

# Project SafeCom News and Updates

Sunday, 31 May 2015

Subscribe and become a member here: <http://www.safecom.org.au/ref-member.htm>

1. Coal Seam Gas industry hires well-connected staffers
2. Bureau of Meteorology rejects Maurice Newman's climate claims
3. Ben Saul: Plan to strip citizenship is simplistic and dangerous
4. Jason Wilson: Goodbye, citizenship! Australia takes a cynical turn on Muslim radicalisation
5. Cabinet revolt over Tony Abbott and Peter Dutton plan to strip Australians of citizenship
6. Debacle over terrorism and citizenship is leak-based policy in its purest form
7. Richard Ackland: Mass surveillance makes us subjects of the state. That's chilling
8. AFP drops corrupt conduct inquiry as Gillian Triggs decides against complaint
9. Everything You Ever Wanted To Know About Why We Torture Asylum Seekers, But Were Too Afraid To Ask
10. EDITORIAL: Give asylum seekers proper assessments
11. Welcome to Cambodia: What Australia isn't telling refugees
12. UN High Commissioner for Human Rights 'dismayed' at Australia's treatment of asylum seekers
13. Australian Border Force Act: Federal 'Iron Curtain of Secrecy' Around Detention Centres
14. Greg Barns & George Newhouse: Border Force Act: detention secrecy just got worse
15. NGO calls Aussies to action with 'refugees are scum' social experiment
16. Doctors' association demands end to the 'inhumane' treatment of asylum seekers
17. Court orders Immigration to compensate lawyers over blocked camp access
18. Autistic boy and mother spared from deportation after Immigration Minister Peter Dutton intervenes
19. Family of Iranian girl, five, sues Peter Dutton over her mental illnesses
20. Iranian refugee case could test religious freedom laws, experts say
21. Bikies are among 'criminals' sent to Christmas Island for deportation
22. Immigration spends \$70 million on campaigns to deter boat journeys
23. New wave of refugees set sail from Immigration
24. Immigration Department confirms it is being investigated by sex abuse royal commission
25. New Immigration Department staff code bans onesies and ugg boots at work
26. Asylum seeker fast-track processing to begin with temporary protection visas
27. Vietnamese asylum seekers secretly held at sea for more than a month, commander tells Senate estimates
28. Vietnamese asylum seekers kept on customs boat for a month
29. Revelations Australian authorities held Vietnamese men women and children held at sea for nearly a month
30. Boat of Vietnamese asylum seekers turned back after 40-minute interviews
31. Nauru's president defends Facebook ban, says social media has 'power to create instability'

# 1. Coal Seam Gas industry hires well-connected staffers

Sydney Morning Herald  
May 25, 2015 - 5:30AM  
Anne Davies

Despite forecasts of falling demand for gas in NSW, the push for further commercial exploitation of coal seam gas (CSG) in some of the state's richest agricultural areas is about to regain momentum following the NSW election.

Even though the Australian Energy Market Regulator says there is now no supply gap in NSW and demand for gas will fall 17 per cent by 2019, the CSG industry is preparing to step up its efforts, arguing that the issue is now one of "energy security" for NSW.

Numerous government decisions will be taken in coming months that will either constrain the CSG industry or allow it to expand. There's currently a freeze on new exploration licences that will be replaced with a strategic release framework, new codes and conditions are being finalised, and CSG will soon be regulated by the Environment Protection Agency. The NSW government also plans to have a "use it or lose it" regime for licences. It has decided not to appeal against an overturning of its suspension of Metgasco's gas drilling licence near Lismore.

Assisting the industry are an army of former political staff and former politicians, many of whom had a role in the regulation of the industry before jumping the fence to industry. A few have come back the other way, moving from senior jobs in the major gas companies to senior advising roles in ministers offices.

The accompanying graphic reveals the extent of cross pollination between those who set policy at a state and federal level in the coal seam gas industry and those who seek to profit from it - as direct participants or as advocates for the companies.

Green's MP Jeremy Buckingham says the revolving door between politics and the mining sector has utterly undermined the community's faith in our ability to regulate mining and CSG.

"It's very concerning to see a decision maker who helped to create the industry now spruiking it," he says.

"The community feel that often it's just a foregone conclusion and that the government is paying lip service to regulation".

The Australian Petroleum Production and Exploration, the coal seam gas industry body, declined to comment when contacted by Fairfax Media.

Often politicians and political staffers jump directly into a role that involves them advocating for the companies, unrestrained by rules that are designed to provide cooling off periods between politics and business.

For instance Martin Ferguson, the former Labor resources minister, became chairman of the advisory committee for the peak oil and gas industry association, the Australian Petroleum Production and Exploration Association, six months after leaving politics.

He has been a fierce advocate of CSG, arguing that NSW must forge ahead with development of CSG in order to achieve "energy security for NSW."

His colleagues, Greg Combet, the former Gillard government minister for Climate change and Craig Emerson, her minister for Trade, waited a year before penning an opinion article in support of the CSG industry in the Australian Financial Review.

They are both working as economic consultants to AGL and Santos, the two biggest players in CSG in NSW.

Former National party leaders, John Anderson and Mark Vaile also moved into high profile roles in mining and CSG companies after politics. John Anderson became chairman of Eastern Star Gas, the company behind the Narrabri Gas project about two years after leaving politics. The company was taken over in 2011 by Santos and Anderson made an estimated \$9 million out the deal.

Mark Vaile became a director and then chairman of Whitehaven coal, the company behind one of the state's most controversial mines at Maules Creek. He is regularly seen in the corridors of Macquarie Street.

There are state and federal rules that impose cooling off periods for politicians and senior bureaucrats who move government to lobbying, but the act of lobbying is defined very narrowly to prevent only "gun for hire" third party lobbying. This leaves politicians free to take jobs at industry associations and in business. In NSW minister must seek advice from the ethics adviser before taking private sector jobs.

The most high profile shift between politics and the mining industry has been Stephen Galilee, who is the former chief of staff for then Treasurer, Mike Baird. Galilee moved soon in late 2011 to become chief executive of the NSW Minerals Council. A spokesman for the council said it does not lobby on the gas industry - it leaves that to APPEA - but it is intimately involved in all things mining including the planning and environmental regimes.

As an advocate for an "an association or organisation constituted to represent the interests of its members" - Galilee was free to move from advising the government one month to representing the industry the next.

Those who encounter Galilee say he is very professional in the way he deals with politicians who once would have sought his counsel.

But there are a myriad of informal relationships that are less obvious to those being lobbied and to the public at large. These long standing personal relationships work to ensure a company can pick up the phone to a politician or adviser in the office if there is an issue at hand or a meeting is needed.

Take for example, AGL Energy, one of the two biggest players in CSG in NSW. AGL tends to favour in-house representation in its dealings with politicians. The current head of government relations is Lisa Harrington, who was until 2013 a senior adviser to Mike Baird. She replaced Sarah Macnamara at AGL, who went back to work in the Prime Minister's office with her old colleague Peta Credlin whom she knew from her days in Communications minister, Helen Coonan's office. Macnamara was Abbott's policy adviser on resources for a year and is now chief of staff to the federal minister for industry (and resources) Ian Macfarlane.

Shaughn Morgan, AGL's manager of Government and external affairs, has similarly impressive credentials on the Labor side. He was an adviser to NSW Attorney General Jeff Shaw in the 1990s and worked with Adam Searle, now Labor's NSW resources spokesman. Morgan also has connections with another important constituency for the CSG industry - farmers - having been CEO of the NSW Farmers' Federation for four years.

And Senator Coonan is still not far from the action. The firm she co-chairs with former Labor minister, John Dawkins, GRA Cosway is listed on the Federal register of lobbyists for AGL.

Santos, the other major player in CSG in NSW has tended to employ staff from Coalition ministers' offices and also uses external lobbying firms.

Robert Underdown, manager group government and public policy joined Santos in 2009 after five years in federal resources minister Ian Macfarlane's office that spanned government and opposition.

The manager public affairs, Matthew Doman, had stints in Liberal minister, Nick Minchin's office and with National leader, Mark Vaile, before joining Santos.

<http://www.smh.com.au/nsw/csg-industry-hires-wellconnected-staffers-20150524-gh2rg3.html>

## **2. Bureau of Meteorology rejects Maurice Newman's climate claims**

The Age  
May 25, 2015 - 8:22PM  
Lisa Cox

Claims by the Prime Minister's chief business adviser about climate change have been rejected by the head of the Bureau of Meteorology as "incorrect", irrelevant and "old red herrings".

Earlier this month, Maurice Newman, the chairman of the Prime Minister's business advisory council, came under fire after he wrote in The Australian that scientific modelling showing the link between humans and climate change was wrong and the real agenda was a "new world order" led by the United Nations.

In a Senate estimates hearing on Monday, Greens climate spokeswoman Larissa Waters read through the opinion piece, paragraph by paragraph, asking the bureau's director of meteorology and chief executive Rob Vertessy to respond to Mr Newman's claims.

"There are multiple statements which assert facts about climate science which I'm intrigued on the bureau's view about," Senator Waters said.

"And given the invitation to do so, I shall go through them all."

Senator Waters began with Mr Newman's assertion that "95 per cent of the climate models we are told prove the link between human CO2 emissions and catastrophic global warming have been found...to be in error."

"That is incorrect," Dr Vertessy said.

Dr Vertessy responded with a single word – "rejected" – to another claim in Mr Newman's May 8 piece that "weather bureaus appear to have 'homogenised' data to suit narratives".

He also said Mr Newman's reference to record breaking cold weather in the northern hemisphere was "an old red herring that suggests that just because you're getting cold weather in the northern hemisphere it somehow discredits the fact that there is global warming occurring".

"The theory of global warming does not hold that there will be no cold weather anywhere," Dr Vertessy said.

"And in fact there's evidence to suggest that global warming will actually intensify the onset of some cold weather."

Senator Waters was prevented from asking Dr Vertessy to respond to Mr Newman's claim that global warming was a "hook" being used by the UN to impose a new centralised political order.

"If you want to ask him about the climate science that's fine but not about the UN," Liberal senator Simon Birmingham said.

"Ask DFAT if they think there's a conspiracy operating in the UN or not."

Senator Birmingham also said the bureau should not be required to respond to a "rhetorical statement" when Senator Waters asked Dr Vertessy if climate science supported statements by Prime Minister Tony Abbott that "coal is good for humanity".

"What I can say is the primary cause of global warming is the emission of CO2 and the primary reason CO2 emissions are increasing is from the burning of fossil fuels," Dr Vertessy said. "Coal is a fossil fuel."

Mr Newman's comments were described by the UN's top climate official Christiana Figueres last month as joke.

"I really don't take it very seriously because it doesn't respond to the reality or to facts," she said.

<http://www.theage.com.au/federal-politics/political-news/bureau-of-meteorology-rejects-maurice-newmans-climate-claims-20150525-gh90md.html>

### **3. Ben Saul: Plan to strip citizenship is simplistic and dangerous**

The Government's plan to strip dual-nationality terrorists of Australian citizenship is akin to the medieval practice of banishment - shifting our miscreants onto others, rather than addressing the threat ourselves, writes Ben Saul.

ABC Opinion - The Drum  
By Ben Saul  
Posted Wed 27 May 2015, 5:26am

The Abbott Government's plan to strip dual-nationality terrorists of their Australian citizenship is certain to make the world more dangerous and is grossly irresponsible.

It is contrary to Australia's international legal obligations to counter terrorism globally. It also divisively creates different classes of citizens, may fail to provide due process, and gives the executive too much power with too little restraint.

Under the proposal, Australia washes its hands of responsibility for Australian terrorists. For those already overseas in Syria and Iraq, it leaves them free to kill and maim and up-skill their "death cult" against innocent civilians in other countries. It is a parochial and self-centred "not in my backyard" policy, where Australia dumps the burden of suppressing its own terrorists onto other countries.

A responsible government would not foist its terrorists onto other countries, but bring them home to face justice. This is not only the responsible thing to do from a national security perspective, but is also required of Australia by international law.

Under United Nations Security Council resolutions since 2001, every country has legal obligations to prevent, investigate, apprehend, prosecute and punish terrorists. These obligations are designed to ensure a coordinated global approach to countering terrorism and to prevent impunity for terrorists. Australia has long supported these resolutions, and has often claimed that they justify Australia's counterterrorism laws.

Al Qaeda was able to mount the devastating 9/11 attacks on the United States precisely because it had found safe haven in Afghanistan and earlier in Sudan. The Security Council resolutions aim to ensure the global suppression of terrorism and to prevent terrorists taking advantage of loopholes and gaps in national law enforcement.

Stripping citizenship undermines all of this. It casts Australians adrift to keep killing overseas. Many of the dual nationals involved with Islamic State are citizens of Middle Eastern countries where law enforcement is less effective than in Australia and thus less likely to bring terrorists to justice.

If Australia doesn't want its citizens if they are terrorists, it sends a powerful signal to other countries that they should not re-admit their dual nationals either. Australians could thus be left stateless in practice, even if they technically have another citizenship. The Australian plan does not make stripping citizenship conditional on a guarantee that the other country of nationality will, in practice, admit their national - or undertake to investigate, arrest, or prosecute them on their return. A dual

national also may not possess a passport from their other country, or be able to obtain one in practice, particularly if they are in dysfunctional areas of Syria or Iraq.

Australia's plan could also trigger a legal arms race between countries keen to formally denationalise their terrorists before we do.

