

Supplementary Budget Estimates (24 October 2017) – Questions on Notice Index (FINAL)

Last updated: Friday, 19 January 2018

Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written																																																								
SBE17-001	Attorney-General	Civil Justice Policy and Programmes Division	1.4	Gichuhi	Decrease in funding for South Australia	<p>I note from the National Partnership Agreement on Legal Assistance Services the total funding for the financial years 2015 to 2019 is \$1.305492 billion.</p> <table border="1"> <thead> <tr> <th>(\$ million)</th> <th>2015-2016</th> <th>2016-2017</th> <th>2017-2018</th> <th>2018-2019</th> <th>2019-2020</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Estimated total budget</td> <td>250.942</td> <td>257.144</td> <td>261.514</td> <td>265.880</td> <td>270.012</td> <td>1305.492</td> </tr> </tbody> </table> <p>The funding for South Australia was 100 million:</p> <table border="1"> <thead> <tr> <th>(\$ million)</th> <th>2015-2016</th> <th>2016-2017</th> <th>2017-2018</th> <th>2018-2019</th> <th>2019-2020</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>South Australia</td> <td>19.483</td> <td>19.789</td> <td>20.047</td> <td>20.312</td> <td>20.559</td> <td>100.190</td> </tr> <tr> <td>Community Legal Centres Total (SA)</td> <td>3.784</td> <td>3.91</td> <td>4.013</td> <td>4.121</td> <td>4.233</td> <td>20.061</td> </tr> </tbody> </table> <p>The figures have been adjusted for South Australia - according to the Federal Budget Paper No 3 page 67 - to 96.4 million.</p> <table border="1"> <thead> <tr> <th>(\$ million)</th> <th>2015-2016</th> <th>2016-2017</th> <th>2017-2018</th> <th>2018-2019</th> <th>2019-2020</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>South Australia</td> <td>19.483</td> <td>19.789</td> <td>18.816</td> <td>19.068</td> <td>19.302</td> <td>96.458</td> </tr> <tr> <td>Community Legal Centres Total (SA)</td> <td>3.784 (previous figure not available)</td> <td>3.91</td> <td>2.782</td> <td>2.877</td> <td>2.976</td> <td>16.325 National drop in funding 3.732</td> </tr> </tbody> </table> <p>My first question is why has there been a decrease in funding for South Australia when there have been modest increases in total?</p>	(\$ million)	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Total	Estimated total budget	250.942	257.144	261.514	265.880	270.012	1305.492	(\$ million)	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Total	South Australia	19.483	19.789	20.047	20.312	20.559	100.190	Community Legal Centres Total (SA)	3.784	3.91	4.013	4.121	4.233	20.061	(\$ million)	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Total	South Australia	19.483	19.789	18.816	19.068	19.302	96.458	Community Legal Centres Total (SA)	3.784 (previous figure not available)	3.91	2.782	2.877	2.976	16.325 National drop in funding 3.732	Written 30 October 2017
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SBE17-002	Attorney-General	Civil Justice Policy and Programmes Division	1.4	Gichuhi	Effectiveness of Community Legal Centres	<p>The National Census of Legal Community Centres for 2016 shows that 169,513 people from 74.7% of the community legal centres were turned away due to insufficient resources. 32% of Community Legal Centres could not provide an appropriate, accessible and affordable referral.</p> <ol style="list-style-type: none"> 1. Could more resources applied to community legal education decrease the amount of funding which may then flow into other areas such as the criminal justice system? Has there been any research done into this preventative aspect? 2. While I recognise the absolute importance of gearing legal aid towards those suffering domestic violence and supporting women's legal centers in which I have worked, our research from the Attorney-General's database and generally, has indicated that apart from some law firms which are especially targeted to assisting men, there appears to be no targeted funding support for men's legal services. Is there specific funding targeted towards men's legal services - and if not, why not? Are men's legal centers contemplated? 3. Is there funding for continuous legal education for people of Culturally and Linguistically Diverse backgrounds and other vulnerable communities? 	Written 30 October 2017																																																								
SBE17-003	Attorney-General	Australian Human Rights Commission	N/A	Macdonald	Australian Protection Visas	<ol style="list-style-type: none"> 1. Has the AHRC historically received any applications for assistance from applicants for Australian Protection Visas? 2. How many of these applications were received by the AHRC in the 2015-16 financial/reporting year? 3. How many of these applications were received by the AHRC in the 2016-17 financial/reporting year? 	Written 30 October 2017																																																								

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						<p>4. How many of these applications have been received by the AHRC in the first (July-October) quarter of the 2017-18 financial/reporting year?</p> <p>5. How many of these applicants have been provided with assistance by the AHRC?</p> <p>6. What form has this assistance taken?</p> <p>7. How many of these applicants have been referred directly to the AHRC by other refugee or other immigration advocacy bodies or groups?</p> <p>8. Which bodies or groups in particular have made these referrals?</p> <p>9. Have any of these applicants had their applications for Protection Visas resolved during the time that the AHRC has been involved in their cases?</p>	
SBE17-004	Attorney-General	Whole-of-portfolio	N/A	Abetz	Secretary and Portfolio Agency Heads messages to staff	Please provide the messages (if any) sent to staff (on the most recent occasions) of Christmas/New Year, Easter and Ramadan by the Secretary of the Department at the relevant time.	Written 31 October 2017
SBE17-005	Minister for Justice	Australian Federal Police	N/A	Wong	Allocation of sworn officers and professional staff	<p>Senator WONG: to 2017-18 you're looking at a reduction of 117 in what you describe as headcount. Is that the correct metric?</p> <p>Mr Colvin: Yes.</p> <p>Senator WONG: And what does the headcount include? Sorry, remind me again, Commissioner—I apologise—of the nomenclature you use between officers and other staff.</p> <p>Mr Colvin: Headcount for the AFP is how many people—this is the way I describe it to myself—are drawing a salary from the AFP. They may not be full-time individuals; they may be part time, but they are the people on our books that we have as staff. That will be higher than our full-time equivalent, because obviously our full-time equivalent will be lower, based on part-time workers. But the number of people drawing a salary from the AFP is our headcount</p> <p>Senator WONG: Is it sworn officers and—</p> <p>Mr Colvin: Professional staff.</p> <p>Senator WONG: Have you allocated as between those two cohorts for the 117?</p> <p>Mr Colvin: I can give you the breakdown—</p> <p>Senator WONG: Yes, thank you.</p> <p>Mr Colvin: but, again, that varies according to where we think our priorities sit. That 117 for the current financial year is a reduction of 98 police, an increase of 44 Protective Service officers, a reduction of 65 professional staff and two additional staff to what we call the Asia/Pacific Group on Money Laundering. So it varied—there are ons and offs within that 117.</p> <p>Senator WONG: Have the reductions been disaggregated across functions or across areas?</p> <p>Mr Colvin: We'd be able to get that data, but I don't have it in front of me.</p> <p>Senator WONG: Could you do that for me?</p> <p>Mr Colvin: Yes.</p> <p>Senator WONG: If not here, perhaps you could provide it on notice. Of the 98, I want to know where they're coming from, if that's possible, particularly what sort of work they're involved in. Thank you. What's your total headcount?</p> <p>Mr Colvin: AFP current staff—this is not headcount; I believe this is full-time equivalent—is 6,525. Sorry, that is headcount, my apologies. There you go, I get confused myself.</p>	24 October 2017, 7
SBE17-006	Minister for Justice	Australian Federal Police	N/A	Singh	Outlaws Motorcycle Club members at airport	<p>Senator SINGH: Are you aware, Commissioner, of the incident involving Outlaws Motorcycle Club members at Hobart Airport just this past Sunday, 22 October? I understand there were six persons identified as Rebels that were on a Qantas flight. They made comments to cabin crew about violence if their luggage was touched, and the captain refused to take off with them on the flight, which meant the flight was delayed by an hour while that incident was resolved.</p> <p>Mr Colvin: I saw the media reporting on that, yes.</p> <p>Senator SINGH: Can you confirm whether these were interstate Outlaw motorcycle group members?</p>	24 October 2017, 12

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						<p>Mr Colvin: I can't, Senator. I believe that was a matter dealt with by Tasmania Police. It wasn't a matter dealt with by the AFP.</p> <p>Senator SINGH: So what assistance did the AFP provide in this instance?</p> <p>Mr Colvin: I would have to take that on notice, Senator. As I said, I saw it in the media reporting. It wasn't something that was reported to me as an AFP response. We have been working with Tasmania Police, as have all states and territories, because there was a particular OMCG run—what we call a bikie run—in Tasmania on the weekend, but I don't believe we provided any assistance in terms of this disturbance at Hobart airport.</p> <p>Senator SINGH: You didn't provide any assistance and you can't confirm whether these were interstate Outlaw motorcycle groups?</p> <p>Mr Colvin: No, I'd have to take that on notice. I don't have their identity details.</p>	
SBE17-007	Minister for Justice	Australian Federal Police	N/A	Abetz	On duty AFP officers at Hobart airport and AFP equipment at Hobart airport	<p>Senator ABETZ: Welcome to representatives of the AFP. The Office of Transport Security was not called by the Australian Labor Party or any senator in the rural and regional affairs committee. If that was a matter of concern, one would have thought that, rather than getting cheap headlines, the Labor Party may have called for the Office of Transport Security to appear to find out what's going on. Having been on the aeroplane in question that Senator Singh has sought to ask questions about, can I ask: what was the full complement of the Australian Federal Police presence in the past at Hobart?</p> <p>Mr Colvin: The full complement was in the order of 28 police officers.</p> <p>Senator ABETZ: How many were on duty at any one time?</p> <p>Mr Colvin: To give you an exact answer, I would have to take that on notice. It would have been a patrol strength of probably five to six officers.</p> <p>Senator ABETZ: If you could take that on notice, because the police complement on the tarmac was quite sizeable on Sunday afternoon with, I think, three paddy wagons. It was a lot higher than three or four Federal Police officers.</p> <p>Senator ABETZ: Nobody seems to be arguing for a Federal Police presence at Launceston airport. What sort of equipment did the Australian Federal Police have whilst they were present at Hobart airport? By that, I mean how many paddy wagons, for example, did they have?</p> <p>Mr Colvin: I would have to take that on notice to check. It wasn't an excessive presence of police there. We would have had one or two vehicles that would have rotated around our shifts. We had access to our police canines for drug detection and the like.</p>	24 October 2017, 13-14
SBE17-008	Minister for Justice	Australian Federal Police	N/A	Abetz	Statistics recorded relating to intentional self-harm	<p>Senator ABETZ: You keep saying that, with respect, Mr Colvin, but when he was specifically asked why he had picked the location, the answer was 'because I dislike the Australian Christian lobby.' So, that would suggest that the Australian Christian Lobby was targeted for this explosion. Can I ask you to take on notice, if you are the appropriate body, how many people in Australia have actually sought to commit suicide privately by explosion?</p> <p>Mr Colvin: That would be an almost impossible answer for me to find.</p> <p>Senator WONG: It says something about the priorities of some senators.</p> <p>Senator ABETZ: It would be on the public record.</p> <p>CHAIR: Is there a point of order?</p> <p>Senator WONG: I think that is a really inappropriate question to ask an officer.</p> <p>CHAIR: There's no point of order.</p> <p>Senator Brandis: Senator Abetz—</p> <p>CHAIR: There's no point of order, Minister. There's no need to take it up.</p> <p>Senator Brandis: I'll take your point of order. I'm responding to the question. Senator Abetz, we'll take on notice whether statistics are collected about the cause of suicides. We do know that this particular man did have suicidal tendencies, because a matter of some weeks or months later he committed suicide.</p> <p>Senator ABETZ: Yes, and prior to this incident I understand he had suicidal tendencies as well. That does not mean that a person with suicidal inclinations or tendencies might not combine that with another motivation, which is to take out an organisation with which he vehemently disagrees, having been described, as I understand it, as quite a radical gay activist in the United States before he came to Australia.</p>	24 October 2017, 17

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						<p>Senator Brandis: I think these three facts are not in controversy. One is that the man had suicidal tendencies. Secondly, that he didn't like the Australian Christian Lobby. Third, that he attempted to explode a bomb, causing himself harm, in the proximity of the Australian Christian Lobby's offices. I don't think any of those facts are in controversy.</p> <p>Senator ABETZ: Thank you for that, minister.</p> <p>Senator Brandis: Different people might make whatever they make of those facts.</p> <p>Senator ABETZ: Is it also a fact that Mr Duong, when asked why he had picked the location for the detonation of this bomb—we agreed there was a bomb that he detonated, allegedly for the purpose of including suiciding—that the reason he picked of all the possible locations in Australia, the one he picked, and when he was asked why he had picked the location, 'because I dislike the Australian Christian Lobby.' So one can have more than just one motivation, Mr Colvin, in relation to a particular event. Suicidal tendency is clearly there, but the evidence is very clear, out of the deceased's own mouth, that he had picked the location because he disliked the Australian Christian lobby. That's not in dispute, is it?</p> <p>Mr Colvin: A few things—there are a number of questions in there. Firstly, can I go back to what we have taken on notice and be very clear. I don't believe there is a central repository in the country that details all of the suicides or attempted suicides. To get that I would need to go to coroners' offices who have dealt with suicides and to state and territory jurisdictions.</p> <p>Senator ABETZ: Don't bother. I'll ask the Parliamentary Library whether there is a such a list. We do have, for example, evidence that people, sadly, commit suicide by hanging—</p> <p>Mr Colvin: The statistics on suicide—</p> <p>Senator ABETZ: by running into trucks deliberately, sadly, and so the list goes on. Those statistics are collected.</p>	
SBE17-009	Minister for Justice	Australian Federal Police	N/A	Leyonhjelm	Location of silver bullion relating to the Serious Financial Crime Taskforce	<p>Senator LEYONHJELM: I had some questions on that, but I think they have largely been dealt with. In the October estimates I asked questions about Mossack Fonseca and the Panama Papers issue. I raised it again in February estimates, and in February you advised that no-one has been charged. You also indicated that the silver bullion was still being held because the investigation is ongoing. Is that still the case? Has anyone been charged? Are you holding the silver bullion?</p> <p>Mr Colvin: Nobody has been charged. They are matters dealt with under the Serious Financial Crime Task Force, in partnership with other agencies. I don't believe we have handed back the silver bullion. No, we have not.</p> <p>Senator LEYONHJELM: Do you anticipate charges will be laid?</p> <p>Mr Colvin: We're investigating the matters. If we didn't believe that the investigation could end in charges, we would drop the investigation. So, by the fact that we still have it under investigation we are anticipating that charges may be appropriate.</p> <p>Senator LEYONHJELM: If you didn't lay charges, would it be appropriate to continue holding the bullion?</p> <p>Mr Colvin: No. Well, it depends on whether there were other matters, civil matters, brought in terms of potential proceeds of crime. But, if we came to the conclusion that there was no further investigation, no further matters to be taken forward, in terms of potential proceeds of crime, then of course the silver bullion would be returned.</p> <p>Senator LEYONHJELM: Are you making a good return on it?</p> <p>Mr Colvin: It's not something that the AFP invests, if that's what you're saying. It's probably held in our evidence storage locker. We can take on notice what we've done with it.</p>	24 October 2017, 17
SBE17-010	Minister for Justice	Australian Federal Police	N/A	Leyonhjelm	Illegal firearms	<p>Senator LEYONHJELM: All right. I want to talk about gun seizures. On 16 March this year Mr Keenan stated in a media release that, since 2013, the joint federal and state squads of the National Anti-Gangs Squad seized more than 5,600 illegal firearms. In the June edition of the <i>Australian Shooter</i> magazine, Kate Fantinel reported that, following her inquiries, it appears that these 5,600 items included 4,785 items seized in the United States, which were seized by US agencies, rather than the Australian squads referred to in the media release. Only six of these 4,785 items were firearms, as opposed to firearm parts. Only 303 of the 5,600 items were found in Australia, and it appears these were mostly, if not all, firearm parts, rather than firearms. I accept that the minister does his own press releases, rather than the AFP. Given that caveat, can you explain why the claim of 5,600 illegal firearms being seized by Australian squads has not been corrected?</p> <p>Mr Colvin: I will have to take that on notice. I will make the point, though, that I'm not necessarily going to take it as a given that what</p>	24 October 2017, 17-18

