

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

Program 1.2 & 1.3

Question No. 70

Senator Barnett asked the following question at the hearing on 22 February 2011:

Senator BARNETT—What is the existing allocation? This is \$17.6 million extra because of the growing demand in these areas. What is the current—

Mr Wilkins—Because of the success of law enforcement agencies, too, Senator.

Senator BARNETT—Indeed. Of course, they are more active, aren't they, particularly in the area of people smuggling.

Mr Wilkins—And also in drugs and counterterrorism.

Senator BARNETT—Drugs, terrorism and people smuggling. We have seen a big growth. We had a whole day of it yesterday. We were hearing all about it.

Mr Wilkins—Drugs, Senator?

Senator BARNETT—No, people smuggling. Ms Jones, have you got those figures there?

Ms Jones—In terms of the breakdown of the different types of matters, I do not. I would have to take it on notice.

Senator BARNETT—Can you provide any more details in terms of people smuggling and the evidence that you have received to confirm that the government is using \$7.6 million extra of taxpayers' money to provide legal aid to people smugglers?

Ms Jones—In terms of the additional information you are looking for, perhaps if you can just—

Senator BARNETT—I would like you to take it on notice and provide further and better particulars regarding the reasons why the government has made the decision it has. Are you happy to take that on notice?

Ms Jones—I can take that on notice, yes.

Senator BARNETT—Mr Wilkins, you are chatting away there. Do you want to share your views with us?

Mr Wilkins—I was just saying that we do have the number of crew who are currently detained who are subject to possible prosecutions.

Senator BARNETT—How many are there?

Mr Wilkins—I think there are probably 500 or so. I have not got the exact numbers, but we can get—

Senator BARNETT—Can you provide the numbers for this time last year—a comparison?

Mr Wilkins—We could probably do that.

Senator BARNETT—Can you take that on notice?

Mr Wilkins—Yes.

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

The additional Australian Government funding for expensive Commonwealth criminal law matters, including people smuggling matters, will ensure that legal aid funding provided through the National Partnership Agreement on Legal Assistance Services is not diverted from existing Commonwealth legal aid service priorities, such as family law. It will also ensure that people charged with serious Commonwealth criminal offences have access to a fair trial and avoid prosecutions being stayed indefinitely on grounds that there is no legal representation following the High Court's decision in the *Dietrich* case.

As at 23 February 2011, 161 crew were in immigration detention under investigation for possible prosecution for people smuggling offences. A further 198 crew were before the courts for prosecution. One-hundred and eighteen crew have been convicted of people smuggling offences since September 2008. In addition, five people smuggling organisers have been convicted of offences.

As at 25 February 2010, 29 crew were in immigration detention under investigation for people smuggling offences. A further 74 crew were before the court for prosecution. Twenty-five crew had been convicted of people smuggling offences since September 2008. In addition, one people smuggling organiser had been convicted of offences.