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1. Madeline Gleeson: PNG court decision forces Australia to act on Manus Island detainees

The Conversation
Madeline Gleeson
April 27, 2016 12:18pm AEST

A five-judge panel of Papua New Guinea's Supreme Court has held unanimously that the detention of asylum seekers at the Australian-built detention facility on Manus Island is unconstitutional and illegal under PNG law. That detention must end immediately.

What is the background to this case? And what might the implications be for Australia's offshore detention regime?

• • Where did the case come from?

PNG's opposition leader, Belden Norman Namah, first launched a challenge to the legality of offshore processing in his country three years ago. PNG had recently signed an agreement under which Australia's Gillard government would transfer some 350 men, women and children to a detention facility on Manus Island.

The asylum seekers were ostensibly there to be processed, but even at that early stage something clearly was not right. At the fortified makeshift camp, facilities were inadequate and refugee processing was non-existent.

Children as young as seven were being held "illegally and indefinitely under inhumane conditions", Namah said. He called on the PNG government to face up to court and respond to these charges directly.

From strong beginnings the case took a circuitous route to conclusion. As it became bogged down in procedural matters, PNG signed a new agreement with Australia. The original families and single men on Manus were replaced by a new cohort of nearly 1,000 adult men who had no prospect of resettlement in Australia. As the facts kept shifting, and the case evolved, detention times blew out.

The case barely made news in Australia. There was a brief flare of interest in mid-2014, when it came to light that Australian taxpayers were footing the bill for the PNG government's legal costs – some A\$370,000 to that date alone.

But a distracted public did not stop the case progressing. And, on Tuesday, the judgment finally came in.

• • What comparisons can be made with Australian law and cases?

The judgment in this case comes just 12 weeks after Australia's High Court handed down its judgment in the matter of Plaintiff M68.

These cases invite obvious comparison. Both challenged key pillars of Australia's offshore processing regime, examining the circumstances in which the offshore detention of asylum seekers may be lawful and appropriate. Both involved belated legislative changes, rushed through the respective parliaments after the cases had commenced, in apparent attempts to give retroactive legal coverage to conduct that might otherwise be unlawful.

Perhaps most crucially, both cases should have been decided years earlier, to avoid the undue hardship caused by detention on Nauru and Manus Island in the interim.

But the similarities end there.

The Australian judgment was touted as a win for its government. It was said to leave Australia free to transfer asylum seekers and refugees back to Nauru at its discretion (although in reality the outcome was more nuanced than that).

In contrast, the PNG judgment has been heralded as a win for Namah – and, more specifically, the 900 men who are still detained on Manus Island. This judgment does not allow business to continue as usual. Australia and PNG must change their policies to bring them into line with the law.

At the heart of the difference between these two outcomes is each country's constitution – in particular the comprehensive charter of rights enshrined within that of PNG. This charter guarantees to asylum seekers and refugees in PNG something they would not have in Australia: the right to be free.

The PNG Constitution provides that "no person shall be deprived of his [or her] personal liberty", unless restraint is necessary to achieve one of nine exceptional and enumerated purposes, each clearly set out.

In this case, the Supreme Court held that none of the exceptions applied – and that a tenth proposed by the government was invalid. Accordingly, the detention of people transferred from Australia has no valid basis in PNG law.

In Australia, where no such protections are constitutionally guaranteed, this case would probably have reached a very different outcome.

• • What are the implications for PNG and Australia?

This judgment is likely to have profound implications for Australia's offshore processing regime in PNG, and the agreement as it stands between the countries.

PNG's position is clearest: the government is bound by the judgment of its highest court. If it did wish to continue to detain people on Manus Island, it would need to pass a valid constitutional amendment to legislate around the court's judgment. But this approach seems unlikely.

In March, PNG Prime Minister Peter O'Neill acknowledged the Manus Island detention centre had damaged his country's reputation and warned that refugees could not be held there forever. The centre has also been controversial with the Manusian people since before it even opened. Locals lament the trouble it has brought to their province, and the lack of commensurate economic or social benefits.

Logistically it will not be simple. But PNG has strong reasons to bring an end to immigration detention on Manus Island.

What, then, is the impact of this case on Australia's offshore processing policy?

Immigration Minister Peter Dutton's response was predictable but inadequate:

No-one who attempts to travel to Australia illegally by boat will settle in Australia.

At a time when sound answers are needed, this hackneyed refrain provides none.

Offshore processing is an Australian policy. PNG never promised to settle every refugee transferred into its territory. Its position on settlement is clear: it will settle only those who are willing and able to sustain themselves. PNG simply does not have the capacity to support everyone else, especially refugees with more complex protection needs. That's where it comes back to Australia.

This latest judgment in no way lessens Australia's responsibilities with regard to its offshore processing regime on Manus Island. All it does is add new urgency to the situation, since the government can no longer detain the men there indefinitely until a solution is finally found for them – or until they give up and go home.

This is absolutely not a matter wholly for PNG. Australia created this situation jointly with its neighbour. Now it must fix it.

---->>>> *Madeline Gleeson's new book, Offshore: Behind the wire on Manus and Nauru, is out now.*

<http://theconversation.com/png-court-decision-forces-australia-to-act-on-manus-island-detainees-58439>

2. Richard Ackland: There are policy alternatives to locking up refugees in Pacific gulags

The closure of Manus Island offers Australia's hapless politicians the opportunity to work with Indonesia on a sensible solution to boat arrivals

The Guardian
Richard Ackland
Thursday 28 April 2016 15.37 AEST

Peter Dutton is a desperate man, clinging to the wreckage of a failed policy.

The best he could come up with after the supreme court of Papua New Guinea's intervention in our migration policy is that asylum seekers and refugees on Manus Island should be shifted to Nauru – another dysfunctional, client state holding a desperate cargo of humanity for which Australia is responsible.

Both the Coalition and Labor are obdurately stuck with barbaric offshore detention policies, as though sensible, humane and politically viable alternatives are beyond them.

Stopping the boats has been a politically successful outcome and the electorate seems unlikely to tolerate a return to waves of asylum seekers washing up on our shores. However, increasingly, voters are not happy with what they see going on at Manus Island and Nauru, which is why the government goes to such extraordinary and comical lengths to shroud these operations in secrecy.

Why alternative policies are not tried, let alone suggested, is a profound mystery. Much could be done to assist Indonesia – a country with over 13,000 registered refugees and asylum seekers waiting for years to be resettled.

Indonesia has been the source of Australia's boat people, so a management plan would assist our neighbour and assist us, because if properly executed it would remove the incentive for people to get on boats.

Instead, Australia caps its refugee intake from Indonesia at 450 a year and former immigration minister Scott Morrison turned off the tap completely for those registered in Indonesia after 1 July, 2014.

There was a note of desperation from Indonesian foreign minister Retno Marsudi when she was interviewed just before last month's Bali round of regional ministers on how to manage the movement of the human tide.

Foreign minister Julia Bishop was banging the usual drum about taking a strong stance against "the criminal networks that engage in people smuggling and human trafficking". Labor's immigration spokesperson, Richard Marles, echoes the same line. Frankly, it's this lazy thinking that has got us into the current parlous policy position.

For instance, if Australia were to offer 5,000 places a year from Indonesian camps and a similar number from Malaysia and Thailand together, there would be an incentive to come legitimately to Australia rather than get on boats and engage with "criminal networks".

That would be one way to take down the people smuggling trade. Indonesia also would be more amenable to Australia turning back those on boats who seek to bypass the program, if we were actively assisting to reduce the pressure in their camps.

The reason people risk their lives at sea is because there is no alternative, they have no hope. If we gave them hope with a properly structured resettlement scheme there would be no need for a primitive stop-the-boats policy that is predicated on capturing asylum seekers, detaining them (in PNG's case illegally) and, in order to deter others, treating them wickedly and ruining their lives.

At the moment we recruit our refugees from camps as far away from Indonesia as possible while at the same time limiting the intake from our nearest big neighbour to 3% of our annual refugee and humanitarian resettlements.

It doesn't make sense. You would think by now policymakers would know that anything is better than running latter-day gulags in crumbling nooks of the Pacific.

We need to cooperate with countries in this region more urgently than we do with Sudan, Afghanistan, South America, Turkey, and Lebanon and that would mean realigning our refugee intake much more to Indonesia and Malaysia.

There's an argument that the refugees in the Middle East countries are directly the responsibility of the old imperial powers in Europe. We have pressing doorstep issues of our own.

But back to Papua New Guinea and the supreme court decision. The way the case was run by the government gave every indication that there wasn't much sleep lost over the prospect of it going down in flames.

Instead of an announcement that the government would seek again to amend the constitution to accommodate the thinking of the supreme court, as would have been perfectly possible, there was a prompt release from Prime Minister Peter O'Neill that he "welcomed" the court's decision and "will immediately ask the Australian government to make alternative arrangements for asylum seekers currently held at the regional processing centre".

What was fascinating to find in the supreme court's reasons is the extent to which the PNG constitution is bound with human rights protections and freedoms – completely missing from the Australian constitution, whose framers thought the common law was protection enough for the unruly citizenry.

The PNG court found that not only was the imprisonment of people forcibly taken to Manus Island unconstitutional, but the constitutional amendment scrambled together in an effort to protect the memorandum of understanding with Australia was itself unconstitutional. Two of the supreme court judges wrote the court's findings: Justice Ambeng Kandakasi and Justice Terry Higgins, the former chief justice of the ACT supreme court.

Higgins, in his reasons, reminded us that while mandatory detention in these circumstances in PNG is illegal, it is not in Australia. Our high court has said that mandatory detention is lawful, the only proviso being that the exercise of the detention power must be reasonably necessary and incidental to other powers in the Migration Act, such as deportation, issuing of visas, and consideration of applications, etc.

Peter Dutton doesn't have the "impediment" of human rights obligations around his neck. It was PNG's obligations to protect the human rights of those involuntarily detained that, not for the first time, has rendered our political leadership on this issue so hapless.

<http://www.theguardian.com/commentisfree/2016/apr/28/there-are-policy-alternatives-to-locking-up-refugees-in-pacific-gulags>

3. Michael Gordon: Punitive, immoral and now illegal: the verdict on Manus Island

The Age
April 26, 2016 - 6:43PM
Michael Gordon

The PNG Supreme Court has given Malcolm Turnbull cover to do the right thing and, not a moment too soon, end the inhumanity of indefinite detention of vulnerable and damaged people on Manus Island.

His administration was not part of these proceedings but, with the PNG government, it has been found guilty of a flagrant violation of the most fundamental right enshrined in the PNG constitution – the right to liberty.

Both governments have been ordered to "take all steps necessary to cease and prevent the continued unconstitutional and illegal detention of the asylum seekers" and the ongoing breach of their human rights.

Both will now be scrambling to find some way to circumvent the decision and continue a policy that seeks to deter boat arrivals by subjecting those who have already come to ongoing punishment, harm and misery.

One way around the decision is for the PNG parliament to pass another constitutional amendment or other legislation to make the detention lawful. This is problematic on two fronts: whether Prime Minister Peter O'Neill has the appetite to push it; and whether it would pass.

Another would be to declare the detention centre an "open facility", as happened in Nauru, but this would be a much greater challenge on Manus, where resentments remain strong from the 2014 riots that saw Reza Barati killed and scores of asylum seekers injured.

It would also be more challenging because the detention centre is so far from the island's only town and because more than 300 of the asylum seekers have not had their claims processed.

"They won't be coming to Australia", is the predictable, knee-jerk response from Immigration Minister Peter Dutton, but they should be brought here, even if some are ultimately resettled elsewhere.

Rather than try to prop up a punitive, immoral and now illegal policy, the focus should be on developing a humane alternative based on regional cooperation with countries including Indonesia, Malaysia and Thailand.

Such a policy could see an agreement for returning boat arrivals to transit countries for processing, provided their human rights were respected, and the refugees on Manus and Nauru resettled in Australia, New Zealand and other developed countries like the US and Canada.

Releasing about 900 men into the Manus community is impossible on logistical and practical grounds, including the hostility of locals to any such proposition. The same goes for relocating them to PNG's major cities, Port Moresby and Lae.

Transporting them to Nauru is not a viable option for similar reasons: the tiny island and its already strained infrastructure could not cope.

The unsustainability of the whole exercise is demonstrated by the statistics. Despite the promise that those found to be refugees would be resettled in the first half of 2014, only eight refugees out of more than 1000 are no longer institutionalised.

Three found life in Lae so threatening and unbearable that they returned to Manus Island and attempted to find refuge in the transit centre set up at massive cost to facilitate their release.

As Fairfax Media reported over the weekend, one spent the night in the Lorengau police lock-up after attempting to scale the transit centre fence when he was refused entry. If it was not so tragic, it might be funny.

This leads to a third possible response from the PNG government: to tell Australia it is no longer bound by the agreement and to find another way to solve its problem - to declare enough is enough.

