

Dr LAWRENCE (Fremantle) (1.13 p.m.)—The **Migration Legislation Amendment (Protected Information) Bill 2002** is designed to confirm, if it were needed, that the Minister for Immigration and Multicultural and Indigenous Affairs' authority to disclose information required in character decisions is non-compellable and to restrict the disclosure of such protected information to and by the Federal Court or Federal Magistrates Court in any review of the minister's exercise of discretion to refuse visas on character grounds. It reflects, I suppose, the inherent tension between public interest and procedural fairness.

However, the need for the bill is debateable, given that the general legal opinion seems to be that the minister already has adequate control over the initial disclosure of such information to any party, including courts and tribunals. Furthermore, courts have almost invariably supported ministers' decisions in such matters. However, this bill represents part of a pattern of increasing resistance by the minister and his government to the longstanding principles of natural justice and procedural fairness. We are dealing here with an increasingly paranoid minister who wants to place his decisions and the consequences of his decisions beyond scrutiny and outside legal correction.

The pattern is also evident in the government's lying over the *Tampa* affair, the 'no children overboard' incident and the so-called Pacific solution, and in its failure to provide for public scrutiny of remote detention camps and the minister's attempts to eliminate court and parliamentary oversight of his decisions. The vivid depiction on *Four Corners*—about which we have heard from other speakers—of life in the Woomera detention centre reminds us of the secrecy which surrounds the institutionalised sadism that is the official government policy on asylum seekers. It has at its core the systematic degradation and torture of our fellow human beings—treatment we would normally abhor. And this is not in the past tense, as the minister would have us believe. People are being brutalised today in all the detention centres. Like those at Woomera, many of the staff responsible for the care of detainees will never fully recover from the experience of carrying out their government's cruel policy.

The ill treatment of refugees is confirmed not just in the *Four Corners* report but in a series of reports which have documented the breaches of numerous international conventions to which we were willing signatories and effects of current policies on those who are detained as well as those who are on temporary protection visas. These include the United Nations Human Rights Commission, the Human Rights and Equal Opportunity Commission, Human Rights Watch and so on. Like many who are connected with the network of refugee advocates and supporters, I receive daily reports of suffering and degradation that make a mockery of our claim that we are a nation that respects human rights. Just today I had further reports, which I have sought to have investigated, about a man who is seriously depressed, is now suffering from bleeding every time he eats and apparently is not getting adequate medical care. I do not know the accuracy of that allegation, but it is typical, and it is almost impossible to verify.

We cannot pretend we do not know what is happening. Others are certainly aware of the way we treat those who seek asylum. The Australian government's uncompromising stance on asylum seekers was the subject of critical comment at a recent postwar conference in Iraq. Following a speech by Australia's deputy secretary of the Department of Foreign Affairs and Trade, Peter Varghese, conference delegate Sheik Sayed Jamaluddin, a Shiite cleric, was criti-

cal of Australia's detention of Iraqi asylum seekers who had fled Saddam Hussein's regime. He said:

I call on the representatives of the Australian government to ask the government to accept the human rights of those Iraqis who are held prisoner in some capacity—

he is right about the prisoner bit—

that they might be treated in a humane fashion ... If you come here and tell us that we need to build an Iraq that is democratic and respects human rights you should respect the rights of the Iraqis who happen to be in your prisons.

Australia is one of the few countries to automatically detain those who arrive without authorised documentation. Those seeking asylum, including children—some 100 at last count—are held in secure, mostly remote camps for months or even years while their claims for refugee status are assessed or because they cannot be returned to the place from which they came.

Despite the cold reassurances of the responsible minister, we know that such detention has profound effects on the physical and psychological wellbeing of detainees. There is no escaping that. The government encourages us to turn our faces away from the refugees and even to deny, as the minister has done recently, that depression is a mental illness. Forgive me, I am a psychologist. Depression can be a mental illness in its severe form. We are not talking about the blues here. We are talking about a serious mental illness. He implies that we need not worry that the experience of detention is harmful, even though so many of those in detention are depressed, because—and this is what he said on the *7.30 Report*—‘I'm not sure that everybody would regard depression as a mental illness.’ Nudge-nudge, wink-wink, he goes to the community. At least sensible people like you and me would not regard it as a mental illness, the minister wants you to think—just bothersome groups like the World Health Organisation, the Royal Australian and New Zealand College of Psychiatry and the Commonwealth Department of Health and Ageing. When asked about rates of mental illness in our detention camps, the minister always conveniently overlooks depression. It is simply not counted—as if it would therefore disappear.

