

# Project SafeCom News and Updates

Monday, 28 November 2016

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# 1. Behrouz Boochani: The day my friend Hamid Kehazaei died

As the inquest into the death of Iranian asylum seeker Hamid Kehazaei begins, his friend and fellow Manus Island detainee Behrouz Boochani tells how he learned of a tragedy that in his view could have easily been prevented

The Guardian  
Monday 28 November 2016 05.57 AEDT  
Behrouz Boochani

It was a gloomy sunset in the Manus prison. We, a group of refugees from the Foxtrot prison, were heading towards the corridor where the mourning ceremony was held by Iranian refugees for Hamid Kehazaei. The news of Hamid's death had been confirmed in the morning when his friends contacted his family in Iran. A deathly silence filled the prison, and the faces of captive prisoners were full of sorrow, frustration and agony.

Hamid's death was totally different from any other death. It was beyond human nature. It could have been easily prevented and was the result of incalculable cruelty, and so our emotions were beyond those a person usually experiences as the result of losing a friend.

Great fear gripped each of us in Manus prison. Was our destiny the same as Hamid's? Was it to be that sooner or later everything would be destroyed and finished by a simple infection? This fear was most notable in those who were sick.

We were about to arrive at the mourning ceremony when a couple of officers came to me and told me there was an urgent meeting being held at a room near the Green zone (the solitary confinement area) and that as a community leader I needed to be present. Without delay, I went with them.

The room was next to the Foxtrot prison and we were able to hear the movements and happenings of all the people attending the ceremony.

The community leaders of Oscar, Mike and Delta compounds were also invited to the meeting. The atmosphere was full of pain and sorrow. The officers present told us there was no hope for Hamid's life and that he had passed away. They had no response to our questions: why had Hamid passed away? Why should a person lose his life as a result of a simple infection? Why were we not informed of his death sooner? Why was his death announced exactly when there was a mourning ceremony in front of Hamid's room? Why was it announced when all the refugees had already known about his death?

After a while, I left the meeting, which had been full of dispute. Without saying anything to anyone, I headed to the ceremony. I was thinking about the suspicious behaviour of the prison authorities during the ceremony and trying to find a reason why they were evading the truth about Hamid's death: why had they ignored all our requests about his health condition when we had been worried about him during those previous days?

It was completely unacceptable that even when everyone had been informed of Hamid's death, the authorities were still afraid of telling the truth, and that as the ceremony was happening, they took the community leaders to the rear room of the prison and announced it to us.

Everything was suspicious.

<https://www.theguardian.com/australia-news/2016/nov/28/the-day-my-friend-hamid-kehazaei-died>

## 2. Delay to treatment of Hamid Kehazaei before he died revealed in leaked files

Exclusive: Ahead of inquest, documents show how Australian immigration department held up transfer of asylum seeker from Manus Island for treatment

The Guardian  
Ben Doherty  
Monday 28 November 2016 05.57 AEDT

In the weeks before he contracted an infection inside the Manus Island detention centre that would ultimately lead to his death, asylum seeker Hamid Kehazaei spent his days caring for and cleaning excrement from the body, clothes and bed of a fellow asylum seeker who was in the grip of a severe "mental crisis" but whom no one else was looking after.

As the Australian government prepares to empty the controversial Manus Island detention centre and resettle those held there in other countries, a cache of government emails, incident reports and welfare assessments obtained by the Guardian has revealed the depths of Kehazaei's suffering before he died from a treatable bacterial infection on 5 September 2014, aged 24.

The coronial inquiry into Kehazaei's death, before Queensland coroner Terry Ryan, begins in Brisbane on Monday.

The inquiry is expected to examine the conditions of detention on Manus Island and the healthcare provided to those held there, including apparent systemic inadequacies, such as the repeated warnings from doctors about Kehazaei's worsening condition that were not acted upon.

In particular, the coronial inquiry is expected to focus on the bureaucratic delays in transporting the perilously ill asylum seeker to a hospital that could properly treat him.

The Manus Island documents, including more than 100 emails sent between doctors, case workers and security staff on Manus Island, Department of Immigration and Border Protection officials in Australia, and members of the minister for immigration's staff, reveal a chaotic and confused situation on the island. The documents show uncertainty and contradiction about Kehazaei's treatment. Medical advice from the doctors treating Kehazaei – urging he be moved to a tertiary hospital in Australia – was resisted by department bureaucrats in Canberra, anxious to preserve the policy of keeping asylum seekers detained on the island in Papua New Guinea.

Kehazaei grew up in Tehran. He served in the Iranian military but, after being discharged, had grown progressively more disenchanted with the restrictions of his country's theocratic and oppressive regime. He fled in April 2013.

Kehazaei's mother, Goldone, told the Guardian her son "wanted to be independent, stand on his own two feet and make a life for himself".

He arrived by boat on Christmas Island in August, a month after the Rudd government introduced its policy of offshore processing and regional resettlement for all asylum seekers who arrived by sea. Kehazaei was transferred to Manus Island in September 2013.

He was, for the circumstances, a model detainee. "Transferee reports having no difficulty with social functioning and gets along well with other transferees from different ethnicities and nationalities," one welfare report on him reads.

FULL STORY AT <https://www.theguardian.com/australia-news/2016/nov/28/delay-to-treatment-of-hamid-kehazaei-before-he-died-revealed-in-leaked-files>

### **3. Iranian asylum seeker on Manus Island needed higher care, paramedic tells inquest**

ABC News Online  
By Louisa Rebgetz  
November 28, 2016

There was a general consensus among staff working at the medical clinic at the Manus Island detention centre that Iranian asylum seeker Hamid Khazaei needed to be provided with higher care, an inquest into his death has heard.

Mr Khazaei died in Brisbane's Mater Hospital in August 2014, 13 days after presenting to the medical clinic on Manus Island with a fever and chills.

The 24-year-old was flown from Manus Island to the Pacific International Hospital in Port Moresby three days later, before being moved to Brisbane's Mater Hospital where he died.

Queensland coroner Terry Ryan is investigating whether Mr Khazaei received appropriate medical care, and if the Australian Government and its contractors had adequate procedures in place to handle medical emergencies at offshore detention centres.

Day one of the inquest, being held at Brisbane Magistrates Court, heard from paramedic Rafael Cruz, who started working at the clinic in April 2014 and treated Mr Khazaei during two consecutive night shifts.

He told the inquest via video link at first Mr Khazaei presented as a routine patient as infections were common in the humid conditions on the island.

Mr Cruz said during the second night it was clear Mr Khazaei's health was deteriorating and that medical staff were having a hard time getting his blood pressure to a healthy level.

"There was a general consensus on day two he needed to be in a place that provided higher care," Mr Cruz said.

"We were trying to get him out.

"He was not improving, he was actually deteriorating."

Mr Cruz said patients suffering and with conditions such as hypotension and a fever needed to be treated urgently and at a higher level.

He remembered at the time evacuations could not occur on Manus Island during the night, but that has since changed.

Mr Cruz went on to say evacuations could be done quickly, such as when someone was suffering a heart attack.

Mr Cruz, a US-trained paramedic who has also worked in Afghanistan, said it was a lengthy process to get the job on Manus Island undergoing several interviews, but he said there was no induction.

The inquest will hear two weeks of evidence, before reconvening early next year.

<http://www.abc.net.au/news/2016-11-28/hamid-khazaei-inquest-paramedics-recalls-higher-level-treatment/8062770>

## **4. Existence of 'pivotal' letter from Scott Morrison on boat turnbacks revealed**

Document sought in FoI case purports to authorise possibly unlawful return of asylum seekers to Indonesia

The Guardian  
Christopher Knaus  
Monday 28 November 2016 16.22 AEDT

The existence of a “pivotal” letter purporting to show the immigration minister’s authorisation of possibly unlawful asylum seeker turnbacks has been revealed in the closing stages of a long-running freedom of information case.

The case began in early 2014 when the then Customs and Border Protection Service refused a Guardian Australia freedom of information request.

The request, made by the Guardian Australia journalist Paul Farrell, sought access to ship logs and government orders relating to the government’s controversial asylum seeker turnback operations.

Farrell took the matter to the information commissioner, who ruled one document could be partially released. But the department appealed to the Administrative Appeals Tribunal, which began hearings in August.

The case returned to the tribunal on Monday and Farrell’s lawyers immediately revealed they had become aware of a letter from the then immigration minister, Scott Morrison, to the then defence force chief, David Hurley, on 18 November 2013.

The document purportedly authorised asylum seeker turnbacks “to Indonesia”, something Farrell’s lawyers are arguing was unlawful before the enactment of the Maritime Powers Act in March 2014.

The Morrison document was never disclosed by the department as relevant to during the FoI process. Its existence was only realised after Farrell’s lawyers noticed a reference to it in a separate document, which had been released by the department.

The tribunal’s deputy president, Dennis Cowdroy, said on Monday that the Morrison document was “prima facie” within the scope of the FoI request. He later said the document was “pivotal” to the case being considered by the tribunal.

Lawyers for the government asked for more time to consider whether it wished to make any additional arguments for the document to be exempted.

Solicitor Justin Davidson said Farrell’s lawyers were employing a “babushka doll strategy” in their quest for documents.

“What we have here is a sort of babushka doll strategy, where we produced one document, the applicant saw a reference to another document and said, ‘We’d like that document as well,’” he said.

Davidson said he would ask for the status of the new document to be considered to be considered urgently by the department.

The department is relying on two main arguments to refuse Guardian Australia access to the turnback documents. Their release would jeopardise Australia’s national security, it is argued, and would “disclose lawful methods or procedures” for combating people smuggling.

Farrell’s barrister, Tom Brennan, rejected both of those grounds during his closing submissions on Monday. Brennan has raised the possibility that the turnback operations themselves were unlawful before the enactment of the Maritime Powers Act.

He said the operations were unlawful because they took asylum seekers out of Australian waters and towards Indonesia’s territorial sea, possibly constituting another form of people smuggling, which is a criminal offence.

By raising such an argument, Brennan put the onus on the government’s lawyers to prove that the asylum seeker turnbacks were lawful.

“The applicant has not discharged his onus of proving that the method of turnbacks was lawful,” Brennan said. “The performance of enforced turnbacks to Indonesia involved, or very likely involved, the crime of people smuggling, by facilitating or organising the entry of persons to Indonesia.”

If it can be proved that the operations were unlawful, then the government cannot claim that the release of the documents should not be released because they would “disclose lawful methods or procedures” for combating people smuggling.

The government denies any notion that the turnback operations were illegal, but also argues that the tribunal does not need to really consider the issue.

Davidson argued that the tribunal should be considering whether the release of documents would harm current turnback operations, which were clearly lawful under the Maritime Powers Act.

“We’re not saying that disclosure of these documents would damage operations in 2013, we’re saying disclosure of the documents would damage operations now,” he said.

He also denied turnbacks constituted an offence of people smuggling.

People smuggling, he said, involved the moving of people from one nation to another, whereas turnbacks “returned people from whence they came”.

He also argued that all of those involved in turnback operations were protected by statutory immunities contained in the Migration Act.

Cowdroy has adjourned the proceedings to a date to be fixed. Davidson will consult with the department about the Morrison document and then inform the tribunal whether any further hearing is necessary.

<https://www.theguardian.com/australia-news/2016/nov/28/existence-of-pivotal-letter-from-scott-morrison-on-boat-turnbacks-revealed>

## **5. Fake fishing boats used in asylum seeker turnbacks spotted off Cocos Islands**

Fishing boats that were commissioned to replace orange lifeboats seen on deck of customs vessel near Cocos Islands

The Guardian  
Helen Davidson in Darwin  
Monday 28 November 2016 13.42 AEDT

Fake fishing boats commissioned by the immigration department continue to form part of the Australian government’s turnback operations, with one sighted on the deck of a customs vessel off the coast of the Cocos islands.

In March last year Guardian Australia revealed the government had ordered and received a fleet of vessels, resembling ageing Asian fishing boats, to replace the controversial orange lifeboats.

Photographs obtained by the West Australian on Monday show one of the vessels sitting on the deck of a customs vessel, Ocean Shield, reportedly near the Cocos islands.

The cost of the fishing vessels is unknown, but Dragon Industries Asia publicised its procurement work in 2014 as a “multimillion-dollar project”, delivering five vessels and with a repeat order. Guardian Australia understands the first five were used – and not retrieved – within months of being commissioned.

The vessels were built in Vietnam, overseen by the Hong Kong firm Dragon Industries Asia, and stored in a Darwin shipping yard. They were made to look like the 12-metre fishing boats commonly seen around south-east Asia, and given spray-painted names like “Farah”.

The Farah was used in a turnback operation a year ago after an asylum seeker boat was intercepted 200 metres from Christmas Island. The 16 occupants reappeared in the West Timor region of Indonesia a week later.

Although the federal government claims no asylum seeker boat has made it to Australia for some time, some people still attempt the journey, including a group on a vessel which in May made it as far as the main bay of the Australian island territory before being intercepted.

Monday’s report said the fishing-style vessels were commissioned to avoid “diplomatic irritation” with Indonesia. Indonesian authorities have repeatedly criticised Australia’s turn-back operations.

The lifeboats, built at a cost of \$46,000 each, were used only once each to send asylum seekers back towards Indonesia, landing on the archipelago’s southern coastline.

In February 2014 News Corp reported claims that three people had died after their lifeboat landed on a remote beach and passengers trekked for two days through the jungle.

Human rights lawyers raised concerns about the legality of the fishing-style vessels last year.

