

# KEIM TIME

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## New approach required

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CENTRIST think tank the Centre for Policy Development has released a report by John Menadue, Arja Keski-Nuumi and Kate Gauthier entitled *A New Approach: Breaking the Stalemate on Refugees and Asylum Seekers*. The authors bring whole government, departmental and academic expertise to their consideration of the issues.

The timing of the release could have thought to have been felicitous in that, a few days after its release on August 31, the High Court handed down its decision in *M70 and M106 v The Commonwealth*. The Court held that the declaration under the *Migration Act*, on which the government had premised its Malaysian solution version of offshore processing of asylum seekers, was void for having misunderstood that protection as used in the Act, actually meant some form of protection in law and not facile expressions of a Malaysian Government minister that the country wanted to do better than caning its unauthorised migrants.

In the wake of the decision, the government was urged to use it as a circuit breaker and terminate the moral race to the bottom of the barrel in which the government and the Liberal National opposition have engaged for years and, in some respects, decades. In such an environment, the urgings of *A New Approach* might have been thought to have found a chance for fertile ground.

It was not to be. The government and opposition, having no further to plummet, soon engaged in a mud wrestle in the sludge at the bottom arguing about who could be the toughest and most cruel to persons who have risked their lives to escape oppression and threats of death and torture at home to seek asylum on Australia's shores.

Ironically, political oneupmanship has led to a situation where the idea of offshore processing has been shelved for the time being because

the government and opposition parties cannot on agree on the precise means of increasing the oppression of asylum seekers.

On October 13, Minister for Immigration Chris Bowen and Prime Minister Julia Gillard, announced plans for all asylum-seekers will be processed in Australia and for a system of community detention and bridging visas for asylum seekers unable to be processed within the existing detention centre network. Asylum seekers granted bridging visas are to receive work rights, housing and money for living expenses.

The new plan was accompanied by negative rhetoric directed at the opposition but also at asylum seekers themselves with dire warnings of increased boat arrivals.

Though the change of heart is grudging, the government would be well advised to take this second chance to look closely at the policies and philosophies set out in *A New Approach*. They include attempts to turn the debate to more positive and constructive levels by linking the legislative and institutional approach to processing of asylum to seekers to human rights rather than national security considerations.

As part of this the government is urged to establish an independent commission to facilitate informed debate and an independent refugee, asylum and humanitarian assistance authority to administer programs and policy according to clearly articulated legislative values, principles and objectives.

Other suggestions include working regionally to produce real solutions to regional problems of displacement not just to problems of Australian domestic politics. Such an approach will be facilitated by doubling Australia's humanitarian intake and by breaking the link between those who arrive seeking asylum and those who are granted asylum in their current location.



*A New Approach* also suggests the limiting of detention to short periods necessary for health, identity and security checks with longer detention subject to judicial review and approval. A 30-day limit for adults and a 14-day limit for children is suggested. Last, *A New Approach* suggests reinvestment of money saved from limiting detention to the resettlement needs of refugees.

Shortly after reading *A New Approach*, the latest report of the Australian Human Rights Commission report on its repeated inspections of immigration detention centres crossed my Inbox. The report is called *Immigration detention at Curtin*, the recently re-opened Air force Base located 40 kilometres south east of Derby and 2,500 kilometres north-east of Perth. The picture that emerges is one of persons languishing from oppression and torture overseas being slowly tortured by being detained in these remote and unhappy places, where 1433 single men were living in demountables in hot and dusty conditions remote from almost everywhere.

The picture was one of shortage of accommodation; shortage of medical and mental health treatment opportunities; difficulty in accessing lawyers and migration agents; shortages of access to telephone and computer facilities and an almost total absence of recreation facilities. And hanging over it all, the terrible uncertainty of when an answer would be received and what that answer might be. One might ask why we exacerbate the mental health problems of already vulnerable people who will be our future citizens and parents and grandparents of our future generations.