



National Office
4 Campion St
DEAKIN ACT 2600

T 02 6259 0431
F 02 6259 0462

E natoffice@acl.org.au
W www.acl.org.au

ABN 40 075 120 517

31 July 2009

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Re: Inquiry into the Migration Amendment (Immigration Detention Reform) Bill 2009

Thank you for the opportunity to make a submission to this inquiry.

The Australian Christian Lobby (ACL) is supportive of the Migration Amendment (Immigration Detention Reform) Bill 2009 (the Bill), which seeks to legislate the Government's New Directions in Detention policies, as announced in July 2008. ACL commends the Government on taking this step.

In particular, ACL is pleased to see fairness and clarity enshrined in law as values underpinning the treatment of asylum seekers in Australia. The move towards a more humane approach to immigration issues is laudable.

ACL understands the competing priorities of immigration policy, and recognises that the treatment of asylum seekers has been an especially controversial topic in Australian political debate for a number of years. Whilst there remains a strong government mandate to ensure the safety of the public, there is an equally compelling duty upon the state to treat with dignity and compassion people who seek asylum in Australia.

The immigration and detention debate must always first focus on the welfare and wellbeing of the individuals involved, rather than political implications and considerations.

Given the documented psychological effects of detention on children in particular, ACL is especially pleased to see that the Bill seeks to enshrine in law the principle that no child is to be detained in an immigration detention centre. It is also positive to see that the detention of minors will only take place as a measure of last resort, and where possible, children will not be separated from their families for the purposes of processing and administration under the *Migration Act*. The best interests of these vulnerable children are paramount.

ACL is also pleased to see the principle established in law that detention in an immigration detention centre is only to be used as a last resort, and for the shortest practicable time. The articulation of a clear set of conditions and purposes of detention is another positive development. The government

has a responsibility, where it temporarily denies a person's fundamental human rights, such as the right to freedom of movement and not to be arbitrarily incarcerated, to justify the public necessity of constraining that right. It does so appropriately in this instance.

ACL asks that the Committee consider and examine the official role of the Commonwealth Ombudsman in the review of cases of immigration detention. At present, recommendations of the Ombudsman are non-binding. ACL proposes that the Committee examine ways to strengthen the integrity of immigration administration and oversight by working towards a system that responds more swiftly and accountably to the recommendations of the Ombudsman.

The Bill is a positive development towards a more humane approach to immigration policy and legislation that appropriately balances the competing priorities of border security and responsibility to asylum seekers.

We commend the Bill and recommend the Senate Standing Committee on Legal and Constitutional Affairs support this proposed legislation.

I hope this information is useful to the Committee.

Yours sincerely,



Lyle Shelton
National Chief of Staff