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						<p>was in the <i>Australian Shooter</i> magazine is accurate. I will just have to take on notice what the 5,600 illegal firearms that were announced in March comprised.</p> <p>Senator LEYONHJELM: On 28 September Minister Keenan referred again in a media release to the National Anti-Gangs Squad partnership led by the AFP, in partnership with state and territory police, and said that together they have seized more than 5,700 illegal firearms and firearm parts. Again, there are independent reports suggesting that just 308 of these 5,700 items were firearms. Can you confirm this?</p> <p>Mr Colvin: I will take that on notice.</p> <p>Senator LEYONHJELM: Can you confirm how many of the 308 firearms were operational?</p> <p>Mr Colvin: I will take it all on notice.</p> <p>Senator LEYONHJELM: Can you confirm that, contrary to the media release, the great majority of these items were seized by Australian police?</p> <p>Mr Colvin: I assume that is the case, but we will take that on notice to be absolutely clear about what the 5,700 and the earlier 5,600 firearms actually constituted.</p> <p>Senator LEYONHJELM: On the assumption that the evidence from the other sources is suggesting that these were seized in other countries, why do you conclude that those items were bound for Australia?</p> <p>Mr Colvin: I'm not sure that I agree with the assumption. I'll have to take on notice where that material has been derived from.</p> <p>Senator LEYONHJELM: That's fine. I look forward to your answers on notice. Thank you, Commissioner.</p> <p>Mr Colvin: Thank you.</p>	
SBE17-011	Minister for Justice	Australian Federal Police	N/A	Watt	MPs or senators being transported in BMW vehicles	<p>Senator WATT: Have there been instances where MPs or senators who are not ministers have been transported in these BMWs?</p> <p>Mr Colvin: I would have to take that on notice. I don't even know that we would be able to give you a confirmed answer to that, because we're providing security on an events basis to members of parliament quite often, both government and occasionally non-government. It is principally government. How we use the BMWs in that security package that we give the individual would vary.</p> <p>Senator WATT: Could you take that on notice for me?</p> <p>Mr Colvin: We will take it on notice, but I don't know if we can give you a comprehensive answer.</p> <p>Senator WATT: Do you know whether Senator Hanson has been transported in one of these BMWs?</p> <p>Mr Colvin: I'm aware that we have provided security to Senator Hanson on occasion. Whether that has included her being in one of the BMWs, I don't know. I can check.</p> <p>Senator WATT: I'm particularly thinking of 12 October at a committee hearing at Kalgoorlie. There may be other instances as well.</p> <p>CHAIR: The commissioner has said he doesn't know and will take it on notice.</p> <p>Senator WATT: I'm asking him to take that on notice.</p> <p>Senator HANSON: I will answer that question. No, I wasn't. I just want to put your mind to rest.</p> <p>Senator WATT: Okay. I was just asking. So, Commissioner, you are going take on notice whether Senator Hanson has been transported in one of these BMWs?</p> <p>Senator Brandis: She is saying she hasn't been.</p> <p>Senator WATT: I think she was talking about a particular occasion.</p> <p>Senator Brandis: Is that what you were saying, Senator Hanson?</p> <p>Senator HANSON: No, I wasn't transported on 12 October. It's all rubbish.</p> <p>CHAIR: Order! It's not for you to ask the question, Minister.</p> <p>Mr Colvin: I will take it on notice.</p> <p>Senator WATT: Or was she accompanied by AFP officers driving in a BMW?</p> <p>Mr Colvin: That is highly likely. It is highly possible. I will take on notice the occasions we have provided that, within reason. I don't</p>	24 October 2017, 20-21

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						want to put on the public record our method of operation for how we provide protection obviously or what the circumstances are. So, to the extent that I'm comfortable to answer that, I will. But certainly from my perspective and the AFP's perspective we have no reason to want to hide or disclose whether somebody has used or has been provided protection using our soft-skin or armoured BMWs. They are there as a resource.	
SBE17-012	Minister for Justice	Australian Federal Police	N/A	Fawcett	Funding of particular-purpose programs	<p>Senator FAWCETT: There was quite a bit of discussion earlier about funding of programs. How many of your particular-purpose programs are term limited—perhaps for the period of estimates or a shorter period, where you then evaluate the effectiveness of the program and come back to government if you wish to continue it?</p> <p>Mr Colvin: We'll take on notice the exact number. Nearly all our measures are what we would consider terminating or lapsing programs that give us the opportunity to evaluate them and come back to government and ask for the money to be rolled over into another measure. It could be the same measure or a slightly amended measure. Or, on some occasions, the measures actually roll into our base appropriation.</p> <p>Senator FAWCETT: So, that's a fairly standard part of your process, that interaction with government about continuing funding?</p> <p>Mr Colvin: It is. It's a normal part of the government budget process for all agencies and departments.</p>	24 October 2017, 22
SBE17-013	Minister for Justice	Australian Federal Police	N/A	Fawcett	Government approval of the National Anti-Gangs Squad funding	<p>Senator FAWCETT: How many times have you come back to government on the National Anti-Gangs Squad? And what was the approval for the renewal of funding for that program?</p> <p>Mr Colvin: I'd have to check how many times, but to highlight the point, regarding the National Anti-Gangs Squad, \$17.9 million was provided in the 2017-18 year. That was offset by an earlier National Anti-Gangs Taskforce initiative of \$13 million that ended this year. So it's a case that the early initiative ended. It was \$13.1 million. It was rolled on into a new initiative, substantially similar, that was \$17.9 million.</p> <p>Senator FAWCETT: So, I'm taking the fact that it was extended in substantially similar terms to mean that you and the government were pleased with the outcomes.</p>	24 October 2017, 22
SBE17-014	Minister for Justice	Australian Federal Police	N/A	McKim	AFP's provision of metadata internationally and Confirmation of whether Australian citizens' metadata was shared internationally	<p>Senator McKIM: I want to ask some questions around the AFP's provision of metadata internationally. The annual report of the Telecommunications (Interception and Access) Act revealed that in the financial year 2015-16 the AFP passed on metadata on 23 occasions to 21 countries. Do you have updated figures for the 2016-17 financial year?</p> <p>Mr Colvin: I don't think we'll have updated figures. I will ask the deputy commissioner for capability, Ramzi Jabbour, to come forward. He'll be able to give you a bit more detail about that.</p> <p>Mr Jabbour: No, I don't have updated figures, but I do have some of the destinations, if that's the nature of your question.</p> <p>Senator McKIM: You've anticipated one of my questions, so if you could provide the destinations, that would be helpful.</p> <p>Mr Jabbour: I know I have that. While we find it, if there's another question—I might come back to that one. I apologise.</p> <p>Senator McKIM: That's fine. If you're unable to provide it today, I'm happy for you to take it on notice. Do you have the number of people whose metadata that was? For example, you may have provided metadata relating to one person on more than one occasion or to more than one country. So, do you have the number of persons whose metadata was provided internationally in that period?</p> <p>Mr Jabbour: No, not specifically for international. I will need to come back to you on that one.</p> <p>Senator McKIM: Okay. I'll ask you to take that on notice, please.</p> <p>Senator McKIM: Of the people whose metadata was shared internationally in that period were any of those people Australian citizens?</p> <p>Mr Jabbour: That I would need to take on notice, Sir. I don't know off the top of my head.</p> <p>Senator McKIM: I would appreciate if you would take that on notice. I appreciate that the protocol relates to jurisdictions that have the capacity to impose a death penalty, but in many of those countries—well, at least in some—the judicial system doesn't really deserve to be called the judicial system. For example, China basically runs a conviction factory in what it would describe as its judicial system. Is there any consideration given by AFP about whether or not information should be shared with countries on the basis that they basically don't operate under the rule of law?</p> <p>Mr Colvin: Senator, I'm not going to comment on your characterisation of those judicial systems. I will ask the deputy commissioners—perhaps Deputy Commissioner Close. The factors that go into the death penalty guidelines are a range of considerations for us, but we don't necessarily share your view of those judicial systems. We have a very strict guideline, and I will ask the deputy commissioner to talk</p>	24 October 2017, 22-23

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						<p>you through it.</p> <p>Senator McKIM: I might be able to short circuit it here. I do understand the protocol, Commissioner. I thank you for your interaction with me on previous committees about that. I do understand, I hope, in at least reasonable depth how the protocol works.</p>	
SBE17-015	Minister for Justice	Australian Federal Police	N/A	McKim	PNG constabulary investigation	<p>CHAIR: Is there a question?</p> <p>Senator McKIM: Yes, there certainly is, Chair. I wanted to ask if the AFP is aware whether the PNG Constabulary investigation into that shooting has been completed.</p> <p>Mr Colvin: Senator, I'll take that on notice. We're not a part of the investigation. We can always ask the question of our colleagues in Papua New Guinea and report back, but it's a local investigation that we're not a part of.</p> <p>Senator McKIM: Yes. I make the point, Commissioner, that there were Australian citizens in the centre at the time—</p> <p>Mr Colvin: Yes.</p> <p>Senator McKIM: on staff, including some who were injured in that attack.</p> <p>Mr Colvin: Yes.</p> <p>Senator McKIM: Does that not spark the interest of the AFP into the nature and the duration of the local investigation?</p> <p>Mr Colvin: It does. Of course we have an interest, because Australians were involved. But it doesn't change the fact that it's a local investigation and we have no authority to conduct an investigation in PNG. So we'll check with our colleagues as to the status of that investigation.</p> <p>Senator McKIM: All right. And you'll come back about that on notice?</p> <p>Mr Colvin: Yes.</p>	24 October 2017, 24-25
SBE17-016	Minister for Justice	Australian Federal Police	N/A	McKim	AFP infrastructure projects in Papua New Guinea	<p>Senator McKIM: Do you have a list of projects—and, by 'projects', I mean infrastructure projects, if any—that the AFP is funding or that funding is being provided for through the AFP in Papua New Guinea?</p> <p>Mr Colvin: Yes, we have. I think we've put quite a bit on notice as well—quite an extensive list of all the projects and infrastructure builds that we've assisted with.</p> <p>Senator McKIM: Thank you. You did that, and I acknowledged that previously. I guess I'm asking whether there are any changes since the last time we discussed this.</p> <p>CHAIR: Senator McKim, we might need to make this your second-last question.</p> <p>Senator McKIM: All right. I think I can tie it up.</p> <p>Mr Colvin: We can check on the infrastructure works up there. The nature of our deployment in PNG has changed significantly from what it was previously. It is now very much focused on supporting their capabilities to deliver a successful and safe APEC next year.</p> <p>Senator McKIM: Yes.</p> <p>Mr Colvin: So it's less about building infrastructure and helping them with that capacity. We can check if there has been any additional infrastructure spend.</p>	24 October 2017, 25
SBE17-017	Minister for Justice	Australian Federal Police	N/A	Kakoschke-Moore	Online sexual exploitation of children	<p>Senator KAKOSCHKE-MOORE: My questions to begin with will focus on the online sexual exploitation of children. Following up on some information provided to me in question on notice 63 from the budget estimates, the AFP advised that from 1 June 2016 to 30 May 2017 it has reported 25 matters internationally that relate to child exploitation material online. Is it possible for you to advise which countries these matters related to?</p> <p>Mr Colvin: I don't think we would have that detail with us. We'll take that on notice.</p> <p>Senator KAKOSCHKE-MOORE: Thank you. Also, on notice, could you please advise whether it's possible to determine the type of conduct and online child sex abuse offences that these matters related to?</p> <p>Mr Colvin: We'll take that on notice.</p>	24 October 2017, 26
SBE17-018	Minister for Justice	Australian Federal Police	N/A	Kakoschke-Moore	Cost recovery rates of Internet Service Provides	<p>Senator KAKOSCHKE-MOORE: Thank you. I have some questions in relation to internet service providers, or ISPs. With reference to requests to telecommunications companies in relation to possible child exploitation offences, I've previously asked for information on a number of instances where law enforcement agencies have requested identifying particulars from telecommunications companies in</p>	24 October 2017, 26-27

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						<p>relation to subscribers who have been detected committing a criminal offence, whether Commonwealth or state, concerning child exploitation and related offences. I've also asked about the costs of those requests and the total cost to law enforcement agencies. I was advised that determining whether those authorisations relate to child sexual abuse specifically and the costs of those requests could not be provided. Could you tell me the average cost of a request to a telecommunications company that the AFP must pay?</p> <p>Mr Colvin: Can I just check: were they questions you'd asked us on notice? Have we responded in that way?</p> <p>Senator KAKOSCHKE-MOORE: Yes. I did get a response on the ones in relation to ISPs. It wasn't submitted in the course of budget estimates. It's SQON488.</p> <p>Mr Colvin: I don't think we have that with us. I would imagine the reason we have trouble answering that is there are many hundreds of internet service providers across the country and they all charge slightly differently.</p> <p>Senator KAKOSCHKE-MOORE: So they do all charge different rates?</p> <p>Mr Colvin: Yes, because the rate is a cost recovery of what the internet service provider needs to do to recover the information to provide us. If it's Telstra, it's very different from a small ISP. The rates do vary, though. They can be quite broad. I don't think we have anyone in the room—</p> <p>Senator KAKOSCHKE-MOORE: Is it possible to get a range or an average?</p> <p>Mr Colvin: We can definitely get you a range.</p> <p>Senator KAKOSCHKE-MOORE: Thank you. Is the cost payable every time?</p> <p>Mr Colvin: Yes, it is.</p> <p>Senator KAKOSCHKE-MOORE: Could you tell me on notice, as part of that range, the highest cost that has been charged or could be charged?</p> <p>Mr Colvin: To the best of our knowledge, we will, yes.</p> <p>Senator KAKOSCHKE-MOORE: When a payment is made, is it when the ISP makes a disclosure pursuant to the legislative obligations, or is it only when the AFP requests that information?</p> <p>Mr Colvin: We make the request pursuant to the legislative obligations that they have.</p> <p>Senator KAKOSCHKE-MOORE: I've heard conflicting information about the level of cooperation of ISPs when it comes to requests. Has a telco or an ISP ever been charged under section 474.25 of the Criminal Code for failing to refer details of child sexual abuse material to police within a reasonable time of becoming aware of that material?</p> <p>Mr Colvin: I'll take it on notice. Certainly not to my knowledge, and I'm confident that my knowledge goes back quite a long way on this matter.</p>	
SBE17-019	Minister for Justice	Australian Federal Police	N/A	Watt	Termination of AFP deployment allowance in Sydney	<p>Mr Colvin: It is quite complex, Senator. The deployment allowance had been used variously across the organisation, and in our assessment, as well as independent assessments we had done, it had become an unfair application of allowance. For instance, within the Sydney office, by 1 July this year—and I can get you the exact figures, if you would like—it was being paid to probably only 30 to 40 per cent of our officers there. I had some officers who were being paid and some who weren't. The original reasons for the deployment allowance, which go back probably 20 years, had changed significantly in terms of the need for that allowance.</p> <p>Senator WATT: What was that allowance worth?</p> <p>Mr Colvin: I'm not sure. We would have to check. It was in the order of \$3,000 to \$5,000 pre-tax.</p> <p>Senator WATT: What's been the impact on AFP staffing levels in Sydney since the allowance was abolished?</p> <p>Mr Colvin: I would have to check the actual staff levels and if they have fluctuated up or down. I daresay they will have, but I wouldn't attribute it to the DAA.</p> <p>Senator WATT: Is there anyone who can give us the figures around increases or decreases in AFP staffing in Sydney?</p> <p>Mr Colvin: We wouldn't have that granular level of detail for Sydney, but we can get that, clearly. So I'll have to answer that on notice.</p>	24 October 2017, 30
SBE17-020	Minister for Justice	Australian Federal Police	N/A	Watt	AFP staff budget in New South Wales	<p>Senator WATT: Do you know whether the number of AFP staff in New South Wales overall is currently above or below the budgeted FTE?</p> <p>Mr Colvin: The budgeted FTE for Sydney we set internally. We get an appropriation from government and we make decisions about</p>	24 October 2017, 30

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						<p>how we are going to allocate that. We are always running vacancies. That's just a part of the ebb and flow of staffing. We would have to check exactly what that figure is in Sydney.</p> <p>Senator WATT: To be clear, I'm asking not just for Sydney but for New South Wales as a whole. I understand that you get an allocation of money, which entitles you to a certain number of officers or staff.</p> <p>Mr Colvin: Yes.</p> <p>Senator WATT: What I'm asking is: what's the actual number by comparison to that budget?</p> <p>Mr Colvin: Okay. We'll absolutely take that on notice. Let me say, Senator, our Sydney office is under a lot of pressure—and I have said that publicly before—as a result of the work that it is doing. That's not unusual in policing. We're always under pressure. But the Sydney office, in particular, has had some of the biggest investigations and operations in the last 12 months that the AFP has ever undertaken, and it puts pressure on our members.</p>	
SBE17-021	Minister for Justice	Australian Federal Police	N/A	Watt	Number of AFP staff in New South Wales' flexible pool	<p>Senator WATT: What types of work are the people in the flexible pool used for?</p> <p>Mr Colvin: Our core operational work. That's everything. That is our organised crime work, cyber work, fraud and anti-corruption, child exploitation, victim based crime, and airport policing at times, if we need to surge numbers into the airport, as we did midyear, with Operation Silves—protection.</p> <p>Senator WATT: So airport and protection.</p> <p>Mr Colvin: Yes.</p> <p>Senator WATT: That's protection of dignitaries and that kind of thing?</p> <p>Mr Colvin: Yes. The only caveat I would put on that is that of course I can't surge officers to areas that they're not trained in. So I can't surge an untrained officer into protection unless they have completed protection training, for instance. But we make those ongoing daily staffing decisions.</p> <p>Senator WATT: How many AFP personnel are there in the flexible pool in New South Wales at the moment?</p> <p>Mr Colvin: I will take that on notice and double-check.</p> <p>Senator WATT: I suppose what I am interested in is not only the number of people you notionally have assigned to that pool but how many officers there are actually available in the pool.</p> <p>Mr Colvin: I understand.</p>	24 October 2017, 31
SBE17-022	Minister for Justice	Australian Federal Police	N/A	Xenophon	Media article containing leaked AFP information	<p>Senator XENOPHON: Hindsight, as they say, is a wonderful thing. There are lessons to be learnt from this particular incident, which I think are positive lessons for the AFP. Can I go to the issue of Papua New Guinea and the 2018 APEC Summit. You are probably familiar with some of the media reports in relation to that. I did ask a number of questions on notice. I asked No. 559 of the Minister for Justice on 6 September, just last month. I know the AFP has put out a statement on this, but I am concerned about the whole process involved there. For instance, there was a leaked dossier that says:</p> <p>... Australia has funded the purchase of 28 motorbikes, 6 RAV4s vehicles which will be unlikely to be properly used due to the fact the PNG police do not have the training or the numbers to effectively utilise the equipment.</p> <p>That is from a report from Rory Callinan in <i>The Australian</i> on 23 August of this year. It also makes reference to jet skis being purchased at a cost of more than \$100,000. The assertion is that the purchases were made despite the PNG police and the AFP not having the appropriate licensing or skills to use them. What assurance can you give us about that whole process? Also, has there been an investigation into who leaked those documents? Will there be any disciplinary action against the person who raised these concerns?</p> <p>Mr Colvin: I am aware of the article. It's a very complex matter and the individual concerned is known to us and is someone who is in engagement with the organisation on a range of fronts. I don't wish to discuss that publicly.</p> <p>Senator XENOPHON: Is it an AFP officer?</p> <p>Mr Colvin: Yes, it is. The veracity of the claims is something that we will test, but I can assure the committee that it is not in the AFP's interest not, more broadly, the Australian aid interest that we are providing equipment that my RPNGC colleagues are not appropriately trained and capable of using. We have a very extensive training program on all equipment that we provide, so I would question the claim that we are not skilled or not qualified to train on this. But that is all subject to ongoing matters at the moment.</p> <p>Senator XENOPHON: Is any disciplinary action anticipated against the person that is known to you in respect of these matters being</p>	24 October 2017, 35

