

The Senate

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Standing Committee on  
Legal and Constitutional Affairs

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Budget estimates 2008–09

June 2008

Commonwealth of Australia  
ISBN 978-0-642-71924-9

This document was prepared by the Senate Legal and Constitutional Affairs Committee and printed by the Senate Printing Unit, Parliament House, Canberra.

## MEMBERS OF THE COMMITTEE

### Members

Senator Patricia Crossin, **Chair**, ALP, NT  
Senator Guy Barnett, **Deputy Chair**, LP, TAS  
Senator Andrew Bartlett, AD, QLD  
Senator Mary Jo Fisher, LP, SA  
Senator Linda Kirk, ALP, SA  
Senator Annette Hurley, ALP, SA  
Senator Gavin Marshall, ALP, VIC  
Senator Russell Trood, LP, QLD

### Senators who attended

Senator Patricia Crossin (Chair), Senator Guy Barnett (Deputy Chair), Senator the Hon. Eric Abetz, Senator Andrew Bartlett, Senator Mark Bishop, Senator the Hon. Ronald Boswell, Senator the Hon. George Brandis, Senator David Bushby, Senator the Hon. Christopher Ellison, Senator Mitch Fifield, Senator Mary Jo Fisher, Senator the Hon. Bill Heffernan, Senator John Hogg, Senator Gary Humphries, Senator Linda Kirk, Senator Gavin Marshall, Senator Ian Macdonald, Senator the Hon. Brett Mason, Senator Christine Milne, Senator the Hon. Nicholas Minchin, Senator Kerry Nettle, Senator Stephen Parry, Senator Marise Payne, Senator Rachel Siewert and Senator Russell Trood

NOTE: all senators may attend a meeting of a committee in relation to estimates, question witnesses and participate in the deliberation of the committee at such a meeting (see Standing Order 26(8)).

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# TABLE OF CONTENTS

<b>MEMBERS OF THE COMMITTEE .....</b>	<b>iii</b>
<b>ABBREVIATIONS.....</b>	<b>ix</b>
<b>PREFACE.....</b>	<b>xi</b>
Reference of documents .....	xi
Estimates hearings .....	xi
Ministers .....	xii
Questions on notice .....	xii
Report .....	xii
<b>CHAPTER 1 .....</b>	<b>1</b>
<b>ATTORNEY-GENERAL'S PORTFOLIO.....</b>	<b>1</b>
Introduction .....	1
Australian Federal Police (AFP) .....	1
Australian Commission for Law Enforcement Integrity (ACLEI) .....	2
Australian Crime Commission (ACC) .....	2
Australian Security Intelligence Organisation (ASIO) .....	3
National Native Title Tribunal (NNTT).....	4
Federal Magistrates Court .....	5
Attorney-General's Department (AGD) .....	6
Other agencies and themes .....	7
Procedural Issues .....	8
<b>CHAPTER 2 .....</b>	<b>11</b>
<b>IMMIGRATION AND CITIZENSHIP PORTFOLIO .....</b>	<b>11</b>
Introduction .....	11
Migration Review Tribunal (MRT) and Refugee Review Tribunal (RRT) .....	11
Department of Immigration and Citizenship (DIAC) .....	12

Procedural Issues .....	14
<b>APPENDIX 1 .....</b>	<b>15</b>
<b>LETTER FROM THE DEPARTMENT OF PRIME MINISTER AND     CABINET REGARDING THE DISCLOSURE OF LEGAL ADVICE .....</b>	<b>15</b>
<b>APPENDIX 2 .....</b>	<b>17</b>
<b>LETTER FROM THE CLERK OF THE SENATE TO THE ATTORNEY-     GENERAL'S DEPARTMENT REGARDING DISCLOSURE OF ADVICE     GIVEN TO MINISTERS.....</b>	<b>17</b>
<b>APPENDIX 3 .....</b>	<b>19</b>
<b>ADVICE PROVIDED BY THE CLERK OF THE SENATE REGARDING     STANDING ORDER 25(13).....</b>	<b>19</b>
<b>APPENDIX 4.....</b>	<b>21</b>
<b>ADVICE PROVIDED BY THE CLERK OF THE SENATE REGARDING     LEGAL ADVICE .....</b>	<b>21</b>
<b>APPENDIX 5 .....</b>	<b>23</b>
<b>DEPARTMENTS AND AGENCIES UNDER THE TWO PORTFOLIOS FOR     WHICH THE COMMITTEE HAS OVERSIGHT.....</b>	<b>23</b>
Immigration and Citizenship .....	23
Attorney-General and Home Affairs .....	23
<b>APPENDIX 6 .....</b>	<b>25</b>
<b>INDEX OF PROOF HANSARD FOR THE ATTORNEY-GENERAL'S     PORTFOLIO .....</b>	<b>25</b>
Monday, 26 May 2008 .....	25
Tuesday, 27 May 2008 .....	25
<b>TABLED DOCUMENTS.....</b>	<b>26</b>
<b>APPENDIX 7 .....</b>	<b>27</b>

<b>INDEX OF PROOF HANSARD FOR THE IMMIGRATION AND CITIZENSHIP PORTFOLIO.....</b>	<b>27</b>
Wednesday, 28 May 2008 .....	27
Thursday, 29 May 2008.....	27
<b>TABLED DOCUMENTS.....</b>	<b>27</b>
<b>APPENDIX 8.....</b>	<b>29</b>
<b>CHANGES TO OUTCOME/OUTPUT STRUCTURE ATTORNEY- GENERAL'S DEPARTMENT.....</b>	<b>29</b>
<b>APPENDIX 9.....</b>	<b>33</b>
<b>CHANGES TO OUTCOME/OUTPUT STRUCTURE DEPARTMENT OF IMMIGRATION AND CITIZENSHIP .....</b>	<b>33</b>





## **ABBREVIATIONS**

ACS	Australian Customs Service
ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
AGD	Attorney-General's Department
AGS	Australian Government Solicitor
ASIO	Australian Security Intelligence Organisation
AUSTRAC	Australian Transaction Reports and Analysis Centre
DIAC	Department of Immigration and Citizenship
HREOC	Human Rights and Equal Opportunity Commission
MCV	Maritime Crew Visa
MRT	Migration Review Tribunal
MSL	Minimum Salary Level
NNTT	National Native Title Tribunal
RRT	Refugee Review Tribunal



# PREFACE

On 13 May 2008, the Senate referred to the committee the examination of estimates of proposed expenditure for the financial year 2008-09. The committee is responsible for the examination of the Attorney-General's portfolio and the Immigration and Citizenship portfolio. The portfolio budget statements were tabled on 13 May 2008.

## Reference of documents

The Senate referred to the committee, for examination and report, the following documents:

- Particulars of proposed expenditure in respect of the year ending on 30 June 2009 (relating to Appropriation Bill (No. 1) 2008-09);
- Particulars of certain proposed expenditure in respect of the year ending on 30 June 2009 (relating to Appropriation Bill (No. 2) 2008-09); and
- Particulars of proposed supplementary expenditure in respect of the year ending on 30 June 2008.

The committee was required to report on its consideration of the Additional Estimates on or before 24 June 2008.

## Estimates hearings

The committee met in public session on **26, 27, 28, 29 May 2008**.

