



Australian Government
Attorney-General's Department

Secretary

EC24-001249

29 May 2024

Senator the Hon Michaelia Cash
Senator for Western Australia

Senator Paul Scarr
Senator for Queensland

Parliament House
Canberra ACT 2600

cc: Senate Legal and Constitutional Affairs Legislation Committee Secretariat
legcon.sen@aph.gov.au

Dear Senators Cash & Scarr

Legal and Constitutional Affairs Committee – Budget Estimates 29-31 May 2024

I refer to your letter dated 24 May 2024.

1-3) Staff profile, contractors, consultants and labour hire

Responses to questions 1-3 from the Attorney-General's portfolio are set out below. For question 3, unless stated otherwise, the department or relevant agency does not forecast consultant, contractor and labour hire expenditure beyond the current financial year.

Attorney-General's Department

1.

Ongoing employees by classification	Headcount	
APS1	1	
APS2	8	
APS3	17	
APS4	180	
APS5	268	
APS6	413	
EL1	564	
EL2	372	
SES1	140	
SES2	31	

SES3	7
Total	2001

2.

Non-ongoing employees by classification	Headcount
APS1	0
APS2	5
APS3	10
APS4	29
APS5	21
APS6	30
EL1	25
EL2	19
SES1	2
SES2	0
SES3	0
Total	141

At 30 April 2024, the department engaged 139 labour hire and/or contractor staff. Labour hire and contractor staff are not assigned APS classifications by the department.

3. The department does not forecast consultant, contractor and labour hire expenditure beyond the current financial year. The department is currently finalising the 2024-25 internal budget.

Subject to resourcing, available funds and relevant whole of government policies, the department may engage consultants, contractors or labour hire to supplement existing resources to deliver the department's outcomes, as required.

Administrative Appeals Tribunal

1. As at 30 June 2023, the Administrative Appeals Tribunal (AAT) had 674 staff employed under the *Public Service Act 1999*.

Of the 674 APS staff employed by the AAT as at 30 June 2023, 472 were ongoing. The table below provides a breakdown of ongoing APS employees by classification.

All employees by classification	Headcount
APS1	1
APS2	4
APS3	16
APS4	144
APS5	76
APS6	99
EL1	71
EL2	55
SES1	5
SES2	1
SES3	0
Total	472

These figures do not include members of the AAT, or APS employees on long-term leave (more than 3 months as at 30 June each year) or on temporary transfer to another agency.

2. Of the 674 APS staff employed by the AAT as at 30 June 2023, 202 were non-ongoing. The table below provides a breakdown of non-ongoing APS staff by classification.

Non-ongoing employees by classification*	Headcount
APS1	0
APS2	16
APS3	26
APS4	100
APS5	20
APS6	14
EL1	6
EL2	19
SES1	1
SES2	0
SES3	0
Total	202

These figures do not include members of the AAT, or APS employees on long-term leave (more than 3 months as at 30 June each year) or on temporary transfer to another agency.

As at 30 June 2023, the AAT had 53 staff engaged under labour hire or contractor arrangements.

Australian Criminal Intelligence Commission including Australian Institute of Criminology

1.

Classification	ACIC Headcount	AIC Headcount
APS1	0	0
APS2	0	0
APS3	14	0
APS4*	125	1
APS5	103	3
APS6	138	6
EL1	329	4
EL2	78	4
SES1	14	1
SES2	5	0
SES3	2	0
CEO	1	0
Total	809	19

*10 (ten) Graduates commenced in February and are included under their classification of APS4.

2.

Classification	ACIC Headcount	AIC Headcount
APS1	0	0
APS2	0	0
APS3	19	0
APS4	8	0
APS5	4	3
APS6	3	1
EL1	4	0
EL2	2	0
Examiner	5	0
SES1	0	0
SES2	0	0
SES3	0	0
Total	45	4

Australian Federal Police

1. & 2. As at 30 April 2024:

Level	Headcount Ongoing	Headcount Non-ongoing
Casual		212
AFP Band 02	744	13
AFP Band 03	1274	7
AFP Band 04	1459	28
AFP Band 05	1631	8
AFP Band 06	816	10
AFP Band 07	1028	6
AFP Band 08	388	13
Technical Specialists	51	4
EL	249	4
SES 1		67
SES 2		22
SES 3		6
CMR		1
Total	7640	401*

Note: Headcount figures include all members directly employed by the AFP as at the specified date. This includes Australian Institute of Police Management; Asia/Pacific Group on Money Laundering, ACT Policing and AFP members on secondment. The AFP does not classify staff by using APS classifications. AFP Band Level 2-8 is not the same as APS classifications.

* This does not include individuals employed under service contracts such as guarding, facilities management and records management. The AFP has an additional 414 non-ongoing individuals employed under service contracts.

