

The Senate

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Legal and Constitutional Affairs  
Legislation Committee

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Budget estimates 2009-10

June 2009

Commonwealth of Australia  
ISBN 978-1-74229-116-1

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

# Membership of the Committee

## Members

Senator Patricia Crossin, **Chair**, ALP, NT  
Senator Guy Barnett, **Deputy Chair**, LP, TAS  
Senator David Feeney, ALP, VIC  
Senator Mary Jo Fisher, LP, SA  
Senator Scott Ludlam, AG, WA  
Senator Gavin Marshall, ALP, VIC (Acting Chair from 4pm, 28 May 2009)  
Senator Louise Pratt, ALP, WA (substitute for Senator Crossin from 4pm, 28 May 2009)  
Senator Concetta Fierravanti-Wells, LP, NSW (substitute for Senator Barnett from 4pm, 28 May 2009)

## Senators in attendance

Senator Patricia Crossin, (Chair), Senator Guy Barnett (Deputy Chair), Senator David Feeney, Senator Mary Jo Fisher, Senator Scott Ludlam, Senator Gavin Marshall, Senator the Hon Eric Abetz, Senator the Hon Ron Boswell, Senator Mark Bishop, Senator the Hon George Brandis, Senator Jacinta Collins, Senator Steve Fielding, Senator Mitch Fifield, Senator Concetta Fierravanti-Wells, Senator Sarah Hanson-Young, Senator the Hon Bill Heffernan, Senator Gary Humphries, Senator Steve Hutchins, Senator Julian McGauran, Senator Claire Moore, Senator Stephen Parry, Senator Louise Pratt, Senator Russell Trood, Senator Nick Xenophon

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# PREFACE

On 12 May 2009, the Senate referred to the committee the examination of estimates of proposed expenditure for the financial year 2009-10. 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 12 May 2009. A correction to the *Attorney-General's Portfolio Budget Statements 2009-2010* was tabled on 14 May 2009. An erratum to the *Immigration and Citizenship Portfolio Budget Statements 2009-2010* was tabled at the committee's hearing on 27 May 2009.

## 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 2010; and
- Particulars of certain proposed expenditure in respect of the year ending on 30 June 2010.

The committee was required to report on its consideration of the Budget Estimates on or before 23 June 2009.

## Estimates hearings

The committee met in public session on 25, 26, 27 and 28 May 2009.

Over the course of the four days' hearings, totalling over 39 hours, the committee took evidence from the following departments and agencies:

- Attorney-General's Department;
- Australian Human Rights Commission;
- Australian Law Reform Commission;
- Australian Transaction Reports and Analysis Centre;
- Classification Board and Classification Review Board;
- Family Court of Australia;
- Federal Court of Australia;
- Federal Magistrates Court of Australia;
- National Native Title Tribunal;
- Australian Federal Police;
- Australian Commission for Law Enforcement Integrity;
- Australian Crime Commission;
- Australian Customs and Border Protection Service;
- Australian Security Intelligence Organisation;

- CrimTrac Agency;
- Australian Institute of Criminology and Criminology Research Council;
- High Court of Australia;
- Insolvency and Trustee Service Australia;
- Office of the Director of Public Prosecutions;
- Migration Review Tribunal;
- Refugee Review Tribunal;
- Migration Agents' Registration Authority; and
- Department of Immigration and Citizenship.

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 2 and Appendix 3.

### **Ministers**

The committee heard evidence from Senator the Hon Joseph Ludwig, then Minister for Human Services, representing the Attorney-General and Minister for Home Affairs, Senator the Hon Chris Evans, Minister for Immigration and Citizenship, and Senator the Hon Nick Sherry, then Minister for Superannuation, representing the 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 13 July 2009.



# 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 2009-10 financial year.

### Australian Human Rights Commission

1.2 The Committee's initial questioning of the Australian Human Rights Commission (AHRC) focussed on the attendance of Commissioner Calma and AHRC staff at the Durban Review Conference in Geneva on 20-24 April 2009. AHRC representatives attended this conference, although the Government had decided to boycott it.<sup>1</sup>

1.3 The Committee also took evidence from the AHRC concerning its promotion of a particular model for a possible Charter of Rights, although the government has not set a policy position on the matter. The President of the AHRC, the Hon Catherine Branson QC, advised the committee that:

...the commission has indicated in broad terms its support for what is ordinarily known as a dialogue model human rights act .... It would identify the particular rights that Australia wishes to have protected by its overarching human rights institution.<sup>2</sup>

### Australian Transaction Reports and Analysis Centre (AUSTRAC)

1.4 The committee sought information about AUSTRAC's budget cutbacks and the effects on its core business operations, including reductions in staff numbers, and a reduction of \$2.8 million over four years from the budget dealing with *Anti-Money Laundering and Counter-Terrorism Financing Act* compliance.<sup>3</sup>

1.5 Committee members also questioned officers about the appointment of an AUSTRAC officer who had a criminal record for the supply of drugs dating back eleven years, and who had been disqualified from practising law in NSW and Queensland.<sup>4</sup> Questions focussed on security vetting processes for this person, who had received a 'protected' level security clearance. Officers explained that the individual had been deemed suitable after two independent reviews and that the

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1 *Committee Hansard*, 25 May 2009, pp 6-36.

2 *Committee Hansard*, 25 May 2009, p. 40.

3 *Committee Hansard*, 25 May 2009, p. 52.

4 *Committee Hansard*, 25 May 2009, p. 54.

checking processes had been consistent with the Protective Security Manual procedures for the level, which required checks going back five years.<sup>5</sup>

1.6 As a result of this experience, AUSTRAC advised the committee that a review of security vetting procedures had been completed and the clearance process had been strengthened with the addition of more checks made of information in the public domain; however the agency would maintain the five-year checking period for clearance at the 'protected' level.<sup>6</sup>

### **Classification Board and Classification Review Board**

1.7 The Director of the Classification Review Board, Mr Donald McDonald AC, made an extensive opening statement detailing activities of the board in relation to the pursuit of its responsibilities concerning the sale of unclassified and misclassified pornographic publications.<sup>7</sup> This matter had been the subject of close questioning by senators in a previous round of hearings.

1.8 While the board has a role in the classification of publications, films and games, it has no enforcement role, which is the responsibility of state and territory police forces. Senators expressed their concern regarding the sale in convenience stores of publications which have been refused classification, and sought details on the government's response in addressing the matter.<sup>8</sup> The issues of more severe penalties for non compliance and federal laws in this area were also raised by senators.<sup>9</sup>

### **Family Court of Australia and Federal Magistrates Court of Australia**

1.9 The committee questioned the Chief Executive of the Family Court of Australia, Mr Richard Foster PSM, on the judicial complaints handling procedures in that Court.<sup>10</sup> The Legal and Constitutional Affairs References Committee's inquiry into Australia's judicial system and the role of judges has given rise to particular interest among committee members in the Court's procedures. The committee heard that the Deputy Chief Justice has primary carriage of complaints, which are coordinated through a judicial complaints adviser, who is a legally qualified registrar of the court.<sup>11</sup>

#### ***Semple review***

1.10 Senators questioned officers of the Family Court of Australia and the Federal Magistrates Court about the implementation of the Semple review recommendations.

