

# Project SafeCom News and Updates

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1. Ranjana Srivastava: Doctors as an arm of border protection? That's a step too far
2. Miriam Cosic: When people smugglers were seen as heroes, and we welcomed the dispossessed
3. Editorial: Refugee film shows why asylum seeker policy must be changed
4. Tom Ballard: Stop the votes! An address from the prime minister of Canberra
5. Duncan Fine: Malcolm Turnbull says we must respect women while washing his hands of a Nauru rape victim
6. Militarized? Not us, say Department of Immigration and Border Protection bosses
7. ABC Explainer: Why asylum seeker policy will become a campaign hot topic
8. Peta Credlin suggests government lawyers said boat turnbacks were illegal
9. Protesters occupy immigration department building in Melbourne
10. Bill Shorten heckled by teacher over refugee policy in Brisbane
11. MEDIA RELEASE: Protests for freedom begin on Manus
12. MEDIA RELEASE: Massive Manus protest joins Nauru protest Day 56
13. 'Urban myth' behind George Christensen's no refugees stance
14. Turnbull defends George Christensen's comments refusing Syrian refugees in Mackay
15. MEDIA RELEASE: Critical refugee mother and baby medivacced from Nauru
16. Nauru refugee and premature baby in critical condition after emergency caesarean
17. Nauru medical services defended after emergency evacuation of woman and baby
18. Nauru emergency caesarean: Peter Dutton defends island's health services
19. Asylum seekers and refugees no longer in detention, PNG authorities say
20. Manus Island asylum seekers no longer in detention, says Papua New Guinea
21. Lucky they are not 'chopped up': Fears of rising violence on Manus Island as asylum seekers are released
22. MEDIA RELEASE: Nauru claims another victim as Bangladeshi refugee suicides
23. Bangladeshi refugee dies on Nauru of suspected heart attack
24. Nauru refugee dies of suspected heart failure
25. Border Force Bars Senator From Visiting Dead Refugee's Widow
26. MEDIA RELEASE: Minister stalls on Manus; will another Australian guard avoid justice?
27. Labor's Melbourne candidate Sophie Ismail contradicts party asylum seeker policies
28. Bill Shorten defends Labor's asylum seeker stance; Cocos Islands arrivals sent back
29. Labor candidate Cathy O'Toole hit by questions over old protest photo
30. Greens would demand asylum seeker policy change under any deal with Labor
31. MEDIA RELEASE: Refugee advocates warn against any removals to Nauru
32. Sri Lankan would-be migrants returned by Australia 'maybe' in detention, being treated properly: authorities
33. Peter Dutton may appeal against ruling that he risked safety of pregnant asylum seeker
34. Peter Dutton: no appeal against abortion ruling on pregnant asylum seeker
35. Government has until Sunday to arrange refugee's abortion

# 1. Ranjana Srivastava: Doctors as an arm of border protection? That's a step too far

Even for refugee advocates, the report of a hospital executive telling a doctor not to treat, but deport, a patient was a new and worrying development

The Guardian  
Ranjana Srivastava  
Tuesday 10 May 2016 07.29 AEST

My phone beeps with a text message on a frantic day in clinic. It's from a surgeon who wants me to call him.

"I'm in a quandary," he says outright.

A patient has been under his care for days. She arrived at a large public hospital suffering from a life-threatening condition which required surgery. He has performed an emergency operation and the patient's condition remains stable but serious, at risk of deteriorating again and of requiring repeat surgery.

The woman needs close hospital monitoring, the kind of monitoring that would be routine for any postoperative patient after a major procedure. Except there is a problem. This woman has no fixed address, no connections she will admit to, barely speaks English and most importantly, has no Medicare rights.

Now, an executive had accosted him in the corridor and asked what business he had treating this patient.

"Why are you giving her antibiotics? Shouldn't you be deporting her instead?"

The surgeon was taken aback, replying that the patient needed ongoing care. Clearly displeased, she threatened to report him to the CEO.

Taking a deep breath, I realise that the surgeon is indignant enough for us both and would appreciate my practical help. Such patients are fairly rare for any doctor to encounter let alone a highly specialised surgeon.

"It doesn't sound like there is an ethical dilemma if the patient has pus oozing out of her wound," I say.

"I agree, the patient stays put and I will fight back the executive. I guess I am disappointed."

He puts his reaction mildly but his dismay is apparent. Due to the language barrier and the patient's condition, it's not immediately clear if she is an overseas visitor, someone who has overstayed her visa, or a refugee, entitled by law to compassionate treatment in Victorian public hospitals. Of course, doctors don't handle deportation but he is more perturbed by her tacit assumption that anyone without Medicare rights must be a refugee and refugees must be deported.

These details take time to establish and in any case, the hospital can later bill patients, although admittedly, most default. The surgeon is simply uncomfortable ejecting a patient who needs to be treated. Briefly, we discuss how he might express his disappointment to the hospital – and conclude quickly that it won't matter because the person who accosted him was a part of the executive, and that too, a nurse.

Unsettled by his musings, I promise to do what I can. That night, I reach out to the physicians who have helped me look after my refugee patients. They are uniformly helpful and only mildly appalled, perhaps more inured than the rest of us to seeing such dramas play out, although even they say this level of executive interference is unprecedented. I can't help feeling that I am enlisting the help of some secret society to assist a colleague undertake his duty of care.

"Where are the advocates in your hospital?" I can't help asking.

"I wish I knew."

No matter how we vote at the polls, inside the hospital, our vote goes to the patient every single time.

The surgeon hangs on to the patient but not without stress, and eventually, I stop needling his discomfort by asking for updates. But I can't help laughing when he tells me that his hospital is sending him to a developing country to upskill local surgeons.

FULL STORY AT <http://www.theguardian.com/commentisfree/2016/may/10/doctors-as-an-arm-of-border-protection-thats-a-step-too-far>

## 2. Miriam Cosic: When people smugglers were seen as heroes, and we welcomed the dispossessed

The implications of the term “smuggler” have taken a 180 degree turn in the 21st century – it has been reframed in the ubiquitous economic language of neoliberalism

The Guardian  
Miriam Cosic  
Saturday 14 May 2016 08.00 AEST

On 25 September, 1940, the German philosopher and critic Walter Benjamin committed suicide on the Franco-Spanish border. After torturously crossing the Pyrenees on foot, led by a guide, he and his party faced an impasse: the Spanish authorities declared that they had entered the country illegally, though others had made the trip successfully. Spanish immigration law had been changed that very day, though it was rescinded two weeks later.

The group was placed under house arrest at a hotel where, unwell and disheartened, Benjamin took the morphine pills that he carried in case of capture by the Nazis. He was also carrying a visa to the United States organised by his friend, the Frankfurt school philosopher Max Horkheimer, who had already made it across the Atlantic. The following day, others in his party, Jews like him, were released and made it safely out of Europe.

Another friend, the philosopher Hannah Arendt, who transited through the same town, Portbou, a few months later en route to the US, wrote, “One day earlier Benjamin would have got through without any trouble; one day later the people in Marseille would have known that for the time being it was impossible to pass through Spain. Only on that particular day was the catastrophe possible.”

Benjamin’s guide, Lisa Fittko, and an Austrian guide named Carina Birman, whose group Benjamin’s joined up with on the last leg of the mountain trail, were what we today would call people smugglers. There were many of them operating across Europe, appalled by the plight of the Jews and other categories of “Untermenschen”, co-ordinating activities, forging documents and helping people cross borders illegally.

They called them smugglers then too, and some accepted – even asked for – payment to help those fleeing occupied Europe for Spain and neutral Switzerland. An armada of civilian craft smuggled Danish Jews out to neutral Sweden and Denmark ended the war with the lowest percentage of Jews lost to the Holocaust.

FULL STORY AT <http://www.theguardian.com/commentisfree/2016/may/14/when-people-smugglers-were-seen-as-heroes-and-we-welcomed-the-dispossessed>

## 3. Editorial: Refugee film shows why asylum seeker policy must be changed

The Age  
Editorial  
May 9, 2016

The treatment in recent years by Coalition and Labor governments of people seeking asylum has, The Age has consistently argued, been shameful. It is a blot on a nation that prides itself on fairness, decency and opportunity, a nation that has long been enriched economically and socially by immigration, by cultural diversity.

We have also argued our governments' policies are not only morally dubious by being harsh to the point of inhumane, they also contravene international law. Australia is a signatory to the United Nations Convention Relating to the Status of Refugees, which enshrines the legal right of people fleeing persecution to seek asylum, yet successive Australian governments have claimed asylum seekers arriving on our shores by boat do so illegally. Our politicians push this falsehood despite the fact that as many as 90 per cent of such people are found to be genuine refugees.

We recognise the issue is difficult and complex; were there an easy solution to the issues created by the biggest number of displaced people – 60 million – since the Second World War, it would have been implemented long ago. Preventing people from perishing at sea is a fine aim, but the human and economic cost of our governments' policies of mandatory offshore detention is unjustifiable.

So many words have been written by so many people pointing out the policies' failings. Yet words seem to fail, and that is where a documentary that has just been released has the potential to change the debate in our nation.

Academy Award-winning Australian filmmaker Eva Orner's *Chasing Asylum*, which will be screened throughout the nation in coming weeks after a local premiere last week in Melbourne at the Human Rights Arts & Film Festival, achieves what words cannot. It shows, in footage that had to be courageously filmed in secret because the government has sought to suppress taxpayers' right to know what is occurring, the terrible conditions in which hundreds of asylum seekers and refugees are languishing and deteriorating in detention centres on Papua New Guinea's Manus Island and on Nauru.

Orner's courage is matched by those she interviewed – volunteers and former staff of the centres. These people have decided to speak out, in potential defiance of the heavy-handed Australian Border Force Act 2015, which forbids, under threat of jail, anyone working in the centres from revealing to anyone anything they come across in their work.

The documentary comes after PNG's highest court ruled the Manus Island centre is illegal, creating an urgent need to resolve the fate of the 905 men incarcerated there. It comes after two detainees on Nauru set themselves alight in despair and protest; one has died and the other is in a critical condition. And it comes only days after Immigration Minister Peter Dutton wrongly blamed these acts and the epidemic of self-harm on those who advocate a change in Australia's policy. The film reveals why people are in such despair.

As Australia heads into an election campaign, the Coalition and the opposition are so far maintaining bilateral support for policies that cruelly punish vulnerable and desperate people. We urge citizens to see the documentary. We believe it will convince most of them our lawmakers must evolve their policies. They will only do so if sufficient voters insist the current position is unsustainable and unacceptable.

The Age believes the billions of taxpayers' dollars spent on the detention centres should be used to help create a humane regional system for processing asylum seekers. The coincidence of the PNG court finding and the election create an opportunity to make a change.

<http://www.theage.com.au/comment/the-age-editorial/refugee-film-shows-why-asylum-seeker-policy-must-be-changed-20160506-gooa96>

#### **4. Tom Ballard: Stop the votes! An address from the prime minister of Canberra**

For too long, the unfortunately elected arrivals have taken advantage of our generous spirit. But this policy ensures they will never be resettled in Canberra

The Guardian  
Tom Ballard  
Monday 9 May 2016 08.54 AEST

My fellow Canberrans:

I stand before you today with a heavy heart and a steely determination. It is now abundantly clear that we must take drastic and definitive steps to secure our borders and defeat the threat we face.

There is simply too much at stake for us to do anything less.

For decades now, we Canberrans have been swamped with unwelcome visitors. The conniving UEAs (unfortunately elected arrivals) have taken advantage of our generous spirit. They will stop at nothing to come here: demonising and imprisoning refugees, bribing third world countries to build offshore hellholes, trampling on press freedom, discrediting human rights organisations, capitalising on voters' xenophobic fears, commissioning propaganda, bleating three word slogans and even kissing unwilling babies.

Who knows how far they're prepared to go? As I understand it, some of them are more than willing to throw all their principles overboard for the sake of success.

These scheming "pollies" covet our superior way of life – our roundabouts, colourful science museums and taxpayer-funded parliamentary pensions – and they employ nefarious tactics to gain passage to our shores. They come over here with their vested interests and their blue ties and do nothing but live off the public teat. They don't assimilate, instead preferring to form ghettos made up of lodges and investment properties. It's well known they're a potential danger to the community: they're more likely to commit crimes than people seeking asylum living on bridging visas, for example.

