

# Project SafeCom News and Updates

Sunday, 15 February 2015

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# 1. Guy Rundle: Abbott has been unmasked, and so has the batty Right

Crikey

Feb 09, 2015 1:18PM

Guy Rundle - Crikey writer-at-large

Rejoice! He lives! Anthony John Abbott emerged from the lions' den/Sanhedrin/tomb this morning, his side speared, but still otherwise intact. Earlier in the morning, at the church service before the opening of Parliament, Abbott looked like he might not make it to the meeting at all, skin drawn, jaw clenched, a man with only an hour or two separating him from one of the great humiliations of all time. More than that -- the failure of his whole life, focused as it had been on achieving the premiership, since childhood. This was a man with a hymn sheet in front of him, standing on the edge of the abyss. He still is, of course, as m'colleague Keane details here [ <http://www.crikey.com.au/?p=479371> ].

Whatever happens in the party, and everyone, Left and Right, assumes that we will only have the pleasure of Abbott's company for another few months, the chaos in the wider circles of the Right cannot be underestimated. In the past 18 months, they have seen their entire electoral/ideological model collapse. The Right had hoped that they could tap into conservative notions of minimal governance -- "no surprises" -- as expressed in Chris Kenny's deeply embarrassing and unctuous depiction of PM Abbott as "the maestro", calming the orchestra. By thus transforming the relationship between government, media and public, they would present Labor as alien to the Australian tradition, and once again tap into the "natural party of government" stance.

The trouble is, they aren't. The mainstream Left and Right are now asymmetrical. A centre-left progressivism, combining a strong market and consumerism emphasis, with a steady extension of liberal equality into areas of gender, race and sexuality, fit together perfectly, and can then be supplemented by a welfare safety net and some limited universal service provision. For 200 years, capitalism has sat easily with racism, sexism and other forms of oppression -- but there was no necessary relationship, and once an expanded market began to circulate the idea of "equivalence", liberalism vastly expanded its reach. Same-sex marriage has gone from curiosity to inevitability in a decade-and-a-half not solely (or even largely) because of campaigns around it, but because life has become so dominated by the blind contracts of the market that a lot of people can't even remember what living in a culture of particularity -- one where you could say that an institution like marriage is incommensurable, there is nothing else like it, it is how nature and culture are bound together -- was actually like. You can say that also for dozens of other causes (there is a counter-movement to that, which I'll discuss at another time).

That gives a centre-left party a very strong base from which to work: a philosophy simply expressed, but with endless ramifications, and strongly felt by the rising classes who will fill the spaces that dying and diminishing classes vacate. Thus did Daniel Andrews become the first leader to go on a Pride march for more than a decade -- and that is suddenly no real big deal. Using that model -- that they represent obvious, common-sense modernity -- centre-left parties have the possibility of political domination, if they can also acquire a genuine purposiveness and a program of life-betterment.

Centre-right parties can't. They're a junk shop of old obsessions, ideological spare parts and nostalgia items. The social conservatism-economic liberalism model that underpinned Thatcher and Howard has stopped working entirely. But different parts of the Right can't agree on which bits to throw out and which bits to keep. So they're all over the place. The weird effect is that the sanest Rightist on one thing is utterly mad about something else. Thus the only conservative who says that climate change is real and should obviously be fought is ... batty Bill Heffernan. Nick Minchin is liberal on matters of sexuality, etc, but hugs to himself the idea of a warmist Communist conspiracy because it's necessary to his identity. And so on.

You can't make a movement out of that, and that's why there has been no movement by the Abbott government. It is a body without organs, nothing works together, and in dealing with this great crisis they elected the most nostalgic, Heath-Robinsonesque conservative of all, as a sort of backstop against modernisation. But they didn't really understand just how conservative he was. Like Evelyn Waugh, who said that he didn't want to take things back to the Middle Ages -- 300 AD was more the idea -- people really couldn't comprehend the secret reserves of Abbott's political fantasies. They still can't, which is why a stunning misinterpretation of who Tony Abbott really is -- Katharine Murphy's claim the 2013 Tony Abbott is dead -- can gain such approval. Abbott has been wearing a mask for a long time, desperate to make it into power, and fulfil the destiny outlined for him in his childhood. What you're seeing now is the real Abbott, a sort of jump-cut reel of reactionary obsessions of modernity. Knighting Prince Philip is restoring the proper order of the Commonwealth, which can only be bound together by pre-modern forms (i.e. royalty, honours and due deference). Paid parental leave may be a smart move for the Right, borrowed from Scandinavia, but it's also a palatable modern form of clerical-Right familialist policies, straight out of Franco and Mussolini, by way of B.A. Santamaria.

Yes, Tony Abbott is personally erratic, tormented, full of seething anger he can barely control, disjunctive in relation to everyday reality, but his core politics are the furthest Right that any head of the Liberal Party has been -- and the Right within the Liberal Party could only hold the line by choosing that personage. When Turnbull gets the leadership, the party will be decomposed and recomposed. It will be a civil war, of more consequence to the party than the actual 2016 election. Power comes and goes, but the organic unity of a given party can only be lost once. But there is no other choice. Going to the conservative Right is a death march, to pitch your tent in the thirst-lands of fading social classes.

Thus the pathetic cockie who suggested that Abbott come out to Grong Grong to see the real Australia was inviting Abbott to a town that has lost a third of its population (600 down to 400) in 15 years. It's a Potemkin village on life support, and the taxes that keep it connected to an ambulance service, a hospital, a water supply are provided by two latte-sipping cafe

dwellers crunching out a business plan to get in more Indian students (wheat: \$6 billion in export earnings. Education services: \$14 billion ). The Liberal Party is going to have to purge, move to the centre-right if it's going to survive. The last 18 months have shown what is required to keep it alive in its current form: a propaganda drive by Murdoch, disarray of Labor, and the Greens drawing Labor further leftward (more power to their arm!) than could subsequently be sold back to the electorate. That's the difference between the Labor chaos and the Libs -- and why both PM change-overs were many times smoother than this disaster, even with the loose cannons charging across the deck. And also why, after knifing Rudd, Labor ran the most legislatively and programmatically successful short-term government of a generation. The reason Abbott is dead to the public now is because he had no choice but to agree with most of Labor's program as a way to get in. Flouting that contract has killed him. And the government. And probably pitched the party into a deep crisis it could otherwise have avoided. This is Gillard's revenge, and it ain't over yet. The conservative commentariat have removed all possibility of being a genuinely critical voice on the Right. They're simply peddling a bunch of the old fantasies, repolished as new truths, like a bunch of old Stalinist poets who can't adjust to the new order.

Best of all we get to watch this play out, at every level over the next few months. It would take a supple political genius to negotiate these narrows. And Anthony John Abbott ain't no genius, no messiah. He's just ... Well, even the resurrection only lasted three days.

<http://www.crikey.com.au/?p=479419>

## **2. Bernard Keane: Abbott -- out of touch, out of luck, out of time**

Crikey

Feb 09, 2015

Bernard Keane - Crikey politics editor

The last two weeks have been a series of regular missteps by Tony Abbott, and they've accelerated in the last 24 hours. His judgement, poor until recently, has deserted him altogether. He is now a figure almost of pity. This morning's poorly thought-out post-meeting media statement, delivered to a single Nine Network camera in his office -- Downfall parody, anyone? -- was so badly edited that he looked around at the end, seemingly looking for help from offscreen, as if his chief of staff had strayed from sight for a moment.

The statement in itself ran for no more than 160 words of banalities -- Labor's mess, disunity, only voters can sack me, etc, concluding with "I love this country, and I will do my best to help this country succeed," before that nervous look around.

Had nothing been prepared for this eventuality? There were only a small number of possible outcomes from the spill motion, but this was the best Abbott's office could do? No attempt to reassure Australians? No concessions to the backbench that had just taken a chunk out of him? Spill instigator Luke Simpkins caused a brief stir by saying Abbott had told the party room after the vote that the GP co-payment was off the table, but then he backtracked. So what was the solid form of Abbott's acknowledgment of the deep trouble he is in?

Joe Hockey could have helped. Hockey will lose his job in a matter of weeks when Abbott loses his. A selfless act both for party and country would have been for the Treasurer to resign, in order to allow Abbott to reboot both the government's economic agenda and his government. Hockey is out one way or the other, it's only a matter of time. A resignation would help both his Prime Minister and the economy.

But two decisions yesterday further demonstrated there is something deeply wrong with Abbott and his team. Having made such a virtue of committing to becoming "the most collegial and consultative government" in Australian history, Abbott yesterday morning brought the spill motion meeting forward 24 hours, infuriating some backbenchers who had wanted more time. He made the announcement not long after Malcolm Turnbull had gone out of his way to praise Abbott for leaving it on Tuesday, allowing Turnbull, with a deft flourish, to skewer Abbott later with the "captain's pick" line.

And late yesterday came something far worse. The Australian Submarine Corporation -- that's the government-owned shipbuilder that can't be trusted to build a canoe, according to the sacked Defence Minister David Johnston -- would be permitted to tender for the new Royal Australian Navy submarine contract, contrary to the government's previous statements that it would not, because the government wanted to make a rapid purchase offshore. That backflip was to secure a single vote, of South Australian Senator Sean Edwards. According to Joe Hockey last year, the government simply didn't have time to conduct a proper tender process for the subs (yes, there was not enough time to conduct a proper process for an 11-figure procurement...).

Now, major procurement decisions with serious implications for the nation's defence are being made on the fly, to shore up single votes in a leadership spill. It's a bad look, and worse process.

