



Submission to the inquiry into the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016

Submitted by:	Victorian Women Lawyers Association Inc (VWL)
Submitted electronically to:	Committee Secretary Senate Legal and Constitutional Affairs Committee PO Box 6100 Parliament House Canberra ACT 2600
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About us

Victorian Women Lawyers (**VWL**) is a voluntary association that promotes and protects the interests of women in the legal profession. Formed in 1996, VWL now has over 800 members. VWL provides a network for information exchange, social interaction and continuing education and reform within the legal profession and the broader community. VWL has undertaken extensive research and created resources regarding practices affecting women in the legal profession and women's rights in Australia.

One of VWL's key objectives is to promote the understanding and support of women's legal and human rights. We work to fulfil that objective through a variety of means, including by identifying, highlighting and eradicating discrimination against women in law and in the legal system, as well as by seeking to achieve justice and equality for all women.

VWL members have a keen interest in working toward equality in the development and application of the law, women's rights and human rights. VWL has carried out investigations into the impacts of certain laws on vulnerable people in our community and created resources and information to effect change.

Details of our publications, submissions and events are available at www.vwl.asn.au.

Migration Legislation Amendment (Regional Processing Cohort) Bill 2016

VWL expresses concerns with the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016 (**Bill**). In doing so, VWL endorses the position of the Refugee Council of Australia in relation to the Bill:

Repudiating refugee protection, human rights and the rule of law

The Bill adds to the suite of already extreme measures that breach Australia's international legal obligations. By targeting people who come by boat, the Bill would breach Article 31 of the Refugee Convention, which prohibits penalising people seeking asylum for their mode of entry. Indeed, the Bill is effectively repudiating the purpose of the Refugee Convention — to protect people fleeing persecution.

The Bill also entrenches discrimination against people from certain countries, by denying them the right to be treated equally with other visa applicants.

The Bill also undermines the rule of law. The Bill is retrospective, in that it is punishing people for acts they have already committed. The Bill adds to the Minister's ever-growing list of personal powers to allow people to enter, effectively leaving people's lives in the hands of unconfined executive discretion.

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The Bill has also been rushed through Parliament, having been passed by the House of Representatives within two days of anyone seeing it, and with a Senate Committee inquiry giving less than two working days to make a submission.¹

As an organisation committed to equality before the law and to promoting the understanding and support of women's legal and human rights, VWL's primary concerns with the Bill are:

- the short timeframe in which the Bill has passed through parliament and been referred to the Committee for reporting;
- that the Bill may breach the Refugee Convention, to which Australia is a signatory; and
- the retrospective and potentially discriminatory application of the Bill.

As such, VWL has identified the Bill as legislation with the potential to undermine the rule of law in Australia and undermine the basic rights of vulnerable people.

Given the short timeframe for responses to the Committee inquiry, VWL welcomes the opportunity to make further oral or written submissions to the Committee.

Yours faithfully,

Stephanie Milione
Convenor, Victorian Women Lawyers

¹ *Briefing on lifetime visa ban* <http://www.refugeecouncil.org.au/publications/reports/asylum-reports/lifetime-visa-ban-bill/>, 11 November 2016, accessed 12 November 2016.