HOUSE OF REPRESENTATIVES

BILLS

Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013

Second Reading

SPEECH

Wednesday, 11 December 2013

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
Mr BANDT (Melbourne) (11:50): This is a mean bill from a minister who is prepared to hurt some of the world’s most vulnerable people for the sake of a headline. Australia has obligations. They are obligations that most decent citizens would share, but that also stem from the international conventions that we have signed up to. Core to that is the obligation that, if someone comes here seeking our help where there is a real risk that if we send them back to the place that they have come from they will suffer significant harm—which includes arbitrary deprivation of their life, the death penalty, torture, cruel or inhuman treatment or punishment or degrading treatment or punishment—we are not allowed to send them back, and we have to find some other way of dealing with someone who has come here seeking our help. That is the essence of the refugee convention. I would suggest that most Australians would think that that is a good thing. That is how we should treat other people, and it is how most people would like to be treated if they ever found their lives, their safety or the safety of their families at risk.

The vast bulk of the applications that we receive from people saying, ‘I want help because I fall into that category,’ go through the refugee system, to refer to it colloquially. There is a definition of who counts as a refugee and who does not, and people are assessed according to that. There are also various processes of independent review that people can go through, and people are able—although this option is less available now—to take matters to the court if they feel that they were not given a fair hearing.

But what has become apparent over the years is that some people fall through the cracks. Some people do not meet the strict definition set down by the refugee convention even though it is clear that they would face the same kind of threat if they were sent back to the place that they came from, as would someone who met the definition. One example is a woman who says that she, or her daughter, might be subject to female genital mutilation if sent back. Another example is someone who says, ‘I'm gay, and it's a crime to be gay in my country,’ or, for other reasons, ‘There are people who will hurt me physically, and I may die, if I go back to where I have come from.’ There are women who come here and say, ‘I may not fit the strict definition of a refugee, but, because of standards in the country that I came from, I might be killed in an honour killing,’ as they are called.

Australia has a system—and when this parliament rejects this bill, hopefully, it will continue—for proper assessment of those kinds of claims. They are not assessed on the basis of politics but are assessed dispassionately, by an independent panel. The panel looks at those claims and works out whether or not those people are really at risk of suffering harm or, potentially, death. There has been absolutely no suggestion to date that that system has been abused—absolutely no suggestion. In fact, the system has allowed Australia to become a home to people who, simply because of their gender, their sexuality et cetera, might have been killed, been subject to genital mutilation or been subject to other kinds of treatment that we here in Australia would consider cruel, inhuman and abhorrent. So rigorous has the independent process been that only a few dozen people have actually had their claims granted. We are talking about numbers in the 50s, with maybe another 80 or so claims in the system awaiting judgement. We are talking about a few dozen people.

On the issue of genital mutilation, in my electorate of Melbourne we have many people who have come here as refugees from countries in the Horn of Africa. Amongst the members of that community are some who do not have formal education, who came here seeking a better life for themselves and their families. There are many girls and women in that community who, until recently, saw genital mutilation as something that would be visited upon them. The members of the community in my electorate have taken advantage of the fact that they are now in Australia, where Australian values apply, where women are treated with respect, to begin educating other members of their community in the electorate. Over a period of years, the community elders have all but stamped out the practice of female genital mutilation in communities here, and the lessons are spreading back home. It is a very real issue and it is a demonstrable example of how the values that apply here in this country—equality, respect for women and democracy—attract people from countries all over the world that do not grant their citizens the basic human rights that most of us in Australia take for granted. We have a system that has given protection to a few dozen people who would not have met the definition under the refugee convention.
This minister has said, for the sake of a headline—which did not even eventuate; no-one reported on his press conference last week—and for the sake of a few votes: 'I will demolish that system and I will give myself the sole power of deciding whether or not someone deserves this country's protection. I will remove the independence that has applied and the definitions that have been set out. There's been no suggestion they've been abused, but I'll give all that power to myself.' Why? Not because there is a problem with the system but because it is perceived that there is some narrow, opportunistic political gain to be had.

The worst thing about this is that it is attacking the people who have come here seeking our help. These are people who have said: 'Australia seems to be a place where, when someone is in trouble, when someone is at risk of being killed because they're gay, of being subject to forced genital mutilation or of being subject to an honour killing, they will be looked after. Australia is quite prepared to send troops to the other side of the world to fight these regimes; we hope that when we flee them you will offer us some protection.' Instead, this minister has decided that he wants to be the fox in charge of the henhouse and that he is going to use this parliament to try and give himself that authority.

I will say one thing about this minister and this government: this minister is consistent in his cruelty in exactly the same way as, in the lead-up to the election, we saw the most base of politics on display, where the most vulnerable people in the world were used in a base attempt to gain votes. That applies to both sides of the House, both Labor and the coalition. We are seeing it again now—without there even being any demonstrable problem—for the sake of trying to gain a few votes or perhaps to distract attention from the fact that this minister will not tell us what is happening in refugee policy in this country. He has again decided, instead of speaking to the best in us, to try to fan the flames of the worst in us.

If this parliament votes for this bill it will diminish this country. This is not, I believe, what the Australian people want politics to be about. Politics should be about reaching for new heights, not a race to the bottom. It should be about speaking to the best in us, not fanning the flames of the worst in us. Not only is this bill unnecessary; it is mean. I hope that, even if it passes this place, it is defeated in the Senate and this latest spray of cruelty from this minister is given no further life—that he is put back in his box and Australia hopefully retains some semblance of decency and some ability to look at those few dozen people who are coming here seeking help. I hope that we can maintain an open hand towards them and not a closed fist.