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5 *Committee Hansard*, 25 May 2009, p. 55.

6 *Committee Hansard*, 25 May 2009, pp 56-57.

7 *Committee Hansard*, 25 May 2009, pp 57-58.

8 *Committee Hansard*, 25 May 2009, pp 62-63.

9 *Committee Hansard*, 25 May 2009, pp 64-65.

10 *Committee Hansard*, 25 May 2009, pp 66-69.

11 *Committee Hansard*, 25 May 2009, p. 67.

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The committee heard that at this stage, the review implementation has been confined to the merging of corporate services for the courts.<sup>12</sup>

1.11 When Senators suggested that Simple review implementation is moving ahead of Parliamentary approval, the Chief Executive confirmed that the decision to proceed with integration of administration of both courts was made at a meeting of the Family Court Advisory Group on 23 March 2009.

The Chief Justice and the Chief Federal magistrate made this decision in advance of the government's announcement on 5 May about the proposed merger of the two courts in order to maximise efficiency and resources and to help address both courts' difficult financial positions, as they are responsible for the administration of the courts. Under their respective acts the jurisdictional heads are responsible for the administration of the acts, and under the act they can direct the CEO to perform certain functions. In effect, they have directed me to proceed with this merger.<sup>13</sup>

### **Australian Federal Police**

1.12 The committee spent considerable time examining the Australian Federal Police (AFP) estimates on the second day of hearings. Questions were asked about AFP involvement in the system of advice to government relating to unauthorised boat arrivals and people smuggling, the nature and form of Australia's interdiction with Indonesia, and the operation of the People Smuggling Taskforce and associated organisations. These issues were examined in the context of the SIEV 36 disaster.<sup>14</sup>

1.13 Amongst a range of other matters pursued by the committee, information was sought on the AFP's pursuit of Paul Henry Dean in India. Senators also asked about the resulting difficulties in gathering evidence for the purposes of a prosecution under extra-territorial Australian sex tourism laws.<sup>15</sup>

1.14 The committee sought details on the AFP's work with the police force in Burma and was informed that this principally involves developmental and training work in the area of counter narcotics.

1.15 Addressing concerns expressed by Senators about the AFP's activities in Burma, the Commissioner advised:

Certainly we would not provide cooperation where that cooperation would result in offences occurring either in Burma or in Australia. We are very conscious of the political situation but, at the same time, we are aware of the advantages of being there with other agencies trying to develop their capability and certainly trying to get an understanding of the impact of their narcotics production.<sup>16</sup>

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12 *Committee Hansard*, 25 May 2009, p. 76.

13 *Committee Hansard*, 25 May 2009, p. 77.

14 *Committee Hansard*, 26 May 2009, pp 26-37 and 40-48.

15 *Committee Hansard*, 26 May 2009, p. 16.

16 *Committee Hansard*, 26 May 2009, p. 23.

1.16 The AFP confirmed that there has been a significant reduction in heroin being trafficked from Burma to Australia since the introduction of these programs.<sup>17</sup>

1.17 The committee notes that the appearance by Commissioner Mick Keelty APM before the committee was his last before his retirement on 2 September 2009. Members of the committee and Minister Ludwig acknowledged his contribution over his many years of service with the AFP, including as Commissioner since 2001.<sup>18</sup>

### **Australian Customs and Border Protection Service**

1.18 Senators sought details about the Australian Customs and Border Protection Service's (ACBPS) risk-based approach to air cargo inspections, first port boarding inspections and sea cargo inspections. The committee was advised that in respect of each of these categories of inspection, there will be fewer inspections than previously.<sup>19</sup>

1.19 The committee also sought advice more generally on programs or activities that have been cut back or reduced. Mr Carmody explained that:

a lot of this is about more efficient and effective delivery of what we do. Efficiency requirements that have been in place for many years have been a significant contributor to this. We are continuing with our strategy of ensuring that highest proportion of reductions is in our corporate support areas.<sup>20</sup>

1.20 Continuing examination of the ACBPS, the committee questioned officers on the operation of the Maritime Incident Operations Group, receiving evidence about the chronology of events and meetings that took place on the day of the SIEV 36 incident.<sup>21</sup>

1.21 The ACBPS was also questioned on airport security and implementation of the recommendation of the Wheeler review which arose out of the treatment of whistleblower Alan Kessing.<sup>22</sup> Customs maintained that there had been a substantial change of culture and processes in the organisation that would prevent a repetition of such an incident, but would not be drawn on the case, as it is still before the courts.<sup>23</sup>

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

1.22 The new Director-General of ASIO, Mr David Irvine AO, was questioned about the large increases in funding for the organisation over the last two budget years. Mr Irvine confirmed that over a four year period, ASIO staffing had increased

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17 *Committee Hansard*, 26 May 2009, p. 23.

18 *Committee Hansard*, 26 May 2009, pp 54-55.

19 *Committee Hansard*, 26 May 2009, p. 56.

20 *Committee Hansard*, 26 May 2009, p. 60.

21 *Committee Hansard*, 26 May 2009, pp 62-74.

22 *Committee Hansard*, 26 May 2009, p. 79.

23 *Committee Hansard*, 26 May 2009, p. 81.

from 800 to 1600, and was projected to increase to approximately 1800 by the end of next year. Mr Irvine explained that the increased staffing related to ASIO's needs to increase its expertise and capabilities following the advent of terrorism:

..it [ASIO] has had to develop the capability to provide reliable and useful threat assessments to the Australian government, which requires a highly developed analytical capability that four or five years ago we did not have to the extent required. It has required us to have considerably more intelligence officers who get out and do the business of security intelligence collection to identify and if necessary, and often in consultation and collaboration with other government agencies, to disrupt potential terrorist threats to Australia.<sup>24</sup>

1.23 The committee also questioned Mr Irvine about a wide range of other areas, including accountability mechanisms, the extent to which the organisation monitors environmental and other civil protest groups, outcomes of the inquiry into the Ul-Haque case, telecommunications interceptions, the Habib and Hicks cases, and security checking of visa applicants.

### **Non provision of information and public interest immunity**

1.24 This round of estimates was the first since the Senate passed the order on public interest immunity claims on 13 May 2009. This order sets out the process to be followed by public sector witnesses who believe that they have grounds for withholding information from Senate committees. The order requires witnesses to state recognised public interest grounds for withholding information and, at the request of a committee or any senator, refer the matter to the responsible minister, who is also required to state recognised public interest grounds for any claim to withhold the information.

