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| AE18-001 | Attorney-General | Administrative Appeals Tribunal | Chair (McDonald) | Administrative Appeals Tribunal applications | <p>CHAIR: That's very interesting. What's the backlog of applications?</p> <p>Ms Leatham: At 31 December 2017, we had a total number of matters on hand of 44,473. Again, that's collectively across all of the divisions.</p> <p>CHAIR: Can you break them up between the three divisions? Can you do that easily?</p> <p>Ms Leatham: I can tell you that the migration refugee division was 35,521; the SSCSD was 2,866. I don't have the collective figure for the general division because it's broken down by other divisions, but we can provide that information on notice.</p> | 27 February 2018, 38 |
| AE18-002 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Role of Minister Dutton | <p>Senator PRATT: Thank you for that reminder. Whose responsibility is it to ask the Hon. Peter Dutton to comply with his role in separating himself out as the responsible minister, the minister for immigration, to not interfere in the courts that manage the decisions within immigration?</p> <p>Mr Moraitis: I can't recall the comments made by Minister Dutton and the nature of the comments. If they're about the outcomes or process, I think it's been said in the past that the process is appropriate but the integrity of the process is something else.</p> <p>Senator PRATT: What Mr Dutton said was: When you look at some of the judgements that are made, the sentences that are handed down it's always interesting to go back to have a look at the appointment of the particular Labor government of the day.</p> <p>CHAIR: I don't think that's specific to any particular member.</p> <p>Mr Moraitis: I'll take that on notice.</p> | 27 February 2018, 39 |
| AE18-003 | Attorney-General | Administrative Appeals Tribunal | Siewert | Applications for review of Centrelink decisions | <p>Senator SIEWERT: I wanted to go back to the issues around particularly the social security child support area of appeals. Firstly, you gave us the figures for year to date for migration refugees and you referred to social security and child support when you were answering Senator Pratt's questions but you didn't give us the actual figures.</p> <p>Ms Leatham: Certainly.</p> <p>Senator SIEWERT: Could I ask for that year to date?</p> <p>Ms Leatham: If you would like the 2016-17 figures for SSCSD: 17,450 applications. For the first half of 2017-18—collectively the SSCSD—there was 6,725. And if you'd like the breakdown I can give you.</p> <p>Senator SIEWERT: If you could, but that's a decrease of how much over last year?</p> <p>Ms Leatham: Collectively, year to date, it's 27 per cent down compared to that same period last year. For the Centrelink applications, we've received 5,506, which is a decrease of 30 per cent.</p> <p>Senator SIEWERT: Sorry, 5,506 and 30 per cent?</p> <p>Ms Leatham: For child support it is 1,107, which is a decrease of seven per cent; paid parental leave, 112 applications—a decrease of 13 per cent.</p> <p>Senator SIEWERT: Thank you for the answers that you provided on notice last time. They were very helpful. What I take out of those answers—and I do want to go to a more specific breakdown of some of those figures shortly—is that the disability support pension is by far the highest area within Centrelink and child support, that being the second highest number of claims. And according to the way I read this table that you provided in answers to questions on notice, DSP is by far the highest area that you've had number of applications. Is that a correct interpretation of the data?</p> <p>Ms Leatham: Yes, that would be correct.</p> <p>Senator SIEWERT: Could I ask for this year whether you can provide those figures and maybe just for DSP? But I will ask on notice against all of those payment types for the breakdown year to date but I won't ask you to go through them all now.</p> | 27 February 2018, 41-42 |
| AE18-004 | Attorney-General | Administrative Appeals Tribunal | Siewert | Number and rate of disability support pension decisions set aside | <p>Senator SIEWERT: Are you able to provide the breakdown—if you could point me to the area in the annual report I am very happy to go and look there, but I couldn't find it—in the figures for DSP and the numbers of decisions that have been set aside. You've got the overall figures, but not for the breakdown against payment types.</p> <p>Ms Leatham: I don't think we have that detailed outcome data for the categories but we can certainly—</p> <p>Senator SIEWERT: My office and I couldn't find it.</p> <p>Ms Leatham: We can certainly provide that to you.</p> <p>Senator SIEWERT: In the table you provided in answer to question SBE 17-072 you provided a breakdown of figures over the last couple of financial years. Could you provide the rate of decisions that have been set aside for each of those?</p> | 27 February 2018, 42, 44 |

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| | | | | | <p>Ms Leathem: Yes, we can do that.</p> <p>Senator SIEWERT: Are you able to provide for 2016-17, just for DSP, the detail on the numbers of decisions that have been set aside?</p> <p>Ms Leathem: Yes. We could provide that on notice</p> <p>-----</p> <p>Senator SIEWERT: I wanted to clarify the questions I asked on notice for the breakdown of information. Can I have it for the first review and the second.</p> <p>Ms Leathem: First and second tier review?</p> <p>Senator SIEWERT: Yes.</p> | |
| AE18-005 | Attorney-General | Office of the Australian Information Commissioner | Rhiannon | Spotless breached privacy of workers - memberships | <p>1. In relation to the allegation that Spotless breached the privacy of workers by sending names for “memberships” that the workers allegedly never received in order to facilitate the adoption of an MOU:</p> <p>a) For how long has an investigation been underway?</p> <p>b) When can we expect a conclusion to the investigation?</p> | Written, 13 March 2018 |
| AE18-006 | Attorney-General | Australian Security Intelligence Organisation | Rhiannon | Members of Parliament | <p>1. Over the past five years how many members of parliament have been the subject of authorisation orders.</p> <p>2. Over the past five years how many staff of members of parliament have been the subject of authorisation orders.</p> <p>3. Over the past five years how many members of parliament have been subject to interception of their phones, email communications, social media and any other electronic engagement.</p> <p>4. Over the past five years how many staff of members of parliament have been subject to interception of their phones, email communications, social media and any other electronic engagement.</p> | Written, 13 March 2018 |
| AE18-007 | Attorney-General | Administrative Appeals Tribunal | Siewert | Data collected relating to the disability support pension | <p>Senator SIEWERT: Okay, I'll wait till I get that table. The harder issue then is are you able to provide more specific detail about what areas they related to for DSP? The National Social Security Rights Network put out a report last month—you may or may not be aware—around the disability support pension. The report looks at issues around claims and assessments since the 2015 changes. For example, they've been looking specifically at the treating doctor's reports since that process came in. I'm particularly interested in looking at, where these decisions have been set aside, whether there is data available on the reasons—what they're related to in terms of their applications for DSP.</p> <p>Ms Leathem: I'm not aware that we would have that level of data available. Mr Matthies, correct me if you have any different understanding.</p> <p>Mr Matthies: We may have some additional level of data about the kind of decision under review, but we'd need to take that on notice.</p> <p>Senator SIEWERT: If you could. For example, they say: Of the 22 casework files included in this snapshot, 17 clients were successful in their appeal to the AAT by providing information that a—treating doctor's report—would likely have covered.</p> <p>I'm looking at that level of information, if possible, to look at not just their snapshot but the broader view. That's from interviews they carried out. If there is information, could you provide it on the breakdown on what the nature of the decision.</p> <p>Ms Leathem: The nature of the case. We'll have to interrogate the database and see what might be available.</p> | 27 February 2018, 42-43 |
| AE18-008 | Attorney-General | Administrative Appeals Tribunal | Molan | Veterans appeals jurisdiction | <p>Senator MOLAN: My second question is in relation to veterans. Now that we're putting veterans through social services and Centrelink, can you identify veterans as they come through your system?</p> <p>Ms Leathem: We have a specific Veterans Appeals Division and so, of course, we're able to report separately on those types of applications. If I'm not mistaken, that covers both the veterans appeals jurisdiction and the MHRC.</p> <p>Mr Matthies: Yes, that primarily relates to applications under the Veterans Entitlements Act, the Military Rehabilitation and Compensation Act and also the Safety Rehabilitation and Compensation (Defence-Related) Claims Act.</p> <p>Senator MOLAN: Quite often I'm requested in relation to that. Where can I find information? Can I be briefed by someone from your area about the number?</p> <p>Ms Leathem: We can take on notice details and get detailed information about the veterans appeals jurisdiction.</p> | 27 February 2018, 44 |

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| AE18-009 | Attorney-General | Civil Justice Policy and Programmes Division | Leyonhjelm | Dual Citizens – High Court Justices | Are any High Court Justices dual citizens? Are any High Court Justices otherwise entitled to the rights or privileges of a foreign citizen? | Written, 9 March 2018 |
| AE18-010 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Attorney-General's discussions the Federal Circuit Court of Australia and the Family Court of Australia | <p>Senator PRATT: Has this topic of restructuring of the courts been on the agenda either informally or formally for those discussions?</p> <p>Mr Anderson: I haven't seen an agenda as such, but I would be fairly certain there have been discussions between the Attorney and the heads of jurisdiction about the possibility of reform.</p> <p>Senator PRATT: Would you be able to confirm that for me on notice?</p> <p>Mr Moraitis: We will take it on notice.</p> | 27 February 2018, 47 |
| AE18-011 | Attorney-General | Family Court of Australia | Pratt | Chief Judge of the Federal Circuit Court | <p>Senator PRATT: You don't have any documentation of when Chief Justice Pascoe will be absent and when he will be replaced by the Deputy Chief Justice?</p> <p>Mr Anderson: We don't currently know, Senator.</p> <p>Senator PRATT: Could you take on notice whether there any documentation of those occasions and, if there are any such occasions, what the purpose of that absence is? International surrogacy might be the purpose for that. Also, on notice, whether the Chief Justice is on paid or unpaid leave, and who will fulfil the role of the Chief Judge of the Federal Circuit Court in his absence?</p> <p>Mr Anderson: To the extent we can answer those, yes.</p> | 27 February 2018, 48-49 |
| AE18-012 | Attorney-General | Federal Court of Australia | McKim | Costs associated with government appeals | <p>Senator McKIM: I'm not sure if you would have a data set that would allow you to answer this, and I quite understand if you don't have the information here, but I'm interested in costs incurred by the Federal Court regarding government appeals against AAT decisions in migration matters. Do you have data set—or Mr Soden, potentially?</p> <p>Mr Soden: The costs to the Federal Court, or the costs of—</p> <p>Senator McKIM: Yes. What does it cost to run the cases? I understand that they're part of the ongoing churn of cases through the Federal Court.</p> <p>Mr Soden: We'll take that on notice. I don't have that depth of detail here with me.</p> <p>Senator McKIM: I understand that. Is it likely that you would have the data sets that you could interrogate to provide that—</p> <p>Mr Soden: We would have some data. Whether it's easy to use to answer that question, I'm not sure, but we should be able to give what I would think is a fairly good response to that question with the data we have.</p> | 27 February 2018, 50 |
| AE18-013 | Attorney-General | Federal Court of Australia | McKim | Costs in migration matters | <p>Senator McKIM: Thank you. Again, I quite understand if you wish to take this on notice, but I would like that broken down by decision in terms of whether or not the government was successful in its appeals. What were the costs in cases where the government successfully appealed a migration matter that was determined in the first instance by the AAT and also where the government was not successful?</p> <p>Mr Soden: We will take that on notice as well.</p> | 27 February 2018, 50 |

