

## **“PRINCIPLES AND REFUGEES”**

### **LECTURE DELIVERED BY MR PETRO GEORGIU MP, MEMBER FOR KOOYONG, FOR THE CRANLANA PROGRAMME**

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Lady Southey and Peter Duncan, Governors and Directors of the Cranlana Programme, distinguished guests, ladies and gentlemen.

I very much appreciate the opportunity to be here today to discuss principles and refugees. Kate has given me some good advice. She has guided me, gently, away from Machiavelli's "The Prince" and Max Weber's ethics of responsibility and ultimate ends.

So, let me set the scene with an old story. A long time ago, in another political universe - the late 1970s. Malcolm Fraser had just fired Reg Withers, then Leader of the Senate. I went out to have farewell drinks with Reg's outgoing press secretary Russell Schneider. We got into a serious philosophic discussion, as young and unpractised imbibers do, Russell asked mate, mate, mate why do these people, Malcolm, Gough and Reg, do it. And in a moment of astonishing insight I said, mate, mate, mate its war without blood. Russell later wrote a book with that title and credited it to me.

The way I understood things, politics in Australia was about war without blood. There were two dominant political parties. They were in conflict. They had power, they had resources. They were strong, evenly matched. They punched and counterpunched. Sometimes low blows were landed. Sometimes their clashes seemed to bring the system to the brink of crisis. In my mind however, there was a clear boundary of conflict. There were combatants and there were civilians. The combatants did not use the vulnerable as weapons. This may have been an idealised image, but I still hold to this ideal.

I formed this view of Australian politics thirty five years ago. I worked for Malcolm Fraser during the blocking of supply and I had no qualms about 1975. In my mind we were operating within the rules. We were not victimising the weak. We confronted a powerful opponent controlling the resources of government. And I have to say that Gough and the Labor Party could take care of themselves. It was hard but legitimate politics.

My belief is that politics should be about fighting toughly and intelligently against powerful opponents. It was tough but it was not about scapegoating vulnerable groups.

There are vulnerable people in our politics. They are made vulnerable by history, by circumstance, by personal circumstances. They range from indigenous Australians who have been in this country for eons, to people who have been here for just a few generations, to boat arrivals taken to islands excised from the Australian migration zone last week.

We have obligations, legal, social and moral to all of them. There are many things in our lives that we would like not to notice and just walk past. But when confronted by fundamental injustice, you can't just keep walking. You know something has to be done. Our treatment of refugees is not something we can just pass by.

Politicians are devalued in the life of democratic societies. I suspect that it has never been very different. But in my experience, most politicians are motivated by principles. Their principles may be good, bad or indifferent. But most politicians are not amoral power seekers.

Politicians' principles are diverse. They range from the principles of conscience and belief to the principles of party discipline. Balancing these can be a complex, and at times quite painful process.

Politicians pursue their principles usually within the area limited by party discipline. You win some, you lose some and you generally go with the flow.

By convention, however, Liberal politicians can resist party discipline. Part of the reason why the nascent Liberal Party, at Federation, did not ally itself with the Labor Party was because its members refused to subordinate their individual principles and votes to the determinations of the caucus.

Members and Senators crossed the floor on Menzies in 5 per cent of divisions, 11 per cent under Holt, Gorton 7 per cent, Fraser, 6 percent. It even happened under Howard. As for the immediate past, well. Earlier this year Malcolm Turnbull, immediate past Leader of the Opposition, crossed the floor to support Labor's emissions trading legislation. Late last year, Tony Abbott and a number of Liberal frontbenchers resigned from the Shadow ministry to vote against the Party's position on emissions trading.

There is no golden rule about what is a matter of principle or conscience. That is up to individual members deciding whether they think an issue is important enough to them to cross the floor.

Last year, for instance, Coalition MPs crossed the floor and voted against their Parties over a tax on alcopops, alcoholic fizzy drinks. I believe strongly in Liberals' right to dissent. Nonetheless, seeing an alcopop tax as a matter of conscience is a bit of a stretch. But there you go.

Refugees began as an issue for me in the mid 1970s. Saigon had fallen, the second Indochina war was coming to an end. Two thousand Indochinese refugees arrived by boat in a handful of years. The Fraser Government and the Labor Opposition did not play games with these refugees.

