

## **ADDITIONAL COMMENTS FROM SENATOR BARTLETT**

As the Senator who moved the motion initiating this Inquiry, I wish to make a few additional comments.

Whilst on a personal level I would like stronger statements and recommendations in some of the areas covered in this Report, there is much value in having unanimous conclusions wherever possible. I therefore indicate that I do not dissent from any of the conclusions and recommendations which the Committee as a whole has reached.

The Inquiry produced a lot of information which would not otherwise be on the record and the Committee examined this evidence very thoroughly and, in my view, in a very dispassionate and objective way. It is imperative that the Government, in considering this Report, does take its findings seriously, particularly given the cross-party support for its findings. Given the fact that refugee issues have become so politicised, the cross-party agreement on the recommendations is all the more significant.

There is no doubt that there are many aspects of the operation of our onshore refugee program which provide cause for concern and the evidence provided and the Committee's Report reflect this.

I believe there are problems associated with the closed decision making process of the Refugee Review Tribunal, and the culture which can develop in this circumstance, particularly with the restriction placed on the independence of the Tribunal members by the power of the Minister controlling appointments and renewal of appointments.

This may be improved by methods such as instituting a more regular observation routine, using the UNHCR, other tribunal members and perhaps other individuals selected for this purpose from the refugee advisory professions. Constant scrutiny of members by others can only improve the quality of decision making and public confidence in it.

The evidence outlined in the report highlights the dangers of the concentration of power in the hands of DIMA and in particular the Minister. This is particularly apparent with the s417 power and the temporary safe haven visa.

The facts outlined in the specific cases of the Chinese Woman and Mr SE give real life examples of the flaws in the existing approach and the perils which it puts individuals in. It is a combination of factors such as legislative shortcomings, problematic Departmental and Ministerial culture and practices, inadequacy of assistance provided to asylum seekers which place people in this people.

The plain fact that people's lives are put at risk if we get things wrong is what makes it so important to continually look for flaws in our processes and identify ways to continue to improve it. This task is far from over.

In this context I would like to particularly note the value of the work done by Dr Mary Crock through this Inquiry. The input, advice and assessments of Dr Crock were central in shaping my contributions to this Report. There are important policy and philosophical aspects to refugee law, but a solid assessment of the history and current operation of our obligations from a legal perspective is also essential. Dr Crock's contribution was important not just in terms of this Report, but in the ongoing task of improving our performance in meeting our obligations to and protecting the rights of refugees and asylum seekers. This task is a responsibility for all political parties and legislators. I believe the contents of this report should assist in that important task.

Andrew Bartlett

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