Over the course of the four days' hearings, totalling over 38 hours, the committee took evidence from the following departments and agencies:

- Attorney-General's Department (AGD);
- Australian Crime Commission;
- Australian Commission for Law Enforcement Integrity (ACLEI);
- Australian Customs Service (ACS);
- Administrative Appeals Tribunal;
- Australian Government Solicitor (AGS);
- Australian Federal Police (AFP);
- Australian Security Intelligence Organisation (ASIO);
- Australian Transaction Reports and Analysis Centre (AUSTRAC);
- Classification Board;
- Classification Review Board

- CrimTrac;
- Department of Immigration and Citizenship (DIAC);
- Family Court of Australia;
- Federal Court;
- Federal Magistrates Court;
- Human Rights and Equal Opportunity Commission (HREOC);
- Insolvency and Trustee Service of Australia;
- National Native Title Tribunal;
- Migration Review Tribunal (MRT)
- Office of the Director of Public Prosecutions; and
- Refugee Review Tribunal (RRT).

Copies of *Hansard* are available on the internet at the following address:  
<http://www.aph.gov.au/hansard/index.htm>.

An index of the Hansard for each portfolio appears at Appendix 6 and Appendix 7.

## **Ministers**

The committee heard evidence from Senator the Hon Joseph Ludwig, Minister for Human Services representing the Attorney-General and Minister for Home Affairs, and from Senator the Hon Chris Evans, Minister for Immigration and Citizenship.

Officers from both departments and associated agencies also appeared. The committee thanks Ministers and officers for their assistance.

## **Questions on notice**

Further written explanations, and answers to questions on notice, will be tabled as soon as possible after they are received. That information is also available on the committee's internet page at the following address:  
[http://www.aph.gov.au/Senate/committee/legcon\\_ctte/estimates/index](http://www.aph.gov.au/Senate/committee/legcon_ctte/estimates/index).

The committee has resolved that the due date for submitting responses to questions on notice from the Budget Estimates round is 10 July 2008.

## **Report**

In this report, the committee draws the attention of the Senate to issues raised in the two days of hearings. These included:

### ***Australian Commission for Law Enforcement Integrity***

- caseload;

- current and projected funding; and
- staffing.

#### ***Australian Crime Commission***

- current and projected financial position and the impact of the increased efficiency dividend;
- staffing levels; and
- Indigenous violence and child abuse taskforce.

#### ***Australian Security Intelligence Organisation***

- appropriations and staffing; and
- visa related security assessments.

#### ***Attorney-General's Department***

- conclusion of the National Community Crime Prevention Program;
- Clarke Inquiry into the case of Dr Mohamad Haneef; and
- new appointment processes for federal judges and magistrates.

#### ***Procedural Issues***

- provision of legal advice;
- claim of public interest immunity;
- allegation that the committee was misled; and
- standing order 25(13).

#### ***Migration Review Tribunal and Refugee Review Tribunal***

- current workload; and
- complaints.

#### ***Department of Immigration and Citizenship***

- current and projected financial position and the impact of the increased efficiency dividend;
- staffing levels;
- visa subclass 457; and
- citizenship test.



# CHAPTER 1

## ATTORNEY-GENERAL'S PORTFOLIO

### Introduction

1.1 This chapter summarises areas of interest and concern raised during the committee's consideration of the budget estimates for the Attorney-General's portfolio for the 2008-09 financial year.

### Australian Federal Police (AFP)

1.2 At the commencement of the first day of hearings, the Commissioner of the AFP made an opening statement in which he responded to the Committee of Privileges 133<sup>rd</sup> report.<sup>1</sup> The commissioner told the committee that he had 'always accurately relayed my knowledge and understanding from briefings and updates received of the events surrounding Mr Habib'<sup>2</sup>, observing that 'at times members of the committee clearly misinterpreted these responses...'.<sup>3</sup>

1.3 The Commissioner also responded to criticism in the report that answers to questions on notice were delayed and too narrowly focused, arguing that the delays were a result of the Commonwealth practice of obtaining ministerial clearance for answers.<sup>4</sup> The Commissioner told the committee that 95% of the AFP's answers had been provided to the Minister before the due date.<sup>5</sup>

1.4 The committee questioned officers about an item in the budget which will provide for the recruitment of an additional 500 AFP officers over 5 years.<sup>6</sup> Senators were interested to know why the bulk of the officers would be recruited in the final two years of the measure.<sup>7</sup> Officers told the committee that the AFP College was currently working at capacity and could not train additional recruits.<sup>8</sup> Officers told the committee that additional capital expenditure would increase the capacity of the AFP College allowing for recruitment of the extra officers.<sup>9</sup>

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1 *Committee Hansard*, 26 May 2008, pp 5-7.

2 *Committee Hansard*, 26 May 2008, p. 6.

3 *Committee Hansard*, 26 May 2008, p. 6.

4 *Committee Hansard*, 26 May 2008, p. 6.

5 *Committee Hansard*, 26 May 2008, p. 6.

6 *Committee Hansard*, 26 May 2008, pp 30-34.

7 *Committee Hansard*, 26 May 2008, pp 30-34.

8 *Committee Hansard*, 26 May 2008, p. 32.

9 *Committee Hansard*, 26 May 2008, p. 32.

## **Australian Commission for Law Enforcement Integrity (ACLEI)**

1.5 The committee questioned officers on ACLEI's current caseload.<sup>10</sup> Officers told the committee that since its establishment ACLEI had received some 48 corruption complaints.<sup>11</sup> Officers told the committee that of these 48, 20 had been dismissed with no further action with the remaining 28 being the subject of ongoing investigations.<sup>12</sup>

1.6 Continuing its examination of ACLEI, the committee sought details on ACLEI's current and projected funding.<sup>13</sup> Officers told the committee that in the forward estimates ACLEI would receive an additional \$7.5 million in funding over four years.<sup>14</sup> The committee heard that \$1.5 million of this funding would be appropriated in the 2008-09 financial year.<sup>15</sup>

1.7 Officers told the committee that ACLEI had plans to increase its staffing level by seven employees with three additional staff in 2008-09 and a further four in 2009-10.<sup>16</sup> Seeking further detail the committee heard that five of these staff would hold investigative roles with the remaining two dedicated to ACLEI's corporate functions.<sup>17</sup> Officers told the committee this would increase ACLEI's total investigative staff to 8 by 2012.<sup>18</sup>

## **Australian Crime Commission (ACC)**

1.8 The committee sought information on the current and projected financial position of the ACC.<sup>19</sup> The committee heard that the proposed annual appropriation for the 2008-09 financial year totalled \$96.663 million.<sup>20</sup> Officers went on to advise that the ACC receives an additional \$12.335 million from Commonwealth, state and territory agencies, taking the ACC's projected total budget for the 2008-09 financial year to \$108.99 million.<sup>21</sup> Officers told the committee that the 'net impact of the

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10 *Committee Hansard*, 26 May 2008, pp 75-76.

11 *Committee Hansard*, 26 May 2008, p. 75.

12 *Committee Hansard*, 26 May 2008, p. 75.

13 *Committee Hansard*, 26 May 2008, pp 74-83.

14 *Committee Hansard*, 26 May 2008, p. 81.

15 *Committee Hansard*, 26 May 2008, p. 81.

16 *Committee Hansard*, 26 May 2008, p. 78.

17 *Committee Hansard*, 26 May 2008, p. 78.

18 *Committee Hansard*, 26 May 2008, p. 78.

19 *Committee Hansard*, 26 May 2008, pp 83-88.

20 *Committee Hansard*, 26 May 2008, p. 83.

