

EMBARGOED until Wednesday 27/07/2016 12:01am
LANDMARK HIGH COURT CASE TO CHALLENGE BORDER FORCE ACT

Australian doctors are launching a High Court challenge to secrecy provisions in the Federal Government's Border Force Act that gag them from speaking out publicly about the welfare of refugees and asylum seekers in detention.

Doctors for Refugees Convenor Dr Barri Phatarfod said the current legislation potentially criminalised the actions of clinicians who are simply seeking to advance their patients' interests.

"Doctors are obliged to put their patient's interests above all other interests, and to advocate for public health," she said. "No-one should expect any less from their doctor, or from the medical profession as a whole."

Under the Act, doctors, nurses and other "entrusted persons" working in Australia's detention camps (on and offshore) are faced with the threat of two years' imprisonment if they speak out about treatment and conditions.

Dr Phatarfod says doctors feel they are being forced into silence about serious issues they witness.

"In Australia, it is against the law to fail to report children at risk of physical or psychological harm. In our offshore detention camps, doctors risk criminal charges for doing the same.

"If doctors stand by and allow people to walk through raw sewerage, just to get to the meal area, they're failing their patients and their profession. If doctors and nurses remain silent about women and young children having showers in view of male guards, they're not fulfilling their professional responsibilities.

"Many of the deplorable conditions in detention centres have long term health consequences, including serious psychological damage, infectious disease, and developmental delay in children."

Dr Phatarfod said the Medical Board of Australia's guidelines made doctors' obligations clear, and the government should not override this to hide the truth from the public.

"A doctor's obligations are clear. There should not be one rule for people who seek safety in Australia, and another for those who live here," she said.

"The government has locked up vulnerable patients on remote islands, prevented journalists from reporting on conditions that have been implicated in at least three deaths, and removed workers from the charity group Save the Children in the context of reports of rampant and shocking sexual abuse. Australians have a right to know the damage that is being inflicted in their name on innocent people, including children."

On Wednesday lawyers from Fitzroy Legal Service will file the case on behalf of the doctors.

Meghan Fitzgerald (lawyer, Fitzroy Legal Service) said the case will question whether the Act's secrecy provisions breach a health professional's constitutional freedom to engage in political communication, in this case to shine a light on, and engage in debate about, the effects of asylum seeker policy on patients.

"The case could not be more important. We are seeking a ruling from the highest court in Australia to determine whether doctors and nurses are allowed to advocate in the interests of their patients.

"People need to be able to have their doctors represent their interest if they are going to survive conditions in offshore detention," said Meghan Fitzgerald.

**Representatives of Fitzroy Legal Service and Doctors for Refugees will be holding a press conference:
10am Wednesday 27/07/2016 at Albemarle Medical Practice, 482 Old South Head Road, Rose Bay (next to Gaslight Pharmacy).**

For more information:

For interviews:

Dr Barri Phatarfod (Convener, Doctors for Refugees Inc. Note: Best time for interviews is morning. Dr Phatarford is able to discuss details of refugee patient cases)

T: 0412 090 304

E: doctors4refugees@gmail.com

Meghan Fitzgerald (Solicitor, Fitzroy Legal Service Inc.)

T: 0450 977 447

E: mfitzgerald@fitzroy-legal.org.au

For additional enquiries:

Amy Corderoy

0422 981 645

Adrian Dodd (Director of Media, GetUp)

T: 0401 726 476

E: adrian@getup.org.au