

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
BE15/001	Australia Council for the Arts	Collins	Funded projects through the grants programme	<p>Senator JACINTA COLLINS: I will come to the 16-year funding model a bit later. Can you tell me then, for comparison's sake, the third funding round—what projects were funded under that?</p> <p>[...]</p> <p>Mr Panucci: Senator, perhaps I can answer. Primarily it is for the creation and distribution of work. So it is for the creation of art and literature; the composition of music. It could be tours or presentations or performances—those types of things. There are many of hundreds and thousands. I could take it on notice and give you some specific examples. All the grants that we award are actually on our website with the name of the recipient and a very short description of the project summary.</p>	27 May 2015 L&CA15
BE15/002	Ministry of the Arts	Collins	Australia Council	<p>Senator JACINTA COLLINS: I asked: would you please take on notice, for the committee, directing us to those areas where you have outlined your views about contestability and the Australia Council as a monopoly?</p> <p>Senator Brandis: Thank you.</p> <p>Senator JACINTA COLLINS: The minister has said that the new program will make funding available to a wider range of arts companies and arts practitioners. What kinds of arts organisations and artists will be included in this wider range that are not currently being considered for funding by the Australia Council?</p>	27 May 2015 L&CA24
BE15/003	Ministry for the Arts	Bilyk	Appointments to governing bodies of arts and cultural institutions	<p>Senator BILYK: I wanted to ask about a number of appointments to the governing bodies of arts and cultural institutions announced by you on Thursday, 11 December. These were the appointments to the Council of the Australian National Maritime Museum. I understand that former Liberal senator Ian Campbell and former New South Wales Liberal MP Peter Collins were appointed to those positions. Is that correct?</p> <p>Senator Brandis: Yes, they were among the people appointed.</p> <p>Senator BILYK: And the appointment to the council of the National Museum of Australia was the conservative opinionist Janet Albrechtsen. Is that correct?</p> <p>Senator Brandis: I am not aware that there is a word 'opinionist' in the English language. But if by that you mean the opinion writer or op-ed writer, Dr Albrechtsen was certainly appointed, yes.</p> <p>Senator BILYK: I think former Liberal-National MP Mr Paul Neville was appointed to the board of the National Film and Sound Archive. Is that correct?</p> <p>Senator Brandis: He certainly was. Correct.</p> <p>Senator BILYK: Were these positions publicly advertised?</p> <p>Senator Brandis: It is not the practice to advertise public position at that level for those institutions.</p> <p>Senator BILYK: So that is a no?</p> <p>Senator Brandis: It is a no because that is not the practice.</p> <p>Senator BILYK: I am just making sure that that is a no.</p> <p>CHAIR: Is that the practice of your government or all governments?</p> <p>Senator Brandis: Previous governments, as I understand it.</p> <p>[...]</p> <p>Senator Brandis: I will take that on notice, if I may, but I am reasonably confident in saying that ordinarily it has not been the practice for these particular institutions you have identified for those appointments to be advertised.</p>	27 May 2015 L&CA36
BE15/004	Ministry for the Arts	Bilyk	Appointments to governing bodies of arts and cultural institutions	<p>Senator BILYK: I would like to know if any of these appointments were considered by cabinet.</p> <p>Senator Brandis: Yes, all.</p> <p>Senator BILYK: Who identified the appointees as potential candidates for appointment?</p> <p>Senator Brandis: They were identified by a process of discussion between me and my advisers and me and the relevant officials. The way this process works—if you want to know—is that, having identified—</p> <p>Senator BILYK: Is the department involved?</p> <p>Senator Brandis: I discussed these appointments with the department, yes. What happens is that, having settled upon an appropriate candidate, I write to the Prime Minister. This is a standard procedure in our government. I write to the Prime Minister. The Prime Minister's office considers my recommendation, and it then goes to cabinet, and the cabinet either endorses it or does not. I think it is fair to say that all of my recommendations so far have been endorsed by cabinet.</p> <p>Senator BILYK: So the Prime Minister was briefed on these appointments?</p> <p>Senator Brandis: I just told you I wrote to the Prime Minister.</p> <p>Senator BILYK: You might have to take this on notice, but I would like to know the dates that he was briefed on</p>	27 May 2015 L&CA38

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				<p>these appointments.</p> <p>Senator Brandis: You say 'briefed'. I wrote—the standard procedure—</p> <p>Senator BILYK: Okay, can you find out the dates of those letters that you wrote.</p> <p>Senator Brandis: You want me to tell you the dates on which, in respect of each of the four people you have named, I wrote a letter to the Prime Minister recommending that person?</p> <p>Senator BILYK: Yes, please.</p> <p>Senator Brandis: Okay, I can do that.</p>	
BE15/005	Ministry for the Arts	Bilyk	Appointments to governing bodies of arts and cultural institutions	<p>Senator BILYK: Hypothetically, then, should a minister put someone to the Prime Minister in a letter about an appointment to a board and the Prime Minister does not agree with it, would that appointment then take place?</p> <p>Senator Brandis: It would all depend on the facts of the particular case and these really are matters, strictly speaking, that should be asked in the PM&C estimates—but in relation to the ministry of the arts it is not a problem that I have ever encountered.</p> <p>Senator BILYK: When did the announcements on these appointments take place?</p> <p>Senator Brandis: I think that these were all appointments that had to go to the Governor-General in Council. The standard practice is that the appointments are announced on the day that they have been approved by the Governor-General in Council.</p> <p>Senator BILYK: Have you got a date?</p> <p>Senator Brandis: No, but I can find it for you, if you like.</p>	27 May 2015 L&CA39
BE15/006	Australian Crime Commission	Bilyk	Breakdown of the budget	<p>Senator BILYK: Are you able to tell me what the current budget of the ACC is?</p> <p>Mr Dawson: I do not have the exact numbers with me, but it is in the order of \$8 million per annum. Part of that is revenue that has been generated on a fee-for-service basis. There is also another amount that is part of a Commonwealth, state and territory shared arrangement for some grants. They are on a pro rata basis depending upon the jurisdictions and they range from in the order of \$50,000 from the larger jurisdictions down to \$2,000 for the smallest.</p> <p>Senator BILYK: On notice are you able to give me a breakdown of those areas? When you talk about fee for service—</p>	27 May 2015 L&CA54
BE15/007	Australian Crime Commission	Lambie	Organised crime in Tasmania	<p>Senator LAMBIE: We will check up on that then. Moving on to something else: how much organised crime is in Tasmania? Can you please detail the number of organised crime gangs in Tasmania. How much property has been bought by organised crime gangs? Do you believe there should be a national law which deals with organised crime gangs, like the RICO laws they have in America? Please detail the links that organised crime gangs have with terrorist organisations.</p> <p>Mr Dawson: In terms of known organised crime gangs, they are best represented in Tasmania—I should not say 'best', but they are represented in Tasmania—through a number of outlaw motorcycle groups. As to the exact number, I will ask my colleague if he has that number, but my recall—and I can take that question on notice—is that it is in the order of about six different outlaw motorcycle groups. I would be surprised if there were more than six, but certainly there are a number, including the Rebels. I am not certain about the Bandidos, but certainly some of the larger groups are represented in Tasmania. It is also fair to say that some of the crime syndicates in Tasmania are not necessarily those that are badged up as outlaw motorcycle groups. Each of the states and territories, including Tasmania, supply the Crime Commission with their national criminal targets, which are subject to the risk assessment. We rate them from extreme high downwards. We then apply that matrix—</p>	27 May 2015 L&CA57
BE15/008	Strategy and Delivery Division	Collins	Submission of responses to questions on notice	<p>Senator JACINTA COLLINS: I will go back one step. From the committee's point of view, I think we are all agreed that we would prefer to receive answers to questions on notice in enough time for us to be able to review them before we are dealing with those portfolios in the committee in the next round of estimates. Is that a reasonable expectation?</p> <p>CHAIR: Yes, we did discuss that in the committee.</p> <p>Senator JACINTA COLLINS: That has not occurred on this occasion.</p> <p>CHAIR: That is okay.</p> <p>Senator JACINTA COLLINS: I would like to understand what has occurred, where the problems are and how we may be able to remedy that. We had a discussion about just the arts component earlier today, but I would like a better sense of what has occurred, if possible.</p>	27 May 2015 L&CA61&62

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				<p>CHAIR: We can do that, but factually, I think Senator Brandis said that he had signed off on all of them, some of them quite recently. Over to Mr Moraitis on what happened from there.</p> <p>Mr Moraitis: This morning we undertook to speak with the secretariat to verify the question and ascertain where the various questions on notice were and at what stages—not just the arts questions but, as you said, Senator Collins, the cross portfolio questions. I have asked Tony Sheehan, who is our CLO, to explore that this morning. He has a series of clarifications for you which perhaps will explain some of the context and the situation.</p> <p>Mr Sheehan: Just for a small amount of context: from the additional estimates hearing on Tuesday 24 February and then the spillover day that we had on 27 March the portfolio received 151 questions. Some came through the hearing, and then some were submitted in writing, as is the normal practice, up until Wednesday 1 April. We have calculated that of those 151 a total of 128 have been lodged and 23 are outstanding. Of those 23 that are outstanding, it is our understanding that none relate to the arts. So, Senator Brandis's statement about the arts accords with the records in the department that all the arts related questions have been lodged. We expect that those 23 QONs that are outstanding will be finalised in the coming days. There are a small number of them that are back with the department, where we are doing some more work on them.</p> <p>Senator Collins asked what has occurred in terms of process. The department prepares the answers and in all cases will provide an opportunity for the Attorney or the minister to see those answers before they are lodged. And we do not lodge the answers until we have confirmed that that has occurred, which has been the practice of the department for the time that I have been here, over the past 4½ years or so. So, just to state it again: we have 23 questions on notice outstanding at this point. That is our understanding.</p> <p>Senator JACINTA COLLINS: My advice from the secretariat was that the first attempt to send this last 71—the most recent batch—was made at 10.30 last night.</p> <p>Mr Sheehan: That may be. My understanding from staff in the department is that they were sent as quickly as possible yesterday evening, so I could not state exact times. The secretariat presumably will be able to tell you what time particular answers were lodged.</p> <p>Senator JACINTA COLLINS: I am dealing with this issue now across portfolio, because, despite the minister's assuring me that he had cleared all the arts ones that I had yet been able to see—</p> <p>Senator Brandis: I have.</p> <p>Senator JACINTA COLLINS: Well, I accept that, but, Minister, the concern is the 71 that arrived in batch at 10.30 at night—the night before estimates was due to occur. And you said in a relatively cute way that you had cleared them at some point in the past. Am I to understand that you had cleared them close to 10.30 at night, the night before estimates?</p> <p>Senator Brandis: No. That is incorrect.</p> <p>Senator JACINTA COLLINS: Well, when did you clear them?</p> <p>Senator Brandis: The last batch of questions that I cleared, I cleared early on Sunday evening.</p> <p>Senator JACINTA COLLINS: So, Mr Sheehan, can I get an understanding of why answers that were cleared on Sunday evening took until last night to hit the secretariat?</p> <p>Mr Sheehan: I will have to take that on notice and find out whether there were further delays in the department. I do not have the details of what happened between when the Attorney cleared them and when they were provided to the secretariat. It is always our intent to make sure they are lodged as quickly as possible. More generally, I have asked that we look at the processes in the department from the time we are aware of what the questions are to see whether we can streamline those process any more. But as for what has happened specifically, I will need to take that on notice and check.</p> <p>Senator JACINTA COLLINS: Yes, because that is two days in which we would have had an opportunity to review and address further questions in this session.</p> <p>Senator Brandis: Well, in fairness to Mr Sheehan, I cleared the questions in my office, and I had finished doing that before 7.30 pm on Sunday, so they probably would not have gone to the department until Monday morning.</p> <p>Senator JACINTA COLLINS: Sure; I understand that.</p> <p>CHAIR: Do you have any more questions on this?</p> <p>Senator JACINTA COLLINS: The minister wants to make his political statement about—</p> <p>CHAIR: As chairman of the parliamentary committee, this is a problem we have had with governments in the past.</p>	

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				<p>I agree with Senator Brandis: it was infinitely worse under the previous government than it has been under this one so far but that does not excuse this here. There are occasions, I understand, when the departments simply do not have the resources to do it, in which case I would prefer the department to get back in touch with the committee and say, 'Look, sorry guys; know the problems; know the urgency, but we're just flat out', or whatever other reason. I say to committee members too, there are so many questions put on notice, many of which I suspect are never ever looked at again once the answers come, and I think the committee needs to target its questions on notice better as well.</p> <p>My admonition is not only to governments past and present to try and respond to parliamentary questions but also to my colleagues to be more judicious about the number and extent of the questions they ask. There is an enormous drain on departments in answering questions that are very often for questions that appear to me to have little relevance. I am quite sure—and I know this—because people come and ask the same questions at the next estimates and they have not even read the answers that are given. I think all of us can improve. Perhaps, now, we would be better served by moving on to questions that we can try and get answers to so that we do not have to put questions on notice.</p> <p>Senator Brandis: Can I just add something to my previous answer. The last questions that I cleared, which were within the Attorney-General's portfolio and not the ministry of the arts, I cleared at around half past two yesterday afternoon. There were either three or four of those, and they are the very last.</p>	
BE15/009	National Security Law and Policy Division	Wright	Privacy Impact Assessment - Foreign Fighters Bill	<p>Senator WRIGHT: Let's go back to the first one that I mentioned: aspects of the foreign fighters bill, which was the Attorney-General's Department's responsibility. I am interested to know, first of all, whether a PIA was in fact conducted.</p> <p>Ms Lowe: That particular bill was a whole-of-government effort that captured amendments to a whole range of portfolio legislation. The provisions that you are talking about are matters that are the responsibility of the immigration department and Customs. What we did not do, however, was to conduct a privacy impact assessment on the bill as a whole. Different policy processes were undertaken, depending on which particular provisions were being amended. As to the process that was undertaken by the Department of Immigration and Border Protection, that would be a matter best put to them—about their process of developing their provisions. But there was not a PIA done on the bill as a whole.</p> <p>Senator WRIGHT: Was there any PIA done on the aspects of the bill that were within the responsibility of the Attorney-General's Department?</p> <p>Ms Lowe: No.</p> <p>Senator WRIGHT: It sounds to me like no PIA was started at all, but I would need to confirm that I suppose?</p> <p>Ms Lowe: I think you would need to confirm that.</p> <p>Senator WRIGHT: In which case I have missed the boat for these estimates, I think. I might have to ask if that can be taken on notice. Can that be forwarded to them, please?</p> <p>Ms Lowe: Yes.</p>	27 May 2015 L&CA65
BE15/010	National Security Law and Policy Division	Wright	Privacy Impact Assessments	<p>Senator WRIGHT: What is your understanding of who has responsibility to determine, in relation to a piece of legislation, whether a PIA should be conducted or not?</p> <p>Ms K Jones: Broadly, in terms of any recommendations that come out of parliamentary committee inquiries—</p> <p>Senator WRIGHT: I am not talking about a parliamentary committee. I need to be very clear: I am talking the Information Commissioner guidelines.</p> <p>Ms K Jones: It would be a matter for the lead agency to be consulting on. If another department had responsibility for the relevant provisions, in the general course of consultation that would be a matter of discussion. But in terms of specific responsibility for directing or taking up Office of the Australian Information Commissioner recommendations, it is ultimately a matter for the department to which it is directed.</p> <p>Senator WRIGHT: So, in this case, was that general discussion had by the Attorney-General's Department with the immigration department?</p> <p>Ms K Jones: I need to take that on notice. In the course of developing the legislation and going through the parliamentary inquiries, working with the Office of the Australian Information Commissioner, we engaged with a whole range of relevant agencies. I would need to take that on notice for you.</p> <p>Senator WRIGHT: And what the process was, if there was any process. Thank you. Those are my questions, thank</p>	27 May 2015 L&CA67

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				you.	
BE15/011	Civil Law Division	Bilyk	Royal Commissioners - Remuneration	<p>Senator BILYK: So was it in accordance with an established scale relied upon by the Commonwealth to remunerate royal commissioners?</p> <p>Senator Brandis: It was arrived at in accordance with the appropriate procedures adopted by the Commonwealth for the remuneration of counsel, yes.</p> <p>Senator BILYK: But I cannot find out those procedures. Is it consistent then with, say, that of the commissioner presiding over the royal commission into institution responses to child sexual abuse?</p> <p>Senator Brandis: There are six of them and they are remunerated, I think, on a somewhat different basis. Do not hold me to this. I will have it checked but my understanding was that each of them is paid the equivalent salary of a Federal Court judge.</p> <p>Senator BILYK: So is his payment consistent with commissioners presiding over previous commissions of inquiry for the Commonwealth?</p> <p>Senator Brandis: Whose payment?</p> <p>Senator BILYK: Mr Hayden's.</p> <p>Senator Brandis: I would need to check. Certainly the principles on which he is remunerated are consistent. Whether previous royal commissioners were paid the same fee or a higher fee or a lower fee, I would have to check.</p>	27 May 2015 L&CA72
BE15/012	Civil Law Division	Bilyk	Royal Commission into Trade Union Governance and Corruption - Minter-Ellison	<p>Senator BILYK: I have asked questions about this before but I have not been particularly happy with some of the answers I have received. I want to know if you can explain why the contract was let out of Minter Ellison's Brisbane office, if the TURC is based in Sydney and Minter Ellison headquarters are also in Sydney, why was the contract let out of the Brisbane office?</p> <p>Mr Minogue: I am not aware that it was. The lawyers leading the support for the commission in Minter Ellison, as far as I am aware, are Sydney based lawyers. They may draw people in from other offices, depending on the expertise required but, certainly, the lead partner is based in Sydney.</p> <p>Senator Brandis: I think that the Brisbane or Melbourne, for that matter, partners of Minter Ellison might cavil at the suggestion that the headquarters of the firm is in Sydney.</p> <p>Senator BILYK: Could you just take that on notice, Mr Minogue, and confirm your answer to me as being correct. I am fairly certain it was led out of the Brisbane office.</p>	27 May 2015 L&CA74
BE15/013	Civil Law Division	Bilyk	Interim report – Royal Commission into Trade Union Governance and Corruption	<p>Senator BILYK: I want to go back to some more questioning on the trade union royal commission. I understand there was an interim report. Was that to you, Senator Brandis, in October 2014?</p> <p>Senator Brandis: It was to His Excellency the Governor-General.</p> <p>Senator BILYK: There was a secret portion in that report, was there?</p> <p>Senator Brandis: There was a confidential—</p> <p>Senator BILYK: Confidential—secret—confidential. I am presuming you are telling me you cannot tell me what is in it. How many pages was that confidential report?</p> <p>Senator Brandis: I do not know.</p> <p>Senator BILYK: Did you see it?</p> <p>Senator Brandis: Yes.</p> <p>Senator BILYK: Could you take it on notice and tell me—</p> <p>Senator Brandis: How many pages?</p> <p>Senator BILYK: how many pages the secret report was.</p> <p>Senator Brandis: Yes.</p> <p>Senator BILYK: Has the secret report been shared with the Prime Minister?</p> <p>Senator Brandis: I had better take that on notice. I imagine that it has come to his attention.</p> <p>Senator BILYK: And, if so, if it has been read by any of the Prime Minister's staff as well.</p> <p>Senator Brandis: I do not know.</p> <p>Senator BILYK: Please ask the Prime Minister when you check that. It should not be that hard.</p> <p>Senator Brandis: I am not quite sure what you are asking me. 'Has it been read by him?' Is that what you are asking?</p> <p>Senator BILYK: I am asking (a) Has it gone to the Prime Minister?—</p>	27 May 2015 L&CA77&78