1.25 The issue of public interest immunity claims arose on several occasions during consideration of the Attorney-General's portfolio.

1.26 During examination of the AHRC senators requested that the President of the Commission table briefing notes that were prepared for use during the estimates hearings in relation to the attendance by Commissioner Calma at the Durban Review Conference.<sup>25</sup> The Commission was reluctant to provide the notes and the President of the Commission referred the matter to the Minister who provided reasons why the notes should not be provided:

**Senator Ludwig**—The question has been asked of the president of the Commission to provide a briefing note that has been prepared by her office to assist her in answering estimates questions. I do not think it is appropriate to provide that briefing booklet; ...What would otherwise occur is that, at every turn, you would be in a position where estimates committees would ask for briefing booklets to be provided. The question as to whether or not public officials would provide information into the future

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24 *Committee Hansard*, 26 May 2009, p. 95.

25 *Committee Hansard*, 25 May 2009, p. 29.

to assist estimates committees would be of grave concern of all us I suspect. ... Questioning of course can be detailed and the witness should provide answers to those questions. If they are difficult questions, the president of the commission can either take them on notice or provide full answers here. I think that is the appropriate way to proceed.<sup>26</sup>

1.27 The committee did not pursue the matter further, the Senator asking for the notes expressing agreement with the Minister's view. The committee notes that the Minister did not make any public interest immunity claim, and that none of the established grounds for making such a claim are applicable in these circumstances.

1.28 A claim also arose during questioning of program 2.1.2 of the Attorney-General's Department. The committee requested that a report commissioned by the Department on the state of volunteering in Australia be tabled. Officials were reluctant to provide the report on the grounds that it was subject to public interest immunity on the basis that it is a Commonwealth-state document and had not yet been considered by state ministers.<sup>27</sup>

1.29 The Minister took the tabling of the report on notice, advising the committee that:

... I want to take the question on notice and find out whether there is a claim of public interest immunity, particularly because it goes to state and federal relations. If it does not, the minister will be able to provide an answer to you...<sup>28</sup>

1.30 The committee notes that prejudice to relations between the Commonwealth and the States is a recognised ground for making a public interest immunity claim.

1.31 A further occasion when this issue arose was during consideration of the Estimates for the High Court. Committee members sought a copy of submissions made by the Chief Justice to the Government in relation to the funding for the Court. The Minister representing the Attorney-General, Senator the Hon. Chris Evans, refused to release the documents, telling the committee that:

As you know, we do not release documents relating to the preparation of a budget. Discussions between the High Court and the department regarding budgetary matters in the lead-up to the presentation of the budget would not be made available to the committee in accordance with long-standing practice.<sup>29</sup>

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26 *Committee Hansard*, 25 May 2009, p. 30.

27 *Committee Hansard*, 25 May 2009, p. 88.

28 *Committee Hansard*, 25 May 2009, p. 89.

29 *Committee Hansard*, 27 May 2009, p. 14.

# **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 2009-10 financial year.

### **Migration Agents Registration Authority**

2.2 The committee asked a number of questions in relation to the final stages of Migration Agents Registration Authority's (MARA) absorption within the department, which is to take effect from 1 July 2009. The committee was told that 26 MARA staff had been invited to submit their job descriptions to the Department, 19 had received offers of employment and 17 appointments were confirmed.<sup>1</sup>

2.3 The committee also questioned officers about MARA's operating surplus of '\$3 to \$4 million' concerning the ownership of the money and the proposed use after the merger. The Minister stated:

MARA is the government regulatory authority and, as I understand it, these are Commonwealth funds we are debating. Any question about what might be done with those or other Commonwealth funds is a decision for the Commonwealth government.<sup>2</sup>

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

#### ***Outcomes structure and staffing***

2.4 In his opening statement, the Department's Secretary, Mr Andrew Metcalfe, outlined the Department's new outcome and program structure, which is a result of changes made to the reporting arrangements as part of Operation Sunlight.<sup>3</sup> The new structure can be found at Appendix 5.

2.5 The committee sought information concerning the department's reported staff reductions of 10 per cent. The Secretary advised the committee that the department was expected to reduce staffing numbers over the year ahead but at a lower level than that reported, commenting that 'the one in 10 article that appeared in the media was made up by someone. I do not know where that came from.'<sup>4</sup>

2.6 The Secretary gave a detailed explanation of the reasons for the reductions:

A range of measures in the budget, such as the Gershon review relating to IT, are seeking savings from the department's IT expenditure. Conversely,

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1 *Committee Hansard*, 27 May 2009, p. 58.

2 *Committee Hansard*, 27 May 2009, p. 60.

3 *Committee Hansard*, 27 May 2009, p. 67.

4 *Committee Hansard*, 27 May 2009, p. 69.

part of that strategy has been to reduce the number of consultants and contractors that we use and to replace them with full-time staff. While we are making savings, some of that is reducing contracted numbers but increasing our own employees. Like all agencies we are subject to the normal efficiency dividend, so that has an impact on us as well.

There are a range of other savings measures or measures that needed to be absorbed by the portfolio. Another significant driver of our financial position is described as activity levels under our resourcing agreement with the Department of Finance.<sup>5</sup>

### ***Residency tests***

2.7 The committee also questioned officers in relation to the changes that are in train for the test applied to applicants for permanent residency in respect of serious health conditions that have the potential to cost the public health system more than \$21 000.<sup>6</sup> Officers explained that negotiations are underway with state governments to raise the threshold of the test to \$100 000, on the basis that it is state governments that bear the majority of health costs. The new arrangements are already in place in the ACT, Victoria and Western Australia.<sup>7</sup>

### ***Unauthorised arrivals***

2.8 Senators sought information about the rise in unauthorised boat arrivals since last year, and the factors that have contributed to this.<sup>8</sup> Mr Metcalfe addressed this issue:

To only look at the picture from an Australian perspective is missing probably 95 per cent of the story. The real story is what is happening in terms of global refugee matters; stability in key areas; protection for people in places near their homes, such as Pakistan, and whether that is effective; the role of people smugglers; the ability to cooperate with countries of transit, such as Malaysia and Indonesia; and the fact that, although we certainly receive numbers of refugee applicants in Australia, what we see here is tiny compared with other countries.<sup>9</sup>

2.9 Senators also asked about research undertaken into what factors encourage or deter people to seek to come to Australia.<sup>10</sup> The committee was told that there was a specific budget measure of \$810 000 to improve capacity which will increase the department's capability to do research in this area.<sup>11</sup> The committee also asked

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5 *Committee Hansard*, 27 May 2009, p. 69.

6 *Committee Hansard*, 27 May 2009, p. 88.

7 *Committee Hansard*, 27 May 2009, p. 89.

8 *Committee Hansard*, 27 May 2009, p. 99.

9 *Committee Hansard*, 27 May 2009, p. 101.

10 *Committee Hansard*, 28 May 2009, p. 16.

