

Shorten exploits the missing link in government's visa ban plan

Written by Michelle Grattan, Professorial Fellow, University of Canberra

Shortly after Malcolm Turnbull and Immigration Minister Peter Dutton aggressively targeted Labor on Sunday when announcing the government's latest draconian border deterrent, Turnbull rang Bill Shorten to talk about the plan.

The controversial proposal is for legislation to provide that boat arrivals taken for regional processing since July 19 2013 will never be allowed to apply for any sort of visa to enter Australia.

It is seen as part of a wider but unrevealed strategy to resettle in a third country or countries refugees who are on Nauru and Manus.

It's not clear why Turnbull decided on the private conversation but in it, Shorten is understood to have criticised the ban.

If one (though not the main) government motive with its legislation is to wedge Labor, Shorten, normally cautious on this ground, doesn't seem overly concerned.

In a Monday Facebook post the opposition leader hit back hard. "It seems ridiculous to me that a genuine refugee who settles in the US or Canada and becomes a US or Canadian citizen is banned from visiting Australia as a tourist, businessman or businesswoman 40 years down track," he wrote.

Turnbull was "earning the praise of One Nation - I hope he's proud of that. The old Malcolm Turnbull would never have proposed this to keep the extremists in his party happy."

Helpfully for Labor, One Nation has been claiming a good deal of credit for the Turnbull plan.

Shorten repeated the criticisms later at a news conference.

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Given the sensitivity in Labor around the offshore refugees and asylum seekers – many in the ALP believe their party has sold out these vulnerable people by saying they will never settle in Australia - the government had hoped Shorten would face division in his ranks on the initiative.

The over-the-top nature of the bald announcement – especially without the context of whatever third country settlement may come – meant that caucus members would want Labor to be up in arms about it, and many quickly took to social media.

But Shorten also seems very willing to play tough – while keeping his options open (sort of) on how to treat the legislation in parliament, by saying Labor hadn't seen it yet. Pressed on whether Labor opposed the legislation in principle, frontbencher Joel Fitzgibbon (from the right) told the ABC's Q&A on Monday night that he thought "this is a policy without principle".

Shorten called on the government to reveal the detail of any accompanying arrangements for resettling the Nauru and Manus people. For whatever reasons, the government can't or won't do that at this stage. Until it does, it is likely to be on the back foot in this latest iteration of border security policy – not where it normally finds itself on this issue.

The strength of Shorten's criticism suggests he feels confident he is on reasonably safe political ground. And he probably is, at least for the moment, although he will still have to be careful when more detail emerges.

With no boats arriving, the public is not so responsive to the government's conjuring up the threat of a new armada.

And the proposition that someone resettled in a third country should be banned in 20 years time from visiting relatives in Australia or making a business trip here is one that is easy to slam.

Indeed by early Monday the government was softening the edges of its plan with a little more detail. Dutton's tone had changed when he spoke to the ABC. He didn't focus on Labor; he strongly indicated that the ban was part of a wider strategy to get people from Nauru and Manus Island to third countries.

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One reason why the legislation was important was that “we are keen to get people off to third countries if they can’t return back to their country of origin and we are working with a number of third countries now. What we don’t want is if somebody is to go to a third country that they apply for tourist visa or some other way to circumvent what the government’s policy intent is by coming back to Australia from that third country.”

A more reasonable-sounding Dutton also flagged that there would be ministerial discretion that could be exercised around, for example, family matters.

But as Shorten turned the heat on the government, Dutton later in the day was back throwing everything at Labor, and claiming the Shorten was “being torn apart by the left of his party”.

“The Labor Party has divided itself again on this issue,” Dutton asserted. There is a long way to go but at this point, it hasn’t.

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