

Transcript

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Compere: **FRAN KELLY** Summary ID: **W00063597670**
Item: **INTERVIEW WITH PETER DUTTON, IMMIGRATION MINISTER, ON THE DEPORTATION OF A PREGNANT REFUGEE TO NAURU.**

INTERVIEWEES: GEORGE NEWHOUSE, LAWYER [EXCERPT]; PETER DUTTON, IMMIGRATION MINISTER; KELVIN DAVIS, NEW ZEALAND LABOUR MP [EXCERPT]

Audience:	Male 16+ 6000	Female 16+ 7000	All people 14000
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FRAN KELLY:

The 23-year-old Somalian asylum seeker and refugee who was returned on Friday night to Nauru has emphatically rejected the Australian Government claims that she had changed her mind about wanting an abortion here in Australia. The woman who goes by the name of Abyan, says her pregnancy was the result of a rape on Nauru and she's released a written statement claiming she received no counselling and she had no access to her lawyer or to an interpreter during her brief stay last week at the Villawood detention centre.

Earlier in the program we spoke with the woman's lawyer George Newhouse. He says Abyan needed more time to consider her options before proceeding with the termination.

[Excerpt]

GEORGE NEWHOUSE: She told me what she'd been telling me from day one when I actually met her in Australia last week, which was she was in no fit state to do anything. She had lost 10 kilograms, she was unfit to fly to Australia. It took two days in emergency in the Nauruan hospital for them to get her in a state to come to Australia. And what she simply had said to the nurse at Villawood was that I can't have the operation today, I'm not well enough mentally and physically. I'll tell you tomorrow or the next day.

[End of excerpt]

FRAN KELLY: That's lawyer George Newhouse speaking to us earlier on the program. Well the Immigration Minister Peter Dutton is in our Parliament House studios. Minister, welcome back to *Breakfast*.

PETER DUTTON: Thanks Fran, nice to be back.

FRAN KELLY: You heard George Newhouse there. Aryan told him she never said she didn't want an abortion, she asked for more time. She said she can't have the operation today, she's not physically or mentally prepared for it. Why was she deported back to Nauru on Friday?

PETER DUTTON: Well Fran a couple of points to make here. Firstly in relation to Mr Newhouse; Mr Newhouse has given different accounts if you like of this scenario including back to an interview with Emma Alberici on *Lateline* last week. So I would just ask people to look at those inconsistencies and for Mr Newhouse to explain those.

Now, in terms of this case we made a decision to airlift this particular lady from Nauru to Australia to receive that medical attention. Now, the issue that Mr Newhouse raises is that there was no interpreter used and in the first instance there had been no medical attention provided at all. The lady was seen on the first day by a primary healthcare nurse. On the next day was reviewed by a mental health nurse including with the use of an interpreter and also saw a GP and an interpreter was used on that occasion as well. The next morning the lady was reviewed by a primary health nurse, again an interpreter was used. Also saw a mental health nurse and an interpreter was used. Also saw a GP on that day and an interpreter was used. In the afternoon there was another appointment with the GP, the interpreter was not used on that occasion. On the following day the patient was reviewed by a nurse and a doctor at the clinic. On the following day there was a review- I'm sorry the interpreter was used at the clinic interviews. The next day there was a review by the GP again, the interpreter wasn't used on that occasion, there was also a primary health nurse involved. And the advice to me was absolutely clear that the lady after all of this consultation had decided a particular course of action and I'm very, very concerned about the privacy of this lady but I'm dragged into this debate to clear up what I think is a political motivation by some of the advocates in this space Fran.

So I'm angry that this lady's privacy has been exposed, but nonetheless, if her lawyers are prepared to put this issue out then I feel a responsibility to respond. After that decision was made, after the lady made the

decision having received all that consultation, the decision was then made to airlift the lady back to Nauru. So the suggestion there wasn't an interpreter used, in fact some are suggesting that there was no medical advice provided, is a complete nonsense.

FRAN KELLY:

So let me read you the statement that comes from Abyn herself, it's a written statement, we've got copies of it, you've probably seen it yourself by now. It says; I was raped on Nauru. I have been very sick. I have never said that I did not want a termination. I have never saw a doctor. I saw a nurse at a clinic but there was no counselling. I saw a nurse at Villawood but there was no interpreter. I asked but was not allowed to talk with my lawyer. Please help me.

Are you saying she's made that up?