Go back a week, though, and the misjudgements continue. Most particularly, last Monday's speech at the Press Club was acknowledged, even by his internal critics, as a chance for Abbott to reset, and to demonstrate to his colleagues that he knew where he wanted to take the government and the nation in 2015. It might not have saved his prime ministership, but it could have forestalled a move against him internally in the short term. A strong performance would have taken the wind from the sails of backbenchers eager to replace him. What he ended up delivering was a half-baked mix of old campaign speeches,

xenophobic posturing and an assertion that his colleagues couldn't legitimately fire him, that that prerogative lay, contrary to the constitution, with the voters.

At best, it did nothing to help his cause and probably wounded it further. And it again demonstrated that just doing the basics of staying in office appears beyond Abbott and his staff.

Adversity sometimes brings out the best in leaders. Julia Gillard was at her best, and most authentic, when she was under attack. Her first instinct was to fight hard, and gamble everything, demanding her enemies bring on the battle -- whether it was Kevin Rudd supporters or the journalists who engaged in a long-running smear campaign against her. Watching her standing in the Blue Room and fielding dozens of questions about the AWU affair, inviting journalists to keep firing until they ran out of bullets, or seeing her stride into Parliament, declare a spill and urging those both in front of her and behind her to "take your best shot", was to the strong woman with an acute sense of timing and a rhino-thick hide that we saw too little of throughout her prime ministership.

Kevin Rudd, in contrast, panicked in the face of speculation about his leadership and, in that panic, ended up giving those who would remove him the opportunity to do so. Rudd also ducked the chance to challenge Gillard early in 2013 after Simon Crean tried to put an end to the incessant speculation.

Abbott appears to be more like Rudd than Gillard. His judgement has deserted him, he is making panicky moves and he appears rattled and defensive. He could do worse than phone Gillard and ask her for some tips on how to handle leadership pressure. She might have some good advice, if she could ever stop laughing.

<http://www.crikey.com.au/?p=479371>

### **3. Australia's Leaders Have Conditioned Us To Ignore Asylum Seekers. Here's How.**

Junkee.

By Liam McLoughlin

February 2, 2015

In 2006, French man Ilan Halimi was kidnapped in Paris by a group named the Gang of Barbarians. For 24 days he was held in an apartment block and beaten, stabbed and burned. Dozens of neighbours heard the commotion; many came to watch, some even joined in. No one called the police. Halimi was later found in a forest outside Paris with acid and gasoline burns to 80% of his body.

It was a shocking example of what psychologists call the bystander effect; the more people present when someone is in distress, the less likely anyone is to help. There have been decades of research into the effect since the infamous murder of Kitty Genovese outside her apartment block in Queens in 1964. This murder was also seen by several neighbours, who waited 30 minutes to call the police.

Researchers have found good reasons for the bystander effect, and love using jargon to explain them.

Full story at <http://junkee.com/australias-leaders-have-conditioned-us-to-ignore-asylum-seekers-heres-how/50020>

### **4. Case against Abbott Government builds at The Hague**

Andrew Wilkie website

12 February 2015

The Independent Member for Denison, Andrew Wilkie, and human rights advocate and lawyer Greg Barns have taken the next step in their formal request for the Prosecutor at the International Criminal Court (ICC) to investigate crimes against asylum seekers by members of the Abbott Government.

In October last year Mr Wilkie requested the Prosecutor at the ICC initiate an investigation, in accordance with Article 15(1) of the Rome Statute. In the latest development Mr Wilkie has provided the Prosecutor with a comprehensive brief on this matter.

Mr Wilkie said the damning report from the Human Rights Commissioner, Gillian Triggs, tabled in the Senate last night calling for a Royal Commission into children in detention just added more weight to his request for an investigation.

[http://www.andrewwilkie.org/content/index.php/awmp/home\\_news\\_extended/case\\_against\\_abbott\\_government\\_builds\\_at\\_the\\_hague](http://www.andrewwilkie.org/content/index.php/awmp/home_news_extended/case_against_abbott_government_builds_at_the_hague)

### **5. Feathers ruffled: how hawks took over the Immigration nest**

There's disquiet in the Department of Immigration and Border Protection in Canberra since the latter become its top priority. Is valuable corporate knowledge and experience walking out the door?

Stephen Easton  
The Mandarin  
9 February 2015

Highly experienced bureaucrats have vacated the Department of Immigration and Border Protection since its amalgamation with Customs began last year, amid mounting concerns within the department over how its mission has been recast by secretary Michael Pezzullo.

The extensive restructure coupled with a seismic shift in priorities — to place border protection ahead of nation building through managed migration — was always going to cause organisational upheaval. But there are signs confidence in the department is low among immigration bureaucrats, including some of Australia's most committed and experienced experts.

Deputy secretaries Liz Cosson, Wendy Southern and Mark Cormack have all handed in their resignations — and been snapped up quickly by other agencies — since Pezzullo's ascension last October. Not that either the departmental website or the federal public service online directory reflect that; both still list Southern and Cormack in their old positions.

The Mandarin understands these are not the only high-level departures catalysed by Pezzullo's appointment and the integration of the smaller agency into DIBP. At least two first assistant secretaries, including the chief lawyer, have also jumped ship along with at least two assistant secretaries. Vicki Parker is still listed online as the head of the legal division.

"They weren't willing to support the direction that the department was taking," one person with intimate knowledge of the situation said on condition of anonymity, a contention backed up by several other credible sources. The brain drain "is continuing to happen in quite serious numbers, and this is quite serious senior talent", according to the same source.

It is not known who is performing the key roles as the profound machinery-of-government change rumbles on — nor is the effect that such a dramatic loss of corporate knowledge and policy capability will have on the organisation that is set to emerge from its opaque chrysalis on July 1. One thing is certain: their skills are still needed, with the migration program running at full steam and being opened up more in certain visa categories under the Abbott government.

The department's media team was unable to answer these and other questions from The Mandarin around exactly which and how many senior executives have decided to leave, who is performing their jobs, and when the various websites will be updated, before deadline.

It is not hard to find privately expressed disenchantment with the integration process, the new mission of DIBP and its command-and-control leadership style. This includes a strict chain of command throughout the entire organisation, not just within its new paramilitary-style enforcement arm, Australian Border Force, which one well-placed observer noted was unnecessarily cumbersome.

"I think it's counterproductive and I think it's totally inappropriate for Immigration," they said. "It might work for a small element in the compliance field or in the border operations, but to suggest that this sort of command and control, and this sort of heavily regimented, heavily structured, quasi-military, quasi-law enforcement atmosphere is needed in an area where you're developing policy, where you're delivering programs, where you're interviewing people about their visas, is ridiculous."

Hawks, doves and a 'culture of fear'

The Mandarin has heard of a "culture of fear" now pervading Immigration, much more restricted flows of information, and unusual edicts such as to address certain staff members by formal titles rather than first names.

The introduction of fitness testing and drug and alcohol screening across the board is also raising eyebrows. A new integrity system that demands candid disclosures about the private lives of employees, over and above existing security clearances, has a lot of staff wondering why they enjoy less trust from their superiors than counterparts elsewhere in the Commonwealth. The business case for such efforts is unclear.

The difficulty of locating supporters for the way the structural changes are being implemented, the leadership style and organisational culture or the new border-focused policy doctrine does not mean it does not have supporters. The portfolio has long been populated with hawks and doves — which some call the "light side" and the "dark side". The hawks are now decisively taking over the nest, and pushing a lot of talent out.

Contributing to national security has always been part of the department's job, along with carefully managing the economic and social consequences of migration, but there is a strong view within DIBP that its strategic thinking now comes from a defensive state of mind.

Arja Keski-Nummi, a former first assistant secretary who headed up the humanitarian and international division of the department from 2007-2010, says she'd look for the nearest exit if she were still in the department. "It's a very big cultural shift," she told The Mandarin. Keski-Nummi says it began with settlement services for new migrants being moved into the Department of Social Services and the migrant English teaching program to Industry, changes that have also been criticised by former Immigration deputy secretary Peter Hughes.

“That,” she said, “I thought was really disturbing. You could see that the current government does not, I just think they just actually don’t get it, to tell you the truth — and that’s being kind — about where Immigration sits, say, for business, for education and so forth, all of those sorts of visa programs.

“What I’m seeing happening is — just recently there was a restructure, and they abolished the refugee division completely. And as one person put it to me, they just needed to get the terms ‘refugee’ or ‘humanitarian’ out of the top structure chart. That is, you cannot anywhere now in the organisational structure see those words, which is a big cultural shift. Yeah, abolish a division — divisions are always being abolished and changed and so forth — but to take out one core area of work and just it blend it into a migration-type division just says a lot about what is happening.”

Of course, that top structure and a full picture of the restructure is not public, which makes it difficult for academics like Keski-Nummi, a researcher at the Centre for Policy Development, and Hughes, a visiting public policy fellow at the Australian National University’s Crawford School, to contribute to any discussion.

“Morale is one part of it,” Keski-Nummi said. “The other is that when you take out such a large corporate memory, there are problems. Immigration is actually governed by a lot of rules and regulations; the legislation is very complex. And, from where I sit, an accident is waiting to happen ... and while it may not be a Vivian Solon or a Cornelia Rau, something will happen.”

She adds that while a large proportion of Immigration staff do not work in compliance and enforcement roles, the message from the boss seems to be that security is the department’s main focus. That, she says, is why talented senior staff whose skills are wanted in other agencies, despite the hiring freeze, are taking the opportunity to leave.

“And it’s not just the senior ranks,” said Keski-Nummi. “People are looking to leave right across the board because they don’t like the message they’re getting. It’s not what they joined the department to do.”

She believes that, in future, this or a different government may be advised to try to rebuild and refocus the department’s expertise in the complex, dynamic area of migration programs for students, business entry, permanent migration, family reunions and the refugee intake — “tiny” by comparison to the rest — and that rebuilding will take a long time.