The very wide definition of terrorism in Australian law also raises serious problems. Who will be stripped of citizenship - only those who kill civilians (undeniably terrorists), or also doctors and nurses who provide medical care to wounded civilians or fighters no longer in combat, who could also be "terrorists" under Australian law? Providing medical care in war is, in fact, both legal and desirable under the Geneva conventions, which aim to reduce suffering in war. Even wounded Nazi soldiers, after all, are entitled to medical care. This is what being human requires. And what about those who donate money to terrorist groups - is financing terrorism enough to justify stripping citizenship?

For terrorists still in Australia, stripping citizenship will result in indefinite immigration detention where a person's other country either refuses to accept them (because we say they are terrorists) or is not safe for them. Quite a few Middle Eastern countries, for instance, are well known for torturing terrorists, or giving them an unfair trial or the death penalty. Australian and international law prohibits returning people to such harms.

Indefinite immigration detention then results. In numerous legal cases, the United Nations Human Rights Committee has declared that Australia's system of indefinite detention without due process or judicial protection is contrary to international law.

Depending on the details, there is a risk that the Australian plan will deny a fair process. What will be the standard of proof for stripping citizenship? Will a person get to see enough of the security evidence against them, and to effectively challenge it, to get a fair hearing? Will the Minister for Immigration's decision be meaningfully reviewable by the courts? Why should the Minister make the decision at all, instead of the independent courts? The UN recently found that Australia's existing security assessment procedures do not comply with international human rights law.

Australia's plan also divisively creates different classes of citizens. Those with only Australian nationality get to keep it even if they are terrorists, while dual nationals live precariously in the knowledge that they may lose it for bad behaviour. This is not good for social solidarity, integration and cohesion. And why stop at stripping terrorists of nationality? Why not banish paedophiles, rapists and murderers - many of whom cause more harm than the so-named "terrorists" under Australia's sweeping definition of terrorism, which does not require a person to actually harm anyone?

The Government has also flagged the possibility of stripping citizenship from Australians even when they do not possess another nationality. This would manifestly violate Australia's obligation under the Statelessness Convention to not deprive a person of their Australian nationality where it would render them stateless.

Making a person stateless is prohibited by international law because it leaves a person with nowhere to go, and without the protection of any government. A person becomes an outcast, an exile, without rights or identity, adrift with no place in the world.

Australia cannot unilaterally alter its obligations under that treaty, such as by lodging a "reservation" purporting to qualify its acceptance of the treaty's terms. The treaty expressly prohibits countries from making "reservations" to its prohibition on making a person stateless. Reservations in any case can only be made upon becoming a party to the treaty - which Australia did in 1973.

The Statelessness Convention does permit countries to declare that national security laws that allow citizenship to be cancelled may continue to apply. However, such declarations can only be made at the time of becoming a party to the treaty - 1973 in Australia's case - and must be based on laws existing at the time, not new laws.

Australia's plan to strip citizenship is simplistic and dangerous. It is akin to the ancient and medieval practices of exile or banishment - shifting our miscreants onto others, rather than maturely neutralising the threat and putting terrorists in prison.

Terrorists are, in the end, still Australians. The citizenry is above government, not vice versa. Once citizenship is granted, the die is cast. All citizens are equal and must be accepted for all time, warts and all. We have to take responsibility for our fellow Australians, not turn a blind eye to their efforts to kill people in other countries.

Ben Saul is Professor of International Law at The University of Sydney and was counsel in the largest successful United Nations human rights cases against Australia, involving the indefinite security detention of 54 refugees.

<http://www.abc.net.au/news/2015-05-27/saul-plan-to-strip-citizenship-is-simplistic-and-dangerous/6499710>

## 4. Jason Wilson: Goodbye, citizenship! Australia takes a cynical turn on Muslim radicalisation

Won't somebody push back against plans to make Australian Muslims prove their loyalty, or at least demand that the debate references reality?

The Guardian

Jason Wilson

Wednesday 27 May 2015 13.37 AEST

The Australian government is currently proffering a range of solutions for "radicalisation", but no one seems to be too concerned about explaining exactly what radicalisation is, how it proceeds, and what its connection to terrorism might be. At this point, you might begin to suspect that the fuzziness with which this concept is being deployed is deliberate, or that they themselves don't know what they mean by it, or both.

On the evidence of recent days, it takes in everything from toting a gun in Syria to moody behaviour at school. The only common thread is that for now, radicalisation is something that happens exclusively to Australian Muslims.

On one hand, we have heard a lot from the government over a long time about the phenomenon of Australian citizens going overseas to fight for Isis. Estimates of how many people are actually doing this fluctuate over time, and with the teller of the tale. In April it was reported that there were around 100 people there, and around 30 have died doing it.

This, we are told, is the fruit of radicalisation: strapping on an AK for the "Death Cult". This behaviour has already been criminalised, and what's more, anyone who is found to have engaged in it risks having their passport revoked.

Now the government is insisting that these people must be moved completely beyond the pale of the law and the state. The new proposal is that anyone doing it who is a dual citizen be stripped of their Australian citizenship altogether by ministerial fiat.

Reportedly, this is a climbdown! Tony Abbott and Peter Dutton wanted the power to strip even sole citizens of their status, creating a new class of the stateless.

There are few things so punitive or arbitrary that a Coalition cabinet minister can't bring themselves to consider them. Remember that locking up children, permanently storing everyone's phone records and browsing history, and depriving the unemployed of any means of sustenance are all acceptable to this bunch.

But even notorious hypocrites like George Brandis couldn't come at this. Apart from sounding like the kind of brain fart that might come from a talkback caller, it creates the weird and alarming mirror image of Isis's own grandiose proclamations about the creation of a Caliphate, and a nation of believers, that transcend the existing state system.

Perhaps it also raised for some members of cabinet the same question that it does in any sensible person: if the threat of jail or of losing your passport doesn't curb your desire to fight and die for Isis, why on earth would this?

We can debate where these proposals for actual Isis fighters lie on the continuum between ill-considered and insane. But at least they are aimed at people who have acted. Others appear to be directed at far more nebulous things, like people's thoughts.

Senator Concetta Fierravanti-Wells and Phillip Ruddock will be leading a "national conversation" which will "consider whether the rights and responsibilities of citizenship are well understood". The discussion paper that goes along with this effort has been delayed, apparently as a result of the cabinet disagreement, but we are told that it will extend the government's "broader strategy for countering violent extremism".

You may notice if you read the transcript of Abbott's press conference that this is political communication that doesn't impart any information. Is "radicalisation" the same as "violent extremism"? Does one cause the other?

Are they linked in a causal chain? What should we be looking for? What is acceptable for citizens in a democracy to say, think, or read and what isn't? What is the distinction between "extremism" and ordinary Muslim belief that the government keeps insisting that they respect? From whence comes the assumption that this is related to an insufficient inculcation of the virtues and responsibilities of citizenship?

Anyone who looks to the attorney general's department's materials will find a lack of clarity on all of this that is either chilling or embarrassing, depending on your point of view.

We're told that "People can become radicalised to violent extremism due to a range of factors." We're also informed that people can get grants for combatting it to provide support for a range of activities, including mentoring, counselling, "case management" and sport, "But we are open to a wide range of ideas!" And we're also told that the list of organisations offering services in this area will be collated without being made public. All in all, it's bewildering.

To the observer, it may seem that debate without any specific terms is being had about existing schemes without clear public criteria of success, with the promise of further discussion whose terms are murky. There's no reference to the extant scholarly and professional discussion about why and how people drift to Islamism, which emphasises the role of perceived injustice.

More cynically, you might say that this all works pretty well to keep terms like "radicalisation" and "extremism" as content-free, flexible terms that do little more than gesture towards the Muslims in our midst as a source of potential danger, and authorise governments to protect us from that danger, whatever it is, and empower them to police deviations from an equally imaginary moderate middle. A lot of reporting is not helping to clarify the situation: it's simply taking all of this as read.

This effort by government to produce a vague sense of insecurity, then offer to protect us from it, can lead us in strange and alarming directions. Last week Christopher Pyne mooted a "jihadi-watch" scheme for schools, where education authorities would move to train students and teachers "to watch for shifts in behaviour such as students drifting away from their friends, running into minor trouble with the law and arguing with those who have different ideological views to their own".

By those standards, I am glad the scheme wasn't in place when I was in high school. I would have ended up on a watchlist.

What's more alarming still is the steady bipartisan drift in a direction that normalises all of this. Fierravanti-Wells has been beating the drum on the need for immigrants to sign up unquestioningly to Australian values for a decade. In 2006, in a Senate debate on multiculturalism, she said that:

"Australia today is ... tied by a set of common beliefs and values – a belief in a free and competitive market system, freedom of choice, respect for human life and respect for the rule of law. This means that those who come from societies which are less contemporarily progressive than our own need to have an acceptance of these values and beliefs."

That was a time when the ALP was prepared to push back against this kind of insulting nonsense. John Faulkner immediately replied to Fierravanti-Wells: "It is easy to find scapegoats in members of our community who look different. It is comfortable to pretend that the flaws in our society are all the fault of others: the different, the foreign, the strangely dressed".

Who will push back now against a move which threatens to require young Muslims to perennially prove their loyalty, and their very claim to citizenship, under free-ranging scrutiny and surveillance?

<http://www.theguardian.com/commentisfree/2015/may/27/goodbye-citizenship-australia-takes-a-cynical-turn-on-muslim-radicalisation>

## **5. Cabinet revolt over Tony Abbott and Peter Dutton plan to strip Australians of citizenship**

Sydney Morning Herald  
May 26, 2015 - 1:51PM  
Peter Hartcher, James Massola

Six members of the Abbott cabinet have risen up against an extraordinary proposal to give a minister the power to strip an Australian of their sole citizenship.

The idea, proposed by Immigration Minister Peter Dutton with the support of Prime Minister Tony Abbott, divided a meeting of the cabinet on Monday night.

The hour-long debate was described by participants as tense and sometimes heated.

The cabinet members who spoke against the proposal were Defence Minister Kevin Andrews, Foreign Affairs Minister and deputy Liberal leader Julie Bishop, Attorney-General George Brandis, Agriculture Minister and deputy Nationals leader Barnaby Joyce, Education Minister Christopher Pyne and Communications Minister Malcolm Turnbull, according to people present in the room.

The same plan had divided the cabinet's national security committee.

The idea is that even an Australian-born citizen, without any other citizenship, could be stripped of Australian citizenship at the discretion of the immigration minister alone, without a suspect being charged or facing a court.

Under the proposal, the only protection against an Australian being rendered stateless is that they must also be eligible to apply for citizenship of another country, even if they do not actually hold that second citizenship.

Ms Bishop posed to the cabinet meeting this question: if Australia were to strip one of its people of citizenship on suspicion of terrorism, would another country be likely to approve that person's application to become a citizen?

The core objection was that an Australian effectively can be rendered stateless, losing fundamental rights and in violation of international law, without due process.

A related proposal – that dual citizens could be stripped of Australian citizenship on suspicion of terrorism – has been accepted.

According to participants, Senator Brandis, in opposing the plan, told the cabinet meeting: "I am the Attorney-General. It is my job to stand for the rule of law."

Mr Joyce put to the meeting: "Isn't that what we have courts for?", according to people present.

Mr Andrews is said to have pointed out to the meeting that, if concern about the proposal was so widespread, community concern was likely to be even greater.

Because the idea had divided cabinet's national security committee, it was not presented to Monday night's cabinet meeting as proposed law but as part of a "discussion paper".

The six-page discussion paper was distributed during the meeting, angering some that it had not been circulated in advance, as matters for cabinet are supposed to be.

Mr Turnbull asked Mr Abbott in the meeting whether The Daily Telegraph had been briefed on the idea for Tuesday morning's newspaper, according to people present.

Briefing the newspaper, a favoured channel for leaking the Prime Minister's moves in advance, would have effectively pre-empted the cabinet, which met from 7pm.

Mr Abbott replied that the newspaper had not been briefed. Page five of The Daily Telegraph on Tuesday morning carried a report that said in part: "Prime Minister Tony Abbott will announce today, after cabinet last night approved the policy, that a bill will be introduced before the end of June that would strip dual national terrorist sympathisers of their Australian citizenship.

"Included in the bill will be controversial measures based on the UK model to also strip nationality from Australians who hold sole Australian citizenship but only if they have legal access to citizenship of another country – getting around international law preventing countries from making people stateless."

Ministers were angry that Mr Abbott and his office were apparently riding roughshod over the national security committee of the cabinet and the full cabinet.

On Tuesday morning, Senator Brandis ruled out stripping terrorist sympathisers of their citizenship if it would leave them stateless, but left open the possibility of other serious penalties.

"We are not going to be rendering anyone stateless, nobody has proposed that, everything we do will be compliant with the rule of law ... but we are going to be tough," he said.

<http://www.smh.com.au/federal-politics/political-news/cabinet-revolt-over-tony-abbott-and-peter-dutton-plan-to-strip-australians-of-citizenship-20150526-gh9q8y.html>

## **6. Debacle over terrorism and citizenship is leak-based policy in its purest form**

It's always telling when certain newspapers are running proposed government policy before cabinet has heard about it, but the strategy can backfire

The Guardian  
Lenore Taylor Political editor  
Friday 29 May 2015 19.47 AEST

A handy way to distinguish a government announcement inspired more by politics than its actual policy outcome is when the prime minister's office briefs (some) newspapers about it before it has been considered by the cabinet.

