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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page <i>or</i> Written
SBE16/001	Minister for Justice	Australian Federal Police	Pratt	Cost of establishing Safe Place and Investigations	Senator PRATT: What is the cost of establishing the AFP Safe Place and Investigations? Mr Colvin: We are only about two months into that, so I cannot give you a full cost. A lot of that will be in kind, insofar as I am diverting internal resources to create a safe place as well as diverting resources to set up new practices around many of our human resource processes. I can take that on notice and try to give you a cost to date, but I think the cost is going to increase over the years to come.	17 October 2016 L&C: 5
SBE16/002	Minister for Justice	Australian Federal Police	Pratt	Respectful workplace training at the AFP	Senator PRATT: The recent AFP diversity report, which you had prepared by Elizabeth Broderick... ... Senator PRATT: Recommendation 20 in the report states that all members in the AFP, from recruits to senior leadership, should participate in expert independent training on respectful workplaces. Mr Colvin: Yes. Senator PRATT: What training has been set up since the report was delivered? Mr Colvin: We started the respectful workplace training some time ago in anticipation of the fact that that would be a key outcome of the report. I do not have the figures in front of me as to how many people have been through the respectful workplace training. I could take that on notice. We do not have that in front of us. Again, we will be doing more of this. Senator PRATT: Can you take that on notice? Mr Colvin: Yes, I will take on notice how many members of the AFP have completed the respectful workplace training.	17 October 2016 L&C: 4 & 5
SBE16/003	Minister for Justice	Australian Federal Police	Pratt	Revenge porn prosecution figures	Senator PRATT: Thank you. How many cases of revenge porn have been prosecuted under section 474.17 of the Criminal Code? Mr Colvin: I will see if I have that material. I believe the department might have some of that material; if not, we can certainly get it for you. No, I am told we do not have a list of the numbers of prosecutions so far for revenge porn. And I would be a little cautious because it is a term that has snuck into the way this is described, but it loosely can cover a range of activity. Senator PRATT: Okay, if you can take on notice that breakdown that would be terrific. Mr Colvin: Yes.	17 October 2016 L&C: 7
SBE16/004	Minister for Justice	Australian Federal Police	Kakoschke-Moore	Cases involving the <i>Criminal Code Act 1995</i>	Senator KAKOSCHKE-MOORE: My questions are directed to the AFP and they are in relation to section 474.26 of the Criminal Code Act 1995, which is the section in relation to an adult using a carriage service with the intention of procuring a child under the age of 16 in order to engage in sexual activity, otherwise known as the grooming role. In the past financial year how many charges have the AFP laid in relation to section 474.26 of the Criminal Code Act 1995? Mr Colvin: I will have to take that on notice, Senator. We do not have those figures in front of us. We can get them, though. ... Senator KAKOSCHKE-MOORE: Also, what was the average penalty imposed for those convictions? Mr Colvin: We will have to take all of that on notice. We can get that.	17 October 2016 L&C: 15
SBE16/005	Minister for Justice	Australian Federal Police	Kakoschke-Moore	Prosecutions involving the <i>Criminal Code Act 1995</i>	Senator KAKOSCHKE-MOORE: My questions are directed to the AFP and they are in relation to section 474.26 of the Criminal Code Act 1995, which is the section in relation to an adult using a carriage service with the intention of procuring a child under the age of 16 in order to engage in sexual activity, otherwise known as the grooming role. In the past financial year how many charges have the AFP laid in relation to section 474.26 of the Criminal Code Act 1995? ... Senator KAKOSCHKE-MOORE: Thank you. You may also need to take on notice the next two questions. How many convictions have resulted from these charges? Mr Colvin: We will take that on notice. ... Mr Colvin: We will have to take all of that on notice. We can get that. Senator KAKOSCHKE-MOORE: Thank you. Does the AFP have any records of the number of investigations conducted under section 474.26 which were unable to proceed due to insufficient evidence in relation to an intention to engage in sexual activity with a child? Mr Colvin: We would. Every investigation we open, regardless of whether it ends with a prosecution, we have a record of. It may be quite manual for us to go back through and search, but I think we should be able to do that and we will take that on notice. Senator KAKOSCHKE-MOORE: Thank you very much.	17 October 2016 L&C: 15
SBE16/006	Minister for Justice	Australian Federal Police	Xenophon	Legislation relating to grooming children	Senator XENOPHON: I am aware of the Attorney's caution about putting hypotheticals, but I will put this to you in very broad terms. At the moment is it fair to say that in the absence of showing a sexual purpose—if an adult, for instance, lies about their age to a child online and then seeks to meet that child, and there is no reference to sexual purposes or any prurient interest—that in itself falls short of the offence that Senator Kakoschke-Moore referred to? Mr Colvin: Yes, because that offence is about grooming for the purposes of sex. Senator XENOPHON: Right. So an adult lying about their age online to a child and then attempting to meet that child would fall short of the current definition? Mr Colvin: I have not got the legislation in front of me. Senator XENOPHON: But could you please take that on notice. That might be quite useful.	17 October 2016 L&C: 18

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SBE16/007	Minister for Justice	Australian Federal Police	McKim	Investigations into assault on Nauru	<p>Senator McKIM: Thank you. We know from recent releases from the Department of Immigration and Border Protection that there were 19 cases of violence and sexual assault during the time that was covered by the files that are now known publicly as 'the Nauru files', and that those 19 cases were referred to the Nauru police. Are you aware of the status of any of those investigations and, if so, could you share what you are able to with the committee, please?</p> <p>Mr Colvin: Absolutely, Senator; I believe we are aware. We anticipated that you may have an interest in this area. I will just hand over to my deputy commissioner for that area.</p> <p>Senator McKIM: Thank you.</p> <p>Ms Saunders: Thank you, Senator, for the question. Just to clarify, of those matters that were reported in the media, 14 incidents were referred to the Nauru police. Of those 14, nine are closed due to insufficient evidence to proceed; one investigation is closed as the complaint was withdrawn; one investigation revealed no evidence committed; two investigations remain open pending further information; and one investigation resulted in the charging of a suspect with an assault offence, and the matter is still before the court.</p> <p>Senator McKIM: That is before the courts in Nauru?</p> <p>Ms Saunders: That is correct.</p> <p>Senator McKIM: Okay. What are the charges that have been laid in the final matter you mentioned?</p> <p>Ms Saunders: It is an assault offence.</p> <p>Senator McKIM: Thank you. You have said 14 were referred. The immigration department, to the best of my knowledge, has said 19. Can you explain that discrepancy?</p> <p>Ms Saunders: You may need to ask Border Force that, Senator.</p> <p>Senator McKIM: I will.</p> <p>Ms Saunders: My understanding is there may have been some that perhaps did not meet a threshold to refer to the Nauruan police.</p> <p>Senator McKIM: Thank you. Of the nine that were closed but did not result in charges laid, what were the reasons for the closure of those investigations?</p> <p>Ms Saunders: I do not have the specifics for each case, but certainly there was insufficient evidence to proceed.</p> <p>Senator McKIM: If I were to ask you to take that on notice, would you be able to provide any further specifics that you are able?</p> <p>Ms Saunders: Certainly, yes.</p>	17 October 2016 L&C: 18 & 19
SBE16/008	Minister for Justice	Australian Federal Police	McKim	Nauru Police Force investigations	<p>Senator McKIM: I understand that, Commissioner, and thank you. But my question remains: were any issues raised with you by your officers on Nauru that raised concerns about substandard investigations by the Nauru police?</p> <p>Mr Colvin: More recently, no. In fact, the reporting that I have seen gives me confidence that the Nauru Police Force is conducting relevant quality investigations. A lot of our training, though, has been targeted at areas where we have seen deficiencies in in the past: around victim statements, around forensic procedures and around timeliness of response. That is where we are working very hard with the Nauru Police Force, but I must say that in the reports I have seen more recently—I know that the Secretary of the Department of Immigration and Border Protection was recently in Nauru and saw some of this firsthand; I personally have not been to Nauru for many years—by and large they are conducting through investigations.</p> <p>Senator McKIM: Thank you. You said, 'More recently, no,' the implication clearly being—and I do not want to put words in your mouth—that you have accepted that, in the past, potentially there were some deficiencies in the way investigations were conducted. Did those deficiencies relate specifically to allegations that have come out of the camp that is established on Nauru for people seeking asylum in Australia?</p> <p>Mr Colvin: The short answer is yes. The centre has obviously injected a range of local law enforcement challenges that the Nauru Police Force were not dealing with when the centre was not there. So clearly that is where we have shown an interest in assisting with the Nauru authorities' ability to deal with that. I think that at last count, from my discussions with Commissioner Caleb, the Nauru Police Force commissioner, about a third of their population is now people from the centre. So of course that has put stresses and challenges on the system, but I think they are responding quite well.</p> <p>Senator McKIM: Thank you. When were the most recent concerns about substandard investigations raised with you, and exactly what were they?</p> <p>Mr Colvin: I would have to take that on notice, but, as I said, it is not in recent times. We could certainly get some advice. What my advice would be is that it would be about areas of attention from the Australian Federal Police—areas that we want to assist them with in particular. You can draw an inference from that that those are areas that they are substandard in.</p> <p>Senator McKIM: Yes, thank you.</p> <p><i>QUESTION RECONFIRMED:</i></p> <p>Senator McKIM: To go back to my previous question, Commissioner, you have taken on notice the most recent time that specific concerns around investigations were raised and what those concerns were.</p> <p>Mr Colvin: Yes, correct.</p>	17 October 2016 L&C: 20

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page <i>or</i> Written
SBE16/009	Minister for Justice	Australian Federal Police	McKim	Training programs for the Nauru Police Force	<p>Ms Saunders: If I could add to that, in terms of the observations made, in terms of potential deficiencies, it has not been just addressed through mentoring the individual investigators through the matter that they might be investigating. There has been a whole range of training delivered in response to that. I am happy to provide this list to you. Since 2013 there have been 32 different training programs delivered, in a whole range of areas, to enhance the capabilities of Nauruan police, including vulnerable-witness programs, how to investigate sex offences, in terms of sexual offence first-aider response courses, basic investigative programs, and the list goes on. So there has been significant effort made in enhancing their capacity.</p> <p>Senator McKIM: I will ask for that to be provided on notice, if that is okay.</p> <p>CHAIR: This is tuition requested by the Nauruan police, I assume?</p> <p>Mr Colvin: Certainly it is done in consultation with them. We do not provide training that they do not want us to provide, and we will provide that to the committee. The point I would make, though, is that is training that my officers get as well. It is training that my state and territory counterparts—it is a constant ongoing procedure.</p>	17 October 2016 L&C: 20
SBE16/010	Minister for Justice	Australian Federal Police	McKim	Deficiencies in the Nauru Police Force	<p>Senator McKIM: In fact, Commissioner, you have already said this morning that there were cases where the Nauruan police did not have the capacity to adequately investigate.</p> <p>Mr Colvin: What I said was that there were cases where we saw deficiencies and we wanted to help them improve.</p> <p>Senator McKIM: In how many cases did you see deficiencies?</p> <p>Mr Colvin: I could not answer that.</p> <p>Senator McKIM: Will you take it on notice?</p> <p>Mr Colvin: To the extent that we have a record—I do not know that we would have a record, especially if we were not a part of providing any advisory role with the matters.</p> <p>Senator McKIM: To the extent that you have a record, I will put that on notice.</p>	17 October 2016 L&C: 21
SBE16/011	Minister for Justice	Australian Federal Police	McKim	Alleged payments by the Nauru Government	<p>Senator McKIM: To the extent that you have a record, I will put that on notice. I want to move to another matter now. There have been conflicting reports about an AFP investigation into alleged payments from Australian company Getax to family members of senior members of the Nauruan government. Is or was the AFP investigating that matter?</p> <p>Mr Colvin: That is a current ongoing investigation, yes.</p> <p>Senator McKIM: The Nauruan police commissioner, Mr Kaleb, put out a statement in response to an ABC 7.30 report that said it has been incorrectly reported that the AFP are investigating this matter. Is Mr Kaleb wrong?</p> <p>Mr Colvin: It is an ongoing matter so I am going to be a little careful, but I do remember the report. What the commissioner of the Nauru Police Force was saying is that the AFP is not investigating offences in Nauru or is not investigating officials in Nauru. We are investigating a matter that breaches Australian law and we are investigating under the Australian jurisdiction.</p> <p>...</p> <p>Mr Colvin:...Coming back to your first point, I do believe that the context of the ABC report was about a particular individual in Nauru who is not the subject of our investigation because there is no allegation that he has breached Australian law.</p> <p>Senator McKIM: Who is the subject of your investigation?</p> <p>CHAIR: Well, I am not sure that that—</p> <p>Senator McKIM: Well, the commissioner is doing okay without you running interference for him.</p> <p>CHAIR: It is not a question of running interference; it is a question of appropriate questions to this estimates committee inquiry into the expenditure of Commonwealth government money.</p> <p>Senator McKIM: Well, in fact, operational matters are covered.</p> <p>CHAIR: I am not sure that operational matters and matters that relate to naming people being investigated are appropriate to this committee.</p> <p>Senator McKIM: Well, the commissioner is entitled to respond as he wishes. I will put the question again: who is the investigation into?</p> <p>Mr Colvin: There is a lot of material on the public record about that matter and the media report on it often. I am happy to provide material that helps clarify inaccuracies. I am not going to talk about specifics of the investigation.</p> <p>Senator McKIM: Thank you.</p> <p><i>FURTHER QUESTIONING:</i></p> <p>Senator McKIM: Thank you, Commissioner. I appreciate that. I have a couple of questions on the Getax investigation; I think you said you will take on notice whether you did request assistance from the Nauru police in that matter?</p> <p>Mr Colvin: Correct.</p> <p>Senator McKIM: Could I ask that that include the dates and the nature of any request or requests made, to the extent that you are—</p> <p>Mr Colvin: I think I would be reasonably comfortable to give dates, but 'nature' would probably get to the specifics of the investigation. We will certainly consider the question and answer it.</p> <p>Senator McKIM: Thank you. I appreciate that.</p>	17 October 2016 L&C: 21, 22 & 26

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SBE16/012	Minister for Justice	Australian Federal Police	Reynolds	International child sexual exploitation	<p>Senator REYNOLDS: What it appears to be—again, through my initial inquiries and those of a number of other people here—is that DFAT is aware of the situation. I understand they do not support these facilities any more because they cannot verify which ones are good versus bad. But the sorts of offences that my research has shown are absolute sexual exploitation of these children, because they have no-one to protect them at all; the trafficking aspect; and also the fraud perpetrated against Australians who donate money and support to these facilities, and who then keep coming back—not realising that their money is actually going to people who have trafficked these children. Also, a lot of these kids have false papers—that is why they are called paper orphans, because their documentation is falsified. I think there is a whole range of issues here that are relevant to your international engagement. Could I ask on notice if you could review this issue and perhaps come back and provide a little more advice? I think that internationally somebody has to stand up for these kids and that someone has to initiate activities. At the moment, all the jurisdictions are looking at each other and saying, 'Well, it's not quite us.' I think that is why the criminals are now flourishing, because it slips between jurisdictions.</p> <p>Mr Colvin: We can do that. I think there are two aspects to that. There is where Australians have been victims of this, and that is probably largely overseas offences. But we also need to understand where Australians may be willingly participating in an offshore sex offender arrangement as well.</p> <p>I am not aware of any investigations specifically into that. There is probably a number of agencies—not just Australian agencies, the UN as well—that need to have a role in educating. We can take that on notice and give you a bit more information.</p> <p>Senator REYNOLDS: Thank you. And just on that: I understand that there are also local connections. There are many, often sole traders, here in Australia who set up as brokers with schools, community groups and churches. They are paid to facilitate these visits, sometimes at large expense. Some of them undoubtedly are very genuine, but anecdotal evidence is that a lot of them are not. So there are Australians who are actively recruiting schools and community groups in quite sophisticated ways.</p> <p>Mr Colvin: We need to look to see what offences are applicable, but it sounds like there would potentially be Commonwealth law that they would be breaching if they are facilitating that.</p>	17 October 2016 L&C: 23
SBE16/013	Minister for Justice	Australian Federal Police	Reynolds	Radicalisation of young people	<p>Senator REYNOLDS: Can you give the committee some idea of how many young people you are aware of at the moment, and their age ranges, who have been radicalised to the point of concern?</p> <p>Mr Phelan: That would be a difficult question. I could not really give you a definitive answer on that.</p> <p>Senator REYNOLDS: Are you able to give us an update on prosecutions and cases that are under way at the moment?</p> <p>Mr Phelan: In relation to children, or generally?</p> <p>Senator REYNOLDS: Under 18s and then more broadly.</p> <p>Mr Phelan: Components of that I will have to take on notice. I can certainly do that. Since 2012 we have charged 51 people with counter-terrorism offences across the country as a result of 21 separate operations. The breakdown of those who are juveniles, I will have to get for you and take on notice.</p>	17 October 2016 L&C: 24
SBE16/014	Minister for Justice	Australian Federal Police	McKim	Allegations of assault on Nauru	<p>Ms Saunders: Thank you, Senator, for the question. Just to clarify, of those matters that were reported in the media, 14 incidents were referred to the Nauru police. Of those 14, nine are closed due to insufficient evidence to proceed; one investigation is closed as the complaint was withdrawn; one investigation revealed no evidence committed; two investigations remain open pending further information; and one investigation resulted in the charging of a suspect with an assault offence, and the matter is still before the court.</p> <p>...</p> <p>Senator McKIM: I want to tidy up a couple of matters relating to the referrals to Nauru police of the allegations regarding assaults on people currently on Nauru who are seeking asylum in Australia. I think Ms Saunders told the committee that there were nine cases that were closed. Are you able to provide any information today and, if not, would you take on notice the specifics of why those investigations were closed?</p> <p>Ms Saunders: I cannot answer that specifically, but we are happy to provide as much information as is available to the AFP.</p> <p>Senator McKIM: All right, and you will take that on notice?</p> <p>Ms Saunders: Yes.</p> <p>Senator McKIM: Thank you. Were there any concerns that the AFP is aware of that were raised around the cooperation levels of either the Department of Immigration and Border Protection or the contractors at the Nauru camp?</p> <p>Ms Saunders: No.</p> <p>Senator McKIM: You are not aware of any concerns that were raised. Okay, thank you. You said there were 14 matters referred to the Nauru police—is that the sum total of referrals that the AFP is aware of?</p> <p>Ms Saunders: As they relate to <i>The Guardian</i> newspaper release matter, yes.</p> <p>Senator McKIM: Are there others that the AFP is aware of that do not relate to the so-called Nauru files?</p> <p>Ms Saunders: There may be. I do not have those facts before me. I am happy to take that on notice.</p> <p>Senator McKIM: Thank you, I appreciate that.</p>	17 October 2016 L&C: 19, 25 & 26
SBE16/015	Minister for Justice	Australian Federal Police	McKim	Overseas travel of Wyatt Roy	<p>Senator McKIM: Thank you. I want to ask about the war tourism of former MP Wyatt Roy. That is obviously a matter that has been reported quite broadly in the media. Has that matter been referred to the AFP?</p> <p>Mr Colvin: No, but we are very conscious that it was a high-profile matter and we did our own due diligence to satisfy ourselves. But, no,</p>	17 October 2016 L&C: 26 & 27

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					<p>we do not have a current open investigation in relation to that.</p> <p>Senator McKIM: During that due diligence process, did you form a view as to whether Mr Roy may have entered or remained in a declared area under section 119.2 of the Criminal Code Act?</p> <p>Mr Colvin: Based on the public reporting, we did form a conclusion that we did not believe that any offences had been committed. I guess I should leave commentary about the appropriateness of the activity to the government, and they have made comment on it, but we have no active investigation in relation to his movements.</p> <p>Senator McKIM: Did you interview Mr Roy as part of your investigations?</p> <p>Mr Colvin: I would have to take that on notice. We did not have an investigation.</p> <p>Senator McKIM: I am sorry; I have misrepresented you and I apologise for that. What was the nature of the work that the AFP did in relation to this?</p> <p>Mr Colvin: We reviewed what was publicly known about his travel and satisfied ourselves as to whether we felt that there was a need for us to investigate or to delve further to satisfy ourselves as to whether we believed offences had been committed or not. I do not know whether Mr Roy has returned to the country. I am not sure.</p> <p>Mr Phelan: I have to take on notice whether or not he was spoken to, but it is not dissimilar to a number of other matters that have happened before when we have had journalists go overseas into theatre.</p>	
SBE16/016	Minister for Justice	Australian Federal Police	McKim	Rate of complaints and the Broderick report	<p>Senator McKIM: I had a range of questions on the Broderick report, but it has been covered relatively comprehensively. I wanted to ask: have you had an increase in complaints since you began work to respond to the Broderick report? Generally, if the culture is changing and people are discovering more confidence in the processes of your agency, you would expect an increase in formal complaints. Has that occurred?</p> <p>Mr Colvin: That is correct. In the less than two months of operation of Safe Place we have had a number of people—both internally in the AFP but also externally—bringing forward matters that they believe are relevant to the Safe Place and Investigations team. Some of those are historic and many of them are matters that are not necessarily new to the AFP—we may have had prior knowledge of them. So to say it is an increase—yes, but some of those matters are also previous investigations we have had.</p> <p>Senator McKIM: You may not have this information here—if not, I would ask that you take it on notice—but what is the rate, if you like, of complaints in those couple of months? I accept that it is early days, but what is the rate of complaints as compared to prior to the Broderick report being released and the agency responding to it?</p> <p>Mr Colvin: Absolutely. In fact, one of the recommendations from the report is that we be very open and transparent about the rate of referral of incidents, and I intend to be. I took on notice earlier that we will provide some material. It is early, as you say, but what we can do is contrast that to our previous historical recordings of these matters.</p>	17 October 2016 L&C: 27 & 28
SBE16/017	Minister for Justice	Australian Federal Police	McKim	Complaints against senior AFP members	<p>Senator McKIM: Finally, have any of the complaints been laid against officers at the rank of superintendent or higher? And, if so, what became of those complaints and the relevant staff members?</p> <p>Mr Colvin: I do not have personal knowledge of every matter, and that is for good reason, because there needs to be a level of trust in terms of Safe Place. I draw no distinction between complaints against myself or complaints against the junior members, so I would expect that there will be a range. The report clearly indicates that there was a deficit of trust between the rank and file and the senior executives—superintendent and above—so we would have to expect that there will be complaints against senior members, but it is very early days.</p> <p>Senator McKIM: Could I ask that you take on notice the number of complaints against senior members and, to the extent that you are able to, inform the committee of the conclusion or otherwise of those complaints, and specifically what happened to the relevant staff.</p> <p>Mr Colvin: Absolutely, Senator. I think that is a worthwhile statistic for us to provide. In terms of senior members, I will define that as being superintendent and above.</p> <p>Senator McKIM: Thank you, I appreciate that.</p>	17 October 2016 L&C: 28
SBE16/018	Attorney-General	Australian Human Rights Commission	Pratt	Changes to the Racial Discrimination Act	<p>Senator PRATT: Commissioner, can I ask your view on proposed changes to 18C of the Racial Discrimination Act, proposals to remove 'insult' and 'offend', as put forward by some members of the Senate and the House of Representatives?</p> <p>Dr Soutphommasane: Thank you for your question. I have spoken frequently about the Racial Discrimination Act during the past two years. My view has been consistent. I do not believe there should be changes to the act in its current form.</p> <p>Senator PRATT: Do you think the impact of the proposed changes on hate speech in this country could have the potential to affect Australia's national security?</p> <p>Dr Soutphommasane: It may embolden people to vent racial prejudice and intolerance and, to the extent that that may undermine cultural harmony, that could have some bearing upon national security but no direct bearing.</p> <p>Senator PRATT: How many complaints have you had under section 18C since you have become Race Discrimination Commissioner?</p> <p>Dr Soutphommasane: I became commissioner in August 2013, so I will take that question on notice to give you a precise answer.</p> <p>Senator PRATT: And if you could consider how many of those complaints were for people who have been insulted or offended?</p>	18 October 2016 L&C: 8

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SBE16/019	Attorney-General	Australian Human Rights Commission	Fawcett	Investigating complaints to the AHRC	<p>Senator FAWCETT: When a complaint is received by the commission, what process do you apply to do the initial investigation?</p> <p>Prof. Triggs: Perhaps I could begin by saying that under our statute, when we receive a written allegation of a violation of human rights or antidiscrimination law, for all practical purposes we must accept that complaint. Once we have received it there will be an attempt to talk through the matter with the complainant to investigate the facts and, as it evolves, to engage the respondent in an attempt, ultimately, to conciliate a matter. It can be a lengthy process or it can be resolved within a few weeks; it really depends on the complexity of the matter. But, in essence, once we receive that written complaint or query, we will then investigate and, ultimately, attempt to conciliate.</p> <p>...</p> <p>Senator FAWCETT: If you are the person who is responsible for taking the initial steps of handling a complaint, can you tell me how many complaints are resolved or terminated at the initial investigation stage?</p> <p>Prof. Triggs: I think about a third. Perhaps I should take this on notice to be precise, but my understanding is that about a third have no jurisdictional base, are frivolous or vexatious, or the complainant withdraws, as quite frequently happens. Much further down the track, we—or I, ultimately, as president—will decide to terminate a matter if it is not possible to achieve a conciliation. That then enables the respective parties to go to the Federal Court if they choose to do so.</p>	18 October 2016 L&C: 9
SBE16/020	Attorney-General	Australian Human Rights Commission	Fawcett	Dismissed complaints to the AHRC	<p>Senator FAWCETT: When a complaint is received by the commission, what process do you apply to do the initial investigation?</p> <p>...</p> <p>Senator FAWCETT: In the media recently there has been some discussion around the rate of cases that have been dismissed, and I think the period 2001 to 2005 was compared with 2011 to 2015. Are you able to give the committee any figures from your perspective as opposed to what is reported in the media about the percentage of cases that are dismissed?</p> <p>Prof. Triggs: I will take that on notice but, broadly speaking, matters come to an end for any number of reasons. Sometimes, as I say, they are withdrawn; sometimes we terminate them because there is no reasonable prospect of conciliation. But I am very happy to give you those precise figures on notice.</p> <p>Senator FAWCETT: The allegation was that, I think, it was three in 10 in that earlier period that were dismissed but that, more recently, only around one in 20 has been dismissed. In broad terms, does that sound correct?</p> <p>Prof. Triggs: No, it does not sound correct.</p> <p>Senator FAWCETT: Okay. I would appreciate it if you could come back to us with some details on that</p>	18 October 2016 L&C: 9
SBE16/021	Attorney-General	Australian Human Rights Commission	Siewert	Justice targets	<p>Senator SIEWERT: Professor Triggs, I would like to ask you some questions in your acting role. I am particularly interested in the debate around the justice targets and whether the commission has been doing any work in that space. Have you considered the issue and have you provided any advice to government about justice targets as part of the Closing the Gap targets?</p> <p>Prof. Triggs: Thank you very much, Senator Siewert. It is an important question. The commission has over many years, particularly, of course, recently under Commissioner Gooda, made recommendations in relation to justice targets, and we have reported recently to that effect.</p> <p>Senator SIEWERT: To whom?</p> <p>Prof. Triggs: In our Social Justice Report last year, and I believe we are doing the same this year as well.</p> <p>Senator SIEWERT: In the report that will be coming this year?</p> <p>Prof. Triggs: That is right. It is just being finalised now.</p> <p>Senator SIEWERT: What I am after is: has your advice been sought most recently given the current debate that is on at the moment? Has your advice been specifically sought for both national and state and territory targets?</p> <p>Prof. Triggs: As I understand it, no. But perhaps, if it would help you, I could take that on notice to look at when we were last asked this question and give you a fuller report on when and how we have raised the issue of justice targets. But I know it has been a matter very much on the mind of Mick Gooda throughout his term.</p> <p>Senator SIEWERT: Okay, thank you. I would be particularly interested, too, in who asked you for that advice.</p> <p>Prof. Triggs: We would be very happy to provide that. Thank you very much, Senator.</p>	18 October 2016 L&C: 12 & 13
SBE16/022	Attorney-General	Australian Human Rights Commission	Siewert	Disability discrimination	<p>Senator SIEWERT: In the time remaining to me, I would like to ask Mr McEwin some questions. Could I start with the number of complaints—and it may be a question for Professor Triggs—you are receiving in terms of disability. I am interested in the numbers that relate to workplace discrimination or issues to do with employment of people with disability.</p> <p>Mr McEwin: I will hand over to Gillian in a minute, but what I can say is that complaints on the basis of disability discrimination continue to be the highest amongst all the complaints that we receive, and employment also is amongst the highest.</p> <p>Prof. Triggs: This has always been a consistent feature of the work of the commission on complaints. I know you have been following this for many years. Two-thirds of our complaints across the commission concern employment or the delivery of goods and services, and that is reflected also in the disability discrimination statistics. The most recent I have are that employment for those with disabilities constitutes 35 per cent of the complaints, and, with regard to goods, services and facilities, 33 per cent. So you can see that we get to 68, which pretty much reflects the kind of balance we have had in the complaints work of the commission for a number of years.</p> <p>Senator SIEWERT: Is that remaining at approximately the same levels? You have seen a decrease?</p> <p>Prof. Triggs: No, it is not decreasing at all. Again, if I may, I will take it on notice to give you a fuller set of those figures.</p>	18 October 2016 L&C: 13 & 14

