



1<sup>st</sup> August 2005

Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600 Australia

## **Response to: Senate Inquiry into Detention and the Administration of the Migration Act**

The St Vincent de Paul Society is pleased to submit a response to the Senate Inquiry into Detention and Migration. The St Vincent de Paul Society has been involved in visiting and assisting people in detention and those released from detention for many years within the context of its core mission: to build a more just and compassionate Australia.

Throughout the consultation with detainees and people living in the community a number of issues have arisen which are of concern to the St Vincent de Paul Society:

- Mandatory and indefinite nature of detention
- Outsourcing management of detention centres to private contractors
- Bridging Visa E holders – who have no work rights, medical care or welfare support
- Medical care while in detention
- Community reference committee (relates to Villawood IDC)
- Visas being cancelled while individual is en-route to Australia
- Charging cost for detention to detainees
- People being released from detention with little notice or support
- Food – quality, freshness and cooking space

These issues are further expanded upon as follows:

### **Mandatory and non-reviewable nature of detention:**

The Society is concerned about the basic framework of the detention regime in Australia, in relation to detention being mandatory and non-reviewable. Recent changes to the system (families with minor children being released) are applauded, however they do not change the basic structure, which remains seriously flawed. It is also in breach of international human rights conventions.

### ***Recommendation 1***

**That changes be made to the detention system to bring it in line with Australia's international obligations and human rights conventions to which it is a signatory.**

**Outsourcing management of detention centres to private contractors:**

The Society is concerned that vulnerable traumatized people are in the custody of a company which is motivated by profit, not by care. The commercial framework, including the competitive tendering process, has resulted in negative outcomes for the quality of care experienced by those unable to speak out.

***Recommendation 2***

**That detention centres be brought back under Commonwealth management.**

**Bridging Visa E Holders:**

The plight of people within the community on Bridging Visa E with no work rights, medical care and welfare support is quite desperate and of grave concern to the Society, especially given that in many cases children are also affected. The Society is called upon to provide ongoing support to families and individuals in this situation. It is a particular concern when individuals are released for health reasons without a health management plan, or the resources to provide health care, being put in place prior to their release.

***Recommendation 3***

**That all Bridging Visa E Holders living in the community be provided with welfare support and appropriate work rights.**

**Medical Care while in detention:**

Society members who visit detainees regularly have reported concerning situations where dental and medical treatment decisions regarding severity and early treatment have been left to the nursing staff when it would have been more appropriate to involve a doctor earlier. In one instance a child was hospitalized for an infection after repeated expressions of concern from parents were rejected by nursing staff.

Dental care needs to be provided to all detainees, including regular dental check-ups. Depending on the caseload in detention some entrants can have serious dental issues which flow on from their life histories and which require attention. The current system of appointments is not working successfully for detainees as dental appointments are difficult to obtain and are subject to change.

***Recommendation 4***

**That medical assessment and treatment procedures for detainees be reviewed and that a dentist visits regularly (for example once a month) for a professional assessment to ensure adequate dental care for detainees.**

**Community reference committee – Villawood IDC:**

GSL have been managing the Villawood IDC for approximately 18 months now but have not been able to successfully constitute a meaningful Community Reference Committee. A community reference committee provides an important avenue for the community to have input and comment on the direction and management of detention centres. The requirement to constitute a committee needs to be taken seriously by GSL and DIMIA. The absence of this committee has hampered community efforts to engage with the management of VIDC and reinforced the lack of transparency of detention management.

***Recommendation 5***

**That GSL and DIMIA constitute the VIDC Community Reference Committee without delay.**

**Visas being cancelled while individual is en-route to Australia:**

There have been instances where visas have been cancelled while the person has been en-route to Australia and other cases where visas have been cancelled soon after arrival. The timing of the cancellations and the impact on individuals who then spend time in detention is of concern to the Society. Individuals who were travelling to Australia in good faith are put in detention and are then expected to bear the cost of their own detention. This situation concerns the Society as it has a very negative impact on the individuals affected and causes high degrees of suffering.

**Charging cost for detention to detainees:**

The policy of charging detainees for the cost of detention needs to be managed very carefully with due regard for the individual circumstances of each case. If an individual has been detained without cause, or has become illegal due to circumstances beyond their control (such as the visa being cancelled en-route) the Society does not feel it is appropriate to charge the individual for the cost of their detention.

***Recommendation 6***

**That individuals in these circumstances not be charged the costs of their own detention and that a cap or limit be placed on the amount of debt that individuals can incur while in detention, as some bills are so large as to be beyond any reasonable capacity for individuals to pay.**

**People being released from detention with little notice and support:**

The legal imperative to release people from detention immediately following a change in status is understood and accepted, however from a practical perspective it is difficult to assist those who are released from detention late on Friday afternoon, which happens regularly.

***Recommendation 7***

**That more notice is provided regarding the release of detainees and that their release is timed to occur earlier in the week (or even the day!).**

**Food – quality, freshness and cooking space:**

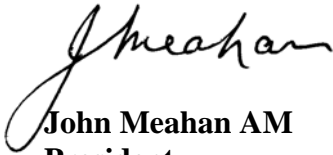
The food quality at Villawood IDC is of an adequate standard, however it could be improved. The provision of fresh salads and fresh vegetables would benefit detainees greatly, and would improve their health. The creation of a space and ingredients for detainees to cook their own culturally appropriate food is recommended as it would improve the quality of life for detainees immeasurably.

***Recommendation 8***

**That the quality of food be reviewed and that access to food preparation facilities be provided.**

The Society would be pleased to provide witnesses to appear before any public hearings conducted by this Inquiry. If there are any questions or further details required about issues raised in this submission, or to make arrangements for witnesses, please contact the Convenor of our National Migrant and Refugee Committee, Ms Sky de Jersey, on 02 9560 8666 or at [sky.dejersey@vinnies.org.au](mailto:sky.dejersey@vinnies.org.au) .

Yours sincerely,



**John Meahan AM**  
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**National Council**