



DEMOCRATS REFUGEE E-BULLETIN

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In this edition:

- 1 Refugees online flashmovie
2. Interview – The media and refugees
- 3 Nauru Asylum Seekers – what you can do to help
4. In the Senate
 - 4.1 Management of Detention Centre Contracts report tabled.
 - 4.2 Senate estimates
 - 4.3 Petition tabled: Immigration Detention Centres
 - 4.4 Comments on detention costs
 - 4.5 Question without Notice: Budget 2004-05
 - 4.6 DOCUMENTS: Human Rights and Equal Opportunity Commission
 - 4.7 ADJOURNMENT SPEECH: Multiculturalism
 - 4.8 ADJOURNMENT: Iraq: Treatment of Prisoners
5. Media
 - Fed: Bartlett congratulates Merlin on detention message

1 Refugees online flashmovie

If you haven't already seen it, have a look at the refugees movie:
http://www.liedetectors.net.au/free_the_refugees/movie/

2. Interview – The media and refugees

An excellent interview with Julian Burnside and Paul Sheehan on radio national:

Saturday June 20 marks World Refugee Day and the Media Report looks at the role of the media in reporting one of the country's key political debates: Australia's policy towards refugees.

<http://www.abc.net.au/rn/talks/8.30/mediarpt/stories/s1132359.htm>

3 Nauru Asylum Seekers – what you can do to help

The asylum seekers who were accepted by DIMIA have not yet been given any information on where they will be sent or when that will be. What we can assume is that a number of them will be brought to Australia sometime in the near future.

These people will be in need of settlement assistance in many forms: short-term accommodation, furniture, help with how to use public transport, help with job interviews and accessing schools, libraries etc etc. Most importantly to provide a friendly face to let them know they are welcome in Australia and that they have a support network available to them in case of any emergencies.

If you are able to provide any assistance – even just for occasional tea and sympathy – please write to refugees@democrats.org.au. Give us your contact details, where you live and the assistance you can provide. We will keep track of all offers and pass them on to the organising people and let you know when the assistance is needed.

4. In the Senate

4.1 Management of Detention Centre Contracts report tabled.

Summary

The objective of the audit was to assess the effectiveness of DIMIA's management of its detention agreements with ACM to operate Australia's mainland immigration detention centres. In particular, the ANAO examined: DIMIA's strategic approach to the management and coordination of the contract; how DIMIA defined the services to be delivered by ACM; the systems in place to monitor and report against contract performance; the effectiveness of controls over contract payment arrangements; and DIMIA's management of infrastructure through the detention agreements.

You can read the report here:

[http://www.anao.gov.au/WebSite.nsf/Publications/BF7B1AE59CA8BED0CA256EB6006F8A65/\\$file/Audit%20Report%2054.pdf](http://www.anao.gov.au/WebSite.nsf/Publications/BF7B1AE59CA8BED0CA256EB6006F8A65/$file/Audit%20Report%2054.pdf)

Pay particular attention to pages 13-29, Key findings and recommendations. Also read section 4.49

Senator Bartlett's comments to the ANAO report:

DOCUMENTS: Auditor-General's Reports: Report No. 54 of 2004-05

[Senator BARTLETT](#) (Queensland—Leader of the Australian Democrats) (6.20 p.m.) —by leave—I move:

That the Senate take note of the report.

This is a report on the management of the detention centre contracts under the Department of Immigration and Multicultural and Indigenous Affairs. It is worth noting, as you have just said yourself, Mr Acting Deputy President, that it was tabled after the Senate adjourned at about 4.30 p.m. on Friday. It is a fairly typical but nonetheless inexcusable attempt by this government to hide what is clearly a disgraceful and damning report by the Auditor-General into the management of Australia's immigration **detention centres**. A typical longstanding government practice—I think the phrase used in *The West Wing* 'is taking out the trash'—is to put the report out late on Friday afternoon after the parliament has risen so nobody can speak to it and hope that people do not notice. Thankfully, some people in the press gallery did notice and have reported on it, and many people who follow what this government does in the area of immigration detention also noticed.

I will briefly touch on some of the conclusions of the Auditor-General's report and its overall findings. The report said:

The ANAO concluded that DIMIA's management of its contract with ACM— that is, Australasian Correctional Management, which was the company running **detention centres**— suffered from a lack of clearly identified and articulated requirements. Through the life of the contract, considerable time and resources were expended ... managing the emerging issues from an increasing workload. However, DIMIA did not take the initiative and clarify its objectives. DIMIA decided not to amend the contract to establish clear expectations of the services to be delivered, or refine the standards it used to monitor and report on ACM's performance. These shortcomings adversely affected DIMIA's ability to: assess overall service delivery; determine the quality of service required and delivered in key areas; manage shared responsibilities; and establish priorities for improvement.