Australian Financial Security Authority

1. Ongoing staff profile (including acting at 30 April 2024)

Classification	Headcount
APS1	0
APS2	3
APS3	29
APS4	44
APS5	54
APS6	123
EL1	104
EL2	36
SESB1	10
SESB2	2
SESB3	0
AFSA Total	405

2. Non-ongoing staff profile (at 30 April 2024)

Classification	Headcount	Contractor	Total
APS1	0	0	0
APS2	0	1	1
APS3	10	4	14
APS4	7	0	7
APS5	6	0	6
APS6	16	11	27
EL1	3	37	40
EL2	2	2	4
SESB1	0	1	1
SESB2	0	0	0
SESB3	0	0	0
AFSA Total	44	56	100

3. AFSA is currently reviewing its use of consultants, contractors and labour hire as aligned to the strategic commissioning framework and will report information through the relevant reporting channels as required. AFSA is not in a position to provide this information at this time.

Australian Human Rights Commission

1. Ongoing staff profile (as at 30 April 2024):

APS Level	Headcount
APS 1	Nil
APS 2	Nil
APS 3	Nil
APS 4	15
APS 5	7
APS 6	34
EL1	23
EL 2	19
SES 1	2
SES 2	1
Total	101

2. Non-ongoing staff profile (as at 30 April 2024):

APS Level	Headcount
APS 1	Nil
APS 2	Nil
APS 3	4
APS 4	16
APS 5	10
APS 6	42
EL1	43
EL 2	11
SES 1	Nil
SES 2	Nil
Total	126

3. The Australian Human Rights Commission currently committed to the following consultants, contractors and labour hire expenditure over the forward estimates:

	2024-25	2025-26	2026-27	2027-28
Consultants, contractors and labour hire expenditure	\$0.555m	-	-	-

Australian Law Reform Commission

1. 16

2. 6

3. 1 (expenditure totals \$49,500 GST inclusive for the three-year term of the contract - FY2022-23 to FY 2024-25)

Australian Transaction Reports and Analysis Centre (AUSTRAC)

1. Ongoing staff profile (as at 31 January 2024):

Ongoing employees by classification	Headcount
APS1	0

APS2	0
APS3	0
Graduates (APS4)	2
APS4	7
APS5	54
APS6	189
EL1	151
EL2	70
SES1	11
SES2	4
SES3	0
Total	488

Note: the above figures

- exclude the CEO
- include staff on long-term leave (>90 days)
- reflects actual classification (e.g. acting level) on the reference date, rather than substantive classification.

2. Non-ongoing staff profile (as at 31 January 2024):

Non-ongoing employees by classification	Headcount
APS1	0
APS2	0
APS3	1
APS4	5
APS5	3
APS6	12
EL1	1
EL2	3
SES1	0
SES2	0
SES3	0
Total	25

At 12 February 2024, AUSTRAC engaged 77 labour hire and/or contractor staff.

Commonwealth Director of Public Prosecutions

1.

Ongoing employees by classification	Headcount ¹
APS1	1
APS2	0
APS3	2
APS4	25
APS5 ²	38
APS6 ³	91
EL1 ⁴	123
EL2 ⁵	76
SES1	26
SES2	6
SES3	1
Total	389

¹ Data reflects actual classification and excludes those on long term leave (>90 days) as at 30 April 2024.

² Includes 15 Federal Prosecutor 2.1s which are equivalent to an APS5.

³ Includes 70 Federal Prosecutor 2.2s – Federal Prosecutor 2.4s which are equivalent to an APS6.

⁴ Includes 95 Senior Federal Prosecutor which are equivalent to an EL1.

⁵ Includes 60 Principal Federal Prosecutor which are equivalent to an EL2.

2. The number and levels of non-ongoing staff through labour hire, contracts and non-ongoing arrangements currently employed by CDPP:

Non-ongoing employees by classification	Headcount ¹
APS1	0
APS2	0
APS3	5
APS4	7
APS5 ²	12
APS6 ³	17
EL1 ⁴	7
EL2 ⁵	3
SES1	0
SES2	0
SES3	0
Total	51

¹ Data reflects actual classification and excludes those on long term leave (>90 days) as at 30 April 2024.

² Includes 9 Federal Prosecutor 2.1s which are equivalent to an APS5.

³ Includes 15 Federal Prosecutor 2.2s – Federal Prosecutor 2.4s which are equivalent to an APS6.

⁴ Includes 5 Senior Federal Prosecutor which are equivalent to an EL1.

⁵ Includes 1 Principal Federal Prosecutor which is equivalent to an EL2.

At 30 April 2024, CDPP engaged 34 labour hire and 23 contractor staff.

Federal Court of Australia, Federal Circuit and Family Court of Australia and the National Native Title Tribunal

1.

Classification	Ongoing
SES Band 2	7
SES Band 1	11
Executive Level 2	70
Executive Level 1	174
REGFL (Executive level 2)	21
LEL2	35
LEL1	15
APS 6	154
APS 5	154
APS 4	216
APS 3	2
APS 2	3
APS 1	1
TOTAL	863

2.

