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1. Flickers of hope over the darkness of Nauru, but thunderbolts called for
2. Australia 'cannot turn a blind eye' to asylum seeker abuse reports, Bill Shorten says
3. The Nauru files: Labor to move for parliamentary inquiry into abuse allegations
4. Labor to push for Senate inquiry into Nauru detention centre incident report leaks
5. Nauru abuse allegations: Labor confident it has support to establish Senate inquiry
6. Nauru inquiry should look at whether abuse reports were investigated – Labor
7. Australian diplomats in UK and New Zealand may be called in to explain Nauru files
8. Australia 'has lost moral compass' over immigration detention: New Zealand opposition
9. Nauru teachers speak out for children: 'We don't have to torture them'
10. Immigration stalled on requests for rape victim's family to join her, Nauru files show
11. Nauru security guard 'grabbed boy by throat and banged head against ground'
12. Nauru files reveal cases of alleged sexual violence and child abuse not disclosed to parliament
13. Nauru allegations should be included in child sex abuse royal commission, human rights groups say
14. Legal advice says inquiry into child sex abuse can examine Nauru regime
15. Legal advice says child abuse royal commission could investigate Nauru detention centre
16. Datablog: analysis of Nauru files highlights heavy toll on children
17. Nauru guard hit five-year-old girl 'so hard it lifted her off her feet'
18. 'Wake up, Aussies': Far-right Pauline Hanson supporters dressed as Muslims storm church
19. Nauru and Manus protests: vigil planned for Malcolm Turnbull's office
20. Manus Island inquiry needed into abuse of asylum seekers: Refugee Action Coalition
21. Manus island: photos show aftermath of violent attack on Afghan refugees
22. United Nations reiterates demand for Australia to close 'dire' detention centres
23. Australia engages second agency for sole refugee in Cambodia
24. Documents immigration is fighting to keep secret accidentally released
25. Border patrol still have orders allowing boat turnbacks in foreign waters, tribunal reveals
26. Sovereign borders chief argues hiding asylum seeker boat turnbacks essential for security

1. Flickers of hope over the darkness of Nauru, but thunderbolts called for

Glimmers of empathy among MPs and senators suggest the new parliament just might solve the vexed problem of Australia's offshore detention policies

The Guardian
Katharine Murphy Political editor
Friday 12 August 2016 20.07 AEST

We've heard the comparison a bit this week, so obvious it's unavoidable.

A major television exposé of the treatment of kids in juvenile detention in the Northern Territory generates a rapid fire royal commission, so rapid fire in fact, that the government tripped over itself in the haste to get it on foot.

A major exposé of the abuse of children in immigration detention by Guardian Australia – an exposé with content so disturbing and compelling it travels right around the world – and what happens? We get the immigration minister, Peter Dutton, being the immigration minister, Peter Dutton, which, with due respect to Peter Dutton, is about as depressing as it gets.

Perhaps the difference is simple: one story had television pictures that could galvanise the nation, the other haunting words, powerful of course, but somehow not as palpable.

Perhaps it's not the lack of moving pictures, but the recurrent, toxic condition of the political conversation in this country about boat arrivals. Asylum politics is a wretched amoral swamp, a place where facts don't matter and hysteria regularly trumps reality.

But if we get mired in our routine of this issue being seemingly hopeless and intractable, we can miss the small glimmers of hope, harbingers of movement. To see these, we have to look a little deeper.

The first little pulse of hope this week came from the prime minister. Malcolm Turnbull didn't fire up the predictable asylum culture war hoey when asked about the Nauru files. He said the government would review the incident reports uncovered in this week's reports to see whether action had been taken. Not much, but not nothing either.

The next came from the Liberal MP Russell Broadbent, who poked his nose above the parapet this week to observe that checks and balances matter, and it might be time to check whether the checks and balances were adequate to protect the safety of people in immigration detention.

The intervention looks modest, but it isn't if you consider a couple of things: Broadbent doesn't chase ambulances, he intervenes when he means it. The Victorian moderate was also key in persuading John Howard to wind back the worst of his punitive immigration regime during the last period of Coalition government – and Broadbent is evidently galvanised sufficiently to put his view on the record at a moment when the Liberal party is awash with tribalism, pugilism, internal contention and mulish retribution.

Then we can look to Labor. We know that Labor has been obsessed with "me tooism" on asylum policy in a desperate bid to avoid the apparently unbearable inconvenience of a Daily Telegraph smash up and a Ray Hadley tantrum about their collective lack of manhood when it comes to repelling the hordes plotting a comfortable sea path to Australia before reclining on a life of welfare.

But a couple of things happened this week. The new opposition spokesman on immigration, Shayne Neumann, was very quick out of the blocks after the Nauru files were published, signalling a private member's bill to improve reporting on Nauru, and making the case for a children's advocate. Internally, the speed of the response was noted, a slight change of intention and emphasis.

In addition to that signal, various caucus members were quick to send their own twofold message: the revelations from the Nauru files were completely and utterly abhorrent; and Labor's internal debate over the right policy balance between hardline deterrence and human rights was not over.

This is interesting too, because post-election, we (and Bill Shorten) might have expected the boats issue to settle placidly in Labor after the departure of two serial campaigners for change, Melissa Parke and Anna Burke. Not by the looks of things. The caucus disquiet about Labor's positioning will persist into this new parliament. You can set your watch by that prediction.

Then we can look at the new crossbench. There has been a lot of analysis in recent times about the new forces of populism and protectionism and xenophobia that are manifest in the new 45th parliament, which is both true, and a big deal, and a cliché that risks overshadowing a more complex reality.

Yes, those forces are part of this next term. But there are also people now in the parliament who will stand up against the abuse of children, wherever they happen to be.

Late this week I undertook a quick test of parliamentary support for Labor's proposed private member's bill to see where the numbers might lie, and I also wanted to test the resting disposition of some of the new kingmakers to the revelations about Nauru published this week.

I learned a couple of things in this sortie. I think if Labor brought on its bill in the Senate, and if it brought forward a proposal for a children's advocate for kids on Nauru, it is very likely to get support in the upper house.

A quick out take from my conversations. The Greens are a yes, because they are diligent and tireless on this issue. Nick Xenophon was disturbed by the Guardian's reports, and was positive in principle. Derryn Hinch said the Nauru papers "were awful reading" and he thought the Coalition had a tendency to shoot the messenger when it came to offshore detention, so he's interested in having a look at what can be done, and Jacqui Lambie said she'd look positively at what Labor brought forward.

That's a majority, at least in-principle, right off the bat. An incremental improvement for sure, but on this issue, sensible people take what they can get. There would be sympathy too, in the House – probably not a majority, but certainly sympathy.

Take the independent MP Cathy McGowan, who has bucked conventional wisdom by taking a public stand on human rights despite representing a deeply conservative rural electorate. Conservative opponents ran hard against McGowan in the recent election for siding with the Greens on immigration matters, and it resonated, it was a big issue locally, but, interestingly, the community stuck with her.

McGowan worked quietly in the last parliament with a cross-party group, which included a couple of Liberals, Labor people and the Greens, to get children out of detention. This quiet lobbying effort came at the behest of the combined heads of congregations, and a group of Catholic nuns, who are very active behind the scenes trying to persuade the parliament of Australia to protect the human rights of vulnerable people. They didn't advertise the effort and make it a confrontation, they just looked for solutions.

The modest outbreak of empathy suggests the new parliament could (and I wouldn't rate it higher than could) give rise to another cross-party effort to come up with a solution to a deeply vexed problem. We saw this happen in the 43rd minority parliament.

This would be superficially promising, but the recent past tells us such enterprises tend to collapse under their own disparate weight. Parliamentarians see different facts, and intuit different solutions, so the common ground tends to get hollowed out when people attempt to forge an agreed multi-partisan position.

And then you only have to contemplate a well-meaning group of MPs meeting the immovable object that is Peter Dutton, and the former immigration minister, Scott Morrison, and you see the fruitlessness of the exercise.

If change is going to happen, we need the following conditions.

There has to be a clear tipping point. Broadbent here is a good barometer, given he was a key part of the civilising forces on the old Howard policy. If he's putting his head up, that suggests an experienced parliamentary hand thinks the tipping point is now close.

I can imagine it being close if I just think for a moment of a Don Dale-style video emerging cataloguing some horror on Nauru. I don't want to put my mind there, or yours, but I suspect you can imagine various scenarios that would be more compelling and cut-through than the Dutton talking points.

There has to be consistent pressure from outside the parliament, and I don't mean abstract intermittent pressure from well meaning advocates: I mean a campaign. From churches, who remain very powerful in politics, from community groups, in marginal seats. If it's organised, consistent, broadly based and targeted, that will capture the attention of parliamentarians in very short order.

Media organisations dedicated to serving the public interest and speaking truth to power also have to double down on this story. We need to keep pushing, delving, unearthing factual examples that can't be lightly dismissed, and reporters have to be given time to investigate, which is possibly the greatest luxury going in an era of cash-strapped organisations and shrinking newsrooms.

If the prime minister wants to do more than review incident reports, if he wants to actually intervene to clean up a diabolical system being perpetrated in our name, then he has to follow the template set by the man Turnbull has recently taken to calling his mentor: John Howard.

When Howard eventually resolved the government had to move, he didn't just issue an abstract instruction and leave it to his portfolio minister. He got his department head, Peter Shergold, to set up an interdepartmental taskforce to delve into the facts of what was going on in detention, and develop a pathway to concrete action.

Leadership is more than saying abstractly you would like something looked at. You have to activate all the tools of the office of prime minister, otherwise the studied inertia of opponents to change means nothing happens.

Turnbull faces rolling challenges to his authority, but the prime minister remains capable of action. He didn't wait for permission when it came to juvenile justice in the Northern Territory. He can stand up for what is right, and given his current position, standing up for what is right is better than constant conciliation and compromise, which thus far has bought him nothing.

As well as authority, and process, there also needs to be clarity about what is actually wrong here, otherwise all kinds of temporary solutions can be produced by politicians that are designed to lull and soothe the conscience of the voting public rather than actually materially benefit people who are, beyond any reasonable doubt, being systemically abused.

Here are the first principles.

Australia has every right to defend the integrity of its borders. In an era of acute globalisation fatigue, where sovereignty is now a potent part of domestic political discussion around the world, any national government has to try to counter the retrograde forces of racism and xenophobia with reassuring messaging about border security. But there's a choice about how you do this.

Turnbull has shown you can turn around a whole potent political discussion by replacing apocalyptic dog whistling with rational, proportionate discussion. He's done it on national security. If so inclined, he can do it on asylum as well. We could, for a start, stop talking about this issue as if punitive policy is the only way we can stop people drowning at sea. False binaries just feed the cycle of irrationality, and rational discussion could even presage rational action, you never know.

