Joint Select Committee on Australia's Immigration Detention Network
Adelaide Hearing – 15 November 2011

Question on Notice

ACTING CHAIR: *Would you like to touch on the issues of age determination? I know you skipped over that a bit. While it may not seem directly to our terms of reference, it is, because we know that those who end up being found to be minors are being detained in facilities, particularly in Darwin and Villawood, before being deported. so that process of determining their age, particularly for those crew, is important.*

Ms Simmons: *Our view of that is that, when similar methods have been used elsewhere to verify age of asylum seekers or refugees—and in this case those who are alleged to have been involved in some criminal activity—the use of wrist X-rays as a single method of determining age is unreliable. Instead we would recommend that multiple sources of evidence be considered, by a panel of people, to determine age. It does, as you have pointed out, result in the incarceration of juveniles in adult prisons, and that is unacceptable. We therefore do support the view of the Australian Human Rights Commission that if there is no reliable evidence to prove an individual is an adult then they should be treated as a juvenile and sent home.*

ACTING CHAIR*: Have you had any interaction with the various federal agencies around those recommendations? Have you written to the ministers responsible?*

Ms Simmons*: In relation to age determination?*

ACTING CHAIR*: Yes.*

Ms Simmons*: In our submission to this committee, we referred to it. I hesitate because I am not sure whether it was in the letter to the Minister for Immigration and Citizenship.*

ACTING CHAIR*: Could you double-check for us and let us know? That would be great.*

Response:

As at 15 November 2011 two members of the Australian Children's Commissioners and Guardians had raised the issue of age determination with agencies or ministers. Michelle Scott, WA Commissioner for Children and Young People, had liaised with the Australian Human Rights Commission and has also spoken publicly about the issue, and Elizabeth Fraser, Queensland Commissioner for Children and Young People and Child Guardian, has written to the Minister for Immigration and Citizenship, the Hon Chris Bowen MP, regarding age determination and the safety of children under the age of 18 years.