We are talking about an immigration detention centre here. It is to all intents and purposes a jail, except that it is for people who have not been convicted of any crime and, indeed, have not been charged with any offence. To have such failings in assessing overall service delivery and the quality of that service in key areas means that the detainees—very vulnerable people; asylum seekers— were in a situation where the performance of their jailors was not being properly monitored. The report states:

DIMIA's overall objectives in contracting out detention services were not clearly, or consistently, articulated over the life of the contract.

DIMIA did not identify and document the risks associated with the private provision of detention services.

The private provision of jails or jail-like environments is very controversial. It has a pretty poor history. To go down this path without setting in place the associated risks is completely unacceptable. The report goes on to say:

... the contractual requirements lacked sufficient specificity to enable DIMIA to adequately monitor the quality and nature of the services provided by ACM.

Again, let us remember that these so-called services are the detention of asylum seekers. The report continued:

The ANAO concluded that there was a low level of assurance that the financial aspects of the contract operated as intended. Although there have been improvements in recent times, for the most part, financial performance measures and reporting in respect of the detention contract were limited. As well, DIMIA did not actively manage the savings share arrangements to protect the interests of the Commonwealth— that is, the taxpayer. The report continued:

The costs of the contract itself, and contract administration increased over the life of the contract, and not always in proportion to the level of contracting activity. The ANAO notes that, over the life of the contract, the human resources used by DIMIA to manage the detention function, including contract monitoring, increased from a section in DIMIA with 15 staff to a division with 150.

This is taxpayers' money that is being expended on a detention regime that the Democrats believe is not necessary. Think of the costs of 150 staff simply to manage the detention function alone. This is not to run the centres; this is just to oversee the operation of the contract. Also, the Audit Office report said:

While the contract provided a basis for infrastructure management, it lacked clarity about DIMIA and ACM responsibilities.

I suspect that that is not accidental. People who sought to raise concerns about specific instances in **detention centres** met with the continual frustration of being bounced backwards and forwards between the department and ACM about who was responsible for what issue. It is a bit like the finger-pointing between state and federal governments. You can never get anywhere, because it is always someone else's responsibility. I suggest that it is probably no coincidence that that was the way it panned out in this case. I should mention that ACM is no longer running **detention centres**. They are now run by a different company. Whether or not the situation has improved is another question.

Let us not forget that these are facilities—and I have visited all of the **detention centres** that are currently open in Australia—that in certain circumstances authorise strip-searching, effective solitary confinement or isolation, and the use of handcuffs and flexicuffs. This is a private company authorised under the Migration Act to operate what are supposedly—and what are still often called—processing and reception centres where people are put in isolation as a management technique. It is not even as punishment. If you tried to do it as punishment it would be illegal. There is no proper process for people to find out why they are being put in so-called management or isolation or to appeal against such decisions. It is completely outside any administrative overview mechanism. I have used the term 'prison' and drawn comparisons with the contracting out or privatising of the running of prisons, but with **detention centres** the contractors are actually far less accountable. Our prisons are established under state law. They are at least overseen by a consistent legal regime. There are proper procedures. If prison officers do not follow procedure—if they inappropriately discipline somebody or use punishment without following procedure—then there is legal recourse. There is no such luck for detainees under our detention regime.

I have been to the Nauru detention centre, which is not run by this company. It is run by the International Organization for Migration, which is an international non-government organisation. It was still contracted by DIMIA, but the big difference that I saw, having been to the Nauru centre twice, was not the facilities—though there were certainly differences there—but the attitude of the management. Certainly, there are some that criticise the management there. But I would say that their whole attitude is not of security and detention but of caring for the people that they have a responsibility to look after while a migration outcome is found for them. It is a very different attitude and it reflects very differently in the end result. It does not mean that there are not problems there. There are inevitably problems because there are still people who are locked away for years at a time, outside the legal process, with no understanding or hope about what their future holds. But this clearly shows why it is

such a problem to have a correctional company—a security or prisons company—with a detention and security mindset running what are still called immigration reception and processing centres.

