

# Project SafeCom News and Updates

Monday, 5 September 2016

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# 1. Maurice Blackburn & The Guardian: The incarceration of children in Australia

VIEW FULL INTERACTIVE: <http://www.theguardian.com/maurice-blackburn-fair-is-for-all/ng-interactive/2016/aug/29/the-incarceration-of-children-in-australia>

Detention of children in Australia has come under increasing scrutiny over time, but what are the actual implications of incarcerating the young? Here we take a closer look at both juvenile detention and children immigrants placed in detention to understand the ongoing effects of imprisonment on our youth

Maurice Blackburn Fair is for all  
Guardian Australia  
Monday 29 August 2016 13.43 AEST

VIEW FULL INTERACTIVE: <http://www.theguardian.com/maurice-blackburn-fair-is-for-all/ng-interactive/2016/aug/29/the-incarceration-of-children-in-australia>

## 2. Nauru files 'an extraordinary trove of short stories', says Richard Flanagan

'I suspect they will continue to be read in coming decades and even centuries,' Man Booker prize-winning author says

The Guardian  
Lucy Clark  
Thursday 1 September 2016 19.15 AEST

The Man Booker prize-winning author Richard Flanagan has called the Nauru files "an extraordinary trove of anonymous short stories" that will continue to be read long after his own work.

In a powerful and provocative keynote address delivered at the Melbourne writers festival, Flanagan said he had planned to speak about writers such as Márquez, Baldwin, Carver, Chekhov, Kafka, Tolstoy and Conrad – but then he read the Nauru files.

"It was the most moving Australian writing I had read for some time," he said. "This writing has woken me from a slumber too long. It has panicked me. The stories are very short, what might be called in another context flash fiction. Except they are true stories.

"I suspect they will continue to be read in coming decades and even centuries when the works of myself and my colleagues are long forgotten.

"And when people read these stories – so admirable in their brevity, so controlled in their emotion, so artful in their artlessness; their use, for example, of the term NAME REDACTED instead of a character's actual name to better show what is happening to a stranger is not an individual act, but a universal crime."

In his speech, titled Does Writing Matter?, he said readers of the future would be led to question what sort of people were the Australians of our time. He then read out nine of the 2,116 incident reports that make up the Nauru files.

The reports he read included allegations of asylum seekers detained on Nauru attempting suicide by drinking bleach and insect repellent, of sexual harassment, rape, assault, and the sexual abuse of children.

The final report he read was about a young woman sewing her lips together and guards laughing at her.

Flanagan continued: "Everything has been done to dehumanise asylum seekers. Their names and their stories are kept from us. They live in a zoo of cruelty. Their lives are stripped of meaning. And they confront this tyranny – our Australian tyranny – with the only thing not taken from them, their bodies. In their meaningless world, in acts seemingly futile and doomed, they assert the fact that their lives still have meaning.

"In the last year what Australian writer has written as eloquently of what Australia has become as asylum seekers have with petrol and flame, with needle and thread? What Australian writer has so clearly exposed the truth of who we are?"

Flanagan, who won the Booker in 2014 for *The Narrow Road to the Deep North*, said a "nation-sized spit hood" was being pulled over Australians and that there was only one real explanation of why the Australian government did what it did: because it could.

But it was too easy, he said, to ascribe the horror of Nauru to "a politician, to a party, or even to our toxic politics".

"These things have happened because of a more general cowardice and inertia, because of conformity; because it is easier to be blind than to see, to be deaf than to hear, to say things don't matter when they do. Whether we wish it or not, these things belong to us, are us, and we are diminished because of them."

He said no Australian was innocent, and that these crimes were being committed in our name. "There is such a thing as a people's honour. And when it is lost, the people are lost. That is Australia today. If only out of self-respect, we should never have allowed to happen what has.

"Every day that the asylum seekers of Nauru and Manus live in the torment of punishment without end, guilty of no crime, we too become a little less free. In their liberation lies our hope; the hope of a people that can once more claim honour in the affairs of this world."

<https://www.theguardian.com/news/2016/sep/01/nauru-files-an-extraordinary-trove-of-short-stories-says-richard-flanagan>

### **3. Richard Flanagan Lecture: Australia has lost its way**

'Does Writing Matter?' The inaugural Boisbouvier Lecture, Melbourne Writers Festival 2016

The Monthly Blogs  
By Richard Flanagan  
Thursday, 1st September 2016

"I suspect they will continue to be read in coming decades and even centuries when the works of myself and my colleagues are long forgotten. And when people read these stories, so admirable in their brevity, so controlled in their emotion, so artful in their artlessness – their use, for example, of the term NAME REDACTED instead of a character's actual name to better show what is happening to a stranger is not an individual act but a universal crime – then, I suspect, their minds will be filled with so many questions about what sort of people Australians of our time were. Let me read a handful to you. If you want to read them yourself, go to the Guardian website where these are published, along with 2000 others."

FULL STORY AT <https://www.themonthly.com.au/blog/richard-flanagan/2016/01/2016/1472713382/australia-has-lost-its-way>

### **4. Twitter campaign draws attention to plight of Afghanistan's persecuted Hazaras**

After attack in Kabul, minority group demands end to 'systematic discrimination' and experts say Australia should stop rejecting Hazara refugee claims

The Guardian  
Abdul Karim Hekmat  
Thursday 1 September 2016 15.05 AEST

On 23 July, two men joined the crowd of thousands of Afghanistan's Hazara marching in protest through the streets of Kabul. They wore suicide vests under billowing perahan.

The Hazara protest was, ostensibly, in response to the Afghan government's decision to divert a promised power transmission line from Bamiyan – a Hazara enclave, where it would have brought jobs, economic growth and, most fundamentally, electricity – to another area of the country further north. But the demonstration, and the power line's diversion, was aimed too at a broader discrimination Hazaras say they suffer in Afghanistan.

The two men wearing suicide vests at the demonstration – Islamic State militants – detonated their devices as the protest reached Deh Mazang square. More than 80 protestors were killed – recent reports say at least 97 – and more than 230 injured, in the deadliest attack in the Afghan capital in 15 years. Isis's media agency Amaq confirmed the Hazara religious and ethnic minority were specifically targeted, saying the attack was aimed at the "Shia gathering".

To mark the 40th day since the attack, on Thursday the Hazaras' "enlightening" movement will launch a Twitter campaign to bring to global attention what they describe as "systematic discrimination against the Hazaras".

From 3pm Thursday in Kabul, thousands of Hazaras in Afghanistan will launch an online campaign under the hashtag #justice4Hazaras to commemorate those who lost their lives in the tragedy and also to demand justice, equality and better services for the Hazaras. Simultaneously, commemorations are being held in Kabul and around the world. The online campaign has been in planning for more than a month. Protest organisers have held workshops in Kabul and around the world, and posted videos online to help the unfamiliar use Twitter and Facebook to broadcast their message.

Dawood Naji, one of the organisers of Kabul protest who travelled to Australia to speak at memorial events organised by Hazara community, told the Guardian: "The enlightening movement is about systematic discrimination. Every Hazara around the world can relate with this movement because they have experienced discrimination.

"Those who lost their lives in Kabul experience it, others experience it when they apply for a job, when they sit an exam, or request a service or security."

Dawood Naji, one of the organisers of Kabul protest who travelled to Australia to speak at memorial events organised by Hazara community, told the Guardian: “The enlightening movement is about systematic discrimination. Every Hazara around the world can relate with this movement because they have experienced discrimination.

“Those who lost their lives in Kabul experience it, others experience it when they apply for a job, when they sit an exam, or request a service or security.”

But a migration agent in Australia, who asked not to be identified for fear of impacting her Hazara clients, said the Australian government has played down the worldwide Hazara protest movement and not acknowledged the attacks in Kabul were targeted at Hazaras because of the ramification for Hazara claims for refugee status in Australia. An estimated 10,000 Hazaras have already settled in Australia.

The Department of Immigration and Border Protection, the agent said, rejects refugee claims on the grounds Kabul is safe for Hazaras to be returned to and views the recent attacks on Hazara in Kabul as “rare” incidents “likely to be considered a one-off”. The department had said the same thing in relation to the December 2011 bomb attacks in Kabul which killed over 50 people, mostly Hazaras.

Professor William Maley of the Australian National University, who is currently in Kabul, argues the government’s position on the safety of Hazaras in Afghanistan is “completely unsustainable”.

A report on Hazaras in Afghanistan, published by the Department of Foreign Affairs and Trade in February this year, said “no part of the country can be considered free from conflict-related violence” but that “the threat of conflict-related violence faced by Hazaras is similar to that faced by members of other ethnic groups”.

The persecution of Hazaras was most overt under the rule of the Taliban, but in the decade-and-a-half since, violence has continued, public beheadings of Hazara men, women and children based on their ethnicity are common, as are reports of Hazara being ordered off buses on country roads or out of their homes at gunpoint by militia and murdered. Hazaras say, most fundamentally, they are not safe in their own country.

The Hazaras say they are no longer safe on the streets of Kabul to protest, that the Afghan government can’t provide security, and authorities have actively moved to crush their protest movement.

On Monday, when the Afghan president Ashraf Ghani travelled to Bamiyan to rename the local airport after a Hazara leader killed by the Taliban, a group of Hazaras took the opportunity to gather in the heart of the city to protest their treatment by the government.

But Afghan security dispersed the protest by rounding up, beating and arresting about 30 protestors. They were detained for 24 hours. The security forces assaulted four journalists and broke cameras to stop them filming the protest, according to a Human Rights Watch report of the incident.