Classification	Non-Ongoing Headcount	Casual Headcount	Labour Hire Headcount
SES Band 2	1	0	
SES Band 1	0	0	
Executive Level 2	11	1	
Executive Level 1	44	8	5
REGFL (Executive level 2)	14	13	
LEL2	10	1	
LEL1	6	0	
APS 6	34	1	1
APS 5	266	2	
APS 4	198	3	
APS 3	5	12	
APS 2	5	85	

APS 1	0	0	
TOTAL	583	126	6

High Court of Australia

1. On-going staff (head count)

High Court Level	Headcount
High Court Employee Level 1	0
High Court Employee Level 2	0
High Court Employee Level 3	5
High Court Employee Level 4	8
High Court Employee Level 5	4
High Court Employee Level 6	11
High Court Employee Executive Level 1	14
High Court Employee Executive Level 2	9
SES	0
Total	51

Note: All Court staff are employed under the *High Court of Australia Act 1979* and not under the *Public Service Act 1999*, however, classifications are broadly in line with APS levels.

2. Non-Ongoing staff (head count)

High Court Level	Headcount
High Court Employee Level 1	0
High Court Employee Level 2	0
High Court Employee Level 3	0
High Court Employee Level 4	0
High Court Employee Level 5	0
High Court Employee Level 6	17
High Court Employee Executive Level 1	1
High Court Employee Executive Level 2	1
SES	3
Total*	22

Note: All Court staff are employed under the *High Court of Australia Act 1979* and not under the *Public Service Act 1999*, however, classifications are broadly in line with APS levels.

*Excludes staff employed on a casual basis and the official office holder appointed under the High Court Act.

3. The High Court has paid \$299,441 as at 28 May 2024. The Court anticipates that it will engage consultants, contractors and labour hire companies to undertake particular projects or tasks in future years. The nature of these specialised projects/tasks included asset valuations, independent audit

committee chair, design work associated with IT and building projects, website design, Business Continuity Plan uplift (including review of relevant documentation, facilitation of training and simulation testing) and legal services. The High Court is not in a position to forecast expenditure on items beyond the current financial year.

Inspector-General of Intelligence and Security

1. Ongoing staff profile:

APS classification	Headcount
APS 4	1
APS 5	4
APS 6	9
Executive Level 1	11
Executive Level 2	10
SES Band 1	2
SES Band 2	0
Total	37

2. Non-Ongoing staff profile:

APS classification	Headcount
APS 4	0
APS 5	0
APS 6	0
Executive Level 1	0
Executive Level 2	1
SES Band 1	0
SES Band 2	0
Total	1

Independent National Security Legislation Monitor

In accordance with s 33 of the *Independent National Security Legislation Monitor Act 2010*, staff are ‘made available’ to the Independent National Security Legislation Monitor (‘the Monitor’) from the Attorney-General’s Department and a number of other Commonwealth agencies; the Monitor does not directly engage any employees.

1. Staff ‘made available’ to the Monitor are employees of AGD or other Commonwealth agencies; their numbers are included in those of their home agencies. At present there are three full-time ongoing AGD staff and two full-time ongoing staff from other entities seconded to AGD and made available to the Monitor.

2. Where individuals are engaged through labour hire or contract arrangements to assist the Monitor, these arrangements are conducted through AGD systems; their numbers are included in those of the department. At present no staff are engaged via labour hire and there is one non-ongoing staff member made available to the Monitor through AGD. This employee will be counted in AGD figures.

3. Any current or future expenditure by the Monitor on consultants, contractors and/or labour hire would be handled through the department's systems.

National Anti-Corruption Commission

1. As at 28 May 2024, the National Anti-Corruption Commission has a total of 195 ongoing staff, plus 5 Statutory Office Holders. The breakdown is as follows:

Classification	Headcount
APS 3	1
APS 4	8
APS 5	25
APS 6	61
EL1	70
EL2	23
SES	7*
Total	195

*1 acting SES

2. As at 28 May 2024, the National Anti-Corruption Commission has a total of 18 non-ongoing staff, plus 4 current labour hire. The breakdown is as follows:

Classification	Headcount
APS 3	1
APS 4	3
APS 5	2
APS 6	5
EL1	6
EL2	1
Total	18

3. Expenditure for this financial year to 30 April 2024 on consultants, contractors, and labour hire totals \$1.266m.

Office of Parliamentary Counsel

1. Ongoing staff profile (as at 22 May 2024):

Placement classification	Headcount
APS4	7
APS5*	21
APS6*	17
EL1 [^]	16
EL2 [#]	21

SES1	20
SES2	4
Statutory Office Holder	3
Total	109

Notes: * includes APC1 employees

^ includes APC2 employees

includes APC3 employees

2. Non-ongoing staff profile (as at 22 May 2024):

Placement classification	Headcount
APS5	2
APS6	1
EL2 [#]	2
Professional Contractor*	2
Labour hire*	7
Total	14

Notes: * workers in the external workforce are not hired by APS classification.

includes APC3 employees

Office of the Australian Information Commissioner

1. & 2. Headcount as at 8 May 2024:

Substantive Classification	Ongoing Headcount	Non Ongoing Headcount	Casual Headcount	External Headcount	Total
External				5	5
APS 2		7			7
APS 4	9	3			12
APS 5	19	6			25
APS 6	59	4			63
EXEC 1	58	2			60
EXEC 2	36	2	3		41
SEB 1	5	2			7
SEB 2	1	1			2
SOH		3			3
Total	191	26	3	5	225

3.