During a Senate estimates hearing in February, the head of Operation Sovereign Borders, Maj Gen Andrew Bottrell, would not confirm if the orange lifeboats were still in use or if they had been replaced by the fishing vessels.

"The only thing I can really say there is that we have a wide range of options that are available to us and those options continue to extend," he said.

<https://www.theguardian.com/australia-news/2016/nov/28/australia-still-using-fake-fishing-boats-in-asylum-seeker-turnbacks>

## **6. Australian government concedes evidence against asylum seeker was obtained by torture**

Exclusive: Sayed Abdellatif is still held in detention in Sydney even though immigration minister Peter Dutton was briefed 18 months ago that evidence used in Egypt to convict him was discredited

The Guardian  
Ben Doherty and Sarah Malik  
Saturday 26 November 2016 08.17 AEDT

Sayed Abdellatif's horizons are low already, and narrowing still.

Where once he could wave to his family through a wire fence, he has been told by guards – without explanation – that the behaviour was a security risk and prohibited.

Now the only time he has with his wife and six children are the crowded hours spent in the overfull and noisy visitors' area of Villawood detention centre in Sydney; a cavernous and impersonal room where guards wearing black vests and body cameras with listening devices quietly loiter to electronically eavesdrop on conversations. His children must wear brightly coloured wristbands to see him. The wristbands mean they can leave. His wrists are bare.

Abdellatif has watched hundreds of asylum seekers pass through and out of detention: granted bridging visas, protection visas, some deported. He has seen people set themselves on fire in detention, hang themselves and stab each other. Sniffer dogs invade rooms without notice seeking out drugs.

Abdellatif doesn't count the days – 1,643 – he has been in held immigration detention. He knows broadly it is four-and-a-half years and he knows he remains no closer to a resolution of his case than the day he arrived in Australia.

FULL INVESTIGATIVE REPORT AT <https://www.theguardian.com/world/2016/nov/26/australian-government-concedes-evidence-against-asylum-seeker-was-obtained-by-torture>

## **7. 'Social time bomb': UNHCR's warning on the plight of 30,000 asylum seekers already living in Australia**

The Age  
November 22 2016 - 5:08PM  
Michael Gordon

Australia faces a "social time bomb" over the failure to process and integrate around 30,000 asylum seekers who are in the community on bridging visas after arriving by boat during the term of the former Labor government.

The warning comes from the United Nations refugee agency's most senior protection official, Volker Turk, who has urged the Turnbull government to process the so-called "legacy caseload" quickly, efficiently and fairly to avoid breaking those who should be afforded the chance to rebuild their lives.

"It's a social time bomb if you don't address it, and it is something that is utterly avoidable," Mr Turk said during an expansive interview. "In any country in the world, if you have the resources, you can actually process cases in a fair and efficient procedure."

More than 10 asylum seekers on bridging visas have taken their lives in the last two years and it's alleged another, a Rohingya man who arrived by boat in 2013, injured himself and 27 others in a Springvale bank when he set himself on fire last week.

"There are increasing reports of many people within the asylum-seeker community being at advanced stages of feeling mentally trapped, figuratively boxed in, especially hopeless and helpless," says Professor Nicholas Procter, of the University of South Australia.

"Whether the person's perspective is influenced by events in the recent or distant past, contemporary events in Australia or elsewhere, or any possible combination of these, the picture is one of lethal hopelessness."

In September, government officials told Fairfax Media that more than 7000 of the legacy caseload had received "primary assessments", and that more than 27,000 were in the community on bridging visas including 25,000 with work rights.

"The small number of IMAs (Illegal Maritime Arrivals) in detention are there for character, national security or behavioural concerns and not because their protection claims have not been assessed," the official said.

Mr Turk, the UNHCR's assistant high commissioner for protection, said the asylum seekers he had met on bridging visas struck him as people who would make "the greatest contributions to Australian society".

But he said prolonged periods of uncertainty had the potential to break people when "that is not what refugee protection is about - it's meant to restore people and give them a future."

Mr Turk has also expressed confidence that all of the asylum seekers who have been held on Nauru and Manus Island for more than three years will be settled elsewhere following the deal with the United States. While the majority would be resettled in the US, he said it was important "that other countries come in as well".

"We are really looking at finding a solution for everyone because people have been in a very difficult situation in detention for prolonged periods of time with massive impact on their health, especially on their mental health," Mr Turk said.

While the UNHCR did not usually assist in resettling asylum seekers from developed countries, it has agreed to administer the deal with the United States because of the "precarious" state of those on Manus Island and Nauru.

As Fairfax Media reported on Monday, the UNHCR has found that refugees and asylum seekers held on Manus Island are battling some of the highest rates of depressive and anxiety disorders recorded and this is overwhelmingly the result of their detention experience. The picture on Nauru was almost as bad.

Mr Turk said he anticipated those whose protection claims had been rejected would be reassessed, saying the circumstances of their detention and their mental state may have diminished the ability to present their case.

"We can't apply the usual approach in these circumstances, so we hope that a solution can be found for everyone given the impact that prolonged mandatory detention under these circumstances has had on these people."

While Immigration Minister Peter Dutton has been vague about the details, insisting no one will come to Australia, Mr Turk said the UNHCR would continue to press the case for those refugees with immediate family members in the Australian community to be settled here.

"Our ask has always been, and will continue to be, that Australia has to be part of the solution, (especially) for those with close family links in Australia. We will not give up on this."

The UNHCR is opposing the government's proposed lifetime ban of those who are resettled from Manus and Nauru ever being able to visit Australia, maintaining it is in breach of basic human rights and will not achieve the stated purpose of deterring people smuggling.

Mr Turk said he was not aware of any other country that had proposed such a measure, admitting he could not believe it when told of the plan. "You wonder what else we need to invent to make life difficult for people who are in need of protection, vulnerable," he said.

Australia's punitive approach to those who attempted to come by boat was "so paradoxical" because Australia had such a very long and proud and continuing tradition of offering asylum and resettlement to refugees.

<http://www.theage.com.au/federal-politics/political-news/social-time-bomb-unhcrs-warning-on-the-plight-of-30000-asylum-seekers-already-living-in-australia-20161122-gsuyk5.html>

## **8. Access to Nauru detention centre granted to Sky News film crew**

Asylum seekers say they've seen reporting team around the Australian-run immigration centre on island where media access is tightly controlled

The Guardian  
Helen Davidson

Tuesday 22 November 2016 17.46 AEDT

A reporting team from Sky News has been granted access to film at the Australian-run immigration centre on Nauru.

Asylum seekers and refugees on the island had been reporting since Monday that they had seen media around the area.

Laura Jayes, the news channel's Canberra-based political reporter, arrived in the past two days, and photographs taken at the gate of the centre show a camera operator, identified as Josh Brown of Sky News.

Media access to Nauru is tightly controlled. In June 2014 the country raised the visa application fee from \$200 to a nonrefundable \$8,000.

Just two Australian media representatives have successfully applied for the visa since the change, despite many reportedly attempting, including al-Jazeera, SBS and the Guardian.

In June a crew from Channel Nine's A Current Affair, with reporter Caroline Marcus, gained admission to Nauru and produced a report.

Previously Chris Kenny, a columnist for the Australian visited and filed reports in 2015. Later that year he told Guardian Australia: "If my public support for strong border protection measures helped sway Nauru's decision, so be it."

The Nauruan government has repeatedly attacked other media organisations, including Guardian Australia and the ABC, accusing them of fabricating negative stories about the treatment of asylum seekers and refugees on the island, and about its governance issues.

Sky News and the Nauruan government have been contacted for comment.

<https://www.theguardian.com/world/2016/nov/22/access-to-nauru-detention-centre-granted-to-sky-news-film-crew>

## 9. Michael Gordon: A glimmer of hope for damaged detainees on Manus Island

The Age  
November 21 2016 - 5:01PM  
Michael Gordon

The text message came from Dr Diana Cousens, one of the Australian women who has been a kind of lifeline for refugees and asylum seekers poised to spend their fourth Christmas in limbo in Papua New Guinea and on Nauru.

An asylum seeker named Amin Afravi had been bashed by two guards on Manus Island on Friday night, she reported, after they found him trying to hang himself. "The bashing was accompanied by racial abuse," she added. "He now has broken ribs and has difficulty breathing."

Attached was the FEEDBACK AND COMPLAINTS form submitted and signed by Mr Afravi, naming the alleged culprits and ticking all the relevant boxes. Is your complaint about bullying or abuse? Tick.

A racial incident? Tick. Is your complaint about a staff member? Tick. If yes, name. In this box, he wrote the first names of his alleged attackers. The form allows nine lines to provide supporting details and Mr Afravi did his best to describe what had happened in his Farsi language.

What was extraordinary about the message was that it is not extraordinary at all. Barely a week passes when supporters like Dr Cousens do not receive an urgent message relating to alleged abuse or neglect of those who were sent against their will to PNG and Nauru.

Or a call from those who have left the detention centre, and the transit centre on the outskirts of East Lorengau, and now live in fear of leaving their accommodation in Port Moresby.

The difference was that Mr Afravi attempted to take his life after the Turnbull Government announced the agreement to resettle refugees from Nauru and Manus Island in the United States, an announcement that should have inspired hope.

Why was he so consumed with depression? "Because they are not going to do anything for me," he told Fairfax Media flatly, on a bad mobile phone line from the detention centre that was deemed unconstitutional by PNG's highest court in April.

Mr Afravi is an example of the steady mental disintegration described so clinically, and powerfully, in a report by the United Nations' refugee agency, the UNHCR, after its eighth visit to Manus Island in May and included in a submission to a Senate inquiry.

"The prolonged, arbitrary and indefinite nature of immigration detention in conjunction with a profound hopelessness in the context of no durable settlement options has corroded these individual's resilience and rendered them vulnerable to alarming levels of mental illness," it said.

The report also noted that many of those in PNG were re-traumatized by the violence that engulfed the detention centre in February of 2014, when the Iranian asylum seeker Reza Barati was murdered and scores of others were injured.

Mr Afravi, 28, is a case in point. His throat was cut the day before Mr Barati was slain and he says he still suffers nerve damage from the injury that makes it hard to breathe, and a host of other physical conditions.

His trauma is greater because he says the Australian security guard who witnessed his throat being slashed, and would have been prepared to identify the culprit, was transferred from the centre after the attack, beaten by local guards and returned to Australia.

"Since then I've been suffering from mental issues and I have fear because I have nightmare, like ABF (Australian Border Force) has hired someone to kill me. It happens every night. I feel like something is going to happen to me."

Another fear is that, when he recovers, he will be charged and sent to the jail at East Lorengau over an earlier suicide attempt, where he set fire to his room.

But there is one source of hope for Mr Afravi, and those like him in PNG. It is that the UNHCR has been charged by the government with the task of administering the resettlement deal with the United States.

Mr Afravi is convinced the nightmares will continue and nothing will change. The report written by the UNHCR, and the fact that the agency will have a big say in what happens now, suggests that maybe, just maybe, the end is in sight.

Footnote: Fairfax Media submitted questions to Broadspectrum, the company contracted to manage the PNG and Nauru detention and processing centres, about Mr Afravi's complaint. The company replied, saying any questions should be directed to the Department of Immigration and Border Protection. A department spokesman said a "minor incident" was being investigated and no injuries had been reported.

<http://www.theage.com.au/federal-politics/political-news/a-glimmer-of-hope-for-damaged-detainees-on-manus-island-20161121-gsu337.html>

## 10. Senior US Republicans criticise 'secret' refugee deal with Australia

Lawmakers demand details of agreement to resettle refugees held in offshore detention centres, asking why Australia 'refuses to admit these individuals'

The Guardian  
Helen Davidson  
Friday 25 November 2016 17.49 AEDT

Two senior Republicans have written to the Obama administration demanding it release details of the US-Australia refugee deal and accusing it of withholding information from Congress.

The US lawmakers also raised "concern" about their country accepting refugees from countries designated as "state sponsors of terrorism".

Veteran Iowa senator Chuck Grassley and Virginia congressman Bob Goodlatte, chair of their respective houses' judiciary committees, addressed Tuesday's letter to secretary of state John Kerry and secretary of homeland security Jeh Johnson.

Earlier this month Kerry and the Australian prime minister, Malcolm Turnbull, revealed the US had agreed to consider resettling an unspecified number of refugees from Australia's Pacific island immigration processing camps.

Grassley and Goodlatte indicated they had been offered a classified briefing on the deal, but instead called for the agreement to be made available to all members of both houses: "We ... firmly believe the American people should be fully aware of the specific details of this agreement and why it was done in secret."

The letter claims Congress learned of the deal through the media, and criticised the administration for not informing legislators during an official refugee consultation in September.

Grassley and Goodlatte, both members of the Republican party, said the deal and the manner in which it had been conducted was "concerning" for a number of reasons, including the classified nature of details such as how many refugees the US would accept.

"Your departments negotiated an international agreement regarding refugees without consulting or notifying Congress," they wrote.

"Such information was not disclosed to Congress during the annual refugee consultation that occurred on September 13, 2016, even though your staff confirmed that the agreement had, at the time, been negotiated 'for months'."

They also noted the countries of origin of the likely refugees, which they said were countries of “national security concern”, singling out Iran and Sudan as designated state sponsors of terrorism.

“It begs the question why Australia and other countries refuse to admit these individuals, what other countries are doing to help alleviate the situation, what kind of precedent this sets for future refugees interdicted at sea by Australian forces and prevented from entering Australia, and how a similar situation will be prevented in the future.”

The Australian government has repeatedly pledged to prohibit any asylum seeker who arrives by boat from ever settling in the country, even if they are refugees. It says this is to discourage people from risking ocean journeys with people smugglers.

