

**The terms of reference for this parliamentary inquiry into Immigration Detention are gravely deficient and assume a status quo that can only confound and expand all the problems of the existing situation. A different approach is required and is suggested here-under:**

**RE a)** The first and most critical reform required to the so called 'Detention Network' is that the words '*mandatory*' and '*detention*' should be abandoned as the fundamental basis of Australian immigration policy. From its inception this labelling has caused harm to both our international reputation as a signatory to the Geneva Convention and to those who quite legally seek asylum in our country. By adopting this stance we are clearly seeking to avoid our obligations under the Convention. In addition (and more significantly in political terms) the use of such language serves to cast slurs of illegality on innocent asylum seekers. The general public is thus encouraged to view such people with suspicion and fear.

In addition the use of the term Detention Network begs many questions regarding the ad hoc and unsanctioned development of what seems to have become a new system for managing the ever increasing number of displaced people. Quite obviously we need to have sensible ways of coping with what is a world wide problem. Unfortunately we have taken off down the wrong track by proclaiming a policy of mandatory detention. We now confound our problems by continuing to sustain a very damaging, expensive and wrong headed approach. We must immediately abandon this approach and reassess the dimensions of the problem from first principles.

**Re b – g)** In the light of the preceding comments, all of the items in this list are really only issues that arise as we confront pro-tem solutions to the immediate problems created by our existing policy . Most can be expected to disappear if the fundamental approach is abandoned.

b) If we were to maintain Reception Centres instead of Detention Centres and to use them as essentially accommodation and re-settlement service centres the impact of *detention as punishment* would not arise. Much harm to individuals would be avoided and the public would be less apprehensive – particularly if self serving politicians and media loudmouths were to be called to account for demonising asylum seekers.

c) DIAC people need to focus on the needs of asylum seekers as human beings and as workers, and to align these needs with the training and employment opportunities required to boost economic activity in this country. They would then be in a much better position to direct provider agencies and contractors so that asylum seekers can become self sufficient participants in Australian society. As currently managed it seems to the outsider that DIAC staff are primarily concerned with oversight of hugely time consuming and unproductive legal processes.

d) As above – but specifically regarding children, it is unconscionable that they should be subjected to confinement in what are effectively jails. It is equally unconscionable that they should be separated from their families. Consequently the Reception Centre model suggested above offers the most effective and humane way of ensuring that we do them no harm and actively encourage them to participate with other kids in recreational and educational activities.

e) It is perfectly clear that the very act of 'detention' is itself the source of unwanted 'impacts'. Change the site of the damage (i.e. bring the asylum seekers into direct contact with ordinary Australians) and change the rhetoric.

f) Outsourcing of supervisory duties to people trained as prison guards is way out side the boundaries of decency and care. This is particularly reprehensible when the facilities themselves are located in remote and hidden places. Who can wonder that people run amok when deprived of hope and respect and treated pretty much like ciphers.

g) The short answer to this dilemma must surely be that we are wasting too much money, time and energy on maintaining our mandatory detention regime for purely political purposes. The same money (or even less) could be much better spent on supporting refugees to become useful citizens. In this way we could also reduce the number of 'skilled' migrants supposedly needed to

grease the wheels of industry here and leave trained people from developing countries to support their own economies where they are more desperately needed.

The government is quite right in seeking regional partners as a first step in addressing what are very real and pressing problems. Piecemeal and partial responses however must prove inadequate in the longer term. Ultimate success in this endeavour can only come from the United Nations. It may well be time to review the Geneva Convention itself in the light of growing international upheavals and (more significantly) in terms of world population growth.

**In the short term we need to face up to our legal obligations and to the consequences of our counter productive policies. It is way past time to rescind our policy of mandatory detention. There may be some humble pie to eat and a lot of explaining to do but it will be worth the effort.**

**In the longer term (and starting right now) we must focus on supporting endeavours to construct a world solution to a world problem.**

The terms of reference for the inquiry include:

- a) any reforms needed to the current Immigration Detention Network in Australia;
- b) the impact of length of detention and the appropriateness of facilities and services for asylum seekers;
- c) the resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties;
- d) the health, safety and wellbeing of asylum seekers, including specifically children, detained within the detention network;
- e) impact of detention on children and families, and viable alternatives;
- f) the effectiveness and long-term viability of outsourcing immigration detention centre contracts to private providers;
- g) the impact, effectiveness and cost of mandatory detention and any alternatives, including community release.