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| AE18-014 | Attorney-General | Federal Court of Australia | McKim | Family Court of Australia trends | <p>Senator McKIM: I have a question on waiting lists, and I'm particularly interested in the Family Court: how are we trending in terms of the length of time before matters are determined?</p> <p>Dr Fenwick: The proportion of case load across circuit court, family law and Family Court is approximately 88 per cent circuit court and about 12 per cent family law matters in the Family Court. I should have a median timeliness figure here. For the circuit court, the median time for finalisation for 2016-17 was 8.45 months.</p> <p>Senator McKIM: That's the circuit court?</p> <p>Dr Fenwick: Yes. I'm just not sure if I have that—</p> <p>Mr Soden: For the Family Court?</p> <p>Dr Fenwick: Yes.</p> <p>Mr Soden: In relation to Family Court matters, median time from lodgement to the first day of trial for final order applications is 17.8 months.</p> <p>Senator McKIM: And that's also in the 2016-17 year, Mr Soden?</p> <p>Mr Soden: Yes.</p> <p>Senator McKIM: Do have the 2015-16 figures?</p> <p>Mr Soden: No, I don't.</p> <p>Senator McKIM: Could I ask you both to take the 2015-16 figures on notice?</p> <p>Mr Soden: I'm happy to do that.</p> <p>Senator McKIM: Are you able to provide a year-to-date median time for the current year?</p> <p>Dr Fenwick: I do have that; it's 8.3 to disposal, so that's the finalisation of final order applications.</p> <p>Senator McKIM: It's a different figure that you just gave me for 2016-17, but it's the same measure?</p> <p>Dr Fenwick: Yes, roughly.</p> <p>Senator McKIM: It's apples with apples?</p> <p>Dr Fenwick: Yes.</p> <p>Mr Soden: I will take that on notice, Senator, to give you those comparative delays over a number of years to make it easy to see the trend.</p> | 27 February 2018, 50-51 |
| AE18-015 | Attorney-General | Federal Court of Australia | Hanson | Number of Family Court of Australia and family law circuit courts judges employed | <p>Senator HANSON: How many judges are employed by the Family Court or the family law circuit courts?</p> <p>Mr Soden: I will preface my answer by saying that we have a full quota at the moment, and that's 32 all up.</p> <p>Senator HANSON: Thirty-two all up in both the Family Court and family circuit court.</p> <p>Dr Fenwick: Sixty-eight judges currently serving in the Federal Circuit Court.</p> <p>Senator HANSON: So that's your full quota? Who sets the quota?</p> <p>Dr Fenwick: There's a budget figure that equates to a certain number of positions.</p> <p>Senator HANSON: For how long has it been set at 68? Has it increased over the years?</p> <p>Mr Soden: Senator, there are lots of ups and downs with the allocations—usually ups rather than downs, where government initiatives provide funding for an additional judge. I don't have that figure and I don't think my colleague has the figure of how there have been variations of all the judges in all the courts over the last couple of years or few years, but we can take that on notice and give that to you.</p> | 27 February 2018, 51 |
| AE18-016 | Attorney-General | Family Court of Australia | Hanson | Number of judges on sick leave | <p>Senator HANSON: How many judges are on sick leave at the moment?</p> <p>Mr Soden: Sorry, I don't have the answer to that question. I would have to take it on notice for the Family Court.</p> | 27 February 2018, 51 |

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| AE18-017 | Attorney-General | Family Court of Australia | Hanson | Leave duration of Family Court judges | <p>Senator HANSON: Would it be unrealistic to say that about four to six have been on sick leave for possibly three to six months or even longer?</p> <p>Mr Soden: I'm not aware of that in the Family Court. I would have to take that on notice.</p> <p>Dr Fenwick: In past years in the circuit court I believe that there have been significant periods of absence. I couldn't say what the current figure is. Sick leave is at the discretion of the chief judge, and case by case depending on the judge.</p> | 27 February 2018, 51-52 |
| AE18-018 | Attorney-General | Federal Court of Australia Family Court of Australia | Hanson | Court funding | <p>Senator HANSON: It goes to my question on court funding. What percentage has increased over the past five years?</p> <p>Mr Soden: I have a lot of numbers, but I don't have a simple percentage of increase over the last five years. There have been some quite substantial injections of funding over the years. There have been some savings that have been reinvested as a result of the back-office merge. The budget looks like it is increasing but that's because of marginal adjustments and other temporary additions. Whilst I could easily take on notice that question about how much it has varied over the last five years, there'd be a bit of explanation in that to make it meaningful.</p> | 27 February 2018, 52 |
| AE18-019 WITHDRAWN (answered on page 95 of transcript) | Attorney-General | Security and Criminal Law Division | Pratt | Timeframe to review proposed secrecy laws | <p>Senator PRATT: Thank you, Mr Pilgrim, for your long service and, indeed, its usefulness to members of this place and members of parliament, not only in this forum of estimates but in greater transparency when we struggle to get access to information et cetera. It has been greatly valued. Can you confirm that your office was given fewer than 24 hours to review the government's proposed secrecy laws while they were being drafted?</p> <p>Mr Pilgrim: There are two aspects to that. I might have to get some exact dates. As I recall, the secrecy provisions of the bill that I think you're asking about were provided to my office on 14 November last year and my office was asked for comments back on those secrecy provisions by the 15th, the following day.</p> <p>Senator PRATT: Did you seek amendment to those provisions?</p> <p>Mr Pilgrim: We made some general observations, because we did have limited time in which to comment on them. I think they went to issues of the breadth of some of the definitions. We subsequently, though, as you would probably be aware, raised some more substantial issues as part of the inquiry that is underway into those bills.</p> <p>Senator PRATT: Can you confirm that that was not sufficient time to provide a detailed review?</p> <p>Mr Pilgrim: It wasn't sufficient time for us to have a very detailed view of those provisions at all, but we did provide at officer level at the time some overarching comments and then followed that up with submissions to the relevant committee.</p> <p>Senator PRATT: Did you ask for more time at the time?</p> <p>Mr Pilgrim: I can't recall whether we specifically asked for more time at the time. I think the staff that were handling it were given a time frame, which they did their best to comply with in terms of getting some general comments back.</p> <p>Senator PRATT: Mr Moraitis, do you know if more time was requested?</p> <p>Mr Moraitis: I might have to take that on notice. I will ask my colleagues who were dealing with it. They're not here in the room but might arrive soon.</p> <p>Senator WONG: This has been canvassed at the PJCS public hearings. I would assume that there would be someone here who could indicate that.</p> <p>Mr Moraitis: Ms Chidgey has just joined us.</p> <p>Ms Chidgey: I understand that the question was about the time given to OIC. I'll have to take that on notice. I'll come back with a confirmation of the timing.</p> | 27 February 2018, 58-59 |

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| AE18-020 | Attorney-General | Civil Law Unit | Pratt | Position of the Freedom of Information Commissioner | <p>Senator PRATT: I'm going to place a number of questions on notice. How long is the process of replacement? I am just trying to work out, if I put some questions on notice, the extent to which they'll be answered after the event or whether I'm better off—I don't want to take too much more time up.</p> <p>Mr Moraitis: As I said, we want to start the process to find a replacement for Mr Pilgrim—extremely difficult as it may be to find the right candidate—pretty soon. We can take them on notice and try to answer them as quickly as we can, but in the interim there might be some progress in the period which overrides the answers or confirms the answers. But we'll try to be as forthcoming as we can about what we know and the time lines that we propose.</p> <p>Senator PRATT: I will ask you about a merit based process and who's on the selection panel, but I'll put those on notice.</p> <p>Mr Moraitis: We can provide that.</p> | 27 February 2018, 60 |
| AE18-021 | Attorney-General | Office of the Australian Information Commissioner | Patrick | Freedom of Information extensions of time | <p>Senator PATRICK: Mr Pilgrim, you provided some statistics to former Senator Xenophon in relation to FOIs. Some of the statistics you weren't keeping. One of the ones that Senator Xenophon asked for was related to the number of times you extend an FOI review. Is it correct to say you don't grant an extension of time?</p> <p>Mr Pilgrim: No, we don't keep those.</p> <p>Senator PATRICK: Is it possible to understand if there are any circumstances where you refuse to grant an extension of time? Is it a tick-and-flick—how does it work?</p> <p>Mr Pilgrim: We would take submissions from the relevant department, taking into account the comments from the applicant about why there is perhaps an urgency for a matter to be resolved. We certainly take those into account as part of that process.</p> <p>Senator PATRICK: But you don't have any statistics on when you don't?</p> <p>Mr Pilgrim: I will double-check, but I believe we don't have statistics on that.</p> | 27 February 2018, 61-62 |
| AE18-022 | Attorney-General | Office of the Australian Information Commissioner | Patrick | Freedom of Information new directions publication date | <p>Senator PATRICK: Moving on, you were talking about your new directions. Are they published yet?</p> <p>Mr Pilgrim: Yes, the direction under the FOI Act has been published.</p> <p>Senator PATRICK: When were they published and where would they be found?</p> <p>Mr Pilgrim: I can find the exact date for you, but it's on our website at this point in time. It was probably about a week or two ago we published the directions.</p> | 27 February 2018, 62-63 |
| AE18-023 | Attorney-General | Australian Human Rights Commission | Steele-John | Breakdown of complaints under the Disability Discrimination Act | <p>Senator STEELE-JOHN: Thank you very much, Chair. Let me just say at the outset that it's been my first opportunity to talk with the commission today, and it's an honour and a pleasure to have the opportunity to do so. My questions go to Commissioner McEwin in relation to disability discrimination. I can't help feeling, Commissioner, that, with you on that side of the glass and me on this one, we might begin to get some good work done in relation to disability. I'd like to take you to some questions asked and just continue on with a line of questioning that my colleague Senator Siewert brought up with you last time we were here. Last October, relating to disability discrimination complaints and employment, you were able to provide figures relating to the number of complaints that you'd received and those related to employment, on notice, to Senator Siewert. I was wondering whether you might be able to give me an update on those figures—I'm happy for you to take that on notice—just to the year so far and then also whether you might be able to give me a breakdown of these employment related complaints by age and geography. Would that be possible?</p> <p>Mr McEwin: Thank you, Senator, and welcome. The disability community is thrilled to have a senator with your skills and attributes in the parliament. So, again, welcome. I certainly can give you an update on figures for complaints relating to the Disability Discrimination Act. For the first six months of the year, 1 July to 31 December 2017, we have received 441 complaints under the DDA. That makes up 45 per cent of the total number of complaints received by the commission. Of those complaints under the DDA, employment made up 154 of them—in other words, 34 per cent of the total number of complaints under the DDA—and that is consistent with the last five years: 33, 34 and 35 per cent. One hundred and ninety-six of them relate to goods, services and facilities, so 44 per cent of the total complaints—</p> <p>Senator STEELE-JOHN: Was that 139?</p> <p>Mr McEwin: One hundred and ninety-six for goods, services and facilities, so 44 per cent. And 69 of them relate to education, which</p> | 27 February 2018, 65 |

