

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
1	AHRC	Barnett	Staff remuneration	<p>Senator BARNETT: ... I want to move to the area of Defence and an update on the Defence review that has been announced. I have seen the media release that the commission put out on 3 May, and am wondering if you can provide an update on that review. I understand you have appointed Damian Powell, Mark Ney and Sam Mostyn.</p> <p>...</p> <p>Ms Broderick: ... As the president said, a panel has been put together. The three panel members who are you referred to: Mark Ney, who is an ex-assistant police commissioner from the AFP; Damian Powell, who is head of one of the University of Melbourne's residential colleges and is president of the Colleges Association; and Sam Mostyn, who has had extensive experience in elite men's sport and changing cultures in male dominated industries. It is not a full-time appointment.</p> <p>...</p> <p>Senator BARNETT: ... So, with respect, you are paying these three new panel members—I presume they are going to be paid for their part time work.</p> <p>Ms Broderick: That is right. They will be paid according to the Remuneration Tribunal, which has a daily rate. We do not have a daily rate here but I think it is around \$500 a day, or of that order. We can take that on notice.</p> <p>Senator BARNETT: Sure, just double check that on notice and I would be happy.</p>	L&C 16-17 (25/5/11)	23/06/2011	7/07/2011
2	AHRC	Barnett Crossin	UNHRC Report	<p>Senator BARNETT: I will move on to one last area, and that relates to what I am advised is the very recent decision of the 47-member UN Human Rights Council in Geneva, in which they unanimously agreed to replace the traditional condemnation of religious defamation with a resolution underlining the right of individuals to freedom of belief....Please take that on notice and review the decision. The question is: will that have any influence on or consequences for Australia and the views of the Human Rights Commission in particular?</p> <p>Ms Branson: Chair, we have discussed before whether it is appropriate for this estimates committee to require the Australian Human Rights Commission to undertake particular work. I seek your guidance on this issue.</p> <p>CHAIR: What is the intent, Senator Barnett?</p> <p>Senator BARNETT: This is a unanimous decision of the United Nations Human Rights Council. My question is: does it have consequences for Australia? The commission released a report on religious freedom not so long ago, and this is of direct relevance to that report and these issues in Australia. So I think it is a very fair question and I ask the commission to consider it positively.</p> <p>....</p> <p>Mr Wilkins: In any event, what you are asking whoever—whether it is us or the Human Rights Commission—to do is an extensive piece of work which might form the basis of a whole committee report, which is not exactly a question about estimates. This is actually a substantive piece of work which would tie up considerable resources, either ours or theirs, for a considerable amount of time and</p>	L&C 20-23, 25-26 (25/5/11)	23/06/2011	7/07/2011

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				<p>which the government may ask us to do at some point in the future anyway, depending on—</p> <p>Senator BARNETT: I am asking you to take it on notice.</p> <p>Senator Ludwig: I do not think it is appropriate.</p> <p>CHAIR: Senator Barnett, I am not sure this estimates committee can ask the Attorney-General's Department to do work for us, essentially.</p> <p>Senator BARNETT: I have not got to the Attorney-General's Department, and when we do we can discuss it. I am asking the Human Rights Commission. This is a unanimous decision of the United Nations Human Rights Council. It has consequences, or could have consequences, for us in Australia. I am very interested in the views of the Australian Human Rights Commission and its response to that decision. That is a very fair and legitimate question. Apparently the commissioner is not aware of this decision. I have been made aware of it and I would like to know the commission's response to that decision. It is not an unfair question. If it is a one-line response well, so be it; if it is more expansive, that would be appreciated. That is a matter for the commission. I have asked for it to be taken on notice. That is entirely legitimate.... I ask for their response to it. That is a matter for them in terms of how much work they do, but I would like to know their response. That is a legitimate question. This is the peak human rights body in the United Nations. We are talking to the peak human rights body in Australia.</p> <p>....</p> <p>Senator BARNETT: ... I asked Ms Branson and the Human Rights Commission to take it on notice and to provide the committee with their response to that decision as to whether it has implications for us in Australia, and any other views or responses to that decision—which appears, prima facie, to be significant. You are the peak body for human rights in Australia. I am seeking your views in response to that decision. That is my question.</p> <p>CHAIR: Which you can take on notice.</p> <p>Senator BARNETT: Which I have asked to be taken on notice.</p> <p>....</p> <p>Mr Wilkins: Madam Chair, I underline that. I think it is fine to ask if the Human Rights Commission knows about it and if it has a view, but actually to instruct it to go away and form a view is a different proposition. I think that is the problem.</p> <p>Senator BARNETT: If you want me to ease the burden, why doesn't Ms Branson offer a preliminary view without obtaining masses of legal advice? I am simply seeking a response. If you do not wish to do the full kit and caboodle, I am okay with that. Let us review it. I have asked you to take it on notice, and when you provide a response that will give me and other senators the opportunity to follow up. Whether it is a one-paragraph or one-page response or something more comprehensive, that would give me and others the opportunity to follow up. I am simply asking, as politely as possible, you to take it on notice and provide a response.</p> <p>....</p>			

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				<p>CHAIR: I am going to go back to that issue and resolve the discussion we had before morning tea. I have had a discussion with my secretary about this and as chair I think we need to move through this a bit before we finish today. My interpretation is that there was an expectation that perhaps there needed to be some in-depth, comprehensive analysis of the decision of the United Nations High Commissioner for Human Rights. I also come to a view that it is not appropriate that questions on notice not be taken—agencies and departments cannot refuse to take questions on notice. So I am going to ask you to take these questions on notice from me as the chair. Have either you or any member of the Human Rights Commission seen that resolution? If not, can you make yourselves aware of it and provide to this committee an analysis of how decisions such as that are handled when they come to the attention of the Human Rights Commission? In the normal course of your day-to-day duties do you respond to such resolutions? Are they filed? Are they commented upon? Is a briefing note provided amongst you or to the Minister? In relation to that particular resolution we would ask you to provide the Human Rights Commission's response to that resolution. How you choose to answer those questions on notice or how comprehensive you choose to answer them is up to you, but I am going to put those questions on notice and ask you to consider those and respond to them in the time frame.</p> <p>Ms Branson: Thank you, Madam Chair.</p> <p>Senator BARNETT: On a point of order, Madam Chair: with the greatest respect, you are instructing the Human Rights Commission to act in a certain way in response to my questions, which I asked three or four times. Such a recommendation is entirely unacceptable to me and in my view it should be unacceptable to this committee. I asked the questions and any senator at this table is entitled to ask questions in any way they so choose. I will not be required by you as chair to amend the way my questions are put. I have asked my questions, I have put them very clearly, and for you to reword my questions to Ms Branson, to be asked on notice, in a different way is not acceptable. What would be acceptable to me is if you said to Ms Branson that she is required to answer the questions that I put on notice and that I put to Ms Branson. I am not happy that you have reworded my questions. The <i>Hansard</i> will be very clear—I have asked the questions about three times. I am pleased, Chair, to hear that you have instructed Ms Branson to answer the questions, and I would like you to confirm that Ms Branson will be required to answer my questions, not your questions.</p> <p>Senator Ludwig: It is a question of not being required to answer. We can take on notice the questions that were put; how the commission chooses to answer the questions is a matter for the commission.</p> <p>Senator BARNETT: Questions from whom—me or the chair?</p> <p>CHAIR: Senator Barnett, I was in no way trying to rephrase your questions. I have now asked the commission to provide us with answers on how they process resolutions such as this that they become aware of. My questions go to how they</p>			

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				<p>handle these resolutions in their normal course of action. What I am going to do is ask the commission to look at the transcript of this morning and take on notice questions you asked of them. How the commission respond to those questions, and the degree to which they respond to those questions and the manner in which they respond to those questions, is up to the commission. It is not appropriate to refuse to take questions on notice, and so I now ask you to review the <i>Hansard</i> and follow up on those questions.</p> <p>Ms Branson: Thank you, Madam Chair. I sought your guidance from the beginning and I now have it. I thank you for that guidance.</p>			
3	AUSTRAC	Parry	Workload trends	<p>Senator PARRY: Has the [AUSTRAC] workload and the number of disseminations been trending up?</p> <p>Mr Schmidt: The figures are in the annual report. If I can take that on notice, I can certainly give you the trends on those figures.</p>	L&C 30 (25/5/11)	29/06/2011	7/07/2011
4	Federal Court of Australia	Brandis	Federal Court Rules	<p>Senator BRANDIS: I understand that the draft of the new rules and forms was first provided to the profession on 24 December 2010. Is that right?</p> <p>Mr Soden: I would have to take that precise date on notice, but I think that is right.</p> <p>Senator BRANDIS: That was the first occasion on which the professional associations were shown what I presume was an exposure draft of the proposed new rules and forms?</p> <p>Mr Soden: Taking on notice the actual date, most probably yes.</p> <p>....</p> <p>Senator BRANDIS: ... why was it decided to first circulate this extensive rewrite of the Federal Court rules and forms just before Christmas?</p> <p>...</p> <p>Senator BRANDIS: ... it does surprise me that even if this had been in ordinary time rather than over Christmas time, a maximum consultation period of effectively not more than two months and, in a practical sense, less than two months, was all that was vouchsafed to the profession.</p> <p>Mr Soden: I have to say that I was not close to the decision that was taken, but I think I could say on behalf of Justice Lander, who has had carriage of this on behalf of all of the judges, that if there had been a strong reaction from the profession in relation to that time, and a request for extra time, then that would have been very carefully considered by him, I am sure. I do not think that has been the case.</p> <p>Senator BRANDIS: Could you check that please and take it on notice for me?</p> <p>Mr Soden: I will certainly take that on notice.</p> <p>...</p> <p>Senator BRANDIS: ...I am told, by the way, that the Law Institute of Victoria did not even receive the exposure draft on 24 December—that it never got it. Can you check that, please?</p> <p>Mr Soden: I will certainly take that on notice.</p> <p>Senator BRANDIS: I do not want to belabour the point but perhaps you could give</p>	L&C 36-37 (25/5/11)	1/08/2011	25/08/2011

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				<p>us some explanation on behalf of the court as to why a decision to have such a relatively brief consultation period arising from such an extensive and large project was settled upon.</p> <p>Mr Soden: Yes, I am very happy to take that on notice.</p> <p>Senator BRANDIS: Those rules will commence on 1 August this year?</p> <p>Mr Soden: That is my recollection as to the intention, yes.</p> <p>Senator BRANDIS: The announcement that the commencement date would be 1 August this year was made on 16 May.</p> <p>Mr Soden: That is my recollection as well, but I will take that on notice to be concise and accurate.</p> <p>Senator BRANDIS: Once again, and not just thinking about the rules but also about the forms which, as you know, the law firms have to build into their precedents, could you provide an explanation—given what you say is not the particular urgency of the task, if I understand you correctly—as to why the Federal Court was able to do this in a leisurely way over 10 years but the profession is expected to completely reconfigure its operation within the space of the period between 16 May and 1 August.</p> <p>Mr Soden: I will take that on notice.</p>			
5	Federal Court of Australia	Brandis	New Federal Court rules	<p>Senator BRANDIS: When you say 'for so long', over how many months and years has this project [new Federal Court rules] been underway?</p> <p>Mr Soden: I will have to take that on notice, but I think I could say it has probably been on the books for about a decade.</p> <p>Senator BRANDIS: The committee of judges who were responsible for the actual rewrite—under Justice Lander was it?—</p> <p>Mr Soden: Ultimately Justice Lander, yes.</p> <p>Senator BRANDIS: when did that committee commenced its work?</p> <p>Mr Soden: I will take that on notice, but it would be at least two years ago.</p>	L&C 37 (25/5/11)	1/08/2011	25/08/2011
6	Federal Court of Australia	Brandis	Number of judges sitting on the court	<p>Senator BRANDIS: There were in 2007-08 not fewer than 15 judges based at the Victoria registry of the court. In 2011-12 there will be 11, and I am advised by practitioners in Melbourne that the case load and the level of work of the court at its Victorian registry certainly has not diminished in the intervening period. So, why has the number of judges shrunk by more than one quarter in the second-biggest city in the country when the work load has not diminished?</p> <p>Mr Soden: I do not have details here or at the forefront of my mind of what it was a couple of years ago compared to what it is now, and I am not sure whether that number 15 included or excluded the Chief Justice, who was, as you know, Melbourne based at that time.</p> <p>Senator BRANDIS: I believe it did.</p> <p>Mr Soden: I think 15 was the number some years ago, and I think it is 11 now. I would have to take that on notice.</p> <p>....</p>	L&C 39 (25/5/11)	1/08/2011	25/08/2011

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				<p>Senator BRANDIS: How many judges are there sitting on the court at the minute?</p> <p>Mr Soden: If you include all the judges appointed to the Federal Court, 47—but that includes people like Chief Justice Higgins—</p> <p>Senator BRANDIS: I want to know the number of judges who are actually at work rather than on leave for whatever reason or on secondment or have double commissions and sit on a territory supreme court, for example.</p> <p>Mr Soden: Would you include in that number those who are on long leave? I would have to take that on notice.</p> <p>Senator BRANDIS: Would you take it on notice.</p> <p>Mr Soden: I am happy to take it on notice.</p> <p>Mr Wilkins: We can help with that number, if you want.</p> <p>Senator BRANDIS: Yes, please. My approach to these estimates is that anybody who knows the answer is welcome to offer it.</p> <p>Mr Wilkins: We have just been keeping an eye on the timing, Senator.</p> <p>Ms Kelly: We believe the number to be 43.</p> <p>Mr Soden: I am not sure whether or not that includes people on long leave.</p> <p>Ms Kelly: I have taken out the three judges who are appointed to other offices, but I do not have the long leave details.</p> <p>Senator BRANDIS: So it includes the long leave judges. Comparing like with like, how does that compare with 12 months previously?</p> <p>Ms Kelly: I do not have that figure.</p> <p>Senator BRANDIS: You can take that on notice. Thank you.</p>			
7	FCoA	Brandis	Family Law Court Advisory Group	<p>Senator BRANDIS: I do not want to waste any time. All I want to know is whether the meeting [of the Family Law Court Advisory Group] has taken place.</p> <p>Mr Foster: I am sorry, but I will have to take that question on notice.</p> <p>Senator BRANDIS: Has any meeting of the Family Law Courts Advisory Group taken place this year?</p> <p>Mr Foster: There was a combined meeting of the two courts policy advisory committees.</p> <p>Senator BRANDIS: Is that the same thing as the Family Law Courts Advisory Group?</p> <p>Mr Foster: No, it is not the same group. These are the two policy advisory committees—one to the Chief Federal Magistrate and one to the Chief Justice. They would have an annual meeting—</p> <p>Senator BRANDIS: Sorry to cut you off, but you sit on the Family Law Courts Advisory Group so you would know whether a meeting of that body has taken place since the beginning of this year.</p> <p>Mr Foster: My memory is that it was not because we had a combined policy advisory committee meeting on 18 April, of which I could certainly table the minutes of that meeting if you desired them.</p> <p>Senator BRANDIS: Take it on notice, by all means, to satisfy yourself that your</p>	L&C 42 (25/5/11)	5/07/2011	7/07/2011

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				answer is right, but to the best of your recollection there has not been a meeting of the Family Law Courts Advisory Group this year? Mr Foster: That is right, because we had that combined policy advisory committee meeting in lieu of that.			
8	FMC	Brandis	Refugee status determinations	Senator BRANDIS: Can you give us the figures, please, for the refugee status determinations. Mr Foster: As a result of the High Court— Senator BRANDIS: No, just the figures for each of the years for which you have just given us the overall migration filings—the filings for refugee status determinations. Mr Foster: The migration litigation statistics were those ones that I just read out to you. That is the only detail I have. Senator BRANDIS: But refugee status determinations are a subset of all migration applications. Mr Foster: That is right, and I would have to take that on notice.	L&C 44 (25/5/11)	1/08/2011	25/08/2011
9	FCoA	Brandis	Respective jurisdiction legislation	Senator BRANDIS: Minister, dealing now with the Family Court, are you able to tell us when the issue of the respective jurisdiction in relation to family law matters between the Family Court and the FMC will be clarified by the legislation? Senator Ludwig: My earlier response would be the same. Senator BRANDIS: The timing is a matter for the government? Senator Ludwig: Thank you. Senator BRANDIS: ... When will the legislation be introduced? Senator Ludwig: The timing of that is still a matter for government, but I am happy to take it on notice to see whether the Attorney-General wants to provide an answer to your question about a date. Senator BRANDIS: Without asking you about anything that may have happened in cabinet, which I do not do, can you tell me whether the matter has gone to cabinet? Senator Ludwig: I will take that on notice. Senator BRANDIS: All right.	L&C 45 (25/5/11)	5/07/2011	7/07/2011
10	FCoA	Brandis	Judges	Senator BRANDIS: ... How many of the judges sit on the appellate and complex trials division, and how many sit in the general division? Mr Foster: There are 25.5 sitting in first instance and 6.5 in the appellate division of the moment. Senator BRANDIS: Had those relativities changed in the last year? And if so, how? Mr Foster: I would have to take that on notice, but yes, there have been a couple of judges who have left the court.	L&C 45 (25/5/11)	1/08/2011	25/08/2011
11	FCoA	Brandis	Family Court policy	Senator BRANDIS: Minister, does it continue to be the policy of the government to reduce the total establishment of the Family Court as more and more of the family law work is taken up by the Federal Magistrates Court? Senator Ludwig: I will need to take that on notice, obviously. I will see if I can get an answer to you. I am not confirming or denying the preface to your statement. I	L&C 46 (25/5/11)	6/07/2011	25/08/2011

