

Title: Nauru: Sydney Meeting: President Waqa : What to expect
MRN: NU622H 08/07/2015 02:13:31 PM ZE12
To: Canberra
Cc: PP : NZMFAT, Pacific Posts
From: Nauru
From File:
EDRMS Files:
References: NU1648L, NU1644L
Response: Priority, Information Only

~~CONFIDENTIAL SENSITIVE ANZEO~~

S22(1)(a)(ii)

Summary

Media coverage of Nauru has departed even more than usual from the reality. Current and historical issues are being confused for political advantage, or because of ongoing inquiries. A "detention" centre that no longer exists is in the media again. It has been an open centre since February. Concerns about the rule of law have re-emerged, trawling up past dismissals, but reform of Nauru's legal system, closely supported by NZ and Australia, is just glossed over. S33(a)(iii)

S33(a)(iii)

2. **Minister Bishop's phone call to President Waqa was highly appreciated and effective** S33(a)(iii), S22(1)(a)(ii)
S33(a)(iii), S22(1)(a)(ii) The recent public interventions by New Zealand's PM and FM have also been timely, measured and helpful. S22(1)(a)(ii)
S22(1)(a)(ii)

3. S33(a)(iii)
S33(a)(iii)

4. S33(a)(iii)
S33(a)(iii)

S22(1)(a)(ii)

NU622H

S33(a)(iii)

[Redacted]

5. S33(a)(iii), S22(1)(a)(ii)

S33(a)(iii), S22(1)(a)(ii)

[Redacted]

6. The situation on the ground in Nauru is currently quite calm. S33(a)(iii), S22(1)(a)(ii)

S33(a)(iii), S22(1)(a)(ii)

[Redacted]

7. The next way-point will be the 10 July court appearance of the two MPs S33(a)(iii)

S33(a)(iii)

[Redacted]

8. We may need to point to the practical and be forward-looking in our representations. S22(1)(a)(ii)

S22(1)(a)(ii)

[Redacted]

9. S22(1)(a)(ii), S33(a)(iii)

S22(1)(a)(ii), S33(a)(iii)

[Redacted]

10. S33(a)(iii)

S33(a)(iii)

[Redacted]

S22(1)(a)(ii)

NU622H

11. S33(a)(iii)

S33(a)(iii)

12. S33(a)(iii)

S33(a)(iii)

13. S33(a)(iii)

S33(a)(iii)

14. S33(a)(iii), S22(1)(a)(ii)

S33(a)(iii), S22(1)(a)(ii)

15. S22(1)(a)(ii)

S22(1)(a)(ii)

S22(1)(a)(ii)

NU622H

S33(a)(iii)

16. S22(1)(a)(ii)

S22(1)(a)(ii)

17. S22(1)(a)(ii)

S22(1)(a)(ii)

18. S22(1)(a)(ii)

S22(1)(a)(ii)

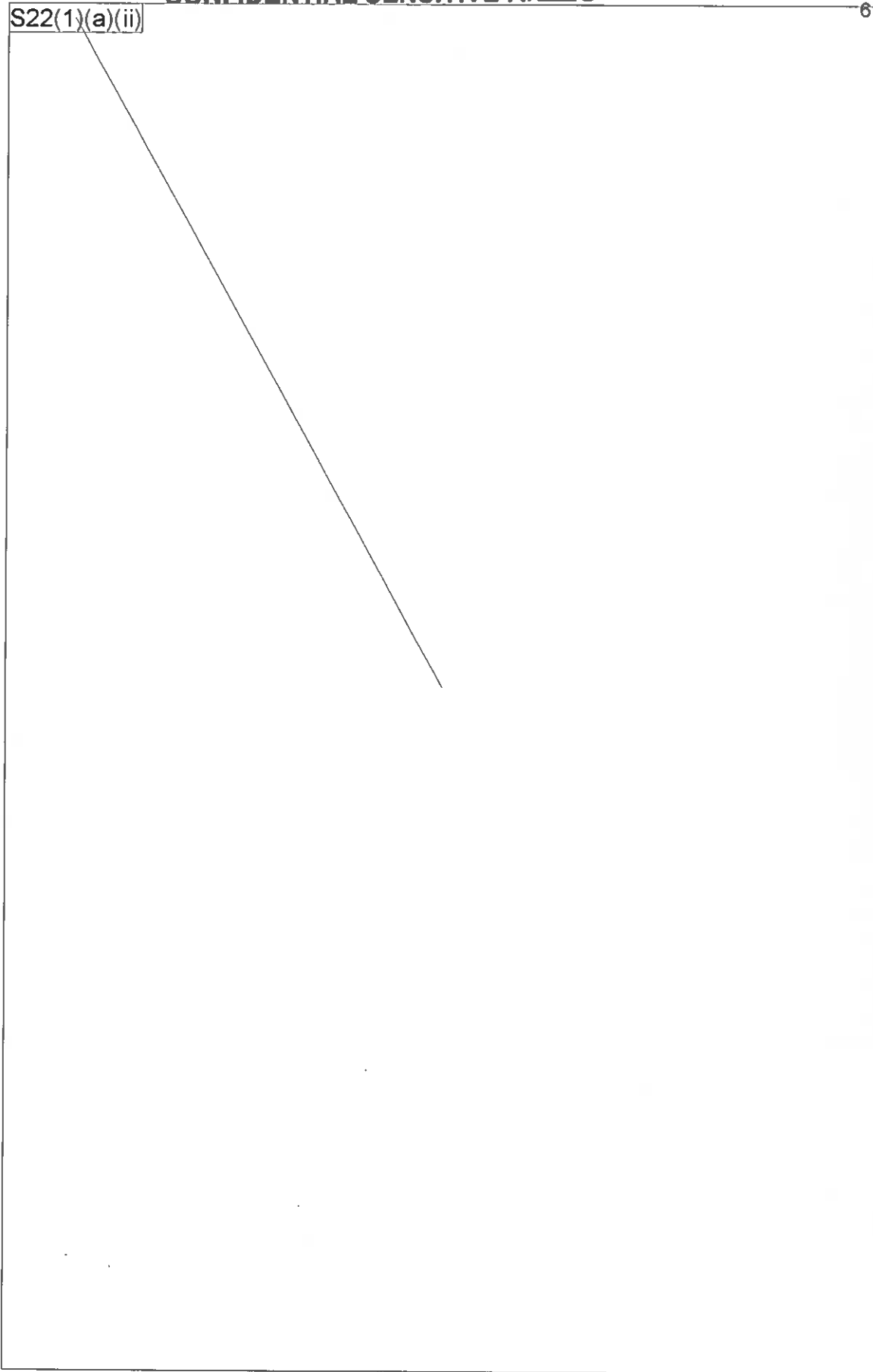
19. S22(1)(a)(ii)

S22(1)(a)(ii)

S22(1)(a)(ii)

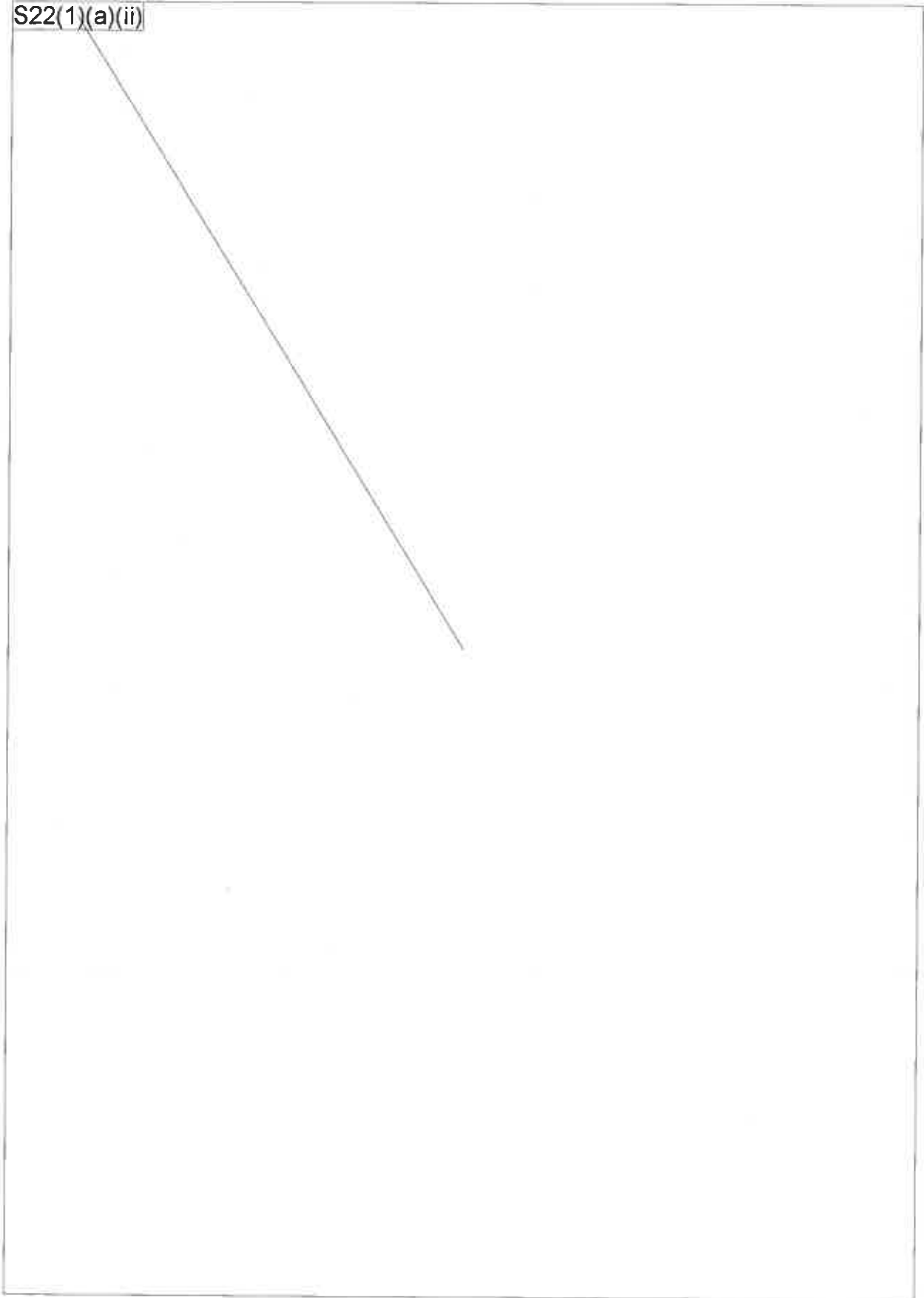
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FOI REF: 15/45211

S22(1)(a)(ii)



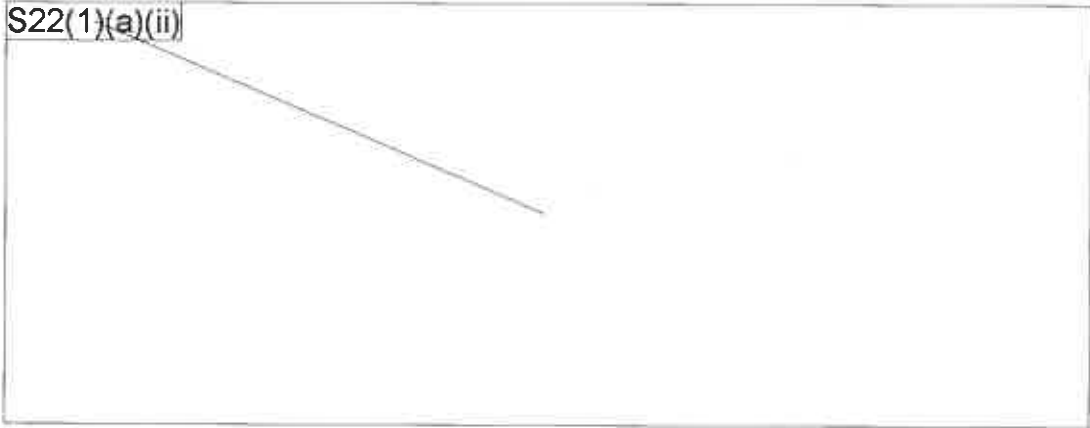
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S22(1)(a)(ii)



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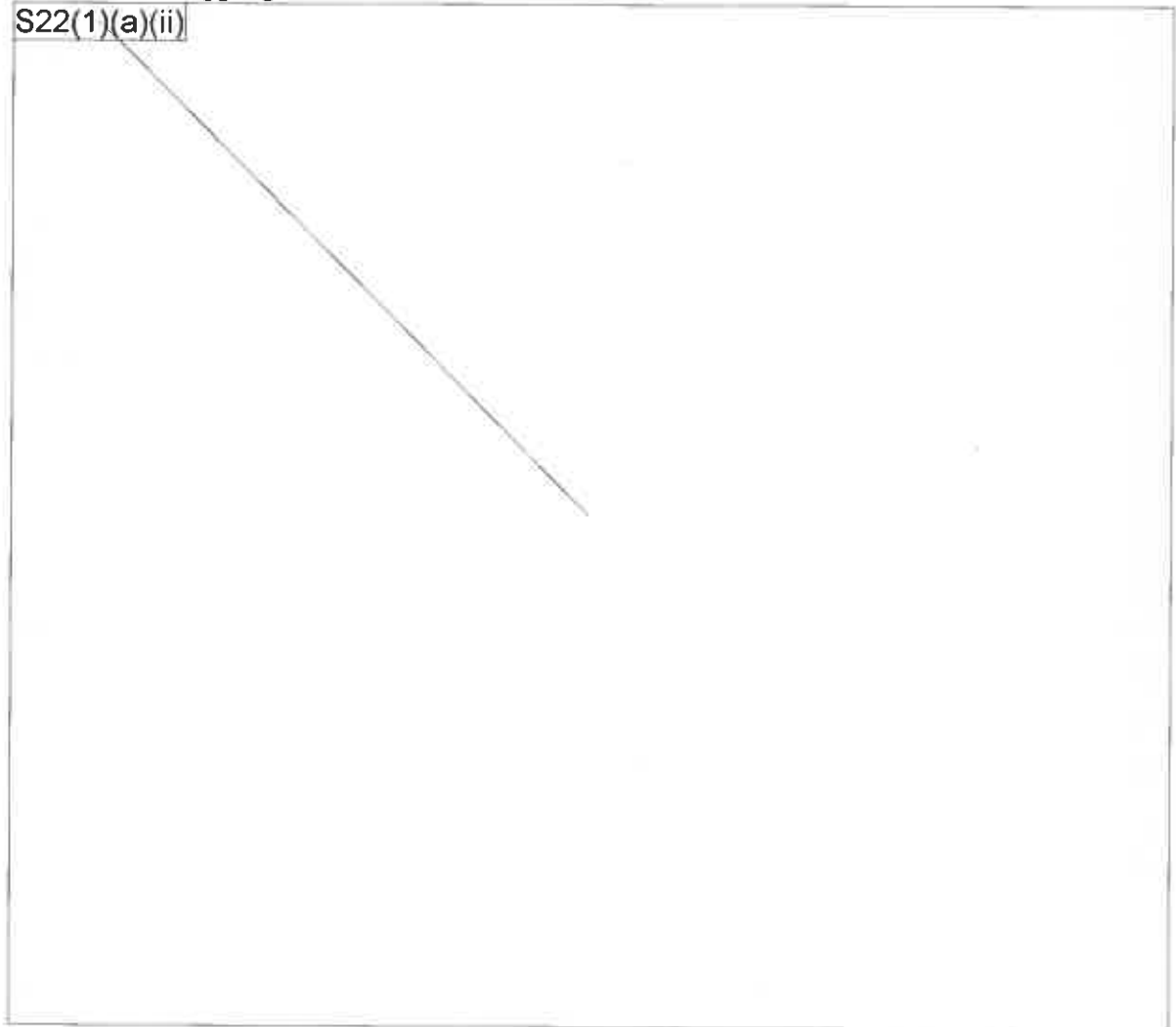
S22(1)(a)(ii)



