

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
1.	MHAJ	Customs	Humphries	Mandatory reporting of serious misconduct, corrupt or criminal activity	<p>Senator HUMPHRIES: You made reference [in your opening statement] to the new powers conferred on the Customs Service. These include integrity testing, power to make a declaration, an officer's employment has been terminated as a result of serious misconduct et cetera.</p> <p>...</p> <p>Senator HUMPHRIES: Have there been any instances of mandatory reporting of serious misconduct, corrupt or criminal activity since that requirement existed?</p> <p>Mr Pezzullo: Yes.</p> <p>Senator HUMPHRIES: How many such cases?</p> <p>Mr Pezzullo: I will take the exact number of reports on notice. Some of them—I know because the reports come to me regularly—were what I would call retrospective mandatory reporting, which is to say, 'The following officers have been charged. They have appeared in court, so they are known entities. And I had a relationship with that officer—we joined together and we went to a party with them once.' So there is that sort of level of reporting. That is triaged and examined and in some cases it leads to further inquiries. In other cases it might be, 'Okay, thank you for reporting it.' So the volume of the reports has to be discounted for what sort of actionable leads emerge from the report. I think I would prefer to come back to you on both of those.</p> <p>Senator HUMPHRIES: It would be interesting to know what reporting has occurred of allegations about people not already in the criminal justice system.</p> <p>Mr Pezzullo: All right. We will refine the data down to that.</p>	L&C 13-14 29/05/2013
2.	MHAJ	Customs	Humphries	End date for pilot phase of drug and alcohol testing	<p>Senator HUMPHRIES: You have mentioned that 551 officers had been tested for alcohol or drugs.</p> <p>Mr Pezzullo: Yes.</p> <p>Senator HUMPHRIES: Are those tests random and unannounced?</p> <p>Mr Pezzullo: Yes.</p> <p>Senator HUMPHRIES: How many officers are we talking about?</p> <p>Mr Pezzullo: The head count of the service, including part-time employees, is around 5,600. Our average staffing level is 5,100—the full-time-equivalent workforce is 5,100.</p> <p>Senator HUMPHRIES: So it is roughly 10 per cent of your full-time workforce. In a full year of operation, are you on average expecting to get through half or three-quarters of the workforce.</p>	L&C 14 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					Mr Pezzullo: At the rate we are going—and in some cases we will be revisiting work areas and some people will be done several times during a financial year—I would anticipate that we would cycle through the entire workforce on a randomised basis, every 24 or 36 months. We are still working through the maths of that. The phase we are in—it is full drug and alcohol testing—is a pilot phase. I would like to review the results when the pilot ends—I will come back to you on the date that it ends, but I think from memory I decided the pilot would take us either to the end of May or June.	
3.	MHAJ	Customs	Humphries	Irregular Maritime Arrivals	Senator HUMPHRIES: ... I just want to confirm IMA numbers and boat arrivals according to the figures operated by your agency, please. My calculation of the number of IMAs since August 2008, when of course there was a change in policy by this government, is 694 boat arrivals carrying 42,187 asylum-seekers. Is that the figure you have? Mr Pezzullo: I would want to check that, rather than just say off the top of my head. I have some data here by financial year and by calendar year, but August 2008 was obviously, as you mentioned, a change-in-policy point. So I would want to check the calculations, but the numbers sound broadly right.	L&C 17 29/05/2013
4.	MHAJ	Customs	Humphries	Illicit drug seizures	Senator HUMPHRIES: Of that seizure of 23.8 tonnes [of illicit drugs], how many actual seizures does that amount to? Was that all in one seizure? Or was it 20 seizures et cetera? Mr Pezzullo: No, there were thousands. I do have quite a lot of data on that. If you just allow me to go to that—or perhaps, Roman, you may want to start breaking it down. But, essentially, if I can start giving a general answer, and then perhaps Mr Quaedvlieg can back it up with some more detail: there are thousands of seizures. Some of them are as few as a few tablets or a small satchel of powder in a single envelope—that is counted as a seizure—and it goes right up to quite significant hauls of half a container or more of illicit drugs. Senator HUMPHRIES: Okay. I am happy for you to take that on notice. Could I turn to border protection related issues. Mr Pezzullo: Sorry, Senator, if I may—just to close that out: we will take it on notice, because there is actually a table I would like to provide to the Senate. But in the reporting year in question, for the drug report for 2011-12 that I mentioned, the number of detections—which, as I said, include everything from a full container right down to a small letter—was just under 7,000, to answer your	L&C 16-17 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					question directly. But we will give you a breakdown and some more detail with the table. Senator HUMPHRIES: Okay, thank you.	
5.	MHAJ	Customs	Humphries	Geraldton SIEV arrival	Senator HUMPHRIES: I want to ask about the arrival on 9 April this year of a boat at Geraldton. ... Senator HUMPHRIES: I understand that it was two members of the public in dinghy who intercepted the arrival. Is that true? Mr Pezzullo: I do not think that they intercepted the boat. Some members of the public might have reported. I will have to check. Senator HUMPHRIES: Can you give us a brief description of exactly what happened? Mr Pezzullo: Having just been joined by Rear Admiral Johnston, I will make some introductory remarks and then ask the admiral to go into some detail. Specifically on the point asked, on that day at approximately 2.45 pm Australian eastern standard time the Geraldton Port Authority—I do not know how many members of that authority—and a member of the public advised Customs and Border Protection of a possible SIEV inside the harbour limits. Senator HUMPHRIES: Inside the harbour? Mr Pezzullo: Yes. At approximately 3.05 pm Australian eastern standard time on the same day, a Customs and Border Protection officer—our officer in Geraldton—who was operating with the assistance of the WA police, and we are grateful for the assistance that they were able to provide, boarded the Geraldton Port Authority vessel, the name of which I am told is <i>Jorgensen</i> . They intercepted the vessel within the port. So a combination of the port authority, one of our officers and WA police.	L&C 18 29/05/2013
6.	MHAJ	Customs	Xenophon	Solar panel dumping	Senator XENOPHON: ...I just want to ask you about solar panels. ... Senator XENOPHON: I have had discussions with Tindo Solar. They are a small company with a first-class product. I hope they do not mind me saying this, but they were quoted something like a million dollars to run an anti-dumping case. They just do not have those sorts of resources in terms of the legal fees. Mr Pezzullo: I am not sure who is quoting them what numbers, but— Senator XENOPHON: They were quoted by a law firm that specialises in these	L&C 22-23 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>sorts of matters.</p> <p>Ms Vivian: With the AIG group there is now an officer who has been particularly put in place to assist companies that cannot afford to run the anti-dumping investigations to put some of their applications together.</p> <p>Senator XENOPHON: But they will not be able to run a case for someone. They can give general advice, but they cannot actually run a case.</p> <p>Ms Vivian: No. They assist people in putting together their application to make a case.</p> <p>Senator XENOPHON: But you realise that it is a very specialised and technical field that requires an enormous amount of evidence gathering, which is itself quite expensive. It means going to China and forensically looking at their books.</p> <p>Ms Vivian: Certainly they are some of the costs that we bear.</p> <p>Mr Pezzullo: That work is undertaken by Commonwealth officials, currently by officers of Ms Vivian's division and shortly by officers of the Anti-Dumping Commission who will be based in Melbourne. So, I do not know, and I will have to take on notice, what costs a company bears in forming the application.</p> <p>...</p> <p>Senator XENOPHON: ... Can I get a separate briefing on notice with the department in relation to this and perhaps with representatives from Tindo Solar?</p> <p>Mr Pezzullo: Yes we can do that.</p>	
7.	MHAJ	Customs	Birmingham	Application under the Environment Protection (Sea Dumping) Act 1981 for permission to sink vessels	<p>Senator BIRMINGHAM: Can I just ask the department, is it correct that you have lodged an application under the Environment Protection (Sea Dumping) Act 1981 for permission to sink vessels?</p> <p>...</p> <p>Rear Adm. Johnston: The answer to your question is: yes, Customs and Border Protection, with AFMA, have lodged a submission for a dumping permit through to SEWPaC—that is correct.</p> <p>...</p> <p>Senator BIRMINGHAM: When did the previous permit expire?</p> <p>Rear Adm. Johnston: It was a Coastwatch approval in around 2005, but I would need to confirm that.</p> <p>Senator BIRMINGHAM: That is a long period of expiration, if it was around 2005 through to lodging a new application for a permit on 11 February this year. Why was there this eight-year hiatus that the department was sinking hundreds of</p>	L&C 23-24 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					vessels without having a sea dumping permit? Rear Adm. Johnston: I cannot answer that. I would need to take that on notice.	
8.	MHAJ	Customs	Kroger	Staff attrition rate	<p>Senator KROGER: Thank you very much. I am interested to know how many personnel are in the Border Protection Service?</p> <p>Mr Pezzullo: In the service generally?</p> <p>Senator KROGER: Yes. What is the total number?</p> <p>Mr Pezzullo: Our average staffing level is about 5,100 full-time equivalents.</p> <p>Senator KROGER: And most of them are full time?</p> <p>Mr Pezzullo: Most are full time, but if you factor in part-time employees, people on leave and whatnot, people who have got some kind of standing as a border protection officer, our headcount is north of that—it is about 5,600. But our average staffing level across the year—paid full-time equivalent employees—is 5,100.</p> <p>Senator KROGER: What is the attrition rate?</p> <p>Mr Pezzullo: It is quite low. It would be single digits. I might have to take the precise number on notice, though.</p> <p>Senator KROGER: Has there been any change to that attrition rate over the last few years, or has it been consistently—?</p> <p>Mr Pezzullo: Unless Ms Grant has got a detailed brief in her folder I would probably prefer to give you an accurate databased answer. I think it is fair to say that it has been stable over time.</p> <p>Senator KROGER: While I am happy for you to take on notice what the attrition rate is, given the way in which you have provided statistics before would you do that on a calendar year or financial year basis?</p> <p>Mr Pezzullo: I am sure we could do both. Most would be financial year because our accounting and financial statements are all done financial year, but I am sure we could work a separation for the calendar year.</p> <p>Senator KROGER: Financial year basis is fine, but an indication of the trend line for the last five years would be helpful.</p> <p>Mr Pezzullo: Okay, Senator.</p>	L&C 26 29/05/2013
9.	MHAJ	Customs	Colbeck	Discussions with SPC Ardmona	<p>Senator COLBECK: ...Have you received anything from SPC Ardmona in relation to an antidumping or a countervailing measures application at this stage, because I understand that would come to you?</p> <p>Ms Vivian: That is correct. Any applications, while we are assessing them, are</p>	L&C 34 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>confidential. But, once we decide to investigate them, we do publish them. We have not published anything in regard to SPC Ardmona at this point in time.</p> <p>Senator COLBECK: So you cannot even acknowledge whether you have received anything?</p> <p>Ms Vivian: No. It is of a confidential nature at this point in time, if we had received anything.</p> <p>Senator COLBECK: Have you had any informal discussions with SPC Ardmona around what their options might be in regard to this?</p> <p>Ms Vivian: At this stage, I am not aware of any discussions taking place.</p> <p>Mr Pezzullo: It is possible that we have. If we have, we can come back to you on notice.</p> <p>Senator COLBECK: If you could provide that advice, I would appreciate it.</p>	
10.	MHAJ	Customs	Humphries	Irregular maritime arrivals	<p>Senator HUMPHRIES: You gave us some figures earlier on for the number of boat and passenger arrivals for both the calendar year 2012 and the financial year to date, 2012-13. They do not tally with the sorts of figures that we have been keeping, exactly, so would it be possible for you to table for both of those periods the actual boat, date of arrival, number of passengers and number of crew, please.</p> <p>Mr Pezzullo: We will. Can you, just for the sake of the drafting officers, clarify which years you want.</p> <p>Senator HUMPHRIES: You gave me the calendar year 2012 and the financial year 2012-13 to date. If you could give us a breakup of each vessel—</p> <p>Mr Pezzullo: By boats, irregular maritime arrivals, and crew. I think they are the three categories.</p> <p>Senator HUMPHRIES: Yes, that is right.</p> <p>Mr Pezzullo: We will do that.</p>	L&C 37 29/05/2013
11.	AG	ALRC	Brandis	Budgeted report costs	<p>Senator BRANDIS: How many years was that in the making, Professor?</p> <p>Prof. Croucher: The exact period would be set out at the beginning. On recollection—but I would have to confirm this—it was approximately a two-year inquiry.</p> <p>Senator BRANDIS: Is it your practice within the commission to attribute a cost in terms of hours spent by individual commissioners, and the cost of consultants and so on, to work out how much particular reports cost and can you tell me specifically how much that report cost?</p> <p>Prof. Croucher: When we make our planning for our work we assign staff—so a</p>	L&C 52 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>commissioner to lead an inquiry and staff. We allow a certain amount for consultation and production of the reports, and all those specific items are budgeted for.</p> <p>Senator BRANDIS: What was budgeted for that report?</p> <p>Prof. Croucher: I cannot tell you, offhand, but we could as a matter of record produce that result.</p> <p>Senator BRANDIS: You could? Thank you.</p> <p>Prof. Croucher: That was some years ago. We have done a lot of work since then.</p> <p>Senator BRANDIS: I understand; you will take that on notice.</p>	
12.	AG	ALRC	Brandis	ALRC's work program	<p>Senator BRANDIS: So, you have had a conversation—just one—with the Attorney-General about the ALRC's work program. Is that right?</p> <p>Prof. Croucher: Yes.</p> <p>Senator BRANDIS: And you are not sure whether that included a reference to this particular matter.</p> <p>Prof. Croucher: Not specifically. I took the call from a hospital room, so I was somewhat distracted at the time. I cannot say as a matter of fact whether that was in it. The work program was in the half-hour discussion I had with the Attorney.</p> <p>Senator BRANDIS: That is fine. I am not trying to trick you. I just want to know what the best of your recollection is. But you also recall having a conversation with a staffer in the Attorney-General's office specifically about this?</p> <p>Prof. Croucher: That is correct.</p> <p>Senator BRANDIS: Just one conversation?</p> <p>Prof. Croucher: One conversation is what I recall. I was to meet the Attorney, but he was not available, so I had a discussion with a staffer.</p> <p>Senator BRANDIS: When was that?</p> <p>Prof. Croucher: I could pin it down by diary reference.</p> <p>Senator BRANDIS: Can you take that on notice and let me know?</p> <p>Prof. Croucher: I certainly can.</p>	L&C 56 29/05/2013
13.	AG	Federal Court	Heffernan	Sick and compassionate leave	<p>Senator HEFFERNAN: I just wanted to ask a question on workloads. Is there a uniform package for sick and compassionate leave? And could I have the median and the mean record of that leave?</p> <p>Mr Soden: I am not sure I understand your question, Senator: sick and compassionate leave of whom?</p>	L&C 59-60, 65 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Senator HEFFERNAN: Say I am appointed to the Federal bench—very unlikely!</p> <p>Mr Soden: So, for judges?</p> <p>Senator HEFFERNAN: What are the conditions under which I can take sick leave and compassionate leave? And what is the history of that leave amongst the bench?</p> <p>Mr Soden: I do not have that kind of information at my fingertips, Senator. I would have to take that on notice.</p> <p>Senator HEFFERNAN: As the minister knows, I have been asking these questions in various estimates. Just so you know, for instance, in DAFF, the median—which is the halfway point rather than the average—</p> <p>Mr Soden: Yes, I understand that.</p> <p>Senator HEFFERNAN: is 15 days a year sick leave.</p> <p>Mr Soden: To be clear: are you talking about judges of the Federal Court?</p> <p>Senator HEFFERNAN: I am, which is pertinent to this. Surely there are some—</p> <p>Mr Soden: I will have to take that on notice—but it will be tiny.</p> <p>Senator HEFFERNAN: Yes, that will be good.</p> <p>Mr Soden: I will take that on notice.</p> <p>...</p> <p>Senator HEFFERNAN: Could we have on notice the record of allocated and authorised sick leave and compassionate leave from the bench—the record of how many work days. I do not know how you would manage it, but I would be interested to see just what the work record is.</p> <p>Mr Soden: We will take that on notice and get you what we can.</p>	
14.	AG	Family Court/Federal Circuit Court	Brandis	Budget notes	<p>Senator BRANDIS: Thank you. Where is the effect of that change in the accounting treatment due to the transparency ushered in by Operation Sunlight explained in the notes to the accounts?</p> <p>Mr Harriott: In terms of budget, the notes to the accounts are quite abbreviated. We are not required to provide the equivalent level of notes that you would do in the annual financial statements.</p> <p>Senator BRANDIS: Was that another reform ushered in by Operation Sunlight?</p> <p>Mr Harriott: They are different documents. If you look at the annual report and the complete financial statements, you will see those note disclosures fully and transparently. I do not have them with me at the moment, but I am quite happy to take that on notice.</p>	L&C 67 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
