

Submission: Home Affairs Legislation Amendment (2025 Measures No. 1) Bill 2025

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) provides essential services to 7,000 people seeking asylum and refugees in the community in Victoria, in detention nationally, and held offshore. Our services include legal, casework, housing, medical, education, employment, and emergency relief. Based on what we witness through our service delivery, we advocate for change alongside refugees to ensure their rights are met and they can live in safety and with dignity.

On 26 August 2025, the Government introduced the Home Affairs Legislation Amendment (2025 Measures No. 1) Bill 2025¹ in the House of Representatives. This Bill **lacks transparency, exposes taxpayer money to fraud and corruption, and alienates Australia's multicultural community**. It is **rushed and reckless lawmaking** that seeks to remove people's right to fair decision-making and natural justice.

The ASRC makes this submission on the *Home Affairs Legislation Amendment (2025 Measures No. 1) Bill 2025*, noting the insufficient time, consideration and scrutiny given to its adoption, and the Government's refusal to consult with community, human rights and legal organisations.

Background

This Bill would expand the powers that the Government established with their three Bills passed in 2024.² These are the Migration Amendment Act, the Migration Amendment (Removals and Other Measures) Act, and the Migration Amendment (Prohibited Items in Immigration Detention) Act.

The most recent Bill seeks to further expand these powers by;

- Removing natural justice requirements that would require the government to notify and give people a chance to respond before making deportation arrangements with a third country.
- Allowing the Government to provide removal directions without notice, forcing people to cooperate with their own deportation.
- Retrospectively validating incorrect migration decisions that were made based on outdated law.³

Rushed and reckless

This is yet another flawed migration Bill that the Albanese Government is trying to rush through Parliament, with no consultation with legal organisations, and a **high risk of unintended consequences**. This Bill recklessly removes natural justice requirements, which are a cornerstone of Australia's legal system. It allows the Government to make decisions that severely impact

¹ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r7363

² Labor's Brutal Bills, ASRC 2024, <https://asrc.org.au/wp-content/uploads/2024/11/Labors-Brutal-Bills.pdf>

³ <https://www.hrlc.org.au/explainers/explainer-the-anti-fairness-bill/>

people's lives without giving them fair notice or an opportunity to respond. The **Human Rights Commissioner** has said that "procedural fairness is a cornerstone of our legal system and a safeguard against error. Expressly removing it from decisions about third country transfers risks serious harm and **sets a troubling precedent**".⁴

The Bill also retrospectively validates previous visa decisions that were made based on incorrect and unconstitutional law, with no redress for the people and families affected by these unlawful decisions. The **Australian Law Council** has raised concerns that **this could be contrary to the rule of law** and requires further consultation.⁵

Like the Bills rushed through Parliament in the last sitting week of 2024,⁶ this Bill follows the same pattern of rushed and sloppy lawmaking. The Albanese Government is recklessly pushing through a Bill that could undermine fundamental legal protections offered to all in the Australian community that are essential to maintaining the integrity of our judicial system. If passed, this Bill sets a dangerous precedent for further dismantling of key legal protections. **Broader consultation** with legal organisations **outside the Department of Home Affairs** is needed to avoid **unintended consequences**.

Lack of transparency and risk of corruption

This Bill is inseparable from the recently revealed agreement between the Albanese Government and the Republic of Nauru. Under this arrangement, Australia will pay \$408 million to resettle people deported from Australia, with an additional \$70 million committed annually for ongoing resettlement costs. Yet, no details of the deal have been made public. The **Government has refused to clarify** the timeframe of the payments, whether the funds are being provided as a lump sum or in instalments, how long the annual payments will continue, or the number of people expected to be sent to Nauru.⁷ This lack of transparency leaves both Parliament and the public unable to properly scrutinise the financial, legal, or human consequences of the arrangement.