“The political situation in the country is febrile, and the situation for Hazaras extremely dangerous,” Maley told the Guardian.

“If [ISIS] was able to strike targets in the heart of the Afghan capital, where the presence of Afghan security forces is relatively strong, it puts on display a commitment to attack on the basis of religious identity, plainly engaging one of the basis of refugee status under the refugee conventions; and it highlights particular dangers for Hazaras.”

<https://www.theguardian.com/world/2016/sep/01/hazaras-twitter-campaign-draws-attention-to-plight-of-afghanistans-persecuted-minority>

## 5. Julia Baird: Australia’s Gulag Archipelago

Julia Baird  
New York Times  
The Opinion Pages  
Aug. 30, 2016

SYDNEY, Australia — In Dante’s view, the unfortunate souls who dwell in purgatory may suffer excruciating pain, but the promise of their final destination is clear: paradise. Those who languish on the remote, tiny islands — Manus and Nauru — that host Australia’s offshore immigration detention centers are not so lucky.

Although a majority of the inmates have been determined to be refugees, Australia’s policy is to not allow any who arrived by boat to settle here. So the ultimate destination of these asylum seekers, who have come from as far afield as Afghanistan, Iran, Myanmar and Sri Lanka, is unresolved. This means they are effectively in indefinite detention for committing no crime. And this uncertainty about their fate has driven hundreds to savage despair, even self-harm and suicide.

Allegations of rape, abuse, neglect and mistreatment at these centers are now legion. The full scale of the problem has been hidden because journalists are routinely denied the expensive visas to visit the islands and have been barred from the

centers themselves. Those who actually work there, including doctors and counselors as well as guards, face a possible jail term if they break confidentiality rules.

Thousands of files from Nauru — a remote island republic that is the smallest nation in the South Pacific — recently published by The Guardian documented reports of sexual assault, child abuse, suicide attempts and unraveling mental health among detainees from 2013 to 2015. They were horrifying in their details: guards slapping children, bartering for sexual favors; women raped; detainees attempting suicide and cutting themselves with sharpened pencils.

The immigration minister, Peter Dutton, said the claims were being investigated but called them “hype” and blamed “left wing” media outlets. He claimed to be aware of some “false allegations of sexual assault, because in the end, people have paid money to people smugglers and they want to come to our country.”

Many Australians were less sanguine as they digested the fact that more than half of the complaints of abuse and mistreatment involved minors. Criticism of these forbidding outposts, known as regional processing centers, has swelled into a chorus of complaint — with a growing sense that this solution of offshore detention has failed to protect basic human rights in both conception and execution.

There can be no denying, though, that along with the policy of turning back any boat arrivals, offshore detention has been an effective deterrent; the number of people arriving by sea has dropped from thousands to almost nothing.

In 2009, 5,609 people traveled to Australia in tiny cramped boats, seeking refuge. By 2012, it had rocketed to 25,173. Kevin Rudd, the prime minister at the time, vowed that no one who tried to get here by sea would ever be allowed to settle. The opposition party successfully ran on a slogan of “Stop the Boats” in the next election, and by 2014-15, the numbers were down to 158. Now it is virtually zero. And the success of this approach has meant the number of people in detention more generally has plummeted: in 2013 there were almost 2,000 children in onshore and offshore detention; now there is little more than a hundred.

And yet the question now is: At what cost has this been achieved?

Abuse accusations aside, the policy is costing Australia billions of dollars. For every detainee housed on the island of Manus, which actually belongs to Papua New Guinea, taxpayers have shelled out more than \$1 million since 2011. At the end of June, there were 854 detainees in the men-only facility on Manus. Those on Nauru numbered 442, including 49 children and 55 women.

There may be some relief ahead for the Manus detainees, 98 percent of whom have been declared refugees. In April, Papua New Guinea’s Supreme Court ruled the detention center unconstitutional, forcing the Australian government to agree to close it.

The detainees on Nauru, however, remain in a limbo of permanent temporary status. Although over three-quarters of them have been declared refugees, the Australian government has failed to resettle them.

How could a seemingly tolerant, multicultural, open society like Australia’s — which previously welcomed thousands of Vietnamese refugees, or “boat people,” in the 1970s — consent to a system condemned by the United Nations as a contravention of human rights, approaching torture?

Australia first began sending refugees to Nauru about 15 years ago, after the then prime minister, John Howard of the conservative Liberal Party, refused to accept a group of mostly Afghan asylum seekers who had been rescued from a sinking boat. Mr. Howard was trying to slow the momentum of the populist politician Pauline Hanson, who was swiftly gaining support for her anti-immigrant, anti-Asian, anti-Islamic message. Ms. Hanson was just re-elected to Parliament in August, and her One Nation party also picked up three additional senators.

Mr. Howard tapped into undercurrents of xenophobia by campaigning on national sovereignty, saying, “We will decide who comes to this country and the circumstances in which they come.” The influx of people crossing the sea to find refuge in Australia thus became a partisan issue in which the two major parties, Liberal and Labor, competed to pander to anxieties about immigration.

Asylum seekers who had arrived by boat were demonized for “jumping the queues” by paying smugglers, ahead of people in refugee camps in other countries who had applied for resettlement in Australia. Unfairness is deeply offensive to Australians, and the stereotypes stuck. A 2014 opinion poll found that most people mistakenly believed that those who arrive by boat are not “genuine refugees.”

Three years ago, the minister in charge of the Department of Immigration and Border Protection, Scott Morrison, directed his staff to refer to asylum seekers who came by boat as “illegal maritime arrivals,” even though their actions are perfectly legal under international law. (This concept of illegality has proved remarkably effective in shaping public attitudes.)

The official rhetoric has also been militarized, with a “turn back the boats” policy named Operation Sovereign Borders. Both the Liberals and Labor are culpable of getting political mileage out of people who place themselves at Australia’s mercy. Both parties boasted of their toughness in July’s federal elections, and both claim that the offshore detention policy has been

effective (although the Labor Party's left-of-center members are split on the issue). Both genuinely fear a surge in sea arrivals if the policy is relaxed, just as they fear a resurgence of demagogues like Ms. Hanson who could play on the public's fears of being "swamped" by foreigners.

It is true that the refugee boats — pushed back into Indonesian waters by the Australian Navy — no longer sink in our waters or land here. Yet the revelations about the abuses of Nauru, and a sense of shame about Manus, have begun to shift public opinion. Australians certainly support an unyielding border policy, but not unmitigated cruelty. While still anxious not to cause any more drownings at sea or fuel the shameful people-smuggling trade, many are sickened by the obvious distress of those in offshore detention camps.

The country is torn. And so, on their little islands off our shores, refugees wait.

There have been calls for a new bipartisan consensus and fresh inquiries, but there is a dearth of real ideas. Many have argued that those languishing in offshore detention centers should be moved to the mainland and their claims reviewed there, but politicians from both parties refuse to entertain that approach.

As long as Australia refuses to accept asylum seekers who come into our waters by boat, its policy will rely on the country's regional neighbors to house them and help assess their claims. But the government has consistently mishandled those relations, rejecting offers of assistance from Malaysia and New Zealand, while its attempts to resettle refugees in Cambodia have failed.

The political leadership it would take to overhaul Australia's grim offshore detention system is woefully absent, and there is growing pressure on Prime Minister Malcolm Turnbull. But for now, for the inmates of Australia's asylum gulag, there is no end in sight to their hopeless limbo.

<http://www.nytimes.com/2016/08/31/opinion/australias-gulag-archipelago.html>

## **6. Nicholas Talley, MJA: Children on Nauru deserve Royal Commission**

Nicholas Talley  
MJA InSight  
Issue 32 / 22 August 2016

MANY years ago I undertook a study of the general population in the US, trying to determine if trauma in childhood affected adult health.

The results shocked and horrified me, and I didn't want to believe them. So when I was back in Sydney, I followed up on this research.

We discovered that about one in five people in a representative Australian sample reported a history of being sexually abused in childhood, just like I had observed in the US; women had been much more often affected than men. And those who reported such trauma were significantly more likely to have psychological issues as adults.

That trauma in early life can and, in many cases, will lead to irreparable harm even years later is now an established fact.

It is no wonder that most Australians have been outraged by the accumulating revelations to the Royal Commission into Institutional Responses to Child Sexual Abuse of abuse inflicted by various clergy. How could good people have turned a blind eye or worse? How could the churches, and arguably society in general, have allowed the abuse to go on for so long? And how can this be prevented in the future?

Shining a very public light into such abuse will, I believe, drive positive cultural change.

What about the damning revelations in the Northern Territory on incarceration of children and the abuse they appear to have endured in gaol, as revealed by the recent Four Corners program, which led the Prime Minister to initiate a Royal Commission?

It was the images that were shocking and drove the furore – words weren't enough, as much of what was seen was already known to many.

FULL STORY AT <http://www.doctorportal.com.au/mjainsight/2016/32/children-on-nauru-deserve-royal-commission/>

## 7. Retired judge, 88, offers 'body swap' with a refugee on Manus or Nauru

'I would consider it a privilege to live out my final years in either Nauru or Manus Island in his or her stead,' Jim Macken says

The Guardian

Ben Doherty

Thursday 1 September 2016 06.00 AEST

An 88-year-old retired judge has offered to swap places with a refugee held in offshore detention, volunteering to live the rest of his life on Manus or Nauru in exchange for one refugee being sent to Australia.

Jim Macken, a former justice of the industrial court of New South Wales, union official, and a member of the Order of Australia, has written to the immigration minister, Peter Dutton, offering a "body swap" with a refugee held on one of Australia's two offshore detention islands.

