(Amendments to be moved by Opposition Members)

(1) Schedule 1, after item 9, page 5 (after line 19) insert:

“9A After section 194
Insert

`194A Independent medical access etc
The Secretary must ensure that independent medical professionals and media representatives have access to a person detained under section 189.’”.

(2) Schedule 1, item 10, page 6 (after line 7) insert

“Considerations to be taken into account in issue of visas

(4A) In exercising the power conferred by subsection (2), the Minister must have regard to whether a person has a need for temporary protection or for permanent protection.

(4B) If the Minister considers that a person has a need for temporary protection, the Minister may grant the person a visa for a period not exceeding two years. At the end of that period, unless the Secretary has presented evidence to the Minister that satisfies the Minister that the decision to grant a visa...
should be reversed, the Minister must grant a further visa permitting the person to remain in Australia indefinitely.

(4C) If the Minister considers that a person has a need for permanent protection needs the Minister must grant the person a visa permitting the person to remain in Australia indefinitely.

(4D) If the Minister considers that a person does not have a need for permanent protection, but considers that the person has made, and can continue to make, a long term contribution to economic, social or community life, the Minister may grant a visa permitting the person to remain in Australia indefinitely.”

(3) Schedule 1, item 11, page 7 (line 13),
omit “If”
substitute “Subject to section 197 ABA, if”

(4) Schedule 1, item 11, page 7 (after line 25) insert:

“197ABA Children to reside at specified place rather than being held in detention centre etc

(1) Unless the Minster receives a determination under section 197 ABC from the Judicial Assessor, the Minister must make a residence determination in respect to children under 18 within 30 days of the day on which this section commences.

(2) Unless the Minister receives a determination under section 197 ABC from the Judicial Assessor, if the Minister has made a residence determination under subsection (1) in respect to a child, the Minister must also make a residence determination in respect to any parent, brother or sister of the child if that parent, brother or sister is held in detention with the child.

197 ABB Appointment of Judicial Assessor

(1) As soon as practicable after this section commences the Minister must appoint a person as the Judicial Assessor for the purpose of this section.

(2) A person appointed as the Judicial Assessor must either

(a) be a judge of the Federal Court of Australia; or
(b) have been
(i) a judge of the Federal Court of Australia, or
(ii) a judge of the Supreme Court of a State or Territory.

(3) The role of the Judicial Assessor is to consider applications by the Secretary for a determination by the Judicial Assessor that a residence determination should not be made under subsection 197ABA(1) in respect of a child or under subsection 197ABA(2) in respect of a parent or a brother or a sister of a child.

197 ABC Determinations by Judicial Assessor

(1) If the Secretary makes an application to the Judicial Assessor for a determination under this section in respect of a child or the parent or brother or sister of a child, the Secretary must ensure that all information held by the Department in respect of that person is made available to the Judicial Assessor.

(2) The Judicial Assessor must not make a determination that a residence determination should not be made in respect of a child or the parent or brother or sister of a child unless the Judicial Assessor concludes that, if the person were allowed to leave immigration detention, there would be a significant risk that
(a) the person would represent a danger to the safety and welfare of the Australian community or to a segment of that community, or
(b) the person would not be available if required for any further action under this act.

(3) A determination by the Judicial Assessor under this section must
(a) be made by notice in writing, and
(b) be provided to the Minister within 7 days after it has been made.”

(5) Schedule 1, item 11, page 9 (line 28), before
“The Minister”, insert

Last printed 29/04/2010 3:41:00 PM
As soon as practicable after this section commences, the Minister must appoint a person as the Inspector-General of Detention (the Inspector-General) 

(1) The functions of the Inspector-General are to
   (a) receive and make determinations concerning complaints from persons in immigration detention
   (b) pay particular attention to the needs of children in immigration detention, in community care or in residence at a place specified under section 197AB
   (c) consider general or systemic matters the Inspector-General decides of his or her own motion to consider; and
   (d) consider all matters the Minister directs the Inspector-General to consider

(2) For the purpose of this section in immigration detention means being detained in a place by the definition of immigration detention in subsection 5 (1).

(1) The Secretary must ensure that the Inspector-General is given unrestricted access to
   (a) detention centres and immigration processing facilities (including those on Christmas Island);
   (b) detainees;
   (c) the staff of the Department or of private contractors employed at detention centres or immigration processing facilities; and
(d) all records relevant to a complaint made under section 486BL

(2) The Inspector-General may make a determination about any matter considered by the Inspector-General.

(3) The Secretary must take action to give effect to any determination made by the Inspector-General.

(7) Schedule 1, item 19, page 12 (line 2)
    omit “2 years”
    substitute “90 days”

(8) Schedule 1, item 19, page 12 (line 10)
    omit “2 years”
    substitute “90 days”

(9) Schedule 1, item 19, page 12 (line 11)
    omit “2 years”
    substitute “90 days”

(10) Schedule 1, item 19, page 12 (line 15)
    omit “2 years” (twice occurring)
    substitute “90 days”

(11) Schedule 1, item 19, page 12 (line 22)
    omit “6 months”
    substitute “1 month”

(12) Schedule 1, item 19, page 12 (line 31)
    omit “6 months”
    substitute “one month”