This Audit Office report highlights why that is a problem. These are places that have extremely ill people—traumatised people. Just last weekend in Baxter detention centre in Port Augusta a man overdosed. He had to be taken to Adelaide hospital in a very serious condition following that overdose. That is the sort of despair and desperation people are driven to as their only way out of these places. Many of these people have asked to return and are still not able to. There is no prospect of them returning and no avenue out into the Australian community. They are just trapped. The only way out is through complete psychological breakdown. Those sorts of people need a caring environment, not something that is run like a jail and not something that is set up in the appalling way this Audit Office report demonstrates.

Question agreed to.

4.2 Senate estimates

Full transcripts of the Senate Estimates Committee Hearings for the Immigration Multicultural and Indigenous Affairs portfolio can be found at

<http://www.aph.gov.au/hansard/senate/commttee/S7628.pdf>

and

<http://www.aph.gov.au/hansard/senate/commttee/S7629.pdf>

4.3 Petition tabled: Immigration Detention Centres

11th May 2004

To the Honourable Members of the Senate in the Parliament Assembled.

The Petition of the undersigned draws attention to the damaging long-term effects to children of prolonged detention in Immigration Detention Centres.

Your petitioners ask the Senate, in Parliament to call on the Federal Government to release all children from immigration detention centre into the community, and to provide them with psychological counselling, education and medical services by Senator Bartlett (from 60 citizens).

4.4 Comments on detention costs

May 12th, 2004 (1.01 p.m.)

Senator BARTLETT

(Hansard extract) Similarly, there is continuing evidence about significant wastage and gross overspending in defence purchases. Not enough is being done to address that. It is one thing to say you are putting extra money in, but unless those areas are working properly you are putting good money after bad. That is more economic mismanagement and it does nothing to make Australia safer. We are continuing to waste defence money on patrolling Australia's oceans to keep out refugees and asylum seekers. We are continuing to waste money on mandatory detention and the Pacific solution. All of that does nothing to make Australia safer; it misdirects the energies of the defence community.

4.5 Question without Notice: Budget 2004-05

May 13th, 2004

Senator BARTLETT (2.28 p.m.) My question is to the Minister for Immigration and Multicultural and Indigenous Affairs. I refer the minister to the budget fact sheet detailing plans to build further so-called residential housing projects for some of the women and children who are in immigration detention.

This fact sheet describes this housing detention as 'a family friendly environment'. Minister, how can you possibly describe this housing as 'family friendly' when it requires the mother and children to live separately from the father if they wish to use the housing?

Senator VANSTONE —Senator, as I am sure you understand and presumably agree—and I believe I have heard you indicate that you agree—placement in residential housing projects is a preferable

placement for children to having them in immigration detention centres and, by having agreed that, you yourself confirm that it is obviously a more friendly environment for children and women. You raise the point: how can we say 'family friendly' if adult men are not permitted to move out of the detention centres into those residential housing projects? But I just seek, first of all, to put on the record your endorsement of residential housing projects as being a better place for children to be in than detention centres, which is certainly the government's view. That is why we have worked so hard to reduce the number of children who are in detention centres. I think the number is now down to less than 12—it might be 11—and of those 11 I understand quite a number could move out but have refused.

One of the reasons their parents may have refused is the very point that you raise about housing projects, namely that adult males are not permitted in them. There are two reasons for this. One, I am advised that when negotiations were undertaken with relevant communities about placing housing projects there—because they are in what would appear to be normal streets; if you look down the street you would not know necessarily that it was a residential housing project—the particular community, and I am thinking of Port Augusta here, was adamant that it would only be a reasonable proposition if the houses were available to only women and children.

The second reason is that most of the people who have come here illegally and who have been designated not to be refugees and are therefore in detention centres—as you know, Senator, the refugees are out in the community with visas—are single adult men. I ask you to consider the position of some of the women. If you are one of the few females, and even fewer females with children, you may very well prefer—and I am advised that a number do—to have a place you can go where adult men are not allowed to be. If you were, for example, the mother of a fourteen-year-old female you may well welcome being in a residential housing project where boys over 18 and other adult men would not be. I am advised that those two reasons are why we keep, for example, the Port Augusta residential housing facility as one that is only available to women and children.

I do understand that there are some children who may still be in detention centres because their mothers have refused to move out and leave the partner behind. The partner has an extensive capacity to visit. Sometimes families have provision for two forms of accommodation because they move back into a detention centre for a week or whatever to be with their partner. I am considering whether there is a capacity to modify that in one of the detention centres and have one, possibly Woomera for example, where you did allow adult males. You would still have to take into account the views of the local community and the views of women and children who were going to be in the housing project. There are good reasons for this. It is more friendly than being in a detention centre—much more family friendly.