It has instead sent people to offshore centres on Nauru and in Papua New Guinea for processing by those two nations. Both centres have been plagued with accusations of poor conditions, human rights abuses, and that the lengthy indefinite detention causing harm to detainees.

The Guardian’s publication of the Nauru files revealed widespread trauma and numerous instances of abuse inflicted on children on the island.

Turnbull said that under the deal the number of people – all of whom will have had their claims for refugee status accepted – would be determined by the US and the process would be administered with the assistance of the UNHCR.

He denied it was a “people swap” for refugees Australia had agreed to take from the US refugee program in Costa Rica.

However, because the agreement was made with the Obama administration in the final months before the US election, there are concerns it will never go ahead. US immigration experts have warned Republican president-elect Donald Trump, who campaigned on a platform which included a ban on Muslim immigration, is likely to tear up the deal.

<https://www.theguardian.com/australia-news/2016/nov/25/us-republicans-secret-refugee-deal-australia>

## **11. US Republicans demand answers on refugee deal with Malcolm Turnbull**

The Age  
November 25 2016 - 8:52PM  
Tom McIlroy

Malcolm Turnbull's refugee resettlement deal with the United States could be at risk of collapse after two senior Republican lawmakers accused the Obama administration of withholding information from Congress, less than two months before President-elect Donald Trump's inauguration.

Iowa Senator Chuck Grassley and Virginia congressman Bob Goodlatte demanded answers about the plan to resettle Australian immigration detainees held on Manus Island and Nauru this week, telling Secretary of State John Kerry and Secretary of Homeland Security Jeh Johnson that many being considered for resettlement came "from countries of national security concern" and countries designated by the US State Department as state sponsors of terrorism.

The chairs of the powerful House and Senate Judiciary Committees wrote to the Obama Administration before the Thanksgiving holiday, coming as US Homeland Security officials continue work in Australia to process the about 1800 detainees involved in the one-off deal before they can be moved to the United States.

Mr Trump's Republican Party will control Congress and the White House after January 20, raising the prospect of the Australia-US deal being overturned through a presidential executive order before any transfers take place.

Senator Grassley and Mr Goodlatte turned down classified briefings about the plan, using a strongly worded letter to call for all members of Congress to be briefed on who would be resettled and which countries of origin were involved.

"[We] firmly believe the American people should be fully aware of the specific details of this agreement and why it was done in secret," the pair wrote.

"We ask that you immediately make the agreement available to members of the House of Representatives and the Senate, and we ask for your cooperation to better understanding every aspect of this resettlement agreement."

"Your departments negotiated an international agreement regarding refugees without consulting or notifying Congress. Such information was not disclosed to Congress during the annual refugee consultation... even though your staff confirmed that the agreement had, at the time, been negotiated 'for months'."

The letter said the number of refugees to be resettled in the US had been deemed classified by the Obama administration, leaving the American people "in the dark as to the rationale for this agreement".

"It begs the question why Australia and other countries refuse to admit these individuals, what other countries are doing to help alleviate the situation, what kind of precedent this sets for future refugees interdicted at sea by Australian forces and prevented from entering Australia, and how a similar situation will be prevented in the future."

The Turnbull government has yet to hold detailed discussions with Mr Trump about the refugee plan, with the Prime Minister and Foreign Minister Julie Bishop consistently saying Australia works with one US administration at a time.

Mr Turnbull met Mr Obama at last week's Asia Pacific Economic Co-operation summit in Lima, Peru, with the Prime Minister thanking the US president for co-operation on a range of issues, including "resettlement issues in our own region".

<http://www.theage.com.au/federal-politics/political-news/us-republicans-demand-answers-on-refugee-deal-with-malcolm-turnbull-20161125-gsxy13.html>

## **12. MEDIA RELEASE: Refugee advocates reject detention mobile phone ban**

Monday November 21, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Refugee advocates have rejected the Australian Border Force announcement that mobile phones will be banned from detention centre.

Asylum seekers who have arrived by boat are already banned from having a mobile phone.

"The ban on asylum seekers having mobile phones in detention will be vigorously fought. The ban is punitive and unnecessary," said Ian Rintoul, from the Refugee Action Coalition.

Any attempt to remove phones from the detention centres will likely be resisted by the detainees. The right to have phones is something that has been fought for since the first days of detention when places like Port Hedland and Woomera had one phone, and sometimes none, for hundreds of detainees.

Under the guise of 'stamping out illegal activity', the government is trampling on the human rights of people who have committed no crime.

It is yet another example of the way that creeping control by the ABF is resulting in increased militarisation of the detention centres and increasingly punitive measures taken against asylum seekers, their families and supporters.

The government implies the phone ban is directed at 501s - so-called criminal deportees - but the people who will suffer most are the asylum seekers who have committed no crime.

There are very good reasons why 501s should not be in immigration detention but successive government have ignored the problems this has caused and it is routine that 501s are housed with asylum seekers. There are good reasons that neither of these groups should be in detention at all.

For asylum seekers, mobile phones are a lifeline for them to remain in contact with the outside world, their families, their legal support and the community.

The ABF is more interested in getting phones out of detention centre to ensure vulnerable people remain more vulnerable and that Serco and Border Force operate inside the detention centres with impunity.

Rather than removing the phones, mobile phones should be available for all asylum seekers in detention. Banning the phones will just ensure there is an underground trade in mobile phones.

"The ban is futile. And contrary to the Border Force press release, there is no sign that detainees have any increased access to landlines inside the detention centres," said Ian Rintoul.

For more information contact Ian Rintoul 0417 275 713

## **13. Australia is paying for Malcolm Fraser's immigration mistakes, says Peter Dutton**

Immigration minister says many foreign fighters involved in conflict zones are descendants of migrants who came in the 1970s under former prime minister

The Guardian  
Helen Davidson

Friday 18 November 2016 07.57 AEDT

Malcolm Fraser made mistakes in bringing some migrants to Australia and the country is paying for that now, Peter Dutton has said.

The immigration minister made the comments in an interview with Sky News commentator Andrew Bolt, who repeatedly questioned whether it was an error to “let in” people from Middle Eastern and African nations or cultural groups.

Dutton appeared to connect the immigration program of the 1970s – which saw people arrive mainly from Lebanon, Chile and the Czech republic – with allegations of Sudanese men committing crime, and the descendants of immigrants leaving Australia to fight in the Middle East.

“If there is a particular problem that people can point to within a certain community, and we’re talking about a significant number of people in that community who are doing the wrong thing, then clearly mistakes have been made in the past,” he said.

“The reality is that Malcolm Fraser did make mistakes in bringing some people in in the 1970s and we’re seeing that today. We need to be honest in having that discussion.”

Thursday’s interview began with a discussion about an alleged crime wave in Victoria which Bolt said was largely down to “young men of African descent”, in particular from Sudan.

Dutton said it was a worrying law and order issue, and the Victorian government was weak on crime.

Bolt responded: “No doubt the law and order issue is very big and the lack of policing is very big, and I have noticed that you have thrown out or intend to throw out some people back to Africa, but this is reacting afterwards.”

Bolt said Fraser got the Lebanese refugee program wrong and asked if there was “another mistake” made with Sudanese refugees.

Dutton said it was an “open question” what proportion of the Sudanese community was involved, but noted an “interesting aspect” of immigration that young people going to fight in the Middle East were often born in Australia to migrant or refugee parents. “So we need to have a proper look at what has gone wrong and clearly something has gone wrong,” he said.

“We do review the [immigration] program each year, and if we feel there are problems with particular cohorts, particular nationalities, particular people who might not be integrating well and not contributing well, then there are many other worthy recipients who seek to come to a country like ours and make an opportunity their own.”

Dutton again criticised the Victorian government on law and order, and Bolt again said he agreed with Dutton on those issues, “but the point really is ... with a lot of these cases I often ask, who let them in? They shouldn’t be posing a problem in the first place”.

Bolt questioned if it was a mistake to bring in people from an “imported” culture if their children struggled to fit in, and if the government’s one-off Syrian refugee intake was a risk.

Dutton pointed to the government’s “slow pace” of processing refugees because it was conducting security checks, and said a high proportion of those accepted would be from persecuted minorities like Syrian Christians.

Australia saw high levels of humanitarian immigration from Lebanon and Asia under then Liberal prime minister Malcolm Fraser. In 2007 Fraser rejected any link between issues with his Lebanese migration program and current racial tensions, after cabinet documents released by the national archives found he was warned against increasing the intake at the time.

By 1980 more than 16,000 Lebanese people had arrived under humanitarian immigration policies enacted in response to the country’s 1976 civil war. A draft government document leaked earlier this year – and criticised by the opposition as verging on bigotry and racism – singled out the Lebanese community in connection with Australian-based Sunni extremists.

In the 10 years to 1985 more than 95,000 Indochinese refugees were also processed for resettlement in Australia, largely in response to the Vietnam war. About 50,000 people arrived as refugees from Vietnam including on boats.

Australia’s acceptance of Sudanese refugees largely began in the late 1990s, with the highest number just 10 years ago. More than 20,000 people have settled in Australia from Sudan.

An immigration department document which cites 2011 research on the economic, social and civic contributions of first and second-generation humanitarian entrants, found that “they demonstrated a greater commitment to life in Australia compared to other migrants”.

<https://www.theguardian.com/australia-news/2016/nov/18/australia-paying-for-immigration-mistakes-made-by-malcolm-fraser-says-peter-dutton>

## 14. Peter Dutton attacks Malcolm Fraser's refugee legacy

Sydney Morning Herald  
November 18 2016 - 11:17AM  
Tom McIlroy

Immigration Minister Peter Dutton has attacked the refugee policies of former Liberal prime minister Malcolm Fraser, saying they are partly to blame for Australia's struggle with foreign fighters travelling to international conflict zones.

Responding to criticism from right-wing commentator Andrew Bolt, Mr Dutton said on Thursday many foreign fighters travelling to conflict zones in the Middle East were the children or grandchildren of migrants who settled in Australia during the Fraser government in the 1970s and 1980s.

"The reality is Malcolm Fraser did make mistakes in bringing some people in the 1970s and we're seeing that today," he told Sky News.

"We need to be honest in having that discussion. There was a mistake made."

Mr Dutton said Australia should learn the lessons of past migration programs as it settles new arrivals in the community today.

During the Fraser government, as many as 200,000 migrants arrived in Australia from Asia, as part of policies focused on multiculturalism and resettlement.

More than 16,000 Lebanese migrants arrived in Australia following Lebanon's 1976 civil war, prompting warnings from immigration authorities about the risk of temporary changes to eligibility standards for new arrivals.

Cabinet records released in 2007 showed officials believed many of the Lebanese refugees lacked qualities considered important to integration in Australia, while some were viewed as unskilled, illiterate and of poor character.

The Fraser government also resettled about 50,000 Vietnamese refugees and boat people in Australia.

Before his death in 2015, Mr Fraser defended his government's policies and rejected links between refugee arrivals and racial tensions in contemporary Australia.

Mr Dutton linked recent gang activity in Victoria involving young people from newly arrived African communities, including former Sudanese refugees, with "weak" law and order policies from state Labor governments. "If it can be demonstrated that we have a significant proportion of a particular community - we're talking about the Sudanese community in this instance - then we need to work out what's gone wrong," he said. "We do review the program each year, and if we feel there are problems with particular cohorts, particular nationalities, particular people who might not be integrating well and not contributing well, then there are many other worthy recipients who seek to come to a country like ours and make an opportunity their own."

The federal government is working with state police forces to try to identify people of poor character and will seek to cancel visas if necessary, Mr Dutton said.

The comments came as a newly established parliamentary inquiry prepares to consider resettlement outcomes for migrants to Australia, including community services, the importance of English language skills and whether existing migration processes adequately assess resettlement prospects. Opposition Leader Bill Shorten said he supported the inquiry but accused Mr Dutton of trying to distract from the Coalition's own failures on migration. "Immigration has been part of the Australian development," he said on Friday.

"We've always got to make sure we get the balance right, we've got to get the right mix of skilled migrants and family reunion but I think Mr Dutton is trying to distract from having some discussion about bagging a former Liberal prime minister."

<http://www.theage.com.au/federal-politics/political-news/peter-dutton-attacks-malcolm-frasers-refugee-legacy-20161117-gss2ad.html>

## 15. Peter Dutton suggests Fraser government made mistake by resettling Lebanese refugees

ABC News Online  
By political reporter Stephanie Anderson  
First posted Mon 21 Nov 2016, 1:33pm  
Updated Mon 21 Nov 2016, 10:39pm

Immigration Minister Peter Dutton has suggested that the Fraser government made a mistake by resettling Lebanese refugees.

Mr Dutton last week stated that former prime minister Malcolm Fraser "did make mistakes in bringing some people in" as part of his immigration policies in the 1970s.

When pressed on those comments during Question Time on Monday, Mr Dutton singled out people of Lebanese-Muslim background.

"The advice I have is that out of the last 33 people who have been charged with terrorist-related offences in this country, 22 of those people are from second and third generation Lebanese-Muslim background," he said.

The Australian Bureau of Statistics (ABS) states that arrivals of people born in Lebanon peaked at 4,906 in 1977, with a smaller peak of 2,600 in 1987.

It further stated that since 1992 arrivals have been relatively stable, fluctuating between 883 and 1,368 persons annually.

As of 2006, the number of Australians of Lebanese background totalled 181,738 — including 16,201 people whose parents were born in Australia.

According to figures from the ABS, more than 10.6 million Australians had at least one grandparent born overseas as of 2011.

