

CHILDREN IN DETENTION CENTRES — CHRISTMAS ISLAND AND LEONORA

2877. Hon Alison Xamon to the Minister for Child Protection

I refer to minors who are currently detained in detention centres or places of alternative detention on Christmas Island and at Leonora, and ask —

- (1) Is the Minister of the view that the *Children and Community Services Act 2004 (WA)* and the *Children and Community Services Act 2004 (WA)(CI)*, apply in relation to children held in immigration detention?
- (2) What role does the Department for Child Protection play in the lives of unaccompanied minors in detention?
- (3) How many children in detention is the Department of Child Protection currently involved with?
- (4) What role does the Department for Child Protection play in shaping the policies and activities of SERCO towards children in detention?
- (5) What agreement is there (if any) between the Commonwealth and the State Government in relation to the care of unaccompanied minors during detention and after they are released from detention into the community?
- (6) How many unaccompanied minors released from detention and living in Western Australia are in the care of the Department of Child Protection?
- (7) How many continue to be in the care of the organization Life without Barriers, in lieu of DCP?

Hon ROBYN McSWEENEY replied:

- (1) The Children and Community Services Act 2004 (WA) (CI) applies to children in immigration detention on Christmas Island, and the Children and Community Services Act 2004 (WA) applies to children in immigration detention at Leonora, except to the extent that the State Acts are inconsistent with the provisions of the Migration Act 1958 (Cth) and other Commonwealth laws. On Christmas Island responsibility for the administration of the Children and Community Services Act 2004 (WA) (CI) rests with the relevant Commonwealth Minister.
- (2) The Department for Child Protection (the Department) does not as a matter of course have a role in the lives of unaccompanied minors until the young person is granted a visa, released from detention and the Department of Immigration and Citizenship (DIAC) seeks to delegate guardianship to the Department pursuant to the Immigration (Guardianship of Children) Act 1946 (Commonwealth).
- (3) Currently there are no cases open to the Department in relation to children in immigration detention.
- (4) The Department currently has no role in shaping the policies and activities of SERCO towards children in detention.
- (5) There is no agreement between the Commonwealth and the State Government in relation to the care of unaccompanied minors whilst in immigration detention.  

The Commonwealth and State Governments are in the process of negotiating a new Memorandum of Understanding (MOU) that outlines respective roles and responsibilities towards unaccompanied humanitarian minors who have been granted protection visas. It will also provide for a cost sharing arrangement between the State and the Commonwealth in relation to the costs of support, settlement and monitoring of the unaccompanied humanitarian minors.
- (6) The Department currently has guardianship responsibility for seven unaccompanied humanitarian minors who have been granted a protection visa and released from detention.
- (7) The DIAC has not, as a matter of course, sought the Department's guardianship of those unaccompanied humanitarian minors who are placed into the care of Life Without Barriers. The DIAC liaises directly with Life Without Barriers in those cases. The Department is not informed of the numbers of unaccompanied minors being placed in the care of Life Without Barriers .