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Owner – Health Policy

Advice No – HP00015

Date – 11 April 2018

Health Care in Regional Processing Countries

Background

The delivery of health care in Regional Processing Countries, namely Nauru and Papua New Guinea, is under the control of the Governments of those countries. In relation to persons transferred from Australia to those countries under regional processing arrangements, Australia supports the delivery of health care to such persons through contracted health service providers (HSPs).

For the purposes of this policy the term 'persons transferred from Australia' includes transferees, refugees and non-refugees.

Policy Position

Papua New Guinea

In recognition of the increased demand on PNG health care services resulting from regional processing arrangements, Australia will continue to support the delivery of health services to persons transferred under those arrangements, through HSPs. Those services are:

- supplementary primary health care capacity – a medical service that will provide initial care
- through the supplementary primary health care capacity – referral to specialist services available in PNG as required
- some secondary level health care – the contracted service provider will arrange for required medical specialists to attend PNG to provide services that are unavailable through the PNG health care system
- patient transfers to a third country, excluding Australia, for medical treatment that is unavailable in PNG and where a relevant medical specialist cannot deliver that treatment in PNG ^{s33(a)(iii)}
- supplementary mental health care services
- a latent emergency health care capability to be enlivened in the event of a health emergency that is unable to be fully resolved through the PNG emergency management health care system.

These services complement but do not replace the PNG health care system and will facilitate a person's access to that system.

Nauru

In recognition of the increased demand on Nauru health care services resulting from regional processing arrangements, Australia will continue to support the delivery of health services to persons transferred under those arrangements, through HSPs. Those services are:

- supplementary primary health care capacity – a medical service that will provide initial care

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- through the supplementary primary health care capacity – referral to specialist services available in Nauru as required
- some secondary level health care – the contracted service provider will arrange for required medical specialists to attend Nauru to provide services that are unavailable through the Nauruan health care system
- patient transfers to a third country, excluding Australia, for medical treatment that is unavailable in Nauru and where a relevant medical specialist cannot deliver that treatment in Nauru ^{s33(a)(iii)} [REDACTED]
- supplementary mental health care services
- a latent emergency health care capability to be enlivened in the event of a health emergency that is unable to be fully resolved through the Nauru emergency management health care system.

These services complement but do not replace the Nauruan health care system and will facilitate a person's access to that system.

Health Service Delivery Principles

The HSP should provide health care and treatment according to the following health service principles:-

1. The self-determination of persons transferred from Australia must be acknowledged in relation to the provision of health care. People may choose to seek health care from the health care system within the country in which they reside, without reference to the contracted HSP. People may choose to decline recommended health care treatment.
2. Contracted health service providers must ensure that they have and maintain capacity and capability in PNG and Nauru to deliver the contracted health care services.
3. Care should be provided as close as possible to the patient.
4. The HSP must work with local health services and hospitals to deliver health care to persons transferred from Australia.
 - a. In Nauru or PNG, where the required health care service is unavailable for persons transferred from Australia through the Nauru or PNG public health system, the HSP will arrange for a medical specialist to travel to Nauru or PNG to deliver the service.
 - b. In exceptional circumstances where 4(a) is not possible ^{s33(a)(iii)} [REDACTED] in Nauru or PNG, the HSP may recommend the temporary transfer of the person to a third country excluding Australia for that medical treatment and, in the event of such a transfer will ensure that all relevant medical records and information is provided to the treating clinician in the receiving hospital.
5. Requests for medical transfers to Australia for medical treatment will only be considered for refugees and transferees transferred from Australia where the patient is suffering from a critical and complex medical condition which cannot be appropriately managed in Nauru, PNG or a third country and when specialist medical care is required to minimise the threat to life. That is, where the person faces a life-threatening medical emergency that would otherwise result in their death or permanent, significant disability.

Management of HSP contracts

The Government of Australia (GoA) will contract with HSP for the delivery of the above health services. When possible, those contracts will be novated to the relevant host country.

The GoA will not have any direct involvement in the delivery of health services in either Nauru or PNG. The GoA's role will be to ensure that the HSP is meeting the terms of the contract and to undertake contract

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assurance functions (for example, in relation to the times persons transferred from Australia wait for services) and quality reviews of the services.

The GoA will liaise with the GoN and GoPNG regarding the quality of services provided under the relevant contract and will ensure that the views of those governments are considered when undertaking contract management activities.

The GoA will facilitate and fund medical transfers under clauses 4(b) and 5 above.

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Owner – Health Services Policy and Child Wellbeing Division

Date – 10 December 2018

Health Care in Regional Processing Countries - Policy

Background

The delivery of health care in Regional Processing Countries, namely Nauru and Papua New Guinea (PNG), is under the control of the Governments of those countries. In relation to persons transferred from Australia to those countries under regional processing arrangements, Australia supports the delivery of health care to such persons through contracted health service providers (HSPs).

For the purposes of this policy the term 'persons transferred from Australia' includes transferees, refugees and non-refugees.

Legislative framework

Section 198AHA of the *Migration Act 1958* (the Act) permits the Commonwealth to take, or cause to be taken, any action, and make payments or cause payments to be made and do anything else that is incidental or conducive to the taking of such action or the making of such payments, in relation to the arrangement or the regional processing functions of a country.

