

Project SafeCom News and Updates

Monday, 22 June 2015

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1. Gillian Triggs: Australia and the Magna Carta: how the Coalition and Labor agree on laws that violate our freedoms

In an anniversary lecture, the president of the Human Rights Commission says counter-terror and detention laws are limiting common law rights

The Guardian
Gillian Triggs

Monday 15 June 2015 17.46 AEST

Gillian Triggs, president of the Human Rights Commission, gave the Alice Tay lecture in law and human rights to an audience in Canberra, marking the 800th anniversary of the Magna Carta.

"I have been asked to speak to you today about human rights in contemporary Australia, a large subject that is stimulated by our celebration of the 800th anniversary of the sealing of the Magna Carta on this day, 15 June 1215 on the river meadows of Runnymede in England.

"The Charter of Liberties, or the Magna Carta as it later became known, was drafted by Stephen Langton, the Archbishop Canterbury, in an effort to end the conflict between the king and his barons. Notably, King John was probably illiterate and did not sign the document. Rather he attached his seal to it. Both the king and his Barons then swore oaths before a crowd of hundreds, the king to abide by the terms of Magna Carta and the barons to give fealty to the king.

"Within nine weeks of the sealing of the Magna Carta it was annulled by Pope Innocent III. Civil war soon broke out and within a couple of years, the king was dead.

"How was it that this Latin inscribed sheepskin parchment became anything more than a minor foot note in English history? Why is Magna Carta today recognized as the foundational document of English constitutional law and the symbol of liberty and freedom throughout the English-speaking world?

"I believe the answer lies in two seminal ideas that underlie Magna Carta. The first is that the sovereign, or in today's parlance, "executive government", is subject to the law. It was the written articulation of the idea that the king was, like his barons, also bound by the law of the land, that explains the enduring power of Magna Carta.

Full story at <http://www.theguardian.com/australia-news/2015/jun/15/australia-and-the-magna-carta-how-the-coalition-and-labor-agree-on-laws-that-violate-our-freedoms>

2. Greg Barns: All those who value democracy must stand up, support Triggs

Greg Barns
The Mercury
June 15, 2015 12:00AM

ATTICUS Finch was a lawyer who understood the rule of law underpinning a civilised society had to apply to all.

Finch stared down the racists and thugs in a small Alabama town in the 1930s. He was the hero of Harper Lee's *To Kill a Mockingbird*. He is a hero today and there are few like him.

Australia is lucky to have an Atticus Finch. Her name is Gillian Triggs and she is the Human Rights Commission chairwoman. Ms Triggs is being hounded in the same way Finch was harassed and it is the same forces of darkness at the door of both courageous individuals.

Ms Triggs is being hounded because she is standing up to the most authoritarian, brutal government in Australia's post-federation history.

She is doing what this commentator and others of goodwill have been doing for a while now — pointing out the serial human rights abuses towards asylum seekers, Muslims and indigenous Australians, and how the Abbott Government and a spineless ALP are passing laws in the areas of migration and anti-terrorism policy that weaken our democracy.

Commentators, one newspaper in particular, and politicians in the Abbott Government are running a disgraceful campaign against Ms Triggs. It has been going on for months. The latest act of thuggery was by Immigration Minister Peter Dutton, an ex-police officer from Queensland, who demanded Ms Triggs apologise for allegedly drawing a link between the illegal policy of boat turn-backs and the decision of Indonesia to execute two of the Bali Nine.

Ms Triggs was verbally abused by Mr Dutton. She did not draw a direct link at all. She said what is known to be the case — that Australia treated Indonesia with contempt over asylum seekers and Jakarta knows it.

Attorney-General George Brandis has been trying to get Ms Triggs to resign for months. His Department Secretary “lost documents” that would have shed light on alleged inducements to get her to leave her post.

Apparently Ms Triggs is not meant to criticise the Abbott Government. She should join the cheer squad of callous right-wing commentators, racists, xenophobes and fools who support this appalling Government.

But like Atticus Finch, Ms Triggs is made of stronger stuff. You see, people like Atticus Finch and Gillian Triggs have what their assailants lack — moral and intellectual integrity. They are not grubby opportunists who willingly tell lies, use the veil of secrecy and trample on the vulnerable and helpless for base political gain.

Just as the American Deep South needed people like Atticus Finch to stand up to the abuse of power that was white skin colour over black skin colour so as to expose its true horror, its undermining of fundamental principles like fairness and equality, and to rally others of decent instincts to say enough is enough, so Australia today needs Gillian Triggs.

Unfortunately, our courts, wedded too often to a black letter approach to the law, refuse to stand up to undemocratic laws and strike them down. Unfortunately, we do not follow other democracies by giving individuals protection against executive and parliamentary abuses of power.

That the thugs of the Abbott Government and its media allies feel its OK to beat up on the head of an independent statutory body and want her to resign because she criticises their modus operandi should disturb everyone who cherishes democracy.

I noted recently Australia was sliding into the arms of authoritarianism. The attacks on Ms Triggs prove it, as do laws supported by the Coalition and ALP that make it a criminal offence for doctors to publish reports of mental and physical abuse of asylum seekers. Yes, such laws were passed recently, only opposed by the Greens.

It is time for Australians who care about the rule of law, who care about democracy, who care about fairness, and who care about the primary importance of respect for those whose job it is to expose injustice and abuses of power, to support Gillian Triggs.

We support her because like the great hero Atticus Finch, she is the exemplar of courage and decency at a time when the Government and its allies, including the Opposition party, no longer respect democracy.

It is time for decent Australians to fight back. To say no to Dutton, Abbott, Brandis and their ALP friends. To say no to getting rid of the one person who stands between silence on abuses of power and the world knowing what a shameful country we have become.

Tweet this: #IsupportGillianTriggs and do it again and again.

>>> *Lawyer Greg Barns was an adviser to NSW premier Nick Greiner and the Howard government. He was disendorsed as the Liberal candidate for Denison in 2002, later joining the Democrats. In 2013, he was Wikileaks Party campaign adviser.*

<http://www.themercury.com.au/news/opinion/talking-point-all-those-who-value-democracy-must-stand-up-support-triggs/story-fnj4f64i-1227397416251>

3. UN concern at Bangladesh plan to move thousands of Rohingya to flooded island

The UN refugee agency, which has been helping the Rohingya for more than 20 years, said such a move would be ‘logistically challenging’

The Guardian

Agence France-Presse
Sunday 14 June 2015 15.49 AEST

The remote Bangladeshi island of Thengar Char disappears completely under several feet of water at high tide, and has no roads or flood defences.

But that hasn’t stopped the government from proposing to relocate thousands of Rohingya refugees living in camps in the south-eastern district of Cox’s Bazar which borders Burma to its marshy shores.

Bangladesh said last month it was looking to move the around 32,000 registered refugees – in part because they were hampering tourism in the coastal resort district – home to the world’s longest unbroken beach.

The proposal has been met with alarm from leaders of the Rohingya, who began arriving more than two decades ago after fleeing persecution in Burma, and whose desperate search for a secure homeland has recently been thrown into the spotlight by a regional smuggling crisis.

The UN refugee agency, which has been helping them since 1992, said a move would be “logistically challenging”.

Police on the neighbouring island of Hatiya prevented the boat AFP was travelling on from going to Thengar Char, saying they could not guarantee its safety.

But accounts from local people and a forest department official who oversaw the 2011 planting of mangroves on Thengar Char gave an indication of the challenges.

“At high tide the entire island is under three to four feet (about a metre) of water,” said the official, speaking on condition of anonymity.

“It is impossible to live there,” he said, comparing the plan to “compelling a guest to sit on a spiked chair after inviting him to your home”.

