



The Hon Chris Bowen MP
Minister for Immigration and Citizenship

The Hon Scott Morrison MP
Shadow Minister for Immigration and Citizenship
Member for Cook
Parliament House
CANBERRA ACT 2600

Dear Mr Morrison,

I write following our meeting on Friday 23 December 2012 where we discussed the Government's written proposal that included the passage of the Government's offshore processing legislation.

The Government's overall objective is to deal comprehensively with people smuggling and to minimise the risk of a repeat of recent appalling tragedies including the loss of life off the Indonesian coast. With that goal in mind, we have entered into without prejudice discussions with you on a possible solution for the future.

To be clear, as outlined by the Acting Prime Minister in his letter to the Leader of the Opposition off 22 December, the purpose of these good faith discussions is to secure agreement to the passage of the Government's offshore processing legislation without Opposition amendment, so the Government can fully implement the Malaysian Arrangement as well as seek to establish offshore processing facilities on Papua New Guinea and Nauru.

The clear and consistent expert policy advice provided to the Government is that the Malaysia Arrangement is the most effective deterrent available because it removes any certainty of resettlement outcome in Australia. This deterrent cannot be achieved simply by establishing offshore processing facilities on PNG and/or Nauru.

I am writing further in relation to three areas of interest to you and the Deputy Leader of the Opposition.

Temporary visas

The Government and Opposition have different views as to the effectiveness of temporary visas in discouraging irregular arrivals. The clear advice to the Government has been that following the implementation of Temporary Protection Visas under the Howard Government, well over 9000 asylum seekers arrived by boat and that included an increase in the percentage of women and children who made this dangerous voyage to Australia.

However, as a further sign of good faith, the Government would be prepared to consider establishing a review into the efficacy of temporary visas in complementing offshore processing.

The Government believes that it is important that any consideration of temporary visas is evidence based and well considered.

We would envisage this review being led by a credible, independent person with experience of providing advice to Government on complex policy. We would of course need to mutually agree on the reviewer(s). This review should report to the Government in a number of stages throughout the course of 2012.

The review would need to consider the efficacy of TPVs as a deterrent of Irregular Maritime Arrivals, how they comply with our international obligations, as well as their impact on individuals who might be granted them. The review would also need to assess historical evidence and consider this in the context of the continuing evolution of people smuggling and the ability of asylum seekers to adapt to known circumstances. The review should have the opportunity to undertake public consultation and examine relevant international comparisons. I would envisage that the review would specifically commission and examine intelligence as to whether temporary visas are a deterrent or may encourage irregular movement.

The Coalition would have the opportunity to receive regular briefings on the progress of this review.

I have enclosed a draft Terms of Reference for your consideration. Again, I would envisage the final terms of reference being agreed between us.

Possible redress in Malaysia

You also expressed an interest on what might be done to further strengthen the Malaysian Arrangement to allow individual asylum seekers who are transferred under the arrangement to seek a form of redress against certain serious incidents while in Malaysia. These incidents might include being mistakenly detained as an illegal immigrant or for working illegally, being exploited by Malaysian employers, or an inability to access those support mechanisms the Arrangement puts in place for those transferred to Malaysia. As you would be aware, under the Arrangement, those transferred to Malaysia would have access to basic health and education services as well as work rights and an initial period in supported, transitional accommodation before going into the community.

The Government is prepared to engage the UNHCR to examine how its role may be further enhanced with respect to dealing with any such serious incidents. The Government envisages the UNHCR providing a case management service to transferees who need assistance and a formal reporting role to the Joint Committee and to the Advisory Committee that will be set up as a part of the Arrangement.

As it stands under the Malaysian Arrangement, those transferred to Malaysia would be provided with access to the UNHCR hotline.

