

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 24

Senator Ludwig (Written) asked:

How many documents were identified as being within scope of the request order for production of documents?

Answer:

Due to the large number of documents identified as being potentially within the scope of the request order, an exact count has not been performed.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 25

Senator Ludwig (Written) asked:

Who determined which documents were within the scope?

Answer:

The line areas holding the documents within the relevant agencies who were tasked with identifying them.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 26

Senator Ludwig (Written) asked:

How many officers were involved?

Answer:

A record was not kept of the staff involved in the process across all agencies involved.

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Question No. 27

Senator Ludwig (Written) asked:

What level of officer?

Answer:

Various levels of officers were involved.

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Question No. 28

Senator Ludwig (Written) asked:

How much time was allocated to the task?

Answer:

Time on the task of identifying documents within the scope of the request order was not recorded, but was limited by the deadline.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 30

Senator Ludwig (Written) asked:

Did any officer speak to the members of Operation Sovereign Borders before a decision was made?

Answer:

The meaning of this question is not clear.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 31

Senator Ludwig (Written) asked:

On what date did this decision occur?

Answer:

This decision by the Minister of Immigration and Border Protection was made and communicated to the Senate on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 32

Senator Ludwig (Written) asked:

When was the decision taken to claim immunity over the documents? a. On what grounds were the documents claimed to have immunity?

Answer:

On 18 November 2013, the Minister for Immigration and Border Protection provided a letter to the Senate Legal and Constitutional Affairs Committee communicating the decision in response to the Senate's order of 14 November 2013 for the tabling of documents.

The documents were claimed to have immunity on the grounds that the disclosure of which would, or could, reasonably be expected to cause damage to national security, defence, or international relations, including disclosure of documents or information obtained in confidence from other governments. Furthermore, the documents contain material relating to law enforcement or the protection of public safety which would, or could, reasonably be expected to:

- a. Prejudice the investigation of a possible breach of the law or the enforcement of the law in a particular instance;
- b. Endanger the life or physical safety of any person;
- c. Disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of breaches or evasions of the law the disclosure of which, or would be reasonably likely to, prejudice the effectiveness of those procedures; or
- d. Prejudice the maintenance or enforcement of lawful methods for the protection of public safety.

Specifically, the documents may:

- a. Disclose information which reveals the location, capacity, patrol and tactical routines relevant to Australian Defence Force and Customs and Border Protection vessels and aviation assets. The release of this information:
 - i. Would undermine the tactical advantage of civil maritime surveillance assets over people smugglers, who may use the information to avoid or

trigger detection, or to precipitate a search and rescue response. People smugglers have shown a high level of sophistication when it comes to forward planning and the use of entry corridors when initiating and conducting people smuggling and other serious criminal activities. The provision of information such as that contained in the documents requested will further enhance the knowledge of people smugglers in this context.

- ii. Would undermine the Commonwealth of Australia's ability to protect vulnerable Illegal Maritime Arrivals from the practices of people smugglers and other serious criminal activities.
 - iii. Would undermine more generally the effectiveness of Border Protection Command assets which seek to maintain maritime security awareness more generally, and in response to a broad range of maritime security threats including the security of oil and gas platforms and the illegal exploitation of natural resources.
- b. Enable an exploitation of confidential methodology and processes used by Australian Defence Force and Australian Customs and Border Protection vessels and assets. Information about the arrival of ventures, in breach of communications protocols established by Commander JATF, including the timing of arrival, the composition of passengers including ethnicity, sex and age may be used by people smugglers to:
- i. provide "proof of arrival" and the basis for release of payment for people smuggling ventures;
 - ii. provide a basis for further positive marketing by people smugglers of illegal transport arrangements; and
 - iii. undermine communications strategies aimed at clarifying current policy arrangements for illegal maritime arrivals.
- c. Impact upon Australia's relations with foreign States. Australia relies heavily on the ability and motivation of neighbouring sovereign states to contribute and cooperate in respect of search and rescue and/or safety of life at sea activities. The confidentiality of communications and information between the Commonwealth and sovereign states is essential to the candid and collaborative liaison between the respected government agencies that undertake such activities. Such confidentiality could not be maintained where the protection of material recording such communications could not be assured. In addition, information relating to the handling of ventures and IMAs would cause serious damage to international relations between Australia and regional partners including Indonesia and Papua New Guinea in that it:
- i. undermines the further development of international agreement and cooperation;
 - ii. undermines the working relationship between operational agencies in relation to safety of life at sea; and
 - iii. further increases the tactical advantage of people smugglers and consequently increases the risk to the wellbeing of IMAs.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 35

Senator Ludwig (Written) asked:

What legal counsel was sought?

