

## Submission by Neville J Roach AO to the Select Committee on a Certain Maritime Incident

I have been very hesitant about making a submission to the Senate Select Committee, because I have made it a practice in my public activities not to become directly and overtly involved in adversarial politics. I have been especially careful to steer clear of political point scoring, something Senate Committee inquiries can frequently descend into. I strongly believe that advisers to Governments need to be, and be seen to be, independent in a party political sense. This enables them to work constructively with the Government of the day, while also keeping lines of communication open to the Opposition, other parties and independents. I believe this approach has made it possible for me to work successfully with both Labor and Coalition Governments, in areas as diverse as immigration and multicultural affairs, ICT industry development, foreign affairs and trade, education, science and research and development. This has been particularly the case with immigration and multicultural affairs, (the areas most closely linked to the current Select Committee Inquiry), where my initial appointments were made by Paul Keating and Nick Bolkus, and extended and significantly expanded by John Howard and Philip Ruddock.

Despite my reluctance to get caught up in party political debate, I believe that advisers should not be afraid to comment critically on the policies or actions of either the Government or the Opposition, or for that matter minor parties or independents, if, in their opinion, the interests of the Australian community are at significant risk. It was my serious concern regarding the current approach of the Government to a number of issues in the areas of Immigration, (including the administrative process, family reunion and asylum seekers), Australian Multiculturalism, and Reconciliation, that led me to resign my positions as Chairman of the Council for Multicultural Australia and of the Business (migration) Advisory Panel. In the process, I have also expressed my disappointment with many aspects of the Opposition's policy stance on asylum seekers, particularly in the lead-up to the last Federal election.

It is because the Government shows no sign of modifying its extreme position on the asylum seeker issue, and the Opposition, while showing some very welcome flexibility, still seems reluctant to distance itself substantially from what it said during the election campaign, that I have decided to make this submission. The Senate Inquiry can and should influence both Government and Opposition and the wider community to review their attitudes to the asylum seeker issue and consider whether there is a better way than the extreme position that has prevailed so far. In my view, it is this extreme position that was responsible for the way our political leaders, ministerial staff, senior public servants and defence officers have handled the 'certain maritime incident' that is the subject of the Inquiry.

There are two important aspects of the so-called 'certain maritime incident' that the Inquiry needs to examine :

1. The standards of integrity and performance of our highest elected leaders and their senior appointees. This is a general issue that goes beyond the incident itself or the asylum seeker issue.
2. The impact that the 'incident' and the manner in which information relating to it has been released to the public has had on the harmony of Australia's multicultural community. This has very substantial implications for the future of Australian Multiculturalism.

### **Standards of integrity and performance**

The issue of integrity and performance is extremely important for the Australian nation, because elected leaders are the most important people in a democracy, followed closely by senior public servants in both the defence and civil services.

Our freedom and democracy, our nation's greatest assets, have been built on the foundation of our democratic institutions, especially our elected parliament and government. For these institutions to be effective and successful, it is essential that those who run them, our elected leaders in particular, earn and retain the respect of the Australian people through their integrity and competent performance. Their leadership and their example set the standard and the tone for the attitude and behaviour of the public servants and defence officers and the entire country. I do not subscribe to the cynical view that politics is only a game in which anything goes so long as you win; that all politicians are the same and can't be trusted; and that, since few of them have ever had a real job, they can't be expected to perform competently! Even if such cynicism were justified, and I don't believe it ever can be, it does not excuse our leaders from aiming to live up to the highest levels of integrity and performance. Otherwise, every group in society could similarly excuse itself of any wrongdoing by saying, "everyone does the same", or "it's OK if you can get away with it". Clearly, society would break down completely if this became the generally accepted excuse for a lack of integrity or for poor performance.

So my concern whether the integrity and performance exhibited during the 'certain maritime incident' and its aftermath met minimum acceptable standards, arises entirely out of the great respect I have for the high office of the elected leaders, and the senior executives on the public payroll, who were involved. I respect their positions of leadership and believe all Australians should as well. Given that respect, it is our right as citizens to expect that those who fill such important positions behave and perform in a manner that is worthy of our respect as well.

At a general level, the inquiry has already revealed enough to reach some very significant conclusions. It has finally been acknowledged by everyone that the story itself was false, and that the photographic evidence released to support it related to another incident altogether. The story was passed on via a number of senior people, through conversations and phone calls, and then released to the media. This whole process was conducted with amazing speed, without anyone spending enough time or effort to make sure the story was true. One assumes it was seen to be of such critical importance to the public interest that it had to be fed up the line and released to the public immediately. However, as I will argue later in this submission, the potential impact of the story on community harmony was so serious that, whatever the seeming urgency, the lack of adequate due diligence and due care cannot be justified.

