

REFUGEE COUNCIL OF AUSTRALIA
(INCORPORATED IN A.C.T.)

03 May 2004

Louise Gell
Acting Secretary
Senate Legal and Constitutional Committee
Parliament House
CANBERRA ACT 2600

By email: legcon.sen@aph.gov.au

Dear Ms Gell

The Refugee Council of Australia which is the peak body in Australia concerned with issues relating to refugees thanks you for the opportunity of responding to the invitation for submissions in relation to the inquiry into the Migration Amendment (Judicial Review) Bill 2004.

The Council has had the opportunity of considering the submission which was made jointly by the Public Interest Law Clearing House Inc and the Victorian Bar and endorses this submission.

The Council particularly requests that Committee members when preparing their report be mindful of Australia's obligations under the Convention relating to the status of refugees and under Australian domestic law. Most fundamentally, the Convention provides that Australia must not refoule a refugee. The Council would have concern if any legislative impediments were created which by operation of law prevented a refugee with bona fide claims from having those claims properly assessed in Australia. The Council shares the concerns made in the submission of PILCH and the Victorian Bar that the Bill may have this consequential effect.

We ask that the Committee bear these considerations in mind when preparing its final report and would be happy to make further submissions orally to the Committee at a public hearing should this be required. If such a hearing takes place at which we are invited to address, please advise me.

Yours faithfully

David Bitel

President
Refugee Council of Australia