

Dissenting report of Government Senators

1.1 Government members of the committee note that the committee majority's interim report ('the interim report') of the inquiry into the conditions and treatment of asylum seekers and refugees at the Regional Processing Centres in the Republic of Nauru and Papua New Guinea ('the inquiry') is not an authoritative or factual account of the inquiry. By its own admission at paragraph 1.5 the evidence provided to the committee thus far has not been tested: no public hearings have been conducted.

1.2 A significant portion of the evidence presented to the inquiry has come from parties that have submitted to previous inquiries, and largely mirrors the content—and conclusions—of those previous reports. The interim report itself acknowledges at paragraph 1.14 that the evidence provided to the inquiry reflects 'the view previously placed on the record by many...'.

1.3 The inquiry is being effectively concluded some six months prior to its scheduled reporting date. Government Senators are of the view that in light of the incomplete nature of the examination of evidence to date, no reliable conclusions can be drawn nor recommendations made in this inquiry. Government Senators also note that the evidence of the department is footnoted eleven times and the evidence—and legal advice—of *law students* is presented at paragraph 1.19 and footnoted ten times. The interim report would appear to be giving equal weight to the evidence of students, and the evidence of the department. Government Senators would hope that if this subject matter comes before the Senate in the future that a more balanced approach is taken.

1.4 The interim report's single recommendation is that, due to the incomplete nature of the inquiry, this same inquiry subject be referred to the Legal and Constitutional Affairs References Committee in the 45th Parliament. Government Senators disagree with this recommendation and instead recommend that examination of Australia's border protection activities be referred to the more reliable and cost-effective forum of Senate Estimates.

Senator the Hon Ian Macdonald
Deputy Chair

Senator Dean Smith
Senator for Western Australia

