**House of Representatives, Monday 18 June 2001**

## COMMITTEES: Foreign Affairs, Defence and Trade Committee: Report

**Mr HOLLIS** (Throsby) (1.15 p.m.) —On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the committee's report, incorporating a dissenting report, on visits to immigration detention centres.

Ordered that the report be printed.

**Mr HOLLIS** —As Deputy Chairman of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I am proud to note that this is the 100th report tabled by the committee since it was formed 50 years ago. The Human Rights Committee, because of their and community concerns about the alleged treatment of detainees, obtained permission from the Minister for Immigration and Multicultural Affairs, Mr Ruddock, to visit all detention centres over a four-day period in late January this year. These centres were Curtin, Port Hedland, Perth, Woomera and Villawood. One month later committee members visited the Maribyrnong Centre.

Prior to undertaking the program of visits the committee was briefed on the operation of these centres and department processes by the Department of Immigration and Multicultural Affairs. At each centre, committee members were briefed by departmental officers and representatives of Australian Correctional Management—the holders of the contract for the provision of services at detention facilities—about the operation of that centre. In addition, facilities available to detainees were inspected. In all, 15 meetings were held with detainees. At all but one centre, separate meetings were held with the women and children.

To ensure that the detainees' views were heard, no DIMA or ACM staff, other than interpreters for the major national groups, were present during meetings with detainees. What members saw and were told during these visits to the detention centres formed the basis of this report. Subsequent to the visits, two further meetings were held with officials from DIMA and ACM. In addition, the committee met privately with the minister. At each of these meetings we discussed a range of issues that had arisen during our visits.

This report is not the result of the normal comprehensive inquiry process undertaken by the committee. We did not seek a range of views and test that evidence at public hearings. However, this type of report is not without precedent. For example, the committee has previously reported on visits made to Defence establishments, and such reports are dealt with in the procedural guides for both Houses. It is also common for this type of report to include recommendations.

Committee members are keenly aware of the difficulties in housing those who seek asylum and in processing their applications for protection under the 1951 Refugee Convention. However, the difficulties experienced by both detainees and staff in the detention centres must be the focus of further attention. Conditions are far from perfect. In particular, I would like to draw the attention of the House to the section of the report that refers to Juliet Block at the Port Hedland Detention Centre. The members who inspected this block at the instigation of the detainees were shocked by the conditions in that block. DIMA has since advised the committee that this block is being refurbished, and that only pressure of numbers after a disturbance in January had led to its use at the time of our visit. The committee was extremely disappointed that it was not informed in detail about the use of Juliet Block and the substandard conditions there during our pre-inspection visit. This was fairly typical. Although no information when requested was withheld, some members felt information was not always readily volunteered.

This report recommends some courses of action that could be take to improve conditions of detainees, particularly women, children and families. I am somewhat constrained in

presenting this report because I must do so in this chamber on behalf of the committee. Had I been speaking in a personal capacity, my comments would be somewhat stronger and far-ranging. I was one of the few committee members who went to all six detention centres. I have serious concerns not only about the conditions within the detention centres but also about the image being portrayed to the world. We have a well-deserved reputation as a protector of human rights and an enviable international record for accepting and resettling refugees.

Nothing quite prepares one for the visual image when approaching detention centres, especially ones such as Curtin and Woomera—the high wire fences and the general prison appearance. One could question why these centres have been established in the harshest, most inhospitable parts of Australia.

One difficulty the committee faced was that we were not conducting a parliamentary inquiry into detention centres as such. Such an inquiry could well be warranted. In this report we give our impressions of visits to the detention centres and of discussions with the detainees. A close reading of the report will indicate on each issue that there is not unanimous agreement, even if we are bringing down a unanimous report with a qualifying report with which I am in broad agreement. The perceptive reader will note that on many occasions the report says `some members' rather than `the committee'. The real difficulty that we face is that, although we wish Australia to adhere to international conventions, we also do not wish to send a `green light' to people smugglers in different parts of the world. The challenge is whether Australia can handle this new phenomenon of people movement in a just and humane way.

The world faces an unprecedented problem of people movement. Never before have so many people been crossing borders—legally or illegally—because of persecution, fear or seeking a better economic future. No country in the world automatically opens its borders to all who arrive on its shores. Perhaps it is even time to look again at the refugee conventions: after all, they have been operating for some 50 years. Some people may question whether they are appropriate for today's circumstances. Fundamentally, however, Australia must not close its borders to those genuine refugees from wherever they come. The world will judge us on how we handle this problem. One should bear in mind also—with some of the hysteria in the media, on talkback radio and among opinion makers—that the overall numbers in Australia are minuscule, even though unprecedented, when compared with the numbers of refugees around the world, particularly in parts of Europe.