The plague of self-harm and suicide attempts is, in the minister's eyes, not the companions of mental illness but a rather crude attempt to engineer refugee status. He told Kerry O'Brien last week: ... there were perceptions in the centres themselves that, by action of self-harm, people had achieved outcomes ... and it led to a belief amongst a proportion of the Afghan population that the only way in which they were going to obtain visas was to be involved in the same sort of conduct.' That is, self-harm, suicide. The minister refused then, as he has always done, to contemplate even briefly the possibility that locking people away in remote areas without certainty and hope may drive them to destructive acts. He specifically refused to accept O'Brien's proposition that such acts might be construed as acts of desperation. He actually said that he did not know the meaning of despair in that context—which is amazing.

I believe that we have to confront the immorality of this policy and its destructive consequences and invite Australians—and the minister too, for that matter—to exercise their empathic imagination, which is something which the Howard government has been at pains to prevent us all from doing. The government clearly understands that keeping a safe distance and reducing the opportunities to humanise asylum seekers is necessary to ensure the continuing acceptance by the Australian people of the more brutal elements of the asylum seeker policy. Asylum seekers are housed in remote camps in Australia and thousands of kilometres

from the mainland on Christmas Island and on Nauru where visas are refused to journalists—and human right activists in the case of Nauru. It is impossible to visit; we cannot know what is happening there except by rumour and the occasional letter.

The government's refusal to allow any photographs or personal contact with those who were stranded on the *Tampa* is another example. It was part of a deliberate campaign to prevent any identification with the people on board and to cultivate fellow human feelings. The defence minister's press secretary gave explicit instructions to the defence department that there were to be no personalising or humanising images taken of the asylum seekers. I wonder why. Nonetheless, it is imperative that we ask ourselves, despite the government, how we would feel in similar circumstances if our freedom were taken away; to imagine how we would feel if our children were denied an education; how distressed we would be if we could not call on our own doctor when we were ill; how humiliated we would be if we were forced to be strip-searched at regular intervals; how desperate we would feel if we knew we might never be allowed to bring our families to join us; and how hurtful it would be to be treated as liars and cheats.

Many asylum seekers are here precisely because they are the victims of torture and persecution, fleeing human rights abuses and often leaving family and loved ones behind. Others have lost family members to brutal regimes and are still grieving their losses. Some of them come from war zones where they have seen their communities bombed into oblivion. Yet their coming here is an expression of hope. They want to rebuild their lives and give their children a better future. On arrival in Australia they are hopeful of compassionate and humane treatment; instead they are rebuffed, humiliated and tormented still further.

Their indeterminate detention leads to mounting stress, not least because of the disappointment of their optimistic expectations. The result is frequently severe depression and thoughts of despair and helplessness, which I referred to earlier. Some detainees, on the other hand, demonstrate aggressive, destructive and self-harming behaviours that are reflected in suicide and acts of mass violence, group break-outs, rioting, burning of facilities and hunger strikes. These actions then feed the hostile attitudes that are already prevalent and cultivated by the government in the wider community. The government insists that such behaviour of people in extremis is a form of bullying and manipulation. The detainees, as the minister puts it, are crudely trying to exploit our decency. This, in my view, is an obscene reversal of the facts: just who is being bullied here? Given the grim situation of many detainees, it is surprising that there is not more of such behaviour.

Among children detention produces a well-documented range of psychological disturbances, many long lasting, including mutism, withdrawing from contact with others, bed-wetting, refusals to eat and drink as well as acts of self-harm and suicide in young people. At the time of writing, despite the fact that there had been no unauthorised arrivals by boat for over a year, records showed that many children were still in detention in Australia and on the island of Nauru.

