

# **Towards Forging a National Consensus on Stopping the Boats Decently after the Election**

**All Saints Anglican Church  
Ainslie**

**Fr Frank Brennan SJ AO**

**22 June 2016**

This address for Refugee Week 2016 is my attempt to contribute to the forging of the national consensus which must precede any regional consensus aimed at doing more for the 60 million displaced people in our world.

I am delighted to be with you in this splendid church which I have driven past many times. It's a tribute to your forbears that they imported stone by stone the mortuary chapel from Rookwood cemetery and constructed this fine sandstone church in the heart of Canberra. In the Roman Catholic calendar, today is the feast of Thomas More and John Fisher. It would be ill becoming of a Jesuit, even centuries later, to agitate the rights and wrongs of all that preceded their beheadings, but I think it appropriate to reflect a little on their finer qualities. In 2000, Pope John Paul II proclaimed Thomas More as the patron on statesmen and politicians. More has of course long been the patron of lawyers. John Paul observed:

The life and martyrdom of Saint Thomas More have been the source of a message which spans the centuries and which speaks to people everywhere of the inalienable dignity of the human conscience... Whenever men or women heed the call of truth, their conscience then guides their actions reliably towards good. Precisely because of the witness which he bore, even at the price of his life, to the primacy of truth over power, Saint Thomas More is venerated as an imperishable example of moral integrity. And even outside the Church, particularly among those with responsibility for the destinies of peoples, he is acknowledged as a source of inspiration for a political system which has as its supreme goal the service of the human person.

Conscience; truth over power; and a political system at the service of the human person, including the poor, marginalized, dispossessed and abandoned. These are some of the key tools we need when considering the vexed issues of national security, border protection, and the rights of asylum seekers. In our Catholic and Anglican traditions, there has long been an acknowledgement of the person's right to reside in their own country, their right to emigrate and their right to return. The right to migrate to another country, not one's own, has been a more vexed moral question.

Pope Francis has broken through some of the intellectual uncertainty with symbolic actions which speak to those on both sides of national borders, calling all to give an account of themselves, first with his visit to Lampedusa, then with his visit to the US-Mexico border, and recently with his visit to Lesbos in company with the two patriarchs, His Holiness Bartholomew, Ecumenical Patriarch of Constantinople, and His Beatitude Ieronymos, Archbishop of Athens and all Greece.

Not even John Paul II in his vast corpus of social encyclicals had much to say about the right to migrate. In his great human rights encyclical *Pacem in Terris* published in 1963, Pope John XXIII had spoken of the right to emigrate and immigrate. Harking back to Pius XII's 1952 Christmas message, John said:

Again, every human being has the right to freedom of movement and of residence within the confines of his own State. When there are just reasons in favor of it, he must be permitted to emigrate to other countries and take up residence there. The fact that he is a citizen of a particular State does not deprive him of membership in the human family, nor of citizenship in that universal society, the common, world-wide fellowship of men.<sup>1</sup>

John went on to give his 'public approval and commendation to every undertaking, founded on the principles of human solidarity or of Christian charity, which aims at relieving the distress of those who are compelled to emigrate from their own country to another'.<sup>2</sup>

The UN's *International Covenant on Civil and Political Rights (ICCPR)* which was open for ratification just three years after *Pacem in Terris* made no mention of a right to emigrate. It confined its attention to the right to leave any country and the right to enter one's own country.<sup>3</sup> The Covenant added nothing of substance to the 1951 *Refugees Convention*<sup>4</sup> which did not accord asylum seekers the right to enter any country other than their own. That Convention simply ensured that any asylum seeker in direct flight from persecution was not to be disadvantaged for their illegal entry to a country were they successfully to gain entry,

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<sup>1</sup> Pope John XXIII, 1963. Encyclical: *Pacem in Terris*, Section 25. Vatican City: Vatican; accessed on 24 April 2016 at [w2.vatican.va](http://w2.vatican.va).

<sup>2</sup> *Ibid.*, Section 107.

<sup>3</sup> United Nations, 1966. *ICCPR*. Geneva: Office of the United Nations High Commissioner for Human Rights; accessed on 24 April 2016 at [www.ohchr.org](http://www.ohchr.org). Article 12 of the *ICCPR* provides:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13 of the *ICCPR* provides:

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

<sup>4</sup> United Nations, 1951. *Refugees Convention*. Geneva: Office of the United Nations High Commissioner for Refugees; accessed on 25 April 2016 at [www.unhcr.org](http://www.unhcr.org).

and that they were not to be refouled to their country of persecution prior to the determination of their refugee claim once they had gained entry, even if it be illegal.

