

**Senate, 18 June 2001**

**COMMITTEES: Foreign Affairs, Defence and Trade Committee: Joint: Report**

**Senator FERGUSON** (South Australia) (4.06 p.m.) —I present the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade on visits to immigration detention centres.

Ordered that the report be printed.

**Senator FERGUSON** —I seek leave to move a motion in relation to the report.

Leave granted.

**Senator FERGUSON** —I move:

That the Senate take note of the report.

As Chairman of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I am proud to note that this is the 100th report that the committee has tabled since it was formed some 50 years ago. Before dealing with the report's recommendations, I would like to provide a brief outline of the process that has led to this report.

The genesis of the visits to the immigration detention facilities was committee and community concern about the treatment of detainees in the centres. Before undertaking the program of visits, the committee was briefed on the operation of these centres and the departmental process by officers from the Department of Immigration and Multicultural Affairs. Over a four-day period in late January this year, a number of committee members visited five immigration detention centres: Curtin, Port Hedland, Perth, Woomera and Villawood. A month later, committee members visited the Maribyrnong centre.

At each centre, committee members were briefed by departmental officers and representatives of Australian Correctional Management services, the holder of the contract for the provision of services at detention facilities, about the operation of that centre. In addition, the facilities available to detainees were inspected and a total of 15 meetings were held with detainees. At all but one centre, separate meetings were held with women and children. To ensure that the detainees' views were heard, no DIMA or ACM staff, other than interpreters for the major national groups, were present during meetings with detainees. The visits to the detention centres formed the basis of this report.

Subsequent to the visits, two further meetings were held with officials from DIMA and ACM. In addition, the committee met privately with the minister and, at each of these meetings, we discussed a range of issues that had arisen during our visits to the centres. This report is not the result of the normal comprehensive inquiry process undertaken by the committee. We did not seek a range of views and test that evidence at public hearings. However, this type of report is not without precedent. For example, the committee has previously reported on visits made to Defence establishments and such reports are dealt with in the procedural guides for both houses. It is also common for this type of report to include recommendations.

Committee members are keenly aware of the difficulties in housing those who seek asylum, and in processing their applications for protection under the refugee convention. However, the difficulties experienced by both detainees and staff in detention centres must be continually monitored. Conditions are far from perfect. I would draw the attention of the Senate to the section of the report that refers to Juliet block at the Port Hedland detention centre. The members who inspected this block at the suggestion of detainees were shocked by the conditions they witnessed. DIMA has since advised the committee that this block is being refurbished and that only pressure of numbers, after a disturbance in January, had led to its use at the time of our visit. However, the committee was extremely disappointed that it was not informed in detail about the use of Juliet block and the substandard conditions there during our pre-inspection briefing.

This report recommends some courses of action that could be taken to improve conditions for detainees, particularly women, children and families. The committee has made a total of 20 recommendations, including: that a time limit be placed on the period people should spend in detention; that the department trial a release into the Woomera community for women and children, and I welcome the minister's recent announcement that that will occur; that access to detention centres be provided for appropriate community organisations, including religious and welfare groups; and that the adequacy of psychological services provided to detainees be reviewed.

It is now over four months since the subcommittee visited the detention facilities. The minister and the department have been most cooperative in allowing a good deal of public scrutiny of detention centres, which has helped facilitate informed public discussion. The Flood report was tabled in February after our visits had taken place, and the department has progressed a range of policy and administrative issues which were of concern to the human rights subcommittee. Mandatory detention for illegal arrivals has bipartisan support in order to maintain an orderly migration program and one which allows an accepted quota of refugees each year.

It is important for us to note that there has been a significant decrease in the time taken for primary decisions for unauthorised arrivals. Today, 80 per cent of protection claims now have a primary decision in 13 to 14 weeks compared to some 32 weeks previously. Some straightforward cases can have a primary decision made in as little as four to six weeks. The recent influx of asylum seekers and illegal arrivals reflects an emerging trend amongst the over 22 million refugees worldwide. The recommendations in this report are designed to assist the government as it deals with this very difficult administrative and policy challenge. The treatment of illegal arrivals is a sensitive and complex issue. Increased numbers since the end of 1999 have placed great pressure on DIMA and its contractor ACM. The string of disturbances in the Curtin and Port Hedland centres this year, and more recently at Woomera, have drawn these difficulties to the attention of all Australians. The committee hopes that, now that this report has been tabled in parliament, the department will examine its recommendations as part of its ongoing review of service provision in detention centres.