But it isn't just about what we are saying. We do need to be very clear-eyed about the problem the Australian parliament needs to address. The deep problem here is one of substance.

Right now, a liberal democracy, Australia – a country we all love and are proud to call our home – is holding a group of people, indefinitely, in offshore immigration detention.

These people have not committed any crime. Some of the people are children.

The people being detained offshore at Australia's behest, essentially because of an outbreak of irrationality and extreme cynicism in Australia's political system, are not safe. They are being harmed, and in a state of contagion and despair, they are harming themselves. The evidence for this is overwhelming.

I make only one request of readers this weekend. Find some time to focus on what we actually are doing in our offshore detention policy. The enormity of what we are doing can be captured with this simple observation: when it comes to indefinite detention, we are treating people on Nauru, people who have fled persecution, more punitively than criminals, more harshly than murderers and rapists. Criminals have a release date, people detained on Nauru do not.

It's unconscionable, and we have to own it, because owning our collective travesty without rationalisations and weasel words is the first step towards having the moral clarity to change it.

<https://www.theguardian.com/australia-news/2016/aug/12/flickers-of-hope-over-the-darkness-of-nauru-but-thunderbolts-called-for>

2. Australia 'cannot turn a blind eye' to asylum seeker abuse reports, Bill Shorten says

ABC News Online
By political reporter Stephanie Anderson
Posted Fri 12 Aug 2016, 1:03pm

Opposition Leader Bill Shorten has criticised the Immigration Minister's response to leaked reports alleging widespread abuse of asylum seekers on Nauru.

More than 2,000 incident reports published by The Guardian outlined various allegations of abuse, including assaults, sexual assaults and self-harm between 2013 and 2015.

Immigration Minister Peter Dutton yesterday said some refugees were self-harming and filing false claims in an effort to get to Australia.

Mr Dutton told the ABC comparisons to Guantanamo Bay are "ridiculous" and only 1 per cent of the claims related to issues like sexual assault.

"Out of the 2,000 as I understand it, those analysed so far ... about over 20 are critical," he said.

"So you're talking about where there's been an allegation of sexual assault, so might be a person within the regional processing centre that's alleged to have assaulted a female or male within the centre."

Mr Shorten criticised Mr Dutton's comments, saying Australia could not "turn a blind eye to what's happening".

"I'd ask Mr Dutton, how many abuses will there have to be before he thinks he should act?" he said.

"The idea that the only way we deter people smugglers is by keeping people in an indefinite detention, to me, it's not the right way to go."

Mr Shorten also renewed calls for the appointment of an independent child advocate.

Calls for child abuse royal commission to include Nauru

There are also growing calls for the Royal Commission into Institutional Responses to Child Sex Abuse to widen its inquiry to include Nauru, while the Law Council of Australia is pushing for the appointment of an independent inspector of immigration detention.

In a statement, Law Council of Australia president, Stuart Clark, said such an appointment — alongside that of an independent monitor for migration laws — was necessary.

"The Law Council has consistently stated that Australia retains responsibility for the health and safety of asylum seekers transferred to other countries for offshore processing and assessment," he said.

"Making these key appointments could limit the risk of future harm to asylum seekers held in detention without undermining Australia's border protection policies."

<http://www.abc.net.au/news/2016-08-12/cannot-turn-blind-eye-to-nauru-abuse-reports-shorten-says/7728268>

3. The Nauru files: Labor to move for parliamentary inquiry into abuse allegations

Shadow immigration minister Shayne Neumann calls government response 'disgraceful' and says Labor will move to set up senate inquiry

The Guardian
Paul Farrell and Ben Doherty
Saturday 13 August 2016 20.15 AEST

Labor will move to establish a parliamentary inquiry into allegations of sexual assault and child abuse at Australia's detention centre on Nauru following the Guardian's publication of more than 2,000 leaked incident report from inside the immigration regime.

On Wednesday the Guardian published the Nauru files, a cache of leaked reports which set out as never before the assaults, sexual abuse, self-harm attempts, child abuse and living conditions endured by asylum seekers held by the Australian government.

The revelations have thrust into the spotlight the response of the Australian government and the private companies that manage the centres to reports of abuse and assaults, and has drawn strong international and domestic condemnation of the state of the Nauru detention centre.

But Australia's immigration minister Peter Dutton has sought to dismiss the dossier of files, claiming that they contain false reports and have mostly been reported before.

Shadow immigration minister Shayne Neumann told the Guardian on Saturday that Dutton's response to the revelations was "dismissive and disgraceful".

He said Labor would move swiftly to establish a senate inquiry in the new parliament to independently investigate the reports, as well as the response from the government and the private companies that manage the detention centre.

Neumann said: "The veil of secrecy around what's happening must be pulled away and that's why we need a senate inquiry."

"In broad terms what I would envisage is looking at the allegations contained in the reports, looking at the responses and looking at what could have been done better," he said.

"As a former police officer the minister should be ashamed of his responses. You don't blame the victim and that's exactly what the minister has tried to do ... the government can't be trusted to investigate this themselves, so we need a senate inquiry to examine what's occurred."

He said Labor would approach crossbench senators as soon as possible to discuss the terms of reference for the inquiry. He stressed that Labor's policies towards offshore detention hadn't changed, but said that the asylum seekers on Nauru could not continue to languish on the island without any clear resettlement plan.

Labor's move to establish the parliamentary inquiry is likely to succeed. Australian Greens senator Sarah Hanson-Young earlier on Saturday flagged she would move to re-establish an inquiry examining Australia's offshore detention regime. Some cross-bench senators have already raised their concerns about the slew of allegations contained in the Nauru files, and have indicated they would support Labor's other plans to re-introduce mandatory child abuse reporting and an independent children's advocate for the detention regime.

The files have also drawn a response from some members of the government. Liberal MP Russell Broadbent said the government needed to consider whether there were adequate checks and balances to ensure the safety of asylum seekers in immigration detention.

Hanson-Young said once the new parliament was resumed at the end of this month, she would move to re-establish a previous Senate committee investigating Australia's offshore detention regime.

"As members of parliament we each have responsibly to ensure that the government is kept to account and when we know children are being abused there is no excuse for turning a blind eye," she said.

She also said she would seek to recall Wilson Security and Broadspectrum, the companies that manage and provide security at the centre. The Guardian's analysis of the Nauru files revealed that Wilson Security did not disclose up to 16 allegations of sexual assault and child abuse in an earlier inquiry into Nauru in the senate. The company said it had fully cooperated with the inquiry based on the information it had at hand at the time.

<https://www.theguardian.com/australia-news/2016/aug/13/the-nauru-files-labor-to-call-for-parliamentary-inquiry-into-abuse-allegations>

4. Labor to push for Senate inquiry into Nauru detention centre incident report leaks

Canberra Times
Tom McIlroy
August 14 2016 - 10:36AM

Labor believes it has support to establish a parliamentary inquiry into allegations of child abuse, sexual assault and human rights breaches in Australia's offshore immigration detention centre on Nauru, after the publication of more than 2000 incident reports last week.

Senior Turnbull government ministers have sought to downplay the reports published by Guardian Australia documenting allegations of abuse, self-harm by asylum seekers and refugees, assaults and poor living standards, as Labor's manager of opposition business in the Senate, Sam Dastyari, said Australians did not want to turn a blind eye to abuse allegations in offshore detention centres.

With Parliament due to resume on August 30, Labor is expected to push for a Senate inquiry to investigate the allegations, including the role of private contractors operating the centre and the government's response to the leaking of the reports.

"This is horrific. These allegations are just disgusting," Senator Dastyari told ABC TV's Insiders.

"The idea that there is 2000 incident reports and some of these ... show what appears to be abuse, sexual abuse, torture, violence, human rights abuses, and in particular violence against children.

"We, as a nation, as a society, are not a people who turn around and turn a blind eye to human rights violations and abuses and I don't believe that's the country Australia wants to be." Advertisement

After heated debate within Labor about the politics of offshore processing in the lead-up to the July 2 election, Senator Dastyari said Labor could support tough deterrent measures to stop asylum seeker boats coming to Australia but still stand against abuse in detention.

"I believe we will get the support," he said.

"There is a sense among certain groups and people within the current government ... the harder we are, the crueller we are, the worse we treat people, the more we put pressure and beat these people down, that somehow its going to act as this kind of deterrent to people wanting to come to Australia."

He called for politicians and journalists to have better access to Australia's immigration activities on Nauru.

The island's government restricts visas to journalists and advocates, and regularly claims Australian media reports about conditions in the centre are wrong or biased.

"At the heart of this is this secrecy fetish that's being run by the government and this idea that says that we can cover this up and hide it," Senator Dastyari said.

Responding to the leaks, Immigration Minister Peter Dutton accused asylum seekers and refugees of making false abuse allegations and even self-immolating to get to Australia.

"Some people have even gone to the extent of self-harming, and people have self-immolated in an effort to get to Australia and certainly some have made false allegations in an attempt to get to Australia," he said.

The comments were criticised by advocates, while Greens immigration spokeswoman Sarah Hanson-Young said they were "abhorrent".

Separately last week, human rights groups said the child sexual abuse royal commission had the legal authority to examine the Nauru allegations.

Advocates, headed by the Human Rights Law Centre, released legal advice which was handed to the royal commission in 2015.

<http://www.canberratimes.com.au/federal-politics/political-news/labor-to-push-for-senate-inquiry-into-nauru-detention-centre-incident-report-leaks-20160813-gqs09e.html>

5. Nauru abuse allegations: Labor confident it has support to establish Senate inquiry

By political reporter Matthew Doran
First posted Sun 14 Aug 2016, 11:30am
Updated Sun 14 Aug 2016, 11:34am

The Federal Opposition believes it has enough support to establish a Senate inquiry into abuse at the Nauru offshore detention centre, following the leaking of thousands of incident reports from the centre this week.

The documents were leaked to The Guardian, a number of which detail allegations of abuse at the centre — some involving children.

During the week, Immigration Minister Peter Dutton stressed a significant proportion of the claims would relate to minor matters such as complaints over the centres food and children not going to school.

However, he said serious claims of abuse would be properly investigated by Nauruan authorities.

Opposition Leader Bill Shorten said that response was not good enough.

"What we see in Nauru requires the attention of the Parliament," Mr Shorten said.

"I support regional processing, but I don't believe you should have regional processing at the price of indefinite detention.

Manager of Opposition Business in the Senate Sam Dastyari said the inquiry would find "what it will find" when questioned as to whether the decisions by the former Labor government could be under scrutiny.

But he insisted the focus would be on the Coalition.

"At the heart of this is this secrecy fetish that's been run by this Government, and this idea that says that we can cover this up and hide it," Senator Dastyari told ABC's Insiders.

"The bit that I just can't comprehend is why the simple idea that was presented by Bill Shorten this year, having an independent child advocate, wasn't leapt upon by the Government.

"If there's nothing to hide, why can't we go to Nauru now? Why can't you jump on a plane this afternoon and try to find out what on earth is going on there?"

When asked if he would get the support Labor needed for an inquiry he said: "I believe so."

The Opposition, along with the support of the Greens, would likely have to convince another four senators to back the calls for an inquiry.

Earlier, three non-government organisations called for the royal commission into child sex abuse to widen its inquiry to include alleged abuse of asylum seekers on Nauru.

<http://www.abc.net.au/news/2016-08-14/nauru-abuse-allegations-require-senate-inquiry-says-bill-shorten/7732906>

6. Nauru inquiry should look at whether abuse reports were investigated – Labor

Shayne Neumann says he will talk to crossbenchers about terms of reference for an inquiry into Nauru files reports of sexual assault and child abuse

The Guardian
Gareth Hutchens
Sunday 14 August 2016 18.16 AEST

Labor has said a parliamentary inquiry into allegations of sexual assault and child abuse inside Australia's detention centre on Nauru should focus on why the allegations were made in the first place and whether they were investigated and acted upon.

Shayne Neumann, the shadow minister for immigration, said on Sunday that Labor had not yet developed terms of reference for the inquiry but he planned to speak to crossbenchers about it this week.

Labor is pushing for a parliamentary inquiry into allegations of sexual assault and child abuse in Nauru's detention centre following the Guardian's publication of more than 2,000 leaked incident report from inside the immigration regime.

Neumann was critical of Coalition ministers who have dismissed the allegations contained in the Nauru files as being out of date.

"Many of these allegations happened last year. Last year. You'd think the way the government is speaking it happened 40 or 50 years ago," he said.

He said the Senate inquiry's terms of reference should include:

- • Why the allegations were made in the first place
- • How the allegations were reported
- • Whether the allegations were investigated properly
- • What the outcomes of those investigations were
- • Whether any recommendations were made at the conclusion of those investigations

Neumann also said there were enough senators of "good will" who would support the inquiry, so he was "hopeful that it will get up". He planned to speak to them this week.

"We think this is an expeditious way and an appropriate way to deal with these allegations, along with an independent children's advocate, which we urge the government to adopt," he told Sky News on Sunday.

"And also to support the private member's bill, which we propose to reintroduce in this parliament, for mandatory reporting in relation to child abuse and other matters concerning minors, both offshore and onshore as well."

The Greens would like to go a step further, saying the allegations in the Nauru files warrant a royal commission.

But the Liberal senator Linda Reynolds said on Sunday that she was sceptical of the call from Labor and the Greens for an inquiry.

"Of course the Labor party is calling for another inquiry. It's what they always do when they want to divert away from other issues," she told Sky News.

"I personally sat in, and participated in, an inquiry on this exact same matter last year, and I was utterly appalled by the behaviour of my Labor and Greens colleagues on that inquiry.

"We had so many old and untested allegations which just fell apart on inquiry ... and the Labor party in particular spent more time attacking me personally to the point where I had to defend my humanity rather than focusing on the facts," she said.

"The government will of course take all of these issues very seriously but we also have to look at the motivation of Labor and the Greens for bringing this up yet again."

Labor needs the support of nine Greens senators and four out of 11 crossbenchers for the inquiry to get through the Senate. Nick Xenophon's team of three senators and the Liberal Democrat senator David Leyonhjelm are already likely supporters.

<https://www.theguardian.com/australia-news/2016/aug/14/nauru-inquiry-should-look-at-whether-abuse-reports-were-investigated-labor>

7. Australian diplomats in UK and New Zealand may be called in to explain Nauru files

British and NZ governments are facing calls to summon Australian high commissioners to explain revelations of child abuse and sexual assault

The Guardian

Paul Farrell

Thursday 11 August 2016 18.09 AEST

The UK and New Zealand governments are facing calls to summon Australian high commissioners to explain revelations of child abuse and sexual assault in more than 2,000 reports.

The Nauru files, published by the Guardian, contain graphic reports of sexual assault, child abuse and self-harm in incident reports written by detention centre staff.

The revelations have sparked domestic and international outrage over the conditions asylum seekers are held in on the remote Pacific island of Nauru as part of Australia's policy of offshore detention.

In Britain the leader of the Liberal Democrats, Tim Farron, called on the foreign secretary, Boris Johnson, to speak to Australia's high commissioner.

"Detention of asylum seekers, and in particular asylum-seeking children, should only ever be used as a last resort, yet across the world there are an increasing number of disturbing instances where governments are ignoring their international obligations and abusing the desperation of refugees," he said.

"Following horrific and important revelations made by the Guardian, I have written to Boris Johnson urging him to meet urgently with the Australian high commissioner to express deep concern about the situation in Nauru, and stress that their responsibilities under the 1951 convention apply the same in Nauru as they would to refugees in Australia.

"I am also calling on the Australian government to bring in UNHCR to independently monitor all of Australia's detention centres and asylum processes, to ensure that no more children are made to suffer the abuse that thousands have been subjected to. Given the financial pressures faced by UNHCR globally, the Australian government should cover any costs."

After the revelations the UNHCR also said it was "gravely concerned" by the allegations raised.

Separately, New Zealand's Labour party foreign affairs spokesman, David Shearer, told Radio New Zealand he had written to the Australian high commissioner seeking a meeting.

"This is not going to be a table banging, finger waving-type of meeting," he said. "I simply want to first of all express my concern of what is actually happening in the Pacific.

"Secondly, to get some sort of indication from his side about where the policy is going and what he thinks might be the future of these people who are being detained indefinitely at the moment.

"We should care because obviously it is in our back yard. Australia is our closest friend."

The Australian prime minister, Malcolm Turnbull, said the files would be "carefully examined" but he did not indicate what steps the government would take to review the incident reports to assess whether they had been appropriately handled.

Australia's Labor leader, Bill Shorten, urged the government to improve oversight in detention facilities and appoint an independent monitor of children to protect their welfare.

<https://www.theguardian.com/news/2016/aug/11/australian-diplomats-in-uk-and-new-zealand-may-be-called-in-to-explain-nauru-files>

8. Australia 'has lost moral compass' over immigration detention: New Zealand opposition

Canberra Times
August 14 2016 - 5:03PM
Tom McIlroy

International outrage about Australia's treatment of people held in immigration detention on Nauru and Manus Island is growing, as senior British and New Zealand politicians question the Turnbull government's approach amid revelations of abuse, sexual violence and self-harm.

New Zealand Labour's foreign affairs spokesman David Shearer accused Australia of losing its moral compass over offshore detention, suggesting his country should step in to resettle asylum seekers and refugees.

The comments came as the leader of Britain's Liberal Democrats party Tim Farron called on the Foreign Secretary Boris Johnson to speak to Australia's high commissioner about immigration policies.

Mr Shearer, a former Labour leader and United Nations humanitarian worker, said Australia's offshore detention regime was abysmal and unsustainable, and said Australian voters were prepared to "push under the carpet" knowledge of conditions on Nauru and Manus Island, in contrast to public condemnation of mistreatment inside the Northern Territory's Don Dale Youth Detention Centre that prompted a royal commission last month.

The comments came as Opposition Leader Bill Shorten prepares to push for a Senate inquiry into offshore detention in the new Parliament.

Mr Shearer has written to Australia's high commissioner in Wellington calling for a change in approach by the Turnbull government after more than 2000 incident reports from Nauru were published last week, arguing 150 refugees should be quickly resettled in New Zealand on the condition Australia's offshore detention camps were closed.

The leaked reports detailed sexual violence, child abuse, mistreatment and self-harm on Nauru, dating from 2012 until last year.

"They highlighted the fact that this policy is unsustainable," Mr Shearer said. "I mean it's almost like Australia has lost its moral compass in terms of where it's going.

"I really do think New Zealand, however it can, should make the offer to say 'look, what is it we can do to short-circuit this and bring these kids' detention to an end'."

"I do think Australia's reputation is being diminished as a result."

New Zealand offered to assist Australia in resettling asylum seekers in 2013 and 2015, but Prime Minister Malcolm Turnbull ruled out co-operation amid concerns it could give encouragement and "marketing opportunities" to people smugglers.

Mr Shearer linked the possible assistance to New Zealand's role in resettling asylum seekers caught up in the 2001 Tampa refugee crisis, who he said were doing "fabulously well" in New Zealand today.

"If we were to intervene and get involved in this, it would have to be on the basis that these camps are going to close down and we are helping to do that," he said.

"Their seeming indefinite detention is the most damaging for their medical and psychological health. Added to that is the fact it's illegal under Australian law for any doctor or health worker to speak publicly on the health or treatment of these people.

"Ultimately, the decision on what to do will be Australia's to make but there's no doubt the policy is unsustainable, and New Zealand needs to help bring a resolution in any way it can."

Last year, New Zealand suspended some assistance payments to Nauru over concerns about civil rights and the rule of law in the island nation.

Mr Farron told The Guardian detention of asylum seekers, including children, should be a last resort.

"I have written to Boris Johnson urging him to meet urgently with the Australian high commissioner to express deep concern about the situation in Nauru, and stress that their responsibilities under the 1951 convention apply the same in Nauru as they would to refugees in Australia," he said.

As federal Parliament prepares to resume on August 30, Labor believes terms of reference for the inquiry can include contributing factors to detention abuse, reporting mechanisms, internal investigations and the role of centre operators.

The opposition looks likely to have support from the nine Greens senators plus another four crossbenchers to establish the inquiry.

Mr Shorten slammed the government's response to the leak as arrogant.

"We need to get to the bottom of what is really going on," he said on Sunday.

<http://www.canberratimes.com.au/federal-politics/political-news/australia-has-lost-moral-compass-over-immigration-detention-new-zealand-opposition-20160814-gqs493.html>

9. Nauru teachers speak out for children: 'We don't have to torture them'

Three Australians who taught asylum seekers on the island say the offshore detention regime is engendering illiteracy and robbing children of their childhood

The Guardian

Paul Farrell and Josh Wall

Thursday 11 August 2016 07.16 AEST

Three teachers who educated child asylum seekers on Nauru have accused Australia of exposing children to excessive harm and trauma that may damage them for the rest of their lives.

Secondary school teachers Evan Davies and Judith Reen and primary school teacher Jennifer Rose have all come forward to speak about the detention regime set up by the Australian government on the remote Pacific Island.

"We don't have to torture these people, we don't have to deprive them of an education," Davies said. "We don't have to rob them of their childhood – and that's what we're currently doing."

Rose said: "These children have had no say in the decisions that their parents have made and we're just continuing to punish them. For three years of their childhood. It's just unacceptable."

Their decision to speak publicly is in defiance of both the Australian government and their former employer Save the Children Australia, which has warned staff not to speak about their time on the island.

Davies, Reen and Rose said they believed that the resettlement of refugees could not succeed on Nauru. The country's precarious political environment, unstable economy and lack of opportunities led them all to the conclusion that there cannot be any long-term solution on Nauru for the asylum seekers held there.

While the impact of prolonged detention has long been documented in successive reports by the Australian Human Rights Commission, government inquiries and independent reports, the three teachers' eyewitness testimony gives a direct and at times crushing insight into how Australia's policy of offshore detention is harming children.

Davies said it was unacceptable that Australia had allowed children to be held on the island for more than 600 days.

Reen said the constant exposure to trauma was having an extreme impact on the children. "People would be having mental breakdowns in the camp, openly, and young children would see," she said. "It would be visible to them."

The teachers took particular aim at the comments made in May by the immigration minister, Peter Dutton, who said refugees were not numerate or literate and would take Australian jobs.

They said the Australian minister and his department was, by design, inducing illiteracy in the asylum seeker children held on Nauru through the conditions they were forced to endure and the constant mental harm brought about by their prolonged detention.

The constant exposure to self-harm and the threat of abuse and sexual assault – even if they were not themselves victims – was causing gross damage to the children's personal development, they said.

"Even at school throughout the school day you would be teaching and next door in the secure accommodation unit you could hear someone, this shrill scream, as they just cry out because they've lost it, absolutely lost it, or self-harmed," Reen said.

Their allegations are backed by hundreds of reports in the Nauru files, published by the Guardian.

FULL STORY AT <https://www.theguardian.com/news/2016/aug/11/nauru-teachers-speak-out-for-children-we-dont-have-to-torture-them>

10. Immigration stalled on requests for rape victim's family to join her, Nauru files show

Despite urgent pleas from agencies on the island, asylum seeker was not reunited with her mother and brother until four months after she was flown to Brisbane for medical treatment

The Guardian
Helen Davidson and Paul Farrell
Saturday 13 August 2016 07.59 AEST

Australia's immigration minister, Peter Dutton, and his department stalled on urgent requests from the family of a rape victim to be allowed to join her in a Brisbane hospital despite recommendations from Australian Border Force officials, the government of Nauru, Save the Children, and health experts and security staff, leaked documents reveal.

The young female asylum seeker was attacked and sexually assaulted while on a day outing from the Nauru detention centre in May 2015. The Nauru files, and further documents leaked to the Guardian, reveal how the upper levels of government responded to her ordeal and the struggle of her family to support her.

In the aftermath of the attack her mental health declined and she stopped eating and attempted suicide. In October she was medically evacuated to Brisbane after doctors feared kidney failure.

At the time her brother and mother publicly and privately pleaded to be allowed to join her. Agencies and authorities on the island agreed they should.

"All stakeholders support the transfer of [the family] to Australia," concluded the minutes of a meeting on 3 September 2015 between IHMS mental health (the health providers on the island), the Australian Border Force (ABF), Save the Children, Wilson Security and Nauru officials.

Border Force said it could not act without the permission of the Department of immigration and Border Protection. There was a direct and personal appeal to Dutton. The minutes of a later meeting on 11 October state that an immigration official followed up on the request to the minister.

"In relation to the letter that was sent to the minister's office on the 30/9/15. [The officer] advised ... that no reply had yet been received from ABF."

Despite unanimous and repeated recommendations it was not until January 2016 that the family were reunited.

The attack

The first official reference to the attack is a short information report by a Transfield client services officer, just before 6.30pm in May 2015. It said the officer had been informed the woman had not returned to camp by curfew.

FULL STORY AT <https://www.theguardian.com/australia-news/2016/aug/13/immigration-stalled-on-requests-for-victims-family-to-join-her-nauru-files-show>

11. Nauru security guard 'grabbed boy by throat and banged head against ground'

Leaked documents in the Nauru files reveal reports of misconduct by numerous officers and alleged attempts to stop asylum seekers complaining to police

The Guardian
Paul Farrell
Thursday 11 August 2016 15.48 AEST

A security guard on Nauru allegedly grabbed a child by the throat and twice banged his head against the ground, the Nauru files show.

Other leaked documents reveal reports of misconduct by numerous security guards on the island and alleged attempts to deter asylum seekers from complaining to police.

Wilson Security, the company the Australian government has tasked with protecting asylum seekers at the centre, has faced criticism about its performance and a number of claims of misconduct have emerged during the past three years.

In a statement a spokeswoman for the company said all serious allegations were reported and, where appropriate, referred to authorities for investigation.

The Nauru files published by the Guardian, written by caseworkers, guards, teachers and child protection workers stationed on the island, reveal several new claims of misconduct.

According to one report marked as “critical” from September 2015, a boy told a Save the Children caseworker that a Nauruan security guard employed by Wilson Security had grabbed him by the throat and thrown a chair at him.

“[REDACTED] then reported that the security guard grabbed him around the throat and hit his head against the ground twice,” the report said. [REDACTED] also said that the security guard threw a chair on him and showed [REDACTED] a red raised mark on his arm.”

Although the caseworker did not see the alleged assault, the worker witnessed an exchange between the children and the local guard who was identified. The child had asked the guard why he hit him, the report said. The guard had “moved towards” the boy “and in a raised voice responded ‘why did you come in here, you are not allowed in here, get out of here.’”

The files reveal that reports of misconduct by guards continued to occur during – and after – an Australian parliamentary inquiry into allegations of abuse on Nauru, where Wilson Security faced scrutiny over a number of claims, including that its guards spied on the Greens senator Sarah Hanson-Young.

FULL STORY AT <https://www.theguardian.com/news/2016/aug/11/nauru-security-guard-grabbed-boy-by-throat-and-banged-head-against-ground>

12. Nauru files reveal cases of alleged sexual violence and child abuse not disclosed to parliament

Wilson Security, contracted to protect asylum seekers on Manus and Nauru, did not tell an Australian Senate inquiry about at least 16 serious allegations

The Guardian
Paul Farrell and Helen Davidson
Thursday 11 August 2016 07.34 AEST

The global security company employed to protect asylum seekers held on Nauru and Manus Island did not disclose at least 16 cases of sexual violence and child abuse to the Australian parliament.

The deputy chair of the Australian Senate inquiry, the Greens senator Sarah Hanson-Young, told the Guardian the revelations were “extremely serious” and said she would be formally requesting a response from Wilson Security to the Australian parliament.

A spokeswoman for Wilson Security said the company had fully cooperated with the parliamentary inquiry, and “based on the information to hand, provided honest and accurate evidence”.

The Nauru files published by the Guardian reveal more than 2,000 incidents of assault, abuse and self-harm. The files – written by guards, medical officers and caseworkers at the centre – have brought to light dozens of previously unknown allegations of serious sexual assaults and child abuse.

The Guardian can also reveal that some of the incidents disclosed in the logs in 2014 and 2015 were not reported by Wilson Security when it was asked to provide materials to an Australian parliamentary inquiry into Nauru in 2015.

An Australian Senate inquiry examined conditions and allegations of abuse at the centre. Wilson Security was asked by Hanson-Young for details of all known incidents or allegations of sexual assault, child abuse and assaults on minors.

The company later provided a table of reports of sexual abuse and child abuse to the Senate.

But the Guardian’s analysis shows the reports provided by Wilson Security to parliament are incomplete and that incidents that occurred several months before the hearing were not reported. Although not every allegation will necessarily be proved, the documents Hanson-Young requested concerned allegations, not proven offences.

At least 16 serious cases of child abuse and sexual assault were not disclosed by Wilson Security to the Senate. The sexual assault allegations not reported include:

- • Claims by an asylum seeker that a nurse, employed by the healthcare provider International Health and Medical Services, placed his genitals in her hand while he was putting a needle in her arm in October 2014. The woman, who was in the hospital emergency department after a suicide attempt, said she felt very unsafe and that another staff member who was present had not said anything.
- • An allegation of the sexual assault of a child under the age of 10 in January 2015. An asylum seeker alleged that his son was sexually assaulted by a Nauruan Wilson Security guard, who had his hands up his shorts and was “playing with his

bottom". This alleged assault occurred approximately four months earlier but was not reported at the time because the father feared reprisals.

- A report from February 2015 from the mother of a child asylum seeker under the age of 10 who alleged that a man in the camp had tried to sit her daughter on his lap, and had tried to touch her on the chest and bite her cheek. "There is a man in the camp that ... tried to to pick her up ... he then tried to sit down with her on his lap," she said, adding: "The man has also sat next to her and then tried to touch her on the chest and bite on the cheek on two occasions."

Other cases of alleged child abuse were not disclosed. These include:

- A report filed in July 2014 disclosing allegations that asylum seeker parents had been slapping their children and striking them repeatedly with a stick.

- An allegation from April 2014 that a child asylum seeker had been slapped by a teacher.

- An incident report filed in June 2014 by a Nauruan guard working for Wilson that detailed his use of force on an asylum seeker under the age of 10. The girl had been poking the guard with a piece of flexicuff wiring, the report said, so he put his hand on her head and pushed her backwards. The report was escalated to the security resource manager of Wilson Security, who said he believed the guard's actions were proportionate and legally defensible but the case was referred to Nauruan police to investigate.

- An allegation that an asylum seeker child was choked by a local security guard in January 2014. A similar report was filed by a Wilson Security officer that said the guard had kicked the same child. The Wilson officer alleged that the asylum seeker's father had later changed his story.

- An allegation that a female security guard refused to let a child under the age of 10 go to the toilet in June 2014 because she did not live in the appropriate part of the centre. The child was forced to go to the toilet on the ground, the report said, but the guard began shining a torch on her genitals, causing the child to feel embarrassed and become unable to continue.

- A report from a Save the Children worker detailing an allegation from an asylum seeker about her son, who had his lips sewn together at the time, and was sitting on a chair near the Wilson Security guard station. A Wilson Security officer told him, "Don't sit in front of me I don't want to see you," and kicked his chair, the worker said.

- Allegations that a child under 10 had been struck by her father in July 2014. The girl asked to move tents so she didn't have to stay with her parents.

- In October 2013 a Wilson Security officer said staff had found a child under 10 "hogtied" on the floor of her room, allegedly by her mother.

- A boy was allegedly assaulted at school in December 2013 by an unidentified person who stabbed his ear with a pen. The child's mother reported that her son was "scared to go out by himself".

- On Christmas Eve 2013 a complaint was lodged after an asylum seeker allegedly witnessed a child under 10 being slapped three times by an "unknown male" at the volleyball court.

- In November 2013 an asylum seeker told Wilson Security guards that a father was hitting his son every night and pushing his head into a pillow "to muffle his cries".

- In the same month a mother reported to a Wilson Security officer that a man had grabbed her son's ear, punched him and threatened to kill him.

- Another report that month alleged that a father struck his son across the head and pushed him.

Hanson-Young told the Guardian: "It appears that Wilson Security has misled the Australian parliament. This is extremely serious.

"Wilson Security must explain the contradictions in their evidence to parliament. As deputy chair of the Senate inquiry I will be formally requesting that Wilson Security provide a full and prompt response to the Senate. Wilson Security has acted with impunity, putting the lives and of children and young women in danger."

The Guardian put the individual cases to Wilson Security prior to publication. The company did not address individual allegations but a spokeswoman said in a statement: "The reports published today refer to a range of service providers and operations across the full scope of services on Nauru. Wilson Security takes the welfare and safety of the asylum seekers at the regional processing centres seriously.

"All allegations of inappropriate behaviour on Nauru by asylum seekers or staff are reported through a comprehensive information and incident reporting system, referred to the relevant stakeholders for action, and where appropriate referred to the relevant authorities."

She said Wilson Security had “fully cooperated with and, based on the information to hand, provided honest and accurate evidence” to the Australian Senate inquiry.

<https://www.theguardian.com/australia-news/2016/aug/11/nauru-files-reveal-cases-of-alleged-sexual-violence-and-child-abuse-not-disclosed-to-parliament>

13. Nauru allegations should be included in child sex abuse royal commission, human rights groups say

ABC News Online

Posted Thu 11 Aug 2016, 10:02pm

There are growing calls for the Royal Commission into Institutional Responses to Child Sex Abuse to widen its inquiry to include alleged abuse of asylum seekers on Nauru.

Three non-government organisations have revealed they sent legal advice to the commission that it could examine incidents of abuse at the detention centre.

"In a nutshell, the advice says that while the royal commission can't obviously go to Nauru and exercise coercive powers on Nauru, it can look at the response of the Australian Government and its contractors to child sexual abuse that occurred on Australia's detention centre on Nauru," Hugh de Kretser from the Human Rights Law Centre said.

"There has to be a connection to Australia — that connection is established by the level of control, financing and involvement that Australia and its contractors have over the institution that we have set up as a detention centre on Nauru."

The Human Rights Law Centre, the Council for International Development, and the Australian Council of Social Service sent legal advice on the matter to the chairman of the royal commission Justice Peter McClellan in July last year.

Mr de Kretser said the move was being revealed today in the wake of The Guardian publishing thousands of files detailing allegations of abuse on Nauru.

"We've taken the step to make this advice public on the back of the widespread evidence of ongoing harm to innocent people, including children, that was revealed this week through the leaked files — the over 2,000 incident reports showing ongoing child abuse, ongoing sexual abuse, ongoing harm self-harm suicide, assaults and injuries," he said.

"It has to stop."

Marc Purcell from the Council for International Development urged the commission to accept the legal advice.

"There is Commonwealth responsibility for the harm being caused to people on Nauru and children," he said.

"It would be problematic and indeed seem strange to the average member of the public if the royal commission, which is looking at historical examples of abuse — some that have come right up into the 2000s, did not consider these very, very recent examples over the last three years of how the Commonwealth as an institution has sought to respond and indeed deal with harm that has come to children under their care in the Nauruan detention centre."

Human Rights Commission backs move

Gillian Triggs, the president of the Human Rights Commission, told Radio National the royal commission should be extended.

"I think that a royal commission could investigate, in my view, matters for which Australia ... have managed and paid for the entire process," she said.

"It is not good enough to say that this is for another sovereign nation."

Immigration Minister Peter Dutton told 7.30 on Thursday that it was up to Nauru to investigate the cases revealed by The Guardian.

"Nauru is not part of Australia so this is an issue for the Nauruan Government," he said.

When pressed on the point Australia was paying \$1.2 million a year to run the facilities, Mr Dutton said: "This Labor legacy is going to last along time. We are not going to clean up this mess that Labor created overnight."

<http://www.abc.net.au/news/2016-08-12/nauru-child-abuse-claims-calls-for-inclusion-in-royal-commission/7722414>

14. Legal advice says inquiry into child sex abuse can examine Nauru regime

Human rights groups contradict Coalition's claim that responsibility for abuse lies with Nauruan government and say royal commission can look at abuse allegations

The Guardian
Ben Doherty and Paul Farrell
Friday 12 August 2016 12.29 AEST

The Australian royal commission investigating institutional responses to child abuse has the power to examine allegations of abuse of asylum seeker and refugee children on Nauru, a consortium of human rights groups has said.

The publication of the Nauru files by Guardian Australia has revealed widespread and systemic abuse within the detention centre on the island, with children disproportionately represented among reports of physical and sexual abuse, privation, self-harm and suicide attempts.

The Australian government has consistently argued the detention regime is a matter for the Nauruan government.

The immigration minister, Peter Dutton, told ABC's 7.30 on Thursday that the most serious claims in the Nauru files would be examined by his department but ultimate responsibility lay with Nauru.

"Nauru is not part of Australia so this is an issue for the Nauruan government," he said.

Previously the royal commission had ruled it could not investigate events in another country, but on Friday a coalition of human rights groups publicly released legal advice it had previously provided to the commission arguing that the abuse within the Australian-run centre on Nauru fell within the commission's jurisdiction.

The advice, prepared by barristers Kristen Walker QC and Simona Gory for the Human Rights Law Centre, was provided to the royal commission in July last year.

It argued that the Royal Commissions Act gave commissions the power to conduct extraterritorial investigations so long as they pertained to government.

"It is our view that the commission has jurisdiction to investigate the response of the commonwealth and its Australian contractors to allegations of child sex abuse at the centre," they said.

The executive director of the law centre, Hugh de Kretser, said although the commission was doing vital work to prevent child abuse in Australia "at the very same time, the Australian government is warehousing children offshore in conditions that allow child abuse to thrive".

"The advice says that while the royal commission can't obviously go to Nauru and exercise coercive powers ... it can look at the response of the Australian government and its contractors to child sexual abuse," he said.

Marc Purcell, from the Council for International Development, urged the commission to accept the advice.

"There is commonwealth responsibility for the harm being caused to people on Nauru and children," he said.

The president of the Australian Human Rights Commission, Gillian Triggs, said an Australian royal commission could investigate "matters in which Australia is internationally responsible".

She said the commission should be extended to examine how Australia has managed the entire Nauru offshore processing regime.

"It is not good enough to say this is for another sovereign nation," she said.

<https://www.theguardian.com/news/2016/aug/12/legal-advice-says-inquiry-into-child-sex-abuse-can-examine-nauru-regime>

15. Legal advice says child abuse royal commission could investigate Nauru detention centre

Sydney Morning Herald
August 12 2016 - 10:02AM
Michael Koziol

Human rights groups have made the case for the child abuse royal commission to investigate Australia's immigration detention centre in Nauru, following new reports of endemic sexual violence, abuse and self-harm at the facility.

The Australian Council for International Development, Human Rights Law Centre and Australian Council of Social Services have released legal advice asserting that the royal commission has the power to examine the Nauru detention centre, challenging commissioner Peter McClellan's previous insistence that it did not.

The advice and accompanying documents were first sent to the royal commission in July last year, following the release of the Australian Human Rights Commission's Forgotten Children report into minors in immigration detention. After 12 months, the commission has not acted on that advice, the advocates said.

"It has been a year and we haven't seen any change in the commission's approach," HRLC director Hugh de Kretser told Fairfax Media.

The legal advice was made public on Friday as part of a fresh attempt to expand the commission's remit, following Guardian Australia's publication of 2000 incident reports from Nauru detailing sexual violence, child abuse and self-harm.

Mr de Kretser said the legal opinion set out that Australia's control and financing of the detention centre meant it was an institution that would fall within the royal commission's terms of reference, despite being overseas.

"The commission can't travel to Nauru and compel witnesses and documents," he told Fairfax Media. "But it can compel the Australian government and its contractors in Australia to provide evidence and answer questions about how it has responded to child abuse allegations in the centre which it established in Nauru."

In May last year, Justice McClennan confirmed in a letter to Greens senator Sarah Hanson-Young that the commission was considering an investigation of allegations of child sexual abuse in Australia's mainland immigration detention centres.

But in the same letter, previously obtained by Fairfax Media, Justice McClennan said the commission's view was that "it cannot investigate events that occur within another country".

Mr de Kretser said the legal advice published on Friday suggested that was not correct. In particular, the advice pointed to Australia's very first royal commission in 1902, which investigated deaths and illnesses of Australian soldiers returning from the Boer War in South Africa aboard the SS Drayton Grange.

"It would be an anathema if Australia could avoid scrutiny by shifting institutions offshore," Mr de Kretser said.

Fairfax Media sought comment from the Royal Commission into Institutional Responses to Child Sexual Abuse. The commission was established by the Gillard government to examine institutions such as churches and school systems, and is due to report by the end of 2017.

The Forgotten Children report found 128 children in immigration detention had engaged in acts of self-harm, including attempted suicide, in the 15 months to March 2014. It also concluded that prolonged detention had profound negative impacts on minors' mental and emotional health.

The then Abbott government derided the report as politically-timed and called for the resignation of Human Rights Commissioner Gillian Triggs. But earlier this year, the Turnbull government was able to declare that no children remained in mainland immigration detention.

Immigration Minister Peter Dutton on Thursday sought to play down the Guardian's "Nauru files", arguing that asylum seekers were deliberately self-harming in an attempt to get to Australia.

Prime Minister Malcolm Turnbull promised the reports would be examined to see if any complaints had not been sufficiently addressed.

<http://www.smh.com.au/federal-politics/political-news/legal-advice-says-child-abuse-royal-commission-could-investigate-nauru-detention-centre-20160811-gqqsus.html>

16. Datablog: analysis of Nauru files highlights heavy toll on children

Official reports vary in detail but across the board they show just how vulnerable children are in Australia's detention camp

The Guardian
Nick Evershed and Paul Farrell
Wednesday 10 August 2016 15.00 AEST

An analysis of the Nauru files shows how children in immigration detention on the island are vastly overrepresented in reported incidents of self-harm and assault.

The files, a cache of leaked documents from the Australian-run detention centre on Nauru, detail incidents reported between 12 May 2013 and 29 October 2015, and cover everything from a school bus being late to reports of assault, sexual abuse and self-harm.

Incidents are categorised by detention centre staff according to guidelines from Transfield Services. For the purposes of this analysis, the Guardian has grouped similar categories, such as “suicidal ideation” with “threatened self-harm”.

Overall, reports of threatened self-harm were the most common, followed by reports categorised as “complaints”.

FULL STORY AT <https://www.theguardian.com/australia-news/datablog/2016/aug/10/datablog-analysis-of-nauru-files-highlights-heavy-toll-on-children>

17. Nauru guard hit five-year-old girl ‘so hard it lifted her off her feet’

Incident reports show that Wilson Security bosses knew the alleged offender’s name and position, although Senate was later told there was ‘insufficient evidence’ to identify him

The Guardian
Ben Doherty
Friday 12 August 2016 06.52 AEST

A guard who hit a five-year-old girl “so hard it lifted her off her feet and sent her crashing to the ground” at the Nauru detention centre was left at his post monitoring children, with the security firm on the island alleging it did not have enough information about the offender to investigate.

Official incident reports of the assault show that Wilson Security bosses knew the alleged offender’s name and position, corroborated by several witnesses.

A Wilson Security executive later told an Australian Senate committee there was “insufficient evidence to identify [the] staff member involved”.

The Department of Immigration and Border Protection told the Guardian this week it has “sought further information from its service providers” over whether the guard at the centre of the assault allegation remains working with, or in proximity of, children.

The move comes in the wake of the Guardian’s publication of the Nauru files, including more than 2,000 incident reports of issues of concern on the detention centre, most involving children.

The incident report says that on the evening of 27 March 2014 Save the Children staff were setting up a recreation tent for the evening’s activities when a five-year-old asylum seeker girl was seen running through the tent, pursued by a Wilson Security guard. The guard was named in the report.

“[REDACTED] was still chasing her, running [very fast, when he caught up to her he hit her in the back of her head with his left hand with force which made her fall to the ground hard,” it said.

“I then walked up to [REDACTED] and said ‘that is highly unacceptable, inappropriate and unprofessional to hit any child at all’. I then asked for his name and he replied ‘fuck you’. I asked again, he once again said ‘fuck you’. I followed him out and asked his partner his name and she gave me it with no hassle.”

Tobias Gunn was working for Save the Children alongside the worker who filed the incident report. He witnessed the assault.

Gunn said children regularly snuck into the closed recreation tent, which was only open certain hours each day, because it was the one place they could access toys.

He said he and his colleague had seen the guard chasing the girl. “With his left hand he hit her across the back of the head. It was very forceful – he hit her so hard it lifted her off her feet and sent her crashing to the ground.”

While Gunn’s colleague spoke to the guard about the assault and asked for his name, Gunn went to the girl, who was crying on the ground.

“I went to comfort the child, she was petrified. She was in the foetal position crying, and when I went to comfort her she started screaming. She was in survival mode.”

Gunn said the girl was bleeding from cuts to her elbows where she had hit the ground. He said he had spoken to and calmed the girl, helped her to her feet and taken her to another worker who knew her and took her for a medical check.

He said the guard had been identified by his own partner, and by the second-in-command of security of OPC3 – the detention centre’s family compound – who responded to reports of the assault.

As well, Gunn said, the guard was on a stationary post, so his identity was known from rosters and timesheets. As all staff have to be scanned in and out from their shifts, his identity could have been further confirmed.

"He was identified by the people who were working with him, in the incident report, and by Wilson's own roster. If Wilson say they can't ID him, then they don't know who is in the camp."

The specific assault on the young girl was raised in the Moss report into conditions on Nauru, which noted that the assault had also been referred to the Nauruan police force, but that the girl and her father had not been willing to provide any further information so the investigation had not proceeded.

Brief details about it were also revealed by a former Save the Children employee, Viktoria Vibhakar, during a Senate inquiry into allegations of abuse on Nauru.

Gunn said a culture of impunity had developed on Nauru because asylum seekers feared reprisals if they lodged complaints.

"It is a huge concern that incidents like this are not properly investigated because it means perpetrators will continue to have access to vulnerable women and children. As well, the broader implications are that assaults like this will be underreported because asylum seekers have no faith that these incidents will be investigated, and also because they fear retribution from offenders."

FULL STORY AT <https://www.theguardian.com/news/2016/aug/12/nauru-guard-hit-five-year-old-girl-so-hard-it-lifted-her-off-her-feet>

18. 'Wake up, Aussies': Far-right Pauline Hanson supporters dressed as Muslims storm church

Sydney Morning Herald
Nicole Hasham
AUGUST 15 2016 - 7:19AM

A far-right nationalist group that links itself to Pauline Hanson stormed a church service on Sunday dressed in mock Muslim attire and chanting anti-Islamic slogans, leaving some members of the congregation "deeply traumatised".

The incident, on the NSW Central Coast, reflects the emboldened attitudes of anti-Islamic groups following the political rise of the One Nation leader, and has triggered calls for the new Parliament to retain the full strength of racial discrimination laws amid a new push for the repeal of section 18c.

About 10 Party for Freedom members on Sunday disrupted the morning sermon at the Gosford Anglican Church, which is widely known for its embrace of multiculturalism, and refugees and asylum-seekers.

Party for Freedom is an anti-Islam, anti-immigration party whose Facebook page features Senator Hanson as its profile picture.

The church is nationally renowned for a sign out the front that often bears messages critical of Australia's hardline border protection policies, such as "Hell exists, and it's on Nauru".

Father Rod Bower said halfway through his sermon at around 9.30am, members of Party for Freedom, dressed in mock Muslim attire, burst into the church.

"Using a loud speaker starting to abuse me in particular for the work we do ... they violated our sacred space," Father Bower said.

"It was typical rhetoric from the extreme right, vilifying Muslims and multiculturalism as a whole.

"[They said] Muslims are taking over, they had some prayer mats and mock prayed, they had a recording of the Koran being sung."

In video footage of the incident, the intruders can be heard speaking sarcastically of the "rich tapestry of Islam", claiming "the western world is living in denial".

When the group leaves the church a few minutes later, it warns the congregation: "do not promote Islam".

Some parishioners can be heard laughing afterwards, however Father Bower said some were left "deeply traumatised", especially older people, parents of young children and asylum seekers in the room.

"People were confused and I had to reassure them," Father Bower said.

The incident was reported to police, and has prompted a security review at the church.

Video on the Party for Freedom Facebook page shows members of the group dressed in mock Muslim attire and boasting about the incident afterwards.

"We just went into Father Rod Bowers' church and let him know we're not happy with his ... nonsense about sponsoring Islam and multiculturalism," one man said.

In another video apparently filmed nearby, a member of the group says "keep voting Labor and Liberal and this will be the future. This is the future of Australia with cultural diversity, with mass Muslim immigration into Australia. You voted for it."

The man continues: "You are being replaced, your government is at war with you. With mass third world immigration and Islam coming into Australia to take over, when will the Australian people wake up? It is time to wake up, Aussies."

Such sentiments echo that of Senator Hanson, who is pushing for a royal commission into Islam, wants the intake of Muslim refugees and other migrants to cease and would ban the burqa and niqab in public places.

Father Bower said the rise of the One Nation Leader, whose party has snared four Senate spots, was "symptomatic of a group of people feeling marginalised".

"Pauline Hanson is a very clever manipulator of those people and ... will exacerbate their fear," he said.

The incidents follow reports that several senators, including those from One Nation, want to strike off section 18c of the Racial Discrimination Act.

The section makes it unlawful to publicly "offend, insult, humiliate or intimidate another person or a group of people" on the basis of race. Opponents say the measure restricts freedom of speech.

Father Bower said the incident at his church "highlights the need for 18c".

"if you lose 18c then this kind of vilification and abusive behaviour will go even more unchecked," he said.

Comment has been sought from Party for Freedom and One Nation.

<http://www.smh.com.au/federal-politics/political-news/wake-up-aussies-farright-pauline-hanson-supporters-dressed-as-muslims-storm-church-20160814-gqscih.html>

19. Nauru and Manus protests: vigil planned for Malcolm Turnbull's office

Activists organise demonstrations at MP offices around Australia to call for an end to offshore detention following the publication of the Nauru files

The Guardian
Calla Wahlquist
Sunday 14 August 2016 18.45 AEST

Protesters armed with paper dolls bearing the text of leaked incident reports from Nauru will hold vigils at the offices of 29 federal MPs on Monday calling for the immediate closure of Australia's offshore immigration detention centres.

The protests will start at 8am and target almost every electorate office in Sydney including prime minister Malcolm Turnbull's office in Edgecliff, Tanya Plibersek's office in Broadway, Tony Abbott's Manly office and Anthony Albanese's office in Marrickville.

Later protests will also be held at the Brisbane offices of the Department of Immigration and Border Protection and the Perth electorate office of the foreign minister, Julie Bishop, as part of more than 40 actions planned throughout the week.

The protests are being held in response to the Guardian's publication of the Nauru files, a collection of more than 2,000 leaked incident reports that contain serious allegations of sexual assault and child abuse at the Australian-run detention centre.

Labor and the Greens have vowed to push for a parliamentary inquiry into the allegations but the immigration minister, Peter Dutton, has resisted calls for a royal commission, downplaying the severity of the reports and saying investigating them was a matter for the Nauruan government.

Rev Dr Peter Catt, Dean of St John's cathedral in Brisbane, said he was "appalled" by Dutton's comments.

"The ongoing suggestion that people are in some calculated way harming themselves to come to Australia just shows a lack of understanding of how desperate these people are, and how damaged they are," he said.

Catt, who is also chair of the Australian churches refugee taskforce, said the Nauru files confirmed reports the church had received of conditions on the island.

He said the only moral and legal option for Australia was to immediately close the camps and bring detainees to Australia for processing, "because any inquiry is going to take time, and what we have learned is that this is an emergency".

"I have a sense that over the last 12 months the view of the Australian public has shifted from one of acceptance or approval of the government's policy to being appalled about what is happening in their name," he said.

"With the publication of the Nauru files I think for the first time people have understood how profoundly destructive the government's policy is.

"The one positive is that I think that this could be the beginning of the end."

A spokesman for Love Makes A Way, Matt Anslow, said the group had organised the vigils as "an outpouring of grief and anger" in response to the Nauru files, which he said provided "really clear evidence of how bad it is".

"If people don't want to hear about it and they don't want to read about it then they won't anyway, so the task for people like us is to get on the street and say to Australia: this is happening and we can't turn our backs from it any more," Anslow said.

"I'd almost rather people confront it and decided that they're against what we're saying rather, than just not care about it at all ... rather than just say, 'oh, those people aren't even important enough to consider'."

Another group of protesters targeted the City2Surf run in Sydney on Sunday, hanging banners demanding Australia "bring them here" and close detention centres on Manus Island and Nauru.

"We are dealing with a lot of apathy and I think the government is relying on this apathy," Fabia Claridge said. "One young person said: 'who are Manus and Nauru? Who are they?'"

"They thought Manus and Nauru were [the names of] people."

<https://www.theguardian.com/australia-news/2016/aug/14/nauru-files-manus-island-protests-vigil-malcolm-turnbull-asylum-seekers-immigration>

20. Manus Island inquiry needed into abuse of asylum seekers: Refugee Action Coalition

ABC News Online

First posted Wed 10 Aug 2016, 11:00am

Updated Wed 10 Aug 2016, 11:20am

An asylum seeker who has spent three years in detention on Manus Island claims he has been assaulted up to a dozen times by security guards.

About 900 men are housed at the Manus Island detention centre, off the coast of Papua New Guinea.

The man, who did not want to be named, said he ended up in hospital in Papua New Guinea after one round of abuse.

He said he was routinely placed into the Managed Accommodation Area (MAA) where he was assaulted by security guards.

"I was in the MAA for two weeks," he said. "Guards throw me into this bed, took off [my] clothes, they put my hands in cuffs.

"I have naked body, I have bites from mosquito all over my body.

"Then the doctor who came to see me thought I [had] another disease, my body is so red [from mosquito bites]."

The man said on one occasion, two Australian security guards and two Papua New Guinean guards punched and kicked him, and knelt on his back and shoulders.

"They are very criminal, security, nothing reported against them, they are doing very easy," he said.

"I needed help, I [said] just leave me alone, I haven't [had] nice treatment."

He added there had been dozens of assaults by security guards on Manus Island in the time he had been there.

"They don't like us, one of them told me go back where you come from, go back to your country," he said.

The man's claims come amid the release of a huge archive of files into the detention of asylum seekers on the Pacific island of Nauru.

The leaked files, published by The Guardian, detail the trauma and abuse inflicted on children held in detention.

Urgent need for an inquiry

The Refugee Action Coalition said claims of abuse must be thoroughly investigated by an independent organisation.

Spokesman Ian Rintoul said there had been routine use of solitary segregation in MAA in an attempt to break people.

"There is more than enough evidence now from Manus Island and from Nauru to get the inquiry that we really need," he said.

"To get to the bottom of the kind of brutality and the kind of torture that is systematically used in offshore detention."

Mr Rintoul said the Federal Government would have footage of the alleged abuse carried out by security guards.

"There would be officers out there I'm sure that have got video footage," he said.

Mr Rintoul said Manus Island should have been shut down in April, when PNG's Supreme Court ordered it be closed.

"The scale of human rights abuses that have been inflicted from when they were first unlawfully transferred, three years later those abuses are still being carried out," he said.

The Federal Government has been contacted for comment.

<http://www.abc.net.au/news/2016-08-10/manus-island-abuse-claims-by-asylum-seeker/7712826>

21. Manus island: photos show aftermath of violent attack on Afghan refugees

Exclusive: Two men were attacked by locals armed with an iron bar amid rising tension over the refugees' presence on the island

The Guardian
Ben Doherty
Sunday 14 August 2016 00.13 AEST

Graphic evidence has emerged of two refugee men being attacked on Manus Island by local men who beat them with an iron bar.

The men, Afghan Hazaras who are being held in the Australian-run detention centre on the island, were attacked as they walked for a bus from the beach in Manus's main city of Lorengau.

The refugees were surrounded by seven local men, one of whom was carrying an iron bar. The men were abused, robbed, and then attacked, hit in the body, arms and head with the iron bar, even after they had fallen to the ground.

The refugees were rescued by another local man who intervened in the assault and helped the men walk to the police station.

"This was at 5pm, it was broad daylight, so there were a lot of people around, and we just saw these men walking towards the police station, followed by a very large crowd," a witness told Guardian Australia. "The men were clearly in a very bad way, there was a lot of blood. One of the men was holding up his arms as he walked, and blood was running off his arms."

Upon reaching the police station, one of the refugees collapsed unconscious, prompting one officer to attempt CPR. The refugee was then carried into a police 4WD and taken to Lorengau hospital.

Later, he was transferred back to the detention centre.

Freelance photojournalist Matthew Abbott, who was on the island working for GetUp, and Daniel Webb, director of legal advocacy with the Human Rights Law Centre, witnessed the aftermath of the assault.

Abbott shot photos of the men, but was accosted by police and others as he tried to take more pictures of the incident.

"One policeman kept trying to put his hand in front of the camera, and outside another man kept shoving me. He told me I should stop taking photos then he told me he was going to shoot me. He said 'I'm going to get my gun and I'm going to shoot you'."

Police then called PNG's immigration and citizenship services authority, which had held Webb and Abbott at the police station for more than two hours, demanding the photos be erased. Abbott retained the photos.

"It was very tense, they were very angry, but we tried to be respectful, while explaining that I was doing my job taking photos. They actually said to us at one point 'what you do now will determine whether you are ever allowed to visit PNG again'," Abbott said.

After being questioned for more than two hours, and forced to supply their passport details, Abbott and Webb were released, but were made to return to the police station the next morning, before they were able to leave Manus Island.

Guardian Australia understands that three refugees, all Afghan Hazaras who have been granted refugee status after fleeing the Taliban in their home country, had been on the beach at Lorengau on Wednesday afternoon.

One of the men had bought multivitamins at the Lorengau pharmacy but knew the tablets would be confiscated back at the detention centre. According to several sources on the island, the refugees had reportedly gone to the beach to bury the tablets in the sand.

When the three were returning from the beach, they were confronted by the seven local men, who are said to have been drinking.

One refugee managed to escape and hide in nearby bushes, while the other two were surrounded. The attackers demanded cigarettes and the refugees' money, clothes and shoes, before they began assaulting them, one man hitting them repeatedly with the iron bar, even after they had fallen to the ground.

Webb told The Guardian he had travelled to Manus to meet with the men detained there for three years. He said he had heard stories of violent attacks on refugees – inside the detention centre and out – but was shocked to witness it first-hand.

"These guys have been on Manus for three years. They have seen their friend, Reza Barati, beaten to death in front of them. One refugee has been shot. Another has had his throat slashed. They've been bashed by guards. They've been attacked by locals. They are genuinely fearful," Webb said.

"These men are in our care and they are not safe. The Australian government can't keep sticking its head in the sand and pretending everything is fine. The only viable and humane way forward is to bring them here."

Matthew Phillips, human rights director with GetUp, said the violence Abbott and Webb witnessed was "the grave danger the Turnbull government's abusive policy of offshore detention places people in on a daily basis".

"Peter Dutton must take responsibility, acknowledge this clear danger, stop blaming other people and end the detention of the men, women and children detained on Manus Island and Nauru."

Calls to PNG police by the Guardian on Saturday were not answered.

The assault is reflective of a growing tension on Manus over the refugees' continued presence on the island, and the government's faltering efforts to resettle people elsewhere in the country.

Following the PNG supreme court judgment in April that the men's detention on Manus Island was illegal and unconstitutional, the 854 men held there have been given limited rights to leave the detention centre.

They cannot leave of their own volition (the detention centre is housed within a military base), but are allowed to catch daily buses to Lorengau, the main town, a 45-minute drive away. However, many of the men refuse to leave the detention centre because they fear being attacked.

While many Manusians are accepting and welcoming of the refugees, there remains significant hostility, often violent, towards the refugees from some locals. Incidents are most common after dark when people have been drinking.

There is also a broader hostility to the detention centre and its staff, with repeated transgressions of PNG law by staff, without punishment.

Last year, three expatriate staff allegedly drugged and gang-raped a local woman inside the accommodation block of the detention. All three were spirited off the island before PNG police could interview them.

Other detention centre workers have robbed hotels, started fights, and crashed cars, all with impunity.

Manusians are also angry that promised benefits to their communities have not materialised. Many have not won employment or expected lucrative contracts, and promised improvements to infrastructure on the island have not occurred.

<https://www.theguardian.com/australia-news/2016/aug/14/manus-island-photos-show-aftermath-of-violent-attack-afghan-refugees>

22. United Nations reiterates demand for Australia to close 'dire' detention centres

Majority of asylum seekers who have had their claims assessed have been found to be refugees, and have 'fled a well-founded fear of persecution'

The Guardian
Ben Doherty
Saturday 13 August 2016 11.28 AEST

Australia must close its "dire and untenable" offshore immigration detention centres, the United Nations has again told the country, following the release of the Nauru files by the Guardian, which has exposed widespread and systemic abuse on the island.

Guardian Australia this week published more than 2,000 leaked incident reports – running to more than 8,000 pages – which revealed a regime of routine dysfunction and cruelty, showing widespread sexual and physical abuse of men, women and children, massive rates of self-harm and suicide attempts among those detained, and harsh living conditions in indefinite detention.

Speaking overnight in Geneva, a spokeswoman for the UN high commissioner for human rights, Ravina Shamdasani, said: "We are extremely concerned about the serious allegations of violence, sexual assault, degrading treatment and self-harm contained in more than 1,000 incident reports from offshore processing centres on Nauru, many of which reportedly involved children.

"We have conducted regular visits to Nauru in recent years and many of the allegations contained in the documents are, sadly, consistent with the findings from these visits. We have regularly and persistently brought these to the attention of the governments of Nauru and of Australia."

Of the asylum seekers who have had their claims assessed on Nauru, 77% have been found to be refugees, that is, they have fled a "well-founded fear of persecution" and are legally owed protection. The majority on Nauru have been held for more than three years.

Shamdasani said asylum seekers and refugees held in Australian-run offshore detention were growing sicker and more distressed the longer they were held.

This is supported by the Australian government's own internal documents, which show that the mental health of people in detention, but most acutely children, deteriorates dramatically the longer they are held without prospect of release.

"Teams from our office have witnessed many of the migrants, asylum seekers and refugees, including children, in Nauru suffering from severe mental health problems as a result of their detention and lack of certainty," Shamdasani said.

"Their situation has become increasingly dire and untenable, exacerbated by the indefinite nature of their time in Nauru, or for that matter in Manus Island in Papua New Guinea."

Several arms of the UN have repeatedly condemned Australia's offshore regime, including the UN high commissioner for human rights, the UN committee against torture, the UN special rapporteur on torture, the UN special rapporteur on the human rights of migrants, and the UN high commissioner for refugees.

Shamdasani repeated the UN's position that Australia must end offshore processing.

"We have consistently called on the authorities in Nauru and Australia to put an end to the model of processing and keeping migrants offshore," she said.

"We call on Australia and Nauru to expeditiously end the immigration detention of children, and urge the authorities to institute human rights-compliant alternatives."

Meanwhile, the former prime minister Tony Abbott, who was elected to office on a policy platform of "stopping the boats" – the arrival by sea of asylum seekers to Australia – has said he laments blocking the previous Labor government's "Malaysia Solution", which would have led to 800 boat arrivals to Australia being sent to Malaysia in exchange for 4000 UNHCR-registered refugees in that country to be brought to Australia.