<http://www.theage.com.au/federal-politics/political-opinion/punitive-immoral-and-now-illegal-the-verdict-on-manus-island-20160426-gofkve.html>

4. Michael Koziol: Peter Dutton holds the line on refugees - but what happens next?

The Age
April 27, 2016 - 10:54AM
Michael Koziol

The Turnbull government is scrambling for legal advice following Papua New Guinea's shattering court ruling on the detention of asylum seekers, as Immigration Minister Peter Dutton vows they will not come to Australia.

Mr Dutton said he would await a response from the PNG government after that country's Supreme Court ruled Australia's detention of asylum seekers on Manus Island was illegal, unconstitutional and must end.

But he flagged several other options the government could pursue if PNG concluded the 900 men in question should go to Australia.

"The findings of the Supreme Court in PNG aren't binding on the Australian government," Mr Dutton told ABC radio. "Our policy is not going to change. We are absolutely adamant that people won't be settling in this country."

He reiterated the government's preference for asylum seekers to return to their country of origin, or be settled in a third country.

Fairfax Media revealed in February that Australia was negotiating resettlement deals with Malaysia, Indonesia and the Philippines.

On Wednesday, Mr Dutton said "negotiations [were] under way with a number of countries" and that "arrangements may be entered into" in the future.

But the minister's office confirmed those ongoing negotiations were for resettlement deals only, and did not involve not the temporary relocation of Manus Island detainees. A spokeswoman would not comment on the progress of the talks.

- • What happens next?

Australia will await an official response from the PNG government. Australia is also expecting to receive its own legal advice within the next 24 hours.

Former PNG opposition leader Belden Namah, who brought the legal case, and his lawyer Loani Henao have vowed to take further legal action if the PNG government does not promptly comply with the court's findings.

"In the next couple of days we will be putting an application to the Supreme Court; one is for them to be released and then that the matter be progressed for compensation," Mr Henao told SBS.

- • Where might they go?

The first possibility is they could stay right where they are. The government could pass laws that make the detention legal, or they could declare the Manus Island detention centre an "open" facility, granting detainees freedom of movement, akin to the facility on Nauru.

Whether either of those options are on the table remains to be seen. But last month, PNG Prime Minister Peter O'Neill said he wanted the detention centre closed and argued it had damaged his country's reputation.

It also seems unlikely the 900 men could be released into the PNG community or taken to Nauru, given the difficulty of accommodating them in those countries, as outlined by The Age's political editor Michael Gordon here.

- • Could Australia be sued?

The Australian Lawyers Alliance said the PNG ruling paves the way for detainees to sue the Australian government for breaching its duty of care.

"The ruling makes it highly likely that asylum seekers can successfully make claims for damages for false imprisonment from the time they entered detention on Manus Island," Alliance spokesman Greg Barns said.

Ben Lomai, a PNG-based lawyer representing asylum seekers, told SBS he believed asylum seekers detained for several years could be entitled to compensation of more than \$100,000.

"If we get the compensation claim, we'll be seeking an order to enforce that against the Australian government," he said.

- • What are the political consequences?

Labor opened this detention centre and essentially argues it would not handle the issue any differently to the government. But the Coalition, keen to preserve its hard-line stance on border protection, insists its opponents would ultimately back down.

"When they're in government they get monstered by the Left and they buckle at the knees," Mr Dutton told ABC radio on Wednesday.

The Greens are pushing for the 900 people stranded on Manus to be brought to Australia, which Mr Dutton has ruled out. Labor wants the minister to travel urgently to PNG for discussions.

Deputy Prime Minister Barnaby Joyce, who was a strong advocate for Australia taking more refugees from Syria, also opposed Australia taking any of the genuine refugees from Manus Island.

"We have clear policy. The clear policy has done this. I understand that some people find it abhorrent but the reality of the policy is... we have stopped people drowning at sea," he said.

"We can't just have any old arrangement otherwise it completely debunks the capacity to both carry the Australian people [with you] and deliver an effective policy forward."

<http://www.theage.com.au/federal-politics/political-news/manus-court-ruling-peter-dutton-holds-the-line-on-refugees--but-what-happens-next-20160426-gofq6s.html>

5. Waleed Aly: The monstrous failure of our bipartisan asylum seeker policy

'Stopping the boats' was a bipartisan policy and both sides of politics are responsible for its monstrous outcomes.

Brisbane Times
April 28 2016 - 5:52PM
Waleed Aly

Perhaps the most stupefying aspect of our asylum seeker debate is that we call it a debate in the first place. It's not. It's a complete political consensus. Our current policies are a bipartisan concoction; the result of years of mutual posturing, outflanking and then outbidding. "You're banishing asylum seekers to detention centres in the Australian desert? Fine, we'll send them to Nauru for processing!" "You're still resettling them here? We'll banish them forever!" "Oh yeah? We'll get an army general to do it!" And so on.

It's hugely disingenuous. The Coalition claims sole credit for stopping the boats, never acknowledging that the most important part of its policy – the mandatory shunting of people to Nauru and Papua New Guinea, never to return to Australia – was Kevin Rudd's.

The Coalition added some turnbacks and maybe some other things they've decided are top secret, but the truth is that boat arrivals slowed significant before Tony Abbott was even elected.

Labor, meanwhile, is happy to blame the Coalition for whatever aspect of the policy disintegrates, never acknowledging its role in the catastrophe.

That's what is particularly nauseating about watching Labor trying to make political mileage out of asylum seeker policy. And on that score, what a nauseating week it has been.

"They have botched this from day one," puffed Labor's immigration spokesman Richard Marles when Papua New Guinea's Supreme Court ruled our detention centre there to be illegal.

But here's the problem: that centre was always illegal. It didn't suddenly become illegal when Abbott took power. Marles is right it was botched from day one, but that was Labor's day. It takes some special level of gall to establish an illegal detention centre, then insist it's the Coalition's mess.

There's no great surprise here. This was such an obvious violation of the PNG constitution that the PNG government tried frantically in 2014 to change the constitution to make it legal. When the moment of truth arrived, neither the PNG nor Australian governments mounted a meaningful defence. This die was long cast.

Marles' only real defence is to say this whole centre should be empty by now; that we might have got away with it if only the getaway car had turned up on time. Hence: "PNG never imagined people would be on Manus for so long – we didn't either."

Well, that's a monstrous failure of imagination, then. Because while it's true Labor said its Manus centre would be empty in a year, it's also true there was no plan to make that happen. It was an entirely unaccountable dream: a declaration utterly devoid of meaning.

Labor never knew where these people would be resettled, once found to be refugees. It never handed the Coalition a stack of agreements with other countries guaranteeing these people would have a home. It passed on a detention regime made of matchsticks. Now it stands ready to tut, the moment things collapse.

No, the real feat of imagination here would have been to pretend this could end any other way. Because the PNG Supreme Court this week did nothing more than reveal the obvious: that our policy was only ever to sweep asylum seekers under someone else's rug. It was designed to stop boats coming to us, but solve no greater problem than that. We've not brokered

an agreement with our regional neighbours to share the load, because we've preferred instead to bribe the poorest nations into removing the problem from our sight.

Occasionally, as in Cambodia's case, we've paid them dozens of millions of dollars for almost exactly nothing.

Pursue that kind of non-policy and eventually it catches up with you. Manus is full of people already found to be refugees, stuck in a country that says it simply cannot afford to take them, and right next to one that very easily could.

They're there because "stop the boats" – in truth a bipartisan slogan – only ever masked a question we could never answer: what happens to these people? What happens to the ones who don't die at sea, or the ones we convince to return home? Do they die elsewhere? We don't really know because the minute they aren't on boats headed for us, they cease to exist. And as far as we're concerned, their misery doesn't exist either.

That's why all the stories simply wash over us. Reza Berati is killed under our care. The ABC's Four Corners program reveals that Hamid Khazaei died because the Immigration Department pointlessly delayed vital medical treatment. This week we learnt an Iranian man set himself on fire in Nauru. None of this fundamentally moves us because we've constructed an elaborate world that makes this simply the cost of doing business, rather than anything that registers as a series of tragedies we've helped create. Nothing gets in the way, except when a court uses brute force.

That's when you'll find Richard Marles, not questioning how his own party's scheme could be so hopelessly conceived, but demanding Peter Dutton fly to PNG to keep this thing alive. Somehow. Anyhow.

It's also when you'll find Peter Dutton responding by saying refugees from Manus "will not be settled in Australia".

That's not even remotely an answer to the question of what we'll do now that our main policy has been quashed. But it is the only thing anyone since Rudd has ever needed to say.

Except now we're being asked a different question. It's telling that PNG Prime Minister Peter O'Neill has "welcomed this outcome" from the Supreme Court. It's telling that he so quickly confirmed he would shut the centre. It's telling that he said the centre "has done a lot more damage than probably anything else". Seems even the bribery isn't enough any more. Our servants are turning and their courts are catching up with us.

The design flaws of our policy are slowly being exposed. Labor can try to revel if it likes, but let's be abundantly clear: it's revelling in its own failure.

<http://www.brisbanetimes.com.au/comment/the-monstrous-failure-of-our-bipartisan-asylum-seeker-policy-20160427-gogrh.html>

6. Editorial: Our duty to refugees is to settle them here

The Age
Editorial
April 29, 2016

As Australia heads to a federal election, it appears certain the fate of hundreds, and possibly thousands, of refugees will again emerge as a hotly divisive issue. Yet there is barely a breath of difference between the two major political parties on this issue. Both the Coalition and Labor have implemented and strongly supported a policy that has led to many hundreds of asylum seekers being detained for years on Nauru and Papua New Guinea's Manus Island.

The stated rationale has been to deter other asylum seekers from approaching Australia by boat. But the human impact has been dreadful. People fleeing persecution have been deposited behind wire fences, left to wait without hope and without any clear indication of what will happen to them.

There can be no pretence that this is a satisfactory solution – or, indeed, a "solution" at all. It is a morally indefensible and inhumane practice that has been denounced by the UN High Commissioner for Refugees, Amnesty International and others, and which smothers Australia with shame.

There must be an end to it. And perhaps there will be now that Papua New Guinea's Supreme Court has ruled that detaining asylum seekers on Manus Island is in breach of human rights principles enshrined in PNG's Constitution.

The PNG government is not pushing back against the court's unanimous decision. It is not seeking a legislative fix that might regularise the problem. Instead, it says it will close Manus Island, and it says the responsibility for deciding what happens to the 900 men at the facility rests with Australia.

Prime Minister Malcolm Turnbull has declared they will not be brought here. He says the government cannot be "misty-eyed" about their plight because to back down from the tough policies would send a green-light to people-smugglers to resume their trade. In our view, the court's decision exposes what a cockamamie, ramshackle and politically driven strategy the whole offshore processing arrangement has been. It was flawed from the outset because there was no endgame.

Look to the source of these problems. The tide of people seeking refuge does not ebb merely because Australia decides to ship some to remote islands. The circumstances of persecution that caused people to flee their own countries are not altered by locking them up.

It is imperative to stamp out the odious trade of people smugglers but, in doing so, governments should never lose sight of the people who genuinely need empathy and care. Deterrence strategies should not be punitive; they should not exacerbate the already-grievous situation of refugees.

The court's decision is a wake-up call for the entire region. It demonstrates how this tragic situation is a collective responsibility. The Turnbull government must work closely with regional neighbours to foster a co-operative, practical and durable manner of dealing with the flows of asylum seekers. But it must free the people who have been unfairly and illegally locked up.

More than half (542) of the men in the Manus Island facility have been deemed refugees and are eligible for resettlement in PNG. More than 300 are still waiting for their claims to be assessed by the PNG government. Less than 10 per cent have been refused asylum.

This nation retains an abiding legal and moral duty to care for asylum seekers who seek our protection. It is our responsibility under international law, under the covenants that we have signed, under regional agreements and as a sophisticated nation that purports to uphold the finest principles of justice and compassion and the rule of law. It remains Australia's duty to bring the refugees here for resettlement.

<http://www.theage.com.au/comment/the-age-editorial/our-duty-to-refugees-is-to-settle-them-here-20160428-gohaap.html>

7. Papua New Guinea's Supreme Court rules detention of asylum seekers on Manus Island is illegal

ABC News Online

By Papua New Guinea correspondent Eric Tlozek
and political reporter Stephanie Anderson

First posted Tue 26 Apr 2016, 1:30pm

Updated Tue 26 Apr 2016, 3:37pm

Papua New Guinea's Supreme Court has ruled Australia's detention of asylum seekers on Manus Island is illegal.

The five-man bench of the court ruled the detention breached the right to personal liberty in the PNG constitution.

There are 850 men in the detention centre on Manus Island, about half of whom have been found to be refugees.

The Supreme Court has ordered the PNG and Australian governments to immediately take steps to end the detention of asylum seekers in PNG.

The centre operators and PNG's immigration authorities have recently been trying to move refugees out of detention and into a so-called transit centre.

They are also offering them the chance to leave detention during the day under certain conditions.

The asylum seekers whose applications have not succeeded are unable to leave detention and are being told they must go back to their country of origin.

The Supreme Court decision means both groups — refugees and asylum seekers — are being illegally detained, because their freedom of movement is curtailed.

But Immigration Minister Peter Dutton says no detainees will be resettled in Australia.

In a statement, Mr Dutton said the ruling would not alter Australia's border protection policies.

