

# Project SafeCom News and Updates

Sunday, 5 July 2015

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1. Alf Dubs: Nicholas Winton saved me from the Nazis. I only found out 50 years later
2. Paul Bongiorno: Tony Abbott's ABF and excessive use of higher force
3. Michael Bradley: The Government's 'allegiance' law sends us back to the Middle Ages
4. Australian detention centre secrecy laws condemned by world medical body
5. Waleed Aly hammers new immigration law on detention centres
6. Gillian Triggs: offshore detention centre secrecy laws are worrying for democracy
7. Indonesia denies relations with Australia at lowest point
8. Indonesia's Marty Natalegawa urges restraint on asylum-seekers
9. Cruel and costly: boats policy sinks to new nadir
10. Janet Galbraith: Vulnerable, brutalised and returned to Nauru
11. Nauru must be held to account for its human rights abuses
12. Julie Bishop seeks assurance Nauru will uphold rule of law
13. Nauru plan to move asylum seeker children to local schools sparks concern
14. Deaths and injuries at immigration detention centres revealed
15. Labor's draft policy on migrant boats avoids the hard calls
16. It's the principle that stops refugees from facing harm. So why is it absent from Labor's platform?
17. Can Bill Shorten win government without a boat-free policy? It's unlikely
18. Major Refugee Groups Slam Boat Turn-Backs As Labor Mulls Policy Shift
19. Australian Border Force commissioner says operational matters won't be discussed publicly
20. Border Force Act could see immigration detention centre workers jailed for whistleblowing
21. Time to tell the truth before I'm gagged: Australia's detention centres ruin lives
22. Sacked Nauru detention centre social workers break silence, demand apology from Government
23. Burnside dares govt to prosecute whistleblower doctors
24. Detention centre staff speak out in defiance of new asylum secrecy laws
25. Detention centre doctors, workers dare government to prosecute them over new laws
26. Why we spoke out: former detention centre workers explain
27. AMA joins protest against asylum law that can jail detention centre staff
28. Asylum seekers workers 'obliged' to speak out about conditions despite Border Force Act: Paul Bauert
29. Asylum seekers being held in former Don Dale youth jail in Darwin

# 1. Alf Dubs: Nicholas Winton saved me from the Nazis. I only found out 50 years later

In 1939 I arrived in London on a Kindertransport from Prague. Decades later the special man who rescued hundreds of Jewish children became a firm friend

The Guardian

Alf Dubs

Friday 3 July 2015 23.16 AEST

It was long after I arrived on a Kindertransport in London in the summer of 1939 that I first heard of Nicky Winton. For many years I simply knew I had arrived on a Kindertransport, but had no idea who had made it possible for me, and hundreds of other mainly Jewish children, to escape the Nazis.

Then, in 1988 Esther Rantzen featured Nicky on her TV programme *That's Life*, and described what he had done\*. The result was that all of us who came on a Kindertransport from Prague soon began to meet him, and we kept in touch regularly.

\* [https://www.youtube.com/watch?v=6\\_nFuJAF5F0](https://www.youtube.com/watch?v=6_nFuJAF5F0)

He was invited everywhere, Prague, Israel, all over Britain. Everyone wanted him to come and speak about what he had achieved. I doubt he enjoyed all the accolades, but I hope he felt a quiet pride at having saved so many lives.

Over the years I got to know him better, and we became friends. I was a Labour MP and then a peer, and he loved talking about politics and the earlier generation of Labour politicians, such as Nye Bevan. But it was only when I read his daughter Barbara's excellent biography\*\* of Nicky that I learned how in 1953 and 1954 he stood as a Labour candidate in the elections for Maidenhead council. Not surprisingly he lost, as even then Maidenhead, where he lived, was a Conservative area.

\*\* *If It's Not Impossible ... The Life of Sir Nicholas Winton – review*

<http://www.theguardian.com/books/2014/jun/19/if-its-not-possible-life-sir-nicholas-winton-barbara-winton-review>

His interest in politics remained throughout his life, and he loved talking about what was going on in parliament. His views were certainly to the left of the Labour party and he had some scathing criticisms of the Labour government.

The last time I met him was a few weeks ago, at his 106th birthday party in Maidenhead. He was becoming frailer, and protested that his memory was not as good as it used to be. I told him that his memory was still better than that of many younger people. Of course there was a birthday cake with candles shaped in the figures for his age but he needed help to blow them out.

I treasure my memory of that last occasion but also of many others. I think it was at his 104th birthday party that I asked him how he was and his characteristic reply was: "I am all right from the neck upwards."

Nicky Winton was truly a special human being. In Prague in 1938 and early 1939, he saw the impending tragedy and was determined to save Jewish children from the Nazis. The difficulties were enormous, not the least of which was to persuade the Home Office to allow unaccompanied children to enter the country. A lesser person might have said "It's too difficult, not my problem". He could easily have walked away but didn't, and instead devoted himself to succeeding.

I shall miss him dreadfully, as will the hundreds whose lives he saved and also their children and grandchildren. Thank you, Nicky.

<http://www.theguardian.com/commentisfree/2015/jul/03/nicholas-winton-saved-me-nazis-kindertransport-jewish-children-friend>

## 2. Paul Bongiorno: Tony Abbott's ABF and excessive use of higher force

The Saturday Paper

Jul 4, 2015

Paul Bongiorno

The last thing the prime minister wanted to talk about on the first day of the new financial year was the economy. Firmly on his agenda is the existential threat to Australia posed by a "death cult", and boat people. Both politically more fertile ground than the ballooning debt and deficit he promised to fix but now doesn't talk about much, if at all.

There in the Great Hall of the parliament, Tony Abbott called on a higher being to safeguard the nation. Sounding more like an American president, or even a preacher man, this was his parting salutation to the members of the shiny new Australian Border Force (ABF): "May God bless you. May God bless your work. May God bless the country you are helping to protect and prosper." Believers may have been impressed. Australians, however, are sceptical of anything that smacks of Bible bashing. Especially if it has a whiff of opportunism about it.

One of the country's respected economic commentators, Ross Gittins, is not impressed. Writing in the Fairfax papers, he sees the national security scare campaign as an attempt to hide an inconvenient truth: Abbott and his treasurer are making a hash of the economy. The evidence is compelling. Sure there are people in our midst who would do us harm, who despise who and what we are, but the threat they pose, statistically, is far less than any of us being involved in a road accident.

Abbott's hyperbole reached a low point – or high point, depending on the view – in his response to last weekend's three terror attacks overseas. Po-faced, he warned, "As far as the Daesh death cult is concerned, it is coming after us." "Daesh" is the derogatory Arabic acronym given to Islamic State's various iterations, IS, ISIL, ISIS. Instead of urging us to be alert but not alarmed, he was giving credibility to the outfit's delusional claim it was winning everywhere. According to the author of the best-selling book, *ISIS: Inside the Army of Terror*, Michael Weiss, this rhetoric is counterproductive. Counterproductive if you actually want to defeat the extremists – but not if you want to appeal to that rawest of voters' emotions, prejudice and fear.

The newly appointed border force supremo, Roman Quaedvlieg, stuck to the script. Resplendent in his new uniform, he gave resonance to the prime minister's spiel: "Our utopia, our country, is under constant threat." A more hysterical warning would not have been out of place as German bombs rained down on London during the Blitz. Nor would the draconian new powers vested in the ABF. Like our spy agencies, its operations will be shrouded in secrecy. Transparency and accountability are always casualties in war, sometimes justifiably. But this federal government is taking it to extremes, and we're not even at war.

Full story at <https://www.thesaturdaypaper.com.au/topic/politics/2015/07/04/tony-abbotts-abf-and-excessive-use-higher-force/14359320002069>

### **3. Michael Bradley: The Government's 'allegiance' law sends us back to the Middle Ages**

By inserting the requirement for "allegiance to Australia" into the proposed citizenship laws, the Government is invoking an idea that hasn't really existed since medieval times, writes Michael Bradley.

ABC The Drum

By Michael Bradley

First posted Thu 2 Jul 2015, 7:25am

Updated Thu 2 Jul 2015, 9:28am

Tony Abbott's language has become quite medieval lately, reframing the national security debate as a battle to the death between good (him) and evil (the Daesh death cult).

He described the proposed citizenship revocation law as a "modern form of banishment". So it's interesting to discover in that law the appearance of the concept of "allegiance to Australia". I've never contemplated that I had any allegiances other than to the Manly Sea Eagles. Is allegiance really a thing?

Section 33AA of the proposed law says that dual citizens will renounce their Australian citizenship if they act "inconsistently with their allegiance to Australia" by engaging in certain conduct. This is careful drafting and a novel legal concept - the idea that you can stop being Australian by choice, not by words but by actions. The insertion of allegiance is deliberate, and that's what I want to explore.

It has deep historical roots - we're talking Middle Ages. Back then, you were a King, or a lord, or a serf. The relationship between each level of the hierarchy was governed by reciprocal duties. If you were a peasant, you owed duties of fealty to your lord, and in return he was obliged to protect you. The English common law developed this further so that, if you were born in England, you were by birth a "subject" of the King and you owed a duty of allegiance to him. The allegiance was personal, absolute and permanent. You couldn't lose it or give it up.

The law evolved over time, as Europe changed from a landscape of constantly shifting monarchies and principalities towards the rigid borders of the modern nation states and migration became a big deal. The theory of permanent allegiance was thrown into disarray by the American Revolution, when a whole bunch of English subjects declared themselves an independent nation and said they were allegiant no more. The law slowly came around to accepting that allegiance isn't always such a permanent thing.

When Australia came into being in 1901, we were all still British subjects. In fact, there were no Australian citizens at all until 1948, when we finally became a nation independent of the United Kingdom. Our allegiance to the Queen of the United Kingdom was then transferred to the Queen of Australia. That remains the law today.

My surprise in learning that I owe allegiance to the Queen probably reflects what most locally-born Australians would think. The practical reality is that the Queen is our titular head of state only, and the Commonwealth of Australia is now a political entity that can do what it likes. At some point we will ditch the monarchy altogether and bring the law and realpolitik back together again. But in the meantime, the question remains: on what basis am I, a person born here, entitled to call myself Australian?

I thought it was simply my birth right. It turns out that there's no such thing. The Government is seeking to entrench the ancient legal fiction that, when I was born, I took on allegiance to my monarch, and the allegiance is what gives me the entitlement to live here. They've changed the identity of the beneficiary from the Queen to "Australia", and that's not just because they don't want to remind us that we're still a monarchy.

What's happening here is very subtle. The Government is seeking to co-opt the historical anachronism that we are all subjects, not free persons, and transport it into the modern context of the nation state. The intended result is the development of a new concept - that all Australians, whether born here or naturalised, owe an allegiance that is much deeper than we've ever understood.

The High Court, when it last looked at allegiance, reflected that what that actually means in practical terms has never been defined but was always a light burden. In reality, it means not committing treason - trying to kill the head of state, overthrow the government or fight for an enemy state. We've never conceptualised it as having more content than that, and over the centuries we have become more and more convinced that each of us, as an individual thinking person, has full freedom of thought and opinion, and very wide freedom of expression. The starting point these days is that we are free; any restriction on that by the state must be justified. It's the reverse of the medieval position.

The Government has shown its hand. It is attempting to redraw our relationship with Australia as a State, to elevate the State to a position equivalent to that of a medieval king, to which fealty is owed in return for protection from physical harm. The new citizenship law, by seeking to add an extremely long list of ways in which we can "renounce" our citizenship, is designed to make them a substantive part of our personal duty to the State. This is a very different thing from just calling them a crime. Losing your liberty is a very different thing from losing your identity as an Australian.

Before you discard this line of thought with the point that the law will only apply to dual citizens, remember this: people born in Australia can become dual citizens; and the draft law has been referred to a committee with the remit to consider whether it can be extended to people who aren't dual citizens but could be eligible to apply for foreign citizenship, as well as applying it retrospectively to past actions. The ultimate goal - don't be deceived about this - is that it will apply to all of us.

One thing's for sure: the Government's legislative program on national security is not being driven by thought bubbles. This is deliberate, and it will change our nation irrevocably.

*Michael Bradley is the managing partner of Marque Lawyers, a Sydney law firm, and writes a weekly column for The Drum. He tweets at @marquelawyers.*

<http://www.abc.net.au/news/2015-07-02/bradley-allegiance-law-sends-us-back-to-the-middle-ages/6588594>

## **4. Australian detention centre secrecy laws condemned by world medical body**

World Medical Association calls on Tony Abbott to amend laws under which staff who make disclosures about asylum seeker healthcare could face two years' jail

The Guardian  
Paul Farrell  
Friday 3 July 2015 08.59 AEST

The World Medical Association has condemned new secrecy laws in Australian detention centres, and called on the prime minister, Tony Abbott, to amend the new laws to allow medical staff to speak out about the healthcare of asylum seekers.

On Wednesday, more than 40 doctors, nurses, teachers and humanitarian staff who have worked in Australian immigration detention centres wrote an open letter to the federal government in an unprecedented show of unity against a new offence.

The offence came into force on Wednesday as part of the newly formed Australian Border Force, and could see detention staff who make public disclosures or whistle blow about detention centres face up to two years in jail.

Regulations relating to the offence contain limited exemptions for disclosures to oversight bodies and child protection authorities.

