



10 December 2014

Senator the Hon Ian Macdonald  
Chair – Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Senator Macdonald,

**Senate Estimates – Transcript, 20 November 2014**

At the Senate Estimates hearing on 20 November 2014 I undertook to review the Commission's records in relation to the timing of the decision by the Commission to conduct a national inquiry into the impact of immigration detention on children.

My records indicate that while I regularly discussed concerns about children in immigration detention with all ministers for immigration, I did not specifically refer to the proposed review / inquiry with any minister in the previous government.

Having reviewed the Commission's records, I can confirm the following:

- The Commission has regularly engaged with the Minister for Immigration and Citizenship (subsequently the Minister for Immigration and Border Protection) on matters relating to children in immigration detention. Since 2012, this has involved meetings and letters at regular intervals expressing concerns about children in detention centres in Curtin, Manus Island and Christmas Island, the situation of unaccompanied minors and a repeated urging of the government to ensure that the detention of children is a matter of last resort, by implementing a presumption against detention of children. My records show that issues relating to children in detention were raised in every meeting that I had with the Minister.
- The Commission confirmed its work plan for 2013-14 on 26 June 2013. Its program on asylum seekers and immigration detention was included in this work plan (the project planning for this work having occurred in March / April 2013). The program of work envisaged a) a 'snapshot' report on the state of the immigration detention system (to be completed by Sept/Oct 2013); b) a revamp of our web materials and fact sheets (to be done concurrently and finalised by late 2013); and c) a '10 year review' of the situation of children in detention to commence once the above activities were completed.

The approval of this work program in June 2013 was on the basis that the exact format of the '10 year review' would be decided closer to its commencement, and was contingent on resourcing issues.

- The first official notification that the Commission was considering undertaking a '10 year review' was provided to Minister Morrison and the Secretary of the Department of Immigration and Border Protection on 19 and 20 November 2013 respectively. The exact form the review would take was not discussed.
- On 12 December 2013, the Commission formally approved an updated project plan for the 10 year review which proposed that the review take the form of a national inquiry. The Commission notified the Attorney-General, as well as the Department of Immigration and Border Protection of the inquiry on 22 January 2014 and provided them with the proposed terms of reference for the inquiry.

At the hearing I also referred to the timing of the Commission's *Our Agenda* publication (pages 70-71). Ordinarily the Commission publishes this document soon after the finalisation of our annual work plan. I indicated that we had likely published this in July 2013.

After referring to the Commission records, I can confirm that *Our Agenda* was not publicly released until late September 2013. The document was provided to the Attorney-General, Senator Brandis, upon release on 20 September 2013.

I reiterate comments made at Estimates regarding the Commission's work program on immigration detention issues (at page 50). My predecessor, the Hon Catherine Branson, release the report of a national inquiry into the situation of children wrongly detained in adult prisons as a result of age assessment processes on the final day of her term as President on 27 July 2012.

In the following six months, I released an inspection report of the Christmas Island facilities, a publication on human rights standards for the inspection of detention facilities as well as participating in numerous parliamentary inquiries. The Commission's work program on immigration detention, with a particular emphasis on children, was then, and remains now, extensive.

The Commission will also respond in detail to questions taken on notice in due course.

Yours sincerely,

Gillian Triggs  
**President**