

Immigration: Border Protection

Senator FAULKNER (2.15 p.m.)—My question is directed to Senator Ellison, the Minister for Justice and Customs. Can the minister confirm that Kevin John Ennis was paid at least \$25,000 by the AFP as an informant on people-smuggling activities? Is the minister aware that Mr Ennis admitted to reporter Ross Coulthart of the *Sunday* program that he had paid Indonesian locals on four or five occasions to scuttle people-smuggling boats with passengers aboard? What action has the minister taken to investigate these specific allegations and what was the outcome of any such investigations?

Senator ELLISON—Of course the answer to Senator Faulkner's question has been answered at Senate estimates in relation to the \$25,000 fee, because the Commissioner of the Federal Police has said that fee was paid and that Mr Ennis was an informant. I make it very clear that the Australian Federal Police have said very clearly that they did not authorise people-smuggling in any way. They did say that Mr Ennis was a person who was endeavouring to gain information in relation to people-smuggling in order to assist the authorities, and that he was doing this in relation to a joint operation by the Indonesian National Police and the Australian Federal Police. It was not a situation where he was authorised to engage in that.

Senator Faulkner touches on the *Sunday* program and the journalist concerned. At the outset let me say that it is well known that the Australian Federal Police have complained to the Australian Broadcasting Authority in relation to the conduct of this whole matter by the *Sunday* program. In fact the *Sunday* program made some outrageous allegations and, shortly thereafter, had to make a partial retraction. On 12 May this year the *Sunday* program was forced to issue a retraction of the allegations that Mr Ennis had landed a number of boatloads of illegal immigrants on the Australian mainland. This was done only after *Sunday* became aware that the Australian Federal Police investigations disclosed that *Sunday's* principal informants, who formed the basis for the first program, had lied.

There were a number of programs. The first program was in February and we saw this retraction on 12 May. After AFP investigations we have a program having to retract a very serious allegation that was made. So we start with the premise that we do not give much credit to the allegations that they have been making.

The other aspect that Senator Faulkner raises is the question of Mr Ennis and what Mr Ennis has told the *Sunday* program and whether we have investigated this. The Australian Federal Police have conducted not one but two investigations into this matter and these investigations have been oversighted by the Ombudsman. I have received a letter from the Ombudsman, dated 3 September 2002, which states:

In summary, I am satisfied that both AFP investigations were thorough and properly undertaken.

That is as a result of the Ombudsman oversighting two investigations into this matter by the Australian Federal Police.

The Australian Federal Police have also received legal advice from the Director of Public Prosecutions, Mr Damien Bugg QC, who has rebutted *Sunday's* claims that the AFP's actions, or those of Mr Ennis, may have been unlawful. We have advice from the DPP, we have the Ombudsman oversighting two investigations by the Australian Federal Police into the matters that have been raised by the *Sunday* program and touched on by Senator Faulkner, and we have questions at the Senate inquiry into a certain maritime incident. We have questions asked of the Australian Federal Police at estimates, which have been highly distorted and misquoted by the opposition and in particular Senator Faulkner. And yesterday we had the outrageous allegation by Senator Faulkner that in some way Australian authorities were involved in endangering life. (*Time expired*)

Senator FAULKNER—Mr President, I ask a supplementary question, and it is a specific supplementary question. Has the minister or, for that matter, the Ombudsman investigated the claim made by the AFP's paid informant, Kevin Ennis, that he, Mr Ennis, paid Indonesian locals on four or five occasions to scuttle people-smuggling boats with

passengers aboard? Has that claim been investigated? If not, Minister, why not? If so, can the minister inform the Senate whether those claims are true or false?

Senator ELLISON—I am obliged to Senator Faulkner for that supplementary question because this matter—because of the distortion by Senator Faulkner—has resulted in absolutely scurrilous statements being made both in this chamber and outside. I challenge Senator Faulkner to make those statements that he made yesterday outside this chamber. The Australian Federal Police are issuing a statement shortly on this very matter and I invite Senator Faulkner to read it. It is being issued now as we speak.

Honourable senators interjecting—

The PRESIDENT—Order! Interjections from both sides are disorderly. Senator Bartlett has the call.

Opposition senators interjecting—

Senator Alston—I wouldn't leave the building, if I were you.

Senator Jacinta Collins—That was a threat. Senator Alston made a threat!

The PRESIDENT—Senator Alston, if you did make a threat, I would ask you to withdraw it.

Senator Alston—I didn't make a threat.

The PRESIDENT—I will review the *Hansard*.

Foreign Affairs: Iraq

Senator BARTLETT (2.23 p.m.)—My question is to Senator Hill, the Minister representing the Prime Minister. I ask the minister if he is aware of statements made by the former Governor-General, three former prime ministers, a former Leader of the Opposition, three former defence chiefs and the National President of the RSL, stating:

... it would constitute a failure of the duty of government to protect the integrity and ensure the security of our nation to commit any Australian forces in support of a United States military offensive against Iraq without the backing of a specific United Nations Security Council resolution.

Does the government accept this statement that Australia's participation in a US-led pre-emptive strike against Iraq would be contrary to the best interests of Australia and its peo-

ple? Will the government finally make a commitment, once and for all, to the Australian people that it will not participate in or support any such pre-emptive military action?

Senator HILL—I appreciate the question from the alternative Leader of the Australian Democrats. At least it is covering an important subject matter. I am a little surprised that I have heard nothing on these important subject matters relating to defence this week from the Labor Party. Instead, they see allegations of sex scandals within DSD as apparently more important. The position has not changed. The government supports the Security Council addressing this issue. We hope that it will address it effectively and bring sufficient influence to bear upon Saddam Hussein so that the weapons of mass destruction program can be brought to an end and the existing weapons of mass destruction can be destroyed. That is our objective, and we would like to see it achieved without the need for military intervention. If there is a need for military intervention, we would prefer it to be under the auspices of the Security Council. Nevertheless, that does not totally answer the threat to an individual party, who is entitled to use self-defence under the Charter of the United Nations.

Senator Chris Evans—Which article is that?

Senator HILL—I think it is article 51. We hope that it does not reach that stage, because we would prefer the Security Council to act effectively. However, if a party that is threatened by a weapons program resorts to self-defence, it is open to that party to seek the support of other states and, if it is the United States, it might seek the support of Australia. If it gets to that stage, it would be considered by Australia according to Australia's national interests. The Prime Minister has made that position absolutely clear. Whilst I have seen the statements in the press to which the honourable senator referred and whilst I understand the sentiment that a preference should exist for these matters to be resolved under the auspices of the Security Council, we cannot, unfortunately, be certain that that will in fact occur.

Senator BARTLETT—Mr President, I ask a supplementary question. Minister, why is the government ignoring the views of the RSL, and people such as experienced former defence chiefs, in relation to a pre-emptive strike? Why will the government not accept that pre-emptive military action is illegal and is likely to contribute to ongoing instability in the Middle East, rather than improving the prospects for stability and peace?

Senator HILL—We are not ignoring any advice at all. We have great respect for the President of the RSL and distinguished former national leaders, and we share their view that a collective response under the Security Council is preferable. But, as I have said to the honourable senator, the right of self-defence is entrenched within the Charter of the United Nations. It is therefore the right of a party that is threatened to defend itself if that is the case. These days, that has to be looked at against a background of weapons of mass destruction and terrorism which is significantly changing the circumstances in which self-defence is necessary.

