

Preface

On 8 May 2018, the Senate referred to the Senate Legal and Constitutional Affairs Legislation Committee (the committee) for examination the estimates of proposed and certain expenditure for 2018–19.¹

The committee is responsible for the examination of the Attorney-General's portfolio and the Home Affairs portfolio.

Reference of documents

The Senate referred to the committee, for examination and report, the following documents (the PBS):

- Particulars of proposed expenditure in respect of the year ending on 30 June 2019;
- Particulars of certain proposed expenditure in respect of the year ending on 30 June 2019; and
- Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2019.

The committee is required to report on its consideration of the budget estimates on 26 June 2018.

Changes to the Administrative Arrangements Orders

In addition to changes set out in the PBS, other changes in resourcing since the 2018–19 Budget resulted from changes to the Administrative Arrangements Orders (AAO) or Machinery of Government changes.

In relation to the Attorney-General's Portfolio, amendments to the AAO on 10 May 2018 resulted in the addition of three entities to the Portfolio:

- Independent National Security Legislation Monitor;
- Office of the Inspector-General of Intelligence and Security; and
- Office of the Commonwealth Ombudsman.²

The passage of the Home Affairs bill on 9 May 2018 also resulted in the omission of the Australian Security Intelligence Organisation from the Attorney-General's Portfolio. The agency was subsequently moved to the Home Affairs Portfolio.

Notwithstanding these changes, the committee agreed that, for the purposes of Budget Estimates 2018–19, it would examine agencies as reported in the Budget Papers during the committee's estimates.

1 *Journals of the Senate*, No. 95, 8 May 2018, pp. 3033–4.

2 Administrative Arrangements Order, Amendment made 10 May 2018, part 15, available at: <https://www.pmc.gov.au/resource-centre/government/administrative-arrangements-order-amendment-made-10-may-2018>; (accessed 11 May 2018).

Estimates hearings

The committee met in public session on 21, 22, 23 and 24 May 2018. Over the course of the four days' hearings, totalling over 37 hours, the committee took evidence from the following departments and agencies:

- Department of Home Affairs;
- Attorney-General's Department;
- Administrative Appeals Tribunal;
- Australian Criminal Intelligence Commission and Australian Institute of Criminology;
- Australian Federal Police;
- Australian Human Rights Commission;
- Australian Law Reform Commission;
- Australian Transaction Reports and Analysis Centre;
- Australian Security Intelligence Organisation;
- Family Court of Australia;
- Federal Circuit Court of Australia;
- Federal Court of Australia;
- National Archives of Australia;
- Office of the Australian Information Commissioner;
- Office of the Commonwealth Director of Public Prosecutions; and
- Office of Parliamentary Counsel.

During the May hearings, the committee resolved to hold a spill-over hearing to further examine certain agencies. This additional hearing was held on 3 August 2018 and heard evidence from:

- Department of Home Affairs; and
- Australian Federal Police.

Copies of the *Hansard* transcripts are available from the committee's webpage at: www.aph.gov.au/senate_legalcon.

An index of the *Hansard* for each portfolio appears at Appendix 2.

Attendance of Ministers, Assistant Ministers and other witnesses

On 21, 22 and 23 May 2018, the committee heard evidence from Senator the Hon Mitch Fifield, representing the Minister for Home Affairs. Minister Fifield was assisted on 21 and 22 May 2018 by Senator the Hon Zed Seselja, the Assistant Minister for Social Services.

On 23 and 24 May 2018, the committee heard evidence from Senator the Hon Michaelia Cash, representing the Attorney-General. Minister Cash was assisted on

23 and 24 May 2018 by Senator the Hon Zed Seselja, the Assistant Minister for Social Services.

On 3 August 2018, the committee heard evidence from Senator the Hon Zed Seselja, the Assistant Minister for Social Services, who represented the Minister for Home Affairs.

Officers from both departments and associated agencies also appeared. The committee thanks the ministers and officers for their assistance.

Questions on notice

The committee resolved that the due date for answers to questions on notice would be 5 July 2018 for the hearings on 21, 22, 23 and 24 May 2018.

In relation to the hearing on 3 August 2018, the committee resolved that the due date for answers to questions on notice would be 14 September 2018.

Further written explanations and answers to questions on notice will be tabled as soon as possible after they are received. That information is also available on the committee's webpage.

Structure of this report

This report consists of two chapters:

- Chapter one outlines the issues raised regarding the budget estimates for the Home Affairs portfolio; and
- Chapter two outlines the issues raised regarding the budget estimates for the Attorney-General's portfolio.

Note on references

References to the committee *Hansard* are to the proof *Hansard*. Page numbers may vary between the proof and the official *Hansard* transcript.