

# Project SafeCom News and Updates

Monday, 20 July 2015

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

1. Australian and Thai journalists on trial for human trafficking report
2. Former Australian PM John Howard tells David Cameron to secure UK borders
3. Abbott government battles to protect its mates in the name of security
4. Human Rights Commission slams paperless arrests in Northern Territory
5. Solar power industry vows to step up campaign to topple Abbott government
6. Fact check: Does Australia spend more on offshore processing than the UN on refugee programs in SE Asia?
7. Michael Bradley: Border Force Act: why do we need these laws?
8. MEDIAWATCH: Border Force causes concern
9. The Australian Border Force puts the final nail in transparency's coffin
10. 'Securitisation' presents challenges for migrant settlement and integration
11. Remembering the 'old' Department of Immigration's nation-building traditions
12. Claire Higgins: Experts are being edged out of the refugee review system. Why?
11. Jon Stanhope calls for Labor to adopt compassionate refugee policy
12. Claims Australia paid people smugglers seen as 'essential priority' by police
13. Nauru justice minister David Adeang could face Australian court over denial of lawyer's visa
14. Nauru detention centre operator receives dozens of sexual and other abuse allegations
15. Child asylum seeker alleges rape in shower and 253 Nauru detainees attempt self-harm, Senate inquiry hears
16. Pakistani refugee in Nauru allegedly hit on head with baseball bat
17. Manus Island refugees stuck in transit centre, waiting for governments to make a plan, lawyer says
18. More asylum seekers have died on Manus Island than have been resettled, report shows
19. Asylum seeker clocks 100 day hunger strike
20. Detainees removed from Wickham Point detention centre: asylum seeker advocates
21. Asylum seekers kept in detention with violent criminals
22. MEDIA RELEASE: RRAN says No To Deportations to War Zones

# 1. Australian and Thai journalists on trial for human trafficking report

"It says a lot about the future of media freedom in Thailand," Alan Morison tells the Guardian

The Guardian  
Oliver Holmes in Bangkok  
Tuesday 14 July 2015 15.27 AEST

An Australian website editor and his reporter colleague faced criminal defamation charges in a Thai court on Tuesday for reporting on Thai naval officers' alleged involvement in the trafficking of Burmese Rohingya migrants.

Alan Morison, editor of independent news website Phuketwan, and reporter Chutima Sidasathian face up to seven years in jail and thousands of US dollars in fines if found guilty.

Speaking to the Guardian just before he entered court, Morison, 67, called the trial "a vindictive reaction on the part of one or two officers" and said the case – widely condemned by human rights and media freedom groups – has damaged Thailand's reputation.

"It's uncharacteristic of the Thai navy, which is an honourable organisation," he said. "I could have stayed in Australia and not fought this case," he added. "But I'm afraid nearly 50 years in journalism has told me not to run."

The court was packed with international media and observers. The Australian embassy had also sent officials to the trial. A video-link was set up to a separate room as the courtroom was too small to accommodate everyone.

The trial will last three days, during which members of the Thai navy will testify, after which the judge will have 30 days to give a verdict.

Morison has closed down his website for the trial. A note on the site says: "Our reporting on vital matters about Phuket and Thailand will come to an end next week and may never resume."

Rights advocacy group PEN American Center, said the "government of Thailand should refocus its energies on curbing collusion in human rights abuses by members of its own navy, rather than frivolous attempts to camouflage them by shackling the press."

The defamation claims and charges under the Computer Crime Act, which bans online material considered a threat to national security, relate to a 41-word paragraph from a Reuters news agency report on Rohingya refugees, which was republished in Phuketwan.

Reuters, a massive news organisation of more than 2,600 journalists which won a Pulitzer prize for its reporting on the Rohingya issue, has not been charged.

In May, multiple mass graves and human trafficking camps were discovered along Malaysia's border with Thailand, further spotlighting the trafficking of Muslim Rohingya from Burma who face persecution at home. In Thailand, their traffickers hold them for ransom in jungle camps.

The Thai navy has denied its officers were involved in human trafficking. But since the charges were made against the two journalists, the Thai government has launched investigations into official complicity into the trafficking trade and a senior military official was arrested.

Reporters Without Borders, an international non-profit group defending media freedoms, said it had sent the head of its Asia-Pacific desk, Benjamin Ismaïl, to observe the trial.

"The trial of these two journalists, who just did their job as news providers, with a great deal of professionalism, poses a great danger to all those independent voices in Thailand who want to use their freedom of expression and information," Ismaïl said in a statement.

Thailand's ruling junta, which toppled the government of Yingluck Shinawatra in a coup last May, has stifled the media and banned political gatherings.

The prime minister, Prayuth Chan-ocha, has said he will "probably just execute" any journalist who does not "report the truth".

The New York-based Committee to Protect Journalists wrote an open letter to Prayuth saying the charges against Morison and Chutima were "intended to discourage other journalists from probing the politically sensitive issue of human trafficking in your country."

<http://www.theguardian.com/world/2015/jul/14/australian-and-thai-journalists-on-trial-for-human-trafficking-report>

## 2. Former Australian PM John Howard tells David Cameron to secure UK borders

Howard says Italy has a 'terrible' problem and unless Cameron 'regains control of his borders', Britain won't be able to curb the influx of migrants

The Guardian  
Australian Associated Press  
Wednesday 15 July 2015 11.05 AEST

The former Australian prime minister, John Howard, has told a conservative thinktank in London that the British prime minister, David Cameron, can't curb an influx of migrants "unless he regains control of his borders".

After addressing the Centre for Policy Studies on Tuesday night, Howard was asked what advice he would give Cameron when millions of people were trying to get into Britain, as well as other European nations.

"Well, he can't really do anything about that unless he regains control of his borders, it's as simple as that," Howard said.

"I know I'm straying into domestic politics and I'm not meant to do that ... maybe former prime ministers can?"

Howard, who introduced tough measures to deter boat people when he was prime minister, said not having control of borders was one of the consequences of being part of a multinational body – the European Union.

He said he felt for the Italians who had a "terrible" problem with tens of thousands of migrants crossing by boat from North Africa.

"I wouldn't like to be in that situation. I think there's an extraordinary humanitarian challenge but there's a limit to how many people any country can take."

Howard said the Asian region had its own challenges with the "persecution" of the Rohingya people in Burma and the migrant problem that created.

On the UK and its own migrant issues he said they were "matters that the British government and the British people have to grapple with".

<http://www.theguardian.com/australia-news/2015/jul/15/former-australian-pm-john-howard-tells-david-cameron-to-secure-uk-borders>

## 3. Abbott government battles to protect its mates in the name of security

The Age  
July 14, 2015 - 10:51PM  
John Garnaut

Most of the developing world is trying to clean up the scourge of cross-border corruption. The Abbott government, however, looks like it's moving in the opposite direction.

In Australia's first major criminal prosecution of offshore bribery, involving the Reserve Bank's note-printing companies, the Abbott government hired a team of Queen's Counsel to protect the reputations of foreign politicians who might be damaged by "unwarranted innuendo".

Why?

Last year the Victorian Supreme Court's Justice Elizabeth Hollingworth accepted written testimony from senior diplomat Gillian Bird that the publication of the names of leaders in Malaysia, Indonesia and Vietnam would be unnecessarily damaging to Australia's "national security" and "international relations".

In her latest decision, however, Justice Hollingworth revoked her earlier suppression order because it would be futile, in light of multiple breaches by WikiLeaks and others overseas.

But she also made clear that what was necessary to protect Australia's "national security" was not simply whatever the government said it was.

And this is where it gets interesting.

"Unfortunately, most of the further Bird affidavit is drafted at an unsatisfactorily high level of vagueness or generality," said Justice Hollingworth.

Justice Hollingworth noted that officials in two of the countries, Indonesia and Vietnam, had actually argued against the suppression order allegedly taken out on their behalf, on the grounds that transparency rather than opacity was the best way to avoid unwarranted suspicion.

It seems only the Malaysian government had a different view.

The Australian government appears to have run this expensive suppression case to protect the reputation of Malaysia's Prime Minister, Najib Razak. Not only that, but Australian police investigators were told "not to go certain places".

This appears to be a very specific interpretation of Australia's "national interest" which is not shared by many other Australians. Or most Malaysians, for that matter.

In his home country, Mr Najib is under huge pressure to resign because of a series of mammoth corruption scandals.

This places him in a similar category to other leaders that the Abbott government has gone out of its way to support in Nauru, Papua New Guinea, Cambodia and Sri Lanka.

And what else do those leaders have in common? A great propensity to assist Canberra in detaining unwanted asylum seekers.

Mr Najib is more than just a willing partner on asylum seeker conundrum. He is an urbane, Australia-friendly Anglophone and also a willing partner in fighting terrorism.

But are the immediate political and policy interests of keeping a flawed, embattled foreign leader on side more important than a cleaner, fairer and more sustainable governance system in Malaysia?

Malaysia's future political leaders are saying "absolutely not".

