



PRIME MINISTER
CANBERRA

14 DEC 2011

The Hon Tony Abbott MP
Leader of the Opposition
Parliament House
CANBERRA ACT 2600

Dear Mr Abbott

I am writing in respect of an issue of significance to the national interest.

As you are aware, the High Court's decision of 31 August 2011 effectively removed the power previously available to the executive arm of government to establish offshore processing regimes to deter irregular boat arrivals.

The Government remains fully committed to implementing an effective offshore deterrent and preventing people from risking their lives by travelling irregularly to Australia.

Following the High Court's decision, the Government sought to legislate to give it power to implement its arrangement with Malaysia, which expert advice from officials verifies is the most effective deterrent available. As you know, the legislation still before the Parliament would not inhibit the implementation of alternative offshore processing models.

During the parliamentary and political debate since the High Court case both Government and Opposition have agreed that without an effective deterrent, we would see more boat arrivals. Recent activity bears that out.

An increase in people arriving by boat and risking their lives at sea would always be a matter of strong concern. In relation to the current increase, that concern is heightened because it is apparent from expert advice that weather conditions will deteriorate and be even more dangerous in the months ahead.

I therefore urge the Opposition to reconsider its position and support the Government to pass its legislation in the Parliament. It is apparent that there is a need to act now to establish an effective disincentive and to prevent people from risking their lives on dangerous sea journeys.

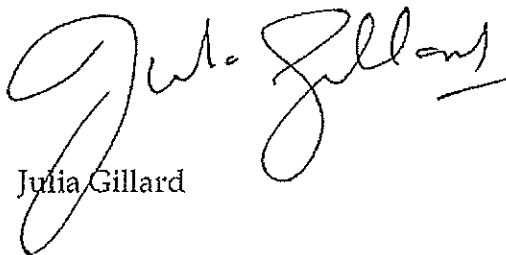
The Opposition has received several detailed briefings from senior officials on people smuggling and the consequences of the High Court's ruling. I note that those briefings included advice from officials that without an effective deterrent we could anticipate an increased arrival rate. Noting the increased risks associated with deteriorating weather conditions over the coming period, I would be happy to facilitate a briefing for you on expected weather conditions, were it to assist your consideration of this issue.

I note recent public commentary that the Opposition believes that, given the importance of this issue, I should recall Parliament. In light of the significant national interest and the increased risk of tragedy at sea, I would be prepared to examine options for a recall of Parliament if you indicate your support for the legislation. Without that support it is likely that the Government's legislation could pass the lower house but be blocked in the Senate by the Opposition and the Greens.

However, I am also conscious of the need to act in the near term, particularly in the face of the current arrivals and the continuing risk to passengers aboard unseaworthy boats. As you would appreciate, the implementation of processing arrangements would at best take several weeks to conclude. Were you to indicate a change in the Opposition's position, I would direct agencies to immediately resume making arrangements to give effect to offshore processing. This work could be underway whilst appropriate arrangements were made to recall Parliament.

The fact of the matter is that both parties agree on the need for offshore processing. It is in the national interest to resolve this matter, even if we do not agree on the preferred policy response. I believe that in circumstances such as this, the Australian people expect us to work together to ensure that the national interest is upheld. In that context, I would be happy to make Minister Bowen available to meet with Mr Morrison in an attempt to identify a mutually satisfactory outcome.

Yours sincerely



Julia Gillard



The Hon Tony Abbott MHR
Leader of the Opposition

16 December 2011

The Hon Julia Gillard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

Thank you for your letter dated 14 December 2011 proposing fresh discussions between the Government and the Opposition over the border protection crisis. I can certainly appreciate your dismay at the latest surge in illegal boat arrivals in the wake of your announcement that they would now be released into the community on bridging visas with work rights. This is especially worrying given the onset of the monsoon and the additional dangers faced by people attracted to Australia by the prospect of gaining permanent residency should they successfully make it to Christmas Island.