On 21 May, the Australian reported that "second-generation Australians involved in terrorism face being stripped of their citizenship, along with dual nationals, as part of the Abbott government's efforts to tighten national security laws".

The Daily Telegraph has also reported this imminent development many times, and on Tuesday it informed its readers that the government would that day announce a new citizenship bill that included "controversial measures based on the UK model to also strip nationality from Australians who hold sole Australian citizenship, but only if they have legal access to citizenship of another country".



Only problem was, the body charged with making government policy – the cabinet – had not approved the policy yet, and on Monday night – presumably after the paper had received its briefing – at least six cabinet ministers refused to support the idea that Australia would strip citizenship from second generation Australians.

According to a leak to the Sydney Morning Herald, verified by the Guardian, those who spoke against the idea were the defence minister, Kevin Andrews, the foreign affairs minister, Julie Bishop, the attorney general, George Brandis, the agriculture minister, Barnaby Joyce, the education minister, Christopher Pyne and the communications minister, Malcolm Turnbull.

They were concerned about the substance of the idea, and also about the fact that they were being asked to sign off on it without seeing any formal written proposal either before or during the cabinet discussion and without having any time to consider advice.

Turnbull actually sought an assurance that the Daily Telegraph had not been briefed, and was assured it hadn't – an assurance the next morning's paper revealed to be untrue.

The issue of stripping citizenship rights from second generation Australians has now been included in a "discussion paper".

It would seem the point of the idea is to provide the government with another means to make sure the 100 or so Australians fighting in Iraq or Syria (up to 50 of whom we are told are dual nationals) never make it back to Australia, with a lower evidentiary requirement than last year's foreign fighters' laws, which were in part designed to deal with the same problem.

But – despite the many headlines (we still haven't seen any citizenship legislation and neither has the cabinet) we have no idea what evidence immigration minister Peter Dutton would need to see from intelligence briefings in order to revoke someone's citizenship, nor any details of the promised judicial review.

Dutton also said that if another country got in and revoked their side of a dual citizenship first, Australia – given its obligations not to render anyone stateless – would have to take that person back. That raises a whole lot of questions about whether it wouldn't be better to deal with people committing or planning acts of political violence by prosecuting them, rather than engaging in some kind of international race to make them another country's problem. Not to mention the apparent contradiction of cancelling the citizenship of those already fighting overseas so they don't come back at the same time as Australians are being urged to call the national security hotline with information about anyone planning to travel to the conflict zones so they can be prevented from leaving.

And before this stream of "citizenship crackdown" headlines we had the "crackdown on jihadis on welfare" headlines, which also turned out to be a bit previous.

In February, before Abbott delivered his national security statement, the Telegraph reported that "almost all of the wannabe terrorists who have snuck out of Australia to join jihadist armies in Iraq and Syria were on the dole or some form of welfare payment" and that "most had continued to collect payments from Australian taxpayers while training with Islamic State to become terrorists intent on wanting to kill Australians" and the prime minister said he was "appalled" that the majority of those Australians joining terrorist groups had benefited from the welfare system. The government vowed to cancel welfare payments under the counter-terrorism laws it had passed late last year.

On 23 February, asked about reports that no foreign fighters had actually had their welfare payments cancelled, Abbott told parliament: "This is not correct. To the best of my knowledge and understanding, all of the foreign fighters who are currently overseas have had any welfare payments that they were receiving well and truly cancelled ... the last thing we want to see is Australian taxpayers funding terrorism."

But in an answer provided this week to questions that were asked in a Senate estimates hearing the day after the prime minister's answer to parliament – 24 February – the Attorney General's Department said that as of 24 February, "it was established that no individual was in receipt of any welfare benefit payments and it was therefore unnecessary to use the welfare cancellation on security grounds provisions".

Last Sunday there was another wave of headlines, these ones about how students and teachers were going to get "Lessons in how to spot a jihadi". Obviously family, friends and peers are the first ones likely to realise that a young person is becoming radicalised, but when the new "jihadi-spotting" plan got to the meeting of state education ministers on Friday, it turned out quite a bit was already being done in schools. The communique from their meeting said they had agreed that "senior officials will collate current initiatives that support youth at risk of radicalisation and identify gaps in prevention and intervention measures for schools."

"Our senior officials will advise us about what exactly we should be doing, but I am not – I don't think we should trivialise the issue by saying that we're going to have a dobbing in of other students," the education minister, Christopher Pyne, said in response to questions.

One might ask what is to be gained from so many headlines galloping so far ahead of actual decisions, or indeed, actual facts.

Does it help the police and intelligence agencies with their very important task of “keeping Australians safe” either by preventing acts of violence in this country, or preventing dangerous foreign fighters from returning, or the strategy for countering violent extremism aimed at stopping people here from becoming radicalised and dangerous?

Or is it playing to a very different audience – with the much more political aim of keeping security threats at the forefront of the national conversation and, perhaps, goading Labor into disagreement so that they can be portrayed as “weak on terror”?

The prime minister’s most powerful advisor is taking a keen interest in the policy and politics of the issue – his chief of staff, Peta Credlin, told a recent meeting of Coalition staff she was spending at least 40% of her time on the issue.

Another clue might lie in yet more information from the prime minister’s office to the Daily Telegraph, this time in an article entitled “The first cracks in Australia’s bipartisan approach to terrorism could doom Bill Shorten” which revealed that the prime minister received 900 emails in the week after the budget expressing anger at the possibility that “repentant Australian jihadis” might be allowed back into the country.

The article praised the prime minister’s “instinctive” response that “If you go abroad to join a terrorist group and you seek to come back to Australia, you will be arrested, you will be prosecuted and jailed” in comparison with Shorten’s reaction that “There are laws in place, I’m not going to play judge and jury.”

But of course, there are laws in place, and they do have evidentiary requirements. Which means the courts may not in every case implement the prime minister’s “instinct”. Which is presumably where the new policy-thought about citizenship-stripping comes in. And Shorten has been pretty careful to make sure there are no “cracks” in the bipartisanship on these issues, no matter what the government proposes.

There is, of course, an alternative to slap-dash policy in response constituent-email reaction, or policy by cabinet-pre-empting, headline-seeking press leak, and that is that old-fashioned idea of policy developed to address a real problem, thought through and discussed by cabinet, before public announcement.

<http://www.theguardian.com/australia-news/2015/may/29/citizenship-debacle-over-terrorism-is-leak-based-policy-in-its-purest-form>

## **7. Richard Ackland: Mass surveillance makes us subjects of the state. That's chilling**

Surveillance, censorship and data retention: are they having a ‘chilling effect’ on Australian life? In his Pen 2015 Free Voices lecture, delivered at the Sydney Writers’ Festival 2015, Richard Ackland takes the temperature of freedom.

The Guardian  
Richard Ackland  
Tuesday 26 May 2015 11.13 AEST

In the 1980s there existed in Sydney something called the Free Speech Committee. It was mainly comprised of hairy lefties who believed free speech should be absolute – even broader than the first amendment.

Soon strange old men with sweep-over hair dos began to appear at meetings of the FSC with leaflets about the virtues of “boy love”. The sweep-overs wanted to distribute them outside schools. The police had moved them on, saying this was inappropriate material. In short, their freedom of speech had been abridged.

Slowly it dawned on the FSC that freedom of speech had its limitations and that to protect the vulnerable, minorities or even society as a whole, restraints were necessary.

More recently, free speech has been adopted, not very successfully, by the rightwing of politics. They have failed to articulate a clear message about the topic and on the rare occasions when that happens it is soon contradicted.

Today Pen has asked me to deliver the free voices lecture, looking at how national security laws impact on journalists and writers and other freedom loving people. Hence the topic – “feeling the chill”.

I love the word “chill” in this context. The first time I heard it was its application in American First Amendment jurisprudence – specifically a case in the 1950s where the supreme court overturned a law requiring people who received “communist political propaganda” through the mail to sign for it and authorise receipt. It was held that that law had a “chilling effect” on freedom of speech.

Chilling effects take many and varied forms. Every two years the US-based Media Law Resource Centre holds a conference at Stationers Hall in London. This is the very place where copyright was invented and is the home of the Worshipful Company of Stationers and Newspaper Makers, one of the livery companies of London.

It was founded in 1403 during the reign of Henry IV and the company held the monopoly over the entire publishing industry of the kingdom. Books that weren't favoured by the Lord Chamberlain, or some other royal functionary, were burned in the courtyard under a tree.

Censorship, control of the written word by the state, has a long and venerable history and our most recent national security laws are a blip on a long highway that stretches back even before the invention of the printing press.

Full story at <http://www.theguardian.com/commentisfree/2015/may/26/mass-surveillance-makes-us-subjects-of-the-state-thats-chilling>

## **8. AFP drops corrupt conduct inquiry as Gillian Triggs decides against complaint**

AFP halts investigation into whether offer made to human rights chief on behalf of the attorney general, George Brandis, was corrupt

The Guardian  
Lenore Taylor Political editor  
Tuesday 26 May 2015 11.42 AEST

Gillian Triggs, the president of the Human Rights Commission, has told the Australian federal police she does not want to make a complaint or pursue an allegation that a job offer made to her on behalf of the attorney general, George Brandis, was an inducement constituting "corrupt and unlawful conduct".

The shadow attorney general, Mark Dreyfus, asked the AFP to consider whether the offer had been made "with the object of affecting the leadership of the Australian Human Rights Commission to avoid political damage to the Abbott government", which could mean it could "constitute corrupt and unlawful conduct". The offer followed the angry reaction by the Coalition to the commission's Forgotten Children report on children in immigration detention.

In a letter to Dreyfus last week, the police commissioner, Andrew Colvin, said the AFP had "thoroughly evaluated" the claim, including interviewing Prof Triggs.

"During that dialogue with Professor Triggs she stated she did not wish to make a complaint nor was she interested in pursuing this matter," he wrote. "The evaluation did not identify evidence to support the allegation and consequently the AFP will not be taking any further action in relation to the matter."

During a Senate estimates committee hearing in February, Triggs said she was "certainly very shaken and very shocked" at the resignation request and immediately rejected it, believing it would undermine the independence of the Human Rights Commission. She said she would not use the term inducement, but there was "no doubt" in her mind the resignation request and job offer "were connected".

"I rejected it out of hand. I thought it was a disgraceful proposal," she said.

At the time Tony Abbott and Brandis said they had lost confidence in Triggs and Abbott described the Forgotten Children report as a "blatantly partisan, politicised exercise" and a "political stitch up".

In an interview with Guardian Australia, Triggs, who is part of the way through a five-year term, accused the Coalition of "profoundly" misunderstanding the role of the commission, and the Australian newspaper of running a concerted campaign to achieve the commission's abolition. She also revealed the commission intended to concentrate more on "mainstream issues", for example employment discrimination.

At the time the job offer became public the Senate censured Brandis for failing to defend Triggs and for "seeking to facilitate her resignation" by offering her another role. Brandis always denied the offer was an inducement and said he had "high personal regard for Triggs".

Commenting on the AFP's decision, Dreyfus said he understood Triggs "would want to put this matter behind her. In choosing not to pursue this matter, she has demonstrated a professionalism and integrity sadly lacking in those who attacked her."

Triggs is scheduled to give evidence before a Senate estimates committee again on Thursday. In the Guardian Australia interview she attacked the committee's chair, Senator Ian MacDonald.

"He needs to explain himself. He needs to explain his role. He needs to answer why he allows the level of badgering at committee hearings, the length of the hearings and the belligerent nature of the questioning," she said.

"It seems they are searching for anything that they can find to damage the commission and me. [Macdonald] consistently allows the senators' questions to be oriented towards attacking the commission."

Asked in February about his views on Triggs, MacDonald told Sky News he had lost confidence in her because he believed the Forgotten Children report to be partisan.

“I’ve lost confidence in Ms Triggs. I think she is a lovely lady and a competent international lawyer but anything the Human Rights Commission does from now on will, in my mind, be tainted. Now others have different views I can only talk of my view but my view is the commission is tainted, it destroys the good work it has in the past done and you know one would hope that, something obviously needs to be, done that restores the bipartisan faith in what should be a completely bipartisan balanced commission.”

Asked whether that meant the commission needed a new president he said: “Well I just don’t think it’s going to recover if it continues as it is.”

<http://www.theguardian.com/australia-news/2015/may/26/afp-drops-corrupt-conduct-inquiry-as-gillian-triggs-decides-against-complaint>

## **9. Everything You Ever Wanted To Know About Why We Torture Asylum Seekers, But Were Too Afraid To Ask**

Ever wondered why the deaths of Andrew Chan and Myuran Sukumaran resonated so deeply, and Reza Barati’s death didn’t? Why News Corp thrives and New Matilda struggles? Clinical Psychologist Dr Lissa Johnson breaks it all down.

New Matilda  
28 May 2015  
By Lissa Johnson

The Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill is currently being reviewed by the Senate. The bill will broaden powers of immigration detention centre staff to use force and will reduce their accountability, placing detention centre operations outside the rule of law.

Having glimpsed immigration detention through the eyes of former Nauru medical staff at a public lecture last week, this is a sobering thought. Speakers described an environment of “dark, chilling lawlessness” rife with sexual assault and abuse, where detainees are known by number rather than name, and where grown women are so frightened that they wet the bed at night.