Furthermore, once here, blessed with all the opportunities that the great city of Canberra affords them, they continue with their wicked ways to ensure their TEPs (temporary electoral periods) are renewed. They blatantly lie about the conditions in the detention gulags, create legal fictions to shirk our humanitarian obligations and actively try to stop medical professionals from speaking out about the sexual abuse of vulnerable people in our care. In the interest of holding on to their precious votes, they staunchly defend such practices, even when those practices result in innocent people setting themselves on fire in desperation.

Quite simply, enough is enough. Today my government is announcing a new policy that will once and for all put an end to this armada of desperate people breaching our sovereignty by objectionable means.

From today, ANY politician who continues to support the policy of offshore detention of refugees will not receive a single vote from the Australian public. Any person running for federal public office who advocates for the cruel and unnecessary status quo will NOT be resettled in Canberra. They will NEVER be resettled in Canberra. No way. Nope, nope, nope.

By dismantling the evil vote smugglers' business model, we are sending a very clear message that the nation's capital is not a soft target. We are taking the sugar off the table and we are saying that if you want to come here and govern the country, by Jove you'd better not do it by manipulating the public's fears and by appealing to the worst elements of our nature.

Of course, some may question our resolve in this endeavour and will try to come here anyway. I repeat: such candidates will NOT receive ANY support from voters and will therefore be immediately turned back. If necessary, some may have to be detained in political limbo until they can be successfully resettled in another, lesser city, such as Newcastle or Devonport, where they can try to begin new lives as business consultants or second-hand car dealers.

This will no doubt be far from ideal for these people, but these are the policy settings we need to address this crisis.

Now some may say that this policy, this Anywhere But Canberra Solution, is too harsh. Yes, it is a harsh policy, there's no doubt about that. But as a strong leader and a devout Christian man, I know this is what must be done. Jesus knew there was a place for everything and it's not necessarily everyone's place to come to Canberra.

We cannot afford to be misty-eyed about this. If we wish to be able to look ourselves in the mirror, get a decent night's sleep and save our international reputation, these steps must be taken. If we are to save lives in the Australian immigration detention system we may have to sacrifice the political lives of some polities, that's just the brutal truth we face. Our predecessors' open borders policy, which allowed the likes of John Howard, Philip Ruddock, Bronwyn Bishop, Tony Abbott, Jacqui Lambie and Richard Marles into our city, cannot stand.

My government and I are dedicated to seeing this policy through at any cost. We are a welcoming city, a generous city. But we will decide who comes to our federal parliament and the circumstances in which they come.

We will Stop The Votes.

I won't be taking any questions on this. Thank you.

<http://www.theguardian.com/commentisfree/2016/may/09/stop-the-votes-an-address-from-the-prime-minister-of-canberra>

## **5. Duncan Fine: Malcolm Turnbull says we must respect women while washing his hands of a Nauru rape victim**

After a shocking rape on Nauru, a woman sits under guard in Port Moresby waiting for justice from Australia. Meanwhile, her pregnancy progresses

The Guardian  
Duncan Fine  
Tuesday 10 May 2016 11.00 AEST

A poor, vulnerable young woman in a major Australian city suffers an epileptic fit and collapses to the ground, unconscious. Incredibly, shockingly, while still unconscious she is raped and falls pregnant.

No one would deny her in these terrible circumstances the right to the very best health care, a termination, and continuing attention from the best medical specialists.

Well, we now know one person would. Malcolm Turnbull.

The prime minister and minister for immigration Peter Dutton have tried to wash their hands of responsibility in a case with exactly these facts except for one small difference – the rape did not take place in Australia but on the failed state of Nauru and the young woman, known only as S99, is an African refugee who came by boat to Australia in 2013 and now resides there awaiting resettlement.

What makes Turnbull's haughty indifference toward the young woman so hard to take is that since he became prime minister he has been so keen to be seen as an advocate against domestic violence. He had only been PM for ten days when he stood next to then Australian of the Year Rosie Batty and thundered, "We have to make it as though it was un-Australian to disrespect women. We must become a country which is known for its respect for women."

And at a breakfast marking International Women's Day in March this year he basked in a Medici-like glow announcing a \$100 million Women's Safety Package and then said, "It is time to confront this very important fact: society's attitude towards women, the value we place on women, the regard we have for women, is directly connected to the violence that is committed against women."

So what then to make of the actions of the Turnbull government in relation to S99 culminating in the matter being heard in the federal court in Melbourne last week?

The facts of the rape were not disputed. That this woman – represented by the not-for-profit law firm The National Justice Project, founded by George Newhouse and me – needed an abortion was also not in contest. However, the medical evidence was that such a procedure could not be straightforward due to the significant risks because of her neurological and gynecological conditions.

In other words, this was a complex case and she needed the very best medical care.

The government accepted that without its assistance the young woman could not get a termination. They are simply not available on Nauru. The simplest, quickest, most cost-effective solution – and the one that would ensure the best medical outcome – would have been to bring her to Australia. The law even allows this if there are “exceptional circumstances.”

Surely that’s a no brainer. Surely the circumstances must be exceptional in this case. After all five separate medical experts, including neurologists, psychiatrists and general practitioners, advised the government that because the procedure would carry extra complications and should be carried out in Australia.

But the Turnbull government, the one that wants to make it “un-Australian” to disrespect women, said no. It flew her off without warning to Port Moresby where she has spent the last month. The trouble is abortion is illegal in Papua New Guinea. And the necessary standards of medical care to deal with a case like this just do not exist.

For the last four weeks we have been arguing that the government owed this young woman a duty of care to provide a safe and legal medical procedure and that this could not be done in PNG.

The court found in the young woman’s favour. That must please all people – like Malcolm Turnbull - who value individual freedom in the face of a ham-fisted and mean-spirited bureaucracy. And it must also please all people – like Malcolm Turnbull – who believe in equality and respect for women.

But on Monday Dutton gave yet another pantomime of toughness, as predictable as it was banal, to announce that he was weighing up an appeal against the judgment. But the judge was clear: all that needs to be done now is for the minister to sign a piece of paper stating the exceptional circumstances of the case and to bring her to Australia – or even another safe place – and fulfil the government’s legal obligations to her. Meanwhile the young woman waits anxiously and enters her second trimester.

Two weeks ago the PM warned about being “misty-eyed” about Australia’s immigration policy. But medical specialists deal in facts. Lawyers and judges work with the living working reality of rules on government responsibility and human rights stretching back over 800 years to the Magna Carta. It is in fact the government that is being emotional and capricious.

The young woman still sits under guard in Port Moresby. All we ask is that she urgently receives a safe and lawful termination after her shocking rape. Malcolm Turnbull must be on her side. Mustn’t he?

<http://www.theguardian.com/commentisfree/2016/may/10/malcolm-turnbull-says-we-must-respect-women-while-washing-his-hands-of-a-nauru-victim>

## **6. Militarized? Not us, say Department of Immigration and Border Protection bosses**

Sydney Morning Herald  
May 13, 2016 - 10:39AM  
Noel Towell

The Immigration department has not been militarised, according to its boss Michael Pezzullo.

The departmental secretary, who was revealed this week to have the confidence of only 30 per cent of his staff, says that change is unsettling and that some decisions will not please everybody in the department.

In a joint statement with Border Force Commissioner Roman Quaedvlieg, Mr Pezzullo said the dismal results of a staff Pulse survey, revealed this week by Fairfax Media, reflected “legitimate concerns” of his staff but the benefits of the merger with Customs were already being seen.

Staff complained in the survey of a “command and control” approach, a “military-style regime” and a culture of blame for failure that came from the top.

But Mr Pezzullo and Mr Quaedvlieg are unhappy with being accused, again, of militarising the department.

“We reject categorically the inaccurate and unhelpful meme that the department has a ‘militarised’ culture: the only staff required to be in uniform and to carry weapons are those whose duties require it and who are properly credentialed and trained,” they wrote.



The two men also say the transition to a "fresh" culture will not occur overnight.

"Already we are seeing benefits in establishing blended teams of former Immigration and Customs who are working with new colleagues who bring specialist skills in areas such as intelligence, analytics, investigations and operations," they wrote.

"Effecting this workforce transition, and with it a fresh culture, will take time."

"Change is unsettling; it leads to uncertainty, so it is not unusual or unexpected to see survey results that bear out the legitimate concerns of our staff. Some decisions won't please everyone but that is not an excuse to resile from them.

"We need to work with our people to equip the organisation to meet the demands of the future."

<http://www.smh.com.au/national/public-service/militarized-not-us-say-department-of-immigration-and-border-protection-bosses-20160512-gou51z.html>

## **7. ABC Explainer: Why asylum seeker policy will become a campaign hot topic**

ABC News Online

By political reporter Stephanie Anderson

Posted Wed 11 May 2016, 8:38am

Could asylum seeker policy be the surprise issue of the election campaign?

Despite Labor coming under pressure in recent days, there are not huge differences between the two major parties on immigration policy.

Labor leader Bill Shorten has pledged a "more humane and safer approach to asylum seekers", but remains committed to offshore processing, regional resettlement and boat turnbacks — as does Liberal leader Malcolm Turnbull.

Labor also wants to increase Australia's annual humanitarian intake — again, like the Coalition.

### ***Why is Labor under pressure?***

One of Labor's points of difference is the party wants to provide independent oversight of facilities by "creating an independent statutory advocate to protect the interests in children seeking asylum".

But that has not been enough for at least one of their candidates.

Labor candidate for Melbourne Sophie Ismail broke ranks with her party's stance on asylum seekers last week, saying she had grave concerns about overseas processing centres on Nauru and Manus Island.

Ms Ismail took to social media to call for "an immediate end to the cruelty on Manus and Nauru".

Her comments have dogged the Labor Party since, with Mr Shorten facing further questions this week over another candidate who took part in a protest on asylum seekers holding a sign saying "let them stay".

Unlike Ms Ismail, Labor candidate for Herbert Cathy O'Toole has since come out in support of Labor's policy — but the divisions have exposed the ALP to Coalition accusations that it's preparing to soften its border protection policies.

### ***What has Labor's leadership been doing in response?***

Labor frontbenchers have been on the front foot to downplay the tensions.

Mr Shorten moved to hose down the issue this week, saying Labor held a difficult debate at its National Conference and had moved on unanimously.

Mr Shorten told media again Labor stood by its plan to "keep people smugglers out of business".

"Regardless of who wins the election, we are not going to allow ruthless criminal syndicates to exploit vulnerable people, put them on unsafe vessels and then confront [them] with the risk and reality of drowning," he said.

Shadow Treasurer Chris Bowen also addressed the issue when asked at the National Press Club this week, saying the party had "a policy many people will regard as tough but one which is necessary to save lives".

Mr Bowen said while some Labor Party members had a different way of "doing the right thing", they stood united behind the policy.

"The shadow Cabinet the incoming Cabinet, is unanimously behind [Immigration spokesman] Richard Marles," he said.

But former treasurer Wayne Swan refused to be drawn on the issue while speaking to the ABC following a Turnbull press conference this week.

### ***And what about the Coalition?***

The Coalition has made the most out of these divisions within Labor.

Immigration Minister Peter Dutton accused senior Labor figures Anthony Albanese and Tanya Plibersek of not supporting the turnback policy.

He went on to cite Mr Albanese's interview with the ABC on Tuesday night, in which the Labor MP conceded "we don't all speak with one voice".

Mr Dutton also told media if Labor won power in the upcoming election, it would weaken Australia's borders.

"This is the problem that Labor has got, because in opposition they promise they'll stop the boats, and then in government they undo the policies because of internal pressures," he said.

"And what happened under Mr Rudd will happen again under Mr Shorten if they are elected at this upcoming election."

### ***And, finally, the Greens***

While it is hard to spot the differences between the Labor and Liberal policies on asylum seekers, the Greens take a starkly different approach.

They want to put an end to offshore processing and restore "the Australian migration zone to match Australia's territory and acceptance of responsibility for assessing all asylum claims of people who seek Australia's protection within the migration zone".

The Greens also want to introduce a time limit on the detention of asylum seekers, saying "once initial health, security and identity checks are completed within a maximum of 30 days, asylum seekers who arrive without a valid visa to be accommodated in the community".

<http://www.abc.net.au/news/2016-05-11/election-2016:-why-asylum-policy-will-become-campaign-hot-topic/7403512>

## **8. Peta Credlin suggests government lawyers said boat turnbacks were illegal**

Daily Telegraph column echoes Tony Abbott's comments that lawyers warned against towing asylum seeker boats to Indonesia, but does not say when

The Guardian  
Paul Carp  
Sunday 15 May 2016 14.23 AEST

Peta Credlin has suggested in an opinion piece attacking Labor's record on asylum seekers that some advice by government lawyers warned that turning back boats carrying asylum seekers was illegal.

