



Australian Government

Department of Immigration and Border Protection

Attachment A

DECISION RECORD

Request Details

FOI Request FA14/04/00247

File Number ADF2014/11953

Scope of request

Best Interests Assessment document, including any and all associated guidelines and material as at 1 - 30 September 2013.

Documents in scope

1. Electronic document: Best Interests Assessment for transferring minors to an RPC

Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records.

Information considered

In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (identified above);
- The Australian Information Commissioner's guidelines relating to access to documents held by government;
- The department's FOI handbook

Reasons for decision

I have considered the files within the scope of your request and applied exemptions in part or in full to documents as detailed in the Schedule of Documents. You should read the schedule in conjunction with the exemptions below.

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

(1) An agency or Minister may refuse a request for access to a document if:

(a) all reasonable steps have been taken to find the document; and

(b) the agency or Minister is satisfied that the document:

- (i) is in the agency's or Minister's possession but cannot be found; or*
- (ii) does not exist.*

Document not received as required by contract

(2) An agency may refuse a request for access to a document if:

- (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and*
- (b) the agency has not received the document; and*
- (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.*

Your FOI request specifically sought access to any and all guidelines and material as at 1-30 September 2013 associated with the Best Interests Assessment document.

I have sought access to the Best Interests Assessment document from the relevant line area within the department, being the Guardianship Policy Section.

The Guardianship Policy Section has advised me that for the purposes of the Best Interests Assessment document subject to this request, there were no guidelines in place at the time this document existed.

I'm satisfied from the written advice received by the Guardianship Policy Section that this information is accurate and there is no such document in existence within the department. Therefore my decision surrounding any and all guidelines and material as at 1-30 September 2013 associated with the Best Interests Assessment document is that this document doesn't exist pursuant to Section 24A(1)(b)(ii)

Ashley Smith
Authorised decision maker
FOI and Privacy Policy Section
Ministerial, Executive and External Accountability Branch
Department of Immigration and Border Protection

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6 May 2014



Australian Government

Department of Immigration and Border Protection

Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA14/04/00247
File Number ADF2014/11953

1. Departmental electronic document: Best Interests Assessment for transferring minors to an RPC – containing 5 folios

Folio	Description	Decision	Legislation
1-5		Released in full	

2. Associated guidelines

Folio	Description	Decision	Legislation
N/A	Associated guidelines	Refused	S24A(1)(b)(ii)

**Best Interests Assessment
for transferring minors¹ to an RPC
(forming part of the Pre-Transfer Assessment)**

Date of this Best Interests Assessment:

Please state the RPC that you are considering this Minor against:

Use of this form

All unauthorised maritime arrivals who enter Australia on or after 13 August 2012 are liable to have their protection claims assessed in a designated regional processing country (RPC).

This Best Interest Assessment (BIA) form is to be used for all unauthorised maritime arrivals who are under the age of 18 and arrived after 4:30pm on 19 July 2013 as part of their Pre-Transfer Assessment (PTA). The completed form will either:

- *confirm that there are no barriers to the minor being transferred to the RPC. This assessment will be recorded in the PTA. Additionally, if the transfer does occur, information captured in this form will be used to inform the delivery of services to that minor; or*
- *recommend the minor should be reconsidered for transfer at a later date. For example, due to specific services recommended for the minor not yet in place.*

For accompanied minors in family units: complete Part A and the Conclusion

Case Managers note: When completing the form, please ensure that you provide detailed reasons for your response.

If an interview is conducted to assist in completing any part of the form, please note:

- *an adult family member or an independent observer must be present in any interview between a DIAC officer and an accompanied minor (including a person who claims to be a minor and has not been assessed by DIAC otherwise); and*
- *an independent observer must be present in any interview between a DIAC officer and an unaccompanied minor (including a person who claims to be a minor and has not been assessed by DIAC otherwise).*

¹ A minor is a person considered by DIAC to be under 18 years of age.

Client Name:

Boat ID:

Part A ACCOMPANIED MINORS

Only complete this section if the person is an accompanied minor. For the purposes of this assessment, an accompanied minor is one who has an adult relative in Australia with whom they currently reside as a family unit/group (whether the relative arrived at the same time as the minor, or arrived earlier or later than the minor but was still a post 19 July 2013 arrival. The policy position is that, where possible, family groups will be transferred to an RPC together. If a family group includes a minor then the PTA for all family members is pending the BIA of the minor(s).

For this process, 'accompanied' means that the accompanying adult(s) is also a post 19 July 2013 arrival. A minor who arrived post 19 July 2013 and has joined parents or relatives who were pre-19 July 2013 arrivals should not be considered in this section.

