



Australian Government

Department of Immigration and Border Protection

SECRETARY

IO November 2014

Professor Gillian Triggs
President
Australian Human Rights Commission
GPO Box 5218
SYDNEY NSW 2001

BY E-MAIL: president.ahrc@humanrights.gov.au

Dear Professor Triggs

**The Forgotten Children: National Inquiry into Children in Immigration Detention
2014**

Thank you for your correspondence of 31 October 2014, in which you provided the Department of Immigration and Border Protection (the Department) with the final findings and recommendations of *The Forgotten Children: National Inquiry into Children in Immigration Detention 2014* (the Inquiry).

I understand that, under section 29 of the *Australian Human Rights Commission Act 1986*, in referring your final report to the Attorney-General, you are to advise of any action, to your knowledge, that the relevant party has taken or is taking as a result of the findings and recommendations of the Inquiry. Accordingly, you have asked for my advice regarding any intended action by the Department in response to the Inquiry and its report.

On 3 October 2014, you provided the Department with the opportunity to respond to the preliminary findings of the Inquiry. On 13 October 2014, you also provided the Department with changes to your preliminary findings and some of the body of the draft report.

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The Department provided its response to the preliminary findings and the draft report on 27 October 2014 in order to comply with the three week timeframe provided by the Commission. I note that the final report, now provided to the Department, newly incorporates a series of recommendations. I also note that some substantial changes have been made to the findings and that some changes have also been made to the body of the final report.

In its response to the draft report and preliminary findings, the Department has already identified a wide range of concerns regarding the manner in which evidence and information provided to the Inquiry has been evaluated and utilised and has provided the Commission with a range of thematic concerns, supported by specific examples. A copy of that response is enclosed at **Attachment A**.

Whilst the Department acknowledges that the Commission has made some substantial changes to the findings and has also made some changes to the final report, I note that these changes appear to only partially address the specific examples raised and do not appear to address the underpinning thematic issues which the examples were intended to illustrate.

With respect to the findings and recommendations of the final report, the Department notes that these primarily relate to the legal and policy settings for immigration detention in Australia and other government agencies. I expect that the Government will consider the final report, including its findings and recommendations, after it is tabled. Accordingly, where the recommendations provided in your final report are practical and consistent with government policy, the Department will continue to work with the Commission to implement these as appropriate.

You may also be interested to note that, effective today, 10 November 2014, the Department is establishing a Detention Assurance Team as part of an overall integrity and assurance framework being established across the portfolio. The role of this team will be primarily to act as a triage point and support commissioned inquiries, assess trends in allegations of inappropriate behaviour by the Department's service providers and their staff, recommend action where appropriate, and provide independent advice to the Secretary and Chief Executive Officer (CEO).

The Department would like to thank the Commission for the report which is a significant body of work and looks forward to a continued productive working relationship.

Yours sincerely



Michael Pezzullo