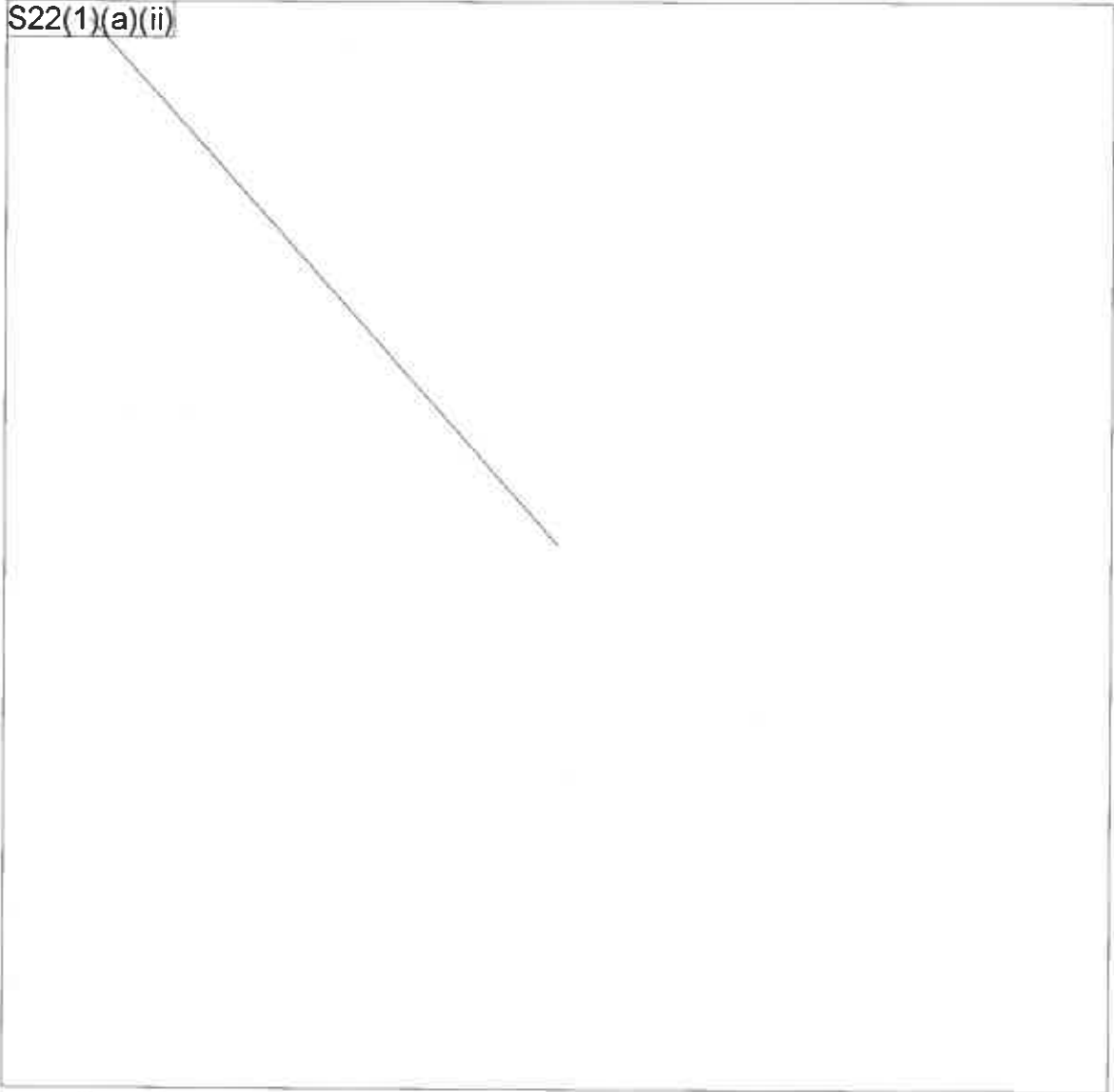
Is Australia's position influenced by the Regional Processing Centre?

- Recent developments are unrelated to the operation of the Regional Processing Centre.
- The Australian Government continues to support the Government of Nauru in contributing to a regional solution to the problem of people smuggling.

S22(1)(a)(ii)



S22(1)(a)(ii)



**Call to Nauruan President Baron Waqa (*wong-a*)
3 September 2015**

- . I thought I'd call you prior to Pacific Islands Forum (PIF) next week.
 - I appreciate you taking the call, especially as I know you are in Fiji [*for the Pacific Islands Development Forum (PIDF)*]
- . I enjoyed seeing you in Sydney at the PIF Foreign Ministers' Meeting in July
 - it was an excellent opportunity to work together on disaster preparedness for the region and strengthening the PIFs international engagement.
- . There is a continuing strong interest in Australia and elsewhere in the arrest of opposition figures in Nauru and related judicial processes.
- . I am encouraged to hear that legal hearings are progressing
 - I would welcome your continued assurances that legal processes are being followed.

S33(a)(iii)

s.33(a)(iii)

Looking ahead, pleased that you will also be visiting S33(b)

S33(b)

Background

S22(1)(a)(ii), S33(b)

S33(b)

S33(b)

S33(b) S22(1)(a)(ii)

S22(1)(a)(ii), S33(b)

s.22(1)(a)(ii)

s.22(1)(a)(ii)

s.33(a)(iii)

s.33(a)(iii)

s.33(a)(iii)

S22(1)(a)(ii)

S33(a)(iii)

S22(1)(a)(ii)

NU648H

Title: Nauru: New Zealand support for the law and justice sector
MRN: NU648H 02/09/2015 04:21:37 PM ZE12
To: Canberra
Cc: PP : London, Pacific Posts
From: Nauru
From File:
EDRMS Files:
References: CD5284H, NU641H, NU643H
Response: Priority, Information Only

S22(1)(a)(ii)

Summary

S33(a)(iii)

Thanks reftel.

2. New Zealand's aid to the law and justice sector is a valuable contribution to Australian policy interests, and S33(b) particularly the rule of law and the regional processing of asylum seekers. S33(b)

3. S33(a)(iii)

S33(a)(iii)

S22(1)(a)(ii)

NU648H

S22(1)(a)(ii)

S33(a)(iii), S33(b)

S22(1)(a)(ii)

S33(b)

S33(b), S33(a)(iii)

S33(b), S33(a)(iii)

S22(1)(a)(ii)

NU648H

S33(a)(iii), S33(b)

S33(a)(iii), S33(b), S22(1)(a)(ii)

S22(1)(a)(ii)

NU648H

S33(b)

S33(a)(iii), S22(1)(a)(ii)

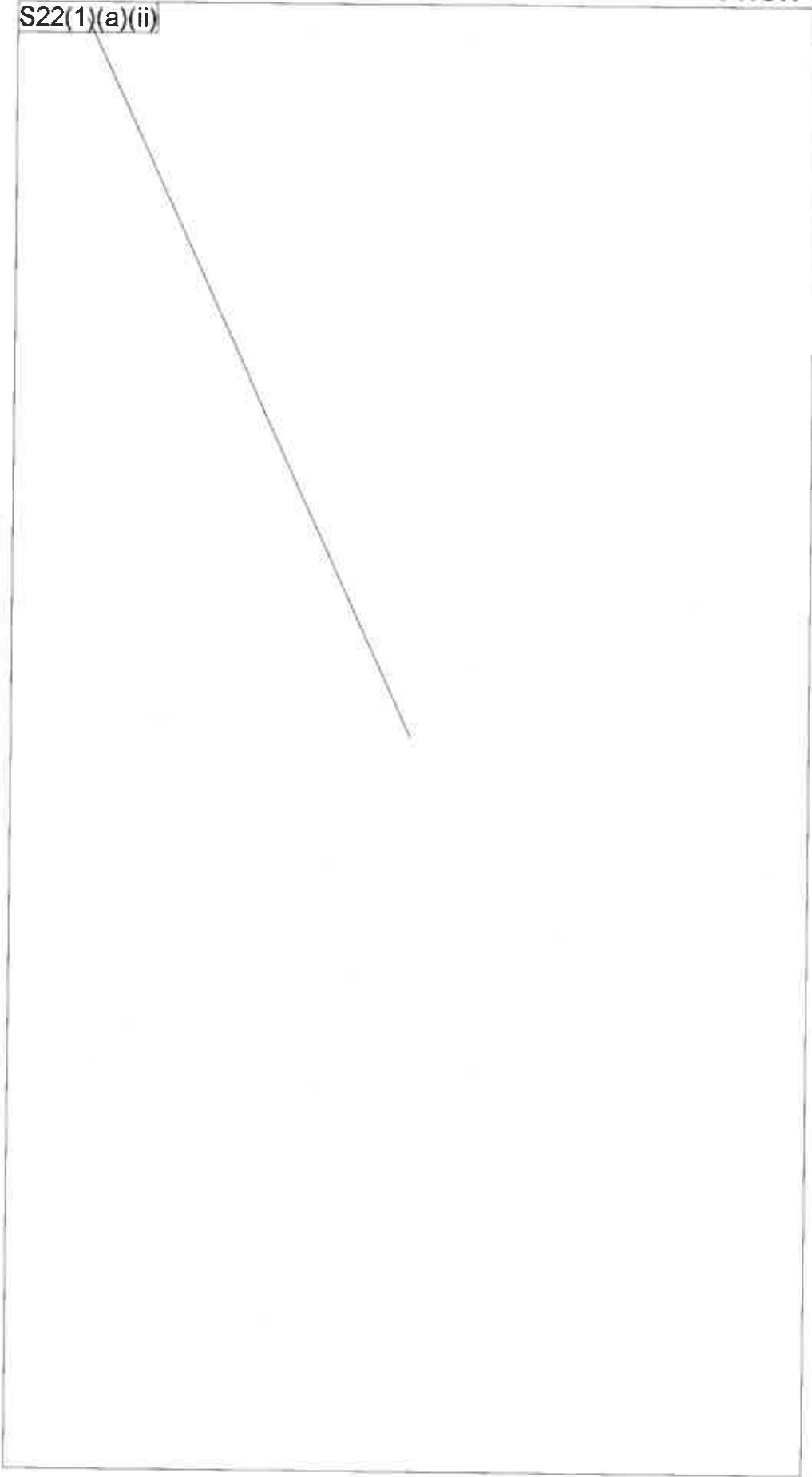
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S22(1)(a)(ii)

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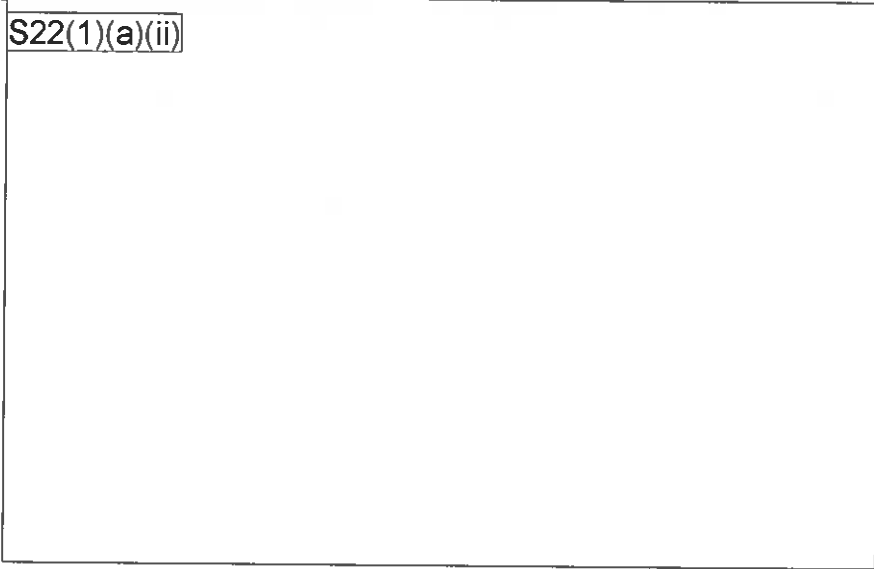


S22(1)(a)(ii)

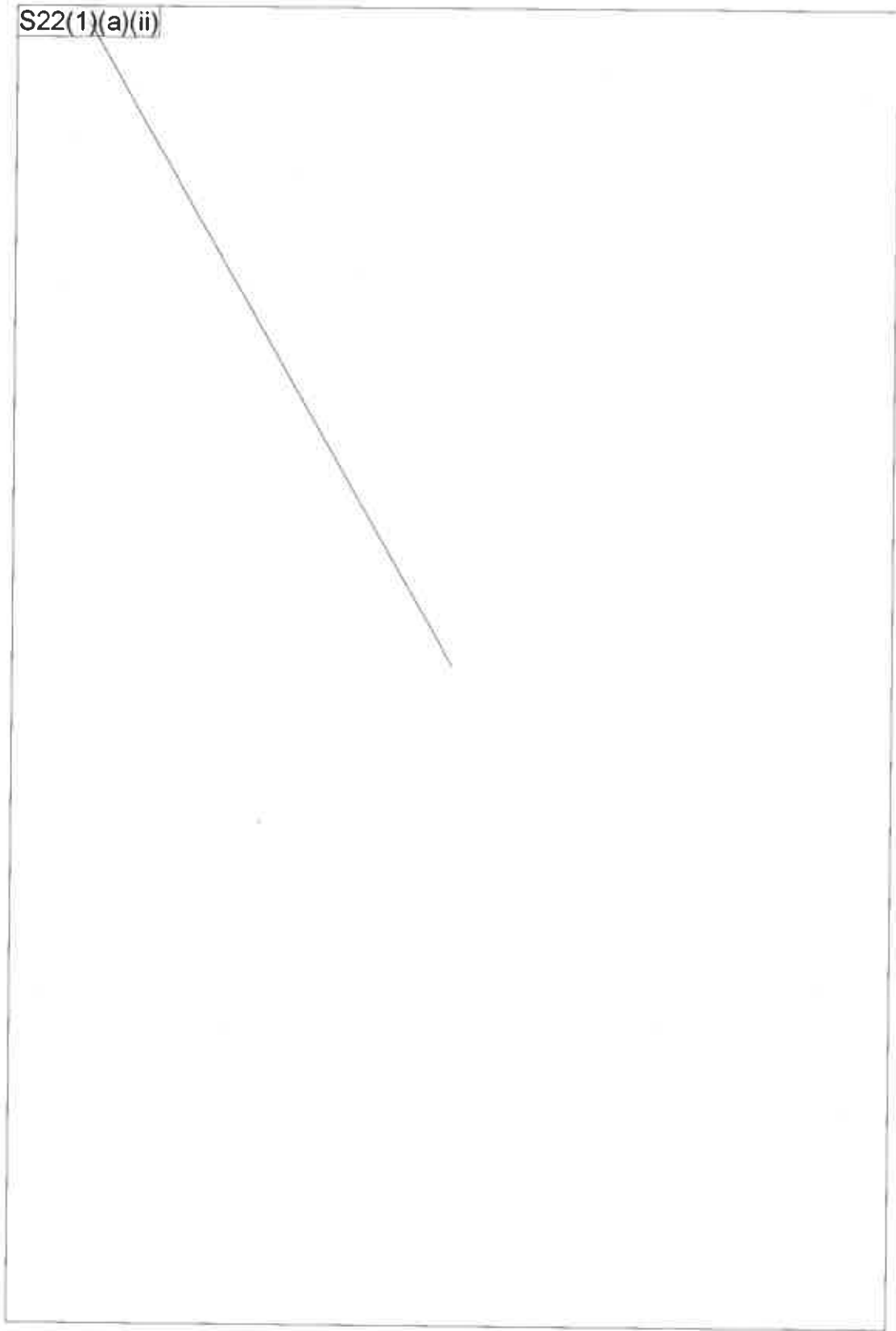
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S22(1)(a)(ii)

