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TITLE: MINISTER ALEX HAWKE LAW COUNCIL OF AUSTRALIA PRESS CONFERENCE.

DESCRIPTION: MINISTER ALEX HAWKE LAW COUNCIL OF AUSTRALIA PRESS CONFERENCE DISCUSSING THE FEDERAL BUDGET, ECONOMIC RECOVERY, MIGRATION PROGRAM, MILITARY COMMITMENTS, VISA AVAILABILITIES, SKILL SHORTAGES AND UKRAINE AND RUSSIA.

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SPEAKER: [indistinct] talking about development and the Pacific. Previous parliamentary positions include services as member of the Speaker's Panel and committee roles as chair and Joint Standing Committee on the Electoral Law. He has a lot of experience being the Minister, so why don't we wait for him to give us an update on last night's budget and what we intend doing moving forward post-COVID on the road to recovery. Thank you, Minister.

ALEX HAWKE: Thank you and good morning. I'll just check that you can hear me.

SPEAKER: Yes, we can.

ALEX HAWKE: Fabulous; always good in this day and age. And thank you, everybody, it's a privilege to be able to be here from Canberra addressing you, I think, for the third time in recent years. I start by acknowledging the traditional owners of the lands that we all meet on, and elders past, present and emerging.

We did have the budget last night, so thank you, Tess, and, obviously, the Law Council of Australia for the invitation. I am happy to say a few things about the budget just briefly, and then there's some things I'd like us to discuss this morning and I know you've got some questions for me as well.

Also other than Tess, obviously Luke Murphy, the president-elect, and Valerie da Gama Pereira, the chair of the Migration Law Committee. I acknowledge all of you in the room and the role you play in, obviously, law and immigration and the work that you do.

So, you know I've been in the portfolio, as Tess has said, a couple of years. I was in, as assistant minister, I think I spoke originally to you about the ending the dual regulation for migration lawyers, and we got that done. I spoke last year, of course, about some other matters, and we got some of those things done as well. In this year's budget you'll see a pretty significant set of commitments in immigration, I think, that set Australia up well for our economic recovery. In particular, the coalition, in a Coalition Government is always committed to a two-third skills mix in a normal time. So, we're seeing a return to skilled visas to support that economic recovery. That is a traditional setting. We've put it back there during the pandemic. I think many of you know, we were able to get a lot of family visas processed, including regard partner program years and other family visas. And now, we are able to return to the skills mix, recognising that with the skill shortages that we have, so you'll have about 109,000 skilled visas in those critical skilled areas.

We're doubling the number of regional visas. We're backing the regions in our migration program this year, recognising that most of those critical skills shortages and the demand is surging from our regions and, of course, there'll still be a strong family program.

But partly connected with what I want to say today is the dividend of the way the Coalition manages immigration and border protection. The strong border settings that we've had now for over a decade allows us to be more generous as a country and to do more things that we would like to do in response to world events and they're things that Australians care about. Most significant in that is our historic foreign policy and military commitment in Afghanistan that worked for 20 years to support that country and, of course, a better future for Afghans in that country. Coming to an end, as you know, last year with our evacuation – our historic evacuation – of about 4,500 people. What I was very pleased to announce in the budget yesterday was that we will be taking an additional one-off allocation of humanitarian places of 12,000 for Afghanistan, and on top of that we'll be adding the 4,500 Afghans who have come already through the evacuation and since we've been able to continue to get people, when we can since. So, that will mean an 16,500 additional humanitarian places, meaning with existing Government announcements, over 31,000 places for Afghanistan over the next four years. And I think that's significant in anyone's language. It recognises that our commitment in Afghanistan will be unlike anything else. We've never been in the country for 20 years with our businesses, our charities, our foreign policy arms, our military. We've never supported a country for 20 years, historic and very psychologically profound commitment for Australia, and we're meeting that and matching that with helping people who work for us, their families and people who now need rescuing from, frankly, a very evil and difficult regime in the resurgent Taliban. We've seen their intransigence about girls in schools, their return to form on critical human rights and individual rights issues, and we continue to work with international partners to do our best there, but we recognise that will not go very well.

You've seen, of course, the dividend of strong border management, of course, in Ukraine as well. We're able to offer a different product for people needing to leave Ukraine – that is a temporary visa for three years, and on advice from the UNHCR, and the Ukrainian community in Australia, we are treating people from Ukraine as displaced persons at their request – not refugees; in fact, most of the 4 million people who have now left Ukraine prefer to be displaced. They hope that there'll be a return to Ukraine in the near future, and we all hope there'll be some resolution that will allow that and allow for a rebuild.

