

RECOMMENDATIONS

7 Refugees Policy—Major Recommendations and Conclusions

Formulation of refugee resettlement policy

7.1. In reaching the conclusion that Australia should be in a position to respond quickly and effectively to refugee crises, the Committee considers it essential that there exist an approved and comprehensive set of policy guidelines together with the necessary administrative machinery to be applied to refugee situations. Such guidelines do not exist at present nor has the administrative machinery been established; their absence reduces our practical ability to respond to crises and in turn can become justification for not involving ourselves with particular situations.

7.2. The formulation of a comprehensive set of policy guidelines and the establishment of appropriate machinery should assume a high priority for government and must be tackled with some degree of urgency. Such guidelines should be formulated within the general context of Australia's overall immigration program but they must constitute a separate and identifiable component which caters specially for the sudden, and sometimes unforeseen, migratory movements of people as refugees.

7.3. The purpose of having a well-planned and considered programme is the pragmatic one of enabling refugees to adjust quickly to life and work within a new environment. To the extent that this is achieved, two benefits will occur. The individuals themselves will be able to enjoy a full life. They will also be able to make their particular contribution to the country's economic well-being, and to its social and cultural development.

Essential features of a new refugee policy

7.4. In the Committee's judgment, resettlement should be viewed as a continuum which commences with the displacement and flight of refugees and ceases on their integration into the community of the receiving country; it requires a co-ordinated response to provide individuals with realistic opportunities to overcome the host of interrelated problems which they face in establishing new lives for themselves in what may be an alien country. Although refugees experience problems in common with normal migrants, they also experience problems which are unique to refugees. While some refugees can be regarded as 'a special category of migrant' others, and particularly the 'hard-core' ones, are often in the most desperate of circumstances. In general the receiving country should discriminate positively in favour of them, rather than against them as is the case at present. They, like other underprivileged groups (including migrants), need to be assured of full access to the statutory services and forms of support or assistance to which they are entitled and generally require special assistance to this end. To this extent Australia must differentiate between refugees

and migrants and devise separate and appropriate admission procedures for the processing of each category.

7.5. In acceding to various United Nations conventions and protocols, Australia has agreed to provide legal protection to refugees.¹ The *spirit* of these instruments should continue to be manifested by admitting refugees and other displaced persons for settlement in Australia. Refuge, (and in certain instances assistance with evacuation), should be offered on the basis of humanitarian concern for a person's needs irrespective of whether he is technically a refugee, a stateless person or a displaced person. Australia's refugee policy should recognise that there is a place for a regular and identifiable intake of refugees and displaced persons who do not meet the existing immigration criteria. This intake should constitute a significant part of our broad immigration target in any one year and should be subject to adjustment in emergencies. In determining which refugees and displaced persons should be admitted, Australian policy should acknowledge the claims of those who have no prospect of obtaining permanent resettlement elsewhere or whose needs are for other reasons particularly acute. It should also take a wider view of family reunions than it does at present.

7.6. While the Committee is aware that action along the lines proposed above would result in refugees receiving in certain areas more advantageous consideration than some other migrant groups or other residents, we believe this is entirely justified. In the words of Dr Martin 'No matter how harsh the conditions from which we rescue refugees, we cannot claim moral credit simply by permitting them to enter this country. Just as the admission of refugees for reasons of humanity involves relaxing the normal *intake* criteria, so also does our continuing responsibility to these refugees entail modification of normal *settlement* practices'. The Committee believes that the 1975 and 1976 intakes of Vietnamese, Indochinese and Timorese refugees might appropriately be thought of as catalysts of change in *settlement* policies just as their admission to this country in the first place broke new ground in terms of *intake* policies.

*The need to
reconsider
prevailing attitudes*

7.7. It is apparent to the Committee that considerable re-orientation of basic thinking must take place among Federal Ministers and within a number of departments if a refugee policy is to be formulated on the basis of these general principles.

7.8. Positive and constructive approaches must be adopted to ensure that adequate recognition is given to:

- the special needs of all refugees:

¹ The Committee notes that this protection derives in part from a prohibition on the contracting States against the expulsion or return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion. (Article 33.1 United Nations 'Convention relating to the Status of Refugees, 1951')

- the significance of their culture, their value-system and the code of ethics governing their inter-personal relationships; and,
- the necessity for flexible and timely action in tailoring available resources to suit the real and specific (rather than the assumed) needs of often inarticulate minority groups.