In the open letter, the medical workers challenged Abbott and immigration minister Peter Dutton to prosecute them, and said they would not remain silent in the face of ongoing human rights abuses in detention centres.

World Medical Association president Dr Xavier Deau and chair Dr Ardis Hoven have now written to Abbott, saying the new act silences physicians who raise concerns about health conditions for asylum seekers.

The letter says: "This we must assume extends to doctors working in refugee centres who report on their observations arising from their work.

"This is in striking conflict with basic principles of medical ethics. Physicians have to raise their voice, if necessary publicly, when health conditions of their patients, be those free or in detention, are unacceptable. From the incoming reports we must

assume that this is the case in the detention centres under the responsibility of the Australian government. We applaud and support those colleagues who advocate for their patients and speak out.”

On Thursday, the Australian Medical Association national conference called on the government to amend the legislation to provide a clear public interest exemption for disclosures.

Deau added: “This is effectively an attempt by the Australian government to gag physicians by making their advocacy for the healthcare of asylum seekers in Australian detention camps a criminal offence. Such a procedure is not acceptable”.

At the launch of the Australian Border Force on Wednesday, commissioner Roman Quadvlieg played down the impact of the laws, and suggested it was about leaking of classified information and not about people “having a right to be outspoken in the community about a range of things.”

But the regulations relating to the disclosure offence tabled by Dutton indicate a broad potential application of the offence.

Two classes of information would expressly relate to asylum seekers held in immigration detention. The first relates to “documents and information about the identity, immigration history or status, or citizenship history or status of a person”. The second makes it an offence to disclose “documents and information about the provision of services to persons who are not Australian citizens”.

<http://www.theguardian.com/australia-news/2015/jul/03/australian-detention-centre-secrecy-laws-condemned-by-world-medical-body>

## **5. Waleed Aly hammers new immigration law on detention centres**

Sydney Morning Herald  
July 1, 2015  
Kate Aubusson

When it comes to pitching a segment for a TV audience, asking the question "how will this affect you?" is a safe bet.

Better yet: "How will this threaten you and your children?" Without a salient link they'll switch off.

But on Wednesday night co-host of Network Ten's The Project Waleed Aly bluntly told his audience that the most pressing issue of the day posed no risk to them, and switching off was not an option. It was a very big part of the problem.

His target was the new Australian Border Force Act that could lead to doctors, teachers and other professionals being imprisoned for reporting child abuse in immigration detention centres.

Aly has gained a reputation for hauling unsavoury, politically volatile issues of national importance squarely in front of an audience that may otherwise catch only faint wisps of the whole story.

A new law that seems to gag healthcare and humanitarian workers if they witness the abuse of asylum seeker children in immigration detention may be his best fit yet.

"In every state and territory in Australia, doctors, nurses and teachers are required by law to report cases of child abuse to protection authorities.

"So imagine if the federal government passed a law that could send people to jail for reporting those very concerns," Aly said.

Imagine if it was your child experiencing physical or sexual abuse and the health and education staff responsible for their welfare were banned from reporting it.

"You would be outraged, we all would," he said.

"But there was no outrage, in fact it has barely been reported at all and that's because it's not your children."

The children affected are the 138 children in detention centres, 81 of whom are in the Nauru offshore facility.

Under the Australian Border Force Act, it is an offence for an entrusted person working in immigration detention to disclose information without the permission of the Department of Immigration and Border Protection. By doing so, that person risks two years' imprisonment.

"That might be OK if that particular department didn't have a history of ignoring, denying and concealing reports of harm and neglect ... and facing serious allegations of child abuse," Aly said.

Aly condemned both major parties for co-operating to pass the act and proceeded to outline a litany of child abuse allegations that would not have been exposed if it weren't for unsanctioned disclosures, including self harm, neglect and women who have chosen to have an abortion rather than give birth in detention.

"This law is not about stopping the boats, this law is not about protecting our borders - it can only be about one thing, and that's protecting our politicians," he said.

In an unprecedented show of defiance by immigration staff, 40 medical and humanitarian workers co-signed an open letter vowing to defy the law.

Aly's challenge to his audience: if those doctors, nurses and teachers risked jail time to report abuse, you can pay attention.

<http://www.smh.com.au/entertainment/tv-and-radio/waleed-aly-hammers-new-immigration-law-on-detention-centres-20150702-gi2yiq.html>

## **6. Gillian Triggs: offshore detention centre secrecy laws are worrying for democracy**

President of the Human Rights Commission says laws that could jail doctors, nurses and social workers for speaking out diminish freedom of speech

The Guardian  
Shalailah Medhora  
Thursday 2 July 2015 10.42 AEST

Laws that allow for workers of offshore detention centres to be jailed for speaking out about conditions are "worrying in a modern democracy", the president of the Human Rights Commission, Gillian Triggs, has said.

Triggs has been under increasing pressure from the government to resign following the release of a report highly critical of the impact of offshore detention on children.

Senior members of the Coalition, including Tony Abbott, have criticised Triggs for what they claim is political partisanship.

That has not stopped the legal academic from speaking out against policies she sees as incompatible with human rights, including the offshore detention secrecy laws.

"I do find it rather curious that a government that in fact came into office promoting rights to freedom of speech has in fact diminished that freedom piece by piece; whether it's in relation to counter-terrorism laws, but we've now got them in relation to managing the detention centres," she told ABC Radio.

Groups representing doctors, nurses and teachers have spoken out about the laws, which they say could result in whistleblowers being jailed for up to two years for disclosing mistreatment or abuse.

The new agency that will oversee offshore detention, Border Force, started work on Wednesday. Its first commissioner, Roman Quaedvlieg, could not guarantee that whistleblowers would not be prosecuted, but insisted "that wasn't the intent of the legislation".

Triggs expressed her concerns, saying: "For the government to try to prevent the consultants – and many of them medical officers – from speaking out is very worrying in a modern democracy."

She said reports produced by the commission and by international rights groups, such as Amnesty International, had all highlighted the problems of offshore detention.

She acknowledged that speaking out against the policies of successive governments came at a cost.

"Of course it's a hot seat and it's difficult. But most of the work we do at the commission is work that both major parties agree and see as useful," she said. "But on some issues we do run up against the government, and there's no doubt at all that it can be difficult in some aspects of our work at the commission."

She added that 90% of the work undertaken by the commission was done cooperatively with public service departments and ministers.

<http://www.theguardian.com/australia-news/2015/jul/02/gillian-triggs-offshore-detention-centre-secrecy-laws-are-worrying-for-democracy>

## 7. Indonesia denies relations with Australia at lowest point

The Age  
July 2, 2015 - 8:29PM  
Jewel Topsfield and Karuni Rompies

The Indonesian government has denied suggestions by former foreign minister Marty Natalegawa that Australia's relationship with Indonesia is at its lowest point.

During an interview on Sky on Monday, Dr Natalegawa said he believed there was no private communications between the two governments, which would represent an unprecedented collapse in relations.

However, Foreign Ministry spokesman Arrmanatha Nasir said communication between the two countries occurred at all levels including between ministers.

He cited the recent example of Foreign Minister Julie Bishop extending her condolences over the Hercules plane crash on the Indonesian island of Sumatra, which killed more than 120 people.

Mr Nasir said the media was not always informed of communications between foreign ministers because they were private.

However, he said Ms Bishop was one of the closest foreign ministers to Indonesian Foreign Minister Retno Marsudi.

"Both are women who are in the middle of global politics," Mr Nasir said.

He said Ms Bishop established communication at the earliest stage after Ms Retno was appointed.

Mr Nasir said the two foreign ministers were planning several meetings, including at the East Asia Summit.

Relationships between the two countries soured this year after the execution of Bali nine members Andrew Chan and Myuran Sukumaran and allegations that an Australian official paid people smugglers to return to Indonesia.

Mr Nasir was asked if the fact Australia had not implemented a code of conduct agreed to by the two nations last year after a phone-tapping scandal showed the bilateral relationship was not good.

"There will always be ups and downs in the bilateral relationship with our closest neighbour," Mr Nasir said. "It's normal, we cannot say we are at the lowest level . . . because our communication with them goes well, our programs continue and what is important for us is that there is goodwill shown by Australia and Indonesia to continuously improve bilateral relations."

<http://www.theage.com.au/federal-politics/political-news/indonesia-denies-relations-with-australia-at-lowest-point-20150702-gi3vkb.html>

## 8. Indonesia's Marty Natalegawa urges restraint on asylum-seekers

The Australian  
June 30, 2015 12:00AM

Former Indonesian foreign minister Marty Natalegawa says he is disappointed that parts of the Labor Party is supporting turning back asylum-seeker boats.

Stressing yesterday that he was speaking as a private citizen, Dr Natalegawa said that "two wrongs do not make a right".

Dr Natalegawa's comments came amid division within Labor over whether the party should embrace the turnback policy after MP Joel Fitzgibbon suggested it should do so.

Dr Natalegawa said: "It would be quite unfortunate if at this stage the policy that has caused so much difficulty in the bilateral relations between the two countries were to be adopted as the general approach to dealing with this problem. "

A key figure in the previous Indonesian administration, Dr Natalegawa said Indonesia had always emphasised that individual nations had a sovereign right to deal with irregular movements of people.

"But those national sovereign rights ought to be exercised in a manner that is compatible with bilateral and regional efforts as well," he said.

"It is not impossible to have such an approach. That is why it is my personal hope that any efforts in that direction will be carefully reflected on before being adopted."

Earlier, during a discussion at the leadership forum hosted by the Australian National University's Crawford School of Public Policy, Dr Natalegawa agreed that stopping the boats helped Indonesia.

He stressed the importance of the two nations working out together how to solve the boats issue.

"Indonesia can help by dealing with the fact that it has become a transit country with Australia as the destination," he said. "So we all have our own contribution to make and this is what has been pursued through the Bali Process — exactly how we can all contribute to the efforts in a bilateral and regional manner."

<http://www.theaustralian.com.au/national-affairs/immigration/indonesias-marty-natalegawa-urges-restraint-on-asylum-seekers/story-fn9hm1gu-1227420825625>

## 9. Cruel and costly: boats policy sinks to new nadir

Successive governments have been vying to draft the harshest refugee policies. But we can do better than this.

Sydney Morning Herald  
July 1, 2015 - 12:00AM  
Hugh de Kretser

Legislation rushed through the Federal Parliament last week represents a new nadir in the seemingly bottomless pit of radical measures employed by successive Australian governments to prevent asylum seekers arriving by boat from seeking Australia's protection.

The new laws aim to shore up the offshore processing regime against a High Court challenge brought by the Human Rights Law Centre in May on behalf of a group of vulnerable people, including children and a baby, who face imminent return to detention on Nauru.

Labor introduced mandatory detention of asylum seekers in the 1990s, initially with time limits on detention, which were later scrapped. The Howard government started processing asylum seekers in offshore detention centres in Nauru and Papua New Guinea. After a short suspension, the Gillard government reintroduced offshore processing and the Rudd government added a harsh twist - no asylum seeker found to be a refugee offshore would ever be settled in Australia.

The Abbott government has taken our policies to an even harsher level. Cutting the number of refugee places. Turning boats away. Dumping asylum seekers in lifeboats off the coast of Indonesia and most recently reportedly paying people smugglers to return to Indonesia - in likely breach of Australian, Indonesian and international laws.

It has blanketed our asylum seeker responses in intense secrecy that has made possible the detention of innocent people incommunicado on the high seas and their subsequent return to the authorities in the countries they fled from.

It has stripped checks and balances from our mainland refugee assessment processes under new "fast track assessments" - greatly increasing the risks that we will return refugees to serious risks of persecution and death.

It has introduced flimsy refugee screening assessments on the high seas to create the charade that we are complying with our international obligations not to return people to harm. In the five years before the introduction of Operation Sovereign Borders, about 90 per cent of all asylum seekers arriving by boat were found to be refugees by our land-based assessment processes with proper court review. Yet, of 540 asylum seekers from 17 boats turned back at sea over the past 18 months, only two people were found to have potential refugee claims and all but one person were sent back.

And now, mid-way through a High Court case that argues that the government lacks the power to run and fund offshore detention centres, the government has rushed new legislation through Parliament that explicitly seeks to grant itself the extraordinary power to lock people up in the territory of a foreign country. The legislation also seeks to retrospectively legalise the government's actions offshore since August 2012.

What all of these measures have in common is an attempt to avoid the fundamental obligation at the heart of the Refugee Convention - to protect people fleeing persecution - which necessarily involves fairly and properly assessing people's refugee claims.

Our Prime Minister claims success. For him, success is measured by doing "whatever it takes" to stop asylum seekers attempting to seek Australia's protection by boat.

However, viewed from any decent perspective these policies are an abject failure. They have not stopped the persecution. They have inflicted tremendous cruelty at a cost of billions in taxpayer dollars. And they have shifted the obligation to protect refugees onto other countries less capable of supporting them. During 2014, Australia protected just 0.43 per cent of the refugees recognised, registered or resettled globally - placing us 43rd in the world relative to GDP.

For those of us appalled by this situation, it would be easy to despair. Yet despair is the opposite of what is needed. What we need is leadership to prosecute an alternative policy, a policy that provides people fleeing persecution with safe pathways to

protection. One that provides better options than the terrible choice of risking your life by staying in your conflict-riddled country or risking your life on a boat journey.