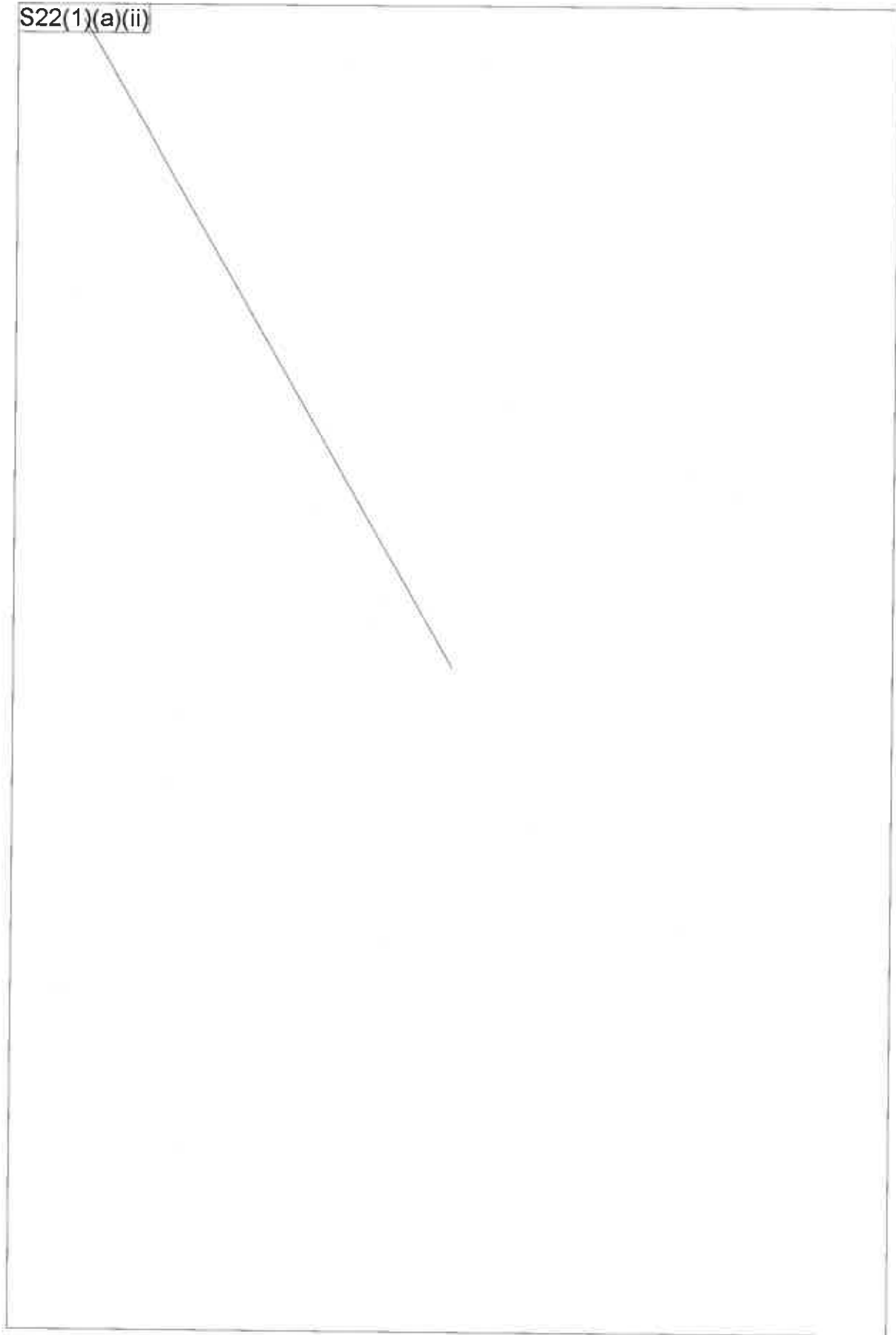
NU648H



Meeting with senior DIBP officials
23 July 2014



S22(1)(a)(ii)



S22(1)(a)(ii)

S33(a)(iii)

S22(1)(a)(ii), S33(b)

S22(1)(a)(ii)

S22(1)(a)(ii)



S22(1)(a)(ii)

From: S22(1)(a)(ii)
Sent: Thursday, 2 July 2015 9:53 AM
To: S22(1)(a)(ii) Cooper, Katrina
Cc: Daniel Sloper (daniel.sloper@dfat.gov.au) S22(1)(a)(ii)
Subject: For Katrina Cooper: DFAT Media TP - Nauru: Arrests + facebook/cybercrime laws[SEC=UNCLASSIFIED]
Attachments: Media TPs Nauru New Laws 14 May 2015.docx

Katrina S22(1)(a)(ii)

As requested by Daniel Sloper (FAS PAD) in advance of your presentation at the international law conference in Wellington today:

Below are the most recent Media TPs (24 June) in relation to the Nauru protests and GoN response. Attached are some Media TPs (from 14 May) re the facebook/cybercrime laws

If post is able to print off cables – the most relevant/recent cables are S33(a)(iii)

Happy to take any calls if you have any queries.

Regards

S22(1)(a)(ii)

Fiona McKergow
Director, Nauru
Pacific Division
Department of Foreign Affairs and Trade

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S22(1)(a)(ii)

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Australian Government
Department of Foreign Affairs and Trade

**MEDIA TALKING POINTS
DISTRIBUTION: STANDARD**

Topic: POLITICAL-ECONOMIC

Originating Division: PAD

Subject: Nauru: Arrests of opposition figures, corruption allegations

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FOI REF: 15/45211

Version Date: 24/06/2015
Version: 1

Reason for Update:
Expiry: 24/09/2015

Talking Points

Is the Australian Government ignoring the erosion of law in Nauru?

- It is understandable that the protests at Nauru's parliament building last week [16, 17 June] and developments since are attracting some attention
 - including the arrests of Opposition MPs [Mathew Batsiua, Squire Jeremiah and Sprent Dabwido] and the cancellation of another Opposition MP's passport [Roland Kun].
- We recognise and respect that these are domestic issues for Nauru.
- We have raised with these issues with the Government of Nauru through the Australian High Commission [on 19 and 23 June].
- I (Ms Bishop) also spoke with President Waqa ['wonga'] on 24 June.

Is the Australian Government/AFP investigating the Nauru President and others for corruption?

- The AFP is undertaking an investigation into an Australian company Getax, following allegations of foreign bribery
- The Australian Federal Police (AFP) is responsible for the investigation of allegations of foreign bribery relating to Australian citizens, Australian residents, Australian registered companies.
- It is a criminal offence under Australian law to bribe a foreign public official.
- As the investigation is still ongoing, it would be inappropriate to comment further.

Why is the Australian Government investigating the Nauru President and Ministers?

- The AFP is investigating the Australian company Getax for allegations of foreign bribery.

What do these allegations mean for the bilateral relationship?

- I expect Australia's good relations with Nauru to continue.
- Our long-standing bilateral relationship covers trade, investment, people to people links, and cooperation on regional and international challenges, including people smuggling.

What do these allegations mean for the Regional Processing Centre?

- I note no specific matters have been raised which would affect the current operation of the RPC.
- The Australian Government continues to support the Government of Nauru in contributing to a regional solution to the problem of people smuggling.

What do these allegations mean for the accountability of the aid program?

- Australian aid funding priorities for Nauru are agreed between the Governments of Australia and Nauru.
- The effectiveness and accountability of aid is a key element of the Australian Government's aid performance framework.
- The framework, announced in November 2014, applies to all Australian aid, including that provided to Nauru [*\$21.2 million bilateral aid in 2014-15*].
- Australian aid programs are also subject to internal oversight, evaluation and audit.

Any use or disclosure of personal information about individuals and the incidents contained in this background should not be made public. To do so may constitute a breach of the Privacy Act 1988 (Cth).

Background

On 24 June, ABC's 7.30 Report ran a story on arrests of Nauru Opposition figures on 24 June, including an interview with Nauru Opposition figure Roland Kun. The report suggested the Australian Government was ignoring the issue and had not responded to requests for comment. This report followed a similar 7.30 Report story on 19 June and another on 8 June focused on an ongoing AFP investigation into an Australian company's (Gctax) operations in Nauru and allegations of foreign bribery.

Demonstrations held outside Nauru's Parliament on 16 and 17 June focussed on the ongoing suspension of Opposition MPs Squire Jeremiah and former President Sprent Dabwido and allegations of Government corruption. S33(a)(iii)

Since then, the there MPs have been charged with a range of offences relating to the protests, including

S33(a)(iii)

S33(a)(iii)

On 17 June, suspended Opposition MP Roland Kun was removed from an outward bound flight to New Zealand where he resides and had his passport cancelled pending an investigation into his role in the protests.

On 19 June, Charge d'Affaires at the Australian High Commission in Nauru met with Government of Nauru to seek information on the protests. Follow up meetings were held on 23 June S33(b) to encourage due process and reiterate our support for free speech. On 24 June, Foreign Minsiter Bishop spoke with Nauru's President and Minister for Foreign Affairs and Trade Baron Waqa to discuss the issues

Handling Notes

Media Interest

ABC's 7.30 Report has run a series of reports over the last week.

Approval

Consultation	AFP, AGD, DIBP
Author	Sloper, Daniel, PAD, S22(1)(a)(ii)
Cleared by	Sloper, Daniel

Distribution

S22(1)(a)(ii)



MEDIA TALKING POINTS

Nauru: New Laws Regarding Coercion, Intimidation and Harassment.
14 May 2015 version 1:

Talking Points

- . I am aware of reports today that Nauru has introduced new laws aimed at addressing public safety and security.
- . Nauru is a sovereign nation able to establish its own legal framework.
- . We have not had time to assess the impact of the changes to Nauru's Criminal Code
 - We will continue to monitor developments.

[If raised] Facebook

- . Political debate in Nauru is robust.
- . Understand Nauru's new Cybercrime Act 2015 is focused on responding to threats to security and public safety.

Background

An article in the Guardian 13 May 2015 states that changes to section 244A Nauru Criminal Code now mean it can be an offence for anyone on Nauru to coerce, intimidate, harass, or cause emotional distress to a person if they make a statement that is "likely to threaten national defence, public safety, public order, public morality or public health".

Changes to section 244A of the Nauru Criminal Code make it an offence to use language that is "threatening, abusive or insulting in nature and with the intent to stir up racial, religious or political hatred".

These legislative changes follows on from recent efforts by the Government of Nauru (GoN) to block access to Facebook in Nauru. In late April 2015, the GoN directed its sole internet service provided, Digicel, to block access to Facebook. The GoN issued a press release announcing the block was part of a crackdown on internet pornography, particularly child pornography. Critics and opposition MPs in Nauru claim the blockage is aimed at stifling the political debate and criticism of Government.

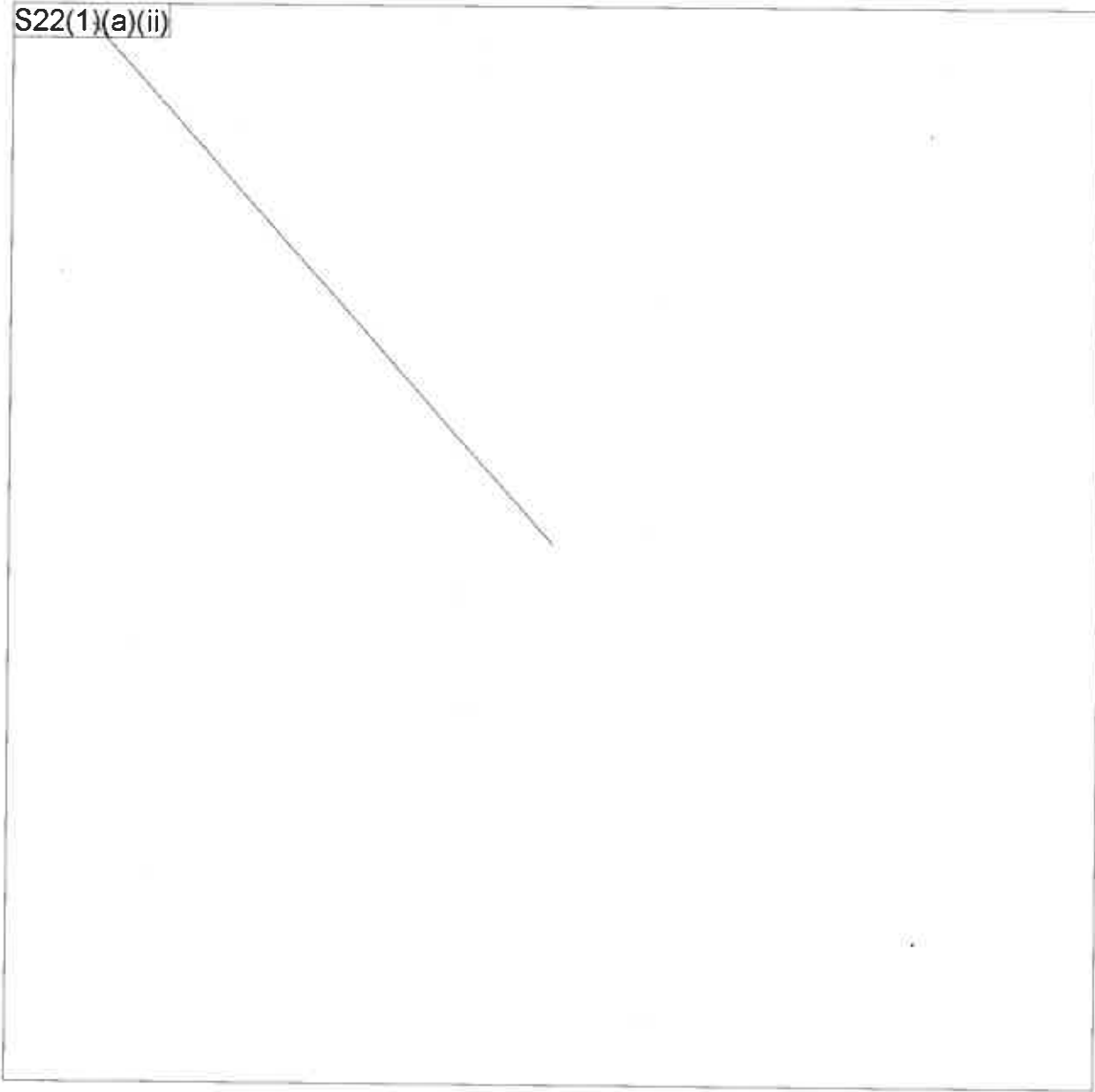
Peter Law, a former magistrate on Nauru who was deported from the island in January 2014 by the government, is reported to have said the changes to Section 244A of the Nauru Criminal Code is an attempt to stifle freedom of speech.

Australia, through the Pacific Policing Development Program implemented by the Attorney General's Department has been working with the GoN to replace the existing *Nauru's Criminal Code 1899*. AGD was not involved with the current legislative changes.

ONCE CLEARED, TP_s SHOULD BE EMAILED TO THE STANDARD TP_s DISTRIBUTION LIST SATIN_DM_MLS-Talking_Points@dfat.gov.au, AS WELL AS RELEVANT POSTS (INCLUDING HOM/HOP AND DHOM/DHOP) AND SENIOR STAFF IN RELEVANT DIVISIONS. THE TEXT OF ALL TP_s SHOULD BE CUT AND PASTED ON THE EMAIL TO ASSIST BLACKBERRY USERS. IF THE TP_s ADDRESS A SENSITIVE ISSUE AND A MORE SELECT DISTRIBUTION IS PREFERRED, THE TALKING POINTS SHOULD BE EMAILED AT A MINIMUM TO MINISTERS' OFFICES, THE SENIOR EXECUTIVE, MLS, RELEVANT FASS AND RELEVANT HOMs/HOPs.

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S22(1)(a)(ii)



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FOI REF: 15/45211

S22(1)(a)(ii)

From: S22(1)(a)(ii)
Sent: Friday, 19 June 2015 4:01 PM
To: S22(1)(a)(ii)
Subject: FW: Nauru - further arrests, representations [SEC=UNCLASSIFIED]

FYI

S22(1)(a)(ii)

Program Manager, Nauru
Micronesia and Microstates Section
Pacific Bilateral and New Zealand Branch
Pacific Division

E | S22(1)(a)(ii)
T | S22(1)(a)(ii)
W | www.dfat.gov.au

S22(1)(a)(ii)

From: S22(1)(a)(ii)
Sent: Friday, 19 June 2015 3:37 PM
To: S22(1)(a)(ii)
Subject: FW: Nauru - further arrests, representations [SEC=UNCLASSIFIED]

FYI

From: Sloper, Daniel
Sent: Friday, 19 June 2015 3:36 PM
To: S22(1)(a)(ii)
Cc: Wells, Ric; S22(1)(a)(ii) Da Rin, Jenny; S22(1)(a)(ii)
Subject: RE: Nauru - further arrests, representations [SEC=UNCLASSIFIED]

S22(1)(a)(ii)

Thanks. In our view, our interests relate to (1) Australia's support for the maintenance of rule of law as a principle and (2) how the Australian Government responds to allegations that an erosion in this regard S33(a)(iii) S33(a)(iii) the regional processing centre and the status of refugees residing in Nauru.

The post has now raised the issue with the S33(a)(iii) S33(a)(iii) The issue was raised in the context of some concern and public interest in Australia and our interest in seeking further information. S33(b)

S33(b)

We will await further advice from post on the call with S33(a)(iii) S33(a)(iii) before returning with formal advice. We will also monitor any further actions the Nauru Government may take.

