

Project SafeCom News and Updates

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1. Kiwi Alcatraz: NZ criminals pose a test for Turnbull

The West Australian
Andrew Probyn, Federal Political Editor
October 14, 2015, 12:55 am

A major diplomatic stoush is brewing over Christmas Island's transformation into a "Kiwi Alcatraz", with another batch of hardened New Zealand criminals waiting to be deported expected on the island soon.

NZ Prime Minister John Key will raise the fate of 240 Kiwis in Australian detention centres when Malcolm Turnbull goes to Auckland on his first overseas trip as PM this week.

There are 40 Kiwis held on Christmas Island with another 40 to 50 expected to be transferred there within a fortnight.

This would make New Zealanders the biggest population of detainees on the island, which now holds 285 people.

Mr Key confirmed yesterday that about 1000 Kiwis were "in the pipeline for deportation from Australia".

The surge comes from tough new immigration rules whereby people given jail terms that totalled a year or more would have their Australian visas cancelled. Previously this applied generally to people convicted of single offences that attracted jail terms of a year or more.

New Zealand is concerned the change affects its nationals jailed for several minor offences.

But a senior Government source said the New Zealand detainees were among some of the worst criminals in Australia.

The source said a higher proportion of Kiwis were in detention because background checks were not done on New Zealanders entering Australia.

"I will be raising the issue of New Zealanders being sent to detention centres — in particular, the offshore processing centre on Christmas Island," Mr Key said yesterday, referring to Mr Turnbull's visit.

New Zealand is also angry that NZ-born criminals taken to Australia as infants are being forcibly deported, some with their Australian children.

But the Australian Government indicated it was not interested in special dispensations.

<https://au.news.yahoo.com/thewest/a/29803430/nz-criminals-pose-a-test-for-turnbull/>

2. Terror-related evidence could be kept from 'control order' subjects

Sydney Morning Herald
October 13, 2015 - 10:51PM
David Wroe and Sean Nicholls

Australians subjected to "control orders" on terrorism grounds – which can restrict their movements and communications – could be denied access to some of the evidence against them for security reasons, under changes proposed by the Turnbull government.

Attorney-General George Brandis flagged on Tuesday a fifth tranche of major counter-terrorism laws. The laws to be introduced in the next fortnight would mean children as young as 14 could be subjected to control orders – down from the current age limit of 16 – and authorities would be able to monitor subjects more closely to ensure they were complying with the orders, Senator Brandis said.

The laws would also create a new offence against "incitement of genocide".

Senator Brandis told Parliament that the new legislation would "provide greater protection to sensitive information in control order proceedings".

Meanwhile, NSW could go it alone in extending the period terrorism suspects are held without charge to up to 28 days after Senator Brandis effectively rejected a push by Premier Mike Baird for such a change.

Senator Brandis told ABC radio the extension from the current eight days could breach the Commonwealth constitution but suggested there was nothing to stop NSW changing state laws.

A spokesman for Mr Baird responded by saying that "if nationally consistent measures are not implemented, NSW will consider changing its own legislation to ensure that our law enforcement agencies have the tools they need to respond to

terrorism threats".

Under control orders, which have been used six times since they were introduced in 2005 – four of those times in the past year – people can be forced to wear tracking devices, observe curfews and have their movements and communications restricted.

They must be sought by a senior Australian Federal Police officer – with the consent of the Attorney-General – by an application to a court.

Fairfax Media understands that under the changes, the AFP could ask the judge to withhold some evidence from the subject of the order if it is deemed highly sensitive.

This could include information that exposes police methods, reveals sources or comes from foreign governments who would be deterred from sharing intelligence with Australian authorities in future if their methods risked exposure.

The final decision would rest with the judge.

Police have long expressed concern that they may increasingly be unable to present certain evidence in control order hearings because they cannot risk it becoming known to potential terrorist networks.

The new laws come in the wake of the Parramatta shooting, in which 15-year-old Farhad Jabar shot dead police accountant Curtis Cheng, but have been in the works for several months.

Senator Brandis said the use of control orders against teens would be "subject to appropriate safeguards".

It is understood this includes the appointment of independent advocates who would represent the best interests of the child, similar to a system that currently exists in the Family Court.

Labor leader Bill Shorten said the Opposition would continue to work with the government on terrorism but would not promise any blank cheques.

"Whilst on one hand it sounds draconian to have control orders on 14-year-olds, I also get that the police are trying to work through the issues," he said.

Senator Brandis told ABC radio that he was comfortable with the idea of control orders being imposed on children as young as 14.

Police and security agencies have spoken repeatedly in the past six months about the dramatic downward trend in the ages of Australians suspected of or associated with terrorism activity.

<http://www.smh.com.au/federal-politics/political-news/terrorrelated-evidence-could-be-kept-from-control-order-subjects-20151013-gk86w5.html>

3. Thousands of refugees expected to take to boats for new life as Asia's monsoons end

UNHCR expects surge of 'irregular' migrants fleeing Bangladesh and Myanmar to use 'sailing season' to reach southern south-east Asian countries

The Guardian
Ben Doherty
Thursday 15 October 2015 09.44 AEDT

Thousands of "irregular" migrants fleeing Bangladesh and Myanmar are expected to board boats for new countries in coming weeks as the end of the Asia's south-west monsoon season reopening the Bay of Bengal-Andaman Sea route to south-east Asia.

In three years, the number of people boarding rickety fishing boats – leaving Myanmar and Bangladesh for countries further south in south-east Asia – has nearly tripled to 63,000 people last year, UN figures show.

Each year for the past three years, the post-monsoon spike in the number of people seeking to migrate irregularly by sea across the region has been higher and come earlier in the year.

A similar surge was expected this "sailing season", Vivian Tan, a spokeswoman for the UNHCR, told Guardian Australia.

"The number of people leaving on smugglers' boats in the Bay of Bengal have increased in recent years, and that trend is likely to continue unless the root causes [of their migration] are addressed," she said.

In the first half of 2015, 31,000 people boarded boats in the region, a 34% increase on 2014's record figure.

Nearly 100,000 people have tried to migrate by sea through the Bay of Bengal and Andaman Sea since the start of 2014.

After a surge of boat departures early this year, the annual monsoon has brought quiet to the route over the past few months. But with the rainy season ending, a new wave of migration is expected.

After spending the northern summer rescuing migrants in the Mediterranean sea, the privately owned ship MY Phoenix – operating under the name MOAS, the Migrant Offshore Aid Station – is moving to the Bay of Bengal to assist stricken vessels in south-east Asia.

"MOAS will be shedding light on another aspect of this pressing global phenomenon in an area where there is no known NGO rescue presence at sea," MOAS's founder, Christopher Catrambone, said. "Once the monsoon rains subside, tens of thousands of Rohingya and others are expected to resume their dangerous sea crossings."

Full story at <http://www.theguardian.com/world/2015/oct/15/thousands-of-refugees-expected-to-take-to-boats-for-new-life-as-asias-monsoons-end>

4. Jason Wilson: Racism gets hot in Bendigo but elites serve it cold to migrants every day

Many Australians are tolerant and abhor open bigotry. So why can't multiculturalism explain the grind of official racism?

The Guardian
Jason Wilson
Thursday 15 October 2015 12.17 AEDT

It was around 2001 when migrant panic in Australia shifted from "Asians" to Muslims. By now the transition is so complete that it is easy, not to mention convenient, for many to forget how intense and politicised the hostility to new arrivals from China, Vietnam and elsewhere became.

Where it is recalled, migrant panic is frequently characterised as belonging to the benighted masses, expressing itself in a half-formed howl. But it was often skilfully employed by elites seeking political advantage, audiences, and extensions of their own power.

In 1984, the eminent historian Geoffrey Blainey attacked the levels of Asian immigration and the policy of multiculturalism. In doing so he provided John Howard a vocabulary for his "One Australia" policy, which he launched as opposition leader in 1988.

Howard did not talk in frank terms of racial inferiority, but suggested that Asian migration be "slowed down a little, so the capacity of the community to absorb it was greater". It was an early example of what Jacques Ranciere calls "cold racism".

Cold racism is an elite apology for the limits of a "backward" population, and for the regrettable "burden of popular and populist passions". It offers an expert solution to head off and manage this "popular" racism, as Ranciere wrote in 2005:

"[T]hey explain more and more that there are economic constraints and thresholds of tolerance, and that, in the end, foreigners must be driven off, because if they are not, there is a risk of creating racism."

But as he says: "there is no need to be socially threatened or culturally 'handicapped' to resent the other ... there is objective pleasure in playing with the formulations that serve to identify the traits of the other".

Howard lost the leadership year after "One Australia", in 1989, but in re-politicising ethnicity he set a pattern to which he and others could and would return. By the early 1990s, police seeking more resources and discretion were happy to assist in an increasing focus on Vietnamese criminal gangs in Sydney's Western suburbs.

Full story at <http://www.theguardian.com/commentisfree/2015/oct/15/racism-gets-hot-in-bendigo-but-elites-serve-it-cold-to-migrants-every-day>

5. Gillian Triggs says companies as culpable as governments

Australian Financial Review
Oct 11 2015 at 11:49 AM

Australian Human Rights Commission President Gillian Triggs says companies that are "complicit in carrying out illegal government policies should themselves bear responsibility for breaching human rights laws".

Human Rights Commissioner Gillian Triggs has called for sweeping law reform that would require companies to take responsibility for human rights breaches in the same manner as governments.

In her latest intervention in offshore detention policy, Ms Triggs said Australia was explicitly breaching human rights law with its boat turn-backs and activities on Nauru and Manus Island.

But given that the government was effectively able to operate with impunity, the companies doing its bidding should be held responsible.

"It has become more important than ever that the corporations and businesses that are complicit in carrying out illegal government policies should themselves bear responsibility for breaching human rights laws," Ms Triggs said when she delivered the Monash Law Faculty Annual Costello Lecture on 30 September.

The comments will be seen as a reference to Broadspectrum, formerly Transfield Services, which has the contract to provide garrison and welfare support services to Australia's offshore detention centres.

Ms Triggs has previously condemned the government's decision to renew the contract even though a Senate committee inquiry, which was highly critical of conditions within the camp on Nauru.

"The idea that [Transfield Services] should be granted another five-year contract in these circumstances is something that clearly needs to be reconsidered in light of the findings of the select committee," Ms Triggs told the ABC in early September.

She told the Monash Law Faculty that "some countries adopt policies that explicitly breach human rights law, such as Australia's 'stop the boats' and off-shore detention policies.

Although the state under international law is legally responsible for breaches of human rights, it is, for all practical purposes, immune from legal processes; in short it can frequently act with impunity."

Human rights activists have targeted Broadspectrum/Transfield over its involvement in offshore detention, a campaign that the company's chairman, Diane Smith-Gander, has described as "misplaced".

Ms Triggs said some corporates had greater turnover than small countries, yet they bore no responsibility for human rights.