7.9. The Committee notes that since it began probing into the matters of refugee selection and settlement, and into some of the broader issues concerning the formulation of refugee policy, a more active approach has been adopted by several departments. We understand that a number of meetings have taken place between departments and also between their central and State offices concerning refugee problems. The benefits which would have flowed from co-ordination at the national level have now been recognised. The need has been recognised also for uniform policy and approach on such matters as the placement of refugees where settlement poses particular problems, and the provision for certain groups of full-time language courses and courses dealing with the Australian way of life.

Australia's overall approach to refugee situations

7.10. At the global level it is clear that many refugee situations require international co-operation for their solution. In such situations it is appropriate to regard the United Nations High Commissioner for Refugees and other international relief agencies as the authorities best equipped to assist in the provision of relief and most able to make effective use of financial aid from Australia and other countries. The adoption of such an approach should not exclude the possibility, however, that certain situations may arise in which Australia can provide immediate and direct humanitarian assistance with the evacuation and resettlement of refugees, while continuing to co-operate in the longer-term with the UNHCR and other agencies in bringing about an overall solution. We recommend, therefore, that wherever possible this latter, more flexible, positive and humane approach be adopted as the basis of our involvement with future refugee situations. In either case, greater use should be made of the capacity which the Australian Council for Overseas Aid has for co-ordinating the overseas relief work and aid which is provided to refugees through the many Australian non-government organisations.

Dependence of Government on voluntary agencies

7.11. Within the national context it is clear that 'resettlement' is a complex process which requires co-operation and well co-ordinated action by government organisations, voluntary agencies and individuals. As far as possible resettlement should be promoted through existing agencies, services and facilities. Full use should be made of these whether they take the form of Federal, State, local government or other official agencies or services, or whether they find their support in voluntary organisations (both national and international), community action or private interests. While government departments are not able and should not be expected to meet all of the settlement needs of refugee groups and individuals, voluntary

agencies by virtue of their very nature and standing in the community, are uniquely positioned to provide the supportive services which are essential for successful settlement. Indeed their services have been utilised heavily and with considerable savings to the departments concerned.

7.12. In the Committee's judgment the Government of the day must acknowledge the financial commitment which it incurs in accepting 'hard-core' (and other) refugees into the country. The acceptance of refugees carries with it an obligation to meet a far greater proportion of the costs—including those which are hidden—in resettling the refugees, than is recognised at the present time. In so far as we now have, and will continue to have, a resettlement scheme which depends on joint partnership and participation of government and voluntary community agencies, this necessarily means an increased financial commitment to and support for the agencies involved.

7.13. The Committee believes that a community response is an essential ingredient to the effective promotion of resettlement. Accordingly there must be a continuing awareness at all levels, of the needs of new settlers—particularly refugees and their families—of the problems they face, and of their different cultural and economic backgrounds. In one way or another, an active participation of all sections of the community is called for.

*Policy
formulation—
Establishment
of a Refugee Policy
Council*

7.14. The Committee recommends the establishment of an advisory body to be known as the 'Australian Refugee Policy Council' for the purpose of assisting the Government to formulate an Australian policy on all aspects of refugee resettlement and to review and continually assess its implementation and effectiveness. Membership of this body should be drawn from both government and non-government sources. On the non-government side, membership should comprise representatives from the major Australian refugee-receiving and overseas-aid agencies, the Australian representative of the UNHCR (in an observer capacity), Red Cross, other organisations having practical experience in settlement work and post-hostel community support for refugees, and representatives from the academic community. A similar number of representatives should be drawn from the government side and include the Prime Minister's Department, Foreign Affairs, Immigration and Ethnic Affairs, Social Security, Employment and Industrial Relations, Education and Commonwealth Hostels Limited. The Committee recommends that members of refugee groups should be drawn into this forum with other government departments and agencies whenever matters which are of direct concern to them are considered by the Council.