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				<p>Senator Brandis: Yes.</p> <p>Senator BILYK: and (b) Was it read by the Prime Minister? and (c) Was it read by any of the Prime Minister's staff?</p> <p>Senator Brandis: I will inquire of the Prime Minister. This, of course, is a question not for me but for the Department of the Prime Minister and Cabinet.</p>	
BE15/014	Civil Law Division	Bilyk	Interim report – Royal Commission into Trade Union Governance and Corruption	<p>Senator BILYK: I do appreciate you inquiring of the Prime Minister for me. Do you know if it has been chaired outside of government at all?</p> <p>Senator Brandis: I do not. When you say 'outside of government' I am sure it has been shared with the police. I do not know if you regard the police, for the purposes of your question, as being part of government.</p> <p>Senator BILYK: Not in this particular instance, I guess—the police. Is there anyone else you know it has been shared with?</p> <p>Senator Brandis: There is a police apparatus, under the jurisdiction of Commander Ney, attached to the royal commission so, perhaps, Commander Ney might be able to add to my answer.</p> <p>Mr Ney: Yes, Senator. I am from the Australian Federal Police and am performing the role as Commander of Investigations for the trade union royal commission. That report has been shared with me, but it has not gone back to policing agencies. It has stayed within the royal commission.</p> <p>Senator BILYK: Besides you, have other members of your staff looked at it?</p> <p>Mr Ney: My inspector for the New South Wales task force has seen the report.</p> <p>Senator BILYK: But that is all, from your end.</p> <p>Mr Ney: That is correct.</p> <p>Senator BILYK: Minister, please take on notice if it has been shared with anybody else.</p>	27 May 2015 L&CA78
BE15/015	Civil Law Division	Bilyk	Extension of the Royal Commission - Commissioner Heydon	<p>Senator BILYK: Did the extension of the royal commission interrupts Commissioner Hayden's sabbatical in Oxford at all?</p> <p>Senator Brandis: I think the word 'sabbatical' is inapt. The position was that Mr Hayden was asked whether he was prepared to continue to serve when the government decided to extend the reporting date of the royal commission. Mr Hayden kindly agreed to continue to serve but he had pre-existing academic commitments as a visiting professor at the Oxford law school which he met and which the government was happy to accommodate his meeting.</p> <p>Senator BILYK: Was Mr Hayden pleased at the extension of the royal commission, or did it get in the way of his plans?</p> <p>Senator Brandis: Mr Hayden is a professional man of the highest eminence and he was asked to undertake a professional task. He agreed to do so and, no doubt, has gone about it with the dispassion one would expect from a professional man.</p> <p>Senator BILYK: Is there any correspondence between the commissioner and the Attorney or his department touching upon the sabbatical in Oxford?</p> <p>Senator Brandis: As I say, it is not a sabbatical. Mr Hayden—</p> <p>Senator BILYK: His time in Oxford.</p> <p>Senator Brandis: I do not recall signing any letters to him, if that is what you mean. But I will take that on notice and have it checked.</p> <p>Senator BILYK: Thank you. Can we get a copy of that correspondence if there is any?</p> <p>Senator Brandis: I will have to consider that; it may or may not be appropriate for release.</p>	27 May 2015 L&CA79
BE15/016	Civil Law Division	Collins	Royal Commission into Trade Union Governance and Corruption – Commissioner Heydon	<p>Senator JACINTA COLLINS: Can you quantify the number of hours whilst he was on sabbatical?</p> <p>Senator Brandis: I will take that on notice; I am sure we can.</p>	27 May 2015 L&CA80
BE15/017	National Security Law and Policy Division	Collins	Correspondence to the Attorney-General – Islamic State of Iraq and the Levant	<p>Senator JACINTA COLLINS: What I am trying to identify is how common would it be for someone to write to you, Attorney, seeking advice about contacting IS.</p> <p>Senator Brandis: I will take that on notice; I will find out how often correspondence of that kind has been received.</p>	27 May 2015 L&CA86

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
BE15/018	National Security Law and Policy Division	Collins	Management of correspondence to the Attorney-General - Islamic State of Iraq and the Levant	<p>Senator JACINTA COLLINS: Was there any other action taken in relation to the correspondence?</p> <p>Senator Brandis: In my office there was none taken, other than having it assessed and then sent to the ministerial communications unit for the department to deal with. What was done in relation to the letter within the department, Ms Chidgey would be the one to know.</p> <p>Ms Chidgey: The process would be that once a reply is prepared it would come back to the Ministerial Correspondence Unit and the reply mailed out to the recipient.</p> <p>Senator JACINTA COLLINS: No. I understand that element of a response; what I am curious about is whether the acting assistant secretary or some other person in the National Security Law and Policy Division thought that some further response, such as referring the matter to the AFP, might be appropriate.</p> <p>Ms Chidgey: And that would be a matter for the relevant division to assess in each case—that is, whether there was further action or another agency that needed to be notified.</p> <p>Senator JACINTA COLLINS: And that is what I am asking: did that occur?</p> <p>Senator Brandis: I am not sure that Ms Chidgey is in a position to answer that.</p> <p>Senator JACINTA COLLINS: I am not asking her specifically.</p> <p>Ms Lowe: Senator, I lead the division from which this response was developed and sent. It is not routine practice necessarily to forward correspondence onto agencies, and whether it in fact occurred in this case I would have to take on notice.</p> <p>Senator JACINTA COLLINS: If you would not mind taking that on notice please, with regard to the AFP or some other security alert process.</p> <p>Ms Lowe: Yes.</p> <p>Senator JACINTA COLLINS: I suspect later tonight we will get to the complexity of some of that. But certainly now, with our heightened security arrangements, it might be reasonable to expect that the department would not just simply respond to correspondence of that nature, but might think it is appropriate to alert other players in the national security space about requests of this nature.</p> <p>Senator Brandis: These judgements are really expert judgements, not judgements of politicians. I am bound to say the tone of the letter is not obviously threatening, nor does the letter apparently contain any endorsement of or indication of favourability towards the Islamic State. It merely, in a neutral tone, asks a question about whether to communicate with this individual by making comments and asking questions is legal or illegal.</p> <p>Senator JACINTA COLLINS: Yes, it is general in that sense but it is—</p> <p>CHAIR: I have the feeling that these may be questions for ASIO or someone else.</p> <p>Senator Brandis: There is a coronial inquiry going on at the moment, as we all know, in Sydney. This correspondence was in evidence before the coronial inquiry a couple of days ago.</p> <p>CHAIR: I think what Senator Collins is saying is, if I could put it more bluntly, is: wouldn't someone forward anything relating to IS to someone else—I do not want to ask you who else. I am just wondering whether we are getting into high security grounds that are perhaps not the purview of this committee. Perhaps if there were something that needed to be said and Senator Collins could be briefed more privately—I am only guessing.</p> <p>Senator Brandis: As Ms Lowe has said, she is going to take this on notice; and, in taking it on notice, no doubt she will turn her mind to what protocols, procedures and guidelines may have been in place in the department to deal with inquiries of this nature.</p>	27 May 2015 L&CA86
BE15/019	National Security Law and Policy Division	Collins	Access to correspondence - Thawley-Comley Review	<p>Ms K Jones: Senator Collins, I was seconded to the Department of the Prime Minister and Cabinet as part of the Thawley-Comley review, and we had access to correspondence from all relevant Commonwealth departments and agencies. To specifically reference every piece of correspondence that was provided to review would not have been possible in that review. There were literally hundreds of different pieces of correspondence.</p> <p>Senator JACINTA COLLINS: Are you able to tell me whether this correspondence was considered by that review?</p> <p>Ms K Jones: It was provided to the review and we considered all the correspondence that was provided to us.</p> <p>Senator JACINTA COLLINS: Again, I suppose, Chair, the context here is in part that on 12 September last year the Prime Minister held a press conference announcing to the nation that the threat level of our country was being raised to high. In that press conference the PM stated: Of course, if members of the public do notice anything out of the ordinary, if they do notice anything that concerns them, they should ring the national security hotline...</p>	27 May 2015 L&CA87

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>I am trying to understand—you have taken this partly on notice so this is a further question on notice—why a request such as this from Mr Monis would not have alerted a staff member within the department.</p> <p>Senator Brandis: Of course you will remember, Senator Collins, that there was no reason to believe that any member of the Attorney-General's Department's staff would have known that Monis—or Haron, as he signed himself—was a person of concern at that particular time. As I said, the tone of the letter is not on its face threatening and nor does it contain any statements of support or affiliation for Islamic State. So these judgements, as I think you would allow—</p> <p>Senator LAMBIE: He wants to send a letter to Islamic State and you do not see a concern about that?</p> <p>Senator Brandis: are easier made in hindsight. I have taken on notice what protocols the department had to deal with letters of this character and I do not know that there is anything I can add to the discussion.</p> <p>Senator JACINTA COLLINS: No, and I note you have also taken on notice how common correspondence of this nature might be. We will look at that when we get it.</p>	
BE15/020	Access to Justice Division	Bilyk	Redfern Legal Centre	<p>Senator BILYK: Have you met with the Redfern Legal Centre to discuss the impacts of funding changes?</p> <p>Senator Brandis: I cannot remember whether I have met with the Redfern Legal Centre. I meet with legal centres all the time. I have been to events in Redfern in the last 18 months or so. So I would have to check my diary.</p> <p>Senator BILYK: Could you take that on notice and do that. Has the department contacted Redfern Legal Centre?</p>	27 May 2015 L&CA89
BE15/021	Access to Justice Division	Wright	National Partnership Agreement on Legal Assistance Services - New model to determine Commonwealth allocation of funding	<p>Senator WRIGHT: We are onto a different form of blood sport then. I have some questions in relation to the new National Partnership Agreement on Legal Assistance Services, which is the new model to determine Commonwealth allocation of funding to legal aid commissions, community legal centres and Aboriginal and Torres Strait Islander legal services. While some information about the model is available, including that the model takes into account population and some service delivery cost factors, it is not detailed and does not indicate weightings. The full funding formula has not been publicly released. Will it be?</p> <p>Ms Quinn: The details on the funding allocation model: initially, we distributed an abridged version just to inform states of how we had made the dissection of funding. We have since expanded that significantly and provided it, and it does include the weightings that were allocated to the factors that were in the model.</p> <p>Senator WRIGHT: Is that publicly available?</p> <p>Ms Quinn: We distributed it in the context of the negotiations with the states and territories on the national partnership agreement, but I believe most of them elected to send it on to the sectors. We have not published it but we have provided it as part of those negotiations. I do not think it would be a problem to provide it.</p> <p>Senator WRIGHT: Thank you. If you could provide that, that would be very helpful. I know the government has a commitment to open government and I would have thought that was consistent with that. I would like to know—and I am hoping that what you are going to provide, and if it is not the case then maybe you can tell me—details, including factors and weightings of the funding assistance formulas that are used to calculate the amount of funding to be distributed to each state and territory in relation to legal aid commissions, community legal centres and ATSILS. Is it possible to say now what specific weighting will be assigned to each criteria and what, if any, reliance was placed upon actual service delivery?</p> <p>Senator Brandis: As Ms Quinn said, we will release the formula to you, so you can read it for yourself.</p> <p>Senator WRIGHT: I am interested in how quickly, because I am conscious that it takes effect very soon, and there are a lot of people that are really interested in talking to me about it. And I would like to—</p> <p>Senator Brandis: It takes effect in 34 days time.</p> <p>Senator WRIGHT: Yes, that is right. I am interested in how quickly it might be possible to get that?</p> <p>Senator Brandis: We will make sure you get it fairly promptly.</p> <p>Senator WRIGHT: Thank you.</p>	27 May 2015 L&CA91&92
BE15/022	Defence Abuse Response Taskforce	Lambie	Public announcements in relation to the DART	<p>Senator LAMBIE: In relation to exactly when the ads went out and you called people forward, can you explain to me the procedure of how that was done?</p> <p>Mr Hall: Yes, I can. To begin with, of course, there were a number of public announcements in relation to the task force, asking for people to come forward. That was the first step. The second step was to place public notices in national newspapers Australia wide on three or four separate occasions during 2013 primarily, but in 2012 and 2013. Advertisements were also placed in all of the service magazines—the Army, Navy, and Air Force magazines. There was also information provided to community radio and other ways of distributing information out in</p>	27 May 2015 L&CA97&98

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>regional areas. There were also, I think, two Defgrams, or two internal Defence memorandums, sent to all people serving in Defence, describing the task force and encouraging any victims of abuse to come forward to the task force.</p> <p>Senator LAMBIE: Would I be able to obtain a copy of exactly where they went and who they went to during the time?</p> <p>Mr Hall: Yes, I can provide that this evening for you.</p> <p>Senator LAMBIE: Thank you.</p>	
BE15/023	Defence Abuse Response Taskforce	Xenophon	Recommendation of a Royal Commission into the Australian Defence Force	<p>Senator XENOPHON: Because of time constraints, perhaps we can truncate this. On notice, can you advise, perhaps as a matter of some urgency, given the number of victims of Defence abuse that there are still: what is the position of the task force? Does the current task force support the recommendation of the former chair, Len Roberts-Smith, that there ought to be a royal commission into the ADFA 24?</p> <p>Mr Hall: I can take that on notice.</p>	27 May 2015 L&CA98
BE15/024	Defence Abuse Response Taskforce	Xenophon	Action taken by the Chief of the Defence Force on information supplied by the DART	<p>Senator XENOPHON: It is by no means a criticism. Obviously, a lot of work has been done. Has the task force been advised by the CDF whether any administrative or disciplinary action has been taken as a result of the information the task force has provided to the CDF?</p> <p>Mr Hall: The information I have at the moment is that Defence has advised that they have taken or are taking further action. Just to be clear, it includes the ADFA 24 cases which have been dealt with partly as a separate category, and any other cases. So four cases where they are taking further action, involving 15 still serving alleged abusers.</p> <p>Senator XENOPHON: So you cannot say how many alleged still serving abusers are facing administrative or disciplinary action?</p> <p>Mr Hall: No. I can tell you that, of the ones that have been referred—the 151 alleged abusers—in relation to 15 there is action being taken, and there are another 98 where Defence is still considering whether to take action.</p> <p>Senator XENOPHON: Perhaps I will take it up with the CDF.</p> <p>Mr Hall: Many of those were referred in the last couple of months, so there is somewhat of a large number to get through.</p> <p>Senator XENOPHON: I understand. If you could provide a time line of when those referrals took place in relation to the numbers of alleged abusers, that would be useful.</p>	27 May 2015 L&CA100&101
BE15/025	Access to Justice Division	Bilyk	Native Title Officer funding	<p>Senator BILYK: Just on that same topic, are farmers able to apply for that funding?</p> <p>Ms Quinn: Yes.</p> <p>Senator BILYK: It is not just industry bodies?</p> <p>Ms Quinn: For native title officers, it is industry bodies. But for respondent funding, a party to a native title claim, someone who wants to be a respondent—</p> <p>Senator BILYK: Is that out of that \$5.8 million?</p> <p>Ms Quinn: Yes.</p> <p>Senator BILYK: Are test cases still happening?</p> <p>Ms Quinn: In the native title space? Generally, test—</p> <p>Senator BILYK: On native title.</p> <p>Ms Quinn: I am not sure. I would probably have to take that on notice.</p>	27 May 2015 L&CA102
BE15/026	Access to Justice Division	Bilyk	Native Title Officer funding	<p>Senator BILYK: I want to quickly ask one more question with regard to native title claims. Farmers are allowed to apply for this money. There are five industry bodies that you mentioned. Are mining companies and wealthy individuals able to oppose native title claim and apply for this money? Is it means-tested?</p> <p>Ms Quinn: The way the scheme operates is that, where respondents apply as a group, a means test is not applied. That is about creating an incentive for respondents to group together to make the entire process smoother. If a particular individual was applying in their individual capacity, yes, we would have a look at their means.</p> <p>Senator BILYK: Can you tell me what that means test might be?</p> <p>Ms Quinn: It is not a means test per se but it would be an assessment of whether they would struggle to pay their own legal fees.</p> <p>Senator BILYK: How would that determination be made though? Is there a set of criteria against which you would ask these individuals?</p>	27 May 2015 L&CA104