Macken has conceded his proposal "could be considered too novel for government" but says it is "perfectly possible".

"I understand this is an unusual request but I offer it in complete sincerity. My reason for making this proposal is simple. I can no longer remain silent as innocent men, women and children are being held in appalling circumstances on Manus Island and Nauru.

"It is even worse that they are being held in these dangerous and inhospitable conditions in order to ensure no other asylum seekers and refugees attempt to come to Australia for protection. The Australian government is essentially treating refugees in these camps as human shields and this is utterly immoral. As this is being done in my name I cannot remain silent.

"I offer this proposal as a way forward for at least one refugee. This would allow one person currently held on Manus Island or Nauru the right to be an Australian citizen. I would consider it a privilege to live out my final years in either Nauru or Manus Island in his or her stead."

He has also offered to relinquish his citizenship if necessary.

He told the Guardian he was prepared to be placed in detention on Nauru and Manus and stay there until he died. "I've got nothing to lose. If it gets just one refugee off one of those islands, and gives them a chance at a life in Australia, I'm prepared to do it."

He said he wasn't seeking publicity and the "exchange" could happen without any public notification.

Macken sent his letter to Dutton last month. He has not received a reply.

He has also written to Malcolm Turnbull and the Labor leader, Bill Shorten, urging them to abandon offshore processing. "I would urge you to become the good leader you could be and err on the side of compassion and justice," he wrote to the prime minister.

Macken, a former barrister and union organiser, was a judge on the NSW industrial court for 15 years until 1989 and was appointed a member of the Order of Australia in 2003. He is a life member of the Australian Labor party and of the union movement. But he is fiercely condemnatory of Labor's support for offshore processing.

"I believe you have considerable power that could be deployed to end this shameful situation once and for all," he wrote in his letter to Shorten.

Dutton's office has been contacted for comment.

<https://www.theguardian.com/australia-news/2016/sep/01/retired-judge-88-offers-body-swap-with-a-refugee-on-manus-or-nauru>

## 8. Jim Macken: A Member Since 1947, I Now Stay Quiet About My Connection To Labor

Having lived through the post-war period and Menzies era, it staggers me to see how inhumane Australia's treatment of asylum seekers has become, writes Labor life-member, Dr Jim Macken.

New Matilda

By Jim Macken

May 13, 2016

“Close Nauru,” the protesters chant. The real question is how did the place ever get to open? There is no island prison on earth as hostile to prisoners. Death was the only way out from the Chateau d’if and it looks like it is the only way to leave Manus Island and Nauru.

I have written about and studied Australian history for many years. I know that many thousands of Irishmen who had killed English soldiers in the 1798 rebellion came to Australia. As convicts they became part of the invasion of Australia but also went on to build the very families of the men who are demanding this barbaric practice stay in place.

Enemy soldiers from the First and Second World Wars came to Australia in the thousands and we welcomed them. We have always – eventually – forgiven our enemies. Until recent years we were a nation that celebrated our multicultural country. We were also, until recently, a nation that managed to take over a million people fleeing wars from the mid 1970’s to the 1980’s.

I am old enough to remember the leaders of the ALP and the Liberal parties compete with each other in the noise of their welcomes to the thousands of Vietnamese refugees from the communist occupation of South Vietnam. Indeed, I am old enough to remember that even Menzies boasted of his ability to bring over 80,000 refugees from war-torn Europe.

We have been a nation of resilience and welcome, despite our sometimes chauvinism and bigotry.

After the Invasion everyone who came to Australia was a refugee in one form or another. The Irish fleeing the famine and bound by the English law, European families fleeing war – two world wars – and of course the Vietnamese.

This is who we are, this is our national DNA – this is why our actions are so reprehensible.

Today we are faced with a few thousand refugees fleeing an unholy terror, torture and death. We respond by forcing them for ‘the terms of their natural lives’ to live in barbaric offshore jails.

Men, women and children guilty of nothing but wanting safety and freedom for themselves and their families. Our court system has tried them and tested their stories and we declare them to be innocent victims of foreign oppression – they have overwhelmingly been found to be refugees under the most strict criteria.

Instead of welcoming them we lock them up on a prison island for the rest of their lives. We deprive them of all hope of a future anywhere and we abandon the women to live in tiny huts up in the bush, with not so much as a lock on their door. The numerous stories of the rape, humiliation and assaults against these same refugee women are known to all of us. Even multiple murderers and rapists can see some end to their detention and get some hope but not the refugees on Manus Island and Nauru.

Allow me to confess that I am not only a retired judge; I am also a life member of the Labor Party. Initially, I took refuge in the thought that this brutal policy was a momentary aberration of the extreme right in the Howard government. Then, under Rudd my presumption appeared correct, as the Prime Minister set about shutting these offshore gulags.

So you can imagine my deep disappointment to see Rudd, then Gillard, then Rudd, then Abbott and now Turnbull, re-open the jails and compete with each other to introduce new levels of barbarism. Like the gag laws that ensure doctors and nurses get two-years jail for reporting the rape of children on Nauru. The pushback policy that ensure no boats arrive on the mainland but go to sea and either sink there or get dragged back to country they are fleeing – what do people think happens when they get to those countries?

I don’t only keep a low profile on my life membership to a once great political party. I also keep quiet on the fact that I was Doctor of Law from an Australian university. Jurists from every country in the world now look on Australia as a land that denies the most vulnerable people their basic human rights. We have become the South Africa of the 21st century – that country that tortures people, imprisons children, detains people indefinitely for no crime – we are now that country.

I would trade in my Doctorate, my Order of Australia, my life membership of the ALP and anything else I have of value tomorrow to free these poor buggars incarcerated on these prison islands.

These are innocent men, women and kids who know that burning themselves to death is preferable to living under Australian detention conditions.

How do I stop the Australian Prime Minister rejoicing at the success of a policy of historic and inhuman repression of the innocent? How do we stop the Minister claiming that refugee protesters such as I am undermining the safety of the refugees. This is code for: “Don’t undermine the thugs on Nauru”.

I am old enough to remember my dad’s mates, uncles and neighbours coming back from the war in Europe and PNG. I wonder what they would make of this new, brutal Australia? Minister Dutton thinks we are trying to protect the human rights of the people on Manus Island and Nauru and he is right, we are. But we are also trying to protect our own humanity; because when we remain quiet in the face of such cruelty it is our own humanity that is destroyed in the silence.

<https://newmatilda.com/2016/05/13/a-member-since-1947-i-now-stay-quiet-about-my-connection-to-labor/>



## 9. Some blunt truths and a ray of hope for the refugee justice movement

Festival of Dangerous Ideas discusses ways to solve the asylum-seeker problem and transform public opinion on a knotty political issue

The Guardian  
Alex McKinnon

Saturday 3 September 2016 14.55 AEST

As the Festival of Dangerous Ideas kicked off at the Sydney Opera House on Saturday morning, the mood in the Utzon Room was decidedly bleak. A two-hour forum asking 'Can we solve the asylum seeker problem?', held by Guardian Live and supported by Maurice Blackburn Lawyers to mark the Guardian's Dear Australia video series on refugees, was just getting started, and MC David Marr opened with something of a dampener on the room's enthusiasm.

Citing a recent Essential poll, which found that 60% of Australians believed the government was either "too soft" or "taking the right approach" on asylum seekers, Marr said that when it came to refugee policy, it was time to concede that traditional approaches to enact progressive social change might not be enough.

"I wouldn't be a journalist if I didn't think that reporting the truth doesn't lead to change – maybe not right away, or quickly, but eventually. That doesn't seem to be the case here, and frankly, it shakes my faith in what I do," Marr said. "It used to be that when the boats went away our fears died, but that's not the case anymore. The nation's attitudes are set fast: stuck at cruel. The press and politics have failed to budge public opinion, and the courts have failed as well."

It was to the good, then, that the forum's focus was on new ideas and approaches, rather than the same old story. Instead of reciting the well-known litany of human rights abuses that defines contemporary refugee policy, the panellists on offer were tasked with presenting potential solutions to this notoriously knotty corner of Australian politics.

While the legal and intellectual pedigree on offer wasn't in dispute, the panellists struggled at times to cut to the core of the problem. Familiar and well thought-out ideas on how to better treat asylum seekers abounded, but very few addressed their common obstacle – most Australians don't want to treat asylum seekers better.

Jane McAdam, the director of the Andrew & Renata Kaldor centre for international refugee law at the University of New South Wales and a research associate at Oxford's refugees studies centre, outlined what a principled asylum policy could look like. But when Marr pressed her on what would happen to a political party that proposed such a system, McAdam acknowledged that "it would never get off the ground" in the current environment.

The director of legal advocacy at the Human Rights Law Centre, Daniel Webb, maintained that "slowly but surely, public opinion is shifting", and proposed framing refugees more as a potential economic asset rather than a humanitarian responsibility, opening the door for private sponsors and a reallocation of the skilled migration quota to include refugees.

Shukufa Tahiri, policy assistant at the Refugee Council of Australia, who arrived in the country in 2006 after her Hazara minority family fled Afghanistan, spoke of the strange dichotomy between the welcome she received after she arrived by plane, and how her father was "treated with contempt and labelled an 'illegal'" when he first arrived by boat.

Geoff Gilbert, professor of law at the University of Essex's school of law and human rights centre, and editor-in-chief of the International Review of Refugee Law, pointed out the insular, demographically unrepresentative nature of much of the pro-refugee movement.

