

Project SafeCom News and Updates

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1. Labour exploitation, slave-like conditions found on farms supplying biggest supermarkets
2. 'Prosecutions should stop': Auschwitz survivor angers co-plaintiffs
3. ASIO Act could conceal 'torture, murder by agents'
4. Tony Abbott's Indigenous 'lifestyle choices' remark smacks of racism, says UN rapporteur
5. Bruce Haigh: Bali Nine pair 'victims' of 'flawed relationship' with Indonesia
6. Bali 9: our selective compassion has come undone
7. Bali 9 executions: Abbott government backflipped on AFP death penalty directive
8. Chan and Sukumaran execution 'illegal', but Indonesia ignores Australia again
9. Australia expelling Iranian sheikh violated human rights, UN body finds
10. The Saturday Paper: Factions jockeying over key ALP policies
11. Right to freedom of speech cannot breach employment contract
12. Australia Blasted For 'Paying Cambodia To Take Refugees Off Its Hands'
13. Nauru opposition says Facebook shut down
14. Nauru's ban on Facebook angers opposition and refugee advocates
15. MEDIA RELEASE: Refugees say NO to Cambodia
16. MEDIA RELEASE: Immigration turns screws on Manus refugees to force transfers
17. Boy with autism who faces deportation hand-delivers letter to Peter Dutton
18. Townsville boy with autism writes to Immigration Minister asking not be deported
19. New bridging visa for autistic boy and mother, with deportation to be reviewed
20. Immigration, Customs and Border Protection staff move towards industrial action
21. Victorian town gets \$41m benefit from resettling Burmese Karen refugees

1. Labour exploitation, slave-like conditions found on farms supplying biggest supermarkets

ABC-TV - Four Corners

By Caro Meldrum-Hanna, Ali Russell & Mario Christodoulo

First posted Mon 4 May 2015, 3:16am

Updated Mon 4 May 2015, 5:05am

Conclusive evidence of extreme labour exploitation, slave-like conditions and black market labour gangs has been found on farms and in factories supplying Australia's biggest supermarkets and fast food chains.

A Four Corners investigation has revealed the food being picked, packed and processed by exploited workers is being sold to consumers nationwide. The supermarkets involved include Woolworths, Coles, Aldi, IGA and Costco.

Fast food outlets KFC and Red Rooster are also implicated. Four Corners understands a third major fast food chain is also involved.

The foods tainted by exploitation include a wide variety of vegetables and poultry products, with some of the biggest brand names set to be named.

Migrant workers from Asia and Europe are being routinely abused, harassed and assaulted at work, the Four Corners investigation found. Women are also being targeted sexually, with women being propositioned for sex and asked to perform sexual favours in exchange for visas.

The exploitation is widespread and in some cases involves organised syndicates.

The shocking forms of exploitation are all accompanied by the gross underpayment of wages, with potentially hundreds of millions of dollars in stolen pay going missing every year.

A scam is being run by unscrupulous labour hire contractors - dodgy middle men who sell groups of cut-price migrant workers to farms and factories producing fresh food across the country.

The migrant workers enter Australia legally on 417 working holiday visas, which were designed as a cultural exchange program.

The visa allows migrant workers to travel and work for up to six months in one location, performing low-skilled jobs such as fruit and vegetable picking or working in meat and poultry factories in regional locations and some cities.

Australia's international reputation 'under threat'

Labour law and migration expert Dr Joanna Howe, a senior lecturer with the University of Adelaide Law School, said the 417 visa system had been corrupted so severely it was jeopardising Australia's reputation globally.

"We will be known as a country that exploits vulnerable people who are looking for a better chance at life," she said.

"We would never accept this if it were Australian workers being treated in this way, but because it's 417 visa holders and we don't know them, there's a lid on it, we accept that it's OK.

"You know we just turn a blind eye."

Federal Member for Hinkler Keith Pitt was even more scathing.

"I think our reputation has already been damaged," he said.

"The reality is we need these people. Horticulture in particular needs the additional workforce to get their crop off."

Ethical farmers and suppliers suffering

Four Corners has also found farmers and suppliers who play by the rules and pay workers correctly are being dropped by the supermarkets, who are instead awarding contracts and sourcing food from cheaper suppliers using grossly exploited labour.

SA Potatoes, one of the largest potato suppliers in Australia, recently lost supply contracts to two major supermarkets, which opted to go for cheaper competitors using exploited migrant workers.

"It's gutting," company CEO Steve Marafioti said, referring to the situation in South Australia.

"They're cheating the system. They're taking it from the little guy, from the people on the farm and the people in the pack sheds and using that as their competitive advantage in the marketplace.

"It's not the correct thing. It's not the right thing. It's actually changing the shape of our industry."

Calls for supermarkets to lead urgent reforms

Industry insiders and federal politicians are calling for urgent reforms to Australia's fresh food supply chain before it is too late.

There are calls at a federal level for the supermarkets to stop shirking responsibility by passing accountability back to the suppliers and farmers.

The relentless downward pressure applied by supermarkets and the lax auditing regime governing labour hire contractors is forcing farmers and suppliers to resort to cut-price labour hire contractors to stay afloat.

"It's a matter for the supermarkets to investigate," Mr Pitt said.

"They certainly have no issues with putting all sorts of regulation and red tape and green tape on their growers and their suppliers.

"I'd suggest this is something else that they should look at."

Governments turn a blind eye; low-skilled work visa needed

Dr Howe said the solution was to replace the 417 visa with a new low-skill work visa.

"The Government, successive governments, Labor and Liberal have turned a blind eye to the fact that both international students and working holiday makers are being used as a low-skilled source of labour for farmers and other people across the country," she said.

"They know that this is occurring and yet they allow these [417] visas to proliferate without any regulation.

"That's the Pandora's box. Governments are afraid to open it because it would mean regulating. What we need is the Government to shed some light on this issue and to show some balls and to say 'let's investigate the possibility of a low-skill work visa'.

"It would allow the whole system to be better regulated."

Multiple government agencies have failed to act

Multiple authorities and government agencies responsible for regulating the system, including the Fair Work Ombudsman and the Department of Immigration, stand accused of failing to stop the problem with labour hire contractors, which has reached breathtaking proportions.

"The significant problem is effectively that it's across so many departments," Mr Pitt said.

"It affects Fair Work, taxation, local government, hire services at the state level.

"We really need all of those departments to come together and tackle this in a consistent way.

"We need a multi-jurisdictional taskforce. We need to coordinate our enforcement action.

"To be able to catch these crooks, and I'll call them crooks because they are, actually takes a significant amount of intelligence and resources."

<http://www.abc.net.au/news/2015-05-04/supermarkets-food-outlets-exploit-black-market-migrant-workers/6441496>

2. 'Prosecutions should stop': Auschwitz survivor angers co-plaintiffs

Auschwitz survivor angers co-plaintiffs in SS officer trial by saying prosecutions should stop

Eva Mozes Kor, who publicly forgave and embraced former camp guard Oskar Gröning, says stopping the case would help counter neo-Nazi Holocaust deniers in Germany

The Guardian
Ben Knight in Berlin
Tuesday 28 April 2015 00.25 AEST

An Auschwitz survivor who last week forgave a 93-year-old former SS officer on trial in Germany has angered her co-plaintiffs in the case after she appeared on television to say it should not have come to court.

Eva Mozes Kor – who last week publicly forgave and embraced Oskar Gröning – called for the prosecutions of former SS officers to stop as she appeared as part of a panel of historians, journalists and politicians on a Sunday night TV show discussing the purpose of the trial.

In response, Kor's 49 co-plaintiffs released a statement through their lawyers on Monday morning to criticise her statements and her decision to appear as a co-plaintiff in the first place.

"Our clients would not comment here – who better than a survivor of Auschwitz knows that everyone needs to find their own way to overcome their suffering – if Mrs Kor did not repeatedly stage her 'forgiveness' publicly," the statement read.