Success with an alternative approach would not be easy. However, it is within our reach - particularly considering the enormous political, financial and diplomatic resources that could be redirected away from our current harmful approach.

Four measures Australia could immediately adopt are:

1. Working meaningfully with countries like Indonesia and Malaysia to improve conditions and legal protections for asylum seekers there.
2. Redirecting some of the billions of dollars we spend on deterrence measures to process and support asylum seekers in other countries.
3. Increasing the number of refugees we take from the UN resettlement pool.
4. Urging other nations with capacity to do so to follow our lead.

The way Australia treats asylum seekers shows a stunning contempt for human rights and basic human decency. It is not the mark of great and fair nation. Out of the abyss of our current asylum seeker policy there is different approach available to us.

>>>> *Hugh de Kretser is the executive director of the Human Rights Law Centre.*

<http://www.smh.com.au/comment/great-and-fair-nation-lacks-basic-decency-20150630-gi15n8>

## **10. Janet Galbraith: Vulnerable, brutalised and returned to Nauru**

The Saturday Paper  
Janet Galbraith  
Jul 4, 2015

I have known Arezo for a little over 15 months now. This is not her real name. For her own sake, it cannot be. For most of the time I have known Arezo, she has been held in the detention camp on Nauru. We often speak of ways of surviving sexual assault, having both been victims of sexual assault and rape as children and victims again as adults. But where I am free, where I have not had to flee, am safe and well supported, she is imprisoned in a country she has never known. Those who are supposed to assist her are those assaulting her.

A few months ago, Arezo was brought to Australia for medical treatment. Her severe illness had been untreated for a long time and, as a result, she has lost her ability to carry a child. For her this is devastating. I have had a similar history with severe gynaecological illnesses, and cannot have children. I feel her sorrow and her grief. But again, I was given adequate medical care and was supported through this. Arezo was not. Last week, still awaiting the surgery she was told she needed, Arezo was woken in the night and forced back to Nauru. Back to the place where she was sexually abused, where she had attempted suicide, where through maltreatment she had lost her ability to have children.

Arezo is a woman trapped by abuse. Her story first appeared in The Saturday Paper last year, before it became part of the Moss review into conditions on Nauru. She told the review of how – barely conscious after a suicide attempt – she was sexually assaulted by a male nurse contracted to fulfil the responsibilities of the Australian government. She detailed her experience of guards masturbating and laughing as they accompanied her and the other women from a medical appointment. In the published document of the Moss review, much of Arezo's testament is redacted. But immigration and others are aware of the abuse Arezo has endured.

Arezo had filed complaints before giving evidence to Moss. She was told that the police had investigated and had found no proof. Arezo was given a document saying she had attended an appointment with Nauru police, although she had not. The document said the investigation was now closed. "After a few months they told me, 'We didn't find anything.' Just they said sorry. I said, 'Please check your camera.' They said, 'Sorry, all cameras in [the hospital] are always off.'"

After giving evidence to the review, police asked Arezo for a statement. "They were kind of obliged to interview me." When I asked Arezo if she had seen the nurse who assaulted her since, she said she had and had pointed him out to a Wilson Security officer who dismissed her complaint.

Full story at <http://www.thesaturdaypaper.com.au/topic/law-crime/2015/07/04/vulnerable-brutalised-and-returned-nauru/14359320002071>

# 11. Nauru must be held to account for its human rights abuses

Australia's asylum seeker detention centre on Nauru is clearly the driver of the relations between the two countries. But we can't afford to be silent about Nauru's recent human rights abuses, writes Giff Johnson.

ABC The Drum

By Giff Johnson

Posted Tue 30 Jun 2015, 7:31am

Nauru has been in the international media spotlight in recent times over bribery allegations; deportations of judges, a police commissioner and others; the shutdown of Facebook; and arrests of suspended opposition members of Parliament.

Every week seems to bring a new revelation about un-democratic behaviour by its national leadership undermining the rule of law. And despite denials in mid-June of alleged bribery involving current Nauru government leaders by an Australian company, payoffs to political leaders are hardly a new phenomenon in Nauru, or indeed in the Pacific.

The justification advanced for ordering Digicel, Nauru's single telecom service, to eliminate access to Facebook is as thin - to prevent access to pornography. The list of nations that ban Facebook includes such notoriously anti-democratic nations as North Korea, Iran and China.

Should the region shrug this off as something we may not like, but it's none of our business? After all, Nauru is just 10,000 people on a tiny bit of land in the central Pacific that, save for its now expanding Nauru Airlines, would be one of the most isolated countries in the world. In the words of former US secretary of state Henry Kissinger's immortal - if apocryphal - comment about Micronesia, "Who gives a damn?"

The Australian and New Zealand governments cared a lot about democracy, or lack thereof, in Fiji by imposing a slew of sanctions after then-Army Chief Frank Bainimarama's coup in 2006. Many of these remained in effect for eight years until Fiji's national elections last September. Nauru doesn't have an army to mount a coup. Still, over the past 18 months, Nauru's current government has:

- Arrested and deported Nauru's Magistrate Peter Law in January 2014 while Law was preparing an inquiry into the death of Justice Minister David Adeang's wife, who burned to death outside the family home in April 2013. Nauru also cancelled the visa for its Chief Justice Geoffrey Eames to return to work from vacation last year.
- Fired its Australian police commissioner as an investigation into bribery allegations involving Nauru President Baron Waqa and Justice Minister Adeang was in progress.
- Directed Digicel to shut off access to Facebook for the nation and subsequently refused to let the general manager of Digicel back into the country.
- Suspended five opposition senators from the 18-seat parliament chamber.
- Revoked the visa of Katy Le Roy, legal counsel to the Nauru parliament and wife of suspended opposition MP Roland Kun, so she cannot enter the country.
- Imposed a non-refundable US\$7,000 application fee for any off-island journalist interested to visit Nauru, effectively preventing foreign media from visiting Nauru.

We might well ask, what's next?

What's next, at least within the past two weeks, was protests outside parliament that resulted in arrests of opposition MPs. Opposition MP Mathew Batsiua was arrested at the protest building this month and was subsequently charged with disturbing the parliament and could receive up to three years in jail for being part of a demonstration. At the same time, government officials removed MP Roland Kun from a Nauru Airlines flight, preventing him from travelling to Australia. Kun had returned to Nauru shortly before that with a Nauru passport valid to October 2016. But, Kun told the Guardian newspaper, Nauru authorities told him he needed to apply for a new one and they confiscated his existing passport. His application for a new passport was refused. Kun was then given back his passport, but Nauru authorities had changed the year from 2016 to 2015. Because this meant his passport was now valid for fewer than six months - which most airlines and countries require before they will allow a traveller to fly or enter another country - Kun told the Guardian he requested and received approval for travel to Australia from the Australian High Commissioner.

But after boarding the Nauru Airlines flight, he was pulled off the plane by authorities and told his passport had now been cancelled, the Guardian reported. His wife had her visa cancelled so she cannot travel to Nauru and is living in New Zealand with their children.

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

To date, only the United States government has issued a statement of concern over Nauru's ban on Facebook. Why is the Australian Government mum on the subject of Nauru?

Radio Australia quoted Nauru's former solicitor general, Australian Steven Bliim, discussing Nauru's sacking of its previous police commissioner as his investigation into the alleged bribery of Nauru leaders by Australian company Getax was advancing. Bliim also briefed Australian government officials after leaving Nauru last year. He was surprised by their lack of interest.

"The reaction of the politicians at the time was dismissive, indicating that it was purely an internal Nauruan affair, which seemed at odds with the sort of reaction that was taken, for instance, when the Fiji coups occurred," Bliim told Radio Australia. "This wasn't as overt as what happened in Fiji, but the effect of it has been very similar where the country has failed to abide by its own laws and it's effectively taken steps to make itself not accountable."

The self-interest of the asylum seekers holding facility on Nauru is clearly the driver of relations between Australia and Nauru now. Nauru is receiving significant funding from Australia for hosting the controversial facility and the Nauru detention centre is a key element in Australia's policy for interdicting refugees aiming for Australia.

The Nauru government has taken to issuing terse statements critical of media reporting as international scrutiny of these issues has expanded. Among these denials includes the assertion in mid-June that Nauru's legal system is arguably the most independent, transparent and credible in the Pacific. But this assertion is far from reality. In point of fact, a 2012-2014 governance and transparency assessment of the judiciaries in 14 independent Pacific nations by the Pacific Judicial Development Programme gives Nauru one of the lowest ratings in the region. The Marshall Islands were at the top in both 2012 and 2014 by meeting all 15 agreed-to indicators for transparency and governance in court operations, and Palau met 14 of these in 2012 and 15 last year. Nauru, however, met only two in 2012 and as of the latest update in April this year, had not filed a report on these indicators for 2014.

A United Nations Special Rapporteur in May raised concerns about recently adopted amendments to Nauru's Criminal Code, and called on the government to withdraw the legislation restricting freedom of expression. New amendments prohibit use of language that is threatening, abusive or insulting in nature and has the intention to stir up racial, political or religious hatred - which critics say could be used to muzzle political opposition in the lead-up to next year's election.

"Nauru should allow free space for expression without fear of criminal prosecution," said Special Rapporteur David Kaye. "It should lift all restrictions to access internet and social media, and facilitate access to the media in the country. Nauru should revise its course of action and take measures to fulfil its human rights obligations."

Unless Nauru's neighbours, including the Marshall Islands, Australia and New Zealand, get involved in encouraging Nauru to adhere to democratic norms that prevail in this region - including unrestricted debates in parliament, open access to the Internet, and maintaining an independent judiciary - it seems likely the government of Nauru will continue undermining opportunities for its citizens to enjoy freedoms taken for granted in most democracies.

This should concern the Pacific Islands Forum, which brings together leaders, governments and island communities over shared goals of democracy, good governance and accountability. Ignoring developments in Nauru undermines the Forum and island leaders' stated objective of promoting regionalism and raising the quality of life based on the Pacific's commitment to sustainable development and accountability of governments to their citizens.

>>>> *Giff Johnson is an editor and journalist whose work focuses on the Pacific.*

<http://www.abc.net.au/news/2015-06-30/johnson-nauru-must-be-held-to-account/6580944>

## **12. Julie Bishop seeks assurance Nauru will uphold rule of law**

Brisbane Times  
July 5, 2015 - 12:15AM  
Daniel Flitton

Foreign Minister Julie Bishop has sought assurances from Nauru's President over upholding the rule of law on the island nation after several opposition MPs were arrested and others had passports seized.

The recent political turmoil on Nauru – host to an Australian-funded asylum seeker processing centre – is expected to be raised next week when Ms Bishop hosts a meeting of Pacific foreign ministers in Sydney.

Australia has been accused of a conspicuous silence in the past year after Nauru's government suspended opposition MPs from parliament without pay for giving interviews with foreign media critical of the government.

Nauru has also cut off access to Facebook, blaming social media for the spread of pornography, and imposed a \$8000 visa fee for an foreign journalist to apply to travel to the Pacific nation.

Advertisement

The moves have only reinforced concerns over governance on the Pacific island nation.

New Zealand's parliament last week passed a Greens party motion about Nauru expressed concern over allegations of interference with the judiciary and the treatment of opposition MPs. New Zealand's Foreign Minister Murray McCully has said he was "deeply concerned" and pledged to raise the issue with Mr Waqa in Sydney.

"The situation in Nauru obviously has been boiling for some time, and this latest series of events, particularly around the restrictions being placed on members of parliament, is something that I think will attract more significant international attention," Mr McCully said.

Ms Bishop has also spoken with Mr Waqa in the past fortnight after a local protest over the corruption claims turned violent and opposition MPs were arrested.

Ms Bishop said while it was a domestic matter for Nauru, she had conveyed concerns and sought assurances that due process and the rule of law would be upheld.

Comment was sought from the Nauru government.

Nauru, one of the world's smallest countries, with an estimated population of 10,000, once boasted considerable riches from phosphate mining, only to see the wealth squandered.

Steven Ratuva, director of the Macmillan Brown Centre for Pacific Studies at the University of Canterbury, said Nauru had struggled with an unstable political system since independence in 1969 and had undermined its own sovereignty by allowing Australia to set up its refugee processing centre for cash.

Professor Ratuva said the "repression" by the current Nauru government was unwarranted and Australia and New Zealand should respond as a matter of principle.

"Unfortunately, Australia itself is directly embroiled in the mess and its hands are tied. New Zealand will not raise a voice because it might hurt Australia," he said.

Fairfax Media has reported Australian federal police are expected to bring criminal charges after a long-running investigation into allegations Nauru's President Baron Waqa and Justice Minister David Adeang accepted bribes from an Australian company – claims both men deny.

It follows a legal crisis last year after the government deported the magistrate and then refused to allow the Chief Justice to return to the country.

Nauru's government insists it is upholding the law, and has previously accused "left-wing hypocrites" of unfair criticism and using nation as a punching bag.

The government has said the several-hundred strong protest last month amounted to a riot, with parliament building vandalised and almost a dozen police injured.

Two opposition MPs, including the former president, Sprent Dabwido, have been refused bail and remain in custody – with a criminal conviction likely to rule them ineligible to again run for parliament.

Another opposition MP, Roland Kun, was removed from a plane about to depart Nauru last month and has had his passport confiscated.

