

REFUGEES - JULIAN BURNSIDE

Julian Burnside OA, Barrister, National Living Treasure, refugee advocate, (plus numerous other accomplishments and interests) spoke to the Annual General Meeting on the treatment of refugees. He said that our attitudes to and treatment of refugees is as bad now as under the Howard Govt. Politicians are engaged in a race to the bottom. Despite the Labor Party reforms incarceration is as bad as ever. And there was the recent reaction to bringing the boat people to Sydney for the funerals of those members of their families who died in the shipwreck at Christmas Island.

Since he became leader Tony Abbott is largely to blame for the worsening in the attitude towards boat people. Because of his attacks Kevin Rudd did an 180 degree turn and stopped the processing of certain refugees, and every boat arrival is seen as a failure in policy. The people smugglers are vilified without distinction.

Philosophically based policies ended with the Fraser Government. Now policy is based on opinion polls, on what will play in key electorates.

Most Australians would probably think human rights are important but despite this they are prepared to accept the denial of some of these rights as long it doesn't affect them or people like them but only affects the mentally ill, the aged, the boat people.

A Human Rights Act would help to protect these vulnerable groups but despite the recommendation by the Brennan Committee that Australia adopt one the Government wasn't prepared to do so. There are no votes in human rights.

Most of the objections to a Human Rights Act are covered in George Pell's five objections to a Charter of Human Rights. Firstly, that in Australia human rights are sufficiently protected, but the lack of human rights protection for the vulnerable groups shows this isn't so. Secondly, they do not work as is evident in totalitarian states where there are often human rights charters which are ignored in practice. While this is true, it is a failure of the rule of law not the human rights bill. Thirdly, a charter shifts power from the elected representatives to unelected judges. But what was proposed was not an American style Bill to be included in the Constitution. In the proposed Charter judges' rulings could still be ignored or over ruled by parliament. Fourthly, man does not make moral laws. Even if this is accepted these laws need to be mandated in human law. Fifthly, A human rights act would be a lawyer's feast in that there would be a flood of litigation. Experience with the Human Rights Charters in Canberra and Victoria shows that there hasn't been an increase in litigation and, as well, lawyers basically don't get paid for human rights work.

What a charter can do is help to ensure that the rights necessary for a dignified life have to be respected by bureaucrats and to be considered and taken into account by judges when interpreting legislation.

To help protect refugees it is necessary that we challenge our elected representatives to explain why an 8 year old refugee was treated the way he was. If we don't speak up the politicians will get away with it.