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SBE16/023	Attorney-General	Australian Human Rights Commission	Siewert	NDIS complaints	<p>Senator SIEWERT: Are you starting to get complaints about the NDIS in relation to people with disability?</p> <p>Mr McEwin: We have a small number at the moment, but it is too early to comment on the nature of those complaints.</p> <p>Senator SIEWERT: When you say a 'small number', what is the quantum?</p> <p>Mr McEwin: I do not have exact figures. I am happy to take that on notice.</p> <p>Senator SIEWERT: If you could. I am also particularly interested in whether you have received any complaints relating to the NDIS, particularly in relation to hearing.</p> <p>Prof. Triggs: I know we have had some, but, again, I will have to get back to you very precisely with that information. We will be very happy to do that in a comprehensive report about these statistics.</p> <p>Senator SIEWERT: I am careful in terms when I ask about the nature of complaints, but could you provide some indication of the nature of those complaints?</p> <p>Prof. Triggs: Yes, we will give you rather more detailed information within each category of disability about where those complaints lie. Again, there tends to be a spike in certain areas for reasons across a year. I have every expectation that with Alistair McEwin's position we probably will give greater public understanding of those with hearing disabilities and their rights under the law, and I think it is quite likely we will actually see more of these kinds of complaints arising.</p> <p>Senator SIEWERT: That would be appreciated.</p>	18 October 2016 L&C: 14
SBE16/024	Attorney-General	Australian Human Rights Commission	Watt	Expenses claimed by Mr Wilson	<p>Senator WATT: You will probably be familiar with some reports that emerged last year about expenses that were claimed by the former Human Rights Commissioner, Tim Wilson. There was quite a degree of concern about the size of those expenses Mr Wilson had claimed in that role.</p> <p>Senator Brandis: Senator Watt, that is not the truth. The issue was raised; there was no concern expressed at all. When the matter was explored in this committee, it was revealed how relatively modest, compared to the expenses of other commissioners, the expenses were.</p> <p>Senator WATT: Thank you, Senator Brandis. We had an extended debate about the meaning of the word 'consult' the other day; let's not get into an extended debate about the word 'concern'.</p> <p>Senator Brandis: I just think it is important that you tell the truth when you put questions to witnesses.</p> <p>Senator WATT: I am happy to table the report I am referring to. That report from July last year was that Mr Wilson had run up more than \$77,000 in taxpayer funded expenses in his first year on the job. Professor Triggs, are you able to advise the committee of the amount of taxpayer-funded expenses that Mr Wilson ran up in his second year on the job?</p> <p>Prof. Triggs: I will have to take that on notice to give you precise details. I think you will notice that we have also answered earlier questions on notice that set out those sums and explain the circumstances in which the expenses were incurred.</p> <p>Senator WATT: I am still getting across all of the answers to questions on notice that were tabled prior to the hearing, but I take it they include a breakdown of all expenses associated with Mr Wilson, including any family reunion travel or costs that were incurred?</p> <p>Prof. Triggs: Absolutely. We gave quite a detailed response to the last questions on notice and we will do the same on this occasion in light of your question.</p>	18 October 2016 L&C: 14 & 15
SBE16/025	Attorney-General	Australian Human Rights Commission	Watt	Expenses of AHRC Commissioners	<p>Senator WATT: Is there a ceiling for individual commissioners as to the total travel expenses they can claim in any one year?</p> <p>Prof. Triggs: Absolutely, partly reflecting our very, very limited budget. Each commissioner has a budget and they must work within that budget. There are no funds available once that budget has been expended. A commissioner will determine their priorities for the year and their travel relative to those priorities. If they do not have funds for further travel towards the end of a year—if they have not budgeted appropriately—then that is the end of their funding. That's by way of a general warning to anybody who happens to be listening!</p> <p>...</p> <p>Prof. Triggs: The total budget, to give you the information, is \$30,000 for each commissioner, and the commissioner will determine within that budget where the priorities lie, so in that sense it is global.</p> <p>Senator WONG: Thank you.</p> <p>Senator WATT: So \$30,000 for every individual commissioner to spend on items including travel, taxis—</p> <p>Prof. Triggs: That is correct. The total budget for all of their work must be within that cap. Perhaps I could also point out that there tends to be a relatively higher level of expenditure by new commissioners in the first six months or so of their appointment because they, quite properly, travel extensively throughout Australia to meet stakeholders and to understand their portfolio. It tends then to be pulled back a little, and it might be in the second year that the funds might go to particular priorities. So there is a very high level of discretion for each of those commissioners as to how they expend that capped budget.</p> <p>Senator WATT: That \$30,000 annual budget is substantially less than the \$77,000 that Mr Wilson racked up in his first year on the job if I am comparing the same figures.</p> <p>Prof. Triggs: May I take that on notice? One thing that I have not mentioned is family reunion amounts, which would be in addition to that cap. So perhaps I could come back to you to explain that kind of expenditure.</p> <p>Senator WATT: Are there any items apart from family reunion travel that are in addition to that \$30,000 cap?</p> <p>Prof. Triggs: Yes. Under the Remuneration Tribunal there are very particular provisions on living away from home allowances which would also increase the total amount when you are reviewing these financial statements.</p>	18 October 2016 L&C: 15 & 16

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					<p>Senator WATT: Okay. When was this \$30,000 individual cap brought in as a policy?</p> <p>Prof. Triggs: Certainly for the time that I have been at the commission it has been at the level of \$30,000. I cannot speak for my predecessor, but I can again confirm that with you on notice.</p> <p>Senator WATT: Okay. I suppose I am still interested in why, if there was such a budget for \$30,000, Mr Wilson more than doubled that amount. Was that something that was of concern to the commission?</p> <p>Prof. Triggs: It was not of concern. Those moneys were expended in the early part of his appointment, and it was reasonable for him to spend the larger amount in that early period, but I would like, if I may, to take it on notice to review exactly what the composition of that additional fortysomething-thousand was and why it was expended. We will certainly get back to you with a very full description of what comprised that additional amount.</p>	
SBE16/026	Attorney-General	Civil Law Unit	Watt	Mr Wilson’s attendance of political party events	<p>Senator WATT: You mentioned that Mr Wilson, as well as attending Liberal Party events while employed by the taxpayer as the Human Rights Commissioner—what other political party events did Mr Wilson attend as the Human Rights Commissioner?</p> <p>Senator Brandis: He did give particulars of other political party events at the last estimates. I recall that, among others, he referred to attending a Greens party event. His evidence was that none of the events he attended, whether Greens party events or Liberal Party events or the events of other political parties, were fundraisers.</p> <p>Senator WATT: Did he attend any National Party events?</p> <p>Senator Brandis: I do not remember him saying so. Do you want me to take that question on notice?</p> <p>Senator WATT: Yes.</p> <p>Senator Brandis: I will take that question on notice.</p>	18 October 2016 L&C: 17
SBE16/027	Attorney-General	Australian Human Rights Commission	Lambie	Involuntary mental health orders	<p>Senator LAMBIE: Professor Triggs, I would like to take a few minutes to hear what you have to say about private members' bills where I propose to give parents—working with family doctors and others, if that is what it takes—the right to involuntarily detox their ice-addicted children. At the moment, Australian parents do not have the right to involuntarily detox drug-addicted children. I realise involuntary detox and medical treatment involve a breach of human rights, but I bring to your attention the use of involuntary mental health orders, which can be applied to people who are suffering from a mental health condition which makes them dangerous to themselves and others. So I simply ask, why can't the same legal precedent and ethical codes which apply to people with serious mental health problems also apply to our ice-addicted children, who are also often dangerous to themselves and others?</p> <p>Prof. Triggs: Thank you very much, Senator Lambie. I think you raise a very important issue, and you make the point of contrast with mental illness and sectioning as a form of involuntary detention. I cannot answer your question precisely. I am sorry to disappoint, but I will need to take that on notice. I can only complete what I am saying by recognising that you raise an issue of very great concern to many members of the Australian community, and of course you do raise, ultimately, the concern of the right to good health and access to health services.</p> <p>Senator LAMBIE: The Hippocratic oath famously states that doctors should do no harm. Just sitting back and waiting for an ice-addicted child to agree to medical treatment— isn't that actually doing harm to our children?</p> <p>Prof. Triggs: If I may, Senator Lambie, I will take that as a rhetorical point.</p> <p>Senator LAMBIE: Okay. And don't our children deserve the right to a life without a harmful drug addiction?</p> <p>Prof. Triggs: I think there is virtually no answer to that except of course, you are right.</p> <p>Senator LAMBIE: I guess I am asking here: can't we simply ignore the human rights textbooks in order to bring about a much-needed early medical intervention—in order to protect our children from a cheap, easily bought and highly addictive and harmful drug that is now threatening our children?</p> <p>Prof. Triggs: I am not sure that your premise is correct. I think that one can use human rights law to achieve the outcome that you would like—which is an earlier intervention, particular with children who are at risk or who are addicted to seriously damaging drugs. Again, I will take that on notice. It is an important question and we will respond to you fully from the commission.</p> <p>Senator LAMBIE: Thank you, Professor Triggs.</p>	18 October 2016 L&C: 18
SBE16/028	Minister for Justice	Criminal Justice Policy & Programmes	Lambie	Human trafficking and slavery	<p>Senator LAMBIE: What funding does the Australian government provide for initiatives aimed at eliminating human trafficking and slavery?</p> <p>Senator Brandis: This is an issue in which the Australian government, of course, takes a very close interest and we have very strong laws in relation to the matter. In relation to actual funding, I might ask the officials responsible for this area to respond because they are probably in a better position than me to give you the particulars of programs. Ms Close, perhaps.</p> <p>Ms Close: I do have some details of that, but if I could just take it on notice I will find those details for you.</p> <p>Senator LAMBIE: I will liaise with you because I imagine this will carry on. But in connection with that question, how many programs does the government fund to combat human trafficking and slavery in Australia.</p> <p>Ms Close: I will take that on notice.</p>	18 October 2016 L&C: 19
SBE16/029	Minister for Justice	Criminal Justice Policy & Programmes	Lambie	National Ice Taskforce Recommendations	<p>Senator LAMBIE: That is okay. I have finished that part of the questioning. Attorney-General, I want to go back to the detox for our children who are on ice. I want to know what you personally think about my idea of giving the parents the right to be able to involuntarily detox their own children.</p>	18 October 2016 L&C: 19

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		Division			<p>Senator Brandis: It is something that I would like to think about. It was not, so far as I am aware, a recommendation of the National Ice Taskforce. Let me check that, but I am not aware that it was a recommendation of the National Ice Taskforce. Let me consider it and perhaps have a conversation with you about it, so we can have a full discussion.</p> <p>Senator LAMBIE: Did the National Ice Taskforce recommend the ice rooms?</p> <p>Senator Brandis: I will just get a brief up to the committee room. I do not have in the brief here the National Ice Taskforce's recommendations. Perhaps we could revisit that after the morning tea break. I will have it checked in the meantime.</p>	
SBE16/030	Minister for Justice	Criminal Justice Policy & Programmes Division	Lambie	Rights and responsibilities of parents	<p>Senator LAMBIE: Ice is a highly addictive drug. If the kids are taking it at 12 or 13, I do not believe at the federal level we are being nearly proactive enough to do something about that.</p> <p>Senator Brandis: I have got a little bit more information with some dates to put around this to show you how proactive the Commonwealth has been. On 8 April last year Prime Minister Abbott established the National Ice Taskforce to develop a coordinated national response to the ice problem. The task force publicly released its final report on 6 December 2015. COAG adopted a National Ice Action Strategy. All of the law enforcement options recommended by the National Ice Taskforce are being or will be implemented through that strategy, which was adopted on 11 December 2015. I should interpolate to say that, because this is a national strategy, obviously it involves the Commonwealth as well as state and territory governments, but from the Commonwealth's point of view over the next four years the Commonwealth Department of Health will deliver \$241.5 million in funding addiction treatment services, including ice addiction—that is not all for ice; it is for all addiction—and there will be an additional \$24.9 million to address ice use specifically at a community level.</p> <p>Senator, you raised this issue with me in the Senate in the last sitting week, as I recall. The point I made to you then and I will make to you again is that there is no insufficiency in our laws in relation to prohibiting the importation, trafficking or supply of dangerous drugs, including ice. There are very strong laws with very strong penalties that deal with such matters. It is partly a health issue, partly a law enforcement issue and partly a community education issue. On each of those three fronts, through the National Ice Action Strategy, the government, in collaboration with state and territory governments, is addressing the problem.</p> <p>Senator LAMBIE: How do you address it when you are the parent of a child who is 12 or 13—and you have no rights and they are running around in the streets? That is what I am asking you, because I do not see that the Ice Taskforce actually hit this section at all. That is the problem I am having—if they are running around in the streets and the parents have no rights. We are not leading by example here.</p> <p>Senator Brandis: As I said, that is an issue I would be very glad to discuss with you. It is an issue that obviously raises a range of potential legal complications, including the rights and responsibilities of parents in relation to children, rather than merely issues of the treatment of the addiction. Let us have a conversation about that. I will get those from my department who are responsible for policy implementation in this field, and perhaps relevant officers of the Australian Federal Police, in to have a good constructive talk with you.</p>	18 October 2016 L&C: 20
SBE16/031	Attorney-General	Australian Human Rights Commission	Siewert	Representation for people with disabilities	<p>Senator SIEWERT: Mr McEwin, I wanted to ask you about issues of representation for people with moderate or, in particular, severe intellectual disability in various decision-making bodies. Have you given consideration to how that should occur and be improved?</p> <p>Mr McEwin: Do you mean across federal and state jurisdictions?</p> <p>Senator SIEWERT: Yes.</p> <p>Mr McEwin: I have not considered it deeply, but, as part of being newly appointed to this role, I am consulting with many stakeholders, including civil society, and the issue has been raised with me, so I am taking that into consideration. For now I would say I am happy to take it on notice, but I have not actually had a chance to consider it deeply.</p> <p>Senator SIEWERT: That would be appreciated. It is an issue that is coming up more and more.</p>	18 October 2016 L&C: 24 & 25
SBE16/032	Attorney-General	Civil Law Unit	McKim	Letter of responses from states	<p>Senator McKIM: Attorney, I want to follow up on an answer you gave to Senator Lambie regarding the process for ratifying OPCAT. You said you had written to state and territory attorneys on 25 February. I presume you have had replies. Could you just describe the nature of your letter and, if you are able to, the nature of the responses you have had from state and federal attorneys?</p> <p>Senator Brandis: I will see if there is a copy of the letter available—I am sure I do not have all the responses here, so that part I will take on notice.</p> <p>Senator McKIM: It is fair to say it has been a long-running process—probably going back six or seven years, I think. When I was Minister for Corrections in Tasmania, this was on my agenda, and that was a few years ago now.</p> <p>Senator Brandis: It has been a long process. I do not have the letter, so I will take that on notice. I do not see any reason why we could not—I am happy to give you a copy of my letter to the states and territories, and I will ask those who advise me to think about this carefully, but I myself would not have any particular objection to releasing to the committee their replies.</p> <p>Senator McKIM: Thank you, Attorney, so I will take it that you have taken it on notice.</p>	18 October 2016 L&C: 25
SBE16/033	Attorney-General	Australian Human Rights Commission	McKim	Interviews for the <i>The Forgotten Children</i> report	<p>Senator McKIM: You together with the commission conducted a report, <i>The Forgotten Children</i> report. Could you refresh the committee's organisational memory about the methodology used to gather the evidence that informs that report?</p> <p>Prof. Triggs: We held a formal inquiry as part of my powers as President. We held five public hearings to listen to evidence that was taken on oath. We called for submissions from the public and received something in the order of 240 submissions. We conducted monitoring visits to 13 detention centres, some of them several times, and I visited Christmas Island three times. We had interviews with—and I stand to be corrected and would like to take it on notice—something in the order of, I think, 1300 to 1500 parents and</p>	18 October 2016 L&C: 26

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					children over about a one-year period. Linked to the methodology also was the integrated role of medical practitioners, child psychiatrists and paediatricians. That was a key part of our methodology, to make sure that, whatever judgements we were making, ultimately, in relation to the mental health of children, their medical advice would be highly credible and support the commission's report.	
SBE16/034	Attorney-General	Australian Human Rights Commission	Reynolds	Speech reported in <i>Lawyers Weekly</i>	<p>Senator REYNOLDS: I just wanted to give Professor Triggs the courtesy of a copy of the article I am quoting from. This article was in <i>Lawyers Weekly</i>.</p> <p>...</p> <p>Senator REYNOLDS: Okay. The article said you called for the country to have a 'serious conversation' about a bill of rights, which, as we have discussed, is a live issue and something that is important of the nation. The article then quotes you as saying that 'lawyers and the courts have continually failed to protect fundamental freedoms'. The article continues:</p> <p>Australian lawyers seem to have lost their focus as protectors of the most vulnerable, according to Professor Gillian Triggs.</p> <p>... ..</p> <p>"There seems to be some kind of fatigue among the profession, and we're walking and sleepwalking into accepting the unprecedented rise outside wartime of executive power and governmental discretions that are not fully subject to judicial scrutiny or the rule of law."</p> <p>I am not sure if this is a rhetorical question or whether you are asking this of the lawyers who were in attendance, but you are then quoted as saying:</p> <p>"What kind of a lawyer would work with the government to remove the illegality through context, in the way of a retrospective provision, to arguably make legal something which is probably illegal?"</p> <p>... ..</p> <p>"I do not believe that it's acceptable for our courts to ignore the legal regime ..."</p> <p>I will just stop there, because those were obviously clear references to a large cohort of people in your own profession. Could you explain the reasoning behind this speech?</p> <p>Prof. Triggs: Firstly, again, I have to point out that this is a report by somebody who was listening to my speech. It is disjointed and it is out of context. It is not in the context of the cases. I went into a great deal of detail discussing some of the major decisions of the High Court of Australia and made some observations accordingly. So this is a very short-hand, and on occasion inaccurate, statement of what I said at that lecture. If it is of any interest to you, I am the patron of the New South Wales Young Lawyers Association, and they want to be a little edgier than perhaps the profession is—they wanted something that was going to cause them to think, and that was my task for that day. And I took that challenge. I have a full text of that speech if you would like it.</p> <p>Senator REYNOLDS: That would be helpful.</p>	18 October 2016 L&C: 34 & 35
SBE16/035	Attorney-General	Australian Human Rights Commission	Watt	Funding cuts and backlog of complaints	<p>Senator WATT: Professor Triggs, I have a few questions about funding to the commission. Earlier this year there were some media reports in which you raised concerns about the impact of a series of funding cuts on the commission, cuts under this government. Could you please outline the impact of these cuts, including in relation to the statutory obligations of the commission?</p> <p>...</p> <p>Senator WATT: So from within your relatively small annual budget of \$15 million you have had to find the funding for one extra commissioner—</p> <p>Prof. Triggs: In effect, two.</p> <p>Senator WATT: Two commissioners. You have had some of that money taken away for the royal commissioner. Presumably, there have been other funding cuts or efficiency dividends that have applied across the Public Service.</p> <p>Prof. Triggs: That is correct.</p> <p>Senator WATT: The net effect is that that is reducing the service provided to members of the public through your conciliation service.</p> <p>Prof. Triggs: That is my view. We can demonstrate that, objectively, if you would like me to report to you—</p> <p>Senator WATT: You mentioned a backlog in those complaints. Is there any time frame?</p> <p>Prof. Triggs: I have been advised by the director of that unit that the numbers are increasing but I do not have those numbers at my fingertips. I can certainly get those figures for you, because that is the canary in the coalmine. It is a very good indication that we are slowly starting to slip backwards in our ability to handle these matters as quickly as we can. And you would be aware, of course, that some matters, particularly those in the public arena, are taking a great deal of time, on behalf of the staff.</p> <p>Senator WATT: I would appreciate it, if you could take that on notice: the figures around the backlog, how long complaints are taking to get to conciliation and conclusion, and some of the more precise details about the funding cuts that you have been talking about.</p> <p>Prof. Triggs: I would be very happy to do that.</p> <p>Senator WATT: Apart from the impact on complainants and respondents, in these matters being prolonged, you mentioned that there is also a spillover effect into the courts. Resolving matters in conciliation keeps people out of court, which is a lot more expensive. Do you have any sense about what sort of impact that is placing on our courts and additional expenditure?</p> <p>Prof. Triggs: By delaying the result, of course, we are actually delaying a matter going to the courts—so that is actually keeping it out of the courts, which perhaps would please the Federal Court. But it is hardly in the interests of justice for Australians. Can I stress that this is</p>	18 October 2016 L&C: 37 & 38

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					a very, very important part of access to justice in Australia. It costs the complainant nothing to make the complaint, and it costs the respondent nothing to deal with it. In that way, and because of confidentiality, these matters can be resolved with a very high rate of success through conciliation. Senator WATT: Thank you. If you could take those few matters on notice, that would be much appreciated. Prof. Triggs: Thank you very much.	
SBE16/036	Attorney-General	Australian Human Rights Commission	Pratt	Progress of CEDAW	Senator PRATT: I have a quick question for the Sex Discrimination Commissioner. Australia's response to CEDAW was due, I think, in 2014. I was wondering whether you had made inquiries with government as to when that response would be expected. Ms Jenkins: I have not made any inquiries as yet. Senator PRATT: Could you briefly comment on our progress in relation to CEDAW? Ms Jenkins: No, I could not make any comment at the moment. Senator PRATT: Perhaps you could take that on notice. That would be useful. Senator WONG: If I could just follow up on that, Ms Jenkins: I am sorry, what is the reason you cannot make any comment on our progress against CEDAW? Ms Jenkins: Since I have started, I have done a whole range of activities within the country to look at the issues that exist within Australia, but I have not been required before next year to really examine Australia's position on that. Senator WONG: You cannot give the committee, as the commissioner, some assessment of our progress towards some of the matters that CEDAW sets out. Is that correct? Ms Jenkins: Not in this forum, but I am happy to take that on notice and come back to the committee. Senator WONG: That would be useful. It is not just a point in time assessment, is it? Although that may be how it is reported, it is how we are tracking against the various equality objectives. I hope at some point we will get some sense of where you think we are going. Are we tracking the right way or the wrong way? Is that possible? Ms Jenkins: Yes. Senator WONG: How would you like me to phrase the question on notice? CHAIR: It is a matter for you, Senator. Senator WONG: I am trying to be helpful. Ms Jenkins: So the question was: how are we tracking against CEDAW? Senator WONG: That is correct, thank you.	18 October 2016 L&C: 38 & 39
SBE16/037	Attorney-General	Australian Human Rights Commission	McKim	Legislation on post-sentence detention	Senator McKIM: Professor Triggs, this will be my last group of questions. It has been a reasonably long day already, and I do not wish to make it unnecessarily longer. The first matter I would seek your advice on is whether the commission or you are aware of the legislation that has been tabled by the government to provide for post-sentence detention of certain categories of people—in broad terms, those who have been convicted of offences against national security. Firstly, are you aware of that? Secondly, was the commission consulted during the drafting of that legislation? Prof. Triggs: We are certainly very well aware of it. We have made a submission in relation to it. ... Senator McKIM: But we all understand the legislation, and Professor Triggs has confirmed that she understands the legislation that I am referring to. Forgive me, Professor Triggs, is your submission a public document? Prof. Triggs: Yes, it is. Senator McKIM: Yes, and I apologise— Prof. Triggs: I should correct myself. It is possibly not on the web yet. Senator McKIM: I think someone is nodding behind you. Prof. Triggs: It is on the web. Senator McKIM: It is? My apologies. I was not aware of that, and I have not read your submission. CHAIR: You have not read something! Senator McKIM: No, I have not. CHAIR: How awful! Senator McKIM: Chair, I know the point you are making. CHAIR: I am not making any point. Senator McKIM: My view on these matters is that if I have not read something I should be clear about that and explain the reasons why, which I have done, and I have apologised to Professor Triggs for not reading it. However, just in very broad terms, could you categorise your concerns, if any, with this legislation or can any of the other commissioners? Prof. Triggs: Senator McKim, I really would prefer to take that on notice. Senator McKIM: Okay. Prof. Triggs: As you know, I did the work on this before Christmas last year. The Attorney could correct me, but I have done the work on it and was prepared to make an oral submission in relation to it. But I really would need to refresh my memory before I speak in particular	18 October 2016 L&C: 43 & 44

