



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE

(HUMAN RIGHTS SUBCOMMITTEE)

Reference: Human rights conditions in migration detention centres

WEDNESDAY, 14 MARCH 2001

MARIBYRONG

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JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

Human Rights Subcommittee

Wednesday, 14 March 2001

Members: Senator Ferguson (*Chair*), Senators Bourne, Calvert, Chapman, Cook, Gibbs, Harradine, Hutchins, Sandy Macdonald, O'Brien, Payne and Schacht and Fran Bailey, Mr Baird, Mr Brereton, Mrs Crosio, Mr Laurie Ferguson, Mr Hawker, Mr Hollis, Mr Jull, Mrs De-Anne Kelly, Mr Lieberman, Dr Martin, Mrs Moylan, Mr Nugent, Mr O'Keefe, Mr Price, Mr Prosser, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

Subcommittee members: Mr Nugent (*Chair*), Mr Hollis (*Deputy Chair*), Senators Bourne, Ferguson, Harradine, Payne and Schacht and Mr Baird, Mr Brereton, Mrs Moylan, Mr Price and Mr Pyne

Senators and members in attendance: Senators Bourne and Payne and Mr Baird, Mr Hollis, Mr Nugent, Mr Price and Ms Roxon

Terms of reference for the inquiry:

Human rights conditions in migration detention centres.

Subcommittee met at 10.02 a.m.

Session 1: briefing of committee by DIMA and ACM staff.

BARRIO, Ms Viviana, Manager, Maribyrnong Immigration Detention Centre, Department of Immigration and Multicultural Affairs

GODWIN, Ms Philippa, First Assistant Secretary, Department of Immigration and Multicultural Affairs

RUSSELL, Mr Steve, State Manager, Entry and Compliance, Department of Immigration and Multicultural Affairs

McCORMACK, Mr Gerald, General Manager, Detention Services, Australasian Correctional Management Pty Ltd

TIPPER, Mr Anthony, Manager, Maribyrnong Immigration Detention Centre, Australasian Correctional Management Pty Ltd

CHAIR—Thank you for having us here today. As a committee we have been to Curtin, Port Hedland, Perth, Woomera and Villawood. That this is the last visit on our list has nothing to do with status or importance; it is a totally logistical matter. Not all of the members are here today, as some of them have had to be in other places. Although a number of us are fairly well across the subject in general terms, not all of us have been to all the other detention centres. So it is important, I think, that you give us a comprehensive covering of Maribyrnong.

We have one member with us who is not normally a member of this committee. That is Ms Nicola Roxon. She is the local federal member here, and it is appropriate that she should be here as well. We are delighted to welcome you on this occasion, Nicola. I think you know all of us, so there is no need to go around the table with introductions. I will hand over to you and ask you to give us your brief, and then we will go and have a look at the facilities here.

Mr Moorhouse—I would like to give you an overview of the sort of people who are here in this centre. The detention centre itself probably has a different composition of people from those in the detention centres you have been to before. To an extent, Villawood is similar to us but has a much greater capacity. We are a smaller facility. The emphasis here is really on dealing with people who come to attention through compliance activities. We do have some people who are unauthorised arrivals, but I might perhaps address that in a more structured way.

Essentially, we have two groups of people here in the detention centre. We have unauthorised arrivals; that is, people who arrive in Australia without a visa. They are, in a sense, similar to the people you would have encountered in Port Hedland and Woomera. We also have a significant number, from time to time, of unauthorised arrivals who do not make refugee claims. They are with us for a short period of time—possibly a couple of days—until we can arrange some travel for them to move on. We have other unauthorised arrivals who make various claims and who are with us for some time until all those claims are resolved.

Ms Godwin—Most of the unauthorised arrivals here arrive by air rather than by boat.

Mr Moorhouse—Consequently, there is a fairly wide range of nationalities represented here.

Mr BAIRD—Is there a predominant nationality at the centre?

Mr Moorhouse—At the moment the largest number of people we have here are Iraqis, but that is simply because there are two large family groups.

Mr BAIRD—Is there an airline that is more involved in this type of activity?

Mr Moorhouse—They are all subject to the same sanctions, so they are all probably as careful as each other. There are airlines that fly from particular ports that are of concern to us and are more prone—

Mr BAIRD—Which ports are they?

Mr Moorhouse—In the Middle East—

Ms Godwin—Singapore and Bangkok.

Mr Moorhouse—They are the major transit ports to Australia.

Mr BAIRD—Do they predominantly arrive without any papers at all?

Mr Russell—A lot of them have fraudulent travel documents. Whether they retain them on arrival is another matter. They often destroy them on arrival because they are trying to hide that sort of information.

Mr Moorhouse—In addition to the unauthorised arrivals, we have people who arrive in Australia with a visa but who either overstay that visa and become unlawful or breach the conditions of that visa. These people are different from the people that we locate as a result of our compliance activities, and they may be working illegally or be picked up as a result of working on a farm or in a factory that we visit, and so on. A lot of people are notified to us as a result of dob-ins, as you may be aware, and our compliance activities follow up on community information as well.

At present, the majority of people here in the detention centre are in that category. They are people who have arrived in Australia with authority to do so and are located after having overstayed their visa or broken the conditions of their visa. I should add that the people in this second category can be given a bridging visa and let into the community while they arrange their own departure, if we believe that is appropriate. Where we believe that a person would not leave voluntarily or that there may be a risk of them absconding, we hold them in the detention centre.

Mr PRICE—What is the break-up of departure and detention?

Mr Russell—At a state level, we located something like 2,000 people last year. Some of those would be unauthorised arrivals. I think approximately 400 to 500 would spend some time

in the IDC; and about 1,400 or 1,500 would have been granted bridging visas without coming through the detention centre.

Mr BAIRD—Are you talking about unauthorised arrivals, when you speak of those who would have been granted bridging visas?

Mr Moorhouse—No; I am talking about community breaches.

CHAIR—Do you have all the people from Bill Baxter's at the moment?

Mr Russell—Some of them are still here, yes.

Mr Moorhouse—In addition to the people who are located as a result of compliance activity—who are, of course, temporary entrants, usually visitors, former visitors, or students; sometimes they may be former residents but mainly they are students—we do have at any one time a small number of people who are former residents whose visas have been cancelled in response to a criminal deportation process or on character grounds. They would be held here until we can arrange for their removal from Australia. Sometimes people in that situation remain in the prison system, completing their prison sentence. We try to arrange for their removal as soon as possible at the end of their prison sentence. I think we have three like that at present; they have been permanent residents whose visas have been cancelled on character grounds. I think that is all in terms of giving you an overview of the population here.

Mr BAIRD—On what basis do people get picked up by the police?

Mr Moorhouse—Generally, people come to our attention as a result of criminal convictions. Non-citizens come to our attention in relation to serious criminal convictions and they are considered for criminal deportation or cancellation on character grounds.

Ms Godwin—There are essentially two parts of the act that apply: section 501 and 200. The vast majority would be handled now under 501—and it is set out in the act what the provisions are, what sort of offence you have to have committed. You have to have been convicted for a term of imprisonment. So there is some sort of standard.

Mr BAIRD—It has to be more than being picked up by speed cameras.

Ms Godwin—Yes.

Mr PRICE—Are there any detainees in prisons in Victoria?

Mr Moorhouse—Yes, there would be half a dozen at the moment.

Mr Russell—In that criminal deportation category, there would be around five or six at the moment.

Mr PRICE—Would they be serving their terms?

Mr Russell—They would have finished their terms.

Mr BAIRD—Why have they not been brought back in?

Mr Russell—We make an assessment as to the nature of their crimes, their behaviour in prison and whether this is the appropriate place for them, given that there are other people in here who would be exposed to them.

Mr BAIRD—In reading through the report by the Ombudsman, I notice that he is particularly critical of that aspect. What crimes have those people been convicted of?

Mr Russell—One I am aware of is—

Ms Barrio—Would you like a list?

Mr BAIRD—It would be interesting to know, because that seems to be his principal focus. I thought he was rather one-focused in terms of his report. But it is an interesting area and one that we have not paid a great deal of attention to.

Mr Russell—We were looking at one case the other day that is coming up in court. He attacked his wife with a meat cleaver and nearly chopped off her mother's hand. If convicted, he will spend three or four years for that. When he was charged, he maintained that there were other people in the house and that it was accidental in the fight that ensued.

Mr BAIRD—So these are serious convictions.

Ms Godwin—Yes. They are often drug related as well. There are two issues around this. There is a group of people who are technically Immigration detainees who are in prisons following completion of a prison sentence. There is another group the Ombudsman is concerned about and, from our perspective, it is generally speaking a smaller group. But there are from time to time individuals whose behaviour is such in a detention centre—including assaults or things of that nature which have not necessarily resulted in convictions—where an assessment is made that the person cannot be appropriately managed in a detention centre.

Mr BAIRD—Have they all been documented extensively?

Ms Godwin—Those people are from time to time transferred to prisons. They often do not stay in the prison long term, but they may well be transferred for a period of time.

Mr BAIRD—I think this is a bit of a grey area. If they have not been convicted of a crime and are held in there, we make ourselves vulnerable because of that.

Ms Godwin—There is a procedure. It has to be approved by John, as the state director.

Mr BAIRD—Formal charges for assault should be laid so that you can deal with them on a legal basis. Otherwise it could be that a guard takes offence at one of the detainees and they are kept in on a basis which is hard to justify; it is not on a legal basis.

Mr Moorhouse—It is a difficult issue and one that we give considerable attention to. A number of issues are of concern to us. One is the safety and security of the rest of the population, bearing in mind that the people we detain here are subject to administrative detention and are not criminals themselves. They are people who from particular circumstances have found themselves unlawfully in Australia and are unable to be released. We are concerned about their protection to a significant degree. We are concerned about the rights of the individual, and we certainly would not be using transfer to prison as a form of punishment, as such. But it is a question of the security and safety of the centre as a whole. There is one case that has had a particular amount of attention recently; you may have come across it. That is Mr Tanakum, who has been transferred to the prison system. I think that provides an illustration of the sorts of issues we face.

Mr BAIRD—Has he been charged?

Mr Moorhouse—He has been referred to the police. They have not laid charges at the present time.

Mr BAIRD—Isn't that the way the problem occurs? Philip Flood's report says that they should be treated like any other case, and that integration of the state and federal bodies should sort it out. I understand the reasons for it but, unless there are formal charges for assault laid and it is dealt with under our law, I think we leave ourselves vulnerable.

Mr Russell—If they assault someone in the community, they are charged and then bailed and get a summons within 12 months. It can be dealt with in that way. We have the immediate problem of how to deal with the person.

Mr BAIRD—I understand, but was a charge actually laid?

Mr Russell—The police tell us that they have 12 months to deal with it.

Ms Godwin—Presumably, if the information has been given to the police, they have to decide when to lay charges.

Mr PRICE—Is this the result of an assault on an ACM officer or of an assault on a detainee?

Mr Moorhouse—There was an element of an assault in what happened, but the real concern in this particular case was that there was a history of threatening and intimidating behaviour. This is on the public record, so I can talk about it.

CHAIR—Against staff?

Mr Moorhouse—Against his family members prior to entry, and against ACM staff and DIMA staff.

Mr BAIRD—Doesn't that highlight the fact that there should be negotiation between the states so that these processes can be sped up if you have someone in detention? It does leave those loose ends.

Mr Russell—There is a memorandum of understanding being negotiated.

Mr PRICE—With each state and territory?

Mr Moorhouse—Yes.

Ms Godwin—Yes. We are looking at MOUs for each state and territory in relation to police, state corrections, family and youth services, and health departments.

Mr PRICE—So the aim of the memorandum of understanding in these cases is to secure a speedy decision by police and DPP?

Ms Godwin—No. The MOU has a broader purpose, if I can put it that way. The MOU is intended to set out the circumstances in which we would engage, say, the state Corrections in the transfer of the detainee: what information they require, in what circumstances it would be considered, what procedures should be followed, what level of decision making should be taken all—of that sort of thing.

Mr PRICE—But the concerns that Mr Baird has expressed really will not be addressed by the MOU.

Ms Godwin—No, not necessarily with the state Corrections. But, as I have said, we are also looking at MOUs with state police in each of the states where we have detention facilities.

Mr PRICE—Are you proceeding down that path, or are you looking at the feasibility of proceeding down that path?

Ms Godwin—The process that we have been engaged in, following consultation with a number of the states, is to pursue an MOU with an individual state. That MOU will then become the template for the negotiations with the other states, and there will be variations according to the state requirements. So, as an example, we are talking to state Corrections in New South Wales about the MOU there, and that will then form the template for other state Corrections. We are talking to FAYS, Family and Youth Services, and the state police in South Australia on those issues, and that will then form the template for those other discussions. That is all in progress at the moment. But this issue of the time it takes to charge somebody and so forth I think should be part of those discussions, particularly with the state agencies.

Mr PRICE—We have two separate concerns: one is where an assault takes place either against an officer or amongst detainees; and, secondly, for whatever reason, where you believe that detainees are at risk with that detainee being kept. What are the guidelines there? What are you proposing—again, to overcome Bruce's concerns—so that this is not an issue of prejudice or ill will but a real action of protection of detainees?

Ms Godwin—There is already a reasonably detailed procedure, which is called MSI244—and the Ombudsman has talked about MSI244. MSI stands for Migration Series Instruction. That talks about the transfer of Immigration detainees to state correction facilities, the circumstances in which it should take place and so on. His examination of a number of the cases, I guess, has highlighted for us some areas where we need to strengthen MSI244; we might need to add to it. The Ombudsman is obviously keen that we conclude MOUs with state

The Ombudsman is obviously keen that we conclude MOUs with state Corrections and state police.

There is an interplay between the state Corrections and the state police issue around the question that Mr Baird is asking. State Corrections will accept someone if, in their view, firstly, the reasons for the transfer are appropriate and, secondly, that they have space for them. Bear in mind that no matter how difficult someone is in a detention centre, if a state correctional facility will not accept them, then that is their call. We just cannot take someone and dump them on the steps of a prison. But, generally speaking, that process, as I say, has resulted in state correctional facilities accepting transfers of Immigration detainees in, generally speaking, small numbers. Apart from Mr Tanakum, I am not aware of anyone else at the moment.

Mr Russell—No-one else at the moment.

Ms Godwin—Apart from people who are the subject of criminal deportation orders, I think the number of people in state correctional facilities who are not the subject of criminal courts is probably—I took a stab at this last time and I think I said eight or 10 to 15; it is a relatively small number.

CHAIR—I would actually go back a stage. I hear what you are saying about the MOUs, but I suppose my question is: what is the extent of the problem that are you trying to deal with, in terms of not just numbers but duration of time over which the people are being charged? Is it because of all the causes of delay by police not making up their minds whether or not to charge somebody if some potential offence is being investigated? Or are there other reasons why they would be held for a long time in prison? Is it the fact that the courts are not getting around to dealing with such matters in time, for example? Where there are criminal deportations, what is the length of time that people are spending in jail before they are actually got offshore? In other words, let us define the problem before we look at the solution. It seems to me that the MOU is part of the solution.

Ms Godwin—Yes; and from a detention management point of view, the MOU is important. Here you are getting into a whole other area where we probably need to gather up the stats and give you a briefing.

Mr BAIRD—We could perhaps go into that when we meet with you again, which I think we are doing.

CHAIR—I do not think we have that planned at the moment.

Mr BAIRD—Our last visit was to Villawood, and the Ombudsman's report highlighting this issue was not out at that time. We would be remiss in talking about this now. Regarding our friend with the meat cleaver, I presume steps are in place to have him repatriated?

Mr Russell—He is Vietnamese and, as a Vietnamese, I think he is getting a fair bit of publicity around the issues.

Mr BAIRD—If he refuses to go, ostensibly he could sit in the detention centre ad infinitum.

Mr Russell—If we can get a travel document for him, he has indicated a willingness to go.

Mr BAIRD—Is there a problem with that?

Ms Godwin—There is a problem with the Vietnamese, which we are pursuing at a bilateral level. We have had negotiations with them. We think we are close to agreement on a memorandum of understanding between Australia and Vietnam on criminal deportations. Once we have that, people will be moved pretty quickly.

Mr BAIRD—But with the countries from which we have the most detainees, do we have such agreements in place or not—like Afghanistan, Syria, Iran, et cetera?

Ms Godwin—Yes, but they are not mostly criminal deportations.

Mr BAIRD—But there must be some.

Mr Moorhouse—But there are not significant communities in Australia of those nationalities.

Mr BAIRD—No, I am speaking of those in detention centres—in terms of the 15 who are being held who have finished their terms and are in detention centres.

Ms Godwin—I am sorry, I am obviously confusing this. There are more people than that in state correctional facilities. I think the last set of figures we had said 62 people.

Mr PRICE—In total?

Ms Godwin—In total, of whom about 40 or 45 were criminal deportees. A criminal deportee is someone who has been in prison, has finished their prison sentence and is awaiting formal deportation.

Mr BAIRD—Does that include a number from the countries we have identified where there are problems with sending them back?

Ms Godwin—I think 30 of the 40-odd would come from Vietnam.

Mr Russell—The rest of the criminal deportees do not usually spend that much time of their sentence in jail. They get an AAT or Federal Court hearing in their favour and they are released. They either go or are released fairly quickly.

