

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 17 OCTOBER 2011

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(SE11/0201) Program 4.3:** Offshore asylum seeker management

Senator Brandis (L&CA 59) asked:

In relation to the Malaysia arrangement, provide the date on which clause 16 or a provision to the effect of that clause was first inserted into the arrangement?

*Answer:*

It would not be appropriate for the Department to disclose details or content of diplomatic discussions and negotiation with foreign governments.

The Arrangement with Malaysia, however, was always intended to be non-binding, consistent with usual practice with Memoranda of Understanding, which do not generally impose legally binding obligations. The non-legally binding nature of the Arrangement was reflected in the early discussions between the Governments of Australia and Malaysia, and Clause 16 reflects the common understanding of the parties.