

# Project SafeCom News and Updates

Sunday, 14 June 2015

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# 1. Thomas Keneally: Politicians must stop using language to strip refugees of their humanity

The Age  
June 11, 2015 - 1:15AM  
Thomas Keneally

Instead of using the English language to support cruel policies and scapegoat victims, we should commit to finding an international solution to the refugee puzzle.

Technology cannot always change who we are. Each of us remains a peculiar kind of gifted animal and angel. Since our brain volume increased and our voice boxes evolved, we have been the kings of language. There is a wonderful theory that language began with young mothers putting their babies down because, through lack of fur, they had no capacity to carry them continuously, and thus language began as a mode of reassurance to the baby that having been put down it would be picked up again. A form of "motherese" might have been the first language. In any case I am grateful for a wonderful life being a sort of valet or gardener of language.

But like many other and better writers, I have made stories of love and animosity towards the despised people of the earth, about those who are ignored, and about people stuck on racial, religious and cultural faultlines. As an Australian redneck I'd always been engrossed in the question of why there was so much hate in Europe, and why it's still found there, all crammed into such a small space. Since my father was an Australian soldier in North Africa, and regularly sent me home what I saw as souvenirs – German corporal's stripes, Nazi pistol holsters and Very pistols and other items – I was always enthralled by the way European hatred emerged in World War II, stoked by the demagogue Hitler and by others.

Let me rush to say that writers do not use this sort of material because we're noble people – many of us are terrible to live with, and my wife is willing to be interviewed on the matter after this! We write about race and other divisions because they are full of high drama. I have been fascinated by racial division ever since, as a little kid in a country town in the White Australia of the early 1940s, I saw Aboriginals from the local Greenhill settlement walk past our gate in Kempsey. It was not a moral fascination. But I could tell in a primitive, intrigued way of my own that these were a people bewildered by loss of land, loss of validity as a people, by loss of culture; and also that having had misery imposed on them, they were being blamed for being unable to escape it.

What a tribute it will be to our community if, with support of all parties, we acknowledge that ancient culture, and those towering millennia of occupation of Australia before settlement, in our constitution, as proposed by the Prime Minister and Opposition Leader. That will bring about the employment of language, of the ultimate "motherese", to make peace with ourselves.

I cannot hope in obvious futility and because of my love of language, which is still my wonderful daily power tool that never needs recharging, that I might see the departure from our national discourse of some of the more outrageous and wilful misuses of English language with which, in both major parties, the Australian polity is afflicted. I am not the first to mention it – Paul Keating's former adviser Don Watson, now a fine writer, wrote a bestseller on the use of what he called "weasel words". But there is a further twist. Our leaders are not only so often misusers of language, but also deniers of our access to its better angels, its more humane colorations.

An example of what I think of as misuse: I know a young writer, Mark Isaacs, who was working on Nauru at a time when inmates were looking forward to a visit by the Labor government Immigration Minister, Chris Bowen. Knowing the desperate hopes that were harboured by fellow human beings in the tents and huts of Nauru, he was disheartened when he overheard an aide to the minister refer to the people they had come to deal with as "the undesirables".

Now, the refugee problem is inconvenient for the world, though western governments sometimes help create it by our foreign policies and tyrants account for the rest. The refugee problem is a puzzle for the world, a test of policy and compassion. And there is the undeniable further problem of the criminality, brutality and, indeed, the poverty of the people smugglers, and the terrible perils of drowning for those who believe we are a beacon they must reach. But I ask, does any group of humans who have committed no crime deserve to be verbalised as opening gambit on the enormous world refugee problem by the representative of a party, admittedly not the Minister, which has always declared its solidarity with the rest of us? Why do we have to kill them with words even before we confront them? What are we trying to justify?

May I set you an alternate scene. Recently, an Australian journalist took a camera crew aboard an Italian search aircraft looking for survivors among the vessels plying between North Africa and the Italian island of Lampedusa.

There, by the way, and elsewhere in Italy, 40 times the number of vessels that have landed on our north coast have come ashore, and even before the turn-back-the-boats policy, were high by comparison with Australia.

Back to the Australian journalist in Lampedusa: he asked a member of the aircrew about the exhaustion of looking through sectors of sea for boats and survivors. He said it was a wearisome search: an honest answer. And then the Italian crewmember said, "One has always to remember -- they are human beings down there."

This is a scene not permitted to occur in an Australian context. An Australian journalist would be unable to get aboard an Australian search plane. He would be unable to ask our defence forces what they think, even though we know that they possess the same honourable impulses as the Italian crewmember.

I cherish the fact that I have an inherited right to say this without fear of arrest, facing no greater sanction than being considered dewy-eyed. I do not say I have an answer, though I will sketch out a possible one derived from wise sources. I just know that what we are doing is not the answer, and that using language to position our more baleful instincts is not the answer.

We have reacted to a genuine world crisis with verbal meanness and subsequent cruelty. The Italians have reacted with a reckless and, according to many, ill-advised humanity that may in the end cause of us all to look at the disease instead of persecuting the symptoms – and among the symptoms, the children that we continue to imprison with the approval of our major parties.

I wish devoutly that instead of pressing the English language into its more brutal gears and scapegoating victims, instead of enlisting our support in policies that are cruel and win the applause overseas only of the extreme right wing, we too could address ourselves not to international denial but to an international solution. This solution would involve more countries gathered together in goodwill – because the goodwill has to start somewhere. Let us forget the ridiculous proposition of writing everyone off as economic refugees. Let us lead a world crusade to enable, through the co-operation of all liberal democracies, accredited refugees to be absorbed into our populations. Fanciful? No, this was the position taken by our government after World War II when a forgotten Australian, Sir Robert Jackson, logistical genius and UN official, persuaded the entire world to resettle, according to reasonable shares, the 8 million displaced persons of Europe. It was the only policy that worked then. Let us not forget the conditions that create genuine refugees will continue to drive people onto the roads, across the borders and the seas, and cruelty will not stem that tide.

When Ben Chifley, our prime minister, took 170,000 displaced persons from the camps of Europe, a decision he made without convening a single focus group, the Age newspaper ran a 1947 poll on what immigrants Australians wanted. People said they wanted, above all, people from the British Isles, and if necessary, other northern Europeans. Germans were to be preferred to Jews. The Greeks and Italians, it was believed, would not make good citizens.

If Chifley had read that poll and been rendered as impotent as modern politicians are by such indicators, what a narrow and shrunken little place Australia would be now!

Remember too Malcolm Fraser was PM in the days when Vietnamese asylum seeker boats landed in great numbers in Northern Australia. He processed these people humanely. There was no long-term mandatory detention involved. The newcomers were not depicted as sinister invaders. Then, after the Tiananmen Square massacre, Bob Hawke announced that all 43,000 Chinese students then in Australia would be offered residency and could stay here if they wished. Language was not misused and neither were human souls.

So let's use mandatory detention only for health, identity and security checks that do not take years, but weeks. Let's have accommodation centres – not prisons. And for God's own sweet sake, let's release all children from mandatory detention. Let's have an independent commission to decide on asylum seeker policy to stop politicians using it to improve their vote.

History warns us to be suspicious of politicians of any party, who try to concentrate our passion upon a small minority, and depict them as a bigger threat than they are. When we see this kind of trick played upon us, instead of succumbing to the race frenzy we all potentially carry inside us, we should ask, "Who is benefitting from this? Are our taxes validly being spent upon it? And who is being harmed in the name of getting a better percentage of the vote?" We should be suspicious of frenzy too, as Oskar Schindler was suspicious of Nazi ideology, because it means that leaders may be distracting us from some more important issue – like a conjurer who makes us concentrate on his right hand as he performs the trick with his left.

Citizens have always to ask questions about public hysteria over race and minorities and culture – over matters of "them" and "us". Because, again, my lifelong experience of Australia is that the "them" can quickly become the "us". And our freedoms are not set in stone. We know that liberties that go unguarded will be abolished for governmental convenience.

>>> *This is an edited abstract of a speech given at a graduation ceremony at University of NSW on Wednesday night, where Tom Keneally was given an honorary doctorate.*

<http://www.theage.com.au/comment/politicians-must-stop-using-language-to-strip-refugees-of-their-humanity-20150610-ghknq7.html>

## **2. Elizabeth Farrelly: The sound of silence stifles our freedom**

The Age  
June 11, 2015 - 1:06AM  
Elizabeth Farrelly

So you think you're free to speak your mind? Think again. We are, all of us, increasingly bubble-wrapped in the sounds of silence.

Silencing the intelligentsia has always been totalitarianism's tool of choice. But there's only so much you can achieve with prisons and pig-farms. Now, as public intelligence shrinks to a hoarse whisper, it seems corporatised culture may succeed where more gun-pointed regimes have failed.

The mindless din that now passes for civil debate is generally attributed to populism of one kind or another – the internet, the market, democracy itself. But perhaps that's wrong. Perhaps the silence is coming from the top.

It's not just scholars and academics, increasingly silenced by ludicrous administrative burdens, vanishing tenure, a casualising workforce and despair at the commodification of what we still call "higher" education. In a way, that's the least of it. Across journalism, politics, agriculture, medicine, law, human rights and teaching, the gags are growing in size, number and efficacy.

Watching the film Citizenfour, I was struck not only by Edward Snowden's lucid courage but by his misplaced confidence in the rest of us. Seeing his own disclosure as merely the first brick from a Berlin wall of silence, Snowden was touchingly certain that, once his bit was done, we'd all follow. We'd all take our stones of silence and chuck them at the jackbooted armies of spin, smugness and compliance.

How wrong he was. We watched in silence, seeing Snowden, Assange and poor little Bradley Manning as a race apart: heroic figures to be admired, but not emulated. Even the term "whistle-blowers" sets them apart, carrying with it our heartfelt hope not to be similarly called.

But they're not apart. They are all of us. Consider journalism. The sacking of SBS journo Scott McIntyre for his Anzac Day tweets was shocking on several fronts. First, I was shocked that Malcolm Turnbull – who first came to intellectual prominence for defending ex-spy Peter Wright's right to tell the truth – had so thoroughly changed sides.

Second, I was shocked that SBS would act on Turnbull's "offensive" tag. Third, that anyone in this country, but especially a journalist, could be sacked for voicing political opinion.

I was also shocked by the hypocrisy. It was SBS' own, very fine series The Great Australian Race Riot by Sally Aitken and Peter FitzSimons, that detailed just how racist and violent the World War I diggers were. Armed with guns, bayonets and flesh-shredding Gallipoli-originated 'jam-tin bombs', they formed thousands-strong vigilante mobs in Brisbane (1919), Broome (1920) and Kalgoorlie (1934) to "defend" loyal royal white Australia from the Russians, the Japanese and the Italian-Slavic communities, in Kalgoorlie burning 117 homes.

But most shocking of all was the casual response of others to my dismay. "Well duh," was typical. "Everyone has a social media clause. You try saying something offensive, see how you get on."

It's true. Professionals of all kinds now expect to be governed by social media clauses that specifically fetter their public opinions and sometimes even require public positive comment.

This is terrifying. It's like your boss has the right to advertise on your house – only worse, because it's inside your head. It is thought-police territory and its ultimate effect is blanket self-censorship, where the threat barely needs to be explicit because an entire generation of young professionals has internalised its norms and accepted its dictates.

And even that's just the tip of it. There's the government's tireless bullying of Human Rights Commissioner Gillian Triggs for her staunch public defence of both asylum seeker rights and the rule of law, pretending that she's the one playing politics, although both roles fall within her job as commissioner and her duty as a citizen.

There's the truly sinister Border Force Act. Slipping unseen through parliament last month, it threatens doctors, teachers and other contractors assisting detained asylum seekers with two years' jail if they speak publicly about conditions there.

As the government rhythmically repeats, the innocent have nothing to fear from scrutiny. So what exactly on Manus and Nauru are they so desperate to hide? Are the tales of children being passed around "like packets of cigarettes" actually true?

There's also the "ag gag" legislation currently before the Senate. Disguised as an "Animal Protection" amendment to the Criminal Code, this bill is in fact designed to intimidate protesters. It gives individuals who record anything they regard as animal cruelty one day to report it – regardless of whether the cruelty is real or the law known to the person – or face a \$5100 fine. This can only exacerbate the animals' plight.