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						<p>released to the media?</p> <p>Mr Colvin: I will take that on notice because it is an ongoing matter. I am not going to give a commitment to that right now, because I don't know enough of the details of the matter.</p> <p>Senator XENOPHON: Can you take on notice whether the AFP officer or agent is facing any disciplinary action or investigation in relation to that?</p> <p>Mr Colvin: I will take it on notice.</p> <p>Senator XENOPHON: I did ask a number of questions on notice. I will touch on a couple of those. Were the procurements subject to the procurement rules?</p> <p>Mr Colvin: They would be, yes.</p> <p>Senator XENOPHON: Was there a business case prepared for the jet skis purchased for the mission? Can you tell us that or take that on notice?</p> <p>Mr Colvin: I will take that on notice, but again I will say that everything that we are providing to the RPNGC in preparation for APEC is as a result of a very extensive, comprehensive assessment that was conducted with the RPNGC at the direction of Commissioner Baki, the Commissioner of the RPNGC, about their capability needs ahead of APEC.</p>	
SBE17-023	Minister for Justice	Australian Federal Police	N/A	Xenophon	Contracts with Red Sea Housing Services Co Ltd	<p>Senator XENOPHON: I expect that you may need to take this on notice. AusTender shows a significant number of contracts being awarded by the AFP in the past 24 months to Red Sea Housing Services Co. Ltd, all by way of limited tender. I will put on notice a list of contracts. I have no idea who runs that company. I have no idea where it is incorporated. There do seem to be a lot of contracts awarded to them by way of limited tender.</p> <p>Mr Colvin: That's right. I think that was under an earlier version of our aid program in PNG. At the moment our aid program is focused on APEC. I am aware of the Red Sea contracts. I know that they built accommodation for I think recruits or people undergoing training as part of our broader capability enhancement. I can get you the details of exactly what was provided by that contract.</p> <p>Senator XENOPHON: Commissioner, thank you for your responses. These documents that have made their way to the media—and I should emphasise that documents were sent to me and other members of parliament as well, which I see as relevant for the purpose of parliamentary proceedings and Senate estimates in particular—</p> <p>Mr Colvin: No, I agree.</p>	24 October 2017, 35
SBE17-024	Minister for Justice	Australian Federal Police	N/A	Xenophon	Allegations relating to the APEC in Papua New Guinea	<p>Obviously we want APEC in Papua New Guinea to go very well. I know the AFP has a key role in that summit. Thank you very much.</p> <p>CHAIR: I just want to clarify that you have investigated all of the allegations and found nothing in them?</p> <p>Mr Colvin: Chair, I want to take that on notice to be absolutely clear, but I know this matter has a reasonably long history with the organisation. The issues raised are not new to us and, like everything, if there are allegations of poor governance or impropriety, we investigate them, and I know we have on these matters. It is ongoing. The reason I can't give a categorical answer is that I don't know if there have been subsequent matters that he has raised that we are also now looking at. I am very confident that the AFP has taken them seriously and has investigated. By and large, we have come to the conclusion that many of the matters he has raised have been dealt with.</p> <p>CHAIR: I must confess that I haven't heard of the issue. Is the complaint about Australian processes or PNG processes?</p> <p>Mr Colvin: There's a mix of issues contained within the documentation about conduct by the RPNGC. But the substance of what Senator Xenophon was going to is about Australian processes around what we have provided to the RPNGC—the training and the equipment—and why, what oversight there was, what rationale there was and what procurement process there was.</p> <p>CHAIR: These things take time, but I'd be interested if you could give us any idea of when you might be able to report back to the committee. I only say that—and I'll explain the reason—because I'm on a parliamentary delegation to PNG. I think it's next week, the following week or something. It might just be useful to have that information at the back of the delegation's mind before—</p> <p>Mr Colvin: We may have it now. I daresay we can give an answer to it fairly quickly. Again, this is why the Senate estimates process exists. These are processes that need to be tested, and they are.</p>	24 October 2017, 36
SBE17-025	Attorney-General	Australian Human Rights Commission	N/A	Dodson	Rate of complaints from Indigenous	<p>Senator DODSON: In a recent comment by the Race Discrimination Commissioner, he said:</p> <p>At the Commission, 54% of <i>Racial Discrimination Act</i> (RDA) complaints received in 2015-16 were made by Indigenous Australians and a large number of complaints related to employment.</p>	24 October 2017, 38

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					Australians	<p>He went on to say: These everyday and often casual expressions of racism are unacceptable. Do you have any sense of whether the rate has been increasing? Prof. Croucher: That's a fair question. I can't give you a specific indication with respect to that. The information about the various complaints has just been made available. But, as to that specific question, I'd like to take that one on notice if I may. Senator DODSON: Sure. Thank you very much.</p>	
SBE17-026	Attorney-General	Australian Human Rights Commission	N/A	Leyonhjelm	Australian Human Rights Commission's budget	<p>Senator LEYONHJELM: Before you joined the commission, I would like to think that somebody in the commission actually thought about that question and would have had some sort of substantiation to say, 'We're going to spend \$18,000 of Human Rights Commission budget, plus DSS is going to contribute to it,' and that there was some evidence other than a feeling that this will actually make a difference. Are you able to take that on notice? Prof. Croucher: Certainly, Senator. But the target is bystanders in this case. Senator LEYONHJELM: Nonetheless, we are asking bystanders to respond, and do we have any evidence that this kind of advertising will get bystanders to respond? Prof. Croucher: I will take it on notice and see what evidence was obtained in the preparation of this material.</p>	24 October 2017, 42
SBE17-027	Attorney-General	Australian Human Rights Commission	N/A	Leyonhjelm	Reports of racism	<p>Senator LEYONHJELM: In relation to the scenarios in which you depict racism, have there been reports of racism against passengers trying to get a taxi, or have there been reports of racism when trying to get into an elevator? Prof. Croucher: Yes. They are illustrative of scenarios where bystanders might take an active role. But with respect to taxis, yes. Senator LEYONHJELM: You have? Prof. Croucher: Yes. Senator LEYONHJELM: Fine. Perhaps I could ask you to take it on notice to give me some details on that? Prof. Croucher: What specifically would you like details about? Senator LEYONHJELM: The evidence of racism in relation to trying to get into a taxi. Prof. Croucher: Certainly.</p>	24 October 2017, 42
SBE17-028	Attorney-General	Australian Human Rights Commission	N/A	Siewert	Disability discrimination complaints relating to employment	<p>Senator SIEWERT: Mr McEwin, I will go to my usual question, which is around the number of complaints that you have had and the proportion of those that focus on employment? Mr McEwin: In terms of the total number of complaints that we received in the last financial year, 39 per cent of them were relating to disability discrimination, which is the highest of all the complaints that we receive. Senator SIEWERT: Is that for the whole of the commission? Mr McEwin: Yes. Of the disability discrimination complaints relating to employment, 33 per cent of them were relating to employment. Senator SIEWERT: That's a slight decrease over last time, isn't it? Mr McEwin: I probably need to take that on notice. I'm just looking at my notes, but, generally, it's been about the same for the last five years. But I will get back to you on that. Senator SIEWERT: It's been going up and down, but it's around the same. Mr McEwin: I will take that on notice and provide you with an accurate answer. Senator SIEWERT: That would be very much appreciated. And that 33 per cent, is that the highest proportion of the complaints around disability discrimination? Mr McEwin: No. The other similar number is around access to goods and services, which is around about 34 per cent, from memory. Again I will get back to you; I will take that on notice and provide you with an accurate response.</p>	24 October 2017, 46-47
SBE17-029	Attorney-General	Australian Human Rights Commission	N/A	Siewert	Complaints regarding access to goods and services	<p>Senator SIEWERT: Thank you. Could you also do the same thing with access to goods and services for the last five years? Over the last five years, and even longer, employment continues to be a very high proportion, if not the highest, of the complaints that the commission deals with. We don't seem to be making a dent in it.</p>	24 October 2017, 47

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						<p>Mr McEwin: That is a very fair observation, and it is one on which I share your concerns—if I can articulate you have a concern—</p> <p>Senator SIEWERT: Yes. You can articulate that.</p> <p>Mr McEwin: I have a concern and many do. It is one of my six priority areas. For the committee's information, I have six priority areas, and employment is one of them. What I have been doing since I commenced, and will be doing for at least the next 12 months, is working closely with the Australian Public Service Commission on ways that we can improve recruitment practices, the interview processes, making sure that the application processes are accessible, and so forth. I believe that the Australian government should be showing leadership. They are showing leadership and I will continue to work closely with them.</p> <p>Senator SIEWERT: Are you able to break the figures down—I don't know if you have this information—in terms of the employment figures against disability type and severity? I'm trying to get a really good understanding of where the major problems are. Are you able to do that from the data that you have?</p> <p>Mr McEwin: I will take that on notice, as I want to make sure I give you a very accurate response. That is easy for me to provide you with, but I don't have it right in front of me. But, from memory, around about 20 per cent of people who have a physical disability make up the number of complaints. My colleagues has just very helpfully pointed me to the right page, so, to answer your question, the main recorded for disability-to-complainant were mental health and psychosocial disability, being 29 per cent; physical disability, 20 per cent, as I said; and we have noted an increase in people who identify with a mental health psychosocial disability—it continued to rise. For example, it was 18 per cent in 2013-14 and in 2016-17 it was 29 per cent, as I just said.</p>	
SBE17-030	Attorney-General	Australian Human Rights Commission	N/A	Pratt	Opportunities for national changes regarding Indigenous children	<p>Senator PRATT: I want to take a personal opportunity to welcome Commissioner Oscar. I was in your home town of Fitzroy Crossing just a couple of weeks ago and saw the legacy of some of the great work you've done there, particularly with women. You gave a speech on children and racism a little while ago in which you highlighted the issues that are an increasing part of our national conversation currently about the placement of Indigenous children from foster care with non-Indigenous carers, their separation from siblings and their disconnection from country, community and language. Given those legal separations are within state jurisdictions, but that there is an increasing national conversation and national focus around those issues, what opportunities do you think we have at a national level to drive change in those areas?</p> <p>Ms Oscar: Look, that's a good question. Thank you. I did hear about your visit to the central Kimberley! All good! Can I take that on notice?</p> <p>Senator PRATT: Given we're due to go to lunch and it's a complicated issue, I think it is perfectly appropriate.</p>	24 October 2017, 48
SBE17-031	Attorney-General	Federal Court of Australia	N/A	Hanson	Changes to the number of positions at the courts	<p>Senator HANSON: Yes, to increase resources. That being the case, here you are—there's been a merger of three courts, the back office. There are jobs being lost out there, aren't there? People have been losing their jobs in the court system.</p> <p>Senator Brandis: Mr Soden can answer that question. But, Senator Hanson, when you merge functions to create efficiencies, one of the reasons you do that is to generate those efficiencies and reduce the costs so that the services can be more focused and the available money can be more focused on the people who come before the court, rather at the administrative end. But maybe Mr Soden can explain it a little more fully.</p> <p>Mr Soden: That is a back-office merge. It's not frontline services that are being reduced. It was two organisations put into one. It's saving millions over the forward estimates and it's also providing much better corporate services to all the courts.</p> <p>Senator HANSON: Can I ask you how many jobs?</p> <p>Mr Soden: So far? I'd have to take that on notice. It's in the tens, but over the forward estimates it would be probably close to 100 jobs, I think.</p> <p>Senator HANSON: Would 120 sound about right?</p> <p>Mr Soden: That's probably close, yes. But that's into the future.</p> <p>Senator HANSON: And advice of another 30 per cent on top of that?</p> <p>Mr Soden: No, I think that 120 is 30 per cent.</p>	24 October 2017, 56
SBE17-032	Attorney-General	Criminal Justice Policy and Programmes	1.7	McKim	Altered Commonwealth Coat of Arms	<p>CHAIR: I have one question arising from that, Senator Brandis. This document that's been tabled appears to me to be a blown-up copy of this particular document, which exacerbates that it's not the genuine thing when you look at it closely. But, on a small scale—on a tinier scale—I think most people would be glancing at it, because if it's an introduction to something else you wouldn't read it closely. My</p>	24 October 2017, 62-63

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		Division				<p>question is: could you obtain from the parliamentary national symbols officer, who allegedly wrote this letter, the actual copy of the document that was attached?</p> <p>Senator McKIM: The national symbols office is not in the Attorney-General's portfolio.</p> <p>CHAIR: I'm asking the Attorney-General. You've raised these questions here, Senator McKim, and I intend to do the same thing. I am just asking Senator Brandis if he can get a copy of this document.</p> <p>Senator Brandis: It's not in my portfolio but I'll inquire. The point you make is a good point. We don't know how large the original copy of this document, the satirical representation of the coat of arms, is. Chair, as you and I and, I dare say, all the senators here well know having been involved in politics for a long time, it is a very good rule of thumb that the average lifespan of electoral literature is the length of time it goes from the letterbox to the nearest rubbish tin. When you use the word 'glance', that is exactly what most people do in my experience. I must confess it is what I do. You glance at something and a glance is not a study. Somebody could very well be misled by a superficial glance at an image. Although on closer study, the image would be clearly revealed to be satirical. That is why I keep saying this is a matter for the courts.</p> <p>Senator McKIM: Can I urge you to seek the full context of this while you're doing that because my understanding is that this was an electronic logo at the end of an electronic communication.</p> <p>CHAIR: I ask you that because it's tabled to the committee which I chair on the basis this was the document. I'd be disappointed if the actual document is not as large as this because it would mislead the committee, I guess, in its deliberations on whether to accept the tabling. That's why I'm asking you, as a question, if you wouldn't mind, as Senator McKim has raised this with you, rather than the Prime Minister's department. I'm asking you in the same context to find that out for me and forward that to the committee.</p> <p>Senator Brandis: I'll do that. I don't want to get into what would be almost a philosophical argument with Senator McKim, which would be beyond me. It's only satire if somebody realises it's satire.</p>	
SBE17-033	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Application of the AAT Protocol to the appointment process since the appointment of President Thomas	<p>Senator WONG: You've made some appointments—and I'll come to the detail of those appointments shortly—in the period since the new president has been appointed. You didn't apply the protocol for the purpose of those appointments?</p> <p>Senator Brandis: I'm not saying I didn't.</p> <p>Senator WONG: I'm asking you.</p> <p>Senator Brandis: I'd have to study the protocol—</p> <p>Senator WONG: Let's do that.</p> <p>Senator Brandis: Let me take that question on notice.</p>	24 October 2017, 64
SBE17-034	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Receipt of President's letter regarding appointments to the AAT made on 29 September 2017, as per paragraph 1 of the AAT protocol	<p>Senator WONG: I'm going to ask you a couple of questions, and, if you wish to take them on notice—it was very recently, so I'm sure, given your extraordinary intellectual capacity, you would remember it. Firstly, you announced a total of 32 appointments to the AAT on 29 September—so, in the last few weeks. Prior to doing so, had the president written to you to commence the appointment process as is set out at paragraph 1 of this protocol—this is, the president will supply the Attorney-General with an assessment of which positions need to be filled et cetera?</p> <p>Senator Brandis: I will take that question on notice. I have had a very full engagement with the president, in which we have discussed appointments. I will check whether that engagement, those conversations and meetings, were followed up by an exchange of letters.</p> <p>Senator WONG: If you're going to take them all on notice, let me go through them and be very precise about the questions I'm asking, so that you can respond.</p> <p>Senator Brandis: Senator Wong, I don't want to stop you doing that—</p> <p>Senator WONG: Well, you are—</p> <p>Senator Brandis: and, of course, you're at liberty to, but, before you ask those questions, perhaps it might be helpful if I give you the context.</p> <p>Senator WONG: I'm really—</p> <p>Senator Brandis: You're not interested in the context?</p> <p>Senator WONG: Can I get the questions out?</p>	24 October 2017, 64-65

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						<p>Senator Brandis: You get the questions out and I'll take them all on notice.</p> <p>Senator WONG: I'm happy to do it if it's not taken out of my 10 minutes, but, if it's a lengthy discussion about context—</p> <p>Senator Brandis: Why don't you ask, if I may respectfully suggest so, a single question on whether each paragraph of the protocol is observed.</p> <p>Senator WONG: I'll ask the question as I wish, if I may—thank you.</p> <p>Senator Brandis: I'm just trying to save you time.</p> <p>Senator WONG: I'm asking you what you recall.</p> <p>Senator Brandis: I'm taking the questions on notice</p> <p>Senator WONG: I'm putting to you that none of them were.</p> <p>Senator Brandis: I'll take the question on notice. I want to check.</p>	
SBE17-035	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Details about appointments made to the AAT on 29 September 2017	<p>Senator WONG: Firstly, I want to know, in respect of the 32 appointments: did the president write to the Attorney-General to commence the appointment process as per paragraph 1. And, if so, on what date? Secondly, of the 32 appointments to the AAT announced on 29 September by the Attorney-General, how many were reappointments recommended by the president of the AAT? How many positions were publicly advertised for expressions of interest? How many positions did the Attorney-General chose not to publicly advertise for expressions of interest? How many of the appointments were new appointments? Are you taking all of them on notice?</p> <p>Senator Brandis: Obviously, questions like the number of individual categories of things I don't have readily to hand.</p> <p>Senator WONG: Did you advertise any of them?</p> <p>Senator Brandis: I'll take all the questions on notice.</p> <p>Senator WONG: Do you remember if anyone of them were publicly advertised?</p> <p>Senator Brandis: I'll take all the questions on notice.</p>	24 October 2017, 65
SBE17-036	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Details about the appointment status of AAT members	<p>Senator WONG: I'm sure you do. Can I also check this: that there are a total of 276 non-judicial members of the tribunal currently? Does that sound about right?</p> <p>Senator Brandis: It's some hundreds, but I'll check the exact number.</p> <p>Senator WONG: There also appears to have been a change in the proportion of full-time appointees as opposed to part-time. Can you confirm that it is currently 98 full-time and 178 part-time non-judicial members?</p> <p>Senator Brandis: Again, I'll check.</p> <p>Senator WONG: Sorry—members. The numbers I have are 276—</p> <p>Senator Brandis: Are you talking about non-judicial members or members in aggregate?</p> <p>Senator WONG: Sorry. I will be clear about that—yes. A total of 276 non-judicial members and 19 judicial members.</p> <p>Senator Brandis: I can give you some information, Senator. I'll take it all on notice, but, if it helps for your future questions, as at 11 October—</p> <p>Senator WONG: Will you be here to respond to them, Senator Brandis?</p> <p>Senator Brandis: I'm always here.</p> <p>Senator WONG: No, no. Will you be here at the next estimates to respond to them? Will you be somewhere else?</p> <p>Senator Brandis: As of 11 October this year, the AAT had 294 members—</p> <p>Senator WONG: Sorry. What was the date?</p> <p>Senator Brandis: 11 October—comprising 154 male members and 140 female members. The document I have doesn't disaggregate between judicial and non-judicial members. It will take a little bit of time to do the sums. It does disaggregate between part-time and full-time. But it's probably more efficient if I just give you those figures on notice.</p> <p>Senator WONG: The figures I have—obviously, you have more up-to-date figures; but prior to the most recent set of appointments—are: 276 members currently appointed to the AAT, of which about 262 were appointed by the current government.</p>	24 October 2017, 65

