

11<sup>th</sup> June 2021

The **NSW Medical Staff Executive Council** calls for Minister Andrews to reunite Tharnicaa with her family as soon as possible. Now that Tharnicaa has had pneumonia she has demonstrated that her immunity is clearly vulnerable and in the setting of the pandemic it would now be advisable if the Government allowed her and her family the safety of isolating in Queensland.

Best practice and our duty of care requires that discharge can only occur back to a place of safety and cultural security. There is now a considerable evidence base, much of which is from Australia, demonstrating the physical and psychological harms of held detention.

Health is seen through a holistic lens. The physical, psychological, educational, social and neurodevelopmental needs of every child must be taken into consideration with every decision. As health professionals, we have statutory responsibilities to protect all children and adolescents and would, therefore, never deliberately return a patient to an environment that is detrimental or harmful.

**Key points:**

1. Australia is a signatory nation to the Convention of the Rights of the Child (1990). The Australian Human Rights Commission states: 'Both domestic and international human rights law are clear when it comes to the detention of children. The detention of a child must only be a measure of last resort. In fact, section 4AA of the migration act explicitly states that a minor shall only be detained as a measure of last resort'.
2. Held detention is harmful for children and is inappropriate. Prolonged detention is particularly unsafe and Tharnicaa has spent the majority of her life, and the critical neurodevelopmental years, in held detention. Children need safety, hope, a nurturing environment, friends and play for their physical, developmental, educational, and mental health. Held detention has, is, and will continue to cause harm for children. Ongoing detention is not appropriate.
3. Therapeutic mental health engagement and support cannot be adequately provided nor sustained for children (and their families) while they remain in held detention.
4. Family separation is detrimental to children's mental health and development. Families should remain together and be reunified wherever possible without undue delays.

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