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Ms Quinn: We would need to have a look at it. It would be a case-by-case assessment, but I think it very rarely happens. I am happy to check whether it has, in fact, ever happened. I am only aware—</p> <p>Senator BILYK: Can you check if there is a set of criterion and specific questions that people might be asked with regard to that—</p> <p>Ms Quinn: There is not a formula, so there is not a benchmark in terms of 'you're in' or 'you're out' like a formal means test, but there would be an assessment of a person's ability to pay.</p> <p>Senator BILYK: Who would make that judgement?</p> <p>Ms Quinn: The delegate; the person who is authorised to be the decision maker on the grant. As I said, I am not even sure that it has ever happened. I am only aware of groups of—</p> <p>Senator BILYK: But there is the potential for it to happen?</p> <p>Ms Quinn: Yes.</p> <p>Senator BILYK: Individuals can apply?</p> <p>Ms Quinn: If they were a respondent, yes.</p>	
BE15/027	National Security Law and Policy Division	Collins	Countering Violent Extremism Programme Funding	<p>Senator JACINTA COLLINS: Firstly, I very quickly want to touch on the Countering Violent Extremism Program. And then, for the department's benefit, I will be moving on to the new antiterrorism portfolio. Can you confirm for me concerns that have been raised—and we have had sessions in estimates a couple of times touching on these issues—that the funds available for organisations dealing with countering violent extremism were not available for the period July 2014 until 2 May 2015?</p> <p>Ms Lowe: During the financial year 2014-15, a number of projects that had already been funded continued during that period. The difference was that in August of last year a decision was made, and announcements were made, about the fact that the focus of the Countering Violent Extremism Program would be shifting from a community approach, so funds under the previous Building Community Resilience grants program had been targeted towards building community capacity—</p> <p>Senator JACINTA COLLINS: Some of those issues we have covered in the past, but what I am seeking to understand, and you seem to have contradicted the concerns that have been raised with us, is the previous program that was funded for four years concluded in July 2014. The new funds were not made available until 2 May 2015. But you said a moment ago that some funding continued. Can you give me some information about what that funding was, where it came from—because obviously the program had not been re-funded—and what the quantum of those funds was? I do not want you to name individual organisations, for the same reason that we currently do not, but I would like to know what quantum of funds was made available during that period.</p> <p>Ms Lowe: As to quantum of funds, I would actually have to take that on notice, but the funds during that period of time came from departmental funding, so we had other funds available to us. While that particular program had come to an end, we were able to continue to fund organisations. You are quite correct: there are certain organisations that do not want to be publicly named, but there are others that have come out and spoken about the work that they have continued to do with the Attorney-General's Department during that period of time. The one that I would particularly name, because they have taken the initiative and have quite a public profile, is the Australian Multicultural Foundation.</p> <p>Senator JACINTA COLLINS: If you can provide me on notice with the quantum—</p> <p>Ms Lowe: Certainly.</p>	27 May 2015 L&CA111&112
BE15/028	National Security Law and Policy Division	Wright	Living Safe Together Programme	<p>Senator WRIGHT: Thank you. I have questions in relation to the Living Safe Together grants program. How many applications were received for Living Safe Together grant funding, and how many of those applications were successful?</p> <p>Ms Lowe: We received approximately 100 applications and, of those applications, 34 have been successful.</p> <p>Senator WRIGHT: You said approximately 100. If you could confirm that figure on notice that would be good, thanks.</p> <p>Ms C Jones: There were 95 applications received.</p> <p>Senator WRIGHT: I can do my maths. I was going to ask how many were rejected, but presumably the answer is 95 minus 34.</p> <p>Ms C Jones: Yes. I will just add to that. There were a number of applications received from organisations nonetheless considered to be significant stakeholders. We will continue to work with those stakeholders where a</p>	27 May 2015 L&CA118

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>need might be identified to build particular capacity to support the broader objectives of the Living Safe Together program.</p> <p>Senator WRIGHT: Can I have a state-by-state breakdown of successful and unsuccessful applications including the names of the organisations?</p> <p>Ms C Jones: A number of organisations have identified that they wanted to have their details protected, due to the sensitivity of the work, so we are not in a position to provide the names of all of the organisations that were successful or unsuccessful. We can provide a breakdown by state of the number of successful applications. I would take that on notice.</p> <p>Senator WRIGHT: If you could do that, that would be good. Thank you.</p> <p>Ms Lowe: Senator, if it would assist you, we could give you a description of the kinds of activities that will be funded rather than an identification of the groups.</p> <p>Senator WRIGHT: Perhaps on notice, I would be happy with that. But not now, because I have some questions I need to get through now. But I appreciate that some organisations have requested confidentiality. But, where you can provide information, I would like that. I can see that the Living Safe Together grant funding was a one-off funding round. What funding is now available to support community led preventive projects?</p>	
BE15/029	International Law and Human Rights Division	Collins	Commencement of recruitment process - Sex Discrimination Commissioner	<p>Senator Birmingham: I think, Senator Collins, the government is well aware of the conclusion of Ms Broderick's appointment and is also grateful for her service. Of course, we will make an announcement in due course following the proper process.</p> <p>Senator JACINTA COLLINS: Senator Birmingham, can you tell me if a process has commenced?</p> <p>Senator Birmingham: That would really go to the deliberative discussions of government. Ultimately, the government will make an appointment and do so in accordance with the act.</p> <p>Senator JACINTA COLLINS: Yes, but, Senator Birmingham, I am not asking about the content of any government considerations. I am simply asking, has a selection process commenced? And that is well within order.</p> <p>Senator Birmingham: As I said, the government is well aware that Ms Broderick's term is coming to an end. At the very least the minds of government have turned, I am sure, to the matter of her departure. If officials have anything particular to add in regard to process I am sure they will do so.</p> <p>Mr Sheehan: Nothing to add. It is a matter for government, Senator.</p> <p>Senator JACINTA COLLINS: The question is, has a selection process commenced? That is well within order for a Senate committee, and I ask that question again.</p> <p>Senator Birmingham: Senator Collins, the minds of government have turned to the fact that there is a vacancy so to that extent a selection process has commenced.</p> <p>Senator JACINTA COLLINS: No, that is not a selection process, Senator Birmingham. You are trying to be a bit cute here. The question I am asking is: has a selection process commenced? If the department officers need to take that on notice, if you want to wait until Senator Brandis is here to inform us on that matter, given that you are not the direct minister involved, I am happy with that, but I continue to stress my question, which is: has a selection process commenced?</p> <p>Senator Birmingham: Senator Collins, as you well know, the appointment of a commissioner is ultimately the decision of the government. If you would like officials to talk through any of the requirements under the act, they can talk through what the act may entail in that regard. If Senator Brandis has anything to add upon his return I am sure he will happily do so. Ultimately the government will make its considerations internally and ultimately announce an appointment.</p> <p>Senator JACINTA COLLINS: Has a selection process commenced?</p> <p>Senator Birmingham: Senator Collins, would you like to define what you think the selection process you are looking for here is? Selection processes can take many forms.</p> <p>Senator JACINTA COLLINS: It will depend on what process the government has chosen to apply in this case. As I have said, if the department wants to take that on notice or if the minister wants to address it when he returns to us, that is fine. But to try to argue that a process question about whether a selection process has commenced is a matter for government and not appropriate for this committee is simply—</p> <p>Senator Birmingham: I have said, Senator, insofar as the fact the government is aware of the vacancy and of course is turning its mind to the filling of that vacancy a process is obviously underway for the filling of that</p>	28 May 2015 L&CA13

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				vacancy. If Senator Brandis has any more to add to that I will happily take it on notice and he can either contribute upon his return or provide an answer on notice. Senator JACINTA COLLINS: Sorry, Mr Sheehan, were you going to add something? Mr Sheehan: The department will take the question on notice, Senator.	
BE15/030	Australian Human Rights Commission	O'Sullivan	Submission of documents not subject to the public interest immunity claim	Senator O'SULLIVAN: On that point, Chair. The president and her officers did indicate that there was some material pursuant to my request that was not the subject of the immunity claim and that they were willing to give us that administrative batch. I would seek, through you, to ask the commission to provide that if possible. Prof. Triggs: We will be very pleased to provide that material, and thank you very much for considering our submission. We look forward to a resolution to it, either with a spillover day or through your own deliberations. Thank you very much indeed. CHAIR: You will take on notice Senator O'Sullivan's request for that other material, and you will provide what you believe you can. Prof. Triggs: We will.	28 May 2015 L&CA30
BE15/031	Australian Human Rights Commission	Siewert	Disability employment	Senator SIEWERT: In that, I will put those questions on notice. I have a couple of questions on disability. Regarding employment, you said 30 to 40 per cent. Ms Ryan: Yes. Senator SIEWERT: Is the 30 to 40 per cent the range over a period of time and so there have not been any improvements? Ms Ryan: I would have to have the year-on-year details, and I do not have them in front of me, but I will certainly provide you with that information. Generally, the situation of access to employment has not improved in recent years. You will be aware that in the Australian Public Service, for example, there is a very low rate of employment of people with disability, which is lower than it was some years ago. I am already having discussions with the Public Service Commission, secretaries of departments and so on around that. I will provide you with those detailed year-on-year comparisons on notice, but it seems that the situation has not been getting better; in fact, it might have been deteriorating, hence the relevance of the national inquiry that Senator Brandis asked us to undertake.	28 May 2015 L&CA32
BE15/032	Civil Law Divison	Collins	Freedom of Information Commissioner vacancy	Senator JACINTA COLLINS: That would be great but please, I do not want you to spend too much energy on developing something that is going to, under your resources, direct you away from your principal functions. I suspect I do not have a great deal more time and I know other senators have questions, but can you tell me who presently occupies the position of Freedom of Information Commissioner? Prof. McMillan: That position is currently vacant—since Dr Popple resigned on 31 December 2014. Senator JACINTA COLLINS: Is there a process that you are aware of to fill that position? Prof. McMillan: I am not aware of any process. It is probably a question better directed at the department. Mr Minogue: Decisions in relation to appointment of statutory office holders are a matter for government. Senator JACINTA COLLINS: That is not my question. My question is: is there a process to select a new FOI Commissioner? Mr Minogue: Any announcement in relation to a process or otherwise would be a matter for the Attorney to— Senator JACINTA COLLINS: No, it is not a matter for the Attorney. I am asking a process question and whether a process has commenced. That is a matter— Senator Birmingham: If the Attorney has something further to add, I will make sure he does. Otherwise, I will take the question on notice for you. Senator JACINTA COLLINS: I think that is probably the better path than to suggest that is a question you cannot answer.	28 May 2015 L&CA36
BE15/033	Office of the Australian Information Commissioner	Bilyk	OAIC Act – Appointment of Freedom of Information Commissioner	Senator BILYK: No, I know what the numbers are on it, but thank you for that. Does the OAIC act oblige the government to appoint a freedom of information commissioner? Prof. McMillan: My view is, no, but I will see if the department has an answer. Senator BILYK: I am interested in what the obligation is under the act. CHAIR: Again, for obvious reasons, you put officials at a difficulty— Senator BILYK: The minister could answer. Senator Birmingham: I think—	28 May 2015 L&CA40

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>CHAIR: Senator Bilyk and Minister, please! You put the officials at a difficulty. That is why we do not usually allow for legal interpretations or matters of opinion to be asked of officials, and I should not have allowed the question.</p> <p>Senator BILYK: Can I put the question to the minister?</p> <p>CHAIR: I do not know that the minister is in a position to give legal advice either.</p> <p>Senator BILYK: The minister can tell me if he is not in a position, can he not?</p> <p>CHAIR: No. You do not ask questions seeking legal advice or opinions, even from ministers.</p> <p>Senator RHIANNON: Chair, the member is not doing either. She can ask the question and the minister can choose.</p> <p>CHAIR: Okay. Ask the question again.</p> <p>Senator BILYK: The question was: does the OAIC Act oblige the government to appoint a Freedom of Information Commissioner?</p> <p>CHAIR: If that is not seeking legal interpretation, I am not sure what is. But if the minister feels that he wants to answer, he can. But it is asking for a legal interpretation, which is not allowed under the standing orders.</p> <p>Senator BILYK: The act either says it does or it does not.</p> <p>CHAIR: Well, you should read the act and come to your own conclusions.</p> <p>Senator BILYK: I am asking the minister.</p> <p>CHAIR: It is asking the minister to interpret the act.</p> <p>Senator BILYK: I came to the conclusion that it did.</p> <p>CHAIR: Okay. That is fine. That is your conclusion.</p> <p>Senator BILYK: But I want to know what the minister thinks.</p> <p>CHAIR: Does the minister agree with you? I do not know. Do you, Minister?</p> <p>Senator Birmingham: Senator Bilyk, it would be my understanding that the act provides for the appointment of such a commissioner, not necessarily requires the appointment of such a commissioner. But, again, if the Attorney, based on sound advice, has any information to the contrary, I am sure that will be provided on notice.</p>	
BE15/034	Office of the Australian Information Commissioner	Bilyk	Referral of complaints to the Ombudsman	<p>Senator BILYK: Has the OAIC been referring complaints to the Ombudsman?</p> <p>Prof. McMillan: Yes.</p> <p>Senator BILYK: Is there a legal basis for making such a referral?</p> <p>Prof. McMillan: Yes. The Ombudsman has a jurisdiction to handle FOI matters—as part of its general jurisdiction, I might say—and the FOI Act provides that the OAIC may transfer a complaint to the Ombudsman, and that matter has been well notified on our website since late last year.</p> <p>Senator BILYK: How many complaints have been referred to the Ombudsman?</p> <p>Prof. McMillan: I will have to take that on notice.</p> <p>Senator BILYK: If you could take that on notice.</p> <p>Prof. McMillan: I do not have the exact figure with me. We used to get about 70 to 80 complaints per year, and the Ombudsman gave evidence the other day before the Finance and Public Administration Committee of a small increase it has received in FOI complaints.</p> <p>Senator BILYK: If you could take that on notice, that would be great. Has the AGD already taken responsibility for FOI policy and the development of guidelines?</p>	28 May 2015 L&CA41
BE15/035	Office of the Australian Information Commissioner	Rhiannon	Breakdown of matters referred to the Administrative Appeals Tribunal	<p>Senator RHIANNON: Professor, how many matters have you passed to the AAT in the last 12 months?</p> <p>Prof. McMillan: In the last 10 months of this reporting year, we have discontinued 56 under a provision of the act that says I can discontinue the matter and the applicant can then commence the proceedings afresh in the AAT. We do not refer the matter to the AAT; we simply discontinue. The short answer is 56 in the last 10 months.</p> <p>Senator RHIANNON: Is it possible, out of those 199, to inform the committee how many are from individuals trying to ascertain information about their own circumstances and how many are from organisations?</p> <p>Prof. McMillan: I do not have those figures at hand, and my guess is that we do not have those.</p> <p>Mr Pilgrim: No. We will take on notice whether we can do that.</p>	28 May 2015 L&CA44
BE15/036	National Archives of Australia	Xenophon	Role of the National Archives of Australia	<p>Senator XENOPHON: Do you see the role of your office, or of the National Archives, as being to give advice to government about the declassification of documents? Is that within the remit of your statutory role?</p> <p>Mr Fricker: Yes, I think it is, because our statutory role is to collect, preserve and make accessible the records of the Commonwealth. To make accessible the records of the Commonwealth, I feel, brings with it an obligation for us to do everything we can within our powers and within our resources to release those records to the public.</p>	28 May 2015 L&CA45

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Senator XENOPHON: I think you are familiar with the report several months ago about the half a million diplomatic cables released in the US. Would you mind terribly taking on notice whether, based on what occurred that there, you are—and I am always reluctant in front of the Attorney to praise what other countries do, otherwise he will give me a line from <i>The Mikado</i>— <i>Senator Brandis interjecting—</i> Mr Fricker: Senator—sorry to interject there. Just for clarification, my understanding is that the WikiLeaks got a set of records which had been examined and released over many years by NARA, the national archives in the US. What WikiLeaks did was then to take that public domain information and put their own search engine over the top of it. And so there is nothing in that WikiLeaks release that represented of itself a new concentrated effort by the government. Those cables—many of them have been in the public domain for many, many years prior to WikiLeaks. Senator XENOPHON: I understand that. I think it was just a convenient repository or a reference point for people to find the documents. But I guess my question to you is, and I am very happy for you to take this on notice, what advice and what programs are in place to ensure that archives are more easily accessible pursuant to your statutory obligation? I do not want to take it any further than that, but that would be useful. Could I just move on to— Mr Fricker: I would be delighted to take that on notice. But I would be delighted to advise you here today that we are well advanced in our thinking down this track, and of course taking advantage of digital technology is a key part of that. So we are well advanced in developing our strategies through the uptake of, in particular digital technology, to make sure that we are, as rapidly as possible, examining, releasing and making accessible the records of the Commonwealth, which should properly be released into the public domain.</p>	
BE15/037	National Archives of Australia	Xenophon	Funds expended between 2007 and 2015 on documents on the Indonesian occupation of East Timor and related matters	<p>Senator XENOPHON: Yes. Can I just go to a matter that you may need to take on notice, but you are probably cognisant of it—I think I have touched on this at previous estimates. Can you tell us, either now or on notice, how much money has been spent from 2007 to 2015 in resisting applications made by any applicants to declassify Australia's knowledge of the Indonesian occupation of East Timor and related matters? It is something that you would be familiar with, I take it? Mr Fricker: I do not think we should characterise it as how much money we have spent resisting. Because honestly, Senator, we encourage people to access records, that is why we exist. If I may be allowed to—I am happy to take that on notice but I think what you are asking— Senator XENOPHON: Well, if you find the word 'resisting'— Mr Fricker: is how much money have we spent examining records to make every possible record release to the public domain—is that what you are asking? Senator XENOPHON: Perhaps I will put it in as neutral terms as possible—some would say 'resist', you may say 'examine'—but I think another way of putting it is that applications have been made for the declassification of documents in respect of East Timor and Australia's knowledge, or lack of knowledge, in terms of certain matters in respect of the Indonesian occupation. As a result of those applications, moneys were expended by the National Archives, resources were used. I am just trying to understand how much was spent in each of those years in respect of that. And I understand there was a relatively recent application that was in the AAT earlier this week. Mr Fricker: Yes. I am delighted to take that on notice, Senator, provided that I have understood the question, which is how much is expended in us applying the Archives Act to make sure that records are properly released. If you will forgive me, and I am not being disrespectful, but I just worry about this characterisation that I am using some discretionary power to resist people's lawful entitlement to access records of the Commonwealth. We do not do that, but we are bound by the Archives Act. There are exemptions in the Archives Act, so if that is what you are— Senator XENOPHON: The act does talk about accessibility though—doesn't it? Mr Fricker: Yes, it does. But section 33 of the act is quite specific in prescribing those records which must remain exempt from access. I am pleased to take that question on notice, but I feel I am obligated to just put on record that that is the question that I would be responding to. Senator XENOPHON: You are not in any way being disrespectful. Mr Fricker: Thank you.</p>	28 May 2015 L&CA45&46

