



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

**MIGRATION AMENDMENT (ABOLISHING
DETENTION DEBT) BILL 2009**

Second Reading

SPEECH

Wednesday, 24 June 2009

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner
Speaker Robert, Stuart, MP

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Mr ROBERT (Fadden) (5.25 pm)—I stand today to state categorically that we will not be complicit in the Rudd government's continued attempts to weaken the integrity of Australia's migration programs and borders. We have always taken a strong stand on preserving the integrity of Australia's migration programs. We believe in an orderly and properly managed immigration and humanitarian program and we will continue to ensure that Australia remains one of the most generous providers of humanitarian resettlement in the world. But we will do this in a way that does not encourage the abuse of Australia's migration program and the abhorrent trade of people-smuggling that endangers the lives of those who seek to enter our great country illegally. Consequently, we need a range of policy measures that will maintain the integrity of Australia's migration and humanitarian programs.

The Rudd Labor government, on the other hand, have unravelled the bulk of the measures that were specifically designed to keep our borders secure. Instead of sending a strong message to people smugglers that they cannot restart their abhorrent trade, the Rudd Labor government's constant watering down of these measures has sent the opposite message. Requiring the payment of the cost of detention is one of a number of strong measures that make it difficult for people smugglers to market Australia as a soft option.

The irony of this debate is that the policy of billing people for the cost of their detention was introduced in a bill in November 1992 by the then Labor government. Speaking during the introduction of the bill, Labor minister for immigration the Hon. Gerry Hand MP said, in his second reading speech:

A primary objective of the Migration Act is to regulate, in the national interest, the entry and presence in Australia of persons who are not Australian citizens.

I think it is important for us to remember that as we look at every piece of legislation that seeks to weaken that objective or to put decisions in the hands of people smugglers: it was a Labor government that introduced this policy in 1992, with the prime objective of regulating in the national interest the entry and presence in Australia of people who are not citizens.

Thus the coalition will patently oppose the Rudd Labor government's decision to abolish detention

debts through the Migration Amendment (Abolishing Detention Debt) Bill 2009. There are safeguards in the existing legislation to ensure asylum seekers who do not have the means to pay are given manageable repayment schedules or have their detention debts waived or written off. Those opposite would have people believe that the coalition is somehow intent on punishing refugees by loading them up with mountains of debt. Examples of many hundreds of thousands of dollars have been given. I suggest such comments are misleading.

The truth is, as the government knows only too well, that those applicants who are found to be refugees are not required to repay the cost of their detention. We fully support such exemptions and the use of the minister's waiver powers. Improving any administrative arrangements in connection with the bill would be welcome. However, abolishing all detention debts will not act as a deterrent, in concert with other pieces of information, to abuse of our migration programs. It will not act as a deterrent against people smugglers, who are selling and exploiting Labor's soft approach.

We believe in sending a clear and unambiguous message that people-smuggling will not be tolerated in our nation and that the integrity of our migration and humanitarian programs must be maintained. We remain committed to genuine border protection and we will continue to oppose any policy changes by the Rudd Labor government which soften the approach, encourage people smugglers or make our borders less secure.

The members for Makin and Petrie came into the House today and said that the shadow minister for immigration and citizenship, the Hon. Sharman Stone MP, was part of the first report on immigration detention in Australia and that she approved the report. Yet, if I look at the document, I note that membership of the committee included Dr Sharman Stone from 10 November 2008. She was not part of the committee when it heard evidence. She was not part of the committee when the report was drafted or when the report was finalised. She joined the committee afterwards, and therefore had no role in the production of this report—as opposed to what the members for Makin and Petrie imply. She was part of the second

inquiry and of course produced a dissenting report to that.

I also note that, on the eve of the Rudd government introducing the debate about the abolition of detention debt for asylum seekers arriving in unauthorised boats, the 22nd boat has entered Australian waters. It was intercepted near Ashmore Reef with 49 passengers and four crew. Since the Rudd government came to power, almost 800 asylum seekers have arrived on Australian shores. Ever since the Rudd government softened its approach on border security and immigration, almost 800 asylum seekers have arrived by boat on our shores, and the Indonesian government, to their credit, have intercepted 1,000 more—all of this after the coalition's policy reduced it to a trickle, to some tens in the final years. And here we are over the last 18 months facing 1,800.

Indeed, Indonesian authorities also detained 12 Iranian asylum seekers bound for Australia just recently, to the further credit of the Indonesian police. The 12 Iranians are reported to have told the police that they were hoping to travel to Australia to start a better life. And who would blame them? We have an outstanding life in our nation. We have an outstanding country, and we are generous to those who come here. But, in the face of such an overwhelming increase in boat people movements to Australia, when push factors have not increased—there is zero evidence for an increase in push factors for illegal immigrants coming to Australia—the only logical conclusion that can be reached is that Labor's softened policy is acting as an encouragement.

And now this bill—in the face of the 22nd boat to arrive on our shores, 800 asylum seekers having already arrived on our shores and 1,000 more stopped in Indonesia—wants to water down our nation's border protection policy once again. I contend most strongly in this, the House of Representatives, that now is not the time to further encourage people-smuggling with additional enticements by way of abolishing detention debt, abolishing the 45-day rule for asylum seeking onshore and introducing new categories of protection visas to cater for those who currently receive access to ministerial intervention but do not meet the United Nations High Commissioner for Refugees criteria as refugees. Now is not the time to soften our stand. Accordingly, we continue to call for a comprehensive inquiry into the pull factors now encouraging people-smuggling into our nation, cognisant that the push factors have not changed.