This process could be supplemented as follows:

- UNHCR could also be provided with a 24 hour contact number for a relevant officer in the Ministry of Home Affairs;
- UNHCR could be funded to provide a case management service to the Transferee to:
 - arrange for any medical treatment if necessary;
 - arrange for any counselling if necessary;
 - arrange contact with family and friends;
 - make an immediate interim report of the incident to the Joint Committee;
 - provide any follow up reports to the Joint Committee;
 - fully document the circumstances of the incident and provide a final report to the Joint Committee and to the Advisory Committee.
- UNHCR could be provided with a standing invitation to report any incident to the Joint Committee. The Joint Committee will ask the Ministry of Home Affairs representative to provide advice to the Committee as to the nature of the incident and what mitigation strategies might be adopted for the future.
- The Advisory Committee could be asked to provide an exception report to respective Ministers as soon as practicable after any incident and a 6 monthly publicly available report to Ministers as to any incidents in the reporting period and remedial action taken to prevent further such incidents.

The Government would also be prepared to discuss with you the establishment of a bipartisan parliamentary committee which would receive regular reports on the welfare of asylum seekers who have been transferred to Malaysia, Papua New Guinea and Nauru.

Establishment of an offshore processing facility on Nauru

Given our mutual interest in ensuring that any such agreement that we can come to is implemented quickly, I think it is prudent that I also provide a short update on the requirements to stand-up an offshore processing facility on Nauru.

Initial site inspections will be undertaken on 3 January 2012 to survey the state of the former facilities on Nauru in particular to determine the presence of any hazardous materials and assess the state of the building infrastructure. The initial assessment will provide a better indication of the extent of replacement and repairs to be done and, thus, time required to stand up the facilities.

The main considerations that influence the time it will take to stand up suitable facilities on Nauru include the state of the building/site, the Australian Government's ability to be able to engage contractors to provide detention and health services at the site, and the quality of the utilities infrastructure. For example, the current advice is that the state of public utilities in Nauru is poor with electricity routinely

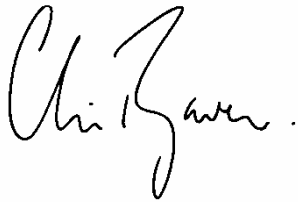
unavailable for around half of each day.

I am more than happy to elaborate on all of these items at the meeting we have scheduled for later today.

I believe that this letter, following the Government's written proposal, and your response, should be the subject of a further meeting after you have had the opportunity to consider it further and consult colleagues. I would propose a further meeting between us early in the week commencing Monday 9 January 2012.

The Government is treating this letter as confidential as are our discussions while they are continuing.

Yours sincerely

A handwritten signature in black ink that reads "Chris Bowen". The signature is written in a cursive, flowing style with a period at the end.

CHRIS BOWEN

Review into the effectiveness and efficacy of Temporary Protection Visas and Temporary Humanitarian Visas

Terms of Reference

Objectives and Scope of the Review

The overarching objective of this review is to inform the Government's consideration of policy options to combat people smuggling and discourage people from making dangerous voyages by sea to seek protection in Australia.

The Government is seeking to undertake a comprehensive independent review of the TPV and the associated THV regime. The review will examine the efficacy of temporary protection as policy to discourage irregular movement to Australia by sea, and ways of managing any potential negative impacts of such a regime.

The review will:

1. Assess the effectiveness on TPV/THV on combating people smuggling and discouraging Irregular Maritime Arrivals (IMAs), including the effectiveness of the past restrictions such as those on travel and family sponsorship.
2. Assess the impact on the mental health on clients holding TPV/THVs.
3. Assess the impact of TPV and THV entitlement arrangements on the Government and non-Government sectors (i.e. potential burden shift).
4. Examine and provide advice on the use and effectiveness of temporary protection internationally.
5. Consider entitlements attached to TPV/THVs, including access to settlement and integration pathways, and make recommendations.
6. Examine and determine whether the TPV and THV and related entitlements, comply with Australia's obligations under the:
 - a. *1951 Convention relating to the Status of Refugees*
 - b. *International Covenant on Civil and Political Rights (ICCPR)*
 - c. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, and

d. *Convention on the Rights of the Child* (CROC).

This should include assessment against previous entitlements and, any recommendations regarding entitlements.

