

GRANDMOTHERS FOR REFUGEES

SUBMISSION TO:

LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE

INTRODUCTION

Offshore processing can be defined as a method of border control which involves forcibly transferring asylum seekers to third states to have their claims processed.

The current system of offshore processing fails in five crucial ways. It is unsuccessful **practically** in achieving its stated purpose. It is **morally** wrong to use the harsh conditions of offshore detention as part of a policy to deter boat arrivals. It is **financially** wasteful of Australian taxpayers' money and encourages the corruption of other governments and private enterprises. **Legally** the process contravenes international law. It lacks transparency and is **secretive**.

Grandmothers for Refugees submits that:

- offshore processing has not worked as a deterrent to boat arrivals and that the detention centre on Nauru be closed immediately.
- the people abandoned on PNG be quickly resettled where this is their agreed outcome. Those on PNG too ill to engage in resettlement processes be brought to Australia for immediate medical attention and that safety and support is provided for those remaining and awaiting resettlement.
- issues of unreasonable cost and corruption which stem from the privatisation of the provision of offshore detention facilities render the system untenable.
- In the short term we call for lifting the veil of secrecy and allowing access by advocates and journalists to people being processed and detained on Nauru.

GRANDMOTHERS FOR REFUGEES

Our group was first formed in 2014 in response to the illegal incarceration of numbers of children on Nauru at that time. We have continued to advocate for those who were the victims of that system and others living in Australia who have faced difficulty in their attempts to establish permanent status.

Grandmothers for Refugees is an independent Australia-wide community movement organised into electorate groups. We now have approximately 2000 members over 96 electorates.

Our goals:

- The end of mandatory detention
- A fair and timely refugee determination process, where possible leading to permanent protection
- Comprehensive support for all refugees and asylum seekers
- Family reunification

Specifically, we advocate for the seriously ill men on PNG to be brought to Australia and for ongoing support to be provided for those remaining and awaiting resettlement.

We also advocate for greater transparency of processes, contractual agreements and costs associated with holding people on Nauru, together with greater transparency regarding the status of those held, improved conditions and evacuations for those found to be refugees to Australia.

KEY POINTS

We understand that the Committee will have particular reference to offshore processing and resettlement arrangements since 2022. However, it is not possible to fully understand these arrangements without considering the context of offshore processing over more than 13 years. The way this policy operated in the past has directly shaped how it operates today. We offer our observations to help the committee with this enquiry.

1. Offshore processing is unsuccessful practically because it doesn't achieve its stated purpose - to deter boats. The system of offshore processing was tried from 2001 to 2008, introduced by Howard after the Tampa Affair; from 2012-13 under PM Gillard; in 2013 under PM Rudd and finally from 2013 to 2019 under Coalition governments, always ostensibly to discourage boat arrivals. This has never worked. Under PM Gillard 24,000 asylum seekers arrived in Australia after the announcement of offshore processing. Under PM Rudd, 1,500 people arrived. They continued to arrive until maritime interceptions were accelerated. Long periods in offshore detention without hope of release did not work as a deterrent because the majority found to be refugees have no other options but to flee. (Kaldor Centre Policy Brief II: Cruel, costly, ineffective – the failure of offshore processing in Australia, August 2021)

It is boat turnbacks which have prevented the arrival of people in boats. People were sent offshore in the last iteration of the policy for only two years yet successive governments have spent the past 14 years trying to deal with the consequences. The current government is still facing that dilemma yet continues with this failed system.
2. Offshore detention is morally wrong. To construct a system where human beings are forced into what is essentially incarceration in inhumane conditions to persuade other desperate souls not to flee from life threatening danger is inherently immoral. Offshore detention destroys lives – 18 have died and the psychological damage suffered by every detainee has been well documented. Médecins Sans Frontières reported that suffering on Nauru was some of the worst it had ever encountered, including in victims of torture. Refugees in detention were found to have the highest rate of mental illness in any surveyed population. (UNHCR Submission No 43, 12 November 2016). The UN Special Rapporteur on the Human Rights of Migrants observed in 2017 that mental health issues were 'rife' in Nauru, where 'many refugees and asylum seekers [we]re on a constant diet of sleeping tablets and antidepressants'.(UNHCR Council Report of Special Rapporteur 24 April 2017) As the UN High Commissioner for Refugees, Filippo Grandi, observed: 'there is a fundamental contradiction in saving people at sea, only to mistreat and neglect them on land.'(UNHCR Press Release 24 July 2017)

Damage to detainees has been so severe that the majority were brought to Australia in 2019.