A nurse and a doctor risked the legal ramifications of breaching their confidentiality agreement in order to speak on behalf of detainees, placing their duty of care to patients first. Among the numerous stories they recounted were those of a seven-year-old who had attempted to hang herself with electric cable ties, a woman denied sanitary pads, soiled and leaving a trail of blood and blood clots where she walked, and another, having been raped in the shower, dismissed by the detention centre psychologist for dressing ‘provocatively’.

We heard that the Government has never disputed the Australian Human Rights Commission findings that from January 2013 to March 2014 there were 233 assaults in detention involving children, 128 children who threatened self-harm and 105 children monitored for self-harm.

At an earlier public lecture in March this year, titled “The Bludgeoning of Chance”, barrister Julian Burnside AO QC also recounted personal stories of detainees.

He described the experience of an 11-year-old girl whose family had fled religious persecution in Iran. After 15 to 18 months in detention in 2002, showing clear signs of trauma, the young girl tried to hang herself with a bed sheet. Her mother, brother and little sister found her hanging, still suffocating but alive.

After relating her story, among others, Julian Burnside said, “In my naivety, I thought that if the rest of Australia knew the things that I had learned, the Government’s refugee policy would not long survive.”

Yet here we are, 13 years later. Detainee Reza Barati has been murdered in offshore detention, bludgeoned in the head according to witnesses, using a stick weaponised with nails, then kicked by a group of guards and finally killed with a rock that was smashed against his head. Witnesses to the event have allegedly been tied to chairs by Wilson guards, beaten, and threatened with rape unless they withdraw their testimony.

avoid being sent back to Nauru. An 8 year-old has drawn a picture of a guard with an erect penis before flinging himself into his mother’s arms in distress. A group of babies and their parents are being transferred to Nauru despite the Government knowing, and having known since November 2013 that it is sending them into an environment of physical and sexual abuse.

Andrew Wilkie has referred matters to the International Criminal Court. The Australian Human Rights Commission has called for a royal commission into children in immigration detention. The independent Moss review has recommended investigation of physical and sexual abuse on Nauru. The UN Special Rapporteur on Torture has found that Australia’s immigration detention practices violate the Convention Against Torture.

And our Government's response? A Royal Commission? Swift prosecution of Reza Barati's murderers? Scrutiny of the Minister for Immigration's role? Criminal investigation of child abuse and physical and sexual assault on Nauru? Steps to protect vulnerable men women and children in our care perhaps?

We drafted legislation making it easier for detention centre staff to use violence, and get away with it.

Full story at <https://newmatilda.com//2015/05/28/everything-you-ever-wanted-know-about-why-we-torture-asylum-seekers-were-too-afraid-ask>

## 10. EDITORIAL: Give asylum seekers proper assessments

The Age  
Editorial  
May 27, 2015

Since September 2013, the Abbott government has pursued a policy of turning back boats laden with people who either want to seek asylum or are opportunistic migrants. In that time, 18 boats have been prevented from reaching our shores. We know that much, and not much more because details of the government's gung-ho Operation Sovereign Borders, the Defence and Border Control program that intercepts and returns these boats to other countries, are kept highly secret.

That may be satisfactory for some members of our community who put supreme faith in the politicians of the day, and it is highly desirable for the Abbott government, which does not want widespread scrutiny of its policy. The government argues that the "on-water" operations aimed at stopping boats of asylum seekers would be jeopardised if people-smugglers knew the details of boats arriving or being turned back.

But this lack of transparency fosters legitimate and profound concerns about what the government is doing in our name. We must remain alert to its actions and we are entitled to know whether, in patrolling sea borders and intercepting boats at sea, officers are fully abiding by the international conventions that Australia has signed, most particularly the United Nations Convention on the Status of Refugees.

On Monday evening, some scant details of two recent boat interceptions emerged during a Senate Estimates committee hearing. Immigration Department secretary Michael Pezzullo and the commander in charge of Operation Sovereign Borders, Major General Andrew Bottrell, confirmed that a boat carrying 46 Vietnamese people was intercepted at sea on March 20.

The Vietnamese were transferred to an Australian ship and put through what the department described as "enhanced screening" interviews in relation to potential claims for asylum – interviews that varied in length from 40 minutes to two hours. After negotiations with the government of Vietnam, the cohort, comprising men, women and children, was ultimately returned to a port north of Vung Tau on April 18, four weeks later.

The Senate committee heard that a second boat was turned back on March 22. It was removed from Australian waters, though not returned to a country by agreement. Major-General Bottrell told the committee this interception was "an area where we anticipate there will be further ventures" and to discuss the matter might "defeat the tactics and techniques".

This is far too opaque and a little too convenient for the government. Certainly, it can be problematic and potentially hazardous for Defence ships to reveal their precise locations, and it may compromise border control activities to reveal patrol locations and interceptions. But there is no reason at all why the government needed to keep secret the fact that it had detained scores of people at sea for weeks.

This government has abased Australia's standing in the international community, refused to provide resettlement assistance to neighbouring nations dealing with thousands of Rohingya and Bangladeshi asylum seekers and migrants, and it takes pride in paying the least possible attention to our obligations under the UN convention.

Papua New Guinea has begun processing some of the estimated 970 asylum seekers who are being held in Australian immigration detention facilities on Manus Island. So far, 129 of those whose claims have been processed have been deemed to be genuine refugees. It would be a striking anomaly if, as the Abbott government would have us believe, not one person repelled by Operation Sovereign Borders in the past 20 months had a worthy claim for asylum. We are far from convinced that, in making cursory assessments at sea, the government is fully meeting this nation's important duties under the UN refugee convention.

<http://www.theage.com.au/comment/the-age-editorial/give-asylum-seekers-proper-assessments-20150526-gh9umq.html>

## 11. Welcome to Cambodia: What Australia isn't telling refugees

BBC News  
By Kevin Doyle  
Phnom Penh  
Additional reporting by Phorn Bopha

Take a one-way ticket out of a Pacific island detention centre and you could start a new life in a country where you are told jobs are waiting, quality medical services are available, and there are no problems with violent crime or even stray dogs.

Free accommodation is provided, along with monthly income support, health insurance, complimentary language classes and more.

Sound a lot like Utopia?

Try Cambodia, one of the poorest countries in the world.

Or, welcome to a version of life in Cambodia promised to four refugees - two Iranian men, an Iranian woman and a Rohingya man from Myanmar (also known as Burma) - for agreeing to resettle in Cambodia instead of Australia.

When they arrive in the capital Phnom Penh from Darwin, the four will be the vanguard of a controversial deal in which Cambodia has agreed to resettle Australia's unwanted refugees.

Hundreds of them are detained on the Pacific island of Nauru. In return for receiving them, Cambodia has been promised A\$40m (\$31m; £20m) in aid money.

Refugee groups have attacked the deal, accusing Tony Abbott's government of abrogating Australia's responsibilities to refugees and paying off an impoverished Cambodia. Members of Cambodia's opposition party have accused Australia of using their country as a dumping ground.

The plan has also been ridiculed for providing a standard of living to refugees - initially at least - that many Cambodians could only dream of. Around 18% of Cambodia's 15 million people survive on less than \$0.93 (£0.61) a day.

Initially, the four refugees will be housed in a villa in the south of Phnom Penh. They will receive income support, health insurance, classes in the local language, cultural and social orientation, and assistance in finding work or educational opportunities, said Leul Mekonnen, chief of mission of the International Organization for Migration in Cambodia.

Due to intense scrutiny of the refugees' transfer and to ensure privacy, their identities are being kept confidential, as is the amount of financial support they receive, Mr Mekonnen said.

"There will be initial assistance which may be considered higher than local standards. But they need it," he added.

## **'So sad'**

This has caused resentment among some in Cambodia which saw protests in 2014 when the re-settlement deal was agreed.

"I am amazed that refugees will be accommodated in villa-style houses and will have teachers coming to give them Khmer lessons and others, when our own Khmer population are kicked out from their own land and have to survive on their own," one Phnom Penh resident wrote in a Facebook post.

"Australia paid millions to resettle those refugees, compared to our population who have nothing to give in exchange... So sad."

The Australian government has paid the first Nauru migrant volunteers lump sums of up to A\$15,000 (\$11,500; £7,500), national media have reported.

More than A\$15.5m (\$12m; £7.8m) has been allocated to the refugee resettlement plan in Cambodia, on top of the A\$40m (\$31m; £20m) promised to the Cambodian government, the Australian Senate Committee has been told.

A "fact sheet" on life in Cambodia given out on Nauru, serves to act as an inducement.

It paints an implausibly rosy picture of life, describing the country as "rapidly developing" with "all the freedoms of a democratic society", as well as "a high standard of health care with multiple hospitals", and no "violent crime or stray dogs".

What Australia tells its own citizens about Cambodia is rather different.

"Health and medical services in Cambodia are generally of a very poor quality and very limited in the services they can provide," Australia's Department of Foreign Affairs says on its website.

"Outside Phnom Penh there are almost no medical facilities equipped to deal with medical emergencies", while "hospitals and doctors generally require up-front payment in cash. In the event of a serious illness or accident, medical evacuation to a destination with the appropriate facilities would be necessary," the website warns.

And, crime is a concern: "The level of firearm ownership in Cambodia is high, and guns are sometimes used to resolve disputes," the department notes.

Kem Sarin, director of the Cambodian government's refugee office at the interior ministry, declined to comment on the veracity of the fact sheet, apart from one claim - that Cambodia has no stray dogs - for which he gave this opinion: "There are dogs in all countries."

The country's main employers are minimum-wage garment factories where hundreds of thousands of young women from rural areas toil for long hours for relatively little pay - around \$50 (£33) a week.

## **'Rich is okay'**

Breast-feeding her sick daughter on the street outside a children's hospital in Phnom Penh waiting to see a doctor, Moeun Srey Lin, 32, paints a picture of the kind of healthcare, education and work opportunities available for her and the 70% of the population who are farmers.

She spent two hours on a bus to get to the city from her village. Her eight-month-old daughter has been sick for three weeks with a persistent high fever, cough and runny nose. She went to local, private health clinics three times in the past three weeks, spending her meagre income on treatments that have not been effective.

Asked about life in Cambodia, Srey Lin says it is hard to find work and educational opportunities. Healthcare is, as you can see, not very good, she says.

"If we are a poor family, our kids don't get a good education. If we are rich, it is okay because our kids won't have to work to help the family."

Lucrative jobs, skilled doctors and good schools do exist in Cambodia. But they are only accessible to a tiny percentage of this country's population.

Staggering wealth evident in Cambodia in the last few years says more about widening inequality, and endemic corruption, than an abundance of opportunities, or a rising tide raising all boats.

<http://www.bbc.com/news/world-asia-32872835>

## **12. UN High Commissioner for Human Rights 'dismayed' at Australia's treatment of asylum seekers**

Sydney Morning Herald  
May 27, 2015 - 6:44PM  
Sarah Whyte

The United Nations' top official on refugees has slammed Australia before an international audience, saying he is "dismayed" by the country's treatment of asylum seekers in detention in the context of the accelerating migration crisis in south-east Asia and Europe.

The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, told the Human Rights Council overnight in Geneva that he was "alarmed" by the current migration crises, calling on countries to put human rights first and to approach the issue "far more" comprehensively.

"The paramount concern of all actors must be the human rights of the people who have embarked on their desperate voyage out of fear and need," he said.

This year more than 1050 people have died at sea after fleeing from Myanmar and Bangladesh, while more than 1800 have died in the Mediterranean, Mr Hussein said.

"I am also dismayed that in Australia, people on boats intercepted at sea are sent to detention centres where conditions are inadequate," he said.

"In the first quarter of this year, 25,000 people have set out to sea from Myanmar and Bangladesh – some fleeing persecution in Myanmar, and others fleeing the poverty that besets both countries."

He said a "large proportion" of them were stateless and refugees in need of international protection and that people smugglers had violently abused and robbed many people who were attempting to leave their countries.

"As the special rapporteur on human rights in Myanmar told the council in March, Rohingya people in [displacement] camps have told her that they had only two options: 'stay and die' or 'leave by boat'," he said.

Daniel Webb, director of Legal Advocacy at the Human Rights Law Centre, said an urgent humanitarian crisis was unfolding and Australia should do more to help.

"A wealthy, developed and fundamentally decent nation like Australia should be part of the solution. Instead, we're being called out on the world stage as part of the problem," he said.

"While the UN is urging countries to respect international law and share responsibility, Australia is breaching international law in order to shift it."

This is not the first time Mr Hussein, who is a Jordanian prince, has criticised Australia for its treatment of asylum seekers.

In his maiden speech as Commissioner for the UNHCR in September, he said Australia's policy of offshore processing of asylum seekers and intercepting and turning back vessels was leading to a "chain of human rights violations, including arbitrary detention and possible torture following return to home countries".

Last week when asked whether Australia would offer resettlement to any of the thousands of migrants caught up in south-east Asia's refugee crisis, Prime Minister Tony Abbott replied "nope, nope, nope".

In March, after a UN report found that Australia was violating the rights of asylum seekers on multiple fronts, Mr Abbott said he was "sick of being lectured to by the United Nations".

"I really think Australians are sick of being lectured to by the United Nations, particularly, particularly given that we have stopped the boats, and by stopping the boats, we have ended the deaths at sea," Mr Abbott said.