<http://www.theage.com.au/federal-politics/political-opinion/abbott-government-battles-to-protect-its-mates-in-the-name-of-security-20150714-gica1y.html>

## **4. Human Rights Commission slams paperless arrests in Northern Territory**

The Age  
July 14, 2015 - 6:29PM  
Sarah Whyte

The Northern Territory's controversial "paperless arrests" deliberately take away a person's right to liberty, the Australian Human Rights Commission has said in a last-minute intervention to a High Court challenge.

The High Court is considering whether the NT law, which allows police officers in the territory to detain someone for up to four hours with no warrant and no right to a lawyer, is constitutional and whether it is a form of arbitrary detention.

In its submission, the commission says the arrests grossly impinge on the right to liberty and the basic human rights of people. It also says the law could constitute arbitrary detention for its "unjustifiable deprivations of liberty".

Territory police can arrest people if they believe the person has committed, was committing or was about to commit the offence.

From January to March this year there were 731 arrests, of which 72 per cent were of Indigenous people. One Indigenous man who was arrested in May under these laws for drinking alcohol in public died in custody.

The arrests can be made for minor offences including swearing, "undue noise", "failing to keep a front yard clean" or even leaving a dead animal in a public space.

NT Attorney-General John Elferink said there was no change in someone being arrested and then given bail, to someone being arrested under the paperless arrests system.

"There is no difference between the two systems other than the paperwork for the police officers," he said.

He also said the law was aimed at people "expectorating [spitting], defecating, urinating or fornicating in public".

"There has been a history of arresting people for summary offences in our jurisdiction and a person is arrested for a number of reasons," he said. "Generally, if they are committing, or are about to commit an offence then a person may be arrested."

When asked how police would know if someone was about to commit an offence, Mr Elferink said: "It's rarely exercised in that format but it's a power that exists here and in other jurisdictions. Generally speaking, the power of arrest is exercised when a person is committing or has committed an offence."

In its submission, the Human Rights Commission says the common law "does not recognise any executive warrant authorising arbitrary detention".

"The purpose of an arrest is to enable a person suspected of having committed a crime to be brought before a court as soon as practicable, to be dealt with according to law," the submission said.

The commission confirmed it had made an application for leave to intervene in the proceedings as they raised human rights issues, but was unable to provide further comment on the matter.

<http://www.theage.com.au/federal-politics/political-news/human-rights-commission-slams-paperless-arrests-in-northern-territory-20150714-gic3kn.html>

## **5. Solar power industry vows to step up campaign to topple Abbott government**

Vow to expand marginal-seats campaign against Coalition comes after ban on Clean Energy Finance Corporation from financing wind and small-scale solar

The Guardian  
Daniel Hurst Political correspondent  
Tuesday 14 July 2015 13.13 AEST

Australia's solar power industry has vowed to expand its marginal-seats campaign against the Coalition and aims "to remove this government from office" after ministers directed the Clean Energy Finance Corporation (CEFC) to avoid wind and small-scale solar investments.

The Australian Solar Council has previously targeted numerous marginal electorates in opposition to cuts to the 2020 renewable energy target (RET) but is now flagging a much larger campaign with a multimillion-dollar budget aimed directly at the prime minister, Tony Abbott.

"If the Abbott government is returned and has control of the Senate, our industry is finished," the council's chief executive, John Grimes, told Guardian Australia.

"Either the Abbott government changes its policy on this – and given all of the history and indications we assess that that will never happen – so the next step is we've got to remove this government from office.

"They are completely out of step with the Australian public on the issue of renewables and we will harness and give voice to that constituency and the government will pay the political price."

The latest flare-up relates to the government's proposed instructions to the CEFC, otherwise known as the \$10bn "green bank" that the Gillard government established in 2012 to invest in clean energy projects and technologies.

Abbott said he wanted the CEFC to "invest in new and emerging technologies, the things that might not otherwise get finance" and "certainly not existing windfarms".

The draft investment mandate has not been released but the environment minister, Greg Hunt, said the government had asked the CEFC "to focus on its core mandate of emerging and innovative renewable energy technology" such as large-scale solar.

The CEFC is seeking legal advice on the correspondence it received from the treasurer, Joe Hockey, and the finance minister, Mathias Cormann, on 24 June. It is expected to respond by 24 July, after which the government will consider finalising the order.

Hockey indicated the CEFC had asked for an extension of time. "I think they misplaced the letter or something to that effect. I'm happy to give them an extension," he said on Tuesday.

"In relation to a number of investments in wind turbines and household solar panels, they [the CEFC] have simply been a member of a funding syndicate with other banks. Now if they're just another bank that is participating in a lending syndicate, well, that's the sort of business a private sector can do."

Lawyer Stephen Keim SC, who provided advice to environmental groups about a previous direction issued to the CEFC in 2013, said the government had powers relating to the investment mandate, but had to tread carefully.

"The particular way in which the act describes the purpose of the investment function of the corporation, as it's called, is to invest 'in businesses or projects for the development or commercialisation ... or in relation to the use of, clean energy technologies'," he told ABC Radio National.

“It doesn’t say emerging and innovative technologies and one would think that when you talk about development you’re down at the innovative end, when you talk about commercialisation you’re taking a new energy and putting it into use, but when you start to talk about in relation to the use of, that seems to me that that can include what the government calls mature technologies as well.

“So it seems to me that the emphasis that the government has is not something that is spelled out in the act.”

Section 64 of the Clean Energy Finance Corporation Act says the responsible ministers may give the board directions about the performance of the CEFC’s investment function.

It says such a direction “may set out the policies to be pursued by the corporation in relation to” numerous issues including “technologies, projects and businesses that are eligible for investment” and “the allocation of investments between the various classes of clean energy technologies”.

Keim said the relevant ministers could issue directions “as long as what they’re doing is not inconsistent with the act and the purposes of the act”.

“They do have to tread a fairly thin line ... and of course the purpose of the act is spelled out to get as much investment in clean energy technologies as you can, and that includes renewable technologies, and renewable technologies obviously includes wind, solar, wave,” he said.

“If there was evidence that the direction was to frustrate the purpose of the act then the corporation would have a basis for seeking to set aside the direction.”

The political upheaval over the CEFC coincides with plans by the Australian Renewable Energy Agency (ArenA) to proceed with a new large-scale solar auction.

ArenA announced on Tuesday it was planning to provide \$80m to \$100m in support through the competitive funding round, which was likely to open in September.

The CEFC’s chief executive, Oliver Yates, welcomed the announcement, saying the CEFC would work closely with ArenA “to identify opportunities for debt financing”.

“The solar potential of Australia is obvious but financing for large-scale solar has been difficult due to market and policy uncertainty,” Yates said.

Larissa Waters, a deputy leader of the Greens, said ArenA’s new funding round was “a glimmer of hope in an otherwise bleak outlook for renewable energy in Australia” and she would welcome a double-dissolution election fought on clean energy issues.

On Tuesday the Labor leader, Bill Shorten, visited wind energy company Vestas Wind Systems in Melbourne to urge Abbott to “stop his war on windfarms and his assault on solar”.

“Mr Abbott needs to come out here and see the real jobs being created by renewable energy,” Shorten said. “There are literally thousands of jobs in the balance and billions of dollars of investment ... Why is Mr Abbott so stuck in the past that he is missing the jobs of the future?”

Hunt said the Coalition had twice tried to implement its election promise to abolish the CEFC – both attempts were blocked by the Senate – “but if you still have this body, it should be focusing on emerging technologies”.

“I’m not sure why Bill Shorten’s against focusing on large-scale solar,” Hunt told Canberra radio station 2CC on Tuesday. “I would have thought that that’s precisely the sort of thing that we want to be encouraging.”

Grimes rejected the government’s argument that it was eager to support large-scale solar, asking: “If they were so serious about large-scale solar why did they cut the RET from 41,000 gigawatt hours to 33,000 gigawatt hours?”

Grimes said the government had misjudged public sentiment on renewable energy. “Some of our biggest supporters are traditional, rusted-on Coalition supporters,” he said.

“The reason they’re so angry is they can see that the transformation of our economy is the biggest business opportunity that Australia has ever seen. They say to me, ‘We thought this was the government of small business, we thought this was the government of competition and choice, and instead of delivering against that they want to close this down.’”

Grimes said the Australian Solar Council’s previous marginal-seats campaign on the RET demonstrated “that we are deadly serious about protecting the interests of consumers and of our industry”.

“Seven [marginal seats] is just the tip of the iceberg,” he said. “It has to be a budget worth millions. We spent \$1m on the last campaign. This will be a multimillion-dollar budget. We will be looking to partner with unusual suspects – organisations that aren’t activist, renewable-focused organisations but are concerned about the outcomes for the Australian community.”

Grimes said the aim of the campaign was to change the government, but added: “If there’s a different prime minister then it is a different government. We don’t see a pathway where prime minister Abbott can lead Australia to a positive renewable energy future; it’s simply not possible.”

Kevin Rudd’s Labor government endured significant political pressure in 2010 when the mining industry ran an expensive advertising campaign against the proposed resource super profit tax.

