

**To the Chair, Senate Committee Legal and Constitutional Affairs Legislation Committee**

I wish to make a submission to the Committee considering the bill to amend the *Migration Act 1958* to repeal the medical transfer provisions inserted by the *Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019*.

I am writing as a concerned citizen. I have no direct involvement with those asylum seekers currently held in detention on Manus, in New Guinea or in Australia more generally, nor am I a member of any organisation committed to the welfare of refugees.

As an Australian citizen I am increasingly disturbed by the dehumanising of these individuals who, it seems to me, are seeking fair minded consideration from us of their circumstances, and to my mind, this requires from us an open minded and humane response.

Instead, the political response has been to present these individuals as a threat to Australia: as a threat to our security, to our 'way of life', to our well being. They are demonised, dehumanised, presented as selfish, as consciously breaking our laws and disregarding our legal and political systems.

The amendment currently under consideration by your committee epitomises the appalling consequences of this approach. These people have not only been incarcerated for over 5 years now, but they are living their lives with no prospect of constructive change into the future for themselves or their families. In this circumstance, depression, self harm and suicide are all likely outcomes, and mental illness in many forms is now known to be omnipresent amongst these detainees. They need expert, supportive and on going medical assessment and care which the medical transfer provisions inserted by the *Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019* were specifically designed to provide.

My understanding is that the amended medical assessment and evacuation arrangements are working well, and there is no need to change them. Medevac is now getting appropriate medical care to very ill people, with minimal delay, ensuring that medical treatment is received in a timely manner.

Medevac is a modest measure, with effective safeguards in place. Under the medevac legislation, the government has approved 90 medical transfers. It has refused 20 applications, *none on security or character grounds*. Of those 20 which were referred back to the Panel, it upheld the Government's refusal in 13 cases.

Why then should these arrangements be changed?

I cannot see any reasonable justification for amending the Bill to change these very carefully managed professional procedures. The arguments presented don't align with the evidence presented.

The only justification for the proposed changes seems to be that the medical transfer provisions lessen the level of control authorities hold over the lives (the health and well being) of these detainees. Medevac does ameliorate the impact of the acknowledged mental illness and poor health experienced by the detainees, but it does not lessen the control authorities hold over the movement of those held in detention, so I cannot agree with the changes proposed.

We are a wealthy and in many ways, a generous society. We present ourselves to the world as an open minded and open hearted society, as 'the' successful immigrant nation, and yet we have detained this set of asylum seekers on Manus, in New Guinea and Nauru, and here on the mainland, with the justification that we are 'stopping the boats' and protecting our society from harm.

The boats have been stopped, and there have been terrible consequences for the detainees whose detention has been showcased to the world as the best means of deterrence we can devise.

While I do understand we live in an increasingly unstable world, incarcerating hundreds of people for an interminable period seems unnecessarily cruel.

I know we must manage the intake of displaced people, but we can and I believe we must remain principled and fairminded in our approach to those who seek asylum here. It is possible to protect our borders and maintain the norms and values of our society.

Please, consider the well being of these unfortunate detainees – they are our responsibility. I feel this deeply as a citizen, and ask you to ask yourselves the question – What exactly is the threat to our security that would be addressed by these proposed amendments?

Please, advise against the repeal of the medical transfer provisions inserted by the *Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019*.

Yours sincerely

Marie Wood