

Budget Estimates (23 May & 24 May 2018) – Senate Estimates Questions on Notice Index

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE18-001	Attorney-General	National Archives of Australia	Patrick	NAA Staffing Numbers since 2012	<p>Senator PATRICK: You started with the National Archives in 2012, I believe. I'm just wondering how your staff numbers now compare to when you first joined the organisation?</p> <p>Mr Fricker: I don't believe I have those specific numbers in front of me. I'd have to take that on notice.</p> <p>Senator PATRICK: Would 470 then seem about the right number?</p> <p>Mr Fricker: It would, but that wouldn't necessarily be a full-time equivalent figure. There are many part-time employees.</p> <p>Senator PATRICK: It's gone down to 355. That's about 25 per cent over your tenure. Obviously I'm not tying it to your tenure, but that's what's happened in the period of your tenure.</p> <p>Mr Fricker: In a general sense, the downward trend, the downsizing of the organisation, is a fact. I can absolutely say that. But I'm hesitant to agree to specific numbers—</p> <p>Senator PATRICK: I appreciate that.</p> <p>Mr Fricker: because of part-time and casual staff—all the usual intricacies of HR management. I'd prefer to come back on notice and provide those exact figures.</p>	Spoken, Wednesday 23 May 2018. p58
BE18-002	Attorney-General	National Archives of Australia	Patrick	Reducing Workload Backlog	<p>Senator PATRICK: In your annual report of 2015-16, you discussed the Archives' efforts to reduce the large examination backlog, together with detailed statistics on access examination work. Those statistics were missing the following year. Why is that?</p> <p>Mr Fricker: The concentrated effort on reducing that backlog was a feature of our work in that year in which it was reported in the annual report. It was a focused task force that we applied and, during that period, we redeveloped our systems, processes and policies to handle that issue, but it then became business as usual. It wasn't a feature of subsequent years. For that reason alone, it wasn't such a highlight in the annual reporting.</p> <p>Senator PATRICK: Can you, on notice, provide the updated figures for the following two financial years?</p> <p>Mr Fricker: Yes, I can do that.</p> <p>Senator PATRICK: Thank you. Can you advise how many access applications are currently outstanding and how many of those have passed the 90-day deadline?</p> <p>Mr Fricker: I will take that on notice.</p>	Spoken, Wednesday 23 May 2018. p59
BE18-003	Attorney-General	National Archives of Australia	Patrick	Mr Fricker – All International Travel	<p>Senator PATRICK: I have just a couple more questions to go. Can you provide details on notice of all international travel that you've undertaken since you commenced the role and provide the purpose of the travel, events and functions attended, details of accommodation, airfares, expenses and the total cost of each trip?</p> <p>Mr Fricker: Yes. Is that me personally or across the—</p> <p>Senator PATRICK: You as the director-general.</p> <p>Mr Fricker: I can certainly do that. We keep very good records at the Archives. I'd be delighted to do that for you.</p> <p>Senator PATRICK: I'd imagine you do. The question is whether you'll release them or not.</p> <p>Mr Fricker: You can have all of them. They're fine.</p>	Spoken, Wednesday 23 May 2018. p60
BE18-004	Attorney-General	National Archives of Australia	Patrick	NAA v Fernandes	<p>Senator PATRICK: Finally, last time you were here—and I think this is a second appearance for you now, so you might be becoming a regular feature—there were some questions on notice about some litigation or some challenges in the AAT, National Archives of Australia v Fernandes. There were two matters. The total legal costs of one of those matters were \$436,000, and the costs of the other one were \$132,000. That seems like a lot of money. What were the results of the litigation? Did the Archives end up exempting the information, or was it released, or was there some compromise found?</p> <p>Mr Fricker: The matter's still ongoing.</p> <p>Senator PATRICK: Is it?</p> <p>Mr Fricker: Yes.</p> <p>Senator PATRICK: So you've still got the AGS representing. I presume these are costs for the AGS.</p> <p>Mr Fricker: This is for the Fernandes matter?</p> <p>Senator PATRICK: Yes.</p> <p>Mr Fricker: Yes, we're represented by the AGS.</p> <p>Senator PATRICK: Can you give me an update of those costs if there has been any further action, please.</p> <p>Mr Fricker: Yes.</p>	Spoken, Wednesday 23 May 2018. p60

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					<p>Senator PATRICK: I just wonder. That's a lot of money. It's half a million dollars in the context of your budget, which is only \$90 million. Are there any other matters like that? Over the last, say, three years, can you provide details of matters—I presume in most instances you are the respondent.</p> <p>Mr Fricker: That's correct.</p> <p>Senator PATRICK: Can you provide details over the last three years of cases where someone has appealed a decision and the costs involved with that litigation, please.</p> <p>Mr Fricker: Yes, I would be very pleased to do that.</p>	
BE18-005	Attorney-General	Security and Criminal Law Division	Pratt	Electoral Boundaries - AEC	<p>Senator PRATT: I might direct this question to you, Senator Cash. Given the seriousness with which this government is seeking to treat the issue of foreign interference, the fact that Mr Crewther has been seen to have asked another government to step in and influence electoral boundaries, has Mr Crewther been sanctioned over his actions?</p> <p>Senator Cash: I'm not aware of the details of any allegations. On that basis it would obviously be inappropriate for me to comment. I do have now, though—you referred to a particular article, I have managed to google it and bring it up. I do note that Mr Crewther makes certain statements within that article. But other than that I would need to take your question on notice.</p> <p>Senator PRATT: Okay. Is it appropriate for members of parliament to ask foreign governments to put in submissions regarding their electoral boundaries to the Australian Electoral Commission?</p> <p>Senator Cash: I'm not aware of the details of any allegations, and therefore—</p> <p>Senator PRATT: No, this is not about an allegation. Would you—</p> <p>Senator Cash: You asked me for an opinion.</p> <p>Senator PRATT: consider that an appropriate thing to do?</p> <p>Senator Cash: You must comply with the law at all times; that's it.</p> <p>Senator PRATT: Given the seriousness with which you treat the idea of foreign influence, which you're clearly trying to assert in this legislation, is a federal member of parliament asking another government to seek to make submissions and influence electoral boundaries a legitimate thing to do?</p> <p>Senator Cash: Again, I would need to take that question on notice, and there certainly has not been any suggestion that this has occurred.</p>	Spoken, Wednesday 23 May 2018. P65-66
BE18-006	Attorney-General	Civil Justice Policy and Programmes	Pratt	Review of the National Partnership Agreement on Legal Assistance Services	<p>Senator PRATT: Yes, but that's 2012. What about unmet need in states like Western Australia?</p> <p>Mrs Hermann: Western Australia is represented on both the steering committee and the advisory group. So they will be able to bring their own evidence to bear in those consultations.</p> <p>Senator PRATT: Is the advisory group public somewhere, in terms of its members?</p> <p>Mrs Hermann: I believe it is on the Attorney-General's Department website; if not, we can provide a copy of the membership.</p>	Spoken, Wednesday 23 May 2018. p71
BE18-007	Attorney-General	Civil Justice Policy and Programmes	Siewert	Elder abuse knowledge hub	<p>Senator SIEWERT: With the rephrasing of the \$15 million, is there a change to the way that's been allocated?</p> <p>Ms Bogaart: The rephrasing will be used to deliver the other initiatives that I mentioned earlier.</p> <p>Senator SIEWERT: Which is the hub?</p> <p>Ms Bogaart: Yes, the knowledge hub work on the national plan and supporting that and also the prevalence research that's being done.</p> <p>Senator SIEWERT: Can you give us the specific breakdown for those?</p> <p>Ms Bogaart: No, I don't have a specific breakdown for those. The work on the knowledge hub is, again, being scoped at the moment, so we'll be able to have a breakdown once we've done a bit more work on how it will be built and over what time frame.</p> <p>Senator SIEWERT: If there's no allocation to those other areas—I also note that the work around the financial power of attorney hasn't got a cost on it; it specifically says that's not available—how did you reach the decision that that level of resources was adequate for providing those initiatives?</p> <p>Ms Bogaart: I'll take that one on notice.</p>	Spoken, Wednesday 23 May 2018. p76

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					<p>Senator SIEWERT: If you could take it on notice and provide any information that you could, that would be useful. In the budget paper it says: Expenditure for this component has been provisioned in the Budget but is not for publication pending the outcome of negotiations with the States and Territories.</p> <p>What does that's mean? Is that because you're expecting the states and territories to contribute something?</p>	
BE18-008	Attorney-General	Australian Government Solicitor	Watt	Legal Advice to Government Ministers – AFP investigation	<p>Senator WATT: Mr Kingston, without getting into individuals, and I respect that you need to consult with clients, are you or your solicitors providing legal advice or representation to any government minister in relation to the AFP investigation?</p> <p>Mr Kingston: My answer to that would be what I foreshadowed earlier. I'd seek to take that on notice—first, simply as a factual matter and to be confident of an answer, but, second, whether it were the case that we consulted with any relevant minister. I don't think answering it simply by saying, 'Yes, a minister unspecified, whom we might be acting for' solves the concern I had about confidentiality, which I explained earlier.</p>	Spoken, Wednesday 23 May 2018, p79
BE18-009	Attorney-General	Civil Justice Policy and Programmes	Siewert	Royal Commission Implementation – Interdepartmental Committee	<p>Senator SIEWERT: Are you able to tell me who's on that committee?</p> <p>Ms O'Keefe: I certainly am. The interdepartmental committee is comprised of the Attorney-General's Department, the Department of Social Services, Department of the Prime Minister and Cabinet, the Department of Health, Department of Education and Training, the Department of Home Affairs, Australian Border Force, the Department of Finance—</p> <p>Senator SIEWERT: Sorry, I can't keep up. I'm trying.</p> <p>Ms O'Keefe: Would you like me to provide you with a list on notice?</p> <p>Senator SIEWERT: Yes, but it would be good to know now so that I can track it over estimates. It would be good to have a list. What was the last one?</p>	Spoken, Wednesday 23 May 2018, p80
BE18-010	Attorney-General	Civil Justice Policy and Programmes	Siewert	Royal Commission Implementation – Additional Funding	<p>Senator SIEWERT: Does the funding for the implementation then fall under each of the agencies or the departments responsible for the recommendations?</p> <p>Ms O'Keefe: Yes, that's correct.</p> <p>Senator SIEWERT: Has there been additional funding allocated for that in each of those agencies, or is it within existing resources? Take redress out; I'm going to be pursuing that with DSS. As we know, the legislation is actually before a community affairs inquiry.</p> <p>Ms O'Keefe: If you don't mind, I might take that on notice just because it sits in other portfolios and I wouldn't like to give you incorrect information about whether proposals have come from within existing resources or whether they are additional funding.</p> <p>Senator SIEWERT: Yes, take it on notice. Perhaps you could answer for A-G's, or has that not been resolved yet? You've just said the funding that's been allocated is more about supporting the task force.</p>	Spoken, Wednesday 23 May 2018, p81