Low-lying Thengar Char, around 30km (18 miles) east of Hatiya island, only emerged from the sea around eight years ago.

The 10,000-acre island is administered from Hatiya, which has a population of 600,000, but local boat operators said they rarely went there.

Such a journey would in any case be impossible during the monsoon months of June to September, when the seas are perilous, and the island would be completely cut off.

The island, around two hours away from the mainland by speedboat, is in an area frequently hit by cyclones, which have killed thousands in Hatiya and Bangladesh’s southern coast in the past.

Hatiya’s top government official AHM Moeenuddin said the island had been chosen by a team of government surveyors dispatched to the area on the orders of the Bangladeshi prime minister, Sheikh Hasina.

He admitted relocating thousands to the island would be challenging, but said the construction of cyclone shelters, a barrage and a hospital would be enough to “make the place liveable”.

Hatiya police chief Nurul Huda declared it an “ideal place for Rohingya relocation”, even though it is “isolated and frequented by pirates”.

“All we need is a police station to maintain law and order,” he said.

But residents of Hatiya remain to be convinced by the proposal.

“We are already tired of Bengali pirates and river erosion. We don’t want our peace disrupted any further,” said Abdul Halim, who took part in a recent protest by scores of islanders.

Rights groups have expressed concern at the proposed relocation of the refugees living in Cox’s Bazar, which comes as Bangladesh is under scrutiny over its treatment of the Rohingya.

The Muslim minority Rohingya are denied citizenship and face a raft of restrictions in Burma, including on their movement, family size and jobs, leading thousands to flee every year.

The exodus was largely ignored until a crackdown on the people-smuggling trade in Thailand last month caused chaos as gangs abandoned their human cargoes on land and sea.

Thousands are now living in tents on scrubland on the frontier between the two countries, wanted by neither.

Most of Burma’s 1.3 million Rohingya have no citizenship and are considered by the government to be illegal immigrants from Bangladesh.

Those living in the Bangladesh camps have refugee status and receive support from the UN, meaning they have access to food, shelter and other basic necessities.

But as Bangladesh and Burma face international scrutiny over the fate of the stateless Rohingya, some fear a plot to move them as far from scrutiny as possible.

“There are other islands nearby, habitable for humans,” said the forest department official.

“But somehow, this island, which becomes inundated during every single high tide was proposed as the relocation site.”

<http://www.theguardian.com/world/2015/jun/14/un-concern-at-bangladesh-plan-to-move-thousands-of-rohingya-to-flooded-island>

4. Robert Tickner: There's no legal queue. And three other facts Australians get wrong about asylum seekers

Despite extensive coverage of asylum seeker issues, Australians remain remarkably uninformed about the facts.

The Guardian
Robert Tickner
Monday 15 June 2015 09.50 AEST

Talking about refugees and asylum seekers in some circles can be a dubious endeavour. Before you know it, words like “illegals” and “queue jumpers” are ricocheting back at you, and you’re entangled in an angry debate.

In some parts of Australia, the good ol’ welcome mat has yet to make it out the front doorstep for the small number of refugees and asylum seekers who arrive in this country. And as the debate spirals on about the motives and choices faced by this vulnerable group, facts often lose out to fiction and speculation.

In the lead up to Refugee Week, Australian Red Cross surveyed people across the country to discover just what they do and don’t know. In the process, we learnt the public is pretty misinformed on some basic facts.

+++ Fact 1: It’s not a crime to come to Australia by boat without a visa and ask for protection

But we found seven out of 10 people believe it is.

The truth is that it is not a crime to arrive here by boat without a valid visa and ask for protection. In our experience – in almost 100 years working with people affected by migration – those who do so often feel it is their only chance of finding a place where they’ll be safe from persecution.

Nor is it illegal to flee persecution, to cross borders without documents or passports in order to seek asylum – people have been doing it for centuries. Everyone has the right to seek asylum from persecution, which is enshrined in the Universal Declaration of Human Rights. Human rights are basic freedoms and protections that everyone’s entitled to.

+++ Fact 2: There’s no official queue for people coming to Australia seeking a safe place to live

But six out of 10 people think there is.

The United Nations process of resettling refugees in other safe countries doesn’t operate like a queue. It’s not a matter of lining up, waiting for your number to come up – this is not the supermarket deli counter. The resettlement system operates as a discretionary process, based on changing criteria. It’s more like a lottery than it is like a queue.

If this mythical global queue did actually exist, based on the number of refugees there are in the world, people joining the end might wait 170 years to get to the front.

+++ Fact 3: Only 1% of the world’s refugees is likely to be given safe haven in any given year

Our survey found six in 10 people don’t know that.

Only a small group of countries offer resettlement through the UN system. Need consistently far exceeds supply and in any given year about 1% of the world’s refugees is likely to be granted safe haven in another country – in fact the UN says fewer than 1% of refugees will ever get a resettlement place.

+++ Fact 4: There are almost 18 million refugees and asylum seekers in the world

According to the most recent statistics there are 16.7 million refugees and 1.2 million asylum seekers worldwide, most of whom are currently living in developing countries such as Pakistan and Iran.

But we found close to one-third of people reckon there’s 80 million, more than four times as many as there actually are. And almost another quarter of people think there are 9 million, half the actual figure.

These four undeniable facts can help give context to any discussion on refugees and asylum – they provide scale and parameters for debate. It matters, because if some of these myths were dispelled we believe we would have a more compassionate, understanding, welcoming and stronger Australia.

We know from our decades and decades of experience working with vulnerable migrants that the vast majority of asylum seekers and refugees flee to escape persecution, torture and death – dangers inflicted on them because of their race, religion, nationality, social group or political opinions.

Some have seen their closest relatives and friends murdered, and their homes and villages burnt to the ground. They've suffered torture and their bodies, like their minds, are covered in scars that will never disappear. They are survivors. They come from all walks of life, rich and poor. They flee, simply, because they want to live.

This year for Refugee Week (14 to 20 June) we are taking on some of the myths and misconceptions that ultimately serve no one. The next time you find yourself in the midst of this debate if you don't recall anything else at least remember these four basic truths.

*Thanks to The Refugee Council of Australia and the United Nations High Commissioner for Refugees for the statistics and data referred to here.

<http://www.theguardian.com/commentisfree/2015/jun/15/theres-no-legal-queue-and-three-other-facts-australians-get-wrong-about-asylum-seekers>

5. Claire Mallinson: Australia must turn around its attitude towards asylum seekers

Australia must turn around its attitude towards asylum seekers - stop the disgrace

The way Australia treats asylum seekers is abysmal; it needs to once more show global leadership, contributing to a worldwide response that prioritises protection, human life and human dignity.

Sydney Morning Herald
June 17, 2015 - 12:00AM
Claire Mallinson

Rather than Australia taking a lead in rescuing vulnerable people found at sea, recent allegations that money has instead been handed over to people smugglers, by Australian officials, are extraordinary. The way Australia treats asylum seekers is already abysmal – we have seen reports of sexual abuse of women and children on Nauru, and we know the psychological damage done to people kept in detention for extended periods of time. The reports of alleged payments to people smugglers add to the questions the government refuses to answer on the way it treats asylum seekers.

But issues of neglect towards vulnerable people on the move are not unique to Australia. Worldwide, more than 50 million people are displaced – this is the highest number since World War II. Yet the response of the world's richest countries to one of the defining challenges of the 21st century has been nothing short of a shameful failure.

In Syria, more than 50 per cent of the population has been displaced, with more than 4 million Syrians having fled the country. Currently, 95 per cent of these refugees are struggling to survive in neighbouring countries – many of them living in poverty or spending years in refugee camps. For Lebanon, this means that one in five people in the country are Syrian refugees. This has a very real impact on the day-to-day lives of everyone living in Lebanon.

