

Project SafeCom News and Updates

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1. Unprecedented alliance of peak bodies pressures PM over climate change

The Age
June 29, 2015 - 12:15AM
Mark Kenny, Lisa Cox

Some of the nation's peak business and lobby organisations are calling on the Abbott government to dramatically ramp up Australia's emissions reduction commitments from 2020 onwards, warning against "piecemeal" policies and arguing that avoiding dangerous warming and reconfiguring the economy requires tougher and more urgent action than politicians have allowed.

In a development designed to obliterate right-left and business-environmental divides, an unprecedented alliance of industry bodies, energy suppliers, climate activists, and the welfare lobby has formed, hoping to overcome Australia's polarised political stand-off on climate.

The group wants to set the path for policies that reduce financial risk, encourage investment in low and zero-carbon technologies, and help avoid an increase in global temperature of greater than 2 degrees centigrade above pre-industrial levels.

The group, which includes the two most recognised and powerful employer organisations, the Australian Industry Group and the Business Council of Australia, has stopped short of setting policy itself but has nonetheless agreed to a set of principles that should guide policy.

Members of the group include the Australian Aluminium Council; Australian Industry Group; The Climate Institute; Australian Conservation Foundation; Business Council of Australia; WWF Australia; Australian Council of Social Service; Energy Supply Association of Australia; Australian Council of Trade Unions; and Investor Group on Climate Change.

The powerful alliance, called a climate round table, will place new pressure on Prime Minister Tony Abbott who is preparing to announce Australia's post-2020 commitments within weeks, ahead of the Paris climate summit in December.

Australian Industry Group chief executive Innes Willox said the move was an attempt to make sure the often bitter division that has dominated debate over Australia's climate policy since 2005 was not "repeated in the lead-up to Paris and in the aftermath".

"It's about coming together around some very core principles," Mr Willox said.

While most major economies have declared targets for reduction, in many cases higher than originally expected, the Abbott government has flagged its Paris commitment will be announced in July.

Expectations are of something in the order of that nominated by the US, which has offered cuts on 26 to 28 per cent on year 2005 emissions by 2025.

Critics say the government must avoid matching or choosing a weaker target than the other country on its radar – Canada – because its figure of 30 per cent on 2005 levels by 2030 is far too low to achieve the kind of reductions Australia needs as the highest per capita emitter in the developed world.

In a sign the Prime Minister has a task ahead of him to convince his own side, the Liberal Party federal council on the weekend referred to a committee a motion critical of hard targets and questioning the science behind global warming.

Environment Minister Greg Hunt said on Sunday that while the government welcomed the contribution from the alliance, it did not endorse all of the principles. Under its agreed "Principles" the group says "unconstrained climate change would have serious economic, environmental and social impacts on Australia".

"These costs underpin our assessment of the need for action." "Avoiding unconstrained climate change will provide important benefits and opportunities to Australia. However, emissions reductions on the necessary scale will also require substantial change and present significant challenges for Australia as well as other countries," the group says.

In a strongly worded rebuke of the current political contest, it says: "Delayed, unpredictable and piecemeal action will increase the costs and challenge of achieving the goal."

Mr Hunt said "we deeply appreciate the work to advance debate beyond the unfair and unsuccessful carbon tax."

He said recent emissions reduction fund auctions under the government's direct action policy "proves there are in fact better ways to reduce emissions than a massive electricity tax."

<http://www.theage.com.au/federal-politics/political-news/unprecedented-alliance-of-peak-bodies-pressures-pm-over-climate-change-20150628-ghzqfi.html>

2. Jonathan Holmes: Zaky Mallah: ABC cowers in the face of Q&A fallout

The ABC has silenced its program-makers from saying anything in their defence, but has anybody actually looked at what Zaky Mallah stands for?

June 24, 2015 - 6:01PM
Jonathan Holmes

For two days, a storm has raged around the ABC's Q&A program. Government ministers, including some who have been known to defend its independence, have used the most extreme language.

"Leftie lynch-mob", Prime Minister Tony Abbott contributed. "Disgraceful," added Immigration Minister Peter Dutton. And Communications Minister Malcolm Turnbull banged on about Mallah as though he were some firebrand terrorist whose very presence imperiled the studio audience. "A very, very known quantity", Turnbull called Mallah. And then demonstrated that he either doesn't know, or doesn't care, what Mallah has been doing and saying since the rise of Islamic State.

And in the media, which is supposed to do the occasional dig around the facts of a case, scarcely a voice has been raised to point out that most of the assumptions of the government, and what one might term the right-wing lynch-mob that is calling for Tony Jones' head on a platter, are profoundly wrong.

The media outlet most interested in the matter, the ABC itself, has been silenced, as its managing director, Mark Scott, cowers before the onslaught. Q&A has not been permitted to defend itself. No ABC program has been permitted to allow Mallah to explain himself: I understand that an interview with Mallah recorded on Tuesday was not broadcast, by order of the managing director. A spokesman for the ABC confirmed that an interview was recorded and not broadcast, but denied it was withheld on the directions of Scott.

Regardless, quite early on Tuesday morning, the ABC surrendered the pass to its opponents by admitting to "an error in judgment" – and since then has said virtually nothing.

No one would argue that the decision to allow Mallah to ask a question on the program went swimmingly well. No one would deny that in including him, Q&A was taking a risk. As the ABC's statement rightly says, "there is always risk in undertaking live television... circumstances will happen that are not anticipated".

But despite what the prime minister and so many others appear to believe, the producers were not offering a pulpit to an advocate for Islamic State. Turnbull's portrayal of Zaky Mallah and his views is profoundly misleading. "He had served a term of imprisonment for threatening to kill ASIO officers," he said.

Well actually, he served two years in solitary in the Goulburn super-max a decade ago, awaiting trial on terrorism charges for which he was acquitted. He pleaded guilty to the lesser charge of threatening Commonwealth officers and was sentenced to time already served. Which is not, of course, to say that he was not at the time a seriously deluded and dangerous young man. He was 19.

More recently, Turnbull continued, as though Mallah had not changed his spots in the least, "he had travelled to Syria in the pursuit of what he described as 'jihad'".

Mallah did travel to Syria in 2012. The "jihad" he was interested in joining was the fight against the tyrannical government of Bashar al-Assad, and the outfit he joined for a few days – without engaging in any combat, he insists – was the Free Syrian Army. This is the force which the United States is now training and which Australia supports.

As The Australian's Adam Shand reported at the time, the former would-be suicide bomber realised "how misguided his anger towards Australian society had been... 'Go to Syria where your brothers are dying for freedom, democracy and the true Islamic way, rights guaranteed in this lucky country,' he says.... 'We Muslims have so much freedom here (in Australia) yet we are causing so much trouble'."

Since then, Mallah has been outspoken in his condemnation of Islamic State. On Channel Ten's The Project last October he said: "I'm on this program this evening to distance myself from the actions of these individuals, these idiots, these wankers, who are giving Islam and the Muslim world and the Islamic community in Australia a bad name and for those who are considering to join ISIS I hope ASIO is onto you, I hope your passport is refused and I hope you are arrested and locked up."

In one of numerous video blogs on YouTube, Mallah calls on Australia's Salafist imams to join the fight against extremism: "You need to condemn terrorism. You need to condemn fundamentalism. You need to condemn those who are brainwashing our youth into believing that a group like ISIS is fighting for jihad. They are not fighting for jihad. They are fighting for bulls---."

Zaky Mallah has always been an attention seeker and a loose cannon. He was guilty of publishing appalling and inexcusable tweets about News Corp columnists Rita Panahi and Miranda Devine some months ago, and again today. But there was no reason at all for Q&A's producers to suspect that he would suddenly become an advocate for Islamic State.

And nor did he. His final, notorious comment was not a call to arms – although it's easy to see how many viewers took it that way. It was, if you watch it again, the comment of an angry young man, a born and bred Australian with no other nationality, who has been trying for some years to counter the lure of Islamic State in his own community, and who had just been told by a member of the government that ideally he should be expelled from the country by ministerial decree.

A few weeks ago the government convened a conference of experts in de-radicalisation from around the world to advise it how to counter the propaganda pull of IS. Two of those experts appeared on the ABC's Lateline.

It's worth reading or watching what they had to say - in particular, Britain's Abdul-Rehman Malik on the increasingly draconian legislation being passed in his country and in ours: "I think some of that language - the death cult language, the language of taking away citizenship - I think it's headed in the wrong direction. And remember there's going to be kids - and it's already happening - who've gone out there, who survived, and who want to come back. Don't take their citizenship away. They could be our best allies.... They're going to be the best ambassadors to say, 'You think you're creating a utopian society out there? You're not. I've seen it, its hell; let's not go down that route'."

Zaky Mallah never joined IS but, more than a decade ago, he was a radicalised would-be terrorist. He has since become an ally – or a potential ally – in the fight against IS. But he's condemned because of his record and the ABC is excoriated for daring to give him a voice.

The ABC has apologised for its temerity – and closed down the right of its program-makers to say a word in their own defence. Thus does the politics of fear divide us all, and conquer our fundamental liberties.

Jonathan Holmes is an Age columnist and a former presenter of the ABC's Media Watch program.

<http://www.smh.com.au/comment/abc-seems-to-be-cowering-in-silence-over-qa-program-fallout-20150624-ghw8hs.html>

3. Richard Ackland: The hysteria over Zaky Mallah on Q&A would make Joseph McCarthy proud

Zaky Mallah zhooshed up an otherwise tepid Q&A by questioning proposed new citizenship laws. We should be more hysterical at the silly answer he received

The Guardian
Richard Ackland
Wednesday 24 June 2015 14.54 AEST

It's as though the nation is in the grip of an hysteria that would make Joseph McCarthy proud.

A young man with a conviction for threatening to kill Asio officers appears on ABC television and asks what would happen to him if the immigration minister had the power to unilaterally cancel his citizenship.

All hell rained down on the head of the national broadcaster. The prime minister suggested the ABC was treacherous, "Whose side are you on?"; the minister for communications Malcolm Turnbull rang the managing director and the chairman to complain, declaring that Mallah's appearance on the show was a "grave error of judgment"; another Liberal backbencher declared that the broadcaster had engaged in a "form of sedition".

All of which culminated in a grovelling apology from the director of television, Richard Finlayson and, in the time honoured fashion, an "external review".

Predictably, the Murdoch newspapers over-indulged in a bout of hyperventilation. The Daily Telegraph stole the morning with "How dare the taxpayer-funded ABC allow this man to spout his bile on national TV". The Australian thought that Mallah's appearance was "deliberately manufactured by the ABC to ambush guests".

The answer to Mallah's question of what would happen to his citizenship was lost in the fog of confected indignation. Actually, nothing would happen to his citizenship because, according to Q&A's star performer, he is an Australian citizen without dual nationality.

Mallah told the ABC audience that he was charged with planning a terrorist attack in Sydney in 2003, was acquitted by a supreme court jury in 2005, but pleaded guilty to a charge of threatening to kills Asio officers.

Q&A panellist and parliamentary secretary Steve Ciobo, a cardboard cutout Liberal from the Gold Coast, immediately leapt in with an impressive display of stupidity.

He thought Mallah was acquitted on "a technicality rather than it being on the basis of a substantial finding of fact" and because "at that point of time the laws weren't retrospective".

What on earth was he talking about? Mallah was acquitted because a jury found him not guilty of charges relating to doing acts in preparation for a terrorist act.

As Mallah himself says: "I was dumb and naive at the time. I was only 20." He was talking the talk and strutting his stuff, and importantly the jury believed he had no intention to follow through with his threats.

Where's the technicality? The Howard-era amendment to the criminal code applied squarely to the charge and wasn't in need of retrospective fiddling.

In terms of making sense, Ciobo failed dismally, but that has not stopped other hairy-chested souls seizing the moment and ramping-up the "war on terror".

There is an interesting aspect in relation to the charge of threatening to kill Asio officers.

Radio man Alan Jones was on the case about Mallah and this was followed up by the Australian. It is understood the newspaper paid him \$500 for an interview.

The police then secured further information by sending an undercover officer, posing as a journalist to interview him. He told the police officer-journalist that he had a suicide bomber video tape. The "journalist" said this was a great story and he could get it on to the front page of Time Magazine and published elsewhere.

The plan hatched with the undercover officer was that on payment of \$5,000 Mallah would hold everyone hostage at Asio headquarters and the "journalist" would have a scoop.

When the police go undercover, in the guise of someone else, and offer money as part of the entrapment of a suspect, they are supposed to obtain a "controlled operations authority".

Here there was no controlled operations certificate when the police approached Mallah pretending to be interested in buying his story, so if we're talking about "technicalities" the police in this instance were acting illegally.

Nonetheless, at Mallah's trial Justice James Wood let the evidence in.

