



Australian Government  
Department of Immigration and Border Protection

**Submission**

For decision

ExecCorro Reg.Number SM2014/03207  
(REVISED)

**To** Minister for Immigration and Border Protection

**Subject** Proposed transfer of a detainee to s. 47F(1)  
s. 47F(1)

**Timing** Please action by 24 November 2014 (discussed with s. 22(1)(a)(ii)).

**Recommendations**

That you:

1. s. 47C(1), s. 47F(1)

agreed / not agreed

2. s. 42(1)

noted / please discuss

**Minister for Immigration and Border Protection**

s. 22(1)(a)(ii)

**Signature.**

Date: 25/11/2014

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Minister's Comments				

Rejected Yes/No	Timely Yes/No	Relevance	Length	Quality
		<input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	<input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Poor 1.....2.....3.....4.....5 Excellent <b>Comments:</b>

### Key Issues

1. On 20 June 2014, in response to Submission SM2014/01393 (Attachment A), s. 47C(1)

s. 47F(1)

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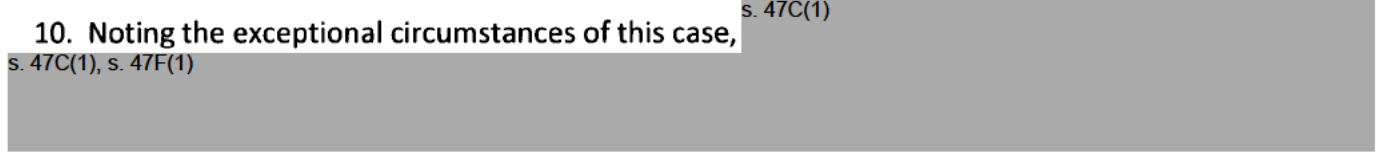
s. 47F(1)



s. 42(1)




10. Noting the exceptional circumstances of this case,  
s. 47C(1), s. 47F(1)



### Background

s. 47F(1)



### Consultation – internal/external

The Department has consulted with the contracted Health Services Provider, International Health and Medical Services.

s. 42(1)



### Client service implications

No client service implications have been identified.

### Financial/systems/legislation/deregulation implications

No implications have been identified.

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## Attachments

**Attachment A** Submission SM2014/01393 'Immigration detainees and transferees seeking termination of pregnancy'

**Attachment B**

s. 42(1)

<b>Authorising Officer</b>
s. 22(1)(a)(ii)
Mark Cormack Deputy Secretary
<u>28/11/2018</u>
Ph: 02 6264 2002

**Contact Officer** Paul Windsor, Assistant Secretary, Health Services Branch, Ph: 02 s. 22(1)(a)(ii); s. 22(1)(a)(ii)

**Through** John Cahill, First Assistant Secretary, Infrastructure and Services Division

**CC** Assistant Minister for Immigration and Border Protection  
Secretary  
Deputy Secretaries  
Special Counsel

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Australian Government

Department of Immigration and Border Protection

## Submission

For noting

ExecCorro Reg.Number *SM2014/013913*

**To** Minister for Immigration and Border Protection

**Subject** Immigration detainees and transferees seeking termination of pregnancy.

**Timing** No timing required.

### Recommendations

That you:

1. Note the arrangements currently in place for detainees and transferees seeking termination of pregnancy services

*(circled)* noted / *(circled)* please discuss

s. 47C(1)

Minister for Immigration and Border Protection

s. 22(1)(a)(ii)

Signature

Date: *26* / *6* / 2014

**Received**

19 MAY 2014

Minister for Immigration  
and Border Protection

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Minister's/Assistant Minister's Comments				
s. 47C(1)				
<b>Rejected</b> Yes/No	<b>Timely</b> Yes/No	<b>Relevance</b> <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	<b>Length</b> <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	<b>Quality</b> Poor 1.....2.....3.....4.....5 Excellent <b>Comments:</b>

### Key Issues

1. Pregnancy termination services are available for detainees and transferees where requested by them and recommended by the contracted detention health service provider, International Health and Medical Services (IHMS), and where the procedures can be legally carried out in a particular jurisdiction in Australia. As terminations are not available in Nauru or Papua New Guinea other than in exceptional circumstances, transferees are returned to Australia to access these services. In some cases this has meant transferring the detainee/transferee to a particular state or territory where a termination can be legally undertaken, having regard to gestational age requirements.