It was one of the matters Julia Gillard said she wanted to resolve when she successfully challenged Rudd for the leadership. She immediately asked the mining industry to cancel the ads to allow negotiations on a revised mining tax to resume.

<http://www.theguardian.com/australia-news/2015/jul/14/solar-power-industry-vows-campaign-topple-abbott-government>

## **6. Fact check: Does Australia spend more on offshore processing than the UN on refugee programs in SE Asia?**

ABC News Online

Posted Tue 14 Jul 2015, 10:27am

Human rights advocates are challenging the Abbott Government's spending on offshore processing.

In May lawyers acting for asylum seekers detained offshore launched a High Court case that challenges, in part, whether the government has the power to spend public money on the policy.

Despite a bill rushed through the Senate to close a loophole and endorse spending on Nauru and Manus Island, lawyers have said the High Court challenge is still on the table.

Daniel Webb, director of the Human Rights Law Centre and a lawyer involved in the case, said money spent on offshore detention could be much better spent on developing "safe pathways to protection" for refugees.

"We're currently spending \$1 billion a year detaining asylum seekers offshore. That's more than five times the United Nations refugee agency's entire budget for all of South East Asia", he said when the proceedings began on May 14.

How does Australia's offshore processing spending compare to the South East Asian budget for the UN refugee agency? ABC Fact Check takes a look.

### ***Offshore processing***

Asylum seekers are processed by the country they arrive in to determine whether they can gain the protections of refugee status.

In August 2012, the Gillard Labor Government introduced legislation that meant all asylum seekers arriving in Australia by boat are now sent to offshore processing facilities.

According to the Andrew & Renata Kaldor Centre for International Refugee Law at the University of New South Wales, the government began transferring asylum seekers to two overseas centres shortly afterwards – to Nauru in September 2012, and to Manus Island, a part of Papua New Guinea, in November 2012.

As of May 2015, there were a total of 1,577 men, women and children in regional processing centres: 635 on Nauru; and 943 on Manus Island.

### ***The cost of running offshore processing centres***

Fact Check asked Daniel Webb from the Human Rights Law Centre for the basis of his claim about "current spending".

He referred to Senate estimates hearings for the Immigration and Border Protection portfolio from the 2014-15 federal budget - specifically from October 2014.

Mr Webb made his comment two days after Treasurer Joe Hockey handed down the 2015-16 budget, which contained updated figures for 2014-15, and forecasts for the four years of the forward estimates.

The Department of Immigration and Border Protection refers to the costs of offshore detention as having three components: operational "administered" expenditure on Manus Island and Nauru, which includes paying the private contractors who run the centres; expenditure by the department itself; and capital expenditure offshore.

At a Senate estimates hearing on May 26, the department's chief financial officer, Steven Groves, said the administered and departmental costs combined for July 2014 to April 2015 came to \$821 million. He said that there was also capital expenditure offshore in that period of \$286 million.

Together, these amount to \$1.1 billion in the first 10 months of the 2014-15 financial year.

The department's portfolio budget statements released with the 2015-16 budget anticipate the full year's administered costs for offshore processing in 2014-15 to be \$858 million and the departmental costs to be \$54 million, a total of \$912 million.

Any capital expenditure would be in addition to this figure, but no specific number was outlined for this expense offshore in the budget statements .

Mr Groves was also asked at Senate estimates in May about comparable figures for the previous two financial years.

He said in 2013-14, operating expenditure was \$922 million and capital expenditure was \$391 million, a total of \$1.3 billion.

The previous financial year, when the processing centres on Manus Island and Nauru were opened, the operating expenditure was \$205 million and capital expenditure was \$139 million, a total of \$344 million, he said.

### ***Does the Government expect the costs to fall?***

The budget papers predict that these figures will drop sharply over the coming years.

The head of the Department of Immigration and Border Protection, Michael Pezzullo, told the May 26 hearing that "Operation Sovereign Borders, in effect, has led, in bureaucratic terms, to a reduction in what is called demand."

Fewer people meant less money was needed, he said.

The department's budget statements give a breakdown of operating expenses, but not capital expenses.

They show that administered and departmental expenses on offshore management of asylum seekers are expected to be \$811 million in 2015-16, about \$100 million lower than in 2014-15.

The statements project that this figure will more than halve the following year to \$349 million, and remain at about that level in 2017-18 and 2018-19.

While the portfolio statements do not give a specific figure for the capital expenditure on offshore processing, they do show that the department's overall capital expenditure over the forward estimates is projected to be lower than the capital expenditure on offshore processing alone has been in recent years.

In 2015-16, capital expenditure across the immigration department is expected to be \$203 million before falling away to around \$20 million in each of the following three years.

It is unknown what proportion of this will be spent on offshore processing facilities.

Together, these figures indicates that while the combined operational and capital expenditure on offshore processing could be close to \$1 billion again in 2015-16, the Government expects it to fall to a less than \$400 million a year after that.

These numbers include resettlement costs for asylum seekers moving into the community on Manus Island and Nauru, or taking up the option of transferring to Cambodia.

### ***Where is the money spent at offshore processing centres?***

In the October 2014 Senate Estimates, Mark Cormack from the Department of Immigration and Border Protection provided a breakdown of where money was allocated on Nauru for 2014-15:

TABLE: Breakdown of Government expenditure on Nauru 2014-15

The UN refugee agency

The Office of the United Nations High Commissioner for Refugees (or UNHCR) was set up in 1950 in the aftermath of World War II.

The agency, whose mandate is outlined in the UNHCR Statute, says its role is to "lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide".

It allocates money globally to four programs: refugees; statelessness; reintegration; and internally displaced persons.

Its work is carried out through several regional offices, including one in Bangkok covering Bangladesh, Indonesia, Malaysia, Myanmar, Philippines, Thailand, Cambodia and Vietnam.

### ***How much does it cost to run the agency in South East Asia?***

According to UNHCR's website, the budget for the South East Asia region was \$US159 million for 2014 and is estimated to be \$US157 million for 2015.

The budget breakdown for the South East Asia region is as follows:

*TABLE: South East Asian budgets (\$US)*

### **How does the UN spend its budget?**

Vivian Tan, a spokeswoman from the UNHCR regional office in Bangkok, told Fact Check the South East Asia budget is used to cover over 200,000 refugees, half a million internally displaced people and nearly 1.4 million stateless persons in the region.

She said the exact expenditure within these programs varies across countries "depending on the needs and what we are authorised to do".

As a general guide, the refugee programs focus on providing relief supplies in the region's refugee camps, and ensuring access to basic services such as water, sanitation, health care, education, and camp management, she said.

The UNHCR's refugee program also "pursues durable solutions for refugees", aiming to resettle vulnerable populations in other countries, or return them to their own country when it is safe to do so.

Money spent under the internally displaced persons budget is used to "promote community co-existence, self-reliance and livelihoods to enable IDPs to return home eventually".

The statelessness programs work to prevent and reduce the number of people without a nationality by "engaging the authorities on relevant laws and policies on citizenship" and aiming towards law reform, birth registration and documentation to prevent the problem.

Thailand and Myanmar account for the largest share of UNHCR's regional budget, and the agency provides a detailed breakdown of expenditure only for these countries.

The Thailand breakdown shows \$36 million out of the total \$37.2 million allocated in 2015 is to be spent on refugee programs, with much of this going towards basic needs and essential services, and working towards "durable solutions" such as voluntary return and resettlement of refugees and asylum seekers.

### ***Is it a useful comparison?***

In his May 14 media release, Mr Webb explained why he compared Australia's offshore processing budget with the UNHCR's South East Asia budget.

"Instead of using costly and cruel measures to stop the boats, Australia should be working with the United Nations to address why people get on them in the first place," he said.

"We should be using our resources and our influence to develop safe pathways to protection for people who need to seek it."

The Refugee Council of Australia has also used a similar comparison.

In a recent submission to the Productivity Commission, the council contrasted government spending on asylum seekers with the total expenditure of the UNHCR in 2014.

It said the agency spent \$3.72 billion worldwide "with which it did its best to respond to the needs of around 46.3 million refugees, internally displaced people and stateless people under its mandate.

"Clearly, there is a strong argument to be made that the money spent on Australia's asylum seeker policies could be put to far better use," the submission said.

Lucy Morgan from the Refugee Council told Fact Check: "If the Government instead channelled this money into improving protection and achieving solutions for displaced people overseas, it could help to resolve the issues which compel asylum seekers to undertake dangerous boat journeys in the first place."

Jane McAdam, an international law expert from the University of New South Wales, told Fact Check there is a point in comparing the amount of money Australia is spending on a few thousand people in offshore detention versus UNHCR's budget to show "how disproportionate it is (and where Australia's money could actually make a real difference to alleviating displacement)".

### ***The verdict***

Mr Webb uses the comparison between offshore processing and the UN's refugee agency to argue government money could be better spent elsewhere, in light of the recent case launched in the High Court.

Offshore processing expenditure varies between years, and forward estimates suggest the overall costs needed to run Nauru and Manus Island will start to decrease sharply within the next two years.