Defence lawyers tell of stories where they have successfully acted for people accused of terrorism offences, secured their acquittal, and seen them go on to lead productive and successful lives. These people are pleased that their youthful excesses are behind them, however under the government's proposed amendments to the Australian Citizenship Act, any dual nationals in this category would be marched out of the country.

At this stage the government's amendments on citizenship seem confusing. Immigration minister Peter Dutton is saying there are three proposed ways that could see the "automatic loss of citizenship": anyone who acts "inconsistently with their allegiance to Australia by engaging in certain terrorist conduct"; someone convicted of a terrorist offence; and those fighting in another country against Australia.

The first mechanism, could on its face, pose a constitutional problem because it engages in the imposition of a penalty without the application of a prior judicial function. However, there would be a post facto judicial review of revocations that fall in that category. Guilty first, trial later.

There are then two categories of revocation: automatic and non-automatic. The latter is more soundly based in law than the former and doubtless at some point that will play out in the courts.

Counter-insurgency adviser David Kilcullen had useful observations to make in this context. He says Isis regards its western recruits as poor military assets and wastes them with tasks that will almost certainly result in their death.

If they try to escape they will be shot or beheaded as deserters. Numbers vary, but it is understood that over 60 Australians are now fighting for Isis in the Middle East. Kilcullen estimates that no more than 10% could return home.

So the new citizenship law will "technically" apply, on this reckoning, to about six Australians who might want to return.

Adapting Lenin's phrase, Kilcullen calls them "useful idiots".

It's also fascinating to see "retrospectively rolled out" as the new-new thing "by hook or by crook" method of doing business. Ciobo was frustrated, mistakenly, that Mallah only slipped through the law because it wasn't retrospective. The government would also like the citizenship amendments to apply retrospectively.

Retrospectivity is all the go, which must make the NSW government's retro-amendments to the Icac Act seem perfectly acceptable.

In 2002, the Australian reported that while at university Ciobo considered joining Asio. Instead, he went to work for PricewaterhouseCoopers.

With that sort of career path in mind, little wonder the parliamentary secretary was mightily miffed by Mallah's TV appearance.

None of which explains why it was an "error of judgment" to have Zaky Mallah zhooosh up an otherwise tepid Q&A.

<http://www.theguardian.com/commentisfree/2015/jun/24/the-hysteria-over-zaky-mallah-on-qa-would-make-joseph-mccarthy-proud>

4. Zaky Mallah: I stand by what I said on Q&A. Australia needs to hear it

I don't support Isis. I am simply standing up for Australians who deserve better than an Islamophobic government intent on weakening the rule of law

The Guardian
Zaky Mallah
Tuesday 23 June 2015 13.18 AEST

Last night, I caused some controversy. It's great that I've started a discussion. I stand by everything I said.

The so-called Islamic State would be extremely happy to hear what Steve Ciobo had to say on Q&A. It feeds into their recruitment propaganda.

Some young Australian Muslims – who were already feeling vilified – now feel they are being openly targeted by this government. They are saying they would love to leave and join jihadist groups.

They ask themselves, "Why should we Muslims live here, and be subject to this bullying, when in Iraq and Syria, Isis tell us we are welcome?" The harder the Abbott government pushes its counter-terrorism agenda, the more radicalised some young people feel.

After last night, many are accusing me of supporting Isis. For the record: I am not a supporter of Isis. I hate Isis. I was just making the point that Ciobo's comments play into the justification many Muslims feel for joining Isis. When a member of the government says that Muslims accused of terrorism can have their citizenship stripped without a judicial process, it is dangerous.

Ciobo's comments to me last night, that he would be happy to see my citizenship stripped, was a classic case of a politician looking for votes. His comments were a disgrace to fair dinkum Australians who understand this country is built on the rule of law. He is proposing to throw that out and replace it with an authoritarian system. Is that what Aussies want? God forbid.

Fortunately, I am not a dual citizen. So stripping my citizenship is unlikely to ever happen (well, not in the near future). I am strongly standing up for Australians who are under threat from this outrageous, Islamophobic government that is weakening the rule of law and replacing it with a dictatorial system like that which exists in Syria, where Bashar al-Assad and his ministers have the power to do whatever they like to people without trial. This a very dangerous step Australia is taking.

I was acquitted of terrorism in 2005, but not because of a technicality, as Ciobo would have you believe. Instead, it was because a jury heard that I had been set up by the New South Wales police, aided and abetted by an undercover operative who paid me money to hear a good terrorism story. They decided I was not guilty of the most serious offences and no threat. I was dumb and naive at the time. I was only 20.

Years later, I'm on good terms with Asio and counter-terrorism police. I meet with them regularly, they shout me a coffee, we chat about Syria and national security. They know I'm an idiot at times, they know I like to stir the pot. They would have watched last night laughing and shaking their heads.

The government needs to hear from people like me because I've been there, done that. I've been to Syria, I've spent time with the Free Syrian Army. I know how some young Muslims look at the world.

This was the point I was making on Q&A when I had my outburst. I make it proudly and would say it again. The Abbott government has no one to blame but themselves for the new recruits that Isis is attracting here in Australia.

<http://www.theguardian.com/commentisfree/2015/jun/23/zaky-mallah-i-stand-by-what-i-said-on-qa-the-public-needs-to-hear-it>

5. Abbott asks the ABC 'whose side are you on?' over Zaky Mallah's Q&A appearance

The prime minister renews attack on the public broadcaster saying it betrayed Australians by allowing a 'terrorist sympathiser' to be part of studio audience

The Guardian

Helen Davidson
Tuesday 23 June 2015 14.28 AEST

Tony Abbott has accused the ABC of betraying millions of Australians by giving a platform to a “convicted criminal and terrorist sympathiser” after the appearance of Zaky Mallah in the audience on Q&A on Monday night.

The prime minister labelled the show a “lefty lynch mob” in the Coalition party room, after a government MP suggested a boycott of the program. Speaking to media later in Canberra he said he wouldn’t repeat things that were said in the confidentiality of the party room, but went further in attacking the ABC.

“They’ve given this disgraceful individual a platform and in so doing I believe the national broadcaster has badly let us down,” Abbott said. “I think many millions of Australians would feel betrayed by our national broadcaster right now. I do think the ABC needs to have a long hard look at itself, and answer a question I’ve posed before: whose side are you on?”

“Fair enough, we all believe in free speech, but in the end, you all have to make judgements.”

Earlier the communications minister, Malcolm Turnbull, urged the ABC to consult Australian federal police about how they vet the audience, saying Mallah’s appearance made him concerned about the level of security in the Q&A studio.

But Turnbull said he was not going to comment on the prime minister’s “lynch mob” remark and would not “buy in to that sort of description”.

The ABC said on Tuesday it made an “error in judgment” in allowing Mallah, who was charged with terrorism offences in 2003, to ask a question from the Q&A audience, after he accused the Coalition MP Steve Ciobo of giving Australian Muslims an incentive to go to Syria to join Islamic State.

In 2005 Mallah was acquitted of two terrorism offences but pleaded guilty to threatening to kill Asio officials. Writing for Guardian Australia, Mallah denied he was a threat, and said he was “on good terms” with Asio now.

“For the record: I am not a supporter of Isis. I hate Isis. I was just making the point that Ciobo’s comments play into the justification many Muslims feel for joining Isis. When a member of the government says that Muslims accused of terrorism can have their citizenship stripped without a judicial process, it is dangerous,” Mallah wrote.

The ABC is now conducting a review of the decision to have Mallah on a live broadcast where “it would not be possible for editorial review of the comments he might make.”

Turnbull backed the ABC’s review, but went further by suggesting the public broadcaster contact and consult the Australian federal police about assembling studio audiences for Q&A.

He said he had spoken with ABC head Mark Scott, chairman James Spigelman and host Tony Jones, and the broadcaster had made a “grave error in judgment” on several fronts.

“A person with those opinions, being allowed to express them without any hindrance on live television raises very real concerns,” he told media in Canberra.

“Secondly the ABC obviously has ... a job to do the very best to protect the physical safety who are under our responsibility, and I have grave concerns too that Mallah was there apparently without any thorough security checks participating in that audience.”

Turnbull said he was not jumping to conclusions “but the fact is we have to take safety and physical security very seriously.”

Speaking in Question Time on Tuesday afternoon, Turnbull said justice minister Michael Keenan had already engaged the AFP to assist the ABC in “making sure the arrangements are absolutely correct and appropriate to protect live audiences and the guests, and production team and so forth, in the studio”.

He outlined details of the external review of Q&A.

“That will look at a full gamut of issues relating to Q&A – the audience composition, choice of topic, choice of guest, objectivity and balance,” he told parliament.

“That is absolutely appropriate. The ABC has to be seen to be as accurate and impartial. It’s the board’s responsible to do it and the government and the taxpayers expect them to carry out their statutory duties.”

Turnbull stepped up his claims that Mallah posed a possible security threat.

“It beggars belief that he was included in a live audience, whether it is on the basis of what he might say given his clear track record of intemperate and violent language, but also just as worryingly from a physical safety point of view, surely we have learned to take threats of this kind, people like this extremely seriously.”

Turnbull said earlier his understanding was Mallah had approached Q&A to appear and ask a question.

“There was clearly awareness on the part of Q&A who he was, what his background was, and that should have raised issues both about the propriety of having him in a live audience,” said Turnbull.

Ciobo and Mallah engaged in heated conversation on the program after Mallah posed a question about his court case and how it would have been different had a minister decided the outcome.

Ciobo replied that he wasn't familiar with the circumstances of Mallah's case “but I'm happy to look you straight in the eye and say that I'd be pleased to be part of a government that would say you are out of the country, as far as I'm concerned”.

“Rubbish,” said Mallah, adding: “As an Australian I would be happy to see you out of the country.”

Mallah later said: “The Liberals now have justified to many Australian Muslims in the community to leave and go to Syria and join Isis because of ministers like him.”

Q&A's host, Tony Jones, labelled the comments “out of order”.

“I stand by what I said,” Ciobo said in response. “Best as I know your circumstances, the comments you've made, the threats you've made that you've pleaded guilty to, to me more than justify the concerns the government has. I think it's very wrong for you to portray the Muslim population as all being incentivised to do those things.”

The reaction to Mallah's appearance on Tuesday included condemnation of ABC's decision to let him speak.

The Liberal MP Alex Hawke, said “more than review” was needed and it was “not the first time the ABC's @qanda has put extreme views on terror to air.”

Writing on Twitter, Hawke said: “the ABC's qanda has crossed a line. Our publicly funded broadcaster mustn't be a platform for airing of these views.”

Andrew Zammit, researcher at Monash University's Global Terrorism Research Centre, said it was “strange” for Q&A to give Mallah a platform. “When he was sentenced in 2005, the judge blamed media attention for helping encourage Mallah to do stupid and dangerous things,” Zammit told Guardian Australia.

Zammit said Mallah's appearance “hasn't helped” the debate around the citizenship legislation, which he has previously labelled “impractical and irresponsible.”

<http://www.theguardian.com/australia-news/2015/jun/23/abbott-asks-the-abc-whose-side-are-you-on-over-zaky-mallahs-qa-appearance>

6. Peter Greste says Q&A with Zaky Mallah 'didn't cross the line' to incitement

Australian journalist who spent 400 days in an Egyptian jail says government is shooting the messenger in slamming the program

The Guardian
Staff and agencies
Wednesday 24 June 2015 17.24 AEST

A controversial Q&A broadcast involving comments from Zaky Mallah didn't cross the line in inciting Australians to join Islamic State terrorists, Peter Greste says.

The Australian journalist, who was released in February after spending 400 days in an Egyptian jail cell for reporting on political events following unrest, says the government is shooting the messenger in slamming the program.

The ABC, which admitted an error in judgment, has been heavily criticised for allowing the convicted criminal airtime during Monday night's program.

Greste said the ABC could have handled the material more sensitively, but that the criticism that has followed is designed to shut down public discussion.

“Anything that closes down debate I think is a bad thing, as long as the debate doesn't overstep the boundaries of becoming incitement ... and I don't think that debate crossed that line,” Greste told a media lunch in Melbourne.

Peter Manning, a former executive producer of Four Corners and ex-head of ABC TV news and current affairs, told Crikey on Wednesday the ABC shouldn't have apologised. “I think senior ABC management needs to get their act together to defend

freedom of speech, and the Q&A program, and not buckle at the first whimper from the federal government as they did yesterday," he said.

Greste also said the treatment of the Human Rights Commission president, Gillian Triggs, was another example of a public institution attacked to deflect attention from an issue critical of government.

"I think the way that the government has responded to it ... is deeply concerning," he said. "What we're seeing, I think, is an attack on the messenger increasingly, rather than engagement with the message."

