

**Budget Estimates (4th and 9th April 2019)
Senate Estimates Questions on Notice Index**

Q. No	Responsible Minister	Department or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE19-001	Attorney-General	Commonwealth Director of Public Prosecutions	Patrick	Date of brief received for prosecution involving Richard Boyle	<p>Senator PATRICK: I want to ask some questions about the matter involving Richard Boyle. I appreciate it's before the courts and I won't ask any question that goes to a question that is before the court; rather, I'm interested in the preliminaries to it. Are you able to give some advice as to from whom you received the brief?</p> <p>Ms McNaughton: From the ATO.</p> <p>Senator PATRICK: Can you give me some idea of the date that you received the brief and the date, having worked through your processes, you then decided to prosecute or instituted proceedings?</p> <p>Ms McNaughton: I haven't come briefed with that particular knowledge. I could take that on notice.</p>	Spoken, Thursday 4 April 2019 P 93
BE19-002	Attorney-General	Commonwealth Director of Public Prosecutions	Pratt	Qantas/Virgin travel – CDPP	<p>Senator PATRICK: I might just ask one quick question in relation to Qantas versus Virgin flights. Can you give me an update on the situation in respect of your flights? We've had this discussion in the past.</p> <p>Ms McNaughton: Yes. Can I take that on notice?</p> <p>Senator PATRICK: Have you been flying Virgin since I last asked these questions?</p> <p>Ms McNaughton: Yes. In fact, I was in court in Melbourne on Monday, and I flew down Qantas and I flew back Virgin.</p> <p>Senator PATRICK: Fantastic. Thank you very much.</p>	Spoken, Thursday 4 April 2019 P 102
BE19-003	Attorney-General	Administrative Appeals Tribunal	Pratt	Disclosures of political party membership by AAT members	<p>Senator PRATT: Clearly, though, offices of political parties can be quite demanding and busy positions, but they're generally speaking unpaid. When you are managing part-time members or full-time members, how do you audit their other commitments in relation to whether they're likely to compromise themselves in that capacity?</p> <p>Ms Leatham: When their induction is held, when we have any new members appointed, part of that process is explaining their obligations and the member code of conduct. It is made clear to members that if there are any other positions that they hold, or if they have any secondary employment and they're a full-time member, they do need to declare that and seek permission from the president. It really is a matter of judgement, and it remains an ongoing obligation for members to make sure that they disclose anything that might do that.</p> <p>Senator PRATT: Has anyone disclosed, or actively sought to disclose, that they are an office holder in a political party?</p> <p>Ms Leatham: I'd have to take that on notice.</p>	Spoken Thursday 4 April 2019 P 107
BE19-004	Attorney-General	Attorney-General's Department	Pratt	Reappointments to the AAT	<p>Senator PRATT: But I'd be interested in how many people were seeking reappointment about whom the president had not expressed any view that they shouldn't be reappointed and who weren't reappointed.</p> <p>Mr Anderson: We'll take that on notice.</p> <p>Senator PRATT: They've got terms that expire.</p> <p>CHAIR: As I say, I just—</p> <p>Senator PRATT: It's a simple enough question. I can see Mr Moraitis and Mr Anderson understand it.</p> <p>Mr Moraitis: We'll take it on notice. We're assuming also they'd completed their full term, whether it was three years or seven years.</p> <p>Senator PRATT: Thank you.</p>	Spoken Thursday 4 April 2019 P 108-109
BE19-005	Attorney-General	Attorney-General's Department	Pratt	Appointments to the AAT	<p>Senator PRATT: Of the 34 that were appointed, how many were chosen through a selection panel?</p> <p>Mr Anderson: I believe I've already answered that: the 86, including the 34 new appointments, were all appointed pursuant to the protocol agreed between the president and the Attorney-General back in November 2015.</p> <p>Senator PRATT: Okay. I know there's a list that kind of goes between the two. What I'm trying to work out is how many of those 34 were names put forward by the Attorney-General and how many were names that were initiated through the department.</p> <p>Mr Anderson: The department doesn't initiate names. The first step is that the president writes to the Attorney, and then the Attorney can either accept those recommendations or add in additional names or different names.</p> <p>Senator PRATT: How many names did the Attorney-General add?</p> <p>Mr Anderson: I'll have to take that on notice.</p> <p>Senator PRATT: Do you not know this? We go through these questions at every estimates.</p> <p>CHAIR: Yes, we do.</p> <p>Senator PRATT: How many names did the Attorney-General add?</p> <p>Mr Anderson: I would have to take that on notice.</p> <p>Senator PRATT: Okay. How many of the names that the Attorney-General added are among those 34?</p> <p>Mr Anderson: I will take that on notice. I don't have the details about composition of the 34 in terms of which were proposed by the president and which were the selection only of the Attorney.</p>	Spoken Thursday 4 April 2019 P 110

