

WEEK 4

Unfinished business

Peter Mares

In Skiller is starting to worry about his onion flowers. In the second half of January when they bloom, he'll need up to twenty people to work his property at Tooleybuc, near Swan Hill – to help him cut and dry the flower heads and extract the valuable seeds for export to Korea, Japan, Taiwan and China. His zucchinis will come in soon after that, and must be harvested daily to prevent them from ballooning into useless marrows. Then come the grapes and the pumpkins and the planting for a second zucchini crop. New Year is busy for Skiller and finding enough workers for the short bursts of intense seasonal labour is a problem.

“You can grow anything here as long as you give it enough water,” he says as we take his battered workhorse of a car for a tour of the property. Skiller's block is an unprepossessing strip of red sandy soil rising gently from a narrow frontage on the Murray River and stretching two kilometres uphill. He shows me a field of juvenile onions, the block of grapes trellised to produce sultanas that dry on the vine, the apricot orchard and the patch of fallow land where the zucchinis will grow. Slender tendrils of flexible black plastic piping run laterally across the sloping land, ready to deliver water direct to the base of the plants in an efficient drip irrigation system.

Skiller's small mixed holding is part of the new boom in irrigated horticulture spreading along the banks of the Murray from

Swan Hill to Mildura. But while the river water allows Skiller and his neighbours to grow almost anything they like, the bounty is worthless until it is picked. And high-value produce often requires careful handling. Wine grapes can be harvested mechanically but table grapes cannot. Apricots, peaches and nectarines must be thinned after flowering to ensure large, juicy fruit; at harvest the fruit needs to be handled delicately to prevent spoilage. Unfortunately, agricultural workers are not multiplying as quickly as grapevines in Skiller's neck of the woods. Unemployment in the region is well below the national average and young people do not stick around to inherit the family farm. “Our greatest export is our own children,” says Skiller. “We send them away to university and they never come home.”

Until recently, because of the lack of workers, Skiller was only able to work half of his twenty-hectare block. Then one evening in July 2002 an overloaded Toyota Camry pulled up outside the modest weatherboard home Skiller shares with his 74-year-old mother, Shirley. Three men climbed out, the biggest one dressed in *shalwar kameez*, loose-fitting trousers and a long shirt that falls below the knees. “He would have been at least 180 kilos and six foot something,” recalls Skiller. “You could see the Camry heave a sigh of relief when he got out.” Night was falling and Skiller admits that he was made a bit apprehensive by the arrival of these unexpected and unfamiliar visitors. But his misgivings dissipated as he talked to the men and listened to their stories. They were refugees from Afghanistan who had found work in the area and were looking to rent an empty house on Skiller's property. He not only let them the house but soon found that the men and their friends could help solve his problems on the farm. With the injection of labour from these Afghan refugees on temporary protection visas, or TPVs, Skiller is now able to work his entire block. In fact “the boys” (as Skiller calls them) are urging him to diversify further and plant higher-value crops like cantaloupe and watermelon.

The chance meeting with the three Afghans heralded a dramatic change in the 55-year-old farmer's life. So much so that over the past two years Skiller has emerged as an influential advocate of a more compassionate refugee policy. He is a pin-up boy of the no-nonsense lobby group Rural Australians for Refugees, which argues strenuously that the Afghans, Iraqis, Iranians and others who arrived by boat via Indonesia between 1999 and 2001 are just the sort of people rural Australia needs – a new generation of pioneers who will work hard to build themselves a new life and help revitalise country towns at the same time. It is a situation in which compassion and practical self-interest coincide; although in Skiller's case there is no doubt that it is the heart that leads and the head that follows.

When we get back to the house Shirley prepares us a lunch of corned beef, mustard pickle, cheese and salad. As we eat, the farmer and his mother tell heart-rending and heart-warming stories of the refugees they have befriended. There is the story about the refugee who had managed to track down his family and arrange a weekly telephone call to his wife and children. During one of these conversations, the man's son said, "Oh Daddy, when are you going to come out of the phone?" The father was so distraught that he spent the next two days in bed, refusing to talk. There is the story about refugees "passing round the hat" when a fellow TPV-holder died in a car accident on the Murray Valley Highway. In no time they raised \$500 to send to his widow and children. Or the story about how Shirley was invited to an Afghan wedding; she drove the fourteen hours to Sydney in the company of Afghan friends only to find that they had no idea of where they were going, except that it was in a place called "Perimeter." (It turned out to be Parramatta.) When the party finally arrived at its destination, Shirley was treated like visiting royalty.

