

# Australian government's anti-refugee laws blocked in parliament

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Prime Minister Julia Gillard's proposed amendments to the Migration Act and Immigration (Guardianship of Children) Act—aimed at stripping asylum seekers of their basic legal rights—are set to be defeated in parliament later today. The impasse will further exacerbate the crisis engulfing the Labor government, following last month's High Court decision that struck down the proposed deportation of hundreds of refugees to Malaysia.

The government's amendments, aimed at circumventing the High Court judgement, blatantly violate fundamental precepts of international law governing the treatment of asylum seekers. Gillard wants to give the immigration minister unchecked power to deport refugees, including unaccompanied children, to any country in the world without consideration of the "international obligations or domestic law of that country"—based solely on an assessment of the so-called "national interest." The amendments explicitly state that "the rules of natural justice do not apply to the exercise of the [immigration minister's] power", and authorise the use of military in the forced deportations.

Gillard has spent the past several days appealing to opposition leader Tony Abbott to close ranks with the government, on the basis that the Liberal-National coalition, which also supports "offshore processing", will be the future beneficiaries of the refugee legislation. "The amendments that we will bring to the parliament enable executive government to make the choices that it believes are in the nation's interest—this government and governments in the future," she declared yesterday.

The prime minister's campaign against asylum seekers on the basis of the "national interest" recalls the White Australia immigration policy, one of the central programmatic pillars upon which the Labor Party was founded. Gillard is seeking to divert mounting social tensions and hostility towards her government by inciting xenophobic fears about people from Asia arriving on boats.

In reality, working people in Australia share common class interests with the asylum seekers, not the Labor Party and the parliamentary establishment. The working class and those who are fleeing persecution have the same basic needs and aspirations, including for democratic rights and decent living standards.

The government's move to blatantly target a group of people, stripping them of all legal rights, signals the development of new forms of authoritarian rule, threatening the basic rights of the Australian people. In conditions of economic crisis and record social inequality, there will no doubt be calls issued for the "national interest" to be upheld by outlawing protests, strikes, and left-wing political organisations.

Tony Abbott has opposed the government's amendments on the basis that asylum seekers ought to be deported to the tiny Pacific state of Nauru rather than Malaysia. The Labor government's lurch to the extreme right has also allowed Abbott to posture as a defender of refugees' legal protections—an extraordinary spectacle given the international notoriety of the former Howard government for its record against asylum seekers.

Gillard has denounced Abbott for his stance. "He's

turned his back on the national interest, all because of his political calculation,” she declared. “What he is actually terrified of is that the Malaysia arrangement will work to stop the boats... Tony Abbott and every member of the Liberal Party and National Party should walk into the parliament and have their vote recorded [on the government’s amendments] so that the pages of history can show that when they were called on to choose between this nation’s interests in protecting our borders, and their narrow political interest, they chose their narrow political interest.”

The opposition has also come under fire from the Murdoch media and other right-wing outlets. A column in the *Australian* today by the newspaper’s editor-at-large Paul Kelly is titled “Tony Abbott fails boat test.” Kelly accused the opposition parties of responsibility for an “institutional failure in its border protection policies.”

Significantly, members of Labor’s so-called “left” faction will vote today with their colleagues in favour of Gillard’s amendments. At a caucus meeting yesterday, a number of parliamentarians declared their opposition to the proposed laws. Senator John Faulkner reportedly said that the government ought not undermine, “overtly or covertly”, the 1951 Refugee Convention. Faulkner also noted that the Malaysia deal violated the Labor Party’s platform, which parliamentarians are supposedly bound to uphold. Left faction convenor Senator Doug Cameron said the amendments were “bad legislation and bad politics”, and moved a motion calling for asylum seekers to be processed in Australia. This was easily defeated.

Among those who spoke in favour of Gillard’s policy was Mark Dreyfus, parliamentary secretary for climate change. Dreyfus reportedly told the caucus that his father had arrived in Australia as an unaccompanied minor seeking asylum, after fleeing Nazi Germany in 1939 when he was just 11 years old. The Labor MP said he nevertheless backed the Migration Act amendments—because “if we do not support the prime minister and the government, we’re f---ed.”

All of the Labor “lefts” have insisted they will respect the caucus majority decision and will not cross

the floor of parliament to vote against the legislation. This makes clear that the so-called dissent within the Gillard government is nothing but empty posturing, aimed at fostering the illusion that there exists some “progressive” elements within the Labor Party. All of them have backed every other aspect of the government’s reactionary “border protection” regime, including the compulsory detention of refugees.

According to the latest opinion polls, the government has just 26 percent support, a record low. Moreover, a majority of Australians are in favour of accepting asylum seekers and opposed to the so-called offshore processing advocated by both major parties.

The Greens are playing no less of a cynical and opportunist role than the Labor “lefts.” The Greens’ nominal opposition to the “Malaysia solution” and the legislation aimed at circumventing the High Court ruling in no way interferes with their support for Gillard. The Greens’ sole member of the House of Representatives, Adam Bandt, and the nine Greens senators will continue to prop up the minority Labor government by blocking no confidence motions and voting for its annual budgets. This involves voting in favour of the “border protection” funding provisions, including the financing of detention centres in Australia and the deportation of asylum seekers overseas, should the government prove able to do this.

The Greens also continue to promote “onshore processing” of refugees, covering over the brutal treatment meted out under the mandatory detention regime maintained in Australia. Adam Bandt welcomed Abbott’s vote against the Migration Act amendments, saying, “Whatever the route, if we get to the point where [onshore processing] might happen, I think it’s a good thing.”



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