

**QUESTION TAKEN ON NOTICE – LEGAL AND CONSTITUTIONAL AFFAIRS
REFERENCES COMMITTEE**

**INQUIRY INTO AUSTRALIA'S AGREEMENT WITH MALAYSIA IN RELATION TO
ASYLUM SEEKERS: 23 SEPTEMBER 2011**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(QON 35)

Senator Cash asked (in writing):

In his evidence to the Committee, Mr Asher, the Commonwealth and Immigration Ombudsman stated that “Even though we are the Immigration Ombudsman with a statutory responsibility for work in this area, we have not been given the basic information”. This quote related to the supplementary submission by the Ombudsman correcting some of the figures outlined in the original submission. Why has the Department not provided the information requested by the Ombudsman? Please provide details of what information Mr Asher requested from the Department and what has/hasn't been provided to date. In relation to the information that has not been provided, why has it not been provided?

Answer:

In relation to the Budget figures that were included in the Ombudsman's submission to the Inquiry and corrected by the department's supplementary submission, the department notes that the information was also publicly available in the 2011-12 Portfolio Budget Statements and in Federal Budget Paper Number Two (page 263).

At the request of the Ombudsman's office, the department's Principal Advisor Border and Humanitarian Strategies and First Assistant Secretary Offshore Initiatives Division provided a briefing to the Ombudsman on 8 August 2011 on the details of the Malaysia Arrangement.

The Ombudsman subsequently requested a copy of the department's guidelines on *Pre-Removal Assessment Process for Transfers to a Third Country for Processing*, but withdrew the request in light of the High Court case and requested instead a second briefing. On 7 September 2011 the department's Assistant Secretary Governance and Audit Branch advised the Ombudsman that the department would arrange a further briefing once a decision had been made by the Government on its response to the High Court case.

The department's Acting Secretary also wrote to the Ombudsman on 22 September 2011 offering to provide further briefing.