

17 October 2012

Ms Julie Dennett
Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Dennett

Inquiry into Migration Amendment (Health Care for Asylum Seekers) Bill 2012

The Federation of Ethnic Communities' Councils of Australia (FECCA) welcomes the opportunity to make a submission to the Inquiry into Migrant Amendment (Health Care for Asylum Seekers) Bill 2012.

Background

FECCA is the national peak body representing Australians from culturally and linguistically diverse (CALD) backgrounds. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are designed around the concepts of empowerment and inclusion, and are formulated with the common good of all Australians in mind.

FECCA opposes the prolonged detention of asylum seekers. In the first instance, FECCA opposes such detention for humanitarian reasons, and because we consider it to be in contravention to Australia's obligations under the UN Refugee Convention it signed in 1954. Further, indefinite detention is not a cost-effective approach compared with community detention,¹ and time wasted in detention reduces asylum seekers' labour force participation, contribution to Australian productivity growth and ease of settlement into the community.²

In addition to the above, FECCA is also aware of a large body of literature demonstrating that the health and wellbeing of asylum seekers is

¹ John Menadue et al, Centre for Policy Development, *A New Approach: Breaking the Stalemate on Refugees and Asylum Seekers*, August 2011, p. 33, <http://cpd.org.au/2011/08/a-new-approach/> (accessed 12 October 2012).

² Ibid, p. 40.

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negatively impacted by prolonged detention. FECCA draws the Committee's attention to the International Detention Coalition's 2011 publication, *There are Alternatives*, which notes health impacts in its top three concerns about immigration detention:

The third major concern is that the potential impact of detention on the health of those detained is so severe that its use as a message of deterrence and control cannot be justified. Research has demonstrated that being in detention is associated with poor mental health including high levels of depression, anxiety and post-traumatic stress disorder (PTSD) and that mental health deteriorates the longer someone is detained. One study found clinically significant symptoms of depression were present in 86% of detainees, anxiety in 77%, and PTSD in 50%, with approximately one quarter reporting suicidal thoughts. The impact on children is particularly disturbing, especially as the consequences for their cognitive and emotional development may be lifelong. For adults, it has been found that the debilitating impacts of detention extend well beyond the period of confinement, especially for those detained for prolonged periods.³

In addition, an Amnesty International report released following its visits of a number of Australian immigration detention centres earlier this year noted that mental health was a serious and common problem amongst detainees:

The most serious and damaging conditions faced by men, woman and children in Australian immigration detention are the length of time and the indefinite nature of their imprisonment. It was overwhelmingly evident that the lack of an endpoint to their internment, coupled with the constant uncertainty, fear and monotony, is more than most people are able to cope with for an extended period - let alone people who are already survivors of torture and trauma.

Among the asylum seekers who had been in detention for extended periods, self-harm and attempted suicides were talked about as a fact of life. The use of sleeping pills and other medication was also widespread, with many asylum seekers interviewed reported feeling like they needed medication to make it through each day, while at the same time anxious about the long term effects of their usage.⁴

FECCA is convinced that the evidence showing immigration detention to have an extremely adverse effect on asylum seekers' mental health is irrefutable. Mental illness developed as a result of prolonged detention not only impacts upon the health and well-being of asylum seekers, but also places a future burden on the Australian health system. With the Australian Bureau of Statistics suggesting that the cost of mental illness is \$20 billion each year,⁵ the last thing Australia needs is for its immigration

³ International Detention Coalition (IDC) *There are Alternatives*, IDC handbook for preventing unnecessary immigration detention, May 2011, pp 11–12, http://massivefishball.com/IDC_Handbook.pdf (accessed 12 October 2012).

⁴ Amnesty International, *Amnesty International Australia Detention Facilities Visit 2012*, 22 February 2012, p. 2, <http://www.amnesty.org.au/images/uploads/news/Amnesty-International-Australia-DetentionFacilitiesVisit-2012-FINAL.pdf> (accessed 12 October 2012).

