

# Australia: rifts emerge in Howard government over refugee detention

Mike Head  
26 May 2005

Amid a continuing series of shocking revelations about its immigration detention regime, rifts have begun to erupt within Prime Minister John Howard's government. In what the mainstream media has dubbed an unprecedented "rebellion," five government members of parliament have indicated their support for two private member's bills to modify the mandatory detention system.

The MPs involved have emphasised that their purpose is not to abolish or "undo" mandatory detention, but only to "reform" it. Nevertheless, their stance has been interpreted both by the media and Howard himself as a potentially serious threat to the government's stability and political support base.

On paper, the government is in a powerful position, having been re-elected last October with a substantially increased majority over the Labor Party. On July 1, the Liberal-National Coalition will acquire control of the Senate for the first time in 25 years.

Yet, when backbenchers Petro Georgiou and Judy Moylan unveiled their proposed amendments to the Migration Act in a Liberal Party room meeting on Tuesday, Howard reportedly responded furiously. He immediately rejected any suggestion of permitting a free "conscience" vote by government MPs in parliament, apparently telling the party room: "Mandatory detention is not a matter of conscience. It is a government policy."

Revealingly, he declared that the government owed its political success to the policy and that he would not be changing it. Those at the meeting told journalists his mood was "very, very angry". Howard insisted that the proposals be deferred until next Tuesday for a full-scale internal debate and appears to be determined not to allow any vote on the bills in parliament at all.

Later, Howard reiterated his stand by publicly defending Immigration Minister Amanda Vanstone, who has come under mounting criticism over a growing list of wrongful detentions, illegal deportations and physical and mental abuse of detainees. Howard insisted that Vanstone was "administering this policy in a sensible and flexible fashion" and "trying to achieve the balance between compassion in appropriate cases but also the maintenance of a very strong border protection and immigration policy".

Over recent weeks, the reality behind this "very strong border protection and immigration policy" has begun to emerge in the mass media, which, up until now, has played a key role in covering up the government's criminal practices during the past decade.

On Monday, Cornelia Rau, the German-born Australian woman who was wrongly imprisoned for 10 months gave a media conference, where she described some of the arbitrary punishment that she was forced to endure. For the first six months, she was held in a Brisbane jail. "I was kept in a small cell," she said. "It was a very tormenting experience."

Rau, who denied being mentally-ill, said she feared for her life when guards gave her an injection. She had been unable to contact a lawyer or human rights groups and could not access a phone. "I don't think Amanda

Vanstone would have liked to be in my situation," she said.

After being transferred to the Baxter detention centre near Port Augusta, she was put behind razor wire. "I was locked up like a caged animal," she said, calling for the centres to be closed down. "That's what happens to some immigrants from countries like Iran, Iraq and Asia, not to Caucasians."

She complained of rough behaviour in the high-security Red One compound at Baxter where she said a guard cornered her and threw her onto the grass. "I had to put my hand behind my back, then another four guards came running up as well. It was quite foul," she said.

On the same evening, Naomi Leong, a three-year-old girl who was born in Sydney's Villawood detention centre in May 2002, and her 31-year-old Malaysian mother, Virginia Leong, were suddenly released from detention on temporary bridging visas. For two weeks, the media had highlighted the implications of the fact that Naomi had never experienced life outside. Dr Michael Dudley, a senior lecturer in psychiatry at the University of NSW and a psychiatrist at Sydney Children's Hospital, revealed Naomi had been banging her head against a wall and was often mute and unresponsive.

Naomi's plight had also received coverage in Malaysia, leading to an invitation from the Malaysian government for the little girl and her mother to return there.

Dr Louise Newman, a psychiatrist who has conducted research into the mental health effects of long-term detention on children and adults and assessed Naomi in detention, said the three-year-old would need long-term psychiatric care. "The sad and tragic thing of this case, I think, is this child has already suffered," she told reporters. "She's had considerable emotional distress and certainly has developed mental problems."

Naomi could face further detention if her mother fails to apply for a refugee protection visa within 28 days. Their lawyer reported that immigration officials had twice tried to prevent Virginia from speaking to the media, threatening a smear campaign against her about her son, who lives in Sydney with her former partner.

Asked about the case in parliament on Tuesday, Howard ludicrously claimed that the decision to release the mother and child was not a political one. He insisted that the same immigration department that had incarcerated the two for more than three years had simply made a new decision—while all the time acting in line with government policy. According to ChilOut (Children Out of Detention), 67 children remain in Australia's immigration detention centres, including 27 at Villawood and six on the Pacific island of Nauru.

On the same day, Howard initiated efforts to strike a deal with Vivian Alvarez, a Philippines-born Australian illegally deported to the Philippines four years ago. Alvarez last week also appeared before the media, confirming that she was removed from Australia in a wheelchair after an accident, despite telling immigration officials that she was an Australian citizen. Howard said the government had offered to pay airfares, accommodation, counselling, welfare payments and medical

costs for Alvarez to return to Australia.

There were further signs of an attempt at damage control when Howard told parliament in question time on Wednesday that a baby born to Vietnamese asylum seekers detained on Christmas Island, an offshore territory, would not be returned to detention on the island. This contradicted Vanstone and immigration officials, who had told a Senate committee that the baby and his parents would be sent back.

Michael Andrew Tran was born under guard at Perth's King Edward Memorial Hospital on Monday to Nguyen Hoai Thu and her husband Tran Minh Dat, who have both been detained on Christmas Island since July 2003. In 2001, most of Australia's offshore islands were "excised" from the migration zone, depriving asylum seekers who land on them any rights to apply for refugee status under Australian law.