“I see it as a really disruptive process,” she said. “It’s a sort of wrecking period, which is really sad. It’s like the end of a dream; the post-World War II dream of nation building, and cultural diversity. And instead, now it’s like we’ve got to fear migration; we’ve got to fear diversity, so we’ve got to fear [what are actually] our strengths.”

Tony Kevin, a former Australian ambassador and author of two books on asylum seeker policy, has written similarly at The Conversation of the “major recasting of traditional immigration and border security doctrines and institutions”:

“Pezzullo’s concept of borders as flexible spaces risks sanctioning illegal activities abroad by the Navy and other agencies to disrupt and forcibly turn back on-water asylum seekers.”

A merger a long time coming

The idea of merging Customs and Immigration into one agency has been one idea waiting for a government minister to take it up since shortly after the September 11 attacks, which expedited the creation of the United States Department of Homeland Security, a similarly security-focused chimera of customs, immigration and border security agencies. In 2010, a paper was prepared outlining a possible merger, but according to informed sources it was played down in briefs to Julia Gillard’s incoming minority government and put on the backburner.

During the second Gillard government, Immigration Minister Chris Bowen lost confidence in one of his deputy secretaries, Bob Correll, and sacked him. Correll was asked to leave within hours, and later re-emerged as chief of staff to former minister Scott Morrison (pictured above), who he advised to resurrect the Homeland Security-style merger idea.

According to one person who wished to remain anonymous: “Customs could never understand why we believed firmly in the rule of law, why we believed firmly in ensuring that all avenues of appeal and review were exhausted before a decision was made.”

The original proposal was drafted by Immigration, but according to our source: “Bob was very much of the ‘dark side’ within the Immigration portfolio. His dream had always been to merge Customs with Immigration and that’s what’s happened. What we now see within the Immigration portfolio is a massive desertion by senior people.”

In a speech to the Australian Strategic Policy Institute, Pezzullo gave the most detailed public explanation to date of the new department and its reimagined mission:

“The department will be responsible for immigration and citizenship; customs, including the operation of trade rules; the general system of Australia’s border controls to support law enforcement, counter-terrorism, quarantine and biosecurity, public health and community protection; and Australia’s offshore civil maritime security system. The new department will not necessarily be responsible for all relevant policy and legislative settings in these areas, but it will provide an integrated national capability to deliver border protection outcomes on behalf of a multitude of agencies, including at the state and territory level.”

He said the merger would help the department act on threatening people who “seek to penetrate borders”:

“They operate seamlessly and fluidly across administrative boundaries within the state, which represent potential gaps and seams, and points of vulnerability ... In bringing together the functions of Immigration and Customs, we are pursuing the same logic, but on a grander scale.”

In a more recent published speech on Australia Day, Pezzullo told staff that “the mission of mass migration that was set for us in 1945 is long accomplished and should be declared so”, but he also tried to assuage fears that border security had taken precedence over managing migration:

“On occasions, at times of heightened threat such as caused by terrorism or pandemics, we will need to act as the gatekeepers and as necessary man the ramparts and protect our borders. But the overwhelming and predominate role of the department will be to act as the open conduits of Australia’s engagement with the world around us, whether for the purposes of trade, travel, or migration — for time limited purposes or for tomorrow’s settlers.”

There remain serious doubts among some Immigration staff that those words will ring true.

<http://www.themandarin.com.au/21226-feathers-ruffled-hawks-take-immigration-nest/>

## 6. Alive and kicking with 18C on the mean streets of Darwin

“I’m fucking Australian!” Section 18C is alive and kicking on the mean streets of Darwin

“You’re a fucking Indian mate. Have a respect for our country ... speak English. It’s our country. Australia mate. White people. You’re not white.” “Mate you’re from fucking India. You’re from India mate. You’re not even fucking white. You’re boat people.”

Crikey  
Bob Gosford  
Feb 07, 2015 10:21PM

2am and Mitchell Street in downtown Darwin is not a good time and place to pick an argument with a titty bar bouncer.

But one morning a year ago Waqas Haider found himself standing on Mitchell Street with a handful of balloons facing an angry bouncer for the Honey Pot tits and arse “watch one of our showgirls, or pole acrobats or get a private show” bar at the grubby end of Mitchell Street in Darwin’s “entertainment” district.

What happened next is clear from the video that Mr Haider’s mate Ammad Naveed recorded on his phone. It is also clear that there was a “very vigorous” exchange between Mr Haider and at least one bouncer, including no shortage of the use of “fuck” and its variants by both sides.

But the spray from at least one of the bouncers was, as the Sunday Territorian reported in July 2014, aimed straight at Mr Haider’s race.

“You’re a fucking Indian mate. Have a respect for our country,’ he can be heard to say.

“Speak English.’

“It’s our country. Australia mate. White people.’ ...

“In the video, Mr Haider can be heard saying to the bouncer: ‘I’m fucking Australian.’ ...

“Mr Haider accused the bouncer of being a ‘fucking racist,’ to which the bouncer can be heard to say: ‘That’s right, we’re all fucking racists.’

“Go complain to the fucking government, they’ll kick you out.’

“A voice is heard to say: ‘Shut up you fucking gook.’”

The bouncer continued his abusive rant and challenged Mr Haider to produce his visa. He then approached Mr Haider and pushed him firmly in the chest. Shortly after this the police approached and the bouncer retreated into the Honey Pot. Mr Haider and his friend went home.

But Mr Haider wasn’t going to let the matter go and took his complaint to the NT Police, who told him that as it was civil matter they couldn’t assist.

Mr Haider then went to the Northern Territory Anti-Discrimination Commission, who were also unable to assist, because, as Anti-Discrimination Commissioner Sally Sievers told Ruby Jones of the ABC, there:

"... is a hole in the Northern Territory Anti-Discrimination Act that it doesn't cover racial vilification," she said.

"Every other state in Australia covers the issue of racial vilification."

In the Anti-Discrimination Commission's 2013-2014 Annual Report Commissioner Sievers explained that this "hole in the law" was unsatisfactory for a number of reasons:

Vilification often occurs online or outside formal relationships such as employer/employee; student/teacher.

Comments or actions are often between strangers and are impromptu. Comments can be highly offensive and emotionally charged.

Complainants often report feeling scared and unsafe in their community.

The absence of legislation in the Northern Territory means that affected individuals must lodge a complaint with the Australian Human Rights Commission in Sydney.

Mr Haider did make an application to the Australian Human Rights Commission, who investigated his complaint. That investigation was terminated when the bouncer told the Commission that he did not recall the incident.

The only avenue left for Mr Haider was to apply to the Federal Court, which he did. In early December 2014 Justice John Mansfield considered the application.

Mr Haider sought \$25,000 in compensation for emotional stress suffered during the incident, in particular his public embarrassment and severe emotional distress, medical expenses, loss of income and employment and loss of reputation. He also sought an apology from the bouncer or his employer, who the Court had found was vicariously liable.

Last Friday Justice Mansfield delivered his judgment, awarding Mr Haider \$9,000 in compensation for loss and damage and making a declaration that the owner of the Honey Pot Club, Hawaiian Punch Pty Ltd, committed unlawful discrimination by using language which was reasonably likely to offend, insult and intimidate by reason of race and ethnic origin, contrary to s. 18C(1) of the Racial Discrimination Act 1975.

Mr Haider represented himself before the Court. Neither Hawaiian Punch Pty Ltd or the bouncer with the failed memory appeared in Court.

*Mr Haider was born in Pakistan and has been an Australian citizen since 2013.*

[http://blogs.crikey.com.au/northern/2015/02/07/i'm-fucking-australian"-section-18c-is-alive-and-kicking-on-the-mean-streets-of-darwin/](http://blogs.crikey.com.au/northern/2015/02/07/i'm-fucking-australian)

## **7. MEDIA RELEASE: Pregnant refugee on Nauru attempts suicide**

PREGNANT REFUGEE ATTEMPTS SUICIDE ON NAURU - ONE MORE REASON TO CLOSE NAURU

Thursday 12 February 2015  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

An eight months pregnant Somali refugee attempted suicide by drowning last night (Wednesday night, 11 February) on Nauru.

The Somali refugee who lives with her husband in the Nibok area, made the suicide attempt around 10pm Nauru time.

The Somali woman was rescued by a returning fisherman and was transported to hospital.

She is still in the hospital under observation. But her present condition is not known.

"The suicide attempt is one more indication of the desperate circumstances facing asylum seekers and refugees on Nauru," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The Human Rights Commission report on children in detention documents the appalling conditions on Nauru. Like the other asylum seekers and refugees on Nauru, the Somali family is a victim of the government's offshore processing regime."

"Nauru will not allow refugees to permanently settle on the island, so there is permanent uncertainty for refugees and their children. That uncertainty is taking its toll."

One Nauruan refugee told the Refugee Action Coalition, "Like all of us, she is under too much pressure from Australian immigration. In our situation, this sort of reaction becomes natural."

For more information contact Ian Rintoul 0417 275 713

## **8. Peter Dutton links Sydney terrorism suspect to Labor's migration policies**

Immigration minister says one suspect arrested on Wednesday may have arrived with false documentation in 2009, when borders were 'fairly porous'

The Guardian  
Australian Associated Press  
Thursday 12 February 2015 08.19 AEST

Immigration minister Peter Dutton has asked for an urgent review following suggestions one of two Sydney terrorism suspects may have entered Australia with false documentation.

Omar Al-Kutobi, 24, and Mohammad Kiad, 25, were allegedly about to kill or harm a member of the public with a knife as part of a terrorist attack but were arrested on Tuesday afternoon at a property in western Sydney.

Dutton says he's been advised one of the suspects might have flown to Australia with false documentation in 2009.