Foreign Affairs: Australian Secret Intelligence Service

Senator FAULKNER (2.27 p.m.)—My question is directed to Senator Hill, representing the Minister for Foreign Affairs. Can the minister confirm that, by means of section 6(1)(e) and section 6(2) of the Intelligence Services Act 2001, parliament has authorised ASIS to undertake activities other than those set out in the act, provided that these are set out by the Minister for Foreign Affairs in a ministerial direction to ASIS? Can the minister advise the Senate whether the foreign minister has issued a ministerial direction to ASIS in relation to the government's people-smuggling disruption program?

Senator HILL—I am asked that question as representing the Minister for Foreign Affairs. I do not know the answer and, even if I did know the answer, I am not sure whether I would be able to answer, according to the usual constraints upon security matters. But I will seek the advice of the Minister for Foreign Affairs and report back to the Senate in due course.

Senator FAULKNER—Mr President, I ask a supplementary question. I appreciate the minister's commitment to report back to the Senate. I ask him to do so as soon as possible. I also ask him if he would convey to the Minister for Foreign Affairs a request to have the Leader of the Opposition briefed on any such ministerial direction.

Senator HILL—The Minister for Foreign Affairs will no doubt hear, or be told, that you would like the response promptly. In relation to a request from the Leader of the Opposition for a briefing, I think that he is quite able to make that himself.

Immigration: Asylum Seekers

Senator BROWN (2.29 p.m.)—My question is to Senator Ellison, representing the Minister for Immigration and Multicultural and Indigenous Affairs. It comes against the background of the situation on Manus Island where Papua New Guinea has not agreed to extend the asylum seekers remaining beyond 20 October and we have Australian Protective Service agents who do not have, in the main, legal authority under Papua New Guinea law to look after these people. What is the minister doing about the looming crisis on Manus Island where 191 asylum seekers, mostly Iraqis, 120 of whom have had their claims as refugees accepted, are being guarded by Australian Protective Service agents? Is the government considering moving the detainees to Nauru or Christmas Island, and if so how is it going to effect that move?

Senator ELLISON—Senator Brown is referring to an agreement which was reached with Papua New Guinea in relation to Manus Island. That was finalised on 12 October last year. There have been provisions in relation to that for people to remain on Manus Island and, as I understand it, the initial period was extended from six months to 12 months. The current deadline is 21 October. I understand that there have been discussions between the Prime Minister of Papua New Guinea and the Prime Minister of Australia, although there has been a comment by the foreign affairs minister in relation to this matter on New Zealand radio, I understand. I do not believe that is a definitive decision of the Papua New Guinea government and that is a

comment of the Minister for Foreign Affairs. If that is what Senator Brown is relying on then certainly I would say to him that the question of the renegotiation of that time limit is certainly under way between the two countries. That is not a matter which has been decided.

I am advised that a group of 40 rejected asylum seekers are being relocated to Nauru today. This relocation further reduces numbers in the centre and will allow for better management of the centre. I am advised that people moved to the airport and onto the aircraft without incident. On Nauru the International Organisation for Migration will provide ongoing care and management for these people, including the ongoing exploration of return and reintegration opportunities. The relocation has the support of both the Nauru and PNG authorities. As at this morning, the Manus caseload comprised 151 persons, and yesterday saw a further review in relation to 18 people who were determined to have refugee status and 11 who were refused. Sixty-one refugees have come from Manus to Australia, and 87 have been resettled to New Zealand. Refugees on Manus continue to be processed for resettlement and refugees who have close relatives in Australia are currently being processed for resettlement here. That outlines to Senator Brown the movement that is occurring on Manus Island and the fact that there are negotiations with the PNG authorities in relation to the extension of this deadline.

Senator BROWN—Mr President, I ask a supplementary question. Why extend the deadline against the wishes of Papua New Guinea so far if, at most, there are only a couple of dozen refugees who do not have their status ascertained? Why not bring the lot to Australia, particularly in view of the impending hostilities in Iraq? Could the minister outline under what circumstance any of the Iraqi detainees on Manus Island or elsewhere in Australian custody would be returned to Iraq, considering the Howard government's impending support for an invasion of the country?

Senator ELLISON—I cannot comment on the background of the people who are remaining there but I can say that the Prime

Minister of Papua New Guinea, Sir Michael Somare, is on record as saying that the presence of the processing facility on Manus Island has not created any difficulties amongst the people on the island or in PNG as a whole.

Senator Faulkner—That was not the question.

Senator ELLISON—Senator Brown said that it was against the wishes of the PNG authorities. I am saying that we are talking to the PNG authorities and we are negotiating in relation to the extension of that deadline. As for the remaining people there, the government believes that if that deadline can be extended then it is appropriate that they remain there.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President's gallery of a parliamentary delegation from Malaysia, representing the public accounts committee of the state of Parak, led by the honourable Ahmad Sharifuddin. On behalf of honourable senators, I have pleasure in welcoming you to the Senate and trust that your visit will be both informative and enjoyable.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Immigration: Border Protection

Senator ROBERT RAY (2.35 p.m.)—I direct my question to Senator Ellison, the Minister for Justice and Customs. Why was the protocol between the Australian Federal Police and the Indonesian National Police dealing with the disruption of people-smuggling set aside by the Indonesians in September last year? What reasons did the Indonesian government give for pulling out of this agreement and what was it about the disruption activity which so concerned the ministry of foreign affairs, the DEPLU, that the entire MOU was put on ice for many months? What changes did the Indonesians require to the disruption program before they finally agreed to reinstate the cooperation framework in June this year?

Senator ELLISON—The Commissioner of the Australian Federal Police, Mr Keelty,

answered this question at Senate estimates and it was discussed at great length. He was asked questions in relation to foreign affairs. You are talking about the Commissioner of the Australian Federal Police. All he can speak for is law enforcement.

I can tell you that an MOU was signed between the chief of the Indonesian police and the AFP in Western Australia earlier this year, and I attended that. From a law enforcement point of view, I was not aware of any problems between Indonesian law enforcement and Australian law enforcement. If Senator Ray is talking about foreign affairs and some difficulties with foreign affairs he should ask the Minister for Foreign Affairs. I would remind Senator Ray that the period he is talking about partly involved the caretaker government mode. I specifically was at arms-length from any dealings with the Indonesian government at that stage because of the caretaker mode.

I can tell you that once the government was re-elected, we continued close cooperation with Indonesia, so much so that a few months later we had a people-smuggling and transnational crime conference jointly hosted by the Indonesian government and the Australians. After that we had an MOU signed in Australia between the Indonesian police and the Australian Federal Police. We have always enjoyed close cooperation with the Indonesian police and this has been evidenced by the success that we have had in relation to a number of operations. In relation to law enforcement, we have enjoyed close cooperation with the Indonesians. If there is some foreign affairs aspect to the question, Senator Ray should address that to the Minister for Foreign Affairs.

Senator ROBERT RAY—Mr President, I ask a supplementary question. What I am asking about is relations between the Indonesian police and the Australian Federal Police, which I would have thought came within the minister's portfolio. Notwithstanding that you were in caretaker mode in September, did it ever occur to you from then until June that there must be a problem if the MOU had been suspended? I am not asking about the police commissioner. I am asking you, as

minister, what you did to find out what the problem was and how to rectify it.

