



## Immigration Detention Advisory Group

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

Dear Secretary

Thank you in advance for affording the Immigration Detention Advisory Group (IDAG) the opportunity to respond to the comments by Mr Jeremy Moore (question taken on notice 11 October 2005 refers).

On the 26 September 2005, Mr Jeremy Moore of the Woomera Lawyers Group gave evidence at the public hearing of the Senate Legal and Constitutional References Committee, Inquiry into the administration and operation of the *Migration Act 1958* in Adelaide. Mr Moore made reference to the role of the IDAG during the Woomera Immigration Reception Processing Centre (IRPC) hunger strike protest action in 2002. The relevant extract from the hearing is at Attachment A.

The IDAG ask that the Committee note its response to the allegations made in Mr Moore's evidence and include the response in the Committee's final report. The IDAG's response is at Attachment B.

In contrast to the statements made by Mr Moore, I would like to take this opportunity to commend the exceptional efforts by members of the IDAG to safely resolve the Woomera IRPC protest action in 2002 without loss of life.

I trust you will find the attached IDAG response to Mr Moore's allegations useful prior to the finalisation of the Committee's report.

Yours sincerely

The Hon John Hodges  
Chair  
Immigration Detention Advisory Group

## ATTACHMENT A

**QUESTION TAKEN ON NOTICE****SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE: 11  
October 2005**

## IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

## Inquiry into the Administration of the Migration Act

Mr Jeremy Moore (12a) said:

The Immigration Detention Advisory Group is there to assist and advise the Government. The first time I met them was when a great group of us had gone up to Woomera. We used to take up a large number of people, and on this day we may have had 20 people with us. We had travelled up on a Saturday. It was hot, and I was anxious to get to the detention centre because I knew that there were some really serious problems there. People were swallowing shampoo and, if they were not trying to commit suicide, they were certainly trying to self-harm.

When we got to the gates, people were being carried out of their rooms on stretchers and other people were being taken down to the medical centre. I saw all this happening, and then a car came through the gate and I realised that it was carrying IDAG people. I had been to the detention centre on a number of occasions and seen their photos up on the wall. These were the Government's representatives who, we could all be reassured, were looking after people by making sure that this place was run in a proper and reasonable way.

Seeing these people in front of me, I knew it was an opportunity for me to speak with them about what was going on. At that stage we had the confidence of most of the people who were in the detention centre; we had been acting for them in a number of different ways. When I saw the people from IDAG, I said: 'We really want to talk to you. It is important. We have not had an opportunity to meet with you and we would like to talk to you.' Begrudgingly, Harry Minas said: 'We're busy. We've had a big day and we want to go.' Paris Aristotle was there and he said: 'All right. I'll talk to you, but only for half an hour.' At that stage we had the Woomera Lawyers Group house. Paris Aristotle and Professor Harry Minas and a man who was an interpreter, I think, and also part of IDAG came to the house.

We wanted to talk to them about the serious issues that were facing these people at Woomera. There was a hunger strike on the go, I think, at this time. I will never forget talking to these people and saying to them, 'I think I can help and maybe I just might be able to stop what's happening.' Harry Minas said, 'I bloody well hope not.' That conversation went on for a little bit longer. We left and they then engaged in a process of negotiating the end of the hunger strike by foul means. They were the agents of Government and they certainly, in my view, did not provide an independent view. In my time, I did not see any changes come about because of their efforts and certainly I think it is not a proper safeguard for people like this.

## ATTACHMENT B

The Immigration Detention Advisory Group (IDAG) response to allegations made at the public hearing of the Senate Legal and Constitutional References Committee, Inquiry into the administration and operation of the *Migration Act 1958*, 26 September 2005, Adelaide.

Mr Jeremy Moore (12a) said:

*"These were the Government's representatives..."*

This is not correct. The IDAG as a group, and the individual members of IDAG, are not the Government's agents. IDAG comprises of prominent and respected Australians with a demonstrated strong commitment to human rights and refugee issues. The role of the IDAG is to advise the Minister for Immigration on complex detention related matters. Throughout the Woomera Immigration Reception Processing Centre (IRPC) protest action in January 2002, the IDAG maintained its strong support of detainees involved in the protest. IDAG publicly commented on its concerns for the safety of the detainees involved in the protest action and that the concerns must be taken seriously.

