



AUSTRALIAN CHURCHES
REFUGEE TASKFORCE



National Council of
Churches in Australia

10 June 2020

Committee Secretary
Senate Legal and Constitutional Affairs
Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Legal and Constitutional Affairs Legislation Committee Inquiry

Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020 [Provisions]

The Australian Churches Refugee Taskforce (the Taskforce) came together in early 2013 and is an initiative of the National Council of Churches in Australia (NCCA). The Taskforce is committed to engage and advocate with asylum seekers and refugees in the national debate about Australia's treatment and attitudes toward them and the constantly changing government policies affecting them. This commitment is based on the strong Christian values of compassion, generosity and hospitality in response to people experiencing injustice and systemic deprivation of their human rights.

We thank you for the opportunity to respond to the amendment being sought to the *Migration Act 1958* to allow the Minister to classify things, such as mobile phones, as 'prohibited' in relation to immigration detention facilities and detainees. We note that the proposed amendment includes a new statutory search power.

Our church members and ministers, including religious sisters and brothers, who undertake visits and maintain life-giving and at times life-saving relationships with immigration detainees in Australia, have conveyed to us their utmost concern that this amendment extends too far, the Australian Border Force's powers including the ability to confiscate mobile phones.

Not only would the refugees and asylum seekers lose contacts with concerned Australians and legal representatives but the proposed changes would deprive them of access to their families and loved ones. There are critical mental health consequences with this strategy and, once again, the Government's inhumane approach to refugees and asylum seekers is on display.

We are particularly concerned that mobile phones have been one of the only ways that there has been transparency about the conditions of detention in Australia. This has been most recently on show during the COVID-19 pandemic when immigration detainees had to endure unsafe and unhygienic conditions as physical distancing mandated for all others in Australia was not made available to them.

We strongly believe that the Australian Border Force and its contractors already have extensive powers to conduct searches, refuse visits and confiscate items and the proposed new powers are harsh and unnecessary.

We are already concerned that the Australian immigration detention lacks real transparency, allowing the possibility for human rights abuses to take place. The need for this amendment is unnecessary, unfounded and an over-reach.

We respectfully ask the Committee to decline to support the proposed amendment on the basis that it will greatly impact on the mental health and wellbeing of people in detention, as well as reduce the Australian community's ability to hold the Government accountable in its treatment of refugees and asylum seekers.

Yours faithfully



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Matthew 25:40

"The King will reply, 'Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.'"