Senator BARTLETT —Mr President, I ask a supplementary question. I thank the minister for her answer. In relation to these new housing projects that are proposed, including one in Perth, will the government allow families to stay together rather than be required to live apart? Alongside that, given that the housing projects are described as being family friendly domestic environments, will the government allow the children in particular to receive visitors in that domestic environment, namely in the house, rather than them having to go up to the main detention centre just to receive visitors?

Senator VANSTONE —I hope you will agree; I suppose in one sense it is immaterial whether you do or not—

Opposition senators interjecting—

Senator VANSTONE —It is, because I am about to make the claim that I am very proud of what this government has done in trying to make facilities better for children. I hope you will agree with that but you may not. Yes, obviously, we will be considering what can be done. I understand the view you take with respect to visitors but I also ask you to understand that there are some lobby groups—generally not service providers—who may seek to take advantage of such arrangements and, unfortunately, it is those who do not play by the rules and may seek to take advantage of such arrangements that make it worse for others. That is always the case. It is the negative people in the community who put limits on the rest of us who are happy to do the right thing. I take you back, for example, to some children who, with the assistance of some of the community, broke out of a detention centre and stayed out. You would not want to allow that sort of thing to happen. (*Time expired*)

4.6 DOCUMENTS: Human Rights and Equal Opportunity Commission

Senator BARTLETT (3.34 p.m.) —by leave—I move:

That the Senate take note of the document.

I wish to take note of the report by the Human Rights and Equal Opportunity Commission *A last resort? National inquiry into children in immigration detention* which, as senators in the chamber can see, is a very sizeable document. I do not know the number of pages but it is in the hundreds, so I am not going to pretend that I have absorbed its full contents and can elaborate on it at length now and it

is appropriate that it be kept on the *Notice Paper* for speaking to at a later date. But it is also appropriate to acknowledge, firstly, that it is an historic report. It is certainly not the first report from the Human Rights and Equal Opportunity Commission into detention, but it is one of the most significant and it is the first one focusing specifically on children. It is the end product of a very extensive investigation over more than two years—getting closer to three years—and I think we should acknowledge the amount of work that has gone into this and congratulate the commission for it.

The report has been with the government for some time. It is unfortunate that it is being tabled at a time when the vast amount of media and public attention is being focused on the budget and on early election speculation. I certainly hope, and the Democrats will do everything we can to ensure, that it does not sink into obscurity and not get the attention it deserves as a result of other activities that are happening.

What I would like to say at this initial stage, before fully absorbing the report, is that even from some of the leaks and such that I have been able to see I have no doubt that the report reflects the basic fact that having children in detention is extremely damaging for their immediate wellbeing and, even more importantly, for their long-term wellbeing. We should not have a policy or a law that enables—in fact, almost requires—the damaging of children and the harming of their development.

I understand this report has involved commission officers going to every detention centre in Australia, interviewing some of the detainees and other people, hearing from departmental staff and from all sorts of people. But I want to emphasise that this report does not include the many children who have been detained on Nauru, because that is outside the jurisdiction of the commission. However, that is still detention that has occurred as a direct consequence of Australian laws and Australian government policy and, of course, it continues to occur.

There are still 70 children detained on Nauru. They have been there for over two years, apart from one or two who have been born there and are obviously younger. I was in Baxter detention centre just a couple of weeks ago and spoke with families and detainees, including the young children. One family that I saw there I had also seen there over a year ago when the wife was pregnant. This time around they had a particularly attractive 10-month-old baby who was walking around. I think all of us would acknowledge that that is far from the ideal situation for children to be brought up in.

There is a wider debate, obviously, about refugee policy, immigration policy and detention policy that this issue is contained within. I would not seek to broaden out the debate on this report but to focus on the simple fact that, regardless of what people think about the broader policy parameters, this component of it means that children are kept in detention for prolonged periods of time and that is not have a good outcome. In my view, any policy, any law, that has, as one component of its functioning, such damage being done to children is flawed and we need to change it.