21 *Committee Hansard*, 26 May 2008, p. 83.



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efficiency dividend and weighed indexation is a reduction in appropriation in the 2008-09 year of \$2.320 million.<sup>22</sup>

1.9 Committee members sought detail on how the reduced appropriation would affect the ACC's current functions.<sup>23</sup> Officers told the committee that the ACC would look at several areas where efficiencies could be obtained,<sup>24</sup> including:

- infrastructure costs;
- operational costs; and
- supply costs.

1.10 Committee members went on to question officers about projected staffing levels and how they were affected by the application of the efficiency dividend.<sup>25</sup> Officers told the committee that the ACC was estimated to reduce staffing by 50 full time equivalent positions.<sup>26</sup> This, officers told the committee, would result in savings of approximately \$5-6 million.<sup>27</sup>

1.11 The committee also questioned officers about the ACC's National Indigenous Violence and Child Abuse Intelligence Task Force (the Task Force).<sup>28</sup> The committee heard that the ACC had 37 staff working in the Task Force, 17 of whom work in the Northern Territory.<sup>29</sup> Officers told the committee that since the establishment of the Task Force:

...we have conducted 163 visits to 128 different communities and we have also attended over 1,200 meetings across Australia. As a result of all that activity, we have disseminated 330 pieces of information to the various agencies...we have uploaded 750 information reports into the Australian Criminal Intelligence Database...Also seven intelligence reports have been produced on situations or persons of interest...<sup>30</sup>

### **Australian Security Intelligence Organisation (ASIO)**

1.12 The committee sought information about ASIO's current and future appropriations. Officers told the committee that ASIO's total appropriations in 2007-

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22 *Committee Hansard*, 26 May 2008, p. 83.

23 *Committee Hansard*, 26 May 2008, p. 83.

24 *Committee Hansard*, 26 May 2008, p. 83.

25 *Committee Hansard*, 26 May 2008, pp 84-85.

26 *Committee Hansard*, 26 May 2008, p. 84.

27 *Committee Hansard*, 26 May 2008, p. 84.

28 *Committee Hansard*, 26 May 2008, pp 85-94.

29 *Committee Hansard*, 26 May 2008, p. 89.

30 *Committee Hansard*, 26 May 2008, p. 90.

08 were \$291,460,000 rising to \$352,653,000 in 2008-09.<sup>31</sup> Officers explained that this increase in appropriations was largely attributable to the employment of additional staff.<sup>32</sup> The committee was told that for 2007-08 the average staffing level is expected to be 1,349 full-time equivalent staff<sup>33</sup> and this would rise in 2008-09 to 1,535 full-time equivalent staff, representing an increase of 186.<sup>34</sup> Officers told the committee that ASIO is on track to increase staffing levels to 1,860 by 2010-11.<sup>35</sup>

1.13 Committee members also sought information on the processing of security assessments for persons entering Australia.<sup>36</sup> Officers told the committee that for the period 1 July 2007 to 31 March 2008 ASIO completed approximately 49,000 visa assessments, consisting of 38,000 temporary visas and 11,000 permanent visas.<sup>37</sup> Officers went on to explain that they expect to finalise 65,000 assessments in the 2007-08 financial year compared to 53,000 assessments in 2006-07.<sup>38</sup>

### **National Native Title Tribunal (NNTT)**

1.14 Committee members questioned officers on the number of native title claims currently before the NNTT.<sup>39</sup> Officers told the committee that as of 31 March 2008, the NNTT had 557 native title applications, including 513 claimant applications.<sup>40</sup> Senators sought details on how long the NNTT projected it would take to finalise these applications.<sup>41</sup> Officers told the committee:

Using our projections and looking at analysis of how many claims have been lodged each year, and factoring that over the forthcoming years... we anticipate it will be around 30 years.<sup>42</sup>

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31 *Committee Hansard*, 26 May 2008, p. 52.

32 *Committee Hansard*, 26 May 2008, p. 52.

33 *Committee Hansard*, 26 May 2008, p. 51.

34 *Committee Hansard*, 26 May 2008, p. 51.

35 *Committee Hansard*, 26 May 2008, p. 62.

36 *Committee Hansard*, 26 May 2008, pp 52-53.

37 *Committee Hansard*, 26 May 2008, pp 52-53.

38 *Committee Hansard*, 26 May 2008, p. 52.

39 *Committee Hansard*, 27 May 2008, pp 5-8.

40 *Committee Hansard*, 27 May 2008, p. 5.

41 *Committee Hansard*, 27 May 2008, p. 5.

42 *Committee Hansard*, 27 May 2008, p. 6.

1.15 The committee sought information on the years in which claims currently before the NNTT had been lodged.<sup>43</sup> Officers provided a breakdown<sup>44</sup> which is contained in the table below:

Year lodged	2003 onwards	Between 1998-2002	Before 1998
Number	282	282	112

1.16 Officers told the committee that the oldest application currently before the NNTT was lodged 14 years ago. Officers explained that time taken to resolve an application was affected by several factors, including<sup>45</sup>:

- timetabling, management, preparation and assessment of connection material;
- timetabling and working of tenure analysis;
- overlapping claims; and
- the number of parties involved and assessing their interest in the application itself.

1.17 The committee heard that the government intends to reform the native title process which it is hoped will reduce the time taken to resolve claims.<sup>46</sup>

### **Federal Magistrates Court**

1.18 The committee questioned officers on the current number of sitting magistrates on the Federal Magistrates Court (the court). Officers told the committee that owing to a retirement and a death the number of sitting magistrates had reduced from 53 to 51.<sup>47</sup> The committee heard that it was proposed to increase the number of sitting magistrates by 9 in the near future.<sup>48</sup>

1.19 Committee members also sought information on the current workload of the court.<sup>49</sup> Officers told the committee that family law matters accounted for 79 per cent of the court's workload.<sup>50</sup> Officers told the committee that since the creation of the

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43 *Committee Hansard*, 27 May 2008, p. 5.

44 *Committee Hansard*, 27 May 2008, p. 5.

45 *Committee Hansard*, 27 May 2008, p. 6.

46 *Committee Hansard*, 27 May 2008, pp 7-8.

47 *Committee Hansard*, 27 May 2008, p. 102.

48 *Committee Hansard*, 27 May 2008, p. 103.

49 *Committee Hansard*, 27 May 2008, pp 104-105.

50 *Committee Hansard*, 27 May 2008, p. 104.

court there had been an increase in the number of family law matters as a percentage of total matters.<sup>51</sup>

### **Attorney-General's Department (AGD)**

1.20 Changes to the Outcome and Output structure of AGD can be found at Appendix 8.

### ***National Community Crime Prevention Program***

1.21 Committee members sought information on why the forward estimates did not contain funding for the National Community Crime Prevention Program (NCCPP). This program:

...provided for a range of targeted community crime prevention projects as part of the Safer Suburbs Program, which aims to reduce crime [and], antisocial behaviour...<sup>52</sup>

1.22 Officers told the committee that the program had been funded for 4 years and as such would lapse on 30 June 2008.<sup>53</sup> Officers also told the committee that although the NCCPP would lapse, some of the projects funded would continue to operate until 2010-11.<sup>54</sup> The committee heard that 417 small grants and 311 large grants had been awarded under the NCCPP.<sup>55</sup>

### ***Clarke Inquiry into the case of Dr Mohamed Haneef***

1.23 On 13 March 2008 the Attorney-General announced the appointment of the Hon. John Clarke QC to conduct an inquiry into the case of Dr Mohamed Haneef. The committee sought information about the inquiry's establishment and funding.<sup>56</sup> The committee heard that the inquiry was estimated to cost \$4.2 million dollars with \$2.2 million appropriated for 2008-09 and the remainder of the funds coming from unspent appropriations for the Equine Influenza Inquiry.<sup>57</sup> The committee also questioned officers on staffing, consultants and other costs associated with the inquiry.<sup>58</sup>

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51 *Committee Hansard*, 27 May 2008, p. 104.