The move has prevented him from reuniting with his children and Australian wife, who has also been stopped from returning to Nauru and is presently living in Wellington.

<http://www.brisbanetimes.com.au/federal-politics/political-news/julie-bishop-seeks-assurance-nauru-will-uphold-rule-of-law-20150704-gi54ej.html>

### **13. Nauru plan to move asylum seeker children to local schools sparks concern**

An immigration department leak shows the children will be moved in time for term two, but there are no clear child protection protocols and limited resources

The Guardian

Paul Farrell

Tuesday 30 June 2015 17.18 AEST

Australia's immigration department is moving ahead with plans to close the school at the Nauru detention centre, despite no clear child protection framework at local schools outside the centre and concerns that child asylum seekers may be subject to corporal punishment.

The closure of the school in Regional Processing Centre 1 has sparked concerns in the department and has distressed asylum seeker children and their parents on the island.

The four schools asylum seeker children are to be moved to are the Yaren primary school, Nauru primary school, Nauru college and Nauru secondary school.

Asylum seekers in the detention centre were only notified of the closure over the weekend. All child asylum seekers aged seven to 17 will be moved to local schools, while a small group of children under seven will stay at the detention centre.

Notification of the closure has sparked protests, threats of self-harm and several incidents of self-harm from children as young as five.

Local schools in Nauru still practise corporal punishment, and former Save the Children case worker Viktoria Vibhakar has previously raised concerns about child asylum seekers being beaten with a wooden ruler.

A letter from one five-year-old asylum seeker obtained by Guardian Australia said: "We all boys from secondary class made in the school ... we plained that we are all going to protest without eating and without going to RPC 3. We all ask that we speak with immigration, but immigration didn't care about us."

"I was so upset at that moment, and I was nervous so I drunk cleaning liquid. After that IHMS and mental health came immediatly. But I told them that I didn't like to take treatment."

The asylum seeker eventually accepted treatment, but continued to express concerns.

"If nothing happen on Monday again I will do some thing, because I don't care about my life."

There are currently no child protection protocols in local schools on Nauru, and many schools are significantly under resourced.

Guardian Australia understands that caseworkers on the island are preparing for further deterioration in the mental health of child asylum seekers during the transition. There are currently over 60 children who attend school at the detention centre.

The parents of child asylum seekers on the island who have been to orientation days at some of the schools told Guardian Australia they were disgusted by the condition of the schools.

The parent of one primary school student who was taken to the local schools as part of an orientation told Guardian Australia: "Dirty, not safe. Toilet not flush. Dirty, no water, no paper."

Asylum seekers who visited the Yaren primary school said there was no running water in the toilets, or doors in the bathrooms. Some also raised concerns about safety. One primary school age asylum seeker said it was not safe at the local school she saw.

The quality of teaching at the local schools is also considered to be poor, with many teachers possessing limited English skills.

The transition to the local schools has been planned by the immigration department, with Save the Children playing a role in the transition. Brisbane Catholic Education provided educational assessments.

Child asylum seekers on the island have previously raised concerns about the change and have written letters to the immigration department. Truancy rates at Nauru schools are extremely high, at around 60% for children aged over 15.

A spokeswoman for the immigration department said: "Integration of asylum seeker children into local schools is consistent with both open centre processing arrangements and education opportunities already accessed by refugee children in Nauru.

"Transition to local schools will minimise disruption of an asylum seeker child's education in the event that they are found to be owed Nauru's protection and therefore are required to enrol in local schools.

"Transition planning is underway between the respective governments. There are no imminent plans to close the RPC school."

The spokeswoman declined to respond to questions about whether the department would intervene to prevent child asylum seekers being subjected to corporal punishment. "School governance arrangements are a matter for the government of Nauru," she said.

<http://www.theguardian.com/australia-news/2015/jun/30/nauru-plan-to-move-asylum-seeker-children-to-local-schools-sparks-concern>

## 14. Deaths and injuries at immigration detention centres revealed

Sydney Morning Herald  
June 30, 2015  
Sarah Whyte

Nine deaths, spewing raw sewage and snake bites are some of the workplace and safety incidents faced by Department of Immigration and Border Protection workers and asylum seekers over a year.

There were 449 incidents recorded for asylum seekers in detention centres and immigration workers and contractors in Australia, Papua New Guinea and Nauru between July 2013 and June 2014, according to documents obtained under freedom of information laws from the federal government's health and safety authority, Comcare.

The documents show immigration workers and contractors suffered injuries from asylum seekers acting aggressively, and one worker's legs were crushed on Nauru. Other workers suffered psychological injuries after witnessing attempted suicides or self-harm by asylum seekers.

The documents show there were nine deaths involving asylum seekers and 64 cases of self-harm or threatened self-harm. One asylum seeker died by suicide, and some died from heart attacks.

The death of asylum seeker Reza Barati on Manus Island during last year's February violence was recorded as "head injuries".

Elsewhere, asylum seekers were found to have swallowed nail clippers on Nauru, and two people digested insect repellent because of stress in January and February 2014 in the Northern Territory.

One asylum seeker was bitten by a snake in Western Australia in the notoriously harsh Curtin detention centre in February 2014.

On Nauru, raw sewage sprayed uncontrollably onto a worker in September 2013. A contractor got an electric shock when he plugged in his phone on the island in January 2014. A contractor's legs were crushed when moving a vending machine in November 2013, and another worker witnessed a drowning on the small island, resulting in psychological trauma.

In the department's Canberra headquarters, an immigration worker suffered anxiety after being stuck in a lift for 45 minutes. Another worker fell off an office chair in October 2013 and another got an electric shock from a toaster in July 2013.

In many cases, Comcare did not investigate incidents that involved asylum seekers, including one where an asylum seeker was found unconscious on a bed.

A Comcare spokesman said these cases did not fall under the Work Health and Safety Act and were therefore "non-notifiable".

Greg Barnes, a lawyer with the Australian Lawyers Alliance, said the number of incidents was "extremely high" given the nature of the work carried out.

"Here we are talking about workplaces which don't involve construction or mining," he said. "These are meant to be detention centres where workers and detainees are in a vulnerable position and where workplace injuries should be kept to an absolute minimum."

Mr Barnes said the department seemed to take it upon itself to decide which incidents were notifiable to Comcare.

An Immigration Department spokeswoman said it took the protection and safety of all people at detention centres seriously.

"The department has a robust framework of training, reporting, risk identification, physical and psychological risk management, rehabilitation and early intervention that is designed to reduce injury," she said.

A Comcare spokesman said it had made recommendations to the department on improving work health and safety practices and the department had acted on these. "Comcare assessed all of the 449 incidents [the department] referred to us in 2013-14, finding 98 were notifiable under the [Work Health and Safety Act],"

He said self-harm may not satisfy the definition of a "notifiable" incident under the act, but deaths, serious injury and illnesses did.

"Our inspectors also visited regional processing centres on Manus, Nauru and Christmas islands on multiple occasions in 2014 and will conduct further inspections later this year."

<http://www.smh.com.au/federal-politics/political-news/deaths-and-injuries-at-immigration-detention-centres-revealed-20150630-ghvfxv.html>

## 15. Labor's draft policy on migrant boats avoids the hard calls

Sydney Morning Herald  
June 30, 2015 - 8:08PM  
Michael Gordon

The Labor Party avoids the big questions in a draft refugee policy that makes preposterous claims and is riddled with contradictions, yet articulates the path Australia must ultimately pursue.

Critics have pointed to the removal of any reference to non-refoulement – that cornerstone principle of the refugee convention – to suggest this is a lurch to the right and an acceptance of the Abbott government policy of turning back the boats.

It isn't, though the issue of turn-backs will be hotly debated at Labor's national conference in Melbourne later this month. On the contrary, the draft is replete with commitments to honour Australia's international obligations under the refugee convention, including the promise that appropriate references to the convention will be restored to the Migration Act.

There is no more outrageous commitment in the draft than the declaration that asylum seekers who arrive by irregular means "will not be punished for their mode of arrival".

But consider this. Those who come by boat will be sent to Manus Island or Nauru for processing (though neither location is mentioned in the draft) and told they will never be resettled in Australia if they are found to be refugees.

By contrast, those who come by plane, and claim a fear of persecution if they are returned to their homeland, can expect to spend no more than 90 days in immigration detention before having means-tested access to migration assistance while their claims are assessed.

As for contradictions, it is hard to go past the commitment to deal with the challenge of unauthorised arrivals through international co-operation "and not unilateral action" – while continuing with a policy that has unilateral action at its very foundation.

The strength of the policy is the direction it heads: a regional framework to deal with flows of asylum seekers that is based on burden sharing, capacity building and enhanced protection, rather than the sole reliance on deterrent that is the hallmark of the Abbott approach.

The aspiration is to position Labor in the centre and to return refugee policy to the modest number of policy areas where political advantage is not sought, but getting there looms as a massive challenge.

Consider just a few of the questions not addressed in the draft that will be debated at the national conference. What would Labor in government do with the 1000 or so single men still on Manus Island who have no realistic prospect of resettlement in PNG? Or those released into the community on Nauru without any prospect of permanent residency?

The most contentious issue will be turn-backs, the policy Abbott insists has been instrumental in stopping the boats. The well-cavanned dangers are that the policy antagonises Indonesia and exposes boat crews to danger, but another pitfall is that it involves the risk of eventual refoulement of asylum seekers, without assessing whether the claims for protection have merit.

The bottom line for Bill Shorten and his immigration spokesman in Richard Marles is that Labor will not do anything that will encourage the boats to start coming again or give Abbott political ammunition – and that is sure to make for some uncomfortable moments on the conference floor.

<http://www.smh.com.au/comment/labors-draft-policy-on-migrant-boats-avoids-the-hard-calls-20150630-gi1qu1.html>

## 16. It's the principle that stops refugees from facing harm. So why is it absent from Labor's platform?

Brisbane Times  
June 30, 2015 - 11:53AM  
James Massola

Labor has dropped any reference to non-refoulement - the principle which protects refugees from being returned to a country where they face harm - from its draft national platform.

The move has drawn sharp criticism from lawyer and refugee advocate Julian Burnside and Greens senator Sarah Hanson-Young, but Labor's immigration spokesman Richard Marles and Labor for Refugees spokesman Shane Prince point to a replacement clause they argue covers Australia's obligations under the UN Refugee Convention.

The change is one of a slew of amendments contained in the ALP's draft national platform and is part of a shake-up of the ALP's approach to refugee policy.

Those changes include:

- For Australia's refugee intake to be increased from 13,750 to 27,000 over time. This aspiration is contained in the draft platform and is an increase on the 20,000 target set in 2011;
- Detention facilities - including those offshore - to be subject to transparent, independent oversight;
- The abolition of temporary protection visas;
- Current detention centres will continue to be run with private sector contractors for the term of the current contracts.

The platform is silent on the issue of Labor adopting the Coalition's policy of turning back asylum seeker boats.

Labor leader Bill Shorten and Mr Marles left the door open to that policy being adopted on Monday, but it is expected the party's Left faction will fight that move by putting a resolution that explicitly prohibits Labor in government from implementing turn-backs.

According to the 1951 Refugee Convention, which Australia signed in 1954, any signatory nation shall not "expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

The two previous national platforms, published in 2009 and 2011, both explicitly committed an Australian Labor government to "comply with the non-refoulement and all other protection obligations we have voluntarily assumed in signing the Refugee Convention".

The new draft, which will be the subject of vigorous debate at national conference, instead contains a new clause numbered 206 that states: "Labor will treat people seeking our protection with dignity and compassion and in accordance with our international obligations, the rule of law and core Australian principles of fairness and humanity".

Mr Burnside said the principle of non-refoulement was the central obligation of the Refugee Convention, which "imposes very few obligations, but the central one is that you do not send a person back to a place where they face possible persecution and you must not do it directly or indirectly".

He suggested the omission "opens the way to turn-backs" [of asylum seeker boats] and that it may have been cut because "until the last election, Labor was in flagrant breach of many obligations and certainly in breach of the Refugee Convention". "The only difference between the two big parties is the Liberals are cruel to refugees and boast about it and Labor is cruel to refugees and feel ashamed about it," he said.

But Mr Marles, who has led the drafting process in consultation with a group of backbench MPs, said the absence of a specific reference to non-refoulement was to "make sure it [the platform] is readable and non-repetitive". "There are numerous references to the Refugee Convention, international obligations and the principles of protection, all of which are about adhering to the principle of non-refoulement. I can assure you that Labor is committed to the principle of non-refoulement which is at the heart of the Convention," he told Fairfax Media.

"The draft platform specifically references putting the Refugee Convention back into the Migration Act."

Asked about the looming debate about turn-back policy, Mr Marles said: "I'm not going to pre-empt what debate occurs other than to say it will be a debate characterised by dignity, which stands in stark contrast to our political opponents since 2001".

Mr Prince, who has been involved in negotiations with Mr Marles on the platform, said Labor for Refugees viewed clause 206 as "requiring compliance with the Refugee Convention and other international obligations which are breached by turn-backs".

In a sign of the looming debate, he added the group was "of a view that turn-backs are in breach of the existing platform".

Senator Hanson-Young said that "deleting the core principle of refugee protection [non-refoulement] from the Labor platform signals one more dangerous step towards Tony Abbott's policies".