Senator ELLISON—Over the last 12 months or more, we have not had a boat land on the mainland of Australia. That has been because of our strategies, which have largely involved cooperation with the Indonesian police. I have to tell you right now that I do not have any trouble with that. It has advanced the interests of this country. The Indonesian police have cooperated with this country, and as minister I have ensured that. I do not know what else Senator Ray thinks I should do, but everything we have done is in the interests of this country and it has succeeded.

Superannuation: Fund Choice

Senator LIGHTFOOT (2.39 p.m.)—My question is addressed to the Minister for Revenue and Assistant Treasurer, Senator the Hon. Helen Coonan. What steps are the Howard government taking to assist employees to consolidate their superannuation accounts and give them the freedom to decide where their superannuation is invested? Further, is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Lightfoot for the question and for his long-standing interest in these very important issues of choice and portability of superannuation. These are issues that affect all Australians—at least those who are able to save for their retirement. As senators on this side of the chamber would be well aware, Australia does have a world-class superannuation system and the government is currently working to implement a significant package of superannuation reforms to make further enhancements.

The package is designed to encourage a culture of savings among all Australians. It includes measures which will assist those with the greatest capacity to save for their own future and those who are able to do so. It proposes that employees should be able to determine where their superannuation contributions are paid. Letting individuals choose where their retirement savings are invested is a fundamental plank in the government's plan for the future of superannua-

tion. The Howard government's policy of choice and portability, if the Senate passes it, will deliver control into the hands of those with the greatest stake in superannuation—that is, employees.

Senator Sherry—You haven't got a policy on portability. You have a discussion paper that says nothing.

Senator COONAN—Recently, I released for public comment a consultation paper on the implementation of the government's portability of superannuation policy. Portability will give members of accumulation funds the right to transfer benefits from their current superannuation funds to a fund of their choice.

Senator Abetz—That is a very important measure.

Senator COONAN—It is important, because APRA figures from March this year indicated that there are just over 24 million superannuation accounts in Australia, which means that there are approximately two to three accounts for every person who can have an account. This means that many Australians could be paying fees and charges on three or more superannuation accounts which will eat away at their savings and reduce their standard of living in retirement.

Senator Sherry—And they can't get out because you won't ban the exit fees.

Senator COONAN—To complement choice of funds, portability will allow members to consolidate their superannuation benefits in one account reducing the impact of fees and charges.

Senator Sherry—How can they do that if there are exit fees, Helen?

The PRESIDENT—Order! Senator Nick Sherry, come to order. Stop shouting across the chamber.

Senator COONAN—I am asked if I am aware of any alternative policies. Choice has been introduced into the parliament and it has been opposed both times by the Labor Party and the minor parties in the Senate. It is a patronising action. We do not choose which shares or securities employees invest in. It is a matter of choice. So why would you restrict superannuation?

Those on the other side, in particular Senator Sherry, try to argue that Australian adults who buy homes, who invest in shares, who raise their families and who run businesses somehow lack the wit or the where-withal to choose where their superannuation should be invested. The government has allocated \$28.7 million to the Australian Taxation Office over four years to conduct an education campaign and to administer choice. The Labor Party seems to think that \$28.7 million is small beer and that it is not enough. The Labor Party spends like there is no tomorrow—what comes to mind is the \$8 billion that Labor wasted in interest payments on Labor's debt, and the enormous deficits that Labor favours. I think \$28.7 million is quite a lot of money. It is, of course, possible to take an intelligent and targeted approach to education, to work with industry and to be efficient. We know employees deserve freedom to choose. Their superannuation is not their employers' money. It is not the government's money. It is the employees' money and they should be able to choose. (*Time expired*)

Defence: Border Protection

Senator COOK (2.44 p.m.)—My question is to Senator Hill as Minister representing the Prime Minister and Minister representing the Minister for Foreign Affairs. Did the new Secretary of the Department of Defence, Mr Ric Smith, as Australian Ambassador to Indonesia, chair a meeting of the embassy's interagency coordination group on people-smuggling on 13 June 2001? Along with representatives of DFAT, DIMIA, the AFP and Defence, was the meeting also attended by the Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock? What advice, requests or directions did the minister give this coordination group in terms of the nature or scope of disruption activities to be directed at people-smuggling operations?

Senator HILL—Not surprisingly, I do not know the answer to that question. To determine whether Mr Smith attended the meeting, I guess I should refer that to the Minister for Foreign Affairs. Senator Cook has also asked whether Mr Ruddock was present at the meeting and made certain

comments, and I will refer that to Mr Ruddock.

Senator COOK—Mr President, I ask a supplementary question. I point out that this question is to the minister as Minister representing the Prime Minister. What was the nature of the discussions Minister Ruddock had during this June 2001 visit when he met with the Indonesian Minister of Justice and Human Rights and the Indonesian Minister of Foreign Affairs? What requests did Minister Ruddock make of these Indonesian ministers in regard to people-smuggling disruption activities? Was the content of this meeting one of the issues of concern which led to the Indonesian suspension of the cooperation protocol?

Senator HILL—A question asking Mr Ruddock what discussions he might have had with an Indonesian minister is hardly one to be asking the Prime Minister, but, to short-cut the process, I will pass that message on to Mr Ruddock as well.

Foreign Affairs: Iraq

Senator HARRIS (2.46 p.m.)—My question is to Senator Robert Hill, Minister for Defence and Minister representing the Minister for Foreign Affairs. Minister, are you aware that some of America's wealthiest industrialists, with annual turnovers of over \$US35 billion, have as their core businesses the purchasing of oil and gas? Is the minister also aware that, through donations to political parties and through charities, their corporations have spent \$US100 million to influence the outcome of the American election? As a result, is the decision to attack Iraq's weapon base or is it to gain control of oil?

Senator HILL—No decision has been made by the United States to attack Iraq. The United States has expressed its grave concern at the threat posed by the program of weapons of mass destruction of Saddam Hussein in Iraq and has demanded that that program end. It has in fact gone further and warned Iraq that it is not going to tolerate that threat indefinitely. That has, of course, nothing to do with oil at all. It is the right of self-defence, under the Charter of the United Nations. I would respectfully suggest to the honourable minister that the best way that he

could help in this matter would be to add his influence to get Saddam Hussein to end that program of weapons of mass destruction.

Senator HARRIS—Mr President, I ask a supplementary question. Minister, has the Howard government considered that any commitment of Australian troops to Iraq could be designed to remove Saddam Hussein, who has entered into agreements with Russia, China, India and France, and to influence the replacement of Saddam Hussein with an American-user-friendly leader who would reallocate Iraq's oil to American interests?

Senator HILL—It is difficult to take the supplementary question seriously, but I will repeat the fact that the United States wants to see an end to the weapons program because it sees the weapons program as a threat.

Science: Commonwealth Scientific and Industrial Research Organisation

Senator CARR (2.49 p.m.)—My question is to Senator Alston, the Minister representing the Minister for Education, Science and Training. Has the minister been advised of plans, to be announced in detail tomorrow, to sack up to 26 scientists and technicians at the CSIRO's division of Land and Water? What consultation has there been with affected staff or the relevant union, the CSIRO Staff Association? On what basis have staff been selected for removal? What was the involvement of the minister in effecting these forced redundancies? Can the minister confirm that the redundancies of up to 100 staff will have been announced between June and December this year?