Although difficult to pinpoint a final figure, current spending for the 2014-15 financial year based on Senate estimates is comfortably over \$1 billion while the UN's budget for the South East Asia region is \$US157 million in 2015.

Using the exchange rate at the time of Mr Webb's claim, Australia is currently spending more than five times the amount on offshore processing than the UNHCR spends in South East Asia.

### ***Mr Webb's claim checks out.***

<http://www.abc.net.au/news/2015-07-14/cost-of-offshore-processing-united-nations-fact-check/6609764>

## **7. Michael Bradley: Border Force Act: why do we need these laws?**

Stepping back from the legal abyss of the Border Force Act, there is a screamingly obvious question: why are there new laws that could even possibly send someone to jail for speaking out about abuses in detention centres? Michael Bradley writes.

ABC The Drum  
By Michael Bradley  
Posted Thu 16 Jul 2015, 7:20am

I've been avoiding examining the Border Force Act and its introduction of yet another means of putting people in prison for doing their job, for two reasons.

One is that I'm struggling to come to emotional terms with the Border Force uniforms that are so reminiscent of something Italian circa 1941. The other is a creeping ennui that's been gripping me as the net slowly encloses our willingness to speak up.

I guess that's how it works, in the end we all just give up and get used to the new normal.

But to the task - is this latest law as bad as Australia's doctors are saying, or are they hysterically over-reacting as Peter Dutton has implied? Specifically, will a health worker on Nauru who witnesses something bad now be able to make that news public without committing a crime?

The technical legal answer is "it depends".

The Australian Border Force Act makes it a crime, punishable by two years imprisonment, for anyone who does work for the Department of Immigration to disclose any information obtained by them while doing that work.

This includes contractors such as doctors and aid workers, and covers everything they see, hear or learn while on the job. Although the Government insists that this provision is no wider than existing offences covering Commonwealth workers under the Crimes Act, that isn't true. This captures a significantly wider range of information.

There are exceptions where disclosure is not an offence. You can disclose information if you reasonably believe it is necessary to prevent or lessen a serious threat to the life or health of an individual. The onus is on you to prove that it was reasonable. More on that later.

The other exception is where the disclosure is authorised by law. Which takes us to the whistleblower law, which both major parties have been promoting as a complete answer to everyone's concerns. This is the Public Interest Disclosure Act, introduced in 2013. Its design is to allow Commonwealth public servants and contractors to publicly disclose something bad (like a crime), provided they've previously tried to raise it internally and it isn't against the public interest for them to blow the whistle. Again, the onus is on them to prove this double negative.

Importantly, whistleblowing is not protected if the subject matter is government policy, or something being done by a minister, that an individual disagrees with. For example, say the Immigration Minister ordered that an infant be sent to Nauru (as if they'd ever do that!), and a health worker on Nauru reasonably believed that this would place the infant in physical danger

because of inadequate medical facilities or the risk of abuse. A disclosure of the infant's transfer would not be protected under the whistleblower law.

Which takes us back to the Border Force Act. Said health worker will, if they go public about the infant's plight, commit a crime. They can try to invoke the "serious threat to life or health" defence, and bear the onus of proving that they reasonably believed their disclosure was necessary to prevent it. If they can't convince the court of that, they may be going to prison.

Well, that's the law. Whether by design or accident, it's a minefield that lawyers will navigate at their peril, let alone individuals who witness things that they believe, by their own professional code or as a moral obligation, that they must bring to the light. And the onus of proof that they had the right to do so is on them.

Stepping back from the legal abyss, this all just begs a screamingly obvious question. The Border Force Commissioner, Roman Quaedvlieg, feels compelled to echo what the Government has said each time it passes another law that criminalises speaking out: that this law is not targeted at health workers, journalists or other honest people just doing their jobs; that he "sincerely doubts" any of them will be prosecuted.

Well, as with section 35P of the ASIO Act criminalising the disclosure of special intelligence operations; as with accessing the metadata of journalists and lawyers; if that's not the plan, why is it the law? Why must a doctor on Nauru or a nurse on Manus Island have to spend a single second wondering whether, if they see a child suffering the marks of abuse, they have any obligation other than to scream it from the rooftops?

Really, why are we having to talk about this at all? This is not national security. The Border Force has been formed with the intention of quasi-militarising the functions of customs and immigration. That's unfortunate enough, but we're stuck with it now.

However, we don't have to blithely accept that asylum seekers are a threat to national security and that therefore every single thing that our government does to them is something we are not entitled to know. Nothing that happens on Nauru or Manus or in any immigration detention centre should be a national secret; the only harm that its disclosure can bring is the embarrassment, or prosecution, of those who commit crimes or allow them to happen under their watch.

I think we're all a little punch-drunk by now from all this "national security" law-making. Tempting as it is to stop caring, as it appears the Labor Party has done, we had better not.

*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/2015-07-16/bradley-border-force-act-why-do-we-need-these-laws/6623376>

## 8. MEDIAWATCH: Border Force causes concern

The threat of two years jail for speaking out has got health workers and journalists worried.

ABC Mediawatch  
Episode 24, 13 July 2015

Two weeks ago, Customs and Immigration merged into a new super force, that will be charged with keeping out illegal arrivals.

The Australian Border Force has new military-style uniforms, a new uber powerful boss, and the blessing of a very proud Prime Minister.

TONY ABBOTT: May God bless you, may God bless your work, may God bless the country you are helping to protect and prosper.  
— Sky News, 1st July, 2015

The new force is set up under the Border Force Act 2015.

And this same law contains tough new secrecy provisions, covering anyone who works for the department ... which could see workers in detention centres jailed for two years if they blow the whistle on what's happening to asylum seekers.

And this has been widely criticised.

GREG BARNES: This law is designed to do one thing – that is prevent scrutiny by the media, by the community and in fact by the world of Australia's detention centres and the shame of those detention centres.  
— Channel Ten, The Project, 7th July, 2015

Full story at <http://www.abc.net.au/mediawatch/transcripts/s4273005.htm>

## 9. The Australian Border Force puts the final nail in transparency's coffin

The Conversation  
Savitri Taylor  
July 15, 2015 11.13am AEST

On July 1, the Australian Customs and Border Protection Service merged with the Department of Immigration and Border Protection. This represents the realisation of a plan originated many years ago by a hawkish faction within the old Department of Immigration – also known as “the dark side” – which the current Coalition government enthusiastically embraced.

The Australian Border Force (ABF) is an agency within the new department. It is responsible for the operationalisation of border protection, bringing together functions that were previously split between customs and immigration.

The ABF is the culmination of the move towards militarised border security. This commenced in earnest with the introduction of Operation Sovereign Borders in September 2013.

### ***Secrecy is a bipartisan pursuit***

The ABF conforms to the national security paradigm of combining maximum power with maximum secrecy, though immigration matters are not – generally speaking – matters of national security.

The dubious blanket invocation of national security has delivered to the department and its political masters the paradise to which all bureaucrats and politicians aspire: the ability to do exactly as they please without external scrutiny and therefore without consequence.

The preference for secrecy is not entirely a function of the political colour of the government of the day. The practice of keeping immigration detainees in remote locations started with the establishment in 1991 (under the Keating Labor government) of the now-decommissioned Port Hedland Immigration Detention Centre.

The attitude of the party in government does matter, though. For example, the department was less than impressive in its response to Freedom of Information (FOI) applications under the previous Labor government. But the current Coalition government's hostility towards the FOI process has given the department tacit permission to be more cavalier still.

Full story at <https://theconversation.com/the-australian-border-force-puts-the-final-nail-in-transparencys-coffin-43617>

## 10. 'Securitisation' presents challenges for migrant settlement and integration

The Conversation  
Caitlin Nunn  
July 16, 2015 11.21am AEST

The recent integration of the Australian Customs and Border Protection Service into the Department of Immigration – and the creation within it of the Australian Border Force (ABF) – is the latest in a series of changes to the department that reflect the increasing securitisation of immigration policies, processes and language.

In the 70 years since its creation, the department has undergone multiple changes in both name and purview to reflect social and political demands. Notably this saw the inclusion of Ethnic Affairs from 1976, and of Multicultural Affairs from 1996. There have also been brief dalliances with Labour (1974-75), Local Government (1987-93) and Indigenous Affairs (2001-06).

But, in many respects, the 2013 shift to Immigration and Border Protection – and the creation of the ABF – is the most profound change in the department's history. It signifies a reorientation from building Australia to protecting it.

### ***What the changes mean***

One potentially productive aspect of this shift is the divorcing of settlement and multicultural affairs from immigration and their relocation to the Department of Social Services.

While such significant changes always risk losing in transition some of the knowledge and expertise embedded in a department, this shift aligns settlement and multiculturalism with other areas of policy and service provision that address issues of inclusion, equity and well-being.

It is also symbolically important in its separation, for the first time, of multiculturalism from immigration. It locates multiculturalism firmly within the nation, reflecting its intergenerational and community-wide relevance.