Mr Moorhouse—With criminal deportees, by and large, we try to arrange their travel during their sentence so that, once they have completed their sentence, they can be removed.

Mr BAIRD—Does that include people from the countries I mentioned before?

Mr Moorhouse—No, because we are talking about people who have been permanent residents and who have had their residency cancelled because of their criminal actions.

Mr BAIRD—So of those 15 there is no-one from Iraq, Iran, Syria?

Mr Russell—They take their time in working through the system.

Ms Godwin—The 15 are the people who are not criminal deportees. The 15 or so are the people who are somewhere else in the system.

Mr BAIRD—I am just addressing the question of these people being permanently in limbo if their countries will not take them back.

Ms Godwin—They would not be permanently in limbo. As I have said, the biggest group are the Vietnamese, and we are negotiating with the Vietnamese on that. Most other criminal deportees, we deport.

Mr PRICE—So, basically, they are gone by the time their sentence has finished.

Ms Godwin—Or within a shortish period afterwards. There have been occasions where the sentence is due to finish, say, at the end of the year and, for a whole range of reasons—remittances and so forth on their sentence—they end up being available for release nine months earlier. If we have not arranged accordingly or been advised by the prison system of that, they might then spend another three months while we organise their travel documents and things of that sort. So there are other people in prisons who are criminal deportees who are not Vietnamese who have finished their sentence, but there are all sorts of people. We could give you a breakdown of their nationalities.

Mr BAIRD—That would be worth while. We are interested in how long they have been there and how long till they finish and where they come from.

Mr PRICE—What about the non-charged detainees: the ones who have moved out of a detention centre and into a jail?

Ms Godwin—That group is also a fairly variable group. They are sometimes moved and then they come back to the detention centre within a reasonably short period. Some people have been over to the prison more than once, have come back to the detention centre and have not been able to be managed and so have gone back to the prison system. A number of those would be pending charges but have not yet been charged, along the lines of what we have been speaking about. Some of them would not be the subject of charges, but their behaviour would be sufficiently disruptive.

Mr BAIRD—Isn't that where you get the problem, though? If they are not guilty of any offence under our existing legal code, then it is fairly difficult to say why they should not be moved into a detention centre.

Ms Godwin—Prison is listed in the act as a place of detention. For instance, in a state without a detention centre, if someone is picked up in a compliance operation, they go to the local prison until they can be moved to a detention centre. We can argue about whether it is appropriate, but it is certainly lawful for people to be in a state prison. The issue of whether it is appropriate to move people really goes to the fundamental point that John was touching on.

That is, ultimately: what is a detention centre, and do we have the facilities necessary for that very small but very difficult part of the detention population who do not just go about their normal business? What we are doing is looking, I suppose at the Ombudsman's instigation—

Mr BAIRD—Have a more stringent security area but not a jail.

Ms Godwin—Yes; so that people do not necessarily need to be transferred. But even with that, if you have, say, in a big centre like Villawood or Port Hedland or Woomera, a capacity for six or 10, the 11th person you may still need to think about transferring to a prison.

Mr BAIRD—I understand that.

Mr PRICE—I would like to get a copy of this MSI244 that we have talked about. Those eight people to whom you have referred: without identifying the individuals, could you give us the background?

Mr BAIRD—It seems as though you have two groupings: one is antisocial behaviour, and the other is criminal behaviour. Where it is antisocial behaviour, certainly with the wellbeing of running a detention centre in mind, you should have the ability to remove them. But in terms of the vulnerability when there is no—

Ms Godwin—Yes. The other reason people will sometimes be moved to a prison is if they are habitual escapers, if I can put it that way. We are getting to a point—again, this is a matter of opinion—

Mr BAIRD—But with three layers and 20 feet of barbed wire fence—

Ms Godwin—To the average individual, it looks as though it would be hard to get out of this centre. But in a period of two years, we have had 11 escapes from Maribyrnong. Some of them were second or third timers, if I can put it that way. If somebody is able to escape and we know they are going to try again and we do not have the facility to manage them, there is the question of what the appropriate place is to detain them.

Mr BAIRD—Then I think you look at the need for perhaps another centre. But perhaps we can talk about that and look at it in terms of additional information.

CHAIR—My point is that I accept there is need to put people in prison for the reasons you have spoken of. But my concern is how long they spend there, in the same way as we as a committee obviously have a concern about the problem of long-term detainees generically. I think the problem is just that much worse if they are in prison. I think we need to look at the reasons why they are spending such a long time there.

Ms Godwin—Some of them do not like coming back.

CHAIR—But we need to look at the reasons why and, therefore, what we are doing in trying to foreshorten that period of time. The MOUs will go some way to help in some cases. But if

there is a problem with delays in courts or some other reason, we need to identify that to see what can be done.

Ms Godwin—It will be clearer if we can give you a bit of a snapshot, and I will get some people working on that. What you will see is that sometimes people do not spend very long there at all. As I say, some people go for a short period and come back and say, ‘Okay, I’ll be good; let me come back.’

Mr PRICE—In your annual report, is there a requirement for you to report on how many people are in jails?

Ms Godwin—No.

Mr PRICE—Has there ever been that requirement?

Ms Godwin—I do not know; it might be there. The format for annual reports now is a bit hard to follow.

Mr PRICE—If you are putting people in jail and there is a delay in a hearing or, alternatively, they have not been charged, is there a checking system in that MSI244 that flags an automatic review of the case?

Ms Godwin—Every case has to be reviewed every month.

Mr PRICE—So you have a bunch of files. I could go to your office on the 30th and we could sit there and you would have a bunch of files that—

Mr Moorhouse—Steve and I would be going through them.

Ms ROXON—I would ask this question of John or one of the people who has a local perspective. Maribyrnong historically has been dealing with different types of people, particularly those breaching working visas or working illegally, and I am interested because there has not been the same sort of community outrage or concern that there has been with some of the other detention centres. I wonder whether you have some perspective on the management at this site and whether that has changed because of the current environment and the way other detention centres—

Mr BAIRD—What do you mean by ‘the outrage’? Do you mean in the way that the others are treated, or do you mean the outrage that they are even there in the community?

Ms ROXON—I guess a bit of both. I know that more recently you have had a bit more of a mix here, having had a few people who have been at Woomera or somewhere else move here. I am interested in the dynamics of such a change and how you manage people here and the sort of responses that there have been. It seems to me that there is some potential for that to change in the current environment. Does that make sense?

Mr BAIRD—With the people you pick up through surveillance, there would be less hope of getting a bridging visa; in percentage terms, their chance of getting a visa is probably smaller than normal.

Mr Moorhouse—Not really, no. There are a couple of issues that have been raised in terms of what Ms Roxon has said. If we are to look at the past year or so, then we have probably had more long-term detainees within this facility than we would have had typically in the past and than we have now. You would be aware that the very large influx of unauthorised boat arrivals in late 1999 and early 2000 put pressure on all of our facilities. Because of the facilities that we had here, because of the nature of this facility—and it is well developed and well established—a number of more difficult cases were transferred to Maribyrnong, including people who were seriously ill and needed medical attention. They were able to access medical attention in Melbourne which they may not have been able to do in Port Hedland or somewhere else like that. Also we have had some difficult behavioural or management cases sent here. They have put, in a sense, a type of pressure on the centre that had not been experienced before. Indeed, that is reflected in the community interest, and you have seen that through demonstrations of people being engaged within the community.

But I think there have been also a couple of confounding influences, which I would add. There is a lot of positive sentiment in Victoria towards Kosovars and, to some extent, that seems to have transferred across to other people who have been subject to detention. Another confounding influence has been the fact that we have had some detainees who have been prepared to make outrageous claims about their treatment which are completely incorrect. Our capacity to respond to those claims is like being in a boxing ring with both hands tied behind your back.

Mr BAIRD—Whom do they make these claims to?

Mr Moorhouse—To the media. People have access to telephones. As soon as anything happens here, some people are straight on to the telephone to the media. Then the media are on to our minister before we can get to our minister and tell him what the truth is. There has been a range of influences in the past year to a year and a half, and that has actually been one of them.

To an extent, a lot of those things have changed because people move through the system and either are returned to their home country or are released, and that has happened. I think, by and large, some of those difficult management issues that we took on on behalf of other detention centres are no longer present here, although there are one or two longer-term cases.

I did not actually get around to giving you some statistics about the centre. It changes from hour to hour and from day to day but, just to give an illustration, at the end of last week we had 78 people in the centre. Of those, only 29 were involved in protection visa claims. So typically people who have arrived are unauthorised arrivals who have made protection visa claims. Forty-nine of them were people who were in different circumstances, the very large majority of those being compliance cases that had been picked up.

Ms Barrio—Of those 29, not all were unauthorised arrivals. What we see in the centre is a tendency for people who look for compliance. When they feel there is nothing else they can do, they will in many instances lodge a protection visa claim. So they are included in that 29.

CHAIR—I am conscious of the clock, and we are due to go on our tour. Perhaps we could get a bit of a briefing on the centre.

Mr Tipper—We have the current capacity to accommodate 86 people in the centre. From the statistics as of today we have a total of 69 detainees. The composition of that total is: 46 male adults, 12 female adults, six male children and five female children. We have 30 cultural groups represented, the predominant cultural groups being Middle Eastern and South-East Asian. We have five family groups, which includes 11 children, and six of those children form part of one family.

There are two residential areas in the facility: a male dormitory and a female dormitory. Within the female dormitory, there is a single female area. As you will see on your tour of the centre, the family rooms accommodate four people and have ensembles that combine shower and toilet facilities. Each of the rooms also has television. The single female dormitory also has four bed spaces in each of the rooms and toilet facilities are shared. Both male and female areas have courtyards. The family area has a grassed area with a courtyard. Three of the toilets have been fitted with the Muslim cultural requirements for seating. Each of the accommodation rooms for the male area has airconditioning. The centre has three laundries, with washing machines, tumble dryers and ironing facilities available. Seven phone systems are available to the detainees: four of those are allocated to a Telstra line, and three of them are for incoming calls for external communication from relatives and friends.

Mr PRICE—How many in and out lines?

Mr Tipper—There is a total of seven lines: two in the female area and five in the male area. In the male area we have coverings for privacy while communicating; we have the bubble screens on top. They did have one in the female area but it was damaged, so we are going through the process of purchasing one of those at the moment.

All meals are prepared fresh on site in the kitchen. Breakfast, lunch, dinner and supper are served from the kitchen, and the meals are eaten in the dining room. All catering is provided by a contractor. We do not have any detainees working in the kitchen and the dining room, as a result of it being contracted. We do however invite detainees from cultural groups to participate in preparing special foods which are prepared in the dining room and then cooked by the catering staff. So the catering manager invites the detainees to participate. The other day the Chinese prepared some spring rolls and dim sims, those sorts of things. We ensured that they had the appropriate hygiene with clean hands and gloves, and they prepared that food in the dining room and gave it to the kitchen staff, who cooked it for them. That was quite compelling. The preparation of the meals is obviously conducted under the food services manager.

As far as programs for the centre are concerned, there are three children attending a local primary school. That has been the case for some years.

Mr BAIRD—How many children do you have altogether?

Mr Tipper—Eleven in total.

Mr BAIRD—Why don't the others attend?

Mr Tipper—Because they are infants or babies. We have three children of high school age who are not able to attend the state school system. I have communicated with the department of education's international division and they have declined to allow the children access to school.

Mr BAIRD—We should highlight somewhere in our report the appalling reluctance of these state education systems to allowing access.

Mr Tipper—I provided them with a copy of the Rights of the Child Act and clearly identified the categories that I thought were appropriate in allowing the children to participate in the education program. Whilst I got a verbal response from my initial written communication, I did not get any response back—

Mr BAIRD—We were told of four girls who were gifted and were denied access—

Mr HOLLIS—That was at Curtin.

Mr BAIRD—They said that they were very bright but they could not get them into schools. I believe that is a real tragedy.

Mr PRICE—Perhaps there could be MOUs with state education departments?

Ms Godwin—It is certainly something that we will be talking to state education departments about in the context of the trial the minister has announced for the women and children. But these children are not permanent residents, and so there is not a requirement on the part of state education authorities to give them access to schools.

Mr PRICE—As Mr Baird says, we can take that up.

Ms Godwin—It is certainly an issue.

Ms ROXON—It is something the local member can take up. I want to call on our other local member, the Premier.

Mr Tipper—I can give you copies of all the correspondence. ACM facilitate the following activities: we take the children and parents on excursions to McDonald's, to the beach, on picnics, to the cinema, to the park—this is the children and the adults. We try to encourage the parents to participate.

Another aspect of education is that we invite both parents of the children to go to the school and meet with the teachers and the other children and have a look around the school. That has been done on a couple of occasions. That has gone down very well and they have enjoyed doing that. If there are any issues that the children present with that need the parents to go and communicate with the teachers on, we would effect that. But to date that has not been the case and there have been no issues. The only thing that has been brought to my attention is that one of the children wrote in a library book and we had to pay for the book. I have been here for 16 months now and that is the only incident with the children. We take them to school and pick them up. They go Monday to Friday and participate in all the excursions and the swimming and

tennis programs. They participate in all the things that you would do with a normal child at school.

We take the younger children out on excursions to the library to get involved in the reading sessions. They have story time and general fun time. That is done on a weekly basis. A number of the ladies within the centre participate in a sewing group and life skills group, and that is well patronised. They have three sewing systems available to them, and a seamstress comes in once a week and teaches them sewing skills. Several detainees, as I say, participate in the sewing skills program. Last year, as a result of the interest in the program, we actually sent some away to a craft and sewing expo at the Caulfield raceway, and they thoroughly enjoyed that. That is on again this Sunday.

We have Foxtel systems; there are three of those linked into the dormitory areas. We have games evenings. A hairdresser attends the facility once a month and does haircuts, and that is popular. We have a reading and combined children's room, and I will invite you to look at that in the visiting area. We have a barbecue once a week at which we utilise a karaoke and video system and sing and dance, and that is quite popular. We have an adult educator who attends the facility Monday through Thursday. She conducts adult education in accordance with the state curriculum. She has been at the centre for 10 years now—quite some time. Unfortunately you will not be able to meet with her today. She had an accident at the shopping centre. She slipped over in Safeway and she is having two days off. She will be okay.

We conducted a survey to determine program preferences from the perspective of the detainees, and that was some months ago. The detainees requested that we have computer courses; that was the most prominent interest. As a result we obtained five computer systems and we have had 25 participants undertaking basic and advanced computer courses. One of the longer-term detainees is a Sri Lankan gentleman who has been here for in excess of three years now.

Mr BAIRD—Why has he been here for three years?

Mr Moorhouse—Just recently the minister has agreed that he would approve permanent residence for him on ministerial intervention grounds. He was failed on every other step.

Mr Russell—He was up to the stage of the full bench of the Federal Court.

Mr BAIRD—Were there any character reasons there?

Mr Moorhouse—No. He applied for refugee status and did not meet the criteria.

Mr Tipper—As a result of his computer skills, I approached him and invited him to take on a teaching role. He did that. He is now looking at being released very shortly, so he is in the process of handing over the mantle to another computer gentleman. He was paid for his role in running the classes, and we had about 25 participants in that.

Mr PRICE—How many points was he paid?

Mr Tipper—Twenty-five points a week for the running of two sessions. Detainees are also invited to identify categories of herbs and spices which they would like to plant, nurture and harvest as a hobby program. As you go through the centre, you will see that program. They have just finished the harvesting phase with tomatoes and chillies and herbs and spices; they have been eating those for a few weeks now.

Some of the detainees requested the allocation of a reading room and that was attended to. Several individuals have been using it. We currently have a gentleman who is studying year 12 and he is very keen to have quiet time when he can concentrate on doing his lessons. He is currently looking at the evaluation of some videos: *Romeo and Juliet* and so on. We purchase those for him to view and he presents a report to his assessor on that. You will probably meet with him today.

Every week the centre has a barbecue. It is served outside the recreation room in clear weather or in the dining room if it is bad weather. We use the special music system for the barbecues. The system can be used on its own or linked to the TV system that runs videos. They really do enjoy that; specifically the Chinese like to get up and sing along with the karaoke. We had a Chinese New Year last year and we were here until 4 o'clock in the morning; it was a really good event.

A list of detainees' birthdays has been developed for some months now. The list is primarily focused on the children. However, several adult detainees have also participated in the program.

Mr BAIRD—Do you call people by their numbers or their names?

Ms Barrio—We call them by their names.

Mr BAIRD—The Flood report was critical of the fact that some centres call the detainees by their numbers.

Ms Barrio—In this centre we are pretty lucky—

Mr Russell—Because that happens in other centres, it did cause confusion here when we were talking about a name and, where they had come from, they were referred to by number.

Mr Tipper—We do not use numbers. When a birthday arrives, the centre provides a birthday cake. We put on quite a good spread for their birthdays and we make a fuss of them. Some of the individuals have quite unique characters and, if they are being released into the community or going back to their country of origin, we do the same sort of thing for them.

Mr BAIRD—At the time of release?

Mr Tipper—No, on their birthday when we know that they are going. We do not do it for every single person. Those who are here for longer periods of time, those individuals who are well liked and supported by the others, we would make a fuss of those as well. That has proven to be very popular.