There's the huge, 12-nation Trans-Pacific Partnership agreement, so powerful it will let US tobacco corporations sue Australia for loss of "expected future profits" from plain packaging rules, but so secret even our governments can't tell us about it, and we know this only via Wikileaks.

And there's the application of this same knee-jerk secrecy to city-making, where even with ultra-public buildings like the Opera House, treat the public as the enemy – as in the cloak-and-dagger design competition for a Visitors Centre on the forecourt, where none of the schemes, including the winner (by Rachel Neeson) were ever made public.

None of this is legitimate. It's not commercial-in-confidence. It is rule-by-ignorance, and in excluding from public debate everyone of knowledge, insight or learning it turns democracy into an emotive bloodbath run by spin-merchants and rabble-rousers.

It's as though we have all tacitly accepted the government's view that "the media" is a bad and scary domain, where be dragons. Say what you will in private, but speak not your mind in public, ye citizens, for fear of – what? Enriching the democratic debate? Improving government? Making political progress? Heaven forbid.

We can't afford this. We need democracy to work with intelligence and rich collective imagination. To speak freely in public is not just a right; it is a duty that should be constitutionally enshrined. Contractual gags should be banned. Silence is the sound of no hands clapping.

<http://www.theage.com.au/comment/the-sound-of-silence-stifles-our-freedom-20150610-ghkgzc.html>

### **3. Not seen, not heard, often not reported – the harrowing stories of Australia's detainees**

Special report: evidence highlights systemic failures in how the immigration department and its contractors deal with serious allegations of sexual assault on Nauru, Manus and the mainland

The Guardian

Paul Farrell

Wednesday 10 June 2015 08.27 AEST

Weeks after Scott Morrison became immigration minister in September 2013, a 17-year-old Iraqi boy at the Manus Island detention centre alleged he was “on a list” of a group of Iranian men who planned to gang rape him. He was moved to another compound, but lived in fear at the camp until three months later, when he decided to voluntarily return to Iraq.

A week after he made the allegations, and more than 2,000km away, in November 2013, two staff at the Nauru detention centre raised the alarm about serious allegations that a cleaner had touched the genitals of a young boy in detention. The cleaner grabbed his own genitals and said “jiggy jiggy” when the asylum seeker fought back. He later “started talking and laughing” to the asylum seeker after he was confronted by the guards. The boy continues to suffer from trauma from the event. The cleaner has not been charged by the Nauru police force.

The threats escalated. The assaults continued. But it was not until October 2014 – almost a year after these early assaults were documented – that a review into allegations of assaults on Nauru was undertaken to examine the broader institutional responses.

These two assaults, early on in the tenure of the Abbott government, should have put the immigration department on notice that there was something very wrong happening in these remote detention centres. But no action was taken to examine the systemic issues surrounding sexual violence in detention centres on Manus Island, Nauru and the mainland until much later.

Evidence gathered by Guardian Australia highlights the systemic failures in how the immigration department and contractors have responded to serious allegations. Clinical advice by those who know best about responding to sexual assaults – doctors and psychiatrists – has been ignored. In one case, the immigration department even delayed allowing the medical contractor to report a serious allegation of sexual assault.

[...]

Full story at <http://www.theguardian.com/australia-news/2015/jun/10/not-seen-not-heard-not-reported-the-harrowing-stories-of-australias-detainees>

### **4. Peter Dutton says Gillian Triggs should consider resigning as human rights chief**

Speaking on Bolt Report, immigration minister accuses Triggs of using her position for political advocacy

The Guardian

Daniel Hurst Political correspondent

Sunday 7 June 2015 12.50 AEST

The immigration minister, Peter Dutton, has urged Professor Gillian Triggs to consider resigning as president of the Australian Human Rights Commission, in the latest outbreak of hostilities over asylum-seeker policies and the rule of law.

Triggs spoke out last week about the regional “consequences” of the government’s policy of turning back asylum-seeker boats and called on MPs to uphold the rule of law as they prepared to debate extraordinary new ministerial powers to revoke citizenship of suspected terrorists.

Dutton sharpened his criticism of Triggs on Sunday, two days after he accused her of drawing an inappropriate link between Australia's immigration policy and Indonesia's execution of two members of the Bali Nine drug smuggling group.

When asked by the conservative commentator Andrew Bolt whether he would like to see Triggs gone from her position as commission president, Dutton said: "Well, when you reduce the position to basically that of a political advocate, I think it is very difficult to continue on, and these are issues for Professor Triggs to contemplate."

Triggs did not resign after the government declared in February that it had lost confidence in her over her handling of an inquiry into children in immigration detention, and has previously rejected accusations of partisanship.

The Human Rights Commission president delivered a forthright speech on Friday in which she criticised the major political parties for teaming up to pass "scores of laws" over the past 15 years that threatened fundamental rights and freedoms.

The Coalition is expected to produce legislation in the next parliamentary sittings to grant the immigration minister the power to revoke the Australian citizenship of a person who was deemed to be involved in terrorism but may not have been convicted of a crime.

Triggs cited the yet-to-be-defined proposal as an example of the "overreach of executive power" and said the debate seemed to be "between the subjective suspicions of a minister versus an evidence-based determination by a judge according to established rule of law".

Dutton said the UK had granted its home secretary strong powers to strip people of citizenship and it was "not a legal backwater by any stretch of the imagination".

The government believed it was "a decision for the minister of the day, because we are elected by the people to make these tough decisions", he told Channel Ten's Bolt Report.

Asked why the minister, and not a court, would make the decision, Dutton said: "Well, because we need ministerial discretion around some of the particular cases. So where the 17-year-old Australian goes across and is involved in beheadings and strapping vests on to other young kids who then go off and do suicide bombings – that person may present a very different case than the 17-year-old who went across, got cold feet at the airport and decided to come back home. If we had a black-letter operation of the law and there was no discretion, I think we would get anomalies ... We're not trying to impose this as a criminal sanction."

Dutton confirmed the powers would be able to be used against people regardless of whether they were located in Australia or were overseas.

"If they're involved in the name of terrorism, and their activities are able to be defined within a few sections of the criminal code that we've said we'll put into legislation – if they're deemed to be a terrorist or acting in support of those terrorists, fundraising, [doing] acts preparatory to, all of those which we've defined in the legislation – if they fall within that category and we don't render them stateless, whether they're here or they're offshore, we will strip citizenship from them under this proposal," he said.

"I think it's a very important [proposal] because, as I say, I think it has now dawned on all of us how significant this [terrorism] threat is and it is only going to ramp up over the coming years."

While the government is pressing ahead with new powers in relation to dual nationals, it has deferred a decision about allowing the immigration minister to revoke citizenship from sole nationals who may be able to apply for citizenship elsewhere.

That proposal generated a significant cabinet backlash which spilled into the public arena, but remains on the table thanks to its inclusion as an option in a discussion paper that was released for public consultation.

Dutton said the Coalition backbench "overwhelmingly" supported the government's strong stance, which he believed reflected views across the broader community.

He reiterated that the government would not leave anyone stateless and would allow people to lodge a judicial review against a ministerial decision to strip them of their citizenship.

The comment about statelessness prompted Bolt to ask: "I don't understand what the problem is with making people stateless. I mean They joined Islamic State. Good luck to them. Why should I care if they no longer have, you know, any citizenship from here? What's the problem?"

Dutton replied: "Well, we've signed a convention saying that we won't render somebody stateless so we abide by that principle."

The Labor leader, Bill Shorten, has offered in-principle support for the proposed changes in relation to dual nationals, but has called for the government to release the detailed legislation so it could be properly examined.

A senior Labor frontbencher, Anthony Albanese, criticised some of the government's language in the citizenship debate. "You have this ridiculous position ... where it is almost as if some members of the government are trying to say we are more loyal to Australia than others," Albanese told Sky News on Sunday.

<http://www.theguardian.com/australia-news/2015/jun/07/peter-dutton-says-gillian-triggs-should-consider-resigning-as-human-rights-chief>

## 5. Labor accuses Government of bullying over latest attack on human rights chief

ABC Radio CAF - AM  
By political reporter Peta Donald  
First posted Mon 8 Jun 2015, 4:26am  
Updated Mon 8 Jun 2015, 4:45am

The Opposition has accused Immigration Minister Peter Dutton of bullying Human Rights Commission president Gillian Triggs after a new round of hostilities broke out between the professor and the Government.

Shadow attorney-general Mark Dreyfus said Professor Triggs was doing her job despite being bullied and vilified by the Government, after Mr Dutton launched a scathing attack on the human rights chief following two speeches she gave late last week.

"It's no way for any government to behave and they need to just get an understanding of what's called for," Mr Dreyfus told the ABC's AM program.

"Next we'll see them attacking judges," he added.

The renewed tensions between Professor Triggs and the Government began on Thursday, when she criticised the policy of turning asylum-seeker boats back to Indonesia at a forum in Adelaide.

"Have we thought about what the consequences are of pushing people back to our neighbours, Indonesia? Is it any wonder that Indonesia will not engage with us on other issues that we care about, like the death penalty?" Professor Triggs said.

The next day, Mr Dutton accused her of linking the execution of the Bali Nine drug smugglers with Australia's border protection policies, although Professor Triggs did not mention Andrew Chan or Myuran Sukamaran specifically in her comments.

Mr Dutton demanded a retraction from Professor Triggs, calling her insensitive to the Chan and Sukamaran families and saying it was a complete outrage to link the Government's successful policy of turning back boats with the deaths.

"Professor Triggs needs to front the cameras today to retract this outrageous slur," Mr Dutton said on Friday.

Undeterred, Professor Triggs made another speech that night, criticising the government on several fronts, including its plans to remove Australian citizenship from dual nationals involved in terrorism.

"The overreach of executive power is clear in the yet-to-be-defined proposal that those accused of being jihadists fighting against Australian interests will be stripped of their citizenship if they're potentially dual citizens," Professor Triggs told a Melbourne audience.

Yesterday Mr Dutton was asked if he'd like to see Professor Triggs gone.

"When you reduce the position to basically that of a political advocate I think it is very difficult to continue on," he told Andrew Bolt on Channel Ten, adding that the appointment of Professor Triggs was a matter for Attorney-General George Brandis.

"These are issues for Professor Triggs to contemplate," he said.

<http://www.abc.net.au/news/2015-06-08/labor-accuses-government-of-bullying-over-triggs/6528618>

## 6. Coalition accused of orchestrated campaign to 'destroy' Gillian Triggs

Australia's first federal human rights commissioner, Brian Burdekin, vehemently defends Triggs and accuses Tony Abbott of 'shooting the messenger'

The Guardian  
Daniel Hurst Political correspondent  
Tuesday 9 June 2015 10.20 AEST



The Abbott government appears to be running an orchestrated campaign to “destabilise or even destroy” the Australian Human Rights Commission, the nation’s first federal human rights commissioner has alleged.

Brian Burdekin, who served in the role from 1986 to 1994, also accused Tony Abbott of “shooting the messenger” by making comments about the commission president, Professor Gillian Triggs, that were unworthy of the prime minister.

Triggs, who has been at loggerheads with the Coalition over asylum-seeker policy, faced fresh criticism from the government last week when she warned that the regional “consequences” of turning boats back to Indonesia could include hampering engagement with Australia on issues such as the death penalty.

The immigration minister, Peter Dutton, accused Triggs of drawing an inappropriate link between asylum policy and the execution of two Australians in Indonesia in April. He called on Triggs to consider resigning, saying she had reduced the position “to basically that of a political advocate”.

But Burdekin said Dutton and the attorney general, George Brandis, had misrepresented Triggs’s views on the death penalty, which were a continuation of Australia’s long-standing opposition to the practice. Burdekin said he had discussed the death penalty with Indonesia’s foreign minister in the early 1990s.

The Human Rights Commission was part of a continuing effort to reach regional consensus, he said, and “we don’t drop that opposition because sadly, tragically, two Australians were executed”.

“Quite frankly the attorney general and Peter Dutton did not look at the context in which those remarks were made, came out and attacked Gillian Triggs in a way which I’m afraid to say is beginning to look like an orchestrated campaign,” Burdekin told the ABC on Tuesday.