That applies even more so to the children who are on Nauru, because they are outside any form of scrutiny, any form of accountability, any form of judicial oversight. I have met with some of the children who are on Nauru. I have seen the difference in those children between meeting them in the Nauru detention centre, separated from their fathers, in July last year and then meeting those same children living free in New Zealand six months later with the family reunited. The difference was extraordinary. It is fairly self-evident to think about it and to talk about it, but it is extraordinary to actually see those children in person, to see the difference between children in despair, separated from their father for two or three years, not knowing what their future holds, not knowing why they are in this situation. Six months later, living with the family like any other family in the community that is free to choose their own future, one six-year-old girl was just about to go to school, able to play with her friends like anybody else. To actually see that distinction, you can see how much damage is done by doing this to children. I have no doubt that there are specific incidents detailed in the report that the government will have responded to, that they will have said, 'We have done things and acted on these concerns.' That is all positive, but none of it addresses the fundamental problem, the fundamental flaw that is continuing as we speak, which is that children are in detention.

I also had the opportunity, with the cooperation of the minister's office and the department—for which I thank them—to visit the housing project in Port Augusta just a couple of weeks ago which was referred to today in question time by the minister. It is the so-called housing project where women and children are able to live in housing in the Port Augusta community. There is no doubt that it is a more pleasant physical environment for those children to be in. It is rather similar to a suburban street, as the minister said, with the fairly significant distinction that it is surrounded by a fence and nobody is allowed out and nobody is allowed in. So it is a fenced off suburban street, and that is a very significant distinction.

The other significant distinction is that the fathers and husbands are not allowed to live with the rest of their family. They are kept in the main security detention centre at Baxter. Nobody is allowed to visit—or very few people are allowed to visit—the children in the housing. Appointments have to be made with the Baxter detention centre, and arrangements have to be made for the children to be bussed to Baxter to meet their fathers behind the wire of the detention centre. The fathers are usually allowed to go to the houses about twice a week for around four hours each time. Otherwise, the family have to

make an appointment—with about a day's notice I was told—to go to Baxter detention centre just to interact with the father or husband. So there is still a very significant flaw there, despite the undoubtedly far more pleasant living environment that the children are in—there is that lack of hope for their future, that separation from husband and father, that separation from friends.

The children are allowed out to go to school. That is great, that is welcomed, but after school they have to come back. They cannot have their friends come back to their house with them and they cannot go to their friend's house after school. They might sound like simple things, but they are very significant things. I think anyone who thinks that that is acceptable and appropriate and says that that is like living in a community is clearly not acknowledging or understanding, firstly, what a simple concept freedom is, but also what an absolutely fundamental and crucial concept freedom is and how damaging it is to deny it to anybody but particularly to children.

That is the fundamental underpinning of this report. It is a very important report. It is obviously a politically contentious issue, but I do hope that all of us here seek to engage with it constructively and attempt to alleviate the core problem that is at the centre of the community concern that generated this report—that is, that children do not belong in detention. Whilst we need to act on individual incidents and individual situations where things are wrong, the fundamental thing we need to do is to get them out of detention altogether. I understand others might want to speak to this report, but might not be doing so now, so I seek leave to continue my remarks later.

Leave granted.

4.7 ADJOURNMENT SPEECH: Multiculturalism

16/6/2004

[Senator BARTLETT](#) (Queensland—Leader of the Australian Democrats) (7.17 p.m.) —Among many issues of concern affecting Australia at the moment from world events is, in my view, a real potential problem with the future strength of multiculturalism. The term 'multiculturalism' has been used by some people as a controversial one so you can use the terms 'cultural diversity' or 'social dynamism'—I do not really mind. I think there is a potential major problem with the ability of groups in our community to be effective parts of our entire society, to be able to contribute fully and to be able to do so free from discrimination and fear. There is a very real prospect that that danger may appear. We have the real prospect that one of the real strengths of our nation will be compromised unless we address this danger now.

There are recent reports on this, and many parliamentarians would have received letters from Islamic groups in Australia concerned about discrimination they believe is targeted towards them and their communities. They say and believe that antiterrorism laws and proposed laws in this country are particularly focused on the Muslim community within Australia. Clearly, the government rejects this and has said that it rejects this. I think we need to hear this very real view, and it is a very real belief and feeling and view of many Muslims within Australia. It is not a brand new feeling. It is something that has grown since September 11 2001 with the implementation of the ASIO legislation and other laws since then and the activities and the focusing of some Federal Police and ASIO raids on Muslims in Australia. It is a reality that sections of the Muslim community feel targeted. It is not good enough to say, 'You are not being targeted.' That is the way they are feeling and they need more than just blithe reassurances saying that it is not the case. If we have such a large number of Muslim organisations saying that this is their view and their feeling then we have to acknowledge it. They say that only Muslims have been arrested and only organisations linked to Muslims have been prescribed.

