

To the Legal and Constitutional Affairs References Committee

Submission to the Inquiry regarding Offshore processing and resettlement arrangements

Dear Committee,

Thank you for the opportunity to make this submission.

I am a retired General Practitioner living in [REDACTED]. I am making this submission on behalf of the National Amnesty Refugee Network, which I convene. The network has 290 members (individuals and groups) and has a particular focus on refugee rights and related policies.

I will address both:

(a) Australia's arrangements since 2022 with the Republic of Nauru, Papua New Guinea and other countries for offshore processing and resettlement programs; and

(b) Other related matters

Some of the points in this submission include references to matters prior to 2022 as these matters are essential to understanding the arrangements since 2022.

Expenditure

An extraordinary amount of money has been expended on offshore processing, including:

- More than \$13 billion on offshore processing since 2022
- In 2025 the Australian Government extended the contract with MTC to provide garrison services on Nauru from \$422 million to \$787 million. At the current rate, MTC's contract on Nauru is worth \$157m a year: to hold approximately 100 people on the island, at \$1.5m per person per year. (Ref: [The Guardian article](#))

Offshore processing is the most expensive option for processing/detention compared to:

- Onshore detention at approximately \$300,000 per person pa
- Community processing at approximately \$30,000 per person pa

There is no justification for this excessive expenditure (other than the false claim that is necessary for border security – which I will address later in this submission)

Contracting and Corruption

The tendering process, contract arrangements and management of the contracts has been manifestly inadequate. There are many examples:

- Contracts have been awarded to companies with no past history or track record in delivering the required services
- A contract was awarded to a company whose registered address was a PO Box on Rottneest Island
- Contracts have been awarded to companies and individuals under investigation for corruption
- In November 2023, essential support and services for refugees and asylum seekers held in PNG was withdrawn as service providers stated they had not been paid for 12 months by the PNG government. This was despite the Australian Government having made all agreed payments to the PNG Government, with the last payment having being made in July 2022.

The PNG government stated that all of the funds had been expended but was not able to account for them. A whistle-blower from inside the PNG Dept of Immigration revealed that funds had been placed in a trust account with government officials as the beneficiaries. The withdrawal of services left the refugees and asylum seekers without any allowance, food, electricity and gas, safe transport and medical care. They would have been destitute other than for donations by concerned Australian citizens.

- In 2025 refugees and asylum seekers on Nauru consistently reported having insufficient allowance to be able to buy adequate food and water. Many reported only being able to eat twice a day and consequently losing weight. This is despite the Australian Government paying MTC the equivalent of \$1.5 million per person per year (and the Australian Government may be paying the Nauruan government additional funds – but this has not been revealed)
- Whistle blowers from within the Dept of Home Affairs have reported that due process was not followed in contract tendering and management and that contracts were awarded to companies and individuals suspected of corruption

I am not in a position to determine why the tendering process, contract arrangements and management has been so inadequate, but likely causes include:

- To avoid public scrutiny of the contracts by limited tenders and repeated extension of contracts without re-tendering
- To make it easier for companies with no proven track record in meeting deliverables and without the staff or resources to deliver the contracts to succeed in a tender process
- Deliberate lack of reporting requirements and oversight as the government does not want to know what is happening on the ground in order to avoid scrutiny and accountability
- Directives to the Dept to 'just get the job done' even where this requires breaching established processes
- Incompetence of the Dept

The underlying driver here is that, if you want to engage a person or company to undertake activities that involve clear violations of human rights, then:

- You will have very dubious operators applying
- You are going to have to pay them a lot of money
- They will use as little of the funds as possible to undertake the activities and will siphon off the rest
- The funding will induce and fuel corruption
- You don't want, and will not require, any detailed reporting of what is being done

Human rights violations

There have been extraordinary abuses of human rights under the offshore processing regime and it is hard to comprehend that these abuses have been the result of deliberate decisions by successive Australian governments. These abuses include:

- Deprivation of liberty: asylum seekers and refugees have committed no crime and yet they are detained offshore for many years, maybe indefinitely. They are not free to leave, they are unable to reunite with their family and they are unable to start a new life. The original detainees on Nauru were held there for 10 years before they were finally brought to Australia in 2023. Currently there are asylum seekers and refugees held on Nauru since Sep 2023. The asylum seekers and refugees in PNG have been trapped there for 13 years and counting.