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					<p>Senator PRATT: Was it none? Was it some? CHAIR: He said he'd take it on notice. Mr Anderson: I'm taking that on notice. I don't have the details about the composition of the 34 in terms of which were proposed by the president and which were the selection only of the Attorney. Senator PRATT: Was it none? Was it some? CHAIR: He said he'd take it on notice.</p>	
BE19-006	Attorney-General	Administrative Appeals Tribunal	Pratt	Cost of AAT member salaries	<p>Senator PRATT: Thank you. Has the cost of tribunal members' salaries increased since the coalition government was elected, or is it largely in line with what you've described there. Ms Leatham: Yes, it's directly related to the number of appointments that we have, so in fact, at various points since amalgamation, it's fluctuated. Senator PRATT: If you're able to provide for us on notice the cost of those salaries between 2013 and today— Ms Leatham: Sorry—2015? Amalgamation? Senator PRATT: Yes. Ms Leatham: That would be both the full-time salaries and the use of part-time members? Senator PRATT: That's right. Do you have the cost of tribunal members' salaries in the current financial year? Ms Leatham: Ms Fredman, I'm not true if you have that level of detail? Ms Fredman: I'll have a look if you'll bear with me, Senator; I'm not sure if we have it to hand. Ms Leatham: We certainly could provide it on notice. Ms Fredman: We can take it on notice. Senator Fawcett: Chair, can I also just ask Ms Leatham to provide the as part of that answer the information about the increasing case load that you referred to earlier that has driven the increase in the need for the numbers of members of the AAT? Ms Fredman: No, Senator, unfortunately, we don't have those figures to hand but we can provide them on notice. Senator PRATT: Do you have them for the last year? Ms Fredman: Unfortunately not, but we can take on notice for the last two years.</p>	Spoken, Thursday 4 April 2019 P 112-3
BE19-007	Attorney-General	Attorney-General's Department	Pratt	Tabling of AAT appointments protocol	<p>Senator PRATT: Okay; take that on notice, that would be terrific. And can I please have tabled the new merit based appointments process? Mr Moraitis: We've taken that on notice already. Senator PRATT: Okay, but I just need to clarify that's not a question, that you're undertaking as a commitment that you will table it? Mr Moraitis: We're undertaking to take it on notice to see if we can table it, yes. Senator PRATT: Is there any reason why you wouldn't? Mr Anderson: I think you might have been out of the room when Senator Patrick asked the same question. The minister indicated that it would be for the Attorney-General to consider, because that's a protocol that he has agreed with the president—whether there is any reason why it shouldn't be tabled. Mr Moraitis: So we're deferring to them. Senator PRATT: How do we know if it's merits based? You made an announcement to say that it was; how do we know that it is if we don't see it? Mr Anderson: We've taken it on notice to provide it, subject to whether the attorney wishes to claim any privilege over it.</p>	Spoken Thursday 4 April 2019 P 113
BE19-008	Attorney-General	Attorney-General's Department	Pratt	Appointments since amalgamation	<p>Senator PRATT: Since the coalition was elected in 2013, how many people have been appointed or reappointed by the current government? Ms Leatham: We would only be able to provide data from 1 July 2015. Senator PRATT: Of course. Ms Leatham: I guess you're asking about reappointments? It might be better for the department, I think; they manage those processes. Senator PRATT: Okay. For you to take on notice— Ms Leatham: You want to know the number of appointments and reappointments since amalgamation? Mr Moraitis: Yes, we'll have to take that on notice. Senator PRATT: And, in that sense, how many people have come in? Of those 296, how many have come in since the</p>	Spoken Thursday 4 April 2019 P 113-114

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					amalgamation and how many are original from that time? Mr Anderson: So new members and reappointments? Senator PRATT: Yes; new members and reappointments. Mr Anderson: Okay.	