Biographic Details

1. Name:

Family Name _____ Given Names _____

BOAT ID: _____

2. Gender: Male Female

3. Date of birth: _____ Age: _____

4. Does the accompanied minor have a mother, father, spouse/partner or child who is not being considered for transfer to the RPC?

Yes No

If yes, note:

Relationship: _____ Date of arrival: _____ Location: _____

Relationship: _____ Date of arrival: _____ Location: _____

Family members who are also being considered for transfer to a RPC

When completing this section, please note family members who are also subject to transfer to a RPC, whether or not they arrived on the same boat as the minor.

5. The minor is accompanied by other members of his/her family including:

A. Family Name: _____ Boat ID: _____

Relationship to this minor: _____ Date of arrival: _____

B. Family Name: _____ Boat ID: _____

Relationship to this minor: _____ Date of arrival: _____

C. Family Name: _____ Boat ID: _____

Relationship to this minor: _____ Date of arrival: _____

D. Family Name: _____ Boat ID: _____

Relationship to this minor: _____ Date of arrival: _____

Client Name:

Boat ID:

E. Family Name: _____ Boat ID: _____

Relationship to this minor: _____ Date of arrival: _____

6. Has a PTA and/or a BIA been completed for each family member?

Yes No

If no, is a PTA or BIA currently being undertaken for all family members?

Yes No

7. Does this minor have a carer role in relation to his/her immediate family members?

Yes No

If yes, briefly describe: _____

Incident reports

8. Have there been any reported incidents involving any member of this minor's family, or this minor, while at the detention centre?

Yes No

If yes, briefly describe the incident: _____

Education requirements

9. What is the highest level of education that the minor has completed:

No schooling Pre-school Junior primary Senior primary High school

I have considered advice from relevant areas in DIAC about the education services available at the RPC and think that these services will/will not [*delete as appropriate*] be appropriate for this minor.

Accommodation requirements

I have considered advice from the relevant areas in DIAC about the accommodation available at the RPC and think that this will/will not [*delete as appropriate*] be appropriate for this minor.

Services and activities

I have considered advice from the relevant areas in DIAC about the services and activities available at the RPC and think that this will/will not [*delete as appropriate*] be appropriate for this minor.

Health

A health assessment is conducted by the Detention Health Services Provider as part of the PTA. This

Client Name:

Boat ID:

health assessment takes into consideration the particular health needs of the minor, including identification of health issues that can be managed with the support of the family at the RPC.

Family unity

The policy position in circumstances where a family has arrived together is that they will be transferred to a RPC together, noting that there may be exceptional circumstances where the policy position may be departed from. For example, there may be reasonable grounds to believe that the child is exposed or is likely to be exposed to abuse or neglect by an accompanying adult.²

IHMS assessment completed and no health or vulnerability concerns evident

and

I am not aware of any other matter, including evidence of abuse and/or neglect of this minor by an accompanying adult, that would suggest it is not in the best interests of the child to remain with their family.

OR

There has been evidence or advice that suggests it is not in the best interest of the child to remain with their family.

Describe (if relevant):

End of Part A - Proceed to the Conclusion section on the last page of this assessment form.

[note – Part B – Unaccompanied Minors is under review and has been intentionally omitted from this document]

² *If there are reasonable grounds to believe that the child is exposed or is likely to be exposed to abuse or neglect by an accompanying adult, this issue should be referred to the relevant State or Territory Welfare Agency and no further consideration should be given to the transfer of this minor and family unit at this time. Go to Conclusion and note this reason as to why the minor should not be transferred now and recommend that transfer be reconsidered at a later time.*

Client Name:

Boat ID:

CONCLUSION

This BIA: (tick the appropriate response)

- has not identified any reasons why the minor should not be transferred to the RPC at this time. A summary of the reasons for this assessment and recommendation are:*

This outcome was recorded on the PTA for this person on date: ____/____/20

OR

- has identified reasons why the minor should not be transferred and recommends that transfer be reconsidered at a later time . A summary of the reasons for this assessment and recommendation are:*

This outcome was recorded on date: ____/____/20

Assessor:

Name:

Position number:

Signature:

Date:

Senior Case Manager:

I agree/do not agree with the assessment made above.

Name:

Position number:

Signature:

Date:

DIAC Coordinator - The following considerations should be noted with respect to delivering services to the minor at an RPC:

Record of confirmation of quality assurance assessment:

AS Community Support and Children Branch Date