

Committee Secretary

Senate Legal and Constitutional Committee

Department of the Senate

Parliament House

Canberra ACT 2600 Australia

Our experience began with one homeless person who was incarcerated as an "illegal immigrant". As we have met his friends and others in organisations which attempt to support those improperly detained, we have been increasingly horrified at what we have seen.

The main issues that we have come across are:

1. Total lack of timeliness in the processing of immigration cases.

Currently people are placed in detention for an indeterminate time. By comparison, criminals in gaol have more assurance about when they will be release. We need to be able to guarantee that in term's of our government's administrative processing, we guarantee a timeframe of say 18 months. We cannot put people in detention as a way of buying time to figure out what to do with them.

2. Inadequate rationale for detention.

The only rationales for detention is security and health risks. Once these two are cleared then people should released into the community to more humane living situations. This is also a more cost-effective system to maintain. A limit must be set for any initial detention period - one month seems appropriate.

3. An inappropriate posture of punishment.

Government propaganda has until recently, enabled the administration to maintain a regime of people in detention as if they were convicted criminals. This manipulation of attitudes is a travesty of human rights. The truth is that people are innocent until proven otherwise, that in the majority of cases government inaction is the cause of detention, and that anyone whose status is determined is generally moved out of detention. The irony is that we treat our convicted criminals better.

4. Inhuman standards of living.

Because of the attitude that people whose immigration status is yet to be determined are somehow less than people, somehow criminals of subhuman status, the care that people have received in detention is inhumane. There are inadequate recreational facilities - a square of unshaded asphalt in Villawood for some detainees. There is inadequate access to education - people should not be expected to put studies on hold indefinitely. There is inadequate access to health services, particularly for the mental illnesses which arise from opened detention in oppressive circumstances. Hours for visiting are restricted and the facilities for visits deplorable.

5. Inconsistent administration of visiting.

One several occasions we have received different advise from phone contact as compared with personal visits. On one occasion children were denied access

where we had earlier been advised that they would be allowed in. On another occasion visiting hours were different when we arrived to what we were advised over the phone. Similarly different officers had different rules about what could be taken in and varied in their attitudes to visitors. On one occasion a gift for a detainee was held at the security desk for checking. The gift never reached the detainee and there was no response to those who have given in by the security officers.

I trust that these and other considerations will result in detainees being treated humanely.

Colin Scott (Rev.)

Director

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email: director@hopestreet.org.au
direct: +61 02 8354 3110
fax: +61 02 8354 3150
street: Taggart's Lane, Darlinghurst 2010
postal: 91 Forbes St, Woolloomooloo NSW 2011
reception: +61 02 9358 2388
web: www.hopestreet.org.au