

THE TWELFTH SIR JOHN QUICK BENDIGO LECTURE

The Strange Case of Cornelia Rau

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1 SEPTEMBER 2005

ISSN 1325 - 0787

Booklet available from:

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Cornelia Rau is the younger daughter of Edgar and Veronika, a solid middle class German couple from the Baltic city of Hamburg. Edgar Rau first brought his family to Sydney in 1967 to establish in Australia a branch office of the pharmaceutical company for which he worked. In 1979 the family returned to Hamburg. After two years Edgar took his wife and younger daughter, Cornelia, by now in her mid-teens, on company business to Indonesia. In 1983, after Edgar left the company, the Raus settled, this time permanently, in Sydney. Cornelia, a warm, vivacious but troubled and restless young woman, completed a diploma in leisure and recreation and began work as a Qantas flight attendant in 1993. In 1998 she suffered a complete mental breakdown following a harrowing attack on her character while a member of the Scientology splinter sect known as Kenja.

Cornelia never recovered. She was eventually diagnosed with “chronic schizophrenia”. She passed from one medical crisis to another. Cornelia resisted drugs and hospitalisation.

She frequently went missing. “Over the past seven years”, Christine wrote in February 2005, “we and our parents, Eddie and Veronika, have helplessly watched Cornelia deteriorate into a secretive, suspicious, frightened and unpredictable person whose behaviour was at times bizarre.” The sense of chaos, pain, fear and anger that the Raus experienced during these tempestuous years will be unsurprising to the thousands of families who have battled with the serious mental illness of one of their members.

During 2003 Cornelia began careful plans to escape from Australia and the hospitalisation and medicalisation she detested. In July 2003 she attempted to obtain a German passport under a false identity. The attempt failed. At the beginning of 2004, the family arranged for her placement in a psychiatric hospital. In mid-March she absconded.

On March 29 Cornelia was observed in Hann River at Cape York. Next day she got a lift to Coen. On the following morning, when she was already fifteen kilometres out of Coen and walking north, Cornelia was invited, as they say, to accompany Constable Foy to the police station at Coen. Foy received instructions from DIMIA at Cairns to exercise the power accorded him under the Migration Act and to detain Anna as a suspected unlawful non-citizen. He was instructed to drive her to the watch house in Cairns.

In Cairns, Anna provided two separate names. She now recalled that she had been in Australia for eighteen months or two years. The DIMIA officers called upon the Honorary German Consul in Cairns, Iris Indorato, to help. She spoke to Anna for two hours in German and discovered that she had made it to Australia by walking across China, and hiring a Russian people smuggler for 1000 euros, before being delivered by boat from Indonesia to a place near Darwin off the Australian coast. She might just as well have claimed that she had come from Mars. Not surprisingly Indorato formed the impression that she was not at all well. On April 4 Anna was given one last chance by DIMIA at Cairns to provide reliable information. When that failed, she was flown to Brisbane and, because there is no immigration detention centre in Queensland, conveyed to the women’s prison at Wacol.

We arrive now at the overwhelming question. How did a mentally ill Australian resident, who had provided police and immigration officials with a series of false names and fanciful tales about the circumstances surrounding her arrival in Australia as a German

tourist, end up, within a week of her apprehension, in detention in a Brisbane jail? The preliminary legal answer, supported by the Commonwealth Government, goes something like this. Section 189 of the *Migration Act* obliges the officers it empowers to detain anyone about whom they entertain what is called a “reasonable suspicion” that she is an “unlawful non-citizen”. How, then, explain that this woman was destined to spend six months in this jail and a further four months in a special-purpose detention centre? The government’s preliminary answer continues thus. Section 196 of the same *Act* provides that unlawful non-citizens can only be released from this detention after the grant of a valid visa or in the course of removal or deportation from Australia. During the course of the ten months no grounds arose to grant a visa; no circumstances that permitted deportation. How long, then, could this woman be detained? Here the preliminary answer is clear. On the basis of a decision taken in the High Court in 2003 in the al-Kateb case, even if Cornelia Rau was willing to leave Australia (as indeed she most certainly was), in the absence of a country willing to offer her a visa, she could be lawfully detained for the remainder of her life.