PETER DUTTON:

Fran, I'm just relaying to you the facts as I've just provided them to you. They are the facts and I'm not sure about statements that have been drafted by lawyers or advocates otherwise...

FRAN KELLY:

Well this is signed by her.

PETER DUTTON:

I have a desire to help this lady and which is... that is why we took the decision to airlift the lady from Nauru to Australia. Now if we weren't going to allow a procedure to take place or we weren't going to allow consultation with doctors or nurses, why did we spend money flying on a charter plane this lady from Nauru to Australia and then back? It just defies common sense. So we provided all the assistance available. Now I was

reluctant, because of the privacy reasons, to even confirm that this lady was coming to Australia, when I did a press conference only a week or so ago, because I thought that her privacy was paramount. But the fact that people are making mischief with this particular issue, and frankly a trade-in of this lady's very difficult circumstance I think reflects very poorly on some of these people.

FRAN KELLY:

But Minister, you keep making that allegation - isn't there another way to see this? Doesn't it defy common sense to have someone here for five days and then fly them home, when she clearly is so unwell and this clearly is a major decision for any woman to be making? Why that tight deadline on it? And is it possible that this woman, as described by George Newhouse, was in no fit state really to be travelling, let alone making this decision, and you know, she is- I mean, perhaps this letter, and her version of events reveals how confused she was, and perhaps that should have been taken under consideration.

PETER DUTTON:

Well again Fran, Mr Newhouse and the advocates can explain their inconsistencies.

FRAN KELLY:

No, I'm talking about the letter from the woman herself.

PETER DUTTON:

And the letter that's been drafted, that's an issue for others to explain. I'm giving you the ...

FRAN KELLY:

[Interrupts] You don't believe it's genuine, do you?

PETER DUTTON:

Well there was a review by a primary health nurse, there was a review by a mental health nurse. There was a review by a primary health nurse again the next day, a review by a GP. There was another consultation with a GP that following afternoon. The next day there was a review by a nurse and a doctor. There was a review by the GP the next day, and the primary health nurse. But they're the facts in relation to this matter, and I make no judgment in relation to this lady at all. We're trying to provide what assistance we can. In terms of the medical services that we provided on Nauru, we've got an \$11 million hospital at the regional processing centre. We have ...

FRAN KELLY:

[Interrupts] Yes, but you can't have a termination in the hospital.

PETER DUTTON:

We have \$26 million that we've provided to upgrade the Nauruan hospital, and people receive medical attention there, including through support with mental health nurses and other medical staff otherwise. So I want people to have in their minds what it is the Government is doing to provide support to the Nauruan Government and to the refugees on Nauru. I also want people to bear in mind that there are some who are motivated not frankly through helping this lady and others, but through advancing their own causes. And I'm not going to allow women in this situation to be treated as political pawns, which they have been. But the ...

FRAN KELLY:

[Interrupts] But Minister, couldn't the same be said the other day- isn't it- the other way? Isn't it possible that

the only way to make sense of why the Government was so insistent this woman return on Friday, when she had asked to see her lawyer, when her lawyer had asked to see her, when she'd been here for just a few days, is that you were convinced - as you said on Thursday - that there's a racket going on here if people believe they're going to somehow try and blackmail us into an outcome by saying we're not going to have medical assistance, we're not going to bend to that pressure.

You saw that within this prism, it could be something else here. You might have made a mistake.

PETER DUTTON:

Fran, the Government has been very clear. That is, if people would seek to come illegally by boat to Australia, including those on Nauru and Manus at the moment will not be settled permanently in our country.

FRAN KELLY:

But that's not what we're talking about here.

PETER DUTTON:

Well, it's very important to understand that first fact. The second fact is that we have provided air medical support, so airlifted people that have required medical assistance that can't be received on Nauru, even bearing in mind the upgraded facilities that are there. They've either been airlifted to PNG, to the international hospital, or they've come to Australia. Now we provide that medical assistance. People are not airlifted from Nauru or from Manus to come to Australia for a migration outcome. There are two ...

FRAN KELLY:

[Interrupts] But this is not what we're talking about here, we have no proof that this is what we're talking about here, Minister. The woman's lawyer told us earlier there was no instruction from her to apply for a long term migration outcome at all, it was just a temporary injunction while she had enough time to make up her mind. You have no proof, do you, that she was going for a migration outcome here, to stay in Australia permanently.

PETER DUTTON:

Fran, Fran, the proof that I have is that we provided a charter flight for this lady to come to Australia. She received medical assistance and made a decision that she didn't wish to go ahead with the procedure. After that, she elected ...

