

Sent: Friday, 19 July 2002 6:58 PM

To: legcon.sen@aph.gov.au

Subject: SUBMISISION TO THE SENATE LEGAL AND CONSTITUTIONAL REFERENCE COMMITTEE

**SUBMISISION TO THE SENATE LEGAL AND CONSTITUTIONAL
REFERENCE COMMITTEE**

**Inquiring into the Migration Legislation Amendment
(Further Border Protection Measures) Bill 2002**

**THIS SUBMISSION RESPONDS TO REFERENCES (a) AND (f) OF THE TERMS
OF REFERENCE FOR THE INQUIRY**

Introduction: I am a member of the religious Congregation of the Sisters of Mercy. My Congregation has for many years had members present in many of the refugee camps of Asia and Africa as well as having been involved with resettling people in Australia, and of late, visiting asylum seekers in detention centres and working with people who are on Temporary Protection Visas.

On a personal level, I have been involved with migrants and refugees for a number of years.

Arguments:

(a) (a) Implications of excision for border security

The proposed Bill must not deter asylum seekers to enter for the purposes of claiming asylum. Persons seeking to flee a situation endangering themselves or their families will take whatever risks necessary regardless.

(f) Denial of the basic right to enter a country for the purposes of claiming asylum

The above mentioned Bill, by excising certain Australian territories from the migration zone as defined by the *Migration Act 1958*, denies asylum seekers the right to enter Australia for the purposes of seeking asylum from the Australian Government. The said Migration Act requires that an asylum seeker enter Australia's migration zone in order to make a claim for asylum from the Australian Government. The proposed Bill is in direct opposition to this universally accepted basic human right.

Subversion of the will of Parliament

According to Westminster Parliamentary tradition, a proposition rejected by parliament is not again presented to parliament until Parliament rescinds the rejection of that proposition. By re-presenting the same proposition previously rejected by Parliament, the Government is seeking to subvert the will of Parliament.

Unnecessary public policy

The proposed Bill, if enacted by Parliament, will be unnecessary. The Migration Legislation (Excision from Migration Zone) Act 2001 already addresses the issue. There

are already in place other public policy instruments that severely limit the ability of asylum seekers to claim asylum from the Australian Government.

Recommendations:

1. 1. The proposed Bill will be rejected because it will not provide the border security as desired by the Government.
2. 2. The Committee should recommend the rejection of the Bill because it is in direct opposition to a universally accepted basic human right. Australia's asylum seeker policy is predicated upon this right.
3. 3. The Bill must be rejected because it sets a dangerous precedent that undermines a fundamentally important tradition of respecting that Will of Parliament when Parliament has made a decision regarding a particular proposition.

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