He said about 50,000 people also arrived on boats around that time, under the previous Labor government, hampering intelligence agencies' ability to check every person thoroughly.

"It is a difficult situation, particularly that period of time, for the intelligence agencies," he told the Nine Network on Thursday.

"I've asked for an urgent review, in relation to all the facts in relation to this case, so that we can learn lessons."

"Borders, at that stage, were fairly porous in Australia, with boats just coming every day.

"If the system is being overwhelmed by tens of thousands of people coming by boat, it doesn't matter if they come by boat or plane, it's pretty hard for the security agencies to conduct the thorough searches they need to conduct."

The men appeared before Fairfield local court on Wednesday and didn't apply for bail, which was formally refused.

They were due to appear at central local court on Thursday via audio visual link.

<http://www.theguardian.com/australia-news/2015/feb/12/peter-dutton-links-sydney-terrorism-suspect-labor-migration-policy>

## **9. Tony Abbott urges more care in screening asylum seekers**

Tony Abbott urges more care in screening asylum seekers as men face court over alleged terror plot

ABC Radio CAF - AM  
By Michael Edwards and David Spicer  
First posted Thu 12 Feb 2015, 4:48am  
Updated Thu 12 Feb 2015, 9:11am

Immigration authorities must be more careful when screening asylum seekers, Prime Minister Tony Abbott says, as two men prepare to face court in Sydney accused of planning a terrorist act.

Omar Al-Kutobi, 24, and Mohammad Kiad, 25, are accused of plotting an imminent terrorist act.

The men were arrested during a raid on a converted garage in the back yard of a house in Fairfield, in Sydney's west, on Tuesday.

Police alleged that during the raid they found a machete, a hunting knife, an Islamic State (IS) flag and a video with a recorded message in Arabic in which a man allegedly talked about carrying out an attack.

The Immigration Department is doing an urgent review of the two men, and Immigration Minister Peter Dutton said one was suspected of coming to Australia with false documentation.

Speaking on Fairfax Radio, Mr Abbott said authorities need to be confident people are seeking residency in Australia for the right reasons.

"We need to be much more conscious of our border security, what it says is that we need to be much more careful about giving people the benefit of the doubt," he said.

Appearing on Channel Nine this morning, Mr Dutton was asked about reports that one of the men entered Australia illegally.

"The initial advice to me allegedly one of the suspects may have come to Australia with some false documentation," he said.

"At that stage, bearing in mind it was in 2009... over that long period about 50,000 people came on 800 boats.

"It was a difficult time for our intelligence agencies."

Mr Abbott visited the Australian Federal Police headquarters to discuss the broader terror threat and congratulate police on their efforts.

"It's absolutely vital that we maintain our vigilance because, obviously, there is a different kind of terror threat today to the one that we faced just a few years ago," Mr Abbott said.

"It is, it seems, a metastasising threat and the vigilance of our agencies at all levels is more important than ever."

### ***Court appearance delayed due to power outage***

The two men were expected to appear via video link in court today, but their appearances were delayed due to a CBD power outage.

Their case was due to be heard in Fairfield Local Court yesterday but was adjourned to Sydney's Central Local Court today because of security issues and the nature of the charges.

Police said they had received a tip-off that the men were planning an attack on Tuesday morning.

Investigators said it was unclear who the men were allegedly planning to kill and have refused to confirm reports that a police officer was a target.

"The type of act that we will allege that was going to be undertaken is consistent with the messaging coming out of IS," NSW Deputy Police Commissioner Catherine Burn said yesterday.

Kiad is originally from Kuwait and Kutobi moved to Australia from Iraq in 2009. Both had been working as removalists.

### ***Experts say men could be Islamic State 'lone wolves'***

Dozens of Australians are in Syria and Iraq fighting with IS.

IS has a sophisticated online presence and one of its key messages is for its followers to carry out "lone wolf" attacks in their home countries.

Australian National University terrorism expert Dr Clarke Jones said the men could be lone wolves, allegedly acting on behalf of IS rather than directly under its control.

"The larger the contact network, the easier it is for police to detect, so this is why these lone wolf actors that are acting on their own or with somebody else, become really difficult to try and do anything about," he said.

Nick O'Brien, a security expert at Charles Sturt University who worked in counterterrorism at Scotland Yard, said it is inevitable more lone wolf attacks will succeed.

"Inevitably some of these attacks are going to be stopped by the security agencies like the Australian Security Intelligence Organisation (ASIO) and the police, but it's also inevitable that some are going to get through," he said.

<http://www.abc.net.au/news/2015-02-12/men-charged-with-planning-terrorist-act-to-face-court/6087256>

## **10. Ricky Muir raises concerns about children in detention after Senate deal**

Muir, who helped pass an asylum seeker bill in exchange for children being released into the community, says he has concerns about the deal's progress

The Guardian  
Shalailah Medhora

Wednesday 11 February 2015 07.30 AEST

Crossbench senator Ricky Muir, whose vote was critical in passing a controversial asylum bill late last year, has told Guardian Australia he has concerns about the process of key measures of the legislation.

The resolving the asylum caseload legacy bill passed the Senate by just one vote before Parliament rose for the Christmas break.

The omnibus legislation reintroduces temporary protection visas, changes Australia's definition of who is eligible for refugee status and reduces the legal pathways of review once a negative determination has been made.

Then immigration minister Scott Morrison offered a number of concessions to persuade senators who were on the fence, including the Motoring Enthusiast party's Muir, to support the legislation.

The sweeteners included the promise of work rights for bridging visa holders, and the removal of children from Christmas Island detention centre by Christmas.

All minors had been transferred from Christmas Island by 20 December. Some were released, while others were moved into detention on the Australian mainland.

Assistant immigration minister Michaelia Cash admitted during Senate question time on Tuesday that three children remain in Darwin's Bladin centre.

Muir's office told Guardian Australia that the senator had pressed for an answer to that question in the past, but had received no answer from either Cash or the new immigration minister, Peter Dutton. "He is concerned about the children in detention," a spokesman said.

Muir is also frustrated at the lack of progress on another one of Morrison's proposals – the granting of work rights to 28,000 refugees on bridging visas.

Cash said in question time less than a fifth of the total number had been issued. "I can advise you that 5,400 IMAs [illegal maritime arrivals] have now been granted bridging visas with work rights."

A spokesman for Muir said the senator would be following up the progress of the bridging visas with Dutton and Cash.

The Greens want the process expedited. "The new immigration minister should commit to honouring the deal the crossbench senators thought they were signing up to," senator Sarah Hanson-Young said.

"He could give work rights to all bridging visa holders immediately, but the Coalition's obsession with refugee cruelty means it may never happen."

Refugee advocates claim that the immigration minister must individually sign off on each visa, causing the delay.

But a spokesman for Cash said that was not the case, and that the proper process and procedure for granting bridging visas must be followed.

Serina McDuff from the Asylum Seeker Resource Centre said that "the government can't hide behind procedural reasons" when it comes to granting work rights.

A spokesman for Dutton said he expected 280 more visas to be granted in the coming days.

"Labor and the Greens opened the floodgates to tens of thousands of illegal arrivals and then left them languishing in the community without work rights. They compounded their failure by refusing to support the Coalition's temporary protection visa legislation in 2013 which would have started the process of granting work rights a year ago," the spokesman told Guardian Australia.

"The foresight of the crossbenchers in passing the TPV legislation in December 2014 has enabled more than 5,400 IMAs from Labor's legacy caseload to be granted bridging visas with work rights since then."

"The minister and Department of Immigration and Border Protection are continuing to work to grant all IMA [bridging visa] holders work rights."

<http://www.theguardian.com/australia-news/2015/feb/11/ricky-muir-raises-concerns-about-children-in-detention-after-senate-deal>

## **11. Maribyrnong detention centre: 'They just kept pushing down'**

Brisbane Times

February 14, 2015 - 9:10AM  
Nick Toscano and Beau Donnelly

Shirtless and barefoot, Mustafa Bektas sits on a low bench with his back against the wall. Five guards and a senior operations manager surround him in the cell. Two of them restrain his arms.

Security footage from the detention centre in Melbourne's west shows the burly Turkish detainee being overpowered and pinned to the floor. He said Serco officers tied him up with three sets of handcuffs behind his back and he was forced down on his stomach, gasping for air.

"[My] breathing was getting slower ... they just kept pushing down and down. One was pushing my head down towards the ground," he said, speaking through a translator.

"One of the handcuffs were too tight ... I was in pain. All I want is water. I kept saying that. All I want is water. One of the six of them went to get water, but the manager turned around and said 'no, don't give him water'."

Bektas said he had been acting out that day, agitated because of a painful skin condition. He had repeatedly punched the cell wall and screamed to the guards outside. But officers' heavy-handed response was excessive, he said. The detainee's claims, which Serco officers have also recounted, are now being probed by the Commonwealth Ombudsman.

Detention centre violence usually evokes images of riots and chaos on offshore camps such as Manus Island, but the hostility appears to have reached Melbourne too.

Just weeks after Bektas was allegedly subjected to excessive force at the western suburbs detention centre, another detainee reported being kicked in the stomach by a guard.

The Chinese woman, who is believed to have a mental illness, became upset and angry because she could not leave a secure area. According to internal documents, she threw a computer monitor on the floor and smashed a microwave when told by a guard she had to stay in Zone B one night in late January.

Witnesses interviewed by Serco said the woman kicked and punched the officer. One said she then saw the officer raise his leg and kick the woman hard in the stomach. The report also said problems with the camera system prevented CCTV footage from the room and corridor from being reviewed.

"[The detainee] said that the officer was standing by the door and was backing her," the report said. "She said she touched the officer very softly on the back, to which the officer allegedly raised his back foot and kicked her very hard on the stomach area."

