



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**BILLS**

**Migration Amendment (Regional  
Processing Arrangements) Bill 2015**

**Second Reading**

**SPEECH**

**Wednesday, 24 June 2015**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

<b>Date</b> Wednesday, 24 June 2015	<b>Source</b> House
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<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Parke, Melissa, MP	<b>Question No.</b>

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**Ms PARKE** (Fremantle) (17:38): It would be an understatement to say I am uncomfortable with this bill. There have been so many steps on the way to getting to what is widely viewed as this debased point in the asylum seeker debate—it is hard to say which has been the worst. I do not deny Labor's role in the re-establishment of offshore processing, although I note that the caucus's and the party's agreement to such policy was predicated on guarantees of humane, respectful treatment of asylum seekers and compliance with international law. But the awful ugly illegal reality of the treatment of asylum seekers on Manus Island and Nauru under the present government, however much they have sought to hide behind secretive so-called operational matters, national security and commercial-in-confidence to deny independent oversight, is being revealed in report after report, inquiry after inquiry into the physical, sexual and mental abuse of vulnerable people and the calculated removal of access to human rights, freedom and even dignity. This is a matter of national shame for which there will one day be a reckoning.

The bill has been presented by the government as an amendment to fix a technical legal issue that has arisen because of the High Court decision in the Williams case concerning the lack of constitutional power for the Commonwealth government to make certain payments. But this bill is much broader than the Williams case. Through extremely broad wording allowing the taking of any action and the doing of anything incidental to such action, among other clauses, the government now seeks to retrospectively validate the detention of asylum seekers and indeed potentially all the actions and arrangements in offshore detention centres that have occurred since August 2012.

The bill also refers to 'action in a regional processing country or another country'. If this bill is primarily for the purpose of authorising payments to the PNG and Nauru governments, what is the reason for the reference in the bill to other countries? Perhaps it is to authorise payments to Cambodia. There are a number of such ambiguities in the bill.

The government claims the bill is urgent because of the case presently before the High Court involving families including children presently in Australia who are due to be returned to Nauru where they fear sexual abuse. As I understand it, the court is not due to hear argument until at least September. I therefore do not see any need for this matter to be railroaded through the House of Representatives today when it could be dealt with in the August sittings thus allowing more time to improve the bill so that it reflects the stated purpose rather than providing a blank cheque to government for past, present and future behaviour.

This may be a small bill but it is dealing with big and serious issues. It is a matter of profound disappointment that the government seeks to rush this open-ended legislation, the import and consequences of which are potentially far reaching, not only for the individual litigants in the present High Court case but for all of the unfortunate and vulnerable people caught up in the offshore detention system.

There is a better way forward that involves establishing a genuine regional framework, working constructively with other countries in the region to improve conditions in source and transit countries and negotiating resettlement with other countries, including of course a much greater commitment on Australia's part to taking more refugees. Refugees have contributed and are contributing enormously to our Australian community. Before they are found to be refugees, they are asylum seekers. We should be careful what we do to the refugees and citizens of tomorrow through our treatment of the asylum seekers of today.