"Despite the economic power of companies, it remains true that the law has not yet caught up," she said.

"It is the sovereign state and its government that bears the legal duty for human rights compliance, not the company, despite the fact that often business wields greater power and influence over the communities in which they operate and have a genuine capacity to protect the human rights of the people whose lives they affect at a practical level.

"In the Commission's view, such economic power and capacity of the private business sector brings legal and ethical responsibility and opportunity to protect and promote human rights."

Business and human rights

The Australian Human Rights Commission has made business and human rights a strategic priority.

For the most part, the commission's investigation and conciliation services deal with discrimination claims in employment. "Good" businesses were reviewing their supply chains and even developing human rights policies, Ms Triggs said.

In her speech she cited several examples of the broader interplay of law and ethics.

These included health superannuation fund HESTA's decision to divest from what was then known as Transfield because of the long-term financial risks associated with detention centres.

And ride-sharing service Uber was forced to offer free fares in response to a social media storm over extra charges for those trying to get out of Sydney CBD after the Martin Place siege.

"Businesses increasingly recognise the economic argument that to achieve sustained financial success, they must meet standards of good governance, transparency and ethical practices within the communities in which they operate," Ms Triggs said.

"Indeed, it is the commitment to the wellbeing of all stakeholders, employees, consumers, and shareholders that separates firms from their competition."

<http://www.afr.com/news/politics/national/gillian-triggs-says-companies-as-culpable-as-governments-20151009-gk5is7>

6. Australians' rights and freedom to speak out under threat, warns UN official

The UN special rapporteur for freedom of expression, David Kaye, worries whistleblower protections are at risk of being 'chipped away'

The Guardian

Paul Farrell

Tuesday 13 October 2015 13.06 AEDT

Important rights and freedoms are at risk of being "chipped away" in Australia, the United Nations special rapporteur for freedom of expression has warned.

In an interview with Guardian Australia, David Kaye said laws restricting reporting on asylum seeker policies were "a real threat" to sources and whistleblowers.

"You see in Australia the restrictions on sources and reporters who might want to report about the migrant detention situation," Kaye said. "And there might be some situations, perhaps based on privacy, where some information should not be released, and the restrictions on the disclosure might be legitimate.

"But blanket restrictions on an area of policy that is really of great importance to the public, I think that's a real threat to sources. It's also a threat to whistleblowers."

Kaye said Australia had some strong protections, but there was growing concern about government overreach.

"On the one hand Australia has a very strong framework for freedom of information, and for whistleblower protection. The concern that I have, and I think that I've seen expressed by civil society and by journalists in Australia, is that those protections which are strong in law are being eroded, particularly in the context of the migration detention and surveillance issues.

"Those kinds of threats we're definitely mindful of. On paper Australia has a very a strong set of norms. The question is: are they chipped away by these other interests and legal efforts that we're seeing?"

News stories about asylum seekers – including some from Guardian Australia – have been referred to the Australian federal police for investigation with a view to prosecuting their sources. The Border Force Act, introduced in July, criminalises the disclosure of information by staff who work in immigration detention centres.

In September a senior UN human rights official, François Crépeau, cancelled a visit to Australia after the government failed to guarantee it would not seek reprisals against anyone who spoke to him.

Kaye's latest report, released on Tuesday, urges nations to adopt stronger frameworks to protect whistleblowers and confidential sources.

The report was published on the same day that Australia began a data retention scheme under which telecommunications companies must retain a vast amount of phone and web data for two years.

<http://www.theguardian.com/politics/2015/oct/13/australians-rights-and-freedom-to-speak-out-under-threat-warns-un-official>

7. Children in detention: This is a legal minefield for the Turnbull Government

The case of Melbourne doctors refusing to discharge children who they know will be returned to detention centres highlights just how legally risky the Government's detention centre policies are, writes Greg Barns.

ABC The Drum

By Greg Barns

Posted Mon 12 Oct 2015, 12:09pm

The mandatory detention of asylum seekers in Australia and on Nauru is a legal minefield for the Australian Government.

Having established an agreement in August 2013 with the Nauruan government for the latter to accommodate asylum seekers who are seeking to come to Australia by boat, the Australian Government created a range of legal and moral expectations and principles with which it is now saddled.

This morning we are told that Nauruan police have closed its file on an allegation made by a 26-year-old Somalian refugee who said she was assaulted and raped by two men. Given the woman was only on Nauru because she sought asylum in Australia, and that the Nauru police force is said to have failed to respond to her distressed cry for help for four hours, the Australian Government must answer for her wellbeing and assure itself that the Nauru police force conducted a professional and rigorous investigation.

Last week another woman, also an asylum seeker, had to plead with the Turnbull Government to allow her to have an abortion in Australia after she became pregnant as a result of a rape. Once again the legal and moral pressure has rightly been on Canberra. Today the Government said she was able to come to Australia. Had the Australian Government refused this woman's request, it would have been liable to be sued by this woman for any mental and physical harm she experienced as a result.

These two events highlight that Australia's pursuit of a policy of deterring asylum seekers by using an impoverished island in the Pacific is fraught with risk.

But what has emerged in the past 24 hours with revelations that doctors treating children from Nauru and detention centres in Australia are refusing to return them to the "care" of the Australian Government creates yet another legal hazard for the Immigration Minister, Peter Dutton, and his department.

Doctors at Melbourne's Royal Children's Hospital are refusing to discharge children where they know that they will be returned to Nauru and detention centres in Australia. These treating doctors say that to do so would be a breach of their ethical obligation because it would increase the risk of harm to children.

One might have thought that Dutton would respect the clinical judgment of medical professionals and remove children from immigration detention, and particularly from Nauru. But he has played politics with the issue by asserting that hard-line asylum seeker deterrent policies have to trump health concerns. Disappointingly, the newly minted Prime Minister Malcolm Turnbull, who promises a more liberal approach, has so far also refused to accede to medical warnings.

If Turnbull and Dutton continue their stance and children are returned from hospital and the health system into detention, then they are putting at risk taxpayer dollars in potential punitive damages claims.

The Commonwealth has a duty of care to ensure those it places in detention are not harmed. If it receives clear medical advice about the risk of harm to a child detainee if that child is returned to detention, but ignores that advice, then that child will have a strong case for a court to say that the contemptuous conduct of the Commonwealth should be reflected in what lawyers call "punitive" or "exemplary" damages.

The purpose of awarding exemplary damages on top of ordinary damages is, as the High Court said in a 1985 case, to punish the defendant for "conduct showing a conscious and contumelious disregard for the plaintiff's rights and to deter him from committing like conduct again".

A plaintiff seeking exemplary or punitive damages has to show that the defendant engaged in, as the High Court noted in a 1998 decision, "conscious wrongdoing" or behaved with "contumelious disregard of another's rights".

Dutton and his Department's current determination to return children to detention centres in spite of medical warnings would certainly fit into the sort of evidence required to justify a claim for exemplary damages.

There is also the fact that to insist on children remaining in migration detention is a clear breach of Australia's obligations under the Convention on the Rights of the Child. This Convention, to which Australia is a signatory, forms the basis of child protection legislation in Australian state and territory jurisdictions. Its fundamental premise is that in any actions by government or individuals who are responsible for the wellbeing of children, it is the interests of the child that are paramount. This means that the interests of children remaining healthy and out of the way of physical and mental harm must override the Migration Act's mandatory detention provisions.

The Turnbull Government has a choice. It can continue to prosecute the legally risky and morally repugnant mandatory detention regime pursued by all governments since the 1990s or it can respect human rights and its legal obligations to ensure that those in its care are not harmed.

It would seem an obvious choice in a nation that purports to abide by the rule of law.

Greg Barns is a barrister and spokesperson for the Australian Lawyers Alliance.

<http://www.abc.net.au/news/2015-10-12/barns-risky-detention-policy/6847152>

8. Malcolm Turnbull and Mike Baird must take a stand for the women we put on Nauru

Sydney Morning Herald
October 14, 2015 - 6:13PM
Catharine Lumby

Sexual assault is a crime many of us continue to brush aside. But it's the most fundamental violation of human rights. It's an intimate and visceral violation of the body. It's so awful that it's hard to think about.

As one of his first acts in office, Malcolm Turnbull put ending violence against women on the agenda. NSW Premier Mike Baird has done the same. They both seem genuine – even genuinely angry about the everyday nature of assaults on women.

But the protection of women's right to be free of the most basic violence should not stop at our borders. Particularly not when we've extended our fictional borders to include Manus Island and Nauru. We put these women there. We are responsible.

Australian politicians love talking big about our nation as a player on the global stage when it comes to assisting our allies in military operations. So where's that big talk when it comes to the appalling abuses of female asylum seekers housed offshore?

Why the resounding silence about women being held in detention or released on visas in what is clearly a culture of sexual assault on Nauru? Why has our government done nothing to intervene? Are these women ghosts in our democratic system?

We know of two high-profile cases – one woman is waiting to hear if she is able to have a termination as a result of falling pregnant after her assault. A second woman's distressed emergency call reporting a sexual assault apparently went unanswered for hours.

The Nauru government has responded to the latter case by hiring a public relations firm who issued a statement in crude bureaucratic speak. There was no expression of concern for the complainant, who, the release states, was found "holding up a rock and hiding in bushes". The release, unbelievably, goes on to detail police evidence about the condition of her vagina or whether semen was present.

As anyone with the most basic knowledge of sexual assault knows, there are many women who are assaulted without evidence of physical trauma or semen. But hiding in bushes, panic struck, while holding a rock is surely clear evidence that something terrible happened to this woman.

To make matters worse, the police report of the alleged assault that was released to the media named the woman but not any of the alleged assailants. The report included graphic details of the woman's account of the assault. For a Somali woman to be named in these circumstances is devastating given the shame her society often puts on women who are raped.

The chilling effect of releasing this woman's details means is that many other women who have been assaulted will not come forward. There is a clear domino effect.

Pamela Curr is a human rights and refugee rights advocate who has regular contact with asylum seekers on Nauru. She says the situation has become intolerable and that female detainees, along with those released into the Nauru community, often put up with daily sexual assaults.

Why is Australia standing by and allowing this to happen to women who often come from cultures where rape is something to be ashamed about? Why is a woman who is pregnant as result of rape on Nauru being kept in Villawood with her advocates being given no information about counselling or health services?

Turnbull and Baird are better leaders than this. Women don't need men to protect them – but given it's largely men in positions of power, we do need them to take a stand on our behalf.

We need to end violence against women everywhere. But let's start in our own backyard. Or the backyard next door that we wouldn't let our kids play in – which is shorthand for the places we keep others people's kids in detention. Out of sight, out of mind.