However, the removal of settlement and multiculturalism responsibilities clears the way for the department to focus its attention more sharply on the border: both Australia's physical border and the threshold for formal membership within it.

At the same time, departmental and ministerial power is expanding in both of these domains, along with decreasing opportunities for external scrutiny and oversight.

And while the department no longer has responsibility for settlement and multiculturalism, its actions – and particularly its words – continue to cast a long shadow over those from migrant backgrounds.

Full story at <https://theconversation.com/securitisation-presents-challenges-for-migrant-settlement-and-integration-43618>

## **11. Remembering the ‘old’ Department of Immigration’s nation-building traditions**

The Conversation  
Gwenda Tavan  
July 14, 2015 6.18am AEST

In a recent lecture, Immigration and Border Protection secretary Michael Pezzullo outlined several changes to the department’s functions and organisation. These culminated in its merger with Customs and Border Protection Services on July 1. Pezzullo pulled no punches in declaring how significant a shift this is:

The Department of Immigration of our collective memory and imagination will be no more, after 70 long years of service.

Given the enormous contribution that the old department made to the successful selection and settlement of immigrants during the past 70 years – and its key role in shaping modern Australian society – the public is entitled to ask what sort of changes are envisioned and whether they are a good thing.

Based on decades of immigration research, the changes are profoundly troubling. They represent what is perhaps the final nail in the coffin for the department’s nation-building traditions. They herald a new era in immigration policy and administration focused primarily on border protection, control and compliance. There are significant risks for new settlers and the body politic.

Full story at <https://theconversation.com/remembering-the-old-department-of-immigrations-nation-building-traditions-43616>

## **12. Claire Higgins: Experts are being edged out of the refugee review system. Why?**

It wouldn’t be the first time Australia’s refugee review system has been politicised. But we should be concerned about the latest changes

The Guardian  
Claire Higgins  
Thursday 16 July 2015 17.01 AEST

Experienced decision makers are essential to our justice system. For asylum seekers, they can mean the difference between life and death. News that a number of experienced decision makers from the Refugee Review Tribunal and Migration Review Tribunal have not been re-appointed by the government raises concerns about the quality and impartiality of this review mechanism.

In Australia, asylum seekers who have had their application for refugee status rejected by the department of immigration can apply to have this decision reviewed. Known as “merits review”, it is the last chance for asylum seekers to explain why they need protection.

The review is conducted by a single decision maker who may interview the asylum seeker in person. The decision maker’s job is to gain a clear understanding of the harm that the asylum seeker fears if they are returned to their country of origin. This requires the decision maker to have a detailed and up-to-date understanding of the situation in the asylum seeker’s country of origin, and an appreciation of how they may be treated there, given their particular political views, ethnicity, or religion, for example.

Statistics show that the Refugee Review Tribunal has found that the majority of asylum seekers who arrived in Australia by boat pre-July 2013, when the Rudd government began a policy of offshore settlement, were in fact refugees, thus setting aside the original decisions made by the department of immigration. When in opposition, the Coalition had expressed its concern that the “success” rate was too high. This makes the Coalition’s replacement of a number of long-serving tribunal members particularly troubling. Whatever the rationale, and regardless of the skills of the new appointees, the optics are not good.

The refugee review system has been politicised in the past. Under the Howard government in 1996, the then minister for immigration publicly criticised particular tribunal decisions. Subsequently, a decrease in the rate at which the tribunal set aside the Department of Immigration’s decisions coincided with the period in which decision makers were applying for reappointment.

The key to any well-functioning administrative law system is transparency, independence and impartiality. Red flags should be raised when considerable changes are made to the composition of an organisation whose decisions do not seem to align with the government's political priorities.

Claims for refugee status are often highly complex. The decision maker must determine whether the asylum seeker's fear of persecution is well-founded, taking into account their experiences in the past, and, in particular, the likelihood of future harm. It is a challenging task, requiring a nuanced, considered, and sensitive approach.

Research has found that decisions on asylum applications may be heavily influenced by the characteristics of the individual decision maker. More experienced decision makers may be better able to assess an applicant's credibility, ask probing questions, and have a more advanced knowledge of conditions in the country of origin. Most notably, a major quantitative study in the United States found that less experienced decision makers were more likely to reject an asylum seeker compared to their longer-serving colleagues.

Australia's Refugee Review Tribunal was recently amalgamated into the Migration and Refugee Division of the Administrative Appeals Tribunal (AAT), following legislation introduced by the Coalition government in 2014. This shifted responsibility for review of refugee decisions from the purview of the department of immigration to the attorney general's department. However, the legislation still requires that the minister for immigration be consulted about the appointment of individual decision makers for migration and refugee merits review. Submissions to a Senate inquiry into the legislation argued that this requirement may compromise the independence of the new division.

The president of the AAT, Justice Duncan Kerr has stated that the number of members who transferred from the old tribunal to the new division was "significantly fewer than was planned for" and that "the expertise required by an experienced member cannot be cheaply replicated". This is an important point: research indicates that the quality of decision making may increase when decision makers can consult with their more experienced colleagues.

Deciding to approve or reject an asylum seeker's application for protection is a huge responsibility. It is in the interests of asylum seekers – as well as the integrity of our justice system – that such responsibility is complemented by experience.

>>>> Dr Claire Higgins is a research associate and historian at the Andrew & Renata Kaldor Centre for International Refugee Law at the University of NSW.

<http://www.theguardian.com/commentisfree/2015/jul/16/experts-are-being-edged-out-of-the-refugee-review-system-why>

## **11. Jon Stanhope calls for Labor to adopt compassionate refugee policy**

Sydney Morning Herald  
July 15, 2015  
Tom McIlroy

Former ACT chief minister Jon Stanhope has joined Labor rank-and-file members calling for a more compassionate policy towards asylum seekers, days before expected debate at the party's national conference.

Speaking before a Refugee Action Committee forum in Canberra on Wednesday night, the former Christmas Island administrator said he had "a heavy heart" about Labor's position and Australia's hardline stance – while also acknowledging the party could move to adopt harsher boat turn-backs as its policy.

"I don't support indefinite, mandatory off-shore detention and all that entails, in terms of the way in which people who have arrived in Australia by boat and seeking our protection have simply been palmed off to other nations," Mr Stanhope said.

"We've delegated our responsibilities, I think, as a caring and compassionate nation to countries which, to be as kind as one can be, have major issues of their own."

Mr Stanhope's calls come as senior Labor figures, including former defence minister Joel Fitzgibbon, argue for the party to adopt boat turn-backs and other tougher border-protection policies closer to the Abbott government.

Asylum-seeker policy is expected to be one of the most hotly contested issues at the conference, which gets underway in Melbourne on July 24.

Some of Labor's Right faction believe moving the party's policy closer to the Abbott government's tough stance and rhetoric could help stop new waves of asylum-seeker boats coming to Australia under a future Labor government.

Mr Stanhope, who served as ACT chief minister from 2001 to 2011, has become outspoken on a range of Labor issues, including on the end of self-government on Norfolk Island, housing affordability and the party's ongoing reliance on poker-machine profits from Canberra clubs.

He said ongoing detention of asylum seekers, including about 100 children in offshore detention centres on Manus Island and Nauru, was a failure of Australia's human rights obligations.

"I just cannot and will not accept that the Australian Labor Party or Australia should be locking up children indefinitely as a means of deterring other people from seeking to claim asylum in Australia.

"We are knowingly and deliberately destroying lives and the future of people to serve a political end and it is abhorrent."

Mr Stanhope said party members who opposed harsh treatment of asylum seekers should not give up their stance, as members of the federal opposition seek to avoid being wedged by the Abbott government on the issue.

He said Labor had an obligation to speak up for refugees in the national debate.

Unions ACT secretary Alex White and NSW Labor for Refugees convener Jenny Haines also address the event at the Woden Tradies Club.

Chief Minister Andrew Barr will be a delegate at the party's three-day conference, which is also set for debate on the party's conscience vote for same-sex marriage.

Last month, Mr Fitzgibbon became the first senior figure to clearly state support for adopting a policy of turning back asylum-seeker boats to Indonesia. Along with members of the Right faction, Mr Fitzgibbon argued for tougher border-protection policies and said he believed boat turn-backs would be part of future Labor government policy.

Opposition Leader Bill Shorten has signalled a harder line on asylum-seeker policy from Labor, while also declaring the party remained "pro-refugees".

<http://www.smh.com.au/federal-politics/political-news/jon-stanhope-calls-for-labor-to-adopt-compassionate-refugee-policy-20150715-gjcx2.html>

## **12. Claims Australia paid people smugglers seen as 'essential priority' by police**

AFP ruled allegations about return of vessels to Indonesia could have 'high' impact on Australian society, after they were referred by Greens senator

The Guardian  
Paul Farrell  
Monday 20 July 2015 06.57 AEST

A request made by a Greens senator to the Australian federal police to investigate allegations that people smugglers were paid by Australian officials was regarded by the AFP as an essential priority, documents show.

