Submission to the Senate Standing Committee on Legal and Constitutional Affairs re the

Inquiry into the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012

Prepared for Castlemaine Rural Australians for Refugees
by Ellen O'Gallagher

This submission is in response to an invitation from your committee to make a contribution to the discussion of the decision to excise the Australian continent from the Migration Zone for the purpose of dealing with people who arrive without documentation.

We are appalled at the turn government policies have taken. Under the UN Convention on the Rights of Refugees, people have the right to ask for the protection of governments not their own when they fear persecution. Australia has been a signatory to the convention for sixty years and has honoured it responsibilities in the past. However, in the present climate we are bent on avoiding these responsibilities – the views of some, possibly small, groups of citizens are opposed to taking care of the people who arrive here looking for help and a better life.

We elected the present government largely in response to the harsh actions of the Howard government in many areas—the asylum seeker issue was an important element in this decision back in 2007 and we hoped that there would be thoughtful and humane policies implemented—and so it was until the subject was yet again politicized. Now we are engaged in a response which depends on being so punitive to some of the arrivals—those unfortunate enough to be relocated to Nauru and Papua New Guinea—that they will be an example and a warning to other asylum seekers.

This is foolish policy since people who flee persecution are generally unaware of it and the dangers they face in their own country are so great. By doing this we have lost our moral and ethical standing in the world's eyes and in our own by objectifying asylum seekers for the purpose of warning off others. The excision of the Australian mainland is another aspect of the same ethical mistake. By doing this we are really saying that we don't want to honour the refugee convention. By pretending it is for the good of asylum seekers we fall into a hypocritical morass. By continually ignoring the letter and spirit of the Refugee Convention we shame our nation and ourselves.

We should restore Australia and its island territories to their rightful place on the world map and stop the hypocrisy of pretending that we are doing the right thing for refugees. There are many of us who want to find a realistic and legal way of dealing with the arrival of asylum seekers on our shores.

In truth there is no solution to this problem except the simple, moral one: that we treat those poor damaged people who are fleeing war, torture, imprisonment or death who arrive on our shores with humanity and compassion. We should also be persisting with discussions with the governments of Malaysia and Indonesia so that we can set up camps in those countries and assess people there before they get onto leaky boats. This would really 'stop the boats' because we could fly people here. This was done for victims of the Vietnam war in Malcolm Fraser's time and should be done again.

As it is we are ignoring our responsibilities under the Refugee Convention and the Convention on the Rights of the Child by our actions. We are spending large sums of money better used to support projects in Australia, we are further damaging our reputation abroad, and we are damaging already traumatized people. For these reasons we should rethink the whole issue, try to get bi-partisan support for a regional solution to the refugee problem and lay this issue to rest.

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Attached below is additional material about the asylum seeker issue, published recently in the Castlemaine Mail

We are living in a violent world –there are devastating wars in many countries. We know about the disaster in Syria—refugees flood by the thousands into Turkey. Wars and territorial disputes in Africa force hundreds of thousands of people into refugee camps in Kenya and Tanzania. They can linger there for years where children grow up without the opportunity for education and without adequate health care. Uganda, the Congo, Sudan, Somalia; all places where it is not safe to live. Most are victims of circumstances. In Afghanistan people are bombed or shot at or imprisoned by corrupt officials or kidnapped and murdered by Taliban. Women have been in an impossible position—forbidden education, freedom of choice, freedom of movement. Even now they face danger if they venture out to the shops or to go to school. Not long ago three young school girls were beheaded by fanatics for attending school. In Pakistan Malala was shot in the head for daring to challenge the ban on education for girls.

There are other places where it is not safe for some people to live because they believe in the wrong religion or they have the wrong tribal, political or racial connection. Sri Lanka and the Philippines come to mind. There are island nations rapidly being inundated by rising oceans.

All of these are reasons for people to seek to live in safety away from their own country. There are fifteen million people in the world in danger from discrimination or threat in their home country, looking to re-locate to somewhere safe, mostly for their children's sake. Some of them come to Australia --or try to. We call them asylum seekers and lock them behind razor wire fences and use them as examples to others to show what will happen to those who come without papers to Australia.

Interestingly, we are happy to provide homes for some people. Without fuss we took in South Africans who felt threatened by racial violence there—white South Africans, that is. Wealthy residents were resettled in Australia when Hong Kong reverted to Chinese control—and now we seem to be happy to invite rich Chinese from the mainland if they bring the cash.

The recent flurry to alter Australia's legal boundaries to exclude whole islands –and now the continent itself—for the purposes of people arriving as asylum seekers --is the ultimate in ludicrous tactics to deprive people of rights that were guaranteed when we signed the UN convention on refugees.

We are no longer the generous people who felt capable of taking in some of the world's 'huddled masses yearning to breathe free' --No, we've got boundless plains to share, but not with those who are in trouble. The fact that they cannot easily get papers to travel does not worry us—we lock them up, young or old and make life behind the wire as soul destroying as it is possible to do. We send them to remote places where they have no access to luxuries like legal help when they are in trouble. We expose them to tropical diseases like malaria and dengue fever and we do this with sanctimonious statements about saving them from drowning, saving them from people smugglers.

How much more honest it would be for us to revoke our signing of the Convention and say to the world that, no—we are a selfish, greedy people and we no longer wish to be an example to the world of what it means to give people a fair go.

Until those of us appalled by this thinking and behaviour are willing to demand that our government stop giving in to these fearful, small, unimaginative people this ugly farce will continue. Together we should insist—Welcome to these brave people who have come through many dangers to reach our shores.

Or even better—we should send recruiters to Malaysia and Indonesia and fly plane loads of refugees here and find them work in our mining concerns or on our farms or wherever there is work to be done. We did this once, a generation ago when we rescued many Vietnamese from that field of war. We should do it again.
Ellen O'Gallagher