On Wednesday, the Senate made two decisions which take immigration reform forward. The first was to pass the Abolition of Detention Debt Bill, the second was not to disallow the abolition of the '45 day rule' regulations.

In the House, several Liberals had spoken in favour of the reforms, but in the Senate, only Senator Judith Troeth supported these reforms.

Senator Troeth is one of a few Liberals who have spoken out against the harsher features of Immigration Policy under the Howard Government. She contributed to reforms in detention and opposed the harsher elements of the 'Pacific Solution'.

In her speech this week she spoke of meeting with people affected by the laws, and those who have studied the adverse social and psychological impact on asylum seekers. Her speeches in the Senate this week illustrate that the Coalition can consider another way to approach immigration policy, rather than just be 'tough'.

'The comment has been made that the more we 'soften' ... policies towards refugees the more we can expect a flood of refugees,' Senator Troeth said. 'And words like 'flood', 'panic' and 'hundreds of thousands of people arriving on our shores' are used all too often.'

'Australia received ... 4,500 asylum claims. That is 0.05 per cent of the worldwide total, and almost all of them did not arrive by boat. So I challenge the theories of those who want to say that this is opening the floodgates. Firstly, that is an unpalatable concept to those of us who think about it and, secondly, it simply is not true.'

The Abolition of Debt Bill meant that no longer would those in detention be charged for their detention. In reality, very few ever were, and only about 2.5 per cent of the charges were ever recovered, as those granted protection visas as refugees had the debt waived. The Government argued it was costing more than the amount recovered to maintain the scheme. Senator Troeth agreed that the debts law had to go.

'Let us just do away with it,' she said. 'The law does not help. Even if it is never collected, the fact is that it is still a blot on our statute book and I for one will not accept that it should be in continuation. No advanced society should have on its books laws like this, and so I will be supporting the government on this bill.'

The other Senate debate was about the abolition of the 45 day rule. This rule meant that if someone arrived in Australia with a visa and was immigration cleared, if they wished to apply for protection they must do so within 45 days of arrival or they would not have any permission to work on their bridging visa while their case was decided.

The rule was arbitrary and quite unfair. In practice it meant rushing cases to lodgment to meet the deadline rather than the benefit of more time to check the claims. A simple mistake by an advisor could have adverse consequences later for the asylum seeker.

Once again Senator Troeth's speech succinctly rebutted the claims of her Coalition colleagues and raised questions for the future of Liberal Policy in the area.

'Our vote on this regulation today will not change the country,' she said. 'It will not pave new highways, fix our hospitals or build more schools. But it will show that we are a nation of compassion by righting a wrong that is causing needless suffering to people in our country.'

Senator Troeth observed that it was 'not a mark of pride for this parliament that successive governments have decided' the principles of compassion and concern for the unfortunate in the administration of Immigration Policy. 'The shameful burden placed on churches, community groups and benevolent individuals by this policy is incompatible with the indelible concept and revered national tradition of the fair go.'

'The Liberal Party, she added, 'has a proud story to tell on immigration, but both parties over the last 50 years have written some bleak chapters too. We find our genesis in Harold Holt's dismantling of the White Australia policy and in Malcolm Fraser's welcoming of Vietnamese refugees that not only made Australia's migrant intake truly multiracial but turned the abolition of the White Australia policy into a practical reality.'

'Australia', she concluded, 'does not have to choose between strong, secure borders and compassion for those seeking liberty and freedom. We can have both.

Sadly, Liberal Senator Troeth will retire at the end of her term. It is hoped that her replacement will be as articulate and humane in the Senate.

**FURTHER READING:**
Kerry Murphy’s full review of the immigration reform Hansard
Kerry Murphy is a partner with the specialist immigration law firm D’Ambra Murphy Lawyers. He is a student of Arabic, former Jesuit Refugee Service coordinator, teaches at ANU and is one of Australia’s top immigration lawyers recognised by last year’s Australian Financial Review Best Lawyers survey.

SUBMITTED COMMENTS

TRISH TAYLOR | 11 SEP 2009
Senator Judith Troeth’s voice will be sorely missed when she ends her term. We need more like her.