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| | | | | | <p>makes up 15 per cent. In regard to your question around the breakdowns such as geography and age, in terms of geography, do you mean by state and territory?</p> <p>Senator STEELE-JOHN: By state and territory, yes.</p> <p>Mr McEwin: Certainly. Well, if you bear with me—actually, I have the figures for all of the complaints received. I don't have a breakdown of the DDA complaints, so I will take that on notice.</p> <p>Senator STEELE-JOHN: I'm happy for you to take that on notice.</p> <p>Mr McEwin: As well as for the age range, if we collect that information.</p> <p>Senator STEELE-JOHN: That would be great. Would you mind also providing goods and services related complaints by state and territory? Would that be possible as well?</p> <p>Mr McEwin: Certainly.</p> | |
| AE18-024 | Attorney-General | Australian Human Rights Commission | Steele-John | Breakdown of complaints under the Disability Discrimination Act by resolution | <p>Senator STEELE-JOHN: Excellent. Would you be able to give me a breakdown of overall complaints received by resolution? I'm trying to get a per cent figure, of the complaints cent received, of how many got one type of resolution or another.</p> <p>Prof. Croucher: I will come in here. We have some overall statistics in relation to the finalisation of complaints over that period. In our preparation documents we don't have a breakdown as per the various discrimination acts. I can give you an example: we finalised 1,042 complaints during the first six months of the reporting year. There were approximately 625 conciliation processes, of which 435 or 70 per cent were successfully resolved. If you'd like a breakdown that reflects the DDA stats, we can certainly ascertain that for you.</p> <p>Senator STEELE-JOHN: That'd be wonderful. Sorry, I should have clarified, in terms of time frame for this information—and again take it on notice and take as long as you need—I've got Senator Siewert's information here from the years 2012-13 to 2016-17. It gives you a reasonable idea of trend. Would you be able to frame your responses to questions on notice within the same time frame, within the different geographic—</p> <p>Prof. Croucher: We have the overall data and I'm sure we can unpack that for you.</p> | 27 February 2018, 65-66 |
| AE18-025 | Attorney-General | Australian Human Rights Commission | Steele-John | Complaints under the Disability Discrimination Act relating to interpretative services | <p>Senator STEELE-JOHN: That would be wonderful. I know you're never going to take a question from me again! Overall DDA complaints which relate to either the inability to access or be provided with interpretive services—I don't know whether you keep those kind of records as to the nature of complaints?</p> <p>Mr McEwin: We do.</p> <p>Prof. Croucher: We should be able to identify those. Obviously, the information about the complaints is a matter that's—</p> <p>Senator STEELE-JOHN: It's confidential.</p> <p>Prof. Croucher: It's extremely confidential, as in its covered by secrecy. Even the commissioners are not provided that information, as they have no direct complaint handling responsibilities. But this information is of great utility to this committee and we're very happy to unpack it in that way with the relevant people.</p> | 27 February 2018, 66 |
| AE18-026 | Attorney-General | Australian Human Rights Commission | Steele-John | Discussions with the Australian Public Service Commission about recruitment | <p>Senator STEELE-JOHN: That would be superb. I'm not sure whether this would be for Mr McEwin; I think it probably would be. In your response, Commissioner, to my colleague Senator Siewert's questioning in relation to employment in October, you said that you were working closely with the Australian Public Service Commission on the ways we can improve recruitment practices, interview processes and making sure that applications are accessible. I wondered whether you would be able to tell me if you believed targets or quotas could play an effective role in this, and whether you've had any discussions with the government to establish these kinds of targets within the Public Service?</p> <p>Mr McEwin: Thank you for the question, and it's a very good one because we do need to increase the number of people with disabilities in employment not just in the Australian Public Service but generally. I have had a number of ongoing conversations since I commenced. The last conversations I had with the Australian Public Service were shortly before Christmas around the success of their graduate programs, and trying to secure employment for graduates with disabilities. In terms of quotas and targets, the commission did not have a fixed view on one or the other. We see that both have merit and both have challenges in terms of implementation as well as ensuring that</p> | 27 February 2018, 66 |

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| | | | | | we can increase the number of people with disability. I'm also happy to give you a more detailed outline of the things that I have discussed with the Australian Public Service. Senator STEELE-JOHN: That would be wonderful, thank you. Thanks so much for your time. | |
| AE18-027 | Attorney-General | Australian Human Rights Commission | Watt | Limitation periods concerning sexual harassment complaints | Senator WATT: Is there any limitation period, for want of a better term, that exists for someone to make a complaint of sexual harassment? Prof. Croucher: I believe that it's around 12 months— Senator WATT: That's what I think too but I haven't looked at the legislation. Prof. Croucher: but I would need to check. It's within the legislation and I know there's been some change to it, so can I confirm that with the office? | 27 February 2018, 74 |
| AE18-028 | Attorney-General | Australian Human Rights Commission | Watt | Authority of the Australian Human Rights Commission to terminate a complaint | Senator WATT: Sure. I understand—and I don't know whether this is correct—that currently the commission has the power to terminate a sexual harassment complaint if it's made more than six months after the harassment allegedly occurred. Do you know whether that's correct? Prof. Croucher: I would have to confirm that precise detail. We have a number of discrimination acts that we work with, and the complaints are handled by a discrete group of staff within the commission. | 27 February 2018, 74 |
| AE18-029 | Attorney-General | Australian Human Rights Commission | Watt | Consideration of time periods to lodge complaints | Senator WATT: The concern that's been raised with me—there are a couple of things. For starters, if it is a six- or 12-month limitation period, that's a lot shorter than the limitation period that applies for a range of other courses of action, especially for things that happen in the workplace. For instance, for a breach of an employment contract, it's six years to bring an action; for a breach of an enterprise agreement it's six years. So six to 12 months, whichever it is, is a lot shorter. Has any consideration been given to changing the period of time that someone has to bring that kind of complaint? Prof. Croucher: There are a number of elements in your question and observations. If I may, it's not a limitation period. Limitation period is more strictly a term that applies to litigation. It's not a limitation of that kind. There is a time frame within which complaints should be brought. It's not an absolute bar, but if I may provide a little more clarification around that, I'd be happy to do that following this meeting. | 27 February 2018, 74 |
| AE18-030 | Attorney-General | Australian Human Rights Commission | Watt | Possible implications of time periods | Senator WATT: Okay. Do you recognise that if the time period within which people can make these complaints is limited it may disadvantage people who, for whatever reason, only feel confident to bring a complaint, maybe, after they've left a job or sometime after the harassment has occurred? Prof. Croucher: I think that's a fair observation and there is discretion within the legislation. Senator WATT: If I could get you to have a bit of look at that, that would be great. Prof. Croucher: We'll provide you with more specifics on it. | 27 February 2018, 74 |
| AE18-031 | Attorney-General | Security and Criminal Law Division | Wong | Complaint referred to Australian Commission for Law Enforcement Integrity | Senator WONG: The first is in relation to ACLEI. They have the power to act of their own motion, correct? Is that how this investigation came about? Mr Moraitis: I can't honestly say how this investigation was undertaken by ACLEI. All I know is that— Senator WONG: I'm not asking about the content, I'm just asking how it commenced. Was it a referral by anybody or a complaint? Mr Moraitis: I would assume it was because of ACLEI's remit over certain agencies. In recent years the remit of ACLEI included the Department of Immigration and Border Protection, which includes Customs. On that basis they would have been referred to by that department. That's my assumption. Senator WONG: There's no quarrel as to their capacity to do it; I'm just interested in the process by which they became seized of it. Ms Chidgey, do you know? Ms Chidgey: I'm aware that Mr Pezzullo, the secretary of the Department of Home Affairs, had indicated that a complaint was referred to ACLEI, but we're not aware of— Senator WONG: By whom? | 27 February 2018, 75-76 |

