



Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number: MS24-001370

Date of Clearance: 02/09/2024

To Minister for Home Affairs, Minister for Immigration and Multicultural Affairs, Minister for Cyber Security

Subject Claim of Public Interest Immunity on questions from the Senate Standing Committee on Legal and Constitutional Affairs over material related to details of individuals in regional processing in Nauru

Timing *At your earliest convenience, noting that SQoNs were due to be tabled on 1 August 2024.*

Recommendations

That you:

1. claim public interest immunity (PII) in response to questions from the Committee for information relating to details of individuals in Nauru, including their country of origin, and ethnicity (**Attachment A** refers); and agreed / not agreed
2. sign the letter at **Attachment B** to the President of the Senate, claiming PII in respect to answering these questions. signed / not signed

Minister for Home Affairs, Minister for Immigration and Multicultural Affairs, Minister for Cyber Security

Signature.....

Date:...../...../2024

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under the Freedom of Information Act 1982

Minister's Comments

Key Issues

1. On 28 May 2024, during Budget Senate Estimates, Senator Shoebridge asked for the following information regarding individuals transferred to Nauru since September 2023:
 - a) *Provide the following details regarding people seeking asylum who were transferred to Nauru since September 2023: Number of people, including a breakdown of their gender; countries of origin; ethnicity; date of arrival; and age range.*
2. On 4 July 2024, during Senate Estimates Spill Over, Senator Shoebridge again asked for information regarding individuals transferred to Nauru, with some responses provided on the day:
 - a) *Could I ask you about the number of people on Nauru at the moment?*
Response: As at 27 June 2024, there are 96 unauthorised maritime arrivals undergoing regional processing in Nauru.
 - b) *Are you able to say which countries they've come from?*
Response: No. I think we've canvassed this enough in previous estimates hearings. Can you identify whether any are children?
Response: Due to the relatively small numbers of transferees on Nauru at present, providing a breakdown by country of origin, ethnicity, gender or age could risk revealing the identity of those individuals, and that would have potential flow-on implications in the event that protection is sought or they pursue other options in regional processing.
 - c) *I'm going to press for answers—and I'll just be clear—for each of those characteristics. If you wish to take it on notice to consider a PII claim, that's a matter for you, but I'm pressing for answers for each of those characteristics for the people on Nauru presently.*
3. The Department of Home Affairs (the Department) answered the question regarding the number of people on Nauru. The Department's written response provides the arrival dates and corresponding number of unauthorised maritime arrivals transferred to Nauru, from September 2023 to 31 May 2024. The response also contains a breakdown of the transferees' gender and age range.

4. There is a basis to make a public interest immunity (PII) claim on the ground that disclosure of biographical information pertaining to the ethnicity or country of origin of transferees would be expected to damage Australia's international relations with source countries. s. 33(a)(iii)

[Redacted]

5.

s. 33(a)(iii)

6.

[Redacted]

7. In response to factors listed above, a letter to the President of the Senate has been prepared for your signature (Attachment B) outlining the Government's PII claim.

s. 47C(1)

s. 33(a)(iii)

S. 47C(1)

Attachments

- Attachment A Senate Estimates Questions
- Attachment B Letter to the President of the Senate

Authorising Officer
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Date: 02/09/2024 Mob: S. 22(1)(a)(ii)

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- Through** GM Immigration Operations
- CC** Associate Secretary Immigration
Commander Joint Agency taskforce – Operation Sovereign Borders (CJATF)

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