The strange truth is that if Cornelia Rau had been picked up in north Queensland in March 2004 on suspicion of a serious criminal offence rather than as a suspected unlawful non-citizen, she would have been afforded far greater protection. As a suspected serious criminal, facing long-term imprisonment, she would have become entangled at once in a thicket of laws and legal procedures, some going back several hundred years—habeas corpus; presumption of innocence; intricate rules of evidence; the right to an appearance in a court; the right to legal representation; the right to silence; the right, if the charge was sufficiently serious, to a trial before a jury of peers; the right, in attempting to escape the charge, to plead innocence on grounds of mental health; the right, if found guilty, to appeal, and so on. As a suspected non-citizen, Cornelia Rau was, by contrast, almost a non-juridical being, with virtually no legal protections or legal rights. In order for her to be incarcerated, in theory for the remainder of her life, all that was required by the law was that a junior official with authority under the *Migration Act* form a reasonable suspicion that Cornelia had no right to be on Australian soil. Even though the officer might be ignorant of the law or generally untrained, there was no system or process for the decision to be overseen by a court or ever to be reviewed. At one point the astonished official investigator into this case, Mick Palmer, broke out of his customary sobriety and spoke momentarily from the heart. “Cornelia Rau might have been considered a non-citizen but she was not a non-person.”

The strangeness of the circumstance surrounding Cornelia's detention is not exhausted yet. There is no Department of the Australian Government where suspicion of the stories people tell about themselves is more pervasive than it is in DIMIA. Because DIMIA is predisposed to suspect all those who want to stay in Australia of telling lies, the officers of the Onshore Protection Branch routinely subject the stories of asylum seekers to the most rigorous of tests. Even the smallest inconsistency can prove lethal to a claim. And yet when it came to the case of Cornelia Rau her inconsistencies and her fantasy tales did not appear to have caused the DIMIA officials who dealt with her in Cairns or Brisbane the smallest doubt that she was telling the truth about the unlawfulness of her presence in Australia. Why? The answer to this puzzle is simple. Distrust of asylum seekers' stories is almost universal in DIMIA because the asylum seekers hope to stay. Trust of Anna proved easy because she hoped to leave, and because the only consequence of that trust was to deprive her of her liberty.

II

When Anna was moved into the Brisbane women's prison she went, as did all new inmates, into a medium-level security area known as Secure 1.

Anna struck all those who encountered her in prison as both troubled and extremely odd. She had two main sources of entertainment. One was to pace around a tennis court, literally for hours on end. Sometimes when she got into trouble with the guards they would forbid her going there. She would then pace around the small enclosed prison yard, which drove her fellow inmates crazy. Anna's other source of entertainment was the daily newspaper which she would pore over for hours.

Anna's relations with fellow prisoners were often tense. The most common complaints about Anna concerned her bodily hygiene. She was incontinent, a clear warning sign of mental illness. After several weeks in prison, in addition, she began to refuse to shower. On June 4 a member of the nursing staff came to Anna to discuss these delicate matters with her without much noticeable effect. For some reason Anna hoarded food in her cell. Once, putrid sandwich meat was discovered under her mattress. Among inmates there was talk of knifing her. On September 19 she was returned for the fourth time to the virtual solitary confinement of the Detention Unit for her protection. Anna was observed sobbing

inconsolably, completely unaware of what she had done to deserve treatment such as this.

For the first four months of her imprisonment, the doctors and psychologists who examined her from time to time thought Anna was behaving oddly but did not believe her to be mentally ill. It was only in late July that two sympathetic members of the Prison Mental Health Unit reached the conclusion that Anna's behaviour had deteriorated noticeably since an earlier assessment of May 19. A thorough assessment at Princess Alexandra Hospital was arranged. Accompanied by two immigration officers, Anna was involuntarily dispatched there between August 20 and 26. She was seen by four separate psychiatrists. The final verdict came from Dr Schneider. While "Ms Brotmeyer was displaying some odd behaviour, she did not fulfil any diagnostic criteria for a mental illness." Anna was returned to prison. From her point of view she had, once more, escaped.

I asked Debbie Kilroy, the remarkable founder of a Brisbane women's prison support network called Sisters Inside, whether she was surprised by this assessment. She almost laughed. Prisoners were almost never assigned the rare treasure of a psychiatric bed. Prisons were full of people far more mentally disturbed than Anna. The worst cases were taken to a place where Anna never went, the prison's Crisis Support Unit. To reveal to me the kind of cases the prison housed there she told me the story of a woman who had slashed her abdomen in order to remove her bowel.

