**Mary Crock – Advance Australia Fair?**

>> Welcome to the podcast series of Raising the Bar Sydney. Raising the Bar in 2017 saw 20 University of Sydney academics take their research out of the lecture theatre and into bars across Sydney all on one night. In this podcast you'll hear Mary Crock's talk, Advance Australia Fair. Enjoy the talk.

[ Applause ]

>> Thank you so much for coming. It's a great honour to be here. I think I have a marvellous job. I'm actually an academic, but I am also a practitioner. And what that means in my life is that I work with migrants and refugees. My speciality actually covers everything. I don't just deal with refugees, although sometimes I do feel like that issue has just completely hijacked my life. So not a barrel of laughs what we're going to talk about tonight, but I think it's something I feel very passionate about. And it's something I think that most Australians seem to have an opinion about and want to talk about whenever I make them. So when I do talks like this I always start by acknowledging the traditional owners of the land, and so I do now acknowledge that we meet on [inaudible] land of the [inaudible] nation. And I pay my respects to their elders past and present and to any other indigenous person who may be in the room. Now, I personally think that's what all Australians should do. But let me show you why I do it. Could I ask you all to stand up. Or if you can't stand raise your hand, okay? I reckon we are close to 65 in the room, okay? Please sit down if you were born overseas. I think we lost about ten percent. Please sit down if your parents were born overseas. Oh, wow. Do we have half the room left standing? Barely, maybe less. Sit down if your grandparents were born overseas. Well, I understand the National Party are looking for some candidates, guys. [Laughter] Please take your seat. Thank you. [Applause] So I should have asked you, shouldn't I, who knows that they are a [inaudible] national. Put your hand up. Yes? Who suspects they might be? Yeah. So, look, my take home message today is going to be that we are a country of immigrants. Immigrants are us. How we treat them matters. It matters financially, it matters socially, it affects us as a moral collective. And, guys, we could be doing better. We could be doing a lot better. So I have got an amazing job. I'm a professor which means I teach a lot. But I also research. And the short version is that I don't just watch where the rockets go up, I also watch where they land. Australia is an amazing country as well, and I'm really proud to be Australian. So often I think that we pull above our weight. Through my husband in particular I've done work with the United Nations. We really are the represented. We have just been elected again to the Human Rights Commission. Once again continuing a proud tradition of being a good cop on the human rights beat. Last week the day after we were elected to the Human Rights Commission we fronted the Human Rights Committee. The Human Rights Committee is the body set up under the International Cabinet of Civil and Political Rights. And we were roundly castigated for the way that we have been treating asylum seekers and refugees in this country. So on the one hand we are out there, but I guess the topic of my speech tonight is that we have developed a Janus face, a Janus face. We want to be part of the international human rights movement. We want to be at the table. And yet how is it that we can be doing what we are doing. You know, yesterday Ron [assumed spelling] and I were invited to lay a wreath at the cenotaph for United Nations Day, and we went after that to splash up lunch. So we went and dutifully bought a wreath. And then we were told, no, you have to nominate what you are laying the wreath for. And so, of course, I said to Ron, well, let's say that it's for refugees and asylum seekers who die at sea trying to get here. Well, you should have seen the response. It was like oh, oh, oh, that's way, way, way, way, way too controversial. Sorry, we can't do that. And so we had to settle for, well, how about refugees with disabilities since that's what we just had written our last book on and they were happy with that. How is it in this country, how is it in this country we have taken in over a million humanitarian migrants, refugees since World War II, we still take in close to 25,000 each year. We have one of the tightest borders in the world. We have per capita one of the lowest number of irregular migrants in the world. At any given time there are less than 50,000 people who haven't got visas who have somehow infringed our laws. And yet the word refugee in this country has become controversial, has become something that excites great controversy. So I've got to say I found it really hard to prepare for this speech. I do a lot of things like these. But I did not want to hit you with yet another Q and A about -- and it's nothing against Q and A, it's a fantastic programme, but lamenting how terrible our human rights record is. And, my goodness, we haven't got a bill of rights and doesn't it show. So, anyway, I had two goes at it I have to say courtesy of Ron. The first version went a bit like this. We may not have a bill of rights, but before -- and this is true, right? Before they are granted a visa all applicants for provisional, permanent or temporary visas including temporary protection visas have to sign an Australian values statement. So I thought haven't got a bill of rights, we've got Australian values statement. Pull it out, let's have a look at what it says. Because you see people have got to sign on this. And so the asylum seekers if they breach this they get taken back into detention. So it actually means something. Want