These perceptions need to be addressed. In the same way, this government says that **immigration** laws are not discriminatory and that they are applied equally across the board. The fact is that, in their implementation, there are people from certain countries who are treated differently from people from other countries. People with disabilities are discriminated against and people from certain backgrounds—

[Senator McGauran](#) —Not in the law.

[Senator BARTLETT](#) —It is simply a case of the way it is administered and that is a fact. The government can say that it is non-discriminatory; the fact is that in its implementation it is discriminatory. That is not to say that officers within DIMIA are racist or are deliberately saying, 'We will not let you in because of the colour of your skin.' It is saying that the structural implementation

and operation of it is such that that is the actual outcome. That is the concern that is being expressed in relation to the structural operation of these laws and it is something that needs to be acknowledged.

You can couple that with some of the actions within the community. We had controversy over the absurd comments of Reverend Fred Nile, for example, in relation to Muslim women wearing particular attire. We had the situation a month or so ago of a female Muslim soccer player who was told she could not play whilst she was wearing a headscarf. I would commend the Victorian Soccer Federation for the way they handled that incident and I believe that it has since been addressed in a constructive way. But it is an example. There was more coverage recently of a Sikh man who was told he was not allowed to wear his turban inside. While these are only small incidents and are easy to brush off as isolated examples, we need to add them together and hear the message that is coming from the Islamic community. We need to be very aware of and I believe concerned about it. Those sorts of fears very easily become self-perpetuating and self-fulfilling prophecies. It is something we must guard against. We must go out of our way to assuage such fears and prevent them from developing.

To that end I particularly note and praise the joint work of Australia's peak Islamic, Jewish and Christian bodies, who have met together through the Australian National Dialogue of Christians, Muslims and Jews—a joint initiative of the Federation of Islamic Councils, the Executive Council of Australian Jewry and the National Council of Churches—to enhance understanding and to speak out together against discrimination and violence and for greater understanding. That is what we need to do more overtly. It is not enough to say, 'Look, it's not discriminatory. You've got it wrong.' We have got to overtly, proactively, positively and strongly increase understanding and awareness and actively express support for different expressions of belief and different ethnic backgrounds.

I say that as someone who is not religious and is not at all keen to see religion inserted into the political debate or into the education system. But it should be something that people are able to not just practise but express. People should be able to be comfortable being who they are within our community. That is something that is at risk. It is obviously a key part of and integrally linked to people's culture and heritage. That diversity is something that makes our nation particularly strong. I think we have done better than almost any other country in the world at having people from such a wide range of diverse backgrounds, cultures, religions and heritage together and not just 'tolerating', to use a word that is a bit of a double-edged sword, but actively embracing and using the value of the unique viewpoints and maximising the positives of each of those viewpoints to bring a greater whole.

We talk about a globalised world and moving into a new century. The one big advantage I think our country has over many others is that long history we have of migration, with obvious difficulties along the way. We have done quite well in getting the maximum value out of all those different cultures. I do not want to lose or risk that in any way for the sake of our whole country as well as for those particular groups within our community who feel fearful and targeted and who fear that they are at risk of unfair laws or laws that give excessive power without adequate scrutiny.

I would point briefly to the recent situation in France, with the passing of legislation that bans the wearing of headscarfs, crosses and overt religious symbols in schools. I do not specifically or universally criticise that. France has a very different history; indeed, secularism has been a specific focus and part of the law for nearly 100 years. It is a different situation. Whilst I understand some of the reasons why the French have gone down that path—it is a decision that was made across the political spectrum by people of the Left, the Right and the Centre to go down that path, with very little parliamentary dissent—it is still something that concerns me, because I do think it runs that risk. Whilst I understand the historical reasons why it has been put together to ensure the separation of church and state—and this is from a nation that actually has a very strong religious heritage, more so than Australia, actually, and it also has a larger Muslim community—there are dangers in suppressing open expressions of that. There are other problems that needed to be addressed. I understand those in the French context and I am not directly critical of it. There are other arguments about ensuring that Muslim women who did not want to wear the veil were not being oppressed in schools as well—and it does only apply in schools and not in other areas.

It is an example of the complexity of the problem. It is an example of a situation that Australia does not want to end up with. We have a situation where we do not need to worry about levels of action to address problems like that, but we have got to be aware of where they might develop and try and get in early and ensure that all parts of our community are able to feel safe and contribute fully for the benefit of all us and not just for that group.