11 *Committee Hansard*, 28 May 2009, p. 16.



questions about the people smuggling taskforce and the range of interviews conducted with illegal entrants by a range of agencies.

### **Non provision of information and public interest immunity**

2.10 As was the case during consideration of the Estimates for the Attorney-General's portfolio, there were a number of occasions when officers or the Minister declined to provide information.

2.11 The Department refused to supply advice to government regarding the number of extra refugee tribunal members needed to deal with its workload. The Department referred the matter to the Minister who did not make a claim of public interest immunity but stated that such advice is never provided to committee:

**Senator Chris Evans**—Departments do not give Senate estimates advice that has been provided to government. The Senate order does not change any of those things. That deals with documents in a public interest defence. No public interest defence has been advanced here. The officer made clear that the selection panel, as described by the secretary, has reported to government. The government is in the process of making a decision and that will be publicly announced when the decision has been made.<sup>12</sup>

2.12 The committee revisited the issue on two occasions later in the hearings, where the Minister reiterated his position:

**Senator Chris Evans**—I do not need to take it on notice, Senator Barnett. This is advice to government for consideration by cabinet. It has not been provided in the past, will not be provided now, and you can take it as a formal rejection. The government will not be providing you details of advice for decisions by cabinet, full stop.<sup>13</sup>

...

**Senator Chris Evans**—Let me just be clear to you. What the department has provided me with is a submission which is to be taken to cabinet. It will be a cabinet document. Will I be releasing it to you? No. Will I be discussing its contents? No. I have been very clear about this. You may not like the answer and you may get advice that says I should. This will be a cabinet document and a cabinet decision. You raise the public interest criteria defence and the Senate's motion in relation to that. I am not claiming the public interest defence. I am making it clear to you that it is a cabinet document. Neither I nor any other ministers, I suggest, will be releasing or discussing the contents of advice to the cabinet....I am happy to defend the process and the decisions with you when they are made, but this is a document that has been provided as advice to cabinet for decision and appointment by cabinet. I will not have officers discussing the content of that—not the numbers, who is recommended, what states they are from. It is a submission to cabinet. I do not, quite frankly, care what the Attorney-General's Department does. I will not, and my officers will not, be

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12 *Committee Hansard*, 27 May 2009, p. 48.

13 *Committee Hansard*, 27 May 2009, p. 66.

discussing submissions to cabinet at estimates. Under the previous government they would not have, either.<sup>14</sup>

2.13 During consideration of the Immigration and Citizenship portfolio, questions were asked about the protocol for interviewing asylum seekers. The Secretary of the Department, Mr Metcalfe, objected to answering the question in the following terms:

**Mr Metcalfe**—Senator, I think there is a very strong public interest as to why in public evidence before this committee we would not disclose operational methods designed to combat people smuggling. Otherwise people who are engaged in people smuggling will look at what we do and devise countermeasures. What is very clear from many years of practice in this area is that people smugglers are smart criminals; they alter their tactics to respond to Australian and international measures.<sup>15</sup>

2.14 The committee accepted Mr Metcalfe's explanation and did not persist with the question.

**Senator Trish Crossin**

**Committee Chair**

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14 *Committee Hansard*, 28 May 2009, p. 4.

15 *Committee Hansard*, 28 May 2009, p. 29.

# APPENDIX 1

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

### Attorney-General's Portfolio

- Attorney General's Department;
- Administrative Appeals Tribunal;
- Australian Federal Police;
- Australian Customs and Border Protection Service;
- Australian Commission for Law Enforcement Integrity;
- Australian Crime Commission;
- Australian Government Solicitor;
- Australian Human Rights Commission;
- Australian Institute of Criminology and Criminology Research Council
- Australian Law Reform Commission;
- Australian Security Intelligence Organisation;
- Australian Transaction Reports and Analysis Centre;
- Classification Board;
- Classification Review Board;
- CrimTrac;
- Commonwealth Director of Public Prosecutions;
- Family Court of Australia;
- Family Law Council;
- Federal Court of Australia;
- Federal Magistrates Court of Australia;
- High Court of Australia;
- Insolvency and Trustee Service Australia;
- National Capital Authority;
- National Native Title Tribunal; and
- Office of Parliamentary Counsel.

## **Immigration and Citizenship Portfolio**

- Department of Immigration and Citizenship;
- Migration Agents Registration Authority (until 30 June 2009);
- Migration Review Tribunal; and
- Refugee Review Tribunal.

## **APPENDIX 2**

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• Attorney-General's Department	35-40

## TABLED DOCUMENTS

### *Documents tabled at Hearing*

#### **Monday, 25 May 2009**

- Australian Human Rights Commission – Letter dated 16/12/08 from the Minister for Foreign Affairs to the President, Australian Human Rights Commission
- Australian Human Rights Commission – Letter dated 25/7/08 from the President, Australian Human Rights Commission to the Minister for Foreign Affairs
- Australian Human Rights Commission – Letter dated 14/1/2009 from the President, Australian Human Rights Commission to the Minister for Foreign Affairs
- Senator Brandis – Press Release by the Minister for Foreign Affairs dated 19/4/09 entitled *Durban Review Conference*
- Australian Human Rights Commission – Extracts of Australian Human Rights Commission Minutes dated 3/6/08, 11/11/08, and 17/12/08
- Family Court of Australia – Graph, Family Law Workload Trend – Final Orders Applications filed in Family Law from 1 July 1999
- Family Court of Australia – Graph, Family Law Workload Trend – Final Orders Applications filed with FCoA and FMC
- Family Court of Australia – Terms of Reference for all the review of Family Consultant's and Registrars
- Family Court of Australia – Response to Senator Brandis – Integration of Courts Administration
- Attorney-General's Department – Letters from the Minister for Home Affairs to Federal and State Police Commissioners regarding the enforcement of classification laws

#### **Tuesday, 26 May 2009**

- Attorney-General's Department – SCAG Resolutions for a national response to combat organised crime
- Attorney-General's Department – Ministerial Hospitality Table
- Attorney-General's Department – Ministerial Hospitality – Response to questions by Senator Barnett at Senate Estimates on 25 May 2009

**Wednesday, 27 May 2009**

- High Court of Australia – High Court of Australia Water Foundation Waterproofing Scoping Study
- Attorney-General's Department – Work undertaken by Des Semple for AGD, Family Court and FMC (2007-2009)
- Attorney-General's Department – Question No. 115, Attorney-General's Department consultancies entered into between November 2007 and 23 February 2009 - Corrections

*Letters of Correction/clarification*

- AUSTRAC, dated 27 May 2009
- Attorney-General's Department, dated 27 May 2009
- Australian Human Rights Commission, dated 3 June 2009
- Attorney-General's Department, dated 1 June 2009
- Attorney-General's Department, dated 2 June 2009