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				<p>will check.</p> <p>Senator BRANDIS: There has been, as you know, during the life of this government a gradual reduction in the aggregate number of Family Court judges, as has been explained in previous estimates committees, when it was expected that there would be a consolidation of the Family Court and the Federal Magistrates Court. That was a deliberate and perhaps understandable policy. Now that the government has decided not to do that, I wonder whether it is still the plan to continue to reduce the total number of Family Court judges so that more of the Family Court's routine work can be done by federal magistrates, or whether that is not the case. Mr Foster?</p> <p>Senator Ludwig: I will just intervene there for the moment, Chair. I am not confirming whether it is the plan because of course that is your phraseology. I will take that on notice because I would have thought it would be more dependent on workload – that is just an observation – rather than numbers. It does seem that you are fixated on numbers not workload and where the resources are best served. What I indicated is that I can provide, and I will take that on notice to ensure that you get a full response about the issue that you raise.</p> <p>Senator BRANDIS: I think it is a very uncontroversial proposition, which has been the case under governments of both political persuasions, that the number of judges or judicial officers is directly a function of the workload of the court. The peculiarity here is that in its confusion for two years the government was proposing to eliminate the Federal Magistrates Court and consolidate it with the Family Court. One can understand why, while that process was underway or imminent, some judicial officers were not replaced until the new structure was bedded down. But the government changed its policy a year ago to abandon that proposal as announced by the Attorney-General in May 2010. Hence I am wondering whether the antecedent practice of keeping the number of judges on the Family Court up to the existing establishment has been reinstated or whether the plan is to continue to deplete the number of Family Court judges. If it is the latter that is perfectly understandable because, as Mr Foster has rightly said, 85 per cent of family law filings are in the Federal Magistrates Court. I would just like to know. I am not being political here; I would just like to know what the planners.</p> <p>Senator Ludwig: And I am not trying to leave you in suspense. I will take your question on notice and see what the Attorney-General can provide.</p>			
12	ACC	Parry	Plain packaging of cigarettes	<p>Senator PARRY: Would it be fair to say that if there were plain packaged cigarettes it would make it easier to bring in cigarettes in an illicit manner because there is no brand identification?</p> <p>Mr Lawler: I do not have sufficient expertise in that area to make a judgment.</p> <p>Senator PARRY: Would it make detection harder, for example, or the evidentiary value of proving that a particular cigarette from a particular manufacturer was or was not present?</p> <p>Mr Lawler: Again, it sounds logical, but one needs to think these things through</p>	L&C 50 (25/5/11)	8/07/2011	25/08/2011

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				<p>before one makes a response to a question like that. The dynamics can be quite complex. We have not done specific work on an analysis or an assessment of plain paper packaging and its effect or how organised crime might respond to that, outside my comments about the profit motive, which is the principal driver.</p> <p>Senator PARRY: Thank you. I ask that you take that question on notice and if you wish to add more to that answer after further consideration, please provide it back to the committee.</p> <p>Mr Lawler: Certainly.</p>			
13	DPP	Brandis	People-smuggling cases	<p>Senator BRANDIS: Are you able to give us an estimate comparing like for like as at 30 June 2010, that is, how many people-smuggling cases were on the hands of the DPP at the investigation stage only?</p> <p>Mr Craigie: What you are asking me is how many briefs at that stage, as I understand it, we had awaiting assessment with a view to prosecute?</p> <p>Senator BRANDIS: Yes, that is a better way of putting it.</p> <p>Mr Craigie: Of all the figures I have here, that is not one that I have readily at hand. I can tell you how many we have before the courts as of yesterday.</p> <p>Senator BRANDIS: I am going to take you through it in what I hope is a reasonably methodical way.</p> <p>Mr Craigie: If we are capable of generating that figure, we will. You will understand our focus is on what we have assessed and what we have put before the court rather than what we might be working on.</p> <p>Senator BRANDIS: I understand that, but I want to get a holistic picture of all your work in relation to people smuggling.</p> <p>Mr Craigie: That might be a gap that we have to fill at a later stage, but I will certainly endeavour to do so.</p>	L&C 55-56 (25/5/11)	29/06/2011	7/07/2011
14	ASIO	Trood	ASIO building tenant	<p>Senator TROOD: ... When I asked Mr Gyngell from ONA this in February, his explanation for pulling out of the arrangement [of their tenancy in the new ASIO building], or the parting of the ways, was that there was not enough space for ONA in that building. Almost everybody in Canberra will find that an extravagant claim, I would have thought. Can you explain to the committee how this could possibly be the case, Mr Fricker.</p> <p>Mr Fricker: That does not accord with my understanding of the situation. Four thousand square metres was allocated in the building for ONA, sufficient to accommodate, I believe, 180 staff; space was allocated for a data centre et cetera. It is not my recollection that that was the reason the decision was made that ONA would take up alternative accommodation. It is hard for me to comment more than that, but that is not my understanding of the reasons. As I say, adequate provisions, according to all of the estimates, the plans and the requirements, were made in that building.</p> <p>Senator TROOD: What do you understand the explanation to be? What is the ASIO view on this matter?</p> <p>Mr Fricker: That would be speculation on my part.</p>	L&C 72 (25/5/11)	8/07/2011	25/08/2011

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				<p>Senator TROOD: It is not speculation as to ASIO's understanding, Mr Fricker.</p> <p>Mr Fricker: I am not sure my understanding would properly inform the committee as to what was in the mind of ONA.</p> <p>Senator TROOD: I think it would deeply inform the committee, largely because we have an account from ONA as to why they were unable to proceed with the intended arrangement but we have not had an opportunity to hear your side of the story.</p> <p>Mr Fricker: I do not really have a side of the story to tell. We continue to manage with the Department of Finance and Deregulation the construction and the move into that building. My responsibility is to ensure that ASIO is able to move into that building and maintain its operational capacity and, indeed, enhance its operational capacity. Respectfully, I cannot speculate what the motivations were and what was motivating the decision of ONA.</p> <p>Senator TROOD: When ONA pulled out they must have given you an explanation. I assume they gave you an explanation as to why they pulled out of it.</p> <p>Mr Irvine: I was not in ASIO at that time, but I think I would like to take that question on notice. I have heard a couple of explanations. We will go back and give you a considered reply. ONA clearly had reasons. It may have had to do with the disposition of the space within the building. It may have had to do with—and if the Director-General of ONA said—the amount of space that was available in the building relative to ONA's purposes. Another explanation I have heard is that it is preferable that ONA be closer to the Prime Minister's department, its parent department. There is a whole number of explanations. I have never actually inquired as to which one was the right explanation. We have been dealing with the fact that we have 4,000 square metres of space in the building that we are not currently able to be used and, therefore, we are seeking an alternative tenant who will come in with us and whose offices, I hope, will have similar sorts of security classifications to enable them to work in an A-class building of that nature.</p> <p>Senator TROOD: I would be very grateful if you took that on notice, Mr Irvine.</p>			
15	ASIO	Trood	Non-IMA assessments	<p>Senator TROOD: Finally, do you have any figures on the security assessments you undertake for nonIMAs—people who come to Australia via aircraft or in other ways and who might enter the country illegally? Maybe you do not know whether or not they enter illegally. The category of nonIMAs—</p> <p>Mr Irvine: Let me give you the breakdown, as I have it at the moment. This refers from the period 1 July to 30 April. So they are pretty much up-to-date figures. Overall during that period in terms of visa security assessments, because we also do security assessments for a variety of other purposes, we have conducted exactly 26,267 and, of those, 14,818 were for temporary visa applicants—people wanting to come to visit Australia for whatever reason. In terms of people asking for permanent visas into Australia, there are 11,449. That figure of 11,449 is broken down into 1,331 IMA assessments. For people applying for protection visas onshore for whatever reason—in other words, not the irregular maritime arrival cohort—there are</p>	L&C 77 (25/5/11)	8/07/2011	25/08/2011

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				<p>about 256. For the various other permanent visa applications—subclasses of that—there was quite a considerable number of 9,862. But I do not have details of them. So I think the key figures are 26,000 plus visa security assessments in the nine months to 30 May and, of those, 14,000, nearly 15,000, were people applying for a permanent visa to visit Australia.</p> <p>Senator TROOD: Can you break down the 9,862, which is clearly a very large proportion of the 11,000-odd, into any significant cohort at all or not?</p> <p>Mr Irvine: I cannot. And rather than speculate I would rather provide you with a list of the principal cohorts.</p> <p>Senator TROOD: If you could please do that.</p>			
16	ASIO	Barnett	IMA security assessments	<p>Senator BARNETT: I want to ask you about the 'up to' 800 asylum seekers to be sent by Australia to Malaysia. What role will ASIO have in their processing, if any?</p> <p>Mr Irvine: We have certainly not discussed that with the department of immigration and citizenship. I do not envisage us having a significant role, if any.</p> <p>Senator BARNETT: Why is that?</p> <p>Mr Irvine: We are not conducting security checks on people because they would not be coming into Australia. They would not have been given refugee status – the '1A met' status – which is when we start to kick in with security assessments.</p> <p>...</p> <p>Senator BARNETT: But if the Malaysian government asked the Australian government to provide that assessment then I assume you would follow through on that directive.</p> <p>Mr Irvine: We would not have conducted an assessment to be able to provide any information.</p> <p>Senator BARNETT: No, but if DIAC or the government asked you to, you would obviously undertake the assessment.</p> <p>Mr Irvine: If the government instructed us to undertake an assessment, we would. But I would not anticipate, in those circumstances, that that would happen.</p> <p>Mr Fricker: An ASIO security assessment is produced for a prescribed administrative act. In the scenario you are portraying, I am not clear as to what the prescribed administrative action would be. Passage to Malaysia I do not think would constitute a prescribed administrative act. Applying for a visa is. Whether we do a security assessment or not would be based on for what purpose? The purpose for which we would grant issue –</p> <p>Senator BARNETT: So if it is not for a prescribed security act, that is, coming into Australia as a refugee, then you are not legally able to undertake such an assessment? Is that what you are saying?</p> <p>Mr Irvine: I am not sure that we are not legally able to. I would have to take this answer under advice. We are also required to, on our own cognizance, conduct security inquiries, and if that person were regarded as a threat to Australia or Australians then we might in fact conduct an inquiry anyway. Can I take that on</p>	L&C 79 (25/5/11)	5/08/2011	25/08/2011

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				notice? The legal area here is quite tricky. Senator BARNETT: Why don't you take that on notice.			
17	ASIO	Barnett	IMA adverse security assessments	Senator BARNETT: The <i>Sydney Morning Herald</i> in an article on 4 May states that 21 IMAs had received adverse security assessments. I do not know whether you are aware of that, but the question is: where are they now? Mr Irvine: I cannot answer that question. Senator BARNETT: Are you able to take that on notice? Mr Irvine: I think that is a question that should be put to DIAC. That is a question that is actually in their bailiwick. We will have to go to DIAC. Senator BARNETT: Yes, you would.	L&C 80 (25/5/11)	28/07/2011	25/08/2011
18	Program 1.2 NSLPD	Ludlam	Habib settlement	Senator LUDLAM: ... Mr MacDonald, I have one final question for you on the subject we were discussing a few moments ago. You just confirmed for us, I think, that the Australian Government Solicitor cited that document [840-word statement by an Egyptian intelligence officer that names an Australian official who witnessed the torture of Mamdouh Habib in Guantanamo Bay] a short while before—you did not acknowledge a time period—the [Habib] settlement was reached. At what point did they become aware of the existence of the document? Mr G McDonald: That is all I know about it, actually. I think they probably received it after we had organised the meeting to discuss the settlement, so it was provided to them very close to that meeting. Senator LUDLAM: What I am interested to know is at what point they became aware that such a document even existed as opposed to when they saw it. Mr G McDonald: I do not know the answer to that. I think it was at that time. I can check with the Government Solicitor as to whether they were aware of it before then, but I imagine it would only have been then. Senator LUDLAM: I do not know that that is necessarily a safe assumption, so can you take that on notice for us, please. Mr G McDonald: Yes. That is why [we] want to take [it on] notice. Senator LUDLAM: Did they become aware of it at the point that it was presented—'here it is'—or had they been aware of it for weeks, perhaps even as early as December. Mr G McDonald: Certainly my knowledge is that they were aware of it only then, but I will check. Senator LUDLAM: Much appreciated.	L&C 88, 91-92 (25/5/11)	23/06/2011	7/07/2011
19	AGS	Boyce Barnett	Legal advice on the plain packaging of cigarettes	Senator BOYCE: Mr Govey, has the AGS been asked to provide legal advice in relation to the plain packaging of cigarettes? Mr Govey: I will not be able to say very much about that, primarily because it will be a matter for the client agency, which I think in this case would be the department of health. Senator BOYCE: So the answer is: yes, you have been asked for advice? Mr Govey: I would expect that we have been involved in relation to that matter, yes.	L&C 105 (25/5/11)	5/08/2011	25/08/2011

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				<p>Again, that is as much as I know. Senator BOYCE: So, yes, you have been asked for advice? Mr Govey: I understand so. ... Senator BOYCE: You would not be able to tell us what the advice was, but you can tell us, surely, the details around whether you were asked for it, when you are asked for it, if you have supplied it yet or not. Mr Govey: In the ordinary course, even those questions are a matter for the client agency rather than for us as the solicitor. ... Senator BOYCE: Could you take on notice my question about when the advice was provided and see if you are able to answer that? Mr Govey: We will take that up with the health department. Senator BOYCE: Thank you. ... Senator BARNETT: You have answered Senator Boyce's question with regard to taking that on notice. Can you provide the dates when you were instructed and the dates when you provided the advice—is that something you are able to do? Mr Govey: I will take that on notice. We will take that up with the health department. Senator BARNETT: That would be useful.</p>			
20	AGS	Barnett	Membership of joint parliamentary committee inquiry	<p>Senator BARNETT: Mr Govey, are you or any of the members of the AGS on a joint parliamentary committee inquiring into plain paper packaging or similar issues? Mr Govey: I am not aware that we are involved in that but it is possible that I would not be. Senator BARNETT: Could you take that on notice? Mr Govey: Certainly. Senator BARNETT: Can you also advise when you were instructed to be part of that committee, task force or whatever the group was called, when you had those meetings, what officers were involved in those meetings and if you provided any briefing notes regarding those meetings. Can you take that on notice? Mr Govey: I will.</p>	L&C 105-106 (25/5/11)	5/08/2011	25/08/2011
21	Program 1.1 PCD	Barnett	High Court case on the Queensland government and the Commonwealth chaplaincy services	<p>Senator BARNETT: ... Briefly, on another matter, are you able to provide the committee with a status report on the High Court case regarding the Queensland government and the Commonwealth chaplaincy services? Mr Govey: I think that question is better asked of the Attorney-General's Department. I do not know whether Mr Faulkner would know anything about it. Again, I think the best thing to do would be for us to take that on notice, if we could. Senator BARNETT: Are you acting— Mr Govey: We are acting; yes we are. Senator BARNETT: I know it is before the courts and I understand a judgment has</p>	L&C 106 (25/5/11)	5/07/2011	7/07/2011

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				<p>not been handed down. I am wondering whether there is any further status report that can be provided regarding that matter.</p> <p>Mr Wilkins: It is DEEWR, so you need to talk to them about it.</p> <p>Mr Govey: There is one piece of information I can give you: my notes say that it is due to be heard by the High Court in August.</p> <p>Senator BARNETT: That is useful.</p> <p>Mr Govey: That is probably as much as there is to be said.</p> <p>Senator BARNETT: Have they had preliminary hearings—you can tell us that. Is that correct—in March or April?</p> <p>Mr Govey: I do not know whether that would have been the occasion on which the special leave application was heard.</p> <p>Senator BARNETT: Possibly. Could you take that on notice. I am just asking for a status report. Do we have a date in August?</p> <p>Mr Govey: No.</p> <p>Senator BARNETT: When do such matters become clear to members of the public?</p> <p>Mr Govey: I will have to take that on notice as well.</p> <p>Senator BARNETT: If you could. I am just seeking an update on that. I am not seeking any legal opinions.</p> <p>Mr Wilkins: It is set down for hearing on 9-11 August.</p> <p>Senator BARNETT: So it is set for three days?</p> <p>Mr Govey: Yes.</p> <p>Senator BARNETT: Have you appointed counsel for that hearing? If so, could you advise who that might be.</p> <p>Mr Wilkins: We think it is the Solicitor-General, but I am not sure of that.</p> <p>Senator BARNETT: I am happy if you take it on notice.</p> <p>Mr Wilkins: We will take it on notice.</p>			
22	AGS	Pratt	Pro Bono	<p>Senator PRATT: Could you outline briefly what the approach to pro bono is in terms of the kinds of clients AGS is prepared to support?</p> <p>Mr Govey: It might be better if I took that on notice, if I could, and give you a more prepared response. We could, if you are interested, give a more comprehensive range of the sorts of projects that we are involved in. But they are very broad ranging. Everything from secondments to organisations such as the public interest law clearing houses in a couple of jurisdictions and community legal centres and so on.</p>	L&C 107 (25/5/11)	5/07/2011	7/07/2011
23	ITSA	Williams	Liquidator action	<p>Senator WILLIAMS: I want to bring something to your attention. On 9 February 2011 we saw the headlines 'ASIC launches action to sink liquidator'. The article says: THE corporate regulator has launched Victorian Supreme Court action to bar Melbourne-based liquidator Paul Pattison from practising after his own firm sank into liquidation last year.</p> <p>Mr Pattison owes a heap of money to Bankwest and the Australian Taxation Office. The article continues:</p> <p>Mr Pattison still operates as a bankruptcy trustee and liquidator through his new</p>	L&C 107-108 (25/5/11)	5/07/2011	7/07/2011

