

Project SafeCom News and Updates

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1. Paul Bongiorno: Tony Abbott baits hooks and pays crooks

The Saturday Paper
Jun 20, 2015
Paul Bongiorno

No one could put it better as a description of the Abbott government's way of doing business. "By hook or by crook" was the phrase the prime minister came back to three times in a radio interview. He was referring to "stopping the boats" but you don't have to be Sherlock Holmes to pick the MO of this perpetrator at other crime scenes.

A good place to start is the pickle the government is in over stripping dual national terrorists of their citizenship. Eighteen months ago, then independent national security legislation monitor Bret Walker, SC, advised the government it should consider giving the immigration minister power to revoke the citizenship of Australians where the minister is satisfied that the person has engaged in acts prejudicial to Australia's security and it is not in Australia's interests for the person to remain in Australia. Why it has taken the government so long to act on this advice is a good question. Hardball politics is the most obvious answer.

Bolstering that suspicion is another leaked cabinet document. Obviously not everyone in the engine room of the government is happy with the idea that constitutional safeguards are secondary to skewering Bill Shorten at every opportunity. A question time brief, with limited circulation to cabinet ministers, dismisses concerns over the need for judicial review. "A law requiring a terrorist conviction would be toothless," it reads. Then with a rhetorical flourish, "Does Bill Shorten want a toothless law or one that actually protects the community?"

Full story at <https://www.thesaturdaypaper.com.au/opinion/topic/2015/06/20/tony-abbott-baits-hooks-and-pays-crooks/14347224002023>

2. Greg Barns: Abbott government acts as law unto itself to stop boats and strip citizenship

Abbott's conduct makes a mockery of what it means to be a genuine conservative.

Sydney Morning Herald
June 18, 2015 - 12:00AM
Greg Barns

Tony Abbott is a self-confessed admirer and follower of the great 18th century Anglo-Irish politician Edmund Burke, whom many view as the father of modern political conservatism. Abbott's 2009 book *Battle Lines* is peppered with references to Burke and more contemporary British political conservative thinkers like Michael Oakeshott and Roger Scruton. But there is nothing conservative about the cavalier approach that Abbott and his government is taking to the two core beliefs of conservatives – the rule of law and the importance of checks and balances on the power of the executive.

The allegations of payments of bribes to people smugglers by Australian government officials is met by Abbott with a "well, whatever it takes" attitude. His proposal to keep the courts away from a mooted ministerial power to strip individuals of citizenship is underpinned by a contempt for the role of judges in preventing government from meeting its political objectives. These are not positions with which Burke and his intellectual successors would be comfortable.

Or to put it another way, Abbott and his government are conducting themselves in some key policy areas that make of a mockery of claims of the Prime Minister and his supporters to be a genuinely conservative political force.

Jesse Norman, the author of a 2013 biography of Burke titled *Edmund Burke: Philosopher, Politician, Prophet*, notes that Burke "was driven throughout his career by a hatred of excessive power, and the arbitrary use and abuse of power". Burke stood for a society governed by the rule of law and the dispersion of power.

The rule of law for political conservatives is a bedrock principle. No individual is entitled to put him or herself above the law. Oakeshott said famously of the rule of law that it "bakes no bread, it is unable to distribute loaves or fishes (it has none), and it cannot protect itself against external assault, but it remains the most civilised and least burdensome conception of a state yet to be devised".

Or to take Scruton: "Rules occur, not necessarily as commands delivered by some central authority, but as conventions spontaneously adhered to by everyone – like the conventions of good manners."

You get the picture here. Burke and his heirs conceive of a democracy in which the rule of law must be paramount and in which power must be exercised circumspectly.

Now let's put up these shibboleths against the performance and rhetoric of our self-proclaimed conservative Prime Minister and his government on the topical issues of alleged payments of bribes by Australian government officials to people

smugglers as a means of stopping boats of desperate asylum seekers coming to Australia, and on the matter of stripping Australian citizens of their citizenship.

In both cases Abbott is beastly careless about the conservative belief in the rule of law. The Prime Minister says that we should stop worrying about whether or not Australian government officials have arguably broken the law by paying bribes to people smugglers. Instead, "by hook or by crook" boats must be stopped, Abbott says. His colleague, the former immigration minister Philip Ruddock, even argued this week that it makes sense to pay bribes because it's cheaper than the costs of patrolling the coastline and dealing with asylum seekers in boats!

In other words, it is permissible to break Australian and international laws around bribery if the political objective of "stopping the boats" is at stake. The Abbott government is saying that some people are above the law – it can be broken if the circumstances demand it.

Then there is the matter of citizenship. What has emerged courtesy of a leaked strategy document authored by the Abbott government and from reports of a recent cabinet meeting where the matter was discussed, is that Abbott and some in his cabinet such as former immigration minister Scott Morrison and the incumbent Peter Dutton think that a minister should have the power to cancel a person's citizenship and that the individual should have no right to access the courts. It should be noted that the Abbott government has form on giving the immigration minister unchecked power. Late last year laws were passed which mean the immigration minister is the sole arbiter as to whether a person on a visa and who has been convicted of a serious crime such as drug trafficking should be able to remain in Australia.

In both cases, that of bribing people smugglers and citizenship powers, the Abbott government is behaving in a way that ought to horrify genuine political conservatives. We now have a situation where the Prime Minister of Australia OK's breaking laws and who believes that the executive arm of government ought not be subjected to scrutiny by the courts when a person's rights are adversely affected in a material way.

There is nothing conservative about this Prime Minister.

>>> *Greg Barns is a barrister and a former national president of the Australian Lawyers Alliance.*

<http://www.smh.com.au/comment/abbott-government-acts-as-law-unto-itself-to-stop-boats-and-strip-citizenship-20150617-ghprij>

3. European countries say they are 'concerned' and 'surprised' at payment allegations

Sydney Morning Herald
June 17, 2015 - 10:19PM
Sarah Whyte and David Wroe

European countries in the midst of a growing asylum seeker crisis have been "surprised" and "concerned" at the allegation that the Australian government has paid people smugglers, a senior diplomatic source has said.

The comment comes as the Greens prepare to move a parliamentary inquiry into the people smuggling claims on Thursday after the Abbott government refused to produce documents on the allegations, citing public immunity.

And legal experts challenged the government's repeated claims – including in Parliament – that everything it has done is lawful.

A well-placed source in Geneva said diplomats from Britain, Canada and Norway had been "privately surprised" and concerned about the developments in Australia.

"I'm not aware of any other countries making or contemplating such payments," the source said. "But I don't think most states will say anything unless and until the allegations are confirmed."

A spokesman for the British high commission said: "We are aware of the allegations and it would be inappropriate to comment on them."

Human Rights Watch and the United Nations High Commissioner for Refugees say they have never heard of people smugglers being paid off by government officials.

"We've documented many instances of the reverse – smugglers and traffickers bribing government officials, such as in Thailand or Malaysia to cross a border or release migrants from immigration detention into the custody of traffickers," said HRW's Australian director Elaine Pearson. "But we've never documented payments by officials to smugglers before."

The director of the International Service For Human Rights, Phil Lynch, said there was an " increasing concern not only within the UN but within the wider diplomatic community as to the morality, legality and adverse regional and global impacts of Australia's refugee and asylum seeker policy".

Greens immigration spokeswoman Sarah Hanson-Young said Australians had a right to know if taxpayer money was being used to fund criminal activities.

"It is disappointing that the government has continued to play the secrecy card. The government is treating the public with contempt and now, too, the Parliament.

Legal experts say Australian officials may have broken laws against people smuggling.

ASIS officers – who are believed to have made the payment – are shielded from prosecution when carrying out their work abroad and, in some instances, in Australia.

But this did not mean their actions are lawful, only that they cannot be prosecuted, said Nicholas Cowdery, a former NSW director of public prosecutions

"It seems criminal offences were committed but any ASIS officer involved, provided the act was done in the proper performance of a function of the agency, is excused from criminal liability."

Don Rothwell, an international law expert at the Australian National University, said: "The fact that someone has broken the law is not circumvented because they enjoy immunity from prosecution. They've broken the law."

<http://www.smh.com.au/federal-politics/political-news/european-countries-say-they-are-concerned-and-surprised-at-payment-allegations-20150617-ghqk.html>

4. Asylum seekers ask why Australia did not let them go to New Zealand

Sydney Morning Herald
June 17, 2015 - 10:10PM
Jewel Topsfield

Kupang, Indonesia: From the reef on Landu Island in West Rote, where the wooden vessel Kanak had run aground on rocks on May 31, the villagers on shore were so far away they looked like pygmies.

K. Kayuran, a Tamil asylum seeker from Sri Lanka, squinted anxiously at the beach. He had read there were still cannibals on Indonesia's remote islands.

"Because we were so far away, I couldn't see whether they were modern people or indigenous cannibals so we were very scared," Mr Kayuran says. It was just one of many things that terrified him that day.

The Kanak was shifting on the reef and he was worried they would be cast adrift with no food or fuel.

Most of the 65 asylum seekers from Myanmar, Bangladesh and Sri Lanka were already swimming ashore, but Mr Kayuran had stayed on board with his pregnant wife V. Nadhiya and a handful of other women and young children. The women were crying with fear. They tried to call for help but couldn't go outside because the ship was tilting sideways.

The Navy warship HMAS Wollongong and an Australian customs ship had transferred the asylum seekers onto two small boats, which they say was woefully inadequate.

"All we had was a small chocolate and water," Mr Kayuran said. "It was not enough. If we had been stranded on an uninhabited island we would have died."

There were also no toilets: Ms Nadhiya, three months pregnant, had to use a box while Mr Kayuran covered her with a bed sheet.

The fuel on one boat, the Jasmine, had run out and almost 70 people had been forced to cram into the Kanak. Then it hit a reef.

When the villagers came to their rescue, Mr Kayuran discovered that far from being cannibals they were incredibly kind.

"They eat chicken and pigs," he says.

The people of Landu are mostly subsistence fishers and seaweed farmers, whose livelihoods were severely impacted by the Montara oil spill six years ago which killed fish and turned seaweed yellow. Despite their poverty they were incredibly generous, cooking and providing clothes for the asylum seekers.

Mr Kayaran, is now being processed at the immigration hostel, Inaboi, in Kupang. He has already eked out an existence in Malaysia for nine years, working illegally part-time when possible.

"If I have to spend another 10 years here, it would be easier to die."

All he wants, he says, is a peaceful life in New Zealand, where he can work legally and start again with their new baby.

Many of the asylum seekers Fairfax Media spoke to at Inaboi can't understand why the Australian navy and customs ships sent them back to Indonesia when they were still in international waters. They say they had no intention of going to Australia, which they knew closed its borders in 2013, but had read on the internet that New Zealand had a refugee quota program which offers 750 places per year.

Bangladeshi Nazmul Hassan and Muhammad Habib were among those who allege they saw an Australian official called "Agus" give envelopes of money to the captain, Yohanis Humiang and crew.

"We saw the crew put it inside his pocket. It was inside a white envelope," Mr Hassan said.

"Yohanis said we have to go back to Indonesia and Australia wants to pay for that."

The asylum seekers recall the mysterious "Mr Agus" as a man who worked for the Australians, spoke fluent Indonesian and wore jeans and a black T-shirt with sunglasses pushed up on his head.

Bangladeshi Mohammad Belayer Hossain paid people smugglers \$US4000 (\$5190) to take him to New Zealand. Now he is back in Indonesia. "I'm very sad – my money has finished," he says.

"I don't know why Australia stopped us. They should have let us go. They caught us, they turned us back and now they don't want anything to do with us."

<http://www.smh.com.au/world/asylum-seekers-ask-why-australia-did-not-let-them-go-to-new-zealand-20150617-ghqh1w.html>

5. UN weighs in on outcry over reports Australia paid people smugglers

UN high commissioner for refugees is reported as saying passengers have confirmed Australia paid people smugglers to return asylum seekers to Indonesia

The Guardian
Shalailah Medhora
Sunday 14 June 2015 12.32 AEST

The United Nations high commissioner for refugees (UNHCR) has weighed in on allegations that Australian authorities paid off people smugglers, as Indonesia issues Australia with a "please explain" notice.

Allegations emerged last week that the Australian government paid people smugglers who were taking 65 asylum seekers to New Zealand to turn the boat around and return to Indonesia in late May.

The UNHCR has reportedly confirmed the allegations, after speaking with passengers aboard the vessel. Guardian Australia has sought comment from the agency's representatives in Australia, but is unable to independently verify that any payments have been made to people smugglers.

The Australian Greens leader, Richard Di Natale, has told Guardian Australia that the party will write a letter to the Australian federal police asking the agency to investigate whether making such payments breaches domestic and international law.

"This raises broader concerns about what else Australia has done [within its border protection measures]," Di Natale said.