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BE18-011	Attorney-General	Civil Law Unit	Dodson	Response to AE18-098 – Solitary Confinement	<p>Senator DODSON: There's another question I have to ask, but I'll put it on notice to you. The other matter was the response to my specific questions about solitary confinement issues for those who have got some cognitive difficulties or can't make a plea. Your answers were in relation to those who couldn't make a plea. You didn't deal with the solitary confinement matter, from the reading of the question. Why didn't you deal with the solitary confinement matter?</p> <p>Mr Johnson: I apologise, Senator. I'm not familiar with the specific question.</p> <p>Senator DODSON: It will absorb my time, and I'm conscious of that, but you've might want to go back and give me an answer as to why the solitary confinement component of the question wasn't answered. You dealt with the capacity to plead but not the solitary confinement matter.</p> <p>Mr Johnson: I apologise. I'll have to take that on notice.</p> <p>Senator DODSON: There was no response specifically to Aboriginal and Torres Strait Islander peoples, which was part of that question as well. If you take that on board I'd appreciate it.</p> <p>Mr Johnson: We will.</p> <p>Senator DODSON: Can you provide any information which sets out the response the government is taking to the issues of indefinite solitary confinement of people with cognitive and psychological disabilities across states and territories—again, particularly with Aboriginal and Torres Strait Islander peoples?</p> <p>CHAIR: Senator Dodson, if you have a couple of questions on some other items, we can come back to them.</p> <p>Senator DODSON: I've only got a couple more questions. Having asked questions previously I'd like to get clarification this time around if I could.</p> <p>CHAIR: You're quite entitled to do that, but your 10 minutes is finished. If you only have a couple more.</p> <p>Senator DODSON: I only have a couple, subject to the answers, of course.</p> <p>CHAIR: Let's finish with you.</p> <p>Mr Anderson: We will need to take on notice again, and I apologise for that, the question of whether—</p> <p>Senator DODSON: Do you want me to give you the reference?</p> <p>Mr Anderson: We have the question in front of us. Mr Johnson wasn't actually involved in that work, but my understanding is that the cross-jurisdictional working group, looking at the issues of people with cognitive and psychological disabilities, is not just looking at fitness to plead. It's looking at broader issues as well. We will need to confirm that it is also looking at the question of indefinite solitary confinement.</p> <p>Senator DODSON: That wasn't in the statement, that's all.</p> <p>Mr Anderson: It says 'including'. That's the thing I need to check.</p> <p>Senator DODSON: We won't quibble about what's in the written text.</p> <p>Mr Anderson: I'd prefer to take on notice, if we can.</p>	Spoken, Wednesday 23 May 2018. p84
BE18-012	Attorney-General	Civil Law Unit	Siewert	Detention of people with cognitive and psychiatric impairments – data analysis and report back to the LCCSC	<p>Senator SIEWERT: One of the things that were noted in the letter to the committee was that the attorneys-general agreed that the working group continue to analyse the data and report back to LCCSC at its first meeting in 2017. Was that analysis done, and did they report back?</p> <p>Mr Johnson: I would have to take that specific question on notice. That predated my personal participation in the matter. What I do know is that the work of the working group led to the drafting of the draft principles which are currently being put to states and territories for endorsement. I could conclude that the relevant analysis was done because they agreed to a set of national principles, but your specific question I'd have to take on notice.</p> <p>Senator SIEWERT: Could you also take on notice whether that material could be released?</p> <p>Mr Johnson: Yes.</p>	Spoken, Wednesday 23 May 2018. p86

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BE18-013	Attorney-General	Civil Justice Policy and Programmes	Siewert	National Native Title Tribunal – Fees increase	<p>Senator SIEWERT: How much is it going add to the costs each year for the Native Title Tribunal? I mean for the courts and things, but the area I have responsibility for is native title and the AAT. How much is that going to increase in terms of fees?</p> <p>Mr Anderson: I'll see if one of my colleagues has a specific amount for the NNTT. While they're checking whether they have that, I will note that at the same time the ability of each of those institutions to grant waivers for fees in appropriate cases, those revisions are all still in place.</p> <p>Senator SIEWERT: They remain the same?</p> <p>Mr Anderson: Yes. I'll see if my colleagues have the specific amount for the NNTT.</p> <p>Mr Gifford: I don't think we actually have that specific figure for you. I can tell you that across the forward estimates the move to annual indexation arises at \$4.8 million over the forwards estimates, but I don't have a breakdown here specific to the National Native Title Tribunal.</p> <p>Senator SIEWERT: So you've obviously arrived at that figure. Are you able to provide how much that will cost for each of the jurisdictions?</p> <p>Mr Gifford: Yes, we can. Sorry, I don't have those specific figures here, but we will be able to get those for you.</p> <p>Senator SIEWERT: Can you take that on notice?</p> <p>Mr Gifford: Yes.</p>	Spoken, Wednesday 23 May 2018. p86
BE18-014	Attorney-General	Civil Justice Policy and Programmes	Siewert	Administrative Appeals Tribunal – Fees increase	<p>Senator SIEWERT: Can you also tell me when the last indexation process was made through the previous process? Was that two years ago or was it last year?</p> <p>Dr Smrdel: The last biannual fee increase was done on 1 July 2016, so the next biannual fee increase is due on 1 July of this year. So the annual indexation will actually take place from 1 July 2019. What's occurring on 1 July 2018 is just to catch up with the biannual increases.</p> <p>Senator SIEWERT: That's what I wanted to know—whether it was another fee this year after last year.</p> <p>Dr Smrdel: No. I think for the migration review division within the AAT it will commence this year because their biannual fee increases are on a different time frame.</p> <p>Senator SIEWERT: Who is that for?</p> <p>Dr Smrdel: That's the migration review division within the AAT. I can't speak for the Native Title Tribunal, but for the courts and the rest of the AAT this is a biannual fee year, so the biannual fee increases will occur on 1 July 2018.</p> <p>Senator SIEWERT: Thank you. If you could take on notice the breakdown, that would be very much appreciated.</p>	Spoken, Wednesday 23 May 2018. p87
BE18-015	Attorney-General	Civil Justice Policy and Programmes	Pratt	Royal Commission – access to treatment – adults with sexualised thoughts towards children	<p>Senator PRATT: Okay, that's good. There were also, I think, findings in relation to adults with sexualised thoughts towards children who had not yet acted on that, in terms of getting support to them so that they're able to access treatment before they're criminalised in any way. What is happening on that issue?</p> <p>Ms O'Keefe: I will have to take that one on notice. I think that that is primarily a recommendation that will fall within the ambit of the states and territories, but I will take it on notice.</p> <p>Senator PRATT: It would be good if you take that on notice, and I'd really challenge the idea that it's within the ambit of the states and territories—noting that, because it's such niche, specialised work, it would clearly need national coordination to get the expertise that's required and to develop the kinds of programs that are required to do that. I think you confirmed that currently you're on record that the government will be ready to respond in June.</p>	Spoken, Wednesday 23 May 2018. p88

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BE18-016	Attorney-General	Civil Justice Policy and Programmes	Pratt	Royal Commission – redress scheme	<p>Senator PRATT: You're aware that the royal commission provided a recommendation that the maximum level of monetary payment would be \$200,000 and that they reached that conclusion after careful deliberation and extensive evidence. Did you ever engage with the royal commission itself about the rate of payments? Is it within the Attorney-General's Department?</p> <p>Mr Anderson: I don't want to be unhelpful but really that's also a matter for DSS to answer, because they were leading engagement with royal commission and other bodies in relation to how the redress scheme should be developed.</p> <p>Senator PRATT: No. I'm talking about the royal commission itself, which you're responsible for. When the royal commission was operating as a royal commission, did you have discussions with the royal commission about the monetary sums within redress in terms of what was legally appropriate?</p> <p>Mr Anderson: I would have to take that on notice. It's going back a little while now.</p>	Spoken, Wednesday 23 May 2018. p89
BE18-017	Attorney-General	Civil Justice Policy and Programmes	Siewert	Royal Commission – response to the recommendations	<p>Senator SIEWERT: Around those recommendations that are more aimed at other institutions and religious institutions, are you talking to them? Are either of the committees, or some other process, engaged in or in discussion with some of those institutions or all of those institutions to see what action they are taking and whether they are going to be responding in a more formal manner in June as well?</p> <p>Ms O'Keefe: Senator, I'll take that one on notice because I'm not aware of all discussions that other agencies may be having with those institutions. Certainly it will be a focus of the taskforce post the government response. The focus of the taskforce until now has been on recommendations aimed at the government, and then we'll be looking at some of those other ones.</p>	Spoken, Wednesday 23 May 2018. p90
BE18-018	Attorney-General	Civil Justice Policy and Programmes	Siewert	Royal Commissions – access to information	<p>Senator SIEWERT: The institutional response and also the Northern Territory, because I understand you've got the funding for both of those.</p> <p>Ms O'Keefe: That's correct. We have taken custody of the records for both the Northern Territory royal commission and the child abuse royal commission. There is a small team set up within the department that is accepting all of those requests and responding to them. We have put certain protocols in place, locking down the number of staff who are able to access those records, given the very sensitive nature of the material in them. Certainly there are internal processes. There are very strict names associated with who is able to access those requests—only people who would need to do it either for the purpose of searching through the database to assess whether there is information or to fulfil the requests.</p> <p>Senator SIEWERT: Are there also protocols about who can access the information from outside?</p> <p>Ms O'Keefe: Yes. It depends a little bit on the nature of the information that is sought. Private sessions information falls outside of the operation of the FOI Act, so only people who gave that information in a private session will be able to access that information and other requests can come through normal FOI processes.</p> <p>Senator SIEWERT: Are you able to provide a copy of the protocols?</p> <p>Ms O'Keefe: Yes, I can certainly do that.</p> <p>Senator SIEWERT: If you could take it on notice, that would be very much appreciated. Thank you, Chair. Now I have finished.</p>	Spoken, Wednesday 23 May 2018. p91
BE18-019	Attorney-General	Australian Human Rights Commission	Pratt	Elder abuse – funding	<p>Prof. Croucher: There was a budget measure that provided additional funding for the elder abuse work, yes, so—</p> <p>Senator PRATT: What about the partnership on mature age employment?</p> <p>Prof. Croucher: There has been support of an in-kind nature. We could perhaps provide some details of that precisely by letter after the meeting.</p> <p>Senator PRATT: Could you also particularly highlight any concerns the commission has with being able to resource that project. <i>The Australian</i> yesterday, in an article titled 'Ageing workers depress wages', said that the lack of wage growth in Australia can in part be attributed to more workers in Australia being older but them not receiving the same kind of wage growth as younger workers. With that kind of systemic workplace discrimination, is that the kind of thing that this partnership should be looking to address and get recognition of?</p> <p>Prof. Croucher: I'd prefer to let Dr Patterson respond to that herself. I know that one of her priorities is also homelessness for older women—an issue that often goes unnoticed in many ways—and she has adopted that as one of her areas of particular concern.</p>	Spoken, Thursday 24 May 2018. p8-9

