

Project SafeCom News and Updates

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1. Outgoing human rights commissioner Gillian Triggs wins freedom of speech award

Triggs named 2017 recipient of the Voltaire award as her five-year contract comes to an end

The Guardian
Calla Wahlquist
Wednesday 3 May 2017 12.34 AEST Last modified on Wednesday 3 May 2017 12.35 AEST

Gillian Triggs will receive a top award for freedom of speech one week before her five-year contract as Australian human rights commissioner is due to expire.

Triggs, who has been consistently criticised by the Abbott and Turnbull governments for her criticism of Australia's treatment of refugees, was named the 2017 recipient of the Voltaire award by Liberty Victoria on Tuesday for her "courageous stand on people's rights".

"It's a recognition of her work and the courage she has exhibited in the face of very withering criticism from the government from time to time," Prof Spencer Zifcak, acting president of Liberty Victoria, told Guardian Australia.

"Most people would just have resigned in the face of the criticism that she has received."

Senior government ministers, including the attorney general, George Brandis, and the immigration minister, Peter Dutton, have called for Triggs' resignation over the past two years in response to her criticism of the treatment of refugees, particularly children, in Australia's offshore detention centres on Manus and Nauru.

Triggs responded to what she described as "highly personal" criticism by saying that resigning in the face of such attacks was "the very reverse of what I ought to be doing".

In November the prime minister, Malcolm Turnbull, confirmed that Triggs' role as human rights commissioner would end when her contract expired in mid-2017, and Triggs told Guardian Australia she had not sought reappointment.

Zifcak said the decision to give the Voltaire award to Triggs was not intended as a political statement against the government. For an institution formed by human rights lawyers who frequently attack governments of all political stripes, he said, invoking some political ire "just goes with the territory".

Triggs is expected to accept the award at ceremony in Melbourne in July.

The cartoonist Eaten Fish, an Iranian asylum seeker held in detention on Manus Island since 2013, will receive the empty chair award, founded last year for recipients who are unable to accept in person.

Eaten Fish produces work about life in detention and has received an award for courage in editorial cartooning by the Cartoonists Rights Network International. In February he went on a 19-day hunger strike to protest against the immigration department's handling of his claims of sexual abuse.

"Again, we are talking about courage here," Zifcak said. "This is a person who is undergoing both physical and psychological suffering as a direct result of being in detention but is still willing to get out there and make it clear how people are being treated in that environment and criticise both the Australian and Papua New Guinean governments for their cruel, inhumane and degrading treatment on Manus and Nauru."

Seventeen-year-old Georgia Stone will receive the inaugural young Voltaire award for her advocacy on behalf of transgender children and adolescents.

Stone was 10 years old when she won a landmark case in the family court to be allowed to take hormone blockers, a case that set the precedent of trans children only needing parental and medical consent to access that treatment. Trans people under the age of 18 still need the permission of the family court to access cross-sex hormone therapy.

She was named the GLBTI person of the year in 2016.

<https://www.theguardian.com/australia-news/2017/may/03/human-rights-commissioner-gillian-triggs-wins-voltaire-freedom-of-speech-award>

2. Gillian Triggs tells of alarm over 'demonising' of Muslims in Australia

Vituperative attacks on writer and presenter Yassmin Abdel-Magied cited as evidence of the increasing normalisation of hate speech against minorities

The Guardian
Ben Doherty
Thursday 11 May 2017 13.15 AEST

Gillian Triggs, president of the Australian Human Rights Commission, has expressed alarm at Australia's growing tolerance for "demonising" Muslims and hate speech directed at minorities.

Triggs said the controversy over an Anzac Day Facebook post by the writer and television presenter Yassmin Abdel-Magied – "a hijab-wearing Muslim woman" – was an example of a "growing tolerance for demonising Muslims generally".

Abdel-Magied posted "LEST.WE.FORGET. (Manus, Nauru, Syria, Palestine ...)" on her Facebook page on 25 April, before deleting it.

"Despite a speedy apology for what she conceded was a disrespectful comment on this day of remembrance," Triggs said, "this relatively minor incident has been used to demand the removal of Abdel-Magied from the Council of Australian-Arab Relations, to constrain her right to freedom of speech and to demand that, as an Australian resident since she was a young child, she should return to Sudan, her country of origin."

Triggs said she was encouraged that the foreign minister, Julie Bishop, had not bowed to demands for Abdel-Magied's sacking from the government-run council.

But she said the vituperative attacks on Abdel-Magied were evidence of the increasing normalisation of hate speech against minorities, in particular Muslims.

"There is consistent evidence that Muslims are subject to higher rates of racism than pertains for all other racial and religious groups within the Australian community ... the headscarf has become a lightning rod for attacking Muslim women.

"The Muslim community is disproportionately subject to 'hate speech' and discrimination in employment and the delivery of goods and services."

The Human Rights Commission president, whose five-year term ends next month, told a packed Melbourne town hall that Australia's laws to protect human rights were weak and were consistently undermined by parliaments that legislated away protections from abuse.

As the only common-law country without a bill of rights articulating fundamental human freedoms, "Australia is exceptional and, I believe, profoundly isolated in its failure to provide the legal tools to protect human rights", she said.

Australia had failed to implement major international human rights treaties such as the international covenant on civil and political rights, the convention on the rights of the child, and the refugees convention – into domestic law. And successive parliaments had legislated away rights through increasingly repressive legislation.

"The protection of human rights through the law has become increasingly difficult, in part because courts do not have the legislative means with which to strike down laws that breach our fundamental freedoms."

Triggs argued that the fiercely contested section 18C of the Racial Discrimination Act was "vital to the protection of all ethnic minorities in the community, against racial abuse and hate speech".

"It is true that the law cannot prevent racist acts or words, but the law can set the benchmarks against which social behaviour can be measured. Then law can promote cultural norms that racist behaviour is unacceptable within the community."

She said the Human Rights Commission did not support any amendment of 18C, that the section did not have a "chilling effect" on free speech, and that it had been applied for two decades in a fair and balanced way. Free speech, she said, was protected by the subsequent section of the act, 18D.

Triggs said the rise of populist nativism and anti-immigration nationalism was reflected in the electoral success of far-right political parties across Europe, the US and Australia.

"Each of these elements contributes to a toxic mix, fuelled by the media and by some of our political leaders.

"Over my professional life I can think of no more important time than now to speak up for the ideas that inform Australia's commitment to multiculturalism: non-discrimination on the basis of race, equality before the law and cultural, racial and religious inclusion.

“We need to push back against political spin, alternative truths and the cynical view that the truth is anything you can get away with. We need to be vigilant in rejecting finely tuned and artfully camouflaged whistling to extreme rightwing groups.”

<https://www.theguardian.com/australia-news/2017/may/11/gillian-triggs-tells-of-alarm-over-demonising-of-muslims-in-australia>

3. Gillian Triggs says Coalition's 457 visa changes appear to be motivated by racism

Human rights commissioner says increase in visa cancellations and program's changes seem to be made on 'racist grounds'

The Guardian
Melissa Davey
Tuesday 9 May 2017 17.35 AEST

Gillian Triggs has said cuts to the 457 visa program and an increase in visa cancellations were being carried out “on what look to be racist grounds”.

Triggs, the Australian human rights commissioner, made the comments while addressing doctors at the Royal Australasian College of Physicians congress in Melbourne on Tuesday, where she was speaking about the moral and ethical obligations of physicians in the current political environment.

“While asylum seekers have been declining in numbers, the number of those visa cancellations on character grounds are going up,” Triggs said.

She said Australian-based detention centres like Western Australia's Yongah Hill and Villawood in New South Wales were largely “out of sight and mind” for the public.

“But they are filling up with visa cancellations,” she said, adding that she was concerned about a general “environment of nationalism, jingoism and populism being played out in a way that is racist and one that, in our experience in the Human Rights Commission, is increasingly based on some form of Islamic fear”.

She added that she was pleased that the opposition leader, Bill Shorten, had pulled a Labor party advertisement called “Employ Australians First”, which used a group of predominately white Australians to promote the message “build Australian first, buy Australian first and employ Australians first”.

“He has moved quickly to pull the ad but it's extremely worrying [that it was created],” she said.

Triggs used her presentation to praise the work of medical professionals who had spoken up about the situation for asylum seekers and the woeful medical care they received in offshore processing centres. As an example she mentioned the Brisbane doctors who refused to discharge a baby known as Asha who was being treated for burns sustained at the Nauru offshore processing centre, because they did not believe Nauru was a safe environment for her.

Their actions sparked protests from health professionals around the country in solidarity with their Brisbane peers.

She added that medical professionals brought credibility to debates around asylum seekers because of their reliance on evidence and because they held a position of great trust in their communities. She praised them for speaking out about abuses of justice and human rights, despite doing so sometimes attracting the ire of politicians and workplaces.

“When you study a law degree, as I did, you know law is always going to be a profession where where you are going to be required to stand up,” Triggs said. “But I think, for the medical profession, that's not really been an underlying purpose. You study science and medicine with a humanitarian objective and don't see yourselves as people who will be standing up in the media to draw attention to major social issues.”

But she also expressed sympathy for other professions working with refugees in offshore processing centres such as teachers and social workers who were not afforded immunity from whistleblower laws for speaking up about what they had seen.

Those laws had a “chilling effect” on those who were witnessing human rights abuses but risked their livelihoods by going public with them, she said.

<https://www.theguardian.com/australia-news/2017/may/09/gillian-triggs-says-coalitions-457-visa-changes-appear-to-be-motivated-by-racism>

4. Gay Alcorn: Australia's journalism is in mortal danger. Politicians should join the fight to save it

Redundancies at Fairfax, hot on the heels of cuts at News Corp, are not just devastating for the journalists. They will hurt the communities they serve, too

The Guardian
Gay Alcorn
Thursday 4 May 2017 07.34 AEST

Here we go again. Another round of huge job cuts at Australia's traditional media, this time at Fairfax, although News Corp is doing much the same. Journalists on strike at the Age and the Sydney Morning Herald say that removing a quarter of the editorial staff, or 125 full-time-equivalent jobs, will be devastating.

Not just devastating for the people who lose their jobs, but for the capacity of the media to report news their communities need. Hashtags like #fairgofairfax and #savetheage pop up – again. The media union thunders – again – about companies cutting journalism to the bone and beyond, while in the same breath insisting that “quality journalism” is their business.

What I fear most is that these big job cuts have become so routine that the crisis enveloping Australian journalism will be greeted with a sad shrug by many, and even a little glee by a few. If we're not at a tipping point now, when we really do need to talk seriously about public interest journalism as a vital cog in a functioning democracy, then we never will be. We're like the frog in water that has been heating up for many years, and the water is boiling now.

The journalists' union, the MEAA, says that since 2011, more than 2,000 jobs have been lost in Australian media, or around a quarter of our journalists. That's just the redundancies the union can keep track of – it's not including people who have resigned and have not been replaced. At Fairfax alone, the union calculates that 474 journalists have been made redundant just at the city mastheads to date; there have been hundreds more at regional and suburban papers and elsewhere.

Last year Fairfax announced that 120 jobs would be lost, and its journalists went on strike. The company's chief executive, Greg Hywood, said the media was in an ever-changing landscape and cost cutting was “necessary to sustain high-quality journalism”.

Fairfax lost more jobs in 2014, when it shed most of its photographers. In 2012, when I left Fairfax, the “Fairfax of the future” restructure meant 1,900 jobs went, including several hundred from editorial. Hywood insisted at the time that “our investment in quality journalism and our editorial standards will not be compromised and will continue to underpin our success”.

This is not just a Fairfax issue. News Corp, which publishes the Australian, the Daily Telegraph and the Herald Sun as well as many other mastheads, is less transparent, but has shed hundreds of jobs over the same period. Last month it announced major layoffs, including gutting its photography department.

The Australian media has unique features but this is a global crisis. As print advertising collapsed with advent of the internet, the revenue news websites could attract never replaced it. Redundancies were inevitable and regrettable but were always going to happen. But in recent years there has been a killer blow. Not only did advertising fragment across thousands of sites but now the giants of Google and Facebook are gobbling up digital advertising revenue, cannibalising the journalism they do not pay for. Last year those two companies alone accounted for almost 20% of the global advertising spend.

That is the problem and it's a hellish, existential one for journalism.

I have been to too many seminars over the years when everyone tried to be optimistic – what was the point of the alternative? Citizen journalism was going to be the answer – we'd all tap away covering our local communities. There'd be startups socking it to tired “legacy media”. Philanthropy would step in, digital advertising would scale up, “native” advertising or the iPad would save journalism, or something would.

