

Jane Moore
South Australia

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

Dear Sir or Madam,

I thank the Senate Committee for the opportunity to make these submissions and ask that I be given the opportunity to appear before the Committee to address some of the matters contained herein.

Yours faithfully,

Jane Moore

SUBMISSION TO SENATE LEGAL AND CONSTITUTIONAL COMMITTEE

Inquiry into the Administration and Operation of the Migration Act 1958

Background

I was a member of the Woomera Lawyers Group. I am currently in my final year of Law at Adelaide University, and undertaking the Graduate Diploma in Legal Practice. I qualified as a Social Worker in 1979 and throughout my career as a Social Worker worked with children in care, children with disabilities and in the area of family and child counselling.

As a member of the Woomera Lawyers Group I visited Woomera Detention Centre first in December 2000 and a number of times after that. I have also visited Baxter Detention Centre. At the detention centres I met detainees and took statements from them. I also came to know the circumstances of many other detainees. I have had contact with many of the detainees after they had left the detention centre.

This submission is particularly concerned with the immigration detention regime and its effects on children and families.

The High Level of Security

My first and lasting impression of the detention environment is that it is completely inappropriate for the needs of children and families. It is a prison environment. I have never been to a facility where young children were accommodated that had the degree of security evident at Woomera and Baxter. The nearest I have seen is a secure facility for young offenders – older children who have committed crimes serious enough to warrant the community's protection from them. I believe the degree of security at the detention centres, of itself, would have a damaging psychological effect on adults and children. Security measures consisted of double high fences and razor wire, uniformed detention officers, handcuffing of detainees- including women who were simply being transported to see visitors and weekly room searches and headcounts during the night with no consideration given to the privacy of families.

The remoteness of the centres contributed to a feeling amongst the detainees that they were a danger to the community. I was aware that children often asked what they had done wrong to be in such a place. This environment became even more extreme in certain instances when the detention authority

perceived a security risk. At such times children witnessed detention officers in full riot gear wielding batons, using tear gas and using water canons to manage situations. Understandably many detainees perceived the detention regime to be punitive. They reported feeling like criminals.

Lack of Concern for Individual Needs

When I visited Woomera in 2000 detainees were referred to only by numbers. Many detainees related stories of inadequate clothing, being cold at night, an inappropriate diet and individual medical needs that were not being adequately addressed.

Even when detention came to an end it appeared to me that arrangements were made without concern for the individuals (in fact it appeared that there continued to be a policy of deterrence operating). When detainees were granted visas or moved from one detention centre to another they were not given any opportunity to say their goodbyes to people with whom they had been living.

I had personal contact with a family who were released from detention and sent interstate where they had no friends, and no family or community support. At much less cost to the Australian Government and taxpayer they could have remained in South Australia where there was considerable community support available to them.

Another example was a mother and children who were released in Queensland when it was well known by the authorities that her husband, the children's father, had a TPV and was in Melbourne.

Appropriate medical attention was not provided to detainees with special needs. One teenage girl had an eye tooth removed because the authorities refused to arrange for the tooth to be filled.

One woman had inadequate treatment for a thyroid condition. She was told to just drink more water, despite her continuing to suffer from palpitations and sweaty palms. Another woman believed she was not receiving appropriate treatment for an ulcer.

Detention Environment and Family Stress

Detainees complained of being housed together with other families, separated only by a curtain. There was a lack of privacy for families. Mothers had difficulty getting children to sleep in the noisy environment. One mother shared a room of approximately 3 metres by 4 metres with her 18 year old son.

The regime which prevented detainees from taking food from the dining area to their rooms was especially destructive. It meant that children could not have food other than at the set meal times. The lack of facilities and

resources provided for children also prevented parents from managing their children in ways that they normally would and undermined their parenting role. Further undermining of the parenting role occurred because children observed the detention officers to be the people in authority rather than their parents.

Many parents were depressed and unable to adequately deal with their children. This was exacerbated by difficult behaviour exhibited by some children which was most likely caused by the detention environment. Children were unable to understand why they continued to be in detention and why they were separated from their fathers despite being in the same country.

Normal daily routines did not occur. It was usual to see no children outside even by mid morning because the detainees slept for many hours during the day.

