



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**Main Committee**

**COMBATING THE FINANCING  
OF PEOPLE SMUGGLING AND  
OTHER MEASURES BILL 2011**

**Second Reading**

**SPEECH**

**Tuesday, 22 March 2011**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

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**Mr ROBERT** (Fadden) (5.58 pm)—I rise to add some comments on the Combating the Financing of People Smuggling and Other Measures Bill 2011. The coalition supports the bill in principle. The purpose of the bill is to reduce the risk of money transfers by remittance dealers being used to fund ostensibly organised crime, including counterterrorism, some people-smuggling ventures and other serious crimes, by introducing a comprehensive regulatory regime for the remittance sector. I would like to point out from the outset that, when this bill was considered by the Senate Legal and Constitutional Affairs Legislation Committee, there was significant disquiet, including about the fact that the title of the bill was misleading in the fact that this bill is not primarily about combating the financing of people smugglers; it is about combating the financing of those who will seek to use it for illicit crime. People-smuggling is one of a long list of those criminal activities.

The aim of the bill is to ensure that those people who pose an unacceptable risk of money laundering, terrorism or indeed people-smuggling will not be allowed to easily use remittance services in the community. It seeks to reduce the risk that remittance dealers will be involved in these types of nefarious activities. It aims to improve intelligence sharing to protect against criminal infiltration of the sector and to ensure that the Australian Transaction Reports and Analysis Centre, or AUSTRAC, can deal with remitters who tend to act unlawfully.

But it also needs to be added from the outset that this will impose a heavier regulatory burden on the alternative remittance sector. It certainly raises a range of privacy concerns arising from the enhanced information sharing and the use of credit reporting data that this bill brings to the fore. The point should also be made that this is just one more level of regulation and encroachment upon legitimate businesses and the daily lives of Australians. I always hark back to Kevin 07, who stood there in 2007 and said, ‘For every one regulation we will introduce, we will take one away.’ By mid-2010 I think some 15,000 had been added and 46 had been taken away. I guess that is one more hollow, broken promise to add to the huge number already on the public record.

However, the bill has an interesting name, and it is the name we should look at: Combating the Financing of People Smuggling and Other Measures Bill. So let us look at the issue of people smuggling and let us understand why the government has chosen a misleading title for the bill. The answer is quite simple. As early as 25 February 2008 the Rudd government was warned that there would be significant risks with the decision to weaken the border protection and immigration regime. Come August 2008 the very effective Howard government regime was torn down and a new one was put in place. It is easy to see metrically, empirically, in a statement of fact, that the now Gillard Labor government, following on from the Rudd Labor government, has comprehensively and utterly failed to manage our borders. It has lost complete and utter control of the asylum seeker policy. Since it wound back the coalition’s highly successful policies in that fateful month of August 2008, to date more than 200 boats have arrived unlawfully, including three this week alone. Over 10,000 irregular maritime arrivals have come to our shores. This of course includes the ill-fated SIEV36, which was deliberately set alight, killing four people, putting lives of defence personnel at risk as they sought to save those who were in the water. And there was the tragedy of SIEV221, which crashed against the rocks of Christmas Island, killing around 50 people. The images that ensued were devastating.

As a direct consequence of these changes, as a direct consequence of these failures in policy, we have seen the three boats a year under the Howard regime become three boats a week—fact, without contention. The push factors have not changed, as every UNHCR report has shown. The number of people seeking asylum around the world has not changed significantly. Push factors have not changed, but the pull factors have changed substantially. As a direct consequence of what Labor has done, our detention network is now strained beyond even the widest capacity. We are seeing violent riots on Christmas Island and the mainland. When the coalition left office, there were four people who had arrived illegally by boat and were in detention—not 400, not 4,000, just four. Today what is the number? It is not 400; it is not even 4,000—it is 6,300, including a hundred children. Today we learnt in parliament that the people responsible for SIEV36—which was deliberately set alight, and four people were killed because of that—have been given permanent protection visas. Apparently seeking to sink the boat, causing the loss of four lives and endangering our military Defence Force, does not run foul of the

character test. The question is, does it run foul of the pub test? Ask the average Australian whether people seeking asylum who deliberately set their boat on fire, leading to the death of four people and substantially putting in harm's way everyone else on the boat, including our Defence Force personnel, are of a fit and proper character to come into this country. The Labor Party says yes. That is absolutely and utterly outrageous.

If we just look to the budget since Labor came to power, there is a total blow-out of over a billion dollars in running costs alone. The member for Canberra spoke before about the government committing \$2 billion to deal with the issue. They are committing \$2 billion to deal with the mistake and the litany of errors that they have caused. And after this \$2 billion, after the deaths of so many people, after the riots and the fires and the damage and the disputes, the boats keep coming. Nothing is stopping them from coming. Of the more than 10,000 irregular maritime arrivals, about 160 have been returned to their countries of origin. We know, as a statement of fact from the UNHCR, that if you are seeking asylum out of Afghanistan you have a one in 10 chance of actually getting asylum in a second or third country. But if you jump on a boat, if you pay a people smuggler to come to Australia, you have a 97 per cent chance after appeal of coming to the country. Now, I ask you: if a people smuggler comes to you in Afghanistan and says, 'If you take a bus through Pakistan, jump on a plane and come across to Jakarta, Jogjakarta and down to the coast, pay us \$20,000 and wait your turn, and you're prepared for six months incarceration, you have a 97 per cent chance of getting here'? Surprise, surprise! The boats keep coming. And what is disturbing is that that is not fanciful, it is statements of fact.