15.	AG	Family Court/Federal Circuit Court	Brandis	Time spent by Family Court judges on circuit work	<p>Senator BRANDIS: What proportion of the judge days of the Family Court judges is spent on circuit work?</p> <p>Mr R Foster: I would have to take that on notice. The Family Court now lists in major regional centres. It sits in Cairns, obviously. It sits in Darwin where it does not have a permanent presence. It does not regularly circuit to rural and regional Australia, that is largely now a matter for the Federal Circuit Court, but it is the policy of the court that if there is a matter that requires the attention of a justice then the Chief Justice would make a judge available to sit in a rural or regional area.</p> <p>Senator BRANDIS: That was what I was wondering about. How regularly does that happen?</p> <p>Mr R Foster: It happens, I know it happens reasonably frequently in Dubbo. Off the top of my head I do not really have that detail in my mind. It does not happen as much as it used to, but primarily that work is picked up by the Federal Circuit Court.</p>	L&C 71 29/05/2013
16.	AG	Family Court/Federal Circuit Court	Brandis	Split of Federal Circuit Court work	<p>Senator BRANDIS: Turning to your acting Federal Circuit Court of Australia CEO hat, can you tell me what proportion of general federal law work nationally is handled by the Federal Circuit Court?</p> <p>Mr R Foster: I will ask Mr Agnew to address that question.</p> <p>Mr Agnew: I am not sure how you are putting that question, whether it is in terms of the split of the general federal law filings between the Federal Court and the Federal Circuit Court?</p> <p>Senator BRANDIS: The general federal law, I mean leave out the High Court, obviously. The general federal law, as I understand the expression, is always used by the courts themselves, by the non-family law component. So given that the Family Court deals only with family law matters and the only other Federal Court is the Federal Court of Australia, I think the best way to approach answering my question is to say what proportion of matters other than family law matters are dealt with by the FCCA as opposed to the Federal Court.</p> <p>Mr Agnew: Sorry, are you asking of the total pie, how much the Federal Court does as opposed to Federal Circuit Court?</p> <p>Senator BRANDIS: Essentially.</p> <p>Mr Agnew: I do not have that figure, I would have to take that on notice.</p> <p>Senator BRANDIS: Roughly.</p>	L&C 71 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Mr Agnew: At best guess I would say it is almost 50-50 but I would have to take that—</p> <p>Senator BRANDIS: Almost 50-50. So roughly half of all general federal law matters these days are being dealt with in the Federal Circuit Court rather than the Federal Court?</p> <p>Mr Agnew: And I think that takes into account the bankruptcy filings which are—</p> <p>Senator BRANDIS: Sure. I understand the Federal Court does a lot of formal work. Can you come back to me on that please, by reference to filings?</p>	
17.	MHAJ	Classification Board	Humphries	Video game classifications	<p>Senator HUMPHRIES: Can you provide, perhaps on notice, a breakdown of, let us say for last financial year as a comparison, how many video games were submitted and how many were put into which classifications, and for the first whatever months of this year—let us say the first three months of this year—how many in those same classifications were submitted and how many were allocated to which classification.</p> <p>Ms O'Brien: Just to be clear: you want to know, of the games that we have classified under the new guidelines, what the decisions were for each of those games?</p> <p>Senator HUMPHRIES: Yes, please. I want to see how the R 18+ classification is affecting the trend of classification. We can see what we did for all the video games submitted and compare it with those submitted since the 1 January this year as a comparative period.</p>	L&C 73 29/05/2013
18.	AG	Program 1.1 - CLD	Rhiannon	Extractive Industries Transparency Initiative	<p>Senator RHIANNON: I return to the Extractive Industries Transparency Initiative. What obstacles, if any, are there to Australia signing up to the Extractive Industries Transparency Initiative's legislative obligations?</p> <p>Mr Fredericks: We as a department are just not in a position to answer that. I could take that on notice.</p> <p>Senator RHIANNON: When you take it on notice, does that mean you are in a position to answer it but you do not have the information? Before you have been sending me off to the A-G—this one stays with you?</p> <p>Mr Fredericks: We will need to consider that. I suspect we would seek advice from other departments as well.</p> <p>Senator RHIANNON: This has been a long one. When do you think Australia will do so, considering it has been 11 years since the commencement of the</p>	L&C 76 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					initiative? Mr Fredericks: What do you mean by 'do so'? Senator RHIANNON: The initiative started 11 years ago and it is still being considered. I am just trying to understand what your process is and when the decision might be made...	
19.	AG/MEM	Program 1.7 – EMA	Humphries	NDRRA payments	Senator HUMPHRIES: Is there any money in this budget, the 2013-14 budget, for NDRRA payments? Mr Wilkins: I think there is money in the budget papers. Can I take that on notice and come back to you on that. Senator HUMPHRIES: Sure. That would be good.	L&C 79 29/05/2013
20.	AG/MEM	Program 1.6 – NSCDD	Humphries	National Flood Risk Information Project	Senator HUMPHRIES: ...Could I ask some questions about the National Flood Risk Information Project. That is under EMA's area of responsibility? Mr Wilkins: Yes. Senator HUMPHRIES: I see that \$12 million has been committed over the next four years to development of this project in response to the Natural Disaster Insurance Review, and I assume that most of that money is being spent on building the information that will be at the other side of this portal—that people will be able to access through this portal that is being developed by Geoscience Australia. Is that correct? Mr Sheehan: Yes. ... Senator HUMPHRIES: This project was announced before the budget—last year, in fact. How much of the allocated funding of \$12 million has already been spent and how much is yet to be spent? Mr Sheehan: I think that is probably a question that we would have to check with Geoscience Australia, because all the funding went to them to build the portal. We wrote the guidelines. We would have to check that which Geoscience Australia. Senator HUMPHRIES: Could I, on notice, have a breakdown of where that \$12 million actually gets spent. What are the components of the \$12 million, please?	L&C 79, 80, 81 29/05/2013
21.	AG/MEM	Program 1.7 – EMA	Humphries	AGDRP fraud	Senator HUMPHRIES: ...I wanted to ask about AGDRP fraud. Are you able to tell me how many claims of fraud have been made in respect of payments under AGDRP? Mr Wilkins: We will be prepared to take that on notice. Although technically the AGDRP is our program, it is administered by Department of Human Services and	L&C 81 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>they have that data. I am told that we do not, but we could get it. We could take that on notice.</p> <p>Senator HUMPHRIES: Okay.</p> <p>Mr Wilkins: If you wish—or do you want to direct that to—</p> <p>Senator HUMPHRIES: No, that is fine. I will just give you the information I want and if you could take that on notice. It is the total number of claims of alleged fraud of AGDRP from November 2011 to date against the total number of claims of assistance. Let's make it consistent—for each of the last two financial years; that is, this almost completed year and the previous year. How many of those have become a debt payable to the Commonwealth for fraud or in ineligibility or whatever it might be? How many of those debts have been waived due to financial difficulties or for any other reason? And how much has been recovered to date of those that have not been waived?</p> <p>Mr Wilkins: Sorry, I should correct myself. I am informed it is FaHCSIA that actually does crunch the numbers on this. My CFO tells me that FaHCSIA does the numbers, the Department of Human Services does the administration and we own the program.</p> <p>Senator HUMPHRIES: Right! It should be very easy, then, to track down the information, won't it?</p>	
22.	AG/MEM	Program 1.7 – EMA	Furner	NDRRA payments to primary producers	<p>Senator FURNER: I was interested in getting some feedback on the announcement from 30 April this year as a result of the eligible primary producers for the \$25,000 grants. Do you have any feedback on how that is progressing and the numbers of successful applicants?</p> <p>Mr Sheehan: At this stage we do not have any data. It is something that we could consult with Queensland on. Because the payments to the primary producers are part of the national disaster recovery and relief arrangements, the Commonwealth provides a share of those payments, depending on what threshold the state has reached, up to a maximum of 75 per cent, but the administration is actually done at state level. We would be able to check, I think, and get some data for you.</p> <p>Senator FURNER: Yes, I will put that on notice. I would be interested to see what contribution the state governments made towards those particular locations. And perhaps you could list the locations as well.</p>	L&C 83 29/05/2013
23.	AG/MEM	Program 1.7 – EMA	Boyce	Banana Shire disaster payments	<p>Senator BOYCE: All right. I will follow on with some questions I had around the Australian government disaster financial support payments. I understand that there</p>	L&C 83, 84, 85 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>were at least 11 small businesses in Banana Shire who asked for the Australian government disaster financial support payments because of damage caused by the Australia Day floods but have been refused this.</p> <p>...</p> <p>Senator BOYCE: Banana Shire Council advises me that they have contacted the government on a number of occasions seeking an explanation for this and have yet to receive a response that explains the problem.</p> <p>Mr Wilkins: I am not aware of that, but I will certainly take it on notice and come back to you on it.</p> <p>Senator BOYCE: I am more than happy to provide their correspondence; I cannot do it right now.</p> <p>Mr Wilkins: I would not mind further details of the sort that you referred to, but we will certainly look into that and come back to you.</p>	
24.	AG	Program 1.6 – NSLDP	Abetz	COAG Review of Counter-Terrorism Legislation	<p>Senator ABETZ: I have a brief bracket of questions in relation to the COAG Review of Counter-Terrorism Legislation.</p> <p>...</p> <p>The COAG Review of Counter-Terrorism Legislation made a number of suggestions. Some of them, if I might be so bold as to say, were welcome suggestions dealing with hoax threats and hostage taking, but there were, I respectfully suggest, a few that give me cause for concern. I am looking around because I notice the minister has departed, and I suspect there may be some policy questions in relation to what I am about to ask. But let me try, in any event. Recommendation 13 was about omitting the subsection that 'deals with a situation where an organisation directly praises the doing of a terrorist act'; recommendation 16 was about 'exemptions for providing training to or receiving training from a terrorist organisation for purposes unconnected with the commission of a terrorist act'; recommendation 23 was about the repeal of the Criminal Code section 102.8 'Associating with a terrorist organisation'; and recommendation 39 was about the repeal of preventive detention legislation. Does the Attorney-General agree with those four recommendations?</p> <p>Mr Wilkins: I cannot answer the questions.</p> <p>Senator ABETZ: Minister, I am not sure what you heard and I fully accept that you were otherwise detained, so no criticism on that.</p> <p>Senator Ludwig: I am happy to take it on notice in the sense that it would be on</p>	L&C 85 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>the transcript and I would not know the answer.</p> <p>...</p> <p>Senator ABETZ: What I want to ask is, for instance, what public purposes are served by making it legal to receive training from a terrorist organisation if it is not connected with a terrorist act? Do we really want or need al-Qaeda teaching Australians first-aid or bookkeeping or propaganda techniques? I raise this very seriously. When will the Attorney-General respond to the COAG review on counterterrorism?</p> <p>Mr Wilkins: I do not have a time line on that. The other report that is out is also the monitor's report, which deals with overlapping recommendations. The two reports are not entirely consistent but they do overlap. I do not know what the time frame is. That is something that you will need to put to the Attorney-General, I think.</p> <p>Senator ABETZ: If you can take that on notice.</p>	
25.	AG	ASIO	Abetz	Hezbollah	<p>Senator ABETZ: ... It has long been reported that Hezbollah operates in Australia and on 27 April the <i>Australian</i> reported comments by Sunni cleric Sheikh Bilal Radwan that there are at least three Hezbollah sleeper cells in Australia. Hezbollah has been involved in terrorist attacks around the world, and earlier this year the Bulgarian government found that an Australian citizen was involved in a Hezbollah terrorist attack that killed six people in Bulgaria on 18 July 2012. Meanwhile, Cyprus convicted another self-confessed Hezbollah operative of attempting to prepare terrorist attacks in that country. Do the Australian security authorities concur that Hezbollah has sleeper cells in this country and, if so, what can you reveal about what is being done to monitor their behaviour?</p> <p>Mr Wilkins: I cannot really answer that question. You can appreciate that I run basically a policy shop. It is really a question for ASIO and the AFP.</p> <p>Senator ABETZ: Albeit, the policy framework under which they operate will impact on what they do.</p> <p>Mr Wilkins: Yes, but what I am saying is that I do not collect that sort of intelligence. I cannot really answer your question. I am not sure that ASIO would want to answer your question in an open session like this, either.</p> <p>Senator ABETZ: I fully accept that.</p> <p>Mr Wilkins: I can take it on notice—</p>	L&C 85-86 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Senator ABETZ: When somebody publicly boasts that there are such cells operating in Australia then it is a matter of concern for the citizenry of our country and—</p> <p>Mr Wilkins: I hear what your say.</p> <p>Senator ABETZ: if the authorities simply say, 'Oh, well, that's interesting, isn't it?' it might concern the citizenry that these boasts are not being taken seriously.</p> <p>Mr Wilkins: Let me take it seriously. I will take it on board and discuss it with my colleague the director-general of intelligence and also the commissioner of police. Can I do that?</p> <p>Senator ABETZ: Yes. Any questions that I am asking that you feel should be farmed out, if I could rely on your good offices to farm those out then to the relevant agencies, I would be most obliged to you, Mr Wilkins.</p> <p>Mr Wilkins: I would also like to discuss with them the best way to handle your query, actually. I take your point.</p> <p>Senator ABETZ: I accept that.</p>	
26.	AG	Program 1.6 – NSLPD	Ludlam	Data retention	<p>Senator LUDLAM: ... I understand there were consultations occurring in an earlier iteration of the data retention policy around 2009.</p> <p>...</p> <p>Senator LUDLAM: That is fascinating. How many meetings were there?</p> <p>Mr Wilkins: I do not know.</p> <p>Senator LUDLAM: Is that because these things did not have any formal standing as such?</p> <p>Mr Wilkins: There were two, apparently.</p> <p>Senator LUDLAM: Okay, there we go! We are making progress: there were two meetings. It sounds as though you might need to take on notice who actually initiated them. If you are not happy to—</p> <p>Mrs Smith: I can answer that.</p> <p>Mr Wilkins: Catherine did!</p> <p>Senator LUDLAM: Wonderful. We are making progress.</p> <p>Mrs Smith: Those meetings were initiated by me, as Mr Wilkins said. I went about seeking the advice of industry, which I do in my daily job in assisting the Attorney in administering the Telecommunications (Interception and Access) Act. It was brought to our attention by agencies that they were having issues with data no longer being collected or retained by industry, so they were essentially</p>	L&C 87, 89 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>meetings to ascertain what kind of information they were keeping and no longer keeping so that we could advise government accordingly.</p> <p>Senator LUDLAM: Thank you, that is helpful. And you chaired those meetings with internet service providers?</p> <p>Mrs Smith: I did indeed, yes.</p> <p>Senator LUDLAM: Are you able to provide us with the dates when those meetings occurred and any such records as exist of the meetings themselves?</p> <p>Mrs Smith: I can certainly take that on notice. From memory, one was, I think, in March and one was in September, but I will definitely take those on notice—</p> <p>Senator LUDLAM: Yes, if you could.</p> <p>Mrs Smith: and as to who attended.</p> <p>Senator LUDLAM: I suspect you will not be interested in providing me with names—that is fine—but any of the commercial participants who participated?</p> <p>Mrs Smith: Yes, I do not have problems with providing that on notice.</p> <p>Senator LUDLAM: That is much appreciated, thank you.</p> <p>...</p> <p>Senator LUDLAM: Mrs Smith, you chaired a consultative group around industry. What was the general tenor of industry's response to the data retention proposal?</p> <p>Mrs Smith: I would need to go back to the minutes of the meeting. I understand that a lot of industry give their comments on an in-confidence basis. I would have to go back to those comments before I could disclose. Generally industry are always very keen to work with us on how we can appropriately modernise the legislation to the best benefit of law enforcement and their own interests.</p> <p>Senator LUDLAM: Could I ask you to table those minutes for us.</p> <p>Mr Wilkins: Can we take that on notice?</p> <p>Senator LUDLAM: Sure; I will play along.</p>	