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
BE15/038	Family Court and Federal Circuit Court	Collins	Unrepresented litigants	<p>Senator JACINTA COLLINS: What percentage of litigants appearing in the Family Court and the Federal Circuit Court are unrepresented?</p> <p>Mr Foster: It is a bit of a moving target and it can vary depending on what stage the process is up to, but it is around about just under 50 per cent, at some stage in the process, that someone is self-represented.</p> <p>Senator JACINTA COLLINS: Fifty per cent at some stage?</p> <p>Mr Foster: At some stage—because people buy advice in for particular events and then come on their own. It just varies a little bit. If you ask the question about how many people are self-represented from go to whoa, that is a very different question than one about how many people are self-represented.</p> <p>Senator JACINTA COLLINS: I understand that, so I am going to ask you that next question.</p> <p>Mr Foster: I would like to take that on notice if I could.</p> <p>Senator JACINTA COLLINS: Because, as you say—</p> <p>Mr Foster: It is a moving target.</p> <p>Senator JACINTA COLLINS: It is going to depend on the nature of the matters too, presumably.</p> <p>Mr Foster: Exactly.</p>	28 May 2015 L&CA
BE15/039	Family Court and Federal Circuit Court	Collins	Legally aided litigants	<p>Senator JACINTA COLLINS: If you could provide me with that, that would be useful. What percentage of litigants appearing in the Family Court and the Federal Circuit Court are legally aided?</p> <p>Mr Foster: I would have no idea off the top of my head.</p> <p>Senator JACINTA COLLINS: Are these matters that would generally be reported in annual reports or the like or not?</p> <p>Mr Foster: No. We do not report about how many are represented by Legal Aid. I will take that on notice. I am not even sure that I can provide the answer, but I will do whatever I can to find out.</p> <p>Senator JACINTA COLLINS: It may be something that we need to broach from a different end.</p> <p>Mr Foster: A different end—that is right.</p> <p>Senator JACINTA COLLINS: But, to the extent that you are able to inform, that would be useful.</p> <p>Mr Foster: If we can assist the committee, we will.</p>	28 May 2015 L&CA48
BE15/040	Family Court and Federal Circuit Court	Collins	Perceived increase in unrepresented litigants	<p>Senator JACINTA COLLINS: Is the percentage of unrepresented litigants that appear in the Family Court and the Federal Circuit Court increasing?</p> <p>Mr Foster: My experience is that it is not. It seems to have plateaued pretty much. As I said, it is around about a bit less than 50 per cent who are self-represented at some stage during the process. As accurate as our data is in this matter, it does not seem to be the case.</p> <p>Senator JACINTA COLLINS: Are you able to break down what proportion of those unrepresented cases involved children?</p> <p>Mr Foster: Some matters are both children and property, but again I can take that on notice, and we do have detailed statistics and we should be able to provide information for you. I do not have it with me; that is all.</p> <p>Senator JACINTA COLLINS: I understand that the number of cases involving children generally is at about 47 per cent, but I am curious as to what proportion of those are self-representation in that space as well.</p> <p>Mr Foster: Sure.</p>	28 May 2015 L&CA49
BE15/041	Access to Justice Division	Collins	New fee structure for the Federal Court of Australia	<p>Dr Smrdel: The fee structure that we are implementing for the Federal Court will remove some of the fee categories that were present. Previously in place was the public authorities category, which had entities such as the tax office paying the corporations rate. There was also a separate category for publicly listed companies which had publicly listed companies paying a greater fee, about 50 per cent more, than the standard corporations rate. So the changes will mean that the publicly listed companies level will be removed so that publicly listed companies will be paying the corporations rate like all other corporations. Also, public authorities, such as the tax office, will now no longer be paying the corporations rate. They will be paying the other rate, which is the same rate that applies to individuals and small businesses.</p> <p>Senator JACINTA COLLINS: Can you break that up into the fiscal impact?</p> <p>Mr Fredericks: I think I can assist with that one. I am only repeating evidence that I gave yesterday, but that evidence is as follows—</p> <p>Senator JACINTA COLLINS: Sorry, where did you give this evidence yesterday?</p> <p>Mr Fredericks: In estimates in group 2.</p>	28 May 2015 L&CA55

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Senator JACINTA COLLINS: What was that under?</p> <p>Mr Fredericks: I think Senator O'Sullivan asked questions—</p> <p>Senator O'SULLIVAN: Just at the end of it.</p> <p>Mr Fredericks: I am very happy to repeat it. It directly answers your question. The change which effectively has been reversed came into effect on 1 January 2014. In the year before that fee increase occurred, the Federal Court collected \$24.6 million in revenue. In the year after that fee increase occurred—that is, 2014—the Federal Court collected \$12.8 million in revenue. So there was a 48 per cent decrease in revenue as a consequence of that increase in that corporate fee and as a result of the Australian tax office moving its corporations work out of the Federal Court consequently.</p> <p>Senator JACINTA COLLINS: Yes, that is helpful, but I was actually asking if you could give me the information broken up into the two measures.</p> <p>Mr Fredericks: We would have to take that on notice.</p>	
BE15/042	Office of the Director of Public Prosecutions	Collins	High-wealth tax avoidance	<p>Senator JACINTA COLLINS: Does the Serious Financial Crime Taskforce cover dealing with high-wealth tax avoidance?</p> <p>Mr Bromwich: It potentially could do so. It rather depends on what the nature of that avoidance is. Some types of high-wealth tax avoidance are serious in a dollar sense but not necessarily serious in the manner or the criminality in which they are carried out. For example, if someone simply does not declare income or claims excess deductions, yes, it may have a big financial impact, but it would not be a sophisticated crime, whereas this is meant to be picking up on what is more complex crime. So the answer is that it might do it and it might not. It rather depends.</p> <p>Senator JACINTA COLLINS: So only if it is within what is regarded as serious crime?</p> <p>Mr Bromwich: Yes.</p> <p>Senator JACINTA COLLINS: And the quantum of the foregone revenue is not part of that definition?</p> <p>Mr Bromwich: Not on its own. It is part of the mix. To give you a sense of the scale of some of the Wickenby matters, with one of them—admittedly the largest one we did—the finding of the judge on sentencing was \$135 million fraud in one matter. Not all of them, of course, are as big as that, but that is the scale that you can see in these matters.</p> <p>Senator JACINTA COLLINS: I understand that, but if you are a high-wealth tax evader and a matter does not relate to what is regarded as a serious crime, other than the tax avoidance in itself, then it would not fit within what is considered a serious crime?</p> <p>Mr Bromwich: I do not have all the criteria. It might be that the sheer amount of money might be enough. But with money of itself, it may be someone who has a lot of money has been criminally stupid, but stupid nonetheless, whereas the things we are looking at are generally much more complicated than that—in that area, that is.</p> <p>Senator JACINTA COLLINS: Do you have particular criteria you could point me to?</p> <p>Mr Bromwich: I do not have that with me.</p> <p>Senator JACINTA COLLINS: Perhaps you could give me that information on notice, if it is publicly available?</p> <p>Mr Bromwich: Yes, certainly.</p>	28 May 2015 L&CA59&60
BE15/043	Australian Federal Police	Collins	Correspondence regarding possibility of extradition proceedings in relation to the Bail Nine members	<p>Mr Colvin: We have the guideline; the guideline is there for us to follow.</p> <p>Senator JACINTA COLLINS: So, in your view, they have essentially adopted what was in the guideline?</p> <p>Mr Colvin: Exactly. Essentially, it was asking us to give precedence to a guideline that is one of over 100 guidelines that we follow.</p> <p>Senator Birmingham: If it helps, according to my briefing information the substantive changes that have been discussed in relation to the practical guide on international police-to-police assistance in potential death penalty matters came into effect on 18 December 2009.</p> <p>Senator JACINTA COLLINS: Is that the most recent change to the guidelines?</p> <p>Senator Birmingham: There are other changes to the guidelines, I believe, but that—</p> <p>Mr Colvin: But that is a substantive change. Occasionally the guideline refers to particular individuals and positions that are in positions to make decisions. It is an internal guideline. From time to time, we need to amend it to reflect the current structure of the organisation, for instance. We may refine it in terms of how many people can and cannot approve certain parts of the guideline, but the substantive change, in relation to when and under what</p>	28 May 2015 L&CA64&65

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>circumstances we can share information, was in 2009.</p> <p>Senator Birmingham: In that eventuality, by the time of a 2010 ministerial directive, those guidelines would already have reflected, essentially, that ministerial directive.</p> <p>Senator JACINTA COLLINS: I will go back to questions on the Bali Nine. This question is to both the AFP and the department. I would have asked this of the CDPP earlier, but it has been overlooked. Did the CDPP liaise with the AFP or the Attorney-General's Department regarding the possibility of charging members of the Bail nine, including Andrew Chan and Myuran Sukumaran, with trafficking offences or at any other legal avenue for extradition?</p> <p>CHAIR: Estimates is a wide-ranging and open forum, but it is really about dealing with the 2015-16 budget and the expenditure of funds. I have to say that I have not followed this matter closely, but are you asking whether this happened 10 years ago? If so, it seems a bit unfair to ask officers who came here to deal with the 2015-16 budget, as it affects them, to start reminiscing about what might have been said to the DPP 10 years ago—or is not 10 years ago?</p> <p>Senator JACINTA COLLINS: No, it is not 10 years ago.</p> <p>CHAIR: When would it have been—if this conversation you are talking about had happened?</p> <p>Senator JACINTA COLLINS: Let us partly put this into context. The first part of the context is that many of these questions have not been asked for some time out of respect for the Australian community's attempts to progress this situation in an appropriate way. The reference to whether extradition was sought related to a campaign by Robert Richter and Brian Walters back in late 2005, I think.</p> <p>CHAIR: That is 10 years.</p> <p>Senator JACINTA COLLINS: Let me finish. These are all matters that have arisen recently as a result of subsequent statements from the AFP and questions that arise from those statements. Is that not fair, Mr Colvin? You seem to be nodding your head a bit.</p> <p>Mr Colvin: We are certainly happy to help the committee as much as we can. Yes, it is 10 years ago, but I do not think anyone would be surprised to hear that we have trawled over this matter in great depth for the last 10 years. To give you an absolutely ironclad answer, Senator Collins, we can take on notice whether there was ever any correspondence entered into in relation to extradition proceedings. But I would say that it would be highly unusual for the AFP or Australia to seek extradition of somebody for an offence where they have substantively been charged in the jurisdiction where they committed the offence. Extradition is usually relied upon when someone is wanted in a jurisdiction for a crime that has been committed in that jurisdiction—not when they are facing court for a crime they have committed in the jurisdiction you are asking them to be extradited from.</p>	
BE15/044	National Security Resilience Policy Division	Ludlam	National Facial Biometric Matching Capability	<p>Senator LUDLAM: I have just two brackets of questions, and they are probably related to each other. One is the recent announcement—and it is good that we have got you back, Senator Brandis, because I believe you might even have chaired the meeting of attorneys-general and police ministers from across Commonwealth, state and territory jurisdictions in Canberra on 22 May. One of the things that fell out of that meeting was a national facial recognition database. AFP, I do not know if you have the lead on this, but you will be part of the puzzle obviously. Can you fill us in on the basics of what you understand of that database, or what its capabilities will be?</p> <p>Senator Brandis: Yes, that was one of the achievements announced at the meeting. The AFP are the lead agency on this. I will ask Commissioner Colvin.</p> <p>Mr Colvin: Sorry, Attorney; the department are the lead, but we certainly led the discussion in terms of the operational basis for our ability in terms of identity theft particularly and the utility of having a more joined-up facial recognition software capability across jurisdictions in this country. The Attorney-General's Department are leading a project in relation to that work, so they may wish to say more.</p> <p>Senator LUDLAM: I am happy for people to chip in as desired. We will come to the applications maybe at the end, but let us talk about the capabilities first. What will the system be capable of doing?</p> <p>Ms K Jones: I can assist in relation to that. The capability is being established as a hub and spoke, the idea being that, for agencies that already obtain facial biometric material—whether it is the passport office—we are creating a capability to share and compare that with facial biometric holding held by another agency to give an enhanced level of being able to check the accuracy of that facial biometric material and ensure that it matches up adequately to the names. We are not creating a new holding or a collection of facial biometric material. It is about enabling</p>	28 May 2015 L&CA69&70

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>different holdings to at least compare to provide a greater level of certainty that the biometric material is accurate and is connected to the identity of the person who it is purporting to connect to.</p> <p>Senator LUDLAM: The two largest holdings that occurred to me would be passports—that is one side—and drivers licences. That would be the other.</p> <p>Ms K Jones: Yes.</p> <p>Senator LUDLAM: That is in terms of still-portrait-style photographs of people for those two use cases. What about CCTV cameras and licence plate cameras? The reason I put that to you is that, in the Queensland and South Australian jurisdictions, there were election commitments made in both of those two state elections respectively about police making greater use of facial recognition technology for tackling crime, and their uses were specifically related to CCTV cameras.</p> <p>Ms K Jones: We certainly have been liaising and consulting with road and traffic authority agencies in each of the states and the territories. As far as I am aware, we have had no discussions relating to CCTV material as being capable of connecting into this capability. I could take that on notice to check whether there has been any discussion of that. At this stage, my understanding is that all our discussions with the states and the territories are focused on driver licence material.</p> <p>Senator LUDLAM: What about passports?</p> <p>Ms K Jones: Yes, certainly the holdings of the DFAT passport office are one of the holdings that we are looking at.</p> <p>Senator LUDLAM: You can provide this on notice if you like; it might be dozens for all I know. What are the other major archives that you would be seeking to stitch together?</p> <p>Ms K Jones: I will take that on notice if you do not mind. You are correct: it is largely passports and drivers licences. I think the number of people over 18 who have a driver's licence in this country is above 80 per cent, so that is the most significant holding.</p> <p>Senator LUDLAM: The chair is being reasonably strict on timing, so I might ask if you could take on notice for us the holding, the agency that is responsible for holding them and the size of the database.</p> <p>Ms K Jones: Sorry, just to correct: in a sense we are not creating a database. We are creating a hub—</p> <p>Senator LUDLAM: Yes, of that kind of catchment.</p>	
BE15/045	National Security Resilience Policy Division	Ludlam	National Facial Biometric Matching Capability	<p>Senator LUDLAM: Describe for us what will be in the hub. Presumably, there is some elaborate piece of software designed to index to make sure that you are deduplicating and that kind of thing. I understand the spokes—I guess they already exist—but tell us a bit about the hub.</p> <p>Ms K Jones: The hub is essentially—and I will have to be careful in terms of my technical capacity to explain the mechanics of it—a connecting. It is an ability to connect in real time to check the identities. It is not a database as such where these identities will be held. The identities are still in the holdings of the agencies that provide them.</p> <p>Senator LUDLAM: How will it be used? If I am a law enforcement agency and I come into this new thing with a photograph of somebody who is suspected of doing something, do I hand this photo over to this service and they then try and get me a match? How will it actually be used in practice?</p> <p>Ms K Jones: If I could give an example: if someone were seeking to get a drivers license in one jurisdiction—the issuing agency for that divers license—and they produced another form of identity in order to be able to satisfy the points requirements to get that type of document, they could then use that to check with the original issuing agency. Perhaps if they have both a passport and a drivers license in another jurisdiction, you would be able to do a real-time crosscheck to check that the photo and the name are accurate.</p> <p>Senator LUDLAM: Matched. Got it. Which agencies will be able to access it?</p> <p>Ms K Jones: It will be law enforcement agencies, initially. In terms of the full list, I will take that on notice; it will be subject to finalisation in the legislation.</p>	28 May 2015 L&CA70
BE15/046	National Security Resilience Policy Division	Ludlam	National Facial Biometric Matching Capability and capacity to link other facial recognition technologies	<p>Senator LUDLAM: I want to be clear, because I am not sure if we have got anything going in on notice or not. Police forces around the country are increasingly linking facial recognition technology and live access to CCTV cameras. I think even Facebook is getting better and better at automatically recognising and tagging people's faces. There are big open source photo archives and then there is obviously access to CCTV feeds, and that is for tracking individuals of interest almost, effectively, on a real-time basis. It feels to me to be inevitable that this system would be patched into those systems if they are being developed by state law enforcement agencies or whatever the AFP has afoot. What can you tell us about how this hub will be linked or coordinated with other facial recognition</p>	28 May 2015 L&CA71