Regards, daniel

Daniel Sloper

First Assistant Secretary, Pacific Division
Department of Foreign Affairs and Trade, Australia
t: +61 (0)2 6261 3071 | m: S22(1)(a)(ii)
www.dfat.gov.au

From: S22(1)(a)(ii)
Sent: Friday, 19 June 2015 3:01 PM
To: Sloper, Daniel
Cc: Wells, Ric; S22(1)(a)(ii) Da Rin, Jenny; S22(1)(a)(ii)
Subject: RE: Nauru - further arrests, representations [SEC=UNCLASSIFIED]

Daniel

S22(1)(a)(ii)

I have spoken with, and forwarded your email on to running through the issue from the beginning (7.30 Report on 8 June, allegations of corruption, Government media releases in response, recent and expected arrests, etc). S47C(1)

S47G(1)

Regards

S22(1)(a)(ii)

From: Sloper, Daniel
Sent: Friday, 19 June 2015 2:29 PM
To: S22(1)(a)(ii)
Cc: Wells, Ric; S22(1)(a)(ii) Da Rin, Jenny; S22(1)(a)(ii)
Subject: RE: Nauru - further arrests, representations [SEC=UNCLASSIFIED]

S22(1)(a)(ii)

S33(a)(iii)

Regards, daniel

Daniel Sloper

First Assistant Secretary, Pacific Division
Department of Foreign Affairs and Trade, Australia
t: +61 (0)2 6261 3071 | m: S22(1)(a)(ii)
www.dfat.gov.au

From: S22(1)(a)(ii)
Sent: Friday, 19 June 2015 2:26 PM
To: Sloper, Daniel
Cc: Wells, Ric; S22(1)(a)(ii) Da Rin, Jenny; S22(1)(a)(ii)
Subject: RE: Nauru - further arrests, representations [SEC=UNCLASSIFIED]

Daniel

S33(a)(iii)

From: Sloper, Daniel
Sent: Friday, 19 June 2015 2:17 PM
To: S22(1)(a)(ii)
Cc: Wells, Ric; S22(1)(a)(ii) Da Rin, Jenny; S22(1)(a)(ii)
Subject: Nauru - further arrests, representations [SEC=UNCLASSIFIED]

S22(1)(a)(ii)

S33(b), S33(a)(iii)

Our concerns relate to ensuring that due process is followed and the political process in Nauru remains intact. Clearly, perceptions of an erosion of law in Nauru or an autocratic government impact on the broader nature of our relationship S33(a)(iii)

S22(1)(a)(ii)

S22(1)(a)(ii)

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S47C(1)

We expect an update from post later today on their efforts to make representations, whether the foreshadowed arrests occur, and whether any subsequent protests occur as a result of the arrests.

Regards, daniel

Daniel Sloper

First Assistant Secretary, Pacific Division

Department of Foreign Affairs and Trade, Australia

t: +61 (0)2 6261 3071 | m: S22(1)(a)(ii)

www.dfat.gov.au

From: S22(1)(a)(ii)
Sent: Friday, 12 June 2015 10:31 AM
To: Portfolio Media; S22(1)(a)(ii)
Cc: S22(1)(a)(ii) Fiona; WARDELL Matthew
Subject: CLEARANCE: Nauru- Getax and corruption allegations- TPs for Minister Bishop [SEC=UNCLASSIFIED]

Importance: High

Dear DIBP media and AFP,

DFAT is preparing a Ministerial product and we would like to clear the text with you. Sorry for short timeframe – response required by 1300 today (Friday 12/6).

- Using GETAX in capitals for ease of reading.

Thanks and kind regards,

S22(1)(a)(ii)

Talking Points

If asked: Why is the Australian Government investigating the Nauru President and Ministers?

- The Australian Federal Police (AFP) is not investigating Nauru's President or Ministers
- the AFP is undertaking an investigation into an Australian registered company GETAX, following allegations of foreign bribery
- it is a criminal offence under Australian law to bribe a foreign public official.

If asked: What do these allegations mean for the bilateral relationship?

- Australia currently has good relations with Nauru
- the long-standing bilateral relationship covers trade, investment, people to people links, and cooperation on regional and international challenges, including people smuggling.

If asked: What do these allegations mean for the Regional Processing Centre?

- The AFP's investigation relates to GETAX, not the current operation of the Regional Processing Centre.
- The Australian Government continues to support the Government of Nauru in contributing to a regional solution to the problem of people smuggling.

If asked: Are any funds implicated in the investigation?

- No. The investigation is focused on payments made by GETAX, not the expenditure of aid funds.

If asked: Will the Australian Government investigate the ABC's reporting and its relations with the Nauru opposition as suggested by the Government of Nauru?

- The Australian Broadcasting Corporation (ABC) is a statutory organisation
- the ABC has a complaints mechanism which is the appropriate avenue for the Government of Nauru to lodge any concerns.

Background

S22(1)(a)(ii)

33

Policy Officer - Nauru
Department of Foreign Affairs and Trade

Micronesia and Microstates Section
Pacific Bilateral Branch
Pacific Development Division

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T |
W | www.dfat.gov.au



MEDIA TALKING POINTS

Topic: POLITICAL-ECONOMIC

Originating Division: PAD

Subject: Nauru: corruption allegations

Version Date: 10/06/2015

Reason for Update: Government of Nauru media releases.

Version: 2 Cleared: Yes Expiry: 08/09/2015

Talking Points

Will the Australian Government investigate the ABC's reporting and its relations with the Nauru opposition as suggested by the Government of Nauru?

- *I accept that the Government of Nauru has raised concerns about the Australian Broadcasting Corporation (ABC)'s reporting.*
- *The ABC is an independent statutory organisation.*
- *The ABC has a complaints mechanism which is the appropriate avenue for the Government of Nauru to lodge any concerns.*

Is the Australian Government/AFP investigating the Nauru President and others for corruption?

- The Australian Federal Police (AFP) is responsible for the investigation of allegations of foreign bribery relating to Australian citizens, Australian residents, Australian registered companies.
- The AFP is undertaking an investigation into an Australian company Getax, following allegations of foreign bribery. It is a criminal offence under Australian law to bribe a foreign public official.
- As the investigation is still ongoing, it would be inappropriate to comment further.

Why is the Australian Government investigating the Nauru President and Ministers?

- The AFP is investigating the Australian company Getax for allegations of foreign bribery.

What do these allegations mean for the bilateral relationship?

- I expect Australia's good relations with Nauru to continue.
- The long-standing bilateral relationship covers trade, investment, people to people links, and cooperation on regional and international challenges, including people smuggling.

What do these allegations mean for the Regional Processing Centre?

- I note no specific matters have been raised which would affect the current operation of the RPC.
- The Australian Government continues to support the Government of Nauru in contributing to a regional solution to the problem of people smuggling.

What do these allegations mean for the accountability of the aid program?

- Australian aid funding priorities for Nauru are agreed between the Governments of Australia and Nauru.
- The effectiveness and accountability of aid is a key element of the Australian Government's aid performance framework.
- The framework, announced in November 2014, applies to all Australian aid, including that provided to Nauru [*\$21.2 million bilateral aid in 2014-15*].
- Australian aid programs are also subject to internal oversight, evaluation and audit.

Any use or disclosure of personal information about individuals and the incidents contained in this background should not be made public. To do so may constitute a breach of the Privacy Act 1988 (Cth).

Background

S22(1)(a)(ii)

Handling Notes

Media Interest

Yes - ABC 7.30 report, ABC News online, ABC Radio 702 Sydney, Government of Nauru Information Office media releases, and Sydney Morning Herald.

Approval

Consultation DIBP, JATF, AFP

Author S22(1)(a)(ii) PAD Director MMS S22(1)(a)(ii)

Cleared by Daniel Sloper FAS PAD S22(1)(a)(ii)

Distribution:

Email Distribution: Yes

Media Liaison Section, SES, HOMs/HOPs, STO Directors, Secretary's EO and Senior Executive PA's, A-based public affairs officers, A-based HOM PAs, FMO, TIMO, Parl Sec Office, PMO and PM&C addressees.

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FOI REF: 15/45211

From: WARDELL Matthew <Matthew.WARDELL@customs.gov.au>
Sent: Monday, 8 June 2015 10:19 PM
To: BRISCOE Cindy; Goledzinowski, Andrew; Sloper, Daniel; Da Rin, Jenny; Gorely, Amanda; SKILL, Neil [IMMI]; WOODFORD-SMITH Kingsley
Cc: s.22(1)(a)(ii) Wells, Ric; Quinlan-CHCH, Gary; Quinlan, Gary; Quinn, Martin; BOTTRELL Andrew; S22(1)(a)(ii) MATHESON, Scott [IMMI]; COLQUHOUN Lachlan; SOMMERVILLE, Craig [IMMI]; CORKILL, Michael [IMMI]; TUCKWELL Leah
Subject: RE: Media reports on AFP investigations into corruption in Nauru government [SEC=UNCLASSIFIED]

Cindy,

I've had a chance to look at the 7.30 transcript now. Nothing directly related to RPC ops. There was more general comment about the \$\$\$ being provided by Aust, settling refugees "in a place where the rule of law is crumbling and law enforcement is sub-standard".

I would suggest something like:

We note no specific matters have been raised which would affect the current operation of the RPC. The Australian Government continues to support the Government of Nauru in contributing to a regional solution to the problem of people smuggling.

Matt

Matt Wardell
 Acting Assistant Secretary
 Communication and Media Branch | Executive Division Immigration and Border Protection Portfolio

Sent from my Windows Phone

From: BRISCOE Cindy<mailto:Cindy.BRISCOE@customs.gov.au>
 Sent: 8/06/2015 9:36 PM
 To: GOLEDZINOWSKI Andrew (DFAT)<mailto:Andrew.Goledzinowski@dfat.gov.au>; Sloper, Daniel<mailto:Daniel.Sloper@dfat.gov.au>; Da Rin, Jenny<mailto:Jenny.DaRin@dfat.gov.au>; Gorely, Amanda<mailto:Amanda.Gorely@dfat.gov.au>; SKILL Neil (IMMI)<mailto:NEIL.SKILL@IMMI.GOV.AU>; WOODFORD-SMITH Kingsley<mailto:kingsley.woodford-smith@customs.gov.au>
 Cc: S22(1)(a)(ii) Wells, Ric<mailto:Ric.Wells@dfat.gov.au>; Quinlan-CHCH, Gary<mailto:Gary.Quinlan-CHCH@dfat.gov.au>; Quinlan, Gary<mailto:Gary.Quinlan@dfat.gov.au>; Quinn, Martin<mailto:Martin.Quinn@dfat.gov.au>; BOTTRELL Andrew<mailto:Andrew.Bottrell@customs.gov.au>; S22(1)(a)(ii) MATHESON Scott (IMMI)<mailto:SCOTT.MATHESON@IMMI.GOV.AU>; COLQUHOUN Lachlan<mailto:Lachlan.Colquhoun@customs.gov.au>; WARDELL Matthew<mailto:Matthew.WARDELL@customs.gov.au>; SOMMERVILLE Craig (IMMI)<mailto:CRAIG.SOMMERVILLE@IMMI.GOV.AU>; CORKILL Michael (IMMI)<mailto:MICHAEL.CORKILL@IMMI.GOV.AU>
 Subject: RE: Media reports on AFP investigations into corruption in Nauru government [SEC=UNCLASSIFIED]

Neil, Kingsley

s.33(a)(iii)

Matt - what is your advice?

Regards
Cindy

Cindy Briscoe
Deputy Secretary
Immigration and Status Resolution Group
Immigration and Border Protection Portfolio

Ph: S22(1)(a)(ii)
Email: cindy.briscoe@immi.gov.au

From: Goledzinowski, Andrew<mailto:Andrew.Goledzinowski@dfat.gov.au>
Sent: 8/06/2015 9:23 PM
To: Sloper, Daniel<mailto:Daniel.Sloper@dfat.gov.au>; Da Rin, Jenny<mailto:Jenny.DaRin@dfat.gov.au>; Gorely, Amanda<mailto:Amanda.Gorely@dfat.gov.au>
Cc: S22(1)(a)(ii) Wells, Ric<mailto:Ric.Wells@dfat.gov.au>; Quinlan-CHCH, Gary<mailto:Gary.Quinlan-CHCH@dfat.gov.au>; Quinlan, Gary<mailto:Gary.Quinlan@dfat.gov.au>; Quinn, Martin<mailto:Martin.Quinn@dfat.gov.au>; BOTTRELL Andrew<mailto:Andrew.Bottrell@customs.gov.au> S22(1)(a)(ii) S22(1)(a)(ii) BRISCOE Cindy<mailto:Cindy.BRISCOE@customs.gov.au>; MATHESON Scott (IMMI)<mailto:SCOTT.MATHESON@IMMI.GOV.AU>; COLQUHOUN Lachlan<mailto:Lachlan.Colquhoun@customs.gov.au>; WARDELL Matthew<mailto:Matthew.WARDELL@customs.gov.au>; SOMMERVILLE Craig (IMMI)<mailto:CRAIG.SOMMERVILLE@IMMI.GOV.AU>; CORKILL Michael (IMMI)<mailto:MICHAEL.CORKILL@IMMI.GOV.AU>
Subject: RE: Media reports on AFP investigations into corruption in Nauru government [SEC=UNCLASSIFIED]

Daniel

If asked: what impact on RPC?

"That is a question that should be put to the authorities in Nauru, but we do not see why these allegations should have any impact on the normal functioning of the centre".

-----Original Message-----

From: Sloper, Daniel
Sent: Monday, June 08, 2015 09:15 PM AUS Eastern Standard Time
To: Goledzinowski, Andrew; Da Rin, Jenny; Gorely, Amanda
Cc: S22(1)(a)(ii) Wells, Ric; Quinlan-CHCH, Gary; Quinlan, Gary; Quinn, Martin; 'BOTTRELL Andrew'; 'julie.pettrey'; 'BRISCOE Cindy'; MATHESON, Scott (IMMI); 'COLQUHOUN Lachlan'; 'WARDELL Matthew'; SOMMERVILLE, Craig (IMMI); CORKILL, Michael (IMMI)
Subject: RE: Media reports on AFP investigations into corruption in Nauru government [SEC=UNCLASSIFIED]

Andrew,

Thanks. I agree the direct link is minimal, but it is likely a question on the impact - if any - on processing is likely to be asked. I'll add your suggestion to a set of draft points I'll circulate soon.

Regards, daniel

Daniel Sloper
 First Assistant Secretary
 Pacific Division
 Department of Foreign Affairs and Trade, Australia
 t: +61 (0)2 6261 3071
 m: S22(1)(a)(ii)
 www.dfat.gov.au

-----Original Message-----

From: Goledzinowski, Andrew
 Sent: Monday, June 08, 2015 09:13 PM AUS Eastern Standard Time
 To: Sloper, Daniel; Da Rin, Jenny; Gorely, Amanda
 Cc: S22(1)(a)(ii) Wells, Ric; Quinlan-CHCH, Gary; Quinlan, Gary; Quinn, Martin; 'BOTTRELL Andrew';
 'julie.pettrey'; 'BRISCOE Cindy'; MATHESON, Scott [IMMI]; 'COLQUHOUN Lachlan'; 'WARDELL Matthew';
 SOMMERVILLE, Craig [IMMI]; CORKILL, Michael [IMMI]
 Subject: RE: Media reports on AFP investigations into corruption in Nauru government [SEC=UNCLASSIFIED]

Daniel

I have copied in a number of DIBP and JATF colleagues who might have an interest in this. But having looked at the report I don't think there is a Regional Processing Centre angle here. If you think a point is still requires perhaps it should be something like:

. I note there has been no allegation made concerning the management of the Regional Processing Centre.

Any comments/views by others would be welcome (and feel free to copy in other colleagues who might be in a position to assist.)

Andrew G

-----Original Message-----

From: Sloper, Daniel
 Sent: Monday, June 08, 2015 08:43 PM AUS Eastern Standard Time
 To: Da Rin, Jenny; Goledzinowski, Andrew; Gorely, Amanda
 Cc: S22(1)(a)(ii) Wells, Ric; Quinlan-CHCH, Gary; Quinlan, Gary; Quinn, Martin
 Subject: Media reports on AFP investigations into corruption in Nauru government [SEC=UNCLASSIFIED]

Jenny, Amanda, Andrew,

S47G(1)

With this in mind, I'd appreciate if Amanda and Andrew would identify relevant contact points in AGD/AFP and DIBP 40 respectively.

PAD will share some draft TPs shortly that you can edit and then bring in these relevant contacts and agencies.

I'll text or call you now.

Regards, daniel

Daniel Sloper
First Assistant Secretary
Pacific Division
Department of Foreign Affairs and Trade, Australia
t: +61 (0)2 6261 3071
m: S22(1)(a)(ii)
www.dfat.gov.au

S22(1)(a)(ii)

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From 1 July 2015 email addresses will change from '@immi.gov.au' or '@customs.gov.au' to '@border.gov.au'. This is to reflect the Department of Immigration and Border Protection and the Australian Customs and Border Protection Service integrating into a single organisation - the Department of Immigration and Border Protection - on 1 July 2015. At this time the Australian Border Force will be established within the Department. Please update your records and systems to reflect this change.


