

# Project SafeCom News and Updates

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# 1. Waleed Aly: Abbott is losing the plot in his war on environmentalists

We will be subjected to the Abbott Government's nonsensical hyperbole as long as it insists on casting environmentalists as a special interest group that threatens the liberal order.

Sydney Morning Herald  
August 21, 2015 - 8:46AM  
Waleed Aly

Few things seem to rile the Abbott government quite as much as isolated Federal Court decisions. You'll recall that before this whole Carmichael coal mine episode there was Andrew Bolt's section 18C affair. Tony Abbott was in opposition in that case, but this difference aside, the similarities are striking.

In both cases, the good guys lost. In both cases, they were the victims of pesky activist types. And in both cases the laws in question had been in force for some 15 or so years, having barely been used with any success.

And yet, in both cases, the Coalition's response has been to declare – on the basis of little more than one result it didn't like – that the laws in question were wreaking some manner of tyrannical havoc and had to be junked. If that strikes you as a little rash, the section 18C experience supports your hunch.

Somehow the Abbott government convinced itself that its sense of outrage was a mainstream one: that the electorate would fete it as the heroic protector of an imperilled free speech, and some dangerously fading right to bigotry. Soon enough it became clear the public saw no such scandal, that it was the government's position that was on the margins, and that its 18C proposals would be forced to retreat to the shelves of political abandonment.

But the fuming over Adani's Carmichael troubles might be even more rash. The laws in question are John Howard's. The idea that environmental groups can test governmental decisions in court is a markedly uncontroversial one because it recognises that environmental damage affects the whole country and cannot be confined merely to local landowners; and that if environmental protection is left only to individual locals, no meaningful environmental protection will take place.

Sure, there's some chance such laws could be abused. Which is why the public service did a thorough review on how they've been working. Turns out they're working fine. "These provisions have created no difficulties and should be maintained," it concluded. "The question is whether these provisions should be expanded further." Hence, from 5500 projects, the laws have been used 33 times. Successfully, twice. That's a success rate of 0.04 per cent. Rounded up.

Now, consider the government's language. It talks of "vigilante litigation", "endless legal sabotage", "bullies in the green movement" and an environmentalist "war against economic development". It is, of course gigantically hyperbolic. In the case of "vigilante litigation" it is literally nonsensical – like "gluttonous starvation" or "rapid-fire sluggishness". But it's also visceral in a way that is instructive. It suggests this is something more than garden variety politicking. There's a genuine, long-standing disdain here that has much to tell us about the current state of ostensibly conservative party politics.

Much like section 18C, the Carmichael mine case taps into a much greater political mythology. These are not, in the Coalition's view, isolated cases at all. Rather, they are symbols of a more fundamental, thoroughgoing onslaught. Whether it be racial and ethnic minorities, or environmentalists, all are taken to be special interests whose claims threaten the liberal order of things. To resist these forces is therefore not to fix some mere technical flaw in this or that legislation. It is to defend the barricades against the evils of an unchecked collectivism that sits in direct contrast to our established capitalist ethos.

That's why the Abbott government so consistently posits the environment and the economy as opposites, even as the governments of America, Britain, New Zealand, and (broadly) Europe, don't. For Abbott, the environment matters, but not at the expense of the economy, to which it is subordinate. Carbon pricing only ever costs jobs, rather than creates them. And, of course, environmental protection laws can only ever be "green tape": a regulatory yoke around the neck of business, and not a means of protecting valuable assets that return economic benefits in the long term.

Implicit here: environmentalists, and environmentalism, are simply not to be trusted. Their very motives must be suspect. So, it's "war" and "sabotage" and "bullying" and nothing more genuine than that.

The "new religion" of the "extreme left" is how former Coalition senator Nick Minchin put it: the cloak that masks its real agenda to "deindustrialise the Western world". Environmentalism, then, becomes the new communism, designed to implement vast new bureaucracies that control the free market and implement the will of the unelected.

You can see the ideological residue of the Cold War, here. And on one level, that makes sense. That was an era from which notionally conservative parties emerged ideologically triumphant, and in which the world accordingly made perfect sense. But as the Abbott government's woes suggest, things aren't so triumphant now. That world that made so much sense makes appreciably less sense now.

Some conservative parties, such as the Tories in Britain, have made the ideological adjustment, embracing at least the idea of a conservative environmentalism. But in Australia, as for the Republicans in America, such adjustments are scant. We're apparently fixed on the same binaries even as we're faced with a world that increasingly defies them.

That's why the government is compelled to overstate everything, from the amount of investment Adani is promising to the number of jobs the project is meant to create, to the scale of environmentalists' "very well orchestrated and highly funded campaign". It's why the issue must become the very idea of the law that requires a thorough environmental examination, rather than the government's failure in this case to follow it.

And it's why the government, having swept to power opposing a carbon tax, somehow finds itself increasingly at odds with the electorate on renewable energy and, to a lesser extent, climate change. It seems determined to see environmentalist concerns as fringe and radical; as a valid object of war. But war has its osmosis. If you're not careful, you eventually become the very thing you thought you were fighting.

---->>>> *Waleed Aly is a Fairfax Media columnist and winner of the 2014 Walkley award for best columnist. He also lectures in politics at Monash University.*

<http://www.smh.com.au/comment/abbott-is-losing-the-plot-in-its-war-on-environmentalists-20150819-gj3a1p.html>

## **2. Abbott's Offshore Catastrophe: How Australia's Treatment of Refugee Women Echoes an Older Violence**

Violence against women by Australians isn't just happening in Australia. Somayra Ismailjee explains.

New Matilda  
20 Aug 2015  
By Somayra Ismailjee

Australian immigration detention centres on Nauru and Manus Island have become breeding grounds for abuse. In addition to men and young boys, female refugees are increasingly targeted by verbal, physical and sexual violence. Additionally, systems of degradation including the withholding of necessary sanitary items are widespread in these facilities.

A letter written by Ben Pynt from the Darwin Asylum Seeker Support and Advocacy Network (DASSAN) to the Select Senate Inquiry into Nauru earlier this year contained harrowing quotes from women telling of physical and sexual abuse, including several cases of unwanted advances, threats, indecent exposure and assault carried out by staff.

Some women reported offers of cigarettes by guards in exchange for sexual favours, while many others, as young as 16-years-old, have told of physical contact ranging from inappropriate touching to rape.

Full story at <https://newmatilda.com/2015/08/20/abbotts-offshore-catastrophe-how-australias-treatment-refugee-women-echoes-older-violence>

## **3. The Saturday Paper: Nauru rapes: 'There is a war on women'**

One woman lies catatonic in hospital after being raped and beaten. Another was raped and immolated. This is the world awaiting refugees released from detention on Nauru.

The Saturday Paper  
Aug 22, 2015  
Martin McKenzie-Murray

They say God never gives you anything you can't handle, but Dabal is not so sure. When I call him, he's just returning from the Nauruan hospital where his 23-year-old sister lies catatonic, entering her second week being sustained only by nutrients pumped intravenously into her. Her kidneys are shutting down; her body has shrunk.

In May, Nazanin left the Nauru refugee camp one morning on a day pass, happy to be visiting some friends who had been settled on the island – she and her family had been in detention for 26 months. "She used a bus, and I called a friend and he said she was there," Dabal tells me. "My sister was happy to leave this camp for a day."

She never returned. At 6 o'clock that evening, Dabal and his mother reported her absence to security guards. Something wasn't right. In response, the guards floated theories of missed buses or an innocent loss of time, benign explanations for what the family felt was a sinister disappearance. By 7pm, several hours past Nazanin's curfew, the camp authorities began to wonder, too. "They realise it was bigger than the things they thought," Dabal says.