"Law is important, but the grassroots is where change happens. If you get out on the ground, you'll actually move opinion. But it takes going out and talking to people, and not in a nice, self-selecting audience like you, who all probably read the Guardian," Gilbert said.

It wasn't until the second half of the forum that things really began to bubble. In another departure from the usual refugee policy talkfest, the audience was invited to put the panel's ideas to the test in facilitated workgroups, come up with potential solutions of their own, and present the ideas they had come up with themselves to the larger assembly.

It was in this environment that new ideas began to emerge. One group, tasked with breaking the feedback loop between political leadership and popular opinion, proposed sophisticated, large-scale marketing campaigns and the delightful prospect of a "Refugee Wants a Wife" reality TV show to change refugees' public image. Another, eschewing the media entirely, flagged more direct proposals such as pressuring politicians to visit offshore centres themselves and speak face-to-face with the people they're detaining, or using virtual reality to give regular people an idea of what life on Nauru and Manus is like.

Representatives of Maurice Blackburn floated soliciting corporate sponsors to take on refugee work placements to give refugees a chance to live and work in the community, and Australians the opportunity to meet them first-hand. A fourth group came up with rebranding Australia Day as "Open Door Day" and normalising the practice of experiencing a suburb you don't normally frequent, as a way of easing people's insecurities around multiculturalism.

But the most well-received idea came at the end, and addressed the concerns Marr raised at the opening: commissioning research to actually understand how to change people's minds on a political issue. There was a common acknowledgement that unless the refugee movement stopped talking to itself about itself and reached people outside its own bubble, its capacity to bring about lasting change was limited.

That, perhaps, was the most valuable thing to come out of the forum. The act of inviting people to actively contribute to the movement, rather than sit back and support the cause on social media, did more to excite attendees than the prospect of sitting through another speech from a refugee expert. If experiments such as these get similar receptions, David Marr may have less to despair about than he supposes.

<https://www.theguardian.com/australia-news/2016/sep/03/some-blunt-truths-and-a-ray-of-hope-for-the-refugee-justice-movement>

## **10. Contractor IHMS fined \$300,000 as official audit finds serious failings in asylum seeker healthcare**

Canberra Times  
September 1 2016 - 6:57PM  
Nicole Hasham

The contractor responsible for the health of asylum seekers has been slugged more than \$300,000 for problems relating to treatment of tuberculosis and other serious diseases in onshore detention, raising grave questions over the quality of care delivered to vulnerable people behind the wire.

A report by the Australian National Audit Office into onshore detention also found some detainees at severe risk of self-harm were being reviewed only once a fortnight, rather than every 24 hours as prescribed by official clinical guidelines.

It also found cost-cutting had led to changes to the way medication was distributed, creating the risk of prescribing and dispensing errors.

The findings cast into serious doubt assurances by the federal government and Department of Immigration and Border Protection that healthcare in both onshore and offshore detention meets community standards.

In just six months between July and December last year, health services provider IHMS was charged \$309,000 – or 2 per cent of its service fee - for "significant failures" under a penalty and incentive regime.

The failings related to, among other measures, identification and treatment of active tuberculosis and serious communicable diseases, and timely provision of healthcare, mental health screening and vaccinations.

IHMS failed to fully comply in all but one performance measure.

Despite those in immigration detention being at high risk of mental illness, clinical guidelines to prevent self-harm and suicide were not followed for a "large number" of detainees.

Between February and November last year, there were 407 instances of a detainee being deemed at high imminent risk of self-harm.

Under the department's own program, such detainees should be clinically reviewed every 24 hours at a minimum – but the audit found they were reviewed, on average, every three days. Some were reviewed once or twice a fortnight.

The report found the department did not formally monitor whether IHMS was properly implementing such procedures.

In response to the department's demand for cost-cutting, IHMS implemented a new model under which just 14 per cent of detainees would need a nurse to administer their medication - for reasons such as the risk of self-harm or medication misuse.

However, the number of detainees needing nurse-administered medication was as high as 75 per cent. IHMS "flagged the risks associated with medication administration" to the department in December last year, citing "risks including prescribing and dispensing errors" by overworked nurses.

The report also found the department was failing to monitor the quality of primary healthcare in offshore detention, 15 months after the contract with IHMS was signed.

A department spokeswoman said the report found its administration of health services in onshore immigration detention "has been improved", and that onshore detainees "receive care at a comparable level to that available to the Australian community".

She said the department has accepted the report's recommendations and was working to implement them.

This included identifying risks to the effective delivery of onshore healthcare services and a proposed performance assurance review program to manage these risks.

"The department has also instigated a robust auditing process of detainee complaints relating to the provision of health services delivery, including weekly reporting of detainee complaints and the outcomes of those complaints," she said.

Comment has been sought from IHMS.

<http://www.canberratimes.com.au/federal-politics/political-news/contractor-ihms-fined-300000-as-official-audit-finds-serious-failings-in-asylum-seeker-healthcare-20160901-gr6sy8.html>

## **11. Wilson Security to withdraw from Australia's offshore detention centres**

The company announces it will leave Manus Island and Nauru detention centres at the end of its contract in October 2017

The Guardian  
Ben Doherty  
Thursday 1 September 2016 20.05 AEST

Wilson Security says it no longer wants to work in Australia's offshore detention regime. The company says it will leave the Manus Island and Nauru detention centres at the end of its contract, which leaves the government without a camp manager or security firm for the offshore detention network.

Wilson joins the Australian government's major contractor running the camps, Broadspectrum – owned by Spanish giant Ferrovial – in announcing it will abandon offshore detention when the current contract ends in October 2017.

"In line with Broadspectrum's future intentions Wilson Security can now confirm that it will also not tender for any further offshore detention services," the company said in a statement.

"The provision of security services at regional processing centres (RPCs) is not in line with Wilson Security's long-term strategic priorities. Wilson Security will continue to deliver all aspects of its current contract with Broadspectrum until completion of the contract."

The companies involved in offshore processing have faced intense pressure in recent months, with protests at their places of business, divestment and boycott movements, and a sustained public campaign highlighting systemic abuses happening inside the offshore detention centres.

Wilson has been under particularly intense pressure since the publication of the Nauru files which revealed incident reports detailing allegations of Wilson employees on the island assaulting asylum seekers and refugees, including allegations of sexually assaulting women and children, and attacking and choking children.

The 2,000-plus leaked incident reports in the Nauru Files also showed that Wilson guards pressured other workers on the island to downgrade incident reports, from critical to major or minor, even when it was clear – such as in the case of a suicide attempt – that the incident was critical.

The Nauru files also revealed that Wilson Security officials may have misled a Senate inquiry, by failing to fully reveal the number of assaults on children inside the Nauru detention centre.

Senior Wilson officials have previously been rebuked for giving false evidence to the Senate, and are likely to be called back to explain at least 16 incidents of child abuse that they failed to reveal to senators under direct questioning. The incidents include allegations a guard sexually assaulted a young boy, a child being choked by a guard, and a guard shining a torch on the genitals of a girl he had forced to go to the toilet on the ground.

Wilson Security has maintained that all of its evidence to the Senate was full and correct. The company had "fully cooperated with and, based on the information to hand, provided honest and accurate evidence," to the inquiry, a spokeswoman said in a statement to the Guardian.

Wilson guards have also been accused of illegal behaviour on Manus Island. In July 2015, three Wilson guards allegedly drugged and gang-raped a local woman inside the accommodation block of the detention centre. However, the men were flown off the island and out of Papua New Guinea before police could investigate.

Despite promises the men allegedly involved would be returned to face questioning, they have never been repatriated.

The Wilson statement announcing its departure from offshore processing said: "Wilson Security has provided the security services for the RPCs as subcontractor to Broadspectrum since 2012. The company is primarily responsible for providing professional security personnel 24-hours-a-day to create an environment in which asylum seekers feel safe.

“Wilson Security has carried out its contractual obligations to the best of its ability and takes pride in its performance.”

A recent report by advocacy group No Business in Abuse and the Human Rights Law Centre argued companies directly involved in offshore detention, as well as their banks and investors, were complicit in the human rights abuses occurring in the centres.

International legal experts at Stanford Law School argued Ferrovial’s directors and employees could be liable for crimes against humanity because of their involvement in Australia’s offshore camps.

In the wake of Wilson’s announcement on Thursday, human rights director at GetUp, Shen Narayanasamy, said: “The government has been left stranded, ignoring the reality that all camp operators have publicly withdrawn support.

“The offshore detention policy has failed. Two thousand people have been unlawfully imprisoned on these islands for nearly three years.”

Offshore processing has been difficult for the companies involved. Protestors have regularly blockaded Wilson Security carparks, and urged shopping centre managers to break their contracts with Wilson.

Broadspectrum was forced to change its name from Transfield last September, after the owners of its parent company withdrew permission to use the Transfield name, saying they wanted to distance themselves from the controversies of offshore detention.

Broadspectrum was then sold to Spanish infrastructure giant Ferrovial at a significant discount.

Ferrovial announced it intended to withdraw from Nauru and Manus Island at its earliest opportunity, in February 2017, but the Australian government exercised its option to unilaterally extend Ferrovial’s contract on the island for eight months.

The Manus Island detention centre was ruled “illegal and unconstitutional” by the PNG supreme court in April this year. Both the PNG and Australian governments have committed to closing it, but there are no plans for where its 854 detainees will go.

Australia’s offshore detention centres have attracted widespread and consistent criticism since the country reintroduced its policy of “offshore processing” in 2012.

Currently, people who arrive in Australia by boat without a visa seeking asylum are sent to either Nauru or Manus Island, where most are held in indefinite, arbitrary detention. They are told they will “not, under any circumstances, be settling in Australia”, but there are no other viable resettlement options for them.

