



**Inquiry into the administration and operation of the  
Migration Act 1958**

Sr Aileen Crowe BA(Hons)  
Franciscan Missionaries of Mary  
11 Junction Street  
Marrickville 2204  
Ph: 02 9559 1268

**Introduction:** I present this submission on my knowledge of the system whilst working as the Justice and Peace Promoter for the Catholic Archdiocese of Sydney over a period of five years. I have now completed my contract and therefore make this submission as a member of the congregation of Franciscan Missionaries of Mary whilst remaining engaged with people seeking refugee status living in the community.

### **Terms of Reference:**

#### **1. Processing and assessment of visa applications, migration detention and deportation.**

##### **1.1 Processing of visa applications:**

**1.1.1** Particularly when Applicants living in the community resort to the courts for assistance in acquiring a satisfactory outcome, the processing of applications becomes extremely drawn out. This places an extraordinary burden on the Applicants as well as the community because of the discriminatory nature of Bridging visa Es (BVEs). The BVE is unreasonable, unjust and unfair. Applicants have a right to test their case in the courts and therefore should have the right to care for themselves and their families in the community whilst this is taking place. People on BVEs should not be condemned to the life of a beggar whereby they are forced to beg for second class food, free health care or money for school uniforms etc, or engage in illegal activities [ie work without permission] simply to survive. People have a right to their dignity, and they have a right to work in order to support themselves and their families.

*The case of SM is of particular concern. The applicant is constantly offered work but refuses because of the visa requirements. This places the applicant in a position where the applicant is constantly frustrated and the two children and partner are being affected. The partner, although an Australian is not well enough to work and the stress of supporting the family on a pension is adversely affecting the partner's health.*

One of the numerous supporters, *Bridge for Asylum Seekers* pays out at least \$5,000 a week which amounts to more than half a million dollars over only two years, in support of people on BVEs. With the government taking no responsibility for the survival of people on BVEs, this elected government places a huge burden on members of the society who believe Applicants should get a fair hearing.

Whilst the government promotes the values of voluntary work this voluntary fundraising stretches the relationship to the limits. Citizens volunteer their time, resources and cheques because they believe in a fair go for *all* – not simply a *chosen few*.

This situation could easily be avoided by abolishing the BVE no work requirement (and granting access to Medicare), and allowing the very willing Applicants to earn their keep by engaging in productive work in the society. *By working with their particular skills they may even be fulfilling rare positions in trades where employers would otherwise have to advertise overseas, as in the case of VT.*

Whilst this situation may complicate the application the government could recognise the value of this person's contribution and see it as a positive aspect contributing to the betterment of Australia and benefiting Australian society.

Furthermore, for those who cannot access fund raising agencies – it seems there are around 8,000 people on BVEs in the community, such a policy encourages unscrupulous businessmen to engage in employing these people under unjust conditions. By maintaining BVEs with ‘no work’ requirement, could the government be seen to be complicit in the practice of such employers’ illegal activities?

*The case of a BVE (with permission to work) applicant who applied for a cleaning job at the airport bears out the truth of this matter. After working the first shift the applicant heard that the employer only pays cash in hand, the applicant contacted the employer and asked that pay be paid directly into the bank. The employer agreed to do this however when the applicant returned to do the shift allocated the following day the applicant was informed that the shift had already been taken and that the applicant should contact the following week to find out if there is still work available. The applicant refuses to reveal the company involved on the premises that there are a lot of needy people out there that need work and want to work. The applicant subsequently found another job.*

*There is a further case also of FT who was kept as a slave by an unscrupulous businessman for almost seven years after taking his documentation and getting access to the \$10,000 he had in his bank account.*

- 1.1.2 I have attended the **Compliance** counter at the Sydney DIMIA office on numerous occasions, giving support to several different applicants. Whilst it is a difficult task for the employees there is no need for some of the rudeness that takes place. Because employees are not required to wear name tags it is difficult to report such incidences. Two examples follow.

