

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

Portfolio

Question No. 133

Senator Humphries asked the following question at the hearing on 16 October 2012:

Briefings for the Australian Greens and Independents

- 1) Have any briefings been provided to the Australian Greens? If yes, please include:
 - a) How are briefings requests commissioned?
 - b) What briefings have been undertaken? Provide details and a copy of each briefing.
 - c) Have any briefings request been unable to proceed? If yes, provided details of what the briefings were and why it could not proceed.
 - d) How long is spent undertaking briefings for the Australian Greens? How many staff are involved and how many hours? Provide a breakdown for each employment classification.
- 2) Have any briefings been provided to Independents? If yes, please include:
 - a) How are briefings requests commissioned?
 - b) What briefings have been undertaken? Provide details and a copy of each briefing.
 - c) Have any briefings request been unable to proceed? If yes, provided details of what the briefings were and why it could not proceed.
 - d) How long is spent undertaking briefings for the Independents? How many staff are involved and how many hours? Provide a breakdown for each employment classification.
- 3) Were any briefings been provided to the Australian Greens in 2011-12? If yes, please include:
 - a) How are briefings requests commissioned?
 - b) What briefings have been undertaken? Provide details and a copy of each briefing.
 - c) Have any briefings request been unable to proceed? If yes, provided details of what the briefings were and why it could not proceed.
 - d) How long is spent undertaking briefings for the Australian Greens? How many staff are involved and how many hours? Provide a breakdown for each employment classification.
- 4) Were any briefings been provided to Independents in 2011-12? If yes, please include:
 - a) How are briefings requests commissioned?
 - b) What briefings have been undertaken? Provide details and a copy of each briefing.
 - c) Have any briefings request been unable to proceed? If yes, provided details of what the briefings were and why it could not proceed.
 - d) How long is spent undertaking briefings for the Independents? How many staff are involved and how many hours? Provide a breakdown for each employment classification.

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

The following portfolio agencies indicated that they did not provide briefings to the Independents, or Australian Greens in the time period identified:

Australian Crime Commission, Australian Customs and Border Protection Service, Australian Institute of Criminology Australian Law Reform Commission, Commonwealth Director of Public Prosecutions, CrimTrac, Family Court of Australia, Family Magistrates Court of Australia, Federal Court of Australia, National Native Title Tribunal and the Office of the Australian Information Commissioner.

Attorney-General's Department

In its agreement with the Independent Members and the Australian Greens following the 2010 election, the Government agreed to discuss upcoming legislation with members of the Cross-Bench, and provide them an opportunity to be further briefed ahead of the introduction of proposed legislation. The Department has undertaken such briefings on a number of occasions since these Agreements were made.

Briefings have been given to Australian Greens or Independent Members of Parliament in their capacity as members of a Parliamentary Committee.

The Attorney-General's Department also provides routine information when responding to Freedom of Information requests, replying to ministerial correspondence, or preparing answers to questions on notice submitted by Australian Greens, Independent and other members of Parliament as required.

Australian Government Solicitor

Australian Government Solicitor (AGS) is a government business enterprise operating on a commercial and competitive basis in providing legal and related services to government and its agencies. AGS does not receive any Budget or other appropriations and its employees are engaged outside of the *Public Service Act 1999*. The question is therefore not applicable to AGS.

Australian Security Intelligence Organisation

It is not appropriate to provide details of briefings provided by ASIO to Parliamentarians. Where briefings are provided, ASIO routinely informs the Attorney-General of the nature and extent of these briefings.

Australian Human Rights Commission

While Commission members and Commission staff may occasionally meet with or speak with members of the Australian Greens or with Independents, the Commission has undertaken no formal briefings for the Australian Greens or Independents.

Australian Federal Police

- 1) Yes.
- a) The Senator's or Member's office formally writes to the Minister for Home Affairs and Justice (MHAJ) requesting a briefing on a topic of interest. If the MHAJ agrees, and the AFP is able to accept the request, a time and date is agreed upon, and briefing documents (if required) are prepared.

- b) From 1 January 2011 to 13 November 2012 one briefing was provided by the AFP to Senator Lee Rhiannon (Australian Greens) in August 2012, and was a verbal briefing on war crime investigations.

The verbal briefing covered the following topics:

- Mechanisms for conducting a war crime investigation
- Difficulties in obtaining foreign evidence to support a war crimes investigation
- Evidentiary requirements with respect to a referral received from the International Commission of Jurists on allegations of war crimes in Sri Lanka
- Summary and outline of relevant legislation

c) No.

d) Approximately 5-10 working hours in total. Support staff (1-2) will prepare the documentation and senior executive staff (1-2) will generally provide the actual briefing.

2) No (however please see details below).

a) Following continuing questions during Senate Estimates the AFP made the decision to offer a private briefing in order to satisfactorily resolve Senator Xenophon's concerns regarding the AFP's investigation of Mr Kessing for the unauthorised disclosure of Commonwealth information. The offer was accepted, a time and date was agreed upon and briefing documents were then prepared.

b) From 1 January 2011 to 13 November 2012 one briefing was offered by the AFP to Independent Senator Nick Xenophon (in March 2012).

c) Yes, one. Senator Xenophon subsequently cancelled the briefing on the morning of 13 March 2012.

d) The preparation for this briefing occurred over a three month period and involved extensive research and consultation across the organisation. It is estimated that members spent about 40 hours in total over the three months to prepare this briefing. This estimate does not include the hours spent by the senior executive of the AFP in reviewing the material compiled.

3) Please refer to answers in question (1)

4) Please refer to answers in question (2)