The Greens will also introduce a motion to the Senate on Monday asking the government to produce all documents relating to the payment of people smugglers in the past, with Di Natale noting that the measure jeopardises Australia's fragile relationship with Indonesia.

Indonesia has launched its own investigation into the allegations, with an official saying if true, they represent a "new low" and a "slippery slope" by the Australian government.

The Indonesian foreign minister, Retno Marsudi, has met with the Australian ambassador to Indonesia, Paul Grigson, who only just returned to the country after being recalled following the execution of two Australian citizens in April, to discuss the matter.

Jakarta has never supported Canberra's boat turn-back measure, a cornerstone of the Coalition's hardline Operation Sovereign Borders policy.

The opposition's immigration spokesman, Richard Marles, warned that the allegations have the potential to further damage ties between the neighbouring nations.

"It is no small matter here. This is clearly now having an impact on our relationship with Indonesia," Marles told ABC TV on Sunday. "That the foreign minister of Indonesia has raised this with our ambassador to Indonesia just highlights the fact it is on their mind. But we shouldn't be waiting for the Indonesians to do this investigation."

He said paying people smugglers would mean that the government was "creating that pull factor" to ensure more risky sea voyages would be attempted.

"We should not be turning navy vessels into floating ATMs and handing over wads of cash to people smugglers," Marles said.

Australia's prime minister, Tony Abbott, on Friday refused to deny the allegations, citing the government's long-held refusal to take about operational "on the water" issues.

"What we do is we stop the boats by hook or by crook," Abbott told 3AW radio on Friday. "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."

"By stopping the boats we've stopped the deaths, by stopping the boats we've certainly improved our relationship with Indonesia," Abbott argued.

Immigration minister Peter Dutton, who earlier in the week denied that payments were made, on Sunday changed his tune, falling in line with Abbott.

"The government's been very clear from day one under Operation Sovereign Borders and that is we don't comment in relation to operational matters," Dutton told the ABC at a refugee week event in Brisbane.

"The government will always do the right thing by the Australian people. We will act within the law, we will act within our international obligations."

The finance minister, Mathias Cormann, backed the prime minister, saying that commentators were "overinterpreting" his words.

"This proposition that somehow the prime minister has refused to deny [the allegations], and that somehow this is translated into payments have been made is just wrong. No indications has been made whatsoever that payments have been made," he told Sky News on Sunday.

He criticised the opposition for being hypocrites on the issue.

"The people that got the people smuggling trade going again, the people that gave the biggest ever cash injection to the people smugglers' business model was the Labor party when they dismantled the successful border protection policies of the previous Howard government," Cormann said.

<http://www.theguardian.com/australia-news/2015/jun/14/united-nations-weighs-in-on-outcry-over-reports-australia-paid-people-smugglers>

6. Australia is hostile and contemptuous to asylum seekers, says UN rights chief

The policies of turning back boats and offshore detention are bewildering from a nation made up mostly of migrants, says Zeid Ra'ad Al Hussein

The Guardian

Paul Farrell

Tuesday 16 June 2015 10.21 AEST

The United Nations high commissioner for human rights has lashed out at Australia over the "poor benchmark" it is setting in asylum seeker policies, describing its approach as hostile and contemptuous.

In an address to the human rights council in Geneva on Monday, Zeid Ra'ad Al Hussein said turning back asylum seeker vessels at sea and detaining asylum seekers on Nauru and Manus Island were bewildering policies.

The comments come amid the growing controversy surrounding claims that Australian officials paid people smugglers to turn back an asylum seeker vessel at sea in May.

The prime minister, Tony Abbott, has refused to rule out whether such an operation had occurred, but said the government was "prepared to do what is necessary" to prevent asylum seeker boats arriving in Australia.

Labor and the Greens have been placing increasing pressure on the government to respond to the claims. The Indonesian vice-president has warned that if Australia "bribed" people smugglers they could be considered a party to trafficking.

Al Hussein told the UN: "Australia's response to migrant arrivals has set a poor benchmark for its regional neighbours. The authorities have also engaged in turn-arounds and pushbacks of boats in international waters.

"Asylum seekers are incarcerated in centres in Papua New Guinea and Nauru, where they face conditions that the special rapporteur on torture has reported as amounting to cruel, inhuman or degrading treatment.

"Such policies should not be considered a model by any country. Given that most of today's Australians themselves descend from migrants – and given that the country maintains sizeable regular programs for migration and resettlement – I am bewildered by the hostility and contempt for these women, men and children that is so widespread among the country's politicians."

The claims that people smugglers were paid in a turnback operation have also raised concerns that the government may have broken Australia's own laws surrounding people smuggling, according to senior lawyers.

<http://www.theguardian.com/australia-news/2015/jun/16/australia-is-hostile-and-contemptuous-to-asylum-seekers-says-un-rights-chief>

7. UN refugee agency 'shocked' if government paid people smugglers

Sydney Morning Herald
June 16, 2015 - 10:03PM
Sarah Whyte
With David Wroe

The United Nations refugee agency says it would be "shocked" if any government had handed over money to people smugglers, saying cooperating with criminal gangs is not going to solve the problem of global displacement.

The Indonesian representative for UNHCR Thomas Vargas told Fairfax Media that the organisation had spoken to the asylum seekers who claim Australian authorities handed over US\$5000 in cash to the crew on board.

"I don't want to speculate, these are still allegations, I would certainly be shocked if any government did that sort of thing, so yeah, it would be very surprising to say the least that governments would do such a thing," Mr Vargas said.

The UNHCR interviewed the passengers on the boat in a group. Mr Vargas said the asylum seekers were approached by Australian officials on boats, first by Customs officials and then Navy officials. He then said some of the asylum seekers were taken onto other boats, while the crew was spoken to "for some hours".

"I personally have not heard of anything like this happening before, in terms of possible payments being made by governments," he said.

"There have been other countries who have done this sort of pushback, but handing over payments by government to smugglers is something that I have not heard of before."

Mr Vargas said people smugglers should be arrested, rather than paid off particularly in light of the recent surge of boats holding asylum seekers from Myanmar making their way across the South-Asian sea, which has seen one of the worst boat crises in the region.

"Boats continue to leave every year out of Bangladesh and Myanmar heading for safety with refugees on board. These last few months shows the depth to which smugglers are willing to go to in order make money from these people who are in such desperate situations."

"We don't think it's appropriate for any government to engage in any kind of payments or otherwise with smugglers," he said. "We would hope that governments would arrest and prosecute to the full extent of the law any criminals including smugglers and traffickers."

Mr Vargas said countries such as Australia should be agreeing on a "regional approach" rather than shirking their responsibility of the "very terrible problem" of the movement of asylum seeker.

<http://www.smh.com.au/federal-politics/political-news/un-refugee-agency-shocked-if-government-paid-people-smugglers-20150616-ghplc0.html>

8. Tony Abbott sticks to 'stop the boats' in face of claims people smugglers paid

Pressure mounts from Indonesia and the UN refugee agency, which says it has independently verified the reports Indonesia is investigating

The Guardian
Shalailah Medhora
Sunday 14 June 2015 17:14 AEST

Australia's prime minister, Tony Abbott, remains tight-lipped over claims Australian authorities paid off people smugglers, as pressure mounts from Indonesia to confirm or deny the allegations.

Allegations emerged last week that the Australian government paid people smugglers who were taking 65 asylum seekers to New Zealand to turn the boat around and return to Indonesia in late May.

Abbott on Sunday again refused to deny the allegations, citing the government's long-held refusal to take about operational "on the water" issues.

"There's really only one thing to say here, and that is that we've stopped the boats. That's good for Australia, it's good for Indonesia and it's particularly good for all those who want to see a better world," he told reporters in Canberra.

The prime minister added that the government was "prepared to do what is necessary" to ensure that boatloads of asylum seekers do not reach Australian shores.

The UNHCR has reportedly confirmed the allegations, after speaking with passengers aboard the vessel. Guardian Australia has sought comment from the agency's representatives in Australia, but has been so far unable to independently verify that any payments have been made to people smugglers.

Indonesia has launched its own investigation into the allegations, with an official saying if true, they represent a "new low" and a "slippery slope" by the Australian government.

The Indonesian foreign minister, Retno Marsudi, has met with the Australian ambassador to Indonesia, Paul Grigson, who only just returned to the country after being recalled following the execution of two Australian citizens in April, to discuss the matter.

Jakarta has never supported Canberra's boat turn-back measure, a cornerstone of the Coalition's hardline Operation Sovereign Borders policy.

On Friday, Abbott told 3AW radio that stopping the boats has "certainly improved our relationship with Indonesia".

On Sunday, he issued Australia's close ally with a veiled warning that it would not abandon the measures.

"It's very important that the Indonesians know that the Australian government is absolutely resolute in our determination never to see this evil trade start again," he said. "I think it's very important that the Australian public is reassured that there is a government in charge that will not waiver for a second in our determination to make sure the boats stay stopped."

The opposition's immigration spokesman, Richard Marles, warned that the allegations had the potential to further damage ties between the neighbouring nations.

"It is no small matter here. This is clearly now having an impact on our relationship with Indonesia," Marles told ABC TV on Sunday. "That the foreign minister of Indonesia has raised this with our ambassador to Indonesia just highlights the fact it is on their mind. But we shouldn't be waiting for the Indonesians to do this investigation."

He said paying people smugglers would mean that the government was "creating that pull factor" to ensure more risky sea voyages would be attempted.

"We should not be turning navy vessels into floating ATMs and handing over wads of cash to people smugglers," Marles said.

The Australian Greens leader, Richard Di Natale, has told Guardian Australia that the party will write a letter to the Australian federal police asking the agency to investigate whether making such payments breached domestic and international law.

"This raises broader concerns about what else Australia has done [within its border protection measures]," Di Natale said.

The Greens will also introduce a motion to the Senate on Monday asking the government to produce all documents relating to the payment of people smugglers in the past, with Di Natale noting that the measure jeopardised Australia's fragile relationship with Indonesia.

Abbott last week refused to deny the allegations, saying that "what we do is we stop the boats by hook or by crook."

"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," he said.

The immigration minister, Peter Dutton, who earlier in the week denied that payments were made, on Sunday changed his tune, falling in line with Abbott.

"The government's been very clear from day one under Operation Sovereign Borders and that is we don't comment in relation to operational matters," Dutton told the ABC at a refugee week event in Brisbane.

"The government will always do the right thing by the Australian people. We will act within the law, we will act within our international obligations."

The finance minister, Mathias Cormann, backed the prime minister, saying that commentators were "overinterpreting" his words.

"This proposition that somehow the prime minister has refused to deny [the allegations], and that somehow this is translated into payments have been made is just wrong," he told Sky News on Sunday. "No indications has been made whatsoever that payments have been made."

He criticised the opposition for being hypocrites on the issue.

"The people that got the people smuggling trade going again, the people that gave the biggest ever cash injection to the people smugglers' business model was the Labor party when they dismantled the successful border protection policies of the previous Howard government," Cormann said.

<http://www.theguardian.com/australia-news/2015/jun/14/tony-abbott-sticks-to-stop-the-boats-in-face-of-claims-people-smugglers-paid>

9. Labor calls for investigation into people smuggling payment claims

Sydney Morning Herald
June 14, 2015 - 10:30PM
Sarah Whyte

The opposition has written to the Auditor-General asking him to investigate claims that taxpayer money has been used by the Abbott government to fund criminal activities, by paying people smugglers to return asylum seekers to Indonesia.

On Sunday, Prime Minister Tony Abbott repeatedly dodged new questions about whether Australian officials paid people smugglers thousands of dollars to return 65 asylum seekers to Indonesia, only saying that his government was "prepared to do what is necessary to keep the boats stopped".

The government is facing increased pressure to explain the allegations from Labor, the United Nations High Commission on Refugees (UNHCR) and the International Organisation of Migration (IOM).

"We see no circumstances under which paying people smugglers can be in the interest of vulnerable migrants," a spokesman from the IOM said. "This is all the more so in light of well-documented gross violations of the human rights of migrants by unscrupulous smugglers in recent weeks and months."

Mr Shorten said the level of secrecy over the allegations was "breathtaking".

"People smugglers should be in prison, not on the government's payroll," he said. "Tony Abbott must tell Australians once and for all what on earth is going on here."

The Greens have also called for the Australian Federal Police to investigate the claims, saying they would try use the Senate to demand the government produces documents of the payments.

"The Greens will also be referring the matter for investigation to the AFP," Greens immigration spokeswoman Sarah Hanson-Young told the ABC. "The Indonesian police can investigate this matter, so too can the Australian Federal Police."

Senator Hanson-Young said Mr Abbott didn't have a mandate to break the law and "doesn't have a mandate for handing out big wads of cash out on the ocean".