Answer:

Consistent with the *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters*, the Attorney-General's Department was consulted and provided advice on the appropriateness of the non-disclosure claim on the basis of public interest (PII) immunity and the method of making the PII claim. Legal counsel from the Australian Customs and Border Protection Service, the Department of Immigration and Border Protection as well as internally within the Joint Agency Task Force were also consulted.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 44

Senator Ludwig (Written) asked:

External legal advice – was it sought/external legal counsel/cost

Was external advice sought?

If yes:

- a) Whose advice was sought?
- b) Who sought the advice and on what date?
- c) How was the advice sought (written or oral)?
- d) Were there costs associated with advice being provided?
- e) What were the associated costs with seeking external advice?
- f) Who authorised the expenditure for seeking external advice?

Answer:

Yes.

- (a) As indicated in the response to Question on Notice 35, advice was sought internally across a number of agencies and departments. The matter was also discussed with representatives from the Australian Government Solicitor.
- (b) Advice was sought by various persons on a number of occasions between November 2013 and January 2014.
- (c) Advice was sought both orally and in written form.
- (d) There were no external costs charged in relation to this particular matter.
- (e) N/A.
- (f) N/A.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 54

Senator Ludwig (Written) asked:

It doesn't occur at all, does it? You have just made a blanket approach to a complex issue, and hidden it all - haven't you?

Answer:

The Minister has advised that the criteria under which he claims PII is outlined in his letter to the Senate tabled on 18 November 2013. All documents and incidents are analysed against this criteria and released, or not released, accordingly.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 58

Senator Ludwig (Written) asked:

What is the definition of an IMA?

Answer:

An illegal maritime arrival (IMA) is a person who has entered Australia by sea without a visa.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 86

Senator Ludwig (Written) asked:

Why are such details considered to be against the public interest to disclose?

Answer:

The Minister for Immigration and Border Protection detailed his public interest immunity claim in his letter to the Senate, tabled on 18 November 2013.



Australian Government
Joint Agency Task Force
Operation Sovereign Borders

COOPERATIVE ARRANGEMENT
FOR
JOINT AGENCY TASK FORCE – OPERATION SOVEREIGN BORDERS

1. Preamble

- 1.1 Operation Sovereign Borders is a border security operation established by the Australian Government to address people smuggling and ensure the security of national borders. Acting within the context of national border policy, Operation Sovereign Borders is supported by the direct involvement of a number of Commonwealth Departments and Agencies and Australian Defence Force staff, under a single operational command within a Joint Agency Task Force (JATF).
- 1.2 The operational Commander, Lieutenant General Angus Campbell has been appointed to the position of Commander Joint Agency Task Force Operation Sovereign Borders (JATF OSB). The JATF OSB Headquarters is located within the premises of the Australian Customs and Border Protection Service (ACBPS) in Canberra.
- 1.3 The JATF arrangements are directed towards possessing the optimal structure, personnel and resource arrangements to achieve the national security and border policy objectives of the Australian government. To achieve this, it is necessary for Departments and Agencies involved to have a common protocol in relation to the attachment of their personnel to the JATF as well as to ensure appropriate confidentiality and information sharing arrangements are in place.
- 1.4 For Defence personnel, the Secretary of Defence and the Chief of the Defence Force (CDF) have jointly issued a Directive to assign for duty ADF personnel and Defence APS staff identified to work at the JATF. The Directive operates outside, but aligns with, the terms of this document. The CDF Directive covers the role and responsibilities of the assigned ADF personnel and is a general order to defence members for the purposes of military discipline.