“I’m not sure whether the prime minister’s presiding over it or whether he’s orchestrating it but [it appears to be] a campaign to denigrate, debilitate and I think possibly destabilise or even destroy an independent commission, a commission established by law in our country by the parliament to protect our human rights, including from violation by ministers in the executive government.”

Brandis and Dutton issued a joint statement on Friday saying Triggs’s comments were “poorly informed and foolish” and “a gratuitous intervention in a difficult political issue”. The pair reiterated claims of partisanship by saying Triggs had “conspicuously refrained from criticising” Labor’s failed border protection policies.

Burdekin described Dutton’s comments as “unwarranted, wrong and completely unjustifiable”. He said Triggs had been subjected to “vitriolic attacks” by Abbott and several ministers despite a lack of evidence that the commission president had gone outside her mandate.

“I think Professor Triggs should stay there,” Burdekin said.

“I’m not speaking theoretically. I had the same experience 25 years ago. The government offered me frankly a number of overseas positions. My own view was that if I did that, if I stepped down, I left the commission vulnerable not for personal reasons but because I let unfounded allegations about us being politically partisan have some credibility in the public arena.

“Professor Triggs has done her job, she is doing her job, she should remain in her job, and quite frankly, as the former prime minister of the Liberal party, the late honourable Malcolm Fraser, suggested, perhaps the prime minister and some of the ministers criticising her should consider stepping down or consider their position rather than constantly running this orchestrated campaign against her.”

In February Abbott reacted angrily to the commission’s report on children in immigration detention, arguing the inquiry was a “blatantly partisan, politicised exercise” or a “stitch-up” against the Coalition government because it was not conducted when Labor was in power.

Burdekin said Abbott’s “outrageous” comments about the Forgotten Children report were “unworthy of the prime minister”.

“I think the prime minister, to use a sporting analogy of which he is fond, is playing the man or the woman and not the ball,” Burdekin said. “I read Gillian Triggs’s report. It was meticulous; it was largely based on evidence that came from the government’s own sources. But instead of having a proper, public, reasoned debate in the parliament and with the Australian public, what the prime minister did was to attack, in the most vitriolic terms, an independent statutory office holder ... We deserve better.”

Triggs delivered a forthright speech on Friday in which she called on MPs to uphold the rule of law as they prepared to debate extraordinary new powers for the immigration minister to revoke citizenship of suspected terrorists.

She criticised the major political parties for teaming up to pass “scores of laws” over the past 15 years that threatened fundamental rights and freedoms.

<http://www.theguardian.com/australia-news/2015/jun/09/coalition-accused-of-orchestrated-campaign-to-destroy-gillian-triggs>



## 7. The Age Editorial: Barrage against Triggs is contemptible

The Age, Editorial  
June 9, 2015 - 12:15AM

In its cheap attacks on the president of the Human Rights Commission, Gillian Triggs, the Abbott government has shown it has a very prominent glass jaw. When Professor Triggs criticises the government, out comes a minister with a string of damnations, the most recent alleging that she has politicised her role. Say it often enough, and people will come to believe it. That is the way this government works. It seeds falsehoods and plays with words and meanings. It rethreads stories so that details get lost in translation.

What exactly has Professor Triggs done to deserve the thundering denunciations of this government? She has criticised its policies on human rights. She has denounced its treatment of asylum seekers. She has warned of executive overreach, of the dangers of investing ministers with more powers but without proper checks and balances and without the explicit authority of the people. And she has queried if the policy of unilaterally turning back boats carrying asylum seekers may be a reason why Indonesia and other neighbouring countries "will not engage with us on other issues that we care about, like the death penalty".

To be clear, in those latter comments Professor Triggs did not specifically mention the execution of drug traffickers Andrew Chan and Myuran Sukumaran, as Immigration Minister Peter Dutton suggested. She did allude to the death penalty in pressing her point that if Australia wanted common ground on some matters with regional neighbours, it needed to consider how its own policies affected other countries.

The link was there, but these are hardly controversial comments and to make such a link is not a "complete disgrace" or an "outrageous slur", as Mr Dutton contends. They are contributions to the debate about the efficacy of government policies and the management of diplomatic ties.

Professor Triggs says the kinds of things governments don't like to hear. That is the essence of her role. The commission is required to be alert to potential abuses of power, to criticise when it detects human rights intrusions, to call out the danger and act as monitor. Professor Triggs and her fellow commissioners are fundamentally not there to support the government of the day. They are there to act on our behalf and for the rights of all people within Australian territory.

Professor Triggs, though, has been the target of a despicable, orchestrated campaign by the Abbott government. It was led by Prime Minister Tony Abbott, who accused her of acting in a "blatantly partisan" manner for investigating the conditions of children held in immigration detention. He declared the government had lost confidence in Professor Triggs. Then it was Attorney-General George Brandis, who tried to force her resignation by sending a bureaucrat to offer her another role.

The latest unwarranted and high-handed volley was from Mr Dutton. He needs to have a hard look at himself. Remember he brought to cabinet (with Mr Abbott) the unheralded and preposterously un-researched proposal to cancel, on the say-so of a minister, the citizenships of Australians suspected of terrorism activities.

As Immigration Minister, Mr Dutton has charge of one of the most important and sensitive government portfolios. His brief requires focus on matters of national security as well as national cohesion. To enhance national security requires more than extra defence and police powers or border protection services or, indeed, stripping citizenship rights from individuals. As Immigration Minister, he should be building tolerance and inclusion, not demonising and ostracising.

The efforts of all these senior ministers to blunt the independent advocate for human rights underscores how desperate the government is to deflect criticism of other matters, and how haughtily some ministers seem to view the power of the executive. On that last point, authoritarian is a word that springs to mind.

<http://www.theage.com.au/comment/the-age-editorial/barrage-against-triggs-is-contemptible-20150608-ghitk4.html>

## 8. Michelle Grattan: Gillian Triggs, not Brandis or Dutton, is owed the apology

ABC The Drum  
By Michelle Grattan  
First posted Tue 9 Jun 2015, 8:28am  
Updated Tue 9 Jun 2015, 2:02pm

The president of the Human Rights Commission has been told to retract her "outrageous slurs" against the Abbott Government. But the only slurs have come from two senior ministers who should know better, writes Michelle Grattan.

Last Friday, Attorney-General George Brandis and Immigration Minister Peter Dutton issued an extraordinary statement declaring that the president of the Human Rights Commission, Gillian Triggs, needed to "explain her comments" linking Australia's turn-back policy and negotiations with Indonesia about the death penalty.

But, it is the two ministers who should be called on to explain their statement.

Dutton has just provided yet more evidence as to why he should under no circumstances be given sole power - even subject to judicial oversight - under the Government's proposed new law to revoke the citizenship of dual nationals involved in terrorist activities.

As for Brandis: well, as the nation's first law officer, he should, frankly, know better. Brandis professes to believe in free speech, famously defending people's right to be bigots. Yet he calls for an explanation of an arguable proposition - whether correct or not - from someone who is perfectly entitled to make it.

And this person is a statutory officer who is independent of government.

The Government's fight with Triggs is well-known. To put it bluntly, it hates her - mostly, but not exclusively, over her inquiry into children in detention. It feels she held off the inquiry until after the 2013 election and didn't take enough account of the Coalition's big reduction in the number of children detained.

The Coalition tried to persuade Triggs to quit her position by offering her other work; she wouldn't budge. It is attempting to discredit her and blast her out by massive attacks, of which Friday's was perhaps the most brazen. The joint statement was accompanied by a news conference where Dutton denounced her.

At the centre of this latest row is a response, delivered in answer to a question at a Committee for Economic Development of Australia (CEDA) function on Thursday at which Triggs spoke on women and leadership, when she said:

Boats have got to stop. But have we thought about what the consequences are of pushing people back to our neighbour Indonesia? Is it any wonder that Indonesia will not engage with us on other issues that we care about, like the death penalty?

The two ministers drew on a headline in The Australian which read "Deaths of Bali duo 'linked to boats'".

But Triggs in her answer had spoken about the pursuit of regional agreement on stopping capital punishment, not the execution of the two Australians. Neither the questioner nor she mentioned them. It would have been wise - if not politically convenient - for the ministers to have more carefully checked out the context.

Triggs has said in a statement:

My remarks in response to questions from the audience at the Economic Development of Australia forum in Adelaide have been entirely misreported by some commentators.

I was making the observation that any solution to the movement of asylum seekers and refugees in our region should be by diplomatic negotiation.

Like most Australians, I believe a strong diplomatic relationship with Indonesia, and all nations within the Asian region, is vitally important to us all.

At no time did I refer to the recent executions of the two young Australians. Rather I spoke of the future need to work diplomatically to reach agreement on ending the death penalty in the region. This reflected my early public commentary on the need for a moratorium on the death penalty.

Brandis and Dutton were not interested in context. They were men on a mission.

"Her comments on the execution of Andrew Chan and Myuran Sukumaran are poorly informed and foolish. They will also be offensive to Indonesia by implying, as they do, that Indonesia's decision to execute two Australians was influenced by international considerations," they said in their statement.

"Professor Triggs chose to make her remarks with no specific knowledge of the many steps the Australian government took to save the lives of Andrew Chan and Myuran Sukumaran, and with no professional experience in diplomacy and no specialist knowledge of the Australia-Indonesia relationship.

"As a lawyer, she knows better than to assert conclusions in the absence of evidence. Her comments were not in defence of human rights, but a gratuitous intervention in a difficult political issue."

As a matter of fact, Triggs probably knows at least as much about diplomacy as either of the ministers. Neither of them has served in a diplomatic post; she is the wife of former senior diplomat Alan Brown.

Even on the matter Triggs was not talking about - the executions of the two Australians - she was familiar with the issue: the Human Right Commission was in touch with a human rights commission in Indonesia.

Triggs also obviously has knowledge of the issue of capital punishment in the region, which was what she was addressing.

The jibe about asserting conclusions in the absence of evidence applies to the ministers. As a former policeman, one would have thought Dutton would have been particularly aware of the need to get the evidence right. Brandis' cavalier attitude is alarming.

As for her remarks being "a gratuitous intervention in a difficult political issue", Triggs was fully within her rights, given her position, to air an opinion. And the ministers' tossing in of the insult "gratuitous" is, well, gratuitous.

Brandis and Dutton went on to point out that although Triggs said "boats have got to stop", "she offers no suggestions as to how that might be done".

Well, that's a good thing, isn't it? Such suggestions might have been "gratuitous".

In summary, the ministers seem to have gone on a headline, and then thought they could get away with bullying and insulting in the most extreme terms, as is too often the method of this government. The media cycle being what it is, the attack becomes the story, especially when there is plenty of actuality from Dutton's press conference.

It would be interesting to know whether the idea for a joint statement - headed, incidentally, "comments by Professor [sic] Triggs" - and Dutton's news conference came from one of the two ministers, or some other strategic mind in the government.

Dutton insisted that Triggs needed to "front the media ... to retract these outrageous slurs". The "slurs" turn out to have been from the ministers. The corrections should come from them.

>>> *This article was originally published on The Conversation. Michelle Grattan is a professorial fellow at the University of Canberra and chief political correspondent at The Conversation.*

<http://www.abc.net.au/news/2015-06-09/grattan-gillian-triggs-is-owed-the-apology/6531554>

## **9. Ministers heap scorn on Gillian Triggs over linking boats policy and executions**

Peter Dutton says comments by the human rights chief were an 'outrage' while attorney general George Brandis says the claim was 'plainly wrong'

The Guardian  
Shalailah Medhora  
Thursday 11 June 2015 14.12 AEST

Ministers have renewed pressure on Gillian Triggs, the president of the Human Rights Commission, with immigration minister Peter Dutton saying she should make further clarifications to comments she made linking the execution of Australians to the government's policy on asylum seekers.

Dutton told 2GB radio on Thursday that Triggs' comments were "an outrage", a view echoed by attorney general George Brandis in another interview. The social services minister, Scott Morrison, also criticised Triggs on Thursday.

"I still believe very strongly that Professor Triggs should clarify the record and should make a statement of apology in relation to this," Dutton said.