Dabal joined two security guards as they drove to Nazanin's friends' house. The friends confirmed she had been there, but that she had left some time earlier to return to the camp before curfew. At this point, no one knew where she was. Dabal felt sick. This wasn't like his sister.

The guards contacted police, and gave them photos of the missing woman. Dabal was taken back to the camp to join his mother, and the pair was placed in an isolated room to wait for news. Which they did, for hours. As they waited they brooded

upon how small the island was – 10,000 people occupying just 21 square kilometres – and the unlikelihood of an absconded refugee. Something terrible must have happened to her.

Full story at <https://www.thesaturdaypaper.com.au/news/immigration/2015/08/22/nauru-rapes-there-war-women/14401656002263>

#### **4. The Nauru inquiry may well be Australia's Abu Ghraib moment**

Allegations of torture in the Nauru detention centre have been met with familiar denials. As Abu Ghraib showed, the public will get the truth eventually.

The Guardian  
Kellie Tranter  
Friday 21 August 2015 16.43 AEST

Allegations have been made at the Nauru senate inquiry that asylum seekers are being water-boarded while held in detention. They have been denied by the federal government. The situation is reminiscent of the early stages of the Abu Ghraib scandal that engulfed the US government of George W Bush in 2004.

Whistleblower John Nichols told the inquiry on 20 August that asylum seekers have been subjected to water-boarding and “zipping” – where a person is tied to a bedframe using cable ties, before it is thrown in the air to crash down with the person attached – and that colleagues bragged to him about the events.

Although he didn't personally witness the waterboarding or zipping, he had on two or three occasions witnessed asylum seekers walking out of a tent wet and coughing up water.

What has emerged from the inquiry reflects a likely pattern of abuse on Nauru that can no longer be ignored by Australian citizens, and that reflects patterns of denial we are familiar with.

Even though it became clear that senior members of the former Bush administration were well aware of detainee abuse by US soldiers before the explosive Abu Ghraib photographs were published, it didn't prevent official denials and counter-allegations that Congress, civil libertarians and the media were exploiting the story to discredit the Bush administration.

Official condemnation at the time focused solely on the work of a “few bad apples”.

Subsequent examination of the Abu Ghraib scandal by well known American psychologist Philip Zimbardo highlighted the systemic failures, including that of leadership, which ultimately led to the abuse.

According to Zimbardo, good people do bad things when there's a dehumanisation of others, de-individuation of self, diffusion of personal responsibility, blind obedience to authority, uncritical conformity to group norms and passive tolerance of evil, through inaction or indifference. All this usually occurs in a new or unfamiliar situation.

If Zimbardo's analysis correctly describes situations that can corrupt the individual, then we have more than a little cause for concern.

The Abbott government has instructed department and detention staff to publicly refer to asylum seekers as illegal arrivals and as detainees, dressed public servants in military-style uniforms, ignored that many children in detention identify more readily with their boat identification number than their name, implemented media bans, solidified departmental and contractor power and blanketed border control in secrecy.

It's also a telling sign that, just as the Bush administration blamed a “few bad apples” when evidence of misconduct emerged, a representative from Wilson Security described the recent revelations that Greens senator Sarah Hanson-Young was spied upon as the “rogue actions of a misaligned individual”.

The Abbott government's initial response to the latest allegations of torture – let's be frank about this, that's what they are – is to claim ignorance.

Firstly a spokesman for the immigration minister, Peter Dutton, simply said no claims of water-boarding had been made to the government or brought to its attention.

Yesterday the immigration minister attempted to divert attention from the substantive issue: “There's a dodgy Senate inquiry that is going on at the moment which is being run as a kangaroo court by the Greens and Labor.”

Nothing is said about what the government does to ensure that serious human rights violations are not occurring in offshore detention centres, or what it proposes to do about the allegations now that they have emerged.

Nothing is said about Amnesty International's claims that it has been denied access to the Nauru detention centre, preventing the organisation from reviewing conditions and treatment or hearing allegations of abuse from people held there.

And nothing is said about a secret recording which captures a Nauru detention centre guard admitting to his colleague that he falsified a report of being assaulted by an asylum seeker.

The responses suggests that the government is following the "Abu Ghraib denial process" – start with denials, and until pressure builds, refuse a government investigation.

No attempt will be made to assess more general questions, like whether Wilson Security staff are properly prepared, trained and supervised; nor will any serious attempt be made to investigate why allegations of abuse keep being made. The institutional and external factors around individuals who may be perpetrators of detainee abuse are also of scant interest to the government.

Policies of dehumanisation and blanket secrecy facilitate, and possibly encourage, the commission of crimes against asylum seekers held in detention centres.

The migration amendment (maintaining the good order of immigration detention facilities) bill, giving increased power to "authorised officers" to use force against people in immigration detention, would only make the situation worse.

As the US experience has demonstrated, secrecy progressively unwinds and, in the end, the public may well see the complicity that leads to abuse and torture.

Back on the ground, there's a certain inevitability that more people will continue to defy the Border Force Act; being a part of something so wrong becomes intolerable with time.

Faced with widespread international condemnation, the US handed control of the infamous Abu Ghraib prison back to Iraqi authorities in 2005. As more frequent disclosures of abuse and atrocities are made public it can only be a matter of time before those in power are forced to close Australia's offshore detention centres.

They would do well to remember that their condoning of and complicity in human rights violations will register at the polls.

<http://www.theguardian.com/commentisfree/2015/aug/21/the-nauru-inquiry-may-well-be-australias-abu-ghraib-moment>

## **5. HESTA dumps Transfield citing detention centre abuses**

Sydney Morning Herald  
August 18, 2015 - 6:14PM  
Sally Rose

Evidence that sexual assaults, child abuse, and other human rights violations inside the Australian government's offshore asylum seeker processing and detention centres are being covered up has led one of the country's biggest superannuation funds to dump contractor Transfield Services.

Industry super fund HESTA has sold its stake in Transfield Services citing evidence of human rights violations inside the offshore detention centres run by the sharemarket-listed company.

The \$32 billion fund said the risks associated with Transfield Services, the \$597 million company that operates the federal government's detention centres on Manus Island and Nauru, were too high.

"A substantial body of evidence is available pointing to the negative impacts of prolonged mandatory detention of asylum seekers, both the United Nations and the Australian Human Rights Commission are among respected authorities that have said it is a breach of human rights laws," HESTA chief executive Debby Blakey said.

"There is also a significant quantum of evidence that there have been numerous sexual and physical assaults in the detention centres operated by Transfield Services."

After more than a year of engaging behind the scenes as an activist investor, HESTA finally took the step of instructing the three external fund managers who held shares in the company on its behalf to sell the lot on Friday. The super fund previously owned a 3 per cent stake, valued in excess of \$18 million.

"We believe it is highly likely that the social governance issues associated with its detention centre contracts will have a negative impact on Transfield's business and share price, so have concluded it was in the best financial interests of our members to divest the stake," Ms Blakey said.

She flagged the heightened risk of future legal actions against the company.

## ***Lack of transparency***

"Strict confidentiality clauses in Transfield's government contracts meant the company was unable to answer questions we needed answers to," Ms Blakey said.

Many discussions were held with Transfield's board and management before taking action to exit the investment, including inviting the company to send representatives to front its board for an hour long discussion in May. Neither Transfield chair Diane Smith-Gander or chief executive Graeme Hunt attended any of the meetings, sending other directors and executives in their place.

In a written statement provided to Fairfax Media by Transfield Services on Tuesday the company said: "Our shares are traded every day. We understand one investor has recently divested its interest, while at least one other has increased its interest. Shareholders including major funds continue to support the company".

