



Senate Legal and Constitutional Affairs Legislation Committee
Supplementary Budget Estimates 2024–25
Tuesday, 5 November 2024
Daily summary

The committee met from 9.00am until 10.30pm.

The committee called the and the Attorney-General's Department and agencies within the Attorney-General's Portfolio.

Topics discussed by the Committee included:

AGD: Cross-portfolio and general matters

- Ministerial submissions created between 1 May 2023 and 24 May 2024;
- Transition from AAT to ART; and
- FOIs following Attorney-General v Patrick.

AGD - Justice and Communities Group

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- Federal Circuit and Family Court of Australia facilities in Burnie, Tasmania;
- Legal aid funding;
- ART appointment process;
- Appointments of ART positions (Deputy Presidents) - social media searches post-appointment and the members' code of conduct;
- Private Information Disclosure forms;
- Copyright and AI Reference Group;
 - Use of AI by creators under an amended Copyright Act- protection and potential;
 - Protecting First Nations cultural and intellectual property and cultural rights in the use of AI;
- Impartiality in judicial appointments made by the Albanese government;
- National Legal Assistance Partnership (NLAP) - new agreement and funding; influence the Mundy Review into the NLAP on the development of the National Access to Justice Partnership;
- Extension of funding support for family violence prevention legal services and also for women's legal services in the NLAP;
- Federal Court judicial appointments
 - Impact of delays in appointment- McDonald and Needham JJ;
 - 4 new positions as a result of Budget measure providing funding - appointment process underway;
- FCFCOA Division 1 Appointments - Boyle, Boran and Anderson JJ – delays;
- Family law amendment - focus on best interest of child in circumstances of each case; focus on safety of children and supporters;
- Recruitment/selection panels for FCFCOA judges;
- Judicial vacancies and appointments for FCFCOA;
- Legal assistance funding, including Dr Mundy's NLAP review report recommendations and new National Access to Justice Partnership;

- Justice Policy Partnership and Justice Reinvestment program;
- Justice Reinvestment Unit;
- Justice Reinvestment initiative in Cowra;
- Gender-based violence investment;
- Review of the FCFCOA;
- Dual appointments to the FCFCOA; and
- Funding for First Nations Legal and Research Services.

AGD - National Security and Criminal Justice Group

- AGD - National Security and Criminal Justice Group;
- Parole for Federal offenders; AG granting of parole for terrorist offender;
- Model for establishment of an independent parole board or body at a federal level - being considered by government;
- Delay in extradition of Adriana Rivas - procedural fairness;
- Granting of parole for terrorist offender - lack of monitoring once sentence completed;
- Child sex offences - release on parole;
- BE24-144 - previous parole decisions;
- Anti money-laundering and counterterrorism financing risks; and
- IRGC not yet listed as a terrorist organisation.

Integrity and International Group

- Inspector-General report and royal commission;
- Royal Commission into Defence and Veteran Suicide;
 - health and wellbeing of veterans;
 - removal of document from Royal Commission website;
- Use of non-disclosure agreements in claims against the Commonwealth involving claims about sexual assault and harassment - use of the guidelines from the Respect@Work report;
- Positive duty - workplaces raising awareness of employers of their obligations regarding sexual harassment - training and reporting pathways for employers - AHRC being funded for education on positive duty;
- Visas granted to Palestinians leaving Gaza;
 - meaning of a 'significant legal issue';
 - NZYQ Precedent - potential legal ramifications of granting visas as to their effect on the issuing of visas for Palestinians leaving Gaza in the event where their visas expire;
 - Outcome of discussion: determined to be a responsibility for Home Affairs;
- Royal Commission into the Robodebt Scheme;
 - Implementation of recommendations for which the AGD is responsible;
 - APSC's Code of Conduct investigation of public servants referred to in the sealed section of the Royal Commission's report;
- Update on the Brett Cattle Company class action settlement process;
- International Court of Justice Complicity in Genocide – argument that MPs need to take individual steps under the law to avoid complicity in genocide;
- Update to Anti-Slavery Commissioner process – taken on notice;
- Divisions 270-271 of the *Criminal Code Act 1995* – taken on notice;
- The Hague Convention and inter-country adoptions – taken on notice;
- *Privacy Act 1988* Review - consultation
- Protection of First Nations cultural heritage under the *Racial Discrimination Act 1975*

- Seeking of legal advice regarding the legal implications Australia for any current investments or for any holdings or companies involved in the illegal obligation of Palestine and any legal obligations for Australia following the ICG advisory opinion; and
- Royal Commission into Defence and Veteran Suicide- official Secretary's publication and removal of submissions.

Australian Federal Police

- Investigation into allegations against the CFMEU;
- PwC Investigation;
- Investigation of young boy with autism and intellectual disability;
- Undercover operatives;
- Complaint of Brisbane barrister re s140 Commonwealth Criminal Code;
- AFP investigation into alleged criminal conduct of the CFMEU;
- Prohibited Hate Symbols Legislation - complaints and investigations under the legislation;
- Counterterrorism;
- Raising of Hezbollah and Hamas flags at some demonstrations – investigations;
- Offshore provision of encryption tools for AFP investigations;
- S82JA - Trading provisions - investigation and enforcement;
- Required minimum content of knowledge regarding identification of terrorist symbols
- PwC search warrant activities ongoing; and
- Update on recent deployment to Samoa - first deployment of the Pacific Police Support Group - 40 members from 10 countries.