*A woman was asked to buy her ticket and leave the country, however she could not get assurance that the \$15,000 bond money would be returned to her before departure. She refused to accept that since only \$5,000 was registered on the computer she would only receive that amount. She left the office very upset, and although I was with another applicant and therefore did not know the full story, I referred her to the Ombudsman for assistance.*

*I was with a family who had been on a BVE with permission to work for a number of months. When we came to the desk for processing the receptionist left his position and told the person processing the visa that the family were not to get work rights. After some time I had to call the supervisor to have it confirmed about the work rights. This day this man's duty was receptionist, not visa processor nor supervisor.*

- 1.1.3 Given the huge amount paid in bonds to have applicants released from detention the government must be earning a neat amount of revenue on the interest. Does the public have the right to know just how much income the government gains from the imposition of bonds, the interest made on the bonds over the years it takes to process claims, and too, the profits made by exorbitant costs imposed on any type of Migration application visa?

## 1.2 *Assessment of visas applications:*

- 1.2.1 From my experience it is clear that no application is clear cut. In fact many deserving applicants do not fit the tight Refugee definition that Australia enforces by law. However they do fit guidelines for certain countries as set out by United Nations Documentation. When information shows that a family would be in danger if returned it is very difficult for such a family to gain a

positive outcome in the system as it is. The following examples show the particularities.

*OC fled Colombia and the applicant and family remain traumatised by the experiences prior to fleeing. The RRT and Ministerial decisions claim they have a problem with "credibility". However a symptom of trauma is an inability to recall detail and difficulty in concentrating over any length of time. Six years after the event they have been told to return. They have been on BVEs without permission to work and in returning would be jeopardizing family members who have already suffered the gruesome rape and death of one of the immediate family members. They now incur further debt as they appeal to the Human Rights court.*

*After losing in the courts, VV appealed to UNHCR for assistance. UNHCR submitted a letter of support to the government. Five months later VV was told to return with family to the country from which they fled. When UNHCR contacted the government it was revealed that the letter went missing. UNHCR was required to fax the letter to the government and the applicants BVE was renewed. Eleven months later their Application remains in the hands of the Minister. A month ago they received permission to work.*

*Although VTs application was approved at the departmental level according to the Migration Series Instruction, the Minister, as he was closing the door to his Immigration office and moving to another portfolio, did not have to follow the advice of departmental staff, since he has non-compellable rights, failed the case. A further application has been accepted for processing.*

These cases highlight the following issues:

- a) **The Minister's power** that his/her decision is **non-compellable** is unfair and unjust and undemocratic. The Public Servants can take many months researching a case. Where the Public Servants have the powers to recommend a case be approved, the Minister on a whim or fancy can approve or refuse. If it is true that McGauren only approved 3% of the cases put to him this must have had an adverse effect on staff who spend so much time and energy preparing the cases. This could be viewed as a misuse of the Minister's power, abusive and demeaning of staff, and adding unnecessarily long periods of uncertainty to already stressed Applicants without permission to work.  
This process of arriving at a negative decision has taken from more than eighteen months to more than two years in some cases. In the earlier days (2000-2002) was it possible that the determination of some cases was delayed because the Minister was upset with the Media attention, or was it a means of trying to fob off certain Advocates? These are questions we are left with because of the non-compellable right of the Minister – surely such a right is open to abuse because of the limitations of the one and only human being with such a right and such a responsibility.
- b) During the life of VTs case it will have been under the scrutiny of four different Ministers – Ruddock, Vanstone, McGauran and now, John Cobb all with non-compellable powers.
- c) It is clear that refugee decisions cannot be made on the basis of trauma as in the case of OC above and, in a further case where FT was held as a slave in Australia for many years. These cases point to the need for an alternative or **complementary visa** which can cater for the unusual events that require Australia's compassion. Such a visa would shorten the time of

processing and therefore lessens the tension and stress experienced by the applicants who are victims of the system as well as the trauma they have suffered. It may also assist the public servants as they scrutinize each case.

