

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry
Question taken on Notice**

**Environment and Communications References Committee
Inquiry into Press Freedom**

15 November 2019

QoN Number: ECR/004

Subject: Last briefing to Minister on FOI

Asked by: Anne Urquhart

Question:

Senator URQUHART: Thank you. When was the last time the Minister for Home Affairs requested a briefing on the department's freedom of information record?

Mr Pezzullo: I would have to check my records. I don't recall immediately upon you asking your question, but I'll check the records.

Senator URQUHART: So it wasn't this morning or yesterday, clearly?

Mr Pezzullo: No. He and I have had a few other things on our minds.

Answer:

The Department of Home Affairs has not been requested to provide the Minister for Home Affairs with a briefing on the Department's Freedom of Information (FOI) record.

The Minister's Office is provided data on a monthly basis in relation to FOI requests.

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**Parliamentary Inquiry
Question taken on Notice**

**Environment and Communications References Committee
Inquiry into Press Freedom**

15 November 2019

QoN Number: ECR/014

Subject: Lawler review

Asked by: Sarah Hanson-Young

Question:

Mr Pezzullo: I was only going to conclude that that matter will be obviously enlivened in the course of Mr Lawler's review of sensitive investigations, which no doubt you're aware of. You would have seen Mr Kershaw's evidence. Given Mr Kershaw and I have discussed the importance of a free press, the importance of ensuring that all of these investigations are properly founded against those principles that are articulated in that direction, I'm sure that he'd be very happy to engage on that investigation, review, that Mr Lawler is undertaking. But I won't speak for Mr Kershaw. I doubt that he'd give you a hypothetical answer, any more than I would, but I think you can take as read, from my line of evidence, what my attitude would be in those circumstances. CHAIR: You alluded to the fact that this is a direction.

Mr Pezzullo: Yes, which is legally enforceable.

CHAIR: Legally enforceable but not enshrined in legislation.

Mr Pezzullo: It's derived from legislation, but you're right: in and of itself, it's not in a statute.

CHAIR: You say you've had this conversation and consultation with the commissioner and even the minister himself. Is there any work being done in your department as to what broader or other alternatives would look like?

Mr Pezzullo: Preparatory to noting what the Prime Minister, Mr Dutton and, if I recall rightly, the Attorney-General have said in terms of their wanting to await the bringing down of the parliamentary joint committee—because that was a government reference, of course—I think I'm on solid ground to say, and I'll check the record, that Mr Morrison, Mr Dutton and Mr Porter have all said: 'We'll get that report. We'll have a look at it.' It is not for me to prejudge what it's going to say or whether it covers issues around contested warrants and whether it covers issues around the strengthening of so-called whistleblower protection or public interest protection.

Answer:

The Direction to the Australian Federal Police Commissioner issued by the Minister for Home Affairs in accordance with section 37(2) of the *Australian Federal Police*

Act 1979 on 8 August 2019, and sets out the Government's expectations in relation to investigations involving professional journalists or news media organisations in the context of an unauthorised disclosure of material made or obtained by a current or former Commonwealth officer.

The Direction requires the Australian Federal Police to exhaust alternative investigative actions prior to executing a search warrant upon a professional journalist or media organisation when investigating the unauthorised disclosure of classified material. Alternative investigative actions may include, where appropriate, seeking voluntary assistance from journalists or media organisations.

Any reforms to existing legislative frameworks are a matter for Government. The Attorney-General has indicated that Government will consider suggestions for reform in the context of the Parliamentary Joint Committee on Intelligence and Security inquiry.

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**Parliamentary Inquiry
Written Question on Notice**

**Environment and Communications References Committee
Inquiry into Press Freedom**

25 November 2019

QoN Number: ECR/031

Subject: Child protection work - written

Asked by: Anne Urquhart

Question:

What work does the Department do in respect of “child protection”? How many individual human beings do that work?

Answer:

The Department of Home Affairs (the Department) engages with children in immigration and border protection environments, in a range of migration and citizenship services, and in limited circumstances, in immigration detention. The wellbeing and safety of children is the responsibility of all departmental and Australian Border Force (ABF) staff involved in facilitating the support and welfare of non-citizen children and their families.

