

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Group: 2**

**Program: Other Agency**

**Question No. AE15/006**

**Senator Macdonald asked the following question at the hearing on 24 February 2015:**

CHAIR: Thank you. Why was the allegation first put in the draft report? On what basis was the allegation made? What substantiation was there that there were guard dogs—police dogs, sorry.

Ms O'Brien: It was part of the evidence collected. I am not sure through what process that particular piece of evidence was collected, but it was either part of the interview process or perhaps a submission. I would have to take on notice exactly how that evidence was obtained by the inquiry.

CHAIR: You will have to take that on notice. I could go through this in detail. There is the issue about dismissal of evidence provided to the commission on child mental health systems. I think the draft report said it is difficult to confirm the actual availability of child mental health specialists and services on the island, yet the department, or someone, the IHMS, on 19 September had written to you or given you information, written advice, of exactly which mental health specialists, which child psychiatrists, were there. So how was it that the draft report said 'It is difficult to understand it', when you had direct evidence that those professionals were there?

Ms O'Brien: I am not sure whether there is some confusion as to whether they were general practitioners or whether they were specialists. We would have to take that question on notice.

CHAIR: You have read the letter from the department which sets this out in spades. You may have changed it—I don't know. What I am asking is: how was the allegation first there? You do not need to take that on notice. You have read what the department said.

Ms O'Brien: The allegation was accepted as part of the evidence collected for the inquiry.

CHAIR: Yes, I accept that. But how did it come to be in the draft report when it was clearly not factual? You had been given the evidence, yet the draft report said you could not get any figures or evidence.

Ms O'Brien: I am not sure we can conclusively say it was not factual. You are just pointing to the department's response.

CHAIR: Oh, so you're saying that the department's advice to you is not factual?

Ms O'Brien: I am saying that I do not have the information before me to talk about what specialists we are talking about, whether it is general practitioners or whether they are mental health specialists or whether they are paediatricians. I am very happy to take the question on notice, Senator.

**The answer to the honourable senator's question is as follows:**

In relation to the quote about police dogs:

This was part of a quote from a mother who was detained on Christmas Island. The exact quote (produced in full in the draft report) makes clear this was reported by the mother as a comment made by the Serco officers:

‘There is no space for my baby, no place to put him down. There are centipedes, insects, worms in the room. Rats run through. We have no eggs, no fruit. We get out of date food. I don't want a visa, I just want somewhere safe and clean for my child. Serco is not sympathetic – they say just put them down. The guards said if you don't calm down we will get the police dogs onto you.’

This was a quote recorded by Professor Elizabeth Elliott in her report following her discussions with detainees on Christmas Island during the Inquiry team's visit in July 2014. Professor Elliott's report is published on the Commission's website.

To address the Department's concern, the Commission included the Department's response directly under the quote in the final report as follows (in section 6.12):

‘The Department of Immigration and Border Protection reported to the Inquiry that there are no police dogs on Christmas Island.’

In relation to the issue of availability of children mental health specialists:

To address the Department's concern, the Commission amended section 9.8 to more clearly represent the conflicting evidence and qualify the conclusion, so that the section in the final report read:

‘In September 2014, International Health and Medical Services reported that on Christmas Island from July 2013 to July 2014 there were registered nurses with formal qualifications in child specific health services. They further reported that psychologists with qualifications in children's health were available for 366 of 396 days of this period. Additionally, IHMS stated that child psychiatrists visited in February and July 2014.

The oral evidence given by two doctors working on Christmas Island at the time conflicts with the evidence IHMS provided on a review of their rostering. It is difficult to confirm the actual availability of child mental health specialists and services on Christmas Island during this period.’