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					<p>on it. May I say one thing, and I believe that this is accurate: I was very pleased indeed to see that there is judicial supervision of this proposal, and one of the things that I have spoken about before at the Joint Committee on Intelligence and Security—and it has been a longstanding concern to me and others at the commission—is that some of the counterterrorism legislation has not had judicial supervision. I notice that, with regard to this, judicial supervision has been included, and that we are very pleased indeed to see because the concept is so important as a matter of principle. If that is now understood as a critical part of legislation that quite properly protects Australia's national interest, then we at the commission feel that there has been a step forward.</p> <p>Senator McKIM: Yes, I certainly agree. If we are going to go down this path, it would be better done with judicial oversight. Thank you for taking that question on notice.</p> <p>Senator Brandis: Thank you for that, Professor Triggs. Might I say, by the way, as the person who was effectively the author of this bill, it was never my intention to approach it otherwise than through a judicial process.</p> <p>Senator McKIM: It seems that, as Professor Triggs has just said, there have been a number of pieces of national security legislation in the past that have not contained provisions for judicial oversight.</p> <p>Senator Brandis: That is true, but the bills to which you refer actually were not my bills. But, in relation to this one, there was never any question in my mind that the appropriate authority before whom an application for the extension of a period of detention should be brought was a judge.</p> <p>Senator McKIM: Thank you, Attorney. I appreciate that clarification. Professor, before we leave that subject, in your response on notice I would be very grateful if you could consider, if it is not contained in your submission, the burden of proof—I guess that is the correct usage—that will need to be cleared before post-sentence detention can be actioned under this legislation. I will leave it at that for now.</p> <p>Prof. Triggs: Thank you, Senator McKim. You raise an important question, again, because in general we have been very concerned at the shifting of the burden of proof, whether it is evidentiary or persuasive. I will look at this in particular, and we will get back to you on that particular point.</p>	
SBE16/038	Attorney-General	Counter Terrorism & Intelligence Unit	McKim	Standards in post-sentence detention	<p>Senator McKIM: Professor Triggs, this will be my last group of questions. It has been a reasonably long day already, and I do not wish to make it unnecessarily longer. The first matter I would seek your advice on is whether the commission or you are aware of the legislation that has been tabled by the government to provide for post-sentence detention of certain categories of people—in broad terms, those who have been convicted of offences against national security. Firstly, are you aware of that? Secondly, was the commission consulted during the drafting of that legislation?</p> <p>...</p> <p>Senator McKIM: Clearly they are different circumstances, and, as you have admitted, there is a different and lower standard of proof in your legislation compared to the standard of proof which would need to be cleared for a criminal conviction. You have said it is lower than a criminal standard but higher than a criminal standard. There is a standard in between those, which is 'comfortable satisfaction', which is something that I am familiar with. I am not a lawyer, as you know.</p> <p>Senator Brandis: I thought you were.</p> <p>Senator McKIM: No. I am doing a reasonable impression!</p> <p>Senator Brandis: You have, if I must say so, a much better familiarity with legal concepts than some senators I know who have LLBs.</p> <p>Senator McKIM: Thank you, I appreciate that. Where does 'high degree of probability' sit vis-a-vis comfortable satisfaction?</p> <p>Senator Brandis: I would want to consider that. It is a very, very good question. I would have thought probably higher, but I want to reserve my answer to that and reflect upon it. Traditionally, there have only been two standards for ultimate proceedings—there is also the prima facie standard for committal proceedings—the civil standard, 'balance of probabilities', and the criminal standard, 'beyond reasonable doubt'. In the last several decades, other intermediate standards of satisfaction have crept into the law. I make no comment on the desirability of that. The standard we have adopted, which we took from the Queensland legislation—which was upheld by the High Court in Fardon's case about 10 years or so ago—uses the expression 'a high degree of probability', which is now a reasonably familiar standard on which the courts have interpreted several times.</p> <p>Senator McKIM: In Australia?</p> <p>Senator Brandis: In Australia—whether overseas, I would need to check. But it is a very good question, and thank you for putting me on notice so that we can have this debate in the committee stage of the bill.</p> <p>Senator McKIM: I am very much looking forward to it.</p>	18 October 2016 L&C: 43, 44, 45, & 46
SBE16/039	Attorney-General	Australian Human Rights Commission	Fawcett	Conciliation of complaints to the AHRC	<p>Senator FAWCETT: Could I take you to your annual report for last year—page 136. I will give you the figures that are written there. I just want to extrapolate from those if I can. On page 136, it says the commission had 2,388 complaints in that year and that 24 per cent of those complaints related to the Racial Discrimination Act, which gives us roughly 574. If you then go to page 144, it gives some breakdowns specifically to the RDA about how many were conciliated and some other categories. Conciliated ones were 51.5 per cent, which is about 296. Then there is a category where it says no conciliation was possible, and that is about 144, based on the percentage table and the total numbers. I am aware this is for all sections of the act, but could you just explain to the committee: when it says no conciliation is possible, what does that actually mean in practice for both the claimant and the respondent?</p> <p>Prof. Triggs: What it means is that efforts to conciliate the matter between the two parties have failed. We try various avenues and</p>	18 October 2016 L&C: 55 & 56

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					<p>various mechanisms, but in the end it becomes necessary to say that the parties will not agree on a compromise or on a position and we can assist no further. On that basis, the matter is formally terminated, the parties are advised accordingly and they are then free to go to the Federal Court if they choose to. About two per cent of matters will ultimately go to the Federal Court because, overwhelmingly, most parties choose not to take the matter further even though they are not conciliated.</p> <p>Senator FAWCETT: For those who do choose to take it further—I am assuming it would generally be the claimant as opposed to the respondent who may choose to take things further—do they have to pay their own court costs or are they supported by legal aid? Does the commission, in fact, ever provide any support?</p> <p>Prof. Triggs: No. There are some statutory obligations to assist a complainant if they want to provide some written background to the case. I would have to check those provisions, but they are in the act. It is relatively minor. Basically, when it has not been possible to resolve the matter the parties are free to go to the Federal Court. If they fall within the guidelines on income, and also depending on the nature of the matter that is the cause of the issue, they would get legal aid. But most of course would not, and they would then have to pay their own legal costs to go to the Federal Court.</p> <p>Senator FAWCETT: For those where there is conciliation that has occurred, what percentage of those cases would involve a payment from the respondent to the claimant?</p> <p>Prof. Triggs: I would have to take that on notice. The payments can go from \$1,000, typically with an apology, very often with an agreement by the respondent, where appropriate, to achieve some sort of systemic change—typically, again, in an employment context—but others can be very, very significant payment agreements that are a compromise agreement between the two parties.</p> <p>Senator FAWCETT: Regardless of the size of the payment, how many of the conciliated cases have a non-disclosure requirement placed upon the parties?</p> <p>Prof. Triggs: That would be a matter of agreement for the parties. Typically, they would want something of that order in place and, as I say, fundamental to the process is confidentiality, in any event. But in some cases, relatively unusually, one of the parties will put the matter into the public arena. But usually, parties value their privacy and confidentiality and, indeed, that is why we have such a relatively high success rate of conciliation—because it is confidential and no materials would be leaked or made available in relation to it.</p> <p>Senator FAWCETT: That does not quite answer my question. I accept the fact that it may be at the will of one or both of the parties. My question is: how many of the—in this case—296 that were conciliated, in that last year, would have some kind of confidentiality clause around them?</p> <p>Prof. Triggs: I will have to take that precise question on notice. A very high number of them would.</p> <p>Senator FAWCETT: Sure.</p>	
SBE16/040	Attorney-General	Australian Human Rights Commission	Fawcett	Numbers of complaints relating to section 18C	<p>Senator FAWCETT: I accept and applaud the fact that the overwhelming majority of issues that you deal with in terms of, for example, employment et cetera, are very valid and they are a great case. I do have concerns—as you have obviously gathered—around 18C and the offend-type provisions. One area that I cannot find in your annual report in the tables in the annexes is further breakdown of how many of the complaints under the RDA relate to 18C as opposed to other sections.</p> <p>Prof. Triggs: I will take that on notice. We did produce that for last year. I will obviously give you that information as soon as I possibly can. Perhaps I can reiterate—it is beyond your question, but I might take the opportunity if I may—and say that our statute requires us to accept any written allegation of a breach of these laws. We must accept those matters and we must embark on the process that I very briefly outlined to you at the beginning of this session.</p>	18 October 2016 L&C: 57
SBE16/041	Attorney-General	Australian Human Rights Commission	Fawcett	Section 18D of the <i>Racial Discrimination Act 1975</i>	<p>Senator FAWCETT: So there are two questions that follow from that point: 18D gives some very clear exemptions so that things like the Leak cartoon—that is the current issue of the day—and any number of defences in terms of genuinely held belief, work of art, political comment et cetera, are very clear defences. If that is there, and it is within your remit to put to bed straight away the fact that, yes, we have to consider it but it clearly falls foul of 18D, surely that is a very strong statement to the Australian public about freedom of speech and about the opportunity to make genuinely-held political comment and where that stands in the equation. The longer this drags on, the more doubt it casts in people's minds as to where they may stand in the future. Is there any reason why you have not applied 18D to this already?</p> <p>Prof. Triggs: As I have explained, I cannot comment on that case or any other case that is ongoing before the commission at the moment. But you are quite right in pointing out that 18D is one of the clearest legislative expressions of the right to freedom of speech in Australia. Those cases that the Federal Court has considered in the past, with regard to cartoons that might be seen as offensive by some on the grounds of race in the public arena, will not fall foul of 18C because they are covered by 18D which sets out a very wide range of bases on which the act will be protected by the right to freedom of speech.</p> <p>Your question, I think, is going to the time—again, I am not commenting on that particular case. In the early days or weeks of a complaint coming to us, we will usually try to get a clear understanding both from the complainant and, in appropriate time, the respondent to understand whether, on its face, 18C might appear to apply. On the facts available to the commission, 18D might be exculpatory or, at least, a defence to the right of freedom of speech. So, while I cannot comment on the particular matter, I can say that we try to reach that point as quickly as we can.</p> <p>There is no point in spending the resources of the commission on a matter that is going to fall within the jurisprudence of the Federal</p>	18 October 2016 L&C: 57

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					Court that would allow even quite strong cartoons— particularly a Western Australian decision, and I can give you all of these cases where cartoons might be seen as offensive by some—which are protected by 18D as being in good faith, based on accurate information, fair comment or artistic works, which may cover a cartoon.	
SBE16/042	Attorney-General	Australian Human Rights Commission	Macdonald	AHRC involvement in the QUT case	CHAIR: Finally, Professor Triggs, Senator Fawcett has raised this indirectly, but I can not understand the QUT case. That is the 18C Queensland University of Technology case. I admit that I am uneducated, but it is simply beyond my comprehension that what is reported as the basis for that action could have possibly supported the action. My understanding is that the Human Rights Commission finished its involvement in relation to the QUT case in late August 2015. Is that correct? Prof. Triggs: I would have to check the exact date, but it was around that time, yes.	18 October 2016 L&C: 62
SBE16/043	Attorney-General	Australian Human Rights Commission	Macdonald	AHRC submissions to the government	CHAIR: And the Human Rights Commission has no involvement one way or another in relation to that. I appreciate that it is before the court, and it may curtail what you are able to tell me. But I was hoping that you could explain this to me. As I understand it—and I may be wrong, and you should correct me if I am wrong—students posted content on Facebook, including the words 'Just got kicked out of an unassigned Indigenous computer room. QUT stopping segregation with segregation'. There may have been other words, but I am not aware of them. Can you explain to me and to most Australians how that can possibly be the basis of a complaint under 18C or any other act or principle of the federal government? Prof. Triggs: Senator Macdonald, I think as you are well aware, I cannot comment upon the facts or allegations of that case. But what I can do is to repeat what I think I have said now several times over the last seven hours. Under the statute of the Human Rights Commission I am legally bound to accept any written statement alleging a breach of human rights or antidiscrimination law. When that allegation is made in any legal form—a letter—I and the staff of the commission must proceed to investigate the matter and to seek a conciliation. We do that in all matters where we can proceed to conciliation. CHAIR: Did I hear you say to Senator Fawcett that there were certain exceptions if you decided the complaint was frivolous—I think you named a number of others, but I wrote down 'frivolous'—and that there were a certain number of cases where, as I understand it, the commission would look at it initially and say, 'There's nothing in this; go away.' Is that right? Do you have that ability? Prof. Triggs: We do. I can decide, ultimately—or through a delegate—that a matter is vexatious, frivolous or not within jurisdiction or that the facts do not measure up. Another context in which it can happen is that one of the parties withdraws. Quite often what happens is that they will begin something with a letter to us, we start an investigation and then the parties will withdraw. That is a determination, if you like, that I can make where the evidence seems to me to justify a termination on those grounds. The difficulty, in many cases, is that as a practical matter the threshold for the issue is extremely low. I have asked, on a number of occasions, for that threshold to be lifted, but it has not occurred. Senator Fawcett has raised these points. They are absolutely valid points to be made and discussed, but this is a job for parliament. My job is to apply the law as it currently exists, and that is of a very low threshold. That is why, in honesty, the public could be a little concerned about why some matters are being considered by us when they might say, on what they know from often distorted media stories, that they would not see a justification for the matter. But I cannot defend that in the media. I cannot speak up, because they are confidential and I have to honour the processes that we have within the commission. ... CHAIR: Thanks, Senator Brandis, but you interfered with my train. Professor Triggs, you have indicated you have made submissions—I assume to the Attorney or to the government or someone—to raise the standard. Apart from the record of this hearing, is there anywhere the committee could get the—this is an unparliamentary word—guts of your submission? The committee, should it choose, might be interested in helping you in your approach to the government. The Attorney seems to agree with it in any case, but perhaps the committee could add its voice to yours in the hope that the government, and ultimately the parliament, might do something about the issue. Prof. Triggs: I think that would be very helpful. Obviously I will take that on notice to give you the initiatives that we have taken in the past and discussions with the respective attorneys, if I may say so. I think this discussion has been a very helpful one, because it has—at least in this arena—explained why we appear to be dealing with matters that some people would say should not be before the commission. That is something that should be properly discussed, in an informed and courteous way, and I think it is at least open to a suggestion for reform. There are difficulties, in the sense that not many matters are actually vexatious or frivolous, and we have to look at them seriously. That is going to take a little bit of time, but I will certainly take back to my office, if I may, Senator Fawcett's concerns about the time it might take to get to some of these questions—although I should repeat that one of the difficulties is that we receive 20,000 a year, and very, very few find their way into the media. This is a huge burden on the staff of the commission. ... CHAIR: I accept that, and thank you for that.	18 October 2016 L&C: 62 & 63
SBE16/044	Attorney-General	Family Court of Australia	Waters	Engagement with the Safety First in Family Law plan	Senator WATERS: Have you in that capacity, or has anyone else as part of the Family Court, engaged with Women's Legal Services Australia about their plan 'Safety First in Family Law'? Mr FitzGibbon: We have. There are a number of agencies we have links with and consult with, as does the Federal Circuit Court, I think—I cannot talk definitively about that. The acting principal registrar, Sia Lagos, and Dr Fenwick can no doubt talk about that. They are amongst the various agencies with whom we work, across a range of protocols, principles and guidelines that are applied, with	18 October 2016 L&C: 75 & 76

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					<p>professional staff, counter staff, guidelines and benchmarks for judges.</p> <p>I am conscious of that recent report. In fact, the Chief Justice may have been provided with a copy some little time ago. They are things about which we take onboard, always, and listen to and see what we can do to achieve. We have a process going at the moment—which I initiated for the registrars who deal at the lower level with these cases—about looking at our process, our models, the best-practice guidelines and benchmarks. Nothing is ever immutable, in either court, in so far as how we think they are dynamic. And they have to be considered and reviewed and revisited regularly to make sure that whatever we have in place is working appropriately and we consult widely.</p> <p>Senator WATERS: That sounds very positive. Are you able to provide me with a little more specifics on the particular recommendations in that five-point plan?</p> <p>Mr FitzGibbon: I just received it today, at 12.30 pm.</p> <p>Senator WATERS: I see. I thought you said you were engaging with them on the plan.</p> <p>Mr FitzGibbon: I would be happy to, if there were something to take on notice for you; I apologise, but I received it just this afternoon—at 12.36 pm, I recollect.</p> <p>Senator WATERS: So your engagement with Women's Legal Service has been on general matters not on this plan, specifically.</p> <p>Mr FitzGibbon: Not in my role, at least at this point in time, no.</p> <p>Senator WATERS: Are you aware whether anybody else in the court has engaged with this plan and with Women's Legal Service on the details of this plan?</p> <p>Mr FitzGibbon: I would have to check, if I may take it on notice, and come back to you on that.</p> <p>Senator WATERS: Thank you very much.</p>	
SBE16/045	Attorney-General	Federal Circuit Court of Australia	Waters	Matters under the new evaluation model	<p>Senator WATERS: In that case, I will also ask your colleagues—Dr Fenwick, have you had any engagement with the Women's Legal Service, specifically about this Safety First in Family Law plan?</p> <p>...</p> <p>Senator WATERS: How does this new evaluation model differ from the previous process, as pertaining to family consultants in the domestic violence—</p> <p>Mr FitzGibbon: It is a more targeted and consistent process.</p> <p>Senator WATERS: Let me finish so we do not get at cross-purposes again.</p> <p>Mr FitzGibbon: I am sorry.</p> <p>Senator WATERS: I am interested in just domestic violence cases and the family consultant's role, in relation to those cases. What are the new features of this evaluation model compared to the processes that used to be employed?</p> <p>Mr FitzGibbon: I would have to take that on notice, because I would need to look at and compare—there are a number of guidelines for the various stages of engagement by family consultants with clients. These are from the early counselling through to what is done for preparation of a forensic family report, under section 62G. There are different stages. In order to give you an informed comparison, we would need to take that on notice and distinguish that for you.</p> <p>Senator WATERS: I will look forward to that, particularly which phases the new evaluation model will apply to, given that, as you said, there are so many different phases, apparently, with different guidelines applying to each phase.</p> <p><i>REPEATED QUESTION:</i></p> <p>Mr FitzGibbon: Senator, may I clarify something for you, for the record? The question on notice—I want to clarify that it is limited to what I can provide to you for the 15 per cent of cases which the Family Court do. There are quite separate arrangements and processes in the Federal Circuit Court, who run the filing registry. So it is not that we do not complement each other but we have separate administrations and a separate chief justice and chief judge. I would not want you to think that I could provide a response from the Family Court which would cover all of the family courts work between the two courts.</p> <p>Senator WATERS: Perhaps Dr Fenwick could also take the same question on notice so that I can get a complete picture.</p>	18 October 2016 L&C: 76, 77 & 78
SBE16/046	Attorney-General	Civil Justice Policy & Programmes	Waters	Cross-examination of victims	<p>Ms Harvey: You are asking about cross-examination?</p> <p>Senator WATERS: Yes, the government's response to the Productivity Commission's access to justice report. They responded in particular to the recommendation about not directly cross-examining alleged victims by the alleged perpetrators. Can you refresh my memory on what the government's response was and could you advise whether there is an intention to implement that PC recommendation?</p> <p>Ms Harvey: The government's response acknowledged that cross-examination of victims of family violence in family law courts by the alleged perpetrators of violence can be traumatic. It was also noted that the department convened a round-table discussion which was held earlier this year to bring together a range of different stakeholders to talk about that topic. That was held in March. That brought together a range of people in the family law system to talk through the different issues.</p> <p>It is an issue that is complex because of the different nature of family law as a civil proceeding as opposed to state laws around criminal proceedings, where there is different involvement of the victim. For example, in a criminal trial, they would be a witness; in a family law</p>	18 October 2016 L&C: 79

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					<p>matter, they would be a party to the proceeding and there for the entirety. So some of the issues that were considered were around legislative change, for example, and that of course would then require additional legal assistance to fund the parties who would be appearing in the matters.</p> <p>There are other things that are perhaps useful in this regard. You might be aware of the Family Violence Bench Book that was commissioned. Part 1 of that was released earlier this year. There is a part in there around court room proceedings and fair hearings and safety; to bring those matters to the attention of judicial officers so that they can use the provisions that are available—for example, in the Family Law Act or other pieces of legislation.</p> <p>Senator WATERS: Is it your view that there would need to be an amendment to the Family Court rules or, indeed, to the Family Law Act in order to preclude direct cross-examination of victims by alleged perpetrators?</p> <p>Ms Harvey: I would have to consider whether it could be done simply by rules alone. I do not know; I would have to take on notice whether it would be a rule change or a more legislative change. It is a fairly significant change to the way that trials would run in the Family Court.</p>	
SBE16/047	Attorney-General	Family Court of Australia	Waters	Length of time for family court cases	<p>Senator WATERS: In relation to the length of time for family court cases—obviously I understand that every case is different—are they taking longer in recent times or is the court getting more efficient? How long is a piece of string when it comes to an average family court case where there are domestic violence issues?</p> <p>Mr FitzGibbon: There is a comparative table and the CEO can give you an answer about that aspect.</p> <p>Mr Brocklehurst: In terms of the timing, filing to the first day of trial is 16.7 months, of those that go to trial. Filing to finalisation is 12.3 months.</p> <p>Senator WATERS: What is finalisation if it is before the trial?</p> <p>Mr Brocklehurst: The reason for the 12.3 months is smaller is that many of them settle before trial.</p> <p>Senator WATERS: What is the period of time from filing to judgment date? Or the time from the trial to the judgment?</p> <p>Mr Brocklehurst: I might take that final one on notice. I do not have that.</p>	18 October 2016 L&C: 81
SBE16/048	Attorney-General	Civil Justice Policy & Programmes	Wong	Letter of AAT appointments to the Attorney-General	<p>Senator WONG: Thank you. I want to ask some questions about the protocol which exists in relation to appointments to the AAT. Who can assist me with that—in terms of some of the administrative work associated with that?</p> <p>Ms Leathem: I think that would be a matter for the Attorney-General's Department.</p> <p>Senator WONG: No, because actually the protocol is between the AAT and the Attorney-General's Department. I intend to ask the Attorney-General's Department questions when we get to that outcome, but I do want to ask you, because under the protocol which has been in place since 2015—I did have some questions about that, but that might be best addressed to the department—the president of the tribunal supplies the Attorney-General with a range of information in relation to positions. Did that occur?</p> <p>Ms Leathem: My understanding is there were discussions between the President and the Attorney-General to develop the protocol.</p> <p>Senator WONG: No, that wasn't my question. There is a protocol. We have got a copy of a protocol from 2015. Under the protocol, the president is supposed to supply the Attorney-General with the tribunal's assessment of what positions need to be filled, advice about which members whose terms are expiring have sought reappointment and the president's recommendations regarding reappointment. Do you know what I am talking about?</p> <p>...</p> <p>Senator WONG: The end point of all of this is the president supplying the Attorney-General with some information, so I am trying to understand—I am going to give you a chance to go back through the process—what precipitates the first step. Is it the president being told by the A-G, 'I'm going to make a whole bunch of appointments'? Do we do this every three months? Is it the Attorney-General's Department telling you, 'Look, we're probably going to be looking at some appointments in a couple of months time or six months time; you better start that process.' What commences the process of ascertaining the data around vacancies and workload?</p> <p>Ms Leathem: There is regular communication between the tribunal and the Attorney-General's department, who obviously play a role in helping coordinate this process. The president will also write to the Attorney-General alerting him to upcoming appointments that might need to happen.</p> <p>Senator WONG: I am trying to understand where the process began for the appointments of May 2016. Are you, or is anyone from the department, able to tell me how that was commenced? Was there a letter from the president? Were there communications from the Attorney-General? Can I start first by saying I assume the department is aware of the protocol.</p> <p>Mr Anderson: Yes, the department is aware of the protocol. What commenced the process for the May appointments was that the president wrote to the Attorney, providing an assessment of appointment needs. That was on 11 December 2015.</p> <p>Senator WONG: Can you please table that letter.</p> <p>Mr Anderson: We will take that on notice. We do not have that here.</p>	18 October 2016 L&C: 82, 83 & 84
SBE16/049	Attorney-General	Civil Justice Policy and Programmes	Wong	Details of the AAT appointments letter	<p>Senator WONG: This has been a matter of some controversy in the media on a number of occasions. Do you have matters associated with the May 2016 appointments here or not?</p> <p>Mr Anderson: We have a range of information we can provide.</p> <p>Senator WONG: So the president wrote—what was the date?</p>	18 October 2016 L&C: 85, 93 & 94

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					<p>Mr Anderson: It was 11 December 2015.</p> <p>Senator WONG: In that letter, what did the president indicate about the numbers of appointments required, workload, those sorts of issues?</p> <p>Mr Anderson: I do not have the precise number of appointments that he recommended be made. The president writes about reappointments that he recommends, and of course there is information about them.</p> <p>Senator WONG: I do not want to talk about it in the abstract; I want to know what was recommended. Is it not possible for someone to get the letter here?</p> <p>CHAIR: Mr Anderson, is this in the nature of advice from the president to the Attorney?</p> <p>Mr Anderson: Yes, it is.</p> <p>Senator WONG: Let us be clear. It is expressing a view about the number of appointments that is sought. I just want the number. I do not need to know everything else; I want to know the number.</p> <p>CHAIR: I am sure someone can tell you the number. Keep going.</p> <p>Senator WONG: Just give me the number.</p> <p>Mr Anderson: We will have to take that on notice. We do not have the document here.</p> <p><i>REPEATED QUESTION:</i></p> <p>Senator WONG: I refer you to the statement which was outlined at the outset. I am not asking you what went to cabinet. I am asking a very simple process question. I am even agreeing that it be de-identified. I am simply asking how many positions did the president of the tribunal recommend to the Attorney under the protocol for these very highly paid, taxpayer-funded positions. How many did he recommend ought be reappointed, and how many new positions did he recommend ought be created?</p> <p>...</p> <p>Mr Anderson: I have now seen a copy of the letter.</p> <p>Senator WONG: Thank you—I am asking you to provide it.</p> <p>Mr Anderson: I am saying that I would like to reserve that as a matter for the Attorney. I think that if you looked at the numbers in the letter, that might enable someone to then compare that to numbers of appointments made and to ascertain the advice that the President has given to the Attorney about appointments, which was a matter for cabinet.</p> <p>Senator WONG: Let's leave aside the reappointment issue if you are worried about that. I just want to know how many he is saying should be created.</p> <p>CHAIR: These are matters for the minister. While I have every regard for Senator Scullion, he is clearly not the Attorney-General. This is a bit unfortunate that these questions arise when, from the beginning of the day, the Attorney has let it be known he would not be here between six and 8.30 because of important matters of the nation. I do not want to go any further than that. He will be here at 8.30, and it might be appropriate if you saved your questions to Mr Anderson on this aspect until the Attorney is here.</p> <p>Senator WONG: As I understand, Mr Anderson, you want to refer to the minister?</p> <p>Mr Anderson: That is correct.</p> <p>Senator WONG: Notwithstanding that this is from the President to the Attorney-General under a protocol for appointments to a publicly funded tribunal—that the Chair has asked many questions about—and notwithstanding that I am not asking questions about names, you want to refer to a minister whether you can disclose the numbers recommended for reappointment, and/or the numbers of new positions created?</p> <p>Mr Anderson: That is correct.</p> <p>Senator WONG: You are entitled to do that, so I will wait till the Attorney comes for him to consider that.</p>	
SBE16/050	Attorney-General	Civil Justice Policy and Programmes	Wong	Date of briefing to the Attorney-General	<p>Senator WONG: So the president wrote on 11 December. You cannot tell me in relation to how many positions.</p> <p>CHAIR: I think that has been said.</p> <p>Senator WONG: Is that right?</p> <p>Mr Anderson: That is correct.</p> <p>Senator WONG: So what happened then?</p> <p>Mr Anderson: I will ask my colleague. He has a bit more information.</p> <p>Dr Smrdel: I do not have precise dates for you, but what happens next is the department would brief the Attorney—</p> <p>Senator WONG: We keep doing 'would'—did you or didn't you?</p> <p>Dr Smrdel: I do not have the letter, so it is hard to say.</p> <p>CHAIR: Again, can I just say to witnesses: you speak as you want to speak, and do not let any senator bully you into speaking in a way that you would not normally speak.</p> <p>Senator WONG: I am not seeking to bully you; it is just if you say 'would' it becomes difficult to ascertain whether it did or did not occur.</p> <p>CHAIR: That is a matter for a for a further question, not for telling the witness they cannot use the word.</p>	18 October 2016 L&C: 86