Both sides of politics faced up to their responsibilities. It wasn't easy. The end of the White Australia Policy had coincided with uninvited Vietnamese boat arrivals.

I remember Malcolm coming out of the Cabinet Room in the late seventies and saying that the Department of Immigration wanted to set up "minimal facility detention centres" in central Australia. That idea was quickly scotched. Australia participated in an international effort that resettled almost one and a half million Indochinese refugees across the world. Around 130,000 of them settled in Australia. That is something we can be proud of and something from which Australia has benefited enormously from.

By the time I was elected to Parliament in 1994, things had changed. In 1991 because 409 boat people had arrived in the preceding 3 years, Gerry Hand the socialist left Minister for Immigration, persuaded Cabinet to introduce mandatory detention. All men, women and children seeking refuge, if they arrived by boat, would be put into detention. Unlike convicted murderers, rapists and paedophiles sentenced to a jail term, they were charged a daily rate for their incarceration.

Neal Blewett, a Minister in the Hawke and Keating Governments may have breached Cabinet confidentiality in publishing his "Cabinet Diary". But he did provide a remarkable insight into the quality of the Cabinet debate on refugees. Blewett recounts; and I quote:

“Hand supported his proposals with his usual blend of vivid anecdotes about the wickedness of the boat people, their sinister manipulators (Chinese tongs this time) and attacks on the self righteous attitudes of churches and the do gooders.”

It was on the basis of such arguments that Australia, alone amongst democratic nations, established a mandatory detention system.

Bismarck once said that “to retain respect for sausages and for laws, one must not watch them in the making”. This applies to some Cabinet decisions.

What was to unfold was a moral panic. A heightened, disproportionate concern with refugees and their targeting for increased hostility by sensational headlines and political demagogues. The rhetoric cranked up. Demonising references intensified. Asylum seekers were queue jumpers and economic refugees. They wore designer clothes and demanded luxury consumer goods and cosmetic surgery on arrival. Our beaches were being swamped by their boats. Detention centres were made more oppressive. The laws were made harsher. People who, by our processes had been found to be refugees, were refused permanent protection. Australian territory was excised from the migration zone. The so called Pacific Solution was implemented. The definition of a refugee was restricted.

I and a number of my colleagues opposed this. We thought that the most effective way of doing this was from inside the tent. We spoke out in the Party Room, the backbench committees, and with the Minister and the Prime Minister. This was not well received but there was an occasional victory. We were sustained by the belief that we were preventing even worse things from happening. Given the enormity of some of the excesses that were proposed as Government policy, but never saw the light of day, this was not entirely an illusion.

The bottom line however, when one stood back and looked at the total impact of all these efforts, was limited. The thrust of the anti-refugee policy was not blunted. Its sheer longevity made it ever more oppressive. Short term injustices are unacceptable. But when they become long term, injustices become toxic, not just to the people who are subjected to them, but to the people who are complicit in them.

There are many turning points in my path from trying to work from the inside to breaking out. A major one was the fate of an agreement with the Prime Minister and the Minister, to take women and children out from behind razor wire. It was a not a huge step for humanity, but it was a step forward.

The agreement announced in the Parliament in late 2002 was never honoured. The guerrilla tactics mobilised against it by the executive would have made Ho Chi Minh bow his head in shame.

Eventually, the attempt to square the circle between Party policy and discipline and personal conviction was over. What was at issue was not a difference of taste or preference but a matter of, dare I say it, principle and conscience.

It was hard, but it is hard for everyone who takes a position of this sort, as is illustrated by a letter from Ms Janet Upcher which said, “My late father Reg Wright crossed the floor numerous times on matters of principle, and as a young girl, I saw the struggle he underwent to maintain his conscience.”

Reg Wright was a Liberal Senator from Tasmania from 1949 to 1978. He crossed the floor 150 times. He was never called a political terrorist and he responded to his critics saying; “To call me a rebel shows a pur-blind lack of understanding of what the Parliament stands for . . . it demand[s] of each man that he exercises individual judgement . . . anybody worth his salt as a Liberal would never surrender his vote.”