"The subject of this criminal procedure is NOT that Mr Gröning has done anything personally to Mrs Kor or any of the other co-plaintiffs," it continued. "Whether it is Mrs Kor's place to forgive Mr. Gröning's participation in the murder of her relatives is up to everyone to decide for themselves. But Mrs. Kor says, 'These prosecutions must stop'. Then she should not have become a co-plaintiff."

In court in Lüneburg last Wednesday, Kor, 81, recounted how she and her twin sister Miriam were experimented on by Josef Mengele at Auschwitz. Afterwards, she approached and embraced Gröning, but added, "My forgiveness does not absolve the perpetrator from taking responsibility for his actions. Neither does it diminish my need to know what happened there."

She later tweeted about the encounter: "I am sharing with you my face to face meeting with Oskar Groening the former Nazi guard. Two old people reaching out."

Kor defended the gesture on the TV show Günther Jauch on Sunday night, where she was alone in calling for the prosecutions of former SS officers to stop – and argued instead that any Nazis still alive should come forward to speak publicly about what they did.

She said this would help counter neo-Nazi Holocaust deniers in Germany, a handful of whom had appeared outside the opening of the trial last Tuesday.

Gröning remains one of the only former SS officers to speak publicly about his actions during the Holocaust, giving a long interview to a BBC documentary in 2005.

But Monday's statement from the other plaintiffs makes clear that Kor is isolated among the Auschwitz survivors being represented at the trial.

"We cannot forgive Mr Gröning his participation in the murder of our relatives and another 299,000 people – especially since he feels free from any legal guilt," the statement read. "We want justice and we welcome the resolution that this trial brings."

<http://www.theguardian.com/world/2015/apr/27/auschwitz-survivor-angers-plaintiffs-trial-forgiveness>

3. ASIO Act could conceal 'torture, murder by agents'

The Australian
Sarah Martin
April 28, 2015 12:00AM

Human rights groups and civil -libertarians have backed calls from media organisations to -repeal national security laws that could jail journalists for 10 years.

A public inquiry into the effect of the revised ASIO Act has heard journalists could be jailed for -reporting on intelligence operations, even if agents were engaged in corruption, torture or murder.

Further, media companies have warned that under section 35P of the act, reporters would face criminal charges for ever -revealing details of special intelligence operations that had successfully shut down terrorist activities.

The acting independent -national security legislation monitor, Roger Gyles QC, is reviewing changes to the act made last year that criminalise the revealing of information about a special operation.

Independent senator Nick Xenophon told the inquiry yesterday that the law was so draconian that had it applied during World War I, details of the disastrous Gallipoli campaign might never have been reported.

Campbell Reid, group editorial director of News Corp Australia, publisher of The Australian, said the new laws would prevent the public knowing how the government was dealing with the "unprecedented terror activity within our own suburbs".

Even inquiring about whether information was related to a -special intelligence operation could expose journalists and sources to criminal charges, he said.

“The Australian public has an overwhelming need and right to know what is going on in our -society at this point,” he said. “The fear that I have is that important information that could help parents understand the threat that their children are faced with ... is now shut down, and potentially shut down forever.”

Mr Reid said media companies were also precluded from reporting positively on “how a perfectly conducted SIO took place”.

Seven West Media’s head of corporate affairs, Bridget Fair, called on Mr Gyles to give special consideration to journalists to -ensure government operations were overseen. “We are not seeking the right to just willy-nilly report on every possible misdeed, but at some point we have to have a way for both the executive arms of government and the people in government themselves to be -accountable,” she said.

Laura Thomas of Human Rights Watch, which wants section 35P repealed and a new public interest defence, said the laws were “far broader than necessary or proportionate to the goal of protecting national security”.

Lesley Lynch, presenting the position of various state councils for civil liberties, said section 35P was “obnoxious, entirely unnecessary and disproportionate”.

The media groups also raised concern about the interplay -between section 35P and recently passed metadata laws that allow government to identify sources by tracing communications data.

Senator Xenophon said an -“extreme example” of how the law might apply was that, had it been in effect during World War I, a letter written by Sir Keith Murdoch revealing details of the Gallipoli campaign may not have been reported. “That is a poignant and telling example — an extreme -example if you like — but it goes to show the media’s role in exposing, in bringing to light some of these operations is manifestly important,” he said.

<http://www.theaustralian.com.au/business/media/asio-act-could-conceal-torture-murder-by-agents/story-e6frg996-1227323778545>

4. Tony Abbott's Indigenous 'lifestyle choices' remark smacks of racism, says UN rapporteur

UN special rapporteur on indigenous rights criticises the PM’s comments and says Australia has ‘regressed’ in its treatment of Indigenous communities

The Guardian
Tom McCarthy in New York
Wednesday 29 April 2015 08.20 AEST

The UN’s special rapporteur on the rights of indigenous people said Australia had “regressed” in its treatment of Indigenous communities and that a remark by the prime minister, Tony Abbott, about remote communities “smacks of racism”.

Up to 150 remote Indigenous communities in Western Australia are threatened with closure after an announcement last November that federal funding for them would be allowed to lapse.

“What we can’t do is endlessly subsidise lifestyle choices,” Abbott said in March in support of the decision, “if those lifestyle choices are not conducive to the kind of full participation in Australian society that everyone should have.”

The UN rapporteur, Victoria Tauli-Corpuz, took issue with Abbott’s characterisation of the desire of Indigenous communities to inhabit ancestral grounds as “lifestyle choices”.

Speaking to the Guardian in New York, she said: “This whole issue of racist kinds of pronouncements doesn’t really speak well of how governments are supposed to be complying with their human rights obligations.

“At least don’t be saying these kinds of pronouncements. Because it really just complicates the whole issue, and it really shows how uncommitted some governments are in relation to their compliance to human rights instruments.”

Tauli-Corpuz said representatives of the Kimberley Land Council, in Western Australia, had met her at the UN to seek her help. Tauli-Corpuz said she had written to the Australian government to ask for more support for remote communities.

“The cutting back of the federal funding for these communities is really worrisome,” Tauli-Corpuz said. “If they would like to continue staying there, then they should be given that choice. Because it’s their life. To say it’s a lifestyle choice, and they don’t deserve any support from the government ... they are still citizens of Australia.”

Tauli-Corpuz, who was appointed last June after five years as chair of the UN permanent forum on indigenous issues, acknowledged that Australia was dealing with a tight budget. But she said the decision to defund remote communities, and Abbott's characterisation of that decision, were misguided.

"I was surprised to hear it," Tauli-Corpuz said. "I really think that saying that kind of thing and then linking it, and using it as a justification to reduce any federal funding is really an issue ... It also smacks of racism, of course."

Upon taking office in 2013, Abbott declared himself a "prime minister for Aboriginal affairs", taking on the portfolio directly.

Tauli-Corpuz, who as a member of the Kankana-ey Igorot people from the northern Philippines is the first indigenous woman to hold the rapporteur post, said the Australian government had "regressed" in extending aid to Indigenous communities.

"From what I heard they have really turned – they have regressed," she said. "The funds are being cut very drastically. So any kind of support that goes to Aboriginal people has really been decreased, according to the leaders I spoke with.

"They said it has really deteriorated more than what it has been in previous years. That's what they claim."

<http://www.theguardian.com/australia-news/2015/apr/29/tony-abbotts-indigenous-lifestyle-choices-remark-smacks-of-racism-says-un-rapporteur>

5. Bruce Haigh: Bali Nine pair 'victims' of 'flawed relationship' with Indonesia

Retired diplomat Bruce Haigh says Bali Nine pair 'victims' of 'flawed relationship' with Indonesia, AFP should be investigated over role

news.com.au
April 29, 2015 8:55AM
Bruce Haigh

NDREW Chan and Myuran Sukumaran are dead: shot for a crime that no doubt deserved a jail term, but not the death penalty.

The contradiction between Indonesia's position relating to the death penalty imposed on its own citizens sentenced to death offshore and its domestic attitude to imposing the death penalty have been widely canvassed and discussed.

There is no logic in the Indonesian position. The only conclusion that can be drawn in view of their vigorous lobbying for reprieve of the death sentence in countries such as Saudi Arabia is that Chan and Sukumaran are hostages to the political fortunes of Indonesian President Joko Widodo.

