

Report on GADRC Seminar - The Undoing of Australia Fair - 12 Nov 2017

Speakers:

- Sandra Bartlett - currently at the ASRC - part of DASSAN (Darwin Asylum Seeker and Advocacy Network)
- David Manne – CEO of Refugee Legal
- Gillian Triggs – former president of AHRC
- Michael Gordon - formerly of *The Age* newspaper – author of “Freeing Ali”

1. **Sandra** spoke of her personal experience and heartbreak in working both off-shore and on-shore with people seeking asylum, and of speaking out on their behalf.

2. **Michael** reminded us of the change of direction that had happened in 2005 under Amanda Vanstone when she brought people from off-shore detention, by saying that the government wasn't softening its policies, but need to do so because of the complexity of the cases.

He spoke of Carmen Laurence's leadership in the opposition, and the group of Liberal MPs who crossed the floor.

He spoke of the warnings re the state of people's health (potential suicides, etc.) the current government has been given and has ignored, and the blind adherence to policy.

Michael suggested we need an independent person (or delegation) to mediate to break the impasse – maybe Michael Kirby.

3. **Gillian** spoke briefly of her personal experiences - with the government, with children (and others) in detention.

She spoke of our current government's retreat from principles, and compared this with earlier times when Australia set an example internationally in human rights and refugee policies.

She spoke of the AHRC reports (and others) written and ignored by the government. She said that she had been complimented by the UN on the comprehensive reports on children in detention where it was mentioned that these were the first of their kind. She pointed out that they were the first of their kind because no other country has children in indefinite mandatory detention.

She agreed Australia is responsible for the people in off-shore detention on Manus and Nauru.

She reminded us that, on-shore, there are 300 men in detention at Yongah Hill. And 25,000 people waiting for resolution of their applications, many with no work rights or support.

She spoke of the Rohingya situation, and the 320,000 children caught in that situation.

Gillian reminded us that without a Bill of Rights there is no real protection for vulnerable people, as the laws can be amended by parliament, as government's have done over the past decade and more, stripping away our rights.

Australia stands alone in the Western World as a jurisdiction without a general Bill of Rights, constitutionally entrenched.

A Bill of Rights would protect basic individual rights from interference by political (legislative and executive) interference.

Gillian suggests we need:

- Good (decent) Leadership
- Bill of Rights

4. **David** spoke of the need for citizens to “stand up”

He described humanitarianism as **one of the golden threads of our society.**
“The Arc of the Moral Universe Is Long, But It Bends Toward Justice.”

He said:

- Our values do NOT include locking up children, mothers, fathers.
- We do NOT believe in arbitrary detention without charge or trial.

David spoke of our violation our international obligations and responsibilities, and the fact that we have the harshest policies in the Western World. He said that Australia is undermining international standards, that Australia has been found by the High Court to be in breach of the law regarding refugees (at least 10 times).

He said that each time lawyers have won these cases, the government amended the law, stripping away protections - “taking the law out of the law”.

David also spoke of the need for a Bill of Rights to protect our rights so this stripping of protections by simply changing a law could not occur. My understanding is that under a Bill of Rights it would become unconstitutional to change the law as has been happening. There are currently deficiencies in Australian protection of individual rights.

He said that this government has no respect for liberty of children, vulnerable people, and non-citizens.

The UN Convention of the Child requires us to do “what is in the best interest of the child”.

He called living on TPVs, living in a twilight zone of uncertainty and fear.

Q&A Session:

We have breached our international obligations.

Australia used to be aspirational and inspirational regarding human rights

We have been good at promoting human rights.
We have a humanitarian strain.

Australia is at risk of prosecution in the ICC (International Criminal Court)

Australia IS responsible for the people on Manus and Nauru.
Australia can transfer people to other countries, but it cannot transfer our responsibility.

Manus – the fears of the refugees are genuine and well founded

People have been on Manus and Nauru for 4 and half years.

It is a year since the US deal was activate but only 52 people have been resettled in US. (20?
from Manus)

Though the government claims that there are no children in detention, there are.
There are children living in onshore detention centres here in Australia, and approximately 150
children still “trapped” on Nauru.

NZ offer to take 150 per year has been on the table since 2013 – that’s 150 x 4 years = 600
people would have by now been moving on with their lives, safely resettled in NZ. Those from
the Tampa who were eventually settle in NZ say they have no desire to come to Australia – “Why
would we ever want to come to the country that rejected us and locked us up offshore?”

The boats are not stopped because of the people trapped on Manus and Nauru.
They are stopped by the Navy, the “Ring of Steel”.

Australia is still funding Manus - but now using PNG contractors.

Cost is \$400,000 per person per day.

Australia has NO mandate to mistreat people.

Change is up to us.

Honour our values
Honour one another as people of equal worth