BE19-009	Attorney-General	Administrative Appeals Tribunal	Pratt	Migration and Refugee Division lodgements by registry	CHAIR: You've got the number of AAT members per registry. Do you also have, per registry, the number of applications for migration matters—the 38,000? Do you have statistics of where those 38,000 were— Ms Leathem: I think we'd have to take that on notice. We certainly would be able to provide a breakdown of where they were lodged.	Spoken, Thursday 4 April 2019 P 117
BE19-010	Attorney-General	Attorney-General's Department	Patrick	AAT appointments made independent of the protocol	Senator PATRICK: Yes—really just follow-up questions on some of the answers I heard before. In circumstances where the Attorney makes an appointment under the new regime—so there's clearly an appointment that can go through the protocol that you were describing before, where it is advertised and so forth, but the Attorney can make an appointment independent of that—will you be transparent about appointments that are made that outside that new merit process that's been derived? Mr Anderson: I don't believe the protocol actually goes to that question. Senator PATRICK: Maybe I can put that question to you for consideration, once again in the context of transparency. Once again my heart beats faster when ministers say words like that. Mr Anderson: We can take that on notice, but of course it's worth noting that the Attorney doesn't make the appointments; they're made by the Governor-General.	Spoken, Thursday 4 April 2019 P 117
BE19-011	Attorney-General	Administrative Appeals Tribunal	Pratt	Potential amendments to the AAT member code of conduct	Senator PATRICK: This goes to the question that Senator Pratt raised about political appointees, and you heard what I said about judicial officers' code of conduct. I presume it would be in the scope of the president's power to give similar guidance or make a requirement on appointees by way of a direction. Ms Leathem: His directions power is really how the management of the business is directed. He doesn't have, as I understand it, statutory power to set member terms and conditions. Senator PATRICK: But in the context that a perception of bias can give rise to an appeal, I'm sure he could issue a direction of that nature. Ms Leathem: It's a bit of a hypothetical. I think we'd probably need to see what you're proposing, in terms of what it said, as to whether it was in the scope of the power. Senator PATRICK: Let's consider that context. I'll ask you take on notice whether that has ever been considered by the president. Ms Leathem: So what would you suggest would be in such a direction? Senator PATRICK: A direction similar to what I'd read out from the <i>Guide to Judicial Conduct</i> . That is that, once appointed, you must resign from a political party to avoid the perception of a bias. Ms Leathem: We have a member code of conduct. You're suggesting there would potentially be an amendment to the member code of conduct. Senator PATRICK: Yes. I'm just asking whether that has ever been considered. If it was considered, perhaps provide an answer as to why it wasn't inserted in there, just to progress the discussion that has been taken place. CHAIR: The question is: are you aware that that sort of proposal has been considered? Ms Leathem: I'm not aware that that has been considered. Senator PATRICK: But I'm asking you to take on notice whether or not that has occurred. CHAIR: Ms Leathem doesn't know. Senator PATRICK: But she's not the only member of the tribunal or the staff. There could be others who are aware of that. I'm simply asking her to take that on notice. She might be able to go back to the president and ask the president. Ms Leathem: I can certainly provide factual information about when the code was initially adopted. Senator PATRICK: Yes, and I'm asking whether or not that sort of— Ms Leathem: Whether it can be revised. Senator PATRICK: Yes, whether it can be revised and whether, in fact, it has been considered in the past. Ms Leathem: We can take that on notice.	Spoken, Thursday 4 April 2019 P 118

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Q. No	Responsible Minister	Department or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE19-012	Attorney-General	Attorney-General's Department	Pratt	Timelines for reappointments	<p>Senator PRATT: The president makes recommendations. So of the other recommendations given to the Attorney-General, what were the expiry dates of those 50 people who were reappointed?</p> <p>Mr Anderson: It was 52.</p> <p>Senator PRATT: If you're able, tell me what the expiry dates of those 52 people otherwise would have been, because—I don't know—I'm probably convinced that former Senator Humphries thought that the Attorney-General might not be the Attorney-General for much longer.</p> <p>CHAIR: We'll take a question, not your thoughts about what might or might not have happened. Ask the public servants a question.</p> <p>Senator PRATT: Okay. Why would Senator Humphries need to seek a reappointment now as opposed to waiting until later in the year?</p> <p>CHAIR: The public servants can't answer what Mr Humphries might or might not have thought or done.</p> <p>Mr Anderson: As we've said before, we're not actually involved in the deliberation of the Attorney and the advice of the president, so we can't actually add anything to that.</p> <p>Mr Moraitis: We'll take on notice your point about the time lines for various other reappointments so you have an idea of where this fits in the scheme of things.</p>	Spoken, Thursday 4 April 2019 P 119