Mr Abbott's comments marked a significant change in the government's language used over the allegations, refusing to again confirm or deny whether Australian officials had handed over US\$5000 (A\$6500) in US\$100 bills to six crew members.

When asked if Australia would be launching an investigation into the claims, Mr Abbott replied: "Again I keep making the point the only question that matters is, is this government prepared to do what is necessary to keep the boats stopped, the answer is yes."

Last week Immigration Minister Peter Dutton and Foreign Minister Julie Bishop both said the claims were false. But on Sunday Mr Dutton changed his line of answering, saying the government did not comment on specific operations.

"The government will always do the right thing by the Australian people, we will act within the law, we will act within our international obligations," he said in Brisbane.

"But from day one we have not commented on specific operations. We provide details at a time which is operationally appropriate but we don't comment outside of that."

Mr Shorten said Mr Dutton was "beleaguered" and "lurching from crisis to crisis."

"In the course of last week he categorically ruled out... that no people smugglers have been paid taxpayer money in the carrying out of the people smuggling."

If investigated, the Auditor-General has the ability to independently review the use and spending of taxpayers' money by the government.

Labor's immigration spokesman Richard Marles said if the allegations proved to be true, Mr Dutton would be "seriously injured" as a politician.

"Mr Dutton is either lying or incompetent," he said. "This is taxpayers' money and they have the right to know if it's being used to pay criminal people smugglers."

On Sunday, a number of government ministers followed Abbott's lead by refusing to confirm or deny the payments, citing "operational" matters.

Deputy Prime Minister Warren Truss, Education Minister Christopher Pyne and Finance Minister Mathias Cormann all deflected questions on whether payments had been made to the crew, instead blaming Labor for its failure to "stop the boats".

When Mr Cormann was asked whether he wanted to know the truth about the allegations, he replied: "What I want to know is that people are no longer dying at sea as a result of our successful efforts to stop the boats".

It comes as the UNHCR interviewed the asylum seekers in Indonesia, saying they would pass on information to the Indonesian government, which has already launched an investigation into the payments.

"What we were told - this is unconfirmed - but what we were told by the 65 passengers is that they were intercepted by a naval vessel from Australia," said James Lynch, the regional director of the UNHCR.

The head of UNHCR, Antonio Guterres strongly criticised Australia saying the country should not be paying off criminal gangs.

"We need to crack down on smuggling and trafficking: not paying to them, but putting them in jail whenever possible, or prosecuting them," he told the BBC.

<http://www.smh.com.au/federal-politics/political-news/labor-calls-for-investigation-into-people-smuggling-payment-claims-20150614-ghnosu.html>

10. Morrison expresses confidence as Labor requests auditor-general probe

Scott Morrison expresses confidence in asylum seeker policies as Labor requests auditor-general probe people smuggler payment claims

ABC News Online

By Dan Conifer and Louise Yaxley

First posted Mon 15 Jun 2015, 5:37am

Updated Mon 15 Jun 2015, 9:02am

Former immigration minister Scott Morrison says he has "every confidence" Operation Sovereign Borders officers have acted lawfully, amid calls for investigations into claims "bribes have been paid" to people smugglers.

Crew members and asylum seekers from a vessel which ran aground on an Indonesian reef earlier this month have said Australian officials handed over thousands of dollars for the vessel to return to Indonesia.

Indonesia is investigating the claims and has asked Australia's ambassador in Jakarta for an explanation.

Mr Morrison was immigration minister from the Government's election until December last year, when he began in the social services portfolio.

He would not say whether payments happened during his time as minister, but said he was confident officials acted lawfully.

"I have every confidence that officers working as part of Operation Sovereign Borders based on my own experience of them is that they have always, and will always, operate lawfully," Mr Morrison said.

"We've delivered on what we said we'd do for the Australian people. Others can speculate on speculation and on allegations and things of that nature.

"The simple truth is if a boat leaves Indonesia, it's going back.

"That's how this Government operates."

The Opposition's immigration spokesman Richard Marles has requested an urgent independent investigation into the claims.

"Last night I wrote [to] the auditor-general and have asked firstly for an investigation as to whether these bribes have been paid," Mr Marles said.

"If this happened, there are serious questions about the legal basis upon which it has happened."

The letter asks, if payments have been made, whether it "would be a proper use of public resources".

"I ask you to consider investigating these concerning circumstances, including if any payment to people smugglers or their agents was made, and if so, the nature of how or whether it was properly authorised."

Meanwhile Foreign Minister Julie Bishop has suggested Indonesia better secure its own borders.

"The best way for Indonesia to resolve any concerns it has about Operation Sovereign Borders is for Indonesia to enforce sovereignty over its borders," Ms Bishop told News Corp Australia.

"Operation Sovereign Borders is necessary because Indonesian boats with Indonesian crews are leaving Indonesia with the express intention of breaching our sovereignty, facilitated by illegal people-smuggling syndicates.

"I look forward to hearing the full results of Indonesia's investigation of the people smuggling crimes committed in Indonesia, including any breaches of passport and visa laws, and establishing whether the captains and crews of these boats are part of people-smuggling syndicates or are paid by them."

Taxpayers deserve to know: Xenophon

The Federal Government is expected to be pushed in Parliament today to explain if payment occurred.

Independent senator Nick Xenophon said he wanted to know if the allegations were true.

"Taxpayers' money is at stake," he said.

"We deserve to know how it was spent, whether taxpayers' money was used or not and the rationale for that."

Greens senator Sarah Hanson-Young said the party will today try to use the Senate to demand the release of documents to show if payments were made.

"The Greens will also be referring the matter for investigation to the AFP," Senator Hanson-Young said.

"The Indonesian police can investigate this matter, so too can the Australian Federal Police.

"The Prime Minister says he's got a mandate to stop the boats.

"Well, he doesn't have a mandate to break the law, and he doesn't have a mandate for handing out big wads of cash out on the ocean."

Prime Minister Tony Abbott has responded to questions about the allegations by focusing on his Government's record.

"There's really only one thing to say here and that is that we have stopped the boats," Mr Abbott said yesterday.

"That's good for Australia, it's good for Indonesia."

Labor is also pressuring Immigration Minister Peter Dutton.

Last week he said no money had been paid but yesterday he reverted to saying the Government would not comment on operational matters.

"In the course of last week he categorically ruled out, he staked his reputation, that no people smugglers have been paid taxpayer money in the carrying out of the people smuggling," Opposition Leader Bill Shorten said.

"Yet today, the Minister for Immigration has refused to stand by his earlier categorical denials."

<http://www.abc.net.au/news/2015-06-15/labor-requests-independent-probe-into-turn-back-payment-claims/6545312>

11. Bishop tells Indonesia to fix its borders over people smugglers payments claim

Foreign minister says Indonesia can resolve concerns by securing its borders, as Jakarta investigates claims people smugglers were paid to turn back boats

The Guardian
Shalailah Medhora
Monday 15 June 2015 09.46 AEST

The claim that Australian authorities paid people smugglers to return their boat to Indonesia has escalated into a diplomatic war of words, with the Australian foreign minister, Julie Bishop, suggesting Indonesia is to blame for failing to secure its borders in the first place.

Over the weekend the Indonesia foreign minister, Retno Marsudi, ordered an explanation from the Australian ambassador, Paul Grigson, over the allegations and Jakarta has launched an investigation.

"I look forward to hearing the full results of Indonesia's investigation of the people-smuggling crimes committed in Indonesia, including any breaches of passport and visa laws, and establishing whether the captains and crews of these boats are part of people-smuggling syndicates or are paid by them," Bishop told the Australian newspaper on Monday.

"The best way for Indonesia to resolve any concerns it has about Operation Sovereign Borders is for Indonesia to enforce sovereignty over its borders," she said, referring to the Coalition's hardline border protection policy, which includes the measure to turn boats around at sea.

"Operation Sovereign Borders is necessary because Indonesian boats with Indonesian crews are leaving Indonesia with the express intention of breaching our sovereignty, facilitated by illegal people-smuggling syndicates," Bishop said.

Indonesia has been critical of the turnback policy in the past, urging a regional solution to the problem of asylum boats, rather than a unilateral one.

While the situation escalates internationally, the Coalition faces mounting pressure at home to definitively confirm or deny the claims, which relate to an incident on 31 May in which boat crews were allegedly paid US\$5,000 each to turn a boat containing 65 asylum seekers back to Indonesia.

The prime minister, Tony Abbott, has steadfastly refused to do so, citing the Coalition's long-held refusal to talk about operational "on-water" matters.

"There's really only one thing to say here, and that is that we've stopped the boats," Abbott said on Sunday. "That's good for Australia, it's good for Indonesia and it's particularly good for all those who want to see a better world."

News Corp has claimed that a "senior intelligence source" has told them Australia's foreign spy agency, Asis, may have paid the smugglers during a covert operation.

"Put it this way, the navy doesn't have authorisation to do such things nor do they sail around with safes full of US dollars in them," the anonymous source is reported as saying. "But for obvious and good reasons, we don't talk about operations of that agency."

The shadow immigration minister, Richard Marles, has written to federal auditor general Grant Hehir to ask if public money was used appropriately.

"I ask you to urgently investigate these concerning circumstances, including if any payments to people smugglers or their agents were made, and if so, the nature of how or whether it was properly authorised," he said in the letter.

The Greens will introduce a motion in the Senate on Monday to compel the government to table documents relating to any payments made to people smugglers.

The Greens senator Sarah Hanson-Young will write to the Australian federal police to ask the agency to investigate if any illegality occurred in the alleged payments.

“If the Indonesian police can investigate this matter, so too can the Australian federal police,” Hanson-Young told reporters on Monday. “It beggars belief that the government isn’t prepared to tell the Australian people just how much money has been handed over to people smugglers.”

“The prime minister says he’s got a mandate to stop the boats. Well, he doesn’t have a mandate to break the law and he doesn’t have a mandate for handing out big wads of cash out on the ocean,” she said.

The Greens leader Richard Di Natale told Guardian Australia on Sunday that the claims raise “broader concerns about what else Australia has done” within its border protection measures.

Social services minister Scott Morrison, who had the immigration portfolio until December last year, told reporters in Canberra the government was “keeping faith” with voters by keeping its promise to stop the boats.

He dismissed concerns that law enforcement agencies acted illegally.

“I have every confidence that officers working as part of Operation Sovereign Borders, based on my own experience of them, is that they have always and will always operate lawfully,” Morrison said.

<http://www.theguardian.com/australia-news/2015/jun/15/bishop-tells-indonesia-to-fix-its-borders-over-people-smugglers-payments-claim>

12. Any payments to people smugglers 'may have broken Australian law'

Exclusive: legal experts say breaches could carry jail terms of up to 20 years, but no prosecution could be undertaken without consent of attorney general

The Guardian
Lenore Taylor Political editor
Monday 15 June 2015 13.51 AEST

Any Australian officials paying people smugglers to take asylum seekers back to Indonesia may have broken Australian laws carrying potential jail terms of up to 20 years and contravened international law, judicial experts say.

But any domestic investigation of legal breaches would have to be authorised by the government, which is stonewalling all discussion of the explosive claims, refusing to confirm or deny allegations that \$30,000 was paid to six people smugglers to return asylum seekers to Indonesia in May.

Phillip Boulten SC, a leading Sydney barrister, and Nicholas Cowdery, a former director of public prosecutions in New South Wales, told Guardian Australia that an Australian paying people smugglers would likely be in breach of the provisions of the Criminal Code outlawing people smuggling, or assisting people-smuggling. But both pointed to the fact that the government itself would have to initiate and investigate any charges.

“On the face of it someone who pays thousands of dollars to an Indonesian mariner to take refugees back to Indonesia so as to breach Indonesian laws of entry may be breaching the Criminal Code,” Boulten said – including section 73(1), which makes people smuggling an offence, 73(3) dealing with aggravated people smuggling or 73.3A (supporting the offence of people smuggling).

But no such prosecution could be undertaken without the consent of the attorney general, George Brandis, Boulten said, and it could be possible for any person who paid smugglers to use as a defence the fact that they were acting to uphold a separate Australian law.

Cowdery agreed the payments appeared to breach the Criminal Code, but also pointed out the question of who would gather the evidence, given the Australian federal police work with customs on the vessels intercepting people smugglers.

The Australian Greens have written to the AFP asking them to investigate if any payments have been made to crews of boats carrying asylum seekers and if so what laws have been violated.

“Paying cash bribes to boat crews amounts to people trafficking. The government does not have a mandate to break the law or a blank cheque to allow handing over wads of cash in the middle of the ocean,” Greens senator Sarah Hanson Young said.

The Coalition is under intense pressure to confirm or deny the claims that on 31 May six people smugglers were paid US\$5,000 each to turn a boat containing 65 asylum seekers back to Indonesia, but consistently refuses to speak about “on water” or “operational” matters.