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BE18-020	Attorney-General	Australian Human Rights Commission	Macdonald	Community service announcements	<p>CHAIR: Let me finish my question without interruption from the peanut gallery. I live in a small country town made up of many people, including Italians, Greeks, Spaniards, Vanuatuans, who were the descendants of the Kanakas, and Indigenous people. As I often say, the only odium some of the Indigenous people suffered at my school was that they were better sportsmen than us and you'd be flat out tackling them! That was purely on a competitive sporting basis and had absolutely nothing to do with racism. So I find it strange that we are spending money on portraying Australians as generally racist. I'm sure there are isolated cases. but portraying Australians as generally racist is foreign to the Australia that I know.</p> <p>Prof. Croucher: Indeed, and we would hope that is the case. They were drawn from data that refers to instances of these casual situations. We can certainly provide that to you. I would really like you to see them and see what you think.</p> <p>CHAIR: Yes, please. You said you have a link so you can refer it to me.</p>	Spoken, Thursday 24 May 2018. p14
BE18-021	Attorney-General	Australian Human Rights Commission	Patrick	Qantas/Virgin – travel – AHRC	<p>Senator PATRICK: I have some questions that are really to do with expenditure. Just to give some context, figures have been released to me by the finance minister that show a fairly significant disparity in government officials' use of Qantas and Virgin. Qantas gets about \$200 million worth of work per annum through government fares and Virgin gets about \$61 million. We have a cheapest available fare policy and Virgin is, in most circumstances, on average, cheaper. The finance minister has given me a breakdown of every department, but your department is not broken down. Do you have any figures on that or is that something you'd have to take on notice?</p> <p>Professor Croucher: We're not a department, Senator—</p> <p>Senator PATRICK: Sure. I understand.</p> <p>Professor Croucher: just as a matter of correction. As an agency, yes, we would have figures on that. I can find out the extent of the figures we have and take your question on notice.</p> <p>Senator PATRICK: Sure. Just to guide you on what I'd request of you, the minister has given me 2016-17 numbers and he's given me the number of flights on each carrier and the cost attributed to each carrier. If you've got that for 2017-18 to date, that would also be very useful. I wonder whether you could break out separately, perhaps for the last financial year, senior-executive-service-equivalent personnel travel. Would that be a possibility?</p> <p>Professor Croucher: I'll see what we can do. We do operate within the policies, as all other government agencies do.</p> <p>Senator PATRICK: Yes. I understand there are route differences. In fact, there is a policy guideline that allows a number of different exemptions to cheapest available fare. Perhaps you could provide me with a distribution. For example, code 1, according to the Department of Finance, is the lowest fare; code 2 didn't suit in terms of time; and code 4 is a health issue, or something like that. I'm just trying to get an understanding of why there is such a large disparity between Virgin and Qantas. Maybe you'll be able to answer this here. I don't need identities, but could you advise, if you're in a position to advise, how many members of the commission or your staff have been invited to either the Chairman's Lounge, as a member, and have accepted it, or The Club at Virgin?</p> <p>If someone has accepted an invite—and I understand there are good reasons for that, for example some privacy reasons, or free meeting rooms—that's very handy at airports—but in the circumstances where an official has an invite to only one of those, not both, can you provide details of their travel records in terms of Qantas versus Virgin as well, please?</p> <p>Prof. Croucher: We'll provide whatever we can in answer to your question, but I can't answer that right now.</p> <p>Senator PATRICK: If people want to be a member of Qantas or Virgin, that's their choice. But in the circumstances where they have been offered a club membership to the Chairman's Lounge or The Club because of their position, and that's generally what happens, I think it's fair for that to become public.</p> <p>Prof. Croucher: Certainly. We'll take that on notice and provide you whatever we can.</p>	Spoken, Thursday 24 May 2018. p16
BE18-022	Attorney-General	Australian Human Rights Commission	Macdonald	Community service announcements – social media	<p>CHAIR: Well, it's not worthwhile pursuing that here. Professor Croucher, just getting back to the matter we were discussing before. You mentioned YouTube comments on those advertisements. I have no personal knowledge of this—I'm quoting again from this article that I referred to before. It said, 'But ordinary Australians have expressed their disgust online at these patronising commercials. The Human Rights Commission has clearly noticed the backlash, as YouTube comments are disabled. However, the ratings aren't, with the videos being given an overwhelming thumbs-down by the viewers.' Would you care to comment on that? This is, again, the author's view. It may not be accurate. But I'd like your view on it. Have the Human Rights Commission disabled the comments on that YouTube for those advertisements?</p> <p>Prof. Croucher: The two community service announcements that I was speaking to before were published on social media through Facebook and YouTube. I'm completely unaware of the matter to which you refer.</p> <p>CHAIR: Could you take that on notice and just see whether the comments have been disabled?</p> <p>Prof. Croucher: Of course.</p>	Spoken, Thursday 24 May 2018. p17

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					<p>CHAIR: Reading that, I think it may have been that there were some comments that you wouldn't want anyone to read, let alone people who inhabit the social media. There may be other reasons. But I'd just like your comment on the view of the author of this. The author also says, 'The ratings aren't with—I don't know where he gets the information from. Do you have ratings on the videos? Is that sort of thing available?</p> <p>Prof. Croucher: I don't think they're subject to theatre reviews. We can find out the answers to your question and give you the answer as to moderation or otherwise. I should also mention that in addition to the two community service announcements that attracted quite a lot of attention, there were two rather delightful ones that followed up around the theme of football and AFL. When we provide you the links, we'll make sure you see those as well.</p>	
BE18-023	Attorney-General	Australian Human Rights Commission	Steele-John	Complaints against Airlines	<p>Mr McEwin: I've had quite a few conversations, and the commission has done quite a bit of work, in that area for a long period. Suffice to say it is still an ongoing issue. We sometimes get complaints against airlines about inaccessible travel. I've had a number of conversations with stakeholders and government stakeholders about the issue.</p> <p>Senator STEELE-JOHN: Would you be able to send me any research that you've done in this space? I know it's a challenge that's faced particularly, unfortunately, when utilising Virgin airlines. It's been fed back to me that there are, and have been for a while, policies around a limited number of disabled people they will allow on each flight. Have you come across that feedback as well?</p> <p>Mr McEwin: We in the past have had a number of complaints around the number of people who use wheelchairs travelling together on an aircraft. Certainly that's an issue. I'm very happy to provide you with the research and the data that we have on that issue.</p>	Spoken, Thursday 24 May.p24
BE18-024	Attorney-General	Australian Human Rights Commission	Siewert	CDP model	<p>Ms Oscar: The commission provided a submission to the discussion paper on 14 December last year. We hold the position that the CDP model should be based on a human rights based approach and that it is consistent with the five panel principles of participation, accountability, nondiscrimination and equality, empowerment and legality. The commission is concerned that if the scheme imposes more stringent obligations and compliance requirements on remote jobseekers, indirect discrimination may breach the Racial Discrimination Act, because 84 per cent of participants are Indigenous and the current CDP is inconsistent with the International Covenant on Economic and Social Rights.</p> <p>Senator SIEWERT: Given the comments that you've just made and the changes, particularly, that had been articulated in the budget papers in terms of going to the demerit point system, which is the new jobseeker system, have you looked specifically at that since the budget has been announced?</p> <p>Ms Oscar: No, I haven't.</p> <p>Senator SIEWERT: Could I ask you to take on notice to look at that specifically, because that came a bit out of the blue, because the jobseeker legislation specifically excluded CDP participants.</p> <p>Ms Oscar: Okay.</p>	Spoken, Thursday 24 May.p26
BE18-025	Attorney-General	Australian Human Rights Commission	Siewert	Closing the Gap - COAG	<p>Ms Oscar: I co-chair the Close the Gap campaign with Rod Little from the congress of first nations. I am involved in that capacity as co-chair with the Close the Gap campaign. In regard to the government's Closing the Gap Refresh, I have attended briefings with Professor Ian Anderson from the Department of the Prime Minister and Cabinet, and have input into the government's strategy at those briefings. I also attended the special gathering of Indigenous leaders held before the Close the Gap campaign's 10-year report and the breakfast you referred to, and prior to COAG. So I have been involved in various ways in the government's process.</p> <p>Senator SIEWERT: Could I ask you to take on notice the consultation since the COAG meeting, so that since they had that meeting and have been doing further work on refresh, could I ask you to take on notice how you've been consulted through that process?</p> <p>Ms Oscar: Okay.</p>	Spoken, Thursday 24 May. p26-27