Section 5(1) of the Act defines a 'transitory person', which includes persons who are taken to a regional processing country under section 198AD of the Act.

Section 198B of the Act provides that an officer may, for a temporary purpose, bring a transitory person to Australia from a country or place outside Australia for a temporary purpose, including for the purpose of medical treatment.

Policy framework

Medical transfers of transferees and refugees from Nauru may be undertaken pursuant to the *Memorandum of Understanding between the Republic of Nauru and the Commonwealth of Australia*,^{s33(b)}

s33(b)

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Policy

Papua New Guinea (PNG)

In recognition of the increased demand on PNG health care services resulting from regional processing arrangements, Australia will continue to support the delivery of health services to persons transferred under those arrangements, through HSPs. Those services are:

- supplementary primary health care capacity – a medical service that will provide initial care
- through the supplementary primary health care capacity – referral to specialist services available in PNG as required
- some secondary level health care – the contracted service provider will arrange for required medical specialists to attend PNG to provide services that are unavailable through the PNG health care system
- patient transfers to a third country, for medical treatment that is unavailable in PNG and where a relevant medical specialist cannot deliver that treatment in PNG
- health care provided at Pacific International Hospital in Port Moresby where clinically indicated
- supplementary mental health care services
- a latent emergency health care capability to be enlivened in the event of a health emergency that is unable to be fully resolved through the PNG emergency management health care system.

These services complement but do not replace the PNG health care system and will facilitate a person's access to that system.

Nauru

In recognition of the increased demand on Nauru health care services resulting from regional processing arrangements, Australia will continue to support the delivery of health services to persons transferred under those arrangements, through HSPs. Those services are:

- supplementary primary health care capacity – a medical service that will provide initial care
- through the supplementary primary health care capacity – referral to specialist services available in Nauru as required
- some secondary level health care – the contracted service provider will arrange for required medical specialists to attend Nauru to provide services that are unavailable through the Nauruan health care system
- patient transfers to a third country, for medical treatment that is unavailable in Nauru and where a relevant medical specialist cannot deliver that treatment in Nauru
- supplementary mental health care services
- a latent emergency health care capability to be enlivened in the event of a health emergency that is unable to be fully resolved through the Nauru emergency management health care system.

These services complement but do not replace the Nauruan health care system and will facilitate a person's access to that system.

Health Service Delivery Principles

The HSP should provide health care and treatment according to the following health service principles:-

1. The self-determination of persons transferred from Australia must be acknowledged in relation to the provision of health care. People may choose to seek health care from the health care system within the country in which they reside, without reference to the contracted HSP. People may choose to decline recommended health care treatment.
2. Contracted HSPs must ensure that they have and maintain capacity and capability in PNG and Nauru to deliver the contracted health care services.
3. Care should be provided as close as possible to the patient.

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4. The HSP must work with local health services and hospitals to deliver health care to persons transferred from Australia to Nauru or PNG under regional processing arrangements.
 - a. In Nauru or PNG, where the required health care service is unavailable for persons transferred from Australia through the Nauru or PNG public health system, the HSP will arrange for a medical specialist to travel to Nauru or PNG to deliver the service.
 - b. In exceptional circumstances where 4a. is not possible ^{s33(a)(iii)} [REDACTED] in Nauru or PNG, the HSP may recommend the temporary transfer of the person to a third country for that medical treatment and, in the event of such a transfer, will ensure that all relevant medical records and information is provided to the treating clinician in the receiving hospital.
5. Requests for temporary medical transfers to Australia for the purpose of receiving medical treatment will only be considered for refugees and transferees transferred from Australia residing in Nauru or PNG where the patient is suffering from a critical and complex medical condition which cannot be appropriately managed in Nauru, PNG or a third country (where available) and when specialist medical care is required to minimise the threat to life. That is, where the person faces a life-threatening medical emergency that would otherwise result in their death or permanent, significant disabilityⁱ.
6. The Transitory Person's Committee (TPC) may be convened to assist the decision-maker (Assistant Commissioner, Detention Operations and Offshore Command) to determine whether a request for temporary transfer to Australia meets these policy parameters. The decision-maker may make a decision to transfer a person to Australia for medical treatment without reference to the TPC in urgent cases where it is evident these policy parameters have been met.
7. Where required, a TPC meeting will be convened within 48 hours of receipt of a non-urgent request for medical transfer. In the event the decision-maker requires the advice of the TPC for an urgent request for medical transfer (ie transfer required within 24 – 48 hours), the TPC will be convened within 2 hours, but earlier if possible.

Management of HSP contracts

The Government of Australia (GoA) will contract with HSP for the delivery of the above health services. When possible, those contracts will be novated to the relevant host country.

The GoA will not have any direct involvement in the delivery of health services in either Nauru or PNG. The GoA's role will be to ensure that the HSP is meeting the terms of the contract and to undertake contract assurance functions (for example, in relation to the times persons transferred from Australia wait for services) and quality reviews of the services.

The GoA will liaise with the GoN and GoPNG regarding the quality of services provided under the relevant contract and will ensure that the views of those governments are considered when undertaking contract management activities.

The GoA will facilitate and fund medical transfers under clauses 4(b) and 5 above, pursuant to the relevant legislative framework.

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