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>technologies that are being rolled out in the states and territories or at a Commonwealth level?</p> <p>Ms K Jones: As I said before, at this stage we have not got to that point. The focus has simply been on the sharing of materials such as driver's licence, passport material. But I would like to take that on notice. There have been a range of discussions with the states and the territories. I cannot say that people have flagged that that might be something that they were interested into looking at further down the track, but it is not currently envisaged as part of the operating model.</p> <p>Senator LUDLAM: I would find it extraordinarily implausible if I were the first person to have thought of the idea of maybe matching those various technologies together. That would be quite something.</p> <p>Senator O'SULLIVAN: It is highly unlikely.</p> <p>Senator LUDLAM: So I am presuming those ideas have been had. Whatever you can provide us with, I would greatly appreciate. How is the database to be linked in with systems used by the immigration department in tracking people coming in and out of the country? That is part of the use case presumably.</p> <p>Ms K Jones: We have been talking with the department of immigration, because they have obviously been enhancing their capability at the borders as well, with the SmartGate. In terms of the specifics of how they will interact, I think it is subject to discussions but it has not been worked through finally. If I could take that on notice.</p>	
BE15/047	Australian Federal Police	Rhiannon	OECD Evaluation Report on Anti-bribery – Private Sector Whistleblowers	<p>Senator RHIANNON: How did the AFP respond when the OECD expressed frustration with the secrecy surrounding Australia's antibribery efforts?</p> <p>Mr Colvin: I do not know that they have expressed frustration around the secrecy. They have certainly expressed a view that we have not done enough in the past. In fact, going back to 2012, they released an evaluation report on our implementation of antibribery—Australia's implementation, not the AFP's, although obviously we are a part of that—and they were critical of our response to foreign bribery. Since 2012, there have been a range of measures across government, largely in the AFP, to address that. In its most recent report the OECD, while not giving a clean bill of health, recognise that there have been significant advances in Australia's and the AFP's efforts on foreign bribery.</p> <p>Senator RHIANNON: So there has been some improvement, but not a full, clean bill of health. What measures are you taking to respond to those factors that the OECD has identified that have not yet been addressed?</p> <p>Mr Colvin: I believe that what has not yet been addressed is that they, of course, would like to see us do more, as many people would like to see the AFP do more on many crimes. There is only so much we can do, but since 2012 we have brought a concerted effort to this particular crime type. We have participated in a large number of efforts to improve the skill of our officers in foreign bribery, to the point that we now have some highly skilled officers in foreign bribery. We now have a number of investigations—you may well be aware that two are before the courts at the moment. These are highly complicated investigations that lead to very complex prosecutions and take some time to work their way through the courts. As I said, we have in the order of 17 investigations at the moment. So quite a lot has been done by the AFP since 2012, when the OECD first raised some of its concerns.</p> <p>Senator RHIANNON: Thank you for detailing what has been done. Could you just detail what is being done in the areas that have been identified that need to be improved? While you are looking for that, I was wondering if one of the areas was to better protect private sector whistleblowers. I understand that the OECD identified this. Is that one of the areas that you are working on to improve?</p> <p>Mr Colvin: I would have to take that specific question about protecting private sector whistleblowers on notice.</p>	28 May 2015 L&CA74
BE15/048	Australian Federal Police	Rhiannon	OECD - Evaluation report on Anti-bribery	<p>Senator RHIANNON: It would be wonderful if you could say now what areas you are working on to improve, or do you need to take that on notice?</p> <p>Mr Colvin: There are a range of things that we are doing, but your question is quite specific to the most recent report, which was only, I think, at the end of last year. I think the AGD and other agencies are currently working our way through to respond to that report. So that is very recent. We need to look at that report and see what criticisms there are, what work they say we are not doing and how we are going to respond to those particular criticisms. I do not have all of that with me. I will need to take that on notice.</p> <p>Senator RHIANNON: But isn't that five months ago? You do not have information for these estimates on how that response is going?</p> <p>Mr Colvin: I am sure we know a lot about the reports, but until such time as Australia has had a chance to respond to the report and the report is finalised in a published OECD report, it would not be appropriate for us to talk about</p>	28 May 2015 L&CA74&75

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>it.</p> <p>Senator RHIANNON: Who do you work with in regard to the response? Is it just from AFP or are you working with other departments?</p> <p>Mr Colvin: It is whole-of-government, led by the Attorney-General's Department.</p> <p>Senator RHIANNON: Within the Australian government, does the AFP have lead responsibility for international counternarcotics policy?</p> <p>Mr Colvin: No. The lead policy department would be the Attorney-General's Department, but there would be a range of other departments across the Australian government that would have a role in that. Clearly we, from an operational agency perspective, have quite a deal of input into that.</p> <p>Senator RHIANNON: What are the formalised human rights safeguards applied to ensure funds allocated to overseas counternarcotics efforts do not lead to human rights abuses?</p> <p>Mr Colvin: I will take that on notice. I think that is the best way.</p>	
BE15/049	Australian Federal Police	Rhiannon	International counternarcotics initiatives – Human Rights	<p>Senator RHIANNON: Has an allocation of funds to an international counternarcotics initiative ever been refused on the basis of human rights risk?</p> <p>Mr Colvin: Again, we have particular operational programs that we run with our partners overseas. Some of those may be aid funded and they may have a counternarcotics angle to them. There is not a simple answer to give you on whether any have ever been rejected on human rights grounds because they would follow so many different permutations to get to the point of delivery. I would have to take that on notice to see if we could find out—</p> <p>Senator RHIANNON: Take on notice also to give an example of how the human rights component is included and how that assessment is made. That is what I am really trying to understand the process for. Does it actually happen? If so, how does it happen? Take that on notice, please.</p> <p>Mr Colvin: I want to be clear about what we are taking on notice. You said 'human rights component'. If we are training international police in intelligence investigations for forensic investigations, what human rights component of that are you talking about?</p> <p>Senator RHIANNON: I will go back to the specific question: has an allocation of funds to an international counternarcotics initiative ever been refused on the basis of human rights risk?</p> <p>Mr Colvin: I will take it on notice and we will do the best we can to give you a specific answer to that.</p>	28 May 2015 L&CA75
BE15/050	Australian Federal Police	Rhiannon	UN Office on Drugs and Crime country programme in Pakistan and Iran	<p>Senator RHIANNON: Thank you. Will the AFP be involved in the forthcoming UN Office on Drugs and Crime country program in Pakistan?</p> <p>Mr Colvin: We certainly have been in the past. I am not sure of one particularly coming up. It is not ringing a bell with any of my officers in the room.</p> <p>Senator RHIANNON: Can you take that on notice, please. If so, what is the AFP's role? Will the AFP be involved in the forthcoming United Nations Office on Drugs and Crime program in Iran?</p> <p>Mr Colvin: I will take that on notice.</p>	28 May 2015 L&CA75
BE15/051	Australian Federal Police	Rhiannon	Referral from PETA Asia to Philippines National Police – AFP involvement	<p>Senator RHIANNON: Thank you very much. This is with regard to some developments in the Philippines and their National Bureau of Investigation. The NBI in the Philippines undertook an investigation following a request from PETA Asia on crush videos made for sexual fetishism. I will not go into them. I imagine you understand what that is about. It resulted in a life sentence for each of the two Filipino citizens. That occurred in 2014. It was reported that one of those convicted told the court that an Australian man made payments and provided the couple with the video equipment used to record the videos as well as the scripts used to direct the activities of the girls and young women who were forced to kill animals. Have the AFP been informed of this case?</p> <p>Mr Colvin: I would have to take that on notice. It rings no bells with me. If the Philippine National Police have referred that information to us then we will have actioned it, but I will have to take that on notice.</p> <p>Senator RHIANNON: If yes, is the AFP investigating the perpetrator? Could you take that on notice. And if no—maybe you could answer this now, Commissioner—is this the sort of case the AFP would investigate if requested, where an Australian national is directing animal abuse and what amounts to sexual abuse in another country?</p> <p>Mr Colvin: That is the type of matter we would certainly look to work with our partners on, yes.</p>	28 May 2015 L&CA76
BE15/052	Australian Federal Police	Rhiannon	International counternarcotics initiatives – AFP	<p>Senator RHIANNON: Just back on the counter-narcotic initiatives: is the AFP currently involved in any international counter-narcotics initiatives?</p> <p>Mr Colvin: Again, that is very broad. I would have to say the answer to that is yes. because we are involved in</p>	28 May 2015 L&CA76

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
			expenditure	<p>counter-narcotics investigations and capacity building with partners all over the world.</p> <p>Senator RHIANNON: What is the current AFP expenditure on these initiatives? I would like an overall amount and then country breakdown, please.</p> <p>Mr Colvin: Aare you talking about every counter-narcotics investigation that we are involved in with our overseas partners?</p> <p>Senator RHIANNON: Yes. I was after a total amount and then by country.</p> <p>Mr Colvin: Senator, I will be able to give you some headline figures of the AFP budget in terms of our drug work and our international engagement work, but to narrow it down more than that will be extremely difficult.</p> <p>Senator RHIANNON: So you can give us a global figure?</p> <p>Mr Colvin: It will be quite a generic figure, yes.</p>	
BE15/053	Australian Federal Police	Hanson-Young	Breaches under section 70 relating to the immigration department or immigration detention centres and their contractors	<p>Senator HANSON-YOUNG: I have got some questions in relation to investigations relating to section 70 and 79 of the Crimes Act, which I am sure you are all very familiar with. Firstly, broadly speaking, how many current investigations are on foot?</p> <p>Ms Close: At the moment we have 17 investigations.</p> <p>Senator HANSON-YOUNG: Are you able to give an indication as to whether they have come from referrals from government departments or agencies or simply individuals?</p> <p>Ms Close: There is a mixture of both.</p> <p>Senator HANSON-YOUNG: How many of those relate to breaches under section 70 relating to the immigration department or immigration detention centres and their contractors?</p> <p>CHAIR: If these are related to Immigration and have any relationship to Nauru, they are not matters for dealing with in this committee.</p> <p>Senator HANSON-YOUNG: I am just asking the numbers.</p> <p>CHAIR: Well, if it is just for numbers, that is—</p> <p>Senator HANSON-YOUNG: Yes, that is all that is. I am not asking for details.</p> <p>CHAIR: I am just indicating to current witnesses before the committee that there is a Senate ruling that, because there is a specific Senate select committee inquiring into Nauru, this committee and no other committee should inquire into the same subject, so we have been quite strict over the past three days in not dealing with any substantive issues that might be better dealt with in that other committee. If it is just a matter of some statistics, obviously it is common sense to go ahead. So we had some numbers?</p> <p>Ms Close: In respect of those allegations, at least seven of those referrals relate to that matter.</p> <p>Senator HANSON-YOUNG: In terms of immigration detention centres?</p> <p>Ms Close: Yes.</p> <p>Senator HANSON-YOUNG: I just want to be clear. You are saying 'at least'? That is seven out of the 17?</p> <p>Ms Close: That is correct.</p> <p>Senator HANSON-YOUNG: Just so that I am clear: when you say 'at least those seven', is that across all of the detention centres and contractors across all of that or is this including the government department itself?</p> <p>Ms Close: We have had, on seven different occasions, a number of referrals that have come through, so it does relate to various processing centres and various agencies, and some of those referrals have come from the department and some have come from other people.</p> <p>Senator HANSON-YOUNG: Has any brief of evidence on any of these issues been put forward to the Commonwealth prosecutor yet?</p> <p>Ms Close: No, but there are several that are still under investigation.</p> <p>Senator HANSON-YOUNG: I am just checking. Out of those overall 17 and then the 'at least seven'—is that because you are just being cautious? I am just wondering why it is 'at least' rather than a specific number.</p> <p>Ms Close: It is because within each of those dates where we have received referrals there are a number of different allegations contained, so I am just cautious about numbers here because it gets quite confusing, so I am going by the dates.</p> <p>Mr Colvin: Some of the referrals have related to the same—once we started to investigate it, we were effectively dealing with the same alleged unauthorised disclosure.</p> <p>Senator HANSON-YOUNG: I understand. In relation to those seven, you said some are still under investigation.</p>	28 May 2015 L&CA77&78

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Are those seven within this financial year, or are they just the ones that are currently on your books?</p> <p>Ms Close: No, they are all within this financial year.</p> <p>Senator HANSON-YOUNG: How many did you have last financial year? Do you have those figures for us?</p> <p>Ms Close: No, I would have to take that on notice.</p> <p>Senator HANSON-YOUNG: Could you?</p> <p>Ms Close: Yes.</p>	
BE15/054	Australian Security Intelligence Organisation	Collins	Agencies risk assessment - Response to a heightened risk of terror	<p>Senator JACINTA COLLINS: What I am also interested in is how the Australian government adjusts its own behaviour in response to a heightened risk of terror? We have talked about ASIO—sorry, we have talked about the comms, we have talked about the security of certain facilities, government employees and other safety measures—</p> <p>Mr Moraitis: All those measures, yes.</p> <p>Senator JACINTA COLLINS: But I am also interested in whether ASIO or other agencies conduct risk assessments with agencies and how that might occur?</p> <p>Mr Lewis: I can speak from ASIO's point of view. This is not a universal answer, because there are people operating beyond where we do—</p> <p>Senator JACINTA COLLINS: That is why I sought to say 'agencies' rather than—</p> <p>Mr Lewis: Yes. Certainly, when an agency asks for support in terms of advice on what they might or might not do we are in a position to provide that advice. Also, if we become aware of a particular threat to an agency—if there were something quite specific—then obviously we would go to that agency head, advise them and suggest some remedial action.</p> <p>I want to stress, however, that throughout the Commonwealth it is the accepted practice that agency and departmental heads, and organisational heads, are responsible in the first instance for the security of their organisation. We are here to assist and support where we can, and we will certainly be proactive where we discover things that need to be advised to those heads.</p> <p>Senator JACINTA COLLINS: Did you provide advice—well, I think you did, but we will get into the nature of it—to government and to ministers about how they should adjust their behaviour in response to the increased threat? I recall media reports about how to travel, changing regular routes—that sort of thing. Did that come from ASIO or am I on the wrong track here?</p> <p>Mr Lewis: I think you will probably find that most of that came from the AFP, I expect.</p> <p>Ms K Jones: The departments, in cooperation with the AFP and the Department of Finance, provided briefings to MPs and senators. I participated in some of those briefings myself, where we talked about security arrangements here at Parliament House, in electoral offices—</p> <p>Senator JACINTA COLLINS: I think I remember some of that, yes.</p> <p>Ms K Jones: We conducted fairly extensive briefings throughout the period following—I would need to check the exact dates—but it was following the increase in the public alert level.</p> <p>Senator JACINTA COLLINS: What I am interested in at the moment is not so much members and senators, but ministers and government agencies.</p> <p>Ms K Jones: I would need to take it on notice, in terms of the breadth, but there were certainly discussions broadly with ministerial offices in terms of security implications of the increase in the public alert level. I would need to take it on notice for the details of those.</p>	28 May 2015 L&CA83
BE15/055	Australian Security Intelligence Organisation	Collins	Review of security protocols	<p>Senator JACINTA COLLINS: Was any advice given to particular departments about whether they should review their security protocols, or in what way they should review their security protocols, in a heightened environment?</p> <p>Ms K Jones: I will have to defer to ASIO in relation to any specific advice.</p> <p>Mr Lewis: Senator, I am not sure. At the time that the alert level was increased I know that all government departments and agencies were responsive to that particular advice. I recall, from my time in previous departments, that each of those departments had a plan which would be put into action at the time of heightened alert, and I imagine that individual departments did that. My own organisation did, and I assume that that has occurred throughout government.</p> <p>Ms Hartland: Senator, I know that there were, but we would have to take on notice the exact nature of it, as the director-general said. There are certainly some departments that asked us specifically for assessments and threat assessments that we would have provided to them.</p>	28 May 2015 L&CA84

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
BE15/056	Australian Security Intelligence Organisation	Collins	Concept of the Islamic State	<p>Senator JACINTA COLLINS: No, I am going back now to the discussion we had yesterday about the letter that was received by the Attorney-General and I am asking about the concept of the Islamic State. When did that concept come into existence? When was the Islamic State declared?</p> <p>Mr Lewis: I will have to check on that. It was in the middle of last year sometime. I might have to come back to you on the precise date.</p>	28 May 2015 L&CA85
BE15/057	National Library of Australia	Xenophon	Access requests	<ol style="list-style-type: none"> 1. Papers of former Defence Minister and Australian Ambassador to Indonesia Bill Morrison: how long is it taking to access clear them? Why so long? 2. Papers and audio interviews with Brian Manning: what access restrictions govern them? What rights do applicants who have been refused part or all of their access request have? 3. What Act of Parliament governs access to materials stored with the NLA? What appeal rights do applicants who have been refused part or all of their access request have? 4. NLA Fellowships: who decides who gets them? What aspects are prioritised – Australian history, culture, etc? 	Written
BE15/058	Ministry for the Arts	Xenophon	Arts funding	<p>In the 2015-2016 Budget, the Australia Council's funding was cut by \$23 million. I understand the Australia Council's new appropriation for 2015-16 is \$184.5 million and that the Australia Council will continue to deliver the Major Performing Arts framework, Visual Arts and Crafts Strategy, Playing Australia, Contemporary Touring Initiative and Contemporary Music Touring Program, on behalf of the Australian Government.</p> <p>As a result the reduction in funding will impact the Australia Council's grants model, current Key Organisations, national and international development activities, capacity building, research and operations.</p> <p>Further, I understand \$110 million in funding over four years has been redirected to support the establishment of the National Programme for Excellence in the Arts, run by the Ministry for the Arts.</p> <p>Concerns have been raised with me about the consequences of these funding cuts and the establishment of the National Programme for Excellence in the Arts. For example, I understand that small to medium arts organisations will likely be affected by these funding cuts.</p> <p>Can the Attorney-General's Department advise:</p> <ol style="list-style-type: none"> 1. The rationale behind the decision to cut funding from the Australia Council and to establish a new arts program? 2. What outcomes were not being achieved by the Australia Council that necessitated the establishment of a new program? 3. What steps will be taken to ensure that programs now managed by the Ministry for the Arts will adhere to the principles of funding at arms' length from government and peer assessment? 4. What activities will the National Programme for Excellence in the Arts take in respect of the functions previously performed by the Australia Council (such as national and international development activities, research and grants) but will now be reduced as a result of funding cuts? 	Written
BE15/059	International Law and Human Rights Division	Wright	Optional Protocol to the Convention Against Torture	<ol style="list-style-type: none"> 1. As I understand it, the Commonwealth developed model legislation to implement the OPCAT, in consultation with the states and territories, and received notification from states and territories that they would progress the model Bill. <ol style="list-style-type: none"> a. Which states or territories have introduced legislation? b. Have any states or territories passed legislation? c. Have any states since advised they will not introduce legislation? 	Written
BE15/060	Access to Justice Division	Wright	Funding for Legal Assistance Sector	<ol style="list-style-type: none"> 1. During the Budget Estimates hearings on 28 May 2015, the Attorney General's Department undertook to provide full details, including factors and weightings, of the Funding Assistance Formulas used to calculate the amount of funding to be distributed to each state and territory under the new <i>National Strategic Framework for Legal Assistance</i> in relation to legal aid commissions, community legal centres and the Aboriginal and Torres Strait islander Legal Services. <ol style="list-style-type: none"> a. Has this information been made publicly available? b. If so, where is it located? 	Written

