

APPENDIX 8

RECOMMENDATIONS OF THE SENATE FOREIGN AFFAIRS DEFENCE AND TRADE COMMITTEE REPORT ON VIVIAN SOLON

*Full title of report: 'The removal, search for and discovery of Ms Vivian Solon',
tabled December 2005*

Recommendation 1

2.10 The committee recommends that in relation to the interviewing of detainees, if a detainee is unable to sign the record, there must be certification by a third party that the record of interview is correct.

Recommendation 2

2.12 The committee recommends that DIMIA staff are reminded that independent and accredited interpreters must be used and that the use of a departmental officer as an interpreter should occur only in exceptional circumstances.

Recommendation 3

2.28 The committee recommends that DIMIA carefully consider the process to ensure someone in a distressed and confused state has access to legal advice.

Recommendation 4

2.29 The committee recommends DIMIA review checklists regarding identity checking and the decision to detain and remove process to ensure that the actions outlined above regarding contact with the police and advice regarding legal assistance are captured so they are addressed by DIMIA officers when effecting a removal.

Recommendation 5

2.44 The committee recommends that the Australian government review the adequacy of s.189 of the *Migration Act 1958* and/or the introduction of a regulation that stipulates the evidence required for a person to be detained as an unlawful non-citizen.

Recommendation 6

2.53 The committee recommends that the development of appropriate standards for health and care needs for detainees in transitional detention—identified in

Recommendation 9 in the Ombudsman's report—specify mental health as an area to be addressed.

Recommendation 7

2.55 The committee recommends that the explanation of rights regarding the medical examination be included in a relevant checklist as discussed in recommendation 4 above.

Recommendation 8

2.61 The committee recommends that DFAT review internal processes regarding the treatment of concerns expressed by other governments that have the potential to affect bilateral relationships, with a view to ensuring that appropriate senior officers in Canberra and in relevant posts are made aware of these concerns.

Recommendation 9

2.67 The committee recommends that DIMIA review its procedures to ensure that formal procedures are in place for the reception of people being removed from Australia in circumstances similar to Ms Solon and that their final destination is recorded on file.

Recommendation 10

2.69 The committee recommends that DIMIA review and advise staff when their responsibilities for a detainee begin and end, noting there may be circumstances like that of Ms Solon where there may not be a strict legal obligation but a moral obligation to ensure their welfare.

Recommendation 11

2.73 The committee recommends that the independent investigation into whether the actions of individual officers breached the APS Code of Conduct include consideration of any systemic issues that may have contributed to the lack of action. Furthermore, if the investigation identifies any systemic issues that it make recommendations to address them.

Recommendation 12

2.80 The committee recommends that DIMIA and DFAT remind staff of the correct procedures to be followed when making requests for passport information.