

# Australian government declares it “illegal” for citizens to return from India

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4 May 2021

The Liberal-National Coalition government announced on Friday that Australian citizens stranded in India, where the coronavirus pandemic has spiralled out of control, would commit a criminal offence if they attempted to return home, punishable by massive fines and imprisonment.

The edict is a blatant attack on democratic rights and condemns thousands to possible infection and even death. It has highlighted the absence of constitutional protections for key civil liberties, as well as the callous and nationalist response of the Australian ruling elite, and the major imperialist powers, to the humanitarian disaster unfolding in India and other impoverished countries that have become epicentres of the global pandemic.

The ban, which will remain in place until May 15 and could be extended further, is based on provisions in the Biosecurity Act. It grants the federal health minister draconian powers in the event of a health crisis. Penalties for defying the orders of the minister range from fines of up to \$66,000 to five years' imprisonment.

The blockade takes to a new level the criminal indifference of the government, along with the Labor Party opposition, to the plight of tens of thousands of Australian citizens and residents who have been stranded abroad during the pandemic.

There are currently some 34,000 Australians overseas who have registered that they wish to return. The government has consistently refused to organise adequate charter flights for their repatriation and provided only pittance in financial aid. It has maintained stringent caps on the number of international flights permitted to arrive in the country each week, as a result of the failure of the state and federal authorities to develop an effective quarantine program.

A number of those trapped abroad have been reduced to pauperism, while the majority have been compelled to try to book exorbitantly-priced flights from private airlines, which are often subject to repeated cancellations. In some countries, one-way international flights to Australia have cost as much as \$35,000.

While the arrival caps have effectively blocked thousands from being repatriated, Friday's decision was the first time that the government has instituted a blanket ban on citizens returning from a foreign country. According to some legal

experts, the blockade may be the first such measure by any government against its citizens since the pandemic began.

Much of the commentary on the ban has focused on its blatantly discriminatory character and its clear racist undertones. No such blockade was instituted on returnees from Britain or the United States, even when the per capita infection rates there were higher than the current rate in India.

The ban on citizens returning from India, however, is an attack on citizenship rights as a whole and establishes a precedent that could be applied to Australians trapped in any other country.

The potentially tragic consequences of the ban are demonstrated by the situation in India. The country is recording nearly 400,000 COVID-19 infections per day, while the daily death toll is approaching 4,000. But these official figures are a gross understatement. Real daily infections are likely in the millions. Journalists and rights organisations have documented thousands of fatalities that have not been included in the official toll.

The country's health care system has collapsed, with many severely-ill patients unable to receive a hospital bed and a major shortage of oxygen supplies required to keep those stricken by the disease alive.

The eight to ten thousand Australian citizens who will not be able to return face the real risk of contracting a potentially-deadly illness, which they may not be treated for.

Those affected included the very young and the elderly, who are at a particular risk. Drisya Dilin, an Australian hospital administrator, has told the media that she dropped her daughter off in India, with the child's grandparents, before the pandemic began. The ban means there is no immediate prospect of securing the five-year-old girl's return.

Other Australians have spoken to the media about fears for their elderly parents, who are also trapped. Australia has a large Indian community, accounting around 2.6 percent of the population, or well over half a million people, many of whom are affected by the tragedy unfolding on the subcontinent.

The government is well aware of the possible consequences of the ban. This morning it was reported that Chief Medical Officer Paul Kelly warned Prime Minister Scott Morrison and other senior ministers that the blockade could result in citizens

falling ill without the prospect of treatment, as well as a “worst case scenario,” i.e., their death. Kelly, however, indicated his support for the ban, because of Australia’s “limited” quarantine facilities.

It is an indictment of the federal and state governments that well over a year into the pandemic they have not instituted any effective quarantine program. The vast majority of international arrivals are still being sent to private hotels, where they are compelled to isolate for a fortnight at their own expense.

All governments have rejected calls from health experts, beginning early last year, for the construction of purpose-built quarantines. Time and again, epidemiologists have warned that hotels are inadequate because their airflow systems are often not capable of preventing the transmission of airborne viruses and they were not constructed to serve as medical facilities.

The hotel quarantines, moreover, have been staffed by low-paid and often casual workers, some of whom must work at multiple facilities to make ends meet. In many cases, they have not been provided with adequate personal protective equipment.

Every significant COVID-19 outbreak in Australia over the past six months or more has been linked to a “leak” from a hotel quarantine. This included the worst phase of the pandemic to date, when a mass outbreak in the state of Victoria last July-August resulted in 750 deaths and some 20,000 infections. This year, clusters have emerged in almost all the capital cities following quarantine failures. The total number of such “leaks” over the past half year is 16.

The ban was imposed as the number of positive cases in quarantine grew rapidly. At the Howard Springs facility in the Northern Territory, there were 53 positive cases a week ago, a figure now down to 41. The proportion of those infected at the site was at one stage over 15 percent, compared with the 2 percent deemed a safe positivity rate by health authorities. As many as 70 percent of returnees from India at Howard Springs had tested positive.

Howard Springs is the only quarantine centre that is not based in a private hotel. It has a capacity of just 900 returnees at any given time. The government ban is a tacit admission that the hotel quarantines are not safe, and only function if none, or hardly any, of those quarantining are COVID positive.

The blockade has provoked widespread opposition from Indian community groups, medical associations, public figures and ordinary people. Amnesty International and civil liberties organisations have condemned the ban as a breach of fundamental human rights. Morrison and his ministers have blithely dismissed the criticism.

Some lawyers and legal firms have foreshadowed a potential challenge through the courts. But Australia’s anti-democratic 1901 Constitution contains no bill of rights, or any explicit recognition of fundamental civil rights, including freedom of speech, freedom of the press, and those associated with citizenship, such as the right to return.

This means that a legal case would likely need to assert that the ban does not conform with the Biosecurity Act’s requirement that directives from the health minister be “appropriate and adapted.” The deliberately vague wording of the legislation could render such a case difficult to establish.

The Labor Party opposition has cynically criticised the ban and demanded to know why the federal government has not established purpose-built quarantine facilities. Federally, however, Labor has functioned as a “constructive” opposition throughout the pandemic, largely marching in lockstep with the government. This included support for most of last October’s federal budget measures, which included massive tax cuts for the rich and for corporations, but not enough health funding for the creation of such quarantines.

The majority of the state and territory administrations, moreover, are led by Labor. They have participated alongside the federal government in an extra-constitutional national cabinet that has frequently ruled by decree throughout the pandemic. State governments, including those led by Labor, have presided over the hotel quarantines. The scheme has provided a bonanza for the major hotel corporations, which otherwise would be impacted by the decline in international travel, and kept government spending as low as possible.

On the international front, Labor has supported Australia’s increasingly prominent role in the US-led confrontation with China, as well as the pitiful levels of aid that it has provided to impoverished countries in the Indo-Pacific region as they have been hit by the pandemic. Since the surge began in India, Australia has announced only that it will send 500 ventilators to the country of 1.3 billion people, along with half a million masks, and even fewer face shields and gloves.



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