Senator ALSTON—I am afraid that the Trades Hall Council must have passed it on directly to you and not relayed their concerns to the government. Certainly, I do not have any information on it. The CSIRO are presumably capable of handling their own affairs and consulting with whomever they think might be helpful, even if that includes unions. To my knowledge, they are handling matters in a very efficient way. Certainly Dr Geoff Garrett is very much wanting to ensure that the CSIRO have world's best practices and a high-level commitment to innovation. I would very much hope that Senator Carr will

recant from all of his past stances and ideologies and finally embrace the commitment to world's best practice and innovation, and I hope that that is therefore consistent with the approach that he will adopt to the CSIRO.

Senator CARR—Mr President, I ask a supplementary question. Minister, I would ask you to take this seriously. The sacking of some of this country's most important scientists, and compulsory redundancies without consultation, should be taken as a serious matter by this government. Minister, will the government seek from the CSIRO a commitment to a moratorium on the sacking of senior scientists at the CSIRO until there has been sufficient and proper consultation with the staff affected and their association? I further ask: can the minister assure the Senate that the restructure proposals in the CSIRO will protect the CSIRO's traditional commitment to core public good research? Further, in the search for external revenues, what assurances have been given to the government about protecting the core strategic research functions of the CSIRO?

Senator ALSTON—If that means that Senator Carr is finally interested in core strategic research and what he describes as 'common public good commitments', then that is a very big sea change. Previously, of course, all he was interested in was lifetime employment guarantees. That is about the last place in Australia where you get them, irrespective of merit. As long as you have a few people's arms twisted behind their backs, you can keep coming back here for years on end.

Senator Carr—Answer the question!

Honourable senators interjecting—

Senator ALSTON—I am sure that the CSIRO has precisely the same commitment to those very important values that are enshrined in its charter and that it will take action to ensure that all that it seeks to achieve is achieved at the highest level by pursuing quality outcomes and not by simply guaranteeing that there will never ever be any job reductions. That is your approach, not ours. *(Time expired)*

Drugs: Strategies

Senator COLBECK (2.53 p.m.)—My question is directed to the Minister for Justice and Customs, Senator Ellison. Will the minister advise the Senate of actions the Howard government is taking to combat the growth in the illicit manufacture and supply of amphetamines and precursor chemicals?

Senator Hill—Finally, a serious question!

Senator ELLISON—That is a very serious question from Senator Colbeck and one which is of great concern to both law enforcement authorities and health authorities across Australia. The strategy of the Howard government in fighting drugs has been to fight on three fronts: health, education and law enforcement. Of course, we have seen success in relation to heroin in the shortage of heroin which this country has experienced since December 2000. But, of course, we cannot afford to stand still. The ABCI's *Australian illicit drug report* of 2000-01 states that the use of illicit amphetamines or speed in Australia is probably the most concerning trend in the illicit drug environment.

This is an issue which I addressed today at the chemical diversion conference held by the ABCI and attended by a variety of stakeholders from the states, territories, the Commonwealth, and health and law enforcement bodies. The problem we face is that amphetamine type substances are a potent drug. They are not only imported but can be manufactured locally. In fact, with the box labs that we have available, you can manufacture them in a motel room. The dangerous thing is that the precursors, which include pseudoephedrine, can be obtained from cold and flu medications which can be purchased over the counter at any chemist. Recently, we saw one bust where some 27,000 tablets of Sudafed were discovered. We are very concerned that pseudoephedrine can be extracted from legally obtainable drugs.

The problem we face is that this is a domestic situation. We have organised criminal gangs such as outlaw motorcycle gangs involved in the distribution of this. Today I have announced that the minister for health, Senator Patterson, and I will work together in a working group to bring together people

such as the Therapeutic Goods Administration, the pharmacy sector, the private sector, the medicines people, the law enforcement people and, very importantly, the states and territories. We cannot afford to have a state or territory approach to this problem; we need a national approach to the situation so that we have in place a code of practice which applies across Australia.

As well as that, I will be raising this at the Australian Police Ministers Council in November and looking at ways that we can deal with this from a law enforcement angle across Australia. But this is unusual, because it is not just the normal situation where you have the importation of heroin. It is not like the situation where you have cocaine coming from South America. This is a situation where organised criminal gangs are extracting a precursor such as pseudoephedrine from a medication which up to 80 per cent of Australians take, especially during the winter months. It is not something that we can ban and it is not something that we can put on prescription, so we do have to put in place controls.

I acknowledge the cooperation that we have had from the private sector. In June this year we saw a code of practice introduced in relation to chemical diversion, but we need to do more. With my colleague the minister for health, we will work together in a working group to make sure that we move this issue forward very quickly. It is of great concern, particularly when you remember that the people who take up this sort of drug the most are young Australians.

Immigration: Border Protection

Senator FAULKNER (2.57 p.m.)—My question is directed to Senator Ellison, the Minister for Justice and Customs. Can the minister confirm that, on 27 September 2000, he issued a ministerial direction to the AFP to give special emphasis to countering and otherwise investigating organised people-smuggling? Can the minister inform the Senate how this ministerial direction was put into operation?

Senator ELLISON—Upstream disturbance has been a key strategy of the Howard government in dealing with people-

smuggling, as well as a whole raft of other initiatives such as the introduction of severe penalties. People-smuggling, you must remember, involves organised criminals who have absolutely no regard for the people that they deal with. In fact, we have seen ruthless criminals operating in an environment with absolutely no regard for the safety of their human cargo. It was a pressing initiative. With the authority that I have, I can issue directions to the Australian Federal Police in relation to matters of priority in areas of law enforcement that the government wants pursued. We followed this up with our people-smuggling conference, which I mentioned earlier.

The police commissioner mentioned at estimates that the range of upstream disturbance activities can be engaged in a number of ways. There is education, which has been touched on by the Minister for Immigration and Multicultural and Indigenous Affairs. I have seen first-hand the dissemination of T-shirts and other means of education. There is the question of dissuading people from embarking on a vessel, deterring them from becoming involved with people-smugglers. There is, most importantly, working with overseas law enforcement bodies such as the Indonesian police to make sure that people smugglers are apprehended. At the moment, we have in custody three people of interest, two of whom are the subject of extradition proceedings from this country. So that is another aspect of dealing with this issue—that is, to flush out the people smugglers and to deal with them.

There are other initiatives in relation to intelligence gathering. We have a People Smuggling Task Force which brings in the department of immigration as well as the Australian Federal Police. These are all appropriate methods of disruption. I make it very clear to the Senate, and in particular to Senator Faulkner, that disruption and deterrence do not equate to sabotage. The Australian Federal Police has not been involved in sabotaging vessels but it has been involved in upstream disturbance—that is, disturbing and disrupting the activities of ruthless people smugglers. What is more, I now have the statement by the Australian Federal Police

that I referred to earlier. It is a release, and I table it.

Senator FAULKNER—Mr President, I ask a supplementary question. I appreciate the minister's tabling of that document. I look forward to reading it. In that circumstance, Minister, will you also please table a copy of the direction that you issued on 27 September 2000?