2. IHMS records indicate that, since 1 January 2013, six pregnant transferees have been approved for transfer from Nauru to the mainland for pregnancy termination. s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

3. In respect of the Nauru transfers, s. 47F(1)

s. 47F(1)

s. 22(1)(a)(ii)

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5. IHMS provides counselling to women seeking to terminate a pregnancy. s. 47C(1), s. 47F(1)  
s. 47C(1), s. 47F(1)



s. 42(1)



### **Background**

A table outlining the availability of termination services in each Australia state and territory and in Nauru and Papua New Guinea is at Attachment A.

### **Consultation – internal/external**

IHMS was consulted regarding terminations requested both among detainees onshore/on Christmas Island and among transferees at Offshore Processing Centres. IHMS also provided the information detailed in Attachment A.

s. 42(1)



Offshore Detention Services Branch was consulted regarding requests for termination services by transferees.

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### Client service implications

N/A.

### Financial/systems/legislation implications

N/A.

### Attachments

**Attachment A** Summary Table of Available Termination Services by Jurisdiction.

#### Authorising Officer

s. 22(1)(a)(ii)

for Mark Cormack  
Deputy Secretary

16/5/14

Ph: 02 6264 2002

**Contact Officer** Paul Windsor, Assistant Secretary, Detention Health Services Branch, Ph: s. 22(1)(a)(ii)

**Through** John Cahill, FAS Detention Infrastructure and Services Division, Ph: 02 s. 22(1)(a)(ii)

**CC** Assistant Minister for Immigration and Border Protection  
Secretary  
Deputy Secretaries  
Bobbi Campbell, AS Legal Advice Branch

Re 16/5

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## ATTACHMENT A

**Summary Table of Available Termination Services by Jurisdiction**

Jurisdiction	Gestational Age	Doctors to Sign Off	Other
<b>ACT/NSW</b>	Up to 19 weeks + 6 days	1	After 20 weeks, requires hospital ethics panel approval.  ACT does not have specific guidelines but follows NSW according to Marie Stopes International.
<b>NT</b>	Up to 14 weeks if elective	2	Lawful up to 23 weeks gestation when a medical practitioner is of the opinion that termination of the pregnancy is immediately necessary to prevent grave injury to a woman's physical or mental health; or at any stage of a pregnancy if the treatment is given in good faith for the purpose only of preserving her life.
<b>QLD</b>	Up to 19 weeks + 6 days	1	After 20 weeks, requires hospital ethics panel approval.
<b>SA</b>	Up to 22 weeks	2	A referral is not required at the Pregnancy Advisory Centre.
<b>TAS</b>	Up to 16 weeks	1 (2 required after 16 weeks)	After 16 weeks requires agreement of two doctors.
<b>VIC</b>	Up to 23 weeks +6 days	1 (2 required after 24 weeks)	Legal after 24 weeks with hospital ethics panel approval and must be conducted at hospital.
<b>WA</b>	Up to 19 weeks + 6 days	2	Requires a referral from a GP.  After 20 weeks, requires hospital ethics panel approval.
<b>OFFSHORE</b>			
<b>NAURU</b>	Illegal unless mother's life threatened	2	Not available on Nauru, but may be facilitated, generally up to 16 weeks.
<b>PNG</b>	Mother's life must be in danger	2	Not easily available in Papua New Guinea.

Information provided by IHMS.

**Attachment B**

s. 42(1)



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s. 42(1)



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