In June allegations emerged that officials on board an Australian vessel had paid people-smuggling crews to return vessels to Indonesia.

Legal experts have warned that the allegations could constitute an offence under Australian law. The allegations drew heavy criticism from the Greens and Labor, and sparked an inquiry in the Senate.

The government has continued to refuse to confirm or deny the veracity of the allegations, and Greens senator Sarah Hanson-Young referred the claims to the AFP for investigation in June.

Documents obtained by Guardian Australia under freedom of information laws show that the referral was assessed as a significant priority for the AFP.

An extract from the AFP's case categorisation system lists the priority of the assessment as "essential" and outlines it could have a "high" impact on Australian society.

The resources dedicated to the investigation and the potential duration of the AFP's inquiries have been redacted on the grounds that the release of the information could have a substantial adverse effect on the agency's operations.

No additional budget allocation is listed for the investigation, but this is not unusual for referrals.

An AFP spokeswoman said: "As part of the normal assessment process for matters referred to the AFP, resourcing implications are considered.

"In this case existing resourcing was deemed appropriate to deal with the evaluation of the referral. As such no specific dollar amount was required to be included in the CCPM document."

The spokeswoman said the evaluation of Hanson-Young's referral was continuing.

In the event the referral did progress to an investigation and advance further, it would still likely face considerable barriers. The attorney general is required to consent to any prosecution relating to people-smuggling offences.

Separate freedom of information requests lodged by Guardian Australia have also revealed the Department of Defence have not undertaken any internal inquiries about the people-smuggling payments.

Access was sought to any "quick assessments" conducted by defence into the allegations, and any statements taken from Royal Australian Navy officers and crew personnel into the allegations.

Both requests were refused on the basis that no documents existed.

<http://www.theguardian.com/australia-news/2015/jul/20/claims-australia-paid-people-smugglers-seen-as-essential-priority-by-police>

### **13. Nauru justice minister David Adeang could face Australian court over denial of lawyer's visa**

ABC News Online

By the national reporting team's Alex McDonald

Posted Fri 17 Jul 2015, 1:33pm

Nauru's justice minister could face charges in Australia's highest court over his refusal to grant a business visa to an Australian lawyer.

Human Rights lawyer Jay Williams represents a group of Nauruan opposition MPs who were arrested following an anti-government protest on the island.

Two of the men, former president Sprent Dabwido and Squire Jeremiah, were released today after spending four weeks in custody.

They were charged with unlawful assembly, riot and disturbing the legislature after protesting outside Nauru's parliament last month.

They face a maximum seven years in jail if convicted and have engaged the Sydney lawyer to represent them.

Last week, Nauru's chief justice Joni Madraiwiwi ruled that Mr Williams could not appear for the men due to a "conflict of interest" arising from his role in ongoing cases, including one involving 1,000 asylum seekers in the island's regional processing centre.

"Mr Williams is the subject of proceedings which directly relate to this matter and the court has yet to rule on the issue surrounding his position in other proceedings," Justice Madraiwiwi said.

Under the island's constitution, Nauruans are entitled to the counsel of their choice.

The application for a judicial review, obtained by the ABC, claims the refusal to grant Mr Williams a visa constitutes an abuse of power.

If the chief justice allows the review to proceed, Nauru's justice minister David Adeang would potentially face charges of abuse of process and unlawful interference in the island's judiciary.

If the review is refused, the opposition MPs can take their case to Australia's High Court.

The June 16 protest was sparked following allegations aired on the ABC's 7.30 program that Nauru's justice minister colluded with an Australian phosphate dealer and solicited bribes for himself and other politicians, including Nauru's president Baron Waqa.

Hundreds of Nauruans protested outside the island's parliament, calling for the president and justice minister to resign.

Another opposition MP, Mathew Batsiua, was arrested after clashing with police.

He too has engaged Mr Williams as his lawyer.

Some opposition MPs who did not take part in the protest were also targeted.

Roland Kun and Kieren Keke had their passports confiscated by Nauruan authorities.

The New Zealand government has voiced concerns about the breakdown of law and order in Nauru.

Last week, Australia's Foreign Minister Julie Bishop said she had sought assurance from president Baron Waqa that Nauru's government would respect the rule of law.

"We will continue to review this situation very closely," she said.

Nauru's Supreme Court will decide on Monday whether Mr Williams will be allowed to appear on behalf of the MPs and eight others charged in relation to the protest.

<http://www.abc.net.au/news/2015-07-17/nauru-justice-minister-david-adeang-could-face-australian-court/6628588>

## **14. Nauru detention centre operator receives dozens of sexual and other abuse allegations**

ABC News Online

By political reporter Jane Norman

First posted Thu 16 Jul 2015, 5:24pm

Updated Thu 16 Jul 2015, 5:53pm

The company responsible for running the Nauru detention centre has revealed it has received dozens of allegations of sexual and other abuse at the facility.

Transfield Services told a Senate inquiry it received 67 allegations of child abuse up until May this year and 30 of them were against detention centre staff.

Thirty-three asylum seekers allege they have been raped or sexually assaulted at the centre and another five claim they have been asked for sexual favours in exchange for contraband.

Transfield said all allegations had been referred to the Immigration Department.

The answers were provided "on notice" to the Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru which held its hearing in Canberra in May.

The inquiry's first witnesses were from Transfield, but many questions from senators failed to elicit direct responses, with Transfield managers taking them "on notice" to be answered later.

The company won a 20-month \$1.2 billion tender from the Australian Government to manage the facility in February 2014.

<http://www.abc.net.au/news/2015-07-16/nauru-detention-centre-operator-transfield-abuse-allegations/6626110>

## **15. Child asylum seeker alleges rape in shower and 253 Nauru detainees attempt self-harm, Senate inquiry hears**

Sydney Morning Herald

July 17, 2015 - 12:35PM

Nicole Hasham

A child asylum seeker at Nauru was allegedly raped by another detainee in the shower, a staff member violently dragged a child from a bus and 253 detainees have attempted self-harm, a Senate inquiry has heard, raising serious concerns over Australia's offshore processing regime.

Transfield Services, which runs the detention centre at Nauru, says there have been 67 child abuse allegations at the facility - 30 against staff and 37 against asylum seekers.

Evidence from Wilson Security, which is contracted to "maintain a safe and secure environment for asylum seekers" in centres on the island, said several child abuse allegations led to staff being terminated over the past two years.

They include an allegation that a security officer used "excessive force" to remove a minor from a bus and separate alleged incidents where officers pushed or threw rocks at child asylum seekers, or touched them inappropriately.

In October last year, a child detainee alleged he was raped by another minor in the shower. He was transferred to Australia for medical treatment.

Transfield Services said it had received 33 sexual assault and rape allegations: 15 against staff and 18 against detainees.

The company also addressed allegations aired previously, including that a local officer gave additional shower time if an asylum seeker exposed themselves, and that contraband was being exchanged for sexual favours – claims mostly made against staff. The allegations were reported to police.

Transfield Services said between September 2012 and April this year, asylum seekers had made 253 self-harm attempts. Ten were deemed critical.

The firm also confirmed allegations that tents housing asylum seekers and staff are riddled with mould.

It said humidity was often greater than 85 per cent and temperatures frequently hovered around 35 degrees, adding "eliminating the presence of mould has posed an ongoing challenge".

The Department of Immigration and Border Protection said in the two years to May this year, 355 detainees at Nauru were prescribed psychotropic drugs, including antidepressants.

The evidence follows the independent Moss review into sexual abuse at the Nauru detention centre, released in March, which found evidence of rape, sexual assault of minors and guards trading marijuana for sexual favours from female detainees.

Departmental evidence to a separate Senate inquiry this week revealed that the Commonwealth has paid three so-called "illegal maritime arrivals" a total \$385,000 compensation for psychological injury allegedly suffered in immigration detention.

The cases were among 74 claims for compensation from asylum seekers in the past five years, the majority of which claimed personal injury.

Of those, 58 claims are still before the courts and nine were resolved prior to hearing because the Commonwealth was not legally liable, or for other reasons.

The Australian Lawyers Alliance has previously warned Australia could be liable for a "swathe of future compensation claims" due to its offshore processing regime.

As Fairfax Media reported on Friday, more asylum seekers have died at Manus Island than have been resettled.

In its submission to the Nauru inquiry, the department said service providers "ensure that the welfare and safety needs of the alleged victim are addressed in a timely manner" following an assault allegation.

It accepted all 19 recommendations of the Moss review and has developed a "comprehensive action plan" to implement them, in conjunction with the Nauruan government.

"The government of Nauru and the department are working with service providers to strengthen existing procedures for the personal safety and privacy of transferees," it said.

Transfield Services' submitted policies "are designed to support the safety and security of the centre, the welfare and wellbeing of transferees" and detainees are treated "fairly and with dignity and respect at all times".

Wilson Security said its service at Nauru "supports the wellbeing of asylum seekers and minimises harm".

The department and Transfield Services have been contacted for additional comment. Wilson Security declined to comment.