2. Purpose

- 2.1 This Cooperative Arrangement is intended to establish a framework of principles to govern the placement of personnel in the JATF from relevant Departments and Agencies, confidentiality and to enable information sharing. It is intended to promote a high level of collaboration, support and service between the Participants in the conduct of the JATF.

3. Participants

- 3.1 This Cooperative Arrangement is made between:

- (a) each of those Commonwealth Departments and Agencies that have indicated in writing to the Commander, JATF OSB their adoption of this agreement for their involvement in the JATF; and
- (b) the person appointed to the position of Commander, JATF OSB from time to time, in that person's official capacity as Commander, JATF OSB,

who shall collectively be known as the **Participants** to this Cooperative Arrangement.

- 3.2 The Commander, JATF OSB will circulate a **Schedule** to this Cooperative Arrangement listing the Participants. As amendments are made to that list, an amended Schedule will be forwarded to each of the Participants.

4. Status

- 4.1 This Cooperative Arrangement is administrative in nature and does not intend to create, maintain or govern legal relations or obligations between the Participants. It is also not intended to disturb any existing administrative agreements that may exist between the Participants.

5. Interpretation

- 5.1 Unless the contrary intention appears, a term used in this Cooperative Arrangement has the meaning shown below:

Home Agency	means the Department or Agency that provides an officer to the JATF;
JATF	means Joint Agency Task Force to support Operation Sovereign Borders;
JATF Host	means the location or premises at which a JATF Officer is directed to perform their duties (other than at their Home Agency);
JATF Officer	means an officer provided by a Home Agency, or posted by the Chief of Defence Force, and appointed to carry out duties within the JATF;
JATF Manager	means the person responsible for the management of a JATF Officer at the JATF Host;
Modification	includes amendments, deletions or other changes;
JATF Headquarters	means the headquarters at 2 Constitution Ave Canberra City ACT 2601 or such other location as designated by the Commander, JATF OSB from time to time; and
Participants	Commonwealth Departments and Agencies and Commander, JATF OSB as per 3.1 above.

6. Employment Issues

Placement

6.1 The following principles apply to the placement of officers of the Participants with the JATF:

- (a) the Commander, JATF OSB or delegate:
 - i. will select and appoint JATF Officers to the JATF following consultation with relevant Participants, as well as the staff concerned, having regard to the number, qualifications, experience and suitability of officers for temporary placement for duties within the JATF;
 - ii. may refuse a particular officer proposed by a Participant for duties at the JATF, but will provide reasons to the Participant for that decision;
 - iii. determines the duties and working location of a particular person placed with the JATF and may vary these according to operational requirements. Potential change of duties will be discussed with relevant Home Agency and JATF Officer; and
 - iv. may direct that a particular JATF Officer cease carrying out duties within the JATF at any time, but will provide reasons for that decision to the Home Agency and the JATF Officer.
- (b) the Participants (with the exception of the Commander, JATF OSB) will:
 - i. when proposing officers to the JATF, provide such information and assistance necessary to enable the Commander, JATF OSB or delegate to select and appoint appropriate JATF Officers, including by providing details of current security clearances held;
 - ii. ensure that officers placed with the JATF are fully aware of any impact of a placement with the JATF on their terms and conditions of employment with the Home Agency;
 - iii. ensure that officers placed with the JATF are fully aware that their personal information may be disclosed by the Commander, JATF OSB or delegate to their Home Agency; and
 - iv. continue to be responsible for any employment, supervisory, disciplinary and welfare related matters relevant to an officer placed with the JATF.
- (c) the CDF is responsible for selecting suitable ADF personnel to meet the requirements of the military contribution to the JATF.

Employment Status

6.2 A JATF Officer remains an employee of the Home Agency at all times during any period of appointment with the JATF and subject to the employment conditions applicable to them within their Home Agency.

