



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID817/2018

BAF18 AS LITIGATION REPRESENTATIVE FOR BAG18

Applicant

MINISTER FOR HOME AFFAIRS and another named in the schedule

Respondent

ORDER

JUDGE: JUSTICE BROMBERG

DATE OF ORDER: 11 July 2018

WHERE MADE: Melbourne

UPON THE UNDERTAKING OF THE APPLICANT BY HIS COUNSEL:

- (a) to submit to such order (if any) as the Court may consider to be just for the payment of compensation, to be assessed by the Court or as it may direct, to any person, whether or not a party, adversely affected by the operation of the interlocutory order or undertaking or any continuation (with or without variation) thereof; and
- (b) to pay the compensation referred to in (a) to the person there referred to.

THE COURT ORDERS THAT UNTIL THE HEARING AND DETERMINATION OF THE APPLICATION OR FURTHER ORDER:

1. As soon as reasonably practicable and within 48 hours the Respondents ensure that the Applicant, together with his mother, are brought from Nauru to a location where the Applicant can receive psychiatric inpatient or community-based treatment:
 - (a) provided by a specialist treatment service for children, adolescents and families who have been exposed to trauma and multiple adversities;
 - (b) provided by specialists not contracted by International Health and Medical Services or Australian Border Force; and
 - (c) which includes counselling and support work with the Applicant's mother where the treating doctor so requires.




2. The Respondents shall not take any steps to return the Applicant and his mother to Nauru pending the outcome of the present proceedings unless otherwise agreed between the parties or by further order.
3. The Respondents, in making the psychiatric treatment referred to in order 1 available to the Applicant, not remove him to any location without his mother accompanying him.

THE COURT FURTHER ORDERS THAT:

4. BAF18, the mother of the Applicant, be appointed as the litigation representative for the applicant.
5. Pursuant to s 37AF(1) of the *Federal Court of Australia Act 1976* (Cth), on the grounds in s 37AG(1)(a) and (c) of that Act, the publication of the name of the Applicant (who is to be referred to by the pseudonym BAG18), and the name of the Applicant's mother (who is to be referred to by the pseudonym BAF18), be prohibited.
6. The proceeding be listed for a Case Management Hearing on a date to be fixed and not before 13 August 2018.

Date that entry is stamped: 11 July 2018


Registrar



Schedule

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Second Respondent COMMONWEALTH OF AUSTRALIA