The former President, Sisilo Bambang Yudhoyono, was prepared to accept this aspect of Indonesian law in the breach, Joko Widodo could have granted a pardon.

There are some who say Australia should accept that the imposition of the death penalty on the two Australian's is a matter of Indonesian law within the framework of Indonesian sovereignty.

That is a bit rich when Australia opposes the death penalty. It avoids addressing the issue of a fundamental injustice all in the name of preserving Australian/Indonesian relations.

Avoiding issues will not strengthen the relationship amply demonstrated by the East Timor fiasco.

The Australian Government and its advisers are hoping to minimise the impact of this prolonged process, in itself cruel and inhumane, on the bilateral relationship. Good luck to them.

There will be considerable public anger from both the left and the right, the former driven by concern for human rights and natural justice, the latter by racism, jingoism and twisted nationalism. Policy may well be driven by popular reaction.

These deaths could become a touchstone every time there is a problem in the relationship.

This state-sanctioned murder could fester away.

Any reaction by the international community, including Australia, will be salutary, but not terminal in terms of the relationship.

What we are talking about here is the official reaction of recalling the Australian Ambassador to demonstrate that we do not like having our representations ignored, which was the correct move.

By undertaking this Australia has demonstrated that it is not a walk-over, which of course it is.

We do not occupy the moral high ground; we have broken Indonesian law and transgressed their sovereignty with respect to turning back the boats of asylum seekers. We have failed to engage over processing the increasing number of asylum seekers in Indonesia.

The Indonesian elite have little respect for our current crop of federal politicians.

Had Abbott a skerrick of nous and style he might have been able to negotiate with Joko Widodo over Chan and Sukumaran, but he has long been written off internationally, regionally and domestically.

The deaths of course were preventable. The AFP should never have shopped them and having done so they should have done everything in their power to overturn this outcome. But they didn't because their writ is to deal with the corrupt Indonesian police, naval and army personnel to prevent boats coming to Australia.

They are embedded; they are almost part of the system. We need to know why the AFP shopped the nine. The involvement of the AFP in these executions needs investigation.

Chan and Sukumaran are victims of an incomplete and flawed relationship that Australia maintains with Indonesia.

If Indonesia had been colonised by the British and spoke English and played cricket the relationship would be substantially different. It wasn't and it requires work, commitment and understanding. It requires Bahasa to be taught in our schools, it requires insular and inward looking Australian politicians to travel within the archipelago as frequently as they do to Europe. With the exception of Julie Bishop and Tanya Plibersek, the current political class does not do regional diplomacy very well.

If Australia wishes a permanent reminder of the injustice of what has taken place and also a beacon to the future it should establish a scholarship scheme in the name of Chan and Sukumaran for young people of both countries to travel and study in either country.

- Bruce Haigh is a political commentator and retired diplomat.

<http://www.news.com.au/world/retired-diplomat-bruce-haigh-says-bali-nine-pair-victims-of-flawed-relationship-with-indonesia-afp-should-be-investigated-over-role/story-fndir2ev-1227325907479>

6. Bali 9: our selective compassion has come undone

You can't abuse human rights in defiance of international law and then criticise others for doing the same. How did this weaken our ability to plead for mercy for our own citizens? Sunil Badami writes.

ABC The Drum
By Sunil Badami
Posted Wed 29 Apr 2015, 2:05pm

"Only a pathetically weak leader would execute the powerless to prove his strength."

That's Fairfax journalist Peter Hartcher's assessment of the cruel and inhumane way in which Jokowi put humanity and judicial rigour aside in the lead-up to the executions of Andrew Chan and Myuran Sukumaran.

He's right. But substitute the words "people smuggler" for "drug smuggler" and ask yourself this: how is Indonesia's unjust, hard-line, domestically focused mistreatment of foreigners any different to ours?

Australia too has refused to acknowledge the humanity of foreigners; Australia too has mistreated people in defiance of international law; Australia too has defended its policies using hyperbolic language - all on the basis that punishing a few will save many more.

But will Jokowi's actions stop drug smuggling any more than Australia's mistreatment of refugees and their children will prevent people smuggling or stop people fleeing war and unrest? In the end, Indonesia isn't the only country punishing the weak and the powerless for the sake of a weak and powerless leader's grasp at popularity.

Something to remember in the next few days is that you lose any claim to moral superiority if you only selectively choose to be compassionate. Human rights are universal, not optional. Many in Australia have criticised Indonesia for pleading clemency for its own condemned nationals overseas - but you can't abuse human rights in defiance of international law and then criticise others for doing the same.

As Tony Abbott said today:

It was completely unacceptable for Indonesia to proceed as it did when critical legal processes were yet to run their course, raising serious questions about Indonesia's commitment to the rule of law.

These executions significantly weaken Indonesia's ability to plead mercy for its own citizens facing execution around the world.

So what of our refusal to allow for appeals for refugees, to retrospectively change the law, to ignore refoulement contraventions, to designate unborn children "illegals", to excise the Australian mainland from Australia's migration zone?

When the Prime Minister boasts that his Government won't "succumb to the cries of human rights lawyers", why should he expect Jokowi's government to do this?

And what of our casual treatment of Indonesia's borders in the name of our "sovereign" ones? How did this weaken our ability to plead for mercy for our own citizens? And how do our human rights abuses affect our ability to lecture others on theirs - a particularly pertinent point, given our bid to join the UN Human Rights Council, even as the new Sri Lankan government accuses the Abbott Government of being silent about the Rajapaksa regime's human rights abuses in return for cooperation on Australia's asylum seeker policy?

What happened in Indonesia last night was terrible - but so too is what is happening every day in our detention centres and on the seas. The same secrecy, the same defiant cruelty, the same indignantly self-righteous sophistry.

Chan and Sukumaran definitely did not deserve such a punishment for a foolish mistake they made as young men, but why do children and babies, brought by their parents or born in detention, deserve the punishment meted out to them by the Australian Government and its contractors - a life spent in detention without rights or adequate medical and other care?

If only the Government acted as quickly on reports of sexual abuse in detention as it has in regards to these poor Australian men.

And if only our Government - whether Liberal or Labor - recognised that you only have moral authority if you exercise and respect, rather than dodge or ignore, your moral obligations.

If only. It's a tragedy for all of us, whether Indonesian or Australian.

Sunil Badami is a writer, broadcaster and performer.

<http://www.abc.net.au/news/2015-04-29/badami-our-selective-compassion-has-come-undone/6431266>

7. Bali 9 executions: Abbott government backflipped on AFP death penalty directive

The Age
April 30, 2015 - 10:31AM
Matthew Knott

The Abbott government quietly scrapped an instruction to the Australian Federal Police last year requiring it to take Australia's opposition to the death penalty into account when co-operating with overseas law enforcement agencies.

In 2010, Labor's then minister for home affairs, Brendan O'Connor, included Australia's opposition to the death penalty in his official ministerial direction to the AFP.

The 2010 ministerial direction said the minister expected the AFP to "take account of the government's long-standing opposition to the application of the death penalty, in performing its international liaison functions".

This was the first time such an instruction had been included in a ministerial direction to the AFP.

In May 2014, Justice Minister Michael Keenan issued a new ministerial direction that removed the instruction. The 2014 ministerial direction includes no reference to the death penalty.

In a letter sent to Mr Keenan on Wednesday, opposition justice spokesman David Feeney said the instruction should be included in the ministerial direction as a "matter of urgency".

The omission "raises concerns that protecting Australians from the risk of being subject to the death penalty in a foreign jurisdiction is no longer to be considered a critical priority for the AFP," Mr Feeney wrote.

"In light of the the devastating loss of Andrew Chan and Myuran Sukumaran overnight, and the national outpouring of grief which has followed, it is more important than ever that ... Australia's political leaders do all we can to protect Australians from the threat of the death penalty, and to campaign for the global abolition of this cruel punishment."

Mr Feeney asked for clarification whether the omission was deliberate or an oversight.

