



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS

PO Box A147, Sydney South NSW 1235
info@alhr.org.au www.alhr.org.au

Media release

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ALHR endorses concerns about Australian Border Force Act

“ALHR endorses the concerns expressed in the open letter published today from 40 medical, educational and humanitarian detention centre staff” says President Nathan Kennedy.

“The *Border Force Act* imposes disproportionate and unreasonable penalties upon Australians. It infringes rights to free speech” says Mr Kennedy. “It overrides the ethical obligations of health workers, and even their legal obligations to report abuse. It undermines our democracy by replacing the ideal of transparency and accountability in government with secrecy and punishment.”

“This Government says that it supports the rule of law, but it doesn’t seem to understand what that means” says Nathan Kennedy.”

“The ‘rule of law’ means that we should be ruled by good laws which enhance our democracy, and that apply to everyone and everybody including the Executive. Good laws only impose appropriate and proportionate responses to the harms they are meant to address. The *Border Force Act* is not such a law.”

“Australia is a party to seven key international human rights treaties and has also signed or ratified a number of optional protocols to those treaties” says Mr Kennedy. “Australia has bound itself to comply with their provisions and to implement them domestically. As the Law Council says, it is therefore entirely appropriate to evaluate government legislation, policy and practice by reference to its compliance with international human rights laws. In the view of ALHR, the *Border Force Act* fails that test.”

“ALHR is deeply concerned” says Nathan Kennedy “by the continued pattern of bi-partisan support for legislation which substantially – and in our view, unnecessarily - infringes the human rights of every Australian and we call upon both major parties to address this issue.”

Media Contact: Nathan Kennedy, President
M: 0417 267 143 **E:** president@alhr.org.au

ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 2,600 people, with active National, State and Territory committees.