

SUBMISSION RE THREE BILLS - BORDER FORCE, GOOD ORDER IN DETENTION CENTRES, AND
BIOIMETRICS

SUBMISSION FROM JENNIFER WILLS

March 30, 2015

BORDER FORCE BILL 2015

I object to the lack of transparency and accountability for both the Australian Border Force Commissioner and the Minister for Immigration as these are inconsistent with open democracy and good governance.

Where parameters are suggested to restrict the Commissioner's power, such as the proposed oath, no details are provided about the scope or content of the oath, or whether and how the Commissioner will be held to account according to the oath.

Further I object to the parliament being bypassed as in section 23 where Ministerial directions do not have to be declared until 15 days after the direction is given.

I ask what is the rationale for removal of provisions of the Fair Work Act 2009, as applied to unfair dismissal, for Australian Public Service staff? Does this mean that staff who cannot carry out directives because they conflict with their conscience can be arbitrarily dismissed and will have no right of appeal?

This lack of justice is objected to, plus its possible extension to a wide range of staff coming within the Commissioner's ambit - the Commissioner will have the power to direct personnel from foreign governments, international organisations and contractors and subcontractors, and if there are any subsequent legal proceedings information that staff et al are obliged to provide will not be permitted as evidence. Is this not catch 22?

This secretive approach will have the consequence of deterring whistle blowers who are motivated in the public interest. Further with the threat of two years imprisonment and termination of employment/consultancy or contract, people will not be able to speak out in accordance with their conscience.