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To the Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate

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

The Springvale Monash Legal Service Inc (SMLS) has maintained a long standing belief in human rights and has taken a keen interest in the rights of refugees. In the past, SMLS has worked with Amnesty to educate the local community about refugee rights through a community forum, and currently runs a program informing newly arrived refugees of Australian law. Further, SMLS, working with the Springvale Community Aid and Advice Bureau (SCAAB), is setting up the South Eastern Migration Assistance Service (SEMAS) to provide quality migration advice to suitable persons residing within our catchment area.

We write to respond the Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

It is a sad indictment on the government, that after such positive publicity elicited by the invitation to the international community to our doorstep for the Melbourne Commonwealth Games, that we so rapidly sink into the quagmire of human rights abuse as a response to pressure from the Indonesian government.

The new legislation determines an individual's refugee status based on their method of arrival to this country. This is an archaic and cold determination of an individual's status, which arbitrarily defines the level of access to their collective rights (health, welfare, media and legal) by ensuring that they are processed off-shore due to the administrative detail of the method of arrival, rather than any qualitative measure.

The expensive, inhumane off-shore detention centres, maintained by the Australian tax payer, are a return to the past whereby we had people illegally locked up for having committed no crime, and suffering myriad adverse affects to their health and also this contravenes our international obligations to the 1951 Refugee Convention to which we are a signatory. A particularly poignant corollary of past policy was the detention of children. The impact upon these children was significant, with detention indisputably and empirically proven to be inimical to their health, apparent from episodes of self mutilation, suicide

attempts and depression. Also, further deterioration is evident in these circumstances as contact with family and friends will become much more sporadic and limited. We commended the government for reversing this practice in 2005, however we view this return to past draconian policy to be a backward step.

Involvement of countries with varying obligations to refugees in our refugee regime (the 'Pacific Solution') is dangerous as it causes further separation of consistency in the application of human rights to refugees, such as Nauru, which is not a signatory to the 1951 Refugee Convention. The past has provided us with clear evidence of lengthy, expensive waiting times with the typical result being the granting of protection visas.

Those proposed Bill will also reduce the transparency and impartiality of proceedings, by essentially reducing the capacity to appeal decisions within the demarcations of Australian law and excising intervention of independent accountability processes.

SMLS understands the obligation to conduct health and security checks, but these draconian new policies do not assist in that process of carrying out these procedures. By enacting this type of policy, the Australian government is clearly displaying that it adopts a myopic view of human rights, acquiescing to the whims of nations with anti-democratic ideals. We should approach this situation in the spirit of freedom and justice, and demonstrate to the international community that we are a nation which takes our global human rights responsibilities seriously.

Dave Taylor
Community Development Worker
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