FRAN KELLY:

[Interrupts] Well that's contested.

PETER DUTTON:

Well it's not on the facts as available to me. So what I would like is for - as Emma Alberici did the other day - for some examination of the inconsistencies in some of the advocate statements here. Because frankly they're doing no justice to the woman, they're doing no justice to any Australian, because they are providing facts which are in dispute. I've given you the absolute facts as they are in relation to this matter. When it was obvious that medical assistance wasn't required in Australia, the lady was airlifted back to Nauru. Now we're trying to provide third party out- third country outcomes for these people, we're trying to provide a new home for them in Cambodia, we're having bilateral discussions otherwise. We've been very clear that people won't be settled in Australia, because

we're not going to allow the people smugglers to get back into business and for people to drown at sea.

FRAN KELLY: In this case ...

PETER DUTTON: We've been very, very clear in relation to that.

FRAN KELLY: I understand that, Minister, and I accept the details, you've obviously got a detailed catalogue of procedures and meetings the woman had. What I'm wonder- I mean, the stakes are very high for this woman. If she hasn't decided, and was in no position, as we've been told, to make this decision yet - which is a critical decision, to have an abortion or not - is also a critical, you know, outcome here for her. She could be back in Nauru, on her own, having a child that is a product of a rape - that's the allegation. I mean really, is this the issue? Is this the case to be really pressing this point over? Is this the one?

PETER DUTTON: Fran, I've sought at every turn to protect this lady's privacy. There was an allegation of a rape ...

FRAN KELLY: [Interrupts] I'm not talking about her privacy, I'm talking about the outcome here.

PETER DUTTON: Well we're talking about the same thing because I don't think it's helpful for this lady to have her case examined publicly, her lawyers have made a choice that that is to be the case, and there are facts- alleged facts that have been put forward by some of the advocates which are patently incorrect if not

fabricated, and I want to make sure that I can correct the record. As I said we provided assistance to airlift this lady which showed our clear intent to provide support. We provided that support, she came to Australia, saw numerous doctors, mental health nurses, and then made a decision.

FRAN KELLY:

And you're... but you have...

PETER DUTTON:

Based on that decision...

FRAN KELLY:

Do you have the words of that decision? Did she say- is it recorded; I do not want an abortion? I do not want to terminate this child? Or did she say I don't want to do this today? Because that's the critical point here for any woman.

PETER DUTTON:

Well again Fran I'm really loathe to go into what the private- very, very private and sensitive issues of a particular case. But in this case it was absolutely clear the decision that had been made, and based on that decision the lady was returned to Nauru. They're the facts in relation to this matter.

As I say some people were out there saying on television on Friday night and elsewhere that no medical assistance had been provided, that there was no counselling support provided to this lady, all of that was demonstrated to be false. Now their story has shifted in the last 24 hours- ours hasn't. We've demonstrated that we were to provide support, that we were in a position to provide support, we did. We provided that support, we allowed the lady, facilitated

a number of visits to health professionals. After the health professionals consulted with the lady the lady made a decision and she was sent back to Nauru. Now that's the- that's as clear as I can be in relation to this matter. As I say I would much prefer for us to have been able to provide support in this case without going through the private details, but it is very frustrating when people are out there pushing frankly their own barrow, and not taking care of this person's best interests.

FRAN KELLY:

Now it's a big call to be accusing people of fabricating and lying about this, but whatever the truth of it is the reality is there is a woman on Nauru pregnant with a child which she says is the product of a rape. If this woman was confused, if there has been some kind of miscommunication here, if she does want to terminate this child, will the Australia Government assist with this again?

PETER DUTTON:

Well we've Fran we've demonst...

FRAN KELLY:

Can she come back?

PETER DUTTON:

We've demonstrated in relation to all of these matters that if people can't receive the medical assistance that they require on Nauru than they're sent to PNG to a third country otherwise, or to Australia. But what we're not going to allow [indistinct]...

FRAN KELLY:

[Talks over] can she come back?

PETER DUTTON:

We'll make a decision in relation to individual cases based on the facts of the case. Now there have been 240 people that have come to Australia either for assistance themselves or part of a family group where somebody has required medical assistance, but 240 people in total where lawyers, advocates, have injuncted, and the Government hasn't been able to return those people back to Nauru. Now many of those cases people have sought legitimate medical attention, in other cases I think we need to look more closely at the facts.

