



I often ponder on the idiosyncrasy of Australian law. By that I mean some laws or the execution of the law seems at times to be quite foolish and apparently to all. I worry sometimes that some of the judiciary and some lawyers are not interested in the common man and are so possessed by their calling they work relentlessly against we the people in part to retain a mystery about what they do. The self acclamation of the Australian legal system presents itself at times as unassailable and that arrogance together with wigs and peculiar clothes and colourful sashes makes for a unique outdated sometimes irrelevant circus. Let me give you an example why the law industry can be an ass.

Most would be aware that in 2010 a boat called the SIEV 221 floundered on rocks in a storm on Christmas Island. The boat was carrying asylum seekers from Iran and Iraqi and apparently attempting to gain entry by stealth to Australia. Around 50 people died in this tragedy at sea. The boat apparently came from Indonesia and the people paid a fee to board and set sail. Now this was big news at the time and highlighted the dangerous journey people were taking for the promise of freedom and a better life and in the eyes of some being kept by the tax payer. Whether they were all genuine refugees is unknown to me but they sure wanted to get here. At the time rescue vessels were unable to put to sea to assist them because of safety reasons and of course the serious risk to our serving men and women in a violent storm. That was in 2010.

Now 3 and a half years later Lawyer George Newhouse has launched legal action in the New South Wales Supreme Court on behalf of eight of those affected families, arguing Australia was responsible and the Commonwealth breached its duty of care. That's right they are claiming we Australians are to blame for the failure to rescue them and I suppose therefore we are responsible for the deaths of the others. Lawyer Newhouse argues the Commonwealth knew or should have known that there were vulnerable men and women on the high seas that night. Our Immigration Minister Scott Morrison rightly said the claim beggars belief and is shameful and offensive. The minister went on to say "This is like someone who was saved from a fire suing the firemen. It's like someone who has been saved by an ambulance officer at the scene of an accident being sued for saving the person's life". When interviewed the lawyer said the people just want to make sure this can never happen again the inference being it's not about money. We will see.

Regarding these types of arrivals The Australian News Commentary group says and I quote.....“ The Muslim arrivals know how to play the system. Together with their local supporters and lawyers, have become highly skilled at exploiting our tolerance, civil liberties, multiculturalism and racial vilification laws. The elites who control our legal and social systems are extremely sympathetic to claimants. Once a claimant has disposed of identity documents and tells the correctly formulated story, there is no way of verifying, or falsifying, it. Therefore the courts overwhelmingly give the benefit of the doubt to the claimant. The Immigration Department's figures, released in 2012, revealed that five years after arrival the rate of employment - not unemployment but employment - of Afghans was just 9 per cent, while 94 per cent of Afghan households received Centrelink payments. From Iraq, 12 per cent were employed while 93 per cent of families received Centrelink payments”....end quote.

Now lets remember that in Australia we do not have freedom of speech enshrined in the constitution so when it comes to rights we Australians are well and truly deprived of that basic human right and because of section 18c of the Racial Discrimination act we have to be very careful not to offend anyone. This is of course an impossibility to know in advance what will offend and my purpose is not to offend but it is to question the moral veracity of the law and the relevance it has in our society. If we don't speak up the politicians will not know what we want and they are supposed to do our bidding. In the end some of the laws we have are misguided and against the national interest. Being sued for saving illegal entrants is about as silly as it gets in my view and we the people have to foot the bill in a country awash with debt. We need legislation introduced into parliament called the Bill of Common Sense and we need it now else we sink in unbridled legal nonsense. The law is indeed an ass.

Until next time this Kent Bayley