



Scott Morrison MP

SHADOW MINISTER FOR PRODUCTIVITY AND POPULATION
SHADOW MINISTER FOR IMMIGRATION AND CITIZENSHIP
FEDERAL MEMBER FOR COOK

KEEPING IT REGIONAL - THE COALITION'S PERSPECTIVE ON THE FUTURE OF THE BALI PROCESS

**Address to the Lowy Institute for International Policy, Sydney
Tuesday 7 August 2012**

*****CHECK AGAINST DELIVERY*****

There is clear consensus across the political spectrum that regional cooperation is an essential component of any package to combat people smuggling. The Coalition has understood and practiced this for decades.

Some argue it is the only component. For all the talk about regional cooperation, there has been insufficient attention on the nature, role and focus of this cooperation.

Today I wish to set out the focus a Coalition Government will bring to our regional cooperation to combat people smuggling and stop the boats, in particular through the Bali Process.

I note the objective of stopping the boats, because despite years of parodying the Coalition, the Government claims to now agree with this objective.

For years we warned that abolishing the polices that worked and allowing boats to come in the manner they have under Labor would lead to people dying on boats, the denial of protection visas to people waiting offshore in desperate circumstances and cost blowouts for the Australian taxpayer.

Cost, chaos and tragedy is the record of the Rudd and Gillard Governments on border protection.

First they denied there was a problem, now they continue to deny they are the cause of it. However, they were not alone then and they are not alone now.

The same voices that cheered Labor on as they demonised the Howard Government's policies and urged Labor to abolish them, are back offering the same advice, oblivious to their own culpability for the disastrous and deadly consequences proven to flow from their approach.

The Coalition believes we need to return to the policies and approach that worked.

By the end of 2001 the Coalition had introduced offshore processing at Nauru, temporary protection visas and initiated the policy to turn back boats where it was safe to do so. By 2002, the people smuggling trade was broken.

In the previous three years 12,176 people had arrived on 180 boats. In the six years after these measures were introduced 272 people turned up on 16 boats - a 99% reduction in boat arrivals.

Since Labor abolished these proven measures almost 22,000 people have turned up on more than 375 boats. So far in 2012 more than a thousand people have arrived on average every month, setting a new record for arrivals by month and year. This is twice the number of arrivals estimated in the Government's budget, that has cumulatively blown out over the forward estimates by \$4.7 billion during the past three yearsⁱ.

Despite the success of the Coalition's policies, we recognise that this approach is not supported by the Government, the Greens, the Independents, many media commentators and perhaps not even the so called 'expert panel', led by Angus Houston, contracted by the Prime Minister to do her job.

We seek the support of the Australian people for our approach and we remain convinced of two things. First, the Coalition's policies worked to stop the boats and can work again. Stopping the boats is not just our policy, it is our record. Secondly, the Australian people want to see these policies restored and are sick of Labor's excuses for not doing so.

I would welcome the Government taking up these policies or the expert panel recommending they be restored. However, it is increasingly clear that the only way the Coalition's policies will be restored will be as the result of an election. One recommendation that would make a difference to stop the boats would be if the Houston panel were to recommend an election.

To restore order and integrity to our refugee and humanitarian programme you must eradicate the pull factors of Labor's intoxicating policies for asylum seekers that have brought them here in record numbers, making people smugglers like Captain Emad and others rich in the process. You must focus on deterrence.

This cannot be limited to domestic policy. It must be the central feature of our regional cooperation as well.

Foreign Minister Downer recognised this when he set up the Bali Process with Indonesia in 2002ⁱⁱ. The Bali Process provided the platform for regional co-operation and enlisted our most important partner, Indonesia, in this task as co-chair.

Indonesia's cooperation, along with other countries in the region, is not surprising as they are also significantly impacted by people smuggling. This has especially been the case under Labor's failed policies that have reinvigorated the people smuggling trade, creating a huge pipeline of people travelling through Indonesia to get to Australia, and draining their

national resources.

While the Bali Process continues, in recent years the Coalition has become concerned that under Labor's approach, it risks losing focus.