In sub-Saharan Africa, there are more than 3 million refugees – but fewer than 15,000 refugees from African countries were resettled outside of Africa in 2013. And these are just two examples. This is a global crisis, and it needs a global response.

Currently, 86 per cent of the world's displaced are living in the developing world, yet despite calls by the UN for support, these countries are chronically underfunded and resettlement places offered remain woefully inadequate.

The UN humanitarian appeal for Syrian refugees is only 23 per cent funded, and the UN's South Sudan regional refugee response plan is a pitiful 11 per cent funded. This is an abject failure by the international community. It is no surprise that displaced people, in their desperation, then decide to undertake hazardous journeys in search of a better life for themselves and their families – 33 per cent of the people arriving to Europe by boat this year are Syrians. Australia has offered just 1,500 refugee places to Syrians per year for three years, only 1.2% of the total identified as in need of resettlement.

Amnesty International's report *The Global Refugee Crisis: A conspiracy of neglect*, released this week, shows we need a major shift at the international level in how we deal with these issues.

If we want to stop the boats, the wealthiest countries need to do much more to support countries of first asylum. This could be done through establishing a global fund, which would help ensure refugees are not homeless, hungry, or watching their children grow up in refugee camps. Crucially, we need to prioritise saving lives.

A global refugee fund would fulfil all UN humanitarian appeals for refugee crises, as well as provide meaningful financial support to countries hosting large numbers of refugees. The fund, which would help countries provide services to refugees and their host communities, would need to be additional to existing development aid.

The idea that rescuing people at sea is a "pull factor" is nonsense. Despite the end of the humanitarian naval operation *Mare Nostrum* – during which 166,000 people were rescued at sea by the Italian authorities in 2014 – people keep coming across the Mediterranean, now with often tragic consequences. In April 2015, more than 1000 people died in just 10 days while attempting to cross the Mediterranean and, so far, a total of 1865 people have died in their attempt.

When we find someone on a leaky boat at sea, fearing for their life, we should rescue them, not tow them away.

In the aftermath of World War II, the world pulled together to address the refugee crisis – the 1951 Refugee Convention was developed to protect people from being returned to the countries they were fleeing. This convention not only provided a framework for the protection of tens of millions of people, it also established the principle of responsibility sharing so that no one country has to cope by itself.

Unfortunately, we have lost sight of these important principles. Replaced instead with policies that prioritise self-interest. Such policies will ensure the current crisis will worsen, with the vulnerable continuing to suffer and die in record numbers.

Sixty years ago, Australia helped draft the Refugee Convention, and was one of the first countries to sign it. Rather than looking to outsource its responsibilities, Australia needs to once more show global leadership, contributing to a global response that prioritises protection, human life and human dignity. Let's not pretend it's going to be easy, but the scale of the problem is getting worse and we need to act now.

>>>> *Claire Mallinson is national director of Amnesty International Australia.*

<http://www.smh.com.au/comment/australia-must-turn-around-its-attitude-towards-asylum-seekers--stop-the-disgrace-20150616-ghp68q.html>

6. Mike Seccombe: Stalling the lawyers who aid asylum seekers

The only success in curbing mistreatment of refugees has been in the High Court. Now the government is targeting the lawyers who bring the cases.

The Saturday Paper
Jun 20, 2015
Mike Seccombe

When David Manne, executive director of Melbourne's Refugee and Immigration Legal Centre, goes courting people with good hearts and deep pockets these days, he takes a prop with him. A big wad of impenetrable bureaucratic forms.

As the target politician or potential donor leafs through it, Manne gives his pitch for money. It's not something he is particularly comfortable doing. He is a lawyer, not a fundraiser. Nine times he and his organisation have been involved in High Court challenges to federal government immigration policies, and nine times they have prevailed.

Battles won, but not the war. Right now, the battle is for funds, because the Abbott government, in its relentless campaign to deny asylum seekers, is adopting a starve-them-out strategy.

Manne's pitch goes something like this: "Let's take Ali, an Afghan refugee with little English. How can Ali complete at least 62 pages of forms, containing 184 questions about his life, and on top of that make a detailed written statement about his fears, all in English, without legal assistance?"

The answer to the question seems pretty obvious: Ali is unlikely to be able to do it. Which appears to be what the Abbott government is intending.

Full story at <https://www.thesaturdaypaper.com.au/news/politics/2015/06/20/stalling-the-lawyers-who-aid-asylum-seekers/14347224002028>

7. Tom Allard & Sarah Whyte: Refugee policies give Australia's global reputation a beating

Australia's treatment of desperate refugees is giving us a reputation as a self-interested, uncaring nation, write Tom Allard and Sarah Whyte.

The Age
June 20, 2015 - 12:15AM
Tom Allard and Sarah Whyte

It was a terrifying and desperate end to an extraordinary attempt to find a new life, worth risking their savings and a perilous 22-day, 7000km journey by boat from Java to New Zealand.

The asylum seekers' journey was in trouble within days. First intercepted by a Customs vessel and then four days later, Customs officers were joined by HMAS Wollongong. But they were in international waters and, after all, not heading to Australia.

There was still hope. In limbo near Ashmore Reef, there were two days of negotiation with the Australian officials. Bangladeshi, Sri Lankan and Rohingya passengers pleaded to be allowed to continue.

But their fate was clinched by brown bags filled with crisp \$US100 dollar notes and handed to the boat's crew by a man known only as "Agus", fluent in Indonesian and apparently the frontman for an Australian Secret Intelligence Service (ASIS) operation.

The asylum seekers were taken to the edge of Indonesian waters, put on two wooden vessels provided by the Australians, given chocolate and fuel and told to head for land.

One of the boats ran out of fuel. The other, by now dangerously overcrowded, smashed on a reef, its bedraggled human cargo rescued by fisherman and seaweed farmers from Landu island.

Each of the 65 asylum seekers paid \$5000 for their ill-fated voyage, enough to net the people-smuggling syndicate some \$300,000, potentially supplemented by the \$US30,000 (\$38,000) the Australian spy apparently paid the boats' crew to return to Indonesia.

There will, however, be no refunds for the asylum seekers, which included three women and four children..

Destitute, their future bleak as they are processed by Indonesian immigration officers, the tale of those on the boat is sadly familiar in a world gripped by a refugee crisis not seen since the second world war.

The United Nations revealed on Thursday a staggering 60 million people have been driven from their homes due to war and persecution.

That's up more than 8 million in the past 12 months, the largest annual increase on record. If those seeking asylum or displaced from their homes were a country, it would be the 24th largest and contain one in every 122 citizens on earth.

"For an age of unprecedented mass displacement, we need an unprecedented humanitarian response." said UN High Commissioner for Refugees (UNHCR), António Guterres.

Turning back boats, let alone bribing people smugglers to do so, is not the type of co-ordinated response the UN has in mind for what it describes as a "unchecked slide" into misery and chaos for the world's displaced peoples.

"Imagine if other countries followed this approach," said one senior foreign affairs adviser in Jakarta this week. "The international order would collapse."

Full story at <http://www.theage.com.au/national/refugee-policies-give-australias-global-reputation-a-beating-20150619-ghs7xt.html>

8. Citizenship law could be blocked in Senate until payment allegations resolved

Sydney Morning Herald
June 19, 2015 - 12:43AM
Sarah Whyte

The Abbott government's controversial citizenship bill could be blocked in the Senate if the government continues to refuse to divulge whether Australian authorities paid criminal gangs on the high seas to turn an asylum seeker boat around to Indonesia.