"I can be asked all sorts of questions in all sorts of ways, but the only question that matters is: is this government prepared to do what's necessary to keep the boats stopped? The answer is yes," the prime minister, Tony Abbott, has said when pressed to answer the claims, made by asylum seekers on board the boat to both Indonesian and UN officials.

The Labor party has asked the auditor general to investigate whether public money was used appropriately in the payments.

Federal law requires ministerial or cabinet oversight of expenditure, although a report in News Corp papers on Monday quoted a "senior source" as saying the payments had been made by an Australian Secret Intelligence Agency officer, in which case any such payments may have been approved by the Asis director general.

The Greens will also try to force the government to produce documents in the Senate – a move routinely ignored by governments.

International law expert Prof Don Rothwell has said paying people smugglers is also likely to contravene international law, particularly the 200 protocol to prevent people smuggling.

"This is what we cite to back interceptions at sea," Rothwell told Guardian Australia. A complaint could only be lodged by Indonesia.

Madeline Gleeson, of the Kaldor Centre for Refugee Law, said: "If a state were to give money to smugglers and instruct them where to take people, it is possible that the state itself could be engaged in, or an accomplice to, a people smuggling operation. Whether or not such a payment would amount to a criminal offence would depend on the particular facts of the case.

"At the very least, though, it would be inconsistent with the general duty to prevent and combat people smuggling, which Australia has committed itself to as a state party to the UN Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea and Air."

Over the weekend, the Indonesian foreign minister, Retno Marsudi, ordered an explanation from the Australian ambassador, Paul Grigson, about the allegations and Jakarta launched its own investigation into the facts.

On Monday, Bishop hit back, telling the Australian newspaper: "I look forward to hearing the full results of Indonesia's investigation of the people-smuggling crimes committed in Indonesia, including any breaches of passport and visa laws, and establishing whether the captains and crews of these boats are part of people-smuggling syndicates or are paid by them.

"The best way for Indonesia to resolve any concerns it has about Operation Sovereign Borders is for Indonesia to enforce sovereignty over its borders."

Former Labor foreign minister Bob Carr told Guardian Australia Bishop's rebuke would "inflame tensions" and jeopardise cooperation between Australia and Indonesia.

<http://www.theguardian.com/australia-news/2015/jun/15/any-payments-to-people-smugglers-may-have-broken-australian-law>

13. Paying people smugglers: at what point is it unacceptable to say nothing about the claims?

Surely it would be smart to deny the reports that we'd handed over money so other people smugglers wouldn't be encouraged to set sail in pursuit of Australian cash?

The Guardian
Lenore Taylor Political editor
Monday 15 June 2015 18.27 AEST

To summarise the government's position on paying \$30,000 to people smugglers: they now won't speak about it even though last week they denied it. It may have breached international and domestic law but voters won't care because the boats have stopped.

And right there, in that astonishing rationale, is a test. Is there any limit to the "whatever it takes" when it comes to Australia's asylum policy? And is there any way to force accountability or transparency on a government that simply refuses to answer questions.

To be clear, we don't know for sure that the payments occurred. Asylum seekers have said they did – they told that to both Indonesian and United Nations officials. And photographs have been produced of money in plastic bags. The people who could clear it up are the Australians on the customs vessel, who report to the government. And the government isn't saying.

Tony Abbott's defence, this week, is that all governments refuse to comment on intelligence and national security matters. But this isn't a "national security" matter – it's a question of whether someone acting on behalf of the Australian government paid what seems to amount to bribes.

Surely if they hadn't, and if we have no intention to do so, it would be smart to deny the reports that we'd handed over cash. That way other people smugglers wouldn't be encouraged to set sail in pursuit of Australian cash and Indonesia's anger would be calmed and moves to investigate possible breaches of Australian and international law would be unnecessary.

One of the many reasons given by the prime minister for his refusal to comment on the allegations was "this government does not feel the need to broadcast our intentions and tactics to our enemies". But surely if the government hadn't paid and had no intention of paying, it would make sense to broadcast that tactic.

And last week both the foreign minister, Julie Bishop, and the immigration minister, Peter Dutton, said Australia had not paid any cash, so if it was reasonable to comment then, why is it no longer reasonable now?

The former minister Philip Ruddock offered another defence – that \$30,000 was cheaper than the cost of processing the asylum seekers on shore. Except cost isn't usually the determinant of legal and international obligations.

An unnamed source told the Daily Telegraph it might have been an Asis officer on the customs vessel offering the payments, and no one would be able to talk about that, except the unnamed source, who was, of course, talking about it.

Both Labor and the Greens are pursuing the issue, but the ALP's outrage is somewhat undermined by the fact that they don't currently have their own policy – something the government will continue to use to its advantage.

So many explanations, so few facts. The curious case of the possible payments to people smugglers will reveal whether a government can get away with refusing to provide any information because its goal – "stop the boats" – justifies the use of any means.

<http://www.theguardian.com/australia-news/commentisfree/2015/jun/15/paying-people-smugglers-at-what-point-is-it-unacceptable-to-say-nothing-about-the-claims>

14. Indonesian vice-president Jusuf Kalla calls smuggler payments 'bribes'

Sydney Morning Herald
June 16, 2015 - 6:36AM
Jewel Topsfield, David Wroe and Sarah Whyte

Indonesia's vice-president Jusuf Kalla has said that paying off people smugglers – the claim made against Australian officials – amounts to bribery, in an escalation of diplomatic tensions.

"It is wrong for a person to bribe, let alone a state. Such an act is definitely incorrect in the context of bilateral relations," Mr Kalla said, while adding Indonesia was still checking whether the allegations were true.

Indonesian Foreign Minister Retno Marsudi called on Australia to answer her question to Australian ambassador Paul Grigson about the people smuggling payment allegations.

"Actually it is not difficult for Australia to answer my question last Saturday about the distribution of money and not divert the issue instead," Ms Retno said.

And Jakarta has also hit back at Foreign Minister Julie Bishop's attack on its failures on people smuggling, with government spokesman Agus Barnas saying that many more boats would come Australia's way if Indonesia did not enforce its borders.

The issue of whether Australian officials paid six people smugglers US\$5000 each after turning their boat back to Indonesia – first reported last week by Fairfax Media – dominated Parliamentary question time on Monday, while a top former prosecutor said Australian officials could be liable for criminal charges.

Ms Bishop, Prime Minister Tony Abbott and Immigration Minister Peter Dutton remained steadfast in their refusal to answer questions, citing intelligence, security and operational reasons.

But some MPs downplayed the claims. MP Philip Ruddock, a former immigration minister and now the Prime Minister's special envoy for citizenship and community engagement, said the government would still be saving money if it did pay off the people smugglers, though he stressed he was not commenting on the veracity of the claims themselves.

"The amount of money that was allegedly paid is nothing in comparison to the cost of processing the excessive amount of people who came to Australia as a result of people smuggling activity," Mr Ruddock told a News Corp paper.

Queensland Liberal Andrew Laming said even if the government had been paying off criminal gangs, it wasn't of interest to his electorate.

Ms Bishop told The Australian newspaper on Monday that the best way for Indonesia to resolve any concerns it had about Operation Sovereign Borders was for Indonesia to enforce sovereignty over its borders.

But Mr Barnas, the spokesman for Indonesia's Coordinating Ministry for politics, law and security, hit back, saying: "She cannot say that. If we did not protect our border more and more boats would be going to Australia. We arrest many asylum seekers who want to go on boats. If only one boat or two escape our guard and go to Australia it's only normal because we have a very long coastline and not enough people to guard it."

Sources in Indonesia and Australia have confirmed that the navy ship that intercepted the asylum seekers was the HMAS Wollongong, Armidale Class Patrol Boat 92. The Australian official, named as "Agus", who allegedly paid the six crew members, moved between the Wollongong and a customs ship.

He did not wear a uniform but appeared to have authority and was treated with respect by other Australians, sources said.

Nicholas Cowdery, who served as NSW director of public prosecutions from 1994 to 2011, said such payments could breach section 73 of the Commonwealth Criminal Code which prohibits people smuggling and carries a penalty of up to 10 years' jail.

"If payments (or a payment) occurred as suggested by media reports, then subject to sufficient admissible evidence of the actions being available I am also of the view that offences could be charged," he said.

<http://www.smh.com.au/federal-politics/political-news/indonesian-vicepresident-jusuf-kalla-calls-smuggler-payments-bribes-20150615-ghoo4q.html>

15. Indonesian vice-president Jusuf Kalla accuses Australia of paying bribes to people smugglers

ABC News Online

By Indonesia correspondent George Roberts, Louise Yaxley and staff

First posted Mon 15 Jun 2015, 10:42pm

Updated Tue 16 Jun 2015, 5:21am

Indonesia's vice-president has accused Australia of paying bribes, questioning the country's ethics over claims officials paid \$US5,000 each to crew members of a people smuggling boat to return 65 asylum seekers to Indonesia.

Prime Minister Tony Abbott and his members of his Cabinet have repeatedly refused to deny the allegations.

Last week, Ms Bishop and Immigration Minister Peter Dutton both denied the payments were made, but neither backed up their statements in Question Time on Monday.

Indonesian police have been investigating the claims, with the country's vice-president Jusuf Kalla likening the situation to bribery.

"Bribing is of course not according with the ethics of international relationships," he said.

Indonesia has demanded an explanation, with foreign minister Retno Marsudi saying in a statement that it was "actually not so hard for Australia to answer the question" and accusing it of "deflecting the issue".

In response, Ms Marsudi's Australian counterpart Julie Bishop was reported as saying Indonesia should enforce its borders.

Ms Marsudi's spokesman Arrmanatha Nasir told ABC News that Indonesia was not accusing the Australian Government of making the payments, but said it was surprised by Ms Bishop's response.

Mr Nasir said Indonesia was concerned about the humanitarian aspects of turning back boats, saying the boat at the centre of the bribery allegations was carrying women and children when it ran aground on a remote Indonesian reef.

On Monday, Mr Abbott said in Parliament: "The very consistent position of this Government has been not to comment on operational details."

Ms Bishop also cited operational matters when refusing to answer a question and, when questioned on ABC's Lateline, Finance Minister Mathias Cormann reiterated the Government's stance.

Labor won't rule out payments under its watch

While this alleged payment happened recently, successive Australian governments have used so-called disruption techniques since at least 2001.

In a speech in 2012 ASIS head Nick Warner laid out some of the spy agency's role.

"ASIS also has a role in efforts to counter the activities of people-smuggling networks attempting to deliver people to Australia," Mr Warner said.

"ASIS has contributed intelligence and expertise leading to many significant and unheralded successes in recent years which have disrupted people smuggling syndicates and their operations."

The Intelligence Services Act means ASIS agents would not be liable for prosecution for paying people smugglers as long as they were acting as part of the "proper performance of the agency".

As Mr Warner's speech was made while Labor was in power, the ABC asked if Labor could rule out the possibility that ASIS made payments to people smugglers, on the water or on land, at any time during the Rudd-Gillard years.

A spokeswoman for shadow immigration minister Richard Marles responded that: "It's unlawful for the Government or the Opposition to divulge security or intelligence information".

But she said Labor would not pay people smugglers to keep people on "unsafe boats", and "neither should the Government".

Finance Minister Mathias Cormann said Labor was hypocritical to call for the Government to provide answers it would not give.

"Labor's hypocrisy has been revealed, really, because when Labor and Bill Shorten were asked to rule out that any such payments were made under the period of the Rudd and Gillard Governments, what was the answer by Mr Shorten?" Mr Cormann said.

"That they don't comment on intelligence and security matters."

Human Rights Commission president Gillian Triggs said she wanted more information before saying if it would be illegal to pay a boat crew in the way that had been claimed.

"It is very hard to say at the moment or certainly it is not appropriate for me to say, but it would presumably be contrary to Australian law," Professor Triggs told the ABC's Q&A program.

The Government will face more criticisms for its asylum seeker policies in the coming days.

In a report prepared for World Refugee Day next Saturday, Amnesty International has accused Australia of setting a terrible precedent in the region by taking a hard-line approach to asylum seekers.

Amnesty said the Government had violated its responsibilities under refugee and human rights law under the guise of saving lives.

<http://www.abc.net.au/news/2015-06-16/indonesian-vice-president-accuses-australia-of-paying-bribes/6548230>

16. Jakarta warns Australia over people smuggling 'bribery' claims

Julie Bishop asked to retract statement that Indonesia is to blame for practice, while Jakarta warns practice would entice more migrants to make journey

The Guardian
Beh Lih Yi in Jakarta, Daniel Hurst and Lenore Taylor in Canberra
Monday 15 June 2015 19.27 AEST

Indonesia's vice-president has said that if Australia "bribed" people smugglers to turn back, it could be considered a party to trafficking amid warnings that news of the alleged payments could entice even more people to make dangerous journeys between the two countries

Jakarta also demanded Australia's foreign affairs minister, Julie Bishop, retract her "inappropriate" statement that Indonesia is to blame for failing to secure its borders in the first place.