to hear the first line? The first line says I understand, they have to sign this, I understand Australian society values respect for the freedom and dignity of the individual. Yeah. So I reckon it was the decision to detain the boat people who came from Cambodia in 1989 that actually got me into academia in the first place. I had, after I graduated, a little bit older than you guys, some of you guys, a little bit younger than some of you others, yeah, I actually helped to set up the first Community Legal Centre in Melbourne that specialised in immigration and refugee matters. And it just so happened that I cut my teeth when these boats arrived from Cambodia. And instead of doing what we did post the Vietnam War where we took in 290,000 refugees, many of whom came, well, a small percentage of whom came by boat, the Cambodians we suddenly decided they can't be refugees because we've got this Paris peace process happening, can't admit that they're refugees, so we locked them up and we kept them in detention for four years. And I had clients, I had little children who were born in detention. There were 40 of them out of 400 totally. And they were walking around like little old men and little old women because they knew they couldn't play. Really as I was having my children at the same time it just affected me so greatly that I started writing about it. And I think it's what drew me into being a migration specialist in the academy. So here's the scene, guys. Freedom for the migrant is a privilege, it's not a right in the sense that it's tied absolutely to holding a valid visa and complying with your conditions of your visa. For asylum seekers, as I said, [inaudible] this value statement can end them up back in detention. We know for a fact that mandatory indefinite immigration detention ruins lives. That it causes irreversible damages to men, women and particularly children when their only crime was entering Australia without a visa. It's actually not a crime. It's not a crime because it can't be a crime under international law. Yes it is against our immigration law but it's not a crime. So they haven't committed a crime, and the high court has told us that they're not being detained to punish them. They're being detained because we are preventing them from entering Australia or from running away. So how do we get from locking up these few people from Cambodia to now sending people to offshore countries. I'm deeply, deeply ashamed of the way that we've been behaving in recent years. And we know that people are dying because of what's happening. Now, you guys are very much more hip and with podcasting things than I am, have you come across the podcast that is supported by the Wheeler Centre out Melbourne called The Messenger? If you haven't we'll put a link to it on our website because we have locked up all sorts of amazing, brilliant people including trained journalists. And we've had journalists in Australia linking up with them, and they've created this amazing podcast which gives you firsthand visceral accounts of what's happening on Nauru and Manus Island. I wish I could uniformly tell you that we respect the dignity of the individual in immigration detention. But I just see the women lining up in the hot sun because they've been allocated three nappies for their babies per day because they haven't been allocated enough sanitary items to cover their personal needs. That's not dignity. That's not dignity. We have seen -- I have seen personally because I've done tours of all of the detention centres, I actually haven't been to Nauru or Manus Island, but I have done tours of the other centres for the Human Rights Commission over the years. And I've got to say that one of the things that got me most in the 2000 when I first did a tour with the Human Rights Commission, what really struck me was that the detainees who I was talking to would come and introduce themself by their number. They had lost their name. They were known by number. And, you know what, 15 years later Emeritus Professor Gillian Triggs, a conservative, very traditional international lawyer originally, was shocked to her boots in finding that 15 years later they were doing the same thing. That's not dignity. That's not respect particularly when they're little children. And you -- don't get me started. The Australian values continue. Australia's society values commitment to the rule of law. Hm, yes, I do believe our Prime Minister was talking about that today in question time as well. Well, here's the thing. Our high court has acknowledged openly that many aspects of our immigration laws place us in direct breach of our obligations under international law. The extent of the gap between international law and law that we want to sit on UN bodies to enforce. And what we are doing really is quite breathtaking. We now push people back to countries from which they have fled as refugees. We push people back who we have acknowledge are refugees on these boats. That is not respect for the rule of law. Don't be mistaken, we remain responsible for the refugees that we've sent to Nauru and Manus Island. Under international law we remain responsible for them. We acknowledge our responsibility because we're paying for it. Do you know in the last four years Australia has spent $9.4 billion, not million, billion on less than 3,000 people. That's more money than the UN body responsible for dealing with 65 million persons of concern around the world has as its budget. So how have we managed to do this? Well, by stripping out our foreign aid budget, of course. Anyway, so I sort of got to this point, and Ron said where would you like me to put your soapbox? [Laughter] But he made the really good point that tell them something they