

**Submission to the
Joint Select Committee on Australia's Immigration Detention Network**

We are responding to the Terms of Reference as listed :

! (a) Centres as reception centres where asylum seekers stay for a limited period for medical checks,(not kept under lock and key,) until they are moved into the community as in the Canadian system.

Establish a security check system which is not reliant on hostile governments SYSTEM., (Note : Burmese, Tamils and other ethnic minorities)

Ensure that all rules re visiting detainees are properly advertised and that staff in Detention Centres are held to account by these rules, and not permitted to be powers unto themselves.

! (b)

Lengthy periods of detention, coupled with overcrowding in the Centres have been proved to be largely responsible for mental health issues. These need to be picked up in the early stages, for the sake of the detainees, and for their future productivity in our society if the person receives protection in Australia.

Many detainees on account of serious depression do not access English classes provided, and lose the benefit of preparation for life in our country. Speeding up our processing these people would assist enormously and in many ways.

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With asylum seekers arriving by plane, Embassy staff should be well trained to recognize fake/irregular passports to stop people at the point of origin.

As so many of the services are sub-contracted out, DIAC can claim a position of no responsibility for the agents' actions. If agents are contracted they must be held accountable for the values of DIAC. All staff employed in the Immigration detention system must be people with respect and compassion for the people in their care.

! (d)

Children should never be detained,whether in an Immigration Detention Centre or in Community Detention. All health checks must be done in the Reception Centres [Refer 1.(a)] The atmosphere, the limitations of movement, the limited space/facilities for recreation, the inflexibility of routine can have serious repercussions on a chld's development.

If mandatory detention was abolished, asylum seekers would freely access the community services already available. At present access to services is given only when Serco or IHMS deem it is necessary. A detainee with serious haemorrhoids has twice been rescheduled for surgery, as IHMS considers his condition is of minor importance, whereas his friends see him crying in pain daily..

!,(e)

Children have been separated from their fathers/families with serious results.

The complete family should be kept together, whether, as at present, in Community Detention, or when mandatory detention is abolished, in the community, with adequate family support services. This care will reap far reaching benefits for our society.

Bullying and intimidation is rife among Serco officers and directed towards visitors as well. This causes much tension. Some officers delay visitors at reception, sometimes for long periods, and have also called the wrong detainees to the visitors' centre. On occasion visitors are bullied with stand over tactics, speak to rudely and often with a lack respect.. Visitors who are dark skinned can receive poor treatment.

1.(g) Refer comments under 1.(o)

!. (h)

Riots, hunger strikes and other disturbances occur in detention centres for many reasons .Long periods in Detention Centres contribute to these events. Another factor is over crowding in these centres. We are putting people who are already vulnerable into situations which are likely to erupt in some way.

The uncertainty which hangs over every asylum seeker's head is a big factor in the unrest. If we sentence a person to a gaol term, that person knows they will be imprisoned for 2 years, 5 years, etc Time in a Detention Centre is the opposite. It is unending . Those detained can tell a visitor at any time, exactly how many days they have been incarcerated.

A detainee cannot make any plans for their future. They are" marking time". Some refugees speak of the "loss' of so many years of their life... being in detention in Australia.

The factors above result in great anxiety, and most frequently serious depression and even permanent mental illness. This is cost to the particular victim, and also cost to our country, both with the inability to be in the work force, and also the cost of health services required by that mentally ill person.

Persons seeking asylum in Australia have often come from war like situations and long conflicts, and they expect to find peace ina welcome here

We received letters recently from detainees in Scgherger, and another one from those in Darwin Detention Centre, imploring us to GRANT THEM PROTECTION.

1. (i)

The system with contractors and sub-contractors involved does not work well. At some Detention Centres there appears to be much changeover of staff, which creates difficulties all around. With the urgent need to employ new staff, it means that there is little training time for what are often very difficult jobs. Staff may not have the natural skills to give the appropriate care, and also the skills to deal with such vulnerable people. The system is then open to abuses of power, bullying and intimidation.

