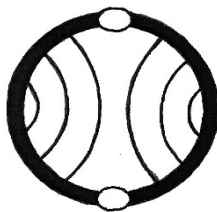


Companion House

Assisting Survivors of Torture
and Trauma



Patrons:

Justice Elizabeth Evatt AO

Professor William Maley AM

Honorary Consultant: Dr Lucy Ong

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

Dear Sir/Madam

Migration Amendment (Complementary Protection) Bill 2009

Companion House Assisting Survivors of Torture and Trauma and the Refugee, Asylum Seeker and Migrant Committee of the Canberra-Goulburn Central Council of the St Vincent de Paul Society are pleased to have the opportunity to provide this submission to the inquiry into the Migration Amendment (Complementary Protection) Bill 2009.

Companion House has worked with refugees and asylum seekers in the ACT and region since 1989. Similarly St Vincent De Paul have provided asylum seekers in the region with assistance for a similar period.

In the experience of both organisations, the system of Ministerial Intervention has sometimes failed to ensure that people are not required to return to countries where there is substantial risk of human rights violations. The system has also lacked transparency and at times been inefficient. We believe that the complementary protection arrangements proposed in the bill will achieve greater fairness and ensure there is less risk of harm to vulnerable people. In addition, a structured system should be more efficient and transparent.

Importantly, we would also like the committee to consider an important amendment. Clause 11 of the bill states that eligibility for a protection visa on complementary protection grounds is dependent on evidence that there is a real risk that a non-citizen will be 'irreparably harmed' because they will be subjected to torture or other specified human rights violation. This clause establishes a significantly stricter threshold than we are obliged to comply with under the Convention Against Torture (CAT). A strict interpretation of this clause may mean that Australia denies protection to people who are owed it.

A submission to the Committee from the Victorian Foundation for Survivors of Torture (VFST) discusses this issue in greater detail. We endorse VFST's submission, and in particular, their submission's recommendations on Clause 11.

Yours sincerely

Kathy Ragless
Director, Companion House
28th September, 2009