The engineering company's stock was fetching \$1.15 at Tuesday's market close, well down from their all-time high of \$10.51 at the peak of the mining construction boom in 2007. The shares have risen 45 per cent since Transfield was awarded a \$1.2 billion contract to run the facilities Manus Island and Nauru in February 2014. Most financial analysts hold a positive view that the area offers a good growth opportunity for the company.

Analysts estimate that the detention centre contracts contribute between 15 per cent and 20 per cent of Transfield's total revenue.

The Australian Council of Superannuation Investors has an ongoing engagement with Transfield Services in relation to the social governance risks associated with its detention centre contracts, meaning that more super funds could be readying to follow HESTA's lead.

HESTA is the country's sixth largest largest superannuation manager, responsible for investing \$32 billion in retirement savings on behalf of more than 800,000 Australians. The majority of its members are women working in the healthcare and community services sectors.

Many doctors, nurses, and other workers in the sector have protested the Border Force Act, which came in to effect on 1 July. The Act makes it illegal for healthcare professionals to report child sexual abuse in offshore detention centres.

Some of HESTA's members have used direct contact and social media to lobby the fund to blacklist Transfield Services, but Ms Blakey said the internal review process had already begun many months earlier.

<http://www.smh.com.au/business/banking-and-finance/hesta-dumps-transfield-citing-detention-centre-abuses-20150818-gj218u.html>

## **6. Petro Georgiou returns to Parliament with a message for the Abbott government**

Sydney Morning Herald  
August 19, 2015 - 1:44PM  
Michael Gordon

Australians will ultimately reject the policies that have consigned more than 1500 asylum seekers to life in limbo on Nauru and Manus Island, according to the Liberal MP who forced the Howard government to soften its treatment of asylum seekers in 2005.

Returning to Parliament House for the first time since he retired from politics in 2010, Petro Georgiou lamented that Australia's treatment of asylum seekers has gone through alternating phases of generosity and "harsh new measures".

"Today, under the pressure of numbers and the significance of tragic deaths at sea, we have returned to punishment," Mr Georgiou said in a speech accepting a lifetime achievement award from the Migration Council of Australia on Tuesday night.

Mr Georgiou was presented with the award by the Prime Minister, Tony Abbott, who sat at table with former immigration minister Scott Morrison, the architect of the government's deterrent strategy, during his speech. If they felt uncomfortable, it did not show.

"At present, the boats and drownings off our shores have been stopped. What we now have is the legacy of over 1500 people who have come under our protection, detained for years on Manus Island and Nauru with no end in sight," Mr Georgiou said.

"Our treatment of these women and children is, I believe, wrong and I believe an increasing number of Australians, once they appreciate what is happening, will come to regard it as being unacceptable."

Mr Georgiou led fellow Liberals Russell Broadbent, Judi Moylan and Bruce Baird in a revolt that led Mr Howard to introduce "a softer edge" to the system of mandatory detention of asylum seekers in June 2005.

In his speech, Mr Georgiou also expressed disappointment that multiculturalism had been "subjected to ongoing and sometimes outrageous attacks" and, since the 1980s, been "rolled back by unsympathetic or ambivalent governments".

He also observed that the emergence of Islamic extremist terrorism had been used by some to unjustifiably victimise and attack Muslim Australians.

While he said it not possible to "gloss over" these and other concerns, he said: "Looking back over seven decades, the overriding appreciation that I have of our nation is that Australia has demonstrated a remarkable ability to initiate progressive social change."

"That so many advances have been made, I believe, is due the decency of Australians and the actions of many individuals in many arenas, including activists, unions and employers, artists and athletes and, dare I say it, politicians, public servants and journalists."

Singled out for praise was the late Malcolm Fraser, whose achievements in implementing a non-discriminatory immigration policy, multiculturalism and a creative and humane response to refugees were "truly historic" and had made for a stronger, more cohesive and more tolerant nation.

"Our progress has not been inexorable, nor is it inevitable, and importantly the long march to Indigenous recognition and fair treatment is far from complete, but I do remain an optimist about the power of Australia's best values...and I believe our best achievements still lie ahead."

<http://www.smh.com.au/federal-politics/political-news/petro-georgiou-returns-to-parliament-with-a-message-for-the-abbott-government-20150818-gj2cg0.html>

## **7. We invited an asylum seeker to a Q&A session on Facebook. This is what happened next...**

Sydney Morning Herald  
August 18, 2015 - 10:37PM  
Jewel Topsfield

Hazara asylum seeker Khadim Dai fled to Indonesia to escape the Taliban, in fear for his life.

Khadim, who was found to be a genuine refugee by the UNHCR and is living in Indonesia until he is resettled in another country, featured in the recent Fairfax Media multimedia series Frontiers of Hope.

He agreed to participate in a Q&A session about the life of a refugee on The Age's Facebook page on Monday night.

What happened next highlights the state of the asylum seeker debate in Australia...

[Facebook post entries follow...]

Many readers were sympathetic to Khadim's ordeal...

Khadim, who is part of the persecuted Hazara ethnic minority in Afghanistan, fled to Pakistan with his family when he was a child.

He left Pakistan in 2013 when a bomb went off near his school. It killed 126 people, including his classmate.

"They also shot four of [my] close friends," Khadim said. "I felt I had no choice. Either I stay and get killed or I leave and maybe find a new safe country."

He is now waiting in Indonesia for the UNHCR to find him a country.

Many readers did weigh into the discussion to express their dismay at the hostile Facebook comments, apologising to Khadim and saying he would be a welcome addition to Australia:

[Facebook post entries follow...]

So we asked an expert to set the record straight...

Why asylum seekers can't stay in Indonesia is a question often asked of David Manne, the executive director of the Refugee and Immigration Legal Centre.

"Indonesia is not a signatory to the refugee convention and does not provide humane treatment or protection to refugees," he says. Refugees cannot legally work in Indonesia, their children cannot attend local schools and they are at risk of being deported.

"They are confined to a life of despair, destitution and danger on the margins."

In a column in Fairfax Media this week, former immigration minister Amanda Vanstone points out there is a difference between refugees "literally camping" in another country and eking out an existence with such help as the UNHCR can provide, and countries such as Australia "that actually make a space in their immigration program for refugees."

[Facebook post entries follow...]

So why did Khadim choose Australia at all?

Khadim says he would like to come to Australia because he has family there but is happy to live in any country that is safe. It is the role of the UNHCR to find a third country that will resettle him.

The Refugee Council of Australia says countries that happen to be closest to a refugee's country or origin or which are easiest for refugees to reach are not necessarily countries which are able or willing to provide effective protection.

"In the Asia-Pacific region, for example, few countries provide effective protection to refugees and conditions for people seeking protection are very difficult," the council says.

"Many countries in the region have no domestic asylum process and restrict access to asylum processes offered by UNHCR. People seeking protection are typically unable to work legally, own or rent property, access health care or send their children to school."

<http://www.smh.com.au/world/how-our-qa-session-with-a-refugee-highlighted-the-poisonous-state-of-debate-in-australia-20150818-gj1xuw.html>

## 8. Tim Dick: Scott Morrison reverts to type

Sydney Morning Herald  
August 16, 2015  
Tim Dick

So much for the cuddly Scott Morrison. Freed from immigration, he was cultivating a softer image more palatable to the Australian centre, happily leaving former cop Peter Dutton as the government's main man in the war against common humanity.

Morrison started smiling, he stopped hectoring interviewers, he booked a spread in The Australian Womens Weekly showing proof of him smiling. He was back on his path from the Shire to Kirribilli House. That was until last week, when flint-heartedness returned reminding us that he is, firstly, a political warrior for the hard-right, the followers of which are determined to enforce their draconian views on the rest of us.