And as I say we will provide medical assistance, we've enhanced dramatically the medical support and the professionals, the specialists that are providing care on Nauru, we provide support through the international hospital in PNG otherwise, and if people then require support in Australia then we make that decision. But we are not sending people to Australia for a migration outcome because we have been very clear about the fact that we are not going to allow the boats to restart, and the Government doesn't resolve (*) from that.

FRAN KELLY:

So just briefly can this woman come back?

PETER DUTTON:

Well we'll make a decision that's in the best interests of the person, which is what we've done all along, but we're not going to provide migration outcomes, we're going to provide medical support, and we'll make the decisions in relation to the individual case based on all of the advice they've received.

FRAN KELLY:

Okay.

PETER DUTTON:

And weigh up their medical needs, and that's the decision we made in relation to this case initially, and we will in relation to this and other cases into the future.

FRAN KELLY:

It's nine minutes to eight, our guest is the Immigration Minister Peter Dutton. Minister briefly on another matter; on the dispute of the deportation of New Zealand criminals, RN Breakfast has spoken with the Shadow Corrections Minister Kelvin Davis who's on Christmas Island trying to meet with the 40 or so Kiwis who are in detention there pending their removal, let's listen.

[Excerpt]

KELVIN DAVIS:

Look I need to debunk the myth that these people are all rapists, murderers, and paedophiles. I was talking to a guy this morning who's got some traffic violations; driving without his license. These people aren't all the rapists and murders, and these people here actually are more Australian than New Zealand. They don't have any connection to New Zealand, and yet they're going to be taken back to us.

[End of excerpt]

FRAN KELLY:

Is the Shadow Minister right? Are many of these people guilty of relatively minor offences? Not rapists and murderers?

PETER DUTTON:

Well Fran I'm not going to comment on stunts that politicians might be pulling. All I can say is that if somebody has had their visa cancelled because they had a twelve months jail term imposed on them by a court it hasn't been because they've driven without a license or driven at 65 kilometres in a 60 kilometre an hour zone. If people have been sentenced to twelve months or more or they have a serious criminal history they're the people that are being captured by this. Now as the Prime Minister pointed out on the weekend that he's meeting with Prime Minister Key we're keen to continue the work with the New Zealand Government, but at the same time we're keen to say to people that come to our country who are non-citizens, it doesn't matter if it's from New Zealand or anywhere else, that if you break the Australian law, if you're involved in assaulting Australian citizens or robbing Australian citizens, or you've caused harm to our people otherwise, you're involved in the distribution of ice or amphetamines, then you will have your visa cancelled.

FRAN KELLY:

Okay.

PETER DUTTON:

And we will work with the New Zealand authorities and others when we cancel visas. We've give that commitment and we'll attend to that undertaking.

FRAN KELLY:

Just finally and briefly Minister today's Fairfax poll is the best for the Coalition since the election. You were a strong Tony Abbott loyalist; given this poll result was Malcolm Turnbull right to move against Tony Abbott?

PETER DUTTON:

Look I think what it demonstrates today is that Malcolm Turnbull has connected with the Australian people, I think that is a good thing. I think it also demonstrates that Malcolm Turnbull was able to shrug off the shabby attempt by Bill Shorten and others to denigrate him over his wealth. I think people rejected that, and I think in particular because Mr Shorten didn't have the guts to stand up himself and make these accusations, he sent...

FRAN KELLY:

But was the right thing for you to switch leaders?

PETER DUTTON:

Well I'll come to that in a second. He sent out Tony Burke and Mark Dreyfus. I think the interesting thing here Fran to be honest, and I don't think many have picked this up is that Anthony Albanese didn't going out to launch these attacks against Malcolm Turnbull, and I think Anthony Albanese is now positioning himself is there is to be a leadership change in the Labor Party. I think that's important.

And I think the other important point just to go to your question directly otherwise is that part of our success has been in making sure that in building up Malcolm Turnbull we haven't torn down Tony Abbott. He was a good Prime Minister, he wasn't popular with many parts of the public, and the polling demonstrated that, but for us now as a Liberal Party we need to advance toward the next election with policies that will make a positive difference in the lives of Australians, and Malcolm Turnbull's demonstrating that he can undertake that task, and that's why people are supporting him.

FRAN KELLY: Minister thank you very much for joining us.

MATTHEW COMYN: Thanks Fran, thank you.

FRAN KELLY: Peter Dutton is the Federal Immigration Minister, and I'm sure coverage of this very vexed story will continue.

* * END * *

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