At present, there are 843 men held on Manus Island, and 466 people, including 50 children, in the Nauru detention centre. Most have been held on the islands for nearly three years.

The United Nations has found that Australia’s immigration detention regime breaches international law, amounting to arbitrary and indefinite detention, and that men, women and children are held in violent and dangerous conditions.

<https://www.theguardian.com/australia-news/2016/sep/01/wilson-security-to-withdraw-from-australias-offshore-detention-centres>

## **12. Woman who protested against asylum seeker's deportation on Qantas flight to plead not guilty**

Jasmine Pilbrow, 22, refused to take her seat on a flight carrying a Tamil asylum seeker in February last year

The Guardian  
Melissa Davey  
Friday 2 September 2016 09.31 AEST

A Melbourne woman who staged a protest on board a Qantas flight to prevent the deportation of a Tamil asylum seeker to Sri Lanka will plead not guilty when she faces court on Friday morning, her supporters say.

Jasmine Pilbrow, 22, refused to take her seat on a flight in February last year that was headed from Melbourne to Darwin, from where the asylum seeker was expected to be deported to Sri Lanka.

Another passenger also stood in protest once Pilbrow made others on the flight aware of the asylum seeker’s situation. The asylum seeker was eventually escorted off the plane by police and returned to detention in Melbourne.

Pilbrow was charged under the Civil Aviation Act for interference with a crew member of an aircraft and faces up to two years’ imprisonment. The asylum seeker has since been deported back to Sri Lanka, according to Kumar Sinna, a Tamil community advocate and friend of Pilbrow’s.

Sinna said Pilbrow would plead not guilty on Friday. She will be supported in the Broadmeadows magistrates court by human rights advocates and representatives from the Tamil community, who will gather in a nearby park before the court case in a public display of support.

“She is a little bit nervous but she still believes she stood up for justice and compassion,” Sinna told Guardian Australia.

“The Tamil community certainly believes it is a brave thing that she did and that she fought for justice. She has been heavily involved with the Tamil community and in helping asylum seekers in the past few years, so we really wish to support her.”

Last month the Dandenong Journal reported that about 20 Tamil asylum seekers living in the Greater Dandenong-Casey region of Victoria had been detained in recent weeks by Australian Border Force staff who raided their homes in the middle of the night.

Sinna and other human rights advocates say that, despite a change in the Sri Lankan government last year, it remained unsafe for Tamils, who they say are still being detained. Human rights organisations have consistently raised concerns about Tamil asylum seekers being persecuted and tortured upon their return to Sri Lanka.

“They are still facing abuse and disappearing,” Sinna said. “Leaving the country to seek asylum is illegal and those returned are dealt with by Sri Lanka’s criminal investigation department, notorious for the rape and torture of Tamil men, women and children.”

Last month Australia’s immigration minister, Peter Dutton, announced that the government had returned a group of Sri Lankan nationals to Sri Lanka after intercepting a boat with six asylum seekers on board.

“Our Sri Lankan partners provided advice that this vessel might be targeting Australia so we were ready and waiting to locate and detain the boat,” Dutton said at the time.

“We have worked cooperatively with Sri Lanka for several years now and, since Operation Sovereign Borders began in 2013, every Sri Lankan boat that has attempted to come to Australia illegally has failed.

“This return shows that there has not been, and will not be, any change to Australia’s robust border protection policies.”

<https://www.theguardian.com/australia-news/2016/sep/02/woman-who-proteted-against-asylum-seekers-deportation-on-qantas-flight-to-plead-not-guilty>

### **13. Student who protested against asylum seeker's deportation on flight found guilty**

Melbourne woman Jasmine Pilbrow found guilty of interfering with an airline crew member for refusing to sit down during protest over the deportation of a Tamil asylum seeker

The Guardian  
Australian Associated Press  
Friday 2 September 2016 16.21 AEST

A Melbourne university student who protested against the deportation of an asylum seeker on an interstate flight has been found guilty of interfering with an airline crew member.

Jasmine Pilbrow, 22, was found guilty of interfering with a crew member of an aircraft after disputing the charge at the Broadmeadows magistrates court on Friday.

Representing herself, Pilbrow said it was not a crime to stand up for a man whose life was at risk.

Pilbrow does not dispute she refused to sit down during a Melbourne to Darwin flight unless a Tamil man, who was being deported to Sri Lanka, was allowed to leave the Qantas plane on 2 February 2015.

After she told cabin crew she would not sit down, Australian federal police agents boarded the flight and the 25-year-old Tamil detainee was removed. Pilbrow then left the plane. She was not charged over the incident until February this year.

The student told the court her actions were in the context of what she believed was a sudden or extraordinary emergency – the Tamil asylum seeker’s deportation and possible persecution in Sri Lanka.

“My actions were reasonable because the safety of another person’s life was at stake,” she said. “My actions were reasonable and it was effective because my peaceful stance resulted in this man being taken off the plane.”

Pilbrow referred to a provision of the criminal code which states a person is not criminally responsible for an offence if it was carried out "in response to circumstances of sudden or extraordinary emergency".

Magistrate Meaghan Keogh said she did not accept Pilbrow's defence and found commonwealth prosecutors had proved the charge against the student.

Keogh said because a person had strong personal beliefs it did not mean they weren't criminally liable for an offence.

<https://www.theguardian.com/australia-news/2016/sep/02/student-who-proteted-against-asylum-seekers-deportation-on-flight-found-guilty>

## **14. Time to shut Nauru and Manus camps, says government's refugee policy guru**

Paris Aristotle, who told Julia Gillard to restart offshore processing, says the risk of detainees killing themselves is too high

The Guardian

Ben Doherty

Saturday 3 September 2016 14.59 AEST

The government adviser who recommended re-starting offshore processing in Nauru and Manus Island has urged ministers to abandon the policy and bring refugees to Australia before more kill themselves.

Paris Aristotle, who has advised successive governments on refugee policy, said if refugees were left on the two islands it was "highly likely that many more men and women will express their despair by attempting to harm and kill themselves".

Aristotle, the executive director of the Victorian foundation for survivors of torture, said: "We also hold grave concerns that children and young people in Nauru will respond in the same ways," adding that neither PNG nor Nauru could offer refugees a safe long-term future.

"Improving conditions and services in PNG and Nauru will not prevent this [continuation of self-harm].

"An effective and sustainable response must involve the option of resettlement in countries including Australia which offer the opportunity for refugees to become integral members of society, to live in security and to participate in the economic, social and cultural life of their new homes."

Aristotle, along with Michael L'Estrange, Sir Angus Houston, sat on the 2012 Expert Panel on Asylum Seekers, that recommended to the Gillard Labor government, along with 21 other recommendations, the re-opening of offshore detention camps on Nauru and Manus as part of "comprehensive regional network".

However, many of the report's other key recommendations designed to complement offshore processing have not been implemented – including those to lift Australia's humanitarian intake to 27,000 (currently 13,750), and to pursue stronger co-operative agreements with countries such as Malaysia and Indonesia.

In his current statement, Aristotle argued that the old defence of offshore processing – that it served as a deterrent to irregular boat journeys to Australia and thereby saved lives at sea in Australian waters – was no longer valid.

"Australia, Indonesia and other nations have increased their capacity to respond to irregular migration," he said.

"To ensure this can be sustainable we must also build a regional system based on established human rights principles, which aims to ensure that asylum seekers are protected properly in countries of first asylum or transit, are processed fairly, and, for those found to be refugees, are afforded timely settlement outcomes."

However, Aristotle said, before a long-term regional resettlement framework could be established, the current abuses

"The immediate imperative is that Australia acts swiftly to change the present policy settings that are inflicting serious harm."

Australia's offshore processing camps on PNG's Manus Island and Nauru have come under sustained pressure almost since they were re-opened in 2012 over systemic abuses, violence (including the murder by guards of one asylum seeker, Reza Barati), sexual assault of women and children, and catastrophic rates mental illness, self-harm and suicide attempts.

In April, Iranian refugee Omid Masoumali publicly doused himself in petrol and set himself alight on Nauru in protest at conditions. After critical delays in care and in moving him to a hospital off the island, he died in Brisbane.

The camps have been condemned as illegal, arbitrary and indefinite detention by numerous arms of the United Nations, dozens of other national governments, and the Australian Human Rights Commission.

Pressure has been particularly acute since the publication by The Guardian last month of The Nauru Files - more than 2000 leaked incident reports from that island that detailed systemic abuses, sexual violence against women and children, almost-daily reports of self-harm, and a culture of impunity for perpetrators of abuse.

The overwhelming majority of those forcibly sent to Nauru and Manus have been found to be refugees, that is, they have a "well-founded fear of persecution", are legally owed protection, and cannot be returned to their homeland.

Of the men on Manus who have had their asylum claims assessed, 98% have been found to be refugees. On Nauru, that figure is 77%.

The Guardian has approached the department of immigration and border protection for comment.

<https://www.theguardian.com/australia-news/2016/sep/03/time-to-shut-nauru-and-manus-camps-says-governments-refugee-policy-guru>

## 15. Labor unveils plan for wide-ranging inquiry into abuse allegations

Opposition wants Senate inquiry to 'investigate the serious allegations of abuse, self-harm and neglect of asylum seekers' in wake of Guardian series

The Guardian  
Paul Farrell  
Wednesday 31 August 2016 17.46 AEST

Labor is to call for a wide-ranging parliamentary inquiry into the Australian government's response to allegations of abuse and assault at the Nauru detention centre.

On Thursday Labor will introduce a motion into parliament to initiate a Senate inquiry, following the Guardian's publication of the Nauru files. Labor will also propose examining the effect of laws that gag immigration detention whistleblowers.

The 2,116 leaked reports 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. They 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 have drawn strong international and domestic condemnation of the state of the Nauru detention centre.

The terms of the inquiry proposed by Labor are broad, and cover the Australian government's response to the allegations and the response of the private companies that manage the detention centre. They also cover the support provided to the Nauruan government, and scrutinise the government's attempts to resettle asylum seekers on Nauru.

The inquiry would also examine the effect of the Australian Border Force disclosure offence, a controversial new measure that could lead to whistleblowers who disclose or record specific information about the detention system facing up to two years in jail.

Shayne Neumann, Labor's immigration spokesman, told Guardian Australia: "We want this to be a serious inquiry, not just a tick and flick. We want to make sure that witnesses can be called and people have the opportunity to give submissions.

"Australia has an obligation to treat these people with decency and humanity. The government's response so far has been that the reports have been hype and fabrication."

Neumann added: "It's timely we support this, and we want to do this by the end of March. That gives us enough time for a proper inquiry that will examine what has gone on here."

He said he had given a copy of the motion to the Greens and crossbench senators, and had requested their support for the inquiry.

"We're asking the crossbench to support this," he said. "These are very serious allegations of abuse, self-harm and neglect of asylum seekers."

The prospects of the motion succeeding appear to be likely. The Greens have already given their in-principle support for a parliamentary inquiry, and other crossbench senators expressed backing for an inquiry but reserved their decision until a formal motion was put.

The motion will be introduced in the Senate by the Labor senator Murray Watt. The motion will ask the Senate to "investigate the serious allegations of abuse, self-harm and neglect of asylum seekers in relation to the Nauru regional processing centre".

It will include “the obligations of the commonwealth government and contractors relating to the treatment of asylum seekers, including the provision of support, capability and capacity building to Nauruan authorities”, as well as the provision of support services to asylum seekers.

It will also seek to “examine additional measures that could be implemented to expedite third-country resettlement of asylum seekers and refugees within the centre”.

<https://www.theguardian.com/news/2016/aug/31/nauru-files-labor-unveils-plan-for-wide-ranging-inquiry-into-abuse-allegations>

## **16. Danish delegation planning visit to Nauru detention centre refused visas**

The Guardian

Paul Farrell

Tuesday 30 August 2016 20.31 AEST

Last-minute decision by Nauruan authorities to block MPs' visit to Australian-run centre triggers accusations of an 'undemocratic' process

The government of Nauru has refused to grant visas to two Danish politicians critical of Australia's offshore detention system, triggering a diplomatic row between Australia, Nauru and Denmark for the “undemocratic” decision.

The diplomatic crisis has drawn the Danish foreign minister, Kristian Jensen, into the dispute with the Nauruan government and high level Australian officials.

The Guardian understands that the delegation were given approval to visit the immigration processing centre in official correspondence with Australia and Nauru.

The decision to refuse the politicians visas is likely to intensify international scrutiny on Australia's immigration detention system, following the publication of the Nauru files by the Guardian, and longstanding concerns over the secrecy of Australia's detention regime.

A cross-party Danish parliamentary group of six politicians has been in Australia since Saturday, as part of a long planned visit to examine Australia's offshore detention system.

They met with Australian immigration officials while in Australia, and had planned to depart for Nauru on Tuesday to gain a rare glimpse on the Nauru detention facility.

But their plans were thwarted when they arrived at Canberra airport on Tuesday for the flight to Nauru and discovered three members of the delegation had been refused visas.

Johanne Schmidt-Nielsen, a progressive politician from the red-green alliance (Enhedslisten), has been openly critical of Australia's detention system. She and Socialist People Party member Jacob Mark, who had also been critical of Australia's policies, were two of the members who were declined visas. A third politician, who has not been publicly critical of Australia, Syrian-born conservative MP Naser Khader, was also denied a visa.

Schmidt-Nielsen posted on Facebook: “The Danish delegation as a whole then cancelled their visit to Nauru. The government of another country should not be able to pick out members of a Danish parliamentary delegation. Such an action is deeply undemocratic.”

“The visit has been under preparation for a long time in cooperation between authorities from Denmark, Australia and Nauru. A detailed programme of the visit had been made.”

She said it was “anybody's guess” why Khader had been denied access as well.

“It is totally unacceptable, antidemocratic and very telling of the situation on Nauru that critics are denied access.”

Jensen tweeted on Tuesday he was working on resolving the matter. The Guardian understands he had been in contact with the Nauruan government's foreign minister.

Politicians from the Social Democratic party, the Danish People's party and the governing Liberal party (Venstre) were still permitted to continue on to Nauru. But the remaining three politicians all declined to continue on to their visit to Nauru without the other three delegates.

The trip had been a secret for months until a Danish radio station 24syv broke news of the visit. It is costing the Danish government about AU\$100,000.



Heated debate has occurred in Denmark over how the country should respond to migration in Europe. Some far-right groups have urged the country to adopt a similar model to Australia's system of offshore detention.

The Danish People's party has even suggested asylum seekers should be sent to Greenland or Tanzania as part of a similar offshore arrangement.

The Australian government has faced heavy international criticism over its management of the Nauru detention centre, as well as the extraordinary regime of secrecy it has put in place over the facility. Only a few handpicked journalists have been able to access the detention centre since it opened three years ago.

The government of Nauru has been contacted for comment.

<https://www.theguardian.com/world/2016/aug/30/danish-delegation-visit-to-nauru-australian-detention-centre-refused-visas>

## **17. Nauru bans unsympathetic Danish MPs from detention centre visit**

Canberra Times  
August 31 2016 - 1:59PM  
Nicole Hasham

A delegation of Danish politicians has cancelled a planned visit to Nauru after the island's government barred two MPs critical of Australia's immigration regime and one with a Muslim background who was born in Syria.

The fact-finding mission was designed to scrutinise the Nauru detention centre to assess whether such immigration policies should be enforced in Europe as the region struggles with a migrant crisis.

But Johanne Schmidt-Nielsen of the Red-Green Alliance, whose left-wing party does not support Australia's hardline refugee stance, announced Nauru had "excluded unwanted Danish politicians", including herself, from visiting the remote island.

The decision will fuel criticism that the Nauruan government is avoiding scrutiny of alleged abuses and poor conditions experienced by asylum seekers and refugees.

"On Monday the government of the Pacific island of Nauru announced that Jacob Mark of the Socialist People's Party, Naser Khader of the Conservative People's Party and I were no longer welcome at the 48-hour visit to Nauru of the Danish Parliament's Immigration Committee," she said in a Facebook post on Tuesday.

Ms Schmidt-Nielsen said politicians from the Social Democratic Party, the far-right Danish People's Party and the governing Liberal Party were still welcome to visit Nauru. The group of six was due to depart for the island from Brisbane on Wednesday, but the trip has now been cancelled.

The MP said she and Mr Mark had publicly criticised Australia's immigration policies, however "the reason why a Danish politician with the name Naser Khader is excluded – without having criticised Nauru or Australia – is anybody's guess".

The three MPs were denied visas to Nauru.

Mr Khader, a conservative MP who was born in Syria and whose family has a Muslim background, told Fairfax Media he believed his ethnicity played a role in the decision.

"I was the first Arab and Muslim MP in Denmark ... I really don't know [why the visa was denied] but in my passport it states that I was born in Syria," he said.

"We didn't get any explanation, I can't conclude anything else except maybe it's my background.

"Two of [the other MPs] had criticised but I didn't comment on the camps, I said from the beginning I want to see them before I comment."

Mr Khader said it was unusual for a democratic country to reject a parliamentary delegation.

Ms Schmidt-Nielsen's legal and migration adviser, Niels Rohleder, told Fairfax Media that the Danish embassy in Canberra informed the delegation of the news on Monday, when the group was in Sydney.

The development comes a week after Australian Greens senator Sarah Hanson-Young declared the culture of secrecy on Nauru "out of control" after she was barred from returning to the country to investigate the plight of refugees.

Ms Schmidt-Nielsen said the Danish Ministry of Foreign Affairs had sought to intervene but "on Tuesday the Nauruan authorities announced that their decision was final".

"The Danish delegation as a whole then cancelled their visit to Nauru," she said, adding it was "deeply undemocratic" for a government to cherry-pick which foreign MPs were allowed to visit.

Ms Schmidt-Nielsen said planning for the visit had been extensive and involved authorities from Denmark, Australia and Nauru.

"It is totally unacceptable, antidemocratic and very telling of the situation on Nauru that critics are denied access. Nauru is a very closed island," she said.

While in Australia, the group met with immigration officials, toured Villawood detention centre, and met refugees and human rights advocates.

Ms Schmidt-Nielsen cited the denial of visas to journalists seen as unsympathetic to the detention centre, as well as human rights experts and other politicians.

"It is impossible to understand that Australia can defend having camps on an island where conditions are being massively criticised by the UN, Amnesty International, Save the Children, Human Rights Watch and many others and where journalists and elected officials are not welcome," she said.

Comment has been sought from the Government of Nauru.

