



The Hon David Bradbury MP

FEDERAL MEMBER FOR LINDSAY

Parliamentary Secretary to the Treasurer

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Matters of Public Importance

Border Protection

Mr BRADBURY (Lindsay) (Parliamentary Secretary to the Treasurer) (04.10 PM): This matter of public importance debate goes to the heart of the power of executive government. It is a debate that has arisen in the context of a decision of the High Court where the High Court has overturned what was believed to be the position of an act that was passed by this parliament. When an act is passed by this parliament—I am not going to lecture people on the separation of powers—the courts will interpret matters in an appropriate way. When this parliament decides on a course of action it has democratic legitimacy.

When the member for Berowra introduced a bill which was duly passed by this House and which gave the Minister for Immigration and Citizenship certain powers those powers were exercised in good faith in the knowledge that the parliament had supported the position—the course of action that was being taken. That had the democratic legitimacy of any act of parliament that passes through this place and the other. When a court takes a decision to overturn that, particularly on a question that goes to the heart of the ability of executive government to protect our borders, then it raises considerable questions for the executive in the first instance but also particularly for the legislature. The legislature has to come to terms with whether or not it intends to amend the legislation so that its original intention is to prevail. That is indeed what this government intends to do.

There is a whole range of excuses that are being offered by the opposition—and it has not yet made its decision—as to why it says it may not go down the path of supporting this government in its efforts to ensure that the executive government has the ability to take the necessary action to protect our borders. There are two wings within the opposition on this question: there is the wing of respectability, those that feel the need to make a respectable argument, and then there is that wing led by the Leader of the Opposition that simply says that this is a question of how best to wreck a government and the very institutions of governance, and that is what it is going about doing. The Leader of the Opposition came in here earlier this afternoon and said, 'It is not the responsibility of the opposition to get the government out of trouble.' I tell you it is the responsibility of the opposition and every single member of this parliament to act in the national interest. In the same way as the

member for Berowra brought forward that legislation before a previous parliament, members on all sides—and on our side of the chamber back then—joined with the member for Berowra in passing that legislation.

They did that not because they saw that they were getting the government out of trouble; they did that because they saw, as elected members of parliament for their community, they had an obligation to act in the national interest. That is the challenge that each and every member of this parliament faces on every bill that comes before them. The challenge for the opposition will soon be upon them, and they will have to make the decision as to whether they go down that path.

The Leader of the Opposition came in and said: 'We will wreck. I don't care about what this does for future governments when it comes to the ability of executive government to act, and to act decisively, to secure our borders.' In a desperate pursuit of short-term gain, which must only be about trying to bring this government down short of its term, he said he would do that rather than empower the executive government to do what every Australian would believe to be its first and foremost responsibility—and that is to protect our borders and to manage our migration program. That is what is at stake.

The Leader of the Opposition came in here and said, 'We've got to get the facts straight,' and he pointed out a fact that he believed the Prime Minister had got wrong. Can I point out that the Leader of the Opposition said that 1,500 people were taken to Nauru under the Howard government's Pacific solution. He ought to get his facts straight, because 1,322 people went to Nauru and 315 went to Manus Island. If you cannot get your facts straight, do not come into this place and start accusing others of not getting their facts straight.

I mentioned there are two wings in the coalition. There is the 'let's wreck and bring the House down' wing. And then there is the wing that seek some fig leaf of respectability, and they argue that they cannot support Malaysia because it is not a signatory to the convention. I think the member for Cook likes to consider that he is the leader of that wing within the coalition, and we will hear more from him shortly, but those in that wing come forward and say, 'We cannot allow Malaysia because they're not a signatory to the convention.' I note that when this point was raised in relation to Nauru in the past, the member for Cook said it was a furphy. The Leader of the Opposition used the same word, saying it was a furphy. If that is the standard against which this government and any future government, an executive government, acting to secure the borders of this country, is going to be judged, then you should think very carefully about what that might mean for any future government when they seek to do what governments in the past have always sought to do and what governments in this country will always need to be able to do into the future.

The member for Cook, who likes to talk about how terrible this Malaysian arrangement is because they are not signatory to the convention and who is now holding up whether or not a nation is a signatory to the convention as being the key test is the same person that, back in 2010, actually suggested that there are better solutions. He mentioned Pakistan. I must have

missed something, but Pakistan, as far as I am aware, is not a signatory to the convention.

His so-called solution was to do what he now calls a 'people swap' with Pakistan or Iran. Pakistan is not a signatory to the convention. Iran might be a signatory to the convention, but the member for Curtin, who just had a bit to say in this debate, said at the beginning of last year:

Iran continues to face domestic turmoil with ongoing security crackdowns on political dissent and reports that thousands of citizens have been detained while the media has been greatly restricted.

So Malaysia is such a terrible place and this arrangement is such an outrageous arrangement that they would be prepared to come into this place and strip the executive government of the power that it needs to act decisively on this matter, but they would be happy to see a similar arrangement entered into with Pakistan or Iran. These are the people who come into this place day after day talking about mandates. Well, an overwhelming majority of the members elected to this place went to the last election wanting to introduce offshore processing. Indeed, each and every one of them not only wanted to introduce offshore processing; they wanted to introduce offshore processing in a country that was not a signatory to the convention. So do not come into this place and lecture us about the human rights side of this debate.

We as a government believe that it is entirely appropriate for executive government to act to try and provide the disincentives that will stop people from hopping on boats and taking that treacherous journey . We think that that is important. We believe that the Malaysian arrangement will work. If those on the other side are serious about their obligations to serve their communities, to serve this country and to serve the national interest, then they should ensure that the legislation is amended to give effect to what they sought to put in place when they were in government, what this government needs to be put in place so that we can achieve the outcomes that we want, and what any future government will need if they are to effectively tackle this question of irregular movements of people in our region.