7.15. In addition to its primary objective of advising in detail on the formulation of refugee intake and settlement policy, the Refugee Policy Council should assist in the determination of such matters as:

- refugee situations requiring urgent Australian involvement and direct action;

- the capacity of government and voluntary organisations to resettle refugees successfully in any given situation (i.e. numbers who could be admitted to Australia);
- selection or intake criteria;
- the form and extent of any other (indirect) assistance which Australia could provide;
- special considerations required to meet the specific settlement needs of particular groups; and
- family reunion criteria.

7.16. Other functions of an on-going nature include those of community education, co-ordination of government and non-government refugee work, and a watchdog function in overseeing the implementation of policy guidelines in particular situations. As some member-organisations of the Council will be directly involved as participants in the local settlement committees (mentioned below), they will be admirably placed to oversee and assess the effectiveness of particular programs and hence contribute positively to the evolving responsiveness of Australian refugee policy. Specific tasks which should be considered immediately include such matters as the most appropriate means of funding voluntary bodies which are engaged in settlement work in the community; the scope which exists for the provision of additional grant-in-aid social workers; the use of revolving funds and resettlement grants; opportunities for rural employment and settlement; and the identification of problems requiring urgent attention.

7.17. In view of the importance which the Senate Foreign Affairs and Defence Committee places on the formulation of policy, the fact that Prime Ministerial decisions will be required to meet the contingencies of certain refugee situations, and the necessity to establish a forum at an appropriate level within which a meaningful and continuous discussion between government and non-government agencies can take place, we recommend that: the Refugee Policy Council be convened (and staffed on a full-time basis) under the auspices of the Prime Minister's Department; that it be free to report to individual Ministers on matters of relevance; and, that its annual report be tabled in Parliament within 14 days of its receipt.

*Overall planning and co-ordination of government activity—
Establishment of a Standing Interdepartmental Committee on Refugees*

7.18. The Committee also recommends the establishment of a 'Standing Interdepartmental Committee on Refugees' with responsibility for the overall forward-planning and co-ordination of government activity with respect to all refugee matters. Membership of this Committee should comprise those departments which are represented on the Refugee Policy Council, with other departments and agencies being drawn into the work of the IDC as required. We recommend that this Committee should again be convened and staffed under the chairmanship of the Prime Minister's Department.

7.19. The Senate Foreign Affairs and Defence Committee sees the principal function of the IDC as one of assuming responsibility for initiating overall planning, decision-making and co-ordination of government activity whenever Australia is directly involved with significant numbers of refugees—either by choice or by the course of events. Such an approach is essential if we are to avoid repeating the delays, lack of concern, and poorly co-ordinated responses to the refugee situations which have been experienced since April 1975. We envisage the IDC issuing at the earliest possible stage, clear and considered guidelines for action together, where necessary, with strong central direction to departments and hence to their individual State and regional offices. It must also have the essential responsibility of advising and engaging in the necessary prior consultation with the health, welfare, housing and other instrumentalities in each of the Australian States on which the Federal Government relies for co-operation and practical assistance in the settlement of refugees. Rather than inhibiting local action, the issuing of essential guidelines—setting out priorities, establishing areas of responsibility, defining lines of communication and nominating ‘contact-points’ within all of the involved organisations—should aim to encourage the exercise of local initiative to resolve particular problems within an agreed framework and without undue and time-consuming reference upwards through the public service bureaucracy.

*Settlement
Committees*

7.20. The Committee concludes that, to the limited extent that refugee settlement has been accomplished, the bulk of the work has been achieved by the hostel-based settlement committees with their community and voluntary-agency support. We believe that these bodies constitute a most effective and practical means of providing essential settlement assistance to individual refugee families. We recommend therefore that the support which is presently given to them by government agencies be substantially upgraded. In making this recommendation we wish to warn against the possible tendency to ‘bureaucratise’ their activities and reiterate the view that these are practical bodies which are concerned to settle refugees into the community at large. Their overall aim and purpose must be one of tapping and mobilising community resources which are available to assist in the settlement of refugees.

7.21. In order to avoid unnecessary confusion over differing uses of terminology, we recommend that in future these committees should be known and referred to as ‘Settlement Committees’.

