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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 Victoria for termination of pregnancy due to a genetic abnormality.

Timing Please action by 24 November 2014 (discussed with Lauren Richardson).

Recommendations

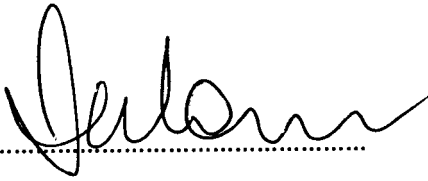
That you:

1. Agree to the transfer of detainee ^{S. 47F} [redacted] to Melbourne to access termination of pregnancy services; and
2. Note the further advice provided by Special Counsel regarding access to termination of pregnancy services.

agreed / not agreed

noted / please discuss

Minister for Immigration and Border Protection

Signature.....

Date: 25/11/2014

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under the Freedom of Information Act 1982

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance ☐ Highly relevant ☐ Significantly relevant ☐ Not relevant	Length ☐ Too long ☐ Right length ☐ Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. On 20 June 2014, in response to Submission SM2014/01393 (Attachment A), you directed that there are to be no transfers of pregnant women to Victoria, South Australia and the Northern Territory for termination of pregnancy. You advised that transfers should be to Brisbane only.

s. 47F

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s. 47F

7. IHMS has consulted with the Clinical Director, Obstetric Services and State Paediatric and Adolescent Gynaecology Services at the Royal Brisbane and Women's Hospital regarding the possibility of seeking hospital ethics panel approval to have the procedure performed in Brisbane. The Clinical Director has indicated that the ethics committee would take up to a week to reach a decision and, in the absence of immediate threat to life, the outcome of this deliberation would be uncertain.

8. Accordingly, given the stage of the pregnancy, it appears that the procedure is only practically and immediately available in Melbourne. IHMS support facilitating s. 47F request to have this procedure, noting that it is consistent with their contractual obligations to provide access to health care that is broadly consistent with that available to the Australian community.

s. 42(1)

10. Noting the exceptional circumstances of this case, together with the medical and legal advice, the Department recommends endorsement of transfer to Melbourne, to allow s. 47F access to termination of pregnancy services.

Background

s. 47F

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)

Authorising Officer
 Mark Cormack Deputy Secretary <u>28/11/2018</u> Ph: 02 6264 2002

Contact Officer Paul Windsor, Assistant Secretary, Health Services Branch, Ph: 02 6264 1576; 0434 071 561

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 *SM2014/01393*

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

noted / please discuss
see
Comments

Minister for Immigration and Border Protection

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				
There are to be <u>no</u> transfers to Vrederick, SAPNT. Transfer should be to Brisbane, with no further transfer.				
Rejected Yes/No	Timely Yes/No	Relevance ☐ Highly relevant ☐ Significantly relevant ☐ Not relevant	Length ☐ Too long ☐ Right length ☐ Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

I would also like advice on changing transfer pre 20 weeks for pregnant women.

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. 47F

s. 47F

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

s. 47F

s. 47F

5. IHMS provides counselling to women seeking to terminate a pregnancy.

s. 47F

s. 47F

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.

Legal Opinions Section was consulted in relation to the legal issues at paragraph 6 above.

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
 Mark Cormack Deputy Secretary 16, 5, 14 Ph: 02 6264 2002

Contact Officer Paul Windsor, Assistant Secretary, Detention Health Services Branch, Ph: 02 6264 1576

Through John Cahill, FAS Detention Infrastructure and Services Division, Ph: 02 6264 1928

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
ACT/NSW	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.
NT	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.
QLD	Up to 19 weeks + 6 days	1	After 20 weeks, requires hospital ethics panel approval.
SA	Up to 22 weeks	2	A referral is not required at the Pregnancy Advisory Centre.
TAS	Up to 16 weeks	1 (2 required after 16 weeks)	After 16 weeks requires agreement of two doctors.
VIC	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.
WA	Up to 19 weeks + 6 days	2	Requires a referral from a GP. After 20 weeks, requires hospital ethics panel approval.
OFFSHORE			
NAURU	Illegal unless mother's life threatened	2	Not available on Nauru, but may be facilitated, generally up to 16 weeks.
PNG	Mother's life must be in danger	2	Not easily available in Papua New Guinea.

Information provided by IHMS.