



Australian Government
Attorney-General's Department

Corporate Services Group



07/20748

17 DEC 2008

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

Dear Mr Hallahan

Clarifications and corrections to Hansard

I write concerning evidence provided by officers from the Attorney-General's Portfolio provided to the Senate Standing Committee on Legal and Constitutional Affairs, at the Supplementary Budget Estimates hearing of 20 October 2008.

Following the hearing, officers from the Attorney-General's Portfolio who provided evidence to the Committee, reviewed the proof copy of Hansard. Consequently, I wish to submit the following corrections and clarifications on behalf of the Attorney-General's Portfolio.

Evidence of Ms Kathy Leigh

At the Senate Estimates hearings of 27 May and 20 October 2008, Senators Barnett and Brandis asked a series of questions about the consultation undertaken by the Attorney-General in the course of making judicial appointments to, respectively, the Federal Magistrates Court and the High Court.

At both hearings Ms Kathy Leigh indicated that the Attorney-General had consulted the deans of the law schools on both occasions and that there were 28 law schools in Australia (page 53 of the May hearings and page 44 of the October hearings).

The Attorney-General wrote on both occasions to 29 deans, two of whom are deans of two law schools in different campuses of the one university - Notre Dame University.

Due to an administrative error, the deans of the Edith Cowan University, the University of Southern Queensland and the University of South Australia were not included in the consultation processes. The law schools of the University of Southern Queensland and the University of South Australia accepted their first intake in 2008. The deans of these law schools have been contacted by the Department.

Statement made by Senator George Brandis

Senator BRANDIS—I am looking at the portfolio budget statement for the Attorney-General's portfolio for 2008-09. As I read it, in the section dealing with the Australian Law Reform Commission—table 1.1 on page 172—there seems to have been a slight reduction in funding, from 2007-08 to the current year, of about \$5.218 to \$5.17 million. Is that right? Did you have a funding reduction?

On page 68 of Hansard, Senator Brandis stated that the Australian Law Reform Commission (ALRC) receives \$5.17 million in government funding. This is incorrect. That figure includes both ALRC income that is generated from other sources and ALRC retained earnings. The funding the ALRC receives from Government is \$3.360 million down from \$3,382 million.

Evidence of Mr Doug Humphries

The Administrative Appeals Tribunal wishes to clarify the exact position in relation to member appointments and departures during the period 2006/07 and 2007/08, evidence provided from page 63 of Hansard. The table at **Attachment A** articulates this position.

All of the members listed are or were part-time. All are ordinary members unless otherwise specified as senior members or presidential members. All appointments to the Tribunal in 2007/08 were made by the previous government.

Since 30 June 2008, 2 presidential members have resigned or retired. Justice Gyles retired upon reaching compulsory retirement age as a Federal Court Justice. Justice French resigned upon his appointment as Chief Justice of the High Court of Australia.

Further information as to current Tribunal member numbers can be found in the tribunal's annual report that was tabled in the Parliament on 22 October 2008.

Evidence of Mr Philip Moss

On page 133 of Hansard, Senator Barnett asked a series of questions concerning the status of The Australian Commission for Law Enforcement Integrity's (ACLEI) current investigations. ACLEI wishes to clarify evidence provided. Statistics at **Attachment B** are provided for clarification.

The action officer for this matter is Amelia Grace who can be contacted on (02) 6250 5436.

Yours sincerely



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Administrative Appeals Tribunal member appointments and departures

Tribunal membership as at 30 June 2007

Category of member	Judges	Full-time	Part-time	Total (Women)
President	1			1 (0)
Presidential members:				
Federal Court judges	12			12 (1)
Family Court judges	5			5 (2)
Deputy Presidents		6 ^a	5	11 (1)
Senior Members		9	12	21 (8)
Members		3	39	42 (7)
Total	18	18	56	92 (19)

One full-time Deputy President was on extended leave of absence from the Tribunal throughout the relevant period.

Tribunal membership as at 30 June 2008

Category of member	Judges	Full-time	Part-time	Total (Women)
President	1			1 (0)
Presidential members:				
Federal Court judges	11			11 (1)
Family Court judges	5			5 (2)
Deputy Presidents		6	5	11 (1)
Senior Members		9	12	21 (8)
Members		3	35	38 (7)
Total	17	18	52	87 (19)

Member appointments and departures

2006-2007			2007-2008		
	New appointments	Members ceased		New appointments	Members Ceased
	Dr TM Baker	Dr P Fricker		Mr SA Karas AO (Senior Member)	DR EK Christie
	Dr KJ Breen, AM	Air Marshal B Gration AO AFC RAAF (Rtd)		The Honourable Dr B McPherson CBE (Deputy President)	Associate Professor BW Davies
	Mr DM Connolly AM	Ms M Imlach (Senior Member)		The Honourable RD Nicholson AO (Deputy President)	Mr M Griffin
	Air Vice Marshall F Cox AO (Rtd)	Brigadier RB Lloyd OBE MC RL			The Honourable HW Olney AM QC (Deputy President)
	Mr S Ellis AM	Dr PD Lynch			The Honourable Dr RNJ Purvis AM QC (Deputy President)
	Mr WG Evans				Emeritus Professor IA Shearer AM RFD (Senior Member)
	Mr SE Frost				Brigadier IR Way (Rtd)
	Dr TJ Hawcroft				
	Mr TC Jenkins				
	Professor PL Reilly				
	Mr PW Taylor SC (Senior Member)				
	DR SH Toh				
	Dr R Walters				
	Dr P Wilkins				
Totals	14	5	Totals	3	7

Australian Commission for Law Enforcement Integrity Investigations

Corruption issues received (notified or referred)	(06/07) Note: a six month period, since ACLEI commenced on 30 December 2006.	18
	(07/08)	45 (+ 8 carried forward = 53)
	(08/09 - 1 st Qtr)	12
	Total received	75

Of the 53 issues current during 2007/08:

How corruption issues were dealt with (at 30 June 2008)	Reports to Minister	2
	Investigated or under investigation	11 (2 of which concluded as reports to the Minister)
	Concluded in other ways	27
	Under assessment at close of period	17
	Total considered	53

Investigations	(06/07)	4 (all carried forward to 07/08)
	(07/08)	3 + 3 joint
	- concluded	- 2
	Total investigations	8 currently underway