4.8 ADJOURNMENT: Iraq: Treatment of Prisoners

[Senator BARTLETT](#) (Queensland—Leader of the Australian Democrats) (3.57 p.m.) —I would like to speak firstly on the controversy and the legitimate public concern about this government's total failure to follow up its basic responsibilities in ensuring that the coalition forces, which our nation is a part of, follow international law and basic standards. There has been a lot of debate, a lot of statements, a lot of accusations and a lot of dodging and weaving by the government. It is a simple fact; a straightforward issue. It is not really very complicated. The simple matter is that we as a nation, as everybody knows, were part of an invading force in Iraq. That automatically makes us an occupying power and we cannot then cut and run from our responsibilities in being part of an occupying power and ignore our responsibilities to ensure that the forces that we are a part of follow international law. It is a simple thing.

The simple fact is that the Minister for Defence, the Prime Minister and the Minister for Foreign Affairs have all looked the other way and have all failed to follow up repeated indications and reports of problems, with a mindset that it is not their problem. It is their problem; it is their responsibility. That is the simple fact. There is a clear legal responsibility and, more importantly, a moral responsibility on the part of the government—the relevant ministers and the Prime Minister—to follow up reports of mistreatment of prisoners held by coalition forces. That did not happen, and that should be condemned. The Democrats, along with others in this place, will ensure a debate on this matter next week.

The simple fact is that the Minister for Defence has failed in his task. The Democrats believe he should be censured, and together with other parties next week we will ensure that there is a debate to that effect. I live in hope that the minister will finally give a proper explanation. Perhaps the even more extraordinary possibility will happen and he will acknowledge that a mistake has been made and make a commitment to ensure that it does not happen again. Either way, there has been a clear failure on a range of fronts, and it is the Democrats' view that a censure of the minister is appropriate. I expect that a debate around that issue will happen next week.

In the adjournment debate two nights ago I made some comments in relation to the situation facing the Islamic community in Australia. I made what I thought was a very general speech simply reporting the views of some in the Muslim community. As a consequence—as, unfortunately, often happens—Senator McGauran, who is here again tonight, heard one or two sentences and then immediately extrapolated and assumed that he knew what else I was going to say. He stood up and gave a speech responding to what he thought I was going to say rather than what I did say. He completely misrepresented what I said. He totally missed the point and obviously had not listened at all. Given that he is here again, I hope he actually listens this time to the point that I am making. It is simply reporting a fact about the perception amongst many in the Islamic community that they are being specifically targeted as a consequence of laws passed by this place. We have just passed another piece of antiterrorism legislation today. I am simply reporting that fact.

The day after Senator McGauran got up and said, 'This is all nonsense; everything's fine,' there was a big piece in the Australian detailing Islamic women in particular and their experiences and perceptions. You cannot just deny them and say, 'No, their perceptions are not real or valid.' They are real, and you need to acknowledge and address them. That is the simple point that I am making not just to the government but to all parties in this place. I include the Democrats in that, even though we did not support the passage of the antiterrorism legislation or the ASIO legislation previously. It is incumbent on all of us here as community leaders to make clear statements not just to the Islamic community but also to the Australian community as a whole that the Muslim communities around Australia are

valued parts of our society—valued and valuable. They have an important contribution to make. If Senator McGauran does not want to believe my statement, he can look at the Human Rights and Equal Opportunity Commission's report on the Isma project. Coincidentally, it has just appeared this week as well. The Isma project is about listening. I will briefly quote from its executive summary:

The majority of participants—

and over 1,400 Muslim and Arab Australians participated in these consultations—

... reported experiencing ... prejudice because of their race or religion.

.....

These experiences ranged from offensive remarks about race or religion to physical violence.

Participants felt that those most at risk were readily identifiable as Arab or Muslim because of their dress, physical appearance or name. For example, Muslim women who wear traditional Islamic dress—

such as the hijab headscarf or veil—

were especially afraid of being abused or attacked.

That is a reality. It is not good enough just to say, 'We are not aiming these laws at the Islamic community.' Yesterday—the day after I made my comments on this subject in the adjournment debate—I met with seven representatives from a range of peak Muslim organisations in the ACT, New South Wales and Victoria. They specifically stated their perception. You cannot say that perceptions are wrong. You can say that their understanding or belief about why it is happening may be wrong, but you need to convince them of that. I believe that part of that is making clear statements to the entire Australian community saying that the antiterrorism laws are not targeted at Muslims, that the Muslim communities are valuable parts of our community and that an essential part of why multiculturalism and ethnic diversity is so important to Australia is the value the rest of us get as a community from the contribution of each person and each group of people of different ethnic and religious background and cultural heritage.