What is equally vexing is that the impact of this failed policy has seen a reduction in humanitarian visas granted to offshore applicants. Under the humanitarian program, 13,500 people will come in. It was 6,000 under the previous Labor administration. The Howard government increased it to 12,000; this government, to 13,500. We are the most generous nation on earth per capita in receiving people on humanitarian visas, and that is something we as a nation should be extremely proud of. We are a generous and compassionate nation. But every one person that comes by boat—and let me be very clear: every one person that pays a people smuggler to jump the queue—means one person in a desperate situation offshore, in a desperate refugee camp, does not have the opportunity for their humanitarian visa to be processed. Humanitarian visas go through, we cap it at 13½ thousand, and if that number is full you wait till next year, and the next year, and the next year. And as our humanitarian visa program is filled more and more by those coming illegally on boats, those desperately needing asylum do not get it.

That is the irony and the perversity of what Labor—the so-called party for the working man, the dispossessed and those seeking assistance—have put in place. Indeed, in 2009-10 there were just 3,233 offshore humanitarian visas granted, compared to a peak of over 6,700 in 2005-06. The number of humanitarian visas being granted has halved under Labor—fact—because Labor will not control the borders and prefer a largely middle-class refugee seeker who is prepared to pay for a better set of economics to flee to the country. And rather than deal with the core problem of watering down our border protection regime, they seek to put forward bills that are certainly looking at combating the financing of criminal syndicates but call the financing of people smuggling as part of their spin to try and deal with it. Two days ago we saw in question time that, rather than deal with the problem, the Minister for Immigration and Citizenship, Minister Bowen, has just added six more spin-doctors, at \$600,000, to the department to deal with the problem and to spin it so it sounds like Labor is indeed doing something. Despite leading Australians to believe that there would be no expansion of our onshore detention prior to the last election, another 4,900 beds have been added to the detention network onshore since the election, costing more than \$400 million.

Let me be clear: the coalition supports an immigration and humanitarian program that is non-discriminatory, and believes that our processes for selecting those who come to Australia should be open and transparent. We will continue to honour our international obligations in relation to those seeking asylum. But we will not support processes that create a bias in favour of illegal maritime arrivals or illegal arrivals, full stop. We will not support a program or a process that provides people smugglers with a product that they sell to encourage people to get on a boat. And be under no doubt: if you have a 97 per cent chance of coming to this country, that is a product, it is saleable, and it is effectively being sold on the market today.

The coalition will not need misleading titles of bills to deal with the asylum seeker process. Indeed, the Prime Minister, if she were genuine about dealing with this, could spend 10 minutes and pick up the phone to the President of Nauru, rather than worrying about trying to spin the issue of a never-never solution on East Timor. That is never going to occur. That is never going to take place.

**Mr Slipper**—Why doesn't the Prime Minister ring the President of Nauru?

**Mr ROBERT**—A remarkable question!

**The DEPUTY SPEAKER (Mr S Sidebottom)**—I would ignore that, if he wants to speak next!

**Mr ROBERT**—Why doesn't the Prime Minister call the President of Nauru? The coalition will. The coalition will pick up the phone and speak to the President of Nauru. We will introduce third-country processing of all illegal boat arrivals on Nauru. We will do that once elected. We will reintroduce temporary protection visas for illegal entrants and apply mutual obligation to payment of benefits. We will presume against refugee status for those who are believed to have deliberately discarded their identity documentation. We will return failed asylum seekers to their country of origin. We will restore the single case officer appeal process for asylum. We will provide priority processing for offshore asylum applicants over illegal arrivals. We will restore the requirement for onshore asylum applications to be made within 45 days of arrival. We will introduce mandatory minimum sentences for people-smuggling crimes and longer sentences for aggravated offences. We will introduce a full private sponsorship program for offshore asylum applications, and we will oppose the introduction of complementary protection, which widens the grounds for asylum seekers to make successful onshore claims.

All of this, as coalition policy, has been succinctly explained, presented and presided over by the member for Cook, Scott Morrison, many times. This has been out in the public domain as the coalition's policy. It is clear. It is concise. There is no ambiguity as to what the coalition will do to stop illegal people-smuggling. We will take the product away. We will not rely on bills that simply try to spin a title, no matter how effective the bill may be—as indeed this one, agreed in principle, is in dealing with the financing of those who would seek to gain, with criminal intent, an advantage from the use of remittances and the moving of money. We will take real, tangible action. And I guarantee you, Mr Deputy Speaker: we will stop the boats.

**The DEPUTY SPEAKER**—Thank you for that guarantee.