<http://www.smh.com.au/federal-politics/political-news/child-asylum-seeker-alleges-rape-in-shower-and-253-nauru-detainees-attempt-selfharm-senate-inquiry-hears-20150717-gjeja6.html>

## **16. Pakistani refugee in Nauru allegedly hit on head with baseball bat**

ABC News Online

By Pacific affairs reporter Liam Fox

Posted Wed 15 Jul 2015, 4:58pm

A Pakistani refugee in Nauru has alleged he was hit in the head while riding on the back of a motorcycle.

Fareed Hussein said he was attacked last Thursday night when he and a friend went to get some bread from a nearby shop.

He said the pair were riding past two men when he was hit with what he believed was a baseball bat.

The attackers fled before Mr Hussein could get a good look at them, but he said they were Nauruans.

A passing bus took Mr Hussein to hospital, where he was treated for his injury.

"He says 'he hit me very strongly' ... [there are] five stitches now," Mr Hussein told the ABC through an English-speaking friend.

Police came to the hospital to speak to Mr Hussein, but he said he declined to provide a formal statement.

He said he did not want charges to be laid because he feared he would be attacked again.

"The Nauruans hate [refugees] ... nothing will happen and why [should I] target myself?" Mr Hussein said through his friend.

### ***Refugee too scared to leave camp***

Mr Hussein has been living in Fly, one of the camps set up for refugees who have been released from the Australian government's detention centre for asylum seekers on the island nation, for over a year.

He said he was now too scared to leave the camp.

"After this I will not go outside from here, I [will] stay in my room all day, the same as they put us [in] before," Mr Hussein said through his friend.

The attack is the latest in a series of alleged assaults amid what appears to be rising tension between locals and refugees.

In March, the growing number of attacks prompted several hundred refugees to stage protests against what they said was their poor treatment by locals and their "slave-like living conditions".

The Nauru government responded by arresting more than 170 protesters and charging them with unlawful assembly.

The protests followed separate reports of a refugee being hit on the back of the head by a baseball bat, and another refugee who said he had rocks thrown.

Last year a 16-year-old Afghan boy on Nauru said four locals beat him so badly he ended up in hospital.

Another refugee was reportedly blinded after he was struck in the eye after a rock was thrown at him.

Mr Hussein said there was no future for him on Nauru, but he is stuck there.

"One year I am here, I have no girlfriend. I have nothing. I am just in my room, no working, no nothing," Mr Hussein's friend said on his behalf.

"He would like to go to Australia, he said I came for Australia."

The Nauruan government has been approached for comment.

In the past it has dismissed reports of assaults on refugees as beat-ups by foreign media organisations and refugee advocates.

<http://www.abc.net.au/news/2015-07-15/nauru-refugee-allegedly-assaulted-with-baseball-bat/6622498>

## **17. Manus Island refugees stuck in transit centre, waiting for governments to make a plan, lawyer says**

ABC Radio CAF - AM

By Simon Lauder

First posted Fri 17 Jul 2015, 9:24am

Updated Fri 17 Jul 2015, 9:36am

Refugees have been languishing in a Manus Island transit centre for months with no end in sight while officials decide what to do with them, a lawyer has said.

The Australian and Papua New Guinea governments have made no formal plan for Manus Island refugees to settle in Papua New Guinea, despite the original plan to settle them in the community, the Human Rights Law Centre's Daniel Webb said after visiting the refugees this month.

"There is still no plan as to when and how these men will ever be transited out of the transit centre," Mr Webb told ABC's AM program.

Since Australia re-opened its Manus Island detention centre two years ago, 129 people detained have been determined to be refugees — but none had moved on from the transit centre, according to PNG government information provided to Mr Webb.

He said there was no indication when a plan would be developed for the refugees to join society, which was "a source of great frustration to many of these men".

The Australian Government said there were now 41 refugees in the transit centre and another 88 still in the detention centre.

Mr Webb said refugees were free to leave the Manus Island transit centre, but were forbidden from resettling or working there.

The first refugee was put there in January and was still waiting to be settled somewhere in PNG, he said.

"Whilst these guys can't leave the island, they can't actually do anything on the island," Mr Webb said.

"They can't work; they can't take up opportunities.

"They remain incredibly frustrated that they are just languishing there."

### ***Draft policies knocked back***

The deputy chief migration officer from the PNG government told Mr Webb there were many cases that were "decision-ready" for refugee status to be conferred, but they were refraining from placing more people into the transit centre when no one was transiting out.

Human Rights Watch Australian director Elaine Pearson also visited the transit centre recently.

"The idea of the offshore processing was that these people would be able to move on with their lives but in other countries, not in Australia," Ms Pearson said.

Mr Webb said two draft policies had been submitted to the government, but both were knocked back. Refugees would stay in limbo until a policy was approved, he said.

Immigration Minister Peter Dutton's office was contacted by AM about when the refugees will have access to a resettlement program and how much it costs to house refugees in the transit centre.

The office did not directly answer those questions, but a spokesman said refugee determination and settlement processes were matters for the PNG government.

<http://www.abc.net.au/news/2015-07-17/refugees-stuck-in-png-transit-centre/6626778>

## **18. More asylum seekers have died on Manus Island than have been resettled, report shows**

Sydney Morning Herald  
July 16, 2015 - 8:31PM  
Nicole Hasham

More asylum seekers have died on Manus Island than have been resettled, gay detainees are mistreated and refugees released from detention are not allowed to work or move freely, a human rights report says.

It is two years since the former Labor government announced asylum seekers who arrived by boat without a visa would be denied refugee status in Australia but resettled in Papua New Guinea, via assessment at Manus Island.

Since then, not one has been resettled. This is despite Australian immigration officials confirming 129 detainees have been deemed genuine refugees.

Two asylum seekers sent to Manus have died – one killed during riots that swept through the detention centre and one from septicaemia after cutting his foot.

The Department of Immigration and Border Protection on Thursday confirmed 88 men found to be refugees remain in detention on Manus.

Another 41 have been transferred to a transit centre.

However, a report released on Thursday by Human Rights Watch and the Human Rights Law Centre said the men were prevented from leaving the island and denied opportunities to work and study.

Refugees are allowed to leave the transit centre, but many were not given identity documents enabling them to find work, the report said. One refugee was not allowed to travel to Port Moresby for work and others were reportedly denied volunteer opportunities.

The report found gay men were mistreated in detention by other detainees – "shunned or sexually abused or assaulted and used by the other men".

"The gay men said they had frequent nightmares, were extremely depressed, and isolated themselves, often not leaving their rooms," the report said.

It said the detention centre was overcrowded and detainees suffered depression and anxiety.

The groups visited the island in June and July and interviewed asylum seekers, refugees, United Nations agencies and PNG immigration officials, police, and hospital staff. They were allowed access to the transit centre but not the detention centre.

In the 2013-14 financial year the federal government spent \$437.6 million to run detention facilities on Manus. There are 943 transferees on the island including the refugees.

"More asylum seekers sent to Manus have died than have been resettled," Human Rights Law Centre director of legal advocacy Daniel Webb said.

"People found to be refugees deserve a real solution – not a transfer to a facility down the road where they remain in limbo."

An Immigration Department spokeswoman said refugee determination, settlement and law and order issues "are matters for the PNG government".

A PNG government spokesman said it was developing a national resettlement policy which "takes time and should not be rushed. This is in the interests of both the refugees and the communities into which they will resettle".

Meanwhile, Shine Lawyers social justice counsel George Newhouse says the government's controversial new border force laws would prevent detention centre staff from documenting riots such those on Manus Island last year, or from writing about their work in personal diaries.

He said doctors and nurses in state and territory hospitals who treated asylum seekers would also be covered by the secrecy provisions forced upon detention centre workers.

The Immigration Department said emergency room doctors and nurses "working in their normal roles" would not be captured by the laws. It said employees and contractors had never been allowed to "make personal records of protected or sensitive information for their own purposes".

<http://www.smh.com.au/federal-politics/political-news/more-asylum-seekers-have-died-on-manus-island-than-have-been-resettled-report-shows-20150716-gidi1b.html>

## **19. Asylum seeker clocks 100 day hunger strike**

Nine News / AAP  
2:16pm July 16, 2015

Doctors are warning the federal government will have blood on its hands if it doesn't evacuate a critically ill asylum seeker from Manus Island to Australia for urgent medical care.

Friday marks the 100th day of Mohammad Albederee's hunger strike protesting against a lack of medical treatment for kidney and shoulder problems, after an alleged assault by guards at the detention centre last year.

"He needs to be out of that environment and needs to be in a hospital where his urine output, blood pressure, weight are consistently measured," Dr Barri Phatarfod, from Doctors for Refugees, told AAP.

"If the government won't authorise him to come out to Australia and be cared for, and if he passes away, then the government has got blood on its hands."

Mr Albederee's condition has deteriorated significantly in the past three months and he spends hours vomiting when he tries to ingest food or drink.

It's believed the 31-year-old Iraqi has lost 21 kilograms.