When Labor introduced the instruction in 2010, Philip Ruddock - who was attorney general at the time of the Bali nine arrests - said it was "very problematic" and could stop the AFP co-operating with Indonesian police to prevent potential terrorist attacks.

The AFP also has a set of internal guidelines, developed in 2009 following the Bali nine arrests in Indonesia, titled AFP National Guideline on International Police-to-Police Assistance in Death Penalty Situations. The guidelines require the AFP to consider "the degree of risk to the person in providing the information, including the likelihood the death penalty will be imposed" when co-operating with overseas agencies.

Mr Keenan on Thursday accused Labor of playing politics with the deaths of two men and said the party was creating confusion by referring to the high-level ministerial direction rather than the AFP's internal guidelines.

"I might say that I'm pretty outraged and offended that the Labor Party would use the tragedy of two Australians being executed to make what is an incredibly cheap and invalid point," he said. "I think they should take a long hard look at themselves if they think this is the sort of time to be politicking in a way that is completely inaccurate. The [AFP] guidelines are the same as when they were this in office and applied in the same way by this government."

Speaking after the execution of drug smugglers Andrew Chan and Myuran Sukumaran on Wednesday, Foreign Minister Julie Bishop said that she believed the AFP's guidelines relating to the death penalty were sufficient.

The AFP is set to break its silence on its role in delivering Chan and Sukumaran to Indonesian authorities in 2005 after previously declining to comment in detail because the mens' case was being heard before the courts.

The AFP has said it will hold a press conference in coming days while independent senator Nick Xenophon has said he will pursue the matter with the AFP at upcoming Senate hearings.

Senator Xenophon said the removal of any mention of the death penalty from the ministerial directive was "disturbing".

It - and the AFP's role in Chan and Sukumaran's arrests - should be examined urgently by the Joint Standing Committee on Foreign Affairs, Defence and Trade, he said.

"There are legitimate questions to be asked about whether Myuran Sukumaran and Andrew Chan would be alive if not for the actions of the AFP," he said.

<http://www.theage.com.au/federal-politics/political-news/bali-9-executions-abbott-government-backflipped-on-afp-death-penalty-directive-20150430-1mwh1t.html>

8. Chan and Sukumaran execution 'illegal', but Indonesia ignores Australia again

The Age
May 2, 2015 - 6:01AM
Michael Bachelard

The execution of Andrew Chan and Myuran Sukumaran was illegal under international law according to high-level advice provided to Julie Bishop, but Australia's request that Indonesia submit to the judgment of the International Court of Justice on the matter was ignored.

The Australian ambassador asked Indonesia's consent on March 10 to explore the issue before the international court, but the Foreign Minister revealed yesterday she still has not had a reply.

The Australian government had strong legal advice by ANU academic Don Rothwell and Sydney barrister Chris Ward that the men's execution was illegal under the International Covenant on Civil and Political Rights, which Indonesia signed in 2006.

Under that treaty, the death sentence can only be imposed for "the most serious crimes".

"Drug trafficking does not constitute such a crime when it involves no prima facie harm or violence to another person," according to legal safeguards added to the treaty in 1984, according to the advice commissioned for Chan and Sukumaran's legal team and provided to Ms Bishop.

"We concede that one of the possible consequences of the trafficking of drugs is self-abuse of the drug, possibly resulting in death. However, this is an event which is considerably removed from the actual trafficking of the drugs and ultimately involves an act of self-choice by the drug user."

The fact that Chan and Sukumaran were conspiring to take the drugs from Thailand to Australia, with only a stop-over in Bali, meant the possibility of harm to Indonesians from their crime was remote. For these reasons, their crime could not be considered in the "most serious" category.

The legal advice also suggested that aspects of Indonesia's behaviour in the lead-up to the executions represented "cruel, inhuman and degrading treatment" - another violation of the covenant.

Professor Rothwell and Dr Ward pointed out that execution by way of firing squad, the men's treatment over 10 years in jail, the Attorney-General H.M. Prasetyo's decision to execute prisoners in large groups "described by Indonesia as batches, in the presence of each other and before a massed group of executioners", and repeated comments in the lead-up that the deaths were "imminent", "will not be delayed", may be "this week", and that "on-going legal processes would not be respected" were all cruel and inhuman.

Ms Bishop was handed the advice earlier this year, but she had to wait until all Indonesia's domestic legal processes were complete before seeking Indonesia's consent to argue the case before the International Court of Justice, the judicial arm of the United Nations.

While Indonesia is a member of the court, it does not recognise its "compulsory jurisdiction", meaning it must agree to the case being heard there.

Ms Bishop confirmed on Friday that ambassador Paul Grigson had requested of the Indonesian foreign ministry six weeks ago that it submit to that jurisdiction. However, like many other requests made by Australia in the lead up to the executions, it was met with silence.

"Indonesia has not responded to our request.," Ms Bishop said on Friday.

However, Professor Rothwell told Fairfax Media Australia could continue to push Indonesia on the case. A successful judgment would create a precedent that could prevent Australia's neighbour from carrying out the death penalty on drug traffickers in future.

More than 50 people are set to be executed for drug crimes in Indonesia coming months after president Joko Widodo cracked down.

Ms Bishop would not comment on whether she would press ahead with the request for a court hearing, saying only: "Indonesian consent would be required and that has not been forthcoming".

<http://www.theage.com.au/federal-politics/political-news/chan-and-sukumaran-execution-illegal-but-indonesia-ignores-australia-again-20150501-1my3z4.html>

9. Australia expelling Iranian sheikh violated human rights, UN body finds

Deporting Mansour Leghaei and separating him from his family in Australia breached an international convention, human rights committee says

The Guardian
Paul Farrell
Thursday 30 April 2015 12.59 AEST

Australia's expulsion of an Iranian sheikh and separation from his family on undisclosed national security grounds breached his human rights, the United Nations human rights committee has found.

Sheikh Mansour Leghaei was an Iranian citizen who had lived in Australia between 1994 and 2010. He was the founder and director of the Imam Husain Islamic Centre in the Sydney suburb of Arncliffe. He arrived on a business visa, and in 1996 applied for a permanent visa, with his wife and dependent children.

But in 1996 Leghaei was issued with an adverse security assessment by the Australian Security Intelligence Organisation (Asio). He was never provided with full reasons for the decision – although some details were released relating to the nature of the assessment – and spent several years attempting to appeal against the decision in largely unsuccessful litigation in the federal court.

Asio later undertook a fresh security assessment in 2004, and found that it remained adverse, but again provided Leghaei with no reasons for the decision, or any direct information about its contents.

Australian residents are entitled to a notification of reasons for an adverse security assessment, but non-citizens who do not hold permanent residency are not. Leghaei was forced to return to Iran, while his family continues to live in Australia.

The United Nations human rights committee found Australia's actions constituted an arbitrary interference with Leghaei's family, in breach of the international convention on civil and political rights (ICCPR).

The committee report said: "In light of the 16 years of lawful resident and long-settled family life in Australia and the absence of any explanation from the state party on the reasons to terminate the author's right to remain, except for the general

assertion that it was done for ‘compelling reasons of national security’, the committee finds that the state party’s procedure lacked due process of law.”

It found there had been a breach of article 17 of the ICCPR, and said that Australia was obliged to provide Leghaei “with an effective and appropriate remedy, including a meaningful opportunity to challenge the refusal to grant him a permanent visa; and compensation”.

Despite the proceedings going on for almost 20 years, Leghaei has still not had an opportunity to see the full reasons for Asio’s decision. The committee report noted that it also did not have the benefit of seeing any of the evidence against Leghaei.

“The state party has also not released any written records of any Asio interviews with the author to evidence that it had informed him with any particularity of the nature of the allegations against him,” it said.

Ben Saul, a professor of international law at Sydney University who acted for Leghaei in his UN complaint, said the decision was a strong message to Australia that it needed to allow people a fair opportunity to appeal and to challenge evidence when claims that they are national security risks are made against them.

“It’s true that the decision itself is not legally binding like a court judgment, but it is the most authoritative interpretation of Australia’s binding obligations under the Human Rights treaty. To that extent the expectation of the United Nations is that Australia will comply with these decisions,” Saul said.