"The most humanitarian, the most decent, the most compassionate thing you can do is stop these boats because hundreds, we think about 1200 in fact, drowned at sea during the flourishing of the people-smuggling trade under the former government," he said.

<http://www.smh.com.au/federal-politics/political-news/un-high-commissioner-for-human-rights-dismayed-at-australias-treatment-of-asylum-seekers-20150527-ghaij7.html>

## **13. Australian Border Force Act: Federal 'Iron Curtain of Secrecy' Around Detention Centres**

Feds 'Iron Curtain of Secrecy' Around Detention Centres

Pro Bono Australia  
Thursday, May 28, 2015 - 13:55

Those working in Australia's detention centres, including Not for Profits, are now forbidden under threat of jail time from revealing information to anyone about anything they come across while doing their jobs, according to the Australian Lawyers Alliance.

The ALA claims a new Commonwealth law which came into force this week, called the Australian Border Force Act 2015, will have far-reaching and disturbing consequences for the scrutiny of immigration detention centres and the treatment of asylum seekers by the media, professional groups, international human rights bodies and NFPs.

"The Australian Border Force Act, supported by the ALP and opposed only by the Greens, effectively turns the Department of Immigration into a secret security organisation with police powers," Barrister and spokesperson for the Australian Lawyers Alliance, Greg Barns said.

"The Abbott Government is erecting an iron curtain of secrecy over what is happening and what has happened in Australia's immigration detention system.

"Although the Act seems to be directed at Customs operations, it also seeks to regulate and control access to information about asylum seekers in immigration detention.

"Under the Act, it is a criminal offence, punishable by imprisonment of up to two years, for any person working directly or indirectly for the Department of Immigration and Border Protection to reveal to the media or any other person or organisation (the only exceptions being the Immigration Department and other Commonwealth agencies, police, coroners) anything that happens in detention centres like Nauru and Manus Island."

Barns said that Section 24 of the Act requires that any departmental workers or contractors to the department subscribe to an oath.



"There is no detail about the contents of the oath, and it is possible that the oath will prevent individuals such as doctors and nurses, as well as organisations such as the Salvation Army, Red Cross, United Nations and Amnesty International, from fulfilling their ethical and professional obligations to report physical and mental harm," he said.

"Section 26 of the Border Force Act allows the Australian Border Force Commissioner to direct people who work for the department including contractors, consultants and people who work for foreign governments or for public international organisations.

"These directions must be followed. This will inhibit contractors from abiding by their professional obligations or from following the generally accepted standards required to fulfil their roles. The Commissioner could, for example, direct that medical staff on Nauru ensure they seek permission from him before accepting a request to provide a briefing on their work to a medical organisation such as the AMA.

"Section 42 of the Act is disturbing in its heading alone. It is entitled "Secrecy". It provides that a person who is an "entrusted person" commits an offence if he or she makes a record of, or discloses, what is termed protected information. An "entrusted person" is defined in the Act to mean not only government employees, but also a consultant or contractor. And "protected information" simply means any information that a person comes across while working for, or in, detention centres.

"If section 42 is not chilling enough, consider the definition of "corrupt conduct". It includes conduct by an employee or contractor or consultant that is judged to be "abusing his or her position"."

Barnes said the effect of these provisions will be to deter individuals such as doctors, counsellors, and others who have voiced publicly their concerns about the appalling conditions endured by asylum seekers in detention centres from collecting information about those conditions and then raising their concerns in the community via the media.

"The Act not only criminalises whistleblowers but those such as medical professionals and teachers who believe they have an ethical duty to report physical and mental harm that occurs in a systemic fashion. It may be that these new requirements put vulnerable people's lives at risk but given the secrecy requirements of the Act, we will never know," he said.

"The Border Force Act goes much further than any other Commonwealth, State or Territory legislation in seeking to reduce scrutiny of Government actions in a detention setting."

<http://www.probonoaustralia.com.au/news/2015/05/feds-%E2%80%98iron-curtain-secrecy%E2%80%99-around-detention-centres>

## **14. Greg Barns & George Newhouse: Border Force Act: detention secrecy just got worse**

ABC Opinion - The Drum  
By Greg Barns and George Newhouse  
Posted Thu 28 May 2015, 5:40am

Those working in Australia's detention centres are now forbidden under threat of jail time from revealing information to anyone about anything they come across while doing their jobs, write Greg Barns and George Newhouse.

Seven days ago, a new Commonwealth law came into force. Called the Australian Border Force Act 2015, this legislation will have far-reaching and disturbing consequences for the scrutiny of immigration detention centres and the treatment of asylum seekers by the media, professional groups, international human rights bodies and NGOs.

The Australian Border Force Act, supported by the ALP and opposed only by the Greens, effectively turns the Department of Immigration into a secret security organisation with police powers. Although the Act seems to be directed at Customs operations, it also seeks to regulate and control access to information about asylum seekers in immigration detention.

Under the Act, it is a criminal offence, punishable by imprisonment of up to two years, for any person working directly or indirectly for the Department of Immigration and Border Protection to reveal to the media or any other person or organisation (the only exceptions being the Immigration Department and other Commonwealth agencies, police, coroners) anything that happens in detention centres like Nauru and Manus Island.

Section 24 of the Act requires that any departmental workers or contractors to the department subscribe to an oath. There is no detail about the contents of the oath, and it is possible that the oath will prevent individuals such as doctors and nurses, as well as organisations such as the Salvation Army, Red Cross, United Nations and Amnesty International, from fulfilling their ethical and professional obligations to report physical and mental harm.

Section 26 of the Border Force Act allows the Australian Border Force Commissioner to direct people who work for the department including contractors, consultants and people who work for foreign governments or for public international organisations. These directions must be followed. This will inhibit contractors from abiding by their professional obligations or from following the generally accepted standards required to fulfil their roles. The Commissioner could, for example, direct that

medical staff on Nauru ensure they seek permission from him before accepting a request to provide a briefing on their work to a medical organisation such as the AMA.

Further, workers may need to undergo "Organisational Suitability Assessments" as part of their essential qualifications. The Explanatory Memorandum that accompanied the legislation contemplates that this will be to "screen" individuals that may be less likely to comply with secrecy and non-disclosure requirements.

Section 42 of the Act is disturbing in its heading alone. It is entitled "Secrecy". It provides that a person who is an "entrusted person" commits an offence if he or she makes a record of, or discloses, what is termed protected information. An "entrusted person" is defined in the Act to mean not only government employees, but also a consultant or contractor. And "protected information" simply means any information that a person comes across while working for, or in, detention centres.

If section 42 is not chilling enough, consider the definition of "corrupt conduct". It includes conduct by an employee or contractor or consultant that is judged to be "abusing his or her position".

The effect of these provisions will be to deter individuals such as doctors, counsellors, and others who have voiced publicly their concerns about the appalling conditions endured by asylum seekers in detention centres from collecting information about those conditions and then raising their concerns in the community via the media and other fora.

So, for example, those former and current medical staff, teachers and social workers who signed and released a letter last month that referred to sexual assaults and abuse occurring at the Nauru detention centre could now be charged and prosecuted under section 42. No doubt there might also be consideration given to whether or not they had abused their positions by going public with their concerns and therefore engaged in corrupt conduct.

The Abbott Government is erecting an iron curtain of secrecy over what is happening and what has happened in Australia's immigration detention system. The Act not only criminalises whistleblowers but those such as medical professionals and teachers who believe they have an ethical duty to report physical and mental harm that occurs in a systemic fashion. It may be that these new requirements put vulnerable people's lives at risk but given the secrecy requirements of the Act, we will never know.

The Border Force Act goes much further than any other Commonwealth, state or territory legislation in seeking to reduce scrutiny of government actions in a detention setting. This legislation is antithetical to a society that professes to be a liberal democracy where independent scrutiny of, and protection for those who lift the veil on human rights abuses ought be the norm.

Greg Barns is a barrister and spokesman for the Australian Lawyers Alliance. George Newhouse is a Special Counsel with Shine Lawyers Social Justice Department.

<http://www.abc.net.au/news/2015-05-28/barns-newhouse-detention-centre-secrecy-just-got-even-worse/6501086>

## **15. NGO calls Aussies to action with 'refugees are scum' social experiment**

© ninemsn 2015

4:10pm May 24, 2015

Source: Mumbrella, Act for Peace

A new short film has challenged everyday Australians to turn words into actions by standing up for refugees.

The 60-second video shows a man wearing a placard handing out leaflets declaring "refugees are scum" in Sydney's CBD.

People scrunch up their faces and shoot the man disapproving looks – some even confronting him over the offensive message.

One passerby who initially walks past returns to rip the placard off the man while another brands him a "f---ing disgrace".

However, when the placard is changed to read "help the refugees", the protagonist and his pamphlets are largely ignored.

The clip, created by non-government organisation Act for Peace, poses the question: "You care about refugees, but do care enough to act?"

Alistair Gee, executive director of Act for Peace, said it highlighted how Australians will stand up to blatant discrimination but rarely do anything tangible to support refugees.

"Australians are angry about how our country treats refugees," Mr Gee told Mumbrella.

"People care about these issues but to make a real difference they need to act."

"We understand that Australians may be offended or shocked by this footage," Mr Gee said.

"We are more offended however, that the government refuses to adequately support the world's most vulnerable people."

The social experiment is the first in a series of short videos that will be released over coming weeks.

Act for Peace aims to raise \$200,000 through the challenge in 2015, which is enough to feed 925 refugees for a year.

<http://www.9news.com.au/national/2015/05/24/16/10/ngo-urges-australians-to-take-action-with-refugees-are-scum-social-experiment>

## **16. Doctors' association demands end to the 'inhumane' treatment of asylum seekers**

Woeful healthcare standards have prompted the release of the Royal Australasian College of Physicians' first position statement on asylum-seeker health

The Guardian  
Melissa Davey  
Monday 25 May 2015 12.43 AEST

The inhumane treatment of refugees and asylum seekers by successive Australian governments must end, and doctors should not feel afraid to speak out about their treatment, the president of the Royal Australasian College of Physicians (RACP) has said.

Nicholas Talley said woeful healthcare standards for asylum seekers had prompted the release of the college's first position statement on refugee and asylum-seeker health.

"Our fellows have been inside the detention facilities," Talley told the RACP's congress in Cairns on Monday. "We have treated refugees and asylum seekers during their detention and after their release into the community. These people are not numbers, they are our patients.

"As physicians, we are duty bound to speak on behalf of our patients – especially since their human rights are increasingly seen as optional."

For almost two decades, the college had argued Australia's policies for asylum seekers, such as mandatory and indefinite detention, breached human rights and caused significant harm, Talley said.

He told Guardian Australia detention had to end, and he hoped by releasing official policy recommendations targeted at both sides of politics, the government would act.

"Their policies are simply inhumane," Talley said.

"Despite our advocacy to date we haven't had the impact we feel we need and based on our fellows' involvement in the management of children in particular, we are still deeply concerned that the changes we have advocated for haven't been put in place."

Guardian Australia has contacted the offices of the minister for immigration, Peter Dutton, and the assistant minister for immigration, Michaelia Cash, for their response to the policy recommendations.

Among many things, the policy document calls for the government to take urgent action to provide more rigorous health assessments for asylum seekers on arrival; better access to healthcare for asylum seekers and refugees in the community; increase support services for refugees; and to immediately end mandatory detention, which they say is particularly harmful to children.

Professor David Isaacs, a consultant paediatrician who heads the Refugee Clinic at the Children's hospital at Westmead, told Guardian Australia he had nightmares after treating children and their parents detained at Nauru.

Doctors were being left mentally scarred by what they were seeing, he said.

"The people there are in such distress and we saw children as young as six self-harming – I'd never seen that before in my entire life," he said.

"Their parents were in such a state, they felt they had tried to run away to make their family safer and instead, they had made their situation worse.

"My colleague and I who went had nightmares for a week or two afterwards and we only went there for five days ... we felt like we were party to some kind of torture, because we couldn't take them away. All paediatricians who work with asylum-seeker

children recognise that they are deeply traumatised by what has happened to them and we should do everything in our power not to make that trauma worse.”

He said putting children in detention increased the risk of psychological trauma and if the period of detention was uncertain, it created an “impossible” situation for families.

“We wouldn’t even do that to criminals, and it’s not right that Australia is doing this to these people,” he said.

Speaking to Guardian Australia from an infectious diseases conference in London, Isaacs said his peers overseas had been questioning him about Australia’s treatment of asylum seekers.

“Doctors overseas are just appalled at Australia’s inequality, internationally, our policy towards asylum seekers is seen like apartheid.”

Earlier this month, Isaacs told a Senate inquiry into allegations of sexual assault and conditions on Nauru, asylum-seekers’ living quarters were crammed, mouldy and provided no privacy; that women had insufficient sanitary towels and used clothes and material to soak up the blood; and that he spoke with one asylum seeker who alleged she had been sexually assaulted by a cleaner.

To coincide with the release of its policy recommendations, the college also released a video featuring Dr Karen Zwi, paediatric adviser to the Australian Human Rights Commission national inquiry into children in immigration detention.

“The evidence is in, the evidence is irrefutable, detention is harmful,” she said.

“The first time I went to Christmas Island [detention centre] I was deeply shocked. I was not expecting that children in an Australian environment would be detained in such conditions.

“If they feel safe and comfortable and the healthcare system allows them to trust doctors and nurses, the relief is evident.”