Senator ELLISON—That issue has been canvassed in estimates and I see no reason why we cannot—

Opposition senators interjecting—

Senator ELLISON—Mr President, this issue has been trawled over by the opposition at length. There have been Senate estimates hearings, the maritime incident inquiry, two AFP inquiries oversighted by the Ombudsman—and still they are calling for a judicial inquiry. But I will table the directions.

Senator Hill—Mr President, I ask that further questions be placed on the *Notice Paper*.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Immigration: Border Protection

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.01 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Justice and Customs (Senator Ellison) to questions without notice asked by Senator Faulkner today relating to people smuggling.

I have been asking questions for months about Australia's involvement in disrupting and dismantling people-smuggling syndicates in Indonesia. I am still not satisfied by the answers I have received. The disruption policy is undertaken by the Australian government and funded by the Australian taxpayer, yet the Howard government has so far avoided parliamentary scrutiny of this policy.

The government claims that its policy of disruption has had a significant influence on the decline in the numbers of people trying to get to Australia illegally. In March this year the Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, cited the government's policy of

physically disrupting the work of people smugglers as one of the main reasons for the decline in asylum seeker boats coming to Australia. We know disruption includes physically disrupting the people-smuggling syndicates and the asylum seekers who seek assistance. We know from the *Sunday* program and from evidence given by the AFP that an Australian by the name of Kevin Enniss was involved in the people-smuggling disruption program. We know that Enniss worked for the AFP and that he was paid over \$25,000 by the AFP. We know Kevin Enniss admitted to reporter Ross Coulthart from the *Sunday* program that he had paid Indonesian locals on four or five occasions to scuttle people-smuggling boats with passengers aboard.

When these claims were made on the *Sunday* program, I called at the time for a full, independent judicial inquiry into those serious matters. The government have dismissed the calls. They still are ignoring the calls for a proper inquiry. But the denials of the government on these issues are not sufficient. It is not enough to say, as Senator Ellison and Mr Downer have said publicly today, that it has never been the policy of the Australian government to sabotage people-smuggling vessels. It is not enough to say that the Australian government has never sabotaged vessels or directed that they be sabotaged. There was the usual huff and puff—they denounced the opposition and criticised us for daring to ask what they described as 'outrageous questions'.

I say that asking these sorts of questions and demanding answers is the responsibility of the opposition. It is the responsibility of the government to answer those questions. I want to know, and I intend to keep asking until I find out, about a number of things. How far does disruption go? What are the limits, if any? I want to ask, and I want an answer to, precisely what disruption activities are undertaken at the behest of, with the knowledge of or broadly authorised by the Australian government. I want to know, and I think the parliament and the Australian public are entitled to know, what directions or authorisations ministers have issued in relation to disruption. I want to know how the

policy of disruption is funded. We would like to know who funds the policy of disruption. How much does it cost to fund the policy of disruption? Who actually receives those taxpayers' moneys for the disruption program? Who tasks the Indonesian officials or others to disrupt people smugglers or the clients of people smugglers?

We also want to know whether Australians are involved in disruption activities in Indonesia. And it is perfectly reasonable for us to ask about the accountability mechanisms that are in place in relation to these activities, particularly when the MOU governing these particular matters collapses: the commissioner for the AFP and the minister cannot say why; the commissioner cannot even say he asked why that occurred. We want to know whether Kevin Ennis was actually involved in the sabotage of vessels, as Kevin Ennis has claimed. We want to know if others were involved in the sabotage of vessels and we want to know why the government is avoiding an independent inquiry into these very important issues. Nothing else will suffice in these circumstances.

Senator MASON (Queensland) (3.07 p.m.)—This is another desperate attempt at catch-up politics. The Select Committee on a Certain Maritime Incident has been a disaster for the Labor Party. There has been inquiry upon inquiry and Senate estimates hearings as well, all examining these same issues, and the Labor Party has failed to gain any political purchase or traction at all. I will get to that in a minute. Senator Faulkner's questions rely on the SIEVX incident, but he has had an opportunity, as have all the opposition members, during the inquiry to ask questions about this. These questions could have been asked of the Australian Federal Police, Coastwatch, the Royal Australian Navy and others, but now that the inquiry has finished it seems just too opportune for Senator Faulkner to raise further issues regarding the inquiry. We have been doing this for month upon month. We have heard from Mr Kevin. He gave evidence and believes there is some big conspiracy about SIEVX, and we are still searching for the smoking gun or perhaps the

grassy knoll. It is becoming more and more pathetic and more and more desperate.

Senator Brandis—Mr Kevin is now a Labor Party staffer, of course.

Senator MASON—Is that right? Well, perhaps even that.

Senator Jacinta Collins interjecting—

Senator MASON—We heard evidence at length from the Royal Australian Navy, Coastwatch and the AFP. The AFP evidence is pretty simple with respect to SIEVX. They say:

The AFP did not know the identity of SIEV X, nor its time and place of departure, until after it had sunk, and it had no involvement in its sinking.

That is the evidence from Commissioner Keelty. I note that recently he has also said:

The AFP are doing an outstanding job in working with the Indonesian National Police to combat the very serious crime of people-smuggling. Their joint efforts have prevented well over 3,000 people coming into Australia since February 2000.

I accept there may be an argument from Senator Faulkner and Labor that perhaps the intelligence should have been passed on more quickly or more should have been made from the intelligence among the agencies I mentioned. That is an argument that I accept. But to say there is some conspiracy about this evidence or about the conduct of Mr Ennis is ridiculous, particularly at this stage, when we have had Senate estimates hearings, the select committee inquiry, a Privileges Committee meeting and also a senior council examining the evidence. There have been about four inquiries into this same matter and still Senator Faulkner is not satisfied. I will tell you why. It is because Labor are embarrassed by the whole process. They started this off many months ago, saying that the Prime Minister knew about 'children overboard' and that he failed to correct his statements to the public. Now, of course, the Labor Party say the Prime Minister should have been told and he was not. They have moved from saying, 'He was told,' to saying, 'He should have been told.' The Labor Party has gained virtually nothing in this whole inquiry and it has become an entire embarrassment.

Also, having failed to skewer the Prime Minister's credibility on this entire inquiry, now the Labor Party are focusing on certain middle-level public servants. Again, it is pathetic, because of their failure to muster any political traction. What is behind all this from Senator Faulkner today is the Labor Party's embarrassment about their failure to gain any political advantage from the 'children overboard' inquiry. What this inquiry has established is that people smugglers bring people into this country if they pay thousands of US dollars to get here. What we also know is that people smugglers have been engaged in a pattern of conduct which involves bringing people into Australian territorial waters, scuttling boats, sabotaging navigational equipment and, if necessary, threatening Royal Australian Navy staff. That is the pattern of conduct that has been established over the course of this inquiry. This is political catch-up of the most pathetic sort, because the Labor Party thought they were on a winner. And what happened? They went down very badly on this entire issue. Four or five inquiries later they are still playing catch-up, and it is absolutely pathetic. For Senator Faulkner to raise these allegations now after the inquiry has wound down is pathetic and bordering on dishonesty.

Senator ROBERT RAY (Victoria) (3.11 p.m.)—I do not know whether the last speaker is proud of the fact that the public were misled over the 'children overboard' affair or whether he is proud of the way the government handled the photos of the kids in the water. If he is, let him get up and say so. What we heard today from Senator Ellison—quite properly in one sense—was an attack on people smugglers. I agree with that. Why in heaven's name are the AFP employing them at \$25,000 a pop if they are so loathsome? That is exactly what the situation is.