While the revenue collapse is not the fault of publishers – there have been numerous mistakes, of course – it is true that many have been seduced by the “clickbait” trap, the panicked chasing of online traffic which turned out to be a chimera after all, a false god that chipped away at credibility. If there is a “ho hum” public reaction to the latest round of deep cutbacks, the lack of trust in media will be a central reason for it.

In Australia there are many new players, including Guardian Australia, BuzzFeed and now the New York Times. There's the Huffington Post and the Daily Mail. Locally, there's Mamamia and old-timer Crikey and others. As much as they have added welcome new perspectives, they do not routinely cover local news. Some focus on quick opinions and rewrites. They don't cover in-depth state politics, or council politics, or planning, or transport, or local environment stories, or the complexities of crime, or dodgy developer deals, or schools or hospitals. Big state-based newspapers and their websites have been critical if those stories, of crucial importance to citizens, are to be reported.

You can't blame the local publishers for the global revolution in media but you can blame them for spinning the crisis as nakedly as any squirming company we cover. Back in 2013 the former Sydney Morning Herald editor Eric Beecher wrote that

Australia's newspapers "have deliberately ignored the story of their own decline, and its impact on their own readers and the health of society, instead of covering it as they would the decline of any other important industry or profession. They have shown a deep reluctance to disclose or explain that large-scale commercial journalism has become unviable, and no one has yet found a formula to subsidise 'public trust' journalism in the way newspaper advertising did."

Four years on, they still haven't come clean, they still haven't put their own journalists on to what is a very big story. In its major restructure announcement last month, Fairfax was almost painfully confused. "We believe that by pursuing the stories that matter we play a vital role in the nation's democracy," it said. "Never have journalists been more important."

Fairfax would reject "clickbait" journalism. It championed deep engagement. But "while quality content is our raison d'être, scale remains important to our digital advertising business". But it would publish stories that matter even if they didn't reach a big audience because it was a "trusted, quality publisher". It was head spinning.

If publishers don't want to talk about this honestly and openly, nor do our politicians. The opposition leader, Bill Shorten, tweeted on Wednesday about job losses across Fairfax newsrooms.

Bill Shorten ✓ @billshortenmp

Very sad to hear about job losses across Fairfax newsrooms today. A very hard day for Fairfax staff, and a great loss for all of us.

10:18 AM - 3 May 2017

Yes, so sad. It was terribly sad last year, and awfully sad the year before. Back in 2012 the then opposition communications spokesman, Malcolm Turnbull, acknowledged that it was a "very challenging transition and you know the question is, as he [Hywood] tries to do this corporate surgery, will the patient survive?"

It's a more urgent question now. Nobody – least of all journalists, rightly wary of interference – wants a government bailout, but surely it's time for politicians to speak bluntly about the critical role public interest journalism plays and the devastating impact of mass redundancies.

A few opening suggestions. End the ideologically driven chatter about cutting ABC funding further. The national broadcaster is more crucial than ever, especially in regional towns and cities where local newspapers have been decimated. And the ABC needs to reverse its decision to cut local television current affairs as a matter of urgency.

At the same time, the ABC can't be a monolith. At least look at Scandinavian countries such as Norway, which does modestly subsidise some news organisations in the cause of local competition. Governments could consider tax breaks for investors in online journalism, or charity status for non-profit local journalism.

At least talk about it. Acknowledge it. Open it up. Journalism is far from perfect, and is wobbling badly, but without it a democracy cannot function. That's worth discussion, surely.

<https://www.theguardian.com/media/2017/may/04/australias-journalism-is-in-mortal-danger-politicians-should-join-the-fight-to-save-it>

5. Australia and NZ should allow open migration for Pacific islanders threatened by climate, says report

World Bank argues structured migration program would prevent forced migration in future generations

The Guardian

Ben Doherty and Eleanor Ainge Roy

Monday 8 May 2017 14.04 AEST

Australia and New Zealand should allow open migration for citizens of Pacific nations threatened by climate change, to boost struggling island economies and prevent a later mass forced migration, a paper from the World Bank argues.

The policy paper, Pacific Possible, suggests as one climate change adaptation measure, open access migration from Tuvalu and Kiribati – for work and permanent settlement – to Australia and New Zealand.

Tuvalu – population 11,000 – and Kiribati – 107,000 – are low-lying archipelago nations in the Pacific acutely vulnerable to climate change, in particular to rising sea levels that have already begun inundating land and homes across the islands.

The World Bank paper argues a structured migration program instituted now would prevent a more harried, forced migration in future generations.

"The worsening impacts of climate change have provided a new moral imperative for providing open access," the report says.

It forecasts, with open migration, about 1,300 i-Kiribati and Tuvaluans would migrate to Australia and New Zealand annually, about 0.6% of those countries' combined annual permanent migration programs.

“The two governments would prefer a slow outward flow resulting from voluntary migration and do not wish their peoples to be treated as ‘refugees’ fleeing a hopeless economic and environmental situation.”

Seventeen people from the Pacific – including 11 from Tuvalu and five from Kiribati – have already made refugee claims in New Zealand, citing climate change as part of their basis of claim. None have been successful (four have yet to be determined and 13 have been rejected) because the refugees convention does not recognise climate change as grounds for protection.

Report author Prof Stephen Howes, from the Australian National University, said unrestricted access across national borders was unusual but it did occur, with some Pacific nations, such as the the Federated States of Micronesia, granted open access to the US, effectively borderless travel between Australia and New Zealand, and free movement within the EU.

“But there has to be something very special, very important to allow that free movement. It seems to us that climate change might provide such unusual circumstances as to give rise to open access.”

He stressed that the migration to Australia and New Zealand was not “about emptying out those countries” but with making them sustainable, economically and environmentally.

Howes said it was important to have a pathway to permanent migration for Pacific Islanders coming to Australia and New Zealand, so that they could form diasporas that could assist later generations of migrants.

“If you don’t have that avenue for permanent migration, you won’t establish a diaspora, and the most successful migrant communities we’ve seen, for instance, the Indian community in Australia, thrive because of the personal and community links an established diaspora provides.”

Open access migration for all Pacific Islanders has been proposed by a number of Australian thinktanks, as a more effective mechanism than aid for lifting struggling Pacific states out of poverty.

A December 2016 report by the Lowy Institute’s Leon Berkemans and Jonathan Pryke argued that allowing just 1% of the Pacific’s population – an average intake of fewer than 3,000 people – to work permanently in Australia would deliver a “transformational impact” and be of greater benefit to the people of the Pacific by 2040 than all of Australia’s current aid to the region.

Based on conservative assumptions, an uncapped migration model could increase the income of some Pacific Island countries – for the entire population, not just emigrants – by 300 to 400% over the next 25 years.

“We are conscious that this focus is a different way of thinking about development but conventional thinking is clearly not working in the Pacific.”

And, in March, the Menzies Research Centre said Australia had been slow to realise the potential of the Pacific and suggested Australia create two dedicated visa categories for Pacific Island workers – a skilled visa and a labour exchange visa for unskilled work in a variety of seasonal industries.

“The time is now ripe for Australia to reconsider how it engages with the Pacific workforce,” the Menzies report says. “Forecasts for labour demands suggest that the domestic labour supply will not be sufficient to meet demand in sectors like aged and community care, agriculture and tourism and hospitality. They are sectors with jobs that workers from the Pacific are potentially well-suited to fill.”

Launching the Menzies Research Centre report, the foreign affairs minister, Julie Bishop, said Australia had a substantial aid program in the region, focused on infrastructure, health, education, security and defence.

“But foreign aid alone will not deliver economically sustainable and independent nations,” she said. “That’s why we’re focusing on seeking to build the economies of our Pacific Island neighbours.”

Bishop said Pacific labour migration to Australia was “a win-win”.

“Australia has some of our labour force shortages met but those from the Pacific gain skills, gain an opportunity, gain access to Australian qualifications, see Australian business practices and of course send home remittances.”

The prime minister, Malcolm Turnbull, told the Pacific Islands forum in September, Australia was looking to make a “step-change” in its relationship with the Pacific.

Australia’s relations with the region are expected to be a key element of the government’s forthcoming migration white paper. Australia has run a seasonal workers program since 2012 – which has attracted some criticism over worker exploitation – and,

since last year, a Pacific microstates-northern Australia worker pilot, which provides multi-year visas for up to 250 workers from Kiribati, Tuvalu and Nauru.

Bishop's Department of Foreign Affairs and Trade said climate change migration was not a priority.

"Australia believes that the best response to climate change impacts, where feasible, is effective adaptation and well-supported internal relocation rather than resettlement."

The New Zealand government said its immediate climate change focus was on effective and comprehensive global mitigation to reduce emissions, and for the implementation of effective adaptation measures that reduce the vulnerability of countries and communities.

<https://www.theguardian.com/environment/2017/may/08/australia-and-nz-should-allow-open-migration-for-pacific-islanders-threatened-by-climate-says-report>

6. Kerry Murphy: Cry if you want to as mandatory detention turns 25

Friday 5 May is the 25th birthday of the introduction of mandatory detention in Australia by the Keating government. It is by no means a 'happy birthday'. Rather it is a sombre reminder of how control, power and political vilification can be used for political ends.

Eureka Street
Kerry Murphy
02 May 2017

Mandatory detention was initially described by the then Labor Minister Gerry Hand as an 'interim' measure. One wonders how long a medium or long term measure would be! The change was introduced into parliament at 4.06pm, and voted through by the evening.

There was a hearing scheduled for two days later in the Federal Court seeking the release of some Cambodian asylum seekers from Port Hedland detention centre into the community. One of the aims of the change of 5 May was to stifle the chances of such a release.

Minister Hand stated: 'I now wish to foreshadow major government amendments to the bill ... The government is conscious of the extraordinary nature of the measures which will be implemented by the amendment aimed at boat people. I believe it is crucial that all persons who come to Australia without prior authorisation not be released into the community.'

'Their release would undermine the government's strategy for determining their refugee status or entry claims. Indeed, I believe it is vital to Australia that this be prevented as far as possible. The government is determined that a clear signal be sent that migration to Australia may not be achieved by simply arriving in this country and expecting to be allowed into the community.'

In the next 25 years, we have seen the policy unsuccessfully challenged in the High Court, which is clearly troubled by it, and found to be arbitrary detention by the UN Committee for Human Rights. Yet it remains in place, and extended to offshore centres in Nauru and Manus Island. It is paid for entirely by the Australian government, yet we are told that responsibility for those detained in those offshore centres is a sovereign issue for the governments there.

FULL STORY AT <https://www.eurekastreet.com.au/article.aspx?aeid=51304>

7. Violeta Moreno-Lax: Stopping the boats is a futile, cynical exercise

The Age
May 2 2017 - 11:45PM
Violeta Moreno-Lax

On the day US President Donald Trump launched his air strike on Syria almost a month ago, the Australian government touted the 30th turnback of an asylum seeker boat under Operation Sovereign Borders. Australian authorities returned the 25 Sri Lankan nationals aboard the boat, with the co-operation of the Sri Lankan Government.

According to Australia's Immigration Minister, Peter Dutton, "about 765 people on 30 boats have now been returned" since the operation began in late 2013. Yet, at his press conference, he refused to answer a single key question about where or when the boat was intercepted. "The people were returned in March, and that's the only detail that I can provide you at this time," he said. No mainstream media reported the story.

The absence of a political, or even a media, debate on the matter is particularly disturbing considering that boat turnbacks are unlawful under international law, as explained in a new Policy Brief from the Kaldor Centre for International Refugee Law[1]. Nevertheless, Dutton presented Operation Sovereign Borders as an "ongoing success", affirming the government's

commitment to "remain absolutely resolute that we won't see new vessels arrive" – disregarding the lethal effect of Australian policy of deterrence, which has so far produced 1,992 deaths since the Tampa affair.

At one level, this should come as no surprise, considering that both major political parties have embraced Australia's "stop the boats" mantra, to the point there is now virtually no argument between them about the adequacy and legality of turnbacks.

However, the policy rests on a thin domestic legal veneer. It does not accord with the UN Convention on the Law of the Sea, the Search and Rescue Convention, the Safety of Life at Sea Convention, the Refugee Convention or the core international human rights treaties. Instead, Australian law concerning turnbacks exploits gaps in those texts and misinterprets key concepts, dubiously expanding Government powers of control to the detriment of the rights of refugees and people seeking asylum. And yet, the turnbacks policy continues.