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BE18-026	Attorney-General	Commonwealth Director of Public Prosecutions	Molan	Portfolio Savings Measures	<p>Senator MOLAN: I'm not sure whether your corporate memory goes back far enough, but during the time of the last Labor government, when Mark Dreyfus was Attorney-General, there was \$1.8 million in efficiencies demanded from CDPP in the 2013-14 budget. Do your records go back that far?</p> <p>Ms McNaughton: They would—but perhaps not right here.</p> <p>Senator MOLAN: Could I put that on notice, please—just a confirmation that that is the case?</p> <p>Ms McNaughton: Certainly, Senator.</p> <p>Senator MOLAN: Thank you. When you're doing that, I wonder if you could also come back to me on the 2013-14 Labor budget and whether there were any additional savings measures in that budget affecting the CDPP.</p> <p>Ms McNaughton: Certainly.</p>	Spoken Thursday 24 May. p30
BE18-027	Attorney-General	Commonwealth Director of Public Prosecutions	Molan	Serious Financial Crime Taskforce	<p>Senator MOLAN: How much has been provided over recent years for the Serious Financial Crime Taskforce?</p> <p>Ms McNaughton: I can indicate that in 2017-18 it was \$3.1 million and in 2018-19 it was \$3.7 million.</p> <p>Senator MOLAN: And we're up for a decision, aren't we?</p> <p>Ms McNaughton: I've given you two financial years worth—</p> <p>Mr Ash: I have a couple of other numbers: in 2015-16, about \$4.3 million, and in 2016-17, about \$3.6 million. I'll just need to check that there wasn't any other—</p> <p>Senator MOLAN: That's fine. I wonder whether that could also be included as a question on notice.</p> <p>Ms McNaughton: Just to confirm that?</p> <p>Senator MOLAN: Yes, just to confirm that, so that I have those available. Thank you very much.</p>	Spoken, Thursday 24 May. p31
BE18-028	Attorney-General	Commonwealth Director of Public Prosecutions	Patrick	Qanta/Virgin Travel – CDPP	<p>Senator PATRICK: I'm just trying to understand. Could you provide me with some explanation as to why you think there's such a large disparity between the use of Virgin and the use of Qantas within your office?</p> <p>Ms McNaughton: To give a proper answer, we'd have to take that on notice.</p> <p>Senator PATRICK: This is just to try to be helpful. There are a number of fare codes in the finance department's policies. A fare code of 1 is the lowest fare, a fare code of 2 is the timing or where the route was a special case, and code 4 goes to health issues—a whole range of different reasons. One would expect that, if you don't pick the lowest cost, you then allocate a number. It might be useful if you could give those numbers.</p> <p>Ms McNaughton: Certainly.</p> <p>Senator PATRICK: I'd also like, if possible, to have a look at your SES band equivalents to see if you could break out what their travel is—maybe not for 2017-18, but perhaps you could give an update of 2017-18 numbers and separate out the SES band. Are you aware of anyone in your organisation who is a member of either the Qantas Chairman's Lounge or The Club at Virgin?</p> <p>Ms McNaughton: Yes, one.</p> <p>Senator PATRICK: I don't want to peer into private matters. Has that person been given that status because of their official position?</p> <p>Ms McNaughton: As I understand it, yes.</p> <p>Senator PATRICK: In that instance, could you please, for that person, break out the travel that they do? Do you know whether they have The Club and the Chairman's Lounge membership or is it just one?</p> <p>Ms McNaughton: Just the Chairman's Lounge.</p> <p>Senator PATRICK: Because there's only one, could I ask that that person's travel be listed showing Qantas versus Virgin in totality, please?</p> <p>Ms McNaughton: Certainly.</p> <p>Senator PATRICK: Thank you very much.</p>	Spoken, Thursday 24 May. p34

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BE18-029	Attorney-General	Commonwealth Director of Public Prosecutions	Watt	Corporate Act Offences	<p>Senator WATT: You know those figures you gave me before for Corporations Act offences?</p> <p>Ms McNaughton: Yes.</p> <p>Senator WATT: Is it possible to break down those figures by how they were ultimately dealt with? How many resulted in convictions? How many were discontinued? There were other categories there. I didn't catch what they were.</p> <p>Ms McNaughton: We could attempt to—I don't know how—</p> <p>Senator WATT: Just to help you, the thing I'm really trying to get into is: how many of these matters are discontinued for a range of reasons? It might be that there's not enough evidence. There are all sorts of reasons that a matter might be discontinued. I'm interested in how many are discontinued as opposed to reaching a successful conclusion, if you like. Is there a way of breaking that down? Feel free to take it on notice.</p> <p>Ms McNaughton: We'd have to take it on notice, and I'm not even sure our records would necessarily assist us with that. We might have to go manually into files, and I don't know how doable that would be at the end of the day. But, of course, overall we deal with all our matters in accordance with the Prosecution Policy of the Commonwealth, and that guides our decision-making on all matters.</p>	Spoken, Thursday 24 May. p36
BE18-030	Attorney-General	Commonwealth Director of Public Prosecutions	Pratt	ASL – new work requested	<p>Senator PRATT: Okay. Are you able to tell us what ASL you've attached to the packages in terms of new work requested?</p> <p>Ms McNaughton: I don't know that we got ASL with all of those new buckets of money. But I don't know whether we have that information with us. I think the very short answer is we got a limited number—two and five and one—or something like that—</p> <p>Senator PRATT: Attached to specific projects?</p> <p>Ms McNaughton: Yes.</p> <p>Senator PRATT: If you could take that on notice and tell us what the projects are attached to that.</p> <p>Ms McNaughton: Certainly.</p> <p>Senator PRATT: And that's the request made, or what you got?</p> <p>Ms McNaughton: That is part of how—that's what we got. I don't know exactly—</p> <p>Senator PRATT: So they're within the 383, or are they additional to it?</p> <p>Mr Cash: Senator, they'd be within the 387 and going beyond. Again, it's going to flow in different years.</p> <p>Senator PRATT: Okay. If you could take that on notice, that would be great. In terms of your work flow, you said that big and serious issues can come through. If we have to deal with a significant rise in corporate crime as a result of referrals from the royal commission, will you need additional resources to cope with that?</p>	Spoken, Thursday 24May. p41
BE18-031	Attorney-General	Civil Justice Policy and Programmes	Lines	WA Family Law Court	<p>Senator LINES: I suspect this question should really have gone to AG's—cross-portfolio—but you may have something on it. I'm a Western Australian senator. When the WA Family Law Court was established, the full powers were not deferred. You might be aware that there's a very unfair situation in WA, where if you're in a de facto relationship you can't split super. I understand that the WA Attorney-General and Mr Porter, the Commonwealth Attorney-General, have been in discussion, and there's a willingness to fix it. So I'm just wondering whether you can give us an update on where that's up to.</p> <p>Justice Derrington: I'm sorry, I can't.</p> <p>CHAIR: That certainly wouldn't be a question for Justice Derrington. I'll allow Mr Moraitis to answer it, out of order, or Mr Anderson perhaps.</p> <p>Senator LINES: I was really just seeking an update.</p> <p>Senator Cash: This probably would have been more appropriately asked yesterday.</p> <p>Senator LINES: Yes, I know. I appreciate that.</p> <p>Senator Cash: To the extent that we can give you some information we will, but otherwise we'll take it on notice.</p> <p>Mr Moraitis: We're certainly aware of this issue, and action's been taken.</p> <p>Senator LINES: Yes. I was just wanting to try to get an update of where that was up to, if possible.</p> <p>Ms Saint: Yes, that's right. The application of the de facto property regime under the Family Law Act is a different situation in WA in that WA has not made a full referral of powers to the Commonwealth. I understand that there was a meeting between the Attorney-General and Attorney-General Quigley of WA at the end of February this year, during which they discussed this and some legislation that was passed by WA quite a while ago. The Attorney-General has undertaken to bring the matter forward for further consideration within the government.</p>	Spoken, Thursday 24 May. p48

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					Senator LINES: So you don't know. Maybe I'll put it on notice.	
BE18-032	Attorney-General	Australian Law Reform Commission	Patrick	Travel – Qantas/Virgin	<p>Senator PATRICK: In 2016-17 your organisation had about \$50,000 worth of travel, of which \$47,000 went to Qantas and \$2,000 went to Virgin. I'm wondering if you have any feel for why there would be a significant difference between the two?</p> <p>Justice Derrington: I don't, I'm sorry.</p> <p>Senator PATRICK: On notice, could you perhaps have a look at last year's numbers, 2017-18, and see if there's a disparity there, and perhaps offer an explanation. There could well be very legitimate reasons, noting the policy does have some flexibility. The other question I had is in relation to membership of either the Chairman's Lounge or Virgin's The Club lounge. I don't need names, but I'm wondering if there are any people in your organisation that are a member of that?</p> <p>Justice Derrington: Only me and Mr Faulks.</p> <p>Senator PATRICK: I'm interested in the circumstances, if you are only a member of one of them—</p> <p>Justice Derrington: No, it's both.</p> <p>Senator PATRICK: Both in both cases? Thank you. That's all I need to know, thank you.</p>	Spoken, Thursday 24 May. p49
BE18-033	Attorney-General	Office of the Australian Information Commissioner	Pratt	Programs not covered in base allocation	<p>Senator PRATT: Okay. You look like you're having an ASL increase, despite what looks like a decline over the forward estimates. How are you funding that?</p> <p>Ms Falk: As I mentioned, there is the additional appropriation for the consumer data right. What the forward estimates don't specify is the amount that we're likely to get under the memorandum of understanding. The only memorandum of understanding remuneration that's mentioned there relates to two MOUs that we know are on foot now and will continue next financial year, and that's \$2.07 million for the digital health system and an MOU we have to regulate the unique student identifier, for \$100,000. We have a number of other MOUs that are terminating at 30 June, and we're in negotiations to renew those. As I said, they currently amount to over \$3 million for this financial year, and we would expect funding in relation to a commensurate amount to continue over the forward estimates.</p> <p>Senator PRATT: If you could you tell us on notice which programs that aren't covered in your base allocation you've got over the forward estimates, which ones are finishing and which ones you're working on having renewed, that would be—</p> <p>Ms Falk: Thank you. We will.</p> <p>Senator PRATT: And the value of the budget attributed to each of those.</p>	Spoken, Thursday 24 May. p52
BE18-034	Attorney-General	Office of the Australian Information Commissioner	Pratt	Privacy Complaints – government agencies	<p>Senator PRATT: Are you able to attribute the reasons for the increase in complaints in terms of experiences that people are having where they believe that their privacy has been compromised?</p> <p>Ms Falk: In relation to both privacy and FOI, there's no discernible trend in terms of the areas. The sectors where we receive our complaints and applications for review remain steady. The issues that are coming to us in terms of privacy relate primarily to community concern around use and disclosure of their information, followed by the security of their information and then access to information. I would say, though, that I think there's been an increase in community awareness, both of privacy rights and also their access to information rights.</p> <p>Senator PRATT: Of those privacy complaints, how many of those relate to government agencies?</p> <p>Ms Falk: I'm just checking to see if I have that information to hand—I don't think I have the exact figure, unless my colleague's able to find it, but I can give you the top five sectors complained of in relation to privacy. The first is finance, followed by health service providers, then the Australian government, then the telecommunications sector and then credit reporting bodies. If you would like the figures on those, though, I can certainly provide them on notice.</p>	Spoken, Thursday 24 May. p53