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FOI REF: 15/45211

Introduction

1. Australia is founded on the rule of law and has a strong tradition of respect for the rights and freedoms of every individual. Australia also has a long tradition of commitment to human rights and supporting human rights internationally.¹ This reflects Australia's national values and view that the protection and promotion of human rights is vital to global efforts to achieve lasting peace, security, freedom and dignity for all. Australia continues to make progress in protecting human rights, recognising that continued effort is required to maintain standards and to respond to existing challenges.

2. The Australian Government welcomes the opportunity to participate in the 2nd cycle of the Universal Periodic Review (UPR) and to review Australia's progress in protecting and promoting human rights.

S22(1)(a)(ii)



S22(1)(a)(ii)

F. Refugees and asylum seekers (Recommendations 38, 121-125, and 127-131)

115. Australia is one of the top three resettlement countries in the world, and has resettled more than 825,000 refugees and other humanitarian entrants since World War II through Australia's Humanitarian Programme. Under the offshore component of the Humanitarian Programme, Australia provides resettlement for refugees and others in humanitarian need overseas. Australia works with the United Nations High Commissioner for Refugees to resettle refugees, focusing on those in protracted situations, in urban environments and others in need.

116. The Australian Government is committed to ensuring our position as one of the top three resettlement countries continues. The Government has specified the size of the Humanitarian Programme in law, with a minimum of 16,250 humanitarian visa places in 2017-18 and 18,750 humanitarian visa places in 2018-19.

117. Australia continues to improve fairness, accountability and integrity in the Humanitarian Programme. The Women at Risk visa category is an example of one such improvement, with Australia remaining one of few countries with a dedicated resettlement programme designed to assist women at risk and their dependents. Australia also ensures the fairness of its Humanitarian Programme through the provision of assisted passage, medical and related services for refugee entrants and humanitarian applicants. Australia is committed to promoting the dignity and rights of migrants, including through its active engagement in the Migrants in Countries in Crisis Initiative, the Global Forum for Migration and Development, and the Nansen Initiative for Disaster-Induced Cross-Border Displacement.

118. Australia is committed to meeting its international protection obligations under the *1951 Convention relating to the Status of Refugees*, and other relevant conventions, in relation

to people claiming protection within Australia's jurisdiction. Australia recognises the valuable contribution that migrants have provided to Australian society, culture and prosperity.

119. Since Australia's last Universal Periodic Review in 2011, the Australian Government has implemented strong border management policies to stem the flow of illegal maritime arrivals⁶, eliminate the people smuggling trade and prevent further loss of life at sea. Offshore processing and settlement of refugees in countries other than Australia has deterred many people from taking the dangerous sea voyage to Australia.

120. The Australian Government signed the Regional Resettlement Arrangements with Papua New Guinea in July 2013 and Nauru on 3 August 2013⁷. Under Memoranda of Understanding, both countries agree to treat transferees⁸ with dignity and respect in accordance with relevant human rights standards, including the principles of *non-refoulement*.

121. The Australian Government has assisted Nauru and Papua New Guinea to develop their robust refugee determination processes consistent with UNHCR guidelines, including the provision of training and mentoring of refugee determination staff. Australian Government support has also been provided to Nauru and Papua New Guinea to develop and implement their settlement support arrangements to meet the initial settlement needs of refugees.

122. In September 2014 a Memorandum of Understanding between Australia and Cambodia was signed for the voluntary and permanent resettlement of refugees from Nauru in Cambodia.

123. A fast track assessment process has been established for eligible unauthorised maritime arrivals, and the independent merits review process within the Refugee Review Tribunal has been enhanced and made more efficient.

124. The vast majority of asylum seekers have access to independent merits review by the Refugee Review Tribunal. Asylum seekers also have a constitutional right to seek judicial review of migration decisions. Where a person does not engage Australia's protection obligations and does not hold a visa, they have no legal right to remain in Australia, and are subject to removal from Australia.

125. Australia has processes in place to ensure that any removal is consistent with its *non-refoulement obligations*.

126. The Australian Government considers immigration detention an essential component of strong border control. People seeking to enter Australia without authority need to be assessed for any risks they may pose to the Australian community. The Government strives to reduce the number of people in detention and the length of time they are held in detention. The length and the conditions of immigration detention are subject to regular review to ensure detention continues to be lawful and appropriate.

⁶ An Illegal Maritime Arrival is an individual who has arrived in Australia by sea without a valid visa.

⁷ Settlement in Papua New Guinea is permanent, while settlement in Nauru is temporary pending resettlement in a third country.

⁸ A transferee means a person transferred to Nauru or Papua New Guinea under the Memoranda.

127. Australia takes its obligations to those in detention seriously. People in immigration detention are accommodated in a range of facilities and are placed in the form of accommodation most appropriate to their circumstances. All people in immigration detention are provided with health care that is broadly commensurate with the standard available under Australia's public health system.

128. People in immigration detention may seek judicial review of the lawfulness of their detention, and request or refuse consular access or representation at any time.

129. Australia's community detention programme allows unaccompanied minors, vulnerable family groups and vulnerable single adults in immigration detention to reside and move freely in the community.

130. Children are not held in immigration detention centres. Children who are illegal arrivals are initially accommodated in lower-security alternative places of detention, with the priority that children, and where possible, their families, will be promptly moved into community detention subject to the completion of identity, health and security checks.

131. Significant headway has been made to reduce the numbers of children held in detention since the passage of the temporary protection legislation in late 2014. All children who were detained on Christmas Island were transferred to the mainland with their families by December 2014.

132. Australia is committed to advancing Australia's interests regarding migration and refugee issues internationally through a programme of multilateral and bilateral activity, including capacity building with selected countries. This includes working closely with the UNHCR, the International Organization for Migration, other international agencies and partner countries to:

- promote managed migration
- enhance the functioning of the international protection system to more equitably meet the protection needs of refugees
- respond to increasing global needs for protection
- make effective use of resettlement
- reduce incentives for secondary movement, and
- provide greater support for countries of first asylum.

S22(1)(a)(ii)

~~PROTECTED~~

S22(1)(a)(ii)

S22(1)(a)(ii)

GU31526H

61

Title: s.33(b)

MRN: GU31526H 12/11/2014 06:05:34 PM CET

To: Canberra

Cc:

From: Geneva UN

From File:

References: The cable has the following attachment/s -
s.33(b)

Response: Routine, Information Only

~~PROTECTED~~

Comments:

To: S22(1)(a)(ii)

S22(1)(a)(ii)

hi. Did you get this cable from Geneva, with the s.33(b) It was forwarded to me, but must be limited distribution.

Can we chat about what needs to be done for this, including whether this has to be formally lodged into the MFA's correspondence system, who runs on the resposne (if required), etc. The issues are mainly for DIBP/Morrison, but it's addressed to Bishop.

Give me a call when you've seen this.

S22(1)(a)(ii)

Summary

s.33(b)

s.33(b)
received at Post.

will be sent via Diplomatic Bag once

text ends

S22(1)(a)(ii)

Canberra distribution

~~PROTECTED~~

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S22(1)(a)(ii)

GU31526H 62

S22(1)(a)(ii)

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FOI REF: 15/45211

s33(b)

REDACTED

s33(b)

REDACTED

S22(1)(a)(ii)

From: S22(1)(a)(ii)
Sent: Thursday, 1 May 2014 10:09 AM
To: S22(1)(a)(ii)
Cc:
Subject: RE: s.42(1)
s.42(1)

S22(1)(a)(ii)

As foreshadowed yesterday, please find below s.42(1)
(thanks to S22(1)(a)(ii))

Kind regards,

S22(1)(a)(ii)

Executive Officer
Human Rights and Indigenous Issues Section
Human Rights and Gender Equality Branch
Multilateral Policy Division
Department of Foreign Affairs and Trade

S22(1)(a)(ii)

From: S22(1)(a)(ii)
Sent: Thursday, 1 May 2014 9:04 AM
To: S22(1)(a)(ii)
Cc:
Subject: RE: s.42(1)

Hi S22(1)(a)(ii)

S42(1)

I hope this is helpful, happy to discuss.

Best

S22(1)(a)(ii)

International Law Section | Legal Division
Department of Foreign Affairs and Trade

S22(1)(a)(ii)

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S22(1)(a)(ii)

From:

Sent: Wednesday, 30 April 2014 10:18 AM

To: S22(1)(a)(ii)

Cc:

Subject: s.42(1)

S22(1)(a)(ii)

FAS PAD (via S22(1)(a)(ii) Pacific Bilateral Section) has asked HRI for advice on Nauru's international obligations following a 22 April media report (reproduced below) which states that "Nauru is breaching its international obligations by failing to establish an independent body to investigate torture and human rights abuses in the detention centre".

I've checked online and found that on 24 January 2013, Nauru deposited the instrument of accession to the OPCAT to the UN in New York. Nauru joined the Convention against Torture in September 2012.

s.42(1)

s.42(1)

FAS PAD is considering whether to brief the Joint Standing Committee on this issue.

Would it be possible to have a response today by any chance? If it will take more time, grateful if you could let me know.

Kind regards,

S22(1)(a)(ii)

Executive Officer
Human Rights and Indigenous Issues Section
Human Rights and Gender Equality Branch
Multilateral Policy Division
Department of Foreign Affairs and Trade

S22(1)(a)(ii)

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Nauru 'failing to fulfil detention obligations'

Age, Melbourne by Lisa Cox Sara Whyte

General News - page 5 - 437 words - ID 251101746 - Photo: No - Type: News Item - Size: 199.00cm²

22 Apr 2014

Nauru is breaching its international obligations by failing to establish an independent body to investigate torture and human rights abuses in the detention centre. The Nauruan government has also refused access to several United Nations groups wanting to inspect the centre.

Questions have been raised about Australia's "disintegrating" relationship with the small island nation, which houses 1179 asylum seekers, and whether it is also breaching international standards by continuing to send people there.

Nauru is in breach of a February deadline to establish an independent local body to regularly inspect the detention centre, a commitment it was supposed to meet after ratifying a UN anti-torture convention last year.

Malcolm Evans, chairman of the UN's subcommittee on prevention of torture, said all member states were required to establish an independent body for overseeing detention centres and "Nauru has obligations now that it has clearly not fulfilled".

By continuing to detain asylum seekers in Nauru, Australia was "at risk of putting that state in breach of its international obligations," Professor Evans said.

Fairfax Media has also discovered that several UN bodies have been prohibited from inspecting the detention centre, by having access suddenly denied or revoked. Immigration Minister Scott Morrison has repeatedly said the Australian government played no part in the decision and respects Nauru's sovereignty.

This month, investigators from the working group on arbitrary detention were blocked from entering the centre despite having been granted initial approval by the Nauruan government. The Australian government denied knowledge of the decision.

One UN source said "at least three, possibly several more" visits were cancelled in the past seven to eight months while Fairfax has confirmed three visits by UN bodies have been cancelled since January.

"There were a number of UN bodies that were supposed to go there but they've all been cancelled," the source said, questioning Australia's role in the sudden cancellations.

"We are plainly interested in only one thing: the camps, and that is in Australia's jurisdiction." The Nauruan opposition has criticised the government for its "disintegrating" relationship with Australia, saying there should be more scrutiny of the running of the centre.

Parliament has not sat for several months on the small island and the opposition, which has been prohibited from speaking to local media, says the government has become lawless under Justice Minister David Adeang, who took office last July.

"He's the only decision maker and the only person in power," opposition spokesman Mathew Batsiua said. "Nauru should not be shying away from these obligations and should be welcoming the UN bodies to come and do their job.

"There is a lot of uncertainty. The Australian government should have some concern."

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s.33(a)(iii)

68

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S22(1)(a)(ii)

Sensitive

Response to arrest of Opposition figures (including NZ suspension of aid), s.22(1)(a)(ii) Moss Review, Senate Select Committee and deportation of residents.

Handling Note: Questions relating to the Offshore Processing Centre, asylum seekers or refugees should be directed to the Department of Immigration and Border Protection. Questions about additional policing assistance should be directed to the Australian Federal Police (AFP).

Response to arrest of Opposition MPs

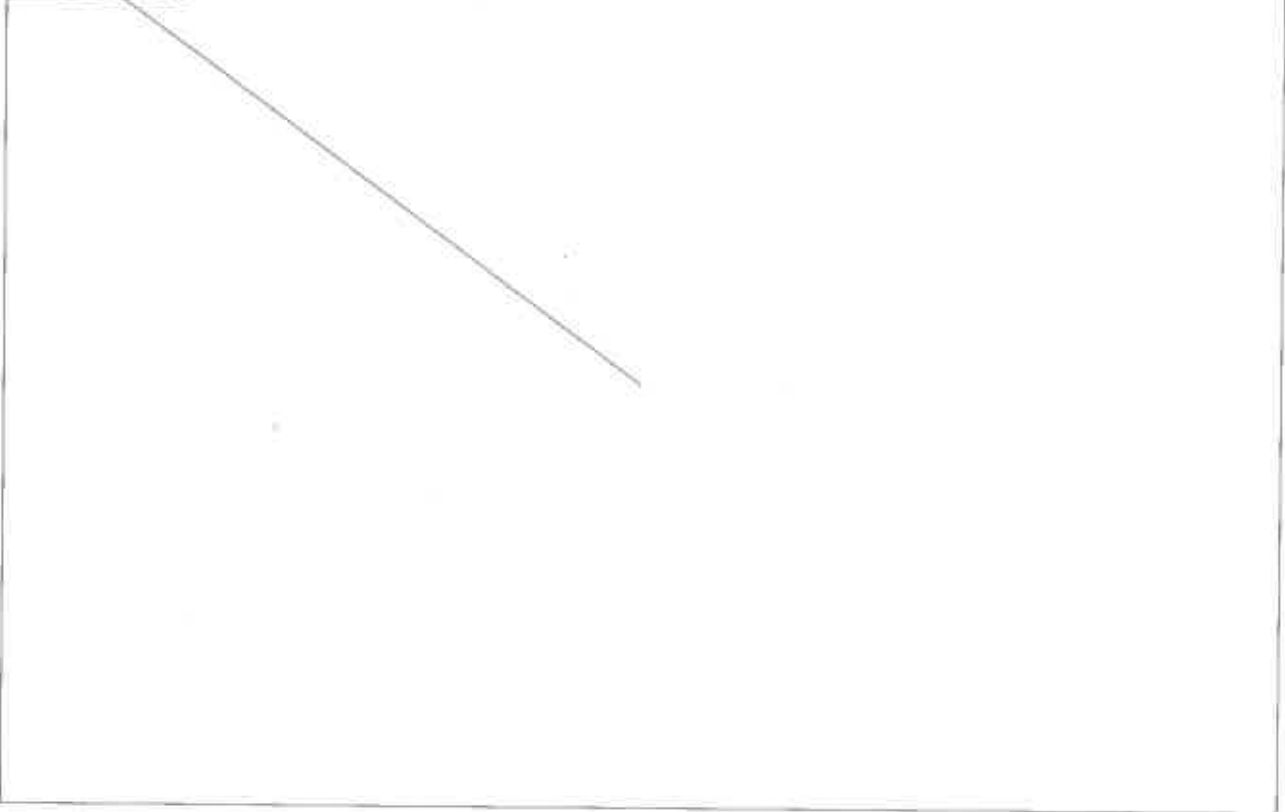
What is Australia's response to concerns over the rule of law in Nauru?