52 *Committee Hansard*, 27 May 2008, p. 45.

53 *Committee Hansard*, 27 May 2008, pp 43-46.

54 *Committee Hansard*, 27 May 2008, p. 44.

55 *Committee Hansard*, 27 May 2008, p. 44.

56 *Committee Hansard*, 27 May 2008, pp 62-73.

57 *Committee Hansard*, 27 May 2008, p. 62.

58 *Committee Hansard*, 27 May 2008, pp 62-73.

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### ***Appointment processes for federal judges and magistrates***

1.24 Continuing its interest from the 2007-08 Additional Estimates round<sup>59</sup> the committee sought an update on the implementation of new appointment procedures for federal judges and magistrates.<sup>60</sup> Officers told the committee that selection processes had commenced for both the Federal Court of Australia and the Federal Magistrates Court.<sup>61</sup>

1.25 In relation to the Federal Magistrates Court, officers told the committee that following the placement of advertisements, 109 nominations had been received.<sup>62</sup> Officers also told the committee that a 4 person selection panel had been appointed consisting of a current and a retired magistrate as well as two officers from the Attorney-General's Department.<sup>63</sup> The committee heard that interviews were underway.<sup>64</sup>

1.26 In relation to the Federal Court of Australia, officers told the committee that following the placement of advertisements a selection panel was appointed consisting of two judges and two officers from the Attorney-General's Department.<sup>65</sup> The selection panel received over 90 nominations. These nominations had been considered and a report provided to the Attorney-General.<sup>66</sup> Officers told the committee that the Attorney-General had indicated that two appointments would be made in Sydney.<sup>67</sup>

### **Other agencies and themes**

1.27 Detailed questioning of departments and agencies on expenditure, both past and predicted, was a consistent feature of the hearings. The committee questioned several agencies on the application of the one off increase in the efficiency dividend; seeking detail on how this would affect staffing levels and programs.

1.28 The committee also sought updates on a number of matters from previous estimates rounds, these included:

- the extradition of Dr Jayant Patel;
- the Northern Territory Emergency Response; and
- Commonwealth purchasing of legal services.

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59 *Committee Hansard*, 18 February 2008, pp 109-116.

60 *Committee Hansard*, 27 May 2008, pp 33-42.

61 *Committee Hansard*, 27 May 2008, pp 33-35.

62 *Committee Hansard*, 27 May 2008, p. 35.

63 *Committee Hansard*, 27 May 2008, p. 35.

64 *Committee Hansard*, 27 May 2008, pp 36-37.

65 *Committee Hansard*, 27 May 2008, p. 33.

66 *Committee Hansard*, 27 May 2008, p. 41.

67 *Committee Hansard*, 27 May 2008, p. 34.

## Procedural Issues

### *Provision of legal advice*

1.29 In continuation from the Additional Estimates round in March 2008 committee members questioned both AGD and the Office of Parliamentary Counsel on legal advice provided to the government regarding possible compensation to the 'stolen generation'. Officers tabled a letter from the Secretary of the Department of Prime Minister and Cabinet, Mr Terry Moran, stating the government's revised position on the disclosure of legal advice (Appendix 1).

1.30 This letter represented a significant change in stance from that previously adopted, which had conflicted with the Senate's resolutions about the provision of advice. The letter stated that the Government 'will not generally disclose the content of legal advice' but went on to state that:

...it will generally be appropriate for an official to disclose whether legal advice has been sought and obtained on a particular issue, and if asked, who provided the advice, unless there are compelling reasons to keep such information confidential.

1.31 Nonetheless, the committee still experienced some difficulties in obtaining answers to questions about whether legal advice had been obtained.

1.32 As in previous rounds, Senators asked representatives of the Australian Government Solicitor (AGS), a provider of advice, if advice had been sought. The officer asked the committee to consider that 'AGS as a legal services provider is in a slightly different position to an official of a department who may or may not have sought legal advice from an organisation like my own or, in fact, any private sector law firm.'<sup>68</sup> When subsequently questioned about the provision of advice in relation to amendments to the *Reserve Bank Act*, the officer responded that 'whether or not AGS has provided advice is more appropriately a matter for the government'.<sup>69</sup>

1.33 The Minister subsequently attempted to clarify the position, advising the committee in the following terms:

...the most appropriate place to direct that is to the relevant department at the relevant committee. The reason is that, if there are questions about whether or not the information may itself disclose information that may not have been anticipated, then it would be the relevant department that would be in a position to claim the matter is outside of what they could reasonably provide to a committee. They may also raise the issue that it is a matter that might, for argument's sake, go to national security or some other case.

In respect of AGS, it is, as you can appreciate, a client of the department. It is placed in two issues. One, it provides a competitive market in legal

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<sup>68</sup> *Committee Hansard*, 27 May 2008, p. 20.

<sup>69</sup> *Committee Hansard*, 27 May 2008, p. 21.

services to the government. Two, it provides confidential advice to government departments where legal privilege would be attracted. Therefore, there are two ways we can proceed. We can ask AGS whether they can obtain, in respect of the information that you seek, clearance from the relevant department—I think that is a difficult direction to proceed—or you can direct the question to the relevant department to provide that advice that you seek in respect of whether legal advice was sought, the date and the usual matters that you have raised before.<sup>70</sup>

1.34 The Secretary of the Attorney-General's Department, Mr Robert Cornall AO, also elaborated on the intentions of Mr Moran's letter as applied to the AGS:

If, for example, we sought advice from the AGS, we would advise you that we sought advice from the AGS. I do not think you can read into this paragraph a requirement that the AGS should respond that the department sought advice from it. 'It' is the service provider and this letter is directed to government departments to disclose to you on request from whom they sought advice.<sup>71</sup>

1.35 In subsequent discussions, Mr Cornall tabled a letter dated 22 April 2008 from the Clerk of the Senate, Mr Harry Evans, which he said 'indicates that the Minister who receives the advice should be asked for it...'.<sup>72</sup>

1.36 When committees ask for copies of legal advices, there is a clear distinction to be drawn between advices sought by Ministers and those sought by Departments, as was made clear in a further note provided to the committee by the Clerk on 30 May. As pointed out by the Clerk:

...as advices provided to ministers by definition belong to ministers, in the absence of circumstances mentioned in the note [to Mr Cornall, dated 22 April] officers are justified, under the rules of the Senate, in referring requests for such advices to the relevant ministers.<sup>73</sup>

1.37 In relation to advice sought by departments, as pointed out by the Clerk, 'there may well be circumstances in which a department is able to disclose such advice without reference to a minister'.

1.38 The committee observes however that in raising objections to some of the questions asked, officers were failing to distinguish between questions seeking copies of advice and questions about whether advice had been provided, when and to whom.