In a piece in the Daily Telegraph about Labor "division" on asylum seeker policy, Tony Abbott's former chief of staff said there was "every chance the boats will start again if Labor is put back in charge of our borders".

"Doubtless, there'd be a barrage of human rights activists, including some government lawyers, again claiming that turnbacks are illegal."

The article did not specify when advice was provided to the Australian government that turnbacks were illegal.

Credlin's statement echoes comments Abbott made in a Quadrant essay about the national security legacy of his government that some government lawyers warned about the legality of Operation Sovereign Borders.

In the essay Abbott wrote: "At numerous stages, Operation Sovereign Borders could have foundered. Some media claimed that harsh treatment of boat people was being hidden. Some government lawyers claimed that the operation was beyond power."

Abbott said after he became prime minister he told border protection officials "in absolutely unambiguous terms, that the most compassionate thing we could do was stop the deaths at sea by ending the people-smuggling trade".



“That was their duty: to stop the boats by all lawful means notwithstanding fierce controversy at home and possible tension abroad.”

In August 2012 the Houston report to the Gillard government canvassed the possibility of boat tow-backs and said they would need the consent of the other country and “would need to be made in accordance with Australian domestic law and international law”, including obligations not to take asylum seekers back into danger.

It said the conditions for turnbacks to Indonesia were not met.

Before turnbacks were reinstated by the Abbott government in 2013, none had been attempted since 2001. None were conducted by the Rudd and Gillard governments.

Guardian Australia contacted the immigration minister, Peter Dutton, in March and again on Sunday to ask whether legal advice to the Abbott-Turnbull government said Operation Sovereign Borders was beyond power and tow-backs were illegal.

The Coalition government has maintained boat tow-backs are lawful.

Amnesty International has said Australia’s policy to return boats to countries where asylum seekers would be in danger is in breach of international law.

Credlin said Labor leaders opposed tow-backs in 2007 by claiming the practice was impossible, illegal and impractical. “All along, the real problem was that Labor didn’t like it.”

She described the purchase of orange life rafts to return “would-be illegal arrivals who’d scuttled their own boats” as a “vital new element” Abbott had added to Howard’s policies.

“This idea did not come from experts. It came from a prime minister and a government that simply wasn’t going to be overcome: not by the greed of people smugglers, not by the determination of would-be illegal migrants ... and not by the defeatism of the former Australian government.”

Credlin said the officials who had told the Labor government it “couldn’t stop the boats” were the same officials who advised the Coalition government that did.

Labor has said it will “not allow policy which sees the mass drowning of vulnerable people”, in effect replicating the government’s policy including use of controversial boat tow-backs.

On Saturday, Shorten said: “I don’t understand why the government hasn’t tried harder with nations in our region ... I promise that we will make sure that we process these people and get them into nations in our region but we will not reopen the seaways.”

Credlin also sought to play down her comments describing the prime minister, Malcolm Turnbull, as “Mr Harbourside Mansion”.

“Yes, he is ‘Mr Harbourside Mansion’, but he and Lucy bought their home after many years of hard work,” she said.

“He has an inspirational self-made background and he has to disable Labor’s attack by telling his story rather than let them define him.”

<http://www.theguardian.com/australia-news/2016/may/15/peta-credlin-suggests-government-lawyers-said-boat-turnbacks-were-illegal>

## **9. Protesters occupy immigration department building in Melbourne**

Group calling for improved treatment of asylum seekers refuse police instructions to vacate the building on Lonsdale Street

The Guardian  
Melissa Davey  
Thursday 12 May 2016 19.49 AEST

More than 100 refugee advocates and protesters have left the federal immigration department offices in Melbourne after occupying its office space, foyer and stairwells.

Chanting “Bring them here” and “We can be better than this”, the protesters refused police instructions to leave the building in Lonsdale Street on Thursday evening.

Police formed a guard preventing more people from getting into the building, while protesters rallied outside the building with megaphones and banners.

The demonstrators, who began their protest at 4pm, eventually left in the early evening though some continued their rally outside.

"I feel like the level of violence occurring in offshore camps is at a point where civil disobedience is the only way," one of the protesters, Anastasia Kanjere, said.

"We want to show people the feeling is here for mass civil disobedience. Ordinary people are ready to disrupt in ways they haven't before, and there will be more to come."

An organiser of the protest, Emma Kefford, said: "The goal was to disrupt to some degree because we feel rallies haven't been getting the message across, and the degree of despair and misery occurring offshore requires a heightened response that intervenes a bit more," she said.

"We may be prepared to negotiate with police a little later on, but the plan is to stay indefinitely."

The protesters were angry that two asylum seekers were recently driven to self-immolation on Nauru, while an asylum seeker who was raped in Nauru was sent to Papua New Guinea for an abortion that a federal court last week found would have been safe and illegal.

Earlier this month 23-year-old Iranian Omid Masoumali died after setting himself on fire in protest at his ongoing detention on Nauru. Another asylum seeker from Somalia, whose age is between 19 and 21, is in hospital in Brisbane after also setting herself on fire on Nauru.

Last week, the federal court found that the minister for immigration, Peter Dutton, exposed an asylum seeker who became pregnant after being raped on Nauru to serious medical and legal risks by flying her to Papua New Guinea for an abortion. Papua New Guinea did not have the medical equipment or staff with the expertise requires to cater to her serious neurological, physiological and psychological conditions. This week, Dutton said he would not appeal the ruling.

A Victoria police spokeswoman told Guardian Australia that by Thursday evening no protesters remained in the building.

"There have been no made arrests at this time," she said.

<http://www.theguardian.com/australia-news/2016/may/12/protesters-occupy-immigration-department-building-in-melbourne>

## **10. Bill Shorten heckled by teacher over refugee policy in Brisbane**

ABC News Online

By political reporter Eliza Borrello and Emma Blackwood

First posted Sat 14 May 2016, 11:02am

Updated Sat 14 May 2016, 12:15pm

Labor's federal election campaign has continued to be dogged by the asylum seeker issue, with a lone protestor heckling the Opposition Leader during an event in Brisbane.

Flanked by teachers on stage inside Brisbane's convention centre this morning, Bill Shorten was making his education pitch in the first major set piece event of his campaign when he was interrupted by Adrian Skerritt.

"Mr Shorten, you've got a heart somewhere there," he shouted.

"Extend your compassion to the refugees."

Outside the event, Mr Skerritt said he taught refugee children and would have betrayed his students if he did not speak up.

"You can't have an education policy which is supposed to be about inclusion, about fairness, compassion if at the same time you deal nothing but cruelty to people who've come here looking for a better life," he said.

Mr Skerritt was asked by journalists if he had any political links but he declined to answer.

It has since emerged that he was a candidate for the Socialist Alliance in the 2004 Queensland election, running for the seat of Inala.

Mr Shorten said the treatment of asylum seekers was a tough issue.

"I promise that we will make sure that we process these people and get them into nations in our region, but we will not reopen the seaways and we will not be deterred from defeating the people smugglers and protecting life," he said.

## ***Labor will 'abandoned the policy', PM says***

Prime Minister Malcolm Turnbull, who is campaigning in Sydney, said Labor could not be trusted to maintain a hard line on people smugglers.

"It's all very well for Mr Shorten to say, just as Mr Rudd did in 2007, that he is going to be strong and that he'll turn back the boats," he said.

"Well Kevin Rudd buckled and abandoned the policy after he became Prime Minister — Bill Shorten will do the same."

It is unusual for campaign events to be advertised to the public with political parties usually fearing it could lead to protests of this type.

But Mr Shorten has defended Labor's decision to promote it on Griffith MP Terri Butler's Facebook page.

<http://www.abc.net.au/news/2016-05-14/bill-shorten-heckled-by-adrian-skerritt-over-asylum-seekers/7414672>

## **11. MEDIA RELEASE: Protests for freedom begin on Manus**

Friday May 13, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Protests have begun inside the Manus detention centre - at Mike and Fox Compounds on Thursday, nd today Friday 13 May, in Delta and Oscar Compounds.

In Delta, the banner reads, " Trafficked illegally here. Close Manus prison now."

Asylum seekers and refugees are growing tired of the delay in closing the detention centre and releasing them from the hell of the last almost three years.

"People are tired and are demanding to leave Manus forever. The Supreme Court ordered that the government must take us from here," one refugee told the Refugee Action Coalition from Manus.

The detainees are growing angry at the deliberate attempts by the Australian government to thwart the decision of the PNG Supreme Court that declared that the detention centre was unlawful at the end of April.

The protests are expected to escalate tomorrow as frustration with the wait for freedom grows.

Despite statements from the PNG Immigration officials saying that the Manus detention centre is open, neither asylum seekers nor refugees can walk out of the centre which is on a naval base. The arrangements have not changed at the centre in the past week or so.

People are required to register and then take an official bus to the settlement at Lorengau. Although, up to 100 asylum seekers from Mike and Fox have taken the ride to Lorengau, over the past few days, yesterday only two from Foxtrot went outside. Very few refugees have gone outside at all.

A communities meeting inside the detention centre expressed its concern at the bus trips and today, most people declined to take the bus.

"The refugees do not want to be seen to cooperate in any way with the PNG regime that has been put in place by the Australian government," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "Every day the Australian government stalls on bringing everyone from Manus to Australia is another day they breach the Supreme Court orders and the human rights of the prisoners on Manus.

"The Immigration Minister Peter Dutton is trying to stall until after the federal election, but patience in PNG is wearing thin."

For more information, contact Ian Rintoul 0417 275 713

## **12. MEDIA RELEASE: Massive Manus protest joins Nauru protest Day 56**

Saturday May 14, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Prisoners in all the compounds of Manus Island detention centre have staged a joint protest inside the detention centre.

Despite the rain, hundreds joined the protest in Manus, assembling in the area between Oscar and Delta compounds, raising slogans of "Freedom; Freedom," and "This place is illegal" . (Photos attached; video available on request)

It was the biggest protest on Manus since the mass hunger strike of January 2015.

"We are determined to get our human rights. This protest shows that you can never defeat us and break our determination. All the prisoners are shouting to Australia that this place is illegal," said asylum seeker, Behrouz Boochani, from the Manus detention centre.

"The situation at Manus Island detention centre is not tenable," said Ian Rintoul, spokesperson for the Refugee Action Coalition, "The Supreme Court has ruled that the men must be freed but the Australian government is trying to keep them caged. This sort of situation cannot last long.

"The Turnbull government is stalling trying to drag things out til after tthe election, but their offshore processing regime is collapsing."

The protest on Manus coincides with protests on Nauru marking day 56 of the continuing protests by asylum seekers in the family compound, RPC 3 (Photos atached).

The Nauru protests have been inflamed by the recent suicide of Bangladeshi refugee Rakib, and by the emergency medivac of Somali mother Naima Ahmed and her baby in the early hours of Friday morning (13 May).

"The Minister for Misery, Peter Dutton, has tried again to blame advocates for the brutality of offshore detention, but the responsibility for the abuse that led to Rakib's suicide and the medical negligence that put Naima and her baby's life at risk, lies with Dutton himself," said Rintoul.

For more information contact Ian Rintoul 0417 275 713

### **13. 'Urban myth' behind George Christensen's no refugees stance**

Canberra Times  
May 12 2016 - 3:04PM  
Michael Koziol

Prime Minister Malcolm Turnbull has cautiously defended Nationals MP George Christensen's opposition to resettling Syrian refugees in his electorate, agreeing it would be difficult to find them jobs.

But Fairfax Media has learnt Mr Christensen was motivated less by employment prospects and more by an "urban myth" that claimed a local workers' camp would be turned into a camp for refugees.

The conservative Coalition MP issued a press release on Wednesday stating he had received an assurance from the government that no refugees would be sent to Sarina, in the Mackay region of Queensland.

This is even though the town of Sarina is not actually in Mr Christensen's electorate - it is in the neighbouring seat of Capricornia, about 37 kilometres south of Mackay.

Asked about the matter on Thursday, Mr Turnbull defended Mr Christensen's position, saying an economic downturn in the area made it less likely refugees would be able to find work.

"What he's saying is because there aren't a lot of jobs around it's better for refugees who come in the humanitarian program to be located in places where there are more opportunities for work," the Prime Minister said.

"George is entitled to express an opinion about his own area, but plainly the objective when you bring in refugees into Australia [is] to put them in a position where they are given the skills and the opportunities to get into work."