A multicultural diary has been obtained and is used to identify those significant events that are specific to cultural groups. Prior to these events, my staff approach the groups and ask whether we can provide any support for that particular event. That has been positively received; it is our communicating that we are aware that these events are occurring. An example would be the death of the son of Hassan Mohamed; he was quite important for the Muslim groups and a lot of them self-harm as a gesture of bereavement. We asked them what their intentions were and whether we could provide any sort of support from the Islamic community. We just present that in a way to tell them ‘We know that the event is coming; what can we do for you?’ That is very well received.

During the celebration of the 2000 Olympic Games we conducted our own mini-Olympics. We awarded gold, silver and bronze medals for the events we conducted in the centre, and the detainees walked around for several days without taking them off. Prior to Christmas, many of the detainees decided to participate in making Christmas decorations. Christmas trees were purchased and placed in detainee areas and other decorations were positioned around the centre. We do this type of thing, bearing in mind that we have many cultural groups—today we have 30—represented here and we are mindful of the issues of specific groups. We certainly communicate with them, asking whether anybody would be offended if we went ahead and did a certain thing.

Mr BAIRD—Do you have a regular time of reference with all these groups? Is there a committee that is set up which is a representative committee?

Mr Tipper—Yes. We meet monthly with the representatives of the groups or, if there are issues that need addressing fairly quickly, we will meet with them as required.

Mr BAIRD—How long does it take from the time they ask to see someone from DIMA until they get in to see them?

Ms Barrio—Five minute to three hours.

Mr BAIRD—So it would not be anything like a month?

Ms Barrio—No.

Mr Tipper—That is probably the same from my perspective, when I get them.

Ms Barrio—When I arrive in the morning I get a list of people who want to see me. What I generally do is take the list and go to the main areas and make myself available to talk to whoever needs to be talked to.

Mr Tipper—We have a visitors program where we invite friends and relatives to come through on three occasions during the day. That is well patronised. There can be quite a number of people here, especially on the weekends. We have the allocation of a room for a mosque and we also invite other religious groups to attend the centre and communicate with the detainees on that basis.

Mr BAIRD—Do you have a chapel as well?

Mr Tipper—Yes.

Ms ROXON—Is there open access for any group that wants to attend? Is it a case of their making contact and finding out what the visiting times are?

Mr Tipper—If they identify themselves as a relative or friend or the detainee is prepared to commend them and say that he or she wants to communicate with that person, that visit will be allowed.

CHAIR—What about the local priests: do they come in and conduct services?

Mr Tipper—Yes.

Ms ROXON—Do they have to have a specific request? Do they have to say that they want to visit to speak to Mr X?

Ms Barrio—A certain number of people from different religious denominations are authorised to come into the centre and walk around and talk to people. There are no restrictions on them talking to anyone. But if a particular detainee wants to talk to their local priest, in that they have received a report, they are allowed those visits.

Mr BAIRD—What about when the media wants to come in?

Ms Barrio—That is different.

Mr Moorhouse—We had a media tour yesterday; some media came through yesterday.

Ms ROXON—There is a big article in the *Age* this morning, following that.

Ms Barrio—It is interesting that you say ‘a big article’. My reaction this morning was that a journalist speaks to one of the detainees and they get a full page, the first page, and then they get a 45-minute briefing from John Moorhouse and we get a little article talking about the parliamentarians coming today.

Mr BAIRD—I sometimes think that, if the media were given more access, there might be more balance—as opposed to people thinking the detainees are living the life of Riley.

Ms Barrio—I think the main concern there is privacy; and this is something that is very difficult sometimes to understand.

Mr PRICE—How many of the ‘unattached’ ministers or priests would come in?

Ms Barrio—Three or four.

Mr Tipper—The centre has a medical section which runs seven days a week. We have registered nurses that meet with the requirements of the health care of the detainees. We have a doctor who attends the facility twice a week and, if emergency treatment is required, we are

only five kilometres away from a hospital. So we take the detainees to the hospital or invite a locum to come into the centre to deal with the issues.

Mr BAIRD—Psychologists as well?

Mr Tipper—As required. We have a total staff complement of 31 permanent staff and 28 casual staff.

Mr BAIRD—Doctors on call?

Mr Tipper—Doctors on call as required, and a doctor attends the centre twice a week.

Mr PRICE—Nurses?

Mr Tipper—Every day of the week, seven days a week, registered nurses are part of the staff.

Mr BAIRD—And dentists would be on call?

Mr Tipper—Yes.

Mr BAIRD—What is the average length of time to get in to see a dentist?

Mr Tipper—It depends on the nature of the task. There are several dental appointments today. We have appointments made through the dentist and we certainly make reference to them straightaway.

Mr BAIRD—Do you handcuff them?

Mr Tipper—No.

Mr McCormack—Each departure of a detainee is an assessed departure. So when Mr Tipper says no, he means generally no. But there would be occasions where—

Mr BAIRD—One of the reports talked about some males—

Mr McCormack—That was the father of a son some time ago.

Mr BAIRD—I think it was in the Flood report. It was in one of those reports.

Mr Tipper—Obviously we have an extensive training program, prior to officers taking up their appointments. Further training is provided to each officer, refresher training. The training topics are certainly not limited: they range from working with refugees, dealing with detainees' fears and desires, working with victims of torture and trauma, supporting detainees through loss and grief, immigration and detention standards, the Privacy Act, cultural awareness, Immigration compliance and first aid. There is a large component, from the staff's perspective,

with regard to emergency response procedures—and high risk evaluation, also, for assessing potential risks with individual detainees.

I would invite you to have a look through the letters that have been displayed, when you get an opportunity. They are letters of thanks that have been provided by detainees departing either back to their country of origin or out on visa. They are simply presented to the supervisors or property officer as they depart. We do not have a ‘fill in the sheet when you leave’ type of situation.

Mr BAIRD—Do you get any nasty letters?

Mr Tipper—We have a complaints mechanism in place. All complaints are registered, and we provide a response back to the immigration department.

Mr Moorhouse—Complaints come to the minister.

CHAIR—Could you point out on the plan where we are going?

Mr PRICE—The points system: what opportunity do detainees have to earn points?

Mr Tipper—Bear in mind that the majority of the services at the centre are contracted—cleaning, catering, et cetera. If a detainee wishes to earn points, we can take that up with the contractor. We have about three detainees who are currently working, through a points system, on cleaning duties.

Mr BAIRD—How much do they get a week?

Mr Tipper—It is based on the task itself and the time frame it takes to do the role.

Mr BAIRD—Cleaning, as well?

Mr Tipper—I do not have the detail of the points system on me at the moment. It would be based generally on one dollar or one point per hour for the task.

Mr Moorhouse—I will give you a brief overview of the centre and perhaps one or two very brief case issues before you meet people. This is the administrative wing of the detention centre. People are admitted through a gate in the garage, and there is an admissions area here. This is basically the administrative area. When you entered, you came through this car park here. This orange area here is basically the visitors area, for visitors admission. This is an area of courtyard, which you will see in a moment. Then there are some other administrative facilities. The centre area here is the kitchen and the dining area.

There are two areas for detainees. On this side there is a family and female area. So this is a family area here, with family rooms and a family courtyard. But the area is completely open to the female recreation area and the female courtyard; it is dealt with as one area. From the female recreation area there is access to the bathroom and the dormitories. The dormitories are a continuous area for males and females, but there are sliding doors that divide it, according to the

population at the time. Depending on how many males and females we have, we would divide it appropriately. On this side there is the male recreation area and other courtyard recreation area.

Mr BAIRD—What about playing fields?

Mr Moorhouse—There is a large garden on this side which, in the past, has been used as playing fields. You will get to see that in a moment. At the present time access to that is restricted just to families, because we had a significant number and pattern of escapes starting to develop over the fence. This is surprising when you see the fence, but that is what was happening. The fence will be replaced in the middle of the year, and then the area will be accessible to all. There is a small gym within this area here.

Ms ROXON—There are interview rooms, if I remember. They are in the admin area as well?

Mr Moorhouse—Yes; in the admin area. Observation rooms are used for people whom we are concerned about self-harming. The banging that you heard a little earlier was Mr Kwok. That really is another manifestation of some of the management issues we have to contend with. He is a person who is unlawful and was picked up recently. From the time we picked him up, he has been engaged in self-harm. He is Chinese. Mr Dawoo is also in an observation room at the present time. Mr Kwok, the person banging the door, is an example of our having to restrain someone because he is hurting himself. We are arranging with the Chinese authorities for his departure to China. But in terms of visa status, he is an illegal immigrant; he came here unlawfully.

Mr Russell—He came on a false passport.

Mr Moorhouse—He came to our attention as a person who was manifesting behavioural problems and self-harm. That is what we mean in terms of some of the management issues we have to face. We get the full spectrum of types of behaviour coming to the centre.

Ms ROXON—Do they stay in an observation room all the time, 24 hours a day?

Mr Moorhouse—There are not many people in that situation. If it is appropriate to admit them to a psychiatric facility, we would. He has been assessed psychiatrically and we were told he is not psychiatrically ill. Therefore, we are left with him. He wants to leave and we are arranging a travel document with the Chinese authorities. But in the meantime he is continuing to hurt himself.

CHAIR—Is Mrs Khareem, the woman who has six children?

Mr Moorhouse—Yes.

CHAIR—She is the one whose husband was incarcerated elsewhere.

Ms Godwin—He is in Perth. He is the subject of people smuggling charges.

CHAIR—Has a decision been made in respect of her and her children?

Ms Godwin—No; I do not think so.

CHAIR—I thought a decision was to be made on her early this week.

Mr Russell—The protection visa is still in the primary stage, as far as I know. She is being looked at in terms of the potential to release her. She has substantive claims. She has been psychiatrically assessed recently by a professor at St Vincent's. We are looking at the prospect of a bridging visa 051. She was talking about harming the children, so we were having to get assessments from Family Services as to whether it was appropriate for the children to be fostered or in her care either here or in the community and whether that was an appropriate course of action. We are getting close to putting forward a proposition.

Mr Moorhouse—Some of the people that you are meeting with have asked whether or not the male partners can meet with you, accompanied by their female partners. We had arranged for different meetings in the male and female areas. As long as you are happy with that—

Mr BAIRD—Sometimes yes and sometimes no. Sometimes the women say nothing, when that is the case.

Mr HOLLIS—We had a meeting in Woomera. We specifically asked to meet with the women, which we did, and that was okay. When the women and the men were there, the women would not speak and the men really dominated all the conversation.

Ms ROXON—But if they are asking to be together—

Mr HOLLIS—But what about the others? It was particularly embarrassing for us at that time because we had no women members with us either, and we felt embarrassed as males. We felt that it may have been appropriate for the women to have met with women members. I accept the point about if some woman has asked, but what about if there are other women there who feel intimidated by the males?

Ms ROXON—I thought you were talking about three different groups—men, women, and combined.

Mr HOLLIS—No.

Ms Barrio—When I spoke with the residents, I explained that it would be women and children, and males in the afternoon. Everyone seemed to be happy with that. I will go and talk to Russell and just explain the situation. Just for you to know what to expect, there will be about seven women and four or five children, depending on who decides to bring children, in the morning session. Four interpreters have been booked for that little group. We expect that there will be 25 males in the afternoon group, and there are seven interpreters booked for that.

Mr Moorhouse—There is one extremely unusual case we have at the present time. We have one child who is currently living in the centre who is not a detainee. Her mother is a detainee and her father recently died. So we had to make a decision about how we would respond to that situation. The mother wanted the child to be with her for a while, and the child's behaviour is affected: obviously, she had just lost her father and she is only seven years old. So we did

consent to the child joining her mother in the detention centre at their choice—and it is documented that it is at their choice. It is a very unusual situation. We are not detaining that child. It is a very difficult situation for us.

Ms Godwin—It has all been done in consultation with Youth and Community Services.

Mr Moorhouse—The father was a detainee and he was in prison.

Proceedings suspended from 11.20 a.m. to 11.50 a.m.

Session 2: discussion between committee members and a group of women and children, through interpreters.

[11.50 a.m.]

CHAIR—Thank you to the ladies and families who have come this morning. It might be better, if possible, for the translators to try to interpret what is said reasonably simultaneously to the little groups. Otherwise, the time will all be spent translating rather than actually dealing with the issues. We are the human rights committee of the Australian federal parliament based in Canberra. We represent just about all of the political parties in the country as well as most of the states around Australia. We have been touring all of the detention centres around Australia. We have been to Curtin, Port Hedland, the facility at the Perth airport, Woomera, and Villawood in Sydney, and now we are at Maribyrnong.

We are not here to look at individual cases. What we are doing during the course of our visits is looking at the process and the facilities; in other words, we are looking at the broader issues that affect all detainees rather than at individual cases. Apart from having a briefing with the management, both DIMA and ACM, we have made a brief tour of the facility. We are having two further meetings: one with the women and the children, and a separate one with the men.

I am not going to do all the talking, as we want to listen to you and hear whether you believe your treatment is proper, and whether there are any concerns or difficulties. We are not here to defend or justify what is happening or anything of that sort; we are here just to look, listen and find out what is going on, to see whether things might need changing.

You will notice that we have asked the officers from both DIMA and ACM to stay outside the room. So, apart from the independent interpreters, there is no DIMA or ACM presence. Although the lady over here on the machine is taking notes of what is said, that is only to aid our memory. It is not to be used by the government or DIMA or anybody else; it is purely as an aid for us. Does anybody have anything to say—good, bad or otherwise?

Detainee No.1—In the beginning I would like to talk about the character check. It takes a long time for us as refugees to be character checked. The character check process through to finalisation for me and my husband took about 11½ months. It would be better if, for instance, people were allowed to wait outside in the community for the character check process to be finalised. It would be better for them to be waiting outside the centre, having given some sort of money or financial guarantee to turn up whenever required—in the case where such money is available for these people.

My husband and I have been living here for over a year and a week in this centre. We are separated: my husband is living in the men's section and I am living in the female section. The official said that they regarded us as a non-family situation because we do not have children. Therefore, they have put me in the female section and my husband in the male section. The official said, 'It is only because of the facilities that we are separating you; we have not got adequate facilities in order to ensure that every married person is put in an independent unit.'

I have been put with other girls who are drug addicts and they have had some experience in prison and they are robbers and thieves. They are not refugees. They also have some sorts of problems that are not really related to mine or to the problems of refugees at all. They are separate. They are like criminals. That is a problem for me. That represents a severe problem for me. I have depression because I have to cope with this situation. I am a married woman and I have nothing in common with these people. Psychologically I have become a wreck because I have been married for over two years and one month but really I was only married for one year.

CHAIR—Which country do you come from?

Detainee No.1—Iraq. In our country it is true that we have lost all human rights, freedom, democracy. We have lost all that in our country at the present time. We came to this country because we were eager to see and enjoy even a little bit of freedom and humane treatment. We have had very bad treatment. We are experiencing a lot of bad treatment here from the authorities and very bad food, and hygiene and health conditions are not good.

For instance, I will talk about the hygiene and health conditions. I will talk about my conditions. Sometimes I have experienced a bit of a health problem. I was about to fall onto the ground unconscious. I asked the officer whether I could please be allowed to go to the hospital. He said, 'I will think about your condition.' After a while he came back. He said, 'We cannot really send you to the hospital unless you are really about to die or you are actually unconscious.' Everyone here in this room can vouch for this kind of dealing and harsh treatment.

In this place it is not humane. It is very difficult for human beings to survive and live in this place. It would have been better, for instance, if they had made the decision early in the piece on whether we were to be accepted or not and for us to be made aware of that decision early, rather than waiting for so long before being able to detect whether there is a possibility of being accepted or not. I have been waiting for one year now—although there is an indication that I will be accepted, but it is only a reply from the case officer. I had a solicitor and now they have had to change my solicitor to another one. Whenever the solicitors question the case officer, he or she says, 'We are thinking about the case; we are still thinking and examining the case.' Isn't it reasonable to expect that after one year they will be able to reach a decision?

Even now my problems have compounded with my husband. It is possible that I will lose my husband and my marriage now. For this one year I have been unable to get in touch with my family in Iraq. There are quite a few cases of suicide in the detention centre.

CHAIR—Why have you been unable to contact your family in Iraq? Is it a problem at this end or the other end? You are able to write letters and make phone calls; the department will arrange to send faxes. So is the problem at this end or the other end?

Detainee No.1—It is because of my illegal exit from Iraq. It would be really a problem, a serious problem, for my own family if I got in touch with them.

CHAIR—So that is not anything to do with being detained here. If you were free out in the community, you would have the same problem.

Detainee No.1—No, it has nothing to do with the detention centre. I am just expressing that so that what I am saying will be put in the proper context. Sometimes we see in the rubbish bins syringes and remains of drugs. One day in the morning I found that one of the girls had tried to commit suicide and the blood was everywhere. That was very distressing, very depressing; but nobody attempted to ask and talk to us about these things.

Sometimes people try to escape from the detention centre. When something like that happens, the centre comes up with some sort of punishment and additional rules which apply to everyone, whether or not they were involved in attempting to do that. We cannot even go out for a walk in the garden or just walk a little bit outside the complex. It is only the four rooms that you have seen where we are allowed to move around.

When we have visitors, it is quite a different situation. There are clean linens, and nice and courteous dealings and treatment. Even the food is improved a lot and the treatment is good. That is all I want to say.

CHAIR—Thank you.

