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Transcript: AMA President Professor Brian Owler, Radio National, 22 February 2016

Subject: Asylum Seeker Health, Baby Asha

FRAN KELLY: A public backlash against children in detention appears to have forced the Government's hand in the case of Baby Asha, the infant at the centre of controversy and a blockade at Brisbane's Lady Cilento Hospital. Immigration Minister Peter Dutton ended the week long standoff yesterday announcing the 12-month-old girl will be released, along with her family, into community detention. The Minister is not ruling out eventually sending them all back to Nauru or their home country Nepal, and he denies that that the decision signals a change in government policy. The Australian Medical Association has stepped in. It's calling for a moratorium on any child being transferred to Nauru and for an independent body to be established to investigate the health and welfare of detainees. Brian Owler is the President of the AMA. Brian Owler, welcome back to *Breakfast*.

BRIAN OWLER: Thanks, Fran.

FRAN KELLY: Is this a watershed moment, do you think, in the way we treat children who are asylum seekers, the fact that Baby Asha and her family are now allowed to live in community detention?

BRIAN OWLER: Well, I hope so, but I fear not because, as you pointed out, the Minister has certainly not ruled sending them back to Nauru. But I do hope that public opinion is starting to change. What Baby Asha's case has done is really put some perspective for the public, giving at least one child a face and a name so that people can actually identify with these children because, up until now, I think the public's really struggled to understand the gravity of the situation and what is actually happening to children.

FRAN KELLY: The Minister says this was always the plan, to bring Baby Asha and her family into community detention, that that's what - was supposed to happen after she left hospital. Do you believe that to be the case?

BRIAN OWLER: No, I don't, and it's been very clear that this government has been determined to send not only Baby Asha but 80 children back to Nauru, including 37 babies as a result of the recent High Court decision. I mean - what is happening on Nauru and Manus Island at the moment, particularly in terms of the health care of asylum seekers is something that I think all Australians need to be concerned about. Some of the cases that have been coming to me as AMA President from concerned doctors and advocates clearly don't pass even the first test in terms of the adequacy of health care. These people are languishing, particularly on places like Manus Island. And even one of the cases I referred to yesterday in my speech, a case where a patient's clearly had gross cardiac failure, I learnt yesterday, despite reassurances that they were about to be transferred and an urgent recommendation from the CMO, Chief Medical Officer of Immigration and Border Security, that patient is still on Manus Island because the decisions are not being made by doctors, they are being made by Department officials.

FRAN KELLY: Is that what your members are telling you, those who have been on Nauru or are there perhaps now, that the decisions aren't being allowed to be made by doctors, they are being overruled?

BRIAN OWLER: Well, that's what's being told by the Department, that's what they've said in Senate Estimates the other week, that it's not the doctor that decides who is going to be transferred, it is the Department who decides who's going to be transferred. Now, that's not a situation parallel to any situation here in Australia, but if a doctor feels that a patient needs particular treatment or even if they need to be transferred long distances in the case of patients in rural and remote communities, that's what happens. But here we have a situation where it's the Department that decides if they'll transfer a patient.

The doctors can only make recommendations and, as a consequence of that, we saw a patient die that was on Manus Island last year, and now we've got a situation where the same thing can continue to happen.

I mean, we've got a good guy in John Brayley in the Chief Medical Officer but clearly he is in an impossible situation if all he can do is make recommendations which can be ignored.

FRAN KELLY: Doctors have taken the lead in the Baby Asha case at the hospital in Brisbane. Doctors took a similar stand at the Royal Children's Hospital in Melbourne last year so doctors are really engaged in leading this. You've described immigration detention as, quote, state-sanctioned child abuse. Is this the right role for doctors? Is your role to be- are the doctors there on- because I noticed some of your members last week actually called for doctors not to go to Nauru, not to work on Nauru, that that in itself was a breach of the Code of Ethics. What's the role of medicos in a debate like this in your view?

BRIAN OWLER: Well, I mean, as I said yesterday, I think there are times when there's issues of national importance- and this is one, where the professionals, particularly of the medical profession, need to become involved. Because if we just let the current situation continue, I think we'll look back on this area with regret and, I mean, a lot of people are saying that doctors shouldn't get involved in the politics of this situation. Well, let me tell you, the doctors at Lady Cilento had no choice but to take the action that they did because if you have a child that's in hospital, asylum seeker or not, and you fear that if you release them back into a particular environment that they're likely to be abused or come to harm, you have an absolute ethical obligation- not to mention moral obligation, not to release that child. That's what we do with any other child that's in the hospital in other capital cities or, well, anywhere in the country if we think that that patient is at risk, we cannot release them back into the community.

So, those doctors did absolutely the right thing. They had no choice and they had to be satisfied that the environment in which the child was going to be released is safe.

FRAN KELLY: And yet the Minister says it's very likely that this family will still be sent to Nauru.

BRIAN OWLER: Unbelievable. I mean, for all of the arguments about the Human Rights Commission report from 2014, The Forgotten Children, I mean, what is absolutely clear is that children are being harmed. Ninety five per cent of children experience physical, psychological, emotional, developmental distress and also in that report it was agreed by former ministers and the minister at that time that having children in detention did nothing to deter people smugglers, and that there was no rational explanation for why children should be in detention, and that continues to be the case today.

FRAN KELLY: Brian Owler, thank you very much for joining us.

BRIAN OWLER: Pleasure Fran.

FRAN KELLY: Professor Brian Owler is President of the AMA and is also calling for a new statutory body to be established made up of health experts to oversee the health and welfare of detainees to report back to parliament on a biannual basis.

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