

Child Protection Panel – Terms of Reference

The Department acknowledges its responsibility to ensure reasonable care is taken for the safety and welfare of people in immigration detention, and in regional processing centres; in particular to prevent and respond to abuse, neglect or exploitation being suffered by a child. The Department seeks to identify opportunities for improvement to processes, practice, policy and cultural norms around its responses to such incidents involving children.

To that end, the Secretary of the Department of Immigration and Border Protection has established a Child Protection Panel (the Panel) to provide independent advice on child protection in immigration detention and regional processing centres. The establishment of the Panel is partly in response to the recent Moss Review into allegations at the Nauru Regional Processing Centre.

The purpose of this Panel is to ensure that a comprehensive and contemporary framework for the Department relating to the protection of children is in place. This will be done by assessing the adequacy of Departmental and service provider policy and practice around the management of incidents of abuse, neglect or exploitation involving children. Based on this assessment, the Panel will provide recommendations for ongoing improvement.

In relation to incidents of abuse, neglect or exploitation involving children the Panel will:

- critically review responses by the Department and its service providers in detention environments, including onshore, in community held detention, and at regional processing centres, to reported incidents which occurred since 1 January 2008
- provide independent advice to the Secretary in relation to the effectiveness and correctness of Departmental and service provider policy and procedure around the management, response, and reporting of incidents involving children, and
- make recommendations to strengthen arrangements around the management, response, and reporting of incidents involving children.

Any material obtained by the Panel that may be of assistance in relation to criminal charges or investigation activity will be made available to relevant authorities.

The Panel is to commence immediately. The Panel will report to the Secretary of the Department of Immigration and Border Protection on findings related to historical cases by the end of the year. The Panel's views on better practice will be iteratively provided to the Department for action over the course of the process, with a final report around embedding better practice to be provided in mid-2016.