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				<p>practice, Pattison Business Reconstruction and Insolvency Services, and he controls at least 100 files on company insolvencies and hundreds more on personal bankruptcies. But the Australian Securities and Investments Commission's court move precipitated an urgent meeting yesterday of the board of the professional body governing liquidators, the Insolvency Practitioners Association of Australia (IPA), which immediately suspended Mr Pattison's membership and began its own disciplinary proceedings against him.</p> <p>I will just add another story, dated Tuesday, 1 March: Melbourne-based liquidator, Paul Pattison, has voluntarily resigned from his company appointments following concerns by ASIC about his capacity to adequately and properly carry out his duties.</p> <p>Mr Pattison resigned as liquidator or deed administrator of those companies and gave an undertaking that he would cease to carry out, consent to, or otherwise accept appointment as a liquidator ...</p> <p>One experienced practitioner said that it 'beggars belief' that a liquidator could go broke and yet continue to practice. Are you people familiar with this Mr Pattison?</p> <p>Senator Ludwig: Before we go too much further, Chair: I wonder if we could have that made available to Ms Ingram and Mr McCosker. I am sure Senator Williams is familiar with my usual request.</p> <p>Senator WILLIAMS: No worries at all, Minister.</p> <p>Ms Ingram: Thank you, Senator. I am not sure it is appropriate that I go into detail in relation to an operational matter, but I can say that Mr Pattison, in his capacity as a trustee, is under review by us. I would not like to go into any more detail. We have been liaising with ASIC.</p> <p>Senator WILLIAMS: The reason I bring this to your attention is that a chap contacted me from Melbourne after I did some media on the Senate inquiry into the insolvency practitioners industry, if we can call it that. I am not going to go into detail; perhaps I might be able to talk to you off the record. I would like to discuss something at a later date with you. Can I ask: did Mr Pattison have any role with ITSA, or was he a member of any committee of ITSA at any stage?</p> <p>Ms Ingram: I am sorry; I would have to take that on notice. I am not aware that he has been. It is possible, in his capacity, if he is a member of the Insolvency Practitioners Association. They might have nominated him to a government body, or we have a bankruptcy forum. But I am not aware of that.</p>			
24	Program 1.2 NSRPD	Fielding	Change of name	<p>Senator FIELDING: This is an issue that I have been following for a little bit on the changing of names. To help people who may be listening in to this, under existing state laws criminals can change their name by deed poll and state systems of births deaths and marriages are not required to notify the police.</p> <p>...</p> <p>Given that background and given my previous questions here how long has the Standing Committee of Attorneys-General, SCAG, being aware of this dangerous</p>	L&C 109-110 (25/5/11)	4/07/2011	7/07/2011

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				<p>change of name loophole that allows people to hide their criminal history from authorities? Mr Wilkins: I do not know, Senator. Senator FIELDING: I have raised it so you— Mr Wilkins: I would have to take it on notice as to how long SCAG has known about that. I am told that it has been on their agenda since 2009. Senator FIELDING: Could you take that on notice? I may have alerted you before but I need to check that myself. Mr Wilkins: I think we might have even answered it before. Senator FIELDING: So you will take that on notice then? Mr Wilkins: Sure. We apparently did provide an answer to this in the Senate chamber. ... Mr Wilkins: I think there are two things going on here. One is the document verification system, which has actually been approved, so SCAG has dealt with that. It is actually in place—virtually in place, being rolled out. You may be referring to some other process that I have confused with that—is that right? Senator FIELDING: This is an issue the Attorney-General is dealing with. Mr Wilkins: Yes, they have dealt with the document verification. Senator FIELDING: I would like to know what the time frame is and when it will be completed. Mr Wilkins: Okay.</p>			
25	Program 1.2 NSRPD	Fielding	Change of name	<p>Senator FIELDING: I will ask another question: is the federal government working with the attorneys-general to address the issue of people changing their name by deed poll with their criminal history disappearing? Some are claiming that it is the privacy laws at a state and federal level. I am interested to know what discussions have taken place around the table. Mr Wilkins: I will need to take that on notice. It might be useful if we try to examine which bit of the SCAG process you are actually referring to. I have talked to you about what I think is the issue around identity, but there may be some other process that we need to identify that you are referring to. I am not ruling that out, but I am just a little unclear about what we are referring to here. Senator FIELDING: Then the department is not working on the issue relating to the change-in-name loophole and the concerns that, at a federal level, the privacy laws are stopping state departments from passing on information to authorities when people change their name by deed poll? Mr Wilkins: We are looking at this issue of change of name as part of a national identity. Senator FIELDING: Where is that at? Mr Rice: On the question about timing of the National Identity Security Strategy revision, we have that under consideration at the present time. We are negotiating</p>	L&C 110-111 (25/5/11)	12/07/2011	25/08/2011

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				<p>with Commonwealth departments and also with state and territory governments around the form and focus of the strategy. One of the issues that will get picked up in that is the change-of-name issue.</p> <p>Senator FIELDING: Is there some indicative time frame or is it open-ended?</p> <p>Mr Rice: We are hoping to have the work completed by the end of the calendar year and substantially completed by the end of the third quarter of this year.</p> <p>Senator FIELDING: Who exactly is working on that? Is there a working group?</p> <p>Mr Rice: Yes: my branch, through the auspices of the National Identity Security Coordination Group which has representation from the Commonwealth and states and territories.</p> <p>Senator FIELDING: Is there a project plan that you have got drafted up for that working group?</p> <p>Mr Rice: We certainly do.</p> <p>Senator FIELDING: Is that something that you could table for the committee?</p> <p>Mr Rice: I think so.</p>			
26	Program 1.1 AJD	Boyce	Births, deaths and marriages register	<p>Senator BOYCE: ... Mr Wilkins, adoptees often complain about the state based nature of the births, deaths and marriages registers as well, because often they were born in a state that was not the natural residence of their mother. Has this issue been brought to your attention? And, in your work on the registries, are you looking at it?</p> <p>Mr Wilkins: It has been brought to our attention. I am a little vague as to where we are on that. It has been raised in a number of different contexts through SCAG. It is not really part of this exercise, but it has been raised as an issue around some of the work that SCAG has done, I think, on disclosure of information in the context of adoption.</p> <p>Senator BOYCE: This is not so much about disclosure as about the difficulty of potentially having to search seven more registers.</p> <p>Mr Wilkins: I am not sure that we are doing any work on that, as such, through SCAG.</p> <p>Senator BOYCE: Would you mind checking and, if so, provide me with information?</p> <p>Mr Wilkins: I am certainly happy to check and give you whatever information we have on that, yes.</p> <p>Senator BOYCE: Thank you.</p>	L&P 111 (25/5/11)	23/06/2011	7/07/2011
27	Program 1.2 ICCD	Boyce	Inter- departmental Committee on the Framework Convention on Tobacco Control Illicit Trade Protocol	<p>Senator BOYCE: I have a few questions. Mr Wilkins, could you confirm that the Attorney-General's Department is a member of the Interdepartmental Committee on the Framework Convention on Tobacco Control Illicit Trade Protocol?</p> <p>Mr Wilkins: We are on so many IDCs; can I just check. We do not know the answer to that.</p> <p>Senator BOYCE: I have an answer to a question on notice from the Department of Health and Ageing in E11-053 that says you are—</p> <p>Mr Wilkins: Does it tell me who is actually a member?</p>	L&C 113-114 (25/5/11)	29/06/2011	7/07/2011

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				<p>Senator BOYCE: No, it does not mention who the person is. But my next question was going to be: what is your role on that committee? So I may have problems getting an answer to that as well.</p> <p>Mr Wilkins: I would imagine it is to give legal advice around issues of constitutional and international law.</p> <p>Senator BOYCE: The constitutional aspect in terms of interstate trade and the like? Is that what you are saying?</p> <p>Mr Wilkins: I would say issues arising around questions of law; that would be a logical thing for the Attorney-General's Department to be on such a committee about. But I can confirm that.</p> <p>Senator BOYCE: If you could. And perhaps give me some more detail on the role that the Attorney-General has played on that committee.</p>			
28	Program 1.1 PCD	Boyce	Plain packaging of cigarettes	<p>Senator BOYCE: ... My next question is in regard to the Interdepartmental Committee on Plain Packaging of Tobacco Products. The Department of Health and Ageing says you are a member of that committee as well. Again, I would like some information on your role in that committee: who attends on your behalf?</p> <p>Mr Wilkins: Our role on that committee would be similar. It would be to give some guidance on legal advice or to seek legal advice or to have input into legal issues. In this particular case it would be a member of the division of the Office of International Law that would be a member.</p> <p>Senator BOYCE: How often does that committee meet? Could you provide a list of the meeting dates?</p> <p>Mr Wilkins: I am not sure. Does Health not have that information?</p> <p>Senator BOYCE: I will be asking Health for it as well.</p> <p>Mr Wilkins: It is their committee. I will go and ask Health.</p> <p>Senator BOYCE: I am more interested in how many occasions the Attorney-General's Department attended. If the answer is 'every meeting', that is fine.</p> <p>Mr Wilkins: We will check to see when we attended, if that is what you want to see. It could be that we did not go to every meeting; it could be that we were asked to come for some meetings and not others. We can take that on notice.</p>	L&C 114 (25/5/11)	23/06/2011	7/07/2011
29	AFP	Trood	Afghan national police force	<p>Senator TROOD: I see. I know we have discussed on previous occasions the problems of retention rates within the Afghan force. Do you keep statistics on retention rates of people you train?</p> <p>Mr Negus: No, I am afraid we do not have them with us. I am sure that in country we would be able to source them, but we do not have them with us today.</p> <p>Senator TROOD: Perhaps you could take that on notice. I think that I have asked you about retention rates on previous occasions and you have been forthcoming about them.</p> <p>....</p> <p>Senator TROOD: So your impression is that the retention rates, which have been a problem consistently, remain a problem. Is that—</p>	L&C 9, 10, 12 (26/5/11)	8/07/2011	25/08/2011

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				<p>Mr Negus: Again, I would like to look at the statistics.</p> <p>....</p> <p>Mr Negus: One of the officers here is involved in International Deployment Group and I was just checking whether he had any details, but unfortunately, like me, he does not have any update on the attrition rates.</p> <p>Senator TROOD: Okay. If you can find them somewhere and let me have them later in the day, I would be grateful to you.</p> <p>....</p> <p>Mr Drennan: Senator, if I can just add that in relation to the attrition rates, I have been advised that we will not be able to get those for you during the current hearing. We will need to get those from the coalition in Afghanistan but we will certainly take that on notice and provide them to you as soon as possible.</p>			
30	AFP	Barnett	Airports	<p>Senator BARNETT: There has been an incident of some seriousness at the Launceston Airport in recent weeks, and I wonder if that has come to your attention and any calls for AFP officers to be stationed at Launceston Airport?</p> <p>Mr Drennan: No, it is not something that I am across, and certainly I am not across any requests for us to have people permanently stationed at Launceston Airport.</p> <p>Mr Negus: In all of the other airports—and there are many, many airports outside those 11—the response provision is provided by the local state police, so the Tasmanian police would have responded to any incident there accordingly. If they need support they can come to us and we can certainly do that, but as far as we know we have not had a request for support.</p> <p>Senator BARNETT: Is it something you could just take on notice and provide any feedback? I am not fully aware of the level of intensity of the incident, but I have been advised of that and have been asked to see if we can obtain AFP protection at the airport. What should I do to follow up on behalf of my local community in that regard? What would your advice be?</p> <p>Mr Negus: The responsibility for the allocation of those airports comes to the department of transport and regional services so they would be the ones who would conduct the assessment. They would look at a range of intelligence from ASIO and other services about the perceived threat and then look to talk to us about what appropriate action we would need—</p> <p>Senator BARNETT: And the fact that there are over a million passengers going through the airport, and increasing numbers, is that relevant to the criteria?</p> <p>Mr Negus: It would be one of the criteria. As we said, there are 31 officers at Hobart. To have a 24/7 or even a 14-to-15 hour commitment to providing security is a substantial investment. From memory I think the Hobart Airport costs the AFP around \$25million over four years to run. That is off the top of my head but it is in the order of magnitude of about \$25million over four years. So it is a substantial cost but one obviously that is important for the community.</p> <p>Senator BARNETT: For sure. \$25million over four years for those 30—</p>	L&C 18 (26/5/11)	8/07/2011	25/08/2011

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				<p>Mr Negus: For the ones at the airport, yes. Thirty-one.</p> <p>Senator BARNETT: Yes. Thank you very much. If there is any change to that figure of \$25million over four years, just let us know on notice. Thanks again.</p>			
31	AFP	Trood	Solomon Islands	<p>Senator TROOD: Just on another matter in relation to the Solomons, my attention has been drawn to some complaints about the behaviour of AFP officers in the Solomons—drunkenness, carousing, generally bad behaviour. Have any complaints been made or brought to your attention in relation to those matters?</p> <p>Mr Drennan: There have certainly been a very limited number of complaints in relation to the behaviour of AFP officers there. Those matters are dealt with by our professional standards area. We have a professional standards person posted to the Solomon Islands to deal with that. Where there are complaints about behaviours which are against our code of conduct or of a particular nature in relation to behaviour with local people, then those people are returned to Australia, post haste.</p> <p>Senator TROOD: Do you maintain a register or list of these complaints?</p> <p>Mr Drennan: Certainly, and that would be held by our professional standards area.</p> <p>Senator TROOD: The service maintains a list of complaints so you know about the regularity with which they are being made, I assume.</p> <p>Mr Drennan: Yes, we do.</p> <p>Senator TROOD: Could I ask you to provide me with a list—you can take this on notice, obviously—of the frequency with which complaints are made about the behaviour of officers in relation to these kinds of things?</p> <p>Mr Drennan: Certainly.</p> <p>....</p> <p>Senator TROOD: I am grateful for that reassurance, but I would still like you to give me on notice the frequency with which these matters are being reported to you.</p>	L&C 20, 21 (26/5/11)	8/07/2011	25/08/2011
32	AFP	Brandis	AFP program	<p>Senator BRANDIS: Is there a list of the names of the people cleared to top secret for the purposes of making this show?</p> <p>Mr Negus: We would certainly have one, but whether or not that can be disclosed, Senator, I am just not sure.</p> <p>Senator BRANDIS: You might like to think about it, but I am asking you to table it, please. I assume you will take that on notice to consider your position.</p> <p>Mr Negus: I will take that on notice and—</p> <p>Senator BRANDIS: But, if you are able to reveal the identities of some of the people who were cleared to top secret, like Andrew Denton and Anita Jacoby, as you have done freely—not under any pressure from me—then why can't you reveal the identities of the other people cleared to top secret?</p> <p>Mr Negus: I will take some legal advice on that, Senator, and come back to you.</p> <p>Mr Wood: Senator, it is in part because Anita Jacoby has already revealed the fact that she and Andrew Denton were cleared to top secret and, from memory, the rest of her team—but she did not name them. But we will take that on notice.</p>	L&C 31 (26/5/11)	8/07/2011	25/08/2011