MARGARET O’REILLY | 11 SEP 2009
Thank you Judith Troeth - I began work at age 15 in Custom House Fremantle, my father in the migration camp at Graylands WA putting people into work. He regularly brought people home for dinner. In my work many of the arrivals had no documentary evidence of their origins because of their placement in the camps in Europe. I have never changed from the lessons of my early experiences and I respect persons in public life who speak for their belief and act on it. I hope others will follow Judith’s example.

DAVID ARTHUR | 11 SEP 2009
One hopes that the Liberal Party has sufficient moral awareness to preselect candidates of Senator Troeth’s ilk.

GERALDINE MUGAVIN | 12 SEP 2009
Thanks to Senator Judith Troeth for her courage in crossing the floor in relation to the abolition of the debt bill.

GERARD BENNETT | 13 SEP 2009
Congratulations to Senator Troeth. It is a proud moment for Australians in a bleak history of anti Refugee and racist ignorance that has reduced Australia in recent years. It is unfortunate that she will retire soon - but a wonderful inspiration to other parliamentarians that the dignity of people and of us as a nation ought preempnt narrow minded party politics.

TOM JONES | 15 SEP 2009
The only Coalition members who supported this bill were members who are leaving the Parliament at the next election. Surely that says something about what we can expect of those who will replace them? Where were Costello and Andrews and Abbott and all the other professing Christians? And Abbott has the hide to suggest that an ethical life must be grounded on religion!

Previous Articles by this Author

NON-FICTION

Back road encounter in the Italian countryside

We drove up a narrow road, on the dubious instructions of the GPS. Suddenly the car became unbalanced and the front wheel spun above the side of the road, which had collapsed. We were stuck. We could hear dogs barking in the night. After a while a car approached from one direction, and then a utility from the other.

POLITICS

Rise of the Kurds in Syria

It is not only Arabs that stand to benefit from the Arab Spring. Kurdish autonomy has long been a desire of the Kurds, who are spread through Turkey, Syria, Iraq and Iran. In Syria, while the Assad regime is occupied by rebel groups in Aleppo and Damascus, the Kurds are establishing their own armed security in their areas.

EULOGY

Farewell to the concierge of Pitt Street

Yassin made sure the bins were out for the garbage collectors, and that people had parking tickets on their cars in case the rangers passed by. He looked after the area so well that we nicknamed him ‘the concierge’. Last Monday a security guard found him lying unconscious and without a pulse.

POLITICS

Refugees in the dark over security checks

Hayder and Mariam were found to be refugees in mid 2009. This year they had their second child. They have patiently awaited their security clearance, but when they make inquiries they are merely told that Immigration is awaiting the security checks from ‘outside agencies’. The long process is affecting them mentally.

POLITICS

A tale of two refugee movement speeches

Tony Abbott did not mention the term ‘human rights’ in his 3000 word speech to the Institute of Public Affairs on Friday. ‘Illegal’ appeared 11 times and ‘asylum’ once. In February, Antonio Guterres, the UN High Commissioner for Refugees gave a 3000 word speech to the Lowy Institute. A search of that speech finds ‘human rights’ five times, ‘asylum’ 21 times and no use of ‘illegal’.

POLITICS

Australia playing catch-up with latest refugee reforms

Australia’s refugee processing regime saw two major reforms take effect on Saturday. They bring Australia into line with the EU, Canada and New Zealand. The changes are welcome but do not go far enough.
Asylum seeker Scrabble

Last week there were three significant events affecting refugees including, tragically, more deaths. The use of language in the debate about asylum seekers is always striking, and has evolved and adapted over the years. It does not always reflect reality.

In a spin over Malaysia solution reboot

Yesterday the Government announced it will change the Migration Act to enable the Malaysia solution to go ahead. This latest action reinforces rhetoric about queues and people smugglers that obscures the real effects and motivations of current asylum seeker policy.

Improving the refugee debate

This week as we mark the 10th anniversary of Tampa, the High Court is hearing a legal challenge to the Malaysian solution and an inquiry into suicide and self-harm in detention is underway. Meanwhile a new report hopes to change the direction of the debate on refugees.

Refugee lotto

An old legal maxim is 'hard cases make bad law'. Maybe complex cases compromise policy. Refugee law and policy is complex and the Malaysian agreement signed this week is another example of a compromise on human rights principles for political expedience.