

government of Nauru to provide them with ongoing support within the terms of the original agreement.

CHAIR: This is the agreement that Mr Rudd, the then Prime Minister, made with the Nauruan government?

Mr Pezzullo: Ms Gillard signed the agreement with Nauru, and Mr Rudd finalised the agreement with Papua New Guinea—so, one in 2012 and one in 2013. There was an earlier agreement regarding Manus struck in 2012, but it was revised and finalised in 2013. So there are two agreements: one with the government of Nauru, and one with the government of PNG—one under the Gillard government, one under the Rudd government.

CHAIR: You always learn things at estimates. I have been under the misapprehension that both of them were Mr Rudd's doing, but I am now informed.

Mr Pezzullo: The Australian government changed its policy in 2012 in response to the independent panel that reviewed the asylum seeker issue led by Mr L'Estrange and Air Chief Marshal Houston. That report came down in August 2012, and the Gillard government took a decision in September 2012 to reactivate regional processing.

CHAIR: The original arrangement was with the government, then led by Ms Gillard. The agreement has been fine-tuned since then, has it?

Mr Pezzullo: It was Mr Rudd and Prime Minister O'Neill who finalised what is called the regional resettlement agreement, the RRA, in July 2013—in that brief period where Mr Rudd returned to the prime ministership.

CHAIR: Does the fact that Manus is closing and Nauru is staying open change the government's policy regarding the settlement of people who arrive illegally?

Mr Pezzullo: Prime Minister Turnbull and Mr Dutton, and indeed other ministers, have made it clear that regional processing remains a critical element of Operation Sovereign Borders. That effectively means that Nauru is the enduring regional processing location. In combination with turn-backs or take-backs—as we have often briefed this committee about—along with temporary protection, these measures are, if you will, interlocking measures that constitute the totality of Operation Sovereign Borders.

CHAIR: Are the agreements that Ms Gillard and Mr Rudd originally signed with those respective foreign governments public documents?

Mr Pezzullo: I will check with Ms Noble. The head MOUs, as I recall, are. It has been five years, so my memory might be playing tricks. They have certainly been put forward in evidence if they were not publicised at the time. There are some subordinate agreements that are confidential between the parties, but I will check with Ms Noble to make sure that I am broadly on track there.

Ms Noble: That is right. The head documents have been made public.

CHAIR: Again, I want to be clear that PNG and Nauru are sovereign countries. and, principally, the agreements do not give Australia extraterritorial control or governance over foreign countries.

Mr Pezzullo: No.

CHAIR: So matters of justice or housing are principally decisions of those foreign governments, albeit perhaps with 'foreign aid' assistance—