What was going on in Anna's mind during her time in the Brisbane jail? She was obviously distressed about her imprisonment, explaining to anyone who would listen that she had done nothing wrong. There is clear evidence that while she was in the Brisbane prison Anna was fully aware of her true identity. On one occasion she told a fellow inmate, in strictest confidence, that her name was Cornelia Rau. It must have been obvious to her that in order to be released from the prison all she had to do was to tell the authorities her true name. But, as she understood, to reveal her identity would lead her back to mental hospital and to a life of medicalization. It was to avoid precisely such a fate that, some months before, she had made her carefully planned escape.

In some ways it is more difficult to reconstruct the thinking of Anna's case officer in

Brisbane, Ben Stonely, during her six month imprisonment, than it is to reconstruct hers. In the case of Anna Brotmeyer alias Schmidt, virtually all the clearly written instructions for the protection of unlawful non-citizens in a situation like Anna's were ignored. According to the Migration Series Instruction 244, because of the risks to the "personal security" of unlawful non-citizens if detained in a jail, such detention was to be regarded as "a last resort", to be used only "until alternative arrangements are made". There is absolutely no evidence that these instructions were even understood let alone that they were followed. Anna Brotmeyer languished in the Brisbane prison for a full six months, altogether undisturbed.

In addition, the same Instruction makes clear that it is the duty of the DIMIA officer in charge of a case of a detainee who has been placed in a prison as a last resort that they must maintain contact with the prison, in regard to that case, on a weekly basis and to pay a visit to the detainee at least once a month. There is no written record to show that Stonely spoke to the prison about Anna at all. Mick Palmer concluded that he was not even aware that Anna had been placed in the Detention Unit on five separate occasions. Between the date of her admission and the date of her removal, Stonely visited Anna only three times.

There was in fact an even more serious dereliction of duty than this. Migration Instruction Series 234 requires that "officers should regularly review the need for continued detention, and for maintaining the form of detention". Throughout the period of Anna Brotmeyer's six month incarceration in Brisbane her case was never reviewed. After the initial imprisonment, Stonely never again considered whether the detention of Anna was required. According to Palmer, the case never even came to the attention of his direct superior in Canberra.

The only interest shown by DIMIA in Anna's case was in the question of her identity and the circumstances preventing her deportation. Yet even interest in this was half-hearted at best. As early as April checks had revealed that no Anna Brotmeyer or Schmidt had entered Australia. By July checks had revealed that Germany had no record of any Anna Brotmeyer or Anna Schmidt unaccounted for. Everyone who was interested knew that Anna was extremely unwell. Everyone who spoke with her knew that her command of English was excellent. And yet the thought that she might not be who she said she was—an overstaying German tourist—seems never to have crossed anyone's mind.

How is the disparity between the seriousness of Anna's situation— indefinite imprisonment— and the indifference and thoughtlessness of the DIMIA officials in charge of her case to be explained? The answer is not complex. Ever since 1992, but especially since 1999, the incarceration for months or years of thousands of innocent people seeking asylum in Australia had been, for DIMIA officers, the most mundane work. As Mick Palmer understood, the wrongful imprisonment of Cornelia Rau was not the responsibility of junior officials like Ben Stonely. For this reason he blamed something he called the DIMIA culture. Cultures, however, do not arise by magic. Palmer presumably believed his terms of reference did not allow him to investigate why such a culture had formed or where true responsibility for it lay.

In late September, DIMIA decided to move Anna from prison to the Baxter Immigration Detention Centre in the South Australian desert, managed by the private corporation, Global Solutions. Her deportation had proved more difficult than DIMIA had hoped. She had now to be regarded as a long-term detainee. On September 30, Stonely dropped off the paper work for the transfer to Baxter. Anna refused to sign the papers. On October 6, sedated and under restraint, she was transported to the aircraft that flew her on to Baxter.

III

For several years, before Anna arrived at Baxter, the responsible Ministers in the Howard Government had been in a state of denial on the question of detainees and mental health. In August 2001 secret film of a six year old Iranian, Shayan Badraie, in a state of catatonia, was shown on national television. The boy had witnessed horrifying scenes in Villawood. Philip Ruddock claimed that his condition might as easily be explained by the fact that his father had remarried when he was young. Time and again, Ruddock denied that the detainees were suffering unusual levels of depression. If they experienced difficulties, he explained, their pre-detention experiences were just as likely the cause. And anyhow, for the tiny minority that suffered psychological problems, more than adequate professional services were at hand.

