

# DISSENTING REPORT BY THE AUSTRALIAN GREENS

1.1 This Bill amends the *Migration Act 1958* (Cth) so that when refugees arrive by sea they cannot access normal immigration procedures in applying for protection. It effectively excises the entire mainland Australia from the ordinary operations of the migration zone whenever a refugee or asylum seeker arrives by boat.

1.2 The two-tiered arrangement of protection application processing, in which refugees arriving by boat are treated differently to air arrivals, was first established by the Howard Government in 2001.

1.3 This Bill, proposed in 2012 by the Labor Government, goes even further than former Prime Minister Howard was able to in setting up discriminatory and punitive arrangements regarding asylum seekers who arrive by boat. The Bill is another aspect of the government's race to the bottom with the Coalition. Punishing refugees for seeking protection in Australia is the central concept of this Bill, even though there is ample evidence that many people who arrive here by boat have not had the opportunity of taking any other safer option.

1.4 This Bill has been heavily criticised by a wide range of legal and human rights experts who submitted to the inquiry. The Australian Greens concur with their views that this Bill is inconsistent with the spirit and purpose of the Refugee Convention to which Australia is party and undermines Australia's obligations under international law.

1.5 The primary effect of this Bill is that it would extend the punitive offshore processing regime to a new class of people – all asylum seekers who arrive on the Australian mainland. This means a wider group of men, women and children will be exposed under Australian law to being sent offshore to places including Papua New Guinea and Nauru for indefinite detention, in harsh conditions which do not adhere to the rule of law, human rights or basic compassion. There has been no evidence put forward to justify this Bill. It has been brought to Parliament on the basis of pure politics, on no strong policy basis, as part of the government and Coalition's race to the bottom to look tough on refugees.

1.6 For these reasons, the Australian Greens strongly oppose this Bill and recommend that it should not be passed.

## **Recommendation 1**

**1.7 The Australian Greens recommend that the Bill should not be passed.**

**Senator Sarah Hanson-Young**  
**Australian Greens**

**Senator Penny Wright**  
**Australian Greens**