Recent popes have wrestled with what constitutes a just reason for emigrating to another country not one's own and taking up residence there. While focusing on the individual and their human rights, the popes also give attention to the family, the community and the nation which are the privileged loci within which the individual enjoying their human rights is able to achieve their full human flourishing. Thus the national interest is important to evaluate, especially when considering culture, religious freedom and economic prosperity. Though affirming the universal destination of goods and the universal brotherhood of man, the popes have tended to espouse national borders as necessary, contingent preconditions for full human flourishing. But in recent years, they have drawn attention to the particular responsibility which those behind secure national borders owe to those presenting at their borders seeking asylum in direct flight from persecution.

When Pope Francis visited Lesbos in April 2016, he commenced with this concession: 'The worries expressed by institutions and people, both in Greece and in other European countries, are understandable and legitimate'.<sup>5</sup> He, like his predecessors, takes seriously the nation state's entitlement to maintain secure borders so as to enhance the prospects of full human flourishing for citizens seeking a full cultural, religious and economic life in harmony with their fellow citizens. But in a world with 60 million people displaced and seeking asylum, that is not the full picture, and thus not the entirety of Catholic Social Teaching on the right to migrate. Francis had already demonstrated in his address to the European Parliament that he understands the pressures on the modern nation state when dealing with migration flows. Thus his considered decision to go to Lesbos in company with the two patriarchs, not on a political mission but with a humanitarian purpose, drawing attention to the plight of those on the borders of life. Having acknowledged the understandable and legitimate concerns of those wanting to maintain secure borders, Francis went on to say:

We must never forget, however, that migrants, rather than simply being a statistic, are first of all persons who have faces, names and individual stories. Europe is the homeland of human rights, and whoever sets foot on European soil ought to sense this, and thus become more aware of the duty to respect and defend those rights. Unfortunately, some, including many infants, could not even make it to these shores: they died at sea, victims of unsafe and inhumane means of transport, prey to unscrupulous thugs.<sup>6</sup>

Francis, like his predecessors, is not proposing a borderless world but he is challenging his fellow Christians to display mercy and compassion across borders, and in dimensions they have dared not contemplate or attempt in the past. He is not falling into the trap which John Finnis, the Oxford don and long-time member of the Pontifical Council for Justice and Peace and of the International Theological Commission, describes as clerical overreach producing 'a rhetorical drift towards equating the borderless, cosmopolitan Church – in which there is

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<sup>5</sup> Pope Francis, 2016. Address to People of Lesbos (Lesvos), 16 April. Vatican City: Vatican; accessed on 24 April 2016 at [w2.vatican.va](http://w2.vatican.va).

<sup>6</sup> Ibid.

‘neither Jew nor Greek’ but all are equally and everywhere at home – with political community envisaged as if it likewise ought to be substantially borderless even if that resulted (but such consequences are not articulated even for consideration) in the annulling of national cultures, constitutions, and peoples’.<sup>7</sup>

I was delighted to see in the Queen’s Birthday Australian Honours list an award to Judi Moylan ‘for distinguished service to the Parliament of Australia and the community of Western Australia, particularly through the promotion of the status of women and advocacy for those with diabetes’. I thought the citation rather incomplete. I told her that I would add, ‘and particularly for her fearless advocacy of the rights of asylum seekers’. She told me that she had been ‘such a naughty girl’ on asylum seekers that she doubted that she would receive any recognition. This country needs more politicians on both sides of aisle like Judi Moylan, prepared to stand for principle and prepared to do the hard work effecting the compromises needed to balance effectively national security, border protection, and the rights of asylum seekers.

In her valedictory speech on 17 June 2013 after 20 years in parliament Judi Moylan reminded us:

If we are to learn anything, though, from the political and social problems of the region it must surely be the necessity to engage with our neighbours to manage the flow of refugees in the Indian Ocean region. This is not a situation Australia can manage in isolation. It is not.