<http://www.brisbanetimes.com.au/federal-politics/political-news/its-the-principle-that-stops-refugees-from-facing-harm-so-why-is-it-absent-from-labors-platform-20150630-gj12py>

## **17. Can Bill Shorten win government without a boat-free policy? It's unlikely**

Unless Labor wants another term of progressive opposition, it needs to realise that improving conditions in detention centres is the way forward

The Guardian  
Anthony Bieniak

Thursday 2 July 2015 12.17 AEST

From the Tampa to the Oceanic Viking and beyond, “the boats” haunt progressive politics with a particular menace. For a decade or longer, asylum seeker politics has driven a wedge between well-intentioned pragmatists and idealists, and has often left members of the Labor party savaging their own policies.

The policy vacuum created by this division is why Tony Abbott was willing to allow last month’s allegations (that he paid people smugglers to return to Indonesia) to drag. Such is the primacy the Coalition enjoys on boats that it can survive the hairiest of harebrained schemes. Conversely, Labor don’t seem to know where they stand.

Labor frontbencher Joel Fitzgibbon recently called for his party to adopt boat turn-backs. Activists and members of the party subsequently attacked his position – but such criticism is short-sighted.

The inarguable truth that far more can be achieved for human rights from the government side of the chamber has taken root in the confusion of the ALP refugee narrative.

The question then becomes one of both volume and ethics; what do they have to give up and how far to the right must they go to get there? For too many in the party, it is met with rage and brutal opposition. Negotiation is viewed as acquiescence, stubbornness lauded as a virtue.

While this fortitude is admirable, and while its manifestations in mass rallies are cathartic, it is not necessarily helpful. Few issues have damaged Labor’s electoral prospects quite like the boats. On policy, they remain next to powerless; as their numbers have grown, our refugee intake has decreased by thousands. Detention and deterrence are still the bedrock of our response.

Bill Shorten has so far attempted an awkward neutrality – acknowledging that detention is damaging, while comfortably slipping into an Abbott-esque rhetoric on pull-factors and deterrence. But the prevalence of the issue electorally, and Fitzgibbon’s interjection, will demand a policy. Whether or not the growing core of refugee activists will have a say in it depends largely on how reasonable they are prepared to be.

It is in this spirit that Brad Chilcott, the South Australian pastor and founder of refugee support organisation Welcome to Australia, posted a controversial opinion piece on the website of the Labor-funded Chifley Institute. The column, titled Possibility before Protest, urged Labor party refugee advocates to avoid “providing the politics of prejudice and division with new impetus, by authoring a perfect platform chapter that will never become government policy”.

Most controversial is Chilcott’s call for a safer, rather than a dismantled, detention network. It’s an uncomfortable position for any human rights advocate to occupy, and has attracted the ire of many within the party and the refugee sector.

“The public will not countenance any policy or proposition that appears to reopen the boat journey from Java to Christmas Island,” said Chilcott, “this socio-political reality creates difficulties for any opposition and requires that Labor is strategic in its approach.”

The Refugee Action Collective (RAC) called Chilcott’s advice “tragic” and “absurd”, accusing him of stalling the “building pressure” that is on the ALP to oppose mandatory detention in all of its forms; in the words of RAC, “let them land, let them stay”. Protest is at the core of what the RAC do, and it is inherently myopic, but if attacking Labor means another term of progressive opposition, the question of practical effectiveness must be considered.

Chilcott’s end game is the July Labor national conference where an interesting battle looms over the ALP’s immigration policy. Because the resolutions of the Labor conference do not bind the federal caucus, there is a fear the policy will be an irrelevant document due an unwillingness to factor political reality into the platform. If it will cost the party too many seats, it will be simply ignored.

The other risk of an ultra-left policy is it makes perfect the enemy of good. It reframes the debate in a way that makes the feasible incremental improvements look less like progress and more like a betrayal of the party faithful. For Shorten, who took the leadership despite the majority of ALP members preferring Anthony Albanese, this is dangerous ground.

The question for Labor’s refugee activists is one of moral purity versus stubborn ideology. It is too easy to discuss the ideal, too easy to disparage those who stray from it. It is more prescient to shift the comparison from a utopian vision to the present reality. The question for the pragmatists is how much ground can you afford to cede before it becomes capitulation.

And then there is the one that frames the whole debate: can Bill Shorten win government without a boat-free guarantee? If history is a guide, it seems unlikely.

<http://www.theguardian.com/commentisfree/2015/jul/02/can-bill-shorten-win-government-without-a-boat-free-policy-its-unlikely>

## 18. Major Refugee Groups Slam Boat Turn-Backs As Labor Mulls Policy Shift

The Refugee Council says an activist who spoke out in favour of turn-backs does not represent the views of those who work with refugees. Max Chalmers reports.

New Matilda  
3 Jul 2015  
By Max Chalmers

The national umbrella organisations for refugee and asylum seeker groups has condemned calls for Labor to adopt the Coalition policy of boat turn-backs, with other major groups reiterating their ongoing opposition.

Tim O'Connor, communications director at the Refugee Council, said the peak body absolutely maintained its opposition to the policy, and that members had been frustrated by reports suggesting refugee groups could be coming around to the policy.

"It puts Australia on the wrong side of the international community," he said. "It's a short-term fix for an issue the whole world needs to face together".

O'Connor's comments come as Labor mulls a shift in the area, potentially opening the way for the party to accept the practice of intercepting boats ferrying asylum seekers toward Australia and turning them back out to sea. The Labor for Refugees group, meanwhile, is agitating internally for a clear rejection of the policy.

The issue of turn-back has remained on the political agenda since it was revealed the Coalition likely made cash payments to people smugglers to get them to turnaround.

Despite the criticism this inspired from Labor, the party is far from settled in its position on the policy, which is likely to be debated at its national conference in late July.

In an article published by Guardian Australia on Monday, Welcome To Australia National Director Brad Chilcott – who is also a South Australian Labor delegate – weighed in, encouraging the party to accept the policy and help neutralise the issue politically.

But Chilcott's comments have infuriated other segments of the refugee support community.

Penny Howard, from the Unions For Refugees group, said the organisation remained "totally opposed" to turn-backs.

If Labor were to adopt the turn-back policy it would take the party further from the official policy of the ACTU, which opposed offshore detention and processing as well as turn-backs at its 2015 congress.

Amnesty International also opposes turn-backs, and a spokesperson pointed New Matilda back to its recent statements.

"In order to prevent refugees from being returned to persecution, all asylum claims should be subjected to a fair and rigorous assessment process, with translation and legal representation offered," the human rights group said in a April statement.

"Basic screening procedures at sea cannot be relied upon to make such life and death decisions."

O'Connor said "many" of the 200 groups the Refugee Council represents had contacted the peak body to reaffirm their opposition to the policy since Chilcott's comments.

"People are very, very frustrated," he said. "Some people were very angry that this issue would come up. Ultimately, what we've seen in refugee policy is that every time a harsh policy gets introduced, it doesn't allow a better outcome for refugees and asylum seekers."

"No-one wants to see deaths at sea but the policy we've got at the moment just ensures people are pushed away to die somewhere else."

In June, a boat carrying 65 people reportedly crashed into a reef after being turned back by Australia.

Speaking to New Matilda, Chilcott defended his position, and said he did not intend to speak on behalf of other organisations.

He said Welcome to Australia wanted thousands more refugees settled in Australia "without fear-mongering or vilification".

"I'm not calling turn-backs a good thing, I think they are a bad thing. I'm saying both parties have made it clear they are not going to allow boats to arrive with people seeking asylum, both of them have made that really clear."

Chilcott, who has previously worked for South Australian Premier Jay Weatherill as well as Tony Burke during his brief stint as Immigration Minister, said he wanted to see the focus shift away from boats.

"It's time for us to focus on making life better for all the people we really care about and focusing our attention on achievable change."

Prominent Labor Right MPs this week expressed open support for the policy, while Shadow Immigration Minister Richard Marles and Leader Bill Shorten have remained non-committal.

Outspoken MP Melissa Parke issued a statement earlier in the week criticising the turn-back policy.

"The people turned back, the majority of whom, past experience has shown, are genuine refugees, will still be fleeing persecution, will still be seeking a safe haven and will still suffer the uncertainty, the fear and the lack of rights that are features of transit countries," she said.

"The question of what happens to them — do they die on a different sea, or in an airless container en route to Europe, are they jailed for working, or sent back to their country of persecution? These questions seem not to feature in our discussion of boat turn-backs, but they should."

It's the kind of unequivocal language avoided by Shorten and Marles so far.

"We retain concerns about turn-backs, it is a really difficult area and there are a range of views on this issue within the party and out there in the community. It's complex and I understand those different views," Marles said this week.

"We are going to review all of our policies in the lead up to the election and I've got no doubt that these matters will be discussed at Conference in a month or so."

<https://newmatilda.com/2015/07/03/major-refugee-groups-slam-boat-turn-backs-labor-mulls-policy-shift>

## **19. Australian Border Force commissioner says operational matters won't be discussed publicly**

ABC News Online

By political reporter James Bennett

First posted Wed 1 Jul 2015, 9:57am

Updated Wed 1 Jul 2015, 12:37pm

The commissioner of Australia's newly created Border Force says details of the agency's "operational matters" will not be discussed publicly.

The agency — which merges the frontline functions of Customs and Immigration — officially begins today.

It will be responsible for immigration security at Australia's air and sea ports and will also patrol Australia's waterways, with Operation Sovereign Borders falling under its control.

The Government has not been releasing information about what it calls "on water matters" as part of its border protection measures.

At a press conference following his swearing in this morning, the Border Force's new commissioner Roman Quaedvlieg said he would not be either.

"Operational security is paramount to conducting effective strategic and tactical operations," Mr Quaedvlieg said.

"I don't intend to stray from the current position in relation to operational security in relation to Operation Sovereign Borders."

### ***New laws won't override whistleblower protection, commissioner says***

The Border Force will also be responsible for Australia's detention centres.

Lawyers and doctors working with asylum seekers have raised concerns the Border Force Act could see some government-contracted workers at onshore and offshore detention facilities risk up to two years in jail if they speak out about what they see.

"If for example a psychologist is working in a detention centre, that psychologist then comes back from the centre and writes an article, for the ABC or for a newspaper documenting — in that person's clinical opinion — the long-term physical and mental harm that's being meted out to asylum seekers, that person could go to jail," Australian lawyers' alliance spokesman Greg Barnes told ABC's The World Today program.

But Commissioner Quaedvlieg said the laws were aimed at protecting classified information and would not override existing whistleblower protection laws.

"This is about the leaking of classified information that can compromise operational security or our sovereignty," he said, indicating that anyone who shared such information illegally would be prosecuted.

"It's not about people having a right to be outspoken in the community."

Mr Quaedvlieg also added that he considered it highly unlikely those who had spoken out to date would be prosecuted and said he not believe conditions in detention camps would be considered classified information.

### ***May God bless your work, PM tells leadership team***

Prime Minister Tony Abbott officially swore in Mr Quaedvlieg this morning at a ceremony in Canberra.

Mr Abbott said the Government viewed the Border Force's work as vital.

"I congratulate Commissioner Quaedvlieg and all the personnel being sworn in today as the founders of the Australian Border Force," Mr Abbott said.

"May God bless you, may God bless your work, may God bless the country you are helping to protect and prosper."

Together with the Australian Federal Police, it will also establish dedicated counter-terrorism units at Australia's major airports.

Some Customs and Immigration staff have resisted the merger and today workers at international airports took stop-work action for two hours to protest against possible future pay cuts.

Community and Public Sector Union (CPSU) secretary Nadine Flood said they were concerned about their positions.

"These staff face major changes to their work, onerous requirements, and yet they are facing a pay cut and a loss of rights and conditions," she said.

"That's why they have decided to strike."

### ***Bill Shorten's office plays down apparent ignorance of merger***

Bill Shorten's office has sought to play down the Opposition Leader's apparent ignorance of today's merger of the Customs and Immigration departments.

Asked to comment this morning, Mr Shorten told journalists he did not know of the change.

"We haven't seen the propositions around that, I'll wait to see details before commenting," Mr Shorten said in response to a question about whether he believed the two departments should be merged.

A spokesman for Mr Shorten said the Opposition Leader had misheard the question.

The spokesman said Labor had voted in favour of legislation introducing the change last year and remained supportive.

Commissioner Quaedvlieg said the Opposition had "absolutely" been briefed on the merger.

"The Labor opposition immigration and border protection minister and his colleagues have sought briefings over the course of the last 12 months in the establishment of the Australian Border Force," Mr Quaedvlieg said.

Mr Abbott said he was surprised given the Opposition had supported the legislation in Parliament.

"The Labor Party voted for the legislation, I expect them to be familiar with it," he said.

<http://www.abc.net.au/news/2015-07-01/border-force-commissioner-operational-matters-roman-quaedvlieg/6586274>

## **20. Border Force Act could see immigration detention centre workers jailed for whistleblowing**

ABC Radio CAF - The World Today  
By Sarah Sedghi  
First posted Tue 30 Jun 2015, 2:38pm  
Updated Wed 1 Jul 2015, 7:14am

Lawyers and asylum seeker advocates say they are concerned about new laws applying to some people working in detention centres.

The Border Force Act could see some government-contracted workers at onshore and offshore detention facilities risk up to two years in jail if they speak out about what they see.