<http://www.theguardian.com/australia-news/2015/may/25/doctors-association-demands-end-to-the-inhumane-treatment-of-asylum-seekers>

## **17. Court orders Immigration to compensate lawyers over blocked camp access**

The Age  
May 28, 2015 - 12:00AM  
Sarah Whyte

The Immigration Department has been forced to pay at least \$10,000 compensation to lawyers who were denied access to a compound at the Christmas Island detention centre, after the Victorian Supreme Court found staff at the centre had behaved in a “high-handed” manner, with an “unacceptable disregard” for the rule of law.

Two lawyers from the law firm Maurice Blackburn, Elizabeth O’Shea and Min Guo, were denied access by immigration officials to the high security “White” compound for three days in April to complete an inspection of its conditions.

The department had already demanded that the lawyers have a court order to inspect the whole centre, which they had obtained. But when the lawyers arrived at the White compound, the regional manager for Christmas Island, Rebecca O’Reilly, said they couldn’t enter, for “privacy reasons”.

After the lawyers then gained consent from the asylum seekers inside, Ms O’Reilly told them they could not enter due to “security reasons”.

While the lawyers remained on the island, representatives from Maurice Blackburn had to return to the Supreme Court in Melbourne to seek an urgent application for access to the compound.

Justice Stephen Kaye, who had given the first court order to inspect the centre, ordered the officers to allow the lawyers to inspect the compound in the presence of three officers. The department complied, but insisted that five officers accompany the inspection.

Justice Kaye said the conduct of the officers was “high handed” and it involved an “unacceptable disregard” for the orders that he had made earlier.

He ordered the department pay the legal fees associated with the delay, saying the Immigration Minister and the federal government were expected to be “model” litigants in the courts.

“In this instance, in this litigation, the conduct of the defendants has fallen well short of the standard of conduct that the courts are entitled to expect of them,” he said.

A principal lawyer for Maurice Blackburn, Jacob Varghese, said he hoped this case was a "lesson" to the staff of the Immigration Department and that they are subject to the rule of law.

"What is satisfying about this judgement is that a judge has reminded them that this country is still governed by the rule of law, even if you're the Department of Immigration, and you have to abide by court orders," he said.

"They may feel like they are running an authoritative system out at Christmas Island, but the laws of Australia still apply."

Mr Varghese said the law firm also believed the security concern cited by the department had been overblown.

"Having gone in, there were no security problems," he said.

The lawyers are pursuing a class action on behalf of people who have been injured or pregnant while in detention on Christmas Island during the past three years and suffered physical or psychological injury.

Mr Varghese estimates the cost to the government will be about \$10,000.

A spokesman for the department said: "As this matter is before the court, it would not be appropriate to comment."

Meanwhile, the Immigration Department confirmed that every application completed by a journalist to visit the detention centres in Australia this financial year had also been denied, relating to "security concerns".

"We do not formally record the numbers of media requests to access facilities, but in the current financial year to date we are aware of about a dozen requests from media, none of which has been approved or authorised," Rachel Noble, the deputy secretary of the Immigration Department's policy group, told a Senate committee.

<http://www.theage.com.au/federal-politics/political-news/court-orders-immigration-to-compensate-lawyers-over-blocked-camp-access-20150527-ghap96.html>

## **18. Autistic boy and mother spared from deportation after Immigration Minister Peter Dutton intervenes**

ABC News Online

By David Chen

First posted Mon 25 May 2015, 6:19am

Updated Mon 25 May 2015, 6:30am

A young boy who was at risk of being deported back to the Philippines because he is autistic will be allowed to stay in Australia with his mother.

Townsville nurse Maria Sevilla and her son Tyrone, 10, who have been in Australia for eight years, had a skilled working visa rejected by the Immigration Department.

The department said Tyrone's autism did not meet health requirement and may be a burden on the taxpayer if he becomes a citizen later in life.

Ms Sevilla appealed to the Migration Review Tribunal but it too rejected the application, and the family was facing imminent deportation. A 4,000-page petition was presented to Immigration Minister Peter Dutton last month asking for him to intervene.

He has now decided to overturn the deportation order to grant the mother and son permanent visas.

The process should be finalised in the coming weeks.

### ***Case makes headlines after Tyrone's friend appears on Q&A***

Ms Sevilla's case attracted national headlines after a friend of Tyrone's raised it on the ABC's Q&A program earlier this month.

Darwin boy Ethan Egart used to live in Townsville, where his mother studied nursing with Ms Sevilla, and the two boys went to the same after-school care. In his question, Ethan asked: "If he can get along with us and we can get along with him, why does he have to leave?" Ethan described his friend as a "good kid".

"He was a nice kid, his mum was really nice and I just don't think he should get deported," he said.

"I just thought it shouldn't happen to a kid who has autism."

<http://www.abc.net.au/news/2015-05-25/maria-sevilla-and-tyrone-sevillas-deportation-stopped/6493866>

## 19. Family of Iranian girl, five, sues Peter Dutton over her mental illnesses

Immigration minister and commonwealth alleged to have caused child's post-traumatic stress disorder by negligence in keeping her in detention

The Guardian  
Helen Davidson in Darwin  
Tuesday 26 May 2015 14.36 AEST

The family of a five-year-old Iranian girl is suing the federal immigration minister and the commonwealth of Australia for negligence which it alleges led to her post-traumatic stress disorder and severe mental illnesses.

On Tuesday the Northern Territory supreme court also heard the asylum seeker family – which has been detained in Darwin detention centres since late 2014 – will be taken out of detention and placed in the community in Brisbane.

A statement of claim and affidavit were filed last week and served on the immigration and border protection minister, Peter Dutton, and the commonwealth, and the family will seek financial damages as well as an injunction preventing its return to Nauru, the family's lawyer, John Lawrence, told the court.

However, the lawyer for the minister and commonwealth challenged the jurisdiction of the supreme court to rule on the injunction.

The family arrived on Christmas Island in September 2013 – where it is alleged the young girl was exposed to sexualised behaviour – before being moved to Nauru for a year. The family came to Darwin in late 2014 for the father to receive medical treatment and was held at Blaydin detention centre and then moved to Wickham Point.

Recent medical reports about the girl, seen by Guardian Australia, detailed severe psychiatric symptoms including self-harm, bed-wetting, and extreme anxiety triggered by thoughts or reminders of Nauru. Other documents say the girl displayed sexualised behaviour while on Nauru.

Three separate psychiatric reports stated categorically the girl should not be returned to the island.

A review by the former integrity commissioner, Philip Moss, earlier this year found there was evidence that sexual assaults had taken place at the Nauru detention centre.

Lawrence told the court he intended to present evidence of negligence, including the Forgotten Children report, the Moss review, and ongoing evidence to the Senate select committee inquiry into the Nauru centre. Evidence from former Save the Children employees, witnesses from Nauru, and those who had directly observed the experience and conditions the girl was exposed to in detention could also be called, Lawrence said.

"We will also be alleging through the evidence that those circumstances were in the knowledge of both defendants," he told the court.

Lawrence had also filed an application for an injunction to stop the family being returned to Nauru while the lawsuit is pending, but in the past week the immigration department decided to transfer the family to community detention in Brisbane. Guardian Australia was told the department has agreed to give at least three days' warning of any transfer.

A return to Nauru was "currently not the intention of the minister", said the lawyer for the immigration minister and the commonwealth, Tom Anderson.

"At this point in time there doesn't seem to be a need for an injunction. There certainly isn't a need for an interim injunction."

Anderson told the court the Migration Act prevented the NT supreme court from ruling on the injunction as "any decision under the Migration Act is a migration decision" and the matter would have to go to the federal court, high court or federal circuit court.

Anderson also said a recently inserted section of the Migration Act "removes jurisdiction from any court effectively, a matter such as this affecting what's described as a transitory person".

The immigration minister and commonwealth were not challenging that the negligence claim could be heard in the supreme court, Anderson said, but it could also be heard with the injunction claim.

Lawrence maintained the supreme court could rule on the injunction as part of the negligence claim which "isn't a novelty", but conceded the application could be "snookered" by the Migration Act.

Regardless of the decision on jurisdiction, "we will pursue this suit of negligence", he said.

Lawrence told Guardian Australia outside of court that he had informed his clients of their move to Brisbane on Sunday "which brought a clear sense of relief, including to the girl".

"They were greatly relieved to hear they were moving out of detention but the father is still anxious about his daughter's mental illness. We advised them they'd be in a better position to receive treatment [in Brisbane]," he said.

The case was adjourned until August when the court will determine the jurisdiction of the injunction application. Should no settlement be made on the negligence suit it would then proceed to trial at a later date.

<http://www.theguardian.com/australia-news/2015/may/26/family-of-iranian-girl-five-sues-peter-dutton-over-her-mental-illnesses>

## **20. Iranian refugee case could test religious freedom laws, experts say**

ABC News Online

By Stephanie Dalzell

Posted Thu 28 May 2015, 3:28pm

A group of Iranian asylum seekers whose claims for protection have been rejected are appealing against the decision in the Federal Court, in what constitutional experts say could test Australia's protection of religious freedom.

The ABC understands the seven asylum seekers have all converted from Islam to Christianity and fear persecution if they return to Iran.

Human rights lawyer David Manne, who heads the Refugee and Immigration Law Society said in Iran, said apostasy - which is defined as the deliberate abandonment of Islam by a Muslim - is punishable by death.

"The evidence is crystal clear that [such] conversions to Christianity can result in serious human rights abuses, including execution," he said.

"Although the criminal code doesn't proscribe apostasy, they draw upon Islamic law to impose it.

"It's considered to be an offence against sharia law, which is punishable by death."

Most of the asylum seekers say they tried to practise Christianity underground in Iran before formally converting once they arrived in Australia.

However, in each case, the Refugee Review Tribunal found their conversion to Christianity was not credible.

The cases before the Federal Court are the first of their kind because they rely on section 116 of the constitution, which deals with religious freedoms.

### ***Understanding of Bible questioned by tribunal***

Court documents obtained by the ABC reveal in one case, an Iranian asylum seeker who sought a protection visa because of her Christianity was quizzed by the Refugee Review Tribunal on why she did not understand parts of the Bible.

The Tribunal acknowledged the difficulties of reading in a foreign language, but said the New Testament was not an overly difficult text to follow.

It received letters from church reverends saying the woman was a genuine Christian, and it accepted she was an active churchgoer, had been baptised, and had attended a Bible studies course.

But despite that, it found she was not reliable, credible or truthful and had fabricated her claims to get a visa.

The ABC understands the barrister representing the asylum seekers, Jay Williams from Frederick Jordan Chambers, will argue findings such as these breach the constitution.

He is considering taking the matter directly to the High Court.

University of New South Wales constitutional expert George Williams said if the High Court heard the case, it could set an important precedent.

"The Australian constitution does guarantee people certain religious freedoms when it comes to federal laws," Professor Williams said.

"It means those federal laws can't impose a religious test, can't impose religious observance and can't prohibit the free exercise of any religion, so if it could be argued that these decisions actually affected any of those rights, then there could be an argument that could be put under section 116 of the Constitution.

"There are certainly few cases that the High Court looks at that deal with religious freedom, and it's been many years since the last major case, so if this was a case that went to the High Court it'd be an important test case - not just when it comes to asylum seekers but more generally about the protection of religious freedom in Australia."

Immigration Minister Peter Dutton has been contacted for comment.

<http://www.abc.net.au/news/2015-05-28/iranian-refugee-case-could-test-religious-freedom-laws/6504950>

## **21. Bikies are among 'criminals' sent to Christmas Island for deportation**

Most of the 22 people transferred offshore from the mainland have had their visas revoked for committing a crime, says immigration minister Peter Dutton

The Guardian  
Shalailah Medhora  
Thursday 28 May 2015 16.06 AEST

Members of outlawed motorcycle gangs who are due to be deported are among 22 people being transferred to Christmas Island detention centre on Thursday.

People who have had their visas revoked on character grounds and asylum seekers who have "behavioural issues" have been moved from their onshore detention centres to the more "hardened environment" of Christmas Island, immigration minister Peter Dutton said.

Until December, Christmas Island detention centre still housed asylum seeker children.

The vast majority of those transferred to the centre had had their visas revoked after committing a crime.

"Some of those people have quite extensive criminal histories," Dutton said. "At the end of [their] custodial sentence they in some cases will move into detention centres awaiting the return to their country of birth."

People who have had their visas revoked on character grounds, including criminals who have served time in jail, are increasingly being housed in Australia's onshore detention network, as the number of asylum seekers being processed in the country continues to decline.

"We have people with significant criminal histories who are now within the detention centre network," Dutton told reporters on Thursday.

The number of asylum seekers in Australian processing centres has dropped from 96% in July 2013, to 59% now, Dutton said.

"As the boats have stopped, obviously the number of people who have come off boats in detention on the mainland has dropped considerably as well," Dutton said.

The growing number of criminals in onshore detention centres raises questions about the suitability of the network for housing both visa revocations and asylum seekers, in some cases, young families.

"My desire is to, where possible, have a separate environment for those people who have come by boat and those people who are coming out of jail who have committed serious offences," Dutton said.

Despite that, the immigration minister is confident that the centres can manage having both groups in the same facility, saying that managers can make "professional judgments" on where people sleep and live.

The Coalition has closed down 13 of the 17 onshore detention centres as it moves to exclusively process and resettle asylum seekers offshore.