The Australian government is refusing to confirm or deny allegations that US\$30,000 (\$39,000) was paid to six people smugglers who were intercepted at sea to return asylum seekers to Indonesia in May.

Indonesia's vice president, Jusuf Kalla, was quoted as saying Australia would be acting like a smuggler if the allegations proved to be correct.

"It was bribing, right?" he told reporters in Jakarta on Monday, as quoted by local website detik.com.

“People who bribe, that is already wrong ... Wow, a state bribing, that certainly doesn't fit with the correct ethics in state relations.”

Bishop joined the prime minister, Tony Abbott, and immigration minister, Peter Dutton, in refusing to rule out the practice when asked directly in question time in Canberra on Monday. Legal experts said the payments could be in breach of Australian domestic laws relating to people smuggling.

Bishop sparked renewed diplomatic tension on Monday by saying that Australia's hardline operation to turn back asylum-seeker boats was necessary “because Indonesian boats with Indonesian crews are leaving Indonesia with the express intention of breaching our sovereignty”. She urged Indonesia “to enforce sovereignty over its borders”.

Agus Barnas, a spokesman for Indonesia's security ministry, said Bishop's comment was “not an appropriate statement for her to make [and] she should withdraw it”.

“Her accusation is only going to further complicate the Indonesia-Australia bilateral relations and our cooperation to tackle the boat-people issue,” Barnas told the Guardian.

“Please do not muddy the waters even further ... Australia should go back to the UN process and uphold its responsibility under the refugee convention.”

Barnas issued a pointed warning to the Australian government about the consequences of paying crews of boats to return to Indonesia.

“If the allegation that Australia paid people smugglers is proven true, it will encourage more people smugglers to go there. This is very regrettable,” Barnas said.

“Indonesia has done all it can on this issue. If we have not prevented the boats to go there, there would have been an influx of thousands of migrants to Australia.”

Indonesia had already launched an investigation into allegations that an Australian official paid US\$5,000 each to the captain and five crew members of an intercepted boat carrying about 65 asylum seekers from Bangladesh, Burma and Sri Lanka, apparently en route to New Zealand.

The UNHCR said migrants rescued off Indonesia last month told the agency that payments were allegedly made to people smugglers.

“Our team in Indonesia has interviewed passengers who say that while at sea the Indonesian crew was taken by the Australian authorities to another boat for a few hours and returned to the original boat talking about payment,” UNHCR's Bangkok-based regional spokeswoman Vivian Tan said. “I'm not aware of such allegations in the past,” she added.

Over the weekend, the Indonesian foreign minister, Retno Marsudi, ordered an explanation from the Australian ambassador, Paul Grigson, about the allegations. Grigson had returned to Jakarta only days earlier, having been recalled to Canberra in protest at Indonesia's execution of two Australians for drug-smuggling offences.

In parliament in Canberra on Monday, Bishop and Dutton did not repeat their previous firm denials that payments had occurred, instead invoking the government's policy of not commenting on operational matters to avoid answering direct questions.

Abbott, too, refused to rule out the practice. The prime minister said the government did “not feel the need to broadcast our intentions and our tactics to our enemies” or to “big-note itself in public, if the only beneficiaries are our enemies”.

“The only thing that really counts is that this government has stopped the boats and we have done so in a way which is consistent with our position as a decent and humane country because the most decent and humane thing you can do is stop the boats which is exactly what we have done,” he told the House of Representatives.

The attorney general, George Brandis, told the Senate on Monday that the Australian government had acted “within the law”.

The Australian Greens have written to the Australian federal police asking it to investigate whether any laws were broken, while Labor has asked the auditor general to examine the spending of public money.

Phillip Boulten SC, a leading Sydney barrister, and Nicholas Cowdery, a former director of public prosecutions in New South Wales, told Guardian Australia that an Australian paying people smugglers would likely be in breach of the provisions of the criminal code outlawing people smuggling or assisting people smuggling.

But both pointed to the fact that the government itself would have to initiate and investigate any charges.

“On the face of it someone who pays thousands of dollars to an Indonesian mariner to take refugees back to Indonesia so as to breach Indonesian laws of entry may be breaching the criminal code,” Boulten said – including section 73(1), which makes

people smuggling an offence, 73(3) dealing with aggravated people smuggling or 73.3A (supporting the offence of people smuggling).

But no such prosecution could be undertaken without the consent of Brandis, Boulten said, and it could be possible for any person who paid smugglers to use as a defence the fact that they were acting to uphold a separate Australian law.

<http://www.theguardian.com/australia-news/2015/jun/15/jakarta-demands-bishop-retract-claim-indonesia-failing-to-secure-its-border>

17. Tony Abbott accuses media of 'promoting discord' with Indonesia

'I am in the business of building a strong relationship ... not aggravating things,' prime minister says, adding that stopping the boats has improved ties

The Guardian
Shalailah Medhora
Tuesday 16 June 2015 11.20 AEST

Ties between Australia and Indonesia are "getting stronger all the time" and media outlets are "promoting discord" by saying otherwise, Tony Abbott has said.

The Australian prime minister has been under intense pressure to definitively confirm or deny claims that authorities paid people smugglers US\$5,000 (A\$6,450) each to turn their boats back to Indonesia late last month.

He has instead repeated the argument that the Coalition has "stopped the boats" and has pointed the finger at journalists for inflaming tensions between Canberra and Jakarta.

"The great thing about stopping the boats is that it has very much improved our relationship with Indonesia," Abbott said. "We have a good relationship with Indonesia, it's a strong friendship, it's getting stronger all the time.

"Occasionally people will say things which journalists like to savour and conjure. There are many media outlets that are more interested in promoting discord than in celebrating all the constructive things that happen between our two countries.

"I am in the business of building a strong relationship with Indonesia, not aggravating things."

The comments come just a day after his foreign minister, Julie Bishop, ignited a diplomatic row by saying Australia would not have to stop asylum boats if Indonesia secured its borders.

Bishop's assertions drew an angry response from the Indonesian government, with a spokesman for the security ministry, Agus Barnas, demanding she withdraw them and the vice-president, Jusuf Kalla, saying the alleged payments amounted to "bribery".

Abbott denied that any illegal activity had occurred. "I am confident that at all times Australian agencies have acted within the law," he said.

Reports on Monday suggest the payment could have been made by Australia's spy agency Asis, complicating the issues of legality and transparency. Australian spies have been operating inside Indonesia on anti-people smuggling ventures since at least 2001, according to reports in the Australian newspaper. The Rudd government had given Asis a funding injection to step up disruption measures, the article said.

A spokeswoman for the shadow immigration minister, Richard Marles, on Tuesday told Guardian Australia: "Labor did not pay people smugglers to turn back boats."

On Monday Labor said it was "unlawful for the government or the opposition to divulge security or intelligence information", leading members of the government to question whether Labor was being hypocritical in hammering the Coalition over its policies if it would not reveal its own policies.

Abbott is standing by the policy.

"We've done the right thing, we've done the moral thing, the decent thing, the compassionate thing," he told reporters in the capital on Tuesday. "We've stopped the boats by doing whatever is necessary within the law to stop the boats.

"The most moral thing you can do here is stop the boats because as long as the boats are coming, the evil people smuggling trade is in business and the deaths continue."

Indonesia has never supported the Coalition's policy to turn boats around, saying regional cooperation is needed to stop the flow of asylum seekers.

18. Australia paid people smugglers under former Labor government

Sydney Morning Herald
June 16, 2015 - 11:47AM
David Wroe and Sarah Whyte

Cash payments have been made to members of Indonesian people-smuggling rings by Australian intelligence officials for at least the past four years - including under the former Labor government, Fairfax Media has learnt.

Multiple sources have said that such payments have been part of successive governments' tactics, though not always as part of boat turnbacks, which were not used by the previous government.

The issue exploded into the public sphere with the claim last week - reported by Fairfax Media - that Australian officials paid \$US5000 each to six crew members of an asylum-seeker boat crew to return the vessel to Indonesia.

Labor has gone on the offensive over the claim. But at least one former Labor immigration minister knew of payments under his watch, it is understood.

Fairfax Media has been told that the practice of intelligence agency officials paying members of people-smuggling networks including boat owners and crews goes back to about 2010 under the then Rudd government.

Instances include paying members of syndicates for information about the operations of the syndicate, or to dissuade them from launching boats.

Asked to guarantee that no payments were made to people smugglers under Labor, a spokeswoman for shadow immigration spokesman Richard Marles said: "It's unlawful for the government or the opposition to divulge security or intelligence information."

She indicated that the issue was the confusion created by the initial denials by Foreign Minister Julie Bishop and Immigration Minister Peter Dutton that were followed by Prime Minister Tony Abbott's refusal to comment on operational grounds.

"Last week an allegation surfaced that people smugglers were being paid by Australian officials. This was flatly denied by the immigration and foreign ministers.

"These denials have been at complete odds with comments from the Prime Minister.

"This chaos risks creating a dangerous new pull factor."

She said Labor would "not pay people smugglers to keep people on unsafe boats and neither should the government".

The claim has sparked further tension between Canberra and Jakarta, with the Indonesian government demanding answers.

A spokesman for another former Labor immigration minister, Chris Bowen, referred Fairfax Media to the statement of Mr Marles' spokeswoman.

Comment has also been sought from former immigration ministers Tony Burke and Brendan O'Connor.

Labor tactics saw the issue of whether Australia has paid people smugglers dominate question time on Monday.

Ms Bishop, Mr Abbott and Mr Dutton remained steadfast in their refusal to answer questions, citing intelligence, security and operational reasons.

Pressed again on the issue on Tuesday morning, Mr Abbott said Australia "will do whatever is necessary, within the law, consistent with our standards as a decent and humane society to stop the boats".

"I am absolutely confident that at all times Australian agencies have acted within the law," Mr Abbott said. "I am in the business of supporting our agencies, not undermining them."

<http://www.smh.com.au/federal-politics/political-news/asylum-boat-turnbacks-australia-paid-people-smugglers-under-former-labor-government-20150616-ghotbt>

19. Indonesian police documents detail boat turnback and alleged payments to people smuggling crew

ABC News Online

By Indonesia correspondent George Roberts
First posted Wed 17 Jun 2015, 4:15am
Updated Wed 17 Jun 2015, 4:42am

Indonesian police have provided new details about how Australian authorities allegedly intercepted an asylum seeker boat, transferred the passengers onto two boats and sent them back to Indonesia.

One of the boats provided by Australia allegedly ran out of fuel during the journey and the asylum seekers had to climb onto the other boat which later crashed onto a reef.

The documents, provided to the ABC by local police deputy chief commissioner Ronalzie Agus, detailed the journey of the asylum seekers from West Java to the waters off East Timor and back to Indonesia.

In their investigation into the turn-back operation and the allegations that Australia paid money to the crew, Indonesian police have interviewed six witnesses as well as the captain and crew of the boat.

Some of the passengers have also reported that an Australian Customs official paid money to the crew of the asylum seeker boat.

The police document about the initial findings of the investigation is in the form of a PowerPoint presentation and put the amount of money paid at more than \$US30,000.

It detailed how the boat was allegedly intercepted by Australian authorities twice and taken to Australian waters before the 65 passengers and six crew were sent back to Indonesia.

En route they ran aground on a reef and had to be rescued by local villagers.

Indonesian police have also provided the ABC with photos of the thousands of dollars the crew were allegedly paid, as well as a stricken wooden boat provided by Australia in order to get the asylum seekers back to Indonesia.

Indonesia reacts angrily to claims of payments

The head of Indonesia's military (TNI), General Moeldoko, has reportedly described the tactic as unethical.

"That conduct was inappropriate. That's my view, but I would not give comment on the political context of a relation[ship] between two countries," he said.

General Moeldoko also defended Indonesia's ability to adequately patrol its vast waterways.

"Our sea border is so long — 81,000 kilometres — with our current military power, with its insufficient navy capabilities ... some sectors were sometimes missed," he was reported as saying.

The chairman of the country's parliamentary commission that covers foreign affairs, Commission One, told reporters at the national parliament that Indonesia and Australia needed to work together diplomatically.

Mahfudz Sidiq also hit out at the tactic of paying the boat crew as dishonourable.

"They bribed fishermen," he said.

"They knew exactly that our fishermen are needy and they bribed them. The conduct done by Australia toward Indonesian civilians ... was dishonour[able]."

Chronology of the boat's journey

The document provided to the ABC is in the form of an internal police slide presentation and said the five crew from Manado in North Sulawesi and one from Jakarta were recruited by people smugglers in early April.

The men were enlisted by someone identified by the initials AJ in Jakarta to work on a fishing boat with a promise of wages of about 150 million rupiah (\$14,000).

