12 August 2011

Committee Secretary
Joint Select Committee on Australia's Immigration Detention Network
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir

**Submission from the Anglican Public Affairs Commission**

The Public Affairs Commission (PAC) is a body established by the Anglican Church of Australia (ACA) which advises the Primate and Standing Committee of the Church on matters of public concern and to enable comment on public issues. The views expressed should not be taken to reflect the opinion of the Primate or General Synod of the Anglican Church of Australia unless that is explicitly quoted, as below.

We thank the Committee for the opportunity to contribute to your deliberations. We limit our comment to the first of the Committee's terms of reference.

The ACA is organised into twenty-three dioceses across Australia, and includes a diverse cross-section of communities. The ACA is embedded in nearly all these communities through its local parishes, and contributes widely in public life through education, welfare and aged services, advocacy for social justice and support for Indigenous Australians. The Church has therefore had some experience of the difficulties experienced by marginalised people in general, and of the extraordinary stresses experienced by asylum seekers and refugees in particular.

The General Synod of the Anglican Church resolved at its most recent triennial meeting in September 2010:

(a) that members of the General Synod of the Anglican Church of Australia do not minimise the complexity of the issues surrounding the arrival on our shores of men, women and children; however

(b) that the General Synod, affirming unambiguously the clear teaching of Scripture about the value of every person in the sight of God, urges that the Government take immediate and sufficient steps to ensure that all persons intercepted on their way to or arriving on our shores, by whatever means, are treated with dignity, respect and in ways which do not impact adversely their physical or mental well-being.

The Public Affairs Commission suggests that this is the minimum required by Australia's commitment to the Universal Declaration of Human Rights, Article 14 of which declares that 'Everyone has the right to seek and to enjoy in other countries asylum from persecution'. As well, Christians, like adherents of the other main religions, have an explicit responsibility to offer hospitality to strangers.

Australians generally have normally been proud of our hospitality. Our common practice is to welcome visitors. Particularly fine examples were the hospitality offered to those attending the Olympic Games in Sydney in 2000 and the Commonwealth Games in Melbourne. The kindliness

of Australians at both events received considerable publicity overseas. Yet Australia's current practice of imprisoning asylum seekers and denying them their civil rights has brought shame to our country. Current policy on asylum seekers is the antithesis of that which any humane government should support.

Article 31 of the Convention on the Status of Refugees states that a refugee should not be penalised for an unlawful mode of arrival yet that is what is happening to those who arrive by boat. Current detention policy is inconsistent with the provisions of the Refugee Convention. Mandatory detention should therefore be ended and replaced by what is misleadingly called 'community detention'. That is, after swift health or other checks which should take no more than a week or two, asylum seekers should be released into the community and allowed and enabled to live productive lives and merely be required to report periodically until any other assessments are completed, unless there is a significant security risk or lack of justification for classification as an asylum seeker. To ensure that these procedures and standards of care for the reception of asylum seekers remain an integral part of Australia's immigration context they would have to be legislated.

Since most arrivals by boat are finally accepted as residents, the Government should learn from experience and recognise that the enormity of the trauma and other psychological damage, loss of dignity, waste of human talent and financial cost of the imprisonment system are not remotely justified. In contrast, the risks of adopting 'community detention' are slight.

Australia could well learn from the best of the reception systems which generally operate in Europe, especially those in the Nordic countries. We suggest that the Committee recommend that a study be undertaken of reception arrangements for asylum seekers in Europe so as to have available well-informed information about possible alternative arrangements. A particularly appropriate way for such a study to be made would be for this Committee to have your terms of reference extended.

The Anglican Public Affairs Commission strongly urges the Committee to use the opportunity of your report to make clear recommendations to end the cruelties and waste of current detention practices and to replace them with humane processes which recognise that most asylum seekers will eventually become Australian residents and whose experiences on arrival will influence the whole of their lives as well as their attitudes and capacities to contribute to Australia. This would also signal to the world that Australia is seeking to handle all asylum seekers according to their entitlements.

Professor John Langmore
Chair