- d) **The Member's power at the RRT** where it is up to one person to decide the fate of the applicant. Such a decision can be made on a range of motives, the most obvious being to continue to hold tenure in the position. Two cases highlight this issue:

*FT had the misfortune of having to endure two RRT hearings because in the first instance the Member who presented as compassionate and genuinely caring as she obviously tried to come to a fair outcome, before completing the case, left her position because her contract was not renewed. FT had to then present before a second Member who was entirely focussed upon process and detail of events well in the past. He failed the case.*

*MA spent a whole day being scrutinized by the latter Member (who had been in the job for many years) and in the end several observers, including myself, concluded that the Member had obtained enough information to accept or refuse the case. He did not hand down his decision until after John Howard was re-elected. He refused the case and remains in his job for yet another year.*

There are too many similar examples in the advocacy community to believe that this is cynicism. There is a real need for a fairer, more just system of processing Refugee reviews. Once again the system is open to abuse because of the limitations of the one and only human being with such a right and such a responsibility.

- d) **The power of the courts** has been diminished as Migration laws constantly change. One has to question the reasons behind the Minister appealing decisions of 'deserving' cases, given the expense and time consumed in defending such cases. If such cases do not fit Refugee Law as it is upheld in Australia, this is a further argument for the provision of a complimentary visa. Although the costs incurred in losing are not always reclaimed from the applicant, it places huge stress on honest applicants with BVEs who cannot work to even begin to pay off the debt. The cynic might ask is this merely a power game where the government is addicted to winning? On what criteria does a government make a decision to Appeal a deserving case?

- e) **Lawyers and Migration Agents:** It is clear that with the rate of change of Migration law ordinary lawyers cannot keep up. There is however, a question of ethics around the willingness of a non-migration lawyer to take on a migration case.

*In one situation the case was lost simply because the lawyer could not understand the term 'belonging to a significant group or class within the society'. The applicant is left to pay the lawyers fees as well as the huge legal costs for losing the case. The same applicant, assisted by a Migration lawyer who refused the assistance of a pro bono Barrister, lost an appeal because the lawyer presented the case a week after its due date. Again the applicant was left with a bill for the lawyer's preferred Barrister who did not go to court, as well as the huge legal costs for losing the case. The Applicant refused to report the lawyer because the person was a single parent.*

*In a second case the applicant, living in country NSW upon advice engaged a city lawyer/migration agent who assured the applicant that two years after submitting the case the applicant would have protection. There was nothing more the applicant need do. By the time the case was refused the lawyer/migration agent had changed address and the decision was 'returned to sender'. The case is presently with the Minister.*

### 1.3 *Migration Detention:*

1.3.1 Migration detention is an invidious institution within Australian society. Given that the greater percentage of people claiming refugee status eventually get recognised by the government, detaining people who have already suffered much physically, emotionally and economically is inhumane. **A short term holding centre** (without razor wire) could be tolerated for the purpose of police and health checks.

1.3.2 When first admitted to Detention it is believed people are deliberately isolated to avoid their learning their rights. They should be offered a Social Worker who can educate them as to their Human Rights and assist them in finding a suitable lawyer or Independent Migration Agent if they so choose. It seems that the practice has been that if a prospective refugee does not use the correct terminology, or indeed is offered the wrong form to fill in, their case for refugee application is jeopardized.

1.3.3 With the decreasing of numbers of people entering the country 'unlawfully' detention centres are becoming **pseudo jails**. They are now places where people without legal documentation are being dumped. These people have been accused of breaking the law and are being 'jailed' without a trial, without an opportunity to prove their case in law, or even produce the documentation at all. They are being rounded up by pseudo police - compliance officers. The Rau and Solon cases are examples of this gone horribly wrong because of their Australian documentation.

There has to be a fairer way of assessing cases of long term overstayers who have worked all their lives in tough conditions, have developed close ties to the local community and haven't committed any other crime. When grandfathers or elderly mothers are slammed into these pseudo jails with the intention of having them deported, one has to question the morality of this. The questions I am left with are:

- a) Who supervises the compliance officers – the pseudo police?
- b) Are there review mechanisms in place for compliance officers, similar to those of normal police?
- c) Are there ways of ensuring that compliance officers are not corrupt or corruptible?
- d) Why is a Detention centre being used as a jail for people who have been alleged to have acted wrongfully in law?
- e) Why are people who have allegedly acted wrongfully in law, jailed without the opportunity to defend themselves before the courts?
- f) Why is the legal system being by-passed?
- g) Why has punishment of such enormity been dealt to men and women who have otherwise been good, productive people?
- h) Why is the legal system not assessing these people who are being accused of breaking the law?