The Prime Minister's announcement, just over two years ago in this very room, of her now failed proposal for a regional processing centre in East Timorⁱⁱⁱ was not only one of the most embarrassing foreign policy failures of this or arguably any other Australian Government, it marked the start of a new move to focus regional attention on processing asylum seekers coming into the region, rather than deterring their arrival in the first place.

This approach fails to acknowledge the key challenge of secondary movement of asylum seekers, that impacts transit and destination countries in our region alike.

When first established in 2002, the Bali Process committed itself to focus on combating people smuggling through increased information and intelligence sharing, improving cooperation between law enforcement agencies to enhance deterrence, enhancing cooperation on border and visas systems to detect and prevent illegal movement, deter would be clients of people smugglers by warning of the dangers and increasing the opportunities for returns and working together to better verify the identity of illegal immigrants. This was the agenda summarised in the Co Chairs statement of the first Ministerial Conference in February 2002^{iv}.

In July 2009, the Co-Chairs statement reflected a similar agenda and included^v:

- the need to intensify coordinated patrols to monitor movement of people by sea
- the need to strengthen border controls, identifying fraudulent documents and identity theft and computer based training for law enforcement and immigration officers
- the need to expedite safe returns, repatriation and reintegration support for illegal migrants and
- strengthening cooperation on law enforcement, intelligence exchange and mutual legal assistance issues.

At more recent meetings the language has begun to change. The UNHCR language of burden sharing, durable solutions, access to processing and harmonisation of processing are now common place in the various communiqués and summaries of discussion held by Ministers and officials alike. This language is especially prominent in the co-chairs statement of March 2011^{vi} in the Regional Cooperation Framework and has been strongly talked up by Labor as a major achievement^{vii}.

While the language continues to make reference to eliminating people smuggling and continued cooperation on border security and law enforcement^{viii}, the bigger agenda seems to be to turn the Bali Process into a mini UNHCR in the region.

While the proponents of the new Regional Cooperation Framework warn of the need to avoid creating pull factors^{ix}, in directing the focus away from deterrence this is exactly what they risk, especially while the smuggling trade is so rampant.

The great value of the Bali Process is that it brings together source, transit and destination countries, refugee Convention signatories and non signatories alike, from our region and beyond in the only serious non-UNHCR forum to deal with people smuggling issues.

The forum is also non-binding^x. Members do not attract protection obligations through their participation. Australians could be forgiven for thinking differently after Rob Oakeshott nominated participation in the Bali Process as a proxy for the binding human rights protections he asked the Parliament to abolish to legalise Labor's abominable Malaysian people swap.

There is no regional protection framework in the Regional Cooperation Framework. Imposition of any protection obligations through membership of the Bali Process would clear the room in a heart beat. This is not the purpose of the Bali Process, nor should it be the expectation.

Instead, members voluntarily get together and work on projects of mutual interest to strengthen the region's immunity to people smuggling.

Fortunately, the aspirational and potentially conflicting agenda being run by Labor is not gaining much practical purchase from other Process members. Their response is polite, but an examination of the Bali Process work programme reveals an agenda still thankfully focussed on the original objectives of border security and deterrence.

The formation of a new Regional Support Office (RSO)^{xi} is a welcome initiative and is focused on getting work done rather than setting up another multi-lateral bureaucracy. If it ever develops these tendencies a Coalition Government would withdraw support immediately.

Projects include securing better arrangements to enable failed asylum seekers to be returned and greater cooperation on bio-metric identification and information sharing to combat identity fraud.

Technical expert groups continue their work on immigration intelligence analysis, better understanding the movements into and within the region and examining inter-jurisdictional legal issues. As a result of the Bali Process, people smuggling is now a crime in both Indonesia and Malaysia.

Training initiatives to improve the skills of border and immigration officers throughout the region and co-operation between law enforcement authorities are also prominent through the involvement of senior officers. While much of the operational elements of the law enforcement activities occur outside the forums of the Bali Process, the participation of the partners in those operations is a function of their involvement in the Bali Process.

The common denominator to all of this work is recognition that the key problem faced by the region on people smuggling is imported – it is one of secondary movement, principally from central Asia.

