

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 2.1**

**The following questions were raised at the hearing on 10 November 2006:**

In relation to the Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget and Other Measures) Bill 2006 (the Bill):

1. What consultations have occurred between the Attorney-General's Department and Centrelink, the Department of Human Services and the Department of Families, Community Services and Indigenous Affairs on the Bill?
2. When did those consultations occur?
3. What issues were discussed in those consultations?
4. What advice has the Attorney-General's Department given these agencies on the Bill?
5. Has the Attorney-General's Department consulted with the Australian Federal Police (AFP) in relation to the Bill?
6. When did those consultations occur and what issues were discussed with the AFP in the course of those consultations?

**The answers to the questions are as follows:**

Questions 1 and 2

On 9 March 2006, officers from the Attorney-General's Department (AGD), officers of the Department of Human Services and Centrelink case officers met to discuss a legislative proposal to enable Centrelink investigators to have entry, search and inspection powers.

The Office of Parliamentary Counsel provided AGD with a draft of the Bill for scrutiny to determine whether the Bill complied with Commonwealth criminal law and administrative law review polices. AGD received the draft version of the Bill on 15 August 2006, and the final version on 1 September 2006.

On 14 August 2006, the Hon Joe Hockey MP, the Minister for the Department of Human Services, wrote to the Minister for Justice and Customs, Senator the Hon Chris Ellison, seeking approval for the criminal law aspects of the Bill. On 6 September 2006, the Hon Mal Brough MP, the Minister for Families, Community Services and Indigenous Affairs, wrote to Minister Ellison seeking approval for the criminal law aspects of the Bill.

On 7 September 2006, Minister Ellison wrote to both Minister Brough and Minister Hockey, giving his approval for the criminal law aspects of the Bill.

### Question 3

The discussion at the meeting of 9 March 2006 concerned proposed amendments to Commonwealth legislation to enable Centrelink officers to carry out entry, search and inspection powers in relation to premises, for the purposes of investigating suspected social security fraud.

### Question 4

AGD undertook scrutiny of the Bill to determine whether or not the Bill complied with established Commonwealth criminal law policy guidelines, as outlined in '*A Guide to framing Commonwealth Offences, Civil Penalties and Enforcement Powers*'.

AGD provided comments on the inclusion of the provisions in the Bill conferring entry, search and inspection powers on Centrelink officers. AGD also provided comments on the application of review by the Administrative Appeals Tribunal, and the application of the *Legislative Instruments Act 2003*, to the Bill.

### Question 5

No.

AGD's established practice, when undertaking scrutiny of Bills, is to consult with the agency/department responsible for the policy and development of the relevant legislative proposal (ie the instructing agency) on those matters referred to in the response to question 4 - in this case, the Department of Human Services and the Department of Families, Community Services and Indigenous Affairs. It is established practice that the instructing agency is responsible for consulting with all other relevant agencies during the development of legislative proposals - eg in this case, the AFP.

### Question 6

Not applicable.