Detainee No.2—The food here is inappropriate. A lot of the time the rice even is raw; it has not been cooked through. For the most part, the food is inedible. My husband died of an asthma attack a few weeks ago, and my child suffers from asthma as well. I asked the nurse to supply a puffer and medication for my child, but it has not been provided. Given that my husband has died of an asthma attack, I am quite concerned about this. The lifestyle here is quite dirty, unsanitary. Before your party came, the carpets were cleaned, the halls were cleaned and the rooms were cleaned. But usually it is quite unsanitary.

Detainee No.3—A lot of the food has given me stomach upsets. I complained to the nurse. The rice is cooked but not cooked through, and it is still hard and causes pains in the stomach. I complained to the nurse and she said she would give me medication before bedtime. That was three days ago and the nurse still has not given me any medication. I do not speak any English at all, so I am reluctant to go and remind the nurse that I have not been given my medication.

CHAIR—Thank you.

Interpreter—This lady is from Cambodia, but there is no interpreter here for her.

CHAIR—We will arrange for there to be a Cambodian interpreter this afternoon. Senator Bourne will come back to especially to talk to the lady, through the Cambodian interpreter.

Detainee No.5—My situation is relatively different. I have been here about a month. I came to Australia eight years ago. My visa expired. I finished my studies at Melbourne University. I am teaching children. My visa was refused but I could not leave these children. I work in a school and I cannot leave these children. I was arrested and I was brought here to detention. For me to get a bridging visa I have to pay \$10,000. I cannot afford \$10,000. What is holding me back is \$10,000. I cannot get \$10,000. I have to wait until I can get \$10,000.

Mr PRICE—Are you taking any legal action? What is the status of your case?

Detainee No.5—I cannot do anything until I get out of here. To get out of here I need a bridging visa. So I need \$10,000 and I do not have it. I applied to the review tribunal to reduce the amount, but they said they would not reduce it because I have a house. I asked for a loan withdrawal, but it will take about 12 weeks for that to be organised. I am waiting for that. I am from Nigeria. In Australia I lived in Coburg, Victoria.

Detainee No.6—I have been here for 16 months and I would like you to consider my case as an emergency. I am from Iran.

Ms ROXON—We are going to meet later, but I understand that your two children are at school. I think people might be interested to know whether they are happy with that arrangement—how it works with their going to school and coming back again?

Detainee No.6—Yes, they are happy with their school but, because the family is in the detention centre, when they go to school they get teased by the other children.

Mr BAIRD—Do the children get taken on weekend excursions out from here in the detention centre?

Detainee No.6—No. They have been out just once during the nearly 17 months—that is, other than school.

Mr PRICE—Other than school.

Detainee No.6—There was a party and they attended that.

Mr BAIRD—Have you been refused a visa?

Detainee No.6—I believe you are aware of all the problems, so I do not want to go repeating all of them. I am asking you please to consider my case as an emergency because I have been here really a long, long time; it is nearly 17 months.

Mr BAIRD—Was your family knocked back for a visa?

Detainee No.6—That is right, yes.

Mr BAIRD—Have you appealed to the Refugee Review Tribunal?

Detainee No.6—Yes.

Mr BAIRD—Have you been knocked back from that?

Detainee No.6—Yes.

Mr BAIRD—Has your case been to the court?

Detainee No.6—We are awaiting a decision from the minister.

Detainee No.2—The immigration department stated that they will let my child stay in the detention camp, but they are not sure for how long—because my visa has been cancelled but not my child's. So I am fearful that my child will be taken away. I have not ever raised the issue with the immigration officer, because I am afraid of what will happen.

CHAIR—They are obviously aware of the situation because, when we were getting our initial briefing this morning, they actually mentioned your situation—about the death of your husband and the fact that your child is not being detained as you are but that they have made an exceptional arrangement, if you like, for your child to come and be with you in the short term. So I do not think they have forgotten. They are well aware of that situation, to the extent that they did explain it to us before our briefing.

We have been informed that the Cambodian interpreter will be coming at 12.30. So we will arrange for the interpreter, the detainee and Senator Bourne to talk together.

The other point I would make for the lady with the child: the matter will be resolved at some stage. Your child cannot stay in here forever, so the matter will have to be raised and dealt with at some point in time. I would emphasise that I am not suggesting that the child be taken away. I am saying that clearly this is a unique situation and it cannot just sit; it has to be resolved in some way at some stage.

Detainee No.7—We have been here for a period of 17 months in the detention centre. When we first arrived we went to Derby and then we were moved from Derby to Port Hedland Detention Centre. Then 3½ months ago they brought us here to this detention centre. For 3½ months we have not received or heard anything from the case officer.

CHAIR—We are told that the lady, Viviana, comes in every day and that anybody who wants to talk about their case to her can do so. Is that not happening?

Detainee No.7—Every day they say, 'Tomorrow,' and every week they say, 'Next week.' I asked them several times repeatedly to make it possible for me to go to school. They say every time, 'Next week we will look at it; we will look into it.' Now the time has gone so many months and I am still here in the detention centre and unable to go to school.

CHAIR—How old are you?

Detainee No.7—Fifteen years old.

CHAIR—Is this your mother?

Detainee No.7—Yes.

CHAIR—How many children are there in your family?

Detainee No.8—Six. This is my last one.

CHAIR—Does a lady called Kate Hoskins visit you and your family?

Detainee No.7—We do not know the last name, but we know Kate. Yes, she comes and visits us.

Mr PRICE—What is it like to be 15 and spend so much time in a detention centre?

Detainee No.7—When I first came to Derby, they put me in jail for 15 days with other criminal people. Then after 15 days they said it was only a mix-up of identity. I was never meant to be in jail. It is very exhausting mentally. You are tired and you are very depressed because there is not much you can do. Please try to help us in our very bad situation.

CHAIR—Kate has spoken to me about this case and we are looking at it.

Ms ROXON—I am the local member of parliament for this electorate, and I am also going to speak to the state education department—who are apparently one of the problems with your going to school. The centre have said that they will give me the correspondence and information that is relevant.

Detainee No.7—It is for me and my brother.

CHAIR—We understand that there are three children of secondary school level here, and the problem, we are told, has not been with the centre. Education in this country is run by the state governments and the problem has been with state education. Ms Roxon, the local member of parliament, will try to sort that problem out.

Detainee No.4—I am from Cambodia. Where are you from?

CHAIR—We are members of the human rights committee of the Australian federal parliament. We have people here from both the Senate and the House of Representatives and all political parties. We have been touring around all of the detention centres to have a look at conditions. We are not looking at individual cases but the process and the conditions. Would you like to therefore tell us anything? There are no guards, no ACM or DIMA here. Any information you give will just be for the committee. We would like to hear from you.

Detainee No.4—I have been arrested and put in this place. Now they would like to deport me, and I do not want to go back.

CHAIR—How did you come to this country?

Detainee No.4—I came here for holidays, and my husband is a journalist.

Mr BAIRD—Is your husband in the detention centre as well?

Detainee No.4—Yes, he is here as well.

Mr PRICE—Are you living together?

Detainee No.4—He is outside.

Mr PRICE—Do you have separate quarters or are you living together?

Detainee No.4—Separate.

CHAIR—You overstayed your visa?

Detainee No.4—Yes. My husband is a journalist. I cannot go back to Cambodia because I escaped and, if I go back, I am going to be arrested, and he will be, too.

CHAIR—Have you applied for refugee status? Have you had your initial decision? You have applied for refugee status. Have you had the initial decision?

Detainee No.4—No, I have not.

CHAIR—For how long have you been in Australia?

Detainee No.4—From 1998.

CHAIR—For how long have you been in Maribyrnong?

Detainee No.4—I have been in detention here for two weeks. I would like you to help me to stay here. I cannot go back ever. It would be better to die here than to go back to Cambodia.

I think it is pretty unhealthy here to mix all the young boys in with older people. They have the chance to get involved in drugs and all kinds of things. It is pretty easy to get involved in drugs here. It is almost like a zoo. All the young boys cannot sleep. It is not a normal life. I cannot go back to Cambodia. It would be better for me to die here.

CHAIR—Thank you for coming and talking to us and being so frank. As I mentioned before, we are talking to detainees right around the country and we will be talking to the men later. Subsequently, we will undoubtedly meet with the minister and we will be making a number of recommendations.

Proceedings suspended from 12.25 p.m. to 12.35 p.m.

Session 3: briefing of committee by professional ACM health staff.

[12.35 p.m.]

AYAD, Ms Josie, Registered Nurse, Australasian Correctional Management

MULLIGAN, Ms Nikki, Counsellor, Australasian Correctional Management

Mr BAIRD—Comments came from one of the detainees that she was a witness to someone who had tried to commit suicide during the night. The question was: were people who saw attempted suicide or self-harm cases counselled? The answer was yes. Would that be in every case?

Ms Mulligan—Yes.

Mr BAIRD—You are the one who does the counselling?

Ms Mulligan—I am the person here who does the counselling but, if there were an incident where it would be better for someone else to do it, we have an organisation that sends psychologists in.

Mr BAIRD—In the case of the woman who saw someone with blood everywhere in the morning, would you normally counsel her?

Ms Mulligan—Yes.

Mr BAIRD—What is your own background?

Ms Mulligan—My original training was in social work. I have a Bachelor of Social Work from the University of Sydney. I have just recently completed a Graduate Diploma of Counselling at the Australian College of Applied Psychology.

CHAIR—Josie, it is very difficult in these sessions, given the small numbers—we have only seen the women so far—and we have always been at pains not to identify individuals. But it is difficult when there are specific issues raised because that will make it easier to identify people. We certainly do not want any repercussions, if you like. I am not suggesting that you would do that, but I am thinking about anybody else identifying individuals. I am not going to play games and say ‘hypothetically’, when it is obvious who I am talking about.

Take the situation of the woman who has the seven-year-old girl whose father died recently. The child is not a detainee but is living here with her mother, who is a detainee. The mother said that the child is an asthmatic, as the father was, and that she asked three days ago to get some treatment for the child’s asthmatic condition—puffers, et cetera—and after three days she is still waiting. I am not making any accusations. I am just saying that this was told to us. I suppose it raises the question of how you deal with people who make requests for medication. Do you

make an assessment? Do you refer them to the doctor if your assessment is different from what the patient thinks they should be getting? How often does the doctor come?

Ms Ayad—The doctor comes here twice a week, usually on Tuesdays and Thursdays. I usually assess them or I go and see them every day. If I see or hear anything that indicates that a detainee needs to be seen by the doctor, I send them to Accident and Emergency or any other doctor or call the doctor to come here.

Mr PRICE—Do you document every contact with a client?

Ms Ayad—Yes, I do.

Mr PRICE—If someone meets you in the corridor, would you put that down?

Ms Ayad—Yes.

Mr BAIRD—Do you recall that particular request for asthma medication, a Ventolin puffer?

Ms Ayad—No, I do not recall that. I do not have a history for that child. The mum talked to me yesterday at about a quarter to five and told me about that. I said, ‘Have you got one?’ She said, ‘No, I have not got one.’ I said, ‘I will speak to the doctor tomorrow and see how we go.’ We do not normally see the child here, because she is not one of ours; but I was still going to talk to the doctor about her. I could not issue her anything.

Mr BAIRD—He comes tomorrow?

Ms Ayad—Yes, he comes tomorrow. I said, ‘I am more than happy to give you—

Mr PRICE—The department have agreed to the child being here but they are saying, ‘We are not responsible for her medical facilities or anything else.’

Ms Godwin—That is why it is such an unusual situation. In effect, the child is free to go at any moment. Obviously, for practical purposes, the child is not going to go at any moment. But, equally, the child is a holder of a Medicare card and, therefore, would be in a position to access whatever medical treatment was deemed appropriate.

There are other people involved with the family and the child. There is an integration officer, as I understand it, who picks the child up every morning and takes her to school and picks her up afterwards. There is counselling going on with the mum, and so forth. I guess there is a range of ways of handling this sort of request, but I am certainly personally not aware of any other situation like this. It is really a question of testing out each situation and each issue as it arises, and working out a solution.

Ms ROXON—We have heard some comments that a few people here have had drug addictions and have had to deal with withdrawal symptoms. How do you handle those sorts of situations? Presumably, often you are their first port of call, if you are here every day and the

doctors are not. How are you treating people who come in with a heroin or some other addiction?

Ms Ayad—I have a drug regime here that I got from Drug and Alcohol Australia. I have had someone here to speak to me about it as well. Before the detainee with the addiction comes here, I would usually send them to the hospital Accident and Emergency. They give me a regime to follow, and I give it to the detainee.

Ms ROXON—Do you send them to the hospital to detox?

Ms Ayad—To Accident and Emergency, and then we have the detox regime here. I usually sit with them and explain and educate them about what I am going to do and how much they are getting.

Ms ROXON—What do they do? Are they in an observation room, or in a shed? How does that work?

Ms Ayad—When they first come they are in the observation room. Once they are happy to go outside and they are all right, they go with everybody else. We usually know if they are taking drugs; so, when they have visitors or anything like that, we make sure we explain to them, 'No-one is allowed to bring anything in for you.' Everything is explained to them.

Mr PRICE—I do not understand why you go to Accident and Emergency. Why wouldn't the doctor supervise the detox program?

Ms Ayad—He does; but they might come in when he is not here—because he comes on Tuesdays and Thursdays, but they come in at any time.

Senator BOURNE—That could be what the woman meant about the asthma medication: that it would be three days before—

Ms Ayad—She only told me yesterday.

Senator BOURNE—But by the time she sees the doctor. She may not have meant that she said that three days ago.

Mr BAIRD—There was another case where somebody said that they needed to go to hospital and the response was, 'I will think about it.' They came back later and said, 'The only people who go to hospital are those who are nearly dead or are unconscious.'

Ms Godwin—If that were true, we would not get any escapes from hospitals. We lose people from hospitals reasonably frequently.

Mr BAIRD—What happens when somebody says, 'Look, I am feeling so ill. I really believe I need to go to hospital.' What is the process?

Ms Ayad—I usually check them. I have a duty of care for all my patients here. If they need to go to the hospital, they go to the hospital then and there. If they can wait, I will do all my observations and get the locum to see them.

Mr PRICE—The locum is the same one who comes twice a week?

Ms Ayad—No.

Mr PRICE—Is that a radio doctor?

Ms Ayad—Yes.

Ms Mulligan—It is the same thing that GPs in the community have, where they use a locum.

Ms ROXON—If someone is sick.

Ms Mulligan—Yes.

Mr BAIRD—So you need to be unconscious or dead before you can—

Ms Ayad—I have never told anyone that.

Mr BAIRD—That detainee has been here for a long time. This next question is totally out of left field. When you see the longer term people who are here and have missed out on various things, do you think to yourself, ‘These people would make really good Australians. Why don’t we let them in?’ I wonder whether sometimes the people who observe these detainees day in and day out ever have any opportunity for input in that regard?

Ms Godwin—I do not know the criterion for making a really good Australian. But there was one chap who I think had been in both Port Hedland and Perth for a long time. The people managing the centre—not just ACM, but DIMA as well—had become increasingly concerned about his mental state, and we had searched high and low for a solution in terms of removal, but that had not come through. In the end, that was put to the minister, and the minister intervened. So there is that sort of possibility.

Mr BAIRD—I wonder whether there is an opportunity for centre managers to put forward recommendations for people who they think are outstanding cases.

Mr PRICE—We would probably argue about separation of minors, separate accommodation for families, and splitting males and females. But is there a necessity for further splits? Say that there is someone who you suspect has a criminal background when they come to this centre: are there people of that ilk mixing with unaccompanied minors or even accompanied minors?

Ms Godwin—We have from time to time moved people from one centre to another, for those sorts of reasons.

Mr PRICE—But they are still within the general population though, are they?

Ms Godwin—As you know, we do not have women or children in Perth, and we have occasionally moved men like that to Perth for exactly that reason.

Mr BAIRD—Does not Mr Price's claim support the recommendations of the Ombudsman for separate site security that stops this?

CHAIR—We will have a further debriefing session after we have talked to the detainees. As there are no further questions for the nurse and the counsellor, we thank you and we will next go and talk to the men.

Proceedings suspended from 1.35 p.m. to 1.40 p.m.

Session 4: discussion between committee and men and boys, through interpreters.

[1.40 p.m.]

CHAIR—First of all, thank you for coming. I ask the translators to try to translate as we proceed. If we have to wait for several lots of translation in succession, we will be here until midnight.

We are the human rights committee from the Australian parliament. The group is made up of all political parties, both government and non-government. We have on our committee both senators and members of the House of Representatives and people from every state around Australia. We have been doing a tour of the detention centres around Australia, and this is the last of our visits: we have been to all of the others. We have about an hour, and I should emphasise that we are not here to deal with individual cases. We want to talk about the conditions and the process so that, if there are things that need to be improved, we can go back and make appropriate recommendations to the government.

The object is not for me to do all the talking but for us to listen to you. We are recording what we hear not to give to the government or anybody else but purely for our own aid. You will notice that we have asked that neither DIMA nor ACM be present and that they stay outside of the room, so that we can hear what people have to say without any recriminations. There are quite a lot of you here so, if you have something to say, please do not go on forever, because other people also want to have their say. If the lady who is taking the notes shouts at you, it will only be to encourage you to speak up so that she can hear properly. Who would like to go first? We are interested in hearing about your conditions and so on.

