



OFFICIAL

Senator the Hon Nita Green
Committee Chair
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Chair

The Home Affairs Portfolio appeared at the Additional Budget Estimates hearing held by the Senate Standing Committee on Legal and Constitutional Affairs Committee on 12 February 2024. I wish to clarify evidence in relation to statements made by me and Clare Sharp, Group Manager Legal.

Firstly, commencing on page 95 of the Hansard transcript, there was a line of questioning on delegations to the Community Protection Board. Ms Sharp and I gave evidence that while there was an instrument of delegation in place to allow the Australian Border Force (ABF) Commissioner to grant an initial Subclass 070 Bridging (Removal Pending) visa (BVR) or a subsequent BVR and to apply discretionary conditions, that delegation had not yet been exercised.

As at 12 February 2024, Ms Sharp and I were unaware that the delegation had been exercised in 13 instances. In each of these instances, a delegate exercised the power to grant a BVR and vary visa conditions for existing BVR holders to reflect a change in circumstances. On page 95, Ms Sharp noted that the delegation was from the Minister to the ABF Commissioner. While that statement is correct, I would like to take the opportunity to clarify that, as at 12 February 2024, the delegation was also to the ABF Deputy Commissioners.

Secondly, I gave evidence to the Committee in reply to questions from Senator James Paterson regarding the inclusion of Ministerial offices in response to correspondence. I stated I would not normally have done so, that it was not my intent to do so and that it was an error as is recorded on page 8 of the Hansard transcript. My evidence was correct in that I had not intended to do so, but the decision of my staff to do so was right. I note that the Department of the Prime Minister and Cabinet's *Government Guidelines for Official Witnesses Before Parliamentary Committees and Related Matters* states that requests for information from Shadow Ministers should normally be made through the appropriate Minister.

I appreciate the opportunity to provide these clarifications to ensure that correct information has been provided to the Committee, and apologise for the delay in submitting this advice.

Yours sincerely

Stephanie Foster PSM

27 March 2024

Clare Sharp
Group Manager Legal

27 March 2024

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