⁵ Australian Bureau of Statistics, *Mental Health*, 4102.0 Australian Social Trends, March 2009, <http://www.abs.gov.au/ausstats/abs@.nsf/lookup/4102.0Main+features30March%202009> (accessed 12 October 2012).

policies to increase this cost by causing asylum seekers—many of whom are our future citizens—to develop serious mental illnesses.

As the peak body representing the interests of CALD Australians, FECCA considers that immigration detention, including because of its associated negative health impacts, hinders asylum seekers' ability to effectively settle in Australia and participate in Australian life. FECCA considers that prolonged immigration detention costs not only asylum seekers themselves, but the community as a whole.

The Bill

FECCA notes that, if passed, the Bill would establish an independent panel that must report to the Australian Parliament on the health of asylum seekers in offshore detention centres. FECCA welcomes the Bill in the context that these arrangements would further document the adverse health—including mental health—consequences of prolonged immigration detention. Such arrangements would put pressure on the Australian Government to address such adverse effects. FECCA also welcomes the Bill in the context that it establishes a panel that is independent of Government.

Recommendation 1: FECCA asks the Committee to recommend the Bill be passed.

FECCA stresses that its support for the passage of the Bill must not be interpreted as support for offshore processing. FECCA remains opposed to offshore processing and the indefinite detention of asylum seekers. Given that FECCA is already convinced that persons in detention are at increased risk of mental health conditions, we would prefer to see overarching changes in the way in which asylum seekers are processed and initial health, identity and security checks are undertaken. We hope that this Bill will be one step towards a fairer and more humane process for receiving and processing asylum seekers in this country.

Alternatives to the Bill

FECCA notes that the Australian Government supported 'in-principle' all recommendations of the Report of the Expert Panel on Asylum Seekers (the Houston Report) in August 2012. FECCA is closely monitoring the Australian Government's response to the entirety of this Report. Paragraph 3.46 of the Houston Report suggests:

Asylum seekers who have their claims processed in Nauru would be provided with protection and welfare arrangements consistent with Australian and Nauruan responsibilities under international law, including the Refugees Convention. Those protections and welfare arrangements would include:

- treatment consistent with human rights standards (including no arbitrary detention);
- appropriate accommodation;
- appropriate physical and mental health services...⁶

⁶ Air Chief Marshal Angus Houston AC, AF C (Ret'd), Mr Paris Aristotle AM and Professor Michael L'Estrange AO, *Report of the Expert Panel on Asylum Seekers*, August 2012, p. 48, http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/report/expert_panel_on_asylum_seekers_full_report.pdf (accessed 12 October 2012).

FECCA is not aware that 'appropriate physical and mental health services' are currently available at Nauru. During a recent ABC radio interview, Australian Human Rights Commission President Gillian Triggs described her recent trip to Nauru noting a 'lack of support services at the asylum seeker facility'.⁷ FECCA is also unaware of any independent body officially overseeing the facilities, as Ms Trigg's visit was under the auspices of a 'UN fact-finding mission'.⁸

Recommendation 2: In the event that the Committee does not recommend that this Bill be passed, FECCA asks the Committee to recommend that the Australian Government provide an indication of:

- **whether it intends to comply with the suggestion made in Paragraph 3.46 of the Houston report;**
- **the manner in which the Australian Government intends to implement such protections and welfare arrangements at Nauruan detention facilities; and**
- **how these will be monitored, including whether they will be independently monitored.**

FECCA thanks the Committee for its inquiry and the opportunity to comment.

Yours sincerely

Pino Migliorino
Chair

⁷ At the time of writing, the Australian Human Rights Commission has not released a written report on Ms Trigg's visit. Australian Broadcasting Corporation, 'UN report criticises offshore processing plan,' ABC News, AM program, 12 October 2012, <http://www.abc.net.au/news/2012-10-12/un-refugee-report/4308916> (accessed 12 October 2012).

⁸ Ibid.