Labor is considering whether to support a motion by Greens senator Sarah Hanson-Young that will prohibit votes on all immigration and citizenship bills unless the government produces documents about the alleged payments.

The block would include the government's citizenship bill, which could give ministers the right to strip dual nationals suspected of backing terrorism of their citizenship. It will also affect the "Maintaining the Good Order of Immigration Detention Facilities" Bill that gives immigration officers the power to use force when necessary.

On Tuesday, the government refused to hand over any documents about the alleged payments to the Senate, citing "public interest immunity".

Ms Hanson-Young said "the evidence is mounting and the Immigration Minister's refusal to answer questions is extremely telling".

"If the minister wants the Senate to deal with any new matters, including the citizenship bill, he should comply with the current requests for information and start answering basic questions."

The motion, which could be passed early next week, says the Senate will not accept the claim of public interest immunity from the government and expects the government to hand over documents relating to the payments.

Fairfax Media understands Labor will consider its support to the motion over the weekend.

Meanwhile, Immigration Minister Peter Dutton's language has shifted over the alleged payment of \$US5000 (\$6500) to each crew member and \$US6000 to the captain on board a vessel travelling to New Zealand. Initially denied, it is now suggested that if a boat was leaking the government would do whatever it could to save lives at sea.

When asked whether Mr Dutton was aware of the photographic evidence of the cash payments obtained by Fairfax Media on Thursday, he said he would comment on the venture at another time.

"We will comment when it is appropriate to do so, particularly with individual ventures, but that is something we are not going to comment on at the moment," he said.

"There are significant issues at sea in dealing with safety not only of our own personnel but also [of] people who are on these rickety boats and I am very concerned about the safety of life at sea."

<http://www.smh.com.au/federal-politics/political-news/citizenship-law-could-be-blocked-in-senate-until-payment-allegations-resolved-20150618-ghrgcp.html>

9. Doctors warn Border Force Act clashes with Medical Board of Australia Code of Conduct

ABC Radio CAF - PM
By Angela Lavoipierre
Posted Fri 19 Jun 2015, 4:41pm

Doctors are warning that new laws covering immigration detention centres are in direct conflict with the medical code of conduct.

Under the Border Force Act, doctors and other workers at detention centres could be punished with two years in prison if they speak out against conditions in the centres or provide information to journalists.

Health law and patient rights expert Dr Marie Bismark says those rules could clash with at least five parts of the Medical Board of Australia's Code of Conduct — the official Australian standard for doctors.

"Doctors are required to manage conflicts of interest, so if their duty to their patients is at odds with obligations to employers, they need to manage that conflict appropriately," she said.

"Where doctors see patients being harmed there's an obligation to try to prevent those adverse effects from happening again."

Dr Barri Phatarfod from the group Doctors for Refugees has similar concerns.

"What kind of society do we have, when the government specifically criminalises doctors from doing their job?" she said.

Paediatrician Professor David Isaacs worked at the Nauru Detention Centre for five days late last year and has been very vocal about what he says were horrific conditions for detainees.

Professor Isaacs says Australian barrister Julian Burnside has given him advice that the new rules may prevent him from speaking out in the future — and could even apply retroactively.

"Julian Burnside said that until July the 1st I'm safe, so I'm happy to talk to you today, but from July the 1st, it's not clear what would happen if I were to mention what had happened previously on Nauru," he said.

A written statement from the office of Immigration Minister Peter Dutton said there were already appropriate mechanisms for reporting misconduct or maladministration.

It goes on to say there are also laws protecting whistleblowers who act in the public interest, and the Border Force Act would not override those protections.

Mr Burnside said that was wrong.

Dr Phatarfod wants the Border Force Act changed so doctors will not be targeted.

"We need that to be explicit and to say, 'if that's the case, then we're going to put an exemption for all healthcare workers'," Dr Phatarfod said.

The Medical Board of Australia says it expects all registered medical practitioners to meet its standards, but on the other hand, it says the law must take precedence over the Code of Conduct.

The laws come into effect at the beginning of July.

<http://www.abc.net.au/news/2015-06-19/doctors-warn-detention-centres-conflict-medical-code-of-conduct/6559940>

10. Detention centre doctors 'should seek legal advice' over new disclosure laws

Legal groups say new offence relating to operations of the Australian Border Force could render disclosures from doctors' routine activities illegal

The Guardian
Paul Farrell
Friday 19 June 2015 10.21 AEST

Doctors working in Australian detention centres are being urged by legal bodies to seek legal advice, with new laws potentially exposing them to personal injury claims or professional misconduct proceedings.

The federal government, with the support of Labor, introduced a new offence relating to the operations of the Australian Border Force that could render disclosures from routine activities of many doctors and contractors potentially illegal.

The new offence gives the immigration department secretary a broader discretion to determine what kind of "protected information" would be subject to the offence, and also greater powers in determining to whom it could be applied.

It could also potentially criminalise the making of "a record" of information that is protected. There are limited exceptions that could apply to medical staff.

Australian Lawyers Alliance spokesman Andrew Morrison said: "A doctor is bound to act in the best interests of their patient, by virtue of their profession."

"The government's new Border Force Act leaves doctors in an impossible position. It is basically asking doctors to choose between themselves and their patients."

Morrison warned the new law posed a serious conflict of interest for doctors, who are sworn to act in the interests of their patients.

"On the one hand they are professionally sworn to act in the best interests of their patients, and if they fail to do so, could face being struck off as a medical practitioner," he said.

"However, on the other hand they are threatened with the prospect of imprisonment if they disclose information that highlights abysmal breaches of their patients' human rights, which does not adequately fulfil legislative exceptions."

Concerns have repeatedly been raised about the conditions in detention centres in Australia and on Manus Island and Nauru, sparking civil claims against the government. Morrison said that doctors may also find themselves exposed to liability and has urged them to seek advice.

"It may be advisable for medical practitioners to seek legal advice before treating patients in detention under these new legislative requirements," he said.

"It would be a sad day if Australian doctors are forced to continue to choose between their own best interests and those of their most vulnerable patients being held in immigration detention."

The Royal Australian and New Zealand College of Psychiatrists has also raised concerns about the new law.

The RANZCP president, Prof Malcolm Hopwood, said: "An important component of healthcare in every setting is independent discussion and review of the care provided."

"We are particularly concerned by the prospect of jailing psychiatrists for publicly discussing what they believe, based on their specific professional expertise. The introduction of these measures can only make it harder for key settings to attract quality healthcare professionals. The contribution made by psychiatrists who speak out about healthcare in situations such as detention centres is invaluable."

The federal government will now also require Australian Border Force staff – which could include medical personnel – to sign an oath affirming their loyalty to the organisation.

A copy of the oath was recently tabled by the immigration minister, Peter Dutton. It requires staff to affirm: "I will uphold the significant trust that is placed in me as a result of my role. I will, to the best of my ability, skill and knowledge, faithfully and

professionally discharge all my duties according to law, and in such a manner that at all times upholds the good reputation of the Australian Border Force.”

<http://www.theguardian.com/australia-news/2015/jun/19/detention-centre-doctors-should-seek-legal-advice-over-new-disclosure-laws>

11. Australian doctors call for legal right to speak about asylum seeker health risks

Top medical organisations demand urgent amendments to the Border Force Act so doctors can speak freely about problems at immigration detention centres

The Guardian
Australian Associated Press
Saturday 20 June 2015 13.30 AEST

Australia’s top medical organisations have called for urgent amendments to the Border Force Act so doctors can freely speak about the healthcare problems detainees face at immigration centres.

They have released a joint statement in which they speak out against the threat of up to two years’ jail for sharing information about conditions at the centres.