7.22. The Senate Foreign Affairs and Defence Committee recognises that problems may arise when attempts are made to co-ordinate the work of voluntary agencies and other community groups. Nevertheless co-ordination is required in order to harness the experience, enthusiasm and energies of personnel within the community. The type of co-ordination which the Committee envisages as working most successfully, is that

which has evolved in practice within the hostel-based settlement committees.

7.23. In keeping with its responsibilities for the post-arrival care of migrants and refugees, the Department of Social Security is the appropriate co-ordinating body. It should assume this role formally—and with the support of its Canberra headquarters—without stultifying the spontaneity of those who are involved at the working level. Co-ordination should not be imposed from above on passive voluntary agencies which are seen 'to require organising'. Nor should there be any sense of competition with the voluntary agencies or with the welfare and accommodation officers of Commonwealth Hostels Limited. Rather the atmosphere should be one of mutual co-operation and sharing of the particular tasks which occur with each refugee group and situation.

7.24. We recommend, therefore, that trained social workers from the Department of Social Security should henceforth assume responsibility for convening and chairing the settlement committees which will be established with the arrival of new intakes of refugees (and migrants) into the hostels. Although we see merit in the creation of small committees at each of the hostels, we can envisage situations where it might be desirable to convene regional settlement committees. We do not envisage these committees as being permanent bodies; they should be convened with the admission of new arrivals, work up to a peak, gradually scale down their activities and terminate as the refugees and/or migrants merge successfully into the Australian community.

7.25. It is essential that in future situations representatives of the refugees be invited to participate as members of the hostel-based settlement committees. In addition, appropriate steps should be taken by the Department of Social Security to seek out and to obtain the services of those qualified personnel who exist in the community and to utilise them as consultants.

7.26. It is also essential that special measures be undertaken in future situations to ensure that comprehensive nominal rolls (detailing the composition, occupations, destinations and other information about incoming refugees) are made available to the settlement committees and to other organisations at the earliest possible time.

*Post-hostel
follow-up work with
refugees and the
establishment of
'Settlement Offices'*

7.27. The Senate Foreign Affairs and Defence Committee concludes that there is a real need to appoint social workers, assisted where necessary by trained interpreters, to provide continuing assistance to the Vietnamese and other refugees with welfare needs and problems during the early stages of their settlement in the community. By implication persons appointed to fulfil these functions would ideally be bilingual.

7.28. We reject the notion that the provision of post-hostel supportive services necessarily leads to the fostering of long-term dependency relationships. Indeed after-care responsibilities may extend, in some instances, for a period of up to two years or even longer after the refugees'

arrival in Australia. Such supportive services are an essential means of assisting 'hard-core' refugees to integrate meaningfully into the Australian way of life. Rather, it is passive acceptance on the part of the refugees themselves—cultivated in an atmosphere of mutual misconception and ignorance—which undoubtedly results in a growing reliance and dependence on social welfare payments, for their support. Accordingly we recommend that the Department of Social Security institute a program of post-hostel visits to refugees by trained social workers in order to encourage the very qualities of self-help, self-reliance and the desire for economic independence which, we believe are present in most refugees and which are vital for their successful integration. The Committee believes strongly that these social workers should constitute the major point of contact for the refugees once they have left the hostel and should provide them with the necessary means of access to services and benefits to which they are entitled.

7.29. As a means of facilitating the foregoing, we recommend that the Department of Social Security establish appropriately located permanent 'Settlement Offices' from which their social workers and multilingual personnel can extend the work of settlement out into the community at large.

7.30. Under these arrangements it is clear that the 'Settlement Committees' must constitute the main forum in which government and community organisations—with responsibilities and/or interests in providing welfare assistance, language training, accommodation advice, employment assistance and post-hostel support—can be brought together to tackle reception, orientation and settlement activities as interrelated facets of a single process.

7.31. In keeping with the Committee's recommendations concerning the need for a forward-looking approach to refugee matters, we recommend that all government departments and agencies record and maintain objective statistical data on the refugees with whom they are involved. Although such information is essential in order to determine accurately the effectiveness of the forms of support or assistance which have been provided to refugees in the past, it is generally not available at the present time.