Asylum seekers are making their way to our region in search of resettlement, predominantly in Australia. These movements put significant strain on transit countries, especially Indonesia.

The vast majority of this movement is coordinated by criminal organisations who have built a sophisticated network and presence in origin, transit and destination countries – as Captain Emad can verify. Their business is based on being able to move people between countries by confounding immigration controls through either fraud, sympathetic visa conditions, weak border patrols, lack of enforcement or corruption of officials.

The most significant driver is that people smugglers deliver on what they promise – permanent residency in Australia, and there are tens of thousands of satisfied customers who are happy to recommend their services to others, rather than shut them down by cooperating with police in the country that has provided them safe haven.

For the Coalition, biometric identification in transit countries is a critically important project.

The ability to match biometric data captured upon entry to the region allows authorities to start breaking down the false identity shield that is used to take advantage of destination country resettlement programmes and Convention obligations, especially by those who discard their documents.

However, capturing biometric data is only useful if the information is shared with destination countries. Commendably, biometric identification was introduced in Malaysia last year, yet I have been advised by officials that the Australian Government still does not have access to this data.

We can land an illegal deal with Malaysia to swap people, but not information.

Widespread implementation of biometrics, sharing of data, training of border officials, introduction of document fraud technology to key gateways will all make it harder to get into our region. If you can stop the planes, you can stop the boats.

The Bali Process is also doing work on protocols regarding irregular maritime movements. Greater cooperation on maritime patrols and ensuring repatriation to embarkation countries, especially in search and rescue situations, will undermine another tactic used by smugglers that has turned our Navy into a water taxi service.

The Coalition believes that a worthy project for the Bali Process is to examine the maritime capabilities of border patrols in the region, the assets available, the training and availability of crews and the facilities for providing immediate shelter to those returned. This does not just mean the large assets, but smaller vessels patrolling coastlines within member country territorial waters, and the frequency of those patrols and interception capabilities.

Examples of regional cooperation on maritime patrols already exist in the Malacca Strait on counter piracy. This may provide a model for other regional maritime patrols on people smuggling, under a joint command of Bali Process members.

Reference has been made recently to suggest that the Bali Process should be tasked to recreate the regional arrangements set up more than twenty years ago to address the regional Indochinese refugee crisis.

The last time I addressed the Lowy Institute I went into some detail about the differences between those events and today, that need to be taken into account when considering how this exercise could be repeated.

Apart from the fact that more people have turned up in Australia on boats in the last six weeks than in the thirteen years of the Indochinese crisis, the fundamental difference is that the Indochinese crisis was a home grown regional problem.

Today's asylum seekers are secondary movers from Central Asia engaged in what the UNHCR refers to as "forum shopping"^{xii} – their phrase not mine.

Asylum seekers have moved beyond the country of first asylum and, certainly when heading to Australia on boats, are no longer directly fleeing the place of alleged persecution.

While elements of the CPA programme have great merit such as offshore processing, orderly returns and departures, return country monitoring by UN observers, temporary increases in resettlement intakes of participant countries, many of these arrangements for our region would have to be tied to an existing arrangement for Central Asia fashioned by the UNHCR, which is where the asylum seekers are coming from. There is no such arrangement in Central Asia, but I still believe there should be, and that is a matter for the UNHCR.

The Coalition recognises that when it comes to regional cooperation, Australia needs to focus our efforts on the things we can influence and deliver.

We will spend our time on regional priorities rather than global aspirations. The Coalition believes that Labor's focus on processing and resettlement over deterrence and border security will create a regional asylum magnet that will only further encourage secondary movement and undermine the integrity of existing regional resettlement programs, of which Australia is the primary participant.

That is why a Coalition Government will restore Australia's focus in the Bali Process on deterrence policies, which remain the overwhelming focus of other participant countries, and in particular our co-chair Indonesia.

Our region can and must work cooperatively to deal with local refugee challenges, such as the Burmese. However, firstly we must minimise the risk of importing the problems of other regions, as has become the case under Labor's failed border policies. This will create much

needed space for cooperation to achieve more for those refugees generated from within our region, to whom we owe the greater duty of care.