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BE18-035	Attorney-General	Office of the Australian Information Commissioner	Steele-John	Complaints against Facebook	<p>Senator STEELE-JOHN: How many complaints have you received against Facebook in the last year, year on year? If you have to take that on notice, I understand. And what have the outcomes of those complaints been?</p> <p>Ms Falk: I will need to take that on notice, but I can say that they're not large numbers.</p> <p>Senator STEELE-JOHN: That would be great if you could provide those on notice. I'd like to bring you to the exemption for Australian politicians and political parties and organisations engaged by political parties from the privacy laws under the act of 1988. In 2000 the federal Privacy Commission indicated that it did not think the proposed exemption was appropriate. In 2008 the ALRC recommended the removal of the exemption, stating that, in their view, political parties engaging in political acts should be subject to the Privacy Act. Indeed, a survey conducted by your office revealed that 64 per cent of Australians incorrectly believed that political parties are subject to these laws. Your predecessor, Timothy Pilgrim, noted in an article on 22 March that he believed that the political parties exemption should be reconsidered, to determine whether it is appropriate in the current context and environment, given that that environment has changed significantly since 2000. Is it your opinion that the exemption should be reconsidered—</p> <p>CHAIR: Senator, I'll stop you there.</p> <p>Senator STEELE-JOHN: and will this be a likely recommendation of your investigation?</p>	Spoken, Thursday 24 May. p54
BE18-036	Attorney-General	Office of the Australian Information Commissioner	Steele-John	Data Breach Notifications – month of May	<p>Senator STEELE-JOHN: Taking the Dutch example, they received a thousand notifications within their first 100 days. You expect 500. But, whether it's 500 or a thousand, you received 114 in the financial year previous. Do you feel that you are adequately resourced to deal with that expected large increase?</p> <p>Ms Falk: In terms of resourcing, as I said, each of the matters is assessed and then we need to prioritise the resources that we do have in terms of what follow-up action we might take. That's why we're giving some focus over the next couple of months to our ongoing workload. We need to allow the scheme to continue for a little bit longer for us to really get a sense of what that might look like. But we're very live to the issues that it raises and they are certainly matters that are under active consideration within the IRC.</p> <p>Senator STEELE-JOHN: How many notifications did you receive during the month of May? I'm fine if you have to take that on notice?</p> <p>Ms Falk: I don't have the figure of the month of May to hand. We will be producing quarterly reports. So there'll be public statistics made available after 30 June. If you'd like a figure prior to that date, I can provide that on notice.</p> <p>Senator STEELE-JOHN: If you would be able to provide that to me in addition to an average response time for each request to each notification, that would be great. Do you consider that you have a substantial backlog at this time?</p>	Spoken, Thursday 24 May. p56
BE18-037	Attorney-General	Office of the Australian Information Commissioner	Patrick	Federal Court case – privacy complaint	<p>Senator PATRICK: Yes. I'll move on. Ms Falk, I know you were here at the last hearing. You would be aware Mr Pilgrim and I talked about the ABC show that had a privacy related matter, where an accusation had been made by an applicant to your office that the Commonwealth Bank had misled the Information Commissioner. Circumstances have changed since we last spoke about that in that there is now an action between a Commonwealth Bank employee and the Commonwealth Bank before the Federal Court, I think. In the particulars that have been filed, there's now the situation where you've got a Commonwealth Bank employee stating that, 'By failing to present highly relevant evidence during the hearing of the privacy complaint, the CBA effectively misled the Australian Privacy Commissioner.' Firstly, were you aware of that claim that's been made by Mr Cowan?</p> <p>Ms Falk: I was not.</p> <p>Senator PATRICK: Okay. I will write to you and provide you with some details of the information that has been filed. I know we talked last time with Mr Pilgrim about how you can't prosecute but can certainly look at a brief for the DPP. There are now people on all sides of this question suggesting that your office was misled by the Commonwealth Bank. There's a particular—</p> <p>CHAIR: Is there a question in this, Senator?</p> <p>Senator PATRICK: Yes, I'm just giving some context—as you do regularly, Chair.</p> <p>CHAIR: Well, I rarely do.</p> <p>Senator PATRICK: I beg to differ.</p> <p>CHAIR: It's your time, but we have got a very busy program.</p> <p>Senator PATRICK: Sure, and it gets delayed every time you interject, Chair.</p> <p>CHAIR: We're here to ask questions, not to make political statements.</p> <p>Senator PATRICK: There's no politics in this. Ms Falk, I'm just wondering whether or not you would be in a position to reconsider and to protect your office, because the last thing you want to have is a situation where you are not able to or where people just feel that they're not able to—</p>	Spoken, Thursday 24 May. p60-61

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					<p>CHAIR: The question is, I think: would you reconsider? Is that the question?</p> <p>Senator PATRICK: Yes—for the protection of the office as well.</p> <p>Ms Falk: In relation to that matter which was traversed, I think, at some length, as you indicated, at the last hearing of this committee, it was a decision of the former commissioner under the determination power. Once that power has been exercised, the only available mechanism for review of that is through the AAT or the Federal Court.</p> <p>Senator PATRICK: I'm not talking about a review of the decision itself, because that's clearly an administrative decision. I'm talking about potential criminal prosecution for misleading. Under your act, that's an offence. So it's not about appealing the decision; it's about dealing with an offence that may have occurred in the conduct of the review.</p> <p>Ms Falk: I appreciate you bringing the matter to my attention. As you're aware, it is an offence to mislead the commissioner. They're important provisions. Whether or not we're able to look at the information that you're referring to is something I would need to take some advice on.</p> <p>Senator PATRICK: Sure.</p> <p>Ms Falk: If there's a particular decision that you can point me to then we can simply go and look at that decision.</p>	
BE18-038	Attorney-General	Office of the Australian Information Commissioner	Patrick	Qantas/Virgin – travel - OAIC	<p>Senator PATRICK: Unfortunately, none of the departments I've talked to have been able to explain something to me. That's why I'm persisting until maybe someone can help me out. There's a massive disparity in government officials' use of Qantas and Virgin. Information provided to me by the finance minister, Minister Cormann, shows that there was about \$206 million spent on Qantas for government official travel and about \$61 million on Virgin. There's, on average, quite a significant price difference, where Virgin is less. One would expect there are differences in route—the amount of market share on routes and so forth. But I note that the Australian Information Commissioner spent \$91,000, rounded, in 2016-17 on travel with Qantas and \$24,000 on travel with Virgin. Are you in a position to explain why there is quite a difference between the spend on Virgin and the spend on Qantas in that competitive, 'cheapest available fare' context?</p> <p>Ms Falk: I'll need to take it on notice and look into it. It probably doesn't assist to speculate. You mentioned issues around routes; that might be something that's come into play. I'd need to look into it.</p>	Spoken, Thursday 24 May. p61
BE18-039	Attorney-General	Administrative Appeals Tribunal	Macdonald	AAT national conference – Tenderers and selection criteria	<p>Ms Fredman: We did undergo a tender process in accordance with the Commonwealth Procurement Rules, and the venue was selected after having undergone that process. Some of the criteria involved in selecting the provider by the tender evaluation committee, and as was publicised on AusTender, included the capacity to have the conference facilities—having been to this venue, you will appreciate that it has significant conference facilities—co-located with accommodation facilities and for a number of delegates. At that stage we were looking at upward of 340 delegates. Surprisingly, many metro locations—the ones that responded to the tender—were not able to meet that particular criteria.</p> <p>CHAIR: On notice, could we get the destination of the other tenderers?</p> <p>Ms Fredman: I can certainly take that on notice. And, if it assists, we can provide on notice the criteria that were applied in assessing those that responded to the tender?</p> <p>CHAIR: I'm sure every Australian can make their own assessment of the various places that we all know, but I am just interested in which were the other tenderers. If the criteria means why this wonderful resort in my home state was selected at a cost that would be useful for the committee.</p> <p>Ms Fredman: I'm happy to provide that to the committee on notice.</p>	Spoken, Thursday 24 May. p63-64
BE18-040	Attorney-General	Administrative Appeals Tribunal	Hume	AAT National Conference – Booking agent for Benjamin Law	<p>Senator HUME: I read in the paper that there is a journalist, an author, who was accepted and listed on the AAT's national conference program as the speaker for the Tuesday dinner, but I can't see that in the—</p> <p>Ms Leatham: Yes, that was an error on our part. There had initially been some thought given to having an after-dinner speaker. There was simply an approach made to Benjamin Law's booking agent. He'd been suggested because he had spoken previously at a Council of Australasian Tribunals conference. All that was done was to sound out whether he was available. It was prematurely put on an early version of the conference program, but he was never booked to speak and he won't be.</p> <p>Senator HUME: So he is not speaking?</p> <p>Ms Leatham: He's not.</p> <p>Senator HUME: Obviously it would be quite offensive, I would imagine, for ministers to be at the same dinner as somebody who has said such awful things about—</p>	Spoken, Thursday 24 May. p65

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					<p>Ms Leatham: We're not engaging Mr Law to speak at the conference.</p> <p>Senator HUME: I'm very pleased to hear it. Have you engaged anybody to speak at the conference?</p> <p>Ms Leatham: The program has the speakers there, but we're not having a dinner speaker.</p> <p>Senator HUME: No—at the dinner?</p> <p>Ms Leatham: No. There are no dinner speakers.</p> <p>Senator HUME: Who was the booking agent that you used?</p> <p>Ms Leatham: I'd have to take that on notice. I don't have that here.</p>	
BE18-041	Attorney-General	Administrative Appeals Tribunal	McDonald	Immigration Assessment Authority – Background of reviewers	<p>CHAIR: When you were giving details to Senator Hume of the 40 reviewers—don't name them—but can you just identify their backgrounds? You said some were solicitors, some were agents, some were former employees of other agents. On notice, if you could just give us a list of one to 40—and, you know, 'former solicitor' or 'former New South Wales government employee'?</p> <p>Ms Haddad: Yes. They will of course have a variety of past employment.</p> <p>CHAIR: Well, 'former solicitor and public servant'—if it's relatively easy to get. Senator Siewert.</p>	Spoken, Thursday 24 May. p68
BE18-042	Attorney-General	Administrative Appeals Tribunal	Siewart	Statistics relating to reviewers of Centrelink decisions	<p>Senator SIEWERT: Thank you for the comprehensive answers that you provided on notice to the questions I asked last time. I have some follow-up questions. Firstly, that data was provided up until, I think, 28 February. I want to ask a question about getting the data for the end of the financial year.</p> <p>Ms Leatham: This financial year?</p> <p>Senator SIEWERT: This financial year. That's essentially what I want. But it is a bit cheeky to ask in advance. So is it possible to provide it up until now—or, by the time you get to answer it, will you have that data?</p> <p>Ms Leatham: If we take that on notice, we can provide you with the most comprehensive up-to-date data.</p> <p>Senator SIEWERT: That would be fantastic.</p> <p>Ms Leatham: In the same format?</p> <p>Senator SIEWERT: Where I'm going with that is—and I want to come to more detailed questions, when I find the mark where I put it in my file. You provided some very useful data in terms of what decisions were made under the review for DSP. I'm wondering if it would be possible to do that for other payment types. You provided, in answer to one of my questions, a list of the first reviews and second reviews against payment type. There are a number of payments that stand out there in terms of large numbers. For the DSP—and I'll come back to some more detailed questions on that—up until February, there were 2,092 first reviews. That's the highest number out of all the payment types. The next highest payment types are the family tax benefit, Newstart and the age pension. I'm not asking you for all of the payment types on the list, but can provide that same level of detail for each of those payment types?</p> <p>Ms Leatham: I think we can.</p> <p>Mr Matthies: Senator, if I understand you correctly, are you referring to the response to the question that you asked which talked about what we'd recorded as the primary issue under review, as recorded by us in relation to the disability support pension?</p> <p>Senator SIEWERT: Yes.</p> <p>Mr Matthies: So, you're interested, then, in the same information for the largest of the other payment types?</p> <p>Senator SIEWERT: Yes. In terms of question AE18-007, which has the table 'Type of decision and primary issue under review'—I'd asked for the previous years, and you made the comment that processes change, so you've given me 2014-15, 2015-16, 2016-17—and 'Cancellation of payment', 'Debt', and so on, which were the reasons for the appeal. Are you able to do that again for the disability support pension, so I have the most up-to-date figures, but also for the family tax benefit, Newstart and the aged pension?</p> <p>Mr Matthies: Yes.</p> <p>Senator SIEWERT: Thank you. That would be very much appreciated. In terms of the table that just provides the first review and the second review by payment type, could I have that updated with the latest figures?</p> <p>Ms Leatham: Yes.</p> <p>Senator SIEWERT: I wanted to go to the detail that you've provided on the DSP. In terms of the reason for the appeal and the refusal of claim, looking at the figures, 'Qualification—medical and capacity to work requirements' is confirmed as by far the highest of the reasons</p>	Spoken, Thursday 24 May. p68-69