Last week Triggs linked the Coalition's policy to turn back boats with Indonesia's reluctance to rethink the execution of Australian citizens.

"Boats have got to stop," she said. "But have we thought about what the consequences are of pushing people back to our neighbour Indonesia? Is it any wonder that Indonesia will not engage with us on other issues that we care about, like the death penalty?"

Triggs denies ever specifically linking the executions of the Bali Nine ringleaders Andrew Chan and Myuran Sukumaran with the turnbacks, saying she was talking broadly about the death penalty in the region.

"I thought it was a shameful exercise, and she's stepped back from that a little bit. But it's very clear that there was a nexus between the two. No doubt in my mind whatsoever that she was trying to make that link," Dutton said.

Australia's first Human Rights Commission president, Brian Burdekin, has accused the government of a coordinated campaign to bring down Triggs. Tim Wilson, appointed by the Abbott government to the commission, has also defended Triggs.

Brandis told ABC radio: "The main conversation in this country about the death penalty in Indonesia in recent months as we all know, had to do with the execution of Chan and Sukumaran.

"Any public officer is entitled to express views within their area of responsibility but one would hope that it would be an opinion formed, informed by facts."

"To link Australia's turn back policy to our capacity to engage with Indonesia on death penalty issues was plainly wrong," Brandis argued.

Dutton implied that Triggs' appointment was partisan, made by former prime minister Julia Gillard before she left office. Morrison, Dutton's predecessor, said the commission had been tarnished by Triggs' behaviour.

"I think the great disappointment with Gillian Triggs is I don't think the institution which she serves has been elevated as a result of her tenure," Morrison told a reporter. "I think that is a disappointment for the institution, particularly when people engage in such a partisan way, sadly that is the inevitable outcome. I think it rubs off on the standing of the institution."

Opposition leader Bill Shorten said Coalition members were "repeat offenders" when it came to Triggs.

"I don't agree that the Bali Nine executions were linked the Australian government's policies on another matter. But merely because I don't agree with what someone says doesn't mean that gives licence to the government to start bullying the president of the Human Rights Commission," Shorten told reporters.

In February Tony Abbott said the government has "lost confidence" in Triggs over the release of a report scathing of the treatment of children in detention.

<http://www.theguardian.com/australia-news/2015/jun/11/ministers-heap-scorn-on-gillian-triggs-over-linking-boats-policy-and-executions>

## 10. Ray Hadley and Peter Dutton accused of sexism over Sarah Hanson-Young song

Sydney Morning Herald  
June 11, 2015 - 5:22PM  
Sarah Whyte

Radio shock jock Ray Hadley and Immigration Minister Peter Dutton have been accused of "sexist claptrap" after playing a song on his show labelling Greens Senator Sarah Hanson-Young as the "Dumbest Politician in Australia".

Interviewing Mr Dutton, who last week called Senator Hanson-Young an "embarrassment to the country", Mr Hadley played the two minute song on 2GB radio, backed to the soundtrack of Youth Group's song, Forever Young.

"Sarah Hanson-Young is just the worst ever. She makes Bob Brown look kinda clever," the lyrics say, before playing an excerpt of comments made by Senator Hanson-Young from a Senate hearing last year. In the hearing the senator's questions about secrecy at Customs led to a confused exchange between her and Customs chief executive Mike Pezzulo where the reality series Border Security was mixed up with the drama Sea Patrol.

"Talk about a half-wit," the song continues. "Sarah Hanson Young, I don't want to hear Sarah Hanson-Young. I'm sure she'll be quite mad forever, forever, not clever."

The song ended with Mr Dutton laughing.

"It's beyond my comprehension that, that she has any credibility in any major issue pertaining to our country," Mr Hadley said.

"You know her well, Ray, you know her well," Mr Dutton said.

This week it was confirmed that a number of Wilson staff were involved in the trailing of Ms Hanson-Young when she visited the detention centre on Nauru in late 2013, under the Abbott government. During a Senate committee on Tuesday, Mr Pezzullo confirmed the unauthorised operation had occurred.

During the interview, Mr Hadley said the Greens were calling for an apology from Mr Dutton after he called her an "embarrassment to the country," relating to the claims of espionage.

"Well, and wacky as well, I think I said that at the time," Mr Dutton replied.

"Oh sorry, let me clarify that; so she's a wacky embarrassment to the country. Can I say that?" Mr Hadley said.

"No question," Mr Dutton said. "I mean, she's written to me on some issues which are completely fanciful when you have a look at the facts and she's got a track record of making these things up," Mr Dutton said.

"If there was an action by an individual, for which that individual's been counselled, nothing to do with the Australian government or some belief that she's been spied upon," Mr Dutton said.

The Greens deputy leader Senator Larissa Waters said both men were involved in "sexist claptrap" by playing the song on air.

"Unfortunately this sort of pathetic attack on a young woman doing her job exceedingly well in the Parliament just demonstrates what a problem with sexism we still have in the Parliament and sadly in the nation more broadly," Ms Waters said.

Ms Hanson-Young said Mr Dutton was engaging in intimidation.

"It would be helpful if the minister spent more time cleaning up the child abuse inside his detention centres than trying to intimidate those who scrutinise the government's policies," she said.

Last month Nationals deputy leader Barnaby Joyce asked Australia's media watchdog to investigate an interview in which radio announcer Kyle Sandilands called the Agriculture Minister "an insensitive wanker", "a disgrace" and a "gerbil of a thing" on air.

<http://www.smh.com.au/federal-politics/political-news/ray-hadley-and-peter-dutton-accused-of-sexism-over-sarah-hansonyoung-song-20150611-ghlpvu>

## **11. Sydney band Youth Group defends Sarah Hanson-Young after Ray Hadley parody**

The Age  
June 12, 2015 - 6:27PM  
Sarah Whyte

Australian band Youth Group have said they were saddened by the "ugliness" of a parody of their hit song that was played on shock jock Ray Hadley's show to attack Greens senator Sarah Hanson-Young.

A version of Forever Young by the Robertson Brothers was played on Radio 2GB on Thursday criticising Ms Hanson-Young as being the "Dumbest Politician in Australia".

"Sarah Hanson-Young is just the worst ever. She makes Bob Brown even look kinda clever," the lyrics say, before the song plays an excerpt of comments made by Senator Hanson-Young from a Senate hearing last year. It also calls her a "half-wit", "mad" and that "she looks so dumb".

The Greens angrily responded to the song being played during an interview with Immigration Minister Peter Dutton as "sexist claptrap".

On Friday morning Mr Hadley responded, saying that the Greens were mocking "shock indignation", that they were an "opportunistic bunch of dunderheads" and that the song had been played "dozens and dozens and dozens and dozens of times" since 2014.

"It appears my interview with Peter Dutton has sent the Fairfax Press and the Greens into meltdown," Mr Hadley said.

The song is one of more than two dozen tracks in the "Ray Hadley Parody Jukebox", he said. Clive Palmer, Jacqui Lambie and Kevin Rudd also feature in the list.

But the band, which hails from the inner-city Sydney, said the parody had saddened them.

"The use of this version during Ray Hadley's interview with Immigration Minister Peter Dutton on radio station 2GB [on Thursday] does not reflect our view," the members of Youth Group - Toby, Dan, Cameron and Patrick - said in a statement.

"That an individual has chosen to appropriate the song in such a way saddens us."

The song, which is a cover of Alphaville's 1984 hit, came to prominence when it was used on the popular television show the O.C.

"We're honoured that our version has come to be held dear to many across Australia through its use in so many celebrations and commemorations of loved and lost ones, and in marking the passing of time at schools and social clubs across the country," the statement said.

"We believe that it has come to mean something quite different, and diametrically opposed, to the ugliness that marks the parody version played by Ray Hadley.

"We hope that for the many people who have strong feelings about the song, and a place for it in their hearts about a time, place or person, that this ugliness won't taint those memories.

"For the record, we would like to express our support for Greens senator Sarah Hanson-Young. We're all for a respectful and inclusive Australia, not a divisive and disrespectful one."

<http://www.theage.com.au/federal-politics/political-news/sydney-band-youth-group-defends-sarah-hansonyoung-after-ray-hadley-parody-20150612-ghmt2y.html>

## 12. Asylum-seekers make plea for help to NZ Government

NZ Herald  
Nicholas Jones  
3:08 PM Sunday Jun 7, 2015

The asylum-seekers who were shipwrecked after attempting to reach New Zealand have apparently circulated photographs and a letter calling on the Government to help them.

The 65 refugees are now in a detention centre at Kupang in West Timor, having earlier had their boat turned around by Australian authorities.

Now photographs and a letter have been circulated, apparently by members of the group.

Some photographs were taken on the open sea, with one apparently showing an Australian Navy vessel.

Another shows a group with a large sign that reads, "please try to understand our painful life New Zealand Government and save our life. Please".

A letter, written in both English and Tamil, said it was unsafe for the group's members to return to their home countries of Sri Lanka, Bangladesh and Myanmar.

It states that the group left Indonesia on May 5 and travelled for 12 days before encountering Australian officials.

After confirming they were not attempting to enter Australia, the group were allowed to continue, the letter states.

A short time later the asylum-seekers were turned around by Australian authorities, after being transferred to two smaller boats, the group's letter states.

When a boat hits rocks near an Indonesia Island, "we jump over the boat to sea and swim more than one and a half hours [to] reach island".

Immigration Minister Michael Woodhouse has been contacted for comment.

His spokeswoman earlier told Radio New Zealand that the Government had not received the letter, and the group could not claim asylum without being in New Zealand.

Prime Minister John Key has previously said he had been advised that the boat heading for New Zealand had a credible chance of making it.

Last week Amnesty International's global secretary general Salil Shetty travelled to New Zealand and asked Mr Key to double the country's refugee quota, currently at about 750 per year.

There are currently about 52 million refugees around the world - numbers not seen since World War II.

[http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11461321](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11461321)

## 13. Australian officials paid people smugglers to turn back to Indonesia, says police chief

The Age  
June 10, 2015 - 12:16AM  
Jewel Topsfield, Sarah Whyte and Karuni Rompies

Australian officials paid thousands of dollars to the captain and crew of a boat carrying asylum seekers, who were then returned to Indonesia, according to passengers and an Indonesian police chief.

Sixty-five people from Bangladesh, Sri Lanka and Myanmar, who were seeking asylum in New Zealand, had their boat intercepted by Australian navy and Customs officials in late May, and were then returned to the island of Rote.

The Indonesian police chief on Rote, Hidayat, said the six crew members said they had been given \$US5000 each by Australian officials. The crew were apprehended when they arrived at Rote and are being processed for people-smuggling offences.

Mr Hidayat said the captain, Yohanes, told him they had been given the money by an Australian customs officer called Agus, who spoke fluent Indonesian. The other crew members had corroborated Yohanes' story.

"I saw the money, the \$5000 was in \$100 banknotes," he said. The crew had \$30,000 in total, which was wrapped in six black plastic bags, he said.

When asked on Tuesday whether Australian officials had recently paid the crew of a boat carrying asylum seekers to stay away from Australia, Immigration Minister Peter Dutton simply said, "No."

He refused to answer follow-up questions, citing the government's policy of not commenting on "on-water matters".

A letter to the New Zealand government signed by all 65 asylum seekers on board says Australian officials paid the six crew members at least \$A7000 each.

"Then they take away our better boat and give two small boats that had just a little dry foods like biscuits and chocolates, and they also give very little fuel, just 200 litres for four to five hour journey," the letter says.

Nazmul Hassan, a Bangladeshi on board the boat, said he saw the skipper put money in his pocket.

He said the crew initially told Australian officials they couldn't go back to Indonesia because they could be jailed for people smuggling.

However, after a meeting the captain reportedly said: "We have to go back. Australia want to pay for us."

"After they finished the meeting, everyone looked happy and they agreed to the proposal," Mr Hassan said from Inaboi, a hostel in Kupang, Indonesia, where the asylum seekers are being detained.

"We didn't say anything because they didn't give us time to talk."

The asylum seekers swam ashore after their boat hit rocks near Landuti island in the West Rote district of Indonesia, 500 kilometres north-east of the Australian coast.