Detainee No.1—Hello, members of parliament, ladies and gentlemen. I am from Sierra Leone. I am here to seek asylum. I like to present briefly some submissions. More or less, I can act as a mouthpiece for the refugees in this detention centre.

To begin with, I would like to draw to your attention that to be a refugee is not a pleasant thing. If somebody is a refugee, they usually have encountered so many difficulties that they have run away from them in fear for his or her life. It is through such circumstances some of us have found ourselves here in Australia. To make the matter worse, most of us are not familiar with the laws of this country. We run away for our lives and we find ourselves in detention centres. Here we face torture and trauma; it is not hospitality. As I said earlier on, we do not know the rules. We have just run away for our dear lives. So, please, I would like the parliament to have consideration of this issue so that, even if it is not going to help us, other refugees who are to come will be treated better and removed from this detention.

My next point is how we see this place. You will see that the officers are from ACM, Australasian Correctional Management. Even the name indicates that this is a place for criminals. That leads to the correctional component of our treatment. Here we are as refugees or we have been detained because of overstaying visas, but we are in maximum security prisons. The treatment that we are subjected to is no different from that given to prisoners. Prisons are even safer and better than these places because: one, a prisoner knows the crime that he or she

has committed; two, a prisoner knows when he was convicted and when he will be going out. But as refugees, we do not know when and where we will be released.

The next issue is on the longevity of the detention period for detainees, especially in the case of refugees. Some of our brothers and sisters who have flouted the laws of the country, in terms of immigration laws, will probably be in here for the briefest period. They will be released back to their country or back into the community on a bridging visa. But for refugees, I will give an example. This brother of mine, for instance: believe it or not, he has been here for more than four years. He was a student when he came here, but right now he has been here for four years. I know that as a refugee I can equally be here for the same period. Due to this I do not think there is a bright future for us. So please do something about that too.

Also, if you are lucky, you will be assessed and you will go back into society. They have a term 'character check'. If you get a protection visa, they will tell you that this is temporary. After that, if you can get no more, you will be taken back to your country. These character checks can take as long as one to 1½ years. So, please, in case you will be ready to accept us into your society, will you please start with the character check as soon as we come to your notice so that, when you take that also into consideration, it will be straightforward. Other than that, you will continue to detain somebody for a couple of years and then take another couple of years on the character check. This suggests just more torture and trauma for us.

Then there is the family issue. Some children came with their parents to seek asylum. Basically, if the parents are at fault with the laws, I do not think the children are also at fault. But here we are with some small children as young as three months to as old as even nine years. If these children come out in the future to know that they sat in their life in a detention centre, I think that portrays that there will be a sorrow, a doomed future for them. Here they belong to a potential criminal society because here potentially they are treated as criminals. I do not think this country will get a very good product out of them as good citizens. So, please, we plead with you that those families should also be treated, and their case be handled, with maximum facilitation.

The next issue is students. Some of us here are students. We have run away from the torture and persecution in our countries due to one problem or other. There are some students here who have got themselves into Australia. They happen to have started their schooling and they will be invited to come to an interview with DIMA. After that interview they will be brought here. Meanwhile the school is also going on. In case they are released later on, they are supposed to sit for the same exams as those who have had the advantage of being able to access the teachers, the media and other sorts of research. I think this will go a long way to affecting the student. So, please, we also plead with you to have consideration for students as a whole.

Also, if students are to be detained here for a longer while, we plead with you in your high office to make some provisions for us in the detention centre to enable us to make our stay of benefit. In the first place we do not have any access to information. Every day we have access to one *Age* newspaper—one newspaper to serve the whole community here. We have no access to the Internet and no access to emails. Detainees do not have access to all these things. So, please, although we are restricted in our movement, I think more information should be released to us.

Also there is the bridging visa. More often than not, the refugees and detainees are released on a bridging visa, but not without cost. You will be told that you have to pay bond money—for example, \$10,000 or \$5,000—and basically, being refugees, potentially we have nothing. So if you are being asked to pay for a bridging visa of about \$10,000, then indirectly it is more or less the government denying you access into the community. So, please, if you are to consider us, please do away with the bond money. We plead that with you.

To cut my story short, we also have some refugees who have relatives here. So maybe the government will tell you, ‘We have detained you here just to get you into a place of comfort.’ But when you are released, you have your accommodation; you have access to whatever you want. Some of the refugees here have relations in society. So please let the detainees notify them and then you can find out from the relatives if they are ready to accept them, and then kindly release them so that they can also be reunited with their families.

There are also the medical facilities at the centre here. Almost every detainee who complains of any condition as far as health is concerned, the first, foremost and basically the end is to be given Panadol—two tablets of Panadol, no matter what your complaint is. The refugees and detainees here are not given proper and appropriate medical treatment or medication.

CHAIR—Is this from the nurse or the doctor?

Detainee No.1—From the nurse. We get assessed by the doctor twice a week. But the doctor will be here for only a brief period; he will be here for a maximum of about three hours to cope with 80 people in a day. One week of assessment by the doctor is six hours for an average of 80 people. Also when a refugee or detainee seems to be showing signs of aggression, the only medication that can be given to that person is a sleeping tablet, an antidepressant or valium, or something like that.

I also recommend to your high office please to make known to the medical facilities here that it would be a good thing for almost every detainee to have their weight checked frequently to see whether that person’s health is regressing or advancing, because most of us here are depressed and are losing weight. As a matter of fact, without proper notification of that, there cannot be made any submission to DIMA. So we plead that the medical facilities also be seen to. I do not think I have any more to say, because my brothers also have something to say now. Thank you.

CHAIR—Thank you for that.

Detainee No.2—I have lived in this country for 40 years and I count myself as an Australian. But I will tell you this: I have never in my life seen anything so disgusting as this place and how the government treat people here. Prisoners in this country are treated better than these people. Prisoners are given more rights and better conditions. They have cells with TV, a shower. There are children living here. Look at the area the children have to play in.

CHAIR—You are a detainee?

Detainee No.2—Yes, I am British. I am a visa case under section 501; it is before the courts now. But for these people coming here: this is UN-Australian in my eyes; it really is. I have

never seen anything so disgusting. As has just been said, with prisoners there is the presumption of innocence and the right of bail. Here these people have nothing. The government asks for a bond of \$10,000. Where are these people meant to get \$10,000? This is not right. It is wrong.

They have people locked in rooms down here, a bloke called Mohamed; he might be suicidal, but he is locked in that room 24 hours a day seven days a week. That is illegal. In a jail, even if you are in the slot under a separation order, you have to have one hour's exercise in the sun per day. This bloke does not get that. There is a Chinese man in here who tried to harm himself the other week in a toilet by head butting the corner and what not. He has been playing up a little bit down there. They are handcuffing him and throwing him on the bed. They are talking about shackling him. That is illegal. That went before the Supreme Court a couple of years ago as a result of prisoners in jail being shackled. That is illegal. They cannot do that. That is wrong.

Then there is the case of Abdulah Farni. Immigration give these people disinformation. They are not informing them of their rights. They are telling them lies. Some mail came last week for Abdulah. It was here on Friday. All it was was a birth certificate showing that his child was born in this country and is an Australian citizen. He wanted it to take to court the following Wednesday. It did not arrive. So he got them to send another copy. They withheld that, even though it would not have made any difference to the court on the day. They withheld this mail until he walked back in the door from court and then handed it to him. It had been sitting there for five days; Immigration withheld it. That is illegal, that withholding of mail. Immigration can do what they like here, and you have got no comeback. It is not right. These people suffer because of it. Four years here: this is ridiculous. Four years stuck in this place: no wonder people get suicidal. That is wrong. Section 501: that is another matter. Thank you.

CHAIR—Thank you.

Detainee No.3—At this moment my brother is in prison for speaking the truth about what happened to that person when he died in here. So because of giving that evidence to the police, they locked me and my brother up for seven days, with one meal per day. Human rights also know about us, and the ministry and our lawyers. We were locked up with one meal per day and half a cup of water and we were pissing into a bucket—I am not ashamed to tell you that. So, after that, this DIMA manager—they said that, because of unacceptable behaviour, they transferred my brother into Port Phillip prison. I would like to give you this photocopy. Now he is in prison with criminals, without having any charges laid.

CHAIR—The details are on there?

Detainee No.3—Yes.

Detainee No.4—I am from Morocco. I came to Australia three years ago. I have been here in the centre for only one month and 10 days. Every day it is costing me \$147 and I have no money to pay this. Now I will try to do anything to stay near my child, and these people want to deport me. I have been here for one month 10 days because from my wife my visa was cancelled. Now I am asking if I have any right to stay near my child. DIMA say, 'You have no chance. You have to leave the country.' They want to deport me. I want to say to the government that, if something happens to me, I will not leave without my child. I will die for my child here; my child is my blood. I am telling you, if something happen to me here—

Detainee No.5—I am from Fiji. I want to welcome the members of parliament; on behalf of all detainees here, I welcome you. We are happy to see you here so that you will know all of the crime that is happening and everything that is going on. You want to know; and so we are really happy to see you here to be able to tell you of our concerns.

We have concerns about what the security officers do to us here. This is my third month here, and this is my second time as a detainee here. I was first a detainee in 1997, I think, and this is my second time as detainee. We are asylum seekers, not criminals—and they treat us like criminals here. One of our brothers has died and another Chinese guy for the last two weeks has banged his head on the wall because of the way they treat us. They do not treat us like humans. They treat us like animals. They do not know how to treat us properly. They should look after us.

We are here. We have left our family outside, our sons and our daughters. We are bored and crying and unhappy. We want to have peace inside our hearts. But this is what they did to me. We asked them for some balls. We used to play volleyball all the time. Sometimes the volleyball goes on top of the roof, but they say they cannot climb up on top of the roof. But most of them are sitting down here in the chair for the whole day and doing nothing. We just asked them to get the ball so that we can enjoy ourselves and not get bored and worried, but they will not get it.

I am here because of persecution. Because of what happened in my village, I fear going back there. The authorities want me to go back to Fiji. I said that it is because of my religion—I am changing my religion; I am joining the Methodist Church, because it is coming together in the future with the Catholics and I want to become Pentecostal—that I run away from Fiji to come here. So I am here in Australia for five years. I really enjoy myself here and look after my family. But now the minister just replied to me in a letter that said for me to go back to Fiji, and I said I cannot go back to Fiji as I have problems there. That is all that I can say.

Detainee No.6—I am from Sri Lanka. I have been in here for nearly four years. In 10 days I will have been here in this place for four years. I would like to say some things about how the system works and how it affects us.

First, we come here, of course, with all false documents and things like that and we are being branded as illegal immigrants. But actually there is no other way to get out of our country. For most of our people, if we go to a high commission or embassy and say, 'I have a problem with here'—for example, if an Iraqi goes and tells Saddam Hussein, 'Look, I have got a problem with you; I am going to Australia,' they will never be allowed to come to this place. So the only way we can come to this place is with illegal documents.

We understand and we respect the system that you have to keep us in detention to identify who we are and our name or whether we have any records, or whatever. But couldn't it only last for three months or something? During that time of three months, couldn't you identify who the person is, where he has come from, get all his details and everything, and then release him into the community? Then the authorities could continue the process and it would not affect our lives. Our lives are being wasted. We have lost everything in our country, and we come here with little to live for.

Mr BAIRD—What country are you from?

Detainee No.6—Sri Lanka. Even the hope that we are left with is being destroyed in this place. With this system, even after getting a visa, even after being accepted, we have to go through a character check. That character check can take any length of time. There is no time limit on how long it could take. Even the department has no idea about how long it could take.

For example, there are many people here who have been accepted as refugees and now they are going through the character clearance. They have been here for a long time and now, only after getting their visa, are they going through the character check. But if they find that their character is wrong, are they going to come up and say, ‘Your character is wrong; even though you are a refugee, we are going to send you back’? Why can’t they do the character check at the point we arrive here from the beginning? I have been waiting nearly 4½ months for my character check and I am about to finish four years in this centre. If they had done the character check before, I would not now be spending this unnecessary time here. I applied and have been enrolled at RMIT to do computer science, but I have missed the course because I am going through this character check.

CHAIR—Are you the fellow who has been doing all the computer work here?

Detainee No.6—Yes. There are many people here with their families and children, and they have to understand how it affects their lives. Here now only a small group of people are refugees, and there are many people coming from many places in Australia and other countries. The children here in this place are mixing with people they should not be mixing with. There is no control, and this is a very small place and they learn all sorts of things.

Outside people have smuggled drugs in here, and I have seen people taking drugs. I have seen people who have done a lot of crime who have a lot of bad character mixing with children and the children are learning all those things. The parents every day worry about their children and how this is affecting them. But there is no way that they can control them, because everyone sits and eats in this place together; everyone mixes together.

There are families. Another man is here with his wife. He was in my room, and so I used to talk to him all the time. He married two years ago but, for the last one year, he is here with his wife but his wife is living on that side and he is on this side. It affects their relationship a lot. They are just starting their life together, but they could not cope with this situation. Their family is totally being destroyed.

The problem is that here there are people from many different countries with many different cultures. One of my friends who is living in the family section, the female area, told me that, when people are sleeping, the officers come with a torch to check whether they are there; they count them. That is reasonable. But when they go to count, she said they come with the torch light and she is meant to be sleeping but she is afraid to sleep because they are coming with the torch and bringing the light from the torch up to the head. She was so nervous about it that she said she was afraid to sleep.

There is no privacy in this place because there is no door, and four people live in one room in that place and everyone can go in and come out. There is no control over that unless all the folk

cooperate together. We come from many different places with many different cultures, and I cannot tell my friend, 'Look, do not bring your friend; he is giving me trouble,' because that creates trouble among ourselves. There are different religions, but people learn to cooperate and live in this place. But for a long time it affects everyone's life. It draws from us the little hope we have been left with.

In Australia people in jail know when they are going to be let out. Here every day we do not know whether we are going to get out or not. Every day I used to think, 'Today maybe they call me to immigration.' I used to think 'Maybe it is today that I get the good news that I am going out.' Every time a letter would come, I would think 'Maybe it is good news.' Every time we wait for this. But we do not know when we are going out. People every day live in fear that at any minute, any time, visas could come and off they will go; they will be put on a plane and sent back. Surviving, living in this place from one day to the next, is very hard with all these problems.

Not only do we have problems in here but we have problems in our countries with our families. All the time life is going on, time is passing. Our parents die. One of my friends was here and, when he went outside, he came to learn that his father had passed away five months ago but his mother did not want to tell him because it would have affected him very much. A lot of things happen in all these years we are here, and we are out of touch from everything, unable to change the situation of our life; it is not in our hands.

Let people stay in this place for three months so that they can be identified as being okay. Then accept his case, all his claims and everything; fill in the papers and let him into the community. Many people here have friends and families outside who are ready to accept their coming to stay with them. Let us work. We are not asking the government to pay for us. We are not saying that we want to stay in this place with the government giving us food and spending \$170 on each of us. Let us work and pay tax as well; we want to. Give us the chance to work and pay tax while our cases are being processed. We do not want to be a burden to anyone.

But we are being put in a situation where we have to claim for everything and we have to beg for everything. We are being forced to feel like we are nothing. A lot of people say things like, 'You are illegal immigrants, you are queue jumpers.' That hurts us a lot, but at the moment there is no way that we can change it. Let us go outside and work and pay tax and let us show how much we can offer this country. We can work and offer this country a lot.

Detainee No.7—I am from Pakistan. Australia has a long history of being a commonwealth—although maybe it has not been that since the 1990s. Now I do not think they are acting as a Commonwealth government. People come here with great expectations from all over the world. They believe that Australia is a Commonwealth country and if they can get here they might have asylum or a way out to live the rest of their life. But the story of great racial discrimination starts right from the airport. How many detainees do you expect to suicide or attempt suicide? People in detention centres are sick with serious diseases and sicknesses, like eye problems and other things, due to tremendous pressure or tension. My friends who have already spoken have pointed out every problem that we are facing in here.

I would like to make a request of the Australian government: could you pass some sort of legislation to tell the rest of the world that Australia is no more a commonwealth and that the

people should not come here. To come here, people pay heavy bribes and sometimes pay with their lives; they leave their families with the great expectation that they will be given a way out in this country to spend their life with dignity. If this has stopped being so, let it be known to the rest of the world that this is no longer the way in Australia, so that people will never rush to this country. People can go to China or Russia for this sort of asylum.

People come here with expectations. Most of us are seeking asylum. We are not criminals, as has been mentioned. Records can always be got to check whether people are criminals or not. If Australians have a problem with unemployment and other things, then right from the airport do not accept these people coming to your country. Change your legislation so that people will know this and will not pay heavy bribes to get here. I paid \$US25,000 to come here. I come here and see people who have been in detention for four years. These people not allowed to work; many of them have no families here. Our families expect us to send them back essentials for their lives—food, clothing.

The Geneva convention: let it be redefined in what it says about ‘refugee’ and the period required to confirm and accept someone as a refugee. Please try to tell the government or the minister—he is a rough and rude person, who does not like to meet people or talk to people—that we are human beings. If you guys are civilised and educated, you should understand that a person’s colour and race do not make any difference with their inferiority or superiority. You gentlemen can see these things, and we ask you to try to write in the newspapers and speak on the television to tell the nation that our faces are normal, clean and beautiful enough.

Mr BAIRD—How long have you been here?

