

Australian Catholic Migrant and Refugee Office

The Secretary
Select Committee on a
Certain Maritime Incident
Room S1.57
Parliament House
Canberra ACT 2600

21 March 2002

Inquiry into a certain maritime incident: the so-called 'children overboard' incident and the 'Pacific Solution'

This submission is made on behalf of the Australian Catholic Migrant and Refugee Office (ACMRO). It primarily addresses a concern with a possible lack of leadership and morality on this issue without specifically addressing any particular terms of reference for the above inquiry:

Comments generally address:

- (a) the so-called 'children overboard' incident where an Indonesian vessel was intercepted by HMAS Adelaide within Australian waters reportedly 120 nautical miles off Christmas Island, on or about 6 October 2001.**
 - (i) the flow of information about the incident to the Federal Government, both at the time of the incident and subsequently;**
 - (ii) Federal Government control of, and use of, information about the incident, including written and oral reports, photographs, videotapes and other images.**

ACMRO is not so much concerned with the technical nature of the reporting of events between the various government departments and agencies and Governmental Ministers. Rather it is concerned with the asylum seekers who were misrepresented and denied human dignity. For this we are truly sorry and we implore the Government to understand the significance of these events.

Asylum seekers deserve our respect and should not be demonised. This sentiment is felt by many Australians who have compassion for, and a willingness to help asylum seekers. The Government should recognise this. In a liberal democratic society such as ours, those with compassion for asylum seekers should have equal influence on public policy as do those with little or no compassion.

It is the Government's responsibility to encourage and support its citizens to know and understand events occurring within the world by equipping them with accurate information and to resist the temptation to mislead them with inaccuracies and untruths.

We make this response following careful consideration and in recognition of comment and reaction from many members of the community (including members of the Catholic community) who are concerned about and who care for asylum seekers. We, like many Australians, seek clarification of this event. If children were not thrown overboard, we are entitled to know why the Government was so zealous in publicising misrepresenting photographs of the situation. The women and children in the photographs are entitled to be treated with respect and dignity by acknowledging the desperation of their actions with a thorough explanation illustrating the hopelessness of their situation. We urge the Government to acknowledge this and to take the responsibility which our political system requires for any mistakes which were made.

In summary, it is vital that the truth be established and that the claims of allegations of children thrown overboard be explained. This approach would address the rise in racism towards those from less acceptable cultures (ie Muslim or West Asian backgrounds) which has been allowed to flourish since this event. The process of establishing and informing the public of the truth would redress a divisive issue in Australia and provide much needed moral leadership. Good governance is reflected in good policy and should not be reliant on or be persuaded by public opinion.

(c) in respect of the agreements between the Australian Government and the Governments of Nauru and Papua New Guinea regarding the detention within those countries of persons intercepted while travelling to Australia, publicly known as the 'Pacific Solution':

- (ii) the nature of the agreements reached,**
- (iii) the operation of those arrangements**

We seek clarification and an explanation of the guiding principles used by the Government in developing the 'Pacific Solution'.

The 'Pacific Solution' appears to undermine Australia's burden sharing arrangements by calling into question Australia's commitment to providing protection as recognised in the *1951 Convention Relating to the Status of Refugees*. The Convention offers protection and associated rights for those seeking protection onshore. If we have a policy of detaining asylum seekers and processing claims for protection visas on Pacific Islands, are we in contravention of our responsibilities? Does the Australian public know what is going on in these Island states? What is the processing procedure? What are the conditions of detention? Are we treating people within the realms of the Convention?

In summary, we believe that the solution is ill named, as it fails to provide a solution for people seeking asylum. The policy is designed to deter desperate people from seeking

asylum in Australia. It fails to address the international problem of combating people smuggling and finding settlement for suffering people. Human principles of dignity and respect for asylum seekers must be central in the policy development process. The rights of the person who seeks protection in Australia must be protected and upheld and not be disadvantaged due to the way in which they arrive in Australia and subsequently seek our protection. In the global context Australia must continue to be welcoming and compassionate and to uphold its commitment to a multicultural non-discriminatory society.

Yours sincerely

Rev. John J Murphy
Director