

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Portfolio

Question No. 112

Senator Humphries asked the following question at the hearing on 30 May 2013:

Briefings for the Australian Greens and Independents

1. Have any briefings and/or provision of information been provided to the Australian Greens?

If yes, please include:

- 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.

2. Have any briefings and/or provision of information been provided to Independents? If yes, please include:

- 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 information?

The answer to the honourable senator's question is as follows:

This reply excludes information or work such as responding to Freedom of Information requests, processing ministerial correspondence, or preparing answers to questions on notice submitted by Australian Greens or Independent members of Parliament. It also excludes briefings that may have been given to Australian Greens or Independent members of Parliament in their capacity as members of a Parliamentary Committee. Additionally, the reply excludes normal legislative briefings as outlined in the 2010 parliamentary agreement between the government and the Australian Greens and the independent members for New England and Lyne.

For 2012-13 financial year information up to 31 January 2013, please refer to QoN response 142 from the Additional Estimates round.

For the period 1 February 2013 to 31 May 2013 please see below.

The following portfolio agencies indicated that they did not provide briefings to the Independents, or Australian Greens between 1 February 2013 and 31 May 2013:

Attorney-General's Department, Administrative Appeals Tribunal, Australian Crime Commission, Australian Commission for Law Enforcement Integrity, Australian Federal Police, Australian Customs and Border Protection Service, Australian Human Rights Commission, Australian Institute of Criminology, Australian Transaction Reports and Analysis Centre, Commonwealth Director of Public Prosecutions, CrimTrac, Family Court of Australia, Federal Circuit Court of Australia, Federal Court of Australia, High Court of Australia, Insolvency and Trustee Service Australia, Office of the Australian Information Commissioner and Office of Parliamentary Counsel.

The National Native Title Tribunal (NNTT) will not be providing a response to this question, as from 1 July 2012 the NNTT is no longer a *Financial Management and Accountability Act 1997* Agency, and is funded to carry out its functions as a sub-program of the Federal Court of Australia's appropriation. On 12 March 2013 the *Courts and Tribunals Legislation Amendment (Administration) Act 2013* came into operation. On that day the Australian Public Service Commissioner signed a determination which transferred all staff employed by the Tribunal to the Federal Court of Australia under s.72 of the *Public Service Act 1999*, but those staff are designated staff assisting the Tribunal under the *Native Title Act 1993*.

See below for other responses.

Australian Government Solicitor

Australian Government Solicitor (AGS) is a government business enterprise operating on a commercial and competitive basis in providing legal and related services to government and its agencies. AGS does not receive any Budget or other appropriations and its employees are engaged outside of the *Public Service Act 1999*. The question is therefore not applicable to AGS.

Australian Law Reform Commission

1. The ALRC met with Senator Scott Ludlam on 19 April 2013 to discuss the ALRC's progress on the Copyright and the Digital Economy Inquiry.
 - a) The Senator requested a meeting with the ALRC through the relevant offices of AGD.
 - b) The ALRC did not provide a briefing document.
 - c) The ALRC provided information about the process of the ALRC's inquiry into Copyright and discussed in broad terms our likely proposals for the Discussion Paper. No written information was provided.
 - d) No.
 - e) Meeting preparation was completed in normal working hours by the Inquiry Commissioner. Time taken 1 hour.
2. Not Applicable.

Australian Security Intelligence Organisation

It is not appropriate to provide details of briefings provided by ASIO to Parliamentarians. Where briefings are provided, ASIO routinely informs the Attorney-General of the nature and extent of these briefings.