27.	AG	Program 1.6 – NSLPD	Ludlam	Data retention	<p>Senator LUDLAM: ... I understand that at some stage there was an interdepartmental committee within the government that was set up to look into that issue. Is that the case?</p> <p>Mrs Smith: Not to specifically look at data retention; that was just to generally look at the need to amend the Telecommunications (Interception and Access) Act in the light of new technologies being provided by industry which were doing what is considered to be 'going dark', which means that they would lose</p>	L&C 87-88 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>capabilities. Senator LUDLAM: I understand that concept. Mrs Smith: That is what the meetings were for. Senator LUDLAM: Data retention would have been included amidst that set of issues? Mrs Smith: Most certainly. Senator LUDLAM: Can you just describe for us how I refer to this interdepartmental committee—what its name was, or what standing those sorts of entities have? Mrs Smith: I think it was an interdepartmental committee. That is all I recall it being called, but I will certainly take that on notice. Senator LUDLAM: That is great.</p>	
28.	AG	Program 1.1 – AJD	Boyce	Victoria's plan on violence against women and children	<p>Senator BOYCE: This is a more general question towards the federal government: Victoria's plan on violence against women and children makes the point that a quarter of all perpetrators of violence against women and children are repeat offenders. Could someone perhaps talk in terms of the standing council as to whether this statistic would be a generally national one, and whether this is something that is being considered within a broader context than what each state is going to do about it. Ms Glanville: I would find it hard to comment on that. It would not surprise me if that was in fact replicated in places other than Victoria. That would certainly not— Senator BOYCE: It would not surprise me either, but do we know? Ms Glanville: No. We would have to take that on notice. Perhaps it might be that the Australian Institute of Criminology has looked at some of this research and trending in the way that you are suggesting. It is certainly something that we could take on notice and have a further look at.</p>	L&C 93 29/05/2013
29.	AG	Program 1.1 – AJD	Xenophon	Limitation periods	<p>Senator XENOPHON: I guess that those who are involved in the DART process—the Defence abuse process—feel that there is an appreciable difference in the way that they can access the cost of legal representation. Mr Wilkins: You see, it is an inquisitorial type of process. I am not quite sure that the idea that somebody needs to be represented is necessarily of the essence in the same way that it may be in cases where somebody is actually being investigated, in the same way that police would investigate, in relation to the royal commission.</p>	L&C 96 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Let me just say that the scheme does not include that.</p> <p>Senator XENOPHON: Perhaps you could take on notice what the actual policy of the government is in relation to defending claims where there is a limitation of time—point taken—in relation to the Defence Abuse Response Taskforce.</p> <p>Mr Wilkins: Yes.</p>	
30.	AG	Program 1.1 – ILHRD	Wright	International obligations in relation to the detention of children	<p>Senator WRIGHT: There is increasing concern in Australia about the detention of young people and the nature of the detention that they are undertaking, and I am interested in knowing what our international obligations would be about that.</p> <p>Mr Manning: There are obligations of a general nature in relation to anyone who is detained—in, for example, the International Covenant on Civil and Political Rights—for example, obligations in relation to humane treatment. There are obligations in relation to not detaining people arbitrarily which apply to adults and children equally. Then there are also obligations in relation to the Convention on the Rights of the Child about using detention as a matter of last resort—however, Australia has reservations in relation to those obligations, mainly borne as a result of the geographic situation in Australia.</p> <p>Senator WRIGHT: What do you mean by that?</p> <p>Mr Manning: In the sense that, at the time, Australia did not think it could necessarily guarantee that, because its size meant that there were benefits in detaining children close to their families which could not be guaranteed in all circumstances—which meant that guarantees about not detaining children with adults, for example, could not be guaranteed.</p> <p>Senator WRIGHT: If it is helpful, perhaps you could take that on notice and give a bit more specificity about the obligations in relation to children as opposed to the general obligations about detention.</p> <p>Mr Wilkins: We might be able to refer you to some articles that deal with this.</p> <p>Mr Manning: Certainly we can take it on notice and cite relevant articles on the Convention on the Rights of the Child, for example, and give some more details about Australia's reservations and declarations.</p> <p>Senator WRIGHT: Thank you, I would appreciate that. Perhaps you can also look at this when you are answering that question: I am interested in whether any of these obligations specifically address the issue of detaining people under the age of 18 in adult facilities.</p> <p>Mr Manning: Certainly. I presume that is directed towards the issue I was</p>	L&C 100 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>speaking of earlier about children and adults being detained separately—the issue about which Australia has a reservation.</p> <p>Senator WRIGHT: What research is the department aware of that examines the impact of detaining youths in adult facilities? Does any of that research focus on Indigenous Australian youth? Again, it is a broad question that you may want to take on notice.</p> <p>Mr Wilkins: I think we will need to take that on notice. Other areas of the department that look at Indigenous programs may well have some information about that, but we will take that on notice.</p>	
31.	AG	Program 1.1 – AJD	Brandis	Barker vs. the Commonwealth	<p>Senator BRANDIS: I will start by asking about the matter of Barker and the Commonwealth, the Federal Court proceedings involving certain judges of the former Federal Magistrates Court, now the Federal Circuit Court.</p> <p>...</p> <p>Senator BRANDIS: Has there been a costs assessor engaged?</p> <p>Mr Fredericks: Yes, there has.</p> <p>Senator BRANDIS: Who is that?</p> <p>Dr Smrdel: The cost consultant firm Legalcost provided the cost assessment.</p> <p>Senator BRANDIS: Is that a Canberra-based firm?</p> <p>Dr Smrdel: I would have to follow that up.</p> <p>...</p> <p>Senator BRANDIS: How many lawyers either full-time or part-time have been involved in the defence of this litigation?</p> <p>Mr Wilkins: We do not have that information. We will have to take it on notice.</p>	L&C 105, 107 29/05/2013
32.	AG	Program 1.1 – AJD	Brandis	Federal Court appointments	<p>Senator BRANDIS: Thank you. Mr Wilkins, can I return to the question that I raised on the courts—that is, the issue of appointments. I foreshadowed to you the questions that interested me about the process which had been engaged in in relation to the advertisement and appointment of the three new Federal Court judges.</p> <p>...</p> <p>Senator BRANDIS: When you say the panel process was completed, does that mean that a shortlist had been identified for recommendation to the Attorney by 10 May?</p> <p>Mr Fredericks: Correct. A shortlist of names to be put before the Attorney-General, including the panel's opinion about their suitability for the position. How</p>	L&C 108 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>many names on that list? Mr Fredericks: I do not have that information here. Senator BRANDIS: Do you know, Mr Wilkins? Mr Wilkins: I have not seen these processes actually. Senator BRANDIS: What is the custom, Mr Fredricks, as to the number of names on a shortlist to be submitted to the Attorney? Mr Fredericks: It is ultimately a judgement by the panel and, roughly speaking, my recollection of this Melbourne process was that there would have been probably somewhere between six to eight, maybe 10, names presented to the Attorney-General— Senator BRANDIS: Between six and 10. Mr Fredericks: I think that is right. Senator BRANDIS: Those were names from how many applicants in total for the Melbourne vacancy? Mr Fredericks: I really would have to take that one on notice. Senator BRANDIS: You take that on notice, please.</p>	
33.	AG	Program 1.1 – AJD	Brandis	Expressions of interest for Brisbane registry appointment	<p>Senator BRANDIS: How many expressions of interest were received [for the Brisbane registry EOI]? Mr Fredericks: I do not know the answer to that; I will have to take that on notice. Senator BRANDIS: You will be back here tomorrow evening, of course, so just make the inquiry and you can tell me tomorrow, because we may not meet again. Mr Fredericks: Yes, happy to.</p>	L&C 115 29/05/2013
34.	AG	Program 1.1 – AJD	Brandis	Federal Circuit Court appointment	<p>Senator BRANDIS: I want to ask you about some appointments to the Federal Circuit Court announced by the Attorney-General on 16 May. I particularly want to ask about the appointment of Ms Suzanne Jones, the wife of Mr Dave Oliver, the secretary of the ACTU. ... Senator BRANDIS: When did the panel meet, please? Ms Glanville: I cannot tell you when the panel actually met. I could get that for you. I could take that on notice. Senator BRANDIS: Let me know tomorrow, would you? Ms Glanville: Yes. Senator BRANDIS: When was the short list finalised?</p>	L&C 115-116 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Ms Glanville: Once again, I would have to take that on notice and give you that date.</p> <p>...</p> <p>Senator BRANDIS: How many names were on the first short list?</p> <p>Ms Glanville: I would have to take that on notice.</p> <p>Senator BRANDIS: Approximately?</p> <p>Ms Glanville: I would have to take that on notice.</p> <p>Senator BRANDIS: How many names were added to the short list when the second short list was prepared?</p> <p>Ms Glanville: About five, but I would have to check that.</p>	
35.	AG	Program 1.1 – AJD	Brandis	Federal Circuit Court appointments	<p>Senator BRANDIS: When was the first short list [of Federal Circuit Court appointment applicants] sent to the Attorney-General?</p> <p>Ms Glanville: We do not send the short list to the Attorney-General.</p> <p>Senator BRANDIS: So you do not follow the practice that Mr Fredericks follows for the Federal Court?</p> <p>Ms Glanville: There might be the running through of who has applied—</p> <p>Senator BRANDIS: And who is on the short list?</p> <p>Ms Glanville: Yes but it is not sent to the Attorney-General as such.</p> <p>Senator BRANDIS: Is the Attorney-General either directly or through his political staff—</p> <p>Ms Glanville: It is a similar process to the one that Mr Fredericks described.</p> <p>Senator BRANDIS: If it is similar to the process that Mr Fredericks described, then the Attorney-General's office would have been made aware of who was on the shortlist. Did that happen?</p> <p>Ms Glanville: Yes.</p> <p>Senator BRANDIS: Were they made aware of who was on the first short list?</p> <p>Ms Glanville: Yes.</p> <p>Senator BRANDIS: And presumably they were also made aware of who was on the second short list?</p> <p>Ms Glanville: I will need to check that because in the intervening period there was a change of Attorney-General. To be clear on that I would need to look at what impact that would have had on the process.</p>	L&C 117 29/05/2013
36.	MHAJ	ACLEI	Brandis	Staffing	<p>Senator BRANDIS: Currently, how many equivalent full-time staff positions are allocated to the oversight of Customs?</p>	L&C 10 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Mr Moss: Although Customs is taking the majority of my focus right now, the staff who are solely devoted to Customs work would be two staff. But other staff also support the work that they are involved in from time to time.</p> <p>Senator BRANDIS: You must do an analysis of equivalent full-time positions of the other staff who are allocated to support their work from time to time. If you aggregate the amount of their time that is devoted to supporting the two staff overseeing Customs, how many equivalent full-time positions does that get you to?</p> <p>Mr Moss: I do not have the answer of that aggregation for you now. I can take it on notice.</p>	
37.	MHAJ	Program 1.6 – CrJD	Xenophon	Alan Kessing	<p>Senator XENOPHON: Hold on, Mr Wilkins: if Mr Kessing makes a submission to the board outlining his specific knowledge, given the reports he prepared, he would be charged under section 70 of the Crimes Act. That is his dilemma, isn't it? Unless you guarantee that he will not be prosecuted for disclosing what he knows, won't he then be prosecuted?</p> <p>Mr Wilkins: I do not think he will be prosecuted. I think it is all theoretical.</p> <p>Senator XENOPHON: He has been prosecuted once before. You can understand there is a potential dilemma for him.</p> <p>Mr Wilkins: I understand what you are saying. I do not understand that it is a real dilemma, but let me have a look at that.</p> <p>Senator XENOPHON: He has already lost just about everything through being dragged through the courts.</p> <p>Mr Wilkins: So, that is the reason he is not making a submission, is it?</p> <p>Senator XENOPHON: Well, I am just putting to you that Mr Kessing, if he discloses what he knows, could be in breach of section 70 of the Crimes Act.</p> <p>Mr Wilkins: I think it is highly theoretical. It has not even arisen in my mind.</p> <p>Senator XENOPHON: He has been dragged through the courts once.</p> <p>Mr Wilkins: Well, I do not think the board is interested in prosecuting.</p> <p>Senator XENOPHON: Can we get a guarantee that if he discloses all that he knows he will not be subject to any prosecution?</p> <p>Mr Wilkins: It depends, I suppose, what he discloses.</p> <p>Senator XENOPHON: Oh, so he might be prosecuted now?</p> <p>Mr Wilkins: Hold on; if he discloses, and presumably he will not, that he has been involved in some serious organised crime, then clearly the board is not going</p>	L&C 21 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>to guarantee that no action will be taken.</p> <p>Senator XENOPHON: If he discloses the knowledge that he obtained when he prepared those two reports that were sat on and that were ignored within Customs, will he be prosecuted?</p> <p>Mr Wilkins: He as already been prosecuted for that anyway, hasn't he?</p> <p>Senator XENOPHON: But it will be a fresh offence. Double jeopardy would not apply.</p> <p>Mr Wilkins: I think the answer is no. Let me take that on notice. If he requires some sort of undertaking or guarantee, we will have a look at that. I think we can deal with this in a common-sense way.</p>	
38.	MHAJ	ACLEI	Brandis	Search warrants	<p>Senator BRANDIS: How many search warrants have you executed in relation to suspicion of corruption among Customs officers since the investigation began in January the year before last?</p> <p>Mr Moss: In the context of a joint investigation some of the warrants executed are in the name of ACLEI and some are executed in the name of the AFP.</p> <p>Senator BRANDIS: How many have been executed in the name of ACLEI?</p> <p>Mr Moss: I do not have a figure on that right now. I can take that question on notice, if I may.</p>	L&C 12 30/05/2013
39.	MHAJ	ACC	Brandis	Staffing	<p>Senator BRANDIS: What about the 36 staff that you lost as a result of last year's budget? Where did they come from?</p> <p>Mr Lawler: I will need to take that on notice to get specific details of what positions. They will have come from natural attrition.</p> <p>Senator BRANDIS: But even those who came from natural attrition had been doing something before they retired and are presumably not being replaced.</p> <p>Mr Lawler: That is right.</p> <p>Senator BRANDIS: So that is a degradation in the capacity of that part of your agency.</p> <p>Mr Lawler: That is right. There is no disguising the fact that the positions have gone, or will go.</p> <p>Senator BRANDIS: Can you take that on notice, please, for both the 36 staff you lost in last year's budget and in respect of whom decisions will have been made by now, so that we can get a clearer sense of where they have come from.</p>	L&C 19-20 30/05/2013
40.	MHAJ	AFP	Madigan	Special References	<p>Senator MADIGAN: Good morning, Commissioner. I assume that there is a war crimes section in the Australian Federal Police, is that correct?</p>	L&C 22 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Mr Negus: There is a team within our special operations area that does focus on war crimes, yes. It is not named that way, but it has a component of people with experience in that area.</p> <p>Senator MADIGAN: Does this group have a formal name?</p> <p>Mr Colvin: It is our special reference area. They deal with a lot of our more sensitive, difficult or political investigations as well as things like war crimes, yes.</p> <p>Senator MADIGAN: When was this group put together?</p> <p>Mr Colvin: This team has been in existence in one form or another under different names for a decade or more. It is a headquarters-based investigations unit.</p> <p>Senator MADIGAN: How many personnel are involved in this unit?</p> <p>Mr Colvin: In special references? In a general sense, we draw from a pool of around 336 investigators. I may have to take on notice the exact breakdown for the special references team.</p> <p>Senator MADIGAN: You can take that question on notice.</p> <p>Mr Colvin: I will have to.</p> <p>Senator MADIGAN: Are you able to tell me what sort of money is allocated to the budget for these investigations currently?</p> <p>Mr Colvin: For war crimes investigations, I would definitely have to take that on notice.</p> <p>Senator MADIGAN: Could you also take on notice how much has been spent in the last five years on war crime investigations.</p> <p>Mr Colvin: We can take that on notice.</p> <p>...</p> <p>Senator MADIGAN: Over the years that this group has existed, how many briefs of evidence has it provided to the relevant Director of Public Prosecutions?</p> <p>Mr Colvin: I would have to take on notice how many we have provided to the CDPP.</p> <p>Senator MADIGAN: Further to that, I would like to know how many convictions have resulted as a result of your briefs of evidence.</p> <p>Mr Colvin: There have been no convictions under Australian war crimes legislation that we are aware of. If that is not correct, I will correct the record.</p>	
41.	MHAJ	AFP	Madigan	Jakarta Centre for Law Enforcement	Senator MADIGAN: How much has the Australian government spent to date on the Jakarta Centre for Law Enforcement Cooperation?	L&C 22 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