BE19-013	Attorney-General	National Archives of Australia	Pratt	Title of tender	<p>Senator PRATT: Thank you. There is also an AusTender contract in relation to review of the National Archives of Australia's governance and policy. Is that the full title of that tender? What's the full title of it?</p> <p>Mr McGuire: I don't have the detail of that. I did have the tender documents—or not the tender documents. If I can take that on notice, I can provide you the detail of that.</p> <p>Senator PRATT: Is it a general review of the—</p> <p>Mr McGuire: It is a general review—</p> <p>Senator PRATT: National Archives of Australia?</p> <p>Mr McGuire: No, it's not a review of the National Archives; it's a review of our governance processes. It's not a review of the Archives; it's just a review of our governance functions.</p>	Spoken, Thursday 4 April 2019 P 122
BE19-014	Attorney-General	National Archives of Australia	Patrick	Access requests for ASIO records	<p>Senator PATRICK: I'll take that as not acceptable. What's the current position with regard to access applications referred to ASIO for advice? I don't know if you want to explain the process. I'm interested also in, in relation to those referrals, how many are more than 90 days, one year, two year, three years or four years?</p> <p>Ms Ward: I don't have the specific figures for ASIO. I can take that on notice and provide that to you.</p> <p>Senator PATRICK: What's the longest period for a current outstanding access request for ASIO records?</p> <p>Ms Ward: I couldn't tell you that, but I can provide it to you.</p> <p>Senator PATRICK: What agreement do you have with ASIO concerning the referral of applications for access, under the Archives Act, to ASIO for advice?</p> <p>Ms Ward: I'll have to take that on notice.</p> <p>Senator PATRICK: So you don't even know what agreements you have in place?</p> <p>Ms Ward: I haven't got that with me at the moment.</p> <p>Senator PATRICK: Is there an agreement in place between the—</p> <p>Ms Ward: There would be.</p> <p>Senator PATRICK: Okay. So the answer is: yes, there is an agreement. I note you haven't got it here. Could I ask you to take it on notice?</p> <p>Ms Ward: We'll take that on notice.</p>	Spoken, Thursday 4 April 2019 P 125
BE19-015	Attorney-General	National Archives of Australia	Patrick	Mr Fricker – international travel	<p>Senator PATRICK: Notwithstanding that, if there is any continued travel by Mr Fricker then I'd like to see the detail. I'll refer to the answer, just to assist you. It was in answer to question BE18-003 from May last year. I'd just like to get an update on this extensive travel record, if I may.</p> <p>Ms Ward: Yes. We'll take that on notice.</p>	Spoken, Thursday 4 April 2019 P 127
BE19-016	Attorney-General	Attorney-General's Department	Patrick	Approval of international travel	<p>Senator PATRICK: Minister, noting you're not the Attorney, just representing, perhaps you could have a look at that answer or ask the Attorney to have a look at that answer. I just worry about the amount of travel that's involved here—it's significant. I know that ministers are busy people, they may not apply attention to every detail, but maybe you can have a look at that.</p> <p>Senator Cash: Thank you for that, Senator Patrick. Obviously I would not respond on behalf of the Attorney-General.</p>	Spoken, Thursday 4 April 2019 P 127

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					<p>Senator PATRICK: Sure.</p> <p>Senator Cash: But I can assure you that, as a minister, I also have the responsibility to approve travel. Each application is assessed on a case-by-case basis. I would agree with everything the secretary has said: a case must be presented that it is legitimate travel and the travel is warranted and of benefit to the taxpayer. That is certainly my personal experience in relation to approving travel, but I will take on notice for you, for the Attorney-General, the instance that you have raised.</p> <p>Senator PATRICK: And it may just be a case of you might look at the piece of travel, you might approve it and you say, 'That all seems very sound,' but you would agree that if you look at it over a longer period, which is something that might not be presented to you—</p> <p>Senator Cash: As I said, given the circumstances I will take that on notice for the Attorney.</p>	
BE19-017	Attorney-General	Office of the Australian Information Commissioner	Patrick	Consultant's pay	<p>Senator PATRICK: I have no problem with the quality of your team. My sense is that it is due to a lack of resources, that you continue to not get through these FOIs that people rely on to get access to information that they are lawfully entitled to. You mentioned some modelling. I thank the Information Commissioner. I got an FOI back from you on some modelling. I haven't gone through that in great detail yet—it was quite voluminous—but I appreciate you being a model supplier of information under request. You mentioned consultants. Who are the consultants and how much have they been paid, and over what period have they been tasked to look at how to improve the processes?</p> <p>Ms Hampton: We have some consultants in this week, in fact, from Synergy. I will have to take what we are paying them on notice, if that's all right.</p> <p>Senator PATRICK: Yes.</p>	Spoken, Tuesday 9 April 2019 P 6