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| | | | | | <p>Ms Chidgey: We don't have any further information.</p> <p>Mr Moraitis: I can take that on notice, if you'd like.</p> | |
| AE18-032 | Attorney-General | Australian Government Solicitor | McKim | Legal advice | <p>Senator WONG: Thank you. So I will ask you this. Have you provided advice in relation to this matter to anybody else in the Commonwealth?</p> <p>Mr Kingston: And I'd seek to deal with that question in the way I foreshadowed by saying that I'd like to consult with others who we may have provided that advice to and seek their permission to answer it or to suggest that they put forward a reason that we shouldn't.</p> <p>Senator WONG: So you're essentially taking it on notice.</p> <p>Mr Kingston: Yes. Certainly.</p> | 27 February 2018, 77 |
| AE18-033 | Attorney-General | Civil Law Unit | McKim | Making Nazi propaganda or material unlawful | <p>Senator McKIM: These questions are to the minister because they relate to policy, not the operations of the department. I want to ask whether the government's ever considered making Nazi material unlawful in Australia.</p> <p>Senator Seselja: Well, not to my knowledge, but perhaps one of the officials might assist.</p> <p>Senator McKIM: The question was whether any consideration has been given to making Nazi propaganda or material unlawful in Australia as it is in a number of other countries around the world?</p> <p>Mr Moraitis: There have been recent laws about genocide, but I can't recall anything on Nazi propaganda per se.</p> <p>Senator Seselja: We might take that question on notice.</p> | 27 February 2018, 78 |
| AE18-034 | Attorney-General | Australian Government Solicitor | Wong | Dr Parkinson's report | <p>Senator WONG: Have you received a copy of Dr Parkinson's report?</p> <p>Mr Moraitis: No.</p> <p>Senator WONG: AGS?</p> <p>Mr Kingston: I personally don't know the answers to those questions, and even if I did, I'd be making the comments I made previously about confidentiality.</p> <p>Senator WONG: Can you take them on notice in the same vein?</p> <p>Mr Kingston: Yes, certainly.</p> | 27 February 2018, 82 |
| AE18-035 | Attorney-General | Security and Criminal Law Division | Wong | Attorney-General and Dr Parkinson's report | <p>Senator WONG: Thank you. I was told at Finance and Public Administration last night that Mr Quaedvlieg had provided a response to Dr Parkinson's report. Have you seen that report, Secretary? Sorry, have you seen that response?</p> <p>Mr Moraitis: No, I haven't seen anything associated with any of that.</p> <p>Senator WONG: Has anyone from that department seen that response?</p> <p>Mr Moraitis: I'm pretty confident not.</p> <p>Senator WONG: I think I've asked you this, but just out of an abundance of caution: to your knowledge, when did the Attorney-General become the decision-maker in this matter?</p> <p>Mr Moraitis: I'd have to take that on notice and seek clarification.</p> | 27 February 2018, 82 |
| AE18-036 | Attorney-General | Australian Government Solicitor | Wong | Legal authority | <p>Senator WONG: But no-one at the table is able to tell us where that legal power comes from?</p> <p>Mr Moraitis: I can't, no.</p> <p>Senator WONG: And AGS is declining to do so, correct?</p> <p>Mr Kingston: We've said we'll take that on notice.</p> | 27 February 2018, 83 |

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| AE18-037 | Attorney-General | Security and Criminal Law Division | Wong | Attorney-General's decision-making role | <p>Senator WONG: Sure. Does anybody know how long it will take before the Attorney makes a decision?</p> <p>Mr Moraitis: I don't. I can take that on notice if you wish.</p> | 27 February 2018, 83 |
| AE18-038 | Attorney-General | Civil Justice Policy and Programmes Division | Wong | Commissioner Hadgkiss | <p>Senator CAMERON: Let's get to this then: around August 2016 Commissioner Hadgkiss of the ABCC sought an indemnity from Minister Cash for legal costs of litigation against him in the Federal Court. I note for the record that Commissioner Hadgkiss ultimately settled that litigation by admitting that for a period of more than two years he was in breach of section 503(1)(b) of the Fair Work Act by causing the ABCC to distribute materials that misrepresented the law of the right of entry. I am asking: did the department or the Solicitor receive a request from Minister Cash for advice or information in relation to Commissioner Hadgkiss's request?</p> <p>CHAIR: Do you want to take it on notice?</p> <p>Ms Samios: There are a number of elements to that question, so—</p> <p>Senator CAMERON: Did the department or the Solicitor receive a request from Minister Cash for advice or information in relation to Commissioner Hadgkiss's request?</p> <p>Mr Gifford: Just to confirm: did the Attorney-General's Department receive a request from Senator Cash?</p> <p>Senator CAMERON: Yes, the department or the office?</p> <p>Senator WONG: Let's do this one at a time. Firstly, was the department ever asked to provide advice in relation to that request for indemnity, and, if so, to whom?</p> <p>Mr Gifford: I'm trying to be as accurate as possible. I think we might need to take that on notice. There was some engagement with the then Department of Employment. I'm not aware of any requests from Senator Cash.</p> | 27 February 2018, 87 |
| AE18-039 | Attorney-General | Civil Justice Policy and Programmes Division | Wong | Issues relating to Commissioner Hadgkiss | <p>Senator CAMERON: In that consultation from Minister Cash, did you deal with the issue of the breach by Mr Hadgkiss?</p> <p>Ms Samios: Two things: firstly, any engagement that we had was with the department, not with the minister; secondly, I understand that Senator Cash has written to a committee claiming public interest immunity in connection with these matters.</p> <p>Senator WONG: I'm sorry, I had trouble hearing you.</p> <p>Ms Samios: I understand that Minister Cash has written to another committee claiming public interest immunity in terms of the content of that particular disclosure.</p> <p>Senator CAMERON: She might have, but I'm asking you questions.</p> <p>Senator WONG: If we set aside the PII claim, how many meetings were there in relation to this consultation, and did it continue?</p> <p>Mr Gifford: Again, for accuracy, we'll take the question on notice, but I don't believe that there were any particular meetings that were conducted. I believe these were oral conversations.</p> | 27 February 2018, 87-88 |
| AE18-040 | Attorney-General | Civil Justice Policy and Programmes Division | Wong | Details relating to communication with Commissioner Hadgkiss | <p>Senator WONG: Over the phone, is that right? Is that what you mean?</p> <p>Ms Samios: We'd need to take it on notice.</p> <p>Senator WONG: What do you mean? For an oral conversation you're either on the phone or in a meeting, unless there's some other way.</p> <p>Mr Anderson: I'm not sure the officials have the information as to the details of how the conversations occurred. That's what they're seeking to take on notice.</p> | 27 February 2018, 88 |

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| AE18-041 | Attorney-General | Civil Justice Policy and Programmes Division | Wong | Office of Legal Services Coordination | <p>Senator CAMERON: I'm asking you what position the Office of Legal Services Coordination—why do they have to consult, if not to save the taxpayer \$400,000?</p> <p>Ms Samios: The reason to consult primarily would be to consider whether or not assistance was consistent with the underlying policy objective of the directions.</p> <p>Senator WONG: And was it?</p> <p>Ms Samios: We can't speak to the specifics.</p> <p>Mr Gifford: The difficulty we're having in terms of answering this particular question—and we averted earlier to the PII claim made by Senator Cash—</p> <p>Senator WONG: It is not your claim.</p> <p>Mr Gifford: No, it is not our claim but it does go to issues in relation to the level of consultation that was undertaken by the Office of Legal Services Coordination.</p> <p>Senator WONG: It's for the committee tomorrow to determine the scope of that claim. I'm asking you: did it comply?</p> <p>CHAIR: You're claiming public interest immunity because—</p> <p>Senator PRATT: You need to state the grounds.</p> <p>Senator WONG: Let him finish.</p> <p>CHAIR: Take it on notice.</p> <p>Senator WONG: He should finish his answer, perhaps.</p> <p>Mr Gifford: I'm not claiming public interest immunity but I'm also not able to provide an answer to a question which potentially prejudices the claim of public interest immunity claimed by Senator Cash.</p> <p>Senator SESELJA: Therefore you'll take the question on notice.</p> <p>Senator WONG: Just to be clear, we've asked you—I'm sorry, are you OLSC?</p> <p>Ms Samios: Yes.</p> <p>Senator WONG: You are the body with whom the decision-making agency or department is required to consult who ensure that there is some consistency across the government in relation to the provision of legal assistance—correct?</p> <p>Mr Gifford: Correct.</p> <p>Senator WONG: I have asked you directly whether or not the payment to Mr Nigel Hadgkiss, or the provision of an indemnity to Mr Nigel Hadgkiss, which resulted in taxpayers paying—how much was it?</p> <p>Senator CAMERON: Over \$400,000—</p> <p>Senator WONG: over \$400,000 was consistent with that direction. You're declining to answer on the basis of Minister Cash—</p> <p>CHAIR: They've taken it on notice.</p> <p>Senator WONG: Can I finish, please? I'm putting something to them, and if you wish—</p> <p>CHAIR: The fact that you've asked it four times doesn't alter the fact that they're taking it on notice.</p> <p>Senator WONG: I will start again. I'm putting to you that the granting of that indemnity resulting in \$400,000 being paid by taxpayers for someone who had admitted the breach of the act was not consistent with the legal services direction, and you are declining to answer that and/or taking it on notice because of Minister Cash's refusal to answer that question—is that correct?</p> <p>Senator Seselja: They're taking it on notice.</p> <p>Mr Gifford: We can take that question on notice.</p> | 27 February 2018, 90-91 |
| AE18-042 | Attorney-General | Civil Justice Policy and Programmes Division | Cameron | Application of legal services directions | <p>Senator CAMERON: So 4(b) talks about its general interest in supporting an employee who has acted reasonably and responsibly. Is that something you have to determine before you consult or when you consult with the department or the minister—that the person has acted reasonably and responsibly?</p> <p>Ms Samios: Not necessarily.</p> <p>Senator CAMERON: Why is it in the general policy if you don't do it?</p> <p>Ms Samios: It depends entirely on what the question is that is asked of us.</p> <p>Senator CAMERON: Well, isn't the question: should the minister provide an indemnity? Minister Cash has indicated that she did this after consulting with the department—with you guys. Did you ask the question about 'reasonable and responsible actions'? And, if not, why not?</p> <p>Ms Samios: We need to take that on notice.</p> | 27 February 2018, 91 |

