

## Morrison plays scare card on medical transfer bill

Written by Michelle Grattan, Professorial Fellow, University of Canberra

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As the battle escalates ahead of next week's vote on legislation to facilitate medical transfers from Manus and Nauru, Scott Morrison is playing up the dangers if the bill passes while downplaying the political implications.

Morrison declares the amendments, based on a proposal from independent Kerryn Phelps, would leave the government powerless to stop the entry of a paedophile, rapist or murderer.

"It doesn't provide for the usual arrangements which would enable us to reject someone coming to Australia because they have a criminal history.

"They may be a paedophile, they may be a rapist, they may be a murderer and this bill would mean that we would just have to take them," he said on Wednesday while campaigning in Melbourne.

Morrison raised the spectre of "hundreds upon hundreds upon hundreds of single males being transferred ... at the directive of doctors, not the government.

"This will mean we will have to reopen detention centres that we closed, like Christmas Island."

But the Prime Minister has been anxious over the last two days to hose down talk that a government defeat on the bill could lead to an election.

"If we lose that vote next week, so be it. We won't be going off to the polls. The election is in May. I will simply ignore it and we'll get on with business," he told Sky on Tuesday.

Asked on Wednesday whether a loss would be a trigger for an election Morrison said: "Of course not. Why would it be?"

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The government is firmly locked into the May election timetable and its April 2 budget that it will use to frame the poll. Passage of the medical evacuation measure would not amount to a vote of no confidence.

Meanwhile Labor on Wednesday released its legal advice, from barrister Matthew Albert, arguing that the legislation would add to, rather than detract from, present security protections.

“The minister’s power to exclude a person from transfer to Australia is expanded beyond the security protections of the existing law,” the December advice says.

“The expansion empowers the minister to have regard to questions of both public safety ‘and border integrity’ before a person is transferred”.

The measure, passed by the Senate last year, would allow the transfer on the advice of two doctors but the minister could intervene on security grounds.

At central issue is the adequacy of the definition of “security” - the bill draws this from the ASIO act.

The government maintains this definition, with its focus on national security, is too narrow, while the ALP’s advice argues it is broad.

Under the ASIO act, “security” means:

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“(a) the protection of, and of the people of, the Commonwealth and the several States and

Territories from:

(i) espionage;

(ii) sabotage;

(iii) politically motivated violence;

(iv) promotion of communal violence;

(v) attacks on Australia’s defence system; or

(vi) acts of foreign interference;

whether directed from, or committed within, Australia or not; and

(aa) the protection of Australia’s territorial and border integrity from serious threats; and

(b) the carrying out of Australia’s responsibilities to any foreign country in relation to a matter mentioned in any of the subparagraphs of paragraph (a) or the matter mentioned in paragraph (aa).”

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As in present arrangements, under the bill transferees would be immediately detained and only released from detention if the minister determined this was in the “public interest”.

“This is a broad test which allows the minister to have regard to any issues of security or character relating to that person,” the advice says.

On the last sitting day of 2018 the legislation potentially had the required crossbench support to be carried in the House but a government filibuster prevented it reaching there for a vote.

The government is lobbying crossbenchers intensively, while keeping the public heat on Labor. It has also undertaken to set up a medical panel to review transfers from Manus and Nauru.

In his Tuesday Sky interview Morrison played down the significance of this gesture.

“All that I have done is made sure that the Australian people have got an assurance about how well that [present] process works. They can’t change the decisions, they can’t reverse the decisions, the decisions all remain with the Department of Home Affairs”.

But Bill Shorten said he thought the government was “starting to do a backflip”.

“They may be doing it because they don’t want to lose a vote in Parliament, but I’m not going to be a purist, if they get to an acceptable outcome I’m not going to judge their motivation.”

Labor would have a look at the government’s position “but this stage we’re still supporting the Phelps amendments,” Shorten said.

Replying to Morrison, Phelps said: “The large majority of people on Manus Island and Nauru have been assessed as genuine refugees. Under the Refugee Convention, they cannot be

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granted that status if they have committed a serious crime, a hate crime or a war crime in their country of origin.”

The government faces pressure of another front next week, as Labor tries to muster the numbers for its call for parliament to have extra sitting days to consider recommendations from the banking royal commission. It would need the support of all the crossbenchers to pass its motion but the stand of Bob Katter is not clear.

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*Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.*

Authors: Michelle Grattan, Professorial Fellow, University of Canberra

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