"No one who attempts to travel to Australia illegally by boat will settle in Australia," he said.

"Those in the Manus Island Regional Processing Centre found to be refugees are able to resettle in Papua New Guinea. Those found not to be refugees should return to their country of origin.

"People who have attempted to come illegally by boat and are now in the Manus facility will not be settled in Australia.

Mr Dutton said the agreement with PNG to establish the Manus Island centre was negotiated by the Labor government, but Labor's immigration spokesman Richard Marles told the ABC former prime minister Julia Gillard had only signed a 12 month contract.

Mr Marles said Mr Dutton needed to travel to PNG to sort out the issue as soon as tomorrow.

"We negotiated a 12 month agreement with Papua New Guinea for the use of Manus Island as an offshore processing facility in the expectation that the vast bulk of people would be processed and settled in that period of time," he said.

"Instead, we've seen a complete failure on the part of the Turnbull Government."

Mr Marles would not be drawn on whether remaining detainees should be transferred to Australia, saying instead that it was important that the people smuggler trade did not restart.

Greens say the 'game is up'

Greens immigration spokesperson Sarah Hanson-Young has called for all remaining detainees to be brought to Australia.

Senator Hanson-Young told the ABC "the game was up" and Mr Turnbull has to listen to legal and humanitarian experts.

"Really the Government now has no other option but to bring the people left there to Australia and allow them to apply for an Australian visa," she said.

"They've seen two of their colleagues in the detention centre die, one at the hands of guards and another because he had an infected foot which became septic. These are people who have already suffered."

Independent MP Andrew Wilkie has backed her calls, describing offshore processing as "a gaping hole in Australia's soul".

"Australia must immediately respect the court ruling, promptly shut the centre down and transport all of the detainees to Australia for processing of their claims for asylum," Mr Wilkie said.

PNG's Prime Minister Peter O'Neill last month told the National Press Club in Canberra that he wanted the regional processing centre to close.

Mr O'Neill said that the centre had "done a lot more damage for Papua New Guinea than anything else".

"We need to process [the detainees], we need to resettle them, we need to move them back to their country of origin if they are not genuine refugees, but we cannot hold them there forever," he said.

Mr O'Neill also raised concerns about the costs of resettling refugees, saying that his country "does not have the resources".

<http://www.abc.net.au/news/2016-04-26/png-court-rules-asylum-seeker-detention-manus-island-illegal/7360078>

8. PNG court finds Australia's detention of asylum seekers on Manus Island is illegal

The Age
April 26, 2016 - 11:02PM
Nicole Hasham, Michael Gordon

Immigration Minister Peter Dutton says about 900 men being held at the Manus Island detention centre will not be brought to Australia after Papua New Guinea's Supreme Court ruled their detention was illegal.

The decision strikes one of the central pillars of the Turnbull government's border protection regime, just weeks out from an election campaign during which the government is expected to heavily spruik its asylum seeker record.

In a statement on Tuesday afternoon, Mr Dutton said the legal proceedings did not alter Australia's border protection policies, which "remain unchanged".

The court ruled the detention breached the constitutional right of asylum seekers to personal liberty. It ordered the Australian and PNG governments to immediately cease the "unconstitutional and illegal detention of asylum seekers" at Manus Island, and stop the breach of their human rights.

But the scale of this task is reflected in the fact that only eight of more than 1000 asylum seekers who were held in the centre have moved into the PNG community.

Three of these refugees returned to Manus Island and attempted to re-enter the island's transit centre and two were arrested, as reported exclusively by Fairfax Media.

The vast majority of men in the detention centre have been found to be refugees. The court ruling said they were seeking asylum in Australia but were "forcefully brought into PNG" and locked in an Australian-funded centre "enclosed with razor wire".

Mr Dutton said on Tuesday that no-one who attempts to travel to Australia "illegally" by boat will settle in Australia.

"The government will not allow a return to the chaos of the years of the Rudd-Gillard Labor governments when regional processing was initiated to deal with the overwhelming illegal arrivals of more than 50,000 people," he said, adding the agreement with PNG to establish the detention centre was negotiated by Labor.

Mr Dutton said refugees at Manus Island could resettle in PNG and those whose claims were rejected should return to their country of origin.

PNG's immigration minister, Rimbink Pato, told Fairfax Media he would issue a statement on the ruling after it was "considered properly" and legal advice was obtained.

Labor's immigration spokesman Richard Marles said the ruling was "of significant concern" and said Mr Dutton should immediately be dispatched to Port Moresby to hold urgent talks with the PNG government.

"Labor is seeking an assurance from the government that it has a contingency plan to deal with today's ruling. This decision, and our government's response will be monitored by people smuggling networks," Mr Marles said.

He said the original agreement Labor struck did not intend for Manus Island to be "a punitive place of indefinite detention" and claimed the government had failed to properly manage its offshore processing network after three years in office.

"Mr Dutton and his predecessor, Scott Morrison failed to properly engage with the government of PNG to ensure processing was occurring in a timely manner," he said.

"They have also both failed in securing a lasting, third country resettlement to resolve the future for the people on Manus and Nauru. In doing so, this government has breached its duty of care to each one of those men, women and children."

PNG immigration authorities attempted to prepare for an adverse decision by signalling their intention to move refugees out of detention and into the transit centre in Lorengau.

But the preparations have been resisted by asylum seekers, including those who refused to have their claims for refugee status assessed on the grounds that they had been taken to PNG against their will by the Australian government.

This week the PNG immigration department asserted 542 refugees had been offered resettlement in PNG, including just 74 who had moved from the detention centre to the transit centre.

Australian Human Rights Commission president Gillian Triggs said the unanimous ruling by five judges was "further confirmation that Australia's detention policies are increasingly out of step with international norms".

Professor Triggs said the future of men on Manus Island remained "profoundly uncertain", citing UNHCR concerns that the sustainable integration of refugees into the PNG community "will raise formidable challenges and protection concerns".

Greens immigration spokeswoman Sarah Hanson-Young said the reported court ruling showed Australia "has been illegally detaining refugees on Manus Island for years".

"The [Turnbull] government has got to shut the Manus Island detention camp and bring these people here... so that they can have their claims assessed and be integrated into the community," she said.

"These people have been through enough. It's time they were given the safety and care that they deserve."

Australian Lawyers Alliance spokesman Greg Barns said the decision was consistent with international law which stated that indefinite detention was unlawful.

The ruling also meant asylum seekers could likely make successful claims for damages for false imprisonment, and strengthened claims that Australia had breached its duty of care to asylum seekers.

"If Australia ignores the decision then it is contradicting its oft-stated claim that Manus Island detention is a matter for PNG jurisdiction," he said.

<http://www.theage.com.au/federal-politics/political-news/papua-new-guinea-court-finds-australias-detention-of-asylum-seekers-on-manus-island-is-illegal-20160426-gofaaj.html>

9. Papua New Guinea court rules detention of asylum seekers on Manus unconstitutional

Supreme court orders PNG and Australian governments to immediately move people out of detention centre on Manus island

The Guardian

Ben Doherty and Helen Davidson

Tuesday 26 April 2016 16.13 AEST

The detention of asylum seekers and refugees on Manus Island is illegal, the Papua New Guinea Supreme Court has ruled, finding it to be in breach of the country's constitution.

The full bench of the court ruled the incarceration of asylum seekers and refugees was in breach of their personal liberty, and ordered both the PNG and Australian governments to immediately begin making arrangements to move people out of detention.

It also rejected legal amendments made by the PNG government in 2014 which sought to strengthen the legality of the processing system.

The government has said it intended to close down the centre, but had given no timetable, with foreign minister Rimbink Pato telling media it would remain open as long as was necessary.

In Tuesday's ruling the majority judgement found that "the undisputed facts clearly reveal that the asylum seekers has no intention of entering and remaining in PNG. Their destination was and continues to be Australia. They did not enter PNG and do not remain in PNG on their own accord.

"It was the joint efforts of the Australian and PNG governments that has seen the asylum seekers brought into PNG and kept at the Manus Island Processing Centre against their will. These arrangements were outside the constitutional and legal framework in PNG ... the forceful bringing into and detention of the asylum seekers on MIPC is unconstitutional and is therefore illegal."

The court criticised the respondents – Pato, the PNG national executive and the state of PNG – for delaying the case at several points. In its findings the court said the parties had frequently "failed to comply" with orders and directions, to cooperate with the applicant's lawyers and to have the matter prosecuted without delay.

"Obviously the respondents and their lawyers failed for no good reason to discharge their obligation to take all steps they needed to take promptly to avoid unnecessary delays," the findings said.

"In cases like the present, which involves the liberty of persons or other rights and freedoms of human beings, prompt action is required."

Detention centre manager Broadspectrum has been trying to transition the detention centre to a quasi-open camp model, giving those men found to be refugees the opportunity to leave the centre under certain conditions, between 7am and 4pm.

However, the men would not be able to leave of their own volition – they have to be driven out by bus – because the detention centre is housed within a PNG naval base.

Those men who have been found not to have a valid refugee status claim would not have been permitted to leave.

The supreme court ruling said the detention of both groups of men – who have been separated inside the centre – was unconstitutional.

One man, Behrouz Bouchani, was allegedly arrested earlier on Tuesday after having climbed a tree in protest against his positive determination, which he had not applied for, claiming he never sought to live in PNG.

<http://www.theguardian.com/australia-news/2016/apr/26/papua-new-guinea-court-rules-detention-asylum-seekers-manus-unconstitutional>

10. Future of 850 men remains uncertain, Australia awaits PNG's advice on ruling

ABC News Online

By political reporter Anna Henderson

Posted Wed 27 Apr 2016, 6:51 am

The future of 850 men being held in the Manus Island detention centre remains in limbo, as the Australian Government awaits Papua New Guinea's advice on the Supreme Court ruling.

Australia's Immigration Minister Peter Dutton has been in direct talks with Papua New Guinea's Minister for Foreign Affairs and Immigration Rimbink Pato after the court ruled detention of asylum seekers was illegal.

Mr Dutton maintains Australia does not have to bow to the court rulings of its regional neighbour and the detention centre is within the "sovereign responsibility" of the PNG Government.

"In terms of the regional processing centre in Manus, it's part of PNG territory obviously and the decision of the Supreme Court is one that binds the PNG Government not the Australian Government."

The central pillar of the Australian Government's asylum seeker policy has been to deter people from trying to reach Australia by boat by vowing to send them to another country and prevent them resettling in Australia.

Mr Dutton has stressed that policy remains firmly in place.

"The option of coming to Australia is not open and will not open in the future," he told the ABC's AM program.

He said the Australian Government would work with the PNG Government to return detainees to their country of origin or a third country but declined to name the additional countries where the men could be sent.

"There's obviously negotiations underway with a number of countries," he said.

The Government has been backed by Labor's immigration spokesman Richard Marles who said the ruling could not become a "green light for a revival of the people-smuggling trade".

Labor has also criticised the Government for failing to process asylum seekers quickly enough.

However the Greens are demanding the men are immediately brought to Australia

Lawyer predicts men will be sent to Nauru

PNG lawyer Ben Lomai, who is running a similar case to the one decided on Tuesday, said he thought the men might be sent to Nauru.

Mr Lomai said in light of the ruling he would make an application to the PNG Supreme Court to have the men transferred to Australia.

He said the asylum seekers were delighted at the Supreme Court's decision but they still did not know where they would end up.

"There was a lot of jubilation in the camp but at the same time there is some mixed feelings because they are more interested to know where are they going to go from there now they have their freedom," Mr Lomai said.

Another PNG lawyer, Loani Henao, has called on both governments to accept the unanimous ruling, which is not subject to appeal.

"The Governments of Papua New Guinea in particular and that of Australia must take immediate steps not tomorrow or next year or in six months' time to remove the unconstitutionally set up detention centre on Manus Island," he said.

Ronnie Knight, who represents the region where the Manus Island Regional Processing Centre is located, told 7.30 the Supreme Court's decision did not allow for an appeal.

"Our Supreme Court is the highest court in the land," he said.

"It's basically the only way they can go, and as far as they can go. I don't think there's much that could be done."

<http://www.abc.net.au/news/2016-04-27/future-of-men-on-manus-island-remains-in-limbo/7361682>

11. Manus Island MP unsurprised by Papua New Guinea's detention centre ruling

ABC-TV - 7.30

By 7.30's Leigh Sales and Julia Holman

First posted Tue 26 Apr 2016, 7:54pm

Updated Wed 27 Apr 2016, 4:49am

he court ruling finding Papua New Guinea's (PNG) detention of asylum seekers illegal was an inevitable decision, the MP for Manus Island says.

Ronnie Knight, who represents the region where the Manus Island Regional Processing Centre is located, told 7.30 that the Supreme Court's decision did not allow for an appeal.

"Our Supreme Court is the highest court in the land," he said.

"It's basically the only way they can go, and as far as they can go. I don't think there's much that could be done."

Earlier on Tuesday, PNG's Supreme Court ruled that the detention of asylum seekers breached the country's constitution, and ordered the closure of the Australian Government-funded facility.

Australian National University international law lecturer Kevin Boreham said Australia would have to deal with the ruling and he noted no third country had been willing to accept these people.