This week, the government's own Human Rights and Equal Opportunity Commission reported that the government had breached international human rights law when it kept 26 Iranians and Iraqis in isolation at the Curtin detention centre for up to eight months in 2000-01, well beyond the three to four weeks that the commission deemed reasonable to process new arrivals, and long enough to infringe their right to human dignity.

It has become increasingly difficult for the government to claim that these are simply isolated "mistakes". On Wednesday, Vanstone announced that she had referred more than 200 known cases of wrongful detention to former Australian Federal Police chief Mick Palmer, who was initially asked to conduct a closed-door inquiry into Rau's detention.

By revealing the staggering total, Vanstone undermined the government's refusal to call a public inquiry into the scandal. If all these cases were left in Palmer's hands, his investigations would take many years to complete. He has now reportedly advised the government to hand the cases over to the Ombudsman or some form of judicial inquiry.

Far from being aberrations, these gross violations of fundamental democratic rights are the inevitable result of the system of mandatory detention, first introduced by a Labor government in 1992. Labor deliberately established a regime of executive detention without trial, giving itself and its officials virtually unlimited power to imprison defenceless people without any independent or judicial scrutiny. The legislation adopted by the Keating government states that immigration, police and military authorities can—and, in fact, must—detain anyone "reasonably suspected" of being an "unlawful non-citizen".

These laws have made it possible for governments and their officials to keep people detained indefinitely—even for life—by refusing to grant them refugee status. According to anonymous immigration officials interviewed by Julie Macken for a May 25 article in the *Australian Financial Review*, former immigration minister Phillip Ruddock stacked his department's refugee assessment branch with Compliance and Border Protection officers who were under orders to reject a high proportion of asylum seekers in order to "send a message" to others not to seek refuge in Australia.

Under the 1951 Refugee Convention and other international law, it is illegal to deter people from fleeing persecution. But in order to send this "message," at least 10,000 people have been detained, including 3,899 children, since July 1999. Thirteen have died in detention, at least four have died after being deported and 353 drowned when an overcrowded refugee boat, codenamed SIEV X, sank off the Australian coast.

Macken calculated that financial cost of the detention system has been more than \$1.1 billion since 1999, not counting the compensation for numerous cases, like Rau's, now in the legal pipeline.

These revelations have fuelled growing public concern about the detention policy. One *Age* newspaper poll conducted earlier this month found 94 percent support for a royal commission into the system. Howard's ability to win office, as he did in the 2001 election, by using asylum seekers as scapegoats to divert popular fears and insecurities, is

breaking up.

It is this shift in sentiment, above all, that has propelled the so-called "rebel" MPs to speak up after years of supporting mandatory detention. One of the MPs, Russell Broadbent, is said to have told the party room meeting that the government's detention policy was a "pus-filled wound requiring amputation".

Both bills being proposed by the five MPs are designed to preserve mandatory detention while "amputating" its most notorious features. The first bill would see the appointment of a judge or former judge as a "judicial assessor" to decide whether to release, under strict conditions, detainees with children and those who have been locked away for more than a year. But only those considered unlikely to abscond or to be "a danger to the Australian community" would be freed, and only until their status was finalised.

Rejected refugees who have not been able to be deported for three years—generally because they are stateless or no other country will take them—could apply for permanent residency, subject to passing the "good character" test.

The second bill would place a 90-day limit on detention, after which a prisoner would have to be brought before the Federal Court. Judges could then order additional 90-day periods on similar "public safety" grounds. Those applicants granted refugee status would be granted permanent protection visas, scrapping the current temporary visa system.

In arguing for this latter change, Georgiou said it would enable refugees to continue making a "significant contribution, particularly in regional and rural areas". This points to another factor behind the proposals. Employers, notably in poorly-paid and arduous fields, such as fruit-picking and meat processing, have discovered refugees to be a valuable source of cheap labour.

For some time, corporate leaders have been pushing for higher immigration levels to ease labour shortages and drive down wage costs in some occupations. There is also concern in these circles over the damaging impact on Australia's public relations image in key Asian markets.

Georgiou, Moylan and another prominent MP, Bruce Baird, remain anxious to avoid a confrontation with Howard. They have had several meetings with the prime minister since the Rau affair first broke in February in an unsuccessful attempt to craft a compromise. Moylan told Australian Broadcasting Corporation radio she was confident that Howard would be "fair" and allow a parliamentary debate because "he is a great champion of the democratic system of government".

Moylan said the issue should be debated, as a matter of "human life and dignity," on the basis of conscience, just as the government had organised on euthanasia, abortion and stem cell research. But whatever hypocritical claims that Howard's government has made to value human life on so-called "morals" issues, its contempt for refugee children and lives has been demonstrated repeatedly—from the lying accusations hurled against asylum seekers in the 2001 "children overboard" affair to the denial of medical and psychiatric care to long-term detainees.

Mandatory detention has been so central to the government's electoral victories that Howard cannot repudiate the policy. He cannot afford to lose the support of the right-wing and Christian fundamentalist constituency to which he has appealed.

Moreover, the entire government is implicated in the outrages that have been committed. This includes Howard's leadership rival, Treasurer Peter Costello, whose supporters have made clear does not support the two bills. In order to oust Howard, Costello is seeking the support of the Liberal Party's most right-wing forces, who are overwhelmingly behind the detention policy.

Writing in the *Sydney Morning Herald*, political correspondent Louise Dodson aptly characterised the "rebel" MPs as "the mice that dared to roar in Howard's ear". Despite its timid and limited character, their

belated “revolt” has exposed the government’s fragility.

But the fact that these long-serving backbench Liberals, who have accommodated themselves to the government’s criminal policy for more than eight years, are now being promoted as the principal opponents of Howard constitutes, more than anything, yet another indictment of the Labor and trade union movement, which has continued to back mandatory detention since 1992.



To contact the WSWWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**