In the company of Ian Skiller, phrases like "salt of the earth" inevitably spring to mind. He is unmistakably a man of the land: stocky, plainspoken, with strong sunburnt forearms that speak

of years of hard work. He speaks and moves slowly. He calls things as he sees them and he takes people at face value. When we meet, in this fourth week of the federal election, he is busy organising a barbecue for the forthcoming Sunday. A "refugee thank you picnic" he calls it, at which TPV-holders will cook for locals as a way of showing their appreciation for the welcome they have received in the area. "Two blokes are cooking ten kilos of rice. Another bloke is doing all the salads, and they're butchering two or three halal sheep." Others will contribute dips made from carrot, celery and mint and the yoghurt that they've taught Ian's mum to make in a bucket. "Their bloody dips are beautiful," he enthuses.

One of the guests expected to turn up for the picnic is the local Nationals MP, John Forrest, the federal member for the Victorian seat of Mallee. Technically, Forrest is not Ian Skiller's local member – Tooleybuc is the wrong side of the river and falls in the NSW electorate of Farrer – but Swan Hill, where Forrest is based, is Ian Skiller's closest town. John Forrest has come to national attention as one of the most forceful and effective advocates for refugees within the Coalition party room; Skiller, and others like him, have been the local voices urging Forrest on. The two men respect one another and have talked long and hard about the refugee issue – sometimes in extended conversations by mobile phone as the MP drives around his vast electorate.

Mallee takes in almost a third of Victoria, bounded by the Murray River in the north and the South Australian border in the west, stretching down to the Grampians in the south and almost across to the goldfields in the east. The seat was first proclaimed in 1948 and has been safe territory for the Nationals (and its predecessor, the Country Party) ever since. In fact, John Forrest is only the third member to hold Mallee. Already eleven years in the job, he could expect to stay for another eleven if he chooses. Each of his predecessors reigned for more than two decades – Winton Turnbull from 1949 to 1972 and Peter Fisher from 1972

to 1993. Forrest may sit on a margin of 20 per cent in the fourth-safest Coalition seat in the nation, but he is far from complacent. By the time we meet, at around the mid-point of the election campaign, Forrest has already travelled 9000 kilometres back and forth across the electorate. He hands me a map of western Victoria with the names of the 39 towns he has visited or will visit highlighted in blue or pink, from the major centres like Mildura, Swan Hill and Horsham, to dots on the map like Rainbow, Speed and Woomelang.

“All politics is local,” Forrest reminds me, and while national issues like aged care and road funding are staple concerns with his constituents, issues specific to the region also feature prominently. At the northern end of his electorate, around Mildura, voters are angry about the state government’s plans to build a toxic waste dump because of the damage this could do to Sunraysia’s reputation for clean, high-quality produce. At the southern end, the big issue is securing funding for the \$500 million Wimmera–Mallee pipeline project, an ambitious plan to convert 16,000 kilometres of open earth channels into pipes. It is a project that directly affects 35,000 of the electorate’s 75,000 voters.

Constructed over a period of 60 years from the late nineteenth century, the Wimmera–Mallee system is the biggest network of open channels in the world. It takes water north from the Grampians to dry-land farms, where it is used for stock and domestic purposes. Without it, the farms would fail and towns like Beulah, Sea Lake and Manangatang would have no water. For its time, it was a remarkable feat of engineering and a testimony to the perseverance of Mallee farmers, who refused to be beaten by drought. But the system starves the Glenelg and Wimmera rivers of water and is obscenely wasteful – around 85 per cent of the water released into the open channels is lost to evaporation and seepage. The plan to replace the ditches with pipes is the largest water resource management restructuring project in Aus-

tralia; John Forrest says the water saved in a year would fill Olympic-sized swimming pools placed end to end from Darwin to Melbourne and back again. “Mr Pipeline might be my epitaph,” he jokes.

Forrest works his electorate “like it’s a marginal” because, he says, “there is no such thing as a safe seat.” He may not have much to fear from Labor, but Forrest knows that local independents can emerge suddenly as a real threat. “Look at Calare and New England,” he says, two former National seats in New South Wales now held by independents with secure majorities. Another independent, Russell Savage, holds the Victorian state seat of Mildura – formerly safe Liberal or National territory – which overlaps with John Forrest’s federal electorate. Forrest knows that painful restructuring of the rural economy stirs up local discontent and highlights the party’s relative impotence against the forces of globalisation. If Forrest is to keep the Nationals flag flying in Mallee, then he must achieve concrete and identifiable outcomes for his region – in other words, he must be parochial, in the same way that the successful independents are. Forrest’s campaign strategy is simple. “Everybody in town gets a letter that tells people where I’ll be and when,” he says. Outside the post office in Jeparit at 2pm Tuesday, for example, or outside the Bower Tavern in Cohuna at 11am on Wednesday.