<http://www.canberratimes.com.au/federal-politics/political-news/nauru-bans-unsympathetic-danish-mps-from-detention-centre-visit-20160830-gr4y8g.html>

## **18. Nauru fiasco serves to confirm Danish group's suspicions of Australian tactics**

In a very short trip, the parliamentary delegation did see a rare glimpse of Australia's detention system – although perhaps not the one they hoped for

The Guardian

Paul Farrell

Saturday 3 September 2016 11.10 AEST

"If one thing positive came out of this trip", Danish MP Johanne Schmidt-Nielsen said in the final hours of her visit to Australia to learn about the country's immigration detention system, "it was that again the world can see that in a country where critical eyes and ears are not allowed, it's obvious that something is being hidden".

The carefully worded missive was Schmidt-Nielsen's parting shot as she and five parliamentary colleagues from across Denmark's political spectrum ended their fact-finding mission on Australia's offshore detention regime.

It didn't quite end up where the six had hoped. They found themselves in Canberra en route to Nauru via Brisbane when they learned that three of their members – Schmidt-Nielsen, a progressive politician from the red-green alliance (Enhedslisten), Socialist People's party member Jacob Mark and Syrian-born conservative MP Naser Khader – would not be granted visas for entry by the Nauruan government, despite the long-planned trip.

Nauru has not explained this decision. It has not responded to the Guardian's request for comment about the reason the politicians were barred. But two of those who were barred told the Guardian that the Nauruan government had made no secret of the reasons they were denied access.

"The government of Nauru actually said directly to the Danish embassy and also to the chairman of the Danish People's party that we couldn't go there because we had been saying critical things about what was going on," Schmidt-Nielsen said. "They didn't want that in Nauru."

Mark, who had also been critical of Australia's policies, told the Guardian: "I thought that it must be a lie. It was crazy.

"It was presented to me as a decision of the Nauru government. They actually said that directly to us that it was because we have been critical before this trip. They said this to our chairman, and the committee."

Khader told Fairfax Media he believed the decision to bar his entry was made because of his Muslim background and Arab ethnicity.

The awkward diplomatic debacle even drew the Danish foreign minister, Kristian Jensen, into the dispute. The Guardian understands his phone calls to senior ministers on Nauru went unanswered.

Jensen has since been critical of the Nauruan government's decision to renege on its invitation in the Danish media – although more circumspect about Australia.

The Danes were shocked. Even the three remaining conservative politicians couldn't believe another country would try to interfere with a parliamentary delegation in this way – even if they didn't agree with their politics.

In a spirit of parliamentary unity that Australians might find surprising, the far right conservative member of the group and chairman, Danish People's party member Martin Henriksen, pleaded that his parliamentary colleagues be allowed to continue.

"He tried, even though he is from another party, to convince them that we just wanted to have a look and know how they do things and why they do things," Mark said.

When they were turned down, they all left. They went together, or not at all.

The differences in political cultures was a particularly grating clash between liberal-minded Scandinavian democracies and the much harsher politics of Australia and its largely dependent co-agent in the offshore detention regime, the Pacific island nation of Nauru.

Some lawyers describe the arrangement by which the detention centre and the welfare of the asylum seekers there has been outsourced to Nauru as a legal sleight of hand. The arrangement also gives the Australian government a convenient way to shift the responsibility for what occurs there.

"Well, we don't hold them there," Australia's prime minister, Malcolm Turnbull, told Australia's Four Corners program in June 2016. "We don't hold them there. That is not correct. We do not hold them there."

Denmark has developed a particular interest in Australia's policies for asylum seekers. The last election witnessed the rise to prominence of the Danish People's party, a hard-right group that is aggressively against immigration, particularly Muslims. The conservative government in Denmark doesn't have a working majority. They're heavily reliant on the DPP and several smaller parties to retain power.

And the DPP's views on immigration have had them encouraging the government and the public to turn to a place infamous for its hardline policies: Australia.

So in secret, and without the knowledge of the Danish public, the 29-member parliamentary committee that examines immigration in Denmark began to discreetly make inquiries about visiting Australia and Nauru to understand how the offshore detention system worked.

This was almost a year ago. Things appeared to be going smoothly, and Australia was incredibly welcoming. It was an opportunity to show the world that its policies were working, and were gathering interest globally.

The Nauruan government had given every indication it was finalised and prepared. They had provided a formal program of their tour. It listed meetings with the secretary for multicultural affairs, Barina Waqa, and the deputy secretary for refugee status determination, Shyla Vohra. A formal tour was planned for the Regional Processing Centre, and a bus was organised to take them from site to site.

But when the Guardian reported on the Nauru files, which highlighted devastating trauma and abuse inflicted on children held in offshore detention in the largest cache of leaked documents released from inside its immigration regime, there was renewed attention to the criticism of Australia's detention system. It coincided with the secret trip finally being disclosed last week by the Danish radio station Radio24syv. It generated a wave of controversy over the cost of the visit and the broader secrecy around it. Australians may be used to secrets, but the Danish are not. The trip would no longer be a discreet one.

The increasing attention on Nauru and Australia, and some of the comments from Schmidt-Nielson and Mark, appear to have signalled a turnaround from the Nauruan government. Why they would do so at such a late stage remains a mystery.

"It was unacceptable and anti-democratic and I suppose everyone in the delegation was really surprised," Schmidt-Nielson said. "If they didn't want us to go you would assume they would have denied access before we came all the way to Australia."

Although it was frustrating for them, the trip was far from fruitless for at least some members. The delegation did have the opportunity to speak with a large number of high-profile Australian immigration officials. They also met the assistant minister for immigration, Alex Hawke, as well as organisations such as Save the Children and the Australian Human Rights Commission.

It gave them the opportunity to try to understand more about the relationship between Australia and Nauru, and how the system worked.

"It's still completely unclear for me who has actually got the legal responsibility for what is going on in Nauru," Schmidt-Nielson said. "Is it Australia? Is it the government of Nauru? Is it a shared responsibility, and if so what does that mean?"

It also gave them the opportunity to ask some tougher questions of the Australian officials.

"I asked about the Nauru files, several times. Every time the answer was 'all of the cases are being looked into and this is just a symptom of us having a really good reporting system'."

She continued: "I said 'do you know of any cases where assault and child abuse were actually being investigated, someone being prosecuted?' And I have been asking that for a lot of time, and nobody has answered. One time when I asked, they said 'I don't know'. That was the closest I got to an answer."

Their responses were of equal surprise to Mark.

"You can sit at one meeting and they will talk all about how much they care about children," he said. "But then you ask if they know if children have been raped or abused on Nauru, 'do you know if anything has happened to the people who did it?'"

"And then the government in Australia just says 'oh we don't know'."

It is unclear how much the Danish government will take on what the delegation learnt and saw in Australia for its own policies. In any case, while the parliamentary delegation was in Australia the Danish government made a surprise announcement; it would entirely cut the 500-person quota it placed on refugees for 2017. None would be resettled in Denmark next year.

In a very short trip, the parliamentary delegation did see a rare glimpse of Australia's detention system – although perhaps not the one they hoped for.

"For me it is just one big show," Mark said. "A symbol to the world that says 'don't come here'."

<https://www.theguardian.com/australia-news/2016/sep/03/nauru-fiasco-serves-to-confirm-danish-groups-suspicions-of-australian-tactics>

## **19. Australia resettles only a sixth of promised Syrian refugee intake**

Nearly a year after Tony Abbott announced the additional humanitarian intake, only 2,000 have been taken in

The Guardian  
Ben Doherty  
Friday 2 September 2016 06.22 AEST

Australia has resettled 2,000 refugees fleeing the Syrian conflict in almost a year, in the same time as Canada and the US have taken in 30,000 and 10,000 people respectively.

Nearly a year after the former prime minister Tony Abbott announced an additional humanitarian intake of 12,000 Syrian refugees, just 2,000 have been resettled under the program.

A senior department source told the Guardian the figure was "starting to pick up but it's still only about 2,000". The vast majority of that figure are understood to have arrived in the past six weeks. The immigration minister and his department both refused to answer questions on the program.

Six-hundred of those Syrians who have come to Australia under the program have been resettled in New South Wales, the NSW coordinator general for refugee resettlement, Peter Shergold, told the Guardian.

Abbott announced the Syrian resettlement scheme – in addition to Australia's annual humanitarian intake – on 9 September 2015.

Since 4 November 2015, Canada has resettled 30,136 people fleeing the Syrian conflict. The Canadian government has a website, tagged #Welcome Refugees, which updates details of the progress of the resettlement program.

Barack Obama announced that the US would this week receive its 10,000th Syrian refugee since October 2015, ahead of the government's planned resettlement schedule.

"On behalf of the president and his administration, I extend the warmest of welcomes to each and every one of our Syrian arrivals, as well as the many other refugees resettled this year from all over the world," the US national security adviser, Susan Rice, said. The US will resettle about 85,000 refugees this year.

Australia has been criticised for moving too slowly to resettle refugees fleeing the conflict in Syria and Iraq.

Announcing Australia's 12,000 additional humanitarian places last September, Abbott said: "Our focus will be on those most in need – the women, children and families of persecuted minorities who have sought refuge from the conflict in Jordan, Lebanon and Turkey."

However, he imposed no timeframe for their resettlement.

“We’re not putting a timetable on it because we do have to make all of these important checks – health, security, character – because it is important that we bring in people who are going to be contributors to the Australian community,” he said. “It is important that we don’t bring in anyone from this troubled region who might ultimately be a problem for the Australian community.”

Oxfam has urged Australia to move more swiftly on its resettlement efforts of refugees who have escaped Syria’s now five-year-old civil war.

“The government has an obligation to provide details on meeting its commitment to resettle an additional 12,000 Syrian and Iraqi refugees in Australia,” Oxfam Australia’s chief executive, Helen Szoke, said. “So far, there has been a lack of transparency as to how many of these refugees have arrived in Australia or any firm commitment as to when the promise – made nearly a year ago – will be met in full.”

