi said.

Dr Gunasekera said if Australians knew what was happening in offshore detention, they would be shocked.

"If the Australian people knew actually what was happening, if they saw the trauma on the faces of the kids like we saw," he said.

"That's why there is secrecy around every part of this policy, it's because it's so shameful."

A spokesman for Mr Dutton said he would not be making any comments about the High Court challenge until after the announcement.

"We will wait to see what the court decides and make comment after that," he said.

The spokesman said \$11 million had been provided for the medical clinic on Nauru.

"There are 25 primary health staff, doctors, nurses and specialists, at the clinic at the processing centre," he said.

"There are 15 mental health staff, with 10 support and administrative staff."

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He said funding of \$26 million had been provided for upgrades at the Nauru Hospital, with health care to an Australian standard.

Radio News story – Version 1#

A five year old boy who was allegedly raped on Nauru could soon be sent back to the offshore detention centre.

The High Court will tomorrow rule on a case which will determine the fate of hundreds of asylum seekers who were brought to the mainland for urgent medical treatment.

A group of paediatricians has spoken out in defiance of federal government laws to voice their concerns about the welfare of children in offshore detention.

Dr Karen Zwi, who has treated the boy, says she's horrified that the child could be forced to return to Nauru where his alleged attacker remains at large.

"His greatest fear is returning to Nauru. There is this huge cloud hanging over him that he will be returned to an absolutely traumatic and devastating environment for him."

Radio News story – Version 2#

Six paediatricians are risking jail time after speaking out about the conditions for asylum seeker children in Australia's offshore detention facilities.

Rebecca Armitage reports.

Anyone working in Australia's offshore detention facilities faces two years' imprisonment for revealing details of what goes on there. But Dr Hasantha Gunasekera says Australians need to know what he saw when he worked on Nauru in 2014. "We see very young children who just can't take it anymore and try to hurt themselves or wanting to hurt themselves." Tomorrow, the High Court will rule on a case challenging the federal government's immigration policy. If it fails, hundreds of asylum seekers brought to Australia for medical treatment will be returned to offshore detention centres. Among them is a five year old boy allegedly raped on Nauru where his attacker remains at large.

PM

MARK COLVIN: A group of six doctors have defied a Federal Government gag order to talk about conditions for young children on Nauru and Christmas Island.

The paediatricians are risking jail time by telling the ABC that young children are self-harming and attempting suicide.

Tomorrow the High Court will rule on a test case challenging the Government's policy of transferring asylum seekers to regional detention centres.

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A warning - some of the details in this story are confronting.

Among those who may be returned to Nauru is a five-year-old boy who was allegedly raped on the island.

Medical reporter Sophie Scott.

SOPHIE SCOTT: When Sydney paediatrician Hasantha Gunasekera went to work with refugees on Nauru, he knew he was required by law to keep what he saw there secret.

But the doctor was so horrified by the deteriorating mental condition of detainees, that he's decided to speak out.

HASANTHA GUNASEKERA: Violence, outbursts, disobedience, behaviour disorders, self-harm, cutting - it's catastrophic and we just do not see that very often.

We see very young children who just can't take it anymore, saying things like, I may as well just jump off the roof. There's no point anymore.

*And a colleague told me, a parent said, "I brought my kids here for them to be safe, not to learn how to commit suicide."**

And what do you say to a parent like that?

SOPHIE SCOTT: Dr Gunasekera believes Australians are unaware of what's really happening in offshore detention facilities, and that's the way the Federal Government wants it.

HASANTHA GUNASEKERA: The Government I think is actually ashamed of what it is doing. I think that's the reality.

The Government does not want anyone to know what is happening.

SOPHIE SCOTT: Dr Karen Zwi has also treated patients in offshore detention. She now looks after children transferred to Australia because they were too sick to remain in detention, including a five-year-old boy who was allegedly raped on Nauru.

KAREN ZWI: Like many other children who are very distressed, he regressed, he began bed-wetting, he was anxious, he became very concerned about his mother's wellbeing.

He actually began to self-harm, as I've seen several other children do as well, and eventually he was transferred over to the mainland for treatment.

SOPHIE SCOTT: The boy is among hundreds of asylum seekers facing the prospect of returning to Nauru, where his alleged attacker remains at large.

KAREN ZWI: His greatest fear is returning to Nauru.

That is this huge cloud hanging over him that he will be returned to an absolutely traumatic and devastating environment for him.

SOPHIE SCOTT: Tomorrow the High Court will rule on a case which challenges the Government's policy of transferring asylum seekers to offshore facilities.

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If it fails, the Federal Government is expected to return 160 adults, 37 babies and 54 children who were brought to the mainland for medical treatment back to Nauru.

Dr Gunasekera again.

HASANTHA GUNASEKERA: Obviously I'm completely horrified by that report because I have seen the children on Nauru, I've seen the children in detention centres on the mainland who have come from Nauru, and they're just traumatised.

SOPHIE SCOTT: Asseya, as we'll call her, is one of the asylum seekers who might soon have to return to Nauru. She spent 14 months there after fleeing human traffickers in her home country.

ASSEYA: You have so much time on your hands. The nights are too long, days are too long, nothing gets shorter.

And daytime it's very hot, like 45 degrees every single day, people living in tents.

SOPHIE SCOTT: She attempted to end her life after she was physically assaulted by a guard.

ASSEYA: I tried to hang myself, then my friend saved me from that.

SOPHIE SCOTT: She was quietly released into the Australian community so she could receive the care she needed, but faces an uncertain future.

ASSEYA: I'm not working, I'm not allowed to. I'm not allowed to study.

I live in the community, I'm free but at the same time, the last thing they said to me was, "we can send you back to detention at any time".

SOPHIE SCOTT: A spokesman for the immigration minister Peter Dutton says he won't comment on the High Court matter until the court makes its ruling.

However, he did say that the medical treatments given to asylum seekers in detention centres was on par with the care available in Australia.

MARK COLVIN: Sophie Scott

TV News

Newsreader: A group of paediatricians has broken government confidentiality agreements to tell the ABC they're horrified by the conditions children are forced to live in on Nauru. The doctors say children as young as nine are attempting suicide. The ABC's medical reporter Sophie Scott has this exclusive report

Reporter: Dr Hasantha Gunasekera knows he could be jailed for talking about what he's seen in Australia's detention centres. But after working on Nauru in 2014 he feels he has no choice.

Dr Hasantha Gunasekera: We see very young children who just can't take it anymore children down to nine who have attempted hanging themselves. It's

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unbelievable. We would never see anyone that young with such a violent attempt at self harm

Reporter: He says Australians would be shocked if they knew what was happening in offshore facilities.

Dr Hasantha Gunasekera: The government has effectively put a curtain of silence around Nauru.

Dr Karen Zwi: ... extreme sadness almost horror

Reporter: Dr Karen Zwi has also treated patients in detention. She now looks after children who are in Australia because they are too sick to remain in off shore detention. One of her patients is a five year old boy who was allegedly raped on Nauru.

Dr Karen Zwi: One of the most difficult aspects that he had to face was that he was told that as soon as he recovered that he would be sent back to Nauru.

Reporter: Tomorrow the high court will rule on a case challenging the government's policy of off-shore detention. If it fails 160 adults, 37 babies and 54 children who were brought to the mainland for medical treatment will be sent back to Nauru.

Dr Hasantha Gunasekera: There's no circumstances in which those children should be returned.

Reporter: The immigration minister says he won't comment on the matter until the court makes its ruling. Sophie Scott, ABC News.