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				<p>Senator BRANDIS: That is fine, but these are private citizens. It is all very well for a private citizen to put up their hand, particularly among the luvvies of the television industry, to say, 'I have been cleared to top secret; how cool am I?' It is another thing for the Commissioner of the Australian Federal Police to announce that to a Senate estimates committee.</p> <p>Mr Negus: Senator, the reason I announced it to a committee is that it was in the newspaper. And, as Mr Wood has already said, Anita Jacoby disclosed that in some of the issues she raised about some of the difficulties they had in dealing with this type of environment—that both she and Andrew Denton had to be cleared.</p> <p>Senator BRANDIS: You have confirmed that; all right. We will not be finished with the AFP before the luncheon adjournment. I think this is an issue of significant public importance and I would like you to consider, and be in a position to respond when we resume after lunch, whether, particularly given that you have felt free to confirm that certain individuals had been cleared to top secret, you are able to provide to the committee a list of all of the people, and I am talking about the private citizens—</p> <p>Mr Negus: Senator, I would like to consider my position on this. This could well require me to look at the contractual arrangements on the privacy of the citizens involved and I do not think that within an hour or two I am going to be able to do that. I am happy to take it on notice and come back to you on that, because I would like to receive some legal advice and also some broader advice from my own staff in regards to what I can and cannot divulge.</p> <p>Senator BRANDIS: Would any of the AFP officers who appeared on this program or were involved in making the program involved in the process of clearing the production company personnel for top secret or any other level of security clearance?</p> <p>Mr Negus: It is very hard for me to say absolutely, but the answer, I would say, would be no, because it is two separate parts of our organisation. These are operational staff who appear in the program; the other components would be very much a part of our security and intelligence areas.</p> <p>Senator BRANDIS: All right, you will take that on notice for me too, please, Commissioner Negus.</p>			
33	AFP	Brandis	AFP program	<p>Senator BRANDIS: Channel 9 is the broadcaster with whom Mr Denton's production company has its contract for this show. Does that mean that Channel 9 has been given in effect a monopoly as a result of these arrangements to broadcast these programs—what you call, 'community information'?</p> <p>Mr Negus: We would have to pay for them on other networks—</p> <p>Senator BRANDIS: Do you?</p> <p>Mr Negus: We do, but we have a very limited budget in the context of those public messaging and community service announcements that we provide.</p> <p>Senator BRANDIS: All television stations have a market share, obviously, a percentage of the ratings. Because you are getting it free in consideration of your participation in this program from Channel 9, does that mean that you reduce the buy</p>	L&C 36-37 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>on other television stations because you are getting it free on Channel 9? Mr Negus: It would mean that we were able to get more messages out more frequently. If Channel 9 is doing it for free, it means that we can put more [of the AFP's budget for community announcements] into the other networks. Senator BRANDIS: Is that right? So you have not reduced— Mr Negus: We are talking hypothetically here, Senator, because again I do not have our schedule of communications in front of me for the next year. Senator BRANDIS: I would like you to take that on notice. Mr Negus: All I am saying to you is that it would be common sense to understand that if you are getting one network providing a service to you for free, then you are able to do more in other areas. Senator BRANDIS: Or you might abate what you are doing in other areas because you are getting it free from one. Which is it? Mr Negus: That is an operational decision that I will make. Senator BRANDIS: What is it? Mr Negus: I have not made it yet. I am talking about it being in the future here. We have got a capacity to put far more messaging out there into the community, important things like saving children and about missing persons. Senator BRANDIS: Sure, but the draw upon the \$500,000 has not begun yet. Mr Negus: No.</p>			
34	AFP	Brandis	AFP program	<p>Senator BRANDIS: I just want to take you to one other aspect of this. You said it [contract with Zaprunder to begin production on AFP program] started four years ago. It is true, is it not, that the program about close personal protection— Mr Negus: Sorry, Senator, I am just going to try to get the date right. I have been using four years as a general term. We entered into the agreement with Andrew Denton's company in July 2008. There were some discussions before that, so I did not want to have you looking at this as being— Senator BRANDIS: That is fine, thank you. That is what witnesses should do. They should revisit in order to clarify and give more particulars about their earlier answers—that is good. So it was July 2008. When did these discussions begin? Are you able to tell us that? Mr Negus: They were between Commissioner Keelty and Mr Denton, so I do not have any clarity on that. Senator BRANDIS: Was it before Christmas 2007? Mr Negus: I do not know. Senator BRANDIS: You do not know. Could you take that on notice—when the initial discussions began—please? Mr Wood: It was certainly more than six months before we signed the contract in July 2008. Senator FURNER: No doubt some discussion would have been held prior to that</p>	L&C 37, 41, 42 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>filming commencing. If you go to the website of the Channel 9 site for this series, it indicates that discussions took place a year before July 2008, putting that in July 2007, when the previous government was in place. Is that the case?</p> <p>Mr Negus: I have no reason to question that. I think that would be right.</p> <p>....</p> <p>Senator FURNER: Going back to when these arrangements were put in place—and it is probably a matter you need to take on notice—I would like to clarify the dates of the first meetings with Commissioner Keelty and the then minister of the previous government to discuss the formation of this particular show.</p> <p>Mr Negus: We will take that on notice.</p>			
35	AFP	Brandis	AFP program	<p>Senator BRANDIS: I want to concentrate for a moment on the episode about close personal protection. It is the case, is it not, that that episode was developed and filmed before June 2010?</p> <p>Mr Negus: I do not know; I have not seen the actual program you are referring to.</p> <p>Senator BRANDIS: What I am putting to you is that that episode was about the close personal protection of the Prime Minister. It was developed and filmed at some time between the middle of 2008, when the contract was signed, and June 2010. Could you take that on notice?</p> <p>Mr Negus: I will take that on notice.</p>	L&C 37 (26/5/11)	8/07/2011	25/08/2011
36	AFP	Brandis	AFP program	<p>Senator BRANDIS: If you know what it was, tell us the cost to the AFP of reshooting so as to put Ms Gillard in the frame, as it were.</p> <p>Mr Wood: I do not know the cost and I did not say—</p> <p>Senator BRANDIS: Has it been costed?</p> <p>Mr Wood: I very much doubt it has been costed.</p> <p>Senator BRANDIS: Can I ask you to take on notice the exercise of working out how much time was involved in reshooting so as to replace Mr Rudd with Ms Gillard, please.</p> <p>Senator Ludwig: Chair, I think they are able to take on notice what information they have available, but if they are being asked to go away and individually cost it, it may in fact be less than the value of the time that would take. I am not disputing that the senator might want that information, but I question what they are taking on notice. Are they taking on notice to check the records to see whether or not they have that information? Or are they taking on notice to go away and cost it?</p> <p>Senator BRANDIS: If I may respond, since it is my question, what I want is to know how much it cost. If the information is already extant, then it can be provided. If it is not extant, I would nevertheless still want to know how much it cost. Therefore, necessarily that exercise should be undertaken. If I may say, Senator Ludwig, that was, when the situations were different, the most commonly asked question by your former leader, Senator Faulkner, in these estimates committees. It is completely commonplace. I am sure you know that.</p> <p>Senator Ludwig: I am not disputing that; I am just making sure it is plain what the</p>	L&C 38-39 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>officers are being asked to go and do.</p> <p>Senator BRANDIS: I hope I have clarified it.</p> <p>Senator Ludwig: Thank you, Senator Brandis.</p> <p>Mr Wood: Can I be clear: it is the cost to the AFP.</p> <p>Senator BRANDIS: Just the cost to the AFP of substituting Ms Gillard for Mr Rudd. We know the emotional cost to the Labor Party, but I want to know the economic cost to the AFP.</p> <p>...</p> <p>Mr Negus: There is no use, in my view, having something which could quite easily be fixed with a couple of hours of effort at the cost of maybe—I will not speculate on the cost—</p> <p>Senator BRANDIS: Don't, because you have told us you do not know.</p> <p>Mr Negus: Because we are going to get that. But for a very moderate cost it made the show contemporary, and that was the production company's request, which we agreed to.</p>			
37	AFP	Ludlam	AFP program	<p>Senator BRANDIS: That is fine. Have there been any occasions when the AFP have inspected the safe keeping or storage of this top secret material by Zapruder?</p> <p>Mr Wood: My understanding is that we have, but I would need to confirm that.</p> <p>Senator BRANDIS: Take it on notice, please. And I would like to know how often material of the kind we have been discussing has been inspected by the AFP.</p> <p>Mr Wood: I will take that on notice.</p> <p>Senator BRANDIS: Thank you.</p>	L&C 40-41 (26/5/11)	8/07/2011	25/08/2011
38	AFP	Ludlam	Wikileaks	<p>Mr Drennan: No, the regime we put in place—and I will deal with the two aspects again—following [the evaluation of the Wikileaks material to see whether there was sufficient material to commence an investigation] was that we provided what I would call a template for departments to use as an assessment tool so they could themselves assess what potential criminality might exist in regard to a cable once it was released to the public and then they could refer it to us so that we could then evaluate it and see whether it warranted investigation. As far as the task force went, yes, that is on a virtual basis and then on an as-needs basis.</p> <p>Senator LUDLAM: When was the last time that you considered you had staff or officers working on the WikiLeaks issue directly? I should not say that. To be more specific, on issues that were raised as a consequence of the document drop?</p> <p>Mr Drennan: We notified Mr Wilkins on 17 December that the investigation was complete. I do not have the exact detail of how long after that it was to just tidy up those aspects, but it would not have been a very long time after that.</p> <p>Senator LUDLAM: So there is really nothing ongoing.</p> <p>Mr Drennan: There is nothing ongoing at the present time in regard to investigations, no.</p> <p>Senator LUDLAM: If you were able to scrub that document of anything that was operationally sensitive, would you be able to provide the committee with a copy of</p>	L&C 43 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>the template that you refer to?</p> <p>Mr Drennan: Yes, I do not think there is any issue with that. It is very much about what are the types of offences that may exist and what the essential elements of those offences are.</p> <p>Senator LUDLAM: That would be much appreciated. I am not seeking specifics of any of the particular things you are investigating, but the form that you were using to do that evaluation would be appreciated.</p>			
39	AFP	Ludlam	Wikileaks	<p>Senator LUDLAM: Did the AFP do anything in relation to the death threat that was posted online against Daniel Assange, Julian's brother? First of all, are you aware of that event? I beg your pardon—his son.</p> <p>Mr Drennan: No, I am not aware of one in his relation to his son.</p> <p>Senator LUDLAM: Are you not aware that a death threat was made?</p> <p>Mr Drennan: No.</p> <p>Mr Negus: We might have to take that on notice. From the table here, no-one is aware of that. I suspect that, if it had been reported to the AFP, we certainly would have been briefed on it, but it may well have gone to state police or territory police. Do you know where Mr Assange's son lives?</p> <p>Senator LUDLAM: No, I do not. My understanding is that there was an inquiry that was made. I believe he lives in Melbourne and that an inquiry was made of the AFP, and my information is that that inquiry was referred to the Attorney's office. I would be very interested to know what the thought processes were behind that.</p> <p>Mr Negus: It sounds a very unusual pathway, so—</p> <p>Senator LUDLAM: It does.</p> <p>Mr Negus: we will try to find something out while we are at the table.</p> <p>....</p> <p>Senator LUDLAM: I do not want to take us down the path of hypothesis, so what I would seek to confirm from you is, first of all, if and when you received notification, if and when you referred it to the Attorney-General's office and if and when it was referred to a relevant state police, presumably the Victorian police. If there is any other information that you could provide to that, that would be great.</p> <p>Mr Drennan: Certainly.</p>	L&C 44, 45 (26/5/11)	8/07/2011	25/08/2011
40	AFP	Brandis	Detention Centre incidents	<p>Senator BRANDIS: When you speak of those matters I want you to focus specifically on the riots in March of this year. You might want to take this on notice, but to the extent to which you are able to give me an estimate I would like a response here and now please. What was the most recent occasion before the riots when you had an informal discussion with the minister in which the issue of the risks of violence on Christmas Island was raised?</p> <p>Mr Negus: I would have to take that on notice. I should put it in some context. The discussions I have with the Minister for Home Affairs are more about the AFP resourcing required to support DIAC and Serco in their endeavours to manage the centre rather than the specific risk, because again that is outside his portfolio. It is</p>	L&C 48 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				about what the AFP is doing to support other agencies.			
41	AFP	Brandis	Detention Centre incidents	<p>Mr Colvin: The [Christmas Island riots] incident commenced on 11 March. As I said, we had 32 members there on that day—</p> <p>Senator BRANDIS: Just for the sake of completeness, obviously a deployment at that level, 32, reflects a view held at the time that there was no imminent threat?</p> <p>Mr Colvin: That is correct. So the 32 [officers] was commensurate with what we believed was the level of threat on the island. Between 12 April and 20 March we deployed an additional 158 members in support of this operation.</p> <p>Senator BRANDIS: Is that all at the same time?</p> <p>Mr Colvin: No, it was graduated and obviously some people come on the island, others come off. We need to rotate people through. There are capacities used on island as well.</p> <p>Senator BRANDIS: Have you got that tabulated for us?</p> <p>Mr Colvin: I think we actually do have the ons and offs. I might just have to take a moment to get it.</p> <p>....</p> <p>Senator BRANDIS: If you have got it ready it is probably a convenient time for you to table that document. Are you in a position to do that now?</p> <p>Mr Colvin: I do not think we would be. We would need to have a look and actually go through it, because, as the commissioner said, there have been 107 movements in the last few years so we are talking about a lot of ups and downs.</p> <p>Senator BRANDIS: Rather than put you at risk of giving us a document that you are not completely satisfied with, why don't you just take that on notice and if you can satisfy yourself between now and the end of your evidence perhaps you could table it then. If you cannot, just take it on notice and provide it to us. But I think you have told me largely what I was looking for.</p> <p>Mr Colvin: Can I just correct one point?</p> <p>Senator BRANDIS: Yes.</p> <p>Mr Colvin: I did say to you that we deployed 158 members between 12 April and 20 March. That would be the wrong way around of course, but it was actually 158 members deployed between 12 March and 20 March. It was a quite intense period of eight days where we moved resources onto the island.</p> <p>....</p> <p>Senator BRANDIS: As part of that exercise can you also please provide the committee with a month-by-month breakdown of the number of officers deployed to Christmas Island over the past year and during the period of the riots. Obviously I would like the March period to be disaggregated on a daily basis during what you called the critical period—but, otherwise, a month-by-month breakdown for the past year of the deployments on Christmas Island.</p> <p>Mr Colvin: We can do that. I am just looking at the document I have in front of me. It will take some time but I do not see any great objection to me reading it onto the</p>	L&C 51, 52 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>record.</p> <p>Senator BRANDIS: I have no objection to you doing that. What I have asked might be time consuming so why don't you do that?</p> <p>Mr Colvin: How far back would you like us to go?</p> <p>Senator BRANDIS: A year ago. Back to May 2010.</p> <p>Mr Colvin: On 1 May 2010 the AFP deployed one person to bring our total number to 44 on island. That was a proactive measure by the AFP and part and parcel probably of normal rotation, which a lot of this will be. On 4 May we moved one person off. On 6 May we moved—</p> <p>Senator BRANDIS: I do not want you to do it for a whole year on a day-by-day basis, though.</p> <p>CHAIR: You asked for that so—</p> <p>Mr Colvin: I did say it might take some time.</p> <p>Senator BRANDIS: That is not what I understood you to be saying. I asked for a month-by-month and then during the critical incident period a day-by-day, not a day-by-day for a whole year.</p> <p>Mr Colvin: I can aggregate this together. It will take me some time to do that.</p>			
42	AFP	Brandis	Detention Centre incidents	<p>Senator BRANDIS: You corrected yourself a moment ago and said that it was not Serco, but the AFP, who made the decision to energise the electric fence. Is it not right to say that prior to the AFP taking control of the centre at 21 minutes past 10 on 17 March, the AFP advised DIAC and Serco that the electric fence should be energised and that that advice was not followed?</p> <p>Mr Drennan: There were ongoing discussions between ourselves, DIAC and Serco in regard to security aspects of the centre. Certainly, the perspective that we took in regard to that was things that we would do to ensure maximum control of the centre, but certainly the operations of the centre were a matter for DIAC and Serco and they made the decisions in regard to the security of the centre based on their assessment of running the centre.</p> <p>Senator BRANDIS: Do you dispute that prior to your taking control of the centre at 22:21 on 17 March, you advised DIAC and Serco to energise the electric fence? Do you dispute that?</p> <p>Mr Drennan: I need to take that on notice because I do not have that information with me here.</p> <p>Senator BRANDIS: Do you know?</p> <p>Mr Drennan: No, I do not.</p> <p>Senator BRANDIS: Deputy Commissioner Colvin, do you know?</p> <p>Mr Colvin: No, I am not aware of the answer to that.</p> <p>Senator BRANDIS: You will have to take it on notice. If you are taking that on notice, I would like you to take this next question on notice. Is it not the case that DIAC and Serco declined to follow your advice prior to 22:21 on 17 March to energise the electric fence as a measure in order to help bring the situation that was</p>	L&C 60 (26/5/11)	11/08/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>developing within the centre under control?</p> <p>Mr Drennan: As I said, I would need to take that on notice because I do not have that information.</p> <p>Senator BRANDIS: Yes, I am asking you to take that on notice; if you do not know the premise you obviously cannot answer the next part of the question that follows from it. I put it to you that that did happen and you will take that on notice for me, thank you.</p>			
43	AFP	Brandis	Detention centre incidents	<p>Senator BRANDIS: I would like all of the categories of documents in relation to the period between 22:21 on 17 March and when the police released control of the centre on 29 March—that is all of the diaries, the logs, the statements—produced, please.</p> <p>Mr Negus: As we have already said, these are matters under current investigation, so obviously we will take that on notice and look to what we could appropriately provide to you over that time period.</p> <p>Senator BRANDIS: I am sure you will. If there are some of those documents which you do not wish to produce at large, as it were, to the committee because they might be required for the purposes of a prosecution, then I would like them to be provided to members of the committee in camera. Those records, logs and notebooks which you are advised by the prosecutor will not be required to be tendered in evidence in relation to the prosecutions that are ultimately brought, that consideration plainly will not apply and therefore I would like them all to be produced without that qualification.</p> <p>Senator Ludwig: Sorry, Senator Brandis. I am just going to check with the chair; I am not sure we can produce them in camera in an estimates hearing.</p> <p>CHAIR: You cannot.</p> <p>Senator Ludwig: I am not being obstructive; I am just pointing out a simple fact.</p> <p>Senator BRANDIS: If that is the case, let me qualify that. In relation to only those records that I asked for in camera, I would like you to produce them to the individual members of the committee as individual senators in camera, for their inspection, please.</p> <p>CHAIR: I will need to take advice on that.</p> <p>Senator BRANDIS: You do not need to take any advice at all. Any senator can ask for a briefing from an agency and that briefing can be in camera and it can involve documents.</p> <p>CHAIR: You were seeking individual documents to be tabled to individual senators in camera and, under the orders of the Senate, we cannot do that.</p> <p>Senator BRANDIS: That was the point the minister made and, having heard what the minister had to say, that is why I changed the request.</p> <p>CHAIR: If you want to get a briefing from the minister's office, you just need to do that outside this process.</p> <p>Mr Negus: I just want to be very clear, and I would like to state on the record that what you are asking for is a substantial amount of work for the police involved who</p>	L&C 62-63 (26/5/11)	28/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>are currently trying to investigate these matters and prosecute them accordingly. There will be methodology and other things within those documents that you refer to which would normally be redacted, so whilst I take on notice your request—and I will seek some advice on that—I just want to state on the record that what you are asking for is a considerable drain on police resources to provide that in the fashion that you are asking for.</p> <p>Senator BRANDIS: I do not want to be unhelpful and I understand that the police resources are very stretched, so might I politely suggest to you that you arrive at a preliminary view as to the extent of time and effort that would be involved in fully complying with my request and write to me and I will, of course—</p> <p>CHAIR: You need to. Because it is estimates, you need to write to this committee, you see.</p> <p>Senator BRANDIS: You can write to the chair—that is fine—and the letter will be circulated.</p> <p>CHAIR: Otherwise, can I suggest that a private briefing be arranged for Senator Brandis?</p> <p>Senator BRANDIS: I will decide whether or not to press that request, having considered what you have to say, and of course I will be reasonable about it.</p> <p>Mr Negus: Thank you, I appreciate that. There are 202 officers involved in this over a series of several days.</p> <p>Senator BRANDIS: It may be that what I need is completely satisfied by some of the more central documents like, for example, the logs maintained at the control centre. I do not mean for you to be trawling through 202 individual police notebooks over eight days.</p> <p>Mr Negus: It worries me that we might have to deliver this in a truck, that is all.</p> <p>Senator BRANDIS: I am going to make the request at large and I am asking you to consider it, to write to the committee and consider how the substance of what I am looking for—that is a contemporaneous or near to contemporaneous account of what took place—can reasonably be complied with.</p> <p>Mr Negus: Thank you.</p> <p>Senator BRANDIS: Thank you very much.</p>			
44	AFP	Brandis	Detention centre incidents	<p>Senator BRANDIS: Thank you very much. Were there any accelerants found in the centre?</p> <p>Mr Colvin: I am not sure that there were, but again that is still subject to investigation.</p> <p>Senator BRANDIS: Will you take that on notice, please?</p> <p>Mr Colvin: We will need to be careful with what we can respond to you on notice.</p> <p>Senator BRANDIS: I understand that, of course, but I want you to consider the matter and if you want to raise an objection then you will say that in your response. These are all time limited issues because once a decision has been made in a particular case, for example not to prosecute, then the matter becomes moot. Once a</p>	L&C 63 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>decision has been made to prosecute, if there is an acquittal, the matter becomes moot; and if there is a conviction, after the appeal period has expired or run its course, the matter becomes moot. So, sooner or later you will be in a position to comply with these requests but I perfectly understand why, in relation to cases currently under investigation for prosecution, you might take the objection for the time being.</p> <p>Mr Colvin: No, I understand that and we will do our best to answer the question.</p>			
45	AFP	Brandis	AFP's use of force politics	<p>Senator BRANDIS: That is fair enough. What is the AFP's policy in using force in situations of this kind against violent protestors?</p> <p>Mr Negus: I will pass to Deputy Commissioner Drennan because he has conducted a review of the use of force on the island, but broadly it has to be reasonable in the circumstances. That is our broad use-of-force policy. There is a continuum: we cordon, contain and negotiate as a starting point and we escalate from there depending on what circumstances we face, but I think, as I said, Deputy Commissioner Drennan could provide you with quite a bit of detail on the AFP's use-of-force policies and what actually occurred in this circumstance.</p> <p>Senator BRANDIS: Rather than take up time, if this question of the use of force has been made the subject of a written report by you, Deputy Commissioner Drennan, and the question I have raised has been addressed in that report, perhaps you could table the report with appropriate redactions.</p> <p>Mr Negus: The only thing I would say is that the Ombudsman has commenced a no motion review of the use of force on the island, so whilst ever that inquiry is underway, which we will fully cooperate with and we are currently, then it would be difficult I think, because that report may well become subject of the Ombudsman's review and findings.</p> <p>Senator BRANDIS: So what? I want to know what the AFP's view is, not what the Ombudsman's view is.</p> <p>Mr Negus: I would just like to make sure the Ombudsman is comfortable with that being released during his investigation of the process.</p> <p>Senator BRANDIS: Was this report prepared specifically for the Ombudsman?</p> <p>Mr Negus: No, it was not; it was prepared specifically for me, but it is classified in the context that it is an internal working document about an AFP operation of which there are a range of ongoing investigations taking place. I am happy to take it on notice and we will get some advice for you and if we can release it we certainly will, whether it be now or at a future time. We are happy to take that on notice.</p> <p>Senator BRANDIS: I think the way to do this rather than take time now is for me to ask you two questions on notice in the alternative. First of all, I would like you to produce the report, but I understand that you wish to consider that in view of what the commissioner said. If, on reflection, you decide that you are able to comply with that request then that can be your response—which I hope it is. If, however, you are of the view, for reasons that you will state in your answer, that the report should not be</p>	L&C 64 (26/5/11)	28/07/2011	25/08/2011

