

Australia: Rudd government steps up anti-refugee measures

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The Labor government unveiled a so-called anti-people smuggling bill on February 23 that sets draconian jail terms of up to 20 years—more than for some murder convictions—for anyone who helps asylum seekers sail to Australia. The term “people smuggling” was invented by the former Howard government to demonise all those involved in organising or crewing refugee boats.

The main political purpose of the legislation is to counter claims, particularly by the opposition Liberals and the Murdoch media, that Labor is “too soft” on so-called border protection. Introducing the bill, Attorney-General Robert McClelland denounced “people smuggling” as a “pernicious trade” that was “motivated by greed”. He declared: “People in Australia should not support the life-threatening business of people smuggling by providing finance or other assistance.”

Fleeing persecution has become a “life-threatening business” largely because successive Australian governments, and their international counterparts, have erected immense legal and military-police barriers to block refugees from entering, forcing them to resort to dangerous voyages. The Rudd government continues to use the navy to intercept refugee boats and detain their passengers on the remote Indian Ocean outpost of Christmas Island.

Most people fleeing political, ethnic or religious repression and war have no choice but to escape without legal permission. Those who help them flee include family members and humanitarian organisations, as well as impoverished fishermen hired by organised syndicates. Many of the latest arrivals are escaping the escalating US-led war in Afghanistan, in which Australian troops are directly involved, or the ongoing discrimination and repression in Sri Lanka against Tamils, which the Rudd

government tacitly supports.

While supposedly directed at professional “smugglers”, the bill targets family members, relatives and other supporters living in Australia who send money or otherwise help people set sail on refugee boats. The new offences to be created include providing “material support or resources” for “people smuggling”, with a maximum penalty of 10 years imprisonment and/or a fine of \$110,000.

People could be convicted even if they were unaware that the money they were sending would be used to flee to Australia. Prosecutors will only have to establish that they were “reckless”, i.e., that they should have realised this likelihood. Another amendment would remove the requirement for those accused of assisting refugees to have intended to obtain a benefit. In other words, people could be jailed for simply helping asylum seekers.

There would be a new offence of people smuggling involving exploitation or danger of death or serious harm, with a maximum penalty of 20 years imprisonment and/or a fine of \$220,000. Since most voyages involve risks of death, these jail terms could be widely applied, particularly since courts would be given less leeway to reduce sentences for mitigating circumstances. Severe mandatory minimum sentences of up to eight years are set for anyone convicted of multiple offences.

The bill would extend the powers of the Australian Security and Intelligence Organisation (ASIO), the domestic spy agency, to broadly operate against anyone who threatens “border security”, including so-called people smugglers. It would also authorise the overseas spy service, the Australian Secret Intelligence Service (ASIS), and the military’s electronic surveillance agency,

the Defence Signals Directorate (DSD), to collect intelligence overseas about individuals involved with refugee boats.

Currently, the intelligence services are legally restricted to operating against so-called national security threats. Undoubtedly, these restrictions are breached in practice. But the bill would formally permit the agencies to engage in wider activities, and to hand over their information to the Australian Federal Police for interrogation and prosecution purposes. The bill would also give the federal and state security agencies powers to install, use and remove data surveillance, listening, optical surveillance and tracking devices against alleged people smugglers without judicial warrants in supposedly urgent cases.

Other measures against asylum seekers are also being beefed up. The government is preparing to expand its overcrowded detention facilities on the remote Indian Ocean territory of Christmas Island to hold up to 5,000 people by 2014. With the number of detainees already reaching the current official capacity of 2,040, the *Australian* reported that the government had begun a secret audit of available sites on the island to take up to another 3,000.

Over recent weeks, the government has resorted to housing men in large tents and demountable buildings, while work on a new 400-person compound is completed. Originally, the detention centre, which was first commissioned by the Howard government, was only designed to cater for 400 inmates. Prime Minister Rudd this week adamantly rejected media and opposition claims that his government planned to shift some detainees to Darwin or other mainland sites. In parliament, he insisted that it would strictly maintain the system of “offshore processing”.

Moreover, Labor has retained the Howard government’s “excision” of Australia’s offshore islands from the country’s migration zone, thus denying the detainees of all rights under Australian law, including the right to appeal to the courts. This violates the international Refugee Convention, which requires “free access to the courts of law”.

Labor was elected in 2007 in part because of public revulsion over the Howard government’s prolonged detention of refugees on the tiny Pacific island of Nauru. But Rudd’s anti-refugee regime consists of even harsher

laws, combined with efforts to get nearby countries such as Indonesia and Malaysia, which are not signatories to the Refugee Convention, to repel or detain asylum seekers on their way to Australia.

Rudd used last week’s visit by Indonesian President Susilo Bambang Yudhoyono to announce that the two countries had signed “an implementation framework on people smuggling and trafficking”. While he refused to release any details, this is certain to mean intensified police, intelligence and military operations to stop boats sailing from Indonesia. Addressing the Australian parliament, Yudhoyono was applauded for pledging to make “people smuggling” a serious crime in Indonesia as well.

In the West Javan port of Merak, some 240 Tamils—men, women, and children—have been crammed aboard a rickety 10-metre boat for more than five months since being intercepted by the Indonesian navy at Canberra’s request on October 11. Despite deteriorating health conditions and one man’s death by disease, the Rudd government has refused to allow them into Australia. It is determined to prevent a repeat of last year’s Oceanic Viking saga, in which another boatload of Tamils occupied an Australian customs ship until the government agreed to faster processing of their refugee applications.

Both the Rudd government and its critics in the media and political establishment are once again whipping up the refugee issue as a distraction from the global economic crisis and the deep cuts to social spending and living standards being imposed on ordinary working people by the government – not by refugees, who are simply seeking what should be a fundamental right for all people to live and work wherever they choose, away from persecution and poverty, and with full social and political rights.



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