

Project SafeCom News and Updates

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1. Most oppose denying environmental groups charity status, says poll

The Age
September 25, 2015 - 12:15AM
Bianca Hall

Voters have overwhelmingly rebuffed the government's so-called "vendetta" on green groups, with new polling showing 70 per cent oppose any move to deny charity status to environment groups.

Removing such groups' charity status, first proposed by key Tony Abbott backer Andrew Nikolic, could cost them hundreds of millions of dollars in tax-deductible income, and severely restrict their capacity to campaign on environmental issues.

Pressure has been building on the government to abandon the proposed changes, with Labor and the Greens flagging they will oppose any moves it makes on the matter.

Environment groups believe the proposal is designed to strip them of their ability to campaign against mining projects.

Mr Abbott was particularly scathing of legal wrangling by environment groups to delay a proposal for a massive expansion of coal exports through the Great Barrier Reef.

But new polling conducted by the Australia Institute shows 68 per cent of people support the right of green groups to conduct environmental campaigns and advocate policy changes, while also claiming charity status.

Just 27 per cent of respondents said environment groups had too much influence, while 38 per cent said they did not have enough influence.

Sixty-two per cent said big business had too much influence, and 58 per cent said mining companies had too much influence.

"Advocacy, whether on behalf of vulnerable children, Indigenous communities, veterans or the environment is an essential part of our democracy," said Australia Institute director Ben Oquist, a former chief of staff to Greens leaders Bob Brown and Christine Milne.

The head of the Coalition-dominated inquiry into the changes, Alex Hawke, has been replaced by the Nationals' John Cobb,

Mr Hawke's office said his removal was simply a byproduct of his being promoted to Assistant Treasurer in Prime Minister Malcolm Turnbull's cabinet reshuffle and had nothing to do with his handling of the committee process, despite complaints by green groups.

In March, Mr Hawke told The Australian Financial Review: "I think there is an argument mounting about what taxpayer concessions are being used for and if that money is being used for groups that are purely political who are claiming environmental work that is not being spent on the environment."

New inquiry chairman John Cobb said the inquiry was "not a witch-hunt on the environment, it's to find out whether the taxpayer and the organisations actually gel, and it's to find out what the activists undertake — what percentage of the work is real work".

He distinguished between activism and advocacy on the one hand, and "real work" on the other, saying "I'm a farmer and a practical person".

In July, committee member and Queensland MP George Christensen took to Twitter after public hearings to taunt the Australian Marine Conservation Society, the Australian Conservation Foundation and the Fight For the Reef campaign with: "Time to get the donations in. I can't see it continuing longer once we report."

Green groups argued the taunts were proof the government was running a witch-hunt designed to silence opposition to contentious environmental decisions like the coal terminal at Queensland's Abbot Point. Former Greens leader Bob Brown described the inquiry as a vendetta.

Labor has described the inquiry as "a show trial" and shadow assistant treasurer Andrew Leigh said if charities were doing the wrong thing, they should be referred to the Australian Charities and Not-for-profits Commission.

<http://www.theage.com.au/federal-politics/political-news/most-oppose-denying-environmental-groups-charity-status-says-poll-20150924-gjtz4t.html>

2. New Zealand PM to speak to Malcolm Turnbull about citizens held in Australian detention centres

ABC News Online

By political reporter Matthew Doran

First posted Fri 25 Sep 2015, 12:20pm

Updated Fri 25 Sep 2015, 1:52pm

New Zealand prime minister John Key will raise concerns about the number of his citizens in Australian immigration detention facilities with his Australian opposite number Malcolm Turnbull, as the Federal Government continues to crack down on foreign criminals.

Late last year the Abbott Government amended the Migration Act to bolster the character test by which foreign nationals can have their visas revoked.

The new measures allowed for the mandatory cancellation of visas for any foreign national sentenced to at least one year's jail, or those convicted of sexually based offences against children.

Statistics released by the Australian Border Force show of the 2,028 people in immigration detention facilities at the end of August, 184 were from New Zealand.

The crimes for which that group of New Zealanders have been convicted of range from murder and manslaughter to rape, assault and drug offences.

Eighty New Zealand nationals have been deported from Australia this year, up from 53 the previous year.

Media outlets across the Tasman have reported Mr Key is concerned about up to 75 New Zealanders being housed at the Christmas Island detention facility.

A spokesperson for Mr Key's office confirmed he did believe deporting a New Zealand national — who has committed a relatively low-level crime — seemed harsh, particularly if that person had little ties to the New Zealand community after having left the country many years ago.

"It is not our practice to comment on any other nation's domestic policy," the spokesperson said.

"Prime Minister John Key has said he's intending to discuss a variety of issues including deportation of New Zealanders with the Turnbull Government."

Immigration Minister Peter Dutton said millions of people travelled to Australia every year.

"The vast majority do the right thing and abide by our laws and we welcome them warmly," Mr Dutton said.

"But the tiny minority who break the law and the conditions of their visa and harm our community are not welcome.

"Similarly, if Australians visit New Zealand or any other country and break the law they should be sent back to Australia."

In a statement, Mr Turnbull's office said Mr Key had not made any formal approach to the Prime Minister's office in relation to the policy.

"At this stage the Government does not believe there is a need to review its policy," the statement said.

"A memorandum of understanding (MOU) between the Australian Department of Immigration and Border Protection and its New Zealand counterparts has been worked up this year in an effort to address Prime Minister Key's concerns and to ensure there is an agreed approach to keeping New Zealand informed about who is being sent back to New Zealand, why, and when.

"The MOU is now ready for signature."

<http://www.abc.net.au/news/2015-09-25/nz-pm--concerned-over-citizens-in-australian-detention/6805192>

3. Did Tony Abbott stop the boats? New analysis casts doubt on claims

The Age

September 25, 2015

Nicole Hasham

The federal government's claim that it "stopped the boats" has been called into doubt by analysis showing asylum seeker arrivals slowed dramatically after the former Labor government toughened its border stance, suggesting the Coalition "vastly overrated" its contribution.

The analysis, by former Immigration Department chief John Menadue and Australian National University migration expert Peter Hughes, shows the drop-off began immediately after former Prime Minister Kevin Rudd announced in mid 2013 that asylum seekers who arrived on unauthorised boats would never be resettled in Australia.

When Prime Minister Tony Abbott took power a few months later "the flow of maritime arrivals was well on its way to being finished as a result of measures already taken" by Labor, the analysis said, adding the Coalition's role "was at the margins and vastly overrated".

But Immigration Minister Peter Dutton said Labor's earlier dismantling of Howard government border policies triggered the surge in boat arrivals and "the Abbott government stopped the boats".

Under a controversial policy instigated by Labor, asylum seekers who arrive by boat are held and processed offshore at Manus Island and Nauru, and permanently denied refuge in Australia.

The measure was announced in July 2013, a month when 48 boats arrived. This dropped to 25 boats in August and 15 in September, when Labor lost power.

It continued falling to about five per month until December 2013, when the Abbott government began turning asylum seeker boats back to other nations.

Last month Immigration Minister Peter Dutton said the government had turned back 20 boats since it won office – an average of one a month.

The analysis said: "Arguably, boat turn-backs would not have been successful at all without the July 2013 decision ... it's hard to believe that it would have been physically possible to turn back 48 boats [a month]".

It pointed to other Labor measures that helped stem the flow of boats: "enhanced screening" of Sri Lankan asylum seekers that forced many to return home quickly, and the decision by Indonesia, at Australia's urging, to stop issuing Iranians with visas on arrival.

Mr Hughes and Mr Menadue said when in opposition the Coalition blocked legislative changes that would have enabled asylum seeker processing in Malaysia, which "kept the door open for tens of thousands of boat arrivals".

Mr Menadue is a former secretary of the Immigration Department, and was head of the Department of Prime Minister and Cabinet under Malcolm Fraser and Gough Whitlam.

Mr Hughes is a former senior policy official at the Immigration Department and later advised the department on the proposed Malaysia deal.

Mr Dutton said Operation Sovereign Borders and boat turn-backs "showed the people smugglers they were dealing with a government that would be resolute in shutting down their illegal trade".

"From the moment Labor dispensed with the Howard-era border protection measures the people smugglers were in business and the boats started flowing," he said.

Offshore processing and denying unauthorised boat arrivals settlement in Australia were policies the Coalition held in opposition, Mr Dutton said.

Labor immigration spokesman Richard Marles said the party's offshore processing policy had a "profound impact on stopping the flow of vessels between Java and Christmas Island" and an end to deaths at sea "could have been achieved much sooner had the Liberals not opposed Labor's Malaysian solution".

<http://www.theage.com.au/federal-politics/political-news/did-tony-abbott-stop-the-boats-new-analysis-casts-doubt-on-claims-20150924-gjtwfo.html>

4. Has Australia ever had a humane asylum policy?

Sydney Morning Herald
September 23, 2015 - 11:45PM
Carly Gordyn

Australia's current asylum policy is often compared with the country's more humanitarian past. Many have accused today's government of defying a proud humanitarian tradition of welcoming persecuted people. "We used to be better than this", the critics cry. They are referring to a more compassionate time when the Australian public welcomed asylum seekers and "took pity despite our misgivings".

In 1976, Australia received its first "boat people" (besides the convicts, of course). Around 60 boats arrived, bringing some 2000 people fleeing Indochina. Australia then resettled more than 185,000 Indochinese refugees as part of a global effort.

This global effort involved host countries allowing asylum seekers to stay while their cases were being assessed by resettlement countries, which agreed to fast-track their claims. Australian officials flew to regional camps and assessed those with claims to asylum before airlifting them to Australia, essentially preventing them from taking the precarious boat journey.

It is these policies that have been hailed as part of our proud humanitarian tradition. But were these actions really motivated by humanitarianism? Truth be told, these policies were all about stopping the boats, and they always have been. In the face of the 1976 crisis, Australia did not help until it was forced to do so when boats began arriving on the nation's shores. When Australian officials began assessing asylum claims in the regional camps of Southeast Asia, they did so selectively and in a limited capacity. Refugees were selected on the basis of strict criteria, including health checks and work suitability. This ensured that the government exercised control over the "flow and quality" of those selected to be resettled.

This is why today's government fears the boats. Boat people choose us. They display agency in arriving on our shores, effectively undermining the government's agency in selecting who can arrive (and the circumstances in which they can arrive). So the people-smugglers are painted as the "scum of the earth", not so much for exploiting vulnerable people (after all, they are supplying a service for which there is demand), but for taking the control of who can come to Australia away from the government.

In 1996 the Howard government linked the Offshore Program (the refugees abroad we select to resettle), and the Onshore Program (those who have already made it to Australia and then apply for asylum from within). This meant that for every place granted to a person who had already arrived in Australia, a place was taken from those allocated to the Offshore Program. This fed into the government's narrative that boat people were "queue jumpers" and therefore robbing a "genuine" refugee from their place of safety.

Now that the government has "stopped the boats", it can get on with the humanitarian task at hand – resettling those "real" refugees being robbed by boat people and people smugglers.

So why did it take the government so long to commit to resettling Syrian refugees after other industrialised countries had opened their doors? Aren't we supposed to be a "good international citizen?" The government's decision to resettle 12,000 Syrians above our quota (who will be subject to the same stringent testing used in the Indochinese crisis) is a start, but that is all it is.

Germany is set to resettle 800,000 Syrian refugees and Britain has committed to 20,000 over five years. This diminishes Australia's claim to being a "good international citizen"; it is certainly not one who is leading the rest of the world. In fact, the crisis in Europe reminds us that we never really had a crisis.

Photographs of drowned children, stories of tragic desperation and Germans who meet asylum seekers upon their arrival with water, candy and blankets are moving the Australian public to demand we do more for the Syrian refugees. Let us just spare a thought for those Syrians on Manus Island and Nauru, those Syrians who were on boats that we turned around, and those Syrians who very recently returned to Syria after reaching breaking point in Australian-run offshore detention centres.

This says a lot about how much government leadership can affect public responses. It's time for some positive leadership. Contrary to ousted Prime Minister Tony Abbott's belief, it is actually us who can learn a lot from other countries. The question now is whether new Prime Minister Malcolm Turnbull will take a different approach.

Either way, I suspect that maybe we never really were "better than this" at all. But this is a good opportunity to start. We can help more of the four million Syrian refugees.

After all, the "boats have stopped".

Carly Gordyn is a PhD scholar researching the international refugee regime at The Australian National University's Coral Bell School of Asia Pacific Affairs.

This article was also published at New Mandala, Australia's premier website on Southeast Asia politics and society.

<http://www.smh.com.au/comment/has-australia-ever-had-a-humane-asylum-policy-20150923-gjsyj8.html>

5. More than 20,000 asylum seekers receive work rights after years living in forced destitution

Sydney Morning Herald
September 25, 2015 - 1:33AM
Nick Toscano, Workplace Reporter

How sweet it is to wake to a new day – a day with a shape, a day with meaning. Hamid Ali rises early. He pours tea into a thermos, pulls on a vest and steps outside into the morning chill. Then he starts to smile.

"Two years I have been in Australia and there was nothing," he says. "We had no permission to work, we could not go to school ... all I could do was stay at home."

Like thousands of other asylum seekers who came by boat after August 2012, Mr Ali has been under visa conditions that stopped him from getting a job and restricted him to a fraction of the dole, \$31 a day, scarcely enough for rent. Days stretched into weeks, months into years.

But this morning, his first day back on the tools, the Pakistani Hazara is standing tall, surveying the construction site where he will be working as a brickie.

"I am bricklaying the fences here," says Mr Ali. "Soon I will hopefully have bigger projects and can do a complete house."

Australia's strict visa rules that have forced asylum seekers to live in destitution are now being relaxed, with the federal government rubber-stamping new work approvals in numbers not seen for years.

Statistics obtained this week reveal a staggering 22,800 asylum seekers between January and September have been granted eligibility to start earning a living.

"In the same period last year, large numbers of illegal maritime arrivals remained in detention," a Border Force spokeswoman said.

"Many were released on Bridging Visa E without work rights. A total of 62 had work rights."

Of 25,000 boat arrivals now living in the community on bridging visas, more than 24,400 can now work.

Migrant resettlement service AMES said more than 2000 asylum seeker clients had received work rights, up from 350 in February.

"Work is not just about a pay cheque, it is a source of pride, self-reliance, improved health and sense of self-worth," chief executive Cath Scarth said. "It gives structure and meaning to people's lives and it is the fabric from which our society is wrought."

The rush of new work approvals follows the federal government lifting a stay on processing asylum seeker protection claims and has begun a "fast-track" processing system.

But the controversial system has also drawn criticism from legal groups, which say it could lead to legitimate asylum seekers being sent back to persecution in their home countries. Asylum seekers will have a single opportunity to make their claim to the department and face more stringent limits on their right to appeal a negative decision.

Asylum Seeker Resource Centre chief executive Kon Karapanagiotidis said the government was "giving with one hand while taking away with the other".

"While it's positive that people seeking asylum in our country have the right to work again, it comes after a long period where they were left without the ability to support themselves or their families," he said. "Now they face the prospect of only being eligible for temporary protection from the war, violence and persecution they have escaped in their home country."

The Brotherhood of St Laurence, which runs an asylum seeker employment program, has reported a "three-fold increase", with 275 referrals between April and June. Spokeswoman Farah Farouque said the program was experiencing a "flurry" of new asylum seekers eager to work and contribute to society.