### ***Labor MP calls comments 'extraordinary'***

Mr Dutton's comments were the result of a fiery exchange with Opposition Leader Bill Shorten, who repeatedly pressed him on which group he had been referring to.

In a statement, Mr Shorten called on Mr Dutton to apologise for the "disgraceful comments he made about migrants in Australia".

"Enough is enough," Mr Shorten said.

"Our hardworking migrant communities shouldn't have to tolerate this kind of ignorant stupidity and he needs to immediately apologise.

"It's time for Malcolm Turnbull to show some leadership and pull his Immigration Minister into line."

Labor MP Tim Watts has criticised the comments on social media, tweeting that the people Mr Dutton was referencing were Australians.

Mr Watts later posted on Facebook that Mr Dutton's comments were "extraordinary".

"The Minister for Immigration seems to think that criminal behaviour by 'second and third generation migrants' (AKA 'Australians', AKA the grandchildren of migrants) is attributable to immigration policy," he said.

In February, the ABC reported on a Cabinet document which singled out the Lebanese community as the "most prominent ethnic group amongst Australian Sunni extremists".

The document points to "lessons learned" after a wave of migration to Australia as a result of the Lebanese civil war between 1975 and 1990.

"Australia's historical experience with the Sunni Lebanese community illustrates potential community safety and national security risks associated with unsuccessful integration," it said.

<http://www.abc.net.au/news/2016-11-21/peter-dutton-fraser-made-mistake-resettling-lebanese-refugees/8043624>

## **16. Peter Dutton points finger at Muslims of Lebanese background in immigration row**

Pressed on his claim that Malcolm Fraser should have excluded some migrants, minister cites figures on terrorism offences

The Guardian  
Katharine Murphy Political editor  
Monday 21 November 2016 16.20 AEDT

Peter Dutton has suggested that the former prime minister Malcolm Fraser should not have let people of "Lebanese-Muslim" background into Australia – citing as evidence a small cohort of individuals who have been charged with terrorism offences.

The immigration minister made the potentially incendiary remark after being pressed by Labor during question time on Monday.

Labor went on the offensive after the immigration minister's declaration on the Andrew Bolt program on Sky News last week that Fraser had made mistakes in bringing some migrants to Australia during the 1970s – and the country was paying for that now.

On Monday the opposition leader, Bill Shorten, pressed Dutton to be specific – which groups was he speaking about?

In response, Dutton said he wouldn't be "bullied and I won't be demonised by this union leader".

He referred initially to non-specific concerns about criminal activity, adding: "Some of those people who have been involved in heading off to Syria and to Iraq."

With discomfort evident on the government backbench, Shorten pressed Dutton for specifics.

"Which people from which country does the minister believe should not have been allowed into Australia when Mr Fraser was prime minister?" he asked.

Dutton: "The advice I have is that out of the last 33 people who have been charged with terrorist-related offences in this country, 22 of those people are from second- and third-generation Lebanese-Muslim background."

Dutton said he did not want entire communities "to be defined by those people who are doing the wrong thing and have been charged with terrorist offences or have been involved in crime otherwise". But he said he did not intend "to shy away from the facts".

"I am going to call out those people who are doing the wrong thing. And if we pretend otherwise, Mr Speaker, my judgment is that we only compound these problems," the immigration minister said.

"I don't want people, whether they are longstanding or new arrivals to this country, I don't want those people being harmed. I don't want terrorist offences being committed in our country.

"I don't want people committing all sorts of extortion and other crimes in parts of the country. I don't want that.

"I want a safe country. And I'm going to do everything that I can, Mr Speaker, in this portfolio, to stare these threats down."

"I'm not interested in the politically correct nonsense the leader of the opposition might carry on with."

The Lebanese Muslim Association reacted angrily last week after Dutton's comments on the Bolt program, suggesting they were a clear reference to the community who came to Australia during the Fraser government because they were fleeing civil war.

The association branded Dutton's comments reckless. Further comment has been sought.

<https://www.theguardian.com/australia-news/2016/nov/21/peter-dutton-most-terrorism-charges-lebanese-muslims>

## **17. Nicholas Stuart: Peter Dutton thinks he's got magic touch to lead Liberal Party out of its hole**

The Age  
November 22 2016 - 12:00AM  
Nicholas Stuart

It's easy to take a quick look at Peter Dutton and simply write him off. That would be a mistake. He may appear to be a blundering clown and yet, despite his Mr Plod demeanour and gormless appearance, what happened last week offers a glimpse into the mind of a minister who reportedly, privately, considers himself something of a strategic genius.

His stunning coup was to send a firm message targeted directly at what he believes is a massive audience – those disillusioned with the political system. These are exactly the sort of people who voted for Donald Trump. Dutton is attempting to pose as their saviour. Seriously.

It began when, during a Sky TV interview, Dutton began unloading on his own side. It was, of course, utterly pre-meditated (indeed, the rumour in the department is that he's not clever enough to improvise anything).

Nevertheless, in a truly inspired moment of free-association the Immigration Minister insinuated that, in some vague way, Malcolm Fraser himself was (somehow) responsible for the horde of boats descending on our shores during Kevin Rudd's period in office.

Although the situations were utterly different; and although the Vietnamese boat people who came to Australia have well and truly been integrated into the community; and despite the fact they've produced far more than their share of successful doctors and lawyers, it was a Dutton who remained completely untroubled by facts and improvised on his theme. He thought he was riffing like Jimmy Hendricks, or perhaps, given his new-found identification with the oppressed, Bob Marley.

So what, one may fairly ask, is the cunning strategy behind such a blatant non-sequitur?

Firstly, escape the bounds of normal human existence and examine what he was saying from the point-of-view of a person utterly disengaged in politics. Let's call this (mythical) person an "average voter". To them it seems (now bear with me here) as if Dutton's genuinely contemplating this issue philosophically. It almost appears as if he's pondering ways of ensuring the "floodgates" don't open again and this has led him to re-examine the actions of his own side.

The fact that Fraser left the Liberal Party behind on immigration long ago is irrelevant, as the fact that Dutton was five years old at the time the target of his ramblings came to office. The former PM's death last year simply means there's no-one alive to contradict his disjointed thoughts. And finally, the very incoherence of the argument remains successfully hidden. Quite naturally it provokes shocked condemnation from anyone who's actually thought about this issue for more than a moment, but that's its genius. So let's look at what Dutton's achieved.

Firstly, he's managed to reinsert illegal immigration into the political debate. That's always a plus for this government. Never mind the detail, the moment voters take the threat of people smugglers seriously, Labor loses. So award him one 'tick'.

Secondly, he's managed to outrage the left. Senator Sarah Hanson-Young's response was particularly visceral, bathed in red-hot anger. I've yet to see, however, any polling backing-up the assertion such displays of fury change a single vote. So that's a second 'tick'. You can see Dutton's very excited by Trump's 'come-from-behind victory'. He knows this is the last slim chance the government has of pulling off another term in office. Something must be done! Dutton thinks he's the man to do it.

Unfortunately for this government, the reason Trump won had nothing to do with his policies and everything to do with his opponent. In a system of voluntary voting, like the US, the key to victory is convincing your supporters to get out and vote. Hillary Clinton couldn't. More than five million fewer Democrats turned out to endorse her in critical states than voted for Barack Obama some four years earlier.

The critical factor behind Trump's victory had nothing to do with him harnessing the sort of voters that Dutton's attempting to appeal to here and everything to do with her failure to energise supporters. Dutton's blowing the dog-whistle like crazy: who cares when both parties share the same policy?

This is the real issue the government must face as it attempts to get this last session of parliament over as fast as it can and send voters off to the beach. This incident demonstrates, however, that the wheels have fallen off the Turnbull 'project'. It's becalmed; devoid of any sense of direction or purpose.

Nor is there any indication the PM will ever manage to restore the mojo he lost giving that dreadful speech on election night. At that moment we all saw how he could lose control and give himself over to a tantrum. He'll never rebuild his rapport with voters. By all accounts Dutton thinks he's got the magic touch to lead the party out of its hole. Do you?

<http://www.theage.com.au/comment/peter-dutton-thinks-hes-got-magic-touch-to-lead-liberal-party-out-of-its-hole-20161121-gsttk2.html>

## **18. Caz Coleman: When Peter Dutton makes it about 'us' and 'them', 'we' are in trouble**

Like it or not, once newcomers are 'in' it is the government's responsibility to nurture them – not isolate and blame certain groups according to convenience

The Guardian  
Caz Coleman  
Saturday 19 November 2016 13.58 AEDT

Australia's immigration minister, Peter Dutton has blamed others in past governments for "letting in" unsavoury people. People of certain nationalities whose have gone on to do "the wrong thing" either here or abroad.

The most interesting thing to me about these comments, and the backlash from advocates, is that it does not really reflect a conversation about immigration. It's not about certain nationalities, nor is it about the quality of our settlement services (which are actually some of the best in the world).

This conversation is about the dignity of our nation – and the way we embrace diversity and uphold human rights. Blame should not be placed on refugees and immigrants, or on previous politicians.

Instead, the responsibility lies with the leadership of our country. It is about the quality of our support of human rights. It is about how we treat people now, how they respond to the recognition of shared values and ethics, and how we nurture them in our community.

As CEO over the past three years of a settlement service for refugees, including survivors of torture and trauma, I have seen the growing fear among those who do not feel welcome.

What is most disappointing about the most recent attack is the lack of responsibility taken for what should be the role of government.

Any person who has worked in governance in the community knows that when things are going wrong we need to take notice, accept responsibility and act. Don't blame the staff, the clients or anyone else. It is our job to work things out.

As agencies funded by government we are expected to fulfil these responsibilities every day. We are required to act with integrity, dignity and with responsibility.

I, for one, also expect this of our elected officials.

When we start talking about "us" and "them", we stop talking about "we". When government exploits this divide, then we know we are in trouble.

Because let's face it: "we" as Australians are not all the same. Not all the same as the traditional owners of a land that was occupied without permission; not all the same as the migrants who contribute to the building of our nation; not all the same as the refugees who have experienced persecution some of us can only imagine.

But "we" still all share a larger identity. We are all Australians. That is the beauty of multiculturalism, of diversity, and the richness they bring.

Who should or shouldn't be "let in" is of course a serious conversation for a government. There are legal, economic and ethical considerations.

But once people are in, we have a responsibility to protect and nurture them.

Leadership is about recognising the fact that "we" are all different, that there will always be people who struggle and potentially break the law. I have come to believe it is rooted more often in disenfranchisement, less often in intent to harm.

But sorry, Peter Dutton – leadership is also about nurturing all, not isolating and blaming certain groups for your own failure to do your job.

*---->>>> Caz Coleman is the former CEO of the Melaleuca Refugee Centre and former adviser on the Ministerial Council for Asylum Seekers and Detention (MCASAD).*

<https://www.theguardian.com/australia-news/2016/nov/19/when-peter-dutton-turns-it-into-us-and-them-we-are-in-trouble>

## **19. Why Peter Dutton's crime statistics don't tell the whole story about crime or terrorism in Australia**

We charge individuals with crimes, not ethnic communities. There is an important reason why.

The Age  
November 24 2016 - 2:38PM  
Maher Mughrabi

Australia's leaders went out of their way to express concern over the prospect of a President Donald Trump.

Now that the prospect is a reality, they are all racing each other to try on his clothes.

First we had Point Piper's most well-known resident prattling on about "elites" in the media; then we had the Opposition Leader talking about Australian jobs for Australians.

But best of all was Peter Dutton. Not content with impugning the judgment of a dead man, he decided that he would blacken the name of an entire community and better yet, that this somehow made him courageous, a speaker of truth to power, just like Alan Jones in 2005 when he so bravely pointed the finger at the "Middle Eastern grubs" on the beaches of Cronulla.

All we need now is for a Mexican on a 457 visa to rape someone here and we will truly be at the cutting edge of political fashion. Perhaps Parliament can assemble an honour guard at Sydney Harbour for him and the Lebanese Muslims to be put in numbered chaff bags and ceremonially turned back at sea.

A great deal of nonsense has been talked recently to the effect that politicians are pussyfooting around calling out the wrongdoers in our society by their proper (read: ethnic) names. If we could only apply a correct label to what we are dealing with, it seems, the work of waste disposal and customs and national hygiene would become so much easier.

Some of those who advance this argument point to the existence of Middle Eastern and Asian crime units in this country as proof of its validity. Yet while the police in these units might have additional skills or knowledge that enable them to work in communities of Asian or Middle Eastern origin, this doesn't mean that the kind of crimes they investigate are exclusive to a particular ethnic group and that getting rid of that group would get rid of a category of crimes.

The handmaidens of this desire for labelling, it would seem, are statistics. After Mr Dutton's fearless efforts at the despatch box, everyone was running around trying to find out if the figure of 22 Lebanese Sunni Muslims out of the last 33 people charged with terrorist-related offences in this country was correct. Fewer asked themselves what such a statistic – even if it were correct – might prove.

At any given moment in time – as Mr Dutton's use of the word "last" implies – a particular segment of the community may find itself over-represented in statistics, whether it is Aboriginal youth in jail or Vietnamese youth in crime figures or young Sikh or Palestinian men in aircraft hijackings, only for them to disappear from those statistics as political and social circumstances change. The idea that this says something conclusive about their ethnic background is both simplistic and pernicious, but it isn't new.