Mr Hidayat said it was the first time he had heard of Australian payments to people smugglers and that he was surprised the crew members had that amount of cash.

"Boat crews are usually very poor," he said. "I even sent the money to their villages upon their request."

Mr Hidayat said he had not confiscated the money. "What for? It is not crime-related," he said.

"I still wonder who Agus is and what is his motivation to give money to boat crews. Maybe he wanted them to go out of Australian border so he gave them the money."

An Immigration Department spokesman said: "The Australian government does not comment on or disclose operational details where this would prejudice the outcome of current or future operations."

Former Immigration Department executive Peter Hughes, who now works at the Australian National University as an expert on refugee policies and international migration, said if the payment was true, the move would be unprecedented.

"I have never heard of that happening before," Mr Hughes said.

In the letter to the New Zealand government, the asylum seekers said they had set off for New Zealand on May 5, after living in Indonesia for a few months.

"Then we hope you [New Zealand] can give asylum and you can also give a peaceful life for us," the letter says.

It says the boat was intercepted and searched by Australian customs officers on May 17, who warned: "You don't try to come in Australia and don't try to use Australia water area also."

The letter says the navy and Customs returned six days later and removed the captain for a secret six-hour interview.

It says the asylum seekers were then removed from their boat and kept in jail-like conditions on a navy ship for several days.

"Then they separate our six sailors and donated them by giving at least \$A7200 per person. They never ask to us any opinions and they also never accept our petition," the letter says.



On about May 31, they were then given two smaller boats and sent back to Indonesia.

Mr Hassan said Australian authorities had burnt their original boat because it had sufficient supplies for them to continue their journey to New Zealand.

Don Rothwell, a professor of international law at the Australian National University, said if money had been handed out, it could be interpreted as a form of people smuggling.

However, he questioned the motive of the officials to do it.

Professor Rothwell said it was unlikely to breach any laws under the Migration Act.

"The great significance is how this decision would be seen in regards of our regional neighbours," he said. "If Australian officials were to pay crews to take those people to Indonesia, I suspect that Indonesia and some other regional neighbours would take a dim view of that conduct from Australia.

"I cannot recall any situation where Australian officials have paid crew."

<http://www.theage.com.au/national/australian-officials-paid-people-smugglers-to-turn-back-to-indonesia-says-police-chief-20150609-ghk63g.html>

## **14. Julie Bishop denies claims Australian Customs officers paid people smugglers to take back asylum seekers**

ABC News Online

By Indonesian correspondent George Roberts

Posted Wed 10 Jun 2015, 5:29pm

Foreign Minister Julie Bishop has denied claims by Indonesian police that Australian Customs officials paid thousands of dollars to people smugglers to take asylum seekers back to Indonesia.

A boat carrying 65 asylum seekers crashed onto a reef near the remote Rote Island, off West Papua, last week and those on board said Australian authorities had turned them back.

Rote Island's police chief said the captain of the boat, a man called Yohanis from North Sulawesi, told police an Australian Customs official paid each crew member \$5,000 to bring asylum seekers back to Indonesia.

A Sri Lankan asylum seeker called Kajuran told ABC News a similar story, but the claim was difficult to understand or verify.

"They picked up money. [An] Australian man, Customs, he gave money," Kajuran told the ABC in broken Bahasa Indonesia.

"They made a deal."

Deputy senior police commissioner Hidayat said the Customs officer was called Agus and spoke fluent Bahasa Indonesia.

Hidayat said the boat crew, who are still under arrest, asked police to help send the money to their wives and police agreed.

He said it was their money because it was not received from people smugglers.

Indonesian laws that cover people smuggling prohibit helping people leave or enter the country without permission and benefiting from doing so.

The boat crew will still be charged with attempting to take people out of Indonesian territory.

When asked whether Australian authorities ever paid people to return asylum seekers, Ms Bishop replied: "No."

<http://www.abc.net.au/news/2015-06-10/bishop-denies-claims-customs-officials-paid-people-smugglers/6536474>

## **15. Australian Federal Police to visit Rote island amid asylum seeker boat claims**

The Age

June 11, 2015 - 1:08AM

Jewel Topsfield, Karuni Rompies, Sarah Whyte

Three Australian Federal Police officers will visit the Indonesian island of Rote where six crew members are being detained on people smuggling charges, according to Indonesian police.

A boat with 65 people from Bangladesh, Sri Lanka and Myanmar seeking asylum in New Zealand was intercepted by Australian authorities last month and sent back to Indonesia.

The police chief from the Indonesian island of Rote, where the asylum seekers swam ashore after their boat hit rocks, said the six crew had told him Australian authorities had paid them US\$5000 each, as reported by Fairfax Media yesterday.

In Canberra, the Greens and Labor parties have demanded more information about the payments, saying the immigration department was "cloaked in secrecy" and Immigration Minister Peter Dutton needed to adequately respond to the allegations.

The crew members are now being detained on the island while their people smuggling charges are being processed.

Ronaldzi Agus, a spokesman for the East Nusa Tenggara provincial police office, told Fairfax Media that three AFP officers from Denpasar would visit Rote on Thursday.

Mr Agus said AFP officers regularly visited nearby Kupang, the capital of East Nusa Tenggara, to share information on people smuggling.

Asked if the visit to Rote was related to the arrest of the six crew members on people smuggling charges, Mr Agus said: "it looks like that".

Mr Agus said he did not know whether the AFP would investigate the claims the crew were paid by Australian authorities.

"I don't have that information," Mr Agus said.

"From what I know, Australian customs officers would not do that."

Greens leader Richard Di Natale said the allegations were "extremely worrying".

"[This is] effectively putting Australia in the people smuggling business," he said.

"We have a cloak of secrecy when it comes to the issue of refugees. And the reason that the secrecy has to be maintained is that the policy is morally reprehensible."

Labor's Immigration Spokesman Richard Marles said Immigration Minister Peter Dutton owed the Australian public an explanation, saying it was another example of the government's "woeful track record when it comes to transparency".

"We have seen this report and note the Government has denied it," he said.

"Rather than provide a one word response, Mr Dutton owes it to Australians to offer a proper explanation of what exactly has taken place in this operation."

A spokeswoman for Mr Dutton said: "We have nothing further to add."

An AFP spokesman said: "The Australian Federal Police works cooperatively with the Indonesian National Police on a range of transnational crime issues, including people smuggling."

<http://www.theage.com.au/federal-politics/political-news/australian-federal-police-to-visit-rote-island-amid-asylum-seeker-boat-claims-20150610-ghl07g.html>

## **16. Peter Dutton invokes 'on-water' secrecy over claim of payments to boat crew**

Immigration minister was responding to claims Australian officials paid money to crew of intercepted asylum-seeker boat to return to Indonesia

The Guardian  
Daniel Hurst Political correspondent  
Wednesday 10 June 2015 17.53 AEST

The Abbott government has invoked its "on-water matters" secrecy rule to defend not comprehensively answering claims that Australian officials paid money to the crew of an intercepted asylum-seeker boat to return to Indonesia.

The claims were aired in reports by Radio New Zealand and Fairfax Media based on comments from passengers who were onboard a boat that was stopped by Australian navy and customs officials in May.

Nazmul Hassan from Bangladesh told Radio New Zealand the officials paid at least \$A7,200 to the captain and crew for each passenger.

Hidayat, who is the police chief on the Indonesian island of Rote where the crew members are now detained, told Fairfax Media the six crew members said they had been given \$US5,000 each by Australian officials.

"I saw the money, the \$5,000 was in \$100 bank notes," he said. The crew had a total of \$30,000 wrapped in six black plastic bags, Hidayat told Fairfax.

Guardian Australia has been unable to independently verify the claims.

The immigration minister Peter Dutton was asked directly at a media conference on Tuesday whether officials had "recently" paid the crew and captain of a boat carrying asylum seekers to take them from Australia. He replied: "No."

But when asked the broader follow-up question, "Has Australia ever done that?", Dutton said: "It's been a longstanding policy of the government not to comment on on-water matters."

Dutton's office would not elaborate on the matter after the Fairfax Media story was published on Wednesday, but pointed to the previous denial.

A spokesman for the Department of Immigration and Border Protection said the government "does not comment on or disclose operational details where this would prejudice the outcome of current or future operations".

Labor's immigration spokesman, Richard Marles, called on the government to be upfront.

"We remain deeply concerned that the actions of the government are occurring under a shroud of secrecy when it comes to Operation Sovereign Borders," he said.

"I think it's important there be clarity on this issue."

The Greens are planning to ask the government to clear up the matter through questions on notice as part of the budget estimates process. Greens senator Sarah Hanson-Young called for a thorough investigation, saying it was not good enough for the government to engage in "secrecy and cover-up".

"The government must give a full account of what has occurred here," she said.

"If these claims prove to be correct then the Australian government is directly financing crews on asylum seeker boats not to come to Australia. If true, this would be simply unprecedented and totally unacceptable. Minister Dutton must come clean on whether this incident occurred and who authorised it."

The prominent refugee lawyer David Manne said the claims, if true, raised concerns about Australia's compliance with its obligations under the refugee convention. He said such actions could also undermine the prospects for cooperation among countries in the region.

"Whether an on-water or on-land matter the government must come clean and explain to the Australian and international community whether it has funded, aided and abetted those that it calls dangerous criminals – people smugglers – to turn back people seeking asylum and safety," he said.

"Turning people back who may well be in need of protection from persecution could constitute flagrant violation of the convention obligation to protect people fleeing from harm from being subject to further harm."

The social services minister Scott Morrison, who held the immigration portfolio until December last year, declined to comment on the claims.

"That's a matter you'd have to put for the minister for immigration. I no longer have responsibility for those matters," Morrison said.

<http://www.theguardian.com/australia-news/2015/jun/10/peter-dutton-invokes-on-water-secrecy-over-claim-of-payments-to-boat-crew>

## **17. Indonesia to investigate claims Australia paid people smugglers to turn back**

ABC News Online

By Indonesia correspondent George Roberts

Posted Thu 11 Jun 2015, 4:29pm

Indonesia says police are investigating claims that Australian officials paid people smugglers to return asylum seekers to Indonesia.

A boat carrying 65 asylum seekers crashed onto a reef near the remote Rote Island, off West Papua, last week.

The passengers and crew reported being intercepted by Australian border patrols and being sent back to Indonesia.

Rote Island's police chief said the crew were allegedly paid \$5,000 each by an Australian Customs official called Agus to take the passengers back to Australia.

Foreign Minister Julie Bishop has flatly denied that Australia pays crew members to turn smuggling boats around, but Indonesia's foreign ministry said it was still concerned by the claims.

"This is endangering life. They were in the middle of the sea, but were pushed back," foreign ministry spokesman Arramanatha Nasir said.

He said Indonesian police were investigating the claims.

<http://www.abc.net.au/news/2015-06-11/indonesia-to-investigate-claims-australia-paid-people-smugglers/6539736>

## **18. Indonesia looks into claims Australia paid people smugglers to turn back**

Indonesian foreign affairs official says if reports are found to be true it would be 'very concerning' and would prompt diplomatic protest

The Guardian

Beh Lih Yi in Jakarta and Daniel Hurst in Canberra

Thursday 11 June 2015 15.57 AEST

Indonesia is investigating claims that Australia paid people smugglers to turn their boat back to Indonesian waters in a development which, if proved, it would consider "very concerning".

The probe came after reports emerged that an Australian border protection official allegedly paid the captain and crew of a boat carrying about 65 asylum seekers about US\$30,000 (\$39,000) to turn back to Indonesia in late May.

"We are currently investigating this. If this is true, it is very concerning," an Indonesian foreign affairs ministry spokesman, Arrmanatha Nasir, told the Guardian on Thursday, adding that the information was based on initial interviews with migrants on the boat and one crew member.

Nasir said Indonesia would consider further action if the claim was proven true, including lodging a protest note with Australia or summoning its diplomats in Jakarta.

The captain and five crew of the boat, which was carrying migrants from Bangladesh, Burma and Sri Lanka, told local Indonesian police they were each paid US\$5,000 to turn back to Indonesia, Agence France-Presse reported.

The migrants – which include women and children – came ashore on the remote island of Rote, in eastern Indonesia, in late May, after they were intercepted en route to New Zealand by the Australian navy.

