

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 21-22 MAY 2012**

**IMMIGRATION AND CITIZENSHIP PORTFOLIO**

**(BE12/0267) Program: Internal Product**

Senator Furner (L&CA 14) asked:

Was it the department's view before the High Court decision of August 2011 that section 198A (3) allowed the Minister for Immigration and Citizenship to declare countries that were not signatories to the Refugee Convention but met the conditions in section 198A (3)(a) for example Nauru before it became a signatory?

If Parliament were to pass legislation that restricted offshore processing to Refugee Convention signatories, would this be a departure from the department's view of what 198A allowed prior to the High Court decision last year?

*Answer:*

Yes to both questions.