The Coalition takes our responsibility to refugees within our theatre of responsibility very seriously. In Government we took some 8,000 Burmese refugees out of the Thai border camps^{xiii}. We have already underscored our commitment to ensuring our refugee and humanitarian programme is not compromised by people arriving on illegal boats by guaranteeing that at least 11,000 of the 13,750 permanent protection visas provided by a Coalition Government will be to offshore applicants, including 1,000 places for women at risk^{xiv}. I hope it will be more.

Under Labor's failed policies the annual number of protection visas for offshore applicants has fallen from more than 11,000^{xv} to just 6,718 in 2011/12^{xvi}. Just over 8,100 offshore applicants have been denied protection visas during the past three years, compared to grant rates of the Howard Government^{xvii}. This is a humanitarian disgrace.

This will not occur under a Coalition Government, because the programmes will be de-linked by separating the temporary and permanent protection visa allocations. Rather than increase the quota of permanent visas, these will be held constant at 13,750 and any temporary visas issued will be in addition to permanent visas, as occurs with many other permanent visa classes.

Those on temporary visas will have their status reviewed on completion of their term, and returned home where necessary. Otherwise they will queue for any potential permanent visas. However, I stress there will be no guarantee of a permanent visa for those who arrive illegally – whether by boat or plane.

In addition, a Coalition Government will rebalance our annual refugee and humanitarian intake to source 50% of the programme from within our region, in particular South East Asia, with a focus on nationalities from within the region. This figure was 34.7% in 2010/11^{xviii}.

This is consistent with the Coalition's 'Jakarta not Geneva' focus, where we believe our interests are global but our priorities are regional.

Given our commitment to separate the temporary and permanent visa programmes this will provide ample scope within the programme to also meet other offshore application priorities, such as the Copts from Egypt, and rectify the situation where too many offshore applicants are squeezed out by those arriving on boats.

By committing to take a larger component of our intake of refugees from within our own region, we will underscore our credibility in working as a partner to address our collective home grown problems and hopefully improve conditions for those who have been living for generations in camps, fleeing persecution directly from within our region, just as occurred with the Indochinese many years ago.

Australia and South East Asia are not responsible for the world's refugee problems. We will do our bit as we always have, especially in our part of the world. But we must resist the aspirational temptation to become the solution for somewhere else. Such an approach will not solve those problems in other places, but it will undermine our own capacity to deal with those from source countries in our own region, who need our help.

A Coalition Government will keep the Bali Process truly regional, ensuring it continues to play a central role, along with our other clear and proven policies.

Regional cooperation will not be enough though. It is part of the solution, but it is not the solution.

You must have a set of proven domestic deterrence policies that remove the sugar from the table.

Rather than swallowing their pride, Labor and their cheer squad have been obsessed with trashing the Coalition's policies in a bid to justify their decision to abolish every remaining brick in the wall of border protection built by the Howard Government.

The Coalition's policy prescription is straightforward and well known and we stand by it. Labor can break their self imposed and fabricated deadlock by acting today to commence the process of reopening offshore processing facilities at Nauru.

Equally they can restore temporary protection visas for all offshore entry persons found to be refugees.

They can issue new instructions to Northern Command to commence to turn back boats where it is safe to do so. And they can use existing law to remove the benefit of the doubt on a person's identity where there is a reasonable belief that a person has deliberately discarded their documentation

Labor's decision to cling to the failure of the Malaysian people swap and continue to choose the path of the Greens, that has rapidly escalated arrivals in the past seven months, is not the answer. Labor have a choice between the proven policies of the Coalition or continuing to choose those of the Greens.

Just so there is no confusion, the Coalition will not support any changes to the Migration Act that remove legally binding protections for people processed offshore in order to legalise Labor's abominable Malaysian people swap deal.

It is a flawed deal, as the fixed cap of 800 places can be readily overwhelmed by cashed up people smugglers. More than 800 people turned up in the past two weeks and almost 10,500 since it was announced. There is no plan for the 801st arrival.

It is a bad deal, as the Australian taxpayer accepts five for every single person transferred to Malaysia and carries the cost for all.