				Cooperation	<p>Mr Wood: I can probably get that figure during the hearing. I do not have the data going back for the full period that JCLEC has existed, but I should be able to get that texted through to the team here and put it on the record during the hearing. Certainly, the expenditure in JCLEC is not just from the Australian government. There is a series of donors, particularly from the European Union or from the United States, who also invest.</p> <p>Senator MADIGAN: We can only deal with what Australia contributes, so that is what I would like to know.</p> <p>Mr Wood: I will get that for you, Senator.</p>	
42.	MHAJ	AFP	Xenophon	Surveillance Devices Act and the <i>Telecommunications (Interception and Access) Act</i>	<p>Senator XENOPHON: ...I need to ask you a series of questions in relation to the Surveillance Devices Act and the Telecommunications (Interception and Access) Act.... Is it the case under the Australian legislation, particularly under sections 178, 179 and 180 of the Telecommunications (Interception and Access) Act, that, in order to obtain the phone records and the phone data and also presumably the Facebook and Google data of a person, you do not actually need to get a warrant?</p> <p>...</p> <p>Mr Phelan... You are right: when it comes to non-content data, under the Telecommunications (Interception and Access) Act the AFP can have access to that data by way of an internal authorisation.</p> <p>...</p> <p>Senator XENOPHON: Does that relate to getting access to Facebook and social media sites as well?</p> <p>Mr Phelan: No, because things like Facebook, Google and so on are overseas. Depending on the entity themselves, if we want to get details of those particular individuals we have to make a request to the United States and, more often than not, that requires some sort of mutual assistance request.</p> <p>Senator XENOPHON: Are there requests? Have requests been made to the United States in relation to Facebook and Google?</p> <p>Mr Phelan: We have made a number of requests over the time.</p> <p>Senator XENOPHON: On notice, can you tell me how many requests have been made?</p> <p>Mr Phelan: We should be able to find that out.</p>	L&C 25-26 30/05/2013
43.	MHAJ	AFP	Xenophon	Surveillance Devices Act and the	<p>Senator XENOPHON: Can you advise, on notice, whether any members of parliament have been the subject of these authorisation orders?</p>	L&C 29 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
				<i>Telecommunications (Interception and Access) Act</i>	<p>Mr Negus: I do not think we could. I mean, we do not specify real estate agents or anyone else for this process.</p> <p>Senator XENOPHON: You are elevating us you know, comparing us to real estate agents!</p> <p>Mr Negus: I hesitated because I did not want to bring too many people into the mix, but we do not categorise people by what their job is, whether they be journalists, members of parliament or police officers.</p> <p>Senator XENOPHON: Commissioner, come on—you know very well that members of parliament are more likely to get information about malfeasance or from a whistleblower than a real estate agent, from someone in the public service. I am not sure that Century 21 Belconnen gets too many calls from people dissatisfied with—</p> <p>Mr Negus: You may be surprised! But can I take that on notice? I will have a look at what I can disclose to you.</p> <p>Senator XENOPHON: Why can't you tell us whether any members of parliament have been the subject of these authorisations?</p> <p>Mr Negus: Well, I do not recall any, off the top of my head, and we are talking about five investigations of leaks in each of the last two years. I do not recall any. These things are not done without proper consideration of the requirement here, and also understanding and respecting some of the issues you have raised here; that is certainly part of what we do. I cannot recall any off the top of my head, but I will take it on notice and see whether we can supply you with any information or whether we think that is stepping too far across the line.</p>	
44.	MHAJ	AFP	Hanson-Young	Section 40YA of the <i>AFP Act</i>	<p>Senator HANSON-YOUNG: You have power under section 40YA of the AFP Act to bring criminal charges for bullying people who make disclosures. Have you ever used this power?</p> <p>Mr Negus: I personally have not used it. I am not sure whether it has been used in the history of the AFP. Mr Wood?</p> <p>Mr Wood: Not that I recall. But I am happy to correct the record for you if we do come across a case when we return to the office.</p> <p>Senator HANSON-YOUNG: Could you take that on notice.</p> <p>Mr Wood: Yes.</p>	L&C 38 30/05/2013
45.	MHAJ	AFP	Rhiannon	Training for Sri Lankan Police	<p>Senator RHIANNON: Does the AFP provide training to the Sri Lankan Police?</p> <p>Mr Colvin: Yes, we do.</p>	L&C 39, 40, 41 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Senator RHIANNON: How many Sri Lankan police have the AFP trained?</p> <p>Mr Colvin: I do not have the numbers. What I do have is the types of training that we have provided.</p> <p>Senator RHIANNON: Could you take it on notice to provide the numbers and provide details about the types of training.</p> <p>Mr Colvin: I can give you the types of training now and I will take it on notice to provide you with the numbers. The training courses have included management of investigations; development for individual police officer programs; criminal intelligence analyst training; money laundering investigations training; and train the trainer. Of course, it is our desire that these agencies build up their own capacity and do not need us to do this training with them. We have also assisted with 20 computer based training learning modules on police best practice. We have done that in partnership with the United Nations Office of Drugs and Crime.</p> <p>Mr Negus: Can I just add—and this goes back to questions we have previously at estimates—that the issue of human rights remains central to all of the training we deliver. Human rights to the Australian standard and to our international obligations, and any training we would deliver during that period of time in the areas you have talked about, certainly would contain elements consistent with Australia's stand on human rights.</p> <p>Senator RHIANNON: You use the word 'elements', which could be either minimal or considerable. Could you take it on notice to provide details of what training that is and how large a component of the training it is.</p> <p>Mr Negus: Certainly.</p> <p>Senator RHIANNON: Does the AFP provide training to the Sri Lankan Coast Guard?</p> <p>Mr Colvin: No, we do not.</p> <p>Senator RHIANNON: Does the AFP provide training to the Sri Lankan military?</p> <p>Mr Colvin: No, we do not.</p> <p>Senator RHIANNON: For either of those, have you ever done so?</p> <p>Mr Colvin: I do not believe so. I will correct the record if there has been. I might add that that it would only be in an instance where we are conducting training with the Sri Lankan Police Service. It may be that an officer from the Sri Lankan Navy investigative component is in that training but that would be very rare and unusual because our liaison and training is with the police.</p>	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Senator RHIANNON: So you will take it on notice to find out whether the military have been present when you have been training police?</p> <p>Mr Colvin: Yes, we will.</p> <p>Senator RHIANNON: How much money has the AFP spent on this training?</p> <p>Mr Colvin: I have records for 2012-13, the current financial year. We have spent approximately \$540,000, of which about half is ODA funding and half is our departmental funding that we have been appropriated under various new policy initiatives.</p> <p>Senator RHIANNON: If you do not have the figures, could you take it on notice to tell me how much money has been spent on training since the end of the civil war in 2009.</p> <p>Mr Colvin: I will have to take that on notice, yes.</p> <p>...</p> <p>Senator RHIANNON: Could you take it on notice to give us a specific example of where the AFP has interacted with your counterparts in Sri Lanka to recommend changes to address these ongoing allegations about torture and rape.</p> <p>Mr Colvin: That will be part of our answer to you in relation to the training because that is implicit any training that we have delivered that has a human rights nature. I will also see if there have been any particular instances where we have raised it as a specific issue.</p>	
46.	MHAJ	AFP	Rhiannon	ODA eligibility	<p>Senator RHIANNON: Thank you. Mr Negus, is the AFP operation in Afghanistan ODA eligible?</p> <p>Mr Negus: Yes, it is.</p> <p>Senator RHIANNON: Does ODA cover all of your operations? Is everything ODA eligible?</p> <p>Mr Negus: I know the substantial amount of it is, but we will get those details for you.</p> <p>...</p> <p>Mr Drennan: If I may, regarding your earlier question, almost all of the funding for Afghanistan is ODA eligible. There is a small component which is not. The current ODA budget for Afghanistan is \$17.7 million and \$5 million is non-ODA.</p>	L&C 42 30/05/2013
47.	MHAJ	AFP	Rhiannon	Afghan operations budget - Uruzgan	<p>Senator RHIANNON: What was [the budget] for the 28 people when you were in Uruzgan?</p> <p>Mr Drennan: I would have to take that on notice.</p>	L&C 42 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					Mr Negus: I think the savings measure which would have been announced was around \$10 million. So the reduction of 15, from 28 down to 13, was a difference of around \$10 million—from memory. I think the total budget would have been what we have just given you plus about \$10 million.	
48.	MHAJ	AFP	Rhiannon	National Action Plan on Women, Peace and Security	<p>Senator RHIANNON: Thank you. Mr Negus, do you have an officer responsible for the implementation of the National Action Plan on Women, Peace and Security within the AFP?</p> <p>...</p> <p>Mr Drennan: To my knowledge, we do not have a specific person. But we certainly support and contribute to that plan in general, particularly through our UN missions and non UN missions, where we are actively involved in developing women in policing, which is in accordance with that plan. We have some quite specific programs in which our people are involved in achieving the objectives of that plan.</p> <p>Senator RHIANNON: Could you give us some more specifics, please. I am interested in what measures the AFP have put in place to implement this plan in Afghanistan, Syria, Mali and Sri Lanka.</p> <p>...</p> <p>Mr Drennan: In just about all the countries where we are doing capacity development work there is a focus on programs for women. Particularly in the Solomon Islands, we have done quite a few programs that support the development of women in policing.</p> <p>Senator RHIANNON: Apart from Afghanistan and the Solomon Islands, any other countries?</p> <p>Mr Drennan: Pretty much right through the Pacific. In all of the Pacific police development programs there are specific programs for women. It is a particular focus for us. Even in PNG we have done some specific programs. In Timor Leste we have done specific programs beyond women in policing but also catering for domestic violence and victims of domestic violence. Without trying to get specific for every particular country, it is a general theme of focus for us in all of our capacity development work in line with the objectives from the UN. We also have two senior officers from the IDG, one who is the assistant commissioner in charge, and also one former commander who was in charge of our deployment to Timor Leste who are actively involved in that program. As I recall, they presented</p>	L&C 45-46 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>at a particular conference on that program.</p> <p>Senator RHIANNON: Thank you for that response. Could you take on notice to supply more details. I appreciate that it is focus. But if you could provide details on the numbers so that we can compare that to the males who you training and interacting with, that would be good. I would like to know how many women are you interacting with and training. If you could provide some more details on both the content and the outcome of these programs, that would be good.</p> <p>Mr Negus: We are happy to do that. But we need to acknowledge upfront that we are starting from a pretty low base here in many of these countries. Women in policing roles is at the starting point. We are doing what we can to develop those people. What I was going to add was that we also second people into the AFP, particularly the international deployment group. Women come from Pacific countries and work for three or six months here in Australia and learn the skills so that they can apply them in their own countries. We are happy to provide all those details. But I want to warn you that it is starting from a low base and you would be—</p> <p>Senator RHIANNON: Very much so. That is why it is important to get it down—so that we can see how it develops. If you can give the quantitative figures so that we can make the comparison that would be good.</p> <p>Mr Negus: Certainly. We will do that.</p> <p>Senator RHIANNON: Is there a government coordination point to manage interdepartmental coordination with civil society efforts relating to the implementation of this plan?</p> <p>Mr Drennan: To give you a precise answer, I would need to take that on notice. I suspect that it is through the Department of Foreign Affairs and Trade. They take on a coordination role in relation to the development of any of those programs that are of an international nature.</p> <p>Senator RHIANNON: I was hoping that we could get an answer here, because this one is hard to pin down. Do you have a liaison officer that you engage with so that there is some cross-consultation between departments?</p> <p>Mr Drennan: As I said, we are heavily engaged with the Department of Foreign Affairs and Trade in relation to all of our activities overseas. Likewise, we are heavily engaged and have a liaison officer with AusAID, which picks up responsibility there as well. We also have a liaison officer with the civil military</p>	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>centre, which deals with a whole range of peacekeeping activities on both the civilian and military sides. We have a liaison officer attached to the United Nations in New York. We are involved in a whole different range of forums and groups that pick up various parts of these responsibilities. Whether or not there is a specific person and a specific interdepartmental committee on this I do not know. But I can certainly take that on notice for you to try and assist you as to where you may best direct that question.</p> <p>Senator RHIANNON: Thank you. Within that, are you reporting regularly to someone and are those reports made public?</p> <p>Mr Drennan: I will need to take that on notice. If there is a requirement for us to report our activities, certainly with AusAID in anything that we do with ODA funding there are fairly comprehensive reporting requirements around that, which we do. In fact, AusAID have provided the feedback to us that we are one of the more comprehensive reporters there and are able to articulate the programs we have to a very high level. But again, to get a specific answer for you I will just need to come back to you.</p> <p>Senator RHIANNON: Okay, thank you.</p>	
49.	MHAJ	AFP	Brandis	Access to Interpol red notice alerts	<p>Senator BRANDIS: ... At the earliest point at which the Egyptian terrorist was assessed those who assessed him, whether it was DIAC or ASIO or whoever carrying out a threat assessment, would have been in a position to access the Interpol red notices and check each IMA to see whether there was a red notice out for him or her, wouldn't they?</p> <p>Mr Colvin: I may have to take that on notice. I do not believe that DIAC would ordinarily check Interpol alerts. On this occasion, we brought it to the attention of DIAC.</p> <p>Senator BRANDIS: You brought it to their attention? Who brought it to your attention?</p> <p>Mr Colvin: We will double-check. Deputy Commissioner Drennan feels it was through routine checks on the names.</p>	L&C 58 30/05/2013
50.	AG	AGS	Brandis	Legal expenditure	<p>Senator BRANDIS: Mr Govey, can you confirm for me, please, that earlier this month your office—specifically Mr Nigel Oram—wrote to the solicitors acting for the Federal Circuit Court judges in their litigation, going back to the days of the Federal Magistrates Court, with the Commonwealth, in the course of discussing settlement of the matter? In that letter he indicated that the Commonwealth's</p>	L&C 62-63 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>party/party costs to date had been \$1,114,000.</p> <p>Mr Govey: I do not have that correspondence. I am able to confirm that there was correspondence. What I do not know—and I might need to seek some guidance from my colleagues in the department—is whether or not the correspondence was privileged.</p> <p>Senator BRANDIS: We had this discussion yesterday afternoon—and no doubt Mr Wilkins will jump on me if he thinks I am not describing this correctly—but I think it would be fair to say that objection was taken on behalf of the Commonwealth to the disclosure of details of correspondence in the course of, potentially, the settlement of litigation, to which I responded that all I was after was a confirmation that those are in fact the Commonwealth's assessed party/party costs to date. There was information volunteered from the department that a cost assessor had been engaged and had made an assessment of the Commonwealth's costs to date. So the only question is: what is the figure? I have given you the context in which that figure has been proffered, but, really, the only question I am asking is: is it not the case that the Commonwealth says that, as at May, its party/party costs in this litigation was \$1,114,000?</p> <p>Mr Govey: Yes, but for the reasons you have outlined, Senator, I am not in a position to disclose what that figure is or provide any form of confirmation, because it is privileged and because negotiations are going on or discussions are going on—</p> <p>Senator BRANDIS: I am not asking about the negotiations. I am asking you whether in fact the Commonwealth has incurred a certain amount of costs in a particular matter. That is all. The fact that I may have become aware of this in a particular context is neither here nor there. You are answerable to the committee in relation to the Commonwealth's legal expenditure, as I think is uncontroversial. I am asking whether the Commonwealth's legal expenditure in a particular case has so far been in a particular sum, which, as we have already heard evidence, has been assessed by a cost assessor.</p> <p>Mr Govey: I would want to refer that to the Attorney-General's Department, because the instructions I have are that disclosure of matters relating to the handling of the costs settlement are being treated as confidential.</p> <p>Senator BRANDIS: But whether or not the Commonwealth has spent a certain amount of money in a case is not confidential, is it?</p>	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>Mr Govey: Ordinarily not, but I think in the situation where the Full Court of the Federal Court has made a costs award and there are discussions going on and there is correspondence between solicitors for both sides, it is not something that I, as the solicitor, or as the chief executive of the solicitor for the Commonwealth, would want to disclose without discussing it with the department.</p> <p>Senator BRANDIS: So you want to take it on notice?</p> <p>Mr Govey: We are certainly happy to do that.</p> <p>Senator BRANDIS: All right.</p>	
