

3 October 2005

Dear Senators Crossin and Payne,

SUPPLEMENTARY SUBMISSION BY TONY KEVIN TO DIMIA INQUIRY

I would like to formally inform you, in your capacities as Chair and Vice-Chair of the current Senate Committee Inquiry into DIMIA, that I am making this short Supplementary Submission to factually update my July 2005 submission, listed as number 38 on your inquiry website, in one important regard.

In one section of that submission, Section 1, I set before your Committee the public evidence of continuing serious official evasions and inconsistencies over the past four years as to the area of waters in which SIEV X sank. That section of my submission recounted the evidentiary history, and the history of official evasions of truth, on this vital matter. It concluded with what was then the latest, and what I then took in good faith to be the settled official version, as follows:

"Now, in a major new development in recent weeks, both Immigration Minister Senator Vanstone and Justice Minister Senator Ellison have separately officially informed the public that SIEV X sank in international waters. Senator Vanstone in answer to Senate question no 431, "SIEV X", by Senator Brown, recorded in Senate Hansard 14 June 2005, referred to SIEV X as "an illegal venture out of another country with the tragedy occurring in international waters".

Senator Ellison's Media Release E070/05 of 8 June 2005, "Government welcomes SIEV X People Smuggler Conviction", stated: "In October 2001, the vessel known as Siev-X (Suspected Illegal Entry Vessel-Unknown) sank en-route to Australia from Indonesia in international waters, resulting in the death of 353 people."

Neither Minister has offered any public explanation, either as to the change of information offered to the public on this important matter, or on what new official data it might be based.

It is of great importance to establish an accountable public record as to where SIEV X sank and as to how departments obtained this information".

**

Now, Senators, in a surprise development in September 2005, . Senator Vanstone has reverted to the former, pre-June 2005, official version of the story: On 13 September 2005, she issued an amended version in Hansard of her June 2005 answer to Senator Brown's question no 43. Her answer was now amended to read, "with the tragedy occurring at an unknown location".

As far as I know, Senator Ellison has not yet made a similar change back to the pre-June 2005 version, i.e., his latest official position is still as it was on 8 June 2005, that SIEV X sank "in international waters".

Senators, this issue is pivotal to the question of establishing full accountability for the 353 deaths on SIEV X, which remains unfinished Senate business on which new evidence continues to become publicly available.

The Minister for Immigration - presumably advised by her Department - has publicly reversed her position, after a lapse of three months, on this important matter of public accountability. She has offered no attempt at a proper public explanation as to why her June 2005 version is now held to be wrong, and the new September 2005 version (reverting to the position prior to

June 2005) held to be right. I believe her amended version is wrong, for reasons summarised in my submission. I believe that, realising the dangers of the new version in prompting new questions about SIEV X , the Minister has gone back to the presumed greater safety of the old.

This is a serious lapse of standards of public accountability - and it throws the Senate's Questions on Notice system itself into question, when a Minister of the Crown can treat it with such cavalier disdain. Don't the facts, on an important matter of public accountability, matter at all to this government ?

I very much hope that, regardless of party affiliation, you will both agree with this position. It certainly strengthens the relevance of my submission to your inquiry, I believe.

If I am invited to testify before your Committee on Friday 7 October in Canberra, I would certainly wish to refer to these reversals of Ministerial advice to the Senate after a three months' lapse of time. In any case, I would ask you to accept and publish this supplementary submission in your Committee records, because of its relevance to the content of my submission no 38.

Yours sincerely,

Tony Kevin

Forrest ACT