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| AE18-043 | Attorney-General | Civil Justice Policy and Programmes Division | Wong | Mr Hadgkiss' admission | Senator WONG: At the time of the consultations—and you've taken on notice, I think, how many consultations there were; this is in relation to Attorney-General's—was the department ever advised of the prospect of Mr Hadgkiss making such an admission? Mr Gifford: We'd have to take that on notice. | 27 February 2018, 92 |
| AE18-044 | Attorney-General | Civil Justice Policy and Programmes Division | Wong | Mr Hadgkiss' contravention of law | Senator WONG: At which point did you become aware that he had admitted a reckless breach of the act? Mr Gifford: Sorry, Senator, we'll take that on notice. | 27 February 2018, 92 |
| AE18-045 | Attorney-General | Civil Justice Policy and Programmes Division | Cameron | Frequency and details of communication | Senator CAMERON: My questions are again to the OLSC. Mr Gifford, the department has advised the Senate that they had consulted with OLSC in writing and orally—you confirm that? Mr Gifford: To be honest, I will still take that on notice just from the point of view of being accurate. I don't have a recollection of the nature of and how often the communications took place. Senator CAMERON: You can't tell me whether there was any correspondence in writing? Mr Gifford: Not with 100 per cent certainty, Senator, and I don't want to mislead you. Senator CAMERON: On notice, then, can you advise me as to details of how many occasions this consultation was engaged in? Could you provide any correspondence in relation to the consultation? Mr Gifford: I'll take that on notice, Senator. Again, we might have the issue with the PII claim but I will take the question on notice. Senator CAMERON: You need to make the claim, then. You can't depend on another claim. You'll need to make the claim. Mr Gifford: I'll take the question on notice, Senator. | 27 February 2018, 94 |
| AE18-046 | Attorney-General | Civil Justice Policy and Programmes Division | Cameron | Details of correspondence | Senator CAMERON: Can you provide details of all written correspondence, details of all telephone correspondence and details of any file notes in relation to this issue? The minister has indicated that there was no correspondence, advice or instruction from the Attorney-General about this matter. I'm not asking what the advice was, but was there any advice or instruction from the OLSC in relation to this matter? Mr Gifford: I'll take that on notice. | 27 February 2018, 94 |
| AE18-047 | Attorney-General | Civil Law Unit | Dodson | Tabling of the Australian Law Reform Commission report | Senator DODSON: I might come back to that a bit later. The option paper relates to a number of pre-existing reports and documents and so forth. Can you tell me when the Australian Law Reform Commission report was tabled? Has it been tabled? Mr M Johnson: The ALRC report was from 2015. Senator DODSON: Yes. Was that ever tabled? You may want to take that on notice. Mr Anderson: Yes, we will check that just to be sure. | 27 February 2018, 105 |
| AE18-048 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Interdepartmental committee relating to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse | Senator PRATT: In addition to a task force, there is an interdepartmental committee specific to this work? Mr Gifford: The task force supports an interdepartmental committee. Our first meeting was chaired by the secretary. Mr Moraitis: The first meeting, which I chaired, was two weeks ago. Senator PRATT: Who's on that interdepartmental committee? Mr Moraitis: A series of departments. I'll ask Mr Gifford or Ms O'Keeffe to mention who they were. Mr Gifford: Perhaps if I could take on notice to give you a full list, but, to give you an example, for instance is Department of Social Services, Department of the Prime Minister and Cabinet, Department of Health, Department of Education and Defence. Part of the work of the task force is to look at the 409 recommendations of the royal commission, identify the relevant and responsible department and agency and bring them around the table to make sure that we can understand what action is being taken in relation to those recommendations. | 27 February 2018, 110 |

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| AE18-049 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Draft terms of reference for Interdepartmental Committee meetings relating to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse | <p>Senator PRATT: I was aware of the task force but not aware of the interagency committee. What of those arrangements have been announced publicly?</p> <p>Mr Moraitis: The first IDC meeting was, as I said, two weeks ago. There might be some draft terms of reference being prepared and a list of participants. We are happy to provide those.</p> <p>Senator PRATT: So that's the terms of reference for the interagency committee supported by the task force?</p> <p>Mr Moraitis: Correct.</p> | 27 February 2018, 110 |
| AE18-050 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse | <p>Senator PRATT: What about some of the other reports—other than recommendations? How are you addressing those?</p> <p>Mr Anderson: Senator, the responsibility for progressing the response to the working with children checks has gone to Home Affairs.</p> <p>Senator PRATT: We are aware of that. That is within—</p> <p>Mr Anderson: It is the same with the criminal justice report.</p> <p>Senator PRATT: ACIC or something like that, yes. We have some questions on notice for them and tracked that at the last estimates. I understand that with working with children checks there has been some progress, and on redress. I notice that the royal commission raised other issues, including prevention and causes, which had well-documented research papers prior to the recommendations. What consideration has been given to those elements?</p> <p>Mr Gifford: I would have to take that on notice to be able to give you a detailed response about where those particular recommendations are up to.</p> <p>Senator PRATT: Okay. I can give you an example. One of the reports of the royal commission included the need for support services for children with harmful sexual behaviours, and also the need for prevention services for adults with inappropriate thoughts that they may not yet have acted on that might require early intervention support and services. The royal commission identified issues that needed to be addressed. Are you considering those issue alongside the recommendations?</p> <p>Mr Gifford: I'm not particularly familiar with the two examples you've given. So, rather than give you a misleading response as to where they're up to in terms of the particular agency or department that's responsible for those, I'll take those on notice, if you don't mind.</p> <p>Senator PRATT: I'm happy for you to take them on notice, but it sounds to me like there isn't currently any action within government on those. I did ask the Department of Social Services at the last estimates, and they pointed the finger back at you guys to say that that was your responsibility.</p> <p>Mr Gifford: One thing that has happened since our last estimates—because I recall the questions that we also received in terms of who was going to be responsible for the recommendations going forward, and at that point there hadn't been a decision made—is that, since that point in time, the task force has been established. Now it is clearer in terms of the lines of responsibility. But we are just kicking off after January of this year and so we're still getting across where each of the recommendations is up to. We're happy to pursue that for you.</p> | 27 February 2018, 113-114 |
| AE18-051 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Sharing information relating to child sexual abuse | <p>Senator PRATT: I would have thought the context for sharing information would be within the Attorney-General's portfolio.</p> <p>Mr Gifford: I'm not quite sure about that. At the moment, with the machinery-of-government changes, there have been some changes to the nature of our responsibility in relation to criminal justice, and there is a split of responsibility between the Attorney-General's Department and the Department of Home Affairs. We have had conversations in the last week with the Department of Home Affairs about the recommendations from the royal commission report, so we are just trying to get the detail of who is responsible for those recommendations.</p> <p>Mr Moraitis: Are you asking about who keeps the information and the records from the royal commission?</p> <p>Senator PRATT: No. One of the papers done by the royal commission was on policy context for sharing information relating to child sex abuse and the need for national frameworks and sharing information between departments and community organisations, not to mention comparable data and a whole range of other issues.</p> <p>Mr Anderson: Because the data is held in so many different sectors, as Mr Gifford has said, we are trying to work out what's the best place within the Commonwealth to take forward the Commonwealth's part. We are happy to take this on notice and come back to you, but we're still assigning some of the responsibilities.</p> | 27 February 2018, 114-115 |

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| AE18-052 | Attorney-General | Civil Justice Policy and Programmes Division | Molan | Allocation of funds for family violence | Senator MOLAN: Can you go back or at least give me an impression, or I'll put it on notice, for the years prior to that, going back to, say, 2009 how we allocated moneys for family violence in those periods? All I'm after is a total to show a comparison over time. Ms Bogaart: I would have to take that on notice. The figures I've given you are across the Australian government, not necessarily for our portfolio. | 27 February 2018, 117 |
| AE18-053 | Attorney-General | Civil Justice Policy and Programmes Division | Molan | Parental management locations | Senator MOLAN: That's good. We heard about one of the parental management units going into Parramatta, I think. Do these units exist yet? Ms Bogaart: The units do exist. It depends. The units are located in different places. They're not necessarily located with the parenting management location in Parramatta but there is one in south-west Sydney that assists that region. Senator MOLAN: But you haven't decided on the other five? Ms Bogaart: I can give you the locations. Senator MOLAN: Sorry, can I put that on notice and can you give it to me on notice? Ms Bogaart: I'll clarify that the south-west Sydney one was an original one, not one of the new ones. I'm happy to take on notice the locations of the 18. | 27 February 2018, 117 |
| AE18-054 | Attorney-General | Civil Law Unit | Rice | Departments surveyed about their collection of gender information | Senator RICE: Have all departments been surveyed so far? Mr M Johnson: I'll have to take that on notice. I won't be able to commit right now to saying each and every agency; what I can say is a very large number of agencies were included in the service. | 27 February 2018, 118 |
| AE18-055 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Recommendation of RCIRCSA regarding Child Safe Standards | Senator PRATT: Is it regional development that does local government? Are they on the taskforce? Are they on the interagency group? Mr Gifford: I will have to take that question on notice, Senator. | 27 February 2018, 120 |
| AE18-056 | Attorney-General | Human Resources Branch | Chair (McDonald) | Attorney-General's Department's organisation chart | CHAIR: Mr Moraitis, do you have a flow chart of the set-up of your department? Mr Moraitis: An org chart? Yes, of course. CHAIR: An organisational chart. Mr Moraitis: We absolutely do. It's an interim one; it'll be changed again, but I can give you a snapshot of how it looks at the moment. CHAIR: On notice, could you give us a copy of that, and on further notice, as things progress, could you give us another chart? Mr Moraitis: Yes, we can do that; we can give you as many charts as you like. CHAIR: I'm just talking to the secretariat. Between now and the next estimates I really think we need to try to get these estimates' agendas in a way that everybody understands, rather than talking about program 1.2 and nobody knowing what it is. We were talking yesterday, with the new Home Affairs department, that one thing we could look at was doing it in your organisational chart streams so that we will deal with all of your courts systems in one go. Mr Moraitis: Sure. What I would propose is to give you an org chart with some references that have asterisks to the parts of that org chart that would, presumably, be moved in phase 2. This is so that, come the next estimates—it'll probably be May—you'll know which areas will be moving. In an ideal world, you can compare the two org charts and move from one to the other with nothing falling between the cracks, hopefully— CHAIR: I'm not really worried about the difference between— Mr Moraitis: and you could work out which questions to ask which groups. CHAIR: What I really want to do is try and get an agenda that means something to everyone. Mr Moraitis: We're onboard for that. CHAIR: I'll get the secretariat to talk more between the two departments to see if there is a better way we can do that for the next estimates. Mr Moraitis: We'll do that and pass it through the secretariat. | 27 February 2018, 133 |