<http://www.theguardian.com/media/2015/jun/24/peter-greste-says-qa-with-zaky-mallah-didnt-cross-the-line-to-incitement>

7. Q&A stoush: Nauruan government accuses ABC of conspiracy

Sydney Morning Herald
June 24, 2015 - 11:50AM
Sarah Whyte

The Nauruan government has joined a chorus of criticism of the ABC, accusing the national broadcaster of conspiring to "destabilise the government" and using the small Pacific Island as a "punching bag".

In a statement issued on Wednesday morning, a spokesman for the Nauruan government said the controversy surrounding Monday night's Q&A program, during which former terrorism suspect Zaky Mallah was allowed to question junior minister Steve Ciobo, was not surprising given the ABC's "biased left-wing agenda".

Nauru's justice minister, David Adeang, is trying to sue the ABC after it aired allegations regarding investigations into the death of his wife.

The ABC's flagship 7.30 program also reported that the president of Nauru, Baron Waqa, and Mr Adeang were allegedly bribed by an Australian phosphate dealer, Getax.

Leaked emails showed Mr Waqa allegedly received \$60,000 and Mr Adeang was allegedly given \$10,000 a month in 2009 and 2010.

"The Australian government, which funds the ABC, should launch an immediate investigation into the unethical relationship between its journalists, its former staff member and the Nauru opposition," the statement read.

"It is clear the ABC is conspiring with the Nauru opposition to destabilise the government of Nauru."

Mr Adeang said the ABC has been "reporting lies and ignoring the facts around Nauru for a long time, and is using Nauru as a 'punching bag' to achieve its real agenda which is to attack the Australian government".

Nauru is one of several small Pacific countries that have hired an Australian PR agency to handle the media.

The Papua New Guinean government also recently hired a foreign media adviser.

Both countries house Australia's controversial offshore processing centres.

<http://www.smh.com.au/federal-politics/political-news/qa-stoush-nauruan-government-accuses-abc-of-conspiracy-20150624-ghw4wa.html>

8. Michael Gordon: In the fight with the ABC, Tabloid Tony rules

The Age
June 27, 2015 - 12:38AM
Michael Gordon

Tony Abbott began his short career as a journalist at what was then the country's quality weekly news magazine, The Bulletin, before moving to the national broadsheet, The Australian. But he has always possessed the instincts of a mass circulation tabloid editor.

When the Prime Minister branded the ABC's Q&A a "lefty lynch mob" at Tuesday's meeting of Coalition MPs, he would have been acutely aware that the line would be reported to journalists during their official briefing on the party room discussion.

And, when he was asked about the remark at a press conference called to announce legislation to automatically strip dual nationals of their citizenship if they were involved in terrorism, he was happy to elaborate.

"I'm certainly not going to repeat things that were said in the confidentiality of the party room," he began, even though the "lynch mob" quote had been relayed verbatim to journalists by a government spokesman 15 minutes earlier. The PM then asserted that millions of Australians would feel "betrayed" by the national broadcaster's decision to give "a convicted criminal and terrorist sympathiser" in Zaky Mallah at platform on Monday night's program. "I think the ABC does have to have a long, hard look at itself, and to answer the question which I have posed before: whose side are you on here?"

Yet the question Mallah posed on the program was pertinent to the conversation Abbott invited the nation to have when he announced his original plan to give the Minister for Immigration, Peter Dutton, the discretion to strip dual nationals accused of being terrorists of their Australian citizenship. And few were better placed to ask it.

Mallah introduced himself as the first man in Australia charged with terrorism, admitting he had "done and said some stupid things, including threatening to kidnap and kill". He had been convicted over the death threats, but acquitted on the terrorism charges. His question: "What would have happened if my case had been decided by the minister himself and not the courts?"

The response from Steve Ciobo, the parliamentary secretary to the Minister for Foreign Affairs, could hardly have been more provocative. "I'm happy to look you straight in the eye and say that I would be pleased to be part of a government that would say that you're out of the country as far as I'm concerned," he said.

Mallah's reply triggered a swift rebuke from host Tony Jones and stunned silence from the studio audience. "The Liberals now have justified to many Australian Muslims in the community tonight to leave and go to Syria and join ISIL because of ministers like him," Mallah said.

But the last word, and the most sustained acclamation, belonged to Ciobo. "Let me tell you, I know a lot of Muslims. They're very good people and I think they would be recoiling at what you just said."

And that was it. Really.

The Prime Minister's outrage (and that of many of his colleagues) could hardly have been better reflected in the News Corp tabloids the next morning if Abbott had been chairing their news conferences and issuing the editorial orders. "ABC OF JIHAD", shouted the Herald Sun; "TERROR VISION", The Daily Telegraph; "IT'S YOUR ABC", The Courier Mail, complete with a digitally altered image of an ISIL fighter brandishing an AK-47 and a flag bearing the ABC logo.

And it got worse. A double-page spread in the Telegraph featured a digitally altered image of a chuckling Jones chairing a panel of terrorists under the headline: "WHOSE SIDE ARE YOU ON."

From the Abbott perspective, the treatment sat neatly with the narrative he wants voters to accept: that here is a government doing its very best to keep the nation safe, only to have that objective undermined by the left-leaning ABC. Come in spinner.

Even before Dutton seriously accused ABC journalists of running a "protection racket" to support the ABC, the broadcaster conceded it had made "an error of judgement" in allowing Mallah to ask a question and announced a review of the program. This was its first mistake.

Mallah might be an attention-seeking misogynist and a loose cannon, but he is on record as an avowed opponent of Islamic State who insists he loves this country and has reformed since his acquittal on a charge of planning a terrorist act in 2005. Q&A's mistake was not to insist that his question be pre-recorded and put to the panel by video link.

Once the ABC conceded the more serious mistake, it erred a second time in rebroadcasting the program without editing or a disclaimer. This opened the ABC to renewed attack from Abbott, who announced an "urgent government inquiry" and declared that "heads should roll over this".

This segued neatly to a potential second political dividend for Abbott: the wedging of Malcolm Turnbull. The Communications Minister can take the most credit for the moderating the citizenship laws introduced this week and making them less vulnerable to constitutional challenge, but he was now in a pickle.

If Turnbull failed to match Abbott in the bellicose outrage stakes, he risked further alienating himself from those MPs who are every bit as gung-ho as the Prime Minister in labelling the ABC as un-Australian. If Turnbull went along with it, he would be marked down by those who consider him the most articulate voice of the middle ground.

But Turnbull is not for wedging. Invited by the ABC's Leigh Sales to agree with Abbott's call for heads to roll, he replied: "I'll decide what metaphors I use and the manner in which I use them." Asked to endorse Abbott's view that the ABC had betrayed the country, he said it had betrayed its own "very high standards".

Back in February, Turnbull might have been prime minister if he had challenged when Abbott was in so much strife that desperate backbenchers moved for a spill of the Liberal leadership. Turnbull resisted then, and Abbott's political recovery is now so comprehensive that some are speculating on an election this year. Don't bet on it.

The recovery can be attributed to a host of factors, including Abbott's determination to be more consultative and to redress the unfairness of last year's budget. And don't forget the reminder, courtesy of the ABC's *The Killing Season*, of Labor's dysfunction in government.

But don't discount the PM's ability to exploit the fear factor on national security for political gain, either. Or deploy his tabloid abilities to this end.

>>>> *Michael Gordon is political editor of The Age.*

<http://www.theage.com.au/comment/in-the-fight-with-the-abc-tabloid-tony-rules-20150626-ghygaz.html>

9. Anne Summers: Abbott walks in the footsteps of his political godfather

The Age
Jun 26, 2015
Anne Summers

The parallels between Tony Abbott's bid to strip dual-nationality alleged terrorists of their Australian citizenship and those of his political godfather, Robert Menzies, 55 years ago to ban the Communist Party of Australia are almost unnerving.

Both pieces of legislation attracted significant criticism for their overreach, the likelihood of the unintended consequences of "innocent" people being caught within their ambit, and for potentially flouting the rule of law.

Menzies' bill had to be redrafted before the Labor controlled Senate agreed, even with misgivings, to pass it, but following royal assent on 20 October, 1950, the legislation was immediately referred to the High Court which in March 1951 struck it down 6 votes to 1 as being unconstitutional.

It remains to be seen whether Abbott's Allegiance to Australia legislation (which, given Labor's agreement, is certain to pass the parliament) will be sent to the High Court and, if so, what the determination will be, but it is certainly possible for a parallel scenario to unfold.

If it does, the lessons of history will be instructive but it is the political parallels, rather than the legal similarities, between the two cases that are really fascinating.

The current legislation is being introduced at a time of general alarm about international terrorism and the likelihood of homeland attacks. The prime minister has played political hardball with these fears, rhetorically thumping his chest to proclaim his own toughness while seeking to portray the Labor opposition as being "soft" on terrorism.

Menzies did the same back in 1950, doing his best to portray the ALP as "soft" on communism. He had the media onside. The then staid Sydney Morning Herald described the bill, in a front page headline, as being to OUTLAW REDS and to "deal with 'King's Enemies'."

It was no secret that some of the nation's largest trade unions were communist-controlled and memories were fresh of the crippling 1949 black coal-miners strike, which many contended was orchestrated by Communist union officials. The Chifley government certainly thought so and became the first to use the military to break a strike, an action that caused immense bitterness in Labor ranks but which was not enough to stop Menzies winning the federal election later that year.

Plus the geopolitical context was very much to Menzies' advantage.

The Cold War was raging. Australia's war-time ally Russia had become the aggressive Soviet Union. On June 25, 1950, while the dissolution bill was still before parliament, North Korea invaded South Korea and it took just four days for Australia to sign up to fight beside the United States to repel this downward thrust of communism.

Yet although Menzies won the double dissolution election in April 1951, and obtained a mandate to take the question of banning the Communist Party to a referendum, when the question was actually put to the people, on September 22, 1951, it lost. Only three states (Queensland, Tasmania and Western Australia) voted Yes and the national vote in favour was 49.44 per cent.

So the lessons from history for Abbott would seem to be that if his legislation is struck down by the High Court, he should move on and not risk the kind of rebuff that Menzies suffered when he sought to enlarge the powers of the Commonwealth, in this case to – many argued – reverse the presumption of innocence.

But perhaps Abbott should use this history lesson to reflect more widely about what he actually wants to achieve with his legislation.

Menzies might have lost the battle – the referendum, the legislation – but he undoubtedly won the war.

The Communist Party stayed unbanned and while its membership began to decline – especially after Soviet leader Krushchev's 20th Party Congress speech and the USSR invasion of Hungary, both in 1956 – it remained a useful public whipping boy for the canny Liberal leader.

But of far greater benefit to Menzies was the dramatic defection of Soviet spy Vladimir Petrov in 1954, which came complete with Russian goons trying to drag his wife onto a plane to whisk her out of the country. It was a dream gift for Menzies, who knew how to exploit it to the hilt for domestic political purposes.

And the biggest bonus of all: the 1955 split of the ALP on the question of alleged communist influence in its ranks. The splinter Democratic Labor Party (DLP) used its preferences to keep the coalition in government for a generation.

When Gough Whitlam finally brought Labor to power in 1972, the party had been in the political wilderness for 23 years.

Tony Abbott can only dream about the modern ALP splitting. The political landscape is very different today, with the Greens and Independents having power that was virtually non-existent in Menzies' day.

But Abbott's Allegiance to Australia legislation, if it becomes law, means he is unlikely to have a modern-day Petrov.

The prime minister has been impervious to arguments about the intelligence and propaganda value former terrorists could provide. He just wants them all to stay away.

These go-for-the-jugular combative instincts might come at the expense of effectiveness. If we really want to stop young Australians from being radicalised, then shouldn't we be using potential assets such as ex-militant Zaky Mullah to warn off Muslim teenagers from signing up with the jihadists? Instead, for short-term political gain, Mr Abbott has gone all out to use Mullah to turn up the political temperature, scorch the national broadcaster and anyone else who gets in the way on this perilous political warpath.

As a strategy it's full on. And it's risky.

It might secure victory in the battle. But will it win the war?

>>>> *Anne Summers is editor and publisher of Anne Summers Reports.*

<http://www.theage.com.au/comment/abbott-walks-in-the-footsteps-of-his-political-godfather-20150625-ghxqc8.html>

10. Tony Windsor: Asylum-seeker policy a dark spot in Australia's history

The Saturday Paper

Jun 27, 2015

Tony Windsor

[....]

The following is a controversial view, but it is one this government has forced me to hold: I believe that any tragedy or terrorist activity in Australia would almost be welcomed because of the political benefits that would flow from it. The continual progression of asylum-seeker and terrorist law is all about where the blame can be laid when that tragedy occurs, rather than engaging with the domestic and international drivers of these issues. This is all very well in the short term, but what Abbott and his conservative colleagues don't seem to appreciate, or perhaps care about, are the long-term implications.