Cohuna is a pretty town of about 2000 people three hours north of Melbourne by car. A neat row of shops stretches down one side of the main street; on the other, a park of lush green reaches down to the banks of Gunbower Creek, an anabranch of the Murray River. The waters of the Murray have given life to the Cohuna district for the past one and a quarter centuries, irrigating pastures for fat lambs and dairy. But Charlie Hildebrand fears for the future.

Charlie is waiting outside the Bower Tavern to speak his mind to his new federal member. (Cohuna was added to the seat of

Mallee in a redistribution after the last election.) But John Forrest is running behind schedule, so Charlie shoots the breeze with me instead. “You wouldn’t know much about life in the country then,” he remarks, when he finds out that I am a journalist from Melbourne. “No,” I admit. So Charlie sets me straight, particularly on the big issue of water.

He says farmers in the district are now selling their water rights to orchardists and vigneronns further down the river around Swan Hill and Mildura. “You can’t live on bloody wine. You’ve gotta have food to live off... They’ll be importing everything from overseas before long.” Charlie blames former Victorian Premier Jeff Kennett for allowing water trading to start in the first place. “The water should stay with the land,” he says. “You shouldn’t be able to sell it.”

Charlie is a “young 84-year-old” and a true local, born in the Cohuna district like his father before him. He spent his working life running dairy cows on irrigated pastures before finally selling his land at the age of 70. The farm passed to his nephew who, like many of his neighbours, recently sold his water rights down the river. I ask Charlie what you can do with the land without Murray water. “Nothing,” is his blunt reply. “When our 320 acres was selected, you couldn’t earn a crust on it until you got irrigation.” If you take the water away again, he warns, then all that will be left is weeds. “Look at a satellite photograph of this area in five years time and you’ll be able to pick where the water has gone from. Farmland will decrease in value, rates will drop, so the towns won’t get any money and the towns will die too.” I ask Charlie who he is going to vote for. “Not the bloody Nationals,” he says, but then adds with the next breath, “Round here you’ve got no bloody choice.”

Cohuna still looks prosperous, but it is losing ground as market forces shift water use from the relatively low-value pursuit of irrigated pasture to higher-income horticulture down river – stone fruits, vegetables, almonds and grapes. This is the argument that

Charlie gets from his federal representative when John Forrest turns up for his advertised meeting with Cohuna voters. “We have to get the best possible return we can for the water,” he tells Charlie. Forrest is not misty-eyed about the environment. “The debate about the Murray is more about poetry than common sense,” he says. Forrest believes the government deserves “a bit more credit” for what it has already done for the river. Tag-teaming with his state colleague Noel Maughan (the member for Rodney), he assure anyone who will listen that salinity levels are 20 per cent lower than they were twenty years ago, and that there are more trees and more cod in the river now. Public agonising about the fate of the Murray is “a leafy suburbs response,” says Forrest – and just in case the message has been missed, he warns his audience that they could “wake up on October 10 with Peter Garrett as environment minister, or even worse than that, as minister for agriculture.”

John Forrest is not overly worried about the long-term future of Cohuna. He believes the rising cost of irrigation will eventually work in the region’s favour, returning water to Cohuna and its surroundings as market forces punish even less efficient water users upstream. (Forrest does not name them, but it is clear that he is referring to cotton and rice growers in New South Wales.) But as water use is increasingly directed to high-value, intensive agriculture, so the pressures on the labour market will continue to grow and Forrest is acutely aware of the difficulty of securing a workforce to fuel the boom in irrigated horticulture in the northern end of his electorate.

It is here that the local and the national intersect – that the labour-market concerns of Forrest’s constituents coincide with his personal involvement in the refugee issue. He recognises that refugees on temporary protection visas are boosting local prosperity. “They are making an economic contribution,” he says, employing exactly the same form of words used by the immigration minister, Amanda Vanstone, to publicise and justify pre-election changes to refugee policy.

