

Despite the fact that industrial relations in this country is working very well, the government see that we still have some powerful unions in place and they need to break that. That is what this is about. There is no reasonable argument to say that we need to finetune the industrial relations legislation to enhance the opportunities for people involved in industrial disputes to conclude those matters in a more amicable and more equitable way. That simply is not the case. There is no argument for that anywhere—not by the existing minister, and certainly not by the former minister. The former minister has developed a bit of a reputation for himself with regard to his capacity to handle the truth in a couple of areas.

I then come to the point about secret ballots. I know this has been said by other senators before, but workers never take lightly the path of industrial action. It is a very difficult issue for workers to deal with, because—as others have said and I will say again—they have to consider themselves and the welfare of their families, because they take a step of denying themselves their normal income. Again, there is the issue of saying that we need to have a secret ballot to bring greater equity; it does not. Any of us who have been involved in industrial relations have been to workplaces and have spoken to workers. I have to say that the only time that some of those on the government benches would have spoken to workers would have been across the industrial relations court benches, and they would have been representing the interests of employers. They have not been out there talking to workers confronted with the dilemma, where they may be being persecuted by their employer, where they may be confronted with an untenable situation, put to them by the employer, and the only course of action available to them is one of an industrial nature—the withdrawal of their labour. It is a difficult decision.

Debate interrupted.

#### ADJOURNMENT

**The ACTING DEPUTY PRESIDENT (Senator McLucas)**—Order! It being 9.50 p.m., I propose the question:

That the Senate do now adjourn.

#### Immigration: Border Protection

**Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)** (9.50 p.m.)—This is the first part of a three-part speech I will be making this week. At both the Senate estimates committee hearings and the hearings of the Senate Select Committee on a Certain Maritime Incident I have asked officials and ministers literally hundreds of questions about Australia's involvement in disrupting and dismantling people-smuggling syndicates in Indonesia. The views I am expressing tonight and in the other two speeches I have flagged are mine and do not anticipate the report of the Senate select committee. I am not satisfied by the answers I have received in Senate committees. In fact, I remain deeply concerned about the people-smuggling disruption program in Indonesia. I want to outline what we know about people-smuggling disruption activities and detail the further information that must be provided to the parliament about the disruption program.

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. Disruption within a legal framework and properly administered is a legitimate tool of government. In March this year, Minister 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. But what I want to know is: how far does this policy of disruption go? What are the limits to the implementation of this policy, if there are any? Precisely what disruption activities are undertaken at the behest of, or with the knowledge of, or even broadly authorised by, the Australian government? What role have ministers played in issuing ministerial directions or authorisations covering these activities, and what knowledge do ministers have about the methods employed or the outcomes of those activities? What sorts of mechanisms are in place to ensure that we are not breaching any laws here in Australia or in other countries? How is the policy of disruption funded? How much does it cost to fund, and who actually receives this money? Who

tasks the Indonesian officials or others to disrupt people smugglers or their clients? Are Australians involved in disruption activities in Indonesia? What accountability mechanisms are in place in relation to these activities, and what mechanisms ought to be put in place?

The policy of disruption in Indonesia is the untold story of people-smuggling. It is a policy undertaken by the Australian government and funded by the Australian taxpayer, and yet the Howard government and Commonwealth agencies have so far avoided parliamentary scrutiny of this policy. So what is disruption and how does it work? Disruption has been a key element of the government's strategy to prevent asylum seekers from coming to Australia. Disruption can occur by way of an information campaign, informing people in Indonesia of the dangers or the risks associated with people-smuggling—for example, telling asylum seekers of the dangers of sailing in vessels to Australia or distributing T-shirts to the local Indonesian fishermen that explain why they should not crew people smuggler boats.

Geoff Raby from the Department of Foreign Affairs and Trade told estimates that disruption was:

... collecting information, collecting intelligence, meeting with local police in different areas and local governors, raising the profile of the issue and expressing concerns.

At the CMI committee, representatives from the Department of Immigration and Multicultural and Indigenous Affairs said that the only disruption activity they were involved in was information campaigns—for example, pointing out some of the dangers in travel to potential passengers. And it is unlikely that any reasonable person would have a problem with an information campaign to combat people-smuggling. I certainly do not.

We know that disruption is not only about information campaigns in Indonesia; disruption is also about physically disrupting the people-smuggling syndicates and the asylum seekers who seek their assistance. The AFP have detailed this more active element of disruption. AFP National General Manager, Federal Agent Brendon McDevitt told the

CMI committee that, in broad terms, the primary objective of disruption is to:

... prevent the departure of the vessel in the first instance, to deter or dissuade passengers from actually boarding a vessel.