	FY23-24 (01.07.23-08.04.24) (\$'000)	2024-25 to 2027-28 inclusive
Consultants	775	The OAIC is yet to determine its forward budget for
Labour Hire	107	

Secondees (from external firms)	349	consultants, contractors and labour hire.
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Office of the Commonwealth Ombudsman

Please note the following:

- The data includes staff on long term leave and on temporary transfer to other agencies.
- The data is based on the current/acting classification as at 27 May 2024.
- Officeholders are not included in the data as they are not employed by the Office.
- Labour Hire (contracts) are not part of the Office’s non-ongoing staff profile, as they are not employed by the Office.

Classification	1. On-going staff profile currently employed with the Office	2. Non-ongoing staff profile currently employed with the Office
APS3	0	2
APS4	17	35
APS5	48	12
APS6	78	3
EL1	54	2
EL2	30	2
SES Band 1	5	0
Total	232	56

Office of the Inspector of the National Anti-Corruption Commission

1. One ongoing full-time Director (EL2) and one ongoing (temporary transfer) full-time Administration Officer (APS5) are employed by the Attorney-General’s Department to support the Inspector.

2. Nil.

3. For 2023-24 the Inspector has spent \$23,744 on contractors’ expenses, and nil on consultants and labour hire.

For 2024-25 the Inspector has anticipated \$50,000 of their operating budget may be used for consultants. No expenditure has been anticipated for contractors and labour hire.

The Inspector’s 2025-26 and 2026-27 financial years’ forecast expenditure for consultants, contractors and labour hire has not yet been determined.

Office of the Special Investigator

1. Ongoing staff profile:

Classification	Headcount
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APS6	6
Executive Level 1	6
Executive Level 2	6
SES Band 1	3
SES Band 3	1
Secretary	1
Total	23

2. Non-ongoing staff profile:

Classification	Headcount
Executive Level 1	3
SES Band 3	1
Total	4

Royal Commission into Defence and Veteran Suicide

1. Ongoing staff profile (as at 27 May 2024): 3 staff

2. Non-ongoing staff profile (as at 27 May 2024): 61 staff

3. Consultants, Contractors, and Labour Hire expenditure for Q3 2024/2025:

2024-25		
Contractor	Consultant	Labour Hire
\$28,000	0	\$205,000

4) AGD FOI handling

	FY2023-24	FY2022-23	FY2021-22	FY2020-21
a)	1 x EL2 4 x EL1 3 x APS5/6	1 x EL2 4 x EL1 4 x APS5/6	1 x EL2 4 x EL1 2 x APS5/6	1 x EL2 3 x EL1 4 x APS5/6
b)	40	39	37	35
c)	30	30	30	30
d)	353 finalised 396 in total	423 finalised 428 in total	280	227
e)	24 refused in full 7 granted in full 85 granted in part 83 refused (nil documents) 6 practically refused 23 transferred to another agency, 125 withdrawn.	28 refused in full 22 granted in full 101 granted in part 152 refused (nil documents) 30 practically refused 33 transferred to another agency, 57 withdrawn.	19 refused in full 22 granted in full 68 granted in part 129 refused (nil documents) 9 practically refused 13 transferred to another agency, 20 withdrawn.	13 refused in full 12 granted in full 25 granted in part 51 refused (nil documents) 6 practically refused 12 transferred to another agency, 14 withdrawn.

5) **Judicial vacancies, appointment processes and cessations**

a) The table below provides all federal judicial officer positions that are vacant, including the reason for the vacancy, as at 23 May 2024. Processes are underway to fill these vacancies.

Court	Reason
Federal Court of Australia	Retirement
FCFCOA (Division 2)	Resignation
FCFCOA (Division 1)	Retirement
FCFCOA (Division 1)	Resignation
FCFCOA (Division 2)	Resignation
Federal Court of Australia	Retirement
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)
FCFCOA (Division 2)	New Position (MYEFO funded)

b) Information on the cessation of judges is available on the following website:

<https://www.directory.gov.au/>

c) For each judicial appointment made since 1 July 2022, the table below provides the elapsed time in days between the point at which the role became vacant, and the point at which the newly appointed judicial officer commenced.

Court	Name	Days lapsed from start of vacancy to date commenced (calendar days)
High Court	Justice Jayne Margaret Jagot	---
	Justice Stephen Gageler AC (elevation to Chief Justice)	---
	Justice Robert Beech-Jones	---
Federal Court	Justice Geoffrey Kennett	63
	Justice Catherine Button	21
	Justice Ian Jackman	310
	Justice Adam Hatcher	---
	Chief Justice Debra Mortimer (elevation to Chief Justice)	---
	Justice Emilios Kyrou AO	---
	Justice Christopher Horan	151
	Justice Yaseen Shariff	38
	Justice Penelope Neskovicin	213
	Justice Craig Dowling	72
	Justice Robin Lynn Cohen	---

Court	Name	Days lapsed from start of vacancy to date commenced (calendar days)
FCFCOA (Division 1)	Justice Rebecca Curran	158
	Justice Steven Jones	---
FCFCOA (Division 2)	Judge Amanda Humphreys	260
	Judge Constantina (Dina) Lioumis	220
	Judge Janine Young	171
	Judge Jennifer McArdle	80
	Judge Mark Champion	269
	Judge Louise Goodchild	169
	Judge Anastasis (Tass) Liveris	172
	Judge Simone Bingham	429
	Judge Anna Bertone	187

6) AAT/ART appointments

Appointments to the ART remain under consideration by Government and have not been finalised. Given this, it is not possible to provide details at this time on the number of existing members not expected to be reappointed, the number of members to be appointed or anticipated vacancies on commencement.

