



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**  
**MATTERS OF PUBLIC IMPORTANCE**

**Border Protection**

**SPEECH**

**Wednesday, 2 November 2011**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

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**Speaker** Morrison, Scott, MP

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**Mr MORRISON** (Cook) (15:23): The government's failure to implement proven policies to protect our borders is demonstrated no less by the fact that, since they abolished the proven and effective deterrent in the Howard government's border protection regime 3½ years ago, 251 boats, carrying 12,942 people, have arrived in Australia. There have been almost 100 boats and more than 5,500 people since the last election. This year more than 3,000 people have arrived on almost 50 boats. That is just over one per week. To put that in some perspective, between 1 January this year and the government's announcement on 7 May of the Malaysian solution, which has now failed, we had 20 boats in 18 weeks; in the period between the announcement of the now failed Malaysian people swap and when that policy was struck down by the High Court we had 17 boats in 16 weeks; and since the High Court decision we have had 11 boats in nine weeks. The people smugglers' business model that was reborn by this government has been constant throughout 2011, regardless of the claims and commentary provided by those opposite.

As we approach the monsoon season again, the pattern we have seen in previous years under this government suggests that there could be more. I sincerely hope—and I am sure the minister would agree with me on this—that the events of the last 24 hours are a warning to those who might be seeking to get onto those boats, as smugglers seek to rush people onto boats before the monsoon season, not to do so. I hope this will be the one thing that will come out of the events of the last 24 hours. Hopefully there will be more, but that is one that I am certainly hopeful of.

A consequence of the government's failed policies and failure to implement proven policies in this area is, as I referred to earlier in my remarks when the suspension of standing orders motion was before the House, to undermine the integrity of the humanitarian and refugee program that we operate. In the last six years of the Howard government 498 permanent protection visas were given to people who had arrived in Australia illegally by boat. In the last three years 5,075 visas have been given to those who have arrived illegally by boat. That is a twentyfold increase over the last three years because of this government's failure to implement and maintain proven policies.

There were 54,000 offshore applications last year from people seeking to access our protection through the established method. For those 54,000 people in that queue at the very least there were just 8,900 grants provided. The percentage of offshore grants has fallen from 85 per cent to just 65 per cent of the entire program under this government. As I have remarked before, IMAs, or those who have arrived illegally in Australia by boat, accounted for less than one per cent of protection visa grants under the coalition and now account for one in five, more than 20 per cent, under this government.

There are now more than 2,000 fewer visas going to offshore applicants because of this government's failure to deliver proven policies in this area and their decision to abolish the proven policies they inherited from the Howard government. In 2010-11 there were 17,236 applications through our processing centre in Cairo. Of those, just 350 were granted visas. Of the 7,730 Afghans who sought our protection offshore last year, 1,027, or just 13 per cent, received visas going through that proper process. Of the 2,550 applications determined for those of Afghan nationality who arrived illegally in Australia by boat more than half were granted. When you have a disparity in the outcomes for people of similar nationalities of that order—around one in 10 versus one in two—then there is no doubt that under this government's policies something is awry.

As I mentioned earlier, the government are terribly desperate and divided on these issues. We have seen that on display, sadly, in the last 24 hours but we saw it further in the meeting of cabinet that was leaked to the press, not by one it would seem but by many. The cabinet have split. The government have split. As a result, this government are unable to implement proven policies that can assist address the mess that they have created on their own watch. No wonder everything they have done since they abolished the proven solutions of the Howard government, and the deterrent that it provided, has failed and come to nothing—the *Oceanic Viking*, the asylum freeze, East Timor, PNG and now of course Malaysia.

The only solution not embraced by those opposite is the one that they abolished and they refuse to restore. This is the only set of policies—it is not just one, as we have often said—that are proven to have actually worked. There are many who like to offer commentary on these policies. There are opinions aplenty but, when it comes to which policies have a record of success, there is only one set of measures—the measures put in place by the Howard government and initially under the member for Berowra, who was then our minister for immigration and still remains our longest-serving member. The Malaysian proposal has already failed and is an unconscionable arrangement that has resulted in over 1,000 people turning up since it was signed and more than 1,600 people turning up since it was announced. Since this arrangement was first announced in May for the 800 people who would go to Malaysia, more than double the quota has actually turned up. This proposal is flawed in many respects. It is flawed, firstly, because it has a sunset clause, by the government's own admission through the department, of just eight to 10 boats. This government had a policy for eight to 10 boats, by its own admission.

The policy the Howard government had in place was a policy for every single boat that would seek to arrive. There was no reset; there was no way of getting around it; this policy would apply for as long as was needed to ensure the boats stopped—and they did indeed stop. This government came up with a policy which said, 'If you can send eight or 10, we're going to let you carry on with your business.' That was a deep flaw in this policy model which the government and departmental officials have been unable to explain, and it remains one of the core reasons for the policy's failure. The exemptions that would be inevitable under this policy would become a rule. As much as the minister and the government would like to say that exemptions would be assessed on a case-by-case basis, it will only take one, and the minister knows it. As a result, the failure to implement what is the third key flaw in this arrangement, the absence of suitable protections, means those exemptions would happen, the cracks would emerge, the eight to 10 boats would soon arrive and the government would be back where it started from, which is in one terrible mess.