don't know, you know? And it made me think so I had another go at it. And he's right. I've got a very short time on my soapbox. And it made me think, well, what is my message? And I think it's this. There's two things that really bother me at the moment. And the first is our politicians. And, you know what, I do a lot of public speeches. And I come across time and again really good people who actually listen to our politicians. You know, we say, ah, they're liars and they're self-serving, blah, blah, blah and we slag them out. But actually we don't. We listen to them and we accept what they have to say most of the time. And for me one of the biggest problems is that our political elite, the main leaders of the Opposition Party and the government and some very good well minded people in between have fallen into lockstep to support our punitive, prohibitively expensive and ultimately unsustainable posies on the grounds that we have to do that. That if we don't that people will drown. That they'll take to the boats. We must stop the boats. We must save lives at sea. That deterrents breaking the people smugglers' business model. Have we not heard that a few times? You still interview the labour [inaudible] woman, person, man and everybody else that they will give you that same message. And it's nonsense. It's absolute nonsense. There's just no way that we have to behave like we do. I say this acknowledging the wicked problem that the world has with irregular and forced migration around the world acknowledging that it is dreadful when people drown at sea. I have acted for three children who were often in that terrible Christmas Island boat crash in 2014. So don't get me wrong, the last thing I want to do is stand up here and say that we should not try and fight people smugglers and that we should accept irregular migration by boat. I don't, I don't accept that. But it seems to me that it can never be right to torture the embodied person to save a putative person who might come later. You cannot torture a child to save a putative child, you know? And that's what we're doing. We are actually in taking people to these offshore processing centres --

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>> -- we have committed them to a life of absolute misery and torture. We've made no exceptions for women, children, people with disabilities. Do you know that there is a man of short stature on Manus Island who is unable to use the washing facilities. They chose him deliberately because they wanted to show that everybody could be chosen to go there. Do you know that later this year, I'm sorry I'm back on my soapbox again, and Ron is here and he's going to call me out, but you know that the Royal Commission into Child Sex Abuse in Custody has got to have a chapter at the end of this year when it's handed down on children in closed immigration detention. We know for a fact, and El [phonetic] was asking me before we started about the new laws that penalise anyone who blows whistles, anybody who is involved in the care of people in immigration detention whether here or overseas are now subject to criminal penalties if they actually blow the whistle. But, yeah, so we know for a fact that children are not only suffering mentally but they're being sexually abused. And this has been the case for any number of years. I helped the Commission on that chapter. And I was actually horrified when I went back to do the research to realise that nobody had ever -- we had not considered children for a very long time at all, and nobody had asked questions about child sex abuse. So could do better, guys. Anyway, so I do have something else to say. So let me go to my second point. And my second point is this. It goes much, much broader than, hey, we could do a whole lot better with the asylum seekers and refugees. The second major failing for me in our present migration policy is that we've become addicted to temporary visas, to temporary visas. Now, here's the thing. At Federation in 1901 the founding fathers understood that if you wanted to build a new nation, a nation based on a shared set of values to create an Australian standard is exactly the language they used in the old days, no bill of rights, right, we know that. But from 1901 they were talking about an Australian standard. They recognised that they dd not want to have temporary migrant workers. Because if you did temporary workers will work for less money, they'll work for lesser conditions. Temporary workers can look very like slaves. Do you know what Federation -- the first piece of legislation that was passed after the appropriation setting Australia up was the Pacific Islanders Removal Act. And in that [inaudible] our politicians said we don't want to be like America. This was less than 50 years after the end of the American Civil War fought over slavery. We did not want slaves. We did not want a second class of people in Australia. What are we doing now? Of course, temporary protection visas are a major plank in the strategy to deter forced migration. They disrupt the usual pattern of forced migration whereby you send dad or you send the oldest son overseas to seek safety. Two reasons. They can travel most easily, and they're usually the ones that are attracting the most persecution and danger. Get them out, get them into a new country. They become the anchor, and then they sponsor the rest of family over using lawful means. Do you know when we first introduced temporary protection visas in Australia in 1999 these were the days when you could usually track what was happening because the government would tell you. Within six weeks we went from having five percent children on the boats that were arriving to one boat arriving with 60 percent