

Project SafeCom News and Updates

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1. Ben Saul: Human rights failures say a lot about our government

Sydney Morning Herald
June 23, 2016
Ben Saul

Elections are fought and won in middle Australia. Sadly it is no surprise that the most disadvantaged people in our country are not at the centre of political campaigns.

The international human rights standards endorsed by Australia are a basic test of how well a government treats its people. After three years in power, a government seeking another term should first be held accountable for its human rights performance.

The Turnbull/Abbott government can claim some achievements, like implementing Labor's National Disability Insurance Scheme, acting against gender violence, and resettling an extra 12,000 refugees from the Middle East.

But the government can sing its own praises. I will sing its failures.

Let's start with economic, social and cultural rights, which ensure human survival, dignity, and life opportunity. They include rights to adequate, affordable and accessible healthcare, education, housing, and food. They also include opportunities to work, decent working conditions, and social security to maintain a decent standard of living.

Among the severest rights violations is that more than 2.5 million Australians, including 600,000 children, live in poverty. This is about 14 per cent of our population, and almost one in five children, despite Australia being among the world's richest countries.

The situation is worst for the 105,000 homeless Australians. Many more people are at risk from the housing affordability crisis, made worse by the retention of negative gearing.

Australians who are down on their luck, such as the unemployed, are often forced into poverty by grossly inadequate welfare payments. Young people without jobs are hardest hit. Pensioners, too, face a daily struggle for a decent life.

Healthcare is increasingly inaccessible and unaffordable for some Australians. Mental healthcare, and health services in prisons and indigenous communities, are especially inadequate.

Public education remains significantly underfunded and the disproportionate transfer of scarce public resources to private schools continues.

The economic and social rights of Indigenous Australians remain unfulfilled across health, housing, employment and education. Indigenous communities are denied the right to determine their own future, because they lack representative political bodies, economic independence, and social and legal equality. Current policies go nowhere near redressing the continental transfer of wealth from Indigenous peoples in 1788.

Native title processes are too cumbersome. Consultation with Indigenous peoples on decision-making is inadequate. Victims of the stolen generations and of stolen wages largely remain uncompensated.

Some policies, such as the Northern Territory National Emergency Response, remain racially discriminatory. Criminal justice outcomes are still poor, including over-imprisonment, deaths in custody, and mandatory minimum sentences. Too many Indigenous languages lack the support to survive.

The government is also badly underperforming on civil and political rights. Despite the Attorney-General's concern for "traditional rights and freedoms", the government has virtually ignored the Australian Law Reform Commission's report identifying many concerns.

Gender inequality remains profound, including in a pronounced wage gap and in leadership in business, politics and the professions.

Freedom of association is suppressed by excessive restrictions on the right to strike. The independence of trade unions to choose their leaders is also now at risk.

Whistleblowers in the immigration and security areas are punished not protected. The government has not quashed state laws that penalise legitimate environmental protest.

Excessive counter-terrorism laws violate numerous freedoms, including liberty, privacy, expression, association, movement, and a fair trial.

Thousands of asylum seekers have languished in illegal, unjustified detention, often in cruel, inhuman or degrading conditions. On Australia's watch, people have been beaten to death, raped, and burnt alive.

Many aspects of our border protection and offshore processing policies violate international law and put refugees' safety at risk. The unjustifiable secrecy of maritime operations thwarts transparency and corrodes democratic accountability.

The government divisively favoured a "right to be bigot", encouraging the abuse of free speech and stoking racism. At the same time, it deprives Australians of marriage equality and squanders public money on an unnecessary plebiscite.

In relation to all rights, the government has not created effective enforcement mechanisms. There is no bill of rights to protect Australians against human rights abuses. The government has even wound back judicial safeguards, and often overridden common law rights.

The Australian Human Rights Commission has been unfairly attacked, politicised, and underfunded. It remains deprived of power to protect economic, social and cultural rights.

Access to justice for victims is inhibited by the grave underfunding of legal aid. The Law Council of Australia estimates the shortfall at \$226 million. The government has also defunded civil society groups that advocate in the public interest.

The government has flagrantly disrespected United Nations human rights bodies. It has also refused to sign up Australia to important treaties, including to allow Australians to complain to the UN about violations of children's rights and economic, social and cultural rights. It has rejected treaties on enforced disappearances and migrant workers' rights.

Finally, Australia's protection of human rights overseas is being drastically undermined by the slashing of foreign aid over coming years to an historic low of 0.22 per cent of GDP. This is less than a third of the UN target of 0.7 per cent – which Britain met in an economic crisis.

The hip-pocket understandably affects how many Australians will vote. But many voters also understand that the protection of human rights is a basic test of a government's decency.

---->>>> Ben Saul is Challis Chair of International Law at the University of Sydney and the incoming Whitlam and Fraser chair of Australian Studies at Harvard University. He is a member of the Law Council's National Human Rights Committee.

<http://www.smh.com.au/comment/human-rights-failures-say-a-lot-about-our-government-20160622-gpozn6.html>

2. Majority of Australians say refugees who arrive by boat should be let in, poll finds

The Australia Institute survey also found majority believe doctors working in offshore detention centres should be free to speak about conditions

The Guardian
Ben Doherty
Wednesday 29 June 2016 06.34 AEST

Refugees who arrive in Australia by boat should be allowed to resettle in the country, a majority of Australians believe, new polling released just days before the election shows.

A poll of more than 1,400 people commissioned by The Australia Institute found 63% of respondents oppose the bipartisan policy that refugees who arrive in Australia by boat should never be allowed to settle in the country, instead saying those found to have a valid claim for protection should be brought to Australia.

As well, two-thirds of Australians believe doctors working in Australia's offshore detention regime should be free to speak out about conditions in detention centres, and a majority believe New Zealand's offer to resettle refugees from Manus Island and Nauru should be accepted.

The poll findings defy bipartisan political support for Australia's current policy of offshore processing and regional resettlement for boat-borne refugees. No refugee who arrives by boat will ever be settled in Australia under current government policy, and Labor has consistently said it has identical asylum policies to the Coalition.

But the polling commissioned by The Australia Institute and conducted by Research Now in May and June, revealed widespread disquiet over Australia's offshore detention regime on the islands of Nauru and Manus, where several hundred people have been held for more than 1,000 days, in often violent and oppressive conditions, with little or no prospect of resettlement.

Nauru has refused to permanently resettle any refugees, and efforts to resettle a handful of refugees on Papua New Guinea have almost all failed. Australia's \$55m Cambodia Solution has resulted in only one person moving and staying there.

The polling found only 22% of respondents supported the position of both the Coalition and Labor parties that any asylum seekers who arrive in Australia by boat should never be allowed to come to Australia under any circumstances.

35% said asylum seekers should be sent to offshore camps for processing, but that those found to be refugees should be resettled in Australia, with those found not to have a valid claim for protection returned to their country of origin.

28% said asylum seekers should be brought to Australia and processed onshore. Those found to be refugees should be resettled in Australia, and those not judged to be refugees returned.

The Australia Institute poll of 1,437 people using nationally representative samples by age, gender and state or territory, also found 66% of respondents believe it should be legal for doctors to speak publicly about conditions in immigration detention centres and report incidents of abuse to police.

FULL STORY AT <https://www.theguardian.com/australia-news/2016/jun/29/majority-of-australians-say-refugees-who-arrive-by-boat-should-be-let-in-poll-finds>

3. Turnbull suggests Australia is not responsible for asylum seekers held offshore

'Those centres are managed by the respective governments, PNG and Nauru – that's a fact,' PM tells Four Corners

The Guardian

Lenore Taylor Political editor

Tuesday 28 June 2016 06.43 AEST

Malcolm Turnbull has suggested his government does not bear responsibility for the 2,000 asylum seekers held in Australian-funded detention centres on Manus Island and Nauru but was seeking to resettle them as quickly as possible.

The prime minister said he had been "horrified" when two asylum seekers on Nauru self-immolated in May. "You'd have to have a heart of stone not to be moved by that," he said in an interview on the ABC's Four Corners program.

But he said he "disputed" whether the "terrible abandonment of hope" that would lead someone to take such a step was the responsibility of his government.

Asked whether the camps were the Australian government's responsibility, he said: "You have to remember that those places are ... those centres are managed by the respective governments, PNG and Nauru. That's a fact."

The reporter, Sarah Ferguson, pressed him further: "But are you not responsible for the people in those centres or on those islands as the Australian prime minister who runs the regime that holds them there?"

"Well, we don't hold them there," he said. "We don't hold them there. That is not correct. We do not hold them there."

Asked a similar question, the Labor leader, Bill Shorten, said: "I feel a responsibility that we make sure that we solve the problem. We do owe them a duty of care."

Turnbull said he thought finding ways to resettle the refugees from the detention centres would be easier after the election.

"We are seeking to do it as quickly as we can, but I have to say to you that it will be easier to do after the election because, of course, people are being encouraged ... there is a view that the Labor party will take a weaker view on border protection and all of the evidence suggests that they will and there are plenty of people who are saying to those on Manus and Nauru, 'Just wait. If there's a Labor government, you'll be able to come and settle in Australia.'"

Shorten repeated that, if elected, he would send his immigration spokesman, Richard Marles, to the UN and repeated that he would consider New Zealand as a resettlement country.

A 23-year-old Iranian, Omid Masoumali, set himself alight on Nauru in early May. He died from his injuries two days later. A Somalian refugee, Hodan Yasin, also set herself on fire, sustaining serious injuries.

<https://www.theguardian.com/australia-news/2016/jun/28/turnbull-suggests-australia-is-not-responsible-for-asylum-seekers-held-offshore>

4. Immigration department failed to properly oversee healthcare provider, reviews show

Exclusive: Documents reveal IHMS, contracted for health services for asylum seekers on Nauru and Manus, failed to meet medical targets

The Guardian

Paul Farrell, Nick Evershed and Bridie Jabour

Tuesday 28 June 2016 09.36 AEST

Australia's immigration department failed to appropriately oversee the multinational that provides healthcare for asylum seekers and was unable to cope with the "commercially aggressive practices" that led to numerous failures to meet medical benchmarks, a series of damning internal reviews have found.

The findings substantiated a number of key allegations published by Guardian Australia in July 2015 about the relationship between International Health and Medical Services and the immigration department.

Leaked documents showed IHMS failed to meet medical targets, deliberately included incorrect data in reports and admitted it was "inevitable" fraud would occur as it tried to meet government standards. The documents also revealed that IHMS failed to undertake working with children checks and police checks on Manus Island.

Three reviews were commissioned by the immigration department to examine the allegations. Two were internal and one was to be conducted by KPMG.

IHMS, a subsidiary of the global healthcare giant International SOS, has received more than \$1.6bn in government funding to provide asylum seeker healthcare in Australia and on Manus Island and Nauru.

The detention assurance review team report, released under freedom of information, which drew together findings from the KPMG audit and the first initial internal audit, said: "Through the review processes, both internal and external reviews agree that IHMS took an approach of seeking to maximise profits, including through actively reducing opportunities for the department to seek contract abatements."

It later continued: "There is a fundamental conflict between contractual and clinical objectives where profit and cost dictate clinical operations."

The review acknowledges that the series of contracts set up to manage IHMS were simply unable to adequately meet the expansion of asylum seeker health services needed as the detention population increased over the past five years.

"The department acknowledges that the existing contract was not designed for this volume and that the service delivery and staffing models for IHMS were subsequently modified to meet demand faster than good governance would normally allow," the review said.

The reviews break the allegations raised in the reports down into eight distinct issues. Of the most serious allegations surrounding the high risk of systemic fraud within IHMS, the reviews stated that they did not identify evidence of widespread fraud. They said the slide published by Guardian Australia containing this allegation was "aimed at educating the audience on the contractual performance requirements, the abatements scheme".