<http://www.smh.com.au/national/more-than-20000-asylum-seekers-receive-work-rights-after-years-living-in-forced-destitution-20150924-gjtvnx.html>

6. Syrian asylum seekers already in Australian detention plead to be included in 12,000-people refugee intake

ABC-TV - 7.30

By Jess Longbottom

First posted Thu 24 Sep 2015, 6:26pm

Updated Thu 24 Sep 2015, 6:47pm

Syrians who have come to Australia by boat and are being held in detention centres are pleading for the Government to accept them as part of its special intake of 12,000 Syrian and Iraqi refugees.

In early September then-prime minister Tony Abbott announced Australia would settle refugees from Iraq and Syria, who had sought safety in neighbouring countries such as Turkey, Jordan and Lebanon.

But Mr Abbott said people who had used people smugglers or gone beyond the first country of refuge would not be considered.

7.30 has identified 17 people who have fled Syria and are being held in detention centres — nine in offshore centres on Nauru and Manus Island.

Most arrived in Australia by boat since July 2013 when the then-Labor government announced it would never resettle any person who came to Australia by using people smugglers, even if found to be genuine refugees.

They include two boys aged eight and 10 on Nauru, and a 16-year-old-boy, eight-year-old boy, and one-month-old baby in detention in Darwin

Hani (not his real name) is 44. He has been in detention for 25 months, ever since he arrived by boat on Christmas Island just two weeks after the Government announced it would not resettle boat arrivals.

"I left Syria because... I thought that my life was in danger. I decided to escape my country because if I stay I will face death," he said.

He left his four children and wife in Aleppo in July 2013 after his home was bombed, hoping to find them a safe place to live.

Hani was held on Manus Island for a year, but was eventually transferred to Villawood Detention Centre in Sydney after suffering two heart attacks.

"If I knew that I would be in detention for two years, I wouldn't come here because I have a real problem... I promise [my family] I will bring them out [of Syria] in two or three months," he said.

"I leave them in the war, [facing] bombings and starving. I didn't know I would be [in detention] for long time."

"I hope Australia will let me into this 12,000. I'm very happy if they let me be released to community and bring my family. And let me live safely with my children."

Hani's brother, Talal, who is an Australian citizen, said his brother's detention had taken a huge toll on his family.

"When we hear about the [12,000 refugees], we are very happy, because we think maybe this is one solution for my brother's problem," he said.

"We hope that this 12,000 would include my brother because it's the same problem."

Detainees appreciate refugee intake, even if 'not part of it'

Syrian twins Wissan and Rasha Alabbas, 25, are being held in Nauru, along with Jafer Fakher and his five sons, including 10-year-old Salar and 8-year-old Salam.

Jafer Fakher's son Mahmood Fakher, 21, said the family left Damascus in June 2013 to escape the fighting.

"People here in Nauru are suffering. There are so many medical issues for people in here, including mental health," he said.

Mahmood's twin brother Ahmed said his father had been extremely depressed and in severe pain since undergoing a botched operation for a hernia in Nauru's main hospital.

"There were dogs in the hospital," he said, "We had to see our own father crying because he was in so much pain. He was stressed and humiliated."

He said one of his brothers then self-harmed, which put extra pressure on the family.

Ahmed said he was happy the Government decided to settle 12,000 Syrians in Australia.

"We feel grateful and appreciative of that decision, even if we're not part of it. All Syrian people are our family," he said.

Meanwhile, two Syrians who have been found to be refugees have been settled on Nauru for eight months.

Ali Kharsa, 18, and his father Ahmad, 46, spent a year in detention before being released into the community. They are working as security guards and are now trying to join the rest of their family in Canada. Canada accepted them as refugees after Mr Kharsa and his father made the boat journey to Australia.

The 18-year-old recently entered a Pacific Island rap contest, reminiscing about his experiences fleeing from Syria.

<http://www.abc.net.au/news/2015-09-24/detainees-ask-to-be-included-in-12000-refugee-intake/6803120>

7. 'We suffer the same as them': the trauma and despair of Syrians detained on Nauru

There are 12 Syrians on Nauru, and all have fled the same conflict as the 12,000 to be welcomed to Australia. But they will remain in a hellish limbo

The Guardian

Lenore Taylor Political editor

Friday 25 September 2015 10.53 AEST

In early 2013 Jafar Fakher and his five sons fled Damascus. The city was under heavy shelling. His eldest, Muhammad, then 23, and twins Ahmed and Mahmood, then 19, did not want to fight for the regime of Bashar al-Assad, nor for the militias, as their homeland descended deeper into the civil war that has now killed more than 200,000 and displaced more than 11 million people.

Jafar, now 48, ran a money exchange and electronics shop. He started receiving threats that his elder sons would be kidnapped for ransom, or taken and forced to fight.

Like millions of others he and his sons fled for their lives to neighbouring Lebanon. But Jafar had to leave more than his home and possessions behind. His wife has severe asthma and could not make the journey. She remained with his 91-year-old father, the family hoping fate would somehow provide a way for them to reunite.

Jafar, Muhammad, Ahmed, Mahmood, then nine-year-old Salar and seven-year-old Salam flew to Indonesia and paid a people smuggler to reach Australia, winding up in the Christmas Island detention centre in July 2013 before being sent to Nauru in March 2014.

There they have remained for 18 months, among the thousands of humans who have become the collateral damage of Australia's bipartisan determination to "stop the boats", lives left in sanity-sapping limbo as an object lesson to any others who might think about seeking refuge in Australia by the same route.

They live a tent in the tropical heat, waiting, unsure for what. The young boys used to enjoy the school, run by Save the Children, but a few months ago it shut. They are sent to a local school, where some of the lessons are in Nauruan rather than English. Increasingly they refuse to attend.

Jafar and the three eldest sons just wait. Before the war they did various jobs. They'd all been extras in a television series. One wanted a career in journalism, another in IT. Now they sit out the prime of their lives in the heat.

"The first thing you have to do on Nauru is take sleeping pills and pills to calm down. If you don't take those tablets you will certainly lose your mind," says Ahmed. "One of my brothers and my father take antidepressants."

"My little brothers miss my mother a lot ... and they worry about our father. We see our father crying and there is nothing more horrible than that."

The psychological strain, isolation and uncertainty are the hardest thing to take, but the family is becoming physically sick as well. Jafar had complications and infection after a hernia operation. His mental health has been assessed as "severe distress".

One brother has contracted dormant tuberculosis while in detention. Salar suffers repeated ear infections leading to hearing loss. Salam has a persistent infection in his leg that multiple courses of antibiotics have not cleared.

On an island 4500km from the Australian mainland, the Fakher family is suffering out of sight.

They are six of 12 Syrians on Nauru, they say – two released into the Nauruan community and 10 in the camps. When the immigration department asks how many Syrians there are in offshore detention on Manus and Nauru, they reply vaguely there are "fewer than five" in each.

When Australians saw the faces of Syrians fleeing from the war into Europe we were moved. We insisted our government act. Backbenchers told the former prime minister, Tony Abbott, the "heartbeat" of the nation had changed. And he listened. Now 12,000 will come here.

For a fleeting moment on Wednesday it sounded as though the new prime minister was listening to the plight of those we lock up, far away, to achieve our bipartisan policy aims – refugees fleeing exactly the same conflict for exactly the same reasons as the ones we are welcoming.

Full story at <http://www.theguardian.com/australia-news/2015/sep/25/we-suffer-the-same-as-them-the-trauma-and-despair-of-syrians-detained-on-nauru>

8. Refugee repatriated from Manus to save family in Syria begs for resettlement

A man who voluntarily returned to Syria so he could rescue his wife and daughter is asking to be part of the group of 12,000 refugees from the conflict that Australia has promised to take in

The Guardian

Ben Doherty

Saturday 26 September 2015 08.32 AEST

The refugee who reluctantly agreed to be removed from Manus Island to rescue his wife and infant daughter from war in Syria has begged the Australian government to be included among the 12,000 Syrians it will accept for resettlement.

Twenty-nine-year-old Eyad* nominated to be voluntarily returned to Syria from Manus last month so he could help his wife and meet his baby daughter, born while he was in detention.

Reunited with his family in his home city of al-Harra, Eyad says he has had to leave his bombed-out home – destroyed in fighting between the al-Assad regime and separatist fighters – and is now living in the abandoned home of a friend who has fled the country.

Through intermediaries he said: “I am so tired and the situation here getting more worse every day. Dead bodies everywhere. I really need help [because] I could not find anyone here to help me nor when I was on Manus. Even the International Organisation for Migration weren't not able to send me back.

“But the Australian government wasn't have any problem to send me back to this danger. My house has destroyed completely and I am living in my friend's house [because] he's out Syria now.

“If there is help for me and a way of getting us to Australia with the people they are taking [the 12,000 Australia has promised to resettle], I wish for that.”

A fellow refugee, still on Manus said: “Eyad couldn't stay here more and his family in danger there. He told me I preferred to die with them, better than to stay in Manus. His daughter was born when he was in Manus and he never saw her, just on picture.”

Eyad fled Syria in 2013 after he was imprisoned by the al-Assad regime. He arrived on Christmas Island by boat on 8 August 2013 and was moved to Manus Island less than a month later, on 5 September.

In a letter he wrote in April 2014 he said he had fled his home promising to find a safe place for his family. “I want to tell you my story, about in Syria and about civil war and the crime of killing innocent people in Syria – I came out because of this. And I thought to find a peaceful place and I promised my wife to find a place to live peacefully.”

But after nearly two years in detention, and having been recognised as a refugee who faced “a well-founded fear of persecution” in his homeland, he grew increasingly concerned about the fate of his wife – from whom he had not heard – and their child and agreed to go home.

On 19 August this year he nominated to be voluntarily returned to Syria from Manus Island. His repatriation was controversial.

The immigration department has consistently gone to extensive lengths to persuade Syrian asylum seekers to return to the country, even as the conflict there worsened.

The International Organisation for Migration refuses to be involved in any removals to Syria, saying the risks to those returned are too high. The organisation has not taken part in the return of Syrians from other countries since 2012, according to its latest report, so the Australian immigration department stepped in to repatriate Eyad.

The return of asylum seekers to Syria – even on a voluntary basis – has also sparked concern because Australia's immigration department will generally contact the Syrian embassy or consulate to arrange travel documents for them, alerting the government to their impending return.

Even as it flew Eyad back to Syria, the Australian government was warning that the situation in the country was deteriorating rapidly. Less than a fortnight after his return, the then prime minister, Tony Abbott, said the conflict in Iraq and Syria was “a very grave situation”.

“People in Syria are caught between the mass execution of the Daesh [Islamic State] death cult on the one hand and the chemical weapons of the Assad regime on the other,” he said. “It is important that there be a humanitarian response.”

Full story at <http://www.theguardian.com/australia-news/2015/sep/26/refugee-repatriated-from-manus-to-save-family-in-syria-begs-for-resettlement>

9. Syrian refugees already being processed for resettlement, Peter Dutton confirms

The immigration minister has announced that officials are working with the UNHCR and conducting health and security checks on 200 Syrians

The Guardian
Shalailah Medhora
Thursday 24 September 2015 18.06 AEST

Australian officials are conducting health and security checks on 200 Syrian refugees who are slated for resettlement in Australia, the immigration minister, Peter Dutton, has confirmed.

Earlier this month, the then prime minister, Tony Abbott, announced that Australia would make 12,000 extra permanent humanitarian visa places available for Syrians and Iraqis fleeing the conflict in the Middle East.

Families and persecuted minorities registered through the United Nations' refugee agency, the UNHCR, would be given first preference.

On Thursday, Dutton announced that Australian officials working with the UNHCR have started processing the first group.

"We've identified about 200 people already, and we're going through security and health checks," the minister told Macquarie Radio. "We will look at those most in need, including persecuted minorities."

Dutton insisted that Australia was not going to be "slack" when it came to security and background checks.

"We are going to do biometrics testing, we are going to do some DNA testing otherwise, and we are going to search databases to make sure that people who come to this country are not going to pose a threat," he said. "We offer a helping hand, but we aren't going to inadvertently let people in who are going to do harm to the men, women and children of Australia."

Biometrics tests, like fingerprinting, is standard when entering Australia, and the testing of genetic material can be used to confirm lineage for family reunion visas and to determine age in order to counter child trafficking.

A spokeswoman for the immigration minister confirmed that the government was hoping to have the first group resettled in Australia by Christmas, though that was dependent on the speed and ease of health and security checks.

<http://www.theguardian.com/australia-news/2015/sep/24/syrian-refugees-already-being-processed-for-resettlement-peter-dutton-confirms>

10. Transfield could face legal action over Nauru and Manus abuses, group warns

Directors and corporate officers of Transfield Services could face legal liability over the failure to disclose its contribution to human rights abuses

The Guardian
Paul Farrell
Monday 21 September 2015 08.07 AEST

The failure of Transfield Services to disclose its contribution to human rights abuses at the Nauru and Manus Island detention centres could see its directors and corporate officers face legal liability, a new group has warned.

The No Business Against Abuse group has been quietly working to persuade investors to put pressure on Transfield over its role managing Australia's asylum seeker processing centres on Nauru and Manus Island by divesting, and encouraging local businesses not to contract with the company.

NBIA, which launched publicly in partnership with activist group GetUp and began publicly seeking supporters over the weekend to sign their pledge, has met with a number of Transfield investors and key members of the company's management.

The group has capitalised on momentum building with pressure from groups such as the Australian Nursing and Midwifery Federation, refugee group Rise and other advocacy organisations on the corporate players involved in Australia's detention centres.

While the group had largely been working behind the scenes for some time, Transfield Services then took the unusual step of circulating a statement to investors to defend its management of the Manus Island and Nauru detention centres.

The lengthy statement distributed by the company in September sought to diminish extensive media reporting, Senate inquiries and independent investigations that have highlighted systemic abuse and failures to handle serious incidents at the Nauru and Manus detention centres.

NBIA hit back in response, saying the company had failed to disclose a series of relevant and recent findings by domestic and legal authorities. Crucially, it also said the company's officers could face liability for failing to outline some of these issues.

"NBIA has concerns regarding a number of aspects of the Transfield statement. In summary these concerns are that Transfield's statement ... fails to disclose that causing or contributing to human rights abuses may give rise to individual liability for Transfield directors, officers and employees, legal, financial and reputational risks for Transfield and contravention of the policy and practice commitments of many of Transfield's investors, financiers and clients," the NBIA response said.

The Australian Securities Exchange guidelines for public companies recommends entities disclose any "material exposure to economic, environmental and social sustainability risks."

The executive director of NBIA, Shen Narayanasamy, who is also the human rights director of GetUp, said Transfield was underestimating investors' concern.

"The release of the statement indicates that they are sensitive to the reputational, financial and legal risks associated with detention, but I think it simultaneously means that they are not addressing them in a way that reasonable people would find adequate," she said.

"They are underestimating a substantial level of concern in the investment community regarding the offshore detention centres."

Narayanasamy said the group would now be seeking public support and preparing for the release of its first report.

"From there what we're going to do is demonstrate the extent to which the Australian community is committed to businesses disavowing any connection with abuse," she said.

She urged the company to "better disclose the situation to its investors and have better transparencies to its investors so they can greater assess the risk."

Transfield circulated their statement to investors in an attempt to stay the growing momentum of the NBIA campaign. The company actively sought to play down the human rights obligations it was required to adhere to under Australian law.