Prime minister Tony Abbott said that closing the centres netted the government half a billion dollars in the budget, but Senate estimates earlier this week revealed that the government had spent \$2.4bn over two years on maintaining processing centres in Nauru and Manus Island.

<http://www.theguardian.com/australia-news/2015/may/28/bikies-are-among-criminals-sent-to-christmas-island-for-deportation>



## 22. Immigration spends \$70 million on campaigns to deter boat journeys

The Age  
May 26, 2015 - 6:22PM  
Sarah Whyte

The Immigration Department is spending more than \$70 million on advertisements and public service announcements to deter people in poor nations from making the journey to Australia by boat.

Senate estimates heard that \$70.7 million will have been spent over six years from 2013 to the financial year of 2018-2019, across television, radio, press, print, online, social media, billboards, transit advertising, leaflets, stickers, community workshops and street theatre in 18 different languages.

The messages in the media included the "realities of hazardous sea journeys", "the financial risks of engaging people smugglers", "the deceptions and lies of people smugglers" and "the consequences of illegal migration by sea to Australia", the new chief of Operation Sovereign Borders, Major General Andrew Bottrell, told Senate estimates on Tuesday night.

Major General Bottrell said the campaigns were being shown in countries including Sri Lanka, Bangladesh, Afghanistan, Pakistan, Iran, Iraq, Albania, Indonesia, Vietnam, India, Malaysia, Thailand and Australia.

A telemovie, commissioned for \$4.1 million, will be produced by a company called Put It Out There Pictures, which is casting before shooting the production, Major General Bottrell said.

He said Immigration staff had "worked collaboratively" with the production company on the storylines of the telemovie, which all represent "actual events" that have occurred. The telemovie will be shown in Iran, Iraq, Afghanistan and Pakistan, and translated into five languages: Farsi, Dari, Arabic, Urdu, Pashto.

"This is just another one of those mediums to reinforce how we get the message across to a wide range of people who would potentially put themselves, or convince others, to take a journey," he said.

Previous campaigns include last year's "No Way", which featured on the Immigration Department's website.

The hearings also heard that \$15.5 million was being spent on resettlement of refugees from Nauru in Cambodia. That is on top of \$40 million that has been given in aid to the south-east Asian country. There are refugees awaiting to be transferred to Cambodia from Darwin.

Meanwhile, the number of children in detention in Australia is 136, of which 70 are in Darwin. This has fallen significantly since 2013 when the number of children detained in both held and community detention was 2665.

The length of detention has increased. The longest time for a child to be held is 1147 days, or about three years, the hearing was told by Immigration officials.

<http://www.theage.com.au/federal-politics/political-news/immigration-spends-70-million-on-campaigns-to-deter-boat-journeys-20150526-gha1ac.html>

## 23. New wave of refugees set sail from Immigration

Canberra Times  
May 27, 2015 - 11:30PM  
Noel Towell

Another wave of high level departures is under way at the Immigration Department as the agency's boss reveals that yet more of his executives have been placed on "performance notice".

Among about 11 senior executive jumping ship between the middle and the the end of May is understood to be the key defection of chief information officer Matt Yannopolous, the man who had been given the huge job of combining Immigration's systems with those of its new merger partner Customs.

Departmental Secretary Michael Pezzullo told Senate Estimates this week that departing executives had told him they simply did not fit in with Immigration's new direction under the Abbott government.

Others had been put on "formal performance notice" while an appraisal process, designed to gauge suitability for ongoing employment, was still under way.

Mr Pezzullo confirmed that there had been 15 transfers to other departments by executives since he took on the job in October and another three senior bureaucrats had retired.

Sources close to the portfolio confirmed that Mr Yannopolous was among a group of assistant secretaries and first assistant secretaries who would set sail from Immigration in the coming days, with five of them understood to have been offered asylum under their old boss Martin Bowles at the Health Department.

The moves come as a new batch of senior executive recruits join Immigration's ranks, many of whom have been drafted in from the Defence Department.

In front of Senate Estimates on Tuesday, Mr Pezullo stated that some of his departing executives did not want to work in the department any more.

"Some people might have decided, for their own reasons – perhaps their own personal values – that they might not feel comfortable working at an agency that, for instance, has a border force component that will be armed," he told the cross-party committee .

Mr Pezzullo said that a number of his veteran senior bureaucrats had told him during "very sensitive" discussions that the Immigration Department they had joined was different to the one that was emerging under the reform now under way and that it was time for them to go.

"That has been perfectly respected and supported," he said.

Mr Pezzullo also told the committee that his department would have no more places for dabblers, or generalist public servants, and needed specialist operators for some of the new tasks it must undertake.

"Put simply, we cannot afford to have on our books generalists who have dabbled in critical functions such as intelligence, investigations, international policy and engagement, strategic policy and planning, and operational planning and management," he said.

In response to questions on Wednesday from The Canberra Times, an Immigration spokeswoman said recruitment was under way to fill gaps in the executive ranks.

"Recruitment processes have been undertaken to replace specialist skills where gaps existed, providing an opportunity to refresh the leadership cohort and renew the focus required to support the new department," she said.

"We will recruit officers who have significant professional experience and qualifications in these and other fields and retrain and develop our existing staff."

<http://www.canberratimes.com.au/national/public-service/new-wave-of-refugees-set-sail-from-immigration-20150527-ghapyj>

## **24. Immigration Department confirms it is being investigated by sex abuse royal commission**

The Age  
May 25, 2015 - 4:59PM  
Sarah Whyte

The head of the Immigration Department has confirmed the royal commission into child sex abuse is investigating the department over children being abused in Australian immigration detention centres.

The commission will also demand "Notices to Produce" documents from the department over alleged abuse of children in immigration facilities, Secretary Michael Pezzullo told a Senate estimates hearing in Canberra on Monday.

"The commission has kindly informed us that they are in the early contemplative stages, and indeed drafting what they call as a notice to produce documents, which they have indicated to us will be sending to us shortly," Mr Pezzullo said in response to questions from Labor senator Kim Carr.

Last week Fairfax Media revealed that the sweeping national inquiry was investigating the department - the first federal agency to be examined by the commission regarding allegations of sexual abuse. The department said it was only aware of the commission being interested in "historical matters".

Immigration Minister Peter Dutton described the article as "rubbish".

"Well, it's a rubbish story," he told 2GB radio. "Unfortunately they haven't accurately reported that. As I'm advised, the royal commission is seeking advice about some instances from decades ago and the department will comply, they'll provide whatever documents are requested and they'll answer the questions."

But Mr Pezzullo said that Immigration officers had since met with the commission.

"There certainly have been discussions with officers of the commission about a prospective draft notice to produce documentation," he said.

As recently as last week [Immigration officers] have been in contact with the commission," Mr Pezzullo said.

Mr Pezzullo said his department would co-operate with the investigation.

He knew about a number of sexual abuse "incidents" that had occurred since late February in both Australian detention centres and in offshore detention centres such as Nauru, the Senate hearing was told.

According to Senate documents, the Department of Immigration and Border Protection has recorded an additional 28 alleged sexual abuse incidents involving children occurred in Immigration detention facilities from February 2014 to February 2015.

A recent Australian Human Rights Commission inquiry also uncovered 44 instances of children being sexually abused between January 2013 and July 2014.

Mr Pezzullo confirmed these figures, saying 12 cases were still ongoing; 20 had been closed or referred to other authorities and seven had been "declassified". The rest of the cases may have been doubled up, he said.

The royal commission – established by former prime minister Julia Gillard in 2012 – has the ability to investigate churches, charities, community organisations and government bodies. It also has the power to recommend criminal charges.

If the commission decides to hold a public hearing, former immigration ministers, Immigration Department officials and front-line staff could be called to give evidence. The hearing would focus on how the department responded to any abuse, as provided in victim statements.

A spokeswoman for the commission said they did not comment on investigations. She also said public hearings are not announced until four weeks before their commencement date.

<http://www.theage.com.au/federal-politics/political-news/immigration-department-confirms-it-is-being-investigated-by-sex-abuse-royal-commission-20150525-gh94sh.html>

## **25. New Immigration Department staff code bans onesies and ugg boots at work**

Canberra Times / AAP  
May 25, 2015 - 3:10PM  
Lisa Martin

Forget stopping the boats: the immigration department is stopping onesies at work.

A onesie is a jump suit, often in the style of an animal suit.

Department boss Michael Pezzullo revealed to a Senate committee on Monday that a staff code of conduct has been rolled out including advice on professional business dress standards.

He admitted being asked to make an official determination about the wearing of onesies at work but he didn't know what the term meant at the time.

"Onesies, ugg boots, thongs, jeans torn and otherwise... from an abundance of caution we have provided certainty, (that these are inappropriate)," Mr Pezzullo said.

"We don't see this as a particularly dramatic or draconian imposition upon our staff, it's just about basic professionalism."

Asked whether staff were rocking up to work in ugg boots, the department's Jan Dorrington said: "You'd be surprised".

<http://www.canberratimes.com.au/act-news/new-immigration-department-staff-code-bans-onesies-and-ugg-boots-at-work-20150525-gh91jl>

## **26. Asylum seeker fast-track processing to begin with temporary protection visas**

Asylum seekers on bridging visas, who arrived by boat after August 2012, are now allowed to apply for TPVs. Read the letter inviting them to apply

The Guardian  
Paul Farrell  
Thursday 28 May 2015 14.23 AEST

The federal government has lifted a stay on processing asylum seeker claims in Australia and has begun using a controversial fast-track processing system that is likely to see the first temporary protection visas granted.

On Tuesday, asylum seekers in Australia on bridging visas, who arrived by boat after August 2012, began receiving letters offering them the opportunity to apply for temporary protection visas.

This group of asylum seekers had effectively had their claims frozen until after the passage of new laws that were passed in December, which reintroduced three-year temporary protection visas and five-year safe haven enterprise visas.

A letter obtained by Guardian Australia that was sent to one asylum seeker said: "As you entered Australia as an unauthorised maritime arrival ... you were prevented ... from lodging a valid application for any visa while in Australia."

"The minister has now exercised the power ... to allow you to lodge a valid application for a temporary protection (subclass 785) visa."

It continues: "It is important that you explain clearly why you are seeking protection in Australia and give details of your protection claim(s) ... if you are unable to provide evidence, you should provide an explanation."

It also says asylum seekers must complete the application in English "otherwise it will be invalid". It suggests asylum seekers use an interpreter or translator and contact a local community group to discuss how access can be provided.

A separate email sent by the immigration department to a range of refugee organisations, and seen by Guardian Australia, said that processing will occur in the order in which the asylum seekers arrived in Australia.

"Invitations to apply for TPVs are being sent to people according to the order in which they arrived in Australia, although priority is also being given to those in immigration detention. Applicants need to wait until it is their turn to apply for a protection visa," it said.

"The department is currently inviting people who arrived from 15 August 2012 to 13 November 2012 to apply for a protection visa."

The letter contains limited information on the process. Instead it refers asylum seekers to a page on the immigration department's website that contains a number of guidelines on how the process will work and what will happen if they fail and need to seek a review.

The new process will allow an initial assessment by an immigration department officer, but will prevent appeals to the refugee review tribunal.

Instead, a new body – the Immigration Assessment Authority – will undertake a shorter form of review. The review will be conducted in a less formal environment and appeal will be considered on written submissions rather than hearings.

Controversially, the new laws will also exclude some applicants from appealing to the Immigration Assessment Authority entirely if the immigration minister Peter Dutton deems their claims to be unsuitable.

The fast-track system has been criticised by legal groups, which say it could result in legitimate refugees returned to their country of origin. Asylum seekers will be given less time to put their claims to the department, with more stringent limits on appeal rights.

The letter says the fast-track system will "allow protection claims to be assessed efficiently and ensure a more robust approach to protection assessments".

The new system has also raised concerns that it may cause substantial backlogs in court. This is because, while asylum seekers will have limited appeal rights to tribunals, they will still be able to apply for judicial review to the federal court, which is more time-consuming and costly.

The fast-track process will require a 60-page form to be filled out with over 180 questions and is raising serious concerns for refugee legal groups, which have already faced heavy funding cuts.

David Manne, the executive director of the Refugee and Immigration Legal Centre (RILC), said the process raises serious difficulties, particularly amid funding cuts to the sector. The RILC, like a number of groups, has faced substantial cuts after the federal government stopped providing most funding for asylum seeker legal services.

"There are 31,000 people in this situation and yet there has been a withdrawal of legal assistance and major cuts to funding of legal assistance," Manne said. "But legal assistance under this process is vital in ensuring people that are facing life-threatening harm are able to understanding the process and present their claim for protection."

He also said the review process before the Immigration Assessment Authority was a serious erosion of legal rights and the ability to appeal decisions.

"People's protection claims under this process will be assessed under a fundamentally unfair process that essentially removes their right to a fair hearing, and could well amount to a fast track to danger," he said. "The fundamental point remains is how are these people going to be able to receive a fair hearing under this process. Because if we get it wrong, they're often life-threatening matters. The consequences if the wrong decisions are made could well be return to torture or death."

It is not yet known how widely letters to asylum seekers have been distributed, but a number have been received by different organisations that provide legal advice to asylum seekers.

No letters seen by Guardian Australia make reference to eligibility to apply for a five-year safe haven enterprise visa. The government touted this visa as a way to allow asylum seekers to work in a regional area, and then potentially move onto another form of visa.

