Mr GEORGIOU (Kooyong) (12.59 pm) —I speak in support of the Migration Amendment (Abolishing Detention Debt) Bill 2009. It is a bill that takes another step towards closing a dark chapter in our history. This dark chapter is about the incarceration of men, women and children behind razor wire in isolated locations. It is about the imprisonment of innocent people for periods longer than criminals convicted of serious felonies. It is about the demonisation of people fleeing persecution. It is about the denial of psychiatric attention to sick people to whom the government owed a duty of care. It is about conditions in detention centres that traumatised not just the detainees but also their guards. It is a chapter about lip sewing and suicide attempts. It is a chapter of harming people fleeing persecution who asked for and were entitled to protection in our country.

This chapter is a stark contrast to the openness and compassion of the one that preceded it. Some members will recall 1976 when our country was faced by the unprecedented challenge of Indochinese boat people. Two thousand of them landed on our shores in a handful of years. Some people proposed that we should put them into detention centres or push the boats back. The Fraser government, supported by the opposition, rejected this. We accepted the Indochinese refugees into our society and we participated in an international effort which resettled almost 1.5 million people from Indochina across the world with about 130,000 of them coming to Australia. The sense of responsibility and compassion that prompted this was a tribute to the Australian people and to our leaders. History shows that our nation benefited.

But just 15 years after the first Indochinese arrived on our shores unannounced, the parliament turned its back on this record of compassion and achievement and a new chapter was opened. Its first pages were penned by the then Minister for Immigration and Ethnic Affairs, Gerry Hand. In response to 449 people arriving by boat over the preceding three years, Minister Hand proposed a new and punitive policy. His colleague Neal Blewett described the process:

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

By allegations of wickedness, manipulation and by attacks on churches and do-gooders, Minister Hand persuaded the Labor cabinet to adopt this bundle of legislation in 1992. This legislation made it law that asylum seekers—men, women and children—automatically be placed in detention and made liable for the cost of that detention. A few days ago, the member for Melbourne Ports said that the charging of the cost of detention was:

... one of the particularly odious policies of the previous conservative government ...

Yes, Mr Deputy Speaker, it is an odious policy, but it has to be recognised that it was introduced by a Labor government. If we are going to try to make things right on a bipartisan basis, we cannot distort the facts. We have to confront the reality that both sides of parliament were involved individually and collectively. All of Hand's harsh measures were at the time supported by both sides of the House and the succeeding coalition government maintained Labor's measures and toughened them. The Pacific solution was established, Australian territories were excised from the migration zone and boat people who were found to be genuine refugees were given only temporary protection visas in contrast with the established history of Australia. All of these measures were supported by the coalition parties and Labor.

I can attest that these measures disturb some members on both sides. I think that does need to be said. But it also needs to be said, and it cannot and should not be denied, that we did go along—we all did. The votes in the parliament show this. Going along had its consequences. Vulnerable men, women and children were harmed by the legislation we voted for and by the practices and abuses that it spawned. But by 2005 the recognition was grown in both the parliament and the community at large that our treatment of people arriving by boat seeking sanctuary was cruel and contrary to Australia's best values. The coalition government was

persuaded that the harshness with which the people seeking sanctuary were treated should be ameliorated and the reforms were supported by the opposition. It was agreed that children were only to be held in immigration detention as a measure of last resort, that all families with children were to live in the community without security supervision, that the Immigration Ombudsman would independently review and report on all cases of long-term detainees and the permanent protection visa applications by temporary protection visa holders would be expedited and treated favourably—and they were.

These changes softened the mandatory detention regime. The treatment of refugees became more open and more compassionate. But what we achieved was a compromise. The people arguing for change knew this and we publicly said so. The fact is that the mandatory detention regime was left in place. The process of reform that was begun in 2005 was continued by the Labor government, with a series of measures that increased the humanity of our treatment of people seeking protection in Australia: the Pacific solution was dismantled; non-judicial review processes were improved; and temporary protection visas were abolished and all refugees were given permanent protection.

There has recently been some discussion of the impact of the abolition of protection temporary visas. I would like to make my own views crystal clear. There is no evidence that giving people who are found to be genuine refugees only temporary protection deterred people from seeking sanctuary in Australia. The statistics are quite clear. In summary: in the five years prior to the introduction of the temporary protection visa there were 3,103 boat arrivals and in the five years after TPVs were introduced there were 11,433 arrivals. Does that show it is a deterrent? I remain unconvinced.

This is not to say that the introduction of TPVs had no impact; it did. Unlike holders of traditional permanent protection visas, holders of temporary protection visas were denied the ability to apply for family reunion. They were found to be legitimate refugees by our process but could not apply to have their families join them. The evidence is that, by preventing women from applying to join their husbands, they were more susceptible to resorting to people-smugglers. DIMIA officers gave this evidence:

… because of the removal of the ability to seek family reunion for those holding temporary protection visas in 1999 … increasingly women and children arrived in Australia unlawfully …

The Secretary of the Department of Immigration and Citizenship recently concluded:

There is no evidence to suggest that the abolition of Temporary Protection Visas has resulted in increased unauthorised boat arrivals.

Rather, an examination of the TPV data indicates unauthorised boat arrivals increased following the introduction of TPVs.