The EU is following suit. The recent "Malta Declaration" shows that European leaders, too, are "determined ... to significantly reduce migratory flows" across the Mediterranean. Though data shows that maritime crossings are clearly linked to refugee movements from some of the world's key hotspots, EU member states have deployed a securitarian, rather than humanitarian, response since the beginning of the so-called "refugee crisis" in 2015.

Operations coordinated by Europe's external frontiers agency (Frontex) focus on border security and migration control, despite the "saving lives" rhetoric used to justify deployments. Operation Triton, for instance, covering the central Mediterranean, does not include a proactive search-and-rescue component. Neither does Operation Sophia, the European military-led mission patrolling the high seas close to Libya, whose objective is to combat migrant smuggling through the identification and "disposal" of smuggling vessels. The short-term effect of these operations has not been to stop the boats, but rather to push maritime flows to the eastern Mediterranean, to the Turkish-Greek route, as the first six-monthly report of Operation Sophia reveals.

There, in the Aegean Sea, Frontex-coordinated Operation Poseidon has been buttressed by two additional measures to counter crossings. The first is the controversial EU–Turkey Statement, which guarantees the readmission of all "irregular migrants" who leave Turkey, including refugees. It also ensures Turkey's co-operation with EU anti-smuggling efforts, including through "pullbacks" of migrant vessels headed to Greece. So far, Turkish President Recep Tayyip Erdogan's regime has readmitted 1487 people and has blocked the exit of most migrants since March 2016, which has resulted in a huge drop of daily arrivals in Greece—from 2500 to just 43—notwithstanding serious human rights concerns.

The second measure is that controls at sea have been reinforced by an anti-smuggling NATO mission — which has no search-and-rescue or border-security mandate. When NATO ships encounter distress situations, their response is apparently to directly return to Turkey all survivors, irrespective of whether those on board face persecution or other serious harm, including illegal removals back to Syria. The effect of this policy has been to displace asylum-seeker movements back to the Libyan–Italian route, as indicated by Operation Sophia's second six-monthly report.

Overall, these policies of containment without protection have had no impact on the total number of maritime arrivals in the EU, which continue at steady levels (now mostly via Italy). More people have died in longer, more dangerous routes.

This demonstrates the futility of pursuing a target of "zero boats". Deterrence policies are costly on several counts. They exact a high cost from the public purse; their high secrecy levels come at the expense of democratic accountability; and there is a terrible human toll for very marginal gains in Government control. Every year sets a new record of fatalities, despite increased surveillance and deterrence resources, reaching the unbearable figure of 46,000 deaths at sea since 2000.

Deterrence policies do not really "save lives". They hamper desperate people fleeing war and persecution from finding safety. But they do not solve the so-called "migration problem"; they compound it.

If the political will to save lives really existed, then governments in both hemispheres would engage in genuine search-and-rescue actions, allowing those rescued to disembark and formally seek asylum in their territory. They would embrace a comprehensive approach and use their powers of migration control in line with their international legal obligations, offering alternative pathways to ensure safe and legal arrival to Europe and Australia. Humanitarian visas, community sponsorship programs and extended resettlement schemes are a much better investment. They align with states' interests in producing orderly movements and reducing smuggling traffic, while respecting refugees' and asylum seekers' rights.

Instead, turnbacks show the growing chasm between EU and Australian policies and international law. Regrettably, they also illustrate the political success of a highly legally questionable approach to forced movement.

Dr Violeta Moreno-Lax is founding director of the Immigration Law program at Queen Mary University of London.

<http://www.theage.com.au/comment/stopping-the-boats-is-a-futile-cynical-exercise-20170502-gvx2y9.html>

8. Asylum seeker boat turnbacks illegal and don't deter people, report finds

Neither Australia's nor Europe's deterrence policies save lives, but rather 'hamper desperate people fleeing war and persecution from finding safety'

The Guardian

Ben Doherty

Wednesday 3 May 2017 00.01 AEST

Turning back asylum seeker boats is illegal under international law and does not deter people from seeking sanctuary by sea, a new policy brief from the University of New South Wales's Kaldor Centre for International Refugee Law argues.

The Interdiction of Asylum Seekers at Sea: Law and (mal)practice in Europe and Australia, argues that neither Australia's Operation Sovereign Borders, or the European Union's operations Sophia and Triton, meet international legal obligations, or are viable long-term strategies.

"A detailed picture of noncompliance emerges," report author Violeta Moreno-Lax writes.

"These deterrence operations do not accord with the UN convention on the law of the sea, the search and rescue convention, the safety of life at sea convention, the refugee convention, or the core international human rights treaties.

"The resulting EU and Australian policies neglect human rights and jeopardise the principle of non-refoulement, which prohibits states from sending people to any country where they face a risk of persecution, ill-treatment or other serious harm."

Moreno-Lax, co-founder of the Centre for European and International Legal Affairs (CEILA) at Queen Mary University of London, argues that "deterrence policies do not really 'save lives'".

"They hamper desperate people fleeing war and persecution from finding safety. If the political will to save lives really existed, then governments in both hemispheres would replace the current securitised approach with a comprehensive, protection-centred vision."

The issue of Australia's boat turnbacks policy has been keenly contested in public debate.

The government has consistently maintained that boat turnbacks are an integral element of its deterrence policy suite, which includes mandatory detention offshore and a ban on resettlement in Australia for any boat arrivals.

The immigration minister, Peter Dutton, said last month that Operation Sovereign Borders "has brought maritime people smuggling to a standstill and saved countless lives", intercepting and returning 30 boats carrying more than 765 asylum seekers.

"Yet despite our success we know the threat of people smuggling still remains.

"People smugglers have made numerous attempts to find a way through our defences, but on every occasion our border protection capabilities have succeeded in stopping them. Australia's ability to detect, intercept and turn back people smuggling boats is now stronger than ever."

The last asylum seekers to make Australian landfall by boat reached the Cocos Islands in May last year. They were deported within four days to Sri Lanka.

Writing for Guardian Australia, Father Frank Brennan, Tim Costello, Robert Manne and the former immigration department secretary John Menadue argued in February that "keeping boats stopped" must be accepted as a government mandate in order for Australia to be able to clear its offshore detention camps on Manus and Nauru.

"This crisis can be solved only by the advocates accepting political realities and the politicians agreeing to a bottom line of safety, transparency and legality in the securing of our borders."

In response, a group of academics, including author of Across the Seas, Professor Klaus Neumann, have argued in the Monthly "the government's turnback policy is internationally unlawful and that its continuation undermines the prospects of addressing the issue of forced displacement in our region".

Guardian Australia has detailed the nature of Australia's turnbacks regime, including asylum seekers being held at sea for more than a month, quartered in windowless lower decks holding 120 people, and the government building fishing vessels and lifeboats with which to forcibly return people.

It has also reported on the forced return of Vietnamese asylum seekers to Vietnam where they have been jailed and persecuted, despite written assurances from the government they would not be targeted.

Operations Triton and Sophia, in the Mediterranean, have been criticised over increasing rates of migrant drownings in the Mediterranean to the end of 2016 and an alleged failure to address the root causes of migrant boat journeys and the smuggling rings which facilitate them.

Director of the Kaldor Centre, Scientia Professor Jane McAdam, said the policy brief was a demonstration of why a legal approach to protection was needed to both save lives and allows refugees to find safety and security.

“Deterrence simply shifts the problem out of [our] sight; it doesn’t address the underlying protection needs.”

The Kaldor Centre brief argues Australia and Europe should conduct genuine “search and rescue missions” at sea, rather than interdiction operations, designed simply to intercept and turn around boats.

Countries should not automatically return asylum seekers to countries of origin, or transit countries such as Indonesia where, previously, significant numbers of Australian-bound asylum seeker have boarded boats.

Asylum claims should be assessed and processed on land, not at sea, the paper argues, and countries should create new “alternative pathways” to ensure safe and legal access to Europe and Australia, obviating the need for asylum seekers to rely on smuggling rings and reduce fatalities at sea.

<https://www.theguardian.com/world/2017/may/03/asylum-seeker-boat-turnbacks-illegal-and-dont-deter-people-report-finds>

9. Klaus Neumann et al: For a rights-based response to asylum seekers

Australia must work towards a medium-term solution

The Monthly Blog

By Klaus Neumann, Anne McNevin, Antje Missbach, Damir Mitric and Savitri Taylor

Friday, 28th April 2017

We welcome the opportunity to respond to the recent article by Robert Manne in the Monthly, which appeared in response to a comment by Klaus Neumann that was initially posted in March on the Refugee Research Blog. In the following we expand some of Neumann’s ideas, and engage constructively with the proposal first put forward by Robert Manne, Frank Brennan, John Menadue and Tim Costello in August of last year.

There is no doubt in our minds that the treatment of people on Manus Island and in Nauru who had sought to engage Australia’s protection obligations is cruel and morally indefensible, that it violates their human rights, and that their transfer to Australia is urgently needed to prevent further harm. We also strongly believe that those who cannot be repatriated, whether because they are refugees or for some other reason, ought to be given secure legal status in Australia (at least until a suitable third country, such as the United States, offers to take them). In our view – which seems to be largely shared by Manne and colleagues – holding asylum seekers on Manus Island and in Nauru has proven to be ineffective as a deterrence measure, and is therefore unnecessary if one followed the logic of deterrence. We return to that point below.

We would also like to dispel some misunderstandings that may have arisen in the exchange between Neumann and Manne. We do not doubt that Manne and colleagues are concerned about the systemic issues that lead to forced displacement, that they too would like to see a solution which is in line with international refugee law and international human-rights law, and that issues of justice are important to them. It is useful to acknowledge here the limitations inherent in the format of both the most recent opinion piece published by Manne and colleagues in the Guardian (which did not make reference to questions of justice and wider systemic issues) and Neumann’s blog post, which responded to that opinion piece.

Our views differ from those put forward by Manne and colleagues in two key respects: we argue that the government’s turn-back policy is internationally unlawful and that its continuation undermines the prospects of addressing the issue of forced displacement in our region; and we argue that it is imperative to work for a medium-term solution because a sustainable and just short-term solution is all but impossible.

FULL STORY AT <https://www.themonthly.com.au/blog/klaus-neumann-anne-mcnevin-antje-missbach-damir-mitric-and-savitri-taylor/2017/28/2017>

10. Ian Rintoul: If Politicians Distort Facts, Our Post-Truth World Will Become A Post-Rights One

It is urgent that ordinary members of the public see their own rights as intimately bound up with the rights of refugees.

Huffington Post

Updated 28/04/2017 10:17 AM AEST

Ian Rintoul, Refugee Action Coalition, Sydney

On Good Friday, a drunken mob, including PNG armed forces members, sprayed over 100 rounds of live ammunition into the detention centre compound on Manus Island. Miraculously, no one was killed. Initially, Peter Dutton, the minister responsible, made no comment. Apparently, refugees being the targets of a sustained shooting spree wasn't major enough an incident to warrant his attention.

Eventually, Dutton claimed that far from being the victims of the attack, refugees were ultimately responsible for it: the mob tried to invade the compound, Dutton alleged, because refugees had led a five-year-old boy into the centre.

There were two implications in Dutton's assertions. The first was clear to everyone: refugees are paedophiles, and they entice and abuse very young children. Just as well that we're locking them up on Manus and Nauru.

The second implication was less overt: the high-powered rifle attack may have been a breach of military discipline, but, in the end, it was understandable. When it comes to suspicions of child abuse, isn't it natural that the "mood" among Manusians was "elevated", as Dutton repeatedly put it? The inference wasn't hard to draw: it makes sense that the Manus locals thought asylum seekers are paedophiles; it makes sense that they wanted to do violence to them.

Dutton has been unable to provide a single piece of evidence for any of his assertions; like Trump, he relies on alternate facts. His allegations have been contradicted outright by Manus police. Refugees did not abuse a five-year-old: a 10-year-old came to the centre to ask them for food, and was given some fruit, a week earlier.

This is, after all, hardly the first time Dutton has misrepresented the facts and resorted to vilification for his own political purposes. Last year, he slurred second and third generation Lebanese-background people as terrorists, and Sudanese people as criminals. Earlier, he said -- completely inaccurately -- that many refugees are illiterate and innumerate, using the opportunity to slip in an attack on his political opponents and the CFMEU for good measure. Sex abuse features regularly in Dutton's repertoire of allegations: in 2016 he also claimed that asylum seekers make false allegations of sexual assault, as well as of self-immolation, in order to get to Australia.