# **APPENDIX 3**

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

<b>Wednesday, 27 May 2009</b>	Pages
• Migration Review Tribunal and Refugee Review Tribunal	42-52
• Migration Agents Registration Authority	52-65
• Department of Immigration and Citizenship	65-126

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### **TABLED DOCUMENTS**

#### *Documents tabled at Hearing*

<b>Wednesday, 27 May 2009</b>	
• Department of Immigration and Citizenship – 2009-10 DIAC Outcomes and Programs	
• Department of Immigration and Citizenship – Department of Immigration and Citizenship Portfolio Budget Statements – Erratum	
• Department of Immigration and Citizenship – Subclass 457 Business (Long stay) State/Territory Summary Report 2008-09	
• Department of Immigration and Citizenship 457 Visas – Top 10 occupations/countries primary applicant visas granted	10
• Department of Immigration and Citizenship – Unauthorised Arrivals (by sea)	

<b>Thursday, 28 May 2009</b>	
• Department of Immigration and Citizenship – Conditions on which entry permits may be granted after entry into Australia from 1980	
• Department of Immigration and Citizenship – Top Five Destination Countries (2008) – Various	
• Senator Barnett – Joint Committee on Public Accounts and Audit - Answers to questions on notice – Australian Taxation Office – 30 March 2009	

*Letter of correction*

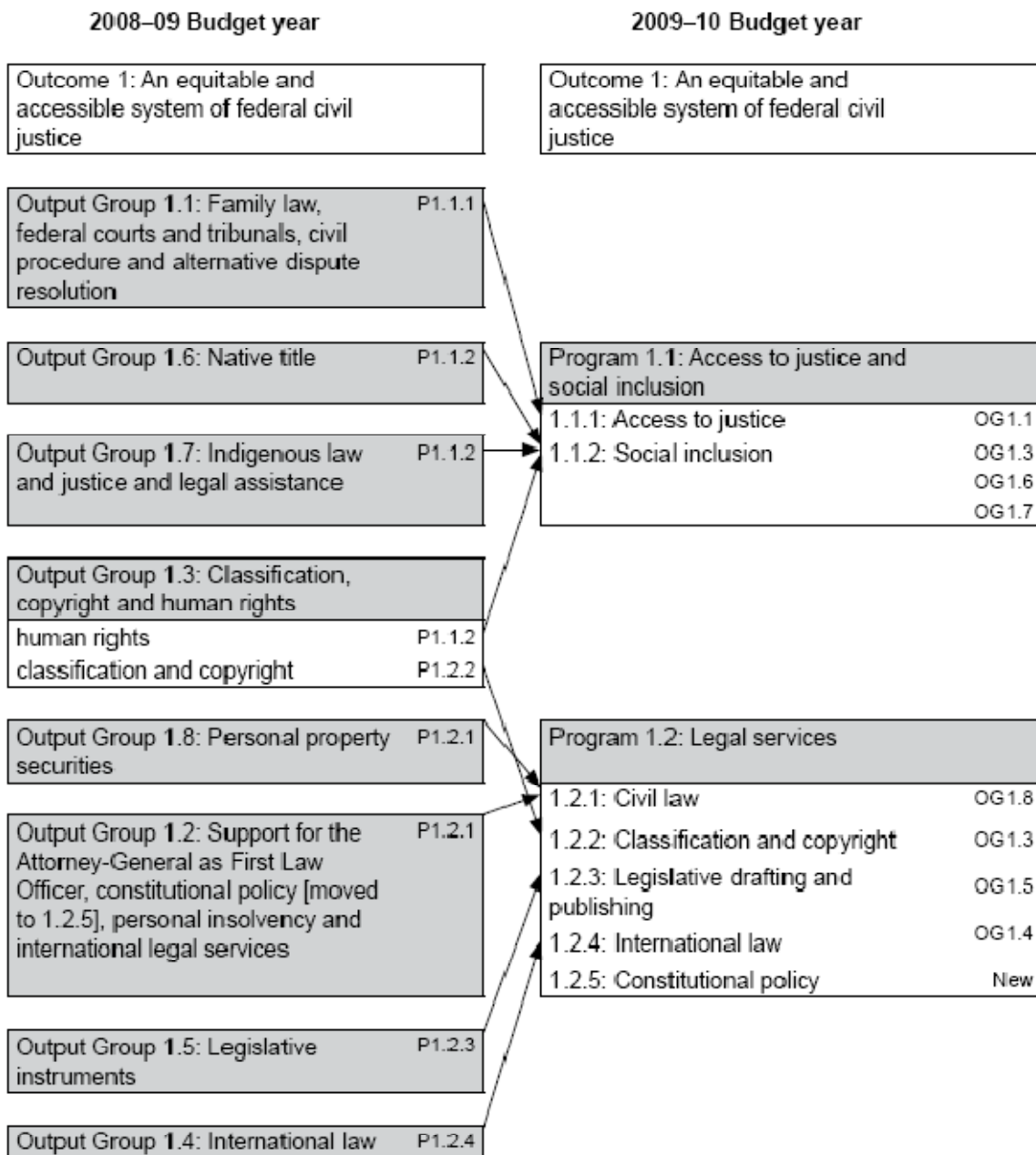
- Department of Immigration and Citizenship, dated 5 June 2009

