Senate Legal & Constitutional Affairs Committee
Budget Estimates 2015-2016
25-28 May 2015

Tabled Document No 4

By: Senator Bishop

Date: 26.05.15

From: John CAHILL
To: Julian Burnside
Subject: RE: Nauru Letters [SEC=UNCLASSIFIED]
Date: Friday, 27 March 2015 5:41:32 PM

UNCLASSIFIED

Dear Mr Burnside

Thankyou for your email. I am travelling overseas at present and will respond to your email in due course.

Yours sincerely

John Cahill
First Assistant Secretary
Status Resolution and Detention Operations Division
Department of Immigration and Border Protection

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Wednesday, 25 March 2015 9:41 PM
To: John CAHILL
Subject: RE: Nauru Letters [SEC=UNCLASSIFIED]

Dear Mr Cahill

Thank you for your email.
I regret that members of the Department have received threats and harassment from members of the public. Having received thousands of threatening and harassing messages from members of the public in relation to refugee matters, I know it is distressing.

Why was I told in June 2014 that the letters were being received and distributed?
Why was I not told in correspondence between June and early December 2014 that transferees were unwilling to receive letters?

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside

From: John CAHILL
To: Julian Burnside
Subject: Nauru Letters [SEC=UNCLASSIFIED]
Date: Friday, 20 March 2015 4:57:12 PM

UNCLASSIFIED

Dear Mr Burnside

I refer to your email of 17 March 2015 and to your various earlier emails to particular officers of this Department regarding letters sent to persons who may have been located in Nauru (the letters).

I am aware that there has been extensive email correspondence with you relating to this issue as far back as the middle of 2014. I am also aware, from reviewing much of that correspondence, that officers have endeavoured to be as helpful as they reasonably could be in responding to your various requests for information and advice. It is also clear to me that misunderstandings have occurred at various times, perhaps on both sides, as to the precise nature of the letters' status especially in terms of the ability of this department or the Government of Nauru to ensure the letters were delivered to their intended recipients. Wherever possible, officers have endeavoured to correct any misunderstandings.

Despite the good faith intentions of my officers to be helpful and professional, it is extremely disappointing that their names were recently published in the media. The consequence of this is that they have received individual and very personal threats and harassment from members of the public that has adversely impacted on their personal and professional lives and on their families. This is unacceptable and regrettable.

I have therefore directed these officers not to engage in further email correspondence with you regarding these matters.

I acknowledge that you have a particular view of what you believe has transpired in relation to the letters. This is not something that I necessarily share. Nevertheless, I remain willing to respond to reasonable, respectful and professional representations on this matter in relation to issues that may not have already been addressed by us.

Yours sincerely

John Cahill
First Assistant Secretary
Status Resolution and Detention Operations Division
Department of Immigration and Border Protection

UNCLASSIFIED

Important Notice: If you have received this email by mistake, please advise

From: Julian Burnside
To: "Kylie SCHOLTEN"
Subject: RE: Unclaimed Correspondence [SEC=UNCLASSIFIED]
Date: Sunday, 7 December 2014 6:12:00 PM

Dear Kylie

Where are the letters?

Very best wishes for Christmas and the New Year

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

A timid question will always receive a confident answer. - Lord Darling

War does not determine who is right - only who is left. -- Bertrand Russell

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From: Kylie SCHOLTEN [mailto:kylie-jane.scholten@immi.gov.au]
Sent: Thursday, 4 December 2014 9:38 AM
To: Julian Burnside
Subject: RE: Unclaimed Correspondence [SEC=UNCLASSIFIED]

UNCLASSIFIED

Julian,

I have no contact details for the relevant postal services I recommend you search online.

In future if you have any feedback about offshore processing, please contact the department's Global Feedback Unit at http://www.immi.gov.au/Help/Pages/feedback.aspx.

Kind regards,

Kylie Scholten
Acting Assistant Secretary, Offshore Operations
Department of Immigration and Border Protection

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Wednesday, 3 December 2014 8:36 PM

From: Kylie SCHOLTEN
To: Julian Burnside
Subject: RE: Unclaimed Correspondence [SEC=UNCLASSIFIED]
Date: Thursday, 4 December 2014 9:38:58 AM

UNCLASSIFIED

Julian,

I have no contact details for the relevant postal services I recommend you search online.

In future if you have any feedback about offshore processing, please contact the department's Global Feedback Unit at http://www.immi.gov.au/Help/Pages/feedback.aspx.

Kind regards,

Kylie Scholten
Acting Assistant Secretary, Offshore Operations
Department of Immigration and Border Protection

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Wednesday, 3 December 2014 8:36 PM
To: Kylie SCHOLTEN
Subject: Re: Unclaimed Correspondence [SEC=UNCLASSIFIED]

Dear Kylie

I have received nothing.
Can you please find out what is going on or give me contact details for the Nauru and PNG postal services.
But I would appreciate it if you would follow up on it as DIBP certainly has more influence in Nauru and PNG than I do.

