

## **Independent oversight of immigration detention and border protection laws needed following Nauru leaks**

The Law Council of Australia has strengthened its call for the appointment of an Independent Inspector of Immigration Detention and an Independent Monitor for Migration Laws following leaked reports regarding the welfare of individuals held in detention in Nauru.

Law Council of Australia President, Stuart Clark AM, said both Offices are necessary to monitor the integrity of Australia's national security framework and ensure confidence in the safety and integrity of border protection.

"The Law Council has consistently stated that Australia retains responsibility for the health and safety of asylum seekers transferred to other countries for offshore processing and assessment under the *Convention relating to the Status of Refugees*," Mr Clark said.

"This responsibility derives from the Commonwealth's common law duty of care and obligations arising under international law.

"Making these key appointments could limit the risk of future harm to asylum seekers held in detention without undermining Australia's border protection policies.

"An independent reviewer specific to detention centres could operate in a similar fashion to the Federal Inspector-General of Intelligence and Security. The first task of this reviewer should be to examine the disturbing reports of alleged incidents in Nauru.

"A second independent, specialist body should be established to review and monitor Australia's border protection legislation, similar to the role of the Independent National Security Legislation Monitor. This has proved successful in the national security space, strengthening the integrity of intelligence services, whilst not undermining operational efficiency," Mr Clark said.

Mr Clark said the Law Council maintained its position that statutory minimum safeguards are necessary to ensure Australia's compliance with international standards, including limits on detention and the best interests of the child principle.

"It is also important that Government employees, including contracted medical staff, should have the ability to speak out about such incidents without fear of retribution," Mr Clark said.

The Law Council's position over the standards required in immigration detention, that adhere to the rule of law and Australia's international human rights obligations, are set out in its Policy Statement [Principles Applying to the detention of Asylum Seekers](#) and its [Asylum Seeker Policy](#)

---

**Patrick Pantano: Public Affairs**

P. 02 6246 3715

E. [Patrick.Pantano@lawcouncil.asn.au](mailto:Patrick.Pantano@lawcouncil.asn.au)

---

**Anil Lambert: Media**

P. 0416 426 722

E. [anil@hortonadvisory.com.au](mailto:anil@hortonadvisory.com.au)