

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARINGS: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(326) Program 4.3: Offshore Asylum Seeker Management

Senator Hanson-Young asked:

- 1) If only 'vulnerable' children are to be released, by what criteria are children considered to be 'vulnerable'? ie by age? What age is the cut off?
- 2) Is the Minister for Immigration to continue to assume the status of "Guardian" of the children in immigration detention facilities indefinitely?
- 3) Is any consideration being given to establishing an independent review panel to ensure the welfare and wellbeing of child detainees meet international standards?
- 4) Are appropriate procedures in place to ensure staff at all facilities are aware of, and comply with requirements for making child welfare and protection notifications in relation to concerns arising in respect of children in detention in each facility?

Answer:

- 1) The Government's commitment is to move the majority of children and vulnerable families out of immigration detention facilities and into community-based accommodation by 30 June 2011.

The focus at this stage is on the youngest unaccompanied minors and families with young children, single parent families, families with pregnant women and other particularly vulnerable families.

Successive cohorts of clients are being identified and their circumstances are being assessed in relation to the appropriateness of placing them in community-based accommodation.

- 2) The *Immigration (Guardianship of Children) Act 1946* (IGOC Act) outlines the circumstances in which the Minister for Immigration and Citizenship is the guardian of non-citizen children. Under section 6 of the IGOC Act, the Minister remains the guardian of children who fall within the operation of the IGOC Act 'until the child reaches the age of 18 years or leaves Australia permanently, or until the provisions of [the IGOC Act] cease to apply to and in relation to the child, whichever first happens'.

- 3) The Commonwealth Ombudsman and the Australian Human Rights Commission (AHRC) can investigate complaints made by individuals in relation to, respectively, administrative actions of Australian Government officials, and breaches of human rights. These bodies also provide the Department with advice on the administration of immigration detention, as well as insights into our broader work and how it can be improved.

In view of these established and reputable oversight and scrutiny mechanisms, the Department is not considering a further review body in relation to children in immigration detention.

- 4) Under the Detention Services Contract, all service provider personnel who will, or may work with minors in any capacity must comply with relevant state child protection legislation.