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					<p>for refusal of claim, which to me seems to substantiate the concerns that were being raised by national welfare rights in the report that we were talking about during last estimates—that it seems the highest area of claim is the medical and capacity-to-work requirements and dispute over that issue.</p> <p>Mr Matthies: The response there records that, for disability support pension decisions that were set aside or varied on first review, 'Qualification—medical and capacity to work requirements' was recorded as the primary issue under review in those matters.</p> <p>Senator SIEWERT: Yes.</p> <p>Mr Matthies: Beyond it being recorded as the primary issue under review, that's really as far as we can take it. They're also the central qualification requirements for the payment.</p> <p>Senator SIEWERT: Yes. But it does seem to have gone up consistently from 2014-15 to 2015-16 and 2016-17. It's gone up from 548 to 611 and then to 811 over that period of time.</p> <p>Mr Matthies: That's as the number of decisions that have been set aside has also increased, yes.</p> <p>Senator SIEWERT: Yes. Do you have the most up-to-date figure just for the DSP with you?</p> <p>Mr Matthies: So, for—?</p> <p>Senator SIEWERT: The number of claims and the number of those that have been set aside—just the first review will do. Actually, the DSP is also by far the highest in terms of the second review as well, in terms of appeals.</p> <p>Mr Matthies: Correct.</p> <p>Senator SIEWERT: Do you have those latest figures?</p> <p>Mr Matthies: For the financial year to date—1 July 2017 to 31 March—we've finalised 3,076 first review applications relating to the disability support pension. Of those, 556 were decisions to vary or set aside the reviewable decision.</p> <p>Senator SIEWERT: I'll compare that to the list that you've given me. In terms of the family tax benefit, that's a pretty high appeal rate. Before we get the figures—I'll obviously look at the figures once you send them to me—can you tell me now what the main reasons for those appeals are?</p> <p>Mr Matthies: I don't have that information to hand. We'll have to provide that on notice.</p>	
BE18-043	Attorney-General	Administrative Appeals Tribunal	Macdonald	Reasons for decisions and whether AAT members re-employed as reviewers	<p>CHAIR: Anyhow, the officers have agreed to table those decisions. If you like, I'll hand you these newspaper articles. I have highlighted the one I'm particularly interested in. If there is a reason, I think it's important for it to be out there. If these are wrongly said, that needs to be exposed, because on the basis of these things the AAT is—</p> <p>Ms Leathem: There will be comprehensive reasons going into that. But of course, if they are affected, there is an appeal right to the Federal Court.</p> <p>Senator PRATT: Chair, if I may clarify, as the registrar made clear in her opening statement, all decisions can be appealed to the Federal Circuit Court or Federal Court and can be overturned if they are found to be affected by legal error. So if there is an error in any of those judgements, frankly it's their job to uphold the law and it's our job to make the laws that they uphold.</p> <p>CHAIR: I think there have been some changes, but anyhow, thanks for your intervention. Will the judgements, when you table them, indicate who the member was?</p> <p>Ms Leathem: In most instances, I believe they will record the member.</p> <p>CHAIR: If any of those members are identified as one of the eight that have been re-employed as a reviewer, could you indicate that as well?</p> <p>Ms Leathem: Yes.</p> <p>CHAIR: Alright. I think I might leave that there.</p>	Spoken, Thursday 24 May. p71

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BE18-044	Attorney-General	Administrative Appeals Tribunal	Patrick	Qantas/Virgin Travel – AAT	<p>Senator PATRICK: I know you were in the back of the room when I was talking to the last witness about Qantas and Virgin, so I don't need to do the prelim.</p> <p>Ms Leathem: I did hear that, yes.</p> <p>Senator PATRICK: The AAT spends \$382,000—this is 2016-17 numbers—on Qantas and \$130,000 on Virgin. Noting the cheapest available fare policy, are you in a position to explain why the AAT has such a disparity between Qantas and Virgin?</p> <p>Ms Leathem: I'm afraid I couldn't explain that here today, but we're certainly happy to look at our statistical information and see if there is some explanation.</p>	Spoken, Thursday 24 May. p71
BE18-045	Attorney-General	Administrative Appeals Tribunal	Patrick	Qantas/Virgin Travel and memberships – AAT	<p>Senator PATRICK: Only dealing with FTE, perhaps if you could find out how many of your members have membership of the chairman's lounge and/or the Virgin The Club. There's a second question, for those members that have only one of those memberships, de-identified could you present their travel contribution between Qantas and Virgin?</p> <p>Ms Leathem: I don't believe we would have information about whether they are members but we can certainly take it on notice.</p> <p>Senator PATRICK: I imagine you could inquire into that. I'm only interested in the event that they have that membership as a result of their official position, not if they have it because a spouse has something.</p> <p>Ms Leathem: Yes.</p> <p>Senator PATRICK: Thank you very much.</p>	Spoken, Thursday 24 May. p72
BE18-046	Attorney-General	Administrative Appeals Tribunal	Molan	Matters finalised and on hand in the Migration & Refugee Division	<p>Mr Matthies: There were 18,908 applications finalised in the migration and refugee division in 2016-17.</p> <p>Senator MOLAN: My staff have given me figures here that in December of last year there were 35,000, is that not correct?</p> <p>Mr Matthies: Matters on hand?</p> <p>Senator MOLAN: I don't know. I'm trying to work out the issue of backlog, so I'm more interested in matters that you're working through than matters that you've decided. If you had either 50,000 or 42,000 decided or going through, how many of those—no, I'd rather not be decided—in that year went through the Migration and Refugee Division?</p> <p>Ms Leathem: The figure that provided by Mr Matthies was for the finalised matter.</p> <p>Senator MOLAN: Correct.</p> <p>Ms Leathem: I can say that our active case load is the highest in 10 years and that it has doubled since the amalgamation—</p> <p>Senator MOLAN: I can imagine.</p> <p>Ms Leathem: in 2015, driven mainly by filings in the Migration and Refugee Division.</p> <p>Senator MOLAN: Yes. And what is it, please?</p> <p>Ms Leathem: The matters on hand, at the moment?</p> <p>Senator MOLAN: Yes.</p> <p>Mr Matthies: The Migration and Refugee Division, as at the end of March, is 39,536.</p> <p>...</p> <p>Senator MOLAN: So a backlog of 39,000, of which you're working through roughly 18,000—you've affirmed or set aside 18,000. It's is a significant backlog, isn't it?</p> <p>Ms Leathem: It certainly is. We currently have the resourcing and funding for 18,000 finalisations in the MRD per year. That's the basis upon which the annual appropriation is generally given.</p> <p>Senator MOLAN: Okay. What would be your expectation of the percentage that you will finalise, say, this year?</p> <p>Ms Leathem: It entirely depends on the number of members that we have appointed to do the work. We, effectively, have fewer members now than we had at amalgamation, which means our ability to finalise more matters is constrained until we are able to get some additional members.</p> <p>Senator MOLAN: Would it get to 70 per cent, do you think, of the 39,000?</p> <p>Ms Leathem: It's going to be a much longer game than that. There's no prospect, at this stage, that we'll be able to finalise more than,</p>	Spoken, Thursday 24 May. p73

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					probably, 25,000. That would be our ambition at this stage. But we obviously have a range of strategies in place to try and increase the finalisation. Senator MOLAN: On notice, could you give to us those figures of on-hand and finalised, by state, please? I believe you have officers in each and every state.	
BE18-047	Attorney-General	Administrative Appeals Tribunal	Molan	Migration lodgements by country of origin (top six)	Senator MOLAN: I have another question on notice. Would you be able to break the migration down lodgements according to citizenship of the applicant—say, could you give us the top six by country of origin? Ms Leathem: I think we can do that.	Spoken, Thursday 24 May. p74
BE18-048	Attorney-General	Civil Justice Policy and Programmes	Pratt	Court reform	Senator PRATT: I would ask, please, if you would table a list of all consultations undertaken as a part of this reform/restructure process Mr Anderson: We'll take that on notice.	Spoken, Thursday 24 May. p77
BE18-049	Attorney-General	Family Court	Pratt	Costs – Family Court and Federal Circuit Court	Mr Soden: That split wasn't done for a budget purpose and it's not being undone for a budget purpose. There was no calculations of the savings and there is no calculations of the costs. Senator PRATT: Surely there should be a calculation of the cost to the taxpayer of making those changes? Mr Soden: In relation to registrars, no. There was just X amount of money and some stayed with the Family Court and the balance went to the Federal Circuit Court. Senator PRATT: If you could take on notice those costs, that would be great. Mr Soden: Will do.	Spoken, Thursday 24 May. p79

