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## Royal commission into child sex abuse investigating Immigration Department

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The royal commission into child sex abuse has demanded immigration authorities hand over a series of documents in a move that could eventually widen to see Australia's detention centres become a target of the inquiry.

Documents obtained by Fairfax Media in response to questions about children in detention show the powerful commission has issued the Department of Immigration and Border Protection with formal "notices to produce", as well as other requests for information.

The department has "fully co-operated" with the requests as the commission begins the early stages of its investigation.

It is the first federal government department or agency to be examined by the sweeping national inquiry.

A recent string of damning revelations about sexual and physical abuse on Nauru, Manus Island, Christmas Island and mainland detention centres has raised concerns about Australia's care for minors held in the facilities.

But the commission has ruled out investigating any alleged child abuse on Nauru or Manus Island as both fall outside its jurisdictional powers.

In a letter to Greens senator Sarah Hanson-Young on May 7, the chairman of the commission, Justice Peter McClellan, confirmed "alleged child sexual abuse in Australia's immigration detention centres is currently being considered" by the commissioners.

"However, I can indicate that although detention centres on the Australian mainland or Australian territories are within the jurisdiction of a royal commission, the commission is of the view that it cannot investigate events that occur within another country," Justice McClellan wrote.

The royal commission – established by former prime minister Julia Gillard in 2012 – has the ability to investigate churches, charities, community organisations and government bodies. It also has the power to recommend criminal charges.

If the commission decided to hold a public hearing, former immigration ministers, immigration department officials and front-line staff could be called to give evidence. The hearing would focus on how the department responded to any abuse, as provided in victim statements.

A recent Australian Human Rights Commission inquiry uncovered 44 instances of children being sexually abused between January 2013 and July 2014.

The commission, led by Gillian Triggs, has referred the allegations to the royal commission after noting some "may come within the scope" of its terms of reference.

But fresh Department of Immigration and Border Protection evidence provided to the Senate shows an additional 28 alleged sexual abuse incidents involving children occurred in immigration detention facilities from February 2014 to February 2015.

In the same documents, the department confirmed the royal commission had requested information and that the Attorney-General's Department (AGD) would represent the Commonwealth if called to a hearing.

"In consultation with AGD, the department had fully co-operated with all requests by the royal commission to provide information," it said in a response provided to the Senate. "Information has been provided both in response

to requests for information and formal notices to produce."

The written answer was provided after a Labor senator questioned immigration secretary Mike Pezzullo about his department's dealings with the royal commission over recent claims of child abuse in detention centres.

Mr Pezzullo told the February hearing he was aware the royal commission "is interested" in the abuse claims raised by the Human Rights Commission.

However, an immigration spokesman on Tuesday said the department was "not aware of any notice to produce relating to child abuse in immigration facilities".

"The department will continue to cooperate with any requests to the fullest extent possible," he said.

Requests to explain the apparent contradiction between the Senate documents and the spokesman's statement were not received prior to publication.

Professor of Law at the University of Sydney Patrick Parkinson said the commission had been careful not to focus on historical events and to make a point that child abuse generally was still occurring.

"The commission has been extraordinarily good at finding child abuse cases wherever they may be."

Senator Hanson-Young said: "Refugee children are already extremely vulnerable and the fact that some of them have been subjected to further abuse and assault is sickening and must be exposed."

There were 88 children in detention on Nauru and 132 in detention facilities in Australia as of May 14.

A spokeswoman for the royal commission refused to discuss the investigation.

"The royal commission does not comment on its investigations and does not confirm details of public hearings until they are formally announced. Hearings are usually announced around four weeks before their commencement date."

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