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					Senator WONG: Did you or did you not? Dr Smrdel: The department did brief the Attorney, attaching the president's letter. Senator WONG: Are you able to give me an approximate date for that? Dr Smrdel: I would need to take that on notice.	
SBE16/051	Attorney-General	Civil Justice Policy and Programmes	Wong	Additional AAT positions	Dr Smrdel: The president identifies which appointments will be expiring, which of the members are seeking reappointment and which members he recommends for reappointment. Senator WONG: So the letter of 11 December 2015 sets out, from the president, which appointments will be expiring and in relation to which individuals he is seeking reappointment. Dr Smrdel: That is correct. Senator WONG: In the president's letter, was there a reference to any additional positions being created? Dr Smrdel: I would need to take that on notice.	18 October 2016 L&C: 86
SBE16/052	Attorney-General	Administrative Appeals Tribunal	Lambie	Number of matters in the Veterans' Appeals Division	Senator LAMBIE: Can you provide me with the number of veterans who have taken their matters to the AAT over the last 10 years and who are therefore exposed to no-cost searches and fishing expeditions from journalists or people who are not party to those veterans' matters? Ms Leathem: Senator, are you asking just for the number of veterans matters in the last 10 years? Senator LAMBIE: Yes— Ms Leathem: We can take that on notice and get you that statistical information. Senator LAMBIE: who have been exposed to no-cost searches and fishing expeditions from journalists. Ms Leathem: I do not know that we would be able to search that data at all. We would certainly be able to tell you the number of veterans' matters that we have dealt with over the last 10 years.	18 October 2016 L&C: 88
SBE16/053	Attorney-General	Administrative Appeals Tribunal	Lambie	Access to information by non-parties under Section 35 of the AAT Act	Senator LAMBIE: Were you aware of the fact that former ADF members' private medical records and lawyer-client privilege documents could be the subject of free information searches from members of the Australian media through the AAT? Ms Leathem: I am only aware of the particular matter that you have issued a press release on. Senator LAMBIE: Is it a fair state of affairs? Do you consider that section 35 of the AAT Act is a legal loophole for journalists to bypass the costs and carefully monitored nature of FOI searches should they decide to target veterans who appeal the DVA matters through the AAT? Ms Leathem: That is a matter of policy. CHAIR: That is asking for an opinion, and it is not allowed. Senator LAMBIE: How many applications have been made for information under section 35 of the AAT Act in the last 10 years? Ms Leathem: Again, I would be happy to take that on notice. Senator LAMBIE: Thank you. How many of these applications under section 35 for access to information by nonparties have been approved by AAT commissioners? Ms Leathem: I am not sure that we would have that data. We could certainly tell you the number of applications that have been made and possibly the finalisation as to whether they were affirmed or— Senator LAMBIE: While you are doing that, could you also name those AAT commissioners who did grant access to nonparties for information considered by the AAT? Ms Leathem: Sorry, are you asking for the names of members of the tribunal? Senator LAMBIE: Yes. Ms Leathem: Who have been involved in the decisions? Senator LAMBIE: I am asking for the names of the AAT commissioners who did grant or have granted access over the past 10 years to nonparties for information that has been considered by the AAT when it comes to Veterans' Affairs matters. CHAIR: Can I try to help here: are there such things as AAT commissioners? Ms Leathem: No, they are members of the tribunal. We do not have commissioners. Senator LAMBIE: Okay, so your members. Ms Leathem: Again, I am not sure that we would be able to produce—we would certainly be able to identify the number of matters. Whether or not we would actually be able to identify the members, I am not entirely sure. Again, we are happy to take that on notice.	18 October 2016 L&C: 88
SBE16/054	Attorney-General	Administrative Appeals Tribunal	Lambie	Outcome data for Veterans' Appeals Division	Senator LAMBIE: So what happens when you have an AAT member who has knocked back 95 per cent of veterans' appeal cases that have gone up to them? Ms Leathem: Sorry, Senator. I have misunderstood your question. We do have an appraisal process for members. Throughout the cycle, we have a professional development framework in a cycle, and the division head and the president are involved in looking at that process. One of the factors that they would look at, for example, is rates of appeal from particular members—if that addresses the kind of issue that you are referring to. Senator LAMBIE: No, it does not. What I want to know is: when you have these veterans going up for a decision, and you have a 95 per cent unsuccessful rate, does that not ring alarm bells to you people?	18 October 2016 L&C: 89 & 90

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page <i>or</i> Written
					<p>Ms Leathem: We are dealing with the matters that come before us.</p> <p>Senator LAMBIE: We have 95 per cent of these cases knocked back. Does that not ring alarm bells to you people? That is what I am asking you.</p> <p>Ms Leathem: So you are saying that the outcomes of those appeals—</p> <p>Senator LAMBIE: Yes, a 95 per cent unsuccessful rate. That is what I am asking you. Would that not—</p> <p>Ms Leathem: If you give me a moment, I will have a look at the outcome data for the veterans' appeals jurisdiction.</p> <p>CHAIR: Again I do not want to intervene, but—</p> <p>Senator LAMBIE: Yes, I will put that on notice, but can you break it down state by state, please. Surely you would have it state by state.</p> <p>CHAIR: Senator Lambie, I just think the registrar is at cross-purposes with you. You are talking about appeals to the Federal Court, are you?</p> <p>Senator LAMBIE: No, the AAT.</p> <p>Ms Leathem: We can provide you with outcome data for matters that are dealt with by the AAT.</p> <p>Senator LAMBIE: Yes, that is what I am looking for.</p> <p>CHAIR: Okay, that is what Senator Lambie is asking.</p> <p>Senator LAMBIE: Yes, please, and broken down by state. If I could have them for the last five years, that would be wonderful. Thank you.</p>	
SBE16/055	Attorney-General	Administrative Appeals Tribunal	Reynolds	Appointments of women since 1 July 2015	<p>Senator REYNOLDS: How many appointments has the current Attorney-General made since assuming office?</p> <p>Ms Leathem: Since 1 July 2015, I understand that 120 members of the former MRT and RRT transitioned into the tribunal on 1 July, and 116 members of the former SSAT transitioned into the AAT on 1 July. In addition to that, there were 56 new members appointed, and 83 existing members were reappointed since 1 July 2015.</p> <p>Senator WONG: Sorry, do you mind repeating?</p> <p>Ms Leathem: No; 56 new members have been appointed and 83 existing members reappointed.</p> <p>Senator WONG: Since 1 January?</p> <p>Ms Leathem: Since 1 July 2015—</p> <p>Senator WONG: 1 July?</p> <p>Ms Leathem: which was the amalgamation date.</p> <p>Senator REYNOLDS: In total, how many of those 311 members are women?</p> <p>Ms Leathem: We have 157, or just over 50 per cent.</p> <p>Senator REYNOLDS: Of the new appointments made by the Attorney-General—I think that is 56—how many of those are women?</p> <p>Ms Leathem: If you give me a moment, I will see if I can break that down for you. I am sorry, I have them listed by name but—</p> <p>Senator REYNOLDS: I am happy to take that on notice.</p> <p>Ms Leathem: That would be great.</p>	18 October 2016 L&C: 90 & 91
SBE16/056	Attorney-General	Administrative Appeals Tribunal	MacDonald	Details of member remuneration	<p>CHAIR: I will take a couple of minutes from Senator Reynold's time. Can you tell me the pay range for permanent members, part-time members and judges who form the tribunal?</p> <p>Ms Leathem: It is a complicated picture because we have people who have transitioned and who are on different Determinations to some of the members who have been appointed. If I might refer to: Determination 2015/18, which is the judicial and related officers remuneration and allowances; Determination 2015/20, which is remuneration and allowances for holders of part-time public office; and there is also Determination 2015/21, which is remuneration and allowances for holders of full-time public office. Our members, depending on when they were appointed, what division and what category of membership they may be in, determines what their salary rate is or, alternatively, if they are part time, what their daily rate is.</p> <p>CHAIR: I certainly do not want to know the names and the salaries, but could you give me a range of, say, the lowest and the highest of each of the categories you mentioned?</p> <p>Ms Leathem: For example, if you look at the annual fees for part-time members there is a table of what they get for one day a week, two days a week, three days a week or four days a week depending on whether they are a deputy president, senior member level, senior member level 2 or a member 1, 2 or 3. I am not sure if you want me to run through all of the different categories or just the highest of them.</p> <p>CHAIR: Is this publicly available?</p> <p>Ms Leathem: It is published on the Remuneration Tribunal's website, so it is available. We can certainly make a copy of it.</p> <p>CHAIR: To save time, can you perhaps make that available to me on notice?</p> <p>Ms Leathem: Sure.</p> <p>...</p> <p>CHAIR: What is the daily rate for part-timers? I assume part-timers continue in their other professions or callings when they are not working on the AAT. Is that correct?</p> <p>Ms Leathem: There are some part-timers who are pro-rata, so they might work three or four days regularly for the AAT. There are others</p>	18 October 2016 L&C: 91 & 92

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					who are more sessional, so they might only do the work that is allocated to them by the tribunal, depending on what particular case load we might have at any given time. They would be paid a daily rate, as opposed to the pro-rata rates which are set out separately in the remuneration determination. CHAIR: Okay. I will not waste your time now. If you could let me have those, we can look at them at our leisure. Ms Leathem: Absolutely.	
SBE16/057	Attorney-General	Administrative Appeals Tribunal	MacDonald	Distribution of AAT members	CHAIR: Can you also, either now or on notice, give me the breakdown of AAT members based in each state and territory of the Commonwealth? Ms Leathem: Yes, we can do that.	18 October 2016 L&C: 92
SBE16/058	Attorney-General	Administrative Appeals Tribunal	Lambie	Complaints about the release of personal information to non-parties under Section 35.	Senator LAMBIE: In relation to section 35 of the AAT Act, is the tribunal bound or at least guided by the same principles found in an FOI application or the Privacy Act when making a decision on whether to release information and what information to release? Ms Leathem: That is a matter for the member who is determining that particular decision. Senator LAMBIE: Can you explain why the decision to release highly sensitive records of people like veterans does not follow the guidelines of the FOI Act or the Privacy Act? Ms Leathem: Again, that is the independent decision-maker: the member makes that determination. Senator LAMBIE: Have your AAT members been aware of the great psychological harm which may occur to vets if sensitive personal medical records under lawyer-client privilege are released to members of the media or to ex-spouses? Ms Leathem: I could not speculate about what our members are aware of. Senator LAMBIE: Have there been any formal complaints about the release of personal documents to media and other non-interested parties? Ms Leathem: Not to my knowledge, but I would like to take that on notice.	18 October 2016 L&C: 96
SBE16/059	Attorney-General	Administrative Appeals Tribunal	MacDonald	Sum of AAT appeals	Ms Leathem: The Immigration Assessment Authority. CHAIR: Can you just explain how that works, because haven't we rolled the immigration tribunal into the AAT? And then are we setting it up again within the AAT? Ms Leathem: The IAA was established in April 2015 under part 7AA of the Migration Act. It is an independent authority within the Migration and Refugee Division. It commenced operations in September 2015, and the first cases were received in October 2015. It consists of the president and the division of the Migration and Refugee Division, but it also has senior reviewers and reviewers who undertake that work. It has a defined jurisdiction. So, it is dealing with decisions of the Minister for Immigration and Border Protection refusing to grant fast-track applicants' protection visas. Specifically, that cohort is unauthorised maritime arrivals who entered Australian between 13 August 2012 and 31 December 2013 who were not taken to an offshore processing country and who have been permitted by the minister to make a protection visa application. We understand that about 25,000 people are expected to fall within this definition. So, it is a time-limited agency, if you like, that will process that cohort. ... CHAIR: Do you have statistics on the number of applications made to that special subunit? Ms Leathem: I do. CHAIR: That is the first question. And the second is, of appeals to the AAT, from the minister's decision in other matters. Ms Leathem: We can tell you in relation to IAA. The first cases were referred in late October 2015. As of 30 September 2016 the IAA had been referred 886 cases, with 461 still on hand. In relation to other parts of the Migration and Refugee Division, there obviously are many categories of work there. Is there a particular type of matter you would like some information about the case load on? CHAIR: I was really just after the lump sum of AAT appeals from the minister's decision in any category, but if you have them in some categories or special categories and that is readily available—I do not want you to take too much time looking for this. Well, give me what you have, would you? Ms Leathem: Again, it is a complicated picture, because there are decisions of the immigration minister that do go to the General Division, as opposed to the Migration and Refugee Division. So we would need to provide you with a more detailed breakdown of the particular types.	18 October 2016 L&C: 98 & 99
SBE16/060	Attorney-General	Civil Justice Policy & Programmes	Wong	List of new appointments	Senator WONG: And the department's advice is that no selection committee was established in relation to any of the 76 positions. So, my next question—not about advertising—is whether or not, in relation to any appointment to the AAT by this Attorney-General, there has been a selection committee process established. Mr Anderson: There has been only that one batch of appointments, in May. Senator WONG: So the answer is no. Mr Anderson: That is correct. Senator WONG: Was the department asked to advise on whether the 76 and in particular the 37 new appointments were appropriately qualified? Mr Anderson: No, we were not. Senator WONG: So, you provided no advice as to whether or not any of the 37 new appointments were appropriately qualified?	18 October 2016 L&C: 99 & 100

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					<p>Mr Anderson: We gave no advice on the individual appointments.</p> <p>Senator WONG: Where did the names come from? Did the department generate a list of names?</p> <p>Mr Anderson: No, we did not.</p> <p>Senator WONG: No list of names was generated by the department?</p> <p>Mr Anderson: That is correct.</p> <p>Senator WONG: So the list was generated in the Attorney-General's office?</p> <p>Mr Anderson: I would have to take that on notice.</p>	
SBE16/061	Attorney-General	Civil Justice Policy & Programmes	Wong	Selection committee process	<p>Senator WONG: And the department's advice is that no selection committee was established in relation to any of the 76 positions. So, my next question—not about advertising—is whether or not, in relation to any appointment to the AAT by this Attorney-General, there has been a selection committee process established.</p> <p>...</p> <p>Senator WONG: I would stake him in terms of his ability. There were 76 appointments the day before the election.</p> <p>Senator Scullion: I can assist with part of the answer to that question. Many of the 76 appointments announced in May were in fact reappointments—</p> <p>Senator WONG: Thirty-seven were not, 39 were—we have already established that.</p> <p>Senator Scullion: A number of them had already been through the advertising and selection processes—the same sort of processes that have been included under previous governments.</p> <p>Senator WONG: Of the 37 new appointments, given you have just given that answer, how many went through an advertising process? There were 39 reappointments and there were 37 new appointments. Of the new appointments, the evidence is that none of them went through a selection committee process. If the evidence is changing I would like to understand how.</p> <p>Senator Scullion: I will have to take that on notice.</p> <p>Senator WONG: Thank you.</p>	18 October 2016 L&C: 99 & 101
SBE16/062	Attorney-General	Civil Justice Policy & Programmes Division	Pratt	Announcement of appointments	<p>Senator WONG: Right. It appears from the publicly available information that there were other appointments made. We may just not have been able to find a press release. I am just asking: were they announced?</p> <p>Mr Anderson: Clearly we will have to take this on notice just to make sure that we have got it right.</p> <p>Senator Scullion: I understand that all the announcements were made and were put on media releases and are available on the attorney's website.</p> <p>CHAIR: We could have saved ourselves some time.</p> <p>Senator PRATT: Were any appointments made without an announcement?</p> <p>Mr Anderson: We will take that on notice as well.</p>	18 October 2016 L&C: 102
SBE16/063	Attorney-General	Administrative Appeals Tribunal	MacDonald	Background of Professor David Ben-Tovim	<p>CHAIR: I wish the Attorney were here, because I am quite sure he would know all of the very great number of Labor-affiliated persons who have been appointed to the AAT currently—some, I believe, by Senator Brandis. I am just curious to follow this line of questioning to see what this is all about. Ms Leathem, you mentioned a list of people who, as I recall, were appointed earlier this year—I think it was February. The particular part that comes to my mind is that they were all doctors. Is that right?</p> <p>Ms Leathem: There were a number of doctors. There was also a professor. Can I say that, of those, five were reappointments, so in most instances those doctors had already been part-time members of the tribunal.</p> <p>CHAIR: Okay. And they are doctors of?</p> <p>Ms Leathem: It varies, but we do have medical doctors who are involved in workers compensation matters from time to time, as well as some of the other types of matters we deal with that involve medical evidence.</p> <p>CHAIR: Okay. Was the professor I think you mentioned a new appointment or a continuing one?</p> <p>Ms Leathem: He was a reappointment.</p> <p>CHAIR: Do you know what area his professorial competence was in?</p> <p>Ms Leathem: I would have to take that on notice, I am afraid. I am not familiar with Professor David Ben-Tovim's background.</p> <p>CHAIR: All right.</p>	18 October 2016 L&C: 104
SBE16/064	Attorney-General	Civil Justice Policy & Programmes	Reynolds	Protocol for AAT appointments	<p>Senator REYNOLDS: I just have two questions, just as follow-up to the last questions from my colleagues. Can you tell me if there were any protocols under the previous government, the Labor government, for appointments to the AAT?</p> <p>Ms Leathem: I was appointed in April 2015, so I could not comment in relation to that.</p> <p>Senator REYNOLDS: Do you mind taking that on notice or just seeing whether someone else here has the corporate memory to hand to advise what the previous protocols were and also, obviously, how the appointments were made? I think that would help clarify some of the line of questioning here if we could get that information.</p> <p>CHAIR: Mr Anderson, how long have you been in this role?</p> <p>Mr Anderson: Since 1 March this year. We can take it on notice.</p> <p>CHAIR: Are any of your senior staff aware if there was a protocol under which existing members of the tribunal, to make it current, were appointed—</p>	18 October 2016 L&C: 104 & 105

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page <i>or</i> Written
					<p>Senator REYNOLDS: For new appointments in particular.</p> <p>CHAIR: before Senator Brandis became the Attorney?</p> <p>Mr Anderson: Not aware, Senator. We can take that on notice.</p> <p>CHAIR: Can you tell me when this protocol that has been tabled came into being?</p> <p>Dr Smrdel: We do not have a precise date. The information I have before me says that it was settled on 6 November 2015 but I am not sure whether the protocol was ultimately approved by the Prime Minister. I am not sure whether 6 November actually captures the Prime Minister's approval date or just when it was settled between the Attorney and the president.</p> <p>CHAIR: That is fair enough.</p> <p>Dr Smrdel: I will take that on notice.</p>	
SBE16/065	Attorney-General	Civil Justice Policy & Programmes	MacDonald	<i>Merit and transparency</i> guidelines	<p>CHAIR: Do you know what applied before this protocol? Was there a previous protocol?</p> <p>Dr Smrdel: The process that applied beforehand would have been the more general Australian Public Service Commission <i>Merit and transparency</i> guidelines processes—</p> <p>Senator REYNOLDS: So no specific ones for the AAT like there are now?</p> <p>Dr Smrdel: That was a general one for statutory office holders, so the AAT one is a specific protocol.</p> <p>Senator REYNOLDS: Thank you.</p> <p>CHAIR: So, it is only in recent times that there was a specific one for the AAT, to your knowledge?</p> <p>Dr Smrdel: To my knowledge, yes.</p> <p>CHAIR: Could you get us on notice a copy of the previous protocol? Would that be possible—bearing in mind that a lot of the current members were appointed on the basis of the previous protocol?</p> <p>Dr Smrdel: The <i>Merit and transparency</i> guidelines are on the APSC website, but we can provide a copy of that.</p> <p>CHAIR: Okay.</p>	18 October 2016 L&C: 105
SBE16/066	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>
SBE16/067	Attorney-General	Civil Justice Policy & Programmes	McKim	Transition of members to AAT	<p>Senator Brandis: Thank you, Senator. That gives me the opportunity to explain it to you. This was the biggest reform of Australian administrative law in 40 years. The consolidation into a single merits review tribunal, under the AAT, of all of the different sectoral merits review tribunals, and it was a major achievement of my department and of Justice Kerr, who oversaw it, to accomplish it, I might say.</p> <p>...</p> <p>Senator McKIM: Through you, obviously, Attorney, I wonder if the department could shed any light on what happened to the 31 members of the former MRT and RRT who did not make the transition.</p> <p>Senator Brandis: I doubt it. I assume they did not want to come over.</p> <p>Mr Anderson: We would have to take that on notice.</p> <p>Senator McKIM: I will put it on notice—to the extent that the department is able. I may yet follow-up with the immigration department in a different forum.</p> <p>...</p> <p>Senator McKIM: We have already established that there are 31 members of the former tribunals, the MRT and the RRT, who for whatever reason did not survive the transition in professional terms. Would you accept, Attorney, that on the face of it it appears as if you do not have enough members in the Migration and Refugee Division?</p> <p>Senator Brandis: I don't want to accept that without having a close look at the figures and a look at the case flow, so I will take it on notice. Obviously, it is a useful observation that you make, and you may well be right, but without necessarily accepting it let me look at the figures and, look at the case flow and have a talk to Justice Kerr and the division head.</p> <p>Senator McKIM: So you will take that on notice, Attorney. Thank you, I appreciate that.</p>	18 October 2016 L&C: 107 & 108
SBE16/068	Attorney-General	Civil Justice Policy & Programmes	McKim	Clarification of reappointments	<p>Senator McKIM: I have just got one more question in this line of questioning, Chair, if I might. Attorney, from your use of the word 'vacancies', ought I to take that to mean that you are simply from now on going to appoint to fill vacancies—in other words, is the loss of the 16 FTE members in the transition, is that the new normal now? Are you ruling out making appointments in addition to filling vacancies—appointments that are intended to address what we have just heard is actually a very low finalisation rate after 12 months in the migration and refugee division?</p> <p>Senator Brandis: Let me answer your question this way. People are appointed to this tribunal for a set number of years—three, five or seven years. The former Prime Minister Mr Abbott had a very strong view—not just about this tribunal but about government bodies generally—that people who had served a term should not be reappointed unless there was a strong case to do so, because his view was that there should be refreshment.</p> <p>Senator McKIM: But he is not the Prime Minister anymore.</p> <p>Senator Brandis: The current Prime Minister, Mr Turnbull, does not particularly have that view, and I do not mean any disrespect to Mr Abbott but, frankly, nor do I. So my disposition is to reappoint people unless they have served for a very long time and it is time that they moved on. I will check the statistics, but I am reasonably confident that certainly since the time the protocol came into operation, which</p>	18 October 2016 L&C: 110

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					was roughly the time that Mr Turnbull became Prime Minister, the vast majority of appointments have been reappointments. So, when I use the term 'vacancy', I mean a position, a member's tenure, expiring, and I use it in both the case where consideration may be given to their reappointment and in a case where a new person might be appointed.	
SBE16/069	Attorney-General	Administrative Appeals Tribunal	McKim	Funding of the Immigration Assessment Authority	Senator McKIM: Does the immigration department fund the authority? Ms Leatham: There has been an allocation of money provided to the tribunal specifically to deal with those particular matters. Senator McKIM: How much is that?	18 October 2016 L&C: 114 & 115
SBE16/070	Attorney-General	Administrative Appeals Tribunal	McKim	Future allocations of funding for the Immigration Assessment Authority	Ms Leatham: I will find that for you. In this financial year \$4.667 million was provided for the Immigration Assessment Authority. Senator McKIM: What governs future allocations? Is it negotiated on a year by year basis or is there an MOU or— Ms Leatham: There is an MOU. My understanding is that there has been funding agreed until 2017-18 but beyond that there will need to be discussions with the department. Senator McKIM: Does it continue at the same rate—the \$4.667 million? Ms Leatham: I will have to check whether I have the forward estimates in relation to that. Senator McKIM: I am happy for you to take that on notice.	18 October 2016 L&C: 114 & 115
SBE16/071	Minister for Justice	Criminal Casework Unit	Watt	Government's position on the import ban on lever action shotguns	Senator WATT: It may be that some of these questions need to go to Senator Brandis's department rather than to you, but there have obviously been some reports today that the government is or was considering removing the ban on the Adler A110 lever action shotgun in response to concerns from Senator Leyonhjelm. Has your agency or the department prepared any documents as part of the National Firearms Agreement review recommending a relaxation of restrictions on that weapon? ... Senator WATT: Have you or your department been asked to prepare any documents advocating that the ban on that weapon be removed? Mr Bouwhuis: I might, perhaps, clarify. The ban has always been in place while the NFA is being negotiated, and that has been a clear and consistent position which the government has had all along. I can track back press releases for a number of years. But the government's consistent position throughout the negotiation of the NFA has been that the import ban would be in place until the NFA agreement is reached and the states and territories reach agreement, so I am not sure what the change in position that you are alluding to is exactly. Senator WATT: I suppose there has been some reporting today, and it is a little bit unclear about whether the government's position has changed or not. Are you aware of any discussions that have occurred with state governments about a potential relaxation of that ban? Mr Bouwhuis: Just to be clear, my understanding is that there has not been any change in policy, and I could quote you back press releases which the minister issued back in 2015 basically to the effect which the minister outlined in parliament today that the import ban is basically just in place until the NFA is agreed. Once the NFA is agreed and implemented then presumably the import ban would be lifted. That has been the consistent policy throughout, and I could table those press releases if that would assist the committee. Senator WATT: Sure. Senator Brandis: I can confirm that the position that Mr Keenan stated in the House of Representatives today is the position of the government. That has not changed. Senator PRATT: When were weapons of that type first banned? Mr Bouwhuis: I think the ban came in around 2015, but I have to go back and check the dates on that. But I can do that relatively quickly, if you wish.	18 October 2016 L&C: 117 & 118
SBE16/072	Minister for Justice	Australian Criminal Intelligence Commission	Lambie	Illegal attachments to weapons	Senator LAMBIE: I have some questions about the Adler. Is it true that you can let off seven shots in about 10 seconds? Senator Brandis: We need to find a person with that level of expert knowledge. Mr Dawson: The advice I have is that for a five-round discharge—and that is the weapon I am aware of that was tested—it is able to be discharged in just over four seconds. Senator LAMBIE: Okay, well that is even worse. Regarding the attachments that go on it, how many attachments can you actually put on this weapon and what sort of attachments are we talking about? Mr Dawson: The advice I have received from our firearms expert is that, like a number of different weapons, there is a capacity to add extra rounds through a longer magazine capacity. That is quite a familiar addition that can be done to quite a number of different firearm types. The advice I have is that the Adler shotgun is capable of being equipped with a number of different magazine rounds, whether it be five, seven or greater. Senator LAMBIE: Are we looking at 20 or 30 rounds as well? What do they usually come in—20? The military ones come in about 20, so I am gathering that that would be standard. Would it be that easy to be able to access those magazines? Mr Dawson: Whether it is from the factory or whether it is manufactured privately outside of the manufacturer's details would be a matter that would have to be considered, but I would be happy to take your question on notice if you wanted more specific information. Senator LAMBIE: Yes, I would like more specific information, and whether or not they have come across any illegal attachments. With some of those I have seen 30 or 40 rounds in other weapons—they are illegal attachments. It would be great if you could do that.	18 October 2016 L&C: 119