The situation in PNG vividly illustrates the problems generated by this flawed system. After Manus Island Detention Centre was declared illegal by the PNG Supreme Court, Australia paid \$70M compensation to those who had been detained there.

The motivations for the re-introduction of offshore processing by the current Labor government are unclear but seem to be political. There has not been much rhetoric about stopping boats this time around. However, we are tempted to cite that old aphorism about repeating history.

3. Offshore processing is financially wasteful.

Offshore processing has cost the Australian people up to \$1B per year, over \$13B since 2012 – much more than if asylum seekers were processed in Australia. This amounts to \$573,000 per person per year. (Refugee Council of Australia) It cost \$55M just to send 7 people to Cambodia. The 2025-26 budget allocates \$581M specifically to offshore processing. The total with onshore processing is \$1.7B. (ASRC) The 2025 deal with Nauru gives them \$260M upfront with \$45M annually. That is \$1.6M over 30 years. (Guardian) Currently there are 105 people on the island. This is fifty times more expensive than individuals living in the community on Bridging Visas.

Further, the system is open to corruption. The Richardson Review conducted in 2023 found that some contractors who were suspected of drug smuggling and weapons trafficking had been handed multi-million dollar contracts. An Austrac classified report cast some suspicion on President Adeang as suspected of corruption and money laundering. We do not know what accountability procedures are in place or if the Australian money will in fact be spent on the people detained there or those sent there to avoid refoulement.

More recently questions have been asked about MTC, the company now employed to run detention centres on shore and offshore on our behalf. The Guardian recently revealed that this company is also

involved with ICE in the United States. The American Civil Liberties Union reports a string of complaints about the treatment of ICE detainees.

4. Offshore detention contravenes international law. The UN has found that Australia's treatment of refugees and people seeking asylum has amounted to torture and is in breach of our obligations under the UN Refugee Convention, the UN Rights of the Child and the UN Covenant on Civil and Political Rights. Regarding the treatment of refugees, Australia is known as a serial human rights abuser. The "Australian Solution" is now shorthand for the intentional cruelty towards people who have come by boat seeking protection, and utter indifference to their plight. "Human Rights protection and international law obligations do not disappear when detention facilities are located offshore." This was the judgement of Jorge Contesse when the UN Committee Against Torture considered the case brought by an Iranian man who had been detained on Manus Island for three years and then a further three years in Australia. The Australian Government had argued that PNG was in control and was therefore responsible for what happened in the centre. The Committee further found that the harsh conditions amounted to torture.

5. Transparency is also an issue. It is very difficult for journalists to find accurate information about what is happening on Nauru. They are not allowed access to the island, and neither are advocacy groups. Attempts by the UN Human Rights Committee to visit Nauru in 2014 were rescheduled twice and then rejected. The UN Subcommittee on the Prevention of Torture visited Nauru on May 5, 2015. Nauru is a party to the Optional Protocol to the Convention Against Torture but had not set up the National Preventive Mechanism required by that protocol two years after signing it. The Australia Government is also secretive. The Guardian reported in November 2025 the difficulty of getting a translation of an interview with President Adeang or a copy of the Memorandum of Understanding. As Ben Doherty and Sarah Basford Canales put it: "That is, the Australian people are not allowed to know what is being done with the money in their name because its acknowledged as

being damaging.” Eventually David Pocock and David Shoebridge read a translation into Hansard. As Ogy Simic of the ASRC has remarked, “Corruption thrives in the opacity of the offshore regime.”

RECOMMENDATIONS

Grandmothers for Refugees recommends that:

1. Offshore processing on Nauru ceases immediately because it fails as a deterrent, is a waste of taxpayers’ money and encourages corruption.
2. The seriously ill men on PNG be brought to Australia and for ongoing support to be provided for those remaining and awaiting settlement.
3. The veil of secrecy is lifted allowing for access by advocates and journalists to people being processed and detained in Nauru.

Further, we recommend that:

4. A Royal Commission be called into offshore processing if this Inquiry cannot deliver these recommendations.