There are a number of questions that require answers. What are the long-term consequences of combining the issue of terrorism with the plight of people seeking asylum? What are the consequences of demonising Muslims with incessant dog-whistling about race and religion and difference? Is anyone in the government or the opposition joining the dots?

[....]

Full story at <https://www.thesaturdaypaper.com.au/opinion/topic/2015/06/27/asylum-seeker-policy-dark-spot-australias-history/14353272002050>

11. Ricky Muir: It's a slippery slope if we enact laws based on fear rather than reason

If our government wants to strengthen citizenship laws, it should do so calmly, not by spreading fear – that is doing the job of the terrorist

The Guardian

Ricky Muir

Thursday 25 June 2015 07.30 AEST

When it comes to the citizenship debate, I agree with David Leyonhjelm who accused the government of “trying to wedge Labor on national security from the start”.

But I'd take it one step further – not only are they trying to “wedge” Labor, they are trying to wedge all non-government parliamentarians.

We are told, as is the public through the media, that if we do not support the proposals we do not care about national security.

This, in my eyes, is a grab at potentially excessive powers simply through ruling by fear. In ruling by fear, we are tricked into a mindset that it is OK to give away our privacy. We are told that if you aren't doing anything wrong, you have nothing to hide.

Just because you are not doing anything wrong, does not mean that you have no right to privacy.

While I completely agree that 50 Australians fighting abroad is devastating, the reality is there are over 23 million Australians who have not and will not ever consider these acts; 23 million people who have a right to freedom, privacy and the presumption of innocence.

When I was young I remember asking if Santa was real. This was followed by a comment like, “Come here mate, we need to have a talk.” After this talk I was disappointed, but understood and accepted the reality.

I also remember questioning whether God was real at a similar time. Unlike the Santa question, this ended a little different. It was more along the lines of, “If you don't believe in God, you will go to hell,” followed by a descriptive definition of demons, fire and all sorts of things which filled me with fear. So much fear that I essentially believed the boogie man was coming to get me, would pull the blankets over my head and pee the bed.

Now, many years later, I see the same ruling-by-fear tactics being handed down through the media by our own prime minister and attorney general.

When government overreach – such as granting a minister unprecedented powers and by-passing judicial process – was questioned, the government's approach was to instil fear in the ALP.

“The ALP want to roll out the red carpet for terrorists” is what we were told. I sat in our great “democratic” Senate chamber and listened to George Brandis spray this at the ALP in question time, at the same time Tony Abbott was saying the exact same thing in the lower house. I guess they both got the same briefing paper on how to wedge the ALP (without it being leaked this time).

If members of the government honestly believe that they have a good policy they should sell it to the people without the unnecessary fear mongering and scare campaigning. If they are so convinced that they are making a decision in the best interests of Australia, they should be prepared to be scrutinised and have a good, calm argument to back up their views – not jump up and down screaming that the boogie man is coming in the hope that everybody will pull the blankets over their head and pee the bed.

I agree that those who travel abroad to fight against us with Isis should feel the full weight of the law. I do not accept by-passing our judicial system, nor do I believe removing citizenship and leaving our “problems” in a situation where they can continue to commit crimes is good policy. I do believe that we should strengthen our current laws and consider life imprisonment without parole for those found guilty, but not without a proper judicial process to ensure that we do not falsely accuse a single innocent person.

We have a separation of the executive and judicial powers for a good reason.

The government has introduced the creatively named Australian citizenship amendment (allegiance to Australia) bill 2015. I will need to examine the provisions of this bill closely but my initial reaction is that it could have been a lot worse, but it could be better.

At first glance, it appears the separation of powers has been respected, however senior public servants will have a role in deciding whether a dual national meets the criteria to have their citizenship taken away. Tony Abbott has left open the possibility of amending the bill so that it applies retrospectively. Although there is no express or implied prohibition on the making of retrospective laws in the Australian constitution, we need to tread very carefully.

I do not accept the mentality of ruling by fear and I worry about the slippery slope we may head down if we allow government to enact laws based on fear rather than rationale.

If our government has a desire to strengthen laws they should do so factually and calmly, not by spreading fear – that is doing the job of the terrorist. The report from the parliamentary joint committee on intelligence and security will be telling. With Labor indicating possible support, it looks like the wedge has done its job.

<http://www.theguardian.com/commentisfree/2015/jun/25/its-a-slippery-slope-if-we-enact-laws-based-on-fear-rather-than-rationale>

12. Citizenship could be stripped for damaging commonwealth property

Law expert George Williams says government has 'cast the net far too wide' and new laws go 'far further than involvement with Islamic State or acts of terrorism'

The Guardian

Lenore Taylor, Political editor

Wednesday 24 June 2015 15.59 AEST

Damaging or destroying commonwealth property is one of the offences for which an Australian dual national could have their citizenship revoked under the legislation introduced by the government on Wednesday.

University of NSW law professor George Williams said he believed the government had "cast the net far too wide" in its new laws, which now went "far further than people involved with Islamic State or acts of terrorism".

"This law appears to cover low-level offences that have only a very minor connection to terrorism," he said.

"The most remarkable is that it extends to section 29 of the Crimes Act, the offence of destroying or damaging commonwealth property, which would appear to not necessarily require any connection to terrorism at all. That might just mean that someone was involved in vandalism.

"It also extends to the offence of possessing a 'thing' connected to terrorism. 'Thing' is an open-ended term and is not defined.

"The government's redrafting has probably satisfied the constitutional problems, but in my view it has now cast the net far too wide," Williams said.

The government had originally proposed that immigration minister Peter Dutton would have discretion over the revocation of citizenship, something constitutional lawyers said was likely to be struck down by the high court.

Dutton introduced the changes to the Citizenship Act to the House of Representatives on Wednesday. They were first proposed by the government early last year and were the subject of dramatic cabinet leaks earlier this month.

"It is now appropriate to modernise provisions concerning loss of citizenship to respond to current terrorist threats ... The world has changed so our laws should change accordingly," Dutton said.

The bill lists three ways in which dual nationals can automatically lose their Australian citizenship. First, a person renounces their citizenship "by conduct" if they engage in terrorist activity. Second, if they go overseas to fight for foreign armies deemed enemies of Australia, or listed terrorist organisations. Third, if they are convicted of terrorism offences or "certain other offences" by an Australian court.

The "wide net" that concerns Williams is in relation to these "certain other offences".

Under the new bill, children whose parents have renounced their citizenship by conduct can also have their dual nationality removed, unless there is another parent who is an Australian national who can take responsibility for the minor.

"A child of the person [who renounced their nationality] may also cease to be an Australian citizen," the bill says.

Opposition leader Bill Shorten said Labor supported the bill in principle. Labor is considered likely to back it, but no final decision has been made.

"We have said that we will do whatever is necessary to fight terror abroad and at home. We've said that we support the principle of the extension of denying Australian citizenship to dual citizens if they take up arms against Australia," Shorten said.

"What matters in national security is having laws that actually work."

<http://www.theguardian.com/australia-news/2015/jun/24/new-laws-dual-nationals-lose-citizenship-for-damaging-commonwealth-property>

13. Citizenship could be stripped for wide range of offences under terror laws

The Age

June 25, 2015 - 7:57AM

David Wroe

Gareth Smith, 72, is hardly the death cult killer the Abbott government has in mind when it vows to strip dual national terrorists of their Australian citizenship.

But on a literal reading of the government's citizenship legislation, introduced yesterday to Parliament, Mr Smith, who proudly acknowledges he's a "serial protester", could find himself in the crosshairs.

"It hasn't really had a chance to sink in, to be frank," he said from his home in Byron Bay after Fairfax Media asked him about the prospect of having to fall back on his British citizenship.

Mr Smith was convicted in 2000 of damaging Commonwealth property after he spray-painted, "Shame Australia!! Shame!" in hot pink across the front of Parliament House, Canberra, as part of a protest about East Timor.

Under the legislation, dual nationals who are convicted of certain offences would be automatically stripped of their citizenship. Those offences range from treachery, sabotage and mutiny all the way down to damaging or destroying Commonwealth property.

It also includes a broad range of speech-related offences such as urging violence or advocating terrorism.

The long-awaited amendments to the Citizenship Act also mean a dual national who engages in terrorism-related activity automatically forfeits their Australian citizenship even without a conviction, though they can appeal the revocation in court.

Terrorist acts include using explosives or lethal devices overseas and providing or receiving training for terrorist acts, as well as directing, financing or recruiting for terrorism.

Another category in the new bill is an extension of the existing law, section 35, that already strips dual nationals of their citizenship if they fight with a foreign military with whom Australia is at war.

The government has referred the legislation to the Parliamentary Joint Committee on Intelligence and Security to consider whether it should be made retrospective – which is where Mr Smith's residency of Byron Bay could start to look precarious.

Labor on Wednesday stated it would support the legislation in principle, though Immigration spokesman Richard Marles vowed "that shouldn't be taken as a blank cheque".

Mr Marles said the types of offence convictions that could spark citizenship loss was "precisely the kinds of matters Labor will seek to examine ... to ensure it contains no unintended consequences".

The parliamentary committee is expected to scrutinise whether offences should be removed or new ones added.

The Immigration Minister will retain the power to overturn the renunciation or revocation of citizenship if it's in the public interest, meaning the minister will still have considerable powers of discretion.

Children of terrorists stripped of their citizenship could also have their citizenship taken away provided it does not make them stateless, and if they do not have another responsible Australian parent.

University of New South Wales law professor George Williams said the wide range of criminal convictions that would spark the loss of citizenship was the "most concerning" aspect of the bill because not all the offences necessarily relate to terrorism and "may or may not be serious" offences.

Mr Smith paid his debt - a bill of \$16,350 to the Commonwealth for the clean-up as well as an additional fine.

"To be under the threat of deportation for an action for which due restitution has already been made seems quite Orwellian," he said.

<http://www.theage.com.au/federal-politics/political-news/citizenship-could-be-stripped-for-wide-range-of-offences-under-terror-laws-20150624-ghwv2y.html>

14. Law Council blasts new citizenship terrorism laws as much too broad

The Age
June 26, 2015 - 5:42PM
David Wroe

Australia's peak legal body has blasted the Abbott government's proposed law to strip dual national terrorists of their citizenship as far too broad and denying suspects natural justice in challenging the revocations.

Top barrister and executive member of the Law Council of Australia, Fiona McLeod, SC, told Fairfax Media that while an improvement on previous proposals, the legislation introduced to Parliament this week was "far too broad".

Ms McLeod said that the laws would invest great power in public servants to decide whether the threshold had been met to strip a person's citizenship using information and intelligence that might never be made available to the suspect themselves.

"It can be on the basis of completely untested material which we know can be completely unreliable," Ms McLeod, who is also president of the Australian Bar Association, said.

"We know that intelligence about weapons of mass destruction led us to war in Iraq. We know that courts are suspicious of intelligence because ... often it's obtained under duress or coerced or obtained from a source motivated by who-knows-what.

"But we're trusting the ability of a public servant to assess the credibility of that information without even a full intelligence assessment."

She said the range of reasons why a person can be stripped of their citizenship was "so broad that they catch far too much".

These included people who might have been involved with terrorist organisations unintentionally or under duress, or even people who had provided humanitarian services to members of those organisations.

"Doctors from Medecins Sans Frontieres might be said to be providing service to terrorist organisations for patching people up who walk in the door," Ms McLeod said. "Aid workers for the Red Cross or Red Crescent might be caught for simply being on the ground and handing out water and food.

"When they talk about fighting for or in the service of one of these organisations, they are casting the net so broadly that they might catch people who they cannot possibly intend to catch."

And regarding the process for a judicial review, the law excluded natural justice, appeal rights and ministerial duties in ways that "severely limit the ability to bring an effective administrative review of those decisions".

Immigration Minister Peter Dutton told Parliament this week when he introduced the bill that citizenship was "something to be treasured" but "regrettably some of the most pressing threats to the security of the nation" came from Australian citizens involved in terrorism.

"It is now appropriate to modernise provisions concerning loss of citizenship to respond to current terrorist threats. The world has changed so our laws should change accordingly," he said.

<http://www.theage.com.au/federal-politics/political-news/law-council-blasts-new-citizenship-terrorism-laws-as-much-too-broad-20150626-ghyqqx.html>

15. Plight of 'ASIO refugees' in indefinite detention a warning in citizenship debate: lawyers

Brisbane Times
June 23, 2015
Daniel Flitton

Civil liberties lawyers warn plans to strip citizenship from dual nationals accused of terrorism could see more people spend years trapped in the legal limbo of indefinite detention in Australia's immigration centres.

A total of 18 refugees judged a threat to national security under secret ASIO assessments are being held - without trial or right of appeal - in Melbourne and Sydney, some for more than six years, according to the latest figures from the Immigration Department.