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Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
SBE16/073	Minister for Justice	Australian Criminal Intelligence Commission	Reynolds	Details about the law enforcement datasets	<p>Senator REYNOLDS: Thank you. I am conscious of time. Mr Dawson, can you just tell us about the merger of the ACC and CrimTrac. Are you seeing benefits? Is that enhancing the work that you are able to do?</p> <p>Mr Dawson: Yes, it is. In my opening statement I made reference to the law enforcement datasets that CrimTrac were discharging, and they range from the National Police Reference System. To give effect to and optimise that and understand the scale of that, there are some 65,000 police around the country, and they have utilised that single dataset. That is only one of many within CrimTrac. The National Police Reference System had over 42 million searches in the last reporting year. We also have the Australian Firearms Information Network, the National Child Offender System, the national DNA database and the Australian fingerprints system. All those sorts of very core law enforcement datasets were not previously part of the Australian Crime Commission in terms of our capability to fully optimise that. So we are right in the middle of a proof of concept in building the National Criminal Intelligence System. This is a very important system in order to federate these searches, not only within Australia but also with some of our international partners, because if we are able to put them in a single searchable capacity—my technical people do not like me saying 'Google for cops', but that is the lay term I use—there is a much greater enhanced search engine for both frontline police officers and, importantly, investigators and intelligence analysts. Previously there was a manual system where upwards of 80 per cent of the law enforcement datasets were not searchable in a federated way. So the merger has brought the obvious benefits there by bringing them under the one roof, and it will be a process in which we will be integrating that. Certainly Executive Director Lee Walton could expand on more of the technical side of it, but that is the primary advantage in bringing the CrimTrac agency together.</p> <p>Senator REYNOLDS: I would like more information on it, but in deference to time perhaps we could take that on notice.</p> <p>Mr Dawson: Any specific part of that?</p> <p>Senator REYNOLDS: There are a number of areas there. Given the large amount of data that you have there, obviously data integrity is very important in terms of who accesses it, if you have 65,000 police around the country having access to part or all of it. Could you provide more information to the committee about how you address privacy issues and also the access that 65,000 people have and how you regulate and control it, and also the \$14 million that you said you have for cybersecurity. Is that just to enhance the protections for this system from external attacks or access?</p> <p>Mr Dawson: No, there was an amount of \$16 million over a four-year period.</p> <p>Senator REYNOLDS: Sorry, \$16 million.</p> <p>Mr Dawson: That covers, particularly, the criminal intelligence elements of it. The Australian Federal Police also receive an amount. The role of the ACIC is to recruit particularly high-end cyberspecialists. So, we are already populating that particular area with some 12 FTE, and there is a body of work in the years ahead to increase both our capability from hardware but also the right people who can actually provide a better picture of intelligence on those matters. And we also have some other systems that complement that.</p>	18 October 2016 L&C: 120 & 121
SBE16/074	Attorney-General	Counter Terrorism & Intelligence Unit	Lambie	Outcomes of Crimes Act convictions	<p>Senator Brandis: Can I also tell you, Senator Lambie, that there are currently 38 prosecutions on foot in Australia for terrorism offences, and I think that is in addition to 11 prosecutions that are currently on foot under the Crimes (Foreign Incursions and Recruitment) Act, which is the offence specifically designed to deal with foreign fighters. I do not want you to think because we are not charging people with treason or sedition we are not prosecuting them. That is some 50-odd prosecutions for domestic terrorist offences or foreign terrorism offences on foot, in Australia, right at the moment.</p> <p>Senator LAMBIE: They have been charged; is that what you are telling me?</p> <p>Senator Brandis: Yes.</p> <p>Senator LAMBIE: What is the average jail time they have received from that?</p> <p>Senator Brandis: I would not be in a position to tell you what the average jail time is. The criminal code terrorism offences carry sentences of, usually, a minimum of seven years and a maximum of life imprisonment. Where any particular sentence falls within that sentencing range depends on the facts of the case, obviously.</p> <p>Senator LAMBIE: Do you think I could have, on notice, the outcomes of those 38 prosecutions and what happened to those people?</p> <p>Senator Brandis: These are current prosecutions. These are prosecutions that have not yet gone to trial.</p> <p>Senator LAMBIE: These are test cases.</p> <p>Senator Brandis: No. They are not test cases, they are prosecutions. The criminal trial has not yet happened. What I could find for you—I am sure the officers will be readily able to find them—is the number of convictions for terrorism related. Here we are—it has been drawn to my attention. So there we are: there have been 32 convictions since 2001. There are currently 38 prosecutions awaiting trial for terrorism offences, and I am told the 11 foreign fighter prosecutions are within the 38. So there are 38 current prosecutions on foot and 32 convictions for terrorism offences since 2001.</p> <p>Senator LAMBIE: On notice, could I have the outcomes of those convictions? I just want to see what sort of jail time they are doing and what has happened to them.</p> <p>Senator Brandis: What you would like us to tell you is, in relation to the 32 convictions since 2001, what the sentences were in each one.</p> <p>Senator LAMBIE: Yes, please.</p> <p>Senator Brandis: Yes, we will certainly do that.</p>	18 October 2016 L&C: 126

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SBE16/075	Attorney-General	Australian Security Intelligence Organisation	McKim	Listing of TTP as a terrorist organisation	<p>Senator McKIM: Mr Lewis, I want to revisit a matter I raised with you in February last year. That is the Tehrik-i-Taliban, the TTP, an organisation that claimed responsibility for the Peshawar school shooting in December 2014. I asked you why, at that time, it was not listed as a proscribed terrorist organisation and you said you would have a look at it. It is still not listed. We are the only one of the Five Eyes countries that have not listed it. Can you please explain why?</p> <p>Mr Lewis: Last February, if that is indeed when it was—I do recall our discussion about this—I explained to you the process by which organisations are identified for listing and that that process had not been completed or, indeed, we had not arrived at a position where we drew a conclusion with regard to the organisation you raised. That, still, has not changed. That remains the case.</p> <p>Senator McKIM: Since then they have been linked to bombings in Lahore that killed 75 people on Easter Sunday this year. As I said in my preliminary question, we were the only one of the Five Eyes countries that has not listed this organisation as a proscribed organisation, or what is the equivalent in the other countries. Is there something that is holding this up? Is it a resourcing issue for ASIO? Are there complexities that you do not wish to go into here for reasons of national security?</p> <p>I raised this with you six months ago. 'Nothing's changed' is it what you have said to me today—or, at least, that you have not changed your view. I presume you have not changed the fact that you have not advised the Attorney to list the organisation. Are you able to provide any further information to the committee that would just explain what would appear to be, on the face of it, an anomaly: we are the only one of the Five Eyes countries that has not listed this organisation as a terrorist or a proscribed organisation?</p> <p>Mr Lewis: I understand the point of your question. I cannot comment on the judgements made by the other Five Eyes countries. We make our own judgments here, quite clearly. It is very common that we do share information about agencies between the Five Eyes countries, but I am not in a position to talk to you about the detailed consideration that we make on the various organisations that are not on the list, of which there are a number. There are a number of organisations that are always under consideration for adding to the list. The list is, of course, public; you are aware of which organisations have been listed. The ones that have not or that are under contemplation is not something that we discuss publically. But, having said that, the circumstances about the TTP have not changed since I spoke to you last, from our point of view.</p> <p>Senator McKIM: In the context of whether or not you would advise the minister to list them?</p> <p>Mr Lewis: That is right, and we have not advised the minister that he should take any further action.</p> <p>Senator McKIM: To the best of your knowledge, were they responsible for the bombings in Lahore that killed 75 people on Easter Sunday?</p> <p>Mr Lewis: I do not know. I would have to check our holdings on that.</p> <p>Senator McKIM: Could you or the Attorney suggest any way forward here. I raised this issue six months ago. I was basically fobbed off—and I do not mean that critically. I did not place it on notice, because it was clear that you did not want me to. I have raised it again. There has been no rationale given at all to this committee as to why this organisation has not been listed. On the face of it, they claimed responsibility for the Peshawar school shooting. That was an extremely serious terrorist action. I am just wondering whether you can assist here Attorney—</p> <p>Senator Brandis: I can assist.</p> <p>Senator McKIM: On the face of it, it just seems like an anomaly.</p> <p>Senator Brandis: Although, ultimately, it is for the minister to sign off on these listings, I—and, I think, any prudent minister—would always follow the judgement of intelligence specialists. ASIO and other members of the Australian intelligence community do keep these issues under review constantly. However, given that you have raised the issue and Mr Lewis and I have heard you what have to say, ASIO will have another look. We will conduct another assessment of this organisation, with a view to assessing it against the statutory listing criteria.</p> <p>Senator McKIM: I appreciate that.</p> <p>Mr Lewis: I hope you understand that there are many organisations in the world that are not proscribed. We are not in the businesses of responding to each one of those that has popped up. We are constantly keeping the situation under review, as the Attorney said. When an organisation meets a certain threshold for proscription, then we will go forward and recommend that to the Attorney. You can assume that silence means that that organisation has not met a threshold. I am happy to have a look at it, but we cannot enter into some sort of extended discussion about which organisations are and which organisations are not proscribed. The ones that are proscribed you can read on a list—that is a public list.</p> <p>Senator McKIM: The ones that are not proscribed—</p> <p>Mr Lewis: We cannot get into a running dialogue about those organisations.</p> <p>Senator McKIM: I am aware of that. I have tried to address this as sensitively as I could. Nevertheless, I accept the commitment that both you and the Attorney have given, and we will see whether that emerges or not on to the publicly available list of proscribed organisations.</p>	18 October 2016 L&C: 126 & 127
SBE16/076	Attorney-General	Australian Human Rights	Abetz	Complaints on breaches of section 18C	<ol style="list-style-type: none">1. How many complaints has the AHRC received alleging a breach of section 18C of the Racial Discrimination Act in the past 24 months?2. How many of those complaints have been finalised?	Written

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		Commission			<p>3. How many of those finalised matters included a payment to the complainant by the respondent?</p> <p>4. How many of the complaints were preceded by a Commissioner of the AHRC calling for complaints to be lodged?</p> <p>a. Is this a principle that is condoned?</p> <p>5. How much in legal costs has the AHRC expended in pursuing cases for complaints in the past two years?</p> <p>6. How much in legal costs has been expended by respondents in legal costs over the past two years?</p>	
SBE16/077	Attorney-General	Family Court of Australia	Roberts	Judiciary details and introduction of legislation	<p>1. How many current judicial vacancies are there in the Federal Circuit Court of Australia?</p> <p>2. How many Judges and Justices of the Federal Court of Australia and Family Court of Australia will reach the statutory age of retirement by 31 December 2017?</p> <p>3. Do you agree there is no statutory or regulatory limit on the number of judges that can be appointed to the Federal Circuit Court of Australia?</p> <p>4. All of the terms of appointment of the members of the Family Law Council have now expired. When will you be appointing members to the Family Law Council as there are currently no members appointed to it [s115 of the Family Law Act]</p> <p>5. Is the Government intending to reintroduce the Family Law Amendment (Financial Agreements and other Measures) Bill 2015 to the Parliament in its current form, and if so, when will that occur?</p>	Written
SBE16/078	Attorney-General	Federal Circuit Court of Australia	Lambie	Issues within the courts system	<p>1. The teachings and pro-paedophile messaging of Richard Gardner, an American doctor who self-published non-peer reviewed books for profit, completely discredited as junk science (known as PAS Parent Alienation Syndrome, Parent Alienation and Enmeshment) this man committed suicide with a large carving knife, has significant currency in Family Law despite being banned by the Chief Justice of the Family Court in 2007. Unfortunate and ill-informed mothers who wrongly believe they are expected to protect their children from foreseeable harm caused and with continuing, foreseeable risk by the children's father are losing children to the perpetrators. Have the courts become anti-mother, rejecting attachment theories and child development needs?</p> <p>2. Considerable issues are being presented at the <i>Royal Commission into Institutional Responses to Child Sex Abuse.</i>, the Institution of the law has been identified as having significant gaps in the way it has managed cases and their reporting methods. This includes state and federal jurisdictions including Family. I request the Institution of the law to be included in the <i>Royal Commission into Institutional Responses to Child Sex Abuse.</i> What is needed for this to occur?</p> <p>3. There are continual issues with Family Report Writers in Family Law managing issues of Family Violence poorly as highlighted by Senator Nick McKim in Senate estimates 9 February 2016 and by Rosie Batty (Included in her 5 points to improve the management of Family Violence in Family Law.)</p> <p>Jess Hill also documents that some of these reports are altered and disclosures of violence are not documented or marginalised it has been presented to myself and others in the senate that mandatory reports which would be obligatory under state child protection are not made by Family Report Writers when children disclose abuse and violence in these assessments. Very few formal assessment tools are used to measure issues of violence. What would it take to record (Video/Audio) these meetings as proof and record to protect the report writer and manage claims that disclosures are ignored by the court?</p>	Written
SBE16/079	Attorney-General	Corporate Services Division	Gallacher	Credit cards	<p>1. What types of credit and transaction cards (including Cabcharge Fastcard and eTickets) does your department issue?</p> <p>2. What was the total expenditure for each type of card over the last 3 financial years?</p> <p>3. Can you break down the expenditure into categories?</p> <p>4. What is the highest and lowest credit limit for each type of card?</p> <p>5. How many times in the last 5 years has the credit limit been reviewed?</p> <p>6. What are Credit Cards used for?</p> <p>7. What are the Governance/probity rules for employees to follow?</p> <p>8. Are cash advances allowed?</p> <p>a) Can you list the total amount of cash advances from credit and other transaction cards over the last 3 years?</p> <p>b) Can you provide details on the 10 largest cash advances in your department and provide particulars such as how much was accessed?</p> <p>c) Who approves cash advances in your department in the event of paying suppliers</p> <p>9. Who reviews transactions in regards to all cards?</p> <p>10. Who provides assurance to the Minister in respect to probity governance and fraud control?</p>	Written
SBE16/080	Attorney-General	Strategy and Delivery Division	Bilyk	Ministerial functions	<p>1. In relation to any functions or official receptions hosted by Ministers or Assistant Ministers in the portfolio since 1 January 2016, can the following please be provided:</p> <p>a) List of functions;</p> <p>b) List of attendees including departmental officials and members of the Minister's family or personal staff;</p>	Written

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					c) Function venue; d) Itemised list of costs; e) Details of any food served; f) Details of any wines or champagnes served including brand and vintage; g) Details of any floral arrangements or other decorations; and h) Details of any entertainment provided.	
SBE16/081	Attorney-General	Corporate Services Division	Bilyk	Executive office upgrades	Have the furniture, fixtures or fittings of the Secretary's office, or the offices of any Deputy Secretaries, been upgraded since 1 January 2016? If so, can an itemised list of costs please be provided?	Written
SBE16/082	Attorney-General	Corporate Services Division	Bilyk	Facilities upgrades	Have the facilities of any of the Department's premises been upgraded since 1 January 2016, for example, staff room refurbishments, kitchen refurbishments, bathroom refurbishments, the purchase of any new furniture, fridges, coffee machines, audio visual facilities or any other equipment including kitchen equipment and utensils? If so, can a detailed description of the relevant facilities upgrade please be provided together with an itemised list of costs? Can any photographs of the upgraded facilities please be provided?	Written
SBE16/083	Attorney-General	Strategy and Delivery Division	Bilyk	Vacancies	Please provide a list of all statutory, board and legislated office vacancies and other significant appointments vacancies within the portfolio, including length of time vacant and current acting arrangements.	Written
SBE16/084	Attorney-General	Strategy and Delivery Division	Bilyk	Media monitoring	How much has the Department spent on media monitoring since 1 January 2016? Can a list of all Contract Notice IDs for the Austender website in relation to media monitoring contracts please be provided?	Written
SBE16/085	Attorney-General	Strategy and Delivery Division	Bilyk	Advertising and information campaigns	How much has the Department spent on advertising and information campaigns since 1 January 2016? Can a list of all Contract Notice IDs for the Austender website in relation to advertising and information campaign contracts please be provided?	Written
SBE16/086	Attorney-General	Civil Justice Policy & Programmes Division	Bilyk	Appointments of various AAT members	1. Who wrote the document entitled "Protocol: Appointments to the Administrative Appeals Tribunal 2015"? Was it the Administrative Appeals Tribunal, the Attorney-General's Department, or the Attorney-General's office? 2. Were any additional positions created on the request of Senator Brandis, beyond the minimum recommended by the President of the Administrative Appeals Tribunal for appointment or re-appointment? If so, how many additional positions were created? Why were those additional positions requested? 3. Which office generated the list of names recommended for appointment to the Administrative Appeals Tribunal? Was it the Attorney-General's office? 4. Is the current number of part-time and full-time positions on the Administrative Appeals Tribunal consistent with past precedent? If the numbers have increased, why have they increased? 5. Why was it considered appropriate for the 37 new appointments announced in May 2016 not to be advertised? 6. Why was it considered appropriate for the 37 new appointments announced in May 2016 not to be put to a selection panel? 7. When was Mr Theo Tavoularis offered a five year full-time senior member position? 8. On what basis was Mr Tavoularis offered this position? 9. When did the Department become aware that Mr Tavoularis had donated to the LNP? And what action did the Department take in response to this? 10. On what basis was former Liberal candidate Dennis Dragovic considered meritorious? 11. Was the Department aware that Mr Sosso was removed by the Queensland Government from the Justice and Attorney-General's Department? 12. Was the Department aware that Ms Bygrave was a staffer for Tim Wilson? Did Mr Wilson make any representations on behalf of Ms Bygrave? 13. On what basis was former Liberal candidate Michael Manetta considered meritorious? 14. Was the Department aware that Ms Millbank called for the Government to abandon the UN Convention on Refugees? How is this position consistent with his responsibilities on the AAT? 15. On what basis was former Liberal candidate Peter Vlahos considered meritorious? 16. Did Saxon Rice disclose that he is a donor to the LNP? 17. Did Justin Meyer disclose that he donated to the Liberal Party? 18. On what basis was former Liberal adviser Anne-Marie Elias considered meritorious? 19. Are you aware of any representations by Mr Abbott on behalf of his former head of social policy Bennie Ng? What about Helena Claringbold, his former electorate office adviser? What about Michael Cooke? 20. Are you aware of any representations by Mr Andrews on behalf of his former adviser Brendan Darcy? 21. On what basis was former Liberal adviser David McCulloch considered meritorious?	Written

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					22. On what basis was former Liberal candidate Nicholas McGowan considered meritorious? 23. On what basis was Bruce MacCarthy considered meritorious? 24. On what basis was Karen Synon considered meritorious? 25. Did Senator Brandis or his office declare any conflicts of interest in relation to any candidate?	
SBE16/087	Attorney-General	Australian Law Reform Commission	Carr	Book industry	1. Regarding the Productivity Commission's inquiry into Australia's intellectual property arrangements: a. What contribution did the Department and the ALRC make to this inquiry? Please provide a detailed account of any input. b. What media and entertainment law input did the Department seek regarding this inquiry? Please provide a detailed account of any input sought and provided. 2. Regarding the Productivity Commission's proposal for a significant transformation of Australia's copyright framework in its draft report, released on 29 April 2016: a. Has the Department or the ALRC conducted any analysis of the potential legal consequences of the implementation of this proposal? Please provide a detailed account of any analysis. 3. Regarding the Government's response on 24 November 2015 to the Competition Policy Review (the Harper Review), that it would remove restrictions on the parallel importation of books: a. Did the Department or the ALRC make any contribution to this response? Please provide a detailed account of any input. b. Has the Department or the ALRC conducted any analysis of the potential legal consequences of the implementation of this proposal? Please provide a detailed account of any analysis. 4. Regarding the Australian Law Reform Commission's report <i>Copyright and Digital Economy</i> : a. What inter-departmental consultation took place in the course of this inquiry? Please provide a detailed account of any input. b. When did the Government receive the ALRC report? c. When did the Government commission Ernst & Young to conduct a cost benefit analysis of the ALRC's recommendations? d. Why was this cost-benefit analysis commissioned? e. Has the Ernst & Young analysis been provided to Government? f. What inter-departmental consultation took place in the course of this cost-benefit analysis? Please provide a detailed account of any input. g. What are the results of this analysis? h. When will the Ernst & Young analysis be made public? i. Was the Solicitor-General consulted at any time on any aspect of the ALRC review?	Written
SBE16/088	Attorney-General	Civil Justice Policy & Programmes Division	Kakoschke-Moore	Legal Aid Funding	1. Moving forward from 1 July next year, Community Legal Centres (CLC's) in South Australia are facing a funding cut of over \$1 mill (over 26%) from 15-16 funding levels. CLCs see over 14,000 people in South Australia each year and turn away tens of thousands more. This funding cut will have a devastating impact on centres in South Australia, which will be forced to reduce services. Where will the thousands of clients those centres see each year go and what is the Government doing to address this crisis? 2. There has been a recent review of community legal centres in South Australia conducted by Ernst & Young. The SA Government has endorsed the Report and is in the process of implementing its recommendations, which is likely to include a substantial reduction in the number of community legal centres in South Australia, although the current outcomes are unknown. One of the proposals is to move to a centralised system, with the Legal Services Commission to provide a centralised triage role. Does the Commonwealth Government have a position on the South Australian Government's proposal to give CLC-specific funding to the Legal Services Commission? 3. Is the Government aware of the concerns raised by the SA CLC's regarding the practical implementation of the recommendations made by the report, especially the concerns regarding the centralisation of the system? 4. Has the Government undertaken any modelling in regards to this new system?	Written
SBE16/089	Attorney-General	Civil Justice Policy & Programmes Division	Kakoschke-Moore	Family Report Writers	1. In the 2015 Senate Inquiry into Domestic Violence it was recommended that the Commonwealth government co-ordinate consistent training for, and evaluation of, family consultants who write family reports for the Family Court. Are you able to provide the committee with the type of training that has been provided to family consultants, and the number of family consultants who have received this training? a. If no training has been provided, who has been charged with writing those training guidelines, or developing that training? 2. The Inquiry also recommended the evaluation of Family Report writers as the report highlighted a need for consistency among Family Report Writers. Has this recommendation been actioned? What evaluations has the government planned? 3. The 2015 Senate Inquiry also recommended the training of all judicial officers who preside over family violence matters. Are you able to provide the committee with the type of training that has been provided, and the number of judicial officers this training has been provided to?	Written
SBE16/090	Attorney-General	Australian Security and	Xenophon	Journalist Information Warrants	In reference to tabled QON 8 sub-question 5 and 6, ASIO declined to answer the question on the grounds doing so would breach Section 182A of the Telecommunications (Interception and Access) Act 1979 (TIA Act). However, the following is noted:	Written

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		Intelligence Organisation			<p>From the TIA Act Explanatory memorandum:</p> <p><i>Section 182A makes it an offence for a person to use or disclose information about whether a journalist information warrant, has been, or is being requested or applied for, the making of such warrant, the existence or non-existence of such a warrant and the revocation of such a warrant. The maximum penalty for this offence is 2 years imprisonment. Section 182A is consistent with equivalent offence provisions already in place in relation to other warrants, including telecommunications interception warrants and stored communications warrants. These provisions create a “need-to-know” within an agency to protect the privacy of the person who is the subject of a TIA Act warrant.</i></p> <p>From Malcolm Turnbull MP’s second reading speech:</p> <p><i>Last year, a major Australian ISP reduced the period for which it keeps IP address allocation records from many years to three months. In the 12 months prior to that decision, the Australian Security Intelligence Organisation (ASIO) obtained these records in relation to at least 10 national security investigations, including counter-terrorism and cybersecurity investigations. If those investigations took place today, vital intelligence and evidence simply may not exist.</i></p> <p>From the response of the AFP commissioner at Estimates on 17 October 2016</p> <p>Senator XENOPHON: Thank you very much. Commissioner, I just want to ask some questions in respect of the journalist information warrants. On 9 February this year I asked the following two questions: broadly, whether any journalist information warrants had been requested by the AFP within the past 12 months and, if so, how many; and whether any journalist information warrants had been granted to the AFP in the last 12 months and, if so, how many. The response was that the AFP could not provide this information because it would be an offence under section 182A to disclose a specific journalist information warrant. That was not the question. I note that section 186 requires the commissioner to provide the Attorney-General, within three months of 30 June, with a written report about the number of data disclosure authorisations under a journalist information warrant. My question is: do you agree that there is a distinction between asking in broad terms for the numbers of warrants sought and granted and asking for specific information on each, which I did not request?</p> <p>Mr Colvin: Senator, I agree with you to the extent that the legislation prohibits me from talking about specific cases. I think you were asking a more general question. I do not have the question on notice in front of me. I will ask my deputy commissioner who deals with that area to answer.</p> <p>Senator XENOPHON: Sure. But, Commissioner, you can understand it is somewhat infuriating to be asking a general question, which would fall within the purview of section 186, but to have the AFP cite section 182A as a reason not to provide it, when that was not the question at all.</p> <p>Mr Colvin: I do not have the question in front of me. I agree in principle with what you are saying. The AFP never seeks to not be full and frank in our answers to questions. But the deputy commissioner probably has much more direct knowledge of that question and the issue.</p> <p>Senator XENOPHON: The initial question was: has that report been provided to the Attorney-General as required under section 186?</p> <p>Mr Jabbour: Senator, I accept what you say. The answer is: yes, we have furnished a report. In answer to your question, I can confirm the AFP has not made any applications for journalist information warrants since the amendments came into effect.</p> <p>Senator XENOPHON: No applications at all? Okay. So that means that the report that has been provided to the Attorney basically says zero, in terms of the number of information warrants.</p> <p>Mr Jabbour: That would be correct.</p> <p>Senator XENOPHON: Okay. Well, this is a much simpler line of questioning than I anticipated!</p> <p>ASIO is asked to reconsider its position and answer the following questions:</p> <ol style="list-style-type: none"> Have any journalist information warrants been requested by ASIO within the last 12 months? If so, how many? Have any journalist information warrants been granted to ASIO within the last 12 months? If so, how many? 	
SBE16/091	Attorney-General	Office of the Australian Information Commissioner	Xenophon	OAIC operations	<ol style="list-style-type: none"> In the period immediately prior to the decision by the Abbott Government to abolish the OAIC: <ol style="list-style-type: none"> How many offices did the OAIC work from How many staff were employed by the OAIC Of those staff, how many had dedicated FOI functions 	Written