The claims about the payments were aired in reports by Radio New Zealand and Fairfax Media this week.

Rote's police chief, Hidayat, who goes by one name, was quoted by Fairfax as saying the cash "was in \$100 bank notes" and wrapped in six black plastic bags.

"I saw the money with my own eyes," he was quoted as saying by Agence France-Presse. "This is the first time I'd heard Australian authorities making payments to boat crew."

The migrants have reportedly supported the claims, but the Guardian has been unable to verify the allegations independently.

The Australian immigration minister, Peter Dutton, said on Thursday the claims had not been substantiated. But he did not provide more details, saying the government has a policy of not commenting on operational matters.

"There's obviously, particularly in relation to this venture, there's still discussions of an operational matter, of an operational nature going on, so we don't comment in relation to any of these," Dutton said in an interview with 2GB radio.

"I think it's fair to say that Indonesian police officers sort of recanted a bit from some of those comments in the last 24 hours or so, but the customs border protection officers do an amazing job. They do it in difficult circumstances at sea and our objective is to try and make sure we can stop these boats, but in relation to operational matters we just don't comment."

Dutton's remarks were his most expansive on the matter.

The minister simply answered "no" when asked at a media conference on Tuesday whether officials had "recently" paid the crew and captain of a boat carrying asylum seekers. When asked the broader follow-up question – "Has Australia ever done that?" – Dutton said: "It's been a longstanding policy of the government not to comment on on-water matters."

The Coalition has introduced harsh immigration measures, including a boat turn-back policy, to stop the influx of asylum seekers who often made a perilous sea journey to escape political persecution or poverty.

The hardline policies – and the secrecy that surrounds boat turn-backs – are a regular topic of political debate in Australia, but the government argues its stance has popular support and has prevented boats arriving.

Labor and the Greens called on the government on Wednesday to be straightforward when answering questions about the payment allegations.

Fairfax Media reported that three officers from the Australian federal police (AFP) were due to visit Rote on Thursday, based on comments by Ronaldzi Agus, a spokesman for the East Nusa Tenggara provincial police office.

An AFP spokesman, when asked whether the officers would inquire about the payment claims, told the Guardian: “The AFP works cooperatively with the Indonesian national police on a range of transnational crime issues, including people smuggling.”

The relationship between Jakarta and Canberra has come under strain in recent months after Indonesia executed two Australians who were members of the Bali Nine drug-smuggling group. Australia recalled its Jambassador, Paul Grigson, from Jakarta after the deaths in late April. Grigson returned to Jakarta on Monday.

<http://www.theguardian.com/australia-news/2015/jun/11/indonesia-looks-into-claims-australia-paid-people-smugglers-to-turn-back>

## **19. Julian Burnside: Paying off people smugglers: Is Abbott dealing with the devil?**

ABC The Drum

By Julian Burnside

Posted Fri 12 Jun 2015, 11:54am

This goes further than hypocrisy. Tony Abbott's primary justification for condemning people smugglers is that they cause deaths. Yet it appears he is willing to pay the people smugglers to take their passengers even further, writes Julian Burnside.

Part of the united rhetoric of the Coalition and Labor is to condemn people smugglers. Both sides of politics describe people smugglers as "evil" and as "the scum of the earth".

We need to put to one side whether that generalisation is correct or not, because it automatically consigns Oskar Schindler and Dietrich Bonhoeffer to the worst category of infamy.

If the Coalition are genuine in their judgment of people smugglers, it would be a very strange thing to do business with them. But on radio station 3AW this morning, Prime Minister Tony Abbott had a revealing exchange with host Neil Mitchell. He tried repeatedly to duck the issue, but he appeared to concede that the Government had paid people smugglers to return their customers to Indonesia. The conversation included the following exchange:

Mitchell: These allegations that Australia paid people smugglers to turn back the boats - did it happen or not?

Abbott: Well, Neil, we don't comment on operational matters but we are determined to ensure that illegal boats don't get to Australia and we will do whatever is reasonably necessary to protect our country from people smuggling and from the effect of this evil and damaging trade that cost lives.

Mitchell: But surely we wouldn't pay people smugglers, they're criminals?

Abbott: Well, what we do is we stop the boats by hook or by crook...

The conversation continued:

Mitchell: I don't know about the relationship with Indonesia. They're saying today they're shocked by the allegations we paid people smugglers. Are we at least investigating whether it happened?

Abbott: Neil, I want to say to you and your listeners that I am proud of the work that our border protection agencies have done. I really am proud of the work that they've done and they've been incredibly creative in coming up with a whole range of strategies to break this evil trade ...

Mitchell: Will we investigate whether it happened?

Abbott: As I said by hook or by crook we are going to stop the trade, we have stopped the trade, and we will do what we have to do to ensure that it stays stopped.

Mitchell: Will the Australian government investigate whether it happened?

Abbott: The short answer is the Australian government will do whatever we need to do to keep this evil trade stopped.

Mitchell: Including paying people smugglers?

Abbott: We will do whatever we need to do to keep this trade stopped because that's what the public expects...

Finally, Mitchell asked, "Will the Australian Government investigate whether it happened?"

To which Abbott responded:

Um, Neil, what we are doing is saving life at sea. We are defending our national sovereignty, we are protecting our country from the evil trade of people smuggling and by hook or by crook we will do what is necessary to keep our country safe and to keep this evil trade stopped..."

Mitchell did well to get as far as he did. It was as close to an admission as he was going to get. Abbott's refusal to deny the allegation effectively amounts to an admission.

Abbott's contempt for people smugglers is hardly a secret. It is an act of the basest hypocrisy that he would allow his Government to pay them anything at all for any service at all.

Hypocrisy in politics is pretty common, so this could just be "business as usual". But it goes deeper than that. Abbott's primary justification for condemning people smugglers is that they cause deaths: he is so worried about boat people drowning that he is willing to punish the ones who don't.

The reason they drown, so he argues, is that people smugglers are cruel, heartless and careless. Why then does he think it a good thing to pay the people smugglers to take their passengers back along their perilous voyage? Surely, if his concern was the safety of boat people, he would have them rescued from the smugglers as quickly as possible.

On Abbott's argument, prolonging the time boat people spend in the hands of people smugglers increases their risk of drowning. But he is willing to pay the people smugglers to take their passengers further.

And of course we are not allowed to know the consequences of his willingness to deal with the devil. If boat people drown as a result of the payment, we won't be told because it is an "on-water" matter. And if they don't drown, we won't be told, because that would contradict the Government's main narrative.

On any view of it, for the Abbott Government to countenance paying people smugglers is genuinely astonishing, and casts doubt not only on its own integrity but also on the sincerity of its arguments for "stopping the boats".

*Julian Burnside AO QC is an Australian barrister and an advocate for human rights and fair treatment of refugees.*

<http://www.abc.net.au/news/2015-06-12/burnside-paying-off-the-people-smugglers/6541888>

## **20. Tony Abbott refuses to rule out paying people smugglers to turn back boats**

Prime minister says his government is determined to stop the boats 'by hook or by crook' and border protection officials have been 'incredibly creative'

The Guardian  
Daniel Hurst Political correspondent  
Friday 12 June 2015 11.29 AEST

Tony Abbott has refused to rule out Australian officials paying people smugglers to turn back asylum-seeker vessels, saying the government was determined to "stop the boats by hook or by crook".

In comments likely to alarm the Indonesian government, the Australian prime minister said his government would do "whatever we need to do to" to stop such boats and that border protection officials had been "incredibly creative" in coming up with strategies.

Indonesia confirmed on Thursday that it was investigating allegations that an Australian official paid the captain and crew of an intercepted boat carrying about 65 asylum seekers about US\$30,000 (\$39,000) to turn back to Indonesia in late May.

Indonesia's foreign affairs ministry spokesman, Arrmanatha Nasir, told the Guardian the development, if proven, would be "very concerning".

In an interview on Friday, Abbott refused to confirm or deny the allegations, and also avoided committing the Australian government to launching its own investigation.



“What we are doing is saving life at sea. We are defending our national sovereignty, we are protecting our country from the evil trade of people smuggling, and by hook or by crook we will do what is necessary to keep our country safe and to keep this evil trade stopped,” he told 3AW, while declining to comment on operational details.

When given the opportunity to express a general opinion on whether it would be acceptable to pay people smugglers, Abbott said he would not talk about hypotheticals and “the important thing is that we stop the boats”.

Pressed on whether the government would do “whatever it takes”, Abbott replied: “Consistent with being a humane and decent country, absolutely.”

The claims about the payments were aired in reports by Radio New Zealand and Fairfax Media this week.

The Indonesian police chief on Rote, Hidayat, was quoted by Fairfax as saying the cash “was in \$100 bank notes” and wrapped in six black plastic bags.

The migrants have reportedly supported the claims, but the Guardian has been unable to verify the allegations independently.

The Australian immigration minister, Peter Dutton, said on Thursday the claims had not been substantiated, but Abbott appeared to go out of his way to avoid making any denial. The prime minister also repeatedly emphasised the government considered the most important goal to be to stop the boats.

### ***The full exchange on radio 3AW***

Interviewer Neil Mitchell: “These allegations that Australia paid people smugglers to turn back the boats – did it happen or not?”

Tony Abbott: “Well, Neil, we don’t comment on operational matters but we are determined to ensure that illegal boats don’t get to Australia and we will do whatever is reasonably necessary to protect our country from people smuggling and from the effect of this evil and damaging trade that cost lives.”

Mitchell: “But surely we wouldn’t pay people smugglers, they’re criminals?”

Abbott: Well, what we do is we stop the boats by hook or by crook, because that’s what we’ve got to do and that’s what we’ve successfully done and I just don’t want to go into the details of how it’s done because, like a lot of things that law enforcement agencies have to do, it’s necessary, it’s difficult, and at times I suppose it’s dangerous work but we do it and we’ve stopped the boats, Neil.”

Mitchell: “Let me put it another way: theoretically, hypothetically, would you find it acceptable to pay people smugglers?”

Abbott: “Look, Neil, I’m just not going to get into hypotheticals. The important thing is that we stop the boats.”

Mitchell: “But, Prime Minister, not if we’re paying criminals. I mean, these people have been described as evil, as scum of the earth, and if we’re paying them, bribing them, to turn back the boats, I mean that’s almost a crime.”

Abbott: “Well Neil, the important thing is to stop the boats, that’s the important thing, and I think the Australian people are extremely pleased that that’s what happened. Of course, by stopping the boats we’ve stopped the deaths. By stopping the boats we’ve certainly improved our relationship with Indonesia. So stopping the boats is all good, it is all good ...”

Mitchell: “I don’t know about the relationship with Indonesia. They’re saying today they’re shocked by the allegations we paid people smugglers. Are we at least investigating whether it happened?”

Abbott: “Neil, I want to say to you and your listeners that I am proud of the work that our border protection agencies have done. I really am proud of the work that they’ve done and they’ve been incredibly creative in coming up with a whole range of strategies to break this evil trade, which as you know flourished under the former government and led to the deaths of well over 1,000 people, so look ...”

Mitchell: “Will we investigate whether it happened?”

Abbott: “As I said, by hook or by crook we are going to stop the trade, we have stopped the trade, and we will do what we have to do to ensure that it stays stopped.”

Mitchell: “Will the Australian government investigate whether it happened?”

Abbott: “The short answer is the Australian government will do whatever we need to do to keep this evil trade stopped.”

Mitchell: “Including paying people smugglers?”



Abbott: "We will do whatever we need to do to keep this trade stopped because that's what the public expects. Frankly, that is the right and decent and compassionate and humane thing to do and I don't make excuses and I don't offer apologies for stopping the boats because frankly it is absolutely imperative, for reasons of our national policy, and it's absolutely imperative for reasons of saving lives at sea."

Mitchell: "The Indonesian government is investigating whether it happened. Will the Australian government investigate whether it happened?"

Abbott: "Well, we have very good relations with the Indonesian government and we've got very good cooperation with the Indonesian government when it comes to stopping people smuggling because, amongst other things, we haven't offered the gratuitous insult to Indonesia that our predecessors did by, amongst other things, stopping the live cattle trade in panic at a television program."