On marriage, Morrison wants the constitution changed when no change is needed. The day after Attorney-General George Brandis pointed out the embarrassing error of that position, Morrison revealed his reason for wanting a referendum: the special vote. Not for him a majority of the supposedly representative parliament. Not for him the consistency of opinion polling. Not for him an equally unnecessary but at least straight up-or-down plebiscite of the people.

When at risk of losing the parliamentary vote, he resorted to the favoured tactics of cheats: changing the rules. Given the popular and logical argument in favour of marriage equality is long since won, his last chance is a pointless "special" constitutional referendum needing a majority of voters in a majority of states to pass.

"The people of South Australia shouldn't have this issue determined by them by the bulk of numbers on the eastern states any more than Western Australians or Tasmanians should," he said. Handily, that list of the smallest three states shows what he wants, the ability for a national minority to block what most Australians want. On current enrolments, it's possible for a shade over 1.5 million people in those states to beat a national majority of at least 7.6 million. So much for the "people's vote".

On Morrison shamelessly went, casually smearing the judiciary on the way, declaring that the chief justice Robert French should not decide the marriage equality issue, despite no judge of the High Court suggesting that he could. Morrison, you will recall, has form for baseless slurs against lawyers. He led the false charge against Gillian Triggs, president of the Australian Human Rights Commission, for the political crime of doing her job. He complained Triggs was "always arguing for a fair go for those who have forfeited that right by their own behaviour." Arguing for fairness; perish the thought.

In 2013, when Brandis sued the ACT government to void its marriage equality laws, the High Court found the issue was for the federal parliament to determine. Nowhere did the court proclaim any interest in taking the decision for itself, confirming only that the constitution allowed for marriage equality if the parliament voted for it. So much is so basic, yet Morrison

declared: "There is no legal barrier to this matter being addressed in a referendum." (Actually, there is: aside from it being pointless, the referendum question has to pass first through the parliament, which is no sure thing.)

Even after his position was exposed as foolish by his own government's chief law officer, Morrison carried on, resorting to his lawyer-hating form. "Look lawyers will always have lots of views on lots of things. We are used to lawyers going into the entrails of these sorts of things. I am not interested in sort of a lawyer's picnic discussion on this issue."

If only he had a little more interest in a little legal advice, he would have saved himself a great deal of embarrassment - if he's capable of experiencing that emotion. There are not "lots of views" from lawyers on the pointlessness of changing the constitution. The only people having a picnic discussion on the point are Morrison and Tony Abbott, freelancing on matters constitutional in a desperate bid to stop marriage equality. Rarely have politicians spoken so many words that have so little relationship to the facts than when trying to stop a few more couples having a wedding.

Which brings us to motive. Why is this issue so special? Why does this one need a popular vote? Why does a decision on marriage equality need outsourcing, when no-fault divorce did not? Homosexuality. Gays, lesbians and the queer community. Same-sex couples. That's the only difference. It is about extending civil marriage to two men or two women. While most Australians have turned their backs on the old, harmful rejection of homosexuality, Morrison and his ilk have not.

-->>> *Tim Dick is a Sydney lawyer.*

<http://www.smh.com.au/comment/scott-morrison-reverts-to-type-20150816-gj03qn.html>

## **9. Asylum seeker on Manus forcibly returned to Iran amid court challenge**

The 27-year-old man, repatriated while a case challenging detention is under way in PNG's supreme court, had been held on Manus Island for more than two years

The Guardian  
Ben Doherty and Calla Wahlquist  
Friday 21 August 2015 09.12 AEST

Papua New Guinea has forcibly returned an asylum seeker to Iran, even as a court case was under way to stop his removal.

The 27-year-old man – whose name Guardian Australia has chosen not to publish – had been held on Manus Island for more than two years. He was removed from the detention centre's Oscar compound last Thursday and put in solitary confinement.

Before being deported, he wrote and signed a letter that read: "Not leaving the compound that I am living in and/or not wish to be returned to my country of origin against my will."

The man's asylum claim was initially rejected, and he refused to participate in a second review, arguing the process was unfair.

Six guards escorted him to Tehran, including two Australians. None was in uniform. The man was allowed by Iranian authorities to return to his home, but reported having his passport seized and was ordered to report to police.

Lawyer Ben Lomai, who appeared before the PNG supreme court on Thursday, challenging the detention of asylum seekers on the grounds that it is unconstitutional, told Guardian Australia he had sought an injunction "to stop refoulement" of asylum seekers while the case was being heard.

The man deported is one of more than 300 asylum seekers for whom Lomai is acting.

"I am very disappointed, very angry, that this is being done in this covert way. The government should be dealing with these asylum seekers in a manner which is transparent and fair, not secretly deporting them," Lomai said.

"The case is already on foot, the government should respect the process."

The PNG constitution guarantees "liberty of the person", "right to freedom of movement" and "freedom from inhuman treatment", as well as the right of access to PNG courts and to a lawyer.

Lomai argues asylum seekers have been denied these fundamental rights, and the state is required to release the men and compensate them.

He said the government's decision to deport a man while his case was under way could be in contempt. The case continues before the PNG supreme court on Friday.

In recent weeks asylum seekers on Manus Island have been told they will be deported "as soon as practicable" if their claim for refugee status and any subsequent appeal fails.

Documents issued by PNG's Immigration and Citizenship Service Authority warned stateless asylum seekers, or those who cannot be returned to their home country, that they would be held in detention indefinitely, until they managed to secure a visa to another country.

"If you choose to depart voluntarily, you will be eligible for Assisted Voluntary Return and reintegration assistance from the Internal Organisation for Migration," the document said. "If you are involuntarily removed, you will receive no financial assistance."

People issued with a removal notice would be kept in detention and "may be held in any location, including correctional institutions, while your removal is being effected".

In a section headed "Do I have any other options?" the document stated "No".

"You do not have the option of remaining in Papua New Guinea," it said. "You do not have the option of going to Australia. You will never go to Australia."

<http://www.theguardian.com/australia-news/2015/aug/21/asylum-seeker-on-manus-forcibly-returned-to-iran-amid-court-challenge>

## **10. MEDIA RELEASE: Immigration does nothing as fears grow for Nauru asylum seeker**

IMMIGRATION DOES NOTHING AS FEARS GROW FOR HEALTH OF NAURU ASYLUM SEEKER RAPE VICTIM

Tuesday August 18, 2015  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Fears are growing for the health of the 23 year-old Iranian asylum seeker on Nauru who has been held in isolation since being the victim of a savage sexual assault in May.

Nazinin, physical and mental health has deteriorated badly since the attack. She has not been eating or drinking for the last few weeks and is often unresponsive even to family members.

Last Friday, (14 August), after falling unconscious, Nazinin was admitted to the Nauru hospital and was re-hydrated. It is reported that she is now too weak to walk unaided.

Yesterday (Monday 17 August), doctors told her family that the high potassium levels in her blood indicate kidney failure and that she at risk of permanent kidney damage. Today (Tuesday 18 August), doctors again told the family that Nazinin's kidneys are failing and have warned that already she may require a kidney transplant.

But immigration has done nothing to provide the health care Nazinin needs.

"Since the assault in May, the Immigration department has done everything to cover up the attack. The family was told that Nazinin would be brought to Australia as other sexual assault victims on Nauru have been," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"But a week ago, the department officials changed their minds. Immigration and IHMS officials sent from Canberra told the family that they would not be taken to Australia but would be sent back to the family detention camp on Nauru.

"Even as Nazinin's health has failed so badly in the last few days, immigration have sat on their hands. They have done nothing to provide the medical assistance she urgently needs. She is still isolated at the IHMS clinic.