Barrister and spokesman for the Australian Lawyers Alliance Greg Barnes said the act had a "chilling effect".

"It effectively turns the Department of Immigration into a secret security organisation with police powers," he said.

"And what it does is [it] will prevent professional groups, international human rights bodies, doctors, counsellors, teachers, anyone who's working in immigration detention centres who raises concerns about the treatment of asylum seekers and conditions in those centres, if they don't have the authorisation of the department to reveal that information to the media or any other person or organisation then they can go to jail for up to two years, so it will have a chilling effect."

The Act was passed with bipartisan support, with only the Greens opposing it.

Mr Barnes said it gave the Federal Government too much power over what can be said about immigration detention centres.

"If for example a psychologist is working in a detention centre, that psychologist then comes back from the centre and writes an article, for the ABC or for a newspaper documenting in that person's clinical opinion — the long-term physical and mental harm that's being meted out to asylum seekers — that person could go to jail," he said.

"I mean, this is the sort of legislation that you wouldn't find unsurprising in countries that don't have real democracy.

"But for this legislation to pass an Australian Parliament, I think it's appalling."

Dr John-Paul Sanggaran used to work for the Immigration Department's healthcare provider International Health and Medical Services on Christmas Island.

He said it was already difficult to speak out when worried for the welfare of asylum seekers and was concerned about what the new laws would mean for people such as doctors, nurses and social workers who work in detention centres.

"We already have a situation where there's a significant veil of secrecy around immigration detention. Some of the barriers include the fact that you could lose your job," he said.

"That's obviously personally devastating for you and your family, and I guess we already signed secrecy or confidentiality agreements and people are already concerned about breaking those because they don't want to deal with the legal consequences.

"Add to that an explicit two-year jail sentence for doing what we all should all be doing — advocating for our patients, looking after those for whom we have a duty of care — and you're just simply going to increase the barriers that exist to people coming out and talking about what they see in immigration detention which is gross human rights violations."

Dr Sanggaran will today publish an open letter about the concerns he and others have.

"We're not going to stop talking about what we've seen," he said.

"The things that we've seen are too terrible, human rights abuses, sexual abuse, child abuse, and we're not going to respond to these threats from the Government."

### ***Victims punished for reporting abuse, advocate says***

The Asylum Seeker Resource Centre's Pamela Curr said she remained concerned for people living in detention centres.

She said she was particularly worried for women in the Nauru offshore detention centre.

"The situation on Nauru is very difficult. Some women have reported sexual abuse and virtually been punished for it," she said.

"There are other women in the camp who are too afraid to report sexual abuse because, as they say, a Nauru police officer one day can be a cleaner in the camp the next. "We don't know who will look after us."

The Government has said there are federal laws that protect whistleblowers.

"Now the Government said, well there is an out if doctors think that people's lives are in jeopardy they will speak out, and of course there is some limited whistleblower legislation at the Commonwealth level," Mr Barnes said.

"Neither of those will mitigate against the chilling effect of this legislation and that is that people will say, 'Look, I'm risking up to two years' jail if I do the right thing and exercise my conscious to speak out about abuse in detention centres'."

There is currently a Senate inquiry into allegations of sexual abuse and the conditions at the Nauru detention facility.

Case workers and refugee advocates are among those who have raised concerns about the welfare of people at Nauru.

<http://www.abc.net.au/news/2015-06-30/detention-centre-workers-face-imprisonment-for-whistleblowing/6584392>

## **21. Time to tell the truth before I'm gagged: Australia's detention centres ruin lives**

This insider's account of the devastating treatment of asylum-seekers on Nauru and Manus will be illegal from 1 July under the Border Force Act

The Guardian

Ryan Essex

Tuesday 30 June 2015 08.08 AEST

Having worked as a counsellor in immigration detention for several years, for contractor International Health and Medical Services (IHMS), any discussions surrounding my former place of employment could very well be illegal after Wednesday. This is because of the secrecy provision in the Border Force Act, a disturbing piece of legislation which is about to become law and is likely to have far-reaching consequences.

Under this legislation it is a criminal offence, punishable by up to two years' imprisonment, for anyone who works in, or has previously worked in immigration detention to "make a record of or disclose" information regarding their employment. There are a number of things that need to be said before this somewhat modest piece of dissent could put me in front of a judge.

So now, fortunately, I can still discuss the damage that I have seen first-hand in immigration detention. The damage that has been done to men, women and children. The families I have seen arbitrarily separated. Asylum seekers whose healthcare needs have been subverted and neglected, as they did not align with the immigration department's goals.

There was never a clear position description for a counsellor, so you often found yourself conducting any number of clinical tasks – whether it be more orthodox work or dealing with things that had become commonplace in immigration detention, such as serious self-harm and protests. You can engage in these things naively, at least for a short time, until it becomes clearer that you are balancing between complicity and advocacy in a system where it is often more productive to engage with red tape and bureaucracy.

Now I am rarely surprised when there is a cover-up or abuse. I have witnessed the secrecy, authoritarianism and hypocrisy first-hand. I have seen people push over fences with opportunities to escape, only to return, as they would not be able to survive in the outback.

I have seen the damage Nauru and Manus have done; sending psychotic people, broken and defeated to Villawood after all options were exhausted offshore. I could tell you about the self-harm I have seen and I should put this on record one more time, as it may be the last, that immigration detention has a devastating and long-lasting impact on mental health.

But the overwhelming majority of the people I have met in immigration detention are patient and resilient – who would have thought?

Many have spoken out before me and offered many more insights into immigration detention. If it weren't for them, we would not know the extent of the conditions in both onshore and offshore centres. The compromised nature of medical care as noted by the Christmas Island doctors, the devastating impact immigration detention has on mental health as raised by Peter Young or the abuse of children as raised by Save the Children staff.

With headlines that appear to be getting more and more shocking as the weeks go by, this is one area which demands transparency and oversight. This would not aid people smugglers, nor would it encourage people to "jump on a boat". It would provide basic protections for an already vulnerable group. When women and children are allegedly being sexually abused and there are epidemic levels of self-harm, it is not a rational response to make a secretive system more secretive and to attempt to silence those who raise legitimate concerns.

This is unfortunately what immigration detention has become, an anomaly in today's society. While other institutions and policies have evolved, this remains a system in which we are happy to flirt with the idea of sending health professionals to jail for speaking of their experiences. In a country that is now talking about mental health, we are happy to disregard epidemic levels of self-harm and suicide as "manipulative" or "attention seeking". And in a country where there is universal support for the royal commission into institutional responses to child sexual abuse, we are happy to remain wilfully ignorant of it in immigration detention.

Whatever side of the asylum seeker debate you stand on, the Border Force Act should alarm you. This legislation has implications beyond clinicians working in immigration detention. It raises questions about the entire medical profession, complicity, and their stance on ethical and human rights issues. In recent weeks a number of medical groups have rightly raised concerns about this legislation, calling for health professionals to be allowed to speak out about the conditions in

detention adding to their long opposition to mandatory detention. In response to this, a spokeswoman for the immigration minister has reminded us that there are appropriate mechanisms and protections for those reporting misconduct and "maladministration".

This "maladministration" has been discussed, protested about and critiqued by health professionals, academics, lawyers and human rights experts for more than 20 years. Democracy can only function properly with accountability and transparency. I only hope many more individuals come forward after 1 July and simply speak about what they have seen. The fact this may now be illegal and seen as "sensational" shows just how much there is to hide.

>>>> *Ryan Essex is a PhD student at the University of Sydney, examining healthcare, ethics and immigration detention*

<http://www.theguardian.com/commentisfree/2015/jun/30/time-to-tell-the-truth-before-im-gagged-australias-detention-centres-ruin-lives>

## **22. Sacked Nauru detention centre social workers break silence, demand apology from Government**

ABC Radio CAF - PM  
Peter Lloyd  
Monday, June 29, 2015 17:25:00

MARK COLVIN: Social workers sacked from their jobs at the Australian-run detention centre on Nauru last year are demanding a public apology from the Government.

They say they were fired because of a false intelligence report about their conduct.

Last October, Save the Children staff on Nauru were accused of encouraging self harm, fabricating abuse allegations, and orchestrating protests. But the Moss inquiry into the case found no evidence of any of that.

Now for the first time, two of the social workers have broken their silence.

They say the mass dismissal was an attempt to intimidate anyone trying to help asylum seekers.

Natasha Blucher and Michelle Groeneveld were among 10 staff ordered to leave Nauru. None of the workers at the centre of the storm has spoken publicly till until now.

Peter Lloyd reports.

PETER LLOYD: The people who live in sweltering Nauru are located 4,280 kilometres from Canberra: far from the Government that sent them there. So far in fact they don't even need a name.

Former detention centre social worker Natasha Blucher says she often clashed with guards about the practice.

NATASHA BLUCHER: Most of the time if you talk to a child and most of the time if you talk to an adult and you ask them who they are or what their name is, they will give you their boat identification number.

What was very common was for people to feel like they were being treated like animals.

So something that people would constantly say, "They think we're animals, they're treating us like animals."

PETER LLOYD: The 'they' Natasha Blucher refers to are employees of Wilson Security. Many are former soldiers and police officers.

Blucher says they have a law and order mindset that brought them into conflict with other staff over how inmates should be treated.

NATASHA BLUCHER: And I've seen a woman sobbing at the gate and saying, "Please, please, I just need to go and see my husband; they took him away last night, he's very sick, I don't know where he is."

And this officer is just standing there with his hand up, going, "No! Go away, go! Shoo! Go!"

PETER LLOYD: Sinister stories have already emerged about the sexual exploitation of inmates by guards.

Natasha Blucher describes an atmosphere where local Nauruan staff saw the camp as a showcase for bride shopping.

NATASHA BLUCHER: That they would say things like "Hey baby, come and sit on my knee."

That they would, you know, peer into their tents, they were trying to set it up for when they got outside and they could have a relationship, and the women found that very, very threatening and scary.

PETER LLOYD: In all but name, Natasha Blucher saw Nauru as a harsh prison camp.

NATASHA BLUCHER: The power imbalance is absolutely unbelievable. It's out of control.

I mean, the officers can dictate when a person can eat, can shower at a certain time. There's an officer there who turns the water on and turns the water off, you can only move through the camp in certain ways.

PETER LLOYD: Michelle Groeneveld is another of the sacked Save the Children social workers.

MICHELLE GROENEVELD: The biggest responsibility was around the safety, everything from accommodation to food to medical to clothing.

PETER LLOYD: And were those needs being met?

MICHELLE GROENEVELD: No, not at all. It's very obvious in that environment that the Government do not want to give any comfort or make anything comfortable at all.

PETER LLOYD: By last September, some of the numbers on Nauru were so desperate they planned to kill themselves.

PETER LLOYD: The Government has never disclosed their desperate revolt.

Natasha Blucher again.

NATASHA BLUCHER: There was a large volume of suicide pacts going on between clients in the camp. They were talking about killing themselves all at once. So across the camp there was different groups of people who had different agreements to all kill themselves at once.

I mean I would have signed more than 10 of these reports on the Sunday of different individuals stating that they and many others had a plan to kill themselves.

And it was from, you know, like for example there was single adult females, a group of them who had a pact to kill themselves, there was a group of teenage girls, there was a group of fathers, there was a group of mothers.

I think it was along the lines of friendship groups and population groups within the camp.

PETER LLOYD: Not long after that, on the 3rd October 2014, the Government made its move on 10 Save the Children case workers. In leaked documents, one official described the public sacking of staff as a 'circuit breaker'. Natasha Blucher has come to see the dismissal as an act of intimidation.

NATASHA BLUCHER: The only reason I can think of is what I said before, which is that, well for me, that I was just constantly challenging when I felt that people were not being respected or that where somebody's safety was at risk.

PETER LLOYD: Michelle Groeneveld has similar views.

MICHELLE GROENEVELD: I believe we were scapegoated to take the attention away from what was happening in the camp, which is the sexual exploitation of children, abuse, people's human rights not being met, medical negligence - a boiling pot of despair. We were constantly reporting inappropriate behaviour of guards towards children.

PETER LLOYD: Natasha Blucher says she never planned on becoming a whistleblower.

But she believes Australia's detention camp on Nauru has become the bitter harvest of successive governments - intentionally cruel to force asylum seekers to give up their claims.

NATASHA BLUCHER: People's mental health violently disintegrating, children becoming institutionalised and becoming very, very mentally unwell or physically unwell.

You know, we've seen people's health conditions deteriorate over the time that they were in Nauru. We know that we're causing unbelievable harm to people and yet we continue to do it for a political goal. Even if it works to stop the boats, it's not worth it.

MARK COLVIN: Former Save the Children social worker Natasha Blucher ending Peter Lloyd's report.

<http://www.abc.net.au/pm/content/2015/s4263971.htm>

## 23. Burnside dares govt to prosecute whistleblower doctors

Lawyers Weekly  
24 June, 2015  
Felicity Nelson

Julian Burnside QC says he will be among the many lawyers “falling over themselves” to defend doctors and health care workers accused of breaching new secrecy laws.

The controversial Australian Border Force Bill 2015, which will come into effect in July, imposes a two-year jail sentence on health professionals who make unauthorised disclosures about the conditions in detention centres.