Mitchell: "Prime Minister, will the Australian government investigate whether it happened?"

Abbott: "Um, Neil, what we are doing is saving life at sea. We are defending our national sovereignty, we are protecting our country from the evil trade of people smuggling and by hook or by crook we will do what is necessary to keep our country safe and to keep this evil trade stopped."

Mitchell: "With respect, Prime Minister, that's not an answer. Will the Australian government ..."

Abbott: "It's a very good answer, Neil; it's a very good answer because with equal respect to you, Neil, there are all sorts of things that our security agencies do that they need to do to protect our country and many of those things just should never be discussed in public. Operational matters, when it comes to national security, are never discussed in public and that's the way it should be. What I am charged with is the protection of our country and I'm pleased to say that when it comes to border protection this government, unlike its predecessor, has a really outstanding record."

Mitchell: "OK, so whatever it takes?"

Abbott: "Consistent with being a humane and decent country, absolutely."

<http://www.theguardian.com/australia-news/2015/jun/12/tony-abbott-refuses-to-rule-out-paying-people-smugglers-to-turn-back-boats>

## **21. Tony Abbott does not deny Australia paid people smugglers to turn back asylum seeker boats**

Sydney Morning Herald  
June 12, 2015 - 9:52AM  
Patrick Begley

Prime Minister Tony Abbott has not denied Australia paid people smugglers to turn around an asylum seeker boat.

The Prime Minister also refused to offer a view about whether such a method would be unacceptable and would not commit to an investigation.

Fairfax Media this week revealed passengers and an Indonesian police chief have claimed border protection officials paid people smugglers to return asylum seekers intercepted north of Australia en route to New Zealand.

Indonesia is now investigating claims that crew members of a boat were paid \$5000 each to turn around.

Foreign Minister Julie Bishop and Immigration Minister Peter Dutton denied this week that Australia had paid people smugglers.

But Mr Abbott refused to do the same when speaking on Melbourne radio station 3AW on Friday morning, saying "I just don't want to go into details".

"The Australian government will do whatever we need to do to keep this evil trade stopped," he said.

Host Neil Mitchell asked whether this would include paying people smugglers.

"We will do whatever we need to do to keep this trade stopped," Mr Abbott replied. He later said the government would do "whatever it takes" so long as it was "consistent with being a humane and decent country".

Asked whether he would support in theory a payment to people smugglers, he said: "I'm just not going to get into hypotheticals."

He said border protection agencies had been "incredibly creative in coming up with a whole range of strategies" to stop people smuggling.

After the interview, Mitchell said the Prime Minister had confirmed by the manner of his answers that Australia had probably paid people smugglers to turn around boats.

Sixty-five people from Bangladesh, Sri Lanka and Myanmar, who were seeking asylum in New Zealand, had their boat intercepted by Australian navy and Customs officials in late May and were then returned to the island of Rote.

The Indonesian police chief on Rote, Hidayat, said the six crew members said they had been given \$US5000 each by Australian officials. The crew were apprehended when they arrived at Rote and are being processed for people-smuggling offences.

The Indonesian government has said it is shocked by the claims.

Foreign Ministry spokesman Arrmanatha Nasir said: "If it is true, it's very concerning that a government official gave money to people smugglers to push back the boat to the middle of the sea."

<http://www.smh.com.au/federal-politics/political-news/tony-abbott-does-not-deny-australia-paid-people-smugglers-to-turn-back-asylum-seeker-boats-20150611-ghm5ru>

## **22. Tony Abbott refuses to say whether Australia paid people smugglers**

Brisbane Times

June 13, 2015 - 1:10AM

Sarah Whyte and Jewel Topsfield

Prime Minister Tony Abbott has refused to say whether Australian officials handed over cash payments on the high seas to people smugglers, despite two cabinet ministers denying the allegations and the Indonesian government launching an investigation.

Labor and the Greens have called on Mr Abbott to come clean on the claims, saying that if they are true any such payments are encouraging the very people the government calls "evil" to be lured to customs vessels for cash from a "floating ATM".

In a radio interview on Friday, Mr Abbott said the government stopped the boats "by hook or by crook", but refused to say whether it would investigate the allegations or whether they were true. He did say border protection agencies were "incredibly creative in coming up with a whole range of strategies to break this evil trade".

In a later press conference, he again refused to deny the allegations, saying: "Every time we comment on operational matters we give information to our enemies. We give information to people who want to do the wrong thing by our country."

Labor immigration spokesman Richard Marles said that if the claims were true, Australia was providing an incentive to people smugglers and creating a "pull factor" for more boats to try to make the journey to Australia.

"It is absolutely incumbent on the government to tell the Australian people where the truth lies," Mr Marles said. "We need to know if the Australian government is paying people smugglers.

"That is a very dangerous development indeed," he said. "People smugglers should be facing prosecution with the full force of the law."

Mr Marles said people smugglers should not be pulling up to customs vessels with the expectation they are a "floating ATM".

Asylum seekers and the Indonesian police chief claim Australian officials gave each crew member \$US5000 (A\$6500) to take a boat to Indonesia. The Indonesian government is investigating the claims, saying they could amount to "bribery" or "even people smuggling".

Human Rights Law Centre executive director Hugh de Kretser said the allegations left Australia open to breaching a number of laws, and that the secrecy from the government was "extraordinary".

"If true, there are serious questions about whether these payments breach Australian law, Indonesian law and international law," he said.

"It's a sad indictment against the state of our democracy that we are learning more about these critical human rights issues from Indonesia than from Canberra."

Greens immigration spokeswoman Sarah Hanson-Young said the Prime Minister needed to "come clean" on whether the government had engaged in trafficking.

"The Prime Minister has all but admitted that the government is prepared to do anything out on the high seas, even it seems that means breaking the law or participating in people trafficking," she said.

A spokeswoman for the United Nations High Commissioner for Refugees said it was concerned by "any policy practice that involved pushing asylum seeker boats back to sea without a proper consideration of individual needs for protection and respect for human rights."

Earlier this week Foreign Minister Julie Bishop and Immigration Minister Peter Dutton both denied Australian officials had made payments to the crew.

When Ms Bishop was asked on Wednesday whether Australian authorities ever paid people to return asylum seekers she replied: "No."

A spokeswoman also said Indonesian authorities had not been in contact with Ms Bishop regarding the alleged payments.

Mr Dutton also replied "No" when asked whether Australian officials paid the crew and captain of a boat carrying asylum seekers to take them away from Australia recently.

In the press conference, Mr Abbott was asked whether he supported both of his cabinet ministers denying the claims.

"Of course, I always stand by my ministers," he said.

<http://www.brisbanetimes.com.au/federal-politics/political-news/tony-abbott-refuses-to-say-whether-australia-paid-people-smugglers-20150612-ghmo9v.html>

## **23. Australian authorities could be accused of people smuggling over alleged payments, law academic says**

ABC Radio CAF - AM

By political reporter Julie Doyle

First posted Fri 12 Jun 2015, 10:03pm

Updated Fri 12 Jun 2015, 10:10pm

An international law expert has raised the prospect that Australian authorities could be accused of people smuggling if it is proven they paid the crew of an asylum seeker boat to return to Indonesia.

Professor of International Law at the Australian National University Don Rothwell said under regional protocols such activity could be tantamount to people smuggling.

Last month, Australian authorities intercepted a boat carrying 65 asylum seekers.

Asylum seekers on board told Indonesian police Australian officials paid the captain and crew members thousands of dollars cash to go back to Indonesia.

Two of the Prime Minister's senior ministers rejected the claim and MP Philip Ruddock last night said the allegations had not been proven.

"[The] point I'm making is that these are allegations. They haven't been tested. We don't know the reliability of them," he told Lateline.

"They are being made essentially by people who are people smugglers and my view is they ought to be dealt with as people smugglers in accordance with Indonesian law."

Tony Abbott refused to confirm or deny the allegations and instead said the Government would stop the boats "by hook or by crook".

"We have used a whole range of measures to stop the boats, because that's what the Australian people elected us to do," he said.

Indonesian authorities are now investigating the claims.

Professor Rothwell said the episode raised questions because Australia was a party to the 2000 protocol to disrupt people smuggling.

"It's not clear to me at all whether this alleged activity that Australia's engaged in would in any way fit within the framework of the protocol," he said.

"The protocol requires states to engage in cooperative activities to disrupt people smuggling.

"This reported activity is one that has seen Australia seek to pay monies to persons who are allegedly people smugglers to return those asylum seekers at sea back to Indonesia.

"That is not really consistent in any way with regional cooperation, with cooperation with other state parties."

### ***'This is clearly a people smuggling-type activity'***

Professor Rothwell said if Australian officials did hand over money to the boat's crew, that in itself could be construed as people smuggling.

"People smuggling is defined with the protocol and to that end the provision of monies to people who are engaged in people smuggling activities to take persons from a place on the high seas to another place, such as Indonesia, is clearly a people smuggling-type activity," he said.

"If a state such as Australia is making that payment that would be seen as tantamount to people smuggling.

"Having said that, I'm not sure whether this is a matter that is going to turn so much on the strict legalities of the interpretation of the people smuggling protocol but rather the way in which Australia's regional partners respond to this alleged activity that Australia is engaged in."

Professor Rothwell said the Indonesian government appeared to be taking the allegations seriously.

"They're seeking to confirm whether or not these payments have been made and no doubt if they receive sufficient confirmation of the allegation that's been made we'll no doubt hear from Indonesia in the future about this," he said.

"At either a legal or a policy level this alleged activity that Australia's engaged in is not in any way consistent with Australia cooperating with Indonesia to disrupt and combat people smuggling at sea."

<http://www.abc.net.au/news/2015-06-13/australia-could-be-accused-of-people-smuggling-lawyer-says/6543446>

## **24. Australia has hit 'new low' amid claims of payment to people smugglers**

Indonesia lashes out at Canberra, where prime minister Tony Abbott has not denied claims that the navy paid traffickers \$5,000 to turn back

The Guardian / Reuters / AAP  
Saturday 13 June 2015 15.29 AEST

Australia would have stooped to a "new low" if reports its navy paid people-smugglers bound for Australia thousands of dollars to turn back their boat are true, an Indonesian government official said on Saturday.

A boat captain and two crew members arrested this week on suspicion of human trafficking told Indonesian police that Australian authorities had paid each of them \$US5,000 (\$A6450) to turn back their vessel with 65 migrants on board.

"Under Australian's push-back policy we have been consistently saying they are on a slippery slope," Indonesian foreign ministry spokesman Armanatha Nasir said.

"Should this situation be confirmed and it turns out to be true, it would be a new low for the way the government of Australia handles the situation on irregular migration."

Nasir said it would be the first time such an incident occurred involving Australian authorities.

Indonesian foreign minister Retno Marsudi raised the issue with Australia's ambassador to Indonesia, Paul Grigson, on the sidelines of a foreign policy conference in the Indonesian capital, Jakarta.

"He promised to bring my question to Canberra," Marsudi told reporters. "We are really concerned, if it is confirmed."

Indonesia plans to ask Australia for clarification, he said.

Australian authorities could be accused of people smuggling over the issue, an international law expert says.

The prime minister, Tony Abbott, did not deny the claims when questioned about it on Friday.

Professor of international law at the Australian National University, Don Rothwell, says if proven the activity could be tantamount to people smuggling under current regional protocols.

"People smuggling is defined with the protocol and to that end the provision of monies to people who are engaged in people-smuggling activities to take persons from a place on the high seas to another place, such as Indonesia, is clearly a people smuggling-type activity," he told the ABC.

He said the claims also raised questions because Australia was a party to the 2000 protocol to disrupt people smuggling.

Rothwell said a lot would depend on how Australia's regional partners responded to the allegations.

The Indonesian government appeared to be taking them seriously, he said.

"We'll no doubt hear from Indonesia in the future about this."

Abbott did not deny the allegations in a radio interview but he did say officials were being "incredibly creative" in following Australia's policy to turn back the boats.

"What we do is stop the boats by hook or by crook," Abbott said.

"We have stopped the trade and we will do what we have to do to ensure that it stays stopped."

He repeatedly declined to confirm whether Australia was investigating the claims.