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				<p>produced then I would like your own narrative, as it were, and full response to the question: what is the AFP's policy on using force against protestors and violent rioters, and in particular what practices and protocols were observed in relation to the Christmas Island riots?</p> <p>Mr Negus: Can I just add to that? There may well be issues of methodology and those sorts of things we would have to consider. I am not saying they could not be released but we will just have to consider those issues. Can I say for the record, though, having read the report, that I think that the AFP's response to those incidents was extremely reasonable and very fair to all in the circumstances? I think that, given the injuries that we talked about earlier in the day here, where one person unfortunately suffered a broken leg and another one a cut to their chin, under the circumstances of 100 or more violent protestors with rocks and sticks charging at police lines the response was proportionate and reasonable in all the circumstances. Certainly nothing I have seen from the commander on the ground and from Deputy Commissioner Drennan's report causes me to have any concerns about the actions of my police officers during that period of time.</p> <p>Senator BRANDIS: Thank you for putting that on the record, but as I understand it nobody is suggesting otherwise.</p>			
46	AFP	Brandis	Detention centre incidents	<p>Senator BRANDIS: That is fine. I am pretty easy to get on with. I have asked you about whether any AFP officers were assaulted during the March riot and the answer was no. Deputy Commissioner Colvin mentioned four other incidents in which the AFP were involved. Were there any assaults on AFP officers during any of those other incidents?</p> <p>Mr Colvin: I am confident that the answer to that question is no. If I am wrong, we will get back to the committee.</p> <p>Senator BRANDIS: Thank you.</p>	L&C 65 (26/5/11)	8/07/2011	25/08/2011
47	AFP	Barnett	Aviation	<p>Senator BARNETT: Thank you, that is fantastic. On notice, if you can forward the criteria upon which it is decided that those officers are appointed to those [11] airports [which have AFP officers], that would be great.</p> <p>Mr Drennan: The criteria there certainly belong to the Office of Transport Security and they are the ones who actually conduct those assessments. As I say, we feed into those.</p> <p>Senator BARNETT: Do they forward you a copy of the criteria? Do you have access to the criteria?</p> <p>Mr Drennan: We have access to the criteria but they actually belong to that department.</p> <p>Senator BARNETT: If you could use your best endeavours. If it is a difficult thing, do not worry, but if you could use your best endeavours to forward that to the committee, that would be appreciated.</p>	L&C 65 (26/5/11)	8/07/2011	25/08/2011
48	AFP	Brandis	AFP offices	<p>Senator BRANDIS: What I think I will do rather than go onto Villawood now is ask a few other brief and unrelated questions between now and 3.30 pm. Commissioner,</p>	L&C 65 (26/5/11)	8/07/2011	25/08/2011

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				<p>are there any AFP offices that are closing in the near future?</p> <p>Mr Negus: Yes, we are removing the resident agent from Broome, which is a one-person station, and we are returning that position to Perth in Western Australia, but again it is not an office per se; it is a one-person resident agent.</p> <p>Senator BRANDIS: Is that the only one?</p> <p>Mr Negus: No. I just wanted to double check so I could be certain about it.</p>			
49	AFP	Brandis	Confiscated assets account	<p>Senator BRANDIS: I just want to focus narrowly now on the answer you have just given, and I would like you to tell the committee what particularly are the projects which the Australian Federal Police uses the confiscated assets account to fund in whole or part.</p> <p>Mr Negus: I am probably best to take it on notice. I can tell you that the Australian Illicit Drug Data Centre, which the Minister for Home Affairs and I opened in Sydney last year, is funded out of the confiscated assets trust fund.</p> <p>Senator BRANDIS: Entirely?</p> <p>Mr Negus: Yes. Over four years I think it is in the order of \$8 million, if my memory serves me correctly. There was a one-year trial for the infamous spy plane that was spoken about here over the recent couple of years. That was funded from the confiscated assets trust fund. Since then, that has been absorbed into the AFP's core funding and we fund that out of our internal funding. There are right down to particular conferences or particular events that might be held that can be funded from that fund down to literally \$100,000 or less, so I will have to have a look at the list.</p> <p>Senator BRANDIS: Are you able to tell me how much money was paid to the AFP from the confiscated assets account in the last financial year?</p> <p>Mr Negus: I cannot tell you that now, but I can certainly take it on notice.</p> <p>....</p> <p>Senator BRANDIS: I think you are answering the question before last. What I now want to know is: in the last financial year how much money has been paid to the AFP out of the confiscated assets account?</p> <p>Mr Wood: So, the financial year 2009-10?</p> <p>Senator BRANDIS: Yes.</p> <p>Mr Wood: I will take that on notice.</p> <p>Senator BRANDIS: Do you know?</p> <p>Mr Negus: No, I do not.</p> <p>Senator BRANDIS: Can you find out? This must be within your accounts. Can you find it out for me over the afternoon tea break and can I also burden you, Mr Wood, to find out how much money has been transferred to the AFP from the confiscated assets account so far this financial year?</p> <p>Mr Negus: We will do our best and I will talk to our colleagues from Attorney-General's as well.</p> <p>Senator BRANDIS: I have kept questions deliberately easy, so that they can be responded to promptly.</p>	L&C 66 (26/5/11)	8/07/2011	25/08/2011

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				Mr Negus: We will do our best.			
50	AFP	Brandis	Detention centre incidents	<p>Senator BRANDIS: Were any of the officers who were posted to Christmas Island in March as a result of the riots, drawn from the international deployment group?</p> <p>Mr Drennan: Certainly there would have been people who come from the operational response group, which is based in Australia but deploys offshore as part of the international deployment group, and there would have been in a capacity from those people who were part of the mission component who were back here during their rotation and also those Australian based staff who form part of the command and the support and the logistics network for the international deployment group which is here in Canberra. So the answer is yes.</p> <p>Senator BRANDIS: You might need to take this on notice, but I would like to know how many there were—the actual number.</p> <p>Mr Drennan: Yes, certainly. I would need to take that on notice.</p>	L&C 67 (26/5/11)	8/07/2011	25/08/2011
51	AFP	Brandis	Detention Centre incidents	<p>Senator BRANDIS: No, do not worry about that. Have there been any other incidents at Villawood involving unlawful entrants, other than the riot, to which the Australian Federal Police were called?</p> <p>Mr Colvin: The answer to that question is yes.</p> <p>Senator BRANDIS: Can you provide details of those other incidents?</p> <p>Mr Colvin: It depends on the time frame. We were aware of various protest activities at detention centres. I cannot be specific about which ones and when.</p> <p>Senator BRANDIS: It is not core to my line of questioning, so perhaps the easiest thing might be for you to take that one on notice.</p> <p>Mr Colvin: We will take it on notice.</p>	L&C 67 (26/5/11)	8/07/2011	7/07/2011
52	AFP	Brandis	Detention Centre incidents	<p>Senator BRANDIS: How many buildings were significantly damaged by fire? Can you tell me? The press reports that it was nine.</p> <p>Mr Colvin: Yes, I think it was nine.</p> <p>Senator BRANDIS: Out of how many?</p> <p>Mr Colvin: I could not say.</p> <p>Senator BRANDIS: Was it most of the buildings?</p> <p>Mr Colvin: No, I would not say that it was most. It was some critical facilities—a medical centre, kitchen facilities, and the galley-type facilities. I understand most of the accommodation blocks were still there. I do not think ‘most’ would be the right word, but again I could not be accurate with that.</p> <p>Senator BRANDIS: You might be able to take that on notice.</p> <p>Mr Colvin: DIAC would be much better placed to answer these questions.</p> <p>Senator BRANDIS: These questions have also been asked of DIAC. What we are interested in is getting evidence from all of the relevant witnesses to the event.</p> <p>Mr Colvin: To answer the question, I will have to ask DIAC.</p> <p>Senator BRANDIS: From a policing point of view, you may assess what they tell you differently from the way they might express it. Does it amount to this: at the time you entered the centre and for some time before that the only significant disorder was</p>	L&C 74 (26/5/11)	8/07/2011	25/08/2011

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				the presence of people on the roofs? Mr Colvin: You describe that as disorder but, yes.			
53	AFP	Brandis	Detention Centre incidents	Senator BRANDIS: I confine myself now to the one rooftop protestor. What was the offence with which he was charged? Mr Colvin: To be specific about what that particular individual was charged with, I would have to take that on notice. Senator BRANDIS: Was it a charge in relation to his being on the roof? Mr Colvin: I would have to take that on notice. There were charges around damage to Commonwealth property, affray—there was a range of charges. Senator BRANDIS: Do you not know whether the charge with which that rooftop protestor was charged related to his being on the roof? Mr Colvin: I cannot answer that with absolute clarity. As you know, when a crime is committed there is a number of circumstances that lead us to presenting evidence, and I am sure that was part of that.	L&C 78 (26/5/11)	8/07/2011	25/08/2011
54	AFP	Brandis	Pornography at Detention Centres	Senator BRANDIS: I would like to move to another topic. I have a few questions about asylum seekers and people-smuggling. Is DIAC required to report access to pornography by detainees to the AFP for investigation, has it ever done so and in relation to what detention centres have such reports been made? Mr Negus: I have just been reminded that viewing pornography is not an offence. It depends on the type of pornography. Senator BRANDIS: Indeed it does and I am not saying it necessarily is. Mr Negus: You would have to ask DIAC whether, under their internal guidelines, they are required to report any of that to us. But, in saying that, unless a crime was committed or an alleged crime was committed— Senator BRANDIS: It would not involve the AFP. Mr Negus: It would not involve the AFP. Senator BRANDIS: Have there been any reports by DIAC to you of pornography at detention centres that might constitute a criminal offence? Mr Negus: Not to my knowledge. Senator BRANDIS: You have not been asked to investigate any, in other words? Mr Negus: No. Again, I will correct the record if that is incorrect.	L&C 79 (26/5/11)	8/07/2011	25/08/2011
55	AFP	Brandis	People Smuggling	Senator BRANDIS: Has the AFP been given information from DIAC or other agencies about people smugglers operating from Australia? Mr Colvin: The AFP takes information from a range of agencies. Again, I will be careful; we do have current investigations about alleged people-smuggling activities in Australia. Whether that has come from DIAC specifically I could not say. Senator BRANDIS: You might take that on notice	L&C 80 (26/5/11)	8/07/2011	25/08/2011
56	AFP	Brandis	AFP program	Senator BRANDIS: Was a request made by anyone other than Mr Speedie to the production company Zapruder to edit the tape of that program to remove his appearance? Mr Wood: Not that I am aware of, but I will check.	L&C 82 (26/5/11)	8/07/2011	25/08/2011