I do agree with these sentiments.

Having reflected, I advised the Prime Minister and the Party Room that I would publicly oppose and seek to change the policy of mandatory detention. I and a number of my colleagues including Bruce Baird, Judi Moylan and Russell Broadbent indicated that we would introduce Private Members bills against the detention regime.

We were acting well within the Party's long established conventions. Some of our colleagues chose to forget that these conventions existed. They rediscovered them later. We had discussions with the Prime Minister resulting in a written agreement involving significant reforms. We withdrew the Private Members bills.

Women, children and families were released from detention centres. Time limits were set on processing. The Parliament explicitly legislated that the detention of children would only be a last resort. The Ombudsman was empowered to investigate cases of long term detainees and report to the Minister and Parliament. Thousands of people on Temporary Protection Visas were re-processed promptly. Around 80 per cent of them gained permanent protection.

But mandatory detention did remain and still does.

When people pursue principles in politics, there does come a decision point, will you compromise? Maintaining your principles absolutely is reasonably straightforward when the costs are borne by yourself. It is more complex when the costs are borne by others. The moral calculus is never clear cut. Ultimately the decision is whether vulnerable people will benefit enough from the compromise to make it worthwhile. My judgement was that what we had met that benchmark.

It wasn't a perfect outcome. We never made a secret of the fact that we didn't get all that we wanted. But the deal did make the lives of thousands of asylum seekers better. This outcome was achieved without crossing the floor.

The changes made by the Howard Government in 2005, and the reforms made by the Rudd Government in 2008 and 2009, particularly the end of Temporary Protection Visas and charging refugees for the cost of their detention, were substantial.

In mid-2009, I wrote that we were closing a dark chapter in our history, which saw men, women and children seeking refuge in our country incarcerated behind razor wire; innocent people imprisoned longer than criminals convicted of serious crimes; escapees from persecution being demonised; people to whom the government owed a duty of care being denied psychiatric treatment; detention centres that traumatised not just detainees but their guards.

I was optimistic.

Just a few months later it was becoming clear that with an increase in boat arrivals, the voices of fear were being raised yet again. We were at risk of going through a corrosive period in which the parties competed over being toughest on refugees. Unfortunately this is coming to pass.

In recent months, asylum seekers have been subjected to increasingly virulent attacks. Refugees are "pouring into Australia by illegal means". They are "demotivating" Australian troops in Afghanistan. Asylum seekers have "perhaps even picked up duty free purchases" on their way. Australia's border protection system is "crippled." We are being confronted with an "avalanche of boats", a "tsunami of boat arrivals", an "armada of boats". Demands are being made to resurrect Temporary Protection Visas and push boats back. The shipping of asylum seekers arriving in Australian waters to "third countries" is being mooted.

Now, the Labor Government has frozen the processing of Afghani and Sri Lankan asylum seekers for six and three months respectively. This is a deeply troubling development. It does mark a regression in our treatment of refugees. It may presage even more draconian measures.

There are lessons in all of this for people who are concerned about the application of principles in politics. One lesson is that the apparent entrenching of principles in public policy is always remarkably fragile. Another is that where vulnerable people are made into a partisan political football, evidence and proportion suffer. This is what we witnessed last week. It does not reflect credit on either side of federal politics.

So what is to be done? It seems to me that the first thing is to deal with the facts. The second is to put them into perspective. The third is to apply the best principles of our society.

First the facts – Australia’s punitive approach deterred people seeking to come to Australia. Mandatory detention was introduced in 1992 by Labor as a deterrent when there were a handful of arrivals. Ten years later, in 2001 there were 5000 boat arrivals. The new Labor government has maintained mandatory detention. Boat arrivals have again increased.

Another deterrent, charging people for the cost of their detention began in 1992 – did anyone pay? No. Was anyone deterred? No.

Temporary Protection Visas? In the five years before Temporary Protection Visas were introduced, there were 3103 boat arrivals. In the five years after, there were over 11,000. Overwhelmingly, people on Temporary Protection Visas have been transferred to permanent protection visas. Some deterrent.