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>c. If not, why not?</p> <p>2. The Communique following the 22 May 2015 meeting of the Law, Crime and Community Safety Council records that Ministers agreed 'in-principle' to the <i>National Strategic Framework for Legal Assistance</i>, while acknowledging that some jurisdictions reserve their position in relation to particular aspects of the framework to be finalized before it comes into operation.</p> <p>a. When will the <i>National Strategic Framework for Legal Assistance</i> be finalised?</p> <p>b. When will the finalised Framework be made publically available?</p> <p>c. What assistance will the Department provide to bring the Framework into practical operation on 1 July 2015, particularly given the extremely short time frames between finalisation of the Framework and implementation?</p> <p>3. A recent census by the National Association of Community Legal Centres revealed that 84 community legal centres across Australia reported they had to turn away 156,854 people in the 2013/2014 financial year. A 2014 ACOSS survey has also found that 72 per cent of centres report they cannot currently meet demand. The Australia Institute has found that 490,000 Australians each year miss out on legal help for financial reasons or lack of knowledge.</p> <p>a. Given the existing significant level of unmet legal need, why has the Government cut funding to Community Legal Centres by 30 per cent from 2017-2018 onwards?</p> <p>b. How does this funding cut align with the Productivity Commission's recommendations in its report on Access to Justice Arrangements and the Commonwealth's own commitments to tackle domestic violence and Indigenous disadvantage?</p> <p>4. The Australian Government has expressed a commitment to addressing family violence as a national crisis.</p> <p>a. Can the Department confirm that only \$16.7m was committed under the federal budget for the Commonwealth's contribution for a national awareness campaign?</p> <p>b. Can you provide details of the funding arrangements for the '1800 Respect' project?</p> <p>c. What is the Government's plan for dealing with the increased demand on already over-stretched services that will arise from the increased awareness and increased referrals from 1800 RESPECT to counseling, community legal centres, and refugees?</p> <p>5. Can you confirm whether the funding for the new National Partnership Agreement will be offset from within the Indigenous Affairs and Attorney-General's Portfolios?</p> <p>a. What specific programs or services have been cut to fund this agreement?</p> <p>b. Will any jobs be lost in each of the respective Departments as a result?</p> <p>6. How does the new <i>National Strategic Framework for Legal Assistance</i> take into account population growth in areas such as Wyndham which has been one of the fastest growing suburbs in the country for a number of years?</p> <p>a. Wyndham Legal Service has advised that Family Violence and fines are the two most common issues that people seek assistance with their service. Has funding for Wyndham Legal Service been increased under the <i>National Strategic Framework for Legal Assistance</i>?</p> <p>b. What about in 2017-18?</p> <p>7. The Federation of Community Legal Centres in Victoria has expressed concern that under the new <i>National Strategic Framework for Legal Assistance</i>, it is no longer sufficient to be financially disadvantaged <i>or</i> to fall within a priority group to obtain free legal help; those who receive free legal help from community legal centres must be experiencing financial disadvantage <i>and</i> fall within a named priority group.</p> <p>a. Can you confirm that this is how the new rules will be applied?</p> <p>b. If so, how will this affect the 39 per cent of cases that Victorian community legal centres deal with that come from domestic violence disputes where the women involved may not meet this double criteria?</p> <p>8. Please provide details of the transitional funding that has been offered by Commonwealth to South Australia to assist Community Legal Centres, who as of 1 July 2015, will be required to transition to the new National Partnership Agreement.</p>	
BE15/061	Access to Justice Division	Wright	New National Partnership (Indigenous	1. Given that 'safer communities' is one of the Government's stated priorities in the Indigenous Advancement Strategy, will ATSILS be funded to support Aboriginal Communities in advancing family law, Care and	Written

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
			Legal Assistance Services)	Protection and Civil Law?	
BE15/062	Access to Justice Division	Wright	Closing the Gap Justice Targets	<ol style="list-style-type: none"> Given the commitment made by Minister Scullion in 2013 to develop Justice targets to reduce incarceration and create safer communities, what work has been undertaken in the development of these targets? <ol style="list-style-type: none"> Will government be providing ATSILS and other relevant Aboriginal services funding to support the development and implementation of such targets? 	Written
BE15/063	Access to Justice Division	Wright	Indigenous Imprisonment and Deaths in Custody	<ol style="list-style-type: none"> Can the Department advise the Committee of the level Aboriginal and Torres Strait Islander imprisonment compared with non-indigenous imprisonment? It has been reported that 60% of Indigenous people in prison or on remand have been convicted or charged with a violent assault, and around 80% of Indigenous people imprisoned are returning to prison. Has the Government adopted any specific initiatives to address the rate of violent crime and imprisonment within Indigenous communities? Can the Department advise what is the annual cost to the criminal justice system as a whole of the high rate of indigenous crime and imprisonment, and whether there has been any evaluation in Australia or overseas of imprisonment as a measure to reduce crime? Is the Government aware of any justice reinvestment trials in Australia and have any Commonwealth funds been allocated to alternative justice measures? 	Written
BE15/064	Criminal Justice Division	Wright	Confiscated Assets	<p>On 15 April the Minister for Justice noted that \$2.3m had been added to the Confiscated Assets Account, and that the account would be in the order of \$112m by the 2017-18 financial year.</p> <ol style="list-style-type: none"> What is the current status of the account? How much has currently been dispersed from this account and for what programs? What proportion of monies has been paid to reimburse legal aid commissions for proceeds of crime cases? Can you advise what proportion of monies raised through the confiscated assets account will be reinvested in the courts, access to justice services or justice reinvestment initiatives? <ol style="list-style-type: none"> Please separate this information into allocations to particular jurisdictions. Are any confiscated assets redistributed to the states? For example, if the Qld Police Force was responsible for a \$2.3m seizure, would the benefit of those funds go to Qld? 	Written
BE15/065	International Law and Human Rights Division	Carr	Review of the Disability (Access to Premises – Buildings) Standards 2010	<ol style="list-style-type: none"> What role will the Department take in assessing the validity of claims made in submissions on the review of the Premises Standards of the need for any changes? What understanding does the Department have on the negotiating process that led to the adoption of the Premises Standards and how will the Department ensure that all stakeholders, including state and territory governments, access consultants, the building and property sector, the disability community and human rights agencies can contribute to any negotiations around proposed changes to the Premises Standards? What discussions has the Department had with the Australian Human Rights Commission on the purpose, process and possible outcomes of the review? How will the Department ensure that any proposed changes to the Premises Standards remain consistent with existing discrimination law and Australia's obligations under the UN Convention on the Rights of Persons with Disabilities? 	Written
BE15/066	Australian Human Rights Commission	Carr	Review of the Disability (Access to Premises – Buildings) Standards 2010	<ol style="list-style-type: none"> Given the critical role the Commission played during the development of the Premises Standards what involvement has the Commission had in the development of the Terms of Reference and the structure of the review process? Given the Commission's obligations under section 67 of the Disability Discrimination Act to 'report to the Minister on matters relating to the development of disability standards' and 'to monitor the operation of such standards and report to the Minister the results of such monitoring' what discussions have taken place with the Minister on the current review? What actions will the Commission take to ensure any proposed changes to the Premises Standards are consistent with existing discrimination law and Australia's obligations under the UN Convention on the Rights of Persons with Disabilities? 	Written

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
BE15/067	Australia Council for the Arts	Collins	Recruitment process - International Development Managers	1. In answer to Question No. AE15/142 the Council stated "The Council is in the final stages of the recruitment process for an International Development Manager for North Asia and an International Development Manager for North America." Have those appointments been finalised? If not, will they proceed?	Written
BE15/068	Australia Council for the Arts	Collins	Strategic Plan - Aboriginal and Torres Strait Islander arts and cultures	<ol style="list-style-type: none"> 1. Goal 4 of the Council's Strategic Plan is to <i>cherish</i> Aboriginal and Torres Strait Islander arts and cultures. What is meant by the word <i>cherish</i> in this context? 2. How are Aboriginal arts and cultures being <i>embedded</i>, to use another of the Plan's terms, in the Council's assessment and promotional activities? 3. Please provide an organisation chart of the Council, going below the level of the Board and the Executive, which is all that appears on the website. In other words, what are the Arts Practice and Strategy Panels, and who chairs them? 4. Is there a separate Aboriginal and Torres Strait Islander Unit within the Council? What is the process for it influencing decisions across all art forms, in other words <i>embedding</i> Aboriginal arts and culture? 5. What are the criteria used for assessing the extent of Aboriginal arts and culture in applications for funding? 6. More generally, is diversity a factor in assessing applications? Goal 2 aims to "fuel diverse practice from artists of different backgrounds". Does this include Aboriginal and Torres Strait Islander cultures. What are the criteria for the assessment of diversity? Are they published anywhere? Are applicants required to provide evidence of diversity in their applications? 7. Where research into Aboriginal arts and culture is a part of an application, what ethical oversight is required for that research? 	Written
BE15/069	National Archives of Australia	Collins	Digitisation of records	<ol style="list-style-type: none"> 1. Has the National Archives of Australia been accessing the services of a private sector firm to undertake records digitisation work? Which private sector firms are being used to undertake records digitisation work? 2. What is the cost per record for digitisation work undertaken by a private sector firm? 3. What is the total cost of digitisation work undertaken by a private sector firm in each of the last three financial years? 4. Has the quality of externally digitised records in all instances met the quality standards expected by the National Archives of Australia, without requiring correction or rescanning of substandard work? 5. How many record digitisation requests are currently waiting to be completed? How many individual records are currently waiting to be digitised in response to a request? 6. Have there been any instances where a record has not been available to a member of the public for viewing because the record had been sent to a private sector firm for digitisation? 7. Why has the National Archives of Australia outsourced the digitisation of records instead of undertaking this work using equipment owned by the agency? 8. How many document scanners are owned by the National Archives of Australia? 9. Are the document scanners owned by the National Archives of Australia used on a regular basis for record digitisation work? 10. How many National Archives of Australia staff are dedicated to undertaking records digitisation work? If no staff are dedicated to this work, what is the full time equivalent number of staff dedicated to records digitisation work? Is this smaller, greater or the same full time equivalent number of staff as was dedicated to this work for each year over the past three years? 	Written
BE15/070	National Archives of Australia	Collins	Budget, staffing and operating hours	<ol style="list-style-type: none"> 1. How many vacant positions currently exist in the National Archives of Australia? Please break these positions down by full/part-time and ongoing/non-ongoing/casual. 2. I refer to Portfolio Budget Statements for the Attorney-General's Portfolio at page 364, table 3.2.1. Why do the forward estimates forecast a more that \$14 million increase in suppliers' expenses for the 2016-17 financial year? 3. What are the planned operating hours for the National Archives Preservation Facility? Will the National Archives Preservation Facility operate on a 24 hours per day, seven days per week basis? 4. If it will operate constantly, how does the National Archives of Australia plan to staff the National Archives Preservation Facility, including during relocation? 5. Will the National Archives of Australia consult with employees as required under the relevant enterprise agreement about extending working hours to relocate to and staff the National Archives Preservation Facility? 	Written

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<ol style="list-style-type: none"> 6. How will the National Archives of Australia staff the National Archives Preservation Facility during the hours between 10:00 pm and 7:00 am, Monday to Saturday, and on Sunday? Does the agency plan to staff the facility during these hours with non-ongoing employees or through an outsourced service provider? 7. Does the National Archives of Australia have a sufficient number of employees to relocate to and constantly operate the National Archives Preservation Facility? 8. Is a freeze on access to leave by National Archives of Australia employees currently in place, be it formally or informally imposed? To what leave types does this freeze apply? For how long will the freeze be imposed? 9. Will a freeze on access to leave by National Archives of Australia employees be imposed (formally or informally) to manage relocation to the National Archives Preservation Facility? To what leave types will this freeze apply? For how long will the freeze be imposed? 	
BE15/071	National Film and Sound Archive	Collins	Staffing	<ol style="list-style-type: none"> 1. What was the number of full time equivalent positions in the NFSA on <ol style="list-style-type: none"> a. 7 September 2013 b. 30 June 2014 c. 30 June 2015 2. Provide those figures broken down into the Canberra headquarters, and the Sydney and Melbourne offices? 3. What functions are now not being performed as a result of staff reductions over the past 18 months? 4. What has been the outcome of the NFSA's restructure? Provide a detailed organisational chart, with staff numbers and levels. 5. Provide the restructure report (also known as the "Business Review".) Not the edited redacted version 	Written
BE15/072	National Film and Sound Archive	Collins	Strategic Plan	<ol style="list-style-type: none"> 1. The Strategic Plan states that the NFSA will create public programs over the next 3 years. How is this possible with a severely decreased public programs team post-restructure? Will a public programs team be re-hired to do this and then, if so, why were the original public programs team from Big Screen, Canberra Public Programs, Arc Cinema etc. found to be 'in excess of requirements'? 2. Why did the restructure take place before the Strategic Plan was drafted? Have there been instances where positions that were cut were replaced with very similar positions only months after? Is it correct that the Outreach Manager was cut in April 2014, finished in June 2014, and then was readvertised as Senior Manager, Community Engagement. What are the differences, if any, between those two positions? 3. Have there been discussions about the possibility of moving the NFSA HQ out of Canberra in the mid-long term? The Strategic Plan says "review existing NFSA sites in the ACT, NSW and Victoria, and develop a comprehensive site strategy for the organisation", is this what this is in reference to? 4. The Strategic Plan says that if the Government doesn't provide more funds, the NFSA will have to make further cuts, despite program cuts in 2014. In that case, what further programs will cease? 	Written
BE15/073	National Film and Sound Archive	Collins	Arc Cinema	<ol style="list-style-type: none"> 1. When was the Arc cinema built? At what cost? Why has it now been closed? 2. One of the NFSA's aims is stated as "The NFSA aims to develop interest in the cultural richness and diversity of our audio-visual heritage in all its forms by sharing the collection. We offer a range of ways for people to view, listen to, study, use and enjoy material from the collection as well as from other archives and cultural institutions around the world." How can this occur without a functioning cinema screening classic international films as well as Australian films? 3. Why were the Arc's projectionists retrenched? 4. Has the operation of the Arc Cinema been put out to tender? What conditions have been put on that tender in relation to the screening of classic Australian and international films? 5. What safeguards are in place for the operation of the Arc's equipment? For example will only properly qualified projectionists be permitted to operate the equipment? 6. There is an argument that there is now a range of classic cinema available in Canberra, and that the Arc should not be in competition with those commercial operations. What does the NFSA see as the role of a full service cinema in a film archive, in the promulgation of Australia's film culture? 7. What conditions have been put on the tender to ensure that classic films are in fact shown? Which may in fact have limited commercial appeal? How will the NFSA ensure that the Arc not become just another commercial cinema in Canberra, having to generate a profit for the lessee? 	Written

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BE15/074	National Film and Sound Archive	Collins	Staffing	<ol style="list-style-type: none"> 1. Regarding the management of the NFSA, how many days over FY 2014-15 has the Director been present at the NFSA in Canberra? Where has he been on the other days? Has TA been paid for those days? How much TA has been paid in total? 2. The NFSA Organisational Chart on the website is dated October 2014. It appears from this chart that the position of General Manager Collection is vacant. Is that the case? Has an appointment been made? When? If not, why not? If the position has been filled, why was the position vacant for so long? 	
BE15/075	National Film and Sound Archive	Collins	Digitisation of the Collection	<ol style="list-style-type: none"> 1. Digitisation is particularly urgent for the NFSA's collection, given the continuing decay of magnetic and film media and increasing obsolescence of playback platforms, from the point of view of both preservation and access. What collaboration is taking place with the other national cultural institutions? 2. What are the plans and projected costs of digitisation of the collection? 	Written
BE15/076	National Film and Sound Archive	Collins	Outreach Programmes	<ol style="list-style-type: none"> 1. What is the status of the outreach programs Big Screen, Black Screen and School Screen? 	Written
BE15/077	National Film and Sound Archive	Collins	Politics and ethics - Do the Right Thing! Conference	<ol style="list-style-type: none"> 1. The Director gave a paper at the conference on "Politics and ethics - Do the Right Thing!" Provide a copy of that paper. 2. Will all the papers from the conference be published for the benefit of Australia's film community? 	Written
BE15/078	National Film and Sound Archive	Collins	Partnership with Albert Music	<ol style="list-style-type: none"> 1. In October 2014 the NFSA announced a partnership with Albert Music. No further comment has been made, and no information is available online. How much of the Alberts archive has been delivered to the NFSA? How much of this material has been accessioned, catalogued, and made publicly accessible? Physically or online? How much has this partnership cost the NFSA to date, and what outcomes are expected and when? What is the expected total cost to the NFSA? 	Written
BE15/079	National Film and Sound Archive	Collins	Federation International des Archives du Film Congress	<ol style="list-style-type: none"> 1. FIAF Congress (Federation International des Archives du Film) <ol style="list-style-type: none"> a. Did the NFSA host this conference in April 2015? b. What was the cost to the NFSA's budget? c. What contribution to the cost was made by FIAF? d. How much income was generated by the event? Participant fees? Sponsorships? Other? e. Why was most of the conference held in Sydney, at the National Maritime Museum, and not at the NFSA? f. Did the NFSA pay the Maritime Museum for the use of its facilities? How much? g. Did the NFSA hire an event manager for the Sydney component, even though the NFSA has two event coordination staff on the full time payroll. What was the cost of that event manager? h. What was the cost of the following events? Who paid for them? <ol style="list-style-type: none"> i. Opening reception event ii. Cocktail Reception and Star Gazing at Mt Stromlo iii. Cocktail reception & Screening <i>Australian Parliament House</i> iv. Closing Night Reception <i>NFSA Canberra</i> i. Was the Archive's exhibition space cleared for the conference reception? Has that space be re-instated for exhibitions? j. What are the longer term plans for this exhibition space? Is it intended to be used for venue hire? 	Written
BE15/080	Ministry for the Arts	Collins	National Program for Excellence in the Arts	<ol style="list-style-type: none"> 1. How much of the money being taken from the Australia Council to fund the NPEA will be diverted from arts grants to fund the duplication of administrative functions currently fulfilled by the Council? 2. Will the NPEA be exempt from the efficiency dividend? 3. What analysis or business case has been conducted to ensure there is no replication of services or systems? 4. What channels of appeal are being established to ensure transparency in the distribution of funding through the NPEA? 5. In 2013-14, \$97m was available through the Australia Council to fund the small to medium and independent sector. In 2015-16 this funding is \$75.2m. This represents a 30% cut. How does the Minister envisage the new Program will ensure that creative, innovative new works and skills (creative and technical) continue to be fostered in areas that traditionally have provided this capability for the wider industry? 6. The small to medium companies are in the process of being assessed under a new 6 year grant application process through the Australia Council. This new framework was launched last year by the Minister. This funding cut will reduce the funds available to support many of those companies and puts the assessment 	Written