Photographs obtained by Fairfax Media show the woman lifting her T-shirt emblazoned with the Australian flag and the word "Melbourne" to reveal severe bruising on the right side of her abdomen. The woman was offered pain medication after complaining of discomfort when she swallowed following the alleged attack.

In a letter to the woman last month, Serco said the matter warranted further investigation and would be referred to human resources. Serco said it took the allegations "very seriously" but told her not to expect to hear anything further about the complaint "due to Fair Work and Privacy Act requirements".

A third case involving a detainee who was attacked led to two guards being sacked. The detainee, a Sri Lankan man, reported he was pushed and punched in the face by the officer. Serco apologised to the detainee last month, saying it does not condone staff acting inappropriately or illegally.

<http://www.brisbanetimes.com.au/victoria/maribyrnong-detention-centre-they-just-kept-pushing-down-20150213-13e5t7.html>

## **12. Maribyrnong detention centre: Growing 'culture of excessive force'**

Brisbane Times  
February 14, 2015 - 9:13AM  
Nick Toscano and Beau Donnelly

Government-contracted security officers have been investigated over a string of attacks on detainees inside Victoria's main immigration detention centre, with two guards recently sacked for serious misconduct.

Officers say the violent clashes reflect a growing "culture of excessive force" at the Maribyrnong Immigration Detention Centre in Melbourne's west, which is run on behalf of the federal government by private security firm Serco.

Confidential documents obtained by Fairfax Media reveal at least three reported cases of detainees being assaulted and injured by guards in December and January alone.

The Commonwealth Ombudsman has launched an investigation into allegations several officers harmed a detainee, who was handcuffed behind his back and held down on his stomach for 45 minutes. The Turkish national said he struggled to breathe and was denied repeated requests for water.

Serco also confirmed it has sacked two officers over an assault on a Sri Lankan detainee, who was pushed and punched in the face in December. Another reported attack, investigated internally, involved a middle-aged Chinese woman allegedly being kicked in the stomach by a guard.

The incidents are the latest to spark scrutiny of Serco, which runs several detention centres in Australia and offshore. The company has previously come under fire over its handling of riots, overcrowding and suicide attempts at the Christmas Island detention centre.

Dozens of complaints have been lodged by inmates at the Maribyrnong detention centre in recent years, mostly about staff harassment and bullying. But insiders say the recent allegations of brutality shows the centre was being run like a "prison camp".

Serco officers based at Maribyrnong have told Fairfax Media a more aggressive attitude towards detainees has filtered down in recent from new centre managers, and there had been "repeated assaults on detainees".

"We have got detainees who are being literally bashed ... viciously assaulted," one officer said. "If this sort of thing happened six or 12 months ago people would not only be sacked but even charged with an offence.

Another said senior staff condoned the use of excessive force against detainees. "Managers are quite happy to use handcuffs behind people's backs and push them down on their stomachs. Even under the Howard government, we had a lot of power but we didn't use this kind of force."

Pamela Curr, of the Asylum Seeker Resource Centre, said the Maribyrnong centre had begun housing more detainees whose visas had been cancelled alongside asylum seekers.

She said Serco had transferred a number of "hard-line" managers out of the prison system into the centre late last year and had adopted a more aggressive approach over concerns about smuggled drugs.

"Ex-prison guards have a very different culture and mentality to officers who have been trained to guard asylum seekers," she said. "People inside Maribyrnong are saying it is treated like a prison and is a very hard place to be."

An Immigration Department spokeswoman said it investigated all claims of staff misconduct and was co-operating with the ombudsman's probe into allegations excessive force was used against a detainee.

"The department expects Serco to take suitable disciplinary action against staff who have been proven to have acted inappropriately," she said. "The department takes its duty of care to detainees very seriously and works closely with Serco to ensure standards are met."

Serco said in a statement its own investigations had found "no evidence ... to substantiate allegations of misconduct" in two incidents, but a third inquiry resulted in dismissals.

"Our officers are trained to de-escalate incidents where individuals become aggressive, and only to use approved control and restraint techniques as a last resort," the statement said.

Liberty Victoria president George Georgiou, SC, said force used against detainees must be reasonable and proportionate.

"I can only see those circumstances being where an officer needs to defend themselves, another officer, or to protect another person," he said.

"I couldn't see that there would ever be a situation where someone needs to be handcuffed for a prolonged period, where someone would need to be kicked."

Mr Georgiou raised concerns about the process of internal investigations and said people who made complaints in detention should be kept informed. "Many bodies do conduct internal investigations but where alleged criminal offences are involved or where a person's human rights are involved there should be an independent investigation. That process should be open, it should not be done in secret."

<http://www.brisbanetimes.com.au/victoria/maribyrnong-detention-centre-growing-culture-of-excessive-force-20150213-13e22f.html>

### **13. Salvos neglect young Nauru, Manus staff suffering PTSD**

Young and untrained, they were sent to work in detention centres. They saw atrocity and were harassed, returning disturbed and uncared for.

The Saturday Paper  
Chris Shearer  
Feb 14, 2015

The first thing Nicole Judge noticed when she arrived on Nauru was the poster on the wall. It described the procedure for using a specialist Hoffman knife, with a hook-like blade designed to quickly cut down someone trying to hang themselves.

"I will always remember that," Nicole says, "because that's when it first started to dawn on me that it wasn't like a fun holiday."

A few days earlier Nicole was a psychology student and salesperson at JB Hi-Fi. It was through a Facebook ad shared by one of her university friends that she became aware the Salvation Army was looking for young people to work on Nauru.

"It looked really cool," she says of the Salvation Army advertisement. "They said on the ad, 'Come to Nauru, work with asylum seekers, meals paid for, accommodation paid for, bring your friends', pretty much."

Nicole called the number provided and spoke to an enthusiastic Salvation Army representative. She remembers the process as being very informal; she felt like she was the one doing the interviewing. The person on the phone didn't ask about her experience. They asked if she could leave the next day and whether she had any other friends who could come.

She called Chris Iacono and another friend and told them about the two-week paid adventure. Both applied. All three were readily accepted. Nicole received an email from the Salvation Army representative, which included the line, "YAY YOU'RE GOING TO NAURU!!!"

Nicole was 22 when she joined the second Salvation Army team to arrive at the then recently reopened Nauru refugee processing centre. Looking back, she didn't really know what an asylum seeker was. But the tenor of her early exchanges was clear. "You can kind of get the idea that it was being told to us it was going to be fun."

Full story at <http://www.thesaturdaypaper.com.au/2015/02/14/salvos-neglect-young-nauru-manus-staff-suffering-ptsd/14238324001499>

## 14. High Court orders Immigration Minister grant Pakistani man protection visa

ABC News Online  
By Elizabeth Byrne  
First posted Wed 11 Feb 2015, 8:33am  
Updated Wed 11 Feb 2015, 9:50am

The Chief Justice of the High Court has taken the unusual step of issuing an order commanding the Immigration Minister to grant a permanent protection visa to a Pakistani refugee.

It is the second time the man has sought help from the High Court.

He arrived at Christmas Island in 2012 and was eventually given refugee status.

But he was denied a protection visa due to regulations capping the number of visas granted.

Under the law, once refugee status has been determined, the Immigration Minister has 90 days to issue a protection visa.

Former Immigration Minister Scott Morrison capped the number of protection visas granted in the financial year after the Senate blocked the Government's re-introduction of temporary protection visas.

However in June 2014, the High Court found the Minister did not have the power to limit the number of visas because of the time limit.

The court ruled the regulations capping visa numbers invalid and ordered the Government to reconsider the man's application.

But when that happened he was again refused a visa by Mr Morrison, as it was deemed not to be "in the national interest" because he was an unauthorised maritime arrival.

The plaintiff challenged the use of the "national interest" test and asked for orders directing the Minister to grant him a visa.

He also alleged that changes made to the Migration Act late last year did not affect his right to a visa.

Today the court unanimously found the decision made by Mr Morrison to refuse the visa was illegal, and ordered the current Minister to grant it.

The court found that as an asylum seeker the man was entitled to a visa under the Migration Act, and the Minister could not refuse his application because he was an unauthorised maritime arrival.

It also held that the amendments to the act did not affect the man's right to obtain a permanent protection visa, and that it was not necessary to address the validity of the "national interest" criterion.

<http://www.abc.net.au/news/2015-02-11/high-court-orders-pakistani-man-visa/6085360>

## 15. Scott Morrison loses High Court case against a refugee

The Age  
February 11, 2015 - 11:17AM  
Sarah Whyte

Former immigration minister Scott Morrison's decision to refuse a Pakistani refugee a protection visa on a "national interest" basis has failed in the High Court.

The court has unanimously found that the man, who arrived by boat on Christmas Island in 2012, be granted a permanent protection visa, which had been previously refused by a delegate of the Minister.

Mr Morrison had argued that because the man had arrived by boat as an "unauthorised maritime arrival" then it was in the national interest that he not be given a visa.

But the High Court argued that this decision was not made according to law and that the then minister could not refuse a visa solely based on the fact that the man had arrived in Australia by boat.

In September 2012, then immigration minister Labor's Chris Bowen permitted the man to make a valid application for a permanent protection visa.

According to the court documents, he made the application, which was then refused by a delegate of the minister. The plaintiff sought a review of that decision by the Refugee Review Tribunal.

It was here that the man was found to be a refugee by the tribunal. But Mr Bowen did not decide on the case, the documents say.

It was not until June 2014 that the High Court found the minister, now the Coalition's Mr Morrison, should "consider and determine" the man's application for a permanent protection visa according to law.

But Mr Morrison refused, saying it was in the national interest that the man did not receive a visa.