On April 16 they gathered at Cempaka Hotel where they stayed for two nights before being bussed to Tegal on the north coast of Java.

They stayed at a hotel in Tegal while looking for a suitable boat. Once a boat was found, the crew travelled by sea to Cidaun beach on the south coast of West Java.

About 2:00am on May 5, the 65 asylum seekers began being delivered to the boat.

The passengers included 10 Bangladeshis, 54 Sri Lankans and one person from Myanmar. Among them were three children and four women, one of whom was pregnant.

A man identified as AY, who had also been involved with providing accommodation for the crew, told them that the 65 people should be taken to New Zealand.

Around 4:00am the boat departed towards New Zealand through the Java Sea. The police document said the boat passed Bali and continued further east past West Timor.

Crew warned by Australian Customs boat

Near East Timor the boat was allegedly crossing international waters when an Australian Customs ship stopped it.

Customs explained to them that their boat could not enter Australian waters and warning cards were distributed, saying: "Without a visa you cannot enter Australia."

After Customs gave a warning to the crew and the asylum seekers, they were released and continued towards Australian waters for about four days.

They were stopped again and detained by personnel from a Customs boat and Australian Navy ship, allegedly in international waters.

Then the captain, Yohanis Humiang, allegedly went to the Customs ship, was interrogated, and told the boat could not reach New Zealand because of the boat's condition and the waves.

The Indonesian police document alleges there was a deal between Australian Customs and Yohanis Humiang that the asylum seeker boat would be secured and escorted to Australian waters by Customs and the Navy — a trip that took four days.

When they arrived in the area they were registered and identified by the Customs officials.

After their details were taken, some of the asylum seekers asked to board to the Customs ship but some stayed on the boat captained by Yohanis Humiang.

The boat was then taken back towards Australia's Ashmore Reef and anchored there for two days

The crew of the boat and the rest of the asylum seekers then asked to go on board the Navy ship.

Two wooden boats belonging to Australia, called Jasmine and Kanak, were then provided and the group split in two, with 32 passengers transferred to one boat, 33 asylum seekers put on the other and three crew transferred to each boat.

They were given lifejackets, a map and directions to Rote Island. The ABC has previously reported that food and other supplies were also provided to those on board.

It was at this point that the captain was allegedly given as much as \$US6,000 while the crew were given \$US5,000 each, bringing the total paid to \$US31,000.

The crew then took the asylum seekers towards Indonesian waters and Rote Island, a voyage that took about eight hours.

When they approached Rote Island, Jasmine ran out of fuel and Kanak had to take the passengers on board, meaning all 71 people were on board the one boat.

Indonesian police were told some asylum seekers then started getting angry, began fighting with each other and also threatened the crew because they wanted to go to New Zealand.

About 5:00pm on May 31, Kanak crashed onto a reef at Landu Island, near Rote Island, which is off West Timor.

Some people jumped from the boat and made it to the nearest village. Locals then helped to evacuate the rest of the asylum seekers from the stricken boat.

The document said the boat crew hired a small canoe to take themselves to land, understood to be Rote Island.

One of the villagers called local police, telling them that an asylum seeker boat had crashed on Landu Island.

The southwest Rote police chief went to Landu Island to "secure" the asylum seekers and search for the crew.

According to the locals, cited by the document, the crew fled to Rote Island but around 9:00pm police arrested the six crew members.

They remain in custody and could each face a maximum of 15 years in jail and up to 1.5 billion rupiah (\$145,000) in fines.

Immigration authorities are holding the 65 asylum seekers at a hotel in Kupang, West Timor.

<http://www.abc.net.au/news/2015-06-17/indonesian-documents-detail-boat-turnback-and-alleged-payments/6551472>

20. Indonesian police show off alleged 'people smuggler bribes' from Australia

Indonesian police provide photos of cash allegedly paid to people smugglers and urge journalists 'to demand an answer from the Australian government'

The Guardian
Australian Associated Press
Wednesday 17 June 2015 07.45 AEST

Indonesian police have provided photos of cash allegedly paid to people smugglers amid reports an Australian spy facilitated the payment.

General Endang Sunjaya, police chief of Nusa Tenggara Timur province, provided photos of the cash to Fairfax Media, which he said was given to six crew members by an Australian official.

An Australian spy aboard HMAS Wollongong dressed in civilian clothes facilitated the payment after the asylum seeker boat was deemed unsafe, the Australian newspaper reported on Wednesday.

Australian sailors transferred the 65 asylum seekers on board to two smaller boats and sent them back to Indonesia.

"We have given you the evidence. It's now up to you and other organisations to demand an answer from the Australian government," Endang told Fairfax Media.

Indonesian police say the alleged payment took place on Andika, near Greenhill Island in the Northern Territory.

Under questioning, each crew member had sworn under oath that they were paid \$US5,000 (\$A6,460) to return to Indonesia, the general added. Their accounts were corroborated by asylum seekers, he said.

Endang said the asylum seekers were sent on their way on the two boats with just a drum of fuel each before eventually hitting a reef near Landu island, in West Rote, where they were rescued by villagers.

He said the police investigation report had been handed to National Police headquarters in Jakarta.

The claims come as the Greens demand the government come clean on whether taxpayers' money was paid to asylum seeker boat crew members.

The Senate has passed a motion calling on the government to produce, by 3pm AEST on Wednesday, documents relating to the alleged handing of more than \$US30,000 to people smugglers in a bid to get boats to return to Indonesia.

Australia's prime minister, Tony Abbott, said he was "absolutely confident" Australian agencies had acted within the law at all times, but would not comment on the specifics.

The opposition leader, Bill Shorten, said Labor governments never paid people smugglers to turn boats around, but refused to say whether the practice was used on land in Indonesia.

The Australian federal police is also considering whether the alleged payments warrant investigation.

<http://www.theguardian.com/australia-news/2015/jun/17/indonesian-police-show-off-alleged-people-smuggler-bribes-from-australia>

21. Labor opts for silence as past people smuggling payment allegations surface

Sydney Morning Herald
June 17, 2015 - 2:51AM
David Wroe and Sarah Whyte

Labor has abandoned its interrogation of the Abbott government over whether cash payments were made to members of Indonesian people-smuggling rings by Australian officials, after it was revealed that payments were also made under the former Labor government.

Fairfax Media reported that for at least the past four years payments to Australian intelligence officers have been made as part of successive governments' tactics, though not always as part of boat turnbacks, which were not used by the previous government.

On Monday, Labor hammered the government over the issue, even trying to force a censure against the government in Parliament. But it asked no questions in Tuesday's parliamentary question time, despite Mr Shorten vowing to Labor MPs in a caucus meeting that the Opposition would continue to pursue the matter.

Mr Shorten said no payments had been made to people smugglers to turn back boats. But he refused to comment on whether payments had been made for other reasons such as for intelligence or to dissuade boat crews from setting sail, citing intelligence and security reasons – the same reason as given by the government.

He told reporters: "I am informed that Labor did not pay people smugglers to turn around boats."

The issue of payments exploded into the public sphere with the claim last week, reported by Fairfax Media, that Australian officials paid \$US5000 each to six crew members of an asylum-seeker boat crew to return the vessel to Indonesia.

Meanwhile, Foreign Minister Julie Bishop renewed her pressure on Jakarta, telling Fairfax Media that it was "vital for there to be an investigation into allegations that Indonesian police, military and officials are being bribed by people smugglers".

She said Australian officials continued to work "cooperatively and discreetly with their Indonesian counterparts".

Indonesia has demanded answers from the Abbott government about the payment allegations, with Indonesia's vice-president saying such "bribes" would be wrong and "definitely incorrect in the context of bilateral relations".

Fairfax Media has been told that the practice of intelligence agency officials paying members of people smuggling networks, including boat owners and crews, goes back to about 2010 under the then Rudd government. It is understood at least one former Labor immigration minister knew of payments under his watch.

Instances include paying members of syndicates for information about the operations of the syndicate, or to dissuade them from launching boats.

The claim has sparked further tension between Canberra and Jakarta, with the Indonesian government demanding answers.

Ms Bishop, Mr Abbott and Mr Dutton have remained steadfast in their refusal to answer questions, citing intelligence, security and operational reasons.

Pressed again on the issue on Tuesday morning, Mr Abbott said Australia "will do whatever is necessary, within the law, consistent with our standards as a decent and humane society to stop the boats".

"I am absolutely confident that at all times Australian agencies have acted within the law," Mr Abbott said. "I am in the business of supporting our agencies, not undermining them."

<http://www.smh.com.au/federal-politics/political-news/labor-opts-for-silence-as-past-people-smuggling-payment-allegations-surface-20150616-ghpk41.html>

22. MEDIA RELEASE: Wads of cash? Turning around asylum boats - that's the crime

Wednesday June 17, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

It is now quite clear that the Coalition government, the architects of Operation Sovereign Borders, did pay the boat crew of a recent asylum boat to take asylum seekers back to Indonesia. The crew says it, the asylum seekers say it, the Indonesian police say it and the long list of government denials says all the public needs to know about who is telling the truth.

In this case, as in every other turn-around, the government is guilty of crimes on the high seas; trafficking defenceless people who were attempting to get to safety in New Zealand and returning them to danger.

The incident has also exposed the lie that the Coalition has stopped the boats. Almost two years since the start of Operation Sovereign Borders and asylum boats are still coming. The turn around also revealed that for all the supposed sophistication and military power of Operation Sovereign Borders, it is underpinned by wads of cash.

The media and political furore has focussed on the government's denials and the payment of money to the boat crew -- but the real crime is that the government has prevented another boat of asylum seekers gaining the protection and security they need.

"The furore has revealed much hypocrisy -- the Coalition's complete lack of scruples, and its willingness to use bribes, but also from Labor," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Labor politicians have tried to make political mileage by using the same rhetoric about 'people smuggling' as the Coalition. Rather than demonise boat crews, that provide an indispensable service for asylum seekers, Labor should be attacking the Coalition's turn-around policy and its ban on accepting refugees from Indonesia.

"Abbott says that the Coalition uses turn-arounds, when it is 'safe to do so'. But there is nothing safe about turn-arounds. These boats foundered on a reef off Landuti Island.

"By choosing not to use the very obvious orange lifeboats to return asylum seekers to Indonesia, the government had to resort to paying the crew to try to make sure that the boats would head to Indonesia and not attempt to continue to travel to Australia, or New Zealand, as they originally intended. The government has been caught out by it's own 'cleverness'.

"We support the Indonesian government fully investigating the incident," said Rintoul, "The Australian government's cover-up attempt deserves to be exposed. It shamefully continues to use Indonesia as a dumping ground.

"It has tens of thousands of dollars, indeed millions, to arrange turn-backs but has not given a cent to Indonesia to assist with the thousands of Rohingya asylum seekers who recently found safety in Aceh.

"The turn-around policy is just an invitation for asylum seekers to die elsewhere. The real crime of the Abbott government is that it continues to violate human rights and international law by turning asylum boats back to Indonesia."

For more information contact Ian Rintoul +61 417 275 713

23. People smuggler cash: Stacks police say were paid to send asylum seekers on a 'suicide mission'

Sydney Morning Herald
June 16, 2015 - 10:02PM
Jewel Topsfield and Amilia Rosa

Kupang, Indonesia: Photographs of thousands of US dollars handed to six people smugglers, which Indonesian police say is proof of bribery by Australian officials, have been provided to Fairfax Media.

"We have given you the evidence," said General Endang Sunjaya, the police chief of Nusa Tenggara Timur province. "It's now up to you and other organisations to demand an answer from the Australian government."

And in a blistering attack, the head of the people smuggling division of Nusa Tenggara Timur province, Ibrahim, said sending 65 asylum seekers back to Indonesia on two boats with just a drum of fuel each was akin to "a suicide mission", asking: "Where is the humanity?"

He said the boat had hit a reef and been stranded off Landu island, and if it had been high tide it would have been too dangerous for the local villagers to rescue the asylum seekers.

In other revelations, the police officers told Fairfax Media the asylum seeker boat was intercepted by the navy warship HMAS Wollongong and an Australian customs boat in international waters.

However, they say the payments to the six crew allegedly made by an Australian official, Agus, took place on Andika near Greenhill Island in the Northern Territory. This could potentially make the payments subject to Australian law.

General Endang said the six crew members had all sworn under oath they received about \$US5000 (\$A6460) from an Australian official to return to Indonesia. Their accounts were corroborated by asylum seekers who were separately interrogated.

"We believe the payments happened," said General Endang. "They all said the same thing: they were paid by Australian officials to return to Indonesia."

General Endang said the alleged payments could trigger a new kind of crime, where people smuggling syndicates would put fake asylum seekers on a boat in order to extract money from the Australian government.