There is a narrow loophole to these gag laws, under the Public Interest Disclosure Act, whereby whistleblowing is permitted if there is a reasonable belief that disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person.

“If you genuinely believe things that are happening are a threat to the life or health of any individual in detention and you speak out about it and then you get prosecuted, which is very unlikely, I will put together the best pro bono defence [you’ve ever seen],” Mr Burnside pledged.

“And I expect we will have people falling over themselves to be part of it.”

Mr Burnside spoke as part of a panel discussion on asylum seekers hosted in Sydney by Junkee and GetUp on 23 June.

Doctors have recently brought to light a number of shocking instances of mistreatment and neglect by offshore detention centres.

In January, 15 doctors submitted a letter of concern outlining “numerous unsafe practice and gross departures from generally accepted, medical standards” that have caused considerable harm to patients.

In May, doctors raised the alarm over an 11-year-old boy living on Nauru who could be permanently disabled due to delayed surgery to treat an arm fracture. The death of a 24-year-old asylum seeker from septicaemia last year was also put down to the lack of medical attention he received on Manus Island.

The medical community has warned that the new laws will act as a powerful disincentive against whistleblowing but Mr Burnside said he doubted the government would go after doctors who speak out.

“I don’t think the government will ever be stupid enough to prosecute when, at the centre of the case, will be evidence that made the person believe that there was a threat to the life or health of a person in detention,” he said.

Mr Burnside believes the public has been either “misled or anaesthetised” on the issue of asylum seekers and that getting the truth out to a larger audience is crucial to shifting views.

“We are doing things that are so shameful it would be a crime to remain silent about it. Anyone who knows the facts really ought to speak out, because until enough people speak out these dreadful things will continue to happen.”

### ***Burnside’s alternative***

Mr Burnside called on government to close offshore detention centres and limit processing to one month for preliminary security and health checks.

“[Offshore detention] is just demeaning, cruel and terrible,” he said.

He proposed releasing asylum seekers into the community on several conditions: that they stay in touch with the immigration department, are allowed to work and have full access to Centrelink and Medicare entitlements.

“The fourth [condition] is – this is the big one – until their refugee status is determinable they have to live in a specified regional town or city,” he said.

Burnside said he had done the sums and that, even in the worst case scenario, this alternative would save taxpayers thousands of millions of dollars every year. Under this new model, even asylum seekers relying on Centrelink payments would be helping by injecting much-needed money into regional communities.

“I don’t know why it is so hard for people to understand that deliberate, expensive cruelty is bad on every possible measure.”

<http://www.lawyersweekly.com.au/news/16722-burnside-dares-govt-to-prosecute-whistleblower-doctors>

## 24. Detention centre staff speak out in defiance of new asylum secrecy laws

More than 40 health workers and humanitarian staff challenge the government to prosecute them for disclosing abuses at detention centres

The Guardian

Paul Farrell

Wednesday 1 July 2015 06.36 AEST

READ THE LETTER: <http://www.theguardian.com/australia-news/2015/jul/01/open-letter-on-the-border-force-act-we-challenge-the-department-to-prosecute>

Social workers, doctors, nurses, teachers and humanitarian staff who have worked inside Australia's detention centres have united in an unprecedented show of defiance against new laws that could see workers in detention centres jailed for speaking out about abuses.

More than 40 staff who have worked at detention centres on Manus Island, Nauru and across the Australian mainland have spoken out on the same day that a new offence comes into force that criminalises the disclosure of information.

The signatories have challenged the prime minister, Tony Abbott, and the immigration minister, Peter Dutton, to prosecute them for speaking out about human rights abuses of asylum seekers in Australia's care.

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

It could also potentially criminalise the recording of protected information. There are limited exceptions that could apply to medical staff, with the express consent of the newly formed Australian Border Force.

The open letter, obtained and published in full by Guardian Australia, is a direct challenge to the new disclosure offence, and an indictment of the policy of secrecy that the federal government has maintained over asylum-seeker matters.

The letter was circulated by Dr John-Paul Sanggaran and has gathered high-profile support from former staff in detention centres, including Dr Peter Young, Dr Hasantha Gunasekera, Professor Caroline de Costa, Alanna Maycock, Dr David Isaacs, Dr Grant Ferguson and Dr Alison Bleaney. The signatories have also outlined their reasons for signing the open letter separately.

The letter reads: "Today the Border Force Act comes into force. It includes provision for a two-year jail sentence for 'entrusted persons' such as ourselves if we continue to speak out about the deplorable state of human rights in immigration detention without the express permission of the minister for immigration and border protection. This strengthens the wall of secrecy which prevents proper public scrutiny.

"We have advocated, and will continue to advocate, for the health of those for whom we have a duty of care, despite the threats of imprisonment, because standing by and watching sub-standard and harmful care, child abuse and gross violations of human rights is not ethically justifiable."

The letter said the signatories have seen "devastating effects of institutional self-protection and blindness to child abuse" that have manifested throughout the royal commission into institutional child sex abuse, and are determined "not to collude with a system that repeats these same mistakes"

The signatories acknowledge that in publishing the letter they may themselves be subject to prosecution under the act.

"We are aware that in publishing this letter we may be prosecuted under the Border Force Act and we challenge the department to prosecute so that these issues may be discussed in open court and in the full view of the Australian public," it said.

The letter also points to the absence of adequate child protection frameworks in detention centres, a key point of focus at the Senate inquiry into serious allegations of sexual assault at the Nauru detention centre.

"If we witness child abuse in Australia we are legally obliged to report it to child protection authorities. If we witness child abuse in detention centres, we can go to prison for attempting to advocate for them effectively. Internal reporting mechanisms such as they are have failed to remove children from detention; a situation that is itself recognised as a form of systematic child abuse."

Serious and repeated health issues have been identified in detention centres across Australia under successive governments. The letter says the immigration department "is aware of these problems and has for years failed to address them adequately".

Over the past two years since the federal government adopted a policy of extreme secrecy relating to asylum-seeker policy, a growing chorus of voices has spoken out about abuses and poor conditions.

Following the Manus Island unrest that led to the death of Reza Barati, former G4S guard Martin Appleby said the former immigration minister, Scott Morrison, directly contributed to tensions on the island.

Dr Peter Young, the former medical director of mental health services at International Health and Medical Services (IHMS) says Australia's detention regime was designed to make asylum seekers suffer.

Former Save the Children child protection worker Viktoria Vibhakar has outlined devastating cases of sexual and physical abuse of children as young as two on Nauru.

Caz Coleman, a former longstanding advisor to successive government's on Australia's asylum-seeker policies also spoke and said Australia's detention centres on Manus Island and Nauru have failed.

The immigration minister, Peter Dutton, last week signed new regulations outlining how the new disclosure offence under the Australian Border Force Act would operate.

The rules do permit some disclosures about the provision of services, identity and history of asylum seekers to external agencies such as the Australian Health Practitioner Regulation Agency and state and territory child protection authorities.

But the new rules have not included bodies such as the Australian Human Rights Commission or the commonwealth ombudsman, and the circumstances where disclosures can occur are generally limited to a series of narrow exemptions contained in the act.

Dutton wrote in the new rules: "Every day, the department and the Australian Border Force within it will create, receive and use critical and important information including intelligence and personal information. Much of this information will be sensitive and complex.

"It is therefore necessary that information secrecy and disclosure arrangements should be in place not only to protect information but also to enable the disclosure of information in appropriately controlled circumstances."

<http://www.theguardian.com/australia-news/2015/jul/01/detention-centre-staff-speak-out-in-defiance-of-new-asylum-secrecy-laws>

## **25. Detention centre doctors, workers dare government to prosecute them over new laws**

Brisbane Times  
July 1, 2015 - 10:55AM  
Jane Lee

Dozens of doctors, teachers and humanitarian workers have challenged the Abbott government to prosecute them for publicly discussing conditions in immigration detention centres.

More than 40 former detention centre workers issued the dare in an open letter to Prime Minister Tony Abbott, Immigration Minister Peter Dutton and Opposition Leader Bill Shorten on Wednesday. This was the first day of a new law which makes it a crime for an "entrusted person" to disclose information about detention centres such as Nauru or Manus Island.

The group, including a number of former medical officers, paediatricians and psychiatrists, said: "There are currently many issues which constitute a serious threat to the health of those in detention for whom we have a duty of care.

"The Department of Immigration and Border Protection is aware of these problems and has for years failed to address them adequately. We are aware that in publishing this letter we may be prosecuted under the Australian Border Force Act and we challenge the department to prosecute so that these issues may be discussed in open court and in the full view of the Australian public."

The law passed Parliament earlier this year with the support of Labor.

Under the law, Immigration and Border Protection workers, the secretary of the department and the Australian Border Force commissioner face up to two years in prison for recording or disclosing information they obtain from their work.

They can only release such information legally if they have permission from the secretary of the department, if they are authorised by law, or if a court or tribunal orders or directs them to do so.

The secretary would have to be satisfied that the information would help the person to perform their duties or powers to give them permission to release it. The group criticised the law for adding "to the wall of secrecy which prevents proper public scrutiny" and vowed to continue to support their patients and clients.

"We have advocated, and will continue to advocate, for the health of those for whom we have a duty of care, despite the threats of imprisonment, because standing by and watching sub-standard and harmful care, child abuse and gross violations of human rights is not ethically justifiable."

They pointed out the new law contradicted state laws which required them to report any child abuse they witnessed to child protection authorities. The group did not include any specific allegations of child abuse in detention centres.

"Evidence of the devastating effects of institutional self-protection and blindness to child abuse has been presented before the current royal commission. We are determined not to collude with a system that repeats these same mistakes."

<http://www.brisbanetimes.com.au/federal-politics/political-news/detention-centre-doctors-workers-dare-government-to-prosecute-them-over-new-laws-20150701-gi24pr.html>

## 26. Why we spoke out: former detention centre workers explain

Ten people who have worked in immigration detention centres outline why they took the risk to defy new secrecy laws that would prevent abuses being reported

The Guardian  
Paul Farrell  
Wednesday 1 July 2015 06.37 AEST

Former staff who have worked in Australian run detention centres on Manus Island, Nauru and across the country have signed an open letter in defiance of new laws that will criminalise public disclosure of information about what is happening to asylum seekers in Australia's care.

Social workers, doctors, nurses, teachers, psychiatrists and other staff members across the country have all taken the unprecedented step of signing the letter in opposition to the new laws.

Their decision is a departure from the status quo of silence in immigration detention centres at a time when the risks of speaking out are greater than ever.

Here, in their own words, 10 of these former staff told Guardian Australia why they have chosen to speak out.

••• Dr John-Paul Sanggaran, letter coordinator who worked on Christmas Island for International Health and Medical Services (IHMS)

There are significant barriers that are already in this place that deter people from speaking out about human rights abuses and substandard clinical care. And then you add an explicit threat of a two-year jail term and you prevent people acting in the best interests of their patients.

There needs to be a message sent that this threat is not going to stop us speaking out for those who have a duty of care. And what needs to be asked is why there needs to be provision of a two-year jail term, unless there are things that the government does not want getting into the public.

••• Alanna Maycock, Sydney based paediatric registered nurse who previously worked for IHMS

This act prevents nurses from fulfilling their duty of care. All healthcare workers have an ethical code of conduct and mandatory reporting obligations. If we did not report child abuse in an Australian healthcare facility, we could find ourselves subject to a disciplinary hearing at the very least.

The Australian Medical Association, Royal Australasian College of Physicians, Australian College of Nursing, Australian College of Midwives and the Australian College of Mental Health Nurses have all opposed the new act. The nursing boards have requested that the act be amended, so that we have the ability to report any suspected acts of concern. They state "we consider it inconceivable that the government should seek to place us at odds with our obligations under the Australian Health Practitioner Regulation Agency when delivering healthcare to people in immigration detention".

Not only does this put us in an extremely difficult position professionally, the act dictates what we can and can't say and I feel this is leading us into really dangerous territory as a nation.

••• Dr Steve Brooker

In a democratic society I have the right to speak out as an informed citizen if I feel that there are issues of public concern. To threaten me with two years in jail for doing so directly undermines this principle and undermines our democracy – medical professionals, whatever their discipline, have an obligation towards the people in their care that requires us to speak up when there are issues of concern.

Our codes of conduct and ethical integrity should be protected, not threatened, as these are checks and balances in the system protecting patients, clinicians, administrators and policy makers.

We follow due processes and procedures but if these are inadequate then they have no other alternative than to raise issues in other, more public, forums. To threaten us with legal action for doing so will create a system where significant abuse will become a certainty – protection of child rights can only be maintained when clinicians retain our rights. To lock up doctors or nurses for speaking out is an abuse of medical professions. Governments may not like what we say but we should retain the right to say it.

••• Dr Peter Young, former director of mental health services at IHMS

This should be treated just the same as any other health issue; the government wouldn't politicise discussion of harms from cigarette smoking or asbestos. It is unimaginable that they would pass laws that stopped doctors talking about, advocating for patients or reporting on these issues.

Governments have chosen to follow policies that harm the mental health of asylum seekers; it is simply medicine's obligation to advocate against harm to health and individual doctors' duty to advocate for the health of their patients. The fundamental ethics, independence and integrity of the medical profession is undermined by the Border Force Act. It is an unjust law that should be resisted.