1.39 The committee considers that this is an important distinction. While there may be an argument that the owner of an advice is the appropriate person to ask for that advice, the same cannot be said about questions about whether advice was sought, or

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<sup>70</sup> *Committee Hansard*, 27 May 2008, p. 22.

<sup>71</sup> *Committee Hansard*, 27 May 2008, p. 23.

<sup>72</sup> Appendix 2.

<sup>73</sup> Appendix 4.

when it was sought. The committee is of the view that such questions should be answered, whether they are asked of the recipient of the advice or the agency that gave the advice, such as the AGS.

1.40 If officers consider that there are sound reasons for not answering a question as to whether advice was sought and when, then they must immediately refer the question to the minister who must make a public immunity interest claim. The committee does not consider that it is reasonable for an officer to refuse to answer such a question simply on the basis that they consider that it is a question more appropriately answered by the organisation who sought the advice.

### ***Claim of public interest immunity***

1.41 Committee members questioned officers on the specifics of negotiations between the Australian and Chinese governments on the Olympic Torch relay conducted in Canberra.<sup>74</sup> Officers expressed concerns about answering the questions given the confidential nature of the negotiations between Australian and Chinese officials. The minister, claiming public interest immunity, subsequently objected to officers answering the questions on the grounds that to do so would prejudice Australia's international relations.<sup>75</sup>

### ***Allegation that the committee was misled***

1.42 On 1 November 2007, the committee received a letter by facsimile alleging that an officer of the Attorney-General's Department, Ms Sue Pidgeon, had provided evidence that appeared to be 'inaccurate or misleading' at the Budget Estimates in May 2007. The evidence in question was in relation to family relationship centres, and was given in response to questions asked by Senator Ludwig.

1.43 The committee sought a response from Ms Pidgeon, who stated that she had answered all questions accurately and to the best of her recollection at the time of the hearing. The committee considered Ms Pidgeon's response and the letter from the complainant, together with transcripts of the evidence received, with a view to determining whether to recommend to the Senate that a reference to the Standing Committee of Privileges be made in relation to the matter.

1.44 In considering this matter, the committee was mindful of the criteria to be taken into account when determining matters relating to contempt, as laid out in Parliamentary Privilege Resolution 3. On the basis of these criteria and Ms Pidgeon's response, the committee determined that it would not recommend a reference to the Privileges Committee and resolved to take no further action in relation to the matter.

1.45 In accordance with a request from the complainant for confidentiality, the committee has determined that all correspondence in relation to this matter is to be kept in-camera.

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<sup>74</sup> *Committee Hansard*, 26 May 2008, pp 34-41.

<sup>75</sup> *Committee Hansard*, 26 May 2008, pp 40-41.



# CHAPTER 2

## IMMIGRATION AND CITIZENSHIP PORTFOLIO

### Introduction

2.1 This chapter summarises areas of interest and concern raised during the committee's consideration of the budget estimates for the Immigration and Citizenship portfolio for the 2008-09 financial year.

### Migration Review Tribunal (MRT) and Refugee Review Tribunal (RRT)

2.2 The committee received an update from officers on the current workload for both the MRT and RRT (the Tribunals).<sup>1</sup> Officers told the committee that for the period 1 July 2007 to 30 April 2008 the MRT received 5,280 lodgements, up from 4,809 for the same period in 2006-07.<sup>2</sup> For the period 1 July 2007 to 30 April 2008 the RRT had received 1,882 lodgements compared to 2,403 lodgements for the same period in 2006-07.<sup>3</sup> Officers told the committee that a range of factors affected the Tribunals' workloads including overseas events and changes to relevant legislation.<sup>4</sup>

2.3 The committee also received an update on the number of complaints lodged against the Tribunals.<sup>5</sup> In relation to the MRT officers told the committee that:

In the year to date there have been 15 complaints against members. These complaints are investigated internally and, of the complaints received, three were upheld and 12 were dismissed. There were no complaints against staff.<sup>6</sup>

2.4 Officers then went on to outline the number of complaints lodged against the RRT, stating that:

...six complaints against members were received and investigated, with two being upheld, one partially upheld and three dismissed. Again, there were no complaints against staff.<sup>7</sup>

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1 *Committee Hansard*, 28 May 2008, p. 3.

2 *Committee Hansard*, 28 May 2008, p. 3.

3 *Committee Hansard*, 28 May 2008, p. 3.

4 *Committee Hansard*, 28 May 2008, p. 4.

5 *Committee Hansard*, 28 May 2008, p. 3.

6 *Committee Hansard*, 28 May 2008, p. 3.

7 *Committee Hansard*, 28 May 2008, p. 3.

2.5 Committee members questioned officers on the complaint handling procedures for both the MRT and RRT.<sup>8</sup> Officers told the committee that when it receives a complaint about a member, a senior member carries out an investigation, the results of which are communicated to the complainant.<sup>9</sup> Officers went on to explain that members of the Tribunals have their performance appraised by a senior member every 12 to 18 months.<sup>10</sup> Officers agreed to provide the committee with the details of the complaints received on notice.<sup>11</sup>

### **Department of Immigration and Citizenship (DIAC)**

2.6 The committee continued lines of questioning from previous estimates rounds concerning DIAC's financial position. Senators sought information about efficiency initiatives referred to in Budget Paper No.2 for DIAC.<sup>12</sup> The Minister told the committee that the efficiency measures were a result of a financial 'health check' sponsored by the Department of Finance and Deregulation,<sup>13</sup> explaining that the efficiency measures consisted of 'work that could be done differently or ceased within the department.'<sup>14</sup>

2.7 Committee members questioned officers on the effects of the one-off increase in the efficiency dividend.<sup>15</sup> Specifically, senators sought details on how individual outputs and programs would be affected. Officers told the committee that final decisions had not yet been made in relation to the application of the efficiency dividend and undertook to provide the information on notice.<sup>16</sup>

2.8 The committee also questioned officers on staffing levels at DIAC,<sup>17</sup> seeking details of the projected reduction in staffing from 7,401 in 2007-08 to 7,176 in 2008-09.<sup>18</sup> Officers told the committee that the majority of the staffing reductions would come from DIAC's national office in Canberra<sup>19</sup> with a reduction of 16 on-going staff

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8 *Committee Hansard*, 28 May 2008, pp 4-5.

9 *Committee Hansard*, 28 May 2008, p. 4.

10 *Committee Hansard*, 28 May 2008, p. 5.

11 *Committee Hansard*, 28 May 2008, p. 8.

12 *Budget Paper No.2 2008-09*, p. 383.

13 *Committee Hansard*, 28 May 2008, pp 12-13.

14 *Committee Hansard*, 28 May 2008, p. 13.

15 *Committee Hansard*, 28 May 2008, p. 13

16 *Committee Hansard*, 28 May 2008, pp 13-14.

17 *Committee Hansard*, 28 May 2008, pp 23-26.

18 *Committee Hansard*, 28 May 2008, p. 23.

