



Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House, Canberra ACT 2600
By email: legcon.sen@aph.gov.au

16 August 2019

Dear Committee

Jesuit Social Services welcomes the opportunity to respond to the Legal and Constitutional Affairs Legislation Committee's inquiry into the Migration Amendment (Repairing Medical Transfers) Bill 2019.

Jesuit Social Services believes that the current measures prescribed by the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 — commonly referred to as the Medevac Law — are reasonable and necessary. Moves to repeal this legislation, as prescribed by the Migration Amendment (Repairing Medical Transfers) Bill 2019, are cause for considerable concern.

Jesuit Social Services recommends that the Migration Amendment (Repairing Medical Transfers) Bill 2019 not be passed.

[Jesuit Social Services: Who we are and what we do](#)

Jesuit Social Services has over 40 years' experience working with individuals and communities experiencing disadvantage. Our work draws our attention to the multiple and interrelated factors that cause disadvantage, push people to the margins, diminish communities' capacity to shape their future, and damage the natural environment we all depend on.

We work with people with significant barriers to participation and social and economic inclusion. We accompany them, address their needs and partner with community, business and government to support them to reach their potential and exercise their full citizenship. Our service delivery and advocacy focuses on the key areas of justice and crime prevention; mental health and well-being; settlement and community-building; education, training and employment; gender and ecological justice.

[Why the Medevac Law is important](#)

The Medevac Law helps to ensure that people seeking asylum and refugees currently held offshore by the Australian Government in PNG and Nauru can be transferred to Australia for medical treatment, on the advice of at least two doctors. The measures put medical decisions in the hands of medical professionals, not government officials. At the same time, the Minister retains discretion to refuse a transfer if it would harm Australia's security or pose a serious risk to the community.

Any suggestion that these measures will encourage boat arrivals or undermine Australia's borders are not based in fact. The Medevac Law essentially provides that a small number of seriously ill people are able to access the medical treatment in Australia that they desperately need. It is no broader than that. The measures are a small step toward respecting the fundamental human dignity of people held offshore and upholding their right to adequate healthcare.

The process enshrined in law is now clearer, more transparent and timely. Prior to the enactment of this legislation on 1 March 2019, a number of people had to be transferred to Australia for medical treatment by order of the Australian Federal Court after doctors' recommendations for transfer were apparently not heeded by government officials. In other cases, people recommended for medical transfer had to wait long periods – some for more than two years – for the transfer to take place.¹

Jesuit Social Services believes that all medical decisions concerning people held offshore should be made by medical professionals. We call on the committee to pay particular consideration to the views of medical professionals and healthcare providers on the importance of the Medevac Law and access to appropriate medical treatment for already vulnerable people.

While the broader issue of offshore processing is not the focus of this inquiry, we must acknowledge the misery that people are enduring under Australia's system of mandatory offshore detention, including evidence of the shocking impact of substandard healthcare. In 2018, Queensland Coroner Terry Ryan found that the death of 24-year-old Hamid Khazaei, who contracted a leg infection in Manus Island detention centre, followed a series of clinical errors and delays, a lack of appropriate antibiotics on Manus Island and a failure by Australian immigration officials to urgently grant a doctor's request for the young man's transfer to Australia. The Coroner found that the Australian Government had not met its responsibility to provide healthcare comparable to Australian standards.

With 12 deaths and many other concerning reports of self-harm and mental ill-health among people held in offshore detention, the serious and lasting damage caused to people under this inhumane system is undeniable. Jesuit Social Services is calling for adequate medical treatment for all people who are currently located offshore.

Providing that seriously ill people are able to access the medical care they need should be facilitated at every step. Repealing the Medevac Law serves no discernable purpose. Frankly, it would be cruel. When we treat people poorly, when we violate people's rights, it diminishes us all. We can and must do better. Jesuit Social Services stands in solidarity with all those individuals and organisations across Australia striving for a compassionate and humane response to all people seeking asylum.

Jesuit Social Services recommends that the Migration Amendment (Repairing Medical Transfers) Bill 2019, which proposes the repeal of the Medevac Law, should not be passed.

We appreciate the committee taking our views into account.

Yours sincerely



Sally Parnell – Acting CEO, Jesuit Social Services

¹ Asylum Seeker Resource Centre (February 2019) *Medical data released by the ASRC shows people offshore are waiting at least two years for medical transfer*, <https://www.asrc.org.au/2019/02/08/people-waiting-two-years-for-medical-transfer/>.