

## **Dissenting report by Liberal Senators**

1.1 Liberal Senators wish to dissent from the majority recommendation that the Bill be passed.

1.2 This bill represents yet another softening of Australia's immigration laws that sends a clear message to people smugglers and unlawful non-citizens seeking entry that Australia is an easy target.

1.3 Liberal Senators consider that if this bill is passed, there is a strong possibility that there will be a further influx, and a large number of new, non-refugee, protection applications will be lodged and false asylum claims made. Establishing a form of complementary protection would again blow-out Australia's migration program and give less discretion to help genuine refugees languishing in camps around the world.

1.4 For example, if the Government accepts that 'complementary protection' should apply to those who have come from a country in the grip of a civil war, such as Sri Lanka, the potential number of applicants could be very large.

1.5 Liberal senators fully understand that there are always going to be some persons whose personal situations mean that they do not qualify under the refugees convention and who therefore cannot be considered in the protection visa process, even though a *non-refoulement* obligation may arise. Recent cases reported in the press about women who may be subject to genital mutilation if they return to their home countries are prominent examples, and there are many other complex or one-off situations that may arise. Liberal senators point out however that if such people do not meet the refugee convention criteria, but there is clearly a serious risk to them, then the minister has the power to exercise his or her discretion. This is the safeguard system which has been in place for decades and there is no evidence to suggest that it has been anything other than effective. It is a tried and proven system, which meets Australia's international obligations, and which protects those who are in genuine need of such protection.

1.6 Liberal senators further note that if the bill is passed, a departmental decision not to grant 'complementary protection' will be appealable. It seems that the lessons of the past have not been learned, as this will inevitably mean that decisions may take many months, if not years to be resolved if the initial decision is unfavourable and appealed.

### **Recommendation 1**

**1.7 Liberal senators recommend that the bill not proceed.**

**Senator Guy Barnett**  
**Deputy Chair**

**Senator Mary Jo Fisher**

**Senator Concetta**  
**Fierravanti-Wells**