While Australia has signed the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and other conventions, it has not enacted them in domestic law.

The company statement said: "International human rights instruments are not designed to create legal obligations on Australian companies. Australian law binds Australian companies."

It continues: "Transfield Services is aware that assertions have been made that the company and its directors and officers could be sued in connection with breaches of 'human rights' and other 'international laws'. There is no legitimate basis for these assertions. While OECD guidelines allow for complaints to be made to the Australian government, in the unlikely event the Australian government recognised a complaint about the company, it has no power to enforce any finding."

The company went on to state the board of directors has approved a new human rights statement and a series of human rights conduct business principles in June 2015.

The company also said "much of their source data regarding conditions on Manus and Nauru is based on outdated public information, and is therefore incorrect".

The statement said the company thoroughly investigates misconduct, and claimed "investigations show no evidence to support the majority of these allegations". It added no Transfield Services employee has been charged with an offence relating to an asylum seeker, but said in a small number of cases staff acted "in a manner that is inconsistent with our expectations".

But NBIA said in response the group relied on "publicly verifiable documentation in our conclusions, to ensure our statements themselves are able to be verified by others".

It said the company had failed to disclose relevant findings from the recent majority Senate report into Nauru, which found conditions at the centre are not adequate, and there are "striking gaps" in the discipline and professionalism of contractors.

Full story at <http://www.theguardian.com/australia-news/2015/sep/21/transfield-could-face-legal-action-over-nauru-and-manus-abuses-group-warns>

11. Michael Bradley: Transfield and detention centres: It's no longer business as usual

Like many companies in the modern media age, Transfield may soon realise that doing bad things is bad business, and its operation of the Manus Island and Nauru detention centres will continue to face scrutiny, writes Michael Bradley.

ABC The Drum

By Michael Bradley

First posted Thu 24 Sep 2015, 7:39am

Updated Fri 25 Sep 2015, 1:06pm

The rules of engagement are changing. As with the political establishment and mainstream media, corporations are only slowly realising that business as usual isn't what it used to be.

The interesting point of intersection, between the institutions of the status quo and the uncontrollable new world of grass roots activism powered by digital media, is the assertion of a new morality into a landscape where it has been largely absent for several hundred years.

Consider these recent events on an increasing scale of gravity. A Brisbane JB HiFi store refused entry to a customer with Down syndrome, based on mistaken identity. The story went immediately viral and JB HiFi apologised and promised to review its policies. Do a Google search on JB HiFi today, and this story fills your screen.

7-Eleven is in all sorts at the moment, after revelations that it has been at least tolerating if not facilitating a systemic scam among its franchisees of underpaying their largely immigrant workforce by under-reporting their hours. The only constraint on that story blowing sky-high is the fear among employees of being deported for breaching their visa conditions if they blow the whistle.

US pharmaceutical company Turing recently bought the rights to a 62-year-old medicine that treats toxoplasmosis (a common side effect of HIV/AIDS) and immediately raised the retail price from \$US13.50 to \$US750 per pill. It took a day of social media outrage, including a Hilary Clinton tweet, for the company to backtrack and say it would be reducing the price again.

At the far end of the scale, the 78-year-old automotive giant Volkswagen has just admitted that it sold 11 million diesel cars worldwide with software designed specifically to cheat pollution emission tests, pursuant to what can only have been a deliberate scheme of fraudulent deception tacitly endorsed at the highest levels of the company.

Somewhere along the scale of corporate amorality sits Transfield, which operates the two offshore detention centres on Manus Island and Nauru for the Government. Transfield is desperately trying to fight off a new form of existential threat that goes well beyond the damage many companies have suffered at the hands of social media in recent years.

Full story at <http://www.abc.net.au/news/2015-09-24/bradley-transfield-and-detention-centres/6800448>

12. Detention centre operator Transfield Services to be renamed 'Broadspectrum'

Company to ask shareholders to approve name change as parent company seeks to distance itself amid controversy over detention centre contracts

The Guardian

Ben Doherty

Friday 25 September 2015 14.24 AEST

Beleagured detention centre operator Transfield Services will ask its shareholders to approve a change in name and logo to "Broadspectrum", after the company's founding family withdrew its permission to use their Transfield brand.

The privately-held parent company Transfield Holdings, which is owned by the sons of founder Franco Belgiorno-Nettis, is seeking to distance itself from Transfield Services because of continued controversy over Transfield Services' detention centre contracts.

Transfield Holdings, owned by brothers Luca and Guido Belgiorno-Nettis, sold its 11.3% stake in Transfield Services for more than \$90m last year. It withdrew its permission to use the Transfield name and logo earlier this year.

Transfield Services has come under sustained pressure over its management of the Manus Island and Nauru immigration detention centres.

The detention centres there have been the site of violent riots, child sexual abuse allegations, assaults and other human rights breaches, and have been consistently condemned by the United Nations, human rights groups and parliamentary inquiries.

Late last month, the federal government announced Transfield Services was its preferred tenderer to run the offshore detention centres for another five years. Guardian Australia understands the total contract is expected to be worth about \$2.7bn, or \$45m a month.

In a letter to shareholders on Friday, Transfield defended its record.

“We are making a positive contribution to the lives of asylum seekers. The care and wellbeing of asylum seekers is paramount in our processes, decision and actions. Your board is proud of the work our staff is doing. We respect human rights in every aspect of our operations.”

The company said it had co-operated with parliamentary inquiries and reviews by independent bodies, including the UNHCR and Red Cross.

It conceded that “in a small number of instances, members of Transfield Services staff or sub-contracted staff have acted in a manner that is inconsistent with our expectations. We have taken firm and decisive action to eliminate risk and demonstrate that misconduct will not be tolerated. No act of abuse is acceptable. Not one.”

The company pointed out there had been no police charges laid against it.

However, lingering mistrust remains between Transfield and the local population on Manus Island, particularly over the actions of one of its sub-contractors, Wilson Security.

After a late-night drinking session which ended in a local Transfield employee allegedly being drugged and raped by three Australian Wilson Security guards, the guards were swiftly repatriated off the island, and out of reach of PNG law.

After two Transfield vehicles were seized by the victim’s family and supporters, Transfield management reportedly promised to return the alleged offenders to the island to face questioning. They still have not been returned.

Transfield has been under significant financial and business pressure for its involvement in Australia’s offshore detention regime.

Industry super fund Hesta last month announced it had sold its stake in Transfield Services because of a “substantial body of evidence” of human rights violations inside the offshore detention centres.

The \$32bn fund said the risks associated with Transfield Services were too high.

As well, Transfield Services chairwoman Diane Smith-Gander was reportedly blocked from taking over as chair of Tourism Australia over concerns, including from two cabinet ministers, of a possible backlash over Transfield’s activities, and the attention it would draw to immigration policies.

Controversy over Transfield Services’ detention centre management is not new.

Luca Belgiorno-Nettis was forced to step down as chairman of Sydney’s Biennale arts festival in March 2014 after artists opposed to the company’s detention centre operations on Manus Island and Nauru lobbied the Biennale board.

Transfield Services already uses the name Broadspectrum for its electrical contracting services business, and said the new moniker was “a better representation of the company’s business which is delivering a broad range of services that are essential to clients across multiple sectors”.

Shen Narayanasamy, executive director of No Business in Abuse and human rights director at GetUp, said public controversy over Transfield/Broadspectrum would only end if they abandoned their involvement in offshore processing.

“The company’s own figures show that someone tries to kill themselves in the Nauru detention camp every four days, and there is a serious sexual assault every four months.

“You don’t deal with abuse by changing your name, you deal with abuse by stopping the abuse. No amount of spin changes Transfield’s complicity in abuse. Transfield/Broadspectrum doesn’t have to sign a five-year contract to continue profiting from the abuse of vulnerable people. That’s their decision.”

<http://www.theguardian.com/australia-news/2015/sep/25/detention-centre-operator-transfield-services-to-be-renamed-broadspectrum>

13. United Nations special rapporteur for asylum seeker human rights delays Australian visit, cites Border Force Act

ABC News Online

By political reporter Matthew Doran

First posted Sat 26 Sep 2015, 11:28am

Updated Sat 26 Sep 2015, 11:37am

The United Nations special rapporteur on the human rights of migrants has postponed a planned trip to Australia, claiming the Federal Government's immigration legislation preventing people talking about what happens in detention facilities does not allow him to carry out his job.

Francois Crepeau said he was invited to travel to Australia by the Commonwealth and planned to gather information about the situation of migrants and asylum seekers in the country and on offshore detention centres.

He was due to arrive tomorrow.

"In preparing for my visit, it came to my attention that the 2015 Border Force Act, which sanctions detention centre service providers who disclose 'protected information' with a two-year court sentence, would have an impact on my visit as it serves to discourage people from fully disclosing information relevant to my mandate," Mr Crepeau said in a statement.

"This threat of reprisals with persons who would want to cooperate with me on the occasion of this official visit is unacceptable.

"The act prevents me from fully and freely carrying out my duties during the visit, as required by the UN guidelines for independent experts carrying out their country visits."

Mr Crepeau said he had asked the Government to give him a written guarantee people he interviewed during his tour would not be at risk of sanctions under the Border Force Act.

"As the Australian Government was not prepared to give the written assurances required by the official terms of reference for fact-finding missions by special rapporteurs, it was not possible for me to carry out the visit in my capacity as a UN independent expert," he said.

"Since March 2015, I have repeatedly requested that the Australian Government facilitate my access to its off-shore processing centres.

"I was also extremely disappointed that I was unable to secure the cooperation needed to visit any offshore centre, given the international human rights and humanitarian law concerns regarding them, plus the Australian Senate inquiries on the offshore detention centres in Nauru and Papua New Guinea, which raised concerns and recommendations concerning these centres."

The ABC has contacted Immigration Minister Peter Dutton's office for comment.

Greens senator Sarah Hanson-Young said the announcement highlighted Australia's immigration shortcomings on a global stage.

"The lack of transparency, the lack of free and unfettered access means that Australia is continuing to keep all of their operations in the dark, hidden even not just from the Australian media, but now from the United Nations itself," she said.

"The Government should guarantee that any staff or professionals working inside Australia's detention camps can speak openly to the United Nations, without fear of persecution, prosecution, or indeed the two-year jail sentence."

<http://www.abc.net.au/news/2015-09-26/un-human-rights-investigator-australia-visit-border-force-act/6807146>

14. UN cancels Australia visit over Border Force laws

The Age

September 26, 2015 - 12:35PM

Jane Lee

The United Nations has postponed a planned visit to Australia because the federal government cannot guarantee legal immunity to detention centre workers who discuss asylum seekers and migrants.

The United Nations' Special Rapporteur on the human rights of migrants, Canada's Francois Crepeau, was due to visit Australia on Sunday for about two weeks to investigate the plight of migrants and asylum seekers in offshore detention centres on Nauru and Manus Island, following an invitation from the federal government.

But Mr Crepeau said in a statement that the Border Force Act, which makes it a crime for immigration and border protection workers to disclose information about offshore detention centres, "serves to discourage people from fully disclosing information relevant to my mandate".

Under the law, such people face up to two years in prison for recording or disclosing information they obtain from their work.

"This threat of reprisals with persons who would want to cooperate with me on the occasion of this official visit is unacceptable," he said. "The Act prevents me from fully and freely carrying out my duties during the visit, as required by the UN guidelines for independent experts carrying out their country visits."

It was impossible for Mr Crepeau to carry out his visit as an independent expert for the UN because the Australian government "was not prepared" to meet his request for a written guarantee that anyone he met during his visit would not risk being intimidated or face imprisonment under the law. It had also denied his repeated requests for full access to offshore detention centres since March.

"I was also extremely disappointed that I was unable to secure the cooperation needed to visit any offshore centre, given the international human rights and humanitarian law concerns regarding them, plus the Australian Senate Inquiries on the offshore detention centres in Nauru and Papua New Guinea, which raised concerns and recommendations concerning these centres," he said.

The Special Rapporteur said he had been planning the visit with the Australian government since January.

The Human Rights Law Centre's executive director, Hugh de Kretser, said the cancelled visit was "unprecedented for a western liberal democracy".

"This is extremely damaging for Australia's reputation – particularly when our human rights record will be reviewed at the UN in November and we're seeking election to the UN Human Rights Council in 2018. It's extremely damaging to our ability to advance our national interest on the world stage," said Mr de Kretser.

It was also a "huge missed opportunity" for newly-appointed Prime Minister Malcolm Turnbull to pursue a "more constructive relationship with the UN".

"We urge the Australian Government to urgently provide the necessary assurances to the Special Rapporteur to enable the official visit to take place at a future date."

Doctors, and humanitarian workers have also criticised the law, which was passed earlier this year with the support of Labor, saying it prevents proper public scrutiny of detention centres in line with their duty of care to asylum seekers.

The government has dismissed such claims, saying a separate federal law ensured officials were protected in making "public interest disclosures". But it is unclear which health or medical professionals would be required to comply with the new secrecy provisions.

Under the Border Force Act, workers can only release such information legally if they have permission from the secretary of the department, if they are authorised by law, or if a court or tribunal orders or directs them to do so. The secretary would have to be satisfied that the information would help the person to perform their duties or powers to give them permission to release it.

Comment was being sought from the federal government.

<http://www.theage.com.au/federal-politics/political-news/un-postpones-australian-visit-over-failure-to-guarantee-protection-of-detention-centre-whistleblowers-from-reprimand-20150926-gjvqm2.html>

15. Australia up for human rights council seat despite senior UN official's criticism

Special rapporteur on human rights of migrants condemns Australia for not letting him into detention centres as Julie Bishop lobbies for seat in New York

The Guardian
Ben Doherty
Saturday 26 September 2015 11.22 AEST

Australia has reconfirmed its desire for a seat on the UN's powerful human rights council. However, its international reputation has been battered by a UN human rights official postponing a trip to Australia because, he says, the government refused access to detention centres, and threatened "reprisals", including jail, against people who spoke to him.

The condemnation comes as a report from rights groups Human Rights Watch (HRW) and the Human Rights Law Centre (HRLC) warns Australia must "lift its game" on human rights in order to be a credible global citizen.

The new Turnbull government remains committed to winning a seat on the powerful United Nations human rights council – mandated with “the protection and promotion of all human rights around the globe” – competing with Spain and France for two places on the 47-member council.

The foreign affairs minister, Julie Bishop, told Guardian Australia this week: “the government is strongly committed to its bid for a seat on the human rights council for 2018-20 – the first time we have sought a seat on the council”.

Bishop said Australia’s track record at the United Nations had shown it was a good global citizen and a powerful advocate for change.

“Our time on the UN security council shows that Australia can make a significant contribution in advancing the rights of women and girls, strengthening governance and democratic institutions, promoting freedom of expression, and advancing the protection of human rights.”

But Australia’s international reputation at the United Nations – whose general assembly is meeting in New York – has been battered by a statement from the UN’s special rapporteur on the human rights of migrants, François Crepèau.

Crepèau took the extraordinary step of issuing a statement in Geneva condemning Australia for blocking the UN’s access to detention centres and for its Border Force Act, which threatened jail for people who spoke to him about conditions for migrants.

Crepèau was due to visit Australia from 27 September to 9 October, but his trip has been indefinitely postponed.

The Australian Border Force Act 2015 carries a two-year prison sentence for people who disclose “protected information” about detention centre operations.