If we are committed to stopping the deaths at sea, in this most intransigent of political arenas, our parliament must find a way to forge a national consensus before we can possibly entertain any hope of achieving a regional consensus. This is the only way we will find a lasting and humane resolution to one of the enduring human horrors of war and civil strife in our midst.

There was a very moving scene at the state funeral of Malcolm Fraser in March last year when Vietnamese Australians thronged outside the church carrying placards which read: ‘You are forever in our hearts: farewell to our true champion of humanity: Malcolm Fraser’. I honour Fraser, but not because he opened our borders to fleeing boat people coming in their tens of thousands. He didn’t. He secured the borders, and then he led the nation in opening ‘our arms and hearts to tens of thousands of refugees’ as the novelist Tim Winton put it in his Palm Sunday address in Perth last year. Winton was wrong to claim that Fraser welcomed the boats. Winton was right to proclaim:

I was proud of my country, then, proud of the man who made it happen, Malcolm Fraser, whose greatness shames those who’ve followed him in the job. Those were the days when a leader drew the people up and asked the best of them and despite their misgivings, Australians rose to the challenge. And I want to honour his memory today.

Seeking the right balance between compassion and realism, between the human rights of asylum seekers and the national interest of a rich democratic country, we might find as much guidance from the memory of the last generation of refugees in their honouring of the last

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<sup>7</sup> J. Finnis, 2011. ‘Introduction’, *Religion and Public Reasons*, Collected Essays, Volume V. Oxford: Oxford University Press, p. 12.

generation of political leaders who tried to forge a solution compassionate and fair to the many who were seeking asylum and acceptable to the voting public. I have concluded that stopping the boats is a precondition to finding a politically acceptable, compassionate and fair solution. It is time to quarantine the question of the morality of those stopping the boats, accepting the political imperative of stopping the boats if they can practically be stopped. The boats will be stopped. But they need to be stopped decently and fairly so that the community might then be encouraged and led to be more generous in opening the doors to a higher quota of refugees each year being selected by government from situations of acute despair, and in funding the international agencies and other governments caring for asylum seekers in transit. As one of the richest, most democratic countries in Southeast Asia, Australia will always be an attractive destination for some of the 59.5 million displaced persons in our world.

As prime minister, Fraser gave great leadership in the Australian community cultivating public acceptance of the idea that Australia would play its part in receiving a significant number of Vietnamese refugees chosen by Australian government officials from camps in other South East Asian countries like Thailand. Eventually an orderly departure program was negotiated with the Vietnamese government. Despite the small number of boat arrivals, there were members of parliament on both sides of the political aisle in Australia expressing concerns about ‘queue jumpers’ and those falsely claiming to be refugees while seeking a better life. Both Whitlam and Fraser, like all their political successors, expressed concerns about boat people arriving without visas and without prior selection by Australian officials. In May 1977, Fraser’s minister for Immigration, Michael MacKellar set out Australia’s first comprehensive refugee policy insisting: ‘The decision to accept refugees must always remain with the Government of Australia.’<sup>8</sup> He announced, ‘There will be a regular intake of Indo-Chinese refugees from Thailand and nearby areas at a level consistent with our capacity as a community to resettle them. In this operation we shall be relying greatly on the co-operation of the UNHCR, other Governments, especially the Thai Government, and voluntary agencies in Australia.’<sup>9</sup> When boats started arriving regularly in Darwin Harbour, wharfies and others started to sound the alarm. Klaus Neumann in his dispassionate analysis of the period in his book *Across the Sea: Australia’s Response to Refugees – A History* notes that MacKellar became half-hearted in his defence of the admission of boat people. On 22 November 1977, MacKellar addressed the NSW Branch of the Institute of International Affairs warning that ‘no country can afford the impression that any group of people who arrive on its shores will be allowed to enter and remain...We have to combine humanity and compassion with prudent control of unauthorized entry, or be prepared to tear up the Migration Act and its basic policies’. He was backed up by Foreign Minister Andrew Peacock who said that Australia could not ‘continue to indefinitely accept Asian refugees arriving unannounced by sea’ and that ‘Australia could not be regarded as a dumping ground’.<sup>10</sup> A year later, there was an increasing flow of refugees out of Vietnam and into camps around South East Asia.