Mr Christensen had sought the assurance from assistant multicultural affairs minister Craig Laundy, who replied that there was no intention to resettle refugees in the area because it lacked established settlement services.

But Fairfax Media understands the root of the issue lies in an "urban myth" circulating in the electorate. A spokeswoman for Mr Christensen said constituents had contacted him fearing that a workers' camp at the Jilalan rail yard, near Sarina, was going to become a refugee camp.

"It's hard to kill those urban myths once they start," she said.

The rumours were apparently bolstered by comments from the state Labor MP for Mackay, Julieanne Gilbert, who has been prosecuting the case for refugees to be settled in the Mackay region.

"She is happy to welcome refugees and has been saying that publicly," Mr Christensen's spokeswoman said.

The unemployment rate in Mackay is 6.8 per cent, compared to 5.2 per cent in Toowoomba and 8.7 per cent in Cairns, according to the Australian Bureau of Statistics.

Under former prime minister Tony Abbott, the federal government committed to resettling 12,000 Syrian refugees fleeing the conflict in their home country.

Mr Laundry, in his new role as assistant multicultural affairs minister, is responsible for administering the program. In an interview with the Inner West Courier, he said 300 refugees had been resettled in recent months, and the project would be "ramping up" shortly.

Mr Abbott was due to arrive in Mackay on Thursday to campaign alongside Mr Christensen.

Senator Hanson-Young in Brisbane on Thursday said the situation was appalling.

"It is week one of the election campaign - week one - and we've got Peter Dutton as Immigration Minister - and now the prime minister Malcolm Turnbull - backing in some of their most racist and intolerant members of Parliament to run a campaign in this election against people who we have said we would welcome to this country."

Senator Hanson-Young said Australians overall wanted to help settle Syrian refugees fleeing the war in Syrian.

"We wanted to match with the rest of the world in opening our arms and our hearts to those people in need," she said in Brisbane on Thursday morning.

"And now we have Malcolm Turnbull - asked today about members of Parliament banning Syrian refugees from their electorate - he said it was 'OK'.

"This is a testing point for Malcolm Turnbull and his campaign.

"He has failed today to be a leader who stands up for decency. He has failed today to be leader who stands up against people in his own party who want to bear the racist drum and it is simply not good enough."

<http://www.canberratimes.com.au/federal-politics/federal-election-2016/election-2016-urban-myth-behind-george-christensens-no-refugees-stance-20160512-got9t0.html>

## **14. Turnbull defends George Christensen's comments refusing Syrian refugees in Mackay**

ABC News Online

By political reporter Stephanie Anderson

First posted Thu 12 May 2016, 9:13am

Updated Thu 12 May 2016, 10:14am

Prime Minister Malcolm Turnbull has defended comments made by LNP politician George Christensen, who claims to have ruled out refugees resettling in his Queensland seat.

In a post on Facebook earlier this week, Mr Christensen said "the Mackay region won't be able to handle an influx of refugees".

He cited his reasons as economic.

"We don't need to introduce more people to contest that pool of jobs," he said.

"I conducted a Facebook poll back in September last year to gauge community sentiment on this issue and about 75 per cent of local respondents were against the idea of settling refugees in Mackay."

Mr Turnbull today backed his comments, saying Mr Christensen was entitled to express his opinion. When pressed by media, he said the MP was concerned about the economic downturn in his region.

"George is entitled to express an opinion about his own area but plainly the objective, when you bring refugees into Australia, indeed any arrivals into Australia, is to put them in a position where they are given the skills and the opportunities to get into work," Mr Turnbull said. "That is the whole objective."

<http://www.abc.net.au/news/2016-05-12/turnbull-defends-george-christensen-comments/7407788>

## **15. MEDIA RELEASE: Critical refugee mother and baby medivacced from Nauru**

Friday May 13, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

A 22 year-old Somali refugee mother, Naima, and her premature baby boy, have been airlifted, in separate planes, from Nauru in emergency circumstances last night. Both were considered to be in critical condition when they left Nauru.

Naima underwent a caesarian operation on Nauru, yesterday afternoon, and the baby was born one month premature.

Naima and her baby were airlifted in separate planes. The air ambulance carrying Naima has already landed at Brisbane.

The plane carrying the baby left Nauru three hours after his mother was airlifted and was expected to land in Brisbane mid-morning.

"This emergency medical evacuation raises even more questions about the standard of health care on Nauru. The Minister needs to come clean on the real standards of the Nauru hospital," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

For more information contact Ian Rintoul 0417 275 713

## **16. Nauru refugee and premature baby in critical condition after emergency caesarean**

Baby unable to breathe without aid when flown off the island with Somali mother en route to Australia, immigration department says

The Guardian  
Helen Davidson  
Friday 13 May 2016 14.00 AEST

A 22-year-old Somali refugee and her newborn baby have been medically evacuated from Nauru after she underwent a caesarean section a month prematurely.

The immigration department confirmed the woman and her baby had been transferred to Australia where they were receiving "appropriate medical treatment", but declined to comment further.

According to Ian Rintoul of the Refugee Action Coalition, both mother and baby were in critical condition when they were flown off the island. The baby was unable to breathe without aid, Guardian Australia understands.

It is understood the young mother had been vomiting and had seizures while on Nauru. She was in hospital on Sunday night but it is unclear whether she remained there until she and the baby were evacuated.

Questions have been raised about the timeliness of medical evacuations from the offshore immigration centre, and the duty of care for people self-harming, and showing other signs of mental illness.

On Wednesday a 26-year-old Bangladeshi man died of suspected heart failure in the Nauru hospital before he could be evacuated to Australia.

He had checked himself into the hospital two days earlier after – according to reports from Nauru – he ingested a large number of pills including Panadol.

A statement written by the young man to support his refugee claim said he fled Bangladesh after locals threatened to kill him and his boyfriend for having a homosexual relationship.

"The locals forced us to go to the local mosque, a five-minute walk away, and started to beat us in public in front of the mosque," he said.

"[My boyfriend] and I were pleading with everyone to forgive us but they would not stop beating us. They said words to the effect of 'if you rectify your actions we will not kill you. However if we catch you again we will kill you'."

The couple were treated for injuries, but attacked several times again, he claimed. He was threatened with dismemberment and blinding, and his parents disowned him. He and his partner fled separately and never made contact again, he said.

Ian Rintoul from the Refugee Action Coalition has called for an independent inquiry into the man's death.



Earlier this month a 23-year-old Iranian man died of his injuries after self-immolation in front of UN employees. Days later a 21-year-old Somali woman also set herself alight and was flown to Brisbane for treatment.

The Iranian man's widow told Guardian Australia the Nauruan hospital was not equipped to treat her husband, and blamed his eventual death on the delay of almost 24 hours in getting him off the island.

Refugees and asylum seekers on Nauru have protested daily for more than a month about their treatment on the island and continued detention. Several have said they no longer want to come to Australia, but to "any of the other 27 countries" party to the UN refugee convention.

Dozens have signed a letter addressed to the pope, requesting intervention by the Catholic church.

"We know we are far from Rome, that there are not many of us compared to people escaping to Europe, but after three years of being called a number and treated cruelly we are more tired than any person can bear," the letter said.

Last week the Nauruan justice minister, David Adeang, made a public address to the refugees and asylum seekers on the island to express sadness at the recent deaths.

"We want to acknowledge your frustration at where you find yourselves, we are aware that you did not design to come to Nauru and that many of you do not plan to stay here permanently," Adeang said.

He listed a number of "opportunities" and services the Nauru government was providing, and asked them to "recognise and respect the fact that this is our home".

The Nauruan government had labelled the acts of self-immolation a protest designed to sway Australian government policy, and arrested or convicted a number of people for attempting suicide.

<http://www.theguardian.com/world/2016/may/13/nauru-refugee-and-premature-baby-in-critical-condition-after-emergency-caesarean>

## **17. Nauru medical services defended after emergency evacuation of woman and baby**

ABC News Online

By Lexy Hamilton-Smith

First posted Sat 14 May 2016, 2:35pm

Updated Sat 14 May 2016, 2:48pm

Immigration Minister Peter Dutton has defended the quality of hospital medical services for pregnant women in asylum seeker detention on Nauru.

His comments come as a Somali refugee remains on life support in a Brisbane hospital after she and her newborn son were medically evacuated from Nauru in a critical condition.

Ian Rintoul, from the Refugee Action Collective, said 22-year-old Naima Ahmed was 32 weeks pregnant when she underwent a caesarean section operation on Thursday.

The ABC understands Ms Ahmed has been taken off life support and her condition is slowly improving.

Mr Dutton said on Saturday there were "significant numbers of medical staff" on Nauru who provided care to asylum seekers in detention.

He said Australia's policy was firm on not allowing people in offshore detention into Australia, except in an emergency.

"This woman was provided with the medical support that you would expect," he said.

"There was \$11 million of taxpayers money spent to upgrade the medical facility [on Nauru].

"Now the arrangement has been if people can't receive the medical attention that they require that they go to Port Moresby International Hospital.

"If the medical services are not available there, people are brought to Australia."

Prime Minister Malcolm Turnbull was also questioned about Ms Ahmed's condition, but said he would not comment on individual cases.

"Can I just say to you that every support in terms of health including medical support and mental health is provided to the people who are currently living in Nauru," Mr Turnbull said.

### ***This was preventable: Greens***

Greens senator Sarah Hanson-Young said the young mother now in hospital in Brisbane should have been brought to Australia long ago.

"Now, as a direct result of her forced isolation at the hands of the Government, she and her newborn baby are fighting for their lives," she said.

"It's important to recognise that this was preventable.

"Doctors said that choosing to keep women with complicated and dangerous pregnancies on Nauru, rather than bringing them to Australia, would result in tragedy.

"We should be closing the camps, assessing people's claims where they are and then flying those who need protection here safely."

### ***'I had to give birth in worst place ever'***

An Iranian woman who remains in detention on Nauru after giving birth at the local hospital has described a traumatic experience.

She spoke through a translator in a video provided to the ABC by the Refugee Action Collective.

"I thought if I become refugee my conditions will get better, hospital conditions will get better," the woman said.

"But unfortunately it was worse. I had to give [birth] in worst place ever.

"There isn't any specialist in Nauru. There was just one midwife who was from Fiji... everywhere was dirty.

"My baby was born with forceps. His heart rate was down. My husband was shouting and calling our (baby) son Rayan.

"He said: 'Rayan please scream.' We thought he was dead. I had a very bad feel and I was dying.

"The doctor doesn't think my baby heart rate could be down and every second may we lose our poor baby."

The woman burst into tears as she remembered her baby's birth.

"My baby was born with forceps. His heart rate was down. My husband was shouting and calling our (baby) son Rayan.

"He said: 'Rayan please scream.' We thought he was dead. I had a very bad feel and I was dying.

"The doctor doesn't think my baby heart rate could be down. And every second may we lose our poor baby."

<http://www.abc.net.au/news/2016-05-14/nauru-medical-services-defended-after-emergency-evacuation/7414866>

## **18. Nauru emergency caesarean: Peter Dutton defends island's health services**

Immigration minister says facilities are 'significant' after Somalian woman and newborn flown to Brisbane hospital

The Guardian  
Australian Associated Press  
Saturday 14 May 2016 15.53 AEST

The immigration minister, Peter Dutton, has defended health services on Nauru as "significant" after an asylum seeker was flown to Brisbane following an emergency caesarean section.

Naima Ahmed, a 22-year-old Somali woman, and her newborn, who was one month premature, were taken to the Royal Brisbane and Women's hospital this week following the procedure.

It has been reported she had shown signs of pre-eclampsia when five months pregnant and suffered a fit before surgery.

But Dutton insisted on Saturday that the health facilities on the island were significant and "dozens" of babies had been delivered there throughout the year.

"All I can say to you is the advice is taken from the doctors," he said in Brisbane.

"The doctors advised at which point this woman should be airlifted to Australia.

"We rely on that advice and I think that's perfectly reasonable."

Asked about her current condition, Dutton would only say that she was "receiving the medical attention that's required".

He had become aware of her situation only before her flight.

The woman's partner may be flown to visit her, but no decision had been made.

Dutton said \$11m of taxpayers' money had been spent to upgrade the medical facilities on Nauru.

He also hit out at asylum-seeker advocates who suggested the woman was deprived of adequate care.

"They are pushing a particular issue and they are trading in the misery of these people which is appalling," Dutton said.

"The doctors on the island – medically trained doctors – have provided the medical advice about what could be provided to this woman and at which point she needed to be evacuated."