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				<p>Senator BRANDIS: Take that on notice. Mr Wood: I will take that on notice.</p>			
57	AFP	Pratt	Child abuse	<p>Senator PRATT: I have a last set of questions largely about child abuse. I know the AFP's website includes a range of statistics about those crimes. I am interested to know when the 2010 offences will be uploaded. I note that I think the last set of offences is about April 2009, so clearly a year has transpired since then. I would be interested in knowing what statistics would fall into that. Mr Negus: It is unfortunate they have not been uploaded. I just looked at my head of high-tech crime, who shrugged his shoulders. Can we take that on notice? If there has been a delay in uploading those statistics I am sure it is an inadvertent one. We will look to address that as soon as we can and provide you with a response.</p>	L&C 87 (26/5/11)	8/07/2011	25/08/2011
58	AFP	Barnett		<p>Senator BARNETT: That is excellent and that is what I am seeking. I am happy for you to take it on notice, but I would like further and better particulars regarding exactly what you are saying. Where the overseas aid budget has been made available or eligible—it is ODA eligible, using your words—I would like a comparison over the last three years, and then going forward so that I know, the public knows and this committee knows where the level of increase has been. Can you characterise that for us now? Has there been a significant increase over the last couple of years? Mr Negus: I think for a number of years now we have been the second largest deliverer of aid offshore. As I have said, we have tried to work with AusAID to enhance that partnership so we are not duplicating resources but actually delivering a service on behalf of the Australian population. Senator BARNETT: For that aid that you deliver offshore is that funded through AusAID or ODA? Mr Negus: I am talking about the same thing. AusAID has control of the money, but again the department of finance and others would play a role in the allocation of that. Mr Wood: I would certainly say that over the last three years if something has been ODA eligible in a bid that we are putting forward it is expected that we do declare that quite clearly and give cabinet the option of funding things through ODA where there is the possibility of that, or not, if it does not— Senator BARNETT: As you should. Mr Wood: I think the funding levels will be seen to be increasing over the three-year period, but I think— Senator BARNETT: What about the next three-year period and in particular through to 2015 when we are aiming to meet our Millennium Development Goals? Mr Wood: We will take on notice what is included in the forward estimates as well as the historical three-year data. Senator BARNETT: I hope you can understand where I am coming from, at least in part. The aid budget has increased markedly through to 2015 to meet the Millennium Development Goals as committed by the government. I am seeking to know what proportion of that—how much of that—is being funded where, and specifically of the</p>	L&C 89-90 (26/5/11)	8/07/2011	25/08/2011

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				<p>AFP services? Does that make sense?</p> <p>Mr Wood: That is understood.</p> <p>Senator BARNETT: I would like to get a comparison over the last three years and then going forward certainly through to 2015 or thereabouts, vis-a-vis forward estimates. Is that okay?</p> <p>Mr Wood: Yes.</p>			
59	ACBPS	Barnett	Budget impacts	<p>Mr Mann: This measure will deliver savings of \$34 million over the four years, as outlined by Mr Pezzullo. That is broken down into \$7.7 million in year 1, \$8.6 million in year 2, \$8.7 million in year 3 and \$8.9 million in year 4. The way these savings will be achieved is through a reduction in average staffing levels across the primary clearance function at eight international airports. Translating those dollars into average staffing level adjustments would be the equivalent of a reduction in average staffing level of 77 in the first year, an additional nine in the second year, that stays the same in the third year, and one extra in the fourth year.</p> <p>The way we will achieve those savings is through natural attrition. It will basically be delayed recruitment. As a consequence of this measure we do expect that, as recognised in the portfolio budget statement, the current national average performance benchmark of processing 95 per cent of arriving passengers within 30 minutes of joining the queue will change to 92 per cent. In plain terms, we could expect that, once fully implemented, this measure may see the average wait time for arriving passengers increase by around five minutes.</p> <p>Senator BARNETT: What is it now?</p> <p>Mr Mann: It is currently 10 minutes. So that would be an additional five minutes.</p> <p>Senator BARNETT: It is a 50 per cent increase in delay?</p> <p>Mr Mann: For departing passengers an average wait time increase of two minutes, and that is from two minutes to four minutes.</p> <p>Senator BARNETT: It is by two minutes and it is currently two minutes, so it is a 100 per cent increase. So that will be four minutes?</p> <p>Mr Mann: Yes.</p> <p>Senator BARNETT: That is when they are going through the—</p> <p>Mr Mann: The primary clearance function, yes. As you can see, the way these measures take effect there will be no reduction in the broader management processes that we undertake. We will continue to conduct the full immigration clearance function that we do at the primary point. The impact will be an increase in wait times.</p> <p>Senator BARNETT: You have noted in these budget papers that these are similar levels to other international airports around the world. Can you table that or take that on notice and let us know what the other levels are around the world?</p> <p>Mr Mann: I will take that on notice.</p>	L&C 91 (26/5/11)	8/07/2011	25/08/2011
60	ACBPS	Barnett	Budget impacts	<p>Mr Mann: Of particular relevance to this savings measure, you are quite correct; we do have in operation an automated border processing system known as SmartGate. It does operate using the digitised algorithm of a facial image in ePassports. It currently</p>	L&C 92 (26/5/11)	29/06/2011	7/07/2011

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				<p>accepts Australian and New Zealand ePassport holders over the age of 18. We will be expanding the current deployment of that technology, which we do hope will offset to some degree the effects of this particular savings measure in that we will be promoting and actively expanding the capacity.</p> <p>Senator BARNETT: Can you, on notice, give us the percentages and numbers for how many people use SmartGate compared with the standard process?</p> <p>Mr Mann: Yes.</p> <p>Senator BARNETT: That is okay, unless you have it there now?</p> <p>Mr Mann: The current percentage of total arrivals using SmartGate at the moment is around 12 per cent and, currently, arriving Australians and New Zealanders that are eligible account for around 33 per cent. So there is still quite an amount of growth in that percentage of arriving travellers that we hope to transfer into using SmartGate as the regular mode of primary processing.</p> <p>Senator BARNETT: Can you give us those in numbers? Do that on notice, because we are a bit tight for time, if that is okay.</p> <p>Mr Mann: I will take that on notice.</p>			
61	ACBPS	Barnett	People smuggling	<p>Senator BARNETT: ... How many unauthorised boats and people have arrived since, firstly, August 2008 and then, secondly, in the following calendar years: 2008, 2009, 2010 and 2011 to date?</p> <p>Mr Pezzullo: I do not have before me the numbers since August 2008 per se, but I do have the breakdown of calendar years so I might have to come back to you on [August 2008 to end of calendar year 2008].</p> <p>....</p> <p>Senator BARNETT: How many boats have arrived undetected to Christmas Island or to the Australian mainland?</p> <p>Mr Pezzullo: I might either need to take that on notice or refer to Ms Kelley. If Ms Kelley has got that data she will answer it. Otherwise we will take it on notice.</p> <p>Ms Kelley: I think we will have to take it on notice.</p> <p>Senator BARNETT: Have any arrived on the Australian mainland over that period?</p> <p>Ms Kelley: Since 2008? My recollection is that, yes, there have been but I—</p> <p>Senator BARNETT: You will take that on notice and give us the details of the boat and the IMAs, excluding the crew. If you have got details regarding the crew, please provide them?</p> <p>Mr Pezzullo: Is that since August 2008, just to be clear?</p> <p>Senator BARNETT: Yes, it is. But let us do the same figures so we are doing from August 2008 and then I want calendar years 2008, 2009, 2010 and then 2011 to date.</p> <p>Mr Pezzullo: On the same basis as the answers I gave.</p> <p>Senator BARNETT: Yes, thank you. How many unauthorised boats have either been intercepted or arrived at Christmas Island, Ashmore Reef, Cocos Keeling Islands and how many near the Australian mainland?</p> <p>Mr Pezzullo: I would have to take the breakdown on notice.</p>	L&C 95, 101 (26/5/11)	28/07/2011	25/08/2011

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				<p>...</p> <p>Mr Pezzullo: Chair, if I may. I do not have know how long this will take. Senator Barnett asked about detected or undetected arrivals. We could probably dispose of that very, very quickly, if that is okay.</p> <p>CHAIR: Yes.</p> <p>...</p> <p>Mr Pezzullo: Thank you. If we can just deal quickly with the detected and the undetected arrivals.</p> <p>CHAIR: Yes.</p> <p>Ms Kelley: Since January 2008 at Christmas Island there have been 65 detected arrivals and six undetected arrivals, which total 71 arrivals; at Ashmore Island there have been 89 detected arrivals and one undetected, which is a total of 90 arrivals; on the mainland there have been six detected arrivals and one undetected arrival, which is a total of seven; and at other places where we have found people, such as Browse Island at Scott Reef, there have been 55 detected arrivals and two undetected arrivals, which is a total of 57 arrivals.</p> <p>Senator BARNETT: On notice could you provide further and better particulars regarding those, including the dates? Could you indicate the boats and the number of people on the boats plus the crew. Could you provide the details?</p> <p>Ms Kelley: Did you want the crew numbers?</p> <p>Senator BARNETT: Yes, the number of people, including the crew numbers. I have two other questions which you can take on notice. I would like up-to-date figures for the amount of sea and air cargo that is physically inspected and examined. I would like those same figures for the last four years and the effect of budget cuts on the amount of cargo screened, if any. I would like you to provide up-to-date figures for the illicit drugs intercepted at the border. I would like to know whether detections have gone up or down over the past 12 months.</p> <p>Mr Pezzullo: We will take all of that on notice.</p>			
62	ACBPS	Barnett	Staffing	<p>Senator BARNETT: So you have got a reduction of 169 [staff] from the last financial year and then another reduction of another 90 through to the 2011-12 financial year?</p> <p>Mr Pezzullo: That is right.</p> <p>Senator BARNETT: Can you explain the decrease in those staff numbers and where they have been and where will they be removed from?</p> <p>Mr Pezzullo: Over those two years in question, 2010-11 and 2011-12, there is a number of features there. In some cases functions have been referred off to other agencies. An excise function, for instance, is transferred to the Australian Taxation Office. But principally it has been about rationalising, if you like, the back office, the corporate operations area, trying to keep our profile and frontline services as high as possible. Rationalisation and improvements in our intelligence and targeting capability, where we are moving to higher end analytical capability; there have been</p>	L&C 96 (26/5/11)	5/07/2011	7/07/2011

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				<p>some staff savings achieved there. Generally speaking across the board it has been about attacking those corporate functions.</p> <p>Senator BARNETT: I appreciate your feedback. It is a generic response and I understand where you are coming from. I am going to have to ask you to provide further and better particulars on notice and provide specifics as to exactly what areas these people come from—</p> <p>Mr Pezzullo: I understand. I think we can update a previous answer to a question taken on notice which broke down last year's reductions.</p> <p>Senator BARNETT: That would be good.</p>			
63	ACBPS	Barnett	Christmas Island staffing	<p>Senator BARNETT: ... How many staff do you have on Christmas Island?</p> <p>Mr Pezzullo: I will refer that to Ms Kelley.</p> <p>Ms Kelley: We have three Customs officers based on Christmas Island and we also have nine acting officers of Customs who are part-time people who work for us.</p> <p>Senator BARNETT: Do you have three full time?</p> <p>Ms Kelley: Three full-time Customs and Border Protection officers and then nine acting officers of Customs.</p> <p>Senator BARNETT: What does that mean?</p> <p>Ms Kelley: That means that they assist the full-time Customs officers with the various duties that are required at Christmas Island. They are people who actually live on the island and they are employed by us on a part-time capacity to assist.</p> <p>Senator BARNETT: Those nine are all part time?</p> <p>Ms Kelley: Yes.</p> <p>Senator BARNETT: On notice can you provide details their role and their salary band?</p> <p>Ms Kelley: I believe that we have previously provided that information in a question on notice, but we can check that—</p> <p>Senator BARNETT: Alert the committee to that if you could on notice.</p> <p>Ms Kelley: Yes.</p>	L&P 96-97 (26/5/11)	8/07/2011	25/08/2011
64	ACBPS	Barnett	Staffing	<p>Senator BARNETT: Regarding media management, what is the total number of staff employed in the media and communications unit within Customs?</p> <p>Mr Pezzullo: I might just see if the relevant national manager has that information to hand. Otherwise I will take that on notice. I would prefer to take that on notice.</p> <p>Senator BARNETT: When you do so can you provide a breakdown of their salary bands?</p> <p>Mr Pezzullo: Yes, and I should say, as is the case with a number of agencies, we have got a combined media management unit and an internal communications unit, so we will provide a breakdown of the different levels of—</p> <p>Senator BARNETT: When you say 'combined'—</p> <p>Mr Pezzullo: It is a team that focuses on external communications, a media unit, to use the term that I think was used in your question. But they also are collocated and combined with an internal communications unit.</p>	L&C 97 (26/5/11)	8/07/2011	25/08/2011

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				Senator BARNETT: If you can provide details, thank you.			
65	ACBPS	Barnett	Public comments	<p>Senator BARNETT: Can you advise also the protocols in place for a Customs spokesperson to comment on government policy or incidents within your portfolio. We would like a copy of the protocol.</p> <p>Mr Pezzullo: I am happy to provide relevant documents on notice, but as a general matter of principle of course we do not comment on government policy. It is not our role to.</p> <p>Senator BARNETT: If there is a protocol in terms of what you can comment on and what you cannot comment on, that would be appreciated. Are you happy to take that on notice?</p> <p>Mr Pezzullo: I will indeed. There are obviously APS-wide guidance documents that we make available to our staff, but I will see if there are any particular documents that are specifically designed for our agency.</p>	L&C 97 (26/5/11)	24/06/2011	7/07/2011
66	ACBPS	Barnett	Public comments	<p>Senator BARNETT: Since November 2007 on how many occasions has the relevant minister's office instructed Customs spokespersons to make public comments? You might need to take that on notice.</p> <p>Mr Pezzullo: I might seek some clarification as to what you mean by 'instructed'. There certainly is a discussion, as there is in every portfolio that I have ever been involved in, between media units, senior management and ministerial staff. I cannot recall an incident in the last two years that I have been in charge of the function where there has been an instruction as such. Consultation, engagement, discussions—lots. It would happen fairly frequently. But the term that you used was 'instruction', so I would seek some clarification on that?</p> <p>Senator BARNETT: A directive, an instruction, an intention via paper, verbally or otherwise from the minister's office to a Customs officer to make a public comment. If you could take that on notice.</p> <p>Mr Pezzullo: I will take it on notice.</p> <p>Senator BARNETT: I am interested specifically in exactly what the occasion was; who was instructed and where the instruction came from; what were the topics of the instructions and/or advice from the minister's office and when that occurred?</p> <p>Mr Pezzullo: I will take it on notice and I will look at it carefully. I am not sure that ministerial staff have got any authority to do those things. Just to be clear about your question, your question goes to the making of a comment or to not making a comment.</p> <p>Senator BARNETT: To the making of a comment.</p> <p>Mr Pezzullo: I will look at your question in detail.</p>	L&C 97-98 (26/5/11)	29/06/2011	7/07/2011
67	ACBPS	Barnett	Communication and media costs	<p>Senator BARNETT: As to credit cards, are departmental credit cards provided to members of the media and communications unit?</p> <p>Mr Pezzullo: I would have to check the detail of that.</p> <p>Senator BARNETT: When you do could you check who has the cards, what is the</p>	L&C 98 (26/5/11)	29/06/2011	7/07/2011

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				<p>expenditure limit, what expenses are placed on the credit cards and who authorises the expenditure?</p> <p>Mr Pezzullo: If I am able to make that available, I will.</p> <p>Senator BARNETT: Can you provide a summary of the expenditure items of those cards for 2009-10 and then 2010-11 to date?</p> <p>Mr Pezzullo: If that is able to be provided, I will make it available.</p> <p>Senator BARNETT: Then the estimated by way of departmental credit card expenditure for the next financial year, if you have got that information?</p> <p>Mr Pezzullo: I am sorry, on credit cards or just generally?</p> <p>Senator BARNETT: No, credit cards.</p> <p>Mr Pezzullo: I am not sure that we forecast in that way, but if I have got any data that goes to that I will make it available if I am able to.</p> <p>Senator BARNETT: Additional expenses that have been met directly by the department in the media and communications unit for entertainment and hospitality; I am sure you would have a figure for that.</p> <p>Mr Pezzullo: Those things are very carefully controlled so I cannot imagine that there would not be data on that, so if there is data that I can make available I will.</p>			
68	ACBPS	Barnett	Temporary employment contracts	<p>Senator BARNETT: As to the tenders, I just want to highlight that on the AusTender website there are a number of contract notices and standing offer notices for Customs. I actually have them here with me. Thirty contract notices were found that state, and I quote, 'temporary personnel services', some with short contract periods and others quite lengthy. The total cost of the temporary personnel services is approximately \$6 million. I have got a contract note here. It states the category of law enforcement from one contract period 1 July 2010 to 30 June 2011, the contract value of \$1.1 million. There is another one, contract notice temporary personnel services from 1 February 2011 to 30 June 2011, a contract value of \$499,000. Is there a reason why Customs needs to employ \$6 million worth of temporary personnel services?</p> <p>Mr Pezzullo: Without knowing the detail of each individual contract—they sound like short-term engagement contracts, consultancies and the like. If they are on the AusTender website it means that we are going through a procurement process and those are the dollar values as you have read out. But without knowing what each individual line item goes to, it is hard to work out what the purpose is.</p> <p>Senator BARNETT: But it raises the question that you are under enormous pressure as a result of these staffing cuts and that you are going to other places, outsourcing them via the AusTender website, and \$6 million worth of temporary personnel services is a lot of money—</p> <p>Mr Pezzullo: It is possible—</p> <p>Senator BARNETT: in the context of your budget. It seems that you are stretched due to your funding and staffing cuts.</p> <p>Mr Pezzullo: The premise of your question or the assertion would be right if we were doing short-term tendering for all Public Service functions. If, however, we are</p>	L&C 99-100 (26/5/11)	5/07/2011	7/07/2011

