

## **Border control gulags have had their time**

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*This is part of Frank Brennan's address The Ethical Challenge of Stopping the Boats Upstream, Closing the Camps Downstream and Opening Community Services to the Melaleuca Refugee Centre, Darwin.*

What are the chances of Malcolm Turnbull and Bill Shorten agreeing by Christmas that it's time to close the refugee processing centres on Nauru and Manus Island? Turnbull and Shorten already agree that the boats coming from Indonesia should be stopped. The boats are now being stopped, if need be, with turnbacks, which neither side of politics now questions.

Now that the boats have been stopped and will remain stopped no matter who is in government, there is no reason to maintain the facilities on Nauru and Manus Island. The conditions in these facilities are not only harsh, they are cruel. These facilities no longer serve any useful purpose. They cost a fortune. They are wreaking havoc with the local community as well as with the traumatised detainees. They have outlived their intended purpose. They are gulags which rightly tarnish Australia's reputation.

Consider the history. When Julia Gillard failed to have her Malaysia solution implemented, she set up an expert panel chaired by Air Chief Marshall Angus Houston, the respected, recently retired Chief of the Armed Forces. In August 2012, Houston's panel told the Gillard government that 'the conditions required for effective, lawful and safe turnbacks of irregular vessels headed for Australia with asylum seekers on board are not currently met in regard to turnbacks to Indonesia'.

So they looked for other short-term measures. Having studied John Howard's 2001 Pacific solution, the panel concluded that 'in the short term, the establishment of processing facilities in Nauru as soon as practical is a necessary circuit breaker to the current surge in irregular migration to Australia'.

When Kevin Rudd replaced Gillard in June 2013, he set about resurrecting the Pacific Solution immediately but with an added 'nasty': anyone found to be a refugee on Nauru or on Manus Island would be resettled anywhere except Australia.

The situation has changed radically in the last three years. We no longer need a 'circuit breaker'. Retired Major General Jim Molan has advised government that the conditions for effective, lawful and safe turnbacks are now met. The military have turned back boats. They have stopped the boats coming.

Tony Abbott as prime minister was adamant that his government was acting decently when stopping the boats and turning them back. The government is confident that the people smuggling racket in Java has been smashed. The Labor Party national conference has signed off on stopping the boats and agreeing to turnbacks if they be required.

I concede that there is no way that Turnbull would agree to any substantive change for some months until he can be satisfied that the change of prime minister has not resulted in any renewed effort by people smugglers to regroup in Java.

And there is no reason to think that Turnbull's approach would deviate in the least from Abbott's. He was after all the leader of the Opposition at the time Kevin Rudd was dealing with the *Oceanic Viking* incident in Indonesia. Everything Turnbull said at that time was taken from John Howard's song sheet, completely consistent with everything later said by Abbott as prime minister.

For example, Turnbull told parliament on 20 October 2009:

It should not ever be controversial to state, as a matter of policy and principle, that Australians have the right to decide who comes to this country, our country, and the manner in which they come. The previous prime minister, Mr Howard, was criticised for saying that, but the fact is that that is what every Australian expects of their government.

Under the Howard government it took a range of strong measures and years of vigilance to halt people smuggling. The Rudd government, on the other hand, has quite deliberately, and with dangerous naivety, unpicked the fabric of that suite of policies, sending an unmistakable message to people-smugglers that our borders are open for business.

In short, Labor has lost control of our borders.

In May 2014, Turnbull as a minister in the Abbott cabinet did concede that Rudd's renewed Pacific solution as enacted by Abbott was harsh, indeed very harsh. Though conceding that others thought it cruel, he did not think it so.

When asked on BBC TV if he was comfortable with Australia's policy of 'outsourcing its human rights responsibilities to ill-equipped third countries', Turnbull replied: 'I don't think any of us is entirely comfortable with any policies relating to border protection.' He was insistent that Australia was acting in compliance with international law.

He then added: 'We have harsh measures, some would say they are cruel measures. I would not go so far as to say they are cruel. But let's not argue about the semantics. The fact is that if you want to stop the people smuggling business you have to be very, very tough.'

Anyone hoping a Turnbull government will be more accommodating of boat people than an Abbott government will be sadly mistaken.

But that is not the end of the matter. Now that the Australian government with Opposition concurrence has firmly closed the entry door to Australia, there is no warrant for maintaining the chamber of horrors in the Pacific which was set up as a 'circuit breaker' deterrent. Turnbull needs to admit that a purposeless chamber of horrors is not just harsh; it is cruel, and it is unAustralian.

After a few months transition, it will be time to close the facilities on Nauru and in Papua New Guinea; abandon the Cambodian shipment plan; negotiate a regional agreement for safe returns ensuring compliance with the non-refoulement obligation; and double the refugee and humanitarian component from 13,750 places to 27,000 places in the migration program, as recommended by the 2012 panel.

The government should encourage further community participation in a refugee resettlement scheme which allows refugee communities and their supporters to increase the number of refugees resettled without taking the places of those refugees who would come anyway without community sponsorship.

Why not increase the humanitarian program to at least 20,000 places as was espoused by both sides of politics before the 2013 election campaign? And why not provide another 7000 places for community sponsored refugees?

Novelist Tim Winton has rightly said that there is a need for Australia to turn back, to 'raise us back up to our best selves'. We, the voters, are sick and tired of the unnecessary meanness and nastiness. We can walk and chew gum at the same time. We can both secure our borders and increase our commitment to orderly resettlement of more refugees.

We can secure our borders without the Pacific gulags and the oppressive onshore measures denying asylum seekers work rights and adequate welfare assistance. The ethical dividend of closing our borders is being able to treat anyone inside our borders decently and being able to bring asylum seekers in Nauru and Manus Island to Australia for processing and resettlement.

If the boats could have been stopped back in 2012, there is no way that Houston's panel would ever have recommended the Nauru/Manus Island gulag. We the voters should now demand the ethical dividend from Malcolm Turnbull and Bill Shorten.

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