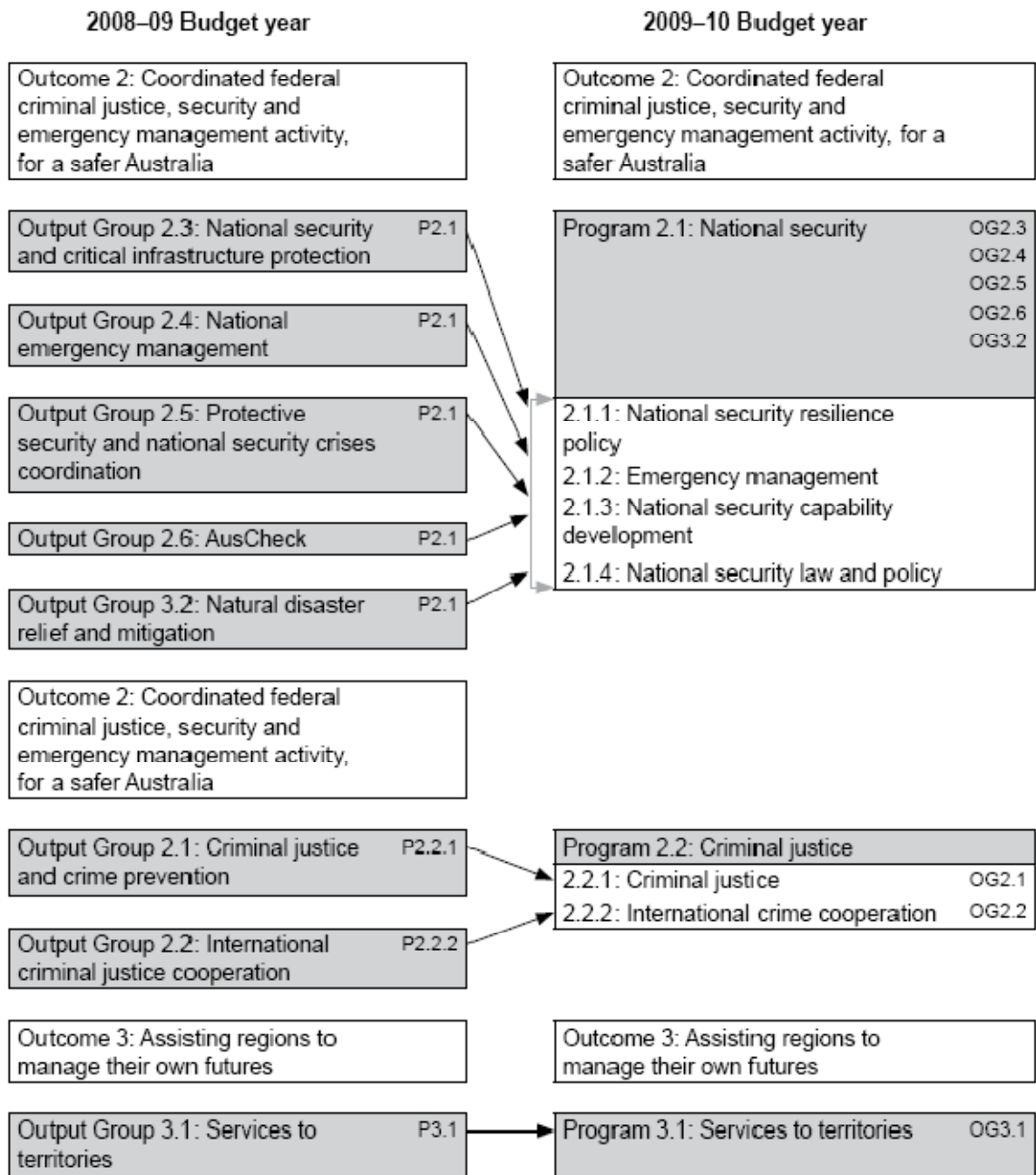
# APPENDIX 4

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

### Transition from outcomes and outputs to outcomes and programs

(Source: *Attorney-General's Portfolio, Portfolio Budget Statements 2009-2010*, pp 22-23.)





Note: P = Program, OG = Output Group.

# APPENDIX 5

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

### Transition from outcomes and outputs to outcomes and programs

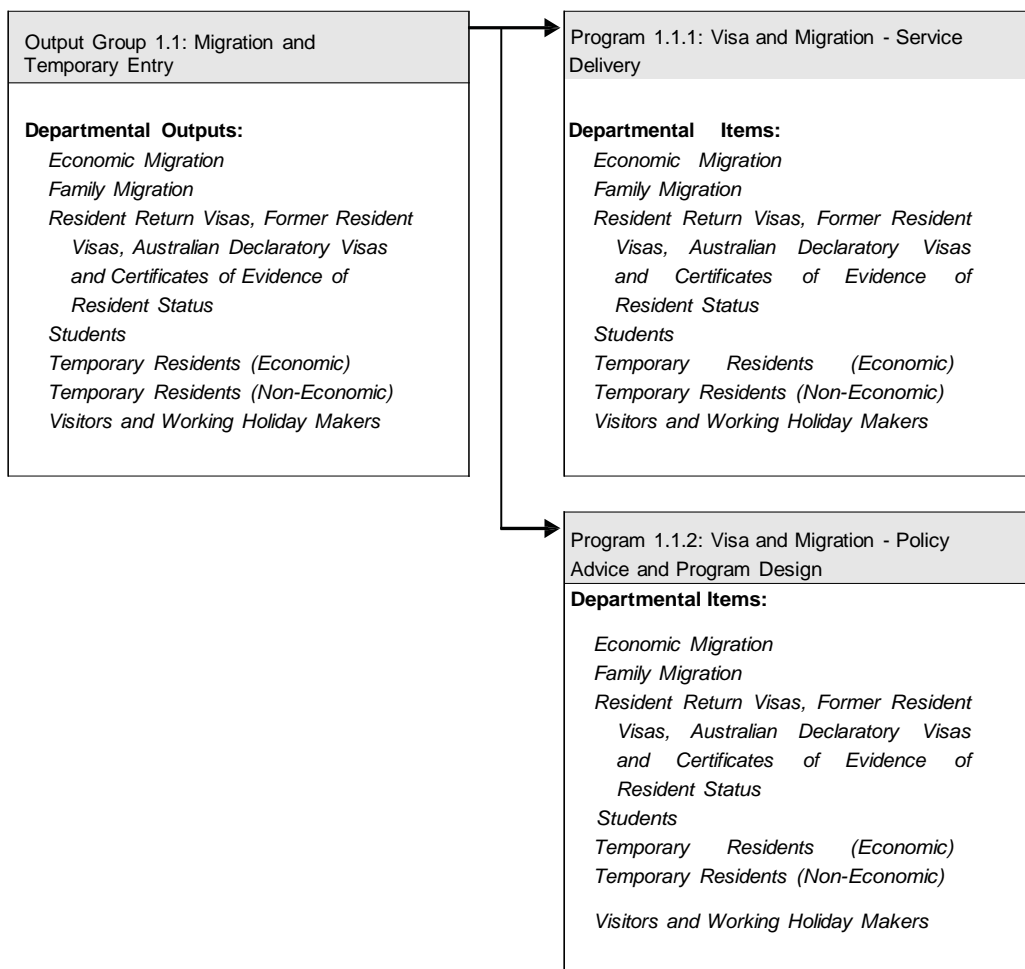
(source: *Immigration and Citizenship Portfolio, Portfolio Budget Statements 2009-2010*, pp 23-30.)

**2008-09 Budget year**

Outcome 1: Contributing to Australia's society and its economic advancement through the lawful and orderly entry and stay of people.

**2009-10 Budget year**

Outcome 1: Managed migration through visas granted for permanent settlement, work, study, tourism, working holidays or other specialised activities in Australia, regulation, research and migration policy advice and program design.