To support his story, all Dutton could manage was to cite "senior people on the island" as the source of his allegations. He has refused to name them, or to release surveillance footage to back his claims up -- because, of course, there is none to release. Now he is claiming to be relying on "classified" information.

After Dutton's attack on Lebanese-Muslims, Malcom Turnbull declared that "Peter Dutton is doing an outstanding job as Immigration Minister". Is that still the case?

Presumably intended as offerings to the Liberals' far right, under pressure from an ascendant One Nation, especially in Queensland (Dutton's home state), Dutton's claims have been abetted by the ALP's silence. Among parties in Federal Parliament, only the Greens have made the necessary call: Dutton must be sacked.

Shayne Neumann, the ALP's immigration spokesman, could only find it in himself to decry the Coalition's secrecy and demand an "apology". The joint architect of our current detention regime, the ALP has done more than its fair share to degrade standards of decency and accountability in regard to refugee policy.

Dutton's allegations are baseless. His persistence in advancing them, despite all evidence to the contrary, shows just how far he considers himself immune from any of the obligations of honesty or reasonableness that ordinary community standards demand. In the face of an abuse of public office as cavalier and entitled as Dutton's, any failure to hold him to account will reflect on the political system as much as the Minister himself.

It is urgent that ordinary members of the public see their own rights as intimately bound up with refugees, and join the campaign to end offshore processing and mandatory detention. Hundreds of organizations have already called for the offshore camps to be evacuated and all those being held on those islands to be brought to safety.

It is going to take concerted public pressure to overcome the massive inertia of federal politics and restore both justice to refugees, and some modicum of integrity to public political life. Otherwise the injustice and the lies will not just continue over refugees: they will generalise, and corrode other areas of Australian politics, and take us from a post-truth arena to a post-rights one, too.

http://www.huffingtonpost.com.au/ian-rintoul/if-politicians-distort-facts-our-post-truth-world-will-become-a_a_22057706/

11. Manus detainees told to 'consider options' as closure of centre begins

Papua New Guinea immigration officials have told refugees that the first compound will be closed by 28 May

The Guardian

Helen Davidson and Ben Doherty

Monday 15 May 2017 18.25 AEST First published on Monday 15 May 2017 18.08 AEST

The closure of the Manus Island immigration detention centre has begun, detainees on the island have been told, with demolition of the first compounds to start this month.

On Monday a Papua New Guinean immigration official told detainees to “consider your options” as migration and police officers had already commenced the shutdown process. The centre will be completely shut down, and all detainees removed, by 31 October.

“Foxtrot will be first compound to close, starting with M Block on 28 May. You cannot stay at the regional processing centre,” the official said in a recording obtained by Guardian Australia.

“You need to consider your options. No-one will be resettled in Australia.”

Refugees and non-refugees will be separated.

“Refugees can move to accommodation in PNG community or temporarily relocate to East Lorengau Refugee Transit Centre, or return home voluntarily with reintegration assistance, or move to third country where you have a right to reside.

“Non-refugees can return home voluntarily with reintegration assistance or be removed by PNG by government of Papua New Guinea without any reintegration assistance. Non-refugees have no other options.”

About 700 of the 800 men have been formally recognised as refugees. The remainder have either had their claims denied or are still being assessed or appealed.

Australia will not assist with voluntary returns beyond August 30. Currently, Australia is offering up to \$20,000 to refugees and asylum seekers to abandon their protection claims and return home.

The US deal – for an as-yet-unknown number of refugees to be resettled in America - will continue the official said. Interviews with the departments of homeland and state would take place elsewhere in PNG, after the detention centre was closed.

Extra police have been deployed to the Manus detention centre – following a shooting rampage by drunken soldiers on Good Friday – and in expectation of resistance to the forced move from the centre. But the official’s message on Monday carried a thinly-veiled threat about opposing being moved from the detention centre.

“Remember that resettlement countries always consider a person’s history of behaviour before reconsidering them for resettlement including both good and bad behaviour.”

“Disruptive or illegal behaviour could exclude you from resettlement.”

The official told the detainees the closing of the RPC would not alter their refugee status, and told them to “make decisions about your future”.

“Once closed the electricity will be turned off and your buildings will be relocated. The area will be locked and nobody will be permitted to enter,” he said. “Everyone will need to move out of RPC [regional processing centre] before it shuts down. Do not leave it too late to make a decision.”

“You have an opportunity to get on with your life.”

Iranian refugee Behrouz Bouchani said refugees in detention did not feel safe being moved into Lorengau township and would resist the move.

He said Australia continued to violate human rights and break international law by putting people requiring protection into dangerous situations.

“The Australian government wants to implement this policy in spite of the serious resistance from local people who are strongly against the decision to take more people into their community.

Ronnie Knight, the Manusian MP, has already warned both the Australian and PNG governments that local people won’t accept this decision.

In addition, the refugees are asking for freedom in a safe place, and it seems the Australian government is trying to trick people for political reasons, telling them... they will close the prison and it will not be true. They cannot solve the problem by sending people to Lorengau town.”

Boochani said refugees were losing faith in the purported “US deal” to resettle an as-yet-unknown number of refugees in America.

“The refugees in the centre are extremely scared of being sent by force to Lorengau. People think that if they send them it means they will be forced to settle there forever or for a long time. Australia is using the US deal as a cover to settle people in PNG.”

He said he expected police and Australian Border Force officials to threaten force against those resisting any move.

“There is not any law for protecting the refugees and there is not any justice.”

During a visit to the detention centre last week, Australian Border Force deputy commissioner Mandy Newton said extra police were being deployed to the centre to prevent unrest and violence during the relocation.

“Because we don’t want any trouble to occur, we don’t want any rioting to occur. We want to consult with the people in the centre – which we have been doing now for some years – but it’s important also that people know they can’t behave inappropriately, either in the community or within the centre.”

The Greens senator Nick McKim said the Australian government had to bring the detainees to Australia.

“PNG does not have the resources to care for or resettle the men,” he said. “After four years of hell overseen by the Australian government, these men have now been given two weeks to make an impossible choice.

“This represents a shocking abrogation of our legal and moral responsibility for people who have reached out a hand and sought our assistance. The walls of the detention centre were the only thing between asylum seekers and heavy gunfire last month – now Peter Dutton wants to knock down the walls.”

McKim travelled to Manus Island earlier this month but was denied entry to the centre, which he described as “disappointing and frustrating”.

In April last year the PNG supreme court ruled the centre to be unconstitutional and the detention of asylum seekers illegal. Despite the order to close the centre, the timeline has been vague and littered with confusion, including a PNG chief justice declaring it already closed in March.

In February an Australian government official said the centre would be closed by the end of this year.

Since the supreme court ruling, some freedoms were granted to the detainees following the supreme court ruling, including the ability travel into the nearby town, but they remain in the same accommodation compounds, inside a restricted naval base.

Last month detainees and staff cowered in rooms and fled into nearby jungle after Navy soldiers opened fire on the centre, injuring two people.

The shooting occurred after a conflict on a football field between detainees and soldiers escalated.

The Australian immigration minister has since repeatedly sought to connect the shooting to alleged community fears about detainees allegedly leading a young boy through the centre, but every authority on the island, as well as locals and detainees, have refuted his accusation.

••• A previous version of this story incorrectly said the shutdown of all facilities on Manus would be completed by 30 June. In fact, some parts will remain open until 31 October.

<https://www.theguardian.com/australia-news/2017/may/15/manus-island-detention-centre-to-close-by-30-june-detainees-told>

12. Behrouz Boochani: An island off Manus

On a tiny island off the coast of Manus, a local family offers asylum seekers kindness and some respite from their ordeal. By Behrouz Boochani.

The Saturday Paper
ISSUE MAY 6 – 12, 2017
By Behrouz Boochani

The torturous system of Manus prison sometimes catapults a person into distant and stunning places. Following this country’s High Court decision regarding the illegality of the incarceration of refugees on Manus Island, we have gained some freedom,

albeit limited in time and scope. During the past nine months, this partial liberty has become a part of my life, a source of restricted freedom. Whenever the tension intensifies in the prison, I take refuge in the jungle, the sea, and in some of the far-flung villages of Manus Island.

When Sudanese refugee Faysal Ishak Ahmed lost his life on Christmas Eve, and later on New Year's Eve, when two Iranian refugees were beaten badly by immigration authorities and local police, I took refuge in nature. The violence and injustices of these incidents cut deep.

I put some bottles of water in my backpack, grabbed my cigarettes, caught the morning bus and followed the jungle road. After 40 minutes, I arrived at Lorengau, the main town of Manus Island. I took to the sea in a small boat, heading for Mendirlin Island.

It was foggy and the ocean was calm and smooth. The route took me past other small islands. First, Rara Islet, 500 metres from the main island, then Hauwei, twin to the famous Hawaii of the United States. According to locals, American soldiers gave this name to the island during World War II, due to its resemblance to America's Hawaii. All over Manus and its tiny islands, there are dozens of signs, marking the bitter history of colonisation and war.

FULL STORY AT <https://www.thesaturdaypaper.com.au/2017/05/06/island-manus/14939928004582>

13. 'The system here is broken': Secret recording reveals failures of offshore detention regime

Canberra Times
May 15 2017 - 5:55am
Michael Koziol

Two refugees under Australia's care in Nauru are desperately seeking medical evacuations to Australia to escape a health regime that a government-contracted doctor on the island has admitted is "broken".

The men, respectively suffering debilitating headaches and a severe anal fistula, have been unable to secure medical transfers and are being told their fate is in the hands of the government of Nauru.

Nawaf*, a refugee, has had the advanced fistula for more than two years and has refused surgery in Nauru because of concerns about infection during recovery, which requires the wound be left open to drain.

"It has become so bad that I have constant bleeding from the affected area, especially when I shower and use the toilet, and I am in severe pain," he wrote in a complaint lodged last year.

Another man, Afghani refugee Khan*, has been advised he requires an MRI not available in Nauru to treat severe occipital headaches, which leave him liable to lose consciousness and collapse.

In a secret recording given to Fairfax Media, a senior medical officer with contractor International Health and Medical Services concedes the system is failing to provide adequate care for refugees on the island.

"This system here is broken," the doctor tells Khan. The doctor admits he has been unable to attain approval for a medical transfer.

"I've got to be careful, I've got to promise you what I can deliver," he says in the recording. "I asked all the questions last time: why is this man still here, why hasn't it been done? He's been waiting for seven months at least.

"It's not working, the system is not working."

Khan agrees: "The system is broken, but we are suffering."

Asylum seeker advocates gave the patients' medical records to Melbourne GP Susan Ditchfield, who said the two men should be brought to Australia urgently.

"[Khan] needs more than an MRI ... he needs a neurologist and he needs a cardiologist," she said.

Of Nawaf's fistula, Dr Ditchfield said: "The management of that is really specialised. Unless you get it exactly right, the patient can end up with permanent fecal incontinence.

"There are surgeons who specialise in this sort of surgery, and even in the best of hands it can go badly. It's very unlikely that such a surgeon is working on Nauru.

"These people need assessment in Australia. They are suffering needlessly."

Sandra Bartlett, a former case manager on Nauru, said "Fly Camp" where Nawaf is living has "the least facilities and worst conditions" of any settlement on the island, with about 120 men sharing bathrooms.

A spokesperson for the Department of Immigration and Border Protection told Fairfax Media the process for medical referrals in Nauru was under the management of the Republic of Nauru.

In an email to the Asylum Seeker Resource Centre sent on Friday, the department says Australian Border Force chief medical officer John Brayley acknowledges concerns about Khan's case, but consideration of medical transfers is a matter for the government of Nauru.

Refugees seeking offshore transfers for medical purposes must first approach staff at IHMS, which in turn negotiates with Nauru or Papua New Guinea, before a final decision is made by the DIBP.

Peter Rudolph, area medical director at IHMS, told a Senate inquiry in March that while the department acted "rapidly" on very urgent matters, "with regard to semi-urgent cases, yes, there are delays".

Immigration Minister Peter Dutton is only informed of the matter after a decision has been made by the department, the inquiry heard.

* Names have been changed

<http://www.canberratimes.com.au/federal-politics/political-news/the-system-here-is-broken-secret-recording-reveals-failures-of-offshore-detention-regime-20170511-gw2q5v.html>

14. Nauru refugee taped phone call with doctor who calls system 'broken' as they wait for MRI

ABC Radio CAF - AM
By Sarah Whyte
Monday 15 May 2017

An Afghan refugee on Nauru claims he has been waiting 10 months for an MRI, despite complaining about acute headaches and spells of unconsciousness.