IHMS also told the reviewers there was no evidence the slide had been presented. The KPMG review said: "IHMS could not identify any meeting where this presentation was used.

"The lead analyst at the time (who has since left) often produced ad hoc presentations of his own volition designed to illustrate risks. Not all resulted in formal presentations and it was the view of one analyst, crafted to attract attention.

"The analyst was well-motivated but often used emotive and inappropriate language."

But it acknowledged there were major deficiencies in the oversight of the healthcare contract that dramatically exacerbated fraud risks. It said that until 2012 no clear monitoring of IHMS was undertaken for the department.

The KPMG review said: "Accordingly, the potential for unidentified systemic fraud at this time was high." It added that across 2013 and 2014 the department sought to improve oversight of the provision of health services but that the department struggled to achieve this. It said the department "missed several key opportunities to address the deficiencies" as the detention population rose. It also revealed that IHMS had no fraud risk policy in place until 2015. IHMS denies it implemented this policy after Guardian Australia's series.

FULL STORY AT <https://www.theguardian.com/australia-news/2016/jun/28/asylum-seekers-reviews-find-department-failed-to-properly-oversee-healthcare-provider>

5. Martin McKenzie-Murray: Criminal charges possible in detention centre operations

A new report into the operation of detention centres alleges possible criminal negligence by the immigration department and its contractors.

The Saturday Paper
Martin McKenzie-Murray
Jun 25, 2016

It was the night after Boxing Day 2013, and Dalvir Singh was sitting in a police holding cell in Pakenham, south-east of Melbourne. His life had unravelled and his prospects were grim. Singh's blood alcohol level was 0.137, he was withdrawing from heroin, and police were inquiring about his visa status. The day before, police were called by Singh's wife to their home on an allegation of family violence. He was issued with a notice. The next day, Singh's wife called the police again after further violence. Singh was arrested. Evidently disgusted, she told police that she suspected her husband was illegally staying in Australia. He was.

Dalvir Singh had come to Australia in October 2007 on a two-year student visa. He intended to study hospitality, but dropped out and began driving trucks and taxis. Two years later, when Singh's visa expired, he was deemed an unlawful non-citizen and granted a bridging visa until his departure from Australia. But Singh stayed unlawfully.

Singh met his wife in 2012, and they married and had a son together the following year. But Singh was unstable. A dangerously heavy drinker, he had also been prescribed Suboxone – an opiate replacement – to wean himself off heroin. This was unknown to both his wife and brother, who also lived in Melbourne. Now, two days after Christmas, Singh was in a police cell facing criminal charges, deportation and estrangement from his family. He tied a sheet around his neck and tried to hang himself. Officers cut him down and took him to hospital. He was discharged the following morning. By this time, an intervention order had been issued prohibiting Singh from making contact with his wife.

“Information gap”

The death of Dalvir Singh was sad and squalid. Arrested again on January 10, Victoria Police transferred Singh to the custody of the Department of Immigration and Border Protection, where he would be held at the Maribyrnong Immigration Detention Centre. The transfer of Singh across jurisdictions was accompanied by paperwork, namely department form #1275, which was completed by police officers and which was remarkably absent of the fact Singh had attempted suicide while in police custody. The form prompted the person filling it in to note any issues of health, but as the officer would later testify in a coronial inquest, there was no category for mental health.

The Maribyrnong detention centre is owned by the department of immigration, which contracts the private company Serco to provide “a range of services to promote the wellbeing of people in detention and create an environment that supports security and safety”. In addition to Serco, the government employs the company International Health Management Services to provide healthcare to detainees.

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/immigration/2016/06/25/criminal-charges-possible-detention-centre-operations/14667768003417>

6. Nauru and Manus incident reports reveal stream of despair and privation

Beneath the bloodless, bureaucratic language on the official reports of self-harm, sexual assault and suicide threats from asylum seekers held in Australian-run detention, the emotional and physical toll comes through

The Guardian
Ben Doherty
Monday 20 June 2016 08.23 AEST

The official incident reports from trauma specialist Paul Stevenson's time on Nauru and Manus run to more than 2,000 pages. They reveal a near-constant stream of despair, privation and self-harm.

On some days, there are six “code blues” (medical emergencies) for suicide attempts. Some asylum seekers attempted suicide day after day after day. They are placed on high watch for a time but then try to kill themselves almost immediately after their watch is ended.

The reports also reveal that it is sometimes months – after people have been moved to Australia for a medical emergency – before they feel safe enough to reveal the sexual or physical abuse of their children.

These incident reports published below represent a tiny proportion of those that occurred on Nauru and Manus during Stevenson's time on the islands.

The names of staff have been redacted and asylum seekers and refugees have been given single-letter pseudonyms, where necessary, to protect their identities. Some detailed locations have also been redacted. They are otherwise unamended.

Warning: some of the material published below may be upsetting for some readers.

1. 'The cuts ranged from superficial to deep'

26/09/2014 7:50:00 AM

Ref: 1084910

Incident type: Self- harm

Incident category: Critical

Reported by: [REDACTED]

Agency/provider: Transfield Security

Location: [REDACTED]

Description: On this day I was posted as W3.1 with CSO [REDACTED]. I responded to a code blue call in [REDACTED], arriving at this location at approximately 0749hrs. On arrival I found four male asylum seekers with a range of cuts to their inner forearms. The cuts ranged from superficial to deep. I identified all four asylum seekers to be unaccompanied minors (UAMs).

First aid was offered to all four UAMs involved by CSOs [REDACTED] and [REDACTED] and this was declined. My attention was then drawn to a disturbance in [REDACTED]. Upon entering this tent, I witnessed approximately two UAMs attempting to destroy property and tents. At approximately 0750hrs, I called an emergency code black (officer needing assistance) via my radio. ERT members and more CSOs arrived to contain the situation. It was at this time I observed a further two UAMs with superficial cuts to their forearms.

IHMS arrived onsite at 0752hrs. CSO [REDACTED] approached me and gave me a single blade with what appeared to be blood on it, isolated in a plastic bag. I held onto this blade. The situation in area 10 was deemed to be under control and at approximately 0827hrs IHMS were given access to the UAM area to treat the six UAMs with cuts. The six UAMs remained inside in the IHMS tent after treatment from IHMS. They have accepted an offer to be moved to [REDACTED] to see mental health. I then moved to [REDACTED] with the isolated blade and completed this incident report. I had no further involvement.

2. 'I will walk into the ocean with my daughter'

20/01/2015 2:10:00 PM

Ref: 1321634

Incident type: Self -harm threat

Incident category: Minor

Reported by: [REDACTED]

Agency/provider: Transfield Services

Location: [REDACTED]

Description: At approximately 1410hrs, CSPW [REDACTED] met with A to discuss tent moves. A stated "If I move I will walk into the ocean with my daughter. Finished. I will."

3. 'It's too late. It's over'

23/01/2015 12:09:00 AM

Ref: 1327445

Incident type: Self- harm

Incident category: Major

Reported by: CSO [REDACTED]

Agency/provider: Transfield Security

Location: Area 5 [REDACTED]

Description: At approximately 0009hrs CSO [REDACTED], was called by CSO [REDACTED] to attend [REDACTED]. When CSO [REDACTED] attended the room he noticed A sitting on the floor crying. CSO [REDACTED] asked A what was wrong and she requested that CSO [REDACTED] give a document to Immigration. A then tried to swallow two screws approximately 1.5 inches long. CSO [REDACTED] managed to remove the screws from A's hands. A's daughter B advised CSO [REDACTED] that A had already swallowed two of the same screws. CSO [REDACTED] then asked A if she had swallowed them and A said "yes she has". A also stated words to the effect of "it's too late it's over". CSO [REDACTED] then called the code blue.

FULL STORY AT <http://www.theguardian.com/australia-news/2016/jun/20/nauru-and-manus-incident-reports-reveal-stream-of-despair-and-privation>

7. The worst I've seen – trauma expert lifts lid on 'atrocities' of Australia's detention regime

Exclusive: In his 43-year career, Paul Stevenson has worked in the aftermath of the Bali bombings and the Boxing Day tsunami but says nothing he witnessed was as bad as the treatment of asylum seekers on Nauru and Manus

The Guardian

by Ben Doherty and David Marr

Monday 20 June 2016 08.22 AEST

"In my entire career of 43 years I have never seen more atrocities than I have seen in the incarcerated situations of Manus Island and Nauru."

Paul Stevenson has had a life in trauma. The psychologist and traumatologist has spent 40 years helping people make sense of their lives in the aftermath of disaster, of terrorist attacks, bombings and mass murders, of landslides, fires and tsunamis.

He's written a book about his experiences, *Postcards from Ground Zero*, and for his efforts in assisting the victims of the Bali Bombings, the Australian government pinned an Order of Australia Medal to his chest.

Now, he says, it is the Australian government deliberately inflicting upon people the worst trauma he has ever seen.

Over 2014 and 2015, Stevenson made 14 "deployments" – as they are called in the militarised argot of those secretive worlds offshore – to Manus Island and Nauru, where about 1,500 asylum seekers who tried to arrive in Australia by boat are held on behalf of the Australian government. His role was to counsel and care for the mental health of the Wilson Security guards.

Stevenson is president of the Queensland branch of the Australian Democrats. The party is not registered in the state, so he is standing in this federal election as an independent, with the support of his party. He doesn't know whether his slim electoral chances for a Senate seat – "somewhere between zero and a half" – will be helped or harmed by speaking to the Guardian. But he says he feels it is incumbent on those who have been inside Australia's offshore detention centres to tell those at home the truth about regional processing.

He says he approached the Guardian, compelled by conscience to speak, "because I believe in our democracy".

Over a career spanning decades Stevenson has worked with the survivors of the Port Arthur massacre, the Thredbo landslide, the Boxing Day Indian Ocean tsunami, the Bali bombings of 2002 and 2005. He has counselled diplomats after embassies were bombed, and families who have lost loved ones to bushfires and floods. Stevenson says that the great privilege – "the joy, even" – of working in the field of trauma is witnessing people fight back from cruel circumstance, working with people "who are incredibly brave, incredibly resilient, incredibly positively-focused about what they're doing".

FULL STORY AT <http://www.theguardian.com/australia-news/2016/jun/20/the-worst-ive-seen-trauma-expert-lifts-lid-on-atrocities-of-australias-detention-regime>

8. Australian psychologist gives account of life inside Manus Island and Nauru detention centres

ABC Radio CAF - PM

By Emily Bourke

First posted Mon 20 Jun 2016, 6:39pm

Updated Tue 21 Jun 2016, 10:20am

An Australian psychologist says the conditions he witnessed at the Manus Island and Nauru offshore detention centres are the most demoralising he has ever seen in his 43-year career.

Psychologist and traumatologist Paul Stevenson has treated field trauma for 25 years — including in the aftermath of the Bali bombings and the Boxing Day tsunami — and visited the Manus Island and Nauru offshore detention centres on 16 occasions, for two to three weeks at a time, between 2014 and 2015.

He is also president of the Australian Democrats Queensland branch and is running as an Independent Senate candidate for Queensland in the upcoming federal election, saying he was speaking out to contribute to the wider discussion happening in Australia.

Mr Stevenson told PM his job was to follow up with officers involved in every incident for which an incident report was filed.

"There was everything from self-harm, suicide threats, actual suicide," he said.

"There were all manner of altercations involving fights and disruptions, there were protests, there were people coming back from the community intoxicated and alcohol-fuelled incidents as well.

"There's a lot of domestic violence, there's issues of sexual abuse, and there's abuse of children."

