

**TRANSCRIPT OF THE HON. TONY ABBOTT MHR,
ADDRESS TO THE LOWY INSTITUTE,
SYDNEY**

E&OE.....

Julia Gillard called the Howard government’s Pacific Solution “costly”, “unsustainable” and wrong in “principle”. Immigration minister, Chris Evans, said that it was “ineffective and wasteful”, “neither humane nor fair”. It’s little wonder, then, that Labor MPs now despair of their own government because the Prime Minister has devised a border protection policy with less regard for human rights than that of her predecessor.

One Pacific Solution denigrator, the academic and writer Robert Manne, now concedes that abandoning the Coalition’s border protection policies was a massive mistake. He also accepts that the Howard critics have been dishonest in not admitting that his policies had at least stopped the boats.

Who would have thought that key members of the refugee lobby would one day say that John Howard’s border protection policies were morally preferable to those of Julia Gillard? The conclusion that refugee advocates have reluctantly reached – that “the Prime Minister should finally pick up the phone to the President of Nauru” – is a reflection on the current government’s lack of moral compass as well as its utter administrative incompetence.

Between 1999 and 2002, the Howard government successfully reduced a flood of illegal boat arrivals to a mere trickle. Between 2002 and 2007, less than 20 illegal entry boats arrived with fewer than 300 passengers. In November 2007, there were just four illegal boat arrivals in immigration detention. This was the current government’s inheritance, a policy that worked, but its leading members have lacked the character to know when to leave well enough alone.

There were four main elements in John Howard’s border protection policy: first, people who arrived illegally by boat were processed offshore, often in a third country; second, the government reserved the right to turn illegal-entry boats around, when it was safe to do so; third, even boat people found to be refugees gained temporary protection only rather than permanent residency; and fourth, close and cooperative relations with source and transit countries meant that non-refugees could sometimes be returned to their original homes.

It was pretty effective even if it wasn’t pretty. There were disturbances in detention centres. Detainees often engaged in self-harm, sometimes in front of TV cameras. Naval personnel and public servants were swept up in bitter recriminations over whether children had been thrown overboard and who knew what, when. As the SAS boarded the Tampa to prevent it from entering Australian waters and to help manage a forcible transfer of asylum seekers to a warship, many questioned what had become of civilised standards. The Labor Party should have appreciated from its own time in government that there is no nice way to deal with people who are determined to exploit Australians’ goodwill. Instead, it was vociferous in its denunciation of the former government as cruel, incompetent and racist.

As long as government policy announces to people smugglers and to their customers that “if you can get here, you can stay here”, boats will still come, people might still drown, and detention centres can still burn. Those who could pay more than a poor villager’s lifetime savings to get on a leaky boat to Australia are not bad people. The Coalition has not asserted that they are. Like generations of newcomers to Australia, they want a better life. The difference between them and other migrants is that they are coming without our permission, not with it.

People have to understand – if necessary, they must be made to understand – that the only way to gain permanent residency in Australia is to arrive legitimately in accordance with the rules. There can be no alternative if the boats are to stop. Why should they when the prize for turning up on Christmas Island is a new life in Australia and material comfort scarcely imaginable for average citizens in most of the countries of the world.

The Howard government understood this. That’s why it progressively strengthened the border protection measures, such as mandatory detention for illegal boat arrivals, which its predecessor had put in place. The Rudd/Gillard government failed to understand this – or, if it did, let moral vanity overcome judgment. That’s why it announced that the border protection measures its predecessor had so painfully put in place were being dismantled. This undoubtedly burnished the government’s credentials with the “moral middle class” but it immediately put the people smugglers back in business because they once more had a product to sell.

Since that announcement in August 2008, there have been more than 220 boats carrying more than 11,000 people demanding a new life in Australia. There are currently about 6000 illegal boat arrivals in immigration detention including about 1000 children. Asylum seekers have deliberately destroyed one boat to ensure that they were taken to Australia. They have effectively commandeered an Australian government vessel to prevent their return to Indonesia. They have rioted several times, burning down parts of the detention centre at Villawood, and also at Christmas Island which police had to retake by force.

The government has taken a long time to learn some bitter lessons: that it’s impossible to have secure borders without taking strong action against those who violate them; and that governments that are a soft touch won’t be taken seriously. These are lessons that an adult government would never have needed to be taught and that no previous Australian government has ever had to absorb. It is a policy failure akin to that of pre-World War Two Australian governments’ over-reliance on others for the country’s defence, this time unmitigated by the fact that folly was bipartisan.

People have had to pay a very high price for the government’s failures. Taxpayers have faced about \$3 billion in border protection cost blowouts. Much worse, large numbers of people have died attempting unauthorised trips to Australia. There’s the 50 who are thought to have perished when their boat hit Christmas Island last December. There’s a boat that’s almost certain to have left Indonesia late last year never to be heard of again and another that’s highly likely to have left Sri Lanka in 2009 to have met a similar fate. The government can’t be held responsible for the deaths of people in unseaworthy boats but it is responsible for putting temptation in their way. This is an extreme example of the dire consequences that can flow when governments shirk their responsibility, if all the options are bad, to choose the lesser evil.