The acting chief executive of the Refugee Council of Australia, Tim O’Connor, told the Guardian his organisation welcomed the recent increase in the speed of arrival of Syrians and Iraqis as part of the September 2015 commitment of 12,000 additional refugee resettlement places.

“Australia’s settlement organisations have long been prepared for the scale-up of this refugee intake and are now very busy in bringing their expertise to resettle these people into the Australian community. The expectation is that the majority of the 12,000 will arrive within the next 18 months.”

Australia’s humanitarian refugee intake was 13,750 last year and will remain at that level for the 2016-17 financial year. It is slated to increase to 18,750 by 2018-19.

Labor has a policy of lifting Australia’s humanitarian intake to 27,000, while the Greens have proposed 50,000.

On September 19, the UN secretary general, Ban Ki-Moon, will host a summit in New York “addressing large movements of refugees and migrants”. But a draft declaration document from the summit has already been widely circulated and widely condemned for its failure to commit countries to concrete actions to make refugees’ journeys better or safer. The declaration is also not legally enforceable.

The day after Ban’s summit, the US president is hosting his own “leaders’ summit”, also in NY.

But, unlike the UN event, the US summit has been billed as a “pay-to-play” summit, with Obama offering invitations only to countries who indicate in advance that they are prepared to make concrete commitments to accept more refugees from the growing global pool of displaced people.

The Guardian understands Australia has been invited but has not yet formally accepted as the government considers what, if any, commitments it is prepared to make. Australia would likely be represented by the prime minister, Malcolm Turnbull, the foreign affairs minister, Julie Bishop, and the immigration minister, Peter Dutton.

The UNHCR says more than 65m people are currently forcibly displaced from their homes, 24.5m of those outside their own country.

<https://www.theguardian.com/australia-news/2016/sep/02/australia-resettles-only-a-sixth-of-promised-syrian-refugee-intake>

## **20. Pressure mounts on Malcolm Turnbull to make new refugee pledge at Barack Obama summit**

Canberra Times  
Nicole Hasham  
August 31 2016 - 2:14PM

Prime Minister Malcolm Turnbull is under pressure on the world stage to take substantial new action on the migrant crisis after Australia scored a coveted invitation to a refugee summit hosted by US President Barack Obama.

Fairfax Media has learned the United States has extended the invitation to Australia to attend the Leaders’ Summit on Refugees, to be held on September 20 at the sidelines of the United Nations General Assembly, at which Mr Obama will urge nations to increase their refugee intake and humanitarian funding.

It had been unclear if Australia would be asked to attend the event, and the invitation avoids a potentially embarrassing snub that would have fuelled criticism that this nation is courting pariah status through its tough asylum seeker policies.

It is understood Mr Turnbull is likely to take up the invitation, and Immigration Minister Peter Dutton and Foreign Minister Julie Bishop, who will also be in New York, may also attend.

The Prime Minister has been invited with a delegation, and could nominate a proxy if he decides not to attend.

The invitation comes as Australia's detention centres at Nauru and Manus Island appear ever more unsustainable, and the summit provides an opportunity for Mr Turnbull and his ministers to find a third nation in which to resettle offshore refugees.

However should Australia attend, it will be expected to bring new, significant pledges to the table to help alleviate the global migrant crisis. The invitation itself suggests that the US considers that Australia has already indicated a willingness to do more.

A spokeswoman for the US Embassy in Canberra said nations hosting large numbers of refugees "will receive an invitation by making new and significant policy changes that result in more refugees attending school and working legally".

Other nations would receive invitations "based on new and significant increases in their humanitarian financing and resettlement or admissions programs".

She declined to say if Australia's refugee intake, set to reach 18,750 by 2018/19, was considered large. Australia will also accept 12,000 people fleeing the Syrian conflict.

Meantime, new polling in Mr Turnbull's electorate of Wentworth shows voters have little appetite for indefinite offshore detention.

Galaxy polling of 504 constituents on Monday, commissioned by Save The Children Australia, showed just 5 per cent believed refugees at Nauru and Manus Island should be held indefinitely.

Some 44 per cent believed they should be settled in Australia and 42 per cent wanted them settled overseas.

Almost four in five voters, or 78 per cent, believed Mr Turnbull should accept New Zealand's offer to resettle some refugees from Nauru and Manus. This included 74 per cent of Liberal voters.

Save the Children Australia policy and public advocacy director, Mat Tinkler, said many offshore refugees had been in limbo for three years "which has seen them lose hope, develop serious mental health problems and commit acts of self-harm".

"The Prime Minister must now get involved and seek to directly negotiate a sustainable outcome with other world leaders. September's UN meeting in New York would be an opportune moment to achieve this," he said.

"If the Prime Minister cannot arrange a safe and sustainable resettlement option in an appropriate third country by the end of the year, he should bring the refugees on Nauru and Manus Island to Australia."

<http://www.canberratimes.com.au/federal-politics/political-news/pressure-mounts-on-malcolm-turnbull-to-make-new-refugee-pledge-at-barack-obama-summit-20160831-gr5g5n.html>

## **21. Religious leaders stage prayer protest in Turnbull's electorate office over offshore detention centres**

ABC News Online

By Jean Kennedy

First posted Mon 29 Aug 2016, 8:29pm

Updated Tue 30 Aug 2016, 4:48am

Seven religious leaders who staged a prayer protest inside Malcolm Turnbull's Sydney electorate office over offshore detention centres have said they were "arrested" by police after refusing to leave.

The six pastors and one nun from various churches entered the Prime Minister's Edgecliff office about midday on Monday.

Police were called in and the group was asked to leave about five hours later.

Catholic nun Sister Susan Connelly, from Saint Mary MacKillop's Josephite order, said it was an "act of civil disobedience" in protest against detention centres on Manus Island and Nauru.

"A number of policemen came in and asked us to leave, and we refused to leave," she said.

"They told us four or five times to go and when we said we wouldn't — they very respectfully, I must say, our police are lovely — they escorted each of us outside, and said that we would be hearing from them.

"We weren't actually charged but they took all our identification and so they know who we are and said they'd be in touch."

Sister Susan Connelly said if she was fined over the incident she would refuse to pay.

"I can tell you now I will not be paying a fine, I will go to court and am prepared to go to jail," she said.

### ***Group prayed and read detention files***

Reverend Michael Palmer, an Anglican rector from St Michael's at Vaucluse in the Prime Minister's electorate, said police waited until the group had finished sharing in Holy Communion and singing Amazing Grace before moving in.

"We were told that if we didn't leave, we'd be under arrest," he said.

"We didn't leave and so we were then escorted out of the building.

"We left the building peacefully, there was no scuffle.

"I assumed because we didn't leave, it was an arrest, and the officer said there would be an ongoing investigation."

However, police said the members of the group were not arrested but simply "moved on", with no charges laid.

Reverend Palmer said the group read from the scriptures, prayed, sang and read out incident reports from the Nauru files, which are leaked documents from inside the immigration detention system.

"It's pretty harrowing stuff really," he said of the leaked Nauru documents.

"What we want to see happen is that those detention centres close and refugees brought to Australia.

"That's all we want and if there wasn't going to be some assurance of that happening, which obviously there wasn't, then we were prepared to be arrested for that." he said.

<http://www.abc.net.au/news/2016-08-29/religious-leaders-stage-protest-at-turnbull's-sydney-office/7796492>

## **22. Maritime workers say high court win on foreign visas will protect local jobs**

Court rules against Australian government's decision to exempt workers on vessels in offshore oil and gas industry from visa requirements

Guardian staff

Wednesday 31 August 2016 12.50 AEST

Australian maritime workers have hailed a high court victory they say will protect local jobs on offshore oil and gas projects and curb the potential exploitation of foreign workers.

The high court on Wednesday unanimously ruled against the federal government's decision to exempt workers on vessels in the offshore oil and gas industry from visa requirements.

Unions argued the move provided an incentive for companies to hire foreigners for cheaper wages and undercut safety standards and conditions.

The court found the immigration minister had exceeded his authority by exercising unrestrained powers.

Slater and Gordon lawyer Kathryn Presdee said foreigners hired by international shipping firms would not have been covered by Australia's Fair Work Act.

"It's not just about exploitation, it's a huge safety issue," she said.

Presdee said the legal issue arose after the government redefined Australia's migration zone as part of the Pacific Solution.

"Thousands of islands were removed and the migration zone was brought back to the shoreline to limit areas that could be landed upon or entered and then legitimately used for claims of asylum," Presdee said.

"This created a grey area for workers in the offshore resources industry because the minister began exercising an executive power to exempt companies from obtaining visas for their employees, because they technically didn't need to enter Australian territory to work on offshore workplaces."

Presdee said the minister's decision to exempt offshore resource companies from the visa requirement had subverted the Migration Act and incentivised the hiring of overseas workers.

"We welcome the high court of Australia's decision today which confirmed the minister's exercise of power in this instance was invalid and effectively overriding the will of parliament."

Maritime Union of Australia spokesman Will Tracey described the employment minister, Michaelia Cash, as the government's "chief job destroyer".

"It's disappointing this government continues to attack the jobs of Australian workers in the most lucrative industry in the country – offshore oil and gas industry," he told reporters, outside the court.

Australian Maritime Officers Union spokesman Tim Higgs said the government had massively overreached and the ruling would help preserve proper wages and conditions.

<https://www.theguardian.com/australia-news/2016/aug/31/maritime-workers-say-high-court-win-on-foreign-visas-will-protect-local-jobs>