1.3.4 **The Immigration Dob-in-line** is an enormous invasion of people's privacy. It is extremely divisive in small country communities, and some urban communities and, more seriously, it is contrary to the government's policy of promoting harmony.

- a) According to the government's web site people within the community are encouraged to 'spy' on people who may be their neighbours, people who may be different from themselves. These spies are encouraged to find out where this 'other' or 'suspicious looking' person works, who the employer is, give physical description and distinguishing features, 'character issues' [too bad if there is an argument over the back fence], find out their passport number, and the type of visa they might have, describe personal circumstances regarding family life [too bad if he has got her pregnant], the registration number and colour of the vehicle they might drive and even the type of pet they might own – especially if it is a dog.
- b) I know of an example in a country town where a person was dobbed in simply because a woman of the same nationality but had citizenship, was jealous of the attention a man was giving the woman she dobbed in who was subsequently captured and deported. There are other instances of estranged Australian fathers dobbing in the mother of their children – the consequence being that the father gets access to the children who can't be detained because they are Australians, and the children are the meat in the sandwich who suffer immensely. One partner is very powerful in such unequal relationships.
- c) The government spends a lot of money promoting harmony and celebrating Harmony Day and yet at the same time encourages people in the community to develop suspicions and nurture discriminatory attitudes towards people who do not look like 'us' – people who have a different belief system to us – people who have different cultural practices to us. To the extent that this policy is continued, the government is wasting good tax payers' money on promoting Harmony.
- d) The government's attempts to develop fear in the community should be condemned. Ministers who insinuate that refugees 'could be terrorists' should be investigated for insinuating fear, public hatred and racism, especially when there is no evidence on public record stating that any refugee is a terrorist.

#### 1.4 *Deportation:*

- 1.4.1 Evidence of torture should require mandatory reporting to the government in order that such a situation is avoided at all times. People who have been tortured should never be deported back to the country where this has occurred. *In the case of MB the government attempted to deport him despite the fact that his records showed several entries stating that he had been tortured. His body scars were well documented.*
- 1.4.2 When people who have a genuine cause for protection but do not meet the definition of a refugee and their Ministerials have been refused because one person has a non-compellable right, the Minister is in the hideous position of risking lives by returning Applicants to unsafe places, as the report *Deported to Danger* reveals.

- 1.4.3 When people on BVEs in the community, who have not been allowed to work, have been told to buy tickets to return to the country of origin; they are neither given monetary assistance to buy tickets, the monetary assistance to re-establish themselves and families upon return nor adequate time to raise the money through permission to work.  
At least with the Return pending visa people have the possibility of raising the money necessary to return and set themselves up once they arrive.
- 1.4.4 When people who have lost in the courts and the Minister has refused to grant a Humanitarian visa they then receive bills for legal cases which happen years earlier. It's like kicking dogs when they are already down! Why is it that when there is a sniff of possible departure suddenly debt collectors appear with bills that had never been previously delivered? Is it not fair business to send bills at the time of the event, rather than after years have lapsed? Or is this a calculated form of intimidation, especially when given only a few days to pay up.
- 1.4.5 At no time should detainees/imminent deportees be encouraged to obtain false documents in order to facilitate their return. Nor should they be given false information regarding their stay in countries along the way.
- 1.4.6 At no time should officers of the department be compromised by asking them to escort returnees unless proper documentation is available at all ports on the journey.  
*The case of EA who was deported to Tanzania and jailed and eventually returned to Baxter via a South African jail highlights this behaviour. He remains languishing in Baxter despite what the government has put him through.*
- 1.4.7 It is disgraceful to know that the government is prepared to send people to countries where they know neither the language nor the culture because they cannot be returned to their country of origin. It would seem much fairer and certainly more humane to allow them to remain in Australia where they have already begun to adjust to another culture. Particularly in the cases where people are stateless.
- 1.4.8 In a country like Australia, where it is so difficult to get to, I am appalled to know that the government allows such situations to occur and does not take extra care to ensure that all who are sent from our shores will have a degree of security upon their return to their country of origin. We have an obligation to either follow up doubtful security cases in countries where people have been returned or more practically, offer them protection in Australia. It is not good enough for the government to say either this is not our responsibility or that they cannot interfere with the Sovereignty of another country – where safety is doubtful, people simply should not be deported.
- 1.4.9 Because a country has had a change of Regime, it does not mean that security issues will immediately be resolved. It takes years and years to re-establish a country to a position where people's safety can be ensured. Refusing visas on the grounds of Regime change means they will be returned prematurely to a place where violence has not yet been contained and where some time in the future the country may stabilize and have developed safety, it does not happen overnight. East Timor is an example of this, a country with very little developed infrastructure to ensure security and the necessities for people to survive.