Detainee No.7—This is my second time. I was here in 1998, but I went back. I am a civil engineer with 20 years experience. I tried to settle, but I could not do it. I stayed one year. I was having a problem with the government in Pakistan. I tried to go back when the government was removed. I tried to exist there again with my family, but I could not. So I paid a heavy price again to comeback here: \$US25,000.

At the airport they took my cards, my personal documents, my papers and everything, without telling me, without giving me any paper or sheet or saying, ‘We are keeping possession of these things. Sign here and take one copy, and we will give them back to you later.’ If you do not have any place for refugees or detainees in your system, please tell the rest of the world that they should stop coming here and find some other place to go to where they can spend the rest of their life. Thank you very much.

Detainee No.8—I have been in Australia for 20 months. I am trying to get out from here without any disease. I do not think about anything else. I have a disease in my right side. I suffer 24 hours a day. The doctor is with ACM, so he does not tell me the truth about what I really have. I had an X-ray taken and they lied to me, saying that I am okay. But I went and gave the X-ray to my friend and found out that I have got a disease, that I am sick. All I want now is to get out from here with my health safe. I am from Algeria.

Detainee No.9—I am from Cambodia. I have been in Australia since 1996. In 1998 DIMA arrested me. I married an Australian girl in 1998. My wife sponsored me to come out from this place for two years, without work. Then my wife asked me to get employment, because she was

sick and she could not afford to support me. I escaped from my country because my country was at war for about 30 years. All my 10 siblings were killed in 1976. From 1976, I have been through torture and persecution. In 1991 I suffered because of political persecution. Then I escaped from my country to come to Australia because I was being investigated. I just would like to know: if you look at me as a refugee, why am I not allowed to go to work? My wife cannot afford to support me and I would like to get employed. After getting sick, she asked me to leave her place, and now I have nowhere to go.

CHAIR—Where is your wife now?

Detainee No.9—She lives in Keysborough.

Detainee No.10—I have lived in Australia for about 12 years now and I feel I am part of the Australian community. For 12 years I have lived here without family. When I came to Australia, I was younger. During that 12 years it has been an up-and-down situation. I have psychological pains, and mentally I am down because I have no social security and that sort of thing. I am really irregular in my behaviour, according to some in the community. But I am trying really hard to change that.

Now they have brought me to the detention centre and they have threatened me with being sent back. Because in my country I have really big problems, I believe deeply that they are threatening my life. I am seeking refugee status because I have a problem with religious matters here. I already have made friends with people of some other religion, and they make me defame—sort of like a trick. I can see that there are conflicts between the two religions, and that is why I want to remain in this detention centre. But I am being treated here to: ‘If you do not go home, you will get injection,’ and things like that. It is bad for the refugees who come here that Immigration tries to control them and that there are rumours like that.

Mr PRICE—What country have you come from?

Detainee No.10—Indonesia. There is a big problem there. The population is different from that in Australia, regarding religious matters. At least Australian law is not on behalf of religious matters. I really have a deep fear of having to face being sent back home. The situation there is really hard and it really threatens my life.

A function of human life for people who have to confront a deep fear for their life is to go into the world. I believe that Australia is a good solid country on this planet. But they have already committed themselves to the United Nations as being a country that will accept refugees, to really accept people, to welcome those with certain criteria. They should not be spreading rumours like that of injecting people who do not want to leave. What sort of immigration law is that? Do they want to kill the people, to send them back to keep in Australia a certain population? Some people say that Australia does not want to decrease the quality of life of its people just because of overpopulation. Is what is being done intentional? I am trying to understand. Is it the intention of the law to do that? I am sorry about this.

I am trying to speak up about white rule. What I am trying to say is that I am not trying to be prejudiced or racist, but some people keep that sort of attitude. As a young person before I was attracted to arguments of that sort, so I would follow that by saying that that is no good for

anything; it is no good basing an argument on racism and things like that. There is not one single law I believe in Australia that says to reject straightaway, to send people back home, if they have got really good qualifications—engineering or experimenting—for 20 years. They have qualifications and every right to be here if they have problems in their country. Why cannot Australia accept people like that? I do not understand.

Detainee No.11—I am from Bangladesh. I left my country because I have many problems there. To come to Australia I spend about \$US12,000. At home I have left five of my children, my wife and my parents. My eldest child is 10½ years old and the youngest is four months old. My wife is also sick. I am here, but I do not know the rules and regulations of this country.

After arriving, I submitted an application for refugee status. My application for refugee status has been declined. I was given one week's time to appeal to RRT. I did not appeal to RRT because it might impact on my stay in Australia, as I have seen from my experience that many people have been staying here for up to four years. If I stay here for so long a time, my family will suffer. I do not want to stay here; I only want to survive to keep my family safe. I informed them that I wanted to leave the country voluntarily, but it has not happened yet. I have asked the department.

CHAIR—How long ago did you ask to leave the country voluntarily?

Detainee No.11—I have been here for three months. About 25 days back, I informed them of my intention to leave Australia voluntarily. I want to go back to my country because of my family.

CHAIR—Do you have Bangladeshi documents or a passport to go back with?

Detainee No.11—No; I do not have any documents or passport in my own name. I had a passport in another's name and I used my photograph; I changed the photograph.

CHAIR—So you cannot prove who you are to the Bangladesh authorities in order to be able to go back. Is that the problem?

Detainee No.11—How can I prove I am Bangladeshi? I do not have any proof to give.

CHAIR—I think you have put your finger on a real problem. It is certainly one that we have come across before.

Detainee No.11—My intention is to leave Australia voluntarily but, if I am allowed to stay here, I will stay. I wanted to go back because of the long stay it could be here. I have two further things to say. If I have to go back, please let me go back and send me to Bangladesh.

CHAIR—I understand. You have said that about three times now. Do you have any additional points? I do understand your point.

Detainee No.11—That is all.

Detainee No.12—I welcome all of you. This is a good opportunity. Since 1991 I have applied to come over here because of the 1989 June 4 massacre incident. I am from the PRC. I have travelled hard and I have finally made it. Due to the political situation over there, I have faced a lot of problems in coming over here. I came here five years ago. I need political asylum. I had my RRT case rejected and now there is a letter I have written to the immigration minister, but it has not reached him yet. The RRT rejects me but I do not accept the reasons given to me. I am sorry to say this, but the RRT does not base this on its own policy to accept or reject refugees' applications; it is basing it on the Canadian government's decision to reject me. How can a person accept this kind of explanation? A lot of Chinese people came over here and applied under political asylum rules, and they are able to stay here. As for those who faced the political situation in China, they came over here and asked for political asylum and they were rejected. I do not know how the Australian government judges this; I do not know their scale of judging refugee status. So I hope you will be able to go back and have a look at my case.

CHAIR—Do you have a copy of the letter you sent to the minister?

Detainee No.12—It is okay. To me it is not important anymore. Also, there is another thing I would like to tell you. So many people here, those standing here right now, are wasting a lot of time and money. Why cannot the government make full use of the labour, skills and knowledge of these people to explore or start a new remote area and then give these people a visa? In my opinion, this could be one of the ways that the Australian government could make full use of the people's labour, knowledge and experience, rather than letting them stay here. Also, I hope that the Australian government does not have that kind of racist attitude because of people's colour. Thank you very much.

Detainee No.13—Thank you for listening to our requests. Although we were initially told our character check is acceptable, it is only now being processed and we are still waiting. The character check has been extended for over a year. For the other guy here, next door to me, his time has been extended over one year and four months. There are other people who have relatives and friends outside the centre who could offer guarantees and financial assistance to some of the people here in order for them to be accommodated. Waiting for the character check to be processed takes so long that it affects badly some of the people here. Our friend here is also an example of that. He is here, and all the other family members of his family are outside. He has two children, and it would be better for him to be with his children outside. They are at a very critical age where they need the support and assistance of their father.

Detainee No.14—I had a heart attack here, and it is getting worse.

Detainee No.13—As my wife has told you before, we have been separated for over a year. That is all I wish to say. Thank you.

CHAIR—Thank you very much.

Detainee No.15—Thank you very much for coming here and listening to us. It has been two days since I arrived here. I am not fully aware of the conditions here because it is only a relatively short time that I have been here and I cannot really comment on them. I have come from a poor country, a terrorist country, Albania. I have two children, who are with me. My daughter is 13 and my son is nine years old.

Before I came here, I took my daughter and my son by the hand and we left the country. We went to Italy. Excuse me for my emotions. My friends and I went there and we paid money. I paid money. I work as a plumber. People are working over there; there is money there; they do make money. But there are a lot of gangsters and people such as that who terrorise people by putting notes under their doors, threatening their families.

When I grabbed my daughter to come with me, my wife was in a very bad way; she was crying. 'This is the only way to survive,' I said to my wife. I have left my wife there in Albania with her parents. I thought that I would come here and to a better place, a peaceful place. To come here, I spent \$US15,000. I came on a false passport. I hope to God that you people have come here listen to us. My children have left their mother back home, and I hope that Australia will be their homeland. I never believed that I would come here, because I always thought Albania would improve and become a better place. But it is not that way. I thought that by coming here we would get the green light. My solicitor yesterday told me, 'It is very difficult to remain here, because you have left your country illegally.' I hope that the authorities will allow us to stay here. Amidst all this, the children are not at fault. Thank you very much for listening to me.

Mr PRICE—Where are the children staying?

Detainee No.15—The children are just over here, playing; they are in the family section, the first room here, No. 4.

Detainee No.16—Ladies and gentlemen, I do not speak perfect English, but I hope everybody understands what I say. There is no interpreter for me today. I speak the German language. One of you speaks a little bit.

I came nearly three years ago to Australia. I was on holiday visa in Australia with my wife. Everything went well. I got my temporary resident visa of spouse. My wife kicked me out. Since that time, I am in trouble. The department refused my visa, they cancelled my visa. They asked me why I am here. They asked me to go out.

What I have seen in this country is that it is a lovely country. But it is shocking for me—I come from Germany—that I have never in my life seen a place like this where refugees are locked up in a place like this, with razor wire on the top. I think we had this last time in countries with regimes like communists. I was born in a communist country. I was born in East Germany. I know both systems. All this reminds me of a communist system. Sorry to say this, but it is in my mind.

I was talking to the German consulate here in Melbourne. We have in Germany six different visa applications; we have in Australia around 120. It is very hard for all of us to understand every form for a visa. This department does not help us, and this is wrong. That is what I think. I ask the DIMA manager for help, and he says, 'I have no time.' This is wrong. I ask for some books about the law and the acts, and I am told no, I cannot be given them. We find we have no rights, but every one of us has the right to get information about our rights. We are not criminals, but this department for nearly everyone wants a bond—different for everybody, \$10,000, \$15,000, \$20,000. But I know that a bond is something that is paid by a criminal to a

court to get out until the next court hearing. For me, I do not understand why I should have to pay a bond. I do not understand.

We have many problems about the food conditions here. They are very, very bad conditions. We tried a few times to eat nothing because of these bad conditions. You can see around that not everybody is Chinese. We do not like every day to have rice and chicken. That is the favourite meal that they cook.

The medical health in this place is very bad. I have tried for nearly four months to get my medication—the medication that I got before from my GP, from the hospital. No way can I get it in this place.

Mr PRICE—What medication?

Detainee No.16—Panadene Forte for my headache. I had a car accident before, with my head split open. I cannot get that medication in here—no way.

Parliament should really control what this department does. I have the feeling that this department does what it wants, and can do with us what it wants. Nobody controls it. I see myself that it is very different here for you to have rights and to get rights. This department thinks that I have no rights.

This is what I told the case officer about this department: this department does not care for our health, for our life. I saw this when the bloke died; I saw what they did. No case officer was by him, nobody from the department. The DIMA manager spent just two minutes in the morning and was not interested in him. That is wrong. It is their responsibility to help him. It was not allowed for us to give him food. We have much trouble even to give him a cigarette. They lock us up inside and, after this, they lose control. I do not understand this. Coming from my country, I know what is democratic, but for some of us it is not democratic in this country. I believe that is wrong. Thank you for your time.

Detainee No.8—These people want to convince me that I am ill psychologically. We had a man here, a psychologist, who told me nine times that I am not. I was a witness last time. The authorities here are responsible for anything that happens to me here. I start to lose my sight. In the future, I might lose my sight completely. This is the paper that I have been given in connection with losing my sight.

Detainee No.17—Ladies and gentlemen, thank you for your time. We appreciate very much your visit. I come from Macedonia. I have been four years in Australia. I came legally with a passport and visa, but I overstayed my visa for about seven months. Here today you have heard different stories, different cases. But generally there is the one point: we need changes in immigration. We are against the immigration laws because we think—as many people outside and many of you I am sure think—that they are wrong. There is no time for any more stories because your time is very short. You can hear very, very bad stories about the treatment of the conditions of living here, about the treatment by Immigration.

But we understand one thing: here in these detention centres and all around your immigration, ACM must obey orders in many things. But with many things, if they want to change something

they can change it. We cannot complain or speak against the officers or the ACM manager here because, in many cases, his hands are tied. It is up to you to speak on high level about these laws.

You can see that this place in the last four days was very well cleaned. Today we had the best lunch ever; I have been here three months in the immigration centre and the best lunch was today. This building is very old; the facilities inside are in very bad condition. So what do we need? We need changes in immigration law and changes in ACM, the bosses of ACM, because they must invest some money and improve the treatment and conditions here and the food.

Can I ask you, ladies and gentlemen: can you eat every day rice and fish or rice and chicken? Is this right? It is not. Maybe for us somehow we can manage, but what about the kids? There are a lot of kids. We understand the position. We must survive together here. Same for us and same for the ACM: we must obey the rules. It is not easy for them and it is not easy for us. We need changes and they know that, but they want to cover up all these things. The public outside does not know anything. As for us here, we cannot do much about the situation. It is up to you. It is about time you came here to speak with us. Thank you very much, because we can do nothing. We appreciate the people protesting for us outside, trying to help. I am sure there are a lot of Australians good people outside who are trying to help—and they will help, but maybe not for us. Maybe we are not going to achieve anything, as we are just a few people, but maybe it will be of use for some people in the future. It is not just up to us detainees who are here in this immigration centre.

I can mention just a little bit of my case because you must be given examples of all these stories about the facts of evidence. About bridging visas: we need a bridging visa just to get outside but we have no permission to work or study. How are we going to survive? I was waiting outside 1½ years on a bridging visa just to stay legally in the country, with no permission to work, no nothing. I have been lucky because I have a lot of relatives and cousins, and so I was in Sydney during that time. But I cannot ask for that favour from them all the time to stay and not pay for food and everything. I must work. I was working for sometimes \$50, no tax, no nothing. It is not in the interests of the government if we go outside just being given an Australian visa. We need permission to work—maybe not full time, but a couple of days a week just to survive.

This bond money is ridiculous. Immigration never gave us the right information about our cases, about our rights. I have been affected personally because of the people of Immigration, because of the corruption in the immigration system. In Immigration they know everything about this case. People are in jail serving sentences of 16 years because of criminal charges. I lost all my things; I cannot find my money. It is not just me; this is generally for all these people. Almost everyone is affected.

Today, if it is possible, we want to ask you to please somehow help us and help future detainees, future refugees, by changing the immigration law and changing the system here—our conditions for living especially, because we are not animals. For each person, each day it is \$147 to stay here and live like an animal. Is this right?

People believe that Australia is a good country, a supportive country with democracy. We do not believe that now, because we know what is happening in here. One more thing: Immigration

try every time as soon as possible to get rid of us very quickly—very quickly. You need to improve many, many things in Immigration, and there need to be other changes in the living conditions here.

Detainee No.18—I have been here for about one year. I have been separated from my wife for the same amount of time, and I have a three-year-old son. Because I have converted to Christianity and other points that I am making in my statement, I cannot go back to Iran. That is why I am asking to stay. My wife is in a very desperate position because she is alone in Teheran with my three-year-old child. I am afraid that maybe she will commit suicide or get a divorce from me.

Because I cannot sleep at night, I have to take sleeping tablets—but, on the other hand, they are very, very harmful for me and I do not want to take them. I would like to go out of here and join responsibly into Australian society. I ask your help to get out of here. I have no other option. Either you have to return me, deport me to Iran, and it is your responsibility, or else I have to get out of here and restart my normal life. I am very angry and frustrated and unhappy. I want to go.

CHAIR—I am sorry, but I am going to have to draw this session to a close. Before I do, I want to say two things. I am conscious that some people might want to add to things they have already said, or that there may be people who have not had a chance to say what they have wanted to say because we have run out of time. The secretary of our committee is busy writing his name and address on pieces of paper. He will pass those out to you and you can pass them around to anybody who wants to write to the committee. If you have things you want to add to what has already been said, please feel free to write to us directly at the parliament.

I will close by saying that many of the things you have told us today we have heard elsewhere, but we have heard some new things today. We will be going back and considering what we have heard. There is no question that we will be taking up a number of those issues with the government and with the minister. Thank you very much indeed.

Detainee No.17—If we write those letters, ACM will know and we are finished. They will know, believe me.

Detainee No.19—They read our letters before we get them here.

Detainee No.17—Immigration can do whatever they want. They can put into our files whatever they want, and no-one can stop them. They do whatever they want. And ACM as well: they are making false reports about our character checks.