Employment conditions

6.3 The Participants acknowledge that:

- (a) the Home Agency will remain responsible for payment of the JATF Officer's salary, associated employment entitlements, and any allowances (excluding travel allowance) for the period of a JATF Officer placement with the JATF;

- (b) where operational requirements within the JATF are considered to potentially impact the employment conditions of a JATF Officer, consultation will occur between the JATF Manager and Home Agency to resolve any issues that may arise;
- (c) the JATF will meet any travel costs (including travel allowance) for duties for the JATF involving travel and consistent with rates payable for equivalent level officers within the ACBPS. Notwithstanding this, the minimum rates payable shall be those applicable in those circumstances at the relevant JATF Officer's home agency;
- (d) a JATF Officer will retain any leave entitlements they possess with their Home Agency. However, any recreational leave from the JATF is subject to the joint approval of the relevant JATF Manager and the Home Agency. Pre-approved leave will generally be maintained; and
- (e) where possible, the Home Agency will propose a substitute officer for any period that a JATF Officer provided by them is not available due to extended sick leave or other extended approved leave arrangements other than normal recreation leave. A proposed substitute must meet the security clearance and other requirements necessary to undertake duties within the JATF.

Performance management and conduct

6.4 In relation to performance management, the Participants:

- (a) acknowledge the importance of ongoing performance management and cooperation in this sphere between the JATF Manager, JATF Host and Home Agency with regard to JATF Officers; and
- (b) where possible will assist to manage and resolve any issues that may arise of the under-performance of a JATF Officer.

6.5 The Participants accept that:

- (a) as an employee of their Home Agency, the JATF Officer will continue to participate in the performance management and code of conduct processes of that agency and the relevant JATF Manager will as requested provide information and feedback to assist these processes;
- (b) if the JATF forms the view that a JATF Officer is not performing sufficiently to continue to effectively carry out duties for the JATF or that there is otherwise a serious impediment to their continuation with JATF, the Home Agency and JATF will consult on whether the circumstances are such that the Home Agency should withdraw that person from the JATF;
- (c) a JATF Officer will abide by any applicable internal policies and requirements, which may include the Australian Public Service Values and Code of Conduct or the policies and requirements of the JATF Host at which the JATF Officer is situated; and
- (d) the Commander, JATF OSB and his or her delegate reserve the right to request a Home Agency to withdraw a person from the JATF and shall provide reasons to the Home Agency if this request is made.

6.6 JATF Officers located at JATF Headquarters (or other premises of the Australian Customs and Border Protection Service) and performing JATF duties will not be subject to CEO Orders, or to drug and alcohol testing under the *Customs Administration Act 1985* unless they are an 'official of Customs' as defined in the *Customs Act 1901*.

Training

6.7 The Participants acknowledge the importance of the training and development of officers and agree that:

- (a) where there are duties allocated to a particular JATF Officer that may require the training of that officer, the JATF Manager will consult with the Home Agency regarding any necessary arrangements for that training;
- (b) the cost of training JATF Officers will be met from JATF resources, unless agreed by written notice with the Home Agency; and
- (c) a JATF Officer may continue to access and participate in training and study programs previously agreed with the Home Agency, subject to the approval of the JATF Manager.

Term of placement

6.8 The Participants agree that:

- (a) a person may be appointed as a JATF Officer for an initial period of time to be agreed between the Commander, JATF OSB or delegate and the Home Agency;
- (b) where the term of appointment is proposed to be varied, reduced or extended, the JATF will consult and agree by written notice with the relevant Home Agency regarding any new term. Such agreement may include any other arrangements between them regarding the placement of the officer with the JATF. The JATF Officer will also be consulted as part of this process; and
- (c) at the conclusion of their term of appointment to the JATF, the JATF Officer will return to their Home Agency.

Work health and safety

6.9 The JATF Host will provide a safe working environment for any JATF Officer working at their premises and will comply with any statutory obligations concerning workplace health and safety.

6.10 In relation to any incident of a workplace health and safety nature arising concerning a JATF Officer:

- (a) the incident should be reported in accordance with the arrangements at the Commonwealth premises at which the incident occurred as well as being notified to the JATF Manager and Home Agency Workplace Health and Safety Unit; and
- (b) where work related injuries arise concerning any JATF Officer the relevant Participants will consult regarding the incident, any responsibility for any liabilities that may arise and arrangements to address the matter.