The Opposition, as always, stands ready to support good policy. Unfortunately, you have not offered any specific changes to the Government's position, such as accepting the amendments to your proposed legislation which the Opposition put forward in the parliament some time ago. The Opposition has had a consistent policy for ten years and is not prepared to abandon a policy that has been proven to work in the past for a policy that I have repeatedly described as a "dud deal for Australia and a cruel deal for boat people".

Of course, I have welcomed the Government's belated conversion to offshore processing in third countries and wish that you had been prepared to go ahead with offshore processing in the one country, Nauru, that has always been ready to cooperate with us. So far, your Government has not actually processed a single person offshore. The fundamental flaw with processing in Malaysia is that it is a lopsided benefit to Malaysia, is limited to just 800 arrivals, fails to involve guarantees of protection for returnees, and is in breach of your pre-election commitment never to send boat arrivals to countries that haven't signed the UN Refugee Convention.

You have had nine weeks to deal with the obvious unwillingness of the Parliament to support your people swap proposal. I appreciate that the rate of boat arrivals has doubled since you have effectively embraced the Greens' position but surely you should have anticipated this and you could easily have raised this in the Parliament before it rose, especially after the Government's ability to pass legislation improved in the last sitting week.

I again commend to you the Coalition's policy which, you would recall, reduced boat arrivals to just three a year on average between 2002 and 2007. For my part, I haven't forgotten the phrase "another boat, another policy failure". There weren't many policy failures in those days, unlike these.

Since you and Mr Rudd dismantled the policies that worked, there have been almost two boats a week on average. The number of people arriving by boat has more recently doubled, to more than 310 people per week. This is more people arriving in a week than arrived in the last six years of the Howard Government. A critical consequence of these arrivals has been the rolling crisis in our detention centres caused principally by overcrowding. This is not surprising as the number of detainees who arrived by boat under your Government has exceeded 6,000 people. This compares to just four people in our detention network who had arrived by boat when the Coalition left office.

This is a problem that you have created and that it is your responsibility to solve. By all means, recall the Parliament to put to a vote the legislation that you previously introduced but would not vote upon, perhaps because some of your own MPs were reluctant to support it. I would be happy to ask Coalition MPs to be on stand-by for a return to Canberra before Christmas but you cannot seriously expect the Coalition to change its position from the one that's been proven to work, especially given that you are apparently refusing to change yours at least from the one you arrived at after the High Court's emphatic rejection of your people swap.

Protecting our borders is one of the prime responsibilities of government. It is deeply regrettable that your Government has been unable to do so. You could, of course, declare this to be a matter of confidence and require your Green alliance partners to support your legislation. Alternatively, you could adopt our policy.

The Coalition has already sought the briefings that you say you now wish to provide and they have been previously refused at the times we have requested them. In addition your government has also briefed the media in advance of the private briefings you have offered in the past. I am grateful for the offer of a further private briefing from officials contained in your recent letter; however, as you know, at our instigation, I will be receiving a briefing from Northern Command today in Darwin. I note, however, that this briefing will still not include an intelligence briefing on likely people-smuggling activity, despite our request. Similarly, in the absence of any indication that you are prepared to change your position, I don't see much point in further private discussions between Mr Morrison and Mr Bowen.

I think the public would be grateful for more transparency from your Government. If you do have a specific proposal to make and would care to do so in writing, my colleagues and I would be prepared to consider it.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tony Abbott". The signature is written in a cursive style with a long horizontal line extending to the left from the start of the name.

TONY ABBOTT



ACTING PRIME MINISTER
CANBERRA

19 DEC 2011

The Hon Tony Abbott MP
Leader of the Opposition
Parliament House
CANBERRA ACT 2600

Dear Mr Abbott

Thank you for your letter of 16 December 2011 in response to the Prime Minister's correspondence.

As detailed in the Prime Minister's letter, there is a heightened risk that the monsoonal season presents to unseaworthy vessels carrying asylum seekers to Australia.

The latest tragedy off the Indonesian coast underscores this risk and the importance of taking action to deter people from risking their lives at sea.