Even now, the Gillard government still can't bring itself to acknowledge, even if only to itself, that its predecessor basically had it right. As prime minister, Kevin Rudd tried to stop the boats without reviving any key element of the Howard government's policy. As soon as she became prime minister, Julia Gillard adopted her own version of the Pacific Solution while desperately pretending that it was utterly different.

First, she said that the government would stop the boats by sending their passengers to East Timor even though the East Timorese had hardly heard of her plan let alone agreed to it. Then, she said that boat people would be sent to Manus even though no deal had actually been concluded with the PNG government (and she herself had declared in 2007 that there would be "no offshore processing in Manus Island"). Finally, also before any agreement had actually been concluded, she said that Australia's next 800 boat arrivals would be sent to Malaysia in return for Australia accepting 4000 of theirs.

The one country in our region with which the current government seems to have had no discussion at all about processing illegal boat arrivals is the one which was the key to the previous government's success. "Anywhere but Nauru" is the Prime Minister's thinking for no better reason, it seems, than Nauru was John Howard's idea first and the Coalition has been calling on her to "pick up the phone to the President of Nauru" since she first announced the always-implausible regional processing centre in East Timor.

This Prime Minister invariably claims credit for deals before they are actually done and finds it hard to be honest about what they really mean. Her insistence that Malaysia would have no say over who Australia sent there and would treat people in accordance with Australian standards rather than its own was not just implausible but insulting to our neighbour. No less than Australians, Malaysians take the view that "we will decide who comes to our country and the circumstances under which they come". Not only would we be paying all the costs of Australian illegal arrivals in Malaysia and all the costs of Malaysian illegal arrivals in Australia, we would be sending people to camps run in accordance with Malaysian standards of human rights, not Australian ones.

The Prime Minister's original justification for shunning Nauru as a site for third country processing was its failure to ratify the UN convention on refugees but Malaysia is not a signatory to the convention either. The Prime Minister is yet to explain how it can be wrong to send illegal boat arrivals to Nauru but not to send them to Malaysia especially when Australia would run a centre in Nauru in accordance with our own standards.

We could hardly expect Malaysia to maintain two regimes for illegal arrivals: a superior one for those coming via Australia and an inferior one for everyone else. The Malaysians could hardly admit that the way they currently treat people is deficient yet that is precisely what would be implied if the Gillard government's assurances of special treatment were meant to be taken seriously. In fact, claimed safeguards are no more than a sop to an increasingly restive caucus.

Under Malaysian law, immigration violations such as breaching conditions of entry are punishable by caning with a rattan. According to Amnesty International's 2010 Report, tens of thousands of illegal migrants, including asylum-seekers, have been caned. Unlike Nauru, Malaysia is not a signatory to the UN Convention against Torture or the International Covenant on Civic and Political Rights.

There is no possibility that any boat people sent to Nauru would ever be caned but no such assurance could ever be given for boat people sent to Malaysia because caning is part of the normal regime to which unlawful arrivals there are subjected. If the government is serious about not allowing boat people to be caned, it simply can't send them to Malaysia. This realisation is now dawning on the caucus: that the treatment the Gillard government is about to inflict on illegal arrivals is far less humane than that of its predecessor.

If it ever happens, the Malaysian one-for-five people swap will cost taxpayers \$300 million: that's \$90,000 for each illegal arrival we send to Malaysia and \$54,000 for each one we accept. The arrangement would only cover the first 800 arrivals into Australia and there have already been six boats carrying nearly 300 people in the four weeks since its announcement. In response to United Nations' concerns about sending unaccompanied minors to Malaysia, the government is already conceding that not all new arrivals would be sent there, seriously undermining its claims that the people smugglers would at last have no product to sell. Finally, because established people smuggling routes already pass through Malaysia, there is every chance that illegal arrivals sent there (unlike those that might go to Nauru) would boomerang back to Australia.

A further problem with the Malaysia deal is Australia's obligation, under the UN Convention Against Torture, not to send people to a country where their rights could be abused. There is every chance that illegal arrivals caught in Labor's people swap could launch court challenges against being sent to Malaysia under the government's new complementary protection laws.

The former Human Rights Commissioner Sev Ozdowski has condemned sending asylum seekers to a country that is not a signatory to the UN conventions on refugees or against torture. Along with refugee advocate Marion Le and human rights lawyer Julian Burnside, his conclusion is that offshore processing in Nauru was preferable. "With Nauru" he said, "we could put the conditions, we were responsible for their accommodation, their food; we were responsible for access to medical services and also our immigration officials were looking to find a place for them, if not Australia another country".

As well as human rights activists, the Greens and 14 Labor members of the West Australian parliament have now condemned the people swap. In the parliament next week, the Coalition will support a Greens' resolution calling on the government to abandon it. A successful resolution would not bring down the government or necessarily change the government's policy even if it were supported by some Labor MPs. It would, though, be the most powerful possible plea to the Prime Minister not to let her pride make a bad situation worse.