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						<p>Senator Brandis: Well, we've been in office for more than four years, so that's probably right.</p> <p>Senator WONG: So you're responsible for about 95 per cent of appointments to the AAT?</p> <p>Senator Brandis: I think that's probably right.</p> <p>Senator WONG: Did Mr Dutton know that when he attacked the AAT?</p> <p>Senator Brandis: I will take that on notice. But, as a general proposition, that sounds right to me.</p>	
SBE17-037	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Use of committee process for appointments of 76 AAT members	<p>Senator WONG: We have traversed this before, but just to confirm: it is the case, isn't it, that the 76 appointments that you made to the AAT on the eve of the caretaker period—that was when Mr Kerr was still president and the protocol was still in place—none were recommended through a committee process?</p> <p>Senator Brandis: Most of those appointments were reappointments. And the reappointments were recommended in almost—again, I will take the question on notice so as to reserve the right to correct this answer if I've got it wrong in any particular respect. We're talking about large numbers of appointments. All, if not almost all, of those appointments that were reappointments were recommended by Justice Kerr. I think there are a couple that weren't—but a negligible number.</p> <p>Senator WONG: But not all of them were reappointments.</p> <p>Senator Brandis: Most of them were.</p> <p>Senator WONG: My question still stands. Can you confirm that, of those appointments, none of them went through a committee process, as is outlined in the protocol that I've provided to you?</p> <p>Senator Brandis: I will take that on notice because there are so many of these appointments and there has been a deal of correspondence—</p> <p>Senator WONG: Mr Moraitis, can you recall?</p> <p>Senator Brandis: between Justice Kerr and Justice Thomas and me.</p> <p>Senator WONG: I'm only asking about one. Let's not obfuscate. I'm asking you to confirm. I think Mr Moraitis gave this evidence previously and may be able to assist.</p> <p>Senator Brandis: Now, which—</p> <p>Senator WONG: I hadn't finished. None of the 76 appointments made on the eve of the caretaker period had gone through a committee process as is contemplated in part 4 of the protocol?</p> <p>Senator Brandis: I'm not sure that that's right, actually. As I say, let me take on notice.</p>	24 October 2017, 66
SBE17-038	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Number of publicly advertised appointments	<p>Senator WONG: Of the 262 appointments this government has made to the AAT, how many of them have actually been publicly advertised for expressions of interest?</p> <p>Senator Brandis: I'll take that on notice.</p> <p>Senator WONG: How many have been recommended to you by a selection committee, as set out in paragraph 4?</p> <p>Senator Brandis: I'll take it on notice.</p>	24 October 2017, 66
SBE17-039	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Confirmation of publicly advertising positions	<p>Senator WONG: Perhaps I could ask this question. I was going to follow it up but thought I wouldn't be able to be lucky enough. The correction or the clarification that you made about public advertising: you talked about 16 positions being advertised. I couldn't hear in relation to which tranche of appointments they were.</p> <p>Senator Brandis: Well, I don't think I said which tranche they were. But you said there were no public advertisements, and it was pointed out to me—I must confess that I had forgotten that there were 16—and I at least made a request that they be publicly advertised.</p> <p>Senator WONG: Were they advertised?</p> <p>Mr Moraitis: We'll have to take that on notice. I think it was not by this department. I think it was that period of transition between Immigration—</p> <p>Senator WONG: It was AAT, though?</p> <p>Mr Moraitis: This was before—there was a merger, and that period of transition—</p> <p>Senator WONG: Yes, I appreciate that.</p>	24 October 2017, 71

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						<p>Mr Moraitis: So, it could have been a case of vacancies arising before—</p> <p>Senator WONG: When do your staff say that you indicated these were advertised?</p> <p>Senator Brandis: I don't think I did say. But let me expand, if I take that on notice.</p>	
SBE17-040	Attorney-General	Civil Justice Policy and Programmes Division	1.1	Wong	Number of full-time senior members appointed to AAT	<p>Senator WONG: Can you confirm that there are currently 23 full-time senior members appointed to the AAT?</p> <p>Senator Brandis: I don't have that figure in front of me, so I'll take that on notice.</p>	24 October 2017, 75
SBE17-041	Attorney-General	Civil Justice Policy and Programmes Division	1.1	MacDonald and Wong	List of AAT appointees' political affiliations and difficulty in obtaining this	<p>CHAIR: Senator Wong, your time has expired. Thanks, Senator Brandis. I'm very reluctant to ask this question, because I've always thought these appointments were beyond partisan political comment, but, in view of Senator Wong's question, perhaps I could ask Mr Moraitis this—this is the first question—how difficult would it be for me to get a list of appointments to the AAT during the Rudd-Gillard government who have some association with the Australian Labor Party? My first question is: how difficult would it be?</p> <p>Senator Brandis: I'll take that question on notice.</p> <p>Senator WONG: Could we have one for this government, with the association with the Liberal Party? How about we do that—which I haven't asked for?</p> <p>Senator Brandis: If I may respond to the chairman's questions, Senator Wong, without being interrupted by you so rudely, I'll take that question on notice. It might require some research to identify a political affiliation, but at least let me take it on notice. By the way, Mr Chairman, I know you were busy here, but had you been in Finance and Public Administration's estimates last night, when Senator Wong pursued a somewhat similar line of questions, you would have heard me recite a list of some 50 or 60 former Labor Party politicians appointed to various public offices, including the AAT, by Labor governments in recent years.</p> <p>CHAIR: Thanks, Senator Brandis. My question was really—</p> <p>Senator WONG: That included both state and federal.</p> <p>CHAIR: Please can we have some courtesy in not interrupting other senators asking questions. My question really was: how difficult would it be? I don't really want to put the department to a huge expense, and I'm reluctant to raise this because I thought these things were beyond partisan politics. I'm aware of many Labor politicians, and you've named some of them; I suspect there are a lot more. But in view of Senator Wong's question, if she's going to make some political capital out of it, I think it should be responded to. So perhaps you could answer my question about how difficult it is. But, if it's reasonable to do so, could you get me a list.</p> <p>Senator Brandis: I will do as well as I can. Just to make things as clear as I can, I have never taken the view that parliamentary service is a disqualification for appointment to positions like, for example, the AAT. I have appointed former Labor politicians of good repute, like Robert McClelland to the courts and Linda Kirk, John Black and Mark Bishop to the AAT and to other offices. I have appointed former Liberal politicians too, and I know that Labor governments have appointed Labor politicians and on some occasions Liberal politicians too. I think it would be a very, very sad day for Australian democracy if people were to take the view that men and women who have given service in this parliament and are of good repute were regarded as somehow tainted by the fact that they've given service.</p>	24 October 2017, 76-77
SBE17-042	Attorney-General Minister for Justice	Strategy and Delivery Division	1.1	Kitching	Ministerial hospitality	<p>Senator KITCHING: You and I both know that not all of the QoNs are that detailed. Could I ask you to take the following on notice—</p> <p>Senator Brandis: As Mr Moraitis points out to me, in the alignment of portfolios between the government of Australia and the government of Singapore, Mr Shanmugam is my counterpart. He's not a defence minister. There is a different minister in the Singaporean government who is the defence minister. So the engagement between Mr Shanmugam and me, between my department and his and between, indeed, my office and his, was much more immediate and extensive than with any other minister in the Australian government, and I was the host.</p> <p>Senator KITCHING: Do you always take five staff with you when you are hosting a lunch?</p> <p>Senator Brandis: It all depends on the circumstances.</p> <p>Senator KITCHING: Could we have some detail around that, where you have hosted—and I'll just narrow it to perhaps other ministers who correspond with your portfolio—a lunch for, let's say, your counterparts, and how many staff have you brought with you to those?</p> <p>Senator Brandis: I host relatively few functions. But, on this particular occasion, as a rule of thumb, it is good practice for there to be roughly equivalent numbers from both sides, from the Australian side and from the Singaporean side. Minister Shanmugam, as I recall,</p>	24 October 2017, 84-85

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						<p>certainly had numerous of his officials with him.</p> <p>Senator KITCHING: Officials or staff?</p> <p>Senator Brandis: I'm afraid, Senator, that I would need to have a more detailed knowledge of the Singaporean system of government than I do to answer that question with precision.</p> <p>Senator KITCHING: It looks like they were either—for example, the second permanent secretary was there from the Ministry of Home Affairs in Singapore, the director of operations of Singapore's Internal Security Department was there, and Deputy Commissioner of Policy (Operations) of the Singapore Police Force was there. So it looks to me like they're not really staff, as such, of the Singaporean Minister for Home Affairs but, rather, officials.</p> <p>Senator Brandis: As I say, the way in which people are classified or designated, or arrangements within government are configured, in Singapore is not something about which either I or I suspect you have any expertise at all.</p> <p>Senator KITCHING: I'm not sure you should judge me by your standards, Senator Brandis. But could I ask you if those staff flew from Brisbane or other locations for the purpose of that lunch, and why five staffers?</p> <p>Senator Brandis: I was in Sydney for other appointments as well. My staff are variously located in Canberra, Sydney and Brisbane.</p> <p>Senator KITCHING: I don't want to presume—but I presume—well, maybe your executive assistant flew down from Brisbane. Now, could I turn to another topic—so you will take those on notice?</p> <p>Senator Brandis: I don't even know what questions you've asked me.</p> <p>Senator KITCHING: My question is: what other lunches have you hosted for counterparts and how many staff did you bring with you to those lunches—let's say, in the last financial year—in 2016-17?</p> <p>Senator Brandis: To the best of my recollection, the only lunch that I hosted in Australia for a visiting counterpart minister was the lunch for Shanmugam, and I have hosted a dinner for the visiting Attorney-General of New Zealand in the last financial year, and I have attended but I wasn't the host for a dinner for the visiting Deputy Prime Minister of Malaysia.</p> <p>Senator KITCHING: How many staff went with you to the lunch or the function for the New Zealand—sorry, who was it from New Zealand?</p> <p>Senator Brandis: The Attorney-General of New Zealand.</p> <p>Senator KITCHING: The Attorney-General of New Zealand?</p> <p>Senator Brandis: I don't know.</p> <p>Senator KITCHING: Would you be able to take that on notice?</p> <p>Senator Brandis: Yes.</p> <p>Senator KITCHING: Thank you. In relation to the lunch for the Singaporean Minister for Home Affairs, perhaps you could take on notice—</p> <p>Senator Brandis: That's Mr Shanmugam of whom you are inquiring.</p> <p>Senator KITCHING: where your staff flew in from.</p> <p>Senator Brandis: That assumes they flew in from somewhere. On that occasion, which was not all that long ago, they were already in Sydney for other reasons.</p> <p>Senator KITCHING: Would you be able to confirm that?</p> <p>Senator Brandis: Do you want me to take the question on notice?</p> <p>Senator KITCHING: Yes, I do.</p> <p>Senator Brandis: Yes, I will.</p>	
SBE17-043	Attorney-General	Human Resources Branch	1.1	Kitching	Security manual	<p>Senator KITCHING: Thank you. I now move to another topic. Yesterday it became apparent that a document relating to security upgrade works for Parliament House had been lost by a contractor engaged by DPS. I did ask at those estimates, at Finance and Public Administration, whether your office or you were informed. Have you been informed about that lost security manual?</p> <p>Senator Brandis: Sorry?</p>	24 October 2017, 85

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						<p>Senator KITCHING: Were you informed when it was discovered—</p> <p>Senator Brandis: I'll take that question on notice.</p> <p>Senator KITCHING: Thank you. To elucidate, perhaps, it was lost in November. Some investigation works were undertaken by DPS in February. A contractor was put on to investigate. I would like to know whether you were informed at that point in February—it would have been in February—that there was a lost manual that relates to security of Parliament House.</p> <p>Senator Brandis: Yes.</p> <p>Senator KITCHING: Thank you. That's all, Acting Chair, thank you.</p>	
SBE17-044	Attorney-General	Civil Justice Policy and Programmes Division	1.9	Pratt	Process for tracking the Royal Commission into Institutional Responses to Child Sexual abuse's recommendations and findings.	<p>ACTING CHAIR: I sought to ask questions about that within DSS and they referred me to A-GD. Is there someone within A-GD? This was at the last estimates. I note when I asked a question about this on notice the answer was that there were as yet no recommendations about child safe organisations. Ironically, DSS directed me to A-G's, but I can see from the minister's communicate that they are talking about a national statement of principles of child safe organisations, drawing from the recommendations of the Royal Commission into Institutional Responses to Child Abuse. I'm assuming from that that they are, indeed, talking about the findings within this document. Can you outline for me the overall process for tracking the recommendations and findings of the royal commission as a whole?</p> <p>Mr Anderson: I would rather take that on notice. You will appreciate that this is a royal commission that has been running for four years. It has produced a wealth of recommendations and findings.</p> <p>ACTING CHAIR: There must be someone in your department coordinating that?</p> <p>Mr Anderson: We look after the Commonwealth's representation before the royal commission—that is the role of the department—but we're not responsible for monitoring the recommendations.</p> <p>ACTING CHAIR: Who is?</p> <p>Mr Anderson: I would rather take that on notice, Senator, just to make sure that I give you an absolutely correct answer, because different agencies have different roles here. The Department of the Prime Minister and Cabinet has a role here as well.</p> <p>ACTING CHAIR: I have to say I'm quite shocked—in terms of the need for government to take the findings of the royal commission seriously—that you can't tell me who is responsible for coordinating the overall response to the royal commission's findings.</p> <p>Mr Anderson: Senator, because I'm taking your question seriously, I want to make sure that we're giving you a completely accurate answer. So I would like to take that on notice, to be sure that we agree with PM&C and others as to what the correct division of responsibilities is there.</p>	24 October 2017, 87
SBE17-045	Attorney-General Minister for Justice	Australian Criminal Intelligence Commission	N/A	Kakoschke-Moore	National Indigenous Violence and Child Abuse Intelligence Task Force	<p>Senator KAKOSCHKE-MOORE: My first questions are in relation to what was the National Indigenous Violence and Child Abuse Intelligence Task Force. That operated between 2006 and 2014, and collected an extensive range of information to inform a range of intelligence reports and recommendations. But, noting that it ceased in 2014, the NNITF's final report stated that the task force's closure would leave a significant gap in the ongoing national collection, analysis and reporting of operational intelligence and strategic advice regarding the nature, extent and impact of Indigenous violence and child abuse. The final report from this task force was published in 2014. Are you aware of whether this gap has since been filled?</p> <p>Ms Rose: I can't talk about the report directly; it was well before my time. I do know that in each of the states and territories the police commissioners are looking at those issues in their states and territories individually. I don't believe that we are looking at doing any further work at the commission in that area. The board, the commissioners of the states and territories, haven't requested that at this stage.</p> <p>Senator KAKOSCHKE-MOORE: Okay. So there was a national approach previously, but when the task force was disbanded the states and territories took on responsibility for this policy area?</p> <p>Ms Rose: Yes. My understanding was that the national approach was gathering intelligence to then provide that to the states and territories so that they could then use that intelligence.</p> <p>Senator KAKOSCHKE-MOORE: So the states and territories are gathering that intelligence themselves now?</p> <p>Ms Rose: Yes.</p> <p>Senator KAKOSCHKE-MOORE: So you are not currently undertaking any operations relating to Indigenous violence and child abuse?</p> <p>Ms Rose: No, we're not.</p>	24 October 2017, 93-94