“It is inconceivable that the government is trying to gag our ability to advocate for our patients’ healthcare – it is crucial these changes are passed immediately,” said the president of the Royal Australasian College of Physicians, Prof Nick Talley.

Talley said reports and evidence from those working in detention centres had provided first-hand insight into appalling conditions and health issues faced by detainees, including skin conditions, vector-borne diseases, sepsis and mental health issues.

“There is an expectation from the public that doctors will speak up about any conditions that are causing harm to their patients or denying them access to care,” he said. “A doctor’s work is defined by examining evidence and recommending the best solution regardless of where this work takes place.

“Threatening doctors with imprisonment is a direct attack on our ability to work for the health and protection of our patients.”

The Border Force Act, which passed parliament in May and will come into force in July, clamps down on “entrusted” persons disclosing information at the risk of two years’ jail.

In recent months, medical groups across the country have spoken out against the amendment.

A spokeswoman for the immigration minister, Peter Dutton, said there are appropriate mechanisms for reporting misconduct or maladministration in place.

“The Public Interest Disclosure Act 2013 provides protections for officials, including contractors, who wish to report maladministration” she said.

“The Australian Border Force Act does not override the protections of the public interest disclosure act.”

The prime minister, Tony Abbott used a speech in Sydney on Saturday to celebrate his government’s work on boat turn-backs and singled out the former immigration minister, Scott Morrison, for special praise.

“He did what everyone said couldn’t be done – he stopped the boats,” Abbott said, to shouts of “hear, hear” from the audience at the New South Wales Liberal party conference.

“I can say that under this government, as far as we know, there have been no deaths at sea, and for more than 12 months there have been no boats whatsoever,” he said later. “Keeping this country safe starts with keeping our borders secure.”

<http://www.theguardian.com/australia-news/2015/jun/20/australian-doctors-call-for-legal-right-to-speak-about-asylum-seeker-health-risks>

12. Nauru opposition MP arrested amid protests against government corruption

ABC News Online
By Hayden Cooper and Alex McDonald
Posted Tue 16 Jun 2015, 12:05pm

Protests have erupted outside Nauru’s parliament in a response to government corruption revealed last week, with an opposition MP arrested.

Witnesses say as many as 300 Nauruans are attending the protest, including several opposition MPs who have been suspended from parliament for more than a year for criticising the government.

One MP, Mathew Batsiua, was arrested as police clashed with protesters.

Mr Batsiua's wife Tricia confirmed the arrest.

"He's in the holding cell; I'm here at the parliament building trying to find out why," she said.

"There was a bit of a scuffle, [the protesters are] demanding his release."

A video posted on social media shows a scuffle breaking out as hundreds of protesters chant and yell outside the island's parliament.

Another video shows smoke rising in front of the government building.

Last week's 7.30 program revealed bribes were allegedly paid by an Australian phosphate buyer to the Nauruan president Baron Waqa and justice minister David Adeang.

The Nauruan government has denied the allegations.

Critics say the government has orchestrated a major crackdown on free speech in Nauru, including a new law against using offensive speech that could generate "political hatred".

The Nauruan media is not allowed to interview opposition MPs, and Facebook has also been shut down.

Protesters are calling on the president and justice minister to resign.

One organiser of the demonstration said 1,000 people had joined the protest, and the government had threatened anyone who attended would lose their jobs.

They alleged police in riot gear attacked the Nauruans in the crowd.

Nauruan parliament was scheduled to sit today, but the ABC understands it was suspended due to the protest.

<http://www.abc.net.au/news/2015-06-16/nauru-opposition-mp-arrested-amid-protests/6549722>

13. Nauruan opposition MP taken off flight and prevented from leaving country

Roland Kun removed from Australia-bound flight in move that comes a day after protests outside the Nauruan parliament and the arrest of another opposition MP

The Guardian
Paul Farrell
Wednesday 17 June 2015 15.29 AEST

A member of the opposition in the Nauruan parliament has been removed from a flight to Australia and prevented from leaving by Nauruan authorities.

In an extraordinary intervention likely to further exacerbate tensions on the island, Roland Kun was removed from a flight on Wednesday that was bound for Australia.

The move comes a day after protests occurred outside the Nauruan parliament and the arrest of another opposition MP, Mathew Batsiua.

Kun told Guardian Australia Nauruan authorities had removed him from the plane after raising concerns about his passport.

Kun arrived on the island last Sunday with a Nauruan passport that was valid until October 2016. But Nauruan authorities told him he needed to apply for a new one and confiscated his passport. His application for a new passport was then refused.

Kun was then given back his old passport but with a reduced expiry date to October 2015. Kun said he successfully sought approval from the Australian high commissioner for entry into Australia.

But he was then pulled off the flight that was scheduled to leave Nauru on Wednesday.

"I was on the aircraft when an official came up. They went to check my passport and said it had now been cancelled," he said.

“I asked how. They said by directive from upstairs. Meaning either the minister directly or the secretary for justice.

“The aircraft was then offloaded. I had to disembark with the rest of the passengers. While I was speaking with border control officials the aircraft took off.”

It is not clear when Kun will be able to leave the island. He has a wife and three young children in New Zealand, who he is now separated from. There are also concerns he may be arrested by the Nauruan government.

“I’m concerned they don’t have any legal basis right now to do what they are doing,” he said. “In the mean time I’m living away from my family. There is always be the possibility that I will be locked up for speaking to foreign media.”

Nauruan’s have become increasingly disenchanted with the government in the past two years, with former magistrate Peter Law saying it had led to a serious breakdown in the rule of law. In 2014 all opposition MPs were suspended from the Nauruan parliament.

<http://www.theguardian.com/world/2015/jun/17/nauruan-opposition-mp-taken-off-flight-and-prevented-from-leaving-country>

14. Guards at Nauru paid for and taped sex with refugees – former case manager

Charlotte Wilson, Save the Children case manager at detention centre until February 2015, alleges ‘bartering and trading, including of sexual favours’

The Guardian
Paul Farrell
Saturday 20 June 2015 09.19 AEST

Guards at the Nauru detention centre may have paid for sex with refugees in the community and circulated sex tapes of their encounters, a former case manager on the island has alleged.

The shocking allegations are contained in a submission by Charlotte Wilson, a former Save the Children case manager at the Nauru detention centre from January 2014 to February 2015.

A Senate inquiry is investigating conditions and serious allegations at the Australian-run facility on the island.

Wilson alleged that both Australian and Nauruan guards on the island – who work for the company Wilson Security, subcontracted by Transfield Services – “frequently abused their positions of power” at the centre. She said it was “common knowledge” there was “bartering and trading, including of sexual favours, within the camp”.

Some of the allegations about trading sexual favours for showers and drugs were substantiated in a report by the former integrity commissioner Philip Moss.

But in an allegation not previously disclosed in Moss’s report, Wilson also said she had been told there were sex tapes which had been circulated of some of these sexual encounters.

“I was told that this was acknowledged in management meetings between service providers and that it was also established that these acts had been filmed and circulated around Wilson’s staff,” she said. “I was also told that because prostitution is legal on Nauru that no action was being taken against the staff members involved.

“I firmly believe that the level of trauma that asylum seekers have been subjected to has caused profound damage to nearly every single man, woman and child who has been arbitrarily interned in Nauru.”

She also outlined concerns about the serious conflict of interest posed by Wilson Security in its role at the centre. She alleged that asylum seekers withheld information from these reports because they feared retribution.

“It is my belief that information was withheld by asylum seekers who were fearful of retribution from security staff over any complaints,” she said. “Any incident report or information report that was submitted went through the Wilson chain of management to investigate.”

Another submission received from a current staff member on the island has detailed a series of alleged failures by the Nauruan police force (NPF) to investigate allegations of sexual assault.

