

**Wednesday, 11 October 2017**

**To the Secretary, Senate Legal and Constitutional Affairs Committee.**

**Submission regarding the Migration Amendment (Prohibited Items in Immigration Detention Facilities) Bill 2017.**

I am a semi-retired Chartered Engineer (NED roles and Consultancy), having worked for 45 years in the power generation industry around the world (UK, Germany, Hungary Canada, Portugal, India and Australia). My Wife and I have been involved with the Refugee and Asylum seeker advocacy movement for the last 4 years, which in our case has involved:-

- Visiting detainees at Villawood every week as part of our Group 'Supporting Asylum Seeker Sydney' (SASS).
- Corresponding with Asylum seekers on Manus, and Nauru by email and phone
- Acting as a personal advocate for a number of Asylum seekers in Villawood
- Sending various items that the detainees in Manus and Villawood require on a regular basis.

I am not, as many in Government say, "a latte sipping, Chardonnay drinking, bleeding heart socialist". I am in fact a retired "hard headed" internationally experienced senior manager who happens to care deeply for his fellow men and women, of whatever race, colour or creed.

**I do not belong, nor ever have belonged, to any political party. Hence my position is apolitical.**

I object to the proposed bill because it punishes detainees in Immigration Detention who are asylum seekers and draws no distinction between the 'high risk cohort.' Known as 501's. It also does not discriminate between those refugees who come into contact with the police and have their visa's withdrawn, who in many cases are then found innocent of any offence and are eventually released again. The Minister seeks to give himself powers, without

seeking parliamentary approval to ban mobile phones, materials being brought in that help them access lawyers, and food being brought in that is culturally appropriate and healthy.

Successive Australian Governments have claimed that detention of Refugees is merely to allow time for health, identity and security checks to be completed, and as such is 'administrative detention' and is not intended to be 'punitive detention'. Philip Ruddock maintained this pretence on many occasions, when I met with him to discuss my concerns regarding the treatment of Refugees in Australia. The proposed Bill further enforces the punitive nature of the current detention regime for refugees.

It would appear as though the Bill is aimed at the detainees who have been taken into detention after a period in goal, and more specifically those who have been convicted of child sexual assaults, members of outlaw motorcycle gangs and other organised crimes groups; and are held their pending their deportation to their countries of origin. The effect of the Bill however is to extend the proposed restrictions to Refugees and Asylum seekers. This is in my opinion inhumane and cruel, and further reinforces the punitive nature of detention for Refugees held in detention.

The courts have recently upheld the rights of those who arrived by plane to continue having phones. The Minister should not seek to undermine the court rulings but allow access for all detainees to the phone. If the Minister has reasonable grounds for believing individuals are causing a risk by using the phone then those individuals should have their phones removed, subject to appeal.

The only quick communication access for detainees is via mobile phones or computers. But the Bill proposes that both mobiles and computers are to be banned, so the only option is to use those provided by the Department. If the cohort who are currently allowed to have mobiles are banned, then there will be an enormous number of people seeking access to the limited number of land lines and computers, the detainees will not be able to quickly contact their families, legal representatives or friends and disputes amongst detainees will escalate.

There are many situations where quick access to a mobile is imperative for a detainee:

- To contact families at risk in unsafe countries.

The Rohinghas currently in Villawood are desperate to ascertain the safety of their families fleeing Myanmar, and to find out if they are alive or dead or simply missing. The same concerns apply to Syrian Refugees.

As bombings and shootings continue in Afghanistan and Pakistan many detainees are anxious and worried, and the use of a phone would be invaluable.

Loss of access to family is a breach of Article 17(1) of ICCPR

Timely access to a phone is especially difficult given the time difference between Australia and overseas.

- To maintain mental and emotional health  
Many detainees who have slipped into deep depression stay in their rooms most of the day. A mobile phone is the only way they can be contacted by friends and family and community visitors, to help ease the sense of helplessness. This phone contact is crucial

Contact with friends is imperative given the extreme social isolation and in some cases, lack of people who speak the same languages.

- The need to contact to legal representatives and people who assist detainees  
Pro-bono legal centres have specific hours of specific days when detainees can phone them. They often have to dial and re-dial endlessly to get through. This is difficult when there are other people waiting to use a landline and pressuring the person to get off the phone.

This is a breach of Article 19(2) of ICCPR.

Our Group SASS has already encountered premature application of these new rules during our weekly visits to Villawood IDC, and have been given DIBP information sheets. These have subsequently been withdrawn by DIBP, when they realised they did not have legal authority to make such draconian changes to the rules applying to visits to detainees.

The main aim of our group is to socialise with asylum seekers, trying to make them feel less isolated by friendship and support. In essence we try to share our humanity with them, because surely no one else is..

Up until a few weeks ago we were allowed to bring in fresh food consisting of a lot of fruit, flat breads, Middle Eastern dips, bakery bread, and other foods commonly eaten in the respective home countries of the detainees. We took in food that would not normally be served in an institution, for example, mangoes, strawberries, watermelon. This was greatly appreciated and enjoyed by the asylum seekers. The food we took in provided variety to their diets, and our standing around of social interaction and friendship. Thursdays (our

visiting day) had become a social highlight for them and a break from the soul destroying monotony of detention.

The proposed Bill and the resultant restrictions will make such interactions less meaningful.

Finally I wish to point out that this proposed Bill is but another example, in a long line of instances, where the Minister seeks an amendment to the Migration Act when he is thwarted by the Courts. The clear intent being to take more matters out of the purview of the legal system, and the Courts of Australia.

**I urge the Committee to reject the Bill in its current form, and recommend that Refugees and Asylum seekers be excluded from any such punitive provisions in any future re-drafted Bill.**

G F Grove-White