7. Consider how the reintroduction of a TPV/THV regime would impact on the delivery and composition of the humanitarian program.
8. Consult the non-government sector and provide advice on past experience and possible impacts of the re-introduction of TPV/THV.
9. Analysis of the previous caseload of TPV/THVs holders including:
 - a. demographics of the caseload
 - b. eventual (visa) outcomes for TPV/THV holders.
10. Any advice on mitigating any risks and issues that may arise should the Government seek to re-introduce a TPV/THV regime.

Structure and timing

The review will be conducted in three stages:

Stage 1: Initial discussion paper due to Government - 30 June 2012
This discussion paper will provide an initial recommendation to proceed with TPV/ THV prior to further consultation.

Stage 2: Consultation with advocacy groups - July/August 2012.

Stage 3: Final report due to Government - 1 December 2012.

Composition and Consultation

The review panel will be chaired by xxxx.

The review will be supported by xxx and xxxx

The review chair may, where necessary draw on expertise of the Department of Immigration and Citizenship.

Consultation with advocacy groups, community stakeholders and other government agencies will occur at Stage 2 (see above). This consultation stage will commence only upon recommendation to proceed by the chair of the panel in the Stage 1 discussion paper, and subsequent endorsement by the Government.

The Minister for Immigration and Citizenship, and Shadow Minister for Immigration and Citizenship will be consulted at each Stage of the review.



Scott Morrison MP

SHADOW MINISTER FOR PRODUCTIVITY AND POPULATION
SHADOW MINISTER FOR IMMIGRATION AND CITIZENSHIP
FEDERAL MEMBER FOR COOK

The Hon Chris Bowen MP
Minister for Immigration and Citizenship
Parliament House
Canberra ACT 2600

By facsimile: (02) 9091 7911; (02) 6273 4144

Dear Minister,

Thank you for your letter of 30 December, 2011 and our discussion on that day.

I am pleased the Government has commenced the process of reopening the offshore processing centre on Nauru and that Department officials visited Nauru earlier this week for this purpose.

The Government and Parliament of Nauru are highly supportive and cooperative and the conditions on Nauru are a significant improvement on those confronted by the Coalition when we opened the centre more than a decade ago.

I am sure that if the Government has sufficient resolve in implementing this proposal it will be able to overcome any obstacles that may be identified in your reconnaissance.

In addition we assume the Government will be similarly moving to reopen the facility at Manus Island and welcome your advice that this facility could also be run as an open centre, as would be the case on Nauru.

Your proposal raises a number of matters that I intend to raise with my Shadow Cabinet colleagues before giving you a more definitive response. To this end I propose that we next meet on [Wednesday, January 18, 2012](#) at 1.00pm in Canberra to enable these discussions to take place. As with our previous arrangements we expect Hon Kevin Rudd and Hon Julie Bishop to attend this meeting, given the significant foreign affairs issues involved.

Please contact Ann Duffield on [0409 842 069](#) if your office has any questions on these proposed arrangements.

Regards

A handwritten signature in blue ink, appearing to read 'Scott Morrison', written in a cursive style.

Scott Morrison
Federal Member for Cook

6 January 2012



The Hon Chris Bowen MP
Minister for Immigration and Citizenship

The Hon Scott Morrison MP
Shadow Minister for Immigration and Citizenship
Member for Cook
Parliament House
CANBERRA ACT 2600

Dear Mr Morrison,

Thank you for your letter dated 6 January 2012.

In your letter you make reference to the recent visit by Australian Government officials to Nauru. This is a clear demonstration of the Government's commitment to pursuing expeditiously the offshore processing of asylum seekers, once the Opposition has given a clear undertaking to support the Government's proposal, as previously outlined in writing to the Opposition.

You will be aware that the clear advice to the Government is that the most effective deterrent of irregular migration to Australia is the Malaysian Arrangement; any additional offshore processing centre(s) would be a complement to this Arrangement.

In addition, without the passage of the Government's offshore processing legislation there is no solid legal basis on which to fully implement the Malaysian Arrangement or establish an offshore processing facility on Nauru.

I appreciate you taking the time to consult with the Leader of the Opposition and your Shadow Cabinet colleagues before responding to the Government.