Very best wishes
Julian Burnside
(Please excuse typos: this was sent from my iPhone)

On 3 Dec 2014, at 6:54 pm, Kylie SCHOLTEN <kylie-jane.scholten@immi.gov.au> wrote:

> UNCLASSIFIED
>
> Good Evening Julian,
>
> Apologies for my delayed response. Further to your email below and as stated in my letter of 5 November 2014, service providers have arranged for all unclaimed correspondence to be returned to your office. If you have not yet received the unclaimed correspondence, please contact the Nauruan and Papua New Guinean

From: Julian Burnside
To: Kylie SCHOLTEN
Bcc: Julian Burnside
Subject: Re: Unclaimed Correspondence [SEC=UNCLASSIFIED]
Date: Wednesday, 3 December 2014 8:36:11 PM

Dear Kylie

I have received nothing.
Can you please find out what is going on or give me contact details for the Nauru and PNG postal services.
But I would appreciate it if you would follow up on it as DIBP certainly has more influence in Nauru and PNG than I do.

Very best wishes
Julian Burnside
(Please excuse typos: this was sent from my iPhone)

On 3 Dec 2014, at 6:54 pm, Kylie SCHOLTEN <kylie-jane.scholten@immi.gov.au> wrote:

UNCLASSIFIED

Good Evening Julian,

Apologies for my delayed response. Further to your email below and as stated in my letter of 5 November 2014, service providers have arranged for all unclaimed correspondence to be returned to your office. If you have not yet received the unclaimed correspondence, please contact the Nauruan and Papua New Guinean postal services directly.

If you have any further feedback about offshore processing, I encourage you again to contact the department's Global Feedback Unit at http://www.immi.gov.au/Help/Pages/feedback.aspx.

Kind regards,

Kylie Scholten
Acting Assistant Secretary, Offshore Operations
Department of Immigration and Border Protection

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Wednesday, 12 November 2014 4:05 PM
To: Kylie SCHOLTEN
Subject: RE: Unclaimed Correspondence [SEC=UNCLASSIFIED]

Dear Kylie

Thank you.

From: Kylie SCHOLTEN
To: Julian Burnside
Subject: RE: Unclaimed Correspondence [SEC=UNCLASSIFIED]
Date: Wednesday, 3 December 2014 6:54:32 PM

UNCLASSIFIED

Good Evening Julian,

Apologies for my delayed response. Further to your email below and as stated in my letter of 5 November 2014, service providers have arranged for all unclaimed correspondence to be returned to your office. If you have not yet received the unclaimed correspondence, please contact the Nauruan and Papua New Guinean postal services directly.

If you have any further feedback about offshore processing, I encourage you again to contact the department's Global Feedback Unit at http://www.immi.gov.au/Help/Pages/feedback.aspx.

Kind regards,

Kylie Scholten
Acting Assistant Secretary, Offshore Operations
Department of Immigration and Border Protection

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Wednesday, 12 November 2014 4:05 PM
To: Kylie SCHOLTEN
Subject: RE: Unclaimed Correspondence [SEC=UNCLASSIFIED]

Dear Kylie

Thank you.

Can you please tell me what has happened to letters written by transferees in Nauru whose letters bore Australian stamps which I bought in Australia? With each letter I have sent to transferees, I have included a stamped envelope bearing the address of the Australian who wrote the initial letter. One of your colleagues tells me that, although Nauru recognises Australian stamps, they only recognise Australian stamps which were bought on Nauru.

So what I am trying to discover is what has happened to all the reply letters which have Australian stamps on them. A lot of letter writers from around Australia are anxious to find out.

Very best wishes

Julian

Julian Burnside AO QC

From: Julian Burnside
To: "Nikki KEIRVEN"; "Tanya FINDLAY"; "Ewan MORRIS"; "Nauru Operations Coordination Section"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Monday, 24 November 2014 1:08:00 PM

Dear Nikki and Tanya

On 30 September this year I sent you the following email:

> Nikki has told me that letters I posted have been distributed to the named transferees. Every letter included a stamped envelope addressed to the Australian who wrote the letter. No one has received a reply. Given that I have sent about 2000 letters, I find it hard to believe that not one of the recipients has chosen to respond.
>
> Nikki tells me that Nauru only acts on Australian stamps that have been purchased in Nauru. If that is the reason replies have not been received, then I am still waiting to hear what has happened to the reply letters. There are only three things that could happen:
>
> 1. Return the letters to the transferee who wrote them (difficult and time consuming)
>
> 2. Put them in a letterbox in Australia (simple and sensible)
>
> 3. Destroy them or store them (a criminal offence)
>
> I am still waiting to hear which course has been adopted. The second obviously was not adopted, because people would have received the reply letters quite quickly. It seems significant that, when I pointed out the obvious criminality of the third course (on 11 August), Nikki said she was handing the matter to Tanya.
>
> It is now many months that we have been in email contact about this matter: Nikki first wrote to me in June. If I do not get an answer soon, I will be forced to conclude that the true answer is too embarrassing to reveal.
>
> Please can I have a response from one or other of you.