Following the case of Shayan, in Sydney, an Alliance of Health Professionals—including Professor Derek Silove, Dr Louise Newman, Dr Michael Dudley and Zachary Steele—was formed. Although the Government did not permit studies of the mental health of detainees, and did not conduct any study of its own, this group was determined that some forms of

research would nevertheless be pursued. Observation pieces were written. Studies were conducted among former detainees. Most ingeniously, a method for assessing the impact of long-term detention on almost an entire cohort of families of a single ethnic group in the same desert camp was devised. As one of the authors, Zachary Steele, explained to me, the standard questionnaire had to be smuggled into and out of the camp. The follow-up interviews had to be conducted by phone. Research methods like this are usually only needed in a police state.

In October 2004 Baxter held almost all Australia's long-term detainees, among them the 140 or so asylum seekers from Afghanistan, Iran and Iraq whose refugee claims had failed. These people had been imprisoned in detention centres in Australia for several years. Almost all of these people were by now profoundly depressed. As the DIMIA Manager at Baxter, Kay Kannis, revealed to the Federal Court in early 2005, the majority of this group took powerful anti-depressant medications. Some had completely lost their minds.

Independent psychiatrists were, effectively, prohibited from seeing detainees at Baxter except in one special situation—if an opinion was required in a legal case. The independent psychiatrist with most experience of Baxter inmates is Dr Jon Jureidini.

To try to explain the severity of the situation at Baxter and the level of officially-sanctioned neglect, Jureidini told me a story of a woman he had visited some time before: “She hadn't walked for two months. Her husband carried her to the shower and she crawled to the toilet...When I went to see her, from the moment she stirred and knew I was there, she started to scream and she screamed for the whole time I was in there. It was only about ten minutes because I couldn't stand it any longer and I knew I wouldn't be able to stop her. And then she screamed for another ten or fifteen minutes afterwards...We eventually got her transferred down to Glenside and she had fractures of her ribs from osteoporosis, from malnutrition. She was anaemic and the physician who saw her said she was lucky she wasn't dead. She hadn't been in the light for six months. She had a baby. Initially she wouldn't let the baby away from her. It was dazzled by the light...And this was somebody who'd been judged by the psychologist or Health Services as being in the right place and as being adequately managed.”

It was into such a world that Anna came. Even though at Baxter severe mental illness was

commonplace, her condition stood out. At Baxter the long-term detainees suffered mainly from profound depression. They were tired of life; they could barely sleep; when they did, they had vivid nightmares; their bodies shook; they experienced uncontrollable fits of rage and terrifying panic attacks. By contrast, Anna was in the grip of a florid psychosis. She paced frantically; she stared blankly; she sat in the dirt; she had dispensed with personal hygiene; she had lost all inhibition and modesty; often she cried; sometimes she screamed; she was gentle with fellow detainees but often verbally and physically aggressive with the guards. Most inmates and regular visitors to Baxter recognised, almost at a glance, that there was something very seriously wrong with Anna.

This was not, at first, the official view. After her first two meetings with the Baxter psychologist, Adam Micallef, on October 6 and 14, Anna was assessed as having “behavioural problems” and “a personality disorder” but not to be mentally ill. Such a view was soon popular among most of the Baxter guards. They believed that she was “playing up”. To explain her strangeness, among this group, a story quickly took hold. Before arriving at Baxter she had lived with the Aborigines in North Queensland, sniffing petrol.

The brand new, high-tech detention centre where Anna now found herself was an almost perfect fulfilment of Jeremy Bentham’s “panopticon” dream. Baxter had more than seventy surveillance cameras. As Kay Kannis explained to the Federal Court, she could sit in her office and, by flicking between three video screens, take in almost the entire scene. For the better management of its inmates, Baxter was divided into three types of residency. Well-behaved detainees lived in what was called the Blue Compound. Ill-behaved detainees were sent to what was called the Management Unit, which comprised bare cells where the inmates were confined for up to 20 hours, slept on a mattress on a concrete floor under the gaze of a surveillance camera and under a dim light that was switched on for 24 hours a day. Between the Blue Compound and the Management Unit there was an intermediate form of residency known as Red Gum or Red One, which was organised according to the psychological principles of behavioural modification. The philosophy of Red One was expressed officially like this: “Consistent good behaviour is rewarded by progression onto further stages of opportunity, with the goal being the return to normal compound routine.” On their moral journey to Blue Compound, the Red One residents had four stages through which they had to pass. In the first stage detainees were permitted four hours out of their cell per day, one outgoing telephone call and two changes

of clothing but no stereo or TV. By the time they reached stage four, they were allowed out of their cells between 8am and 11pm, permitted five changes of clothing, unlimited telephone calls, one electric item and a stereo with eight CDs. From stage three detainees could win “merit points”. Merit points were awarded for participation in what was called in the plan “Meaningful Activity”. I have met some of the highly intelligent and fiercely proud men who have languished in Baxter. Nothing was more humiliating to their dignity than Global Solution’s Red One “behavioural realignment” plan.

