



Refugee Council  
of Australia

7 January 2011

## **A MISSED OPPORTUNITY TO SCRAP AN UNFAIR SYSTEM**

The Australian Government has missed the opportunity to establish a single, consistent and fair refugee determination system with today's announcement of changes to processes for asylum seekers arriving by boat, the Refugee Council of Australia (RCOA) says.

RCOA chief executive officer Paul Power said the Government's response to the November 11 High Court ruling failed to address the fundamental unfairness of maintaining separate processes for asylum seekers who reach the Australian mainland and those who arrive through excised offshore territories.

"The Australian excision policy was introduced in 2001 by the Howard Government to deter asylum seekers by denying them procedural fairness. The aim was to ensure that people fleeing persecution had access only to a refugee determination system in which poor decisions could not be scrutinised or tested independently," Mr Power said.

"By trying to improve levels of fairness in a system which was designed to be unfair, the Government has missed the point.

"The High Court examined refugee determination decisions made under the excision policy and determined that they lacked procedural fairness and were inconsistent with Australian law. The appropriate response would have been to scrap the policy and enable access to the same fair process for all people seeking protection from persecution."

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