In a taped conversation obtained by AM, the refugee's doctor on Nauru described the medical system there as "broken".

In the phone conversation, taped by the refugee 'Khan', a doctor at the regional processing centre in Nauru discusses Khan's condition with him.

"I've got to be careful, I've got to promise you what I can deliver," the doctor said.

"I'll take it again, I asked all the questions last time, why is this matter still here? Why hasn't it been done? He's been waiting for seven months at least."

Khan has a painful skin condition and headaches that are so severe he often falls unconscious.

Unable to properly diagnose his condition, doctors have said he needs an MRI examination.

But that requires Khan being flown overseas. And the local hospital, known as the RON, has not approved the transfer.

In the taped conversation, Khan's doctor asks him when he last saw a specialist at RON.

Khan says he believes he last saw someone "two or three weeks ago".

"What did they say?" the doctor said.

"They say nothing, just she [a doctor] told me to write it down for her, a letter for you to, we need the test... but I didn't get any update," Khan said.

Working for International Health Medical Services that provides medical staff to the refugees and asylum seekers on Nauru, the doctor in the conversation has seen Khan a number of times.

"I will ask the RON again, OK, I will ask the RON again and I will put in this happened and this happened," the doctor said.

"Because I have in your notes here that doctors at the RON have said, 'yes, you need to go, you need an MRI!'"

The doctor goes on to say that Khan was not the only refugee experiencing delays in treatments.

"This system here is broken," the doctor said.

"The system is broken but we are suffering ... and we have to talk to you. We can't go straight to talking to the Immigration or the Government," Khan said.

The conversation was taped by Khan in February, but he told AM that he was still waiting to have the MRI.

And he said his symptoms had not improved since then.

"I'm hurt so many times, because I just fall down the floor, sometimes the toilet, sometimes in house, sometimes outside," he said.

"We are helpless, but we just still pushing till they do something. But still nothing. Still I didn't get any updates."

All too familiar, former immigration doctor says

Former immigration doctor turned whistle blower, Dr John-Paul Sanggaran, listened to the recording and said it sounded all too familiar from when he was working on Christmas Island.

"It sounds very much like a conversation that I've had many many times with individuals inside immigration detention," he said.

"Where frustratingly you've tried to access some kind of healthcare for them and you've waited and it's fallen through and nothing's happened.

"And then you've repeated these requests by ringing up the management and repeat the request and again, nothing's happened.

"And all the time this person in front of you continues to suffer and even deteriorate."

During Dr Sanggaran's time working on Christmas Island he said access to medical care was limited.

"It can be often very frustrating due to a lack of resources, very difficult for patients to access specialists," he said.

A spokesperson from the Department of Immigration and Border Protection said the overseas referral process was under the management of the Government of Nauru.

<http://www.abc.net.au/news/2017-05-15/nauru-refugee-says-he-has-been-waiting-10-months-for-mri/8526194>

15. AUDIO: Canberra nun questions Dutton's motives for Manus shooting comments

ABC Pacific Beat

Posted Monday May 8, 2017

Expires: Sunday 6 August 2017 7:30am

A Canberra nun has returned from visiting refugees on Manus Island with a firm view that the Australian immigration minister has not told the truth about the shooting incident at the refugee processing centre in Papua New Guinea on Good Friday.

The minister, Peter Dutton, has not retracted claims that the incident in which PNG naval personnel fired shots into the centre was triggered by an incident involving a young local boy.

Longtime refugee activist Brigidine Sister Jane Keogh arrived on Manus shortly after the shooting, and found herself staying at the same motel as provincial police commander David Yapu, who is heading the investigation.

<http://www.abc.net.au/news/programs/pacific-beat/2017-05-08/canberra-nun-questions-immigrations-minister/8505894>

16. Australian government downplayed risk of shots fired on Manus Island, analysis shows

Amnesty International has released expert analysis of photos and video from the Good Friday incident that directly contradicts the official account

The Guardian

Ben Doherty

Monday 15 May 2017 11.05 AEST

Amnesty International says expert analysis shows bullets were fired directly into the Manus Island detention centre during the Good Friday riot, and that the Australian government intentionally downplayed the risk to refugees and staff.

In a report released on Monday, the human rights group says digital and military experts have verified images and footage from the Good Friday shooting, and their findings contradict claims made by Australian immigration officials that only one weapon was discharged, and that only into the air.

In a statement issued to the Guardian after the Good Friday event, the Australian Department of Immigration and Border Protection said, "PNG military personnel discharged a weapon into the air during the incident."

However, staff, refugees, and asylum seekers in the centre reported hearing 100 shots fired into the detention centre, piercing fences and hitting buildings where they were sheltering.

The Amnesty report says video footage shot during the riot and images taken in its aftermath, showing the damage caused by bullets, demonstrate that several bullets were fired into the detention centre where staff and refugees were hiding.

"Our investigation shows there is no doubt that on 14 April 2017 bullets were fired not only into the air but directly into the Manus Island refugee centre in a way that seriously endangered the lives of the people inside," Amnesty International's Pacific researcher, Kate Schuetze said.

"This was not an isolated incident. Refugees trapped on Manus Island have faced several violent attacks in the past. They are the direct result of an inherently abusive system put in place by the Australian government."

The PNG government says its investigation into the Good Friday shooting is continuing. No arrests have been made.

Schuetze said the Australian government had failed to take responsibility for people's lives, arguing the immigration minister, Peter Dutton, sought to diminish the seriousness of the shooting.

"Instead of waiting for the results of an investigation, Dutton has inflamed matters by making an irresponsible and unfounded claim about the shooting incident."

The riot on Good Friday, the second time armed assailants have attacked the detention centre, was sparked after a dispute over the use of a soccer field nearby to the detention centre.

"Drunken soldiers ... went on a rampage" according to PNG police. The defence force personnel attempted to storm the centre, firing weapons at refugees and staff hiding inside, and even using a vehicle to try to ram the gates.

Dutton said the riot was sparked over concerns that a Manusian boy had been able to enter the centre where he was given fruit.

"I think there was concern about why the boy was being led, or for what purpose he was being led, away back into the regional processing centre."

However, it later emerged that the boy went into the centre – having asked for food – a week before the riot, and the minister's account has been contradicted by PNG's police and defence forces, members of parliament, staff in the centre, as well as the refugees and asylum seekers who were there.

Manus police chief David Yapu refuted Dutton's claim the incident with the boy was being investigated by police: "There is no complaint being made by the parents of the boy."

The three refugees who assisted and fed the local boy, who came to the centre gates asking for food, have pleaded with authorities to release CCTV footage of the boy going into the centre which they say will vindicate their version of events.

"We helped a hungry and poor child who was requesting for food or money. He was fluent in English and begging for food," she said in a formal complaint to detention centre managers Broadspectrum.

"All of these incidents is recorded by your CCTV cameras. We are requesting for the immediate release of the footage of this incident. We didn't do any wrong except helping a poor boy."

Refugees inside the detention centre have said the Good Friday shooting was reminiscent of the February 2014 riots when police and guards stormed the centre, breaking down fences and shooting at refugees. More than 70 refugees were seriously injured in three days of violence, including one man shot, and another who had his throat slit.

Reza Barati was murdered by guards who kicked the Iranian asylum seeker as he lay on the ground before dropping a rock on his head.

After releasing its latest report, Amnesty has renewed its calls for the detention centre on Manus Island to be shut down.

“Until that system is dismantled and the refugees are brought to safety, the threat to their lives will remain,” Schuetze said.

More than 800 men are still held in the Manus Island detention centre, about 100 are living in a transit centre nearby to Manus’s main town, Lorengau, or elsewhere in PNG.

Of the men remaining in the detention centre, about 700 have been formally recognised as refugees and are legally owed protection. About 160 men have had their claims for protection rejected.

Officials from the US departments of state and homeland security have been on the island conducting preliminary interviews about resettlement in America, however no one has yet been accepted.

Extra police have been deployed to the Manus centre, to help Australian and PNG authorities force refugees to relocate to the transit centre.

The Australian Border Force deputy commissioner Mandy Newton told PNG’s national broadcasting corporation police would help prevent unrest during the relocation.

“Because we don’t want any trouble to occur, we don’t want any rioting to occur. We want to consult with the people in the centre – which we have been doing now for some years – but it’s important also that people know they can’t behave inappropriately, either in the community or within the centre.”

<https://www.theguardian.com/australia-news/2017/may/15/australian-government-downplayed-risk-of-shots-fired-on-manus-island-analysis-shows>

17. Budget expected to expand sponsorship program for refugees – at cost of \$40,000 each

Turnbull government plans to double spots in Community Proposal Pilot for fee of almost \$40,000 but the places will be taken out of its own quota

The Guardian
Gabrielle Chan
Friday 5 May 2017 19.00 AEST

Refugees will be able to come into Australia for a fee of almost \$40,000 under a private sponsorship program for community organisations, individuals and businesses expected to be expanded in next week’s budget.

The Turnbull government is planning to double the places in the Community Proposal Pilot to 1,000, with a fee of \$19,000 and a “welfare bond” of \$20,000.

But the places will be taken out of the government quota rather than being added to the total refugee spots, effectively subsidising government settlement costs, SBS reports.

Refugee advocates immediately expressed concern about the places coming out of the existing allocation, suggesting it sounded like a budget measure rather than a humanitarian one.

But the assistant immigration minister, Alex Hawke, said it was a chance for businesses to fulfil their corporate social responsibility rather than a cost-saving measure.

“The idea is of course to have that support there provided by business groups who may know refugees in different camps, who they want to bring out [those] who have the skills,” Hawke told SBS.

A pilot program for 500 refugees has been trialled since 2013 by the immigration department, which allocated services to five community organisations; AMES (Victoria), Brotherhood of St Laurence (Victoria), Illawarra Multicultural Services (New South Wales), Liverpool Migrant Resource Centre (NSW) and Migrant Resource Centre of South Australia (South Australia).

Under the existing program, a community organisation can sponsor a refugee if it pays the fees of more than \$30,000. It must take care of all resettlement costs, including airfares and medical examinations.

Canada has a similar program but refugees who obtain private sponsorship are added to the total government quota to reflect community demand.

Jesuit priest and academic Frank Brennan said the Canadian private sponsorship program allowed refugee advocates to be proactive. But he said it would be unacceptable if a paid refugee place replaced a government supported place.

“Instead of those of us complaining that the government is failing to do more, the Canadian program would have us do it ourselves and get on with it,” he told Guardian Australia.

“That is a more accurate way to tap into appropriate level of support for places. But if a ... payment was to take away another place, that would be very unacceptable.

“Where in the past, there has been a quota for true humanitarian places, this would privilege connections in the community over those in greatest need.”

The founder of refugee advocacy group Welcome to Australia, Brad Chilcott, said it sounded more like a budget savings measure.

“If numbers are taken from the existing program, this is a budget saving measure,” he said.

“If there are additional places like the Canadian model, it would be worthwhile to explore further but if the government is going to avoid responsibility to provide settlement support for refugees, this doesn’t change much for the better.”

Chilcott said that by all reports, the Canadian program was massively subscribed and the government had to cap the program.

Australia now has 13,750 places in the annual refugee and humanitarian program, as well as the one-off promise for 12,000 extra places to address the Syrian crisis. The numbers are set to rise to 18,750 refugee places from 2018-19. Between November 2015 and January 2017, 40,081 Syrians arrived in Canada.

Brennan warned that paying for places in the refugee quota would undermine the government’s moral case that people who arrived by boat should not be advantaged over those in camps with no access to a people smuggler.

“The government needs to be careful, given they have always argued the moral case for punitive measures on boats policy on the grounds that everyone who reached Australia was taking the place of someone with no access to a people smuggler,” he said.

“If those places can be bought, it undermines the argument.”

<https://www.theguardian.com/australia-news/2017/may/05/budget-could-expand-private-sponsorship-program-for-refugees>

18. Peter Dutton ordered by court to revisit Syrian man's refugee application

The man came to Australia on a child visa but it was cancelled after he was sentenced to prison and failed the character test

The Guardian
Australian Associated Press
Friday 5 May 2017 12.46 AEST

The immigration minister, Peter Dutton, has been ordered by a court to revisit the refugee application of a man he wanted to deport to war-torn Syria.

The man came to Australia on a child visa in 2005 but was sentenced to three years in prison in 2011 for intentionally causing serious injury.