Anna began at Baxter at Blue Compound. She lasted there only ten days. Because she wandered into the rooms of other detainees, made sexual advances to males and appeared at her window naked, she was quickly sent to Red One on a Behavioural Plan which, unsurprisingly for someone in her condition, failed to work. Apart from two miserable stretches in the near solitary confinement of the Management Unit, Anna was in Red One for most of her Baxter time. The sweetness of her spirit was obvious to many of the detainees, who looked after her as best they could. Some of the guards were friendly. Other guards treated her with studied cruelty and mocking contempt. A Tanzanian detainee told me that because no one ever visited or phoned Anna she became a kind of non-person in their eyes. Both physically and verbally Anna often fought back. When I visited Baxter, a number of detainees claimed that certain guards spied on Anna through the eye-hole into the cell when she was naked or taking a shower.

How is it possible that a woman as obviously mentally ill as Anna was left in prison-like conditions for four months? The company that ran Baxter employed one psychiatrist, under contract. During the entire time Anna was in Baxter the current one, Dr Andrew Frucacz, visited the detention centre only once, on November 6. Frucacz thought she might be suffering from schizophrenia. He recommended outside assessment. Over the next ten days the Baxter psychologist, Micallef, made a fitful attempt for this to be arranged. No sense of urgency was communicated. On November 12 after a chat with Micallef, a Glenside psychiatrist formed the view that Anna’s problems were probably behavioural. On November 17, without informing Baxter, Anna’s name was removed from the Glenside assessment waiting list. For the next six weeks the issue of Anna’s mental health was not raised.

What efforts, then, were made to solve the mystery of her identity? Moving forward at what Mick Palmer described as their characteristically glacial pace, while Anna was at

Baxter, DIMIA in Canberra, asked through the German Consulate in Melbourne that another check be made for a missing German citizen, either Anna Brotmeyer or Anna Schmidt. Anna's photo was sent. Nothing was discovered. On January 20, the German Consulate told DIMIA that in their opinion Anna was, most likely, a longstanding Australian resident who had migrated with her parents as a child. Four days later they advised DIMIA that as there was no ground for believing Anna to be a German citizen, under international law, they must formally withdraw from the case.

It was not only the German Consulate that believed Anna to be an Australian. On November 24, a DIMIA official at Baxter, Troy Sokoloff, sent his colleagues a memorandum concerning the situation of those detainees presently in Management. Sokoloff wrote: "GSL Case Management also suggested that they believe Anna may be an Australian citizen and they recommend that missing persons be checked with the AFP and other investigations be made to check this." The memorandum was circulated to the DIMIA manager, Kay Kannis, and to Annette Keenan at DIMIA in Canberra.

How, then, did DIMIA at Baxter and at Canberra respond to the memorandum suggesting that they had been responsible for locking up an Australian citizen for the past eight months? It seems scarcely credible and yet it seems to be true that the memorandum was not regarded as sufficiently serious to prompt action of any kind.

For the past five years the indefinite detention of unlawful non-citizens not guilty of any crime had been one of DIMIA's more routine tasks. Among the Department's public servants a condition of moral inertia had set in. It is possible that the memorandum of November 24 was deliberately covered up. It is far more likely, however, that its content was quickly perused by a number of bored public servants and then quietly filed away. Even if Baxter inmate no. BX8311 was an Australian citizen or resident, so what?

IV

In early December 2004 three Iranian asylum seekers who had been detained in Australia for four years or more climbed onto the roof of the gymnasium at the Baxter detention centre and refused to come down. The men were burned by the sun, froze at night and experienced a torrential thunder storm. Other long-term detainees sewed their lips together or joined the hunger strike. Australian public opinion had become so accustomed to scenes

like this that the strike was barely reported. On December 18 the three men were convinced to come down.

