



Australian Government

Australian Government response to the
Senate Legal and Constitutional Affairs Committee report:
Migration Amendment (Prohibiting Items in Immigration Detention
Facilities) Bill 2020

APRIL 2024

Recommendations

Committee Recommendations

Recommendation 1:

2.74 The committee recommends that the government make administrative arrangements that ensure detainees have access to communication facilities that will reasonably meet their needs, and enable timely, and where appropriate, private contact with friends, family, and legal services.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 2:

2.75 The committee recommends that the Senate pass the bill.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Labor Party Senators' Dissenting Report

The ALP dissenting report recommended that the Bill not be passed unless the below recommendations were agreed to.

Recommendation 1:

Labor Senators recommend that the Government either withdraw the bill, or significantly amend the Bill to address these concerns and ensure that the bill is focused on the specific risks and does not impose broad sweeping measures that punish detainees who themselves may be at risk from other, high risk detainees.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 2:

Labor Party Senators recommend that the bill be amended to define 'prohibited thing' more clearly and that it be defined in legislation to enable appropriate parliamentary oversight.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 3:

Labor Party Senators recommend that the Department of Home Affairs' instructions to their staff and Serco staff on how to implement the minister's written directions concerning 'prohibited things' be contained in disallowable instruments.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 4:

Labor Party Senators recommend that the bill be amended to ensure that detainees are not prevented from possessing or using electronic devices such as mobile phones unless there is evidence that removal is necessary and proportionate.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 5:

Labor Senators recommend that, if the Government revises the legislation to be more targeted, it also implements measures which provide extra protections for staff working in immigration facilities, especially those health and medical professionals in immigration facilities.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 6:

Labor Party Senators recommend that all parties to migration detention matters agree to use the same published data to avoid confusion in debate and in policy development.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Australian Greens Dissenting Report

Recommendation

Recommendation 1

1.87 The Australian Greens recommend that the bill be opposed by the Senate

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.