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						<p>Senator KAKOSCHKE-MOORE: To your knowledge, was there ever a formal response to the final report of this task force?</p> <p>Ms Rose: Not that I'm aware of, but I can take that on notice.</p>	
SBE17-046	Attorney-General Minister for Justice	Australian Criminal Intelligence Commission	N/A	Kakoschke-Moore	Sex industry visa exploitation in South Australia	<p>Senator KAKOSCHKE-MOORE: Do you have any data on the extent of the visa exploitation in the sex industry in South Australia and the rest of the country that could be provided to the committee?</p> <p>Mr Blanch: It's a classified report, in relation to the outcome of that investigation or operation, so I'll have to take that one on notice and see what we can actually provide to the committee.</p> <p>Senator KAKOSCHKE-MOORE: No worries. I saw that the ACIC conducted 12 coercive examinations in Adelaide. Are you aware whether any criminal investigations have been conducted as a result of those examinations?</p> <p>Mr Blanch: When we run an examination program, we'll generally do it to collect intelligence and assess the intelligence and then provide that to partners who may be able to respond to the intelligence. But, at this stage, I would probably again take that on notice to make sure we are not interrupting any ongoing investigations as a result of that examination program.</p>	24 October 2017, 95
SBE17-047	Attorney-General Minister for Justice	Australian Criminal Intelligence Commission	N/A	Pratt	Royal Commission into Institutional Responses to Child Sexual Abuse working-with-childrens checks	<p>Senator PRATT: In August I submitted questions on notice after the spillover hearing on progress on recommendations of the Royal Commission into Institutional Responses to Child Sex Abuse, in relation to working-with-children checks. I do not yet have an answer to that question, however the minister advised that it was not among the unanswered questions that he had a record of. Are you able to give me some advice about the basis of that misunderstanding?</p> <p>Mr Anderson: We've still been checking that. We think that, in fact, it might actually be with the Attorney's office, but we're still confirming that.</p> <p>Senator PRATT: Is ACIC involved in the working group that's been established on this matter?</p> <p>Ms Rose: Absolutely.</p> <p>Senator PRATT: When did the group start meeting, and can you give us an update on the workings of the group?</p> <p>Ms Rose: I'll take this on notice because, again, it was when I had left the agency—I believe that the working group started obviously with CrimTrak joining with the ACC. CrimTrak was mentioned as one of the agencies in the recommendations. CrimTrak started to talk to states and territories about a number of the recommendations that impacted on CrimTrak, specifically two—standardising a lot of the terms across the country and looking at a database. Shortly after the merge the working group was set up; it was led by the Attorney-General's Department.</p>	24 October 2017, 96
SBE17-048	Attorney-General Minister for Justice	Australian Criminal Intelligence Commission	N/A	Pratt	Date of indicative costings for implementing the Royal Commission into Institutional Responses to Child Sexual Abuse's recommendations	<p>Senator PRATT: With respect to the costings, have there been any indicative costings done?</p> <p>Ms Rose: I believe they have been done by Deloitte, but I haven't seen them yet.</p> <p>Senator PRATT: And who asked for those costings to be undertaken?</p> <p>Ms Rose: When the Attorney-General's tasked them with actually looking at the options, that was part of that tasking, I understand.</p> <p>Senator PRATT: Can you give us a date for when that request was made for those costings to be undertaken?</p> <p>Mr Anderson: I'd have to take that on notice.</p> <p>Senator PRATT: Okay. So you don't have any idea at this point when that request was made for those costings?</p> <p>Mr Anderson: We might be able to come back to you with that in the course of the evening.</p>	24 October 2017, 97
SBE17-049	Attorney-General Minister for Justice	Australian Criminal Intelligence Commission	N/A	Pratt	Historical criminal records' recording and checks	<p>Senator PRATT: Has ACIC completed recording into its systems historical criminal records that are in paper form or microfilm and that are not currently identified by CrimTrac's initial database search?</p> <p>Ms Rose: We felt that was impractical and not achievable, so what we did is go through and tag all of the records that did have a microfilm attachment or history to them so that it was flagged when you brought it up, and then the officer has to actually make a phone call to follow that up.</p> <p>Senator PRATT: Are those phone calls taking place?</p> <p>Ms Rose: I believe so, yes.</p> <p>Senator PRATT: Has anyone received a flag as a result of those historical—</p> <p>Ms Rose: I'd have to take that on notice. I just know that the work's been done and it's in the system.</p>	24 October 2017, 97

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						<p>Senator PRATT: Has there ever been any public explanation of the manner in which that recommendation by the royal commission has been implemented?</p> <p>Ms Rose: I'd have to take that on notice—not that I'm aware of, no.</p> <p>Senator PRATT: So you've never publicly stated that you thought the royal commission's recommendation to insert into the database everything on microfilm was impractical. In terms of getting things off microfilm, did that involve looking at each of those individual records to work out which people needed to be flagged within the database? How was that undertaken?</p> <p>Ms Rose: My understanding is, where a historical record in paper or microfilm is identified as matched during the criminal history checking process, the owning police jurisdiction will upload the record electronically into the ACIC system, and the process of progressively digitising records on an as-required basis is cost effective while ensuring that all records are identifiable through a national criminal history check.</p> <p>Senator PRATT: Where is the database that identifies anyone who has a microfilm or paper record?</p> <p>Ms Rose: In ACIC—so it's updating that database.</p> <p>Senator PRATT: Who did the work to take all of those historical records off microfilm to at least flag there was an individual associated with that record?</p> <p>Ms Rose: The individual states and territories as they've gone through their own records.</p> <p>Senator PRATT: And that was done as part of this work as recommended by the royal commission?</p> <p>Ms Rose: Correct.</p> <p>Senator PRATT: The royal commission's recommendations have said that all working with children cardholders should be checked against historical criminal history records. Can you affirm that that is now taking place?</p> <p>Ms Rose: I would have to check that. I will take that on notice.</p> <p>Senator PRATT: So you don't know whether those checks are taking place as per the royal commission's recommendations.</p> <p>Ms Rose: Can you repeat the question, please?</p> <p>Senator PRATT: Can you confirm that all working with children check applications and existing card holders, current card holders, have been checked against historical criminal history records interstate? So, a new application.</p> <p>Ms Rose: Yes, I can confirm that.</p> <p>Senator PRATT: You not only are checking new applications, but all of the existing card holders have been data matched with the new set of records that you've created by consulting with the states that draw in all of those microfilmed and paper records?</p> <p>Ms Rose: I have an officer here who has the answer, but they're not sworn in as a witness, so I might have to take that on notice.</p> <p>Senator PRATT: Are you able to take some advice from them?</p> <p>Ms Rose: I think we will take it on notice, because it is quite a complicated answer.</p> <p>Senator PRATT: I am somewhat concerned by the fact that I haven't received an answer to my question on notice about these issues. Are you able to characterise—are there people with working with children checks who have not been checked against historical databases?</p> <p>Ms Rose: My understanding is that the only case, the only instance where that may be the case is if it's a five-year working with children check and they haven't been checked on their renewal. Their renewal hasn't come up yet. Again, because of the technicality of that, I wouldn't mind taking it on notice.</p> <p>Senator PRATT: How long has this new system been in place for?</p> <p>Ms Rose: Just a couple of years.</p> <p>Senator PRATT: So it has been fully operational for a few years?</p> <p>Ms Rose: That's my understanding, yes.</p> <p>Senator PRATT: On that basis, it's only those who haven't come back for renewal.</p> <p>Ms Rose: Since that's occurred.</p>	

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						<p>Senator PRATT: So you haven't checked everyone as a matter of course? You only checked people upon the point of renewal?</p> <p>Ms Rose: That's my understanding. They're continuously checked against the state records.</p> <p>Senator PRATT: That's good news. So everyone has been checked. That's terrific. What progress have you made in making international records more accessible?</p> <p>Ms Rose: I'd have to take that on notice, because that's a great deal more complicated than doing it nationally</p>	
SBE17-050	Attorney-General	Office of the Australian Information Commissioner	N/A	Xenophon	Number of FOI extensions sought over the past 12 months	<p>Senator XENOPHON: I want to go to the issue of the time it takes for decisions to be made—and I have to note my great frustration and the frustration of those who work with me in relation to that. The AAT makes orders in respect of time frames for submissions and the departments adhere to the time frames. In contrast, is it the case that the Information Commissioner's office agrees time frames for submissions and the departments regularly seek extensions?</p> <p>Mr Pilgrim: They can seek extensions, that's correct.</p> <p>Senator XENOPHON: Can you provide me on notice the number of times extensions have been sought in the past 12 months in the context of the total number of reviews conducted?</p> <p>Mr Pilgrim: I'll take that on notice and see if we can provide that.</p>	24 October 2017, 101
SBE17-051	Attorney-General	Office of the Australian Information Commissioner	N/A	Xenophon	Number of submissions withheld from applicant and proposed improvements	<p>Mr Pilgrim: Again, we look very closely at when agencies do make claims for information to be kept confidential. We would usually expect it to be in those more sensitive matters which are deemed matters of national security—</p> <p>Senator XENOPHON: But that hasn't been the practice, though, of your office in that I can get them in the T documents when it goes on appeal to the AAT. I can't see that you can allow them to be withheld. Can you provide me on notice the number of times submissions have been withheld from the applicant in the past 12 months in the context of the total number of reviews conducted?</p> <p>Mr Pilgrim: I'll take that on notice.</p> <p>Senator XENOPHON: And can you take on notice what specific areas for improvement in the way reviews are conducted are being proposed and when they may be implemented? That would be useful.</p> <p>Mr Pilgrim: Yes, I'm happy to provide that.</p>	24 October 2017, 102
SBE17-052	Attorney-General	Office of the Australian Information Commissioner	N/A	Xenophon	FOI exemptions training to departments	<p>Senator XENOPHON: In the Auditor-General's report on FOI released recently, the number of exemptions—that is, grounds to deny access—claimed over the last five years has increased by 68.4 per cent. Noting that an individual FOI claim can be subject to multiple categories of exemption, over the same period the number of applications increased by 53.4 per cent. The use of the 'certain operations' and 'national security' exemptions has increased by 318 per cent and 240 per cent respectively. My final question is: what is your view in respect of this statement, and what, if anything, is your office doing in response to those findings of the Auditor-General? In other words, are you providing the same sort of training to departments that I believe was conducted by the Office of the Australian Information Commissioner when Professor McMillan had that role, where there was continuing education of government departments as to what the parameters of a reasonable request under FOI were?</p> <p>Mr Pilgrim: We'll certainly take some of that on notice. In terms of the training, there has been continuing training going on over the past few years, during the period of which we were in a position of not being sure whether we were going to maintain the function—when there was a bill before the Senate. The functions for undertaking training have been carried out mainly by AGS, and we support them in that. Officers from my office will attend to provide information on cases I've handled to help supplement those training sessions from AGS. Since we have been advised in the last 12 months that we will be continuing on those functions, we're now looking at recommencing our own network for training purposes as well.</p> <p>Senator XENOPHON: Thank you, Mr Pilgrim.</p>	24 October 2017, 102
SBE17-053	Attorney-General	Office of the Australian Information Commissioner	N/A	Griff	My Health Record data breaches	<p>Senator GRIFF: Are you aware of any consequences that affected individuals as a result of these breaches?</p> <p>Ms Falk: I'd have to take that on notice.</p>	24 October 2017, 103
SBE17-054	Attorney-General	Office of the Australian Information	N/A	Griff	Data breach notifications by agency	<p>Senator GRIFF: Your annual report states you managed 114 data breach notifications under the voluntary scheme for the past financial year, compared to 107 for the prior year. You note they continued to grow. Have you noticed any change in trend with the number or nature of the notified breaches?</p>	24 October 2017, 104

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		Commissioner				<p>Mr Pilgrim: In terms of a trend, I would have to say that there's not a particular trend. For example, it does cover a broad range of different types of entities. We cover the government sector but also the private sector, and that's a significantly large sector. If we looked at it sector by sector, there is not a particular trend. We could say that there have been a large number from government agencies in total. But, from a range of causal factors, it does vary. It varies from things that can be offline—the mail-out going to do the wrong people—and it can be online, where we see information being sent out to incorrect people as well, but in an online situation.</p> <p>Senator GRIFF: Which government agencies have you received the most from?</p> <p>Mr Pilgrim: I might have to take that on notice. I don't have that—</p> <p>Senator GRIFF: Can we have a breakdown by agency.</p> <p>Mr Pilgrim: Certainly.</p>	
SBE17-055	Attorney-General	Office of the Australian Information Commissioner	N/A	Griff	Relationship to privacy complaints and data breaches	<p>Senator GRIFF: Looking at 2016-17 again, it states that you received 17 per cent more privacy complaints— 2,494 compared to 2,128 in 2015-16. How many have been as a result of data breaches?</p> <p>Mr Pilgrim: I may need to check that as well. When you say a data breach, there are the two processes there. Sorry, I don't want to be too pedantic, it's—</p> <p>Senator GRIFF: I'm referring to privacy complaints. But how many of those are related to data breaches?</p> <p>Mr Pilgrim: In our terminology, a complaint coming to us is as a result of someone alleging a breach of their personal information. So it would be a potential or alleged breach under the act. If you're referring to, say, a significant breach that an organisation has brought to us, I would need to check those particular breaches we've received to see whether any have resulted in individual complaints.</p>	24 October 2017, 104-105
SBE17-056	Attorney-General	Office of the Australian Information Commissioner	N/A	Griff	Average time data breaches notified to individuals	<p>Senator GRIFF: So they'll be on notice. Thank you. In its submission to the 2015-16 consultation on notifiable data breaches, IDCARE stated the average number of days between a breach being identified and when organisations reported it to the individual was around 405 days. What was the average time frame between breach and notifications under the voluntary scheme in 2016-17?</p> <p>Mr Pilgrim: Again, they're statistics we may not have to hand. In the voluntary scheme, the requirement is by nature that it's voluntary, is that organisations report to us when they have had a breach, and then they advise us what steps they've taken to remedy that breach and what steps they've taken if necessary to advise individuals. So we would need to—</p> <p>Senator GRIFF: Need to look into that—</p> <p>Mr Pilgrim: go back and look at that sort of information.</p> <p>Senator GRIFF: You can provide that?</p> <p>Mr Pilgrim: We can have a look to see what we've got.</p>	24 October 2017, 104-105
SBE17-057	Attorney-General	Office of the Australian Information Commissioner	N/A	Pratt	OAIC complaints unaddressed after four months	<p>Senator PRATT: What kinds of complaints are remaining unaddressed four months later? What's the nature of the kinds of complaints being made?</p> <p>Mr Pilgrim: I'd probably have to take that on notice. Our complaints do vary quite significantly. As you can appreciate, we have a range of areas that we cover. For example, we do have specific credit reporting provisions within the act, and a complaint could come to us from an individual who has been denied credit in a situation where they do need to access that fairly quickly and it will have a significant impact on them, so we could look at those, as opposed to someone who may have received some information that isn't going to impact them directly. They could have had a name or address provided to someone else, which doesn't have an immediate impact on them.</p>	24 October 2017, 106
SBE17-058	Attorney-General	Office of the Australian Information Commissioner	N/A	Pratt	ANAO report on FOI	<p>Senator PRATT: I want to ask you about the ANAO report on FOI. They published a report in September this year assessing the effectiveness and efficiency of entities implementation of the Freedom of Information Act. As you'd be aware, the report was based on the targeted testing of FOI applications made to AGD, the Department of Social Services and the Department of Veterans' Affairs. The report suggested that entities' ability to search for relevant documents could be improved were the entities able to electronically search the contents of all documents rather than just by title. Would this be a useful improvement, and how could such a thing be implemented?</p> <p>Mr Pilgrim: I do think that would be a useful improvement. That's an issue I know a number of agencies are looking at as part of their overall document management systems and the enhancing of their systems. We would be happy and able to provide some of that guidance and assistance with organisations in terms of those document management systems.</p> <p>Senator PRATT: Is that something that's being openly accepted and received by agencies as a good thing? Are all those three agencies open to the implementation of that model?</p>	24 October 2017, 108

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						Mr Pilgrim: I'd need to take that on notice to find out.	
SBE17-059	Attorney-General	Office of the Australian Information Commissioner	N/A	Pratt	Reason for an increase in the number of FOI applications	<p>Senator PRATT: I was somewhat alarmed, in the process of robo-debt with DSS, at the number of people that needed to undertake FOI applications just so that they could respond to the very questions that the DSS had put to them about their own circumstances. Is that something that you're familiar with?</p> <p>Mr Pilgrim: Not referring specifically to the robo-debt issue, but I think, as I said in my opening statement in the annual report, one of the issues you'll note from the statistics that have come out from the broader range of applications to government agencies is that approximately 83 per cent of the requests under the FOI Act are for access to personal information. Now, I don't have the figure to hand, of that 83 per cent, how many are individuals seeking their own information, but I would suggest that would be the majority. In those circumstances, I strongly encourage agencies to be giving people access to their own personal information without having to go through often very complex processes to access their own personal information.</p> <p>Senator PRATT: Is that why there has been an increase in the number of FOI applications over the last five years? Is that the source of the driving up of the data?</p> <p>Mr Pilgrim: I would need to check the statistics over the last few years, but I do know that that has been a consistent feature, that the majority of those requests are for personal information.</p>	24 October 2017, 109
SBE17-060	Attorney-General	Office of the Australian Information Commissioner	N/A	Pratt	Department of Social Services relationship to FOI	<p>Senator PRATT: To what extent is DSS relying on FOI in order to trigger the access of clients to their own information?</p> <p>Mr Pilgrim: I'd probably have to look at the statistics on that one and get back to you.</p> <p>Senator PRATT: From what I could tell from our robo-debt inquiry, there were some officers happy to hand over the information, but other officers were simply directing people to FOI. There didn't seem to be any consistency around that. If you could take on notice what DSS's practice looks like to you in that regard, that would be terrific.</p> <p>Mr Pilgrim: Yes, we will do that.</p>	24 October 2017, 109
SBE17-061	Attorney-General	Strategy and Delivery Division	1.1	Pratt	Reason for AGD's proportion of refused FOI applications	<p>Senator PRATT: The report found that the AGD had a higher proportion of refused applications relative to other entities over the last five years. Why is that?</p> <p>Mr Pilgrim: I don't know off the top of my head why that is. AGD may wish to answer that, but I would have to go back and look at some of those matters to be able to provide an answer.</p> <p>Senator PRATT: Is AGD able to answer that for us?</p> <p>Mr Reid: I don't have the information before me about the submissions we made to the ANAO report, but I will take that on notice.</p>	24 October 2017, 109
SBE17-062	Attorney-General	Office of the Australian Information Commissioner	N/A	Pratt	Reasons for increase in operations and national security FOI exemption	<p>Senator PRATT: Why do you think there has been an increase in certain operations and national security exemptions within the FOI space?</p> <p>Mr Pilgrim: Again, it might take a longer analysis, but I would have to look at the matters before me in the Information Commissioner reviews I receive to see whether there has been an increase in applications to those particular agencies that would hold that sensitive information.</p> <p>Senator PRATT: I know you've characterised it as a longer analysis, but these questions of what access people have to information regarding so-called certain operations and national security matters are of deep importance, as is the need to maximise the transparency of those matters to the public where possible, so if you are able, on notice, to answer that as best you can, that would be terrific.</p> <p>Mr Pilgrim: I'll take that on notice.</p>	24 October 2017, 109
SBE17-063	Attorney-General	Civil Law Unit	1.1	Siewert	National principles arising from the United Nations Committee on the Rights of Persons with Disabilities	<p>Senator SIEWERT: Can you articulate, given there wasn't any public consultation, what information, reports or evidence were used as the basis for developing the national principles?</p> <p>Mr Reid: I don't have all of that information in front of me, but I will take it on notice.</p>	24 October 2017, 111