- At least fourteen asylum seekers and refugees have died in offshore detention. Reza Barati was murdered by guards on Manus Island. Others have died as a result of assault, medical neglect and suicide.
- Asylum seekers and refugees have been subjected to physical hardship including oppressive heat and humidity, inadequate water and overcrowding in mouldy tents. This physical hardship has resulted in harm e.g. kidney stones as a result of dehydration
- They have been subjected to psychological torture including: daily harassment and humiliation; being called by numbers rather than names; being repeatedly told they will never be resettled; and the very psychologically damaging effect of being held indefinitely with no end in sight and no hope
- The United Nations reviewed the treatment of those held on Manus Island and concluded that it met the definition of torture
- Asylum seekers and refugees have been denied adequate medical treatment offshore and have been denied transfer to Australia for essential medical care even when this was explicitly requested by doctors
- The “Nauru Files” documented more than 1,000 cases of abuse of asylum seekers and refugees on Nauru, including assault, sexual assault and child abuse
- The Australian Government held children on Nauru from 2013 to 2019 resulting in serious psychological harm, suicide attempts and self-harm, and mental illness, including the rare ‘traumatic withdrawal syndrome’
- In 2025 the UN Human Rights Commission issued a ruling which found that Australia violated the human rights of a group of refugee children sent to Nauru and that Australia remains responsible for asylum seekers in offshore facilities.
(Ref: <https://www.ohchr.org/en/press-releases/2025/01/australia-responsible-arbitrary-detention-asylum-seekers-offshore-facilities>, [National Justice Project comment on the ruling](#))
- In 2026, the UN Committee Against Torture concluded that Australia exposed an Iranian asylum seeker to torture on Manus (Ref: [Guardian article](#))

Flawed Justification

The stated justification for offshore processing is that it acts as a deterrent to people seeking asylum by boat. There are three critical flaws in this justification:

1. There is no evidence that offshore processing acts as a deterrent to people seeking asylum by boat. Analysis of the data by the Kaldor centre (and others) concluded that offshore processing does not deter irregular maritime migration and that the reduction in the number of boat arrivals was due to maritime interception. (Ref: <https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-09-policies/2023-09-policy-brief-11.pdf>)
2. Even if offshore processing did act as a deterrent, that does not justify setting up a system that inherently violates basic human rights.
3. There are alternative ways to avoid people needing to seek asylum by boat that do not involve violating human rights.

The stated justification for offshore processing has always been a political fabrication. The true reason for offshore processing is for domestic political purposes – to be seen to be tough on borders to gain votes (or avoid losing votes) at elections.

Recommendations

Offshore processing is a misuse and waste of public funds, it fuels corruption, it harms refugees and asylum seekers, and violates basic human rights. The solutions are:

- Offshore processing should cease
- Asylum seekers and refugees currently held on Nauru and PNG should be brought to Australia so that they are not subjected to further harm. Processing of asylum seekers should be completed here in the community. Resettlement options need to be provided to those assessed as being refugees
- Going forward, asylum seekers who arrive by boat should be held in on-shore detention for the shortest possible period (for security and health checks) and then should be processed in the community
- Children should not be held in immigration detention other than as a true last resort and then only for the shortest possible period

The number of asylum seekers attempting to reach Australia by boat, and their welfare, should be addressed by constructive and humane policies, including:

- Australia should take the lead in negotiating a regional framework for the just and humane assessment and management of asylum seekers and refugees in our region - where Australia and neighbouring countries agree to take on appropriate roles in providing assessment and resettlement
- Australia should support the processing of people seeking asylum in the country where they are currently located and provide safe transfer to Australia for resettlement for the agreed number of refugees. This would remove the need for people seeking asylum to attempt to reach Australia by boat

In addition, there should be a Royal Commission into offshore processing for the following reasons:

- The serious violations of human rights that have occurred as a result of offshore processing
- Evidence of misuse of public funds, inappropriate tendering processes and unsatisfactory contract management
- Concern regarding the corrupt use of public funds
- Lack of transparency and information on many aspects of offshore processing
- The need for the greater powers and protections afforded by a Royal Commission in order to adequately examine what has happened under the offshore processing policies