The current employee – who submitted anonymously because of feared retribution – outlined allegations of a recent incident where the Nauru police initially denied an Iranian woman had been sexually assaulted.

“She was found naked and beaten around 9pm on the main road,” the submission said. “A government minister actually found her and took her to the police station. From there, she was taken to the RON hospital and examined.

"She was returned to RPC1 [regional processing centre] by the police at 3am. The NPF did not take photos of the victim, nor was a rape kit utilised.

"The female Wilson guard assigned to the victim had to be removed from duty as she could not stop crying. It was evident that the victim had been assaulted due to visible injuries.

"The NPF denied the assault had taken place, despite the victim spending over five hours in their care."

The submission said not a single sexual assault had been investigated by the police. It also alleged that video footage existed of a Nauruan "engaging in a drug deal" at the detention centre.

The submission said that in another incident an intoxicated police officer "tried to break down the front gate of the house of 14 unaccompanied refugee minors while yelling racial abuse at them". The minors did not lodge a complaint because they believed it would not be investigated adequately.

The inquiry has received dozens of submissions from former staff at the centre. One submission from a former child protection worker, Viktoria Vibhakar, alleged cases of abuse of asylum seekers' children as young as two.

Another submission from a former security guard claimed that the Greens senator Sarah Hanson-Young was the subject of sweeping surveillance to monitor her movements on the island.

<http://www.theguardian.com/australia-news/2015/jun/20/guards-nauru-paid-sex-refugees-taped-it-court>

15. Nauru guards paid for sex with asylum seekers and filmed it, social worker claims

The Age
June 20, 2015 - 11:01PM
Eamonn Duff and Adam Gartrell

Security guards at Australia's detention centre on Nauru allegedly circulated videos of themselves having sex with asylum seekers who had been paid to participate, a former senior social worker on the island has claimed.

Charlotte Wilson was, until February this year, a Save the Children case manager at the Nauru Regional Processing Centre. In her explosive submission to the Senate inquiry, which is investigating allegations of abuse at the facility, she claims to have been told it was "acknowledged in management meetings between service providers" that acts of "solicitation" were occurring in the community between female refugees and Australian security officers employed by Wilson Security.

"It was also established that these acts had been filmed and circulated around Wilson staff," she said, of the rumours that began to circulate in January. She added: "I was also told that because prostitution is legal on Nauru that no action was being taken against the staff members involved."

In her submission, which hasn't yet been made public but has been obtained by Fairfax Media, Ms Wilson alleges she witnessed a security guard tell a group of single Somali women that if they run away, they would get "raped by the local boys".

In March, a review into sexual abuse at Nauru found evidence of rape, sexual assault of minors and guards exchanging cannabis for sexual favours from female detainees.

The independent inquiry was called last October by former immigration minister Scott Morrison after he removed Save the Children staff from the island, on the advice of his own department, that they had aided protests and coached detainees to fabricate abuse claims.

The review, led by former integrity commissioner Philip Moss, dismissed the claims made against Save the Children personnel.

"I felt disbelief when my colleagues were stood down," said Ms Wilson in her submission, adding: "Although no reason was given I surmised ... it was related to the protests. Many of my clients informed me that protesting was the only way they felt they could express themselves and they felt there were no other channels available to them."

Ms Wilson paints a bleak picture of living conditions at the facility in which previously healthy women had stopped menstruating and were experiencing "hair loss due to the stress on their bodies".

She said she had worked directly with clients experiencing "complete breakdowns in their mental health".

"On more than one occasion I have been present when an emergency code was called by security due to an attempted hanging. I have observed children at these scenes, which parents are unable to shield their children from due to the close proximity of tents."

She said "profound damage" had been caused to "nearly every single man, woman and child" who has been "arbitrarily interned" in Nauru through "prolonged deprivation of freedom, abuse of power, confinement in an extremely harsh environment, uncertainty of future, disempowerment, loss of privacy and autonomy and inadequate health and protection services."

Last week, the Senate committee heard that staff treating asylum seekers on Nauru were advised to withhold details of psychological impact from mental health reports.

Peter Young, who oversaw the mental health of asylum seekers in all Australian-run detention centres between 2011 to 2014, said the immigration department told doctors it didn't want to hear about mental harm caused by detainment.

Australian Greens Senator Sarah Hanson-Young said the more we learn about what's going on in Nauru the worse it gets.

"Worst of all, the women and children subjected to this abuse remain on Nauru, unable to escape those who have exploited and abused them. This is wrong on every level," she said.

"Nauru is a seedy, toxic and dangerous place. No women and children should be forced to stay there."

<http://www.theage.com.au/federal-politics/political-news/nauru-guards-paid-for-sex-with-asylum-seekers-and-filmed-it-social-worker-claims-20150620-ght36i.html>

16. Nauru detainee loses 'ability to breast feed', sends text saying 'please save my baby', lawyer, case worker say

ABC-TV - 7.30

By David Lewis

Posted Wed 17 Jun 2015, 4:34pm

The mother of a baby sent to the Nauru detention centre has become so stressed she is struggling to produce breast milk, according to a lawyer acting on the woman's behalf.

Earlier this month, the five-month-old baby, known as Asha, became the first infant born in detention in Australia to be transferred to Nauru since the Federal Government amended the Migration Act last December.

Barrister Mark Thomas said the family was living in a tent in Area 9 of the complex, and he was worried about their health.

"The baby has had considerable problems in that the mother has lost the ability to breast feed. The baby, for a while, was not taking any formula milk," he said.

"The mother, I'm informed now, is constantly distressed.

"The tent they are in is leaking constantly. There's been a lot of rain, especially at night. The bed is wet."

The family's former senior case manager on Nauru, Natasha Blucher, is now offering assistance on a voluntary basis after being removed from the island at the request of the Immigration Department.

Ms Blucher was removed along with eight other charity workers in October last year.

She is now providing support to the family through Darwin's Asylum Seeker Advocacy Network.

"The mother first called me the Saturday night after the transfer. She was crying loudly and hysterically and it was really difficult to calm her down," Ms Blucher said.

"I have spoken to her every couple of days since then. She simply repeats that she has no breast milk and cries, saying that her baby isn't safe.

"She says that it's been raining for days and the roof of the tent leaks ... but that during the day it's very hot and humid and the tent heats up.

"She says the baby has a heat rash, and that the tent has air conditioning but because the walls are flimsy and made of canvas, the air conditioning doesn't keep the tent cool."

Ms Blucher provided the ABC with what she said was a screenshot of a text message she recently received from the mother, known as Abhaya.

Mother asks former case worker to 'please save my baby'

It reads: "Hi, task (sic), 2days ago here raining all water inside room bed wet water drop from roof. I can not put baby in the bed. Please save my baby please".

A member of the international child advocacy organisation Infant and Young Child Feeding in Emergencies Core Group questioned the support being provided to mother and child.

"A mother's milk doesn't just dry up overnight in response to stress," the University of Western Sydney's School of Nursing and Midwifery's Doctor Karlene Gribble said.

"What can happen when mothers are very distressed is that the flow of the milk can be slowed and so the baby's behaviour changes and it can look like there's not enough milk.

"The solution is actually quite simple in terms of providing the mother with reassurance and support, but this mother did not have that in Nauru and she should have."

In a statement, a spokesperson for the Department of Immigration and Border Protection denied the claims.

"The baby is in good health and is being cared for by her mother," the statement read.

"She has regular check-ups with a GP and midwife. They have no concerns for her wellbeing.

"The mother, father and baby are accommodated in appropriate facilities for their circumstances.

"The department has not been notified of any leaks within the accommodation, nor of wet bedding."