The finance minister Mathias Cormann said the allegation was not an accurate reflection of what was happening.

"The prime minister has essentially stuck to his very long-standing practice of not to provide a running commentary on operational matters," he told Sky News on Saturday.

"He didn't confirm or deny, he didn't make comment one way or the other. He certainly didn't indicate that payments have been made."

Labor has called on Abbott to emphatically deny Customs paid people smugglers to turn back asylum seeker boats.

The opposition immigration spokesman Richard Marles said Abbott's refusal to deny the practice had left the door wide open to the idea the government was handing wads of taxpayer's cash to smugglers.

"Really it leaves one with the only possible assumption that that may well have been exactly what happened," he told reporters in Melbourne on Saturday.

<http://www.theguardian.com/australia-news/2015/jun/13/pressure-on-abbott-over-claims-people-smugglers-were-paid-to-turn-back-boats>

## **25. Indonesian foreign minister wants answers over allegations Australia paid people smugglers**

ABC News Online / Reuters  
Posted Sat 13 Jun 2015, 4:19pm

Indonesia's foreign minister says she wants answers from Australia over claims navy officials paid people smugglers to turn a boat back into Indonesian waters.

Last month, Australian authorities intercepted a boat carrying 65 asylum seekers.

The crew told police on Indonesia's Rote Island they had been paid thousands of dollars by Australian officials to turn around.

Retno Marsudi said she had raised the issue with Australia's ambassador Paul Grigson in Jakarta.

"I just met the ambassador just now ... so I made use of the opportunity to talk to him directly. Because we're very concerned if it is confirmed," she said.

"I just asked him 'What is it about, tell me, what is it?'.

"He promised to take my question, my inquiry, to Canberra and he promised to get back to me again."

Prime Minister Tony Abbott last week refused to confirm or deny the allegations and instead said the Government would stop the boats "by hook or by crook".

Two of the Prime Minister's senior ministers rejected the claim and MP Philip Ruddock said the allegations had not been proven.

Indonesian foreign ministry spokesman Armanatha Nasir said on Saturday the country was investigating the allegations.

"Of course on Australia's push-back policy we have been consistently saying they are on a slippery slope," he said.

"And should this situation [be] confirmed ... it would be a new low."

Professor of International Law at the Australian National University Don Rothwell told the ABC that, under regional protocols, such activity could be tantamount to people smuggling.

<http://www.abc.net.au/news/2015-06-13/indonesian-fm-wants-answers-over-smuggling-pay-allegations/6544206>

## **26. Indonesian police chief Hidayat confirms 'wads of cash' paid to people smugglers**

Brisbane Times

June 14, 2015 - 12:15AM

Jewel Topsfield and Amilia Rosa

Indonesia's foreign minister has asked the Australian government to explain claims it paid people smugglers to return 65 asylum seekers to Indonesian waters, as a local police chief insists the payment occurred.

Fairfax Media is aware of the contents of a detailed official report submitted to the Indonesian National Police in Jakarta, who are now also investigating the incident, and has seen photographs of stacks of \$US100 bills allegedly paid to the boat crew.

The report outlines claims by the boat's captain, Yohanis Humiang, that an Australian official gave each of the six crew members \$US5000 on the condition they never engage in people smuggling again.

Rote police chief Hidayat is adamant the captain is speaking the truth. He said the money had been given to the crew by an Australian official and was not evidence of a crime.

"Wasn't your trip here because you do not believe my story (that money was paid to crew)?" Mr Hidayat, who like many Indonesians goes by one name, said to Fairfax Media in a heated outburst.

"I believe it was the Sydney Morning Herald article that says the minister denies the payment? Just say it frankly, you don't believe me."

Immigration Minister Peter Dutton and Foreign Minister Julie Bishop have both denied the payments took place.

However Prime Minister Tony Abbott refused to directly answer the question, saying: "The Australian government will do whatever we need to do to keep this evil trade stopped."

Another source showed Fairfax Media a photograph of six stacks of \$US100 bills with the serial numbers and names of the people who were supposed to receive the money. The photo forms part of the report to the National Police.

The crew asked for the money be sent to their villages but for now it is still at Rote police station.

Mr Hidayat said Mr Abbott had campaigned to stop the boats, which was why he had been elected Prime Minister.

"He's keeping his promise. Nothing will change, he will stop the boats. More than once they (Australia) breached Indonesian waters, they admitted that. Then there was the orange boats. Now these, it could encourage people smugglers to smuggle more immigrants, hoping for payment."

Foreign Ministry spokesman Arrmanatha Nasir said once the National Police investigation was completed Indonesia would seek clarification from the Australian government.

"The push-back policy is already bad enough," Mr Nasir said. "And now if this incident is confirmed this would be a new law in the way this issue is being handled. The question would then arise whether this constitutes an authority collaborating and abetting with people smugglers to re-traffick the people."

The Rote police report says that in April the crew was recruited to work on a fishing boat by a broker called Arman Yohanes in Jakarta.

Mr Yohanis, the captain, was from Manado in North Sulawesi, a region famous for its sailors.

The crew were promised 20 million rupiah (\$US2000) each but had not yet been paid.

The crew were gathered at Cempaka Hotel in Jakarta in May and then taken to Pelabuhan Ratu, where on May 5 they were taken to a fishing boat.

The organiser told the crew to take 65 asylum seekers – including a pregnant woman and three young children – to New Zealand.

The crew members, who were interrogated until 2am on Saturday morning, insist they were on international waters when the asylum seeker boat was twice intercepted by Australian customs and then the navy.

The report says the boat was first stopped in international waters by a customs ship who warned the crew they could not enter Australian waters.

Four days later the boat was intercepted by the navy and Mr Yohanis was interrogated by customs.

The captain reportedly agreed to be towed to Ashmore Reef, which is in Australian territorial waters, after the second interception because their boat was unseaworthy and unlikely to reach New Zealand.

The official report says an Australian official named Agus, who spoke fluent Indonesian, told the captain, Mr Yohanis, that Australia would not accept the asylum seekers.

"From the communication, he was generous and said: 'We can't accept you brought us immigrants here. Each of you will be given \$US5000. With one condition: that you go back to Indonesia, use it for business and never do this kind of work ever again'," Agus reportedly told the crew.

The 65 asylum seekers from Bangladesh, Sri Lanka and Myanmar were then transferred onto two wooden boats called Jasmine and Kanak. They were given a map of Rote Island, life jackets and food and sent back to Indonesia.

Seaweed farmers on Landu island, the southernmost populated island of Indonesia, spotted the asylum seekers stranded on rocks at 4.30pm on May 31.

Some of the crew swam ashore and hired a local fisherman's boat to Rote.

While most of the asylum seekers had put on lifejackets and were swimming ashore, village chief Samuel Messak says 10 people, mostly women and children, were still stranded on board the Kanak. One woman was breastfeeding.

When all of the asylum seekers had been evacuated in small boats, they gathered at Mr Samuel's home.

The whole village provided clothes, with Mr Samuel donating 18 sarongs, of which only six were returned.

"They all looked so wet and cold," Mr Samuel said. "I said: 'Don't worry about returning the clothes because God will pay us back.'"

Mr Samuel's wife cooked noodles, fish and rice but some of the asylum seekers were too petrified to eat.

One of the Bangladeshi men, who spoke broken Indonesian, said they were scared the police would come and shoot them. "I calmed them down and said: 'Don't worry, the Indonesian police are very kind'," Mr Samuel said.

Police took the asylum seekers to Rote the following day. Police chief Hidayat said humanity was the first consideration for Indonesians when dealing with asylum seekers. "They are not animals, they are people," he said. "What if it was us in their shoes?" He said if Indonesia adopted the same push-back policy as Australia, asylum seekers would be endlessly trapped at sea. "What happens to them?"

The asylum seekers are now staying at an immigration hostel in Kupang, while the crew are detained in holding cells on Rote police station while their people smuggling charges are processed.

A source said Australian Federal Police officers had not been allowed to interview the crew.

However he said they visited the site where Jasmine and Kanak are moored off Rote island on Friday with consular staff from Australia and New Zealand.

The AFP did not respond to Fairfax Media before deadline.

Labor immigration spokesman Richard Marles said Prime Minister Tony Abbott must issue an emphatic denial that any payments had taken place.



"If this government has been handing over wads of cash to people smugglers, that is a disgrace," he told reporters in Melbourne. "I think there's a whole lot that needs to be investigated here."

<http://www.brisbanetimes.com.au/national/indonesian-police-chief-hidayat-confirms-wads-of-cash-paid-to-people-smugglers-20150613-ghn9et>

## 27. Indonesia seeks answers from ambassador over people smuggler cash claims

The Age  
June 13, 2015 - 6:41PM  
Jewel Topsfield and Amilia Rosa  
with Karuni Rompies, AAP

Rote: Indonesia's foreign minister has asked the Australian government to explain claims that its authorities paid people smugglers to return 65 asylum seekers to Indonesian waters, as a local police chief insists the payment occurred.

Foreign Minister Retno Marsudi approached Australian ambassador Paul Grigson in Jakarta on Saturday. "I just asked him what is it about, tell me what is it about," she told reporters. "He promised to take my inquiry, my questions, to Canberra and he promised to get back to me again."

The police chief from Rote island, Hidayat, where the boat ended up, has angrily hit out at Australian government ministers who have denied the allegations.

Fairfax Media is aware of the contents of a detailed official report submitted to the Indonesian National Police in Jakarta, which is now also investigating the incident, and has seen photographs of stacks of \$US100 bills allegedly paid to the boat crew.

The report outlines claims by the boat's captain, Yohanis Humiang, that an Australian official gave each of the six crew members \$US5000 on the condition they never engage in people smuggling again.

Hidayat is adamant the captain is speaking the truth. He said the money had been given to the crew by an Australian official and was not evidence of a crime.

"Wasn't your trip here because you do not believe my story [that money was paid to crew]?" Mr Hidayat told Fairfax Media. "I believe it was The Sydney Morning Herald article that says the minister denies the payment? Just say it frankly, you don't believe me."

Immigration Minister Peter Dutton and Foreign Minister Julie Bishop have denied the payments took place. However Prime Minister Tony Abbott refused to answer the question, saying: "The Australian government will do whatever we need to do to keep this evil trade stopped."

Another source showed Fairfax Media a photograph of six stacks of \$US100 bills with the serial numbers and names of the people who were supposed to receive the money. The photo forms part of the report to the National Police.

The crew asked for the money to be sent to their villages but it remains at Rote police station.

Mr Hidayat said Mr Abbott had campaigned to stop the boats, which was why he had been elected prime minister. "He's keeping his promise. Nothing will change, he will stop the boats. More than once they [Australia] breached Indonesian waters, they admitted that. Then there was the orange boats. Now these, it could encourage people smugglers to smuggle more immigrants, hoping for payment."

Foreign Ministry spokesman Arrmanatha Nasir said once the national police investigation was completed Indonesia would seek further clarification from the Australian government.

"The push-back policy is already bad enough," Mr Nasir said. "And now if this incident is confirmed this would be a new law in the way this issue is being handled. The question would then arise whether this constitutes an authority collaborating and abetting with people smugglers to re-traffic the people."

The Rote police report says that in April the crew was recruited to work on a fishing boat by a broker called Arman Yohanes in Jakarta.

Mr Yohanis, the captain, was from Manado in North Sulawesi, a region famous for its sailors. The crew was promised 20 million rupiah (\$AUD2000) each but had not been paid.

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Four days later the boat was intercepted by the navy and Mr Yohanis was interrogated by customs.

The captain reportedly agreed to be towed to Ashmore Reef, which is in Australian territorial waters, after the second interception because their boat was unseaworthy and unlikely to reach New Zealand.

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The 65 asylum seekers from Bangladesh, Sri Lanka and Myanmar were then transferred onto two wooden boats called Jasmine and Kanak. They were given a map of Rote island, life jackets and food and sent back to Indonesia.

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A source said Australian Federal Police officers had not been allowed to interview the crew.

<http://www.theage.com.au/federal-politics/political-news/indonesia-seeks-answers-from-ambassador-over-people-smuggler-cash-claims-20150613-ghn9rk.html>