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>process in limbo. The Australia Council has announced it has suspended this Program. How will the Ministry address this in the short term so that the sector has some certainty regarding their futures?</p> <p>7. Will there be any additional assistance given to workers whose positions within Small to Medium arts organisations become untenable as a result of the uncertainty caused by the establishment of the NPEA?</p> <p>8. What consideration has the Ministry given to potential job losses in arts organisations stemming from the decision to establish the NPEA?</p>	
BE15/081	Ministry for the Arts	Collins	Review of Entertainment Visas	<p>1. What is the progress of this review?</p> <p>2. How many submissions have been received? From whom?</p> <p>3. What proportion are supportive of change to the existing arrangements?</p> <p>4. Will they be made available on the Department's website?</p> <p>5. When can we expect a report, or Government decisions arising from the review?</p>	Written
BE15/082	Ministry for the Arts	Collins	Review of the Resale Royalty Scheme	<p>1. What is the progress of this review?</p> <p>2. When is a report expected, or Government decisions arising from the review?</p>	Written
BE15/083	Screen Australia	Collins	Budget and Staffing	<p>1. What was the number of full time equivalent positions in Screen Australia on</p> <p>a. 7 September 2013</p> <p>b. 30 June 2014</p> <p>c. 30 June 2015</p> <p>2. The government has announced a further cut of \$3.6m over 4 years to Screen Australia's Budget, on top of some \$25m last year, to achieve "efficiencies". What will those efficiencies be?</p> <p>3. In a media release following this year's budget, the Screen Producers Association stated: <i>"Our concerns about disproportionate cuts to Screen Australia 12 months ago are amplified following this year's Budget announcement. To compound \$38m in cuts with a further \$3.6m over the coming four years will seriously impact the screen industry. This further cut of almost \$1 million per year is both significant and major."</i> A Fairfax newspaper report on 13 May this year stated that the cuts imposed on Screen Australia in both last years and this year's budget mean: <i>"the country's peak film funding organisation will have had its budget trimmed by more than 16 per cent in the past year, with its federal government allocation dropping from \$100.8 million in 2013-14 to a projected \$84.1 million in 2017-18."</i> In relation to Screen Australia, how do these assessments accord with Senator Brandis's statement in the Senate on 14 May 2015 that "there has been no reduction in arts funding of any substance this year"?</p>	Written
BE15/084	Screen Australia	Collins	National Book Council and the National Program for Excellence in the Arts	<p>1. Considering the National Book Council and the National Program for Excellence in the Arts as possible precedents, what consultations have taken place with Screen Australia about a National Film Council and a National Program for Excellence in Film, under which the Minister for the Arts would decide which film projects should be funded?</p>	Written
BE15/085	Corporate Division	Collins	Shared Services for National Cultural Institutions	<p>1. Last year's budget provided for savings of \$1.6m over four years for consolidating the back office functions of the National Cultural Institutions. It provided for expenditure this financial year (2014-15) of \$1m to set up a shared services unit.</p> <p>2. What is the progress on setting up the shared services unit? What have been the set up costs so far?</p> <p>3. The projected savings were \$1.6m over 4 years. Will those saving be achieved?</p> <p>4. How was that figure calculated?</p> <p>5. Was the estimated saving simply derived by deducting 10% from the existing corporate costs of the institutions?</p> <p>6. What analysis has been undertaken to show that a shared services centre is the most efficient and best way to meet the needs of the institutions?</p> <p>7. Has the Department conducted a review of its own shared services centre to determine whether it is efficient and effective?</p> <p>8. Has the Department examined the functioning of shared services centres in other portfolios? In this context, is it the case that the Department of the Prime Minister and Cabinet has decided not to proceed with a shared services centre for that Department?</p> <p>9. Has the Department engaged a consultant or consultants to assist in the implementation of the shared services</p>	Written

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>initiative?</p> <p>10. Who are they? What has been the cost of that contract or contracts?</p> <p>11. What reports or documents have been produced by the consultant(s)? Please provide those reports.</p> <p>12. Were those reports, or other reports from the Department, discussed with the institutions before they were delivered in final form?</p> <p>13. Who delivered those reports to the CEOs of the institutions?</p> <p>14. What functions have been identified for takeover from the institutions?</p> <p>15. What savings have been identified in those reports? Are the savings consistent with the estimate in last year's budget (\$1.6m)?</p> <p>16. What positions are projected to be cut from the institutions at SES, Executive Level, or lower? Do they include such positions as Director Finance or Director Human Resources? Is it correct that two Chief Financial Officers have already left the institutions?</p> <p>17. It appears some functions will not be taken over by the shared services centre. An example could be the calculation of final moneys and leave entitlements for staff terminating or moving to another agency. Is this specific example correct? How will the institutions perform this function when they no longer have the expertise or systems to perform this function? Are there other functions of this nature that will remain with the institutions?</p> <p>18. Many of the IT systems in the institutions have been tailored and customised over time to meet the specific needs and functions of the institutions. How will the shared services centre meet the specific needs of the institutions as they work to fulfil their quite different functions?</p> <p>19. How will the Department avoid a duplication of activity, proliferation of second tier systems, unofficial spreadsheets, and reports, within the institutions?</p>	
BE15/086	Ministry for the Arts	Collins	Unallocated funding	<p>1. The answer to QON SBE14/001 stated (at point 14) that the Ministry for the Arts is in the process of determining where project funding is uncommitted within the Cultural Development Program.</p> <p>2. What has been the outcome of that process?</p> <p>3. What is the quantum of previously unallocated funds?</p> <p>4. Where have those funds now been allocated?</p>	Written
BE15/087	Strategy and Delivery Division	Collins	Deregulation	<p>1. What will be the total, cumulative regulatory burden imposed on industry by the data retention, piracy code, and site-blocking policies implemented by the Department?</p> <p>2. Given the significant burden the AG's Department has imposed specifically on the telecommunications sector, what offsetting deregulation initiatives are you developing for this industry?</p> <p>3. What has been the value of the red tape reductions the AG's Department achieved since the Coalition Government was elected? Is it greater or less than the new burdens created over the same period?</p> <p>4. I refer to the Government's answer to question AE15/080 placed on notice by Senator Wong. At para (c), the Department explains its methodology for determining the regulatory impact of repealing spent amending acts. How much time was assumed to be involved in each 'view' under that methodology?</p> <p>5. Amending acts repealed by the Government are still visible on the Comlaw website, but have been moved to a 'historical' tab on the website.</p> <p>a. What was the cost of relocating the Acts on the website?</p> <p>b. Does the Government have data showing that those Acts are now accessed less frequently by visitors to the website?</p> <p>6. At para (f) of its answer to question AE15/080, the Department explains its methodology for determining the regulatory impact of correcting drafting errors with its statute law revision bills. How much time was each error assumed to waste?</p>	Written
BE15/088	International Crime Cooperation Division	Collins	Extradition of the Bali Nine to Australia	<p>1. There were reports in the press in late 2005 that two Victorian barristers, Robert Richter QC and Brian Walters QC, were seeking a meeting with the DPP to discuss laying charges in Australia against the Bali Nine, with a view to extraditing the accused to face prosecution in Australia rather than Indonesia. Did the Attorney-General's Department at any stage consider the possibility of extraditing the Bali Nine to Australia?</p> <p>2. Was the Attorney-General advised about this possibility?</p> <p>3. What decision was made? By whom? Why? When? Was the Attorney-General aware of this?</p>	Written

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BE15/089	International Law and Human Rights Division	Collins	Sexual Discrimination Act exemption	<ol style="list-style-type: none"> 1. Under the Labor Government, states and territories were given a 12 month exemption from new provisions added to the <i>Sex Discrimination Act</i> in 2013 to allow them to achieve compliance with the amended Act. In July 2014, the Attorney-General provided a 12 month extension to this exemption. Why was this extension provided? 2. Will the exemption be renewed again? If so, why? 3. What steps has the Attorney-General or his Department taken to ensure that states and territories are working towards full compliance? 	Written
BE15/090	Civil Law Division	Collins	Australian Government Solicitor	<ol style="list-style-type: none"> 1. What is the purpose of the consolidation of the AGS into the Department? Can you confirm that the Government is not proceeding with the Commission of Audit recommendation regarding the AGS? 2. Are there any plans to reduce headcount in either AGS or AGD as a consequence of the consolidation? 3. How have current AGS staff been integrated into APS employment arrangements? Have any staff lost pay or entitlements as a result of the consolidation? 	Written
BE15/091	Criminal Justice Division	Collins	Safer Streets Program – Funding Round 2	<ol style="list-style-type: none"> 1. When is the Government going to release the second round of funding for the Safer Streets Program? 2. Round one of the Safer Streets Program targeted organisations which were identified before October 2013. Only organisations previously identified and invited where eligible to apply for funding under round one. 3. Will the Government use the same ‘identify and invite’ process for funding under round two of the Safer Streets Program? 4. How much will the second round of funding be in total? 5. Will there be a third round and when will the Government release these details? 6. The first round of funding only included security related infrastructure programs, excluding community based youth outreach and mentoring programs. 7. Why has all the money been directed towards CCTV? 8. Have community groups, councils and non-governmental organisations been consulted in the government’s decision to redirect all the money to CCTV? 9. If so what was their response? 10. Will various community based projects be excluded from funding under round two of the Safer Streets Program? 11. In relation to the decision to exclude community organisations as beneficiaries of proceeds of crime what role did Prime Minister and Cabinet play? 12. How will CCTV cameras assist project workers and outreach workers to deal with anti-social behaviours and substance abusers. 13. What social and material support will CCTV provide for youth at risk of committing crime? 14. Has the government taken into consideration that CCTV cameras will cause crime displacement. 15. If so what precautions will the government take to combat crime displacement? 	Written
BE15/092	Criminal Justice Division	Collins	Secure Schools Program	<p><i>The Schools Security Programme Guidelines states that, “The programme will adopt a targeted application process, with individual schools to be nominated by their State or Territory education authority. The nominated schools will then be invited to apply for funding”.</i></p> <ol style="list-style-type: none"> 1. Who nominated the ‘identified schools’? 2. Who was responsible for the initial identification of these schools? 3. Were independent body’s or groups involved in the initial identification process? 4. Who was responsible for making the final determination regarding ‘identified organisations’? 5. Where there any prerequisites for submitting a nomination? 6. Was there a nomination committee? Please provide details? 7. How was the committee sensitized to issues of unconscious biases through training or other awareness building activities? 8. Were committee members subject matter experts on terrorism and radicalization? 9. Where subject matter experts involved or consulted in the identification and nomination process? 10. Where risk assessment officers of various Education Departments involved or consulted through the identification or nomination process? 11. Were law enforcement personnel involved or consulted at any stage of the identification and nomination 	Written

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				<p>process?</p> <p>12. Was the broader school community involved or consulted through the identification or nomination process?</p> <p>13. Were civic groups and private organisations involved with the school community consulted or involved in the process?</p> <p>14. Was the selection criteria developed before the launch of the Schools Security Programme and communicated to potential applicants?</p> <p>15. Can you explain the inter-agency co-operation in the identification and nomination process?</p> <p>16. What improvements can be made to inter-agency co-operation?</p> <p>17. What additional resources are being put in place to develop a greater understanding of radicalisation in Australian schools? For example training/information seminars for Police and other security agencies, as well as for school Principals.</p> <p>18. Did the process involve approaching specific schools? On what basis were these schools chosen?</p> <p>19. What process was used to identify schools at risk of violence, terrorist attacks and harassment?</p> <p>20. Were school Principals and the broader school community consulted?</p> <p>21. Can you provide a comprehensive list of schools that received funding and how much each school was allocated?</p> <p>22. What proportion of these schools are Islamic institutions?</p> <p>23. Were there schools that expressed interest for the programme but were unable to apply because they were not nominated?</p> <p>24. What are the details?</p> <p>25. What advice was given to nominated schools in terms of using funding in the most effective manner?</p> <p>26. Have the various State and Territory Education Departments provided direction and leadership to nominated schools, including on the risks of radicalisation and extremism?</p> <p>27. Have these schools received direction and leadership on the establishment of racial and religious tolerance and social cohesion in schools?</p>	
BE15/093	Australian Transaction Reports and Analysis Centre	Collins	Remittance Providers	<p>1. It is my understanding that remittance accounts across the country are being closed is this correct?</p> <p>2. Why are remittance accounts being closed?</p> <p>3. Have law enforcement agencies voiced concerns over the use of remittance providers?</p> <p>4. Is the remittance industry regulated?</p> <p>5. Who regulates the remittance industry?</p> <p>6. What practices are in place to ensure transparency and visibility of funds transferred.</p> <p>7. What practices are in place to prevent the misuse of remittance accounts?</p> <p>8. I understand that a working group has been created in attempts to resolve the situation in a collaborative approach.</p> <p>9. Who are the members of this group?</p> <p>10. What progress has this working group made?</p> <p>11. What were the Terms of Reference?</p> <p>12. I understand that the last working group meeting has been scheduled for June. What can we expect the outcome of this meeting to be?</p> <p>13. We understand that remittance accounts have continued to be closed is this correct?</p> <p>14. Will the closure of these remittance accounts force the practice underground?</p> <p>15. Will this then pose potential concerns for law enforcement agencies?</p> <p>16. What practices have been put in place to prevent this?</p> <p>17. What evidence exists to suggest that remittance accounts are being used to launder money and finance terrorism?</p> <p>18. Is the financial intelligence and data provided by remittance providers of any use to law enforcement agencies?</p>	Written
BE15/094	Australian Federal Police	Collins	Efficiency Dividend	<p>1. How will the continued imposition of a 2.5 per cent efficiency dividend impact AFP operations?</p> <p>2. What amount will be cut from the AFP budget as a result of the continued imposition of a 2.5 per cent efficiency dividend?</p> <p>3. Does the continued imposition of this efficiency dividend impact staff levels?</p>	Written

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				<ol style="list-style-type: none"> 4. Does the continued imposition of this efficiency dividend impact equipment upgrades? 5. What upgrades are required that are no longer possible as a result of the continued imposition of this efficiency dividend? 6. What is the estimates cost of desired identified equipment upgrades? 7. Why are they important? 8. How will this impact the AFP's ability to fulfil its objectives? 9. Does the continued imposition of the efficiency dividend impact technology advancement? 10. What kinds of technology advancement are required to keep up with the evolving international criminal environment? 11. Are there identified technology advancements that are required by the AFP that will not be achieved as a result of the continued imposition of this efficiency dividend? 12. What is the estimated cost of these identified technology advancements? 13. How will this impact the AFP's ability to achieve its objectives? 	
BE15/095	Australian Federal Police	Collins	Staff Reduction	<p>Budget Paper No.4 reveals that 115 jobs are expected to be lost in 2015-16, can the AFP provide details as to:</p> <ol style="list-style-type: none"> 1. Where these job losses are expected to come from including; 2. Which state and 3. Which division of the AFP 4. Whether the reduction in staff numbers will result primarily from voluntary redundancies or compulsory redundancies? 5. Whether the reduction in staff numbers will impact AFP operations? 6. How much is expected to be saved by the reduction of staff? 7. How are those savings going to be redistributed? 8. Will the savings be redirected into other aspects of AFP operations, be redirected towards other policy priorities or redirected towards the budget bottom line? 9. Does the reduction in staff numbers accurately reflect the reduced need for AFP personnel as a result of the conclusion of operations such as the G20, the Asia World Cup and the Cricket World Cup? 10. Is this the reason for the staff reductions or are their other factors such as budgetary concerns? 11. Was there an increase in staffing numbers as a result of these operations? 12. If yes, was the expectation that any increase in staff numbers as a result would only be short term? 	Written
BE15/096	Australian Federal Police	Collins	New Counter Terrorism Investment	<ol style="list-style-type: none"> 1. What role does the AFP play in protecting Australian national security and counter terrorism activities? 2. Have the national security and counter terrorism activities of the AFP increased over recent years? 3. Has the AFP benefited from the \$1.2 billion allocation of new funding for new counter terrorism efforts? 4. Will the AFP receive any portion of this \$1.2 billion which has been allocated to new counter terrorism efforts? Why not? 5. Given that Sixty-three extra Australian Federal Police members are working in Sydney, Melbourne and Canberra on the foreign fighter threat and with Australia's other security agencies, they've arrested 22 people on seven counter-terrorism operations between September 2014 and April 2015, what impact will missing out on any additional funding have on these type of operations? (see appendix 2) 6. Will the AFP play a role in any of the new counter terrorism efforts that are funded through this \$1.2 billion boost? 7. How is giving Federal Justice Minister Keenan the new title of Counter Terrorism Minister meaningful when his frontline counter terrorism agency the Australian Federal Police has had its budget slashed? 	Written
BE15/097	Australian Federal Police	Collins	Operation Polaris	<ol style="list-style-type: none"> 1. What is the operating budget of the Operation Polaris Taskforce? 2. Have there been changes in the operating budget of the Polaris Taskforce since its establishment in 2010? 3. Has there been an increase or decrease in the funding it has received form the Government? 4. How is this operating budget broken up between the agencies involved in the Taskforce? 5. How many member of the AFP are deployed as part of Operation Polaris? 6. What percentage of the personnel involved in Operation Polaris are members of the AFP? 7. What are the long term objectives of Operation Polaris? 8. What role does the AFP play in achieving those objectives? 	Written