**2008-09 Budget year**

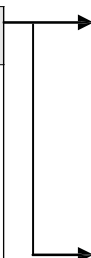
Outcome 1 continued

Output Group 1.1: Migration and Temporary Entry
<b>Administered Item:</b> <i>Joint Commonwealth, State and Territory Research Program (for payment to the Australian Population, Multicultural and Immigration Research Program Account)</i>
<b>Special Appropriation:</b> <i>Special Appropriation: Statutory self-regulation of migration agents</i>

**2009-10 Budget year**

Outcome 1 continued

Program 1.1: Visa and Migration
<b>Administered Item:</b> <i>Joint Commonwealth, State and Territory Research Program (for payment to the Australian Population, Multicultural and Immigration Research Program Account)</i>
Program 1.1.3: Visa and Migration - Office of the MARA
<i>Regulation of migration agents</i>

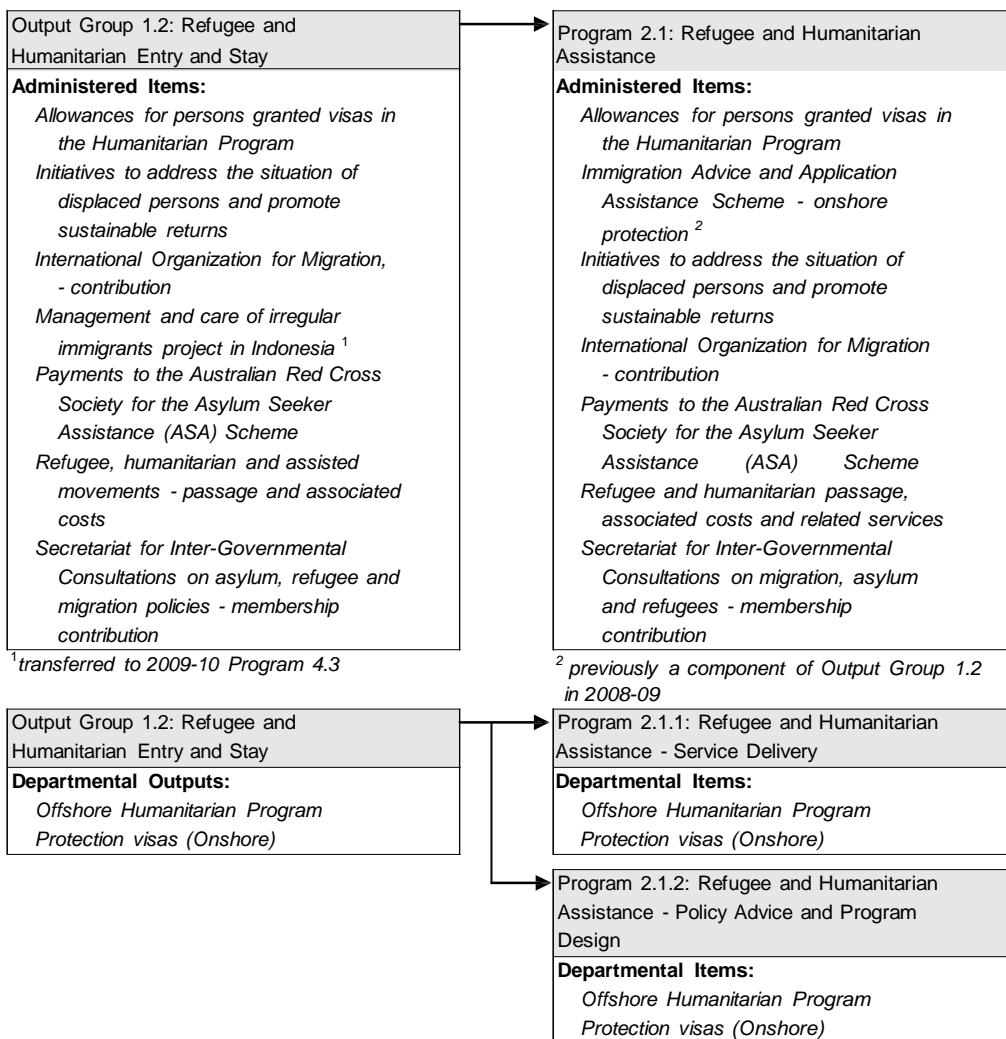


2008-09 Budget year

2009-10 Budget year

Outcome 1 continued

Outcome 2: Protection, resettlement and temporary safe haven for refugees and people in humanitarian need through partnering with international agencies; assessing humanitarian visa applications; and refugee and humanitarian policy advice and program design.



**2008-09 Budget year**

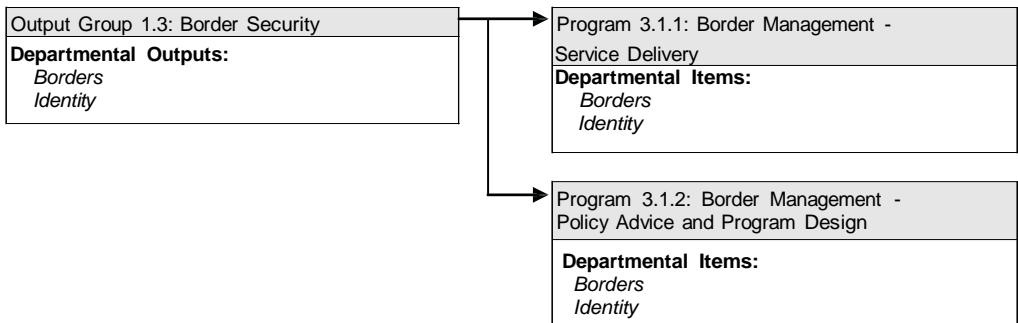
Outcome 1 continued

**2009-10 Budget year**

Outcome 3: Lawful entry of people to Australia through border management services involving bona fide traveller facilitation; identity management; document verification; intelligence analysis; partnerships with international and domestic agencies; and border policy advice and program design.

Program 3.1: Border Management
<b>Administered Item:</b> <i>Combating people smuggling</i> <sup>3</sup>

<sup>3</sup> new administered item





2008-09 Budget year

2009-10 Budget year

Outcome 1 continued

Outcome 4: Lawful stay of visa holders and access to citizenship rights for eligible people through promotion of visa compliance responsibilities, status resolution, citizenship acquisition integrity, case management, removal and detention, and policy advice and program design.

Program 4.1: Visa Compliance and Status Resolution
<b>Administered Items:</b> <i>Compliance Resolution, Community Care and Assistance</i> <sup>6</sup>

<sup>6</sup> previously a component of Output Group 1.2 and Output Group 1.4 in 2008-09

Output Group 1.4: Compliance
<b>Administered Items:</b> <i>Reintegration Allowances</i> <sup>4</sup>
<b>Departmental Outputs:</b> <i>Detection Onshore Removals Status Resolution</i>

<sup>4</sup> discontinued in 2009-10

Program 4.1.1: Visa Compliance and Status Resolution - Service Delivery
<b>Departmental Items:</b> <i>Detection Onshore Removals Status Resolution</i>

Program 4.1.2: Visa Compliance and Status Resolution - Policy Advice and Program Design
<b>Departmental Items:</b> <i>Detection Onshore Removals Status Resolution</i>

Output Group 1.5: Detention
<b>Administered Items:</b> <i>Detention Contract</i> <sup>5</sup>
<b>Departmental Outputs:</b> <i>Detention</i>

<sup>5</sup> the component relating to illegal foreign fishers has been transferred to program 4.4 in 2009-10

Program 4.2: Onshore Detention Network
<b>Administered Items:</b> <i>Community and Detention Services Contracts Payments under Section 33 (FMA Act) - Act of Grace Payments</i> <sup>7</sup>

<sup>7</sup> previously allocated to all outcomes

Program 4.2.1: Onshore Detention Network - Service Delivery
<b>Departmental Item:</b> <i>Community and Detention Services</i>

Program 4.2.2: Onshore Detention Network - Policy Advice and Program Design
<b>Departmental Item:</b> <i>Community and Detention Services</i>

Continued on next page.

