

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 17 OCTOBER 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE11/0025) Program : Internal Product

Senator Brandis (L&CA 60) asked:

At the meeting with Mr Abbott, Senator Brandis and the Secretary on 7 and 16 September, the Opposition asked for the legal advice on the basis of which this policy was sought to be put into effect, and on the basis of which the Minister confidently claimed it was on solid legal grounds, to be produced. Please produce the advice.

Answer:

Consistent with the usual position that it is not generally in the public interest to provide details of legal advice because of the prejudice the Commonwealth might suffer in the conduct of its legal affairs, it is not considered appropriate to provide the advice requested.

Based on the sum total of the legal advice provided from all sources relating to the Malaysia Arrangement, the Government was very confident of the legal position.