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				9. Is there a strategic plan to ensure Operation Polaris achieves those objectives? 10. What evaluative measures have been put in place to monitor whether Operation Polaris is on track to achieve those objectives? 11. Is Operation Polaris on track to achieve its objectives? 12. What have been the key benefits of Operation Polaris: (a) To the Australian economy?, (b) To reducing organised crime?, (c) To illicit drug availability in Australia?, (d) To increasing cooperation between agencies involved in Operation Polaris?, (e) To developing similar waterfront operations in other states? 13. How many arrests have been made by the Operation Polaris Taskforce? 14. Are there any arrest or conviction targets for the Operation Polaris Taskforce? 15. What methodology was used to calculate these targets? 16. Have these targets been met? If not, why not? 17. Have container check ratios increased under Operation Polaris? 18. In the last year, how many containers were screened or physically examined by the Operation Polaris taskforce? 19. Does this represent an increase in the number of container checks in comparison to before the formation of the Operation Polaris Taskforce? 20. Could the AFP provide details regarding what has been seized by the Operation Polaris Taskforce during/or as a result of their investigations since 2010, including; (a) What has been seized (eg: cash, illegal or controlled substances)? (b) What is the quantity of seizures? (c) The street value of any illegal or controlled substances? (d) When the seizure/s took place,? (e) If the seizure resulted in a conviction, and (f) What percentage of all law enforcement, organised crime seizures Operation Polaris' seizures represent? 21. Have the AFP received any advice regarding the future funding of Operation Polaris? 22. Have the AFP received any indication that Operation Polaris will have their funding renewed in the post 2015 period? 23. Have the AFP had any discussions with the Minister's office regarding the future of Operation Polaris? 24. Can the AFP provide details? 25. When does the AFP expect to receive confirmation that Operation Polaris will continue to be funded in the post 2015 period? 26. Do the AFP believe that the continuation of Operation Polaris is essential for fighting organised crime in NSW/Australia? 27. If Operation Polaris' funding is not renewed, what impact will this have on: 28. The Australian economy? 29. Rates of organised crime in NSW? 30. The availability of illicit drugs in Australia? 31. Container check ratios? 32. The number of AFP personnel involved in waterfront organised crime investigations? 33. Investigations already underway? Would they be funded to completion?	
BE15/098	Australian Federal Police	Collins	Tax disclosure laws and kidnapping risk	1. How common is kidnapping in Australia? 2. Are you aware of any recent cases of wealthy individuals in Australia being kidnapped and held for ransom? 3. The Government has announced it will roll back tax disclosure laws to address what it says are security concerns. The Government has said it is worried that wealthy business owners might be put at risk of kidnapping if they were identified under these laws. Has the AFP done any analysis of this risk? 4. Has the Government consulted with the AFP about this issue?	Written
BE15/099	Office of the Commonwealth Director of Public Prosecutions	Collins	Extradition of the Bali Nine to Australia	1. There were reports in the press in late 2005 that two Victorian barristers, Robert Richter QC and Brian Walters QC, were seeking a meeting with the DPP to discuss laying charges in Australia against the Bali Nine, with a view to extraditing the accused to face prosecution in Australia rather than Indonesia. Did the DPP meet with the two barristers or otherwise consider their request? If so, when? 2. Did the DPP consider laying charges against the Bali Nine? 3. What decision was made? By whom? Why? When? Did the DPP consult with any Minister, department or	Written

Q No.	Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				agency in arriving at this decision?	
BE15/100	Office of the Australian Information Commissioner	Collins	FOI Bill	1. The Government has provided 'transitional funding' to the OAIC pending its abolition, which was a 2014 Budget measure still not legislated. Why hasn't the Government brought on the FOI Bill for a vote? Does the Government anticipate being able to pass this Bill? When will it do so?	Written
BE15/101	Office of the Australian Information Commissioner	Collins	Staffing - Commissioners	1. Who presently occupies the position of Freedom of Information Commissioner? a. When did this position become vacant? b. Does the OAIC Act oblige the Government to appoint a Freedom of Information Commissioner? c. When will the Government appoint a new FOI Commissioner? What steps have been taken to select a candidate? 2. Who presently occupies the position of Information Commissioner? a. When did this position become vacant? b. Does the OAIC Act oblige the Government to appoint an Information Commissioner? c. When will the Government appoint a new Information Commissioner? What steps have been taken to select a candidate?	Written
BE15/102	Office of the Australian Information Commissioner	Collins	Budget	1. What will the \$1.7m of transitional funding announced in the Budget fund? Please provide a detailed breakdown. a. How long is this funding expected to be required? b. How does this figure compare to the usual annual funding of the OAIC prior to the 2014 Budget? c. Will the funding cover premises for the OAIC? d. Will new staff be hired? How many? Are these permanent staff or on short-term contracts?	Written
BE15/103	Office of the Australian Information Commissioner	Collins	Processing of FOI appeals	1. How will the OAIC be able to discharge its statutory responsibilities with this stopgap funding? Will there be delays in the processing of FOI appeals? 2. What is the present case-load of the OAIC? How many appeals are presently before the Information Commissioner? Is it true that the IC is unable to deal with all the appeals which come before him and is referring many on to the AAT? How many have been referred directly to the AAT? 3. In the 2015 Budget, the Government states that the OAIC will continue to process FOI appeals in the interim but that complaints-handling will now be handled by the Ombudsman and FOI policy developed by the AGD, even though the legislation under which these functions are given to the OAIC has not been repealed. a. How is this in compliance with the law? Has the Government sought legal advice on the legality of this arrangement? b. Has the Government directed the OAIC to cease fulfilling its responsibilities regarding complaint-handling and FOI policy? What power does the Government have to make such a direction? c. Has the OAIC been referring complaints to the Ombudsman? What is the legal basis for making such a referral? How many complaints have been referred to the Ombudsman?	Written
BE15/104	Civil Law Division	Collins	FOI Policy and Guidelines	1. Has the AGD already taken responsibility for FOI policy and the development of FOI guidelines? What work has the Department performed in this regard? Has the AGD developed any new explanatory materials regarding the FOI Act? Has the AGD been working on changes to FOI guidelines?	Written
BE15/105	Criminal Justice Division	Leyonhjelm	Firearms	1. Have any proposals been put to the Firearms & Weapons Policy Working Group from any party to amend the National Firearms Agreement or otherwise seek state agreement to reclassify certain types of firearms into Category C or any other categories? If so, what are those proposals? 2. Has the firearms industry or key stakeholders such as the Sporting Shooters' Association of Australia, Australian Field and Game or Australian Clay Target Association, been consulted by the Firearms & Weapons Policy Working Group, or by any part of Government with respect to considerations of the Firearms & Weapons Policy Working Group? If so, which groups have been consulted, when, and on what matters? 3. Are all firearms seized by the AFP and other police agencies handed over to the ACC for identification and tracing? If not, why not? 4. If a firearm recorded on the National Firearms Interface (or CrimTrac) has been stolen, in what instances is the owner then flagged on all state police systems? If the owner is not flagged in all instances, what distinguishes cases where the owner is flagged from cases where the owner is not? Is any consideration of the fault of the	Written

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				owner taken into account?	
BE15/106	International Law and Human Rights Division	Hanson-Young	AGD policy advice to DIBP	<ol style="list-style-type: none"> 1. Please detail any advice given by the AGD to the Department of Immigration and Border Protection that any of the policies that it currently implements are or are potentially in breach of international or domestic law. 2. Has any such advice been provided by the AGD to the DIBP in the last two years? 	Written
BE15/107	Family Court of Australia/Federal Circuit Court	Waters	Family Report Writers	<ol style="list-style-type: none"> 1. Women's Legal Services Australia have identified a concerning trend that sometimes "clients experiencing family violence often feel as though they are not listened to by family report writers and feel further traumatised and humiliated by the family assessment process. In part, people who have experienced, or are experiencing, family violence are hesitant to disclose the effect of the violence on them given concerns about conclusions being drawn by report writers about their capacity to parent" – Is this an issue that Family Court is taking action on? 2. What work is being done to address this identified need? 3. When did that work start? 4. What is the funding level at present? Please provide a breakdown by program and by year. 5. Are you aware of any recommendations from the PC's <i>Access to Justice</i> report which apply to this issue? 6. Is there a framework around any changes? 7. Has the Family Court costed a program of training for family report writers? 8. Has the Family Court costed a system of accreditation? 9. Has the Family Court ever discussed the possibility of accrediting family report writers? 	Written
BE15/108	International Crime Cooperation Division	Rhiannon	ODA Transparency	<ol style="list-style-type: none"> 1. Does the department expend any ODA funding on any projects? 2. If yes, please provide details (projects) of all annual ODA eligible expenditure by the department over the last five years? 	Written
BE15/109	Civil Law Division	Rhiannon	Abolition of the Office of the Australian Information Commissioner	<ol style="list-style-type: none"> 1. Budget paper No 2- Smaller Government-Attorney General's Portfolio states: "transitional funding of \$1.7 million will be provided to the Office of the Australian Information Commissioner for its functions in 2015-16, pending the implementation of the measure Smaller Government — Privacy and Freedom of Information functions — new arrangements." <ol style="list-style-type: none"> a) Where in the 2015-16 Budget papers does the measure "Smaller Government — Privacy and Freedom of Information functions — new arrangements" appear? 2. Is this the measure announced in the 2014-15 Budget and reflected in <i>The Freedom of Information Amendment (New Arrangements) Bill</i> that has been before the Senate since October 2014? Given that bill provides for abolition of the OAIC from <u>1 January 2015</u>, what is the basis for the allocation of the \$1.7 million transitional funding and when is it expected the allocation will be fully expended? May I have details on any decisions that been made on other amendments in response to comments from both the Privacy Commissioner and the President of the Australian Human Rights Commission who have said the proposed arrangements for the transfer of privacy commission functions to the Australian Human Rights Commission are 'unworkable.' The 1995 Australian Law Reform Commission Open government report identified the absence of an independent office such as the OAIC we have now, as an impediment to the administration of the FOI act. That issue was addressed by the establishment of the OAIC in the 2010 reforms. The Hawke Review (p24) concluded that the establishment of the OAIC "has been a very valuable and positive development in oversight and promotion of the FOI Act." <ol style="list-style-type: none"> a) Under the proposed arrangements, which agency will have overall responsibility for oversight of the exercise of FOI functions, promoting good practice and public awareness? 3. Which other countries have FOI watchdogs? 	Written
BE15/110	Civil Law Division	Rhiannon	Hawke Review	<ol style="list-style-type: none"> 1. Senator Brandis last year informed the Committee that the Hawke Review report and its recommendations were under consideration. <ol style="list-style-type: none"> a. What stage has been reached, particularly regarding Dr Hawke's recommendation No 1 for a comprehensive review of the kind he was unable to undertake? 	Written
BE15/111	Civil Law Division	Rhiannon	Constitutional Power for Government Executive	I refer to an article in the Fairfax press on 25 May 2015, <i>Abbott government skirts Parliament and muzzles the FOI watchdog</i> , by three former justices of the Supreme Court of Victoria, Tim Smith, David Harper and Stephen Charles:	Written

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				<p>http://www.smh.com.au/comment/abbott-government-skirts-parliament-and-muzzles-the-foi-watchdog-20150526-gh9ju2</p> <p>In that article they raise serious concerns about the government circumventing the requirement for Parliamentary approval to dismantle the Australian Information Office (OAI) through legislative amendments, by defunding the OAI to a point it is no longer able to perform the duties its still-existing legislation requires it to perform:</p> <ol style="list-style-type: none"> 1. The Constitution (section 61) states that the Executive Government's power extends to the "execution and maintenance of this Constitution and of the laws of the Commonwealth". It is accepted that "execution" means "giving effect to", meaning the Executive Government's power only extends to giving effect to the laws of the Commonwealth. <p>Under the Constitution the power to repeal laws does not rest with the Executive Government but with the Parliament.</p> <ol style="list-style-type: none"> a) It is argued the Government is no longer "giving effect to" the Australian Information Commissioner Act by defunding the Australian Information Office to the point it is no longer able to perform its role as required by the Act: Where does the Executive Government claim to get the Constitutional power to not only change a Commonwealth law but also do so in such a way as to effectively repeal it when it has no power to legislate? b) On what basis may the above mentioned actions of the Executive government be said to have given effect to and maintained the Constitution? What is the response to the suggestion the Government's above mentioned conduct is counter to the Constitutional demand that the Executive Branch of government is subject to the laws made by the Parliament and that it cannot act to alter the operation of the laws of the Parliament without its consent. c) What is the response to the concerns that the Government's actions constitute a failure to honour and maintain two fundamental principles underpinning our Constitution and our democracy: the rule of law and the separation of powers? 	
BE15/112	Australian Federal Police	Rhiannon	Counter Narcotic programmes	<ol style="list-style-type: none"> 1. How much has the Government spent on international counter-narcotics initiatives since 2005, broken down by: <ol style="list-style-type: none"> a) Financial year; b) Category of assistance (e.g. supply reduction; demand reduction; reducing illicit financial flows; etc); c) Country receiving the support; d) Organisation administering the support (e.g. activities targeting illicit drugs such as training, joint operations or provision of equipment, domestic drug agencies, international organisations such as UNODC); e) Whether the support was provided bilaterally or multilaterally alongside international donors. 2. Is the Government is planning to make, or has already made, a contribution to the United Nations Office on Drugs and Crime (UNODC)'s forthcoming country programme in Pakistan? <ol style="list-style-type: none"> a) If yes, what are the specific programmes and their allocations of this funding? 3. Is there any plan, or has a contribution been made to the Nations Office on Drugs and Crime's (UNODC) forthcoming country program in Iran? <ol style="list-style-type: none"> a) If yes, how much funding has been provided to which specific programmes? 4. What process is in place to evaluate the performance of international counter-narcotics initiatives carried out by the Australian Government? <ol style="list-style-type: none"> a) Which departments and agencies are responsible for carrying out these assessments? b) Where these assessments are published for public scrutiny? 5. Which department has lead responsibility for international counter-narcotics policy, and which Minister oversees this directly? 6. Which Departmental budget/funding pool funds international counter-narcotics spending? <ol style="list-style-type: none"> a) If this is funded from more than one budget line, what is the budgetary breakdown in spending across departments and agencies since 2005? 7. Where and how is information on international counter-narcotics spending publically published? 8. What are the formalised human rights safeguards applied to ensure funds allocated to overseas counter- 	Written

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				<p>narcotics efforts do not enable human rights abuses?</p> <p>a) Where are these safeguards/procedures published?</p> <p>9. What is the seniority level of the Departmental official, or who is the government Minister, responsible for signing off evaluations of human rights risks and approving international counter-narcotics spending?</p> <p>10. Has an allocation of funds to an international counter-narcotics initiative ever been refused on the basis of human rights risk, and if so what was the reason for this refusal?</p>	
BE15/113	International Law and Human Rights Division	Moore	Involuntary or coerced sterilisation	<p>Please advise in respect of the Community Affairs References Committee report 'Involuntary or coerced sterilisation of intersex people in Australia' of October 2013:</p> <ol style="list-style-type: none"> 1. What work has been done on the report recommendations? 2. What consultations with or work has been done with any other Commonwealth departments or agencies on the report recommendations? 3. What consultations with or work has been done with any state or territory government departments? 4. Has any advise been given to Government on the report recommendations? 5. When is the Government expected to respond to the report recommendations? 	Written
BE15/114	Attorney-General's Department	Ludwig	Non-Australian Citizens Employed by the Department/Agency	<ol style="list-style-type: none"> 1. What is the Department/Agency's policy with regard to hiring non-Australian citizens? 2. Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary. 3. How does the Department/Agency determine whether a person is a non-Australian citizen? 4. How many staff who were not Australian Citizens have been hired by the Department/Agency since the Federal Election in September, 2013? Please break the numbers down by: <ol style="list-style-type: none"> 1. Levels at which they are employed 2. Immigration Status (Visa) 3. Cultural Background 4. Linguistic Background 5. How many were hired to satisfy CALD targets? 	Written
BE15/115	Attorney-General's Department	Ludwig	Departmental Dispute Resolution	<ol style="list-style-type: none"> 1. How are disputes between departmental and/or agency staff mediated? 2. Are any outside firms contracted to assist with this process? If yes: please list them, please include: <ol style="list-style-type: none"> 1. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc). 2. Amount paid to each firm since the last budget. 3. When the contract with the firm commenced. 4. When the contract with the firm will expire. 5. Why the firm was selected to provide the service. 6. Please provide a list of disputes referred to the firm, including a brief description of the dispute. 3. How are code of conduct violations by departmental and/or agency staff mediated? 4. Are any outside firms contracted to assist with this process? If yes: please list them, please include: <ol style="list-style-type: none"> 1. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc). 2. Amount paid to each firm since the last budget. 3. When the contract with the firm commenced. 4. When the contract with the firm will expire. 5. Why the firm was selected to provide the service. 6. Please provide a list of disputes referred to the firm, including a brief description of the dispute. 	Written