---->>>> *Catharine Lumby is a Professor of Media at Macquarie University.*

<http://www.smh.com.au/comment/malcolm-turnbull-and-mike-baird-must-take-a-stand-for-the-women-we-put-on-nauru-20151013-gk842h.html>

9. Protesting doctors refuse to say if they would discharge children into detention

Victorian government backs 'brave decision' of staff at Melbourne's Royal Children's hospital to speak out

The Guardian
Melissa Davey
Monday 12 October 2015 15.31 AEDT

Doctors protesting at the incarceration of asylum-seeker children have declined to say whether they would refuse to discharge patients if it meant they would be sent back to detention centres.

On Saturday doctors from the Royal Children's hospital in Melbourne wrote an editorial in the Herald-Sun about the harm detention causes to children, and called for "moral leadership on this issue to find a solution, quickly, to use alternatives to detention and to stop the harm".

Hundreds of doctors, nurses and other hospital staff gathered outside the hospital in a protest supported by the hospital.

Some media reported at the weekend that doctors would in future refuse to discharge patients if it meant they would be returned to detention but on Monday a hospital spokeswoman could not confirm that was the case.

She said the doctors would not give further interviews at this stage to clarify what, if any, changes they would make to their discharge process for children from detention centres. "We're not making any further comment at this stage," she said.

The Victorian government has reiterated its support for the "brave decision" of the hospital staff. The state health minister, Jill Hennessy, said it was unusual for doctors to get involved in politics. "Our doctors are making some very, very brave decisions by speaking publicly," she told ABC radio on Monday.

"They're not people that like to ordinarily engage in the wherewithal of political debate. They are simply standing up for their patients and, as their minister, I'm saying I support them. End of story."

Hennessy said no children from detention centres were now being treated at the hospital.

Prof David Isaacs, a paediatrician who runs a clinic for refugees in western Sydney and who has treated children in detention, praised the hospital for supporting its staff. He called for other hospitals to do the same but said many were reluctant to do so for fear of jeopardising their relationship with the federal government.

The Australian Medical Association, the Royal Australasian College of Physicians and the Royal Australian College of General Practitioners have all called for more humane treatment of asylum seekers, but it was helpful for healthcare workers to know their employers supported their stance, Isaacs said.

"We have previously published results from a survey that found 85% of paediatricians thought having children in detention was child abuse," he said.

"The vast majority of paediatricians think Australia is abusing children by putting them into detention. So almost all children's hospitals should agree the same, and stand behind a banner that says detention harms children."

The Sydney Children's Hospitals Network, which includes the Children's hospital at Westmead and Sydney Children's hospital, said its staff had limited exposure to children from Nauru but they worked closely with the government to ensure their clinical needs were met.

"The clinicians at SCHN support the health and wellbeing of children in detention and strongly urge this to be resolved as soon as possible," a statement said.

Princess Margaret hospital for children in Western Australia was also contacted for comment.

Guardian Australia also put questions to the office of the immigration minister, Peter Dutton, about what options the department would have should a hospital refuse to discharge a patient who had come from a detention centre.

On Monday the federal Labor opposition immigration spokesman, Richard Marles, introduced a private member's bill which would require staff in detention facilities to report child abuse. This year laws were introduced making it almost impossible for health professionals to make public cases of child abuse within detention centres without facing jail.

<http://www.theguardian.com/australia-news/2015/oct/12/prottesting-doctors-refuse-to-say-if-they-would-discharge-children-into-detention>

10. Ranjana Srivastava: Australian doctors' impotent rage over refugees has finally reached its limit

Detained children end up mentally and physically ill. Confronted for years with the task of caring for these kids, doctors have finally howled in protest

The Guardian
Ranjana Srivastava
Friday 16 October 2015 09.53 AEDT

"Your government does what with refugee children?" was the subtext of the discreet email from my friend, an American paediatric ethicist. "Thought you might be interested."

Underneath, several international posts were attached about the protest by staff at Melbourne's Royal Children's Hospital against the Australian government's policy of placing children in detention.

Of the roughly 3,600 people in detention, the latest statistics number 92 children held offshore and 113 onshore. We know physical and mental illness are not just common but the norm and when these children are finally hospitalised, they can't be sure who they might find outside their door: the hospital clown or an immigration official.

Confronted for years with the seemingly Herculean task of providing safe, appropriate and compassionate care to these children, almost all scarred by anxiety, depression and a range of serious illnesses, a thousand doctors, nurses and other workers at one of the world's elite hospitals finally howled in protest.

And it seemed, just briefly, that their angst and eloquence on behalf of their silent charges made a world saturated with bad news listen. Those who heard mostly lauded their stand. Even the government tuned in – although there will be no victory while the children languish in detention.

All week I have wondered what it takes for doctors, a difficult group to mobilise over any common cause, to join in protest. What does it take to attract the vocal support of usually cautious professional associations, not to mention health ministers and prominent lawyers pledging to defend any professional prosecuted for the crime (that's right) of protesting an objectionable government policy?

When many of my colleagues, from surgeons to rehabilitation physicians, said they wished they had joined in, I realised that the protest was more than a spontaneous combustion. It was the result of a profession's impotent rage over asylum seeker policy finally reaching its limit.

I have only ever treated one refugee child in my entire life; it was 15 years ago but I remember him as if it were yesterday. I was a volunteer at the Asylum Seeker Resource Centre, which had a rudimentary medical clinic. Our patients were ineligible for government Medicare benefits and thus completely dependent on us for medical care.

Full story at <http://www.theguardian.com/commentisfree/2015/oct/16/australian-doctors-impotent-rage-over-refugees-has-finally-reached-its-limit>

11. Medical bodies call for all places of detention to be opened up to scrutiny

Australia's medical fraternity wants an independent monitor to stop abuse in immigration detention, juvenile justice, psychiatric and aged care facilities

The Guardian
Ben Doherty and Paul Farrell
Friday 16 October 2015 06.10 AEDT

Australia's immigration detention centres, juvenile justice facilities, and prisons should be opened up to an independent monitor to stop abuse and mistreatment of detainees, Australia's medical fraternity has argued in a landmark joint statement.

Eighteen of Australia's peak health bodies issued the statement urging the Australian government to ratify the UN's optional protocol to the convention against torture and other cruel, inhuman or degrading treatment or punishment, known as Opcat.

The Opcat was passed by the UN's general assembly in 2002 and came into force globally in 2006. Australia is in the unusual position of having signed the treaty in 2009 – an indication of support for the purposes of the treaty – but not ratified it, which would make the country legally bound to adhere to it.

The Opcat requires countries to set up an independent and sufficiently-resourced monitoring body that has unrestricted access to all places of detention, including prisons, police lock-ups, juvenile detention centres, immigration detention facilities, locked psychiatric facilities, and secure disability and aged care facilities.

In a joint statement issued on Friday, the 18 peak health bodies – including the Australasian College of Emergency Medicine, the Australian College of Mental Health Nurses, the Public Health Association of Australia, the Australian Psychological Society, and Children's Healthcare Australasia – said current systems of oversight of detention centres were failing, and needed urgent strengthening.

Joint Statement OPCAT:
https://www.scribd.com/doc/285101845/Joint-Statement-OPCAT?secret_password=Y6ajryV1yDqxd08Qvjn

"The lack of consistent and comprehensive monitoring has contributed to ongoing incidents of mistreatment and human rights abuses in places of detention," the statement said.

"A succession of parliamentary inquiries, royal commissions, coronial inquests, and reviews from international bodies have highlighted gaps in monitoring across different places of detention in Australia, and the need for improved oversight to protect the health and human rights of people deprived of their liberty.

"The government must act now and ratify the Opcat to prevent further instances of harm."

A spokesman for the attorney general's department said the government was considering whether to ratify the protocol "and bring it into force in Australia".

Australia has been a party to the Convention against Torture since 2009, and so is obliged to ensure that no torture, inhumane or degrading treatment takes place in detention centres under its control. Bodies such as the Commonwealth ombudsman, the Australian Human Rights Commission, the Australian Red Cross and the UNHCR are able to scrutinise Australian detention facilities.

Doctors have spoken out previously about the abuse of people in detention: more than 40 signed an open letter in June condemning the Border Force Act that imposed a two-year prison sentence on whistleblowers who spoke out about conditions in detention, and last weekend, doctors at the Royal Children's Hospital in Melbourne protested at detention conditions, arguing they were inherently harmful.

Earlier in the year, doctors at the hospital refused to discharge a patient and her daughter in order to prevent them being sent back to detention.

Sixty-four human rights and social welfare organisations wrote to the attorney general, George Brandis, last year urging Australia's ratification of the treaty.

Australia's immigration detention network has been the subject of consistent controversies, with reports of violence against asylum seekers, medical neglect and sexual harassment and assault.

It is unclear whether Australia's offshore detention regime would fall within the scope of the Opcat. The government and its Australian contractors maintain the detention centres are the responsibility of the Nauruan and PNG governments, but a parliamentary inquiry found Australia had effective control of the centres, and was legally responsible for them.

Those offshore centres have been consistently mired in controversy. A series of government reports and parliamentary inquiries have found: systemic sexual abuse, including rape, of asylum seekers; violence against detainees by guards and police, including the death of Reza Barati and others being shot; insufficient medical care and delays in treatment, contributing to sustained illness and the death of Hamid Kehzaei; and inadequate and expired food and medicines given to asylum seekers.

Nauru ratified the Opcat in 2013 but has not yet set up the monitoring body to oversee detention conditions as it is required to.

But there have also been issues of abuse in prisons and police lock-ups, in particular of Indigenous prisoners and of minors. Abuse in mental health facilities and in aged care homes has also been reported across Australia.

Former medical officer for International Health and Medical Services in the Christmas Island detention centre Dr John-Paul Sanggaran told Guardian Australia the Opcat would establish a national preventive mechanism that would safeguard the rights of those held in detention.

Australia had had six years to ratify the treaty he said: "it seems like there needs to be action now".

"It all comes down to transparency, as things stand there is no transparency and deliberately so. Transparency is likely to deter human rights abuses in the first place."

Sanggaran said those in detention were often especially vulnerable to having their rights abused.

"People only seem to value human rights once those rights are in danger of being lost, people don't value the human rights we enjoy day today."

He said asylum seekers in detention had often already suffered grave human rights abuses.

"Coming from a place, often a very traumatic or dangerous situation, to experience a difficult and dangerous journey to another place and then to be taken and put into what is essentially indefinite detention, it's these people who value human rights, who know what they mean and how important they are."

The chief executive of the Australian College of Mental Health Nurses, Kim Ryan, argued the ratification of the Opcat was even more pressing in light of the UN special rapporteur on the human rights of migrants abandoning his visit to Australia.

François Crépeau cited provisions in the new Border Force Act which carry a two-year prison sentence for detention centre whistleblowers, as preventing people from speaking to him, and him from being able to work freely.

"We are now in a position of no external scrutiny of what is happening, which may have health and mental health implications for all those detained and working in detention centres. If we are to continue to detain people we need to limit the harm caused to asylum seekers and to staff."