I would be happy to meet with you and Ms Bishop on January 18, as you suggest. Prior commitments would not allow Minister Rudd to join us at this meeting. If you would like to discuss meeting arrangements further, I would be happy to do so.

I look forward to meeting with you regarding the Opposition's response, and hopefully, to discuss how the Government can implement the commitments that form its written proposal on offshore processing.

As was the case with my previous letter, the Government is treating this correspondence and our discussions as confidential, while they continue.

Yours sincerely

A handwritten signature in black ink that reads 'Chris Bowen'.

CHRIS BOWEN



Scott Morrison MP

SHADOW MINISTER FOR PRODUCTIVITY AND POPULATION
SHADOW MINISTER FOR IMMIGRATION AND CITIZENSHIP
FEDERAL MEMBER FOR COOK

January 19, 2012

The Hon. Chris Bowen MP
Minister for Immigration and Citizenship
Parliament House
Canberra ACT 2600

By facsimile: (02) 9091 7911; (02) 6273 4144

Dear Minister,

The Coalition entered these discussions to identify to the Government the measures the Coalition would support.

The Coalition is under no obligation to support further policy failures and experiments from this Government, when proven measures are available. We will certainly not support policies that run contrary to the principles we have held on this issue for a decade, as a condition for the Government to embrace the Coalition's proven measures.

This is a problem of the Government's own creation, caused by your Government's own repeated policy failures which, even now, your Government continues to deny. It is for the Government to govern and take action on the measures available to them.

If the Government believes our policies should be restored then it should do so and it will have our support. If the Government insists on policies not supported by the Coalition, it must seek support from its alliance partners, the Greens, and the Independents.

As noted in my letter of January 6, the following is the Coalition's further response to your letter of December 30, 2011.

Malaysian People swap

We have made our objections to the Malaysian people swap clear from the outset. Your response indicates you are unable to address the problems we have consistently highlighted. As a result, our position is unchanged.

I do not share the Government's confidence in the UNHCR's ability to provide the protections for people sent to Malaysia that is necessary. They need the protection of the law, not committees and hotlines.

Unlike on Nauru, people sent to Malaysia will be living unprotected in the community where they will be exposed to significant abuse. It is already unsatisfactory that, unlike on Nauru or Manus Island, children sent to Malaysia will not have access to proper schools and that medical care is almost nonexistent. It is unacceptable that they also be denied legal protections in these circumstances.

I note the Government does not believe it can obtain such legal protections from the Malaysian Government. I also note that the Government does not believe an open ended arrangement with Malaysia is either necessary or achievable.

In our view, the Malaysian people swap remains a bad deal for Australia and a cruel deal for people sent to Malaysia. The Coalition cannot and will not support the Malaysian people swap as proposed by the Government.

Offshore Processing Bill

The Coalition supports offshore processing in countries where there are also offshore protections for people sent there. The Government's Offshore Processing Bill abolishes human rights protections in the Migration Act for offshore processing and that the High Court found to be lacking in the Government's proposed Malaysia people swap.

The Government's Bill seeks to provide a blank cheque for itself on human rights issues and to unilaterally approve its Malaysian people swap - we consider both measures unnecessary and inappropriate for any Government.

The Coalition's amendment seeks to retain human rights protections for offshore processing by requiring an offshore processing country to be a signatory to the Refugee Convention or Protocol. This was the position advocated by the Prime Minister before the last election and the reason cited by the Prime Minister for previously not supporting the reopening of the offshore processing centre on Nauru.

The Government has rejected the Coalition's amendment and not provided any alternative amendments that address the concerns we have raised. In the absence of the Government proposing further amendments that would address our concerns, the Coalition cannot support the Government's Bill as proposed.

Temporary Protection Visas (TPVs)

The Government has the support of the Coalition to restore TPVs immediately for all offshore entry persons, without delay.

The Government's proposal for an inquiry lasting up to 12 months creates further delay and demonstrates again that the Government remains in denial about the impact of its decision to abolish the proven measures of the Coalition that have resulted in more than 14,800 people arriving illegally on 275 boats since your Government abolished TPVs and the Pacific Solution.

