

Submission to Senate Legal and Constitutional Committee
Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Email: legcon.sen@aph.gov.au

Honourable Senators,

I respectfully urge you to defer the foreshadowed Amendments to the Migration Act 1958.

I submit that to pass the proposed Bill would further jeopardise Australia's fulfilment of its International Obligations under the 1951 Refugee Convention.

Australia and its people have played an important role in establishing and reinforcing the rule of law in World events. Australians have done this in many ways including serving in their armed forces to resist illegal and warlike acts by states parties. Australians have also contributed through the United Nations processes and others to developing the framework of international Law. It is a record of contributions to be proud of and to respect. The Refugee Convention as amended is an important part of that International Framework. It is in our national interest to support the rule of International Law and to provide as a much a possible an orderly process for the movement of displaced people in the world today. I am very concerned that we appear to have weakened our support of International Law and best practice through the earlier amendments to the Migration Act which excised segments of Australia from the operations of the Migration Act. The effects of this excision have not yet been the subject of Parliamentary review. I submit that it is not appropriate to pursue further amendments until the full effects of the present amendments have been documented and understood. We need to move cautiously in making changes to our proud record. Australia has a fair system of law incorporating Human Rights principles and a long tradition of welcoming asylum seekers.

I suggest that we refine our on shore procedure to ensure minimal further traumatising of people who have already suffered so much. I am very concerned that Australia must at all times act in the spirit and letter of International law and best practice.

As challenges arise, let us turn our considerable expertise to face the problem on shore. Off shore processing and its inherent delay is of benefit neither to the applicant nor to Australia. I urge the Parliament to find a way to expedite the necessary checks on people arriving in Australia without formal papers. Please do not pursue the off shore processing of asylum seekers.

Yours sincerely,
David Hopkins
Nelligen NSW