2008-09 Budget year

2009-10 Budget year

Outcome 1 continued

Outcome 4 continued

Output Group 1.6: Offshore Asylum Seeker Management
<b>Administered Items:</b> Offshore Asylum Seeker Management <sup>8</sup>
<b>Departmental Outputs:</b> Offshore Asylum Seeker Management

<sup>8</sup> included in new 2009-10 structure as two Administered Items: "Community and Detention Services Contracts" and "Regional Cooperation and Capacity Building"

Program 4.3: Offshore Asylum Seeker Management
<b>Administered Items:</b> Community and Detention Services Contracts <sup>10</sup> Management and Care of Irregular Immigrants in Indonesia <sup>11</sup> Regional Cooperation and Capacity Building <sup>10</sup>

<sup>10</sup> item resulting from split of the 2008-09 Administered Item "Offshore Asylum Seeker Management"

<sup>11</sup> transferred from Output Group 1.2 in 2008-09

Program 4.3.1: Offshore Asylum Seeker Management - Service Delivery
<b>Departmental Item:</b> Offshore Asylum Seeker Management

Program 4.3.2: Offshore Asylum Seeker Management - Policy Advice and Program Design
<b>Departmental Item:</b> Offshore Asylum Seeker Management

Program 4.4: Illegal Foreign Fishers
<b>Administered Items:</b> Community and Detention Services Contracts <sup>10</sup>

Program 4.4.1: Illegal Foreign Fishers - Service Delivery
<b>Departmental Item:</b> Illegal Foreign Fishers <sup>12</sup>

Program 4.4.2: Illegal Foreign Fishers - Policy Advice and Program Design
<b>Departmental Item:</b> Illegal Foreign Fishers <sup>12</sup>

<sup>12</sup> previously a component of Output Group 1.5 in 2008-09

Output Group 1.7 Systems for People
<b>Departmental Outputs:</b> Systems for People <sup>9</sup>

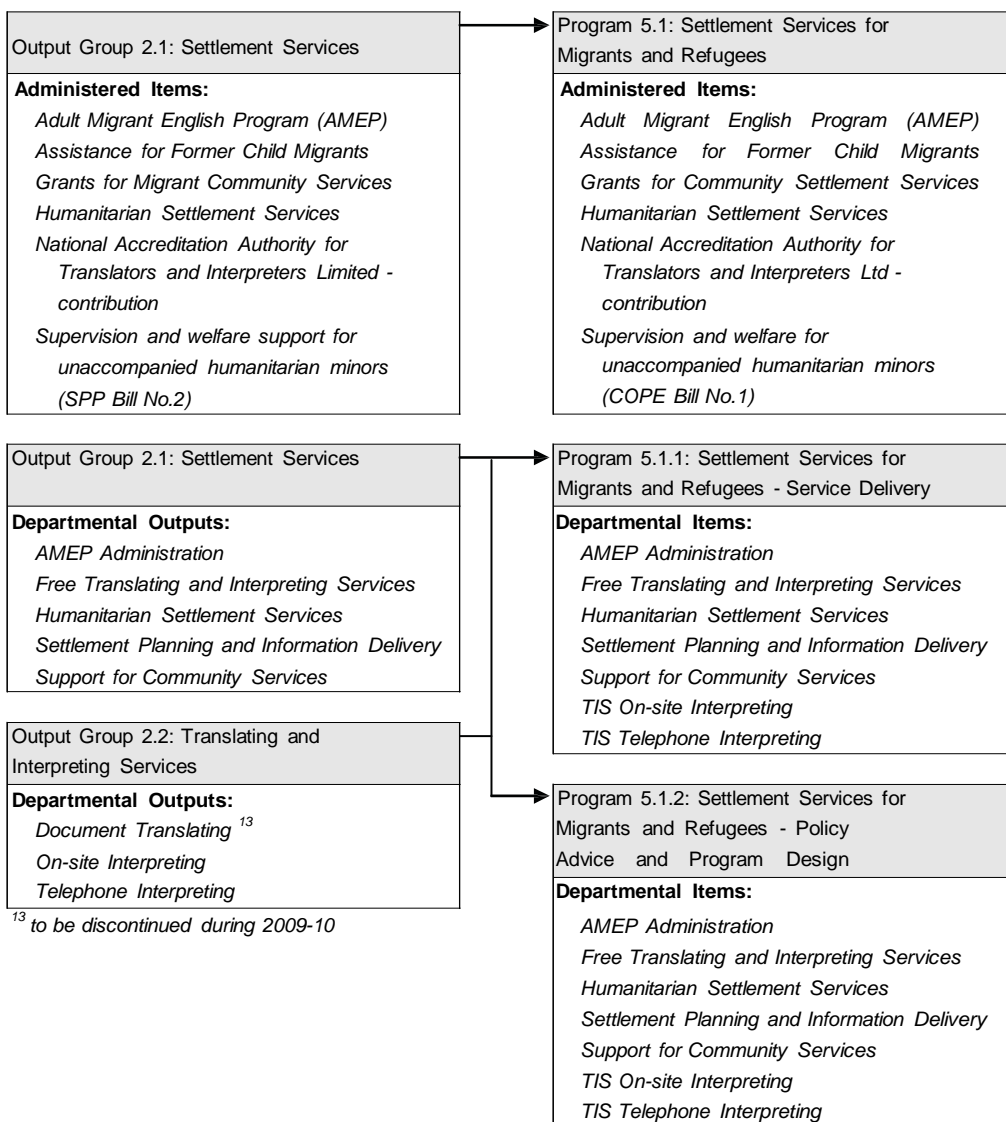
<sup>9</sup> attributed across all programs in 2009-10

**2008-09 Budget year**

Outcome 2: A society which values Australian citizenship and social cohesion, and enables migrants and refugees to participate equitably.

**2009-10 Budget year**

Outcome 5: Equitable economic and social participation of migrants and refugees, supported through settlement services, including English language training; refugee settlement; case coordination; translation services; and settlement policy advice and program design.



<sup>13</sup> to be discontinued during 2009-10

Continued on next page.

2008-09 Budget year

2009-10 Budget year

Outcome 2 continued

Outcome 6: A cohesive, multicultural Australian society through promotion of cultural diversity and a unifying citizenship, decisions on citizenship status, and multicultural and citizenship policy advice and program design.