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BE18-050	Attorney-General	Federal Circuit Court	Molan	Time taken to finalise family law matters	<p>Senator MOLAN: You gave me the figures that in the last three years the migration cases were taking nine months, 12.3 months and 13.2 months. Do you see an increase in the time taken for family law matters over that same period of time?</p> <p>Dr Fenwick: I don't think I have as detailed a breakdown for family law. I can give you an indication—</p> <p>Senator MOLAN: Thank you.</p> <p>Dr Fenwick: The median was 8.45 months. So in the last 12 months there's already been an incremental—</p> <p>Senator MOLAN: It is relatively finalisation time is currently—this is median, not average, which is a different figure—8.65 months. For the previous financial year it small, though, isn't it?</p> <p>Dr Fenwick: I don't have earlier year figures. I could offer you some other material, if you wanted more detail.</p> <p>Senator MOLAN: Yes, please. You only need to add one figure to that, and that's the third year that corresponds to the nine-month migration one.</p> <p>Dr Fenwick: Okay.</p> <p>Senator MOLAN: I'm trying to understand the impact on the court of the process and the backlog. I think you've given me a fairly good way of understanding it. I'm also trying to understand the human impact on those who are standing in line for family law court determinations. That doesn't seem to be lengthening at this stage. Is that a fair summary?</p> <p>Dr Fenwick: I don't have any other figures on hand at the moment. But over a number of years there are different ways of profiling cases and finalisation times. Some of the average or median times themselves don't necessarily look to have blown out substantially, although I can't offer those figures now. There are different profiles to the life of cases. I think it's fair to say that there probably has been a reasonably noticeable ageing of the active cases.</p> <p>Senator MOLAN: When you provide those figures, could you give me the average figures to match the average migration figure period, please. Thank you.</p>	Spoken, Thursday 24 May. p80-81
BE18-051	Attorney-General	Federal Court	Patrick	Qantas/Virgin Travel – Federal courts	<p>Senator PATRICK: I'm going to a matter of expenditure, actually, at the risk of annoying the chair. Today I was provided with some information, from the Department of Finance, as to expenditure on airlines by government officials. It turns out there's a big disparity in government officials' use of Qantas over Virgin.</p> <p>Mr Soden: If it may assist, Senator, I've heard your questions—</p> <p>Senator PATRICK: Okay, fantastic. They only provided me with the Federal Court of Australia details, so I don't know whether that encapsulates the FCC.</p> <p>Mr Soden: It may encapsulate the Federal Court, the Family Court, the Federal Circuit Court and the National Native Title Tribunal. I would need to look at what you've got to be able to—</p> <p>Senator PATRICK: I'll perhaps get the question on notice and have that provided to you. The numbers I have before me—all it says is the Federal Court of Australia—are \$2.524 million spent in 2016-17 on Qantas, and on Virgin it's only \$692,000. So there's quite a big difference between the two. I can't rationalise that in the context of formal government policy of cheapest available fare. I realise there are sectors that change. There are different capacities on sectors and so forth. I wonder if you might be in a position to give some guidance as to why there would be such a big difference?</p> <p>Mr Soden: I'm surprised about the extent of that big difference, because from my experience in the Federal Court I know that the lowest possible fare is the rule. I do know that some people have preferences for Virgin and some people have preferences for Qantas. I'm surprised at the divergence. That is probably across the entity. It might reflect some practices in some other parts of the entity that I'd like to have a look at.</p> <p>Senator PATRICK: Sure. The policy doesn't allow for preferences, actually. There's a whole range of reasons why you can divert or depart from the cheapest available fare. Preference is not one of them.</p> <p>Mr Soden: When I say 'preference', I don't say that people select by preference. They do have preferences. Our rule is the cheapest possible fare.</p> <p>Senator PATRICK: The next question I have relates to people within your jurisdiction. So the same set of questions to the Family Court and Federal Circuit Court. I'm after the numbers of employees or judicial officers who have membership of the Qantas Chairman's Lounge and Virgin's The Club—so the total numbers, if that's possible. I have no problem with membership; I understand there are good reasons to accept those memberships. As a second question, in circumstances where there is a judicial officer or someone in the employ of the court that has only one of those memberships, could you provide me with the ratio of Virgin to Qantas travel?</p> <p>Mr Soden: I would be very surprised if there was any person that had only one of those memberships. We'll check that out and get that information to you.</p> <p>Senator PATRICK: One of the witnesses before us today had only one. I think that makes the task easier for you. My view is that, if you</p>	Spoken, Thursday 24 May. p84

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					<p>have one, you probably should have the other. Mr Soden: That is usual practice. Senator PRATT: Thank you very much. The same for the Federal Circuit Court. Mr Soden: We will do that on an entity basis. All of those bodies I mentioned will provide that information in relation to those matters. Senator PRATT: I would be most grateful. Thank you very much</p>	
BE18-052	Attorney-General	Family Court	Pratt	Head of Appeal Division	<p>Senator PRATT: Has the role of the head of the Appeal Division ever been held by the Deputy Chief Justice before? Mr Soden: My understanding is yes, but let me take that on notice to be sure. Senator PRATT: Are you aware of who and when that was? CHAIR: He's taking it on notice. Senator PRATT: Is anyone else aware? No. Ms Wilson: We'll have to take it on notice.</p>	Spoken, Thursday 24 May. p88
BE18-053	Attorney-General	Family Court	Pratt	Distribution of work	<p>Senator PRATT: That's fair enough. Have there been any adjustments to the allocation of duties of the three positions that Justice Alstergren now holds so that he can manage three workloads? Mr Soden: You'd probably have to ask him how he manages the work that he undertakes. Senator PRATT: How many cases has he got relative to other judges? Dr Fenwick: I couldn't say. Mr Soden: Before I take that on notice: he is working in a number of areas, as you mentioned. I don't think he has a docket of pending cases in one or other of the areas, as judges would do in those cases, but he would be dealing with hundreds of cases on some days, when he is dealing with the callovers that were mentioned in Melbourne, Sydney and Brisbane. Senator PRATT: Is it possible to see how that work is distributed between the Federal Circuit Court, the Family Court and the appeals division of the Family Court since he was appointed? Mr Soden: I can take that on notice. We can give you information about the amount of time he spends in each area. Senator PRATT: How many cases has Justice Pascoe heard in the Family Court since he was appointed? You would probably have to take that on notice. Mr Soden: I'll take that on notice. Senator PRATT: And on how many occasions has Justice Alstergren performed as Acting Chief Justice of the Family Court? Mr Soden: I'll take that on notice.</p>	Spoken, Thursday 24 May. p89
BE18-054	Attorney-General	Civil Justice Policy and Programmes	Pratt	Parent management hearings – second site	<p>Senator PRATT: Are you able to tell us what states are under consideration? Mr Gifford: In trying to select a second site, similar to the first site, we are looking first and foremost at the cohort of potential clients for the parenting management hearings. It's fair to say that most jurisdictions will potentially have an available cohort to support the pilot so as to be able to give us the best possible data. Senator PRATT: Are you consulting with stakeholders in those potential sites? Mr Gifford: Part of the conversations about a second site will also be informed by the support services that are also available—so, yes, there have been consultations about the cohort and the support services available in any jurisdiction. Senator PRATT: Are you talking to the support services in those locations yet? Mr Gifford: I'd have to take that on notice to be able to confirm that for you.</p>	Spoken, Thursday 24 May. p90

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BE18-055	Attorney-General	Civil Justice Policy and Programmes	Watt	Frontline legal services to support women experiencing violence	Of the \$30 million for frontline legal services to support women experiencing violence announced on 28 October 2016: <ul style="list-style-type: none"> • How much has been allocated, and to what? • How much has been spent, when, and on what? 	Written, Friday 8 June.
BE18-056	Attorney-General	Administrative Appeals Tribunal	Hume	IAA reviewers	<p>1. How many Immigration Assessment Authority (IAA) reviewers were appointed:</p> <p>(A) 1 July 2015 - 30 June 2016 (B) 1 July 2016 - 30 June 2017 (C) 1 July 2017 - 30 June 2018 or financial year to date (D) 1 July 2018 - 30 June 2019 (forecast)</p> <p>2. How many of the IAA reviewers appointed in (1) above were former tribunal members of the AAT between:</p> <p>(A) 1 July 2015 - 30 June 2016 (B) 1 July 2016 - 30 June 2017 (C) 1 July 2017 - 30 June 2018 or financial year to date</p> <p>3. Of the 37 current IAA reviewers, what is their average salary?</p> <p>4. Of the current IAA reviewers that were formally AAT Tribunal members, what is the average salary?</p> <p>5. Can you please provide:</p> <p>(A) a list of the names of current IAA Reviewers who were formerly Tribunal members of the AAT (B) the start date at the AAT as a Tribunal Member (C) the end date of their term as an AAT Tribunal Member (D) their appointment and start date as an IAA Reviewer</p> <p>6. If you cannot provide names of the IAA Reviewers who were formerly Tribunal members of the AAT, as requested in question 5 above:</p> <p>(A) please provide the reason why those names cannot be made publicly available (B) please provide de-identified answers to 5(b) and (c) and (d)</p> <p>7. Can you please provide a job description for the role of an IAA Reviewer, and a description of the merit-based criteria upon which their application is assessed?</p> <p>8. Can you confirm whether a review of the decisions made by a former Tribunal member is undertaken as part of the merit-based appointment process?</p>	Written, Wednesday 30 May.

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE18-057	Attorney-General	Civil Law Unit	Pratt	Report on Religious Freedom Review	<p>Senator PRATT: The Prime Minister announced last week that he received the report on the religious freedoms review. Can I ask when the government will release that report and make it public?</p> <p>Mr Moraitis: The report was received by government, as I think you said, last Friday. We received a copy yesterday or the day before. As you know, in the press release by the Prime Minister, it said that the Attorney-General and our department would assist government in responding to that. We haven't had a chance to form views on when that would be. We're starting the process of considering that.</p> <p>Senator PRATT: Is there a particular reason that the report can't be released now? The government doesn't need to respond to it at the same time that it's released.</p> <p>Mr Moraitis: I'll have to take that on notice. I'd defer to the Department of the Prime Minister and Cabinet on that.</p>	Spoken, Wednesday 23 May 2018. p60-61
BE18-058	Attorney-General	Civil Justice Policy and Programmes	Watt/Chair	Senator Cash – Legal representation from Government Lawyers	<p>Senator WATT: I'm sure we will. Have you received legal representation from government lawyers concerning the investigation into this raid and the leak from your office?</p> <p>Senator Cash: I don't believe so. There is a case, obviously, that the AWU have brought, in relation to the fact that they don't want to release the information or provide the evidence that donations were or were not made when Bill Shorten was the national secretary and whether or not they were properly authorised. That is a case that the AWU are currently fighting. They don't want to produce the information. I don't know if they have it or not.</p> <p>Senator WATT: On the basis that it was an illegal raid.</p> <p>Senator Cash: That is for the AWU. So there is legal representation in relation to the AWU case where they don't want to produce the evidence that the donations were properly authorised.</p> <p>CHAIR: Are you the nominal respondent to that, or is it the department or the government?</p> <p>Senator Cash: I would need to confirm that.</p> <p>CHAIR: Take it on notice. Sorry, I'm interrupting Senator Watt.</p> <p>Senator Cash: I need to confirm that.</p> <p>CHAIR: Yes.</p>	Spoken, Wednesday 23 May 2018. p77-78
BE18-059	Attorney-General	Civil Justice Policy and Programmes	Watt	Legal Representation from Government Lawyers	<p>Senator WATT: Is Minister Keenan receiving any legal representation from government lawyers?</p> <p>Senator Cash: I have no knowledge of that. You would need to pursue that. I can take it on notice.</p> <p>Senator WATT: I might ask the secretary or the relevant official: is any government minister receiving legal representation by the AGS or any other government lawyers for the events around the AFP investigation into the leak of information from Minister Cash's office?</p> <p>Mr Moraitis: I'll have to take that on notice. I'm not aware of anything, and I'm certainly not aware of—</p>	Spoken, Wednesday 23 May, 2018. p78
BE18-060	Attorney-General	Office of Parliamentary Council	Pratt	Legislative Drafting – Treasury Portfolio Bills	<ol style="list-style-type: none"> 1. Please list each Treasury portfolio bill introduced into Parliament since 9 May 2017 that has been drafted by the Office of Parliamentary Counsel. 2. Please list each Treasury portfolio bill that has been publicly released for consultation since 9 May 2017 (but not yet introduced) that has been drafted by the Office of Parliamentary Counsel. 3. I understand that where Treasury portfolio bills and tied legislative instruments (e.g. regulations) are not drafted by the Office of Parliamentary Counsel, OPC undertakes a particular 'quality assurance process'. <ol style="list-style-type: none"> a. Please list the Treasury portfolio bills introduced into parliament since 9 May 2017, for which OPC has undertaken this 'quality assurance process'. b. Please list the Treasury portfolio bills publicly released for consultation since 9 May 2017 (but not yet introduced), where OPC has undertaken this 'quality assurance process'. c. Is this 'quality assurance process' undertaken prior to the public release of draft legislation? d. Please list Treasury portfolio legislative instruments that have been made where OPC has undertaken this 'quality assurance process'. e. Please list Treasury portfolio legislative instruments that have been publicly released for consultation (but not yet made) where OPC has undertaken this 'quality assurance process'. 	Written, Tuesday 12 June 2018.