7.32. In the Committee's view, basic information should be available for all refugees and should include details by nationalities on such matters as arrivals and departures, educational qualifications, facility in English, language training, employment histories (including subsequent registrations with and placements by the Commonwealth Employment Service) and the receipt of various forms of income maintenance.

English language training

7.33. As a means of providing refugees (and migrants) with realistic opportunities for obtaining apprenticeships, appropriate employment, admission to tertiary and other educational institutions and opportunities for

*Specific
recommendations—
areas
where action is most
needed*

retraining, the Committee recommends that, irrespective of their current levels of proficiency, financial support be provided to all males and females of working age whilst they attend English language classes.

Income Maintenance

7.34. In view of the special circumstances in which refugees find themselves, the Committee recommends that the Department of Social Security respond sensitively to the needs of individuals and, in deserving cases, waive particular residency requirements as a means of easing financial burdens.

Positive action to provide opportunities for rural settlement

7.35. The Committee recommends that positive and vigorous action be taken jointly by the Department of Employment and Industrial Relations, the Commonwealth Employment Service and the Department of Social Security in exploring the possibilities which exist for placing those refugees with rural subsistence backgrounds in some form of rural occupation where they can be in close proximity to one another.

Employment assistance

7.36. The Committee recommends that positive steps be taken by the Commonwealth Employment Service, to assist the refugees in their progression towards employment which is suitable in terms of their existing skills, previous training and their inclinations.

Special programs to assist the illiterate and unemployable refugees

7.37. The Committee recommends that urgent consideration be given to developing special programs of action to assist those refugees who are illiterate and/or unemployable.

Correction of birth dates and other personal details provided by the refugees

7.38. The Committee recommends that the Government declare a general amnesty to facilitate the once-and-for-all correction of birth dates and other personal details provided by the 1975 intakes of 'hard-core' Vietnamese refugees.

Family reunions

7.39. The Committee believes that family reunions should be pursued as a matter of highest priority for those Vietnamese refugees who were admitted to Australia as special cases during 1975. This should be done both on grounds of humanity towards the Vietnamese who were separated from their families and because, in the long term, the family is likely to prove the best safeguard against emotional distress and economic hardship. As the Vietnamese family comprises an extended group, a wider view should be taken of family reunions than is presently the case.

Communication with refugees

7.40. In order to avoid the confusion, misinterpretation and lack of comprehension which results from word of mouth communication with refugees, the Committee recommends that their own language be used in individual communication with them as well as in the preparation of documents and information sheets which are of concern to them. In the Committee's view the use of the refugee's native language for both oral and written communication is of fundamental importance if practical application is to be given to the basic principle that refugees (and migrants) be assured of full access to statutory services and forms of support and assistance to which they are entitled.

7.41. The Committee notes the particular care which is required in preparing information sheets for distribution to refugees prior to their embarkation to Australia. In future situations the Department of Immigration and Ethnic Affairs should ensure that all relevant departments and agencies are consulted and utilise the services of linguists having detailed knowledge and familiarity with the cultural background of the refugees concerned.

Continuation of the Study into the settlement of the Vietnamese refugees

7.42. The Committee recommends that funds be made available urgently to enable the survey commenced by Dr Martin into the settlement of the Vietnamese refugees, to be continued into a second phase during 1977.

Ministerial consent to the adoptions of Vietnamese orphans evacuated from Saigon during April 1975

7.43. In noting the concern which has been expressed over the delays and legal difficulties being experienced by prospective adoptive parents seeking to adopt Vietnamese orphans who have been placed in their care, the Committee concludes that these matters must be finalised without further delay. In the circumstances, therefore, and in view of the special nature of this situation, the Committee recommends that the Minister for Social Security, in whose care and guardianship the orphans are placed, should now consent to the adoption of those children who were evacuated from Saigon in the two flights during April 1975.

Guardianship and responsibility for unaccompanied Timorese refugee children

7.44. The Committee recommends that immediate steps be taken to settle the as yet unanswered questions of the guardianship and legal and financial responsibility for the welfare of a number of children who fled with the refugees from East Timor without their parents. These matters cannot await the uncertain outcome of attempts to reunite these children with their parents.

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Peter Sim
Chairman

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