Earlier Senator Hill was asked a question about the role of ASIS. These are matters we cannot probe too far—we understand that. He said he would have to go away and check. We are entitled to know whether ASIS has been tasked in the generality of these matters. This parliament laid down the legislative basis for ASIS and put in an extra

clause that furthers ASIS's scope, because we cannot anticipate everything, and we should be told if it is used. But we should only be told about the generality of its application, not the specifics. In other words, if ASIS is tasked to involve itself in the disruption of people-smuggling, we should know. If one individual or several individuals involved in people-smuggling are targeted by that directive, we should not be told. That is simply the role of this parliament and the way the legislation is, but we should have an answer to the general question, not the specific question.

Senator Ellison tried to give the impression today that the Ombudsman's report clears the Federal Police. It goes to process matters; it does not go to the third *Sunday* program, where the key allegation is made. So the Ombudsman has not cleared the Federal Police. Today I read the tirade from the commissioner of police, who cannot understand the subtlety of what Senator Faulkner said in the last three speeches; he just completely misinterpreted it for his own purposes. If ever I have seen an evasive witness, it was him at the estimates hearings and at the certain maritime incident inquiry. Why doesn't he front up and give straightforward evidence? Why have all these officials got such selective memories or a lack of intellectual rigour that would force them to probe certain issues that they should be pursuing if they hold responsible jobs? I cannot understand that.

The nub of this issue is that we know that the government admits to disruption in Indonesia. We do not have a problem with that in the generality. Of course that is part of deterring people smugglers and illegal asylum seekers from coming to this country. We have stressed all along the importance of our bilateral relationship with Indonesia, because the more it prospers the more chance we have of deterring people smugglers operating out of that area. It is only because this government allowed that bilateral relationship to so badly deteriorate that problems have arisen.

The nub of the problem is: where do you stop in terms of deterrents? Can you be sure that the agents that you have employed to do

(a) and (b)—that is the T-shirts and the information campaigns and the rumours—have not gone the extra step? We do not get an answer to that. We hear Mr Enniss, as he would claim, being verbally on Channel 9 but Mr Coulthard would say that he is telling the truth. He has told Mr Coulthard that he has been involved in sabotaging four or five ships. Do not get carried away about the sabotage; it is not meant to sink the ships—no-one alleges that. To sabotage the ships means that they go out to sea, something breaks down, they come back and that is the end of the journey. But the big what if is that, if you have sabotaged a boat and it does get 60 or 70 miles out into rough seas, it may well go to the bottom with major loss of life.

Mr Enniss claims, and this is what we want checked, that on four or five occasions he used part of the money supplied to him—and he may not have reported up the line, I do not know—to help sabotage boats. Now if he was doing it 1,300 miles away from where SIEVX left—we want to know whether anyone else was doing it. This is what we want to know. We are not saying that the government are involved in a policy that says go out and sink boats, but if you have been funding some lousy stinking people smuggler to the tune of 25 grand I would want to know what he was doing. This government should want to know but they do not want to know. They do not want to investigate this. They simply want to abuse the Leader of the Opposition in this place, who has got the ticker to raise these issues. It is not easy to raise them and no operational matter has been—(*Time expired*)

Senator BRANDIS (Queensland) (3.16 p.m.)—For the last three nights, Senator Faulkner has tried to set up a diversion by delivering a series of speeches—a trilogy of trivia—in which he has sought to cast doubts upon the integrity, the professionalism and the honour of the Australian Federal Police, the Australian security services and their role in SIEVX. This morning he scored the hit that he was looking for because he scored page 1 in the *Australian*. Notwithstanding what we have just heard from Senator Ray, we know precisely what Senator Faulkner has been up to when you see the page 1 story

in this morning's *Australian* under the headline 'Labor asks: was SIEV X sabotaged?' By innuendo—

Senator Jacinta Collins interjecting—

Senator BRANDIS—Senator Collins interjects, good question. Senator Collins, do you adopt the allegation by innuendo that SIEVX was sabotaged and that the Australian government was responsible for it? Do you make that allegation, Senator Collins—do you or don't you?

Senator Cook—That's out of order.

The DEPUTY PRESIDENT—Order! Senator Brandis, your remarks should be directed to the chair.

Senator BRANDIS—One of the most dishonest things a person can do is to cast innuendos and say, 'I am not really making allegations; I am merely asking questions.' I remember very well when Mr Tony Kevin, who was the source originally of the allegations about SIEVX, said that. He is now, I might say, a Labor Party staffer, as I understand it.

Senator Jacinta Collins—You know that is not true.

Senator BRANDIS—I believe that it is true. He was a consultant with Mr Rudd, the shadow minister for foreign affairs. When Mr Tony Kevin, the disgraced former ambassador to Cambodia, first raised these allegations at the 'children overboard' inquiry, I said, 'Mr Kevin, what allegation do you make?' He said, 'I am not making any allegations; I am merely asking questions.' This is precisely the same—raising doubt, casting innuendo and besmirching the good name of the Australian Federal Police and Australian security organisations in the process. In his cowardly way, Mr Kevin said to me, 'I am not making any allegations; I am merely asking questions.' It reminded me of that remark by William Shakespeare—the definition of a coward is someone who is willing to wound but afraid to strike. That is the cowardly behaviour that we saw from the disgraced former ambassador who was recalled from the embassy in Cambodia under circumstances of great discredit. That is the same behaviour that we have seen today and

over the last three evenings from Senator Faulkner.

Let us get the record straight. As Senator Mason has pointed out, these issues were trawled over ad nauseam by Senator Faulkner in his examination of Commissioner Keelty in the 'children overboard' inquiry. I do not want to anticipate the findings of that inquiry—it would not be proper to do so—and I will not. The transcript will reveal that Senator Faulkner got precisely nowhere with Commissioner Keelty. Today, Commissioner Keelty issued a press statement, which was ridiculed in a disappointing way by Senator Ray, who is usually, I might say, very responsible on these matters. The points that Commissioner Keelty makes in his press release are these: firstly, that Mr Kevin Enniss was operating from a location, Kupang, 1,300 kilometres from the departure point of SIEVX at the relevant time and had absolutely nothing to do with it or its passengers; and, secondly, that Mr Enniss ceased his operations with the Indonesian National Police two to three weeks prior to the departure of SIEVX. But the most important point of the lot is that Mr Enniss has been interviewed by the Australian Federal Police and he has categorically denied making the statement to the journalist Ross Coulthard which is the entire basis of the innuendo and the slander that Senator Faulkner and the Labor Party are now seeking to raise.

People who put their lives in harm's way like the officers of the Australian Federal Police deserve to be treated better and they certainly deserve to be treated better by two senior senators, both of whom have held defence portfolios in the previous Labor government. The behaviour of Senator Faulkner and, I am sorry to say, Senator Ray today in giving fresh life to this innuendo is a disgrace.

Senator Jacinta Collins—Mr Deputy President, it was an adverse reflection and I ask him to withdraw it.

The DEPUTY PRESIDENT—My advice from the Clerk is that that is unparliamentary. I seek that you withdraw that, Senator Brandis.

Senator Brandis—What?