- The Government of Nauru's response to the protests in June are a domestic matter for Nauru.
- The legal processes involving Opposition MPs in Nauru are progressing and judicial processes are being followed.
 - Arrested Opposition MP Mathew Batsiua was released on bail on 18 June and his Opposition colleagues, Sprent Dabwido and Squire Jeremiah were bailed on 17 July.
- The Australian High Commission in Nauru continues to closely monitor developments
- As a Pacific Island Forum member, we have a strong common interest in ensuring stability in our region and observing the rule of law.
- The Minister for Foreign Affairs has spoken with Nauru's President Waqa [Wong-a] on 24 June, 10 July and 3 September 2015 regarding these matters
 - The Minister received assurances that due process will be followed in regard to the legal proceedings involving Opposition MPs.

s.33(a)(iii)

Sensitive

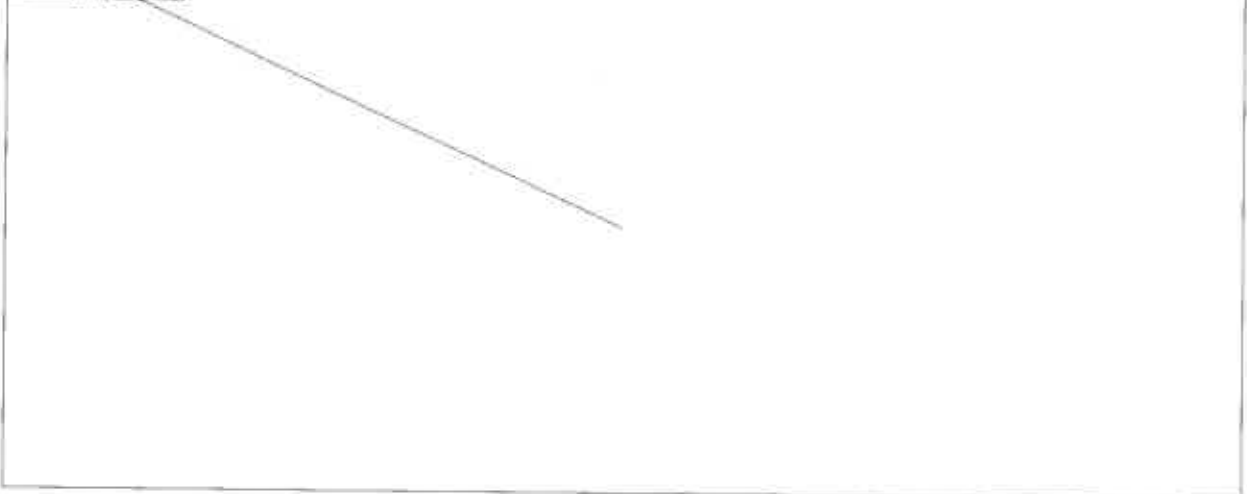
S22(1)(a)(ii)



Is Australia's position influenced by the Offshore Processing Centre?

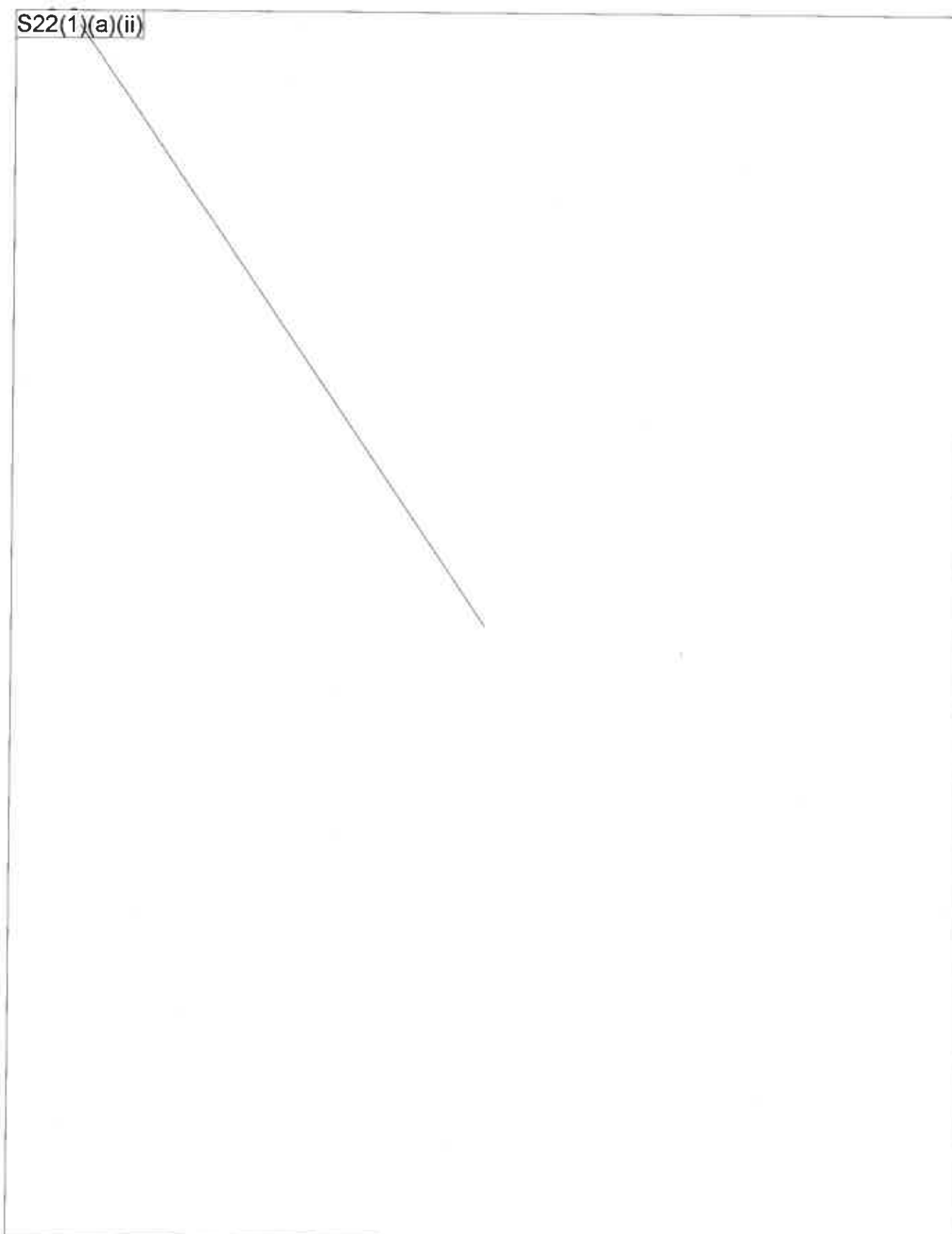
- Recent developments are unrelated to the operation of the Offshore Processing Centre.
- The Australian Government continues to support the Government of Nauru in contributing to a solution to the problem of people smuggling.

S22(1)(a)(ii)



Sensitive

S22(1)(a)(ii)



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Moss Review and Senate Select Committee.

What is DFAT doing in response to the recommendations of the Moss Review?

- . DFAT has shared its Child Protection Framework policy with DIBP and participated in a DIBP facilitated Child Protection workshop with GoN stakeholders in May 2015.

What is DFAT doing in response to the Senate Select Committee report on Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre (RPC) in Nauru?

- . DIBP is responsible for the ongoing costs, management and operations at the RPC.
 - No aid funds are used to support the operations of the RPC.
- . DFAT has provided input to the Whole Of Government response (lead by DIBP) to the committee's report.
- . This includes providing clarity on DFAT's application of the *Public Works Committee Act 1969* (PWC Act) (page 56 and 57 of the report).
 - In accordance with the PWC Act (Section 5AA), work that is carried out by or for the Commonwealth by way of assistance to an overseas country support (such as infrastructure projects as part of aid programming) is not considered 'a public work.'

S22(1)(a)(ii)

Sensitive

S22(1)(a)(ii)

BACKGROUND**Response to arrest of Opposition MPs**

Demonstrations on 16 and 17 June outside Nauru's Parliament (focussed on the ongoing suspension of Opposition MPs and allegations of government corruption) has resulted in, *inter alia*, the arrest and charging of 3 Opposition MPs for their involvement in the protests. The GoN's response to the demonstrations has focused on its application of Nauru's domestic legislation, but has not yet resulted in any convictions as legal processes are still ongoing [as at 6 October 2015].

The Government of Nauru also cancelled an Opposition MPs passport allegedly pending an investigation by into his role in the protests. The GoN subsequently reported the passport had been cancelled pending an investigation into an incident in Nauru 20 years earlier.

The GoN has also recently (28 September 2015) cancelled the pensions of some participants in the protests who were supporting the suspended Opposition MPs but have not been charged with any offences S33(a)(iii)

S33(a)(iii)

Minister for Foreign Affairs, Ms Bishop, spoke with Nauru's President and Minister for Foreign Affairs and Trade, Baron Waqa, on 24 June, 10 July and 3 September to discuss the arrests of the Opposition MPs and encourage Nauru's adherence to the rule of law.

Sensitive

Suspension of New Zealand's aid to the law and justice sector.

On 3 September 2015, New Zealand's Foreign Minister McCully issued a press statement confirming the annual payment of NZ\$1.2 million in aid funding support to Nauru's law and justice had been suspended because of ongoing concerns about "civil rights abuses". S33(b)

S33(b)

S22(1)(a)(ii)

Roland Kun is challenging the GoN's decision to cancel his passport in the Supreme Court of Nauru. His case is ongoing.

S33(b)

Australia does not provide bilateral aid support to Nauru's law and justice sector, although the Australian Federal Police does provide two long-term officers to provide advisory support and capacity building for the Nauru Police Force as well as periodic short-term assistance with targeted capacity building in specialised fields. The Attorney General's Department continues to provide assistance to reform Nauruan criminal laws.

Criticism of GoN's response to Opposition protests has focused on concerns about the rule of law and possible political interference and follows concerns over freedom of speech after the GoN banned access to Facebook in Nauru and introduced new cybercrime laws in May 2015.

S22(1)(a)(ii)

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S22(1)(a)(ii)

Moss Review and Senate Select Committee.

The Moss Review into allegations relating to conditions and circumstances at the Offshore Processing Centre in Nauru was released in March 2015. DFAT has been working with DIBP to respond to the Review's recommendations.

DFAT's efforts have been focused on assisting DIBP to develop child protection measures (sharing DFAT child protection policy framework) and establishing Gender Based Violence services. DFAT has also facilitated formal liaison between the GoN and the AFP regarding deployment of two AFP officers to advise the Nauru Police Force on the management of sexual assault investigations, and to advice on public disorder management. DIBP has established a child protection panel to provide independent advice on child protection in immigration detention and within processing centres. DFAT understands that 13 of the reviews 19 recommendations have been completed.

In March 2015, the Senate established the *Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru* to inquire into the responsibilities of the Commonwealth Government in connection with the management and operation of the Regional Processing Centre in Nauru.

DFAT has provided input to the Whole of Government response (lead by DIBP) to the committee's report including providing clarity on DFAT's interpretation and application of the *Public Works Committee Act 1969* (page 56 and 57 of the report).

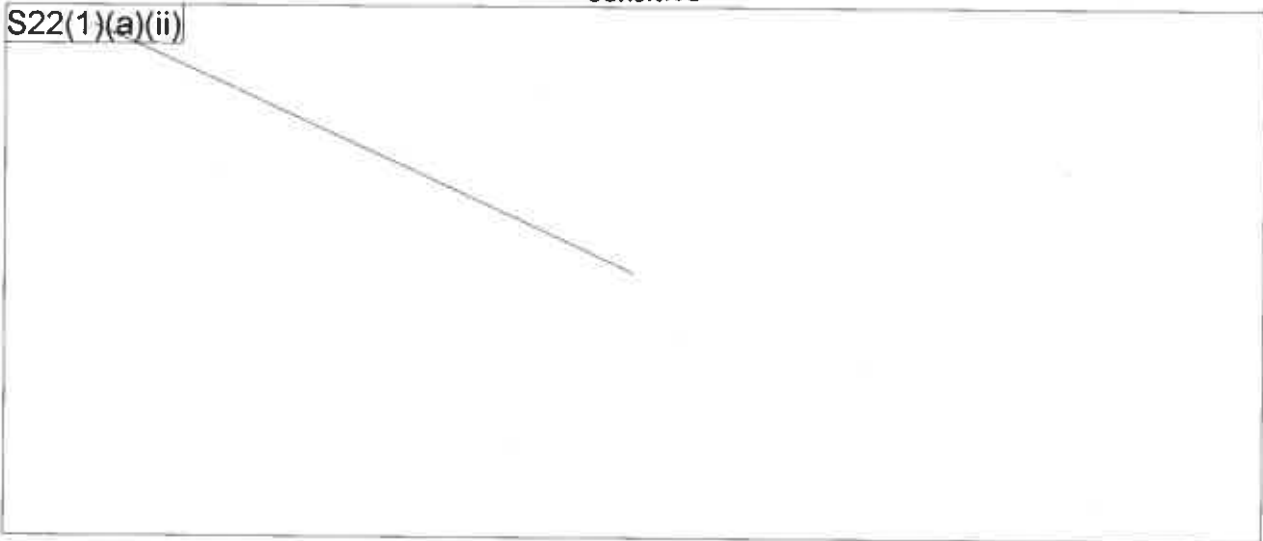
In accordance with the *Public Works Committee Act 1969*, DFAT is not required to submit proposals for infrastructure projects funded by the Australian aid program to the Public Works Committee for approval.

Under section 5AA of the PWC Act DFAT's aid assistance to an overseas country is not considered 'a public work'.

S22(1)(a)(ii)

Sensitive

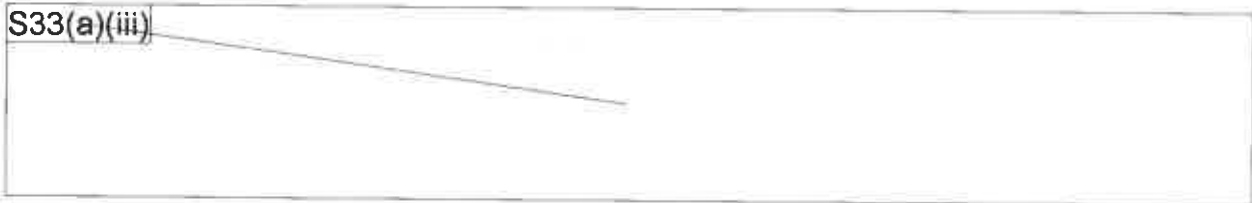
S22(1)(a)(ii)



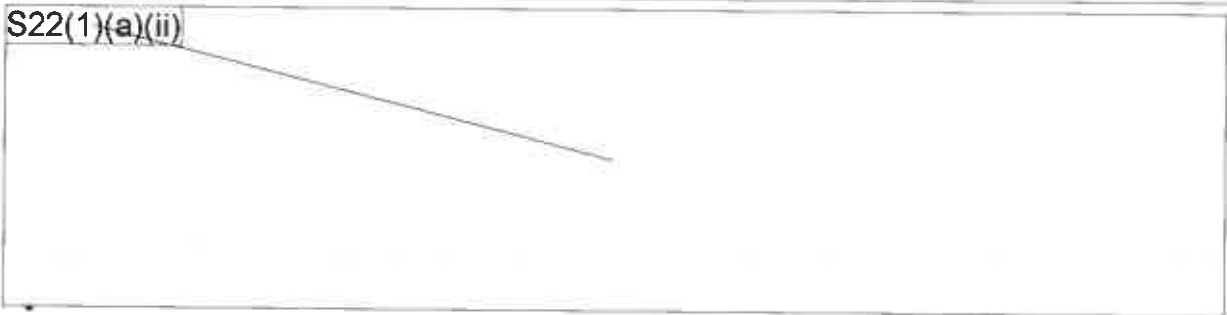
Open Centre and Additional Policing Assistance

On 5 October 2015, Nauru's Justice Minister, David Adeang publically announced that the Offshore Processing Centre (OPC) would immediately become an 'open centre' where asylum seekers residing in the OPC (including those waiting for the outcome of their protection visa application or Refugee Status Determination (RSD)) could come and go freely from the OPC, unescorted.

S33(a)(iii)



S22(1)(a)(ii)



Division: Pacific Division	
Prepared by: S22(1)(a)(ii)	Cleared by Branch/Division Head: A/g FAS-PAD, Jenny Da Rin
Mob: S22(1)(a)(ii)	Mob: S22(1)(a)(ii)
Date: 6 October 2015	Date: 7 October 2015

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FOI REF: 15/45211

Response to arrest of Opposition figures (including NZ suspension of aid).