I want to place on record the committee's appreciation of the staff of the secretariat, particularly Patrick Regan and Inga Simpson, for their work in organising the visits, because a very comprehensive number of visits took place over a short period of time and covered long distances. The work of Patrick Regan, Inga Simpson and the general staff at the Foreign Affairs, Defence and Trade Joint Committee secretariat is greatly appreciated because they spare no effort in ensuring that we get the best possible attention and have the best and fullest program possible.

The movement of people, which has increased at such a rapid rate in recent times, is a very difficult problem for all parties in parliament and for all governments around the world. From my own personal point of view, I commend the minister for his efforts to try to make sure that we are processing an ongoing improvement in conditions for those people who have come to our shores, albeit unauthorised. We also need to remember when we are dealing with people who arrive as asylum seekers, illegal immigrants or unauthorised arrivals—however you might like to categorise them—that the people who come in this manner are people who, in some way, can afford to pay somebody to bring them here by boat, and we are trying to get their processing time down to 12 to 14 weeks. This contrasts sharply with the hundreds of thousands of other refugees around the world who are confined to camps and living in squalid conditions who are going through the normal processes which sometimes take two years or more.

We need to bear in mind the fact that there are large numbers of refugees throughout the world who are not arriving on our shores illegally and who we need to give some

consideration to, because the quota of refugees we take remains constant. Under the current quota system, people we take who come as unauthorised arrivals are taking the place of some of those who have been waiting a long time. I commend this report to the Senate.

**Senator SCHACHT** (South Australia) (4.15 p.m.) —I rise as a member of the Joint Committee on Foreign Affairs, Defence and Trade and also as a member of the Human Rights Subcommittee to speak in support of not only the tabling of A report on visits to immigration detention centres but also the report's recommendations. I take this opportunity to pay tribute to the late chairman of the subcommittee, Mr Peter Nugent. I have not previously had an opportunity to acknowledge in parliament Peter's contribution as a member of parliament, but I want to do it here.

Peter was chairman of the Human Rights Subcommittee and, when we were in government, he was a member of the committee as a backbench member of the Liberal Party. He was a committed supporter of international human rights and human rights in this country. It was most appropriate that Peter chaired the Human Rights Subcommittee on behalf of the government and the Liberal Party. He made a very distinguished contribution to human rights development in this country, one of which he, his family and all Australians can be proud. I send my very deep sympathy to his widow and his family and I regret the fact that, because of unavoidable commitments, I could not get to his funeral.

I recognise that it is a bipartisan report, as was noted by the chairman of the committee, Senator Ferguson. The Labor Party members and the Liberal Party members will agree that we had to compromise with each other to get a unanimous report. As a former chairman of this committee, I can say that we as a committee have always striven for bipartisan, tripartisan or quadpartisan agreement. We know that the contributions and the recommendations of the committee have greater weight in the community and with the government when they have broad parliamentary support. This report does have broad parliamentary support.

All of us on the committee dealt with this issue knowing that there is no black-and-white answer to the question of how to handle illegal immigrants to this country. Achieving a balance between protecting our borders and being generous in handling genuine refugees is very difficult. We know that certain elements in the populist media beat up stories against illegal immigrants to a level that is unhelpful in the debate. An impression is created that we are being flooded each year by tens of thousands of illegal immigrants. The report shows that the figure is really between 2,000 and 3,000. Some years the figure is down to 1,000; some years it may be more than 3,000.

I do agree that most of these illegal immigrants have paid people smugglers to get to Australia. You may ask whether they are genuine refugees, compared with those who are trapped in camps around the world who do not have the money or the ability to get out of the camps and to make their way illegally to Australia. To put this in context, it should be remembered that, at any one time, over 50,000 people are illegally in this country through overstaying their visas. That is the biggest problem we have with people who are illegally in this country. Yet this issue does not get the same coverage in the media and does not raise the same concern as does the issue of boat people. Nevertheless, we cannot allow anybody to arrive illegally and then believe that they will be allowed to stay in Australia without proper process.