1.4.10 The government spends tax payers money promoting family values yet acts to deport one or other spouse without due consideration for the rights of the child in whose best interests it would be to mature with the assistance of both parents. Again it is simplistic to cry out that a woman gets pregnant in order to stay in Australia. Genuine relationships must be taken into account when deciding a Humanitarian visa and the welfare, and Rights of the child/children cannot be ignored.

## **2 Activities and involvement of Government departments and agencies in the processes surrounding deportations.**

2.1 If it takes five government officials to sit on a person in order to restrain him one would have to ask if there is not some genuine fear around being deported.

2.2. Chemical restraint should not be used at any time – whether this be doping a person the previous day, or injecting in preparation for departure.

2.3 There should be a serious inquiry into the circumstances in which the Baktiari family were deported. We raised over \$1,000 to have a photo analysis done and it seems the results meant nothing to the government. It has been said that their Afghani papers were procured by the wife's brother who had been deported. If this is so, why were they deported? Was it because they happened to get too much media interest?

2.4 Having arrived on our shores, people should be allowed the right to a lawyer and due process before being quickly turned around at the airport. The public has a right to know just how many people are turned around, given that they may not be being processed fairly.

## **3 Adequacy of health care, mental healthcare, and other services and assistance provided to people in immigration detention.**

### *3.1 Health care:*

3.1.1 Detention centres by their nature are not healthy environments for men, women or children, given that they have generally fled their homes under difficult circumstances. No amount of health care will resolve this. People without criminal records should not be put in situations where their health is at risk. The wire, the lack of meaningful work and study opportunities, the uncertainty around the future of the person and family, the lack of contact with the broader community, the inability to do personal shopping etc all militate against good health care.

3.1.2 Personal access to doctor – detainees have to rely on the decision of a nurse as to whether he/she can access a doctor. For various reasons the nurse may not be qualified to make such a decision. In the wider community adults make these decisions for themselves, as they should, just as adults in detention should not have requests for doctor's appointments vetoed by a third person. In Villawood each doctor can only have six appointments per day. Given that this is a particular population with very specific health needs, are there adequate doctors made available?

3.1.3 Dentist appointments can be cancelled because of a lack of guards to assist. Dental issues should not be delayed. There was a case where the husband had to throw stones at the window in order to get attention for his wife. Another detainee, who may have been tortured in the mouth, needed a lot of dental treatment, and was in constant pain. Panadol is not a sufficient response.

