

We wish to submit the following submission to the Senate Inquiry into the administration and operation of the Migration Act 1958. We will limit our remarks to the policy of mandatory detention and detention centres.

#### MANDATORY DETENTION - A FLAWED SYSTEM

Australia's system of mandatory detention has resulted in unprecedented and widespread criticism from people of goodwill of all political persuasions. Why?

The system, as set up, has meant that all asylum seekers arriving without documentation have been treated in the same inflexible way. Babies, children families, physically ill, mentally ill, frail aged, those severely traumatised by past experiences, young men, regardless of security risk all have been detained under the same system, in the same centres, for lengthy periods, in jail-like conditions mostly in remote localities away from appropriate services.

Such a system had to fail. For many years major churches, social welfare and human rights agencies and ethnic groups who formed the Justice for Asylum Seeker Network have pointed out that this "one size fits all" system is flawed, would fail and is unnecessarily expensive. See The Better Way document by this network which suggests a system of various types of accommodation mostly in the community as something which would be more appropriate, less expensive and would work.

Along with a private owned Management organisation, experienced in prison management, insufficient access to trained medical staff and lawyers, inordinately lengthy processing procedures and serious incompetence by the Immigration Department it was inevitable that this flawed system would result in:

1. Children damaged perhaps for life because of what they have experienced and witnessed.
2. Mentally ill people left undiagnosed and treated as cases to be disciplined.
3. Physically ill people neglected, treatment delayed and illnesses made worse,
4. Traumatized people sinking into depression and thoughts of suicide.
5. People, frustrated beyond endurance, acting violently.

This is not a proper border protection policy which has Australia's interests in mind as well as the rights and welfare of Asylum seekers who are legally entitled to seek asylum and have committed no offence in doing so.

Rather, it is a system completely lacking in compassion which seeks to punish some of the world's most vulnerable people. No wonder it has failed to find acceptance amongst an increasing number of Australians.

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