

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/Visacancellationprocess

Dear committee members

Thank you for this opportunity to make a submission for your consideration.

My community work in the Quaker community includes advocacy for people seeking justice under the law and under natural justice.

I submit that an 'offence' previously committed by a detainee currently carries more weight than any other countervailing consideration, such as rehabilitation, which forms the core of a healthy justice system. Our community is best served when the assessments of parole boards are our guide and when community service to fellow detainees is consonant with the parole board assessment.

I refer to the case of Z, [REDACTED]

This young man was recommended to Quakers for support in purchasing textbooks when he was studying while incarcerated. Since leaving prison with a favourable parole board assessment, he has been held in detention. Article 8 of the UN Charter of Human Rights declares that everyone has the right to an effective remedy by competent national tribunals for acts violating the fundamental rights granted by the Constitution or by law. Article 9 states that no-one shall be subjected to arbitrary arrest, detention or exile.

Unfortunately, the Minister, Peter Dutton currently has more discretionary powers than any other Minister, even the Prime Minister and the Attorney General. Former Immigration Minister Ian Macphie quoted in The Guardian, said: *Peter Dutton has sweeping and unchecked powers that are beyond the review of courts, are unjust and "un-Australian" and must be wound back.*

A 2004 Senate inquiry into the issue found there were serious concerns about vesting "non-delegable, non-reviewable and non-compellable discretion" without adequate oversight. It found a "pressing need for reform" but recommended keeping the ministerial discretion powers as "the ultimate safety net" and a last resort to deal with exceptional or unforeseeable cases. A 2016 review made similar recommendations.

It is a sad irony, and an indictment of current law, that the minister's discretionary powers are now requisite to provide redress in (what should be) ordinary and straightforward matters; rather than to merely deal with cases that are 'exceptional or unforeseeable'.

I look forward to the revocation of the current laws and the release into the community of Z and others who have been wrongfully detained.

In peace

Dawn Joyce