The DEPUTY PRESIDENT—I am not going to repeat it, Senator Brandis. Please withdraw the remark.

Senator Brandis—I am not sure what I am being asked to withdraw, Mr Deputy President. Which comment?

The DEPUTY PRESIDENT—It related to the conduct of the senators that you referred to.

Senator Brandis—If it is unparliamentary to describe that conduct as a disgrace, I withdraw the unparliamentary remark.

Senator COOK (Western Australia) (3.22 p.m.)—I must say I am extremely disappointed this afternoon to hear Senator Mason and Senator Brandis. I am extremely disappointed because it was Senator Mason who moved in this chamber to expand the terms of reference of the certain maritime incident inquiry to be able to investigate what happened in the case of safety of life at sea in incidents other than SIEV4. The inquiry was to look at SIEV4. Senator Mason, with the enthusiastic support of Senator Brandis and others, asked to look at all such incidents. Some cynics may think that was because they wanted to trawl through every one in order to try to find in some case an allegation that children were thrown overboard. If those cynics were right, that was a dry well; they never found any such thing at all.

What did come forward was SIEVX. SIEVX was a boat in which 353 people drowned—142 of whom were women and 146 of whom were children. That is a major catastrophe in human terms and a major maritime tragedy in the international waters bordering on our littorals. It is something that ought to be properly investigated. These two senators were instrumental in ensuring our terms of reference enabled us as a committee to investigate those things. Now that the investigation is coming down to some very hard questions that require frank answers which so far we have not got, they are defending the position and attacking those who are asking the questions. Not only that, but the last contribution was one that sullied the reputation and attacked the standing of an individual who of course cannot defend himself in this place. The louder the shouting

down of reputation, the louder the attack on individuals and the louder the ad hominem attack to try to divert the issues that these individuals are asking questions about, the more curious we become about the questions and the answers to those questions. So I want to say now—and I want to make it very clear—that the more this behaviour goes on, the more these questions will be asked and the more determined we will become to pursue the answers to them.

There is a lot of information in the public domain that the Australian government has devoted very considerable resources to its program to disrupt people-smuggling in Indonesia. What do we know about the nature and deployment of these resources? We know that the program is based in the Australian Embassy in Jakarta. We know, for example, that there are three DIMIA compliance officers working out of the Jakarta embassy. Two of these positions were created in the last two years. Their major priority is to work on people-smuggling matters. Two Australian Federal Police agents also work from the embassy in Jakarta. These agents work closely with the Indonesian National Police, Indonesian Immigration and Indonesian navy, army and marines. They report directly to the Director of International Operations, Mr Dick Moses, and the General Manager of International Operations, Mr Shane Castles, both of the AFP. Both Mr Moses and Mr Castles were regular attendees at the Prime Minister's People Smuggling Task Force last year. They would inform the task force of criminal aspects of people-smuggling and involvement with the people-smuggling teams and, importantly, with the disruption activities that have been the subject of this debate.

At the Australian Embassy in Jakarta, an interagency coordination group on people-smuggling has also been established. The portfolios represented at these meetings are DFAT, DIMIA, AFP and Defence. The purpose is to share information and assessments and to represent the agencies' view in relation to the people-smuggling matters. Dr Geoff Raby from DFAT has indicated in evidence that disruption activities are a key focus of this group. On 13 June last year, the

Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, travelled to Jakarta. He had meetings with the Australian ambassador, Ric Smith, and the interagency people-smuggling group. He also met with the Indonesian Minister of Justice and Human Rights and the Indonesian Minister of Foreign Affairs.

We would like to know from Mr Ruddock if he raised certain disruption activities during meetings at the embassy either in June last year or during his visit in September. We know that Australian disruption activities in Indonesia were conducted under a specific protocol under the MOU to target people-smuggling syndicates operating out of Indonesia which was agreed by the AFP and their counterparts, the Indonesian National Police, on 15 September. Commissioner Keelty revealed that the protocol under the MOU was set aside by the Indonesian government in September last year due to concerns the Indonesian foreign affairs department had in relation to disruption. We still do not know what those concerns were. We have asked the AFP for a copy of the protocol and MOU but so far it has not been released. Despite the concerns the Indonesian foreign affairs department had about the protocol, the AFP says it continued to cooperate with the Indonesian National Police until June this year. (*Time expired*)

Senator FERGUSON (South Australia) (3.27 p.m.)—At the outset of the certain maritime incident inquiry and the formation of the select committee, I remember saying that it was only going to be a political witch-hunt. I was howled down by members of the opposition for stating the obvious—that it was going to be a political witch-hunt—and in fact that is what it has proved to be as we have gone week after week after week hearing evidence. We got to the stage where Tony Kevin, who has been spoken about already today, came in and delivered his first version of his fairy story to our committee. Tony Kevin was the first to raise the issue, and, as the inquiry at that time did not seem to be gaining very much publicity, it was immediately latched onto by journalists who were trying very hard to make something out of nothing. In relation to Tony Kevin, whom I

must say could hardly be called an independent witness, immediately he had given evidence to our committee, he started work for the opposition. I understand that he is no longer working for the opposition—or that was the information that was supplied by way of interjection from Senator Collins. I think the fact that he did not last very long contracted to the shadow minister for foreign affairs can only reinforce how unreliable he really is.

It was only at that stage that the journalists involved in following the progress of this certain maritime incident inquiry started to give his fairy story some legs and it got to the stage where, certainly in the *Canberra Times* and in some other newspapers, it was the main play of the day. Only the week before last, I was listening to the radio in my home state of South Australia and I heard Moira Rayner, who could hardly be described as someone with conservative viewpoints, saying that the certain maritime incident inquiry had concluded without any doubt that the Australian government was responsible for the loss of over 340 lives. So here is somebody in Perth who, having read what the journalists have put into the papers, has now made it a fact: there was ‘no doubt’ that the Australian government was responsible for the loss of life on the so-called SIEVX.

For month after month, this inquiry has taken as much evidence as I think any committee in recent times has taken over such an issue, and then Senator Cook today accuses Senator Brandis of trawling through some of the things that have happened. I would say Senator Cook is the last person who should be talking about trawling through evidence and, indeed, that could equally be applied to Senator Faulkner. They trawled for days, repeating questions. The same questions were asked time and time again of the same witnesses while trying to get different answers, something that they could hang their hat on in relation to this inquiry. Much of the so-called evidence that Senator Faulkner has brought before the Senate in adjournment speeches over the past three nights has come from selectively looking at quotations from within that inquiry, selectively using infor-

mation that was provided by the Australian Federal Police and selectively presenting that to this Senate to try to suit another story that he wishes to put to the Australian public.

I say to those members opposite that it does not matter how often they go over the same stuff or how often they present it to the Australian Senate or how often they get journalists to try to prolong the fairy stories that they have tried to invent, to try to somehow or other provide some excuse as to why they lost the last election. That is the key to it all. ‘We were robbed’—that is the cry of the Labor Party. They say: ‘We were robbed because the way that you portrayed yourselves in the pre-election period meant that the Australian public did not know what they were doing.’ The Australian public did know what they were doing, and there was no more sure evidence of that than the way they voted at the last election to put this government back in, to make sure that we would continue to do the job that we promised to do. We have continued to do that, and no end of inquiries, political witch-hunts or defaming the names of people within the Public Service when they are unfairly treated where you say they have no right of reply—think of all the people whose reputations have been damaged in the course of this inquiry and you might see that, from the time of the very beginning, from the outset— (*Time expired*)

Question agreed to.

