

The Justice and Peace Office is an agency of the Catholic Archdiocese of Sydney, charged with promoting awareness, understanding and action in relation to justice, peace, ecology, and development as guided by Catholic Social Teaching. The treatment of those seeking protection is a primary concern for the Office.

We are grateful to the Coalition, the Greens, and the crossbench to have this opportunity to make a submission on what is a rushed, unjustifiable, cruel, and regressive piece of legislation. We are deeply disappointed that the Albanese Labor government sought to rush such an inhumane piece of legislation through without even bothering to justify its speed or its urgency.

The Justice and Peace Office of the Sydney Archdiocese oppose the Migration Amendment (Removals and Other Measures) Bill 2024 in its entirety.

Catholic services, parishes, communities, Orders of Nuns, and Priests have been working at the frontline of caring for asylum seekers and refugees since the state largely renounced responsibility for the care of those seeking Australia's protection post the 1997 privatisation and outsourcing of the detention regime. We are often the only community and services that stand between homelessness and hunger for the many thousands of people trying to survive in Australia either undocumented or on short-term bridging visas. As a community of faith Catholics have substantial skin in the game.

Before going to the details of our opposition to this legislation it is important to remember recent history and why it is imperative this does not pass.

Since 1992 the pattern of change within this now broken policy has been that Labor introduces the first legislation that contravenes the dignity of people seeking protection as a way of managing a relatively simple situation and future governments extend that policy to extreme measures. Thus prior to 1992, while it was permitted to detain certain people who were in Australia without a visa, the law did not require it. Then the Keating government introduced mandatory detention in response to the arrival 438 people fleeing persecution from Vietnam, China, and Cambodia. People were then held in detention centres that were administered and under the control of the Australian government and the Public Service Act. That changed in 1997 when the Howard government privatised the detention regime. Private companies took control and the Australian people were no longer privy to the commercial-in-confidence contracts that saw costs soon spiral out of control. From there the camps were moved offshore under the Pacific solution and DIMIA were directed to now use names, but numbers, and not allow the face or any humanising images of asylum seekers to

be used. While these camps were briefly closed in 2008 by the Rudd-Labor government, they were reopened with even greater abuses by the Gillard/Rudd government a few short years later. Again, what had been described as “processing” centres on Manus Island and Nauru under the Rudd government, became detention centres – with a permanent population of deeply traumatised asylum seekers under the Abbott-Coalition government. There was no longer any pretence that people would be found safe countries to settle in. Their option was to stay in the camps and go mad – as has been exhaustively documented – or return to the country they were fleeing. The men being held in Nauru today and the men still warehoused in Port Moresby confront the same terrible choice.

It is difficult to imagine how much worse this Bill could become if passed into law. But history tells us that we have not found the bottom of the barrel when it comes to the Othering and abuse of those who come to Australia seeking protection.

Watching the shambolic process of the Migration Amendment (Removal and Other Measures) Bill 2024 (the Bill) as it moved through Parliament was both deeply disturbing and the end of hopes for better from the Albanese government.

When former President Trump told former Prime Minister Malcolm Turnbull the Australian government was even worse than him when it came to the treatment of those people seeking protection, he was right. And anyone who thought a change a government would see a more competent, legal, or sustainable immigration policy has been bitterly disappointed today.

Our primary concerns with this Bill are the following.

- The Bill criminalises noncooperation with Home Affairs with up to 5 years’ imprisonment with a minimum mandatory sentence of 12 months, irrespective of whether the person genuinely fears harm or is otherwise medically unable to cooperate with their removal.
- That these provisions will apply to people who have serious and legitimate claims for protection is a breach of long-held treaty obligations and again serves to undermine the international treaty protections for those fleeing persecution.
- A significant number of people currently in indefinite immigration detention have had their claims refused through the broken and defective ‘fast-track’ assessment process. This is the same process the Albanese government has agreed is neither fair, thorough nor robust.
- This Bill will create a ‘roundabout’ regime that will compound indefinite detention of certain people.

- This Bill contravenes Labor’s own policy Platform.
- It will allow for people who genuinely fear harm, or who are medically unfit to cooperate with their removal, to be imprisoned for up to five years, and then presumably returned to detention. This is totally unacceptable to Australian Catholics.
- This legislation makes Donald Trump’s, Muslim Ban, look small scale because under this Bill, the Minister can unilaterally – subject only to consultation with the Prime Minister and Minister for Foreign Affairs – designate a country to be a “removal concern country”, with the effect that almost all nationals from that country are prohibited from applying for any visa to come to Australia. Imagine if other countries adopted this legislation. It would destroy the Refugee Convention entirely.

Last August Minister Giles told those present at Labor’s National Conference that a royal commission into immigration wasn’t necessary because he would have a Parliamentary Inquiry. No one has seen hide nor hair of that idea since the Conference concluded.

Proposed legislation like this underscore the chaotic, capricious, and incompetent management of one of the most totemic policies in Australia. This is yet another example of why Australians need a Royal Commission into immigration detention. The policy is chaotic, cruel and contravenes our values as a nation and our international treaty obligations. To restore this policy to one that complies with our legal, cultural, and moral obligations begins with a Royal Commission to reveal the truth of its practice and the impact it continues to have economically, nationally, and on the health and wellbeing of the workers and asylum seekers held within these places.

We commend this submission to your inquiry. Dr. Julie Macken, Justice & Peace Facilitator. Sydney Archdiocese, on behalf of the Justice & Peace Office Sydney Archdiocese

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