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<sup>8</sup> House of Representatives, *Hansard*, 24 May 1977, 1714

<sup>9</sup> *Ibid*, 1716

<sup>10</sup> Quoted by Klaus Neumann, *Across the Sea: Australia’s Response to Refugees – A History*, Black Inc, 2015, 273

The Fraser government insisted on the need for a co-operative international approach. When non-government agencies started to provide assistance to boat people on the high seas, MacKellar told parliament: 'I put the proposition that the people concerned with the project could not see a situation emerging where Australia would automatically allow the entry of any people that such a vessel happened to pick up.'<sup>11</sup> On 29 June 1978, the Labor Party's spokesman on immigration matters, Dr Moss Cass, wrote a very inflammatory opinion piece in *The Australian* lamenting the arrival of over 1,000 boat people in Darwin Harbour, none of whom had been sent back to Vietnam. He said, 'The implications of a government policy which accepts queue jumping on this scale are obvious.' He was adamant that 'those refugees seeking residence in Australia who jump the queue by arriving on our shores without proper authorisation should not be given resident status, even temporarily'. It is important to appreciate that the notion that boat people are queue jumpers germinated at the very beginning of the first modest wave of boat people fleeing to Australia, and despite the heroic moral leadership of Malcolm Fraser. On 15 August 1978, the Labor frontbencher Clyde Cameron who had been Whitlam's Immigration Minister asked Fraser a rather hostile and insinuating question: 'Will he tell the Parliament what approaches were made by the United States of America which were in any way responsible for the decision to permit Vietnamese nationals to enter Australia without permits.' Fraser answered:

The United States of America has not attempted to influence procedures for entry to Australia. The Australian Government will at all times decide the requirements for entry to Australia. No Vietnamese nationals are permitted to enter Australia without entry permits. The 1634 boat refugees who have arrived in Darwin without prior authority were issued with temporary entry permits on arrival pending consideration of their applications to remain here.<sup>12</sup>

The major political parties were agreed on the need to arrest the flow of boats, while being generous with the resettlement of Vietnamese refugees who then came through the camps in South East Asia under what later became the comprehensive plan of action in 1989. On 16 March 1982, Ian McPhee, Fraser's next immigration minister after MacKellar, provided Parliament with an update on the government's refugee policy restating, 'The decision to accept refugees must always remain with the Australian Government'. He told Parliament:

During my visit last year I reached the conclusion, commonly held by many involved in both the Indo-Chinese and Eastern European refugee situations, that a proportion of people now leaving their homelands were doing so to seek a better way of life rather than to escape from some form of persecution. In other words their motivation is the same as over one million others who apply annually to migrate to Australia. To accept them as refugees would in effect condone queue-jumping as migrants.<sup>13</sup>

He called for a balance between compassion and realism. He announced progress with an

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<sup>11</sup> House of Representatives, *Hansard*, 7 June 1978, 3149

<sup>12</sup> House of Representatives, *Hansard*, 12 September 1978, 902

<sup>13</sup> House of Representatives, *Hansard*, 16 March 1982, 991

orderly departure program aimed at arresting the flow of boats out of Vietnam. He reached agreement with his counterparts in Thailand and Malaysia how to arrest the flow and how to handle the numbers coming through. All this humanitarian effort was posited on the premise of stopping the boats coming uninvited to Australia.

I have come to accept that our political leaders will always maintain a commitment to stopping the boats, no matter what political party they represent; but I insist that there is a need for international co-operation to determine how decently to stop the boats while providing an increased commitment to the orderly transfer of an increased number of refugees across our border so that they might live safe and fulfilling lives contributing to the life of the nation.

This cannot be done in Australia until we shut down the processing centres on Nauru and on Manus Island, until we accept that people should only be held in detention while issues of identity, security and health are determined, and while we negotiate arrangements with Indonesia, India and any other transit countries to which asylum seekers are being returned, replicating the European regulation:

No person shall, in contravention of the principle of *non-refoulement*, be disembarked in, forced to enter, conducted to or otherwise handed over to the authorities of a country where, inter alia, there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another country in contravention of the principle of *non-refoulement*.<sup>14</sup>

It might then be possible for Australian officials to conduct prompt, reliable onboard assessments of asylum seekers on vessels determining whether it is appropriate to return them to their last port of call.