So, we'll have three-year temporary protection in Australia and then we've offered them the option to apply for permanent residency under any visa they like in that three years, but we anticipate as displaced people they'll be here, they'll be able to work, they'll be able to study, they'll be able to access Medicare. Their kids will be in schools. We're placing as many people into university who already have existing courses as we can with the universities, and we invite them to stay for those three years and apply for permanent visas but we will, of course, see how many would like to return depending on the situations if it can be secure and stabilised.

So far, that's well over now – I'm happy to give that you figure, now the Budget is here – about 5,300 temporary visas issued. We've had about 1,400, 1,500 of those people arrive, many people still stuck, many people still waiting for a male relative who's still fighting. But those 5,500 visas, we're planning ahead and being ready to receive them.

You've seen Afghanistan, an historic intake, and you'll see the best of care being given to the people who are already here. They've already been provided with humanitarian settlement support services, money for legal services, and I appreciate all the lawyers who have been working with the Government's program to support the most competent applications. We want those process passed. I'm lifting the bar regularly. Those visas are being granted at an increasing rate week on week, and I will continue to lift the bar and have those applications succeed. But I thank the lawyers who are working with our program.

Look, I could go on about the Budget all day, but I won't. I just wanted to highlight some of those very significant things there – a return to a skills mix, supporting our economy, supporting our regions, backing our businesses and our historic humanitarian intake as a strong product of our border management and the success we've been able to achieve in managing the borders.

I'll turn to some other matters today, and there are some things I'd like to talk to you about as I mentioned. I know you have some questions as well. In my third address here, I would like to raise the Government's character test bill that many of you familiar with, that I've heard from you about. I have declined a meeting with, I think, your working group about this. You wanted a meeting to delist the bill. We're not going to be delisting the bill. I'll make that clear upfront. I'll be very frank with you today about my views about some of the legal profession's approach to serious criminals and foreign nationals who commit – who are convicted of serious crimes that the Morrison Government and the Coalition Government takes a very serious attitude.

It's been a growing source of frustration to me, I think, for many years and I think for many people within Government and I think the Australian society, more broadly, at the number of lawyers and activist, it's not everybody in this room, it's not everybody who is a lawyer, but there's a lot of people who encourage appeals in the most hopeless cases involving the most serious sexual and violent offences that we can imagine. Some of these people are here today and I do want to address you very directly that I am frustrated, the Government is frustrated, the Australian people are frustrated with this process of continual appeal for very serious violent offences, that is clogging our courts, clogging our AAT and taking advantage of our generous system for people who threaten harm and ongoing harm to the Australian community.

And I will make no apology as minister – I say very firmly to you – that we'll continue to pursue the character test bill; we'll continue to pursue reforms to the AAT, to the process of appeals, to the judicial system, so that we can have less opportunity for people who are convicted of very serious violent sexual offences for this constant merry-go-round of appeal s. I make no apologies for it. I believe the Australian community, if they understood this to the full extent that you understand it and that I understand it, would vote comprehensively for such policies as well. I'm sure they will. I actually think it's in all of our interests to partner together, and I've always sought that attitude with the Law Council. I think partnership is the best way to improve the law; it's the best way to run the Parliament; it's the best way to achieve better outcomes.

Lawyers, no doubt, perform an essential service and beyond what I'm saying today, I accept that as a basic and a given. But there is a fringe in the profession increasingly bringing the profession into disrepute by making spurious and, I believe, dangerous arguments in these matters on behalf of people that should be deported from Australia and must be deported from Australia in a faster and more expedient way.

I think the risks when you read through these cases are self-evident. I read through them all. I read through the volumes of material that comes through. They are graphic. They're not things I'll discuss on this call, but if I was to provide examples, I don't believe most people could listen to the examples of the serious nature of the crimes involved, most rational and decent humans, without turning away from the graphic nature of these details. The risks – the ongoing risk whether it be to women or children, whether it be to other members of the community, are severe, and the Australian community expects that the Government will protect Australians from people who are guests in Australia on temporary visas who are foreign nationals if they commit serious crimes and break our law. So, I just want to make it clear that we'll continue to pursue the character test. We have listed it for debate in the Senate. Our hope is to pass the bill this week.

We seek Labor's support and Labor has acquiesced in the House of Representatives after a number of years to the Government's demands to support this bill. I believe Governments in the future will continue to support this bill and continue to pursue these reforms.

The pace of criminal deportations will increase while I'm Minister and while the Government remains in place. We only had to delay because of the COVID and now, of course, we're returning to the ability to remove people out of our detention works and systems and return them to their country of origin where they're citizen, where they have their own rights, where they can pursue their own activities, but they are not Australian. They are not welcome in Australia. They've violated our laws.