19 *Committee Hansard*, 28 May 2008, pp 23-24.

at overseas posts.<sup>20</sup> Officers explained that the reduction in staffing was a result of a range factors including the 'health check'.<sup>21</sup>

### ***Subclass 457 visas***

2.9 The committee continued its interest from previous estimates hearings in the subclass 457 visa. The committee questioned DIAC on the current backlog of 457 visa applications.<sup>22</sup> Officers told the committee that as of 13 June 2008 there was an on-hand caseload of 10,359 applications and that of those, 3,999 were outside the respective published service standards.<sup>23</sup> This compared with 14,300 on hand and 7,800 outside the service standard at the end of March 2008.<sup>24</sup> Officers also told the committee that following a directive from the Minister, extra resources had been allocated to the processing of subclass 457 visa applications in order to improve processing times.<sup>25</sup> Senators also questioned officers on a decision taken to increase the Minimum Salary Level (MSL) for subclass 457 visa holders.<sup>26</sup> Officers told the committee that the increase would apply from August 2008 and that the MSL had not been increased since May 2006.<sup>27</sup>

### ***Maritime Crew Visa***

2.10 The committee sought an update on the implementation of the Maritime Crew Visa (MCV).<sup>28</sup> Officers told the committee that the MCV had been a 'terrific success'<sup>29</sup> and that DIAC had received 'terrific feedback from the shipping industry'.<sup>30</sup> Officers told the committee that over 300,000 MCV's had been issued which had exceeded original projections.<sup>31</sup> Officers explained that 99.8 per cent of applications had been lodged electronically resulting in savings of approximately \$2.6 million.<sup>32</sup>

2.11 During its inquiry into the provisions of the *Migration Amendment (Maritime Crew) Bill 2007* the committee received evidence from DIAC and industry submitters that extensive formal and informal consultation had taken place during the

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20 *Committee Hansard*, 28 May 2008, p. 25.

21 *Committee Hansard*, 28 May 2008, pp 22-25.

22 *Committee Hansard*, 28 May 2008, pp 64-67.

23 *Committee Hansard*, 28 May 2008, p. 64.

24 *Committee Hansard*, 28 May 2008, pp 64-65.

25 *Committee Hansard*, 28 May 2008, p. 60.

26 *Committee Hansard*, 28 May 2008, pp 37-42.

27 *Committee Hansard*, 28 May 2008, p. 40.

28 *Committee Hansard*, 28 May 2008, p. 110.

29 *Committee Hansard*, 28 May 2008, p. 110.

30 *Committee Hansard*, 28 May 2008, p. 110.

31 *Committee Hansard*, 28 May 2008, p. 110.

32 *Committee Hansard*, 28 May 2008, p. 110.

development of the MCV.<sup>33</sup> The committee is of the view that this consultation has made a significant contribution to the success of the MCV. The committee believes that the implementation of the MCV is a good example of effective stakeholder engagement when developing and implementing new policies and encourages DIAC to continue this into the future.

### ***Citizenship Test***

2.12 The committee sought an update from DIAC on the operation of the citizenship test. The committee heard that the number of applicants undertaking the citizenship test had increased significantly and that 15,000 applicants were currently booked to sit the test.<sup>34</sup> Officers also told the committee that waiting times to sit the test had reduced significantly.

2.13 The committee also heard that humanitarian entrants continue to have significantly lower pass rates than other migrant cohorts. The committee has previously expressed concern at the lower pass rates for humanitarian cohorts<sup>35</sup> and awaits with interest the outcome of the Minister's review of the citizenship test.

### **Procedural Issues**

2.14 During the hearings committee members questioned officers on how increases in the migration intake would affect housing demand.<sup>36</sup> Committee members raised concerns that these questions went to the matters currently under consideration by the Senate Select Committee on Housing Affordability.<sup>37</sup> Under standing order 25(13):

A committee shall take care not to inquire into any matters which are being examined by a select committee of the Senate appointed to inquire into such matters and any question arising in this connection may be referred to the Senate for determination.<sup>38</sup>

2.15 Following a request from the committee, the clerk provided written advice (Appendix 3) regarding standing order 25(13).

Senator Trish Crossin  
**Committee Chair**

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33 Senate Standing Committee on Legal and Constitutional Affairs, *Migration Amendment (Maritime Crew) Bill 2007 [Provisions]*, April 2007, p. 7.

34 *Committee Hansard*, 29 May 2008, p. 19.

35 Senate Standing Committee on Legal and Constitutional Affairs, *Additional Estimates 2007-08*, March 2008, p. 6.

36 *Committee Hansard*, 28 May 2008, pp 17-19.

37 *Committee Hansard*, 28 May 2008, pp 17-18.

38 The Senate, *Standing Orders and other orders of the Senate*, September 2006, SO 25(13).

# APPENDIX 1

## LETTER FROM THE DEPARTMENT OF PRIME MINISTER AND CABINET REGARDING THE DISCLOSURE OF LEGAL ADVICE

hl.estadv.15969



Australian Government

Department of the Prime Minister and Cabinet

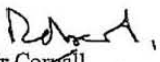
ONE NATIONAL CIRCUIT  
BARTON ACT

SECRETARY

Ref:

23 May 2008

Mr Robert Cornall AO  
Secretary  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

  
Dear Mr Cornall

I am writing to advise you of the Government's position in relation to the disclosure of legal advice provided to the Government.

You may be aware that the question of access to legal advice arose at meetings of the Senate considering Additional Budget Estimates. It is clearly desirable that the Government's position in relation to the release of legal advice be conveyed to you prior to Budget Estimates hearings to commence next week.

The Government will not generally disclose the content of legal advice. However, it will generally be appropriate for an official to disclose whether legal advice has been sought and obtained on a particular issue, and, if asked, who provided the advice, unless there are compelling reasons to keep such information confidential.

It is always open to the Government to disclose the content of legal advice where it considers that it is in the public interest to do so. In deciding whether it is appropriate to release the content of legal advice, a minister will balance the public interest in disclosure with the protection of the Government's legal interests. A decision whether to disclose the content of legal advice is properly made by the relevant minister, not officials.

Of course, where questions about legal advice are anticipated, it would be appropriate for officials to prepare and consult as necessary on answers to possible questions. Where there is

uncertainty about how to answer a particular question without potentially harmful disclosure, a question should be taken on notice for the seeking of advice, and either a cleared answer provided or a claim of privilege made by a minister.

Yours sincerely

A handwritten signature in black ink, appearing to read "Terry Moran". The signature is stylized with a prominent vertical stroke at the beginning and a long, sweeping horizontal stroke at the end.

Terry Moran

# APPENDIX 2

## LETTER FROM THE CLERK OF THE SENATE TO THE ATTORNEY-GENERAL'S DEPARTMENT REGARDING DISCLOSURE OF ADVICE GIVEN TO MINISTERS



AUSTRALIAN SENATE

CLERK OF THE SENATE

PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600  
TEL: (02) 6277 3350  
FAX: (02) 6277 3199  
E-mail: clerk.sen@aph.gov.au

hl.let.15918

22 April 2008

Mr Robert Cornall AO  
Secretary  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

Dear Mr  Cornall

### DISCLOSURE OF ADVICE GIVEN TO MINISTERS

I thought it might be useful to set out the basis of the points made during our conversations at the Summit, so as to indicate that we are on very firm ground.

Paragraph (16) of the Senate's Privilege Resolution no. 1, *Procedures to be observed by Senate committees for the protection of witnesses*, provides, amongst other things, that:

"An officer of a department of the Commonwealth or of a state .... shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister".

Paragraph 2.28 of the *Government Guidelines for Official Witnesses before Parliamentary Committees* provides that:

"Claims that information should be withheld from disclosure on grounds of public interest (public interest immunity) should only be made by Ministers (normally the responsible Minister in consultation with the Attorney-General and the Prime Minister)."