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| AE18-057 | Attorney-General | National Archives of Australia | Patrick | Cost of National Archives of Australia v Fernandex | Senator PATRICK: I appreciate that. I'm happy for you to take this on notice. What was the total cost to the Commonwealth of its appeal to the Federal Court in the matter of National Archives v Fernandez in FCAC 158? Mr Fricker: I will have to take that on notice. | 27 February 2018, 137 |
| AE18-058 | Attorney-General | National Archives of Australia | Patrick | Cost of Fernandez v National Archives of Australia | Senator PATRICK: What was the total cost to the Commonwealth of Fernandez v National Archives of Australia in the AAT 2014 180? Mr Fricker: I'll take that on notice. | 27 February 2018, 137 |
| AE18-059 | Attorney-General | Administrative Appeals Tribunal | Siewert | Case Management System Appeals Data | Senator SIEWERT: It would be appreciated if you could. In that same section, there was the process of reassessment for those under the age of 35, which was undertaken a couple of years ago, and there's the ongoing process of the reassessment of the 90,000 progressively over three years for those over 35. I'm trying to find out in relation to that assessment process how many appeals there have been, if that's possible. Mr Matthies: We wouldn't have that level of detail in our case management system. Senator SIEWERT: That wouldn't come up in your case? Mr Matthies: Not necessarily. Associated with particular kind of cohorts of decisions being made. Obviously we'll have a look at the kind of data we have, but I'm not sure we do have that level of detail. | 27 February 2018, 43 |
| AE18-060 | Attorney-General | Civil Law Unit | Siewert | National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty | When will the National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment announced by the Australian Delegation to the 2015 United National Human Rights Council Universal Periodic Review be released for public viewing? | Written, 13 March 2018 |
| AE18-061 | Attorney-General | Civil Law Unit | Siewert | Elder abuse | 1. In relation to the Attorney-General's recent announcement regarding elder abuse, how much has been budgeted for the national study? What is the time frame for finalising the study? 2. How much of the \$15 million election commitment has been allocated so far? What initiatives has this funded? 3. What initiatives has the remaining funding been allocated to? 4. Have the states and territories committed to working with the Federal Government on this issue? | Written, 13 March 2018 |
| AE18-062 | Attorney-General | Civil Justice Policy and Programmes Division | Griff | Legal services | 1. What was total expenditure by the Commonwealth for legal services in 2016/17? a. What proportion of this was for external legal services? 2. When is the new procurement model for legal services, currently being undertaken by the AGD and Department of Finance, due to be completed? 3. Currently, legal service providers who want to be listed on the Legal Services Multi-Use List are required to meet certain conditions of participation, including a demonstrated understanding and capacity to meet the requirements of Legal Services Directions. Will there be any conditions of participation required to be demonstrated by lawyers prior to their engagement by the Commonwealth from July 2018? 4. How many reports of apparent or possible breaches of the Legal Services Directions were made to the Office of Legal Services Coordination during 2017? 5. Who is responsible for investigating suspected breaches of Commonwealth model litigant obligations by agencies? 6. How many investigations into suspected breaches of Commonwealth model litigant obligations have been undertaken in the past 5 years and what was the outcome for each of these investigations? 7. Where conduct falling short of Commonwealth model litigant obligations has been noted or identified by a tribunal or court, how many of these matters have been investigated or further dealt with and what was the outcome? Please provide this information for the past 5 years. | Written, 14 March 2018 |

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| AE18-063 | Attorney-General | Commonwealth Director of Public Prosecutions | Pratt | Child protection matters | <p>1. How many legal practitioners within the CDPP work exclusively on child sex offences/child exploitation cases? Please provide this information as the ASL for each of the following years:</p> <ul style="list-style-type: none"> a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18 <p>2. How many legal practitioners within the CDPP work on child sex offence/child exploitation cases as <i>part</i> of their duties? Please provide this information as the ASL for each of the following years:</p> <ul style="list-style-type: none"> a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18 <p>3. Please detail the precise resourcing (in \$) provided to the CDPP for child exploitation/child sex offence matters for each of the following years:</p> <ul style="list-style-type: none"> a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18 <p>4. How many child sex offence/child exploitation decisions were appealed by the CDPP in each of the following years:</p> <ul style="list-style-type: none"> a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18 <p>5. Of these, how many were for offences under Division 272 of the Criminal Code Act 1995?</p> | Written, 13 March 2018 |
| AE18-064 | Attorney-General | Commonwealth Director of Public Prosecutions | Pratt | Foreign bribery | <p>1. How many legal practitioners within the CDPP work exclusively on foreign bribery cases? Please provide this information as the ASL for each of the following years:</p> <ul style="list-style-type: none"> a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18 <p>2. How many legal practitioners within the CDPP work on foreign bribery cases as <i>part</i> of their duties? Please provide this information as the ASL for each of the following years:</p> <ul style="list-style-type: none"> a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18 <p>3. Please detail the precise resourcing (in \$) provided to the CDPP for foreign bribery matters for each of the following years:</p> <ul style="list-style-type: none"> a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18 | Written, 13 March 2018 |

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| AE18-065 | Attorney-General | Commonwealth Director of Public Prosecutions | Pratt | Modern slavery | 1. Please update SBE17-084 - Modern slavery (asked by Senator Pratt 6 November 2017), which was an update to the first question BE17-181 asked by Senator Pratt on 28 August 2017. | Written, 13 March 2018 |
| AE18-066 | Attorney-General | Commonwealth Director of Public Prosecutions | Pratt | Forced marriage | <p>1. How many incidents of forced marriage under the Criminal Code Act 1995 have been brought to/referred to the CDPP in the following years:</p> <p>a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18</p> <p>2. How many of these progressed to prosecution? Please list these by year</p> <p>a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18</p> <p>3. How many resulted in a conviction? Please list these by year:</p> <p>a) 2013-14 b) 2014-15 c) 2015-16 d) 2016-17 e) 2017-18</p> | Written, 13 March 2018 |
| AE18-067 | Attorney-General | Commonwealth Director of Public Prosecutions | Pratt | Corporations | <p>1. Please provide the number of referrals made to the CDPP for offences under the Criminal Code Act 1995 (the <i>Criminal Code</i>) where the defendant is a corporation by year:</p> <p>a) 2014-15 b) 2015-16 c) 2016-17 d) 2017-18 to date</p> <p>2. Please provide the number of matters commenced by the DPP against corporations for offences under the Criminal Code by year:</p> <p>a) 2014-15 b) 2015-16 c) 2016-17 d) 2017-18 to date</p> <p>3. Please provide the number of prosecutions undertaken by the DPP against corporations for offences under the Criminal Code by year:</p> <p>a) 2014-15 b) 2015-16 c) 2016-17 d) 2017-18 to date</p> <p>4. Please provide the number of convictions secured by the DPP against corporations for offences under the Criminal Code by year:</p> <p>a) 2014-15 b) 2015-16 c) 2016-17 d) 2017-18 to date</p> <p>5. Please provide the number of legal practitioners assigned to your Commercial, Financial and Corruption Group for each of the following years:</p> <p>a) 2010-11</p> | Written, 13 March 2018 |

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| | | | | | <p>b) 2011-12 c) 2012-13 d) 2013-14 e) 2014-15 f) 2015-16 g) 2016-17 h) 2017-18 to date</p> <p>6. What is the projected staffing level for your Commercial, Financial and Corruption Group for 2018-19? 7. What training and expertise is provided to legal practitioners at the CDPP who work in the Commercial, Financial and Corruption Group? 8. Do these legal practitioners receive training on attribution of liability to corporations? 9. Of all of your charges in the last 5 years, in how many did the CDPP consider the use of the corporate culture provisions in s12.3(c) and s12.3(d) of the Criminal Code? a) Please break these down by year. b) Please provide the name of the organisation that referred this matter to the CDPP. 10. Of all of your charges in the last 5 years, in how many did the CDPP use the corporate culture provisions in s12.3(c) and s12.3(d) of the Criminal Code? a) Please break these down by year and provide case names, where relevant. b) Please provide the name of the organisation that referred this matter to the CDPP. 11. Of all of your charges in the last 5 years, how many successfully used the corporate culture provisions in s12.3(c) and s12.3(d) of the Criminal Code? a) Please break these down by year and provide case names, where relevant. b) Please provide the name of the organisation that referred this matter to the CDPP. 12. Has the CDPP recommended to the Government to investigate law reform of sections 12.3(c) and 12.3(d) of the Criminal Code (Cth) relating to corporate culture, or provided any position or commentary to the Government on this topic? 13. The definition of corporate culture under s12.3 of the Criminal Code is “an attitude, policy, rule, course of conduct or practice existing within the body corporate generally or in the part of the body corporate in which the relevant activities take place”. a) Has the CDPP produced any guidance documents on what attitudes, policies, rules, courses of conduct and practices would, and would not, fall under this definition? 14. Has the CDPP provided any position or commentary at all to the Government on this definition? 15. How does the CDPP decide whether or not to investigate the culture of a corporation in the investigation and prosecution process?</p> | |
| AE18-068 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Court reform | 1. Senator Brandis in October last year, when A-G, said in an interview he would be working with the new heads of jurisdiction in the Federal Circuit Court and the Family Court to complete a structural reform of those courts by the end of 2018. Is a restructure on track to be completed by the end of this year as Senator Brandis had indicated? | Written, 13 March 2018 |
| AE18-069 | Attorney-General | Australian Security Intelligence Organisation | Pratt | Foreign fighters | <p>1. How many Australians have travelled to the Middle East to participate with terrorist organisations in the last 12 months? 2. Is that figure higher than in the previous 12 months? 3. Approximately how many Australians have been killed fighting with terrorist organisation in Iraq and Syria? 4. Do you expect an increase in the number of foreign fighters with Australian passports seeking to return to Australia following the defeat of ISIS in its territories? 5. Do you consider that the security risk within Australia is likely to be increased or decreased by the defeat of ISIS in the territories it controls in the Middle East? 6. How many Australian foreign fighters do you expect to return to Australia? 7. Do you believe any threat those returning individuals may pose can be managed?</p> | Written, 13 March 2018 |