'We don't see the best of human nature, we only see the worst'

Mr Stevenson explained that when faced with trauma, particularly involving natural disasters and terrorist attacks, "we see a range of reactions in people."

"Some people take on the most amazing resilience and other engage in acts of bravery," he said.

"There are all kinds of positive stories that come out of disasters — when the chips are down and when people are really stretched to the limit. But the difference in Nauru is that none of this applies.

"We don't see any of those positives, we don't see the best of human nature, we only see the worst. We only see the complete desperation and demoralisation all the time, there's a sense of hopelessness.

"We don't see these acts of bravery and these acts of resilience, we just see people being more and more demoralised every single day and it never changes."

'Peter Dutton has absolutely no idea what it's like'

Mr Stevenson recalled the day that Immigration Minister Peter Dutton visited Nauru.

"He was there for less than 24 hours. We put on a big breakfast for him. All the chefs lined up, and we decorated one part of the mess hall, and we had this big tropical themed breakfast for him," he said.

"The senior management escorted him around the centre to see the places that they wanted him to see.

"Peter Dutton has absolutely no idea what it's like to be there.

"I've really been telling this story ever since I entered politics 10 years ago, but it just culminated two weeks before this election and it's never been listened to two weeks before any other of the elections, any of the other three elections that I've done before this.

"People don't understand that about \$5 billion per year goes into offshore detention to keep fewer than 2,000 people out of the country, I think that's obscene."

<http://www.abc.net.au/news/2016-06-20/psychologist-paul-stevenson-says-nauru-conditions-demoralising/7527788>

9. Offshore detention whistleblower loses job after condemning 'atrocities' of camps

The Guardian

Ben Doherty

Tuesday 21 June 2016 16.23 AEST

After psychologist Paul Stevenson tells the Guardian conditions on Nauru and Manus Island are 'demoralising' and 'desperate', his contract is cancelled

The trauma specialist who condemned the treatment of asylum seekers and refugees in Australia's offshore detention regime as the worst "atrocities" he has seen has had his contract to work on Nauru terminated.

Psychologist Paul Stevenson, whom the Australian government awarded an Order of Australia for his work counselling victims of the Bali bombings, had undertaken 14 deployments to Nauru and to Manus Island in Papua New Guinea. He was due to return to Nauru on Thursday.

But after he spoke publicly to the Guardian about his experiences working within Australia's offshore detention regime – describing conditions in the camps as "demoralising ... and desperate" – he was told his contract had been summarily cancelled.

PsyCare, the company through which he was employed to provide counselling to guards working in offshore detention, informed him by email his employment had been terminated.

Stevenson said the news was not unexpected. "But the public needs to hear about the consequences people face for speaking out, and to understand the level they go to in minimising access."

Previous whistleblowers, such as the former International Health & Medical Services director of mental health Dr Peter Young, have also faced serious ramifications for advocating for better care of those held in immigration detention. Police accessed Young's phone records because he had been critical of the detention regime.

The Border Force Act gives the Australian government the power to jail, for up to two years, anybody employed by the department or its contractors who speaks publicly about conditions inside the offshore detention regime, including doctors advocating for better healthcare, or other workers exposing sexual and physical abuse of detainees.

In an extensive interview with the Guardian, published on Monday, Stevenson said: "In my entire career of 43 years I have never seen more atrocity than I have seen in the incarcerated situations of Manus Island and Nauru."

"Every day is demoralising. Every single day and every night. And you can work an eight-hour shift, or a 16-hour-shift, or a 20-hour-shift, you can get up in the middle of the night to answer the calls to go down to the camp, and you know it's not getting any better. And it's that demoralisation that is the paramount feature of offshore detention.

"It's indeterminate, it's under terrible, terrible conditions, and there is nothing you can say about it that says there's some positive humanity in this. And that's why it's such an atrocity."

His comments were backed up by more than 2,000 pages of incident reports which showed a litany of self-harm, sexual and physical assaults, depression and violence.

The Australian Department of Immigration and Border Protection, the island security provider Wilson and PsyCare have all refused to answer questions from the Guardian.

One of the men incarcerated in the Australian-run detention centre on Manus Island, Behrouz Boochani, asked a direct question of the prime minister, Malcolm Turnbull, on the ABC's Q&A.

Boochani, a Kurdish journalist who fled persecution in Iran and has been recognised as a refugee, asked:

I'm talking to you from Manus prison. Australia exiled me by force three years ago. What is my crime? I am a refugee who fled injustice, discrimination and persecution. I didn't leave my family by choice. Why am I still in this illegal prison after three years?

Turnbull responded that the policy of offshore detention was necessary to maintain Australia's border protection regime and to deter unauthorised boat arrivals.

"It is a tough policy, I grant you that," he said. "It is a harsh policy. But in government and in politics, often you are presented with tough choices.

"A person who has been found to be given refugee status in PNG is able to then settle in PNG. I know, I'm sure, he would rather come to Australia, but that option is not available to him. The people smugglers are out of business, they would love to get back into business, they are itching to get back into business, believe me. Every now and then they test us out. But we have kept our policy firm."

On Tuesday morning Boochani wrote in response to the prime minister, from Manus: "You did not answer to my questions because you could not, because you don't have any plan for the future. You are lying to Australian people and playing with Australia's international reputation. I know you will never answer my questions."

<https://www.theguardian.com/australia-news/2016/jun/21/offshore-detention-whistleblower-loses-job-after-condemning-atrocity-of-camps>

10. Illegal workers caught in Bowen, including suspected labour contractors

ABC News Online

By Josh Bavas

Posted Mon 27 Jun 2016, 10:23am

Immigration officials have seized a group of illegal workers in the north Queensland town of Bowen, some of whom are suspected of acting as labour-hire contractors in the agriculture industry.

Border Force officials raided a number of addresses in Bowen last week and detained four men and two women from various countries including Indonesian, Malaysia, Thailand, South Korea and China.

Authorities believe at least four were acting as labour-hire contractors; the intermediaries between the farmer and worker.

It is further alleged they were sourcing illegal labour and sending "sizeable" sums of money offshore.

Commander Robyn Miller said officials were able to trace international money transfers.

"We believe that four of the group were involved in sourcing illegal labour and sending money offshore, which we identified partly through sizeable international financial transactions that had been occurring," Commander Miller said.

The group has been detained in immigration detention in Brisbane, pending their removal from Australia.

The town of Bowen has long been plagued with illegal workers, who are sometimes crammed into small houses and charged exorbitant rent.

In December, the ABC reported that various investigations were underway in Bowen after dozens of complaints were raised by members of the community.

Three years ago, president of the Bowen Gumlu Growers Association, Carl Walker, said some farmers in the area were unknowingly employing workers illegally by using labour contractors.

People with information about illegal workers or visa over-stayers can call the department's Border Watch Hotline on 1800 009 623 or visit the department's website.

<http://www.abc.net.au/news/2016-06-27/illegal-workers-caught-in-bowen-labour-contractors/7546660>

11. Border Force corruption and widespread rorting 'undermining Australia's immigration programs'

ABC-TV - 7.30

By Fairfax Media's Nick McKenzie

First posted Sun 26 Jun 2016, 10:03pm

Updated Mon 27 Jun 2016, 5:53am

Australian immigration officials have been referred for investigation over more than 100 cases of alleged corrupt activity in Australia's skilled and student visa program.

A 7.30-Fairfax Media investigation has discovered that in the last 12 months, Immigration Department chief Michael Pezzullo has referred 132 cases of suspected corruption inside the department to the national corruption watchdog, the Australian Commission for Law Enforcement Integrity (ACLEI).

It comes as a former immigration official claims that a focus on boat arrivals has allowed migration crime involving people arriving by plane to flourish unchecked.

"In the border security debate, it has been easy to deflect the public's attention to boat arrivals," said Joseph Petyanszki, who worked at the Department of Immigration for 27 years and was joint head of the Department's investigation office between 2007 and 2013.

"But this fear-mongering has totally ignored where the vast bulk of real fraud is, most significantly undermining our immigration programs."

He said the department was ignoring tens of thousands of cases of visa rorting, including thousands of successful visa applicants his investigators uncovered in Victoria, South Australia, Tasmania and Western Australia.

"Numerous investigations [by the department] revealed massive fraud within our Student, Skilled Migration, 457 programs," he said.

"Some investigations revealed thousands of skilled migrant applicants had lodged bogus qualifications from private colleges, funded by the Australian taxpayer, and in some cases excellent counterfeit degrees from our most prestigious Victorian universities.

"One investigation identified up to 4,000 applicants who used such documents to apply for skilled migration."

Mr Petyanszki is now calling for a major overhaul of the fight against migration crime.

"Australia needs many more officers who are trained to focus and understand fraud and assist decision-making officers in quarantining cases which may involve fraud," he said.

"Immigration laws are also beset with loopholes that can be exploited by unscrupulous migration agents.

"For years, the law, and the system, has favoured the arrive-by-plane fraudsters at the expense of the integrity Australia's migration program."

A department spokesman said Border Force had spent 12 months ramping up its attack on visa and migration fraud.

The spokesman also cautioned that many of the 132 corruption allegations had not been verified and some involved allegations about people who falsely claimed to be Border Force staff.

Company caught rorting the system received a 'slap on the wrist'

Whistleblower Clint Raven was working for multinational construction contractor Murphy Pipe and Civil when he discovered his employer was sponsoring Irish nationals for jobs that did not exist.

He has given sworn testimony to the Immigration Department about his former company, but has never spoken publicly about the company's practices, until now.

"As a business we were issuing or sponsoring visas for workers as project co-ordinators, project administrators, where that role didn't exist on our site and these people, their actual jobs was as a labourer on the ground," he said.

He believes what he discovered was blatant fraud.

"We would have employees be sponsored as quite a senior role but be operating an excavator or working as a labourer," he said.

"Many of these people didn't have the training even to operate machines when they came to the country."

Mr Raven said he had personally identified at least 30 workers at Murphy Pipe and Civil who appeared to be in breach of migration laws.

He suspects there were many more and said Federal Government-licensed migration agents were in on the scams.

"[People at the company] were working very closely with immigration agents that were requesting they change resumes to suit a role better," he said.

"[The migration agents] were advising them on loopholes."

Mr Raven took his concerns to the Immigration Department but said it did not appear to be serious about dealing with the visa rorting.

Murphy Pipe and Civil was fined \$3,500 and banned from sponsoring any more overseas workers for four years.

According to Mr Raven, that was nothing more than a slap on the wrist for the company.

Australians 'missing out on jobs'

Murphy Pipe and Civil has denied rorting the visa system and is appealing the decision to ban it from sponsoring foreign workers.

"The issue is that Australians are missing out on jobs and there are people jumping the queue to gain residency into the country off the back of a mythical labour shortage," he said.

"These people are not only coming in as so-called skilled workers, they're in labouring positions that could be filled by a school leaver that's going straight on the dole queue."

He believes the extent of the rorting means it cannot have escaped the notice of immigration authorities.

"I think the sheer volume of it would've definitely raised some eyebrows about the 457 system," Mr Raven said.

"It was clearly, in this instance, just a means of getting people into the country to gain permanent residency."

Asked if he thought it was a form of people smuggling, he replied: "Exactly".

<http://www.abc.net.au/news/2016-06-27/border-force-corruption-rorting-of-visa-program/7537270>

12. Corruption and crime syndicates threaten Australia's border security

Sydney Morning Herald
June 27, 2016 - 9:23AM
Nick McKenzie, Richard Baker

Crime syndicates and people smugglers are involved in widespread rorting of Australia's work and student visa programs, according to whistleblowers and a former top immigration official.

The claims come as the immigration department is facing more than 100 allegations of corruption, including suggestions that some immigration officers may be supporting the rorting, a Fairfax Media and ABC 7.30 investigation can reveal.

