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Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra  
ACT 2600



Dear Sir/Madam

**Re: Inquiry into the provisions of the *Migration Amendment (Designated Unauthorised Arrivals) Bill 2006***

My submission to the Senate Legal and Constitutional Committee in relation to the *Migration Amendment (Designated Unauthorised Arrivals) Bill 2006* ("the Unauthorized Arrivals Bill") will necessarily be short because:

1. Others have no doubt already brought the Committee's attention to the manner in which the proposed legislation flouts our international obligations, not only under the Refugees Convention, but also under the ICCPR, the Convention on the Rights of the Child, and the Convention Against Torture.
2. The time allowed for the provision of submissions on this Bill is ridiculously short.
3. Frankly I have better things to do than spend several hours researching for a submission that will be ignored by this Government.

I have been working as a lawyer in the area of refugee and migration law since 1990. I was one of the first legal advisers to work in Port Hedland in 1992, and I have been assisting asylum seekers ever since. My main area of practice at the Sydney Bar is migration and refugee law.

Over the years I have seen various Australian Governments tie themselves in knots trying to avoid their responsibilities under the Refugees Convention. However I have never seen anything like the Unauthorized Arrivals Bill for such a barefaced and impudent attempt to deny our obligations.

May I make a suggestion to this Government? Rather than continue to embarrass yourselves by pretending to be good international citizens in our treatment of asylum seekers, why not take a look at Article 44 of the Refugees Convention? All you would have to do is lodge a notification with the UN that Australia wishes to denounce the Refugees Convention, wait one year, and Hey Presto!, you're free of those pesky asylum seekers! Of course you might also have to denounce Australia's obligations

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under the ICCPR, CROC and the Convention Against Torture, but why stop at just one set of obligations?

Of course I anticipate this Government will not denounce our human rights obligations. Like all bullies, Australia does not have the guts to take on a more powerful opponent, and it is easier to pretend to meet one's obligations than to wear the opprobrium of the international community. Besides, which of our politicians would want to risk their free champagne and canapés by the withdrawal of the welcome mat on their next visit to Geneva?

So go ahead and pass your wretched Bill. But at least note the universal condemnation of the legal community.

  
Nicholas Poynder