Ms Blucher rejected the statement.

"It is certainly not the message that I am receiving through direct contact with the parents," she said.

Timing of transfer meant Federal Court injunction 'impossible'

Baby Asha was born at the Royal Darwin Hospital in January.

She was taken from Melbourne Immigration Transit Accommodation to Nauru with her parents on June 4.

Mr Thomas said the transfer took place around 4:30am that day without his knowledge.

"The fact there was no prior notification meant it was impossible for me to go to the Federal Court, which I otherwise would have done, to seek an injunction to stop the baby and her parents being transferred to Nauru," he said.

Mr Thomas is now investigating legal action with the aim of getting Asha and her parents out of Nauru.

He said it would not be prudent to comment further.

<http://www.abc.net.au/news/2015-06-17/nauru-detainee-loses-ability-to-breast-feed-lawyer-says/6554054>

17. MEDIA RELEASE: Strip search sparks Manus Island stand-off

STRIP SEARCH SPARKS STAND-OFF BETWEEN GUARDS AND ASYLUM SEEKERS ON MANUS ISLAND

Wednesday June 17, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

The forced strip search of an Iranian asylum seeker has sparked a tense stand-off between asylum seekers, Wilson's guards and PNG police in Delta Compound on Manus Island around 6.00am this morning (Wednesday, 17 June).

The early morning raid forced all of the detainees in Delta Compound into one corner of the yard. The Wilson's guards accompanied by the PNG police to give them legal cover, began turning over people rooms, throwing personal good and bedding.

The search which went on for five hours and the asylum seekers were also subjected to personal searches. The asylum seekers say in a letter to Transfield that the search was 'disrespectful and insulting'. (Photos of letter attached.)

When the guards forced a strip search and a demand that the Iranian submit to a body cavity search, things had gone too far.

The man writes, "I took my T shirt and shorts off, but they wanted to pull my underwear down, but I refused."

This attempt angered the asylum seekers who surrounded the man and forced the guards to back off.

"Tensions are on the rise again inside the Manus detention centre," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "Wilson guards act with impunity. The guards do not wear identification tags and often use false names so they cannot be identified when asylum seekers want to make complaints.

"Management should have no problem identifying which guards were involved in the raid on Delta compound. But no-one is holding their breath expecting that any of the guards will be held to account.

"Transfield and Wilson's seem to be very aware of the pending constitutional challenge to Manus Island and the scrutiny over human rights abuses that will fall on them in the trial.

"Around 200 asylum seekers who have so far refused to make a refugee claim in PNG are being pressured to make their claims with threats of removing access to phone and internet and the canteen along with threats they will be summarily deported."

For more information contact Ian Rintoul 0417 275 713

18. Iran, Australia seek asylum deal

The Age / AAP

June 19, 2015 - 4:56PM

Iranians held in Australian immigration detention could be returned under a deal being negotiated between the two countries.

Foreign Minister Julie Bishop and Immigration Minister Peter Dutton met with an Iranian delegation, led by director-general for consular affairs Ali Chegeni, in Canberra this week.

The two countries are working on a memorandum of understanding which could involve Australia offering university scholarships as well as easing travel warnings and visa restrictions.

The most recent figures to the end of May show there are 446 Iranians in immigration detention facilities.

A further 466 are in the community under residence determination.

Some have been in detention for more than two years.

The Department of Foreign Affairs and Trade current advice for Iran is "reconsider your need to travel".

It warns of the threat of terrorist attacks against Western interests and acts of political violence.

Greens immigration spokeswoman Sarah Hanson-Young said the government appeared ready to "bribe" anyone who would take back asylum seekers.

"Seeking asylum in Iran is illegal," she said.

"Unless Julie Bishop has negotiated for Iran to change this law and for Australia to monitor compliance with this law, then the deal is not good enough."

Prime Minister Tony Abbott said earlier this year that Iranian citizens "belong in Iran" if they are found not to be genuine refugees.

The International Campaign for Human Rights in Iran says it has evidence of returning Iranians being arrested, interrogated, prevented from leaving by having their passports confiscated and imprisoned.

<http://www.theage.com.au/federal-politics/political-news/iran-australia-seek-asylum-deal-20150619-ghsl5v.html>

19. Temporary protection visas could be blocked by 'unworkable' deadline

Asylum seekers invited to apply for a temporary protection visa may have their claim denied due to new bureaucratic process, says lawyer

The Guardian

Paul Farrell

Tuesday 16 June 2015 14.31 AEST

The immigration department is threatening to block temporary visa applications if asylum seekers fail to meet a deadline that legal groups say is unworkable.

In May the department began allowing asylum seekers living in Australia who have not yet been processed to apply for temporary protection visas. But the process has already become mired in uncertainty, and serious problems have emerged surrounding the department's application processes.

The department is "inviting" groups of asylum seekers to apply for visas for just 28 days. But as part of the process they need access to personal documents held by the department. These documents include screening assessments and other information necessary for their claim.

Applicants must apply for these documents under freedom of information laws. This process can take 30 days, but the department is requesting extensions of up to 60 days.

Despite this deadline, the department is only granting 14-day extensions to apply for visas. Claims that fail to meet the 14-day extension may be denied.

In correspondence to an asylum seeker who applied for an extension, a department officer wrote: "It is extremely important that you make every effort to lodge your application within the 28 days provided in your invitation to apply for a TPV.

"Any work rights attached to your bridging visa (BVE) have been granted to allow you to work while your protection claims are assessed. Furthermore, you agreed, as per the Code of Behaviour to co-operate with all reasonable requests from the department and this includes applying for a protection visa to resolve your immigration status.

"Where the department is not satisfied that you are engaged in this process, the minister may be minded to exercise his power ... to revoke his determination to lift the bar and this decision could be made at any time."

In a highly unusual move, the department has also been advising asylum seekers they will not be processing their freedom of information requests for documents until they are invited to apply for a visa.

"The department's records indicate that the visa application bar has not yet been lifted in your case and that you have not yet been sent an invitation to apply. As there are many people to process, we need to prioritise requests from people who have been invited to apply," the letter obtained by Guardian Australia said.

"We are therefore returning your request for documents. Applicants need to wait until it is their turn to apply for a protection visa."

Katie Wrigley, principal solicitor at the Refugee Advice and Casework Service, said it was an extraordinary move by the immigration department.

"People have a right to access personal information held by the department under FOI laws.

"Providing information to people as soon as possible is in the department's interest. The information is needed so their applications can be complete and accurate."

"At the moment people don't know when they will be granted permission to apply. It's pretty hard for asylum seekers to understand what is being returned to them, and to expect them to keep their documents in a safe place until it's their turn to apply."

"It's unprecedented in my experience. It seems to suggest that these people shouldn't be afforded the same rights as other Australians."

Under the Freedom of Information Act 1982 anyone is eligible to request personal information held by a government agency about them. There is no lawful mechanism for an agency to refuse return applications to applicants without engaging in the formal legal process.

<http://www.theguardian.com/australia-news/2015/jun/16/temporary-protection-visas-could-be-blocked-by-unworkable-deadline>

20. MEDIA RELEASE: Serious concerns for Yongah Hill Iraqi hunger striker

SERIOUS CONCERNS FOR THE WELFARE OF IRAQI HUNGER STRIKER AT YONGAH HILL

Tuesday June 16, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Refugee advocates are seriously concerned for the welfare of a 45 year-old Iraqi asylum seeker who has been on a dry hunger strike at Yongah Hill detention centre since Sunday, 14 June.

The Iraqi man who arrived in Australia in October 2012, was released on a bridging visa in December 2012, but has been in detention two years since he was re-detained in June 2013.