A deal of this nature exposes Australian taxpayers' money to a very high risk of fraud and corruption. Nauru's political leadership, including **President David Adeang, has been the subject of repeated and serious corruption allegations over many years.** Entering into such a substantial financial arrangement without transparency or safeguards invites the possibility that funds will be misused. A timeline of these allegations is set out below:

Timeline of Allegations

2015	Australian phosphate company Getax allegedly bribed Nauru's President Baron Waqa (\$60,000) and then Justice Minister (now President) David Adeang (\$10,000/month). Leaked emails showed Adeang solicited an extra \$665,000 for himself and other MPs. The Australian Federal Police launched a major
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⁴<https://humanrights.gov.au/about/news/media-releases/human-rights-commissioner-concerned-about-proposed-change-s-migration-act>

⁵ Up to 80,000 people may be affected by 'sledgehammer' powers to deport non-citizens to Nauru lawyers warn, The Guardian, 3 September 2025.

https://www.theguardian.com/australia-news/2025/sep/02/misleading-80000-people-in-australia-may-be-affected-by-proposed-powers-to-deport-non-citizens-to-nauru-ntwnfb?CMP=Share_iOSApp_Other

⁶ Labor's Brutal Bills, ASRC 2024, <https://asrc.org.au/wp-content/uploads/2024/11/Labors-Brutal-Bills.pdf>

⁷ Prime minister insists \$408 million deportation deal with Nauru not a 'secret', 1 September 2025, <https://www.abc.net.au/news/2025-09-01/prime-minister-nauru-deal-hardly-secret/105721728>

	foreign bribery investigation. ⁸
	Senate Select Committee finds that <i>'the cost of detention on Nauru is high, with minimal evidence of value for money in the operation of the RPC. The committee heard that there is a lack of transparency on the spending of significant amounts of Australian taxpayers' money, and an inefficient prioritisation of resourcing.'</i> ⁹
2016	Bank records emerge showing Australian phosphate company Getax made monthly payments of tens of thousands of dollars to the family of Nauru's then Justice Minister David Adeang, alongside payments to President Baron Waqa and other politicians. ¹⁰
	ANAO audit finds serious and persistent deficiencies in procurement for Offshore Processing Centres in Nauru and Papua New Guinea, including reduced competition, inflated prices and failure to obtain value for money. ¹¹
2020	Despite AFP warnings to then Home Affairs Minister Peter Dutton, the government entered into and extended multimillion-dollar contracts with Radiance International, whose executive Mozammil "Moza" Bhojani later pled guilty (2020) to bribing Nauruan officials. After his conviction mid-2022, \$7.14m was paid under these contracts. ¹²
2023	Nine Papers and 60 Minutes Home Truths investigation revealed Justice Minister David Adeang received over \$120,000 in suspect payments from subcontractors hired by Broadspectrum and Canstruct under Home Affairs' approval. Companies linked to former President Lionel Aingimea and a public servant received sums totalling several million dollars from the Australian government for offshore processing services.
2024	Senior Home Affairs official Derek Elias alleged before the AAT that Australia's offshore detention contracts were "broken" and misused millions in taxpayer funds, including \$6m in disputed items, inflated monthly payments to Canstruct, and wasteful services like dog training for Nauru's president. ¹³
	Bank records and previously secret emails were published by Nine newspapers showing illicit payments to David Adeang from Australian businessman Amit

⁸ Nauru's president Baron Waqa and justice minister allegedly bribed by Australian phosphate dealer Getax, ABC 8 June 2015, <https://www.abc.net.au/news/2015-06-08/nauru-president-and-justice-minister-allegedly-bribed/6530038?>

⁹ Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru https://www.aph.gov.au/parliamentary_business/committees/senate/regional_processing_nauru/regional_processing_nauru/Final%20Report/c02

¹⁰ Money trail from Australian phosphate company Getax leads to Nauru minister David Adeang, <https://www.abc.net.au/news/2016-09-14/australian-phosphate-company-getax-payments-to-nauru-minister/7838170?>

¹¹ Offshore Processing Centres in Nauru and Papua New Guinea: Procurement of Garrison Support and Welfare Services, ANAO, <https://www.anao.gov.au/work/performance-audit/offshore-processing-centres-nauru-and-papua-new-guinea-procurement-garrison-support-and-welfare>

¹² Peter Dutton briefed by AFP on suspected corrupt contractor before department signed multi-million Nauru deal, <https://www.abc.net.au/news/2023-07-25/dutton-briefed-by-afp-of-bhojani-before-contract/102644618>

¹³ Millions allegedly misspent or wasted in Australia's offshore detention system, senior Home Affairs official tells tribunal, The Guardian, 31 Jan 2024, <https://www.theguardian.com/australia-news/2024/jan/31/millions-allegedly-misspent-or-wasted-in-australias-offshore-detention-system-senior-home-affairs-official-tells-tribunal>

Gupta, who has since fled the country to Dubai.¹⁴

The Richardson Review found Home Affairs repeatedly contracted companies in high-risk environments without proper due diligence or intelligence checks, exposing billions in taxpayer funds to corruption risks; it recommended stronger integrity safeguards, improved information-sharing, and a protocol for using AFP/AUSTRAC intelligence in procurement.¹⁵

