



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



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

**Asylum Seekers**

**SPEECH**

**Wednesday, 22 June 2011**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

---

## SPEECH

**Date** Wednesday, 22 June 2011  
**Page** 6917  
**Questioner**  
**Speaker** Morrison, Scott, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr MORRISON** (Cook) (15:29): It is almost eight weeks since 7 May, when the Prime Minister made the announcement of her proposed people swap deal with Malaysia. In fact it will be eight weeks this Saturday. Late on a Saturday afternoon, just after 2.30—the usual time for ministers to make very important announcements of government policy—she gathered the media together to announce this proposed agreement. She was so excited about this agreement that on 7 May she twittered: 'Have reached agreement with the Prime Minister of Malaysia to tackle people smuggling in the region.' She was so excited about it that, on 8 May, she twittered again: 'We're a generous country. We'll do what we can to stop the evil of people smuggling.' And then again on 8 May—she was not finished—she twittered again and sent a message for people smugglers.

Every since then there has been absolute and complete twitter silence from the Prime Minister when it comes to updating the Australian people on where the government is up to with this agreement. I did go and check the other tweets as to what she might have been talking about since then, and she was happy to talk about a whole range of matters. I noticed in particular that the Prime Minister retweeted the Treasurer, 'Swanny DPM'. She was happy to retweet the Deputy Prime Minister, but when I went through all of those 30-odd tweets since her first one, there was one member of the government that she had not retweeted. I wonder who that was. I wonder who it was that the Prime Minister did not want to retweet. There is one minister in the government that the Prime Minister did not want to retweet, and that was the Minister for Foreign Affairs. There was no retweet for the Minister for Foreign Affairs that talked about the progress that they were making and the efforts that the Minister for Foreign Affairs had been making to get this historic agreement with Malaysia over the line. We could not find it because the foreign minister had not been doing it and, even if he had, the last person on earth that this Prime Minister would retweet would be the Minister for Foreign Affairs.

So, after the celebrated announcement on that day, the Prime Minister said: 'We will be working to finalise the agreement over the coming weeks.' That is almost eight weeks ago. And then on 2 June the minister at the table, the Minister for Immigration and Citizenship, in response to this question from Tony Jones, 'Are we talking weeks or months?' said, 'We're not talking months, Tony.' Jones: 'Weeks?' The minister: 'Yes, we're talking weeks.' That was about 20 days ago. So we will see whether it is weeks or months, but we will see. At least the minister at the table—and here I give him credit—was prepared to talk about time frames for the completion of this significant agreement.

On 9 June, just a few days after this, Fran Kelly was interviewing the Prime Minister. She asked the Prime Minister: 'Prime Minister, when will Australians see this deal? Has the UNHCR signed off on the Malaysia deal and when will it be finalised?' Prime Minister: 'Well, we're working with Malaysia to get all the details of the agreement right, the discussion et cetera, et cetera.' Fran Kelly: 'Days, the weekend?' Prime Minister: 'Fran, I'm not here to announce time frames. We are working very well with our Malaysian counterparts.' Some weeks before she was very happy to talk about time frames. She was very happy to talk about imminent announcements, but some eight weeks later this deal has still not been done and this government is not being upfront or transparent with the Australian people about what is involved in this agreement.

This is a significant agreement because it will have real implications for people's lives, as I know the minister across the table understands. This is a difficult area of policy and the decisions you make in this area of policy have significant implications for individual human beings. All of us, I expect, understand this and understand it only too well. But what is a problem here and what concerns me is that when this agreement was entered into and rushed out the door late on a Saturday afternoon before the budget, critical issues had not been addressed, and critical issues had not been resolved. These fundamental issues included the question: 'Will people be caned?' The minister made all sorts of comments about what he may have said—weeks and weeks and weeks after the event. But, at that time, there was no indication at all that the issue of caning had been resolved.

There are still a multitude of questions to be answered. Those questions have been put in this parliament, as they should be—they have been put in the Main Committee and in here, the main chamber. The Australian people

want answers about this arrangement. Among those questions are the following: would children who were sent by this minister to Malaysia under this agreement go to public schools in Malaysia? It is a pretty basic question. I put that question to him only last week and there was no response. With the 800 who are sent to Malaysia, where will they receive their hospital treatment? Where will they go to hospital? How long will they stay in Malaysia? The minister at the table is all too quick to talk about how long people spend in detention, even though under this government's administration the average time spent in detention has increased threefold. No wonder we average three critical incidents every single day in our detention network. The time in detention has tripled. This minister is all too happy to talk about time spent in detention, but I have a simple question for the minister: how long will people stay in Malaysia under this agreement? Also, how long will the funds provided for under this agreement last to support those people while they are in Malaysia? Is the answer six weeks? Is it six months? Is it six years? Is it 20 years? The minister well knows that it is an actual consequence that could take place as a result of the agreement that he has brought into this place, and that is something which the minister needs to be upfront with the Australian people about. He needs to be transparent with the Australian people about the real implications for individual human beings from his decision to enter into this agreement.