7. Confidentiality

7.1 The Participants acknowledge the need to protect information that is shared among them and/or provided for the purposes of the JATF. The Participants will act to ensure that material is not vulnerable to, or at risk of unauthorised access, interference, use, loss or disclosure at any time.

7.2 The Participants and JATF Officers will:

- (a) comply with Commonwealth statutory and policy requirements regarding security, privacy and official disclosure and will ensure the confidentiality of any information and systems used by or associated with the JATF. This may include obligations arising under, but is not limited to the Commonwealth Protective Security Policy Framework, the *Privacy Act 1988*¹, *Crimes Act 1914* as well as other legislation (including the *Customs Administration Act 1985*) applying to particular information, processes or arrangements that relate to the JATF activities;
- (b) observe and comply with any security requirements that apply at the premises of a JATF Host; and
- (c) respect any caveats placed on information provided by a Participant for JATF activities.

8. Information Sharing

- 8.1 For the purposes of the JATF, the Participants will endeavour to share relevant information on a timely basis for JATF purposes and activities. In so doing, the Participants agree that any information provided to them will be used or disclosed only for the purposes of the JATF and not for any other purpose except as required or authorised by law.
- 8.2 Where a Participant has been provided with information by another Participant for one purpose and wishes to use it for a different purpose than for which it was provided, the former will consult and seek the consent of the information provider prior to using the information for that different purpose.
- 8.3 Any information disclosed by the ACBPS for the purposes of JATF will be disclosed in accordance with the *Customs Administration Act 1985*.

9. Freedom of Information

- 9.1 Where a Participant or a JATF Officer receives or otherwise becomes aware of a request under the *Freedom of Information Act 1982* ("FOI") that may concern the JATF, the relevant Participants will appropriately consult with each other and the JATF as to the handling of the request through their FOI Units.

10. Intellectual Property

- 10.1 Intellectual Property generated during the course of duties within the JATF remains the property of the Commonwealth as represented by the Participant generating that Intellectual Property. However, where that Intellectual Property arises as a consequence of using information, electronic systems or facilities of the JATF Host, then the latter is the holder of that Intellectual Property on behalf of the Commonwealth.
- 10.2 Where any issue arises regarding Intellectual Property matters, the relevant Participants affected will consult to resolve the matter by mutual agreement.

11. Legal Claims

- 11.1 The Participants will notify each other within a reasonable time of any third party claim, or incident that may give rise to a legal or equitable third party claim, or any liability suffered by a

¹ The Australian Crime Commission (ACC) is an exempt Agency under the *Privacy Act 1988*.

Participant in respect of activities arising in connection with the JATF. Those Participants involved will consult each other as necessary on such matters.

12. Costs

- 12.1 Each Participant bears their own costs in meeting commitments under this Cooperative Arrangement (except JATF travel costs – refer clause 6.3(c)), subject to a separate written agreement governing such costs.
- 12.2 Accommodation is provided by ACBPS and ICT equipment will be provided by ACBPS unless there are specific requirements by the Home Agency.

13. Delegation

- 13.1 The Commander, JATF OSB may generally or otherwise authorise a person to exercise any or all of his powers or functions under this Cooperative Arrangement, except the power given in this clause.

14. Dispute Resolution

- 14.1 Where a dispute arises, the Participants will seek to resolve the matter at the operational officer level and will raise it to a higher level for resolution if necessary.

15. Notices

- 15.1 A notice given by a Participant in relation to this Cooperative Arrangement must be:
 - (a) in writing; and
 - (b) referencing this Cooperative Arrangement in its subject/title.

16. Modification

- 16.1 The Participants may modify this Cooperative Arrangement by agreement between them by written notice.

17. Procedural Statements

- 17.1 The Commander, JATF OSB or delegate may develop procedural statements setting out further detail in relation to matters covered by this Cooperative Arrangement. Any administrative obligations arising in such a procedural statement may only apply to a Participant following adoption of the procedural statement by them.
- 17.2 Adoption of a procedural statement may occur by a Participant notifying the Commander, JATF OSB or delegate by written notice.