There were two Adelaide women who were by now fighting for the release of the mentally ill Baxter detainees. The lawyer, Claire O'Connor, began an action in the Federal Court merely to have one of the most disturbed of the Iranians, Abdoul Hamidi, psychiatrically assessed. This action was unsuccessful; the Commonwealth vigorously opposed. At the same time the migration agent, Libby Hogarth, in a bid to get visas for nine of her clients, arranged for two psychiatrists from the Alliance, Louise Newman and Michael Dudley, and an Adelaide GP, Malcolm Richards, to visit Baxter to prepare independent reports. The three arrived at the end of December.

In the course of the interviews, three of the men asked Louise Newman if she was going to see someone they called Anna. "They told me she had been totally out of control, screaming incoherently, rolling around on the ground, eating dirt, smearing faeces and totally disturbed." As Anna was in no fit state to ask for legal help she was not, of course, on Libby Hogarth's list.

Between them Newman and Dudley interviewed eight profoundly depressed men. There was some reluctance to allow them to see the ninth. Eventually, however, he was produced. Michael Dudley told me that when he saw this man he was shocked. He was "totally immobile--mute and rocking and catatonic". The doctors were so alarmed that they decided to commit the man to Glenside psychiatric hospital at once. Even though the one Baxter psychiatrist had not visited since November 6 and was not due again till mid-February, DIMIA was now furious, not with GSL of course for its mismanagement, but with the three doctors, on account of their interference and their impudence.

Four days after the doctors' visit, after six weeks of neglect, Adam Micallef returned to the case of Anna. He asked Glenside for advice. He said the case was urgent. The Baxter GP offered him support. He expressed the view that Anna might be suffering from schizophrenia. At Glenside there was strong resistance to the idea of treating Baxter patients. Not only were beds scarce. Patients arriving in wards accompanied by uniformed guards were generally regarded as harmful and disruptive. The Glenside psychiatrist advised against committal.

It was not long before stories about Anna reached no less a figure than the Director of South Australian Mental Health, Dr Jonathan Phillips. He was furious with what he heard. A week of muddle now ensued. By February 2 a final decision to commit Anna to Glenside for assessment was in prospect but had not yet been made.

Since November 2004 one of the more active of the asylum seeker advocates, Pamela Curr, had become increasingly alarmed at the stories she had heard about the desperately ill young German woman, Anna. Curr contacted anyone she could think of, demanding action. She also circulated information about Anna on the asylum seeker email sites. A Fairfax journalist, Andra Jackson, became curious. On January 31 in the Age and the Sydney Morning Herald, the strange story of Anna finally reached the press.

For ten months DIMIA had not bothered to enlist the help of the media in the search for Anna's identity. DIMIA had not even circulated her photo. Yet, as it turned out, one newspaper article was all that was required. In early February the Raus were on holiday. A family friend sent them the article. Could the mysterious young German woman be Cornelia? At 2pm on February 3, Veronika Rau contacted the Manly police. They contacted Baxter. A photo of Anna was emailed to the police and by them to the Raus. It was Cornelia. After 6pm Veronika spoke to Kay Kannis. She was told that there was no need to visit Baxter. Her daughter would be released at once and flown to Adelaide by the Flying Doctor Service on the following day. At 4pm the papers for the committal of Anna to Glenside had been signed. The signature followed hard upon the Manly police request for a photo of Anna.

After four months of lethargy on the Anna front there was now a sudden urgency. Baxter guards entered Anna's cell while she was showering. They threw a sheet over her and dragged her out, kicking and screaming. Five months later, Cornelia Rau described what happened to her like this. "I was suddenly transported to a mental institution and the circumstances were very strange. About 5 people in large clothing came into my room at night while I was having a shower and I hardly had a chance to turn off the tap. I was nude and hardly could get something on to cover myself. They were harsh and forceful. Then they slipped me onto an ambulance stretcher-bed. It was so foul. I didn't know what was going on..." What was the urgency about? The answer seems clear. The next day's media was certain to report on the strange case of Cornelia Rau. When that happened, it was vital that she be "a former detainee".

V

The wrongful ten month incarceration of Cornelia Rau was instantly a big media story. The Australian Prime Minister is the master of conceding just enough but not too much. Three days after Cornelia's release from Baxter John Howard announced that a former head of the Federal Police, Mick Palmer, would conduct an independent but a non-judicial inquiry.