Immigration chief Michael Pezzullo has referred 132 cases of alleged corruption involving immigration officers to the under-resourced federal law enforcement watchdog in the past 12 months, more referrals than the watchdog has received in any year since its creation in 2006.

The revelations point to a failure to deal with endemic crime in Australia's visa system involving some licensed migration agents and education providers, and a thriving cash-for-visa black market.

A former Immigration Department investigations head has alleged "fear mongering" on refugees and asylum seekers has been used to deflect attention from the real problems in the immigration system.

Joseph Petyanszki, who jointly headed the department's investigation office between 2007 and 2013, said the department had ignored tens of thousands of cases of rorting perpetrated by migration agents and dodgy employers who game the student and work visa systems to allow foreigners to pay for entry.

Mr Petyanszki's investigators uncovered thousands of fraudulent visa applicants in Victoria, South Australia, Tasmania and Western Australia. In most cases, no charges were ever brought.

The investigators identified one major corruption case inside the department involving an officer who subsequently fled overseas.

Mr Petyanszki called for a major overhaul in the fight against migration crime.

"In the border security debate, it has been easy to deflect the public's attention to boat arrivals. But this fearmongering has totally ignored where the vast bulk of real fraud is most significantly undermining our immigration programs," he said.

The Fairfax Media-7.30 investigation includes interviews with two whistleblowers, and a covertly filmed sting, which captures a fixer saying that for \$50,000 in cash per foreigner, his syndicate can create phantom jobs and visa sponsorship.

The revelations suggest corruption infects every level of the visa supply chain – migration agents, employers who sponsor workers, education providers and immigration officials. There is little effective deterrence for perpetrators.

In a follow-up report on Tuesday, Fairfax and 7.30 will reveal how organised criminals are infiltrating the border security system, along with claims that the existing watchdog, the small Australian Commission for Law Enforcement Integrity, is badly outgunned.

The large number of immigration corruption allegations referred to the commission has prompted Senator Nick Xenophon to call for Australia's anti-corruption measures to undergo major reform.

"It's worse than a toothless chihuahua. At least a chihuahua tries to bite," Senator Xenophon said of the law enforcement integrity commission.

The comments are likely to be backed by several independent senators and the Greens, who are pushing for a national Independent Commission Against Corruption. However, government sources defend the existing integrity commission, saying that even though it is under-resourced, it has helped uncover major corruption and quietly driven vital reforms.

Mr Petyanszki's concerns are supported by serving immigration and security officials who, speaking confidentially, say organised crime figures are among those rorting the visa system to set up criminal enterprises in Australia. These include prostitution rackets, drug importation networks and financial crime enterprises.

In claims also backed by serving officials, Mr Petyanszki said the overwhelming focus by both major parties on stopping asylum seeker boats reaching Australia had enabled endemic visa rorting by those arriving by plane: "There remain major flaws in the integrity management of our immigration programs, including a major lack of resources."

A departmental spokesman said the immigration department and the Australian Border Force had spent 12 months ramping up its attack on visa and migration fraud.

"The department's activities are focussed on defeating visa fraud at the systemic level, including investigating and prosecuting networks involved in criminally exploiting Australia's visa regime," the spokesman said.

He cautioned that many of the 132 corruption allegations had not been verified and some involved allegations about people who falsely claimed to be Border Force staff.

However, two whistleblowers have revealed their personal experiences, claiming the policing of migration crime is woeful.

Indian community leader Jasvinder Sidhu said he was aware of dozens of cases in which Indian nationals had paid crooked fixers sums of up to \$80,000 to get visa sponsorship for jobs that did not exist, or for education courses that the applicant never attended.

A fixer subsequently filmed by Fairfax Media and 7.30 claimed he was unable to keep up with demand for the corrupt services offered by his Korean boss, who is a migration agent operating in Sydney and Melbourne.

Indian nationals who have paid unscrupulous bosses to sponsor them have, according to Mr Sidhu, been exploited or, in some cases, sexually assaulted by their employer. They do not complain to police for fear of losing their visas.

A second whistleblower, Queensland project manager Clint Raven, has revealed he was a key witness for the Immigration Department in its investigation into his former employer, contractor Murphy Pipe and Civil, which works on several major Australian infrastructure projects. The company is accused of sponsoring dozens of unskilled foreign workers to obtain skilled visas, at the expense of local workers.

Fairfax Media first revealed the allegations about Murphy Pipe and Civil in 2014, leading to raids on the business by the Immigration Department and denials of wrongdoing by the company.

Mr Raven has revealed he provided sworn testimony to the department about "blatant" visa rorting – which he described as "people smuggling" – but said the case was hand-balled between investigators who appeared unwilling to conduct in-depth investigations and prosecutors.

Despite evidence of potentially criminal breaches, Murphy Pipe and Civil has been fined just \$3500, and in December was banned from sponsoring more workers for four years.

"I can see why people don't speak up," Mr Raven said "I feel like I have been given no support or no encouragement ... These people aren't just here to work, they are here to get permanent residency, which is something many of them have gained."

In a statement, Murphy Pipe and Civil denied rorting the visa system and said it was appealing the ban on sponsoring more foreign workers as it "is wholly unreasonable".

Contact us confidentially via our secure online whistleblowing system

---->>>> Watch ABC's 7.30 program on Monday night for more on this investigation. Part two of our border security inquiry will appear in Fairfax Media on Tuesday.

<http://www.smh.com.au/national/corruption-and-crime-syndicates-threaten-australias-border-security-20160622-gpp72z.html>

13. Immigration fraud: The true menace to our borders

Sydney Morning Herald
June 27, 2016 - 12:15AM
Joseph Petyanszki

Not many jobs have the potential to impact on people's lives, and those of their children and grandchildren, in such a profound way as that of the immigration officer.

This struck me most powerfully in the early 1990s in the Sudanese refugee camps of Wadi Sherifa and Gedaref, where hundreds of thousands of Eritrean, Ethiopian and Moro people existed in a bleak, unyielding limbo. While interviewing refugees for resettlement to Australia, I met an Australian of Eritrean origin who was scouring the camps for his mother and siblings. This man told me he could not understand how I could do my job knowing that probably one in every four families I rejected would have a family member die in the next 12 months.

The comment stunned me. And it stayed with me for the rest of my career as an Australian immigration officer. It is a comment worth bearing in mind during this election campaign, as the politics about border security and immigration threatens to trump the truth.

The Coalition government has repeatedly used boat arrivals and refugees to attack the opposition and instil fear in the electorate. The issue of people arriving by boat and claiming to be refugees has become 'the' major border security issue. In this debate, boat arrivals are synonymous with fraud, perpetuating the belief that anyone arriving by boat is not only not a refugee, but possibly a criminal or security threat.

The rebranding of the Department of Immigration and Citizenship to the Australian Border Force has risked worsening this dishonest debate. Inside the department, this change has risked shifting a culture from one that values the facilitation of entry into Australia based on firm but fair assessments, to one that embraces a more paramilitary, hostile world view. This is partly

what has led to a huge exodus of senior, experienced staff from the department. Some have been forced out, some were made redundant, others resigned due to the radical changes.

This loss of experienced staff has depleted the department's ability to fight the nation's real fraud problem: those who are rorting our skilled and student immigration schemes.

It is true that some boat arrivals are not genuine refugees, unlike the millions languishing in refugee camps who can't afford to travel to Indonesia and find a place on a boat.

But many more migration fraudsters are arriving by plane. They enter the community with ease, rather than being sent to an offshore detention centre as virtual prisoners with nowhere to go.

For eight years, up until 2013, I managed the Investigations branch of the department of immigration in Victoria. This gave me an unprecedented insight into the shocking and largely unknown scale of fraud within our working and student visa programs.

Numerous investigations by my staff revealed massive fraud within our Student, Skilled Migration, 457 programs. For instance, some investigations revealed thousands of skilled migrant applicants had lodged bogus qualifications from private colleges (funded by the Australian taxpayer) and in some cases excellent counterfeit degrees from our most prestigious Victorian universities. One investigation identified up to 4000 applicants who used such documents to apply for skilled migration.

Many private colleges entered false information about student attendance (students were not required to attend classes as most worked full time), and for extra under the table payment, were provided with a qualification which was used to apply for permanent residence as a skilled migrant applicant. Despite some toughening up of the law, these practices are still occurring today.

The Immigration officials who run the department from Canberra have struggled to cope with such a massive attack on the integrity of its programs. The department dithered over the recommendations to address this fraud. Endless meetings were called. All the while, most migration fraud went unanswered.

Of the potentially thousands of applicants who committed fraud, probably only a few hundred had their visas cancelled. Using smart lawyers and migration agents, many of those who were meant to be deported found loopholes in the law and remained in Australia.

There remains major flaws in the integrity management of our immigration programs, including a major lack of resources which focus on integrity within each immigration program.

Australia needs many more officers who are trained to focus and understand fraud and assist decision-making officers in quarantining cases which may involve fraud. There are also major integrity problems caused by outsourcing immigration work to migration agents who are largely poorly policed and regulated. Immigration laws are also beset with loopholes that can be exploited by unscrupulous migration agents. For years, the law, and the system, has favoured the arrive-by-place fraudsters at the expense of the integrity of Australia's migration program.

Discussing immigration fraud cannot be done without mentioning the significant number of migration agents who assist, perpetuate and make massive money from fraud. Investigations identified many agents involved in this fraud, but very few actually faced court or disbarment by the migration agents board.

Some shonky migration agents made millions and, as we sought to charge them, fled overseas. All that was left behind were expensive houses and cars. One perpetrator was a serving Immigration officer who, with her migration agent husband, committed rampant fraud, only to flee to India before she could be arrested.

The revelations of corruption inside the customs area of Australian Border Force (while touching only a very small number of staff at the expense of the majority of honest professionals) undoubtedly extends to a small amount of immigration officers. This is another largely unchecked hole in the system.

In the border security debate, it has been easy to deflect the public's attention to boat arrivals. But this fear mongering has totally ignored where the vast bulk of real fraud is most significantly undermining our immigration programs.

---->>>> *Joseph Petyanszki managed the Immigration Department's investigations area in Victoria, South Australia, Tasmania and Western Australia between 2007 and 2013. He worked at the department for 27 years.*

<http://www.smh.com.au/comment/confessions-of-an-immigration-officer-20160621-gpoh16.html>

14. US Air Force members and Border Force officials allegedly involved in smuggling syndicates

ABC-TV - 7.30

By Fairfax Media's Nick McKenzie

First posted Mon 27 Jun 2016, 10:00pm

Updated Tue 28 Jun 2016, 12:02pm

Two US Air Force members and a number of Australian Border Force (ABF) officials have allegedly been recruited by international criminal syndicates attempting to smuggle goods into Australia.

The allegations of corruption impacting border security comes as former NSW police commissioner Ken Moroney has criticised the Federal Government's failure to back an anti-corruption board overseeing the customs agency.

Senior law enforcement officials have also called for the Government to expand the national police and border force watchdog, the Australian Commission for Law Enforcement Integrity (ACLEI), which is among the smallest anti-corruption agencies in the country.

The United States airmen, Jarvis Cobb and Christopher Paul, were allegedly recruited by a Middle Eastern criminal syndicate last year.

A suspected member of the same syndicate was also granted a customs broker's licence — and access to sensitive and secure areas of the waterfront.

Between 2012 and late last year, the alleged syndicate member was employed with a company with an ABF contract to move containers to a secure facility to be searched.

"If you know such things as scheduling — which containers, where they'll be — your job is made, as an organised crime identity, that's much easier if you have someone on the inside who can tell you where to search, where to pick it up when not to pick it up," Mr Maroney said.