In 2016, the Department released the Child Safeguarding Framework as an overarching policy statement to provide direction and guidance on the management of child-related risk to departmental staff, ABF officers, contracted service providers and stakeholders. The framework was revised in 2019 to align with the National Principles for Child Safe Organisations, recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. Departmental and ABF officers are directed to report child related incidents to the relevant state or territory child protection authority and/or the police. The relevant state based authority is responsible for the investigation of and ongoing service provision for cases that meet its legislated threshold for intervention.

Embedded within the ABF is a branch specifically designated to advise, oversee and assure the Department's and the ABF's child safeguarding capabilities and operational practices. The branch develops and provides training on child safeguarding; develops and reviews child-related policies and procedures; and provides advice and support to officers engaging with children and families in operational environments. It also has three out-posted child wellbeing officers in Melbourne, Brisbane and Sydney who monitor operational environments and programs, conduct wellbeing checks on minors and families in held and community

detention and deliver training. The branch also coordinates the Department's implementation of the Royal Commission's recommendations and engages with external scrutiny bodies such as state, territory and national children's commissioners. Nationwide, this branch has an average staffing level of 28 permanent full time equivalent positions.

The Department also has policy responsibility for Commonwealth criminal justice responses to child sexual abuse. The Department scopes, develops and delivers reforms to strengthen the Commonwealth framework of offences relating to the sexual abuse of children. The Department also contributes to multi-stakeholder and international policy initiatives to prevent, disrupt and detect child sexual abuse, including efforts to combat online child sexual abuse and manage the threat posed by travelling child sex offenders.

On 20 September 2019, the *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* (the Act) came into effect. The Act implemented key recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse and addressed operational challenges faced by law enforcement and prosecutorial agencies. The Act criminalises a range of conduct, including the possession of child-like sex dolls, and in its first two months of operation has already resulted in charges against four men for the new offence of possessing online child abuse material. The Department is also responsible for a number of additional proposed reforms in the Attorney-General's Department-led *Crimes Legislation Amendment (Sexual Crimes against Children and Community Protection Measures) Bill 2019*. These measures would criminalise, for example, the 'grooming' of third parties (such as parents) where a person is attempting to make it easier to procure a child for sexual activity in Australia or overseas.

The relevant section within the Law Enforcement Policy Branch managing these legislative amendments currently comprises five permanent full time equivalent positions.

To contribute to the joint agency efforts in countering child exploitation, the ABF also has an officer embedded within the Australian Centre to Counter Child Exploitation (ACCCE), which was established in 2018 to provide a consistent, holistic and coordinated response to counter the online exploitation of children in Australia. The ABF also provides intelligence support to the ACCCE through an analyst integrated within regional operations in Queensland.

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**Parliamentary Inquiry
Written Question on Notice**

**Environment and Communications References Committee
Inquiry into Press Freedom**

25 November 2019

QoN Number: ECR/032

Subject: Counterterrorism work

Asked by: Anne Urquhart

Question:

What work does the Department do in respect of “counterterrorism”? How many individual human beings do that work?

Answer:

Within the Department of Home Affairs (the Department), the Counter-Terrorism Coordination Centre (CTCC) is responsible for coordinating Australia’s CT policy, legislation, strategy, engagement with the states and Territories on CT-related capability, and the operational implementation of priority CT policies. The CTCC had 44 actual Full-Time Equivalent (FTE) staff as at 31 October 2019.

The Commonwealth Counter-Terrorism Coordinator provides the Prime Minister, Minister for Home Affairs, and National Security Committee of Cabinet Ministers, with a single point of coordination during a terrorism crisis; works with intelligence, law enforcement, security and policy agencies at the international, federal and state levels to manage emerging CT risks, threats and issues; and coordinates the development of policies and capabilities to prevent and respond to terrorism.

In addition, the Department plays an important counterterrorism role through its security regulation of the aviation, maritime and the offshore oil and gas industries. The Department regulates businesses and their systems to harden these transport and critical infrastructure sectors against unlawful interference from terrorists and other actors.

The Australian Border Force (ABF) is responsible for managing the border risk element of whole-of-government counter terrorism efforts. The ABF Counter Terrorism section (within Enforcement Command, Operations Division) has 22 actual Full-Time Equivalent (FTE) staff as at 13 December 2019. The ABF Counter Terrorism Units (CTUs) (within Port Operations Command, Operations Division) include operational frontline staff situated at Australia’s international airports. CTUs are funded to 120 FTE in FY19/20.