It is a cruel deal, because people will be dumped offshore without binding legal protections in a country where, despite their best intentions, the risk of being abused is real.

It is a dangerous deal, as it will not apply to all arrivals and will likely see women and children targeted by people smugglers to fill their boats.

Most significantly it is an unnecessary deal, as only this arrangement requires the abolishing all binding human rights protections for offshore processing. This is not a requirement for Nauru, temporary protection visas or turning boats back where it is safe to do so.

The Government claims that the Coalition's policies are less humane, unworkable and costly. These are just more excuses.

People have chosen to place themselves in Indonesia, and they are being returned there. In cases of Safety of Life at Sea, the argument for return to Indonesia is even stronger.

"Guidelines on the Treatment of Persons Rescued at Sea"^{xix} published by the International Maritime Organisation state – 'the government responsible for the SAR region in which survivors were recovered is responsible for providing a place of safety or ensuring that such a place of safety is provided' (para. 2.5). This is supported by amendments to the SOLAS and SAR Conventions.

It is true that Indonesia has not signed the Refugee Convention, that is why we have not proposed offshore processing in Indonesia. Turning back boats to Indonesia is not offshore processing. It is part of the interception process as recognised by the UN themselves^{xx}. However, there are some important differences between Indonesia and Malaysia.

Indonesia is a signatory to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment^{xxi}, which includes a commitment to educate against torture, including in training of police, defence forces and other public officials, a commitment to allow reporting of torture and prompt investigation and an enforceable right to fair and adequate compensation to victims.

Indonesia is a signatory to the Convention on Civil and Political Rights^{xxii} including that no one shall be required to perform forced or compulsory labour, protection against arbitrary arrest or detention and protection against arbitrary expulsion, if lawfully within a country, with opportunity for review of a decision.

Indonesia has signed up to Article 28 of the Convention on the Rights of the Child^{xxiii} to make primary education compulsory and available free to all and Article 37 that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment; shall be deprived of his or her liberty unlawfully or arbitrarily and that every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so.

Indonesia has also signed up to the Covenant on Economic, Social and Cultural Rights^{xxiv}, and the Protocol against Smuggling of Migrants by Land, Sea and Air^{xxv}.

In making these references I make no judgement about Malaysia. It is our Government I have a problem with and our Government that wishes to enforce their abominable people swap on the Australian Parliament.

The suggestion that the boats cannot be turned back where it is safe to do so, is just another excuse.

If Labor do not wish to implement this policy through their own lack of resolve, that is their choice, but don't blame the Navy.

The Coalition is confident in the capacity of our Navy to do the job, consistent with the chain of command which is designed to manage the risks. Our Navy has an annual budget of \$4.4 billion^{xxvi} and more than 14,000 serving personnel^{xxvii}. In the Gulf, our Navy has engaged in more than 1,000 interceptions in potentially extreme hostile situations through Operations Catalyst and Slipper. Our Armidale class vessels are also superior to those that successfully performed these tasks on the last occasion as part of Operation Relex, and we now have the benefit of that experience.

There is also the fact that last year the US Coast Guard turned around 2,419 people at sea^{xxviii} and have been doing this job for over twenty years. The Sri Lankan High Commissioner has also been very direct in recent times at the practicality of this policy option.

The Coalition's temporary protection visas policy will also be critical. The policy denies permanent residence and most significantly, it denies access to the family reunion programme. Government suggestions that the policy encourages children to get on boats, fail to acknowledge that the policy, combined with the other measures, stopped the boats. There are no children on boats if the boats are not coming, that was our record.

Since Labor abolished temporary protection visas in August 2008, 3,336 children have turned up on illegal boats^{xxix} and the number of children in the detention network has eclipsed more than 1,000 during that time^{xxx}.

Finally, Nauru represents the only achievable and legal offshore processing option available to the Government. It is not an answer in isolation, and the Coalition has never claimed it to be so. It is part of a package of measures that worked to stop the boats.

Unlike in Australia, appeals on refugee assessment in Nauru will only be available to a second case officer after which time the person may choose to return to their home country, with repatriation assistance, if their assessment is unsuccessful. Around 30% of those processed as part of the Pacific Solution last time went home^{xxxi}. Under Labor's policies, this figure is less than 2% for their Australia solution^{xxxii}.