The alleged syndicate member with a government customs brokers' licence and the two US Air Force members were recently charged by a joint state and Federal Police taskforce.

But even after he was charged, the alleged syndicate member retained his government licences for several months, and finally resigned from the waterfront in May.

Neil Fergus, a leading security expert appointed by the Howard government to review port security, said successive governments had failed to introduce laws to ban people from sensitive port positions if extensive police intelligence showed they were involved in organised crime.

Mr Fergus also warned that corruption impacting on Australia's border security posed a national security risk.

"If an organised crime group is prepared to move a large shipment of drugs in and corrupt government officials to achieve that end, are they going to stop at the prospect of importing explosives or weapons in? No they are not," Mr Fergus said.

Watchdog short on resources: former commissioner

Underworld and law enforcement sources say at least 10 customs officers have maintained improper ties with criminal drug and tobacco importers in Sydney and Melbourne since 2013.

The infiltration of criminals into the customs services was exposed dramatically by 7.30 in December 2012 when over a dozen corrupt customs officials were linked to a drug smuggling ring at Sydney Airport.

The scandal prompted then-home affairs minister Jason Clare to set up a Customs Reform Board to oversee a "root and branch" overhaul of the service.

Ken Moroney was a board director alongside former royal commissioner and judge James Wood.

But the board's reform process ended prematurely. In September 2013, it was scrapped by new customs minister Scott Morrison.

Mr Moroney said the failure to support the board's ongoing work may have meant an increase in corruption risks facing Australia's customs officers, who became part of the ABF in 2012.

In the last two years, state and federal agencies, in addition to a major anti-corruption sweep codenamed Pharos and led by the ABF commissioner Roman Quaedvlieg, have identified suspected corrupt ABF officials.

Most of these corruption allegations have been referred to the nation's corruption watchdog — the ACLEI.

However due to its size it is unable to carry out large corruption probes without using resources of the policing agencies it oversees, and officials from many state and federal agencies describe its resourcing as a joke.

"Doubtless it is very committed to doing its job but you need more than a personal commitment, an organisational commitment, you've got to have the resources physical human and financial to do your job effectively," Mr Moroney said.

Mr Fergus said it was inevitable criminals would continue to infiltrate the border if the current checks and balances were not improved.

"We need to have some surety that the maritime and airports have a regime which makes it extremely difficult for people with organised crime links to be operating in privileged positions," Mr Fergus said.

A spokesperson for the Minister for Justice Michael Keenan said Australia was consistently ranked as one of the least corrupt countries in the world "and the Coalition is committed to ensuring we do not become complacent".

"That is why the Commonwealth Government has significantly increased investment in anti-corruption bodies including ACLEI, with funding increasing from \$7.7 million in 2012-13 to \$11.3 million in 2016-17," the spokesperson said.

<http://www.abc.net.au/news/2016-06-28/us-air-force-border-force-members-allegedly-in-syndicates/7548126>

15. Vietnamese asylum seekers turned back after being processed at sea

Australian navy intercepts boat with 21 people, the third from Vietnam to be stopped in past 14 months

The Guardian
Ben Doherty
Wednesday 22 June 2016 15.06 AEST

Twenty-one Vietnamese asylum seekers have been intercepted approaching Australia by boat, processed at sea, and returned to Vietnam.

The boat, intercepted by the navy earlier this month in the Timor Sea, is the third from Vietnam to be intercepted by Australian authorities in the past 14 months.

Asylum seekers previously forcibly returned to Vietnam have been jailed despite assurances from the Australian and Vietnamese governments that they would not be prosecuted, persecuted or punished for attempting to reach Australia.

At least eight people have been jailed for organising boat journeys and trying to reach Australia.

The immigration and border protection department has not commented on whether assurances were sought or received that people returned to Vietnam from the latest boat would not face persecution or prosecution.

The boat is the 28th known to have been turned back since the Coalition took office in 2013, and the first to arrive since the start of this election campaign. A boat of Sri Lankan Tamil asylum seekers reached the Cocos Islands, Australian territory, on 2 May, just days before the election was called.

That was the last boat to make landfall in Australia. The prime minister's claim that his government had "had over 600 days without any unauthorised arrivals" is not correct.

But the announcement of another intercept immediately became an election issue.

Peter Dutton, the immigration minister, said Labor had a "caveat" in their turn-back policy, insisting that "they won't do it in every instance".

"They are saying not in every instance will they turn back a boat," said Dutton. "They have been clear about that in their own language.

"There are three reasons why Operation Sovereign Borders has worked. First is turning back boats where it is safe to do so. And temporary protection visas and then regional processing."

Only two caveats exist for the turn-back of boats: the government insists boats are only turned back "where it is safe to do so"; and Australia must also ensure, under the non-refoulement obligations of international law, that it does not return anybody to a place where their "life or freedom would be threatened".

Labor insists it has an identical policy on boat turn-backs to the current government, and that asylum was a “break glass” [in case of emergency] issue for the Coalition because it did not have any positive policies.

Dutton and Turnbull “should be ashamed of themselves, sending out a signal to people smugglers that there is a lack of national will to deter people smugglers”, Labor said, and insisted the party would turn back boats if it won power.

Two boats from Vietnam, both carrying 46 asylum seekers, were intercepted by Australian Border Force and navy vessels in April and July last year. In both cases, all on board were returned to Vietnam after being processed at sea.

The commander of Operation Sovereign Borders, Maj Gen Andrew Bottrell, told Senate estimates in May the Australian government had been given “assurance” in writing by the Vietnamese government “that there would not be any retribution for their illegal departure from Vietnam”.

However, four people from each of the vessels were jailed, charged and prosecuted.

The UNHCR has repeatedly raised concerns about “enhanced screening”, which it says breaches international law.

“UNHCR has previously made known its concerns to Australia about its enhanced screening procedures and their non-compliance with international law,” it said in 2014 after 41 Sri Lankans were returned.

“UNHCR’s experience over the years with shipboard processing has generally not been positive. Such an environment would rarely afford an appropriate venue for a fair procedure.”

Paul Stevenson, the psychologist and trauma specialist who this week spoke out against what he described as the “atrocities” of detention on Nauru and Manus, has been fired for his comments.

Stevenson was previously awarded an Order of Australia by the government for his work in counselling victims of the Bali bombings. He was due to return to Nauru on Thursday.

Stevenson’s comments were supported by more than 2,000 pages of incident reports that detailed widespread assaults, sexual abuse, self-harm and suicide attempts in the island detention centres. He said “demoralisation” was the “paramount feature of offshore detention”.

“It’s indeterminate, it’s under terrible, terrible conditions, and there is nothing you can say about it that says there’s some positive humanity in this. And that’s why it’s such an atrocity.”

In response to questions from the Guardian about Stevenson’s comments, a spokesman for the immigration department said: “In keeping with caretaker provisions, noting that Paul Stevenson is currently running for public office as a senator, we refer you to previously published statements on these issues. The department has responded on multiple occasions to the allegations raised.

“The ABF Act does not prevent general statements being made about conditions in detention centres; however the secrecy provisions within the act can apply to the disclosure of protected or classified information.”

<https://www.theguardian.com/australia-news/2016/jun/22/vietnamese-asylum-seekers-turned-back-after-being-processed-at-sea>

16. Peter Dutton, Malcolm Turnbull confirm Vietnam asylum seeker boat turn-back

ABC News Online

By political reporter Jane Norman

First posted Wed 22 Jun 2016, 8:40am

Updated Wed 22 Jun 2016, 9:48am

Prime Minister Malcolm Turnbull and Immigration Minister Peter Dutton have held separate press conferences to confirm a group of 21 asylum seekers has been returned to Vietnam, in the Coalition’s 28th boat turn-back operation.

Mr Dutton said the “unseaworthy” boat was picked up at the beginning of June and the passengers flown home after their claims for protection were rejected.

“They claimed that they were wanting protection, it was found that they were not owed protection and they were returned to Vietnam,” he said.

Mr Turnbull confirmed authorities were aware of another asylum seeker boat that had left Aceh in Indonesia and said it was evidence that people smugglers were continuing to test the Coalition’s “steely” resolve.

“The challenge of people smuggling is greater than it has ever been,” he said.

"The people smugglers test us ... they know where we stand.

"Imagine what they will do to a Labor government."

Mr Dutton continued the attack, warning voters that Labor was "divided" over border protection.

"People smugglers in Indonesia are watching very closely and they believe if there's a change of government on July 2, the people smugglers will be back in business and people will be back on boats coming to our country," he said.

Coalition 'should be ashamed' for smuggling message: Shorten

Opposition Leader Bill Shorten has flatly rejected the claim, accusing Mr Turnbull and Mr Dutton of resorting to desperate, shameful tactics.

"You have to love the Liberal Party central headquarters," he said.

"It is the break-glass issue.

"They should be ashamed of themselves, sending out a signal to people smugglers that there is a lack of national will to deter people smugglers."

The Coalition issues monthly updates on Operation Sovereign Borders but it rarely releases information about what it describes as on-water operations.

The minister said he was able to confirm the latest turn-back because the asylum seekers had been safely returned to Vietnam, while the Prime Minister said it was important to get the message out to people smugglers and their would-be passengers.

"This is a critical part of our communication," Mr Turnbull said.

"It is important that their messaging, which is obviously designed to get people on boats, is countered by the facts of our steely resolve to stop them from putting peoples' lives at risk and challenging the sovereignty of our borders."

Both parties' policies are virtually identical, although Labor has vowed to abolish Temporary Protection Visas if it wins Government.

<http://www.abc.net.au/news/2016-06-22/dutton-turnbull-confirm-vietnam-asylum-seeker-boat-turn-back/7532368>

17. Malcolm Turnbull launches boats scare campaign to counter Bill Shorten's Medicare attack

Canberra Times
June 22 2016 - 11:43AM
James Massola

Prime Minister Malcolm Turnbull has launched a competing scare campaign over Labor's asylum seeker policy, warning of "chaos" on Australia's borders if the ALP is elected on July 2nd.

With just 11 days until Australians cast their vote, both major parties have now flicked the switch to negative and are ramping up competing scare campaigns over asylum seeker boats and the privatisation of Medicare.

Labor leader Bill Shorten's campaign has focused for most of the past week on a scare campaign that has suggested some or all of Medicare would be privatised under a re-elected Turnbull government, despite Mr Turnbull having categorically, repeatedly ruled out such a decision.

The Opposition Leader dismissed suggestions he was running a "giant scare campaign" on Medicare, even as he accused the government of effectively doing exactly that over asylum seeker boats.

Speaking in Cairns on Wednesday, Mr Turnbull went on the offensive as he confirmed the Coalition had turned back 28 asylum seeker boats in the last three years. Advertisement

That figure included a boat, carrying 21 people, that has just recently been turned back to Vietnam, but did not count a vessel in Aceh that is attempting to come to Australia.

Mr Turnbull dismissed the fact that Labor formally changed its policy in 2015 and adopted asylum seeker boat turn backs and argued the opposition "doesn't have the willpower to do it".

"Bill Shorten is weakening already. He has 50 candidates and members and senators who are on the record as being opposed to our border protection policy. How can he, in government, in alliance with the Greens and Independents, possibly resist that?" the Prime Minister said.

"The challenge of people smuggling is greater than it has ever been. The only thing that stops them is the steely resolve of my government to turn those boats back."

Mr Turnbull said Labor's plan to abolish temporary protection visas would mean the 30,000 asylum seekers who had come by boat under the Labor government, who are in Australia, will get permanent residence.

"This will send an absolutely unequivocal signal to the people smugglers that under a Labor government, anyone who manages to get to Australia on a boat will be able to stay here permanently. It will be used aggressively as a marketing tool by people smugglers," he said.