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| AE18-070 | Attorney-General | Office of the Australian Information Commissioner | Pratt | Secrecy laws | <p>1. Mr Pilgrim confirmed at Estimates that the OAIC was provided with less than 24 hours to review the government's proposed secrecy laws while they were being drafted. He also indicated that the OAIC would welcome the opportunity to review these laws. Has the OAIC been asked by the government to review amendments to its proposed secrecy laws and if so, was it given a more sufficient timeframe to provide feedback?</p> <p>2. Is the OAIC still in a position to provide a detailed review of these laws?</p> | Written, 13 March 2018 |
| AE18-071 | Attorney-General | Office of the Australian Information Commissioner | Pratt | Credit reporting bodies | <p>1. How many complaints did the OAIC receive in relation to credit reporting bodies in the 2016-17 Financial Year?</p> <p>2. How many complaints has the OAIC received in relation to credit reporting bodies over the last 5 years?</p> <p>3. How many decisions has the OAIC made in relation to complaints regarding credit reporting bodies in the 2016-17 Financial Year?</p> <p>4. How many decisions has the OAIC made in relation to credit reporting bodies over the last 5 years?</p> <p>5. Please provide a list or total of fines imposed on credit reporting bodies for breaches of the Privacy Act in the 2016-17 Financial Year?</p> <p>6. Please provide a list or total of fines imposed on credit reporting bodies for breaches of the Privacy Act in the last 5 years?</p> | Written, 13 March 2018 |
| AE18-072 | Attorney-General | Office of the Australian Information Commissioner | Pratt | Financial hardship variations | <p>1. Is the OAIC currently considering changes to its guidance about the treatment of financial hardship variations under comprehensive credit reporting?</p> <p>2. If so, when does the OAIC expect to provide a response to the concerns that consumer groups have raised regarding the treatment of financial hardship variations under comprehensive credit reporting?</p> | Written, 13 March 2018 |
| AE18-073 | Attorney-General | Security and Criminal Law Division | Pratt | Secrecy laws | <p>The Keating Government began consultation on the Criminal Code Act 1995 (Cth) in the early 1990s. The Criminal Code was not enacted until after the conclusion of extensive consultation with the legal profession, business and non-government stakeholders. These bills make substantial amendments to existing statutory offences in the Criminal Code and the Crimes Act 1914. It is patently absurd that amendments to these statutes should be put before the Parliament without any external consultation. The submissions to the PJCIS demonstrate the problems with a complete omission by AGD and the former Attorney General to consult with anyone, let alone the broad range of stakeholders who have made submissions to the Committee.</p> <p>1. Can you confirm that the reason for excluding all of these parties is that you did not want scrutiny of these Bills?</p> <p>2. Can you confirm why the OAIC was given 24 hours to comment on the Bills?</p> | Written, 13 March 2018 |
| AE18-074 | Attorney-General | Security and Criminal Law Division | Pratt | MoG | <p>On 9 February the Deputy Secretary for National Security in the Department of Prime Minister and Cabinet gave evidence to the Parliamentary Joint Committee on Intelligence and Security about the transition, noting that the legislative changes needed to create the new Dept of Home Affairs were extensive, and that the Home Affairs Bill introduced into the Parliament amended only 4 Acts of the 17 that needed to be altered. Mr McKinnon then wrote to the Secretary of the Intelligence Committee to correct his evidence of 9 February. He now believes that 'about 37' Acts that need to be amended to effect the changes set out in the Machinery of Government change.</p> <p>1. Are you at all concerned that our national security agencies are now in a state of legal limbo while a new Minister, ostensibly responsible for the new mega department, doesn't have legal authority to act in many respects?</p> <p>2. Are there any national security concerns that arise from the extended period of uncertainty created by the Turnbull Government's decision to proceed with this massive change to our national security system?</p> <p>3. When are all of the legislative amendments required to fully implement the MoG changes that establish the Dept of Home Affairs expected to be completed?</p> | Written, 13 March 2018 |
| AE18-075 | Attorney-General | Security and Criminal Law Division | Pratt | MoG | <p>In an article in The Saturday Paper on 24 February, Karen Middleton details a secret speech that the former Attorney-General, Senator Brandis, gave to ASIO just the day before he left parliament earlier this month. She details the warnings Senator Brandis gave about the new mega Department, and the dangers the new arrangements may pose to ASIO's independence.</p> <p>1. What assurance can the Department provide that the role of ASIO will not be altered when it is eventually shifted from an independent agency within AGD to its new place within the Home Affairs Department?</p> <p>2. Will there be any attempt to remove the longstanding protections of ASIO in the ASIO Act that keep the organisation under the control of its Director-General and that preclude the departmental secretary from giving ASIO instructions?</p> | Written, 13 March 2018 |

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| AE18-076 | Attorney-General | Strategy and Delivery Division | Pratt | MoG - staff | Have departmental staff been surveyed about their thoughts about being moved from AGD into the new Department of Home Affairs? If so, what was the response? | Written, 13 March 2018 |
| AE18-077 | Attorney-General | Strategy and Delivery Division | Pratt | Minister's Office expenses | In 2014 that newspaper reports showed that more than \$20,000 of taxpayers' money was spent on building custom-built bookcases to house former Attorney-General George Brandis' extensive collection of books and law reports. 1. Can you advise, what has happened to these book cases and is the new Attorney-General satisfied with these existing bookcases, or does he want new ones custom made? 2. Is it true that Australia's embassy in London will require new custom made bookshelves too once Mr Brandis takes up his post as Ambassador to the United Kingdom? | Written, 13 March 2018 |
| AE18-078 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Child Abuse Royal Commission | In September 2015, the Royal Commission into Institutional Response to Child Sexual Abuse provided detailed recommendation for a national redress schemes for survivors of child sexual abuse. The Commission recommended that "the scheme or schemes should be established and ready to begin inviting and accepting applications from survivors by no later than 1 July 2017." 1. In addition to the final report, which includes recommendations from the three previous Royal Commission Reports, Working With Children's Checks, Redress and Civil Litigation and Criminal Justice, there have been many research papers commissioned by the Royal Commission into areas like prevention, causes, Government responses, as well as treatment and support needs. Is the Government considering those reports? | Written, 13 March 2018 |
| AE18-079 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Review of the Indigenous Legal Assistance Program | 1. How much Commonwealth funding has been allocated to pay for the ILAP Review? Where is that funding coming from? 2. Can you provide an update on the appointment of a reviewer for the ILAP Review? 3. How will the reviewer complete a thorough review of the ILAP with appropriate time for consultation with the sector in a matter of approximately 3-4 months? | Written, 13 March 2018 |
| AE18-080 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Funding for the Community Legal Sector | What is the Government doing to ensure community legal centres receive funding certainty in the context of the expiration of the <i>National Partnership Agreement for Legal Assistance Services 2015-2020</i> (NPA) and the NPA Review? | Written, 13 March 2018 |
| AE18-081 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Women's Safety Package – legal assistance | Can you provide an update on the evaluation of the Women's Safety Package funding provided to Community Legal Centres and Legal Aid Commissions? | Written, 13 March 2018 |
| AE18-082 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Child Abuse Royal Commission Taskforce | 1. In response to a question I asked at Supplementary budget estimates in October last year (SBE17-044), you advised that a taskforce would be established to coordinate implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. You advised that the taskforce would operate from January 2018. Who is on this taskforce and from what agencies? 2. Which is the lead agency? 3. How long will the taskforce be in operation? 4. Can you give an outline of the immediate priorities of that taskforce? 5. When will the website be established to report on the progress of the taskforce? 6. How regularly do you expect the taskforce to report? 7. You noted in another answer to one of my questions in Supplementary budget estimates in October (SBE17-106) that of the 189 new recommendations, 67 are directed to the Australian Government – and that the Government would carefully consider those. But, not all of the recommendations of the previous reports have been implemented yet – nor has there been any formal response from the Australian Government on whether or how those will be implemented. Is the Government still considering the 'older' recommendations? 8. In addition to the final report, which includes recommendations from the three previous Royal Commission Reports, Working With | Written, 13 March 2018 |

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| | | | | | Children's Checks, Redress and Civil Litigation and Criminal Justice, there have been many research papers commissioned by the Royal Commission into areas like prevention, causes, Government responses, as well as treatment and support needs. Is the Government considering those reports and its implications for Government? Why or why not. | |
| AE18-083 | Attorney-General | Strategy and Delivery Division | Pratt | Ministerial functions | 1. In relation to any functions or official receptions hosted by Ministers or Assistant Ministers in the portfolio in calendar year 2017, can the following please be provided: a) List of functions; b) List of attendees including departmental officials and members of the Minister's family or personal staff; c) Function venue; d) Itemised list of costs (GST inclusive); e) Details of any food served; f) Details of any wines or champagnes served including brand and vintage; and g) Details of any entertainment provided. | Written, 13 March 2018 |
| AE18-084 | Attorney-General | Corporate Services Division | Pratt | Departmental functions | 1. In relation to expenditure on any functions or official receptions etc hosted by the Department or agencies in the portfolio in calendar year 2017, can the following please be provided: a) List of functions; b) List of attendees; c) Function venue; d) Itemised list of costs (GST inclusive); e) Details of any food served; f) Details of any wines or champagnes served including brand and vintage; and g) Details of any entertainment provided. | Written, 13 March 2018 |
| AE18-085 | Attorney-General | Corporate Services Division | Pratt | Executive office upgrades | Were the furniture, fixtures or fittings of the Secretary's office, or the offices of any Deputy Secretaries, upgraded in calendar year 2017? If so, can an itemized list of costs please be provided (GST inclusive)? | Written, 13 March 2018 |
| AE18-086 | Attorney-General | Corporate Services Division | Pratt | Facilities upgrades | Were the facilities of any of the Department's premises upgraded in calendar year 2017, for example, staff room refurbishments, kitchen refurbishments, bathroom refurbishments, the purchase of any new fridges, coffee machines, or other kitchen equipment? If so, can a detailed description of the relevant facilities upgrade please be provided together with an itemised list of costs (GST inclusive)? Can any photographs of the upgraded facilities please be provided? | Written, 13 March 2018 |
| AE18-087 | Attorney-General | Corporate Services Division | Pratt | Staff travel | What was the total cost of staff travel for departmental employees in calendar year 2017? | Written, 13 March 2018 |
| AE18-088 | Attorney-General | Strategy and Delivery Division | Pratt | Media monitoring | What was the Department's total expenditure on media monitoring in calendar year 2017? | Written, 13 March 2018 |