“There’s a very strong expectation from the United Nations and by all governments that by signing a human rights treaty and by being found to have violated it that Australia must live up to its expectations.

“The UN isn’t saying that Australia shouldn’t deport people who are national security risks. They are saying that you have to give them a fair process, you have to give them enough evidence to challenge the case against them.”

The decision follows an earlier case, in August 2013, when the human rights committee found Australia had breached the human rights of refugees who have been held in indefinite detention.

Similar to Leghaei, the refugees had also been unable to challenge their detention in Australian courts. Successive Australian governments have continually maintained that if refugees fail a security assessment, they cannot be granted any visa and must remain in detention.

The attorney general, George Brandis, has been asked for comment.

<http://www.theguardian.com/australia-news/2015/apr/30/australia-expelling-iranian-sheikh-violated-human-rights-un-body-finds>

10. The Saturday Paper: Factions jockeying over key ALP policies

Ahead of the ALP’s national conference, the party’s factions are manoeuvring on metadata, climate change, same-sex marriage – and the future leadership.

The Saturday Paper
May 2, 2015
Sophie Morris

Earlier this year, as the government was preparing to legislate its new metadata retention laws, Labor leader Bill Shorten received a message from left-wing factional chiefs, threatening a caucus revolt.

In a display of factional muscle that is rare these days on questions of policy, the MPs of the Left had met and moved a formal resolution to oppose shadow attorney-general Mark Dreyfus’s recommendation that Labor support the government’s legislation, unless there were further safeguards.

This was conveyed to Shorten, who sought extra time to pursue a compromise before bringing the legislation for a caucus vote. If the Left had voted as a bloc against Dreyfus, it would have been embarrassing for him and Shorten, both from the Victorian Right. The Left does not control enough caucus votes to roll the leader, but it would have been interpreted as a serious act of defiance.

[...]

Shorten is also facing a backlash over plans to declare the opposition’s support for tough refugee policies.

A consultation draft of the policy platform includes a clause formalising Labor’s support for offshore processing of asylum seekers.

The draft, formulated with input from immigration spokesman Richard Marles, says: "To support Australia's strong border security regime, Labor will maintain an architecture of excised offshore places; and the non-statutory processing on Christmas Island of persons who arrive unauthorised at an excised place, except where other arrangements are entered into under bilateral and regional arrangements."

Refugee advocates within Labor interpret this as endorsing the continuation of detention facilities on Nauru and PNG's Manus Island, where 23-year-old Iranian Reza Barati was killed during rioting last year after being attacked by workers at the centre.

It was a Labor government that reopened the Manus Island centre. Former house of representatives speaker Anna Burke is one of several Labor MPs who have been outspoken against the policy. "If this proposal is included in the draft national platform, then I expect there will be a vigorous debate at conference and I hope that the prevailing mood of conference will be to reject it," she says.

An underlying theme of the ALP conference will be jostling over who could replace Shorten as leader if Labor loses the next federal election. The new regime for choosing a leader, introduced by Kevin Rudd and deployed for the first time in 2013, has quarantined Shorten from a challenge at this stage by making it difficult to oust a leader. "It's brought stability, perhaps too much," says one Labor MP.

Full story at <http://www.thesaturdaypaper.com.au/news/politics/2015/05/02/factions-jockeying-over-key-alp-policies/14304888001826>

11. Right to freedom of speech cannot breach employment contract

The Age
May 1, 2015 - 9:56AM
Gillian Triggs

"Whoever knew Truth put to the worse, in a free and open encounter"?

So asked John Milton in his *Areopagitica* in 1644, crystallising why freedom of speech is a foundation for modern democracy. However, today's near universal access to social media challenges the idea that freedom of expression ensures truth will be victorious over falsehood.

The disciplining or sacking of employees whose emails breach industry codes of conduct - most recently of Scott McIntyre, who alleged crimes by the Anzacs - raise the vexed question of the proper constraints on freedom of speech. Does an employer have the right to sack, demote or otherwise sanction an employee for speech that both breaches its code of conduct and may be substantially inaccurate, in bad faith and deeply hurtful to most Australians?

The Federal Circuit Court has recently provided a categorical answer to this question. In *Banerji v Bowles* (2013), a case similar to the McIntyre sacking, an employee of the Department of Immigration asked the court to stop disciplinary action after she "tweeted" trenchant criticism of the guards at immigration detention centres, and of the Prime Minister and the Minister for Immigration, among others. She argued that her comments are constitutionally protected by her right to freedom of political communication as an indispensable incident of representative government. The Federal Court rejected this view as a flawed understanding of Australian law.

Ask any citizen if they have a right to freedom of speech and they will robustly assert "yes, of course". However, under Australian law, there is no such formal legal right. While, in practice, everyone is free to say and write whatever they like, this freedom is significantly qualified by exceptions. Prohibitions abound in respect of statements that are libellous or slanderous, in contempt of court, a breach of copyright, obscene or seditious, or that incite mutiny, commission a crime or disclose official secrets.

Unlike all other common law countries, Australia has no bill of rights and few laws to protect the right to freedom of speech. In the absence of express protection under the Australian Constitution, the High Court has recognised an implied right to freedom of political communication as a necessary element of representative democracy. So far so good. But, the right of political communication is not a personal right for citizens. Rather it is a constitutional limit on the legislative powers of Parliament. In short, a right of political communication constrains governments, but it is not the right of an individual citizen.

In the *Banerji* case, the Federal Court confirmed the general law that rights are "not unbridled or unfettered". The court was cautious in the extreme, saying that: "even if there be a constitutional right [to freedom of political communication], it does not provide a licence to breach a contract of employment".

The court concluded that the political comments tweeted while *Banerji* was employed by the Department of Immigration are not protected by the asserted implied right to freedom of political expression. Influencing the court's decision were provisions of the Public Service Act 1999 to the effect that an employee "must at all times behave in a way that upholds the good reputation of Australia", and must behave honestly and with integrity and avoid any conflict of interest. In addition to the contract of employment are the Australian Public Service Code of Conduct and departmental social media guidelines. It did not help *Banerji*'s case that her tweets occurred while she was working for another employer, without the permission of the Department.

It is probable that the Banerji decision reflects Australian law in the absence of any legislation confirming the common law right to freedom of speech. While we may say what we please, subject to defined prohibitions, a practical, chilling outcome of freedom of speech is that we must suffer the consequences if that speech is also a breach of an employment contract.

In principle, it seems a reasonable constraint on our freedoms that we should abide by the ethics, values and standards of our employers. But what if the employer is breaking the law or just plain wrong? Whistleblowers are now protected under the Public Interest Disclosure Act (2013) (Cth). Public officials, government agencies and contracted service providers will be guaranteed anonymity and immunity if they disclose an abuse of public trust, corruption, acts that endanger the environment, or unjust, oppressive or negligent conduct, among other wrongs. However, the act is significantly limited and does not cover judicial conduct, ASIO or ASIS, politicians or the private sector.

Scott McIntyre may not have the benefit of the "whistleblower's" law, but it is at least arguable that to be peremptorily sacked is disproportionate to the reasonable interests of his employer. These are matters of judgment in light of all the circumstances.

The free use of social media - as exemplified by the McIntyre tweets - suggests that it cannot guarantee the triumph of truth over falsehood.

Gillian Triggs is president of the Human Rights Commission.

<http://www.theage.com.au/comment/right-to-freedom-of-speech-cannot-breach-employment-contract-20150430-1mwn9f.html>

12. Australia Blasted For 'Paying Cambodia To Take Refugees Off Its Hands'

With the removal of a small group of refugees from Nauru to Cambodia imminent, criticism of Australia's plan to 'take refugees off its conscience' has intensified. Max Chalmers reports.

New Matilda
1 May 2015
By Max Chalmers

An international human rights organisation has issued a scathing criticism of a deal that will see Cambodia host asylum seekers currently on Nauru in return for increased aid payments from Australia, describing it as "effectively a bribe".