I have not had a response from either of you.

This matter is serious. Please can I have a reply.

Very best wishes

Julian

From: Julian Burnside
To: "Kylie SCHOLTEN"
Subject: RE: Unclaimed Correspondence [SEC=UNCLASSIFIED]
Date: Wednesday, 12 November 2014 4:05:00 PM

Dear Kylie

Thank you.

Can you please tell me what has happened to letters written by transferees in Nauru whose letters bore Australian stamps which I bought in Australia? With each letter I have sent to transferees, I have included a stamped envelope bearing the address of the Australian who wrote the initial letter. One of your colleagues tells me that, although Nauru recognises Australian stamps, they only recognise Australian stamps which were bought on Nauru.

So what I am trying to discover is what has happened to all the reply letters which have Australian stamps on them. A lot of letter writers from around Australia are anxious to find out.
Very best wishes

Julian

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Level 30, 200 Queen St,
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A timid question will always receive a confident answer. - Lord Darling

War does not determine who is right - only who is left. -- Bertrand Russell

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From: Kylie SCHOLTEN [mailto:kylie-jane.scholten@immi.gov.au]
Sent: Friday, 7 November 2014 6:41 PM
To: Julian Burnside
Subject: Unclaimed Correspondence [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Burnside,

Please see attached a reply to your emails regarding unclaimed correspondence sent to the Nauru and Manus Offshore Processing Centres.

Kind regards, Kylie.

Kylie Scholten
Acting Assistant Secretary, Offshore Operations

From:	Kylie SCHOLTEN
To:	Julian Burnside
Subject:	Unclaimed Correspondence [SEC=UNCLASSIFIED]
Date:	Friday, 7 November 2014 6:41:26 PM
Attachments:	Letter to Mr J. Burnside - 05.11.2014.pdf

UNCLASSIFIED

Dear Mr Burnside,

Please see attached a reply to your emails regarding unclaimed correspondence sent to the Nauru and Manus Offshore Processing Centres.

Kind regards, Kylie.

Kylie Scholten
Acting Assistant Secretary, Offshore Operations
Department of Immigration and Border Protection

UNCLASSIFIED

Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email, including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIBP respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at www.immi.gov.au. See: http://www.immi.gov.au/functional/privacy.htm

From: Julian Burnside
To: "Nikki KEIRVEN"
Cc: Tanya FINDLAY; Ewan MORRIS; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Monday, 13 October 2014 11:16:00 AM

Dear Nikki

I have had no response from Tanya Findlay.
If she is "handling" the matter, she is apparently unwilling to respond to my emails.
This has gone on too long. In August you said that my query had been referred to Tanya Findlay.
In September I told you that I had heard nothing from her. It is now the middle of October.
Does Tanya Findlay still work for DIBP? Is she still the person dealing with this?
If I do not get a response from Tanya Findlay in the next 48 hours, I will be forced to conclude that the DIBP is in fact blocking correspondence to and from Nauru, as appears to be happening with correspondence to and from Manus. All the evidence points that way, and your failure to respond to emails supports that conclusion.
As you are aware, interference with the mail is a serious criminal offence. .

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

War does not determine who is right - only who is left. -- Bertrand Russell

Neither love nor terror makes one blind: indifference makes one blind. -- James Baldwin

---

From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Tuesday, 9 September 2014 10:40 AM
To: Julian Burnside
Cc: Tanya FINDLAY; Ewan MORRIS; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Julian

Your previous emails have been referred to Tanya Findlay, Director, Nauru Operations Coordination Section.

As Tanya is currently out of the office, I am cc'ing Ewan Morris in Tanya's absence. I have also cc'd this to the Nauru Operations Coordination Section mailbox so that you have the relevant

From: Tanya FINDLAY
To: Julian Burnside
Subject: Automatic reply: letters to Nauru [SEC=UNCLASSIFIED]
Date: Tuesday, 30 September 2014 1:54:18 PM

I am currently out of the office, returning Monday 27 October.
In my absence, please contact:

nauru.operations.coordination.section@immi.gov.au

or

Tracey Hambridge on (02) 6264 1633

Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email, including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIBP respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at www.immi.gov.au. See: http://www.immi.gov.au/functional/privacy.htm

From: Julian Burnside
To: "Nikki KEIRVEN"; "Tanya FINDLAY"; "Ewan MORRIS"; "Nauru Operations Coordination Section"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Tuesday, 30 September 2014 1:53:00 PM

Dear Nikki and Tanya

Nikki has told me that letters I posted have been distributed to the named transferees. Every letter included a stamped envelope addressed to the Australian who wrote the letter. No one has received a reply. Given that I have sent about 2000 letters, I find it hard to believe that not one of the recipients has chosen to respond.