"Nazinin is a victim of sexual assault. Now she is a victim of wilful neglect by Australian Immigration and IHMS who are responsible for her. Immigration Minister, Peter Dutton is playing politics with her life. Peter Dutton is guilty of attempting to cover up the scale of sexual abuse on Nauru.

"Nazinin must be urgently medi-vacced to Australia."

For more information contact Ian Rintoul 0417 275 713

## 11. Claims Nauru police watched fireworks as asylum seeker sexual assault victim waited

Sydney Morning Herald  
August 21, 2015 - 10:24AM  
Nicole Hasham

Nauru police watched a fireworks display for 45 minutes while a distraught, half-naked female asylum seeker who had been sexually assaulted sat in the back of the police vehicle, according to an unpublished submission to a Senate inquiry into the detention camp.

The Nauru government strongly rejects the claim, which alleged police initially said the attack was fabricated despite the woman being left bitten, bruised and distraught.

It has been reported that the 23-year-old Iranian victim has been flown to Australia for treatment three months after the attack. Her family says she has since been on a hunger strike and attempted suicide twice, including by drinking insecticide.

It comes as Immigration Peter Dutton said on Thursday asylum seekers should be "treated with respect and dignity". Despite doubts over the competency of Nauru police, Mr Dutton said complaints about asylum seekers being mistreated at the island should be referred to that agency.

It is understood the anonymous submission to the Senate inquiry was made by a former detention centre worker.

It correlates with earlier claims by the victim, who said she was attacked by a man while on day release and forced to give oral sex for more than an hour as the assailant bit her breasts and shoulders.

The former detention centre employee said another woman found the victim running down a road partially clothed. The source said police were called and, after initially going to the wrong location, arrived and put the woman in the back of a police vehicle.

"Police then stopped on the way back to the station to watch a fireworks display for 45 [minutes] ... with a distraught, half-naked sexual assault victim" in the vehicle, the submission said.

Despite the woman having bruises and bite marks on her back and shoulder, Nauru police believed she had "made the whole thing up", the evidence said.

While the police eventually conceded the attack may have occurred, they insisted a fellow refugee, rather than a local, was responsible, the submission alleged.

The source said the Nauruan government feared that if a local was implicated, the incident may be "used as political leverage" by opponents of the detention camp.

The former employee said the police investigation did not progress and Nauru police do not have the capacity to properly interview or forensically examine a sexual assault victim.

A spokesman for the Nauruan government said it would not respond to "scurrilous and anonymous accusations against its police force".

"These claims are completely wrong and are rejected outright," the spokesman said, adding the initial police statement was based on information known at the time.

"This investigation is ongoing, however," he said. "Unfortunately, the victim has not been co-operating with police making the investigation more difficult.

"The Nauru Police Force is made up of highly competent men and women who are trained for investigations such as this."

<http://www.smh.com.au/federal-politics/political-news/claims-nauru-police-watched-fireworks-as-asylum-seeker-sexual-assault-victim-waited-20150820-gj3jpa.html>

## 12. Nauru assault victim reported near kidney failure

Radio NZ News  
Updated at 1:56 pm on 19 August 2015

Reports from Nauru say a 23 year-old Iranian asylum seeker, who has been held in isolation since being beaten in a savage sexual assault in May, is close to kidney failure but not getting the care she needs.

The Refugee Action Coalition reports that Nazanin's physical and mental health has deteriorated badly since the attack.

The watchdog says she has not been eating or drinking for the last few weeks and is often unresponsive even to family members.

The Coalition reports that in the past week Nazinan's family has been told by doctors that high potassium levels in her blood indicate kidney failure and she is at risk of permanent kidney damage.

The Coalition's Ian Rintoul says Australia's Department of Immigration has done nothing to provide the health care Nazinan needs.

He says since the assault in May, the department has done everything to cover up the attack.

He says the family was told that Nazinan would be taken to Australia as other sexual assault victims on Nauru have been, but this plan was dropped a week ago.

Mr Rintoul says the Australian Immigration Minister, Peter Dutton, is playing politics with Nazanin who should be medivaced to Australia urgently.

Neither the Immigration Department or the Nauru Government has yet commented on the issues raised.

<http://www.radionz.co.nz/international/pacific-news/281819/nauru-assault-victim-reported-near-kidney-failure>

### **13. Woman allegedly raped on Nauru flown to Australia for medical treatment**

ABC News Online

By political reporter Dan Conifer

First posted Thu 20 Aug 2015, 8:41pm

Updated Fri 21 Aug 2015, 5:53am

A young female asylum seeker who was allegedly raped on Nauru has been flown to Australia for medical treatment.

The 23-year-old Iranian was allegedly assaulted in May while returning to the Australian-run detention centre.

Her family says she has since been on a hunger strike and attempted suicide twice.

The Immigration Department said she was flown off the Pacific island by air ambulance on Thursday night.

"Given advice from our medical providers ... International Health and Medical Services [IHMS] ... we've agreed that she should be transferred to Australia for medical care," department secretary Michael Pezzullo said.

"The individual has been receiving appropriate medical and mental health support on Nauru," a department spokesperson added.

The department said it received a transfer request from IHMS on Wednesday afternoon and approved it that evening.

The woman has reportedly been kept in a separate compound away from her family since the alleged assault.

Greens senator Sarah Hanson-Young has been calling for the woman's transfer and said it should have happened immediately after the alleged rape.

"She's now in a very, very difficult medical situation and thankfully she's now being flown to Australia," Senator Hanson-Young said.

"The fact that it's taken three months to get her here is just unacceptable.

"But of course I'm glad after advocating for her that we've finally been able to get her out of that awful place."

<http://www.abc.net.au/news/2015-08-20/woman-allegedly-raped-on-nauru-flown-to-australia-for-treatment/6713384>

### **14. Asylum seeker allegedly raped on Nauru flown to Australia for treatment**

'The fact that it's taken three months to get her here is just unacceptable,' Greens senator Sarah Hanson-Young says

The Guardian

Helen Davidson

Friday 21 August 2015 13.39 AEST

A 23-year-old asylum seeker who was allegedly raped on Nauru has been flown to Australia for medical treatment, the Department of Immigration and Border Protection has told a Senate inquiry.

Fronting the Senate inquiry into serious allegations of assaults, and conditions at the detention centre, the department secretary, Michael Pezullo, said the Iranian woman was en route by air ambulance to Australia for medical care after advice was received by the International Health and Medical Services, the contracted provider of medical care at the processing centre.

The request from IHMS came through on Wednesday and was approved immediately, a department spokesman said.

The Greens senator Sarah Hanson-Young said her information was that doctors were concerned about kidney failure.

Nauru authorities have been investigating claims the woman was assaulted on a nearby main road when returning to the centre after visiting friends while on day release, despite initially denying she had been raped.

A submission to the Moss review accused the Nauruan police of a series of failures to investigate sexual assault. No one has been charged over the alleged assault.

The woman's family has said she has self-harmed, has refused food and has been kept in a separate compound since the alleged attack.

Hanson-Young had previously accused the federal government of preventing the woman's transfer, which the department has denied.

The Greens' immigration spokeswoman said she was glad the transfer had now taken place, but "the fact that it's taken three months to get her here is just unacceptable".

She told the ABC on Friday morning the woman had waited 45 minutes after being found by police before being taken for medical care.

"The information that I was given at the time and has continued to be corroborated through evidence given to the parliamentary inquiry and through other sources, is that the police were watching the regular fireworks celebration while this poor young woman sat in the back of the police vehicle with nothing more than a blanket," she told the AM program.

