

8-1-1997

Future directions?

Follow this and additional works at: <http://epublications.bond.edu.au/nle>

Recommended Citation

(1997) "Future directions?," *The National Legal Eagle*: Vol. 3: Iss. 2, Article 6.
Available at: <http://epublications.bond.edu.au/nle/vol3/iss2/6>

This Journal Article is brought to you by the Faculty of Law at ePublications@bond. It has been accepted for inclusion in The National Legal Eagle by an authorized administrator of ePublications@bond. For more information, please contact [Bond University's Repository Coordinator](#).

FUTURE DIRECTIONS?

Australia is virtually the only western country which imposes a blanket policy of detention. Most other western countries detain unauthorised arrivals for a very short period to verify identity and obtain a security clearance after which they are released into the community on conditions similar to bail release.

In 1990 the United States began a Pilot Parole Project which released undocumented asylum seekers into the community instead of holding them in detention centre. The project involved interviews being conducted to ascertain a person's bona fides and to ensure that they are not criminally dangerous or likely to abscond. If the applicant met certain criteria they were released.

The project was so successful

that it was reimplemented and expanded in 1992.

There seems little reason why the same kind of project could not be implemented in Australia.

There is no question that Australia has an obligation to protect its borders from invasion and that it has a right to control entry by non-citizens. However, it does, at the same time, have an obligation to ensure that the human rights of asylum seekers are protected. A program such as the United States experience might well accomplish both aims.

Such a program would protect the Australian community by screening undesirable elements. At the same time it would ensure that genuine asylum seekers would not be penalised by long term detention simply because of the circumstances of their arrival.

DISCUSSION QUESTIONS

1. What are the merits of the program discussed above?
2. What problems do you think could arise with a program of this kind?
3. Do you think it is a reasonable suggestion for Australia?
4. Can you make any other suggestions?

BACK TO KANG

It is little wonder that it appeared to Kang in 1994 that some crowd stopping action needed to be taken to draw attention to the plight of the boat people in Australia. Many of them had been in detention centres since 1989 with relief not on the near horizon.

An obvious question Kang wanted addressed was how this situation had come about, how it came to be that boat people were suffering in detention for so long.

There are those who blame the Government for an unwieldy administrative process.

The Government has in turn argued that the refugee's lawyers have dragged out the process. In a Media Release, November 11 1992, Mr Hand stated: "Some of those who are supposedly supporting them are more interested in making their reputations as human rights campaigners rather than assisting in a speedy resolution of their cases".

Regardless of where the blame should lie, the fact remains that the plight of boat people held in detention centres in Australia is something which needs to be addressed.

Whether lunging at royalty and firing a starter pistol is the most effective means by which to make a public statement is questionable. It was however, an act which the Australian public and Prince Charles will remember for some time to come and so too will Kang.



To subscribe to National Legal Eagle

contact Cuetella Peppin at the

Law Society of New South Wales.

Telephone: 02 9926 0261

or

E.mail: cp@lawsocnsw.asn.au