



**THE HON PETER DUTTON MP  
MINISTER FOR IMMIGRATION  
AND BORDER PROTECTION**

Ref No: MS16-003782

Senator the Hon Ian Macdonald  
Chair  
Senate Legal and Constitutional Affairs Legislation Committee  
Parliament House  
CANBERRA ACT 2600

*Ian.*  
Dear Senator

I refer to a question from Senator Nick McKim asked at the Senate Supplementary Budget Estimates hearing on 17 October 2016, regarding which countries the Department of Immigration and Border Protection is engaged with in terms of third country resettlement and what stage these negotiations are up to.

Please find attached my response.

Yours sincerely

  
PETER DUTTON

*21/10/16*



**Senator the Hon Michaelia Cash**  
Minister for Employment  
Minister for Women  
Minister Assisting the Prime Minister for the Public Service

Dr Rosemary Laing  
Clerk of the Senate  
Parliament House  
CANBERRA ACT 2600

Dear Dr Laing

I refer to a question from Senator Nick McKim asked at Supplementary Estimates, today 17 October 2016, regarding which countries the Department is engaged with in terms of third country resettlement and what stage these negotiations are up to.

Please find enclosed the response provided on behalf of the Minister for Immigration and Border Protection, the Hon Peter Dutton MP.

Yours sincerely

A large black rectangular redaction box covering the signature area of the letter.

Senator the Hon Michaelia Cash  
17 / 10 / 2016



**THE HON PETER DUTTON MP  
MINISTER FOR IMMIGRATION  
AND BORDER PROTECTION**

Ref No: MS16-003782

Dr Rosemary Laing  
Clerk of the Senate  
Parliament House  
CANBERRA ACT 2600

Dear Dr Laing

I refer to a question from Senator Nick McKim asked at Supplementary Estimates, today 17 October 2016, regarding which countries the Department is engaged with in terms of third country resettlement and what stage these negotiations are up to.

The response to this question should be withheld from the Senate on the following grounds of Public Interest Immunity:

- material the disclosure of which could reasonably be expected to cause damage to international relations, including disclosure of documents or information obtained in confidence from other governments; and
- material relating to law enforcement or protections of public safety which would, or could reasonably be expected to:
  - endanger the life or physical safety of any person;
  - prejudice the maintenance or enforcement of lawful methods for the protection of public safety.

***Reasons***

The magnitude of the irregular maritime people smuggling problem and the related social and economic damage provides context to this public immunity claim.

Between the years 2008 and 2013, Australia saw dramatic increases in maritime people smuggling. Annual arrivals rose from 161 illegal maritime arrivals in the 2008 calendar year to 20,720 in the 2013 calendar year. The tragic reality of this escalation was the number of people known to have lost their lives at sea. People smuggling is known to have cost the lives of at least 1,203 people between August 2008 and December 2013. Of these 1,194 have lost their lives since October 2009.

Those fortunate enough to survive these tragedies at sea face enduring trauma. Many survivors cope with ongoing and significant physical injury. Disclosure of material relating to this public immunity claim risks undermining those activities that have reduced the irregular maritime people smuggling trade.

Specifically, the release of the information and documents requested relate to operational matters and foreign relations, which should not be disclosed for the following reasons of public interest:

- they would, or could reasonably be expected to, cause damage to international relations, including disclosure of documents or information obtained in confidence from other governments; and
- Australia relies heavily on the ability and motivation of sovereign states to contribute and cooperate in respect to the processing and resettling of asylum seekers. The confidentiality of communications and information between the Commonwealth and sovereign states is essential to the candid and collaborative liaison between the respective government agencies that undertake such activities. If such confidentiality could not be maintained and the protection of material recording such communications could not be assured it would cause serious damage to international relations between Australia and regional partners in that it:
  - undermines the further development of international agreement and cooperation; and
  - undermines the working relationship between operational agencies in relation to the safety of those subject to regional processing.

Accordingly, the government does not believe it is in the public interest to release information that may compromise Operation Sovereign Borders and foreign relations.

Yours sincerely



PETER DUTTON

17/10/16