"Imagine the chaos that we would be presented with under a Labor, Greens, independent government? Even now, before the election day, they are abandoning critical elements in our border protection policy."

Asked on Wednesday if the flow of asylum seeker boats would restart under Labor, Mr Shorten said: "no".

"You have to love the Liberal Party central headquarters. It is the break glass issue. Spread concern and say somehow Labor has a different policy to the Liberals when it comes to deterring boats. This is proof positive that the Liberals have run out of anything positive to say about themselves," he said.

"Mr Dutton and Mr Turnbull have tried to run a line on July 3 with a different government there will be a different policy. They should be ashamed of themselves ... I led my party and I said we will turn back boats. We will deter people smugglers."

Pivoting to Medicare, Mr Shorten said the future of the health system was "a key question in the July 2 election".

"There is no issue any more important than Medicare. Voters will make a decision about the future of Medicare in this country," he said.

<http://www.canberratimes.com.au/federal-politics/federal-election-2016/election-2016-malcolm-turnbull-launches-boats-scare-campaign-to-counter-bill-shortens-medicare-attack-20160622-gpowxd.html>

18. Malcolm Turnbull defends 'harsh' asylum seeker policy, denies Medicare privatisation

ABC News Online

By political reporter Alexandra Beech

First posted Mon 20 Jun 2016, 11:14pm

Updated Tue 21 Jun 2016, 5:25am

The Prime Minister has defended his Government's asylum seeker policy on Q&A but says he acknowledges it is "tough" and "harsh".

Malcolm Turnbull faced questions on issues ranging from same-sex marriage to health funding and returning the budget to surplus during a special Q&A program where he was the sole panel member.

An Iranian man appearing by video from Manus Island questioned Malcolm Turnbull about why he could not come to Australia.

Mr Turnbull would not comment on the man's individual circumstances but said he did not have a heart of stone.

"It is a tough policy, I grant you that, it is a harsh policy," Mr Turnbull said.

"But in government and in politics, often you are presented with tough choices and the alternative is not a theoretical one.

"It's what Kevin Rudd delivered, regrettably — 50,000 unauthorised arrivals, 1,200 deaths at sea of which we know, doubtless there were more."

PM spoke to Cory Bernardi about homosexuality comments

Mr Turnbull also defended his support for going ahead with a plebiscite on same-sex marriage, when in the past he had been against one.

He said he was a strong believer in Cabinet government and respected the views of his Cabinet and party room.

He also condemned comments about homosexuality made by Islamic cleric Sheikh Shady Alsuleiman who attended a dinner at Kirribilli last week.

When asked whether the Sheikh's comments were any worse than previous remarks by right-wing Liberals Cory Bernardi and George Christensen, Mr Turnbull said he had also raised concerns with his colleagues.

Senator Bernardi made comments linking gay marriage to the social acceptance of bestiality in 2012 and George Christensen accused the Safe Schools program of being linked to a "paedophilia advocate" earlier this year.

"I've had firm discussions with a number of colleagues, yes," Mr Turnbull said.

But he said he believed the plebiscite would lead to civilised discussion, not hurtful comments.

Prime Minister denies Medicare privatisation plans

Mr Turnbull also emphatically stated he would not privatise the payments system for Medicare.

The Opposition has accused the Federal Government of having a secret plan to privatise Medicare despite Mr Turnbull repeatedly saying he would not do so.

Mr Turnbull told the audience the Government had begun a process to look at alternatives for the service's outdated payments system in 2014.

"There's no decision that's been taken, no proposal to undertake any particular revision has been made," he said.

He said that included the payments system.

"We will modernise it but we will do so within government," Mr Turnbull said.

Mr Turnbull also said he had set up the Digital Transformation Office because he was generally sceptical about the outsourcing of IT services.

<http://www.abc.net.au/news/2016-06-21/q&a:-malcolm-turnbull-defends-'tough'-asylum-seeker-policy/7527990>

19. Behrouz Boochani: Malcolm Turnbull, why didn't you answer my question on Q&A about Manus Island?

Conditions on Manus Island have become more militarised and difficult in the two months since the supreme court ruled the detention centre illegal. I now ask the Australian people to say no to cruelty – to choose love over inhumanity

The Guardian
Behrouz Boochani
Tuesday 21 June 2016 11.53 AEST

Last night on Q&A I asked Malcolm Turnbull a question but unfortunately he didn't respond to me. Prime minister, now again, I look at your eyes and shout at you to make you answer my questions. What is my crime? Why am I still in this illegal prison after three years? Why you did not accept the Papua New Guinea supreme court decision after two months? Why you have tortured me? Why won't you tell me how many years I must stay in your Guantánamo?

I have so many questions but I'm sure you don't have any logical answers for them. I want to say that you did not answer to my questions because you could not, because you don't have any plan for the future. You are lying to Australian people and playing with Australia's international reputation.

I know you will never answer my questions. I would like to ask my questions from kind Australian people too, because I want you to think deeply about humanity and imagine the children and women that your government is torturing and humiliating. I ask you while I am experiencing and considering the extreme systematic torture that 2,000 children, women and men are suffering from on these remote islands. I am asking you – the Australian people – to feel your hearts and think by your hearts.

It is a big moment that you should say no to cruelty, should say no to torture, should say no to the Liberal party. This is a big moment that you should vote against those politicians that forget their heart. This is a big moment that you should choose love and say no to inhumanity, should say no to inhuman policies.

The situation at Australia's immigration detention centre at Manus Island over the last two months has been extraordinary. After the Papua New Guinea supreme court decision, everything changed drastically and Manus entered an important phase in its violent history.

The PNG supreme court announced in no uncertain terms that the Australian government had transferred asylum seekers to Manus Island by force and has illegally held them in prison for three years. The court determined the existence of the prison to be in breach of PNG law.

The court ordered that “both the Australian and PNG governments shall forthwith take all steps necessary to cease and prevent the continued unconstitutional and illegal detention”. With this explicit and straightforward outcome, asylum seekers and all relevant human rights groups and organisations expected the Australian government to accept the court’s decision and transfer asylum seekers to a safe and dignified location as soon as possible.

However, in contrast to these expectations, the Liberal-National Australian government not only rejected the outcome but also used the ruling as a tool for administering more pressure and suffering on asylum seekers. So much so that asylum seekers in Manus are now willing to tolerate the conditions prior to the supreme court decision.

During the two months since the decision, the pressure on asylum seekers has been increasing day by day and with the introduction of the PNG police, a new player in the saga, the conditions have become militarised and more difficult.

Over the last few weeks, Wilson Security, the company responsible for the safety of the imprisoned asylum seekers have used PNG police to control the asylum seekers in the prison. The new militarised space has given Wilson guards an ideal opportunity to relinquish their responsibilities and allow police officers to exploit the situation to the detriment of asylum seekers.

Over the past week, police arrested and imprisoned an Iranian asylum seeker for two days in the island’s harsh prison; they accused him of attending internet classes without registering. They also arrested and imprisoned two Pakistani asylum seekers in the police station for one night. The two wanted to leave Delta compound to visit their friend in Fox compound, a right they are entitled to as a result of the supreme court decision. The Pakistani asylum seekers rightfully claim they did not commit any crime and only wanted to visit Fox compound. When they realised the entry to Fox was blocked, they requested the guard to open the door and this resulted in the arrest.

Why are police officers arresting asylum seekers so flippantly when they have not committed any crime? When a police officer commits a crime against an asylum seeker they are not held accountable.

In one instance, an Iranian asylum seeker claimed that an Australian guard pushed him and injured his rib cage. Until now, no one has investigated the Australian guard. As a result, the Iranian asylum seeker was forced to threaten suicide in order to gain access to police. In contrast, when PNG police are asked why they do not investigate guards for wrongdoing, they reply that no one has registered a complaint.

And this is the important point. Wilson finds different ways to block asylum seekers from filing complaints with the security company. Asylum seekers with complaints are forced to complain to police. Another example: last January a basketball stand fell on my head. For two months, I wrote letters until my requests for an inquiry reached police. I was unsuccessful in the end because Wilson would not grant me further access to police.

In July 2015, three guards working at the detention centre on Manus allegedly raped a local woman and the company placed them on a plane back to Australia. They did not want the guards to stand trial for rape in a PNG court.

It is not the first time in the last three years that Australian guards have used local police to punish and threaten asylum seekers. During the peaceful hunger strike of January 2015, they used police to punish asylum seekers and imprisoned dozens of asylum seekers without charge, some for weeks.

During the last few weeks, we have witnessed tragic events unfold in the capital Port Moresby. Students protested against the government and were attacked by police. As these events transpired, 17 asylum seekers, who were transferred to Port Moresby hospital due to illness, were caught up in the government crackdown and found themselves in an extremely dangerous situation and without protection. The protests and violent conflict reached the streets near the hotel where they stayed. The asylum seekers could even hear the sounds of police guns firing.

Important questions arise: who is responsible for protecting asylum seekers imprisoned illegally for three years? Are PNG police, who shoot their own people, in any position to care for the wellbeing of asylum seekers? Can Australia place faith in them to protect those for whom they have a duty of care?

Let us recall the role of local police and Australian guards during the events of 17 February 2014. Reza Barati was killed and approximately 100 asylum seekers injured. According to the Australian Senate investigation report, the government was found responsible and is liable for compensation to those injured.

It was also found that G4S could have stopped the attack by local people on the asylum seekers held in the prison. One must ask, what was the role of local police during this incident and why were they unable to stop the attacks on asylum seekers? The Cornall report found that PNG police had stormed the compound, attacking detainees and shooting at them.

The Australian government tries to use local police against asylum seekers for various reasons and local police do not stand up to the practices of Wilson Security.

Manus Island has become extremely militarised in the last two months, and this has arisen due to the blurring of responsibilities. It is unclear who is responsible for the safety of asylum seekers. Clearly, Australia is responsible for every asylum seeker who is injured in this situation. Two months after the PNG supreme court decision, they still ignore the fact that they transferred asylum seekers to the island by force and imprisoned them illegally.

<https://www.theguardian.com/commentisfree/2016/jun/21/malcolm-turnbull-why-didnt-you-answer-my-question-on-qa-about-manus-island>

20. 'Unintended consequence': how Australia stripped an Australian of citizenship

Sydney Morning Herald
June 26, 2016 - 12:00AM
Eamonn Duff

Teresa Mullan has lived in Australia for more than half a century. During that time, she has raised children here, worked for three governments, voted at 10 federal elections and travelled the world on an Australian passport.

But when she tried to renew that passport ahead of an overseas holiday next month, she was refused a replacement because she could not prove she was an Australian citizen.

Fairfax Media has found that, on the instruction of the Department of Immigration and Border Protection (DIBP), adoptees born overseas can no longer present their Australian birth certificate, issued as part of the adoption process, as lawful evidence of citizenship.

Neither the Department of Foreign Affairs and Trade nor the DIBP would provide reasons for the changes when asked by Fairfax Media last week.

But those amendments, now being applied by the Australian Passport Office, mean there are potentially thousands of inter-country adoptees who assume they are bona-fide citizens but are now not regarded as one, even though they have held passports.

Ms Mullan likened the situation to a bad comedy sketch that has left her feeling humiliated and demoralised.

"This is yet another example of our ill-conceived and inhumane immigration and border protection laws," Ms Mullan said. "After 52 years, am I somehow now a threat to national security? I feel as though my country has stripped me of my nationality and identity. This experience just highlights the government's disregard for the sanctity of citizenship."

ANU College of Law professor Kim Rubenstein, who has published a book exposing the flaws of citizenship laws, confirms a range of scenarios have emerged involving people who are Australian in "all but law".

"That is, their lives have been fully lived in Australia yet they have fallen foul of technical distinctions and have not been recognised as Australian citizens," she said.

