

Additional Comments

Senator Andrew Bartlett

The extensive publicity given to a wide range of problematic cases involving the Department of Immigration & Indigenous Affairs (DIMIA) has led to the Minister, Senator Vanstone, conceding that the culture of the Department is a problem that needs to be addressed.¹

I believe the evidence presented to this inquiry shows that the problems regarding the culture of DIMIA are clearly also present in the Department of Foreign Affairs & Trade (DFAT). The blithe overnight rejection of Mr Chen's request for political asylum, followed by the excessive pressure applied by DFAT officials to encourage Mr Chen to return to China, was completely inappropriate and clearly put political priorities above the basic principles of assisting a family in significant distress that clearly were making a genuine request for protection.

It is no coincidence that this Inquiry also produced further evidence of severe, methodical persecution being carried out by the Chinese Government. The willingness at the highest levels of the Australian Government to downplay and turn a blind eye to such major human rights abuses will inevitably impact on the culture and attitudes of officials in DFAT and DIMIA.

There are sound political, social, security and economic reasons for Australia to have as good a relationship as possible with the People's Republic of China. However, this should not occur at the expense of human rights, whether on the macro scale or in the case of individual families seeking protection.

The Chen incident generated a lot of criticism of the actions of a DIMIA officer in contacting the Chinese Consulate seeking details about Mr Chen. There is no doubt in hindsight that this action was a mistake and a misjudgement. However, from the evidence provided, the rarity of the situation, the junior rank of the officer involved and all the other surrounding circumstances, I do not think it is reasonable to be overly harsh about that specific action. However, the incident does reinforce the need for DIMIA to act on the recommendation the Committee has made in this report, for DIMIA officers to be made aware of their obligations in this area so the situation does not occur again.

¹ E.g. Senator Vanstone in response to questions from Senator Ray, Senate Hansard, 12/5/2005 p58, and from Senator Faulkner, Senate Hansard, 18/8/2005, p 76

Of far greater concern to me are the many failures that occurred after the detail and seriousness of Mr Chen's request had become clear. It is also clear that this case was overseen at very high levels of DFAT and DIMIA in Canberra. It seems to me that the problems of culture are present at those levels, and that problem will never be adequately addressed until there is a clear change in the attitude and policy of the Government itself.

Andrew Bartlett
Queensland Democrat Senator