Nikki tells me that Nauru only acts on Australian stamps that have been purchased in Nauru. If that is the reason replies have not been received, then I am still waiting to hear what has happened to the reply letters. There are only three things that could happen:

1. Return the letters to the transferee who wrote them (difficult and time consuming)
2. Put them in a letterbox in Australia (simple and sensible)
3. Destroy them or store them (a criminal offence)

I am still waiting to hear which course has been adopted. The second obviously was not adopted, because people would have received the reply letters quite quickly. It seems significant that, when I pointed out the obvious criminality of the third course (on 11 August), Nikki said she was handing the matter to Tanya.

It is now many months that we have been in email contact about this matter: Nikki first wrote to me in June. If I do not get an answer soon, I will be forced to conclude that the true answer is too embarrassing to reveal.

Please can I have a response from one or other of you.

Very best wishes

Julian

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War does not determine who is right - only who is left. -- Bertrand Russell

Neither love nor terror makes one blind: indifference makes one blind. -- James Baldwin

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Tuesday, 9 September 2014 10:40 AM
To: Julian Burnside
Cc: Tanya FINDLAY; Ewan MORRIS; Nauru Operations Coordination Section

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Tanya FINDLAY; Ewan MORRIS; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Tuesday, 9 September 2014 10:41:21 AM

UNCLASSIFIED

Dear Julian

Your previous emails have been referred to Tanya Findlay, Director, Nauru Operations Coordination Section.

As Tanya is currently out of the office, I am cc'ing Ewan Morris in Tanya's absence. I have also cc'd this to the Nauru Operations Coordination Section mailbox so that you have the relevant email contacts.

Kind regards
Nikki

Nikki Keirven
Nauru Service Delivery Lead
Department of Immigration and Border Protection
Mobile: +674 557 0512

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Monday, 8 September 2014 2:43 PM
To: Nikki KEIRVEN
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

Dear Nikki

It is almost a month since you told me that this matter was being referred to Tanya Findlay, Director, Nauru Operations Coordination Section.
I have heard nothing from her and I do not have contact details for her.

To remind you: I have sent to people held in Nauru about 1600 letters written by members of the public. Every letter was accompanied by a stamped, self-addressed envelope provided by the Australian letter writer. Some of the self-addressed envelopes bore $1-85 in Australian stamps, as I understand that Nauru Post accepts Australian stamps. When I learned that Nauru Post only accepts Australian stamps which have been bought in Nauru, I managed to source some Nauruan stamps. Many of the self-addressed envelopes bear Nauruan stamps.

So far, no Australian letter writer has received a reply to their letter.

From: Julian Burnside
To: "Nikki KEIRVEN"
Bcc: David Marr (davidmarr@ozemail.com.au)
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Monday, 8 September 2014 12:43:00 PM

Dear Nikki

It is almost a month since you told me that this matter was being referred to Tanya Findlay, Director, Nauru Operations Coordination Section.
I have heard nothing from her and I do not have contact details for her.

To remind you: I have sent to people held in Nauru about 1600 letters written by members of the public. Every letter was accompanied by a stamped, self-addressed envelope provided by the Australian letter writer. Some of the self-addressed envelopes bore $1-85 in Australian stamps, as I understand that Nauru Post accepts Australian stamps. When I learned that Nauru Post only accepts Australian stamps which have been bought in Nauru, I managed to source some Nauruan stamps. Many of the self-addressed envelopes bear Nauruan stamps.

So far, no Australian letter writer has received a reply to their letter.

The position remains that, for one reason or another, letters from people held on Nauru are not getting out, despite being stamped.

Some of the letters have Australian stamps on them. If Nauru Post refuses to act on stamps which have not been bought in Nauru, then those letters should either be returned to the individual detainees who wrote them or (if common sense had a part to play) they would be brought to Australia by DIBP officials or others and placed in an Australian Post Box.

Some of the letters have had Nauru stamps put on them. It is hard to think of any reason why they are not being received in Australia.

I do not understand why it takes DIBP so long to explain what has happened in fact to the letters posted by detainees. I note that getting letters out of Manus is just as difficult: I have sent about 1200 letters to people on Manus, but no-one has received a reply. The common link between the two centres is DIBP, which is why I would have expected to hear some sort of explanation from someone at DIBP. Please let me know when I might expect a reply.