The Senate inquiry also questioned representatives from Wilson Security and a former guard who claimed asylum seekers had been waterboarded and cable-tied to beds.

The guard said he had not witnessed waterboarding but "what I firmly believe to be the actions after".

Wilson Security denied those allegations, as well as others that the company had lied about the existence of a hotline for whistleblowers and drug and alcohol testing before July this year.

It also emerged that a fire during a 2013 disturbance at the centre had caused damage to the IT system, resulting in a six-month period with no central server, meaning records had been kept "ad hoc" by individual employees on their personal desktops.

At least one document – the "change of employment status" form for the senior Wilson Security guard who ordered the surveillance of Hanson-Young during her visit – was lost because of the interruption. The guard had been suspended on pay while the matter was investigated.

The Greens senator Scott Ludlam questioned what else went missing during that time, given Wilson Security had responded to various allegations by saying searches for evidence had turned up nothing.

<http://www.theguardian.com/australia-news/2015/aug/21/woman-allegedly-raped-on-nauru-flown-to-australia-for-medical-treatment>

## **15. Nauru guard who ordered spying on Sarah Hanson-Young to face inquiry**

Wilson Security guard Jason Kahika called before Senate inquiry to explain the 'rogue' operation said to have involved up to eight guards monitoring the senator

The Guardian  
Ben Doherty  
Wednesday 19 August 2015 06.00 AEST

A senior Wilson Security guard on Nauru who ordered his subordinates to spy on senator Sarah Hanson-Young while she was on the island has been called to appear before a Senate inquiry to explain what the company has described as a “rogue” operation.

Jason Kahika has been asked before the inquiry on Thursday afternoon to answer questions about the clandestine operation he ran, which reportedly included up to eight security guards watching the senator’s hotel room and car, and referring to her in communications by the codename “Raven”.

Anonymous submission 62 to the Senate inquiry by a Wilson Security guard detailed the surveillance of Hanson-Young.

“When Senator Sarah Hanson-Young visited Nauru, Wilson Security organised a team from [the] ERT (Emergency Response Team) to spy on her while she was on Nauru. This included following her around the island while she was outside of the OPCs and setting up an observation post to watch her room at the Menen hotel,” the submission said.

“The briefing was given by ERT supervisor [name redacted] in which he gave orders to spy on the senator. This briefing included her room number, vehicle registration and even using code name ‘Raven’ over the radio to make reference to her.”

The Senate inquiry heard Kahika ordered two junior guards to sit in a car outside the Menen hotel for 12 hours, watching Hanson-Young’s car.

When the operation was discovered, Kahika was suspended with pay. He was later reinstated to a supervisory role.

Kahika’s superior Ben Gilbert, who stopped the spying operation when he discovered it, has also been asked to appear before the inquiry.

A spokeswoman for Wilson said the company was unable to discuss matters before the inquiry and information would need to come from the secretariat.

During an earlier appearance, Wilson said the spying was not part of an authorised surveillance operation, but “the rogue action of a misguided individual”.

But the ABC reported Wilson staff allege up to eight guards were involved in the surveillance of Hanson-Young, and that documents around the operation were shredded when it was uncovered.

“It was a misguided action by an unauthorised individual that should never have occurred,” John Rogers, executive general manager, southern Pacific, of Wilson Security, told the inquiry.

“I offer an unreserved apology to Senator Hanson-Young for any distress that this may have caused.”

In its formal response, Wilson said the surveillance was well-intentioned and that the guards’ “motivation was the security of the senator”.

The immigration minister, Peter Dutton, initially described Hanson-Young’s allegation as “completely unfounded”. On Monday he told parliament the government had not been involved in the spying and that it was “a dispute, as I understand, between Wilson’s, the contractor, and an employee”.

Kahika has not yet confirmed his attendance at the hearing to the committee. Guardian Australia has attempted to contact him for comment.

Hanson-Young said she was seeking independent legal counsel about her being followed and spied on.

She said the evidence of whistleblowers from the island contradicted that of Wilson staff, and the unauthorised surveillance was further evidence of a lawless attitude among contractors on the island.

“If these government contractors are prepared to breach the privacy of a federal senator and break the law by doing so, what are they doing to the men, women and children detained inside the detention camp?” she told Guardian Australia.

“It is clear that these new and very serious allegations of spying together with the serious nature of abuse against women and children inside the camp, shows the government contractors are acting as a law unto themselves.”

Meanwhile, a 23-year-old asylum seeker on Nauru who was allegedly raped three months ago is reportedly critically ill from a hunger strike that has entered its 33rd day. Other asylum seekers reported she had had no water for a week and was not speaking.

The woman was admitted to hospital after losing consciousness last week. Doctors have reportedly told family members that the high potassium levels in her blood indicate kidney failure.

The Australian Border Force have confirmed they are aware of the rape allegation. Nauru police have said they are investigating. No arrests have been made or charges laid.

<http://www.theguardian.com/world/2015/aug/19/nauru-guard-who-ordered-spying-on-sarah-hanson-young-to-face-inquiry>

## 16. Transfield defends evidence given at Senate inquiry into Nauru abuse

Operator of the Australian-run immigration detention centre says all incidents of alleged asylum seeker abuse 'are investigated and acted upon'

The Guardian  
Australian Associated Press  
Monday 17 August 2015 12.34 AEST

The Australian operator of the Nauru immigration detention centre has denied misleading a Senate committee investigating abuse there.

Transfield Services said it stood by the evidence it provided at hearings about its strict alcohol and drug policy, well-promoted whistleblower hotline and proper handling of abuse incidents, despite claims to the contrary.

The company was committed to openness and transparency and the care of asylum seekers was paramount, it said in a statement to the ASX on Monday.

"Whether substantiated or not, all incidents are investigated and acted upon as part of the company's welfare-led service," Transfield said.

Employees and contractors were encouraged to raise concerns about any known or suspected unlawful or inappropriate conduct within the organisation, it said.

The company said any claims of illegal activities had been referred to Nauruan police.

It said media reports of an absence of alcohol testing in Nauru were wrong.

"Transfield Services is committed to the highest standards of probity and transparency," the company said.

<http://www.theguardian.com/world/2015/aug/17/transfield-defends-evidence-given-at-senate-inquiry-into-nauru-abuse>

## 17. Former Nauru guard says he saw aftermath of waterboarding

John Nichols tells Senate inquiry he heard security staff 'brag openly' about the action but did not directly witness the alleged torture

The Guardian  
Helen Davidson  
Thursday 20 August 2015 20.15 AEST

A former Wilson Security guard has walked back from his allegations that asylum seekers were waterboarded at the Nauru immigration detention centre, telling a Senate inquiry he did not witness the act, but saw asylum seekers soaking wet and coughing water after leaving a tent they had been in with guards.

However, John Nichols, who also made submissions to the inquiry regarding guards spying on Senator Sarah Hanson-Young, claimed to have heard members of the emergency response team (ERT) "brag openly" about the action, and said he did witness guards tying a detainee to a fence with cable ties.

Nichols worked for Wilson Security from 2013 to June 2015 and has made legal claims against the company.

Following his testimony, representatives of Wilson Security told the inquiry Nichols' evidence was "preposterous" and that because detainees were able to communicate with organisations such as Amnesty International, allegations of abuse were "absurd".

"I can categorically confirm there has never been a report or even the slightest rumour of activity of this nature," said Wilson Security's John Rogers, suggesting that asylum seekers had access to a range of communication devices, as well as people from numerous organisations and groups. "To think that events like those described could go undetected and unreported is absurd."

Amnesty International promptly responded to Rogers' remarks, pointing out they have been denied access to the detention centre for almost three years.