"The problem clearly is that they want to find a third country that is sufficiently unattractive that it won't constitute another lure for people to come to Australia," he said.

"So there is going to have to be a compromise and the compromise is clearly going to include some of these people coming to Australia other side of the election.

However both Immigration Minister Peter Dutton and Opposition spokesman Richard Marles have said asylum seekers detained on Manus Island could not come to Australia.

"We have been very clear these people will not be coming to Australia and we will work with the PNG Government to look at options that they have," Mr Dutton told Sky Australia.

"This decision doesn't bind the Australian Government."

But PNG lawyer Ben Lomai said he would make an application to the PNG Supreme Court to have the men sent back to Australia and compensated \$100,000 each.

He said the asylum seekers were delighted at the decision but they still did not know where they would end up, with some believing they may be sent to Nauru.

Workers at detention centre will lose jobs

Manus Island was originally opened in 2001 as a detention centre, but was closed in 2008.

In 2012, Australia's then-Labor government made an agreement with PNG to once again open the facility to detain asylum seekers.

The PNG constitution was changed to allow the Manus Island Detention Centre to re-open.

Offshore detention on Manus Island remains the policy of both Australia's Coalition and the Labor Party.

"At the moment we have a situation we are trying to retrofit the laws to what we are trying to do, but we have to respect the Supreme Court's decision and carry on with what they direct us to do," said Mr Knight.

Many locals on Manus Island work at the facility, and there has been significant infrastructure investments to set up the processing centre.

"A lot of people will be losing jobs, a lot of people will be out of work and back to the village and back to their normal routine at home," Mr Knight said.

"But I don't think in our hearts, in our people's hearts, we thought this was going to be a long-term thing anyway."

<http://www.abc.net.au/news/2016-04-26/manus-island-mp-unsurprised-by-detention-centre-ruling/7361154>

12. Peter Dutton indicates Australia won't take back Manus Island asylum seekers

Immigration minister says Papua New Guinea's supreme court ruling will have little bearing on Australia

The Guardian
Helen Davidson
Wednesday 27 April 2016 12.05 AEST

Peter Dutton has indicated Australia will refuse to take any asylum seekers back from Manus Island, even if the Papua New Guinea supreme court orders their transfer after a ruling that detention in the country is illegal.

The full bench of the supreme court ruled on Tuesday in favour of a challenge by the former PNG opposition leader Belden Namah, finding the Australian-run immigration detention and processing centre to be in breach of the country's constitution and migration law.

The PNG government has not said how it plans to respond to the ruling.

Ben Lomai, a PNG lawyer who is still running a similar court case on behalf of about 300 asylum seekers, has said he will make an application to the court for all detainees to be sent back to Australia and paid compensation.

However, the immigration minister told the ABC on Wednesday that any ruling in Lomai's favour would have little bearing on Australia.

"The findings of the high court here is not binding on people in PNG and the findings of the supreme court in PNG aren't binding on the Australian government," he told AM.

"[In] terms of the impact on Australia, our policy is not going to change. The option of coming to Australia is not open and it will not open in the future."

Australia's role was repeatedly noted in the court ruling but Dutton has distanced the government from it and on Tuesday afternoon he said the ruling was "a matter for the PNG government".

He said the Australian government was waiting to see what PNG would do next.

"They're taking legal advice at the moment and once we get that advice from PNG we'll have an understanding of what it is they're going to do in relation to the detention centre, which obviously is within their sovereign responsibility," he told AM.

"We've had an ongoing dialogue and obviously the government has looked at every possible scenario and outcome and we've looked at that in terms of our strategy and our approach for a long period of time. We've had many conversations including myself with [foreign affairs minister Rimbink] Pato ... and we'll have further discussions once legal advice is available."

The excoriating ruling from the supreme court said more than 800 men were held "against their will" in a centre "enclosed with razor wire and manned by security guards" and that this incarceration was in breach of their human rights.

It ordered both national governments to take immediate action to free the men from detention.

Because of the nature of the Manus Island centre – it sits within a naval base – it is unlikely the doors could be opened to allow detainees free movement, as was done on Nauru in response to an Australian high court challenge.

Dutton said the men would either settle in PNG if they have been granted refugee status, return to their country of origin, or settle in a third country.

"There is obviously negotiations under way with a number of countries and we need to make sure at the same time that we have these discussions about arrangements that may be entered into, that it doesn't create a pull factor to recommence," he said, noting "cordial discussions" with Indonesia, Nauru and Malaysia.

Labor's immigration spokesman, Richard Marles, accused Dutton and his predecessor, Scott Morrison, of failing to engage with the PNG government to ensure processing of refugee claims was progressing on time.

He said the centre, set up by the former Labor government, was "never intended to serve as a punitive place of indefinite detention".

Namah told PNG media he was "thankful" for the ruling.

"I dedicate these victories to my children, the children of Papua New Guinea and our people," he told the Post Courier. "It was for their future that I fought these cases."

The ruling made international headlines, including the front pages of Australian and PNG newspapers. The New York Times noted the recent attempts to resettle refugees in PNG had seen "little success".

Since some men were moved from the centre into the community, several have reported becoming homeless, being attacked and at least six have attempted to return to the detention centre for shelter and security.

Manus MP Ron Knight, who has been a vocal advocate for his constituents, told Guardian Australia what happened next should not negate the promises made to them by the Australian and PNG government.

"We'd expect the two national governments involved would do what they promised us," he said. "If it has to be closed down it has to be closed down but we still need our roads fixed."

<http://www.theguardian.com/australia-news/2016/apr/27/peter-dutton-indicates-australia-wont-take-back-manus-island-asylum-seekers>

13. Manus Island flight from PNG capital halted by 'screaming' asylum seeker

ABC News Online

By PNG correspondent Eric Tlozek

First posted Wed 27 Apr 2016, 8:23am

Updated Wed 27 Apr 2016, 11:41am

A screaming asylum seeker in Papua New Guinea's capital has prevented a flight from travelling to Manus Island moments before take-off.

The man was one of two asylum seekers detained by Port Moresby airport security guards after the incident.

He began screaming as the plane taxied down the runway.

Cabin crew tried to calm the man but he remained agitated and the plane then returned to the terminal.

The men and two immigration staff escorting them were then offloaded from the flight.

The asylum seekers are believed to have been in Port Moresby for medical treatment.

It is not clear if immigration authorities can legally force them to return to Manus Island, after PNG's Supreme Court ruled their detention there was illegal.

<http://www.abc.net.au/news/2016-04-27/manus-island-flight-from-png-halted-by-screaming-asylum-seeker/7362258>

14. Manus Island detention centre to close, PNG Prime Minister says following court bombshell

The Age

April 27, 2016 - 7:49PM

Nicole Hasham

The Manus Island detention centre will close after the Papua New Guinea Supreme Court ruled it was illegal and unconstitutional, PNG Prime Minister Peter O'Neill says.

The decision throws the Turnbull government's offshore detention regime into chaos and thrusts border protection high onto the political agenda, just weeks out from an expected election campaign. It is understood more than 850 men are currently housed in the facility.

In a statement, Immigration Minister Peter Dutton said the government would work with PNG to address the issues raised by the court ruling, but insisted that Manus Island detainees "will not be settled in Australia".

"We will continue discussions with the PNG government to resolve these matters," he said.

Last financial year the detention centres on Manus Island and Nauru cost Australia \$1.2 billion.

Mr O'Neill said the centre's closure would have a negative effect on the Manus Island economy and the government will work with Australia to minimise damage to businesses and workers.

"I have considered the ruling of the Supreme Court of Papua New Guinea and welcome this outcome," Mr O'Neill said in a statement on Wednesday.

"Respecting this ruling, Papua New Guinea will immediately ask the Australian government to make alternative arrangements for the asylum seekers."

Mr Dutton had refused Labor's demands on Tuesday that he urgently fly to PNG to shore up the detention centre's future.

The court ruled the detention centre breached the constitutional right of asylum seekers to personal liberty, and PNG's decision scuppers other potential options such as changing that nation's laws to make the centre legal, or turning the facility into an "open centre" so detainees can come and go as they please.

It is not yet clear when the facility would shut. The Australian government is now under intense pressure to deal with the problem - either by moving the asylum seekers and refugees to another location, such as Nauru or Christmas Island, or finding a third country to house them.

Earlier on Wednesday, Prime Minister Malcolm Turnbull said the court ruling was "under consideration" and the detention centre was the responsibility of the PNG government, adding "I can't provide a definitive road map from here".

Speaking on Sky News, Labor's immigration spokesman Richard Marles said Mr Dutton foolishly tried to downplay the implications of the PNG court ruling by "pretending nothing has happened".

Mr Marles said offshore processing was critical to stopping asylum seeker deaths at sea and "this government has made a mess of it from day one".

He urged Mr Dutton or Mr Turnbull to travel to Port Moresby to salvage the Manus Island arrangement after the court ruling.

Labor, which originally brokered the current Manus Island deal with PNG, envisaged it would exist only for 12 months - by which time most asylum seekers would be processed and resettled, Mr Marles said.

Lawyers for Manus Island detainees say some have been held there more than 1000 days.

Mr O'Neill, who has previously said the detention centre had hurt his nation's reputation, said PNG "did not anticipate the asylum seekers to be kept as long as they have" at Manus Island.

"For those that have been deemed to be legitimate refugees, we invite them to live in Papua New Guinea only [if] they want to be a part of our society and make a contribution to our community," he said on Wednesday.

"It is clear that several of these refugees do not want to settle in Papua New Guinea and that is their decision."

Mr O'Neill said many local businesses had invested to expand their operations to support the detention centre. He predicted these businesses would suffer and jobs would be lost. Hundreds of locals who work at the detention centre also face losing their jobs.

He said negotiations with Australia will focus on when the facility will close and how to manage the settlement of legitimate refugees who want to stay in PNG.

Mr O'Neill said PNG agreed to house the detention centre to help thwart the people-smuggling trade.

Greens immigration spokeswoman Senator Sarah Hanson-Young said two asylum seekers had died at the Manus Island detention centre, it had "destroyed the lives of 1000 others" and would now close.

"Peter Dutton is out of options ... Manus Island is over and Australia is responsible for what will happen to the people who are there," she said.

<http://www.theage.com.au/federal-politics/political-news/manus-island-detention-centre-to-close-png-prime-minister-says-following-court-bombshell-20160427-gogbyo.html>

15. Manus Island detention centre to close, Papua New Guinea prime minister says

Australian government will be asked to make alternative arrangements after supreme court ruled detention regime was unconstitutional

The Guardian
Helen Davidson and Ben Doherty
Wednesday 27 April 2016 16.12 AEST

The Manus Island immigration detention will close, and Australia must make new arrangements for the 850 asylum seeker and refugee men held there, the PNG prime minister, Peter O'Neill, has announced.

O'Neill's announcement follows a ruling by the PNG supreme court on Tuesday that the detention of asylum seekers and refugees was illegal and unconstitutional, and it ordered the governments of Australia and PNG to immediately move to end the practise.

"Respecting this ruling, Papua New Guinea will immediately ask the Australian government to make alternative arrangements for the asylum seekers currently held at the regional processing centre," O'Neill said.

"As I stated recently at the at the Australian Press Club, we did not anticipate the asylum seekers to be kept as long as they have at the Manus centre."

The Manus Island facility is one of two in Australia's offshore immigration processing regime. Both it and the one on the Pacific Island nation of Nauru, have been hugely controversial and highly criticised by the international community and human rights organisations. The Australian government provides funding and aid to the governments of PNG and Nauru to operate the centres, which house refugees and asylum seekers who arrived in Australia, or surrounding waters, by boat.

The Nauru centre was the scene of a horrific act of self harm on Wednesday, as a young Iranian man set himself alight in front of UN representatives. There have been at least five suicide attempts on the island in the past 24 hours, and two women have been missing since Sunday, feared drowned.

O'Neill's announcement puts responsibility for the men currently held on Manus on Australia, after the immigration minister, Peter Dutton, sought to distance his government from the supreme court decision, saying it was only binding on PNG.

"The government's position is very clear, and that is we are not going to accept people who have sought to come to our country illegally by boat, they will not settle permanently in our country," he said on Wednesday afternoon.

"The court decision is binding on the PNG government, but not on the Australian government, so we will work with the PNG government to look at the situation, to provide what assistance we can, but we are not going to allow people smugglers to get back into business."

O'Neill's announcement, just hours after Dutton's press conference, suggests that response was not welcome.

Late on Wednesday Dutton acknowledged the announcement, and thanked O'Neill for "PNG's continued support for this effort".

"As I have said, and as the Australian Government has consistently acted, we will work with our PNG partners to address the issues raised by the Supreme Court of PNG," he said.

"It is also the case that the Government has not resiled from its position that people who have attempted to come illegally by boat to Australia and who are now in the Manus facility will not be settled in Australia.

We will continue discussions with the PNG Government to resolve these matters."

More than 800 asylum seeker and refugee men are currently on Manus Island. In recent weeks the PNG government stopped processing refugee claims and began sorting people into compounds, to prepare those with positive determinations for resettlement and those with negative determinations for deportation.