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					<p>d. Of those staff, how many had dedicated Privacy functions</p> <p>2. In the period follow the decision by the Turnbull Government not to abolish the OAIC:</p> <p>a. How many offices does the OAIC work from</p> <p>b. How many staff are employed by the OAIC</p> <p>c. Of those staff, how many had dedicated FOI functions</p> <p>d. Of those staff, how many had dedicated Privacy functions</p> <p>3. Please describe the impact on the OAIC of Australia signing up to the Open Government Partnership</p> <p>4. How many staff in the OAIC have delegations to make FOI decisions?</p> <p>5. Of those, how many of them have university legal qualifications?</p> <p>6. How many staff in the OAIC have delegations to make Privacy decisions?</p> <p>7. With respect to FOI reviews that commenced in 2014:</p> <p>a. How many were concluded within 3 months</p> <p>b. How many were concluded in more than three months but less than six</p> <p>c. How many were concluded in more than six months but less than twelve</p> <p>d. How many were concluded in more than 12 months (or have not concluded)</p> <p>8. With respect to FOI reviews that commenced in 2015:</p> <p>a. How many were concluded within 3 months</p> <p>b. How many were concluded in more than three months but less than six</p> <p>c. How many were concluded in more than six months but less than twelve</p> <p>d. How many were concluded in more than 12 months (or have not concluded)</p> <p>9. With respect to FOI reviews that commenced in 2016:</p> <p>a. How many were concluded within 3 months</p> <p>b. How many were concluded in more than three months but less than six</p> <p>c. How many were concluded in more than six months but less than twelve</p> <p>10. What processes are in pace to ensure that the ‘prompt’ requirements of S 3(4) of the FOI Act are met?</p>	
SBE16/092	Attorney-General Minister for Justice	Portfolio	Pratt	Funding and staffing details	<p>Please provide an itemised table detailing the following information:</p> <p>1. Every program administered by the department and all portfolio agencies within it</p> <p>a. The total funding allocated for each in 2016-17, 2015-16 and 2014-15;</p> <p>b. The number of organisations funded under the program in each in those years, the name of each organisation funded and the dollar value of that funding</p> <p>c. The number of individuals projected to be serviced or services to be delivered through each in 2016-17, 2015-16 and 2014-15;</p> <p>d. The total funding actually expended on each in 2015-16 and 2014-15;</p> <p>e. The number of individuals actually serviced or services actually delivered through each in 2015-16 and 2014-15;</p> <p>f. The aggregate staff budget for each in 2016-17, 2015-16 and 2014-15 broken down by</p> <p>i. permanent APS staff and</p> <p>ii. contractors.</p> <p>g. The number of permanent APS staff responsible for delivering each in 2016-17; 2015-16 and 2014-15, the classification of these staff and their geographic location;</p> <p>h. The dollar value of external advice contracted to support each in 2016-17, as well as the number of contractors engaged, the APS-equivalent classification these contractors were engaged at and their geographic location.</p>	Written
SBE16/093	Attorney-General Minister for Justice	Portfolio	Pratt	Evaluations of administered programmes	<p>Please also provide the following information:</p> <p>1. For every program administered by the department and all portfolio agencies within it:</p> <p>o Copies of any evaluation reports or program analysis prepared by external advisers in the last five years;</p> <p>o Copies of any evaluation reports or program analysis prepared within the department in the last five years.</p>	Written
SBE16/094	Minister for Justice	Australian Federal Police	Pratt	Diversity Report	<p>1. Does the AFP currently have sufficient funding within existing appropriations to implement all recommendations of the recent <i>Cultural Change: Gender Diversity and Inclusion in the Australian Federal Police</i> report (the Report)?</p> <p>2. What is the cost of establishing the AFP Safe Place and Investigations Unit?</p> <p>3. How much funding has been provided to the Unit to date?</p> <p>4. If the Unit is funded through existing appropriations, where was this money reallocated from in order to fund the Unit?</p> <p>5. Has the AFP requested further funding from the Minister or the Government?</p> <p>6. What infrastructure has been provided in order to implement Principle 4 of the Report, specifically Recommendation 15?</p> <p>a. Please provide a breakdown of the infrastructure that has been provided since the Report was released by type (laptops, remote access, mobiles etc.) and number.</p>	Written

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					<ul style="list-style-type: none"> b. How was this infrastructure funded? c. Does the AFP require any further funding in order to fully implement Recommendation 15 of the Report? d. How many AFP personnel have been offered this infrastructure? <p>7. Do sexual harassment and sexual abuse complainants (<i>Complainants</i>) have access to external support? If so:</p> <ul style="list-style-type: none"> a. How much funding has been provided for external support for complainants since the Report was released? b. How many AFP complainants have been offered external support since the Report was released? c. How many AFP complainants have been provided with external specialist support? d. Has any AFP member who has made a complaint since the Report was released not received external specialist support? If so, why? <p>8. Has the AFP Safe Place and Investigations Unit started collecting data on sexual harassment and sexual abuse complaints, including the location, functional area, nature and, where appropriate, alleged perpetrator? If so, who has access to this data?</p> <p>9. Has the AFP hired any data specialists to manage this confidential data internally?</p> <p>10. Is the AFP in a position to provide, within 12 months of the release of the Report, de-identified data on the number, length of time and outcome of complaints (as per Recommendation 17 of the Report)?</p> <ul style="list-style-type: none"> a. If not, does the AFP require further funding in order for this timeframe be met? <p>11. How many AFP employees have participated in expert independent training on respectful workplaces as outlined in Recommendation 20 of the Report?</p> <ul style="list-style-type: none"> a. If this training has been held, please provide a breakdown of the levels of attendees (e.g. how many recruits, how many personnel who are superintendent and above). b. Does the AFP require further funding to provide training to all AFP personnel? <p>12. How many sexual harassment and sexual abuse complaints from AFP personnel did the AFP receive in the following calendar years:</p> <ul style="list-style-type: none"> a. 2011 b. 2012 c. 2013 d. 2014 e. 2015 <p>13. How many sexual harassment and sexual abuse complaints have been made since the Report was released?</p> <p>14. Has there been an increase in AFP personnel coming forward with sexual harassment and sexual abuse complaints since the Report was released?</p> <p>15. Has the AFP collected information listed at Recommendation 21 of the Report as a baseline in order to assess progress on cultural reform?</p>	
SBE16/095	Minister for Justice	Australian Federal Police	Pratt	Revenge Porn	<p>1. How many cases of revenge porn have been prosecuted under section 474.17 of the Criminal Code?</p> <p>2. How many prosecutions have been made under section 474.17 of the Criminal Code that do not relate to revenge porn?</p> <p>3. How many convictions have been made under section 474.17 of the Criminal Code?</p> <p>4. How many complaints have the AFP received since 1 January 2016 from victims of technologically-facilitated harm and abuse?</p> <p>5. Please provide a breakdown of the number of complaints the AFP have received from victims of technologically-facilitated harm and abuse for the following calendar years:</p> <ul style="list-style-type: none"> a. 2011 b. 2012 c. 2013 d. 2014 e. 2015 <p>6. When was the ‘victim based crime’ division of the Crime Operations portfolio established?</p> <ul style="list-style-type: none"> a. How many AFP personnel sit within this division? b. How much funding does this division receive? c. Aside from revenge porn, which other crimes are the focus of this portfolio? <p>7. Do AFP personnel receive training on how to respond appropriately to female victims of technologically-facilitated harm and abuse?</p> <ul style="list-style-type: none"> a. If so, is the training is provided internally or externally? b. How many personnel have undergone this training? Please provide a breakdown of their seniority (e.g. recruits, superintendent and above). c. How frequently is this training provided to AFP personnel? 	Written
SBE16/096	Minister for Justice	Australian Criminal Intelligence	Pratt	ACIC staffing and operations	<p>1. How many staff worked at the Australian Institute of Criminology (<i>AIC</i>) before the merger of the AIC and Australian Crime Commission (<i>ACC</i>) (now the Australian Criminal Intelligence Commission (<i>ACIC</i>)) was announced?</p> <p>2. How many staff presently work at the AIC?</p>	Written

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		Commission			3. How many research staff worked at the AIC before the merger of the AIC and the ACC (now the ACIC) was announced? 4. How many research staff presently work at the AIC? 5. How many research staff members has the AIC lost since the announcement of the merger? 6. How much money has the merging of the back-end operations of the AIC and ACIC saved? 7. How much money has been spent on marketing and branding of the Australian Crime and Research Justice Centre? 8. Were any of the staff that have left the AIC since the announcement of the merger involved in the AIC's indigenous incarceration research stream? 9. Please outline the process for clearing/releasing AIC research prior to the merger. 10. Please outline the process for clearing/releasing AIC research now that the AIC sits within ACIC. 11. The AIC recently published a research paper on <i>Non-offending parents as secondary victims of child sexual assault</i> . a. Was this research sent out to stakeholders? b. If so, which categories of stakeholders/lists of stakeholders received this publication? And on what date? 12. Are all AIC research publications/releases placed on the AIC Facebook page? If not, why not? 13. Why did the AIC fail to meet its research publication KPI in 2015-16? 14. Has the AIC ever failed to meet its KPIs before? 15. What steps are being made to ensure AIC meets its KPIs next year?	
SBE16/097	Attorney-General	Administrative Appeals Tribunal	Pratt/Bilyk	AAT amalgamation and member re-appointment process	1. When will the back end case management, pay roll and work flow systems of the Administrative Appeals Tribunal be merged? 2. How soon are members told before their end date that they will / or will not be re-appointed? 3. If a decision has not been made about ongoing Administrative Appeals Tribunal membership, does the Administrative Appeals Tribunal allocate matters to people before their term expires, or are they dropped off the listings roster weeks before their end date? 4. If someone is reappointed at short notice, how does the Administrative Appeals Tribunal manage non-productive time in the time lag for the scheduling of hearings?	Written
SBE16/098	Attorney-General	Australian Law Reform Commission	Pratt	Inquiry into Indigenous incarceration	In relation to the recently announced referral by the Attorney-General for a report on indigenous incarceration rates: 1. Has a budget for the inquiry been agreed? What is it? 2. What is the timeline for reporting? Will there be an interim report? 3. Who will be/has been consulted on the Terms of Reference? 4. When will the Terms of Reference be finalised? 5. Will extra staff be put on for this inquiry? Will any of them be indigenous? 6. Will there be an indigenous reference group? 7. How is this inquiry expected to interact with the Royal Commission into the Protection and Detention of Children in the Northern Territory?	Written
SBE16/099	Attorney-General	Australian Security and Intelligence Organisation	Pratt	Issues concerning Wyatt Roy's travel	1. In relation to the visit to Iraq by the former Member for Longman, Wyatt Roy, please confirm whether Mr Roy breached any laws by visiting a conflict area near Mosul and the Syrian border? 2. Did the Attorney-General's Department provide any support for Mr Roy's visit? 3. Was ASIO aware of Mr Roy's visit? 4. Are you aware of any support from any other Australian agency for Mr Roy's visit? 5. Are you aware of any support from any other government for Mr Roy's visit? 6. Is Mr Roy receiving any form of parliamentary entitlement, Government benefit (financial or otherwise)? Was he during his trip to the conflict area 7. Did Mr Roy's visit put any Australian lives at risk, or those of our allies? 8. Has the Department provided any advice on Mr Roy's suggestion that Australia should deal directly with the Peshmerga in its fight with IS? 9. At what stage did the Attorney-General or members of the Government become aware that Mr Roy was planning to visit Iraq? 10. What assistance did the Attorney-General or any member of the Government provide to Mr Roy? 11. Is it common for former members of the LNP to travel to conflict areas?	Written
SBE16/100	Attorney-General	Civil Justice Policy & Programmes Division	Rice	Same-Sex Marriage Bill 2016	1. I note the release of the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill 2016 by the Attorney-General on 11 October 2016. a. What is the status of the consequential amendments that would be required to complete this draft bill and could the Department please provide a copy of such amendments? b. If the drafting of the amendments is are not yet finalised, could the Department please provide a description of the thematic areas and statutes to which they pertain and a due date for their public release? c. The draft Bill appears to be missing an Objects clause. Could the Department please advise as to whether an objects clause will be inserted into the draft Bill and provide a copy of such clause? d. The terms 'religious organisation' and 'religious body' in Clause 47B of the draft Bill are not defined. Could the Department	Written

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					please provide the definitions proposed for these terms?	
SBE16/101	Minister for Justice	Emergency Management Australia	Rice	Request for damages by Allied Natural Wood Exports	Has the Department received any requests or approaches of any kind on behalf of Allied Natural Wood Exports, owners of the Eden woodchip mill for financial or other assistance following damage to the chipmill jetty and loader in June 2016 storms? If so, what was the nature of the request and what was the Department's response?	Written
SBE16/102	Minister for Justice	Criminal Casework Unit	Rhiannon	Adler Shotgun	<ol style="list-style-type: none"> What is the most recent consideration that has been given to banning the import of magazine extension kits for Adler and other level action shotguns? Please detail if any action has been taken to put the ban in place and when will it come into effect? If no action has been taken, please explain why? Will lever action shotguns with over five round that have already entered Australia be allowed to remain in circulation or will they be recalled? Please supply an update on the review being undertaken into the National Firearms Agreement. <ol style="list-style-type: none"> When will the review report be released? How many submissions have been received? Will the submissions be available on a public website? Has it been assessed that the lever-action shotguns with a magazine capacity greater than five rounds have a significant rate of fire when combined with a greater magazine capacity? <ol style="list-style-type: none"> Can such a weapon be accurately described as a semi-automatic weapon? What is the Department's definition of a semi-automatic weapon? <p>Following up answers given on 20 October marked Question No. SBE15/097.</p> <ol style="list-style-type: none"> It was answered in response to a question 14. on the Adler that "the eight and five round Adler shotguns are versions of the same model." does that mean a five round can be converted into an eight round? In answer to question 19 it was stated that "The AFP notes that since its implementation the National Firearms Agreement has not evolved at the same pace as advancements in technologies and changes to developments of new firearms in recent years." Considering this answer what action has been taken to ensure that the NFA keeps pace with in developments and advancements in firearms technologies? What advice has the NJPSOC provided regarding a national approach to the classification of lever-action shotguns to Ministers and Attorneys General? 	Written
SBE16/103	Attorney-General Minister for Justice	Portfolio – excluding AFP	McAllister	Staffing information	<ol style="list-style-type: none"> Please provide a breakdown of staffing levels as at 30 June 2016, nationally and for each state and territory, by the following categories: <ol style="list-style-type: none"> Full time equivalent (FTE); Head count; Gender; Ongoing; non-ongoing; and classification level. How many engagements occurred in the 2015-16 financial year, by: <ol style="list-style-type: none"> Classification; State or territory; Ongoing staff; and Non-ongoing staff. How many separations occurred in the 2015-16 financial year, by: <ol style="list-style-type: none"> Classification; State or territory; Ongoing staff; Non-ongoing staff; and Reason for separation. What was the total expenditure on contractors and consultants in the 2015-16 financial year. For each contract or consultancy in the 2015-16 financial year, please outline: <ol style="list-style-type: none"> The project or engagement; The value of the contract; The name of each firm or contractor engaged; and The purpose of the contract. For each contract or consultancy in the 2015-16 financial year, please outline: 	Written

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					<p>a) The names of each firm or contractor engaged; and</p> <p>b) Total payments made to each contractor or consultant.</p> <p>7. For the 2015-16 financial year, please outline:</p> <p>a) How many staff were employed through labour hire arrangements;</p> <p>b) Total expenditure on labour hire staff;</p> <p>c) The contractors or labour hire firms engaged to supply these staff;</p> <p>d) Total payments to each of the organisations that provided staff through either a labour hire arrangement or other contractual arrangement; and</p> <p>e) The nature of the work performed by labour hire staff.</p>	
SBE16/104	Minister for Justice	Emergency Management Australia	Urquhart	Funding for the Tasmanian floods	<p>Regarding flood remediation and repair following on from the exchange with Mr Costello in Environment and Communications Estimates (p.93 of Hansard and pasted below).</p> <ul style="list-style-type: none"> After the mid-year floods in Tasmania, Prime Minister Malcolm Turnbull specifically promised extra federal support for Tasmanian farmers affected by the floods. Could you advise whether the Prime Minister or his office requested that the Department provide extra resources or support to Tasmanian farmers? Could you advise whether the Minister requested that the Department provide extra resources or support to Tasmanian farmers? If yes, can you outline the details of the request(s), what the Department did to accommodate them, and the cost? In the recent Environment Estimates hearing, Mr Costello said that Tasmanian regional NRM bodies used ‘some other funding’ to ‘run workshops and other things on rehabilitation’ out of disaster recovery funds. Did any extra funding provided to Tasmanian NRM bodies after the mid-year floods come from your department? If yes, could you provide details of the projects, the date they approved and the amount contributed by the department? Has the Tasmanian state government made representations to the Minister or the Department about disaster repair and remediation and support for farmers after the mid-year floods in Tasmania? <p>Senator CHISHOLM: Regarding flood remediation, has any funding being provided to NRM or other bodies to assist people who have experienced flooding?</p> <p>Ms Campbell: Not recently. NRM groups are able to use that \$108 million that we provide them annually for their priorities, and some of them will use that funding for disaster recovery such as from flooding. I am not aware of any addition funding in our suite provided for flooding.</p> <p>Mr Dadswell: Under a previous Green Army round, in response to natural disasters that I think occurred in late 2014 and 2015, 44 Green Army projects were provided to assist with environmental recovery following those natural disasters, mainly in Queensland, New South Wales and Victoria.</p> <p>Senator CHISHOLM: That was my recollection. I am curious to know if it will be considered for the most recent events?</p> <p>Mr Dadswell: I have not had a request to consider it.</p> <p>Senator CHISHOLM: With regards to the Prime Minister's commitments to look after Tasmanian farmers who have been affected by floods, has any NRM or other funding from the department been provided specifically for this purpose?</p> <p>Mr Costello: I believe that some Tasmanian regional NRM bodies have used some other funding that Ms Campbell was talking about to run workshops and other things on rehabilitation. They are not providing cash grants, necessarily, but there was money provided out of the disaster recovery funds administered by another portfolio. But some of our money has been provided to help give farmers advice on how to rehabilitate—</p> <p>Senator CHISHOLM: So it has not been spent on hard infrastructure or anything to do with the land, as such?</p> <p>Mr Costello: No.</p> <p>Senator CHISHOLM: Has the department met with the Tasmanian state government or NRM bodies about these issues?</p> <p>Mr Costello: Not that I am aware of.</p> <p>Senator CHISHOLM: Thanks.</p>	Written

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
SBE16/105	Attorney-General	Australian Human Rights Commission	Macdonald	Clarification of interview details	<p>CHAIR: Professor Triggs, you indicated in your comments:</p> <p>I think it would be fair to say that there are comments from me or about me in the newspaper virtually daily. You said you had a lot of interviews. When I asked you if you had rung the journalist to correct the record, do you recall what you said then and do you stand by that answer?</p> <p>Prof. Triggs: I would have to look at what I said then and check the record.</p> <p>CHAIR: Well, you said you give lots of public interviews to journalists and if you had to ring them and correct every error they made—suggesting they always make errors when referring to you—I think you said it would take all of your time or words to that effect. Do you recall saying something like that?</p> <p>Prof. Triggs: I would have to check the record.</p> <p>...</p> <p>CHAIR: But you indicated that you are misquoted often. I am just trying to find your actual words, but they were along the lines that if you did that it would take up all of your time. So, you are often misquoted, but you never bother to correct that?</p> <p>Prof. Triggs: I would not say that I am often misquoted. I am saying that I do a very high number of lectures and interviews and people will often sit in an audience and take down what I have said or what they think I have said and that is then reproduced in another context. It can often be weeks later that it appears in a journal article or in another form. I really cannot track all of that and challenge everything that is said in the media about me. In fact, the media reporting about the commission has been extraordinary in the past few months, and I think were I to do that I would be dealing with two or three items a day. It is simply not a realistic course of action.</p> <p>CHAIR: This interview was in April. And I now have your actual words, which, in fairness, I will quote to you: 'It is, I'm afraid, a phenomenon that a great deal of work that we do is misreported.' You said that back in April to Ramona Koval. What I am just clarifying is, all the misreporting of the commission's work: you and your media team do not bother to correct it?</p> <p>Prof. Triggs: I did not say that at all. I just said that I do not always go back to the media to correct an item. But certainly I think there would be occasions when commissioners, for example, might ask a member of the commission—the communications team—to correct something; that may very well happen. But I would have to take that question on notice and find out how often, if at all, we question or ask for matters to be corrected.</p> <p>CHAIR: That would be fine. Thank you.</p>	12 December 2016 L&C: 7 & 8
SBE16/106	Attorney-General	Australian Human Rights Commission	Watt	Hours of evidence	<p>Senator WATT: Professor Triggs, thank you for coming back yet again to estimates. Obviously coalition senators are big fans of your work. They like to get you in regularly and have you here for hours. Have you kept a bit of a record of how many hours of evidence you have provided to this committee over, say, the past couple of years?</p> <p>Prof. Triggs: I have a record of how many hours in each session I would spend. I have not added them up.</p> <p>Senator WATT: You do not have those numbers handy at all, just to give an indication?</p> <p>Prof. Triggs: It goes from anything between eight hours and four or five.</p> <p>Senator WATT: So, you are usually here for at least four or five hours per session?</p> <p>Prof. Triggs: Yes.</p> <p>Senator WATT: So, over the past couple of years—there are three sessions of estimates a year—at a minimum we would be talking about 24 hours, and probably longer if you add in the eight-hour session and that kind of thing?</p> <p>Prof. Triggs: I would have to take that question on notice. In fact, as you know, in the <i>Hansard</i> the exact time is there to be checked, so I can easily come back to you with an answer on notice.</p>	12 December 2016 L&C: 8
SBE16/107	Attorney-General	Australian Human Rights Commission	Di Natale	Mapping Social Cohesion report	<p>Senator DI NATALE: I am particularly interested in the Scanlon Foundation's recent <i>Mapping social cohesion</i> report, which indicated that while there is still strong support for multiculturalism the number of people who are experiencing discrimination based on race in Australia is on the rise. The recent report indicated an increase from 15 per cent to 20 per cent. Do those findings correlate with an increased number of (a) inquiries or (b) formal complaints?</p> <p>Prof. Triggs: If I may, I would like to take that on notice, just so that I can give you absolutely accurate figures. But what I can say—impressionistically at least—is that over the past few years we have seen a spike in those numbers under the <i>Racial Discrimination Act</i> but in the last year we have actually seen a decline in the number of matters, for example, that are raised in the context of section 18C and D. So, it has been variable over the past two or three years, with increased numbers and then declining complaints. So, if I can come back to you with exact figures, I would be happy to.</p> <p>Senator DI NATALE: Have you done any thinking or any work to try to understand what underpins some of those trends?</p> <p>Prof. Triggs: Well, as your question implies, we try to do all of our work based on research and data and evidence, and the Scanlon Foundation work is important to underpinning some of our work. But I think it is fair to say that because the commission has such a huge number of matters coming in through the public arena—at least 20,000 a year—even though they do not of course all become formal complaints, we have an insight, if you like, into the matters that are concerning Australians in the context of antidiscrimination law and human rights. So we do try to think through, based on that data, how we can meet our other functions under our legislation, which are advocacy for compliance with our laws, education and, in particular, a program that the commission chairs, which is the</p>	12 December 2016 L&C: 16