“Amnesty International has three times been denied access to the Nauru detention centre, preventing the organisation from reviewing conditions and treatment or hearing allegations of abuse from people held there,” Graeme McGregor, Amnesty International Australia’s refugee campaign coordinator, said in a statement.

“As a result, the only contact some asylum seekers within the centre have with Amnesty International is through intermittent, non-secure internet access and one to two short phone calls outside the centre each week. People transferred from detention in Nauru to Australia expressed to Amnesty International fears that on Nauru their calls and emails were being monitored by the authorities, making them reluctant to report abuse in that way.”

Nichols had earlier told the inquiry he believed members of the ERT had waterboarded Palestinian asylum seekers in Bravo compound’s tent 11 at least two or three times.

Nichols conceded he had not personally witnessed waterboarding, but “what I firmly believe to be the actions after”.

“I’ve seen members of the ERT exit tents and later I’ve seen asylum seekers come out of that tent covered in water, coughing,” he said.

The inquiry also heard testimony on claims guards strapped asylum seekers to bed frames with cable ties and then lifted up the frame before letting it crash to the ground. Wilson Security has categorically rejected the claims, but Nichols said he had seen detainees cable-tied to a fence.

Cable ties are on Nauru for use on construction, the head of the ERT, Brett McDonald told the inquiry, but are not issued to staff.

He later said “flexicuffs” – handcuffs that strongly resemble cable-ties – were available and were occasionally used to restrain people.

The inquiry’s chair, Alex Gallacher, later looked up flexicuffs on an electronic device, and described them as “basically cable ties”, noting it would be very easy for Nichols to mistake them as such.

At the hearing Wilson Security also answered questions about its staff spying on Hanson-Young during her visit to the centre.

Under questioning by Senator Scott Ludlam, Nichols said it was common knowledge among the ERT that Hanson-Young was being followed and there was “not a chance” supervisors did not know.

Ludlam said that would suggest someone had “lied to our faces on this committee”, to which Nichols agreed, but Rogers and McDonald later disputed the allegations.

The Wilson Security representatives added there was no instruction to guards to film Hanson-Young, and that a search of body-camera footage stored by guards had turned up nothing featuring the senator’s visit.

It emerged during the inquiry the “change of employment status” form for the senior Wilson security guard who ordered the spying and was subsequently suspended with pay during the investigation was lost.

A fire six months earlier during a July 2013 disturbance had caused the loss of an IT system, the inquiry heard. “We were relying on people saving things to their desktop computers,” McDonald said.

Ludlam questioned what else went missing during that time, given Wilson Security had given a number of responses to allegations that searches for evidence had turned up nothing.

Nichols also accused Wilson Security of lying to the committee about drug and alcohol testing and the existence of a whistleblower hotline. He said there was no drug and alcohol testing before July 2015, and there was no phone number.

He accused supervisors of shredding incident reports and instructing him to shred them over the six months he worked in the control room – a claim denied by Wilson Security.

Stakeholders who had submitted the reports, such as Save the Children, “would be none the wiser”, he said. The shredding machine was referred to as “File 13” he said.

McDonald said there was a shredder at the centre, but it was copies of reports, not originals, that were shredded.

<http://www.theguardian.com/world/2015/aug/20/former-nauru-guard-says-he-did-not-see-waterboarding-of-asylum-seekers>

## 18. Former Nauru security guard backtracks on claims he saw refugees being water-boarded

ABC News Online

By political reporter Dan Conifer

First posted Thu 20 Aug 2015, 3:41pm

Updated Thu 20 Aug 2015, 4:12pm

A former Australian security guard at the Nauru detention facility, who claimed refugees had been water-boarded, has been forced to concede he never saw it taking place.

A Senate committee is investigating claims of abuse against refugees and asylum seekers at the island's Australian-funded facility.

Jon Nichols worked for Wilson Security — a service provider at the centre — between 2013 and June this year.

He told the inquiry he believed Palestinian refugees had been water-boarded on "two or three occasions" last year.

"Members of the ERT [Emergency Response Team] ... conducted [water-boarding] against members of the Palestinian community that was on Nauru, refugees," he said.

"These matters were raised with my direct supervisor.

"Senior management, I'm not sure [if they were told], but definitely management that was on the ground."

But under questioning from Liberal Senator David Johnston, Mr Nichols later conceded he had not seen it taking place.

"No, I have not personally witnessed the actual event but I have witnessed what I firmly believe to be the actions after," he said.

"Water coming out of their mouth, coughing up water."

Mr Nichols conceded his statement, saying the torture had occurred "throughout the facility" referred to only one part of the detention centre.

"By throughout the facility I'm referring to bravo compound, so in that sense throughout the facility may have been a bad choice of words," he said.

Wilson Security's John Rogers said the company rejects the allegations.

"Frankly the evidence that I've heard is preposterous," Mr Rogers said.

"I can categorically confirm there has never been a report or even slightest rumour of activity of this nature.

"Before this afternoon the only allegations resembling these have been reported by a lawyer representing an ex-employee who has indicated that his client will give evidence in this regard."

Before today's hearing, Immigration Minister Peter Dutton attacked the inquiry and rejected the claim of torture.

"The suggestion that people have been tortured is nonsense," he said.

"I have seen no evidence, no suggestion whatsoever of any of that sort of activity.

"There's a dodgy Senate inquiry that is going on at the moment which is being run as a kangaroo court by the Greens and Labor."

<http://www.abc.net.au/news/2015-08-20/ex-nauru-guard-backtracks-claims-he-saw-refugees-water-boarded/6712642>

## 19. Sting allegedly captures security guard in Nauru detention camp confessing to fake assault story

Sydney Morning Herald

August 20, 2015 - 7:09AM

Nicole Hasham

An Australian-paid guard at Nauru is accused of falsely claiming an asylum seeker violently assaulted him then perjuring himself in court, before confessing to the lie in a secret recording made by a colleague.

Fairfax Media has obtained a copy of the alleged confession, in which the Wilson Security guard boasts about the incident and jokes about taking a "dive" – the sporting term for falling to the ground and faking an injury. The guard said he wanted the asylum seeker convicted so he would never be settled in Australia.

The asylum seeker is believed to be a young Iranian man. It is understood he spent one month in jail for the alleged assault and tried to kill himself at least three times after being falsely accused – once almost successfully hanging himself.

Wilson Security says there was not enough evidence to make a finding against the guard, despite the company's own investigators apparently recording his confession.

Wilson admits it knew about the guard's potentially false claim, but refused to say if it shared this information with a Nauru court deciding the assault case. The asylum seeker was later found not guilty.

Wilson kept the alleged fabrication hidden from the Department of Immigration and Border Protection, raising concern that potentially criminal behaviour is occurring in taxpayer-funded offshore camps without government knowledge.

The controversy also raises questions over Wilson's response to a host of other alleged incidents at the Nauru detention centre, such as the sexual misconduct of guards, the torture of detainees and spying on senator Sarah Hanson-Young – allegations the company's officials either played down or denied.

In an official report of the alleged assault dated August 13 last year, obtained by Fairfax Media, the guard claimed he was controlling an access point between two sections of the camp when the asylum seeker tried to push past to visit his brother.

"Whilst defenceless and holding a two-way radio I was struck with a left fist or forearm by [the asylum seeker]," the guard, who is believed to be Australian, said.

"I moved my arms down in front of me as [the asylum seeker] continued forcing his way forward. I was then tripped or kicked [in] the lower left leg before we both fell to the ground."

The guard said he suffered facial bruising. However, a source close to the incident told Fairfax Media he believed the injuries were self-inflicted afterwards.

