JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

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Question: Perhaps you could come back to us with what the existing procedure is within DIAC for informing Serco and any other relevant person?

Are those protocols in existence?

Answer: The Minister's delegation of his roles and responsibilities as guardian for unaccompanied minors is set down in the instrument of delegation. The DIAC positions to whom the Minister has delegated his roles and responsibilities as guardian are designed to facilitate the day-to-day decision making required in regard to minors in detention, such as decisions about medical treatment (where the UAM is not of capacity to provide their own consent) or education where consent is required for enrolment for example.

The instrument of delegation is reviewed and updated from time to time to ensure that the roles and responsibilities of guardianship continue to be delegated to the most appropriate DIAC positions. The current instrument of delegation came into effect on 16 June 2011.

For unaccompanied minors in immigration detention, the delegated guardian is the senior regional detention manager in the State or Territory in which they are located. In addition, in Darwin and on Christmas Island, the Minister has also delegated his roles and responsibilities as guardian to other senior managers at the Executive Level 2 classification.

The instrument of delegation is available to all staff on the department's intranet and is also provided and explained to delegated guardians and other senior detention officers when it is updated for appropriate dissemination to operational staff.

Protocols for the management of unaccompanied minors, including how and when the guardian should be consulted, are set down in a number of departmental Procedural Advice Manuals and operating manuals. For example, the Detention Services Manual includes a chapter on Minors in Detention, which includes advice on when to consult the delegated guardian; interviewing unaccompanied minors; access to the Immigration Advice and Application Assistance Scheme (IAAAS); and handling allegations of abuse and neglect. Serco's policy and procedures manual "Alternative Place Of Detention (APOD) Working With Minors" provides advice to Serco staff on guardianship issues, including information on the delegated guardian and the appropriate contact in an immigration detention facility.

The Department's advice and training policies and processes in relation to unaccompanied minors are currently being reviewed (by the recently established Children's Unit), with a view to consolidating and strengthening processes and protocols and staff knowledge. We are also developing new tools to assist DIAC staff and service providers to understand the Minister's guardianship obligations, particularly in community detention.

A detailed interim policy advice that brings together all the various guardianship advices has been collated and circulated.