In the six months following the liberation of Cornelia Rau the moral legitimacy of the policy of mandatory detention was shaken. In the Federal Court in May, Justice Finn found that the Commonwealth had failed comprehensively to fulfil its duty of care with regard to two mentally ill detainees at Baxter. At the same time, the Liberal Party backbencher, Petro Georgiou, mounted a skilful and successful revolt which obliged the Prime Minister to promise that all children would be released from detention and that at the end of two years (!) all cases of continuing detention would be subject to review by the Commonwealth Ombudsman. Two hundred cases of wrongful detention were now belatedly discovered, in one of which a crippled Australian citizen, Vivian Solon, had been brutally deported to the Philippines. During these months most of the long-term detainees—including the seven year record holder, Peter Qasim—were quietly released.

In politics, the precise relationship between cause and effect is usually unclear. Some of the things that happened in the six months following the release of Cornelia Rau would certainly have happened anyway. Some, most likely, would not. What is clear, however, is the fact that the case of Cornelia Rau affected the shape of public opinion over the question of the treatment of asylum seekers in a way no previous episode had. The Cornelia Rau affair taught the public that the lazy trust it had placed in government was unwarranted. It was able to do this because the person who had suffered false imprisonment and neglect was not a dark-skinned, Islamic outsider but "one of us". If in February 2005 it had been discovered that a mentally ill Australian woman of Iranian descent had been wrongfully imprisoned, the transformative effect on public opinion would, almost certainly, have been immeasurably less.

The most important political consequence of the Cornelia Rau affair was the report of the Palmer inquiry itself. According to Palmer, the two main sections of the Department of

Immigration which had been responsible in recent years for depriving thousands of people of their liberty—detention and compliance—were staffed by basically untrained officers ignorant even of their own department’s instructions and rules. The detention and compliance sections were dominated by what Palmer called an “assumption culture”. If someone was locked up it was assumed that their incarceration remained legal. If someone showed signs of deep depression it was assumed that that was normal. If someone criticised policies or practices it was assumed that they were driven by political agendas and ought to be ignored. Even though the department deprived people of their liberty it had no sense of urgency. Officers were not encouraged to use “common sense”. Routinised procedures had in all circumstances to be obeyed. The department was, as a consequence, “process rich and outcome poor”. No one took responsibility for individual cases. Everyone saw themselves as a “bit player”. In the face of criticism, the instinct was to be “self-protective and defensive”. The department was incapable of “self-criticism”. Its culture was one “denial and self-justification”. Such problems were by no means found only in the lower ranks. The rot began at the top.

In the history of the Australian Commonwealth, there has never been a more devastating assessment of the work of a major department of state than the one contained in the Palmer report.

Only two elements were odd. Concerning this mess, the responsibility of the Minister was not discussed. For the failings of the Department, only the Secretary, Bill Farmer, before being moved sideways to the Indonesian Ambassadorship, formally shouldered blame. At the release of the Palmer report, the Prime Minister rejected calls for the replacement of Amanda Vanstone. Apparently, in our system of government, a Minister did not have to resign even when systemic and disastrous failings in the department for which they were responsible were revealed. In the constitutional history of Australia, the Howard government’s behaviour following the Palmer inquiry will be seen to mark the formal end of the Westminster principle of ministerial responsibility. I would love to hear the views, on this question, of Sir John Quick.

An even odder feature of the Palmer report was its failure to discuss the relationship between the diseased culture of the Department of Immigration and the policy which had given rise to the disease—mandatory, unreviewable and indefinite detention of asylum seekers, whose only crime was to have appealed to Australia for help.

There was one person for whom the findings of the Palmer inquiry seemed entirely irrelevant—Cornelia Rau. Public opinion saw her movement from the Baxter detention centre to the Glenside psychiatric hospital as the righting of a wrong. Cornelia saw it merely as the continuation of her oppression. Five months after her transfer to Glenside she sent a rambling fifteen page hand-written letter to two journalists at the Adelaide Advertiser. The letter is dominated by a single question. How can the continued incarceration of a healthy and fun-loving woman be justified or explained? Locked inside the prison of her illness, Cornelia could not understand that the people who loved her most were those who were most insistent that she remain under psychiatric care and take the medicines prescribed.

Mental illness should never be sentimentalised. It is frightening and uncharming. Yet the humanity of the afflicted must also never be forgotten. Towards the end of Cornelia's letter there is a passage concerning freedom that takes us to the very heart of her private tragedy. "If I had a pet", she writes, "I'd like a possum that lives outside and just pops into the garden every now and then." She simply did not understand why, like her imagined possum, she could not be free.