He has also announced that his decision to deny visas in "the national interest" cannot be reviewed by the tribunal.

Current Immigration Minister Peter Dutton has been contacted for comment.

Greens immigration spokeswoman Sarah Hanson-Young said Mr Morrison should have recognised Australia's international obligations and granted this man a protection visa when he was found to be a refugee.

"The immigration minister is not above the law, despite his consistent efforts to undermine the Parliament and the High Court," she said.

"This man is a refugee, he came to Australia asking for help and it's only after being dragged through the courts that the government will recognise its duty and offer him protection."

In July last year, Mr Morrison said he would refuse all permanent protection visas based on a "national interest" test. The reasons for refusing a visa include not "rewarding" those who arrive "illegally" with the same permanent visa outcomes that are available to those who "who abide by Australia's visa requirements".

In a statement to those seeking refugee status at the time, Mr Morrison wrote: "If you have been found to engage Australia's protection obligations and have met health, security and character checks, but the Minister has found that it is not in the national interest to grant you a permanent protection visa, you are not subject to removal from Australia.

"The department will contact you about a temporary stay in Australia. If you live in the community with a valid bridging visa, you must receive an offer for a temporary stay and you must have accepted that offer, before a visa can be granted to you.

"If you are in detention, including community detention, the minister may decide to grant you a visa and no offer or acceptance is required."

## 16. Scott Morrison's denial of refugee visa unlawful, high court finds

Scott Morrison's denial of visa to refugee from Pakistan unlawful, high court finds

High court justices unanimously rule that basis of refusal – that he arrived by boat – was not legally valid and he must be granted a permanent protection visa

The Guardian

Ben Doherty

Wednesday 11 February 2015 13.33 AEST

The high court has ordered the immigration minister to grant a Pakistani refugee a permanent protection visa after three years in immigration detention and sustained government efforts to refuse him.

The government has promised the man a permanent visa within a week.

The high court unanimously ruled that former immigration minister Scott Morrison's decision to refuse the man a visa was unlawful.

The minister denied the visa simply because the man arrived by boat. The immigration department had found he had a genuine fear of persecution and Australia was legally obliged to protect him.

The Pakistani man arrived on Christmas Island by boat in May 2012. A member of the Hazara ethnic minority and a Shia Muslim, the man faced, the high court said, "a real chance of being seriously harmed or killed by extremist groups if he was returned to Pakistan".

The man was initially permitted to apply for a visa by Labor immigration minister, Chris Bowen. His application was rejected. However, on appeal to the Refugee Review Tribunal, he was found to be a refugee requiring protection.

But the man was then denied a visa because the minister, by then the Coalition's Morrison, unilaterally capped the number of visas to be issued.

The high court ruled that action invalid.

The minister then denied him a visa on grounds it would not serve the "national interest" to grant him protection, because he arrived by boat. The court ruled that while the government's policy was that no unauthorised maritime arrival should be granted a visa to stay in Australia, the law required the minister to grant the visa within 90 days.

The minister's efforts to "prolong the plaintiff's detention" by simply refusing to grant the visa were unlawful too.

"The court found ... the minister could not refuse an application for a visa only because the applicant was an unauthorised maritime arrival."

Chief Justice Robert French "made an order commanding the minister to grant the plaintiff a permanent protection visa".

The current immigration minister, Peter Dutton, acknowledged the high court's judgment and said a permanent protection visa would be issued within seven days.

"The Department of Immigration and Border Protection is looking into the implications of the decision, but they appear to be limited," a spokesman said.

"This decision doesn't affect the government's policy that illegal maritime arrivals will not be granted permanent protection visas."

The Greens senator Sarah Hanson-Young said the government's actions showed its "arrogance" in dealing with asylum seekers and refugees.

"The immigration minister is not above the law, despite his consistent efforts to undermine the parliament and the high court," she said.

"This man is a refugee, he came to Australia asking for help and it's only after being dragged through the courts that the government will recognise its duty and offer him protection.

"There was no need for this. It was only the government's own hubris that brought them to this loss."

The executive director of the Refugee and Immigration Legal Centre, David Manne, welcomed the decision, saying the high court had ruled unanimously that the government had acted unlawfully in denying a person found to be a refugee protection, simply because he had arrived by boat.

“We are carefully studying the potential implications of the ruling for other refugees who arrived by boat, but who were refused a permanent protection visa because of their method of arrival.”

A spokesman for the Human Rights Law Centre, Daniel Webb, said the high court ruling was significant in setting limits to ministerial power.

“Being a boat arrival already triggers a range of severe legal consequences under the Migration Act. The high court has said it was not for the immigration minister to unilaterally attach more under the guise of ‘the national interest’,” Webb said.

The government has been ordered to pay costs.

<http://www.theguardian.com/australia-news/2015/feb/11/scott-morrison-denial-of-visa-to-refugee-from-pakistan-unlawful-high-court-finds>

## **17. Bill boosting powers to deny citizenship may breach international law**

Move to expand immigration minister’s options limits the right to a fair trial and the right to freedom of movement, joint committee finds

The Guardian  
Shalailah Medhora  
Wednesday 11 February 2015 19.02 AEST

A bill on widening the grounds on which someone’s citizenship can be revoked is in danger of breaching international law, a bipartisan committee has said.

The joint human rights committee, which scrutinises the compatibility of Australian bills with international law, released a report late on Tuesday looking at the citizenship legislation.

The bill has already passed the House of Representatives, and is being considered by a separate Senate committee.

It seeks to expand the immigration minister’s powers to revoke or deny citizenship.

Revocation or denial of citizenship can apply to people who do not meet a good character test, anyone who has been convicted or implicated in a crime, people who have sought treatment for drug addiction or residential programs for mental illness, and anyone who became a citizen through fraud or misrepresentation.

A number of the clauses in the bill relate to children. The bill seeks to limit instances in which children can automatically become citizens when they were born in Australia. It also prohibits citizenship for children whose parents or caregivers have obtained their citizenship via fraud or misrepresentation.

The rights of children are particularly at risk of being limited by this bill, the report found.

“The committee ... considers that the proposed discretionary power to revoke Australian citizenship without a court finding limits the obligation to consider the best interests of the child,” the bipartisan report said.

The bill gives the power to the immigration minister to revoke or deny citizenship without oversight from the Administrative Appeals Tribunal.

The human rights committee found that the bill limited rights in seven separate areas of international law, including the right to a fair trial and the right to freedom of movement.

The clause in the bill that states people who have previously been mandated to undertake residential programs for mental illness could be barred from becoming Australian impinged on international anti-discrimination laws, the report found.

“The committee agrees that the measure engages and limits the right to equality and non-discrimination,” the report said.

The report will go to the immigration minister, Peter Dutton, who must reply to its concerns with justifications for imposing limitations on international rights.

The committee will then issue another report stating whether or not it is satisfied with the minister’s justifications.

Impinging on international law standards does not stop domestic Australian law from coming into effect.

"The committee has essentially asked the minister for more advice," Labor's Michelle Rowland said. "We're really at the first step here."

Labor expressed concerns about the fast passage of the citizenship bill when it appeared before the lower house, but said it would consider how it votes on the bill in the Senate once the Senate committee has made its recommendations.

"The joint parliamentary committee actively engages with ministers on legislation which ensures there is an effective dialogue that ensures a proper appreciation of the recognition of international human rights obligations in our domestic law," the committee chair, Liberal party senator Dean Smith, said.

<http://www.theguardian.com/australia-news/2015/feb/11/bill-boosting-powers-to-deny-citizenship-may-breach-international-law>

## **18. Darwin hunger-striker claims Immigration says 'we don't care if you die'**

Hunger-striking asylum seeker in Darwin claims Immigration official said 'we don't care if you die'

ABC News Online

By Joanna Crothers

First posted Wed 11 Feb 2015, 1:57pm Wed 11 Feb 2015, 1:57pm

Updated Wed 11 Feb 2015, 1:58pm Wed 11 Feb 2015, 1:58pm

An official at the Department of Immigration and Border Protection told a group of hunger strikers at Darwin's Wickham Point Detention Centre that he did not care if they died, an asylum seeker has claimed.

A group of 15 asylum seekers started a hunger strike on January 15 after being told their visas were no longer valid and that they would be forcibly returned to their home countries.

An Iranian man who did not wish to be named said on Thursday they had a meeting with the department's northern regional manager, Robin Gray, to try and get their cases reopened.

"He [Mr Gray] said 'I have one message to give to you. We don't care about your hunger strike'.

"We have one policy. Even if you die here, we don't care'.

"This is our policy and we will not change our policy'," the asylum seeker said, in an account disputed by Australian authorities.

The man said he told immigration authorities that his case was not finalised and there was new evidence.

"They say 'we don't care. You are going back to your home country or we will take you by force'," he said.

The man said federal and state police came into his home in August last year after his bridging visa expired.

"It was a very, very bad situation, they were shouting at us," he said.

"They were very rude. I was crying when they came."

He said he was taken to Villawood detention centre and then transferred to Wickham Point.

He had called the Department to explain he had new information about his circumstances back home, but he was not able to speak with anyone, he said.

"So this is six months we're here. No-one is answering our questions."

Ian Rintoul from the Refugee Action Coalition in Darwin said the meeting between the 15 Darwin hunger strikers and Mr Gray ended in dismay.

Mr Rintoul said meeting the regional manager had been one of the demands since the hunger strike began 26 days ago.

According to reports given to him by asylum seekers, Mr Gray dismissed the hunger strikers' concerns in minutes and refused to take questions or have any discussion, Mr Rintoul said.

The man the ABC spoke with said one of the men on hunger strike was taken to hospital for self harm.

"We have lost so many kilos. Everyday they try and make us eat. They torment us every day, mentally. We don't want to eat."