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SBE17-064	Attorney-General	Civil Law Unit	1.1	Rice	Sex and gender guidelines	<p>Ms O'Keefe: I can confirm that, since last estimates, that review has commenced. We have focused initially on discussions with people in the community and with government departments. I will take on notice the precise date, but I believe it was in September this year that a questionnaire was sent to all federal government agencies, asking about the implementation of the guidelines. We are still receiving responses on that. So, at this stage, I'm not in a position to give you a definitive guide to that. Over the coming months, we will be assessing those responses and speaking again to community about the responses that we have received and what any recommendations to government might be about the future use of those guidelines.</p> <p>Senator RICE: Did you set a return date for the government departments to get their responses back to you?</p> <p>Ms O'Keefe: We did. I will have to take on notice the precise date. Sorry, I have been just advised it was 2 October. We have followed-up with those agencies, and we expect that those responses will be received imminently.</p> <p>Senator RICE: Can you give me a bit more detail about what the community consultation has been?</p> <p>Ms O'Keefe: I don't have those details in front of me, but I'm very happy to take them on notice and provide you with a list of people and organisations that we've spoken to.</p>	24 October 2017, 115
SBE17-065	Attorney-General Minister for Justice	International and AusCheck Division	1.7	Leyonhjelm	Airsoft firearm	<p>Senator LEYONHJELM: Alright. I am going to ask you to take on notice a request to provide evidence that there is such a thing as an Airsoft firearm which is potentially lethal and even potentially capable of serious injury. Could you take that one on notice and get back to me with advice as to what that constitutes because I have never heard of such a thing?</p> <p>Mr Bouwhuis: Sure, I would be happy to, Senator.</p> <p>Senator LEYONHJELM: Thank you. I look forward to receiving that. I will investigate the regulation that you mentioned and I will have another talk to you at future estimates after I've had some feedback from people in the states who are interested in the issue. Thank you for your time.</p>	24 October 2017, 118
SBE17-066	Attorney-General Minister for Justice	International and AusCheck Division	1.7	Watt	Firearms' licences held by primary producers	<p>Senator WATT: I might just ask a couple of quick questions about firearms, since we were dealing with that. Just to give people a heads up, probably next I will ask questions about cross-examination reform in the area of family law. Thanks for coming back. Sticking with firearms for a moment, I am not sure whether you've followed this debate, but in Queensland currently there have been a range of different ideas proposed around changes to gun laws in Queensland. In particular, one of the proposals that has been mooted involves changes to the laws concerning primary producers having renewals of handgun licences. I am not across the detail of this, but as I understand it the proposal is to provide for automatic renewal of handgun licences held by primary producers if they meet a basic fit-and-proper-person test. I think that's a bit of a change from the current situation, which also requires primary producers to demonstrate that they have a genuine reason to hold a concealable handgun before getting that licence renewed. As I understand it, the current law is if you are a primary producer and you have a handgun licence you can get a renewal by demonstrating that you meet the fit-and-proper-person test and by demonstrating that you have a genuine reason to have that handgun. The proposal is to remove the second limb so you would no longer need to prove that you have a genuine reason for having that handgun. Is that proposal something that has been considered by your agency?</p> <p>Mr Bouwhuis: Thank you for the question, Senator. No, we haven't been asked specifically about that by the Queensland government. I must say I am kind of unaware of the details of that. I am happy to take that on notice if you wanted to have us respond on that one, but we haven't been consulted on that proposal.</p>	24 October 2017, 118-119
SBE17-067	Attorney-General Minister for Justice	International and AusCheck Division	1.7	Watt	CrimTrac pilot program	<p>Senator WATT: So there was a CrimTrac pilot program that was operating a couple of years ago—</p> <p>Mr Pahlow: Yes.</p> <p>Senator WATT: and that got canned, did it?</p> <p>Mr Pahlow: It got canned. It was a prototype involving three jurisdictions with an information-sharing system being developed to determine how that would work to then go back to state, territory and federal ministers to determine whether that was workable or not. That particular project was cancelled when the decision was made to go straight to the system that's in place now, which is an interim system in place until the final system is launched in December 2019.</p> <p>Senator WATT: When was that interim system established?</p> <p>Mr Pahlow: I would have to take the exact time on notice.</p> <p>Senator WATT: I'm actually just still trying to work out whether the pilot program that I'm referring to is what you've termed the interim</p>	24 October 2017, 121

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						<p>process or the one that preceded it.</p> <p>Mr Pahlow: There was the prototype initially, which I think was referred to as 'the prototype'. Then there was a further round of negotiations on model laws with states and territories and an agreement to implement model laws to automate domestic violence orders across jurisdictional boards. In order to implement that, a COAG agreement was achieved between states and territories in December 2015. That agreement involved setting up an interim system—</p> <p>Senator WATT: Would that be the one that was to cost about \$3.3 million?</p> <p>Mr Pahlow: No, that was the original prototype.</p> <p>Senator WATT: Okay. Let's stick with the original \$3.3 million one. That was rolled out by CrimTrac and, I understand, was supposed to report back by 2016.</p> <p>Mr Pahlow: Yes.</p> <p>Senator WATT: What you are saying is that that got canned and was superseded by the—</p> <p>Mr Pahlow: It was overtaken by the decision to put the current systems in place.</p> <p>Senator WATT: Was there ever a report back in around 2016?</p> <p>Mr Pahlow: Not one in 2016. I would have to take on notice whether there was any—there was, I suppose. an update to COAG more broadly, but I don't know whether that would be classified as a report back.</p>	
SBE17-068	Attorney-General Minister for Justice	Counter Terrorism Division	1.7	Watt	Application of pre-charge detention period to 10 year olds	<p>Senator WATT: Would that maximum 14-day, pre-charge detention period apply to children as young as 10?</p> <p>Senator Brandis: It applies to people to whom it applies—that is, people who are subject to the criminal law. The age of criminal responsibility in the various states is different, but in some states it does apply to people as young as 10 years of age.</p> <p>Senator WATT: Which states are they?</p> <p>Senator Brandis: Let me just check that. I will get some advice on that, but I am advised that in at least one state it is 10 years. The principles of criminal responsibility are the same.</p> <p>Senator WATT: In that state where the age of criminal responsibility is 10, if we're talking about a 10-year-old in that state about whom there is a suspicion, they could be detained for up to 14 days?</p> <p>Senator Brandis: If the statutory criteria were met, but as well—and it's important to make this point—where one is dealing with the pre-charged detention of children under the age of 18 years, there are special protective provisions in operation because of their age.</p> <p>Senator WATT: My understanding is that there have been different answers about this issue from different ministers. I think Minister Keenan has said that it is conceivable that this could apply to children as young as 10, but I think the Prime Minister has said that is not the case. You are saying it depends on—</p> <p>Senator Brandis: I'm not familiar with the statements you're quoting. My point is that this is not a function of this legislation; it is a function of the ordinary law of criminal responsibility. It applies to a person charged with a relevant offence who is otherwise criminally responsible. There are special provisions for people to protect people under the age of 18.</p> <p>Senator WATT: It might be that in at least one state 10-year-olds can be convicted of a criminal offence, but this does amount to a change if what we're talking about is subjecting 10-year-olds in that state to up to 14 days of pre-charge detention.</p> <p>Senator Brandis: As I said, Senator, you seem to be disregarding it—subject to special protections, which wouldn't, by the way, necessarily apply if a very young person were charged with an ordinary crime because they had reached the age of criminal responsibility and were being dealt with in the Children's Court. But there are special provisions, just as there are special provisions, by the way, in relation to Commonwealth control orders that apply to people under the age of 18 in acknowledgement of the fact that it is a special case.</p>	24 October 2017, 130
SBE17-069	Attorney-General	Federal Court of Australia	N/A	McKim	IT outsourcing and services	<p>1. In relation to IT outsourcing at the Federal Court what is the value of the contract with Datacom and does this contract cover support, maintenance and development services for core IT service?</p> <p>2. Will all IT services be outsourced to Datacom and if so will there be a loss of jobs from the APS jobs?</p> <p>3. Has there been any reduction on out of hours IT support? If so, is IT support available to Judges after hours when they need to video-link after hours for example?</p>	Written 6 November 2017

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
SBE17-070	Attorney-General	Australian Human Rights Commission	N/A	McKim	Complaints about discrimination against LGBTI	1. Have the number of complaints about discrimination against LGBTI going up since the postal survey was announced?	Written 6 November 2017
SBE17-071	Attorney-General	Australian Human Rights Commission	N/A	Siewert	Community Development Program, Closing the Gap and automatic fines deductions	1. How many complaints have been received by the Australian Human Rights Commission about the Community Development Program (CDP)? <input type="checkbox"/> What types of issues are the complaints covering? 2. Have you been consulted during the Closing the Gap refresh process? 3. Have you considered the proposal by some state governments to automatically deduct fines from a person's income support? <input type="checkbox"/> If so, could you provide details of your consideration? <input type="checkbox"/> Have you been consulted about this matter?	Written 6 November 2017
SBE17-072	Attorney-General	Administrative Appeals Tribunal	N/A	Siewert	Decisions relating to Centrelink	1. How many appeals of Centrelink decisions were there in 16-17? <input type="checkbox"/> How many in 14-15 and 15-16? <input type="checkbox"/> Please provide the number of appeals against payment types for each financial year as above. 2. How many appeals involved the OCI process? 3. Please provide outcomes of appeals in 14-15, 15-16 and 16-17.	Written 6 November 2017
SBE17-073	Attorney-General Minister for Justice	Australian Criminal Intelligence Commission	N/A	Kakoschke-Moore	Assumed identity grants	1. In the Assumed Identities Annual Report 2016-2017 it states that there were 58 authorities for assumed identities granted during the past year. Can the Commission provide a breakdown of areas that those assumed identity grants related to, including in regards to online child sexual exploitation, child abuse or terrorism?	Written 6 November 2017
SBE17-074	Attorney-General	Civil Law Unit	1.1	McKim	Ratification of and obligations to the OPCAT	1. The Government announced in February this year that Australia will ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) by December this year. Is the Government on track for OPCAT to be ratified by /December? 2. Will you confirm that to meet Australia's obligations under OPCAT, you will ensure that all places where Australia detains people such as Nauru, Papua New Guinea and boats on which asylum seekers are detained during turnback operations will be able to be accessed by the Subcommittee on the Prevention of Torture (SPT) and the National Prevention Mechanism (NPM)?	Written 6 November 2017
SBE17-075	Minister for Justice	Australian Federal Police	N/A	Kakoschke-Moore	Illicit tobacco	1. Is there any procedure, agreement or understanding between the AFP and other law enforcement agencies in relation to responsibility for and handling of illicit tobacco investigations? a. If so, what are the conditions under which the agencies are required to refer matters to the AFP? b. How many referrals have there been and how many have been accepted?	Written 6 November 2017
SBE17-076	Attorney-General Minister for Justice	Commonwealth Director of Public Prosecutions	N/A	Kakoschke-Moore	Criminal code offences relating to child sexual abuse	The government's Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017 (the Bill) amends the Criminal Code in relation to sections of the Code detailed in answer to question on notice 62 from May 2017 Estimates. In a submission to the senate inquiry into the Bill, Ms Lorana Bartels, the Head of the School of Law and Justice at the University of Canberra, said 'the Commonwealth Sentencing Database (CSD) reveals that several of the offences which are proposed to attract increased penalties have not in fact resulted in any sentences to date. Significantly, there are no cases listed in the CSD for offences under sections 272.9, 471.25, 471.26 and 474.25 of the Criminal Code 1995 (Cth). The CSD also records small numbers of cases for offences under section 474.25A (n=9)' (pg.3 Bartels Submission to Inquiry). 1. In relation to section 272.9 it appears at least two cases, being DPP v Le Gassick and Bryan Beattie, should be listed as cases having attracted a sentence. Why would the CSD be showing that there are no cases? 2. Who has the ability to access the CSD? 3. Is the information on the CSD publicly available? 4. How often is the CSD updated?	Written 6 November 2017

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
						5. Can we please be provided with the number of cases for each of the offences which were listed in the Department's answer to my question, being question 62 from May 2017 estimates?	
SBE17-077	Attorney-General	Office of Constitutional Law	1.1	Rhiannon	Section 44 of the Constitution	<p>1. Under section 44 of the constitution it has become clear that millions of adult Australian citizens are ineligible to nominate for federal elections because they have dual citizenship, or are Commonwealth or state public servants and hold an "office of profit under the Crown". There is also a reference in section 44 to Australians who hold pensions being ineligible to contest federal elections.</p> <p>Section 44 (iv) says : "<i>Any person who holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.</i>"</p> <p>a. Does the Minister consider that this section excludes Australian aged pensioners from being candidates in Australian federal elections?</p> <p>b. Has the Minister or government sought legal advice from the Crown solicitor to clarify this question. If so will that advice be made public, and if not will that advice be sought?</p> <p>c. If there is advice that pensioners are excluded from running for federal parliament, does the government believe that this provision is antiquated and discriminatory, and will it take action to rectify such an undesirable situation?</p>	Written 6 November 2017
SBE17-078	Attorney-General	Federal Court of Australia	N/A	McKim	Enterprise bargaining process and positions in the Federal Court of Australia	<p>1. During Estimates in August this year I asked about the Enterprise bargaining process. Could you give an update of where that is at?</p> <p>2. There is a position in the Federal Court titled Strategic Projects Manager and I understand that the current incumbent has held that position since November 2014. Could you explain why the person who holds that position is based in Ireland? How often does that person have to travel to Australia to carry out their role? What has been the cost of that travel to date and is there a budget for future travel?</p> <p>3. Does the Court have a position titled 'International Program Coordinator'? What does this position entail? Does the person who holds this position live in Malta?</p> <p>4. How does the Court operate effectively with staff in key positions living overseas?</p>	Written 6 November 2017
SBE17-079	Minister for Justice	Australian Federal Police	N/A	Gallacher	Cost of personal security for ministers	1. What is the cost of personal security for the Minister of Finance and the Minister for Immigration & Border Protection for the morning exercise regime in Canberra over the last 3 financial years and the current up to date figure?	Written 6 November 2017
SBE17-080	Attorney-General	Civil Justice Policy and Programmes Division	1.4	Pratt	Parenting Management Hearings	<p>Who will comprise the panel of a Parenting Management Hearing?</p> <p>Will the panel of a Parenting Management Hearing be making determinations?</p> <p>If so, will those determinations be reviewable?</p> <p>Have any steps been taken to find suitable candidates for the Parenting Management Hearing panel for Parramatta?</p> <p>Will each panel member receive the equal remuneration or will there be a sliding scale according to their usual occupation?</p> <p>Will the panel members be engaged on a part-time, casual or permanent basis?</p> <p>How will the Parenting Management Hearings fit within the current section 60I pre-action procedure regime?</p> <p>When do you expect the Parramatta trial to begin?</p> <p>The Budget announcement was for \$12.7 million to be spent on establishing Parenting Management Hearings.</p> <p>Was there a costing done for the establishment of this program?</p> <p>What was included in the costing?</p> <p>How many people on each panel?</p> <p>An Independent Children's Lawyer for each case?</p> <p>An expert Family Report in each case?</p> <p>How many cases were estimated to go through the Parenting Management Hearings in the costing?</p> <p>[If no costing was done] How did you arrive at the figure of \$12.7 million?</p> <p>How will the inquisitorial approach work in parenting management hearings?</p>	Written 6 November 2017

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written																						
						Will experts be appointed to assist in the inquiries undertaken through parental management hearings?																							
SBE17-081	Attorney-General	Civil Law Unit	1.1	Pratt	OPCAT	What funding is being made available to prepare for the implementation of OPCAT? What is the timeframe for implementation?	Written 6 November 2017																						
SBE17-082	Attorney-General	Federal Court of Australia	N/A	Pratt	EBAs in the Courts	As a standard practice, does both the Federal Court and the Family Court encourage litigants to take part in conciliation processes before matters go to a hearing? Why is it then, in relation to a good faith bargaining hearing in the Fair Work Commission, the Court has refused the Commission's offer of conciliation to assist in resolving bargaining? We understand that the APSC has agreed that the Federal Court Agreement will be the agreement against which they will assess any proposed agreements. Is that the agreement you are using as the basis for your negotiations? Is relying on the lesser conditions in the Family Court agreement contributing to the delays in resolving this? It seems you have opportunities to make progress on this matter through both the Fair Work Commission and using the Federal Court Agreement as the basis of your negotiations. Why aren't you making use of those opportunities?	Written 6 November 2017																						
SBE17-083	Attorney-General	Commonwealth Director of Public Prosecutions	N/A	Pratt	CDPP Staffing	<p>Please provide the headcount and the ASL for the CDPP by State/Territory and nationally for the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <table border="1"> <thead> <tr> <th></th> <th>Total headcount ('HC')/ASL</th> <th>NSW ('HC')/ASL</th> <th>ACT ('HC')/ASL</th> <th>QLD ('HC')/ASL</th> <th>Etc</th> </tr> </thead> <tbody> <tr> <td>2010-11</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Separately, please provide these numbers again by State/Territory (year by year), but broken down by function and classification (legal roles – APS 6, non-legal roles etc.).</p> <table border="1"> <thead> <tr> <th>NSW</th> <th>Total headcount ('HC')/ASL</th> <th>APS 6 – Legal Role (HC/ASL)</th> <th>APS 5 – Legal Role (HC/ASL)</th> <th>Etc</th> </tr> </thead> <tbody> <tr> <td>2010-11</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Does the CDPP project or plan future staffing? If so, please provide information questions 1 and 2 above for the following years:</p> <ul style="list-style-type: none"> • 2018-19 • 2019-20 • 2020-21 		Total headcount ('HC')/ASL	NSW ('HC')/ASL	ACT ('HC')/ASL	QLD ('HC')/ASL	Etc	2010-11						NSW	Total headcount ('HC')/ASL	APS 6 – Legal Role (HC/ASL)	APS 5 – Legal Role (HC/ASL)	Etc	2010-11					Written 6 November 2017
	Total headcount ('HC')/ASL	NSW ('HC')/ASL	ACT ('HC')/ASL	QLD ('HC')/ASL	Etc																								
2010-11																													
NSW	Total headcount ('HC')/ASL	APS 6 – Legal Role (HC/ASL)	APS 5 – Legal Role (HC/ASL)	Etc																									
2010-11																													
SBE17-084	Attorney-General Minister for Justice	Commonwealth Director of Public Prosecutions	N/A	Pratt	Modern slavery	Please update Question No. BE17-181 asked by Senator Pratt on 28 August 2017.	Written 6 November 2017																						