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Thursday, 14 August 2014 10:04:00 AM

Dear Nikki

That is wholly inadequate. You either know what has happened to the letters or (after all this time) you do not.
Please tell me what has happened to the letters.

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

The mark of the immature man is that he wants to die nobly for a cause, while the mark of the mature man is that he wants to live humbly for one – Wilhelm Stekel

Better to be a farmhand on Earth than be king among the dead - Achilles to Odysseus

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Thursday, 14 August 2014 10:03 AM
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Julian

Your email of 11 August was referred to Tanya Findlay, Director, Nauru Operations Coordination Section who will provide a response in due course.

Similarly, I am referring your email of 13 August to Tanya Findlay given the additional questions contained in it.

Kind regards
Nikki

Nikki Keirven
Service Delivery – Garrison Support and Welfare Section
Contract and Services Management Branch

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Thursday, 14 August 2014 10:03:26 AM

UNCLASSIFIED

Dear Julian

Your email of 11 August was referred to Tanya Findlay, Director, Nauru Operations Coordination Section who will provide a response in due course.

Similarly, I am referring your email of 13 August to Tanya Findlay given the additional questions contained in it.

Kind regards
Nikki

Nikki Keirven
Service Delivery – Garrison Support and Welfare Section
Contract and Services Management Branch
Infrastructure and Services Division
Department of Immigration and Border Protection

P: (02) 6264 1117
E: nikki.keirven@immi.gov.au

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Wednesday, 13 August 2014 11:49 AM
To: Nikki KEIRVEN
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

Dear Nikki

Thank you.
Where are the letters?
If the Nauruan postal service will not recognise Australian stamps unless they have been bought in Nauru (as I now understand the situation) all that needs to happen is for someone to bring the letters into Australia and put them into a post-box in Australia.
Is that something DIAC is willing to do?

Very best wishes

Julian

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Wednesday, 13 August 2014 11:48:00 AM

Dear Nikki

Thank you.
Where are the letters?
If the Nauruan postal service will not recognise Australian stamps unless they have been bought in Nauru (as I now understand the situation) all that needs to happen is for someone to bring the letters into Australia and put them into a post-box in Australia.
Is that something DIAC is willing to do?

Very best wishes

Julian

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Level 30, 200 Queen St,
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The mark of the immature man is that he wants to die nobly for a cause, while the mark of the mature man is that he wants to live humbly for one – Wilhelm Stekel

Better to be a farmhand on Earth than be king among the dead - Achilles to Odysseus

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Monday, 11 August 2014 8:30 PM
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good evening Julian

Thank you for your email.

I appreciate the seriousness of the points you have raised in your email, so am referring it to Tanya Findlay, Director, Nauru Operations Coordination Section for a response. Please note, I have cc'd Tanya Findlay and the Nauru Operations Coordination Section mailbox on this email.

Kind regards
Nikki

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Monday, 11 August 2014 8:30:16 PM

UNCLASSIFIED

Good evening Julian

Thank you for your email.

I appreciate the seriousness of the points you have raised in your email, so am referring it to Tanya Findlay, Director, Nauru Operations Coordination Section for a response. Please note, I have cc'd Tanya Findlay and the Nauru Operations Coordination Section mailbox on this email.

Kind regards
Nikki

Nikki Keirven
Service Delivery – Garrison Support and Welfare Section
Contract and Services Management Branch
Infrastructure and Services Division
Department of Immigration and Border Protection

P: (02) 6264 1117
E: nikki.keirven@immi.gov.au

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Monday, 11 August 2014 7:36 AM
To: Nikki KEIRVEN
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

Dear Nikki

I refer to me email of 18 July.
I am disappointed not to have received a reply.
You probably do not need to be reminded that it is a very serious offence to interfere with mail. People held on Nauru have written letters in response to letters from members of the Australian public. Those replies are not being sent out. You are aware of the blockage. I have offered to put them in the Australian postal system if the reply letters are returned to me in bulk: they all have Australian postage stamps on them. I now understand that, although Nauru recognise Australian stamps, they will not accept letters with Australian stamps on them unless the stamps have been bought in Nauru. I bought most of the stamps in Australia.
Please let me know as soon as possible when the letters will be sent to me for placing in the Australian postal network, before it is necessary to bring this whole thing to the attention of the

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Monday, 11 August 2014 7:35:00 AM

Dear Nikki

I refer to me email of 18 July.
I am disappointed not to have received a reply.
You probably do not need to be reminded that it is a very serious offence to interfere with mail. People held on Nauru have written letters in response to letters from members of the Australian public. Those replies are not being sent out. You are aware of the blockage. I have offered to put them in the Australian postal system if the reply letters are returned to me in bulk: they all have Australian postage stamps on them. I now understand that, although Nauru recognise Australian stamps, they will not accept letters with Australian stamps on them unless the stamps have been bought in Nauru. I bought most of the stamps in Australia.
Please let me know as soon as possible when the letters will be sent to me for placing in the Australian postal network, before it is necessary to bring this whole thing to the attention of the postal authorities here and in Nauru.