Paragraph 2.31 of the same document provides:

"If an official witness, when giving evidence to a committee, believes that circumstances have arisen to justify a claim of public interest immunity, the official should request a postponement of the evidence, or of the relevant part of the evidence, until the Minister can be consulted."

Paragraph 2.32 provides that one of the grounds for a claim of public interest immunity may be:

“material disclosing matters in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place in the course of, or for the purpose of, the deliberative processes involved in the functions of the Government where disclosure would be contrary to the public interest”.

Because advice to ministers by definition belongs to ministers, unless an officer knows that there are some circumstances (for example, the advice has already been published or disclosed, or the minister has indicated that it may be disclosed) which make it unnecessary to refer the question to the minister, an officer when asked to disclose advice given to a minister is always on good ground in referring the question to the secretary of the department or to the minister.

We have to bear in mind that advice to ministers has often been disclosed, so committees have to be persuaded that the circumstances justify a reference to the minister. Sometimes the nature of the advice given by a department is known because the department has expressed its view in some other forum or context. If the content of advice to a minister has not been disclosed, however, the principle that it belongs to the minister is always unarguable.

Officers have often answered questions about whether and when advice was given. If it is obvious in the circumstances that the department would have provided advice, or it is known that a government decision was made at a particular time, it could appear to be unduly uncooperative to decline to answer a question about whether or when advice was given. In practical terms, declining to answer questions about whether or when advice was given really makes sense only when the answer would reveal otherwise undisclosed ministerial deliberations.

I hope that this elaboration of our conversation is of some assistance.

Yours sincerely



(Harry Evans)



# APPENDIX 3

## ADVICE PROVIDED BY THE CLERK OF THE SENATE REGARDING STANDING ORDER 25(13)



AUSTRALIAN SENATE

CLERK OF THE SENATE

PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600  
TEL: (02) 6277 3350  
FAX: (02) 6277 3199  
E-mail: clerk.sen@aph.gov.au

hl.let.15973

28 May 2008

Mr Peter Hallahan  
Secretary  
Standing Committee on Legal and Constitutional Affairs  
The Senate  
Parliament House  
CANBERRA ACT 2600

Dear Mr Hallahan

### ESTIMATES HEARINGS AND STANDING ORDER 25(13)

You asked for a note on the effect of paragraph (13) of standing order 25 on questions that may be asked in estimates hearings.

That paragraph provides:

A committee shall take care not to inquire into any matters which are being examined by a select committee of the Senate appointed to inquire into such matters and any question arising in this connection may be referred to the Senate for determination.

This provision has been in the order of the Senate relating to the legislative and general purpose standing committees since those committees were established in 1970. The intention of the provision is to avoid duplication between the activities of any select committees and the standing committees. The rationale of the provision is that, if the Senate has appointed a select committee to inquire into a particular matter, this is an indication that the Senate intends that that select committee be the vehicle for the inquiry into that matter, and a standing committee should not duplicate that inquiry, subject to any positive direction by the Senate.

The provision to my knowledge has never been formally invoked, certainly not to the extent of the Senate being called upon to adjudicate on any problem as contemplated by the provision.

In relation to estimates hearings, the Senate has determined that any questions going to the operations or financial positions of departments and agencies are relevant questions for the purposes of estimates hearings. This gives those hearings an extremely wide scope.

If questions in an estimates hearing were to be clearly and unambiguously directed to matters specifically under inquiry by a select committee, this would constitute an occasion for the chair to remind committee members of the standing order and to suggest that the line of questioning not continue. It would be for the chair in the first instance, and ultimately the committee, to judge whether any questions were so clearly going to matters under investigation by a select committee that the standing order should be invoked.

Certainly if a senator indicates that questions are being asked in estimates hearings as an alternative to, or as a supplement to, questions that have been asked, or that are to be asked, in a select committee, the senator should be asked not to persist but to save the questions for the select committee.

As indicated, however, a fairly clear-cut case is required for the chair or the committee to restrict questioning in an estimates hearing. The lack of precedents suggests that the standing order has been interpreted in this way in the past.

The foregoing is consistent with advice given on questions in estimates hearings about bills that have been referred to committees. The case for restriction is somewhat stronger in the current instance because there is a specific rule of the Senate and the specific inquiry is the responsibility of a different committee.

Please let me know if I can be of any further assistance in relation to this matter.

Yours sincerely



(Harry Evans)

# APPENDIX 4

## ADVICE PROVIDED BY THE CLERK OF THE SENATE REGARDING LEGAL ADVICE



AUSTRALIAN SENATE

CLERK OF THE SENATE

PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600  
TEL: (02) 6277 3350  
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hl.let.15974

30 May 2008

Senator Trish Crossin  
Chair  
Standing Committee on Legal and Constitutional Affairs  
The Senate  
Parliament House  
CANBERRA ACT 2600

Dear Senator Crossin

### LEGAL ADVICE AND ADVICE TO MINISTERS

At the estimates hearing of the committee on the evening of 27 May 2008, reference was made to two notes of advice I had provided, one which was provided to the committee on 19 February 2008 and which referred to the disclosure of legal advice, and one which was provided to the Secretary of the Attorney-General's Department, Mr Robert Cornall, on 22 April 2008 and which referred to advice provided to ministers.

There is a point of clarification which should be made in relation to these two notes. I was not able to make this clarification earlier because the transcript for that hearing has only just become available.

I do not think that it was sufficiently appreciated that these two notes dealt with different subjects: the note to the committee dealt with legal advices to government, regardless of whether such advices were provided to departments or to ministers, while the note to Mr Cornall dealt with advices, of any kind, provided to ministers. The first note pointed out that legal advices are often disclosed, and some additional public interest grounds are required to support any claim that they should not be disclosed in a particular instance. The second note pointed out that, as advices provided to ministers by definition belong to ministers, in the absence of circumstances mentioned in the note, officers are justified, under the rules of the Senate, in referring requests for such advices to the relevant ministers.

In relation to legal advice specifically, such advice is not necessarily sought by, or provided to, ministers. Departments may seek, and be provided with, legal advice

without reference to a minister, and there may well be circumstances in which a department is able to disclose such advice without reference to a minister.

In practical terms, the distinction which underlies the two notes may not be significant, as, under the rules of the Senate, a department may be justified in seeking the approval of a minister to disclose legal advice which has been provided to the department. The distinction may be significant in particular cases, however, and may need to be drawn, so that departments completely understand what is being asked of them.

Perhaps this note could be added to the others in the additional information of the committee, in case of such future cases.

Yours sincerely

A handwritten signature in black ink, appearing to read "Harry Evans". The signature is written in a cursive style with a large initial "H" and "E".