The law “would have an impact on my visit as it serves to discourage people from fully disclosing information,” Crepèau said.

“This threat of reprisals with persons who would want to cooperate with me on the occasion of this official visit is unacceptable.”

He said Australia – as the country ultimately legally responsible for the offshore detention centres on Manus Island and Nauru – had refused all access to the centres, which have been the site of violent riots, child sexual abuse allegations, inadequate medical care, assaults and other human rights breaches, and have been consistently condemned by the United Nations, human rights groups and parliamentary inquiries.

“Since March 2015, I have repeatedly requested that the Australian government facilitate my access to its off-shore processing centres,” Crepèau said.

“I was ... extremely disappointed that I was unable to secure the cooperation needed to visit any off-shore centre, given the international human rights and humanitarian law concerns regarding them, plus the Australian Senate inquiries on the off-shore detention centres in Nauru and Papua New Guinea, which raised concerns and recommendations concerning these centres.”

Crepèau’s comments follow a joint report from rights-focused non-government organisations (NGOs) HRW and the HRLC, “Australia at the Human Rights Council: Ready for a Leadership Role?”, that argues Australia’s approach to human rights “too often has been passive and, of greater concern ... at times ... inconsistent and unprincipled”.

Australia’s authority on human rights issues had been “diminished” by ongoing human rights abuses raised by its asylum policies, HRW’s Australia director, Elaine Pearson, said.

“Australia sets a bad example in the Asia Pacific by exporting cruel refugee policies that violate rights,” Pearson said. “Australia will not be a forceful defender of human rights if its own house is not in order.”

“Australia has overlooked human rights abuses, and supported abusive regimes in Sri Lanka and Cambodia in exchange for cooperation on asylum seeker policies such as boat turn-backs and regional resettlement.

“The stain on its reputation in Australia as it exported its cruel and inhumane refugee policies is something the government must now grapple with.”

But Pearson said a change in government leadership gave Australia the opportunity to be a more principled leader on human rights in the region.

Full story at <http://www.theguardian.com/law/2015/sep/26/australia-up-for-human-rights-council-seat-despite-senior-un-officials-criticism>

16. Coalition defends cooperation with UN after human rights official cancels trip

Special rapporteur on the human rights of migrants cited fears that detention centre workers could be jailed for speaking to him under the Border Force Act

The Guardian
Shalailah Medhora
Sunday 27 September 2015 11.54 AEST

The federal government has defended its record on cooperation with the UN after the special rapporteur on the human rights of migrants, François Crépeau, cancelled a trip to Australia over fears that detention centre workers would face reprisals from the visit.

Crépeau was due to tour onshore and offshore detention facilities this week but scrapped the planned visit after learning that detention centre workers could be jailed for two years for speaking to him under the Border Force Act.

The attorney general, George Brandis, admitted that the new law did include “some prohibitions in relation to communicating with third parties” but defended Australia’s record.

“Australia does cooperate with the UN in relation to our human rights obligations,” he told the ABC’s Insiders program on Sunday. “We are in very regular dialogue with relevant UN agencies who do a periodic audit of compliance by all the member states with human rights obligations and we have undertaken that exercise in my department quite recently.”

The shadow foreign minister, Tanya Plibersek, was scathing of the government for failing to reassure Crépeau that people who cooperated with his fact-finding mission would be protected.

“Of course Australia should give the special rapporteur an assurance that no one speaking to the special rapporteur would be subject to prosecution,” Plibersek told ABC TV. “We need to be careful with the personal details of refugees or asylum seekers in detention but the idea that people couldn’t confidently inform the special rapporteur of what is going on is ridiculous.”

The Border Force Act, which became law in May this year, criminalises the disclosure of “protected information” relating to detention centres. Staff who reveal rights abuses could face up to two years in jail.

Crépeau has written to the government to seek assurances that anyone who speaks to him will not have to fear jail time. “This threat of reprisals with persons who would want to cooperate with me on the occasion of this official visit is unacceptable,” he said.

“The act prevents me from fully and freely carrying out my duties during the visit, as required by the UN guidelines for independent experts carrying out their country visits.”

“Since March 2015, I have repeatedly requested that the Australian government facilitate my access to its offshore processing centres. I was also extremely disappointed that I was unable to secure the cooperation needed to visit any offshore centre, given the international human rights and humanitarian law concerns regarding them, plus the Australian Senate inquiries on the offshore detention centres in Nauru and Papua New Guinea, which raised concerns and recommendations concerning these centres.”

A spokesman for the immigration minister, Peter Dutton, told Guardian Australia on Saturday that Crépeau’s response was “disappointing and unfortunate” but that the government would help in facilitating any future visits.

The Greens spokeswoman on immigration, Sarah Hanson-Young, took to Twitter to ask the prime minister, Malcolm Turnbull to grant access to the centres.

“You can’t seriously block the UN from free & unfettered access to Aust refugee detention camps? Come on, open the doors,” she urged him. “You’ve got to wonder what the govt is so worried about keeping hidden.... Must be pretty bad inside these camps.”

<http://www.theguardian.com/australia-news/2015/sep/27/coalition-defends-cooperation-with-un-after-human-rights-official-cancels-trip>

17. Government's anti-radicalisation kit sparks ridicule on social media

ABC Radio CAF - The World Today
By Yasmin Parry
First posted Fri 25 Sep 2015, 12:53pm
Updated Fri 25 Sep 2015, 1:03pm

A Government kit which linked alternative music and left-wing student politics to violent extremism has been roundly ridiculed on social media.

The Radicalisation Awareness Kit, launched by the Minister Assisting the Prime Minister on Terrorism Michael Keenan, includes a case study of a young woman called 'Karen' who leaves home, starts listening to alternative music, and ends up being arrested for sabotaging forestry machinery.

Her story is told under the booklet's 'Violent extremism' section.

The hashtag #freakaren emerged on Twitter to poke fun at the case story, and it quickly began trending Australia-wide.

[Twitter messages on website - link below]

<http://www.abc.net.au/news/2015-09-25/anti-radicalisation-kit-sparks-ridicule-on-social-media/6804916>

18. Anti-radicalisation kit never meant for use in schools, says key author

Gary Bouma, who is quoted extensively in the booklet says the Attorney General's Department published it 'out of the blue'

The Guardian
Michael Safi
Friday 25 September 2015 12.27 AEST

One of the experts quoted in the government's anti-radicalisation awareness kit has distanced himself from the handling of the report, arguing it was never meant to be used in schools and that people need to be "trained in how to use it and how not to abuse it".

Another specialist, Michele Grossman of Victoria University, whose research is acknowledged in the report, has questioned the use of an environmental activist, "Karen", as an example of a violent extremist, saying it "fudges and blurs some of the lines" between activism and violence.

The booklet has attracted the ire of green groups for highlighting the example of a forest activist involved in the "alternative music scene".

Emeritus Professor Gary Bouma, who is quoted extensively throughout the booklet, told Guardian Australia that while he stood by the research, it was never intended to be distributed to schools.

"It was meant for professionals who are leaders in communities, and to be used in training sessions to make people aware of the background of social and cultural factors that lead in very rare cases to radicalisation," he said.

"We workshopped it with communities ... then out of the blue the Attorney General's Department decided to send it around to schools."

Bouma said the example of Karen was a well-established case study, but had been shared with the department "as an example of someone who in fact did not radicalise".

Prof Pete Lentini, who also worked on the project, confirmed Karen was a real-life example. But he said "radical" had been used in the booklet as a neutral, technical term referring to "a change in belief structure" - not as a pejorative label.

"I actually think, thank God for radicals, things like the suffragette movement, anti-slavery, and so on," he said. "And I actually got interested in the study of politics through alternative music."

About three dozen people were interviewed for the research on which the booklet drew, most of which was given to the department more than three years ago, he said.

He said the researchers were aware "Muslim communities have been taking it very hard for the last decade because of what people are doing in their name", and so they endeavoured to show there was "a spectrum of radical politics".

Like Bouma, he said the research was never intended to be distributed to schools. "This was geared towards civil servants and general law enforcement ... But you produce a report and the client does whatever they want with it," he said.

News of the booklet, launched last week by the counter-terrorism minister, Michael Keenan, was first published in Sydney's Daily Telegraph under the headline, "Schoolyard Terror Blitz".

But Bouma said the information in the kit was not intended for public consumption. "People should have been trained in how to use it and how not to abuse it ... to simply throw it out there was not the intention," he said.

Other experts in radicalisation told Guardian Australia on Monday that teachers should not to “jump to conclusions” about students who show symptoms described in the kit, warning Australia risked its own Ahmed Mohamed incident. Ahmed, 14, was arrested in Texas last week after a clock he assembled was mistaken by a teacher for a homemade bomb.

Grossman, who also said she was unaware the booklet was being produced and distributed to schools, questioned the use of the case study relating to “Karen”.

“For me, that is not an example that I think is particularly helpful,” she said. “I think we want to be very careful not to conflate political activism automatically with violent extremism.

“There is a difference between people who get involved in what you would call incidental violence as a result of a political protest. To me, that’s not what we mean when we talk about facing and tackling the very serious issues around violent extremism.

“It’s going to draw attention away from some of the really valuable things that are included in the awareness kit that should be up for discussion and debate.”

The Greens on Friday called for the prime minister to “recall and recycle” the kit.

“This booklet is so tainted by Tony Abbott’s politics of fear it should be shredded. Malcolm Turnbull has got to assert his leadership and declare Abbott’s culture wars are over,” said the Greens leader Richard Di Natale.

“Australians who care about our incredible natural environment should be congratulated, not silenced, abandoned and demonised as they have been by this Liberal government.”

- This article was amended on 26 September 2015 to clarify that Gary Bouma fully supported all the research behind the anti-radicalisation awareness kits.

<http://www.theguardian.com/australia-news/2015/sep/25/anti-radicalisation-awareness-kit-never-meant-for-use-in-schools-says-key-author>

19. Malcolm Turnbull urged to fix 'weeping sore' of Manus, Nauru asylum seeker detention

Sydney Morning Herald
September 25, 2015 - 4:31PM
Michael Gordon

Malcolm Turnbull is under pressure from key figures within the Coalition and crossbench senators to heal the “weeping sore” of Australia’s treatment of asylum seekers on Manus Island and Nauru.

Human Rights Commission president Gillian Triggs, is also seeking a meeting with the Prime Minister to press the case for policy change, describing the situation as unsustainable on practical, financial, legal and moral grounds.

“You simply can’t warehouse people for these lengths of time without a solution,” said Professor Triggs, who was frozen out by former prime minister Tony Abbott.

Liberal MP Russell Broadbent has implored Mr Turnbull to act, in the first instance by removing children from Nauru. Mr Broadbent is the last MP from the group of Liberals who forced John Howard to soften his border protection policies in 2006.

“You know what happens to a weeping sore if you don’t deal with it. It becomes a raging ulcer,” he told Fairfax Media.

Another member of that group, Judi Moylan, who retired from politics at the previous election, has joined 5000 women including businesswoman Janet Holmes a Court in petitioning Mr Turnbull to end abuse of those in detention on Manus and Nauru.

“Many women across Australia understand only too well what it is like to live in fear of violence and sexual assault,” an open letter by the women says. “That’s why we can no longer watch in silence as some of the world’s most vulnerable people confront that horror in the twilight world of Australia’s detention centres.”

Fairfax is aware of other Coalition MPs who have raised the issue with Mr Turnbull.

Several Senate crossbenchers say their attitude to the new government will be influenced by the response from Mr Turnbull, who this week said he shared the concerns of others about those on Nauru and Manus Island.

More than 650 asylum seekers, including 93 children, remain in detention on Nauru, while 936 men are being held in the Manus Island detention centre.

More than 50 others have been transferred to a low-security transit centre on Manus after being recognised as refugees, but they have no right to work for pay, or freedom of movement.

Fairfax Media has just returned from the island, where several of those in the transit centre said the situation was hopeless and that they would prefer to return to the detention centre, where sedatives were distributed to those with mental health issues each night.

While Mr Turnbull has ruled out any prospect of refugees on Nauru or Manus being resettled in Australia, he is being urged to consider other resettlement options and what can be done to tackle self-harm and abuse.

"It can't be that there is no resolution for these people. If you have a view that they are never going to be settled here, you have got to find an answer," Mr Broadbent said. "How long will the churches put up with this? How long will people who care put up with this?"

Tasmanian independent senator Jackie Lambie said Mr Turnbull had to deal with the issue.

"This has been simmering under the surface and it's about to explode, and I don't think he's got any choice but to deal with it," Senator Lambie said. "We have damaged them and to continue to leave them in detention – I don't think that's a very good option."

Other crossbenchers planning to raise the issue with Mr Turnbull include Victorians Ricky Muir and John Madigan.

Senator Muir said he welcomed Mr Turnbull's statement about sharing the concerns of Australians regarding those on Manus and Nauru.

"I recognise that any changes to Australia's border protection policy will need to be made by cabinet, but I'll be discussing the conditions on Manus Island and Nauru when I meet with the Prime Minister," he said.

Senator Madigan said he intended to raise the issue with Mr Turnbull, who has signalled a willingness to engage more closely with the crossbench than Mr Abbott.

"For some people it's out of sight and out of mind, but we're footing the bill for this; we've got some responsibility."

Palmer United Party leader Clive Palmer said he would raise with Mr Turnbull the need to end abuse and improve transparency on Manus and Nauru.

"We can't continue to suppress what is happening; it's happening in the name of all Australians," he said.

Professor Triggs said the treatment of those in detention contradicted the "wonderful, open-hearted" decision to resettle 12,000 refugees from Syria and northern Iraq.

"I understand the Prime Minister will want proper consultation and to think about this, but the truth is, in the longer term, it is simply unsustainable," she said.

"There has to be a rethinking of the policy. We have to find some equitable way of dealing with those who have fled persecution."

Professor Triggs said she was particularly concerned about the plight of a Syrian father of five who is believed to be being held on Christmas Island after a prolonged stint on Nauru.

Greens senator Sarah Hanson-Young said that with a new prime minister came a chance for change.

"Instead of renewing the management contracts for these camps of cruelty, costing us billions of dollars, the government should read the writing on the wall and simply shut them down."

<http://www.smh.com.au/federal-politics/political-news/malcolm-turnbull-urged-to-fix-weeping-sore-of-manus-nauru-asylum-seeker-detention-20150925-gjv14a.html>

20. Malcolm Turnbull's conundrum: stop the brutalising but don't start the boats

The Age
September 26, 2015 - 12:21AM
Michael Gordon

Malcolm Turnbull is confronting two ugly realities as he responds to his own instinct and the pressure of others to end the suffering of asylum seekers in limbo on Manus Island and Nauru.

The first is that Australia is spending almost a billion dollars a year to cause irreparable damage to men, women and children this country is obliged under international law to protect.

Never has so much been spent to damage one group of people in order to send a message of deterrent to others. It is not just cruel, immoral and inhumane; it is unsustainable. Deep down, Turnbull is at least prepared to confront this truth.

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Never has so much been spent to damage one group of people in order to send a message of deterrent to others. It is not just cruel, immoral and inhumane; it is unsustainable. Deep down, Turnbull is at least prepared to confront this truth.

The second reality is that any move to end the misery of these people by resettling them in Australia en masse risks a revival of the people smuggling trade and the kind of chaos that Europe is now confronting.

At its peak, the trade was generating people smugglers around \$35 million in a single month while putting lives at risk. Understandably, Turnbull is determined that there be no repeat on his watch.