51.	AG	ASIO	Brandis	Change to assessment process	<p>Senator BRANDIS: Just pausing there, please, Mr Irvine. Before, under the pressure of the very large increase in the influx of IMAs, you decided to change the way in which you undertook these assessments and introduced what you call the triaging process, it would have been 100 per cent, wouldn't it? In the days when we had a few dozen boat people a year—</p> <p>Mr Irvine: Yes, and it was up until about four or five years ago.</p> <p>Senator BRANDIS: Can you tell me with a little bit more specificity when the procedure was changed?</p> <p>Mr Irvine: To give you precise timing, I would have to take that on notice.</p> <p>Senator BRANDIS: It was about four or five years ago?</p> <p>Mr Irvine: 2010 sticks in my mind for one set of decisions. I would need to go back and check on the other one.</p>	L&C 67 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
52.	AG	ASIO	Brandis	Communication with AFP regarding alleged terrorist	<p>Senator BRANDIS: But there is something I am having difficulty in understanding at this point. If it had come to ASIO's attention on or before 30 August that this man should not have been cleared for community detention and that he was indeed the terrorist then I do not understand why it took until 14 November for the Australian Federal Police to arrive at the same conclusion. Their evidence is finished. I cannot ask Commissioner Negus now. But there was a period, on your evidence, of 2½ months between 30 August 2012, when ASIO had decided that the man was a terrorist, and 14 November 2012, when the Australian Federal police made the same decision, even though the matter had been referred to them, according to Mr Negus, on 26 June. Did you communicate your conclusion of 30 August to the Australian Federal Police?</p> <p>Mr Irvine: I do not know that. I cannot answer that.</p> <p>Senator BRANDIS: Can you take that on notice for me, Mr Irvine.</p> <p>Mr Irvine: Yes, I would have to take that on notice. It would not normally be our practice on a case referred to us by the Department of Immigration and Citizenship to automatically refer it to the Australian Federal Police as well, and I do not see any evidence that we have done so.</p>	L&C 72 30/05/2013
53.	AG	ASIO	Ludlam	Staffing figures for 2001	<p>Senator LUDLAM: What would the funding and staffing allocations for the agency look like if we compared your budget with the financial year 2001?</p> <p>Mr Irvine: I would have to get that figure; I do not have that figure for you—</p> <p>Senator LUDLAM: Is it in the magnitude of a four- or fivefold expansion?</p> <p>Mr Irvine: I have figures back to 2005-06.</p> <p>Senator LUDLAM: That will do for a baseline for the purposes of the discussion.</p> <p>Mr Irvine: It was roughly \$175 million at that time.</p> <p>Senator LUDLAM: According to the discussion you just had with Senator Brandis, you are up to \$328 million now. Is that right?</p> <p>Mr Irvine: For 2012-13 it is \$337 million.</p> <p>Senator LUDLAM: It has roughly doubled. How about staff?</p> <p>Ms Hartland: I only have the staffing figures back to 2007, but it was around 1,300 at that stage.</p> <p>Senator LUDLAM: I do not wish to detain us here too much further, so I wonder</p>	L&C 72-73 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>if you would provide us with some figures on notice for 2001, because I suspect we will find that the order of magnitude increase is quite severely higher come 12 years later.</p> <p>Mr Irvine: I am absolutely certain that that is the case, and it is entirely explicable in terms of the need of governments of the day to respond to a new and very substantial threat.</p>	
54.	AG	ITSA	Williams	George Lousick case update	<p>Senator WILLIAMS: I want to raise an issue but I want to be careful how I raise it—if you know what I mean. If ITSA examines the affairs of a bankrupt and believes there are areas of concern that could warrant police investigation, are those matters referred to police or law enforcement agencies?</p> <p>Ms Ingram: Generally we would have to prepare a brief of evidence before we would give the matter to the DPP. If it was a police matter, say fraud or a breach of other than the bankruptcy act, we would refer it to the police. It really depends on the facts of the case.</p> <p>Senator WILLIAMS: If there was clear evidence of criminal wrongdoing—I am not mentioning anyone here—and you thought that evidence was clear and it was obvious, would you either send a brief to the DPP or inform the police?</p> <p>Ms Ingram: If it was a breach of the Bankruptcy Act we would prepare a brief of evidence and refer it. If it was fraud or a breach of the Crimes Act or something else, or it was a state matter, we would refer it to the appropriate authorities.</p> <p>Senator WILLIAMS: To quote the newspaper at Grafton, it says this is public knowledge: Bankrupt Yamba boatbuilder George Edward Lousick has elected to face two charges levelled against him in the District Court for deception ... Are you familiar with that case?</p> <p>Ms Ingram: I do not have the latest details with me.</p> <p>Senator WILLIAMS: I did raise the issue with you some time back about Mr Lousick.</p> <p>Ms Ingram: I do recall—</p> <p>Senator WILLIAMS: As I said, it is in the public arena now it has been out in the newspapers and so on. 'Bankrupt boat builder to appear at District Court. Mr Lousick did not appear in person at Grafton Court. Obtaining money by deception and dishonesty, obtaining property by deception'—in the higher court. I raised this with you some time ago, the matter involving this particular bloke, the boatbuilder</p>	L&C 76-77 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>in Yamba. His business is called Japolo Boats and Others. You were investigating this matter, I believe.</p> <p>Ms Ingram: I do recall that we looked into the matter and the issues you had raised. I do not have the brief with me on that matter. I would have to take it on notice if you want an update on that matter.</p> <p>Senator WILLIAMS: That would be good, if you could give me an update on that, please, because the <i>Grafton Daily Examiner</i> of 11 April reports that Mr Lousick is now facing two charges. You do not know whether you have a reference on this?</p> <p>Ms Ingram: Do you mean we refer to—</p> <p>Senator WILLIAMS: You were investigating this particular business. I am wondering whether or not you made a referral to—</p> <p>Ms Ingram: I would have to take that on notice.</p> <p>Senator WILLIAMS: Because there is \$1 million lost here and I believe the individual is back in North Queensland. My particular interest is that a good friend of mine has lost a substantial amount of money. So this would just take its course through the courts. If that investigation is still ongoing, if you are still doing it, my chief of staff has been in contact with your office. Could you give us an update? That would be very good.</p> <p>Ms Ingram: Certainly, Senator.</p>	
55.	AG	CDPP	Pratt	Peter Slipper case	<p>Senator PRATT: I understand the decision to prosecute over a debt of about \$900 worth of cab charges has been made—is that correct?</p> <p>Mr Bromwich: Yes, it has.</p> <p>...</p> <p>Senator PRATT: Are there any private consultants and expert witnesses?</p> <p>Mr Bromwich: I would have to go back and check. I think there is one expert witness. There may be more than one but I recall one. 'Expert witness' is a term that has a fluidity about it because there are people who have a form of expertise which is not the same for example as a scientist or something like that.</p> <p>Senator PRATT: Have the costs of this trial been estimated at all?</p> <p>Mr Bromwich: There will have been some degree of estimation but I do not have any figures of that nature available to me at the moment. There may well have been some sort of estimate done but we do not make decisions ordinarily on the basis of dollars as such. The public interest test is the principal test in relation to</p>	L&C 78, 79, 80 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>resources and resources do have a part to play. That forms part of the public interest component.</p> <p>Senator PRATT: So resources do play part of the part interest component.</p> <p>Mr Bromwich: It is measured. I can find you the paragraph in the policy. But it is rarely a determinative factor.</p> <p>Senator PRATT: What other kinds of costs do you expect to incur?</p> <p>Mr Bromwich: There is the staffing cost. If any witnesses have to be brought from outside of the ACT there would be those costs. I do not recall for the moment, without looking them up, who they are.</p> <p>Senator PRATT: Are you able to provide me with what a total cost might look like?</p> <p>Mr Bromwich: We would be able to obtain a figure for that, I imagine, but we would have to take that on notice.</p> <p>...</p> <p>Mr Bromwich: The question we had effectively on notice is as to the legal costs of anticipated legal costs of the prosecution.</p> <p>Senator PRATT: Yes, that is correct. Thank you.</p>	
56.	AG/MHAJ	AGD Corporate	Humphries	Code of Conduct report	<p>Senator HUMPHRIES: If it is an investigation and it is into matters of [CrimTrac staff] conduct, can we know a bit about this investigation? Has it been completed? What were its findings? What are the consequences of the investigation?</p> <p>Mr Wilkins: I am just trying to get some advice, first of all, about who is entitled to release the report, if anybody is, and whether the report can be released. It has been released to the people into whose conduct there was an investigation. I think that there are probably restrictions on how far they could go public because it does deal with a lot of people's private affairs, evidence, reputations et cetera.</p> <p>...</p> <p>Mr Wilkins: I am perfectly happy to release it publicly. I am just saying that I would like to take advice as to whether that is appropriate, whether there is anything that restricts me in terms of the Australian Public Sector Management Act, and whether there is anything in the Privacy Act that prevents me from doing that. That is what I want to know. And I want to know whether it is mine to release as well, because I auspiced the investigation, that is true.</p> <p>Senator HUMPHRIES: Whose could it be to release, if not yours?</p>	L&C 81-82 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Mr Wilkins: It could be a matter for CrimTrac. It may be that I need the concurrence of some of the people who were involved in it, and I do not know the answer to that.</p> <p>...</p> <p>Mr Wilkins: Why don't I let you know after dinner?</p> <p>Senator HUMPHRIES: That would be great.</p>	
57.	MHAJ	CrimTrac	Humphries	Performance pay criteria	<p>Senator HUMPHRIES: ...Mr Storer, aside from salary increases over the three or four years that he was with CrimTrac, was paid a performance payment lump sum of just under \$13,500 in September 2009. He was paid a further \$16,789 in performance pay on 22 June 2011, and a further \$14,403 on 14 September 2011. Can you tell us anything about the nature of those payments? Why did he receive those payments?</p> <p>...</p> <p>Mr Smith: There were a number of performance indicators in his pre-existing contract and he had met those requirements and, therefore, they were contractually bound to be paid. I would have to take it on notice—I would have to go back to his contract—to give you the exact performance criteria, but they were pre-existing performance criteria in his contract.</p> <p>...</p> <p>Senator HUMPHRIES: Could I please find out what exactly were the criteria that Mr Storer met in order to qualify him for those bonus payments?</p> <p>Mr Smith: Certainly.</p> <p>...</p> <p>Mr Smith: As I indicated, I was not satisfied with the criteria that were in the contracts or in the enterprise agreement. That is why they were removed. I will provide you with the terms of those performance clauses.</p>	L&C 82-83 30/05/2013
58.	MHAJ	CrimTrac	Humphries	Performance pay	<p>Senator HUMPHRIES: Performance bonuses totalling approximately \$899,500 were paid to 159 staff over the 2010-11 performance assessment period. You said that you brought those sorts of payments to an end, is that right?</p> <p>Mr Smith: In fact it was one of the first things that I identified when I arrived at the agency that needed to be dealt with, and they were dealt with as soon as I could under the new enterprise agreement which came into effect on 1 July 2011.</p> <p>Senator HUMPHRIES: Were any of those 159 staff who received performance bonuses subject to payments to incentivise them to subsequently retire?</p>	L&C 84 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					Mr Smith: I would have to take that on notice but I do not believe so.	
59.	AG/MHAJ	AGD Corporate	Humphries	Code of Conduct matter	<p>Senator HUMPHRIES: But there wasn't a code of conduct investigation auspiced by AGD. In fact, it was an exchange of correspondence by email between you and Mr Smith.</p> <p>Mr Wilkins: Whether you call that a code of conduct—it raises issues around conduct. Questions of conduct were raised about Mr Smith—he is sitting here on my left. There were questions; they were raised, some anonymously, some through correspondence of various sorts. It is, I think, an obligation of a portfolio secretary at least to raise those with him and say, 'Listen, I need an explanation of what is going on here.' Also, the board of CrimTrac had asked for an explanation.</p> <p>Senator HUMPHRIES: I would have thought that after waiting four months for the answer [to the previous question on notice] it would have been clear and concise, and with respect it does not appear to be concise, does it?</p> <p>Mr Wilkins: It is concise. I am not sure it is clear.</p> <p>Senator HUMPHRIES: Okay, clear, accurate and concise.</p> <p>Mr Wilkins: I am saying it is probably best if I give you the documents that constitute the actual investigation or inquiry or whatever you want to call it. You can then classify it as you wish.</p> <p>...</p> <p>Senator HUMPHRIES: Were there any [CrimTrac] investigations subsequent to the 'investigation' that you just referred to, Mr Wilkins, that was settled by an exchange of correspondence?</p> <p>Mr Wilkins: Apparently not. We will make this available to you, Senator.</p>	L&C 85, 86 30/05/2013
60.	AG	Program 1.1 – CLD	Brandis	Proportion of AGS work retained for FMA and CAC agencies	<p>Senator BRANDIS: ... For what percentage of litigation work is the Australian Government Solicitor retained by FMA Act agencies and CAC Act agencies?</p> <p>Mr Minogue: We do not have figures for the breakdown of work.</p> <p>Senator BRANDIS: You do not disaggregate that?</p> <p>Mr Minogue: That is right, we do not disaggregate it at the level of the type of work AGS does for different agencies.</p> <p>Senator BRANDIS: But you must, because the legal services expenditure report tells us.</p> <p>Mr Minogue: It tells us the services provided by the providers and the expenditure that the providers earn, but it does not tell us for what services.</p> <p>Senator BRANDIS: Either you misunderstood my question or I did not put it</p>	L&C 90-91 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>properly. All I wanted to know is what the breakup is of work done by the AGS for, respectively, FMA Act agencies and CAC Act agencies.</p> <p>Mr Wilkins: Separately or together?</p> <p>Senator BRANDIS: Separately.</p> <p>Mr Fredericks: That is in relation to all legal services expansion, not just litigation.</p> <p>Senator BRANDIS: Correct.</p> <p>Mr Minogue: We have a total for both FMA and CAC agencies that AGS has earned, but it is not broken down between FMA and CAC.</p> <p>Senator BRANDIS: Can you take that question on notice?</p> <p>Mr Minogue: We can.</p> <p>Mr Wilkins: Let us take it on notice and see if we can figure that out. It sounds like we might have the data.</p>	
61.	AG	Program 1.1 – CLD	Brandis	Amount paid to private law firms	<p>Senator BRANDIS: What was the total amount of money spent by the Commonwealth on barristers—that is, private barristers—including 2011-12?</p> <p>Mr Minogue: In 2011-12, the total spent on barristers was \$53.2 million.</p> <p>Senator BRANDIS: And what was the total amount paid to private law firms?</p> <p>Mr Minogue: The total amount paid to private firms—I might take that on notice. We will have those figures. We do know that ADS earned just under 40 per cent—that is 39 per cent of the fees earned by all law firms providing services to the Commonwealth. I might take that on notice.</p>	L&C 91 30/05/2013
62.	AG	Program 1.1 – CLD	Brandis	Commonwealth Solicitor-General's salary	<p>Mr Minogue: ... Our internal legal spend for 2011-12 for Attorney-General's Department was \$1.422 million.</p> <p>Senator BRANDIS: This is a slightly arcane question, Mr Wilkins, but my understanding of the way in which the Attorney-General's Department provides legal advice to government is that it sometimes provides formal written advice but it also, because of the nature of the Attorney-General's Department, is consulted all the time, particularly by the central agencies of government, in relation to, as it were, high-level matters. Are consultations included in that or—</p> <p>Mr Wilkins: I think we are only identifying quite formal advising—</p> <p>Senator BRANDIS: That is what I was wondering.</p> <p>Mr Wilkins: And I think there is a lot of other scrutiny, advice, consultation, where we sit on committees and give—</p> <p>Senator BRANDIS: Yes, that is what I was getting at. Is the Commonwealth</p>	L&C 92 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					Solicitor-General's salary included in that, by the way? Mr Minogue: I would have to take that on notice. I do not think it is.	