In 2014, Dutton cancelled the man’s visa under section 501 of the Immigration Act for failing the character test.

The man is a citizen of Syria, a country locked in a bloody civil war and under siege from Islamic State, so he applied for a protection visa. Dutton refused that application in October 2016.

Australia has a non-refoulement obligation, meaning under international law the man can’t be sent to Syria.

In making his decision, Dutton noted the man would not be removed from Australia and faced indefinite detention.

But at a federal court hearing in Melbourne in March, lawyers for the man argued that under the section of Australia’s Immigration Act on which Dutton made his decision the man could not be held in detention indefinitely.

They said under the section he technically had to be sent to Syria – which would breach international law.

In a judgement delivered this week, Justice Anthony North quashed the protection visa refusal and ordered a review of the application.

North wrote that had Dutton properly understood the consequence of his refusal, protection may have been granted to “avoid the consequence that the applicant would be returned to Syria in contravention of Australia’s non-refoulement obligations”.

The minister has 21 days from the judgment to decide whether he'll appeal.

<https://www.theguardian.com/australia-news/2017/may/05/peter-dutton-ordered-by-court-to-revisit-syrian-mans-refugee-application>

19. Federal Court voids Peter Dutton's Syrian refugee refusal

Canberra Times
May 5 2017 - 3:15PM
Kaitlyn Offer

Immigration Minister Peter Dutton has been ordered by a court to revisit the refugee application of a man he wanted to deport to war-torn Syria.

The man came to Australia on a child visa in 2005 but was sentenced to three years' prison in 2011 for intentionally causing serious injury.

In 2014, Mr Dutton cancelled the man's visa under section 501 of the Immigration Act for failing the character test.

The man is a citizen of Syria, a country locked in a bloody civil war and under siege from Islamic State, so he applied for a protection visa.

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<http://www.canberratimes.com.au/national/federal-court-voids-peter-duttons-syrian-refugee-refusal-20170505-gvz8xh.html>

20. George Christensen questions deportation of man who fled US amid drug allegations

MP says he is unsure of benefits of deporting Patton Eidson and says he is opposed to deportation of his daughter

The Guardian
Joshua Robertson
Saturday 6 May 2017 08.01 AEST

George Christensen has questioned the merit of immigration authorities moving to deport an elderly man who migrated 30 years ago with his family under assumed identities after fleeing the US amid drug-smuggling allegations.

Christensen on Friday joined his fellow federal MP Bob Katter in support of Patton Eidson, 73, a popular north Queensland resort owner who was taken into detention after a raid on his home by 15 border force officials on Wednesday.

Eidson's looming deportation to the US, where authorities issued a warrant for his arrest in 1989 over an alleged conspiracy to import cannabis but have since declined to apply for his extradition, is the latest step in an extraordinary saga.

Eidson, his late wife, Sonja, and daughter, Maya, then 16, arrived on false passports in 1986 and made a new life in Julatten in north Queensland as owners of a "wellness" resort.

Their true identities were revealed in 2011 and each was convicted of migration and identity fraud. But the family, who say the drug allegations in the US are false, retain overwhelming support in their local communities and the backing of their federal MPs to stay.

In regard to the family's entry to Australia, Christensen said it was "quite obvious that Patton Eidson has broken the rules and there are consequences for breaking the rules".

"However, he is an old man and I am not sure about the benefits of this outcome [detention and deportation]," he told Guardian Australia. "Regardless of my views on Patton, I am not really in a position to stop the process."

Eidson's conviction and sentence of two years jail made cancellation of his visa mandatory under the Migration Act, he said.

Katter said the unexpected detainment of Eidson, "this poor 73-year-old bloke who's just lost his wife and was responsible for some alleged misdemeanour nearly half a century ago" was "just sickening".

“The horrible insensitivity of what has occurred here is appalling and we will be saying so in formal questions with notice to the two ministers involved,” he said. “If you’re using government resources to terrorise a well-loved, popular, respectable citizen, you’d say it’s a waste of resources.”

Christensen said he was “strenuously opposed” to any move to deport Maya “given that she was a child when her family entered Australia using false identities”.

She is a constituent of Christensen’s, living and running a popular restaurant in his hometown of Mackay with her daughter.

Maya, who became an Australian citizen under her assumed name of Sharon Gregory, sponsored her father for an aged parent visa on his release after serving six months in jail.

But last April, the immigration minister, Peter Dutton, revoked her citizenship over her “convictions for citizenship and migration related fraud”, a spokeswoman from the Department of Immigration and Border Protection said.

At the same time, Dutton decided that Eidson, with his outstanding warrants in the US and his sentence of more than 12 months, “failed to meet character requirements under section 501 of the Migration Act”, the spokeswoman said.

The Eidsons arrived in Australia in 1986 as Mike and Anita McGoldrick, using false passports using birth certificates supplied by a terminally ill friend. They fled California following Eidson’s arrest along with some associates who were charged with conspiracy to smuggle cannabis from Thailand.

Eidson had been questioned and released without charge, which had raised suspicions among members of the drug ring he had turned witness, Maya said.

Despite no charges, Eidson and Sonja were hit with \$2m bills by US tax authorities for supposed drug profits, under laws since repealed.

Panicked by the debt and an anonymous warning he should “disappear”, Eidson, who was “trying to keep his family safe and together”, did just that, Maya said.

“He was in the wrong place at the wrong time,” she told Guardian Australia. “I was kept fairly sheltered from this at the time – all I know was they were very scared. I guess he maybe acted hastily or maybe didn’t think things all the way through properly when he made certain decisions but it was due to fear and trying to keep his family safe.”

The couple in 1991 bought what would become north Queensland’s first “wellness retreat”, employing more than 40 people and establishing community ties.

The death of their late friend’s widow, the real Anita McGoldrick, in 2009 eventually led US authorities to discover the misuse of her identity.

A tip-off to Australia resulted in the Eidsons being arrested on migration and identity fraud charges in 2011.

A prosecutor told the district court in Cairns in 2012, the family had “not only ... led a blameless existence but they have been helpful to the economy of the local community of Julatten and are well-loved and respected there”.

The judge noted Eidson’s were the most glowing authentic character references he had seen. Eidson was sentenced to two years jail, serving six months. His wife and daughter, who by now become a citizen in her assumed name, were given good behaviour bonds.

Sonja died from cancer in February.

Maya, who is due to contest her loss of citizenship in the administrative appeals tribunal in August, said she and her father had assumed the risk of deportation – in the form of 28 days notice to leave – would not arise until then.

“My father was still in the grieving process for my mum as she only passed away a few months ago,” she said. “He was really just at home minding his own business, not hurting anybody or doing anything to anyone, and just trying to get over his loss when all this happened.

“It seems just a bit harsh, really. A bit of an overkill.”

Katter went further.

“This sort of thing that happened last night to Patton, it terrifies people.”

The immigration department spokeswoman said the Eidsons had “had their case comprehensively assessed over many years by the department, the courts, various ministers and the administrative appeals tribunal”.

“Mr Eidson has failed in his bid to obtain a visa and he has been detained ahead of his removal from Australia,” she said. “The department treats all cases of migration and identity fraud very seriously.”

<https://www.theguardian.com/australia-news/2017/may/06/george-christensen-questions-deportation-of-man-who-fled-us-amid-drug-allegations>

21. Immigration department says it spent \$200,000 on border force guns

Department tells Senate estimates it has bought 332 Glock pistols in the past three years – the vast majority last financial year

The Guardian
Guardian staff / AAP
Wednesday 3 May 2017 17.05 AEST

Immigration officials have spent more than \$200,000 on hundreds of new handguns in the past three years.

The Department of Immigration and Border Protection has bought 332 Glock pistols since 2014-15, racking up a bill of \$204,025.

The vast majority of its arsenal of weapons were purchased during 2015-16, the department said in reply to a Labor question in Senate estimates.

The figure has added fuel to criticism that the government was militarising what were previously civilian functions.

“This is an extension of the government’s militarisation of Australia’s quarantine and customs services,” Greens senator Nick McKim said.

“The government needs to make the public case as to why these weapons are needed.”

“They also should explain why they can spend \$200,000 on weapons, but continue to deny staff a modest pay rise.”

According to figures given to Senate estimates in 2015, the Australian Border Force had 1,282 pistols, 103 shotguns, and 45 machine guns for about 5,000 officers. It is estimated border force has about twice as many armed officers as the agencies it replaced.

In comparison, New South Wales police has about 18,000 firearms for its 16,000 officers.

In 2016 the department also announced it had plans to buy stun guns for its officers.

Greens senator Sarah Hanson-Young said at the time that the arming of officers with tasers showed the “obsessive militarisation of the immigration department”.

“First they bought new uniforms and guns, then they said officers would stop and search random people in the streets and now they want tasers,” she said.

Hanson-Young said: “Border force are out of control. Will these tasers be used on everyday Australians, will they be used on people seeking asylum?”

The head of the department, Michael Pezzullo, has previously rejected claims of militarisation, instead saying that the law enforcement functions of the department had been strengthened.

“I reject completely there has been any kind of overreach that could be connoted by the notion of militarisation,” he said.

Other answers provided on notice to the Senate revealed the government has spent an extra \$22m on border enforcement measures following the striking of a deal with the US government to resettle refugees.

The department also spent more than \$32,000 on a five-day trip to the US by Pezzullo discuss the deal with US officials.

<https://www.theguardian.com/australia-news/2017/may/03/immigration-department-says-it-spen-200000-on-border-force-guns>

22. Australian refugee deal with US costs Turnbull government additional \$22m

Immigration department documents reveal extra money spent supporting deal to resettle refugees from Manus and Nauru

The Guardian

Helen Davidson

Wednesday 3 May 2017 14.31 AEST Last modified on Wednesday 3 May 2017 14.36 AEST

The federal government has spent an additional \$22m in supporting the US deal to resettle a number of refugees currently held in Manus Island and Nauru regional processing centres, published documents have revealed.

The documents also reveal the secretary of the Department of Immigration and Border Protection flew to the US at a cost of more than \$32,000 to discuss the deal with US officials.

Responses from the department to questions on notice from February's Senate estimates hearings were received last week and published online without announcement on Tuesday.

Among dozens of requests, the Labor senator Kim Carr had asked for the cost of "any extra funding that was allocated to border enforcement or operation sovereign borders following the signing of the US refugee agreement".

The department's response included an extra \$7m for maritime and aerial surveillance as well as \$15m for "on-water assessments, air transfers, regional command travel costs and strategic communications offshore".

The US deal was struck between the Australian federal government and the previous US administration under Barack Obama. The current US president, Donald Trump, publicly rubbished the "dumb deal" in February and, last month, his vice-president, Mike Pence, told Australian media his government didn't "admire" it but would honour it.

The immigration minister, Peter Dutton, had not spoken directly with any officials from the Trump administration after the president's public comments and there had been no attempt by Trump or Dutton to alter the arrangement, the department said.

Before Trump's inauguration, the secretary of the department travelled to the US in December to discuss the deal with US officials. According to answers released this week, the cost of the five-day December trip totalled \$32,316, including more than \$26,000 on airfares.

The department said the discussions were "part of a broader program aimed at enhancing Australia-US cooperation".

The cost of a second visit in January, which was "part of a broader multi-national visit", was not disclosed.

Details about the US refugee deal, including the date it was signed and by whom, were refused to Senate estimates, citing confidentiality provisions between the two governments.

Similarly the department refused to provide details about Australia's agreement to take refugees from Costa Rica but denied it was a "people swap".

However, it did disclose there were no financial elements to the US deal and that Australia was not asked to provide any settlement service support to people who were accepted by the US.

The department and Dutton have repeatedly declined to provide details about the deal and how it will operate, beyond confirming an "indicative planning number" of up to 1,250 people. There are no guarantees the US will take anyone.

US officials have visited both Nauru and Manus Island and, according to the Australian department, by 22 March this year 1,626 people had expressed an interest in US resettlement.

This comprised 228 women, 1,253 men and 145 minors, including 24 people who were currently in Australia.

The department said the most vulnerable refugees – with an "initial focus" on women, children, and families – were the priority and the US was applying "rigorous assessment and vetting processes".

The federal government has not said what it will do if the US does not take all refugees from Manus Island and Nauru. It has repeatedly claimed to be in discussions with third-party countries but no arrangement has eventuated.

The department repeatedly relied on a public interest immunity claim to not provide information, including which countries it had spoke to, and asked why it had not accepted a longstanding New Zealand offer to take 150 people a year. The department said the government "will not undertake activities that could be used by people smugglers as marketing opportunities".