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SBE17-085	Attorney-General Minister for Justice	Commonwealth Director of Public Prosecutions	N/A	Pratt	Child sexual abuse	<p>Please provide responses to questions 2-5 below broken down by offence (ie. subsection 272.8(1) of the Criminal Code - referrals 2011-12 = X, prosecutions 2011/12 = X, convictions 2011/12 = X, sentences 2011/12 = X. Y, Z)</p> <p>How many incidents of child sexual abuse or child exploitation material have been brought to/referred to the CDPP in the following years:</p> <ul style="list-style-type: none"> • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 (to date) <p>How many of these progressed to prosecution? Please list these by year:</p> <ul style="list-style-type: none"> • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 (to date) <p>How many resulted in a conviction? Please list these by year:</p> <ul style="list-style-type: none"> • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 (to date) <p>Please list the sentences for each offence (including the length of imprisonment/recognition release order) by year:</p> <ul style="list-style-type: none"> • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 (to date) <p>Has the CDPP provided any advice to Government about the level of prosecutions child sexual abuse and child exploitation material offences? If so, has the CDPP provided advice on why prosecutions and convictions remain low?</p> <p>What support does the CDPP provide to victims during the prosecution of child sexual abuse and child exploitation material offences?</p> <p>What other support is the CDPP aware of for victims? Does the CDPP refer victims to services? If not, why not?</p>	Written 6 November 2017

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
SBE17-086	Attorney-General Minister for Justice	Australian Criminal Intelligence Commission Australian Institute of Criminology	N/A	Pratt	ACIC staffing	<p>How many analysts does the ACIC have overseas? When do their contracts expire? Can you please provide the ASL for ACIC overseas staff for the following years:</p> <ul style="list-style-type: none"> • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <p>Can you please provide projected ASL for overseas ACIC staff for the following years:</p> <ul style="list-style-type: none"> • 2017-18 • 2018-19 • 2019-20 • 2020-21 • 2021-22 <p>Please provide the number of ACIC analysts whose roles are not currently guaranteed full funding until the end of the forward estimates (2021). Has the ACIC requested funding for any extension of ACIC analysts' postings overseas from the Minister? Which ACIC activities/programs funded by Proceeds of Crime funding will expire over the forward estimates? When will they expire? Has the ACIC sought additional funding to continue these activities/programs? Will any of them cease or have to be scaled back if funding isn't re-committed/restored? How much funding has the ACIC received for information technology/cyber security over the following years:</p> <ul style="list-style-type: none"> • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <p>Can you please provide projected funding for ACIC IT/cyber security over the following years:</p> <ul style="list-style-type: none"> • 2017-18 • 2018-19 • 2019-20 • 2020-21 • 2021-22 	Written 6 November 2017
SBE17-087	Attorney-General Minister for	Australian Criminal Intelligence	N/A	Pratt	ACIC/AIC merger	<p>What is current the status of the ACIC/AIC merger? In light of the 2017-18 Budget decision, what roles will ACIC play in the ongoing operations of the AIC?</p>	Written 6 November 2017

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
	Justice	Commission Australian Institute of Criminology				<p>Does the AIC have an operating deficit? How much is it? What is the reason for the deficit? How are you going to address that deficit? Please provide the ASL and headcount of research staff employed at the AIC for the following years</p> <ul style="list-style-type: none"> • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <p>Please provide the projected ASL and headcount of research staff employed at the AIC for the following years</p> <ul style="list-style-type: none"> • 2018-19 • 2019-20 • 2020-21 <p>Has there been a re-allocation of staff from ACIC to AIC? If so, for what purpose? Can you please guarantee the capacity of the AIC to maintain its research capacity and standards? Will there be any change in the focus of the work of the AIC over the next 24 months? What are your targets in relation to the number of publications you are required to make each year, and in the number of those that should be peer-reviewed? Did you meet those targets last financial year? If not, why not? Are you on track this year?</p>	
SBE17-088	Minister for Justice	Australian Federal Police	N/A	Pratt	Discretionary funding	<p>The following questions relate to responses provided by the AFP to questions at Senate Estimates on 24 October 2017 (specifically, see discussion of discretionary/non-discretionary funding at page 6). Please provide a breakdown of AFP resourcing for Outcome 1, split by ‘discretionary’ and ‘non-discretionary’ components for the following years (i.e. the total amount of funding that was tied to particular projects etc., for example NAGS, and funding that is essentially for “discretionary parts of the business that aren’t tied to specific funding”). Please provide this information for the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2012-13 • 2013-14 • 2014-15 • 2015-16 • 2016-17 to date <p>Please provide the projected breakdown of AFP resourcing for Outcome 1, split by ‘discretionary’ and ‘non-discretionary’ components for the following years:</p> <ul style="list-style-type: none"> • 2017-18 • 2018-19 • 2019-20 	Written 6 November 2017

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
						<ul style="list-style-type: none"> • 2020-21 <p>Please provide a breakdown of the funding the AFP has allocated to child exploitation work* (distinguishing between the amount of ‘tied’ funding for this work (such as AFP programs) and the funding for this work that comes from the AFP’s ‘discretionary’ budget), for the following years:</p> <ul style="list-style-type: none"> • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 to date <p>Does the AFP have any projections for the funding it will provide in this area in over the forward estimates? If so, please breakdown projected funding for this work split by ‘discretionary’ and ‘non-discretionary’ components for the following years:</p> <ul style="list-style-type: none"> • 2017-18 • 2018-19 • 2019-20 • 2020-21 <p>Please provide a breakdown of the funding the AFP has allocated to anti-narcotics work* (distinguishing between the amount of ‘tied’ funding for this work (such as specific funded non-ongoing AFP programs) and the funding for this work that comes from the AFP’s ‘discretionary’ budget), for the following years:</p> <ul style="list-style-type: none"> • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 to date <p>Does the AFP have any projections for the funding it will provide in this area in over the forward estimates? If so, please breakdown projected funding for this work split by ‘discretionary’ and ‘non-discretionary’ components for the following years:</p> <ul style="list-style-type: none"> • 2017-18 • 2018-19 • 2019-20 • 2020-21 <p>Please provide a breakdown of the funding the AFP has allocated to organised crime work* (distinguishing between the amount of ‘tied’ funding for this work (such as specific funded non-ongoing AFP programs) and the funding for this work that comes from the AFP’s ‘discretionary’ budget), for the following years:</p> <ul style="list-style-type: none"> • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 to date <p>Does the AFP have any projections for the funding it will provide in this area in over the forward estimates? If so, please breakdown projected funding for this work split by ‘discretionary’ and ‘non-discretionary’ components for the following years:</p> <ul style="list-style-type: none"> • 2017-18 • 2018-19 	

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						<ul style="list-style-type: none"> • 2019-20 • 2020-21 <p>Please provide a breakdown of the funding the AFP has allocated to fraud and anti corruption work* (distinguishing between the amount of 'tied' funding for this work (such as specific funded non-ongoing AFP programs) and the funding for this work that comes from the AFP's 'discretionary' budget), for the following years:</p> <ul style="list-style-type: none"> • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 to date <p>Does the AFP have any projections for the funding it will provide in this area in over the forward estimates? If so, please breakdown projected funding for this work split by 'discretionary' and 'non-discretionary' components for the following years:</p> <ul style="list-style-type: none"> • 2017-18 • 2018-19 • 2019-20 • 2020-21 <p><i>* these terms were used by the Commissioner at Senate Estimates 24 October 2017 page 6 to describe the areas of work funded in large part by discretionary funding. The request for information about work in these areas extends beyond the list of programmes listed in the AFP Departmental Operating Funding Appropriation Measures provided in Question on Notice BE17-160. We are seeking information about both discretionary and non-discretionary funding for these areas across the whole of the AFP's resourcing for Outcome 1, rather than a list of relevant programmes with tied funding.</i></p>																									
SBE17-089	Minister for Justice	Australian Federal Police	N/A	Pratt	AFP Staffing	<p>Please provide the headcount* and the ASL for the AFP by state for the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <table border="1"> <thead> <tr> <th></th> <th>Total headcount ('HC')/ASL</th> <th>NSW (HC/ASL)</th> <th>ACT (HC/ASL)</th> <th>QLD (HC/ASL)</th> <th>Etc</th> </tr> </thead> <tbody> <tr> <td>2010-11</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><i>*Headcount refers to the term used by the Commissioner at Senate Estimates 24 October 2017</i></p> <p>Separately, please provide these numbers again (year by year), but broken down by function (e.g. sworn officers, PSOs, unsworn etc.)</p> <table border="1"> <thead> <tr> <th></th> <th>Total headcount ('HC')/ASL</th> <th>NSW (HC/ASL)</th> <th>ACT (HC/ASL)</th> <th>QLD (HC/ASL)</th> <th>Etc</th> </tr> </thead> <tbody> <tr> <td>2010-11</td> <td>Sworn: X/Y PSO: X/Y</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Please then further break down the number of sworn officers for each of these years by area of work and State/Territory, eg:</p> <ul style="list-style-type: none"> • Counter terrorism 		Total headcount ('HC')/ASL	NSW (HC/ASL)	ACT (HC/ASL)	QLD (HC/ASL)	Etc	2010-11							Total headcount ('HC')/ASL	NSW (HC/ASL)	ACT (HC/ASL)	QLD (HC/ASL)	Etc	2010-11	Sworn: X/Y PSO: X/Y					Written 6 November 2017
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						<ul style="list-style-type: none"> Organised crime and cyber Crime operations International operations Specialist operations <p>Please ensure that the total across the areas matches the total number of sworn officers - i.e. that any sworn officers that don't fall into a specific area/cannot be listed as part of a specific area fall within an alternative category (e.g. 'other'). Please also avoid any double-counting of officers by referring only to their 'home position' – for more detail please see comments by the Commissioner at Senate Estimates 24 October 2017:</p> <p><i>"The person would show up once, even though they might be deployed to other parts of the organisation. They have a <u>home location and a home position number that they sit against, and that position number doesn't change.</u>" (emphasis added)</i></p> <table border="1"> <thead> <tr> <th></th> <th>Total headcount ('HC')/ASL</th> <th>NSW (HC/ASL)</th> <th>ACT (HC/ASL)</th> <th>QLD (HC/ASL)</th> <th>Etc</th> </tr> </thead> <tbody> <tr> <td>2010-11</td> <td>CT: X/Y Crime Ops: X/Y Other: X/Y</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Does the AFP project or plan future staffing? If so, please provide information in the three questions above for the following years:</p> <ul style="list-style-type: none"> 2018-19 2019-20 2020-21 		Total headcount ('HC')/ASL	NSW (HC/ASL)	ACT (HC/ASL)	QLD (HC/ASL)	Etc	2010-11	CT: X/Y Crime Ops: X/Y Other: X/Y					
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2010-11	CT: X/Y Crime Ops: X/Y Other: X/Y																		
SBE17-090	Minister for Justice	Australian Federal Police	N/A	Pratt	AFP in Tasmania	<p>Please provide the resourcing provided to the AFP's work in Tasmania (i.e. funding for the AFP personnel posted to the state, any funding attached to specific Tasmanian programmes) for each of the following years:</p> <ul style="list-style-type: none"> 2010-11 2011-12 2013-14 2014-15 2015-16 2016-17 2017-18 <p>Please provide projected resourcing for AFP in Tasmania (employee funding/projects) for the following years:</p> <ul style="list-style-type: none"> 2018-19 2019-20 2020-21 <p>Please provide both the AFP's ASL and AFP's headcount projections for its Tasmanian personnel for the following years:</p> <ul style="list-style-type: none"> 2018-19 2019-20 2020-21 <p>Please provide the number of investigations and operations undertaken by the AFP in Tasmania for the following years:</p> <ul style="list-style-type: none"> 2010-11 2011-12 2013-14 	Written 6 November 2017												

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						<ul style="list-style-type: none"> • 2014-15 • 2015-16 • 2016-17 • 2017-18 <p>Please provide the number of requests for assistance received by the AFP from Tasmania Police for the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <p>Please break these numbers down by requests that were actioned/where assistance was provided and requests that were rejected/refused.</p>	
SBE17-091	Minister for Justice	Australian Federal Police	N/A	Pratt	Enterprise Agreement	<p>Please outline the financial implications of the delay of the AFP Enterprise Agreement.</p> <p>What amount was saved by the delay of any pay rise to AFP staff?</p> <p>Please provide the amount of funding that would have been required in order to provide AFP personnel a 2 percent p.a. pay rise. Please calculate this from the date of expiry from the last agreement (8 March 2016), until 1 November 2017.</p> <p>How much money have AFP personnel missed out on to date?</p> <p>The Commissioner confirmed at Senate Estimates that there is a \$77 million reduction in resources for AFP, contained in the 2017-18 Budget.</p> <p>Is the AFP predicting a reduction in staff or a reduction in pay/conditions for staff to offset this reduction?</p> <p>Can the AFP rule out further reductions in staff?</p> <p>Can the AFP rule out any reduction in employee pay and conditions?</p> <p>Can the AFP rule out effect of this reduction on AFP operational capacity?</p> <p>Has the AFP prepared any documents the effect of this cut on:</p> <p>Staffing numbers (ASL/headcount);</p> <p>Employee pay and/or conditions; and/or</p> <p>AFP operational capacity?</p> <p>If so, have these been provided to the Minister?</p> <p>Has the AFP discussed this reduction with the Minister and/or his office at any stage?</p> <p>Has the AFP provided any documents to the Minister and/or his office at any stage?</p> <p>Has the AFP requested an increase in resources for its employees from Government/the Minister and/or his office?</p>	Written 6 November 2017
SBE17-092	Minister for Justice	Australian Federal Police	N/A	Pratt	International Work	<p>Please update your response to Question on Notice AE17-087 (asked by Sen. Pratt on 28 February 2017) – all questions (1 – 15)</p> <p>Please list the amount of funding provided for these postings for the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 	Written 6 November 2017

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						<ul style="list-style-type: none"> • 2016-17 • 2017-18 <p>Please provide projected funding for these postings and projected staffing levels for these postings for the following years:</p> <ul style="list-style-type: none"> • 2018-19 • 2019-20 • 2020-21 <p>If there has been a decrease in resourcing for these postings, was this the decision of Government or the AFP? If it was a decision of the AFP, can the AFP rule out reduced Government resourcing of the AFP as a factor influencing this decision?</p> <p>Please provide a breakdown of all funding provided to the AFP's work abroad*, year by year, for the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <p>Please provide projected resourcing for the AFP's work abroad* for the following years:</p> <ul style="list-style-type: none"> • 2018-19 • 2019-20 • 2020-21 <p><i>* this includes International Police Assistance (Outcome 1, Program 1.2), all overseas postings and overseas work from Outcome 1, and any relevant international taskforces/projects (e.g. Project Blaze).</i></p>	
SBE17-093	Minister for Justice	Australian Federal Police	N/A	Pratt	Employee health and safety	<p>How many AFP personnel were injured or harmed at work in each of the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 <p>How much funding has the AFP received for occupational health and safety of its employees (including protective gear, mental health, training) for each of the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 	Written 6 November 2017

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SBE17-094	Minister for Justice	Australian Federal Police	N/A	Pratt	Overall staffing	<p>Please break down the total number of AFP personnel (both ASL and headcount) by AC level portfolio, and within each function, break the number down by state.</p> <p>Please ensure all AFP personnel fall within these portfolios, or are listed as 'other':</p> <ul style="list-style-type: none"> • Chief of Staff • Counter Terrorism • Protection Operations • Reform, Culture and Standards • Organised Crime and Cyber • Crime Operations • International Operations • Technology and Innovation • Specialist Operations • Support Capability • Legal • Workforce Development • People, Safety and Security • Chief Financial Officer • ACT Policing <p>Please ensure this is broken down by State/Territory (e.g. ASL X/Headcount Y in Protection Operations in NSW).</p> <p>Please ensure the total number is provided for each portfolio across all States/Territories.</p> <p>Please provide this information for each of the following years:</p> <ul style="list-style-type: none"> • 2010-11 • 2011-12 • 2013-14 • 2014-15 • 2015-16 • 2016-17 • 2017-18 	Written 6 November 2017
SBE17-095	Minister for Justice	Australian Federal Police	N/A	Pratt	Resourcing constraints	<p>How many AFP operations have been transferred, moved or cancelled because of a lack of resourcing/capacity in the following years:</p> <ul style="list-style-type: none"> • 2015-16 • 2016-17 • 2017-18 to date <p>How many drug importation cases of more than 1kg have been transferred to state police by the AFP? Please provide information for the following years:</p> <ul style="list-style-type: none"> • 2015-16 • 2016-17 • 2017-18 to date <p>How many sworn officers have been asked to perform protective services duties/operations in the following years:</p> <ul style="list-style-type: none"> • 2015-16 	Written 6 November 2017