In February when visiting New Zealand, Malcolm Turnbull rejected New Zealand's offer to take up to 150 refugees a year from the Australian caseload (whether onshore or offshore). Again when the PNG Supreme Court struck down the Manus Island arrangement, Turnbull rejected the offer saying, 'Settlement in a country like New Zealand would be used by the people smugglers as a marketing opportunity.' Mr Dutton told the Parliament: 'We will work with the Nauruan authorities and with the PNG authorities to provide opportunities for people there who have been found to be refugees—in the case of PNG, to integrate into Papua New Guinea society, or, on Nauru, to either stay on Nauru or move to Cambodia. We are working on third-country settlement options, but we need to structure any arrangement in such a way that it will not create a pull factor or an opportunity for people smugglers to get back into business.'

This just shows how irrational and callous is the present Australian policy (which enjoys

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<sup>14</sup> Article 4(1), Regulation (EU) No 656/2014 of the European Parliament and of the Council, 15 May 2014

bipartisan support in the Parliament). When John Howard instituted the first Pacific Solution he was only too happy to accept New Zealand's offer with 131 asylum seekers from the Tampa being dispatched immediately to New Zealand. Now we're being told that proven refugees who headed to Australia by boat could never be offered resettlement in a country like New Zealand. The only options left are not options at all, and the government knows that. Meanwhile the Labor Opposition talks about Canada as an option but dares not utter the name New Zealand. New Zealand is next door and has an offer on the table. Canada is on the other side of the world and has no offer on the table.

The carry on of both major parties probably explains the exasperation of UNHCR which has now said: 'There is no doubt that the current policy of offshore processing and prolonged detention is immensely harmful.' 'These people have already been through a great deal, many have fled war and persecution, some have already suffered trauma. Despite efforts by the Governments of Papua New Guinea and Nauru, arrangements in both countries have proved completely untenable.' There are presently 847 people in the Manus Island RPC and 466 persons in the Nauru RPC. There are 541 persons on Manus Island who have received a positive final determination that they are refugees. There are 915 persons on Nauru who are proven refugees, languishing on a Pacific Island with a permanent population of 10,000. Imagine if Australia were being asked to offer places to 2.4 million refugees in the next year. And make no mistake, that is the per capita equivalent to what we have visited upon Nauru with our chequebook.

So we are in the midst of an election campaign with the government in caretaker mode having no policy solution whatever for the 847 men being held in Papua New Guinea, and with the Labor Opposition offering no alternative to this 'completely untenable' arrangement. It's a disgrace. Mr Turnbull thinks refugee advocates are being misty-eyed. That's better than being wilfully blind.

I've heard a lot of fatuous things from both major political parties over the years about offshore processing. But the pre-election statement by Labor's Richard Marles takes the cake. Marles told ABC *Lateline*: 'The agreement that we signed with the Government of PNG was for 12 months and that's because we fully expected that the vast bulk of those people on Manus Island would be processed and resettled within that period of time. We never saw Manus Island as a place of indefinite detention where people would be languishing three years later as they are now. And the predicament that we find ourselves as a country in now is to do with this - with the failure of the Turnbull Government in finding resettlement options for people both in PNG and in other countries.' The Rudd Government of which Marles was a member had no commitment whatever to finding resettlement options outside PNG for proven refugees held on Manus Island. Neither did the Abbott government; and neither does the Turnbull government. Having written the cheque, our governments of both persuasions have seen the ultimate resettlement of these people as a problem for PNG. When the House of Representatives voted to approve the designation of PNG as an offshore processing country on 9 October 2012, Adam Bandt for the Greens proposed an amendment calling 'on the government to put in place a 12 month time limit on immigration detention in Papua New



Guinea'. That amendment attracted two solitary votes – that of Mr Bandt and Andrew Wilkie.<sup>15</sup> Give me a break. Both major political parties knew in their bones that the arrangement on PNG would last much longer than a year, and the last thing they wanted was any sort of one year time limit. After all they wanted to keep sending a message to people smugglers. It's a bit hard to send a message to people smugglers if all your offshore facilities are empty! Both sides were committed to bankrolling detention on Manus Island for as long as it might take for detainees proved to be refugees to decide to try and settle in PNG or try their luck elsewhere, including back home where they faced persecution. And now the protracted detention has proved to be unlawful.

After the election, asylum seekers on Manus Island should be brought to Australia and processed. Those who are refugees should be permitted to stay in Australia. At the moment, neither the Liberal Party nor the Labor Party agree, and of course neither of them will discuss realistic solutions during the election campaign. The race to the bottom and the race against time is now on as the country endures a marathon election campaign.