Stopping illegal arrivals would be an important part of restoring confidence in Australia's immigration programme. As the ANU's Katherine Betts has noted, except between 1998 and 2004 in the Howard years, polls have consistently shown that far more people think that Australia is taking too many migrants, than taking too few. From 1972 until 1996, upwards of 50 per cent thought that immigration numbers were too high. Similarly, a Morgan Poll last year found 39 per cent agreement to the proposition that immigration "should be reduced". Only 12 per cent wanted it increased.

The only extended period when Australians have been more-happy-than-not about immigration numbers was the time of the Howard government. For most of the Howard era, Betts has noted, the percentage thinking that immigration numbers were about right rose from

about one third to about two thirds. The former government boosted the skills component of the overall immigration programme from about 30 per cent to more than 60 per cent, extended the waiting period before new migrants could claim welfare, put more emphasis on Australians' unity than their diversity and, above all, largely stopped unauthorised arrivals by boat. Betts speculates that opposition to immigration declined during the Howard era because many people believed "that the major problems with immigration (had) been fixed". More people thought that the immigration programme was being run firmly in Australia's national interest.

In the aftermath of the Tampa incident, temporary visas, offshore processing, heightened cooperation with Indonesia and turning boats around denied the people smugglers a product to sell and all but stopped further arrivals. After the Tampa's passengers were detained and processed in Nauru, people smugglers and their customers got the message and boat arrivals virtually ceased. There's every reason to think that what happened before can happen again and that what was stopped before can be stopped again by making use of Nauru. In Nauru, Australia could continue to discharge our obligations to illegal arrivals without giving them any assurance that they would end up in Australia.

It's my intention to travel to Nauru this week, along with the shadow minister Scott Morrison, to establish beyond any shadow of doubt that Nauru remains ready, willing and able to take illegal arrivals from Australia. It's my intention to inspect the Australian taxpayer-funded processing centre there to assure myself that it can swiftly be made suitable to house arrivals from Australia. I'll also seek assurances from the President and the Foreign Minister of Nauru about the treatment that arrivals from Australia would receive. The Prime Minister should by now have made a similar trip to Malaysia if she really thinks that illegal arrivals from Australia ought to be sent there and can be looked after in accordance with Australian standards.

In addition to reopening the Nauru processing centre, a Coalition government would:

- Tighten the current appeals system for illegal boat arrivals processed offshore by using the UNHCR model of review by a single case officer and end taxpayer funding for further appeals.
- End Labor's no-document entry process for illegal boat arrivals. Less than one in five has documentation on arrival at Christmas Island even though this is needed to enter Malaysia or Indonesia. Using existing powers, the Coalition would ensure that destroying or discarding documentation gave rise to a presumption against refugee status.
- End the Gillard government's pressure on ASIO to set an inflexible time limit of three months to conclude security assessments on illegal boat arrivals. Completing security checks often requires liaison with foreign partners who aren't influenced by Australian deadlines. Under the Coalition, ASIO would have as much time as it needed to establish whether those seeking protection visas represent a threat to our national security.
- Provide tougher penalties against people smuggling, including mandatory prison sentences. Under the Coalition, every convicted people smuggler would spend at least a year in prison and the worst offenders and repeat offenders would face a minimum of ten years behind bars. Currently there are no minimum penalties for people smugglers convicted of non-aggravated crimes and the minimum for aggravated people smuggling is eight years.

As a way to build community support for the refugee and humanitarian component of our immigration programme, a Coalition government would enable reputable groups in Australia to sponsor refugees over and above our regular intake on a fully bonded basis. This pilot scheme, modelled on one that's operated successfully in Canada, would be introduced in the first term of a Coalition Government with a view to establishing a permanent program in a subsequent term. This private sponsorship program, if successful, would enable Australia to lift our refugee intake to 15,000 within three years.

The Coalition has a strong record of support for a non-discriminatory immigration policy. Not long after the future Labor leader Arthur Calwell defended the White Australia policy with the joke that "too wongs don't make a white", the Menzies government was extending the migrant intake to Mediterranean countries such as Lebanon and Egypt. It was Harold Holt who ended the White Australia policy, not Gough Whitlam, who notoriously regarded Vietnamese boat people as "effing Yellow Balts". It was Malcolm Fraser, not Bob Hawke, who first allowed Asian boat people to settle in Australia.

Australia has a proud history of giving shelter to those facing persecution but the obligation to refugees has to be balanced against our obligation not to become a soft touch for anyone who wants a better life. The alternative to mandatory detention is the risk that people might disappear into the community – as has clearly happened on a massive scale in Britain. The alternative to strict border protection is tacit encouragement for people to risk their lives at sea. Giving boat people what they want is not morally preferable to strict deterrence if it encourages more of them to take great risks making ocean voyages in leaky boats.

A strong border protection policy is perfectly consistent with a sizeable and inclusive immigration programme. In fact, it's probably essential if the public is to be convinced that Australia's immigration policy is run by the government rather than by people smugglers.