Original incident report: <https://www.scribd.com/doc/275216913/Original-incident-report>

<http://www.smh.com.au/federal-politics/political-news/nauru-detention-camp-security-guard-allegedly-confesses-to-fake-assault-story-20150818-gj1lxy.html>

## **20. Wilson's response to Nauru guard claims should be a worry for Dutton**

Sydney Morning Herald  
August 20, 2015 - 12:49AM  
Nicole Hasham

That a Nauru security guard apparently admitted, freely and proudly, that he invented claims he was hit by an asylum seeker is disturbing enough.

But more worrisome is the obfuscating response of his employer, Wilson Security – the beleaguered firm subcontracted by the federal government to keep the detention camp safe.

Wilson knew in December last year that the guard's claims were questionable. But it withheld that information from the Australian government, which pays hundreds of millions of dollars a year to keep asylum seekers housed offshore.

Wilson is close-mouthed on whether it passed its intelligence on to a Nauru court deliberating on the alleged assault, and the judge's verdict makes no mention of it.

This is a problem for Immigration Minister Peter Dutton. Australia must be seen to respect the sovereignty of Nauru, the republic it relies on to implement its controversial offshore processing regime.

But it appears the government's own hired security, operating in a closed environment far from scrutiny, has not been upfront with its paymasters - and may have withheld information critical to Nauru's legal process.

Transfield Services runs the centres on Nauru and Manus Island and engages Wilson Security. Its contract expires in October and the chances of its renewal have been badly dented by evidence of sexual assaults, child abuse and other serious incidents.

Wilson and Transfield both insist they provide a safe detention environment and are honest about what goes on inside the gates.

But HESTA, one of Australia's biggest superannuation funds, is not convinced – it recently sold its stake in Transfield Services, citing evidence of human rights violations.

After this latest incident, the Australian government must surely also be wondering if Transfield and its subcontractors are worth the risk.

<http://www.smh.com.au/federal-politics/political-news/wilsons-response-to-nauru-guard-claims-should-be-a-worry-for-dutton-20150819-gj2ldz.html>

## **21. Nauru guard's alleged framing of asylum seeker 'despicable', Wilson says**

Sydney Morning Herald  
August 20, 2015 - 7:43PM  
Nicole Hasham

Allegations a guard framed an asylum seeker at Nauru would be "despicable" if proved and Wilson Security's internal processes were "not applied well" over the matter, company officials say.

The Department of Immigration and Border Protection has described the failure to be alerted to the allegations as unsatisfactory.

At a Senate inquiry into the Nauru detention camp on Thursday, Wilson Security rejected a claim by a former staff member that asylum seekers were tortured by "waterboarding", dismissing the allegation as absurd.

Fairfax Media reported on Thursday that an Australian-paid guard at Nauru allegedly falsely claimed an asylum seeker violently assaulted him and then perjured himself in a Nauru court, before confessing to the lie in a secret recording made by a colleague.

Wilson Security official John Rogers told the hearing that despite the apparent confession, Australian laws around the use of recordings meant the information could not be used when considering disciplinary measures against the guard. This is despite the recording being made in Nauru.

The company's human resources department interviewed the guard who "strenuously denied he fabricated any assault", Mr Rogers said

The guard dismissed the comments as "embellishment, talking himself up". However two female workers who witnessed the incident told a court the asylum seeker did not hit the guard.

Wilson Security decided there was not enough evidence to dismiss the staff member and he was returned to duty.

However, Wilson is re-examining the issue and the Australian-paid guard has been suspended on full pay.

"This has been a very complex HR issue ... and we acknowledge with the benefit of hindsight that some of our processes were not applied well," Mr Rogers said.

"If the statement made by the individual in the recording ... proves to be accurate that would be despicable [and] a complete departure from the culture that we have built and we would immediately terminate the employee," he said.

A Department of Immigration official told the inquiry it was not informed of the allegations by Transfield Services, which runs the centre, saying this was "quite frankly not satisfactory".

Earlier a former Wilson employee, Jon Nichols, repeated claims made in a submission to the inquiry that asylum seekers were waterboarded and guards engaged in "zipping" detainees, which allegedly involved attaching them to metal beds that were thrown in the air so they crashed to the floor.

Mr Nichols said he saw asylum seekers emerge from a tent coughing up water and heard colleagues brag about waterboarding detainees, but he did not personally witness the torture. He also heard about "zipping" incidents but did not see them occur, he said.

Mr Rogers said the claims were "preposterous" and rejected them outright.

Such allegations had never been aired before and "to think that events like those described could go undetected or unreported is absurd", he said.

Wilson Security also rejected claims by Mr Nichols that supervisors routinely instructed him and other employees to shred important documents using a shredder dubbed "File 13".

Mr Nichols has made injury and unfair dismissal claims against Wilson Security.

<http://www.smh.com.au/federal-politics/political-news/nauru-guards-alleged-framing-of-asylum-seeker-despicable-wilson-says-20150820-gj42l3.html>

## **22. Guard 'fell down by himself and said I hurt him': asylum seeker speaks out**

The Age  
August 21, 2015 - 5:12PM  
Nicole Hasham

Joseph Zreika\* fled Lebanon with visions of Australia as "the best country" with "good people and justice for everyone".

But after the asylum seeker was allegedly framed by an Australian guard at Nauru for a violent assault he did not commit, these days he is sadder and wiser.

Mr Zreika, aged in his 20s, was jailed for more than one month over the incident. Speaking from a Melbourne detention centre, he recounted the anger and exhaustion that drove him to try to hang himself in a hot, stuffy tent at the Nauru detention camp.

The Department of Immigration and Border Protection has launched an investigation after Fairfax Media on Thursday revealed allegations that a Wilson Security guard falsely claimed Mr Zreika violently hit him. The guard allegedly perjured himself in court before confessing to the lie in a secret recording made by a colleague.

Mr Zreika left Lebanon for safety reasons he has declined to make public. He flew to Indonesia and said he arrived at Christmas Island by boat in May 2013.

He was transferred to Nauru, the controversial detention camp run by Transfield Services, which is plagued by evidence of child abuse, sexual assault and poor living conditions for detainees.

Mr Zreika's younger brother fled to Australia later and the pair were placed in different sections of the Nauru camp.

On the day of the alleged attack in August last year, Mr Zreika asked a Wilson guard for permission to eat lunch with his brother when the guard "started shouting at me and swearing at me. He fell down by himself, and said I hurt him."

Mr Zreika was charged with assault. In jail, he was denied halal food and lived off bread and milk.

"I was very tired and upset because I was in jail for nothing, I didn't do anything," he said.

The matter went to court, but a judgement was delayed for months.

"I felt angry, I felt my situation is very bad. I was thinking I want to feel rest from this situation, to die, to stop hurting my family."

Becoming unbearably distraught one day, the young man tried to hang himself in his tent – his life saved only by a fellow asylum seeker who came to check on him.

The court later found Mr Zreika not guilty after two female workers who witnessed the incident disputed the guard's account.

He left Nauru in April this year and is now at the Melbourne Immigration Transit Accommodation centre awaiting the outcome of his refugee claim.

The Wilson guard has been suspended on full pay while his employer reviews the incident. In the recording, the guard allegedly said he fabricated the assault so Mr Zreika, whom he disliked, would be convicted of a crime and never settled in Australia.

Mr Zreika questioned why he was still in detention when other detainees, many of them his friends, had been released. "I would like [to stay in Australia] because it's safe more than my country and one day I can save my family also," he said. "All I want is to get out from here, and to see my brother next to me."

\*Not his real name.

<http://www.theage.com.au/federal-politics/political-news/guard-fell-down-by-himself-and-said-i-hurt-him-framed-asylum-seeker-speaks-out-20150821-gj4n6m.html>