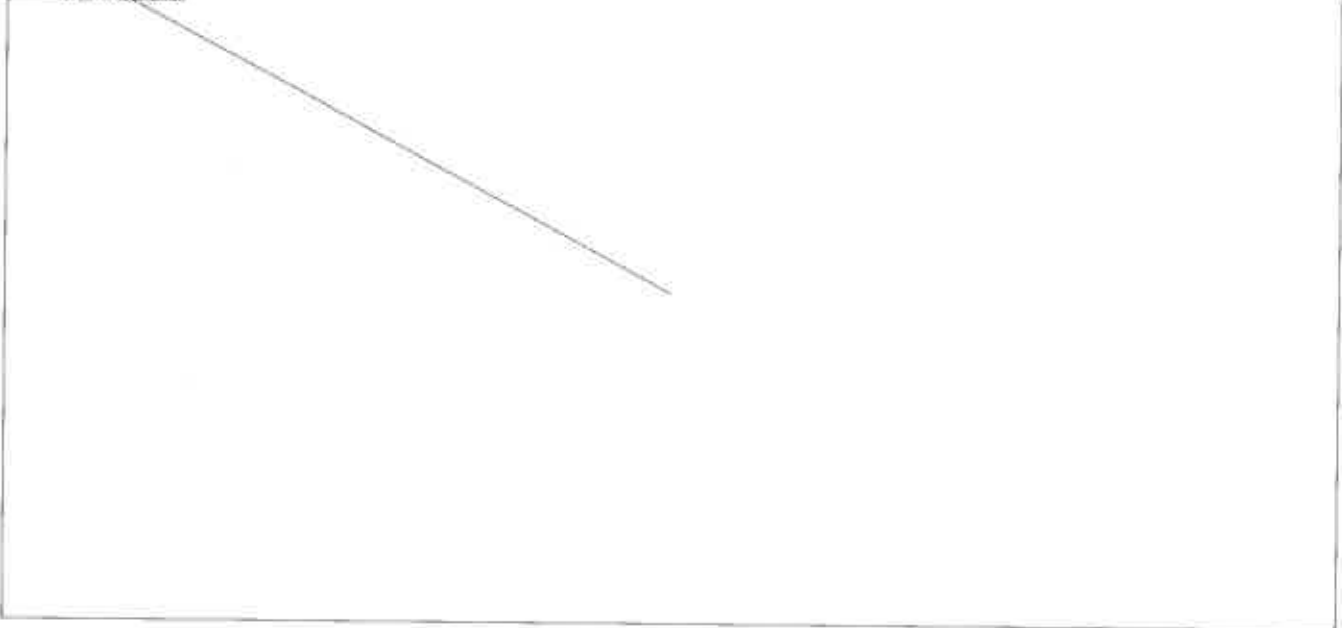
Handling Note: Questions relating to the Offshore Processing Centre, asylum seekers or refugees should be directed to the Department of Immigration and Border Protection (DIBP). Questions about additional policing assistance should be directed to the Australian Federal Police (AFP).

What is Australia's response to concerns over the rule of law in Nauru?

- . The Government of Nauru's response to the protests in June are a domestic matter for Nauru.
- . Understand that the legal processes involving Opposition MPs in Nauru are progressing and judicial processes are being followed.
- . Arrested Opposition MP Mathew Batsiua was released on bail on 18 June and his Opposition colleagues, Sprent Dabwido and Squire Jeremiah were bailed on 17 July.
- . The Australian High Commission in Nauru continues to closely monitor developments
- . As a Pacific Island Forum member, we have a strong common interest in ensuring stability in our region and observing the rule of law.
- . The Minister for Foreign Affairs has spoken with Nauru's President Waqa [Wong-a] on 24 June, 10 July and 3 September 2015 regarding these matters
 - The Minister received assurances that due process will be followed in regard to the legal proceedings involving Opposition MPs.

S22(1)(a)(ii)

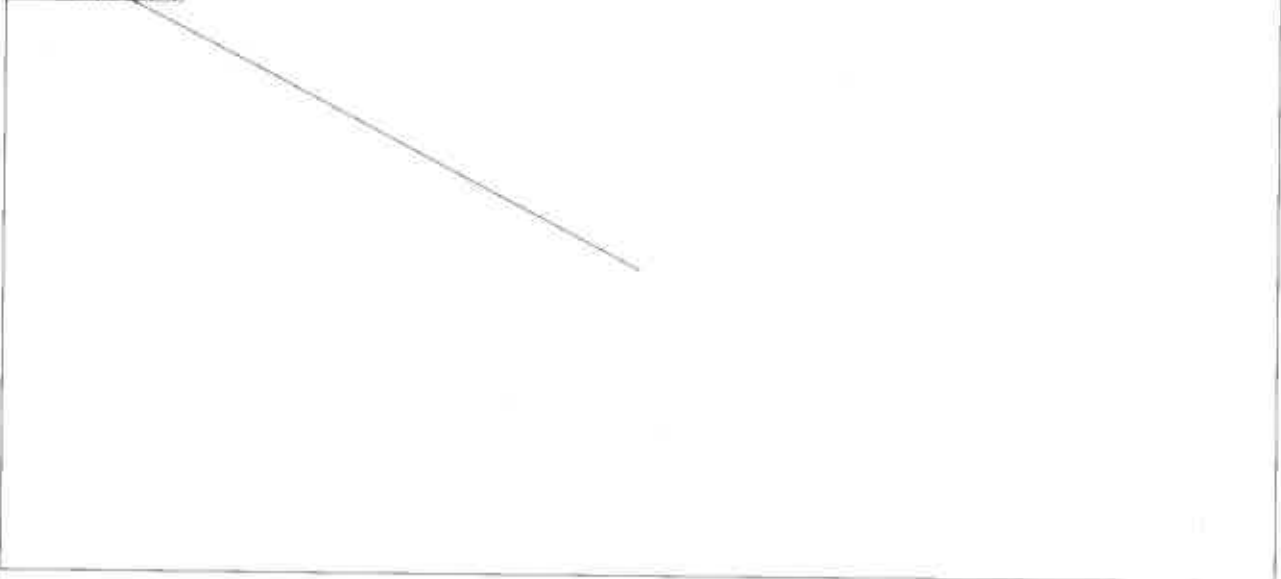
S22(1)(a)(ii)



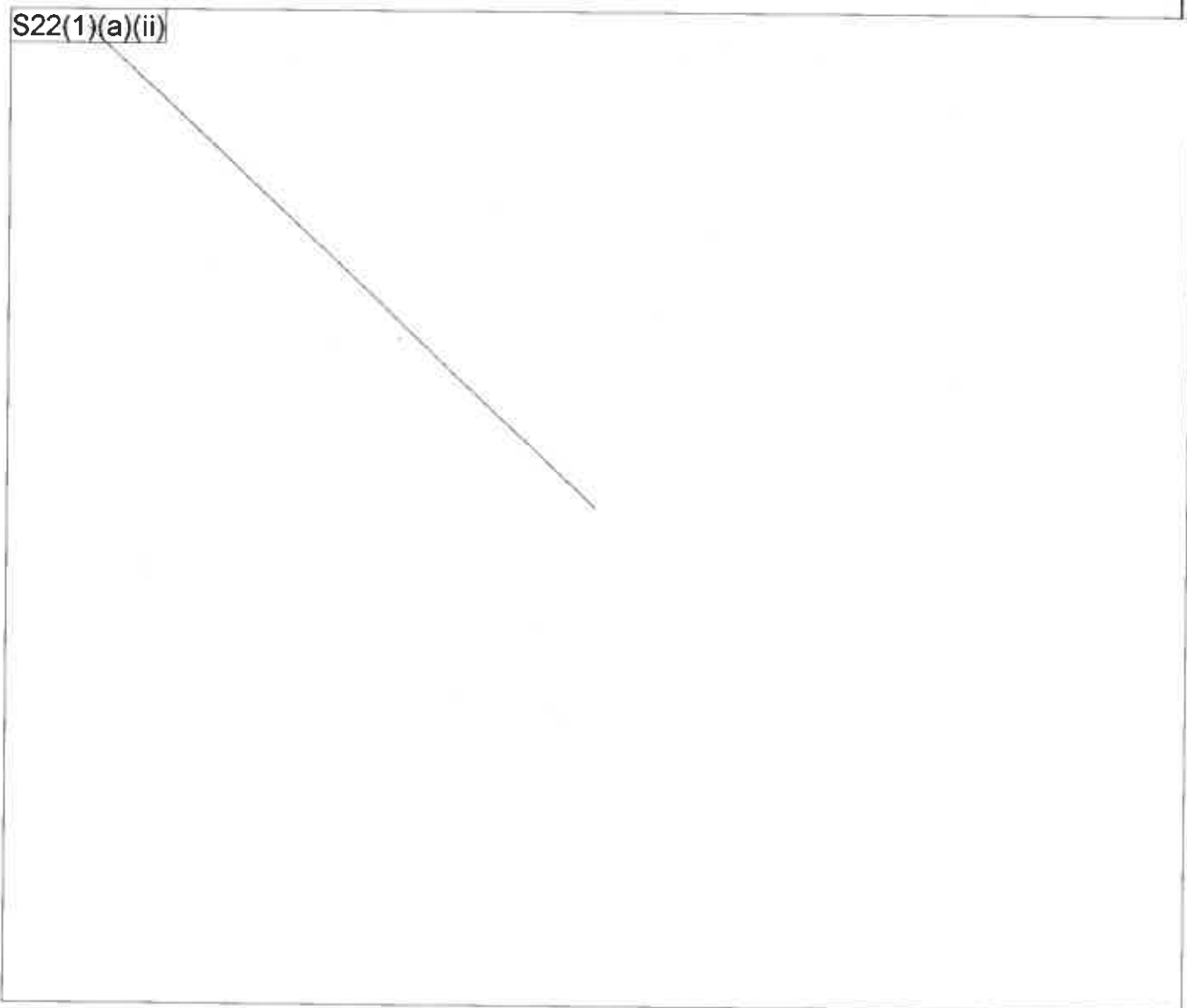
Is Australia's position influenced by the Offshore Processing Centre?

- . Recent developments are unrelated to the operation of the Offshore Processing Centre.
- . The Australian Government continues to support the Government of Nauru in contributing to a solution to the problem of people smuggling.

S22(1)(a)(ii)



S22(1)(a)(ii)



Background

On 3 September 2015, New Zealand's Foreign Minister McCully issued a press statement confirming the annual payment of NZ\$1.2 million in aid funding support to Nauru's law and justice sector had been suspended because of ongoing concerns about "civil rights abuses".

S33(b)



S22(1)(a)(ii)



S22(1)(a)(ii)

Australia does not provide direct bilateral aid support to Nauru's law and justice sector. The Australian Federal Police provides two long-term officers to provide advisory support and capacity building for the Nauru Police Force as well as periodic short-term assistance with targeted capacity building in specialised fields. The Attorney General's Department continues to provide assistance to update the Nauruan Criminal Code.

Criticism of GoN's response to Opposition protests has focused on concerns about the rule of law and possible political interference and follows concerns over freedom of speech after the GoN banned access to Facebook in Nauru and introduced new cybercrime laws in May 2015. Media coverage on 2 October 2015 has also highlighted that some community members accused of participation in the protests have had their welfare payments and other entitlements revoked.

S22(1)(a)(ii)

Division: Pacific Division	
Prepared by: S22(1)(a)(ii)	Cleared by Branch/Division Head: A/g FAS-PAD, Jenny Da Rin
Mob: S22(1)(a)(ii)	Mob: S22(1)(a)(ii)
Date: 6 October 2015	Date: 7 October 2015

Consultation: Enter Div/Branch/Section.	Date: Enter date of consultation.
Name: Type in Officer's name.	Mob: Type mobile. Ext: Type extension.
Cleared by CFO / FAS CMD:	Date: N/A

S22(1)(a)(ii)

From:

S22(1)(a)(ii)

Sent:

Monday, 2 November 2015 10:07 AM

To:

S22(1)(a)(ii)

Cc:

Subject:

RE: UPR Nauru [SEC=UNCLASSIFIED]

S22(1)(a)(ii)

H

Thanks for your email. I can confirm PSTF, and through them DIBP, were consulted.

Regards, S22(1)(a)(ii)

From: S22(1)(a)(ii)

Sent: Saturday, 31 October 2015 4:27 AM

To: S22(1)(a)(ii)

Cc:

Subject: UPR Nauru [SEC=UNCLASSIFIED]

Dear S22(1)(a)(ii)

s.22(1)(a)(ii) the Nauru statement. s.22(1)(a)(ii) didn't indicate that DIBP had been consulted. Can you confirm that they have been? And if not, please do so, given the sensitivities and specific refugee references?

Many thanks,

S22(1)(a)(ii)

Second Secretary (Human Rights)
Australian Permanent Mission to the United Nations in Geneva

P: S22(1)(a)(ii)

F: +41 (0) 22 7999 175

E: S22(1)(a)(ii)

W: geneva.mission.gov.au | T: twitter.com/AustraliaUN_GVA

A: Chemin des Fins 2, CP 102, 1211 Geneva 19 Switzerland

s.22(1)(a)(ii)

S22(1)(a)(ii)

From:

S22(1)(a)(ii)

Sent:

Thursday, 1 October 2015 2:08 PM

To:

S22(1)(a)(ii)

Subject:

FW: Media Pulse: Thursday 1 October 2015 [DLM=For-Official-Use-Only]
[SEC=UNCLASSIFIED]

Attachments:

151001 PM Transcript - ABC Radio National.pdf; MR ABF detains 20 illegal workers in NT.PDF; Transcript.docx

Interesting one below

S22(1)(a)(ii)

Minister-Counsellor (Immigration)
Australian Permanent Mission
Geneva

Direct line: S22(1)(a)(ii)

Mobile: S22(1)(a)(ii)

Fax: +41(0)22 799 9175

Email: S22(1)(a)(ii)

From: Portfolio Media [mailto:media@border.gov.au]

Sent: Thursday, 1 October 2015 10:16 AM

To: Portfolio Media

Subject: Media Pulse: Thursday 1 October 2015 [DLM=For-Official-Use-Only]

Good evening,

Please see below for today's Portfolio Media Summary:

Key media activity

NB: The below media responses are summaries only.

S22(1)(a)(ii)

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FOI REF: 15/45211

- **Nicole Hasham, SMH:** Is doing a story on the investigation and referrals to the AFP of unauthorised disclosures of Commonwealth information from Nauru. It was reported in March this year that the Department of Immigration had asked the AFP to investigate Save the Children employees regarding a submission to the Human Rights Commission inquiry into children in detention. Would this have constituted one referral, several referrals, or all six referrals from the department? Of the six referrals respectively, did they relate to department staff, contractors, subcontractors or others? Please specify for each referral. Why is the federal government asking the AFP to investigate unauthorised disclosure of information at Nauru, when it says the investigation of sex assault and other crimes against asylum seekers is the responsibility of Nauru police? Does this not indicate the government is more concerned about stopping damaging information leaks than protecting the welfare of detainees. Media Ops responded: Matters referred by the Department to the AFP did not relate to a specific offender/s, only a request to investigate the unauthorised disclosure of information. A referral relating to information submitted to the Human Rights Commission inquiry into children in detention was one of a number of the authorised disclosure matters referred to AFP for investigation. Specific offenders were not identified at the time the matters were referred to the AFP. The department takes seriously any instances of unauthorised disclosure of official information by departmental staff, contractors or subcontractors. Sexual assault in Nauru is a matter for the Nauruan Police Force and the Australian Government is committed to assisting the Government of Nauru provide safe and secure conditions for transferees and refugees. The unauthorised disclosure of Commonwealth information

S22(1)(a)(ii)

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FOI REF: 15/45211

REDACTED

REDACTED

REDACTED

REDACTED

PRESENTER: Prime Minister, in the interest of agility, can I go quickly to a couple of other issues beyond the economy? This week's 7:30 told the harrowing story of a woman on Nauru alleging she'd been raped, she had been granted refugee status – she was living outside the detention centre. We also heard on the programme this week from a former Nauru magistrate that the justice system and police system there are neither equipped nor inclined to protect these women and to bring the perpetrators to justice. Now you've said clearly people on Nauru will not be settled in Australia. So what is your plan to keep women like this, and others in Nauru, safe?

PRIME MINISTER: Fran, we are absolutely committed to supporting the Nauru Government to provide a safe environment for all the transferees and refugees on Nauru.

PRESENTER: But that's not happening and that's not what we're hearing, quite clearly.

PRIME MINISTER: Let me go on. The story on 7:30 on Monday night did reveal, as you said, a very alarming issue of safety for women there and we take that very seriously. So we're taking a number of steps to work closely with the Nauru Government to ensure the safety and security of all the refugees living in that community. We fund the deployment of the AFP officers to support and mentor the Nauru police in their basic investigations; in their policing and dealing with child abuse and sexual assault matters. So we are very committed to this. The Nauru government has recently established a gender violence and child protection unit within their Department of Home Affairs. The Minister Mr Dutton – the whole government – is very committed to ensuring that women, that all of the transferees and refugees – but in this context, women and children – are absolutely safe in that environment.

PRESENTER: But there is no plan... you say these women can't come here, but there's no plan to resettle them anywhere else. Is Australia working actively with other countries to try and take the women and children?

PRIME MINISTER: We certainly are working actively and of course a number of them are in a position – quite a number of them are in a position who have not been granted refugee status – are in a position to return home from whence they came.