I have visited only the detention centre in my electorate, and that is at Woomera in South Australia. We call it a detention centre but, by any observation, it is a prison. It has all the paraphernalia and all the structure of a medium security prison in Australia. That is now unavoidable, in view of the disturbances that have taken place and the fact that we are detaining illegal immigrants until their cases are heard. Seeing the razor wire, the barbed wire, the double gate entry and all of the things that we would associate with a prison at the Woomera detention centre does strike a chord with ordinary Australians. I can understand

why some detainees are restless. For those who are waiting many months, if not a year or more, for their appeal to be heard, frustration and anger can set in.

This time of the year in Woomera is very pleasant. The winter is a very pleasant time to be in the desert. It is cool in the morning and pleasantly warm during the day. But, when I was there in January-February, it was goddamn hot, and it is hot for several months of the year. Day after day, Woomera has temperatures over 40 degrees. It is a stony environment with a lack of trees, because trees do not grow in such a waterless area. So you are putting people into an environment that is harsh, particularly in summer. That is unavoidable. In this report, we have made a number of recommendations to improve the process, the facilities and the treatment of the detainees. I hope the government can take all the recommendations on board. After talking both formally and informally to the officials of DIMA, I understand that they realise there is always room for improvement.

I am not yet convinced that it is wise to outsource the running of detention centres to a private company. We would be better off having detention centres run by fully employed Commonwealth staff, so that it is fully within the responsibility of the Australian government and of employees employed under the Commonwealth Public Service Act to answer queries about the running of those centres. That is an important issue. The individual staff members of the private companies do make every effort to do a good job. But when you are running a detention centre to make money, there is always the fear that the profit will override the provision of facilities. That is why we should be very careful about where we allow outsourcing to take place. Running detention centres is not an example of outsourcing that I would agree with.

I want to finish my comments by saying that there is no doubt that we are not going to say to the people who are now on the temporary visa—and I really have to say this to the government—after three years, when they have been in the community working and then they apply for permanent residency, 'No, you can't get it anymore, you don't meet the criteria, you now have to leave Australia.' I do not believe that will happen. I believe most of those people will stay in Australia, because of the agony of trying to force them to leave Australia after three years of residence, when they have established a family or got a job, have bought a house and are making an overwhelming contribution in the community. I cannot see any government sending the Federal Police around and saying, 'Take them away, put them in handcuffs and put them on the nearest plane to fly them out of Australia.' I just do not think that will occur. Though it might have been a temporary measure to get the government partly off the hook of dealing with illegal boat people, I think it has just meant indirectly that those people will end up staying. They may have a very good reason to stay.

Finally, I do agree with Senator Ferguson that the real issue here is: if we let these people come in and we grant them refugee status, it means that, for others who do not make the boat, there are fewer opportunities to apply from those camps overseas. We really do have to say as a country, 'Why can't we increase the refugee numbers that we take each year in Australia?' I think the number is around 15,000. I do not think Australia would fall apart if we took 20,000 or 25,000. I think that is a very reasonable number for a country of nearly 20 million people, with our standard of living and our commitment to human rights, to take without in any way putting a stress or a strain on our own society. From what I have seen, many of the refugees that I have met over my time in this parliament have turned out to be excellent citizens who have made a contribution to this country which they can be proud of and which we can be proud of as well.

I commend the report. I trust the government will adopt all the recommendations. I also imagine that at some stage in the intermediate future this committee or other committees of the parliament will revisit and review the operation of the detention centres—as is only appropriate on an issue that is so sensitive to Australia's national and international standing.

**Senator HARRADINE** (Tasmania) (4.25 p.m.) —I join with others who have spoken in their expressions about Peter Nugent, the former chair of this committee, and also about the very hardworking secretariat of the committee. I do not want to canvass extensively what is in the committee report; much of that has been done both here and elsewhere. But I do want to say that I believe the government should move for the closure of detention centres in isolated areas over time. The government should also ensure that alternative arrangements to detention be made for asylum seekers where detention is not necessary for security or other valid reasons. This should particularly apply to women, children and family units.