- 3.1.4 In detention parents have not the means to act normally where minor health issues arise for family members, and therefore have to rely on nurses for ordinary everyday minor mishaps. In fact, there is a tendency to down play minor ailments and not listen to the intuitive requests of the mother.  
*The example of the child who grazed her knee which was not regarded as serious by the nurse but became infected to such an extent that she was admitted to hospital and held there over Christmas.*
- 3.1.5 Some detainees have suffered deterioration of their vision because of lack of immediate attention by eye specialists.
- 3.1.6 Some detainees felt a disregard for their symptoms on the part of nurses and are often given Panadol without a referral to a doctor. There is a tendency for the medical personnel to downplay the seriousness of illness and often relate illness to stress. Some detainees deteriorate so badly that they have to be carried to the medical centre. Some become suicidal and others self-mutilate in order to get medical attention.
- 3.1.7 People who have been tortured can suffer various forms of panic attacks which can be misdiagnosed by professionals not equipped to handle such degrees of trauma. Subsequently in the case of MB, for example, the detainee's conditioned deteriorated dramatically resulting in 10 weeks of isolation and only after daily requests to the Minister was the Detainee released on a BVE.
- 3.1.8 One person working in a detention environment said the staff on all levels just don't care, every step of the way, to the extent that it is criminal. I was told that a person in horrific pain was simply told to go home. In the culture of immigration, I was told, there is an inherent lack of genuine concern. They seem to wipe their hands of ultimate responsibility, suggesting that it is the responsibility of the refugee producing country.
- 3.1.9 Families on BVEs without work visas, in the community also run the risk of serious health problems because they cannot access Medicare. I know of one mother who has deteriorating vision and cannot afford specialist treatment.

### 3.2 *Mental Health care:*

- 3.2.1 If a detainee needs the services of a psychiatrist he/she should not be in detention because no amount of psychiatric treatment will provide appropriate healing whilst the person remains in the situation causing the psychosis. It is a gross misuse of tax payer's money to employ psychiatrists and psychologists in detention environments such as they are today. Persons needing such treatment must first be taken out of the offending environment and reassured they will not be returned.
- 3.2.2 Non therapeutic medication administered to detainees with serious psychological problems is a grossly inadequate (and unprofessional) response to a very serious situation. Expecting nurses to perform such activities is compromising them.
- 3.2.3 A person on a hunger strike for several weeks taken to the hospital, given an intravenous drip on a regular basis, then returned to the isolation block to continue the strike. This is surely a mental health issue.
- 3.2.4 Leaving people to languish for long periods of time in a detention environment without any indication that a positive response to their application is possible, in most cases, leads to increasing levels of depression.

- 3.2.5 The TPVs facilitate depression because the people, although recognised as refugees, are uncertain of their security into the future, cannot be united with families for support, and cannot leave the country in the case of a funeral of a family member.
- 3.2.6 Mental health care in detention centres is inappropriate and the policies around BVEs and TPVs create the psychological environment for depression and despair in the community.

### 3.3 *Other Services:*

- 3.3.1 A person who has swallowed electric light bulbs and is locked in an isolation cell rather than taken to the hospital for medical attention is surely being punished. It is not sufficient to argue that such a person is endangering other members of the detention community. In this case isolation is punishment.
- 3.3.2 Detainees have difficulties accessing Case Officers. Some fear punishment if they express personal opinions and need to make complaints.
- 3.3.3 The Community Reference Committee. In Villawood this seems to be malfunctioning. Does it still exist? If not why not? Members selected by GSL either don't have the time to attend or are not interested in attending. It is difficult to meet when people don't turn up. When the Minister nominated the membership the Committee functioned well.
- 3.3.4 Where an internal cavity search is performed this should be done by people of the same sex as the victim. It is abhorrent to know that women are involved in such activities with Muslim men and even more degrading and demeaning when one of the women involved is the photographer.

## 4 **Outsourcing of Management and service provision:**

- 4.1 Certainly there are complaints about the quality and restricted variety of food. Where detainees cannot stomach some of the food they would choose to eat salads, however there is only a minimal amount of salad provided at Villawood.
  - 4.1.1 Companies making profit on the incarceration of innocent people begs belief. If numbers have to be kept up then when people are released or deported the compliance police are let loose on the society to round up yet another group of poor people to be imprisoned in their place. Whereas if detention centres were managed by the government there would be greater incentive to empty them out and close them down. Less money would be spent on compliance police and less need to round up harmless, self-supporting members of the society. Demonising harmless people demonises all of us.