CHAIR—Let me just say one thing. The minister has recently announced the appointment of a panel of independent people; a number of them are former MPs, but there are others who are significant people in the community in their own right. They will be visiting the centres quite independently and will be able to talk to people, as we have done today. They will be reporting their findings direct to the minister, bypassing ACM and the department. That is one of the measures that has already been started to be put in place to try to make sure there is some independent complaints mechanism, if you like. That may or may not work perfectly, but it is a movement in the right direction.

Detainee No.19—Yesterday the press were here but they are never allowed to talk to us.

Proceedings suspended from 3.15 p.m. to 3.25 p.m.

Session 5: debriefing discussion between committee, DIMA and ACM officers.

[3.25 p.m.]

Mr BAIRD—Why is there a delay with character checks?

Ms Godwin—It takes time if the detainee is from a country which is classed as a security risk, or if they have lived somewhere that requires us to seek police checks.

Mr BAIRD—One of the detainees has been waiting for well over a year for their character check to be processed.

Ms Godwin—If he is a protection visa applicant whose country of origin is Iraq, we do not do checks in that country.

Senator PAYNE—I think the point is: how long does it take to do a check anyway?

Ms Godwin—It can vary. ASIO does the security checks. If they see someone where there are no issues, it can be a matter of only a couple of weeks. But if they see someone and there are issues and they have to seek further information, perhaps from overseas, then they have to put what they have found to the individual, get the person's reactions to it, et cetera. That process can be quite prolonged.

Ms ROXON—But it is an incredibly slow process. In all the immigration matters that I deal with through detention centres in my electorate, the character checks are notoriously slow. Is there no expedited process because of people being in detention?

Ms Godwin—Yes, there are. With some people, it is a matter of weeks.

Mr BAIRD—This is outside of Immigration's control. They have put more resources into this area because it does seem to be a problem, and it is right outside of Philippa's or DIMA's control.

Mr PRICE—We can talk to Dennis Richardson about this issue.

Ms ROXON—Sometimes it is short and sometimes it is long, but that does not mean there is a speedy process if someone is in detention. Is there some fast-tracking mechanism?

Ms Godwin—Cases in detention are top priority for visa processing. In other discussions with the committee, we have provided information which shows that with some people the whole process from application to decision might take three or four weeks, including security checks and so forth. But even in detention, even if you are giving top priority to a case, there comes a point where you have to wait for information, in order to make the decision.

Mr BAIRD—We were talking about the need to really workshop some of these issues. We should have a small team who come in and get the case on the road for the people who say they want to go back. These people are just sitting here. Another matter is newspapers: there is one *Age* newspaper for the entire establishment.

Mr Tipper—That is incorrect. There are two in the morning and two *Herald Suns* a day.

Mr BAIRD—Surely our budget could run to more.

Mr Tipper—I think it is appropriate that they have two copies each of the *Age* and the *Herald Sun*. They are distributed around to the rest the centre.

Mr BAIRD—Do you think they are subhuman, that they do not want to read newspapers? That is what that implies, with due respect. I want to put on record that that is an indication of the sort of thing that is wrong: you think that their needs are different from those in the outside world, if you think two newspapers are sufficient for 80 people.

CHAIR—I agree with you but, having established the facts, I think we can go away and make our comments later.

Mr Tipper—Did they also identify that they receive the Sri Lankan, Arabic and Persian newspapers?

Mr BAIRD—No, but they are in Australia. It would be a good thing for them to get those newspapers as well.

Mr McCormack—Yes, they do get them.

Mr BAIRD—How many times does the torch check occur each night?

Mr Tipper—Torch check?

Mr BAIRD—The torch is run up and down over people. How many times is that conducted?

Mr Tipper—Twice on each shift.

Mr PRICE—I have a hypothetical question. If you had the ability to separate people out, say, in the male section, more than you can do at present—you cannot physically separate people much at the moment—would that be an advantage in terms of running the centre?

Mr Tipper—It probably would, yes. Do you mean have a separate location?

Mr PRICE—Yes, a separate section, where you could have some people with a suspect criminal background or whatever.

Mr Tipper—It would be advantageous, yes. There is an element that seems to be coming to the centre with a criminal background.

Mr BAIRD—Is it true that the meals are predominantly fish and rice, and chicken and rice, on consecutive days?

Mr Tipper—No. I have provided you with some statistics on that. You will find there has certainly been a component of rice, bearing in mind that there are South-East Asian people who would prefer that every single day.

CHAIR—The European component has complained about it.

Mr Tipper—The balance is there.

CHAIR—I did not hear too many Asians complaining about the rice, although the ladies complained about the undercooking of it. Certainly among the men there is a concern.

Mr PRICE—We had fish for lunch today. Is it possible that there can be a European sort of diet, an Asian diet and a Middle Eastern diet?

Mr Tipper—We would have to look at that.

Mr PRICE—What are the constraints there?

Mr Tipper—We have a contract with the caterer.

Mr PRICE—You seem to be pulling those contracts in.

Mr McCormack—Maribyrnong is the last to stay with a contractor; we could not do it for the prices they are doing it for.

Ms ROXON—One of the things with contracting out is that it gives you less capacity to have some of the detainees doing the cooking. In that way, they could work and earn points or whatever, if you ran it yourselves. Aren't there factors to consider other than just the cost? If it meant that you could meet other quality requirements and provide work—and you would like to do that in the centre—isn't that a relevant consideration?

Mr McCormack—I think for the quality side, no. Professionally trained catering staff would always prepare a better meal, bearing in mind the number of meals we are talking about. I am concerned that there probably are areas where more detainee labour could be employed, from the point of view of industry and earning capacity within the centre.

Mr PRICE—What about variety of meals?

CHAIR—Looking at the menu, which week in the cycle are we in—one, two or three?

Mr Tipper—I would have to ask the catering contractor.

CHAIR—We had fish and chips today, but that is never on the menu for a Wednesday.

Mr Tipper—I will have to speak to the catering manager.

Mr BAIRD—Is it true that the place was cleaned up in the last couple of days?

Mr Tipper—No. Contract cleaners maintain it; what you see today is basically the way it is. There is an ongoing maintenance program within the facility. Bearing in mind that it was built in 1966, there are ongoing maintenance issues. The only thing that has been done in the last couple of weeks relates to the painting of the facility. We have had some internal painting conducted, and the carpets were cleaned as a matter of course, with the vacating of two rooms. Two families had occupied those rooms for a significant period of time. Whilst we cleaned those rooms, we also cleaned the other carpet.

Mr PRICE—Is there a tension for you as centre manager in terms of what you would like? You are running the show and you are responsible for the show, but DIMA has maintenance responsibility. So is there, if you like, an argy-bargy or dialogue? To what extent is it a problem? If we were to sit down with you, would there be a whole list of things that you would like to see done today that are not done?

CHAIR—Would you like to have a private session with the committee, as the detainees did?

Mr Tipper—Certainly, from my perspective, the management of the detainees would be easier if certain things were in place: the grassed area is one concern.

Ms Godwin—But that goes to major capital works. The distinction we need to draw is that we are responsible for the facility in terms of the building and, as I say, major capital works. As for ongoing maintenance and repairs, if a detainee puts their foot through a window, ACM fixes that; and, as Tony Tipper has already mentioned, cleaning, painting and that sort of stuff are ACM's responsibility.

Mr PRICE—That is all met out of the contract; there are no additional moneys for that?

Ms Godwin—No. But, clearly, there is ongoing dialogue between us about it. As I understand it, the carpet in the visitors area was completely replaced, not just cleaned, about four or five months ago. The carpet has been replaced and visitor chairs and furniture were ordered at about the same time. They turned up in the last couple of weeks. That was actually identified as part of the maintenance program some months ago, and the place has been painted and steam-cleaned.

Mr McCormack—That whole exercise has been interesting: everyone said, 'The committee is coming; what do we do?' 'It is all in place.' I noticed that the chairs arrived but the coffee tables did not.

CHAIR—Do you have someone whose name is Mohamed Khadim in solitary?

Mr Tipper—Yes.

CHAIR—The allegation is that he has been locked up for 24 hours a day, seven days a week.

Mr Tipper—Incorrect. That is not true.

CHAIR—Enlighten us.

Mr Tipper—He was the gentleman who was mentioned earlier. He arrived from Woomera and is a prolific self-harmer and has been the subject of a number of incidents, both at Woomera and at this facility, doing harm to himself. He has a daily routine that is recorded. Every activity associated with that gentleman is recorded on a register. If he makes a phone call to Syria, if he receives a visitor, if he misses lunch, if he goes to have breaks in the courtyard area of the visits environment—everything is recorded.

CHAIR—What age is he?

Mr McCormack—Young 20s.

CHAIR—He is a son of that other family?

Mr McCormack—No.

CHAIR—It was suggested that there was a person called Mohamed, I thought, a guy who was in solitary.

Ms Barrio—I think I know what you are talking about. You are thinking of an attempted self-harm case.

Mr BAIRD—The guy who was about the second to speak: a dark-skinned guy. I thought he said something about his brother.

Ms Barrio—One of the Tanakum brothers is here, and one is in prison.

Mr BAIRD—He said that he was put in solitary and had to pee in a bucket. He had one meal a day and half a glass of water.

Ms Barrio—That allegation has been made before. There was a complaint after the death of a detainee, and one of these brothers was transferred to prison because of threatening and intimidating behaviour. He threatened to kill other people in the centre.

Ms Godwin—Is this the guy we spoke about this morning?

Ms Barrio—Yes. Immediately after the death of the detainee, he and his brother spent some time in the separation room—mainly because of our concern for other detainees. As for the allegation that he was urinating in a bucket, I have already responded to I don't know how many people about that. The room where they were located has a toilet; so I do not know why he preferred to piss anywhere else. I do not know why he would have done that, because there is a toilet there.

Senator PAYNE—A point about the children. There has been a lot of discussion about how children are treated. A number of the detainees raised this concern with us this afternoon. One in particular is a highly distressed parent who was highly emotional in the discussion. He has two children here. I suspect they are in much the same or a similar way. Are they separately counselled by child psychologists to help them adjust to an environment where their parent has brought them? They come trusting their parent completely, but find themselves in a detention environment, unable to do the things they normally do. How do we deal with that?

Mr Tipper—Are you talking about the Albanian family who have been here for two days? He certainly would be offered counselling for his family, for his children. If there was a requirement to have a further referral, the counsellor would make that referral.

Senator PAYNE—Do we get a check done on them as a matter of course by a child psychologist?

Mr Tipper—Not every child is assessed by a child psychologist, no.

Ms ROXON—Clearly there are more than the three children of high school age here who are not attending school. I understand that can change quickly. Those children would be in that situation too, potentially?

Mr Tipper—They have only been here for a couple of days.

Senator PAYNE—The concern is that the parent is not coping.

Mr McCormack—If the situation were brought to someone's notice, naturally and obviously the first person to whose notice it would be brought would be part of the medical staff. As we have heard, the professional specialists are on call from either the nurse or the counsellor.

Senator PAYNE—When you bring in families, in particular, are the available resources explained to them in terms of health and psychological support? Are they briefed—if their children seem distressed, unhappy or uncomfortable—and told that they can access a psychologist or a counsellor?

Mr McCormack—I do not know, but probably not.

Mr Tipper—I do not think that would be the case.

Senator PAYNE—From observing this particular gentleman, I would be very concerned about how his children are coping in this environment when he himself cannot cope. Because of his own high level of emotion and distress, I cannot imagine him saying, 'Hey, I need a psychologist,' or 'My children need a psychologist because I cannot look after them.'

Mr McCormack—We have the nurse here. They have been here for two days, have they?

Senator PAYNE—A couple of days.

CHAIR—It is a question of principle. I am sorry to interrupt, but the point has been made that, if somebody comes here and is not coping and has kids, it is likely that the kids will not cope after a short while, and none of them are in a position to say, ‘Hey, can we have some help?’

Mr McCormack—This is a very small centre. You may be aware that in Port Hedland there is a situation now where precisely the case you have mentioned has come to the attention of DIMA and our medical staff. We brought it to the attention of the state children’s authority, and they have actually taken the children away from the parents.

Senator PAYNE—I would add that you said to us today that you had 30 cultural backgrounds represented in the centre. If you have one family unit from one cultural background, it may not look odd if they are behaving that way in a confined environment. Albanian behaviour would not be an easily identifiable thing, even in a small group, necessarily. I think there is an opportunity there to brief people about the sort of support they can get, for their kids in particular—if you are going to have kids here in the centre.

CHAIR—Thank you for having us today. It has been very interesting. We are grateful to you.

Mr McCormack—Come back at any time, with or without notice, if you want to follow up on anything.

Proceedings suspended from 3.45 p.m. to 4.00 p.m.

Session 6: briefing of committee by Mr Martin Clutterbuck, Legal Officer, Refugee and Immigration Legal Centre, Maribyrnong, Victoria.

[4.00 p.m.]

Mr Clutterbuck—Welcome. Unfortunately, Caroline Grayden is not able to be here today. I will talk mainly about some of the issues we see in detention centres generally. By way of introduction, I should say that I have been to Port Hedland and Curtin, assisting refugee clients. Also, I have been visiting Maribyrnong for probably three or four years. We seem to have a particular perspective, from being called upon by a whole range of community organisations in Melbourne but also from doing a lot of refugee cases out there, as well as being called in sometimes for some of the hard cases of people who are at the end of the process. For example, the other day I was speaking to Viviana, the manager at the Maribyrnong detention centre, and she asked whether we could help someone out there in detention with some immigration advice where she felt someone had been wrongly advised. So there is a whole range of people who ask for our advice.

I have two handouts to give you. The first handout contains what we see as the main issues at the moment. You will notice there the topic, ‘The need for mandatory detention’. We know that the committee is not really looking at that question, but I think it is only fair that we say we are opposed to that practice.

Mr PRICE—That is not true. We are looking at detention centres, and that does come into it.

Ms ROXON—I think it is because of me that Martin has said that. I thought that was the message—

CHAIR—It may be an issue that the committee at some stage wants to address, but I thought we were actually looking at the running of the detention centres and the processing, rather than at the question of principle.

Mr PRICE—And whether it is appropriate or not.

CHAIR—I suspect that there would be far more agreement within the committee on some of the process and condition issues than there might be on the principle of whether or not you detain.

Mr PRICE—The deputy chairman is not here, but he has very strong views on that—and so do I.

CHAIR—We note your concern on the issue.

Mr Clutterbuck—On the second handout, we have suggested remedies. To the first point, we have suggested:

Mandatory release of refugee claimants once initial health, security and identity checks are completed—suggested period of initial detention 2 months ...

That is actually addressing the question of alternative arrangements for detention, down to other specific ideas of actually changing or amending the legislation.

Mr PRICE—It is costing \$105 a day to keep detainees in the centres. But if you let them out, how do you see them being supported?

Mr Clutterbuck—Even if that \$105 per person, per day, were being given to the relevant communities, I think you would see how far the dollar could go.

Mr PRICE—So you feel then that they should be, in a sense, sponsored out?

Mr Clutterbuck—Yes. The communities generally—even though they are under a lot of pressure at the moment—would certainly be open to that.

CHAIR—There would not be any suggestion therefore that you were trying to look after them on the cheap, rather than give them the full benefits that anybody else in the community would get?

Mr BAIRD—They are already saying that now, though, of those on temporary bridging visas. There was a ‘Good Weekend’ four-page article on just that.

CHAIR—I am not taking a position; I am just saying that the example was straightforward—

Mr BAIRD—But this is something that we are going to have to think through—the same as going into this type of situation where you do not have mandatory detention—and just the public attitude, which is a very long way from it.

CHAIR—But you are not actually saying that we should not have mandatory detention; you are saying that we should have an abridged form of it.

Mr Clutterbuck—Yes; I think it is a legitimate interest to screen for health and security issues at the beginning. The United Nations guidelines also talk about the basic status of identity, and not dragging it on throughout the whole process of the case but having some initial screening. You will find that there are people—and I have certainly acted for some—who arrive with their own identity documents who hand them up or give them to Immigration so that identity checks are completed at the beginning. Once the health checks and the security checks have been completed, you will find that the approval rates for Afghans and Iraqis are high—80 per cent plus—and the approval rates in the community generally are about 10 per cent. So you have to wonder which group would be more likely to abscond. Certainly it would be the people in the community, you would think, with the lower approval rates.

Also we should have some sort of system whereby people would go back into detention if they were rejected by the RRT. That is a possibility. Immigration would say that it would be very difficult to find people then, but that is the same problem that they face in the community with asylum seekers anyway. Another issue is to look at the length of detention.

CHAIR—I have just read what is in your handout about length of detention and duty of care, and I do not think you would get a lot of argument from us. Whilst I do not wish to appear uninterested, I think in the interests of time I would accept what you have to say there.

Senator PAYNE—Particularly with what is stated about length of detention, I think there would be vigorous agreement.

Mr PRICE—You have a case officer. Someone ought to own the case and then be in regular contact. That is the essence of case management.

Mr BAIRD—Also it seems as though there are teams coming in.

Mr PRICE—But they get them from everywhere; that is the problem, I suspect. They will grab people from Parramatta, from Chatswood or wherever and throw them into Port Hedland or Perth.

Mr BAIRD—A big tick should be given to ‘lack of recreational programs’.

Mr Clutterbuck—I think that is one of the main issues for our clients.

Mr BAIRD—Most of them were in bed when we visited or were standing around, staring into space. What does that tell you? It was worse in other areas.

