



SPEECH

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**SPEECH TO THE SYDNEY INSTITUTE – OFFSHORE PROCESSING: THE WAY
FORWARD**

SYDNEY

THURSDAY, 3 DECEMBER 2015

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

It is a pleasure to be back here speaking at the Sydney Institute. For 26 years the Sydney Institute has been a centre for reasoned debate about Australian public policy and there is no area where this is needed more than the debate surrounding asylum seekers and Australian immigration.

Because in recent years this debate has been toxic and its impact on modern multicultural Australia has been damaging.

It has been this way for almost 15 years – since 2001 – when John Howard used the Tampa affair to stir a hornet's nest of xenophobia, fear and mistrust in the community.

And in the process, of harnessing and exploiting the sentiment of a shell shocked public in the aftermath of the September 11 terrorist attacks, a wily Prime Minister wrong footed Labor and set all of us on a course that until quite recently has required grappling with ugly politics amid an already complex policy debate.

Immigration should be a bipartisan issue. The handling of asylum seekers should be a bipartisan issue. But once one Party allowed the partisan genie out of the bottle, and a genie at that which appealed to the darkest angels of our nature, it has been very difficult to put it back again.

Changing the nature of this debate has been my mission statement from the time I became the Shadow Minister for Immigration.

To do this, it has been Labor's belief that immigration policy cannot be determined by reference to achieving political outcomes but rather by the values which are common to us as Australians. We need to be wary of policy positions which lend themselves to an election billboard and embrace policy positions which help save lives and give expression to a generous Australian contribution to the world's humanitarian need.

So over the last two years Labor has sought to develop policy based on the values of generosity, fairness and compassion. We have measured every step we have taken by asking the question as to whether that step will reduce the sum of global human misery.

Accordingly, at the ALP National Conference earlier this year, the party engaged in an open and frank discussion about what policy settings we would adopt in the next Labor Government.

The focus of much of the media attention at our National Conference was on the issue of whether a Labor Government would turn back asylum seeker vessels if safe to do so. Importantly, it was resolved to allow a future Labor Government the option of using so-called "turn backs" as part of a broader arsenal of tools to deter vessels from making the perilous journey from Java to Christmas Island.

We could have opted to dodge the subject, kicking it down the road and avoiding the difficult conversation and process that followed.

However, that would have been more than just an act of political convenience – it would have been act of policy recklessness that would have been projected into the murky underground world of people smugglers as a glimmer of hope that they could revive their trade in human misery under a future Labor Government.

That someone in Jakarta – a former people smuggler now driving a taxi because he is out of business – is monitoring Australian domestic politics waiting for a sign that he can start marketing the deadly journey to desperate people is sadly not a myth.

And it shows the details in this policy area are very much issues of life and death.

They are facts that cannot be ignored in setting policies in this area.

Putting people smugglers out of business is what drove Labor in 2013 to heed the advice of the Expert Panel on Asylum Seekers and put in place the Regional Resettlement Arrangement with PNG and Nauru. This has actually been the most important decision of any Australian Government in bringing an end to the journey from Java to Christmas Island.

It was a decision that created a circuit breaker by removing any reason for people to embark on unseaworthy vessels and pursue the dangerous and, all too often, deadly journey that saw some 1200 men, women and children die on our border.

The fact we have seen no drownings at sea since 2013 is without a doubt a remarkable accomplishment.

In the face of our difficult decision at National Conference there were people who were fierce in their criticism.

Some people responded to our policy decisions by saying that they didn't accept the "drownings argument". I find this utterly abhorrent. What we saw play out on our borders over the last few years was not an argument. It happened. 1200 people lost their lives and this can't be ignored just because it doesn't fit comfortably with a particular argument.

Other people responded by saying we have simply pushed our problems elsewhere and that asylum seekers are drowning on someone else's watch. This is completely incorrect. Our intelligence agencies and public servants have good visibility on this. And there is no evidence that this has occurred at all. To the contrary, the evidence is that lives have been saved.

In parroting these lines – people are actually refusing to acknowledge that we no longer have our customs and navy personnel facing the morbid task of pulling bodies from the sea.