With refugees expected to start moving from Nauru shortly, Human Rights Watch has escalated its condemnation of the plan, joining scores of other NGOs and the United Nations in panning the deal.

"The Australian government is trying to pay Cambodia to take some refugees off its hands and its conscience," Elaine Pearson, the Australian director of Human Rights Watch said.

"This isn't a solution, but rather a business deal at the expense of some very vulnerable people."

In September 2014 then Minister for Immigration Scott Morrison shared a glass of champagne with Cambodian Interior Minister Sar Kheng and signed a Memorandum of Understanding, establishing the terms of the deal.

Australia offered the impoverished nation \$40 million while Cambodia agreed to relocate asylum seekers who had attempted to come to Australia by boat but been sent to offshore processing and resettlement on Nauru.

Asylum seekers who have been found to be refugees on Nauru are slowly being released from detention into the community but are only permitted to stay in the country for five years, and have experienced great difficulty once released onto the tiny island.

In a statement issued on its website Human Rights Watch said the transfers must not go ahead and that Cambodia was already mistreating refugees currently in the country.

Other organisations have been raising similar concerns for months, pointing to Cambodia's history of refoulement of Uighur asylum seekers and ongoing treatment Montagnards fleeing Vietnam.

What exactly will happen to the extra \$40 million handed to the Cambodian government as part of the deal is also a cause for concern. Australia has agreed to cover various resettlement costs for the refugees.

Dr Janet Hunt, an academic at the Australian National University with expertise in economic development and growth, said corruption was a well known problem for Cambodia.

"[The Australian government] should not be sending these people offshore, they should be accepting their international responsibility to process asylum seekers and accept refugees," she said.

"If they fail to do that and push them offshore it's reasonable they should pay the countries to host them in the case of asylum seekers. In the case of people who are recognised refugees they should pay for them to be properly resettle.

"But there needs to be transparency and accountability about the expenditure of those funds so we can see it is spent on such resettlement programs."

Despite the difficulties faced in Nauru, refugees have been hesitant to agree to transfer to Cambodia. According to reports only a handful have agreed to the move, while Cambodian officials have indicated their country will only accept a very small number of refugees.

In order to encourage refugees to relocate the Australian government has reportedly offered incentives, including payments.

"Australia has already offered what is effectively a bribe to Cambodia to take refugees, and now there are reports that it is effectively doing the same with desperate asylum seekers in Nauru," Pearson said.

"This would be the Abbott government's latest attempt to offload all responsibility for people who have fled war, ethnic cleansing, and atrocities."

New Matilda put questions to the Department of Immigration, which were referred to Minister Peter Dutton's office. The Minister's office did not respond to them.

Questions to the Department of Foreign Affairs and Trade also failed to receive any response.

<https://newmatilda.com//2015/05/01/australia-blasted-paying-cambodia-take-refugees-its-hands>

13. Nauru opposition says Facebook shut down

Radio New Zealand
Friday May 1, 2015

Opposition MPs say the Nauru government has forced the country's only internet provider to shut down access to Facebook on the island.

The opposition said it was no surprise given the government's inability to cope with any form of media criticism.

One of five opposition MPs who have been suspended since May last year, Mathew Batsiua, said it was the final stage in Justice Minister David Adeang's obsessive desire to rule by a mix of dictatorship and fear.

He said yesterday's claim by Mr Adeang that he was simply stopping access to pornography sites was just an excuse.

"They foreshadowed that they were concerned with the criticisms of their actions by Nauruans on Facebook and they foreshadowed this by a statement by the President [Baron Waqa] in Parliament a few weeks back, and now they have acted upon it," he said.

"Now they have censored citizens from accessing Facebook."

Mr Batsiua said the Facebook ban meant the island now had no independent media, after an earlier directive from Mr Adeang for local media not to interview any members of the opposition or any person who disagreed with government policy.

<http://www.radionz.co.nz/news/pacific/272539/nauru-opposition-says-facebook-shut-down>

14. Nauru's ban on Facebook angers opposition and refugee advocates

ABC News Online
First posted Fri 1 May 2015, 10:24pm
Updated Fri 1 May 2015, 11:17pm

Nauru's opposition and refugee advocates have slammed a government ban on Facebook, calling the move an act of "dictatorship".

The comments came after the government directed Digicel, the nation's internet service provider, "to start blocking applicable websites", which the opposition said includes the social networking site.

In a statement, the government cited moral and religious grounds for the ban, as part of a broader crackdown on "internet sites that show pornography, particularly those featuring children".

But opposition MP Matthew Batsiua told Pacific Beat he considers the move a way to stop Nauruans from using Facebook to criticise the government.

"The real agenda here is curbing the rights of people to access social media," he said.

He said people in Nauru usually use Facebook to express dissent and keep in touch with family overseas.

Mr Batsiua dismissed the government's suggestion that the ban was implemented on moral grounds.

"The first reason they gave [for the closure] was due to a technical problem. Now it's all about porn," he said.

"This is all about [justice minister] Adeang and his cronies being worried about the ever increasing number of people who have taken to social media to criticise his dictatorial style, which even the president is either unwilling – or too scared – to rein in."

Radio Australia has attempted to contact the Nauru government for comment, but they have not responded.

Claims of a dictatorship

"There has been a growing concern ... on Facebook about criticism against this government for a lack of scrutiny," Mr Batsiua said, a trend which has concerned the government.

"A lot of people on Facebook are calling our government a dictatorship.

"I mean the behaviour that we have seen in shutting out members of the opposition, having an ineffective parliament where basically there's no scrutiny or debate on policies and activities, now curbing social media ... I'm just spelling out what it is."

Ian Rintoul from the Refugee Action Coalition agreed, saying the government is "not far short of being a dictatorship".

He dismissed claims by the government that they are simply trying to crack down on internet pornography.

Shutting down Facebook will severely impact refugees in the detention centre who use the social media network to communicate with the outside world, Mr Rintoul said.

"We've seen even in the treatment of refugees ... the total power rests with commissioner and there's no obvious way of appealing against the commissioner's decisions about whether protests are allowed or disallowed," he said.

Mr Rintoul said the government has been issuing decrees on where people can protest and "the ability to arrest ... assemblies three or greater now extends to public areas and that effectively means inside the refugee compounds itself".

Locals versus refugees

Mr Rintoul said there is a growing disquiet among people in Nauru as they feel they are "treated the same way as refugees".

"So rather than unity ... we're more likely to see increasing dissent inside Nauru partly as a result of the way in which the collaboration with the Australian Government has enriched quite a few people on Nauru but it certainly hasn't enriched the general community," he said.

The opposition said Mr Adeang had revoked the visa of Digicel's Nauru manager Lorna Roge while she was off the island on business.

"She joins the growing list of expat personnel who have been shunted off Nauru for no given reason other than Adeang doesn't like them," Mr Batsiua said.

"It's a disgrace and the sooner this government calls an election so we can return Nauru to democracy, the better.

"Meanwhile it would be interesting to know how other countries in our region view this latest sorry act of censorship by this Nauru government."

<http://www.abc.net.au/news/2015-05-02/nauru-ban-on-facebook-to-diffuse-dissent-critics-say/6439146>

15. MEDIA RELEASE: Refugees say NO to Cambodia

Wednesday April 29, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Refugees on Nauru have produced their own YouTube video to respond to the pro-Cambodia video produced by Australian Immigration Minister Peter Dutton:

https://m.youtube.com/watch?v=F_6Efb8CQ4

The video completely rejects the Cambodia resettlement proposal and outlines the repressive measures that have been used to try and stifle their protests, since their campaign of non-cooperation began in February, this year.

The video production follows the demonstration on Nauru last Friday when around 200 refugees chanted "Cambodia, never, ever!" (Video available on request.)

Peter Dutton's video has still not been shown to refugees living outside the detention centre.

Despite an extraordinary effort and large money offers by Immigration officials, there are still only four refugees who have indicated they are willing to go to Cambodia.

It is now clear that the government is desperately approaching asylum seekers in an effort to get people to agree to be transferred to Cambodia

An Iranian couple, the latest to agree to be transferred have almost certainly had their refugee determination fast-tracked. They were determined to be refugees only five days ago.