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| AE18-089 | Attorney-General | Strategy and Delivery Division | Pratt | Advertising and information campaigns | What was the Department's total expenditure on advertising and information campaigns in calendar year 2017? | Written, 13 March 2018 |
| AE18-090 | Attorney-General | Strategy and Delivery Division | Pratt | Promotional merchandise | What was the Department's total expenditure on promotional merchandise in calendar year 2017? | Written, 13 March 2018 |
| AE18-091 | Attorney-General | Strategy and Delivery Division | Pratt | Ministerial overseas travel | Can a copy of all correspondence exchanged between Ministers or Assistant Ministers in the portfolio and the Prime Minister in relation to approval for overseas travel in calendar year 2017 please be provided? | Written, 13 March 2018 |
| AE18-092 | Attorney-General | Administrative Appeals Tribunal | McKim | Immigration Assessment Authority | <ol style="list-style-type: none"> 1. How many Immigration Assessment Authority (IAA) decisions have been appealed (to date) and what are the outcomes? 2. What is the outcome of all decisions to date made by IAA, broken down by nationality? 3. For the top 5 countries with the highest affirm rates since the commencement of the IAA, please provide the outcomes from the same countries from the non-fast track process at the Migration and Refugee Division of the AAT. 4. How many referred applicant have received legal assistance, broken down by nationality? 5. In what percentage of decisions has the IAA requested (as opposed to accepted) new information from applicants or third parties under section 473DC and the percentage of decisions where the IAA has obtained its own new information under section 473DC? 6. In what percentage of decisions has the IAA decided NOT to consider 'new information' on the basis that it was not satisfied there were exceptional circumstances to justify considering the new information? Broken down by nationality and reason if possible. 7. In what percentage of decisions has the IAA considered such 'new information'? Broken down by nationality and reason if possible. | Written, 14 March 2018 |
| AE18-093 | Attorney-General | CERT Australia | Pratt | Awareness Campaign | <ol style="list-style-type: none"> 1. What is the aim of the campaign? 2. Who is the campaign targeting? <ul style="list-style-type: none"> - Individuals? - Small and medium business? - Big business? - Government agencies? - Critical infrastructure? 3. When will the campaign be launched? 4. What is the budget for the campaign? 5. How long is the campaign running? 6. Which agency is running the campaign? | Written, 15 March 2018 |

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| AE18-094 | Attorney-General | Office of Constitutional Law | Burston | Peter Spencer's Claim for Compensation for the federal government taking his property rights | <p>My questions to the Attorney-General or Senator representing the Attorney-General involve farmer Peter Spencer's claim for compensation for the federal government taking his property rights.</p> <ol style="list-style-type: none"> 1. Isn't it true that then Prime Minister Mr. John Howard stated publicly that under his leadership Australia would not sign the UN's Kyoto climate protocol yet would comply with it? 2. Isn't it true that there were at the time broadly two ways to comply: shut industry to cut human production of carbon dioxide or stop farmers clearing land so that trees could continue to absorb carbon dioxide? 3. At the time, shutting down industry would have been unacceptable politically and economically so Prime Minister Howard entered into an agreement with the state Labor governments of NSW and Queensland to prevent farmers from clearing land. Have you seen correspondence between the Queensland Premier Peter Beattie and Prime Minister John Howard confirming such an agreement? 4. Have you seen video of the NSW Environment Minister and later Premier Bob Carr proudly boasting of taking farmers property rights without paying compensation? 5. Is it not true that under Section 51 of our nation's constitution, if the Commonwealth government takes a person's property rights it must pay compensation on just terms to the person? 6. Is it not true that if states take property rights there is no requirement to pay compensation? 7. Are you aware that as a result of Prime Minister Howard's collusion with the NSW Labor government and the introduction of so-called vegetation protection legislation in NSW, farmer Peter Spencer lost his property rights? 8. Are you aware that Peter Spencer's land as a result of the Commonwealth's action was devalued from \$9 million to \$2 million? 9. Are you aware that Peter Spencer suffered his huge personal loss at the hands of Commonwealth government policy and action yet was denied compensation? 10. Are you aware that prominent economist and property rights advocate Dr. Moran states, quote: "<i>Under the Kyoto Protocol Australia agreed to limit its emissions of greenhouse gas to an eight per cent increase by 2012. Land clearing restrictions reduced Australian emissions by 110 million tonnes of carbon dioxide equivalent (about a fifth of total emissions), without which Australian emissions in 2012 would have seen a 21 per cent increase.</i>"? 11. Are you aware further that according to Dr. Moran, quote: "<i>Some other governments (notably Japan and Canada) failed to meet their own commitments and gained some international opprobrium as a result. The Canadian government had been urged to follow the Australian example of preventing land clearing to meet its obligations but determined that such measures would be unconscionable.</i>"? 12. Are you aware of the following facts according to Dr. Moran, quote: "<i>In seeking to use the Commonwealth Constitution as a route to "just terms" compensation, Mr Spencer presented evidence showing that Premiers Beattie and Carr had proudly proclaimed how their actions in preventing land clearances had enabled the meeting of the Kyoto commitments. He also maintained that Dr David Kemp, as the Commonwealth Environment Minister, withheld money from NSW until it became more aggressive in stopping the land clearing that was essential if the Kyoto commitments were to be met. Dr Kemp acknowledged he had communicated such matters to the NSW Government.</i>"? 13. Are you aware that according to Dr. Moran, quote: "<i>... Barnaby Joyce suggested that the expropriation of farmers for the carbon sequestration alone had cost them \$200 billion. This figure ... was not contested in the Parliament ...</i>"? 14. Are you aware that in 2011, four years after being dismissed as Prime Minister, Mr. Howard spoke to the internationally prominent and respected climate sceptic agency The Global Warming Policy Foundation started and chaired by former British Chancellor of the Exchequer Lord Nigel Lawson? 15. Are you aware that in his address Mr. Howard admitted that he is agnostic on climate? 16. Mr. Howard was responsible for taking farmers' property rights despite not being convinced there was a need to take action. Can you see then that as Prime Minister Mr. Howard caused the taking of farmers' property rights without just terms compensation for a purely political cause that was itself not based on scientific evidence? 17. Minister, can you see that the case for stealing farmers' property rights is not based on science and arose instead from a cleverly orchestrated campaign based on a lie by Mr. Howard's then political opponent, Opposition Leader Mr. Kevin Rudd? 18. Isn't it the case that a government has three primary roles to protect life, protect property and protect freedom yet these were set aside due to Mr. Howard's weakness in the face of Mr. Rudd's dishonest political campaign? 19. Is that a fair basis for taking farmers' property rights without compensation? 20. This matter is further extended by the subsequent tightening of state vegetation restrictions combining with the Murray Darling Basin Plan's restrictions on land use that are decimating farm family livelihoods. These and many other issues beg the question: is there a formal | Written, 9 March 2018 |

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| | | | | | <p>process for understanding the effects of policies across federal government departments and across state and federal jurisdictions and then co-ordinating such policies to protect Australians?</p> <p>21. And if so, what is that process? And if not, why not?</p> <p>22. Minister, it is a sad state of affairs isn't it that when constituents consider energy policy, Murray Darling Basin policy, state land clearing restrictions, industry policy, immigration policy, pervasive political correctness preventing openly discussing and addressing people's concerns, and a raft of other state and federal policies crippling our industry and nation, so many constituents are saying dejectedly: "we're f****d."?</p> <p>23. Minister what can be done about this crisis of governance?</p> <p>24. What can be done about the theft of property rights that were once the cornerstone of Liberal Party philosophy and our constitution?</p> | |
| AE18-095 | Attorney-General | Strategy and Delivery Division | Burston | Peter Spencer's Claim for Compensation for the federal government taking his property rights | All questions MERGED into AE18-094for response | Written, 9 March 2018 |
| AE18-096 | Attorney-General | Civil Justice Policy and Programmes Division | Pratt | Separation of powers and the AAT | <p>Senator PRATT: Briefly, you will, of course, be aware of remarks made by Minister Peter Dutton questioning the independence of the AAT. Has there been any apology from the office of Peter Dutton with respect to the remarks he made about the AAT?</p> <p>Ms Leatham: I'm not aware of anything.</p> <p>Senator PRATT: Is there any discussion taking place, particularly in relation to education, including for ministers of government, about the separation of powers and contempt of court?</p> <p>Ms Leatham: I don't think that's a role for the AAT. I'm not sure if the department might wish to say anything.</p> <p>Mr Moraitis: I have nothing to add to those comments. We haven't considered that issue. I'll take that on notice. I'm not sure if Mr Anderson has considered it but I don't think so.</p> | 27 February 2018, 38-39 |
| AE18-097 | Attorney-General | Civil Law Unit | Rice | Sex and gender guidelines | <p>Senator RICE: Can you share as to what areas are being considered at the moment? Which areas of the guidelines are you looking at modifying?</p> <p>Mr M Johnson: I'd probably err against that. To the extent that you'd like some details, I'm happy to take that on notice. I don't have the precise details in front of me.</p> | 27 February 2018, 118 |
| AE18-098 | Attorney-General | Civil Law Unit | Dodson | Confinement | <p>1. What is the federal government doing, through the COAG process, to develop transparent, effective and culturally appropriate complaints-handling procedures, particularly for Aboriginal and Torres Strait Islander prisoners?</p> <p>2. What is the federal government doing, through the COAG process, to evaluate the practice of indefinite solitary confinement for people with cognitive and psychological disabilities across all states and territories, particularly Aboriginal and Torres Strait Islander prisoners.</p> <p>3. What is the federal government doing, through the COAG process, to ensure that all people entering the detention system receive appropriate support and to ensure they are detained in humane conditions of confinement, particularly Aboriginal and Torres Strait Islander prisoners?.</p> | Written, 16 March 2018 |