

Crossbenchers must decide between something or nothing on medical transfers bill

Written by Michelle Grattan, Professorial Fellow, University of Canberra

The fate of the legislation facilitating medical evacuations from Manus and Nauru depends on the response of the crossbenchers to compromise amendments Labor is putting to them ahead of Tuesday's vote.

The bill, passed last year by the Senate with ALP support, provides for transfers on the recommendations of two doctors.

If the minister opposed the transfer, the final say on medical grounds would be in the hands of a medical panel. The minister could only override on security grounds.

After Bill Shorten was briefed on Monday by security officials and with enormous political pressure coming from the government, Labor moved back from its support of the bill as it has come out of the Senate.

Read more: [**Labor leads 53-47% in Newspoll as Shorten struggles with medical transfer bill**](#)

The opposition is negotiating with crossbenchers on the basis of three principles. These would:

- **widen the scope a minister would have to reject a medical transfer**

The bill defines security in terms of the ASIO act, which focuses on national security. Labor now proposes this ministerial discretion should be extended to include aspects of the "character" test, which would allow the minister to exclude people who had committed serious crimes.

- **extend the time the minister would have to make a decision**

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The bill says 24 hours but Labor now accepts this is too short.

- provide that the legislation would apply only to the present cohort on Nauru and Manus, to avoid it having a “pull” effect and encouraging boats to resume.

For the bill to pass the House of Representatives in this amended form, the support of six of the seven crossbenchers would be needed.

The crossbenchers, who were waiting late Monday night to see the precise wording of the amendments, will be faced with the choice of backing compromises some will think go too far or getting no change at all.

The negotiating points were agreed to by shadow cabinet and ticked off by caucus on Monday night. The results of the negotiations are to go back to a caucus committee.

The bill comes to the House on Tuesday from the Senate – its fate will be determined during the day’s sitting.

Shorten has been caught every which way in the last few days. The government, in a minority and fighting to avoid a defeat in the House, has nevertheless been able to turn the issue back on Labor by launching a big scare campaign.

There has been internal division in Labor ranks, between those who fear the issue could play badly for the opposition in the run up to the election and others, particularly on the left, who insist the ALP should do the right thing by the refugees and asylum seekers.

Left wingers have also warned that the Labor base would react badly if the opposition walked away from the legislation.

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One caucus member told the caucus meeting it was important that the bill be passed this week.

Another said the principles of the bill as passed by the Senate should not be changed – and the negotiating points did not change those principles.

There was concern that any longer time given to the minister should be finite.

Scott Morrison reiterated the government's total opposition to the bill, even if that meant a defeat in the House.

He told the National Press Club the test in parliament this week was

not who wins or loses a vote - the only test is, will Bill Shorten cave in and undermine our border protection by passing this bill in any form? If he does, Australians [will] have only been able to confirm what they already know about him.

Read more: [Morrison promises \\$78 million for combatting domestic violence](#)

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

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