His conundrum was captured in two responses, a few hours apart, that underscored the difficulty of navigating this country's border protection policy to a more sustainable and compassionate path.

The first saw him admit that he shared the concern of many about those consigned to life in limbo on Manus Island and Nauru and hint that he was open to ending their torment.

Then came the clarification: the declaration that nothing would change when it came to the harshest edges of the policy that stopped the boats. "We cannot take a backward step on this issue," he told ABC radio.

So what should he do? Having engaged the UNHCR on the 12,000 refugees Australia will take from Syria and northern Iraq, Turnbull should now engage the agency on what to do about Manus and Nauru.

The aim should be to provide real solutions for refugees on Manus and Nauru while transitioning to a regional asylum seekers framework involving countries including Indonesia, Malaysia, Thailand, the Philippines and New Zealand.

Just imagine if a portion of the billions spent on warehousing people on Manus and Nauru had been spent on building capacity in the region to deal with asylum seekers in a humane way. Imagine if a portion had been spent on subsidising rents while people re-established themselves or providing scholarships for university.

But might-have-beens mean nothing. It is time for a full and frank discussion about Nauru and Manus and the damage being done, remembering that both centres were proposed as a circuit breaker, not a permanent solution. It's a discussion Turnbull is singularly well-placed to lead.

<http://www.theage.com.au/federal-politics/political-opinion/malcolms-conundrum-stop-the-brutalising-but-dont-start-the-boats-20150925-gjux6r.html>

21. Malcolm Turnbull 'concerned' about asylum seekers on Manus Island and Nauru

The Age
September 23, 2015 - 12:45PM
Nicole Hasham

Prime Minister Malcolm Turnbull says he is concerned about asylum seekers languishing in Australian-run detention centres at Nauru and Manus Island and hinted the government may consider acting to relieve their plight.

However Mr Turnbull said cabinet must be consulted before the government changes its policies on offshore processing, which he described as a controversial and challenging issue.

Speaking to Sky News on the ninth day of his prime-ministership, Mr Turnbull adopted a markedly softer tone on asylum seekers than that of his predecessor Tony Abbott, saying he understood the issues and the government's existing policies were "on foot".

"I have the same concerns about the situation of people on Manus and Nauru ... as I think all Australians do and the minister [Peter] Dutton does," Mr Turnbull said.

"All policies change, but when we do make changes we will do so in a considered way and they will be made by the minister, myself [and] the cabinet."

Mr Turnbull has repeatedly emphasised he will consult colleagues and maintain the traditions of a true cabinet government in his second stint as Liberal leader, after his colleagues voted him out of the job in 2009 when the Coalition was in opposition.

It means the conservative flank of the party may restrain him from straying to the left on policies such as asylum seekers, climate change and gay marriage.

Mr Turnbull said offshore processing was "an area that clearly is one that is controversial, that is challenging one, it is certainly one that close attention is being paid to".

There are about 1600 asylum seekers and refugees held at Nauru and Papua New Guinea's Manus Island.

Under a regime instigated by the former Labor government, asylum seekers arriving on unauthorised boats are held and processed at the offshore centres, and denied resettlement in Australia.

Alarming reports have emerged from both facilities, including assault and rape of asylum seekers, inadequate medical care and poor living conditions.

Resettlement of refugees has so far been non-existent on Manus Island and extremely limited on Nauru.

Refugee advocates have been hopeful that the move to a more progressive prime minister might prompt changes in the government's hardline asylum seeker stance.

In February, Mr Turnbull refused to join Prime Minister Tony Abbott's criticism of Australian Human Rights Commission president Gillian Triggs after she delivered a scathing report into children in detention.

"The main point is the children. Children in detention is something nobody wants," Mr Turnbull said.

"All of us as parents in particular know how anguished it must be for children to be in these circumstances," he added, before defending Professor Triggs' credentials.

On Wednesday Mr Dutton said the government "will not be settling [offshore asylum seekers] in Australia" but signalled other policy changes may be considered.

"If we need to sharpen our programs, our policies, which will make it even harder for people smugglers to get through the net, that's exactly what we'll do," Mr Dutton said.

The government wanted people in detention settled "somewhere else in the world" quickly, he said.

Not a single asylum seeker at Manus Island has been settled, while two have died – one during riots that swept through the detention centre and one from septicaemia after cutting his foot.

A small proportion of asylum seekers at Nauru have been settled on the island, however they have only been granted five-year visas and their future after that date is unknown. A deal to resettle Nauru refugees in Cambodia has also been beset by problems and only a handful have taken up the offer.

Mr Dutton retained his portfolio during Mr Turnbull's ministry reshuffle, despite vocally supporting Mr Abbott in the leadership ballot.

However Mr Dutton, who has responsibility for border protection and some terrorism-related matters, was dropped from the national security committee of cabinet. Labor says this suggests Mr Turnbull holds him in poor regard.

But Mr Turnbull said during the Howard government, when cabinet processes were "the gold standard", immigration ministers did not permanently sit on the committee.

He said ministers "have to get on with their day jobs ... we've got to have an efficient government where people's time is used efficiently. This is not an issue of status."

Nauru Justice Minister David Adeang on Wednesday welcomed news that Mr Dutton would continue in the immigration portfolio, saying he was a "good friend" of the island republic.

"[Mr Dutton] understands the progress our government has made, has many connections here, and is always available when we need to discuss the ongoing partnership," he said.

<http://www.theage.com.au/federal-politics/political-news/malcolm-turnbull-concerned-about-asylum-seekers-on-manus-island-and-nauru-20150923-gjsxt2.html>

22. Malcolm Turnbull paying 'close attention' to Manus and Nauru asylum seekers

New prime minister says the plight of the asylum seekers in offshore detention is a 'legitimate' question, but will not offer immediate policy change

The Guardian
Lenore Taylor Political editor
Wednesday 23 September 2015 12.28 AEST

Malcolm Turnbull says the plight of asylum seekers and refugees in Australian-run detention centres on Manus Island and Nauru is a "legitimate question" to which his government is paying "close attention" – but has declined to say how or when the policy will change.

In his second major interview as prime minister, Turnbull also said he was "open to talks" with Labor on the China-Australia free trade agreement, encouraging opposition leader Bill Shorten to propose specific amendments to begin discussions.

In the interview with Sky News, Turnbull again refused to foreshadow changes to specific Abbott government policies before decisions had been taken by his new cabinet.

But asked about the more than 1,500 people in detention on Nauru and Manus with no clear prospect of resettlement, he told interviewer David Speers: "I have the same concerns about the situation of people on Manus and Nauru as you do, as all Australians do, as the minister Mr Dutton does.

"This is an area that clearly is one that is controversial, that is a challenging one, it is certainly one that close attention is being paid to ... I thank you for raising it, it is legitimate to raise it ... but we are not going to make policy changes on the run."

Forty asylum seekers on Manus Island have been found to be refugees, but there is still no program to resettle them and they have moved to different accommodation on the island. Four refugees from Manus have so far been settled in Cambodia, at a cost of \$55m, but most who have been found to be refugees have simply moved elsewhere on the tiny island. Many of the refugees have been in detention for more than two years.

Shortly after Turnbull's comments, immigration minister Peter Dutton did his own interview to stress that policy was not changing.

He said the government "remains absolutely resolute", that "people will not be resettling in Australia" and that if Australia "needs to sharpen our policies to make it harder for people to get through the net then that is what we will do".

"I saw the prime minister's interview and I agree with him 100%, where we can get people out of Nauru to permanent arrangements elsewhere in the world then we will do that," he said.

"The prime minister remains absolutely resolute that we will have regional processing centres as part of our deterrent ... and we will turn back boats on each and every occasion."

Turnbull attacked Shorten over Labor's stance on the China Australia free trade agreement, accusing him of being a "passive cork ... bobbing along ... in the slipstream" of an "alarmist, extreme, scare-mongering campaign by the CFMEU" against the China FTA.

He said Shorten could say he wasn't going along with the union's campaign and propose changes or amendments, which the government would consider.

"We're obviously open to talking to them but they have made no specific proposals, there is legislation in the House, they could move an amendment, they could propose a change or variation to Andrew Robb ... of course we are always open to talks," he said.

Shorten has foreshadowed that Labor will propose specific changes.

"The idea that we expect our negotiators to go back to China and vary the actual terms of the treaty is not what we are saying ... The only proposition, and it is a pretty reasonable proposition ... is that we are concerned that there are matters arising from the treaty which need to be belt-and-braced, and I'm talking about the use of temporary labour coming into Australia and that there should be appropriate safeguards around that," he told ABC's Q&A program on Monday.

Turnbull refused to answer questions about when he informed the new treasurer Scott Morrison or foreign minister Julie Bishop of his intention to challenge Tony Abbott, saying he was "not getting into a debate about archaeology or history".

Conservative anger around Abbott's dumping has focused on whether Morrison and Bishop passed on warnings to Abbott as quickly as they might have. Abbott has said he believed Morrison had "misled the public" in his account of his dealings with the former leader's office in the lead-up to the coup.

Turnbull defended dropping immigration minister Peter Dutton from the national security committee of cabinet on the grounds that it had been the practice for most of the term of the Howard government, which he described as “absolutely gold standard” in terms of running “a very solid traditional business-like cabinet government”.

Turnbull said the G20 leaders meeting in Turkey on 15 and 16 November was likely to be his first overseas engagement as prime minister and pointed to increasing consumer confidence figures this week as early evidence his “more confident leadership” on the economy was working.

<http://www.theguardian.com/australia-news/2015/sep/23/malcolm-turnbull-close-attention-manus-nauru-asylum-seekers>

23. Asylum seekers on Manus and Nauru won't settle in Australia, Turnbull says

Despite a softening of rhetoric on Wednesday morning, the new PM was later at pains to hose down any prospect of changes to the hardline border policy

The Guardian
Lenore Taylor Political editor
Wednesday 23 September 2015 19.49 AEST

Malcolm Turnbull started the day promising to pay “close attention” to “legitimate questions” about the plight of refugees and asylum seekers in Australian-run detention centres on Manus Island and Nauru but ended it insisting they would “never” resettle in Australia.

Asked about the more than 1,500 people in detention on Nauru and Manus with no clear prospect of resettlement in an interview with Sky Wednesday morning the new prime minister said : “I have ... concerns about the situation of people on Manus and Nauru ... This is an area that clearly is one that is controversial, that is a challenging one, it is certainly one that close attention is being paid to ... I thank you for raising it, it is legitimate to raise it ... but we are not going to make policy changes on the run.”

But later in an interview with Radio National he was at pains to hose down any impression that he might make any changes at all to the Abbott government's border protection policy.

“Let me be absolutely clear, there will be no resettlement of the people on Manus and Nauru in Australia. I know that's tough ... you could say it is a harsh policy, but it has worked,” he said.

“I know it sounds tough, but we cannot take a backward step on this issue ... the people smugglers have to understand ... we will not tolerate people smuggling.”

Forty asylum seekers on Manus Island have been found to be refugees, but there is still no program to resettle them and they have moved to different accommodation on the island. Four refugees from Nauru have so far been settled in Cambodia, at a cost of \$55m, but most who have been found to be refugees have simply moved elsewhere on the tiny island. Many of the refugees have been in detention for more than two years. Both centres have been plagued by allegations of assault, rape and poor health care. Detainees suffer psychologically from the ongoing and endless uncertainty about their future.

Turnbull had no new solutions, saying “the government is actively looking at means of resettling them in PNG or cambodia or we are looking at other options.”

He said the government was “of course” concerned about the conditions in the offshore detention centres, but deflected a question about whether the government would allow independent health teams in, saying “management is very much in the hands of [immigration minister] Peter Dutton.”

<http://www.theguardian.com/australia-news/2015/sep/23/asylum-seekers-on-manus-and-nauru-wont-settle-in-australia-turnbull-says>

24. Australia's leadership change gives hope to asylum seekers

The Age
September 25, 2015 - 5:02PM
Jewel Topsfield

Cisarua, Indonesia: Hazara refugee Hussain Ramzani is keenly aware Australia has a new Prime Minister.

"I'm just waiting for news that one boat will arrive in Australia and there is a chance the asylum seekers would be taken in. Then I would not sit here," he tells Fairfax Media through an interpreter.

Several months ago an agent - as people smugglers are known in Indonesia - told Mr Ramzani that Tony Abbott had only one year left in power "so you have to get ready".

Then suddenly the leadership in Australia changed and people smugglers were spruiking this as an opportunity to test the waters.

Prime Minister Malcolm Turnbull has ruled out a change to the Coalition's offshore processing policy despite admitting concern about the condition of detention centres on Manus Island and Nauru.

However Bangladeshi man Mochamad Jahangir Husain, who was on board a people-smuggling boat that attempted to reach Christmas Island this week, told Fairfax Media they were given hope by Australia's decision to resettle 12,000 refugees from Syria as well as the fact the nation had a new leader.

"Of course the agents are preparing," Mr Ramzani says.

"I believe they will send only a few people in the first boat, maybe about 20 people. They would absolutely charge them less for the first boat. Like a test. For the next boat they will increase the price."

Like many refugees in Indonesia, Mr Ramzani has already been waiting for two years for the UNHCR to find a third country to accept him.

"They gave me a paper saying I would be resettled in a third country within six months," says the former businessman from Quetta in Pakistan.

"For the last two years they haven't even called me. There are lots of asylum seekers ready mentally to go."

We are in a rancid-smelling room in Hotel Kenanga, a hostel in Cisarua where asylum seekers, mostly from Pakistan, live cheek-by-jowl.

Most have attempted to get to Australia by boat multiple times. It has always gone badly. Many journeys ended before they even began, the asylum seekers arrested by Indonesian authorities before they reached the beach. Others' boats capsized. They were rescued by the Australian Navy and then pushed back to Indonesia.

Now Australia has a new Prime Minister. The asylum seekers know this from the news or Facebook but they know almost nothing about him. Some have heard he is less of a "hardliner".

"Tony Abbott's asylum seeker treatment was very harsh. We are hopeful that (Malcolm Turnbull) will have a soft heart for us," says Sajjed Ali, a 21-year-old from Parachinar, an area of Pakistan that abuts Afghanistan. He shows us his legs which he says were injured in a bomb blast. "My house was hit by a Taliban rocket. We are just appealing to the new Prime Minister to announce something for us. If they take us in legally nobody would risk their lives to go by boat."

Former Immigration Minister Scott Morrison announced last November that asylum seekers who registered with the UNHCR in Indonesia after July 1, 2014 would no longer be eligible for resettlement in Australia.

Australia would also cut its annual intake from Indonesia from 600 people to 450, meaning, Mr Morrison said, "the waiting period in Indonesia to be resettled in Australia will be much longer".

There are now about 13,000 refugees and asylum seekers stuck in limbo in Indonesia. They cannot legally work or send their children to school.

"The life is very difficult here," says Bilal Hussain. "Pakistan would have been better - we would have died once and here we are dying every day."

Several express a sense of injustice that Australia is resettling 12,000 Syrian refugees when the Hazaras in Afghanistan and Pakistan have also been persecuted and killed by the Taliban for years.

"I think if they take 12,000 Syrian refugees there will be no future for the refugees stranded in Indonesia," says Muhammad Taqi, a truck driver from Afghanistan who lives in another room in Hotel Kenanga. "They are equally deserving people."