I appreciate that there is great emotion in this debate. I appreciate that many members of parliament have represented those seeking asylum and seeking refugee status. But it is always important to go back to the facts. The UNHCR's 2008 *global trends* reveals

that Australia's involvement in refugee resettlement is significant. Australia welcomed 11,006 of the 88,800 refugees resettled across the world during 2008. We welcomed 12.4 per cent of the global refugees resettled last year—second only to the United States, which alone conducted 68 per cent of the world's refugee resettlement. But, in per capita terms, Australia has led the world for refugee resettlement. We are the most generous nation on the planet for resettling refugees.

Looking back at our migration program, we have resettled on average 12,000 people a year over the last 50 years through our humanitarian program. We are the most generous nation on earth. I am firmly of the view that we should continue to be that most generous nation on earth, but we should continue to decide who comes to this country and the circumstances in which they come. The only deterrent to those who wish to enter Australia illegally is sound, strong policy, and my great fear, which is being realised every day, is Labor watering it down.

The reason why all we have is strong policy is that, between us and Afghanistan—half the world away—the only countries that have signed the 1951 refugee convention and the associated 1967 protocol are: Azerbaijan; ironically, Iran; Kazakhstan; Kyrgyzstan; Tajikistan; Turkmenistan; Yemen; Cambodia; and Papua New Guinea. Between us and half a world away, that is all that have signed it. We know that many people-smuggling operations use land and sea bridges, predominantly through Pakistan, Malaysia and Indonesia. These are countries that have not signed the 1951 convention, and there seems no indication from their current foreign policy that they intend to move to sign this convention and the associated protocol. These countries are not predisposed to granting asylum to those seeking it, because they have not signed. Clearly, an appropriate response from this government would be to start engaging these countries to move towards signing the 1951 convention and associated protocol.

It is also important to remind the nation of the coalition's long—and, I say, proud—history of resettling refugees who have been selected by the UNHCR and who have been found to be in great need. By 1947 Australia had accepted more than 170,000 refugees and displaced people, largely from Europe. By 2009 we had accepted and settled more than 680,000. As the UNHCR's report shows, last year we were the most generous resettlement country per capita on the planet. In 1956 the Menzies government began to liberalise the White Australia Policy by granting permanent resident status to non-Europeans who had arrived as refugees during the war. Further liberalisation took place in 1959 and 1960 under Menzies, and, of course, in 1966 Harold Holt

removed the last vestiges of the White Australia Policy. Although Australia had a long history of resettling refugees and displaced persons, a regular and planned humanitarian program did not commence until the Fraser Liberal government in 1977. For all of the hoo-ha of the Whitlam years, a permanent program began after he was thrown out.

The coalition's commitment to a well-funded and managed refugee resettlement program that is fair, equitable and generous has never faltered, and it has always been a strong part of our policy platform. It was the coalition in government that were responsible for increasing the annual number of resettlement places to a minimum of 6,000, which many times has been substantially oversubscribed. Australia consistently ranks with the United States and Canada as the top three countries accepting those in need of resettlement. The resettlement services and support that we as a nation provide to refugees are clearly critical to their successful integration into our economic, social and political life and are second to none in the world. Australia's resettlement services for refugees and migrants have certainly evolved and changed over the last 60 years, from the provision of basic on-arrival accommodation and assistance to more intensive support programs targeted at meeting the specific needs and aims of those who have entered on humanitarian grounds.

The coalition in government implemented and expanded a range of resettlement services, including integrated support for humanitarian entrants, translating services, English language classes, complex case management and grants based funding for projects to promote social cohesion and integration of migrant groups. The Adult Migrant English Program, AMEP, has been providing English classes to eligible adult migrants since 1948. Eligible migrants have a legislated entitlement to study English for up to 510 hours or until they reach functional English. Labor has now reduced this funding. The teaching of English to newly arrived migrants and those arriving in the refugee and humanitarian programs in particular is vital to their capacity to gain work and successfully integrate into our society. We are gravely concerned that this Labor government has cut funding to the Adult Migrant English Program by over \$20 million in the 2009-10 budget. Not only has it gone soft on our borders, leading to a tidal wave of human misery being trafficked upon our shores but it has also cut back the Adult Migrant English Program in the same breath. How you can soften policy, allow a wave of people in and not provide essential services is simply and utterly beyond me.

The budget also cut a further 400 staff members from the Department of Immigration and Citizenship,

bringing the total number of staff removed from the department in the past 18 months to 600. Along with portfolio savings of \$124 million the coalition is gravely concerned that the department will be under serious stress and the delivery of essential services to our humanitarian entrants will be jeopardised because of this.

We are a nation of migrants, a nation built on the backs of those who have come before. Those former migrants expect us to ensure integrity remains in our system. Our migration program is a nation-building program. The Department of Immigration and Citizenship estimates that there were approximately 25,700,000 movements across our border in the last financial year. That is one person either coming or going every second. The amount of movement across our borders is staggering. It is no wonder we call for a strong framework of checks and balances. It is no wonder we call on a strong policy platform that sends a very clear message to those who would peddle in the human misery of people-smuggling. It is no wonder we call for a strong policy, combined with the strongest possible integrity of our migration and refugee system. It is no wonder we call for a strong commitment to financial resources to meet the needs of our resettlement program. This Labor government is softening our borders. It is providing encouragement to those who would traffic people. Push factors have not changed. Pull factors have: policy has been softened. A tidal wave of 800 boat people, including the 22nd boat recently arrived, has come across our shores, with a thousand more being stopped in Indonesia. Until strong policy is restored, until this nation has the courage of its convictions to put up a strong policy fence and framework, we will never combat this insipid trade. I stand to state categorically that this bill cannot be supported.