The committee has made a total of 20 recommendations: for example, that, subject to constraints, a time limit be placed on the period that people should spend in detention; the department trial a release into the Woomera community for women and children, and I welcome the minister's recent announcement that this will occur; the option of developing a sponsorship scheme for those who are security cleared and have not been processed within a specified time be examined; accommodation blocks within centres be designated for the exclusive use of families; access to detention centres be provided by appropriate community organisations, including religious and welfare groups; and the adequacy of psychological services provided to detainees be reviewed.

The treatment of illegal arrivals is a sensitive and complex issue. Increased numbers of detainees since the end of 1999 have placed great pressure on DIMA and on its contractor, ACM. The string of disturbances in the Curtin, Port Hedland and, indeed, Woomera centres this year have drawn these difficulties to the attention of all Australians.

Sometimes one wonders whether the response of many Australians is based on an adequate understanding of the frustrations and the tensions and the very fact of being detained that leads to these disturbances, especially being detained in a very harsh and often inhospitable part of Australia. The committee hopes that the department will examine its recommendations as part of its ongoing review of service provision in detention centres.

I thank the committee members, especially those who went around all the detention centres. For all of us, it was very much a learning experience. For those who claim that the detention centres, as has been said in some papers recently, are all airconditioned—they are not airconditioned. They are not the holiday camps that sometimes they are portrayed as being. They are not Butlin's in the sun and, if you wanted to have a holiday, you most certainly would not select a centre at Curtin, Woomera or Port Hedland. I thank the secretariat, especially Patrick Regan and Inga Simpson, who both worked tirelessly on the arrangements of the visit and the report. I commend the report to the House.

**Mr BAIRD** (Cook) (1.25 p.m.) —I would like to support the member for Throsby and Deputy Chairman of the Human Rights Subcommittee in commending this report to the House today. I would also like to pay tribute to the former Chairman of the Human Rights Subcommittee, the late Peter Nugent, whose vision it was to undertake this inquiry and who led and chaired this inquiry in its visits to various detention centres. We owe a great debt to his leadership. I would also like to commend senators Alan Ferguson, Marise Payne, Vicki Bourne and my colleagues the member for Throsby and the member for Chifley for their hard work and compromise in bringing this report together. It is a report which challenged us all—we all felt that we had to bring together our collective wisdom in understanding the real circumstances of this difficult issue. I would also like to commend the secretariat, particularly Patrick Regan and Inga Simpson, for their excellent work on this report.

In the 13 years that I have been a member of parliament, both in New South Wales and here, there are very few things that I have found as confronting as the Human Rights Subcommittee visit to the migration detention centres around Australia. The physical environment of these centres is one thing—centres with 20-foot high barbed wire fences, the remote locations, the lack of vegetation around the locations, especially the ones in Curtin, Port Hedland and Woomera, the absence of recreation fields and the very basic nature of the accommodation—but the psychological impact of these centres is another: the feeling of despair that permeates these places, the general unhappiness and the lack of activity, with detainees either lying on their beds in the middle of the day or wandering around camp aimlessly.

The purpose of our visits was to report on the human rights implications of detentions and, where appropriate, make recommendations for changes. There is no doubt that in the general community the prevailing opinion is that we should turn back illegal immigrants immediately they arrive on our shores, that no exception should be made and that, where arrivals are made by boat, the boats should be refuelled and sent immediately back to sea. The problem is, however, that we are signatories to international conventions on the rights of asylum seekers and that due process should be taken for those who claim asylum to determine the genuineness of their claims. The focus of this committee was not on the question of whether asylum seekers should be detained but rather the conditions under which the detainees are held.

We visited the Curtin, Port Hedland, Perth, Woomera, Villawood and Maribyrnong facilities and held hour-long discussions with three groups of 25 randomly selected detainees at each location. One group in each location was restricted to women and children. DIMA and ACM officials were requested not to attend these sessions, so the committee believed that the discussions held were open, free-flowing and frank. I have no doubt that during the following six days we were able to gather an accurate picture of conditions, living standards and the state of mind of many of those held in detention centres.