What also isn't new is the suggestion that some Australians might belong more than others. When Ashley Dyball returned from fighting for Kurdish militias in Syria – militias whose commanders belong to a listed terrorist organisation – we heard that he came from a "very good family" and so it would be "difficult" to punish him. Here the judgement was about an individual and circumstances, not about an ethnic collective and the history of their arrival in this nation of migrants.

Until Peter Dutton and those in the media who have been calling Lebanese Muslim Australians a mistake for years are able to make a distinction between the individual charged with a crime and the ethnic community from which he or she comes, and to maintain that distinction as a principle as sacred as the presumption of innocence or the right to a fair trial, the fair go and the democratic ideal will be compromised. It's a principle you heard expressed this week on the floor of Parliament:

I am not going to allow people who are hardworking, who have done the right thing by this country, who have contributed, who have worked hard and who have educated their children to be defined by those people who are doing the wrong thing and have been charged with terrorist offences or have been involved in crime otherwise.

Words to live by, Peter Dutton. Provided you are willing to apply them to everyone, including Lebanese Sunni Muslim citizens of Australia.

*Maheer Mughrabi is Fairfax Media's Foreign Editor.*

<http://www.theage.com.au/federal-politics/political-opinion/why-peter-duttons-crime-statistics-dont-tell-the-whole-story-about-crime-or-terrorism-in-australia-20161123-gswb5g.html>

## **20. The Age Editorial: Peter Dutton's revisionist rhetoric is dangerous**

The Age  
Editorial  
November 24 2016 - 6:30PM

Peter Dutton has sought to rewrite history in a disgraceful appeal to prejudice. In broad strokes, he set out to besmirch the legacy of migration to Australia during the Fraser years, by claiming "the reality is that Malcolm Fraser did make mistakes in bringing some people in".

It is obvious that Mr Dutton is not interested in learning from the past, but instead has a political aim in the present. His intention is to sully the longstanding view that Mr Fraser presided over a successful immigration policy – a policy that was at its heart far more welcoming of refugees than the shameful stance adopted by contemporary politicians. Mr Fraser, a Liberal prime minister, was a consistent and potent critic of the cruel consensus of contemporary politicians to "stop the boats" and punish refugees, until his death last year. That Mr Dutton is the minister responsible for immigration is an indictment of the character of this Coalition government. That Prime Minister Malcolm Turnbull has once again been unwilling to rein in his minister, following Mr Dutton's offensive tirade in May about "illiterate and innumerate" refugees, is equally damning to the quality of his leadership.

But Mr Dutton was not done. Under pressure to justify his derogatory remarks, he then set out to re-engineer his commentary to demonise the Lebanese community in Australia, or at least those who fled the civil war in the 1970s. "I'm on safe ground because I've relied on the facts," Mr Dutton has subsequently claimed, relying on advice that of the last 33 people charged with terrorist related offences in Australia, 22 are from Lebanese Muslim backgrounds.

<http://www.theage.com.au/comment/the-age-editorial/peter-duttons-revisionist-rhetoric-is-dangerous-20161124-gswv0o.html>

## 21. Dutton roof protesters cop \$100 fines

The Age  
November 21 2016 - 5:51PM  
Sarah Motherwell

Three women who reportedly cost taxpayers thousands of dollars by protesting on the roof of Immigration Minister Peter Dutton's electoral office in Brisbane have been fined \$100 each.

Scarlett Squire, Kelly Purnell and Ellen Sargent pleaded guilty in the Pine Rivers Magistrates Court on Monday to unregulated, high-risk activity and obstructing police.

The trio scaled the roof of Mr Dutton's office in Strathpine on November 2 to protest against the Coalition government's proposed life-time ban on refugees arriving by boat.

Mr Dutton claimed at the time that police and emergency services would have spent \$10,000 worth of resources "trying to get these idiots down from my roof".

The minister also called on Opposition Leader Bill Shorten to condemn the protest after it was revealed Ms Squire, 24, was president of Queensland Young Labor.

Ms Squire told AAP her actions were not attached to, or done in the name of, the youth wing of the ALP Queensland branch.

She said the court outcome reflected the healthy culture around protest in Australia as well as the broader community feeling to reverse the government's "archaic" immigration policy.

"Protest should be supported and there is a place for peaceful protest in this country," Ms Squire said.

"Tactics do have to escalate at some point when we're talking about legislation that is life or death for some people."

No conviction was recorded against the trio, who were also ordered to pay a \$114 offender levy fee.

<http://www.theage.com.au/federal-politics/political-news/dutton-roof-protesters-cop-100-fines-20161121-gsu9hj.html>

## 22. Peter Dutton's remarks on Lebanese Muslims risk 'creating terrorists of future'

The Age  
November 24 2016 - 8:10PM  
Deborah Snow

Immigration minister Peter Dutton's linking of terrorism with past levels of Lebanese Muslim migration will do "immense damage" to the government's attempts to engage Islamic communities in the battle against violent extremism, a leading expert has warned.

Dr Clarke Jones, who worked as a national security official for 17 years, said the minister's remarks risk "creating the terrorists of the future, if I want to be blunt".

"We are certainly not reducing the threat, we are contributing to the threat by those statements. Effective intervention means working with young kids and the only way you can get to young kids is working with communities," he told Fairfax Media.

"The government has taken a 10 or 15-year step backward."

Dr Jones, now a research fellow at the Australian National University's School of Global Governance, has been working with Islamic community members to help design and set up youth intervention and support programs.

He said frontline police and intelligence agencies trying to build links with those communities would also likely be dismayed by Mr Dutton's comments.

"Police struggle at the best of times with community engagement because they have the difficult dual role," he said.

The federal government has invested millions of dollars in trying to get effective Countering Violent Extremism (CVE) programs off the ground. But the Dutton comments could jeopardise any progress already made, others also warned.

Professor Clive Williams, a former senior defence official now at the Centre for Military and Security Law at the ANU, slammed the minister's comments as "counterproductive".

"It's not a good idea to make that kind of observation in public. We need the co-operation of families, they are the first point of contact really if there is concern developing about a young person."

Last week Mr Dutton argued the Fraser government had made "mistakes" in parts of its 1970s' migration program.

Challenged in parliament to identify the groups he was referring to, Mr Dutton said "of the last 33 people who have been charged with terrorist related offences in this country, 22 are from second- and third-generation Lebanese Muslim backgrounds".

Mr Dutton has since sought to soften the context around the remarks, telling Sydney radio host Ray Hadley on Thursday that "the point that I was making is that we should call out the small number within the community, within the Lebanese community, who are doing the wrong thing. If we do that we can hold up the vast majority of people within the Lebanese community who work as hard as you and I do, who have contributed to Australian society."

But Diana Abdel-Rahman, president of Australian Muslim Voice, told Fairfax "the damage is done, the milk is spilt". She said CVE programs were already having trouble gaining traction but "now I'm sure there will be a lot more who will drop out of the system".

Jacinta Carroll, head of counter-terrorism policy at the Australian Strategic Policy Institute, said Mr Dutton's figures are correct but "don't tell us much that is helpful".

"Fortunately in Australia to date the numbers of supporters of Islamist extremism and terrorism are very low; so low, in fact, they're categorised as cases and clusters rather than being statistically useful," she wrote in an opinion piece for Fairfax Media.

"The figure of 22 represents less than 0.01 per cent of the about 180,000 Australians of Lebanese background, according to the ABS."

Terrorism expert Greg Barton said there were lessons to be learned from the problematic Lebanese Civil War intake but that Mr Dutton's comments were "unfortunate".

"Instantly everyone's back is up and people are feeling aggrieved," Professor Barton said.

"We're talking about an exceedingly small number of people in the Lebanese community."

Allan Behm, a former top aide to Labor minister Greg Combet who once headed the division of the Attorney-General's department that included counter-terrorism, said no cabinet minister should have made the kinds of remarks that Mr Dutton made.

"It simply undermines the credibility of government agencies setting about the difficult and painstaking and time-consuming work of ensuring that the various Islamic communities feel valued," he said.

<http://www.theage.com.au/federal-politics/political-news/peter-duttons-remarks-on-lebanese-muslims-risk-creating-terrorists-of-future-20161124-gswqlz.html>

## **23. Malcolm Turnbull praises Peter Dutton after 'Lebanese-Muslim' remarks**

Prime minister says immigration minister 'entitled' to reflect on Fraser government's immigration policies

The Guardian  
Katharine Murphy Political editor  
Tuesday 22 November 2016 14.57 AEDT

Malcolm Turnbull has declared his immigration minister, Peter Dutton, is doing an outstanding job – and he's declined to either clearly condemn or support Dutton's declaration that the Fraser government should not have allowed Lebanese Muslims to settle in Australia.

Dutton made the incendiary statement in question time on Tuesday, arguing Fraser should not have let Lebanese Muslims into Australia in the 1970s because a small number of people in subsequent generations had been charged with terrorism-related offences.

Dutton's commentary triggered debate in the regular Tuesday meeting of the Liberal party room, with the moderate MP Trent Zimmerman describing the minister's intervention as "unhelpful".

Coalition sources have told Guardian Australia the Sydney-based MP told colleagues New South Wales had a substantial population from non-English speaking backgrounds and ethnic communities were already concerned about the government's renewed debate about watering down protections in the Racial Discrimination Act.

Zimmerman warned colleagues the government was at risk of going backwards with ethnic communities.

No one else spoke on the subject during the Liberal party room but, in the Coalition meeting that followed, the conservative MP Michael Sukkar took the opportunity to challenge Zimmerman and endorse Dutton's remarks from Monday.

Turnbull, who was away from parliament on Monday, was asked after the party room meeting three times whether he supported Dutton's statement. He declined to provide a straight answer.

The prime minister attempted to minimise what Dutton had said and evaded the substance of the immigration minister's reflection, arguing that Dutton was doing an outstanding job in the portfolio and "presiding over a very effective and much-admired immigration system".

Turnbull gave a glancing acknowledgment to Dutton's basic rationale by arguing there were many lessons to be learned from past practice and the government was seeking constant improvements in the system, including making adjustments to settlement services.

"There is no question that there are lessons to be learned from previous immigration policies and the minister [Dutton] was reflecting on, you know, on policies many years ago," the prime minister told reporters on Tuesday afternoon. "He's entitled to do that.

"But the critical thing is – I'm not making any comment on his remarks other than to say that it's fair for all of us to reflect on past policies and how effective they were or not and seek to improve, in the light of that, to improve what we're doing now."

Labor took up the issue in question time on Tuesday.

The Labor leader, Bill Shorten, asked whether Turnbull agreed with the immigration minister's statement in the House on Tuesday "in which the minister expressed the view that the behaviour of children and grandchildren of immigrants meant Malcolm Fraser made a mistake by allowing their parents and grandparents to migrate to Australia in the late 1970s."

Shorten asked: "Is this the prime minister's position – yes or no?"

Turnbull again declined to answer and attempted to turn the question back on Labor.

"I am not going to accept the leader of the opposition's characterisation of remarks made by the minister for immigration," the prime minister told the House.

"The fact of the matter is that the greatest mistake in immigration, the greatest failure which we don't need to be a historian to recall, which we don't need to go back to the 1970s to reflect upon, the greatest mistake made in immigration was by those opposite when they abandoned the integrity of our borders, when they threw away Australia's sovereignty."

"They allowed 50,000 unauthorised arrivals and over 1200 deaths at sea.

"I can well understand how members opposite seek to tear down the minister for immigration.

"They can't stand the fact that he succeeded where they have failed."

Dutton set the debate in motion during question time on Monday when he suggested Fraser had embarked on the wrong course in the 1970s, amplifying comments he made first on the Andrew Bolt program on Sky News last week.

Asked by Labor to specify which people should not have been permitted to migrate to Australia during the period of the Fraser government, Dutton replied: "The advice I have is that out of the last 33 people who have been charged with terrorist-related offences in this country, 22 of those people are from second- and third-generation Lebanese-Muslim background."

Dutton said he did not want entire communities "to be defined by those people who are doing the wrong thing and have been charged with terrorist offences or have been involved in crime otherwise".

But he said he did not intend "to shy away from the facts".

"I am going to call out those people who are doing the wrong thing. And if we pretend otherwise, Mr Speaker, my judgment is that we only compound these problems," the immigration minister said on Monday.

<https://www.theguardian.com/australia-news/2016/nov/22/malcolm-turnbull-praises-peter-dutton-after-lebanese-muslim-remarks>

## 24. Peter Dutton's comments on Lebanese migrants 'outrageous', says Fraser minister

Ian Macphee says since the Howard government international law and morality 'have been increasingly discarded'

The Guardian

Katharine Murphy Political editor

Wednesday 23 November 2016 13.43 AEDT

Malcolm Fraser's immigration minister, Ian Macphee, has excoriated the current occupant of the portfolio, Peter Dutton, branding his recent reflection on the immigration policies of the 1970s "outrageous", and declaring the Liberal party "has long since ceased to be liberal".

Macphee's statement on Wednesday followed Dutton's incendiary observation in question time on Monday that Fraser should not have let Lebanese Muslims into Australia in the 1970s because a small number of people in subsequent generations had been charged with terrorism-related offences.

The prime minister on Tuesday declined three opportunities to rebuke Dutton for his comment, praising the immigration minister's performance in the portfolio.

Macphee declared in his statement that Dutton had hit a new low in standards of recent immigration ministers, and accused him of deliberately chasing headlines via an interview with the "extremist" Andrew Bolt, the News Corp blogger and Sky News broadcaster.

"The Fraser government honoured international law and morality," Macphee said in the statement. "From the Howard government onwards these have been increasingly discarded."