children and women. Those were the families who had found out that they could not be sponsored legally, and so they took to the boats to join their fathers who they would otherwise have been separated from permanently. So, anyway, apart from disrespecting human rights and the right to family, temporary protection visas absolutely work to create a new subclass in Australia. And it does bother me. Because think about it, a temporary protection person visa holder to get a new temporary protection person, rolling visas, you have to show that you're still afraid to go home. You can't stop being a refugee. The whole point of giving refugees protection, the whole point -- ask Frank Lowy , he came as a refugee. What if we kept him as a rolling temporary protection visa holder? Yeah? We wouldn't have the Lowy Institute and we wouldn't have Westfield and everything else. You want people to embrace and build the new country. You can't do that with a temporary protection visa. It's not just the refugees who we're doing this to either. We're doing it to our workers. So we've gone from four year visas, in March we're going to abolish the four, five, seven visa. Does that mean we're going to have no more temporary workers? You bet it doesn't. It means instead of a having a predominance of four year workers we're going to have people working for two years, two year, two year, two year. Easier to get rid of them, you know? Is that good for our country? I put it to you no, it really isn't. And yet we're told by our politicians that this is what we should be doing. Don't let me get started on the changes proposed to the citizenship act. Even those who manage to make it to permanent resident the current government wants to make it so hard that certainly people who come by boat should be put at the bottom of the pile. And we should put every obstacle in their way from special knowledge test to elevated English language tests that I probably wouldn't pass myself. So these are laws that are not just cruel to the people who are directly affected. The point is that they are also very socially divisive. And it always bring to my mind, I did a study in the naughty years, 2004 through 2007 of unaccompanied children who came to Australia. It was a three country study in the U.S., the UK and Australia looking at unaccompanied children. And I'm in there interviewing one young Afghan boy. And he knew what social exclusion was and what damage the rhetoric about securitization of migration was doing. He said to me, you know, I'm going to TAFE, and there was girl at TAFE and I was quite keen on her, and I tried to talk to her. But then she said where do you come from? And I said I come from Afghanistan. And she said, oh, you must be a terrorist. And he said sometimes I feel like I'm nothing. That's not good for the country, guys. He can't go home. He's here for good. He's here for good. Let's embrace him. So this series is called Raise the Bar. There's a particular reason why that title works really well for me. Here's the scene. To explain a very complex system very quickly when we said that these people who come by boat are not going to be allowed to stay in Australia, what we did was we created provisions that say if you come to Australia by boat you can't apply for any visa unless the Minister raises the bar on you applying. And so the catch phrase for the 30,000 odd people who have been caught up in what is known as the legacy case load, the catch phrase for them is is the Minister going to lift the bar. So what I want to do tonight is to invoke all of us to raise the bar, to lift the bar, to start thinking about what we can do. It's affecting us financially. My goodness we are wasting so much money on it. It's affecting our social cohesion. Do we want another set of Cronulla riots? That was the end game after the last go at it. So what can we do? Well, I think we have to start by emptying the camps on Nauru and Manus Islands. These are an absolute weeping sore. A growing, a terrible, terrible embarrassment for Australia. We will look back, how is it that we as a country seem to be so good at abusing people, and then 10, 15 years later we come back before Parliament and we apologise. Well, there will be apologising. There really will because I think what we're doing now is just so bad. Even President Trump was incredulous. He's given us, with our terrible deal that he's agreed to honour, he's given us a way to allow some of these people to find freedom. New Zealand, we've got a new government in New Zealand. They have offered in the past. Go back to them, ask again, see what they can do. If not it's not quietly, sensibly just let them come here, bring them here. The average Australian really doesn't care, and remove the sort of [inaudible] that's handing over the people who have been brought here because of medical treatment or whatever. So we have a manageable population. It's barely 20,000 people now who are on temporary visas. It can't be in our national interest to create a lost generation of men, women and children with little access to education and training beyond high school. I'm sure I'm not the only one who can see the potential for disaffection, for disassociation and ultimately for radicalization of these young kids. Temporary visas are useful is they're used as probationary vehicles. Did I say, by the way, that they're going to introduce rolling temporary permits for parents as well? Apparently they cost too much, yeah. I personally think that our addiction to temporary visas is really placing us in danger of corroding the fabric of society. Did I go so far as to say that they're offensive to Australia values? Thank you.

[ Applause ]

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