Nauru and Manus Island Offshore Processing Centres

The Government should reopen the offshore processing facilities at Nauru and at Manus Island and the Coalition will support the passage of the Off Shore Processing Bill with our proposed amendment, to provide the legal certainty the Government seeks.

The Coalition has never said that reopening these facilities in isolation will solve the issue, but it is a far better and stronger response than the Greens' policy of releasing asylum seekers into the community with work rights and income support, that the Government has now adopted.

Regional cooperation

As discussed at our first meeting the Coalition is open to requests for support on matters regarding our relationship with Indonesia and our regional and other neighbours to ensure greater border control. This may include providing greater support for intelligence gathering and interception resources, improving the technology and management of border control systems and to generally improve enforcement capabilities within our region. We would also welcome a further update from the Minister for Foreign Affairs on his recent visit to Indonesia where these matters were discussed.

If the Government wishes to provide further information, raise any further points on these or related matters or seek clarification of the Coalition's view we would be pleased to hold further discussions. As on the first occasion, these discussions must also involve the Minister for Foreign Affairs and the Shadow Minister for Foreign Affairs and Trade.

I note from your office that Mr Rudd is not available for a meeting for several weeks, however, that a teleconference could be arranged. We would be available for a teleconference meeting next week.

I would be grateful if you could advise us by the close of business on Monday, if you would like to hold further discussions, so appropriate arrangements can be made.

Regards

A handwritten signature in blue ink, appearing to read 'Scott Morrison', is positioned below the text 'Regards'.

Scott Morrison MP
Shadow Minister for Immigration and Citizenship



The Hon Chris Bowen MP
Minister for Immigration and Citizenship

The Hon Scott Morrison MP
Shadow Minister for Immigration and Citizenship
Member for Cook
Parliament House
CANBERRA ACT 2600

Dear Mr Morrison,

Thank you for your letter dated January 19. I was disappointed by your failure to accept the offer of a teleconference on Friday 20 January.

I note the recent shift in the Opposition's policy outlined in the story 'I'll turn every boat back, says Tony Abbott' that appeared in *The Australian* on January 21. In that article, the Leader of the Opposition argues that every boat should be turned back to Indonesia.

This letter seeks clarification on whether it remains the Coalition's policy not to return asylum seekers to countries which are not signatories to the UN Refugee Convention. As you know, Indonesia, like Malaysia, is not party to the Convention.

You have argued both publicly and privately that the Coalition's amendments to the Government's offshore processing legislation seek "to retain human rights protections for offshore processing by requiring an offshore processing country to be a signatory to the Refugee Convention or Protocol".

It is difficult to reconcile your alleged concern with the enforceability of protections in the Malaysia Arrangement with Mr Abbott's new policy position of blanket returns to Indonesia.

Leaving aside the significant risks to the lives of Australian personnel in implementing such a policy, the Opposition needs to make clear what would happen to asylum seekers who are sent back to Indonesia.

Given the ongoing importance of this issue, the Government is willing to have further discussions with the Opposition. However, the Opposition would need to indicate that it is willing to come to the table in a more constructive manner than it has to this point.

I look forward to receiving your response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Bowen', written over a horizontal line.

CHRIS BOWEN



Scott Morrison MP

SHADOW MINISTER FOR PRODUCTIVITY AND POPULATION
SHADOW MINISTER FOR IMMIGRATION AND CITIZENSHIP
FEDERAL MEMBER FOR COOK

23 January 2012

The Hon. Chris Bowen MP
Minister for Immigration and Citizenship
Parliament House
Canberra ACT 2600

Dear Minister

The Government has sought the Coalition's support for the Malaysian people swap and the abolition of human rights protections for offshore processing in the Migration Act.

Once again your response has failed to address the serious policy concerns the Coalition has consistently raised on these matters.

The Government has demonstrated once again that it remains in denial about its border protection failures that have caused the crisis on our borders.

