

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: Other Agency

Question No. AE15/008

Senator Reynolds asked the following question at the hearing on 24 February 2015:

Ms O'Brien: Sorry, if I could just finish. Because we had not started the inquiry by December; we were just thinking about what the terms of reference would be—

Senator REYNOLDS: Sorry, December?

Ms O'Brien: 2013. The inquiry was not launched until early in the following year. So were thinking about what powers we were going to need to rely on, what the terms of reference were going to look like. We had noticed that information was not flowing as freely, so it looked like we were going to need to use our inquiry power. It was as simple as that.

Senator REYNOLDS: Would it be safe to say then that the situation up to this point, you had some observations—and I will come back to those on Operation Sovereign Borders—that you had a very collegiate and good working relationship? The secretary for the Department of Immigration and Border Protection confirmed that last night. So you had a good working relationship and the information that you needed was freely provided by the department until the change of government and the change of policy in terms of Operation Sovereign Borders. Before we move on, can you just clarify at that point what information specifically did you not get from the government that triggered this concern?

Ms O'Brien: When this passage of evidence took place this morning I think I agreed to take that question on notice to give you some specific examples of information that we had been provided in the past that we were no longer able to access in the future.

Senator REYNOLDS: I accept that you will take that little sliver on notice. We had General Campbell here last night giving evidence and also the secretary. My understanding of Operation Sovereign Borders and the restriction of information publicly was in relation to the on-water operations. Operation Sovereign Borders, as I understand it, is just the on-water operations. So the restriction on information under Operation Sovereign Borders was only not to telegraph to people smugglers what their operational activities were on the water. So that is on water. But Operation Sovereign Borders, as I understand it, did not relate to the operations of the detention networks and the relationship of the department of immigration—Senator Hanson-Young, if you would like to give evidence please feel free to ask the chair, but my question is to Professor Triggs. I please ask you to allow her to finish—

Ms O'Brien: That may well be the case, and I can certainly take it on notice. My understanding—

The answer to the honourable senator's question is as follows:

Please see the response to AE15/005.