



BOOLAROO/WARNERS BAY SOCIAL JUSTICE ACTION GROUP

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19th July, 2002
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The Secretary,
Senate Legal and Constitutional References Committee,
Suite S1.108
Parliament House
Canberra ACT 2600

Dear Sir/Madam,

Herewith please find a submission to the Committee in regard to the Senate Inquiry into the *Migration Legislation Amendment (Further Border Protection Measures) Bill 2002*. Please give it your most serious and responsible consideration. As we have indicated there are issues of social justice involved but also matters of concern for the basic integrity of our Parliament. We are most anxious that our national Parliament not be manipulated for political purposes.

Yours sincerely,

Sheilah Kidner

Charmaine Clarke

Judith Keller

Peter Grew

Pauline Quealy

Philip Kidner

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A Submission in Opposition to the adoption of the *Migration Legislation Amendment (Further Border Protection Measures) Bill 2002*

The Boolaroo/Warners Bay Social Justice Action Group, currently involved in working for social justice with all the Christian parishes in the City of Lake Macquarie, is opposed to the adoption of the *Migration Legislation Amendment (Further Border Protection Measures) Bill 2002*. Our reason for this is that this Bill, like the *Migration Legislation (Excision from Migration Zone) Act 2001*, denies asylum seekers the right to enter Australia for the purpose of seeking asylum from the Australian Government, by excising certain Australian territories from Australia's migration zone as defined by the Migration Act 1958. The *Migration Act* requires an asylum seeker to enter Australia's migration zone in order to make a claim for asylum from the Australian Government thus bestowing a right to asylum seekers having entered the zone to claim asylum. This right is respected and identified as a basic human right by Catholic social teaching in keeping with basic Christian principles. Therefore the proposed Bill is in direct opposition to a universally accepted basic human right, a right that Australia's asylum seeker policy is predicated upon as evidenced in the *Migration Act 1958*.

We also interpret this Bill as an attempt by the present Government to subvert the Will of Parliament by presenting the Parliament with a Bill which is a reproduction - a virtual facsimile - of the *Migration Amendment Regulations 2002 (No. 4)* that was disallowed by Parliament on Wednesday, 19th June 2002. According to Westminster Parliamentary tradition, a proposition rejected by Parliament is not represented to Parliament until parliament rescinds its rejection. This tradition respects the Will of Parliament. The Government, by re-presenting the same proposition previously rejected by Parliament is ignoring a fundamentally important tradition and in so doing is seeking to subvert the Will of Parliament.

Our recommendation is therefore, that the *Migration Legislation Amendment (Further Border Protection Measures) Bill 2002* must be rejected because it is in direct opposition to a universally accepted basic human right and it undermines a fundamentally important tradition of respecting the Will of Parliament.