Your response indicates that the Government has no intention of seriously addressing the Coalition's legitimate policy concerns. Your response can only be interpreted as an act to intentionally frustrate and therefore terminate these discussions or disingenuously seek to prolong them.

The Coalition will continue to support restoring the policies we successfully implemented in Government, that remain unchanged and were abolished by the Rudd and Gillard Governments.

If the Government insists on support for its Migration Amendment (Offshore Processing and Other Measures) Bill, it should now hold discussions with its alliance partners the Greens, and the Independents. If this is a critical matter for the Government, it should treat the Bill as a matter of confidence.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Scott Morrison', written in a cursive style.

Scott Morrison
Federal Member for Cook
Shadow Minister for Immigration and Citizenship



The Hon Chris Bowen MP
Minister for Immigration and Citizenship

The Hon Scott Morrison MP
Shadow Minister for Immigration and Citizenship
Member for Cook
Parliament House
CANBERRA ACT 2600

Dear Mr Morrison,

I note the Coalition's decision to formally end talks following the release of correspondence between the Government and the Opposition to *The Australian* newspaper overnight.

The Prime Minister first wrote to the Leader of the Opposition on December 14, before the tragic loss of over 200 asylum seekers off the Indonesian coast, offering discussions to work towards an agreement that would secure offshore processing and minimise the risk to lives at sea.

This is the spirit in which the Government put forward a written proposal, as requested by the Opposition, and sought to further develop ideas raised in earlier discussions with you and the Deputy Leader of the Opposition.

The Australian people have a legitimate expectation, particularly where both the Labor Party and the Coalition support offshore processing, that their leaders can put aside partisan politics and work together to ensure the national interest is upheld.

The simple fact is that without legislation that enables the Government of the day to put in place its own border protection policies – the situation that was thought to exist prior to last year's High Court decision – the flow of boats will continue unabated along with all of the risk to human life that goes with that.

Despite the Government initiating these discussions, satisfying your request for a written proposal and demonstrating a willingness to address the matters you raised, the Opposition has not made a single constructive contribution as to how we may be able to work together to implement offshore processing.

These discussions were never about forcing the Coalition to support the Malaysian Arrangement. They were about how the Government and the Opposition could work together to pass legislation that restores the prerogative of the government of the day to implement its own border protection policies. This was evident in the support the Beazley Labor opposition provided to the Howard Government in 2001 when the offshore processing provisions of the Migration Act were first passed. It's the sort of constructive opposition and bipartisanship the nation needs now, but that the Coalition is incapable of providing.

Given you have failed to bring forward anything new to the discussion; I would like to outline the Government's response to the Coalition current policy proposals.

Turning back the boats

The Chief of the Australian Navy, Vice Admiral Ray Griggs, made clear comments at a recent Senate Estimates hearing about the risks of a 'turnbacks' policy for Australian Navy and border protection personnel. I note the Admiral, under the previous government, had responsibility to carry out this policy. More recently, the former Chief of the Defence Force, Admiral Chris Barrie, has indicated that the policy is highly problematic and that the ADF personnel would not be obliged to implement it where it was in contradiction with international law and the safety of life at sea conventions.

The Government will not be party to a policy that puts in danger the lives of Australian personnel and asylum seekers on the high seas.

Furthermore, the Indonesian Government has made a number of clear public comments over the last few years, stating and restating its opposition to such a policy. In September last year, Brigadier-General Agung Sabar Santoso, who has responsibility for Indonesia's anti-people smuggling taskforce, said that this policy would put the lives of women and children at risk, as well as damage Australian-Indonesian relations. Senior Indonesian officials have restated these concerns this week, and the UNHCR has also raised concerns over both the safety and legality of the so-called core element of Opposition policy.

Alongside the advice of the Australian Navy and the opposition of the Indonesian Government to such a dangerous policy, the Coalition is still left with the major problem of what legal protections would be in place for those asylum seekers who are returned to Indonesia.

In light of recent statements by the Leader of the Opposition, I wrote to you seeking clarification on whether or not it was Coalition policy not to return asylum seekers to countries that were not signatories to the UN Refugee Convention.