Michael Moore, the chief executive of the Public Health Association of Australia said the Opcat would prevent human rights abuses among some of society's most vulnerable and marginalised.

"The Opcat is fundamental to ensuring the human rights and dignity of people in places of detention are protected. By opening up places where people are detained to regular independent scrutiny, human rights abuses can be prevented and the secrecy and silence of abusive systems can be confronted and reformed.

"Examples of abuse, neglect and ill-treatment in places of detention continue to proliferate – whether it is harsh conditions in immigration detention, physical and sexual abuse in residential disability and mental health facilities, neglect in secure dementia care facilities, the use of solitary confinement in juvenile detention, or inadequate mental health care in overcrowded prisons. Ongoing instances of abuse, neglect and ill-treatment in places of detention undermine Australia's credentials as a leader in human rights."

<http://www.theguardian.com/australia-news/2015/oct/16/medical-bodies-call-for-all-places-of-detention-to-be-opened-up-to-scrutiny>

12. Doctors' protest over asylum seekers shows us what real morality is all about

Melbourne's medicos remind us that the utilitarian politics behind our brutal asylum seeker policy strikes at the heart of our civilisation.

Sydney Morning Herald
October 15, 2015 - 7:45PM
Waleed Aly

It's easy to forget there was a time that we didn't justify our asylum seeker policies by claiming they were "stopping deaths at sea". Once upon the Howard era, we were candid enough to say flat out it was a bald assertion of sovereignty, bolstered by a general hunch we didn't really like these people very much.

That's what the whole "children overboard" thing was about, really: one final overstatement in a relentlessly prosecuted argument that boat people weren't really people at all. Hence: queue jumpers, possibly terrorists, the kind of unscrupulous cynics who'd drop their own kids in the ocean if it helped them cheat their way in.

Viewed through that history we can see just how remarkable the transformation has been. "Deaths at sea" allowed us to take a crassly nationalistic argument and turn it instead into a moral one. The odd "economic refugees" or "Christians only" snipe aside, we stopped attacking refugees directly and attacked people smugglers instead. Brutality was transformed into a kind of muscular compassion, and every confirmation of the psychological (and sometimes physical) destruction of people under our jurisdiction was rendered a sober necessity. Deterrence, no matter what horrors it entailed, became the only moral position. That, insisted Malcolm Turnbull this week, is "the melancholy truth".

And it is precisely this that makes the current refusal of doctors at Melbourne's Royal Children's Hospital to discharge their asylum-seeker patients if they are to be returned to immigration detention so potent. In a debate that is so constant and repetitive it has become mere auditory wallpaper, theirs is the most disruptive intervention in years. And that's because it is so explicitly not political.

This is ostensibly a clinical decision: doctors insisting detention would further damage those under their care, and who are therefore bound not to subject them to it. But beneath every clinical judgment lies an ethical one, too. That's why doctors swear oaths. Medicine is more than a technocratic application of treatments; it is the practice of an ethos of service and care. When doctors declare they cannot return patients to immigration detention, they are saying it would be immoral for them to do so: a violation of their covenant.

Government policy cannot simply trump such oaths. It cannot erase the age-old ethical foundations of an entire profession. And that is why the doctors' stance is so impervious to the predictable retorts of politics. No amount of invoking "deaths at sea" can compel a doctor to harm her patient. We're witnessing two contrasting moral languages here that proceed from different assumptions of what constitutes the good. And there's a lot we can learn from identifying those differences.

The doctors' moral focus is on the individual patient. They do not ask, for example, whether that patient is worthy of treatment. They don't give less care to an abusive drunkard than to an altruistic social worker. They don't refuse to treat an elderly patient simply because it might be more productive to prioritise treating younger people with their prime decades still in front of them.

They reject any notion that a "lesser" person should be sacrificed for the benefit of someone – or something – "greater". Their morality is about the unquestioned dignity of the person before them; a dignity that exists for no reason other than that this is a human being in need of care.

In this sense it has clear liberal (or perhaps personalist) overtones. And for that reason, it is far from niche. This idea – that each individual is sacred; that no individual can simply be sacrificed in order save others – lies at the heart of our civilisation.

It's the reason we've prohibited torture. It's why we've abandoned the death penalty in this country, no matter the crime. Indeed, it's the basis of the whole idea of human rights, which this nation was so instrumental in distilling into law. It's meant to be the basis on which we do our public reasoning. So it's hugely significant that right now, it's also the opposite of the argument our politicians are running.

"Deaths at sea" only masks the nature of the morality we're adopting here. So let's be clear what it ultimately means: that we sacrifice some people for the sake of others. That individual people will be brutalised and occasionally destroyed, so that others' lives may be saved.

I cannot claim there's no moral case to be made to that effect at all (although I doubt the claim there is simply no other way to save these lives). It's just that it is a starkly utilitarian one: greatest good for the greatest number, and all that.

That might be fine if it's a moral vision we habitually adopt, but it's not. We don't, say, force people to donate their organs, even though we know this would save lives. As a nation we've typically rejected this sort of approach because it has a nasty habit of being unprincipled. It's the morality that can make anything from slavery, to torture, to Stalinism possible: an ethos that has no rules, only results; where nothing has intrinsic value except whatever "greater good" you wish to serve.

Under this sort of cover, almost any atrocity can be sanctified. And if it can do even that sort of heavy lifting, then what's the mental disintegration of a few hundred asylum seekers – whether they're children or not?

That's how we've reached the point where we no longer even need to pretend our detention centres are anything other than (in Patrick McGorry's phrase) "factories for producing mental illness". We've developed a morality that can absorb that. We just can't recognise how dramatic that is because our political debate is incapable of teasing out the moral assumptions that made that possible.

But every now and then something happens that reveals the smallness of politics. Perhaps we shouldn't be altogether surprised that this time it was the stand of a few Melbourne doctors. After all, they clearly understand the ethics on which their profession is based. And their clarity leaves us with the question of whether the rest of us can make anything like the same claim.

---->>> *Waleed Aly is a Fairfax Media columnist and winner of the 2014 Walkley award for best columnist. He also lectures in politics at Monash University.*

<http://www.smh.com.au/comment/doctors-protest-over-asylum-seekers-shows-us-what-real-morality-is-all-about-20151014-gk9emp.html>

13. Aid organisation calls for children to be released from immigration detention

ABC Radio CAF - AM

By political reporter Naomi Woodley

Posted Thu 15 Oct 2015, 6:32am

The peak bodies representing Australia's overseas aid and welfare communities are calling for the immediate release of all children from immigration detention.

The Australian Council for International Development (ACFID) and the Australian Council of Social Services (ACOSS) also said allegations of abuse in offshore centres should be referred to the Royal Commission into Institutional Responses to Child Sexual Abuse.

"I know that the Government and the Opposition say that we need to maintain the detention of children because we don't want to see drownings at sea, but to me that's a morally confused argument," ACFID executive director Marc Purcell told the ABC's AM program.

"It's never right to harm children. To stop one bad thing happening, you should not do another bad thing."

Mr Purcell said ACFID had intervened in the debate because its member organisations work on the "frontline" in places including Afghanistan, Syria, Sri Lanka and Myanmar with refugees who often end up in Australian immigration detention.

There are currently 97 children in immigration detention in Australia and 92 on Nauru.

Of the children in Australia, about 80 are due to go back to Nauru and, of the remaining 17, the Immigration Minister says most have a family member who will not be released for security reasons.

"In some circumstances, that mother, those parents have taken the decision that the mother and children can be released, and in some circumstances they've decided to remain in detention with the father," Immigration Minister Peter Dutton told Parliament.

He said there were 2,000 children in detention when the Coalition came to power in 2013.

"I want to work that number down to zero, but we have to provide a compassionate system to provide support, and we will do that," Mr Dutton said.

"The most important aspect is to make sure we don't allow the boats to restart, because I don't want detention centres to re-open as they did during Labor's time in Government."

But Mr Purcell says "the ends do not justify the means".

"The Government can look at how it wants to interdict the coast, what we're saying is that it is not justifiable to be putting kids in detention or in places such as Nauru where they experience significant mental harm and are vulnerable to abuse."

He said ACFID and ACOSS believed the Royal Commission into child sex abuse in institutions had the jurisdiction to examine events in immigration detention both in Australia and overseas.

"We don't believe that there is any legal difficulty in looking at the Commonwealth's actions in regards to how it responded over time, from the point where the regional detention centre on Nauru was established," Mr Purcell said.

The Greens are also planning a bill to put a time limit on the detention of children in immigration facilities.

The Greens' Immigration spokeswoman Sarah Hanson-Young will give notice today of a bill to set a 30 day time-limit on the detention of minors.

<http://www.abc.net.au/news/2015-10-15/calls-for-children-to-be-released-from-detention/6855966>

14. Aid and social service groups push to get children out of detention centres

Australian Council of Social Service and Australian Council for International Development to offer the government a road map to the release of children

The Guardian

Bridie Jabour

Thursday 15 October 2015 06.06 AEDT

A renewed push to get children out of Australia's offshore and mainland detention centres is being led by the peak group for overseas aid organisations and the country's social services groups.

The Australian Council of Social Service (ACOSS) and Australian Council for International Development (ACFID) will on Thursday jointly call for children to be freed from detention and offer the government a road map to their release.

The organisations want all allegations of child abuse in the detention centres referred to the royal commission into institutional responses to child sexual abuse after the children are released.

There are 96 children in Nauru and a further 104 in Australian detention facilities, according to ACFID.

The call comes as a new parliamentary inquiry has been established into the treatment of asylum seekers in the offshore detention centres of Nauru and Manus Island.

ACOSS has committed to helping facilitate the care and integration of children and their families into the community after their release.

The executive director of ACFID, Marc Purcell, said the message for Australian politicians was that the end did not justify the means and there was no excuse for locking children up.

"Stopping asylum seekers coming by boat cannot justify locking children up indefinitely in detention centres and on Nauru and putting at risk their mental, physical and sexual wellbeing," he said.

"We are deeply concerned that the Australian government has kept children in institutions where they are being subject to psychological and sexual abuse for over a year."

ACOSS CEO Cassandra Goldie said by not removing children from detention centres the government was actively putting children in harm's way.

"The government needs to realise that the Australian and international community does not condone what is happening to the children of asylum seekers. It does not believe the government has done enough to keep them safe," she said.

"Indeed, by not removing all children from detention and Nauru, many Australians believe the government is actively putting children in harm's way."

Goldie and Purcell are also calling for an independent children's guardian to be established to ensure children are held for the "absolute minimum period necessary for appropriate checks to be conducted" and to oversee their release to appropriate carers in the community without delay.

"The children's guardian would also ensure that unaccompanied children in the community have a permanent guardian to ensure that their best interests are protected at all times," Goldie said.