Ms Mullan was born in New Zealand in December 1963 and adopted in Australia several months later, in March 1964. As an adult, she has always struggled with the heartbreaking narrative surrounding those events.

She was part of the "white stolen generation", so-called to distinguish it from the Indigenous stolen generations, although the associated suffering was shared. In the five decades before 1982, the newborn babies of young, unmarried women were forcibly removed for adoption.

Ms Mullan's birth mother, from Queensland, had kept her pregnancy secret by staying with nuns in Auckland.

But when she and the father returned to Brisbane and sought assistance from the state government, it separated her from the baby and made her sign adoption forms under duress.

Ms Mullan has since learnt from numerous relatives of her late mother's desperate attempts to retrieve her.

Of her current plight, she asked: "If I was born to two Australian citizens, removed from them by the Queensland government and adopted out to two other Australians citizens, how can I not be a citizen?"

In a letter last December, DFAT formally denied her a full validity replacement passport because she could not present proof of citizenship through a citizenship certificate.

When she sought answers from passport personnel and the office of Immigration and Border Protection minister Peter Dutton, officials would only divulge that she was an "unintended consequence" of law changes that had affected a number of adopted people.

After she applied for her citizenship certificate, the DIBP deemed her paperwork invalid, stating in a letter that citizenship needed to be "acquired" by "conferral". She has since been advised to apply for the required evidence by paying \$190 to attend an interview, sit a test, swear her allegiance to Australia and attend a ceremony, where she would receive her certificate.

In the past few days, New Zealand has accepted Ms Mullan's application for a passport – and recognised her as a citizen – even though she only spent a week there after her birth. While she described her relief as immense, questions still surround her status in Australia when she returns.

A spokesman for Mr Dutton said the department understood it could be distressing for long-term residents of Australia to discover they were not citizens "when they believed this to be the case for many years".

Do you know more?

<http://www.smh.com.au/national/unintended-consequence-how-australia-stripped-an-australian-of-citizenship-20160624-gpqv7y.html>

21. Tamils stranded in Indonesia face 'probable torture' if returned to Sri Lanka

Asylum seekers among the group of 44 who arrived in Aceh by boat were tortured in Sri Lanka and face persecution if returned, a compatriot says

The Guardian
Ben Doherty
Thursday 23 June 2016 06.24 AEST

Several of the Tamil asylum seekers stranded after arriving by boat on the Indonesian island of Aceh have been tortured in Sri Lanka and face certain persecution if they are returned, a compatriot living in Australia has claimed.

Karikalan, who has agreed only to be identified by a nickname, came to Australia as an asylum seeker by boat in 2010. He was recognised as a refugee – having a "well-founded fear of persecution" in Sri Lanka – and is now a permanent resident, living in Melbourne.

He said he was tortured in Sri Lanka alongside some of the 44 on board the boat, including the woman Anathi (not her real name) who was pictured on the boat, pleading with Indonesian officials to be allowed off, holding her fingers to her heading mimicking a gun being fired into her temple.

The Guardian has been able to independently verify the details of Karikalan's own claim to asylum, but cannot corroborate his claims about the torture of others, as they have not been formally assessed.

The current boat, carrying 44 asylum seekers, arrived off the beach at Lhoknga in the northern Indonesian province of Aceh on 11 June.

Indonesian authorities initially refused to let those on board disembark – several women who jumped from the boat on to the beach were forced back on to the vessel.

But as protracted bad weather and damage to the boat prevented it from being pushed back to sea, Indonesian authorities have allowed the passengers to stay in tents on the beach.

Indonesian authorities initially said the boat would be towed back into open water when the weather improved. The passengers said if they were towed back to sea they would continue on their journey to Australia.

But Indonesian officials have conceded it is increasingly unlikely that the boat is seaworthy enough to push back into open water. Indonesia has notified the embassies of Sri Lanka and India, and is seeking travel documents for the Tamils.

Karikalan said he was concerned for the safety of the asylum seekers. He said after those on board contacted him 10 days ago by satellite phone, he has not heard from them since.

Karikalan said he was imprisoned by Sri Lanka police's Criminal Investigation Department in Colombo in 2005, during the country's long-running and brutal civil war. He was detained because of his links to the separatist Liberation Army of Tamil Tigers Eelam, or Tamil Tigers. Two of his brothers were killed fighting for the LTTE.

Karikalan said Anathi and her now husband, Wasanth, who is also on the boat, had been in jail alongside him. He said they were all tortured daily, including being hung upside down while being interrogated.

"We watched each other being tortured. They would strip us naked and then beat us on the feet and body and put our heads in plastic bags that had had petrol in them. They would jam our fingers in a drawer and then beat them with a hammer. Once swollen they would pull out the nails with pliers. They would often beat us until we became unconscious.

“Both Wasanth and I had teeth pulled out by pliers. They pulled one bottom tooth on either side of my mouth. They couldn’t get the roots out. They broke the teeth. I finally got them fixed when I came to Australia.”

Karikalan says sexual abuse and torture, of both men and women, was common.

He said he was later separated from Wasanth and Anathi when they were taken to a different prison. When he was released, Karikalan fled Sri Lanka for India, where he faced further persecution, before boarding a boat to Australia.

He said both Wasanth and Anathi would face torture if they were returned to Sri Lanka.

“I saw a photo of her in the newspaper. It showed her pretending to hold a gun to her head and shooting herself. I know what she means by this. She may as well die rather than be sent back to Sri Lanka or India. They would probably commit suicide if this happened.

“They had a satellite phone on the boat. They contacted me about 10 days into their journey. But I haven’t heard from them since. Something must have happened to the phone.”

Those on board the boat reportedly did not pay a people smuggler to bring them from the southern Indian city of Velankanni from where they left in early May. Instead, the asylum seekers pooled their money to buy the old boat, which is now aground on the beach at Lhoknga and listing badly.

If the asylum seekers’ boat is towed back to sea by Indonesian authorities, and they intend to continue south towards Australia, they face almost certain interdiction by Australian authorities, who are aware of their location.

It is Australian government policy to turn back all asylum seeker boats “where safe to do so”. Asylum seekers undergo an abbreviated interview process at sea, after which an initial, but in many cases final, decision on their claim to refugee status is made. People screened ‘out’ in this preliminary on-water interview are immediately returned, without recourse to an independent appeal.

On-water assessments have been consistently criticised by the UN as “unfair and unreliable” and a breach of international law.

Twenty-one Vietnamese asylum seekers were returned to their country of origin after on-water screening this month.

But Sri Lankan Tamils whose boat has come from India via Indonesia would present a more complicated return.

Australia previously tried to return 157 Sri Lankan Tamils to India, from where they had sailed, in 2014, but failed when India refused to accept them. Those asylum seekers ended up within Australia’s offshore processing regime.

Torture by Sri Lanka’s extensive state security apparatus is well-documented.

Reports by Amnesty International, Human Rights Watch, and Freedom from Torture have detailed physical and sexual abuse of men and women, mainly of Tamils believed to have links to the LTTE, both during and after Sri Lanka’s civil war, which raged from 1983 until the LTTE’s resistance was ultimately crushed in May 2009.

The UN special rapporteur on torture, Juan Méndez, said in May this year that torture remained “common practice” by Sri Lanka’s security officials.

“Torture is a common practice inflicted in the course of both regular criminal and national security-related investigations,” he said. “Severe forms of torture continue to be used, although probably less frequently [since the end of the war], while both old and new cases of torture continue to be surrounded by total impunity.”

An interim report by Méndez noted that between 16,000 and 22,000 people had gone missing during the war and its aftermath, and reported that torture was a “routine method of work” by police investigators to obtain confessions.

“The nature of the acts of torture consists mainly of transitory physical injuries caused by blunt instruments (essentially punches, slaps and, occasionally, blows with objects such as batons or cricket bats) which heal by themselves without medical treatment and leave no physical scars.

“There were also several accounts of brutal methods of torture, including beatings with sticks or wires on the soles of the feet (falanga); suspension for hours while being handcuffed, asphyxiation using plastic bags drenched in kerosene and hanging of the person upside down; application of chilli powder to face and eyes; and sexual violations including mutilation of the genital area and rubbing of chilli paste or onions on the genital area.”

Several reports have identified asylum seekers returned to Sri Lanka by Australia who have been imprisoned and tortured.

Karikalan said if those on board the boat in Aceh are returned to Sri Lanka, they face "certain incarceration and probable torture".

"Many of them have Tamil Tiger connections, as I do. That makes you a prime target for the authorities."

<https://www.theguardian.com/world/2016/jun/23/tamils-stranded-in-indonesia-face-probable-torture-if-returned-to-sri-lanka>

22. A Current Affair's rare look inside the Nauru detention centre

Canberra Times

June 20 2016 - 8:46PM

Nicole Hasham

Nauru has "much lower" rates of sexual assaults, murder and rape than Australia and many refugee assault claims are false or exaggerated, the island nation's Justice Minister David Adeang has claimed in a tabloid television exclusive.

In an episode of Channel Nine's A Current Affair on Monday night, which had been promoted as one that would "stun Australia", Mr Adeang said refugees were "certainly living better" than Nauruans.

They lived in new houses, did not have to pay for rent or electricity and "there is not much to complain about", he told reporter Caroline Marcus.

Refugee advocates had earlier questioned how the program's reporter and crew were granted access to Nauru, where foreign media are rarely allowed, and warned they would have been shown a sanitised version of the island and its contentious Australian-funded detention camp.

Marcus told host Tracey Grimshaw that the Australian government played no role in the program gaining access to Nauru, and that Immigration Minister Peter Dutton's office had called Nauruan authorities "asking a lot of questions" when learning of the visit.

"The Australian government had no idea we were planning this visit, or had embarked on the visit. In fact it was a few hours into our first day on Nauru . . . when Peter Dutton's office actually called the Nauruan government's office to find out what a media crew was doing on the island, [asking] 'Who were they?'," Marcus said.

"We certainly gave no undertakings [about favourable coverage] whatsoever, we went in there from the start saying . . . we had to have access to all the detention centres and be able to see everything."

Refugees told the program of their despair at being kept at Nauru for years, and many claimed the policies of the Australian government meant they no longer wished to live in this country.

"Three years ago, I liked [Australia]. But now, never," said one man, adding: "My kids don't like [to live in Australia]."

Refugees and asylum seekers, particularly women, have frequently reported being the victim of harassment, assaults, rapes and other crimes - both inside the detention centre and outside in the community.

One young woman declined to share her experience of assault on camera, but told ACA of reluctantly getting married on the island just to feel "safe".

A young man told of being sworn at and robbed, saying he did not like leaving his home after 7pm "because I am not feeling secure". Others complained that Nauru police failed to follow up their complaints.

However, Mr Adeang said such claims were inflated or untrue.

"Rates of murder, manslaughter, sexual assault, rape, all those statistics, are much lower than you in Australia, I am sorry to say," he said.

"[Refugees] have an accident, and they claim that a couple of boys beat them up. That hurts us. They have relationships, Somebody gets pregnant, and they claim it was born out of sexual assault and rapes."

He claimed such allegations were "political" and an attempt to cast aspersions of the Australian government's offshore detention policies.

The program depicted new refugee housing containing air-conditioning, microwaves and televisions. It also showed single male asylum seekers still housed inside the detention centre in cramped conditions and mouldy tents.

Young girls complained of being harassed at local Nauruan schools.

"It's bad. They throw our lunch; they spit in our lunch; they fight us; pull our hair," said one.

Another reported being told: "Go back to your country; you don't belong here."

There are fears that refugee and asylum seeker children are missing out on an education because many refuse to attend Nauruan schools.

However, Nauru President Baron Waqa said: "There is always excuses".