BE19-018	Attorney-General	Attorney-General's Department	Pratt	Conduct of member of parliament	<p>Senator PRATT: So what should the parliament do in the instance that clearly there are ethical and legal issues that are relevant to Mr Tim Wilson's actions also, which clearly are outside, as you've outlined, your jurisdiction; that doesn't negate the nature of the legal and ethical issues underlying that kind of behaviour—</p> <p>CHAIR: What is the question?</p> <p>Senator PRATT: Well, Mr Moraitis, can I ask you: at a policy level it does seem extraordinary that—</p> <p>CHAIR: The question?</p> <p>Senator PRATT: we should have people giving evidence to a parliamentary committee having to go through a third-party website.</p> <p>CHAIR: What's the question of Mr Moraitis? You've been made a statement, which has been captured on TV.</p> <p>Senator PRATT: My question to the government is: if it's not within the jurisdiction of the Privacy Commissioner, whose jurisdiction should it be in?</p> <p>Mr Moraitis: As explained previously, the Privacy Act and aspects of it are always reviewed and changes made. Whether there should be any changes in response to this issue that you have talked about, it's a question for government to consider. That's all I'll say.</p> <p>Senator PRATT: Senator Ruston, can I ask you: what is the government doing with the concerns raised about Mr Wilson's actions in this matter in terms of how he's conducted himself as a member of parliament, where, in order to give evidence and attend a public hearing, people put their name to a petition against a particular policy?</p> <p>Senator Ruston: I will take that on notice, Senator.</p>	Spoken, Tuesday 9 April 2019 P 8
BE19-019	Attorney-General	Attorney-General's Department	Pratt	Departmental resources dedicated to the FITS scheme and the espionage and foreign interference legislation	<p>Senator KITCHING: I think Mr Moraitis has indicated that he agrees that that is a definition of corruption. How many departmental resources and how much time has the Attorney-General's Department spent over the last three years preparing these new laws to help curb covert and foreign interference in Australia?</p> <p>Mr Moraitis: Quite a bit of time. I'd have to take on notice the exact number of resources that have been employed over the last couple of years. The FITS regime is the culmination of efforts that began almost two years ago, if I recall correctly. Consideration was given to this and a whole bunch of other aspects of the laws, as you alluded to, about secrecy and foreign interference laws, which was also work that was engaged in by my department. Of course there was the machinery of government change in the context of that, so I'm not sure where the resources ultimately ended up. I'll ask Ms Chidgey and Mr Walter as to what the current resourcing is for our FITS regime. But I'd have to take all those questions on notice because it's historical. Would you like the current outlay of staff?</p> <p>Senator KITCHING: What I would like is, by financial year, the resources, both funding and people hours—</p> <p>Mr Moraitis: Sure. I'll try my best, especially on the people-hour question.</p> <p>Senator KITCHING: and also any expert advice the department might have sought and has either paid for or has been, perhaps,</p>	Spoken, Tuesday 9 April 2019 P 10-11

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					seconded into the department in order to— Mr Moraitis: I'll take that on notice. My only recollection of the FITS regime is that we were obviously very interested in the historical and actual experience of the United States system—the FARA system, the Foreign Agents system—which has been around since 1937 or 1939, if I recall correctly. We of course have engaged with our United States Department of Justice counterparts in Washington on several occasions, and that's been an ongoing process of comparing and contrasting our respective experiences. That's one example. But I wouldn't be able to cost that. It's purely a government-to-government sharing of experience.	
BE19-020	Attorney-General	Australian Government Solicitor	Macdonald	Costs to Commonwealth – Brett Cattle	Mr Anderson: As a general rule, it's going to be a matter for the department or agency that are actually instructing in the litigation, as to whether they wish to enforce a cost order. Mr Kingston: I might just add that, in relation to Brett Cattle, the applicant in that matter has paid a sum to court by way of security for the respondent's costs in relation to discovery in the litigation. CHAIR: They have a bond in court? Mr Kingston: They have paid that to court and, potentially, that would be available to meet some of the respondent's costs—that is, some of the Commonwealth's cost—depending, of course, on the outcome of the trial. CHAIR: Without speculating, as I said before, on the outcome, in the event of the Commonwealth losing, do you have any indication of the costs of the trial to the Commonwealth? What have you put aside to pay the applicant's costs in that instance? Mr Kingston: I'm not aware of any calculation about that at the moment. CHAIR: Of the applicant's costs if you lose? On notice, if you don't have it here, can I get an update—I have asked this before—of the costs to the Commonwealth so far in what I might editorialise and call a sad case where people's livelihoods were destroyed overnight by decisions of government. That shouldn't be difficult to get, Mr Kingston. Mr Kingston: I will take that question on notice.	Spoken, Tuesday 9 April 2019 P 18