This is not to suggest that Forrest's engagement with the refugee issue is purely utilitarian or pragmatic; at the core of his actions is a heartfelt concern, fuelled by a strong Christian faith. Like Ian Skiller, Forrest became involved in the issue through casual encounters; first, chatting to refugees in the street in Swan Hill, then at services at his local church – the Church of Christ – where a couple of Afghans have even converted to Christianity. It was a case of the personal becoming political, as the MP was confronted with decent, hard-working people who wanted a secure future for themselves and their families and who had quickly become integrated into the local community. The politician was profoundly moved by the refugees' stories. "They come from positions Australians could never understand," he says. The tipping point was the story of the children Sabda and Sara Sammaki, whose Indonesian mother Endang was killed in the Bali bombing and whose Iranian father Mohamad Ebrahim Sammaki was held in the Baxter detention centre in South Australia. "I went in on that issue first," says Forrest. "I felt that there was room for some compassion there." (Mr Sammaki was eventually released from Baxter, given a permanent visa and reunited with his children after the prime minister was photographed with the children at a charity football match held in Bali to mark the first anniversary of the bombing.)

Forrest's decision to use his authority as National Party Whip to voice concerns within the Coalition party room aligned him with urban Liberal moderates like Petro Georgiou (Kooyong, Victoria) and Marise Payne (senator for New South Wales). Aware that the party room "leaks like a sieve" and that his views would become public, Forrest decided to background veteran press gallery journalist Michelle Grattan about his concerns, to make sure they were reported accurately. When Labor's revamped refugee policy was released after its national conference in January 2004, Forrest again raised his voice in the party room, praising Labor's policy on the basis that it would enable TPV-holders res-

ident for two years or more to settle in Australia. He called on cabinet to match the opposition's policy. Forrest says that although he has made "a lot of noise" about these issues he has mostly done it "the proper way," generally working "inside the system," voicing his concerns in closed-door meetings or in direct conversations with the prime minister, rather than going outside to the media. Once Forrest was convinced that his concerns were being addressed, he removed himself from public debate. When Senator Vanstone announced changes to the TPV regime in July 2004, I was among the many journalists from around the nation who contacted John Forrest's office seeking a response. He declined to speak to any of us.

Forrest does not believe that his advocacy of the refugee cause will win him any votes. "I don't get a lot of political support out here" on that issue, says Forrest. "They are a fairly right-wing group of people." He's had letters from constituents telling him he is not representing their interests, and he's been called "a mad loony lefty" and worse. When I ask him how he responds, he says he usually invites his critics to come and meet some of the refugees and share a meal with them. Afterwards, he says, most critics change their tune. It is a technique borrowed from Ian Skiller, as Forrest readily admits. And in my conversations with locals, I find that most back Forrest's position on refugees – if not for compassionate reasons, then for pragmatic ones. "They are the only ones who'll bloody work!" says Charlie Hildebrand in Cohuna. His view is echoed by fruit growers around Swan Hill, Robinvale and Tooleybuc, who are quick to tell me that Australians have been spoiled by "too much welfare." Without Afghan and Iraqi refugees (and illegal immigrants from the Pacific and Asia), many growers would have a hard time bringing in their crops – particularly the highly time-sensitive produce like stone fruit, which can spoil if it hangs on the tree for one day too many. "Local growers are screaming out for this kind of labour," says Forrest. "They are always asking me, 'Where can we get the labour,

John?” He wants to stop the heavy-handed immigration department raids that often disrupt harvests and send pickers running off into the trees.

In the Queensland marginal seat of Hinkler, Labor distributed an election pamphlet during the campaign that decried the “illegal foreign workers” who were “stealing Australian jobs.” It was a blatant attempt to secure the redneck vote in a seat where One Nation pulled almost a fifth of the primary vote in 1998. Yet if the mood in Mallee is any guide, such fear-mongering is misplaced and Labor has failed to appreciate the changes underway in rural and regional Australia. The shortage of agricultural workers has prompted the Victorian Farmers Federation to call for an amnesty for illegal immigrants, a position supported by Kay Hull, John Forrest’s Nationals colleague from across the Murray River in the electorate of Riverina.

“Three years ago I employed fourteen people through an employment agency,” Ian Skiller tells me. “By one o’clock I had none.” Last year, he says, five Afghan refugees did the same job “better, cleaner, everything.” Skiller says backpackers on working holiday visas are better than Australians on the dole because they “work like buggery to get enough money to move on.” But what backpackers bring in enthusiasm, they lack in experience. “You have to show them every time what to do,” says Skiller. With the refugees it’s different. “We teach them once and then we get a skilled workforce.” Skiller says it takes about three seasons for someone to get the experience to work unsupervised, which is another reason growers are so supportive of the refugees. “They want the same people to come back.” He credits the refugees with a tenacious work ethic. If jobs run dry on the farms around Tooleybuc and Swan Hill for a while, “they’ll drive to Shepparton, Mildura or Griffith to look for work.”

