



**Attorney-General
Minister For Emergency Management**

MC13/01862

The Hon Harry Jenkins MP
Chair
Parliamentary Joint Committee on Human Rights
Parliament House
CANBERRA ACT 2600

Dear Chair 

Thank you for your letter dated 12 February 2013 in relation to the examination of the human rights implications of the *Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012* and related legislation (regional processing legislation) by the Parliamentary Joint Committee on Human Rights. I apologise for the delay in responding to you.

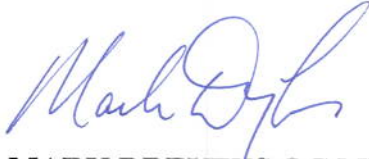
You have sought my written submissions on a range of issues which go to the consistency of the regional processing legislation with Australia's international human rights law obligations, drawing on the expertise of my department on matters relating to international law and human rights.

I note that the questions raised in your letter in effect request legal advice. You would be aware that it has been the longstanding position of successive governments that the Attorney-General's Department does not provide legal advice to parliamentary committees. In light of this, both my department and I are somewhat constrained in our ability to respond to the Committee's questions. However, I note that the Committee has its own legal advisers in order to provide legal advice in this regard.

As was noted in the Explanatory Memorandum for the Human Rights (Parliamentary Scrutiny) Bill 2010, in the context of Bills, the preparation and presentation to Parliament of Statements of Compatibility is the responsibility of the relevant Minister or Private Member or Senator. In light of this, I consider that the Minister for Immigration & Citizenship, as sponsoring Minister, is best placed to respond to questions in relation to the consistency of the regional processing legislation with Australia's international human rights obligations. I understand that the Committee has already written to the Minister, asking the Minister a number of questions in this regard, and the Minister has responded to these questions.

I note that the Expert Panel on Asylum Seekers, in its report, refers to Australia's international law obligations with respect to refugees and asylum seekers. In particular, I refer the Committee to Attachment 3 of the Report of the Expert Panel on Asylum Seekers, which sets out some general international human rights law principles which the Committee may find of assistance in its consideration of the regional processing legislation.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Dreyfus', written in a cursive style.

MARK DREYFUS QC MP

6/5/13