"The money is now being kept as evidence that this was not a made-up story," said General Endang. "This is very unexpected. If it happened in Indonesia it would constitute a bribe."

General Endang said he had now handed the police investigation report to the National Police headquarters in Jakarta.

"It is now up to HQ what to do next. It is out of our jurisdiction."

General Endang showed Fairfax Media the photographs of the cash, but they were provided for publication from another source.

Mr Ibrahim, who interrogated the crew members until 2am on Saturday morning, said the captain, Yohanis Humiang, initially refused to return to Indonesia because the crew would not be paid by a people-smuggling agent until the boat reached New Zealand.

The crew had been told they would be paid between 100 and 150 million rupiah (\$A10,000 and \$A15,000) when the 65 asylum seekers from Bangladesh, Myanmar and Sri Lanka landed in New Zealand.

The revelation sheds light on a possible motivation for the controversial alleged payments by Australia to six people smugglers.

Mr Ibrahim said the Andika had just passed Timor-Leste when it was intercepted.

The crew members claimed Andika was blocked in international waters by HMAS Wollongong 92 and an Australian customs ship in a stand-off lasting several hours.

Mr Yohanis, an experienced sailor, said Australian authorities could not arrest them because they were in international waters.

He insisted Andika could make it to New Zealand, a journey he calculated would take 22 days from Pelabuhan Ratu in Indonesia to New Zealand if they travelled at a speed of eight knots.

However, Australian officials said they were heading into bad weather and would be in danger if they proceeded.

Eventually the crew agreed to be escorted to Greenhill Island in the Northern Territory, a two-day journey in which the Andika was sandwiched between the two Australian ships.

Mr Ibrahim said it was here, on board the HMAS Wollongong, that the deal was struck.

"Yohanis and the crew were insisting on continuing their journey to New Zealand or they wouldn't get paid," he said.

Following negotiations with Agus, the crew reportedly agreed to a \$US5000 payment each if they returned to Indonesia, he said.

"The money was given with one condition: they go back to Indonesia, use the money for business and never do that kind of work ever again," Mr Ibrahim said.

He said the crew and Agus also agreed the Australian ships would guide the Andika back to the Java Sea so they could return to Pelabuhan Ratu.

Once the agreement was reached the crew members returned to the Andika, he said, and Agus followed in a speed boat. He handed the crew their money in envelopes on the Andika, he said, an exchange that was witnessed by some of the asylum seekers.

Nazmul Hassan, a Bangladeshi, told Fairfax Media he saw the captain put money in his pocket.

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

But he said after the meeting, Yohanis told them: "We have to go back. Australia want to pay for us."

"After the meeting, everyone looked happy and they agreed to the proposal," Mr Hassan said.

However, Mr Ibrahim said the Australians reneged on part of their deal and instead of taking the Andika to the Java Sea they went to Ashmore Reef.

The asylum seekers were then transferred to the HMAS Wollongong and customs ship for two days.

However, instead of returning them to the Andika, the asylum seekers were then transferred to two wooden boats, Jasmine and Kanak.

Each boat was supplied with a drum of fuel (200 litres), limited food and water and a laminated google map of Rote island in Indonesia.

Mr Ibrahim said: "Yohanis protested, 'That was not the deal'; 200 litres isn't sufficient to even reach Rote island.

"But Agus said, 'Agreement off, they have to head to Rote island.'"

The two boats were released at the Indonesian border.

"The immigrants then fought with the crew. They wanted to continue to New Zealand," Mr Ibrahim said.

Several hours later the Jasmine ran out of fuel. The asylum seekers transferred to the Kanak, which hit a reef near Landu island, in West Rote, where they were rescued by villagers.

Village chief Samuel Messak told Fairfax Media he had asked his wife to cook for the people.

"The police officer asked me, 'Will it cost you a lot to feed all these people?' I said, 'It's my money. If I let these people go looking cold and hungry, God will not see me in a good light.'"

Mr Ibrahim is incredulous that a wealthy country such as Australia would push back boats with desperate asylum seekers to Indonesia, a country many considered Third World.

He said Indonesia was doing its bit to fight people smuggling, with those found guilty facing sentences of 15 years' jail.

"We always co-operate with Australia, we process the arrests," he said. "Despite everything, this happens. Why can't Australians deal with [asylum seekers] like they are supposed to?"

"They are humans, they have problems with their country. Why can't Australia either deport them or detain them until they are accepted by other countries the way Indonesia does?"

<http://www.smh.com.au/world/people-smuggler-cash-stacks-police-say-were-paid-to-send-asylum-seekers-on-a-suicide-mission-20150616-ghpa36.html>

24. Michael Gordon: Labor's turn-back leaves Bill Shorten exposed

Sydney Morning Herald
June 17, 2015 - 1:18AM
Michael Gordon

Retreats in politics are seldom more comprehensive, or unedifying, than Bill Shorten's turn-back on Labor's pursuit of the Abbott government and its apparent willingness to pay people smugglers to return asylum seekers to Indonesia.

On Monday, this was such a burning issue Shorten and his colleagues pursued it with all the rigour of a Queens Council interrogating a villain in court before attempting to censure the Prime Minister.

After all, they argued, Australian taxpayers have a right to know if their money is going to the trade both sides of politics have consistently condemned as vile. And they do.

On Tuesday, the only question on the subject was a Dorothy Dixier to afford Julie Bishop a platform to nail Labor's apparent hypocrisy and confected outrage. And she did.

Not only did Bill Shorten fail to pursue the matter in Parliament, he was all at sea when he addressed the media to "draw a line in the sand" on the government's pension changes.

Why? Because, after demanding that the government give a one-word answer either confirming or denying the payments, he declined to do the same when asked if Labor in power had made payments to people smugglers.

And it gets worse. After telling his caucus that Labor had made mistakes in this fraught area of policy and learnt "difficult lessons", he was unable to articulate what these mistakes were and how they would be rectified in the policy Labor will take to next year's election.

As Julie Bishop sees it, this failure is a product of tensions within the Labor party on what direction that policy will take, with the sections of the party determined to oppose aspects of the Coalition's extremely punitive, but successful, approach to stopping the boats – including turn-backs.

Labor's shadow immigration spokesman, Richard Marles, is promising a better balance between border protection and humane treatment of those who ended up in Australia and in offshore detention centres, as well as a more concerted effort to build a regional approach. The detail may become clearer at next month's Labor national conference.

Is this the end of the payments-to-smugglers issue? Hardly. Both sides of politics are guilty of using taxpayer funds to disrupt people smuggling ventures and both refuse to comment on the activities of Australian intelligence operatives abroad for obvious reasons.

But only Labor has asserted that it has never paid people smugglers to turn around boats at sea (or put asylum seekers in new boats and pay the crew to take them back to Indonesia).

As Jewel Topsfield and Amilia Rosa's report from Kupang makes clear, this case would appear to take past conduct into a whole new realm. Never before have we seen pictures of thousands of US dollars apparently paid to people smugglers to return their human cargo to Indonesia.

Aside from the legitimate questions of safety raised by Indonesian officials are a host of legal, diplomatic and moral questions that demand answers, even if Labor is now too spooked to press them.

<http://www.smh.com.au/federal-politics/political-opinion/labors-turnback-leaves-bill-shorten-exposed-20150616-ghpg1n.html>

25. Labor refuses to rule out adopting Coalition's boat turn-back policy

ABC News Online

By political reporter Dan Conifer

Posted Wed 17 Jun 2015, 2:53pm

Labor is leaving the door open to adopting the Coalition's asylum boat turn-back regime, amid reports the party will adopt the policy ahead of the next election.

The Government has intercepted asylum seekers at sea since late 2013 and returned them to countries including Indonesia.

The Coalition believes the approach has been pivotal in reducing the number of boats attempting to reach Australia.

The West Australian newspaper has reported Labor is preparing to harden its asylum policy, fearing the Government could use the issue to its advantage during the campaign.

Opposition immigration spokesman Richard Marles said the party has concerns about turn-backs, but did not give a definitive position on the policy.

"I'm not about to play a game of ruling things in or out, or walk down a path of answering hypotheticals," Mr Marles said.

"We retain a whole lot of concerns, I retain a whole lot of concerns about the question of turn-backs.

"It is critical, if we're going to have an enduring resolution to the issue of vessels coming from Java to Christmas Island, that we have a constructive working relationship with Indonesia on this issue."

His comments come amid claims Australian officials recently paid asylum seekers to return to Indonesia.

Mr Marles said asylum seeker policy would be discussed at the party's national conference in Melbourne next month.

"[The debate is] going to be characterised by a group of members of the Australian Labor Party who come to a very, very complex and difficult issue with strong values of compassion, of fairness, of generosity, which distinguishes us entirely I might say from the other side of politics," he said.

"We will work these complex issues from that values base."

Opposition Leader Bill Shorten yesterday admitted the former Labor government had made mistakes with asylum policy.

"There were policies which saw the people smugglers try to take advantage of Australia's generosity. We are working through these issues," he said.

"Labor is determined to make sure that we have a strong policy which is humane towards refugees, but is also safe and make sure that the people smugglers can never get back into business."

<http://www.abc.net.au/news/2015-06-17/labor-refuses-to-rule-out-adopting-coalitions-boat-turn-back/6553854>

27. Labor leaves open prospect of adopting boat turn back policy

Brisbane Times
June 17, 2015 - 12:09PM
Sarah Whyte

Labor's immigration spokesman Richard Marles has refused to rule out Labor adopting a turn back policy for the next election, as the party reportedly prepares to harden its position on border security.

Turning boats back to prevent them coming into Australian waters is one of the few differences in Labor's stance on immigration policy compared with the Abbott government. Both parties support offshore processing in Papua New Guinea and Nauru.

The issue of boat turn backs has re-emerged since reports last week that people smugglers had been paid by Australian officials to return to Indonesia.

A spokeswoman for Mr Marles said Labor remained concerned about the government's "secretive" turn back policy, but she did not dismiss it as an option.

"You only need to look at the headlines this week to see the implications of this policy on our regional relationships," she said.

"This policy, conducted under a shroud of secrecy has seen the government refuse to be upfront with the Australian community and instead stubbornly stick to the line of 'operational matters' when questioned about its policies."

"Labor retains its concerns about the Abbott government's secretive turn back policy and its implications for our relationships with our regional neighbours."

It was reported in the West Australian on Wednesday that Labor is likely to promise to turn back asylum seeker boats for the next election, in fear that the government will use its tougher stance on border protection as a campaign point.

In October last year Mr Marles ventured that the party "might" adopt the turn back policy if they were done safely and not under a "shroud of secrecy", but soon backed away from the idea after pressure from within Labor.

Labor's position on the asylum seeker policy is one of the most divisive topics within the party after almost 50,000 asylum seekers arrived in the country by boat, before Kevin Rudd reinstalled offshore processing in Papua New Guinea and Nauru.

Even this week the spotlight was turned on Labor after it was revealed that payments to people smugglers by Australian authorities also occurred under the previous government.

In question time on Monday, Labor peppered the Abbott government with questions on recent allegations that Australian officials had paid people smugglers, demanding that they needed to come clean on the claims.

But after similar allegations were aired that payments to people smugglers had also occurred under the Labor government, not one question was asked in the House of Representatives on Tuesday.

<http://www.brisbanetimes.com.au/federal-politics/political-news/labor-leaves-open-prospect-of-adopting-boat-turn-back-policy-20150617-ghpvv3.html>

28. Coalition defies Senate by refusing to hand over people smuggler documents

Government argues that complying with order to hand over materials relating to allegations of payments to smugglers would weaken national security

The Guardian
Shalailah Medhora
Wednesday 17 June 2015 18.31 AEST

The government has refused to hand over documents relating to allegations of payments made to people smugglers, arguing that doing so would weaken national security.

The Greens passed a motion in the Senate on Tuesday that compelled the government to hand over the materials by 3pm on Wednesday. That was rejected, with the government putting forward a public interest immunity argument.

On Thursday the Greens will introduce a motion in the Senate withholding the introduction of any bills from the immigration minister, Peter Dutton.

"The Senate will now have to decide what it will do in response to the government's refusal to comply," the Greens senator Sarah Hanson-Young said. "Why should the Senate deal with any other issues from the immigration minister if he can't be upfront with the parliament or the public over such a serious matter?"

"The government's contempt for the public, the parliament and truth must not go unchallenged."

Labor has yet to decide if it supports the motion.

A letter issued to the Senate by Dutton argued that disclosing the requested documents could "reasonably be expected to cause damage to national security, defence or international relations".

"They contain material relating to law enforcement or the protection of public safety which would, or could reasonably be expected to prejudice the investigation of a possible breach of the law or the enforcement of the law in a particular instance," he said.

He goes on to say that the documents requested by Hanson-Young could reveal the location and capacity of customs vessels which are necessary for the effective functioning of the government's Operation Sovereign Borders.