This policy has been rejected by the parliament and by the High Court. The government now refuse to allow this bill to be taken into this parliament and voted on to test the confidence of this House in the government's policies. The coalition has proposed one amendment—just one—that maintains protections and restores offshore processing in 148 countries. This amendment was actually government policy at the last election. The great ask we are making of the government is that they agree with themselves by supporting our amendment. It was only a year ago when the Prime Minister said that they would only process people offshore in countries that have signed the refugee convention. It does not strike me, then, as an unreasonable request by those on this side of the House to ensure that protections remain in the Migration Act—protections the government are seeking to abolish in their proposed changes to the act; protections that were introduced into the act under the coalition by the member for Berowra.

Our amendment seeks to maintain those protections through one simple measure, which the government stubbornly refuse to adopt. Rather than have that matter accepted and the bill passed in this parliament, rather than return to the proven measures that they abolished, they have not only decided to continue their current policy of onshore processing; they have processed nobody offshore. We have had onshore processing ever since they abolished offshore processing. They would seek to further soften the policies by adopting those of the Greens, refusing, out of stubborn pride, to accept the coalition's amendment and return to policies that are proven and work, and, indeed, even pick up some of their own policies. Our amendment would enable the government to establish offshore processing again at Manus Island, which is their policy, yet they stubbornly refuse our amendment, as they have done consistently. Therefore, refusing to look at a simple, straightforward, modest amendment, the government deny themselves the opportunity to restore policies that are proven and work.

Those on this side of the House have not only advocated offshore processing, as those opposite and those around the country know; we have also put forward, as we practised in government, other measures. Those measures are well known. They include seeking to turn boats back where it is safe to do so. Our policy is fairly straightforward. As a boat comes to Australia, if we are able to turn it back we will—if it is safe to do so. Secondly, if that boat is unable to be turned back, if it is safe to do so it will be processed offshore. In offshore processing, if someone is found to be a refugee, we have temporary protection visas. That is our policy. It is a straightforward plan for any and every single boat that may seek to come to Australia under our regime.

The government's response to this is that they believe that, where it is safe to turn a boat back, they will not do that. Their policy is not to turn boats back where it is safe to do so—where the circumstances permit. The government have decided that that is not possible. That is for the government to decide, but we heard in evidence

from Admiral Griggs that, on at least one occasion that he was directly involved with, it was done. That was his evidence. On another occasion—

**Mr Bowen:** What else did he say?

**Mr MORRISON:** I will finish. On another occasion he said it was not possible.

**Mr Bowen:** What else did he say?

**Mr MORRISON:** That is all he said, as you know.

**Mr Bowen:** Oh, that's all he said?

**Mr MORRISON:** That is all he said. His evidence was straightforward. In some cases you can do it and in some cases you cannot, and we have never said anything different to that. What we have said is that, where it is safe, you can turn them around—and it has been done.

This government refuses to do this, but I am not surprised. This government will not turn a boat back when this minister at the table cannot even get detained protesters off a roof. That sent a big, strong message to Indonesia, I am sure. Protesters can run around not only on the roof of a detention centre but also on the roof of his own office. On those occasions, thank goodness for Andrew Scipione and the New South Wales Police, because they were prepared to act in that incident, but in the other incident the protesters sat up on the roof for goodness knows how long. The minister's department put in a word after the protesters got on the roof. They put in a phone call to the New South Wales Police and asked them if they could get them down from the roof at Villawood. As the minister knows, the delay by the department and others putting proper arrangements in place at Villawood for the New South Wales Police prevented that from happening. That is our policy and that was the evidence and testimony of the minister's own department at the detention inquiry.

Temporary protection visas, equally, provide the opportunity to ensure that there is no guarantee of permanent residency in this country, and the measures that we have announced as a coalition in opposition go further to ensure that that is the message would be presented. We have also outlined many other measures, which we have spoken clearly about in the lead-up to the last election and since, that we practised in government, particularly in the area of regional cooperation. We believe that the Bali process that we started should focus on stronger border protection in our region. It should focus on enforcement. It should focus on intelligence. It should focus on border control.

I applaud the Malaysian government for the measures they introduced for biometric identification at all ports of entry. That is something that should be paralleled right throughout the region. It is a measure I support and it is a measure I commend where the government has supported it. When I was in Malaysia I asked that the government also seek to have access to that information to help us with identification processes, and I look forward to the minister reporting on that when he has the opportunity to learn the answer to that question.

At the end of the day, this government abolished the policies that worked, refuses to restore the policies that worked and remains locked in a prison of failure when it comes to its stubborn obstinacy to implement proven policies on border protection. *(Time expired)*