2025

Nine newspapers report that Safe Hands Group and Black Dog Group Services, controlled by Finks bikie gang leader Ali Bilal, have been engaged since February 2025 to provide 'escort security to the detention centre, community safety and surveillance' on Nauru. Guards hired by the company are paid \$120,000 a year on a FIFO basis.¹⁶

Given the lack of detail provided and the long history of corruption and fraud allegations, it is reasonable that this deal and the associated Bill should be subject to a full inquiry, and that **the Parliament should have the opportunity to scrutinise the deal with Nauru.**

Broad scope and family separation

The Government has claimed this Bill will only affect a few hundred people in the NZYQ cohort.¹⁷ However, Senate Estimates revealed that the broad drafting of this Bill means up to 80,000 people could be impacted.¹⁸

The number of people who could potentially be subjected to removal to a third country includes not only the NZYQ cohort, but also people who are in detention, on a Bridging Visa E (BVE), Bridging Visa R (BVR) and those who do not have a visa.¹⁹ The ASRC has many clients on various visas who could be subject to deportation and life-threatening consequences under this Bill.

This is especially concerning, considering the high risk of chain refoulement whereby individuals deported to Nauru or other third countries could then be sent to countries where they face serious harm.²⁰ The NZYQ cohort includes individuals who are from Iran and who are stateless, people who are unable to return to their country of origin.

¹⁴ How 'candy' and 'monthly messages' enriched a president and his mates, Sydney Morning Herald, 9 March 2024, <https://www.smh.com.au/politics/federal/how-candy-and-monthly-messages-enriched-a-president-and-his-mates-20240227-p5f839.html>

¹⁵ Review of Integrity Concerns and Governance Arrangements for the Management of Regional Processing Administration by the Department of Home Affairs, Dennis Richardson, declassified report published February 2024, <https://www.homeaffairs.gov.au/reports-and-pubs/files/richardson-review/richardson-review-report.pdf>

¹⁶ Leader of Australian bikie gang strikes deal to provide security on Nauru, The Age, 6 August 2025, <https://www.theage.com.au/national/leader-of-australian-bikie-gang-strikes-deal-to-provide-security-on-nauru-20250805-p5mkez.html>

¹⁷ Up to 80,000 people may be affected by 'sledgehammer' powers to deport non-citizens to Nauru lawyers warn, The Guardian, 3 September 2025. https://www.theguardian.com/australia-news/2025/sep/02/misleading-80000-people-in-australia-may-be-affected-by-proposed-powers-to-deport-non-citizens-to-nauru-ntwnfb?CMP=Share_iOSApp_Other

¹⁸ LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE, Migration Amendment Bill 2024, 21 November 2024.

¹⁹ Ibid.

²⁰ <https://humanrights.gov.au/about/news/opinions/fairness-isnt-something-can-be-selectively-applied-australia-better>

Many people on BVRs have been living in Australia for decades, contributing to their communities and rebuilding their lives after experiencing trauma. These visas are often issued to people for whom it is unreasonable to expect them to depart.

Case study

Bashir has lived in Australia for almost 30 years, having fled his country of origin during a civil war where he suffered torture and trauma. He has spent over 8 years in detention in Australia.

He is now 57 years old and a loving partner and father to his Australian citizen partner and daughter. He provides significant support to his partner, who suffers from chronic high-risk medical conditions. He himself has significant mental and physical health challenges and relies upon the support of medical practitioners as well as his partner to help him with his complex medication schedule. He currently holds a Bridging Visa R (BVR) Subclass 070.

Under the new bill, Bashir faces imminent removal to Nauru. Not only does he face permanent separation from his wife and daughter, his biggest supports, but he fears he will also be deprived of essential medical care.

This Bill would also mean that people on BVEs who have ongoing Ministerial Intervention requests could be deported back to harm before their protection visa claims have been assessed. Those who are unable to return to their country of origin due to the threat of death or persecution would **face a minimum 12 months' jail time for failure to cooperate with their own deportation.**²¹

Case study

Nor arrived in Australia from Indonesia as a dependent on her husband's visa'. She experienced family violence throughout this relationship. After some time, she managed to escape from her husband in Australia, she was alone, scared and spoke limited English. She managed to connect with other people from Indonesia and was told that they could help her get a visa to stay in Australia permanently.