Refugee legal aid groups have been gearing up for the processing changes to commence for months to provide them with advice about how to lodge their claims.

<http://www.theguardian.com/australia-news/2015/may/28/asylum-seeker-fast-track-processing-to-begin-with-temporary-protection-visas>

## **27. Vietnamese asylum seekers secretly held at sea for more than a month, commander tells Senate estimates**

ABC News Online

By political reporter Anna Henderson

First posted Mon 25 May 2015, 6:12pm

Updated Tue 26 May 2015, 8:43am

A group of Vietnamese asylum seekers were held secretly at sea for more than a month before being sent back to their home country, the commander in charge of Australia's border operations has revealed.

Operation Sovereign Borders head Major General Andrew Bottrell told a Senate estimates hearing the group of 46 asylum seekers was intercepted on March 20, 2015.

The group of men, women and children were taken into Australian custody and held at sea until April 18.

Officials told the estimates hearing they had face-to-face interviews at sea and were "screened out", meaning none of those on board engaged Australia's protection obligations. They were taken back to Vietnam on the Australian navy ship HMAS Choules. "The amenity that was provided to the 46 was quite suitable," Major General Bottrell said.

"They had access to appropriate medical care, food, accommodation and ablutions of quite a high standard."

Labor senator Kim Carr questioned the officials about whether the group was effectively held on an Australian "prison ship".

Immigration and Border Protection Department secretary Michael Pezzullo rejected the description.

"Those vessels, I don't think by any commonsensical or reasonable definition could be described as a prison ship," Mr Pezzullo said, arguing none of the asylum seekers had been convicted of a crime.

Major General Bottrell told the hearing Australia had a written assurance from Vietnam that provided a "level of comfort" about returning the group.

"[There was] an assurance from the government of Vietnam that there would be no retribution for their illegal departure from Vietnam," he said.

Greens immigration spokeswoman Sarah Hanson-Young questioned the officials about what information they had about the fate of the asylum seekers after they arrived back in Vietnam. "We don't track people once they've been returned," Major General Bottrell said. "So how do you know this assurance that there was no retribution has been met?" Senator Hanson-Young asked.

Major General Bottrell said there was no reason not to believe the assurance given by Vietnam.

He agreed with Senator Hanson-Young that the assurance had been taken on "trust".

<http://www.abc.net.au/news/2015-05-25/australia-confirms-vietnamese-asylum-seekers-detained-at-sea/6496290>

## 28. Vietnamese asylum seekers kept on customs boat for a month

The Age  
May 25, 2015 - 8:12PM  
Sarah Whyte

Nearly 50 Vietnamese asylum seekers, including children, were kept on board a customs boat at sea for a month before they were returned to Vietnam.

The new boss of Operation Sovereign Borders, Major-General Andrew Bottrell, revealed 46 asylum seekers were intercepted by Australian authorities on March 20 and were kept at sea until April 18 by customs officials, in what immigration officials have dubbed as a "take back" operation.

Major-General Bottrell said there was a "diplomatic exchange between the Vietnamese government" and the Australian government before the group were returned to the coastal town of Vung Tau, in southern Vietnam.

"There was a level of comfort provided for them," he said.

He told a Senate estimates hearing that Vietnamese officials provided assurance that there would be no retribution for the group's illegal departure from Vietnam.

But Major-General Bottrell admitted the Australian government did not track asylum seekers once they have been returned, under questioning from Greens senator Sarah Hanson-Young,

Secretary Michael Pezzullo defended the customs vessel in which they were held, saying it was not a "prison ship" and it was equipped with rooms, bathrooms, and the asylum seekers had been well looked after and provided with quality food.

"I suspect [the asylum seekers were in] more salubrious circumstances than the vessels in which they actually turned up".

The 46 asylum seekers underwent an "enhanced screening" interview to assess whether they had any claims of protection. The interviews took between 40 minutes and two hours, the Senate hearing was told.

According to new screening guidelines that came into effect in March, asylum seekers are no longer immediately asked by Australian officials if they have been tortured or suffer from trauma, as revealed last week.

Immigration officials would not say whether the asylum seekers were asked whether they had been tortured or suffered from trauma.

A take back operation means asylum seekers not found to be needing protection are taken back by their country of origin's government.

<http://www.theage.com.au/federal-politics/political-news/vietnamese-asylum-seekers-kept-on-customs-boat-for-a-month-20150525-gh991c.html>

## 29. Revelations Australian authorities held Vietnamese men women and children held at sea for nearly a month

ABC Radio CAF - AM  
Louise Yaxley  
Tuesday, May 26, 2015 08:08:00

MICHAEL BRISSENDEN: A Senate committee has heard revelations that Australian authorities detained 46 Vietnamese people including children at sea for nearly a month.

The group was returned to Vietnam in April, but officials can't say what has happened to them since.

The estimates committee's been told they were interviewed while at sea - but the questioning process took less than an hour in some cases.

Political correspondent Louise Yaxley reports.

LOUISE YAXLEY: The new head of Operation Sovereign Borders, Major General Andrew Bottrell, told the committee two boats have been dealt with since estimates in February.

ANDREW BOTTRELL: One was a turn-back, one was a take-back.

LOUISE YAXLEY: The turn-back was completed on the 22nd of March, but General Bottrell wouldn't give more details, saying it could help people smugglers.

ANDREW BOTTRELL: Potentially discloses to those who might be watching how to then defeat the tactics and techniques that we might use.

LOUISE YAXLEY: And the Immigration Department secretary Mike Pezzullo would not confirm to Greens Senator Sarah Hanson-Young the boat was sent back to Indonesia.

MIKE PEZZULLO: Senator, I'm not going to discuss which country.

LOUISE YAXLEY: But the senators did get new details about the group returned to Vietnam in the so-called take back.

Labor Senator Kim Carr was told the boat carrying 46 men women and children was intercepted on the 20th of March and taken to the Port of Vung Tau on the 18th of April.

KIM CARR: It's a fair length of time to keep people at sea. That's nearly a month they were kept on an Australian vessel.

MIKE PEZZULLO: Yes Senator they were. They had access to appropriate medical care, food, accommodation and ablutions of quite a high standard.

KIM CARR: We are talking about an Australian warship are we?

MIKE PEZZULLO: Not necessarily Senator.

KIM CARR: I see, so we do have a special prison ship?

LOUISE YAXLEY: Mr Pezzullo rejected that.

MIKE PEZZULLO: Those vessels I don't think by any commonsensical or reasonable definition could be described as a prison ship, if by which you mean a sort of a hulk that sits in the river Thames.

It's not a prison ship because a prison ship requires someone to be convicted of a crime and serving a sentence...

KIM CARR: No, none of these people have been convicted of a crime, they're just detained.

LOUISE YAXLEY: The decision to send the Vietnamese back was taken after interviews lasting in some cases less than an hour.

ANDREW BOTTRELL: Took between 40 minutes and two hours.

LOUISE YAXLEY: Senator Hanson-Young was far from satisfied.

SARAH HANSON-YOUNG: A 40 minute interview is not significant enough time to be able to determine whether somebody is a refugee out on the high seas.

MIKE PEZZULLO: Senator, the process that is applied enables us to assess whether the person has any claims that may engage Australia's protection obligations. So I am confident that we are on solid ground here.

SARAH HANSON-YOUNG: You can't tell us whether people were asked whether they'd suffered torture or trauma before you sent them back to Vietnam. I don't see what is operationally secret about that question.

What's been done to ensure their safety once they've been returned to Vietnam - do we know what's happened to them?

MIKE PEZZULLO: There was a level of assurance provided that there would not be any retribution for their illegal departure from Vietnam.

LOUISE YAXLEY: She was told the Government doesn't track the returnees.

SARAH HANSON-YOUNG: So how do you know that the assurances that there was no retribution has been met?

MIKE PEZZULLO: Senator, we've got no reason not to believe the assurance we were given.

SARAH HANSON-YOUNG: So it's just taken on trust?

MIKE PEZZULLO: Senator, yes.

LOUISE YAXLEY: As the Government maintains its campaign of discouraging people coming to Australia by boat, General Bottrell revealed more than four million's being spent on a telemovie that will be shown in Afghanistan, Iran, Iraq and Pakistan, broadcast in five languages.

SARAH HANSON-YOUNG: They haven't started shooting?

ANDREW BOTTRELL: We're still working through casting.

MICHAEL BRISSENDEN: Lieutenant General Andrew Bottrell ending that report from Louise Yaxley.

<http://www.abc.net.au/am/content/2015/s4242312.htm>

### **30. Boat of Vietnamese asylum seekers turned back after 40-minute interviews**

Forty-six migrants offloaded at port in April on one of 18 vessels prevented from reaching Australia since Operation Sovereign Borders began, hearing told

The Guardian  
Agencies  
Monday 25 May 2015 19.11 AEST

A boat carrying 46 Vietnamese asylum seekers was returned to Vietnam on 18 April, the commander of Operation Sovereign Borders, Major General Andrew Bottrell, confirmed in a Senate estimates hearing on Monday.

Bottrell said that the asylum seekers were given individual interviews at sea that lasted between 40 minutes and two hours. Immigration department secretary told a Senate committee that the interviews were long enough to ensure that none of the asylum seekers' claims met Australia's protection obligations.

It is understood the asylum seekers were offloaded by an Australian navy vessel in the port city of Vũng Tàu, after leaving Vietnam for Australia in March.

It is one of 18 asylum-seeker boats that have been prevented from reaching Australia since Operation Sovereign Borders began.

Another boat was the subject of a "turn-back" that was completed on 22 March. Details of the number of asylum seekers aboard the vessel have not been revealed.

Bottrell confirmed a total of 18 asylum-seeker boats had been prevented from reaching Australia since September 2013, when the Abbott government introduced Operation Sovereign Borders to tackle the people-smuggling trade.

However, he refused to release further details, saying he would be maintaining the secrecy surrounding the operation that the government said was needed to ensure the integrity of missions.

"While I'm acutely aware of the interest surrounding the release of information, the success of Operation Sovereign Borders has been in part due to the denial of operational information from people smugglers," Bottrell said.

Bottrell said people smugglers were still actively trying to sell passage to Australia.

"Despite the results achieved under Operation Sovereign Borders to date, people smugglers continue to try to take advantage of vulnerable people by convincing them to get on boats to Australia," he said.

<http://www.theguardian.com/australia-news/2015/may/25/vietnamese-asylum-seeker-boat-sent-back-australian-commander-confirms>

### **31. Nauru's president defends Facebook ban, says social media has 'power to create instability'**

ABC News Online / Pacific Beat  
First posted Fri 29 May 2015, 6:02pm  
Updated Fri 29 May 2015, 7:16pm

Nauru's president Baron Waqa has launched a fiery defence of his government's decision to ban Facebook, saying social media has the power to stoke instability in the small Pacific nation.

The ban has been widely condemned by opposition MPs and refugee advocates who said it was designed to restrict asylum seekers in detention from communicating with the outside world.



Mr Waqa was among the heads of government and other leaders attending the 71st Economic and Social Commission for Asia and the Pacific (ESCAP), the regional development arm of the United Nations.

In a keynote speech to the commission meeting in Bangkok, Mr Waqa said the effects of social media were "very powerful".

"Nauru has been on the receiving end recently of biased and unsubstantiated reporting by foreign media and left-wing groups regarding the government's decision to ban Facebook," he said.

"In a tiny community with only 10,000 people and where nearly everyone knows one another the effects of social media to inform and to advertise is very powerful indeed.

"The power is to disrupt, embarrass, destroy one's reputation and to create instability."

Mr Waqa said the Facebook ban was in the interests of protecting the country, particularly the younger generation.

"The use of Facebook on Nauru to circulate nude pictures of girls and the unregulated use of language to intimidate and to create tensions among friends and families is something that our society cannot and will not accept," he said.

Facebook confirmed it had recently met with Nauru's government to discuss its concerns around the alleged misuse of the social networking site.

"We confirmed that our community standards prohibit pornography, bullying and harassment and content that promotes sexual violence or exploitation," Facebook said in a statement to the ABC.

"We remove content of this nature when it is reported to us.

"Despite this, the government has advised us that the ban on Facebook will continue for months."

### ***'We have not blocked the internet'***

In a statement, Nauru's justice minister David Adeang said the "overwhelming majority of Nauruans" supported the government's actions, with many mothers expressing their gratitude.

"We have blocked sites that promote child pornography and exploit women and children, and we do not apologise for this," he said.

"Surely no one want to see children exploited on the internet."

Mr Adeang said claims made by non-governmental organisations and sections of the media that Nauru was blocking internet access were "completely false".

"Those who are living as refugees in Nauru have complete access to all communications including phone, internet, email and a myriad of social media platforms," he said.

"They are free to live as any other citizen of Nauru and their communication has not been restricted at all."

Shortly after the government enacted the Facebook ban in late April, it amended the criminal code to make comments deemed "threatening, abusive or insulting in nature" an offence punishable by up to seven years in jail.

Under the changes, public statements that are likely to threaten national defence and public order would also be an offence.

The deputy executive secretary of ESCAP, Shun-ichi Murata, said Nauru's crackdown on free speech was inconsistent with the region's sustainable development goals.

"An inclusiveness of the communication and participation of the people, that part is an important element from the development perspective," he said.

"All leaders agreed to that and I hope the correction will be made in the future."

<http://www.abc.net.au/news/2015-05-29/nauru-president-baron-waqa-defends-facebook-ban/6507240>