On Nauru we will know where people are every hour of every day. It is an open processing centre where people are visaed to be there. It is not a detention centre, there is no razor wire and there never was. Children will go to real schools, with a real curriculum and real

teachers. They will also have direct access to medical staff, including for mental health and hospital treatment, which unlike Christmas Island, also has maternity facilities. In Malaysia more than 90,000 asylum seekers and refugees^{xxxiii} share one UNHCR funded clinic. I know this because I have been to each of these places and seen all of these facilities first hand.

Nauru can have the first rooms reopened within three months and we estimate it will cost less than \$100 million to develop, with a capacity for 1350 people and 200 staff^{xxxiv}. More can be added if needed. This is less than a third of what the Government's ridiculous costings suggest for a facility that caters for 750 people. The Government also claims, without substantiation, that per bed costings to operate the facility on Nauru will be five times more expensive than running remote facilities on Christmas Island. These costings were clearly designed to nothing more than discredit Nauru and provide another excuse by Labor to do nothing.

The Coalition's costings were undertaken by DeltaFM, a private sector building and project management company that forms part of the Compass Group that has extensive experience in developing and operating remote mining camps both here and overseas. The people preparing these costings were directly involved in running of the Nauru facility through ESS contractors last time, and had eight years of experience on the Island. The Government's costings were done by officials who by their own admission had never costed an offshore processing centre before and had never previously been to Nauru.

The Coalition believes that Nauru can be re-opened under current law. Nauru is a signatory to the Refugee Convention and will have the domestic legal protections and practical arrangements in place on the ground to ensure people sent there have binding and achievable protections. However, if the Government wishes to put the issue beyond legal doubt they can simply support the Coalition's Bill - the Migration Legislation Amendment (Offshore Processing, Protection and other measures) Bill 2012 – that I placed on the notice paper during the last parliamentary session and can be debated and passed on our return to Parliament as a matter of priority.

The Coalition's Bill enables offshore processing in 148 countries that have signed the UN Refugee Convention. This was the very position Prime Minister Gillard took to the last election and held when she stood in this room just over two years ago.

On that occasion the Prime Minister also pledged to smash the people smuggler's business model by opening a regional processing centre in East Timor. Since then nothing has changed, other than 15,000 more people turning up on over 230 boats. Julia Gillard is still Prime Minister, the people smugglers business model is continuing to thrive and there is still no offshore processing at East Timor, Nauru or anywhere else.

The Coalition have held a consistent policy on these issues for a decade. Regional cooperation is a critical part of this approach in the form I have outlined today. Combined with our domestic policies the Coalition's policies have been proven to stop the boats.

The Government's border crisis and alleged deadlock is of their own making. It is the result of the failure of Government policy, not Coalition policy.

The Government's continued rejection of the Coalition's policies have exacted a heavy price – in both human and financial terms. However, Labor has also paid a heavy price. Labor have lost the confidence of the Australian people to protect our borders and lost the ability to represent any form of credible threat to the people smugglers. Every time the smugglers have leaned against this Government, Labor have yielded. As a consequence they have become their own pull factor. Yes, we need to change the policies, but to be sure, we also need to change the Government – we need an election solution.

Ends

ⁱ DIAC Portfolio Budget and Additional Estimates 2009-10, 2010-11, 2011-12, 2012-13, Outcome 4.3,4.5, 4.6

ⁱⁱ Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime Co-Chairs' Statement 26-28 February 2002
<<http://www.baliprocess.net/files/ConferenceDocumentation/BRMC1.pdf>>

ⁱⁱⁱ Prime Minister Gillard 2010 *Speech to the Lowy Institute on Labor's new asylum-seeker policy for Australia in The Australian*, 6 July 2010
<<http://www.theaustralian.com.au/politics/julia-gillards-speech-to-the-lowy-institute-on-labors-new-asylum-seeker-policy-for-australia/story-e6frgczf-1225888445622>>

