



Department of the Senate

Senate Scrutiny of Bills Committee

NEWS

30 November 2017 (drawing on material in the committee's *Scrutiny Digest No. 14 of 2017*)

Introduction

This newsletter highlights key aspects of the Senate Scrutiny of Bills Committee's work, with a particular focus on information that may be useful when bills are debated or considered by other Senate committees and to raise awareness about scrutiny principles (see Senate Standing Order 24).

For more detail and discussion of these matters and comments on additional bills look to the committee's *Scrutiny Digests*. An index to all committee comments is available [here](#).

Key scrutiny issues ([Scrutiny Digest No. 14 of 2017](#))

● Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2017

- ❖ Significant matters in delegated legislation: the bill provides that the Minister may prohibit 'things' (e.g. mobile phones) in immigration detention facilities by a non-disallowable legislative instrument (which is not subject to parliamentary oversight). The committee considers it would be appropriate for the bill to be amended to include the type of matters that are to be prohibited in immigration detention facilities and, if matters are to be included in delegated legislation, to ensure the legislative instrument is subject to the usual disallowance processes. The committee otherwise leaves to the Senate the appropriateness of leaving significant policy matters to delegated legislation.
- ❖ Broad delegation of administrative power: the committee reiterates its view that it would be appropriate for the bill to be amended to require that authorised officers and any person assisting possess specified skills, training and experience, and otherwise leaves to the Senate the appropriateness of conferring coercive powers on non-government employees without such a legislative requirement.

This document contains a very brief summary of some recent comments made by the Senate Scrutiny of Bills Committee (Chair: Senator Helen Polley and Deputy Chair: Senator John Williams).

For any comments or questions, please contact:

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