<http://www.theguardian.com/australia-news/2016/may/14/nauru-emergency-caesarean-peter-dutton-defends-islands-health-services>

## **19. Asylum seekers and refugees no longer in detention, PNG authorities say**

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

First posted Thu 12 May 2016, 9:06am

Updated Thu 12 May 2016, 9:50am

Papua New Guinea immigration authorities have said asylum seekers and refugees are no longer in detention.

The country has altered restrictions at Australia's offshore detention centre on Manus Island so detainees can leave the centre during the day.

PNG's Immigration and Citizenship Advisory Service says this means the 898 men are no longer in detention, in compliance with a Supreme Court ruling last month.

"No asylum seeker or refugee is in detention," Deputy Chief Migration Officer Esther Gaegaming said.

"We are continuing to work towards fully implementing the orders of the Supreme Court."

PNG's Supreme Court ruled on April 26 that detaining the men on Manus Island had breached their constitutional rights to personal liberty in Papua New Guinea.

The detainees on Manus Island say they now have the option to catch one of three buses into the main town each morning, but must sign agreements taking responsibility for their own safety.

They are not allowed to walk out of the centre, because it is on a PNG naval base.

They also say they may stay at an Immigration-run transit centre overnight.

### ***'They are still controlling us'***

Refugee Behrouz Boochani said the changes had not allowed true freedom of movement.

"They are still controlling us," he said. "Even when we want to go from Oscar to Delta [internal compounds] we should give our ID cards to the officers.

"It means we are not free to walk."

Mr Boochani said the refugees and asylum seekers were still being separated inside the centre and refugees could not visit the compounds where men who were unsuccessful in their refugee applications were housed.

The men are only allowed to leave Manus Island if they sign an agreement to be resettled in PNG, and the ABC understands only eight men have done that.

Of those, three have returned to Manus Island, saying they had been robbed and threatened when they were resettled in Lae, and did not earn enough money to support themselves.

Two of those refugees were arrested upon returning to Manus Island, one for trying to get back into the transit centre for refugees and another for repeatedly asking for a phone and credit to call his family.

Another refugee remains in hospital in Lae after being violently robbed twice in two days.

Only three men are still working, while a fourth is about to start his new job.

<http://www.abc.net.au/news/2016-05-12/png-authorities-say-manus-refugees-no-longer-in-detention/7407826>

## **20. Manus Island asylum seekers no longer in detention, says Papua New Guinea**

PNG says detainees have freedom to leave, in move designed to get around supreme court ruling that detention of 900 men is illegal and unconstitutional

The Guardian  
Helen Davidson  
Thursday 12 May 2016 14.27 AEST

Asylum seekers and refugees are no longer in detention on Manus Island, according to a Papua New Guinea immigration official who has said they have freedom to leave the centre.

The move is designed to get around last month's supreme court ruling that detention of the almost 900 men is illegal and unconstitutional, and reportedly offers them freedom to go into the nearby town of Lorengau.

The PNG immigration department made the announcement on Thursday, the ABC reported, with deputy chief migration officer Esther Gaegaming claiming "no asylum seeker or refugee is in detention".

But Iranian journalist and Manus Island detainee Behrouz Bouchani said there had been no new announcement to the detainees, and freedoms remained restricted.

Bouchani said a bus went into Lorengau from outside the prison three times a day, and had done since a few days after the court decision.

There had been no new announcement in recent days, beyond a case manager flagging a "cultural program" for detainees who wished to visit Manus villages and learn about PNG culture, he said.

"We can only use the bus on these times for going to town, and also we need to write a request form and wait for their response," he told Guardian Australia. Detainees were told of the bus service after the court decision.

"We cannot go outside freely because around the centre is navy area," he said.

He also said some people with negative refugee claims had been permitted to go into Lorengau, despite the new arrangement reportedly allowing only for those who agree to resettle in PNG.

Restrictions on inter-compound movement between the separated groups of those with approved refugee claims and those whose claims were rejected, remained in place, Bouchani added, and he had seen an increased police presence on the island.

The PNG immigration minister could not be reached for comment.

Ian Rintoul, spokesman for the Refugee Action Coalition, dismissed the new regulations. "Papua New Guinea can open the gates to fulfil some technicality, but people are not free to move out of the detention centre wherever they like," he told Reuters.

The Australian immigration minister, Peter Dutton, on Thursday morning directed reporters' questions to the PNG authorities, but reiterated his view that Manus was the responsibility of PNG. However he confirmed Australia still provided for the services which ran it, and said there would be no renegotiation of contracts based on its new "open" nature.

"We obviously provide funding to the PNG Government and to organisations to provide those health services, those meals, all those services that are provided," he said. "As you're aware there's no detention on Nauru. It's an open arrangement there, 24/7 open centre arrangement, and if PNG are heading down that track well that's really an issue for the PNG Government to comment on."

The supreme court ruling threw the offshore processing agreement between Australia and PNG into disarray, both governments claiming the other was responsible for the – now illegally – detained men.

High-level talks have been held between the two governments to determine a response, although Dutton this week said he did not see it being resolved until after the federal election.

He also said the supreme court did not rule that Manus “needed to close”.

He had previously flagged that an “open centre” style arrangement, like that on Nauru, could address the court’s concerns.

The court ruling called for both the Australian and PNG governments to “take all steps necessary to cease and prevent the continued unconstitutional and illegal detention”. The following day the PNG prime minister, Peter O’Neill, announced the centre would close.

In the space of one day the internal gates of the facility were opened, allowing detainees to move freely between compounds and use phones without retribution, and then shut again just hours later, separating people with different determinations.

On Friday PNG’s deputy permanent representative to the United Nations, Fred Sarufa, fronted the UN for PNG’s universal periodic review.

Sarufa told the panel PNG accepted the court ruling and was working to make “appropriate arrangements”.

<http://www.theguardian.com/australia-news/2016/may/12/manus-island-asylum-seekers-no-longer-in-detention-says-papua-new-guinea>

## **21. Lucky they are not 'chopped up': Fears of rising violence on Manus Island as asylum seekers are released**

Sydney Morning Herald  
May 12, 2016 - 11:44AM  
Nicole Hasham

Asylum seekers have been released from the Manus Island detention centre but the Turnbull government has denied responsibility for their welfare, despite claims they are lucky not to have been “chopped up” by locals wielding machetes.

Papua New Guinea chief migration officer Mataio Rabura told Fairfax Media that detainees were now free to leave the Manus Island centre after that nation’s Supreme Court ordered the facility was illegal and unconstitutional, and the detention must end.

He said about 850 male asylum seekers and refugees at the detention centre had been encouraged to relocate to a nearby transit facility “where they can go and come”, adding that detainees were being bused in and out of the detention centre each day.

Manus Island MP Ron Knight said most detainees were too “wary” to move to the transit centre and expressed concern about their release.

“You have young guys locked up for so long, they get involved in consuming home brew, womanising and involved in marijuana offences,” he said, adding island police were “weak”.

He said there were cultural differences between locals and detainees, describing the latter as “pretty aggressive people”.

Mr Knight was unable to say if those involved in recent incidents were newly released detainees or those who already lived at the transit centre, because “they all look the same”.

“It’s been happening for some time. [They are] assaulting and chasing women, young [local] boys have been chasing them back with bush knives, machetes, iron bars,” Mr Knight said.

“If you chase my sister ... into my yard the first thing I’m going to pick up is a machete and chase you back.”

Mr Knight claimed the detainees had been spared from being “chopped up” because Manus Island was a “peaceful” place compared with elsewhere in PNG.

“If it was the highlands there would have been many deaths already,” he said.

Mr Knight’s comments highlight the potential cultural and social problems arising from the release of detainees into the Manus community without appropriate community education and settlement programs.

Human Rights Law Centre director of legal advocacy Daniel Webb, who has visited Manus Island, said the relationships between detainees and islanders were often positive.

"I saw lots of instances of generosity and kindness between the men and Manus locals but there are also some real tensions. That's inevitable when you lock up 900 innocent men on a far flung corner of a remote island for three years," he said.

"Just flinging the gates open isn't a solution. These men have spent the last three years of their lives on a painful road to nowhere. The only viable and humane option is to bring them [to Australia]."

Fairfax Media on Thursday asked Immigration Minister Peter Dutton what measures were being taken to ensure the safety of detainees in the Manus community, and whether garrison services at the Australian taxpayer-funded detention centre had been scaled back.

He said Manus Island was "an issue for the PNG Government to comment on" and Australian officials were in discussion with PNG over the centre's future.

"PNG's a sovereign nation. They have responsibility for their regional processing centre," he said.

Papua New Guinea Prime Minister Peter O'Neill has previously stated that the detainees are the responsibility of the Australian government.

Mr Dutton said his government was still funding detainee support services such as meals and health care.

<http://www.smh.com.au/federal-politics/political-news/lucky-they-are-not-chopped-up-fears-of-rising-violence-on-manus-island-as-asylum-seekers-are-released-20160512-got9cx.html>

## **22. MEDIA RELEASE: Nauru claims another victim as Bangladeshi refugee suicides**

Wednesday May 11, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Tragically, a 26 year-old Bangladeshi refugee, Rakib, has died on Nauru after taking an overdose of tablets, including a large amount of Panadol.

He was found to be a refugee about five months ago and has been living in a refugee camp since then.

While the official Immigration report says he died of heart failure, the statement conspicuously omits to mention the overdose that is almost certainly the underlying reason for the heart failure.

"The Immigration statement has left many people on Nauru angry, because the statement is seen as just another cover-up by the Australian Border Force," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Rakib's friends say his suicide was driven by the same desperation as others on Nauru. There is no future.

"We are also concerned about whether there will be a proper investigation into his death. There seems to be a serious question about whether doctors at Nauru hospital responded to pump his stomach, even though an overdose was suspected when he was first brought to the hospital.

"Rakib may be a victim of Nauru in more ways than one."

For more information, contact Ian Rintoul mob 0417 275 713

## **23. Bangladeshi refugee dies on Nauru of suspected heart attack**

Man, 26, who checked himself into hospital suffering chest pains, dies before medical transfer to Australia could take place

The Guardian  
Ben Doherty  
Wednesday 11 May 2016 14.20 AEST

A 26-year-old Bangladeshi refugee has died in Nauru hospital from suspected heart failure.

The man – a boat-borne refugee sent to Nauru by Australia – checked himself in to Nauru hospital two days ago with chest pains. Plans were made to take him to Australia by air ambulance, but he could not be moved.



He suffered a series of heart attacks on Wednesday morning and died.

Reports from refugees on Nauru say an overdose on medicines may have contributed to the man's death. The man reportedly consumed a massive number of pills, including panadol, before he initially went to hospital.

The Guardian has been unable to confirm those reports with Nauruan hospital authorities.

The night before, two men on the island – one a refugee, the other an asylum seeker – were reportedly attacked and robbed by local men who threw rocks at them and threatened them with a knife.

The attackers threw rocks at the men to knock them off their motorbike before assaulting them, and stealing their wallets, phones, and their bike.

Meanwhile, more than 100 refugees and asylum seekers on Nauru have signed a plea asking they be allowed to get back on boats seeking new countries.

In the typewritten letter, the asylum seekers and refugees ask the "Australian government to let us buy and prepare boats to leave Nauru island".

"We have been living in Nauru as prisoners for three years now. The Australian government has refused to let us in or accept us. We've decided to rescue ourselves by getting on boats once again."

"All people have the basic right to be free. We want the ability to decide our own future. The Australian government has kept us as prisoners and slaves. They use us for their own political benefits, corporate profits, and games."

The single-page letter is accompanied by six pages of signatures accompanied by the six-character boat numbers assigned by Australian immigration.

The asylum seekers and refugees say they have tried to buy boats, but have been stopped by the Australian Border Force.

Stopping asylum seekers from boarding boats is posited by the government as a key rationale for Operation Sovereign Borders. Australia funds, and maintains over-arching control, over the Nauruan operation of the detention centre and temporary resettlement program.

On Australia's other offshore detention island, PNG and Australia remain at odds over the future of the Manus camp.

Peter Dutton, the Australian immigration minister, has maintained that the PNG supreme court judgement of 26 April did not order the camp to close.

However, the PNG government has told the United Nations the court did order the detention centre shut, and that it would be closed.

One of the major tensions over the Manus camp has been the apparent impunity of Australian and New Zealanders contractors working on the island.

Expatriates who allegedly break the law on Manus are flown off the island before they can be interviewed by police.

Two expatriate guards, including an Australian, were named in reports investigating the assault that killed Reza Barati, but only two Manus locals were charged and convicted of his murder.

