



THE ROYAL  
AUSTRALIAN AND NEW ZEALAND  
COLLEGE OF PSYCHIATRISTS

25 May 2006

Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Secretary,

Enclosed is the Royal Australian and New Zealand College of Psychiatrists (RANZCP) submission to the Senate Legal and Constitutional Committee Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006. The RANZCP welcomes the opportunity to contribute to this important inquiry and would be pleased to provide any additional information the Committee may require.

Yours sincerely,

**Dr Julian Freidin**  
**President**

Cn:00783



## **THE ROYAL AUSTRALIAN AND NEW ZEALAND COLLEGE OF PSYCHIATRISTS**

### **Submission to the Senate Legal and Constitutional References Committee's Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006**

#### **PURPOSE**

This submission is made by the Royal Australian and New Zealand College of Psychiatrists (RANZCP) to address the Senate Legal and Constitutional References Committee's Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

#### **INTRODUCTION**

The RANZCP is the principal organisation representing the medical specialty of psychiatry in Australia and New Zealand. It has responsibility for setting the training program, examining and providing access to Fellowship of the College to medical practitioners. There are currently approximately 2600 Fellows of the RANZCP who account for approximately 85% of all practicing psychiatrists in Australia and over 50% of psychiatrists in New Zealand. There are branches of the RANZCP in each State of Australia, and the ACT and New Zealand.

Psychiatrists are medical practitioners with a recognised specialist qualification in psychiatry. By virtue of their specialist training they bring a comprehensive and integrated biopsychosocial and cultural approach to the diagnosis, assessment, treatment and prevention of mental health problems. Thus, psychiatrists are well equipped to assess the mental health needs of those in immigration detention and the effects of immigration detention on mental health.

#### **IMMIGRATION IS ASSOCIATED WITH HIGH LEVELS OF MENTAL ILLNESS**

Immigration detainees are a vulnerable population group. Rates of mental illness – post-traumatic stress disorder, depression, anxiety – are very high among people who are in, or have experienced, immigration detention. The traumatic histories of this group makes them particularly vulnerable to the effects of further psychological distress, and prolonged detention exacerbates existing psychological distress and precipitates further mental illness.<sup>1</sup> The scientific literature on the rates of mental

illness among immigration detainees in Australia is now considerable; for a review, see the RANZCP's Submission to the Senate Legal and Constitutional References Committee's Inquiry into the Administration and Operation of the Migration Act 1958 (attached).<sup>2</sup>

Offshore processing, by cutting people off from legal and social supports, will intensify and add to the stressors which lead to the high rates of mental illness in the immigration detainee population.

### **OFFSHORE FACILITIES LACK MENTAL HEALTH CARE CAPACITY**

There are significant concerns about the provision of health and mental health services in offshore locations. Any processing system must plan for the high rates of mental illness among immigration detainees, and offshore facilities do not have the capacity to manage mental health care appropriately. Nauru, for example, currently has major problems with mental health services and has already been subject to a Commonwealth review pointing to infrastructure problems and staffing difficulties. There are issues with ensuring access to specialist review and transfer to appropriate health facilities. In addition, it will be hard for offshore centres to provide for an emergency mental health response if this is needed. Given that Nauru has chronic difficulties in maintaining functional mental health services for its own residents, having no resident psychiatrist and experiencing an urgent need to train mental health nursing staff, the mental health needs of immigration detainees could not be met. Similar difficulties exist in Christmas Island.

The new Bill fails to acknowledge the real health issues and responsibilities of any immigration detention system to provide adequate healthcare. The Commonwealth has a duty of care to immigration detainees, as attested to by the judgement by Justice Finn in the Federal Court of Australia<sup>3</sup>, the Palmer Inquiry into the detention of Cornelia Rau,<sup>4</sup> and the report by the Senate Legal and Constitutional References Committee's Inquiry into the Administration and Operation of the Migration Act 1958.<sup>5</sup> To hold immigration detainees in offshore facilities incapable of providing adequate healthcare would constitute a failure of the Commonwealth's duty of care to detainees who are mentally ill.

### **CONCLUSIONS**

The RANZCP believes that mental health care of immigration detainees will be severely compromised by processing of detainees offshore. The RANZCP asserts that immigration detainees should have access to the same standard of health services as other categories of persons, and that the Commonwealth has a duty of care to provide this. At present, it is clear that this duty of care cannot be discharged in offshore facilities.

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<sup>1</sup> Sultan A D, O'Sullivan 2001. Psychological disturbances in asylum-seekers held in long term detention: a participant observer account. *Medical Journal of Australia* 175: 593-596.

<sup>2</sup> The Royal Australian and New Zealand College of Psychiatrists 2005. Submission to the Senate Legal and Constitutional References Committee's Inquiry into the Administration and Operation of the Migration Act 1958.

<sup>3</sup>S v Secretary, Department of Immigration & Multicultural & Indigenous Affairs 2005. FCA 549.

<sup>4</sup> Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau 2005. Commonwealth of Australia, Canberra.

<sup>5</sup> The Senate Legal and Constitutional References Committee 2006. Administration and operation of the Migration Act 1958. Commonwealth of Australia, Canberra.