Macphee placed Dutton in the same category as the One Nation leader, Pauline Hanson, who opposes Muslim immigration, and Bolt, declaring them "ignorant, alarmist voices"; and he said the community anger in response to the immigration minister's comments was justified.

"Dutton's words offended them, especially as they attacked Malcolm Fraser, for whom they have profound respect and whose policies enabled them to integrate with and expand the understanding of other Australians of the rich, diversified culture that Australia has due to the contribution of migrants and refugees," he said.

The prime minister used a national security statement to parliament on Wednesday to argue an "inclusive society" was a vital element in countering the rise of violent extremism.

Turnbull told parliament terrorist groups sought to identify weakness and vulnerability and to "drive and exploit fear and division".

"Actions and behaviours that target particular sections in society merely play into their hands. We are one of the most successful multicultural societies in the world."

"As I have said many times, the glue that holds us together is mutual respect – the recognition that each of us is entitled to the same respect, the same dignity and opportunities."

But Labor took the opportunity of the security statement and a separate debate in the federation chamber to criticise Dutton for his intervention.

The Labor leader, Bill Shorten, accused Dutton of engaging in "loud lazy disrespect" and he said the immigration minister's observation about Lebanese-Muslim migrants was "profoundly wrong".

Shorten said the comments had the potential to "aid and abet the isolation and resentment that the extremists pray upon".

"The comments weren't just a repudiation of the success of Australia, a nation made great by migration and multiculturalism. The minister's comments, his ignorant comments, contradict and undermine and fly in the face of every briefing I have ever received from our security agencies who explain to us how best to counter radicalisation about defeating extremism."

In the federation chamber, Sydney-based Labor frontbencher Tony Burke said you had to go back to the time of the White Australia policy to find a minister making an argument that particular communities should be excluded from entry on the basis of race or religion.

He said the comments from Dutton gave a people "a sense of licence and permission to abuse their fellow citizens" – and he said that abuse had already commenced.

Burke said he believed Dutton's statement would win him votes, but "I don't care".

He said it was time for political leaders to lead and bring the country together, and to cease equivocations about multiculturalism. A multicultural Australia was either a concept you signed up to or rejected, Burke said.

Labor backbencher and anti-radicalisation expert Anne Aly – who was born in Egypt, not Lebanon – has received death threats on her Facebook page which are currently being investigated by the Australian Federal Police.

She has also been the subject of abusive emails.

An email sent to her office on November 22, with the subject line “Leb thugs”, says the following: “Peter Dutton was right. Pack your bags and piss off back to where you came from and take all of your terrorist faith with you.”

<https://www.theguardian.com/australia-news/2016/nov/23/peter-duttons-comments-on-lebanese-migrants-outrageous-says-fraser-minister>

## **25. Peter Dutton says Labor has 'misrepresented' his remarks about Lebanese Muslims**

‘The facts here are indisputable ... I’m on safe ground because I’ve relied on the facts,’ immigration minister says

The Guardian  
Katharine Murphy Political editor  
Thursday 24 November 2016 14.29 AEDT

Peter Dutton has claimed to be a victim of Labor’s “misrepresentation” of his comments about Lebanese-Muslim immigration in the 1970s – while continuing to argue that the facts are “indisputable”.

The immigration minister told 2GB and then journalists at a press conference in Canberra on Thursday that the Labor leader, Bill Shorten, had “sought to completely misrepresent what I said” about Malcolm Fraser’s decision in the 1970s to allow Lebanese Muslim migrants to come to Australia.

Dutton categorised his own observations made first on Sky News, and then in parliament on Monday, as calling out “the small number within the community – within the Lebanese community – who are doing the wrong thing”.

“If we do that, we can hold up the vast majority of people within the Lebanese community who work as hard as you and I do, who have contributed to society, who are captains of industry, people that have worked hard, provided their kids with an education,” he said.

He said while Shorten had sought to be politically correct, he himself had relied on facts. “The facts here are indisputable, which is why I feel comfortable where I am. I’m on safe ground because I’ve relied on the facts. If people don’t understand the history, then they will make the same mistakes into the future.”

The controversy was ignited by Dutton’s appearance last week on a Sky News program hosted by the News Corp blogger and broadcaster Andrew Bolt. The minister said, without nominating particular groups, that Fraser should not have allowed various migrants to come to Australia in the 1970s.

“Clearly mistakes have been made in the past,” he said. “The reality is that Malcolm Fraser did make mistakes in bringing some people in in the 1970s and we’re seeing that today. We need to be honest in having that discussion.”

In parliament on Monday Shorten asked Dutton to specify who he was talking about. “Which people, from which country, does the minister believe should not have been allowed into Australia when Mr Fraser was prime minister?” he asked.

In response, Dutton replied: “I thank the leader of the opposition for his question. The advice that I have is that, out of the last 33 people who have been charged with terrorist-related offences in this country, 22 are from second- and third-generation Lebanese Muslim backgrounds.”

Dutton went on to say he was “not going to allow people who are hardworking, who have done the right thing by this country, who have contributed, who have worked hard and who have educated their children to be defined by those people who are doing the wrong thing and have been charged with terrorist offences or have been involved in crime otherwise”.

He also said: “I am not going to shy away from the facts. I hold up those people who have come from all walks of life – the Vietnamese who came in; people who have come in from Asia and from war-torn Europe; people who have come in from Lebanon and otherwise.

“Many people who have built this country over many decades deserve to be praised – but I am going to call out those people who are doing the wrong thing. If we pretend otherwise, my judgment is that we only compound these problems.”

In parliamentary debates this week Shorten has attacked Dutton for his observations, arguing that singling out a particular ethnic group complicates the task for Australia's security agencies trying to deal with the risks associated with radicalisation.

The Labor leader is not Dutton's only critic. He was attacked by Fraser's immigration minister, Ian Macphee, who called his observations "outrageous" and a deliberate attempt to chase negative headlines.

Macphee placed Dutton in the same category as the One Nation leader, Pauline Hanson, who opposes Muslim immigration, and Bolt, declaring them "ignorant, alarmist voices". He said the community anger in response to the immigration minister's comments was justified.

On Wednesday Shorten, while responding to the prime minister's national security statement, accused Dutton of engaging in "loud lazy disrespect" and said the immigration minister's observation about Lebanese-Muslim migrants was "profoundly wrong".

He said Dutton's comments had the potential to "aid and abet the isolation and resentment that the extremists pray upon".

"The comments weren't just a repudiation of the success of Australia, a nation made great by migration and multiculturalism," he said. "The minister's comments – his ignorant comments – contradict and undermine and fly in the face of every briefing I have ever received from our security agencies who explain to us how best to counter radicalisation about defeating extremism."

Asked at a press conference in Canberra on Thursday to specify precisely how he had been misrepresented by Shorten, Dutton pointed to the Labor leader's response to Wednesday's national security statement.

The minister also criticised Shorten for not asking him a question during parliamentary question time on Wednesday, after he had made the arguments in the security statement.

"I think Mr Shorten needs to step up, admit that he's made a mistake," Dutton said, noting that there had been "a lot of hysteria".

Asked again to specify the precise nature of the misrepresentation by Shorten, Dutton said the Labor party had "embarked on this very tricky approach".

"I'm saying to you that Mr Shorten has been very tricky ... and I think he needs to set the record straight today."

On Sky News on Thursday morning the Greens senator Nick McKim said he was sure Dutton had quoted accurately the numbers of people from a Lebanese Muslim background to be charged with terrorism-related offences.

"But just because something is fact doesn't mean that it's reasonable or productive to talk about it," McKim said.

"So what we've got is a deliberate attack from Mr Dutton by quoting these numbers on a particular subsection of the Australian community. In this case Lebanese Muslim-Australians."

Dutton told reporters McKim's comments demonstrated "duplicity and a trickiness, and I think Bill Shorten has a lot to answer for".

<https://www.theguardian.com/australia-news/2016/nov/24/peter-dutton-says-labor-has-misrepresented-his-remarks-about-lebanese-muslims>

## **26. John Hewson: Dutton's attack on Fraser 'shows how low our politicians are willing to go'**

Peter Dutton's attack on Malcolm Fraser 'shows how low our politicians are willing to go on refugees'

ABC Opinion / The Conversation  
By Professor John Hewson, ANU  
First posted Wed at 3:10pm  
Updated Wed at 3:14pm

Nudge, nudge. Wink, wink. Read between the lines. I am deliberately adding fuel to the anti-immigration, anti-refugee "movement". How else can you interpret Immigration Minister Peter Dutton's recent sustained attacks on Malcolm Fraser's immigration policies?

How else can you explain the timing, so soon after Donald Trump's anti-establishment victory, on the heels of the rebirth of Pauline Hanson, and as Bill Shorten was seeking to capitalise on this sentiment by attacking the 457-visa program?

Dutton initially claimed Fraser "did make mistakes in bringing some people in" as part of his government's immigration policies in the 1970s.

When pressed on those comments in parliament this week, Dutton singled out people of Lebanese-Muslim background. He said:

"The advice I have is that out of the last 33 people who have been charged with terrorist-related offences in this country, 22 of those people are from second and third generation Lebanese-Muslim background."

It is as if the assessment processes in the 1970s, thorough as they were, could possibly have anticipated the likely roles of future generations to be born of those immigrants, long before anyone contemplated September 11, wars in Iraq, Afghanistan, and Syria, the advent of Islamic State, and so on.

The attempt to "blame" Fraser is both farcical and grossly irresponsible — simply a cheap political shot.

Surely, subsequent governments ran a similar, indeterminate risk — as is the Turnbull Government, even despite the thoroughness of its due diligence. The only logical conclusion of Dutton's position is that he wishes to close our borders completely.

How low can our political leaders go in what has become a national disgrace, this appalling race to the bottom, scoring short-term political points on each other, as to who can be the toughest, who can be the most inhumane, to those who are globally among the most desperate, fleeing persecution, imprisonment, and even death?

But, in all this, the hypocrisy is also breathtaking, gloatingly claiming credit for our record in refugee resettlement over many decades while implicitly suggesting that our borders should be closed.

Importantly, while the Government has recognised the desperate need to rely on the cooperation of the Islamic communities to out potential terrorists as an essential element of its national security and anti-terrorism strategy, Dutton has sought to name and shame a particular segment of that community: Lebanese-Muslims.

This could prove to be very costly and counterproductive. Similarly, whatever may be the merits of slightly different wording in Section 18C of the Racial Discrimination Act, this is not the time to be fiddling around on this issue. It runs the risk of a very divisive public debate.

Government today should not be seen merely as an extension of university politics. This issue is not just another opportunity to score cheap political points on opponents.

It goes to the very heart of what we stand for, and believe in, as a nation — and how we wish to be seen by the rest of the world.

We are, after all, now mostly a nation of immigrants. Not wishing, in any way, to downplay the significance of our Indigenous heritage, nor to underestimate the magnitude and significance of the reconciliation challenges that remain, our greatest national achievement since the second World War is our tolerant and sensitive, multiracial, multireligious, multicultural society.

While it is already the envy of the world, it remains a work in progress — the further development of which calls for commitment, understanding, and sensitivity.

Malcolm Turnbull has missed another opportunity to show real leadership.

While he didn't directly endorse Dutton's specific remarks, his attempt to defend Dutton as an "outstanding" immigration minister, a "thoughtful and committed and passionate" minister, should leave everyone cold.

History will judge Fraser's attitudes, values and policies toward immigration and refugees, both in and beyond government, to have dwarfed anything that Dutton might even aspire to achieve.

John Hewson is the Professor and Chair of the Tax and Transfer Policy Institute, Crawford School, at Australian National University. He was the federal leader of the Liberal Party 1990-1994.

<http://www.abc.net.au/news/2016-11-23/dutton-attack-on-fraser-grossly-irresponsible-says-john-hewson/8051006>

## **27. Paul Bongiorno: Peter Dutton's racism to the bottom**

"Peter Dutton seems convinced the best way to deal with these extremists is to match them. In that, he has allies in the Coalition National Party."

The Saturday Paper  
Nov 26, 2016  
Paul Bongiorno

Whatever way you cut it, Australian politics in the past week travelled further down the low road of ignorance, prejudice and bigotry. It's the new fashion propelled by the extraordinary success in Britain and the United States of politicians who push these buttons.

Immigration Minister Peter Dutton, already a practitioner in the dark arts, quickly took his cue in an interview with Andrew Bolt on Sky News. Bolt suggested that former prime minister Malcolm Fraser got the Lebanese refugee program wrong in the late 1970s. Dutton agreed "mistakes were made". When parliament resumed, Labor wanted to know what these mistakes were. The answer was profoundly jarring.

Dutton said the advice he had "is that out of the last 33 people who have been charged with terrorist-related offences in this country, 22 of those people are from second- and third-generation Lebanese Muslim background". His defence was that he was simply being honest. He was either oblivious to the racist implications or deliberately seizing them. The minister told parliament, "I'm not interested in the politically correct nonsense the leader of the opposition might carry on with." He wanted to make sure we settle people in this country who want to take the opportunity given to them.

Dutton ruled out that the issue was a failure of settlement policy because "we provide support services, education, housing, and the vast majority of people make an absolute go of that". For those people who don't, he went on, "we should own up to our mistakes, rectify the problems and ensure the great future of this country".

So the mistake – according to the immigration minister – was to let in Muslim Lebanese. What else could it have been? Worse, their children and grandchildren are denied the status of Australians by birth. Shorten nailed this obscenity when he told parliament, "We in the Labor Party don't start by calling them 'second- and third-generation migrants'. We call them Australians."