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

The mark of the immature man is that he wants to die nobly for a cause, while the mark of the mature man is that he wants to live humbly for one – Wilhelm Stekel

Better to be a farmhand on Earth than be king among the dead - Achilles to Odysseus

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Friday, 18 July 2014 12:47 PM
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Julian

Nauru Post has advised Australian stamps purchased in Australia are **not** able to be used.

Nauru Post is not able to confirm whether Nauruan stamps are available for purchase in

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Friday, 18 July 2014 2:02:00 PM

Dear Nikki

Thank you for that information. It is of course disappointing and I am sure many people who sent letters will be disappointed.
Do you know what Nauru Post has done with the letters they are unwilling to send? Obviously they cannot dispose of them.
Can you please arrange for them to be sent to me in bulk (I will pay or reimburse the postage) and I will post the letters in Australia, since they already bear Australian stamps.
My postal address is 205 William St Melbourne
Alternatively Level 30, 200 Queen St, Melbourne

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

The whole problem with the world is that fools and fanatics are always so certain of themselves, and wiser people so full of doubts. -- Bertrand Russell

No nation ever became great by lowering its moral standards and then changing its laws to suit those standards

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Friday, 18 July 2014 12:47 PM
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Julian

Nauru Post has advised Australian stamps purchased in Australia are **not** able to be used.

Nauru Post is not able to confirm whether Nauruan stamps are available for purchase in Australia.

As noted in an earlier email, transferees are able to obtain Nauruan stamps at the onsite

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Friday, 18 July 2014 12:47:13 PM

UNCLASSIFIED

Good afternoon Julian

Nauru Post has advised Australian stamps purchased in Australia are **not** able to be used.

Nauru Post is not able to confirm whether Nauruan stamps are available for purchase in Australia.

As noted in an earlier email, transferees are able to obtain Nauruan stamps at the onsite canteen for any letters they wish to send.

If you have any further questions, it would be best for you to approach Tanya Findlay in our National Office. I have cc'd Tanya Findlay and the Nauru Operations Coordination Section mailbox on this email so that you have these email contacts.

Kind regards
Nikki

Nikki Keirven
Service Delivery Lead
Nauru Offshore Processing Centre
Department of Immigration and Border Protection
Mobile: +674 557 0512

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Wednesday, 16 July 2014 2:21 PM
To: Nikki KEIRVEN
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

Dear Nikki

Thank you.
If after enquiry the Nauru Post Office will not accept Australian stamps, would you please arrange for all "rejected" letters to be put in a single parcel and have it sent to me so that I can post the letters in Australia?
This will be simpler for the Nauru Post office than returning each letter individually to each detainee who has tried to post them.
Can you please confirm these arrangements? A lot of people in Australia are contacting me to

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Wednesday, 16 July 2014 2:20:00 PM

Dear Nikki

Thank you.
If after enquiry the Nauru Post Office will not accept Australian stamps, would you please arrange for all "rejected" letters to be put in a single parcel and have it sent to me so that I can post the letters in Australia?
This will be simpler for the Nauru Post office than returning each letter individually to each detainee who has tried to post them.
Can you please confirm these arrangements? A lot of people in Australia are contacting me to say that they have not had a reply to their letters, and they are getting concerned. So far I have told them that the system is a bit slow, but that explanation will only go so far.

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Wednesday, 16 July 2014 2:16 PM
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Julian

As noted previously, I had been advised that the Nauru post office does not accept letters which have Australian stamps on them (ie the purchase of the Australian stamps having been made in Australia rather than Nauru). However, given your query below and the fact that Australian currency is used in Nauru, I have arranged for the service provider to follow up with the Nauru Post Office to ask:

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Wednesday, 16 July 2014 2:16:33 PM

UNCLASSIFIED

Good afternoon Julian

As noted previously, I had been advised that the Nauru post office does not accept letters which have Australian stamps on them (ie the purchase of the Australian stamps having been made in Australia rather than Nauru). However, given your query below and the fact that Australian currency is used in Nauru, I have arranged for the service provider to follow up with the Nauru Post Office to ask:

- whether Australian stamps purchased in Australia are able to be used; and
- if the answer to the above is no, to ask if there is a way for someone in Australia to purchase Nauruan stamps.