The ABC requested an interview with Mr Gray, but were instead given a statement saying that the department disputed the asylum seeker's version of events.

"All Departmental staff and service providers are obligated to treat detainees with respect and dignity at all times," the statement said.

"A wide range of food and fluids are provided and offered to detainees, including to those who may be engaging in food and fluid refusal," it said.

The department confirmed a small number of people at the detention centres were refusing food and fluids, but said it was not appropriate to provide further details of protests.

"The department takes advice on health issues from its health services provider," it said.

<http://www.abc.net.au/news/2015-02-11/immigration-official-didnt-care-if-we-died-asylum-seeker-says/6086092>

## **19. Manus asylum seekers write letter to Russell Brand thanking him for support**

Letter sent by men from Foxtrot compound thanks comedian for publicity given to their plight and condemns conditions at the detention centre

The Guardian  
Ben Doherty  
Tuesday 10 February 2015 11.22 AEST

LINK: Russell Brand video: <https://www.youtube.com/watch?v=9W4w7D8f5bw>

Asylum seekers incarcerated on Manus Island have written to thank Russell Brand for his online screed condemning Australia's offshore detention policies.

"Please accept our heartfelt thank you for your efforts and publicity given to our plight," the men of Foxtrot compound wrote.

The British comedian and political iconoclast posted an eight-minute video on The Trews website last week, lambasting the Australian government's "racist and ideological ... policy" towards asylum seekers.

"Stop the boats. What boats? All boats? No, just boats with poor people on them," Brand says in his monologue.

He rhetorically asks the prime minister, Tony Abbott: "Tony, why are there even white people in Australia? How did white people get to Australia?"

In the video, watched more than 150,000 times in four days, Brand argues that profit-shifting to tax havens by global corporations should be stopped, with the money raised spent assisting the world's refugees.

"We should be closing the doors for corporations who already have wealth and affluence and opening the doors to the needy."

Despite restricted access to the internet and to phones, the 1,035 men detained on Manus are avid consumers of Australian and international news, and a large majority have reportedly watched the video.

Their reply was written in Foxtrot compound on Tuesday. Handwritten in neat copperplate script, the letter from the asylum seekers is florid, even effusive, in its appreciation.

"We are writing from Foxtrot Compound inside the Manus Island offshore detention centre. Thank you for remembering us. Our voices are weak and nobody with any power listens to our friends and advocates. So for you to speak about us to such a wide audience is unique and heart-warming to us. Thank you so much."

The missive condemns conditions in the Manus Island detention centre. Consistent reporting from media organisations, staff working on the island, international lawyers, and human rights organisations, has highlighted the problems that have beset the centre since it was re-opened, under the Gillard Labor government, in November 2012.

Violence, rape and sexual assault are commonplace according to staff on the island, detainees have been given expired medicine and out-of-date food, and "non-compliant" detainees are regularly sent to solitary confinement in Chauka, the secret isolation unit.

"Manus cannot even be compared with a strict military camp because so many of the basic human facilities found in military camps are unavailable to us on Manus. This is supposed to be a processing centre but it is in fact a harsh prison, set in a remote and dangerous location, out of sight of the Australia[n] people whose government sent us here," the asylum seekers' letter says.

The letter mentions the two deaths of Manus detainees last year – Reza Berati, who was beaten to death in a riot, and Hamid Kehazaei, who died of an infection in his leg – as well as the recent fortnight-long hunger strike.

“During the recent hunger strike protest carried out within Foxtrot compound our community leaders made every effort to keep our protest peaceful and we achieved this goal because the officials promised us that if we remain peaceful then our compound would remain free of the threatening, forceful interventions which at the time were imminent to other compounds.

“Foxtrot kept its part of the bargain. The officers did not. Fifteen of our leaders were forcefully removed and set [to] Lorengau prison to join the other 61 men [that] had already been sent to this prison. Up until today – 9 February 2015 – none have been returned to our compound.”

Communications have been heavily restricted in the Manus detention centre since the protest. Security officers have conducted regular sweeps of the camp compounds, seizing mobile phones and other personal property.

This would appear to be in contravention of camp manager Transfield’s stated policy, which guarantees detainees would “be able to communicate freely with family, friends, diplomatic or consular representatives, and other representatives”.

The men held on Manus Island are habitual letter writers. They have written to the Australian prime minister and to specific senators holding the balance of power, as well as to the US president, the New Zealand and Canadian governments and the United Nations.

<http://www.theguardian.com/australia-news/2015/feb/10/manus-asylum-seekers-write-letter-to-russell-brand-thanking-him-for-support>

## **20. Police unit guarding Manus upgrades accommodation unauthorised**

Police unit guarding Manus Island detention centre moves to more expensive hotel owned by ex-police commissioner's brother

ABC Radio CAF - AM

By Papua New Guinea correspondent Liam Cochrane

Posted Fri 13 Feb 2015, 4:02am Fri 13 Feb 2015, 4:02am

The Australian Government is refusing to pay the hotel bill for a Papua New Guinea police unit guarding the Manus Island detention centre after it moved to more expensive accommodation owned by the brother of a former police commissioner.

The paramilitary style mobile squad provides back up for private security guards at the Regional Processing Centre.

The unit had been staying at the Harbourside Hotel at a rate of \$128 a night, but on January 25 moved to the nearby Seeadler Bay Hotel, where a converted shipping container costs \$310 a night.

Seeadler Bay Hotel is owned by Sam Tasion, the brother of former police commissioner David Tasion.

The order to move hotels came from current commissioner Geoffrey Vaki and was not approved by PNG Immigration.

"I saw a letter from the police commissioner saying he preferred Seeadler hotel because it is at a central location," said a source on Manus Island familiar with the issue, calling the decision "bullshit".

Both hotels are centrally located in the provincial capital, about 20 kilometres from the detention centre.

The Harbourside Hotel is approximately 500 metres closer to Lorengau town's market, ATM and trade store than the Seeadler Bay Hotel.

"The agreement with the Australian Government was for them to stay at the Harbourside," said the source, who spoke on condition of anonymity due to the possible repercussions from police.

"All of a sudden they are moved to Seeadler - business politics I suppose."

At the time of the move, Seeadler Bay Hotel was the only place on the island selling beer, due to community alcohol restrictions and supply problems at other licensed premises.

The Royal Papua New Guinea Constabulary did not respond to requests for comment.

### ***Australia spent \$4.5 million to refurbish Harbourside Hotel***

The Australian Government has been paying the operational costs of the police mobile squad deployed on Manus Island, as part of the Regional Resettlement Agreement it signed with Papua New Guinea in 2013.

The police decision to change accommodation comes despite Australia spending \$4.5 million to refurbish the Harbourside Hotel for police and construction workers, adding 18 air-conditioned four-bed rooms, a commercial kitchen and a new generator.

The mobile squad guards the detention centre and more recently the Manus Island provincial jail, where some asylum seekers who are considered "troublemakers" are being held without charge.

Mobile squad officers are often armed with assault rifles and tear gas guns, and have a reputation for brutality.

They act as private mini-armies for rent at logging camps and mining sites across PNG.

"Members of PNG's notorious paramilitary police units (mobile squads), detention centre staff and local residents were implicated in excessive use of force in quelling a protest in February 2014," Human Rights Watch said in their 2014 report on PNG.

During the February 2014 riots, the mobile squad were the only ones with firearms and were reported to have shot indiscriminately at people.

A bullet lodged in the buttocks of one asylum seeker and bullet holes were found at head height in the walls of the Australian-run centre.

Previous deployments of police mobile squad units have been blamed for the deaths of two local men on Manus Island, in violent attacks away from the detention centre.

However, the current unit working on Manus Island is considered by local residents to be better disciplined than past deployments.

<http://www.abc.net.au/news/2015-02-13/australia-refuses-to-pay-for-png-riot-squads-hotel-change-fee/6090000>

## **21. Asylum seekers in rooftop protest at detention centre east of Perth**

ABC News Online

First posted Tue 10 Feb 2015, 7:49am

Updated Tue 10 Feb 2015, 7:50am

Two men have staged a protest by climbing onto the roof of an immigration detention centre, 90 kilometres east of Perth.

The ABC has been sent a photo which shows two men stripped down to their shorts standing on the roof of the Yongah Hills detention centre near Northam.

It is unclear what they are protesting about.

The Department of Immigration and Border Protection released a short statement indicating one man had since climbed down from the roof.

"The Department is aware of an incident at the Yongah Hill Immigration Detention Centre," the statement said.

"Service providers onsite are providing appropriate support and continue to engage with the individual."

A refugee group contacted by the ABC said it had also been unsuccessful in trying to find out what the protest was about.

<http://www.abc.net.au/news/2015-02-10/asylum-seekers-climb-roof-in-protest-at-detention-centre/6082078>

## **22. Criminals housed in Yongah Hill detention centre; asylum seekers 'scared'**

ABC News Online

By Nicolas Perpetch

First posted Wed 11 Feb 2015, 1:15pm

Updated Wed 11 Feb 2015, 1:29pm

The Yongah Hill immigration detention centre in Western Australia is now half full of convicted criminals facing deportation and visa overstayers, leaving some asylum seekers "scared" to come out of their rooms.

The centre has been radically transformed from its original purpose of housing only single adult male asylum seekers.

In another departure from the initial design, there were also six women in the centre at the end of January.

Detainees inside Yongah Hill have told the ABC it has become more aggressive and prison-like, and they do not feel safe mixing with potentially violent criminals who view the guards as enemies and "dogs".

The \$125 million centre, on the outskirts of Northam, about 90km north-east of Perth, was opened by the then-Labor government in June 2012 as the number of asylum seekers arriving in Australia by boat surged.

It was built to accommodate 600 detainees in four separate compounds.