"If it's good for the Nauruans, I think it's good for our refugee friends and asylum seekers. We try our best to make it very comfortable for them but it's their own choice ... not to send their kids to school," he said.

<http://www.canberratimes.com.au/federal-politics/federal-election-2016/federal-election-2016-a-current-affairs-rare-look-inside-the-nauru-detention-centre-20160620-gpnou3.html>

23. Even on tabloid TV, the hopelessness of life on Nauru is painfully clear

Canberra Times
June 21 2016 - 7:38AM
Michael Gordon

"They are certainly living better than the Nauruans, I would say," David Adeang asserted on A Current Affair's exclusive report on Nauru.

But there are three problems with the Justice Minister's assertions and each of them was given exposure on the program.

The first is that the comforts Adeang outlined do not extend to all of the asylum seekers on the tiny island.

They certainly do not apply to around 300 males who have lived in hot, humid and cramped conditions in mouldy tents for the best part of three years.

The second is that his assertions about Nauru being safer than Australia do not accord with the personal experience of many of those interviewed on the program

The third, and by far the most important, is a problem that transcends the physical living conditions and whether those in new housing have TVs or microwaves or jobs.

It is one that, with the best intentions in the world, Adeang has little power to address.

It is that the asylum seekers and refugees here, and on Manus Island in Papua New Guinea, have absolutely nothing to look forward to: that the absence of any prospect of being able to rebuild their lives, any hint of hope, is destroying them.

They cannot live permanently on the tiny island of Nauru and the Australian government has offered them only one option for permanent resettlement: Cambodia, one of the poorest and most corrupt countries on earth.

The concern of refugee advocates was that ACA would give a sugar-coated view of life in limbo on Nauru, demonise the asylum seekers and amplify perks paid for by the Australian taxpayer.

It proved utterly unfounded. Billed as a program that would "stun Australia", it gave many on the island the voice that Nauru's media ban has denied them.

If viewers were struck more by the presence of a free TV than the utter hopelessness, that is more a reflection of the sorry debate in this country over the last three years than any failing on the ACA reporter's part.

<http://www.canberratimes.com.au/federal-politics/federal-election-2016-opinion/even-on-tabloid-tv-the-hopelessness-of-life-on-nauru-is-painfully-clear-20160620-gpnqkk.html>

24. MEDIA RELEASE: Selective, Superficial and Sanitized: A Current Affair fails the test

A CURRENT AFFAIR FAILS THE TEST -- SELECTIVE, SUPERFICIAL AND SANITISED PROGRAM DID NOT SHOW THE TRUE STORY OF NAURU

Tuesday June 21, 2016
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

"A Current Affair" has broadcast a very selective, superficial and sanitised view of Nauru, according to spokesperson for the Refugee Action Coalition, Ian Rintoul.

According to program host, Tracey Grimshaw, ACA has been preparing the program for five months but it is obvious they have not done their homework.

They interviewed a Tamil refugee woman who clearly raised the vulnerability of refugee women to sexual assault and rape -- but did not pursue the 'the real story of Nauru.' They could have interviewed assaulted women who are too afraid to come out to their rooms, but they didn't.

They didn't interview the victims of the robberies or bashings.

They showed TV and microwaves, but not the blackouts and water shortages.

ACA did not broadcast pictures of the hospital that would have out the lie to Australian government claims of the standard of health care on the island. Viewers were left with the impression that there were very nice schools on Nauru -- they did not show the run-down schools were refugee children go.

ACA showed the mould on the roof of the tents in the single-men's camp, but not the mouldy conditions in the family camp. The tents in the family camp are not air-conditioned; they are insufferably hot, and leak in the rain. However, ACA allowed a Nauruan official to give the impression that there was air-conditioning, although it is only in the infants area.

They showed pictures of a burnt-out unit in Anuijo camp, which we were told was 'suspicious' when it is well known that this was the place where a desperate Iranian refugee attempted suicide.

PROTESTS BANNED

Perhaps most disgracefully, ACA deceptively portrayed the daily protests on Nauru as being orchestrated to take place behind fences. If the ACA had done their homework, they would know that protests outside the fences are banned.

Nauruan police have forced the protests inside the fences by confiscating phones and arresting refugees who attempt to protest or photograph the protests from outside the fences.

ACA could have asked why people are imprisoned without charge, but they didn't.

"Tracey Grimshaw said we would see 'exactly how the detainees live', but we didn't," said Ian Rintoul, from the Refugee Action Coalition. "That story is being told in the on-going resistance of the asylum seekers and refugees on Nauru who have been protesting every day since 20 March."

The Refugee Action Coalition has called a "Bring Them Here" protest Monday 27, 5.00-6.00pm at Sydney Town Hall square in solidarity with 100 days of protest on Nauru.

For more information contact Ian Rintoul 0417 275 713

25. A Current Affair goes to Nauru: facile questions and lingering shots of flatscreen TVs

ACA's choice to focus on the more superficial problems of life on the island made the refugees' universal desire to leave appear similarly superficial

The Guardian
Karl Mathiesen
Tuesday 21 June 2016 09.48 AEST

On Monday night A Current Affair launched a guerrilla attack on the refugees Australia has resettled on Nauru.

The ACA team were the first TV crew to make a sanctioned visit to the island since it effectively sealed its borders to journalists in 2014.

Given the chance to report from Nauru, where refugees have been brutalised under Australia's stewardship, ACA chose to focus on the more superficial problems of life on Nauru – a thrown pencil in a classroom, stolen bikes and vaguely described health issues. In doing so, it made the refugees' universal desire to leave the island appear similarly superficial.

"Many average Australians would have watched the story last night and wondered what all the complaining was about: on the whole, the refugees on Nauru are well-fed, most live in relative comfort and they're free to move around as they please," wrote ACA's Caroline Marcus in the Daily Telegraph.

But poor living conditions and restrictions on movement are not what refugees fear. Their physical and mental safety is the most significant story embroiling Australia's Nauruan detention regime. Marcus's report reduced this to a parenthetical "there have been reports of sexual assaults".

Stories of fear and abuse are not difficult to find on Nauru. On Christmas night in 2014, after slipping past a sleeping guard into two refugee camps, a photographer and I sat with refugees as they told us their stories. Speaking in hushed voices, a group of Somali women told us that they had begged Australian immigration officials to be placed back into detention to remove them from the attentions of men who knocked on their windows at night. They said they slept wearing jeans. Several reported being attacked.

The refugee community is small and has become tight-knit against adversity. They know when one of their friends has been hurt. Once word spread that a journalist was on Nauru, meetings were easy to arrange.

Most interviewees feared retribution from the Nauruan government, locals or the Australian immigration department, so they would only speak and be photographed anonymously. Thus it is unsurprising that none of these women were willing to speak to ACA on camera. It is standard journalistic practice to protect the identity of victims of abuse. Whether Marcus offered them the opportunity to speak anonymously is unclear.

Three months after my visit, the Moss review would crystallise the rumours of rape and abuse in Nauru's detention centres. This year, a report documented the ongoing abuse of unmarried women like those we met, who live among the Nauruan community. On Monday, the Guardian revealed the mind-numbing frequency of self-harm recorded in the logs of the private security firm guarding the centres.

When given the rare opportunity to interview the Nauruan president, Baron Waqa, ACA failed to ask – or failed to air – questions about the safety of the refugees.

"Is it dangerous?" Marcus asked the country's justice minister, David Adeang. No, he said, Nauru's rates of violent crime are lower than Australia's. There was no follow up.

Instead, the camera lingered reproachfully on a flatscreen TV and a new undercover playground provided to refugees by the Australian government. There were also casual questions about the money refugees paid to traffickers. In this context this information was only relevant to fuel the trope that these are economic migrants who can't be that hard up if they can afford thousands for a boat trip to Australia.

ACA's report sought to set the facts straight on the most facile criticisms of Australia's Nauruan regime. Refugees' daily protests photographed through the wire of the detention centre were revealed to be staged beside an open gate. Refugees on Nauru are fighting an asymmetric media war against the Australian government. Their unalloyed condemnation of every aspect of life in Nauru is not subtle.

Neither is the rhetoric of some of their advocates. The program started with footage of the Greens senator Sarah Hanson-Young calling the island a "hellhole". This type of hyperbole is offensive to the Nauruan people and easy for ACA to repudiate. It might be expected that an Australian politician speaks with more restraint. Nauru is not Auschwitz.

But the refugees are people devoid of hope and left only with anger. Women and children have been raped without consequence. Do we really expect them to caveat their complaints with thanks for giving them a TV?

<https://www.theguardian.com/australia-news/commentisfree/2016/jun/21/a-current-affair-goes-to-nauru-refugees-facile-questions-and-lingering-shots-of-flatscreen-tvs>

26. Only 'respectful and objective' media outlets are welcome, says Nauru

After A Current Affair visits detention centre, government says 'extreme left activist-journalists' refused access because they 'want to incite violence'

The Guardian
Amanda Meade
Wednesday 22 June 2016 13.33 AEST

Only media outlets who are "respectful and objective" will be allowed to enter Nauru, the island's government has said after Nine's A Current Affair became the first television crew allowed access to the immigration detention centre.

In a lengthy, emotive statement about the Australian media, the Nauru government said "extreme left activist-journalists" were refused permission to enter Nauru because they only wanted to incite violence, hatred and tension.

But journalists who reported "accurately, respectfully and objectively" and who had no track record of negative reports about Nauru were given a visa.

“The government of Nauru has never enacted a media ban or blackout, as has been reported by some media outlets,” the statement read. “We have a media visa application process and as a sovereign nation we alone choose who enters our country. The lack of respect of our sovereignty by some Australian media outlets indicates extreme arrogance and hypocrisy.

“Just like Australia, we will not allow those who we believe want to come to Nauru to incite violence, hatred and tension within our country.”

The only two outlets to be granted permission in two and a half years are Channel Nine and News Corp’s the Australian.

“We have granted visa applications to two media outlets and provided them with unrestricted access to all areas with no conditions or expectations,” the statement read.

In January 2014, the government imposed a significant deterrent for foreign journalists entering the country when it introduced an \$8,000 non-refundable application fee for a visa.

Neither News Corp nor ACA would confirm if they had paid the \$8,000 visa fee.

The Australian associate editor Chris Kenny, who was the first journalist to enter legally in 18 months, was criticised for his characterisation of Abyan, a victim of rape, as a “rape refugee”, as well as issues of privacy and fairness regarding her participation in the interview.

But these complaints about Kenny’s 2015 reports were dismissed by the Australian Press Council this week.

The Nauru government moved to defend Kenny and ACA reporter Caroline Marcus saying refugee advocates and extreme left activist-journalists “spew vitriol” at them for reporting accurately.

In her report, Marcus interviewed asylum seekers who complained about conditions on the island and the frustration of waiting years for settlement. She also showed the cramped conditions and the mouldy tents in which some of the single men were housed.

However, in a follow-up article in the Daily Telegraph, Marcus echoed the Nauruan government’s criticism of the “left press and refugee activists” which she said had been deceiving the public about assaults and mistreatment.

“Still, many average Australians would have watched the story last night and wondered what all the complaining was about: on the whole, the refugees on Nauru are well-fed, most live in relative comfort and they’re free to move around as they please,” Marcus wrote.

Nauru also defended its treatment of refugees and asylum seekers, saying they were provided with all they needed to “enjoy a safe and fulfilling life on Nauru while they are here as our temporary guests”.

“We meet all international obligations and the facilities for refugees and asylum seekers in Nauru are far superior to those in many other areas across the world,” the statement read.

<https://www.theguardian.com/world/2016/jun/22/only-respectful-and-objective-media-outlets-are-welcome-says-nauru>