The number held has gradually whittled down from 54 individuals in 2012 after ASIO decided to change its adverse finding - again, with no explanation.

Confidential ASIO assessments are likely to play a key role in any decision to strip a person of Australian citizenship under the proposed anti-terror changes.

Asked on Tuesday whether indefinite detention might be an option for people stripped of citizenship, Prime Minister Tony Abbott said this was "a bridge that we would cross if and when we came to it".

Prominent barrister Julian Burnside said that ASIO can adversely assess refugees who can then spend years in immigration detention was "worrying but understandable".

But Mr Burnside said it was "beyond understanding" that no explanation was provided for the adverse assessment - and that it could be reversed by ASIO with no explanation was "almost impossible to justify".

"All these causes for concern may seem unimportant to people who are not refugees, or are not otherwise affected by ASIO's powers," Mr Burnside said.

"But we should all worry. The fact remains that there is an agency in Australia which can, in secret and without explanation, make a decision which results in a person spending years in detention."

The Abbott government is expected to release draft legislation on Wednesday to provide powers for stripping citizenship from dual nationals who "engage in terrorism-related conduct".

Stephen Blanks, from the NSW Council of Civil Liberties, said if people in Australia had their citizenship revoked, it will inevitably lead to them being placed in immigration detention.

"In many cases the circumstances will be such that the ex-citizen will not be able to return to the remaining country of nationality," Mr Blanks said.

Under existing law, Australian citizens and permanent residents are entitled to a review of an adverse ASIO assessment in the Administrative Appeals Tribunal, along with a statement from ASIO on the grounds for the finding.

But non-citizens are denied this right.

Mr Blanks said it remains to be seen how the proposed legislation will deal with this question and any constitutional issues.

The government has said the new legislation will "not exclude the role of the courts".

The refugees with adverse assessments, most Tamils who fled Sri Lanka, are trapped in Australian immigration detention because they cannot be returned home, having been found to have a well-founded fear of persecution.

But no other country has been willing to resettle them with the adverse security assessment and several High Court challenges have failed to secure their release.

Mr Blanks said there is no justification for national security to be used as an excuse to give up fundamental freedoms - and only in Australia could a non-citizen be deprived of their liberty without being given due process.

"The experience with refugees with adverse ASIO assessments in Australia has demonstrated that Australia lacks a legal framework which protects human rights in the way that all other Western democracies protect human rights," he said.

<http://www.brisbanetimes.com.au/federal-politics/political-news/plight-of-asio-refugees-a-warning-in-citizenship-debates-lawyers-20150623-ghvdji>

16. Whistleblowers could have citizenship revoked under proposed laws

Disclosing matters relating to national security could see dual citizens stripped of their citizenship, including those involved in the Timor-Leste bugging scandal

The Guardian
Paul Farrell
Thursday 25 June 2015 11.08 AEST

Whistleblowers with dual citizenship who speak out on Australia's national security – including those involved in allegations that Timor-Leste's cabinet room was bugged – could face having their citizenship revoked under proposed laws.

A bill introduced to the federal parliament by the immigration minister, Peter Dutton, on Wednesday enhances the power of the immigration minister to revoke or initiate a renunciation of citizenship for conduct deemed to relate to certain terrorism offences. The new bill seeks to strip only dual nationals of their citizenship.

The proposed section 35A of the bill also outlines that citizenship will be lost automatically for Australians who are convicted of particular offences.

While some of those offences are related to terrorism, they also include commonwealth property offences. Legal experts have warned the government has overreached in applying the revocation powers to these kind of offences.

The proposed law would also capture a range of offences for disclosing matters relating to national security under section 91.1 of the Criminal Code.

The section is titled "offence relating to espionage and similar activities", but includes several offences for intentionally disclosing matters pertaining to national security.

This offence has been expressly considered by the federal government in relation to the international case surrounding the alleged Timor-Leste bugging.

Ben Saul, a professor of international law at the University of Sydney, said the breadth of the citizenship laws highlighted serious questions about the proportionality of the legislation.

“The fact that the terrorism definition is so wide and sweeps up all these miscellaneous security offences is too drastic and goes too far,” he said. “You can see situations where utterly trivial information is classified as a matter of national security, and you can see someone being caught up and then being de-nationalised.”

Australia is alleged to have bugged Timor-Leste's cabinet room during negotiations for an oil and gas treaty in 2004. A whistleblower from the Australian Secret Intelligence Service – known as Witness K – is a key witness.

The federal government authorised raids on Timor-Leste's Canberra-based lawyer, Bernard Collaery, and Witness K in 2013 to seize documents in relation to the case, but recently agreed to return them.

During the proceedings at the International Court of Justice relating to the seizure of the documents, the Australian solicitor general, Justin Gleeson, expressly flagged the possibility that Witness K and others involved in the case could be prosecuted under section 91.1.

He told the court: “On the basis, however, of what I have just taken you to, there are reasonable grounds to consider that the materials over which Timor-Leste asserts privilege may include written statements, or affidavits, by a former AIS officer, made to Mr Collaery on behalf of Timor-Leste, disclosing national security information of Australia.

“If that be the case, these disclosures would involve the commission of serious criminal offences under the law of Australia, and I reference sections 39 and 41 of the Intelligence Services Act 2001 (Cth), section 70 of the Crimes Act 1914 (Cth) and section 91.1 of Schedule 1 to the Criminal Code Act 1995 (Cth).”

Guardian Australia understands that Collaery, who is representing Timor-Leste, is himself a dual citizen. It is not known whether Witness K has dual citizenship, and no details can be disclosed about his identity due to secrecy laws.

The bill that is currently proposed will not apply retrospectively for previous convictions.

But Abbott said on Tuesday the Parliamentary Joint Committee on Intelligence and Security had been asked to expressly consider whether the new bill should operate retrospectively.

Because Witness K has yet to give evidence in the international dispute, it is possible he could be prosecuted after the bill becomes law.

It was revealed in May that the Australian federal police (AFP) had prepared a brief of evidence in relation to the disclosures made by Witness K.

Guardian Australia asked the AFP whether the brief of evidence for Witness K prepared by the Australian Security Intelligence Organisation related to any of the offences under section 91.1 of the Criminal Code.

A spokeswoman for the AFP did not confirm the particular section of the referral, but said in a statement: “On 13 December 2013, the Australian federal police received a referral from the Australian Security Intelligence Organisation relating to an allegation a former Australian intelligence officer disclosed information relating to operational activity in Timor-Leste.

“Following a thorough investigation, on 18 February 2015, a brief of evidence was provided to the Commonwealth Director of Public Prosecutions for consideration.”

“As this matter is ongoing, it is not appropriate to comment further.”

<http://www.theguardian.com/australia-news/2015/jun/25/whistleblowers-could-have-citizenship-revoked-under-proposed-laws>

17. Australia, New Zealand 'should back Pacific Islands Forum' to censure Nauru

Australia, New Zealand should back Pacific Islands Forum to censure Nauru's free speech crackdown, former magistrate says

ABC Pacific Beat
Posted Tue 23 Jun 2015, 11:36am

Australia and New Zealand should back the Pacific Islands Forum to censure Nauru for its recent crackdown on free speech, a former magistrate in Nauru has said.

Australian former magistrate Peter Law — who was expelled along with chief justice Geoffrey Eames in January last year — said the forum had a responsibility to respond.

"In 2000 they made a declaration, known as the Biketawa, to state that they would intervene where there were problems and breaches of democracy or the rule of law in member states," Mr Law told Pacific Beat.

"Certainly they should be making representations with the Nauruan government.

"Australia and New Zealand should assist the forum to bring Nauru back into the democratic fold."

Two Nauru opposition MPs, Sprent Dabidow and Squire Jeremiah, are due to face court today for a bail hearing following protests last week against new laws curbing free speech and restricting internet access.

Another opposition MP, Mathew Batsiua, was also arrested last week and suspended from parliament.

Palau president and forum chair Tommy Remengesau released a statement this week calling for Nauru to come to a resolution on its own.

"I mostly hope for non-violent and peaceful demonstrations for the people of Nauru," Mr Remengesau said in the statement.

"The situation calls for Nauru's constitution, the rule of law, and the people's fundamental rights to apply.

"Patience is critical at this point for due process to take its course and Nauru to come to a peaceful resolution to this matter."

Mr Law said Nauru was operating effectively as a "parliamentary dictatorship".

"You can't ban the opposition indefinitely and decide you're still a democratic country," he said.

"You can't take away freedom of assembly, freedom of speech and try to suggest you're a democratic country.

"We've got to remember it's not just these MPs affected, it's their representatives as well.

"We've got a third of the population of Nauru, they've lost their representation in parliament."

Nauruan justice secretary Lionel Aingimea this week said the aim of the crackdown was merely to protect people and "to stop criticism, intimidation [and] harassment".

"We're not stopping criticism. People are still criticising the government and we do nothing about it," he said.

"It's about protecting everybody."

'Worrying signs about failure to observe due process'

Political analyst Tess Newton-Cain has long been critical of the way the rule of law is being applied in Nauru.

She has previously called on the forum to show leadership and invoke sanctions available to it under the Biketawa Declaration.

"I think there are very worrying signs about the failure to observe due process," Ms Newton-Cain said.

"I think the forum is being cautious. I think they've realised they can't continue to say nothing."

She said the forum had offered assistance to Nauru at the government's invitation from 2004 to 2009, but said in the current climate, intervention would appear to be the only option.

"It is a small community, so what we don't want to see is this political break down translating into social breakdown because that would be a very dangerous situation for Nauru," she said.

<http://www.abc.net.au/news/2015-06-23/australia-should-back-pacific-islands-forum-to-censure-nauru/6566662>

18. Federal Government scrambles to close loophole making immigration detention 'illegal'

ABC News Online

By political reporter Dan Conifer

First posted Wed 24 Jun 2015, 10:32am

Updated Wed 24 Jun 2015, 2:10pm

The Federal Opposition says it will support a government bill to ensure the continuation of the offshore immigration detention network.

Labor said the Government asked it to support emergency legislation to close a loophole that could see the whole offshore system declared illegal by the High Court.

The ABC has been told the Prime Minister called Opposition Leader Bill Shorten last night to ask for his help.

It is understood Tony Abbott told Mr Shorten the system — which includes processing centres on Nauru and Manus Island in Papua New Guinea — could be deemed illegal during the six-week winter break unless the loophole was closed.

The Federal Opposition called a special caucus meeting to consider whether it would support legislation to ensure the system was protected.

The recommendation to support the bill was moved in caucus by Mr Shorten and seconded by immigration spokesman Richard Marles.

"The basis that the legislation solely goes to enabling payments, enabling the fact of regional offshore processing and that the legislation does not change or in any way expand the current situation/policies/extent of regional offshore processing," the motion read.

Lawyers believe legal challenge behind Government's urgency

Ten asylum seekers earlier this year launched a challenge about the legality of the Government's offshore detention system, which lawyers believe is behind the Government's action over the past 24 hours.

Lawyers said because the Government had issued the contracts for the establishment and maintenance of the processing facilities, they were Australia's responsibility, not that of Nauru and PNG.

They also argued that necessary laws had not been passed to authorise the facilities.

A procedural hearing for the case was held in Melbourne today and a further directions hearing is scheduled for Friday.

Last year a High Court decision ruled, with limited exception, the Government needed legislative authority to spend public money on big policy issues.

"The case had a directions hearing this morning and the next thing we hear is that the Government's moving to change the law so they don't have to face the music in the High Court," Greens Senator Sarah Hanson-Young said.

"For the last three years this Government and the previous government illegally detailed children and families on Nauru and Manus Island.

"Labor has got to grow a spine — stand up when it matters."

Brandis denies claims offshore detention had been illegal

Attorney-General George Brandis denied the Greens' claim that the urgent bill meant offshore detention had been illegal.

"No, that's incorrect ... the Government is of the view that the offshore processing arrangements are lawful," Senator Brandis said.

"The legal advice to the Government and to the previous Labor government was that the scheme was within the law."

Senator Brandis said the bill would come before the Upper House today or tomorrow.

Daniel Webb from the Human Rights Law Centre said a government confident its actions were lawful, "doesn't suddenly change the law when its actions are challenged in court".

"People affected by this case include newborn babies, people with serious medical issues and women who report being sexually assaulted on Nauru," Mr Webb said in a statement.

"They deserve to have the lawfulness of their treatment considered by our courts, not have the Government shift the goalposts mid-case."

The Nauru and Manus Island centres were opened under the Howard government, before being closed and reopened under the previous Labor government.

<http://www.abc.net.au/news/2015-06-24/government-scrambles-to-close-immigration-detention-loophole/6569856>

19. High court case threatens offshore detention regime

Human Rights Law Centre challenge maintains that offshore processing on Nauru exceeds the government's power without specific legislation

The Guardian
Shalailah Medhora
Wednesday 24 June 2015 12.26 AEST

A high court challenge could derail the government's policy of processing asylum seekers on Nauru, putting the policies of both Labor and the Coalition into doubt.