Further, IDAG negotiated several outcomes at the request of the detainees that were pivotal to them agreeing to end the hunger strike with confidence that their concerns had been taken seriously and were being acted on.

Mr Moore's claims that the IDAG was not independent ring hollow in the face of the strong advice and opinions asserted by the group both privately to the Minister and the department and publicly. Members of the group made several comments publicly, including through an opinion piece published in the Melbourne Age and The Sydney Morning Herald, in other print radio and television news programs and on the ABC Lateline program. All views expressed were the independent views of members and no attempt was made to prevent those members from making such comments by the department or the Minister. This included strong opinions about the need to close the Woomera IRPC, finalise refugee determinations and the seriousness of the detainees' deteriorating mental and physical health. In fact, members of IDAG received many thanks from detainees for the manner in which they had represented their situation to the Australian public and the Minister.

*"We really want to talk to you. It is important. We have not had an opportunity to meet with you and we would like to talk to you." Begrudgingly, Harry Minas said: 'We're busy. We've had a big day and we want to go.' Paris Aristotle was there and he said: 'All right. I'll talk to you, but only for half an hour'".*

Multiple attempts were made by Paris Aristotle and other members of IDAG to engage the Woomera Legal Group (WLG) in constructive discussion. At least two meetings were held with the group at their premises, several discussions while at the centre with different representatives of WLG, and Mr Aristotle had several telephone discussions with Mr Rob McDonald about more constructive engagement. Mr Aristotle also sought the support of other independent parties and Non Government Organisation's (NGOs) as a means of improving engagement. All these attempts

occurred in the context of a very complex and dangerous environment that the IDAG members were primarily concerned to see resolved and which necessitated members' greatest attention. The extent to which Mr Jeremy Moore has misrepresented the facts of the WLG/IDAG discussions is illustrative of his behaviour at the time and indicative of why the IDAG had little confidence in his intent, motivation or usefulness with respect to resolving the protest action.

*"There was a hunger strike on the go, I think, at this time. I will never forget talking to these people and saying to them, 'I think I can help and maybe I just might be able to stop what's happening.' Harry Minas said, 'I bloody well hope not.' That conversation went on for a little bit longer".*

Mr Moore's recollection of what was said is not correct. Professor Minas did not say what has been attributed to him by Mr Moore. Considering the role that Mr Moore and the WLG had played up to the time of the meeting, Professor Minas did express doubt in response to Mr Moore's assertion that he "just might be able to stop what's happening." This expression was directly related to Mr Moore's attitude and grasp of the complexities that were being managed at the time.

*"We left and they then engaged in a process of negotiating the end of the hunger strike by foul means. They were the agents of Government and they certainly, in my view, did not provide an independent view. In my time, I did not see any changes come about because of their efforts and certainly I think it is not a proper safeguard for people like this".*

Two principal delegates for the detainees stated that they did not believe that they had been tricked into ending the strike and, further, that they had neither prepared nor signed the press release bearing their names. IDAG suggests that what probably occurred was that the detainees had told their lawyers of their discussions with IDAG on 30 January 2002. In turn, the lawyers had created a legal document, which included holding IDAG publicly accountable for alleged promises made, and produced it as a document from the detainees.

Once again Mr Moore's comments can at best be described as inaccurate. With respect to the resolution of the hunger strike, several changes in approach were secured directly as a result of IDAG's intervention. For example, an agreement to resume finalising refugee determinations without further delay was agreed to by the Minister on IDAG's recommendation. This issue had been the genesis of the hunger strike.

The provision of further paid migration advice via the Immigration Advice and Application Assistance Scheme (IAAAS) and the availability of appropriate interpreters to assist with this process, both of which were central concerns of the detainees, were also secured through IDAG's representation. This was crucial due to the fact the Taliban had been removed from power since the initial lodgement of detainees' claims and therefore further information was necessary about their ongoing fears of persecution in spite of the Taliban's removal. Without this, some of the claims may not have been successful as they had primarily referred to a fear of persecution solely based on the repressive rule of the Taliban regime.

It should be noted that as a result of these outcomes the vast majority of Afghans involved in the hunger strike were found to be refugees and released within a relatively short time frame.

Finally, IDAG's strong and unequivocal advice with respect to the closure of the Woomera IRPC and it being placed on a care and maintenance basis was a central part of the Government's decision to do so.