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					'Racism. It Stops With Me' project, which I believe is one of the most successful public campaigns that the commission runs. It is readily identifiable, and we have had major individuals supporting that program. I think we have, and I can take this on notice, something like 350 organisations, companies—particularly the business community, media and others—signing up to that campaign, and it has been an effective one. But it is obviously a matter of concern for us. But I should say that matters in relation to the Racial Discrimination Act are in fact a very small percentage of the work the commission does...	
SBE16/108	Attorney-General	Australian Human Rights Commission	Fawcett	Financial details of conciliations	<p>Senator FAWCETT: In that case, I will leave it, Senator Di Natale, until we come back to your flowchart. Can I just ask a different question then, Professor Triggs. You are very proud of the fact that some 76 per cent of complaints were conciliated. In some cases it was nearly 12 months—in fact, over 14 months—before a complaint was made, and then three days notice was given to people against which a complaint had been made for them to attend the conciliation. The request made of them was to pay \$5,000 so it would go away. If they had just rolled over and paid \$5,000, then this would have been ticked off as yet another successful conciliation. How many complaints have that kind of history behind them? Are you happy to disclose to the Senate how many of the complaints in that 76 per cent—</p> <p>Prof. Triggs: I am very happy to, although many elements of your question are misconceived and inaccurate. But, if I could put that to one side for the moment, I can say that 98 per cent of the complaints coming to the commission are resolved under 12 months and most complaints, on average, are settled within 3.8 months. So any matter that is beyond 12 months is very unusual.</p> <p>Senator FAWCETT: How many involve a payment?</p> <p>Prof. Triggs: Some do. Most, particularly in relation to 18C, are resolved voluntarily between the parties on the basis of an apology. So most do not attract financial compensation. But I am very happy to take that question on notice and give you the exact details because we do have them in our documentation, as you can imagine, in preparation for this afternoon's inquiry. We have all of that information very readily at hand. The majority of matters are resolved within four months.</p>	12 December 2016 L&C: 25
SBE16/109	Attorney-General	Australian Human Rights Commission	Reynolds	Allegations about breaches of human rights	<p>Senator REYNOLDS: Okay. The police commissioner of Western Australia, who deals with these situations, as well as Marcia Langton and two other Indigenous women came out and said that not only was the cartoon correct, but the three women were also talking about how they saw that the use of 18C and the criticism of the cartoon was actually reverse discrimination because it prevented terrible social issues that they experience and that the cartoon was depicting from being aired publicly and dealt with. Do you see any reverse discrimination in that? Do you understand what they are talking about?</p> <p>Prof. Triggs: Again, their comments are comments they made in the media. They are not relevant to my job or the role of the commission at all, and I would not comment on the accuracy or otherwise of their observations. They are simply making observations in the public arena.</p> <p>...</p> <p>Senator REYNOLDS: I understand the Human Rights Commissioner is not here for very good reasons. Have either of you or have any of your staff contacted Marcia Langton and the other ladies to get more information about their allegations about these breaches of human rights?</p> <p>Prof. Triggs: I will take that on notice. I think a member of the commission staff may well have done.</p> <p>CHAIR: Isn't it your responsibility as president to make the inquiry?</p> <p>Prof. Triggs: Again, I would not personally necessarily make the inquiries myself. The commissioner or, in this case, the Deputy Aboriginal and Torres Strait Islander Social Justice Commissioner would make that inquiry. So I will see whether an inquiry has been made of Professor Langton or of the Western Australian police commissioner.</p>	12 December 2016 L&C: 26 & 27
SBE16/110	Attorney-General	Australian Human Rights Commission	Moore	Western Australia's contribution to the youth commissioner's report	<p>Senator MOORE: We had a number of questions for Professor Triggs as well but we have covered that in the time. I just had a couple of questions about the youth commissioner's report. Ms Mitchell, I want to refer to your report that was released earlier this month—congratulations. I want to get some information from you about some of the recommendations in that report and also just to put on record where this report crosses over with the current royal commission. I know that your report was being prepared and worked on long before the royal commission was actually put in place. There is an overlap there and I just want to put on record exactly what the context is.</p> <p>...</p> <p>Senator MOORE: I have two questions because I know we are short of time. One is that you said you had got support from the various jurisdictions around the country. Were there any problems in getting information?</p> <p>Ms Mitchell: The one jurisdiction that was not in a position to provide me with information directly was Western Australia.</p> <p>Senator MOORE: The basis for that?</p> <p>Ms Mitchell: It was not particularly clear to me in the letter that I received, which was a courteous letter. As I recall, and I can get back to you on this—</p> <p>Senator MOORE: Yes, you might want to take it on notice.</p>	12 December 2016 L&C: 28 & 29
SBE16/111	Attorney-General	Australian Human Rights Commission	Di Natale	Withdrawal of complaint in the Leak case	Senator DI NATALE: So the two cases that have become almost a cause celebre for people who would like to see the Racial Discrimination Act amended or, potentially, abolished do not seem to really be consistent with the overwhelming majority of cases where people have walked through this process. Would you describe them as typical cases? How would you describe those, without	12 December 2016

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					<p>giving any details about the individual cases? It seems to me they are not consistent with the vast bulk of inquiries and complaints that are lodged.</p> <p>Prof. Triggs: No. I think that is a fair observation. If I can take the Leak case first: that of course was in a blaze of publicity. We try in the main to work with parties confidentially, but on occasions, rarely, one party will choose to deal with it in the public arena. But even with that publicity the commission has discontinued for different reasons each of the three complaints in the Leak case, and that has all occurred within 39 days. That is very consistent with the pattern of the commission of resolving matters under four months.</p> <p>Senator DI NATALE: Is that because you deem them to be—what was the justification?</p> <p>Prof. Triggs: The reasons were withdrawal by two parties, and I believe the third, which occurred only two or three days ago, was discontinued by us because we saw, I believe, no prospect of getting responses—it was going nowhere. If I may take that last part on notice and clarify exactly the reasons for the third of the complaints being discontinued. It is very, very typical that matters will start, but for various reasons, and perhaps in the Leak case because of the high level of public debate about it, the complainants, two of them, decided to withdraw...</p>	L&C: 31
SBE16/112	Attorney-General	Australian Human Rights Commission	Fawcett	Notifications to complaint respondents	<p>Senator FAWCETT: I understand the context that you are outlining. My understanding from 46 PO is that any affected person the commission has an obligation to engage with. So my question stands, albeit in the context of a large organisation, a number of named individuals, you have an obligation, is 14 months or more than 12 months an acceptable period in your view for the commission to not contact any affected person in relation to a claim?</p> <p>Prof. Triggs: I reject the premise of your question. Again, I will not answer questions in relation to the QUT case. At a general level, however, I could say that we almost always advise the respondents, bearing in mind that the organisation may want to protect their privacy, bearing in mind also that the details of the individuals named in a complaint are often available only to the main organisation and not available to the commission and may not always be made available for reasons that are beyond our control.</p> <p>CHAIR: And to the complainant's solicitor.</p> <p>Prof. Triggs: But I will, if I may complete answering the question, take on notice those very rare cases where a respondent may not have been notified. I am very happy to explain what those cases are and how they have arisen.</p> <p>Senator FAWCETT: You made the comment in that answer and also in answers to Senator Di Natale how a couple of cases are outliers and the majority fit within the broad parameters you have indicated. How would you know? Because of the cases you have previously talked about, nobody gets to actually understand how those cases work. My question to you is: if this committee were to inquire in camera—so not on the public record—and to require those answers of the commission, would you be able to provide them?</p> <p>Prof. Triggs: I will take that question on notice but it is something that we have discussed as a possibility within the commission because obviously we are very keen to support a wider understanding, particularly by this committee, of the processes of the commission because they have been much misreported in the media, and we are concerned that members of the committee will make recommendations which are based on the limited information and inaccurate information in the media rather than on the true facts. We have discussed the possibility of asking that you might be willing to consider us presenting the facts of these cases in camera. I would like to take that on notice and come back to you on that question. But, ultimately, whether you chose to do that would be a matter for you.</p>	12 December 2016 L&C: 34
SBE16/113	Attorney-General	Civil Justice Policy and Programmes Division	Macdonald	Breakdown of legal assistance funding	<p>CHAIR: I assume Queensland and the Northern Territory would get the lion's share of that, would they?</p> <p>Ms Bogaart: Of the Indigenous legal assistance funding?</p> <p>CHAIR: Yes.</p> <p>Ms Bogaart: I can tell you who gets what. It is a lot to do with population and Indigenous population. One second, and I will find the brief on that and I can tell you exactly who gets what. Can I come back to that question?</p> <p>CHAIR: Okay. Can I find it somewhere? I am sure it is in the budget papers somewhere.</p> <p>Ms Bogaart: Can I also clarify that the Attorney signs off on the final funding amount for those Aboriginal legal services, based on advice from the department.</p> <p>CHAIR: On the Aboriginal and Torres Strait Islander legal services?</p> <p>Ms Bogaart: Yes. Queensland receives the largest amount overall, followed by New South Wales—this is not in numerical order—Western Australia—</p> <p>CHAIR: Not in the Northern Territory?</p> <p>Ms Bogaart: The Northern Territory is broken into two. There are two providers in the Northern Territory, so they have a comparable amount of funding to Western Australia overall.</p> <p>CHAIR: Where would I find that? Is that in the budget papers anywhere that I could look at?</p> <p>Ms Bogaart: Yes, it is. We can take that on notice and give you the breakdown over five years.</p> <p>CHAIR: I am interested, on notice perhaps, on what each state gets, both in the Legal Aid Commission and in the Aboriginal and Torres Strait Islander thing. You have answered me who allocates within Queensland. I have been approached by various people and, I guess, everyone is unhappy that they have not got more, but I am just interested in seeing how that works.</p>	12 December 2016 L&C: 40

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SBE16/114	Attorney-General	Office of Constitutional Law	Watt	Bell legislation matter updates	<p>Senator WATT: Senator Brandis, just returning to the Bell matter, last week at the hearing the tax office gave evidence that a request was made on or before 5 June from your office for a briefing from the tax office, regarding introduction of the Bell legislation. Did you make that request?</p> <p>Senator Brandis: On 5 June?</p> <p>Senator WATT: On 5 June 2015. They were not entirely clear on the date that the request was made but they provided a briefing to your office on 5 June 2015.</p> <p>Senator Brandis: I will check the transcript and I will check with my office to see if that, in fact, is this case. So I will take that on notice.</p> <p>Senator WATT: Are you also taking on notice whether you made that request for a briefing?</p> <p>Senator Brandis: Me, personally?</p> <p>Senator WATT: My question to you is whether you, personally, made a request for a briefing.</p> <p>Senator Brandis: I have no recollection of having done so and I am reasonably sure that I did not do so. Of course, my office and the department deal with other agencies and departments all the time, as you would understand, having been a minister yourself, so I do not believe that came to my attention, no.</p> <p>Senator WATT: When were you made aware that a request had been made by your office for a briefing around that time?</p> <p>Senator Brandis: I was not aware. I will check the transcript of the <i>Hansard</i> of the hearing.</p> <p>Senator WATT: So this is the first time you have been made aware that your office made a request around 5 June.</p> <p>Senator Brandis: From the ATO?</p> <p>Senator WATT: From the ATO.</p> <p>Senator Brandis: I have not heard of it before but, as I say, I will check the <i>Hansard</i>. I will take the question on notice. I have no recollection of it.</p> <p>Senator WATT: In that case, do you recall ever being given a copy of that briefing in around June 2015?</p> <p>Senator Brandis: No, I do not.</p> <p>Senator WATT: It was a little unclear from the ATO's evidence last week, but they said that they had provided ministers with further written and verbal updates on the Western Australian government's proposed legislation in June, July and August 2015. Do you know whether they provided those updates to your office?</p> <p>Senator Brandis: I would have to check, so I will take that on notice.</p> <p><i>REPEATED QUESTION:</i></p> <p>Senator WATT: Again, when you read the transcript of last week's hearing, in relation to the Bell matter, you will see that Mr Mills from the tax office talked about the fact that he had received a phone call from you, in relation to these matters, and he described that as most unusual. Do you agree that it is most unusual for you to contact an official from a different agency about constitutional challenges?</p> <p>CHAIR: I think the Attorney has already indicated that he will take that on notice.</p> <p>Senator Brandis: I will have a look at the transcript. I will see what Mr Mills had to say, and I will have a look—</p>	12 December 2016 L&C: 41 & 65
SBE16/115	Attorney-General	Office of Constitutional Law	Watt	ATO updates of the Bell legislation matter	<p>Senator WATT: Coming back to where we finished up previously, you have told the Senate that your first personal involvement in this matter was on 3 March this year—</p> <p>Senator Brandis: That is right.</p> <p>Senator WATT: but, presuming this is correct, what the tax office told the Senate last week is they made your office aware of this matter around eight months before you say you were personally involved.</p> <p>Senator Brandis: That may well be so. As I say, I will check what they said and I will take the question on notice so that I can give you a thorough answer. But, as you would be aware, Senator Watt, the fact that my office may have been advised of something by an agency or a department is an entirely commonplace matter.</p> <p>Senator WATT: So prior to 3 March you do not recall receiving any briefing, either from your office, your department or any other agency, about the Bell matter.</p> <p>Senator Brandis: I will check.</p> <p>Senator WATT: That is what you told the Senate, that you were not personally involved.</p> <p>Senator Brandis: What I have said is that that was my first personal involvement with the matter.</p> <p>Senator WATT: Which, is why, I suppose, I was keen to understand what you mean by that.</p> <p>Senator Brandis: As I say, I do not want to parse my own language, but my first personal involvement was when Mr Porter came to see me on 3 March. I would not be at all surprised if there were communications between my office and, for example, the department, and you say the ATO. That may be the case; I will check.</p>	12 December 2016 L&C: 41
SBE16/116	Attorney-General	Office of Constitutional Law	Watt	The Commonwealth's involvement in High Court	<p>Senator WATT: Did you receive a briefing from your office or your department around 28 January on the question of whether the Commonwealth should intervene in those proceedings?</p>	12 December 2016

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
				proceedings	<p>Senator Brandis: I personally—well, I would have to check.</p> <p>Senator WATT: Because again, you have told the Senate that your first personal involvement in this matter was 3 March 2016.</p> <p>Senator Brandis: Well, as I say, I will check. But what I said—</p> <p>Senator WATT: Does that mean you may have been involved in this before 3 March?</p> <p>...</p> <p>Senator WATT: If your department briefs your office about the question of intervention in High Court proceedings—</p> <p>CHAIR: Is this hypothetical?</p> <p>Senator WATT: No, I am asking in a general sense about the usual procedure. I would have thought that they were important matters—</p> <p>CHAIR: Well, we are not interested in what you thought. What is the question?</p> <p>Senator WATT: I would have thought that was an important matter to be raised with the Attorney—deciding whether to intervene in High Court litigation or not. Is the usual practice, Attorney, that you personally would be consulted either by your office or your department about that question?</p> <p>Senator Brandis: The usual practice is that the Attorney-General makes the decision, and the time at which the decision is made and the time at which, in the ordinary course of events, it comes to my notice is within the time limited by the High Court in the directions it gives us for the conduct of the matter.</p> <p>Senator WATT: Did you speak to your department prior to 3 March about potentially intervening in this High Court matter?</p> <p>Senator Brandis: I will take that on notice.</p>	L&C: 42 & 43
SBE16/117	Attorney-General	Civil Justice Policy and Programmes Division	Macdonald	Details on funding increase to the legal aid commissions	<p>CHAIR: This was the national partnership agreement that was signed on 1 July '15 is it?</p> <p>Ms Bogaart: Yes.</p> <p>CHAIR: You said the funding to the legal aid commissions has increased—is that correct?</p> <p>Ms Bogaart: That is correct.</p> <p>CHAIR: What is the increase? You can take that on notice.</p> <p>Ms Bogaart: Yes, I will take that on notice. I will find it while we are here.</p>	12 December 2016 L&C: 45
SBE16/118	Attorney-General	Civil Justice Policy and Programmes Division	Di Natale	AHRC return on investment	<p>Senator DI NATALE: I have actually just got a couple more questions on the same issue. I was struck by something the Human Rights Commission said about some work that was done to highlight that being able to conciliate cases saves something like \$200 million a year. I am just wondering whether the department—it might be a question for Mr Moraitis; I am not sure if it is something you might be able to answer, Attorney-General—has done any work to show how much each dollar of investment provides in terms of a return down the track. Obviously, having people who do not have access to a lawyer or who are unrepresented defendants imposes a cost on the courts. Has there been any work to highlight that there are actually some savings as well from that investment?</p> <p>Mr Moraitis: As a general proposition, yes, that is taken as the reality. Any investment in that space avoids expenditure down the track. Whether there has been any quantified research in recent years, I would have to ask Mr Anderson and Ms Harvey about that. But, certainly, we are very conscious of the fact that early investment in things like this, whether it is in the criminal justice space or the family law space, provides opportunity cost savings.</p> <p>Mr I Anderson: All I can really add to that is that the Productivity Commission looked at a lot of issues in this space, but I would rather take it on notice.</p> <p>Senator Brandis: I am not sure, Senator Di Natale, whether the Human Rights Commission itself has commissioned such a study. If there were such a study, you would expect it would have been commissioned by the Human Rights Commission rather than done by the department.</p> <p>Senator DI NATALE: Perhaps if you would take on notice any work or modelling that has been done in that area.</p> <p>Mr I Anderson: Can I just clarify—I might have misunderstood the question—are you asking simply about human rights complaints?</p> <p>Senator DI NATALE: No. That was an analogy to say that they had commissioned some work—you are right, Senator Brandis—</p> <p>Senator Brandis: I am sorry: perhaps I have misunderstood you; I thought you were asking whether there was a study as to the savings and the benefits of Human Rights Commission conciliation complaints.</p> <p>Senator DI NATALE: Sorry, perhaps I just confused the issue. They raised that some work had been commissioned and that it demonstrated a significant saving. I am asking, within the legal aid space, whether any such work has also been commissioned to demonstrate what sort of savings are recouped down the track.</p> <p>Mr I Anderson: I am happy to take that on notice.</p>	12 December 2016 L&C: 46 & 47
<i>SBE16/119</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
SBE16/120	Minister for Justice	Criminal Justice Group	Dastyari	Overall prison population figures and justice reform	<p>Mr Moraitis: There are federal offenders Australia, as you said, Senator. At this stage, there are about 990 federal offenders. Is that correct, Mr Bouwhuis?</p> <p>Senator DASTYARI: How many, roughly?</p> <p>Mr Bouwhuis: 990 as of 1 December.</p> <p>Senator DASTYARI: 990. So, roughly 1,000. Is that high or is that normally what it is like? They get around 1,000 and it stays at that figure?</p> <p>Mr Bouwhuis: Yes, it is roughly around 1,000. I think it is slightly up on around 900 a few years back; but it is around that figure, yes.</p> <p>Senator DASTYARI: And for the overall prison population, the figures that I have anecdotally been told are around—and I know this varies, but how many people are in the prison system at the moment?</p> <p>Mr Bouwhuis: I do not have a figure for the states and territories. So I do not have a figure for total prison population, but I could take that on notice.</p> <p>Senator DASTYARI: I was given a figure of around 60,000. Does that sound right?</p> <p>Mr Bouwhuis: That sounds about right.</p> <p>Senator DASTYARI: And that would take us to an incarceration rate—again, this is what I have been told—of 208 per 100,000, which places us second in the OECD. Does that sound right to you?</p> <p>Mr Bouwhuis: That is not something that, personally, I would not know. I would have to take that on notice.</p> <p>Senator DASTYARI: Senator Brandis and Mr Moraitis, I just want to touch on what role the federal government does have or can have when it comes to justice reform, noting that, obviously, only a few per cent of the prison population is federally. What coordination role is there when you start looking at the increasing prison population? I want to know, with the figure that the Productivity Commission has of around \$110,000 per person per year being kept in the prison system, whether there is a role or how something like the COAG process could be used to actually reduce some of that.</p> <p>Senator Brandis: Thank you, Senator Dastyari. It is a good question. As you know, the Commonwealth does not operate prisons and Commonwealth offenders who are sentenced to terms of imprisonment are detained in state or territory prisons. Mr Moraitis or his officers can answer at an officials or departmental level, but I can tell you that the Commonwealth through the Law, Crime and Community Safety Council, which includes, by the way, state prisons ministers, does have the capacity to have a leadership role in this area, while acknowledging that the policy responsibility here lies with the states, as the operators of the facilities, and, as well, the Commonwealth can do particular things that are important in relation to the issue you raise. Let me give you an example. Only about two months or so ago I sent a reference to the Australian Law Reform Commission to examine indigenous incarceration rates, which is an important topic within the broader topic that you raise. The ALRC is embarking on that inquiry with published draft terms of reference to get community feedback.</p> <p>So the Commonwealth as the peak government in the country in this as in other issues can, either through law reform initiatives or through leadership through the various COAG processes, play a part, but we should always acknowledge that this is the primacy of the states in this area. What goes on at a departmental or officials level, perhaps the officials could speak to that.</p> <p>Senator DASTYARI: And if you want to take it on notice, Mr Moraitis, I am happy for you to. I am conscious of time; I am happy for you to take it on notice and give a more—</p> <p><i>ANSWER PARTLY PROVIDED:</i></p> <p>Ms Close: I probably could not add too much more to what the Senator has said. We certainly, through the Law, Crime and Community Safety Council, work through a range of issues that affect both Commonwealth, state and territory jurisdictions to try and come up with nationally consistent positions and to explore those sorts of issues. I am not aware of that particular issue being looked at in the last 12 months. But, certainly, Commonwealth or state and territory agencies can place items onto that agenda.</p>	12 December 2016 L&C: 52 & 53
SBE16/121	Attorney-General	Criminal Casework	Dastyari	Indigenous incarceration rates per prison	<p>Senator DASTYARI: Mr Moraitis, if I can ask you to take a question on notice, because I am sure you would not have this. I have been unable to find through public media or reports Indigenous incarceration rates per prison. You can get Indigenous incarceration rates at a state based level. I have been unable to get that information at a prison level. I assume, if they are compiling a state based system, they must add them up somehow. I would imagine that information exists. I do not know if you are able to take on notice—and there may be a report that already exists and that I just have not been able to find—what the Indigenous incarceration rates are per prison. You get the compound state figure, but I assume they add up all the prisons—I do not know how else you would get that state figure.</p> <p>Senator Brandis: I do not know whether the states or the Northern Territory disaggregate those figures, Senator Dastyari. They may or they may not.</p> <p>Senator DASTYARI: If you could take on notice. My thought would be that they would not be able to compile it. To be able to compile it, you have to add them up.</p> <p>Mr Moraitis: We will take that on notice. Maybe the ABS might have some information. I am not sure if it goes down to the prison</p>	12 December 2016 L&C: 53 & 54

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					level. Senator DASTYARI: It does not go down to prison level, because it is overall incarceration numbers. Mr Moraitis: We will take that on notice. Senator DASTYARI: Thank you, Senator Brandis	
SBE16/122	Attorney-General	Civil Law Unit	Fawcett	Importance of the re-identification offence bill	Senator FAWCETT: Mr Moriatis, could I ask you or the Attorney—whoever would like to take the question. The civil law unit reidentification offence bill was passed recently. I had a few people query the retrospectivity of that. Could you give us an outline of the purpose of the bill and why the retrospectivity was important? Mr I Anderson: Senator, the person who is the best person to speak about that, the SES officer in charge of the Civil Law Unit, is now in another committee, which is looking at section 18C of the Racial Discrimination Act. CHAIR: I am sorry, Mr Anderson. I am having trouble hearing you. Could you repeat that? Mr I Anderson: The officer who would be best placed to answer in any detail about that bill is actually now before another committee which is this afternoon looking at section 18C of the Racial Discrimination Act. Senator FAWCETT: We can put that on notice, then, and perhaps you could get back to us with an answer on those two. Mr I Anderson: Certainly. Senator FAWCETT: That would be great....	12 December 2016 L&C: 55
SBE16/123	Attorney-General	Civil Justice Policy & Programmes Division	Cameron	Details on cuts to community legal centres	Senator CAMERON: Have you been advising on this \$34.8 million? There is a 25 per cent cut to community and legal centres. This is a cut going from this budget. In 2017 the cuts start. Correct? Ms Bogaart: Yes. Senator CAMERON: Have there been cuts between 2014 and 2017? Ms Bogaart: To the community legal services? Senator CAMERON: Yes, the legal centres. Ms Bogaart: There were some reductions made to environmental defenders offices. But, other than that, no, there have not been any in the professional partnership agreement. Senator CAMERON: What was the cut to community and legal centres, including the environmental defenders? Ms Bogaart: It is a really complicated mathematical equation. Can I take that one on notice, please. I am happy to provide those figures. Senator CAMERON: That is fine.	12 December 2016 L&C: 60
SBE16/124	Attorney-General	Civil Justice Policy & Programmes Division	Macdonald	Details on harmonisation of procedures	CHAIR: Can you explain for the uneducated—as some of us have been called—what harmonisation means? Dr Smrdel: Thank you for the question, Chair. As I said, we have the Administrative Appeals Tribunal, we have the social services appeals tribunal and the migration and refugee review tribunals. Each of those tribunals has different processes, different procedures. So rather than something that users would necessarily experience, it is really just looking more at back office-type reforms to see if there are things that one tribunal does that others could do as well—to have consistent processes across the board. There might be some good reasons for some different processes. This is part of what the review is all about—to map what the different processes are in train and to see if there are things that can be done to harmonise the process across the board. If it is the case that there are differences for good reason, then so be it. But I think it is a useful exercise to go through that all to see what can be achieved to streamline and to get some further efficiencies. CHAIR: Is it the practice of the president, Justice Kerr, to get all of the commission's tribunal members together at various times to try to get some commonality and some consistency of decision-making? Is that something that happens as a matter of course? Dr Smrdel: It is probably a question that would be more appropriately put to the tribunal itself. They have a leadership group. Across all the divisions—there are division heads in the migration area, in the social services and child support division, and other divisions, too—I am sure that they discuss practices, but I think it is a question better put to— CHAIR: Yes. No, no— Dr Smrdel: We can take that on notice. Senator Brandis: I have a view about that, Senator Macdonald, and the answer to your question is, generally, yes—it is desirable. Although it has not attracted a very great public notice, the amalgamation of the various merits review tribunals into a uniform structure under the AAT, which took place from 1 July last year, was a very, very significant piece of law reform. The history of administrative law in the modern history of this country goes back to 1971 when the great Sir John Kerr at that time, in his capacity as a member of the judiciary, produced the Kerr report, which recommended there should be a single uniformed merits review body that would deal with Australian administrative law and that it should be a single system. The Kerr report was adopted, but, in the years since, a number of individual merits review tribunals outside the AAT structure, like the Social Security Appeals Tribunal, the migration and refugee review tribunals, and so on, grew up. The effusion of these separate tribunals with their separate cultures and different principles and attitudes and practices really violated the simplicity of Sir John Kerr's vision of a uniform administrative law structure in Australia. So what was achieved—and I do want to pay credit to Duncan Kerr's leadership in this regard—from 1 July last year was to integrate all of these into a single body. It is still a body with different divisions reflecting	12 December 2016 L&C: 63