Abuse of children in offshore detention has been uncovered by numerous whistleblowers and investigations, including the Moss review into allegations of sexual assault and conduct of service providers on Nauru and a Senate inquiry into the allegations of abuse on Nauru.

The reports found evidence of sexual abuse of children, assaults on children, inadequate medical care, poor food and insufficient drinking water, and high levels of psychological trauma.

Save the Children, one of the longest serving rights-based organisations operating in Nauru, has also uncovered numerous allegations of abuse and on Saturday had its offices raided by Nauran police looking for evidence of whistleblowers supplying information to journalists.

<http://www.theguardian.com/australia-news/2015/oct/15/aid-and-social-service-groups-push-to-get-children-out-of-detention-centres>

15. 'End this shame': Clive Palmer to establish fighting fund for refugees suffering 'torture'

Sydney Morning Herald
October 13, 2015 - 12:45PM
Nicole Hasham

Federal MP and mining magnate Clive Palmer has pledged to establish a legal fund to help asylum seekers and refugees at Manus Island and Nauru, calling on the federal government to "end this shame".

The member for Fairfax and Palmer United Party leader said allegations of "torture and abuse of refugees", including women and children held in offshore detention, were "a crucial test for Prime Minister Malcolm Turnbull and his government ministers to show compassion and leadership".

The move comes as Labor, the Greens and refugee advocates step up pressure on the Turnbull government to solve the thorny issue of detaining asylum seekers, after doctors at Melbourne's Royal Children's Hospital refused to discharge an asylum seeker and her child to immigration detention on the weekend.

Mr Palmer said on Tuesday he would establish a legal fund for refugees to access "court representation" so their cases could be heard.

"Let's get to the bottom of this and let justice prevail," he said in a statement.

"Too often in my electorate and right around Australia, people tell me they are fed up with government representatives acting only for themselves.

"This is a chance to show some humanity and government ministers who are doing the wrong thing need to be exposed."

Mr Palmer did not say how much money would be set aside in the fund. He was knocked off Australia's top 50 rich list in January after his estimated wealth fell below \$690 million.

He called on Immigration Minister Peter Dutton to "act decisively to end this shame".

"Mr Turnbull and his ministers are family people, mothers and fathers. It's time they showed their hearts and ended this shocking chapter in Australian history by confronting the truth of how asylum seekers are being treated," he said.

"If Australia prides itself on being a just and humane society, the torture and mistreatment of refugees cannot be tolerated for a day longer."

Mr Palmer also took aim at the Australian Border Force Act, under which detention centre workers who disclose what goes on inside are threatened with up to two years in prison.

He described the laws as "an affront to our core freedoms as a nation".

Labor on Monday introduced a private member's bill requiring immigration officials to report all suspected child abuse in offshore and onshore detention camps.

The Greens will also introduce a bill to ban the detention of children in Australian-run centres.

Mr Palmer has previously urged the government to allow asylum seekers to fly to Australia to have their claims processed.

In 2014, Mr Palmer and then-immigration minister Scott Morrison struck a deal to allow the reintroduction of temporary protection visas and other visas that may eventually allow asylum seekers to be given permanent residency.

Nauru claim decisions finalised

Meantime, Nauru's Department of Justice and Border Control says it has finalised decisions on refugee claims for all but a handful of asylum seekers on the island.

Deputy secretary Shyla Vohra said about 90 people a day were being informed of the decision.

"Sufficient time is allocated to each individual with their representative and an interpreter to explain the decision to them and to explain the reasons when a decision is negative," she said, adding appeal options were available.

Those found to be refugees meet a caseworker to discuss accommodation, employment "and other next steps", Ms Vohra said.

In a surprise move last week, Nauru Justice Minister David Adeang said the government intended to determine all remaining refugee claims and said asylum seekers were now free to come and go from the detention centre as they pleased.

<http://www.smh.com.au/federal-politics/political-news/end-this-shame-clive-palmer-to-establish-fighting-fund-for-refugees-suffering-torture-20151013-gk7ohl.html>

16. Labor frontbencher Lisa Singh calls for end to 'not humane' indefinite offshore detention

ABC News Online

By political reporter Dan Conifer

First posted Mon 12 Oct 2015, 9:36pm

Updated Mon 12 Oct 2015, 9:46pm

A Federal Opposition frontbencher has broken ranks and called for an end to "ongoing mandatory indefinite" offshore detention of asylum seekers.

Labor restarted offshore detention and established regional resettlement while in government, and both remain the party's official policy.

"I really think that the ongoing mandatory indefinite detention of people on Manus Island and Nauru has to stop," Senator Lisa Singh told Q&A.

"I think that the children need to be taken out of Nauru and our detention centres.

"There is no processing going on. It is indefinite detention and that is not humane.

"These are people that have ... fled persecution, they are refugees, they've been deemed refugees, and yet they've been left languishing in Manus Island and Nauru for years and years on end.

"I think we do need to have a new conversation about refugee policy in this country. I think it will be a dark mark on our history."

Senator Singh, Labor's shadow parliamentary secretary for the environment, climate change and water, is an unaligned member of the party's left faction.

Earlier this year she was relegated to fourth place on the party's Tasmanian Senate ticket for the next election, a position that is considered unwinnable.

Wyatt defends Government's approach, says children are being processed

The Government has been defending its record on children in detention over recent days, after it was revealed medical staff from Melbourne's Royal Children's Hospital refused to discharge some young asylum seekers back into detention.

It said fewer than 200 minors were being detained — down from a peak of almost 2,000 under the former Labor government.

"The process that Peter Dutton has in place means that people are being processed," Assistant Health Minister Ken Wyatt said.

"The processes that he's putting into place are moving towards the transferees having freedom on Nauru.

"We will continue to take a hardline [approach].

"There is a need to have in place strong measures that we will adhere to."

<http://www.abc.net.au/news/2015-10-13/labor-frontbencher-lisa-singh-calls-for-offshore-detention-cha/6848604>

17. Politicians and church leaders to urge asylum policy rethink after Syria crisis

Voters' positive reaction to the decision to admit 12,000 extra refugees from the Middle East has laid the ground for a more humane policy, says forum

The Guardian
Shalailah Medhora
Thursday 15 October 2015 18.25 AEDT

Politicians will work with religious leaders on creating a new, humane asylum seeker policy, after conceding that public opinion on the issue has shifted.

The 5/5 working group, containing five politicians from different parties and five cross-denominational religious leaders, was created during a forum in Parliament House on Thursday. Which politicians and religious leaders who would make up the group will be determined shortly, and the group is expected to convene within a month.

Around 50 leaders representing Christian, Muslim and Jewish faith groups met with 15 politicians from the Liberal, National, Labor and Greens parties on how to create a "solution c" on asylum seekers, away from the polarising "stopping the boats" rhetoric that has surrounded the debate.

The former house speaker, Labor backbencher Anna Burke, argued that both major parties had used the suffering of asylum seekers as "an election-winning process".

"We've used people as a political football," she said.

The Liberal backbencher, Russell Broadbent, foreshadowed the softening public opinion on asylums seekers, as reflected in the resoundingly positive reaction to the government's decision to resettle 12,000 extra refugees from Syria.

"I saw this coming," he told the forum.

He foreshadowed a subsequent change in the way politicians handle the issue, saying "there is no more powerful court than the court of public opinion".

The president of the Uniting Church, Stuart McMillan, agreed.

"In increasing numbers, courageous citizens are expressing their concerns about the inhumane and illegal treatment of people seeking asylum, especially children," he said. "I congratulate MPs of principle and good faith who are not letting this matter rest in their party rooms or in public."

Broadbent ramped up pressure on the government to release all asylum seeker children from immigration detention, arguing that keeping them in immigration detention is "unacceptable".

Religious, community and aid groups echoed Broadbent's sentiments on Thursday.

"We request that all children and their families be released into the community in Australia," one of the religious forum's organisers, Sister Anne Lane from Catholic Religious Australia, said.

"Stopping asylum seekers coming by boat cannot justify locking children up indefinitely in detention centres and on Nauru and putting at risk their mental, physical and sexual wellbeing," Marc Purcell from the Australian Council For International Development (ACFID) said in a statement issued early on Thursday morning.

"Let us be absolutely clear: nothing can ever justify putting children at risk of harm – nothing."

The head of the Australian Council for Social Service (ACOSS), Cassandra Goldie, wanted all allegations of abuse relating to children in immigration detention referred directly to the royal commission on institutionalised sexual abuse.

“ACFID and ACOSS also call on the government to establish an independent children’s guardian to represent the best interests of children seeking asylum in Australia,” Goldie said.

The federal government will press on with its plan to resettle Syrian refugees before Christmas, though the assistant social services minister, Concetta Fierravanti-Wells, could not say exactly when the first group would arrive.

“Hopefully by the end of the year,” she told reporters, saying that health and security checks were being conducted and could take some time.

Fierravanti-Wells also rejected suggestions that the Commonwealth had decided how many of the refugees would be resettled in each state and territory. That would depend on the make-up of the group and whether or not they had existing family ties in certain cities.

<http://www.theguardian.com/australia-news/2015/oct/15/politicians-church-leaders-urge-asylum-policy-rethink-after-syria-crisis>

18. Martin McKenzie-Murray: The man paid to protect Nauru’s image

The Saturday Paper
Oct. 17, 2015
Martin McKenzie-Murray

The Australian publicist selling the Nauru government’s message on mistreated refugees defends his tactics.

was similar to a dozen firsthand accounts of rape I have heard from alleged victims on Nauru. The woman – we will call her Susan – says she was rushed into bushes by two Nauruan men and assaulted on August 21. Distressed and limp, she called emergency services. The conversation was recorded. “I listen your shout, please come help me,” she said to the police dispatcher. The man on the other end tried to determine her location, made difficult by her obvious distress. Eventually, the sound of emergency sirens is heard on the tape. “I listen, shout ambulance. Please come help me.”

Nauruan police now say the alleged crime never happened. They’ve closed the case. The Nauruan government’s Australian public relations firm, Mercer PR, released unredacted police reports on their behalf. They included forensic details of a vaginal examination. “There was no lacerations or bruising around the vaginal region,” the report read in part, “and a spermatozoa test on the victim after a vaginal swab proved negative.” Most grievously, however, the reports contained the woman’s name – contrary to decency and circumspection, and quite possibly to Australian privacy law. Certainly it is contrary to the woman’s wishes, who fears reprisal. Media organisations, including this one, have suppressed her name in past reporting.

Under fire, Mercer PR respected its own privacy by securing their blogs and Twitter accounts from public scrutiny. But it was too late. This week the company attracted censure from their own industry, politicians, and former police officers.

Mercer PR’s relationship with the Nauru government

Remote and sweltering, Nauru is renowned for its citizen’s languorous relationship to time. But absent a history of civic stability, its government can exercise vengeance very quickly. There is no respect for due process that might otherwise slow or retard the expulsion of political opposition, aid workers or a chief magistrate. No, these things happen rapidly. Blink and you might miss them.