7) Handling of high-risk terrorist offenders

Control orders under Division 104, and preventative detention orders under Division 105, are matters for the Australian Federal Police. The department supports the Attorney-General as the applicant for post-sentence orders under Division 105A. There are 18 matters in which a post-sentence order has been considered under Division 105A since 1 January 2023. Key dates for these matters are set out in **Attachment A**.

8) Immigration detention litigation

AGS Lawyers, discharging the functions of the Australian Government Solicitor, acted as the solicitor for the Commonwealth in *ASF17 v Commonwealth of Australia* in the High Court. Any further questions concerning the involvement of the Australian Government Solicitor in matters dealt with in this question should be directed to the Department of Home Affairs. References to ‘the department’ in this answer do not include the AGS Group.

a) The department made a recommendation to the Attorney-General about removing the appeal in *ASF17* from the Full Federal Court into the High Court. The department assisted in providing the Attorney-General’s instructions on the removal application, and considered relevant court documents including the Application for Removal. The timeline was as follows:

- 11 January 2024 – *ASF17 v Commonwealth* [2024] FCA 7 judgment of Colvin J
- 24 January 2024 – ASF17 files appeal to Full Federal Court
- 6 February 2024 – ASF17 removal submission provided to the Attorney-General
- 9 February 2024 – department informed of the Attorney-General’s decision to remove *ASF17* into the High Court
- 12 February 2024 – Federal Court registry and ASF17 notified of removal application
- 15 February 2024 – Attorney-General’s removal application filed in the High Court
- 16 February 2024 – Case removed into the High Court.

The Department of Home Affairs provided instructions on the conduct of the appeal in the High Court. The department was consulted on the constitutional issues arising in the appeal in the High Court as is the usual practice in cases where the Commonwealth is a party so no question of intervention by the Attorney-General arises. That included being consulted on relevant court documents, such as the Commonwealth's written submissions.

b) The department was not involved in consideration of removal into the High Court of any other immigration detention matters following the decision in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs*.

c) The department was consulted by the Department of Home Affairs on the proposed Migration Amendment (Removal and Other Measures) Bill 2024 (the Bill). The timeline was as follows:

- 29 February 2024 – the department commented on proposed measures to be included in the Bill
- 1 March 2024 – the department commented on proposed measures to be included in the Bill.
- 5 March 2024 – the department commented on proposed measures to be included in the Bill
- 12 March 2024 – the department commented on proposed measures to be included in the Bill
- 15 March 2024 – the department provided comments on the draft Bill
- 19 March 2024 – the department provided comments on the draft Bill
- 21 March 2024 – the department provided comments on the draft Bill
- 22 March 2024 – the department provided comments on the draft Bill
- 26 March 2024 – the Bill was introduced into the House of Representatives and passed by the House
- 27 March 2024 – the Bill was introduced into the Senate and referred to the Senate Legal and Constitutional Affairs Legislation Committee
- 9 April 2024 – the department provided comments to the Department of Home Affairs on a draft of a ministerial letter to the Senate Standing Committee for the Scrutiny of Bills.

9) Settlements

Based on a review of the department's records undertaken in the time available, between 1 July 2022 and 28 May 2024, 175 requests to approve settlement terms have been considered by either the Attorney-General or his departmental delegate. Forty-eight of those requests have been considered by the Attorney-General, and 127 have been considered by his delegate.

Of the 48 settlement requests considered by the Attorney-General, 44 have been approved, 3 have been declined and 1 is currently pending. Of the 44 matters for which settlement terms have been approved by the Attorney-General:

- 17 included a term allowing the Commonwealth to seek confidentiality over at least some of the settlement terms
- 10 included a term that the Commonwealth would not seek confidentiality
- 10 had no confidentiality term, in circumstances where the court was required to approve the settlement and therefore disclosure was required, and
- 7 were silent regarding confidentiality, allowing the agency responsible for managing the matter to assess for itself whether confidentiality was appropriate.

Of the 127 settlement requests considered by the Attorney-General's delegate, 126 have been approved, 0 have been declined and 1 is currently pending. In the time available, it has not been possible to review the confidentiality terms included in these approvals.

Disclosure of details of matters that have been reported as significant legal issues under paragraph 3.1 of the *Legal Services Directions 2017* (Directions), or that have been the subject of settlement approvals under paragraphs 3.2 of the Directions, may prejudice the Commonwealth's interests in managing ongoing and future legal matters. Such prejudice may include revealing that a matter is being treated as significant or that a settlement approval is in place where this may not be known to the other party, both of which may prejudice aspects of the Commonwealth's litigation strategy. Revealing the details of a matter that is not otherwise publicly known may also be contrary to obligations owed to the Court or privacy requirements regarding other parties.