So, why am I speaking about this today and why I am being so direct with you. Well, it is out of frustration. It is out of an ongoing sense that there is way too much time for matters to be heard at the AAT. Surely, I have supporters in this room in that regard. The Government has made reforms to the AAT. We have more reforms to the AAT coming. I work with the Attorney General regularly on this matter to ensure we can streamline and expedite visa and other matters. Certainly, as Minister I take the view spurious and minor matters shouldn't be injected into the AAT either. But the ability, even the basic primary ability, for a serious criminal to take a matter to the AAT needs to be re-examined in my view in some cases, and why we offer three or more layers of appeal only creates unnecessary delay, dragging down our legal system and burdening our migration system.

I do think sometimes lawyers need to do a better job in managing their client's expectations in character matters. Too many litigants are spending too many time in detention centres. That is not just because of government policy, as sometimes the media reflect. I think if you're being frank here, you know that's also because of legal policy, because of the approach that some lawyers are taking in managing their client's expectations and hoping for a long-shot win that never comes.

I want to be very upfront with you today in what I'm saying. In judicial review matters, the Government wins 90 per cent of immigration and citizenship matters before the courts – 90 per cent of matters. If you or your firm or your company could offer your clients a 90 per cent win rate, you would have a top-tier law firm in the making. I say that today not out of any sense of arrogance or pride in that; I say it for you to understand: 90 per cent of those matters are won by the Government. There are too many matters that are put in with no prospects of success that are long-shot win hopes that are hurting our system. So, I'm hoping to reach out to the people who are here today who understand this needs to change. The Law Society has an obligation to work with us, as much as we have an obligation to work with you about fixing the system. These are the frank truths about the legal and migration system and the reason people are spending too long in immigration detention.

I think by mainly trying to defeat these odds – the 90 per cent – some lawyers are contributing to and some, a smaller element, are profiting from client's misery. Again, a small number of lawyers are repeatedly putting self-promotion first and their client's best interests second. Why I have come to say this today is because too often I see in the media claims about clients who are protected by our privacy laws, the Government does not respond or background brief or do anything in relation to your client's cases, and some lawyers take advantage of that in relation to hiding serious criminality and factual matters that if it was in the public domain would not receive the same media program or attention. I think it has to stop and I'm asking for you to stop it. I'm asking for you to work together to stop it so we can have a better system.

Of course, we have an obligation to do a better system as well, and that's what the character test bill is about. We want faster criminal deportations where there is no question of serious criminality, where there is serious conviction, where there is a risk to the Australian community of further harm and safety for foreign nationals, and we'll be doing our bit to do that. We'll be doing our bit to improve the speed of AAT matters through better resourcing which will be provided through reform, which we are providing through pressure on the AAT to expedite and improve matters, but also pressure on my department not to make decisions that will remit more matters to the AAT as well that don't belong there either.

I think together we can do a lot better for people. I think together we can do a lot better for Australia. And I think together we can see improvement in this area in the years ahead.

I also want to say clearly that we will look to further change the system. My strong view is if appeals need to be made for people in this space, they will be best done from off-shore or while the offender is still in prison. The Morrison Government will continue to look for ways to streamline this, but I will strongly pursue appeals for serious convicted criminals to be done from off-shore. It is expensive to have people in detention; that is a burden on the system, and when a person has violated our laws, committed harm to victims, serious harm, and continues to pose a risk, I don't believe we should continue to be paying for that here in Australia when 90 per cent of those matters are, and I believe in this cohort it might be 100 per cent of these matters, fail in relation to that in the courts.

Through the character bill we've been working on it for about eight years. I believe now when it comes to the Senate this week we will seek Labor's support – we will pressure them to support it – our intention is to pass this bill. Don't believe the media that this has been some political trick. This is about getting the character test system to where it needs to be and we've been at it for a number of years and we'll continue to pursue it. We believe that by doing this, this new change, we will see more serious and violent criminals deported faster and more decisions made in that regard which will free up our detention networks and systems and allow for better resolution of matters for victims and others.

So, you will see that pursued. I hope we'll pass it. We've certainly got crossbench support and we'll be seeking to further that crossbench support in the coming days. I was disappointed, though, to see yesterday the Law Council put out a media release opposing these reforms on the basis that there's no demonstrated need to pass the bill. Um, a misplaced fear that it could discourage domestic violence victims from reporting abuse. I just have to take a moment to say again that when you read the matters, the reality of these matters, these are the most serious domestic violence matters I think any human could come across. They are very, very serious matters. They need to be addressed in the most serious way through the criminal justice system, and I believe any person on the Law Council, any person on the committee who read through the matters that I read through regularly would agree, when you read through those matters.

So, I do find that public positioning of the Law Council odd against such a straightforward reform. It's your right to do, but I do believe it's disingenuous to say it could discourage reporting. I've been cut off.

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