

Australian government loses vote on refugee medical evacuation legislation

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The federal Liberal-National Coalition government of Prime Minister Scott Morrison suffered a blow on Tuesday, when it lost a vote on legislation amending the Migration Act in the House of Representatives. The Senate passed the laws the following day.

However, contrary to the claims of Labor, the Greens and the independent MPs who voted for the passage of the medical evacuation or “medivac” bill, it will not alleviate the suffering of refugees illegally incarcerated in Australian-operated detention centres on Papua New Guinea’s Manus Island and on Nauru in the Pacific.

Instead it will entrench the powers of the minister for home affairs and the intelligence agencies to prevent sick asylum-seekers in offshore detention from travelling to Australia to receive necessary medical attention.

Underscoring the crisis-ridden character of the Coalition, Tuesday’s vote was the first time a sitting government has lost a vote on a substantial piece of legislation in the House of Representatives, the lower house of the Australian parliament, since 1941.

On Tuesday, Labor guaranteed that the Coalition’s defeat would not result in a constitutional crisis or trigger a “no confidence” motion that could rapidly have brought the government down.

Under Section 53 of the Constitution, the Senate is not permitted to move legislation that allocates federal funds. Labor therefore removed a section of the “medivac” amendment that provided for fund appropriations that had originated in the Senate. This ensured that there were no money allocations tied to the legislation. Defeat on a so-called money bill in the House of Representatives is regarded as similar to a “no confidence” vote.

Labor’s role in preventing a full-scale crisis for the government and the official parliamentary set-up was in

line with the sordid character of the backroom maneuvers that led to the passage of the legislation.

The origins of the bill lie in a string of reports last year that hundreds of refugees on Nauru and Manus Island are suffering serious and even life-threatening medical conditions, for which they are being denied adequate treatment by the Australian government and the contractors that it employs to operate offshore detention centres.

In August, for instance, a number of whistleblowing government employees and health workers reported that dozens of refugee children were suffering from “resignation syndrome,” a condition associated with prolonged imprisonment and trauma that results in a withdrawal from all interaction and activity.

Numbers of detained children were refusing food or water for extended periods. Some as young as 10 had self-harmed, including by ingesting sharp metal objects. It was also revealed that the federal government’s immigration authorities were routinely blocking attempts to transport the refugees to Australia for medical treatment.

The exposures triggered anger among broad sections of the population. To head off an emerging movement in defence of refugees and to divert opposition behind the parliamentary establishment, independent MP Kerry Phelps introduced the “Medivac” amendment to government legislation late last year.

The Coalition prevented it from being voted on in the House of Representatives during the final sitting day of parliament last year. Over the following months, Labor, the Greens and independent MPs presented the bill as a crucial step towards “more humane” treatment of refugees, while making clear that it would do nothing to undermine Australia’s draconian “border security” regime.

From the outset, the bill did not propose the resettlement of ill refugees to the Australian mainland. Instead it stipulated that, in certain cases, refugees could be transported to Australia for necessary medical treatment, while remaining in incarceration. They would then be returned to the detention camps in the Pacific that damaged their health in the first place.

Over the past weeks, Labor and the independents have done everything they can to ensure that the legislation entrenches ministerial powers. Senior Labor figures and independent MPs have all kowtowed to the intelligence agencies, receiving confidential briefings from them to make sure that the laws did not jeopardise purported “national security.”

With the changes made by Labor, the final bill allows the minister for home affairs to reject medical transfers proposed by doctors on “security or character grounds.” Such rulings, which cannot be appealed or overturned, would be based upon secret assessments conducted by the Australian Security Intelligence Organisation (ASIO), the country’s domestic spy agency.

The minister can also reject a transfer on the grounds that it is medically unnecessary. This decision will then be reviewed by an Independent Health Advice Panel composed of government doctors. Even if the panel opposes the minister’s decision, he can still prevent the transfer by invoking the vague “security and character” provisions.

Labor, Greens and independent MPs nevertheless hailed the passage of the bill.

Labor representatives stressed, however, that it would not “weaken border security,” or aid “people smugglers,” as has been claimed by the government. Labor leader Bill Shorten has repeatedly declared, over the past year, that a government he leads will continue the policy of consigning refugees who attempt to reach Australia by boat to prison camps in the Pacific.

This is in line with Labor’s central role in the persecution of refugees and immigrants. It was the Labor government of Prime Minister Paul Keating that introduced the “mandatory detention” regime. In 2012, the Greens-backed Labor governments of Julia Gillard reopened the detention centres on Nauru and Manus Island and decreed that the refugees imprisoned there would never be granted asylum.

The Greens support for the legislation demonstrates

that its claims to defend refugees are a sham. The party, no less than Labor and the Liberal-Nationals, upholds the entire framework of border protection and immigration controls, which are used to deny people the right to seek asylum and block their free movement.

Significantly, Greens leader Senator Richard Di Natale admitted on Tuesday morning that Labor’s changes to the amendment, expanding ministerial powers, could “make the situation worse than doing nothing.” Di Natale and his party nevertheless ensured the passage of the bill.

For their part, the independent MPs have yet again demonstrated that they have no independence from the official two-party set-up. Their role is to act as a safety valve, diverting growing discontent behind the political establishment and fraudulently presenting a parliament that is uniformly committed to war, austerity and authoritarianism, as a forum of contesting political views and perspectives.

The immediate outcome of the bill is the government’s announcement that it will reopen a refugee detention centre on Christmas Island, which has been the subject of class action lawsuits over the mistreatment of asylum-seekers, to shore up “border protection.”

This week’s events have also left little doubt that the campaign for the 2019 Australian federal election, which is likely to take place in May, will be a chauvinist contest between the major parties over which is “toughest” on “national security” and most vicious in persecuting refugees.



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