A number of people deemed to be refugees and settled in the PNG community have sought to return to detention for safety and security. Other asylum seekers have refused to submit their claim in protest.

"For those that have been deemed to be legitimate refugees, we invite them to live in Papua New Guinea only if they want to be a part of our society and make a contribution to our community," said O'Neill.

"It is clear that several of these refugees do not want to settle in Papua New Guinea and that is their decision."

Inside the centre, detainees reported guarded celebrations as the court decision was read out, and news of the closure order filtered through the detention compounds.

Behrouz Bouchani, a Kurdish journalist who has lost 17 kilograms while in detention and battled serious health problems, said he felt like a child at a birthday party.

"We were in systematic torture but now we can see and feel freedom. The hardest days and the dark nightmare will finish soon. There are a lot of happy faces, people were scared to have a celebration but now they are happy. I am very happy."

Some detainees hugged PNG immigration officers and other local staff, when the news was announced.

"We have seen three prime ministers and three immigration ministers during our journey in Australia but finally, PNG court give freedom to us."

FULL STORY AT <http://www.theguardian.com/australia-news/2016/apr/27/the-order-to-end-manus-detention-was-predictable-the-next-step-is-not>

16. Manus Island detention: locals concerned for economic future after centre closes

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

First posted Thu 28 Apr 2016, 4:03am

Updated Thu 28 Apr 2016, 4:16am

Residents of Manus Island are concerned about the economic impact of the island's detention centre being closed, after Papua New Guinea's Supreme Court ruled the detention of asylum seekers in the centre was illegal.

The centre is the island's largest employer, with many coming from outlying islands or other parts of Papua New Guinea (PNG), and it is a major customer for local businesses.

However, Prime Minister Peter O'Neill yesterday announced the centre would close after the Supreme Court's ruling on Tuesday, saying he would "immediately ask the Australian Government to make alternative arrangements for the asylum seekers".

"I think it's a definite blow," resident Garry Korup said.

"We ordinary people of the island haven't experienced such cash flow from an impact project since 1975.

"However, now that it's closed we'd like the Government to have alternatives. How do we go on to make a living?"

Many residents of Manus Island were initially unhappy with the decision to reopen the centre, and were angry at Australia for sending people it did not want to PNG.

But some of the Australian aid packages from the regional processing deal did filter through to Manus.

The main town of Lorengau got a new market and the island's main road is being upgraded.

Mr Korup said that changed people's perceptions of the detention centre.

"I think the impact of the project has given us a few hopes, like the sealing of a stretch of road, we have a new market, we get constant assistance to our general hospital here," he said.

"The Government will have to look for alternatives, definitely."

Mr O'Neill acknowledged local concerns about the centre's closure and said the Government would work with Australia to minimise the damage to workers and businesses.

It is not yet known when the centre will close, and although Mr O'Neill said he would immediately ask Australia to make alternate arrangements, it is not clear what will happen to the 900 men on Manus Island.

Afghan refugee Egris Hussain said they could not stay in PNG, where they do not believe they will be safe.

"Because we don't have security and we don't have anything. Because always we are under pressure," he said.

Those men who have been found to be refugees are being told they could still be resettled in PNG, regardless of the closure of the detention centre.

<http://www.abc.net.au/news/2016-04-28/manus-locals-react-to-news-of-detention-centre-closure/7365484>

17. Peter Dutton says Nauru has room for 850 men who must be moved

ABC News Online

By Papua New Guinea correspondent Eric Tlozek, staff

First posted Thu 28 Apr 2016, 4:03am

Updated Thu 28 Apr 2016, 5:59am

Immigration Minister Peter Dutton says Nauru has room for the 850 men from Manus Island's detention centre, but he is stressing the Australian Government remains in talks about the options available in Papua New Guinea.

Prime Minister Peter O'Neill yesterday announced the centre would close after the Supreme Court's ruling on Tuesday, saying he would "immediately ask the Australian Government to make alternative arrangements for the asylum seekers".

Mr Dutton is highlighting the potential for fresh talks with Papua New Guinea to provide a resolution.

"There is capacity [on Nauru] but we're talking with the PNG Government about what options are available in PNG and we'll continue those discussions with them," Mr Dutton told Sky News this morning.

PNG's High Commissioner to Australia Charles Lepani said the centre would not close immediately and there will be meetings in Canberra next week.

"We will talk with our Australian counterparts, which will be as early as next week with officials meeting in Canberra to discuss plans to close the facility," he said.

Meanwhile, locals are concerned about their future as the centre is the island's largest employer, with many coming from outlying islands or other parts of Papua New Guinea, and it is a major customer for local businesses.

"I think it's a definite blow," resident Garry Korup said.

"We ordinary people of the island haven't experienced such cash flow from an impact project since 1975.

"However, now that it's closed we'd like the Government to have alternatives. How do we go on to make a living?"

Many residents of Manus Island were initially unhappy with the decision to reopen the centre, and were angry at Australia for sending people it did not want to PNG.

But some of the Australian aid packages from the regional processing deal did filter through to Manus.

Detention centre improved facilities in town

The main town of Lorengau got a new market and the island's main road is being upgraded.

Mr Korup said that changed people's perceptions of the detention centre.

"I think the impact of the project has given us a few hopes, like the sealing of a stretch of road, we have a new market, we get constant assistance to our general hospital here," he said.

"The Government will have to look for alternatives, definitely."

Mr O'Neill acknowledged local concerns about the centre's closure and said the Government would work with Australia to minimise the damage to workers and businesses.

It is not yet known when the centre will close, and although Mr O'Neill said he would immediately ask Australia to make alternate arrangements, it is not clear what will happen to the 850 men on Manus Island.

Afghan refugee Egris Hussain said they could not stay in PNG, where they do not believe they will be safe.

"Because we don't have security and we don't have anything. Because always we are under pressure," he said.

Those men who have been found to be refugees are being told they could still be resettled in PNG, regardless of the closure of the detention centre.

<http://www.abc.net.au/news/2016-04-28/manus-locals-react-to-news-of-detention-centre-closure/7365484>

18. Peter Dutton struggles to explain plans to Karl Stefanovic following Manus closure

The Age
April 28, 2016 - 9:30AM
Michael Koziol

The fate of about 900 asylum seekers on Manus Island hangs in the balance as Immigration Minister Peter Dutton struggles to explain why the government was ill-prepared for the detention centre's closure.

In a testy exchange with Karl Stefanovic of Channel Nine's Today show, Mr Dutton insisted Tuesday's ruling by Papua New Guinea's Supreme Court and the country's subsequent decision to close the facility "hasn't taken us by surprise".

But he was unable to explain why the government had no immediate solution for the 900 men left in limbo on the island, more than half of whom have been assessed as genuine refugees.

Prime Minister Malcolm Turnbull conceded on Wednesday the government did not have "a definitive road map" on what to do, just hours before PNG Prime Minister Peter O'Neill announced the Manus Island facility would close and Australia would have to make "alternative arrangements" for the detainees.

But Mr Dutton told Today on Thursday: "We've been anticipating the Supreme Court decision in PNG and we've been planning for this since late last year."

That prompted Stefanovic to ask the minister why the government seemed to have been blindsided by the ruling.

"It doesn't say much about your planning," he told Mr Dutton. "You say you've known for months this ruling was coming, and yesterday [Mr Turnbull] said we have no road map. How long does it take the Prime Minister to come up with a road map?"

Mr Dutton then said Mr Turnbull had been "part of these discussions for a long period of time". The discussions involved the cabinet's National Security Committee, Operation Sovereign Borders Commander Andrew Bottrell, Immigration Department secretary Michael Pezzullo and the Australian Federal Police.

The cabinet reportedly met on Wednesday night to discuss the urgent situation, with PNG suggesting the centre could close almost immediately - just days away from the May 3 budget and a week before the anticipated start of the official election campaign.

Mr Dutton suggested refugees who were owed protection could be resettled in PNG or elsewhere in the region, while those whose applications had been rejected would be sent back to their country of origin. But those plans were subject to ongoing negotiations.

"They obviously want to come to Australia but we've been clear that they won't," he said.

"We are negotiating with third countries, we'll continue our discussions with PNG."

Again, Stefanovic fired up. "You can't answer the question what happens," he told the minister.

"You've been told that this facility's closing and you can't answer the question for what happens to those 850 asylum seekers."

PNG's high commissioner to Australia, Charles Lepani, said on Thursday morning it was the Australian government's responsibility to deal with the fallout from the Supreme Court ruling.

He said PNG was open to resettling some of the refugees from Manus Island permanently, but that it was "never Papua New Guinea's understanding" that it would take all of those people who were found to be owed protection.

"A lot of the details like that were allowed to just drag on," Mr Lepani told ABC radio.

Other possible options include taking the detainees to Christmas Island, the remote Australian territory in the Indian Ocean, or sending them to the detention centre in Nauru. Mr Dutton told Sky News the Nauruan facility had capacity for more people, but discussions with PNG would take precedence.

He also appeared to leave the door open for a temporary solution on Christmas Island, declaring that refugees would not be "permanently" resettled here.

Australian Human Rights Commissioner Gillian Triggs said the government's hardline approach was no longer "an adequate answer", saying the conditions of offshore processing were "dangerous" and "unsustainable".

"It may very well be that it takes a unanimous judgment in the Papua New Guinea Supreme Court to finally shift public opinion and maybe also political views," she told ABC Radio National.

"Australia can't force Papua New Guinea to hold people that were originally Australia's responsibility. But equally ... it's very difficult for Papua New Guinea to take these asylum seekers back."

Ms Triggs said the imminent election campaign meant it was "almost impossible" that either side of politics would change their politically successful policies on offshore detention.

"The timing is really so bad," she said. "It really leaves the matter in limbo."

<http://www.theage.com.au/federal-politics/political-news/you-cant-answer-the-question-peter-dutton-struggles-to-explain-plans-following-manus-closure-20160427-gogqdh.html>

19. Peter Dutton leaves open option for temporary resettlement in Australia

ABC News Online

By political reporter Anna Henderson

Posted Thu 28 Apr 2016, 7:42am

Immigration Minister Peter Dutton has left open the option for Manus Island detainees to come to Australia temporarily, saying they won't be "permanently" resettled in Australia.

"I've been very clear that the men off Manus Island will not be settling permanently in Australia," Mr Dutton told Channel 9 this morning.

Earlier this week Mr Dutton was adamant the men would not come to Australia under any circumstances, after the PNG Supreme Court ruled their continued detention on Manus Island was illegal.

The change in language has come as Labor pushes the Coalition to consider offering Papua New Guinea's Government more funding to keep the centre open.

PNG's Prime Minister Peter O'Neill yesterday announced the centre would close after the Supreme Court's ruling on Tuesday, saying he would "immediately ask the Australian Government to make alternative arrangements for the asylum seekers".

Labor's immigration spokesman Richard Marles wants the Australian Government to try to convince the PNG Government to keep the centre open.

He has suggested negotiating with Mr O'Neill about changing the country's laws to make detention legal or offering more money.

"All of those options need to be talked through with the PNG Government," he said.

Mr Dutton has also noted there is room in the Nauru detention centre for the men but he is stressing the Australian Government remains in talks about the options available for the men to remain in Papua New Guinea.

"There is capacity [on Nauru] but we're talking with the PNG Government about what options are available in PNG and we'll continue those discussions with them," Mr Dutton told Sky News this morning.

PNG officials are preparing to travel to Australia early next week for fresh negotiations about the future of the detainees and the country's High Commissioner to Australia, Charles Lepani, said the centre would not close immediately.

Manus Island MP Ronnie Knight told Radio National he expected Australia to keep funding projects it agreed to as part of the detention centre deal.

"Fulfilling their part of the agreement to continue to finish our roads and do what they promised," he said.

He warned of consequences if Australia withdraws from those projects.

"If they do that then maybe next time down the track when they ask for help again it might be the other way around. We won't assist them," he said.

<http://www.abc.net.au/news/2016-04-28/peter-dutton-leaves-open-option-for-temporary-resettlement/7365940>

20. Manus refugees likely to be relocated to Christmas Island and Nauru

Peter Dutton says Nauru has capacity for more detainees as Papua New Guinea announces closure of its Australian-run detention centre

The Guardian
Ben Doherty and Helen Davidson
Thursday 28 April 2016 09.17 AEST

Christmas Island and Nauru are firming as the likely destinations for the detainees on Manus Island, with the closure of the detention centre imminent, according to Papua New Guinea officials.

Australia's immigration minister, Peter Dutton, told Sky News on Thursday morning there was room on Nauru to take additional detainees.

"There is capacity [on Nauru] but we're talking with the PNG government about what options are available in PNG and we'll continue those discussions with them."

In the wake of the PNG supreme court decision ordering the centre closed, Dutton has also been specific in his language, saying that none of the men from Manus would ever be "permanently settled" in Australia.

"The men off Manus Island will not be settling permanently in Australia and we will work with the Papua New Guinea government to help them return home or back to third countries," he told Channel Nine on Thursday morning.

That language would seem to leave open the possibility for all, or some, of the men from Manus being transferred to the Christmas Island detention centre.