The plain statement that these groups were making was that that they believed that the law has been applied in such a way as to be systematically discriminatory against Muslims. For example, one organisation said that all of the 17 organisations proscribed since the act was passed are linked with Muslims, whereas in the United States only 22 of the 37 proscribed organisations are linked with Muslims. The other example given is that many in the Muslim community believe that they are seen and portrayed as the enemy or as people to be viewed with suspicion. We need to counter those perceptions and views. They are saying that the legislation and the actions that have happened since then have led to a feeling of paranoia and fear permeating their communities. Of course they are not asserting that every Muslim is a law-abiding citizen. As in any community there are some who are involved in criminal activities. But the legislation should not be seen to be targeted specifically at them. That is very important.

I believe that the key thing to be emphasised, even for those who believe such laws are necessary—and I am one of those who are still not convinced that we need the extra powers; I think we still need to do more to make sure that the existing powers are being used appropriately—is that, whatever powers we give to agencies like ASIO, there is still an issue of how they are implemented. We all want all powers to be exercised appropriately and fairly, but in a way that is as effective as possible against potential terrorism. They are going to be far more effective if people such as those in Muslim communities are of a mindset where they feel that they can cooperate with groups like ASIO and the Federal Police rather than fear them. The very small number of people who do need to be focused on are far more likely to provide information to highlight areas where there may be concerns if there are

good links with the Muslim community and they feel connected with the rest of society rather than fearful of it. So, from the point of view of getting maximum productivity out of the existing laws and ensuring that groups like ASIO can work effectively, we need to counter this fear, apprehension and suspicion. Unless we do that not only are we as a whole community missing out on the value that Muslims can bring to Australia but also the laws will be less effective.

5. Media

World Refugee Day: the people continue to lead the way.

http://www.democrats.org.au/news/index.htm?press_id=3689&display=1

Time for Australia to make a fresh start on World Refugee Day.

http://www.democrats.org.au/news/index.htm?press_id=3686&display=1

Media Release - Free Iraqis Locked Up On Nauru.

http://www.democrats.org.au/news/index.htm?press_id=3664&display=1

Media Release - Time's up on children in detention.

http://www.democrats.org.au/news/index.htm?press_id=3651&display=1

Media Release - Democrats Call On Gov't to Show Mercy to Iraqi Asylum Seekers.

http://www.democrats.org.au/news/index.htm?press_id=3640&display=1

Media Release - Manus Island case shows Refugee policy has become madness.

http://www.democrats.org.au/news/index.htm?press_id=3624&display=1

Fed: Bartlett congratulates Merlin on detention message

Tuesday, 15 Jun 2004 at 09:15am; Category: Australian General News; Low priority; Story No. 6161.

Fed: Bartlett congratulates Merlin on detention message
Brother Bartlett

CANBERRA, June 15 AAP - A political stunt by Big Brother evictee Merlin Luck had brought some reality to reality TV, Australian Democrats leader Andrew Bartlett said today.

Senator Bartlett said the plight of those in immigration detention centres concerned many ordinary Australians including some people on the Ten network program.

"I want to start by congratulating Merlin for bringing some reality to reality TV and stating a basic fact," Senator Bartlett told reporters as he entered Parliament House for what could be the last two sitting weeks before an election.

"It is very sad to see (Immigration) Minister (Amanda) Vanstone either not understanding or deliberately lying to the Australian people by saying there are not refugees in detention centres."

On Sunday night, Mr Luck used his eviction from the Big Brother house to send a blunt and mute political message, calling for the freeing of refugees.

The 24-year-old from Sydney arrived on stage with his mouth taped shut. He also revealed a sign, made from black letters sewn onto a piece of white sheet, which read Free Th (sic) Refugees.

Luck refused to talk on the nationally-televised program and sat next to host Gretel Killeen holding the sign.

Yesterday, he apologised to Killeen, and to young children and their parents who may have been scared by the stunt.

But he said he had no other regrets about his action, which he staged because he felt so passionately about the cause.

Senator Bartlett said just because it took the immigration minister and her department three or four years to recognise that

some people were refugees before releasing them from detention did not mean they were not refugees that whole time.

"They don't become refugees just because the minister waves a magic wand, even if she is listening to what Merlin says," he said.

AAP mb/jv/sd