This week Nauruan police raided the offices of Save the Children and seized computers and phones. They were looking for proof of whistleblowers two weeks before the non-profit’s contract to supply support to asylum seekers ends. Australian Border Force guards stood by during the raid. We still do not know whether the Australian government was warned of the raid, if they were aware of its legal grounding, or if they thought it appropriate that their contractors be subject to such intrusion. A spokesperson told me: “The Department of Immigration and Border Protection had no role in the events described in your inquiry.”

Within this muddy light, Lyall Mercer works as point man – the link between the Nauruan government and a distant media reporting on human rights abuses for which Australia might be reasonably thought responsible. There is no shortage of administrative farce or allegations of corruption for him to profitably burnish.

Full story at <https://www.thesaturdaypaper.com.au/news/immigration/2015/10/17/the-man-paid-protect-naurus-image/14450004002512>

19. PR firm criticised for release of name and graphic details after alleged rape on Nauru

Police, politicians and academics condemn Australian public relations firm Mercer PR publishing police report on assault of female Somali refugee

The Guardian

Paul Farrell

Tuesday 13 October 2015 14.08 AEDT

The release by the Nauruan government and its Australian public relations company of the identity of a sexual assault complainant on Nauru, with graphic details of the alleged attack, has been criticised as an “extraordinary” breach of privacy.

On Monday Mercer PR distributed a press release on behalf of the Nauruan government outlining that a police investigation had found insufficient evidence over serious allegations of a sexual assault made by a female Somali refugee who was previously detained in the Australian-run detention centre on Nauru. The allegations were first reported by the ABC’s 7.30 program in September.

The allegations raised by the woman are separate from the refugee who was brought to Australia for a termination on Monday.

But in a move that has been widely condemned by former police, politicians and academics, Mercer PR also released a police report with the name of the complainant and graphic details of the assault allegations. The police file included comments about the complainant’s vagina and whether there was any evidence of semen and sexual activity.

A former New South Wales police detective, Peter Fox, said the release of the information was something he had never seen in more than 30 years of policing.

“I had 37 years in the police force predominantly as an investigator,” he said. “Never are the names of victims in those situations ever released. That was a policy of the judiciary, and also of the police force throughout this nation.

“To have done that is extraordinary. I think it just again shows the real lack of care and protection of some of these poor people that are being abused in detention.”

Greens senator Sarah Hanson-Young said: “It’s outrageous that the police have released this young woman’s name. She was already vulnerable and this will put her at an even greater risk of harm.

“This is a clear message from the Nauru police to other women on the island: if you dare raise your voice, not only will you see no justice, you’ll be named and shamed publicly as well.”

The woman’s lawyer, George Newhouse, also warned that the disclosure could see fewer women come forward to report serious allegations.

“It’s likely that sexual assault victims will no longer approach the Nauruan police because they know that the Nauruan police will disclose their name and personal intimate details to the public,” he said. “It’s policing 101.”

In Australia sexual assault complainants generally cannot be identified publicly. The Nauruan criminal code does not appear to have any corresponding prohibitions.

Macquarie University professor Catherine Lumby said: “It is a first principle of protecting survivors of sexual assault that you do not disclose their identity, that you offer them counselling, and you offer them options.

“I think the real culpability lies with our own federal government, which is allowing women to be incarcerated or semi-incarcerated in the situation where clearly the policing standards do not meet ours.”

The founder of the company, Lyall Mercer, defended the release of the material, and told Guardian Australia it had been distributed on behalf of the Nauru government.

The release of the data by Mercer’s company has also raised questions about whether it may constitute a breach of Australian privacy laws. Under Australian law, disclosing personal details of a person without their consent could be a breach of privacy law. An exception to privacy laws exist for entities that have a turnover of less than \$3m a year.

When asked whether he was aware of Australian privacy law surrounding the publication of personal data, Mercer told Guardian Australia: “I’m not going to talk about it. We represent the Nauru government. We simply represent the government. We do communications for them. I can’t answer any more.”

The metadata of the Nauruan police file attached to Mercer's press release also suggest that one of his employees modified the document before it was distributed to journalists. But Mercer said: "Nothing was modified. It was straight from whatever we got from the government. There was nothing modified from our office."

Detailed written questions were also put to Mercer on Tuesday morning.

The Nauru police force said it issued the police report "in the interests of full accountability".

"This matter is not before the court and there is no evidence to indicate a crime was committed, therefore there is no legal reason to suppress her name according to Nauruan law," it added.

Mercer has previously written about the importance of privacy on his personal blog. In previous posts about the behaviour of the TodayFM journalists after the death of Jacintha Saldanha, a nurse at a hospital caring for a pregnant Duchess of Cambridge, Mercer wrote: "Did they consider that asking anyone for personal medical details is a gross invasion of privacy, let alone likely illegal? Did they really think that a place that treats sick people and saves lives is a target for humour?"

He also wrote in regard to attendees at a lobbyists' lunch that releasing names of attendees "muddies the story and invades the personal space of people who have not asked for public exposure".

<http://www.theguardian.com/world/2015/oct/13/release-of-name-and-graphic-details-of-alleged-on-nauru-extraordinary>

20. Mercer PR condemned by peak body for releasing rape victim's name

Sydney Morning Herald
October 14, 2015 - 6:07PM
Nicole Hasham

An Australian PR firm who released the name of a refugee allegedly raped on Nauru has been condemned by its own industry peak body, who suggested the incident was a breach of privacy that highlighted the need for higher professional standards.

The Public Relations Institute of Australia has condemned the Brisbane-based Mercer PR, founded by former journalist Lyall Mercer, which on Monday released the victim's name in a police briefing document emailed to the media.

The brief also contained graphic written details of the alleged rape by two Nauruan men, and the results of a vaginal examination.

The document and an associated media release were issued on behalf of the Nauru government, which announced there was no evidence to indicate a crime was committed and the case was closed.

When the name's release was criticised, Mercer PR said the matter was not before the court and "there is no legal reason to suppress her name according to Nauruan law".

But in a statement, the Public Relations Institute's honorary secretary Arthur E. Delbridge said it "strongly condemns the distribution and publication of any material that involves an invasion of privacy for any individual".

"The release of personal information that causes harm or distress to any person is strictly in breach of our Code of Ethics, which binds our members to adherence of agreed standards of behaviour," he said.

Mercer PR is not a member of the organisation and not bound by the code, Mr Delbridge said, saying the incident "reinforces the requirement for the highest standards in communication to be applied".

"We are concerned at all times that the Australian law and codes of conduct in relation to privacy, judicial and health matters are clearly understood and respected," he said.

Mercer PR has been contacted for comment.

Greens senator Sarah Hanson-Young said the release of the woman's name was "outrageous ... she was already vulnerable and this will put her at an even greater risk of harm".

"This is a clear message from the Nauruan police to other women on the island; if you dare raise your voice, not only will you see no justice, you'll be named and shamed publicly as well," she said.

Mercer PR said the woman's name was not in the media statement itself, but in the attached police brief, and "media have the choice whether to name this person or not".

The alleged rape case attracted widespread media attention in Australia after the ABC's 7.30 program broadcast a distressing video of the refugee's call to police, and said the police took four hours to response to the woman's call for help.

Prime Minister Malcolm Turnbull described the allegations as "alarming", and the incident increased pressure on the government to improve conditions faced by asylum seekers and refugees in offshore detention camps.

<http://www.smh.com.au/federal-politics/political-news/mercer-pr-condemned-by-peak-body-for-releasing-rape-victims-name-20151014-gk95m5.html>

21. Mercer PR goes silent after distributing alleged rape victim's name to media

Crikey

October 14, 2015

Myriam Robin, Crikey media reporter

In the world of PR, it's said you've failed when you become the story. It appears Lyall Mercer, the Australian spinner who represents the Nauruan government, is taking whatever steps he can to remove himself from the picture.

Overnight, the Brisbane-based PR operative deleted or upped the security settings on much of his firm's online presence. His agency's Twitter account, @Mercer_PR, is now private and can only be viewed by approved Twitter users. It's the same story on the Mercer_PR Instagram account, and the Mercer blog. Mercer's personal Twitter account is also private and has been for some time.

Crikey asked Mercer why he'd suddenly gone to ground, but we received no response to our email. Journalists who deal often with Mercer have speculated it might be to protect the rest of his client list against blowback after Mercer was heavily criticised for distributing a police report revealing the name of an asylum seeker who said she had been raped on Nauru. The release came about in response to journalists' questions about the issue. Mercer told The Guardian that the release had come straight from the Nauruan government, with nothing modified by his office (the government said it released the police report in the interests of transparency). The Guardian responded by quoting previous comments on the importance of privacy made on the Mercer blog -- Mercer has criticised the media for invading people's privacy on previous occasions.

As the public relations flack for the Nauruan government, Mercer often butts heads with journalists who want to know how asylum seekers are treated in offshore detention. Severe limitations into how the Australian press can report on detention centres include \$8000 journalists' visas to Nauru (although even a willingness to pay is no guarantee of a visa being granted, as Al Jazeera found out this week) and, under the new Border Force Act, jail terms of up to two years for detention centre staff who speak to journalists.

As a result, many journalists feel resentment that they are prevented from informing the public about the operation of government policy. For those who directly report on asylum seekers, highly combative relations with Mercer are not uncommon. As Crikey has previously noted, Mercer has emailed The Guardian's Paul Farrell about tweets he made criticising Mercer. The ABC's Hayden Cooper has similarly been told, through Mercer, that the Nauruan government would not co-operate with the broadcaster's investigations. "Due to continued unbalanced and inaccurate coverage of Nauru by the ABC we will not respond to this request."

Mercer's other clients include the Hillsong Church, the Queensland Taxi Council and the Queensland Liberal National Party.

<http://www.crikey.com.au/2015/10/14/mercer-pr-goes-silent-after-distributing-alleged-rape-victims-name-to-media/>

22. When the crisis manager hits a crisis: Nauru spruiker Mercer PR goes to ground

Sydney Morning Herald

October 15, 2015 - 2:06PM

Nicole Hasham

When calamity strikes and your reputation is shot, Lyall Mercer reckons he can sort you out. But what happens when the crisis manager is steeped in his own crisis?

Mercer, a former journalist and founder of Mercer PR, went to ground this week after his firm committed a colossal public relations blunder - revealing the name of an alleged refugee rape victim and making itself the story.

The Brisbane-based firm's Instagram and Twitter account have been set to "private" and most links on its website have been deleted.

Among Mercer's clients is the government of Nauru, which hosts a detention centre bankrolled by Australia. Mercer PR circulated a Nauru police brief detailing the Somali refugee's name, particulars of her alleged rape and a vaginal examination.

Condemnation was swift, including from the Public Relations Institute of Australia which suggested the incident was a privacy breach that highlighted lax professional standards.