So here is my proposal for consideration by the major political parties post-election. The offshore asylum seekers on Manus Island should be brought to Christmas Island for processing. To move more than 850 single men from Manus Island to Nauru would be highly irresponsible behaviour, no matter how much money we were prepared to offer Nauru. The government should guarantee that all refugee claims for this cohort would then be determined within 12 months. The government should also guarantee that all those proved to be refugees will be resettled within 18 months – by the end of 2017. For many of these people, that will have meant a five year delay between initial detention and resettlement.

Both major parties need to accept that they were in government when their ministers knew or ought to have known that the initial MOU was posited on illegal, unconstitutional activity by the Government of PNG. If resettlement places cannot be provided for any proven refugees in this cohort by the end of 2017, there will be no option but to resettle them in Australia.

To set a new direction, we have first to put aside the undesirable and unworkable aspects of the present policy settings. Are not our military and intelligence services (in co-operation with Indonesian officials) sufficiently on the job that they can stop people smugglers in their tracks, stopping boats from being filled, stopping boats from setting out and turning back any that set out, regardless of whether proven refugees on Nauru and Manus Island are resettled elsewhere (even ultimately in Australia)? The suggestion that those camps need to remain filled in order to send a message to people smugglers so that the boats will stay stopped is morally unacceptable. Those proven to be refugees should be resettled as quickly as practicable, and that includes taking up New Zealand's offer of 150 places a year (just as John Howard did with the Tampa). Afterall, Angus Houston proposed a resurrected Pacific

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<sup>15</sup>House of Representatives, *Hansard*, 9 October 2012, p. 11657

solution only as a temporary circuit breaker until the boats could be stopped and turned back lawfully and safely. His panel did not propose it as a permanent pre-condition for being able to stop boats and turn them back. The Houston Panel stated at para 3.45:

The Panel's view is 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. It is also an important measure to diminish the prospect of further loss of life at sea. Over time, further development of such facilities in Nauru would need to take account of the ongoing flow of IMAs to Australia and progress towards the goal of an integrated regional framework for the processing of asylum claims.

Given that there has been no 'ongoing flow of IMAs to Australia', the only case for maintaining a processing facility on Nauru, in line with the Houston recommendations, would be as part of 'an integrated regional framework for the processing of asylum claims'. And the Abbott and Turnbull governments have done NOTHING to effect that. Nauru and Manus Island no longer perform any credible, morally coherent, or useful task in securing Australia's borders. Even talk of sending signals is misplaced. The main signal is being sent to Australian voters, not to asylum seekers waiting in Java whose attempts to commission people smugglers have been thwarted by Indonesian officials and Australian intelligence, and whose boats would be turned back in any event. Even if the Nauru and Manus Island facilities are maintained at Australian expense to deal with any short term emergency (and to continue to 'send a message' whatever that means), those processing centres should be emptied of those who have been waiting too long to get on with their lives. After the election, we must put aside the mantra of stopping the boats *whatever it takes*. Just as no one would seriously countenance cutting off the hands of asylum seekers because it would stop the boats, so now we should not seriously countenance holding proven refugees for years in the 'completely untenable' processing centres on Nauru and Manus Island because we think it helps to stop the boats. Government may have a mandate to stop the boats. But they have no mandate to do cruel and nasty things to people, denying them a dignified future, so as to stop the boats. No politician of good conscience could read Madeline Gleeson's accurate 500 page book *Offshore* detailing the deprivations of life in the processing centres on Nauru and Manus Island and blithely recommit to stopping the boats whatever it takes.

A voter wanting one of the major parties to form government while being mistrustful of their capacity to make a moral decision about the plight of asylum seekers would be very sensible to cast a vote in such a way as to ensure that the new government does not govern in its own right by being assured automatic passage of all its legislation through both houses of parliament once the legislation has been approved by the party room. The party rooms of the major parties are now prejudiced closed chambers when it comes to the interests of the voiceless. Exposing legislation to open scrutiny in a parliament not controlled by the government and requiring the government to barter economic gains for the moral entitlements of the voiceless will be the only way to obtain morally sound laws and policies. Parliamentary pressure needs to be placed on any new government wanting to provide equity, jobs and growth, so that it will also do more to resolve the plight of asylum seekers and to be more attentive to the urgent requirements of the environment subject to the deprivations of climate change.

