

The publication of the Palmer Report has made clear that the management of asylum seekers, refugees and immigration detainees by the Department of Immigration has been deeply flawed, inconsistent, frequently unjust and inhumane and often profoundly damaging to the health and well-being of individuals and families, who have already suffered deeply. Instead of acting responsibly and immediately by implementing reforms, the Howard Government is protecting the current and past ministers and replacing the head of the department with someone from within the same departmental culture, but who can claim no responsibility for the actions of his predecessor.

Australia is justified in seeking to assess the legitimacy of asylum seekers and refugees' claims before accepting them as permanent residents, but the government should do so according to the international laws Australia had a part in shaping and in a civilised and humanitarian manner. Anything less is demeaning to Australian society and a source of continuing shame to Australians.

Instead of simply another inquiry, I would urge the Senate Committee to support the establishment, as a matter of urgency, of a Royal Commission into the treatment of asylum seekers, refugees and immigration detainees from the introduction of mandatory detention, with particular reference to the period of Howard government. I therefore ask the Senate Inquiry to ensure that this inquiry includes investigations into:

- conditions, incidents and events, in Australian and 'Pacific Solution' detention centres & all other forms of immigration detention and prisons, police lock-ups, home detention, including how incidents were acted upon and followed up;
- engagement and administration of the contract between ACM and the Commonwealth of Australia from 1997-2004 incl., and Group 4Falck from 2003 onwards; and the conduct of ACM and GSL in their operation of IDCs;
- the sinking of SIEVX and the possible role of AFP, ASIS and agents recruited, equipped or tasked by either AFP or ASIS;
- whether the Howard government influenced ADF & other Commonwealth agencies to suppress information about interception procedures and measures regarding Australia's rescue obligations to refugee claimants attempting to reach Australia in SIEVs;
- into deaths of immigration detainees including the adequacy of any previous investigations and responses to their deaths, and unnatural deaths of TPV holders in the community;
- compliance of the TPV regime with international refugee law and its impact on the human rights of refugees on TPV's;
- whether a bias was present or created in refugee assessment and review;
- the effects of preventing due access by lawyers, media agents and the public in order to assess, assist, support and report;
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whether obstructions were caused to the unfettered access to all aspects of legal recourse during assessment, review and appeals;

- the effects of government policies on their physical and mental health and that of their families and dependants;
- damage and disruption to asylum seekers' lives, family and career plans;
- deportees and their fate upon return;
- and into the cost to the Australian community of these policies.

This Inquiry also should address accountability mechanisms and remedies, compensation, etc available for persons who have suffered violations of human rights as a result of Australia's refugee and immigration detention regime.

Without the powers of a Royal Commission to expose and reveal all aspects of treatment of asylum seekers, refugees and immigration detainees, the Howard Government is able to continue to avoid its humanitarian and legal responsibilities and to avoid making overdue reforms.

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