Mr Taqi's father-in-law is a building contractor in Melbourne. "He said Turnbull is a good man but I don't know in what way," says Nasima Nadri. The couple may have heard that Mr Turnbull "is not a hardliner", but there is no way they are risking a boat to Australia.

"No, it's 100 per cent dead if I go. I have a wife and kids. I can't play with their lives," says Mr Taqi. Fazil Agha, a 20-year-old from Logar in Afghanistan, is not getting on a boat either. "I'm sick and tired of this place [but] my heart says this route is not going to open again."

<http://www.theage.com.au/world/australias-leadership-change-gives-hope-to-asylum-seekers-20150925-gjv6po.html>

25. Asylum seeker boat with 21 aboard ran out of fuel three days before rescue

Group which included children was also running low on food and water, says fisherman who helped tow the boat to beach off Java

The Guardian

Ben Doherty

Thursday 24 September 2015 09.53 AEST

An asylum seeker boat attempting to reach Australia floated off the coast of Java for three days without fuel before it was rescued by fishermen early on Wednesday.

The 21 asylum seekers, including children, on board were taken to the southern Javan port of Cidaun, where they have been detained by immigration officials.

Some of the group are understood to hold UNHCR refugee cards.

The asylum seekers, reportedly from Bangladesh, India, and Pakistan, were found off the coast of Java by fishermen, who towed their vessel to Jayanti beach, Cianjur.

It is understood the asylum seekers had set out for Christmas Island three days ago, but were hampered by difficult weather and large waves.

They had been floating without fuel for three days, and were running low on food and fresh water.

"When we found them, they were lacking food and drink," a fisherman named Mamun told news website Okezone.

"Most of them are adults and some brought kids. We took them to the beach and then they were secured in Cidaun police station."

The prime minister, Malcolm Turnbull, said on Wednesday night that Australia's resolve to turn back asylum boats was undiminished.

Earlier he had expressed concern over conditions for asylum seekers and refugees on Nauru and Manus Island. The detention centres there have been the site of violent riots, child sexual abuse allegations, assaults and other human rights breaches.

They have consistently been condemned by the United Nations, human rights groups and parliamentary inquiries.

"I have the same concerns about the situation of people on Manus and Nauru as you do, as all Australians do, as the minister Mr Dutton does," Turnbull said.

"This is an area that clearly is one that is controversial, that is a challenging one. It is certainly one that close attention is being paid to."

But he said the government was "not going to make policy changes on the run". "It is not an ideal environment," Turnbull said in a subsequent interview. But he affirmed the government was committed to its existing asylum policies.

"Let me be absolutely clear: there will be no resettlement of the people on Manus and Nauru in Australia. I know that's tough ... you could say it is a harsh policy, but it has worked," he said.

"I know it sounds tough, but we cannot take a backward step on this issue ... The people smugglers have to understand ... we will not tolerate people smuggling."

The immigration minister, Peter Dutton, confirmed last month that 20 asylum seeker boats carrying 633 people had been turned back by the Coalition government since it came to power in 2013.

The latest known attempt to reach Australia was in May by a group of 46 Vietnamese asylum seekers who were intercepted off the West Australian coast, "screened" at sea, and returned to Vietnam. The action was not made public until after it had happened.

In the same month, Australian immigration officials reportedly paid more than \$30,000 in cash to the crew of an asylum boat carrying 65 asylum seekers to turn around and return to Indonesia. The boat was reportedly heading to New Zealand, not Australia. The Australian government has not denied the allegations, but has refused to comment.

<http://www.theguardian.com/world/2015/sep/24/asylum-seeker-boat-with-21-aboard-ran-out-of-fuel-three-days-before-rescue>

26. 'We heard they changed . . . we took a chance to go to Australia'

The Age
September 24, 2015
Jewel Topsfield and Amilia Rosa

Jakarta: A Bangladeshi man on board a people-smuggling boat that attempted to reach Christmas Island says they were given hope by the Abbott government's decision to resettle 12,000 refugees from Syria.

"We are waiting here [in Indonesia], because the road to Australia not so good, they don't accept [asylum seekers], they send them back," Bangladeshi Mochamad Jahangir Husain told Fairfax Media.

"We heard they changed, they take 12,000 Syrian refugee[s]. Everybody is taking them in."

"There are problems in my home, poverty and war, shooting every day. We took chance to go on a boat to Australia."

He said the asylum seekers had also heard that Australia had a new prime minister: "It's a chance. Australia will accept us, must accept us."

Twenty-one people, including 18 men from Bangladesh, India and Pakistan and three Indonesian crew members were arrested on Wednesday after their boat was stranded on a beach in Cianjur in West Java.

This is the first people-smuggling incident since Malcolm Turnbull became prime minister and follows speculation people smugglers would test the waters to see if the new leadership would take a more lenient approach on immigration policy.

Mr Turnbull has admitted concern about conditions on offshore processing centres but ruled out a change to the government's existing policy.

"It is absolutely clear that there will be no resettlement of people on Manus Island and Nauru in Australia. They will never come to Australia," he told Radio National.

"I know that's tough. You could say we have a harsh border protection policy but it has worked."

International Organisation of Migration Indonesia's new Chief of Mission, Mark Getchell, said asylum seekers and refugees always looked for any positive slants on changes to policy or leadership.

"Even the slightest example of something changing, they are going to interpret it in a positive way and make decisions based on this interpretation," he said.

However Mr Getchell warned that Mr Turnbull had said he would not be making policy changes on the run. Immigration Minister Peter Dutton had reaffirmed that the government's immigration policy had not changed.

"Asylum seekers thinking about getting on boats should realise nothing has changed," Mr Getchell said.

He also pointed out that other boats had left Indonesia during the past six months.

Mr Husain said he had been approached by a people smuggler who said a boat was going to Australia that cost 2000 Malaysian ringgit (about \$650) for the trip.

They left from Pameungpeuk Garut, a small town near the south-western coast of Java.

"We were seven to eight hours on the sea and the crew said: 'We don't have enough fuel, the engine is leaking, we have to go back.' I said: 'No. We go to Christmas Island'. The crew said: 'We can't, we will die, better we return'."

The boat was stranded on Jayanti beach in Cianjur, West Java, on Wednesday.

Police chief Oni Haeroni said his officers assisted in securing the asylum seekers. "Our officers found them not far from the beach, they didn't wander far, they weren't trying to run away," he added.

"It was almost dawn when we gathered them all at one place. They just went to the local houses by the beach. The crew were just there, waiting to be arrested. They are from Makassar in Sulawesi, their boss sent them to Garut. They said they were promised 30 million rupiah (\$2900) each to crew the boat."

Mr Husain said he was poor and didn't have any money.

"I want to go to Australia and make money. I'm very sad, I worked very hard to make that money [to pay the people smugglers] and now it's all gone."

Charles Honoris, an MP from the ruling PDI-P party in Indonesia and member of the commission that oversees foreign affairs and defence issues, said he doubted the advent of the Turnbull government would see an influx of asylum seeker boats to Australia.

"I haven't heard if Mr Turnbull has announced a change in foreign policy," Mr Honoris said. "But I suspect there will be no change, he'll continue what Mr Abbott has set in place and consequently there will be no change on the ground."

However Mr Honoris said he hoped the change in leadership would bring "fresh air" to the Indonesia-Australia bilateral relationship. "Having said this I am still pessimistic," he said.

He said Australia had ratified the UN Convention on Refugees and should abide by the agreement it had signed as Indonesia abided by agreements it had signed.

<http://www.theage.com.au/world/we-heard-they-changed---we-took-a-chance-to-go-to-australia-20150924-gju53e.html>

27. Government firm on border policies despite people smuggling attempt, Immigration Minister says

ABC News Online

By political reporter Susan McDonald

First posted Thu 24 Sep 2015, 9:54am

Updated Thu 24 Sep 2015, 10:16am

Immigration Minister Peter Dutton has reasserted the Government's border protection policy after an asylum seeker boat attempted to reach Australia yesterday.

The small wooden boat, carrying 18 passengers and three crew, ran into rough weather off the south coast of West Java and those on board were brought to shore by local fishermen.

Mr Dutton warned that people smugglers were trying to take advantage of the change of leadership to Malcolm Turnbull but he said the Government's policies had not changed.

"We do know that these people smugglers are preparing to put ventures together and we've seen in the news in the last 24 hours that they are selling this product again to people and we need to make sure that they understand that we are as resolute as we've ever been," Mr Dutton told Macquarie Radio in Sydney.

Mr Dutton said people smugglers used Facebook, social media and text messages to misrepresent the Government's actions, even its decision to resettle 12,000 Syrian refugees.

"And they will do the same in relation to the change in Prime Minister; they'll try and use that to their advantage and we just need to make sure we stare that down," he said.

"The PM has made it very clear that people who try to come to our country illegally by boat will never be settled here."

Mr Turnbull yesterday said he was concerned about the conditions for asylum seekers detained on Nauru and Manus Island and indicated that policies relating to them could be reconsidered by Cabinet.

"Our policies will change — all policies change — but, when we do make changes, we will do so in a considered way and they will be made by the ministers, the Minister, myself, the Cabinet," Mr Turnbull told Sky News.

But, in a later interview with Radio National's Drive program, Mr Turnbull ruled out resettling refugees, processed offshore, in Australia.

"We cannot take a backwards step on this issue," he said.

"There will be no resettlement of the people on Manus and Nauru in Australia. They will never come to Australia.

"Now, I know that's tough, we do have a tough border protection policy, you could say it's a harsh policy, but it has worked."

Mr Dutton reiterated today that while the Government wants to get people out of Nauru and Papua New Guinea, they will never settle in Australia.

"They need to hear the very clear message, as well that yes, we want to make sure that they can get out of Nauru, but, not to come to Australia and that's the clear message that the PM gave yesterday," Mr Dutton said.

<http://www.abc.net.au/news/2015-09-24/dutton-firm-on-border-policies-despite-people-smuggling-attempt/6801260>

28. Expats allegedly involved in Reza Barati murder not returned to PNG, court told

Efforts to have the two expatriate G4S workers, alleged to have attacked Barati on Manus Island, returned have failed, court told during trial of two local men

The Guardian
Ben Doherty
Friday 25 September 2015 19.21 AEST

Two expatriate workers allegedly involved in the murder of Reza Barati in the Manus Island detention centre have not been returned to the island to face charges, despite Papua New Guinea police efforts to get them back, the PNG national court has heard.

And the oft-delayed trial of two local men over the asylum seeker's death last year was adjourned yet again Friday, after a key witness – a fellow asylum seeker who reportedly saw Barati die – refused to testify because, he said, he'd been told he'd be killed if he gave evidence.

Benham Sateh, who shared a room with Barati, told the court his life was in danger because he had given a statement to police over his roommate's murder on 17 February 2014.

"I am a target for them because I became a witness," he told the court, the ABC reported. "There was not just the two locals, there was expats as well.

"I have to go back to the compound and my life will be in danger."

Sateh said he would not testify without formal protection. "I've already been threatened many times before," he said.

The court has been adjourned so police, detention centre staff and government prosecutors can discuss a protection plan for Sateh.

Sateh initially refused to even attend court. Guardian Australia has obtained video of him being forcibly led to a police four-wheel-drive to be taken to court. He calls out to fellow asylum seekers in the detention centre as he is led away.

Two PNG nationals, Joshua Kaluvia and Louie Efi, have been charged with wilful murder over Barati's death. Kaluvia is alleged to have hit Barati twice in the head with a piece of timber affixed with nails, and Efi is alleged to have dropped a large rock on his head.

They have both pleaded not guilty.

Before the trial, Kaluvia told Guardian Australia from prison he and Efi were "being set up".

"They want to convict us so that nobody else, no Australians or New Zealanders, who are responsible, have to face justice. We have to take the blame for them because we are PNG. They think we don't matter."

Sateh's statement and those of several other witnesses, seen by Guardian Australia, name Kaluvia and Efi as attacking Barati.

But the statements also allege that not only those two men were involved, but up to 13 other guards, including expatriate guards from Australia and other countries, who kicked a prone and bleeding Barati in the head as he lay at the top of a flight of stairs.

The Australian government's own inquiry into the incident heard Barati was attacked by "more than 10 officers" including "PNG locals, PNG guards and Australian expats".

The inquiry report concluded: "Mr Barati suffered a severe brain injury caused by a brutal beating by several assailants and died a few hours later."

PNG police told the court that the first names of at least two of the expatriate guards alleged to have attacked Barati were known to police, but their efforts to have the men returned to the island to face questioning had failed.

G4S, the company in charge of security in the detention centre at the time of riot, lost the contract shortly thereafter.

Only Kaluvia and Efi have been charged over the riots which seized the Manus Island detention centre in February 2014: three days of violence which saw, in addition to Barati's death, one asylum seeker shot, another have his throat cut, another lose an eye, and more than 60 injured in beatings from guards and police and locals.

<http://www.theguardian.com/australia-news/2015/sep/25/expats-allegedly-reza-barati-murder-not-returned-png-court>

29. Trial of pair accused of killing asylum seeker adjourned, main witness fears for life

ABC News Online

First posted Fri 25 Sep 2015, 9:38am

Updated Fri 25 Sep 2015, 3:09pm

The trial of two Papua New Guinea men accused of killing an Iranian asylum seeker on Manus Island has been adjourned because the main witness says his life is in danger.

Witness Benham Satah told the PNG National Court he had been threatened since giving a statement about seeing his roommate Reza Barati killed in a disturbance at the centre on February 17, 2014.

PNG men Joshua Kaluvia and Louie Efi are charged with wilful murder over Barati's death, both have pleaded not guilty to the charges.

But Mr Satah told the court the men were not the only ones involved, and that others responsible were still working at the Australian-run regional processing centre.

"I am a target for them because I became a witness," he said.

"There was not just the two locals, there was expats as well.

"I have to go back to the compound and my life will be in danger."

Mr Satah, who is also an Iranian asylum seeker, told the court he needed protection if he was to testify against Kaluvia and Efi.

"I've already been threatened many times before," he said.

The attackers have been described by witnesses as a group of men, largely security personnel working for the company G4S.

Police told the court they have been unable to get two of those men, two expatriate workers, back to PNG, despite witness reports involving them in the attack.

Kaluvia and Efi were both workers at the Australian-run detention centre on Manus Island at the time of the attack.

Kaluvia, who was a Salvation Army worker at the detention centre, is alleged to have hit Barati in the head with a stick.

Efi, who worked as a security guard, is alleged to have dropped a rock on Barati's head.

Text messages key to case against accused, court told

Medical evidence presented in court said Barati died from a severe brain injury, a result of being hit in the head several times with severe force.

Police gave evidence that they had seized the phone records of Kaluvia and said the text messages give a partial admission to the crime.

The trial has been adjourned while prosecutors, police and detention centre staff discuss how to provide protection for Mr Satah.

The immigration detention centre on Manus Island is part of Australia's policy of processing asylum claims offshore to discourage dangerous boat journeys to the Australian mainland.

Since the policy was announced two years ago, boat arrivals have dramatically decreased.

Several dozen asylum seekers on Manus Island have been granted refugee status but none have been resettled permanently in PNG.

A further 1,000 male asylum seekers remain in immigration detention on Manus Island.

<http://www.abc.net.au/news/2015-09-25/pair-accused-of-killing-asylum-seeker-appear-in-court/6804682>

30. Iranian journalist Behrouz Boochani tells of the horrors of Manus Island: out of sight, out of mind

Instead of being imprisoned and harassed, deserving detainees should be welcomed and granted asylum in Australia.