Someone from the Indonesian community lodged a protection visa for her. She had told them that she was scared to return, but did not feel comfortable telling them about the family violence, as she felt a lot of shame about it. She did not know what was included in the application.

After not having heard anything about the visa for a few years, her friends helped her to contact the Department of Home Affairs who told her that her protection visa had been refused a year ago. She had not received this decision as the person helping her to lodge had included their email address as the point of contact.

Unfortunately, she had missed her opportunity to appeal to the Administrative Review Tribunal. She instead has had to lodge a Ministerial Intervention request asking that the Minister allow her to lodge a new protection visa application on the basis of her experiences of family violence. She has been waiting a number of years for this outcome. She currently holds a Bridging Visa E on departure

²¹ Migration Act 1958, s 199E.

grounds, and therefore could be issued with a removal pathway direction. As a result of this new Bill, she would have no opportunity to explain why she is unable to comply, and would be subject to prosecution for an offence with a minimum mandatory sentence of 12 months.

The broad drafting of this Bill means it could capture thousands of people, **including those who have committed single and/or minor offences**, and whose families are Australian citizens. This would cause permanent family separation.

Case study

Anand fled his country of origin in 2013 at the age of 25 after facing religious persecution. He and his wife have 3 children in Australia, one of whom is an Australian citizen. Anand has a single non-violent offence (cannabis-related), motivated by his struggles to obtain employment after COVID and provide for his young family. His single offence attracted a prison sentence of 15 months, after which his visa was mandatorily cancelled and he was transferred to immigration detention.

While in Australia, Anand worked as a labourer and committed himself to improving his English. The court found he was a person of good character prior to his offending, and his involvement in the offence had been low-level.

Anand now works as a handyman and wants to rebuild his life with his wife and children in Australia. He currently holds a BVR. Consequently, with this new bill, he faces permanent separation from his young family, impacting them emotionally and financially.

Further consultation and careful inquiry are required **to ensure the scope of this Bill is adequately limited** and does not cause devastating unintended consequences.

Eroding the trust of multicultural Australia

Following the 2025 Federal Election, it became clear that politicians face significant electoral risks when pursuing policies that scapegoat and alienate migrants and multicultural communities. Migrants make a significant contribution to Australia, and are entitled to the same fundamental legal protections as others, including the right to natural justice.

The ASRC is in regular contact with leaders from a range of different multicultural communities who are consistently agreeing that, for them, the message this Bill sends is clear - those who were not born in Australia, or who do not hold citizenship, now face harsher rules than others. Due to the breadth of the Bill's drafting, it provides the government with **the power to designate any visa type to which their third country deportation arrangements can apply**, and those affected will have no access to natural justice.

Migrants, refugees, people seeking asylum, and other long-term residents who have built their lives in Australia are experiencing widespread anxiety, with ASRC and community organisations already receiving distressed calls for reassurance and clarification about what the Bill means for

individuals and families. **Multicultural community leaders are saying they once again feel attacked** by the Labor government.

Although the government currently claims they intend to use this only for the NZYQ cohort, **the drafting is such that it could affect a range of people on various visa types**. The Bill sets up a parallel justice system whereby if a citizen is charged with a crime, they are sentenced to punishment by the courts and are then free to rebuild their lives - but if the person is a migrant, they face visa cancellation and possible deportation to a country like Nauru.

Recommendation

The Home Affairs Legislation Amendment (2025 Measures No. 1) Bill 2025 is a reckless and dangerous piece of legislation. It removes fundamental legal protections that safeguard fairness, exposes taxpayer funds to corruption and waste, and sends a divisive message to Australia's multicultural communities. **It is being rushed through Parliament without consultation, transparency, or adequate scrutiny**, despite the profound consequences it will have on tens of thousands of people, including long-term residents and families with deep roots in this country.

If passed, this Bill will set a precedent for stripping natural justice from vulnerable groups, undermining the rule of law, and entrenching a discriminatory two-tiered justice system. It will expose people to serious risks of harm, permanent family separation, and denial of life-saving medical care, while further eroding community trust in government.

For these reasons, the Asylum Seeker Resource Centre calls on the Parliament to reject this Bill in its entirety.

At a minimum, the Bill and the associated agreement with Nauru must be subjected to a full, independent inquiry, with proper consultation of legal experts, human rights bodies, and affected communities.

Australia must not abandon its core democratic principles of fairness, transparency, and accountability.