PRESENTER: I'm talking about the ones that are refugees.

PRIME MINISTER: We are working actively to achieve resettlement for them. I just have to say – if I just get back to the fundamental issue of unauthorised arrivals; people-smuggled arrivals. We don't theorise about this any longer. You will recall that John Howard's policies worked; the boats had stopped. Kevin Rudd became PM – I remember it extremely well because I was the opposition leader at the time – and Kevin said, 'it doesn't really matter what our domestic policy is, it's only the external policies'. My argument on the contrary, I said 'don't touch what works, Kevin. Leave it as it is. The domestic policies are like a gate valve. You change them, and the arrivals will start again; the people smuggling will start.' Well, he did it. This was a billions-of-dollars... tragically, hundreds of lives. We don't actually know how many lives and of course tens of thousands of arrivals so the one thing that we know is that our policies, tough though they are, harsh though they are in many respects, actually do work. They save lives. And this not a theoretical exercise anymore. Sadly I wish Rudd hadn't done it but he...

PRESENTER: Well this isn't theoretical either, that the women living in Nauru feel terrorised.

PRIME MINISTER: I understand that and that is why we're taking the steps I described, to ensure that they're protected. That's our commitment.

s.22(1)(a)(ii)

REDACTED

From: S22(1)(a)(ii) on behalf of FOI
Sent: Thursday, 10 September 2015 4:09 PM
To: Da Rin, Jenny
Cc: S22(1)(a)(ii)
Subject: DIBP reply - international relations - FOI consultation request [SEC=UNCLASSIFIED]

hprimdataset: CH
hprimfilerref: 15/30563
hprimrecordref: D15/1967020

Dear S22(1)(a)(ii)

Further to our discussions on this FOI request earlier this week, DIBP has provided some further context below for your reference.

FPL Section will provide you with an amended copy of the redacted documents and draft decision letter tomorrow for your review and approval.

Kind regards

S22(1)(a)(ii)

Assistant Director
Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade

Corporate Legal Branch
Legal Division

E | S22(1)(a)(ii)
T |
W | www.dfat.gov.au

S22(1)(a)(ii)

From: S22(1)(a)(ii) **On Behalf Of** FOI
Sent: Thursday, 10 September 2015 2:40 PM
To: FOI
Subject: DIBP reply - international relations - FOI consultation request [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear S22(1)(a)(ii)

Further to the below FOI consultation request with the Department of Immigration and Border Protection (DIBP), I have had the following words (cleared by the relevant Assistant Secretary) from the relevant business area:

s.33(a)(iii)

Regards,

S22(1)(a)(ii)

S22(1)(a)(ii)

FOI Officer | Freedom of Information Section
Access to Information Branch | Information Management Task Force
Corporate Group
Department of Immigration and Border Protection
P: S22(1)(a)(ii)
E: foi@border.gov.au

UNCLASSIFIED

From: S22(1)(a)(ii) **On Behalf Of** FOI
Sent: Tuesday, 8 September 2015 4:47 PM
To: FOI
Subject: DFAT reply - DIBP Response - FOI consultation request [SEC=UNCLASSIFIED]

Hi S22(1)(a)(ii)

As discussed, the DFAT FOI decision-maker has requested some further information from DIBP in relation to the exemption of the cable and also the emails referred to below.

DFAT seek further detail from the relevant line area in the context of any sensitivity around release of the information contained within these documents. In order to justify these exemptions the decision-maker needs to know what the rationale is for exempting this information and what damage would be caused.

Grateful for your advice as soon as possible.

Kind regards

S22(1)(a)(ii)

Assistant Director
Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade

Corporate Legal Branch
Legal Division

E | S22(1)(a)(ii)
T |
W | www.dfat.gov.au

S22(1)(a)(ii)

From: S22(1)(a)(ii) **On Behalf Of** FOI
Sent: Thursday, 3 September 2015 1:33 PM

DECLASSIFIED
COPY ISSUED UNDER FOI ACT 1982
FOI REF: 15/45211

To: FOI

Subject: DIBP Response - FOI consultation request [SEC=UNCLASSIFIED]

106

UNCLASSIFIED

Dear S22(1)(a)(ii)

I refer to the FOI consultation request below with the Department of Immigration and Border Protection (DIBP).

In relation to the cable, DIBP is of the view that it should be exempt in full on the basis that release could adversely affect Australia's international relations with the Government of Nauru.

S33(b)

Thank you for the opportunity to comment.

Regards,

S22(1)(a)(ii)

FOI Officer | Freedom of Information Section
Access to Information Branch | Information Management Task Force
Corporate Group
Department of Immigration and Border Protection
P: S22(1)(a)(ii)
E: foi@border.gov.au

UNCLASSIFIED

From: S22(1)(a)(ii) On Behalf Of FOI
Sent: Friday, 28 August 2015 2:23 PM
To: S22(1)(a)(ii)
Subject: Acknowledgement of receipt - FOI consultation [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear S22(1)(a)(ii)

Thank you for your below FOI consultation request with the Department of Immigration and Border Protection (DIBP).

I note your timeframe of **Wednesday 9 September 2015** and will revert on or before that date.

Please feel free to contact me on the number below, should you wish to discuss further.

Regards,

S22(1)(a)(ii)

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FOI REF: 15/45211

S22(1)(a)(ii)

107

FOI Officer | Freedom of Information Section
Access to Information Branch | Information Management Task Force
Corporate Group
Department of Immigration and Border Protection
P: S22(1)(a)(ii)
E: foi@border.gov.au

UNCLASSIFIED

From: S22(1)(a)(ii)
Sent: Friday, 28 August 2015 11:32 AM
To: FOI
Subject: FOI consultation [SEC=UNCLASSIFIED]

Dear FOI contact officer,

The Department of Foreign Affairs and Trade (DFAT) has received a request for access under the FOI Act to:

"documents produced in the last two years containing information including any review and/or evaluation and/or advice and/or briefing and/or emails and/or communications with the Nauruan Government about the (a) the issuing of visas (tourist, working and journalist) to Nauru and (b) Australian journalists visiting Nauru."

We have identified the **attached** documents that fall within the scope of the request that contain information related to your agency. Please note there is also a confidential cable (NU414H) that was delivered to DIBP on your cable system. Please advise if you can access this, if not I will deliver in person.

The documents have been already been considered by the decision maker and are marked accordingly. However, we would appreciate your comments in relation to the potential release of these documents and the redactions applied. It would assist if you could provide any objections and the reasons to support them so that the DFAT decision-maker can make an informed decision on any exemptions.

Owing to statutory time limits under the FOI Act we would appreciate your comments as soon as possible and no later than **Wednesday 9 August 2015**.

Should you have any queries or wish to discuss this matter directly, please contact me on (02) 62611701.

Kind regards

S22(1)(a)(ii)

Assistant Director- FOI and Privacy Law Section
Department of Foreign Affairs and Trade

Corporate Legal Branch E | S22(1)(a)(ii)
Legal Division T |

S22(1)(a)(ii)

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FOI REF: 15/45211

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FOI REF: 15/45211

Office of the United Nations High Commissioner for Refugees reports

Key points

- . The Australian Government is committed to meeting its obligations under international law in relation to asylum seekers and refugees.

If asked about the UNHCR Reports on Nauru and Manus Island

- . Aware of criticisms that the Office of the United Nations High Commissioner for Refugees (UNHCR) has made in relation to the operation of the Nauru and Manus Island Offshore Processing Centres.
- . Nauru and PNG are aware of the UNHCR reports, and Australia stands ready to assist with any capacity-building that may be necessary to ensure that these countries are able to fulfil their obligations properly.
- . The Australian Government is satisfied that it will meet its obligations under international law in relation to regional processing.
- . The Australian Government is firmly committed to meeting its obligations under international law in relation to regional processing of asylum-seekers, including, but not limited to, its *non-refoulement* obligations under international refugee law and international human rights law.

Background

A two person UNHCR team undertook a monitoring visit to the Nauru OPC from 7-9 October 2013 S22(1)(a)(ii) [redacted]. The purpose of the visits was to assess the progress made by the governments of Australia and Nauru and the governments of Australia [redacted] to implement their commitments under the 1951 Refugees Convention, and to review the physical conditions at the OPCs. S22(1)(a)(ii)

On 26 November 2013, UNCHR published its reports of the visits. The key findings included UNHCR's acknowledgement of a number of positive developments, in particular in relation to the establishment of the legal framework and implementation of Refugee Status Determination processing on Nauru and Refugee Determination processing in PNG, and considerable efforts made by officials and service providers to improve the physical conditions for the transferees.

However, in relation to both OPCs, UNHCR noted its disappointment that the current policies, conditions and operational approaches at the OPC do not comply with international standards. In particular, the transfer arrangements:

- . constitute arbitrary and mandatory detention under international law;
- . do not provide a fair, expeditious system for assessing refugee claims, despite a sound legal framework;
- . do not provide safe and humane conditions of the transferees held in detention;
- . do not provide adequate and timely solutions for refugees; and

the 'return-oriented environment' is at variance with the process of identifying and protecting refugees in accordance with the Refugee Convention.

S22(1)(a)(ii) [redacted]

Broadly, [redacted]

S22(1)(a)(ii) [redacted]

[redacted] Consequently, there are strong concerns that *bona fide* refugees may contemplate a return to countries of origin where they may face harm.

Both Reports make a number of recommendations for Australia and [redacted] S22(1)(a)(ii) [redacted] and Nauru (24 recommendations) to consider. The Department of Immigration and Border Protection is responsible for preparing any response to the Reports and is currently considering the recommendations. The international legal aspects have been considered by the Attorney-General's Department.

- The Department is committed to supporting the Government of Nauru to provide a safe environment for all transferees and refugees in Nauru.
- In the event of an allegation of sexual assault, transferees and refugees are provided with appropriate medical treatment and mental health support, and are placed in supported accommodation where appropriate, pending further investigation.
- Alleged incidents within the regional processing centre are investigated and where appropriate referred to the Nauru Police Force for investigation. Refugees living in the community are encouraged to report all incidents of sexual assault to the Police.
- The Australian Federal Police has deployed a series of officers over recent months to work alongside the Nauru Police Force to build their capacity to investigate complex and sensitive incidents such as sexual assault. This project is achieving positive results and upskilling local officers.

How many asylum seekers now in facilities in Australia have made allegations of sexual assault experienced while they were on Nauru?

- The Department is aware of a small number of transferees currently in Australia for medical treatment who have made yet to be substantiated allegations of sexual assault. It is not appropriate to comment on these allegations, however all individuals have been provided with support, medical and mental health care and have been encouraged to report these allegations to the appropriate authorities.

How many asylum seekers still in detention on Nauru have made allegations of sexual assault?

- The Department gave evidence on 20 July 2015 to the Select Committee looking into conditions and circumstances at the regional processing centre in Nauru that there were 19 ongoing investigations into allegations of sexual assaults against adults and 15 against children.
- Link: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=id%3A%22committees%2Fcommsen%2Fe7d308ac-de80-4f75-b978-c2f41b7181e4%2F0005%22>
- It is not appropriate to comment specifically on these allegations however all individuals are provided with support, medical and mental health care and have been encouraged to report the allegations to the Nauru Police Force.

How many sexual assault cases has DIBP/ABF investigated or referred to Nauruan or Australian Police?

- The Department gave evidence on 20 July 2015 to the Select Committee looking into conditions and circumstances at the regional processing centre in Nauru that where an allegation of sexual assault is raised, the matter is referred to the Nauru Police Force for investigation. The Department indicated it was aware that the Nauru Police Force had laid five charges relating to sexual assault, with four before the courts and one resulting in a conviction.

- Link:<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=ld%3A%22committees%2Fcommsen%2Fe7d308ac-de80-4f75-b978-c2f41b7181e4%2F0005%22>

What action has DIBP/ABF taken on this issue since the completion of the Moss Review and the recent Senate Inquiry into conditions on Nauru?

- The Department of Immigration and Border Protection has accepted all 19 recommendations from the Moss Review. The majority of the recommendations have been finalised and the Department expects the remaining recommendations will be implemented in the coming months.
- The Department fully cooperated with the Senate Select Committee and the Government will respond to its findings in due course.
- The Government of Nauru has recently established a Gender Violence and Child Protection Unit within the Department of Home Affairs and a gender violence hotline will commence shortly. The Department continues to work closely with the Government of Nauru to support this initiative and other safety and security projects.
- Additionally, at the request of the Minister, the Secretary of the Department established a Child Protection Panel in May 2015 to ensure that a comprehensive and contemporary framework for the Department relating to the protection of children is in place.

Allegations of sexual assault have also been made by refugees who are now settled in Nauru at Camp EWA, including one on August 22. What assistance does DIBP/ABF offer the victims of these attacks?

- For incidents involving refugees in the Nauruan community, alleged victims are encouraged to report the assault to the Nauru Police Force. Appropriate medical and mental health care is available from the settlement clinic or the Republic of Nauru (RoN) Hospital.

A 26 year old Somali refugee has reported to Nauruan Police that she was raped near EWA camp on 21 August. She is requesting help from Australia. Is Immigration aware of this incident. Will the victim be brought to Australia?

- The Department is aware of an allegation of sexual assault. Various supports are provided to alleged victims through the Government of Nauru Sexual Assault Unit and service providers. Alleged victims are also supported to provide a report to the Nauruan Police Force.

Another woman has also reported a sexual assault. She also lives at EWA. She is now pregnant and wants to come to Australia for an abortion. Will she be allowed?

- All pregnant women receive professional and coordinated health care.
- The Republic of Nauru (RON) Hospital provides maternity services for Nauruan and refugee women.
- The Department is not able to provide details of these cases due to privacy reasons.

S22(1)(a)(ii)

From: S22(1)(a)(ii) (2)
Sent: Friday, 20 March 2015 2:42 PM
To: Goledzinowski, Andrew; B22(1)(a)(ii); Moriarty, Greg; S22(1)(a)(ii); Sloper, Daniel;
Subject: S22(1)(a)(ii) Media; S22(1)(a)(ii)
Attachments: From DIBP: Moss report release [SEC=UNCLASSIFIED]
 20150320_Redacted FINAL Moss report.pdf; 150320 MR DIBP Moss Review FINAL.DOCX; Recommendations and statement of actions FINAL.PDF; 150320 TP WoG Moss Review FINAL.DOCX

Fyi

S22(1)(a)(ii)

Media Liaison Section | Department of Foreign Affairs and Trade | Tel:

S22(1)(a)(ii)

From: Portfolio Media [mailto:media@customs.gov.au]
Sent: Friday, 20 March 2015 2:37 PM
Subject: For info: Moss report release [SEC=UNCLASSIFIED]

Good afternoon,

Please note that the final report of the *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre at Nauru* by Mr Philip Moss will be released this afternoon.

Please see attached for your information:

- Redacted version of the report which will also be published on the Department's website
- A DIBP media release including an attachment detailing the report's recommendations and the Department's actions in response to them.
- WoG talking points

Kind regards,

S22(1)(a)(ii)

Acting Assistant Director

Communication and Media Branch | Executive Division

Immigration and Border Protection Portfolio

24-hour media line: S22(1)(a)(ii)

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FOI REF: 15/45211

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TALKING POINTS

LEAD AGENCY: DIBP

Subject	Moss Review WoG
Date	20 March 2015
	Whole of Government

ISSUE

Media interest in the release of the *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre at Nauru* by Mr Philip Moss. The Secretary of the Department of Immigration and Border Protection will release the report on March 20.

TALKING POINTS

- I note that the Department of Immigration and Border Protection has accepted all of the Review's recommendations and that the full report, with some redactions to protect privacy, has been publicly released.
- The Department has a clear implementation plan and is working with the Government of Nauru and its service providers to respond to the Review's recommendations.
- The Government acknowledges that some of the content of the report is concerning, particularly where it relates to children.
- The Government has been assured by the Department that it is committed to supporting the Government of Nauru to maintain a safe environment for transferees, particularly minors.

Q&A (If Asked)

Does this report prove Gillian Triggs right – that detention is no place for children?

- It has been longstanding policy, under successive Governments, that illegal maritime arrivals (IMAs) should be detained in an appropriate facility onshore while they receive initial security, identity and health checks.
- It has also been longstanding policy, under this Government and the previous Government, that eligible IMAs are liable for transfer to a Regional Processing Centre. This policy, as part of the broad suite of border protection policies of this Government, has worked.
- The Government is committed to supporting the Government of Nauru to maintain a safe environment for transferees, particularly minors.

Will the AFP be providing a senior officer to assist the Nauru Police Force, as the Review recommends?