

Dissenting report by Andrew Bartlett, Senator for Queensland

I support the general principle of ensuring uniformity in the laws and practices surrounding fisheries and immigration detention.

I am also supportive of the concerns raised in the Committee's main report surrounding contract employees and of consequential amendments along the lines of those proposed.

The Committee's Inquiry did not examine in any depth the issue of the appropriateness of the detention regime, but recent publicity about a range of incidents surrounding immigration detention raises very large questions about both its appropriateness and its adequacy.

As one example, the 5th May judgement by Finn J in *S v Secretary DIMIA* and *M v Secretary DIMIA* contained some scathing findings of failings in duty of care of detainees. Some of these findings go to the heart of the contracting (and sub-contracting) arrangements surrounding detention.

In such circumstances, I believe it is unwise to further expand the reach of detention laws until such time as a proper review of the whole regime has occurred.

Recommendation:

Consideration of the Bill by the Senate be deferred until such time as a comprehensive review has been undertaken into the adequacy and appropriateness of the entire immigration and fisheries detention regimes.

**Senator Andrew Bartlett
Australian Democrat**