63.	AG	Program 1.1 – AJD	Brandis	Court fee waiver for irregular maritime arrivals seeking judicial review	Senator BRANDIS: ... There is one last thing. I want to ask some questions about the waiver of court filing fees for irregular maritime arrivals. Is that in this outcome? Mr Wilkins: Tell me what the question is, Senator, and I will try and figure out— Senator BRANDIS: What I want to find out about is the cost of the waiver of court filing fees in relation to review applications for IMAs. I should have asked that of Mr Foster. Mr Wilkins: Whether we know what it is? I do not know what impact it has, Senator—that is the question. Senator BRANDIS: Perhaps you could take this on notice. I would just be interested in knowing what the cost that would otherwise be recouped by the Commonwealth is as a result of the government's decision to waive filing fees in federal courts for IMAs seeking judicial review of their matters. Mr Wilkins: Okay.	L&C 93 30/05/2013
64.	AG/MHAJ	AFP	Brandis	Irregular maritime arrival held at Inverbrackie	I refer to the evidence of the Commissioner and Deputy Commissioner Drennan that by 14 November 2012, the AFP had confirmed the identity of the person held in detention at Inverbrackie as the person convicted of terrorist crimes in Egypt on 18 April 1999. When the AFP had reached that conclusion: 1. Did it advise the Department of Immigration and Citizenship of its conclusion? a) If so, on what date did it provide that advice to the Department of Immigration and Citizenship? b) Was the advice in writing, oral, or partly written and party oral? c) What was the name of the officer or officers of the Department of Immigration and Citizenship to whom the advice was given?	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>d) If the advice was wholly or partly in writing, please provide a copy or copies?</p> <p>e) If the advice was wholly or partly oral, what was the substance and effect of the words spoken in conveying the advice?</p> <p>f) Did the person or persons to whom the advice was provided indicate what course of action they proposed to take to deal with the matter and, if so, what did they say?</p> <p>2. Did it advise ASIO of its conclusion?</p> <p>a) If so, on what date did it provide that advice to ASIO?</p> <p>b) Was the advice in writing, oral, or partly written and party oral?</p> <p>c) What was the name of the officer or officers of ASIO to whom the advice was given?</p> <p>d) If the advice was wholly or partly in writing, please provide a copy or copies?</p> <p>e) If the advice was wholly or partly oral, what was the substance and effect of the words spoken in conveying the advice?</p> <p>f) Did the person or persons to whom the advice was provided indicate what course of action they proposed to take to deal with the matter and, if so, what did they say?</p> <p>3. Did it advise the Attorney-General or officials from the Attorney-General's office of its conclusion?</p> <p>a) If so, on what date did it provide that advice to the Attorney-General or officials from the Attorney-General's office of its conclusion?</p> <p>4. Did it advise the Minister for Justice and Customs, or officials from the Minister's office, of its conclusion?</p> <p>a) If so, on what date did it provide that advice to the</p>	

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>Minister for Justice and Customs, or officials from the Minister's office?</p> <p>5. Did it advise the Department of Foreign Affairs and Trade its conclusion?</p> <ul style="list-style-type: none"> a) If so, on what date did it provide that advice to the Department of Foreign Affairs and Trade? b) Was the advice in writing, oral, or partly written and party oral? c) What was the name of the officer or officers of the Department of Foreign Affairs and Trade to whom the advice was given? d) If the advice was wholly or partly in writing, please provide a copy or copies? e) If the advice was wholly or partly oral, what was the substance and effect of the words spoken in conveying the advice? f) Did the person or persons to whom the advice was provided indicate what course of action they proposed to take to deal with the matter and, if so, what did they say? <p>6. Did it advise the Government of Egypt, or any judicial, law enforcement or policing agency of the Government of Egypt, of its conclusion?</p> <ul style="list-style-type: none"> a) If so, on what date did it provide that advice to the Government of Egypt, or any judicial, law enforcement or policing agency of the Government of Egypt? b) Was the advice in writing, oral, or partly written and party oral? c) If the advice was wholly or partly in writing, please provide a copy or copies? d) If the advice was wholly or partly oral, what was the 	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					substance and effect of the words spoken in conveying the advice?	
65.	AG/MHAJ	ASIO	Brandis	Irregular maritime arrival held at Inverbrackie	<p>I refer to the evidence of the Director-General that by 25 August 2012, the ASIO had confirmed the identity of the person held in detention at Inverbrackie as the person convicted of terrorist crimes in Egypt on 18 April 1999.</p> <ol style="list-style-type: none"> 1. Did it advise the Department of Immigration and Citizenship of its conclusion? <ol style="list-style-type: none"> a) If so, on what date did it provide that advice to the Department of Immigration and Citizenship? b) Was the advice in writing, oral, or partly written and party oral? c) What was the name of the officer or officers of the Department of Immigration and Citizenship to whom the advice was given? d) If the advice was wholly or partly in writing, please provide a copy or copies? e) If the advice was wholly or partly oral, what was the substance and effect of the words spoken in conveying the advice? f) Did the person or persons to whom the advice was provided indicate what course of action they proposed to take to deal with the matter and, if so, what did they say? 2. Did it advise the Australian Federal Police of its conclusion? <ol style="list-style-type: none"> a) If so, on what date did it provide that advice to the Australian Federal Police? b) Was the advice in writing, oral, or partly written and party oral? c) What was the name of the officer or officers of the 	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Australian Federal Police to whom the advice was given?</p> <p>d) If the advice was wholly or partly in writing, please provide a copy or copies?</p> <p>e) If the advice was wholly or partly oral, what was the substance and effect of the words spoken in conveying the advice?</p> <p>f) Did the person or persons to whom the advice was provided indicate what course of action they proposed to take to deal with the matter and, if so, what did they say?</p> <p>3. Did it advise the Attorney-General or officials from the Attorney-General's office of its conclusion?</p> <p>a) If so, on what date did it provide that advice to the Attorney-General or officials from the Attorney-General's office of its conclusion?</p> <p>4. Did it advise the Minister for Justice and Customs, or officials from the Minister's office, of its conclusion?</p> <p>a) If so, on what date did it provide that advice to the Minister for Justice and Customs, or officials from the Minister's office?</p> <p>5. Did it advise the Department of Foreign Affairs and Trade its conclusion?</p> <p>a) If so, on what date did it provide that advice to the Department of Foreign Affairs and Trade?</p> <p>b) Was the advice in writing, oral, or partly written and party oral?</p> <p>c) What was the name of the officer or officers of the Department of Foreign Affairs and Trade to whom the advice was given?</p> <p>d) If the advice was wholly or partly in writing, please provide a copy or copies?</p>	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>e) If the advice was wholly or partly oral, what was the substance and effect of the words spoken in conveying the advice?</p> <p>f) Did the person or persons to whom the advice was provided indicate what course of action they proposed to take to deal with the matter and, if so, what did they say?</p> <p>6. Did it advise the Government of Egypt, or any judicial, law enforcement or national security agency of the Government of Egypt, of its conclusion?</p> <p>a) If so, on what date did it provide that advice to the Government of Egypt, or any judicial, law enforcement or national security agency of the Government of Egypt?</p> <p>b) Was the advice in writing, oral, or partly written and party oral?</p> <p>c) If the advice was wholly or partly in writing, please provide a copy or copies?</p> <p>d) If the advice was wholly or partly oral, what was the substance and effect of the words spoken in conveying the advice?</p>	
66.	AG	Program 1.6 – CrJD	Wright	Review of the 2010 <i>Crimes Act 1914</i> amendment	<p>1. In 2010, the government amended the <i>Crimes Act 1914</i>, with the effect that information about Commonwealth pardoned, quashed or spent convictions can be disclosed to, and considered by, prescribed bodies, to assess whether a person is suitable to work with children. It did so by inserting a new Subdivision A.</p> <p>The new provisions included a requirement for two reviews: one during 2011, and another to commence by 30 June 2013. The first review concluded that because the amendments came into</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>effect the previous year, there was limited information available about their operation. It noted the 2013 review would yield a more detailed picture.</p> <p>Can you provide an indication of when the Department expects to initiate this review of the Crimes Amendment legislation, required by the Crimes Act?</p> <p>2. Will the issues identified in the 2011 review be specifically flagged for investigation in the 2013 review, on the basis that submitters raised them but there was insufficient data in the 2011 review to make a conclusion?</p> <p>3. The 2011 review did not amend Subdivision A in accordance with any issue raised. As the Department noted it to be a ‘preliminary’ review, that may have been reasonable in the circumstances.</p> <p>How does the Department intend to implement any changes suggested by the 2013 review, given it has been designated as a more comprehensive assessment of the amendments?</p>	
67.	AG	Program 1.3 – SID	Siewert	Aboriginal Justice and Legal Aid Services	<p>1. With regards to the new legal aid funding for Aboriginal Legal Services – have any decisions been made about the distribution of this funding? How much will be allocated to the NT? Can you please supply data about the allocation of funding by state and territory and number of clients serviced by state and territory, for</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>the last three financial years.</p> <ol style="list-style-type: none"> 2. While the federal Government is increasing its funding for legal aid that includes community legal centres and Aboriginal legal services, states are cutting their funding allocations, for example the cuts to Welfare Rights in NSW. Do you know what the net impact on services per state and territory will be? 3. How much of this funding will be used to fill gaps in legal aid services left by state budgets? 4. Will any of the new funding be available to ensure that the NSW Custody Notification Service continues to operate? 	
68.	AG	Program 1.1 – CLD	Rhiannon	Open Government Partnership Agreement	<p>Senator RHIANNON: ... and also the link with the Open Government Partnership plan. Will it form part of Australia's Open Government Partnership plan?</p> <p>Mr Fredericks: I am terribly sorry. It is late and maybe I am a bit slow. I am not quite sure which particular initiative you are directing our attention to.</p> <p>Senator RHIANNON: The Extractive Industries Transparency Initiative.</p> <p>Mr Fredericks: I am not in a position to answer that tonight. I will need to take that on notice.</p>	L&C 76 29/05/2013
69.	AG	Program 1.1 – CLD	Rhiannon	Export Finance and Insurance Corporation – FOI laws	<p>Senator RHIANNON: Why did the government reject the recommendation of the Productivity Commission that EFIC, our export credit agency, be subject to FOI laws?</p> <p>Mr Minogue: That is really a matter that was the responsibility of Treasury in responding to the Productivity Commission, so that is a question that should be directed to Treasury.</p> <p>Senator RHIANNON: Even though it has this FOI component? Have you given any consideration to this at all?</p> <p>Mr Minogue: I have not personally. I will check with other officers.</p> <p>Senator RHIANNON: Has somebody?</p> <p>Mr Minogue: We are aware of that, but it is not a matter that I have personally dealt with.</p> <p>Senator RHIANNON: My question is: was anybody within your agency asked to</p>	L&C 77 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>give advice on this matter? Was any advice given? Mr Minogue: We will take that on notice, if that is okay. Senator RHIANNON: Thank you. I imagine you will take this on notice as well. Has any consideration been given to amending the FOI legislation, especially considering the criticism surrounding the transparency of EFIC's work? Mr Fredericks: We will take that on notice, at your invitation. Senator RHIANNON: Thank you.</p>	
70.	MHAJ	AIC	Wright	Underage detention	<ol style="list-style-type: none"> 1. Currently, how many people aged under 18 are detained in adult facilities? 2. If possible, please provide breakdowns according to: <ol style="list-style-type: none"> a. State-by-state location. b. Age. c. Aboriginal or Torres Strait Islander identity. 3. Do the figures indicate that the practice of detaining people aged under 18 in adult facilities is increasing? 4. What is the proportion of Aboriginal or Torres Strait Islander (ATSI) people being held in adult facilities compared to juvenile facilities? <ol style="list-style-type: none"> a. What is the proportion for non-ATSI detainees? 5. Please provide information about the range and nature of offences resulting in the incarceration of people aged under 18 in adult facilities. 6. Please provide information about any sentencing measures or legislation which direct, or allow, magistrates or judges to specifically detain people aged under 18 in adult facilities . 7. Please provide information about what proportions of their 	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>sentences people aged under 18 are serving in adult facilities.</p> <p>8. Legislation in some jurisdictions allows detaining people aged 16 and 17 in certain circumstances. What are the reasons, eg overcrowding, for detaining youths in adult facilities?</p> <p>9. What research has the Institute conducted into the impact of detaining people aged under 18 in adult facilities?</p> <p style="padding-left: 40px;">a. Does any of this research focus on Indigenous people?</p> <p>10. What are the Institute's recommendations about best practice for detaining people aged under 18, including whether adult facilities are suitable?</p>	
71.	AG/MHAJ	Portfolio	Humphries	Staffing recruitment	<p>Staffing recruitment</p> <p>a) How many ongoing staff recruited this financial year to date? What classification are these staff?</p> <p>b) How many non-ongoing positions exist or have been created this financial year to date? What classification are these staff?</p> <p>c) This financial year to date, how many employees have been employed on contract and what is the average length of their employment period?</p>	Written
72.	AG/MHAJ	Portfolio	Humphries	Staffing cessations	<p>Staffing cessations</p> <p>a) How many ongoing staff left the department/agency this financial year to date? What classification were these staff?</p> <p>b) How many non-ongoing staff left department/agency this financial year to date? What classification were these staff?</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					c) How many contract staff left department/agency in the year this financial year to date? What classification were these staff?	
73.	AG/MHAJ	Portfolio	Humphries	Staffing reductions	<p>Staffing reductions</p> <p>a) How many staff reductions/voluntary redundancies have occurred this financial year to date? What was the reason for these reductions?</p> <p>b) Were any of these reductions involuntary redundancies? If yes, provide details.</p> <p>c) Are there any plans for further staff reductions/voluntary redundancies? If so, please advise details including if there is a reduction target, how this will be achieved, and if any services/programs will be cut.</p> <p>d) If there are plans for staff reductions, please give the reason why these are happening.</p> <p>e) Are there any plans for involuntary redundancies? If yes, provide details.</p>	Written
74.	AG/MHAJ	Portfolio	Humphries	Graduate recruitment	<p>Graduate recruitment</p> <p>a) Provide an update on expenditure for 2014 Graduate Recruitment to date? Please itemise and detail costs.</p> <p>b) Has any travel been incurred for 2014 Graduate Recruitment? Please itemise and detail costs.</p>	Written
75.	AG/MHAJ	Portfolio	Humphries	Education expenses	Education expenses	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>a) What is the department/agency's guidelines on study?</p> <p>b) For this financial year to date, detail all education expenses (i.e. in house courses and tertiary studies) for each portfolio department and agency. Include what type of course, the total cost, cost per participant, the employment classification of each participant, how many participants and the amount of study leave granted to each participant (provide a breakdown for each employment classification). Also include the reason for the study and how it is beneficial for the department/agency.</p>	
76.	AG/MHAJ	Portfolio	Humphries	Executive coaching and leadership training	<p>Executive coaching and leadership training</p> <p>In relation to executive coaching and/or other leadership training services purchased by each department/agency, please provide the following information for this financial year to date:</p> <ol style="list-style-type: none"> 1. Total spending on these services 2. The number of employees offered these services and their employment classification 3. The number of employees who have utilised these services, their employment classification and how much study leave each employee was granted (provide a breakdown for each employment classification) 4. The names of all service providers engaged <p>For each service purchased from a provider listed under (4), please provide:</p> <ol style="list-style-type: none"> a) The name and nature of the service purchased b) Whether the service is one-on-one or group based c) The number of employees who received the service and 	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>their employment classification</p> <p>d) The total number of hours involved for all employees (provide a breakdown for each employment classification)</p> <p>e) The total amount spent on the service</p> <p>f) A description of the fees charged (i.e. per hour, complete package)</p> <p>5. Where a service was provided at any location other than the department or agency's own premises, please provide:</p> <p>a) The location used</p> <p>b) The number of employees who took part on each occasion (provide a breakdown for each employment classification)</p> <p>c) The total number of hours involved for all employees who took part (provide a breakdown for each employment classification)</p> <p>d) Any costs the department or agency's incurred to use the location</p>	
77.	AG/MHAJ	Portfolio	Humphries	Paid parental leave	<p>Paid parental leave</p> <p>a) Please list how many staff in each department and agency are eligible to receive payments under the Government's Paid Parental Leave scheme?</p> <p>b) For this financial year to date list which department/agency is providing its employees with payments under the Government's Paid Parental Leave scheme? Please list how many staff and their classification are in receipt of these payments.</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					c) What is the paid parental scheme offered by each department and agency? How many staff have used the scheme this financial year to date.	