The rationale for the policy was to deter people from taking dangerous boat journeys to Australia, but the policy was vociferously opposed by the Abbott-led opposition and ultimately defeated in the high court because Malaysia is not a state party to the UN refugees convention.

In a speech to the Samuel Griffith Society on Friday night, Abbott said he wondered about the wisdom of opposing, and ultimately defeating, the policy, even if he did not support it.

"The 800 boat people that could have been sent to Malaysia was less than a month's intake, even then. I doubt it would have worked.

"Still, letting it stand would have been an acknowledgment of the government-of-the-day's mandate to do the best it could, by its own lights, to meet our nation's challenges. It would have been a step back from the hyper-partisanship that now poisons our public life."

The executive director of the Human Rights Law Centre, Hugh de Kretser, said the Australian government had established a system that "inflicts tremendous harm on innocent people, including children".

"No policy challenges justify inflicting this harm on innocent people. We are responsible for the harm. We can't turn a blind eye. We have to end this now by bringing these people here to safety."

<https://www.theguardian.com/australia-news/2016/aug/13/united-nations-reiterates-demand-for-australia-to-close-dire-detention-centres>

23. Australia engages second agency for sole refugee in Cambodia

ABC News Online

By South-East Asia correspondent Liam Cochrane

Posted Thu 11 Aug 2016, 2:57am

The Australian Government has refused to explain why it has added a second refugee resettlement agency in Cambodia, when only one person has resettled there from Nauru.

Under the \$55 million Australia-Cambodia deal, the International Organisation for Migration (IOM) was contracted to provide services for the Nauru refugees.

Australia has now engaged Connect Settlement Agency (CSA) to provide additional support.

"We are providing services in Cambodia but it's a very small program," said Laurie Nowell, spokesman for AMES Australia, a partner organisation with CSA.

Mr Nowell said the arrangement had only been in place for a short time and referred further questions to the Australian Government.

Australia pledged \$40 million in aid money to the Cambodian Government to secure the deal, and allocated \$15.5 million for resettlement services.

In total, five refugees resettled from Nauru to Cambodia, but four have since chosen to go back to their countries of origin.

The single participant remaining, a Rohingya man, told the ABC in June he was unhappy and desperate to leave.

Mohammed Roshid complained about the assistance he received and said he was told Australia's financial support for his resettlement would cease around the end of the year.

Questions remain over need for new agency

IOM said it was not able to comment on why another resettlement agency was now being brought in by Australia.

"I can simply reiterate that IOM continues to provide services to refugees in Cambodia, and should any additional ones come from Nauru, we will continue to provide services," said Joe Lowry, regional spokesman for IOM.

"For questions on what services Connect [Settlement Agency] is providing to the one refugee, you need to ask them, or the Australians."

The ABC sought clarification from the Australian Department of Immigration and Border Protection.

"The Australian Government also works with other settlement service providers to ensure that refugees voluntarily settled in Cambodia are provided with the full support and services required to be able to integrate well into their new community in Cambodia."

The Immigration Department declined to answer specific questions about why the new agency was needed, when it started or what it was doing in Cambodia.

At the time the Cambodia resettlement program was announced, another organisation called Hagar was said to be providing additional services.

But Hagar's website suggests it is not currently providing assistance to Mr Roshid.

"Hagar's Refugee Project currently supports 36 individuals — 14 UNHCR refugee cases and one UNHCR asylum case," Hagar said on its website.

<http://www.abc.net.au/news/2016-08-11/australia-brings-in-second-refugee-agency-on-cambodia-deal/7718334>

24. Documents immigration is fighting to keep secret accidentally released

Court told files about asylum seeker boat turnbacks have been inadvertently given to Guardian Australia without all intended redactions

The Guardian
Michael Slezak
Monday 8 August 2016 14.44 AEST

Documents about asylum-seeker boat turnbacks, which the government is arguing must be kept secret for national security reasons, have been accidentally handed to Guardian Australia by the Department of Immigration and Border Protection.

During the hearing in which the government is attempting to block Guardian Australia's access to the documents, solicitors representing the department said some of the details at issue had been inadvertently handed over.

Justin Davidson from the Australian Government Solicitor agency told the hearing some black lines had not been placed where they were intended, leaving details unredacted: "Regrettably when these documents were furnished to the respondent, the markings were on the second set were incomplete."

The revelation came in the first moments of a landmark freedom of information case testing whether the Australian government can hide details of asylum seeker boat turnbacks by claiming they are a matter of national security.

The case surrounds access to government orders to executive turnback operations in 2013 and early 2014. It is part of a long-running freedom of information case initiated by Guardian Australia journalist Paul Farrell.

The department is arguing that release of the documents would threaten the country's security.

In an statement, the former deputy commander of the border protection command (BPC) Abigail Bradshaw said: "If Australia cannot effectively manage who can enter the country and the circumstances and conditions under which people enter then the security of the commonwealth is compromised."

She continued: "Current operations would be compromised by the release of this information. If the details were to be released BPC would be forced to revise current operational methodology to minimise the harm caused by those disclosures."

It is unclear what the legal status is of those documents now.

The hearing continues.

<https://www.theguardian.com/australia-news/2016/aug/08/documents-immigration-secret-asylum-seeker-boats-accidentally-released-guardian-australia>

25. Border patrol still have orders allowing boat turnbacks in foreign waters, tribunal reveals

Head of Operation Sovereign Borders tells tribunal orders resulting in incursions into Indonesia's waters are still current

The Guardian
Michael Slezak
Monday 8 August 2016 17.42 AEST

Operational orders that resulted in Australian border protection boats conducting unlawful incursions into Indonesian waters are still current today, the head of Operation Sovereign Borders said during cross examination in a freedom of information case with Guardian Australia.

He also revealed that Operation Sovereign Borders had orders allowing officers to board vessels outside Australian waters.

Major General Andrew Bottrell, the head of Operation Sovereign Borders, came under intense legal questioning at the administrative appeals tribunal in Sydney on Monday, fighting to keep documents relating to asylum seeker boat turnbacks secret.

The case concerns access to government orders to execute turnback operations in 2013 and early 2014, including those involved in Australia's unlawful incursions into Indonesian waters. It is part of a long-running freedom of information case initiated by Guardian Australia journalist Paul Farrell.

The Department of Immigration and Border Protection is arguing that release of the documents would threaten the Australia's national security. But in the first few moments of the hearing on Monday, it was revealed the department had accidentally handed over some of the very documents it was seeking to prevent Guardian Australia obtaining.

Guardian Australia's barrister, Tom Brennan, sought to test whether some of the documents were no longer "current", meaning their disclosure would not affect existing operations.

Brennan suggested to Bottrell that two operational orders that resulted in those incursions were no longer current.

Bottrell responded that in fact they were still current.

Brennan also sought to determine whether boarding an asylum seeker vessel that was in the territorial waters of another country was lawful and permitted under Operation Sovereign Borders. If not, it would have undermined the department's case for keeping the documents about those actions a secret.

Brennan said: "I want to suggest to you that in January 2017, that absent a rescue situation, in Operation Sovereign Borders, [boarding a vessel] could only occur in international or our territorial seas."

Bottrell responded: "No that's not the case," indicating that operational orders allowed for boat turnbacks to occur inside the territorial waters of other countries.

Much of the rest of the questioning sought to establish that the information that could be gleaned from ship logs or operation manuals for Operation Sovereign Borders, could be gleaned from information already in the public domain.

One example discussed was a Guardian Australia's report in April 2014 revealing the extent of some of the incursions into Indonesian waters.

Under questioning from Brennan, Bottrell argued that report was detrimental to national security. In particular, he said revealing the name of one of the border patrol boats used, as well as their distance from Indonesia was detrimental "People smugglers would have gleaned ... what sort of capability was used," Bottrell said.

That was despite other questioning revealing that many similar details were published on government websites, including details of the boat's locations and activities, as well as information about the boats' ranges and top speeds.

Bottrell responded that the capabilities of the vessels in general, was different to their capability in the context of particular operations.

The case is also likely to determine whether national security can be invoked to conceal documents relating to people smuggling ventures.

Brennan told the tribunal: "There can be no doubt that people smuggling activities are a matter of significant public interest ... but they are not in my submissions ones that rise as high as touching the security of the commonwealth."

The hearing was scheduled to continue on Tuesday.

<https://www.theguardian.com/australia-news/2016/aug/08/border-patrol-still-have-orders-allowing-boat-turnbacks-in-foreign-waters-tribunal-reveals>

26. Sovereign borders chief argues hiding asylum seeker boat turnbacks essential for security

Guardian Australia barrister tells tribunal people-smuggling activities a matter 'of significant public interest'

The Guardian
Michael Slezak
Tuesday 9 August 2016 13.43 AEST

Hiding details of asylum seeker boat turnbacks from the Australian public was essential in order to protect the security of the commonwealth, because it helped "educate ... potentially illegal immigrants", the head of Operation Sovereign Borders has said at a landmark legal case.

Major General Andrew Bottrell made the argument on Tuesday morning in the administrative appeals tribunal, before the hearing went into a closed session where neither the freedom-of-information applicant nor their legal council would be able to hear the evidence presented.

The case surrounds access to government orders to execute turnback operations in 2013 and early 2014. It is part of a long running FoI case initiated by Guardian Australia journalist Paul Farrell.

Among a number of issues, the case is testing the meaning of “security of the commonwealth” in the Freedom of Information Act, which the Department of Immigration and Border Protection appealed to in order to keep the documents secret.

In order to define the notion of security, the department relied on a broad definition in the Australian Security and Intelligence Organisation Act, which extends not just to the commonwealth but to people as well.

Guardian Australia’s barrister Tom Brennan told the hearing: “Security in the Asio act goes beyond that which is dealt within the FoI act, because it’s not limited to the security of the body politic. It’s directed also to the security of people.

“There can be no doubt that people-smuggling activities are a matter of significant public interest ... they are not in my submissions ones that rise as high as touching the security of the commonwealth.”

Under questioning, Bottrell expanded on why disclosing details of the boat turnbacks were a threat to the security of the commonwealth.

“Our greatest asset now is the scepticism of the potentially illegal immigrants,” he said. “Much of our effort is aimed at educating people sitting there, that people smugglers are convincing to get on boats.”

He said people smugglers would use the information about turnbacks to inform asylum seekers about how close they had got in their previous attempts to reach Australia.

“Our efforts are to educate them about the dangers of that journey.”

Bottrell argued that hiding this information from the public and from people smugglers was essential as part of that education effort.

In order to allow the tribunal to consider the validity of the department’s claims without disclosing the contents of the documents to Guardian Australia, the hearing moved into a closed session on Tuesday, where Farrell and his legal council were excluded.

<https://www.theguardian.com/australia-news/2016/aug/09/sovereign-borders-chief-argues-hiding-asylum-seeker-boat-turnbacks-essential-for-security>