The information could be used as "positive marketing" for people smugglers, he said.

Dutton also argued that fulfilling the request could jeopardise confidential communications between Australia and its regional partners Papua New Guinea and Indonesia.

The Senate may choose to withhold the introduction of any of the minister's bills or hold a public inquiry into the matter.

The government wants to introduce two bills relating to his portfolio before parliament rises for winter recess. The first seeks to revoke citizenship for dual nationals accused of terrorism and the second would arm guards in offshore immigration detention centres.

<http://www.theguardian.com/australia-news/2015/jun/17/coalition-defies-senate-by-refusing-to-hand-over-people-smuggler-documents>

29. Passenger photos 'show Australian authorities intercepting Indonesian asylum seeker boat' allegedly paid to turn back

ABC News Online

By Indonesia correspondent George Roberts and political reporter Matthew Doran

First posted Wed 17 Jun 2015, 4:03pm

Updated Wed 17 Jun 2015, 4:21pm

The ABC has obtained images showing the moment Australian authorities allegedly intercepted an asylum seeker boat from Indonesia whose crew claim they were paid to turn back.

The pictures were allegedly taken by passengers on board the asylum seeker boat and show an Australian Customs vessel approaching.

Police in Indonesia said they have interviewed six witnesses, as well as the captain and crew of the boat.

They said the witnesses told them the crew of the boat was paid by an Australian official to return the asylum seekers to Indonesia.

The asylum seekers were then transferred to different boats and turned back.

One of the boats then ran out of petrol, ran aground on a reef and had to be rescued by local villagers.

Attorney-General George Brandis has slammed the claims, saying people engaged in criminal activity cannot be trusted.

Greens leader Richard Di Natale asked Senator Brandis in Question Time what evidence he had to support his assertion.

"Can he produce it, and can he provide an account of what actually happened, of whether bribes were paid, when they were paid, and to who they paid?" Senator Di Natale said.

It provoked an angry response from the Attorney-General.

"With respect, that is an astonishing question," Senator Brandis said.

"Senator Di Natale, do you know what that evidence is? The man is the captain of a people smuggling vessel!"

"The man is a person engaged in earning his living from the misery of other human beings, and accepting a very large sum of money from it.

"If you don't think that that is pretty compelling evidence that that particular man's assertions and allegations shouldn't at least be treated with scepticism, then Senator Di Natale, you must come from another planet."

Labor senators also asked Senator Brandis to confirm or deny the claims, to which he replied the Government does not comment on operational matters.

Dutton argues documents should be withheld for security reasons

Shortly after the exchange, Assistant Immigration Minister Michaelia Cash tabled a letter responding to a Senate demand for information.

Yesterday, the Greens moved a motion calling on the Government to table documents relating to alleged payments to people smugglers.

The letter from Immigration Minister Peter Dutton argued the documents should be withheld on the ground it could "cause damage to national security, defence, or international relations".

"The documents relate to operational matters, which should not be disclosed," Mr Dutton said.

"The release of this information ... would undermine the tactical advantage of civil maritime surveillance assets over people smuggler."

"[It] would undermine more generally the effectiveness of Border Protection Command assets.

"[It] would enable an exploitation of confidential methodology and processes used by the Australian Defence Force and Australian Customs and Border Protection vessels and assets."

The Immigration Minister also claimed releasing the information would impact upon Australia's relations with foreign states.

<http://www.abc.net.au/news/2015-06-17/photos-show-australia-intercepting-indonesian-asylum-seeker-boat/6553966>

30. Indonesia believes Australia made 'illicit payments' to crew of people smuggling boat, foreign ministry says

ABC News Online

By Indonesia correspondent George Roberts

First posted Fri 19 Jun 2015, 4:42pm

Updated Fri 19 Jun 2015, 10:09pm

Indonesia's foreign ministry says it believes illegal payments were made by Australia to the crew of a people-smuggling boat.

Australia's ambassador to Indonesia, Paul Grigson, met with Indonesia's foreign minister, Retno Marsudi, on Friday.

Ms Marsudi had demanded clarification about reports the crew of a boat carrying 65 asylum seekers were paid thousands of dollars each to return them to Indonesia.

Earlier this week, ABC News obtained pictures of an Australian Customs ship escorting the boat back towards Indonesia.

Initial investigations by Indonesian police, and accounts of passengers, suggest Australian officials paid more than \$30,000 in US bank notes to the crew.

Mr Grigson delivered a letter from Australia's Foreign Minister, Julie Bishop, and told Ms Marsudi Australian officials acted within the law.

But Indonesia's foreign ministry spokesman, Arrmanatha Nasir, said no new information had been provided by Australia, and Indonesia's questions remain unanswered.

After meeting with Ms Marsudi, Mr Grigson fronted the media, saying he would make a brief statement and would not take questions.

"Australia remains very committed to cooperation with Indonesia to combat people smuggling in all its forms," Mr Grigson said.

"And as my Prime Minister has said repeatedly, has said repeatedly, that Australian officials have always acted within the law in this case."

But Mr Nasir challenged those claims.

"So if a country says they are committed to addressing this issue then show it, prove it to us," he said.

"With our good will, we asked for clarification and for further information on this issue.

"We did not receive this, so in that context we cannot be blamed for believing that there was an illicit payment."

<http://www.abc.net.au/news/2015-06-19/indonesia-believes-illicit-payments-made-to-people-smugglers/6559676>

31. Australian officials lawful during interception of people smugglers' boat, ambassador tells Indonesian foreign minister

ABC News Online

By Indonesia correspondent George Roberts

Posted Fri 19 Jun 2015, 4:42pm

Australia's ambassador to Indonesia, Paul Grigson, has told Indonesia's foreign minister the actions of Australian officials during an alleged interception of an Indonesian people smugglers' boat were lawful.

Retno Marsudi agreed to meet Mr Grigson today, after she criticised Australia for refusing to say if it paid thousands of dollars to the crew of a people smuggling boat.

Late last month, a boat carrying 65 asylum seekers and six crew ran aground off Indonesia.

ABC News obtained pictures of an Australian Customs ship escorting the boat back towards Indonesia.

Indonesian police seized more than \$US30,000 from the captain and six crew, who claimed they were paid by an Australian official in order to return to Indonesia. Passengers made similar claims.

<http://www.abc.net.au/news/2015-06-19/officials-lawful-during-interception-of-indonesian-boat-grigson/6559676>

32. 'Paying people smugglers to return to Indonesia is akin to paying murderers not to kill': Labor's Richard Marles

Sydney Morning Herald

June 18, 2015 - 1:10PM

Sarah Whyte

Paying people smugglers to turn a boat around is akin to paying murderers not to kill or paying drug dealers not to make ice, Labor's immigration spokesman Richard Marles has said.

Mr Marles also defended revelations that people smugglers were paid under the former Labor government, saying it was vastly different for intelligence agencies or police to pay "informers" to infiltrate or undermine a criminal syndicate, than to push boats back to Indonesia.

"That is very different to paying the criminal syndicate to undertake a certain action," Mr Marles said during a press conference in Canberra.

"The allegation that we had last week is the equivalent of paying drug dealers not to make ice, it is the equivalent of paying murderers not to go out and murder. It's paying people smugglers to do reverse people smuggling. It is a very different proposition indeed," he said.

Asylum seekers and the Indonesian police chief claim that an Australian official by the name of "Agus" boarded a boat carrying 65 asylum seekers and gave each crew member \$US5000, on the condition that they return to Indonesia and the captain never people smuggle again.

Fairfax Media has since revealed that cash payments had also been made to members of Indonesian people-smuggling rings by Australian intelligence officials for at least the past four years, including under the former Labor government.

Immigration Minister Peter Dutton has refused to comment on whether there was a difference between paying people smugglers to perform an act, than to gain information.

"Suffice to say I'm not making comments in relation to hypothetical matters around national security," he said on Thursday.

"What we've been able to do in Operation Sovereign Borders is to, within the law and within our international obligation, stop the boats. And we will make sure that we do whatever we can within the law and within our international obligations to keep these people smugglers out of business."

Mr Marles said Labor would continue to put pressure on the Abbott government to reveal whether Australian authorities paid people smugglers to turn a boat around.

"There are real questions for the government to answer and they've not answered them," he said.

On Thursday the party will also decide if it will support a Greens' led inquiry into the allegations that the crew of people smugglers were paid \$US5000 each.

"The idea that people smugglers have half a chance when they come up next to an Australian Navy vessel of getting a wad of Australian taxpayer funded cash is a real problem, it should be a real concern to every Australian."

However, it is understood that Labor is considering its position on whether it will endorse turning boats back as part of its immigration policy. Turn backs is one of few differences between Labor and the Abbott government's stance on asylum seekers.

<http://www.smh.com.au/federal-politics/political-news/paying-people-smugglers-to-return-to-indonesia-is-akin-to-paying-murderers-not-to-kill-labors-richard-marles-20150618-ghr0yx.html>

33. Julie Bishop letter fails to address claims people smugglers paid, says Indonesia

Lack of explanation means 'we cannot be blamed for taking the view that there was an illicit payment made' says Indonesia's foreign ministry

The Guardian
Australian Associated Press
Friday 19 June 2015 19.29 AEST

The foreign minister, Julie Bishop has given no explanation of whether Australian officials paid the crew of a boat carrying asylum seekers in correspondence sent to Indonesia, its foreign ministry spokesman has said.

Bishop's letter was handed to her counterpart, Retno Marsudi, by Australia's ambassador, Paul Grigson, on Friday.

Indonesia spokesman Arrmanatha Nasir, said: "When we did not receive any new information or any clarification, again, like I said, we cannot be blamed for taking the view that there was an illicit payment made to the smugglers."

A boat captain and five crew members are being questioned by police on the Indonesian island of Rote for helping 65 people to seek asylum in New Zealand, and say an Australian official paid them cash to turn back to Indonesia.

Retno asked Grigson to seek an explanation of the claims on Saturday, before she left for meetings in Norway.

He visited her office for about 20 minutes on Friday, their first formal get-together since Grigson returned from his recall over Indonesia's execution of Bali Nine drug smugglers Andrew Chan and Myuran Sukumaran.

"Australia remains very committed to cooperation with Indonesia to combat people smuggling in all its forms," Grigson said after the meeting.

"As my prime minister has said repeatedly ... Australian officials have always acted within the law in this case."

<http://www.theguardian.com/australia-news/2015/jun/19/julie-bishop-letter-fails-to-address-claims-people-smugglers-paid-says-indonesia>

34. Labor says Abbott must address people smuggler pay claim to placate Indonesia

Tanya Plibersek calls on the government to tell the full story to restore relations with its neighbour

The Guardian
Australian Associated Press
Saturday 20 June 2015 16.42 AEST

Labor says the government must come clean on payments to people smugglers to restore relations with Indonesia.

Indonesia's foreign affairs ministry claims to have evidence Australian officials paid \$30,000 to five crew members to turn their boat around, but says it is yet to receive any clarification about this.

The opposition's foreign affairs spokeswoman, Tanya Plibersek, said the prime minister, Tony Abbott, owed a full explanation to Indonesia and the Australian people.

"We have seen the foreign minister and the immigration minister flat out deny it and then the prime minister seems to indicate that this may have happened," she said in Sydney on Saturday.

"It is absolutely vital that the prime minister does what he has to do to get this relationship back on track."

Earlier this week, Abbott said he was absolutely confident Australian agencies had acted within the law at all times.

Indonesia's vice president, Jusuf Kalla, has also said if Australia paid people smugglers to return asylum seekers to his country, that would amount to bribery and possibly even people-trafficking.

The Australian federal police and the auditor general are assessing the claim.

Plibersek was also asked about the government's plan to strip citizenship from dual nationals suspected of terrorism and said Labor would not support the new laws without first scrutinising them.

The government is expected to bring a bill to parliament next week giving the immigration minister the power to revoke the citizenship of dual nationals.

Abbott has said the opposition must support the bill in the interests of national security, but Labor is refusing to tick off on any proposed laws before MPs can examine them.

"We have been talking about this quite long enough; the prime minister should release draft legislation to be examined," Plibersek said.

She said Labor would be inclined to support provisions allowing the government to strip dual nationals of their citizenship for fighting against Australia with non-state actors.

But she said there also was a need for bipartisan scrutiny of all changes to national security laws, as there had been in the past.

There remain concerns among cabinet ministers, including Malcolm Turnbull, that the bill needs more work on legal protections to ensure it is not overturned in the high court.

Sky News has quoted "three senior government sources" who claim the advice of the solicitor general, believed to have raised doubts about the constitutional legality of the move, had only been seen by the prime minister, attorney general and immigration minister, and not the cabinet.

<http://www.theguardian.com/australia-news/2015/jun/20/labor-says-abbott-must-address-people-smuggler-pay-claim-to-placate-indonesia>