Dr Phatarfod, who is familiar with the asylum seeker's case, said removing him from detention centre was the best way to improve negotiations to get him to eat.

Mr Albederee was reportedly flown to Port Moresby in mid-June for x-rays and a MRI but instead of being kept in a hospital he was put in a hotel room and guarded for 12 days.

Asylum seeker advocate and SA Democrat, Jeanie Walker, said Mr Albederee began his hunger strike after he refused to sign a document absolving Wilson Security of responsibility for his condition.

She spoke to Mr Albederee on Thursday and says he's in a bad way.

He was staying in his room while other detainees and detention centre staff bombarded him with pleas to eat and drink, she said.

"He can't cope with it, he's too fragile," she added.

Ms Walker says Mr Albederee needs a kidney removed and a neurologist to treat his shoulder damage, but the hospital facilities on Manus Island and Port Moresby don't have the resources and equipment to deal with his complicated medical conditions.

"All they can do is try to put a tube in his stomach, and give him fluids. There's nothing else they can do," she told AAP.

Comment has been sought from Immigration Minister Peter Dutton.

<http://www.9news.com.au/national/2015/07/16/13/10/asylum-seeker-must-be-evacuated-docs-say>

## **20. Detainees removed from Wickham Point detention centre: asylum seeker advocates**

ABC News Online

First posted Thu 16 Jul 2015, 8:15am

Updated Thu 16 Jul 2015, 9:24am

Video footage allegedly showing up to 40 detainees being removed from Darwin's Wickham Point detention centre early this morning has been captured by an asylum seeker advocacy group.

The detainees included families and children, some who are believed to be Iranian, according to Darwin Asylum Seeker Support and Advocacy Network (DASSAN) spokesman Peter Robson.

Mr Robson said he was told by detainees inside the centre that dogs and heavily armed guards were used during the transfer.

"This kind of force is not appropriate for any vulnerable person, let alone small children," he said.

"The trauma being caused by this type of action is immeasurable."

Advocates said they saw police cars going in and out of the centre about 1.30am (CST) and the detainees may have been taken to the Don Dale detention centre, a facility formerly used to house young criminals.

A Territory Corrections Department spokesman confirmed there were no youth detainees being held in the former youth detention centre.

The spokesman said the clothing going into the centre this morning was not for any people in corrections custody.

The alleged removal follows a claim in April that up to 20 detainees were taken from Wickham Point detention centre following mass protests and self-harm attempts among detainees.

In late June the ABC reported 40 asylum seekers including three babies had been transferred from the detention centre to Nauru.

At the time, the Department of Immigration and Border Protection said those claims were "inaccurate" and there had been no transfers.

The ABC has previously reported Don Dale was being used as a holding area for asylum seekers before they were transferred to offshore detention on Nauru.

The Department of Immigration and Border Protection has been contacted for comment.

<http://www.abc.net.au/news/2015-07-16/darwin-detainees-removed-from-wickham-point-detention-centre/6623700>

## 21. Asylum seekers kept in detention with violent criminals

The Age  
July 14, 2015 - 8:54PM  
Nicole Hasham

Almost 450 killers, rapists, violent offenders and other serious criminals are being held in Australian detention centres, triggering concern that vulnerable asylum seekers are being forced to mix with felons and thugs.

The alarming figures have prompted refugee advocates to call for such detainees, few of whom are thought to be asylum seekers, to be separated to prevent danger to other detainees.

Immigration figures released to a Senate inquiry late on Tuesday showed on April 30 this year there were 448 people in immigration detention centres who had been convicted of a criminal offence.

They included four convicted of homicide or related offences, 70 convicted of sexual assault and 165 convicted of assault or similar offences.

Other offenders include those convicted for abduction (12), disturbance and affray (26), dishonesty and property offences (111), escaping from immigration detention (eight) and crimes involving illegal drugs (66). A further 22 detainees were found guilty without a conviction being recorded.

The figures relate to Australian immigration detention centres including Christmas Island, but not Nauru or Manus Island.

The government has introduced a bill to give security guards in detention centres more power to cause grievous bodily harm if they "reasonably believe" it is necessary to protect life or prevent injury.

It says the legislation is necessary because of the increasing presence of "high-risk detainees", such as members of outlaw bikie gangs, which is seen as a threat to the security of centres.

Refugee Action Coalition co-ordinator Ian Rintoul said most of the criminals were people from countries such as New Zealand, Canada and Britain whose visas had been cancelled under section 501 of the Migration Act for committing a criminal offence.

"We've always had a concern ... about the mixing of the so-called criminal deportees with asylum seekers. They are two very different groupings of people and they have very different circumstances," he said.

"Keeping them [together] has given rise to quite serious problems, like serious assaults."

The ABC reported in February that the Yongah Hill immigration detention centre in Western Australia was half-filled with convicted criminals facing deportation and visa overstayers, leaving some asylum seekers "scared" to come out of their rooms.

Detainees told the ABC the centre had become more prison-like, and they did not feel safe mixing with potentially violent criminals.

Mr Rintoul claimed a serious assault by a convicted criminal at Villawood detention centre in Sydney left an Afghan asylum seeker with partial use of his arm.

He said violent detainees often intimidated asylum seekers to get access to cigarettes and television.

Asylum Seeker Resource Centre spokeswoman Mary Fall said the criminals were not usually seeking asylum, and threatened the wellbeing of vulnerable detainees.

"Asylum seekers have dealt with persecution and trauma in their own country and are in detention here, which is causing mental health issues ... and now convicted criminals are being put in detention [alongside them]," she said. "I don't think it is appropriate."

The immigration figures were released in a response to a question by Greens senator Sarah Hanson-Young.

The department told the Senate inquiry that it took the safety and security of immigration detention facilities seriously.

"Placement risk assessments consider an individual's known criminal history when making decisions in relation to the safety of the detainee and others," it said.

Immigration Minister Peter Dutton declined to comment.

A spokeswoman for Ms Hanson-Young said the government used the presence of criminals in detention to justify "laws that allow guards to brutalise anyone in the camps. This includes women and children".

"We've seen evidence that guards have sexually abused women and children, and now we learn that vulnerable people with no criminal record are also having to live alongside convicted criminals, some who have a history of extreme violence, rape, assault and homicide," she said.

"This is an incredibly unsafe, horrific situation."

<http://www.theage.com.au/federal-politics/political-news/asylum-seekers-kept-in-detention-with-violent-criminals-20150714-gic3ps.html>

## **22. MEDIA RELEASE: RRAN says No To Deportations to War Zones**

REFUGEE RIGHTS ACTION NETWORK SAYS NO TO DEPORTATIONS TO WAR ZONES

Tuesday July 14, 2015  
Refugee Rights Action Network  
via Ian Rintoul 0417 275 713  
Sally Thompson 0409 720 804  
Victoria Martin-Iverson 0427 256 131

Last minute legal action in the Federal Circuit Court in Perth has failed to prevent the deportation of a 22 year old Afghan man.

An urgent injunction against that deportation was sought yesterday and Judge Lucev handed down his decision this afternoon (14 July). The denial of the injunction means that this young man, who arrived in Australia in December 2011, will be deported in the early hours of Wednesday, 15 July, to what is now an active war zone.

This Tuesday evening (14 July), Refugee Rights Action Network members, along with other concerned citizens, intend to flyer passengers on flights destined for Kabul. We will be asking these passengers to show support for a young man they don't know; a frightened young man who knows that Kabul is not a safe place for him due to his ethnicity and religion. We will be asking these passengers to do for him what they would do for a son, a grandson, a brother, a friend. We will be asking them to stand up and refuse to sit down until this young man is removed from the plane.

We will be explaining to passengers that ongoing Taliban attacks in Kabul have increased the risks to ethnic and religious minority groups in Afghanistan. The Australian government when assessing refugee claims by asylum seekers from Afghanistan admit that some regional areas are extremely dangerous for Hazara and Tajik minority Shia Muslims. They state that Kabul is safe and determine that, regardless of where in Afghanistan a person comes from, that person can be resettled in Kabul. This is UNTRUE.

Recent events show this is not the case. On 21st June the Taliban launched an attack on Afghanistan's parliament, killing five innocent people. On 30th June a suicide car bomb attack on the Kabul airport road killed two civilians and injured 26 others. On 7th July there was another suicide car bomb attack in which civilians were injured and in a separate incident a building was occupied by armed gunmen. RRAN considers that these ongoing attacks by terrorist groups have turned Kabul into an ACTIVE WAR ZONE and calls on the Australian Government to halt forced deportations to Afghanistan.

The threat of imminent deportation looms over other asylum seekers doomed by our flawed processing regime. The new "Fast Track" system will increase the number of vulnerable people for whom Australia refuses to provide protection despite our obligations under International Laws. The use of outdated country information and the refusal of the Government to take new developments into account will lead to more people deported to danger and possible death.

Further information from Ian Rintoul 0417 275 713

For information from Perth including the action at Perth International airport contact:

Sally Thompson: Refugee Rights Action Network, 0409 720 804; and  
Victoria Martin-Iverson: 0427 256 131