

Summary:

The government claims it is operating within humane principles and within our Human Right obligations therefore I would ask them to submit both the department and their contracted parties to HREOC monitoring with an obligation to change any practices deemed by HREOC to be contrary to International Human Rights principles and obligations.

Policy is the privilege of the government but this must be implemented with regard

to International Human Rights principles and obligations. HREOC is the independent arbitrator with the power to force changes to practices deemed contrary to these obligations.

Submission:

The obvious problem that has appeared within the whole immigration debacle is the lack of accountability and the lack of human rights safeguards in Australia. Whenever the issue that this was inhumane was raised, the government declared that it was legal and that that was enough. In appealing to the courts, the same decision was made.

The problem with Australian governance system is that all of the top authority and legal figures (High Court Judges, Governor General etc.) are appointed by the Prime Minister allowing for no variation in opinion or view. There is no figure of equal importance that can give an independent opinion. In many countries the Supreme Court judges or the President are elected or selected by an independent path. By virtue of that separation and the path that they have followed are treated as an equal voice to the Prime Minister. This is the basis of separation of powers. This foundation stone of democracy has been corrupted in Australia and therefore the abuse of refugees has taken place.

Whereas in Europe, one can then raise the matter to European Court of Human Rights this is not applicable to Australia.

There is again no recourse in Australia for compliance to the Human Rights declarations which Australia has signed.

And again, despite the fantastic job he has done in raising issues, the Human Rights and Equal Opportunities Commissioner is also chosen by the Prime Minister. (No guessing who's contract won't be extended!)

The crux of this is we need to give the HREOC legal power to force government departments to implement recommendations after it investigates Human Rights abuses and ensure we meet our obligations as regards the treaties we sign. Also remove the HREOC from direct dependence on the Government, perhaps being elected by broad collation of groups. This will stop human rights abuses of any minority or in any area.

In the meantime, the government claims it is operating within humane principles and within our Human Right obligations therefore I would ask them to submit both the department and their contracted parties to HREOC monitoring with an obligation to change any practices deemed by HREOC to be contrary to International Human Rights principles and obligations.

In this we are not asking the government to change it's policies, we are not even discussing policy or people's opinions on what we should be doing with refugees.

The simply question is 'Do you believe they should be treated humanely?'. If so legally bind these to Human right law.

Since they government has shown itself to be untrustworthy in the humane implementation of these laws. If as they say they are implementing things

humanely and not breaking any of our obligations under the UN treaties (Human Rights, Rights of the Child, Refugee rights)
then they will have nothing to object to since they are already complying.
If not HREOC should have the power to change practices which break these obligations.

Thank You
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