

Committee Secretary  
Senate Legal and Constitutional Affairs Committee

27.3.2015

Migration Amendment (Maintaining Good Order of Immigration Detention Facilities) Bill. 197BA

Under the heading of '**Maintaining Good Order,**' are series of amendments that detail the circumstances where 'reasonable force' is to be used. The concept of protecting life, health and safety; and the prevention of harm or threat, all seem fine.. But

I am particularly concerned with the vague, 'legal speak,' wording that gives no real direction to the 'Authorised Officers' in question; and provides plenty of wriggle room when it comes to the point of litigation. (Please see below.)

Migration Amendment (Maintaining Good Order of Immigration Detention Facilities) Bill. 197BA

\* (1) '**maintain good order**'

\* may use '**reasonable force**' against any person or thing

\* as the authorised officer '**reasonably believes is necessary**'

\* (1)b (**maintain**) '**peace**'

\* (2) f '**prevent action**' that (ii) '**disturbs**' the good order/peace,

The above will be open to debate on any given day, in any given circumstances, dependent upon which Authorised Officer and which detainee.

What is Reasonable Force? What is Good Order? Will these definitions change from shift to shift and day to day?

If the detention centres were open to scrutiny, and detainees were treated with even the basic rights that our nation agreed to under the UN Refugee Convention 1951; this bill would not be consuming your time and my emotional currency.

Thank you,

Carolyn Elliott