

A New Approach: A statement by prominent Australians urging political leaders to break the stalemate on refugee and asylum policy

Prominent Australians urge our political leaders to break the stalemate on refugees and asylum seekers

Australia needs a circuit-breaker in our treatment of people seeking asylum from war and persecution.

On the tenth anniversary of the MV Tampa's rescue of 438 asylum seekers from their distressed vessel Palapa 1, Australia's asylum and refugee policy is still sadly characterised by human tragedy, political opportunism, policy failure and great cost.

People seek asylum here have been the subject of an increasingly contentious public and political discussion. A toxic debate has polarised large sections of the Australian community and paralysed politicians of most persuasions from engaging in constructive dialogue. Misrepresentation is rife. We have reached a stalemate.

It was not always this way. Leaders of the past like Ben Chifley, Arthur Calwell, Malcolm Fraser and Ian Macphie appealed to our better angels. We responded grudgingly to begin with and then quite charitably to large refugee flows.

We are now rightly proud of the great contributions which the 700 000 refugees who have come here since the Second World War have made to this nation. Australia's generosity has been handsomely reciprocated. Refugee resettlement has been a great success story. We should not forget it.

We must break the current impasse, which has strangled our ability to move towards principled and effective responses. A return to constructive bi-partisanship would benefit our nation greatly.

The Centre for Policy Development's *A New Approach – Breaking the Stalemate on Refugees and Asylum Seekers* report sets out a pathway to advance Australia's national interest by assuring that the claims of asylum seekers to Australia's protection are considered rigorously but with compassion.

The report proposes a series of actions with the potential to achieve tangible policy progress. These measures aim to ensure Australia:

- »» Adheres to all international conventions which we have voluntarily signed
- »» Quickly and correctly identifies those who are refugees and grants them protection consistent with UNHCR policies and guidelines
- »» Protects Australians from any health or security concerns
- »» Discourages dangerous journeys, but treats fairly those who have made those journeys
- »» Affords all people in Australia their human rights, as well as access to the legal systems which deliver them, and
- »» Rapidly returns home in safety and dignity those who are found not to be in need of Australia's protection.

A New Approach outlines steps for improvement in five main areas. By supporting the spirit of these recommendations we hope that good policy will again make good politics.

Recommendations to the Commonwealth Government

Restructure the debate on national security and asylum.

1. Establish an independent and professional commission with a small secretariat and budget to facilitate informed public debate about refugee and asylum issues in Australia.
2. Establish an independent Refugee, Asylum and Humanitarian Assistance Authority to administer the policy and programs that fall under Australia's offshore and onshore humanitarian programs, underpinned by legislation that clearly articulates the values, principles and objectives of Australia's refugee and asylum policies. This Authority will contribute to a better balance between humanitarian and national security issues.

Engage fully within the region.

3. Support the establishment of a well-resourced policy unit (within the Bali Process Secretariat) backed by diplomatic efforts, to work with regional governments and civil society organisations in developing the key elements of a regional cooperation and protection framework based on burden sharing.

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Refocus Australia's offshore humanitarian program.

4. Increase our annual refugee intake from 14 750 to 20 000 by 2016. As a first step towards this target, de-link the counting of asylum numbers in Australia from the offshore resettlement program.
5. Revise the refugee referral and selection policies and practices, with unity of the surviving family as a priority for resettlement.
6. Work with UNHCR to re-prioritise referred refugee resettlement, to:
 - a. address durable solutions for protracted refugee situations in the region,
 - b. respond to the growing issue of displacement within countries, such as Sri Lanka and Afghanistan.

Create a new approach to asylum policy in Australia.

7. Phase out mandatory detention for all asylum seekers regardless of their manner of arrival and including currently excised locations, transitioning to a risk-based detention policy within two years. This approach will quickly determine who should continue to be detained according to security and character assessments. It will also end the prolonged use of Christmas Island and involve a repeal of the excision laws.
8. Refocus the legal framework for detention to match the mainstream legal framework for all other forms of detention in Australia. This means making all detention decisions subject to external scrutiny and judicial review.
9. Use detention specifically for mandatory health, identity and security checks, with a 30 day time limit for adults and a 14 day time limit for children.
10. Create new accommodation centres with greater flexibility for people who present ongoing security concerns or require intensive social support. These should be in urban or regional hub locations for ease of service delivery, better oversight and reduced cost.
11. Appoint an independent child guardian for Unaccompanied Minors in the immigration regime, to ensure that minors have a legal guardian to represent their interests.
12. Release all children (and their carers) from mandatory detention before the end of 2011.

Reallocate funds to the initial settlement needs of refugees.

13. Reallocate most of the savings from reform of detention to priority settlement services, particularly English language programs and youth support services.

Supported by:

Ian Anderson, AM. Board member, Oxfam Australia and Founding Chair of Australians for Just Refugee Programs (2002-2005). **David Block, AC.** **Julian Burnside, AO QC.** **Frank Brennan, AO SJ.** Professor of Law, Public Policy Institute, Australian Catholic University. **Bryan Brown** Actor. **Michael Chaney, AO.** Chairman, National Australia Bank, Woodside Petroleum and Gresham Partners. **Gervase Chaney** President, Paediatrics and Child Health Division of the Royal Australasian College of Physicians. **Angela Chaney** Member of the Coalition for Asylum Seekers, Refugees and Detainees. **Fred Chaney, AO.** Former Liberal Minister and Member of the Coalition for Asylum Seekers, Refugees and Detainees. **John Gibson** President of the Refugee Council of Australia. **Kerry Goulston, AO.** Emeritus Professor, Sydney Medical School at the University of Sydney and Consultant Physician. **Samah Hadid** human rights activist and former Australian Youth Representative to the United Nations. **Gideon Haigh** Journalist. **John Hewson, AM.** Leader of the Liberal Party of Australia (1990 – 1994). **Janet Holmes a Court, AC.** Chair, Heytesbury. **Ged Kearney** President, Australian Council of Trade Unions. **Thomas Keneally, AO.** Novelist, playwright and author. **Carmen Lawrence** Director of the Centre for the Study of Social Change at the University of Western Australia, and Premier of Western Australia (1990 - 1993). **Tuong Quang Luu, AO.** Director, ActionAid Australia and Head of SBS Radio (1989-2006). **Ian Macphie, AO.** Minister for Immigration and Ethnic Affairs (1979 – 1982). **Ian McAuley** Adjunct Lecturer at the University of Canberra, and Fellow at the Centre for Policy Development. **Wendy McCarthy, AO.** Executive Director, McCarthy Mentoring. **Hugh Mackay,** Psychologist, social researcher and writer. **Sir Gustav Nossal, AC CBE.** Emeritus Professor, University of Melbourne. **Chris Masters,** Journalist and author. **Roy Masters,** Sports journalist and former rugby league coach. **George Miller, AO.** Filmmaker - *Mad Max, Babe,* and *Happy Feet.* **Melissa Parke, MP.** Federal member for Fremantle. **Neville Roach, AO.** Former Chairman of the National Multicultural Advisory Council, Council for Multicultural Australia and Business (Migration) Advisory Panel. **Heather Ridout,** Chief Executive, Australian Industry Group. **Margaret Sixel.** Filmmaker - *Mad Max, Babe,* and *Happy Feet.* **Richard Tognetti, AO.** Artistic Director, Australian Chamber Orchestra. **David Williamson, AO.** Playwright and Screenwriter. **Kristin Williamson,** Novelist and Biographer.