The incident has cast the spotlight on Mr Mercer, principal of the eponymously named firm.

The company website says clients pay Mr Mercer "primarily to think. I think about the message, the angles, the implications and the pitfalls. I think about what no one else thinks about."

Mercer PR is called on when "company, executive or personal reputations are at risk" and advises clients on "achieving positive outcomes from negativity".

The Hillsong Church and the Queensland Taxi Council confirmed they use the services of Mercer PR. The Queensland Liberal National Party was also once on the firm's books.

Mr Mercer is no newcomer to controversy. In 2012 he brokered a contentious interview deal between Channel Nine and the wife of triple-murderer Max Sica.

Victims of crime groups labelled the deal, for which Mr Mercer was reportedly paid, as "disgusting".

Since the latest controversy broke, Mr Mercer has deleted his blog, however his views on social affairs and the PR business are on the public record.

In 2013 he said then prime minister Julia Gillard's misogyny speech – widely lauded as one of her best performances – badly misread the public mood.

In 2010 he wrote in the Courier Mail that children live in "an unprotected, R-rated world" and asked "aren't our children more important than making money? If not, maybe it's time for governments to step in for the sake of children."

In an odd role reversal on Thursday, the Nauruan government came out swinging in defence of its embattled Australian spin doctors.

In a press statement Justice Minister David Adeang said the release of the woman's name was "the decision of the Nauruan authorities alone" and the media should stop blaming others including the firm who "merely distributed the government's statement".

"The police investigation has shown there was no rape, therefore, as far as we are concerned the person in question is not a rape victim or a victim of any crime," Mr Adeang said, adding "truth is the real victim here".

Nauru police – subject to criticism they are incompetent and ill-equipped - have closed the rape case due to insufficient evidence.

The controversy underscores the difficulties journalists face obtaining information about the plight of asylum seekers and refugees at the Australian-funded detention centre.

The Australian Border Force Act threatens detention centre workers with up to two years in prison if they disclose information relating to their work, and the Nauru government recently hiked the cost of a journalist visa to \$8000 – which is not refunded if the application is refused.

The Nauru government said on Thursday the "absurd" reaction to the release of the woman's name means it is "reluctant to update Australian media on future police investigations".

Mercer PR has not responded to request for comment.

<http://www.smh.com.au/federal-politics/political-news/when-the-crisis-manager-hits-a-crisis-nauru-spruiker-merc-pr-goes-to-ground-20151014-gk9g64.html>

23. Asylum seekers face crackdown on risk requirements as Peter Dutton moves to strengthen rules

ABC News Online

By political reporter Stephanie Anderson

Posted Wed 14 Oct 2015, 8:00am

Asylum seekers wanting protection could soon face bigger obstacles as Immigration Minister Peter Dutton moves to tighten requirements for complementary protection.

Mr Dutton has tabled a bill to strengthen rules for people who are not refugees as described in the Migration Act but cannot be returned to their home country due to "real risk" of certain types of harm.

The Migration Amendment (Complementary Protection and Other Measures) Bill 2015 seeks to rule out protection for people who face a "generalised" risk, can change their behaviour and can relocate to a safer part of their home country.

Tabling the bill this morning, Mr Dutton described it as the final instalment of a series of legislation designed to meet election promises on immigration.

He said the claimed threats must relate to the entire country, meaning people would not be granted protection if they could relocate to a safer part of their home country, and that any threat must be personally targeted.

"Complementary protection is only available where the real risk of significant harm is faced by a person personally, rather than being an indiscriminate risk of harm faced by the population in the receiving country generally," he said.

Mr Dutton said the existence of a consistent pattern of mass violation of human rights would not meet the threshold, though some exceptions may be possible if such circumstances "crystallise" into a personal risk.

People will also be denied protection if they can "take reasonable steps" to modify their behaviour, unless that behaviour is "fundamental" to their identity.

Mr Dutton said a number of people had previously met the requirement for complementary protection on grounds such as "selling adult movies and drinking or supplying alcohol in countries that punish those activities".

"The Government did not intend for such cases to be covered by legislation," he said.

"In tightening the various tests that determine whether there is a real risk, this bill will diminish the likelihood of such persons being granted Australia's protection."

Comment has been sought from Labor's immigration spokesman Richard Marles and Greens spokeswoman Sarah Hanson-Young.

<http://www.abc.net.au/news/2015-10-14/peter-dutton-looks-to-tighten-rules-for-asylum-seeker-protection/6852958>

24. Greens lash 'inhumane' bid to tighten asylum seeker laws proposed by Immigration Minister Peter Dutton

ABC News Online

By political reporter Stephanie Anderson

Posted Wed 14 Oct 2015, 1:49pm

Greens senator Sarah Hanson-Young says asylum seekers currently in Australia could be deported home to warzones under proposed legislation tabled by the Turnbull Government.

Asylum seekers wanting protection could soon face bigger obstacles as Immigration Minister Peter Dutton moves to tighten requirements for complementary protection.

Senator Hanson-Young told the ABC that the proposed laws were "inhumane".

"Under these new laws that the Government wants to introduce, we risk the very real chance of sending people back to conflict zones ... and into situations where they will be killed," she said.

"The reason these provisions exist now is to save lives."

Senator Hanson-Young said proposed rules regarding changing behaviour were impractical for many people who may be affected.

She said the Government would be asking vulnerable people to "change your behaviour, change your job, change your sexuality".

"That's just not the way the refugee convention or our other human rights protection obligations work," she said.

"If someone is at risk because they're a journalist, because they're gay, because they're a woman who has expressed an opinion, you can't modify that behaviour."

She said the majority of people affected were likely to be women, including those trying to escape danger in Africa and the Middle East.

Tabling the bill this morning, Mr Dutton described it as the final instalment of series of legislation designed to meet election promises on immigration.

He said the claimed threats must relate to the entire country, meaning people would not be granted protection if they could relocate to a safer part of their home country, and any threat must be personally targeted.

"Complementary protection is only available where the real risk of significant harm is faced by a person personally, rather than being an indiscriminate risk of harm faced by the population in the receiving country generally," he said.

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"The Government did not intend for such cases to be covered by legislation," he said.

"In tightening the various tests that determine whether there is a real risk, this bill will diminish the likelihood of such persons being granted Australia's protection."

Palmer rounds on immigration policies

Comment has been sought from Opposition immigration spokesman Richard Marles.

The Government's immigration policies also came under fire from Palmer United Party MP Clive Palmer today.

Mr Palmer used Question Time to quiz Mr Dutton on the detention of asylum seeker children.

"Which one of your members would allow your children to suffer such mistreatment?" he asked.

"Why is the Government imprisoning and radicalising little children at taxpayers' expense?"

Mr Dutton said the number of children in immigration detention had dropped since the Coalition had come to power.

<http://www.abc.net.au/news/2015-10-14/greens-lash-inhumane-changes-to-asylum-laws/6854566>

25. Save the Children office raided by police in Nauru; phones, computers confiscated

ABC News Online

By the National Reporting Team's Alex McDonald

Posted Tue 13 Oct 2015, 1:16pm

Save the Children workers in Nauru have been searched and had their phones and computers confiscated after the charity's office was raided by Nauruan police.

Australian Border Force officers watched on as staff were told to step away from their desks by local police on Saturday afternoon.

One staff member said the combination of Nauruan police and "black shirts" [Australian Border Force] was "very confronting".

A spokesman for the Department of Immigration said Australian Border Force had no role in the raid.

Save the Children staff were accused of leaking information about the Australian-funded detention centre.

The aid and development agency, which assists a number of Pacific nations, denied the accusation.

"Save the Children is assisting the Nauru Police Force with its inquiries," acting chief executive officer Mat Tinkler said.

Nauru Police seized computers, mobile phones and other devices including flash drives.

The ABC understands those items were either encrypted or password-protected.

Tension and distrust between Save the Children, the Nauru and Australian governments have increased over the past 12 months.

In October last year, nine Save the Children staff members were deported from Nauru after being accused of encouraging asylum seekers to self-harm and fabricate stories of abuse.

Then-immigration minister Scott Morrison said at the time: "If people want to be political activists, that's their choice but they don't get to do it on the taxpayers' dollar and working in a sensitive place like Nauru."

The nine workers were later cleared in an inquiry led by former integrity commissioner Philip Moss.

"Our staff have a history of behaving with great integrity, compassion and professionalism in their work on Nauru," Mr Tinkler said.

"We have no reason to believe that our staff have acted inappropriately."

In August, Save the Children was told its contract at the Nauru detention centre would not be renewed.

Transfield will provide education, child protection and welfare services when Save the Children's contract expires on October 31.

Around 60 Save the Children workers are still on the island.

The ABC has not received a response from Nauru police.

<http://www.abc.net.au/news/2015-10-13/save-the-children-nauru-office-raided-by-police/6850834>

26. Nauru police take phones and laptops from Save the Children staff and others

Officers took personal electronic items on Saturday in attempt to chase down journalists' sources at Australian-run detention centre

The Guardian

Paul Farrell

Tuesday 13 October 2015 16.18 AEDT

The Nauruan police force has seized phones and laptops from Save the Children staff and other contractors in an attempt to hunt down journalists' sources at the Australian run detention centre.

On Saturday police officers executed a search warrant at one of the administration blocks in RPC1 and took personal electronic items that belonged to a number of detention staff.

A number of the electronic items seized belonged to Save the Children staff, but some also belonged to others contracted with the detention centre.

The tactics are a major escalation by the Nauruan government in attacks on whistleblowers at the detention centre. The Nauruan government initiated the seizures after it was angered by a Guardian Australia report that disclosed an email from the Nauru operations manager, Berilyn Jeremiah, about allowing local journalists into the detention centre.

It is unclear what the legal basis for the seizures are, and what offence the Nauru police believe may have been committed. A spokeswoman for Australia's immigration department said it had no role in the raids, and referred questions to the Nauru police force.

A Save the Children spokeswoman said in a statement: "Save the Children staff have a history of behaving with great integrity, compassion and professionalism in their work on Nauru supporting vulnerable children and families and we fully expect this to apply to all aspects of our service delivery, including obligations to maintain confidentiality.

"We have no reason to believe that our staff have acted inappropriately, but we are of course assisting the Nauru police force with its inquiries. As always, our priority remains working to mitigate the harmful impacts of offshore immigration detention, to the extent that the circumstances allow."

The revelations about the raids follow repeated concerns about the ability of staff to speak out at the Australian run detention centre. On Tuesday the United Nations special rapporteur for freedom of expression, David Kaye, said Australia was "chipping away" at rights and freedoms in the crackdown on asylum seeker reporting.

Previously reports from Guardian Australia and other news outlets have been referred to the Australian federal police by the immigration department for investigation with a view to prosecuting their sources.

The federal government – with the support of Labor – introduced a further offence under the Australian Border Force Act that could see public interest disclosures further criminalised.