In contrast to the great haste with which the original story was transmitted and released, the information that this same apparently hugely important story might be false did not receive similar urgent attention. It took an inordinate amount of time for the truth to be discovered and to be communicated to key leaders, until well after the election in fact.

In the latter process, we now know that several of those involved did one or more of the following :

1. Made no great effort to discover the truth, or
2. Deliberately avoided such discovery, or
3. Ignored the truth when it became apparent, or
4. Just sat on it until well after the election.

The release of photographic evidence that had nothing to do with the incident that was publicised is even more serious as its falsity had to be known from the start and was repeatedly drawn to the attention of several leaders involved. Yet no effort was made before the election and for a long time after to inform the public that the evidence it had been given was false.

The question that the Inquiry needs to address is whether the above pattern of behaviour – rushing to communicate and publicise a story without making absolutely certain it was true, and then taking a phenomenal amount of time to discover and communicate the fact that the story was false; and releasing photographic evidence that was false - represents the standard of integrity, responsibility and performance the Australian people have a right to expect of their elected leaders, and of the senior-most public servants and members of the Defence establishment. If the answer is that it doesn't, then the Inquiry needs to recommend some appropriate action to hold those who should have known and done better fully accountable. This will set an example for the rest of the community to follow and will also make similar 'incidents' less likely in future.

## **Impact on the harmony of Australia's multicultural community**

I would now like to turn to the aspect of the 'incident' that is of more specific concern to me given my previous responsibility for advising the Government in the areas of immigration and multicultural affairs, issues that I continue to be passionately concerned about. The impact of the whole incident on the harmony of Australia's multicultural society is, I believe, has had and is likely to continue to have very serious implications for the future of Australian Multiculturalism. Even if everyone involved was telling the truth, the whole truth and nothing but the truth, and even if they had thoroughly checked that what they had been told was accurate, the way in which news of the 'certain maritime incident' was disseminated before the election continued the dangerous practice of denigrating the asylum seekers as a group. The asylum seekers had already been the subject of extremely negative rhetoric, including being routinely labelled as 'illegals' and 'queue jumpers', well before the 'incident'. But the release of the news of the 'incident', and subsequent comments by our political leaders, took the rhetoric to a much more serious level, with the Australian electorate being told, both implicitly and explicitly, that the behaviour of all the asylum seekers was so bad, that none of them were fit to be part of Australian society. This was done - and done again before the South Australian election when news of the 'sewing of children's lips by asylum seekers' was revealed in similarly dramatic fashion, news that also now appears to have been false - without sufficient concern for the effect that such negative rhetoric might have on the harmony of Australia's multicultural society.

This lack of concern has persisted in the line of questioning adopted by the Government's Senator Brandis at the inquiry. He has painstakingly sought to draw out fresh evidence to prove that the asylum seekers had thrown children into the water in other incidents that were in no way linked to the incident that is being investigated. The fact that the information released regarding 'the certain incident' was false is no longer in question, not does Senator Brandis seem to question it. Instead his line of inquiry suggests that, even if the story was false, and even if people in high places were not truthful, and even if they concealed the truth, or avoided learning the truth, or failed to recant a falsehood, it doesn't really matter, because, as we all now know, thanks to the questions put by Senator Brandis, asylum seekers have done similar things on other occasions.

The fact is, however, that the general behaviour of the asylum seekers is not the subject of this Inquiry, nor is it relevant to, let alone justification for, the actions taken by Government leaders, public servants, defence personnel or ministerial advisers in the course of the 'incident' that the inquiry is concerned with. Even if the asylum seekers were guilty of the most heinous of crimes - and we have absolutely no reason to believe they were or are - it would not justify a departure from the standards of integrity and truth we have a right to expect from our leaders. The only explanation of the line of questioning adopted by Senator Brandis is that the Government is still anxious to denigrate the asylum seekers as much as possible, believing that this tactic will absolve the Government of any wrongdoing in the eyes of the public. This

tactic may well be working, but the damage to our multicultural society could be devastating.