In truth there is nothing compassionate about people dying at sea and this was a human tragedy that all of us had to bring to an end.

This debate was tough for Labor but it was a defining moment for Bill Shorten as leader of a modern Labor party.

At the time of dealing with the issue of stopping the journey from Java to Christmas Island, National Conference was meeting at a moment in history when the world has been experiencing its greatest humanitarian need since the Second World War.

If compassion and generosity were to be our guide then this also demanded that we propose Australia play a larger role in global humanitarian affairs than we ever have before.

And so we announced that under Labor, Australia's humanitarian intake would increase to 27,000 places with a portion of that figure dedicated to resettling refugees from our region.

We said that a future Labor Government would play a leadership role in building a regional humanitarian framework in South East Asia to improve the situation of asylum seekers. This would see us supporting the UNHCR in providing health and education services to asylum seekers. It would see us advocating for work rights for asylum seekers, similar to what would have been achieved under the Malaysia Agreement in 2011.

We also promised a dramatic increase in our funding to the UNHCR of \$450 million over four years taking Australia to a position where we would be one of the top five global contributors to this agency's vital work.

Together this represents the largest offering of any potential Australian Government to the world's humanitarian affairs. It is an emphatic statement that under Labor Australia would take its place among those nations in the World which are at the forefront of providing humanitarian assistance. And it stands in stark contrast to a Conservative Government which by and large has seen the ending of the journey from Java to Christmas Island not as an act of compassion but rather as the central piece of an architecture which is about Australia turning its back on the world.

As positive as National Conference was for Federal Labor in establishing a soundly values based position on asylum seeker and immigration policy, the experience of developing it over the last two years has highlighted for me just how much large parts of this debate are irrational and uninformed.

I can't point to any other policy area that is so mired in emotion, misinformation and hysteria. And one where inconvenient facts are cast aside in pursuit of rallying catch cries and platitudes.

Both the Liberal Government and Greens Party have been the victors in this arena.

The Greens Party has frequently and recklessly perpetuated the notion that detention centres are hotbeds of violence, located in nations that are lawless and whose populations are complicit in it.

And the Liberal Government, while Scott Morrison was Minister turned political chest beating into an art form: a hero of the Daily Telegraph and conqueror of hard line policy that was at the heart of the conservative Abbott Government.

In fact there was so much zeal within the Government for its "stop the boats policy" that Mr Abbott routinely took to the world stage to offer up his policy as some kind of global panacea.

The battle for a reasoned debate is still to be won.

Having hopefully seen an end to the journey from Java to Christmas Island and having articulated a much greater humanitarian role for Australia within the world, the biggest legacy issue about which all of us should now be concerned is how we are treating the people who have already made the journey and are living in Australian funded facilities.

There are real concerns about the pace at which the 30,000 asylum seekers in Australia are being processed. Labor maintains our opposition to Temporary Protection Visas and the fast-track Immigration Assessment Authority which deny those seeking Australia's protection from accessing a robust refugee determination

process. But quite apart from the manner in which people are being assessed, the appalling timeliness of this process is leaving tens of thousands within our community in a state of limbo and with ever deteriorating mental health.

But an even more pressing issue is the fate of the near 2,000 people on Manus Island and Nauru.

The future of the detention facilities on Manus Island and Nauru has become the new hotspot of the asylum seeker debate.

Any sensible consideration of this issue must begin with the role that these facilities have played in bringing an end to the dangerous journey at sea. It is utterly clear that the closing of these facilities or the bringing of any of the asylum seekers to Australia will result in asylum seeker vessels being put on the water once more and people drowning at sea again. Manus Island and Nauru must never be seen as a stopover on the way to Australia. And it is simply intellectually dishonest to advocate for the closure of the facilities on the one hand and not accept the responsibility for the consequences on the other.

Those who advocate in this way deal themselves out of the debate.

In pursuit of an agenda of breaking the detention facilities on Nauru and Manus there are some voices who have spread fantastic claims of misinformation about what is occurring in these places. Much of this ultimately focuses on an appalling characterisation of Nauruans and Manusians as being lawless and dangerous.

Crime exists on both islands and in both communities as it does everywhere in the world. But to assert that Nauruan men are habitually rapists or that Manusians are extremely violent is obviously offensive and bigoted.

