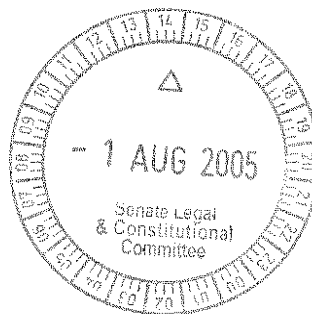


PADJ P/L

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27 July 2005

INQUIRY INTO THE ADMINISTRATION AND OPERATION OF THE MIGRATION ACT 1958

This submission is written partly on the basis of my experience as a community visitor to the Maribyrnong Immigration Detention Centre (MIDC) over several years, partly as a psychologist in the counselling program at the Asylum Seeker Resource Centre (ASRC) in Victoria, and partly on the basis of my involvement, together with the coordinator of that program, in attempts to bring Cornelia Rau's situation to the attention of relevant government ministers prior to her story being taken up by the media.

In the terms of reference of the inquiry, the following comments relate to the adequacy of mental health care in immigration detention. More specifically, they relate to the way in which the detention experience itself undermines mental health. No one thrives in detention, and it is theoretically and practically implausible to provide adequate mental health care within such a corrosive environment. The Palmer report held no surprises for those who have visited and worked with detainees and former detainees.

The destructive impact of detention on mental health can at least partly be attributed to the abuses of power that are sanitised under the rubric of behavioural management. The relentless exercise of power is palpable even from outside the razor wire. I will give some examples from my visits to MIDC which, for me, provided a glimpse of the day-to-day reality of detainees' lives.

On one occasion, I arrived with a bag of vegetables, which I had been taking regularly to a couple of detainees. The guard on the counter puzzled over the bag on this particular day and then informed me that only six pieces of fruit were allowed. I commented that I had vegetables, not fruit. This dilemma required the manager to be called, who decided that fruit and vegetables were the same, and I could only leave six pieces. In the bag, among other things, were a pack of bean shoots and a bunch of spring onions. I decided to leave these aside, rather than attempting to engage in a discussion about how many 'pieces' each of these constituted. Instead, I chose to leave a cabbage, a large cucumber, and the four largest tomatoes. As I proceeded through the check-in process, I considered the possibility of going out and buying the six largest watermelons I could find (they were in season at the time) and returning with them as my allowance of fruit. My reaction left me wondering how most detainees manage to contain their frustration most of the time. They do so, I believe, at the cost of their mental health.

On another occasion, I had a block of chocolate and some butter with me among other items, and again these were things I had brought to a detainee on previous occasions. On this particular day I was told I could not leave the chocolate or the butter. "Why?" I asked. Because of the foil wrapping, I was told, as if it was self-evident that foil was a problem. I did not ask for an

explanation, but unpacked the chocolate, removed the foil, and replaced it in its outer wrapping. It was then considered acceptable. There was little I could do about the butter.

I sometimes took flowers for a detainee. I did not directly visit him, but we always spoke when we were in the visiting room together, and I knew he loved flowers. One day, I handed over my bunch of flowers to the guard only to be informed that I could not leave 'gifts' for a detainee I was not visiting. After considerable discussion, again involving the manager, I was allowed to leave the flowers on that day, on the understanding I would not transgress in such a way again. I began to send cards with flowers on them to the detainee. I'm not sure whether he received them.

After I had been visiting MIDC for a couple of years, I was told one day that I had to take my driver's licence out of my wallet for inspection during the entry process. I eventually managed to wrestle it from behind its plastic pocket and handed it over. I pointed out that it could be clearly seen behind the plastic, and asked for an explanation of this new requirement. It was, I was told, for my protection. The guards were not allowed to touch my wallet.

Over the years of visiting the detention centre, there have been many such examples of ever-changing rules to be negotiated in the process of visiting detainees. Whatever the rationale for such rules, and regardless of how legitimate they might be made to look on paper, I experience them each time as an exercise in power. I can only begin to imagine the destructive effects of such experiences on a continuous, recurrent basis. After all, I cannot be put in isolation for my transgressions or my pallid attempts at resistance. When detainees speak about their everyday altercations with staff, their experiences of being in isolation, of having their 'privileges' withdrawn, and of thwarted attempts to gain access to essential legal and health services from within the detention environment, they are likewise identifying issues of power, explicitly or implicitly.

In writing letters to Vanstone and McGauran as part of the attempt to bring Cornelia Rau's situation to their attention (prior to her story coming into the public domain through the media) the coordinator of the counselling program at the ASRC and I were trying, among other things to name some of these abuses of power that happen under the guise of behavioural management. What was done to Cornelia Rau could not even theoretically be constructed as such.

I have attached the letter as sent to Senator Vanstone. The same letter was also sent to Senator McGauran, who was acting immigration minister at the time. We are still awaiting replies from both ministers. I have also attached a letter sent to *The Age* after the story broke. It was not published, although numerous similar ones were, and is included here simply for the record.

In each area of my involvement with asylum seekers, I have felt a prevailing sense of frustration and impotence at the lack of accountability for the injustices, abuses, and lack of respect experienced by people pursuing their right to seek asylum. I hope your work is effective in promoting such accountability.



Dr Joan Beckwith (PhD)
Registered psychologist.



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Senator the Hon Amanda Vanstone
Minister for Immigration
Suite MF40
Parliament House
Canberra ACT 2600

26 January 2005

RE: ANNA No. BX8311

We are writing in relation to a woman, currently detained in Baxter Immigration Detention Centre, who is referred to as Anna BX8311.

The information we have been provided includes the following:

- Anna is behaving in ways that observers have described as disturbed, bizarre, unpredictable, and terrified.
- She is being held in isolation in Red One compound for eighteen hours per day, and will be kept there until her identity is established.
- She is allowed out of the cell for six hours per day, and then forcibly returned by several guards in full riot gear.
- She has not seen a lawyer because she has not signed the required form.
- She has been seen by doctors under the direction of the department and/or the management of the detention centre, but independent mental health professionals have been refused permission to see her.

We are particularly concerned about the mental health of this woman, and urge you to ensure that she is adequately assessed and treated. If she is mentally ill and untreated, conditions of isolation and force will inevitably do further harm.

Additionally, we would much appreciate receiving information on guidelines, policies, and procedures that relate to a detainee in such a situation.

Ms Mary Harvey
Program Manager
Counselling Program, ASRC

Dr Joan Beckwith (PhD)
Psychologist
Counselling Program, ASRC

To: Letters Editor, *The Age*, 7 February 2005

'Anna', Cornelia and Accountability

The way Cornelia Rau was treated, or rather untreated, at Baxter is inexcusable. To date, politicians and their spokespersons have offered several red herrings. We have been told that every effort was made to establish her identity, that she failed to sign a required form, and that she was assessed by a psychiatrist sometime prior to last September in a Queensland prison. We have yet to be told why she did not get appropriate psychiatric care during recent months in Baxter. She was clearly considered sufficiently disordered to be kept in isolation. On what basis, and on whose authority? Was this supposed to be treatment? Was it punishment? Will Mr Howard's inquiry address these questions? They are not new. We were amongst numerous professionals who faxed and wrote to ministers Vanstone and McGauran urging them to ensure adequate assessment and treatment for this woman. We pointed out the obvious: "If she is mentally ill and untreated, conditions of isolation and force will inevitably do further harm." We also asked for information on guidelines, policies, and procedures that relate to a detainee in such a situation. We would still appreciate receiving this information, and such guidelines, policies, and procedures surely now require public scrutiny.

Joan Beckwith and Mary Harvey
Counselling Program, Asylum Seeker Resource Centre