



Refugee Council  
of Australia

**Media Release – for immediate release**

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## **PEOPLE SMUGGLING INQUIRY IGNORES ADVICE**

The Refugee Council of Australia (RCOA) has today written to the Attorney General to express concerns with the findings of the Senate committee inquiry into the Anti-People Smuggling and Other Measures Bill 2010, which appear to ignore the evidence and concerns raised by the majority of submissions.

In the letter, RCOA has outlined that the Bill is inconsistent with Australia's international legal obligations, lacks sensitivity to the needs of torture and trauma survivors, and could go so far as to criminalise humanitarian actions. "We have written to the Attorney General, asking the Government to amend the legislation to address these concerns and to ensure the new laws do not target the wrong people," RCOA chief executive officer Paul Power said.

A particular concern for RCOA is the lack of effort to protect people who may be inadvertently caught by the legislation. The Committee report says it would be "highly unlikely" that people who breached the laws for humanitarian reasons would be prosecuted "*since such a prosecution would not meet the test of being in the public interest*".

"While the current government may give assurances that this would not occur, it is not possible to predict what governments may do in the future. Australia has an unfortunate history of policies which have damaged vulnerable people in order to deter others. If the government does not intend that humanitarian actions could be prosecuted, why reserve the right to do so when that could be abused in the future?" Mr Power said.

The Bill, RCOA says, is inconsistent with Australia's international obligations, in that while it appears to target asylum seeker arrivals, it does not acknowledge that asylum seekers do have a lawful right to enter Australia for the purposes of seeking asylum.

RCOA is concerned that this proposed law would criminalise the activities of aid organisations, humanitarian workers, charity and church workers and other individuals who assist people across borders in other countries for humanitarian reasons. "This law could target people sending money to support a family member in a refugee camp." Mr Power said.

The likely impact of the proposed changes on vulnerable people, particularly those who have experienced torture and trauma, needs further examination, RCOA says. "In our letter to the Attorney General, we have stressed the need for ASIO to implement standards of practice and provide appropriate training on working with vulnerable people," Mr Power said.

RCOA also recommends that ASIO's expanded powers should be regulated through transparent authorisation and review processes, such as judicial monitoring of telecommunications interception.

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The Refugee Council of Australia represents  
non-government organisations and  
individuals working with and for refugees  
in Australia and around the world