While Skiller’s activism is primarily driven by his friendship with and compassion for the refugees, and his sense of injustice at how they have been treated, he also knows that the refugees can

help sustain his region. If they bring their families to join them in Australia, that will lift enrolments at the local Central School, which caters for children from Prep to Year Twelve. “If you take out the local school,” says Skiller, “we’ve lost a million dollars from the community.” Not only the salaries and local spending of 25 teachers, but the contracts for school maintenance and cleaning, even the \$30,000 contract for running the six school buses. “Even 40 or 50 people would increase the population by a third,” he says. I point out that refugee children may bring with them special needs, from language skills to trauma counselling. “We’re big enough for that,” he retorts. “Why can’t we come up to the bloody bar and meet it?” He hopes that some of the highly qualified refugees will eventually be able to move from picking grapes and zucchinis to working in their chosen professions – as lawyers and doctors providing services to the local community. “We have two years to convince these people that this is the place to stay,” says Skiller. He believes that most of the refugees do not want to go to the cities. “The only attractions are the mosques and their compatriots and the shops.”

Compared to the last federal election, refugee policy has not figured prominently in the 2004 campaign – at least not in an obvious sense. In the wake of the *Tampa* and the September 11 terrorist attacks of 2001, border security, boatloads of asylum seekers and children (not) overboard were a source of constant headlines and provided the daily fodder of talkback radio. But in another sense, the debate about refugee policy in the 2004 election has been more substantial, sustained and well-informed than three years ago – less driven by fear and loathing and more focused on policy detail and practical outcomes. In electorates around the nation, local candidates have been called on to front up to public forums on refugee policy and to subject themselves and their party platforms to intense scrutiny on the issue. Occa-

sionally these meetings have made headlines, as in the marginal seat of Adelaide when incumbent Trish Worth caused outrage by likening mandatory detention to quarantine for dogs and cats. Worth subsequently became the only Coalition candidate to sign the Refugee Pledge sent to every candidate by the lobby group A Just Australia – a pledge which, among other things, committed her to work “to remove the remaining children and their families from immigration detention” and to “ensure that the mistreatment of refugees and asylum seekers for political purposes never happens again.” Forrest didn’t sign the pledge, but he nevertheless received an A-plus grading from the group for his stance on refugees, along with fellow National Kay Hull and Liberals Judi Moylan (Pearce, WA) and Petro Georgiou.

Another organisation, the Justice Project, undertook a similar rating of candidates’ credentials on refugee policy. Set up by Malcolm Fraser, Julian Burnside, Robert Manne and the Young Australian of the Year, Hugh Evans, the Justice Project surveyed candidates in seats with a margin of less than 8 per cent, and then scored the candidates out of 100 for their responses. The aim was to enable “every voter to know where candidates, in his or her electorate and in the Senate, stand on refugee policy reform.” The group created a campaign kit to help people organise effectively in their own electorates, with practical advice on letter writing, dealing with the media and organising public meetings. The Justice Project helped motivate individual actions too – like the decision by Ben and Margaret Lichtenberg to take out full-page advertisements in the *Age* and the *Sydney Morning Herald* showing a hand-drawn picture of children behind a fence topped with barbed wire, with the caption: “Australia can do better than this. Can your local candidate?” A Newspan poll taken shortly before the start of the campaign found that sentiment towards refugees and asylum seekers had shifted markedly since the 2001 election, with 61 per cent of voters saying some or all boat people should be allowed to enter Australia.

“The tea leaves have changed,” says John Forrest, who admits that even Coalition voters are no longer comfortable with government policy. The shift was exemplified in comments made by bus driver David Bolton in Hinkler, the marginal Nationals seat in Queensland where Labor distributed its “illegal foreign workers” pamphlet. Interviewed by *Four Corners* after driving a busload of journalists to Mark Latham’s community forum in Bundaberg, Bolton said he voted for Howard in 2001 because he thought Australia “needed a bit more security around the countryside as far as bringing in illegal immigrants and things like that.” Three years later, he feels uncomfortable about the Pacific Solution: “I don’t necessarily agree that we should be sending our problems offshore.” And he is also concerned about the long-term detention of asylum seekers: “I don’t like the way that they’re being treated at the moment... I think they’ve been treated badly. And the fact that we’ve still got some locked up is ridiculous, at this stage – three years later and there’s still some in... sitting away, behind bars, and that’s not right.”