18. Termination

- 18.1 The Participants may terminate this Cooperative Arrangement at any time by agreement between them in a written notice.
- 18.2 Where a particular Participant intends no longer to be bound by this Cooperative Arrangement, they may notify the Commander, JATF OSB of such intention by giving three months written notice or such other period as agreed with the Commander, JATF OSB.
- 18.3 Where one or more Participants give such written notice under the preceding clause, the Cooperative Arrangement remains in effect for the remaining Participants.
- 18.4 The obligations under this Cooperative Arrangement relating to security, confidentiality and information sharing continue to apply to Participants after termination as well as to individual Participants that have given written notice of an intention not to be bound by this Cooperative Arrangement.

19. Review

- 19.1 The Participants may review this Cooperative Arrangement at any time prior to termination to ensure that it efficiently meets the commitments that have been made.



Angus J. Campbell DSC, AM
Lieutenant General
Commander
Joint Agency Task Force
Operation Sovereign Borders

11 December 2013

SCHEDULE

PARTICIPANTS TO THIS COOPERATIVE ARRANGEMENT

Australian Crime Commission

Australian Customs and Border Protection Service

Australian Federal Police

Attorney-General's Department

Australian Maritime Safety Authority

Department of Defence

Department of Foreign Affairs and Trade

Department of Immigration and Border Protection

Department of the Prime Minister and Cabinet

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 210.second response

Senator Ludwig (Written) asked:

If yes, could you please copy a table of it?

Answer:

The MOU is has now been approved by all agencies. This can now be tabled.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 213

Senator Ludwig (Written) asked:

Do you believe that Operation Sovereign Borders is an agency subject to the FOI Act?

Answer:

The Joint Agency Task Force (JATF) responsible for implementing Operation Sovereign Borders is not an 'agency' for the purposes of the *Freedom of Information Act 1982*.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 214

Senator Ludwig (Written) asked:

Or, are FOI requests required to be sent separately to each agency involved in the Operation?

Answer:

Any requests for information directed to, or in relation to, Operation Sovereign Borders are processed by the relevant individual agencies that support the Joint Agency Task Force, in line with the *Freedom of Information Act 1982*.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 251

Senator Hanson-Young (Written) asked:

Do you believe that there are still grounds for public interest immunity in this case, as the information becomes crucial to determining whether the government is acting lawfully?

Answer:

The Minister has advised that he believes the grounds for PII remain.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 255

Senator Carr (L&CA 26-27) asked:

Minister, is it your intention to comply with Senate order No. 10?

Answer:

The Minister has advised his intention to comply with Senate order No. 10.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 257

Senator Ludwig (L&CA 35) asked:

I am asking the question: is it available to the committee or are you claiming a public interest immunity in respect of it?

Answer:

The Minister refers the Committee to the letter he tabled in the Senate on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 258

Senator Ludwig (L&CA 35-36) asked:

Let me ask the question, and you can then offer whatever it is your answer might be: is that a document that you are prepared to provide to the committee, or are you claiming a public interest immunity for it?

Answer:

The Minister refers the Committee to the letter he tabled in the Senate on 18 November 2013.

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A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 259

Senator Ludwig (L&CA 36) asked:

If you recall, you indicated twice that you had received advice about how you should deal with the publication of information more broadly from Lieutenant General Campbell. Do you recall saying that?

Answer:

The Minister has advised that he does have a recollection of those events.

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REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 260

Senator Ludwig (L&CA 36) asked:

So I ask you again whether or not you would feel comfortable providing to the committee a schedule, in camera—that is, not for publication—of the documents on which you claim public interest immunity.

Answer:

The Minister has advised that he is not prepared to provide the Committee with a schedule in camera of the documents for which he claims public interest immunity.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 261

Senator Carr (L&CA 40) asked:

Why have you chosen to review matters that relate specifically between the dates of 1 December 2013 and 20 January 2014?

Answer:

The Minister has advised that he did not specify the review dates.