Three expatriates, again including Australians, are alleged to have drugged and raped a local woman on Manus. They were flown off the island the next day to avoid a PNG police investigation. And an Australian worker at the centre who robbed a bar was also flown off Manus.

In recent days a guard has been accused of punching and pushing a refugee inside the immigration detention centre.

In a formal complaint to the camp operator, Broadspectrum, it is alleged the guard punched a refugee who had permission to visit a friend in a neighbouring compound on Sunday. The alleged assault was witnessed by several other people in the detention centre.

FULL STORY AT <http://www.theguardian.com/australia-news/2016/may/11/bangladeshi-refugee-dies-on-nauru-of-suspected-heart-attack>

## **24. Nauru refugee dies of suspected heart failure**

Sydney Morning Herald  
May 11, 2016 - 2:48PM  
Nicole Hasham

A young Bangladeshi man has died from suspected heart failure at Nauru - the second death of a refugee from the remote Pacific Island in less than a month.

Refugee advocates alleged the man deliberately overdosed on tablets including paracetamol, and was feeling desperate about his plight.

It comes as Greens Senator Sarah Hanson-Young said the Turnbull government had banned her from inspecting detention centres during the election campaign, and from visiting the grieving widow of a Nauru man who set himself alight, suggesting it is seeking to block the emergence of politically damaging information.

The Department of Immigration on Wednesday announced that the man, 26, admitted himself to the Republic of Nauru Hospital on Monday, complaining of chest pains. He was being treated in hospital but died on Wednesday after a series of cardiac arrests.

The department said an Australian air ambulance was sent to Nauru but the man's condition prevented him being transferred to the aircraft.

Authorities are trying to contact the man's family and are supporting his friends in Nauru.

Refugee Action Coalition spokesman Ian Rintoul claimed the man overdosed on tablets, including a large quantity of Panadol.

"While the official Immigration [Department] report says he died of heart failure, the statement conspicuously omits to mention the overdose that is almost certainly the underlying reason for the heart failure," he said, adding that Nauru refugees saw the statement as a "cover up".

"[The victim's] friends say his suicide was driven by the same desperation as others on Nauru. There is no future."

Mr Rintoul said there were questions over whether doctors immediately pumped the man's stomach, and said the death should be properly investigated.

The department has been contacted for comment. It referred earlier inquiries to the Nauruan government, which has been asked to respond.

The death will cast fresh scrutiny onto conditions faced by asylum seekers and refugees at Nauru, including the high prevalence of stress, anxiety and mental health issues and questions over health care on the island, which is 4500 kilometres from Australia.

The incident follows the death of Iranian refugee Omid Masoumali, who set himself alight at Nauru last month.

On Wednesday Senator Hanson-Young said the government was preventing her from visiting Mr Masoumali's widow, who is being detained in Brisbane after travelling to Australia with a friend to be by her husband's bedside.

Senator Hanson-Young, who regularly attends onshore detention centres as the party's immigration spokeswoman, said she had been banned from visiting detention centres for the eight weeks leading to the July 2 poll.

She had also intended to visit other Nauru detainees who have travelled to Australia for medical treatment.

Confirmation has been sought from the Department of Immigration, including whether the alleged ban applies to all federal politicians and members of the public.

"[Authorities] have blocked my visit to that grieving widow," Senator Hanson-Young said.

"Is there anything more callous, more heartless than keeping this young woman isolated and away from anyone who is able to show some ... care for her while she is in this very traumatic situation?"

"This is more cover-up from this government, more secrecy and it goes right to the heart of transparency."

Such a ban, if confirmed, follows the introduction of laws that prevent detention centre workers from speaking publicly about conditions behind the wire.

The issue of border protection has risen to the fore during the early days of the eight-week election campaign, after Melbourne Labor candidate Sophie Ismail repudiated her party's policies and a photo emerged of a Queensland Labor hopeful, Cathy O'Toole, engaged in a protest to bring offshore detainees to Australia.

It allowed the government to emphasise its record on "stopping the boats" and forced Opposition leader Bill Shorten to deny he would unravel the government's tough stance if Labor wins power.

The death of Mr Masoumali, and another self-immolation of a refugee at Nauru the following week, forced the government to defend conditions faced by those in offshore detention and explain why it has not yet found a third country in which to permanently resettle them.

It is understood that Mr Masoumali's widow is receiving legal assistance after travelling to Australia with a friend. It is unclear if there are moves afoot to prevent her removal to Nauru.

<http://www.smh.com.au/federal-politics/political-news/election-2016-turnbull-government-allegedly-bans-detention-centre-visits-during-election-campaign-20160511-gos9y9.html>

## 25. Border Force Bars Senator From Visiting Dead Refugee's Widow

The Department of Immigration said the request violates guidelines, but could not specify which ones. posted on May 11, 2016, at 2:16 p.m.

Buzzfeed  
Rob Stott  
May 11, 2016, at 2:16 p.m.

A request made by a refugee being held in detention in Brisbane to be visited by Greens senator Sarah Hanson-Young has been denied by the Australian Border Force on the grounds that the government is in caretaker mode.

The request was made by the widow of a man who died in late April after setting himself on fire on Nauru. The man's wife was flown to Brisbane with her husband so he could be given medical treatment for his burns. The man died a few days later.

Hanson-Young was hoping to visit four asylum seekers currently being held in immigration detention in Brisbane, including the widow.

But in an email to the senator's office a Border Force worker said the request "is not able to be facilitated during the caretaker period".

Caretaker conventions come into effect after an election has been called. They allow the functions of government to continue without any decision being made that could potentially affect an incoming government.

Senator Hanson-Young told BuzzFeed News she had followed the usual procedure for requests to visit detainees, but was told at the last minute that the request would be denied.

"I'm surprised but not shocked that they've decided to block me from seeing people at the moment. It's pretty bad form," she said.

Hanson-Young said she has made dozens of similar visits to asylum seekers without issue in the past, and has never heard of a request being declined due to caretaker conventions.

"It's as much an issue of transparency as anything else," she said. "[Border Force] tried to say that it was because the election campaign's been called, which is just ridiculous. They couldn't point to where that is official policy, and it's not the way it's been in previous years. It just seems like a convenience."

A spokesman for the department told BuzzFeed News that the request did not comply with the Department's Visits to DIBP/ABF establishments during the Caretaker Period guidelines.

When asked which guidelines the request violated, the spokesman could not specify.

"Requests to visit detainees from advocates, community groups, friends, family and other support workers and individuals will continue to be considered on a case-by-case basis according to the procedures and policies outlined on the Department's website," the spokesman said.

The news comes on the same day the Border Force announced the death by heart attack of a 26-year-old man being held on Nauru.

The man admitted himself to hospital on Monday suffering from chest pains and died on Wednesday morning after a series of cardiac arrests, according to the Department of Immigration.

Refugee advocates have told BuzzFeed News the man deliberately overdosed on painkillers before being admitted to hospital, but this has not been substantiated by authorities.

In a press conference on Wednesday, senator Hanson-Young called for an independent investigation into the man's death.

"With reports that this young man's death is the second suicide in as many weeks on Nauru, there needs to be an independent and transparent investigation. The investigation cannot be left to the Nauru police or [immigration minister] Peter Dutton's department, both of whom clearly cannot be trusted," she said.

"There is a better way for us to care for people seeking asylum. We should close Nauru and be proactively assessing people's claims for asylum where they are in the region and then bringing those that need protection to Australia safely.

Ian Rintoul from the Refugee Action Coalition said the department's statement had omitted key facts.

"The Immigration statement has left many people on Nauru angry, because the statement is seen as just another cover-up by the Australian Border Force," he said.

"Rakib's friends say his suicide was driven by the same desperation as others on Nauru. There is no future."

<https://www.buzzfeed.com/robstott/border-force-bars-senator-from-visiting-dead-refugees-widow>

## **26. MEDIA RELEASE: Minister stalls on Manus; will another Australian guard avoid justice?**

Wednesday May 11, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

While Australia and PNG haggle over the future of the asylum seekers and refugees on Manus, the abuses inside the detention centre continue.

Concerns are being raised that another Australian guard at Manus Island may flee the island before PNG police can interview him in relation to an alleged assault on a refugee inside the Manus detention centre.

The alleged assault happened on Sunday 7 May, when the refugee from Delta compound was trying to visit friends in the Foxtrot compound.

According to the complaint, the guard, "Cameron", stopped the Iranian refugee at the Foxtrot gate and refused him entry. Despite confirming with Delta compound that the visit was authorised, Cameron still denied him entry and an argument started.

It is then alleged that Cameron punched and pushed the refugee in the chest. As a crowd gathered at the gate, a Wilson's supervisor arrived, and quickly allowed the refugee into Foxtrot and Cameron was ordered out of the compound.

A complaint was lodged on Monday 9 May with detention managers, Broadspectrum (attached).

The refugee also complained to the PNG and is expecting to be interviewed by the PNG police today.

But the refugee is concerned that Cameron will be allowed to leave the island before he can be interviewed by the PNG police, just as has happened in previous instances of complaints being made against Australian guards.

On 25 April, the PNG Supreme Court rules that the Manus Island detention centre was unlawful.

"It is pathetic watching Peter Dutton denying the obvious. Every day Manus remains open, is another day that the Minister and the PNG government are breaching the human rights of those held there," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"There will be more legal action in the PNG Supreme Court on Friday this week. Peter Dutton is just prolonging the agony and stalling to try to keep Manus open til after the election. Dutton should end the abuse by bringing all the asylum seekers and refugees to Australia.

"In the meantime we will see if Cameron is allowed to leave the island before the PNG police can investigate the assault."

For more information contact Ian Rintoul 0417 275 713

## **27. Labor's Melbourne candidate Sophie Ismail contradicts party asylum seeker policies**

Canberra Times  
May 9 2016 - 1:26PM

James Massola  
- With Nicole Hasham, James Robertson, Matthew Knott

Labor candidate Sophie Ismail has contradicted her party's asylum seeker policies, outlining concerns about boat turnbacks and offshore detention on Manus Island and Nauru.

Immigration Minister Peter Dutton seized on Ms Ismail's comments and called on Opposition Leader Bill Shorten to discipline his candidate over her comments on immigration policy, which is a fraught political issue for the ALP and one it hopes will not become a major issue during the campaign.

An under pressure Mr Shorten was forced to declare five times his party's policy on boat turnbacks and offshore processing was "clear", as he dodged questions about whether he would reprimand Ms Ismail.

On the first formal day of the 2016 election campaign Ms Ismail - who has joked that she "looks like a Green" and is trying to win back the prized seat of Melbourne from the Greens' Adam Bandt - also said Treasurer Scott Morrison should "absolutely" apologise to charity organisation Save the Children.

Ms Ismail, who faces a tough fight to win back the former Labor stronghold, vowed to be a progressive voice inside the ALP caucus in the mould of retiring Fremantle MP Melissa Parke and suggested Australia may be in breach of its international legal obligations by processing asylum seekers on Nauru and Papua New Guinea.

Ms Parke and four other Labor MPs recently criticised the offshore processing of asylum seekers on Manus Island in the wake of a PNG Supreme Court ruling that found the Manus Island detention centre was illegal, prompting Prime Minister Peter O'Neill to say it would be closed.

Opposition Leader Bill Shorten has promised to continue the Coalition's policy of turning back asylum seeker boats if Labor is elected, a policy adopted at the 2015 Labor Party conference.

But in a direct contradiction of party policy, Ms Ismail told Fairfax Media: "I have concerns about turnbacks, I don't think they should be on the table. When people arrive by boat, and 90 per cent of them are genuine refugees, turning them back to places not signed up to the refugee convention is a problem".

"I think the PNG ruling obviously casts doubt on the whole situation, it's time to review the Pacific Solution and move towards a decent and humane approach that fully complies with our international legal obligations.

"These people [on Manus Island] need to be processed immediately and resettled. Their indefinite detention in unsafe conditions is clearly in breach of a number of our obligations and has to end.

"I have grave concerns about the ability of Manus and Nauru to provide safety for these people."

Asked directly if the asylum seekers on PNG should be brought to Australia and processed, Ms Ismail said: "I think they do need to be processed, whether in Australia or somewhere else".

Campaigning in Queensland, Mr Shorten said the ALP had publicly debated its policy last year and that "Labor's policy is clear. We will not put the people smugglers back into business" while dismissing suggestions he led a divided team.

"When it comes to people smugglers and turnbacks and not having onshore processing by people who are smuggled here by criminal syndicates, we are not for turning on our policy," he said.