Department figures show that at the end of last month, there were 905 asylum seekers at the Manus Island detention centre. Of those, 482 have been found to be refugees. Others had claims rejected or were contesting their status.

Fifty-nine refugees have been moved to the East Lorengau refugee transit centre on the island, leaving about 850 in the detention centre.

The Christmas Island detention centre is currently housing 183 people. It has an “operational capacity” of about 1,094 and a “contingency capacity” of 2,724.

After a riot following the death of Fazel Chegeni last December, which caused \$10m worth of damage, the government has committed \$7m to upgrade and “harden” the centre.

Nauru's processing centre currently houses 468 people, including 50 children.

But Nauru is in a state of massive upheaval. The processing centre been seized by more than a month of daily protests, as well as a spate of suicide attempts over the last 48 hours.

One man, a 23-year-old Iranian refugee named Omid, doused himself in petrol and set himself on fire on Wednesday. He remains in Nauru hospital in a critical condition, with burns to much of his body. A planned medevac flight to Australia has not yet eventuated.

At least another five people have attempted suicide in the past 48 hours, and two women have been missing since Sunday. It is feared they may have drowned.

“This place is in meltdown,” an island source said. “No one has any control anymore.”

Another source said welfare staff have reportedly been working without sleep for days to try to manage the situations of self-harm, suicide and care for children.

Nauru is not a permanent solution for anybody sent there. The Nauruan government has consistently refused to permanently resettle any refugees sent from Australia, insisting no one can stay longer than five years.

It is not known how quickly PNG will move to shut down the Manus Island centre.

PNG high commissioner to Australia, Charles Lepani, said discussions would start next week on working out a plan to close the centre.

Ultimately the decision about what to do was for Australia – PNG's job was only to process the asylum seekers.

“It's not for us to decide or urge Australia to take them on,” he told ABC radio. “We cannot force them to settle [in PNG].”

<http://www.theguardian.com/australia-news/2016/apr/28/manus-refugees-likely-to-be-relocated-to-christmas-island-and-nauru>

21. 'This is a sick game and it needs to end': Labor splits over asylum seekers

Canberra Times
April 28 2016 - 1:23PM
James Massola

A damaging split has opened in federal Labor over asylum seeker policy, with three MPs in the party's Left faction breaking ranks and calling for the 900 asylum seekers on Manus Island to be processed onshore and settled in Australia.

And Immigration Minister Peter Dutton has seized on the division in Labor ranks, telling Fairfax Media that Opposition Leader Bill Shorten had not even been able to get to the election campaign starting line before an outbreak of disunity in ALP ranks over the controversial policy.

The outbreak of disunity comes after the Papua New Guinea's Supreme Court ruled the Manus Island detention centre was illegal and unconstitutional, and PNG Prime Minister Peter O'Neill said it would be closed.

The ruling has thrust asylum seeker policy squarely back onto the political agenda on the eve of the federal election campaign. It is not yet clear when the Manus Island facility could shut, nor where the asylum seekers will be processed if they are forced to leave PNG.

Labor's official policy is to support the offshore processing of would-be asylum seekers and to support the turning back of asylum seeker boats attempting to come to Australia and the call creates a political headache for Mr Shorten, risking the re-opening of party divisions over the contentious policy.

That position was formally adopted at the party's annual conference in 2015, over the objections of a minority of vocal opponents primarily in the party's Left faction, and the government has suggested the policy position could be weakened if Labor is returned to government.

Labor MPs Melissa Parke, Lisa Singh and Sue Lines told Fairfax Media the court ruling was a chance for the opposition to rethink its policy on offshore processing and bring the asylum seekers to Australia - contradicting party policy.

"It's inevitable that the government will need to have another plan for what is going to happen and the most logical thing to do is to bring those people to Australia," said Ms Parke, who is a former UN lawyer and advocate for asylum seekers.

"We have caused them enough suffering already. This is a sick game and it needs to end.

"The government don't have a plan, all they say is they can't come to Australia. The obvious thing they could do is accept the New Zealand government's offer to take 150 people a year from these offshore processing centres. The fact that Australia said 'no' to that gives lie to the idea that these asylum seekers are PNG or Nauru's responsibility."

Senator Singh, a junior member of Mr Shorten's frontbench who is based in Tasmania, said the Pontville detention centre north of Hobart should be re-opened to process the asylum seekers in limbo on Manus Island.

"I think Tasmania could play a really active role in the resettlement of these refugees and asylum seekers who are likely to be displaced from Manus Island," she said.

"Pontville has a reputation as a humane and preferable option. I think bring them here and process them, definitely. It needs some rehabilitation, but it could temporarily house them in the next couple of weeks, those on Manus island.

"This could be an immediate temporary solution to an urgent, critical problem that the government has brought upon itself. Ideally, people who have refugee status should have the chance to settle in our country after being processed."

Chance for a rethink

Senator Lines said the PNG Supreme Court's decision was "a chance for a rethink on offshore processing".

"They demonise asylum seekers but I don't think Australians will accept this anymore. They should be processed, only 400 or so have been, let's process the vast bulk of them and establish how many refugees there are and then work out what to do with them."

Mr Dutton said it was clear that Labor's promise to process asylum seekers offshore if elected was already unravelling.

"At least in the run up to the 2007 election Kevin Rudd was able to hold his team together until they got into government before they dumped the policies that had stopped the boats," he said.

"Mr Shorten wouldn't be able to contain his own party as Prime Minister and the people smugglers would be back in business and people would be drowning at sea again."

But Mr Shorten said on Thursday that Labor supported regional processing in offshore facilities because "we do not want to see the people smugglers back in business".

"Australians should know, and even more importantly people smugglers should know, that after the next election, whether or not Labor is successful or Liberal, there is a unity ticket to defeat the people smugglers," he said.

Mr Shorten demanded Immigration Minister Peter Dutton "sort this mess out".

Earlier on Thursday, Mr Dutton insisted Tuesday's ruling by the Supreme Court and the country's subsequent decision to close the facility "hasn't taken us by surprise".

But he was unable to explain why the government had no immediate solution for the 900 men left in limbo on the island, more than half of whom have been assessed as genuine refugees.

<http://www.canberratimes.com.au/federal-politics/political-news/this-is-a-sick-game-and-it-needs-to-end-labor-splits-over-asylum-seekers-20160428-gogw6u.html>

22. Manus Island politics a 'sick game': Labor MP Melissa Parke

ABC News Online

By political reporter Francis Keany

First posted Thu 28 Apr 2016, 4:16pm

Updated Thu 28 Apr 2016, 4:18pm

An outgoing Federal Labor MP has described the politics surrounding offshore detention as a "sick game", as doubts remain over the future of the Manus Island facility.

Papua New Guinea has called for the facility on Manus Island to be closed, sparking fresh debate about the policy of offshore detention.

Labor MP Melissa Parke, who will retire at the next federal election, has described the politics surrounding the issue as a "sick game that must be brought to an end".

She called on the Federal Government and the Opposition to "put politics aside" and work towards a solution.

"Now the Government's chickens are coming home to roost: Australia should bring those detained to Australia and process their claims here," Ms Parke said in a statement.

"These people have suffered enough under a system designed to brutalise vulnerable people in the name of deterrence."

She said those on Manus Island and Nauru should be resettled in Australia or in countries that can "guarantee human rights".

Opposition Leader Bill Shorten told reporters in Hobart he understands the frustration at the delays in processing refugee claims but that Labor's support of offshore processing remains unchanged.

"Labor has no interest in indefinite detention, so I understand that there are some people, many people, me included, are legitimately critical of indefinite detention on Nauru and Manus Island. That is unacceptable.

"But the answer is not to give in to the people smugglers. We will deliver regional resettlement."

Ms Parke, a former lawyer with the United Nations, has been an outspoken critic of Labor's support for offshore processing.

"It would be a tragedy if the coming election saw vulnerable people continue to be tossed around as pawns in a political dog fight."

<http://www.abc.net.au/news/2016-04-28/manus-island-politics-a-sick-game-labor-mp/7368600>

23. Australia should respect PNG's decision on detention: Gillian Triggs

The Age
April 28, 2016 - 12:00AM
Alexandra Back

The president of the Australian Human Rights Commission said the federal government should respect Papua New Guinea's ruling on detention, and hoped the people held on Manus Island would be brought to Australia.

On Tuesday, PNG's Supreme Court ruled that indefinite detention of about 850 men on the island was illegal. On Wednesday, the country's prime minister Peter O'Neill announced the centre would close.

Speaking before Mr O'Neill's announcement, commission president Gillian Triggs agreed Australia should be embarrassed by the ruling, but that she did not feel personally vindicated by it.

"Vindicated isn't really a word I'm permitted to use, it's not what we're about, it's not a matter of pride in saying, 'we're right'," Professor Triggs said.

"I just want the Australian public to understand, that Papua New Guinea has a constitutional provision that protects personal liberty, and the liberty of those who are being detained for years without a charge or trial.

"We have been making at the Australian Human Rights Commission this point over and over again. [Detention] is simply contrary to some of the most basic, fundamental principles."

The decision showed up a key difference between Papua New Guinea and Australia, Professor Triggs said, which is that it has constitutional human rights provisions.

"Australia does not, and that is why we can have the High Court of Australia making the decision that offshore processing is valid under the constitution, without at any stage looking at the fundamental freedoms to prevent deprivation of liberty."

As the government awaited a response from PNG, and its own legal advice, Immigration Minister Peter Dutton reaffirmed its intention to not receive any of the refugees into Australia.

"Our policy is not going to change. We are absolutely adamant that people won't be settling in this country," Mr Dutton told ABC radio. "The findings of the Supreme Court in PNG aren't binding on the Australian government."

"This is an entirely disingenuous argument," Professor Triggs said. "The detention centres are set up and paid for and managed by the Australian government and on the basis of international law they're fully responsible for it."

Professor Triggs was in Canberra on Wednesday to discuss changes to Australia's anti-terrorism laws, as proposed by recent Council of Australian Government meetings. One flagged change was reducing the age at which a control order can be applied, from 16 to 14 years.

Professor Triggs shared a panel with Fergal Davis, senior lecturer and director of the Parliaments Project in the Gilbert + Tobin Centre of Public Law, and Dr Helen Watchirs, president and human rights commissioner at the ACT Human Rights Commission at Old Parliament House.

During the panel, Professor Triggs warned Australia was "sleepwalking as a country into a serious executive overreach of power" with its anti-terrorism legislation, "which is not subject to the role of our judges and, sadly, has not been counterbalanced by a functioning parliament".

"Yes of course we have to have laws, that might even delve down to the level of a 14-year-old, but we also need proper rule-of-law processes preferably by our courts and our judges, to determine when these control orders can be granted," she said.

<http://www.theage.com.au/federal-politics/political-news/australia-should-respect-pngs-decision-on-detention-gillian-triggs-20160427-gog71h.html>

24. Australian government faces potential claims of more than \$1 billion after Manus Island deal implodes

The Age
April 28, 2016 - 4:55PM
Nicole Hasham

The Australian government may share liability for more than \$1 billion in compensation claims from people illegally detained at the Manus Island detention centre, as it scrambles to prevent the collapse of a key plank in its offshore detention policy.

Papua New Guinea says it will close the centre after its Supreme Court this week found it to be illegal. It has triggered a standoff with the Turnbull government, which rejected PNG's demands that it "make alternative arrangements" for 850 male asylum seekers and refugees. Immigration Minister Peter Dutton says Australia has paid PNG "a lot of money" to host the centre and the men are the responsibility of that nation.

The stalemate leaves the men, more than half of whom have been found to be refugees, in limbo after years of being locked behind wire in conditions the PNG Supreme Court found breached their human rights.

Leading PNG lawyer Ben Lomai, who represents hundreds of men detained at Manus Island, told Fairfax Media he intended to "ask for compensation" from the Australian and PNG governments.

He said a previous, separate court ruling had settled on 300 kina (\$125) a day for incidents of breach of personal liberty, and detainees had suffered further injustices such as inhumane treatment and being denied access to lawyers.

Mr Lomai said anyone who had ever been detained at Manus Island, including those who had returned to their country of origin, would be entitled to compensation. Some men had been locked up for more than 1000 days and the total compensation claims "could be more than \$1 billion", he said, adding that reciprocal arrangements in PNG law would enforce a compensation judgment against Australia.

On Thursday Mr Dutton told 2GB radio that the PNG Supreme Court's decision "doesn't bind Australia" and did not require the Manus Island centre to close immediately.

His government would negotiate with the PNG government over measures including an "open centre" arrangement, which would allow detainees to come and go freely and may circumvent the court ruling.

"[The 850 men] are the responsibility of the PNG government ... This is an issue that PNG needs to resolve. We will help them resolve this issue," he said.

The government had paid PNG billions of dollars to house asylum seekers and may provide further "financial assistance" to help Manus Island refugees resettle in other countries, he said.

The Turnbull government has been in discussion with Nauru, which Mr Dutton said had capacity to accept Manus Island detainees.

But Australian Human Rights Commission president Gillian Triggs said she assumed Mr Dutton was referring to "room in the tents", adding that Nauru was a "shocking situation", where conditions were worsening daily. She said the men should be brought to Australia.

Manus Island MP Ron Knight said an open centre arrangement would "end up in a big problem", citing social tension created by refugees who already moved freely around the island.

"Our cultures are vastly different to theirs and eventually somebody will get hurt. There will come a time when our people won't tolerate this," Mr Knight said.

<http://www.theage.com.au/federal-politics/political-news/australian-government-faces-potential-claims-of-more-than-1-billion-after-manus-island-deal-implodes-20160428-goh5jq.html>

25. PNG responsible for asylum seekers, Peter Dutton says

ABC News Onoie

By political reporter Francis Keany

First posted Thu 28 Apr 2016, 7:54pm

Updated Thu 28 Apr 2016, 8:13pm

The Federal Government says Papua New Guinea is ultimately responsible for 850 asylum seekers and refugees on Manus Island, following a Supreme Court ruling.

Australia has also ruled out transporting those in the facility to Christmas Island, as the Coalition explores alternatives to accommodate the group.

PNG Prime Minister Peter O'Neill wants to close the processing facility at Manus Island, after the country's Supreme Court found the detention of people there was illegal.

Negotiations have continued between Australia and Papua New Guinea about the fate of the facility and what country is responsible for those being held there.

Immigration Minister Peter Dutton said asylum seekers and refugees on the island were ultimately the responsibility of Papua New Guinea.

"The Memorandum of Understanding is fairly clear, and that's understood by both sides," he said.

However, the PNG High Commissioner to Australia had earlier said the asylum seekers were Australia's responsibility.

Mr Dutton said while he believed the PNG Supreme Court's decision was "not binding" on Australia, the Federal Government would still provide assistance to resolve the situation.

The Minister said there had been conversations with Nauru, as the Federal Government looks to find alternative accommodation, and that there was excess capacity in the detention centre network.

He also ruled out sending asylum seekers and refugees to Christmas Island as a possible option.

"That would be a green light for people smugglers... you would have drownings at sea," he said.

"People are seeing scenes in Europe now where people are drowning in the Mediterranean, people have flown across borders in a disorderly way."

Prime Minister Malcolm Turnbull had earlier warned against being "misty-eyed" over the Coalition's immigration policy, as tensions emerge within the Federal Opposition about Labor's support for offshore processing.

<http://www.abc.net.au/news/2016-04-28/png-responsible-for-manus-island-asylum-seeker-dutton-says/7369032>

26. Peter Dutton rules out sending Manus Island detainees to Christmas Island

The Age

April 28, 2016 - 9:52PM

Kate Aubusson

Immigration Minister Peter Dutton has ruled out sending people illegally detained at Manus Island detention centre to Christmas Island, leaving resettlement on Nauru one of few options left to the government.

Papua New Guinea said it would close the Manus Island centre after its Supreme Court this week found it to be illegal, forcing the government to find an alternative processing centre and settlement options for 850 male asylum seekers and refugees.

Mr Dutton shot down the suggestion by 7.30 host Leigh Sales that the government had a responsibility to process the men on Christmas Island.

"Well, only if you want the boats to restart because that would be a green light for people smugglers ... and you would have drownings at sea," Mr Dutton said during the interview on Thursday night.

"The approach of this government is not going to change. We are not going to allow people to settle in our country who see to come here by boat," he said.

The Immigration Minister said he had been talking with PNG, Nauru and other countries in the region to canvass possible third country settlement options.

The Turnbull government has been in discussion with Nauru, which Mr Dutton said had capacity to accept Manus Island detainees.

When pressed over the responsibility the Australian government had to protect asylum seekers and refugees on Manus Island, Mr Dutton repeatedly abdicated all responsibility to the PNG government, saying only that Australia had a "responsibility within the region".

Earlier on Thursday, Mr Dutton told 2GB radio the PNG Supreme Court's decision "doesn't bind Australia" and did not require the Manus Island centre to close immediately.

"[The 850 men] are the responsibility of the PNG government ... This is an issue that PNG needs to resolve. We will help them resolve this issue," he said.

The Coalition government may share liability for more than \$1 billion in compensation claims to the people illegally held in the detention centre.

The Immigration Minister said the government had "restored integrity to our borders" in the face of national security risks.

"We are not going to step back from that position, we are going to make sure, particularly in this day and age with national security is such an important issue, we are going to make sure that our borders remain secure so that we can keep our community in Australia as safe as possible," he said.

On Thursday, Prime Minister Malcolm Turnbull said the people held on Manus Island had the opportunity to settle in PNG or in third countries.

"But they will not come to Australia ... we cannot be misty-eyed about this", he said.

<http://www.theage.com.au/federal-politics/political-news/peter-dutton-rules-out-sending-manus-island-detainees-to-christmas-island-20160428-gohobh.html>

27. Federal Government in talks with New Zealand over future of detainees

ABC News Online

By political reporter Stephanie Anderson

First posted Fri 29 Apr 2016, 8:03am

Updated Fri 29 Apr 2016, 9:14am

Prime Minister Malcolm Turnbull says his Government has been in discussions with New Zealand but has stressed it is unlikely that around 850 detainees on Manus Island would be sent there.

The Papua New Guinea Supreme Court ruled earlier this week that Australia's detention of asylum seekers on Manus Island was illegal, prompting Prime Minister Peter O'Neill to announce the centre's closure.

Immigration Minister Peter Dutton has quashed the option of bringing the men to Australia, but a spokeswoman for his New Zealand counterpart Michael Woodhouse told local media that his country's offer to take 150 refugees each year remained on the table.

New Zealand had offered to resettle 300 refugees as part of a two-year deal with Australia, signed in 2013 by former prime minister Julia Gillard.

At the time, Ms Gillard said the deal could affect asylum seekers currently being held in processing centres on Manus Island and Nauru.

The plan had been proposed to begin in 2014 — with the annual resettlement of 150 refugees contributing to New Zealand's overall intake of 750 places each year — though the plan was quashed by former prime minister Tony Abbott.

Mr Turnbull today confirmed that discussions with New Zealand had been held, but did not expand on any potential agreements.

He told Melbourne radio station 3AW that "we have had discussions with New Zealand".

"But we have to be very clear that settlement in a country like New Zealand would be used by the people smugglers as a marketing opportunity," he said.

Mr Dutton further dampened speculation today, describing the deal made by the Gillard government as "a back door way to get into Australia".

"What Labor had proposed was to allow people to go to New Zealand, gain New Zealand citizenship and then, as a right under visa arrangements with New Zealand, settle in Australia," he said.

"It was going do nothing other than encourage people smugglers to get back into business."

On Manus Island, refugees and asylum-seekers inside the detention centre say internal gates have been opened and they are now allowed to move around freely.

But the perimeter gates remain locked, and detainees have not been told when or if they will be allowed out.

The men have also been told they can use mobile phones, which were previously banned.

Papua New Guinea immigration authorities said they are still seeking legal advice about the closure of the centre, and are not sure what action they are going to take to deal with the 850 men inside.

Australian officials going to PNG next week

Mr Turnbull also repeated his strong stance against transferring the men to Australia, saying that "we can't let the empathy we feel... cloud our judgement".

He spoke with his PNG counterpart last night and, during the call, made it clear that the detainees would not be coming to Australia.

Australian officials will travel to PNG next week to try to resolve the issue.

Mr Turnbull also spoke out against Opposition Leader Bill Shorten, saying that although he had committed to strong borders, Labor could not be trusted on the issue.

He referenced the multiple Labor politicians "breaking ranks" on policy, calling for the closure of offshore detention centres.

One such politician was Melissa Parke, a former United Nations lawyer who has argued that under international law Australia had always been responsible for the asylum seekers sent to Manus Island and Nauru.

The outgoing politician has called for resettlement in Australia or in countries where it could be guaranteed human rights would be respected.

Former speaker Anna Burke backed her comments this morning, saying she had been "calling for a long time to close down the centres".

<http://www.abc.net.au/news/2016-04-29/australia-in-talks-with-new-zealand-about-future-of-detainees/7369914>

28. Turnbull rejects New Zealand offer to take 150 refugees from detention

The prime minister says settlement in New Zealand would be used by people smugglers as a 'marketing opportunity'

The Guardian
Helen Davidson
Friday 29 April 2016 10.23 AEST

Malcolm Turnbull has again rejected an offer from New Zealand to take 150 refugees from Australia's offshore detention centres saying: "Settlement in a country like New Zealand would be used by the people smugglers as a marketing opportunity."

A spokeswoman for the New Zealand immigration minister, Michael Woodhouse, said on Thursday that an old offer to take 150 asylum seekers a year remained on the table, but he had not been approached by the Australian government.

Turnbull said the two governments were in discussion.

On Friday the immigration minister, Peter Dutton, said the proposal would do nothing but encourage people smugglers to “get back into business” because people with New Zealand citizenship can settle in Australia.

“What we know of Julia Gillard’s deal with New Zealand was that it’s a backdoor way to get into Australia, and would have been a green light to people smugglers,” he said in Sydney.

The Papua New Guinea government has declared the Manus Island centre will close after the PNG Supreme Court ruled it unconstitutional, but has hit an impasse with the Australian government over responsibility for hundreds of asylum seekers who can not be legally detained.

Both Turnbull and Dutton, have couched the debate in terms of national security. “We can’t afford to let the empathy that we feel for the desperate circumstances many people find themselves in to cloud our judgement,” Turnbull told radio station 3AW on Friday morning. “Our national security has to come first.”

Speaking to the ABC on Wednesday, Dutton said national security was an important issue “particularly in this day and age” and, “we’re going to make sure that our borders remain secure so that we can keep our community in Australia as safe as possible.”

Anna Burke, Labor MP and former speaker in federal parliament, said the asylum seekers are not a security risk. “The uncertainty these people have been living in is for four years. These are people,” she told ABC. “This is unsustainable. The current situation the current government has placed these people in is appalling. This is not detention, this is not looking after a situation trying to stop this is deaths at sea. This is indefinite detention and it’s causing great harm to these individuals.”

Burke, who has joined Labor MPs Melissa Parke, Lisa Singh, and Sue Lines, in speaking out against offshore processing, denied she was speaking out against Labor’s position. “You can talk about Labor policy all you like,” said Burke. “We haven’t been in government for three years. What are they doing?”

Turnbull said Labor was “driven by the left” in the Labor party, and the MPs who had broken ranks were driven by competing with the Greens party.

Opposition leader, Bill Shorten, described Labor as being on a “unity ticket” with the Coalition on ensuring the detainees are not brought to Australia, but said the current situation was “a trainwreck”. “It was amazing when Mr Dutton said yesterday morning that he and Mr Turnbull had known that this problem had been coming for months,” he told media in Melbourne.

“A Labor government is supportive of regional processing. We will not allow the people smugglers to get back in business,” he said. “What we won’t do, if we’re elected into government on July 2 is allow a situation of indefinite detention of people on Manus and Nauru.”

PNG leaders and diplomats have repeatedly claimed it is up to Australia to find alternative arrangements for the asylum seekers and refugees who do not return to their home country, go to a third country, or resettle in PNG.

Dutton has held firm that the memorandum of understanding between the two countries left the responsibility for the asylum seekers squarely with PNG.

Former Nauruan president Sprent Dabwido has lent his support to Dutton’s suggestion that Nauru could house the extra 400-500 men in its facility.

In the meantime, detainees on Manus Island reported internal doors were opened on Thursday night, and guards had stopped performing searches on them. “We can say that we got freedom inside our prison tonight,” said Behrouz Bouchani, a Kurdish-Iranian detainee on Manus Island. “Some of the people are singing and the young boys have a lot of positive energy, they are active,” he said.

“The torturing system completely collapsed today and officers and case managers are only watching. I saw some officers say congratulations to refugees and get them in a hug. All people are happy, this is a big moment to forget the past three years.”

Bouchani said people were discussing where they would now go, with many hoping for New Zealand.

<http://www.theguardian.com/australia-news/2016/apr/29/turnbull-rejects-new-zealand-offer-to-take-150-refugees-from-detention>

29. Manus Island internal gates locked, mobile phones banned despite earlier loosening of restrictions

ABC News Online

By PNG correspondent Eric Tlozek and political reporter Stephanie Anderson

First posted Fri 29 Apr 2016, 8:03am

Updated Fri 29 Apr 2016, 1:04pm

Detainees in the Manus Island detention centre say internal gates have been locked again and phones banned.

The Manus Island detention centre is made up of internally-secured accommodation compounds, which for the past two weeks have been used to separate detainees based on whether their refugee claims had succeeded.

Late last night the men were allowed to move between the centre's internal compounds — which are normally locked — and told they were allowed to have phones.

But detainees said security staff had now locked the gates again and told them they were not allowed to have phones.

It is not clear why the rules were suddenly changed back, but it happened immediately after the ABC reported the new arrangements.

The perimeter gates have remained locked and detainees cannot leave the centre.

The Papua New Guinea Supreme Court ruled earlier this week that Australia's detention of asylum seekers on Manus Island was illegal, prompting Prime Minister Peter O'Neill to announce the centre's closure.

There is still no timeframe for the centre's closure, and PNG Immigration authorities said they were still seeking legal advice about how to proceed.

New Zealand offer still on the table

Prime Minister Malcolm Turnbull said his Government had been in discussions with New Zealand but stressed it was unlikely that the 850 detainees would be sent there.

Immigration Minister Peter Dutton has quashed the option of bringing the men to Australia, but a spokeswoman for his New Zealand counterpart Michael Woodhouse told local media his country's offer to take 150 refugees each year remained on the table.

New Zealand had offered to resettle 300 refugees as part of a two-year deal with Australia, signed in 2013 by former prime minister Julia Gillard.

At the time, Ms Gillard said the deal could affect asylum seekers currently being held in processing centres on Manus Island and Nauru.

The plan had been proposed to begin in 2014 — with the annual resettlement of 150 refugees contributing to New Zealand's overall intake of 750 places each year — though the plan was quashed by former prime minister Tony Abbott.

Mr Turnbull today confirmed discussions with New Zealand had been held, but did not expand on any potential agreements.

"We have to be very clear that settlement in a country like New Zealand would be used by the people smugglers as a marketing opportunity," he told Melbourne radio station 3AW.

Mr Dutton further dampened speculation today, describing the deal made by the Gillard government as "a back door way to get into Australia".

"What Labor had proposed was to allow people to go to New Zealand, gain New Zealand citizenship and then, as a right under visa arrangements with New Zealand, settle in Australia," he said.

"It was going to do nothing other than encourage people smugglers to get back into business."

Australian officials going to PNG next week

Mr Turnbull also repeated his strong stance against transferring the men to Australia, saying "we can't let the empathy we feel ... cloud our judgement".

He spoke with his PNG counterpart last night and made it clear that the detainees would not be coming to Australia.

Australian officials will travel to PNG next week to try to resolve the issue.

Mr Turnbull also spoke out against Opposition Leader Bill Shorten, saying that although he had committed to strong borders, Labor could not be trusted on the issue.

He referenced the multiple Labor politicians "breaking ranks" on policy, calling for the closure of offshore detention centres.

One such politician was Melissa Parke, a former United Nations lawyer who has argued that under international law Australia had always been responsible for the asylum seekers sent to Manus Island and Nauru.

The outgoing politician has called for resettlement in Australia or in countries where it could be guaranteed human rights would be respected.

Former speaker Anna Burke backed her comments this morning, saying she had been "calling for a long time to close down the centres".

<http://www.abc.net.au/news/2016-04-29/manus-island-gates-unlocked,-phone-ban-lifted-after-court-ruling/7369914>

30. Papua New Guinea and Australia at loggerheads over 905 Manus detainees

Both countries claim refugees and asylum seekers are the other's responsibility after PNG court rules men's detention illegal

The Guardian
Ben Doherty and Helen Davidson
Friday 29 April 2016 18.47 AEST

Australia and Papua New Guinea remain at loggerheads over the destinies of the 905 men held on Manus Island.

Both countries claim the refugees and asylum seekers in detention are the other's responsibility, while their illegal detention continues essentially unchanged.

In a withering 5-0 decision this week, the PNG supreme court ruled the men's detention was – and is – illegal. It ordered: "Both the Australian and PNG governments shall forthwith take all steps necessary to cease and prevent the unconstitutional and illegal detention."

In response to the decision, PNG prime minister, Peter O'Neill, said he would "immediately ask the Australian government to make alternative arrangements for the asylum seekers".

But Australian immigration minister, Peter Dutton, has maintained the men on Manus are the responsibility of PNG.

And on Friday he said it was possible for the detention centre to remain open in an altered form. "The supreme court in PNG didn't order for the regional processing centre to be closed."

The men on Manus, about half of whom have been recognised as refugees, remain in detention.

Some internal gates between compounds, but within the main perimeter fence of the detention centre, were briefly opened, allowing refugees to mix with other refugees, and asylum seekers with other asylum seekers. But the two cohorts cannot see each other.

A move to an "open" centre would seem to be an impossibility, because the detention centre is within a PNG naval base. Those held inside would not be allowed free movement in and out.

Christmas Island and Nauru have been speculated as possible destinations for the men, but the government has refused to entertain this beyond said that Nauru had "capacity".

New Zealand, which has a standing offer to accept 150 refugees from Australia each year (an agreement with the Gillard government which Australia has since abandoned) has said it would take men from Manus.

But Australia has rejected this, with Dutton saying a move to New Zealand would be a "backdoor to Australia and a green light to people smugglers".

"The starting point for our government, is that these people will not be coming to Australia."

The Manus detention regime faces a fresh legal challenge next week, with the possibility the supreme court in Port Moresby could order that the men held on Manus Island be compensated for their three years of illegal detention.

The memorandum of understanding between PNG and Australia explicitly states that "all costs" of offshore detention be borne by Australia.

Australia could be liable for the entirety of any compensation order, which could run to hundreds of millions of dollars for nearly 1,000 men held more than 1,000 days, according to the PNG lawyer bringing the case, Ben Lomai.

A mooted deal between PNG and New Zealand to move the men from Manus to NZ would be diplomatically controversial because it would directly defy Australia's entrenched policy position of never allowing a boat arrival to reach Australia (New Zealand citizens can travel freely to Australia).

Australian and New Zealand relations have strained over Australia's hardline immigration approach, but the nations remain close. PNG is Australia's largest aid recipient and hugely dependent on Australia's economic and political support.

<http://www.theguardian.com/australia-news/2016/apr/29/papua-new-guinea-australia-loggerheads-905-manus-detainees-remain-in-limbo>

31. Manus Island agreement 'annulled' by ruling

Sky News

Saturday, 30 April 2016; Updated: 8:39 pm

Papua New Guinea's High Commissioner to Australia says the Supreme Court ruling to shut down the Manus Island detention centre overrules an old agreement between his country and Australia.

A memorandum of understanding (MOU) was signed between the two governments in August 2013 with Papua New Guinea held responsible for detainees.

Australia offered a package of \$420m to fund aid projects at the time.

Papua New Guinea's High Commissioner Charles Lepani told Sky News the recent ruling to close down Manus annulled the 2013 MOU.

He denied claims PNG was trying to delay a resolution to try and extort more aid money, while taking aim at refugee advocates and some Australian politicians who claim locals are hostile toward asylum seekers.

'The delays were caused by due process. The asylum seekers need to be processed and for those who are genuine refugees and those who are not,' he told Sky News.

'Once it has been cleared, those who are categorised as not genuine are entitled to a right of appeal.

'Mr Lepani says the closing date would be subject to discussions between the Australian and Papua New Guinea Government as the Supreme Court did not specify when the detention centre would shut.

Mr Lepani claims the fate of the 850 asylum seekers is Australia's responsibility.

So far 400 men have been classed as genuine refugees and Mr Lepani said the PNG Prime Minister had made it clear some of the genuine refugees 'with skills' would be welcome to settle in the country.

'Not all of them will be resettled in Papua New Guinea.

'Mr Lepani told Sky News Manus Island is 'one of the best places to be' and vilification of the island came from Australia by the use of 'unnecessary language'.

'Advocacy groups for asylum seekers as well as some people who should know better, some of your leaders, the language they use in advocating for asylum seekers - that has created that sense of anger by Papua New Guineans'.

<http://www.skynews.com.au/news/politics/federal/2016/04/30/manus-island-agreement--annulled--by-ruling.html>

32. Malcolm Turnbull warns Australians against being 'misty-eyed' on immigration policy

ABC News Online

By political reporters Anna Henderson and Stephanie Anderson

First posted Thu 28 Apr 2016, 7:42am

Updated Thu 28 Apr 2016, 10:53am

Malcolm Turnbull has delivered his strongest comments yet in the wake of the Manus Island court ruling, saying detainees will not be resettled in Australia and warning against being "misty-eyed" about the policy.

The Prime Minister made the comments amid ongoing speculation about the future of about 850 detainees at Manus Island detention centre, which the Papua New Guinea Supreme Court ruled as illegal earlier this week.

PNG's Prime Minister Peter O'Neill intends to close the centre and Mr Turnbull has emphatically ruled out any of the men coming to Australia.

"They will not come to Australia — that is absolutely clear and the PNG Government knows that," he said.

"I look forward to discussions with the PNG Government, but there will be no transfer of those individuals to Australia."

Mr Turnbull also emphasised the record of the former Labor government, citing "50,000 unauthorised arrivals" and "thousands of deaths at sea".

"We cannot be misty-eyed about this," he said.

"We have to be very clear and determined in our national purpose... We must have secure borders and we do and we will, and they will remain so, as long as I am the Prime Minister of this country."

Immigration Minister Peter Dutton said the Prime Minister had been "rock solid" on this position, though the option of transferring Manus Island detainees to upgraded facilities on Christmas Island has been left open.

Mr Dutton has refused to be drawn on the option of using Christmas Island as an alternative place of detention but did not rule it out today.

"I just don't think we need to be talking about Christmas Island or Nauru or anywhere else," he told radio station 2GB.

Nauru centre has room for Manus Island detainees

He made the comment in the context of continuing negotiations with Papua New Guinea's Government, including the option of an "open-centre-style arrangement" on PNG.

The Immigration Minister late last year said that preparations were underway to accommodate more asylum seekers at Christmas Island, in case the Government lost a High Court case being fought in Australia.

The Government won that case, though "prep work" at the centre was carried out.

Today Mr Dutton also confirmed there was capacity for the remaining Manus Island detainees to be transferred to Nauru.

"We've had discussions with Nauru," he said.

"There's obviously capacity across the network, including on Nauru."

PNG law change, money could keep centre open: Marles

Labor's immigration spokesman Richard Marles wants the Australian Government to try to convince the PNG Government to keep the centre open.

He has suggested negotiating with Mr O'Neill about changing the country's laws to make detention legal or offering more money.

"All of those options need to be talked through with the PNG Government," he said.

PNG officials are preparing to travel to Australia early next week for fresh negotiations about the future of the detainees and the country's High Commissioner to Australia, Charles Lepani, said the centre would not close immediately.

Manus Island MP Ronnie Knight told Radio National he expected Australia to keep funding projects it agreed to as part of the detention centre deal.

"Fulfilling their part of the agreement to continue to finish our roads and do what they promised," he said.

He warned of consequences if Australia withdraws from those projects.

"If they do that then maybe next time down the track when they ask for help again it might be the other way around. We won't assist them," he said.

<http://www.abc.net.au/news/2016-04-28/dutton-refuses-to-be-drawn-on-christmas-island-option/7365940>

33. Manus Island detainees' compensation claims to be heard in court

Lawyers seek 'reasonable compensation' for detainees and say asylum seekers denied their constitutional rights must be released back to Australia

The Guardian
Ben Doherty

Thursday 28 April 2016 15.24 AEST

Australia's offshore detention regime on PNG faces another legal challenge next week, with the possibility the supreme court in Port Moresby could order that the men held on Manus Island be compensated for their three years of illegal detention.

A second challenge to the constitutionality of the offshore detention arrangements on Manus has been brought by lawyer Ben Lomai, on behalf of more than 300 of the detained men.

The case is before the supreme court Monday.

Lomai's case is on similar grounds to the successful challenge brought by PNG opposition leader Belden Namah, which argued the detention regime on Manus breached Section 42 of the PNG constitution guaranteeing a person's right to liberty. The full bench of the court ruled unanimously this week that the Manus detention centre was unconstitutional and illegal.

But in addition to the Namah action, Lomai has argued that other human rights safeguarded in PNG's constitution – the right to freedom of movement, freedom from inhuman treatment, as well as the right to access PNG courts and a lawyer – are breached by the detention regime.

Lomai has argued before the court that the asylum seekers have been denied these fundamental rights and that PNG is required to release the men back to their first port of entry, Australia.

Lomai is also seeking orders for "reasonable compensation" for all detainees on Manus.

Lomai told the Post Courier newspaper in PNG that, given the supreme court had already ruled the men's detention on Manus was illegal, his case could proceed to assessing the amount of compensation.

"We can go straight to assessing reasonable compensation without having to prolong the case any further," Lomai said.

"We might seek orders also to appoint a registered international mediator to mediate reasonable compensation and get the supreme court to sanction the agreed computation."

Lomai said some of the men he represented still wanted to go to Australia, while others were looking for third countries in which to be resettled.

PNG prime minister, Peter O'Neill, said the custody and care of the 905 men currently held on Manus was the responsibility of Australia.

"Papua New Guinea will immediately ask the Australian government to make alternative arrangements for the asylum seekers currently held at the Regional Processing Centre."

But Australia's immigration minister, Peter Dutton, said that he believed PNG could continue "operating a facility of some description", and, regardless, any move to close the Manus detention centre, that would likely take "a couple of months".

Dutton has also said Nauru has "capacity" to accept more refugees and asylum seekers, and has been quite specific in his language saying that no-one from Manus would ever be "permanently resettled" in Australia, seemingly leaving open the possibility that people could be brought to Australian territory, such as Christmas Island, for processing.

<http://www.theguardian.com/australia-news/2016/apr/28/manus-island-detainees-compensation-claims-to-be-heard-in-court>