Whatever else divides us, I know we share a sense of sadness at the loss of life at sea.

I therefore believe we have a responsibility to see if we can resolve the current impasse which prevents the Parliament legislating to enable offshore processing.

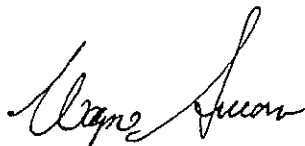
Both the Government and the Opposition share the view that continuing irregular boat arrivals are unacceptable. We also share the view that the most effective solution involves offshore processing arrangements.

I believe that it is our shared responsibility to move beyond business-as-usual politics and come together in good faith with a preparedness to genuinely try to find a mutually acceptable solution.

To this end, I believe that it would be appropriate for private discussions to be held between Minister Bowen and Mr Morrison. Minister Bowen would be available to meet with Mr Morrison early this week.

This letter reflects the regular discussions I have been having with the Prime Minister and other ministers over recent days.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wayne Swan'. The signature is fluid and cursive, with a large initial 'W' and 'S'.

Wayne Swan



The Hon. Tony Abbott MHR
Leader of the Opposition

19 December 2011

The Hon Wayne Swan MP
Acting Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Acting Prime Minister

Thank you for your response today to my letter of 16 December 2011.

The news of another tragedy off the Indonesian coast is of great concern to the Coalition, as it has been on all previous occasions.

The risk of such a tragedy has been ever present for the nine weeks since the Government decided to reject the Coalition's proposal for offshore processing and adopt, instead, the Greens' policy of onshore release.

The Coalition has consistently advocated a clear position on this issue for more than a decade. Our policy of offshore processing, Temporary Protection Visas (TPVs) and turning boats around where it is safe to do stopped the boats in the past and we believe it is the way to do so again.

In early 2008, the Rudd-Gillard Government set about abolishing these measures and the people smugglers once again began plying their trade. Despite the entry of over 14,000 illegal arrivals since this time, even now, your Government has consistently refused to restore the Coalition's border protection policies or even to indicate a willingness to consider restoring them.

I note that the Government has declined my invitation to put forward a written proposal for the Coalition to consider and remains unprepared to indicate any change to its position. As I stated in my previous response, in the absence of a precise indication of the Government's willingness to change its policy, further discussions on this topic would be pointless.

The Coalition remains committed to the border protection policies that worked under the Howard Government to stop the boats. It is obstinacy for a Government that has comprehensively failed in securing our nation's borders to reject these policies out of hand when it has no viable alternative.

I note that the Government has been willing to make any number of concessions to the Greens and Independents on matters before the Parliament to secure their support. This accommodation has even included the repudiation of election commitments.

I make the final point that the Coalition's policies of offshore processing in Nauru, TPVs and turning boats around where it is safe to do so are all policies that can be implemented by the Government immediately.

Not one of these policies requires the recall of Parliament and a majority vote to pass legislation. Each policy falls within the scope of executive government and could be implemented tomorrow.

Before the Christmas break and the risk of further tragedy in the seas to our North, I urge the Prime Minister to end her Government's recent policy change of onshore release and deny the people smugglers a product to sell by immediately restoring TPVs.

Again, I reiterate the Coalition's readiness to consider a specific proposal in writing from the Government.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Abbott', with a long horizontal line extending to the left.

TONY ABBOTT



ACTING PRIME MINISTER

19 DEC 2011

The Hon Tony Abbott MP
Leader of the Opposition
Parliament House
CANBERRA ACT 2600

Dear Mr Abbott

Thank you for your response to the Government's further correspondence of 19 December 2011.

I am disappointed that you will not agree to Mr Bowen and Mr Morrison having a formal discussion on this most important issue.

I believe the offer of a meeting, in good faith, demonstrates the fact that the Government is willing to engage constructively and examine options for an outcome we could both support.

Despite your initial refusals, the offer of a meeting remains open to you at any time you should choose to accept it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wayne Swan'.

Wayne Swan