

Senate Standing Committee on Legal and Constitutional Affairs
ANSWERS TO QUESTIONS ON NOTICE
FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

**Topic: Families, Communities Services and Indigenous Affairs and Veterans' Affairs
 Legislation Amendment (2006 Budget Measures) Bill 2006**

Question No: 1

Hansard Page: 31

Senator Payne asked:

The Commonwealth Ombudsman drew to the attention of the committee that the comparison that you make in relation to comparable powers is not really a legitimate one and that, in the Ombudsman's view, only the Australian Customs Service and Medicare Australia have powers of the same scope.

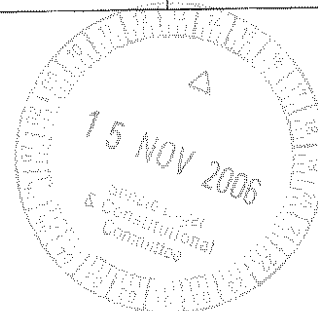
Please provide the committee with a response to that particular aspect of the bill and the points raised in the Ombudsman's submission.

Answer:

The powers granted to the Australian Customs Service and Medicare Australia are of most similar scope to the proposed amendments. In drafting Schedule 2 of the Bill, the new provisions were closely modelled on those in the *Medicare Australia Act 1973*. The other pieces of legislation referred to in the Department's submission provide other examples of search, entry and seizure powers, each of which has some similarities.

The power granted to Medicare Australia under the *Medicare Australia Act 1973* are not restricted to the entry and search of business premises and could operate in respect of individuals and their private premises.

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Please indicate whether this answer is sensitive and may require further clearance by the Minister?			SENSITIVE	NO



Question 2: Senator Payne, p. 36 of Transcript

Can you provide to the committee the details of the plans for training and what will be required? For example, have you contemplated the recruitment process for officers who would be appropriately qualified for this role? Have you developed selection criteria and, if so, can you provide a copy to the committee? In terms of the management oversight process, could you tell us what lines you would put in place there, and what plans you have for appropriate record keeping?

Response

Centrelink already has a comprehensive training regime for fraud investigators that complies with the Commonwealth Fraud Control Guidelines 2002. All current Centrelink fraud investigators complete a Cert IV in Government (Fraud Control Investigations) and all senior investigators complete a Diploma of Government (Fraud Control Investigations). Additional specialist fraud training provided to fraud investigators includes:

- **Advanced fraud investigations;**
- **Field operations;**
- **Search procedures and search warrant applications;**
- **Intelligence analysis; and**
- **Investigations management.**

These Centrelink investigators already assist the Australian Federal Police in the execution of search warrants.

To enable Centrelink to enhance its current training regime with respect to the proposed search warrants powers the Government has provided approximately \$450,000 in additional training funding for 2006-07. Additional training funding has also been provided for 2007-08 onwards to maintain competency standards for Centrelink fraud investigators.

It is not planned to implement the search warrant powers until 1 January 2008. This provides Centrelink with over 12 months to develop and deliver, in consultation with the Australian Federal Police and other agencies, comprehensive search warrant training for fraud investigators. An appropriate training curriculum and competency assessment will be developed in consultation with the AFP.

Specific selection criteria for these positions will also be developed in consultation with the Australian Federal Police.

In terms of management oversight Centrelink will not begin use of these powers until the Chief Executive Officer is satisfied that all relevant assurance frameworks are in place.

Any application for a search warrant is subject to the scrutiny and approval of a Magistrate who must be satisfied that there are reasonable grounds to suspect that evidence of a crime will be at the premises.

To enable appropriate record keeping Centrelink proposes to enhance existing fraud management and access control systems within its integrated systems to record and track warrants. These systems are only accessible to officers with an appropriate security classification.

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Question No: 3

**Topic: Families, Communities Services and Indigenous Affairs and Veterans' Affairs
 Legislation Amendment (2006 Budget Measures) Bill 2006**

Hansard Page: 41

Senator Ludwig asked:

Was the Office of the Privacy Commissioner consulted in respect of this legislation? What was their view on the legislation?

Answer:

The Office of the Privacy Commissioner was consulted and had no comments.

Please list all Branches/Offices/Consulted: Legal Branch

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Questions for Department of Families, Community Services and Indigenous Affairs.

Question 4: Senator Payne, p. 43 of Transcript

In the development of this policy and in managing the challenges that you have identified apparently in terms of having warrants executed, was any contemplation given, or is it possible to give any contemplation, to extending the relationship with the AFP to include the state police so that they could assist with the execution of warrants?

Response

This question is answered in Question 8