Professor Robert Manne

Robert Manne is Professor of Politics at La Trobe University. Over three decades, he has contributed to debate in this country through his numerous books, essays, and newspaper articles on culture, politics and international relations.

Robert Manne has published thirteen books, including *The Petrov Affair*; *The Culture of Forgetting: Helen Demidenko and the Holocaust*; and *In Denial: The Stolen Generations and the Right*. His most recent publications are *Whitewash* (ed.), *The Howard Years* (ed.), *Sending them home: refugees and the new politics of indifference* and *Left Right Left: Political Essays, 1977-2005*.

Robert Manne was elected a Fellow of the Australian Academy of Social Sciences in 1999. In 1998/9 he served on the Australian Citizenship Council and is presently Chair of the Management Committee of Australian Book Review. He was recently named as Australia's leading public intellectual following a Sydney Morning Herald survey.



Sir John Quick

John Quick was born in Cornwall, England in 1852. In 1854 his family migrated to Australia; his father died shortly thereafter.

At age 10 he entered the workforce, undertaking various manual jobs in mines then progressed to journalism. His drive for self improvement led him to complete a law degree at the University of Melbourne (1874-77) and in 1882 he was awarded a Doctorate in Law.

At this time, Sir John Quick was in charge of the Age Parliamentary staff. He entered politics himself in 1880, winning the Legislative Assembly seat of Sandhurst (Bendigo), which he held until 1889.

Quick's public support for Australian Federation commenced with an 1882 speech to Parliament. As a delegate from the Bendigo A.N.A., he attended the 1893 Corowa Conference where he presented the famous resolution which took Federation's fate away from Parliaments, and gave it directly to the people via elections for representatives and a referendum on the draft Constitution. He wrote the Enabling Bill needed for these stages to occur and also wrote a booklet, *A Digest of Federal Constitution* (1896), to help educate the public.

Throughout the two referenda campaigns of 1898 and 1899, he addressed numerous public meetings.

Quick's work for Federation was recognised with the award of a knighthood in 1901.

He was elected unopposed as Bendigo's first Federal M.P., holding the seat until 1913.

The Sir John Quick Bendigo Lecture has been established to revive the memory of this self-made man who had the forethought and perseverance to promote Australia's union. Quick himself referred to his long devotion to Federation as a "public duty" he had to perform. Sir John Quick deserves to be recognised as a "Father" of Australian Federation.

Written by Michele Matthews, MA Melb, DipEd LaT

THE SIR JOHN QUICK BENDIGO LECTURE SERIES

The Sir John Quick Bendigo Lecture is presented annually by La Trobe University, Bendigo and the Sir John Quick Committee with the support of the City of Greater Bendigo.

- 1994 The Hon Justice Michael Kirby AC CMG *Sir John Quick - He Trusted the People*
(The Inaugural Lecture)
- 1995 Mr Don Blackmore, Executive Officer, Murray Darling Basin Commission *The Murray Darling Basin Initiative: A Case Study in Integrated Catchment Management*
- 1996 Dr Janet McCalman, Prize-winning author and Australian Research Council Research Fellow *Towns and Gowns: the Humanities and the Community*
- 1997 Dr John White, Global Chief Executive, Visy Industries *The Myth of the Level Playing Field*
- 1998 Dr Al Luloff Professor of Rural Sociology, The Pennsylvania State University
What Makes a Place a Community
- 1999 Mrs Delys Sargeant, Chair National Coordinating Committee
(United Nations International Year of Older Persons) Australian Coalition
Confronting Ageism - Towards a Society for all Ages
- 2000 The Rt Hon Sir Ninian Stephen *Referendum - The Australian Way*
- 2001 Mr Peter McCarthy, Managing Director, Australian Mining Consultants
150 Years of Gold
- 2002 Professor Jeff Brownrigg, Head of Research and Outreach, ScreenSound Australia,
Canberra *Footprints on the Sands of Time: Bendigo's Citizens, the 1909 Bendigonian
Annual and Community History*
- 2003 Associate Professor Tony Snell, Consultant Physician in Geriatric Medicine, Bendigo
Health Care Group *Alois Alzheimer: Gone but not Forgotten*
- 2004 Dr Rhonda Galbally, Chief Executive Officer of Our Community
Integration, Quick Smart: Disability and Community