The Age
September 22, 2015
Arnold Zable

His name is Behrouz Boochani. He was born in Ilam city in west Iran on July 23, 1983. He graduated from Tarbiat Madares University in Tehran with a masters degree in political geography and geopolitics. He worked as a freelance journalist and for several Iranian newspapers – Kasbokar Weekly, Qanoon, Etemaad – and the Iranian Sports Agency. He published articles on Middle East politics and interviews with the Kurdish elite in Tehran.

Boochani's passions are human rights and the survival of Kurdish culture. With several colleagues, he founded, edited, published and wrote for the Kurdish magazine Werya, documenting Kurdish aspirations for cultural freedom. He wrote a paper advocating a federal system for Iran, protecting minority rights. The paper was delivered at a conference in France on his behalf after he was denied a passport to attend.

On February 17, 2013, officials from the Islamic Revolutionary Guards Corps ransacked the Werya offices in Ilam and arrested 11 of Boochani's colleagues. Six were imprisoned. Boochani was in Tehran that day and avoided arrest. On hearing of the arrests he published the information on the website Iranian Reporters, and the report was widely circulated. Boochani feared for his safety and went into hiding.

During his three months in hiding, colleagues advised Boochani he was at risk of arrest and interrogation. As a member of the Kurdish minority in Iran, and of both the Kurdistan Democratic Party and the National Union of Kurdish Students, he had experienced threats and was under surveillance. Having been interrogated and warned previously about his work promoting Kurdish culture and having signed an undertaking he would not continue this activity, he was in grave danger.

Boochani fled Iran on May 23, 2013. In July of that year he was among 75 asylum seekers intercepted by the Australian Navy en route to Australia. It was his second attempt at the crossing from Indonesia. On the first, the boat sank. He was rescued by Indonesian fishermen, and jailed on his return.

He immediately asked for asylum in Australia. He was detained on Christmas Island where he developed a deep bond with Reza Barati, a Kurdish-Iranian, also from Ilam. He was transferred to the Manus Island Immigration Detention Centre in late August 2013.

Boochani's predicament is both unique and emblematic of the horrors facing the men detained on Manus Island. There are currently about 900. Behrouz is among a group of about 100 who are refusing to be processed by PNG immigration officials, claiming the right to be processed for asylum in Australia.

He maintains his sanity between descents into depression with his continuing work as a writer and journalist, and his lifeline via various channels with a few advocates in Australia, including Castlemaine resident and refugee advocate Janet Galbraith. She is in touch with him daily, and has arranged for his writings to be translated from Farsi to English. His accounts of his incarceration on Manus Island read like a Kafka nightmare.

He continues to write articles for Kurdish publications from detention. He remains active as a human rights defender, and is recognised as such by the UN. He collaborates with Australian journalists and human rights agencies, reporting on human rights abuses occurring in the centre. He was torn apart by the murder of Reza Barati, and has reported on the death, through medical neglect, of Manus island detainee Hamid Khazaie. Boochani was one of several asylum seekers arrested and jailed without charge in Lorangau prison during a hunger strike early this year. He remained peaceful during this action.

He says his communications are monitored by Transfield, the company that operates the detention centre, and that, as a result of his reportage and his human rights activity on behalf of fellow detainees, he has been threatened, regularly searched and is subject to surveillance.

The men detained on Manus Island have not been convicted of any crime. Yet they are imprisoned. Isolated. Kept out of sight and out of mind. Those who have been found to be refugees remain in the Lorangau transit centre. They have not been resettled. The men know they are the fall guys, punished as a means of deterring other would-be asylum seekers, as are the men, women and children detained on Nauru. They were in the wrong place at the wrong time. They have been palmed off, abandoned and all but forgotten. They are being driven mad.

The fate of Behrouz Boochani and his fellow detainees is Australia's responsibility. Instead of being imprisoned and harassed, he should be welcomed for his courageous stand for democracy and granted asylum in Australia. It is a profound irony that he is now experiencing levels of surveillance and harassment that have some parallels with his treatment by Iranian authorities.

In recent conversations with writer and trauma worker Janet Galbraith, he has said that when he sailed for Australia, he was happy because, "I knew Australia as a modern and democratic country. I thought that when I arrived in Australia they would accept me as a journalist. When I arrived at Christmas Island I said: 'I am a journalist', but I did not get any respectful response. I was wondering why it is not important for them that I am a writer. When they transferred me to Manus, I said to immigration: 'Don't exile me. Don't send me to Manus, I am a writer.' They did not care."

PEN International, a worldwide association of writers with members in more than 100 countries, has this week launched an international campaign on behalf of Boochani in collaboration with Reporters Without Borders and a range of human rights groups in Australia.

<http://www.theage.com.au/comment/iranian-journalist-behrouz-boochani-tells-of-the-horrors-of-manus-island-out-of-sight-out-of-mind-20150921-gjrdi8.html>

31. Despair reigns over Manus' forgotten people

More than 50 people who have been recognised as refugees are stuck in a transit centre in Papua New Guinea's Manus province.

The Age
September 26, 2015 - 12:19AM
Michael Gordon

When Loghman Sawari became the first refugee to attempt suicide after being released from the detention centre on Papua New Guinea's Manus Island, the reaction was as swift as it was brutal.

The teenager was transferred not in an ambulance, but in the back of the 10-seat vehicle of the island's police commissioner, and not to the hospital, but to the local lock-up, where he spent 24 hours in a small cell with about 20 locals.

His enduring memory is the mosquitoes, especially the one that bit him deep inside his right ear. The locals left him alone.

When he arrived back at the guarded transit centre that has been his home for the last five months, he was warned that he would face a much longer stretch in jail if he tried to take his life again.

For the first few months of his captivity in Papua New Guinea, Sawari was an aberration: the boy in a detention centre that is supposed to be exclusively for single men.

He was 17 when he arrived in Papua New Guinea in August 2013, one month after the then Labor government decided to remove children and family groups from the detention centre.

He has the letter from Australian immigration officials confirming his age and telling him he would be "treated as a minor for the purposes of accommodation, placement and other purposes".

He remained in isolation until his 18th birthday, when he was told he would be staying. The smug expression on the face of the official who conveyed this news is etched in his memory.

Now he is a contradiction: a certified refugee who tried to take his life after finally being given the recognition that asylum seekers crave, the status that differentiates those found to be owed protection and the opportunity to rebuild shattered lives from the rest. It isn't supposed to work that way.

What compelled the 19-year-old to turn a towel into a makeshift noose, attach it to a rafter outside his room and step from a chair to oblivion is hardly a mystery. His bottom lip trembles uncontrollably as he tries to explain that anger, despair and an all-consuming sense of hopelessness propelled him.

Anger at the local immigration officer who, he says, incited him to go ahead when, out of frustration, Sawari told the officer he planned to kill himself. With calculated indifference, he says the officer replied that he was now free to do whatever he liked.

Despair that the prospect of seeing the mother he misses desperately is as distant now as it was when he was first taken to Manus against his will from Christmas Island. He has been told he will have to wait eight years to either travel to see his mother or sponsor her to join him. "If I wait for eight years, maybe my mum die. Maybe I die. This is not good."

And hopelessness, because each day passes so slowly he says it feels like a year. Tablet-induced sleep offers the only respite, except when it leads to the recurring nightmare that terrifies him, where five menacing dogs stand before him, and the biggest one is jet black and demands money he doesn't have.

When the lightly framed Sawari arrived at the transit accommodation in April, there were only 12 other residents. Now there are more than 50 others in the same situation: recognised as refugees, but denied almost all the basic rights that are supposed to come with refugee status.

They cannot earn a living, learn, move freely, buy property or be reunited with family members. For the Rohingyas among them, it is a reminder of what they left behind in Myanmar, except that the threat of extreme physical violence is much reduced. Others come from the Sudan, Iraq, Bangladesh, Afghanistan and Pakistan.

They are the forgotten exceptions to the generosity of one of the last decisions of Tony Abbott's prime ministership: the commitment to resettle 12,000 refugees from the conflict in Syria and northern Iraq.

They are also the cruel, lingering footnote to one of Abbott's proudest achievements: stopping the boats. Their continued misery, and that of those in limbo on Nauru (at a cost to taxpayers of more than \$900 million a year), is considered essential to deter others from trying to come by boat.

Australia's new and popular Prime Minister, Malcolm Turnbull, says one of the most important qualities for a leader is to possess "emotional intelligence and the empathy and the imagination that enables you to walk in somebody else's shoes".

Sawari's sole plea to Turnbull is to muster enough empathy and imagination to walk in his shoes, and those of the others on Manus and Nauru.

"Kyaw", for example, is a Rohingya who is too fearful to have his real name published. Like many in the transit centre, he spends most of his time in his room: afraid, damaged and vulnerable. If he was born in another country, he might be at university now, on his way to gaining a PhD.

Like many of the others, Kyaw remains traumatised by what he saw in the country he calls Burma, what he endured while fleeing, and what he witnessed the night Reza Barati was killed at the detention centre in February last year, when locals joined PNG security and others in breaking into the centre and attacking detainees.

One young man in his early 20s is still so frightened he wedges a table across his bedroom door each night. "I am scared, day and night," he says. "We are moving like dead bodies. We don't remember anything."

Kyaw says he would rather be back in the detention centre, where the refugees can line up, show their blue "mental help" card, and receive their nightly sleeping tablet.

At the transit centre support is limited and the refugees must pay for everything beyond the basics from the 100 kina (\$50) allowance they receive each Monday, including their medications.

There is a push for some of the refugees to be offered jobs in the town, provided they are not paid and return to the centre by 6pm. The local mayor, Ruth Mandrakamu, says she is keen to involve the refugees in local activities and looking at offering two positions.

But the refugees are deeply suspicious and believe the PNG government is simply trying to demonstrate that something is happening.

Even without the 6pm curfew that is not strictly enforced, the refugees fear going out at night, when they are easy targets for those locals who turn nasty when they have had too much to drink.

It isn't that Manus is normally a violent place. These are a friendly and peace-loving people. It is just that, since the detention centre reopened, it has become one. "When the asylum seeker project was brought in, a lot of youths and a lot of people get employment and when they have money in their pockets, they use it unwisely," says provincial police commander Alex N'Drasal.

"Most of that money is used on alcohol, whether legal or home brew, or used on drugs, and that is when they get involved in all kinds of social issues that speed up the rate of crimes in the province so high."

So concerned is the island's governor, Charlie Benjamin, about the rising crime rate that he recently rang the country's prime minister, Peter O'Neill, and asked for members of the country's riot squad to be sent to help restore order.

Benjamin is a supporter of the detention centre, on the grounds that it will deliver important infrastructure and employment to Manus, but he remains disappointed with what has so far been delivered and is opposed to the refugees being settled on the island.

"We only happy to process them in here, but we're not happy to resettle them in Manus," he says.

The island's member of the PNG Parliament, Ronny Knight, agrees. "How are we going to resettle them?" he asks.

"Ninety-nine per cent of our people live by subsistence farming and by fishing. Whose seas are they going to go fishing in? Where are they going to go farming?"

If the upside of the detention centre was the promise of economic development, the downside has been that locals do not receive the same pay as fly-in, fly-out foreigners who do the same jobs; that local contractors have not shared in the work; that the promised "Manus package" has so far failed to materialise; and that food prices have increased.

Although there have been no complaints to authorities so far, there is also deep apprehension about the prospects of integrating scores, and maybe even hundreds, of single men, many of them damaged by their experiences in their own countries and in detention, who come from a different culture and a different religion.

Benjamin says he has no issue if the young refugees form relationships with local women, so long as they are single, but the police commissioner has a different view, saying this is prohibited.

"They shouldn't be going around with ladies or consuming alcohol or going around with youth and consuming drugs," he says. "Of course it is illegal."

Another frustration for local politicians and law officers is that they do not know what is happening inside the detention centre. "If I want to go there I would ask permission like everybody else," the governor says. "If they allowed me to go then I will go, but if they not allow me to go then I will not go. It's like a country in a country, that's how I see it."

The relocation of refugees to the East Lorengau centre was supposed to be evidence that PNG was moving to resettle them, but it was revealed as a cruel hoax when Reza Mollagholipour applied for a job as a civil engineer in Port Moresby and was invited to meet his prospective employer to discuss his salary.

The passport he was given allowed for travel within PNG, but he received a letter late in March, just as he was due to fly out of Manus, from the country's chief migration officer, Mataio Rabura, telling him he had no right to leave. "In essence, there is currently no government-sanctioned arrangement in place for your integration and settlement into PNG," the letter said.

"The idea of coming to Australia died in my mind when I was on Christmas Island and they told me you will never go there," Mollagholipour explains. "That is why I planned to apply to every company and work in Port Moresby.

"I was happy because I thought I could again start my life. What makes me really crazy is that they are calling this a process without doing anything."

Mollagholipour now spends most of his time in his room, studying physics and improving his English. He says he is "fine" because he is older than most of the others and more resilient, having worked as fly-in fly-out civil engineer on big projects in Iran for a decade.

"My feeling is very different from the others. The majority are young, they are thinking about their families, they cannot understand anything about their future. When I was young as Loghman, I could not have tolerated his situation, really. He is very strong."

One advantage Sawari and the others in the transit centre have over the 900 asylum seekers still in detention is that they have a voice. During my stay on Manus, I attempted to speak with a group of detainees who were allowed out on an "excursion" to a secluded harbour near the airport.

I approached once they were out of the mini-bus and shook the hands of an Iranian and a Sudanese before a stocky guard with the empathy of a robot delivered an ultimatum. "Talk to him and the excursion over," he barked. "Your choice!" I retreated.

Sawari still suffers depression, but retains the capacity to hope for a happy ending. "Everyday I pray, 'Please god, not only help me, help everyone'," he says.

Others, like a young Rohingya who is a new arrival at the transit centre after 25 months in detention, are so utterly consumed by pessimism and despair that hope is beyond them. "Better, after my boat broken, that we die in the ocean," he says. "Then finish. Better than this."

<http://www.theage.com.au/national/despair-reigns-over-manus-forgotten-people-20150924-gjtqu5.html>

32. Manus Island detention centre staff failing to respect PNG law, flying out to escape questioning, police say

ABC News Online

By Eric Tlozek on Manus Island

Posted Sun 27 Sep 2015, 1:43pm

Police on Manus Island say some of the staff at the island's Australian-run immigration detention centre are causing tension in the community by failing to respect Papua New Guinean law.

They said foreign staff working at the centre had been flown out of PNG before they could be questioned by police over a number of incidents, including the death of asylum-seeker Reza Barati and a possible sexual assault.

"It is an ongoing concern for me," Manus Provincial Police Commander Alex N'Drasal said.

"I am always frustrated when these things happen."

The most recent incident to anger local authorities was a serious car crash, in which two expatriate staff were injured.

Police said the two men were allowed to leave the island — Papua New Guinea's most remote province — for medical treatment.

Commander N'Drasal said they were meant to return for questioning and to face possible charges for drink-driving.

An incident in mid-July involving a local woman caused local police to threaten to arrest the centre managers if three men allegedly involved in the incident were not flown back to PNG.

"The incident is serious in nature," Commander N'Drasal said.

"I believe it is similar to the Reza Barati case," he said, referring to police efforts to interview two expatriate staff allegedly involved in the death of the Iranian asylum-seeker at the centre last year.

