



Australian Government

Australian Government response to the
Legal and Constitutional Affairs Legislation Committee report:
Migration Amendment (Evacuation to Safety) Bill 2023

August 2023

Introduction

On 7 February 2023, the *Migration Amendment (Evacuation to Safety) Bill 2023* (the Bill) was introduced in the Senate by Senator Nick McKim. The Bill would require the Australian government to offer people taken to Papua New Guinea (PNG) or Nauru for regional processing the opportunity to transfer to Australia, provided they are not subject to an adverse security assessment.

On 9 February 2023, on the recommendation of the Senate Selection of Bills Committee, the Bill was referred to the Legal and Constitutional Affairs Legislation Committee (the Committee) for inquiry and report by 7 March 2023.

On 7 March 2023, the Final Report was tabled in Parliament detailing the history of regional processing arrangements, and the criticality of maintaining these arrangements to deter people smugglers from exploiting and encouraging vulnerable people to risk their lives at sea. The Committee recommended the Senate not pass the Bill.

On 8 March 2023, the Bill was defeated in the Senate by a vote of 24 to 12.

Response

Committee recommendation

Recommendation 1: The Government agrees with the recommendation of the Committee that the Senate does not pass the Bill that was tabled in Parliament.

Dissenting report from the Australian Greens

Recommendation 2: The Government does not accept the recommendation of the Australian Greens that the Senate pass the Bill.

Recommendation 3: The Government does not accept the recommendation of the Australian Greens that the Parliament repeals the statutory basis for the government's offshore processing regime, and that the government terminates all agreements and tenders for regional processing, and dismantles Operation Sovereign Borders.