Another Senate inquiry has been established to investigate conditions at both the Nauru and Manus Island detention centres, and to provide an outlet for whistleblowers under the protection of parliamentary privilege.

<http://www.theguardian.com/world/2015/oct/13/nauru-police-take-phones-and-laptops-from-save-the-children-staff-and-others>

27. Detention inquiry aims to circumvent Border Force Act so whistleblowers can report

Senate inquiry designed to give workers on Nauru and Manus Island the chance to testify under parliamentary privilege

The Guardian
Ben Doherty, Paul Farrell and agencies
Tuesday 13 October 2015 07.18 AEDT

Conditions in Australia's offshore detention centres on Manus Island and Nauru will be investigated by a new parliamentary inquiry designed as an outlet for whistleblowers to disclose information under parliamentary privilege, out of reach of the Border Force Act.

The Greens and Labor joined forces in parliament on Monday to refer both offshore centres to a Senate committee to investigate the treatment of asylum seekers, transparency and compliance with Australian and international law.

Australia's offshore detention centres have been the subject of numerous inquiries.

The Cornall report looked into the first riots on Manus Island, the Moss review into allegations of sexual assault and conduct of service providers on Nauru, and a previous Senate inquiry into the allegations of abuse on Nauru.

The reports have consistently found evidence of violence against asylum seekers, including rape and sexual assault of women, sexual abuse of children, assaults on men, women, and children, as well as inadequate medical care, poor food and insufficient drinking water, and high levels of psychological trauma.

The detention centres are off-limits to journalists, so much that is known about them has come from whistleblowers.

But the Border Force Act, passed in July, carries a two-year prison sentence for anybody disclosing information about the centres, their operation or treatment of asylum seekers held within. Doctors disclosing failures in healthcare can be prosecuted.

A disclosure offence under the Crimes Act has also been used by the immigration department to refer news stories to the Australian Federal Police with a view to potentially prosecuting their sources.

But those making the disclosures under parliamentary privilege cannot be prosecuted under the Border Force Act, and submissions to inquiries can be made anonymously.

Greens senator Sarah Hanson-Young told Guardian Australia those wanting to disclose information in the public interest should be protected.

"It is only because of whistleblowers that we get any glimpse of what is really going on inside these horror camps," she said.

"The government has threatened anyone who works in a detention centre with up to two years' jail if they speak up about the abuse that they see. We're simply using the powers of the parliament to give protection to concerned detention centre workers who need to speak out.

"We have to lift the veil of secrecy that hangs over the detention camps in Australia and those offshore in PNG and Nauru. It's the only way that we can make it safe for the men, women and children who are locked up there."

Also in parliament on Monday, Labor's shadow immigration minister Richard Marles presented a private member's bill which would legally bind staff at immigration detention centres to report all child abuse.

Marles's bill would impose a mandatory 24-hour reporting regime for any staff who "reasonably" believed a child was at risk.

"This bill ensures that there is absolutely no doubt that staff have not only freedom to report abuse but a legal obligation to do so," he told the House of Representatives on Monday, saying detention was no place for children.

<http://www.theguardian.com/australia-news/2015/oct/13/detention-inquiry-aims-circumvent-border-force-act-whistleblowers-report>

28. Detention centre whistleblowers to be protected by Senate probe, undermining Border Force Act: Greens

ABC News Online

By Dan Conifer

Posted Tue 13 Oct 2015, 3:17am

The Federal Government's controversial Border Force Act has been undermined by the extension of a Senate investigation into offshore detention facilities, The Greens say.

Greens and Labor senators voted to continue the committee that looked into the Nauru detention facility and found conditions were "not adequate, appropriate or safe".

Greens immigration spokeswoman Sarah Hanson-Young said whistleblowers who came forward would be protected by Parliamentary privilege and immune from criminal prosecution.

"The Border Force Act currently says that staff are liable for two years' jail if they speak openly, even if they see things that are wrong," Senator Hanson-Young said.

"This gets around that — if they tell the Senate Committee, if they tell this inquiry, they will be covered.

"What it does is allow for the Senate to continue to monitor what is going on there and ensure that anyone who has information that is important and is in the public interest, and they believe the Parliament and the people should know, can use this process."

The committee will allow submissions about the Australian-funded centres on Manus Island and Nauru until the current Parliament ends.

The Border Force Act passed earlier this year with Government and Labor support, along with votes from senators Glenn Lazarus, Jacqui Lambie, John Madigan and Nick Xenophon.

Committee chairman and South Australian Labor senator Alex Gallacher said the report showed serious problems on Nauru and that additional scrutiny of both offshore centres was needed.

"There clearly needs to be an avenue whereby people can express deeply felt, widely held concerns and it should be under Parliamentary privilege," Senator Gallacher said.

"We cannot have a situation where people's voice of concern is not heard."

<http://www.abc.net.au/news/2015-10-13/detention-centre-whistleblowers-to-be-protected-by-senate-probe/6848698>

29. Nauru guard fired following Fairfax Media investigation, as police close rape claim case

Sydney Morning Herald

October 12, 2015 - 4:46PM

Nicole Hasham

A Nauru detention centre guard has been fired after a Fairfax Media investigation revealed he allegedly framed an asylum seeker for assault, perjured himself in court then confessed in a secret recording made by a colleague.

The Wilson Security guard, who is believed to be Australian, boasted about the incident and joked about taking a "dive" – the sporting term for falling to the ground and faking an injury. The guard said he wanted the asylum seeker convicted so he would never be settled in Australia.

As Fairfax Media reported, the incident was reported to Nauru police and the asylum seeker was charged with assault. The guard later repeated the allegedly false claims in a Nauru court.

It is believed the asylum seeker spent one month in jail for the alleged assault and tried to kill himself at least three times after being falsely accused – once almost successfully hanging himself.

A staff member covertly recorded a confession from the guard by engaging him in conversation and recording the encounter on an iPhone.

Wilson Security initially said there was not enough evidence to make a finding against the guard, despite the apparent confession.

Following Fairfax Media's report, the company said a new investigation had been launched and the employee would be fired if the claims were found to be true. On Monday a Wilson Security spokeswoman said the guard's employment had been terminated.

The incident raises questions over Wilson's denials or attempts to play down other alleged incidents at the Nauru detention centre, such as the sexual misconduct of guards and the mistreatment of detainees.

A Department of Immigration spokesman said it was reviewing the matter and "staff misconduct will not be tolerated".

It comes as Nauru officials come under fire for releasing the name of an alleged rape victim in a police briefing document which also contained graphic details of the attack and its aftermath.

Nauru police have closed the case of a Somali refugee who claimed she was raped and bashed by two men on the island, saying there was no evidence of injuries and they could not find the cave where the alleged attack took place.

A Nauru police brief, which has been made public, included the name of the 26-year-old woman, in what Greens senator Sarah Hanson-Young said was "outrageous" and put the woman at greater risk of harm.

The brief said the woman reported one attacker tore off her dress and underwear. She was allegedly held down and raped twice, before being thrown into another cave where she fell and sustained bruising to her right shin.

The case attracted widespread media attention in Australia after the ABC's 7.30 program broadcast a distressing video of the refugee's call to police, and said the police took four hours to respond to the woman's call for help.

Prime Minister Malcolm Turnbull described the allegations as "alarming", and the incident increased pressure on the government to improve conditions faced by asylum seekers and refugees in offshore detention camps.

The finding is likely to provoke renewed criticism of the police force by refugee advocates, who say the agency is under-trained and ill-equipped - claims the police deny.

A Senate inquiry into the Nauru centre in August found local police had laid charges in just five out of 50 cases referred to them.

Initial police inquiries at the scene "found no evidence of the victim's clothes being ripped or shredded and no visible cuts or abrasions to the body indicating the presence of an attack", a statement to the media said.

"Two police units also scoured the area looking for a cave but found nothing resembling where she claimed she had been dragged inside."

The woman alleged she was bashed with an unknown object to the right side of her head.

The statement said the victim was taken to hospital and received a thorough medical examination, where the presiding physician found "no laceration or obvious bruising" on her body.

"There [were] no lacerations or bruising around the vaginal region and a spermatozoa test on the victim after a vaginal swab proved negative," the statement said.

Police said the victim was unable to identify the men, claiming only that they were wearing gloves, covered their faces with t-shirts, were of muscular build and spoke in Nauruan.

The investigating officer recommended to the Department of Public Prosecutions the case be closed due to insufficient evidence. The prosecutor made a similar recommendation.

"The Nauru Police Force will reopen the investigation if new evidence becomes known and has appealed to anyone with any knowledge of this alleged incident to come forward," the statement said.

The federal government says it is acting to improve the safety of refugees on Nauru, including deploying Australian Federal Police to mentor local police and establishing a gender violence unit in the local police force.

<http://www.smh.com.au/federal-politics/political-news/nauru-police-close-case-on-somali-refugee-allegedly-raped-and-bashed-on-nauru-20151012-gk6prl.html>

30. Nauruan police face fresh scrutiny after convicted rapist allowed to join police reserves

ABC Radio - Pacific Beat

By Michael Walsh

Posted Thu 15 Oct 2015, 9:03am

Nauru's Police Force is facing fresh scrutiny after it emerged that a man convicted of rape was allowed to join the police reserves.

Carnos Scotty pleaded guilty in November 2011 of raping a 16-year-old girl, and was sentenced to three years' jail.

He committed the crime while he was on bail for assault.

Despite his criminal history, he was enlisted as a Nauru police reserve officer during anti-government protests in June.

Nauru police commissioner Corey Caleb has not responded to questions about why Scotty was accepted, saying he only served as a reserve officer during the three-day protest.

However, a photo posted on Facebook last month shows Scotty wearing a police shirt inside what appears to be a police station.

Australian Greens Senator Sarah Hanson-Young questioned how a convicted rapist could be placed in a position of authority.

"You've got to wonder how seriously the Nauru government and the police force do take acts of rape when you can have somebody convicted of these horrendous crimes then being given a job with the police force," she said.

"It beggars belief, really. It clearly shows they don't have an attitude of great concern about the matter."

Ian Rintoul, from the Refugee Action Coalition, said the situation showed the Nauruan police force was not performing to acceptable standards.

"We know plenty of instances where reserves have acted as police and have been called up to act as the police force on Nauru," he said.

"There are not sufficient character checks. There is either a complete lack of procedure or a lack of concern for any procedure, if one does exist."

The ability of Nauruan police to investigate serious crimes has recently been called into question.

Earlier this week, police closed an investigation into allegations made by a Somali refugee that she was raped by two men on the island.

In an extraordinary breach of privacy, police authorised the release of the alleged victim's identity.

A recent Senate inquiry heard that detention centre operators had referred 50 cases to Nauruan police in recent years, but charges had been laid in just five of those cases.

<http://www.abc.net.au/news/2015-10-15/nauru-police-face-scrutiny-after-convicted-rapist-joined-reserve/6856298>