Similarly, the single Iranian man who was approached when he was still an asylum seeker and agreed to go to Cambodia almost two weeks ago, was notified that he had been positively determined to be a refugee also five days ago.

"Peter Dutton's attempt to perpetrate a fraud against the refugees, has been exposed. Despite his videoed threats, the vast majority of the refugees are not interested in going to Cambodia," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The Australian government has no viable resettlement arrangements for the asylum seekers they have sent to Nauru and Manus Island. Just as with the Howard government, it is only a matter of time before the asylum seekers and refugees will be brought to Australia."

For more information contact Ian Rintoul 0417 275 713

16. MEDIA RELEASE: Immigration turns screws on Manus refugees to force transfers

Wednesday April 29, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Immigration authorities on Manus Island are removing basic rights from refugees inside the detention centre in an effort to force them to relocate to accommodation in East Lorengau.

Since late last year, immigration department has been trying to force refugees to move out. Most have refused because of fears for their safety, following the killing of Reza Barati and the savage attacks on scores of others in February last year.

In January, authorities threatened to forcibly move the refugees, but a hunger strike of hundreds of asylum seekers forced the government to back down. Only two were willing to shift to East Lorengau.

Now the government is using its administrative control over the lives of detainees to coerce the refugees to move, by making life in detention centre intolerable for them.

Following a warning two weeks ago, Australian immigration department has now issued slips to all refugees, indicating that from Monday 27 April, refugees will no longer receive points to buy anything at the internal canteen. Refugees' access to phone and internet will be also restricted to once a week. But, without points to buy cards, refugees are effectively being denied the right to make phone calls at all.

Incredibly, their access to the medical centre will also be restricted. They are also excluded from all activities and excursions; something that will add to their psychological well-being.

"Such punitive tactics is typical of the complete disregard the Immigration Department has for the welfare of the people under its control. It is simply unbelievable that the government would stoop so low as to deny refugees access to medical care. It is a shocking breach of their duty of care. On Manus Island, access to medical attention can be the difference between life and

death. Denying phone cards and activities is a form of torture," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Rather than guarantee their safety, immigration is resorting to the worst form of blackmail."

Over 150 refugees presently inside the detention centre are threatened by the department's clampdown.

Over the last few weeks, the number of refugees at East Lorengau has grown to 19 but it is clear that the Department intends to apply greater pressure on refugees to force them to transfer. Some refugees, captured during the January hunger strike have been held for months in the high security Charlie compound in an effort to force them to move.

East Lorengau operates under curfew from 6.00pm to 6.00am, and refugees have no right to work. Around 60 guards are permanently on duty.

Meanwhile, the constitutional challenge to Manus Island detention, and the associated human rights abuses, is back in PNG's Supreme Court in Port Moresby, Thursday 30 April for a directions hearing. It is expected that the court will set a date for the full hearing of the challenge.

For more information contact Ian Rintoul 0417 275 713

17. Boy with autism who faces deportation hand-delivers letter to Peter Dutton

Minister also receives petition with more than 122,000 signatures from 10-year-old whose mother's visa renewal application was rejected because of son's autism

The Guardian
Melissa Davey
Monday 27 April 2015 16.33 AEST

A 10-year-old boy from the Philippines facing deportation because he has autism has hand-delivered a letter he wrote, along with a petition containing more than 122,000 signatures, to the office of the immigration minister Peter Dutton.

Tyrone and his mother, Maria Sevilla, have been in Australia for almost eight years.

But Sevilla's application to have her skilled provisional work visa renewed was rejected because Tyrone was diagnosed with autism after moving to Australia.

Sevilla works as a registered nurse in Townsville, where she was recently promoted to a clinical position. But with her visa expiring on Monday night, she was forced to take leave without pay.

The family's plight led to people from around the world signing their petition calling on the government and Dutton to allow them to stay. A letter written by Tyrone on Saturday night for the minister reads: "Can I stay in Australia please."

"Since last Saturday I have been living without pay," Sevilla told Guardian Australia after she and Tyrone delivered the letter and petition to Dutton's electoral office in Strathpine, Queensland, on Monday.

"It's really stressful because you don't know what's going to happen and you don't know when to say goodbye to everyone, we're sort of ... stuck."

Sevilla fears that if they are deported the treatment options for Tyrone will be of a poorer standard than those available in Australia, and that the upheaval and lack of support may make his condition worse.

As she waits to hear a response from Dutton, Sevilla said she has applied for a bridging visa which would allow her to continue working. This has yet to be approved, she said.

"If this is not granted, we will have to leave the country within seven days," she said.

Sevilla said Tyrone had grown increasingly anxious in recent days.

Their story gained renewed attention after it was told by a friend of Tyrone's on the ABC's Q&A program last Monday night.

A spokesman from Dutton's office declined to say whether it was likely that their appeal would be successful. He would say only that the department was compiling a report which would be delivered to the minister. The spokesman would not say how long that process would take.

Dutton told the ABC on Monday morning he was confident the bridging visa would be granted and that the Sevillas would not be deported while he considered their case.

"In this case we need to apply common sense," Dutton said. "We're a compassionate society and we want to help families in difficult situations."

Under Australian law, the department would more closely examine what Tyrone's health needs might be as they considered whether to let him and his mother stay long term, he said.

"So if it's autism they will look at resources available in Australia to provide lots of assistance for kids with autism in particular in relation to schooling ... all of that which we would expect for Australian children," Dutton said. "They, under the law, have to look at whether or not accepting people in that circumstance would displace Australian children from the programs being provided from state and territory governments, as well as a commonwealth government.

"That's the law they have to operate under."

<http://www.theguardian.com/australia-news/2015/apr/27/boy-with-autism-and-facing-deportation-hand-delivers-letter-to-peter-dutton>

18. Townsville boy with autism writes to Immigration Minister asking not be deported

ABC News Online

612 ABC Brisbane

First posted Mon 27 Apr 2015, 10:39am

Updated Mon 27 Apr 2015, 10:45am

A 10-year-old Queensland boy who has autism has written to Immigration Minister Peter Dutton to ask that he and his mother not be deported because he is a "burden on the system".

Today, a 4,000 page petition of more than 122,000 signatures will be handed to the Brisbane office of Mr Dutton, who has been asked to consider the case of Maria Sevilla and her son, Tyrone.

Ms Sevilla came to Australia eight years ago to study nursing and now works at Townsville Hospital where she looks after stroke victims.

Her application for a visa which is designed to bring skilled workers to regional areas was rejected because of Tyrone's autism.

The decision by a Migration Review Tribunal cited the "significant cost to the Australian community" of health care for Tyrone.

The Department of Immigration and Border Protection is preparing a report for Mr Dutton's consideration.

"I think today is make or break," Ms Sevilla told 612 ABC Brisbane.

"Whatever we do today will help with our case. So submitting our signatures from our petition to the minister's office and hoping that will help our case in a positive way.

"Australia is our home. Because we have been here for nearly eight years and we've been assimilated in the community.

"Our immediately family which are our support and Tyrone is loving his school, he has friends there and we love his teachers.

"I have my work here and I can actually provide for Tyrone ... that's why we're considering Australia our home."

Case drew headlines after featuring on Q&A program

Ms Sevilla's case attracted national headlines after a friend of Tyrone's raised it on the ABC's Q&A program last week.

Darwin boy Ethan Egart used to live in Townsville, where his mother studied nursing with Ms Sevilla, and the two boys went to the same after-school care.

In his question, Ethan asked: "If he can get along with us and we can get along with him, why does he have to leave?"

Ethan described his friend as a "good kid".

It gave the petition a boost of 40,000 signatures.

"I was really overwhelmed when I saw Ethan," Ms Sevilla said.

"And I saw that Tyrone had a voice with the help of Ethan. Seeing that and hearing that I can see that the community's very compassionate and he became the voice of Tyrone.

"The support is really overwhelming. I feel we're not alone with this fight. I have faith that hopefully we'll have a favourable decision from the minister."