The AFP agreed that there was a whole series of methods that could be used to prevent the departure of the vessel and that it was at the 'discretion of the liaison officer in Jakarta as to the best method to apply'. There may be disruption of the transport of passengers to the embarkation point, for instance, or the movement of the boat to that embarkation point. AFP Commissioner Keelty confirmed the more active nature of the disruption activities when he said that their purpose is to:

... prevent the departure of a vessel ... either by the arrest or detention of individuals or by ensuring that the individuals do not reach the point of embarkation, if that was known.

It is not clear whether disruption extends to physical interference with vessels. It is not clear what, if any, consideration is given in the planning and implementation of disruption to questions of maritime safety, to the safety of lives at sea.

Channel 9's *Sunday* program has recently raised serious questions about the nature of disruption operations in Indonesia. The most concerning of these allegations is that AFP informant Kevin Enniss admitted—indeed boasted—to reporter Ross Coulthart and two colleagues that he had paid Indonesian locals on four or five occasions to scuttle people-smuggling boats with passengers aboard. Enniss claimed that the boats were sunk close to land so that everyone got off safely. But how can we be certain this is true? As a result of the *Sunday* revelations in February, the AFP have confirmed that Kevin Enniss was paid at least \$25,000 by them as an informant. The AFP also admitted that they were aware that Mr Enniss purported to be a people smuggler and on at least one occasion took money from asylum seekers who thought they were buying a passage to Australia. Commissioner Keelty told Senate estimates:

... we knew he was involved in people-smuggling because he was telling us what was going on.

These admissions are not consistent with what the AFP's Director of International Operations, Mr Dick Moses, said earlier this year. When asked by the *Sunday* program, 'Has the Federal Police ever authorised any informant to involve themselves in people smuggling?' he answered, 'No. That's categorically no. The Australian Federal Police has not done so.' This is dancing on the head of a pin. What is the difference between authorising an informant to involve himself in people-smuggling and paying him for intelligence which is known to be gained from his involvement?

The *Sunday* program also put evidence on the record from a number of asylum seekers that Mr Enniss claimed to be an Australian policeman and that he had information about Royal Australian Navy ships which would ensure that their boats would slip the net and reach Australia. Despite the serious allegations made by the *Sunday* program, the AFP is yet to respond. Minister Ellison issued a press release supporting the AFP but not denying the allegations of potentially illegal behaviour by the AFP or its informants in Indonesia. Senator Ellison also rejected Labor's call for a full, independent judicial inquiry into these serious matters, but he did not indicate whether he proposed to have the issues investigated at all. This is not good enough.

### Drought

**Senator STEPHENS (New South Wales)** (10.00 p.m.)—I would like to begin this evening by congratulating the government on last Thursday's announcement providing immediate changes to the exceptional circumstances program to assist drought affected farmers. This is a timely breakthrough for rural Australia. However, one announcement is not enough to dismiss months of abandonment—months of politicising the drought in order to attack state governments. I do not seek to detract from the announcement of the Minister for Agriculture, Fisheries and Forestry last Thursday; however, this single announcement is not adequate compensation for the neglect that this government has imposed on rural communities.

On the 14th and 15th of this month, New South Wales Country Labor held its annual

conference in Cooma. The conference, which comprises over 200 delegates, provides Country Labor men and women an opportunity to debate current state and federal policy and directions. Without doubt, the most overwhelming condemnation of current government policy was of the Howard government's total lack of action surrounding the exceptional circumstances claims. Delegates noted the extensive relief packages that the state Labor governments had provided for drought affected communities and yet were baffled at the federal government's wait-and-see policy on the drought. Thankfully, last week that policy was altered.

Facing drought is an inevitable aspect of a rural Australian existence. A year ago we knew the drought was on its way, and when this drought ends another will, in time, follow it. The key to weathering droughts, as with most instances of hardship in life, is through solidarity: looking past the differences to acknowledge our common threats and goals—in this case, the threat of drought and the goal of assisting our rural communities to survive it. Our state governments acknowledged the drought many months ago and have been working together to combat its devastating effects. Our federal government, sadly, only began to take this course of action last Thursday. This is not a sign of leadership.

Treasurer Costello first played down the issue of drought, claiming that agriculture was only a small part of the nation's GDP and so any downturn would have a marginal impact on Australia's economic bottom line. He then changed his mind and went bush, but he avoided visiting any drought affected property, defending his actions by stating, 'We talked to everyone in all of the towns that we passed.' He concluded, 'The areas that we have been through are dry and people are hoping for rain.' Thank heavens Peter Costello now understands the fundamentals of a drought: it is dry, and people need rain.

It concerns me, however, that the National Party have not been able to convince their Liberal colleagues to deliver for rural Australia. Instead, they were reduced to a media based defence of the federal government, claiming that the reason the federal govern-