One mother reported that she was afraid to let her children play on the play equipment because adult men were known to hang around there.

A number of parents reported that their children were bed-wetting. At Woomera there were inadequate laundry facilities and parents had to wash sheets by hand.

Parents complained of having insufficient clothing for their children in the cold weather. It was well-known that a number of organisations and individuals donated clothing to the detention centre but the detainees reported that they did not receive these donations.

Constant Exposure to People Self-harming

Parents were constantly concerned about their children being exposed to other detainees who were self –harming or whose behaviour was abnormal because of their psychological state.

One mother reported that her children were constantly scared that someone would harm them. The children were frightened to use the toilets, especially at night because they were some distance from their room. They always had to be accompanied by an adult.

Boredom

Parents frequently complained of their own and their children's boredom at Woomera. I believe the environment at Baxter continues to be one of sensory deprivation, with windows facing into the centre rather than out. Prolonged periods in a sterile environment are sensorily depriving and do not facilitate a child's normal development.

Separation of Family Members

In 2001 it came to the attention of the Woomera Lawyers Group that some men on TPV's, had been living in Melbourne, but had no contact with their wives and children who had been at Woomera for some months. There was no attempt to facilitate contact between family members inside and outside of detention. Families who had a spouse on a TPV living in the community were not detained in the same State as their spouse.

The remoteness of the detention centres in South Australia made it extremely difficult for spouses, other family members or friends to visit detainees. The procedure was that a detainee had to request that a person visit but detainees were not given information about this procedure. Detainees often had difficulty either gaining access to the public telephone to ring family members in Australia, or they had no money to buy the necessary phone cards. There appeared to be a policy of keeping family members separate. There did not appear to be a policy of maintaining and supporting families during a very stressful period or of facilitating contact between children and their absent fathers.

I believe that at one time approximately 40 – 50 mothers with their children were at Woomera while their husbands had TPV's and were living in Melbourne and Sydney. This was during the months of December 1999 until May 2001 when the Woomera Lawyers Group assisted husbands to gain access to the detention centre.

The Current Plight of Unaccompanied Minors

A number of unaccompanied children were detained at Woomera. Most of these children were teenage boys who left Middle Eastern countries because their families feared for they would be captured by the Taliban or killed. Many have lost family members to war. Most had suffered much trauma before coming to Australia and distressingly were only to suffer a great deal more in detention at Woomera for many months.

Fortunately most of these boys, I believe, have temporary or permanent visas. However they are still separated from their families. They should have received much better treatment when they arrived in Australia given that they were children traumatised by war and did not have the support of their families.

Some of these young people have developed and been treated for serious psychological and psychiatric conditions. To be able to make the most of their new lives in Australia they need to be reunited with the surviving members of their immediate families.

Summary and Recommendations

The detention environment appeared to me to be destructive of normal family routines and relationships and one causing great stress for both parents and children. The high security environment, the inappropriate mix of men and women, families and single people and unaccompanied minors all contributed to the problems experienced by the detainees.

While it appears that a number of changes have been made to the detention environment and that fewer families and children and unaccompanied minors are in detention there is nothing to prevent the previous situation re-occurring.

As the Migration Act stands there is nothing to prevent families and children from being detained for indefinite periods. It is exactly the indefiniteness of detention which causes enormous psychological stress for parents and children and disrupts family and individual functioning and the normal development of children. For these reasons I suggest that the Senate Committee consider the following recommendations:

- The Migration Act should be amended to prevent indefinite detention. A maximum period of detention of a few weeks, at the most, should be set.
- The processing of claims for protection must be speedier, especially where children are involved.
- Health and security checks should take place early on arrival and families should be accommodated in the community as soon as these checks have been done.
- Detention centres only be located where there is adequate access to health and welfare services and the possibility of contact with the Australian community
- A great reduction of the unnecessarily high security measures. Children especially should be protected from a gaol-like environment.
- Young people who arrived as unaccompanied minors and have been given refugee status should be assisted to bring their immediate family members to live with them. This would mitigate some of the damage that has been done to these young people through the unnecessary periods they have spent in a high security prison environment.