



Australian Government
Attorney-General's Department

13/374-04

12 March 2013

Ms Julie Dennett
Committee Secretary
Senate Standing Committee on
Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Ms Dennett

Clarifications and corrections to Hansard

Following the Additional Estimates hearing of 12 February 2013, officers from the Attorney-General's Portfolio who provided evidence to the Committee have identified the following corrections to Hansard and clarifications to their evidence:

Attorney-General's Department

On page 99 of the transcript, Mr Manning gave evidence that two jurisdictions (New South Wales and the Northern Territory) had not yet formally advised the Commonwealth of whether they support the bill and on their plans to introduce it. The Department would like to confirm that a response from New South Wales had been received by the Attorney-General on 11 February 2013, but not delivered to the relevant area of the Department at the time of the hearing (12 February 2013).

On page 99 of the transcript, Mr Manning gave evidence about the content of the model legislation. Mr Manning advised that he did not have the detail with him, but that the model legislation pertains to arrangements "that are necessary to both establish the national preventative mechanism, and the legislation would also govern visits by the international body".

The Department would like to clarify that while future Commonwealth legislation to implement the treaty is likely to deal with the national preventative mechanism, the model legislation to be implemented by each jurisdiction deals exclusively with arrangements that would provide for visits by the international body. Australia intends to utilise Article 24 of the OPCAT to postpone the implementation of obligations to establish a national preventive mechanism for three years, with a possible further two year extension. This is due to the significant planning and consultation that must take place in order to develop a rigorous and robust National Preventive Mechanism.

In the course of discussion about the development of justice specific 'Closing the Gap' targets on page 101 of the transcript, Senator Wright asked when the issue was referred by the Standing Committee of Attorneys-General (SCAG) to Council of Australian Governments (COAG).

The Department can confirm that on 25 October 2011, the Hon John Rau MP, the then Chair of SCAG, wrote to the Prime Minister, the Hon Julia Gillard MP, as Chair of COAG formally referring the issue of justice targets to COAG.

On page 117 of the transcript Mr Sheehan responded in the affirmative to the statement by Senator Furner that persons impacted by the January 2013 floods in Queensland are eligible to apply for the Disaster Income Recovery Subsidy (DIRS) up to 22 April.

The Department would like to clarify that a person may be eligible for the DIRS for up to 13 weeks of the payment. The 22nd of April 2013 is 13 weeks from the date of the Prime Minister's declaration. However, claims for DIRS can be submitted for a period of up to six months after the declaration, that is until 4 August 2013.

Australian Customs and Border Protection Service

In responding to questions from Senator Brandis regarding vessels used by the French in the Southern Ocean that embark Australian officers, RADM Johnston stated on page 39 of the transcript that "Some of them are converted fishing vessels that are suitable. Others are ex-corvettes, I think, from the South African Navy - or of that size. They vary in size."

Customs and Border Protection wishes to clarify that vessels used by France for Southern Ocean patrols include converted fishing vessels but are not ex-corvettes from the South African Navy. France does not have any vessels originating from the South African Navy deployed for use in Southern Ocean patrols.

The action officer for this matter is Anna Gordon who can be contacted

Yours sincerely

Simon Kelly
Director
Legislation and Parliamentary Liaison Section