78.	AG/MHAJ	Portfolio	Humphries	Protective security policy framework	Protective security policy framework Provide an update for your department/agency, including what is your current compliance level, what are you doing to manage risk, what is being done to comply with the mandatory requirements and details of any department/agency specific policies and procedures.	Written
79.	AG/MHAJ	Portfolio	Humphries	Shredders	Shredders Has the department/agencies purchased any shredders this financial year? If yes, provide: a) details of how many shredders were purchased b) the cost of each shredder c) why each new shredder was needed and d) the purpose for which the shredder is to be used.	Written
80.	AG/MHAJ	Portfolio	Humphries	Public Service efficiencies	Public Service efficiencies 1. Please provide details of the amended operational efficiencies your agency will make as per 2013-14 Budget Measure 'Public Service efficiencies' (see 2013-14 Budget Paper No 2 p108). In addition, please provide the following detail: 2. Can you quantify the estimated savings for each year over the forward estimates for savings achieved by implementing more	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>efficient management structures, through a reduction in expenditure on staff across the Executive Level (EL) 1 and 2, and Senior Executive Service (SES) levels?</p> <p>3. Can you quantify the estimated savings for each year over the forward estimates for savings achieved by revising down the occupational density target for all new leases, buildings and major fit-outs undertaken by agencies from 16 square metres per occupied workpoint down to 14 square metres?</p>	
81.	AG/MHAJ	Portfolio	Humphries	Public Service efficiencies	<p>Public Service efficiencies</p> <ol style="list-style-type: none"> 1. Has there been a reduction in business flights? What are the estimated savings for each year over the forward estimates? 2. Has there been a reduction in the use of external consultants and contractors? Has this impacted on the Department/agency, and how? What are the estimated savings for each year over the forward estimates? 3. Provide an update of moving recruitment advertising online. Is any recruitment still in printed materials, and if yes, why? What are the estimated savings for each year over the forward estimates? 4. Has the department/agency reduced its printing costs? If no, why not? Have printing costs increased, and if yes why and how much? 5. Has the five per cent savings target been achieved – if yes, how, or if it will not, why not? What are the estimated savings for each year over the forward estimates? 	Written
82.	AG/MHAJ	Portfolio	Humphries	Hospitality and entertainment	<p>Hospitality and entertainment</p> <ol style="list-style-type: none"> a) What is the Department/Agency's hospitality spend for this 	Written

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>financial year to date? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>b) For each Minister and Parliamentary Secretary office, please detail total hospitality spend for this financial year to date. Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>c) What is the Department/Agency's entertainment spend for this financial year to date? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>d) For each Minister and Parliamentary Secretary office, please detail total entertainment spend for this financial year to date. Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>e) What hospitality spend is the Department/Agency's planning on spending? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>f) For each Minister and Parliamentary Secretary office, what hospitality spend is currently being planned for? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>g) What entertainment spend is the Department/Agency's planning on spending? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p>	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>h) For each Minister and Parliamentary Secretary office, what entertainment spend is currently being planned for? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>i) Is the Department/Agency planning on reducing any of its spending on these items? If so, how will reductions be achieved and what are the estimated savings over each year of the forward estimates?</p>	
83.	AG/MHAJ	Portfolio	Humphries	Meeting costs	<p>Meeting costs</p> <p>a) What is the Department/Agency's meeting spend for this financial year to date? Detail date, location, purpose and cost of all events, including any catering and drinks costs.</p> <p>b) For each Minister and Parliamentary Secretary office, please detail total meeting spend for this financial year to date. Detail date, location, purpose and cost of each event including any catering and drinks costs.</p> <p>c) What meeting spend is the Department/Agency's planning on spending? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>d) For each Minister and Parliamentary Secretary office, what meeting spend is currently being planned for? Detail date, location, purpose and cost of each event including any catering and drinks costs.</p>	Written
84.	AG/MHAJ	Portfolio	Humphries	Program launch costs	<p>Program launch costs</p> <p>a) What is the Department/Agency's program launch spend for this financial year to date? Detail date, location, purpose and cost of</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>all events, including any catering and drinks costs.</p> <p>b) For each Minister and Parliamentary Secretary office, please detail total program launch spend for this financial year to date. Detail date, location, purpose and cost of each event including any catering and drinks costs.</p> <p>c) What program launch spend is the Department/Agency's planning on spending? Detail date, location, purpose and cost of all events including any catering and drinks costs.</p> <p>d) For each Minister and Parliamentary Secretary office, what program launch spend is currently being planned for? Detail date, location, purpose and cost of each event including any catering and drinks costs.</p>	
85.	AG/MHAJ	Portfolio	Humphries	Consultancies	<p>Consultancies</p> <p>a) How many consultancies have been undertaken this financial year to date? Identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the arrangement, and the method of procurement (ie. open tender, direct source, etc). Also include total value for all consultancies.</p> <p>b) How many consultancies are planned for this calendar year? Have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, cost and method of procurement as above, and the name of the consultant if known.</p>	Written
86.	AG/MHAJ	Portfolio	Humphries	Contractors	<p>Contractors</p> <p>For this financial year to date:</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>a) Has the department/agency ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details (including the work undertaken and the cost).</p> <p>b) Has the department/agency ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details (including the work undertaken and the cost).</p> <p>c) Has the department/agency ever employed John Utting & UMR Research Group in any capacity or is it considering employing John Utting & UMR Research Group? If yes, provide details (including the work undertaken and the cost).</p> <p>d) Has the department/agency ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details (including the work undertaken and the cost).</p> <p>e) Has the department/agency ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details (including the work undertaken and the cost).</p> <p>f) Has the department/agency ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details (including the work undertaken and the cost).</p> <p>g) Has the department/agency ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details (including the work undertaken and the cost).</p> <p>h) Has the department/agency ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details (including the work</p>	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>undertaken and the cost).</p> <p>i) Has the department/agency ever employed McKinsey & Company in any capacity or is it considering employing McKinsey & Company? If yes, provide details.</p> <p>j) What contractors have been employed by the department/agency? If yes, provide details (including the work undertaken and the cost).</p>	
87.	AG/MHAJ	Portfolio	Humphries	Grants	<p>Grants</p> <p>a) Could the department/agency provide an update list of all grants, including ad hoc and one-off grants for this financial year to date? Please provide details of the recipients, the amount, the intended use of the grants and what locations have benefited from the grants.</p> <p>b) Have all grant agreement details been published on its website within the required timeframe? If not, provide details.</p>	Written
88.	AG/MHAJ	Portfolio	Humphries	Government payments of accounts	<p>Government payments of accounts</p> <p>a) For this financial year to date, has the department/agency paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e.within 30 days)?</p> <p>b) If not, why not? Provide details, including what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached)</p> <p>c) For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>the previous financial year?</p> <p>d) Where interest is being paid, what rate of interest is being paid and how is this rate determined?</p>	
89.	AG/MHAJ	Portfolio	Humphries	Travel costs	<p>Travel costs</p> <p>a) For the financial year to date, please detail all travel for Departmental officers that accompanied the Minister and/or Parliamentary Secretary on their travel. Please include a total cost plus a breakdown that include airfares (and type of airfare), accommodation, meals and other travel expenses (such as incidentals).</p> <p>b) For the financial year to date, please detail all travel for Departmental officers. Please include a total cost plus a breakdown that include airfares (and type of airfare), accommodation, meals and other travel expenses (such as incidentals). Also provide a reason and brief explanation for the travel.</p> <p>c) What travel is planned for the rest of this financial year? Also provide a reason and brief explanation for the travel.</p> <p>d) What travel is planned for the rest of this calendar year? Also provide a reason and brief explanation for the travel.</p> <p>e) What is the policy for business class airfare tickets? Is there still a reduction in business flights as per the media release by the Minister for Finance and Deregulation and the Special Minister of State dated 25 September 2012?</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>f) Are lounge memberships provided to any employees? If yes, what lounge memberships, to how many employees and their classification, the reason for the provision of lounge membership and the total costs of the lounge memberships.</p> <p>g) When SES employees travel, do any support or administrative staff (such as an Executive Assistant) travel with them? If yes, provide details of why such a staff member is needed and the costs of the support staff travel.</p> <p>h) Does the department/agency elect to offset emissions for employees work related travel? If yes, what is the cost?</p>	
90.	AG/MHAJ	Portfolio	Humphries	Legal costs	<p>Legal costs</p> <p>a) What sum did each portfolio department and agency spend on legal services for this financial year to date within the department/agency? Please provide a list of each service and costs.</p> <p>b) What sum did each portfolio department and agency spend on legal services this financial year to date from the Australian Government Solicitor? Please provide a list of each service and costs.</p> <p>c) What sum did each portfolio department and agency spend on legal services this financial year to date from private firms? Please provide a list of each service and costs.</p> <p>d) What sum did each portfolio department and agency spend on legal services this financial year to date from other sources?</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					Please provide a list of each service and costs.	
91.	AG/MHAJ	Portfolio	Humphries	Corporate cars	<p>Corporate cars</p> <p>a) How cars are owned by each department/agency? b) Where is the car/s located? c) What is the car/s used for? d) What is the cost of each car for this financial year to date? e) How far did each car travel this financial year to date?</p>	Written
92.	AG/MHAJ	Portfolio	Humphries	Taxi costs	<p>Taxi costs</p> <p>a) How much did each department/agency spend on taxis this financial year to date? Provide a breakdown for each business group in each department/agency. b) What are the reasons for taxi costs?</p>	Written
93.	AG/MHAJ	Portfolio	Humphries	Hire cars	<p>Hire cars</p> <p>a) How much did each department/agency spend on hire cars this financial year to date? Provide a breakdown of each business group in each department/agency. b) What are the reasons for hire car costs?</p>	Written
94.	AG/MHAJ	Portfolio	Humphries	Credit cards	<p>Credit cards</p> <p>1. Provide a breakdown for each employment classification that has a corporate credit card. 2. Please update details of the following? a) What action is taken if the corporate credit card is</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>misued?</p> <p>b) How is corporate credit card use monitored?</p> <p>c) What happens if misuse of a corporate credit card is discovered?</p> <p>d) Have any instances of corporate credit card misuse have been discovered? List staff classification and what the misuse was, and the action taken.</p> <p>e) What action is taken to prevent corporate credit card misuse?</p>	
95.	AG/MHAJ	Portfolio	Humphries	Electricity purchasing	<p>Electricity purchasing</p> <p>a) What are the details of the department/agency electricity purchasing agreement?</p> <p>b) What are the department/agency electricity costs for this financial year to date?</p>	Written
96.	AG/MHAJ	Portfolio	Humphries	Office locations	<p>Office locations</p> <p>Please provide a list of all office locations for all departments and agencies within the portfolio by:</p> <p>a) Department/Agency;</p> <p>b) Location;</p> <p>c) Leased or Owned;</p> <p>d) Size;</p> <p>e) Number of Staff at each location and classification;</p> <p>f) If rented, the amount and breakdown of rent per square metre;</p> <p>g) If owned, the value of the building;</p> <p>h) Depreciation of buildings that are owned;</p> <p>i) Type of functions and work undertaken.</p>	Written
97.	AG/MHAJ	Portfolio	Humphries	Staff amenities	Staff amenities	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					What amenities are provided to staff? Provide a list, including any costs and the reason for providing the amenity.	
98.	AG/MHAJ	Portfolio	Humphries	Coffee machines	<p>Coffee machines</p> <ol style="list-style-type: none"> 1. Has the department/agency purchased coffee machines for staff useage? <ol style="list-style-type: none"> a) If yes, provide a list that includes the type of coffee machine, the cost, the amount, and any ongoing costs such as purchase of coffee or coffee pods and when the machine was purchased? b) Why were coffee machines purchased? c) Has there been a noticeable difference in staff productivity since coffee machines were purchased? Are staff leaving the office premises less during business hours as a result? d) Where did the funding for the coffee machines come from? e) Who has access? f) Who is responsible for the maintenance of the coffee machines? How much was spent on maintenance in this financial year to date, include a list of what maintenance has been undertaken. Where does the funding for maintenance come from? g) What are the ongoing costs of the coffee machine, such as the cost of coffee? 2. Does the department/agency rent coffee machines for staff useage? <ol style="list-style-type: none"> a) If yes, provide a list that includes the type of coffee 	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>machine, the cost, the amount, and any ongoing costs such as purchase of coffee or coffee pods and when the machine was purchased.</p> <p>b) Why are coffee machines rented?</p> <p>c) Has there been a noticeable difference in staff productivity since coffee machines were rented? Are staff leaving the office premises less during business hours as a result?</p> <p>d) Where does the funding for the coffee machines come from?</p> <p>e) Who has access?</p> <p>f) Who is responsible for the maintenance of the coffee machines? How much was spent on maintenance in this financial year to date, include a list of what maintenance has been undertaken. Where does the funding for maintenance come from?</p> <p>g) What are the ongoing costs of the coffee machine, such as the cost of coffee?</p>	
99.	AG/MHAJ	Portfolio	Humphries	Printing	<p>Printing</p> <p>How many documents (include the amount of copies) have been printed this financial year to date? How many of these printed documents were also published online?</p>	Written
100	AG/MHAJ	Portfolio	Humphries	Advertising	<p>Advertising</p> <p>a) What was the total cost of all advertising for the financial year to date?</p> <p>b) Is the advertising campaign or non-campaign advertising? Provide details of each advertising, including the program the</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>advertising was for, the total spend and the business that provided the advertising services.</p> <p>c) Has the Department of Finance and Deregulation provided any advice about the advertising? Provide details of each advertising item.</p> <p>d) Has the Peer Review Group (PRG) and/or Independent Communications Committee (ICC) provided any advice about the advertising? Provide details of each advertising item.</p> <p>e) Did the Advertising comply with the Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies? Provide the details for each advertising item.</p> <p>f) Provide details for any other communications program, including details of the program, the total spend and the business that provided the communication services.</p> <p>g) What advertising – Campaign and Non-Campaign – and other communications programs is the Department/Agency undertaking, or are planning to undertake?</p>	
101	AG/MHAJ	Portfolio	Humphries	Stationery requirements	<p>Stationery requirements</p> <p>1. How much was spent by each department and agency on the government (Ministers/Parliamentary Secretaries) stationery requirements in your portfolio (i.e. paper, envelopes, with compliments slips) this financial year to date?</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					2. What are the department/agency's stationery costs for the financial year to date?	
