

## **Committee Secretary Senate Legal and Constitutional Committee**

I submit a statement relating to Terms of Reference D

I was visiting Baxter IDF on Saturday 23 July, 2005 to meet a detainee I have been corresponding with since May 2002.

While waiting for my visit to be confirmed, I was party to a conversation between a GSL officer and two other visitors discussing the riot that had occurred the day before in B2 compound.

While this is not a verbatim report it is the crux of the comments.

Yes, riots are usually about food and rightly so for this food is disgusting. This time the damage done to property was excessive. As officers we are given the same dreadful food as the detainees. GSL sub-contracts out all food preparation and the out-sourced company reduces costs by skimping on the quality and quantity of food.

One of the visitors confirmed this by recounting how, earlier, a serve of food was obtained for analysis. The food presented may be was called a stew: the ingredients were near impossible to be identified except for some small pieces of potato in a grey liquid mush.

Later, in the course of my conversation with my detainee friend, when asking him about his physical health, I was reminded of his inability to be interested in any of the meals prepared at Baxter. I had a context now of understanding why he was not eating. He has a digestive problem which may be as much caused by his long detention (over 4 years) as to the type of food available. He explained that the meat – all halal – is tough, stringy and with no flavour. A doctor had suggested he had fish but when that was prepared for him it, too, was unpalatable – because it was partly raw. He is determined now never to eat meat. As he rarely eats the meals he was not present at the time of the riot, though he became fully aware of what had happened.

He exists on cigarettes and tea and while pleased with the traditional food I had prepared for him, he ate sparingly. He readily took the uneaten food to his room which we both knew was against regulations.

Several times during my time with him he spoke of tiredness which I interpreted as much from the lack of sustaining nourishment from food as to the affect of prolonged detention with no future has had on him.

Margaret Tonkin  
Box Hill

29 July, 2005

## Committee Secretary Senate Legal and Constitutional Committee

My statement is a brief outline of how a professional man, father and husband, was almost destroyed by DIMIA's decision to separate families and to persist with accusations of being a people smuggler. This would be relevant to Terms of Reference A.

This man arrived with his wife and three pre-teen children in early 2002.

My first letter from him was dated 14 April, 2002 . He wanted to improve his English by letter writing and also "to speak about our torture and hurts"

By 26 June, 2002 he had been moved to Perth IRPC from Port Hedland IRPC because his wife and children had been given a Temporary Protection Visas and were housed in a Perth suburb.

He vehemently denied his 'people-smuggling charge', although he was convicted and served a sentence which was eventually quashed. On his discharge from state prison he was returned to Perth IRPC. He now is in 'home detention', busying himself with various community activities as well fully participating in his family's school and other activities.

Currently, he is making another application for a temporary protection visa.

During the early days of his separation from his family and wife, he acknowledged how well his children had adapted to school and how their English had improved. His wife was attending TAFE classes and generally the family was busy and happy. ". . . she miss me as I miss her too" 26/6/02 His letter continues . . . "she has heavy responsibility on her shoulder: she found that is very difficult to go as head a lone. It is very hard to be separate but what can we do: that is our destiny and fate to face with such difficulties in all our life"

Letter dated 25/9/02 . . . "my wife can't control the children alone and she has many problems with them but the main problem is they all wet bed at night. I think it is psychology problem they have because I am not with them"

Letter dated 13/5/03, (after conviction) . . . "our future get more darkness and nobody can imagine what will happen to us . . . we will separate for so long time and don't know if we will join each other or not. Because I face deportation automatically and no-one can stop that. I'll lose them, this will happen in a modern and democratic country. I try to tell my family to forget their father and her partner . . . . there is no comparing between the detention and prison, prison for humans and detention for animals"

Letter dated 28/10/03 . . . "I still wait for reply about my request to see an optometric doctor, please could you give me advice to stop my eyes pain and fears . . . I wait 5 months and there is no hope to end this waiting"

On return to Perth IRPC his mental health deteriorated requiring medical intervention.

His latest letter dated 21/7/05 has such a different tone about it. . . "I am so exciting and wondering about my new life . . ." now that he is re-united with his family on home detention; attending classes in English and ceramics (something he started when in prison); is physically active regularly swimming and walking; delights in his children's various activities, helping them with homework and attending their sporting fixtures. Last month he went with 2 supporters/guardians to work as a volunteer at a plant nursery.

In a recent phone conversation with a welfare worker , I was told that his memory has been affected due to his poor mental health.

I have been asked to write to support his application for a TPV, which I have gladly done.

In making this statement I am aware that, although names have not been used, his case would be easily identified especially by those familiar with detainee cases from Western Australia. At an earlier time he had given me permission to use any of his letters to aid his case. I have taken that freedom to present this statement today.

29 July 2005

Margaret Tonkin  
Box Hill