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE18-061	Attorney-General	International Cooperation Division	Moore	Sustainable Development Goals(SDG)	A request for the portfolio department with responsibility as a lead agency for particular Sustainable Development Goals(SDG), to provide information around any public speeches referring to the SDGs, any plans to include the SDG agenda in annual reports, on the department's website and in work plans for the coming year.	Written, Tuesday 5 June 2018.
BE18-062	Attorney-General	Civil Law Unit	McAllister	Religious Freedom Review	The Attorney General's Department may be aware that the Supreme Court of the United States handed down its judgment in the Masterpiece Wedding Cake Case on 4 June 2018. The US Supreme Court considered that an exemptions from anti-discrimination laws in Colorado for providers of goods and services holding objections to the provision of goods and services to LGBTIQ+ people because of their religious faith, was in breach of the US Constitution's equal protection clause. Does the AGD hold any concern that were similar exemptions to be recommended in the Review, they would violate LGBTIQ+ Australians right to equal protection before the law, which inheres in the structure of the Constitution and is an aspect of the rule of law?	Written, Tuesday 5 June 2018.
BE18-063	Attorney-General	Australian Human Rights Commission	Siewert	Aboriginal and Torres Strait Islander Social Justice Commissioner	Australian Human Rights Commission – Aboriginal and Torres Strait Islander Social Justice Commissioner, Ms June Oscar AO 1. Was the Commissioner consulted about the Government's proposal to commemorate the 250th anniversary of Captain Cook's first voyage to Australia? If so, could the Commissioner provide details as to the advice provided to the Government? 2. Does the Commissioner hold concerns that the Closing the Gap refresh process is not adequately addressing the original statement of intent of the Close the Gap campaign? 3. Has the Commissioner reviewed the Community Development Program? If so, could the Commissioner outline her findings? If not, has the Commissioner considered carrying out a review of the program? 4. When will the 2017 Social Justice and Native Title Report be published?	Written, Tuesday 12 June 2018.
BE18-064	Attorney-General	Office of the Australian Information Commissioner	Griff	Notifiable Data Breaches Scheme	With regards to the Notifiable Data Breaches scheme: What is the role of third parties who hold sensitive customer information on behalf of clients, and experience a breach of this data (as per the PageUp data breach of 6 June)? Whose responsibility is it to inform affected individuals?	Written, Tuesday 12 June 2018.

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE18-065	Attorney-General	Federal Circuit Court	Pratt	Fee-for-service model – dispute mediation and resolution services	Mr Steve Agnew, Executive Director of the Federal Circuit Court of Australia gave evidence that there was a tender process a couple of years ago to engage a private contractor to provide a fee-for-service model for dispute mediation and resolution services nationally. The funding for this private contract was drawn from a \$900,000 administered fund. a. What are the terms of the contract? b. Who was the contract awarded to? c. How much of the annual \$900,000 budget has been expended in each year since the contract commenced? d. How many mediation sessions have occurred in each state or territory from this budget?	Written, Tuesday 12 June 2018.
BE18-066	Attorney-General	Civil Justice Policy and Programmes	Pratt	Retirement of Justice Le Poer Trench	Ms Virginia Wilson, Deputy Principal Registrar, Family Court of Australia, gave evidence that Justice Le Poer Trench will retire from the Family Court in November. Will Justice Le Poer Trench be replaced?	Written, Tuesday 12 June 2018.
BE18-067	Attorney-General	Civil Justice Policy and Programmes	Pratt	Federal Court Reform	1. The proposed merger of the Family Court and the Federal Circuit Court will see one single point of entry for applications. As there are currently separate fee structures for each of the courts, will filing fees and/or court event fees increase when a new single fee structure is implemented? 2. The Australian Financial Review quoted a PwC audit commissioned by the Attorney-General which found that Federal Circuit Court judges handled an average 330 matters a year. Can you confirm that consent orders are included in the number of matters handled by Federal Circuit Court judges as quoted in the PwC report? 3. The restructure proposes that appeals from the new Federal Circuit and Family Court of Australia will go to a new Family Law Appeal Division of the Federal Court of Australia. Can you confirm: a. Family law appeals will be conducted in the same way general law appeals from the Federal Circuit Court currently operate, i.e. appeals will be exercised by a single judge unless the Chief Justice of the Federal Court considers it appropriate for the appeal to be heard by a Full Court? b. Whether any current Family Court judges in the Family Court Appeals Division will be offered an appointment on the Family Law Appeal Division of the Federal Court of Australia? c. Whether current Federal Court judges will be appointed to the Family Court Appeals Division of the Federal Court of Australia? d. Whether new judicial appointments will be made to the Federal Court to establish the Family Law Appeal Division of the Federal Court of Australia? e. How many judges will constitute the Family Law Appeal Division of the Federal Court of Australia? f. If it is intended that the majority of appeals will be heard by a single Federal Court judge who will be bound by previous full court decisions from the Family Court, how will the proposed restructure ensure that the body of family law precedents does not become static? 4. The restructure proposes a single point of entry for all family law matters. a. Who will nominate the appropriate court for each matter to be allocated? b. Will the legislation specify which matters should be directed to each Division? c. At what point will a matter be allocated to the appropriate division, upon filing or after an initial hearing? 5. Chief Justice Pascoe is due to retire at the end of 2018. With the proposed new court to commence operation at the beginning of 2019, will the Chief Justice be replaced when he retires? 6. It has been reported by the Australian Financial Review (Family court axed in federal courts shake-up, May 29, 2018) that the Attorney-General commissioned an audit of the federal courts in his first weeks in office. Did the Attorney-General commission this report and did	Written, Tuesday 12 June 2018.

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					<p>it inform his decision to implement a restructure of the Family Court and Federal Circuit Courts?</p> <p>7. Did the Attorney-General receive any other professional advice or academic opinion about the effect that this proposed restructure would have on vulnerable litigants in the family law system?</p> <p>8. How will trials currently listed to be heard in the Family Court in 2019 be affected by the restructure?</p> <p>9. How will the Attorney-General ensure that the restructure does not provide grounds for the agitation of settled parenting orders, such as an application of the rule in Rice and Asplund (1978) 6 FamLR 570?</p>	
BE18-068	Attorney-General	Civil Law Unit	Siewert	Disability and incarceration – solitary confinement	According to the recent report by Human Rights Watch, in Australia, prisoners with psychosocial (mental health) or cognitive disabilities are disproportionately held in solitary confinement and can spend days, weeks, months, or even years locked up for 22 hours or more a day. What steps has the Government taken to end the solitary confinement of prisoners with disabilities? Has the Government considered launching a national inquiry into the use of solitary confinement of prisoners with disabilities?	Written, Friday 8 June 2018.
BE18-069	Attorney-General	Civil Law Unit	Siewert	Disability and incarceration – conditions of detention	The recent Human Rights Watch report on prisoners with disabilities found widespread abuse against prisoners with disabilities including physical abuse and disproportionate use of solitary confinement units for these prisoners. Given the Federal Government has ratified OPCAT, what new procedures are in place to monitor conditions for prisoners with disabilities?	Written, Friday 8 June 2018.
BE18-070	Attorney-General	High Court	Kitching	High Court Functions	In relation to expenditure on any breakfasts, lunches, dinners, cocktail functions or any other official functions or receptions etc. hosted by the Justices of the High Court from 1 January 2017 to 14 June 2018, can the following please be provided: List of functions; List of attendees; Function venue; Itemised list of costs (GST inclusive); Details of any food served; Details of any wines or champagnes served including brand and vintage; and Details of any entertainment provided.	Written, Thursday 14 June 2018.

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE18-071	Attorney-General	Office of International Law	Patrick	Matters initiated under ISDS	<p>1. Please provide details of any matters initiated under ISDS that are still on foot.</p> <p>A. Details of litigants</p> <p>B. Details of the controversy</p> <p>C. History of the matter (hearing dates etc)</p> <p>D. Anticipated date of substantive hearing and decision</p> <p>E. Remedy being sought by the applicant (including quantum where compensation is sought)</p> <p>F. Legal Costs invoiced to date</p> <p>2. Are these matters treated as a contingent liability in the budget?</p> <p>3. If so, where are these contingent liabilities recorded?</p>	Written, Monday 11 June 2018
BE18-072	Attorney-General	Australian Human Rights Commission	Steele-John	Youth Homelessness	<p>Senator STEELE-JOHN: Do you have any data or insights on the issues of poverty and homelessness affecting young people in Australia and have you done any research on the trends over the last five years?</p> <p>Ms Mitchell: I don't have that data to hand, but I am familiar with the data that shows increasing numbers of young people who are homeless either with their parents or on their own, and I can provide that to you. It is an upward trend and something that, again, I think should concern us. Again, many of those young people are likely to have mental health issues and family conflict as something that has been their experience. I could provide that data to you, and I'd like to get you the most up-to-date data.</p>	Spoken, Thursday 24 May, 2018. p20