One I have received a response from the service provider, I will get back to you.

Kind regards
Nikki

Nikki Keirven
Service Delivery Lead
Nauru Offshore Processing Centre
Department of Immigration and Border Protection
Mobile: +674 557 0512

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Tuesday, 8 July 2014 5:54 PM
To: Nikki KEIRVEN
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

Dear Nikki

Thank you for your reply.
Is it the case that Nauru will not accept letters with Australian stamps? That seems odd, since they accept Australian currency and I have, at other times, received letters from Nauru with Australian stamps.
If they only accept Nauruan stamps, can you please tell me the best way for me to obtain Nauruan stamps, so I can put Nauruan stamps on the reply envelopes?

Very best wishes

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Tuesday, 8 July 2014 5:54:00 PM

Dear Nikki

Thank you for your reply.
Is it the case that Nauru will not accept letters with Australian stamps? That seems odd, since they accept Australian currency and I have, at other times, received letters from Nauru with Australian stamps.
If they only accept Nauruan stamps, can you please tell me the best way for me to obtain Nauruan stamps, so I can put Nauruan stamps on the reply envelopes?

Very best wishes

Julian

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Tuesday, 8 July 2014 5:44 PM
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good evening Julian

Apologies for the delay in responding to your email.

I also note I should have been clearer in my response to you of 26 June 2014. While transferees are able to post letters, they need to purchase their postage stamps in Nauru (which they are able to do through the canteen) as the Nauru post office does not accept letters which have Australian stamps on them.

Regarding the letters which have arrived for transferees who have departed Nauru, I have

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Tanya FINDLAY; Nauru Operations Coordination Section
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Tuesday, 8 July 2014 5:44:20 PM

UNCLASSIFIED

Good evening Julian

Apologies for the delay in responding to your email.

I also note I should have been clearer in my response to you of 26 June 2014. While transferees are able to post letters, they need to purchase their postage stamps in Nauru (which they are able to do through the canteen) as the Nauru post office does not accept letters which have Australian stamps on them.

Regarding the letters which have arrived for transferees who have departed Nauru, I have sought advice from our National Office in relation to this situation. I have been advised that letters which are not correctly addressed should be returned to the sender. In view of this, I will be arranging for the service provider responsible for mail at the centre to return the letters to you.

I have been advised by our National Office that for any further questions, it would be best for you to approach Tanya Findlay, Director of the Nauru Operations Coordination Section. I have cc'd Tanya Findlay and the Nauru Operations Coordination Section mailbox on this email so that you have these email contacts.

Kind regards
Nikki

Nikki Keirven
Service Delivery Lead
Nauru Offshore Processing Centre
Department of Immigration and Border Protection
Mobile: +674 557 0512

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Friday, 4 July 2014 10:33 PM
To: Nikki KEIRVEN
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

Dear Nikki

I refer to my email of 26 June. You may not have seen it. Do you know whether transferees are in fact posting letters? It is curious that no-one has received a reply despite the fact that about

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Friday, 4 July 2014 8:33:00 PM

Dear Nikki

I refer to my email of 26 June. You may not have seen it. Do you know whether transferees are in fact posting letters? It is curious that no-one has received a reply despite the fact that about 4000 letters have been sent.
Does the Nauru post office accept letters which have Australian stamps on them?

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

@JulianBurnside
www.julianburnside.com.au

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Thursday, 26 June 2014 3:42 PM
To: Julian Burnside
Cc: Lisa HARVEY; Anthony KNEIPP
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Julian

Apologies for not answering that question in my response to you. Yes, transferees are able to post letters.

Kind regards
Nikki

Nikki Keirven
Service Delivery Lead
Nauru Offshore Processing Centre
Department of Immigration and Border Protection

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Thursday, 26 June 2014 3:46:00 PM

Dear Nikki

Thanks for that.
Do you know whether they are in fact posting letters? It is curious that no-one has received a reply despite the fact that about 4000 letters have been sent.
Does the Nauru post office accept letters which have Australian stamps on them?

Very best wishes

Julian

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"The one thing that doesn't abide by majority rule is a person's conscience" -- Harper Lee

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Thursday, 26 June 2014 3:42 PM
To: Julian Burnside
Cc: Lisa HARVEY; Anthony KNEIPP
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Julian

Apologies for not answering that question in my response to you. Yes, transferees are able to post letters.

Kind regards
Nikki

Nikki Keirven
Service Delivery Lead
Nauru Offshore Processing Centre
Department of Immigration and Border Protection
Mobile: +674 557 0512

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Lisa HARVEY; Anthony KNEIPP
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Thursday, 26 June 2014 3:41:59 PM

UNCLASSIFIED

Good afternoon Julian

Apologies for not answering that question in my response to you. Yes, transferees are able to post letters.