I note that you failed to provide any further information about how the Indonesia turn back policy is consistent with the Coalition's position that it will not return asylum seekers to non-signatories to the UN Refugee Convention

There are three key differences between the Malaysia Arrangement and your policy of boat turn backs.

- 1) Malaysia has agreed to accept and process asylum seekers. Indonesia has not.
- 2) Malaysia has agreed to protections for asylum seekers. Indonesia has not.
- 3) The Malaysia Arrangement can be implemented without risking the lives of Australian Naval personnel. Turnbacks cannot.

I fail to see how you can question the protections for asylum seekers that the Australian Government has negotiated in the Malaysian Arrangement, while advocating a policy that seeks to return asylum seekers to a country that is not a signatory to the Convention or where no protections are in place for those people.

Temporary visas

When implemented by the Howard Government, well over 9000 asylum seekers arrived by boat and that included an increase in the percentage of women and children who made this dangerous voyage to Australia. As you would be aware, a condition of the TPV was to deny family reunion, and this saw more women and children getting on boats to Australia.

The Government offered, in good faith, an inquiry into the deterrence effect on temporary visas, to be informed by the evidence from intelligence. I indicated to you we would mutually agree on who would conduct the inquiry and the terms of reference. We would have also been happy to mutually agree the timing of the inquiry with you. The Australian people are entitled to conclude that your out of hand rejection of this inquiry is because you fear that it would conclude that your policy would be ineffective.

Nauru

As has been outlined to you on multiple occasions, the clear and consistent expert policy advice provided to the Government is that the Malaysia Arrangement is the most effective deterrent available because it removes any certainty of resettlement in Australia. This deterrent cannot be achieved simply by establishing offshore processing facilities on PNG and/or Nauru alone.

The Government put forward the offer of establishing offshore processing facilities at Nauru and/or PNG as part of a proposal that would have seen the Opposition support the Government's offshore processing legislation through the parliament. You have indicated that the Coalition has rejected this proposal.

The experience of offshore processing on Nauru under the previous government was that the overwhelming majority of those found to be refugees were resettled in Australia and New Zealand. That is your deterrent to irregular migration to Australia. Without a deterrent like the Malaysian Arrangement, offshore processing on Nauru is simply a pit stop on the way to Australia.

I note that you have not been able to provide any indications of a country or countries other than Australia that would or might be willing to accept resettlement of refugees from a processing centre on Nauru.

I did in earlier correspondence provide you with a brief update on the state of facilities on Nauru. The Government has been provided with updated advice following a physical inspection of the facilities by officials from the Department of Immigration and Citizenship.

The advice suggests that it would take an absolute minimum of 3 months to set-up operational facilities on Nauru. I note that contrasts with comments made by you and the Leader of the Opposition that it would only take a few weeks before you could send asylum seekers to Nauru.

The Department advises that the initial capacity of facilities on Nauru would be 400 and then following new buildings being transported to Nauru, the maximum capacity would reach 750.

Before my department was able to inspect these facilities, the estimated operational cost for a facility of 1500 people was \$979 million over four years. The Department now advises that the estimated operational costs for facilities that can accommodate up to 750 asylum

seekers would be \$1.678 billion over four years. The estimated capital costs for a 250 person facility at Topside and a 500 person facility at State House is \$316 million.

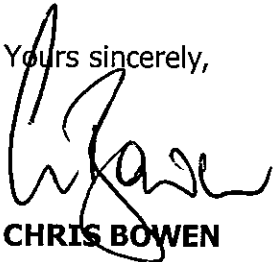
Now that the Coalition has been provided with updated operational and capital costs for facilities, I look forward to you outlining how the Coalition proposes to fund these additional costs. There is no excuse for the Coalition failing to outline how it will fund this measure as it failed to do before the 2010 federal election.

Next Steps

The Coalition still has time to reconsider its position on this issue.

The Government would be willing to have further discussions with the Opposition. However, the Opposition would need to indicate that it is willing to come to the table in a more constructive manner than it has up to now.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Bowen', written over the typed name.

CHRIS BOWEN