The department also continued to point to PNG's offer of resettlement and Nauru's 20-year temporary refugee visas as a contingency measure.

It was also disclosed that in 2016 the immigration department spent almost \$43m on external legal services, \$313,738 on social media, more than \$1.06m on web design and almost \$81,000 on "acting or public speaking training".

The department of immigration and Dutton's office have been contacted for comment.

<https://www.theguardian.com/australia-news/2017/may/03/australian-refugee-deal-with-us-costs-turnbull-government-additional-22m>

23. Greens senator Nick McKim barred from detention centre by PNG authorities

ABC News Online
Pacific Beat
Wednesday 3 May 2017

Greens immigration spokesman Nick McKim has said it is "disappointing and frustrating" the Papua New Guinean Government has prevented him from visiting the refugee processing centre on Manus Island.

Senator McKim wanted to visit the centre to investigate the Good Friday shooting by PNG naval personnel, but was reportedly told before travelling he would not be allowed to enter the centre.

"It's disappointing and frustrating that I can't go into the camp," Senator McKim told the ABC.

"But it's also disappointing and frustrating for the guys in there ... who were looking forward, as I understand it, to meeting me and having a chance to talk to me."

Immigration Minister Peter Dutton has claimed PNG soldiers fired into the centre after reports a five-year-old had been led inside, but this version of events has been disputed by detainees and the provincial police.

But despite being barred from entering the detention centre, Senator McKim said he was allowed to meet some detainees in the nearby town of Lorengau.

"Part of my reason for coming here was to go in and have a look around the centre and see for myself what conditions are like," he said.

"But the good thing is I've been able to meet with a number of the refugees and people seeking asylum."

Based on his meetings with detainees in Lorengau, Senator McKim said he believed there are about 300 people on Manus Island currently undergoing the vetting process to be accepted into the United States under the US-Australia refugee deal.

He said while the men were desperate to leave Manus for the US, there was no guarantee they would be accepted.

"But from what we can understand of that deal is that it only obliges the US to assess people and to accept people who pass an assessment process," Senator McKim said.

After his inauguration, US President Donald Trump declared the arrangement a "dumb deal", but later grudgingly agreed to proceed with the plan brokered by Prime Minister Malcolm Turnbull's Government and former president Barack Obama.

<http://www.abc.net.au/news/2017-05-03/greens-senator-barred-from-entering-manus-detention-centre/8492906>

24. Greens senator Nick McKim denied entry to 'open' Manus Island detention centre

Sydney Morning Herald
May 1 2017 - 11:45pm
Michael Gordon

Papua New Guinea's "open" detention centre will be closed to an Australian senator when he arrives at Manus Island on a fact-finding mission on Tuesday.

Greens senator Nick McKim arrived in Port Moresby on Monday to discover his request to inspect the centre that still holds more than 800 men had been denied.

He branded the decision extraordinary, disappointing and frustrating, given the detention centre is fully funded by the Australian government and run by Australian contractors.

"I think it's unthinkable that such a ban would be imposed on Peter Dutton if he wanted to visit the camp, or any other Australian government official," he said.

PNG's acting chief migration officer, Solomon Kantha, said the request had been denied because of "the sensitivity of ongoing investigations" into the Good Friday rampage by drunken soldiers at the centre.

Two refugees and three service providers, including an Australian security guard, were injured during the violence, which culminated in shots being fired into the centre.

"It's quite extraordinary that, as a Commonwealth parliamentarian, you can't get in," Senator McKim told Fairfax Media.

"I've always thought in politics that, if you are going to talk about things, you should do everything you can to go and have a look for yourself and be fully informed."

Senator McKim will still meet detainees, including witnesses to the Good Friday violence, outside the centre and be briefed by the province's police commander, David Yapu, on the investigation. The centre is classified as an open facility, where detainees are permitted to leave in daylight hours, after PNG's highest court ruled that it was unconstitutional 12 months ago.

"The reason given by the PNG immigration department seems very thin and it wouldn't surprise me if Peter Dutton has got his fingerprints on this one," Senator McKim claimed.

A spokeswoman for Mr Dutton dismissed this, saying: "Access to facilities within PNG is a matter for the government of PNG. Decisions on access to the RPC (regional processing centre) are solely a matter for the PNG Immigration and Citizenship Service Authority."

Senator McKim said he also planned to investigate Mr Dutton's claims that an incident where three refugees led a local boy into the centre was a catalyst for the violence.

The refugees, Inspector Yapu and local politician Ronny Knight, have all dismissed Mr Dutton's claims, saying the rampage was sparked by an altercation on the soccer pitch in the Navy base that surrounds the detention centre. The refugees admit to taking the boy into the centre and giving him fruit after he asked for food or money and have demanded that CCTV footage of the incident be released.

Inspector Yapu is hopeful of arresting the alleged perpetrators of the Good Friday violence this week. Several detainees have told Fairfax Media they are now too scared to walk outside the detention centre or return to the soccer pitch.

Senator McKim said he was undeterred by the decision to deny him entry. "I have a 12-month, multiple entry visa for PNG and I will be back and I will be doing my utmost to get into that camp and have a look at the conditions inside, which we know are causing significant harm to many of the detainees."

<http://www.smh.com.au/federal-politics/political-news/greens-senator-nick-mckim-denied-entry-to-open-manus-island-detention-centre-20170501-gvwo7f.html>

25. Peter Dutton's claims about Manus violence unsupported on the ground, Greens senator says

Nick McKim, who visited the island, says eyewitnesses and authorities deny minister's story of a suspicious incident involving asylum seekers and a boy

The Guardian
Helen Davidson
Thursday 4 May 2017 13.04 AEST

Peter Dutton's claims of an suspicious incident involving asylum seekers and a young boy, which he said led to soldiers opening fire on the Manus Island detention centre, remain completely unsupported by evidence, the Greens senator Nick McKim has said.

McKim, who has been on Manus inspecting the living conditions for asylum seekers and refugees sent there by Australia, said multiple eyewitnesses and authorities had denied the immigration minister's claims.

Speaking to Guardian Australia from Papua New Guinea, McKim said he had spoken to the regional police commander, David Yapu, local MP Ronny Knight and dozens of eyewitnesses to the Good Friday shooting and an event weeks earlier when a young local boy asked refugees for some food.

“What I can say is that both the PNG police and Ronny Knight, and all of the detainees ... are consistent in their positions, and that is that an event involving a small child had nothing whatsoever to do with the attack and the shooting, which obviously puts the lie to Peter Dutton’s version of events,” he said.

“What happened with the child on my advice ... is he went to the centre to ask for food and he was given food by detainees and by Wilsons Security staff and then he left the centre. There has been no complaint laid ... to PNG police about that event.”

Dutton has repeatedly cited confidential sources to support his claim that three asylum seekers were seen leading a five-year-old boy into the centre, and speculation about their plans contributed to unrest that culminated in the shooting.

His claims have been repeatedly rejected by Yapu, Knight and refugees and asylum seekers who have called for the release of CCTV footage they say will show the boy asking for and receiving food.

Dutton has refused to release the footage publicly but apparently showed it to Sky News host Andrew Bolt. Bolt’s account of what he watched largely supported the police and asylum seekers’ accounts but he suggested it still appeared suspicious.

McKim said Yapu told him there had not been any complaint or allegation made by the family of the young boy in question.

He said multiple eyewitnesses reported seeing the boy walk through the centre with asylum seekers and security and be given food. How the boy was permitted to walk through multiple entry points at the centre was unknown but was a question for the facility’s security operator, McKim said.

Asylum seekers also supported the authorities’ account of what sparked the shooting – an incident on a football field that escalated into violence. Yapu had previously told Guardian Australia an asylum seeker allegedly assaulted a navy personnel member.

McKim said the Coalition “had form” in telling lies to “demonise refugees and people seeking asylum in the minds of the Australian people”, citing the children overboard affair. He called for Dutton to retract his comments, apologise and resign.

McKim visited Manus Island to investigate the conditions for asylum seekers and refugees sent there under Australia’s offshore processing policy.

He was not permitted entry to the facility, a decision he described as “disappointing and frustrating”.

He said the local community was not consulted before Australia and the PNG government made a deal to build the regional processing centre there. “Of course there are concerns held by the local community, but there are also other members in the community who are very glad about employment and the economic opportunity generated by the camp,” he said.

McKim said while he found a range of views in the community about the centre and its occupants, “there’s been no alternative version put to me about the Good Friday shootings”.

Dutton’s office has not responded to multiple previous requests for comment on the issue.

<https://www.theguardian.com/australia-news/2017/may/04/peter-duttons-claims-about-manus-violence-unsupported-on-the-ground-greens-senator-says>

26. Dutton's powers unchecked and unjust, former Liberal immigration minister says

Ian Macphée calls for Peter Dutton’s powers to be reined in and for bills to expand them further to be stopped

The Guardian
Helen Davidson
Thursday 4 May 2017 06.10 AEST

Peter Dutton has sweeping and unchecked powers that are beyond the review of courts, are unjust and “un-Australian” and must be wound back, a former immigration minister has said.

The comments, by the former Fraser-era immigration minister Ian Macphée, come in a report that has examined the discretionary powers of immigration ministers and found them to be dramatically increasing, and adversely affecting asylum seekers.

The report by Liberty Victoria’s Rights Advocacy Project, which was released on Thursday, called for current powers to be reined in and for bills to expand them even further to be stopped.

In a foreword to the report, McPhee said he was “disgusted by the power accorded to current ministers regarding the lives of people fleeing persecution”.

“Ministers now exercise power that is mostly beyond the review of judges,” he said. “Such power should be exercised humanely and in accordance with morality, not absolute law.

“The law and its practice is now unjust. It is un-Australian.”

Current powers include various discretions to approve, refuse, or cancel visas, to detain or re-detain an asylum seeker without warning, to send asylum seekers to offshore detention centres and, in some cases, prevent reviews of decisions not to grant protection visas.

In recent years a number of high-profile asylum seeker cases have made headlines for the minister’s decision to use – or decision not to use – his discretionary powers in their favour.

The report found the creation and use of discretionary powers, particularly under immigration and national security legislation, had risen over decades, despite warnings from several previous ministers.

The report also pointed to two current Coalition bills that seek to expand them even further under the current minister, Dutton. These powers, the RAP said, would further allow an immigration minister to “play god”.

“Those decisions are not made in a transparent way in accordance with fair processes,” the report said.

“Rather, the minister is empowered to an alarming degree to make decisions based upon his whim, with scant regard for due process.”

The report examined the number of acts administered by each minister and the number of “public interest” or “national interest” powers that conferred largely undefined ministerial discretion.

It found the immigration minister’s haul far exceeded cabinet colleagues, with 47 powers within 20 acts. The attorney general held 38 powers – the second highest amount – but those were within 152 administered acts.

“This is an astonishing development of unchecked discretionary power considering that in 1989 there were only three comparable public interest based discretionary powers and, prior to that, there were none whatsoever,” the report said.

Report author Lauren Bull said: “Under Australian law, no other minister – not even the prime minister – is given anywhere near as much unchecked power.

“It is fundamentally at odds with basic principles of democracy and the rule of law for one politician to have [that much] personal power to make such important decisions affecting people’s most basic of rights.”

Among its recommendations, the RAP called for the full restoration of natural justice, which has been specifically written out of some laws including those relating to turnbacks and the provision of natural justice at sea.

“The key takeaway about natural justice is this notion of a fair go,” a co-author of the report, Elizabeth Colliver, told Guardian Australia. “It means a decision which affects someone’s interests, someone’s rights, that they should have the right to appeal and be heard by an impartial decision maker.”

The report also called for the eradication of the controversial ministerial satisfaction test, which allows a minister to decide if he is satisfied certain conditions have been met in order to trigger discretionary powers. The test appears throughout the Migration Act, including in relation to bridging visas and visa cancellations.

McPhee told Guardian Australia he believed the security concerns and protections often cited by recent immigration ministers could still be addressed with greater oversight of their decisions. McPhee said the Fraser government had aimed to settle refugees in a “welcoming and humane manner”, working with the UNHCR and regional partners, but, since the prime ministership of John Howard, that had reversed.

“It’s just appalling the situation that has arisen,” he said. “I don’t know how anyone like Morrison or Dutton can be proud of what they’re doing. It’s against the Australian idea of a fair go.”