Disclosure of details on specific matters can be considered on a case-by-case basis, taking account of the potential prejudice to the Commonwealth's interests. This allows the department to assess whether it is appropriate to disclose that information, with reference to the considerations mentioned in the previous paragraph.

10) Ministerial submissions

Such a request is voluminous and takes a significant amount of time to process. An FOI request has been received seeking similar information via the Right to Know website on 24 October 2023. This request is still being processed by the department as we continue to engage with the applicant on the outcome of this request. The outcome will be published on the department's disclosure log when the request has been finalised.

11) Parole for federal offenders

For the period 1 July 2022 to 24 May 2024:

Decision-maker	Granted	Refused	Total
Attorney-General	1	35	36
Departmental delegate	384	355	739
TOTAL	385	390	775

12) Process for the 2024 listing of Ansar Allah as a terrorist organisation under the *Criminal Code Act 1995*

- 17 January 2024: The Department of Home Affairs (Home Affairs) formally raised the listing of Ansar Allah with relevant agencies and sought whole-of-government input to inform the Statement of Reasons.
- 23 January 2024: Home Affairs provided the Australian Government Solicitor (AGS) with the consolidated Statement of Reasons, seeking advice as to whether, based on the information contained within the Statement of Reasons provided, the Attorney-General could be satisfied that Ansar Allah met the legislative threshold to be listed as a terrorist organisation.
- 30 January 2024: AGS provided finalised legal advice to Home Affairs.
- 31 January 2024: Home Affairs provided a submission to the Minister for Home Affairs seeking her consideration of the Statement of Reasons.

5. 13 March 2024: The Minister for Home Affairs wrote to the Attorney-General, formally providing the Statement of Reasons and accompanying AGS advice and endorsing the proposed listing.

6. 19 March 2024: The Attorney-General's Department provided a submission to the Attorney-General recommending that he agree to the listing.

7. 20 March 2024: The Attorney-General agreed to the listing, having been satisfied that Ansar Allah met the statutory criteria and approved the Regulations, and:

a. The Attorney-General wrote to the Prime Minister advising of his decision to list Ansar Allah, and requested that the Prime Minister write to the First Ministers of each state and territory regarding the proposed listing.

b. The Attorney-General wrote to the Leader of the Opposition advising of his decision to list Ansar Allah, attaching the Statement of Reasons and offering a briefing.

8. 18 April 2024: The Prime Minister wrote to First Ministers advising of the decision to list Ansar Allah, and attached copies of the draft Regulations and Statement of Reasons. The letters requested that a response be provided by 13 May 2023, advising whether the First Minister objected to the listing, and reasons for any objection.

9. The following responses were received from the First Ministers of the following jurisdictions:

a. Northern Territory – received 1 May

b. Western Australia – received 6 May

c. Queensland – received 7 May

d. New South Wales – received 8 May

e. Tasmania – received 9 May

f. Australian Capital Territory – received 13 May

g. Victoria – received 20 May

h. South Australia – received 20 May

No objections were made to the listing.

10. 7 May 2024: The Attorney-General's Department provided a submission to the Attorney-General, requesting his approval and signature of the Regulations and supporting documents for Federal Executive Council.

11. 14 May 2024: The Attorney-General approved the documents for Federal Executive Council.

12. 23 May 2024: The Governor-General made the Regulations.

13. 23 May 2024: The *Criminal Code (Terrorist Organisation – Ansar Allah) Regulations 2024* was lodged on the Federal Register of Legislation [reference: F2024L00572].

13) **Engagement with CDPP**

Between the period 1 November 2023 to 27 May 2024, the department prepared one meeting brief in relation to a meeting between the Attorney-General and the Commonwealth Director of Public Prosecutions, which occurred on 21 February 2024.

14) **Handling of Questions on Notice**

A table of when questions were provided to the Attorney-General's Office and when they were tabled is at **Attachment B**.

Yours sincerely

Katherine Jones PSM

Key milestones

1. Mr Abdul Nacer Benbrika (ESO expiry 19 December 2024)

MILESTONE	DATE
Sentence expiry	5 November 2020
Supreme Court of Victoria made three year CDO	24 December 2020
Supreme Court of Victoria affirmed Mr Benbrika's CDO on annual review	12 May 2022
Mr Benbrika filed an application for a review of his CDO under s 105A.11	13 December 2022
Submission provided to Attorney-General (AG) (expert direction (MS22-002605))	20 December 2022
Submission signed by AG (expert direction (MS22-002605))	20 December 2022
Submission provided to AG (update on preparations for CDO review (MS23-000058))	23 January 2023
Submission provided to AG (further update on preparations for CDO review (MS23-000176))	9 February 2023
AG signed submission (update on preparations for CDO review (MS23-000058))	13 February 2023
AG signed submission (further update on preparations for CDO review (MS23-000176))	13 February 2023
Submission provided to AG (PSO recommendation (MS23-000206))	20 February 2023
AG signed submission (PSO recommendation (MS23-000206))	22 February 2023
Submission provided to AG (further advice on PSO recommendation (MS23-000254))	23 February 2023
AG signed submission (further advice on PSO recommendation (MS23-000254))	24 February 2023
ESO application made	27 February 2023
Mr Benbrika's ex-citizenship visa cancelled	12 May 2023
Submission provided to AG (revised ESO conditions for immigration detention (MS23-000676))	30 May 2023
AG signed submission (revised ESO conditions for immigration detention (MS23-000676))	30 May 2023
CDO review/ESO application heard	2, 5, 6, 7, 20 June 2023
Supreme Court of Victoria makes 12 month ESO	19 December 2023
Submission to AG (ESO implementation (MS24-000115))	5 February 2024
AG signed submission (update on ESO (MS24-000115))	9 February 2024
Submission provided to AG (update on ESO (MS24-000301))	26 March 2024
AG signed submission (update on ESO (MS24-000301))	27 March 2024
Submission provided to AG (update on ESO (MS24-000534))	28 May 2024
ESO expiry	19 December 2024