The fact that the incident came at a time when there was already a build-up of community prejudice against people of 'middle-eastern appearance' or of the Islamic faith, following the ethnic labelling of crime in New South Wales and the terrorist attacks in America, should have led the Government to be particularly careful not to reinforce such prejudice. Even if they were releasing news that was true, it was incumbent on our leaders, particularly those who have specific responsibility for Australian Multiculturalism, not to overly dramatise the story in the way they did. Instead, they should have taken special care to stress that the 'incident' and the other 'incidents' that Senator Brandis has tried to highlight, were, at most, the acts of only a few individuals and did not apply to all asylum seekers. And, most importantly, they should have emphasised that all these incidents in no way reflected the values or behaviour of the many people living in Australia who looked similar, or had the same faith, as those who had allegedly thrown their children overboard.

The fact that, on other occasions, the political leaders concerned had condemned prejudiced attacks against Muslims and had met with Islamic leaders, even visiting mosques, while welcome, is not the point. It is no use separately urging peace and harmony, and then releasing a story that risks inflaming community prejudices by dramatically accusing asylum seeker of throwing their children overboard. Worse still was explicitly drawing the general conclusion that people who could do such things, and the rest of the asylum seekers who were like them, do not deserve to become a part of Australian society. To leave no doubt how horrible these people were, it was also suggested that they might even be terrorists.

Such generalisation would be unfair even if it only extended to all the asylum seekers on board the particular boat on which the 'incident' was said to have occurred. It was unfair to apply it by implication to all asylum seekers. It becomes exceedingly dangerous when the people who were allegedly capable of doing such dreadful things are indistinguishable from numerous other temporary or permanent residents in multicultural Australia – including asylum seekers who have been allowed to stay, other refugees, other migrants, business visitors, overseas students and even tourists, many of whom are of 'middle-eastern appearance' or of the Islamic faith. In fact, prejudice against those so labelled has affected many more people than one might immediately think, because people from South Asia and even some indigenous Australians, are easily perceived as looking the same, something that came close to home when my Indian-born wife recently experienced racist abuse for the first time in her 36 years of living in Australia.

### **The Senate Inquiry Process**

In conclusion I would like to make some comments on the Senate Inquiry process itself. In some ways, the relentless pursuit of detail at the inquiry risks being counter-productive. Of course it is important to get at the whole truth and to try and determine whether anyone behaved inappropriately and, if so,

who. Unfortunately, the media is not that interested in the resolution of such issues and, depending on the bias of particular commentators, Senate inquiries are routinely dismissed by a number of them as useless political witch-hunts. The public also gets easily bored and might conclude that, as it's all too confusing, and therefore impossible to work out who is telling the truth, it's best to forget about the whole affair and, as the saying goes these days, 'move on'. I would therefore urge the Inquiry not to allow its legitimate interest in detail to drag the process out indefinitely. No Senate inquiry can possibly find out every last detail, particularly when some important witnesses refuse to, or are not allowed to, appear. Moreover, prolonged questioning and excessive badgering of witnesses in an attempt to 'nail them' is only likely to detract from the Inquiry's reputation in the public eye, without yielding much by way of additional information of value. I suggest the Inquiry concludes its work and produces its findings as soon as it is confident that, on the basis of the evidence it has received, it can reasonably make some broad findings. In my opinion, the Inquiry already has sufficient information to enable it to reach reasonable answers to most, if not all, the important questions raised by the 'incident'. These include conclusions, whether positive or negative, about the integrity, competence and propriety of the main players involved in the 'incident', namely the political leaders, their office staff, senior public servants and senior defence officers. Of course, where the evidence is insufficient for the Inquiry to reach such general conclusions with reasonable certainty, it must say so as well.

I would also urge the Senate Inquiry to focus as much as possible on the national interest rather than on political point scoring. The transformation of our nation from White to Multicultural Australia in just 20 years, a real social miracle that all Australians should be proud of, was largely achieved by strong bi-partisan leadership. While the way news of the 'incident' was managed has damaged Australia's multicultural fabric by it is not beyond repair. To restore community harmony, our leaders must agree to avoid further negative rhetoric against asylum seekers, especially when there is a risk that it might result in a generalised negative view of all temporary and permanent residents in Australia whose appearance or faith might be similar.

The Senate Inquiry can make a very valuable contribution to the restoration of community harmony by pointing out the dangers of releasing sensitive information relating to a particular ethnic or religious group without thoroughly checking it first. It can emphasise the need to take extreme care, even if such information is confirmed to be true, never to make, or even suggest, a general inference about the character or values of others living in Australia, who might be similar in appearance, faith or culture. Such generalisations are grossly unfair and totally unjustified, and could engender prejudice that could easily spread to large numbers in our community.

By commencing a process that eventually results in a return to positive and constructive political consensus in relation to immigration and multicultural affairs, the Senate Inquiry could ensure that we will all once again be working together to maximise the benefits of Australian Multiculturalism for all Australians.