A directions hearing was held on Wednesday to ascertain the basis of the case, which claims that the government does not have the authority to detain people offshore or put money towards that goal.

The challenge, brought by the Human Rights Law Centre (HRLC), could be heard as early as September. Parliament goes into winter recess from Friday for six weeks, giving the government little time to head off the challenge by changing domestic law.

The case builds on a successful case mounted last year against the federal government's funding of the school chaplaincy program. The high court unanimously found that the federal government needs parliamentary approval for expenditure on big policy areas.

The HRLC maintains that the federal government does not have expenditure and appropriation bills specific to offshore processing on Nauru.

It also claims that the government does not have jurisdiction to detain people offshore. Constitutionally, Australia has authority to lock people up onshore, and deport people. The HRLC maintains that Australia does not have specific legislative authority to lock people up in another country.

Federal governments from both sides of politics have in recent times scrambled to change domestic law relating to asylum seekers when high court cases were imminent, as evidenced earlier in the year in the case of 157 Sri Lankan asylum seekers held at sea.

<http://www.theguardian.com/australia-news/2015/jun/24/high-court-case-threatens-offshore-detention-regime>

20. MEDIA RELEASE: Labor must not save offshore processing

LABOR MUST NOT SUPPORT COALITION LEGISLATION TO SAVE OFFSHORE PROCESSING

Wednesday June 24, 2015
Refugee Action Coalition
Ian Rintoul
mobile 04517 275 713

Refugee advocates have called on the parliamentary Labor Party not to support any Coalition legislation aimed at saving offshore processing from a successful High Court challenge.

The Human Rights Legal Centre's challenge seems to have exposed what so many felt for a long time -- that offshore processing is illegal. It certainly has exploded the lie that offshore processing is the responsibility of Nauru and PNG.

The High Court challenge comes at a time when offshore processing is also facing a Constitutional challenge in the Supreme Court of PNG.

"The issue of offshore processing will be vigorously debated at the Labor conference in July," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Resolutions will be put to the conference to end offshore processing and close Manus Island and Nauru. The recent ACTU conference unanimously adopted policy to end offshore processing.

"Any support for the Coalition in the present circumstances would not only pre-empt Labor conference discussion, and possible rejection of offshore processing; it would be regarded as explicit support for the corrupt detention system and the corrupt Nauru government.

"The shocking revelations of physical and sexual abuse on Nauru have exposed the horror of the offshore regime that the Coalition is scrambling to legitimise. The detention regime on Nauru is crumbling under the weight of the corrupt government and the scale of abuses being maintained by the Australian government and Transfield.

"Even as concerns mounted for the welfare of baby Asha, sent back to Nauru two weeks ago, this morning, the Coalition government has sent another 40 men, women and children back to the hell of Nauru.

"The parliamentary Labor Party has an opportunity to break the toxic bi-partisan support for offshore processing that violated human rights and inflicted torture and misery. A number of Labor politicians including leader Bill Shorten have referred to mistakes over asylum seekers that Labor made when it was in government -- restarting offshore processing was one of them."

"Labor has an opportunity to rectify one of its most serious mistakes. We urge the Labor leaders to seize that opportunity -- don't throw the Liberals a lifeline."

For more information contact Ian Rintoul 04517 275 713

Rallies have been called to "Bring Back Baby Asha" in Melbourne, Thursday 25 June, Federation Square 6.30pm; and Sydney, 5.30pm, Tuesday 30 June at Sydney Town Hall Square.

Saturday 27 June: Refugee Action Coalition forum, "Breaking the Bi-Partisan Cruelty on Refugees, with Manus whistleblower; Labor Senator Sue Lines and Michael Thompson, Unions for Refugees. (Sat 27 June, Building 2, level 7 room 44.)

21. Abbott government moves to close loophole in offshore processing legislation

Brisbane Times
June 24, 2015 - 12:12PM
Latika Bourke

The federal government has discovered a loophole in the former Labor government's offshore processing legislation and wants to urgently pass a bill to amend the law by the end of the week because it fears a High Court challenge.

The loophole relates to a landmark ruling the High Court made in the Williams case regarding the school chaplains program in which the court defined how the Commonwealth could fund services.

Labor has called a special caucus meeting at Parliament House to discuss the bill.

The government wants the legislation passed before Parliament rises on Thursday for the six-week winter break. As a supporter of offshore processing of asylum seekers who come by boat, the opposition is likely to agree to the government's bill, although it is being debated by MPs.

Greens Senator Sarah-Hanson Young immediately tweeted her criticism.

Shameful move by Abbott & Labor to smash through new Bill today to circumvent high court over illegal funding for the Nauru detention centre
— Sarah Hanson-Young (@sarahinthesen8) June 24, 2015

<http://www.brisbanetimes.com.au/federal-politics/political-news/abbott-government-moves-to-close-offshore-processing-loophole-20150624-ghw9db.html>

22. Labor supports asylum bill but lambasts Coalition's partisan record on issue

Opposition supports amendment to Migration Act to prevent high court potentially ruling that offshore processing of asylum seekers is unlawful

The Guardian
Shalailah Medhora
Wednesday 24 June 2015 19.25 AEST

Labor has heavily criticised the Coalition for politicising the asylum seekers issue as it supported the government's 11th-hour legislation to head off a high court challenge to offshore processing.

The opposition supported an amendment to the Migration Act that specifically spelled out funding for offshore processing, ahead of a high court challenge that could derail the policy altogether.

Labor has backed the government's changes, which passed through the House of Representatives, but not without pointing out the Coalition's past refusal to engage in bipartisanship on the matter.

The opposition leader, Bill Shorten, told parliament on Wednesday evening: "Sometimes in life the very people you attack are the very people you need to turn to.

“This is one of those times.”

“We will vote for this bill because there are some things more important than partisanship or political agendas. We will vote for this bill because we are guided by our compassion,” he said.

Shorten pointed out that the Coalition was quick to oppose the then Labor government’s Malaysian people swap deal in similar circumstances, under the threat of a high court case.

“Labor is determined to be better,” he said. “My job as opposition leader is to put the country first.”

The opposition spokesman on immigration, Richard Marles, said the government demonstrated “appalling partisan politicisation” of the asylum issue by voting down the so-called Malaysian solution.

“They seek our support and we give it even though, four years ago they turned their back on us,” he said.

Shorten said he hoped debate would shift from the “toxic, malignant, poison of Hansonism that seeps to surface of our politics”.

“That genie needs to be put back in the bottle.”

But not all Labor MPs were as supportive of the amendments or of offshore processing.

The Western Australian backbencher Melissa Parke called the treatment of asylum seekers on Nauru and Manus Island “awful, ugly [and] illegal”, and “a national shame”.

The immigration minister, Peter Dutton, said the amendments would provide the public with “greater confidence in the integrity of the regional processing framework”.

“This bill will ensure that Australia is able to continue to provide the necessary support and assistance to regional processing countries to carry out these arrangements,” Dutton said.

Just before the bill passed the House, the immigration minister rose again to specifically thank the opposition for supporting the amendments.

The measures will be introduced to the Senate on Thursday.

A high court directions hearing was held on Wednesday to ascertain the basis of the case, which claims that the government does not have the authority to detain people offshore or put money towards that goal.

The challenge, brought by the Human Rights Law Centre (HRLC), could be heard as early as September. Parliament goes into winter recess from Friday for six weeks, giving the government little time to head off the challenge by changing domestic law.

Shorten, moved a motion at the end of the caucus meeting to support government amendments to the Migration Act.

The motion said that “the caucus supports the draft amendment to the Migration Act on the basis that the legislation solely goes to enabling payments, enabling the fact of regional offshore processing and that the legislation does not change or in any way expand the current situation/policies/extent of regional offshore processing. Nor does the federal parliamentary Labor party in any way condone the manner in which the current federal government is running offshore processing”.

The case builds on a successful case mounted last year against the federal government’s funding of the school chaplaincy program. The high court unanimously found that the federal government needs parliamentary approval for expenditure on big policy areas.

The HRLC maintains that the federal government does not have expenditure and appropriation bills specific to offshore processing on Nauru.

It also claims that the government does not have jurisdiction to detain people offshore. Constitutionally, Australia has authority to lock people up onshore, and deport people. The HRLC maintains that Australia does not have specific legislative authority to lock people up in another country.

Federal governments from both sides of politics have in recent times scrambled to change domestic law relating to asylum seekers when high court cases were imminent, as evidenced earlier in the year in the case of 157 Sri Lankan asylum seekers held at sea.

Greens senator Sarah Hanson-Young said Labor should “grow a spine” when it comes to asylum seeker policy.

“Stand up when it matters,” she said. “Today, the children in Nauru need the Labor party’s help. Don’t turn your back on them, is what I put to Bill Shorten.”

The HRLC started the case in the high court in May. The director of legal advocacy, Daniel Webb, said at the time: “We know the government has powers to detain asylum seekers in Australia and also has powers to remove asylum seekers from Australia. But the question is whether the government has the authority to then lock them up indefinitely in the territories of other sovereign nations or to effectively procure that detention.”

He said the case also examines whether the \$1.22bn contract awarded to Transfield Services for running offshore centres is lawful.

<http://www.theguardian.com/australia-news/2015/jun/24/labor-criticises-coalition-but-votes-in-favour-of-offshore-detention>

23. Andrew Wilkie Blasts The Liberal And Labor Parties, Calls Australia’s Refugee Policy “A Crime Against Humanity”

Junkee.com
By Alex McKinnon
25/6/2015

Last night the government, with the support of the Opposition, rushed a bill through Parliament’s House of Representatives specifically designed to fend off an impending High Court challenge that could have ruled Australia’s offshore processing regime illegal.

The Human Rights Law Centre is challenging offshore processing in court on the basis that Australia doesn’t have the authority to detain people in other countries, or to put money towards that purpose. In response, the government has drafted up laws that explicitly legalise the funding of detention centres on Nauru and Manus Island, and made them retrospective to cover their tracks up to now.

Parliament is due to start its six-week mid-winter break, meaning that the government would have had a difficult time avoiding the court challenge if legislation were not passed this week. Apparently Prime Minister Tony Abbott called Opposition Leader Bill Shorten at “one minute to midnight” on Tuesday night to ask for the Labor Party’s support for the new bill and Labor was happy to provide it, albeit while calling on the government to stop its “appalling partisan politicisation” of refugee issues.

The only member of the House of Representatives to vote against the bill was Tasmanian independent Andrew Wilkie (Greens MP for Melbourne Adam Bandt is on paternity leave), who railed passionately against the asylum policies of successive governments and called offshore processing “a crime against humanity”. It’s worth a watch.

Full story at <http://junkee.com/andrew-wilkie-blasts-the-liberal-and-labor-parties-calls-australias-refugee-policy-a-crime-against-humanity/60062>

24. Greens to press for concessions as Government tries to rush through last-minute law change

ABC News Online
By Julie Doyle, Eric Tlozek, staff
First posted Wed 24 Jun 2015, 10:19pm
Updated Thu 25 Jun 2015, 4:39am

The Greens will try to place conditions on the Government’s operation of offshore immigration detention centres when the Senate debates urgent changes to the Migration Act today.

The Government is rushing through legislation that explicitly authorises offshore detention and its funding, before a High Court challenge to the policy.

Labor is supporting the legislation, but says it has questions about the detail.

The challenge stems from a court case in which a group of 10 asylum seekers questioned the legality of the Government’s offshore detention system.

Lawyers have argued that because the Government issued the contracts for the establishment and maintenance of the processing facilities, they were the responsibility of Australia, not of Nauru or PNG.

A procedural hearing for the case was held in Melbourne yesterday and a further directions hearing is scheduled for tomorrow.

Immigration Minister Peter Dutton told Parliament yesterday that the amendment would give the Government the legal authority to process asylum seekers in other countries and to fund the processing arrangements.

The bill passed the House of Representatives with Labor's support on Wednesday and will move to the Senate this morning.

Greens senator Sarah Hanson-Young says the laws give the Government too much power, and the Senate should support further amendments.

She said her party would try to change the laws to "put time limits on detention, improve the situation for children, give media access to the detention centres and at the very least, ensure there is a legal requirement to report abuse and harassment whenever it occurs".

Late yesterday in the House of Representatives WA Labor MP Melissa Parke questioned why the bill needed to be rushed through so quickly.

"This may be a small bill but it is dealing with big and serious issues, it is a matter of profound disappointment that the Government seeks to rush this open-ended legislation," she said.

Tasmanian independent Andrew Wilkie was the only MP who voted against it.

Labor's decision to vote for the bill looks set to re-ignite the ALP's internal debate about offshore processing.