••• Viktoria Vibhakar, former senior child protection work for Save the Children on Nauru

I am signing this letter because this act prevents me from upholding my ethical obligations under the Australian Association of Social Workers code of ethics. This act makes it illegal for me to report inadequate responses to child abuse by the Department of Immigration and Border Protection (DIBP) or its commonwealth-contracted providers to independent bodies if DIBP refuses me permission to do so. To require the DIBP to grant permission before professionals are allowed to report DIBP's inadequate institutional responses restricts accountability and places children at risk of continued harm.

Child abuse on Nauru was first publicly reported in an anonymous submission (#183) to the Australian Human Rights Commission (AHRC). Prior to this submission, despite evidence provided to the AHRC; child abuse was never disclosed. We now know there were multiple incidents of abuse that had occurred by the time these organisation gave evidence but they chose not to report it.

The employees who made this submission to report previously unreported child abuse to the AHRC would have been subjected to two years' jail under this law. Or the authors would have needed to seek permission from DIBP to write it.

••• Professor David Isaacs, consultant paediatrician who worked on Nauru for IHMS in December 2014

I am signing the letter because it is a basic principle that healthcare professionals and teachers should be able to speak up about institutional conditions that are inherently harming children in their care and will continue to harm them as long as the conditions persist. To prevent open discussion by threatening imprisonment is a characteristic of totalitarian regimes.

••• Dr Alison Bleaney, medical practitioner who worked for IHMS on Christmas Island

I am signing this letter as I feel as a medical practitioner previously employed by IHMS on Christmas Island and engaged to work to Australian standards I have a duty of care to my patients and a duty to report any child I feel is at harm from others behaviour and treatment of them. This duty is dictated not only by my professional registration but also by moral and ethical standards.

••• Professor Caroline De Costa

I have made several visits over the past 18 months to Darwin detention centres where I have met many asylum seeker women and their families. I have also met many asylum seekers now on temporary visas within the Australian community. I have received much corroborated information from all these people.

The well-documented appalling living conditions on Nauru, and the experience of enforced indefinite detention, are unacceptable not only for children but also for pregnant women, whose physical and mental health depends on the quality of their environment as well as on medical care. I believe that Australian government policies are putting at risk not just existing children but those in utero as well, and I believe I should speak out about this. That is why I have signed this letter.

••• Dr Hasantha Gunasekera, general paediatrician who provided specialist services for IHMS on Nauru in September 2014

The royal commission into institutional child sexual abuse is detailing many examples of past inaction in the face of child abuse reports. Australians who were horrified by this lack of action need to ask themselves what they are going to do now in the face of continuous reports of child abuse in Australian detention centres happening right now.

The federal government, the Department of Immigration and Border Protection and their health services contractor – International Health & Medical Services – have never denied these reports. Yet these centres remain in place. Inaction and legislated imposition of silence on us is not the right response.

••• Dr Grant Ferguson, general practitioner specialising in paediatrics who previously worked for IHMS on Christmas Island from July to November 2013

Many health professionals have spoken out against mistreatment of asylum seekers within our detention centres despite the threat of legal action from breach of intimidating confidentiality agreements. The Border Force Act is yet another attempt to intimidate health professionals into keeping the abuses of their patients a secret. But the government cannot pick and choose which of our codes of ethics they would like us to uphold while working in their detention centres. The patient will always come first and we will always have a duty to speak out when they are being mistreated.

<http://www.theguardian.com/australia-news/2015/jul/01/why-we-spoke-out-former-detention-centre-workers-explain>

## **27. AMA joins protest against asylum law that can jail detention centre staff**

Australian Medical Association denounces Border Force Act as immigration minister says act will allow 'genuine concern' to be raised

The Guardian

Michael Safi and Paul Farrell

Wednesday 1 July 2015 14.22 AEST

The Australian Medical Association has joined the national medical students' lobby and the teachers' union in expressing grave concerns over new laws that threaten detention centre staff with jail for speaking out about asylum seekers' welfare.

Their intervention follows the release of an extraordinary open letter signed by more than 40 social workers, doctors, nurses and other humanitarian workers with experience in Australia's detention centres, challenging the immigration department to prosecute them for highlighting abuses.

The new offence, which came into force on Wednesday, gives the Department of Immigration and Border Protection broader powers to determine what information is considered "protected", with "entrusted persons" who disclose such details liable for up to two years' jail.

Recording protected information could also lead to prosecution, subject to limited exceptions for medical staff who obtain the express consent of the newly formed Australian Border Force.

The AMA said the new laws "fuelled concerns about a lack of scrutiny and accountability in the operation of immigration detention centres".

"The standard of health care, particularly in offshore centres such as Nauru and Manus Island, is well below that we would expect on the mainland," its national president, Professor Brian Owler, said.

"Having some sort of independent health group as there used to be, indeed, to actually oversee that and provide some sort of transparency, that gives the Australian people the reassurance that we're actually fulfilling at least the obligations of providing good health care to people that are in detention."

The Australian Medical Students' Association, which represents 17,000 medical students around the country, warned the secrecy provisions would punish doctors "for undertaking professional obligations and reporting breaches in health care and service provision, for instance reporting child sexual abuse to the public".

"The border force bill is a direct attack on a clinician's ability to perform his/her ethical duty," its president, James Lawler, said.

"Its very nature contravenes the code of conduct doctors must abide by to practice within Australia, and the act may result in criminal prosecution for doctors who are only engaging in their professional ethical responsibilities."

The federal president of the Australian Education Union, Correna Haythorpe, said it was "unconscionable" to threaten teachers with jail for voicing their concerns about conditions in detention that risked causing "long-term damage to young children".

"Teachers working in detention centres must retain their ability as professionals to speak out on behalf of their students, and to draw attention to issues which can damage students' long-term health and wellbeing," she said.

"They must be able to tell the truth about what is happening to protect vulnerable children whose welfare must take priority over the government's desire to maintain the secrecy of its detention regime."

The law, which also provided for a border protection agency to be created, the Australian border force (ABF), passed parliament in May with Labor support.

The ABF, which merges the frontline functions of the immigration department and customs service, was officially launched on Wednesday. It will be led by Roman Quaedvlieg, the former chief executive of the customs and border protection service.

Quaedvlieg said on Wednesday he “sincerely doubts” the 40 signatories to the open letter would be prosecuted.

“This is about the leaking of classified information that can compromise operational security or our sovereignty. It’s not about people having a right to be outspoken in the community about a range of things,” he said.

The immigration minister, Peter Dutton, said he was aware of the open letter, but that its claims were “not accurate”.

“[The act] will not restrict anyone’s ability to raise genuine concerns about conditions in detention should they wish to do so through appropriate channels,” he said.

“While the government will take action to protect operationally sensitive information, such as personal information or information which compromises the operational effectiveness or response of our officers, the airing of general claims about conditions in immigration facilities will not breach the ABF act.”

He said the ABF would “seek to investigate leaks of operationally sensitive information, however the public can be assured that it will not prevent people from speaking out about conditions in immigration detention facilities”.

But despite their comments, regulations relating to the disclosure offence tabled by Dutton indicate a broad potential application to the offence.

Two classes of information would expressly relate to asylum seekers held in immigration detention. The first relates to “documents and information about the identity, immigration history or status, or citizenship history or status of a person”. The second makes it an offence to disclose “documents and information about the provision of services to persons who are not Australian citizens”.

Labor MP Tim Watts also denied the bill would prevent ABF officers from making disclosures that fell within the Public Interest Disclosures Act.

“All staff and contractors would have the right to report child abuse if they had raised it with their employer and nothing was done about it,” he said.

However, the act allows only for whistleblowing to media or another entity outside government in extremely limited circumstances, such as in the case of “substantial and imminent danger”.

Explaining the need for the gag laws, Dutton has said: “Every day, the department and the Australian border force within it will create, receive and use critical and important information, including intelligence and personal information. Much of this information will be sensitive and complex.

“It is therefore necessary that information secrecy and disclosure arrangements should be in place not only to protect information but also to enable the disclosure of information in appropriately controlled circumstances.”

He said the formation of the ABF meant “we are equipped to deal with future challenges and threats to our national security and financial prosperity and our borders are stronger than ever before”.

The prime minister, Tony Abbott, told a swearing-in ceremony of ABF staff they were more than just officials. “You are guardians of our safety, our security and our prosperity,” he said. “May God bless you, may God bless your work, may God bless the country you are helping to protect and prosper.”

Labor’s immigration spokesman, Richard Marles, said the new agency would “play a crucial role in ensuring the integrity of Australia’s borders”.

<http://www.theguardian.com/australia-news/2015/jul/01/ama-joins-protest-against-asylum-law-that-can-jail-detention-centre-staff>

## **28. Asylum seekers workers 'obliged' to speak out about conditions despite Border Force Act, Darwin paediatrician Paul Bauert says**

ABC News Online

By Steven Schubert

First posted Wed 1 Jul 2015, 3:49pm

Updated Wed 1 Jul 2015, 4:31pm

A Darwin paediatrician says he would "absolutely" consider flouting laws which could see people jailed if they speak out about what they see in asylum seeker detention centres.

His comments came after dozens of young Northern Territory doctors protested against the Border Force Act, which came into effect on Wednesday.

The new legislation could see workers at onshore and offshore detention facilities risk up to two years in jail if they speak out about what they see.

It was passed with the support of the federal Coalition and Labor.

Dr Paul Bauert, an Australian Medical Association spokesperson for children held in detention and a member of the Australian Paediatrics Society, said he would still speak out.

He said he was opposed to the "secrecy and size of the punishment for speaking out and trying to protect our patients".

"In the Northern Territory, if you feel that a child is being abused or subjected to emotional abuse through being in a detention centre, you are obliged to report that to the Office of Children and Families," he said.

"We have paediatricians who have reported many, many times ... that these children are being abused, they are being damaged."

He said treating asylum seekers put doctors and other professionals in an "uncomfortable ethical dilemma".

"We diagnose these people to be damaged, to be suffering from ongoing damage through abuse in the detention centres, and we have to return them to the same place of abuse," he said.

### ***Keep secrets or 'risk ruining career and ending up in jail'***

Dr Bauert said the Border Force Act would result in worse treatment of asylum seekers.

"It puts extra onus on anybody who really feels they need to do the right thing by these people to keep quiet and keep a secret as the rest of the whole immigration business is about, or risk the prospect of ruining their careers and ending up in jail," he said.

"This is a Government that is prepared to put people in jail for attempting to assist them by doing their professional work."

Dr Bauert said he would "absolutely" flout the law and continue to speak out.

"I'm ethically obliged to do that, particularly in the area of paediatrics, where I am seeing children who are being damaged and continue to be damaged because of the abuse going on ... in these detention centres," he said.

"I certainly will not be keeping quiet about it. I have an ethical and a moral duty to do the best thing by my patients."

Junior doctor Stefanie Pender, who participated in the protest organised by junior doctors working in the Northern Territory on Wednesday morning, said she was opposed to the legislation.

"I think it's very concerning when a government threatens jail time for the release of information that should be for the scrutiny of the Australian public and is necessary to protect asylum seekers," she said.

Another protestor, Dr Phillipa Sleigh, said doctors had a responsibility to care and advocate for patients.

"Gagging doctors from speaking about the asylum seekers we treat diminishes our ability to care for a particularly vulnerable group," she said.

### ***New Border Force commissioner defends controversial legislation***

Newly appointed Border Force commissioner Roman Quaedvlieg said the laws were aimed at protecting classified information and would not override existing whistleblower protection laws. "This is about the leaking of classified information that can compromise operational security or our sovereignty," he said, indicating that anyone who shared such information illegally would be prosecuted. "It's not about people having a right to be outspoken in the community."

Mr Quaedvlieg also added that he considered it highly unlikely those who had spoken out to date would be prosecuted and said he not believe conditions in detention camps would be considered classified information.

<http://www.abc.net.au/news/2015-07-01/doctor-obliged-to-speak-out-about-asylum-seeker-conditions/6587486>

## 29. Asylum seekers being held in former Don Dale youth jail in Darwin

ABC News Online

By Jane Bardon

Posted Fri 3 Jul 2015, 10:06am

Darwin's former youth detention centre is being used as a holding area for asylum seekers before they are transferred to offshore detention on Nauru.

The Northern Territory Correctional Services Department has confirmed it has allowed the Federal Immigration and Border Protection Department to use the decommissioned Don Dale Youth Detention Centre as a staging area to hold asylum seekers.

A spokesman for the Department told the ABC: "Immigration make an application to use it for a limited time, on a case by case basis, as a staging area. No-one has been held overnight there."

The spokesman could not yet confirm whether the Northern Territory Government was being paid for the use of the facility, but said he expected it would have to.

The process of closing the dilapidated Don Dale Youth Detention Centre as a juvenile correctional facility started at the end of last year, when youths convicted of offences were moved into a refurbished section of the old Berrimah adult prison.

The Wickham Point Immigration Detention Centre, where most asylum seekers are held in the Northern Territory, is 30 kilometres away from both RAAF Base Darwin and the Darwin International Airport. The former youth detention centre is much closer to those airports.

In recent months there have been disturbances and protests at the Wickham Point centre when transfers of asylum seekers, many of whom have been brought to Darwin for medical treatment, or obstetrics, are about to take place.

<http://www.abc.net.au/news/2015-07-03/asylum-seekers-being-held-in-former-darwin-youth-jail/6592682>