Ms Sevilla said returning to the Philippines would mean she would have to "start all over again".

"Because most of my my immediate family is here. So I'd have to start looking for someone to look after Tyrone if I need to go and find a job," she said.

Queensland Nurses' Union secretary Beth Mohle, who is offering support to Ms Sevilla and her son, said the minister could not ignore the 122,000 people who signed the petition.

"It is up to the minister now he has the authority to intervene on compassionate grounds and that is what we are asking the minister to do," she said.

"We are hopeful that the minister will intervene favourably in this matter there have been cases in the past where past ministers have done so and have shown compassion, and we along with over 120,000 other Australians who have signed the petition [are] calling upon Minister Dutton to do so."

'We need to apply common sense'

Australia is a compassionate society and wants to help families in difficult situations, Mr Dutton said.

The Immigration Minister said he has been able to look at some of the facts relating to Ms Sevilla's case and that the Department was up all the information for him.

Under the act he has ministerial discretionary power he can exercise.

"In this case we need to apply common sense," he said. "We're a compassionate society and we want to help families in difficult situations."

Mr Dutton said the Department has the law to work by and they assess these matters and many hundreds of them each year.

"There's no fear that anyone will be deported. There will be a bridging visa is issued which is standard practice in these matters that will be issues.

Mr Dutton said the fact Ms Sevilla has employment and can care for her son was one of the factors taken into consideration. "Under the law in Australia the department has a look at what health needs might be, particularly for kids that would need intensive support in the health system," he said.

"So if it's autism they will look at resources available in Australia to provide lots of assistance for kids with autism in particular in relation to schooling ... all of that which we would expect for Australian children.

"They under the law have to look at whether or not accepting people in that circumstance would displace Australian children from the programs being provided from state and territory governments, as well as a Commonwealth government. That's the law they have to operate under."

Mr Dutton said the family would not be deported immediately.

"There's a bridging visa that's put in place until I can consider the application and then, as I say, hopefully we get a common sense outcome," he said. The minister said a decision could be made over the coming weeks.

<http://www.abc.net.au/news/2015-04-27/mother-facing-deportation-over-cost-of-sons-autism-speaks/6423372>

19. New bridging visa for autistic boy and mother, with deportation to be reviewed

Immigration minister says he hopes to give Tyrone Sevilla, 10, and mother 'a good outcome' after officials rule he could be burden on health system

The Guardian
Australian Associated Press
Tuesday 28 April 2015 06.50 AEST

A 10-year-old autistic boy and his nurse mother have been granted a new bridging visa as the federal government considers their deportation to the Philippines.

Immigration minister Peter Dutton indicated on Tuesday morning that he might be willing to let Tyrone Sevilla and his mother Maria stay in Australia before the pair were granted a three-month visa.

Tyrone and his mother Maria, who live in Townsville, handed a petition bearing 120,000 signatures to Peter Dutton on Monday, and the minister has indicated he will review the case.

Dutton told ABC radio that "on the details, as they are made known to me at the moment, I think this is a case where we would be able to help the family".

"I hope that we can provide a good outcome for this family that I think they deserve."

Sevilla and her son hope the minister will intervene after immigration officials rejected their latest visa applications solely because Tyrone has autism.

Tyrone speaks only English and his mother, whose parents are Australian citizens and who has no immediate family in the Philippines, fears his condition would become worse if she was forced to leave.

<http://www.theguardian.com/australia-news/2015/apr/28/peter-dutton-autistic-boy-tyrone-sevilla-stay-australia>

20. Immigration, Customs and Border Protection staff move towards industrial action with application to Fair Work Commission

By Debby Vilensky

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Two more Federal Government departments are moving towards industrial action over what the public service union calls "unsatisfactory pay offers" and "stilted negotiations".

The latest groups of public servants applying for a bid to take protected industrial action are from the Immigration and Customs and Border Protection departments.

The two departments will be merged on July 1 to form Border Force.

But staff at the current departments will today take their fight to the Fair Work Commission to apply to take protected industrial action.

Community and Public Sector Union (CPSU) national secretary Nadine Flood said the number of departments now preparing for industrial action was 15.

"Customs and Immigration staff like other Federal Government employees face the Government's aggressive approach to bargaining with proposals to strip workplace rights, cut allowances and conditions and of course all of this for pay offers of zero to 1 per cent," Ms Flood said.

Last week the Australian Bureau of Statistics (ABS) was granted permission by the commission to vote on what type of industrial action to take.

Other departments including Human Services, Veterans' Affairs and Defence are also currently taking industrial action.

The Department of Defence has been offered the highest pay rise of 3.06 per cent over three years, which has been rejected.

The lowest current pay offer of 1.4 per cent over three years for Department of Employment workers, was also rejected by staff.

Ms Flood said she has been trying to talk to the Government for more than a year about pay deals, with no success, so the only available option was industrial action.

"The proposed industrial action will encompass work bans and stoppages of up to 24 hours which could affect airports, ports, marine operations, mail centres and visa processing," she said.

"Customs and Immigration staff do valuable work protecting our borders and helping trade and the management of people, often in disastrous and dirty conditions.

"This Government having cut jobs is now launching a vicious attack on their rights and conditions and they believe it's time to fight back."

Ms Flood said no industrial action would put at risk the lives of people at sea.

A date for a hearing in the Fair Work Commission is yet to be set.

Comment has been sought from Immigration and Customs and Border Protection departments.

<http://www.abc.net.au/news/2015-04-29/customs-and-border-protection-move-towards-industrial-action/6429030>

21. Victorian town gets \$41m benefit from resettling Burmese Karen refugees

Nhill, halfway between Melbourne and Adelaide and with a population of just under 2,300, has taken in 170 Karen refugees from Burma since 2010

The Guardian

Shalailah Medhora

Thursday 23 April 2015 10.56 AEST

A small town in Victoria has gained an economic benefit of \$41.5m from resettling refugees, a report has found, pointing to the possible gains available to other local communities.

The town of Nhill is nestled halfway between Melbourne and Adelaide, and has a population of just under 2,300. Since 2010, 170 Karen refugees from Burma have been resettled in the largely agricultural town.

A report commissioned by the resettlement agency Ames and undertaken by Deloitte Access Economics has found the resettlement of the refugees has created 70 full-time jobs, mainly in local poultry producer Luv-a-Duck.

"Fifty-four Karen are directly employed in Luv-a-Duck, and seven employed in businesses that supply Luv-a-Duck. Beyond this, the increased population has enabled the creation and filling of additional jobs across a number of broader community businesses and services," the report said.

The creation of the jobs and the flow-on effects of having a larger population have resulted in a \$41.5m boost to the economy, according to the report, which will be released on Friday.

"The resettlement of the Karen in Nhill has had a specific and sizeable economic impact on this agricultural town," the director of Deloitte Access Economics, David Wright, said.

"It has eased a capacity constraint on local production and at the same time boosted demand for local service provision. This has resulted in a 4%-plus lift in regional production in 2013-14."

The chief executive of Ames, Cath Scarth, said she hoped the report would pave the way for policy change.

"We at Ames hope that this research report ... will inform in some way policy and practice in the settlement of refugees and, for that matter migrants; and, that the lessons we've learned from this experience will be shared widely to improve outcomes both in the fields of refugee settlement and regional development."

The head of the Federation of Ethnic Communities Council of Australia, Joe Caputo, said the report could help stop the spread of misinformation about refugees and asylum seekers.

"Refugees historically have added so much to this country," Caputo said. "There are a lot of myths around the place and often they're not based on facts.

"Reports like this will dispel a lot of those myths."

Caputo said refugees tended to be courageous risk-takers who made good employees. "I see people really making an effort and doing well," he said.

The Karen people are from the mountainous region of Burma. Many fled the country during the country's civil war, saying they were persecuted by the ruling military junta.

Up to 150,000 Karen live in refugee camps on the Thai-Burma border.

The last census showed there were 21,760 people in Australia who were born in Burma.

<http://www.theguardian.com/australia-news/2015/apr/23/victorian-town-gets-41m-benefit-from-resettling-burmese-karen-refugees>