Labor for Refugees wants the ALP's party platform revised to end support for offshore processing and to call for the closure of the facilities on Nauru and Manus Island.

It says it will take up the fight at next month's Labor Party national conference.

Co-convenor of Labor for Refugees Shane Prince said: "It goes to the heart of our obligations as a decent civilised nation that we don't turn away people who turn up and seek our help."

Mr Prince said it would be a "respectful and important debate" that needed to be had within the party.

"I think we have a chance of having our views prevail. They are consistent with the views put forward by the union movement," he said.

"That's an important voice within the Labor Party, always has been and there's a significant group of rank and file members within the Labor Party who support our position so it will be a real debate at conference."

<http://www.abc.net.au/news/2015-06-25/senate-to-sit-until-offshore-immigration-detention-secured/6571466>

25. Legal challenge to Australia's offshore detention of asylum seekers goes ahead

A high court case over whether constitution permits offshore processing is still on, despite the passing of rushed legislation to head it off this week

The Guardian
Shalailah Medhora
Saturday 27 June 2015 09.42 AEST

A high court challenge to the Australian government's offshore processing regime is still on the cards for later this year, despite the passing of rushed legislation through both houses of parliament.

Amendments to the Migration Act that enshrine in legislation the Commonwealth's ability to make laws relating to the funding and facilitating of offshore processing centres passed the Senate on Thursday night.

The government had moved other legislation off the agenda in order to ram the legislation through before parliament rose for its six week winter recess. The finance minister, Mathias Cormann, had warned senators on Thursday morning that the chamber would sit as long as necessary to pass the changes.

The high court challenge started in May, and justice Geoffrey Nettle, who presided over a directions hearing on the case on Wednesday, acknowledged that the case would at the very earliest be heard in September, raising questions over why the legislation was introduced in such a rush.

Parliament sits again in August, so both houses would have had an opportunity to debate legislation before the case is likely to begin.

Instead, the legislation passed through the chambers unimpeded, and there was no scrutiny by a parliamentary committee. Labor supported the retrospective changes and joined the Coalition in voting down amendments from the Greens and Liberal Democrat senator David Leyonhjelm.

The legislation is backdated to 2012 to cover the Commonwealth from when then prime minister Julia Gillard decided to reopen the Nauru detention centre.

The amendments passed this week potentially resolve the argument of whether the government can provide money for a big policy area without first legislating on it, as financing the centre in Nauru is clearly spelt out in the changes.

But the second limb of the challenge – that the constitution does not give the government the power to detain people offshore – is ongoing and unaffected by Thursday's legislative changes.

Lawyer for the plaintiffs, Ron Merkel, told the directions hearing that there is a "constitutional limitation on the Commonwealth's lack of power to detain".

The constitution gives the Commonwealth the power to detain people onshore who have broken the law, or deport them to their home countries, but does not specify that non-citizens can be removed and detained offshore.

Daniel Webb from the Human Rights Law Centre, which is involved in the case, told Guardian Australia that "serious questions remain about whether it has valid legal authority to procure detention in the territories of other nations".

"It can detain people in Australia. It can remove people from Australia. But the indefinite detention of innocent men, women and children in third countries is another matter altogether," Webb said.

He argued that the government had "hastily shifted the goalposts" of the high court challenge by introducing the legislation.

The attorney general, George Brandis, told the Senate on Thursday before the legislation passed that "the commonwealth believes that, under the pre-existing law, it is on strong legal grounds. It is also the view of the commonwealth that this legislation will strengthen and further undergird the Commonwealth's legal position".

No formal hearing date has been set, and the high court still setting the parameters in directions hearings.

The next directions hearing is in late July.

<http://www.theguardian.com/australia-news/2015/jun/27/legal-challenge-to-australias-offshore-detention-of-asylum-seekers-goes-ahead>

26. Boat turn-back payment to people smugglers the first of its kind

The Age
June 27, 2015 - 8:45AM
Sarah Whyte, David Wroe and Jewel Topsfield

The recent payment of thousands of dollars to people smugglers to return to Indonesia was the first time that such a transaction has been made specifically for a turn-back, Fairfax Media has learnt.

It is understood that while payments have been made in the past for other reasons involving disrupting people smuggling and infiltrating criminal networks, the payment a month ago was the first to turn back a boat.

Multiple senior sources have now confirmed the payment took place, as reported by Fairfax Media earlier this month.

An Australian official, believed to be from the intelligence agency ASIS, gave about \$US5000 each to the six crew members of a boat carrying about 65 asylum seekers after it was intercepted in late May bound for New Zealand.

The payment was part of a negotiation to get the crew to turn back to Indonesia. The asylum seekers were transferred to two new boats.

Payments to members of people-smuggling rings have been made for years under successive governments for a variety of disruption tactics including paying for intelligence and dissuading people-smuggler boat crews from setting sail.

The Senate has now launched an inquiry into the payment which will require the government to hand over documents over how the payments were made, who authorised it, and whether it was legal both domestically and internationally.

Greens leader Richard Di Natale said he hoped the inquiry would uncover where the money came from and whether foreign aid money was used by Australian officials.

"Having met with the Indonesian ambassador, the Indonesian government is very angry and disappointed about the actions of our government and this is activity that is jeopardising the relationship we have with a very important partner," he said.

Former Liberal opposition leader John Hewson, now a professor at the Australian National University, said he had never heard of such payments.

"The thing that worried me was that the government said they wanted to break the business model of the people smugglers," he said. "[But] if you start paying them to go back then you change the business model and start giving them an incentive ... It's very odd thinking."

"I'm sure there is a significant percentage of the Australian population who feels that there should be more accountability and transparency than that if you are using taxpayers' money."

Meanwhile, Indonesian Foreign Ministry spokesman Arrmanatha Nasir said the investigation into the payment was continuing irrespective of whether Australia provided further information.

"The latest information we received is that they continue to get additional witnesses or expert witnesses to strengthen the case," he said.

Mr Nasir also denied the Bali Process, an official international forum to discuss responses to people smuggling, was dead.

The Bali Process, established in 2002, is co-chaired by the Indonesian and Australian governments.

Mr Nasir said 45 countries were members of the Bali Process, not just Indonesia and Australia.

"In the context of a working group it continues, at a co-operation level it continues, in the context of capacity building it continues," he said. "So it's very far from being dead."

<http://www.theage.com.au/federal-politics/political-news/boat-turnback-payment-to-people-smugglers-the-first-of-its-kind-20150626-ghyswb.html>

27. 'How much?' Why bribes to people smugglers could revive a dying trade

Special report: Australia has been accused of paying a boat crew to turn back a vessel laden with asylum seekers. Near the struggling fishing port where the boat reportedly began its journey, the prospect of easy money is enticing

The Guardian
Beh Lih Yi in Pelabuhan Ratu, Indonesia
Thursday 25 June 2015 11.15 AEST

Business has been bad for Gandi, a fisherman who rides the waves off Indonesia's rugged southern Java coast.

The 44-year-old's meagre catches are sometimes too small to cover the cost of the fuel he needs to power his 7.5-metre blue and white wooden boat.

Added to that, a lucrative sideline in helping ferry asylum seekers for people smugglers has been all but snuffed out after a crackdown by the Indonesian authorities and their threats of arrest.

But things may be about to change.

"I could take them from here," he says, gesturing at the dark sand beach fringed with palm trees and ramshackle, red-tiled huts used by the local fishermen.

His sudden optimism comes after hearing the allegations that Australia paid members of a smuggling crew US\$5,000 each to turn a boatload of asylum seekers back to Indonesia.

The boat in question had reportedly set off from the port of Pelabuhan Ratu, close to Gandi's village, last month and was stopped in international waters by the Australian navy.

"How much is US\$5,000 in rupiah?" Gandi asks. Told it is more than 30 times the amount he used to earn from ferrying migrants a short distance out to sea, his eyes light up.

Full story at <http://www.theguardian.com/world/2015/jun/25/how-much-why-bribes-to-people-smugglers-could-revive-a-dying-trade>

28. Labor's Right mounting push to adopt Abbott Government's hardline boat turn-back policy

ABC News Online

By political editor Chris Uhlmann

Posted Sun 28 Jun 2015, 11:04am

Labor's Right is mounting a push to have the party adopt the hardline Abbott Government policy of boat turn-backs, setting the scene for a brawl at Labor's National Conference in late July.

Labor frontbencher Joel Fitzgibbon told Sky News the return to offshore processing saw boat flows drop about 90 per cent in the latter years of Labor's term in government but said he believed turn-backs should be part of the policy toolkit.

"I think that there's a powerful argument that you need a whole range of tools to ensure that the flows don't begin again," Mr Fitzgibbon said.

"Now, one of those tools currently is boat turn-backs. Personally I believe turn-backs will remain part of Labor policy."

The view is likely to be hotly disputed by much of the party's Left, which wants the existing offshore detention policy dismantled.

Under former prime minister Kevin Rudd, Labor unwound the tough Howard-era Pacific Solution.

That saw asylum seeker boat arrivals between 2002-2006 total 13 boats carrying 140 people. After Labor dumped offshore detention, from 2007 to 2013, 749 boats arrived carrying 44,465 asylum seekers.

That stark reality, and the public backlash, saw Labor gradually rebuild every brick in the Pacific Solution wall, reopening offshore detention centres on Nauru and Manus Island in Papua New Guinea.

But it stopped short of turning asylum seeker boats back at sea, saying it was not safe and would damage relations with Indonesia.

That was a risk the Abbott Government was prepared to take. Since Operation Sovereign Borders, which includes pushing boats back to Indonesia, began in 2013 there has been one confirmed boat arrival with 157 people on board.

Many in the Parliamentary Labor Party, including those in the Left, are convinced that the party has to accept boat turn-backs, or be badly exposed to an Abbott Government attack on border protection in the run up to next year's election.

That puts much of Parliamentary wing of the party at odds with much of the rank and file and the union movement.

The party is trapped in an almost impossible position: not to adopt the Government's hard line will see it lose votes on the Right and adopting it will see it bleed votes to the Greens.

Green's leader Richard DiNatale said it was a big mistake for Labor to mirror everything the Government did on border protection.

"I think it's bad policy and I also think it's bad politics," he said.

<http://www.abc.net.au/news/2015-06-28/labor-right-push-for-hardline-boat-turn-back-policy/6578678>

29. Senior Labor figure Fitzgibbon supports turning back boats

Sydney Morning Herald

June 28, 2015 - 5:54PM

David Wroe

Labor frontbencher Joel Fitzgibbon has become the party's first senior figure to clearly state support for turning back asylum-seeker boats, angering some of his left-wing colleagues.

In what appears to be a push by Labor's Right to stake out its support for the tough approach to border protection ahead of the party's national conference next month, Mr Fitzgibbon said he believed turn-backs would be part of future Labor policy.

"I think that there's a powerful argument that you need a whole range of tools to ensure that the flows don't begin again," Mr Fitzgibbon told Sky News.

"Now, one of those tools currently is boat turn-backs. Personally I believe turn-backs will remain part of Labor policy."

Turning asylum-seeker boats back to Indonesia is the centrepiece of the Abbott government's hardline border protection policies. Labor, which is desperate to assure voters that a future Labor government would not mean the resumption of waves of asylum-seeker boats, is going through an internal debate over whether to adopt the policy itself.

Labor's immigration spokesman Richard Marles flagged the possibility late last year but was quickly shut down by colleagues and backed away from his comments within a day. Mr Fitzgibbon is the first frontbencher to state so clearly his support.

Tellingly, neither Mr Marles nor Labor leader Bill Shorten contradicted Mr Fitzgibbon on Sunday.

Mr Marles said Labor remained concerned about the secrecy surrounding the government's approach because of "the issue of safety at sea and the impact this policy is having on our regional relationships."

He said the regional resettlement agreement set up in the dying days of Labor had done more than any other policy to stop asylum-seekers coming by boat.

"We are working on all of our policies, and we'll announce those well before the next election."

Mr Shorten's spokeswoman referred Fairfax Media to remarks by the Opposition Leader a fortnight ago in which he said Labor would have "a full suite of policies at the next election".

But Mr Fitzgibbon's remarks have angered some on Labor's Left. Western Australian MP Melissa Parke, a former minister, told Fairfax Media via text message from overseas: "[I] don't agree with boat turnbacks [and it is] disappointing to learn of Joel's comments."

Immigration Peter Dutton said it was now up to Mr Shorten to explain where he stood.

"The difficulty for the Australian public is they don't know what Mr Shorten really stands for. We know that Tanya Plibersek and others from the Left within the Labor Party are vehemently opposed."