Kind regards
Nikki

Nikki Keirven
Service Delivery Lead
Nauru Offshore Processing Centre
Department of Immigration and Border Protection
Mobile: +674 557 0512

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Thursday, 26 June 2014 4:48 PM
To: Nikki KEIRVEN
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

Dear Nikki

Thanks for your email.

So far, I have passed on about 4000 letters to transferees, but no-one has received reply so far as I am aware.
I would be grateful if you could tell me whether transferees are able to post reply letters. All letters sent to them include a stamped reply envelope addressed to the Australian letter-writer.

Very best wishes

Julian

Julian Burnside AO QC
Level 30, 200 Queen St,
Melbourne, 3000

From: Julian Burnside
To: "Nikki KEIRVEN"
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Thursday, 26 June 2014 2:47:00 PM

Dear Nikki

Thanks for your email.

So far, I have passed on about 4000 letters to transferees, but no-one has received reply so far as I am aware.
I would be grateful if you could tell me whether transferees are able to post reply letters. All letters sent to them include a stamped reply envelope addressed to the Australian letter-writer.

Very best wishes

Julian

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From: Nikki KEIRVEN [mailto:nikki.keirven@immi.gov.au]
Sent: Wednesday, 25 June 2014 6:33 PM
To: Julian Burnside
Cc: Lisa HARVEY; Anthony KNEIPP
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Julian

Thank you for your email. I appreciate you have an interest in knowing whether the letters you have been sending are arriving in Nauru.

I can confirm that they are arriving and are being distributed to transferees by the service provider. This is a work in progress given that letters continue to arrive.

There are also a number of letters which have arrived for transferees who have departed Nauru. Where forwarding addresses are available, they will be forwarded on.

From: Nikki KEIRVEN
To: Julian Burnside
Cc: Lisa HARVEY; Anthony KNEIPP
Subject: RE: letters to Nauru [SEC=UNCLASSIFIED]
Date: Wednesday, 25 June 2014 6:32:40 PM

UNCLASSIFIED

Good afternoon Julian

Thank you for your email. I appreciate you have an interest in knowing whether the letters you have been sending are arriving in Nauru.

I can confirm that they are arriving and are being distributed to transferees by the service provider. This is a work in progress given that letters continue to arrive.

There are also a number of letters which have arrived for transferees who have departed Nauru. Where forwarding addresses are available, they will be forwarded on.

Kind regards
Nikki

Nikki Keirven
Service Delivery Lead
Nauru Offshore Processing Centre
Department of Immigration and Border Protection
Mobile: +674 557 0512

UNCLASSIFIED

From: Julian Burnside [mailto:burnside@vicbar.com.au]
Sent: Monday, 23 June 2014 2:19 PM
To: Nikki KEIRVEN
Subject: letters to Nauru

Dear Nikki

I hope you don't mind me emailing you out of the blue. Mary Anne Kenny kindly contacted you and has given me your email address.
As you know, I have organised a letter-writing campaign in which Australians can write to transferees in Nauru. Mary Anne tells me that the letters are being distributed to those who are still there (or forwarded, where possible). So far, I have passed on about 4000 letters to transferees, but no-one has received reply so far as I am aware.
I would be grateful if you could tell me whether transferees are able to post reply letters. All letters sent to them include a stamped reply envelope addressed to the Australian letter-writer.

I would be grateful for any information you can provide.

Incidentally, I note that you said to Mary Anne "To my knowledge, Julian Burnside has not been in contact with us. If he were to contact us, we would advise as per the above". I would have contacted you direct, but

From: Julian Burnside
To: Nikki Kierven (nikki.keirven@immi.gov.au)
Subject: letters to Nauru
Date: Monday, 23 June 2014 12:19:00 PM

Dear Nikki

I hope you don't mind me emailing you out of the blue. Mary Anne Kenny kindly contacted you and has given me your email address.

As you know, I have organised a letter-writing campaign in which Australians can write to transferees in Nauru. Mary Anne tells me that the letters are being distributed to those who are still there (or forwarded, where possible). So far, I have passed on about 4000 letters to transferees, but no-one has received reply so far as I am aware.

I would be grateful if you could tell me whether transferees are able to post reply letters. All letters sent to them include a stamped reply envelope addressed to the Australian letter-writer.

I would be grateful for any information you can provide.

Incidentally, I note that you said to Mary Anne "To my knowledge, Julian Burnside has not been in contact with us. If he were to contact us, we would advise as per the above". I would have contacted you direct, but I could not find who to contact, except by getting Mary Anne's help.

Very best wishes

Julian

Julian Burnside AO QC

Level 30, 200 Queen St,

Melbourne, 3000

@JulianBurnside

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