None of the parties likely to form government after the election has an asylum policy which is acceptable. I urge people of goodwill when casting their vote to consider the desirability of a Parliament which is not readily controlled by the government of the day, and which therefore might make the new government enact a more humane policy. I encourage people to cast a vote for a member or senators (whether members of the major parties or not) who have a commitment to reviewing the existing government policy, providing a more humane outcome both for those presently being held on Nauru and Manus Island as well as for those waiting in the Australian community without adequate work and welfare rights. I would hope that we could all then start the long term co-operative work needed to increase our humanitarian migration quota and to develop a regional solution with neighbouring countries assisted by the good offices of UNHCR, while accepting even with a heavy heart and conscientious reservation that the boats will be stopped. We need to negotiate the ethical dividend for stopping the boats.

Let's hope our vote can make a difference despite the absence of moral discourse about this issue within our major political parties during the election campaign. After the election, I suggest you take up the proposal by John Menadue who is anything but misty-eyed when it comes to this issue. Menadue has a lifetime of experience in public administration. He was head of the Department of Prime Minister and Cabinet from 1974 to 1976. He worked for Prime Ministers Gough Whitlam and Malcolm Fraser. He was Australian Ambassador to Japan from 1976 to 1980. He returned to Australia in 1980 to take up the position of Head, Department of Immigration and Ethnic Affairs, until 1983. He knows what he is talking about and he is imbued with the moral principles we have been considering this evening. He proposes:

After the election, our new Prime Minister should arrange an urgent meeting with the leaders of the three other major parties to negotiate a sensible and humanitarian response on asylum issues that have been avoided in the election campaign. At that meeting the new Prime Minister should make it clear that compromise will be required and that at least metaphorically, no-one should leave the meeting until there is an agreed response.

The new Prime Minister should put to the other three leaders, the following .

First, bring the 2,000 asylum seekers on Manus and Nauru to Australia for immediate processing. Subject to checks, they should live in the community while this processing occurs.

Secondly, beef up Operation Sovereign Borders as necessary to ensure that there are no further boat arrivals. Diplomatic discussions with Indonesia will be essential.

Thirdly, an increase in the humanitarian program to 20,000 per year, within the next two years.

Fourthly, a major diplomatic effort in the region in association with regional countries and UNHCR to negotiate and implement a regional framework of burden-sharing to manage forced migration and refugee flows in our region.

This way we could help our parliament do as Judi Moylan said: 'our parliament must find a way to forge a national consensus before we can possibly entertain any hope of achieving a regional consensus'. This way, we might stop the boats decently. Over time, this approach could reduce the 14,000 caseload of asylum seekers waiting in Java. If the boats were stopped, Java would no longer be the magnet it has been for people coming into the region wanting to get to Australia. I would favour an increase to the humanitarian program of

27,000 a year, supplementing the government program of 20,000 places with an additional 7,000 places which could be sponsored by those of us who government count as misty-eyed. The 30,000 asylum seekers waiting to be processed in the Australian community could be given appropriate work and welfare rights. We could then commit to the hard diplomatic work of developing a truly regional response to population flows in the region. There is no point in simply harking back to the good old days of the 1970s. The world has changed. Asylum seekers will now end up in our region even if they are fleeing conflicts from outside our region. Wherever there is conflict in the world, we must now expect populations flows to all four corners of the globe. I believe there is still a case for maintaining national borders. But those of us from privileged developed countries with a robust rule of law and burgeoning economy need to do more to share the fruits of our bounty.

When introducing last year's Catholic social justice statement, Bishop Vincent Long, himself a refugee, himself a boat person, wrote:

Australia rose to the challenge in the past with its generous embrace of migrants and refugees. It proved itself especially courageous during the Indochinese exodus and accepted an unprecedented number of Asian refugees....We honour the legacy of this great nation not by excessive protectionism, isolation and defence of privilege at all costs.... With the increasing global movement of peoples and our nation's fearful response, it is timely to reflect on this important issue of the day.

I commend the parishioners of All Saints and your fellow travellers who are committed to greater national acceptance, justice and dignity for refugees and asylum seekers.

(This is the text to which Frank spoke. You can hear his actual address at <https://soundcloud.com/frank-brennan-6/all-saints-address-for-refugee-week-2016>)