Bolton’s comments point to the creeping influence of more sympathetic media reporting on refugee issues, and the campaigns by lobby groups like A Just Australia, the Justice Project, Australians against Racism, and Rural Australians for Refugees. Forrest believes the latter group in particular has had an influential role: “They are quiet, steady people,” he says. “Classic rural Australians, church people.” Forrest doesn’t see the refugee issue as a “massive vote changer,” but he says constituents approach him with comments like “Hey John, are you sure we’ve got this right?” Encounters like these often follow a meeting between the locals and refugees living and working in their area. Forrest says John Howard has “got the same message” and is well aware of the shift in attitudes. He describes Howard as “an incredible leader” who will “sit and listen” when concerns are raised, which helps to explain the government’s careful recalibration of refugee policy in the year-long phoney campaign that preceded this election.

On 7 October 2003, Howard transferred the immigration portfolio from the dour and rigid Philip Ruddock to the more ebullient Senator Amanda Vanstone. Policy changes appeared to follow in the wake of this shift. The government accelerated the transfer of women and children from detention centres to “alternative accommodation” (a euphemism for a kind of house arrest). Vanstone used her ministerial discretion to grant humanitarian visas to some detained Iranians, particularly the Sabian Mandaeans, gnostic Christians who had been rejected as refugees under Ruddock and spent years in detention with the threat of deportation hanging over them. Other long-term detainees were also granted visas, especially those experiencing problems with their mental or physical health. The government also agreed to reassess the cases of rejected Afghan asylum seekers in light of changes in their homeland. Most were granted refugee visas, including many locked up for more than two years in the desolate camps on Nauru. The final and most public step was the decision, announced in July 2004, to change the rules affecting some 9000 refugees living in Australia on temporary protection visas.

These were the people of most immediate concern to John Forrest and Ian Skillier. In their personal encounters with refugees in their area, they could see how the uncertainty of the TPV system was eating away at the refugees’ psychological wellbeing and preventing refugees from being reunited with their families – the single most important measure to ease their mental anguish.

With their “quiet, steady” supporters in rural Australia, the TPV-holders potentially presented the biggest political problem for the government. Of the 9000 or so TPVs issued since the visa was introduced in October 1999, the bulk have been given to refugees from Iraq and Afghanistan. As those visas began to expire, the government was faced with the prospect of reassessing each case for refugee status on its merits – a huge and cumbersome undertaking that had the potential to spark protracted legal

action over questions of process. If it were determined that TPV-holders were no longer refugees, then the government faced the even more unpalatable task of returning people to war-torn Iraq and Afghanistan – and this in an election year, when the politics of the issue were not necessarily playing in its favour. The government needed a fix that could not be portrayed as a backflip.

When the TPV changes were announced they appeared to hit the mark. Having secured the border and stopped the boats arriving from Indonesia, the government was seen to be showing some compassion towards refugees who were, after all, filling gaps in Australia’s rural labour market. The Vanstone reforms were well received in the media and helped to neutralise the refugee issue in the election campaign.

But, as the minister herself put it, the government had “tweaked the visa entitlements”; it was “not changing the system of TPVs.” Vanstone’s key reform is that TPV-holders can now apply to stay permanently, without having first to leave Australia. Under the old rules, they could apply for a “mainstream” visa only from offshore; which meant, in effect, giving up their refugee status and returning to the country from which they had fled. At a glance, the new menu of 33 mainstream visa categories appears extensive; in reality, the choice is restricted. Few if any refugees will be eligible to stay in Australia as a “public lecturer,” “professional sports-person” or “media and film staff.” More than half the visa categories are only temporary and will not satisfy the refugees’ hunger for security. Successful applicants might experience a bitter aftertaste if, as seems possible, they lose their existing entitlements to social security payments and Medicare. And the application fees charged by the immigration department could price many refugees out of the market altogether.

The general response from migration agents has been to advise TPV-holders to ignore the government’s new-found flexibility and continue to pursue their cases for permanent protection as refugees. The government’s own statistics suggest

that they have a reasonable chance of success. As of September 2004, the majority of completed cases for further protection involved refugees from Afghanistan, more than half of whom (1138 out of 2109) were granted permanent visas by the immigration department. The rejected applicants have an automatic right of appeal to the Refugee Review Tribunal, which has proved even more sympathetic to the Afghans' plight: of 615 cases completed to 30 September 2004, the tribunal upheld the government's decision to reject in only 50 cases. In other words, in more than 90 per cent of appeals, the tribunal ruled that the department had got it wrong and that the TPV-holder should be granted ongoing protection. This suggests that most Afghans will eventually be allowed to stay in Australia, and must also give some hope to applicants from Iraq whose cases are pending. (By the time the election campaign was under way there had been too few decisions on Iraqi cases to see any clear trends.)