But beyond this there is the record of the 353 people who tragically drowned when the boat designated 'suspected illegal entry vessel X' sank in October 2001 on its way to Australia. We will probably never fully know who was on SIEVX or their motives. The AFP has testified that it had a list that could not be disclosed for operational reasons and may not be accurate, but what has been established beyond doubt by journalists' investigations—and this is on the public record—is that passengers on SIEVX were trying to reunite with their spouses.

Here are just some of the tragic cases. Ahmed al-Zalimi was living in Sydney on a TPV, which precluded him from applying for his family to join him. His wife and three daughters boarded SIEVX to be reunited with him. His three daughters drowned. Mohammed al-Ghazzi was living in Perth on a temporary protection visa. He lost a total of 15 family members on SIEVX, including his wife and three children. Hazam al-Rowaimi was living in Victoria on a temporary protection visa. He lost his wife, four children and mother. Haidar al-Zoohairi was

living in Sydney on a temporary protection visa. He lost his wife, two children and brother-in-law. SIEVX was a tragedy of major proportions and its passengers attest to the unintended consequences of the temporary protection visa. I welcome the return to giving people who have been found to be genuine refugees permanent protection with the ability to have their family join them. There is no way that temporary protection visas—or any variation of them—should be reintroduced.

Nonetheless, I welcome this abolishing detention debt bill as a further step in closing this dark and distressing chapter in our history. This bill terminates the law that charges people seeking refuge in Australia the costs of their mandatory detention. The most obvious reason for repealing it is that it has totally failed to achieve its objective. The stated objective of charging people in detention was that asylum seekers should pay for the costs of being detained. I have searched assiduously to find a deterrent objective but unfortunately I have not been able to discover one—at least not on the public record.

Since the policy was initiated, only four per cent of the costs have been recovered. Over the last four years, $139 million or 81 per cent of charges have been waived or written off, mainly by the coalition government, because it was impractical or uneconomical to recover the charges. This year it is estimated that it will cost $709,000 to collect $573,000. There is simply no rational basis on which continuing the charges can be defended. This is not surprising. How could Gerry Hand and his department have ever believed that refugees could repay these charges? In some cases refugees owe hundreds of thousands of dollars when they are released. I say again that this policy has failed abysmally to achieve its stated objectives.

What the charges do achieve is making the lives of those subject to them more difficult and them more anxious. All former detainees, regardless of their status, receive a debt notification letter and invoice from the department prior to the consideration of a waiver or write-off. This

contributes to the stress of former detainees and their families, who do not know if they will be liable for the debt. The overwhelming evidence—and it is overwhelming because there was no other evidence—provided to the Joint Standing Committee on Migration in its recent inquiry showed that the detention charges policy is:

… a barrier towards refugees fully integrating into the community, and continues to put significant pressure—both emotionally and financially—on those people who have already experienced so much trauma and uncertainty in their lives.

And:

The policy reinforces and prolongs emotions such as shame and guilt which are common effects of torture and trauma, and impedes the recovery of survivors.

This has been replicated in any number of other reports. At the end of last year, having considered all the evidence, the Joint Standing Committee on Migration was unanimous in its recommendation that the legislation be repealed. This bill effectively implements the recommendations while still charging people-smugglers and illegal fishers.

In my view, there is another fundamental reason for ending the detention charges. It is because imposing these charges is part of the process of dehumanising people seeking refuge, part of the way they have been presented as being worse than the worst criminals. Do we charge drug dealers, serial paedophiles, sadistic murderers and multiple rapists the costs of their detention? No, we do not, whether or not those criminals are Australian citizens, noncitizens, illegal immigrants or Uncle Tom Cobley. The charging of people who arrive on our shores seeking protection the costs of their detention is part of the way in which we have demonised them and presented them as being worse than criminals. And this image, I believe, underpins the abuses which have been discovered by inquiries into our mistreatment of people in detention. The fact is that throughout history people have fled their homes to escape persecution and violence and to seek safety where they can—across the border or across the ocean. Since

2005 we have moved to return humanity to our treatment of refugees. That process is not, in my view, complete.

At the present time Australia is confronted, as are many other countries, with an increase in people seeking refuge on our shores. The United Nations High Commissioner for Refugees in his most recent report shows that the number of individual claims for asylum worldwide rose for the second year in a row by 28 per cent to 839,000. Developed countries like Australia do attract asylum seekers, but the fact is that 80 per cent of the world's refugees are hosted by developing countries: Pakistan, Syria, Iran and Jordan. Amongst the developed countries, the US received 49,600 applications for asylum; France, 35,400; Canada, 34,800; the UK, 30,500; and Italy, 30,300. Australia received—and this is taking together boat arrivals and plane arrivals—4,500 asylum claims. That is 0.5 per cent of the total, and almost all of them did not arrive by boat.

The number of people seeking asylum has resulted in some calling for a return to harsh policies or for an end to the amelioration of the harshness of policies, which is still there. We have experienced the cruelty and harm that such policies have caused. We should not contemplate returning to them again, and I will not do so.

The members of this House are legislators in a 21st century Australia—a civil society, a precious society, a country under the rule of law which is generally just and equitable. We are also human beings, with good and bad instincts, and we are capable of making good and bad decisions. Our fellow citizens have put us into this place, temporarily, so that we can pursue decent public policy outcomes for our society and legislate decent law. No advanced society should allow on its statutes a law which so degrades and humiliates fellow human beings who are legitimately calling on our protection. We have an obligation to our own and to future generations to support this bill. I will support the bill and I commend it to the House