

# **DISSENTING REPORT BY THE AUSTRALIAN LABOR PARTY**

1.1 Labor Senators do not support the Bill. While Labor Senators agree with the majority report's consideration of the evidence presented in the course of the committee's inquiry, they oppose the Bill and its broader policy objectives in absolute terms. Labor Senators note that the overwhelmingly view among all those who provided evidence to the committee was that the Bill should be opposed, and consider that the appropriate conclusion should be that the Bill be rejected in its entirety; at a fundamental level, the Bill cannot be saved by any of the suggested amendments contained in the majority report's recommendations.

1.2 At the outset, Labor Senators express the view that the Bill represents a flawed and completely inappropriate response to what is essentially a foreign policy issue.

1.3 Labor Senators agree with concerns raised in relation to uncertainty about how the proposed arrangements will work in practice and the lack of accountability mechanisms; domestic policy issues such as the Bill's flagrant incompatibility with the rule of law and the principles of natural justice; and the clear breach of Australia's obligations under international law in several significant areas. The Bill also represents a complete 'about-turn' with respect to a number of recent reforms, including the principle that children should not be held in detention.

1.4 Labor Senators explicitly endorse the comments in the majority report in relation to the absence or limited availability of vital information to assist with the committee's deliberations in this inquiry. Not only is the Bill highly deficient in terms of details about how its measures will be practically implemented, but the Department has also been particularly unhelpful in providing information and documents that apparently form the underlying policy basis for important aspects of the offshore processing regime.

1.5 The Department has appeared reluctant to provide this information, and when information was given, answers have been brief, legalistic, contradictory and often obscure in relation to a number of matters relating to the operation of fundamental aspects of the Bill. Labor Senators believe that this has obstructed the committee's consideration of the Bill.

1.6 In light of these arguments, Labor Senators recommend that the Bill not proceed.

**Recommendation 1**

**1.7 Labor Senators recommend that the Bill should not proceed.**

**Senator Patricia Crossin**

**Senator Linda Kirk**

**Deputy Chair**

**Senator Joseph Ludwig**