For those detained in more remote Detention Centres there are added difficulties imposed on them. At the Leonora IDC in Western Australia, there was no post box where detainess could post their letters to people who befriended them. Getting the letters out was dependent on the kindness of an officer going on leave. That, too, could depend on the honesty and reliability of that person.

1,(j)

Recently, a young man died a few months after being employed as a guard for a 6 month period. He was employed as a casual by a sub-contractor, and had been deeply affected by an experience with other guards after the death by hanging of a detainee.

Workers in some Detention Centres work a 12 hour shift for six days a week, and then after one day off, go on to night duty which is 12 hours for 6 days. Many staff are exhausted, and become so irritable and angry that they respond angrily to a detainee's question.

The more remote the Detention Centre is, the higher the wages. In these places the lowest paid guard is paid \$2,100 per week. Nurses on Christmas Island receive \$180,000 per year. The money is attractive but the pressure of work means there is a big turn over of staff, and how well trained and prepared are these people for the difficult job with severely depressed people.

1,(k)

The reporting of incidents depends on many factors.... \which staff member receives the message. whether the person receiving the message believes the account he/she is told, whether that person has good reason not to doubt the reporter.

Often the Security officer wins over the asylum seeker, Much depends on the integrity of the officer. The Ombudsman takes complaints, but has no power to act. Reporting incidents is not effective.

1,(l)

From observation , on my few visits to Detention Centres, this is completely arbitrary, and rests more on the whim of the personel involved.

As visitors we can only guess the government's immigration values. We trust they are more compassionate than my experience of observation tells me.

1.(o)

There is enormous regular cost in detaining people in detention . The costs vary with the location, eg, detention on Christmas Island would be several times the cost of the same detention in a mainland city detention centre, but in a remote locality on the mainland the cost would be higher than one in a large city. Community Detention costs much less. Overall the daily immigration detention total will be beyond imagination, compounded by the fact of people being held in Detention Centres for such lengthy periods . A figure quoted in February 2011 was \$1800 per day for each detainee (adult or child) on Christmas Island

.Settling people into the community without long delays would be so much less costly for the Australian taxpayer, and the cost to mental health of the detainees would also decrease.

(p)

No expansion is necessary, as Detention Centres start to be abolished and replaced by Reception Centres. [refer !(a)]This system has been in use in Canada for some years.

In the immediate future we need to train additional staff to work in the field of processing asylum seekers while they are in detention.. Money will be better spent in this way, as that will speed up the processing of detainees, which will in turn cost us less in medical costs, as mental health issues will decrease. As the Australian of the year in 2010 Patrick McGorry has stated widely: Detention Centres are" factories for mental illness"

The asylum seekers will be moved into the community quickly, thus they will be in a position to be productive in our country.

1. (q)

Please refer to our response to

1.(b)

And

1.(h)

1.(r)

Irregular maritime arrivals should be processed in the same way (exactly) as those asylum seekers who arrive by other means. Having large numbers of these people housed off shore is contributing to this decision of our government. All processing should be done on the mainland where asylum seekers have the same opportunities to access legal services, medical services, trauma & torture counseling, and where people in our local communities can befriend these people. These visitors are the face of Australia for new arrivals. Often staff in Detention Centres , in very stressful work situations cannot present the true face of Australia.

1. (s)

Further to the above terms of reference and the law underpinning the “Malaysian Solution”, the question arises “ Is this decision of our government constitutional? Is it “good government” per section 51 of the Constitution? Is it good law?

This agreement was made on an apparently ad hoc basis, is contradictory to Australia’s own laws that enact the relevant international conventions, and is, in essence, retrospective legislation.

Lon.L.Fuller has categorized eight “routes to disaster” by which law and the legal system may fail to be effective. [reference: “The Morality of law, Yale U.P. 1969, p.39]

Refoulement (UNESCO definition) is the expulsion of persons who have the rights to be recognized as refugees. Refoulement is illegal under international law. Under the Malaysian Solution persons would be moved without their consent. Refoulement?

The question to be asked is : Can an asylum seeker in his/her current situation in Immigration Detention in Australia give proper consent to virtually anything? The issue of consent remains contentious.

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