BE19-021	Attorney-General	Administrative Appeals Tribunal	Patrick	187 Visa appeals	a) How many appeals for 187 visas have been lodged for each of the years referred to in the AE/191 and AE/192? (2014/15, 2015/16, 2016/17, 2017/18, and year to date) <i>*referencing the Home Affairs Portfolio's QoN responses.</i> b) Of the appeals lodged relating to 187 visas in these years, how many were affirmed or set aside?	Written, Thursday 18 April 2019
BE19-022	Attorney-General	Attorney-General's Department	Pratt	Consultation with the Courts – court reform	Senator PRATT: Were the Chief Justice, the Deputy Chief Justice or officials in either court consulted or provided with a copy of amendments to the Federal Circuit and Family Court of Australia Bill proposed by the Attorney-General, including amendments to abandon plans to relocate the appellate jurisdiction to the Federal Court? Mr Anderson: As we gave evidence to the committee's inquiry into the bills, we've worked closely with the officials of the courts. Also, the government has been consulting with the heads of jurisdiction of both courts in respect of those bills. Senator PRATT: But, when we were enquiring into it, there were concerns raised. In terms of amendments to address those concerns, when did consultation take place and with whom on those questions about the relocation of the appellate jurisdiction to the Federal Court? Mr Anderson: We'd have to take notice the specific dates as to when consultation occurred. Senator PRATT: Okay. So with whom did the government consult? Mr Anderson: Are you specifically asking about the officials of the court? Senator PRATT: Yes. Mr Anderson: We'll take that on notice. CHAIR: I think you could just refer the senator to evidence given to the previous inquiry. Senator PRATT: No; because these are changes post the previous inquiry. Were the Chief Justice and the Deputy Chief Justice consulted about those specific changes? CHAIR: That might be a question for the minister. Mr Anderson: It is better that we take this on notice, because the Attorney also has discussions with the heads of jurisdiction. So we would need to be sure that we are covering the consultations that the department had with officials as well the consultations that the Attorney has had. Senator PRATT: Okay. You can take it on notice for the Attorney-General, but can I ask whether the department was consulted? It should be a yes or no answer—or you don't want to say.	Spoken, Tuesday 9 April 2019 P 33

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BE19-023	Attorney-General	Attorney-General's Department	Pratt	Copies of ALRC's final report	<p>Senator PRATT: Have the Chief Justice or the deputy or officials of either court been provided with a copy of the Law Reform Commission's final report into the family law system in Australia?</p> <p>Mr Anderson: I don't believe so. I believe that the only people who have that are the Attorney and the department, and it is very closely held within the department.</p> <p>Senator PRATT: Have they been briefed? Has the Chief Justice or any other court officials in any court been briefed as in relation to this report?</p> <p>Mr Anderson: I don't believe so.</p> <p>Senator PRATT: Okay. Take on notice whether they have at all and, if they have, by whom—but I am taking it that it is your understanding that they haven't. When is this report to be released and made public, or will the Attorney-General keep it hidden until—</p> <p>CHAIR: I think you have asked the question.</p>	Spoken, Tuesday 9 April 2019 P 34
BE19-024	Attorney-General	Attorney-General's Department	Pratt	Social Compass's evaluation of domestic violence units & partnerships	<p>Senator PRATT: We've currently got 15 specialist domestic violence units and five health justice partnerships under the Women's Safety Package in CLCs and legal aid commissions. So an evaluation of the units—the partnerships originally funded—is being finalised currently by Social Compass, as I understand it. Can I ask when that will be finalised and made publicly available?</p> <p>Ms Mathews: Yes, we have received that, and that is with the Attorney-General for consideration to publicise.</p> <p>Senator PRATT: When did you receive that?</p> <p>Ms Mathews: I'd need to take that on notice, Senator.</p> <p>Senator PRATT: Well, we're not going to get those answers back until after the election. So the evaluation has been finalised?</p> <p>Ms Mathews: We've received the draft evaluation from the provider, yes.</p> <p>Senator PRATT: Okay, so it's a draft. The Attorney-General has it. Are you expecting that the Attorney-General's going to change the draft? Surely the evaluation is from Social Compass.</p> <p>Ms Mathews: I can't comment on what comments the Attorney-General might make; I can only confirm that it is before him.</p> <p>Senator PRATT: Will it be the work of Social Compass or the Attorney-General?</p> <p>Ms Mathews: It's Social Compass's evaluation.</p> <p>Senator PRATT: So you don't know yet when it will be made publicly available, or if the Attorney-General will change that evaluation in any way?</p> <p>Ms Mathews: I'd need to take that on notice.</p>	Spoken, Tuesday 9 April 2019 P 41