2. Blake Nicholas Pender (sentence expiry 6 September 2024)

MILESTONE	DATE
Supreme Court of NSW made one year CDO	9 November 2021
Supreme Court of NSW made three year ESO	21 December 2022
Submission provided to Attorney-General (AG) (expert direction (MS23-001295))	29 September 2023
AG signed submission (expert direction (MS23-001295))	14 October 2023
Sentence date (ISO breach)	20 November 2023
Submission provided to AG (PSO recommendation (MS23-001579))	5 January 2024
AG signed submission (PSO recommendation (MS23-001579))	19 January 2024
ESO review application made	29 February 2024
Sentence date (NSW sentence – common assault)	19 March 2024

3. Hadashah Sa'adat Khan (ESO expiry 7 May 2024)

MILESTONE	DATE
Supreme Court of Victoria made 18 month ESO	8 November 2022
Submission provided to AG (update on ISO (MS22-002390))	28 October 2022
Submission signed by AG (update on ISO (MS22-002390))	1 November 2022
Submission provided to AG (update on ESO (MS22-002613))	2 January 2023
Submission signed by AG (update on ESO (MS22-002613))	19 January 2023
Submission provided to AG (update on ESO (MS23-000290))	12 April 2023
Submission signed by AG (update on ESO (MS23-000290))	2 June 2023
Submission provided to AG (update on ESO (MS23-000697))	13 June 2023
Submission provided to AG (expert direction (MS23-000837))	17 July 2023
Submission signed by AG (update on ESO (MS23-000697))	24 July 2023
Submission signed by AG ((expert direction (MS23-000837))	24 July 2023
Submission provided to AG (PSO recommendation (MS23-001391))	30 October 2023
AG signed submission (PSO recommendation (MS23-001391))	31 October 2023
ESO review application made	1 November 2023
Submission provided to AG (update on ESO (MS23-001545))	30 November 2023
ESO review application heard	31 January and 1 February 2024
Submission signed by AG (update on ESO (MS23-001545))	6 February 2024
Court affirms the ESO	26 February 2024
Submission provided to AG (PSO recommendation (MS24-000361))	16 April 2024
AG signed submission (PSO recommendation (MS24-000361))	1 May 2024
ESO expiry	7 May 2024

4. Robert CERANTONIO (sentence expiry 9 May 2023)

MILESTONE	DATE
Submission provided to AG (PSO recommendation (MS23-000389))	28 March 2023
AG signed PSO decision submission (PSO recommendation (MS23-000389))	12 April 2023
Sentence expiry	9 May 2023

5. Nowroz AMIN (sentence expiry 15 October 2023)

MILESTONE	DATE
Submission provided to Attorney-General (AG) (expert direction (MS23-000445))	24 April 2023
Submission signed by AG (expert direction (MS23-000445))	17 May 2023
Submission provided to AG (PSO recommendation MS23-000909))	15 September 2023
Submission signed by AG ((PSO recommendation MS23-000909))	27 September 2023
Submission provided to AG (Further advice (MS23-001292))	29 September 2023
AG signed submission (Further advice (MS23-001292))	29 September 2023
PSO application made	9 October 2023
ISO application heard	13 October 2023
Supreme Court of NSW made ISO	13 October 2023
Sentence expiry	15 October 2023
PSO application heard	7 and 8 December 2023
PSO application dismissed	15 December 2023

6. Youssef UWEINAT (sentence expiry 3 November 2023)

MILESTONE	DATE
Submission provided to Attorney-General (AG) (expert direction (MS23-000434))	24 April 2023
Submission signed by AG (expert direction (MS23-000434))	17 May 2023
Submission provided to AG (second expert direction (MS23-000770))	21 June 2023
Submission signed by AG (second expert direction (MS23-000770))	22 June 2023
Submission provided to AG (PSO recommendation (MS23-001291))	6 October 2023
AG signed PSO decision submission (PSO recommendation (MS23-001291))	20 October 2023
PSO application made	27 October 2023
ISO application heard	2 November 2023
Supreme Court of NSW dismissed ISO application	3 November 2023
Sentence expiry	3 November 2023
Submission provided to AG (Update on proceedings (MS23-001494))	8 November 2023
Submission provided to AG ((Update on proceedings (MS23-001494))	15 November 2023
Court makes orders discontinuing proceedings	20 November 2023