It bemuses me that people who come to this debate wearing the mantle of compassion can think that it is OK in the pursuit of an agenda to engage in a free-for-all on these island communities. We are well to remember that if there are two populations in the world to whom Australia has a particular responsibility it is Nauruans and Papua New Guineans. These are the two countries that gained their independence from us. And it is critical in this debate that we do not drift into the space demeaning peoples who look to us as their global best friend.

Of course, having rumour presented as fact is the collateral damage of this Government's hopeless lack of transparency over offshore detention facilities. It has created a breeding ground for people to easily cast all facilities as terrible, unsafe and violent. This simply should not be how a modern country like Australia goes about its business.

Transparency is the disinfectant of bad policy. We cannot expect the support and confidence of the Australian people in Australian Government action if they cannot see that action for themselves.

So a Labor Government would seek to negotiate with PNG and Nauru independent oversight of these facilities as an important integrity measure to start rebuilding community confidence in the centres we fund.

We would make it very clear that all those working within these facilities would be expected to speak out when they see a wrong.

And we already have introduced a private members bill into Parliament to make it an offence not to report signs of child abuse where these are observed by those working in these facilities.

Perhaps the biggest issue associated with this misinformation is that it distracts from the very real issues surrounding the fate of the asylum seekers on Manus Island and Nauru.

I believe the Turnbull Government has been utterly negligent in its duty of care to the men at the Manus Island facility and the men, women and children at the Australian funded facility on Nauru.

The Labor Party's resolve to ensure people do not again die off our shores in pursuit of asylum should not be misjudged as Labor endorsing the way this Government operates its processing facilities.

There is no legitimate reason why two years after coming to Government, this Government has thought it acceptable to have asylum seekers in Nauru still housed in tents.

When Labor left office it had planned to finish the construction of the facility on Nauru which would have seen everyone living in hard walled facilities. On coming to office the then Immigration Minister Scott Morrison quickly stopped this work and actively kept people living in tents.

Earlier this year, I visited the Zaatari refugee camp, some ten kilometres from the Syrian border in Jordan. It is run by the UNHCR in co-operation with the Jordanian authorities and provides refuge to more than 80,000 men, women and children fleeing conflict in Syria.

In almost the same time period as the operation of the facility on Nauru, the UNHCR has rolled out hard walled accommodation which offers dignity in difficult circumstances. The locks on the doors offer safety, privacy and peace of mind.

So why did the Australian Government leave people to languish in exposed tents? Why has it not demonstrated any sort of willingness to provide humane and safe conditions for the people in these centres?

Why has it allowed itself to be so carried away in its fervour for slogans and chest beating that it has ignored the conditions of people looking to us for safety?

Everything we know now, and at the time that Minister Morrison made the decision to keep people living in tents, is that to do so will see higher rates of domestic violence and sexual assault. This is exactly what the Moss Review and Labor's Senate inquiry has ultimately found.

And the facility on Manus Island has also been the subject of terrible decisions about conditions for those living within it. We saw a substandard medical facility kept in place for far too long. To be fair the new medical facility recently opened in June is state of the art. But its opening comes too late for Hamid Kehazaei who died as a result of preventable septicaemia while receiving care in the old temporary medical clinic put together with shipping containers.

Since coming to office the Turnbull Government has mismanaged Australia's relationship with PNG.

Minister Morrison failed to meaningfully engage with the Government of Papua New Guinea for most of his reign as Immigration Minister. It was months before he had a discussion with his counterpart in PNG about the resettlement of asylum seekers in PNG under the Regional Resettlement Arrangement.

It took the death of, Reza Berati, an asylum seeker within the Manus facility for him to launch structured bi-lateral talks with PNG about this issue. Not surprisingly the Cornall Report into the riots which occurred within the facility found that the most significant problem within the facility was a lack of processing and resettlement.

It is only now, more than two years after the RRA was signed, that we are starting to see some signs of resettlement in PNG.

The Turnbull Government likes to quietly imply that the fault here lies with the PNG Government. Yet this is nothing more than buck passing.