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
						<ul style="list-style-type: none"> • 2016-17 • 2017-18 to date <p>How many child protection referrals were not investigated because of a lack of resourcing from Government in the following years:</p> <ul style="list-style-type: none"> • 2015-16 • 2016-17 • 2017-18 to date 	
SBE17-096	Attorney-General	Australian Law Reform Commission	N/A	Pratt	ALRC inquiry	<p>What is the total cost of the ALRC Inquiry?</p> <p>Please specify the consultation processes undertaken in line with the Terms of Reference:</p> <ul style="list-style-type: none"> • In undertaking this inquiry, the ALRC should identify and consult with relevant stakeholders including Aboriginal and Torres Strait Islander peoples and their organisations, state and territory governments, relevant policy and research organisations, law enforcement agencies, legal assistance service providers and the broader legal profession, community service providers and the Australian Human Rights Commission. <p>How will the recommendations from the ALRC Inquiry incorporate consideration of the outstanding recommendations from RCIADIC that still have not been implemented after 25 years?</p>	Written 6 November 2017
SBE17-097	Attorney-General	Civil Justice Policy and Programmes Division	1.4	Pratt	ALRC inquiry, justice targets and funding	<p>What will be the process for responding to the recommendations of the Inquiry?</p> <p>Will the Government continue to insist that justice targets should not be implemented across Australia as a result of the Report?</p> <p>What further funding will be available to progress the recommendations in the final report?</p> <p>How will the states and territories be engaged to ensure that the recommendations of the Inquiry are implemented?</p> <p>Why is the ALRC report being released on 22 December 2017, the shutdown day for most organisations and agencies across Australia?</p>	Written 6 November 2017
SBE17-098	Attorney-General Minister for Justice	Civil Justice Policy and Programmes Division	1.4	Pratt	Justice services	<p>Are justice reinvestment principles informing Government funding programmes?</p> <p>If not, what expectations does the Government have regarding success of current programmes successfully intervening, preventing and diverting young people from the criminal justice system?</p> <p>How is the Government enabling Indigenous-led organisations to run early intervention, prevention and diversion programmes?</p> <p>How is the Government supporting Indigenous-led organisations and communities to effectively deliver these programmes?</p>	Written 6 November 2017
SBE17-099	Attorney-General	Civil Justice Policy and Programmes Division	1.1 1.4 1.6	Pratt	Legal assistance services	<p>What will the process be for establishing and conducting the Review of the National Partnership Agreement on Legal Assistance Services?</p> <p>What is the intended scope and timeline for the Review?</p> <p>Given Community Legal Centres turn hundreds of thousands of people away each year, will the quantum of funding necessary to adequately fund the community legal sector be considered as part of the Review?</p> <p>Given the ongoing restriction on the use of Commonwealth funds by CLCs to undertake advocacy/lobbying which the Productivity Commission and others have indicated is vital and cost effective work, will this restriction be considered as part of the Review?</p> <p>What will the process be for establishing and conducting the review of the Indigenous Legal Assistance Programme?</p> <p>In relation to funding for Domestic Violence Units announced in the 2017-18 budget, and allocated in a further announcement on 16 October 2017, what was the process for deciding how to allocate the additional \$3.4 million?</p> <p>How and why were the locations chosen? What consultation was undertaken?</p> <p>How were those service providers asked to submit a bid/application in each of the locations identified/chosen? How many were approached in each location?</p> <p>What criteria was used to determine who the successful service providers should be?</p> <p>Why wasn't the process a public/transparent one?</p> <p>How will the evaluation of the domestic violence units be conducted and by whom?</p> <p>How will the evaluation interact with the review of the National Partnership Agreement on Legal Assistance Services?</p>	Written 6 November 2017

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						Given the Government has consistently referred to the program as a 'pilot program', will the Government commit to rolling out national funding for the units if the evaluation indicates they are effective/successful?	
SBE17-100	Attorney-General	Civil Justice Policy and Programmes Division	1.9	Pratt	Royal Commissions	How much has been spent by the Commonwealth Government on the Don Dale Royal Commission? What further funding will be available to progress the recommendations in the final report? Will a national approach to the factors underlying indigenous incarceration rates be considered in response to the report?	Written 6 November 2017
SBE17-101	Attorney-General	Civil Justice Policy and Programmes Division	1.4	Pratt	Indigenous legal assistance	Recently the Attorney-General allocated funding of \$3.4 million to establish new or expanded specialist domestic violence units. Can you explain why funding wasn't provided to any specialist Aboriginal Family Violence Prevention Legal Services? How do you propose to minimise the impacts of family violence in Indigenous communities, who face disproportionately high rates of family violence, clients, if funding is not provided to specialist Aboriginal and Torres Strait Islander Legal Services?	Written 6 November 2017
SBE17-102	Minister for Justice	Emergency Management Australia	1.8	Pratt	NDRRA funding	I would like to ask about a specific roadworks project completed under the auspices of the NDRRA in 2015 in Emerald, Queensland. Can you confirm there was an activation by the Federal Government to release funds for the purposes of NDRRA works in Emerald that year? Do you have a record of how much federal money, following the acquittal of funds, eventually went toward that project? On what date was that funding acquitted? i.e when was the federal money sent? Do you, or your department, receive information as to which contractors are used to complete the work? (If yes) Can you confirm the following – NDRRA funding was used by the Central Highlands Regional Council to contract Newlands Civil Construction to complete roadworks in Emerald in 2015. So money flowed from the federal government, through the Queensland state government, to the Central Highlands Regional Council, and ended up in the hands of Newlands Civil Construction. Is that right? Has the department ever been aware of the ownership stake in Newlands Civil Construction held by Senator Barry O'Sullivan? Was the Department aware of that conflict of interest when answering questions about payments under the NDRRA scheme asked by Senator O'Sullivan in May 2016?	Written 6 November 2017
SBE17-103	Attorney General	Australian Human Rights Commission	N/A	Siewert	Proposal to drug test income support recipients	Senator SIEWERT: Professor, I wanted to go to the comments that there have been and the report that was made by Special Rapporteur Philip Alston, around Australia's proposal to drug-test income support recipients, that were very critical of that particular piece of legislation, and ask: have you further responded to that or do you intend to respond to that particular criticism? Prof. Croucher: I'm not aware of a specific response, but I will find out in relation to that specific matter. Senator SIEWERT: So, to your knowledge, there hasn't been one? Prof. Croucher: In the three months I've been at the commission, I'd have to say that I'm not aware of— Senator SIEWERT: It's a very recent report— Prof. Croucher: on that matter— Senator SIEWERT: It was only the beginning of last week. Prof. Croucher: I will respond to you on notice, if I may, and seek the advice from within the commission. Senator SIEWERT: Okay. Senator Brandis: I think, Senator Siewert, Professor Croucher has already told us that the report of the Human Rights Committee is in preparation, and we won't receive that for some little while now. So perhaps these questions are a little premature. Let us just see what the Human Rights Committee does put to Australia in relation to that or, indeed, other matters before commenting on them. Senator SIEWERT: I'm specifically interested in the response to the special rapporteur's comments, given that that's about legislation that this parliament will be considering in the near future. So I'm wondering if we could specifically expedite that particular answer on that particular matter. Prof. Croucher: If it concerns the ongoing matters that are before the Human Rights Committee, then in the ordinary course we would await the concluding observations. If it's something that's distinct from that—	24 October 2017, 40

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Q No.	Responsible Minister	Division or Agency	Program Number	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
						<p>Senator SIEWERT: It's separate from that.</p> <p>Prof. Croucher: Then that's a matter I will seek advice on.</p>	
SBE17-104	Attorney-General	Australian Human Rights Commission	N/A	Leyonhjelm	Scanlon website survey	<p>Senator LEYONHJELM: Now, the Scanlon survey on your website is interesting. It states that there is only one visa group who say that the thing they like about Australia is racism and discrimination. Only one visa group, and that group is New Zealanders on special category visas! Do you think that the Human Rights Commission ought to advertise or ought to undertake community service announcements targeted at that group?</p> <p>Prof. Croucher: Perhaps this is not the time, in view of the recent rugby match, to be talking about such matters, Senator.</p> <p>Senator LEYONHJELM: Hah! I guess what I'm trying to do is to ask you for an objective basis for the campaign. If the survey doesn't support what you are doing then what value is the survey? And yet you cite it? That is what I'm getting at.</p> <p>Prof. Croucher: Yes, we cite it. It is not our work as the commission. It is referred to, but we can provide some more information about the background material that was referred to in the preparation for the community service announcements.</p> <p>Senator LEYONHJELM: Okay. That's what I'm seeking, essentially, so, yes, I look forward to receiving that. Thank you, Chair.</p>	24 October 2017, 42
SBE17-105	Attorney-General	Federal Court of Australia	N/A	Macdonald	Court Merger Accommodation	<p>CHAIR: Okay. Mr Soden, do you have any indication of when this matter might be resolved? You indicated that discussions are underway.</p> <p>Mr Soden: No, I don't, other than to say that it was brought to my attention very recently in terms of those dollars. It's been brought to my attention because it needs to be progressed.</p> <p>CHAIR: Are you familiar with the building itself?</p> <p>Mr Soden: No, I'm not, but I've heard a bit about it this morning.</p> <p>Senator Brandis: It's quite a handsome building. You'd be familiar with it, Chair.</p> <p>CHAIR: I actually attended Judge Demack's inauguration or swearing-in.</p> <p>Senator Brandis: That's right; you did too.</p> <p>CHAIR: I do recall that there was a representative of the state government who made very encouraging comments at that swearing-in, so I'm surprised to hear that. Hopefully that can be resolved, Mr Soden. If anything happens between now and next estimates, I'd appreciate if, perhaps as a question on notice, you could alert the committee to any progress in the negotiations.</p> <p>Mr Soden: This discussion will be helpful.</p>	24 October 2017, 54
SBE17-106	Attorney-General	Civil Justice Policy and Programmes Division	N/A	Pratt	Finding of the Royal Commission	<p>ACTING CHAIR: I have to say I'm quite shocked—in terms of the need for government to take the findings of the royal commission seriously—that you can't tell me who is responsible for coordinating the overall response to the royal commission's findings.</p> <p>Mr Anderson: Senator, because I'm taking your question seriously, I want to make sure that we're giving you a completely accurate answer. So I would like to take that on notice, to be sure that we agree with PM&C and others as to what the correct division of responsibilities is there.</p> <p>Senator Brandis: As well, Senator, beyond what Mr Anderson has said, you must surely be aware that there is a complex range of issues being dealt with by this royal commission which will, no doubt, demand—it has already demanded—a complex variety of different responses from different parts of the government. All Mr Anderson is doing, out of courtesy to you and the committee, is being very particular to ensure that the complexity of the response required by the complexity of the issues is appropriately described.</p> <p>ACTING CHAIR: In answering that question, therefore, can you take on notice whether each part of government is responsible for sifting through every document to find out where the recommendations affect them or whether there is, indeed, someone within government monitoring those recommendations so that that complex response can indeed be facilitated, because it appears to me that no-one is tracking those findings in a holistic way, as far as I can tell.</p> <p>Mr Anderson: I can say that we certainly pay a great deal of attention to the findings and recommendations because, as a department, we are responsible for the Commonwealth's representation before the royal commission. So we engage with Prime Minister and Cabinet and other departments about particular recommendations, but we're not responsible for allocating each recommendation to a particular portfolio. That's the part that I'm taking on notice. But we do certainly track the recommendations and engage with other departments as to what might be required for the Commonwealth to respond to them. For the most part, it's actually a matter for the states and territories to respond. There's a role for the Commonwealth, as we are doing with working-with-children checks, in seeking to provide some national</p>	24 October 2017, 87

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						leadership, but for the most part the work's actually going to be done by the states and territories. Indeed, I had the pleasure of appearing before the royal commission in March this year, as did Leanne Close—at that time also a deputy secretary of this department—and also counterparts from all the state and territory governments. We were all held to account by the royal commission for how we're responding to particular recommendations.	
SBE17-107	Attorney-General	Civil Law Unit	1.1	Rice	Sex and Gender Guidelines Evaluation	<p>Senator RICE: We're looking at potentially having that evaluation done, then, early next year and then waiting on the decision of government as to what happens from then on?</p> <p>Ms O'Keeffe: That's my expectation.</p> <p>Senator RICE: It's a very long process from guidelines that were meant to have been put in place well over a year ago, isn't it—yes. Did you get that feedback from the consultation that you did with the community?</p> <p>Ms O'Keeffe: Not that I'm aware of.</p> <p>Senator RICE: Can you share anything about the feedback you got with the consultation you did with the community?</p> <p>Ms O'Keeffe: I'm afraid that I don't have those details in front of me. I'm happy to take that on notice and provide you with some more information about that. The responses really did vary. Some people indicated that there was a level of discomfort with being asked to prescribe to either male, female or X and that using the symbol X was 'othering', in their experience. That was one of the main things to come through, and it's certainly something that we'll be looking at as we continue the process.</p> <p>Senator RICE: Thank you very much.</p>	24 October 2017, 115
SBE17-108	Attorney-General	International and AusCheck Division	1.7	Leyonhjelm	Firearms	<p>Senator LEYONHJELM: That probably answers most of the questions that I was going to ask of a similar nature, which is additional detail. Could you please note that I am also interested in how many of those 51,000 were operational, how many were just firearm parts, how many were complete firearms but rusty or otherwise not operational, how many were returned as registered firearms to their owners, how many were taken on by dealers and sold, and how many were destroyed. What I would like ultimately is how many working firearms were handed in and destroyed, and any other data you happen to collect would be of interest to me.</p> <p>Mr Bouwhuis: Thank you.</p>	24 October 2017, 116.
SBE17-109	Attorney-General	Australian Financial Security Authority	N/A	Di Natale	Donations Allegations	<p>1) Has the Australian Financial Security Authority had any contracts with the following business over the past ten years:</p> <ul style="list-style-type: none"> • Macquarie Telecom Pty Ltd <p>2) If so, what was the nature, value and timing of any contract</p>	Written 13 November 2017
SBE17-110	Attorney-General	Corporate Services Division	1.1	McAllister	High Court expenses for citizenship cases	<p>1. How is the Commonwealth's funding of legal fees related to the citizenship cases before the High Court funded?</p> <ol style="list-style-type: none"> Is there a standing appropriation? Will this need to be included in the appropriation bills? <p>2. Are there any limits to that appropriation?</p> <p>3. What was the costs of the cases?</p>	Written 6 November 2017
SBE17-111	Attorney-General	Office of the Australian Information Commissioner	N/A	Griff	Discrepancy in number of data breaches reported	<p>Senator GRIFF: If you could, I'd appreciate that. To clarify, in answer to a question on notice following the June budget estimates your office stated that you'd received 57 data breach notifications. Yet your annual report states 58. I know it is only one, but given that the 57 relate to 300 data breaches, is there any reason why that discrepancy was there?</p> <p>Ms Falk: I'm not aware of that discrepancy and I'd need to look into it.</p> <p>4. Senator GRIFF: If you can take that on notice that would be great.</p>	24 October 2017, 103
SBE17-112	Minister for Justice	Emergency Management Australia	1.8	Gichuhi	Disaster Assist funding	<p>Flood Management - Gawler Council as with other Councils in our region last year experienced damage to infrastructure as a consequence of heavy rains and flooding. The region is, by way of the Gawler River Flood Management Authority, seeking the assistance of both the State and Federal Governments to fund much needed infrastructure to improve flood mitigation techniques along the entire length of the River.</p> <p>The overall capital funding of the project is estimated at near on \$30m. The Authority is seeking \$15m from the Federal Government to part fund the works that have been identified.</p> <p>Current discussions between the parties i.e. the Authority on behalf of Councils, State Government and Federal government are seeking to have initial capital cost provided for by way of Federal and State Government contributions with ongoing maintenance costs covered by</p>	Written 1 November 2017

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						<p>Councils.</p> <p>Currently the Right of Way is impassable and dangerous due to damage caused by recent weather events and accordingly has been closed to all vehicular and pedestrian traffic.</p> <p>It is therefore essential that funding is found to allow for the repair and rehabilitation of the Right of Way Passage. In the event of similar weather occurrences in future there is a likelihood of similar devastating effects to the farming communities' particularly the horticultural and wine growers.</p> <p>1. Was the Disaster Assist funding used for similar events in the country and is there an opportunity to use any funds you have to mitigate future flooding of the Gawler River, given that there is currently no way to access the Bruce Eastick North Para Flood Mitigation Dam?</p>	
SBE17-113	Attorney-General	Whole-of-portfolio	N/A	Abetz	Enterprise Agreement Negotiations	In the most recent Enterprise Agreement negotiations, was/were any side-agreement/s, protocol/s, arrangement/s, agreement/s entered into? If so, please provide a copy.	Written 31 October 2017
SBE17-114	Attorney-General	Australian Human Rights Commission	N/A	Watt	Racism. It Stops with Me. Campaign Achievements	What outcomes have been achieved by this campaign?	Written 3 November 2017
SBE17-115	Attorney-General	Australian Human Rights Commission	N/A	Watt	Racism. It Stops With Me. Campaign funding	What has been the minimum amount and maximum amount of funding that has been directed to the Racism. It Stops with Me. Campaign?	Written 3 November 2017
SBE17-116	Minister for Justice	Australian Federal Police	N/A	Pratt	Guidelines around the public discussion of self-harm	<p>Senator PRATT: Can I ask whether you have got guidelines around the public discussion of suicide and whether you might provide them to us on notice, please?</p> <p>Mr Colvin: I will check with our organisational health team. We certainly have expectations about how we deal with suicide internally.</p> <p>Senator PRATT: I mean how the AFP reports suicide in terms of preventing copycats et cetera. You're supposed to minimise discussion of the method and the location. That's what mental health experts say.</p> <p>Mr Colvin: Yes. It's an accepted principle that we minimise what we say about suicide, for those reasons. But I'll check if we have formal guidelines about that.</p> <p>Senator PRATT: Thank you.</p>	24 October 2017, 18