For most TPV-holders, the temporary mainstream visa options opened up by Amanda Vanstone will only become relevant once their situation becomes more desperate – that is, after they have tried and failed to win further protection in Australia under the Refugee Convention. At this point, they will be automatically put onto the new return pending visa, which was the second major plank of the Vanstone reforms. This visa will give former TPV-holders eighteen months “to make arrangements to depart Australia,” during which time they can continue to work in Australia and will remain eligible for social security payments and Medicare. The new visa also opens up an eighteen-month window for former TPV-holders to apply for mainstream migration categories.

Refugee lawyer David Manne dismisses the Vanstone reforms as a “cynical quick fix.” He describes the return pending visa as an “election pending visa” and the mainstream migration visas as “temporary election visas.” Manne, coordinator of Melbourne's Refugee and Immigration Legal Centre, says the changes fail to

address the genuine protection needs of refugees by diverting attention to the economic and social domain.

When I raise the shortcomings of the TPV reforms with John Forrest, he describes refugee policy as “unfinished business.” He says he is “grateful” for the changes that have been achieved and confident that he “can make further progress” with another term in office. We “want the kids out” of detention, he says. For all that, he does not resile from the government's past actions. He supports “mandatory detention” but not “long-term detention,” and says Howard's stand over the *Tampa* in 2001 was the right thing to do: “We've stopped the boats, we've sent that message. We are spending money in Indonesia and Malaysia to help counter any new offensive of boats.”

Moderates and refugee advocates in the Coalition's ranks admit that the gains they have made are limited, but nevertheless they're proud of their achievements. A Liberal insider says refugee policy had become something of a “totemic issue” for moderates within the party and that Vanstone, who sees herself as the leader of this group, took it on herself to initiate changes using a “softly, softly” approach. John Howard did not so much endorse the shift, as allow it to happen. In this sense, says the Liberal insider, Vanstone's incremental reforms are a tribute to her political skills.

An alternative view sees Vanstone carrying forward the policy shift initiated by her predecessor. From this perspective, the changes over the past year represent the outcome of a long battle of attrition by moderates in the Coalition party room rather than a seismic shift of policy under a new minister. Over time, more conservative voices chimed in to push for change; even deep-blue Liberals like Patrick Secker (Barker, SA) have been known to speak out in the party room in favour of TPV-holders. It was always going to be easier for Amanda Vanstone to carry through the changes; it would have cut much more against the grain for Philip Ruddock, whose whole persona had become identified with a position of principled inflexibility. Ruddock had carried

the flag for Howard on the issue, consistently arguing that to make an exception in one case would be to bring down the entire edifice of border protection. Vanstone did not have the same personal investment in a hardline stance.

Nevertheless, wholesale policy change was never an option. It would have been seen as an admission that the previous approach had been wrongheaded. Moderates in the party knew that there was no point grandstanding on principle; if the only practicable way forward was a messy compromise, then so be it.

Dramatic change would also have encountered stiff resistance from a department in which border control and border management remain higher priorities than social integration. The simplest way to deal with the TPV problem would have been to create a one-off permanent visa category. Although this would have saved a great deal of bureaucratic and legal effort, the immigration department feared it would raise expectations of similar deals in future. The department preferred solutions that adapted existing visa pathways, augmented by ministerial discretion, since these options were more amendable to departmental control and less likely to set precedents.

The department's approach is well illustrated by Ruddock's "solution" in the Timorese case. The Timorese arrived in the mid-1990s when their homeland was occupied by Indonesia, but their individual applications were frozen pending the outcome of protracted legal proceedings (relating to whether or not the Timorese had a right to Portuguese nationality). By the time processing resumed, the United Nations was the administrative authority in East Timor and the chance of any Timorese being recognised as a refugee was remote. Aware that they had put down roots after years in Australia, Ruddock tried to secure cabinet approval for a special visa to allow them to stay. When this strategy failed, he came up with a compromise. Each asylum seeker had to go through the motions of applying for refugee status, then appealing to the Refugee Review Tribunal, even though there was almost

no chance of success. After jumping through these hoops, the applicants could then ask the minister to grant a visa on compassionate grounds, which both Ruddock and Vanstone have done. The "solution" in the Timorese case opened up a pathway for similar bolt-on policy fixes in the future, and these are evident in Vanstone's new rules for TPV-holders. The fundamentals of policy are left untouched; there is no back-down and no wholesale reform, yet the moderates believe that they have achieved the right outcome.