There has been no consideration of his protection claim in those two years. Independent psychiatric assessments have shown that detention is having a seriously detrimental affect on his mental health, but the department has yet considered community detention as an alternative to on-going detention in Yongah Hill.

The man has been on restricted food intake since mid-May, but escalated the hunger strike protest as his indefinite detention dragged on.

The department has turned a deaf ear to many letters from the Australian community and church friends requesting the Minister to release him from detention.

"We are very concerned with his deteriorating health," said Ian Rintoul, from the Refugee Action Coalition. "As usual, the department is just waiting for him to collapse before offering any medical or psychiatric support."

"His fate is in the Minister's hands. Peter Dutton has wide discretionary powers to offer him a bridging visa.

"The Iraqi man is in a similar situation to the scores of Iranians who were re-detained and are being held in detention although they cannot be sent back to Iran.

"Such pointless detention should be immediately ended."

For more information contact Ian Rintoul 0417 275 713.

21. MEDIA RELEASE: Close Manus petition to be tabled in Senate

CLOSE MANUS ISLAND AND NAURU DETENTION CENTRES NOW !

Tuesday June 16, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Caz Coleman, one of the most prominent advisers to the Coalition and successive Labour governments has described the Manus island and Nauru detention centres as beyond rescue and has called for all asylum seekers on Manus Island and Nauru to be brought to the mainland for claim processing. (The Guardian 9 June, 2015)

A petition will be tabled in the Senate on Tuesday 16 June, 2015 signed by more than 65,000 people calling for the detention centres to be closed immediately.

Bashings continue on Manus Island and sexual abuse of refugees continues unabated and unpunished as revealed by the Senate Inquiry into Nauru. No one has faced justice for the deaths of Reza Beratti and Hamid Kehazaei

The Nauru and Manus Island Detention Centres are a major policy failure and are a key part of a set of policies which have destroyed Australia's reputation, The UN Committee Against Torture told the Australian government in November 2014 that conditions for asylum seekers on Manus Island and Nauru amount to "cruel, inhuman, and unlawful" punishment.

As Greg Lake previously the Director of Immigration Detention Centres observed "many people flee countries which are so dangerous that death is a very real and present fear and the only way to create a meaningful deterrent is to actively remove all hope." A crucial element of the overall policy is to ensure that some children are always held in detention as a deterrent. This is the real reason that babies born in Australia are being returned to Nauru.

As shown time and time again the conditions inside Manus Island and Nauru Detention Centres are cruel, unsanitary and unacceptable. Their existence is inconsistent with the Prime Minister's claim that Australia is a "humane and decent country" (SMH 12/6/15).

The latest direction's hearing in the constitutional challenge to the Manus Island detention centre is scheduled in the Supreme Court of PNG is also scheduled for tomorrow, Tuesday 16 June. The direction's hearing is expected to finalise details before the five judges of the Supreme Court is empanelled and a trial date set for the full hearing.

Nauru and Manus Island Detention Centres must be closed now!

A rally to protest current asylum seeker policies will be held at 12.30 pm, on Tuesday 16 June , 2015, Commonwealth Government Offices, 1 Bligh St, Sydney.

Speakers include: Nicole Judge, ex Manus worker who gave evidence to Senate inquiry into death of Reza Barati and recent inquiry into child detention abuse on Nauru.

Inquiries: for more information Ian Rintoul 0417 275 713

22. Religious protesters demanding changes to asylum seeker policy removed from Parliament House

ABC News Online

By political reporter James Glenday

First posted Wed 17 Jun 2015, 1:41pm

Updated Wed 17 Jun 2015, 2:57pm

Nuns, a bishop and other church leaders have been booted out of Parliament House in Canberra after urging Prime Minister Tony Abbott to have a "come to Jesus moment" on asylum seeker policy.

About 30 to 40 protesters from the religious movement Love Makes a Way formed a circle and began singing in the middle of the building's main foyer around lunchtime.

They attracted the interest of a group of school children and television cameras before sitting down, joining hands and refusing to leave, despite being warned by security guards.

The protesters were then forcibly removed one by one but no one was charged.

"We can't be bothered," one security officer quipped.

"They're just here to get their mugs on telly."

The organisation has been staging similar protests in MPs' offices around the country to try and force a change to the asylum seeker policies of both major parties.

Rod Bower, the outspoken archdeacon of the Central Coast who has become somewhat of an internet sensation due to his colourful church billboards, said the Government's "stop the boats" slogan is immoral.

"It's clearly the height of hypocrisy if we have paid people smugglers," he said.

"We've not stopped the boats, we've just stopped them coming to Australia.

"That slogan simply means drown somewhere else. It's immoral."

Protest spokesman Craig Farrell hoped the protest might convince Mr Abbott to "have a second come-to-Jesus moment and change his heart", while retired Bishop Pat Power said more Australians would have empathy for asylum seekers if they knew about the "harsh conditions" they endured.

"The decent people I have dealings with are dismayed," Bishop Power said.

"These demonstrations throw just a little more light on the disgraceful way these vulnerable people are being treated."

Asylum seeker policies have been in the spotlight in Canberra this week, after Mr Abbott repeatedly refused to confirm or deny reports Australian authorities paid people smugglers to turn an asylum seeker boat back to Indonesia.

<http://www.abc.net.au/news/2015-06-17/religious-protesters-removed-from-parliament-house/6553258>

23. Protesters against children in detention removed from parliament after sit-in

About 40 demonstrators from group called Love Makes a Way, who were wearing T-shirts stating 'kids don't belong in detention', escorted from building

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Shalailah Medhora
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About 40 demonstrators protesting against the ongoing detention of asylum seeker children have been escorted from Parliament House after staging a peaceful sit-in.

The group called Love Makes a Way contained protesters from Canberra, Sydney, Melbourne, Adelaide, Brisbane and Perth. They arrived at Parliament House at midday local time, wearing T-shirts bearing the message: "kids don't belong in detention".

The group sat down in a circle in parliament's main foyer, holding hands and appearing to pray.

After about half an hour, a security guard addressed the group. She said they were in an area that was not a designated protest zone and asked them to move willingly. If they did not, they would be forcibly removed, she said.

"Do you understand?" she asked.

When a representative answered that they did, but that they would not move, security guards began escorting protesters out one by one. Some looked uncomfortable moving elderly protesters and parents demonstrating with an infant, and each protester was removed without violence or protest.

No one was arrested or issued with a warning.

"I thought it was respectful," spokesman Justin Whelan said. "The security staff are professionals. We have no objection to them doing their jobs."

Protesters began singing a variation of a traditional African American song while being escorted from the building.

"Where were you when they turned the boats away? When the nation turned their face?" they sang. "We will pray until love makes a way."

The protest continued outside the front doors of the building before demonstrators eventually dispersed.

The multid denominational Christian group has staged at least 30 similar sit-ins in parliamentarians' electorate offices across the country. A hundred Christian leaders connected with the organisation have been arrested in the past 12 months as a result of the sit-in activity.

"We won't stop until all children are released. Even if one child is in detention, we will still be here," spokesman Craig Farrell, who is a captain in the Salvation Army, told reporters.

Farrell said the organisation has contacted parliamentarians from both Labor and the Coalition on the release of children from immigration detention but has not yet had a response.

He is calling on prime minister Tony Abbott, a devout Catholic, to reconsider the government's asylum seeker policies.

"What I would hope is that perhaps he has a second "come to Jesus" moment and perhaps change his heart and offer a more compassionate and humane response," Farrell said, using a phrase recently used by Abbott in relation to cabinet unity.

<http://www.theguardian.com/australia-news/2015/jun/17/protesters-against-children-in-detention-removed-from-parliament-after-sit-in>