There is another area he needs to answer questions on, and the member for Macquarie raised this in question time today. The member for Macquarie asked the Prime Minister about the activities of what is known as the RELA Corps. According to research undertaken by the Refugee Review Tribunal, the RELA Corps is a volunteer paramilitary force whose members now number in excess of half a million. RELA members have the right to carry arms and arrest anyone reasonably believed to be an undesirable person, an illegal immigrant or an occupier. The regulations authorise RELA members to question suspects and enter premises, either public or private, without obtaining a search warrant, where there is reason to believe suspects are housed. Should a suspect refuse to answer questions, produce requested identification or comply with reasonable requests or should they make a statement or produce a document that the RELA member believes may be false—so it is up to the RELA member to determine whether documentation or tags are true—then RELA personnel may arrest them. No warrant is necessary. The same amendment referred to here in this document gives effective legal immunity to RELA members so that they cannot be prosecuted for any act or omission done in good faith in their capacity as RELA officials.

They are very significant powers. It is half a million of these volunteer officers that the minister at the table—the Minister for Immigration and Citizenship—is relying on to ensure that, in any arrangement he puts in place, people who are sent to Malaysia will not be subject to any human rights abuses. He is relying on 500,000 people. I refer the minister at the table to a report by the United Nations Human Rights Council, in which it was found that most RELA personnel had not been trained and that those trained had followed only a one-day orientation course. I asked the minister in the Main Committee just the other day how much of the funds that he is putting into this agreement are actually going to go to support the training of these people to ensure that any procedures he puts in place will be carried through and that he can have confidence about those arrangements.

I also draw the attention of the minister at the table to comments by Amnesty International's refugee spokesman, Mr Graham Thom. He is well known to both of us, and he is a very good man. He says this about the situation in Malaysia:

Refugees are coping it every day. Once they are arrested, their documents are often disregarded or destroyed, and they are charged with being illegal and are caned ...

This is the report from Amnesty International. This is the desk evidence that is there and available to us, and these are the questions that I still cannot get an answer to from this minister. Frankly, if the minister is not prepared to answer these questions in this place for the Australian people, then I am prepared to try to go and get those answers for myself. I am prepared to go to Malaysia and find out from my own on-the-ground research and to see the circumstances into which people will be sent under this government.

The response of the minister at the table and the government's response to my intention to visit Malaysia has been nothing less than hysterical. Never has a government been so obsessed with an opposition as this government has. We have a Prime Minister obsessed with the Leader of the Opposition. We have a minister for immigration obsessed with the shadow minister for immigration, constantly craving my praise for his initiatives as he walks in here saying, 'Why won't he praise me?' I will tell you why I will not praise him. I will tell you why this opposition will not praise this minister. It is because he is overseeing an absolute farce. In his rush to this deal, in his anything-but-Nauru strategy, the minister at the table knows that he is embracing the unthinkable in Malaysia.

So we will go to Malaysia and we will seek to understand the circumstances for those who will be sent there and those who will live there.

This is a government that is so obsessed with the opposition, that is so keen on telling the opposition how to do its job. The Australian people would love to give this government a chance to see if it can do opposition better than this opposition can, to see if this government can do in opposition what it thinks it can do in government, because this government is obsessed with the opposition. I am quite happy for this side of the chamber to give the government a chance to be the opposition it truly wants to be. That is what the Australian people want, and if the minister wants to have a chat with the Prime Minister then I am sure that can be arranged at an election at some time soon.

So I will go there, but it is not just me who has these questions. Here is Lawyers for Liberty adviser Eric Paulsen talking about this deal in the Malaysian press:

"We don't know much about it," he said. "Will asylum seekers be allowed employment? Can their children attend public schools? Will this information trickle down to law enforcement officers on the ground? Will a future group also receive the same exemption?"

Then we have the refugee advocate Irene Fernandez, the executive director of the local human rights group in Malaysia:

Diplomatic assurances from Australia would not protect them, she said. And no one could find out anything about the swap deal because all such matters come under the Official Secrets Act, "sparking a lot of rumours". Her organisation had obtained a meeting on the issue with the Australian High Commission a week ago, she said. "But they were unable to tell us anything."

The Australian people are in the same shape. They do not know what is in this deal, but the more they know about this deal, the more they do not like it. The more they see about this deal, the more they see how desperate this government is. They understand that there is better alternative than what this government has put forward.

When I go to Malaysia, my argument will not be with the Malaysian government. The Malaysian government have a right to act within their borders to address the challenges that they have, according to their laws and according to the international obligations that they have signed up to. That is for the Malaysian government. My problem is with this government. My problem is with a government that has decided to send 800 people into that situation. In that situation we need to understand what it will mean if we are going to take that decision. I encourage the minister to undertake exactly the same visit I will undertake this weekend. I will go there to understand, and I will take the advice that Mr Thom gave to the Prime Minister when he said:

Prime Minister Julia Gillard should educate herself on the type of harassment faced by refugee women in Malaysia.

The minister might think it is a stunt to go and understand the situation faced by refugee women in Malaysia. Graham Thom, the head of Amnesty International on these issues, does not think it is a stunt when it comes to understanding the conditions faced by women in Malaysia, and neither do I. This government has a better alternative available to it, but it simply refuses to take it up, for no other reason than political pride. Nauru and temporary protection visas are more cost effective and more humane and, as the government and the Australian people all know, it is the proven alternative. Pick up the phone. *(Time expired)*