(Harry Evans)

## **APPENDIX 5**

### **DEPARTMENTS AND AGENCIES UNDER THE TWO PORTFOLIOS FOR WHICH THE COMMITTEE HAS OVERSIGHT**

#### **Immigration and Citizenship**

- Department of Immigration and Citizenship
- Migration Agents Registration Authority
- Migration Review Tribunal
- Refugee Review Tribunal

#### **Attorney-General and Home Affairs**

- Attorney-General's Department
- Administrative Appeals Tribunal
- Australian Commission for Law Enforcement Integrity
- Australian Crime Commission
- Australian Customs Service
- Australian Federal Police
- Australian Institute of Criminology
- Australian Law Reform Commission
- Australian Security Intelligence Organisation
- Australian Transaction Reports and Analysis Centre
- Criminology Research Council
- CrimTrac Agency
- Family Court of Australia
- Federal Court of Australia
- Federal Magistrates Court
- High Court of Australia
- Human Rights and Equal Opportunity Commission
- Insolvency and Trustee Service Australia
- National Capital Authority
- National Native Title Tribunal
- Office of the Director of Public Prosecution
- Office of Parliamentary Counsel



## **APPENDIX 6**

### **INDEX OF PROOF HANSARD FOR THE ATTORNEY-GENERAL'S PORTFOLIO**

<b>Agency/Outcome Group</b>	<b>Pages</b>
<b>Monday, 26 May 2008</b>	
Australian Federal Police	5-49
Australian Security Intelligence Organisation	49-64
Australian Transaction Reports and Analysis Centre	64-68
CrimTrac Agency	68-71
Office of the Director of Public Prosecution	71-74
Australian Commission for Law Enforcement Integrity	74-83
Australian Crime Commission	83-94
Australian Customs Service	94-130
<b>Tuesday, 27 May 2008</b>	
National Native Title Tribunal	5-11
Administrative Appeals Tribunal	11-14
Insolvency and Trustee Service of Australia	14-17
Australian Government Solicitor	17-33
Federal Court of Australia	33-43
Outcome 2	43-76
Human Rights and Equal Opportunity Commission	76-101
Federal Magistrates Court	101-105
Family Court of Australia	105-110
Classification Board and Classification Review Board	110-115
Outcome 1	115-132

## **TABLED DOCUMENTS**

### *Documents tabled at Hearing*

#### **26 May 2008**

- Australian Federal Police – Opening Statement
- Australian Security Intelligence Organisation – Opening Statement

#### **27 May 2008**

- Family Court of Australia - First Instance Judicial Officers
- Judicial Appointments and Retirements
- Federal Magistrates Court of Australia – Filing statistics
- Newspaper article 'No friend of human rights'
- Newspaper advertisement for Federal Court of Australia
- Federal Court of Australia – Judicial appointments website extract
- Attorney-General's Department – Newspaper advertisement, Federal Magistrate Appointments
- Attorney-General's Department – Newspaper advertisement, Federal Magistrate Appointments
- Attorney-General's Department – National Community Grants Program
- Attorney-General's Department – National Community Grants Program
- Attorney-General's Department – National Community Grants Program
- Attorney-General's Department – National Community Grants Program
- Attorney-General's Department – National Community Grants Program



## **APPENDIX 7**

### **INDEX OF PROOF HANSARD FOR THE IMMIGRATION AND CITIZENSHIP PORTFOLIO**

<b>Agency/Outcome Group</b>	<b>Pages</b>
<b>Wednesday, 28 May 2008</b>	
Migration Review Tribunal and Refugee Review Tribunal	3-12
General Questions	12-37
Outcome 1	37-121
<b>Thursday, 29 May 2008</b>	
Outcome 1 continued	2-8
Outcome 2	8-60

### **TABLED DOCUMENTS**

#### *Documents tabled at Hearing*

#### **28 May 2008**

- MRT/RRT opening statement
- List of people who are members of advisory groups/boards or committees and have been ministerially appointed
- Australian Citizenship Test Snapshot Report, April 2008.
- Photos of construction project in Afghanistan



## APPENDIX 8

### CHANGES TO OUTCOME/OUTPUT STRUCTURE ATTORNEY-GENERAL'S DEPARTMENT

<b>Outcome/Output</b>	<b>Previous Wording</b>	<b>Current Wording</b>
Outcome 1	An equitable and accessible system of federal civil justice	An equitable and accessible system of federal civil justice
Output 1.1	Legal services and policy advice on family law, federal courts and tribunals, civil procedure, alternative dispute resolution, administrative law and administration of related government programs	Family law, federal courts and tribunals, civil procedure and alternative dispute resolution
Output 1.2	Support for the Attorney-General and First Law Officer, advice on constitutional policy, advice on personal insolvency advice and support for the administration of the National Classification Scheme, and promotion of Australian legal services internationally	Support for the Attorney-General as First Law Officer, constitutional policy, personal insolvency and international legal services
Output 1.3	Legal Services and policy advice on information law and human rights	Classification, copyright and human rights
Output 1.4	Legal services and policy advice on international law	International law
Output 1.5	Drafting of legislation and other instruments, maintenance of the Federal Register of Legislative Instruments (FRLI), publication of legislative materials, and provision of related legal services	Legislative instruments
Output 1.6	Legal services and policy advice on native title	Native title

<b>Outcome/Output</b>	<b>Previous Wording</b>	<b>Current Wording</b>
Output 1.7	Legal services and policy advice on Indigenous law and justice and legal assistance, and the administration of related Government programs	Indigenous law and justice and legal assistance
Output 1.8	Legal services and policy advice on personal property securities law, and development of a national system for the registration and enforcement of personal property securities	Personal property securities
Outcome 2	Coordinated federal criminal justice, security and emergency management activity, for a safer Australia	Coordinated federal criminal justice, security and emergency management activity, for a safer Australia
Output 2.1	Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention.	Criminal justice and crime prevention
Output 2.2	Policy advice on, and program administration and regulatory activities associated with the Commonwealth's responsibilities for international criminal justice issues and meeting Australia's obligations for extradition and mutual assistance	International criminal justice cooperation
Output 2.3	National leadership and coordination of legal and policy advice on national security and counter-terrorism laws and critical infrastructure protection	National security and critical infrastructure protection
Output 2.4	Provide national leadership in development of emergency management measures to reduce risk to communities and manage	National emergency management

Outcome/Output	Previous Wording	Current Wording
	the consequences of disasters.	
Output 2.5	Development and promotion of protective security policy advice and common standards and practices; the coordination of protective security services, including counter-terrorism and dignitary protection; the provision of security for special events; the development of counter-terrorism capabilities; and the coordination of national security crisis and information through the Watch Officer and National Security Hotline	Protective security and national security crises coordination
Output 2.6	Provide a fast, fair and reliable background checking service	AusCheck



## APPENDIX 9

### CHANGES TO OUTCOME/OUTPUT STRUCTURE DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

<b>Outcome/Output</b>	<b>Previous Wording</b>	<b>Current Wording</b>
Outcome 1	Contributing to Australia's society and its economic advancement through the lawful and orderly entry and stay of people	Contributing to Australia's society and its economic advancement through the lawful and orderly entry and stay of people
Output Group 1.1	Migration and Temporary Entry	Migration and Temporary Entry
Output Group 1.2	Refugee and Humanitarian Entry and Stay	Refugee and Humanitarian Entry and Stay
Output Group 1.3	Border Security	Border Security
Output Group 1.4	Compliance	Compliance
Output Group 1.5	Detention	Detention
Output Group 1.6	Offshore Asylum Seeker Management	Offshore Asylum Seeker Management
Output Group 1.7	Systems for People	Systems for People
Outcome 2	A society which values Australian Citizenship, appreciates cultural diversity and enables migrants to participate equitably	A society which values Australian Citizenship, appreciates cultural diversity and enables migrants to participate equitably
Output Group 2.1	Settlement Services	Settlement Services
Output Group 2.2	Translating and Interpreting Services	Translating and Interpreting Services
Output Group 2.3	Australian Citizenship	Australian Citizenship
Output Group 2.4	Promoting the Benefits of a United and Diverse Society	Promoting the Benefits of a United and Diverse Society
Output Group 2.5	Systems for People	Systems for People