We should ask our government and our fellow citizens a few simple questions. Contemplate for a moment, if you will, the care you lavish on your own children, your thoughtfulness in protecting them from exposure to violence and suffering, your careful planning of their education and their access to opportunities to learn and to explore the world from a secure,

loving base. How can your children safely explore a world from behind barbed wire? There is certainly a world there to be explored, but it is one that will destroy them.

We should think collectively, even if the government cannot, about the importance we place on protecting our children and ensuring their physical safety. How can parents in detention camps, with no private place and no control over their daily lives, provide such a safe environment? Child abuse is taking place today, despite the minister's denials. We do not need elaborate research to conclude that asylum seekers are going to be damaged by these experiences. It is obvious to anyone who is prepared to imagine their own responses in thinking about what would happen to their families if they were put under that sort of stress—the sort of stress that is experienced daily in detention centres. One man who has been detained for over four years describes it simply as 'dying every day'.

The mere fact of indefinite detention is bad enough but degrading treatment is also regularly meted out. There are numerous reports of naked hostility being expressed by the staff towards the detainees. In letters to supporters, people in detention report that they are often treated with disrespect and endure petty humiliations and intrusions into their privacy. Isolation, detention and force are routinely used. Despite denial, people are identified by numbers and not names.

Following the fires that were lit in several of the centres around Christmas 2002, strip searching, including full cavity searching, became routine. Many were placed in isolation and were denied any communication with people outside who attempted to contact them. Two weeks ago, I received reports—which have yet to be confirmed; we have made complaints and I do not know whether they are being followed up—that one detainee was bashed and then taken to an isolation room with a hook on the wall two metres off the ground. They should have read the report into Aboriginal deaths in custody. He was allegedly handcuffed with his hands in front of him and his arms extended upwards so that he hung on a hook, his feet just touching the ground. He was apparently left for over an hour before he was taken down. I understand the matter has been brought to the attention of the police.

Random acts of meanness are also commonplace. On 24 April, Ebrahim Sammaki, who is in Baxter, was sent a video tape of two recent episodes of the *7.30 Report* specially recorded for him on new blank tape because the report included images of his two children, from whom he had been separated for some time. Ebrahim's wife, Endang, was one of those who died in the Bali bombing and their two children are still in Indonesia because the minister refuses to allow them to join their father. Ebrahim has still not been permitted to see the tape because the guards allege that there is other material on the tape. Those who sent the tape are adamant that there is nothing on the tape that has not already been broadcast by the ABC. The minister, as we know, is now refusing to allow the children even a short visit.

Those who do not meet the strict criteria for refugee status face the constant threat of deportation, often to places where they believe they will be further persecuted or even killed. The government had apparently signed a memorandum of understanding with the government of Iran to return asylum seekers whose refugee claims have failed. The government has refused to make the terms of the agreement public, perhaps because there are reports that the Iranian government has not actually agreed to the return of their nationals. Although the Iranian government will be forced to accept those returned, they have made it clear that they will refuse passports to those sent back. I put a question on notice to the minister and asked why

he would not make that public. He said he did not consider it to be in the public interest to make it available at this time and it was a confidential agreement between the governments. The Howard government, despite joining in the US Hollywood style depiction of Iran as part of the axis of evil, will take no responsibility, apparently, for the fate of Iranians or any others who may be returned to their countries of origin.

Those whose refugee status is confirmed and who are released on temporary protection visas fare only marginally better. They are forced to live in a permanent state of suspended animation because under the current government such visas may never become permanent. The government reserves the right to reassess their claims in the light of changes in conditions in their countries of origin. For example, Afghans fleeing persecution under the Taliban and eventually granted refugee status are now being sent back because it is judged that they no longer need fear persecution in Afghanistan. I think we should send the minister there, especially to somewhere outside Kabul, for a little bit of a holiday.

Just this week, Human Rights Watch warned that Australia would put Afghan refugees and asylum seekers at risk if they were returned to an unstable Afghanistan. They also pointed out that the government's four-page country information report, which they are giving to people whom they want to return, contained little substantive information and gave a very misleading impression of human rights protection in Afghanistan today. Human Rights Watch has documented many cases of security forces committing rapes, assaults and murders and attacks on girls' schools in local populations, especially outside Kabul—a nice and secure environment to which to return children.