"Our candidates are good candidates. I'm proud of my united Labor team but I'm clear what the policy is, as is my team."

Asked about Ms Ismail's comments, Senior Labor MP Anthony Albanese said "I'm not about condemning people for putting forward their views".

"The Labor Party has positions on this. I argued out my position in the Labor Party. The difference is that when the Labor Party makes a decision it is potentially a decision of government rather than just a couple of people."

Mr Dutton said Ms Ismail's comments brought to six the number of Labor MPs and candidates who "have openly revolted against Bill Shorten on border protection". The other five are Ms Parke, Lisa Singh, Anna Burke, Jill Hall and Sue Lines.

"This is eerily similar to the situation that occurred for Kevin Rudd when he tried to be tough on borders but he could not bring his party with him," Mr Dutton told Fairfax Media.

"Under Labor we saw 50,000 people come on boats, 800 boats and 1200 people drown at sea. Bill Shorten has to show leadership and discipline these candidates because the Australian public don't believe Labor has the ability to keep the boats stopped."

At a later press conference, Mr Dutton said internal Labor division proved the opposition will unravel the government's border protection policies if it wins power. He said three asylum seeker boats had been turned away from Australia this year, showing people smugglers remain "very desperate ... to come to our country" and authorities must "keep our borders safe".

Ms Ismail said she faced a tough fight to unseat Mr Bandt, who first won the seat of Melbourne in 2010, and vowed she would not run a negative campaign.

Voters in the seat had a choice between two progressive, she said.

"But if he wins, it's one more seat Labor has to win elsewhere and one less progressive voice inside the Labor caucus representing the views of Melbourne," she said.

"Really, if we want progress, if we want a more humane policy on asylum, if we want marriage equality, we must change the government in 2016 and that means putting Labor first."

Mr Bandt said voters in Melbourne could "vote for a candidate who likes what their party stands for or for one who doesn't".

"The real test isn't what you say, it's how you vote and Labor MPs always vote with the Liberals on refugees, but I won't."

Mr Morrison has refused to apologise to charity group Save the Children, despite the government paying compensation to the organisation after it was accused of political activism, fabricating claims and encouraging asylum seekers to self harm.

<http://www.canberratimes.com.au/federal-politics/federal-election-2016/election-2016-labors-melbourne-candidate-sophie-ismail-contradicts-party-asylum-seeker-policies-20160508-gopj8l.html>

## **28. Bill Shorten defends Labor's asylum seeker stance; Cocos Islands arrivals sent back**

ABC News Online

By political reporters Stephanie Anderson and Stephen Dziedzic

Posted Mon 9 May 2016, 11:36am

Updated Mon 9 May 2016, 1:08pm

Opposition Leader Bill Shorten has downplayed internal tensions over asylum seeker policy after Labor's candidate for the seat of Melbourne questioned the party's stance on the issue.

The split came as Immigration Minister Peter Dutton confirmed that 12 people who arrived at the Cocos Islands last week have been returned to Sri Lanka.

It brings to three the number of boats intercepted by Australian authorities since January 1, prompting questions over Mr Dutton's claim of "stopping the boats".

Mr Dutton addressed media this morning after Labor candidate Sophie Ismail broke ranks with her party's stance on asylum seekers, saying she had grave concerns about overseas processing centres on Nauru and Manus Island.

Ms Ismail took to social media last week to call for "an immediate end to the cruelty on Manus and Nauru".

"Enough is enough," she said.

"We can't allow this to continue. It's long past time to put politics aside and work towards a rational, calm, sensible approach that upholds the human rights and human dignity of people who come here seeking asylum."

Mr Dutton said the comments showed the Opposition was split on border protection, and warned if Labor won power in the upcoming election, it would weaken Australia's borders.

"This is the problem that Labor has got, because in opposition they promise they'll stop the boats, and then in government they undo the policies because of internal pressures," he said.

"And what happened under Mr Rudd will happen again under Mr Shorten if they are elected at this upcoming election."

### ***Three boats turned back this year: Dutton***

Mr Dutton also today confirmed that 12 people who arrived at the Cocos Islands were returned to Sri Lanka late last week.

Last week, the Government intercepted the boat with a small group of people on board, including women and children.



"That brings to three the number of vessels that have sought to arrive and have been turned back, the people returned back to their country of origin in this calendar year," he said.

"It underscores the fact that people smugglers are very desperate to try and get vessels away from Indonesia and Sri Lanka with people on board."

Mr Dutton also brushed off suggestions that the Government could no longer claim to be "stopping the boats" following the confirmation.

"There have been a number of attempts and if we don't have a successful attempt, that is, if the boat doesn't arrive, then we do have success in turning those boats around," he said.

"That was the case in relation to latest venture. It's been the case in relation to a number of boats before and it will be the case in the future."

Earlier, Cocos Islands residents told the ABC they watched a group of people board a plane and fly off the island on Thursday night.

Local businessman Tony Lacey said the boat passengers travelled to the airport on a bus that had its windows blacked out.

"It was about 8:30 at night. We didn't see much at all; the asylum seekers were getting on at the rear of the plane, which meant it was out of sight for most onlookers," Mr Lacey said.

<http://www.abc.net.au/news/2016-05-09/asylum-seekers-returned-to-sri-lanka-after-boat-intercepted/7395992>

## **29. Labor candidate Cathy O'Toole hit by questions over old protest photo**

Sydney Morning Herald  
May 10, 2016 - 11:28AM  
Matthew Knott

Opposition Leader Bill Shorten has been forced to deny his party is disunited on the issue of boat arrivals for the second day in a row after a photo emerged of the Labor candidate for a marginal seat at an asylum seeker protest.

The photo of Cathy O'Toole, distributed widely by Coalition strategists, showed her protesting outside the office of sitting Liberal National Party MP Ewen Jones holding a sign saying "let them stay".

This followed comments on Monday by Labor's candidate for Melbourne, Sophie Ismail, saying boat turnbacks should be off the table even though they are part of official Labor policy.

Appearing beside Mr Shorten at a state school in Townsville, Ms O'Toole said she backed Labor's asylum policy 100 per cent but refused to say the words "boat turnbacks".

Ms O'Toole said she was a proud member of Amnesty International, which campaigns against offshore processing.

"I support the Labor policy which says we will not be allowing people to put their lives at risk, to be exploited and to come to this country when we can make an alternative arrangement for them," she said.

Asked about the photo of her protesting, taken in February, Ms O'Toole said: "I have been a member of Amnesty International for many years.

"What I was saying at that point in time is very clear - I support the humane treatment of people regardless of whether they're refugees or not. We treat people humanely. I do not support people making extreme amounts of money by extortionate measures and risking people's lives."

Immigration policy is a fraught issue for Labor and a traditional strength of the Coalition.

Immigration Minister Peter Dutton seized on Ms Ismail's comments on Monday as evidence Labor can't be trusted on border protection.

Mr Shorten has promised to continue the Coalition's policy of turning back asylum seeker boats if Labor is elected, a policy adopted at the 2015 Labor Party conference.

Outgoing MP Melissa Parke and four other MPs recently criticised the offshore processing of asylum seekers on Manus Island in the wake of a PNG Supreme Court ruling that found the Manus Island detention centre was illegal.

<http://www.smh.com.au/federal-politics/federal-election-2016/election-2016-labor-candidate-cathy-otoole-hit-by-questions-over-old-protest-photo-20160510-gqghrd.html>

## 30. Greens would demand asylum seeker policy change under any deal with Labor

Richard Di Natale rejects Labor's claims it would not form minority government with Greens as just 'a lot of tough talk'

The Guardian

Paul Karp

Sunday 15 May 2016 10.19 AEST

Improving the treatment of people seeking asylum in Australia would be a key policy demand of the Greens if Labor relied on the party to form minority government, Richard Di Natale has said.

Speaking on Sky on Sunday Di Natale rejected Labor's claims it would not make a deal or agreement to form minority government with the Greens as unrealistic and "a lot of tough talk in the lead-up to the election".

"When faced with the prospect of governing, wiser heads will prevail and it makes more sense to enter into a responsible power-sharing arrangement with the Greens," he said.

When asked about the Greens' policy priorities, Di Natale listed many including strong action on global warming, fighting inequality and a national anti-corruption watchdog. One of the priorities was "a more decent and compassionate treatment of those people legitimately seeking asylum". Di Natale rejected the view that refugee policy was a binary of "stop the boats" or "open the floodgates" as a nonsense.

Asked more directly about what policy concessions the Greens would seek from Labor, Di Natale cited stronger action on global warming and more humane refugee policy. "Labor wants to take \$1bn out of the Australian Renewable Energy Agency," he said. "They don't want to do anything about those massive fossil fuel subsidies. That's not a climate policy.

"They've got a veneer of increasing the renewable energy target, nowhere near where it needs to be ... So the Labor party policy is a significant improvement on the Coalition's policy ... [but] the Labor party policy falls well short.

"Don't for a moment think we can't get an improvement to refugee policy. There is a way through this. One of the things I commit to doing if there is the potential for power-sharing or a multiparty government is to improve what we're doing to people seeking refuge and asylum in this country."

In July the opposition leader, Bill Shorten, won a major policy battle getting support from Labor national conference for a policy of towing back boats of asylum seekers and offshore detention.

But, since the election was called on 8 May, Shorten has been forced to answer questions about numerous candidates who supported the Let Them Stay movement, which aimed to prevent 267 asylum seekers being returned to offshore detention.

Labor supports regional processing but doesn't want it to degenerate into indefinite detention. On Saturday, Shorten said: "I don't understand why the government hasn't tried harder with nations in our region ... I promise that we will make sure that we process these people and get them into nations in our region but we will not reopen the seaways."

It comes as Liberal candidate for Mackellar, Jason Falinski, repudiated a view he expressed in 2001 that asylum seekers who come by boat should be welcomed rather than shunned. According to the Fairfax report, Falinski said: "The Coalition committed to stopping the boats and that's exactly what has been done through a strong border protection policy, which I wholeheartedly support."

Di Natale said Labor was wary of forming government with the Greens because it mistakenly believed the 2010 deal between Julia Gillard and the Greens had harmed Labor. In fact, it was "the chaos turmoil and internal division of the Rudd-Gillard governments" that ended what he said was a "very effective period of government".

He said he simply "did not buy" Labor's talk it would not do a deal with the Greens, citing the former leader Bob Brown's assessment that "these parties exist to attain power – the idea that they would walk away is not real world politics".

Di Natale said Labor would need to a deal with the Greens to form "responsible, stable government" because otherwise it would worry about "every piece of legislation on floor of parliament where you don't know the outcome of that vote".

He also rejected the prospect Labor would prefer a return to the polls, a threat suggested by the Greens treasury spokesman, Adam Bandt, to force Labor to the negotiating table.

"I think Australians want another election like they want a hole in the head," Di Natale said.

He effectively ruled out forming government with the Coalition, noting it would take a "Damascus road conversion" by the Coalition on refugees and global warming.

<http://www.theguardian.com/australia-news/2016/may/15/greens-would-demand-change-to-asylum-seeker-policy-under-power-sharing-deal-with-labor>

## **31. MEDIA RELEASE: Refugee advocates warn against any removals to Nauru**

Tuesday May 10, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

The Refugee Action Coalition has warned the government against sending refugees back to Nauru, in the present circumstances.

At least two people detained in the Brisbane Immigration Transit Accommodation (BITA) have been told that they could be returned to Nauru "soon" .

Astonishingly, one of the people told that will be sent to Nauru is a refugee brought from Manus Island, for medical treatment.

It is now impossible for the government to send anyone to Manus, since the PNG Supreme Court ruled that the Manus Island detention centre was unlawful.

"People found to be refugees on Manus Island are owed international protection. To send a refugee from Manus to Nauru, would be sheer bloody-minded exercise of power," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

The announcement has raised the anxiety levels among refugees and asylum seekers in BITA.

"This just appalling politicking by the Minister who is desperate to turn refugees a political football in the election campaign," said Ian Rintoul.

"The situation on Nauru is vulnerable and volatile. The Minister is recklessly playing with asylum seekers' lives. Sending anyone back risks intensifying more desperation in an already fragile situation in the wake of Omid and Hodan burning themselves.

"The Minister already needs to explain how a young Somali woman could be returned to Nauru, even though she was on suicide watch in BITA. That decision has had dreadful consequences.

"Political opinion has also shifted with majorities in favour of the 'Let Them Stay' campaign to allow 267 asylum seekers from Nauru and Manus to remain in Australia.

"We urge the Minister to urgently reconsider any proposal to send anyone back to Nauru."