## 5 **Any other related matters.**

- 5.1 The relationship between DIMIA and the Police force.  
The following case raises some questions around this.  
*At 5.30am one morning some people were driving to their workplace when the police pulled the car over to breath test the driver. After this procedure was completed Compliance officers emerged from the darkness and demanded documentation. When this could not be produced by a sleepy-eyed victim the person was put into the back of the police van, taken to the local jail and put in a cell. The fact that the person needed to breast her child back home did not soften the hearts of those that captured her. The police (not the compliance police) allowed her to phone her husband who brought the baby down for a feed. Only after three hours was she released.*

- a) Are the police authorised by DIMIA to do this work?
  - b) Have compliance officers been given the authority to act as police?
  - c) Have compliance officers been given the authority to engage the police in their active search for people who are not living legally in the community in this manner?
  - d) If so have DIMIA and the Police been transparent in this by notifying the community?
  - e) If not, why are the police aligned with DIMIA?
  - f) What supervision is in place for compliance officers who act as police?
- In rural areas compliance officers have been known to visit the local pub and shout the locals beers then surreptitiously draw information from them before developing strategies in order to capture hardworking people who have not committed any substantial crimes.*
- 5.2 Transfer of detainees from one centre to another. Why is it that detainees are not given food or toilet breaks when transferred from Villawood to Perth – 5 hours in a private plane, or Perth to Baxter – more than 3 hours? Why is it that they are allowed to have their legs, hands and bodies restrained for the entire 5 hour journey? Why is it that a detainee can be transported in his pyjamas – and left in his pyjamas for about 8 days after arriving at Baxter – until his personal belongings are eventually delivered by road.
- 5.3 Recording of detainee personal possessions. Why is it that detainees who acquire things from other detainees (either paid for, or gifts) are not given to them upon transfer to another centre? Why are such items as TVsets or videos, after exchange, not recorded as belonging to the relevant detainee?
- 5.4 What happens when a detainee dies in the Detention Centre? Why is this not a matter of public interest? Why isn't the public told? I have asked these questions of the Minister (July 2004) but she has not yet replied. What happened to the man on the video tape of the Curtain riots who was dragged out of an isolation cage seemingly dead, so dead that there was no evidence of any staff, whether medical or otherwise, rushing to his assistance?
- 5.5 Who scrutinizes the numerous videos of such incidences to ensure that proper processes are carried out? In fact are any videos scrutinized for proper process or merely when a court case arises?
- 5.6 There should be a process whereby people who have lived for more than ten years without legitimate papers, and who have worked and supported themselves and their families, after police checks, can have the opportunity to have their cases assessed. These are not the itinerant backpackers who work for a day or so and move on to sight see more of Australia. But rather people who have genuinely settled into a community, contributed to that community, and developed close ties in the community, where their children perhaps have even grown to adulthood. We do not know the circumstances by which they neglected to organise their documents, especially in rural areas where there are very limited Immigration Department services.
- 5.7 There is a case where a businessman organises to have Asian young women come out on tourist visas and accommodates them in single men's quarters. When their visas expire or they become pregnant he reports them to DIMIA so that DIMIA meets the cost of deportations! The compliance police should be focussing on such businessmen rather than older people who have genuinely worked their guts out through honest hard labor.

- 5.8 The same should happen to the businessman who kept FT as a slave for almost seven years, took his documentation, accessed his bank account stripping it of \$10,000, and attempted to set him alight after throwing kerosene over him. This man remains untouched in the community whilst FT's case is with the Minister.
- 5.9 There are enough survivors of the Siev X to provide adequate information about the sinking of the Siev X and the need to investigate the role of the Border Control at that time. Why has there not been adequate investigations into this most shocking disaster? Is this systemic racism at its worst. A few people in Bali die, a few people in London die, and there is outrage 200-300 people die and such a tragic incident is swept under the carpet. Charging a people smuggler is not the answer. This incident must be adequately investigated.
- 5.10 How can the government justify the expense of keeping the detention centres such as Manus Island, Christmas Island, Port Hedland and Nauru open?
- 5.11 Given the way the government has exploited the Nauruans – where the food the refugee children discarded was rescued from the bins by their starving Nauruan school mates, surely Australia has some obligation to this diminished Nauruan community.