

Committee Secretary
Senate Legal and Constitutional Committee
Department of State
PO Box 6100
Parliament House
CANBERRA VIC 2600



15 May 2006

Dear Sir/ Madam,

I am very concerned by the proposed reforms to Refugee Law that have been recently announced. Their sudden introduction exposes their apparent political motivation. They are a backwards-step, seemingly aimed at avoiding international obligations and contrasting against Australia's more 'humane' policy towards asylum seekers in recent months. They certainly seem a disproportionate response to a single boat arrival after a lengthy period with none.

The decisions made in relation to asylum claims must be made on their individual circumstances, as the Australian Immigration Department have clearly done by accepting recent West Papuan asylum claims and granting Temporary Protection Visas, without allowing the Indonesian Government to influence their decisions.

While I would certainly seek to discourage arrivals by boat, it is clear that to make that dangerous journey is a decision of last resort. The government has acknowledged that that most 'boatpeople' (around 93%) who apply for refugee status in Australia are eventually accepted as legitimate refugees. Australia should not back away from its international obligations to asylum seekers, as while boat arrivals may be 'unauthorised', they are certainly not 'illegal' under either International Law or Australian domestic law.

The proposed excision of the Australian mainland from the Australian migration zone is a ridiculous idea, and would be laughable if the consequences were not so serious. Can this really be a legitimate legal concept? Is Australia proposing to deny its jurisdiction over its own sovereign territory? Further, it is entirely inconsistent with our obligations under the UN Refugees Convention to people seeking Australia's protection, to deny this protection, or more particularly, to deny them due process under law through the Australian legal system.

It is also inconsistent with the 'burden sharing' notion of the Refugees Convention to process asylum seekers offshore, and insist that a third party country accept the refugee if/ when their claim is proven. Australia must process the claims that are presented to it, and should those claims be well founded, accept its responsibility and protection obligations.

Perhaps most importantly, detention and in particular offshore detention, is extremely detrimental to the mental health of those detained, in part because it may be indefinite, and is very isolating. This harm is accentuated for children, and its consequences certainly disproportionate to its aims. I urge the committee to regard the expert evidence you will no doubt receive on this matter with utmost weight.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Liz Hughes".

Liz Hughes
LLB (Hons), Solicitor