The Pacific Solution? 70% of the 1153 people sent to Nauru and Manus Island were found to be refugees. Of these 61% were eventually settled in Australia. 34 per cent, 400 people settled in New Zealand. As New Zealand citizens they have a free right to travel to Australia.

Let us turn to perspective and proportion. Over the last twenty years almost to the day, Australia has had around 20,000 refugees arrive by boat. This is an average of one thousand a year. Around 80 per cent of these have been found to be refugees and allowed to stay.

In the same twenty years we have had two and a quarter million immigrants. Around 16,000 of these have arrived unannounced by boat and been determined by our own processes to be legitimate refugees.

The claim that it is people smugglers who determine who comes to Australia is without substance.

Comparisons are important to perspective and proportion. Let’s look from an international perspective. According to the United Nations Pakistan has 1.7 million registered Afghani refugees. Iran has 1 million. In 2009, around 50,000 asylum applications were made in the five Nordic countries which have a combined population of just under 25 million. 49,000 asylum applications were made in the U.S. and 42,000 in France. In Australia, we had just 6,170 asylum applications, less than half of whom arrived by boat.

Let’s look at border control. Estimates of the number of illegal immigrants in the US, illegal immigrants, not asylum seekers, range from 8 million to as high as 20 million. Greece with its

population of 11 million has up to 2 million illegal entrants. It is not credible to say that Australia has lost control of its borders.

Finally let's look to the moral dimension.

No doubt some of the opposition to asylum seekers arriving by boat has been based on a notion of fairness, the perception that there is a queue, and that people who arrive by boat are less deserving because they have paid people smugglers while others wait patiently in refugee camps.

I don't believe that there is any such thing as a meaningful queue and I do know that refugee status is not determined by whether one is poor or rich. It is about persecution.

Tony Abbott has said that Australia cannot be the world's lifeboat. That is true. There is too much injustice and persecution in the world for any single nation to resolve it.

Refugees languish in camps across the world. We do need to do more to assist them. But we also have a fundamental obligation as a nation. That obligation is to not harm those who bring themselves into our orbit of responsibility. We cannot use the misery of refugees in other lands to justify our country further persecuting the persecuted who come to our doorstep seeking safe haven.

We can support orderly processes; we can warn people against resorting to people smugglers and risking their lives on unseaworthy boats. We have to realise however that escaping from persecution is not always an orderly process, and that desperate people do take desperate measures.

We should not as Australians compound the persecution of genuine refugees overseas by locking them up and delaying their processing in our country. The huge damage that our past practices have inflicted on asylum seekers has been well documented. I will just quote the Minister for Immigration's comment made a few weeks ago that longer periods of detention have "a much worse impact on people's mental health than being in prison."

There is no doubt in my mind that the changes made last week by the Government are a regression in our treatment of asylum seekers. I had believed that the experience we had in the 1990s and the first part of the new millennium would have made us immune to moral panics over refugees. Obviously we are still susceptible.

Nonetheless I want to conclude on a positive note. I think we have learned something. For me, one of the most powerful images of the turn of the tide in 2005 was being approached at an Anglican Church service in Kooyong. These were not your usual suspects. They were elderly, they were overwhelmingly big L liberal voters, I could tell. What they said was in essence, "We thought we faced an invasion. We were wrong. We did not appreciate that we were putting women and children behind razor wire or that people were being put in indefinite detention. We used to agree with mandatory detention but now we have seen its consequences and we need to make it right."

We are living through difficult times but I think that politicians trying to wind the dial back to punishing refugees will find it difficult in any number of dimensions, not least because Australians have been there and done that. We have recognised what it did to vulnerable people. And there is a broad coalition – the churches, the refugee organisations, and people who believe in justice – who will speak up.

Let me finish with a final observation – the pursuit of principles in democratic politics is difficult. People do need to declare their position and argue the case. We need to assert that we have special responsibilities to those who seek refuge on our shores. We need to pursue regional approaches that persuade our neighbours that we are not seeking to sequester asylum seekers

on their shores indefinitely. We need to end the pointless Christmas Island solution. We need to refute the voices of fear that claim that we are being swamped by refugees and that our sovereignty has been compromised. Above all, we need to uphold and apply our society's principles of compassion and humanity, not just when it is easy, but when it is hard.