BE19-025	Attorney-General	Attorney-General's Department	Pratt	Grants to Aboriginal and Torres Strait Islander community controlled organisations	<p>Senator PRATT: So can I ask, in that context, why no Aboriginal and Torres Strait Islander community controlled organisations were funded, including ATSILS's?</p> <p>Ms Mathews: It was a competitive process which was run through the DSS grants hub. I can't comment on exactly why particular service providers did or did not receive funding through that competitive model, but I would say that the Kimberley Community Legal Services centre is one that received funding through that scheme.</p> <p>Senator PRATT: The Kimberley Community—</p> <p>Ms Mathews: Legal Services.</p> <p>Senator PRATT: The Aboriginal legal services did receive funding? Are there any other ATSILS organisations?</p> <p>Ms Mathews: I should clarify, I don't think the Kimberley one is an ATSILS, but they are obviously in an Indigenous area. I don't think there are any ATSILS, specifically, that received any of the grants.</p> <p>Senator PRATT: What's the average amount of funding provided to each organisation, and over what period?</p> <p>Ms Mathews: It's difficult to say, because the grants are quite different for organisations that did need start-up costs. There was a dedicated funding sheet that was attached to the media release, but I can also provide that on notice if that would be helpful.</p> <p>Senator PRATT: So you'll get back to us on that on notice.</p> <p>Ms Mathews: Yes.</p> <p>Senator PRATT: So we don't know the average or the period, in terms of the information here, but what reporting and evaluation processes are in place?</p> <p>Ms Mathews: We have set aside funding for an evaluation, and I'll take on notice where that is up to. We haven't yet engaged anyone to do the evaluation, but that is included as part of the measure.</p>	Spoken, Tuesday 9 April 2019 P 42

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Q. No	Responsible Minister	Department or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
BE19-026	Attorney-General	Attorney-General's Department	Pratt	Breakdown of funding for community legal centres, aboriginal legal services and specialist legal services	<p>Senator PRATT: I'm keen to hear a detailed breakdown of the funding for CLCs, ALSs and specialist legal services, in terms of how funds are allocated across the different programs, including family and domestic violence, but I don't imagine that's something you've got the detail for with you today.</p> <p>Senator Ruston: Chair, can I just note that—</p> <p>Senator PRATT: This is my very last question.</p> <p>Senator Ruston: I have a plane to catch.</p> <p>Senator PRATT: This is my last question. There isn't any specific detail on that that you could give me today, is there?</p> <p>Ms Harvey: Can I just clarify: were you asking for, for example, within each CLC, how that breaks down across family violence and other things, because I don't think we would have that.</p> <p>Senator PRATT: No. I know you wouldn't in terms of how centres choose to give their funding, but sometimes you've got directed funding for particular programs.</p> <p>Ms Harvey: Yes, so, for example, the program we were discussing around domestic violence units—</p> <p>Senator PRATT: That's right.</p> <p>Ms Harvey: I think we'll take that on notice to make sure we've got all the different components of the funding in there, because there are a few different line items.</p>	Spoken, Tuesday 9 April 2019 P 45
BE19-027	Attorney-General	Attorney-General's Department	Spender	Penalties in the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act	<p>Senator SPENDER: Could you advise what the penalties are under your Criminal Code amendments vis-a-vis the penalties under—</p> <p>Ms Chidgey: Yes, I can advise on the penalties under this legislation.</p> <p>Senator SPENDER: As they compare to penalties for broadcasters?</p> <p>Ms Chidgey: No.</p> <p>Senator SPENDER: You don't think it's relevant for the Attorney-General's Department?</p> <p>CHAIR: No, she's hasn't got the details of the broadcasters, I think she's saying.</p> <p>Ms Chidgey: That's right.</p> <p>Senator SPENDER: But, when you're introducing legislation to penalise a particular activity, surely it is within the Attorney-General's Department's responsibility to know how that penalty compares to the exact same behaviour by a broadcaster doing the exact same thing.</p> <p>Ms Chidgey: I think it's just an existing, quite comprehensive regulatory scheme for broadcasting services.</p> <p>Senator SPENDER: That doesn't involve predominantly civil penalties rather than criminal penalties.</p> <p>Ms Chidgey: Government ultimately made the decision that it was appropriate to target—</p> <p>Mr Moraitis: The focus of this act was this about what happened post-Christchurch and in the course of that activity in Christchurch. Ms Chidgey has alluded to the fact that we would take on notice to compare and contrast with broadcasting providers. In that context, we will address your specific concern for social media companies. As Ms Chidgey alluded to, a future government may have to look at the issue of comparisons.</p>	Spoken, Tuesday 9 April 2019 P 25