^{iv} Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime Co-Chairs' Statement 26-28 February 2002
<<http://www.baliprocess.net/files/ConferenceDocumentation/BRMC1.pdf>>

^v First Meeting of the Bali Process Ad Hoc Group Senior Officials Co-Chairs' Statement, Bali Indonesia 27-29 July 2009
<<http://www.baliprocess.net/index.asp?pageID=2145892444>>

^{vi} Fourth Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime Co-Chairs' Statement 29-30 March 2011
<<http://www.baliprocess.net/index.asp?pageID=2145892441>>

^{vii} Ministers for Immigration and Citizenship & Foreign Affairs and Trade 2011 *Bali Process Ministers endorse regional framework for tackling people smuggling*, 31 March 2011
<<http://www.minister.immi.gov.au/media/cb/2011/cb163719.htm>>

^{viii} Presentation by Jean-Noel Wetterwald, UNHCR Regional Representative and Regional Coordinator for South East Asia *Operationalisation of the Regional Cooperation Framework – Bali Process on People Smuggling and Trafficking in Persons and Related Transnational Crime* to the Ad Hoc Group Meeting 11-12 October 2011, Sydney Australia
<<http://www.baliprocess.net/index.asp?pageID=2145831461>>

^{ix} DIAC 2011 Power point Presentation 'Possible Practical Arrangements (cont.)' – Slide 6 *Regional Cooperation Framework Presentation Australia - Proposed Regional Cooperation Framework: To be taken forward through the Bali Process on People Smuggling, Trafficking in Persons and related Transnational Crime*,
<<http://www.baliprocess.net/index.asp?pageID=2145831461>>

^x Bali Process.net *Regional Co-operation Framework*
<<http://www.baliprocess.net/index.asp?pageID=2145895810>>

^{xi} Sixth Meeting of Bali Process Ad Hoc group Senior Officials 1 June 2012 *Co-Chairs' Statement* Bali, Indonesia, pg. 1
<<http://www.baliprocess.net/index.asp?pageID=2145831400>>

^{xii} United Nations High Commissioner for Refugees 2011 *Regional Cooperative Approach to address Refugees, Asylum-Seekers and Irregular Movement – UNHCR Discussion Paper*, pg.5
<<http://www.unhcr.org/refworld/type,RESEARCH,,,4e92d7c32,0.html>>

^{xiii} DIAC Historic data – Humanitarian Program visa grants by category and country of origin from DIAC's Annual Report and Humanitarian Program Outcome Reports, 2003-04 to 2011-12

^{xiv} *Coalition Joint Media Release – Migration and women at risk*, 8 March 2012
<<http://www.scottmorrison.com.au/info/pressrelease.aspx?id=836>>

^{xv} DIAC Historic Data – Refugee and Humanitarian Programme Offshore and onshore visa grants – Annual Reports 2003-04 - 2011-12

^{xvi} Minister for Immigration and Citizenship 2012 *Delivering on our Humanitarian Commitment* 19 July 2012
<<http://www.chrisbowen.net/media-centre/media-releases.do?newsId=6142>>

^{xvii} DIAC Historic Data – Refugee and Humanitarian Programme Offshore and onshore visa grants – Annual Reports 2003-04 to 2011-12

DIAC *Asylum Statistics – Australia; Quarterly Tables March Quarter 2012*
<<http://www.immi.gov.au/media/publications/statistics/asylum/ files/asylum-stats-march-quarter-2012.pdf>>

DIAC Program Year Humanitarian Program grants *Australia's Refugee and Humanitarian Program*
<<http://www.immi.gov.au/media/fact-sheets/60refugee.htm>>

DIAC *2010-11 Humanitarian Program Outcomes*
<<http://www.immi.gov.au/media/statistics/pdf/humanitarian-program-outcomes-2010-11.pdf>>

^{xviii} DIAC 'Offshore Humanitarian Program' – *Annual Report 2010-11*
<<http://www.immi.gov.au/about/reports/annual/2010-11/html/outcome-2/offshore-humanitarian-program.htm>>