But it wasn't only the Labor Party that was appalled. In the Coalition party room, the Sydney Liberal MP, Trent Zimmerman, a former New South Wales party president, warned that the commentary was "unhelpful". He said it sent mixed messages from the party, which was doing its best to reach out to migrant communities, including Lebanese, Chinese and Indian Australians. He reminded his colleagues that in the nation's biggest state, 40 per cent of people are from non-English-speaking backgrounds. Though he didn't join the debate, Craig Laundy, who holds the ethnically diverse Western Sydney seat of Reid, is, according to one of his colleagues, "apoplectic" over Dutton's provocative racism.

FULL STORY AT <https://www.thesaturdaypaper.com.au/opinion/topic/2016/11/26/peter-duttons-racism-the-bottom/14800788004010>

## **28. Malcolm Turnbull urges patience on refugee resettlement deal with Malaysia**

Tanya Plibersek says such a deal would expose the Coalition's 'cynicism' after voting against similar proposal

The Guardian  
Australian Associated Press  
Sunday 20 November 2016 08.28 AEDT

Amid speculation Australia could be close to a refugee deal with Malaysia, Malcolm Turnbull insists the focus should be on achieving durable resettlement options for people in limbo rather than political point scoring.

The prime minister won't confirm whether Australia is in negotiations for a refugee resettlement deal with the southeast Asian nation.

Turnbull had bilateral talks with Malaysia's prime minister, Najib Razak, on Saturday morning, Peru time, on the sidelines of the Asia Pacific Economic Cooperation (Apec) leaders' summit.

It's understood the pair discussed "irregular migration" among other topics such as trade, regional security, the Middle East and strategic issues such as the South China Sea during the meeting. There has been media speculation a deal could be close.

But Turnbull declined to speculate on the matter.

"When an agreement is reached we make an announcement," he told reporters.

Asked if human rights records were a consideration for the government in its negotiations for refugee resettlement, Turnbull said it was something that features in discussions.

The Coalition in opposition refused to support the Gillard government's attempts to pass legislation for its Malaysia people swap deal, after the high court scuttled the plan in 2011, citing concerns about human rights violations in Malaysia at the time. Tony Abbott has since retrospectively expressed some regret that as opposition leader he hadn't allowed the Labor government to pursue its mandate.

Under the arrangement 800 refugees that had arrived in Australia by boat were to be exchanged with 4000 verified refugees in Malaysia.

Asked about the hypocrisy of the Coalition potentially pursuing a deal with Malaysia, Turnbull said it was important to achieve “durable resettlement options” for refugees on Nauru and Manus Island rather than make political points.

Labor is already seeking an apology if the deal gets up.

“It shows a degree of cynicism and unfitness for government to have voted against that proposal five years ago for political reasons,” Labor’s deputy leader, Tanya Plibersek, told Sky News. “Now to be looking at it as a real option, it’s shocking in the extreme.”

Australia has recently reached a deal with the Obama administration to send some refugees to the US for resettlement.

So far the numbers and time frames are yet to be finalised and it’s unclear whether the president-elect, Donald Trump, will honour the deal.

US Homeland Security department officers are already in Australia and will be going to Nauru shortly to start assessments.

Also at Apec, Turnbull joined world leaders to discuss the Regional Comprehensive Economic Partnership and the controversial 12-country Pacific deal.

“Free trade is a long game,” Turnbull told reporters in Lima on Saturday, Peru time.

Donald Trump intends to withdraw America from the TPP, which he has characterised as a job-killing “disaster” and a “rape of our country”.

But Turnbull is optimistic the US president-elect might have a change of heart.

“It may well be over time that the TPP is embraced by the United States ... perhaps in the same form it is today, perhaps in a different form,” he said.

China is seeking to capitalise on the US trade policy disarray, arguing that its proposed RCEP, which excludes the US, might now provide the only pathway towards an eventual Asia-Pacific free trade area.

Apec is considering a study of the concept this year but it could be many years off before negotiations actually start.

“China will not shut its door to the outside world but open more,” the Chinese president, Xi Jinping, said in a keynote address at Apec.

Washington is critical of the Beijing-backed regional deal, saying it will have lower standards and fewer protections.

Australia is a party in both deals but Turnbull does not share the same concerns.

He said RCEP is a more traditional free-trade deal, focused on reducing tariffs on goods and services, and admits it is not as far reaching and ambitious as the TPP.

“You can’t let the perfect be the enemy of the good,” Turnbull said. “From Australia’s point of view, the more markets and access we can get for our exports the better.”

The prime minister also took aim at the opposition leader, Bill Shorten, for sympathising with trade protectionism.

“He is being wooed by the siren song on populism, he thinks he’s picked up something from the American election and he can tap into,” Turnbull said. “But it is the road to ruin for Australia.”

<https://www.theguardian.com/australia-news/2016/nov/20/malcolm-turnbull-plays-down-chances-of-refugee-resettlement-deal-with-malaysia>

## **29. Malcolm Turnbull plays down possible refugee resettlement deal with Malaysia**

ABC News Online

By national affairs correspondent Greg Jennett

First posted Sun 20 Nov 2016, 4:48am

Updated Sun 20 Nov 2016, 8:16am

Malaysia is known to be one of several countries Australia is negotiating with to expand the network of settlement options for refugees on Nauru and Manus Island.

Mr Turnbull and Prime Minister Najib Razak discussed terrorism, returning Islamic State fighters, trade, the South China Sea and what officials describe as "irregular migration".

Before the meeting Mr Turnbull was asked whether Malaysia may assist with resettlement as it had in 2011 with its ultimately thwarted "people swap" arrangement with the Gillard government.

"We engage with many countries, we engage on resettlement matters with many countries that are part of the Bali process, but we don't speculate on those discussions," Mr Turnbull said.

"We have had success with Cambodia, we have had success with the United States and we talk to other countries — and we will continue to do so."

The Prime Minister has indicated that "when agreement is reached, we make an announcement".

Deputy Labor Leader Tanya Plibersek said her party would welcome a deal with Malaysia, but told Sky News the Government should apologise for its hypocrisy.

The Coalition had opposed a deal with Malaysia when it was in opposition five years ago, citing human rights concerns.

"All those people who voted against Malaysia as a country for resettlement when Labor was in government should explain why they did it," Ms Plibersek said.

"It shows a degree of cynicism and unfitness for government."

<http://www.abc.net.au/news/2016-11-20/turnbull-plays-down-any-refugee-resettlement-with-malaysia/8040310>

## **30. Turnbull government's lifetime ban on refugee visas likely to be killed off by Senate**

The Age  
November 21 2016 - 11:45PM  
Michael Koziol

The Turnbull government's proposed lifetime ban on asylum seeker visas is heading for defeat in the Senate, with key crossbenchers including David Leyonhjelm and Derryn Hinch positioning to oppose the controversial bill.

Failure to pass the measure would be a blow for the government as it eyes a series of legislative wins before the Christmas break, but would not endanger the deal with the US to resettle refugees currently on Manus Island and Nauru.

It comes as the Department of Immigration confirmed at least 857 people had expressed interest in US resettlement, including some of the 377 people who have been temporarily transferred to Australia from Nauru or Manus Island for medical reasons.

That figure included 245 people who were adults when they were first sent to a regional processing centre, meaning they would be subject to the lifetime visa ban. The remainder were minors from about 90 family units and would not be barred for life from Australia.

The proposed ban would make any adult sent to Manus or Nauru after 19 July 2013 ineligible to make a valid visa application in Australia, including for business or as a tourist. Labor and the Greens have pledged to vote down the bill.

That makes the government reliant on an unpersuaded crossbench, and it is understood to have secured only five of the eight votes needed to reach 38: the four One Nation senators and Tasmania's Jacqui Lambie.

NSW Liberal Democrat senator David Leyonhjelm said he would not vote for the current bill and is drafting two amendments: one to exempt temporary visas such as tourist visas from the ban, and another to exempt refugees from Australia's direct neighbours, such as Indonesia and Timor Leste.

"If they leave that country and arrive in Australia with nothing in between ... then we think the lifetime ban is unreasonable in those instances," Senator Leyonhjelm said on Monday. He said the government was aware of his amendments but had not responded.

Of the Nick Xenophon Team, party leader Nick Xenophon is understood to be the most sympathetic to the ban, but is still holding out for concessions from the government. Senators Stirling Griff and Skye Kakoschke-Moore are expected to vote against the bill.

Victorian senator Derryn Hinch indicated he would carefully consider a Senate committee report on the matter, due to be filed on Tuesday, and declined to comment further. But last week, after attending a public hearing, he tweeted: "Banning people who [are] seeking asylum from ever visiting Aus is cruel and unnecessary."

Senator Hinch's staffer, Sarah Mennie, tweeted on Monday that the office had been "bombarded with [an] orchestrated campaign" from refugee advocates, to the point of diverting staff away from considering the legislation. "We hear you ... pls stop," she wrote.

A spokeswoman for Immigration Minister Peter Dutton said he would not provide a running commentary on any crossbench negotiations through the media. Mr Dutton and the Department of Immigration would not provide an update on the number of people who had expressed interest in US resettlement - the figure of 857 was current as of November 15.

Greens senator Nick McKim said the ban was unnecessary and achieved nothing except to create two classes of citizens, and should be blocked. "I'm not convinced the government has got the numbers," he said.

The bill passed the House of Representatives on November 10 and Mr Dutton has said it is "likely" to be listed for debate in the Senate next week, the final parliamentary sitting week of 2016. He has called on Labor to reconsider its opposition to the ban.

<http://www.theage.com.au/federal-politics/political-news/turnbull-governments-lifetime-ban-on-refugee-visas-likely-to-be-killed-off-by-senate-20161121-gstycz.html>

## **31. Lifetime refugee ban a 'severe and exceptional' measure, committee finds**

Parliamentary joint committee on human rights asks Peter Dutton how the proposal is connected to its objective

The Guardian

Paul Karp

Tuesday 22 November 2016 19.54 AEDT

The Coalition's proposed lifetime refugee travel ban is a "severe and exceptional" measure and there is "no suggestion" refugees present a danger to Australia, a parliamentary committee has said.

The parliamentary joint committee on human rights, chaired by Liberal MP Ian Goodenough, said in a report released on Tuesday the ban appeared to have a disproportionate effect on people of certain nationalities and could be discriminatory.

The travel ban was proposed by the Coalition in October as a means to deter asylum seekers from coming to Australia. It would prevent refugees who were adults when sent for offshore processing on Manus Island and Nauru from ever visiting Australia, unless the immigration minister granted an exemption.

The committee concluded it was "severe and exceptional" to impose the ban because it applied to "people who have committed no crime and are entitled as a matter of international law to seek asylum in Australia".

It noted the ban would apply to visas "necessary for tourism, business or professional visits, or visiting family".

The committee found the ban could constitute "direct discrimination" against those in offshore detention or "indirect discrimination" on the basis it disproportionately affected refugees from Iran, Afghanistan, Iraq and Pakistan.

The committee said the ban was not based "on any reason why these particular people should not be allowed to visit Australia in future".

"There is no suggestion that they present any danger to Australia or that a future visit would have any adverse affect on Australia."

Rather, the ban appeared to be a penalty designed to deter others from travelling to Australia, the human rights committee said.

The committee asked the immigration minister, Peter Dutton, to explain how the proposed ban was rationally connected to its objective, if it was a proportionate measure, and whether less restrictive alternatives existed.

In a joint statement appearing to contradict the committee report, Coalition members of the committee said they "unreservedly support" the bill which was "critical to prevent people smugglers and their evil trade".

"The legal advice referred to in the report was not drafted by the committee members and represents one opinion."

They said the report had merely asked the immigration minister to provide further information as is standard practice.

In a separate report, the Senate legal and constitutional affairs legislation committee recommended the Senate pass the travel ban bill, because it was part of a suite of measures to deter boat trips to Australia.

However, it also supported further explanation of why the travel ban was necessary on top of existing deterrents, as well as clarification of the factors the minister would consider in granting exemptions to the travel ban.

Labor and the Greens issued dissenting reports in that committee arguing the bill should be rejected.

Labor caucus has unanimously rejected the lifetime ban, with leader Bill Shorten arguing it was "ridiculous" to stop refugees coming to Australia as tourists years after they were resettled in another country.

The government has struggled to win crossbench support for the bill, with senators David Leyonhjelm, Derryn Hinch, Stirling Griff and Skye Kakoschke-Moore all expressing concerns.

On Tuesday, Hinch said he hoped the government would make amendments to the bill because "a lifetime ban is just ridiculous".

"I don't think it can work, it hasn't been thought through," he said. "I know what they're trying to do, stop the boats, and I agree with them on that, I support them on that.

"But you can't say to some poor guy ... who has gone to live in Spain or Belgium in 10 years' time ... you can't even come back on a tourist visa or on compassionate grounds without going through the minister."

Nick Xenophon said he met Dutton on Monday, but the ban was "still at an impasse".

"At this stage, I personally would like to see an increase in humanitarian efforts and intake."

The Nick Xenophon Team will have a conscience vote on the refugee ban.

<https://www.theguardian.com/australia-news/2016/nov/22/lifetime-refugee-ban-a-severe-and-exceptional-measure-committee-finds>

## **32. Government-dominated committee finds lifetime visa ban pointless and cruel**

The Age  
November 22 2016 - 7:27PM  
Tom McIlroy

The Turnbull government's proposed lifetime ban on resettled asylum seekers receiving visas to visit Australia is "severe and exceptional" and could disproportionately target people on the basis of race, a parliamentary committee has found.

Scrutiny of the lifetime visa ban by the Liberal-majority Human Rights Committee found there was no reason why refugees and asylum seekers held in immigration detention on Nauru and Manus Island should be banned from visiting Australia for business or tourism in the future.

