



30 August 2017

Senator the Hon Ian Macdonald  
Chair  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email to: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Senator

**Re: Inquiry into Australian Border Force Amendment (Protected Information) Bill 2017**

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to respond to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Australia Border Force Amendment (Protected Information) Bill 2017 (the Bill), which amends the *Australian Border Force Act 2015* (the Act).

We note that the Bill repeals the definition of 'protected information' in the Act and substitutes a definition of 'Immigration and Border Protection information' so that only specific kinds of information obtained by 'entrusted persons' are regulated by the secrecy and disclosure provisions in Part 6 of the Act. The Bill also clarifies the intention of Part 6 of the Act, which is to prevent the unauthorised disclosure of information that could cause harm to the national or public interest.

The RANZCP is pleased to see the Government's move to clarify its laws around the sharing of information gathered in offshore detention centres by workers and remove the strict secrecy provisions governing Australia's immigration detention system. The current version of the Act meant that offshore detention centres workers such as teachers and child protection workers could be potentially liable for two years in prison if they spoke out about the treatment of asylum seekers or refugees.

We are also pleased to see that the changes to the Act will be applied retrospectively from 1 July 2015, meaning that people who made disclosures over the past two years that could have been considered an offence under the original Act cannot now be prosecuted. This will give current and previous offshore detention centre staff clarity about their ability to disclose matters in the public interest and will provide certainty going forward.

However, it is the RANZCP's strong view that the secrecy and disclosure provisions in Part 6 of the Act should never have been introduced in the first place because it limited public debate and led to reduced transparency on the impacts of detention on asylum seekers and refugees in offshore detention centres, especially children.



More importantly, in the meantime, little has been done to improve the mental health and wellbeing of asylum seekers and refugees in offshore detention centres.

Asylum seekers have a high prevalence of mental and physical health problems related to their experiences. Despite this, they often have inadequate access to necessary supports and services. The provision of appropriate mental health services for asylum seekers and refugees is essential to improve quality of life and well-being, and to enable recovery from experiences of trauma. Children who are asylum seekers and refugees are particularly vulnerable to the impacts of trauma, negative detention environments and other post-arrival adversities including family separations and exposure to violence (Fazel et al., 2012; Mares, 2016).

The RANZCP opposes the mandatory detention of asylum seekers who arrive in Australia by boat and holds that screening, assessment and community release (with conditions as required) should be preferred wherever possible.

If all other options have been shown to be inadequate, detention may be necessary, but should be independently and strictly regulated and monitored for its grounds, length, conditions, avenues for release, treatment including behavioural management, and access to information and the outside world (Sampson et al., 2015).

The RANZCP supports the implementation of more humane and efficient access to mental health services, particularly for people held in Australian immigration detention centres, both onshore and offshore.

If you would like to discuss any of the issues raised in the submission, please contact

Yours sincerely

Dr Kym Jenkins  
**President**

Ref: 0829o

#### References

Fazel M, Reed R, Panter-Brick C, Stein A (2012) Mental health of displaced and refugee children resettled in high-income countries: risk and protective factors. *The Lancet* 379(9812): 266–82.

Mares S (2016) Fifteen years of detaining children who seek asylum in Australia — evidence and consequences. *Australasian Psychiatry* 24(1): 11–4.

Sampson R, Chew V, Mitchell G, Bowring L (2015) *There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (revised edition)* Melbourne: International Detention Coalition.