Let's not forget it was PNG that came to the table and offered to help Australia find a solution to the deaths occurring off our shores. PNG is the one providing Australia with help.

For this to be a sustainable policy setting it absolutely requires us to work hand in glove with the PNG Government. Where there are areas that need to be improved – we need to demonstrate not just a willingness to have the difficult conversations when they are needed, but actively play a role so the Australian community has confidence Australian funded facilities are humane and safe.

There are many skilled men amongst the asylum seekers on Manus Island who will be able to settle in PNG and secure work in industries like the mining sector, just as many Australians have who work in PNG today. For these people PNG remains a perfectly viable resettlement option.

But to really resolve the fate of the bulk of asylum seekers on Manus Island and Nauru there needs to be a credible third country option negotiated by the Australian Government. In this, the Coalition Government has been a signal failure.

We have seen the Government engage in a scatter gun approach that has seen the Liberals spend \$55 million to resettle 4, now 3 refugees in Cambodia.

This is an arrangement which we learnt more about from the Cambodian Government than our own, and I suppose given the expenditure and low take up rate is it any surprise that this is one immigration story the Government didn't brief out to the Telegraph.

We routinely hear of discussions with foreign governments about resettlement arrangements that never eventuate. We had the Philippines on the table, until that Government ruled them out as a permanent solution. And only last month we had the bizarre notion of Kyrgyzstan being floated as a potential resettlement option.

Of course, from Opposition, Labor does not have the capacity to begin these negotiations in earnest. However, it would be a first order of business for a Labor Government to pursue this. And in doing so a Labor Government would start by working with the UNHCR to seek their input about appropriate and viable third country resettlement arrangements.

But in the absence of this step the Government has no real long term answer as to what will happen to these asylum seekers and refugees.

It is not feasible to see the long term settlement of 1,000 refugees in Nauru on the existing population of 10,000 on a remote island with few natural resources in the middle of the Pacific. Right now the economic stimulus associated with the detention facility affords a certain degree of forbearance by the people of Nauru with the burden they have been asked to shoulder. But once this is diminished as the detention facility winds down the consequences of leaving the refugee population on Nauru are enormous. Without resolution Australia will not only be doing damage to the refugees but we will be doing damage to an entire country.

And on Manus Island the detrimental consequences for men being housed together over a long period of time away from their families with total uncertainty about their future is self-evident.

If the 2000 people currently living on Nauru and Manus Island are still there in 5 years – even 2 years – from now, we would have done them enormous harm.

As a nation we will have completely abrogated our responsibility to provide safe, humane and dignified refuge to these people.

Australia will have added to – not reduced – the sum of global human misery.

The next step for the Turnbull Government is patently clear.

Australia must redefine its relationship with the UNHCR. It is this which will bring our nation in from the cold and offer some sort of hope that sensible conversations can be had about the future of those asylum seekers and refugees on Nauru and Manus Island.

It is this which was at the heart of the policy package Labor announced at our National Conference in July.

And the need to rebuild the relationship with the UNHCR should not be a surprise to Malcolm Turnbull.

From the outset the Coalition have sought to distance itself from the UNHCR and deride it as the global custodian of humanitarian affairs.

Former Minister Morrison carried as a badge of honour shutting the door on the UNHCR, saying: ["Australia's border protection policies are made in Australia, nowhere else."](#)

And the former Prime Minister, Tony Abbott said: ["I really think Australians are sick of being lectured to by the United Nations, particularly, particularly given that we have stopped the boats."](#)

Given the disdain with which they treated the global body, is it any wonder this Government has been forced to go it alone and trade on the edges in trying to desperately secure a resettlement option.

Without taking this step of re-engaging with the UNHCR another human tragedy will play out, this time within the Australian funded detention facilities on Nauru and Manus Island.

The decision in September to take 12,000 Syrian refugees is certainly a step in the right direction. In it we saw a hope of the emergence of a new bipartisanship about Australia as a generous nation which engages with the UNHCR. But there remains much work to be done if this hope is to be translated into a reality.

And so for Labor the taking of this step would be our first order of business. And we would invite the Government to take it with us and join us in a new bipartisanship about asylum seekers and immigration which lays to rest the terrible debate of the last fifteen years for good.

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