People reading this report will wonder why that recommendation was not to be found in the report, because what I have just said and what I have just called on the government to consider follow logically from a number of observations in the report. These observations include: the need for detention time limits; the impact of detention on families, particularly on women and children; the need for sponsorship by nearby city communities; the call for greater access to detainees by community members; the psychological impact of detention, particularly in remote and isolated localities; and the growing frustration and despair. The report says:

... the despair and depression of some of the detainees, their inability to understand why they were being kept in detention in isolated places, in harsh physical conditions with nothing to do.

That direct quote comes after the clause in the report which observes that the majority of the committee were shocked by what they saw.

A number of the recommendations and observations in the report deal with the need to: improve the conditions; provide better educational facilities and opportunities; provide better sporting facilities; and provide greater access to other outside persons coming into the centres, including persons from the community and from various religions. It is true that the department and ACM come in for some legitimate criticism, but the fact is that the overall problem is not just one of conditions. The overall problem, in my mind, is the system of mandatory detention, particularly in isolated areas.

I believe—and I will finish on this—that there is an absolute urgent need for the government to consider whether the current situation justifies the enormous economic and emotional costs to all concerned. I commend a reading of the report to all honourable senators and to those of the public who are able to lay their hands on it. It is now on the Net, of course.

The time has really come. There has been report after report. There have been Ombudsman reports, three HREOC reports to my knowledge and of course you have the Flood reports. We have had report after report, and I believe the resolution of a large number of the problems is to be found in the decision that should be taken up by the government for the closure over a period of time of detention centres in isolated areas. The government should ensure that alternative arrangements to detention are made for asylum seekers where detention is not necessary for security or other valid reasons.

**Senator BOURNE** (New South Wales) (4.31 p.m.) —I start off with an apology from the chair, who mentioned to me that he meant to mention a previous chair of this committee, Mr Peter Nugent, who very sadly died while—

**The ACTING DEPUTY PRESIDENT** (Senator Lightfoot)—Senator Bourne, just in case you have some other salient points, the time for debate will expire in about four minutes.

**Senator BOURNE** —Thank you. Senator Ferguson said that he particularly wanted to mention the work of Mr Peter Nugent, who sadly died while we were carrying out this investigation and writing this report. I think this is a report that Peter would have been pleased with and I hope that his family will agree with that as well.

There were wide differences amongst the members of the committee to start with. By the time we finished, I think we were very much in agreement on almost everything. We ended up

with some very strong recommendations. We have noted that there are huge numbers of asylum seekers around the world. We only get a very small number of those but, even so, that has challenged the facilities we have here.

One of the comments that was made and repeated was that people felt that if they were in jail and they had been sentenced to a time in jail then they would know when they were going to get out. On so many occasions in our immigration detention centres the detainees had no idea where their cases were at and what was going on. I do not think that this has been helped by the minister and his language in his press releases and his comments on this. I know that the minister will read this report. I hope that he gets something out of it and I hope that he considers moderating his language, which I think in some cases has been very detrimental to refugees and very unfair to them.

Mandatory detention, the chairman mentioned, has bipartisan support in this parliament. I would not say it has complete and utter support in this parliament. I would like to draw attention to the comment that Senator Harradine and I have made at the end. We state:

The Committee recommends that the Government:

a) move for the closure of detention centres in isolated areas over time;

I think that is important. Probably more importantly, they should:

b) ensure that alternative arrangements to detention be made for asylum seekers where detention is not necessary for security or other valid reasons. This would particularly apply to women, children and family units.

I think that Senator Harradine is right when he says that a lot of our recommendations actually come to that conclusion in the end. We have just gone one more step.

I would like to congratulate the staff of the committee; the chairman, Senator Ferguson; the deputy chair, Mr Hollis; and all other members of the committee. I think everybody has come a long way to come together on this and I am quite proud that we have actually been able to do it.