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## Rush to facilitate removals tramples liberties

The Law Council of Australia has condemned the rushed response to the decision of the High Court in *YBFZ* and called for the Migration Amendment Bill 2024 to be withdrawn.

Appearing before the Senate Legal and Constitutional Affairs Legislation Committee yesterday evening, the Law Council raised serious concerns with the Bill and the lack of opportunity for public scrutiny of the legislation.

“This Bill has the potential to significantly impact the rights and liberties of many members of our community, including vulnerable members of our community,” Law Council of Australia President, Mr Greg McIntyre SC said.

“Yet we, and all interested parties, were essentially given 24 hours to make a submission and attend a hearing on the Bill. This does not ensure proper democratic scrutiny and is particularly objectionable considering the far-reaching changes to the law this Bill seeks to make.

“This Bill will create outcomes that we believe raise serious rule of law and human rights concerns and this approach is likely to be incompatible with Australia’s international obligations.

“The Government said it was going to legislate to support the new Bridging Visa R conditions test in the Migration Regulations, but this Bill goes far beyond that. Even the aspects that do respond to the recent High Court *YBZF* decision may face further challenges if not properly scrutinised.

“The Bill seeks to facilitate the transfer of a broad range of persons, not just those in the *NZYQ* cohort, to third countries and to pay those third countries for their part in this scheme. There are minimal details on how arrangements might be agreed with third countries, and safeguards and protections for those who might be subject to these processes are almost non-existent.

“We are recommending this Bill be withdrawn. If the Government does not withdraw the Bill, it must at least be given an inquiry period of a minimum of six weeks to ensure it receives proper scrutiny.”

A full copy of the Law Council’s submission is available [here](#).

“Additionally, we also hope that the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2024, which was introduced yesterday, will receive a proper opportunity for scrutiny and consultation,” Mr McIntyre said.

“In our response to previous iterations of this legislation we have expressed our opposition to denying every person in an immigration detention facility access to important everyday items, such as phones, as a knee jerk response to the criminal actions of a few.”

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