The government proposes to return women and children, including several who entered Australia as minors. They will be returned to Afghanistan alone. Human Rights Watch officials describe this haste to send people back to Afghanistan as 'rash and irresponsible' since:

... vulnerable women and children are being sent to unstable and dangerous regions ...

where in some places:

... women are still facing Taliban-era restrictions.

The same experience of uncertainty and civil disorder in their home country confronts the Iraqi people who fled Saddam Hussein and to a lesser extent the East Timorese who have lived here for a decade. Those on temporary protection visas are forced to live in limbo, denied hope and the opportunity to begin their new lives. They are also denied basic resettlement services and are prevented from bringing their families to join them if they have been separated.

Just yesterday the last words of Dr Habib Vahedi were read into the *Hansard* of the South Australian parliament by Chris Hanna. I commend them to members. They are very moving. Dr Vahedi was an Afghan Hazara who committed suicide in the face of continuing uncertainty about his fate and the prospect of return to continued persecution in Afghanistan. He had been separated from his wife and four children for over three years and was clearly desperate that he would never rejoin them.

The denial of family reunion is the reason why there are so many women and children among the 352 asylum seekers who drowned when the boat which became known as the SIEVX sank, or was deliberately scuttled, in late 2001. It is why two women drowned when another boat sank after catching fire and why there were so many women and children on the

vessel which broke apart and provided the photos which the government used as 'evidence' that the asylum seekers had thrown their children overboard, a claim subsequently shown to be a complete fabrication.

As a result of these policies, seven Iraqi women and their children who attempted to come to Australia in one of the unauthorised vessels were held for a very long time on the island of Nauru. They may still be—it is impossible to determine. They languish there even though their husbands are here in Australia on temporary protection visas, having been found to have a well-founded fear of persecution at the hands of Saddam Hussein's murderous regime. A Senate estimates committee was told that the women could not claim refugee status because, while their husbands were the victims of persecution, they were not. In most cases when people seek asylum because of persecution, it is the men who have been subjected to explicit threats—we know that—and in the past this was sufficient for the immediate family to be accepted as refugees. Changes to the legislation now require every individual to be assessed, which means that women who try to join their husbands will fail and run the risk of being deported, while their husbands are unable to leave Australia without relinquishing their rights to stay, a vicious double bind. When asked what would happen to the women on Nauru the officials told the Senate committee, in the bloodless language of DIMIA and its minister:

The individuals on Nauru are free to return to their homeland or to any other country they may wish to travel to.

Thank you very much! This was at exactly the same time when Iraq was about to be attacked by the combined forces of the US, the UK and Australia. On the very day the Senate was told the women could return to Iraq, the foreign minister, Alexander Downer, spent the major part of question time providing gruesome details of what women in Iraq could expect should they fall foul of the regime—rape, torture, mutilation and murder. When challenged about the gross hypocrisy of the government's position on radio the next day, the minister said:

We don't send people back who would be at risk. We send people back if we think they are rorting the system.

There is no evidence that these women were rorting the system other than to try and join their husbands.

One of the tragedies of all this is that the community is not being given an alternative point of view. I think as a community we can do a great deal better than this. Far from welcoming those who come across the sea, as our natural anthem suggests, and sharing in our good fortune, we are as a nation, through our government, rejecting the most traumatised people and adding to their suffering—and all in this climate of secrecy and silence. These people, small in number, have not come to embarrass us but to beg for our compassion and help, believing us to be a nation that values human beings equally, regardless of race, creed or colour. We have yet to justify their faith in us or to earn the description of us as a fair and humane people.

The DEPUTY SPEAKER (Ms Corcoran)—Before I suspend the sitting, and before I call the member for Kennedy, I want to get on record what is happening here. During debate on the Murray-Darling Basin Amendment Bill 2002 I understand that the member for Kennedy wanted to rise to correct a misrepresentation. He was not given that opportunity. It is unusual, but I will now allow him to do so. I draw his attention to the fact that he is on his feet to correct a misrepresentation but he cannot discuss any further matters.

Debate interrupted.