I believe the committee has come up with a strong series of recommendations unanimously endorsed by the committee members, although there were additional recommendations, I understand, by Senator Harradine and Senator Bourne. Some of the recommendations dealt with the physical facilities, encouraging an expanded range of educational, sporting and

exercise facilities. Even Australia's jails have fully equipped gyms, but this is not the case in detention centres, where there is just a total absence of appropriate recreational facilities. In addition, having three Australian newspapers in centres of several hundred people hardly seems appropriate, especially as many asylum seekers are successful in their application and need to prepare themselves for life in Australia. On the same basis the committee recommended that English language classes and classes preparing participants for life in Australia also be provided. The committee sees access to schools for the children in detention centres as very important. It was disturbing to find that some state governments have refused access to schools for the children of detainees. Clearly protocols need to be put in place to ensure that full access is provided.

The committee put a particular emphasis on the processing of applications. That was deliberate and it reflects our main area of concern. We have made a number of specific recommendations regarding the processing—in particular, that a maximum time limit of 14 weeks be placed on the time that asylum seekers spend in detention while their applications are being reviewed. A similar amount of time should be established in the Refugee Review Tribunal and a reserve list of members for the RRT should be provided to assist in times of peak workloads. We saw that extensive waiting periods due to processing and review time frames are the main cause of the desperation and depression that was obvious on the part of detainees. As part of this process, the committee recommended that all detainees be given appointments on a regular basis with their case officers to provide accurate current information on the exact status of their application for protection.

Families also represent an important aspect of the refugee program. Although most asylum seekers are single males, there are also a considerable number of family units in the centres. Accommodation varied and not all the families could be accommodated together. The committee recommended that, wherever possible, blocks within detention centres be designated for the exclusive use of families. Moreover, the committee supported the proposed trial of facilities for women and children in towns, with access to nearby facilities. This would assist with schooling and would also protect women and children from the harsh environment of the centres. It is the women and children who have clearly been affected by the harsh environment of the centres and are often there not by their own choice but by the decision of their husbands.

The committee believed that there was a greater need for access to the detention centres by various welfare groups, particularly the religious welfare groups that have in the past expressed interest in being given access. We also saw the need for the establishment of a facility with higher security to accommodate detainees with criminal records, those awaiting trial and those who instigated serious disturbances in existing centres. Screening out people who had caused problems in the past we see as also assisting detainees abiding by existing regulations within the centres and who have committed no offence, either in their own country or within Australia. The committee recommended that visual checks of detainees during the night should cease, except for special security reasons. It has caused considerable distress amongst detainees, as has been noted by a number of them when we were speaking at the detention centres.

Finally, and very importantly, the committee was concerned about the psychological health of many of the detainees. It appeared to the committee that many of the detainees were suffering from some form of depression. It is suggested that further work should be carried out in this area and that a coordinated program of psychological support be developed.

The committee spent some considerable time visiting detention centres and talking to ACM and DIMA officials. We believe that the human rights issues facing asylum seekers in this country demand urgent attention. The recommendations put forward in this report will go some way in addressing contemporary issues. Obviously there is an important balance in this

process in ensuring that changes do not result in significant increases in the number of people applying to come to Australia. Minister Philip Ruddock has managed this important balance well. However, that does not excuse us from addressing the significant human rights issues which confront us when asylum seekers arrive in Australia.

In conclusion, this report was a challenge for all of us. We visited all of the centres and listened with considerable attention to the three groups of 25 detainees in each centre. We were distressed at some of the reports that were given to us by some of the detainees in outlining the whole environment in which they were located. It is particularly difficult for the people who have not met the cut in the initial assessment, in their process through the RRT or, for some of them, in their cases taken through the court. It was confronting for all of us listening to the accounts of people who wish to be returned to their own home but who are without the papers that are necessary to establish passports for them to be returned and those who simply say, `Just send us anywhere but don't keep us here in this environment.' It is not so much difficult for the people who are assessed in an appropriate way—many of them go through the process within 14 weeks—but for those who are long-term residents in the detention centres. That is why we brought forward these recommendations. The committee worked together well in bringing forward the recommendations. I for one believe that this outline is something which could be appropriately taken up by the government.

**Mr DEPUTY SPEAKER** (Mr Nehl)—Order! The time allotted for statements on this report has expired. Does the member for Throsby wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr HOLLIS (Throsby) (1.35 p.m.) —I move:

That the House take note of the paper.

I seek leave to continue my remarks later.

Leave granted.

**Mr DEPUTY SPEAKER** —In accordance with standing order 102B, the debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed.