

Project SafeCom News and Updates

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1. Richard Ackland: Australia's weird record on human rights and the cultural divide

While major common law countries have national human rights acts or a bill of rights, Australia defiantly holds back the tide of the global rights movement

Richard Ackland
The Guardian
Friday 22 July 2016 15.40 AEST

There is a weird psychotic reaction in Australia to the very notion of human rights. The mention of a charter of rights or a human rights act produces florid denunciations of such an appalling idea. In fact, the anti-rights people say charters or bills of rights could be one of the worst things for democracy and pitchfork us into a dark age from which we would struggle to recover.

Yet, all the major common law countries have national human rights acts or bills of rights, but not good ol' Australia, which defiantly holds back the tide of the global rights movement. UK citizens are prone to make put-down remarks about Australia's backwards jurisprudence where the nation subsists in a human rights void.

Contrary to the over-blown forecasts of doom, the human rights regimes in the UK, Canada, New Zealand, the USA have not reduced those places to judicial tyrannies. It should be noted, however, that the new Tory prime minister, Theresa May, wants Britain out of the European Convention on Human Rights.

In Australia the the Victorian government has announced a minimalist response to the human rights reforms proposed in a review that was published nine months ago.

The Victorian attorney general, Martin Pakula, says he is keen to promote a "human rights culture" in Victoria, but as yet no decision has been made on allowing citizens to bring actions for breaches of charter rights.

The reform recommendations were made last September in a review of the Charter of Human Rights and Responsibilities conducted by the former CEO of the Victorian Law Institute, Michael Brett Young.

A proposal to extend the human rights "culture" to the private sector has not been accepted, while giving the Equal Opportunity and Human Rights Commission power to conduct dispute resolution for charter breaches is under "further consideration".

A decision on whether citizens can seek stand-alone remedies for breaches of the charter of rights is also on the back burner. The soft options have been adopted while the more challenging ones are yet to be grappled with.

Emily Howie, director of advocacy and research at the Human Rights Law Centre in Melbourne, said it was disappointing that Victorians still could not bring actions to enforce the rights provided under the charter.

"To show it's serious about protecting people's human rights, particularly people with lived experience of disadvantage, the government must ensure access to real remedies. Unenforceable rights struggle to be more than aspirational ideas. For people whose rights are violated, it's critical that they can do something about it," said Howie.

A parliamentary committee in Queensland has just completed a report on whether that state should adopt a human rights act and again the outcome has been disappointing, with the committee splitting on party lines.

There were almost 500 submissions, overwhelmingly in support of some sort of human rights protections, yet the LNP members didn't want a bar of it. The Labor members of the committee opted for a compatibility model, where new legislation is supposed to be compatible with human rights, yet without restricting the passage of incompatible laws. The Labor members went so far as to say that the judiciary should play no role in any complaint process.

FULL STORY AT <https://www.theguardian.com/commentisfree/2016/jul/22/australias-weird-record-on-human-rights-tribal-ideology-and-the-cultural-divide>

2. Susan Carland: The most troubling thing about Pauline Hanson's view of Muslims? The facts no longer matter

It is horrifying to realise that nothing we do – short of denouncing our religion entirely - can change the unfair beliefs people have about Islam

The Guardian
Susan Carland
Tuesday 19 July 2016 15.29 AEST

The most troubling aspect of the current debate about Muslims in Australia is that facts are irrelevant.

So despite the fact that Australian Muslim leaders and spokespeople have publicly condemned terrorism and Islamic State again and again and again and again, Pauline Hanson can announce on Q&A that the “Grand Mufti won’t even come out and condemn the terrorist attacks that happened overseas”, and a Glen Iris mother can call ABC Melbourne local radio and say that Muslims need to start condemning terrorism.

These comments have become so commonplace, they’re almost unremarkable.

In fact, Muslims have condemned terrorism and Isis in numerous media reports across the country, and even in media around the world.

In fact, contrary to what is alleged, Muslims have led protests against Isis, Australian imams have issued refutations of terrorism, suicide bombing and fighting in foreign conflict, and a cohort of some of the world’s most esteemed Muslim scholars have issued a point-by-point classical, scholarly refutation of Isis and made it available in 10 languages.

In fact, Muslims have done and continue to do grassroots work within their own community to counter violent extremism and build community cohesion, and they have reported their fellow Muslims to security agencies on numerous occasions when they feared they were a risk to community safety.

In fact, Muslims are some of the largest victims of Isis, in terror attacks like those recently in Baghdad and Medina, and within the Isis-controlled area itself. Isis regularly publishes a hit-list of global Muslim leaders in its online magazine, which certainly helps to explain why Muslims from Syria and Iraq may want to migrate to countries like Australia. These are the people Pauline Hanson and Sonia Kruger want to ban.

And, in fact, in the recent horrific Nice attacks, many of the 84 people killed were Muslim.

This is the most worrisome aspect of a conversation that is always framed in the shielding rhetoric of free speech – the facts make literally no difference.

The core of bigotry is not rational. What this debate shows us is that some people are proudly, adamantly not interested in facts. They don’t even need to try to be. They can talk about fears and feelings, and place no demands on themselves to see if those emotions are reasonable.

This might be unremarkable if the fear was about spiders or heights, but when it is about immigration policy, or the strategies of elected politicians, or directly impacts the citizens (who already report abuse and attack on the streets) of a society, disregarding facts is not just foolish and selfish, it’s downright dangerous.

Muslims in Australia have been pushed into a corner. In a wilful rejection of both facts and fairness, Muslims are screamed at for not doing enough, not saying enough, not being enough, and yet when we do, say, and be exactly what is ordered of us, our accusers stick their fingers in their ears and shout “La la la, I can’t hear you over my shouting accusations that you never condemn terrorism or accept the Australian way of life”.

Especially troubling is the grotesque implications buried within the constant demands for condemnations from Muslims – that unless we publicly come out after each and every event perpetrated by a Muslim unknown to us and already condemned by our faith, the default assumption about us is that we must endorse it. That any silence from us necessarily denotes support and agreement. That the previous 10 times we came out and said murder is wrong, terrorism is an abomination, harming innocents is against our religion, was seen as the exception to our otherwise evil standard. That when we act like full human beings, it is an aberration.

Consider how dehumanising it is to know that with every demand for a fresh condemnation, people are implicitly ascribing to you truly monstrous beliefs as your norm.

That has been my exhausted realisation in these last few years: what Muslims do or say does not change anything. And this is not just a terrifying realisation, but a blinding indictment, as it shows just how insidious the demands on Muslims to alleviate the bigotry of others is.

Because when a group can hold fast to prejudiced ideas in spite of factual evidence to the contrary, while at the same time demanding responses from Muslims which they have shown repeatedly they will ignore, that group has not only offloaded any sense of responsibility for addressing their own bigotry, but have created a water-tight echo chamber for the views they will trumpet from the biggest platforms in the land.

This is why Pauline Hanson has likened Muslims to pit bulls, arguing “We have to take a strong stance against Muslims, strong stance against Islam and its teachings and its beliefs. We have laws here that we don’t bring in pit bull terriers because they’re a danger to our society ... we have laws in place to protect Australians ... Pressure the government to say no more Muslims in Australia, no more Muslim refugees in Australia.”

And it's why banning Muslim immigration makes sense to people like Sonia Kruger; there is simply no Muslim that can be trusted, irrespective of however many peaceful Muslim "friends" one may have. Every single Muslim, by virtue of our Muslimness, is suspicious. And nothing we do will change that opinion. You have shown us that.

It is horrifying to realise that nothing we do – short of denouncing our religion entirely – can change the unfair beliefs people have about the group to which you belong, at a time when the stakes have never been higher.

Nearly the same number of people voted for One Nation in the Senate as there are Muslims in this country – more than 500,000 to 476,300 – suggesting the debate will only get more impassioned over the coming years. Already there are letters to the editor of the Australian recommending internment of Muslims.

Surely the least we can demand is a fair and factual debate, to remind people like me that this is still a conversation worth having.

<https://www.theguardian.com/commentisfree/2016/jul/19/the-most-depressing-thing-about-pauline-hansons-view-of-muslims-the-facts-no-longer-matter>

3. Eric Abetz praises article urging rethink on 'open borders to Muslim migration'

Tasmanian Liberal senator describes article written by staff member as 'great' as the shadow attorney general, Mark Dreyfus, denounces it

The Guardian
Paul Karp
Monday 25 July 2016 14.45 AEST

Senator Eric Abetz has applauded an article written by one of his staff calling for an "open-border approach to Muslim migration" to be reconsidered.

The shadow attorney general, Mark Dreyfus, was critical, saying the comments amounted to supporting calls for a crackdown on Muslim immigration.

On Saturday the Spectator Australia published an article by the ACT Young Liberal president and media officer to Abetz, Josh Manuatu, with the headline Kruger is right – Muslim immigration should be carefully considered.

In it, Manuatu defended the TV presenter Sonia Kruger – who called for a ban on Muslim migration – for "speaking her mind and not backing down".

"As a gay man, I am deeply concerned about what an open-border approach to Muslim immigration would mean for me in circumstances where every single day in the Middle East people suspected of being gay are publicly hung or stoned to death," he wrote.

"Similarly, I couldn't bemoan any woman who may be similarly concerned about the consequences of having an open-border approach from countries where it is a crime for a woman to dare to receive an education or to choose her own clothing."

Manuatu claimed to support Australia's open and accepting approach to migrants, but said "if it is done in an orderly way that ensures that immigrants understand our way of life".

"Raising these concerns is and should be unremarkable in a democracy and we should be able to engage in an adult conversation about the risks and ways to mitigate against them," he wrote.

Abetz praised the article, describing it as "a great article ... on why we need an open and frank discussion on the future of immigration".

At a press conference to discuss proposed anti-terrorism law changes on Monday, Dreyfus took aim at Abetz and LNP MP George Christensen for sending "contradictory messages" about Islamic extremism in Australia.

Christensen has pointed to unfounded claims the Munich shooter was motivated by Islam to claim vindication of his own incorrect claims an incident at a Sydney police station was a radical Islamist terrorist attack.

Dreyfus said Christensen had "developed a habit of labelling all incidents of violence as terrorism before such a cause has been determined" and said he had been admonished by the attorney general, George Brandis, for doing so.

Dreyfus said Christensen had been "extremely unhelpful in efforts to counter-radicalisation and reduce unnecessary hysteria about Islamist extremism in Australia".

"You could add to that senator Abetz's comments today where he is commending and supporting calls for a crackdown on Muslim immigration," he said.

Dreyfus called on Brandis and the prime minister, Malcolm Turnbull, to disown the pair.

Abetz told Guardian Australia it was “important to have these conversations in an open and frank way” and condemned what he called the “disgraceful vilification” of Kruger.

“Australians have every right to want to control their borders and the kinds of generosity that we extend to those most in need from abroad,” he said.

Abetz said the current immigration policy gets the balance right, is orderly and ensures migrants settle and contribute to society.

“It is important that all people who come to Australia fully understand our values and the expectations on all Australians,” he said. “That cannot be achieved if we have an open-door policy advocated by people like the Greens.”

Manuatu told Guardian Australia he had not advocated a crackdown on Muslim migration or a discriminatory immigration policy.

“We don’t have an open slather approach at the moment,” he said. “The point I was trying to make was that discussions about our borders should be able to be conducted openly without vilification.”

Immigrants should be made aware of Australia’s way of life including “fully embracing the rights of gay people and having a good approach to women’s rights”.

<https://www.theguardian.com/australia-news/2016/jul/25/eric-abetz-praises-article-urging-rethink-on-open-borders-to-muslim-migration>

4. Six wealthiest countries host less than 9% of world's refugees

US, China, Japan, Germany, France and UK accommodate just 2.1 million refugees, according to Oxfam report

The Guardian
Kate Lyons
Monday 18 July 2016 09.01 AEST

The six wealthiest countries in the world, which between them account for almost 60% of the global economy, host less than 9% of the world’s refugees, while poorer countries shoulder most of the burden, Oxfam has said.

According to a report released by the charity on Monday, the US, China, Japan, Germany, France and the UK, which together make up 56.6% of global GDP, between them host just 2.1 million refugees: 8.9% of the world’s total.

Of these 2.1 million people, roughly a third are hosted by Germany (736,740), while the remaining 1.4 million are split between the other five countries. The UK hosts 168,937 refugees, a figure Oxfam GB chief executive, Mark Goldring, has called shameful. In contrast, more than half of the world’s refugees – almost 12 million people – live in Jordan, Turkey, Palestine, Pakistan, Lebanon and South Africa, despite the fact these places make up less than 2% of the world’s economy.

Oxfam is calling on governments to host more refugees and to do more to help poorer countries which provide shelter to the majority of the world’s refugees. “This is one of the greatest challenges of our time yet poorer countries, and poorer people, are left to shoulder the responsibility,” said Mark Goldring, chief executive of Oxfam GB. “It is a complex crisis that requires a coordinated, global response with the richest countries doing their fair share by welcoming more refugees and doing more to help and protect them wherever they are.

“Now more than ever, the UK needs to show that it is an open, tolerant society that is prepared to play its part in solving this crisis. It is shameful that as one of the richest economies the UK has provided shelter for less than 1% of refugees.”

According to the UNHCR Global Trends 2015 report, more than 65 million people have left their homes due to violence, war and human rights violations, the highest number since records began. Most of these (40.8 million) are displaced within their own country, with 21.3 million as refugees and 3.2 million awaiting asylum decisions in industrialised countries. The conflict in Syria has played a large role in this displacement, as have conflicts in Burundi, Central African Republic, Iraq, Nigeria, South Sudan and Yemen.

Many people flee to neighbouring countries, such as from Syria to Jordan and Turkey, which host the most refugees in the world: 2.8 million in Jordan and 2.75 million in Turkey. The Oxfam report says some wealthy countries are making it harder for refugees to arrive and not easier, citing the refugee deal struck between the EU and Turkey in March as evidence.

<https://www.theguardian.com/world/2016/jul/18/refugees-us-china-japan-germany-france-uk-host-9-per-cent>

5. Cartoonists draw tributes in campaign for freedom of refugee artist held on Manus

Iranian refugee, who draws under the name Eaten Fish, has chronicled his detention on Manus Island over more than 900 days

The Guardian

Ben Doherty and Helen Davidson

Wednesday 27 July 2016 12.54 AEST

A coalition of Australian cartoonists have drawn tributes to campaign for the freedom of a fellow artist, a refugee currently held in immigration detention on Manus Island.

The 25-year-old Iranian refugee – the Guardian has chosen not to reveal his name – draws under the nom-de-plume Eaten Fish, and has chronicled his detention over more than 900 days, which has left him suffering from obsessive compulsive disorder and panic attacks, and where he has reportedly been serially sexually assaulted.

Thirty-three Australian cartoonists, including the Guardian's First Dog on the Moon and David Squires, as well as David Rowe, Jon Kudelka, David Pope, Fiona Katauskas and Cathy Wilcox, have drawn cartoons in support of Eaten Fish.

A petition to have him brought to Australia for medical treatment has attracted more than 5,000 signatures.

The cartoonist has responded with his own cartoon thank-you.

The cartoonist's Australia-based advocate, Janet Galbraith, has told Guardian Australia she fears for his life.

"He arrived in Manus as a young man who was already quite a vulnerable person and I remember being told by some of the workers there that this guy just doesn't fit here at all, it's so dangerous for him," Galbraith said.

"That has played out. He has severe OCD, he will wash his clothes or body for hours and still feel like it's disgusting. He will wash himself until he's bleeding."

Galbraith said he has frequently been targeted by some guards and occasionally by other detainees.

Medical records obtained by Guardian Australia note he has been a victim of bullying, with others provoking his OCD as a game.

The Department of Immigration and Border Protection has said it was aware of the refugee's case but would not provide specific details on the health care of individuals or comment on transfer arrangements.

"The department can assure you its contracted health services provider is providing appropriate care that is broadly comparable with health services available within the Australian community," a spokesman said.

"General practitioner, nursing and mental health care clinics are open at the Manus RPC seven days a week, including psychologists, counsellors and a psychiatrist currently at the Manus RPC. There is also after-hours medical staffing to respond to any after-hours medical emergencies. These services are supplemented by visiting health practitioners and a tele-health service, where required."

Writing on the Researchers against Pacific Black Sites website, professors Suvendrini Perera, from Curtin University, and Joseph Pugliese, from Macquarie University, argue that the refugee's cartoons have exposed the reality of offshore detention.

"We are reliant on the courageous cartoons of Eaten Fish to bring before our eyes that which is being kept secret and hidden from our sight," they wrote.

"Eaten Fish's drawings are unsparing works that attempt to bring before our eyes the forms of abjection, criminality and violence that have been fostered through the organisation of the camps. They show the damage we inflict by design, licensed in the name of care for humanity."

<https://www.theguardian.com/australia-news/2016/jul/27/cartoonists-draw-tributes-in-campaign-for-freedom-of-refugee-artist-held-on-manus>

6. Doctors launch High Court challenge against Border Force gag laws

Sydney Morning Herald
Nicole Hasham
JULY 27 2016 - 12:15AM

Australian doctors will launch a High Court challenge to controversial laws they say gag them from speaking out over child abuse and other threats to asylum seekers in detention centres.

Lawyers for the doctors in the case, due to be filed on Wednesday, will argue that the court should declare invalid laws that threaten detention centre staff with two years' jail for disclosing information about conditions they observe behind the wire.

Doctors for Refugees, represented by the Fitzroy Legal Service, said the case will question if the secrecy provisions breach health professionals' constitutional freedom to engage in political communication – in this instance, highlighting and debating the effects of the detention regime on their patients.

"If doctors stand by and allow people [in detention centres] to walk through raw sewage, just to get to the meal area, they're failing their patients and their profession," said Dr Barri Phatarfod, the group's convenor.

"If doctors and nurses remain silent about women and young children having showers in view of male guards, they're not fulfilling their professional responsibilities."

She said doctors working in offshore detention risk criminal charges for reporting children at risk of physical or psychological harm.

The federal government enacted the laws in July last year as part of the contentious Border Force Act. It insists the laws are not aimed at doctors, and do not prevent detention centre workers from speaking out on matters of public interest or from reporting child abuse.

However, Dr Phatarfod said doctors who feared legal or career repercussions were being "forced into silence about serious issues they witness".

"As far as we are aware, no one has been charged under the law. The issue is the chilling effect, that [doctors wishing to disclose information] often say things like 'I don't want to end up in court for months and months' or 'I've got a young family and I've got concerns about going public'," she said.

The government says detention centre staff and contractors have never been allowed to publicly disclose detail that risks the safety and security of others or affects official operations.

In addition to the laws, the Nauru government prevents journalists seen as unsympathetic to the offshore detention regime from visiting the island and its detention centre – effectively creating an information blackout.

Fitzroy Legal Service lawyer Meghan Fitzgerald said the case would "determine whether doctors and nurses are allowed to advocate in the interests of their patients".

The office of Immigration Minister Peter Dutton did not respond to request for comment. A spokeswoman from his department said if the High Court application was served "it will be considered and responded to in due course".

In September last year, the United Nations postponed a planned visit to Australia because it said the federal government could not guarantee legal immunity to detention centre workers who discussed conditions faced by asylum seekers.

The case follows revelations by Guardian Australia in May that the department sought an investigation by the Australian Federal Police, which resulted in a whistle-blowing psychiatrist, Peter Young, having his phone records accessed.

The AFP reportedly compiled hundreds of pages of file notes and reports involving the Sydney-based psychiatrist and detention centre critic, after media reports that contained details of the medical records of Hamid Khazaei, a Manus Island asylum seeker who died in September 2014 after a cut on his leg progressed to septicemia.

<http://www.smh.com.au/federal-politics/political-news/doctors-launch-high-court-challenge-against-border-force-gag-laws-20160726-gqdre2.html>

7. Doctors to launch High Court challenge against detention secrecy laws

ABC-TV - 7.30
By Sarah Whyte and Uma Patel
Posted Tue 26 Jul 2016, 10:07pm

The Border Force Act prohibiting workers in detention centres from sharing confidential information is to be challenged in the High Court by a group of doctors who say it is having a chilling effect on their profession.

Doctors for Refugees will launch the High Court challenge today against the secrecy provisions within the Act that states an "entrusted person" who discloses protected information can face up to two years in prison.

Convenor of Doctors for Refugees Dr Barri Phatarfod told the ABC she hoped the challenge would allow more doctors to come forward to describe the conditions they witness within immigration detention.

"The fact that we can have a law silencing people flies in the face of free expression in democracy," she said.

"It's having a chilling effect and doctors are less likely to come forward."

The Government passed the Border Force Act last year, with the help of Labor's vote.

No-one has been charged under the Act yet, despite a number of doctors speaking out against the conditions they witnessed in offshore detention centres, including former medical director of the service provider International Health Medical Services Dr Peter Young, and paediatrician Dr David Isaacs.

But Dr Phatarfod said the lack of charges was not the point of the challenge.

"Many doctors have approached us to say they have concerns but they are unable to do anything about it," she said.

The Immigration Department has always contended that the secrecy provisions will not prevent any worker's ability to raise genuine concerns about conditions in detention through "appropriate channels" and that whistleblower protections were in place.

But Meghan Fitzgerald from Fitzroy Legal Service, whose legal team is bringing the case to the High Court, said the fact detention centres are operated by a private company could jeopardise their protection under the whistleblower laws — which apply to government employees.

Ms Fitzgerald said doctors should have the freedom to engage in political discussions if that means disclosing information they witness in offshore or onshore detention.

She plans to argue the laws break the implied constitutional right to freedom of political communication. The right is less broad than the United States' right to freedom of speech.

The case is partly funded by activist group GetUp and Ms Fitzgerald is providing free legal advice.

On Tuesday evening, an Immigration Department spokeswoman said: "The Department has not received a High Court application by the Fitzroy Legal Service on behalf of Doctors for Refugees. If an application is served it will be considered and responded to in due course."

<http://www.abc.net.au/news/2016-07-27/doctors-to-launch-high-court-challenge-against-detention-secrecy/7662836>

8. Seven Times Politicians Cared About Kids, Except Those In Immigration Detention

"Children in detention should be treated humanely wherever they are."

BuzzFeed
posted on Jul. 26, 2016, at 12:10 p.m.
Gina Rushton
BuzzFeed News Reporter, Australia

Australian politicians have rushed to condemn the mistreatment of juvenile offenders in the Northern Territory's Don Dale detention centre after the ABC's Four Corners aired footage of teenage boys being sprayed with tear gas while being held in isolation.

Prime minister Malcolm Turnbull swiftly called for a royal commission into the revelations to "get all the facts out" and "expose the cultural problems" that "allowed this type of mistreatment to occur".

But the condemnation of the mistreatment of children doesn't extend to kids being held in Australia's offshore detention centres.

1. "We have here a very troubling state of affairs where clearly there has been mistreatment of young people," Turnbull said of the Four Corners footage.

The same could be said of immigration detention. The department of immigration said it had received 15 reports of sexual assault against minors detained on Nauru from 2012 to 2015.

Transfield, the company that ran the Nauru detention centre in 2015, tabled evidence to a senate inquiry into the regional processing centre that showed that there had been 30 cases of child abuse involving staff and 37 involving other detainees.

Paediatrician Dr Karen Zwi told the ABC's 7.30 in February that she had treated a five-year-old boy who was allegedly raped.

"He actually began to self harm," she said. "These kids feel to me like they've been through a mincing machine. They've had one traumatic event after another."

2. "This is not Australia," said deputy prime minister Barnaby Joyce about Monday night's program.

3. "A community is judged by the way it treats its children," said Northern Territory chief minister Adam Giles.

Last year, a report by the United Nations found Australia's immigration detention regime breached international law and that men, women and children being held had their right to be free from torture or cruel, inhuman or degrading treatment violated.

4. "This national shame demands national action," tweeted opposition leader Bill Shorten.

Children interviewed during the National Inquiry into Children in Immigration Detention spoke of the hopelessness that they felt about the future, the lack of certainty about a timeframe for the assessment of their refugee claims and "the fear of being sent to Nauru or Manus Island".

Although the last of the children in mainland detention have been released on immigration minister Peter Dutton's watch, 50 are still in facilities on Nauru and 317 are living in community detention.

5. "Children in detention should be treated humanely wherever they are," said Turnbull.

6. "It is not how we treat children, it is unacceptable," said NT opposition leader Michael Gunner.

"34% of children in [immigration] detention were assessed as having mental health disorders at levels of seriousness that were comparable with children receiving outpatient mental health services in Australia," an Australian Human Rights Commission report noted.

7. "We need to expose the cultural problems, the administrative problems that allowed this type of mistreatment to occur," Turnbull said.

Offshore detention of asylum seekers - including children - enjoys bipartisan support in Australia.

<https://www.buzzfeed.com/ginarushton/mistreatment-of-children-in-australia>

9. Northern Territory abuse reflects Australia's detention culture, says Gillian Triggs

Human Rights Commission president tells Q&A treatment of teenagers at Darwin detention centre is a manifestation of wider acceptance of detention practices

The Guardian
Ben Doherty
Tuesday 26 July 2016 07.33 AEST

The violent abuse of children in juvenile detention in the Northern Territory was the manifestation of a "culture ... of increased detention without trial" in the whole country, Australian Human Rights Commission president, Gillian Triggs has said.

Speaking on the ABC's Q&A program after Four Corners aired shocking footage from a Darwin detention centre, Triggs endorsed calls for the matter to be independently investigated, with a view to charges being laid against those responsible. But she argued the brutalisation of children was not an isolated incident.

Triggs said she felt "absolute horror" watching the footage, which showed six boys in the Don Dale juvenile detention centre in Darwin being tear-gassed, hooded, restrained, denied access to water and held in solitary confinement for more than a fortnight. The youngest of the boys was 14.

"If one of us were to have been found to have treated our children in this way we would probably be charged with a criminal offence and the children taken away from us. It's an extremely distressing piece of footage to look at and I have visited many

detention centres, sadly, but I have never seen conditions of that kind and I have never seen people treated in that way. I think it's something that, as the experts were calling for, we clearly need some kind of investigation into this," Triggs said.

Triggs said a government-based independent commission was needed to establish the facts of the children's abuse.

She said the abuse reflected "a culture that we've allowed to be created in Australia of increased detention without trial", citing as an example Australia's "unique" immigration policies which mandate, as a first resort, the indefinite detention of children and families who arrive in Australia by boat seeking asylum.

"We've created an environment in which governments feel free to exercise an administrative discretion to detain people for a number of different purposes. They may be good purposes, but the concern that we have at the Human Rights Commission is that when we detain people with cognitive disabilities for years on end without trial, when we detain children and their families ... we've created a culture of accepting this level of detention without trial and without proper judicial supervision. And, I'm sorry to say this, but I think there is that sense that the children are out of sight and out of mind in the Northern Territory in these detention centres and that's an acceptable and necessary thing to do because some children go off the rails.

"We need to look deeply into our own psyche as a nation to say, 'why have we not been prepared to be more humane?' – to understand that we're dealing with human beings. Some of them have committed serious offences, some have committed no offences and are seeking our protection."

Fellow panellist Peter Kurti, a research fellow with the Centre for Independent Studies, said the abuses were "a disgrace".

"It's inconceivable that this is happening in Australia, and ... what must not happen is that this founders on the rocks of federal-state politics and somehow falls through the cracks.

"If the treatment we saw had been meted out overseas to Australian animals, there would have been national uproar. This simply cannot be allowed to pass, this is happening in our own country. I think it's just disgraceful."

Some of the boys assaulted in the Don Dale juvenile detention centre were Indigenous. Shireen Morris from the Cape York Institute said Australia had become "used to accepting low standards when it comes to Indigenous kids".

"These kids are born with worse life chances than the rest of us and they end up in detention like that, getting treated as they do, and as one of the lawyers said in the program, it is consigning them to no future."

The Q&A panel, which also included MPs Craig Laundy and Ed Husic, all supported an independent investigation.

<https://www.theguardian.com/australia-news/2016/jul/26/northern-territory-abuse-reflects-australias-detention-culture-says-gillian-triggs>

10. Stan Grant: I can't see reason, I can only feel anger. And sometimes that's better

Things once seen cannot be unseen: the images of those boys, tear-gassed, beaten, held down, locked up, hooded. These boys that look like my boys

The Guardian
Stan Grant
Tuesday 26 July 2016 10.14 AEST

I have stepped out into the warm winter sun of a Sydney morning. I want to drink in that moment when the sun's rays touch my skin and banish the darkness I am often prone to carrying inside.

It usually works. Basking for just a few moments can bring clarity and hope. Not today. Today not even nature's most precious gifts can dispel the gloom I feel about our country.

I could call this anger. I could tell of rage. I could describe a suffocating, nauseating hopelessness. I feel all of that, my mood swinging between despair and resignation.

The images of those boys on my television screen – tear-gassed, beaten, held down, locked up, hooded. These boys that look like my boys.

I didn't want to watch Four Corners last night. I knew what was to come. I couldn't watch all of it. I got up, I walked around and every time I came back there was another boy talking about loneliness and depression and fear.

Things once seen cannot be unseen. I carry the twisted images of lifetime of reporting – bodies broken and lifeless, people screaming in pain, rivers of blood and burning flesh. These are things burned into my eyes and now there is that image of a boy – an Australian boy – bound to a chair, hooded and catatonic.

For Indigenous people these are far too often the images that give shape to Australia.

For me it is seeing the physical scars of my loved ones: bodies marked by knife wounds, broken bones, missing fingers, and dark ink tattoos. These tell stories of lives at the coalface of bigotry and poverty.

It is hearing stories of people arrested and chained like dogs to trees left to burn in the blazing summer sun.

It is stumbling on a book as a child and seeing Aboriginal people chained and bound to each other, staring blankly at a world that could not see them as anything but a problem to be solved or a people to be extinguished.

In 2016, the lives of our children are measured in statistics. Indigenous kids make up half of those juveniles behind bars. An Aboriginal or Torres Strait islander boy or girl is nine times more likely to kill themselves.

We are failing them and there are many reasons for it. We can look to history, we can look to politics, we can look to dysfunctional communities and families.

We bury 10 year-olds who feel Australia has no place for them.

We can blame grog and drugs, we can say kids should be at school. We can blame the kids themselves.

Right now none of this is enough. I can't see reason, I can only feel anger, and anger sometimes is better than reason.

Let the royal commission do its job. Let it look at systemic failure and responsibility and retribution. Let it cast its inquiry over two centuries of neglect and injustice. Let it ask what justice even means.

After Four Corners I watched a little of the Q&A panel discuss the horrors of what they had seen. They discussed Indigenous incarceration, black deaths in custody. They answered questions about constitutional recognition.

They talked about the first peoples of this country and there wasn't even an Indigenous person on the panel. Not one of them even mentioned how utterly inappropriate it is to be talking about us and not including us.

I just wanted to yell at the screen, get out of our lives!

The ignorant, the racist, the well-intentioned, whoever: just stop. Just for that moment I wanted them to stop.

For that moment recognition meant nothing to me.

It will lift. Anger will subside. Hope will fill despair. Reason will return. My inclination to diplomacy will return.

But right now I am angry: tearfully angry.

Right now I am in the sun and waiting for it to lift the gloom.

Still waiting.

<https://www.theguardian.com/australia-news/commentisfree/2016/jul/26/four-corners-i-cant-see-reason-i-can-only-feel-anger-and-sometimes-thats-better>

11. NT royal commission 'should also include children in immigration detention'

Human rights advocates say inquiry should be expanded to including 'all children deprived of their liberty by the Australian government'

The Guardian
Calla Wahlquist, Katharine Murphy and Gabrielle Chan
Wednesday 27 July 2016 06.25 AEST

Humanitarian groups are calling on the Turnbull government to expand the terms of reference for the proposed royal commission into Northern Territory juvenile detention to include all children, including minors in immigration detention.

Ahead of cabinet consideration of the terms of reference for the inquiry on Thursday, a move that follows a damning Four Corners report into the treatment of minors at the Don Dale centre, human rights lawyer and the executive director of Refugee Legal, David Manne, told Guardian Australia the inquiry was a timely opportunity to look at the impact of detention on children across the board.

"I think the terms of reference should be expanded to include all children deprived of their liberty by the Australian government – all minors deprived of their liberty by the state," Manne said.

“The royal commission provides a timely opportunity to inquire into this practice which has gone on in this country for far too long,” he said.

Manne said children both in juvenile detention and in immigration detention had been subjected to harmful conditions and the government assumed responsibility for care for the child when they were detained.

He said the new inquiry would provide an opportunity to deal with “longstanding profound concerns about the severe mistreatment and indeed abuse of children seeking asylum”.

Cabinet on Thursday will consider terms of reference for the proposed inquiry and the Turnbull government is already in discussion with potential candidates to conduct the royal commission.

The prime minister will resist entreaties to broaden the terms of reference. Malcolm Turnbull made it clear on Tuesday he wants the inquiry to be targeted to events in the territory, and to report by early next year in order to address the specifics highlighted by the Four Corners report.

The chief minister of the NT, Adam Giles, has said the royal commission must also examine the child protection system as well as the corrections system. The root cause of the problem he nominated as too many “unloved” kids in the territory who ended up in the child protection system, then found themselves in the justice system.

President of the Australian Human Rights Commission, Gillian Triggs, suggested the proposed royal commission be broadened to include juvenile justice centres in other states, a call that has been seconded by a parade of peak Indigenous and legal bodies, including the National Family Violence Prevention Legal Service and the National Aboriginal Community Controlled Health Organisation.

Peter O’Brien, lawyer for Dylan Voller, the teenager featured in the Four Corners report, said the terms of reference should be “as broad as possible”.

“I have fielded calls throughout the day from lawyers representing kids from around the country ... so I think there is a case to say that it should be expanded to other jurisdictions,” O’Brien told Guardian Australia.

Benedict Coyne, president of Australian Lawyers for Human Rights, said the inquiry needed to look at broader issues of systemic racism.

About 96% of the NT’s prison population is Indigenous.

The former Labor senator for the Northern Territory Nova Peris questioned the Indigenous affairs minister, Nigel Scullion’s, claim on Tuesday that he was unaware of what was going on at the Don Dale detention facility in Berrimah.

“For Nigel to say, he wasn’t aware,” Peris said. “Come on Nigel. You can’t put your head in the sand, you can’t wipe your hands of this.”

She said during her time in parliament, Labor had tried to set justice targets to reduce the numbers of children being incarcerated – bolstered by support programs – but Scullion had dismissed the idea.

Peris, who left politics at the last election, said she had seen the detention centre with Darwin lawyer Jared Sharp in 2015 and was shocked by the experience.

Peris returned to Canberra and in a speech in the Senate, describing the Don Dale centre facility as a disgrace.

“We have seen cuts to frontline services and cuts to juvenile diversionary programs when we need to be giving kids hope,” she told Guardian Australia.

“Instead we see children detained, in remand without being convicted of anything. They are put into an adult jail with no rehabilitation. We are failing these young kids because [at] some stage they are going back into society.”

Peris said the former NT correctional services minister John Elferink should have been sacked from the Northern Territory ministry altogether, rather than just stood down from the corrections portfolio.

Rodney Dillon, an Indigenous rights activist with Amnesty, called on the Australian government to sign up to the UN’s optional protocol to the convention against torture (Opcat) to ensure investigators from outside the country could oversee such detention.

Dillon said Aboriginal people would not have much faith in the royal commission process, given the recommendations of the last royal commission into deaths in custody were not fully implemented.

“I don’t think it stops at one child detention centre, this would be happening through other watch houses as well,” Dillon said.

"We need to ask how kids who have gone through this are feeling and helping those families.

"What those kids have done in the first place may not be right, but it's nothing short of torture. People have been having their way with Aboriginal people, they can do what they like with them, we are treated like second-class citizens and worse."

<https://www.theguardian.com/australia-news/2016/jul/27/nt-royal-commission-should-also-include-children-in-immigration-detention>

12. Protesters fail to stop deportation of asylum seeker to Manus Island

ABC News Online

First posted Tue 26 Jul 2016, 4:45am

Updated Tue 26 Jul 2016, 5:48am

Protesters at the Melbourne airport have failed to stop an asylum seeker from being deported to Manus Island this morning.

Activist group GetUp said the Sudanese man had been brought to Australia for medical treatment.

About a dozen activists tried to block a van believed to be transporting the man from entering the airport.

The van managed to pass the blockade and protesters said the asylum seeker was taken into the airport.

Protester Sally Hunter said she was prepared to be arrested.

"[Police] have given us a caution," she said.

"We've done a lot of things over a long period of time and we feel there is no other option [than] to participate in civil disobedience."

An Australian Federal Police spokesperson said no charges had been laid at this stage.

Border Force has been contacted for comment.

<http://www.abc.net.au/news/2016-07-26/protesters-try-to-deportation-of-asylum-seeker-to-manus-island/7660140>

13. Asylum-seeker flown out of Melbourne after stand-off between police and protesters

Supporters of man known as Waleed fear removal from detention centre will lead to him being returned to Manus Island

The Guardian

Ben Doherty

Tuesday 26 July 2016 10.45 AEST

A Sudanese asylum seeker has been forcibly removed from Melbourne immigration detention after a stand-off between protestors and police in the early hours of Tuesday morning.

The man, given the pseudonym Waleed, was taken by border force guards, and Victorian and federal police. The van taking Waleed to Melbourne airport was followed by friends and refugee rights activists who physically blocked the entrance to gate 24 at the back of Melbourne airport, and then surrounded the van when it stopped, preventing police from reaching Waleed inside.

After a stand-off over several hours, officers removed Waleed and put him on a cargo plane. It is understood he will, initially at least, be flown to Christmas Island, but advocates and his legal team are concerned he will soon be moved offshore again, likely to be back to Manus.

Waleed had been formerly been detained on Manus Island but was brought to Australia for medical treatment. His future was at stake in the M68 high court case, which upheld the government's legal right to finance and run offshore detention centres in foreign countries and ruled that it did have the power to remove 267 asylum seekers from Australia. Waleed's case was also highlighted by the #Letthemstay protest movement.

In the wake of the M68 case the government gave an undertaking to give 72 hours' notice if any of those asylum seekers or refugees were going to be removed from Australia.

The Guardian understands neither Waleed, nor his legal team, has been given this notice yet.

A spokeswoman for the Department of Immigration and Border Protection told the Guardian: "Reports that an asylum seeker has been returned to Manus Island this morning after receiving medical treatment in Australia are incorrect.

"The department routinely transfers detainees throughout the detention centre network for a range of reasons."

Police say the group of protesters, between 10 and 15, were moved on by officers, but no arrests made. Operations at Melbourne Airport were unaffected.

Waleed arrived in Australia by boat seeking asylum. Many of his large extended family have also been forcibly displaced from Sudan by the protracted and bloody civil war in that country. He has siblings in France and Libya, and cousins in Israel and Germany.

<https://www.theguardian.com/australia-news/2016/jul/26/asylum-seeker-flown-out-of-melbourne-after-stand-off-between-police-and-protesters>

14. PNG govt demands answers from Manus contractors

Radio New Zealand
3:51 pm on 7 June 2016

The Papua New Guinea government has reportedly threatened to stop issuing medical licences to staff working at the Australian-run asylum seeker detention centre on Manus Island.

Letters obtained by the Sydney Morning Herald suggest the health minister, Michael Malabag, has accused the company that provides health services of deliberately avoiding correspondence and refusing to assist investigations into the death of Hamid Khazaei.

The 24-year-old Iranian died in a Brisbane Hospital last year after he contracted septicaemia from a wound after he cut his foot on Manus.

The provider, International SOS, and the Australian immigration department had been publicly criticised for delays in getting Mr Khazaei treatment for his cut foot.

On May the 20th, Mr Malabag expressed concern about reports about the delays and accusations that the company ignored his letters and called for a series of briefings.

Four days later, the chair of PNG's medical board, Dr Osborne Liko, wrote to ISOS's general manager saying he had been directed to not issue or renew practitioner licences to its staff until an investigation was completed.

An ISOS spokeswoman told the newspaper that management has met PNG officials and was working to resolve their queries.

<http://www.radionz.co.nz/international/pacific-news/305813/png-govt-demands-answers-from-manus-contractors>

15. Ferrovial staff 'risk prosecution' for managing Australian detention camps

Stanford law professors tell infrastructure corporation its employees could be liable for crimes against humanity after takeover of Broadspectrum

The Guardian
Ben Doherty in Sydney and Patrick Kingsley
Monday 25 July 2016 09.01 AEST

The company that has taken over the management of Australia's offshore immigration detention regime has been warned by international law experts that its employees could be liable for crimes against humanity.

Spanish infrastructure corporation Ferrovial, which is owned by one of the world's richest families and the major stakeholder in Heathrow airport, has been warned by professors at Stanford Law School that its directors and employees risk prosecution under international law for supplying services to Australia's camps on Nauru and Manus Island in Papua New Guinea.

"Based on our examination of the facts, it is possible that individual officers at Ferrovial might be exposed to criminal liability for crimes against humanity under the Rome Statute," said Diala Shamas, a clinical supervising attorney at the International Human Rights and Conflict Resolution Clinic at Stanford Law School.

"We have raised our concerns with Ferrovial in a private communication to their officers and directors detailing our findings. We have yet to hear back."

Shamas said her colleagues' findings should be a warning to any company or country seeking to replicate Australia's refugee policies elsewhere. "One of the things that we and our partners are concerned about is the timing of all of this," said Shamas, who also worked in conjunction with the Global Legal Action Network.

"As states move to tackle increasing migration flows, and amid reports that Australia's offshore model is something that other states in Europe might look to replicate, and the possibility that other companies will be enlisted in those efforts – we set out to examine the potential serious consequences of that kind of involvement."

Ferrovial acquired responsibility for the offshore detention contract in May after buying more than 90% of Broadspectrum, the company managing the camps. Ferrovial has said it will not bid for a new contract after the current one expires in February 2017.

But campaigners accuse Ferrovial of acting too slowly to end its relationship with the camps.

Shamas's legal warning came as a new report released on Monday by rights advocacy group No Business In Abuse (NBIA) and the Melbourne-based Human Rights Law Centre said: "Even one day of business in gross human rights abuse is too much."

Shared in advance with the Guardian, the report advises Ferrovial to immediately cease all operations at the two camps, and urges its financiers and shareholders to withdraw their support for the Spanish company if it refused to do so.

The report accuses dozens of European and North American banks and investors of complicity in Australia's offshore detention regime because of their financial backing for Ferrovial.

"Ferrovial's investors and financiers must uphold international business and human rights standards by rejecting their current association with the gross human rights abuses," NBIA's report said.

In response to queries from the Guardian, Ferrovial said: "Respectfully, but strongly, we rejected the factual and juridic allegations contained in it."

Ferrovial also said it would not be renewing its contract with the Australian government next year; noted that it was a signatory to various human rights commitments; and pointed out that many of the alleged abuses at the camps predated Broadspectrum's involvement.

The company also argued it does not "run" the camps, but merely provides a considerable number of services, and highlighted how the Australian high court has upheld the government's right to detain asylum seekers in offshore sites.

Australia's offshore detention centres have attracted widespread and consistent criticism since the country re-introduced its policy of "offshore processing" in 2012.

Currently, people who arrive in Australia by boat without a visa seeking asylum are sent to either Nauru or Manus Island, where most are held in indefinite, arbitrary detention. They are told they will "not, under any circumstances, be settling in Australia", but there are no other viable resettlement options for them.

At present, there are 843 men held on Manus Island, and 466 people, including 50 children, in the Nauru detention centre. Most have been held on the islands for nearly three years.

The United Nations has found that Australia's immigration detention regime breaches international law, amounting to arbitrary and indefinite detention, and that men, women and children are held in violent and dangerous conditions.

One asylum seeker was murdered by guards on Manus Island, while another died because there were no appropriate antibiotics to treat infection.

On Nauru, asylum seekers and refugees are regularly physically and sexually assaulted, and say they are frightened to complain because of a culture of impunity on the island. At least 29 cases of rape and sexual assault – including against children – have been reported to Nauru police, but there have been no arrests or charges laid.

Several arms of the UN have repeatedly condemned Australia's offshore regime, including the UN high commissioner for human rights, the UN committee against torture, the UN special rapporteur on torture, the UN special rapporteur on the human rights of migrants, and the UN high commissioner for refugees.

An Australian Senate inquiry found that a "culture of abuse" exists in offshore detention, and former staff have condemned the camps. A traumatologist described conditions on Nauru and Manus as the "worst atrocity" he had ever seen, while the former chief psychiatrist on the islands said the camps were "inherently toxic" and akin to torture.

FULL STORY AT <https://www.theguardian.com/australia-news/2016/jul/25/ferrovial-staff-risk-prosecution-for-managing-australian-detention-camps>

16. Pressure on companies to relinquish support of offshore detention centres

ABC Radio CAF - The World Today
Penny Timms
Monday, July 25, 2016 12:13:00

ELEANOR HALL: Pressure is mounting on the company overseeing Australia's offshore detention centres to immediately abandon its contract with the Australian Government.

Lobby groups GetUp and the Human Rights Law Centre are accusing the company, and its high profile financial backers, of neglecting their human rights responsibilities by continuing to support the offshore immigration camps.

The company running the facilities has already announced that it will not re-tender for the contract when it expires in February.

Penny Timms has our report.

PENNY TIMMS: The Spanish multi-national company Ferrovial now runs Australia's offshore detention camps on Manus Island and Nauru. But the company's investment in the camps is under intense scrutiny, and pressure on it to walk away from its contract is being increased.

The No Business In Abuse campaign has released a report looking at the commercial involvement of Ferrovial in the detention camp network.

SHEN NARAYANASAMY: And it names the bankers and investors of Ferrovial, which include a broad swathe of global financial institutions, who we say are directly linked to the abuses happening in those camps, and it calls on Ferrovial to walk away immediately and it also calls on those bankers and investors to withdraw their support for Ferrovial because it is complicit in gross human rights abuses.

PENNY TIMMS: Shen Narayanasamy is the Human Rights Campaign Director at GetUp, one of the groups behind the campaign.

She's been heavily involved in a sustained campaign to pressure the companies involved in the running of Australia's offshore camps to stop supporting them.

Recently, she travelled to Europe to pressure Ferrovial's 22 big name financial backers.

SHEN NARAYANASAMY: We've been engaging with Ferrovial and these banks and its investors for a while now. And at the end of that visit there was clearly significant pressure on the company and they did announce they're walking away from next February.

So the company is walking away from February, which raises two issues. One, the fact that the Turnbull Government doesn't appear to have anybody to operate its camps, come February, which obviously raises a real question about the continuation of the detention regime.

But two, the other question is, clearly a global multi-national has assessed the situation as being far too risky for its reputation for all of the financial and legal liabilities it may face, despite the fact that it's a very lucrative contract and it's walking away.

So the question then emerges, will anybody else take up that contract, given Ferrovial has clearly assessed that it's not worthwhile.

PENNY TIMMS: Rachel Ball is the director of advocacy at the Human Rights Law Centre, another of the campaign's backers.

RACHEL BALL: I think Ferrovial's decision not to retender to run the camps is good evidence that operating these centres is bad business.

It involves not just breaches of the company's human rights responsibilities but also a whole host of other material risks; legal, financial, operational, reputational risks that mean that the centres are bad for business.

PENNY TIMMS: She too wants Ferrovial to immediately abandon its contract to run the two offshore detention centres.

RACHAEL BALL: And a company like Ferrovial can expect to be held accountable where it gets involved, and I think what we'll see more and more is that respectable companies will refuse to do business in this area, which leaves the Australian Government in an impossible position really, because they can't run the offshore detention centres on their own.

And companies, more and more, are going to be unwilling to be involved given all the risks that that means for them.

PENNY TIMMS: The ABC was unable to contact Ferrovial by deadline, but the company has denied any wrongdoing, in a statement provided to The Guardian newspaper.

It says it 'respectfully, but strongly', rejects the allegations contained in the report.

GetUp's Shen Narayanasamy believes companies are becoming increasingly aware of the commercial sensitivities of their involvement.

SHEN NARAYANASAMY: It's not just us that would argue this. One of the banks that we spoke to in Europe actually termed Ferrovial's decision 'commercial suicide' for what it was doing, because it argued that the gross human rights abuses that were happening were so clear and so internationally condemned that no company could operate these camps and get away with it with their reputation intact, and that would have severe financial consequences for them and the rest of their business.

The ABC has approached the Immigration Department for comment.

ELEANOR HALL: Penny Timms with that report.

<http://www.abc.net.au/worldtoday/content/2016/s4506770.htm>

17. PNG Supreme Court adjourns resettlement decision for refugees on Manus Island

ABC News Online - Pacific Beat
By Joy Kisselpar in Port Moresby and staff
Posted Mon 25 Jul 2016, 12:50pm

A court case involving five refugees at the Australian-run detention centre on Manus Island has been adjourned until next week.

Papua New Guinea's Supreme Court was today expected to issue guidelines for the release and resettlement of the detainees.

The case has been adjourned until August 2 to allow time for government lawyers to examine the refugees' statements that were submitted in court.

Ben Lomai, the lawyer representing the refugees, said the case was based on a Supreme Court ruling in April that found the Manus facility was unlawful and unconstitutional.

All five refugees are hoping to resettle in Australia.

Mr Lomai said if that was not allowed, the governments of Australia and PNG would still owe them compensation.

"They should be given their travel documents and then given their compensation, so they can move on to a third country of their choice so they can seek resettlement there," he told the ABC's Pacific Beat program.

Immigration Minister Peter Dutton has said April's ruling would not alter Australia's border policies.

But Mr Lomai said Australia may need to reconsider its position.

"The court has the power under Section 57 of the Constitution that even a party that is not part of the proceedings, the court can still make an order against it," Mr Lomai said.

"Australia is literally in charge of the offshore processing here in PNG, so we say they are equally responsible in respect to the management and control of the processing on Manus Island.

"They should be able to stand up and take responsibility, especially in this case where we're looking at an option to resettle the refugees."

There are almost 900 men in the detention centre on Manus Island, about half of whom have been found to be refugees.

The centre operators and PNG's immigration authorities have moved refugees out of detention and into a transit centre near the main town of Lorengau.

<http://www.abc.net.au/news/2016-07-25/png-supreme-court-adjourns-resettlement-of-manus-refugees/7657818>

18. Mojgan Shamsalipoor: Peter Dutton won't intervene in case of Iranian asylum seeker student

ABC-TV - Australian Story

By Kent Gordon

First posted Mon 25 Jul 2016, 3:09am

Updated Mon 25 Jul 2016, 4:59am

Immigration Minister Peter Dutton has refused to intervene in the case of Iranian Baha'i asylum seeker Mojgan Shamsalipoor.

Ms Shamsalipoor's case has galvanised the community at Brisbane's Yeronga State High School, which has mounted a year-long campaign to get her out of immigration detention.

"Our school community most certainly will not give up the fight for Mojgan to be free," deputy principal Jessica Walker told Australian Story.

"We've been involved in actively campaigning for over a year now and we won't be stopping."

Ms Shamsalipoor fled Iran after enduring rape and domestic violence at the hands of family members.

She had also been forced to become the child bride of a 60-year-old man.

Her mother scraped together funds to send her to Australia, under the protection of her older brother.

Ms Shamsalipoor was 18 when she arrived on Christmas Island in 2012.

She applied for refugee status and while it was processed she was allowed out into community detention in Brisbane.

It was in Brisbane that she met her future husband, Iranian refugee Milad Jafari, at a Baha'i youth camp.

Mr Jafari and his family had been granted refugee status and he was attending Yeronga State High School.

"Milad came to see me and said, 'Miss I've got this friend, can she come to our high school?'" recalled Ms Walker.

"When I met Mojgan I felt she'd be a really good fit for our school. I could see she was very committed to education."

Brought to school with a guard, sometimes searched

Soon afterwards Ms Shamsalipoor and Mr Jafari moved in together and after two years they married.

School friend Eden Boyd remembered that they were very open about their relationship at school.

"I remember her talking about being engaged in drama class and she was showing us her ring and was so happy," she said.

When the Department of Immigration found Ms Shamsalipoor did not qualify as a refugee, she was taken back into detention at the Brisbane Immigration Transit Accommodation.

Yeronga State High teachers negotiated for her to continue her schooling by way of day release.

"So each day, in Year 12, she was brought to school with a guard on a bus and sometimes she was searched when she came into school," Ms Walker said.

Despite these hurdles, Ms Shamsalipoor continued to perform well and planned to study midwifery.

In August last year, she was forcibly moved from BITA to Darwin's Wickham Point Detention Centre as a result of the Federal Government's decision to place rejected Iranian asylum seekers back into detention if they did not voluntarily return to Iran.

This action galvanised teachers, students and parents from Yeronga State High to organise protests and rallies in support of Ms Shamsalipoor.

"It was very shocking because she wasn't that far away from graduating, and when the news came it was kind of hard to comprehend," school friend Amber Moko said.

'She did not talk about her rape'

Ms Shamsalipoor's supporters ranged from a legion of schoolgirls to politicians who raised the case in state and federal parliaments.

Darwin-based lawyer Kevin Kadirgamar came on board and he took the view there was a case for ministerial intervention.

"When I read the decision refusing her protection visa, what was clear was that there were things left out in her story," he said.

"She did not talk about her rape or sexual abuse. We then went about formulating a submission explaining to the minister what a compelling and compassionate case this was."

Meanwhile, Ms Shamsalipoor continued her studies despite the difficult conditions in the Wickham Point Detention Centre. She completed Year 12 and graduated in absentia, leaving her husband to collect her certificate.

He would try to visit Ms Shamsalipoor in Darwin every couple of months.

"There is a guard in the corner, sitting, watching us. The first thing they said, 'you cannot hug inside the facility, you cannot touch each other that much, you cannot kiss'," Mr Jafari said.

"I hugged her and I wasn't allowed but I just tried to hug her very deeply and very hard and the guard was saying, 'that's it, that's it' and I couldn't stop hugging her."

Not giving up yet

In May this year, Wickham Point was marked for closure and Ms Shamsalipoor was returned to Brisbane.

Her husband tried to meet her at the airport, clutching a bunch of red roses. Ms Shamsalipoor appeared in the corridor before being whisked away.

Mr Jafari and his Brisbane supporters try to visit Ms Shamsalipoor as often as possible.

Visits must be booked in advance and the visiting times are often changed with little or no notice. There is a single public phone.

Last week, Ms Shamsalipoor heard that the Minister for Immigration had declined to reconsider her case.

A spokesman for Mr Dutton told Australian Story that "her claims were thoroughly assessed" and that the decision "has been affirmed by the Refugee Review Tribunal and in a subsequent judicial review in the Federal Court".

"Once these legal options have been exhausted and the courts have ruled an individual is not owed protection, the person is expected to leave the country," the spokesman said.

But Mr Kadirgamar has not given up.

"On the legal side, no stone will be left unturned for Mojgan. Every legal avenue will be explored," he said.

<http://www.abc.net.au/news/2016-07-25/peter-dutton-refuses-to-help-iranian-asylum-seeker/7655866>

19. Peter Dutton urged to 'open his heart' to plight of Iranian asylum seeker

Queensland minister Mark Bailey pleads with immigration minister to intervene to free Mojgan Shamsalipoor as a 'special case'

The Guardian
Joshua Robertson
Monday 25 July 2016 17.15 AEST

A Queensland government minister has urged Peter Dutton to "open his heart" and free a detained asylum seeker who fled sexual abuse and forced marriage in Iran.

Mark Bailey said the immigration minister would "do himself and the federal government much credit" by intervening in the "special case" of Mojgan Shamsalipoor.

Shamsalipoor, 22, was told by immigration officials last week that Dutton had declined to intervene in her unsuccessful asylum claim, despite a department referral flagging the option she be put into community detention after 21 months in detention centres.

Bailey said there was "absolutely no doubt" that the campaign for her release, led by her former Brisbane high school community and her husband, Milad Jafari, would not end until she was freed.

Shamsalipoor's case, which involved her alleged rape by her stepfather – a retired member of the Iranian military – and forced marriage as a teenager to a 60-year-old man, had been detailed in Iranian media, Jafari said, which guaranteed she could not safely return.

Jafari is a refugee from Iran with permanent Australian residency who applied this month for citizenship. The couple, who married after meeting at Yeronga state high school in Bailey's electorate of Yeerongpilly, are both of the Bahá'í faith.

"As soon as goes back, she will be arrested at the airport and she will be questioned and tortured," Jafari said.

"One of the Islamic laws about a woman who has been raped, they will be stoned in their country. That is the law of living in Iran. That means death.

"Honestly that is the reality of what's happening in Iran. Why the officials are ignoring it?"

Bailey said there was "no safe option at all for Mojgan to return to Iran" and Jafari said Iran would not accept forced repatriations in any case.

This left her with only the prospect of permanent detention in Australia unless Dutton – to whom he has repeatedly written on her behalf – acted, Bailey said.

"Given that she has done absolutely nothing wrong, in fact she's done a lot of things that are very courageous and very right, this is a particular case that [Dutton] needs to re-examine," Bailey told Guardian Australia.

"And I do respectfully [say to] him, in a very compassionate way, that this is a special case that requires some more attention from him as the minister.

"I hope that he can open his heart and realise that in fact the current ruling that's been made is wrong, should be stood aside and he will do himself and the federal government much credit by taking some extra time and attention to this case."

A spokesman for Dutton has told the ABC program Australian Story, which was due to air an episode on Shamsalipoor on Monday night, that "her claims were thoroughly assessed".

The decision against granting her asylum "has been affirmed by the refugee review tribunal and in a subsequent judicial review in the federal court", the spokesman said.

"Once these legal options have been exhausted and the courts have ruled an individual is not owed protection, the person is expected to leave the country."

Bailey, who shed tears during an emotional plea on Shamsalipoor's behalf in state parliament in March, is the MP for Yeerongpilly, which takes in Yeronga, where Shamsalipoor went to high school and was "part of our community already".

"When you look at the level of support of Yeronga state high – the students, staff, parents – there are a huge number of people who know her, who respect her, who will not lie down until she's granted her freedom," Bailey said.

Shamsalipoor was previously held in detention in Darwin but has since been returned to Brisbane, where her husband is allowed to visit her no more than once a week.

Jafari said she had suffered from severe depression, weight and hair loss in detention during "the worst time in our lives".

Opening up in the media about their private lives was intensely uncomfortable for the Bahá'í couple but the "only way" to seek justice for his wife, he said.

Jafari said immigration's referral of the case to Dutton was "an opportunity to let Mojgan out and process her outside" and the minister's refusal to do so was a deeply upsetting blow to his family.

Jafari, who witnessed state-sanctioned executions on the street in Iran, is the son of a political activist whose family has been granted asylum.

Dutton's office had repeatedly refused requests to meet Jafari, the young man said.

Jafari works near Dutton's office in Brisbane's north. Each time he passed it to visit his wife in detention was an upsetting reminder that "the minister at any time, with one signature, can change my life".

<https://www.theguardian.com/australia-news/2016/jul/25/peter-dutton-urged-to-open-his-heart-to-plight-of-iranian-asylum-seeker>

20. 'Anyone can build a future': private sector heeds the call to help refugees forge way in Australia

Canberra Times
July 24 2016 - 8:50PM
Nicole Hasham

From a life spent dodging bullets in his war-torn village in Burma, refugee Htun Htun has found himself in a more welcoming place.

At central Melbourne's Swanston Hotel, where he has worked as a cleaner for more than two years, the 35-year-old is known for his beaming smile and says he is "friends with the whole hotel".

Mr Htun is one of a growing number of refugees being aided by the Australian private sector, as governments the world over say they alone cannot solve the global migrant crisis.

"I [clean] the public area ... and I also deal with guest requests, like shower gel, pen or paper or whatever. I have to send for them," the married father-of-two from Werribee said.

"Being a cleaner is my favourite job, because I can meet with a lot of people – the guests, the staff, everybody. I like to talk with people; I meet people from all over the world.

"The people treat me like a father and son. I am happy to be here."

The US government last month issued a call for the private sector to contribute to global efforts to resettle refugees, saying there are more than 65 million displaced people in the world and "a crisis of this scale ... requires more than government action".

In Australia, the federal government last year announced an emergency intake of 12,000 Syrian refugees. NSW Co-ordinator-General for Refugee Resettlement Peter Shergold said private sector help was "crucial" in successfully resettling them.

"When refugees arrive they want peace and security for their family, education for their children and employment for themselves and the opportunity to build family businesses," he said.

"We have to collaborate with the business sector in order to make it work."

FULL STORY AT <http://www.canberratimes.com.au/federal-politics/political-news/anyone-can-build-a-future-private-sector-heeds-the-call-to-help-refugees-forge-way-in-australia-20160723-gqc5sc.html>

21. Government officials of secretive Citizenship Loss Board named

Board which has de facto power to strip dual nationals of citizenship includes senior departmental secretaries and Asio and Asis officers

The Guardian
Paul Farrell
Friday 22 July 2016 11.26 AEST

The identity of officials on one of the most powerful government boards in Australia – which has the effective power to strip Australians of citizenship – has been revealed for the first time.

A freedom of information request by Guardian Australia for minutes of the Citizenship Loss Board's first meeting in February shows the panel is made up of senior departmental secretaries from across government. The secretariat of the committee is Hamish Hansford, an assistant secretary of the immigration department. He previously served as the national manager of the intelligence branch of the Australian Crime Commission.

The department of the prime minister's counter-terrorism co-ordinator, Greg Moriarty, is also on the board, as are Gary Quinlan, from the Department of Foreign Affairs and Trade, Katherine Jones, from the Attorney-General's Department, and Christopher Dawson from the Australian Crime Commission.

The immigration department has by far has the largest number of representatives with five officers: Rachel Noble, Michael Manthorpe, Maria Fernandez, Michael Outram and Pip De Veau.

The Australian federal police and defence department's members are unknown. Both declined to participate in the February meeting for undisclosed reasons.

The Australian Security Intelligence Service (Asis) and Australian Security Intelligence Organisation (Asio) each have a member. Neither officer is named, listed only as a “representative”.

The Citizenship Loss Board has the de facto power to strip dual nationals of their citizenship under the federal government’s legislation introduced last year.

Although the law was touted as an anti-terrorism tool, it left open the possibility that people who damaged commonwealth property or even national security whistleblowers could have their citizenship revoked. Legal experts have argued it could create a tier of second-class citizenship.

Although the Citizenship Loss Board appears to be the effective arbiter of this exceptional power, there is no reference to it in the legislation. None of its members are parliamentarians or members of the judiciary. It operates in a legal vacuum. Its recommendations go to the immigration minister with no clear legal mandate.

In theory the board does not have the express power to revoke citizenship. The laws were built to withstand judicial scrutiny, describing the key mechanism to remove citizenship as one of “revocation by conduct” – the argument is that if the law is “self-executing” this could head off judicial review.

The board’s official role is to consider cases where an individual’s behaviour meets the criteria to have citizenship revoked under the law.

This mechanism has been described by University of New South Wales dean of law George Williams as a “legal fiction”. He has previously outlined concerns about the board and the basis for its power.

He told Guardian Australia that although it was welcome that the membership of the board had been disclosed, the role of the board continued to raise concerns.

“This body may not in law be the decision maker but in practice its influence is likely to be decisive,” he said. “It really undermines any conception that this law is self-executing.”

The board seems confident of its legal position. The meeting’s minutes noted it received “advice on potential legal exposure”. It said there “was none as each member is participating in the board in their professional capacity and that the board is an interdepartmental committee providing advice, not a decision-making body”.

Williams said that position was far from settled, and it was likely the high court would have to rule on it.

The citizenship laws were rushed through by the former prime minister, Tony Abbott, and touted as an urgent response to the threat of terrorism.

But it appears the board’s movements have been slow. It meets only at the discretion of the secretariat. The next meeting after February was set to discuss individual cases but the immigration department has not responded to questions about how many meetings have occurred since February, or how many cases had been considered.

<https://www.theguardian.com/australia-news/2016/jul/22/government-members-of-secretive-citizenship-loss-board-named>

22. BuzzFeed Report: Chasing Asylum At Splendour In The Grass

A small crowd took a break from the loud music and drinking of Splendour in the Grass to watch Chasing Asylum, a documentary on Australia’s controversial asylum seeker policies.

posted on Jul. 22, 2016, at 4:42 p.m.
Brad Esposito
BuzzFeed News Reporter, Australia

A crowd of around 100 people sought shelter from the 24-degree Winter heat in a tent at Splendour in the Grass today to watch Academy Award winning director Eva Orner’s film on the Australian government’s asylum seeker policy, Chasing Asylum.

As the crowd of obscure hats, overalls, printed silk shirts and cut-off jean shorts watched the grim footage, the humming of the Pilerats DJs in the Smirnoff Vodka tent 50 metres away humming in the background.

Chasing Asylum is a montage of footage from whistleblowers, security guards, and Salvation Army employees who all worked at the Nauru detention centre – a refugee processing facility run by Australia. Inside the tent, a girl muffled tears as footage played of former prime minister Kevin Rudd announcing Australia’s new asylum seeker and refugee settlement deal with Nauru in 2013. During brutal footage showing acts of self-harm by refugees on Nauru, a man with a ponytail put on his sunglasses.

When the film finished, former Triple J-host Lindsay “The Doctor” McDougall took to the stage to moderate a Q&A panel featuring Orner, Greens senator Sarah Hanson-Young, and eventually one of the whistleblowers from the film, Mark Isaacs. “I was gonna say, the whistleblowers all look like normal guys, like they could be at Splendour,” McDougall joked as he beckoned Isaacs, who is here for the festival, from the audience to the stage.

“I need to get every member of the ALP and the LNP into a theatre, Clockwork Orange-style, and make them watch this,” McDougall said.

“I can’t watch it anymore”, Orner said. “It’s tough and I think it’s really important for people to see it.”

Senator Hanson-Young said she’s glad the film is finally out, but echoed Orner’s sentiment. “I’m not sure I can see it again for a little while. It’s pretty harrowing.”

“It’s been difficult to describe in words what it’s like [on Nauru],” she said. “People don’t want to believe what’s going on, people go ‘that’s unbelievable’.”

A group of boys wearing backwards legionnaires hats poked their heads through the tent. Smiling, they scanned the room, looking into a sea of stern faces before realising that this wasn’t the place they were looking for. They left.

Despite pressing from McDougall, Orner refused to go into detail about how she got the footage that makes up much of the film.

“I would love to tell you guys, but it’s a crime,” she said. “To think that in a democracy like Australia we can’t show this, talk about it, or go there ... It tells me there’s something vastly wrong.”

Hanson-Young said Chasing Asylum shines a light on the “broken spin” surrounding Australia’s detention camps in Nauru and Manus Island. “There’s this spin that these camps are processing places... The reality is that that spin is well and truly gone, it’s actually a deterrence policy. It is designed to treat these people terribly. They want to break people so they go home and tell others to never go to Australia.”

“The reason the government isn’t responding [to Chasing Asylum] is because they know it will just fuel the fire,” Orner said.

Whistleblower Isaacs described what it was like to arrive on Nauru as a naive social worker.

“You arrive without qualifications, without training, without any ideas of what you would be seeing,” he said. “There’s no job description or goal. Then you get there and they ask you ‘why are you here? How long are we here?’ and you realise there’s no answer you can give them.”

Orner called on the audience to organise their own screenings of the film. “It’s up to the public to demand better of our politicians,” she said. “They don’t want to talk about it.”

“The [refugees] that you see there, in the film ... they’re still there,” said Hanson-Young. “We have to give people an option other than a boat ... Border Force can’t even stop asbestos getting into the country”

“Asbestos is white,” joked McDougall to a smattering of laughter from the crowd.

“I do believe we can make change,” said Orner, “but it has to start with people being honest. We are a little xenophobic, and I’m being polite there, and we do need to be honest about who we are.”

Splendour in the Grass music festival is happening in Byron Bay, in northern New South Wales, this weekend.

“The Strokes don’t play till 10:30pm,” a girl said to her friends as we left the tent.

<https://www.buzzfeed.com/bradesposito/chasing-asylum-at-splendour-in-the-grass>

23. Hunger striker outside Parliament House refuses to give up as he approaches day 30 without food

Canberra Times
July 21 2016
Megan Doherty

With his cheeks gaunt and legs pin-thin, Sydney man Alexander Miziner sits outside Parliament House in Canberra, refusing to end his hunger strike which is now a month long.

Thursday was day 29 of not eating.

He is calling on Immigration Minister Peter Dutton to review a decision to knock back a prospective marriage visa for his Chinese fiancée, but also to look again at the whole premise of the visa – that someone needs to prove their relationship is real.

Mr Dutton has previously said he would not tolerate hunger strikes as a form of protest as it would encourage others to follow suit. He made those remarks in 2015 in relation to a 25-year-old Iranian asylum seeker who held a 43-day hunger strike before being hospitalised.

Mr Miziner, 55, maintained Mr Dutton should listen to him because he was an Australian citizen.

"I am just hoping I'm not wasting my life here," he said.

"Sincerely, I cannot possibly conceive in Australia the government can let me die here without talking to me."

NSW Greens senator Lee Rhiannon has agreed to approach Mr Dutton's office on behalf of Mr Miziner.

"My office was approached on behalf of Mr Miziner, who is a constituent of NSW," she said. "As with all such inquiries, my staff looked into the case.

"Without suggesting that the proper processes have not been followed, we will make an inquiry on his behalf."

Mr Miziner met his Hong Kong-based fiancée Xu Suping while she was on a trip to Sydney and had been conducting a long-distance relationship with her for the past two years.

Her application for an intended marriage visa was refused by the Department of Immigration and Border Protection and the decision upheld by a tribunal.

Mr Miziner, in a letter to Prime Minister Malcolm Turnbull, said the tribunal was not satisfied the relationship was real or that the couple intended to live together.

He said that was despite the fact he had spent six months living with his fiancée in Hong Kong and China and that her adult daughter lived with him while she was studying in Sydney.

Mr Miziner said he could go to Hong Kong and marry his fiancée there, but believed the process to get her a visa could take two years. He said he was a carer for his frail mother in Sydney and could not leave her for that long.

He said the whole system had to be reviewed because it was impossible for a third party to absolutely determine a relationship was real or not.

"It's not just an immigration issue, it's a marriage equality issue," he said.

"Are they going to tell me who I can love or who I can't love? Are they going to say who I can marry and who I can't marry? To me, it's a basic human right to love, marry and form a family."

Mr Dutton's office was approached for comment on Thursday but had nothing more to add to a previous comment from the department, including that "the minister's public interest powers are intended for unique or exceptional circumstances only".

"Many requests are received each year and a relatively small number of visas are granted where a minister decides that it is in the public interest to do so," the response read.

In the meantime, Mr Miziner continues to sleep in his car. His days are spent at a small fold-out table on the grass of Federation Mall, facing Parliament House. He drinks water and has a cylinder of toothpicks to clean his fingernails. He collects signatures for a petition.

Even his fiancée has asked him to end the hunger strike.

"She is crying every day so I can stop," he said.

Mr Miziner understood people were concerned for his welfare.

"Of course I understand, but I also understand that I have no other choice but to get attention, to get heard," he said.

<http://www.canberratimes.com.au/act-news/hunger-striker-outside-parliament-house-refuses-to-give-up-as-he-approaches-day-30-without-food-20160721-gqahru.html>

24. Dutton's visa exemption for offshore oil and gas workers 'hypocrisy', union says

Exemption is the subject of a high court challenge by the MUA and Australian Maritime Officers Union

The Guardian

Paul Karp

Tuesday 19 July 2016 16.55 AEST

The decision to exempt workers on vessels in the offshore oil and gas industry from visa requirements shows the hypocrisy of the Coalition on border protection and national security, the Maritime Union of Australia has said.

The exemption, granted by the immigration minister, Peter Dutton, in December 2015 is the subject of a high court challenge by the MUA and Australian Maritime Officers Union heard on Tuesday.

The maritime unions are locked in a long-running dispute with the Abbott-Turnbull government over whether workers on vessels supporting the offshore industry need visas that carry Australian pay and conditions.

The Coalition has attempted numerous times to exempt the workers from the requirement. It was thwarted first by the Senate in July 2014 and then the full federal court in March 2015.

When the maritime unions challenged a declaration granting the workers special purpose visas in the high court, Dutton made the determination exempting workers on the vessels from requiring visas entirely.

The unions argue that determination is invalid because it has the effect of totally nullifying changes made by the Gillard government in 2013 requiring that workers in the offshore resources sector have certain visas.

On Tuesday, counsel for the maritime unions Neil Williams told the court the decision meant there was “no opportunity” to identify people working in the offshore resources sector and conduct security checks.

“Our position is that all jobs should be regulated by Australian law and the grant of visas is necessary for the system of security checks.”

The MUA deputy national secretary, Will Tracey, told Guardian Australia “this government claims it cares about border security, but as a result of this determination it doesn’t know who is in the exclusive economic zone”.

“It exposes the hypocrisy of the Turnbull government, where for economic purposes they are happy to open up the front line of our border security system,” he said.

The unions are particularly concerned that the exemption allows employers to hire foreign workers without first checking whether Australians are able to fill the roles, and to pay them less than Australians.

Tracey said that two-thirds of the several thousand workers in the offshore oil and gas industry worked on or from vessels (as opposed to fixed installations) conducting support tasks such as laying pipes, and therefore could be impacted by the decision.

Tracey said industry had not undertaken mass layoffs of Australian workers because of the chance the unions could win the case and they would be forced to rehire Australian workers. But a union loss would trigger a “free for all”, he said.

“[The government] is opening up Australia’s most lucrative industry, including workers with high skills sets such as welders, riggers, officers and engineers to cheap competition ... employers can bring in workers at any classification and pay them at any rate.”

Counsel for the immigration minister Stephen Donaghue argued that migration legislation allows the minister to exempt classes of workers in the offshore resource sector from visa requirements.

He said Dutton’s determination exempting workers on vessels did not have the effect of totally nullifying changes made by the Gillard government in 2013 because the requirement for visas still applied to workers on installations such as oil and gas rigs.

He said the court should not second-guess exercise of that discretion, which could be done to implement government policy, such as to attract foreign investment or help projects with high capital costs.

Asked by chief justice Robert French whether Dutton had given a reason for the exemption, Donaghue replied he had given no reason except an explanatory statement, which was “not particularly enlightening”.

The statement said the decision was intended to exempt workers on vessels, after consultation with the Australian Petroleum Production and Exploration Association (Apea) and the Australian Mines and Metals Association (Amma).

Amma's chief director of policy and public affairs, Scott Barklamb, has said requiring overseas workers to have certain classes of visas conflicts with global industry practice and would cause major costs and disruptions in the offshore oil and gas industry.

Amma and Appea have argued that foreign workers are employed as supervisors or other specialists, which enabled creation of other jobs for Australians.

Tracey said: "It's a false argument to say there aren't Australians in the oil and gas industry who could fill the jobs, we have a mature industry.

"What are [resource industry groups] saying, we aren't smart enough to fill them?"

"Even if there is a requirement for this specialised work, they can do it under the current migration system. They just need to hire them on visas subject to Australian law."

<https://www.theguardian.com/australia-news/2016/jul/19/peter-duttons-visa-exemption-for-offshore-oil-and-gas-workers-hypocrisy-union-says>

25. Villawood Detention Centre escape: Man still on the run despite search

ABC News Online

By Sarah Whyte

Posted Thu 21 Jul 2016, 3:03pm

A young Chinese man is on the run after breaking out of the Villawood Detention Centre in Sydney last night.

The Immigration Department has confirmed to the ABC that two men attempted to escape from the facility on Wednesday but one was captured.

The other man, a 23-year-old Chinese national, remains on the loose after NSW Police failed to find him today.

In a statement, the department said it had asked the detention centre provider to deliver a full report on the escape.

An inmate within the detention centre told the ABC that the men broke a window during dinner time, which coincides with shift changeover for guards to escape and climbed over the fence that surrounds the perimeter of the detention centre.

"Dinner is at 6:00pm and that's when they did it, whilst everyone was going to dinner," he said.

The department said the man was not considered a risk to the community and has no known criminal history.

Villawood Detention Centre has been criticised for its lax security after 42-year-old New Zealand man Rob Peihopa died after a suspected fight with other inmates in April this year.

Former inmate Lee Mulligan said the centre was dangerous.

"There's a lot of drugs. And with drugs comes the violence and whatever else, I suppose," he said.

As reported by 7.30 last week, the Department of Immigration has refused to hand over details of the circumstances surrounding the death of Mr Peihopa after a Freedom of Information request was lodged, citing personal and security reasons.

They are also waiting for the coroner's findings, which is due to be heard in November.

<http://www.abc.net.au/news/2016-07-21/villawood-detention-centre-escape-man-on-the-run/7649900>