For more information contact Ian Rintoul 0417 275 713

## **32. Sri Lankan would-be migrants returned by Australia 'maybe' in detention, being treated properly: authorities**

ABC News Online  
By South Asia correspondent James Bennett  
Posted Tue 10 May 2016, 5:10am

Sri Lanka's Government has confirmed 12 would-be migrants sent back to Colombo by Australia last week are currently in the hands of its Criminal Investigation Department (CID).

The country's Immigration and Emigration Department told the ABC the group Australia sent back last week are all members of the majority Sinhalese ethnicity, and insists they are all being treated properly.

Yesterday Immigration Minister Peter Dutton confirmed recent reports that a boat carrying 12 Sri Lankans had reached the Cocos Islands in the Indian Ocean, north-west of the Australian mainland.

Mr Dutton also said the Government's assertion it has stopped the boats remained accurate, because the dozen on board were sent back to Colombo last week.

"We were able to successfully return those 12 people, which included men women and children, back safely to Sri Lanka on the sixth of May," he said.

Now, Sri Lanka's Immigration Department has confirmed its officers have given the group over to the country's Criminal Investigation Department.

Immigration Department spokesman Lakshma Zoysa said the group was being investigated to determine "how they went from Sri Lanka".

"They are involved in criminal activities, yeah, that's an immigration crime," he said.

The group is also being questioned he said, to try and glean information about who organised the trip.

### ***Whereabouts of migrants unclear***

Mr Zoysa said he does not know where the group is currently.

Asked if they were being detained, he replied "maybe".

However, he said that the returnees were being treated properly.

"We are not torture them, our CID officers ... handle them [in a] legal manner," Mr Zoysa said.

Sri Lanka's security agencies stand accused of ongoing torture and mistreatment.

Over the weekend, the UN's rapporteur on torture, Juan Mendez, wound up a visit to Sri Lanka concluding that its police lacked accountability.

Mr Mendez said it was essential that the country "establish mechanism for real judicial and prosecutorial control over police investigations".

Mr Zoysa said the men, women and children who had been returned by Australia were all ethnic Sinhalese, not members of the Tamil minority with whom the Sri Lankan Government fought a bloody civil war lasting 26 years.

"They're all Sinhalese people," Mr Zoysa said.

### ***Ethnicity 'no guarantee of safety', rights campaigners say***

Dr Jehan Perera, executive director of the National Peace Council for Sri Lanka, said being Sinhalese meant it was less likely the group would have been found to be genuine refugees.

"If they were Sinhalese people trying to get to Australia then I would say that they were primarily going for economic reasons," Dr Perera said.

But Dr Perera said regardless of the group's motivation, their ethnicity was no guarantee they would not face abuse by authorities having been sent back to Sri Lanka.

"I don't think that the use of torture is limited to Tamils," he said.

"We have a police force that has experienced three or four decades of emergency rule and they are not so conscious of the rules that should guide a police force in its questioning of suspects."

### ***Has Australia has breached obligations?***

Asked if Australia could have been confident it was not returning the group to potential harm, the Sri Lankan National Peace Council's executive director, Dr Perera, simply said "no".

Another Sri Lankan human rights activist, Ruki Fernando, said it was "likely" that Australia had not met legal obligations by returning the group.

"Given that torture is widespread in Sri Lanka, it's likely that Australia may be in breach of international obligations," he said.

"It also appears that Australia has not afforded due process for these persons to have their asylum claims processed, including access to legal counsel and independent appeal process when initial application is rejected."

The ABC contacted the Immigration Minister's office for comment, but received no response before deadline.

<http://www.abc.net.au/news/2016-05-10/sri-lankan-migrants-returned-by-australia-maybe-in-detention/7399666>

## **33. Peter Dutton may appeal against ruling that he risked safety of pregnant asylum seeker**

Immigration minister, who had the woman flown to PNG for an abortion after she was raped on Nauru, also confirms Somali asylum seeker Abyan has given birth

The Guardian  
Joshua Robertson  
Monday 9 May 2016 14.11 AEST

Peter Dutton has signalled that he may appeal against a federal court ruling that he breached his duty of care for an asylum seeker who sought an abortion after being raped on Nauru.

It came as he revealed that Abyan, the Somali asylum seeker whose similar request to have an abortion in Australia created a storm in 2015, had now given birth to the child.

Speaking about the latest case, the minister for immigration said he rejected “different interpretations online” of a finding by judge Mordecai Bromberg on Friday that he exposed a woman to serious medical and legal risks by flying her to Papua New Guinea. Abortion is illegal in PNG and its hospitals lack the necessary equipment and expertise.

Dutton, when asked if he accepted that he was wrong in his previous legal position that he had no duty of care for the woman identified only as S99, said: “No, again, I’d ask you to have a look at the judgment of the court as opposed to what’s being read on social media.”

When pressed on whether he still denied having a duty of care despite Bromberg finding that he had, Dutton said: “Well the matter’s been decided upon and the commonwealth has an appeal period to decide whether or not we appeal.

“And there are other matters in relation to that case which are ongoing, so I don’t have any further comment to make in relation to that matter.”

Dutton told a media conference in Brisbane that a woman who previously alleged rape on Nauru and was flown to Australia for an abortion had gone through with the pregnancy and had the baby.

He connected that case with what he suggested were ongoing attempts by lawyers for asylum seekers to take advantage of their arrival in Australia for medical treatment by taking out injunctions so they can stay.

Dutton said “no details were able to be provided” initially about the circumstances of the rape of the Somali-born woman, known as Abyan.

“And that lady eventually came to Australia and didn’t go ahead with the abortion as she originally sought and as I understand it, has now given birth to that child,” Dutton said.

“Of course once people arrive in Australia there is an injunction taken out by their legal representatives to try and stop that person going back to, in this case, Nauru.”

Dutton said the government would “work through, obviously in accord with the law” the implications of the Mordecai decision on the minister’s role in ensuring adequate medical treatment for people in Australian-run offshore detention centres.

“There have been different interpretations of the judgment online which I reject,” he said. “The government will provide the support that we need to, working with Nauru and in the case of Manus, the PNG government, and we’ll look at the case and respond accordingly.”

Dutton called the media conference to give an update on the government’s “sovereign borders” immigration campaign, telling reporters Australia had turned back its third boatload of asylum seekers for 2016 last Friday – the same day as the adverse federal court ruling.

He said a group of 12 men, women and children had been returned to Sri Lanka after being intercepted near the Cocos (Keeling) Islands.

Dutton also criticised the Labor opposition for being “split” on its support for hardline border protection policies, with seven backbenchers now speaking out in criticism of offshore detention of asylum seekers.

<http://www.theguardian.com/australia-news/2016/may/09/peter-dutton-may-appeal-court-ruling-which-found-he-risked-safety-of-asylum-seeker>

## **34. Peter Dutton: no appeal against abortion ruling on pregnant asylum seeker**

Woman who was raped on Nauru will be flown to a country with appropriate medical expertise for abortion after immigration minister’s decision

The Guardian  
Melissa Davey  
Tuesday 10 May 2016 14.22 AEST

The immigration minister, Peter Dutton, will not appeal against a federal court finding that he breached his duty of care to an asylum seeker who became pregnant after being raped on Nauru, and exposed her to serious medical and legal risks.

On Tuesday Dutton informed lawyers for the asylum seeker, identified only as S99, that he would not appeal against the order from Justice Mordecai Bromberg that he must facilitate a safe and legal abortion for her.

It means Dutton will now have to fly S99 to a country with adequate medical expertise and equipment to safely perform the abortion she requires because of her complex neurological, physiological and psychological conditions.

The woman was raped while in detention on Nauru in January after she fell unconscious as the result of a seizure, leaving her with severe post-traumatic stress disorder. The rape resulted in a pregnancy which was dangerous to her health, medical experts said, given her suspected epilepsy and another medical condition which cannot be revealed.

The Border Protection Act allows asylum seekers to be flown to Australia for medical care in exceptional circumstances, but the court heard that Dutton did not believe her case to be exceptional. He had her flown to Papua New Guinea for the procedure instead, despite abortion being illegal in that country and the hospital lacking the expert staff and equipment required to make the operation as safe as possible. The abortion would have placed the woman at risk of criminal prosecution, Bromberg found.

The case was heard after lawyers intervened on her behalf, saying her health would be placed at serious risk if the procedure went ahead in Papua New Guinea. S99 remains in PNG under police guard.

Bromberg handed down his decision on Friday night, finding Dutton had a duty of care to the woman, and ordered that he send her to a country that could provide her with an abortion safely and legally. Lawyers for S99 urged Dutton to inform them whether he would appeal as soon as possible, given the woman's mental health had begun to seriously decline and the risk of further complications increased as her pregnancy continued.

In a statement from the National Justice Project, which is representing S99 pro bono, principal solicitor and human rights lawyer George Newhouse said now that Dutton had confirmed he would not appeal S99 must now receive a safe and legal termination as soon as possible.

"She has entered the second trimester," he said. "It is imperative that the Turnbull government immediately brings her to Australia, or to another country where she can receive the highest standard of neurological and gynaecological care.

"The important case shows that the government has a duty to take proper care of all detainees and refugees on Nauru and on Manus Island."

The director of the National Justice Project, Duncan Fine, told Guardian Australia he hoped the court's finding would mean no other woman would have to endure what S99 had. He said any apology to S99 from Dutton and the government would be too little too late, and that the priority would be getting her adequate healthcare as soon as possible.

"Everything the government has done up to now has really been designed to obstruct her getting the very best and safest medical attention," he said.

"Any apology that came right now would be a cheap and polyester gesture. We have a federal court judge who has now very clearly said this treatment of her is not acceptable. We now need to ensure she gets the highest quality care."

The government had not indicated when the woman would be transferred to another country for medical treatment including the abortion, or what country that might be, he said.

Guardian Australia has contacted Dutton's office for comment.

<http://www.theguardian.com/australia-news/2016/may/10/peter-dutton-will-not-appeal-ruling-pregnant-asylum-seeker>

## **35. Government has until Sunday to arrange refugee's abortion**

The Age  
May 10, 2016 - 4:09PM  
Bianca Hall

The Australian government will not challenge a Federal Court ruling that it has a duty of care to provide a safe and legal abortion for an African refugee raped on Nauru.

The ruling could become a landmark case, with human rights lawyers saying it shows the government has a duty of care for asylum seekers and refugees on Nauru and Manus Island - despite previously suggesting they were now the responsibility of those countries.



George Newhouse, principal solicitor with The National Justice Project - which ran the woman's legal case - said the case had broad implications.

"This important case shows that the government has a duty to take proper care of all detainees and refugees on Nauru and on Manus Island," he said.

On Tuesday, lawyers for Immigration Minister Peter Dutton wrote to lawyers for the woman, known only as S99, to say they would not appeal the Federal Court ruling handed down late on Friday.

In Friday night's ruling, Justice Mordecai Bromberg said that, despite the language the government used to describe the refugee, she "remains entitled to the protection of Australian law".

The young woman who, as Fairfax revealed last month, was semi-conscious after suffering a suspected epileptic seizure when she was attacked on Nauru, had begged authorities to let her come to Australia to terminate the pregnancy.

Instead, Australia sent her to Papua New Guinea, where the criminal code states abortion is illegal.

There she remains in limbo in a Port Moresby hotel room after her legal team issued emergency legal proceedings to prevent Australian authorities from arranging an abortion in PNG where, they say, her complex medical and mental health needs could not be assured.

She is now in her second trimester of pregnancy and, the court was told, her mental health is deteriorating rapidly.

Her barrister, Ron Merkel, told the court the woman had told her legal team on Thursday she felt she was "going crazy" and said she might hurt herself "like Hodan" - a reference to the young Somali woman who last week set herself on fire on Nauru.

"I feel bad," she told her lawyers. "Can you please hurry up the court? My belly is growing bigger every day; I want the baby out."

In his ruling, Justice Bromberg said Australia must arrange for the woman to have a termination before May 15, either in Australia or another country (likely to be New Zealand or Singapore) with similar medical standards.

A spokesman for Mr Dutton said the government's "intent is to act in line with the court's orders".

In a statement, Mr Newhouse said she must now receive a safe and legal termination as soon as possible.

"She has entered the second trimester", he said. "It is imperative that the Turnbull government immediately brings her to Australia – or to another country where she can receive the highest standard of neurological and gynaecological care."

<http://www.theage.com.au/federal-politics/political-news/government-has-until-sunday-to-arrange-refugees-abortion-20160510-goqrhh.html>