



Australasian College for Emergency Medicine

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20 August 2019

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary,

**RE: Senate's Legal and Constitutional Affairs Legislation Committee inquiry into the Migration Amendment
(Repairing Medical Transfers) Bill 2019**

The Australasian College for Emergency Medicine (ACEM) have been working with the Royal Australasian College of Physicians (RACP) in advocating for the continuation of the current *Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019*.

ACEM has a long history of working to support access to medical care internationally, with Fellows having worked in the Pacific region for many years to assist in providing medical services and developing emergency care. ACEM considers health a fundamental right for all people, including those seeking asylum in Australia.

ACEM strongly supports the recommendations made by the RACP in their submission to the inquiry, that;

- The Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019 is NOT repealed.
- The Independent Health Advice Panel (the IHAP) established by the Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019 continues to provide independent medical review and assessment of requests for medical transfer of seriously unwell refugees and asylum seekers who are currently in regional processing countries., which have been refused by the Minister responsible for the administration of this legislation – (“the Minister”) on medical grounds.
- The IHAP continues to monitor and report on the adequacy of health service provision and conditions for refugees and asylum seekers in regional processing countries.
- A report of the IHAP's activities is tabled by the Minister for Home Affairs in each house of Parliament within 3 sitting days of that House after the report is given to the Minister.

Further ACEM support the key issues identified the RACP in their submission being;

1. The Medevac legislation enables independent, transparent oversight of an Australian-contracted health system in the regional processing environment
2. Medical decisions are often time critical, and should be made by medical professionals
3. The impact of offshore processing on physical and mental health and monitoring health service provision in this context
4. The medical transfer provisions allow the Minister sufficient scope for refusing transfers on security or criminal grounds

Yours sincerely,

Dr Simon Judkins
President ACEM