PERSONAL EXPLANATIONS

Senator FAULKNER (*New South Wales—Leader of the Opposition in the Senate*) (3.33 p.m.)—I seek leave to make a personal explanation on the grounds that I have been misrepresented.

Leave granted.

Senator FAULKNER—I have now had an opportunity to look at the AFP’s media release which was referred to by the Minister for Justice and Customs in question time in the Senate today and which goes under the heading ‘Senator Faulkner has got it wrong’. On examination of this media release let me make a couple of points about where I have been misrepresented in the media release, which appears as a statement authorised by Commissioner Keelty. In that media release

Commissioner Keelty makes a number of assertions. I will respond to them individually. The first is this:

The facts available to but apparently ignored by Senator Faulkner are:

I will go to these facts and deal with them. Dot point 1 is:

Kevin Enniss was operating out of Kupang some 1,300km from the departure point of SIEV X, and had nothing to do with either the vessel or its passengers.

So what? I have never alleged that Enniss was involved in sabotaging SIEVX. In fact, I have never alleged that SIEVX was sabotaged. I find it extraordinary that that statement appears in the commissioner's press release.

Senator Hill—So who briefed the *Australian*?

Senator FAULKNER—How would I know?

The DEPUTY PRESIDENT—Senator Hill, if you want to seek leave to speak, you can do so later.

Senator FAULKNER—Dot point 2 is:

Kevin Enniss ceased his operations with the Indonesian National Police at least two or three weeks prior to the departure of SIEV X.

Again, so what? I have never drawn any link between Enniss and SIEVX, and I do not know at this stage what other Australian agencies Kevin Enniss may have been working for. I do not understand why that dot point has been included by the commissioner in this release. Dot point 3 is:

Kevin Enniss has been formally interviewed since the Nine Network's *Sunday* Program alleged his involvement in the sabotaging of vessels. He emphatically denies any such involvement

All I can say is I am not aware of the content of any interviews of Kevin Enniss by the AFP. I am not aware of his denials. I can say this: Enniss's claims have not been contradicted on the public record.

Senator Brandis—They have now.

Senator FAULKNER—Let us deal with that. Let us go to the final two dot points, which go to the AFP and its concerns or complaints with the Nine Network and the

Australian Broadcasting Authority. The first of these is:

There appears to be no recording of this allegation only the recall of the journalists who have refused to be formally interviewed as part of the AFP investigation.

I simply do not know the details of this. I have absolutely no intention of involving myself in some barney between the AFP and the Nine Network. However, I think a reasonable question to ask is: is Ross Coulthart of the *Sunday* program to be regarded as a less credible witness than Kevin Enniss? I think senators may care to ponder on that. Commissioner Keelty appears not to understand the seriousness of the allegations that have been made on the *Sunday* program.

Senator Hill—Mr Deputy President, I rise on a point of order. I submit to you that this is now going beyond a personal explanation.

Senator FAULKNER—You haven't even heard a sentence yet—

Senator Hill—No, the right to give a personal explanation is strictly limited. It is not supposed to be an opportunity for a debate. Senator Faulkner is entitled to say where the misrepresentation has occurred, which he has done. He now wants to get into a debate in relation to the police commissioner.

Senator FAULKNER—You have not listened—

Senator Hill—I was listening to what you were saying and you were clearly going beyond making a personal explanation, which followed a claim that you had been misrepresented. I therefore respectfully suggest, Mr Deputy President, that you use the standing orders to bring Senator Faulkner to task.

Senator Brandis—Mr Deputy President, can I speak to the point of order?

The DEPUTY PRESIDENT—Senator Brandis, please resume your seat. At this stage I will just make a comment in respect of the point of order that has been taken by Senator Hill. Senator Faulkner should confine his remarks to the matter of the personal explanation, and I think it would be in the interests of this matter now if, having advised the chamber of that, Senator Faulkner continued his personal explanation.

Senator FAULKNER—As I was about to indicate, part of the reason that these inaccuracies are contained in the media release from the AFP today, which so badly misrepresents what I have said, is that the concerns that I have aired go well beyond the AFP.

Senator Hill—Your ruling is simply being abused, Mr Deputy President.

The DEPUTY PRESIDENT—You need to take a point of order rather than call out from your chair, Senator Hill. Senator Faulkner, I remind you that it is a matter of personal explanation. I draw your attention to that and I ask you to confine your remarks to that.

Senator FAULKNER—As I have said, this press release says:

Senator Faulkner's choice to ignore the facts is regrettable.

It goes on:

The AFP has never been involved in the sabotaging of vessels either directly or indirectly.

Those sentences are in the one paragraph. I indicate very clearly that I have said that these matters should be thoroughly investigated by a full independent judicial inquiry. These are matters of public concern—

Senator Hill—Mr Deputy President, I rise on a point of order. Senator Faulkner is clearly debating the issue. He is going well beyond the usual bounds of making a personal explanation, having claimed to have been misrepresented. There are times, under our rules, for debate. This is not the time.

The DEPUTY PRESIDENT—On that point of order: Senator Faulkner, I remind you that you should confine your remarks to the matter of personal explanation.

Senator FAULKNER—The commissioner has indicated that I could have clarified his position at a meeting of the Senate Legal and Constitutional Committee. He does indicate in his press release that he has offered a further private briefing. The fact is that these are matters of public concern. They ought to be dealt with in an open way.

MINISTERIAL STATEMENTS

Building Industry

Senator IAN CAMPBELL (*Western Australia—Manager of Government Business in the Senate*) (3.42 p.m.)—On behalf of the Minister for Employment and Workplace Relations, Mr Abbott, I table a statement entitled 'Interim Taskforce for the Building Industry—Open for Business'.

COMMITTEES

Legal and Constitutional References Committee

Report: Government Response

Senator IAN CAMPBELL (*Western Australia—Manager of Government Business in the Senate*) (3.42 p.m.)—I present the government's response to the report of the Legal and Constitutional References Committee entitled *Humanity diminished: the crime of genocide—inquiry into the Anti-Genocide Bill 1999*, and I seek leave to incorporate the document in *Hansard*.

Leave granted.

The document read as follows—

SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE INQUIRY INTO THE ANTI-GENOCIDE BILL 1999: HUMANITY DIMINISHED: THE CRIME OF GENOCIDE GOVERNMENT RESPONSE

Recommendation 1

The Committee recommends that the Parliament formally recognise the need for anti-genocide laws

Response

Noted. On 27 June 2002 the Parliament passed and assent was given to the International Criminal Court (Consequential Amendments) Act 2002. This Act inserts Division 268 into the Criminal Code. Subdivision B of Division 268 (sections 268.3 to 268.7) creates five offences of genocide, which effectively criminalise in Australian law the acts characterised as genocide in the Convention for the Prevention and Punishment of the Crime of Genocide ('the Genocide Convention').

Recommendation 2

The Committee recommends that the Bill be referred to the Attorney-General for consideration of the matters identified by the Committee in respect of its contents, and that the Attorney-General report his findings to the Parliament by 5 October 2000

Response

Noted. The Government has considered the matters identified in the Committee's report, and