

Jonathon Curtis
Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT, Australia

Re: Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006

I am very concerned about the prospect of the Federal government proposal regarding off-shore processing for refugees coming into law. This action will breach Australia's human rights obligations in a number of ways. It will contravene not only the 1951 Convention Relating to the Status of Refugees but also the Convention on the Rights of the Child to which Australia is a signatory. If this proposal comes into law then there is a possibility that refugees, fleeing violence and atrocities in their homelands, will languish in detention indefinitely. They will have no access to independent merit or judicial reviews and there will be no independent oversighting of the conditions under which they will be detained.

According to international law individuals have the right to seek asylum and countries that are signatories to the UN conventions have an obligation to provide protection for such individuals until their claims can be assessed. By implementing this legislation, Australia will be flouting its responsibilities, denying basic human rights to disadvantaged people and declaring that the mainland is not part of Australia, an absurd but tragic declaration.

According to the Amendment, refugees will no longer be assessed under the direct auspices of the UNHCR or indirectly through Australian officials trained in UNHCR processes. The whim of the minister who merely has to declare that particular countries detaining Australian refugees meet fundamental conditions is all that will be required.

Last year Prime Minister Howard assured Petro Georgio and other concerned coalition members that detention for women and children will be a measure of last resort. If this proposal goes ahead there is no way that that reassurance can be realised as the detention of this vulnerable group will be a measure of first resort.

I am concerned not only about future asylum seekers fleeing horrific violence and terror but also about Australia's image in the region and the world as we shirk our responsibilities and off load them on to poor third world countries. I am also concerned about the impact that this legislation will have on the moral behavior of Australian citizens. In recent years, in the face of racial, religious and ethnic tensions, the government has been highlighting Australian values, which I understand to be basically Christian and include compassion, tolerance for difference and a fair go. The proposed legislation stands in total opposition to such values. If the highest office in the land perpetuates such a lack of humanity and compassion that this legislation represents then the bigoted and horrific acts that were witnessed on the Cronulla beaches in Sydney last year may become commonplace.

Yours Sincerely

Dr. Trish Carroll

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