



**EMBARGOED until [10am Thursday 20 October 2016](#). [Media conference at 11am in Sydney](#).**

## **Government backs down in the face of Doctors' challenge**

Doctors have forced the federal government to back down on controversial laws banning health practitioners from publicly revealing abuse and medical negligence in Australia's offshore detention centres.

Just days before the federal government was due to respond to a High Court challenge from Doctors For Refugees, it has instead amended the *Australian Border Force Act (2015)* to exempt health professionals, including doctors, nurses, midwives, psychologists and others.

Doctors for Refugees President Dr Barri Phatarfod said the decision was a "huge win for doctors and recognition that our code of ethics is paramount".

However, she was concerned that the back down did not cover other workers.

"Amnesty International this week released a report on the conditions on Nauru, and some of the strongest testimony comes from former workers who still fall under this law. Social workers, teachers and other guardians are not part of the Health Professionals exemption."

"We will need to discuss with the legal team how best to respond to this Amendment."

Dr Phatarfod said the change also "only allows us to speak for our patients – it doesn't change the appalling lack of care they often seem to receive".

"Currently, Doctors for Refugees is advocating for several children denied special needs care as well as women unable to get a breast lump biopsy and other significant deviations from appropriate medical treatment. We have around 160 active cases of concern."

The doctors' challenge to the Border Force Act was brought by Fitzroy Legal Centre, and solicitor Meghan Fitzgerald said the changes were "a welcome, if reluctant, move to transparency".

"The conditions in which asylum seekers and refugees live - including pregnant women, children, the elderly, people with disabilities - and the medical treatment they do or do not receive, are not matters of national security," she said.

"Operating detention centres without media access, and under laws where communications to the outside world are criminalised, not because of their content, but simply because they are made, is not symptomatic of a democratic culture."

"Whether there is active TB in the detention camps, or young children are being assaulted by guards are issues that we as Australians should know about. The government is elected by the people, and we are entitled to know what is done in our name, as opposed to being forced into complicity through laws that blind us."

Doctors for Refugees filed the action after 12 months of discussions between the peak medical bodies including the AMA and the government came to nothing.

Dr Phatarfod said: "This confirms the power of individuals to help change laws that are simply wrong. The mass protests by health professionals around the country in the last few years demonstrates the strong opposition to this anti-democratic legislation and must be credited with helping bring about this change of heart," she said.

Doctors for Refugees will continue with [a planned protest on November 5](#) calling for an end to offshore and indefinite detention and improvements to healthcare provided to refugees and asylum seekers



**Dr Barri Phatarfod and Meghan Fitzgerald will hold a media conference at 11am on THURSDAY 20<sup>th</sup> October, at Green Park (opposite St Vincent's Hospital) on Victoria St Sydney.**

*For further comment:*

**Dr Barri Phatarfod** President, Doctors for Refugees Inc. Note: Best time for interviews is morning.

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