

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam,

I realise that this is past the closing date for submissions, but I have only just been advised that I can make a submission. Please allow me to forward you the following points re the Immigration Detention Reform Bill:

1. As most child asylum seekers are located on Christmas Island, detention values in the new legislation should apply to Christmas Island, not just mainland Australia.
2. The Immigration Detention Reform Bill should state that children should not be detained in any kind of secured immigration detention facility. Currently, children are being detained in facilities that are detention centres in all but name, under guard supervision and unable to come or go freely.
3. The Immigration Detention Reform Bill should specify adequate measures for independent, timely review of a person's detention. The Bill in its present form does not include any review measures. Under present policy, a person can be detained for six months before any independent review (by the Ombudsman) and even then, the Ombudsman's recommendations are not enforceable. Six months is too long to be detained on the decision of just one DIAC official. Please note the policy on mandatory detention adopted last weekend at the National Conference of the ALP:
 - Mandatory detention is an essential component of strong border control
 - To support the integrity of Australia's immigration zone, three groups will be subject to mandatory detention:
 1. All unauthorised arrivals for management of health, identity and security risks to the community
 2. Unlawful non citizens who present unacceptable risks to the community
 3. Unlawful non citizens who have repeatedly refused to comply with their visa conditions.
 - Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an immigration detention centre.
 - Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both accommodation and services provided, would be subject to regular review.
 - Detention in immigration centres is only to be used as a last resort and for the shortest practicable time
 - People will be treated fairly and reasonably within the law.
 - Conditions of detention will ensure the dignity of the human person.

Jenny Haines