

SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE
Reference: Administration and Operation of the Migration Act 1958
Questions Taken on Notice
Wednesday, 28 September 2005 – Edmund Rice Centre

Responses to Questions on Notice

1. Federal Police could neither prove nor disprove that the behaviour of DIMIA officials was legal or illegal. They agreed that the passport was a false document, but they said that on the 2 occasions the man was deported from Australia DIMIA officials believed the document was valid.

It should be noted that DIMIA's Investigative Unit have opened another inquiry. On two occasions we have met with Investigative Unit officials in our Sydney offices at their request. We will continue to cooperate with the Department.

2. At a recent meeting with a deported asylum seeker in Dubai in September 2005 it was again confirmed to us that chemical restraints were used during that person's deportation. Again, in discussions with DIMIA staff both in our offices and in Canberra it has been confirmed that on occasion chemical restraints are used in deportations. We have documented other instances in both the interim report and the full *Deported to Danger* report.
3. Yes. Two people from within DIMIA have independently confirmed this to the Centre on separate occasions.

In addition to this, and most significantly, DIMIA staff have apologized to the Edmund Rice Centre on two different occasions over the Minister's response to the *Deported To Danger* Report. They had traveled to Sydney to deliver this apology. This was after the Minister had claimed – incorrectly – in the Senate that the Edmund Rice Centre had not cooperated with the Department. This was after the Centre sent the Minister both the interim and final reports prior to any publication on our web-site and before their presentation in Geneva. Also after the Minister wrote a critical letter to The Australian claiming that the evidence presented in our reports was 'rumour and innuendo masquerading as fact' the Edmund Rice Centre was visited in Sydney by DIMIA staff to apologise for the Minister's claims stating that she had been 'poorly advised' and that the Department had evidence of our meetings in Sydney, Canberra and Geneva. When I asked if we could have that apology on the public record I was informed – in the presence of a witness – "You have got to be joking'.

The Edmund Rice Centre interviewed 40 people in 11 different countries, of 13 different nationalities, they were in Australia at different times, they were in different detention centres across the country, they did not know each other, and yet their claims were remarkably similar. Of the 40 interviewed only 5 were safe.

We also contacted another 10 people whose situation was so dire and dangerous that to include them in our reports would increase the risks to their safety. Whilst their inclusion would have given us a stronger report, we were not prepared to take the risk to their lives.

The Deported To Danger Report was put through the Ethics Committee of Australian Catholic University and was over sighted by some of the nation's leading lawyers and QC's. The Edmund Rice Centre unequivocally and in the strongest terms remains adamant that Australia is refouling refugees as the evidence suggests, and as the cases coming into our office each week continue to suggest.

The Australian Government does not know what happens to people removed or deported from Australia. It does not do the work that we have done. It is therefore not in a position to assert that the findings of the Reports are not valid. We have the evidence that suggests that serious risks are being taken with the lives of people removed from this country. Australia must do better than this.

Phil Glendenning
Director
Edmund Rice Centre

October 27, 2005