Chaired by Liberal MP Ian Goodenough, the committee found the ban could be unnecessary because there is no suggestion that any detainee being held presents a danger to Australia or that any future visit could have any adverse affect on national security.

"As such, the ban would appear to apply a penalty on those who seek asylum and are part of the regional processing cohort," the report said.

"The right to seek asylum, irrespective of the mode of transit, is protected under international law.

"The ban may also have a disproportionate negative effect on individuals from particular national origins; nationalities; or on the basis of race, which gives rise to concerns regarding indirect discrimination on these grounds."

Released on Tuesday, the report noted the laws were designed to prevent others embarking on dangerous boat journeys to Australia, but the plan would apply "an unlawful penalty" for seeking asylum in contravention of the United Nations Refugee Convention.

The committee has asked for Immigration Minister Peter Dutton to provide more information about the bill's human rights compatibility.

It would make any adult sent to Manus or Nauru after July 19, 2013, ineligible to make a valid visa application in Australia.

The ban was already viewed as unlikely to pass the Senate, with key crossbenchers including David Leyonhjelm and Derryn Hinch expected to oppose the controversial bill.

Failure to pass the measure would be a blow for the Mr Dutton and the government, but is unlikely to endanger a deal between with the outgoing Obama administration to resettle refugees on Manus Island and Nauru in the United States.

Labor and the Greens have pledged to vote down the lifetime visa ban.

The Department of Immigration confirmed this week at least 857 people had expressed interest in the US resettlement plan, including some of the 377 people who have been temporarily transferred to Australia from Nauru or Manus Island for medical reasons.

A spokeswoman for Mr Dutton said the government's resolve to pass the ban was as strong as ever and called for Labor's support.

"The bill is an important part of the government's commitment to stopping the people smugglers," she said.

<http://www.theage.com.au/federal-politics/political-news/lifetime-visa-ban-pointless-and-cruel-parliamentary-committee-20161122-gsv78j.html>

### **33. Offshore detainees' mental illness among highest of any surveyed population: study**

The Age  
November 21 2016 - 5:02PM  
Michael Gordon

Refugees and asylum seekers held on Manus Island are battling some of the highest rates of depressive and anxiety disorders recorded and this is overwhelmingly the result of their detention experience, a study has found.

The disclosure is included in a submission by the United Nations refugee agency that also reveals refugees and asylum seekers continued to be held in prison-like conditions, well after Papua New Guinea's highest court ruled that the detention was unconstitutional.

While Prime Minister Malcolm Turnbull has said women and children and family groups held on Nauru will have the highest priority for resettlement to the United States, the report highlights the urgent need to address to extreme levels of depression and post traumatic stress disorder among those in PNG.

A study by three mental health experts found rates of depressive or anxiety disorders and PTSD among asylum seekers and refugees on Manus Island "amongst the highest recorded rates of any surveyed population".

"They are many-fold higher than in mainstream Australian populations and higher than that recorded in asylum-seeker populations living in the Australian community," their report says. The submission does not state whether the mental illness rates are the highest of any surveyed population in Australia, or the world.

They found it was likely that the circumstances, conditions and duration of detention had contributed significantly to the development of these disorders, citing the violence at the centre in February 2014, when Iranian Reza Barati was murdered, as being "particularly traumatic both in itself and in reactivating memories of past trauma".

The submission is to the Senate inquiry investigating allegations of abuse, self-harm and neglect of asylum seekers on Nauru and Manus Island. It is especially significant because the agency, the UNHCR, has been charged with administering the Turnbull government's agreement to send refugees from Manus and Nauru to the United States.

While Immigration Minister Peter Dutton has been vague about details, the report suggests the UNHCR will place a high priority on finding a solution for those most damaged, including those who refused to have their claims for protection assessed in PNG, and on reuniting separated families.

Although the report was written before the government announced its US resettlement plan, it repudiates the intention to hand refugees not resettled in other countries a 20-year visa to stay in Nauru. "UNHCR finds that settlement on Nauru is not an option, even on a temporary basis," it says.

Of the 181 asylum-seekers and refugees who were examined in PNG, 88 per cent were found to be suffering from a depressive or anxiety disorder and/or post-traumatic stress disorder. "A number of very severe psychiatric disorders were identified, including gross psychopathology consistent with psychosis as well as psychotic dissociation," the experts' report says.

A smaller survey of 53 asylum-seekers and refugees on Nauru found that 83 per cent suffered from post-traumatic stress disorder and/or depression.

The medical experts observed that the overwhelming majority of asylum-seekers and refugees in PNG and Nauru had no pre-existing psychiatric disorder prior to their detention, even though a considerable proportion had been exposed to trauma.

The delegation visited Nauru and Manus Island a month after PNG's Supreme Court ruled that the detention of asylum seekers on Manus Island was illegal, but reported "excessive levels of security" at the centre, "creating an institutionalised and punitive environment, wholly inappropriate for asylum-seekers and refugees".

It said overcrowding in two of the compounds, Oscar and Delta, was such that detainees' dwellings were half the minimum international standard for prisons.

"The risks to public health and mental health of such overcrowding are considerable, and the possibility of abuse is increased due to the limited spaces to move persons in need of protection away from potential threats," the report said.

"The prolonged, arbitrary and indefinite nature of immigration detention in conjunction with a profound hopelessness in the context of no durable settlement options has corroded these individual's resilience and rendered them vulnerable to alarming levels of mental illness."

It also claimed mental health services on Nauru and Manus Island were inadequate.

The medical experts reported that a significant number of asylum-seekers and refugees reported experiences of bullying, intimidation and harassment by security staff, which had left them "frightened, withdrawn and submissive in their interactions".

This had "precipitated and/or exacerbated major depressive disorders in vulnerable individuals".

The report also mounts a powerful argument that officials statistics on self-harm and threatened self-harm on Manus Island dramatically understate the scale of the problem.

While the PNG government has said that the small number who have attempted resettlement in PNG are going well and Mr Dutton has suggested they will not be considered for resettlement in the United States, the UNHCR submission makes it clear the resettlement has been a failure.

"As an overriding concern, refugees have informed UNHCR that they cannot settle in Papua New Guinea owing to a pervasive fear for their safety," the report says.

"Moreover, a range of measures intended to facilitate integration of refugees in the Papua New Guinean community have not worked."

Comment has been sought from Mr Dutton's office.

<http://www.theage.com.au/federal-politics/political-news/offshore-detention-study-detects-mental-health-rates-amongst-the-highest-recorded-of-any-surveyed-population-20161121-gstw3o.html>

## **34. Lawyers want PMs from John Howard to Malcolm Turnbull in dock over asylum detention**

Canberra Times  
November 14 2016 - 5:45PM  
Heath Aston

Every Australian prime minister from John Howard onwards should be investigated for crimes against humanity in relation to the indefinite detention of asylum seekers, according to a group of international lawyers.

The group of seven British, American and Australian lawyers, which includes high-profile barrister and refugee advocate Julian Burnside, has petitioned the International Criminal Court to investigate the treatment of asylum seekers by successive governments, beginning with John Howard's.

A 52-page communique names Mr Howard, Malcolm Turnbull, Tony Abbott, Kevin Rudd and Julia Gillard, claiming they have knowingly breached the Rome Statute of the court.

"Those breaches involve the indefinite detention of asylum seekers who have committed no offence and regardless of their age or health or sex," the communique states. "The breaches also include forcible removal of asylum seekers to Pacific Island countries where they are detained and seriously mistreated, for the stated purpose of 'stopping the boats': that is, deterring people from seeking asylum in Australia."

It also names immigration ministers going back to the Howard era, including current minister Peter Dutton, his predecessor, Scott Morrison, Labor's Tony Burke, Brendan O'Connor, Chris Bowen and Chris Evans.

Howard ministers Philip Ruddock, Amanda Vanstone and Kevin Andrews are also named.

The ICC, which sits in The Hague in the Netherlands, generally puts on trial political leaders accused of genocide and other atrocities in countries predominantly in Africa.

But it has a very low strike rate of convictions, with four accused national leaders dying before even getting to trial.

The weekend announcement of a resettlement deal is likely to reduce the chances of the court taking up the matter.

Mr Turnbull's office declined to comment. Mr Abbott has been sought for comment.

In a statement released in London on Monday, the group said there was "no option remaining other than the International Criminal Court" after Australia ignored critical reports by the United Nations High Commissioner for Refugees and Amnesty International.

The communique cites precedents in international law – including the United States' intervention in Nicaragua in the 1980s – which show that prime ministers and ministers could be held personally responsible as perpetrators of crimes.

Courtenay Barklem, a former human rights adviser at the Law Society of England and Wales and one of the signatories, said Australia's reputation had been diminished through the mandatory detention of asylum seekers on Manus Island and Nauru.

"This scandal sullies Australia's record on human rights," he said. "We expect Australia to have higher standards and not to mistreat some of the most vulnerable people through deliberate government policies. This diminishes Australia's reputation in the eyes of the international community."

Mr Burnside told Fairfax Media that he was involved because what Australia was doing to asylum seekers was "increasingly outrageous" and out of step with what were once "core Australian values".

"The Coalition's proposed lifetime visa ban, which it is trying to embarrass Labor into supporting, would have been unthinkable in Australia 20 or 25 years ago," he said.

"Australians have been brainwashed into thinking offshore detention is being done to protect them from criminals."

The communique is supported by witness evidence from doctors, workers, visitors and former detainees of offshore processing centres.

In 2014, Tasmanian independent Andrew Wilkie and lawyer Greg Barns went to the ICC with a similar complaint against the Abbott government, without success.

<http://www.canberratimes.com.au/federal-politics/political-news/lawyers-want-pms-from-john-howard-to-malcolm-turnbull-in-dock-over-asylum-detention-20161114-gsp19d.html>

## **35. Norway pension fund told to get out of Australian offshore detention business**

The Age  
November 27 2016 - 4:35PM  
Michael Gordon

Norway's biggest pension fund is under pressure to sell its interest in the Spanish company holding the biggest contract to run Australia's offshore detention centres on Manus Island and Nauru.

The Australia Institute claims the pension fund's investment in Ferrovia is at odds with its commitment to high ethical standards and is not widely known in Norway.

It is mounting a social media campaign in Australia and Norway to convince investors to sign an open letter imploring the pension fund, known as Oljefondet, to divest.

The campaign is proceeding despite the deal to resettle refugees from the two centres because the Nauru contract runs to October next year and the government plans to keep the centre open for decades.

"Fewer detainees is better, but this is a matter of principle, not quantity, and a breach of international agreements counts whether it's 100 or 1000 people," said the Australia Institute's business and human rights adviser, Brynn O'Brien.

"The government will continue to outsource these operations, and so a divestment from Norway's sovereign wealth fund would send a strong message to the current contractor and any future bidders, that these contracts will lead to heavy public and investor scrutiny," Ms O'Brien told Fairfax Media. Advertisement

"The reputation of the Norwegian sovereign wealth fund investing ethically would be tarnished by ongoing investment in these camps, in light of the incontestable evidence of abuse."

The letter says the investment clearly fails to meet the ethical standards set out in Oljefondet's policy documents. "Oljefondet – on behalf of the Norwegian people – is invested in Australia's system of offshore refugee detention camps and prolonged detention, which UNHCR has described as 'immensely harmful'," it says.

"If you want Norway's money out of offshore detention, please sign the petition asking Oljefondet to divest."

A research paper prepared by the institute says Ferrovial had no association with the camps until it bought Australian company Broadspectrum in May 2016.

"At this time, Broadspectrum was operating the camps. In taking over Broadspectrum, Ferrovial acquired responsibility for the detention contracts with the Australian government," it says.

"Ferrovial made this acquisition subsequent to being provided with detailed information about the abuses in the camps. When acquiring Broadspectrum, Ferrovial fell short of conducting adequate due diligence on this acquisition, or failed to respond appropriately to human rights concerns."

The paper says that when the takeover of Broadspectrum proceeded, Ferrovial released a statement indicating that detention centre work "will not form part of its services offering in the future".

"This was widely interpreted to mean that the company would not bid for a new contract after the current contract expires, and that its work at the offshore centres would cease in February 2017 with the expiration of that contract.

"In August 2016, however, Ferrovial announced that the Australian government had extended the contract for a further eight months to 27 October 2017 (under an extension clause in the contract), despite Ferrovial's 'eagerness to withdraw' from operations at the camps."

Ms O'Brien says the paper was being sent to Ferrovial with a warning that ongoing concerns about human rights made it inappropriate for the company to contract for the services.

A spokesman for the pension fund told Fairfax Media it was aware of the issue, saying the fund was not invested in Broadspectrum at the end of 2015, and had informed its council of ethics and its investment in Ferrovial after the company bought Broadspectrum.

"We expect companies to respect human rights and address human rights issues in their business practices," the spokesman said.

A senior adviser with the pension fund's council of ethics, Pia Goyer, said the council did not comment on specific companies until it had made and published a recommendation about a company.

"Generally, when the council considers a case, first it gathers all publicly available information. At an early stage the council also contacts the company with questions and often also has meetings with companies under assessment," she said.

"The aim of the council is to assess the future risk of violations of the fund's guidelines. The preparatory works of the guidelines establish a high threshold for exclusion from the fund. Exclusion should not be used to punish a company for past violations but to prevent the fund for contributing to future violations."

<http://www.theage.com.au/federal-politics/political-news/norway-pension-fund-told-to-get-out-of-australian-offshore-detention-business-20161127-gsywi.html>