102	AG/MHAJ	Portfolio	Humphries	Media subscriptions	<p>Media subscriptions</p> <ol style="list-style-type: none"> 1. What pay TV subscriptions does your department/agency have? <ol style="list-style-type: none"> a) Please provide a list of what channels and the reason for each channel. b) What is the cost for this financial year to date? 2. What newspaper subscriptions does your department/agency have? <ol style="list-style-type: none"> a) Please provide a list of newspaper subscriptions and the reason for each. b) What is the cost for this financial year to date? 3. What magazine subscriptions does your department/agency have? <ol style="list-style-type: none"> a) Please provide a list of magazine subscriptions and the reason for each. b) What is the cost for this financial year to date? 	Written
103	AG/MHAJ	Portfolio	Humphries	Media monitoring	<p>Media monitoring</p> <ol style="list-style-type: none"> 1. What is the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Minister's office for this financial year to date? <ol style="list-style-type: none"> a) Which agency or agencies provided these services? b) What is the estimated budget to provide these services for the year 2012-13? c) What has been spent providing these services this financial year to date? 	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date <i>or</i> Written Question
					<p>2. What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the department/agency for this financial year to date?</p> <p>a) Which agency or agencies provided these services?</p> <p>b) What is the estimated budget to provide these services for the year 2012-13?</p> <p>c) What has been spent providing these services this financial year to date?</p>	
104	AG/MHAJ	Portfolio	Humphries	Social media	<p>Social media</p> <p>1. Has there been any changes to department and agency social media or protocols about staff access and usage of Youtube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs since May 2012 Budget Estimates? If yes, please explain and provide copies of any advice that has been issued.</p> <p>2. Does the department/agency monitor usage of social media?</p> <p>a) If yes, provide details of the usage (for example details could include average hours per employee, hours when usage peaks).</p> <p>b) Has there been a change to the department/agency protocols due to staff usage?</p> <p>c) If no, why not? Will the department/agency monitor usage in the future?</p> <p>3. Does social media impact on employee productivity? Provide details (details could include increased internet usage in general</p>	Written

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					or increased internet usage in standard business hours)	
105	AG/MHAJ	Portfolio	Humphries	Media training	<p>Media training</p> <ol style="list-style-type: none"> 1. In relation to media training services purchased by each department/agency, please provide the following information for this financial year to date: <ol style="list-style-type: none"> a) Total spending on these services b) The number of employees offered these services and their employment classification c) The number of employees who have utilised these services, their employment classification and how much study leave each employee was granted (provide a breakdown for each employment classification) d) The names of all service providers engaged 2. For each service purchased from a provider listed under (4), please provide: <ol style="list-style-type: none"> a) The name and nature of the service purchased b) Whether the service is one-on-one or group based c) The number of employees who received the service and their employment classification (provide a breakdown for each employment classification) d) The total number of hours involved for all employees (provide a breakdown for each employment classification) e) The total amount spent on the service f) A description of the fees charged (i.e. per hour, complete package) 3. Where a service was provided at any location other than the 	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>department or agency's own premises, please provide:</p> <ul style="list-style-type: none"> a) The location used b) The number of employees who took part on each occasion c) The total number of hours involved for all employees who took part (provide a breakdown for each employment classification) d) Any costs the department or agency's incurred to use the location 	
106	AG/MHAJ	Portfolio	Humphries	Communications staff	<p>Communications staff</p> <p>1. For all departments and agencies, please provide – in relation to all public relations, communications and media staff – the following:</p> <p>By Department or agency:</p> <ul style="list-style-type: none"> a) How many ongoing staff, the classification, the type of work they undertake and their location. b) How many non-ongoing staff, their classification, type of work they undertake and their location c) How many contractors, their classification, type of work they undertake and their location d) How many are graphic designers? e) How many are media managers? f) How many organise events? <p>2. Do any departments/agencies have independent media studios? If yes, why? When was it established? What is the set up cost? What is the ongoing cost? How many staff work there and what are their classifications?</p>	Written
107	AG/MHAJ	Portfolio	Humphries	Board appointments	Board appointments	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>a) Provide an update of the boards within this portfolio, including: board title, terms of appointment, tenure of appointment and members.</p> <p>b) What is the gender ratio on each board and across the portfolio?</p> <p>c) Please detail any board appointments for this financial year to date.</p>	
108	AG/MHAJ	Portfolio	Humphries	Community Cabinet meetings	<p>Community Cabinet meetings</p> <p>a) Provide an update of how many Community Cabinet meetings has the Minister attended this financial year to date? List date and location.</p> <p>b) How many Departmental Officers travelled with the Minister for the Community Cabinet meetings for this financial year to date?</p> <p>c) What was the total cost of this travel? List travel type, accommodate and any other expenses.</p> <p>d) Which Community Cabinet meetings did the Departmental Officers attend? List date and location.</p> <p>e) What was the total cost to the Department and the Ministers office for the Community Cabinet meetings for this financial year to date?</p>	Written
109	AG/MHAJ	Portfolio	Humphries	Pre-election appointments	<p>Pre-election appointments</p> <p>Provide a list of any appointments made in your portfolio that will</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					commence after the announced election date of 14 September 2013. Provide details of the appointment including position and length.	
110	AG/MHAJ	Portfolio	Humphries	Reviews	<p>Reviews</p> <p>For this financial year to date:</p> <ol style="list-style-type: none"> How many Reviews are being undertaken? What reviews have concluded, and for those that are still ongoing, when will those reviews be concluded? Which of these reviews has been provided to Government? When will the Government be responding to the respective reviews that have been completed? Has the Government responded to all reviews within the timeframe? If not, why not? What is the estimated cost of each of these Reviews? What reviews are planned? When will each of these reviews be concluded? 	Written
111	AG/MHAJ	Portfolio	Humphries	Commissioned reports	<p>Commissioned reports</p> <ol style="list-style-type: none"> How many Reports have been commissioned by the Government in your department/agency this financial year to date? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members. How much did each report cost/or is estimated to cost? How many departmental staff were involved in each report and at what level? What is the current status of each report? When is the Government intending to respond to these reports? 	Written
112	AG/MHAJ	Portfolio	Humphries	Briefings for the Australian Greens	Briefings for the Australian Greens and Independents	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
				and Independents	<p>1. Have any briefings and/or provision of information s been provided to the Australian Greens? If yes, please include:</p> <ul style="list-style-type: none"> a) How are briefings requests commissioned? b) What briefings have been undertaken? Provide details and a copy of each briefing. c) Provide details of what information has been provided and a copy of the information. d) Have any briefings request been unable to proceed? If yes, provide details of what the requests were and why it could not proceed. e) How long is spent preparing and undertaking briefings/information requests for the Australian Greens? How many staff are involved and how many hours? Provide a breakdown for each employment classification. <p>2. Have any briefings and/or provision of information been provided to Independents? If yes, please include:</p> <ul style="list-style-type: none"> a) How are briefings requests commissioned? b) What briefings have been undertaken? Provide details and a copy of each briefing. c) Provide details of what information has been provided and a copy of the information. d) Have any briefings request been unable to proceed? If yes, provide details of what the requests were and why it could not proceed. e) How long is spent preparing and undertaking briefings/information requests for the Independents? How many staff are involved and how many hours? Provide a breakdown for each employment classification. f) Which Independents have requested briefings and/or 	

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					information?	
113	AG/MHAJ	Portfolio	Humphries	Alternative Policy Costings	Alternative Policy Costings Has the Department undertaken any alternative policy costings or advice? If yes, provide details of what these costings or advice were, including provision of costings or advice documents and assumptions used, and who made the request and when.	Written
114	AG/MHAJ	Portfolio	Humphries	Training for Portfolio Minister and Parliamentary Secretaries	Training for Portfolio Minister and Parliamentary Secretaries a) For this financial year to date, how much has been spent on training for Ministers and Parliamentary Secretaries in your portfolio? Itemise each training, cost and for which Minister and/or Parliamentary Secretary the training was for. b) For this financial year to date, how much has been spent on training for staff of Ministers and Parliamentary Secretaries in your portfolio? Itemise each training, cost and for which Minister and/or Parliamentary Secretary the training was for. c) For this financial year to date, how much has been spent on training for designed to better suit the needs of Ministers and Parliamentary Secretaries in your portfolio? Itemise each training, cost and for which Minister and/or Parliamentary Secretary the training was for, and how many employees attended and their classification.	Written
115	AG/MHAJ	Portfolio	Humphries	Provision of equipment	Provision of equipment a) For departments/agencies that provide mobile phones to Ministers and/or Parliamentary Secretaries and/or their offices, what type of mobile phone is provided and the costs?	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>b) For departments/agencies that provide electronic equipment to Ministers and/or Parliamentary Secretaries and/or their offices, what are the ongoing costs for this financial year to date?</p> <p>c) Is electronic equipment (such as ipad, laptop, wireless card, vasco token, blackberry, mobile phone (list type if relevant), thumb drive) provided to department/agency staff? If yes provide details of what is provided, the purchase cost, the ongoing cost and a breakdown of what staff and staff classification receives it.</p> <p>d) Does the department/agency provide their Ministers and/or Parliamentary Secretaries and/or their offices with any electronic equipment? If yes, provide details of what is provided, the cost and to who it is provided.</p>	
116	AG/MHAJ	Portfolio	Humphries	Internet	<p>Internet</p> <p>a) Has the Department experienced any internet problems, such as but not limited to slow internet, or internet blackouts?</p> <p>b) If yes, what was the reason for this?</p> <p>c) Did it impact the Minister's office?</p>	Written
117	AG/MHAJ	Portfolio	Humphries	Freedom of information	<p>Freedom of information</p> <p>a) Has the department/agency received any updated advice on how to respond to FOI requests?</p> <p>b) What is the total cost to the department to process FOI requests for this financial year to date?</p>	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>c) How many FOI requests has the Department received for this financial year to date?</p> <p>d) How many requests have been denied and how many have been granted?</p> <p>e) Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why?</p> <p>f) Do any of these requests remain outstanding? If so, how many and why?</p>	
118	MHAJ	AFP	Hanson-Young	SIEV X	In the knowledge of the agency, what role (if any) did Waleed Sultani had inside the Abu Quassey syndicate? Was he involved in any way in the organisation of SIEVX? Did he report to the AFP about Abu Quassey and SIEVX?	Written
119	MHAJ	ACLEI	Brandis	Agency officers authorised as ACLEI officers	<p>Senator BRANDIS: How many AFP officers are allocated to you?</p> <p>Mr Moss: It is not a question of them being allocated to ACLEI. We are engaged in a joint investigation in relation to Customs and Border Protection. Whereas ACLEI's focus is on the officials, the AFP focus is on the criminals and—</p> <p>Senator BRANDIS: Perhaps I will pursue that with the other agencies. All that you are saying is that where there is a multi-agency investigation then obviously officers for other agencies are involved, but that is not a comment on the deployment of your agencies' resources, is it?</p> <p>Mr Moss: Indeed this investigation is being conducted under the framework of the Law Enforcement Integrity Commissioner Act, and in that sense it is the Integrity Commissioner's investigation. These staff are made available to me on request. They are, in some cases, authorised as ACLEI officers.</p> <p>Senator BRANDIS: How many of them have been authorised as ACLEI officers?</p> <p>Mr Moss: That is a question that I will need to give you on notice, Senator.</p> <p>...</p> <p>Senator BRANDIS: All right. Will you take those questions on notice. I want a breakdown of all the officers from other agencies working within the ACLEI</p>	L&C 10, 11, 12 30/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					framework, as you describe it, on this project at the moment, as of today, and whether they are full time or part time and for what period they have been deployed to ACLEI as of today. Mr Moss: Yes, I will do that today.	
120	AG	Program 1.1 – AJD	Boyce	Recommendations in the ALRC 114 report <i>Family Violence – a national legal response</i>	Senator BOYCE: As to the nine [recommendations in the ALRC 114 report <i>Family Violence – a national legal response</i>] that are being looked at, when would you expect responses to be happening on those? Mr Wilkins: I will have to take that on notice. I think that is being dealt with by the National Justice CEOs Group, of which I am a member. We are meeting this Friday, so maybe I can have a talk to them about that—sorry; Friday week I think it is. ... Ms Glanville: If I could just continue on from Ms Rainsford's response, a significant number of the Commonwealth response recommendations have already been progressed and are in the public domain—things like the changes to the Family Law Act in relation to family violence and definitions of family violence; that is one of the recommendations, as is a greater focus on training packages around family violence...So, even though the Commonwealth response is not public as yet, when it is public the good news will be that many of the things in it we have already been progressing over time. ... During the May Budget Estimates 2013 Ms Glanville said and quote; “, a significant number of the Commonwealth response recommendations have already been progressed and are in the public domain”. Could you please list each one of those and list those yet to be completed or placed in the public domain?	L&C 92-93 29/05/2013 And written
121	MHAJ	Customs	Humphries	Geraldton SIEV arrival	Senator HUMPHRIES: I want to ask about the arrival on 9 April this year of a boat at Geraldton. ... Senator HUMPHRIES: Is it true that your organisation was first made aware of the arrival of the vessel, though, by somebody from the <i>West Australian</i> newspaper contacting someone in Canberra about this? Mr Pezzullo: I do not know is the answer. But how that gels with the port authority and a member of the public advising at 2.45 pm, I just do not know.	L&C 18 29/05/2013

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					<p>Senator HUMPHRIES: If you could take that on notice, please, that would be useful. Can you say exactly who first advised Customs and Border Protection?</p> <p>Mr Pezzullo: Yes. I am advised that an officer of the port authority did so—I do not know if it is privatised there, but it is a state entity—along with a member of the public, either conjointly or separately, advised us at 2.45 pm on that day.</p> <p>Senator HUMPHRIES: Okay.</p>	
122	AG	Program 1.6 – NSLPD	Abetz	Hezbollah's external security organisation	<p>Senator ABETZ: ... Finally, Australia currently bans Hezbollah's external security organisation, but it does not ban the entire organisation, which enables it to operate in Australia under its social and/or political wing. Other countries such as the USA, Canada and the Netherlands ban Hezbollah in its entirety. Is the Australian government considering banning the entire Hezbollah organisation in Australia and, if not, why not?</p> <p>Mr Wilkins: I think it would probably be inappropriate for me to comment on that particular question. I will take it on board. This has only recently gone before the committee of the parliament that looks at these issues. The legislation under which these declarations are made may differ considerably from the legislation that is used overseas. I know, from looking at some cases that I will not go into in detail—because that would be breaching national security—it is sometimes more difficult here to get some of these declarations made than it is under legislation in comparable countries offshore, overseas. Anyway, that is a long way of saying that—</p> <p>Senator ABETZ: But if a country like the Netherlands has come to that conclusion? Some people might assert that the United States is a bit more hairy-chested than others on these issues, but I would have thought one would not assert that about the Netherlands.</p> <p>Mr Wilkins: I am just very careful about making any clear statements in terms of what we may be intending to do or what—</p> <p>Senator ABETZ: And I accept that.</p>	L&C 86 29/05/2013
123	AG	Program 1.1 – AJD	Brandis	Court appointment shortlists	<ol style="list-style-type: none"> 1. Please indicate, in the case of each advertised vacancy, whether a shortlist was provided to the Attorney-General's office and if so, what stage of the shortlist process did that occur? 2. Please indicate, in the case of each advertised vacancy, whether additional candidates were included on each of the shortlists 	Written

Senate Legal and Constitutional Affairs Legislation Committee – Budget Estimates 2013-14 – Attorney-General's Portfolio 29 and 30 May 2013

Q No.	AG/ MHAJ	Program: Division or Agency	Senator	Broad Topic	Question	Hansard Page and Date or Written Question
					following consultation with the Attorney-General's office?	
124	AG	CDPP	Pratt	Basis for case decision	<p>Senator PRATT: I note your office made a decision not to prosecute former Liberal Party minister Peter Reith or his son on \$50,000 worth of private phone calls. Is that because his son thought that use of the card was innocent or within the use of entitlement?</p> <p>Mr Bromwich: My knowledge of that matter is limited to what I read about it in the press. I was not with the office at the time; I was at the private bar. I would have to take it on notice to look into that. But the prosecution policy of the Commonwealth has, amongst other things, at its core, two questions: sufficiency of evidence and whether or not a prosecution is in the public interest. All cases are assessed against those two criteria. Whether that was a case of sufficiency of evidence or whether there was a public interest test, I could not say in the abstract.</p>	L&C 78 30/05/2013