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MEDIA RELEASE

Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 Speech

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The crisis surrounding the health and wellbeing of asylum seekers on Nauru and in PNG has gone on too long.

The United Nations describe the situation as “dire and untenable”.

Doctors Without Borders describe the situation as “beyond desperate”.

We must heed those warnings.

12 people have died in offshore detention since the regime began five years ago.

There are 1,224 people detained on Nauru and PNG.

According to the latest reports, 12 children, pregnant women, and unaccompanied minors.

They vast majority of those people have been found to be refugees.

They have been in these camps for at least 5 years.

A coronial inquest into the death of Hamid Khazaei, who died after being medevac'd to Queensland from PNG in 2014, found that his death from septicaemia was preventable, and due to the failure of the Australian government to provide appropriate medical treatment and transfer to specialist care.

I also note the revelation from the ABC's 7.30 Report of the existence of a government committee, the Transitory Persons Committee, a body comprised of senior public servants in the Department of Home Affairs.

According to minutes of a meeting in August last year, one member of the committee noted that the department was “coordinating...to ensure the new...contract with the International Health and Medical Services to provide offshore health care do not mention ‘Australian Standard’.”

That would suggest that the Department at least considered that care for asylum seekers need not meet Australian medical standards.

That is just one argument for supporting the amendment I have put forward with Senator McKim.

According to authoritative reports, there have been two more suicide attempts in Manus in the last 48 hours.

There is little doubt there will be more.

We must act now.

Our amendment will minimise this cruel and punitive regime.

It will return decisions about the health of asylum seekers to those who should always have been making them in the first place – to relevant and independent doctors, rather than public servants and politicians.

The bill establishes an independent health panel to review the available medical evidence in light of any refusal by the minister to authorise a transfer.

In the interests of transparency, the Bill also requires the minister to table notifications in parliament of any transfer for medical or psychiatric reasons.

To safeguard the review process, the bill adds a provision for ministerial discretion to refuse a transfer on medical grounds in any case where the Minister reasonably believes that the transfer of the person to Australia would compromise national security.

This is consistent with the perspective of Home Affairs whistleblower Shaun Hanns – a strong believer in border protection and boat turnbacks – that “acts of kindness”, as he has called them, have not led to more boats heading to Australia.

He argued that it demonstrated the current boat turnback policy alone is a sufficient deterrent.

Nothing changed, for example, in 2014 when nearly half the people who had arrived in Australia between 2013 and 2014 were allowed to stay in the community.

Nothing changed in 2016 when the resettlement deal with the US was announced.

Hanns pointed out that “what matters to asylum seekers is not what eventually happened to people who got on a boat five years ago. What matters is what happened to the last boat that made the attempt. And for the past five years that has been a prompt return.”

The approach we are proposing is also what the public want.

A YouGov Galaxy poll conducted by News Corp’s Sunday papers in October found that 79 percent of voters want the government to transfer children and their families from Nauru.

Removing asylum seekers from offshore detention was also identified by the Member for Wentworth as one of the key reasons for her by-election victory.

I would like to thank the Member for Wentworth for working with me to bring this amendment before the parliament.

It is proof, I believe, of the valuable role independents can play in our Parliament.

She has shouldered much of the burden of negotiating this amendment, ably supported by the excellent staff in her office.

It has not been easy.

And I would also like to thank Labor, the Greens, and the crossbench for their courtesy and consideration in this process.

I recognise it is a difficult issue and I applaud their courage in stepping up to support this initiative.

I also acknowledge that for a decade and more the Greens have been in the forefront of efforts to bring offshore detention to an end, and thank Senator McKim for co-sponsoring the amendment and the motion requirement this Bill be considered.

The time has come for all parliamentarians of goodwill to unite to bring an end to this crisis.

I move the amendment.

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