BE19-028	Attorney-General	Attorney-General's Department	Patrick	AAT new protocol document	<p>Senator PATRICK: That's good; I'll refer to the minister then. If you accept the proposition that I've just put, and that is that most of the senior members of the AAT, the senior ranks—that's the senior members and the deputy presidents, and, of course, the president—are mostly male, that doesn't seem to me to be reflective of what I would expect in the legal profession in terms of high-quality female legal professionals. It just seems that there's an imbalance there that's not right.</p> <p>Senator Fawcett: The only comment I'd make is that, obviously, the current make-up of the AAT is a lagging indicator of past policies. I don't know if you're aware of the fact that Prime Minister Morrison wrote to the President of the AAT, seeking his approval for a revised protocol. That started late last month, so it's very new; it's just in place.</p> <p>Senator PATRICK: Okay.</p> <p>Senator Fawcett: Under that protocol the whole selection process in terms of candidates for the AAT is now a merit based process, which has not been the case in the past. So you're correct: the current make up is what it is, but we have put in place a merit based process as recently as 25 March. We trust that the future make-up will reflect the merits of those who are involved and available, and, in fact, who put themselves forward. It will be advertised and people put themselves forward for selection to the AAT.</p> <p>Senator PATRICK: I seem to recall a conversation from last estimates, where in fact it's not necessarily advertised. But you're saying that's now changed?</p> <p>Senator Fawcett: That's the new protocol; as of 25 March that is the new protocol.</p>	Spoken, Thursday 4 April 2019 P104

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Q. No	Responsible Minister	Department or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					<p>Senator PATRICK: I'm at a disadvantage; I haven't kept up with things. I presume that's public?</p> <p>Senator Fawcett: I'd have to check with the officials on that.</p> <p>Mr Moraitis: Not yet.</p> <p>Senator PATRICK: Not yet. Is it possible to table that for the committee, please? On notice, of course.</p> <p>Mr Anderson: We'll take that on notice.</p> <p>Senator PATRICK: Yes. Can you see any problem with publishing that? It's not going to give someone an inside advantage if you do?</p> <p>Senator Fawcett: I'll take it on notice for the Attorney-General. It's his document.</p>	
BE19-029	Attorney-General	Attorney-General's Department	Pratt	Appointment of SC and QC	<p>Senator PATRICK: I now understand that the Attorney can appoint an SC or a QC working within government, so at AGS.</p> <p>Mr Moraitis: Yes.</p> <p>Senator PATRICK: Can the Attorney appoint someone outside of the AGS? Does he or she have a power to do that?</p> <p>Mr Moraitis: In government?</p> <p>Senator PATRICK: No, outside of government.</p> <p>Mr Moraitis: In the private bar.</p> <p>Senator PATRICK: Just as the New South Wales Attorney General might line up a list of people and say, 'You're now an SC.'</p> <p>Mr Anderson: Senator, I'd have to check to be completely sure, but my recollection is that it's limited to people who are involved in the provision of Commonwealth legal services.</p> <p>Senator PATRICK: If you wouldn't mind taking that on notice.</p>	Spoken, Thursday 4 April 2019 P106
BE19-030	Attorney-General	Attorney-General's Department	Pratt	Environmental Defenders Offices funding	<p>Senator PRATT: Thank you. I'll move on from that, I think, and ask some questions about the Environmental Defenders Offices funding. The EDOs were cut some time ago. There was a campaign, as I recall, from the Minerals Council. The offices were cut by government at a time when the government declared a budget emergency. We now have a government that's claiming a budget surplus and has put forward enormous tax cuts but can't find the \$4 million a year to support an Environmental Defenders Office network across the country. Why is that the case?</p> <p>CHAIR: You're asking the minister that?</p> <p>Mr Moraitis: It's a decision of the government.</p> <p>CHAIR: You're asking the minister, I assume?</p> <p>Senator Cash: And I'll take it on notice, Senator Pratt.</p> <p>Senator PRATT: Are you aware, Minister Cash, that EDOs are often the only bodies able to give legal assistance to farmers whose land is being targeted by a large mining company?</p> <p>Senator Cash: Given I'm sitting here representing the Attorney-General, I will take that on notice for him.</p>	Spoken, Thursday 4 April 2019 P130
BE19-031	Attorney-General	Attorney-General's Department	Pratt	Progress of Court reform legislation	<p>Senator PRATT: That's fine. I would expect that that would be your answer. So there hasn't been any particular advice given to the courts about the progress of the legislation or lack of it through the parliament?</p> <p>Mr Anderson: Given that the Attorney has had discussions with the heads of jurisdiction directly, we will take that on notice to see what advice might have been given.</p>	Spoken, Tuesday 9 April 2019 P 33