CHAIR—You will not get any argument there. Can we talk about ‘Use of separation detention’?

Mr Clutterbuck—That is a particular area of concern for us. You can break it up into a couple of different components, I suppose. The first one is the people who are screened out. We really do have some serious concerns about that process.

Mr BAIRD—We all had concerns, particularly in the Juliet block at Port Hedland. Clearly they have a problem with people who are exhibiting antisocial behaviour whilst they are also trying to keep a group of people there. Should they not have that type of block, or should there be another facility with higher security levels where they could move people who have been in jail and who have come out and also people who are exhibiting antisocial behaviour? If you are running a detention centre with 500 or 600 people, you would need some type of place to put those sorts of people; you would need to have some type of means of negative reinforcement for those who are involved in antisocial behaviour.

Mr Clutterbuck—That might be a particular concern for places like Villawood and Maribyrnong. But over in the remote detention centres, they have not served time for criminal offences generally; it is just part of the—

Mr BAIRD—But what happens if they start to?

Mr PRICE—He is onto this use of ‘we do not like any worry, so we will move them to’

Mr BAIRD—That is true.

Mr PRICE—External scrutiny, which you do not have at the moment, I think will solve a lot of problems.

Mr BAIRD—Yes and no.

Mr Clutterbuck—I think it was in the Ombudsman's report and also in the Flood report; they have both really looked into some of the 'systematic deficiencies', as they call them, there. I just think there should be the presence of someone in there, a duty lawyer or a permanent part-time presence of the Ombudsman—even if it is just part-time. And it should be explained that they are an agency independent of Immigration, and people should be encouraged to come forward with all sorts of issues. I know from dealing with the Ombudsman that to a lot of those issues the Ombudsman would say, 'There is not much we can do about it; that is just how it is.' There are the problems with food and things like that. I have eaten the food at the detention centre and found it to be okay. But there are a whole lot of other issues that might emerge. I think the whole standard of care could be raised a lot, just by having an independent presence in the detention centres.

Also, there are the people who get stuck in the system. There are the people who are screened out at the beginning. We do have concerns about these people. These are the people who are told, 'You have not invoked our protection obligations.' They are sort of kept separate and they are not allowed to enter the stream. We say that the stream should really decide whether they have legitimate claims or not. So that is one particular issue about people in that situation.

Then there are people who are assessed as being of behavioural concern or having a risk of self-harm. I know that there is somebody at Maribyrnong whom I was speaking about on Friday who is Palestinian. I do not know whether you had the chance to meet him, but he is very mentally ill, I would say. I know that Immigration would say there have been a lot of behavioural issues about him too. But he has been in solitary at Maribyrnong for about four months or so. After speaking to him—and I am not a medical professional in any way at all—I just feel he is right on the edge at the moment.

Senator PAYNE—He should be admitted to a psychiatric centre.

Ms ROXON—He was the person that they told us they were concerned and they had had assessed, and he was not assessed as being psychologically unstable or at a point where he could be admitted. They seemed to be saying that they were worried about that too. That is Mr Kwok.

CHAIR—He certainly wants to go back, and they are making the arrangements and, while he is waiting, he is still doing the self-damage.

Mr Clutterbuck—It is hard to pinpoint exactly what it is that makes it so frustrating in detention. There has to be compliance on both sides. The people who are in detention are so much more demanding and so much more frustrated and their levels of anxiety range so high it is really that question of confinement. When we have acted for families in the past with children in there, that is a particular stressor. Recently we acted for a Somali lady with a child who is a

haemophiliac. He was not diagnosed as a haemophiliac originally. He was diagnosed after two weeks when an ACM officer took the child to the hospital. That officer said, 'I am a mother. I have concerns about the medical condition of this child.' So he was taken off to the hospital.

The doctor conducted a blood test and it was found out that the child was a haemophiliac. After that, the alarm bells were ringing and ACM were very good. The doctor has said that any time he falls, gets a fever or anything, they should take him straight to the hospital. So that has alleviated the mother's anxiety. But even in that period of two weeks she knew that there was something quite seriously wrong with him. Other clients of ours said that others had referred to him as the elephant boy in detention, because of the huge lump on his head. The mother has been released.

CHAIR—I think the question of the provision of health care is probably one of the more difficult ones that the committee will have to resolve. I think on a lot of issues, on balance, we will have seen or heard enough to be able to form a judgment one way or the other. It seems to me that health care is a very grey area. All the official briefings have been painting one picture, and we have quizzed nurses and counsellors and doctors and all those sorts of people. Then, when we talk to the detainees, we get a very different picture. There is almost no common ground. It is the one difficult area for us.

Senator PAYNE—What do your clients say, if anything at all, about this? If they have sought access to health care for ongoing pain or something like that, do they find that the services are responsive? Do they have to ask three times, or are they left for days without treatment? Do they complain to you about that at all?

Mr Clutterbuck—Yes, we do get complaints about that. One of the complaints sounds, I guess, fairly negative. A complaint we have often is that they see a doctor and the doctor says, 'You know I cannot help you with getting a bridging visa; what is your health issue really?' So straightaway they think the doctor has this perception that they are really trying to exaggerate a medical condition to get out of detention. That is one claim we sometimes hear. Another claim that we hear is that Disprin, aspirin and paracetamol are prescribed quite often. But they do not go to the root of the problem.

Mr BAIRD—But how do you solve that? They do have doctors who are brought in.

Mr Clutterbuck—I know it is a very difficult and grey area as well. I am not an expert in health care. You would imagine that the doctors are all professionals. But I think if you gave the health care over to another agency—a state government agency, for example, or another independent agency—you would remove that structural tension. There would be the cost issue with ACM; that would reduce costs and profits overall. With Immigration, obviously there is a concern about people being released on—

Mr PRICE—They claim that every time they go to a dentist or specialist they are fully reimbursed and that there is no financial incentive for them not to be referring on. If that is true, it makes the complaints even more puzzling.

Ms ROXON—With Maribyrrnong, it seemed, at least from the presentation that management and DIMA gave us, that access to these other organisations was pretty good. Yet you have listed

‘Lack of access to non-government agencies’ and you refer there also to independent doctors and psychologists. I got the impression—I do not know whether the others did—from what they were saying that people could turn up and say, ‘Look, I would like to come in and see so and so’. It did sound as though they needed to have the name of someone they wanted to see. But, provided they could do that, they could pretty much give access to everyone. Is that your experience? It is certainly not the impression you get from other media coverage, certainly with isolated sites.

Mr Clutterbuck—For visitors, yes. I have never had any problems over the last four years in getting through to people on the telephone. There are only two lines, and sometimes the lines are busy. But, as far as professionals go, that is a different story. We have certainly had a lot of arguments with Immigration about trying to get independent psychologists or psychiatrists or medical practitioners in for independent visits; it is very, very difficult. Immigration takes the view that is it our responsibility really—

Mr BAIRD—But that is part of it being a very good idea of contracting it out to a medical services group.

Ms ROXON—But I suppose at the same time you want the people who are managing the facility to have some responsibility and duty of care to the people they are looking after, as well. So you then contract it out, and they say, Well, it is not our responsibility; we do not make an assessment of whether they are unstable or not, or whether they need counselling.’

CHAIR—You relieve them of their responsibility.

Mr PRICE—They seem to be having to contract out a whole variety of other services. It is not as though it would be breaking new ground. Catering is the only one at Maribyrnong. You say that there is a lack of access for non-government agencies being able to visit.

Mr Clutterbuck—Yes, certainly. The Victorian Foundation for the Survivors of Torture, which is a fairly well respected torture counselling service in Victoria, find it very difficult to go in to see someone if we request them to.

Senator PAYNE—They can only go in to visit a specific individual?

Mr Clutterbuck—Yes. If we refer a case to them, they have to call Immigration, and Immigration will often say, ‘No, we do not think that person’s condition is sufficient enough.’

Mr PRICE—What about Amnesty?

Mr Clutterbuck—I do not think Amnesty are allowed in.

Ms ROXON—Why do they have to call DIMA to do that. Why can’t they turn up at visiting time and say, ‘I’m here to see so and so’?

Mr Clutterbuck—As visitors?

Ms ROXON—Yes.

Mr PRICE—As a visiting organisation, do you mean, though?

Mr Clutterbuck—Amnesty previously have always had to announce that they are coming in their capacity as Amnesty International. Regardless of which countries they are visiting in the world, they have to make a request to the government and have to be accepted. They come in very openly. So I do not think Amnesty have ever be allowed into the detention centres.

Senator PAYNE—Do the Red Cross also have to do that?

Mr Clutterbuck—The Red Cross come to Maribyrnong one day a week; so that is good. But, as far as the more remote detention centres go, I do not think the Red Cross have had an issue about their access there.

Ms ROXON—Are your comments about Amnesty International the same for the Victorian Foundation for the Survivors of Torture as well? Do they have similar problems with getting in, if they ring up and say, ‘This is where we are from, and we want to come and see someone’?

Mr Clutterbuck—Yes.

Ms ROXON—Why should whatever the department is doing stop people seeing that sort of counselling service?

Mr Clutterbuck—If you are not coming in to visit someone, you have to ask the department’s permission to go in there. I can go in, as I am a legal representative for someone. But if you are coming in as an interpreter, a doctor or a psychiatrist or whatever, you have to ask the department’s permission for that. The department will themselves very occasionally ask the foundation to come in and conduct a psych assessment on someone. But, if we are trying to have someone come in at no cost to Immigration to perform an assessment on someone, we have found it to be very, very difficult.

CHAIR—Getting down to ‘Children in detention’, I do not think you will get much argument about that.

Mr PRICE—Except that they say ‘families’; they do not say mothers and children.

Mr Clutterbuck—It includes the father, as well.

Mr PRICE—They include the father as part of the family.

CHAIR—It is headed ‘Children in detention’.

Mr Clutterbuck—If you refer to the second handout, there are some recommendations for children in detention. It states:

All children and their families should be released from detention within a prescribed period of time.

That would be a provision which could fairly easily be accommodated in existing legislation. Another problem area is with unaccompanied minors, where they will be rereleased into the community if DIMA are satisfied that appropriate arrangements have been made. But it is often very difficult to persuade someone to make those appropriate arrangements without any funding or any other information. So we think that there should be a positive onus on Immigration to make those arrangements, as well.

CHAIR—If you are recommending that the family be released with the child, how do you deal with the concern, say, that the family will then just disappear into thin air?

Mr Clutterbuck—Once again, I think it is more difficult for a family to disappear into thin air with children.

Senator PAYNE—They have managed to disappear from their country of origin into our country; and so they are pretty resourceful.

CHAIR—I think it has happened quite frequently and quite successfully. There is an argument about women and children: if the husband is still in detention, it is less likely that the women and children will disappear. But if you let the whole family out, I understood it to be pretty well documented that families do disappear and are very hard to find.

Mr Clutterbuck—I know there is a big issue about the risk of people absconding. I think the most compelling counterargument is just the 80-plus per cent success rate. Compare that with the 10 per cent success rate in the community, and I think you will find only a minority of cases of people will disappear when they could jeopardise their chances of being able to remain in Australia.

Mr PRICE—But you are also saying that they should be sponsored when released—in other words, that an organisation could accept responsibility for their wellbeing and compliance?

Mr Clutterbuck—Yes. At the moment there are the community refugee resettlement groups, which have been set up to sponsor and care for refugees to Australia. You could expand something like that for people to be released from detention. If you are looking at \$105 a day per person, substantially less than that would be needed to accommodate people in the community. There is a whole range of different reporting conditions which are currently being imposed on bridging visas for people—reporting conditions, working conditions, all sorts of other conditions—which could also be imposed as additional safeguards. I know that in Germany they have a system where people are accommodated in hostels, and you have to get permission to go out of the regional area. So you have to actually apply for permission to be granted to leave a certain area. We could have a system like that.

Mr BAIRD—That has been in place for some time; in terms of people moving from one region to another in Germany, they have to register.

Mr Clutterbuck—Yes.

Mr BAIRD—To actually do that though, to set up organisations to look after them: the Dubbo community, say, could also do that—if you gave them to a regional town or whatever.

Mr Clutterbuck—Certainly.

Ms ROXON—Are there different approaches—I guess perhaps it is just a different application—when you compare Maribyrnong with some of the other detention centres? Here clearly there are much larger numbers of people who arrived in Australia lawfully but have since become unlawful for various reasons, including that some of them have had criminal convictions and are then deported; and presumably the argument there is about release. That is entirely different from those who have arrived unlawfully but are not criminal. I assume that, when you talk about your views on release, you are talking about people who are unlawful arrivals but who really are just being detained administratively, not as the subjects of any other convictions or because of breaching visas or whatever.

Mr Clutterbuck—That is right; just asylum seekers who have been ‘not immigration cleared’—that is the phrase I use from the Migration Act—as compared with people who have been immigration cleared and maybe overstayed their visa. Maribyrnong, like Villawood, is a little different; there is probably a fifty-fifty mix, I suppose, of asylum seekers and people who have overstayed visas and come to the attention of Immigration in other ways. There are bridging visas for their release, but they have to meet a bond; sometimes a bond is imposed. There are all sorts of different checks and balances. Many people are released back into the community again if they produce an air ticket or if they persuade Immigration that they will be leaving soon. That is a completely separate issue from asylum seekers.

Ms ROXON—Do you have a point of view about whether they should or should not be separated, the asylum seekers and others? Or do you not have a view about that?

Mr Clutterbuck—Sometimes people are concerned about people who have served time for criminal offences and then they are put in there. But it has never been expressed to us as a major concern. I think their major concern is to focus on their own case, the times, how long it will take to be processed, et cetera.

CHAIR—I do not know whether the concern is between new arrivals and overstayers, to use an oversimplification. I thought the concerns that have been expressed were about, if you like, those who were either violent or had criminal tendencies and the impact that that has on young adults or children who are mixing freely. As for whether they arrived and overstayed or have been convicted of something, yes, if they have been convicted of something, that might demonstrate that they are a crook. But, if they have arrived illegally and they are clearly a drug addict, equally I think the concern of many of the families is that those sorts of people—who are just bad characters by any normal definition—are the ones who probably ought to be separated. In that way people who have done nothing wrong other than to arrive illegally or overstay a visitor visa and who have not committed any criminal act will not be actually living cheek by jowl with people who are criminals.

Mr BAIRD—The Ombudsman recommended that as, an alternative matter of security. I believe that would eliminate quite a bit of the separation of the group, as well. That is something we need to seriously look at.

Mr Clutterbuck—The Ombudsman has looked at the young males with women and children, or single women and children, too. The Ombudsman also looked at the pressures on

the inappropriateness of healthy young women and children collocating with healthy young men.

Mr BAIRD—There is the same concern with having the young guys in with adult males and with families, and the married couples being separated.

Mr Clutterbuck—That is right. I think the Ombudsman or Flood said that, because of overcrowding, families were being separated and that sort of thing. That should be a matter of last resort; it should never get to that situation.

Mr BAIRD—Your briefing has been very useful. Thank you.

Mr PRICE—This may be an unfair question: the government is required to report on detention centres in the annual report. Has your organisation looked at or thought about what should be in that annual report, and what additional information might be useful?

Mr Clutterbuck—I am not sure. I would probably have to get back to you about that. Do you mean as far as extra information goes?

Mr PRICE—Yes.

Ms ROXON—The sorts of things we were asking today about the department not readily being able to say, 'These are the numbers of people we have in different categories' or 'in prison' or 'in detention'. Should that sort of information be in an annual report?

Mr BAIRD—In terms of information that was not very clear, we have much more now, after having asked for it.

Mr Clutterbuck—One thing that it would be very important to have in there would be the number of people who are screened out of the process; there is a hidden figure. I might give one example of this before we finish. A case was brought to our attention about a year ago. We wrote off to the Human Rights Commission about it. It was the case of a Kurdish man who arrived in Australia from Turkey. He got to the airport and was taken aside by Customs. He said that he would like to remain here because he was seeking permanent political asylum. He talked about attending a wedding in south-east Turkey, Kurdistan. Security forces arrived there and took away several persons, including three of his brothers. Security forces placed pressure on him afterwards. He had been involved in a political party, and was stopped and questioned by police. He was screened out of the process. He was not even told that he invoked Australia's bona fide protection obligations. So he was removed back to Turkey the following day.

Ms ROXON—So that would not count in the statistics at all?

Mr Clutterbuck—No. He would be a screened out person who—

Mr PRICE—What is the response to that?

Mr Clutterbuck—The Assistant Secretary of Immigration faxed back his decision stating, ‘Mr S has not made claims and/or provided information which, if substantiated, could mean that his removal may place Australia in breach of its international obligations.’ So, prima facie, he had not put forward a refugee case.

Mr BAIRD—In retrospect, was he provided with a view of what this man had said at the airport? Was anybody with him to witness what he had said?

Mr Clutterbuck—Immigration taped it. This is from HREOC, making their own independent inquiries about the tapes. Chris Sidoti from HREOC wrote back and said that, unfortunately, his mandate was really only to look at the ICCPR, the International Covenant on Civil and Political Rights, and there is no specific right under the ICCPR relating to the right of a person to seek asylum in other countries. So he really said, ‘It is an unfortunate situation, and there is nothing I could have done about it anyway.’ They are the types of people we do have concerns about.

Subcommittee adjourned at 4.30 p.m.