



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



## **THE SENATE**

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

## **Second Reading**

## **SPEECH**

**Monday, 7 September 2009**

BY AUTHORITY OF THE SENATE

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## SPEECH

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**Questioner**  
**Speaker** Fielding, Sen Steve

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**Question No.**

**Senator FIELDING** (Victoria—Leader of the Family First Party) (9.38 pm)—In 2006 the Howard government announced it would introduce legislation to move the processing of asylum seekers offshore. I told the Howard government that I could not support that proposal because it was unjust and unfair. I pointed out that, if every country did what the Howard government was proposing at the time, we would have chaos. If every country booted asylum seekers or refugees offshore to another country they would end up with nowhere to actually go. I took a stand against that policy because I believed a more compassionate approach was necessary to deal with our refugees. It is a stand that I look back on proudly and still look proudly upon today. It is important that Australia does its bit in a world where, unfortunately, people have to flee in fear of their lives. It is the Australian thing to do.

It is for this reason that I support the policy put forward by the government to abolish the detention debt of genuine refugees. It is a humane policy and one which I wholeheartedly support. However, I do not feel the same sentiments towards those people who enter this country illegally or violate the terms of their visas. I make a very clear distinction between someone who comes to Australia in order to be safe from the horrors which await them in their home country and those people who show a total disregard for Australian laws and our immigration system. One simply cannot put these two categories of people on the same level.

Australia is a welcoming country and has for many years opened its borders to people of all races and creeds. Our immigrants have brought many wonderful qualities to this country and we are an enriched society as a result of their contribution. I grew up in the northern parts of Melbourne—it was and still is a very multicultural place. It was a great place to grow up. However, we also have a society which values law and order. It is good that we have a multicultural society; however, we also have a society that values, and must value, law and order. We understand the importance of having rules in place to ensure that as a society we function in the appropriate manner. Without these rules we would have anarchy. Australia embraces its policy of multiculturalism. However, we should not be seen as a soft target for unscrupulous people-smuggling and we should not be seen as a soft touch for people to come and overstay their visas and jump the queue. These are two important principles that I think most Australians would share. I repeat: we should not be seen as a soft target for unscrupulous people-smuggling and, secondly, we should not be seen as a soft touch for people to come and overstay their visas and jump the queue.

We have a hardworking Department of Immigration and Citizenship which carefully sets the quota of new immigrants needed for each year and methodically assesses each application according to the rules and guidelines set out before it by this parliament. There is a proper process and, just as there is a process, there are consequences for those people who refuse to abide by this process. There are consequences for those people who flout the law and engage in illegal conduct, which undermines the foundations of our peaceful society. This is the case in any functioning society and Australia is no different. Therefore, when people break the law they are to be punished. Under our laws, which are not the subject of debate at present, those people are detained in our detention centres and then, very often, deported to their home country. This includes people who come out on holiday visas and work illegally in Australia in full knowledge of the consequences this brings. There are very important issues at hand here. I will go through that again: this includes people who overstay their holiday visas and work illegally in Australia in full knowledge of the consequences this brings. It includes people who obtain visas to Australia by lying on their application forms, only to have this discovered once they arrive. It includes overseas visitors who commit violent crimes during their stay on our shores. This is irresponsible and illegal behaviour. It is a costly burden on our economy and it is taxpayers who end up footing the bill.

Under the current laws, those people who are detained in detention centres are asked to pay the bill for their stay. I support this policy. I believe that, if given a choice between having ordinary, hardworking Australians pay for those costs and making those responsible reimburse this expense, the latter should foot the bill every day of the week. Instead, what this government is seeking to do is grant immunity to those people who have broken the law and let them off scot-free. That is crazy—absolutely crazy. I cannot understand why it has not been raised until now.

**Senator Chris Evans**—Because they are removed from Australia.

**Senator FIELDING**—I am happy to go through it with you.

**Senator Chris Evans**—The punishment is removal, not a fine.

**Senator FIELDING**—No, no. It is very interesting what you are putting forward here. I will go through it again. Given a choice between having ordinary, hardworking Australians pay for those costs or making those responsible reimburse the expense, the latter should foot the bill every day of the week. What we are talking about here is the government seeking to grant people who overstay their visas, do the wrong thing, jump the queue the right to not foot the bill.

**Senator Chris Evans**—But they don't.

**Senator FIELDING**—Hang on, mate. Why should taxpayers be paying for it?

**Senator Chris Evans**—They do.

**Senator FIELDING**—The introduction of this bill would see those who have violated their visas leave Australia debt free while Australian workers are left to pay for the mess. This bill would also benefit those people who have been detained due to their illegal conduct but have subsequently married someone and gained residency. These people should be treated no differently. Their new right to reside in Australia does not give them a right to shirk from their responsibilities.

While many refugees spend time in mandatory detention centres at a cost to the taxpayer, their debt is waived upon their release. This is the current situation. This is humane policy and one which I wholeheartedly support. Family First believes that genuine refugees who seek shelter in our borders should have their debt waived upon the release, but those who are visa violators should not be allowed to get off scot-free. That is what this bill does. It does.

**Senator Chris Evans**—You are just not right. You are confused.

**Senator FIELDING**—It is right. We have been through it. I do not think you understand your own policy.

*Senator Chris Evans interjecting—*

**Senator FIELDING**—But what you are proposing is to let people get off scot-free. If you think that is the right thing to do, you are wrong. It is not right that through this bill you automatically wipe off the debt of people

who violate the laws of Australia. It is outrageous. When you keep on standing there and saying, 'It's wrong,' it is right. That is what your bill does.

**Senator Chris Evans**—No, you are confused.

**Senator FIELDING**—No, I'm not confused, mate. That is what your bill does. It is exactly what it does—and it is wrong. When you think about it, it smacks of hypocrisy. If someone violates their visa, overstays, jumps the queue, you want to wipe off their debt. Why would you do that?

**Senator Chris Evans**—No, I'll take you through it.

**Senator FIELDING**—It does do that. You can shake your head. It is true. Maybe we will have to move amendments to prove the point.

**Senator Chris Evans**—We are not collecting the debt. We never have.

**Senator FIELDING**—It does not matter if you are collecting. It is the law you are putting in place. It is not Australian when you think about it. You are saying that you are quite happy to waive the debt of people who break the law by overstaying their visas. That is absolutely outrageous.

**Senator Chris Evans**—I deport them.

**Senator FIELDING**—You deport them but you wipe the debt off as well. It is outrageous. It is un-Australian and it is not fair.

**Senator Chris Evans**—We don't collect the debt.

**Senator FIELDING**—Come on, mate! This is outrageous. You should know better.

*Opposition senators interjecting—*

**Senator Chris Evans**—I do know better. Ninety-seven per cent has been wiped off. You wrote off 97 per cent. That is what the Howard government did for 12 years.

**Senator FIELDING**—This is the same government that proudly boasts of its commitment to full cost recovery for Australian exporters, which would see industries such as the horticulture industry, beef industry and seafood industry faced with crippling price increases that would put at risk their ability to compete in the global market. Here you are on the one hand with AQIS fees saying that these industries should pay their way. You don't wipe their debt off any more. Oh no, you are quite happy to see them go to the wall. But someone actually jumps the queue on a visa and overstays and you are quite happy to deport them. But what about the debt? You wipe that off. Where is the principle in that? It is the principle of the policy that is just hypocritical. You put pressure on horticultural people for full cost recovery and at the same time you do not want to do it for those people who overstay here on their visas and break the law. You are quite prepared to deport them but you wipe their debt. It is absolutely outrageous.