<http://www.smh.com.au/federal-politics/political-news/senior-labor-figure-fitzgibbon-supports-turning-back-boats-20150628-ghzxi0.html>

30. Australia transfers asylum seeker baby to Nauru, despite warnings – reports

Sources on the island say second baby has arrived, while advocates in Darwin say 40 people, including children, are in the process of being sent to Nauru

The Guardian
Paul Farrell
Wednesday 24 June 2015 15.31 AEST

Australia's immigration department has transferred at least one more baby to the offshore detention centre on Nauru, according to sources on the island.

The transfer of the second baby comes despite a highly critical risk assessment by the welfare provider on the island, Save the Children.

The risk assessment outlined that the transfer of babies back to that part of the centre would be potentially catastrophic and recommended the transfer not occur, but the department defied this advice.

The Darwin Asylum Seeker Support and Advocacy Network (Dassan) said on Wednesday that about 40 asylum seekers had been moved from the Wickham Point detention centre near Darwin. Guardian Australia understands these asylum seekers are all set to be transferred to Nauru and are scheduled to arrive on Wednesday at 8.30pm Nauru time.

Dassan spokesman Ben Pynt said: "We are devastated that the department removed men, women, children and infants to Nauru in the early hours of this morning."

"The government has still not implemented all of the recommendations of the Moss review, and media reports show that sexual, emotional and physical abuse are ongoing in Australia's offshore detention network."

Serious allegations of sexual and physical assault and continuing to emerge from Nauru, as part of an ongoing Senate inquiry.

The Australian Asylum Seeker Resource Centre has called for snap rallies to be held in Melbourne and Sydney on Thursday to protest the transfer.

"There is an ever-growing mountain of evidence to show that detention, particularly Nauru detention, is no place for babies or children," ASRC spokeswoman Pamela Curr said.

"The government is fully aware of how terrible the conditions are on Nauru and have known this for a long time. Sending babies to Nauru – against the advice of welfare providers on the island – is irresponsible and incredibly cruel."

The infants who have been sent to the island were all born after 4 December 2014. This date represents a cut-off point as part of a "one-off deal" made by then immigration minister Scott Morrison with crossbench senator Ricky Muir to pass the federal government's temporary protection visa legislation.

<http://www.theguardian.com/australia-news/2015/jun/24/australia-transfers-asylum-seeker-baby-to-nauru-despite-warnings-reports>

31. Three babies among asylum seekers transferred to Nauru from Wickham Point detention centre, Darwin advocates say

ABC News Online

By Felicity James

First posted Wed 24 Jun 2015, 12:07pm

Updated Wed 24 Jun 2015, 3:25pm

Three babies are among more than 40 asylum seekers transferred to Nauru early this morning from the Wickham Point detention centre near Darwin, an advocacy group says.

Darwin Asylum Seeker Support and Advocacy Network (DASSAN) spokesman Ben Pynt said the early morning transfer included several single adult males and females, along with two families.

"Asylum seekers have been reporting since about 2:00am that men and women have been handcuffed and removed from the centre," he said.

"We're very concerned that these people have been taken back to Nauru, including some people who have alleged sexual abuse at Nauru."

Mr Pynt said the transfer was "enormous" and conducted earlier in the morning than other transfers from Wickham Point this year.

He said most of the asylum seekers had been transferred from offshore processing centres to Darwin for medical treatment.

Some of these people had complained with the Australian Human Rights Commission (AHRC) about sexual abuse on Nauru, he said.

"We're very concerned that the Government is simply blocking access to justice and blocking access to legal advice before they can obtain it," he said.

Mr Pynt said about 60 AHRC complaints from asylum seekers detained in Darwin had been lodged in the past two months.

"I'm concerned that more than 10 of the people transferred today had lodged Human Rights Commission complaints," he said.

The Immigration Department has been contacted for a response.

<http://www.abc.net.au/news/2015-06-24/wickham-point-asylum-seekers-transferred-to-nauru-advocates/6570222>

32. More than 200 asylum seekers on Manus Island join legal challenge to contest detention

ABC News Online

By Papua New Guinea correspondent Liam Cochrane

First posted Mon 22 Jun 2015, 4:02pm

Updated Mon 22 Jun 2015, 4:25pm

Almost a third of the asylum seekers at the Australian-run immigration centre on Manus Island are challenging their detention, after 277 of them were added to an ongoing case in Papua New Guinea.

The case will argue the detention of asylum seekers on Manus Island has breached at least 8 parts of PNG's constitution, including the right to liberty, freedom of movement, information about detention and access to a lawyer.

Chief Justice Sir Salamo Injia approved a move to join 277 new applicants to the original 25 asylum seekers who started the case.

"I will be travelling to Manus [Island] and will spend 21 days to collate the 277 signed affidavits for filing by the first week of August," Ben Lomai, the lawyer representing the asylum seekers, said.

The legal action began when 25 asylum seekers were jailed without charge during unrest in January and were able to make contact with a lawyer while in a provincial prison.

The case has been filed against PNG's chief migration officer, immigration minister and the state.

Australia's role in the case remains unclear.

"We are aware of the case being run by Mr Lomai in PNG on behalf of a number of detainees in Manus ... [but] the Commonwealth has not been served documents in relation to this case," a Department of Foreign Affairs and Trade spokesman said.

However, Mr Lomai said he has served documents on the Commonwealth of Australia via diplomatic channels that were suggested by the Australian High Commission.

"If the court finds in favour of the applicants there are serious implications for the Commonwealth of Australia, because I will be asking for [the asylum seekers] to be released to the first port of entry, which is Australia," he said.

The case is one of numerous legal challenges to the Australian-funded processing of asylum seekers on PNG's remote Manus Island.

Former PNG opposition leader Belden Namah launched a Supreme Court challenge last year, which has since become bogged down in the court system.

Australia has funded PNG's legal challenge against Mr Namah's case.

In March, PNG judge David Cannings launched a Human Rights Inquiry into conditions for asylum seekers, allowing rare media access to the detention centre.

The PNG government stayed that case, citing conflict of interest, and Justice Cannings promptly launched a second human rights inquiry into whether asylum seekers' rights were being denied.

Separately, asylum seekers are undertaking a class action in the Victorian Supreme Court, suing the Commonwealth for negligence relating to the standard of care provided at the detention centre and for psychological injury caused by conditions.

There were 943 asylum seekers in detention on Manus Island — according to Australian immigration figures from May 31 — and approximately 40 refugees at a transit centre awaiting permanent resettlement.

Some of the men have been on the island for almost two years and the PNG government is yet to form a policy on how to resettle them in other parts of the nation.

<http://www.abc.net.au/news/2015-06-22/hundreds-of-manus-island-detainees-join-legal-challenge/6564698>

33. Refugee who claimed he was tricked into appearing in media campaign signed release form, PNG says

ABC News Online
By Papua New Guinea correspondent Liam Cochrane
Posted Tue 23 Jun 2015, 11:00am

The Papua New Guinean government has provided a consent form signed by the refugee on Manus Island who claimed he was tricked into appearing in a media campaign.

The 33-year-old Bangladeshi was chosen to participate in the refugee awareness campaign despite a well-documented history of mental illness, including "difficulty recalling information".

Haider Khan fled his Australian-funded accommodation on Manus Island earlier this month, saying other refugees were furious at him for his role in the newspaper and billboard advertisements.

Mr Khan spent four days in hiding but has now returned to the East Lorengau transit centre.

In the advertisement, he was pictured holding a digitally altered sign saying, "Thank you for helping us".

Mr Khan told the ABC he was lured to Port Moresby under false pretexts and said he specifically asked officials not to publish his image.

However, the PNG immigration department has provided a copy of a "talent release" form signed by Mr Khan, acknowledging receipt of approximately \$227 for "on camera" work.

"I assign to Pacific View Media the absolute copyright of all ... photographs ... to be published in Papua New Guinea [on] various mediums including television, radio, newspaper, billboards," said the form, dated May 11.

Mr Khan this week confirmed he signed the release form but said he did not understand what it meant.

Khan had documented history of mental health problems

He also provided two pages from a mental health report prepared by Overseas Services to Survivors of Torture and Trauma that suggest problems with memory and understanding.

"Mr Khan often had difficulty recalling information between sessions and repeats information multiple times in one session or in consecutive sessions," the report said.

The report details nightmares, chest pain and difficulty breathing that were caused by "intrusive memories" of past trauma and "triggered by the environment of the centre".

The report from August last year makes it clear that Mr Khan's mental health was widely discussed with detention centre operator Transfield Services, Wilson Security and health service providers.

The PNG government has defended the media campaign.

"The refugee awareness campaign is an important initiative to build public support for the settlement of refugees in PNG," PNG's acting chief migration officer Esther Gaegaming said.

"Participation in the campaign was voluntary [and] participants were given information about when and how the campaign would run."

She promised a police investigation into allegations that other refugees made death threats against Mr Khan.

"Threats or unlawful behaviour will not be tolerated — regardless of whether it is by refugees, staff, service providers or members of the public," she said.

The Manus Island detention centre is a key part of Australia's offshore processing policy, but to date, no refugees have been resettled in Papua New Guinea.

<http://www.abc.net.au/news/2015-06-23/refugee-who-claimed-he-was-tricked-signed-a-media-release-form/6566534>

34. Detention centre company's gift of boxing ring to Manus Island in poor taste after bashing death, refugee activists say

ABC News Online

By Liam Cochrane

Posted Wed 24 Jun 2015, 10:30am

The operator of the Manus Island detention centre has donated a mobile boxing ring to the community, despite local staff being accused of bashing an Iranian asylum seeker to death last year.

The donation was publicised in the Australian High Commission's monthly newsletter.

"The mobile boxing ring will assist the Boxing Association to stage boxing tournaments in all places in Manus," said the newsletter caption.

One of the two men arrested for the murder of Reza Barati in February last year was a competitive amateur boxer.

Refugee advocates worry about the message the boxing ring sends to local staff. "Given the levels of endemic violence on Manus Island, and the alleged involvement of a boxer in the death of Reza Barati, Transfield's gift of a mobile boxing ring to stage tournaments is inappropriate and in poor taste," Refugee Action Coalition spokesman Ian Rintoul said.

"It would seem to be the actions of a company completely out of touch with the society in which it operates and devoid of any idea of corporate responsibility."

<http://www.abc.net.au/news/2015-06-24/manus-island-boxing-ring-donation-in-poor-taste-activists-say/6569440>

35. Push for Christmas Island to get dive resort and casino

The Age
June 26, 2015 - 5:43PM
Sarah Whyte

Christmas Island, notorious for housing asylum seekers in its detention centre, could soon be welcoming an expansive diving resort and reopening a casino to help revive the island's economy as the use of the detention centre declines.

A report by the joint Standing Committee on the National Capital and External Territories has recommended a casino be reopened on the small island off Western Australia after it was closed in 1998. The closure came after the Indonesian president Suharto refused to give flight permits to the island from any Indonesian airport.

It comes as plans for an 80-bed dive resort have also been floated to boost the island's tourism attractions.

The report argues that a casino it would revive tourism, and, in doing so would also empower the small island's economy, with an expected 350 to 390 jobs created. The report says 90 per cent of the population welcomes a casino on the island, which could cater for Indonesian high rollers. Before its closure, the casino had a turnover of \$5.8 billion.

"Work to facilitate the reopening of the casino on Christmas Island is long overdue and should commence immediately. What is required is the political will to make this happen," the committee concluded in its report.

The administrator of the island and former Liberal politician, Barry Haase, said the Minister for Infrastructure, Jamie Briggs, had been given the "quiet" approval from Prime Minister Tony Abbott to go forth with government consultations on the casino plan.

"It will be a well-researched and a careful approach to any reissue of licence," Mr Haase said. "It will be a tightly controlled facility."

There are now fewer than 100 asylum seekers on the island, and most of the income on the island had initially come from the detention centre. Last month Immigration Minister Peter Dutton revealed that hardened criminals, including members of outlaw motorcycle gangs, were being transferred to the detention centre on the island, which was dubbed "Australia's Alcatraz".

But the reduced number of asylum seekers being held in the detention facilities means the only way the island can survive is to rebuild its tourism industry, former administrator of the island, Jon Stanhope said.

"Tourism really is the only hope for a replacement industry of any sort to fill the long overdue downturn that was always going to be experienced when the boats stopped or immigration activity decreased," he said.

Mr Stanhope said a dive resort would be warmly welcomed by divers around the world.

"It's regarded by those in diving fraternity as one of the ten best diving destinations in the world."

Karenn Singer, Manager of the Christmas Island Tourism centre, said the island only received 1200 tourists annually, but opening a 80-bed dive resort could attract divers from around the world.

"A small development would make a significant difference," she said. "I'm hoping there will be a hard push to get the dive centre happening," she said.

Plans for the dive centre have been approved by the federal government, but rejected by the local government, Mr Haase said.

<http://www.theage.com.au/federal-politics/political-news/push-for-christmas-island-to-get-dive-resort-and-casino-20150626-ghyne8.html>