

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE13/0070) PROGRAMME – Internal Product

Senator Singh (L&CA 124) asked:

Senator SINGH: Ms Pope, are guardians appointed.

Ms Pope: Yes. There are guardianship arrangements for unaccompanied minors and also for unaccompanied humanitarian minors. It is a reasonably complicated answer, so I would be happy to take that on notice, but yes, they all have a delegated guardian.

Answer:

The *Immigration (Guardianship of Children) Act 1946* (the IGOC Act) outlines the criteria that engage the Minister for Immigration and Border Protection's (the Minister's) guardianship responsibilities. Under the IGOC Act, the Minister is the legal guardian of a child who at the time of their arrival in Australia:

- is not an Australian citizen;
- is under 18 years of age;
- intended to become a permanent resident of Australia; and
- did not arrive in Australia in the charge of or for the purposes of living in Australia under the care of a parent, a relative who has turned 21, or an intending adoptive parent.

The Minister discharges his guardianship responsibilities to various officers of the Department of Immigration and Border Protection and to state and territory child welfare agencies via an instrument of delegation. This instrument will change from time to time to reflect new or changed arrangements. The current instrument came into effect on 31 May 2013.

All minors who are within scope of the IGOC Act, which could include unaccompanied humanitarian minors, have a delegated guardian.