^{xix} Resolution MSC.167(78) (adopted in May 2004 by the Maritime Safety Committee together with the SAR and SOLAS amendments) *Guidelines on the Treatment of Persons Rescued at Sea* pg.4
<<http://www.unhcr.org/refworld/publisher,IMO,,,432acb464,0.html>>

^{xx} Executive Committee ("ExCom") Conclusion No 97, *supra* note 25 UNHCR cited in Miltner, B. 2006 *Irregular Maritime Migration: Refugee Protection Issues in Rescue and Interception* Fordham International Law Journal 2006 Volume 30, Issue 1, Article 3

^{xxi} United Nations *Treaty Series*, vol 1465 Chapter IV Human Rights 9. *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, New York 10 December 1984 – Indonesia signature 23 Oct 1985, ratification 28 Oct 1998 pg.2
<http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-9&chapter=4&lang=en>

^{xxii} United Nations *Treaty Series* vol 999. Chapter IV Human Rights 4. *International Covenant on Civil and Political Rights* New York 16 December 1966, Indonesia ratification 23 Feb 2006a pg 2
<http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-4&chapter=4&lang=en>

^{xxiii} United Nations *Treaty Series*, vol 1577, Chapter IV Human Rights 11. *Convention on the Rights of the Child*, New York 20 November 1989, Indonesia signature 26 Jan 1990, Ratification 5 Sept 1990, pg 2
<http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-11&chapter=4&lang=en>

^{xxiv} United Nations *Treaty Series* vol. 993 Chapter IV Human Rights 3. *International Covenant on Economic, Social and Cultural Rights*, New York 16 December 1966, Indonesia 23 Feb 2006 a
<http://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&lang=en&mtmsg_no=IV-3&src=TREATY>

^{xxv} United Nations *Treaty Series* vol. 2241 Chapter XVIII Penal Matters 12 b) *Protocol against the Smuggling of Migrants by Land, Sea and Air*, supplementing the United Nations Convention Against Transnational Organised Crime, New York 15 November 2000, Indonesia signature 12 Dec 2000, Ratification 28 Sep 2009, pg. 2
<http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-12-b&chapter=18&lang=en>

^{xxvi} Portfolio Budget Statement 2012-13 Defence Portfolio *Table 25: Cost Summary for Program 2.1 Navy Capabilities* pg.46
<http://www.defence.gov.au/budget/12-13/pbs/2012-2013_Defence_PBS_complete.pdf>

^{xxvii} Defence Portfolio Budget Statements 2012-13 *Agency Resources and Planned Performance – Workforce Summary* pg. 35; *Table 21: Breakdown of Personnel Numbers by Service and Rank* pg.37
<http://www.defence.gov.au/budget/12-13/pbs/2012-2013_Defence_PBS_03_department.pdf>

^{xxviii} United States Coast Guard 2012 *U.S. Coast Guard Maritime Migrant Interdictions*, last accessed 12 July 2012
<<http://www.uscg.mil/hq/cg5/cg531/AMIO/FlowStats/currentstats.asp>>

^{xxix} Budget Estimates Hearing, 21-22 May 2012, BE12/0364

^{xxx} DIAC, *Immigration Detention Statistics Report 11-03-11*, Answers to Questions on Notice, Joint Select Committee on Australia's Immigration Detention Network, Q2, received 10 August 2011

^{xxxi} Senator Evans, Minister for Immigration and Citizenship 2008 *Press Release: Last refugees leave Nauru*, 8 February 2008
<<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query%3DId%3A%22media%2Fpressrel%2FYUNP6%22>>

^{xxxii} Supplementary Budget Estimates Hearing, 17 October 2011, QoN SE11/0243

^{xxxiii} UNHCR 2011 'Malaysia – Working Environment' in *UNHCR Global Appeal 2011 Update*
< <http://www.unhcr.org/4cd96fc59.pdf>>

UNHCR 2012 *UNHCR country operations profile – Malaysia*
<<http://www.unhcr.org/pages/49e4884c6.html>>

^{xxxiv} Morrison, S. 2012 *New Commercial Costings for Nauru expose absurdity of Labor's \$2 billion claims*, 4 February 2012 <<http://www.scottmorrison.com.au/info/pressrelease.aspx?id=817>>