Chair, Senator Trish Crossin
Senate Legal and Con Committee
legcon.sen@aph.gov.au

Dear Chair and Committee Members

Re: **Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012**

Civil Liberties Australia congratulates the proponents of the bill on producing a proper 'statement of compatibility with human rights'. The statement raises and covers relevant issues, rather than merely making a one-line assertion: we commend this style/approach.

CLA supports the bill, for these reasons of principle:

- All the world's citizens should have open access to all Australian information where possible; citizens seeking refuge in Australia should have the right to see the information Australia has collated/received about them, to be able to verify or disprove its accuracy.

- In many cases, the information provided on individuals will come from their traditional, and possibly recently belligerent, opponents who are now the official sources in the supplying country: at minimum, such information is likely to be unbalanced.

- Australia – despite an unfortunately High Court decision – should not create or condone the creation of a class of world "non-citizen", a person stateless because of a secret and unreviewable Australian decision.

- Secret government decision-making is anathema to the democracy Australia purports to be.

- All government agencies should be amenable to court/tribunal review. The more secret their processes, the more – not less – review should be possible, even if special conditions need to be put in place to safeguard the interests of the state.

- Counter-terrorism legislation has proven that a system of 'special representatives' can be used in legal/tribunal situations to represent the interests of people whose circumstances cannot be publicly reported in full.

- Is the current situation inequitable? A Committee Member might decide that question by asking themselves how would they feel if they were in the situation of a refused refugee who can get no information/no answers, facing the prospect of a forever limbo.

Please see Appendix, over page.

Yours sincerely

Dr Kristine Klugman OAM
President

APPENDIX:

Civil Liberties Australia believes it is time the Labor Government supported the principles contained in the bill under consideration. Here is a Labor leader's commitment:

> *The Labor Party undertakes to have an impartial judicial examination made of every restriction imposed upon individual migrants, whether they affect migration to Australia of members of families already here, naturalisation of migrants in Australia or migrants who may be liable to or threatened with deportation from Australia.*
>
> *We believe that injustices have occurred in a number of cases. We will examine all such alleged injustices and see that justice is accorded to all without fear or favour.*
>
> – Main pre-election speech of
> Herbert Evatt
> Australian Labor Party
> Delivered at Sydney, NSW, November 22nd, 1958
>
> http://electionspeeches.moadoph.gov.au/speeches/1958-herbert-evatt