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				<p>purchasing on a short-term basis IT expertise, legal expertise, HR expertise, property expertise, it really does depend on the nature of the function. But it sounds to me like they are in-line contractors and/or short-term consultancies as opposed to, if you like, offsets—I can understand the premise you are trying to get to—for core staff which we have otherwise lost. We are not in that position. We are managing our budget within the parameters that the government has laid down. We are focusing our resources on higher risk areas using intelligence and risk leads. If we are purchasing in the short-term labour market the kinds of services I think you are describing, it would almost certainly go to specialised expertise that you actually do not want in your core labour force.</p> <p>Senator BARNETT: Well, yes and no. Can I ask you to review the contracts?</p> <p>Mr Pezzullo: I am happy to do that.</p> <p>Senator BARNETT: There are 30 of them. When you do I would like to know if \$6 million for 30 contract notes is normal in terms of outsourcing for temporary personnel services. I would like you to do an analysis of the last couple of years and tell me whether \$6 million is normal in terms of contracting out for those types of services over those last few years?</p> <p>Mr Pezzullo: I am very happy to look at that. Instinctively \$6 million in a \$1.1 billion cash business actually sounds pretty modest, but I will look at the detail.</p>			
69	ACBPS	Barnett	Staffing	<p>Senator BARNETT: I have got one final question. How many staff are currently employed in the Trade Measures Branch; what were the total staffing numbers in the branch for each of the years 2007, 2008, 2009 and 2010; and can you provide a breakdown of the numbers at each staffing level for each of those years?</p> <p>Mr Mann: I think we do have a question on notice from the inquiry to that, but I can briefly say that at the beginning of this financial year, 2010-11, the funded level was 29 FTE. We currently have 33 staff. I would like to take on notice the remainder of your questions. I would like to add, though, that we have budgeted to increase that staffing level to 45 in the coming year.</p> <p>Senator BARNETT: Forty-five staff or 45 FTEs?</p> <p>Mr Mann: We are recruiting up to 45 staff.</p> <p>Senator BARNETT: Thank you very much. Thank you, Chair.</p>	L&C 100-101 (26/5/11)	28/07/2011	25/08/2011
70	ACBPS	Barnett	Detected and undetected arrivals	<p>Ms Kelley: Since January 2008 at Christmas Island there have been 65 detected arrivals and six undetected arrivals, which total 71 arrivals; at Ashmore Island there have been 89 detected arrivals and one undetected, which is a total of 90 arrivals; on the mainland there have been six detected arrivals and one undetected arrival, which is a total of seven; and at other places where we have found people, such as Browse Island at Scott Reef, there have been 55 detected arrivals and two undetected arrivals, which is a total of 57 arrivals.</p> <p>Senator BARNETT: On notice could you provide further and better particulars regarding those, including the dates? Could you indicate the boats and the number of people on the boats plus the crew. Could you provide the details?</p>	L&C 101 (26/5/11)	28/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>Ms Kelley: Did you want the crew numbers?</p> <p>Senator BARNETT: Yes, the number of people, including the crew numbers. I have two other questions which you can take on notice. I would like up-to-date figures for the amount of sea and air cargo that is physically inspected and examined. I would like those same figures for the last four years and the effect of budget cuts on the amount of cargo screened, if any. I would like you to provide up-to-date figures for the illicit drugs intercepted at the border. I would like to know whether detections have gone up or down over the past 12 months.</p> <p>Mr Pezzullo: We will take all of that on notice.</p>			
71	ACBPS/Program 1.2 CrJD	Xenophon	Allan Kessing	<p>Senator XENOPHON: Will you take on notice whether Customs is aware that Ms Ayliffe was interviewed by the AFP in relation to the Kessing matter?</p> <p>Mr Pezzullo: What I am willing to take on notice—and I will take advice on this—is the extent to which I can disclose particulars of the AFP investigation. Whether they interviewed person X or Y, I will take some advice on that. If I am then able to respond to your question, I will do so on notice.</p> <p>CHAIR: I think what Mr Pezzullo is saying is there might be someone in Customs who may well be aware the AFP interviewed that person, but it might not be able to be public knowledge that the interviewed even occurred. Knowledge that it occurred would reveal that. Within those constraints, are you happy for that question to be taken on notice?</p> <p>Senator XENOPHON: I am not happy at all, Chair. I am grateful for your assistance. Let's go to general policy principles here because I agree with Mr Kessing: this whole thing is like a septic tank. From a general policy point of view, what harm would there be in disclosing the nature of the information I have requested? Leave aside the question of the Kessing case and Ms Ayliffe. If there has been an investigation about a section 70 matter—whether or not questions have been asked of a particular Customs officer, and the matter has been dealt with in the courts and Commissioner Negus considers the case is closed, even though I disagree with him—what is wrong with advising whether the AFP has interviewed a Customs officer? From a public policy point of view, how would that prejudice Customs or anything else for that matter?</p> <p>Mr Pezzullo: In general terms, going back to our exchange a moment ago, in the ordinary course such an interview would be made known to the senior leadership of the agency. I accept that proposition. I am willing to take on notice whether I am in a position to put on the public record who—in this case, Ms Ayliffe—the AFP investigated. This is a general matter that I want to get some advice on, including by consultation with my partner agency, the AFP. If there is an ability for me to disclose that and, through a clearance process, I can get agreement to that then I am willing to put a response to your question on notice.</p> <p>Mr Wilkins: I do not know the answer to the question, but there may well be considerations: for example, around privacy in that hypothetical case; forget about</p>	L&C 103 (26/5/11)	8/07/2011	25/08/2011

Q No.	Program: Division or Agency	Senator	Broad Tropic	Question	Proof Hansard Page and Hearing Date or Written Question	Answer received	Date answer tabled
				<p>this particular case.</p> <p>Senator XENOPHON: How so?</p> <p>Mr Wilkins: If the AFP is investigating or questioning somebody and the media is going to make a lot out of this and put that person's identity before the public in some way then there may be a legitimate concern. I am not saying there would be, but you asked me hypothetically about considerations. Privacy is one.</p> <p>Senator XENOPHON: Mr Wilkins, if a person's identity is already out there and it is narrowed down to a question of whether that person was interviewed by the AFP—</p> <p>Mr Wilkins: You just asked a hypothetical question and I am giving you a hypothetical answer. Privacy could be one consideration in that sort of situation. I am not saying it is, but it could be. I do not know the facts of the case. There may be other considerations. Off the top of my head I cannot think of them, but it would be sensible for Mr Pezzullo to at least take some advice.</p> <p>Senator XENOPHON: I will not pursue it any further.</p>			
72	Program 1.1 OIL	Boyce	Costs of advice	<p>Senator BOYCE: Mr Wilkins, last night you gave me a list of dates of when the Attorney-General's Department had provided legal advice around the plain packaging of tobacco products. You gave me four dates. Could you tell me, in each case, to whom the advice was provided? In each case it was the health department?</p> <p>Mr Wilkins: I understand so. That is my advice, yes.</p> <p>Senator BOYCE: You have referred to the health department as your client. Is there a cost to providing this advice to the health department?</p> <p>Mr Wilkins: There could be. In the case of the Office of International Law, there could be. I am not entirely sure.</p> <p>Senator BOYCE: Would you be able to provide that information either now or on notice?</p> <p>Mr Wilkins: We will take it on notice, Senator.</p>	L&C 109 (26/5/11)	8/07/2011	25/08/2011
73	CrJD	Barnett	People-smuggling	<p>Mr I Anderson: As at 20 May, 292 crew had been charged and were facing proceedings. A further 62 crew in immigration detention were under investigation and potentially liable to be charged.</p> <p>Senator BARNETT: Do you have the figures on how many have been prosecuted?</p> <p>Mr I Anderson: One hundred and thirty-eight convictions of crew have been secured.</p> <p>Senator BARNETT: From when to when?</p> <p>Mr I Anderson: That is since September 2008.</p> <p>Senator BARNETT: Can you provide either now or on notice the figures for how many convictions there have been since September 2008?</p> <p>Mr I Anderson: That is September.</p> <p>Senator BARNETT: That is okay. I am happy with that. Can you break that down on a yearly basis for us? Have you got that figure there?</p> <p>Mr I Anderson: I do not have that figure here. I need to take that on notice.</p> <p>Senator BARNETT: Okay.</p>	L&C 119 (26/5/11)	29/06/2011	7/07/2011

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74	Program 1.3 SID	Barnett	People smuggling	<p>Senator BARNETT: Good. Again in answer to a question on notice, you advised that there was an estimated \$20,000 in legal aid bills for every crewperson tried for people-smuggling offences. I want to confirm that figure—if that is accurate.</p> <p>Mr Wilkins: The figure was what, Senator?</p> <p>Senator BARNETT: \$20,000 in legal aid for every crew member.</p> <p>Ms Jones: Was that an average cost based on the experience of the Legal Aid Commission of Western Australia handling some of these matters?</p> <p>Senator BARNETT: That is correct.</p> <p>Ms Jones: So it is an average cost. I do not have a cost per individual matter.</p> <p>Senator BARNETT: What about New South Wales and Queensland? Have you got figures for them? You have the average costs for WA. I would like to know the average costs in the other states. WA is obviously a predominant state, but clearly Queensland and New South Wales and other states would be relevant. Do you have those figures with you?</p> <p>Ms Jones: I do not, Senator. I have to take that on notice.</p> <p>Senator BARNETT: Take that on notice. Just break it down wherever they are—state and territory. I assume the Northern Territory as well. Take that on notice. Could you provide those figures and try and be as specific as possible for each case and then do an average across the state and territory?</p> <p>Mr Wilkins: You want average costs, essentially, don't you, for the different states and territories? That is intruding a little. You want each specific individual's bill?</p> <p>Senator BARNETT: Well, I think you could do that. There are 138 convictions and 292 crew. You would have to ask each state and territory legal aid. I am happy to compromise. Let us just go for the average and we will work it out that way. You do the total cost per state and divide the number of crew members into that and we will get an average per state. Can you do that?</p> <p>Ms Jones: I think we should be able to do that, Senator.</p> <p>Mr Wilkins: Yes, we should be able to.</p>	L&C 121-122 (26/5/11)	7/07/2011	7/07/2011
75	Program 1.1 and 1.5 SID	Boyce	Mental health of prisoners	<p>Senator BOYCE: My area of interest is what involvement, if any, the department has had in looking at options that could be evaluated, researched or suggested around pathways for Aboriginal prisoners with intellectual disability, cognitive impairment or autism who have been incarcerated.</p> <p>Mr Wilkins: I think we should take that on notice. I do not want to overstate it, but there have certainly been discussions among national justice CEOs—that is sort of my level—around some of these issues. There has been work done between officers in my department and the states and territories in terms of programs in the Indigenous justice area, which include some issues around, for example, the rehabilitation programs in prisons. But whether there are specific things dealing with cognitive impairment, I do not know. I can only take it on notice and come back to you, I think.</p> <p>Senator BOYCE: Thanks, Mr Wilkins.</p>	L&C 130 (26/5/11)	3/08/2011	25/08/2011

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76	Program 1.1 and 1.5 SID	Crossin	Night patrols	<p>CHAIR: Before we move on to group 3, under the Indigenous law and justice area, I want to ask you a question about night patrols. I know the ANAO has just completed an audit of night patrols. In respect of the Northern Territory, the funding either goes to organisations or to the shire councils. I then assume they employ the people themselves who work in the night patrols. Is that correct?</p> <p>Ms Jones: Senator, that is correct. We fund, I think, the eight shire councils and then one nongovernment organisation. I think I have that number right in terms of the shire councils. They employ regional coordinators who oversee the patrols. Usually the local people in communities are employed to deliver the night patrol services, although sometimes there are people from outside the communities that come in and are employed on that basis.</p> <p>CHAIR: So are they still reporting quarterly to you, or is it yearly now?</p> <p>Ms Jones: I believe that we are still requiring quarterly reports for most of the providers. But that is one of the issues that the ANAO report commented on.</p> <p>CHAIR: In their quarterly reports, do they need to indicate to you how many people have been employed in that quarter, be it full time or part time, and how much money has been spent on salaries, or is the quarterly reporting purely the number of pick-ups or number of clients they have assisted and how they have assisted them?</p> <p>Ms Jones: Senator, I would probably have to take it on notice, just in terms of the detail. My understanding is that we do get regular information on the number of people that are employed and actually delivering the services because that is something that we monitor on a fairly close basis. So we do receive that information.</p> <p>CHAIR: Could you take on notice, then, and provide for me exactly what is required in the quarterly reports and how those shires or organisations acquit the money you provide to them?</p> <p>Ms Jones: Yes.</p> <p>CHAIR: Particularly in terms of salaries and wages and employment costs.</p>	L&C 132 (26/5/11)	5/07/2011	7/07/2011
77	Program 1.2 CrJD	Barnett	Safer suburbs	<p>Senator BARNETT: I have questions on Safer Suburbs. I will be as quick as I can because I know Senator Humphries has some important questions under the disaster financial support section. I understand the government in this budget put in \$5.2 million extra over three years for the Safer Suburbs program. It continues the renaming of the successful Howard government National Community Crime Prevention Program, with both programs being funded in this budget, according to page 35 of the PBS. The National Community Crime Prevention Program ends in 2012-13 and the Safer Suburbs program will end a year later in 2013-14, according to page 34 of the PBS. If that is wrong, please correct that on the record. I would like to know with regard to the Canning electorate—again, I am happy for you to take this on notice—in which financial year the following election commitments will be funded: \$85,000 for Waroona Football Club lighting; \$50,000 in seed fighting for Roleystone skate park; \$25,000 to Legal Ink for anti-graffiti management; \$15,000 to Jarrahdale youth group for a half a basketball court; and \$80,000 for the City of</p>	L&C 133 (26/5/11)	29/06/2011	7/07/2011

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				<p>Mandurah anti-graffiti removal team and band, noting that the City of Mandurah has submitted an application for Safer Suburbs funding but for CCTV cameras, not an anti-graffiti removal team. So if you are happy to respond or take that on notice, that would be appreciated.</p> <p>Mr Wilkins: Senator, I will ask Mr Ian Anderson to address those questions.</p> <p>Mr I Anderson: I will seek some clarification first. The amount of funding for the Safer Suburbs program is \$5.42 million. I do not think that is a figure you mentioned.</p> <p>Senator BARNETT: I had \$5.2 million.</p> <p>Mr I Anderson: It is \$5.42 million over three years. In terms of the actual programs themselves, we are currently working through the processes required under the Commonwealth grant guidelines in getting full project bids. Then we will be going through a process of drafting up and agreeing on the full suite of grant documentation, agreeing on milestones and going through the audit requirements and that sort of thing. So it is not possible at this point to say in which financial year the program funding will necessarily occur. It is our experience with this and other similar programs that sometimes it takes longer than initially envisaged for a community organisation to actually deliver the full program. You mentioned, for example, the NCCPP and the funding for that continuing. The funding for that continuing in fact just reflects the fact that some programs have not yet been completed under that program. Similarly, with Safer Suburbs, it is likely that projects will take a while to complete. We are not necessarily saying in which financial year they have to occur. It is mainly that they need to occur properly in accordance with the grant documentation and then have a full acquittal process.</p> <p>Senator BARNETT: But there are budget papers which indicate that they conclude at a certain time. That is on page 34.</p> <p>Mr I Anderson: Yes, that is right, Senator. Notionally, at least, the funding is—</p> <p>Senator BARNETT: Well, it is in the budget papers. I do not consider that notional, Mr Anderson.</p> <p>Mr I Anderson: No, Senator. But, as you pointed out yourself, funding for the NCCPP has been carried forward. The reason it has been carried forward has been that some of these projects do not occur in the time frame that the community organisation originally proposes. So the budget papers provide that there be \$1.5 million expended in the first year, \$3.3 million in the second year and \$0.5 million in the third year. If, as may happen, some of those community organisations take longer than they envisaged to complete those projects, funding would need to be carried forward into a subsequent budget year, as happened with the NCCPP.</p> <p>Senator BARNETT: Mr Anderson, thank you very much. I ask you to review the <i>Hansard</i>. If there is anything that is not accurate in the <i>Hansard</i>, could you take that on notice and clarify it in a response to a question on notice?</p> <p>Mr I Anderson: Certainly, Senator.</p> <p>Senator BARNETT: Thank you.</p>			

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78	Program 1.7 EMA	Humph ries	AGDRP	<p>Senator HUMPHRIES: I want to come back to questions from the last episode of estimates in February this year. They concern the reasons behind a declaration to allow AGDRP to people living in the Gascoyne region of Western Australia... I have, in fact, now got the answer back to my question. It leaves me no better informed about the reasons for the delay.</p> <p>....</p> <p>Mr Darby: Then we take impact information from the Bureau of Meteorology; from the state governments, which have generally got the best information available; and from Geoscience Australia. We then inform the minister. It is up to the government to make the determination of a declaration of the AGDRP. It is not something which can actually be requested by the state. It is purely a Commonwealth government declaration and it is up to the government to make that declaration.</p> <p>Senator HUMPHRIES: Are you responsible for garnering that information to put before the Commonwealth minister?</p> <p>Mr Darby: Yes, we are. Yes, I am.</p> <p>Senator HUMPHRIES: When did you put it before the minister or his office?</p> <p>Mr Darby: I would need to check that date. I do not have it with me.</p> <p>...</p> <p>Senator HUMPHRIES: ...I specifically wanted to know... what information was absent from your portfolio of information that prevented the declaration from being made? I have not got time to question you further, Mr Darby. I ask you or the people at the table to take on notice the same question I asked you to take on notice on the last occasion, which is: what information was missing from the government's information about this incident in the Gascoyne? Who eventually supplied the necessary information and specifically when? When did you, if you are the responsible officer, provide that information to the minister to allow the declaration to be made? Can I have that information on notice, please.</p> <p>Mr Wilkins: Well, we can on notice see if we have that information. What you want us to do is sketch out a series of events which may not be recorded, actually. If you have to collect information to discharge the various aspects of that statute, it is—</p> <p>Senator HUMPHRIES: With respect, Mr Wilkins, how could it not be recorded? Mr Darby would not have flown to Australia—</p> <p>Mr Wilkins: When to when?</p> <p>Senator HUMPHRIES: I would like to finish my question. Mr Darby would not have flown personally to Western Australia to search through files or take photographs of flood sites himself. He would have relied on information being supplied to him. Presumably it was supplied by letter or email or possibly telephone call, all of which I assume would have been recorded at some time. So, yes, surely all the information he was after must have been recorded and he should be able to answer the question I have asked.</p> <p>Mr Darby: Senator, we were going through a process of building up a picture. To actually identify what particular elements we were missing would be difficult. But we</p>	L&C 133-136 (26/5/11)	28/07/2011	25/08/2011

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				can see what sort of things we were building up, what elements of that picture we were building up, and attempt to provide you an answer. Senator HUMPHRIES: Well, please answer those questions on notice. Would you also please give me some explanation as to why that information was apparently hard to obtain in Western Australia but was easy to obtain in Queensland, where the declarations were made very quickly after the flooding concerned			
79	Program 1.7 EMA	Furner	AGDRP	Senator FURNER: The questions are related to the AGDRP. What is the support for primary producers and small business payments; the number of applications; the number of recipients; the total amounts paid in both areas of those payments; and fraudulent claims both investigated and prosecuted.	L&C 139 (26/5/11)	24/06/2011	7/07/2011
80	ACBPS	Ronald son	Border protection policy	A. Are you aware of a policy paper called "Protecting Australia, Protecting the Australian Way"? B. This was a policy paper written by Julia Gillard when she was shadow immigration minister? Was the Prime Minister correct when she said that she was the substantive author of a policy paper which became Labor's policy (on border protection) during an interview with Laurie Oakes conducted on 27 June 2010?	L&C 108-109 (26/5/11) and Written	6/07/2011	25/08/2011
81	ACBPS	Ronald son	Irregular maritime arrival statistics	A. Do Customs and Border Protection maintain statistics on the number of asylum seekers who drown at sea whilst trying to enter Australia? B. How often are these statistics compiled? C. Are these statistics regularly provided to the Minister or to the Cabinet? D. How many asylum seekers drowned at sea on route to Australia in 2009, 2010 and in 2011 to date? How many of them were men? How many of them were women? How many of them were children? E. a. As at 18 October 2009, what did Customs and Border Protection put as the figure for the number of people who had died whilst trying to reach Australia illegally by boat? How many were men? How many were women? How many were children? b. Had the Minister or any ministers been advised of these figures as of 18 October 2009? F. What was the final figure of the Christmas Island Tragedy? How many men, women and children died in that incident? G. Since Julia Gillard became Prime Minister, how many men, women and children have died on leaky boats trying to get to Australia?	L&C 108-109 (26/5/11) and Written	28/07/2011	25/08/2011
82	ACBPS	Ronald son	Irregular maritime arrivals	A. Was a news report in The Australian on 16 January 2009 which stated that 9 people drowned trying to sail from West Timor to Australia correct? B. Is it true that a 9 year old boy was among the dead? C. When were these deaths reported to the Minister or the Prime Minister? D. What steps were taken by the government to prevent further lives of men,	L&C 108-109 (26/5/11) and Written	3/08/2011	25/08/2011

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				women and children being lost in leaky boats on route to Australia in response to these deaths?			
83	ACBPS	Ronald son	Irregular maritime arrivals	<p>A. Was Customs and Border Protection aware of a boat that sank off Halang Island in Indonesia in May 2009?</p> <p>B. Can you confirm reports that 15 Afghans were found dead following the sinking of this boat?</p> <p>C. Were the Afghans who drowned following the sinking of this boat on route to Australia?</p> <p>D. Were any of the dead children?</p> <p>E. When were these deaths brought to the attention of the Minister or the Prime Minister?</p> <p>F. What steps were taken by the government to prevent further lives of men, women and children being lost in leaky boats on route to Australia in response to these deaths?</p>	L&C 108-109 (26/5/11) and Written	3/08/2011	25/08/2011
84	ACBPS	Ronald son	Irregular maritime arrivals	<p>A. Was Customs and Border Protection aware of a boat which capsized in April 2009 in Pengerang, Kota Tinggi, Malaysia?</p> <p>B. Can you confirm reports that 9 people, including 2 children died in this incident?</p> <p>C. Can Customs and Border Protection confirm that the sole survivor of this boat was a 14 year old boy who clung to his dead mother's body to stay afloat?</p> <p>D. Was Customs and Border Protection aware of reports in Malaysia that this boat was on route to Australia?</p> <p>E. When were these deaths brought to the attention of the Minister or Prime Minister?</p> <p>F. What steps were taken by the government to prevent further lives of men, women and children being lost in leaky boats on route to Australia in response to these deaths?</p>	L&C 108-109 (26/5/11) and Written	3/08/2011	25/08/2011
85	ACBPS	Ronald son	Irregular maritime arrivals	<p>A. Was Customs and Border Protection aware of a boat that capsized in Ashmore Reef in April 2009?</p> <p>B. Can you confirm that 5 asylum seekers drowned in that incident?</p> <p>C. Were these deaths reported to the Minister or to the Prime Minister?</p> <p>D. What steps were taken by the government to prevent further lives of men, women and children being lost on leaky boats on route to Australia in response to these deaths?</p>	L&C 108-109 (26/5/11) and Written	28/07/2011	25/08/2011
86	ACBPS	Ronald son	Irregular maritime arrivals	<p>A. Can Customs and Border Protection Confirm the Report in The Age on 18 January 2010 that a boat that left Indonesia on 2 October 2009 carrying 105 Hazaras bound for Australia had disappeared?</p> <p>B. Are those 105 Hazaras believed to have drowned?</p> <p>C. When did Customs and Border Protection first learn of this incident?</p> <p>D. Were any of the people believed to have drowned children?</p>	L&C 108-109 (26/5/11) and Written	3/08/2011	25/08/2011

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				E. When were these deaths reported to the Minister or to the Prime Minister? F. What steps were taken by the government to prevent further lives of men, women and children being lost on leaky boats on route to Australia in response to these deaths?			
87	ACBPS	Ronald son	Irregular maritime arrivals	A. Were Customs and Border Protection aware of a boat carrying Sri Lankans which sank off Western Australia in November 2009? B. Can Customs and Border Protection confirm that 11 people died on this boat? C. Were any of the people who drowned children? D. When were these deaths reported to the Minister or to the Prime Minister? E. What steps were taken by the government to prevent further lives of men, women and children being lost on leaky boats on route to Australia in response to these deaths?	L&C 108-109 (26/5/11) and Written	28/07/2011	25/08/2011
88	ACBPS	Ronald son	Irregular maritime arrivals	A. Can Customs and Border Protection confirm a report in <i>The Australian</i> on 10 May 2010 that 5 Sri Lankans drowned off the coast of the Cocos Islands? B. Were any of the people who drowned children? C. When were these deaths reported to the Minister or to the Prime Minister? D. What steps were taken by the government to prevent further lives of men, women and children being lost on leaky boats on route to Australia in response to these deaths?	L&C 108-109 (26/5/11) and Written	28/07/2011	25/08/2011
89	ACBPS	Ronald son	Irregular maritime arrival safety	Has Customs and Border Protection received any advice on whether children are more likely than adults to drown if a leaky boat capsizes?	L&C 108-109 (26/5/11) and Written	5/07/2011	7/07/2011
90	ACBPS	Ronald son	Irregular maritime arrival safety	A. So long as these boats keep coming, are men, women and children likely to die at sea? B. An Article in the Herald Sun on 21 December 2010 by Gemma Jones suggested that since the government announced that women and children would not be kept in mandatory detention, the number of children arriving on leaky boats have increase? Would you agree that if more children come to Australia on leaky boats, then more children will die?	L&C 108-109 (26/5/11) and Written	5/08/2011	25/08/2011
91	ASIO	Cash	Security assessments	A. Provide details of the criteria under which the referral process takes place between DIAC and ASIO for security assessments. B. What is the definition of a "less complex" case. C. Who makes the initial determination as to whether a case is "less complex" and referred to DIAC or ASIO for security assessment? D. How is this determination made? Using what criteria? E. Are all "A1 met" IMA's referred to DIAC for security assessment?	Written	28/07/2011	25/08/2011
92	ASIO	Cash	Security assessments	A. On what date did the new streamlined processing of security assessments commence? Please provide details of the new streamlined processing of security assessments	Written	28/07/2011	25/08/2011

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				B. Since the commencement of these new arrangements, how many IMA's have had security assessments conducted by DIAC? How many have been conducted by ASIO?			
93	ASIO	Cash	Security assessments	A. How many negative assessments were referred back to ASIO by DIAC? B. How many negative assessments did ASIO return for the same period? C. What is the current status of these people who have received a negative security assessment?	Written	2/08/2011	25/08/2011
94	ASIO	Cash	Security assessments	A. Why are security assessments not conducted on people under the age of 16? B. How does ASIO verify the ages of people under 16? C. What procedures are in place to prevent IMA's using false ages to prevent being subjected to security assessments and receive community detention rather than going into an immigration detention centre?	Written	28/07/2011	25/08/2011
95	ASIO	Cash	Security assessments	A. What is the current average time it takes ASIO to complete security checks? (from the time of the introduction of the new system until now). B. What training did ASIO provide to DIAC staff in relation to conducting security assessments? C. Do DIAC staff have access to ASIO internal systems in order to process these security assessments? D. How long was the implementation phase with DIAC regarding the new system of processing security assessments? E. How does ASIO manage the assessment process with DIAC in terms of ensuring the decisions made by DIAC staff are as accurate as those that would be made by ASIO staff?	Written	28/07/2011	25/08/2011
96	Program SPCG: FPD	Birming ham	Funding	Has the Department provided any funding to any of the following organisations in the current financial year or in any of the previous three financial years? If so, please detail when it was provided and for what purpose. a) Australian Conservation Foundation b) Australian Council of Trade Unions c) Australian Youth Climate Coalition d) Climate Action Network Australia e) The Climate Institute f) Environment Victoria g) GetUp! h) Greenpeace Australia Pacific i) World Wildlife Fund Australia	Written	23/06/2011	7/07/2011

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97	ACBPS	Cash	Border management	<p>What is the total value of funding provided by the Australian Government as part of any regional, bilateral or other arrangements to Malaysia and Indonesia to improve the sophistication of border clearance procedures and technology more generally, and specifically in relation to:</p> <p>A. the installation of forgery detection technology at primary clearance points, with specific reference to airports</p> <p>B. the installation of bio metric identification technology at primary clearance points, with specific reference to airports, and</p> <p>C. the training of immigration and border officers in detecting document fraud?</p>	Written	6/07/2011	25/08/2011
98	Program 1.7 EMA	Humphries	National Crisis Coordination Capability advances	<p>The Attorney-General's Department annual report 2008-09 notes (page 149): "Significant goals for next year include preparing for commissioning of the national crisis coordination capability. This improved capability will provide a centralised coordination and information sharing facility to enhance whole-of-government decision making during crises. The changes to national crisis coordination during 2009-10 will represent the most significant advances in national crisis coordination over the last decade."</p> <p>a) What are these "most significant advances"?</p> <p>b) Can you provide examples of what has been funded under this line item?</p>	Written	5/07/2011	7/07/2011
99	Program 1.7 EMA	Humphries	National Crisis Coordination Capability spend	<p>Referring to AGD Portfolio Budget Statements 2011-12 p. 35 National Crisis Coordination Capability: How much money has been spent on the National Crisis Coordination Capability</p>	Written	8/07/2011	25/08/2011

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				since its conception (broken down by Financial Year)?			
100	Program 1.7 EMA	Humphries	Parliament House Briefing Room	a) How much money has been spent building and maintaining the Parliament House Briefing Room to date? b) What role did the Parliament House Briefing Room play in the natural disasters last summer?	Written	8/07/2011	25/08/2011
101	Program 1.7 EMA	Humphries	January disasters	Can you describe the role the Disaster Coordination Centre played during the disasters in January?	Written	23/06/2011	7/07/2011
102	Program 1.7 EMA	Humphries	Crisis Coordination Centre	a) Do you have any update on the Crisis Coordination Centre being built in Barton? b) Under which program and line item is that crisis coordination centre funded?	Written	5/07/2011	7/07/2011
103	Program 1.7 EMA	Humphries	Natural Disaster Relief and Recovery Arrangements	I've had it noted to me by several Local Government Associations (LGAs) that the eligibility requirements for funding from state Governments under the NDRRA were unclear and confusing a) What sort of timeframes does the Department work to between the disaster event occurring, to releasing information about NDRRA assistance to the public?	Written	24/06/2011	7/07/2011
104	Program 1.7 EMA	Humphries	Disaster Income Recovery Subsidy	I refer to the Disaster Income Recovery Subsidy – I note a very low level of awareness of this source of funding from the communities I've visited. a) How many people have received the DIRS to date? b) Can you give us an overview of this program and the kind of projects it funds? c) What kinds of benchmarks are used to measure the efficacy of this program and the projects it funds?	Written	8/07/2011	25/08/2011

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105	NSCDD	Humphries	National Partnership on natural disaster resilience - funding	Budget Paper No. 3 p. 89 points out the funding to be granted to states and territories - \$34.7m in 2011-12. a)Does the Department keep records of where that money goes once it gets to the states and territories? b)If so, can I have a breakdown of what is funded with this money? If not, why not?	Written	5/07/2011	7/07/2011
106	NSCDD	Humphries	Disaster Resilience Program	Does the Department ever review the amount provided to the states and territories under the Disaster Resilience Program, or look in to cost-benefit analyses of where extra funding could be spent?	Written	5/07/2011	7/07/2011
107	NSCDD	Humphries	Australian Emergency Management Institute	I asked questions last time about the Australian Emergency Management Institute (AEMI) and the amount of training provided to officials of local government: a)The answer provided to me didn't explain how much funding the Department provides to run the AEMI. Can you provide this amount? b)Under which line item does the AEMI's funding appear in the PBS? c)How much does the AEMI collect in fees from training? Broken down by financial year?	Written	24/06/2011	7/07/2011
108	NSCDD	Humphries	700-900MHz Spectrum	a)Does EMA have a view on whether or not a portion of the 7-800MHz band should be reserved for PSAs (public safety agencies)? b)Are there arguments for and against reserving that spectrum – can you expound them? For example, is there validity to the argument that any such spectrum should go to commercial operators to be bought back by public safety agencies? c)Does EMA have a view on whether or not that portion should be in the 7-800MHz band or the 8-900MHz band?	Written	24/06/2011	7/07/2011
109	Program 1.1 SID	Siewert	Incarceration of Aboriginal people with a cognitive	Many Aboriginal people with a cognitive impairment subject to mental impairment / unfit to plead provisions of state and territory based legislation are indefinitely incarcerated in prisons and psychiatric institutions (in the Northern Territory this group of people are incarcerated in maximum-security prisons) – does the	Written	2/08/2011	25/08/2011

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			disability – Cwlth power	Commonwealth have the power to assist states and territories to overcome this issue?			
110	Program 1.1 OIL	Siewert	Incarceration of people with cognitive disability – int'l obligations	Given that indefinite incarceration seems only to affect people with a cognitive impairment, as a distinct group in society does this constitute direct or indirect discrimination? Does this breach our obligations under the Convention on the Rights of Persons with Disabilities?	Written	23/06/2011	7/07/2011
111	Program 1.1 OIL	Boyce	Incarceration of people with cognitive disability – int'l obligations	Incarceration of indigenous people with cognitive impairment: Does such incarceration breach any domestic human rights legislation such at the Disability Discrimination Act, the Racial Discrimination Act or the Human Rights Act or international human rights treaties to which Australia is a signatory such as the International Convention on the Rights of Persons with a Disability, the International Convention on the Elimination of Racial Discrimination or the International Covenant on Civil and Political Rights?	Written	8/07/2011	25/08/2011