

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: Other Agency

Question No. AE15/102

Senator McDonald asked the following question at the hearing on 27 March 2015:

CHAIR: I am happy for you to take all these on notice if you are not currently able to answer. Are you aware that, while in detention, Mr Basikbasik had more than 40 infractions, including assault? Are you aware of that, or was the person who prepared this report aware of that when preparing this report?

Ms O'Brien: I will take it on notice.

CHAIR: Thank you. Are you aware that he fathered 14 children by four different women?

Ms O'Brien: I will take it on notice.

CHAIR: Thank you. Are you aware that a psychiatrist who assessed Mr Basikbasik in 2008 found that he was a high risk of committing further violent offences and would not benefit from treatment, having shown little insight into his aggressive behaviour? Are you aware of that?

Ms O'Brien: I will take it on notice.

CHAIR: Sorry, I am not asking either of you the question. I will start again. Are you aware that social work expert Deborah Walsh was quoted as saying that women simply were not safe around him?

Ms O'Brien: I will take that on notice.

The answer to the honourable senator's question is as follows:

The Commission's report *Basikbasik v Commonwealth of Australia* [2014] AusHRC 77 records at paragraph 37 that:

The Commonwealth claims that Mr Basikbasik has been involved in 50 behaviour-related incidents in detention. Some of the incidents committed by Mr Basikbasik appear to have been relatively minor - such as possessing prohibited goods - and some did not involve other people - such as self-harm and starvation. However, I note that on 21 June 2012, Mr Basikbasik was convicted of an assault on a fellow detainee committed in October 2011.

The decision of the Administrative Appeals Tribunal (AAT) referred to in the Commission's report records that he has 14 children in Australia from four different mothers.

The decision of the AAT referred to in the Commission's report records evidence given by a psychiatrist following a one hour consultation in 2008. The psychiatrist concluded at the time that Mr Basikbasik was at high risk of further violent offences, that he has little insight into his problems and that he will not benefit from psychiatric or psychological treatment. Under cross-examination during the AAT hearing, this psychiatrist acknowledged that in fact Mr Basikbasik had benefitted from several rehabilitation programs in the past. The psychiatrist acknowledged that there is treatment that might assist Mr Basikbasik in the future but that he doubted that Mr Basikbasik could access this treatment because of a lack of resources.

The AAT decision also refers to later evidence given by a psychologist in 2010 that Mr Basikbasik's risk of recidivism could be more easily managed if he was capable of sustained substance abstinence and treatment around impulse control. The psychologist noted that with his advancing age, impulse control greatly improves. The psychologist assessed his risk of recidivism as moderate and that if Mr Basikbasik was released into the community there would need to be a proper management plan in place and a supportive environment.

The Commission is aware of an article published in The Australian on 13 January 2015 which quotes a social work lecturer Ms Deborah Walsh from the University of Queensland. It does not appear from the context of the article that Ms Walsh has been involved in the treatment of Mr Basikbasik. It appears that she is commenting on information provided to her by The Australian. The Commission was not aware of Ms Walsh's views at the time the report was prepared.