The Department of Immigration and Border Protection has refused to answer questions on the composition of the current detainee population in Yongah Hill.

It instead pointed to the department's January immigration detention and community statistics which showed there were 409 detainees, including the six women, in the centre as of January 31.

That was an increase of 76 on the previous month.

It comes as the Perth immigration detention centre, which has traditionally housed visa overstayers and people whose visas have been cancelled under section 501 of the Migration Act for committing a criminal offence, is rapidly drawn down.

There were only 13 people in there in January, 29 fewer than in December.

The figures also showed that of the 2,298 people in immigration detention across Australia, 603, or 26 per cent, were there due to "visa cancellations for either overstaying or breaching their visa conditions".

There were no similar figures provided for individual detention centres.

### ***Prison considered for high risk offenders***

However, Northam Shire president Steven Pollard said he was given an individual briefing on Yongah Hill by the department on Monday.

"Because the boat arrivals have slowed to virtually nothing, the current cohort is about 50/50, in terms of boat arrival people and other non-compliant visa overstayers and so on," he said.

He said that included people who had their visas cancelled under section 501 of the Migration Act for failing the character test. People from interstate are believed to have been sent to Yongah Hill.

The primary reason the Immigration Minister can refuse or cancel a visa on character grounds is when a person has a substantial criminal record where they have been sentenced to a total term of imprisonment of 12 months or more.

"My understanding is that the detention network people [Serco] are working with the WA police and the prisons section to see if the nature of their offence is so high that they should be held in a prison environment rather than a detention centre," Mr Pollard said.

"They're trying to work out arrangements in some of those more serious cases."

### ***Detainees and convicted criminals crossing paths***

The highest risk section 501 detainees are held in Falcon compound, where on Monday night a Kurdish man and a New Zealand man climbed onto the roof of their accommodation block in protest for almost a day.

The asylum seekers and other detainees who have breached their visas or had them cancelled are held in the Eagle, Hope and Swan compounds.

Women are held completely separately in a compound at the front of the centre.

The men are locked in their compounds from midnight to about 6:30am, but the different groups can then largely mix across the grounds and other buildings the rest of the time.

One asylum seeker, who did not want his name used, said he felt scared.

"It's the same as jail," he told the ABC. "It's dangerous, every day people are fighting. Someone here got stabbed.

"How would you be if you mixed with 501s?"

One man who had his visa cancelled for non-violent criminal offences said the Serco guards were not correctional officers and were not trained to deal with people of a violent nature or who were in prison.

He said the high risk detainees in Falcon compound often brought the "politics" of their prison experience with them.

"[They say the] 'officers are dogs, are the enemies' so the officers are very agitated, very scared," he said.

"So they are dealing with us in a completely different manner now.

"It's frightened all of us. Some people are very scared, some people don't even leave their rooms.

"We have child molesters who have been in prison for 10 years and we have young men who are 18 years old."

The centre has barbed perimeter fencing, internal fencing and security cameras throughout.

Mr Pollard said guards with increased security training dealt with "less compliant" detainees.

"[The immigration department] is very much into the individual risk assessment and then allocating the right staff to the right people," he said.

"Each individual person is treated on their own merits rather than a more generalised approach to the security systems."

The refugee Rights Action Network's Victoria Martin-Iverson said it was "inappropriate and a violation of basic human rights to force asylum seekers, who have committed no crime, to be detained with persons who in some cases have committed quite serious violent offences".

Immigration Minister Peter Dutton declined to comment.

<http://www.abc.net.au/news/2015-02-11/convicted-criminals-housed-in-detention-centre/6085502>

## **23. Violent exchanges between guards and criminals at Yonga Hill**

Reports of violent exchanges between criminals and security guards at Yongah Hill detention centre

ABC News Online

By Nicolas Perpetch and Caitlyn Gribbin

First posted Thu 12 Feb 2015, 5:54pm

Updated Thu 12 Feb 2015, 6:14pm

Guards at Western Australia's Yongah Hill immigration detention centre have had bottles thrown at them and been forced out of compounds in violent exchanges with convicted criminals awaiting deportation.

A guard at the camp, who did not want to be named, said detention officers, who had originally been hired to oversee asylum seekers, were not equipped to deal with criminal detainees and did not feel safe working there.

The union representing the guards at Yongah Hill, near the Wheatbelt town of Northam, about 90km north-east of Perth, was concerned they had received no extra training to deal with those detainees.

United Voice described Yongah Hill as a "powder keg" and warned it was a matter of time before someone was seriously injured.

The centre was set up in 2012 expressly to accommodate single adult male asylum seekers.

However, as revealed by the ABC yesterday, it has been radically transformed from its original purpose.

It is now about half full of asylum seekers and half full of visa overstayers and foreign nationals who have been sentenced to 12 months or more in jail in Australia and now face deportation under section 501 of the Migration Act.

The guard at the centre said there had been confrontations as recently as this week.

"We've had incidents in which people have been physically hurt by some of the people they look after," the guard told the ABC.

"[They] have forced all the officers out of [their living areas, made them get out and they've taken control, literally, of that living area.

"They were using objects, so they were throwing anything they could at officers to get them out. One of the managers was hit in the head with a bottle, they were using fire extinguisher hoses to force officers out.

"We are not trained to be looking after violent offenders ... we are supposed to be looking after detainees."

Detainees inside the centre have said it has become much more aggressive and dangerous and they are sometimes scared to go outside their rooms at times when the detainees are all free to mix.

Some of the convicted criminals had brought with them the culture of the prison system, where guards were seen as "dogs" and the enemy, asylum seekers in the centre said.

### ***Union concerned guards not adequately trained***

The United Voice union represents about 150 of the 180 guards at Yongah Hill.

State secretary Carolyn Smith said they were security guards and not prison guards trained to deal with people who had serious criminal convictions.

She said Yongah Hill was not set up as a prison and there were concerns for the safety of both staff and detainees.

"There are issues already at Yongah Hill with understaffing," Ms Smith said.

"And when you add a much more complex and potentially more dangerous group of detainees, that really ups the level of safety issues at Yongah Hill.

"Our members are really concerned because there was no consultation about these different types of detainees coming to Yongah Hill.

"They'd had no training in dealing with people who've had criminal convictions. There hadn't been new policies put in place.

"When you add that to chronic understaffing and the fact Serco have cut their activity program over the weekend, you've really got a bit of a powder keg up there."

Ms Smith said it was "ridiculous" asylum seekers were kept in the same centre as people convicted of serious offences.

"It's not set up as a prison, people aren't trained as prison officers, they don't have the procedures you would have in a prison to deal with people who have a criminal record," she said.

The changes at Yongah Hill have angered some Northam residents who say they were told it would be a low security centre but are now concerned about convicted criminals escaping into the community.

But the Department of Immigration and Border Protection said none of the detainees were criminals.

"No individual in immigration detention is considered criminal by law as none are currently serving a custodial sentence," it said in a statement.

"If not for outstanding immigration issues they would be free to reside in Australian society."

Under its service provider contract with the department, Serco is required to ensure appropriate staff training to cater for the broad range of backgrounds present in the detainee population.

In a statement, Serco said it was "committed to operating a safe, secure environment and providing a humane, dignified service for the people in our care".

<http://www.abc.net.au/news/2015-02-12/yongah-hill-detention-centre-guards-concerned-for-their-safety/6089716>

## **24. Serco 'in control' at Yongah Hill detention centre**

Serco 'in control' at Yongah Hill detention centre despite claims from asylum seekers

ABC News Online

Posted Fri 13 Feb 2015, 3:47pm Fri 13 Feb 2015, 3:47pm

The Immigration Department says contractor Serco is in complete control of Western Australia's Yongah Hill detention centre, rejecting claims detainees are effectively running one compound.

Yongah Hill was originally set up to house single adult male asylum seekers in 2012.

But it is now about half full of visa overstayers and people whose visas have been cancelled, including foreign nationals who have spent more than 12 months in jail for criminal offences and are being deported under section 501 of the Migration Act.

Security guards working in the centre have said they do not go inside Falcon compound unless it is really necessary.

The compound is believed to hold a large proportion of "high risk" former criminals.

Earlier this week, two detainees held a rooftop protest there.

Guards and other detainees have claimed there was also a violent confrontation where a staff member was hit by a bottle and fire extinguishers were turned on guards as they were pushed out of the compound.

Members of detention service provider Serco's emergency response team were understood to have been involved in handling any disturbance at Falcon compound.

### ***Detainees run compound, asylum seeker says***

One detainee inside the centre suggested guards no longer had complete control of Falcon compound.

"The Falcon guys, they're doing their own thing at the compound," the detainee said.

"It's like their compound. They're running it. The officers are just controlling the gates."

However, the Department of Immigration and Border Protection strongly denied the claim.

"Falcon compound at Yongah Hill IDC has in no way been compromised," the department said in a statement.

"All compounds remain calm and under the control of the Serco officers."

Guards and other detainees have said the influx of '501's', as the convicted criminals are known, has made the centre more aggressive, and they have brought with them prison attitudes, where the guards are regarded as the enemy.

The detention officers at Yongah Hill are security guards rather than prison guards. Their union, United Voice, said they were not properly trained to handle potentially dangerous former prisoners.

The department said under its service provider contract, Serco was "required to ensure appropriate staff training to cater for the broad range of backgrounds present in the detainee population".

"Serco is contractually required to provide appropriate capability as necessary," the department said.

Serco has previously said its training programs "meet or exceed our contractual and statutory obligations".

It said comprehensive training was provided in a number of areas, including security screening, defensive and restraint techniques, emergency response plans and incident management.

<http://www.abc.net.au/news/2015-02-13/serco-in-control-at-yongah-hill2c-immigration-department/6093658>