

# **Recommendations**

## **Recommendation 1**

**3.6 The committee recommends, subject to Recommendations 2, 3 and 4, that the Bill be passed.**

## **Recommendation 2**

**3.10 The committee recommends that the Commonwealth Ombudsman's suggestion that the Bill's operation should extend to cover 'situations where detainees are in transit between facilities and in other locations' be given further serious consideration by the government.**

## **Recommendation 3**

**3.11 The committee recommends that the Explanatory Memorandum clarify the extent of the use of force under section 197BA:**

- that reasonable force must only be used as a measure of last resort. Conflict resolution (negotiation and de-escalation) must be considered and used, wherever practicable, before force is employed;**
- that reasonable force must be used for the shortest amount of time possible;**
- that reasonable force must not include cruel, inhuman or degrading treatment; and**
- that force must not be used for the purposes of punishment.**

## **Recommendation 4**

**3.14 The committee recommends that the government remove the word 'not' from subsection 197BA(8) of the Bill, in order to provide that a ministerial determination made under subsection (7) is a legislative instrument.**

