

# **Review of the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020**

Submission to the Senate Legal and Constitutional  
Affairs Legislation Committee

**5 June 2020**



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## Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.<sup>1</sup>

The ALA office is located on the land of the Gadigal of the Eora Nation.

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<sup>1</sup> [www.lawyersalliance.com.au](http://www.lawyersalliance.com.au).

## **Submission on the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020**

1. The ALA welcomes the opportunity to have input into the review by the Senate Legal and Constitutional Affairs Legislation Committee ('the Committee') of the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020 ('the Bill').
2. The ALA is deeply concerned that the effect of the new sections 252, 252AA, 252A, 252BA, 252C and 252CA under the Bill will be to invest officers of the Australian Border Force with extraordinary discretionary powers to conduct body searches of people who are being held in immigration detention centres, and to remove personal items including mobile phones and electronic devices from these individuals.
3. The ALA considers that these additional powers are unnecessary given that state/territory police officers already have the right to search and seize possessions from people detained in immigration detention. The ALA submits that it is not the role of the Border Force employees to be conducting these searches and removing personal items from detainees.
4. The ALA considers that the broad discretionary power to be invested in officers of the Australian Border Force to remove personal items such as electronic devices and mobile phones is inappropriate. The ALA submits that for many people being held in immigration detention, their mobile phones are their only private lifeline to the outside world. These items are vital for them to maintain communication with their families and friends. The ALA is particularly concerned that inappropriate exercise of this discretionary power will inhibit the ability of detainees to consult with their legal representatives as they prepare for legal proceedings related to their detention and immigration status.
5. For the reasons outlined above, the ALA submits that the Bill should not be passed in its current form.
6. The Australian Lawyers Alliance (ALA) welcomes the opportunity to provide this submission to the Senate Legal and Constitutional Affairs Legislation Committee.

Andrew Christopoulos

**President  
Australian Lawyers Alliance**