

## **Australian Border Force Act conflicts with Code of Professional Conduct for nurses and midwives**

Australia's key professional nursing and midwifery bodies are expressing their serious concern about the secrecy provisions in the Australian Border Force Act 2015. The Act threatens jail for up to two years for health care professionals who disclose information that is deemed 'protected information' under the Act. 'Protected information' is all information health care professionals obtain in their work capacity. This includes information about access to and quality of health care, sexual abuse and other violence or conditions in immigration detention that may compromise detainees' physical and/or mental health. Under the Act any recording or disclosure of protected information that is unauthorised by the Australian Border Force Commissioner is a punishable offence.

This law actively prohibits nurses and midwives from fulfilling their duty under their respective Code of Professional Conduct and Code of Ethics which set the minimum standards for practice a nurse or midwife is expected to uphold. Under their respective Codes of Professional Conduct both nurses and midwives are required, where they have made a report of unlawful or otherwise unacceptable conduct to their employers and that report fails to produce an appropriate response from the employers, to take the matter to an appropriate external authority. However, restrictions imposed by the Australian Border Force Act prohibit nurses and midwives from doing so.

The nursing and midwifery bodies endorsing this statement are of the strong view that the Australian Border Force Act 2015 requires urgent amendments. These amendments must ensure that all health professionals and all contractors can advocate freely for best practice health care and against conditions or practices that are harmful to detainees' health or that otherwise violate their human rights.

As organisations representing Australia's nurses and midwives, we consider it inconceivable that the Government should seek to place us at odds with our obligations under the Australian Health Practitioner Regulation Agency when delivering health care to people in immigration detention. The Australian Border Force Act requires immediate amendment so nurses and midwives working in immigration detention centres can comply with their professional requirements.