A 2004 Senate inquiry into the issue found there were serious concerns about vesting “non-delegable, non-reviewable and non-compellable discretion” without adequate oversight. It found a “pressing need for reform” but recommended keeping the ministerial discretion powers as “the ultimate safety net” and a last resort to deal with exceptional or unforeseeable cases.

A 2016 review made similar recommendations.

<https://www.theguardian.com/australia-news/2017/may/04/duttons-powers-unchecked-and-unjust-former-liberal-immigration-minister-says>

27. Nauruans jailed over political protest to appeal sentence in Australia

Lawyers for three men who had their sentences increased on appeal announce intention to appeal to high court of Australia

The Guardian

Ben Doherty

Wednesday 3 May 2017 06.14 AEST Last modified on Wednesday 3 May 2017 06.15 AEST

Three Nauruans charged over a 2015 protest at the suspension of opposition MPs from parliament, have had their prison sentences increased up to seven-fold on appeal, but will now take their case to the high court of Australia.

In an episode that has exposed long-running political tensions within Nauru's fragile democracy, the appeal of the sentences for John Jeremiah, Josh Kepae, and Job Cecil, was adjudicated by acting chief justice Mohammed Shafi Khan on Tuesday.

The three men were part of a broader protest over the government's suspension of three opposition MPs, including opposition leader Mathew Batsiua and former president Sprent Dabwido, who were unilaterally exiled from parliament a year earlier for speaking to foreign journalists about the breakdown of the rule of law in Nauru, and for "behaving in an unruly manner".

The 2015 protest aimed to allow the MPs to actually enter the parliament building so they could contest being expelled.

The protest, involving dozens of supporters, spilled onto the neighbouring runway of the airport and forced a plane to be diverted. Rocks were thrown through parliament's windows.

Jeremiah was originally jailed for three months. His sentence was increased to 22 months.

Kepae's sentence went from six months to 22 months, while Cecil's three-month term was raised to 14 months.

The magistrate who imposed the original sentences, Emma Garo, did not have her contract renewed by the Nauruan government following the judgments.

On Tuesday, Kahn said a protest on parliament was a serious offence.

"What occurred on the day was not only an attack on parliament, it was an attack on Nauru and its people, the constitution and the rule of law.

"I understand that you may have been concerned at their [the MPs'] suspension but you had no power to restore them."

However, Australian lawyers for the three men have announced their intention to appeal to the high court of Australia, the ultimate court of appeal of Nauru's legal system for cases other than constitutional matters.

Instructing solicitor Christian Hearn told Guardian Australia the three men were in jail.

"Justice Khan refused to rule on whether appeal legislation stayed the sentences and the registry refused to accept an application of habeas corpus.

"We are now working quickly to put together an appeal to the high court of Australia, which we expect to do by the end of the week.

"All involved in the case remain focused on the stay application currently before the district court. This application seeks to demonstrate that at present, the defendants cannot get a fair trial because the judiciary is not sufficiently independent of the executive."

Nauru's justice system has endured years of upheaval, under persistent allegations of government interference and a lack of independence for judges.

In 2014 chief magistrate Peter Law and chief justice Geoffrey Eames, both Australians, were sacked by the government, which they attribute to making judgments the government did not agree with.

Law was deported after he issued a stay against a deportation order (for another Australian citizen) issued by the justice minister, David Adeang. Eames was forbidden from returning to Nauru after issuing an injunction against Law's deportation (which was ignored by the government).

Eames had also previously ruled that the speaker of the parliament Ludwig Scotty had acted unconstitutionally.

"He had told all and sundry, 'we've got to get rid of this bloke', and so when the events took place and my visa was removed, he was very much a player," Eames told the Saturday Paper. "I don't think the Nauruan government liked the idea of an independent judge."

Parliamentarians have alleged Nauruan government ministers have an undemocratic influence and control of the country's judiciary.

Former opposition leader Mathew Batsiua – whose 2014 suspension was the catalyst for the 2015 protest – has said unilaterally removing judges whose decisions displeased the government was “another example of the lengths this government will go to get its way”.

“By disregarding the independence of the judiciary, they are disregarding the constitution.”

The Nauruan government has consistently denied all allegations of interference in the independence of the judiciary.

It issued a statement this week saying media reports of the current case “seek to denigrate the legal system in our county and are insulting to members of our judiciary, who are upstanding, independent and respected across the Pacific region”.

“The Nauruan justice system is independent of the government and the defendants are being provided a fair trial. The government respects the legal process and does not comment on matters before the court. We expect others to do likewise including overseas media.”

In appointing new judges following the banishment of Law and Eames, Adeang said the government was “determined to uphold a transparent legal process and to enact the reform that best serves the people of Nauru”.

In 2015 New Zealand suspended aid to Nauru's justice sector after expressing long-running concerns over the erosion of the rule of law. The country's parliament also passed a unanimous resolution of concern over the political situation in Nauru.

Also in 2015, Australia's foreign minister, Julie Bishop, said the Australian government “was concerned” about Nauru's democracy and the independence of the justice system.

“We urge there to be an adherence to the rule of law, that their justice system operates properly, that people are not denied natural justice, that they're given an opportunity to present their case.”

<https://www.theguardian.com/world/2017/may/03/nauruans-jailed-over-political-protest-to-appeal-sentence-in-australia>

28. Nauru MP Matthew Batsiua accuses Justice Minister of interfering with judicial system

ABC Radio CAF - AM
By Sarah Whyte
Wednesday May 3, 2017

A dramatic increase in the sentencing of three men accused of protesting against the Nauru Government has renewed claims of political interference in the country's judicial system.

The claim came after Australian lawyer Mohammed Shafi Khan, the acting Chief Justice of Nauru, increased the sentences of John Jeremiah, Josh Kepae and Job Cecil from three months to 22 months.

The decision was made after Justice Minister David Adeang told Parliament he was in favour of harsher penalties for protesters.

Local Nauru MP Matthew Batsiua faces similar charges to the three men, and said he feared he would not be given a fair trial.

Mr Batsiua was in Nauru's Supreme Court yesterday when the three men were charged with rioting against the Nauruan government two years ago tried to appeal their sentence.

"There was a counter-appeal by the prosecution appealing that the sentences were too lenient," he said.

"A decision was handed down yesterday, so they were given much harsher sentences as a result."

The men were first sentenced last November to three and six months' jail by the country's former resident magistrate, Emma Garo, and were released on bail.

But the Government did not renew Ms Garo's contract at the end of last year, amid criticism of lenient sentences.

Mr Batsiua said yesterday's decision did not bode well for his appearance in court — or that of the other MPs Srent Dabwido and MP Squire Jeremiah.

"We believe that we won't be able to get a fair trial because of what's happened in the past and what's still going on," he said.

"And that is the interference and the closeness and the interest that the minister has expressed and shown in the workings of our courts.

"We are all very concerned, we are very concerned about our own fates in the hands of the court at present."

Mr Batsiua said he and the other MPs should not proceed to trial.

"There is a lack of judicial independence in our view and we've put this to the court," he said.

He claimed that they had been protesting against a lack of free speech in the small country when they were arrested.

"We were peacefully protesting the lack of opposition in parliament — there was a budget sitting on that day," he said.

Continued controversy within judicial system

This is not the first time Nauru's judicial system has found itself at the centre of controversy.

In 2014 Mr Adeang ordered the arrest and deportation of Nauru's former resident magistrate Peter Law.

In the same year, the chief justice of Nauru, Geoffrey Eames, resigned two months after his visa was revoked by the government.

Mr Batsiua said Mr Eames visa was cancelled because Mr Adeang "did not like his decisions".

Mr Jeremiah, Mr Kepae and Mr Cecil now remain in custody.

Lawyers expect the men will seek bail today from the Supreme Court in Nauru and will lodge appeals in the High Court of Australia.

A spokesman for Nauru said there was no basis to Mr Batsiua's fears that the Government would deport his legal team and has threatened his lawyers.

"These comments appear to be made with the intention of undermining Nauru's legal process through the media," the spokesperson said in a statement.

"The Nauruan justice system is independent of the Government and the defendants are being provided a fair trial."

<http://www.abc.net.au/news/2017-05-03/nauru-minister-accused-of-interfering-with-judicial-system/8492278>

29. Nauru self-immolation led to 'up to 50' similar threats and attempts

One man reported finding his pregnant wife covered in petrol with a lighter in her hand, Senate inquiry told

The Guardian

Helen Davidson

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The self-immolation of a refugee on Nauru last year triggered as many as 50 similar suicide threats and attempts by people who had lost hope, including a pregnant woman, a former refugee worker has told a Senate inquiry.

The startling submission about the conditions on Nauru as recently as September provides a description that would otherwise be outlawed under the Border Force Act's disclosure provisions.

Written by Sandra Bartlett, who worked as a case manager for Connect Settlement Services last year, it formed part of the evidence examined by the Senate inquiry into serious allegations of abuse, self-harm and neglect of asylum seekers at the Nauru and Manus regional processing centres.

Bartlett's submission described self-harm as "rife" among both the refugee and asylum seeker populations, although she limited her report to those she worked with – the cohort of refugees settled in Nauru.

Many incidents had stuck in her mind, she said, including a suicide attempt in July by a young child who sought to drown in the ocean. According to Bartlett, one man reported returning to his accommodation module to find his pregnant wife covered in petrol with a lighter in her hand.

Bartlett's submission, which does not contain names, said after one refugee's self-immolation, about 50 other people threatened or attempted to set themselves on fire.

A month after she arrived a 23-year-old Iranian refugee living in Nauru, Omid Masoumali, died after he set himself on fire in front of visiting UN officials. His wife, Pari, was brought to Australia and is still being held in isolated detention.

Less than a week after Masoumali's death a Somali woman, Hodan Yasin, also set herself alight.

Some of those who attempted to self-immolate in the following months were stopped by family or authorities, and one man was arrested, Bartlett said. One woman was saved by a security officer who ran into a burning building which she had set alight while inside.

Another woman who said she had been sexually assaulted by a staff member told CSS she had covered herself in petrol and lay in bed considering setting it alight, before changing her mind.

Reports of assaults on refugees – and sometimes on staff – by Nauruan men occurred on “almost a daily basis”, Bartlett said, and she believed they contributed to the self-harm and suicide attempts.

Police investigations were inadequate and in at least one instance inappropriate and re-traumatising for the victim, she said.

Bartlett said a lack of opportunity and autonomy, and a sense of hopelessness contributed to the high levels of self-harm, as well as medical concerns, with refugees facing difficulties obtaining their medical records or even getting ambulances to turn up when called.

“It is not uncommon for refugees on Nauru to state ‘I am not an animal’ or ‘we are not animals’,” she said.

“I believe that years of having no control over their lives or their choices, being spoken down to and feeling like they are seen as lesser people has had a profound impact on the mental health of many of the refugees on Nauru.”

Bartlett also described a “culture of secrecy, mistrust and uncertainty” at CSS, which she put down to the effect of the Border Force Act's disclosure provisions. Staff had a fear of being investigated and this led to a lack of accountability, she said.

Incident reports written by CSS staff for at least few months from March 2016 required reviews and edits before going to the Australian Border Force, she said, and it was “not unusual” to see a report changed so it no longer painted stakeholders negatively.

Bartlett told Guardian Australia she had wanted her submission to be made available to the public as she would not be allowed to discuss its contents under the Border Force Act.

Under its provisions, workers from Australia's offshore detention centres can be jailed for up to two years for speaking publicly about conditions within the centres or the treatment of refugees and asylum seekers. Submissions to Senate inquiries attract parliamentary privilege.

The Department of Immigration and Border Protection told the inquiry it had identified some of the cases Bartlett described and was satisfied the appropriate response and support had been provided, including referrals to police. A number of cases it was unable to identify and could not comment on.

The department also detailed at length the support it provides the Nauruan government and police force, and improvements made to facilities. It did not address Bartlett's concerns about the act.

In its responding submission the processing centres' health contractor, International Health and Medical Services dismissed Bartlett's submission as unrepresentative, saying her rotations fell during a “period of extreme unrest” and were not representative of “a longitudinal picture of issues across the entire population”.

IHMS said there had been a period of difficulty in providing medical records while negotiations were under way with the Royal Nauru hospital but that had been cleared up.

The Senate inquiry's majority report called for the government to end the “fiction” that it did not control the two immigration centres and had no duty of care to their occupants, and said the immigration department had clearly failed to deliver policy in a transparent and safe manner.

<https://www.theguardian.com/australia-news/2017/may/03/nauru-self-immolation-led-to-up-to-50-similar-threats-and-attempts>