

28 Mar. 15

Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Secretary

Re: Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015 [Provisions]

The *Geelong Interchurch Social Justice Network* wishes to express its alarm at the provisions of this Bill. The following are our reasons.

First, the Bill fails to limit appropriately the powers of an authorised officer to use force. The stated purpose of its use – to “maintain the good order, peace or security of an immigration detention facility” – fails to define the meaning of any of these terms. Protests, which in any free country would be lawful, could, without definition of this power, be declared violations of this provision by an authorised officer. The Bill would thus become a licence for the arbitrary exercise of state power.

Secondly, the Bill grants excessive power to an officer to exercise force. Detainees are not prisoners and are entitled to the same protections of their lives and health as any citizens.

Thirdly, detainees cannot justly be denied the same right as citizens to challenge in the courts the use of force. It is not good enough in a country that boasts adherence to the rule of law to exempt officers from such challenge merely on the ground that they acted ‘in good faith’.

Fourthly, we are concerned that the Bill authorises treatment of detainees that fails to respect their dignity, and furthermore that it empowers the Secretary to ignore any complaint if s/he sees fit.

This Bill treats asylum seekers as intruders on a par with prisoners, not as human beings exercising their human rights to seek asylum. The treatment proposed here would bring shame on our democracy.

Yours faithfully,

(Dr.) Michael Leahy

(President, Geelong Interchurch Social Justice Network)