When John Forrest talks about "unfinished business" he points to two hefty piles of documents on his desk; the folders contain background information on scores of refugees, asylum seekers and migrants who have requested his support in their appeals to the immigration minister for a visa under Section 417 of the Migration Act. Their hope is that Vanstone will use her discretion to grant a visa on compassionate grounds or for reasons of public interest. "She's got a soft heart," Forrest says. His advocacy has its own rewards – small but meaningful – like the "beautiful letter" and "beautiful Persian food" from an Iranian physiotherapist working at the Warracknabeal hospital, who sought help to get visas for his parents to visit Australia. Forrest reveals his preference for this kind of decision-making – personal and direct – over bureaucratic and legal process. "It is almost impossible to make a determination as to the kind of persecution they [asylum seekers] are enduring," he says. He would rather that asylum seekers "forget the High Court" and put their faith instead in the common sense, decency and compassion of his Coalition colleagues. There is no doubt that Forrest is doing his best for the refugees and asylum seekers who cross his path. But his well-intentioned approach highlights the fundamental failing of refugee policy under Howard, for the compassionate cases he supports are frequently the product of government

policy; if the policy were less narrowly defined, less exclusive, then “the bloke in Nauru with one leg, one arm and one eye” would not have to appeal to the minister’s “soft heart” to get a visa to come to Australia.

The election of 2001 was dominated by security issues – from the *Tampa* to September 11 to children overboard. In a time of uncertainty voters flocked to the side of John Howard, whose slogan, “We will decide who comes into the country and the manner in which they come,” offered a reassurance that external threats could be kept at bay. An insular Australia, keen to maintain its separateness from the world’s troubles, easily conflated asylum seekers and terrorists. The most optimistic reading of that episode presents Australia’s mood in 2001 as a period of temporary madness, from which as a nation and a community we have gradually recovered. The past three years have involved an unlearning of our fear. Progress was incremental and at times faltering but the overall direction has been clear and it became apparent that the issue that so helped the Coalition in election year 2001 threatened to do it damage in 2004. The toughness and inflexibility for which Ruddock had once been lionised were in danger of being seen as the expression of a hard heart and a sick soul.

In the end, the federal government’s gradual retreat from hardline policy, coupled with Labor’s efforts to craft a credible but moderate alternative, had all but defused refugee policy as an electoral issue. Although the major parties essentially agreed that refugees on TPVs should be allowed to stay permanently in Australia, neither side was willing to make this position explicit. Leaders from all sides of politics were declaring that they did not want to see kids in detention, yet 86 children remained in custody as illegal immigrants or unauthorised arrivals (70 in Australia and sixteen in Nauru). Two days before polling day, the High Court confirmed that the government’s detention of those children – and of children who may be detained in future – was legal. The finding followed a decision in August, in which the court ruled

that unsuccessful asylum seekers could be detained indefinitely, even if there was no way to remove them from Australia (because they were stateless or because no other country would accept them). So the key planks of post-*Tampa* policy remained in place – the excision of offshore islands from the migration zone, the legislative backing for the use of military force to intercept boats, the system of TPVs and the agreement with Nauru to allow asylum seekers to be warehoused and processed outside Australia.

Within the Coalition neither the urban moderates nor the rural refugee advocates like John Forrest are satisfied with Vanstone’s patchwork of reforms, but they hope that the changes will eventually open up enough pathways at least to allow TPV refugees who really want or really need to stay in Australia to get a permanent visa – even if it comes down to the last resort of ministerial discretion. It’s nod-and-a-wink policy – leave it up to us and Amanda will come good. This leaves open the question of what might happen if Vanstone is no longer minister, or should asylum boats start arriving once more from Indonesia or via another unanticipated route. Would positions harden once again? Voters have not repudiated the border protection that played so well in the election of 2001; they are just uncomfortable with its consequences. The question remains: how would we as a nation respond to another *Tampa*?

The primary vote in Mallee swung 15.22 per cent to John Forrest on election day – much of it due to the fact that neither the Liberal Party nor One Nation, which between them had polled over 15 per cent in 2001, contested the election. In two-party-preferred terms, Forrest added 3.9 percentage points to his comfortable margin.