7. Ibrahim Ghazzawy (9 December 2023)

MILESTONE	DATE
Submission provided to Attorney-General (AG) (expert direction (MS23-000419))	20 April 2023
AG signed submission (expert direction (MS23-000419))	26 April 2023
Submission provided to AG (PSO recommendation (MS23-001459))	10 November 2023
AG signed submission (PSO recommendation (MS23-001459))	16 November 2023
PSO application made	24 November 2023
ISO application heard	6 December 2023
Supreme Court of NSW made ISO	9 December 2023
Sentence expiry	9 December 2023
ESO application hearing	26 February 2024 – 28 February 2024
Post Sentence Order application dismissed; ISO quashed	7 March 2024

8. Belal Betka (Sentence expiry 18 December 2023)

MILESTONE	DATE
Submission provided to Attorney-General (AG) (expert direction (MS23-000419))	2 June 2023
Submission signed by AG (expert direction (MS23-000419))	12 June 2023
Submission provided to AG (PSO recommendation (MS23-001425))	16 November 2023
AG signed submission (PSO recommendation (MS23-001425))	6 December 2023
Sentence expiry	18 December 2023

9. Mohamed Al Maouie (23 December 2023)

MILESTONE	DATE
Submission provided to Attorney-General (AG) (expert direction (MS23-000465))	20 April 2023
AG signed submission (expert direction (MS23-000465))	26 April 2023
Submission provided to AG (PSO recommendation (MS23-001372))	10 November 2023
AG signed submission (PSO recommendation (MS23-001372))	15 November 2023
Sentence expiry	23 December 2023

10.Khaled Temssah (Sentence expiry 18 March 2024)

MILESTONE	DATE
Submission provided to Attorney-General (AG) (expert direction (MS23-001099))	27 September 2023
Submission signed by AG (expert direction (MS23-001099))	14 October 2023
Submission provided to AG (PSO recommendation (MS23-001684))	7 February 2024
AG signed submission (PSO recommendation (MS23-001684))	23 February 2024
ESO application made	26 February 2024
ISO application heard	14 March 2024 19 March 2024
Sentence expiry	18 March 2024
Supreme Court of Victoria makes ISO	21 March 2024
Supreme Court of Victoria makes ISO	16 April 2024
ESO application heard	30 April – 3 May 2024
Supreme Court of Victoria makes ISO	14 May 2024

11.Omar Umar Shariff Baladjam (sentence expiry 7 July 2024)

MILESTONE	DATE
Submission provided to Attorney-General (AG) (expert direction (MS23-000937))	11 September 2023
AG signed submission (expert direction (MS23-000937))	27 September 2023
Submission provided to AG (PSO recommendation (MS24-000134))	8 April 2024
Submission signed by AG (PSO recommendation (MS24-000134))	29 April 2024
Sentence expiry	7 July 2024

12.Fayez Hatahet (sentence expiry 23 August 2024)

MILESTONE	DATE
Submission provided to Attorney-General (AG) expert direction – MS23-001612	4 January 2024
Submission signed by AG expert direction – MS23-001612	15 January 2024
Sentence expiry	23 August 2024

13.Farhad SAID (sentence expiry 25 May 2025)

MILESTONE	DATE
Sentence date	3 November 2017
Submission provided to Attorney-General (AG) expert direction - MS24-000354	7 May 2024
Submission signed by AG expert direction - MS24-000354	22 May 2024
Sentence expiry	25 May 2025

**Attorney-General's portfolio – Additional Estimates 2023-24 –
unanswered questions on notice**

Legal and Constitutional Affairs Committee

Additional Estimates hearings – 12-13 February 2024 – unanswered questions on notice

(a) Questions taken on notice	250
(b) Answers provided to the committee by the due date of 5 April 2024	43
(c) Of the answers not provided to the Committee by the due date, the dates answers were provided to the Minister's Office.	
Date provided to the Minister	Number provided
29 February 2024	6
4 March 2024	1
5 March 2024	2
12 March 2024	1
13 March 2024	4
14 March 2024	4
15 March 2024	22
18 March 2024	2
19 March 2024	7
20 March 2024	9
21 March 2024	8
22 March 2024	15
25 March 2024	24
26 March 2024	5
27 March 2024	3
1 April 2024	1
2 April 2024	5
3 April 2024	3
4 April 2024	1
5 April 2024	3
8 April 2024	10
9 April 2024	2
12 April 2024	15
17 April 2024	2
19 April 2024	9
22 April 2024	2
1 May 2024	5
2 May 2024	6
8 May 2024	9

10 May 2024	1
13 May 2024	5
14 May 2024	5
16 May 2024	4
17 May 2024	2
20 May 2024	2
23 May 2024	1
24 May 2024	1

Additional Estimates Spill-over hearing – 19 March 2024 – unanswered questions on notice

(a) Questions taken on notice	23
(b) Answers provided to the committee by the due date of 10 May 2024	Nil
(c) Of the answers not provided to the Committee by the due date, the dates answers were provided to the Minister's Office.	
Date provided to the Minister	Number provided
15 April 2024	8
16 April 2024	1
19 April 2024	1
22 April 2024	2
24 April 2024	2
26 April 2024	7
3 May 2024	2