



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**BILLS**

**Migration Amendment (Prohibiting Items in  
Immigration Detention Facilities) Bill 2020**

**Second Reading**

**SPEECH**

**Wednesday, 2 September 2020**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

<p><b>Date</b> Wednesday, 2 September 2020  <b>Page</b> 72  <b>Questioner</b>  <b>Speaker</b> Haines, Helen, MP</p>	<p><b>Source</b> House  <b>Proof</b> Yes  <b>Responder</b>  <b>Question No.</b></p>
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**Dr HAINES** (Indi) (16:39): I rise to express deep and sincere concerns about the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020, the lack of evidence upon which it stands and the disturbing signal it sends about our collective values. I stand to give voice to the people from my electorate of Indi who have implored me to speak in this place about bills such as this. More than that, though, I stand to give voice to the very people who are rendered voiceless by bills such as this, bills which seek to take away not just a phone but what last shred of connection they have to a world outside the darkness they find themselves in.

For too long in this country we've been sold the idea that, to be kind, we must be cruel and, to avoid people drowning at sea, we must detain those who do not. This bill is founded upon a false assumption that the current detention regime is respectable and worthy of refinement. The truth is it is not. Since I arrived in this place, I have called out the current detention arrangements for what they are—a cruel stopgap that we should have dismantled long ago and replaced with a system that is fair, orderly and humane. That we are still here debating how we should operate these punitive institutions is a problem in and of itself.

An extensive body of evidence has long demonstrated the great mental and physical harm caused to detainees of the current detention system. While immigration detention is ostensibly for administrative purposes, anyone who takes even a brief second glance knows that these centres have all the same characteristics and restrictions of regular prisons but without the same level of accountability. It's no secret that the purpose of this bill is to allow the minister to ban mobile phones in detention. Indeed, there are specific notes in this bill that make it very clear this bill is about removing mobile phones from detention. It's wholly unclear to me, and to many of those who've made submissions to the Senate inquiry into this bill, whether the minister will make that decision based on any evidence whatsoever. Indeed, this bill would not require any evidence. All it asks is that the decision-maker thinks, or is satisfied, there might be a risk to the health, safety or security of persons in the facility. I know I speak for many when I say I am uncomfortable giving such a discretionary power to a key architect of the current detention arrangements. Do we really believe the minister will be cautious and proportionate in making such a decision, putting the physical and psychological health and wellbeing of detainees first? I struggle to believe so.

There are deeply disturbing provisions in this bill. First, detention officers can search detainees for items the minister deems are prohibited, even if the detention officer does not have any reason to believe that the detainee is in possession of that item. I want to repeat that: even if the detention officer does not have any reason to believe that the detainee is in possession of that item. It is pure, unfettered discretion. Second, detention officers can conduct strip searches of detainees if they suspect, on reasonable grounds, that a detainee is in possession of that prohibited item. This is currently limited to strip searches for weapons or things that could help a detainee escape from detention. Under this bill, it could be any manner of objects. Third, officers can conduct searches of an entire detention facility, whether or not they have any reason to think there are prohibited things present in the facility. Officers can use dogs in that search. They can also designate anyone else to be an assistant to help conduct the searches. In fact, the minister can direct officers to exercise seizure powers under any circumstances he so desires—private security guards with dogs. It's beyond me how such powers could be considered fair, orderly and humane. To me, and the many constituents who write to me and call my office on a very regular basis, this is about increasing the securitisation of these centres, without due regard for the vulnerable populations who spend their lives inside them.

Mobile phones and other communication devices are essential to people held in immigration detention, for them to maintain regular contact, private contact, with loved ones and with lawyers and other forms of support. Mobile phones are essential—they are an essential link to the outside world. To remove them would compound the isolation, desperation and vulnerability felt by those under our care. Immigration detention centres are not prisons. Those seeking asylum should not be treated as prisoners. They deserve so much better than that from us.

The Asylum Seeker Resource Centre's submission recounts a story that would be difficult for any parent to read, a story of a father whose only contact with his children from detention is via a mobile phone:

I cherish my skype time with my daughter. Each day, she asks me when I am coming home from my holiday and says that she wants me to come home and play with her. I ask her about her pictures, what TV she is watching, her favourite colours and toys. I always remind her to listen to her mother and that I will be home soon to be with her again. Our skype time always ends with 'see you soon' and 'I love you'.

He goes on:

I recently had the joy and at the same time, the torture, of watching my children open their Christmas presents, yet again from my phone in a detention centre, rather than being able to kiss and hug them and play with them.

Last Monday it was my daughter's first day of kindergarten. I feel so upset I was not able to walk her there or hear her news on the way home. But at least I got to see her on skype as soon as she came home, and got to hear all the details of her day ...

This story is painful enough to read as it is. As a parent, as a midwife, as a public health researcher and as a human being, this is hard to read. But this is a story we must listen to. The contents of this story, if we did not know its origins, would be just so familiar, so domestic; but this case is just so tragic. And it is so absurd that, in a nation such as ours, this is a story we have to hear.

This bill is a blunt instrument that would make this man's life even more harrowing. It lacks the nuance and evidence to tackle a problem that this government has not got any data on. Right now, there are no minimum standards, statutory standards or a proper legal framework for standards in immigration detention. There's also no independent review or legal means for detainees to challenge their continuing detention or meaningful ways for them to complain about their treatment.

This bill fundamentally misunderstands who we are meant to be caring for. It's common for asylum seekers to be reticent to speak up to authority figures, following subjection to police persecution and corruption in the countries of origin from which they've fled. These centres should be a place where asylum seekers should feel as though they can trust detention officers and work with them, not fear them. They could be places where people learn, for the first time, that Australia is proud of its institutions that support and empower its citizens, not dehumanise them.

This bill forgets that we have an alternative to detention. Community arrangements for asylum seekers, refugees and stateless persons have been in use by countries around the world for many years and to great effect. Sweden, for example, has used a reception program under which asylum seekers are issued with identification documents on arrival, which are used by immigration officials to track their cases. After spending around a week in a transit or processing centre, asylum seekers are released into the community and can use their documentation to access some basic services. In Spain, asylum seekers have been released into the broader community or accommodated in an open reception centre from which they are free to come and go. They are given a small monthly allowance and permitted to access medical and psychological services, a social worker, legal aid and educational opportunities. Here in Australia, we have been offered the opportunity of resettlement for eligible asylum seekers in New Zealand, and yet we have not taken that option.

This bill misses humane opportunities such as these. The concessions being negotiated to this bill ignore opportunities such as these. This bill is motivated by fear. I will not be supporting this bill—I will not support any bill like this—and I urge my colleagues to follow suit.