A police investigator told a court hearing on Manus Island on September 25 that he had been unable to interview or charge two men, one Australian and one New Zealander, who were allegedly part of a group of men who attacked Reza Barati.

They had also been unable to interview the three men accused of involvement in the incident with the local woman because they flew out of the country shortly afterwards.

The Australian Department of Immigration and Border Protection said they were later stood down for failing to meet behavioural standards.

"He's not supposed to fly out because the investigation is on," the woman involved told the ABC.

"I want answers."

Police push to change detention centre operator's practices

The woman, a former employee at the centre, said she was found naked and passed out in a bathroom at the Wilson Security staff quarters.

"My concern is the way I was been found," she said.

"I'm not found in a good shape."

The woman had been socialising with Australian colleagues from the centre.

She said she believed she may have been sexually assaulted after one of the men gave her two pills.

The woman said she was not given a physical medical examination after the incident.

She was later suspended for breaching company rules that night, then resigned.

"It's been depressing," she said.

"It still is. I'm fighting it. Trying to be strong for it. But really, it's eating me."

Police want the centre's operator, Transfield, to change the practice of removing staff before they can be questioned now it has secured a long-term management contract.

The Australian Department of Immigration and Border Protection did not respond to the ABC's questions about these issues.

<http://www.abc.net.au/news/2015-09-27/manus-island-police-detention-centre-staff-fail-to-respect-law/6807844>

33. Border force and immigration officials have final say on reality TV show

Documents obtained by Guardian Australia on the agreement between Seven and immigration department reveal what the network gives up for access

The Guardian
Paul Farrell
Tuesday 22 September 2015 10.06 AEST

Australian Border Force and immigration department officials have the final say over one of Australia's most popular reality television shows and can use any footage from the show for their own purposes for free.

For years the program *Border Security: Australia's Frontline* has been one of the top-rating shows on television. The reality TV show follows customs and immigration officers on the frontline of border security as they defend the country against such perils as improperly packaged cashews, stowaway carrots and the occasional drug smuggler. It's now up to 11 seasons and has a spinoff in Canada.

How the show gets its exclusive behind-the-scenes access has for many years been shrouded in mystery. But Guardian Australia has obtained, under freedom of information laws, the 2013-14 deed of agreement between the commonwealth and the Seven Network.

The deed shows that in exchange for access to the backrooms and control towers of our airports, the Seven Network must get every show signed off by the immigration department – which oversees the border force – and can request any edits it wants.

A Seven Network spokesman said the approval requirement was aimed at protecting ongoing investigations and Seven considered it a fair process that allowed the company to showcase the hard work of ABF officers.

The television company objected to the release of a series of key provisions in the deed that show the extent to which immigration controls the show. The deed says Seven "will provide the commonwealth with a DVD disk of each completed episode for approval".

It adds that "the commonwealth may require the removal of any footage that, in the commonwealth's opinion, infringes the law or compromises the commonwealth's working practice and/or current investigation, is defamatory, or may prejudice an issue in pending or existing litigation".

The approval process is complex. Seven's legal counsel provide pre-publication advice. The immigration department's lawyers then view each episode and sign off.

If the department has any concerns there will be a conference call. If changes are required Seven recuts the footage. Only then will the department allow the episode to be broadcast. Written approval is needed for the broadcasting of every show.

The deed says "ultimate editorial control" rests with Seven. But this control "does not limit the commonwealth's right to require changes to the program".

The Seven Network was also unhappy about the release of a further section on intellectual property rights. It grants immigration a licence to use any of its footage from the show in any way it wants.

A "permanent, irrevocable, royalty-free, worldwide, non-exclusive licence (include a right to sublicense to use and reproduce vision" is the price Seven pays for its access.

Security is taken seriously. Most content can be kept in Seven's office "in a locked room or cupboard". Security clearance is required for staff on the show.

But the company is required to store sensitive information about Australian federal police operations "at a higher level of security". For this material not one but two locks are required.

"As a minimum this must involve storage in a locked container, within a locked room, within a locked Network Seven building," the deed says. Only two members of staff may access it.

Border security information is the same kind of data that customs has previously referred to the Australian federal police for investigation when journalists write about it and is now subject to the new Australian Border Force disclosure offence.

The Seven Network spokesman said: "Seven retains editorial control of the program. The Department of Immigration and Border Protection (DIBP) approvals are there to protect ongoing investigations, to update information in the case of developments and to guard against methodology being shown which might compromise a future investigation."

Full story at <http://www.theguardian.com/australia-news/2015/sep/22/border-force-and-immigration-officials-have-final-say-on-reality-tv-show>

34. MEDIA RELEASE: First refugee baby born on Nauru - but there's no future

Monday September 21, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

A Rohingya baby became the first baby born to a refugee family on Nauru on Friday 18 September.

The baby girl, Nourkayas, was 3kg, and mother (Mama Citi) and baby are reported doing well (baby photo available on request). Nourkayas is the third child for the Rohingya family that already includes a 7 year-old boy and a 3 year-old girl.

The baby on Nauru after the mother refused to be transferred to Port Moresby for the birth.

"We are very happy that all has gone well for mother and baby; but it is a risky precedent. The fact that refugees are sent to PNG and asylum seeker mothers are sent to Australia to have their babies says that Australian authorities do not believe that Nauru is safe," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The Australian government has a responsibility for all babies born to asylum seeker and refugee families; all pregnant women should be brought to Australia to give birth.

"We wish the family well, but we know the conditions on Nauru - no education, and no resettlement - put a dark cloud over their future."

The birth will also seriously add to the family's difficulties on Nauru. In the Nibok camp, family housing is stifling hot converted shipping containers, with only a small fan for ventilation.

The heat makes the accommodation unbearable; while the frequent water and electricity shortages make the situation impossible.

"All the problems of looking after a new baby are magnified. Sterilising bottles for example could become a nightmare," said Rintoul.

"There needs to be consistent policy from the government. All mothers-to-be should be brought, with their families, to Australia to give birth, where there is proper medical facilities to ensure the health of mother and baby.

"Any birth is risky and Nauru hospital has limited staff, limited resources and no specialists. Any complication would risk the well-being of mother and baby. It is too big a risk to take.

"If the government had the best interests of mother and child at heart, they would not be on Nauru in the first place."

For more information contact Ian Rintoul 0417 275 713

35. 'Excessive force' allegedly used in transfer of Wickham Point detainees to Christmas island

ABC News Online
By Avani Dias
Posted Mon 21 Sep 2015, 11:30am

Armed officers dressed in black with shields and helmets allegedly forcibly transferred 12 detainees from the Wickham Point Detention Centre in Darwin to Christmas Island in the early hours of Saturday morning, asylum seekers say.

One detainee, who did not want to be named, told the ABC he witnessed the transfer and said excessive force was used.

"I saw the detainees all being taken out of their rooms and they were zip tied in front of the officers like handcuffs all lined up with 20 officers right beside them," he said.

"The officers had shields and helmets... and they just ripped them out of their rooms, they just pulled their blankets off them and told them to get up and that they were tying them up."

It is believed one of the people transferred was a New Zealand citizen.

Darwin barrister Lyma Nguyen said the group of detainees who were transferred were in detention after changes to the Migration Act, which allowed the Immigration Department to revoke the visas of people convicted of a crime.

"Someone's been found guilty of some criminal offences, served some time in prison, conveyed from the prison to a detention centre after their prison period has ended," she said.

She said the new powers were granted by the Immigration and Border Protection Minister Peter Dutton late last year, allowing him to cancel visas based on a person's character.

"The new section makes it automatic and mandatory for visas to be cancelled if they involve a person who has accumulated a sentence of imprisonment of 12 months or more," she said.

"Previously it was two years or more and so it's sort of opened up the scope of people including people who have committed minor offences, theft, and so on, or have accumulated sentences."

Ms Nguyen, who represents some people detained under this section of the act, was concerned the rules around it were unclear.

"[I'm concerned] about the process it's supposed to take, time frames, who the decision maker is, what criteria they're looking for, when submissions should be made," she said.

She said because of this lack of information, it was difficult to determine if the transfer was legal, but there was an unnecessary use of force.

"From what I hear, there was an excessive use of force," she said.

An asylum seeker in detention under the same section told the ABC the transfer raised concerns about his own position in the centre.

"There's better ways of transferring people than the way they did it," he said.

"I'd like to see changes in immigration about how they're treating people inhumanely, it's not right."

The ABC has contacted the Immigration Department for comment.

<http://www.abc.net.au/news/2015-09-21/forced-transfer-wickham-point-detention-to-christmas-island/6791812>

36. Christmas Island detainee numbers almost triple in five months, despite Government's promise to scale back

ABC Radio CAF - PM
By Angela Lavoipierre
Posted Thu 24 Sep 2015, 3:45pm

The number of detainees at the Christmas Island detention centre has almost tripled in the last five months, despite the Government's promise in the May budget to scale back the facility.

Lawyers and advocates say a large number of the people being sent to the island are being transferred from Australian prisons, and awaiting deportation on character grounds.

The partial closure of the Christmas Island's facilities was intended to be part of a broader so-called consolidation of the detention network, designed to save the Government \$554 million over five years.

But the Immigration Department's own monthly figures reveal that since that announcement, the number of detainees on the Island has continued to rise dramatically.

At the end of April, there were only 80 detainees on the island, but by September, that number had risen to 221.

At least another 12 people have been transferred there since the beginning of the month, although official figures have not been released.

Immigration lawyer Michaela Byers has seen the trend reflected among her clients.

"That's occurred from Villawood and Yongah Hill and I've also had a few from Wickham Point," she said.

"So Sydney, Perth and Darwin immigration detention centres, they've been moving people to Christmas Island."

She believes it is a deliberate strategy by the Immigration Department.

"This pattern seems to be a way to punish those that are seen to be a nuisance or troublemakers, and also another way to crush people's hopes that they're never going to get a visa to Australia so they may as well voluntarily return," she said.

But it is not just asylum seekers who are being moved to the island.

A growing number of people are being deported by Australia on character grounds.

Under recent changes to the Migration Act, any foreigners who serve a prison sentence greater than 12 months automatically have their visas revoked.

They are often moved straight from prison to detention centres, such as Villawood, Yongah Hill and Christmas Island.

Asylum seekers housed alongside criminals

One Christmas Island detainee, who cannot be named, said the criminals being deported, so-called 501s, are detained alongside asylum seekers without any separation.

"Sometimes tension builds up here and it's very hard because nobody knows what's going on," he told the ABC.

"Each time we go to case managers, we ask them what is going on, how long are we going to be here – they don't want to comment, all they say is you've been brought here for operational matters."

He said the detention centre is not always safe.

"Sometimes it's dangerous because these other guys, they are very tough guys, they've been in jail and they make some problems for us here, like they beat us or maybe they feel annoyed very quickly or something.

"Sometimes it brings tension and they use it against us."

Greens Senator Sarah Hanson-Young has also commented on the Government's departure from its plan.

"I don't believe that Christmas Island is going to be scaled back in any reasonable timeframe, and I think that what is actually going on is the Government is planning on ramping up Christmas Island as another place to send people," she said.

Like immigration lawyer Michaela Byers, she believes the Government targets particular detainees to be sent there.

"The Government clearly is starting to use Christmas Island as a dumping ground for individuals that they don't want to have to deal with here on the Australian mainland, or indeed for people who are seen to be advantageous to be away from lawyers and advocates."

Ms Hanson-Young is sceptical the Government is serious about budget savings in this area.

"Of course offshore processing is always expensive, whether it's on Christmas Island or elsewhere, is always expensive, much more expensive than doing the detention of individuals onshore," she said.

"But if the Government really wanted to save money, the big expense is on Nauru, the big expense is Nauru and Manus Island.

"That's where billions and billions of dollars is being wasted every year on a relatively small handful of people that the Government is now in a quagmire as to how to deal with them.

"They can't be resettled in the long term on Nauru, no one is being resettled in PNG, meanwhile the Australian taxpayer is spending thousands and thousands of dollars, millions of dollars a day keeping those two expensive camps open."

<http://www.abc.net.au/news/2015-09-24/number-of-christmas-island-detainees-triples/6802836>

37. Federal Circuit Court judge Alexander Street refuses to disqualify from migration hearing for second time

ABC News Online

By the National Reporting Team's Natasha Robinson

Posted Tue 22 Sep 2015, 12:19pm

Federal Circuit Court judge Alexander 'Sandy' Street has for the second time refused to step aside from hearing a migration appeal on the basis of apprehended bias.

An application was made before Judge Street in the Federal Circuit Court on Monday for the judge to disqualify himself from hearing an appeal lodged by a Nepalese asylum seeker.

The 44-year-old asylum seeker, who cannot be identified, is seeking to quash a decision of the Refugee Review Tribunal to deny him a protection visa.

The application comes five weeks after Judge Street rejected another apprehended bias application, lodged as part of a case known as ALA15, which revealed the judge's approach.

Judge Street hails from one of Sydney's most accomplished legal families and is the son of former NSW Chief Justice Sir Lawrence Street.

He was appointed to the Federal Circuit Court by Attorney General George Brandis late last year.

In last month's apprehended bias application, known as ALA15, statistics were filed in court which revealed Judge Street had heard 256 migration matters between January and June this year, and had found in favour of the immigration minister in 254 cases.

ALA15 is now the subject of a judicial review bid in the Federal Court, with lawyers claiming Judge Street is "predisposed to the view that applications in migration matters are without merit"; and that his conduct has been "characterised by such trenchancy" that it is not possible for the judge to bring an open mind to migration applications.

ALA15 is likely to be heard by the Full Federal Court.

Street denied applications 'procedural fairness'

The bias applications being made before Judge Street follow decisions of the Full Federal Court, both handed down in June, which criticised Judge Street's decision-making process.

In two judgments handed down in June, the Full Federal Court found Judge Street had denied applicants procedural fairness, and warned such conduct "should not occur again".

On Monday during the fresh bias application, barrister John Young appeared in the Federal Circuit Court on behalf of the Nepalese asylum seeker whose case is known as ARW15.

"My submission is principally that until the issues in ALA15 are decided, that it's not appropriate that your honour consider migration matters," Mr Young told Judge Street.

Argument centred on the "strident" comments made during the recent Full Federal Court judgments which were critical of Judge Street.

In those two cases the Full Federal Court had referred to case law which stated that unfairness in court procedure "saps confidence in the judicial process and undermines the integrity of the court".

The Full Federal Court said such comments in case law were "particularly apposite" to Judge Street's approach which had denied applicants the opportunity to put evidence before a court and argue their cases.

"These circumstances, or ones similar to them, should not occur again," the Full Federal Court said in its reasons in both matters.

Referring to the comments in court on Monday, Mr Young said they were notable.

"If I could simply say this: those are, from a bench of the appeal court, strong words," he said.

Judge Street rejected the apprehended bias claim on Monday and refused to step aside from hearing ARW15.

He said the statistics filed in court did not identify conduct which would give rise to an impression a judge was biased, and were irrelevant.

Judge Street said the statistics "fail to identify any conduct by reason of which a fair-minded observer" might conclude a judge was biased.

"I reject the proposition that the statistics are material that can be taken into account in combination with decisions of the court to establish or to attempt to establish want of neutrality."

<http://www.abc.net.au/news/2015-09-22/judge-street-refuses-to-step-aside-from-migration-hearing/6795320>