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					specialisms, but nevertheless the idea that administrative review should operate under a uniform body applying a uniform set of legal principles has been revived under this new structure. CHAIR: Thanks for that.	
SBE16/125	Attorney-General	Australian Government Solicitor	Watt	Date of AGS legal advice to ATO	Senator WATT: Mr Moraitis, this question might be more appropriately directed to you. I am trying to remember whether, in the evidence we received last week, we got the date that the ATO first obtained legal advice from the Australian Government Solicitor about the Western Australian legislation. I am not asking about what the advice was but the date that they first sought advice. Mr Moraitis: I do not think that we provided that. I would have to take that on notice, I think. Senator WATT: If you could, yes. Mr Moraitis: I will provide you with the date. Senator WATT: Thank you. And—	12 December 2016 L&C: 66
SBE16/126	Minister for Justice	Countering Violent Extremism Centre	Fawcett	Funding of research regarding countering violent extremism programmes	Senator FAWCETT: I am just wondering if there are specific programs that we are funding in universities here in Australia and, if so, could you give us the dollar figures that we are providing to universities for running research or evaluation type programs? Are there any partnerships where we are funded partners with overseas bodies, like the Institute for Strategic Dialogue in London, for example? Ms Jones: Certainly we have been working closely with academia here in Australia. Deakin University, the Australian National University, Monash University and others around the country, like the University of Queensland, have been working with us, to help us, in some circumstances, develop tools to assist us in our programs, and sometimes to help us in terms of doing mapping exercises around appropriate community organisations that we could work with in the countering violent extremism area, and in terms of commissioning research to help us in terms of better development and refinement of our programs. In terms of the specifics, I can take on notice to provide you with a little bit more detail around that. Suffice it to say that we recognise that there is good expertise out there in certain universities and with certain academics, and we do try to work closely with them where appropriate. In terms of partnering with overseas organisations, there are a range of organisations that we have worked with who have specialist expertise. If I could mention just a couple: there is the Hedayah institute, which operates out of Abu Dhabi, which has world-renowned expertise in terms of developing countering-violent-extremism programs and research, and we partnered with them to develop some material around counter-narratives for use in South-East Asia that were particularly focused on developing messages that would resonate in our region, and so we have partnered closely with them. I am not sure if perhaps Ms Sherburn can add anything more to that; otherwise, we can take that on notice. Ms Sherburn: We engage a lot with expertise and think tanks from around the world, and we will certainly take on notice if we have procured any research. But certainly there is an ongoing dialogue and discussion with the leaders of CVE research and thinking—in fact, there was a CVE research summit, facilitated by the Hedayah institute, in Jakarta last week, to which we sent an officer.	12 December 2016 L&C: 71 & 72
SBE16/127	Attorney-General	Australian Government Solicitor	Watt	Breakdown of costs in FOI matter	Mr Kingston: I have recently been appointed as the Australian Government Solicitor and this is my colleague Matthew Blunn. Senator WATT: Thank you both for joining us. I appreciate you have only very recently been appointed to that role, so you may require some assistance with these questions. I do not know whether, in that case, these are questions for Mr Moraitis or yourself. Senator Brandis's explanation as to why he would not comply with the original FOI application was his concern that it would interfere with his daily duties and take hundreds of hours to process and the costs to taxpayers that would have arisen from that. Have either of you or your agencies compiled a breakdown of the cost that has been incurred in defending this action? Mr Moraitis: I will defer to the AGS because we keep these processes distinct. Mr Kingston: We will take that question on notice. Senator WATT: Okay. You do not have that information to hand? Mr Kingston: There would be two questions. Firstly, I do not know if we have it to hand. Secondly, it is a matter that we would normally refer to the client we have charged the cost to rather than taking it upon ourselves to disclose that. Senator WATT: So are you claiming some form of public interest immunity? Mr Kingston: It is at least something we wish to discuss with the client which is one reason I would like to take the question on notice. Senator WATT: It is obviously entirely appropriate at this estimates proceeding to ask questions around the expenditure of departmental funds, which is what has occurred in defending this litigation. CHAIR: It has, and you have an answer to it. Senator WATT: Are you going to take that on notice? Mr Kingston: Yes. Senator WATT: In doing so, could you also provide a rough indication of how many hours public servants have devoted to processing this freedom of information request and in assisting with Senator Brandis's defence of this litigation? Mr Kingston: Lawyers at AGS will not have been processing the request. In relation to legal work that is done, my answer would be the same as the one I gave— Senator WATT: You will take it on notice?	12 December 2016 L&C: 74

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
SBE16/128	Attorney-General	Office of Constitutional Law	Pratt	Bell litigation	<p><u>Questions for Senator Brandis</u></p> <ol style="list-style-type: none"> The ATO have given evidence to the ‘Bell Inquiry’ that a request was made on or before 5 June from your office of the Attorney General for a briefing from the ATO regarding the introduction of the Bell legislation. <ol style="list-style-type: none"> What date was that request made? Did the Attorney-General make that request personally? If the Attorney-General did not make that request personally, who made the request? When the Attorney-General was informed that a request for a briefing from the ATO has been made? The ATO have given evidence to the ‘Bell Inquiry’ that that they had provided ministers with further written and verbal updates on the Western Australian government's proposed legislation in June, July and August 2015. <ol style="list-style-type: none"> Did the ATO provide those verbal and written updates to the Attorney-General and/or his office? What date/s were those updated provided. Were they written or verbal? Did the Attorney-General receive any briefing, either from his office, the AGD or any other agency, about the Bell matter prior to the 3 March 2016? On which date did the ATO seek advice from the Australian Government Solicitor about the Western Australian “Bell” legislation. Did the Attorney-General receive a briefing from his office or department around 28 January 2016 on the question of whether the Commonwealth should intervene in the Bell proceedings? Did you the Attorney General speak to the Department prior to 3 March about potentially intervening in this High Court matter? 	Written
SBE16/129	Attorney-General	Strategy and Delivery division	Pratt	Senator Brandis diary litigation	<p><u>Question for the department</u></p> <ol style="list-style-type: none"> The Government’s statement of ministerial standards states: <i>Statement of Ministerial Standards</i> 1.3(iii) Ministers must accept accountability for the exercise of the powers and functions of their office – that is, to ensure that their conduct, representations and decisions as Ministers, and the conduct, representations and decisions of those who act as their delegates or on their behalf – are open to public scrutiny and explanation. Does Senator Brandis’ approach to FOI law live up to this standard? <p><u>Questions for Senator Brandis</u></p> <ol style="list-style-type: none"> Is there any basis on which to assume that the cost of complying with the FOI request for Brandis’ diary that led to a hearing of the Full Court of the Federal Court would have been less than the cost of the case? We are nearly four months now after that ruling of the Full Court of the Federal Court. What is the current status of the order being processed? Is complying with the request as ordered, in fact, interfering with the work of the Attorney-General as was originally argued? 	Written
SBE16/130	Attorney-General	Civil Justice Policy & Programmes Division	Pratt	Cost of private briefs	<p><u>Questions for the department</u></p> <ol style="list-style-type: none"> On how many occasions has the department paid for the services of private barristers from 18 October 2015 to today? How does that compare to the previous 12 months? What is the total cost of those private briefs? How does that compare to the previous 12 months? On how many occasions has David Bennett QC received a brief from the Department? What was the total cost of those briefs? On how many occasions has David Jackson QC received a brief from the Department? What was the total cost of those briefs? Can the Department provide names of all counsel briefed by the Commonwealth from 18 October 2015 to today? And the amounts paid to each of those counsel? When did the Commonwealth cease the previous practice of publishing these names and amounts online? 	Written
SBE16/131	Attorney-General	Civil Justice Policy & Programmes Division	Pratt	Legal assistance funding	<p><u>Questions for the department</u></p> <ol style="list-style-type: none"> What projects or services have been funded using the \$100 million allocated for initiatives under Third Action Plan under the National Plan to Reduce Violence against Women and their Children? What process occurred to determine allocation of that funding to legal assistance services, including community legal centres? How much of the government’s \$30m of funding towards the Third Action Plan for Prevention of Violence Against Women and Their Children was allocated to Aboriginal and Torres Strait Islander community controlled legal services? How much of the previous allocation of \$15m of funding to legal assistance services under the Women’s Safety Package was provided directly towards Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services? In relation to the significant rates of family violence in Indigenous communities, what measures are being adopted to counter these statistics? What data does the department base its funding decisions on when it is widely known that family violence statistics are widely under-reported? 	Written

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					<p>7. How is the department collecting data to inform their funding decisions? How standardised and reliable is that data across the states and territories?</p> <p>8. What criteria are applied in assessing the diverse funding needs of metropolitan and rural, regional and remote community legal centres?</p> <p>9. In relation to next year's funding cuts to the community legal sector, what considerations have been given to the impact of these cuts on rural, regional and remote service delivery?</p> <p>10. How will Government ensure that funding to rural, regional and remote areas is fair and equitable, and acknowledges the higher costs of service delivery, and the challenges associated with delivering services to Australia's most disadvantaged people?</p> <p>11. The Community Legal Services Program within the Attorney-General's Portfolio contains funding over the forward estimates.</p> <ol style="list-style-type: none"> What does the \$7.906 mill in 2016-17 include? What does that \$7.704 mill in 2017-2018 include? What does the \$2.627 in 2018-19 include? What does the \$2.661 million in 2019-20 include? <p>12. How much funding is available for the discretionary grants programme, administered by the Department, over the forward estimates?</p> <p>13. Is there an application round planned in the coming months?</p> <p>14. Under the National Partnership Agreement on Legal Assistance Services, how much Commonwealth funding has been provided for each jurisdiction to undertake services planning processes?</p> <p>15. How are service planning processes required under the National Partnership Agreement on Legal Assistance Services progressing in each jurisdiction?</p>	
SBE16/132	Attorney-General	Civil Justice Policy & Programmes Division	Pratt	Royal Commission into the Protection and Detention of Children in the Northern Territory	<p><u>Questions for the department:</u></p> <ol style="list-style-type: none"> Did the Department consult stakeholders prior to the establishment of the Royal Commission? If so, who, when and on what detail? Were stakeholders consulted on the terms of reference and the appointment of commissioners? What advice did the Department provide on the terms of reference, and when? What advice did the Department provide on the Commissioners, and when? Did the Department's advice to the Government include advice from the Solicitor-General? <p><u>Questions for Senator Brandis:</u></p> <ol style="list-style-type: none"> Indigenous Australians criticised you and the Government for ignoring their request to be consulted on the establishment of the Royal Commission. Are they correct in their criticism? What consultation did you undertake prior to announcing the terms of reference for the Royal Commission and appointment of Brian Martin? Did you consult indigenous leaders? Did you seek the advice of the Solicitor-General on the establishment of the Royal Commission? The Member for Warringah, Tony Abbott, has said that the Government rushed its response to the ABC report into the treatment of children in detention. Is the Member for Warringah correct? When did Brian Martin advise you that he intended to resign as Royal Commissioner? 	Written
SBE16/133	Attorney-General	Civil Justice Policy & Programmes Division	Pratt	Royal Commission into Institutional Responses to Child Sexual Abuse	<p><u>Questions for Senator Brandis:</u></p> <ol style="list-style-type: none"> Was the redress scheme discussed at COAG? If not, why not? What discussions/negotiations have been entered into with the states? Why wasn't there contact with all states prior to the redress scheme announcement being made? What costs will the Commonwealth cover as part of their announced redress scheme? Will the Commonwealth cover redress for <i>all</i> survivors who were abused by organisations that no longer exist? Not just those with a direct link to the Commonwealth or in Commonwealth areas of responsibility? Will the Commonwealth cover the administrative costs of the scheme? What do you expect the cost to the Commonwealth to be? Will the Commonwealth run a central administration of the scheme? Have States and Territories been consulted on the Commonwealth's costings of the scheme? What is the timeline for agreement and implementation of the scheme? What is the timing of the establishment of the Advisory Council? Who will be on it? What efforts has the Government made to encourage States and Territories to opt in to the scheme? What efforts has the Government made to encourage institutions to opt in to the scheme? How will the opt-in scheme ensure that survivors who were abused in one state and now live in another receive redress? What will happen to a survivor who was abused by a State that chooses not to opt in? What will happen to a survivor who was abused by an organisation that doesn't opt in? 	Written

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
SBE16/134	Minister for Justice	Criminal Justice Policy & Programmes Division	Pratt	Safer Communities Fund	<p><u>Questions for the department:</u></p> <ol style="list-style-type: none"> How much funding was committed to the Safer Communities Fund during the 2016 election campaign (<i>the Campaign</i>)? How many recipients were announced during the Campaign? How much funding was committed all up across all the recipients? Who was responsible for the initial identification of these organisations? Were these recipients selected prior to the 2016 election? Who proposed the establishment of the Safer Communities Fund (did it originate in the Department or through the Minister's office/Liberal party)? When was the Department first made aware of the Safer Communities Fund? And when did the Department take carriage of the roll out of the Safer Communities Fund? What is the relationship between the Safer Communities Fund and Safer Streets Program? How is the Safer Communities Fund funded? Is it funded through existing appropriations or Proceeds of Crime revenue? How much funding has been allocated so far for Safer Communities Fund grants? When will this money be made available to Safer Communities Fund recipients? How many organisations have received letters from the Minister asking them to apply for grants under the Safer Communities Fund? Is the Safer Communities Fund application available broadly, or only to organisations which are invited? Or will applications open to other groups and organisations? When do applications open? Will the application process be advertised? How? How widely? What information will organisations be required to provide? Who will determine who is successful? Who has oversight over this process? What information will organisations be required to provide in the application process? How many organisations who had previously been promised funding under the Safer Communities Fund during the 2016 election campaign received a letter asking them to apply? Were all organisations promised funding under the Safer Communities Fund during the election asked to apply for their funding after the election? Will any organisations promised funding during the Campaign receive their funding from the Safer Communities Fund without being required to now apply? Is it possible that any project which was the subject of a Safer Communities Fund commitment during the election will be rejected in this application process? When the letter says 'subject to budget outcomes', does this mean a recipient could be eligible but not receive a grant under the Safer Communities Fund? Can the Department confirm the government's \$40m commitment? Can the Department confirm whether all projects promised funding will receive funding? Has the Minister contacted the Department about any specific recipients? Will the grants be targeted at specific geographic areas or organisations? On what basis? Are there any eligibility requirements? If so, what are they? Will applicants be required to demonstrate the necessity for and the potential impact of a proposed project? What are the criteria on which applications will be judged? Will consideration be given to whether or not a recipient of a Safer Communities Fund grant has the capacity to manage a project? Will consideration be given to whether or not a recipient of a Safer Communities Fund grant has the capacity to administer funds? Will consideration be given to whether key stakeholders and the community groups support the organisation/project? If the project is to be implemented in an Indigenous community, will consideration be given to consideration given to whether or not the organisation in receipt of a Safer Communities Fund grant has the support of that community, relevant organisations or community leaders? 	Written
SBE16/135	Minister for Justice	Criminal Justice Policy & Programmes Division	Pratt	Trafficking and slavery	<p><u>Questions for the department:</u></p> <ol style="list-style-type: none"> Please provide an organisational chart of the team working on human trafficking and slavery within the Department. How many full time equivalent persons work on human trafficking and/or slavery in the Department? What are their classifications? Please provide a breakdown of the number of victims of trafficking had been provided with assistance that have received support 	Written

Q No.	Responsible Minister	Division or Agency	Senator	Subject	Question	Hearing Date and Proof Hansard Page or Written
					<p>from the Department and/or the AFP for each of the following years:</p> <ol style="list-style-type: none"> 2012 2013 2014 2015 2016 <p>5. Please provide a breakdown the number of investigations and assessments of trafficking-related offences that occurred in each of the following years:</p> <ol style="list-style-type: none"> 2012 2013 2014 2015 2016 <p>6. Please provide a breakdown of the number of persons prosecuted for people trafficking-related offences for each of the following years:</p> <ol style="list-style-type: none"> 2012 2013 2014 2015 2016 <p>7. Please provide a breakdown of the number of persons convicted for people trafficking-related offences for each of the following years:</p> <ol style="list-style-type: none"> 2012 2013 2014 2015 2016 <p>8. When did the Government convene the Working Group on Slavery in Supply Chains (<i>Working Group</i>)?</p> <p>9. When were members selected for the Working Group?</p> <p>10. Who selected the members of the Working Group?</p> <p>11. Please list the dates of every meeting of the group and which city each meeting was held?</p> <p>12. How much money was spent on the Working Group?</p> <p>13. Were any submissions received to the Working Group?</p> <p>14. If so how many submissions were received?</p> <p>15. Who submitted these documents?</p> <p>16. Did the Working Group process involve the preparation or development of a working paper or a green paper or issues paper?</p> <p>17. Did the Minister and his office meet with any non-government stakeholders in this area who were not members of the Working Group during the Working Group process?</p> <p>18. On what date did the Working Group provide its report and recommendations to the Government?</p> <p>19. How many recommendations were contained in the report?</p> <p>20. Please list the recommendations of the Report.</p> <p>21. Has the Government accepted the Report?</p> <p>22. Will the Government make the Report public? If not, why not?</p> <p>23. When will the government implement each recommendation of the Report?</p> <p>24. Has the Government made any changes to its policy on human trafficking following the Working Group process?</p> <p>25. Has the Government explained to participants of the Working Group why they have not proceeded with the other measures in the Working Group's recommendations?</p> <p>26. Has the Government ruled out proceeding with any recommendations of the Working Group?</p> <p>27. How many full time equivalent persons in the Department worked on the Working Group?</p> <p>28. What are their classifications?</p> <p>29. Is the Government considering adopting a British-style Modern Slavery Act?</p> <p>30. When was the Australian Government's Communication and Awareness Strategy for Human Trafficking and Slavery (<i>Communication and Awareness Strategy</i>) set up?</p> <p>31. How many full time equivalent staff in the Department currently work on this Communication and Awareness Strategy?</p> <p>32. How much ongoing funding has the Communication and Awareness Strategy received?</p>	

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					33. Please outline the work done to date (including papers prepared, documents created, key online resources, any meetings or outreach, and materials created) for each of the following streams within the Communication and Awareness Strategy: <ol style="list-style-type: none"> Stream 1: Personal (forced marriage and exploitation in intimate and family relationships) Stream 2: Professional (labour exploitation) Stream 3: Physical (organ trafficking) Stream 4: Production (ethical procurement) Has an overarching stream focusing on general human trafficking and slavery issues been developed?	
SBE16/136	Attorney-General	National Security Division	Pratt	Use of Whatsapp	<p><u>Questions for the department:</u></p> <ol style="list-style-type: none"> Is Whatsapp on the Australian Signals Directorate (ASD) list of approved platforms for cabinet and sensitive communications? Where are Whatsapp’s servers located? What are the risks that the use of non-secure communication platforms, rather than secure government servers, presents to Australia’s security? Are the Prime Minister and his Ministers defying the advice of one of the Government’s key national security advisers that even unclassified information should not be shared on non-ASD approved platforms if that information is sensitive? <p><u>Questions to Senator Brandis:</u></p> <ol style="list-style-type: none"> Do you use Whatsapp or any other communication application not currently approved by the ASD? Why isn’t the Prime Minister ensuring that his Ministers are complying with their integrity obligations? 	Written
SBE16/137	Attorney-General	National Security Division	Pratt	IT equipment security	<p><u>Questions for the department:</u></p> <ol style="list-style-type: none"> There are concerns regarding the security of phones and other electronic devices of parliamentarians, bureaucrats and federal staff members travelling overseas. What is the nature and extent of these concerns? Without wanting to draw attention to any nation, would travel to China, Hong Kong and Taiwan be considered a security risk? How many cybersecurity incidents have the various security agencies responded to each year since January 2014? In 2014 the then Assistant Minister for Defence the Member for Fadden travelled to China. Was the Department aware of Mr Robert’s travel to China? Did the Department provide Mr Robert with a secure phone for this trip? Did the Department inspect or cleanse Mr Robert’s electronic devices once he returned to Australia? Did any incidents or attempted incidents of cybercrime occurred in relation to Mr Robert’s trip? What about the loss of former Assistant Minister Member for Mayo’s phone on a drunken night in Hong Kong in 2015? 	Written
SBE16/138	Minister for Justice	Countering Violent Extremism Centre	Pratt	Response to the ANAO report on the Living Safe Together Grants Programme	<p><u>Questions for the department:</u></p> <p><i>The Application Process</i></p> <p>The ANAO points out that the “processes through which applications were selected and subsequently awarded funding were flawed in significant respects” [page 7]. In particular, the ANAO notes that there were “... a number of departures from the published programme guidelines” [page 9].</p> <ol style="list-style-type: none"> What response has the Department taken in response to this finding? What steps is the Department taking to ensure that this does not happen for future applications? <p>The ANAO notes that many applications failed to comply with the application requirements because they failed to attach a letter of support, or referee details [page 32]. Even where applicants did provide referee details, the ANAO report found that “the department did not follow up referees who were unable to answer the initial phone call. The department also decided not to contact some referees.” [page 40].</p> <ol style="list-style-type: none"> Why did the Department fail to ensure the applications contained referee details or letters of support? Why did the Department fail to contact referees? What steps is the Department taking to ensure that this does not happen for future applications? <p>The ANAO report also found that 10% of applications granted were ‘proposed services aimed at groups or communities more generally’, which was an area that AGD said would not be considered for funding under this project.</p> <ol style="list-style-type: none"> Why did the AGD decide accept applications that Department said would not be considered for funding? Will the AGD accept future applications for these types of services? <p><i>Money</i></p> <ol style="list-style-type: none"> How much money was awarded under this program? <p>The ANAO report found that “Only 21 of the 42 recommended and approved applications should have been successful...” [page 7]. The ANAO estimates that this represents around \$1 million of the \$1.9 million awarded [page 7]</p>	Written

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					<p>9. Does the Department agree with the ANAO's finding that 1 million of the 1.9 million awarded went to applications that did not fulfil the Department's criteria?</p> <p>10. How much money has been spent improving the systems for this programme, including the application process?</p> <p>The ANAO report also found "...a key shortcoming in the programme guidelines was that AGD had not made clear enough to applicants that a key purpose of awarding grants was to have funding recipients register for the Countering Violent Extremism Directory." [page 8]</p> <p>11. How many recipients registered for the CVE Directory?</p> <p>12. What steps has the Department taken to encourage further organisations to sign up to the CVE Directory?</p> <p>13. What measures will the Department put in place to ensure that future recipients register for the CVE Directory?</p> <p><i>Further improvement</i> The ANAO in its report acknowledges the AGD's submission that you have made improvements since the report's proposal. However, the ANAO noted that there remained "considerable scope for improvement in AGD's administration of grant programmes." [page 8]</p> <p>14. What steps has the Department taken since the ANAO report to improve the administration of this programme?</p>	
SBE16/139	Attorney-General	Emergency Management Australia	Pratt	Australian Government Disaster Financial Support Payments	<p><u>Questions for the department</u></p> <p>1. In 2010, 2011, 2012, 2013 plant and equipment costs were reimbursed under NDRRA, even if it wasn't explicitly granted eligibility under the determination?</p> <p>2. And councils did a lot of disaster recovery work using their own plant and equipment in that period?</p> <p>3. When did you change the eligibility requirements under the Natural Disaster Relief and Recovery Arrangements?</p> <p>4. When did you communicate this to councils?</p> <p>5. From when did this change apply?</p> <p>6. This was after the councils had already invested in plant and equipment costs for disaster relief and recovery on the basis that they would be reimbursed?</p> <p>7. What was the accepted practice in place at the time the reconstruction works for 2014 events commenced?</p> <p>8. This is a retroactive change?</p> <p>9. What did these councils do wrong such that you are denying them \$10 million?</p> <p>10. Isn't plant and equipment critical for disaster recovery?</p> <p>11. You have approved an exemption for day labour, why not plant and equipment?</p> <p>12. I know the Queensland government has made representations to you about this matter - have you had any representations from Government members about this taking of money from retrospective decision?</p> <p>13. Taking this money from these communities - have you done any modelling on the number of local jobs it will cost now that remote and regional Councils are being forced to move to contracting works out?</p> <p>14. Has your department done any analysis on the review conducted by the Queensland Reconstruction Authority (QRA) and tabled in the Queensland parliament that has shown that the use of day labour and council owned plant and equipment costs is almost 25 per cent less than external contractor plant costs and is often the only option available to the more remote councils?</p> <p>15. If this change is about saving money, why won't this Government support a more cost effective solution?</p> <p>16. <i>These communities are already doing it tough dealing with drought and these councils have a comparatively low rates base to fund this unplanned expenditure. Cost estimates indicate that affected local governments could be out of pocket by more than \$10 million as a result of the Commonwealth suddenly changing the rules. Some of the hardest hit councils include Winton Shire Council, Barcaldine Regional Council and Barcoo Shire Council. This means places like Yeppoon in Queensland, areas of the Torres Strait north of Cairns and to a greater extent areas in Western Queensland. These 30 councils are almost exclusively in Coalition held electorates, why is the Government deserting not only Queenslanders, but their own MPs?</i></p> <p><i>Media release (29 Nov 16)</i></p> <p>17. On 29 November 2016, Minister for Justice Michael Keenan put out a media release titled 'Getting Disaster Payments Right in Queensland'. Were EMA asked to fact check this media release?</p> <p>18. Is it correct that the \$50 million referred to incorrectly as a 'rort' by Minister Keenan is in fact made up of unexpended Commonwealth advances and a series of minor adjustments agreed collaboratively between Qld and EMA?</p> <p>19. And is it true that EMA has previously and specifically advised the Queensland Reconstruction Authority not to apply the \$43 million in unexpended advances to the 2014-15 claim?</p> <p>20. Is it incorrect for this \$50 million adjustment to a \$1.1 billion claim to be termed as 'rorts' by the Minister because in fact there was nothing fraudulent or dishonest in this claim identified by the Commonwealth?</p>	Written

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					<p>21. Was the independent auditor engaged by the Commonwealth to re-examine Qld’s prior claims was engaged because of a previous ANAO report which was critical of EMA’s lack of assurance processes?</p> <p>22. And until this point EMA had failed to conduct any audit or assurance work on Qld’s claims dating back to 2009?</p> <p>23. Is it also correct that this expenditure was identified by the QRA and the QAO as part of the ‘725 project’ and taken out of final claims before they were submitted to the Commonwealth for reimbursement?</p> <p>24. Doesn’t this prove that ‘Queensland has implemented a strong framework to administer NDRRA’ as was acknowledged by the Commonwealth’s own independent auditors?</p> <p>25. That being the case, how can the Minister say the Queensland Government and local councils are submitting dishonest claims for disaster funding reimbursement?</p> <p><i>The independent assurance work (PwC) and expected payment of \$1B</i></p> <p>26. Following the shock decision in the Federal budget in May this year to defer Queensland’s disaster funding reimbursement over 2 outer years, EMA appointed PwC to undertake independent assurance work over Queensland’s claims dating back to 2009. Has this independent assurance work now been completed?</p> <p>27. What were PwC’s findings in relation to the sampling of the claims?</p> <p>28. Were any material discrepancies identified by PwC?</p> <p>29. What did the report find in regards to the practices undertaken by the Queensland Audit office in relation to its audit of Queensland’s claims?</p> <p>30. As part of the 2016-17 Budget, the Commonwealth moved Queensland’s 2014-15 financial claim to the 2016-17 and 2017-18 financial years, to ensure that the funds were still budgeted for while the assurance process was underway. Now that this assurance process is complete, why is there a continued delay in processing the payment?</p> <p>31. Can you give comfort to Queensland communities, heading into disaster season right now, around your audit and assurance requirements as well as timeframes for reimbursement for future claims, or will this government continue to change the rules on a whim to suit themselves?</p> <p>32. Although I understand the negotiations with the states for this new model are ongoing, hasn’t the commonwealth failed to commit to reimbursement timeframes as part of the proposed new model?</p> <p>33. Will that change, given the impact this uncertainty has on disaster stricken communities?</p>	