

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
AE15/001	Australian Human Rights Commission	O'Sullivan	Redactions in documents	<p>Senator O'SULLIVAN: Not necessarily, Ms O'Brien. I am interested in a copy of the work plan 2013, the April draft, without redactions.</p> <p>Ms O'Brien: We can certainly take that question on notice.</p> <p>Senator O'SULLIVAN: Do you have a copy with you—an unredacted copy?</p> <p>Senator WONG: She has taken it on notice.</p> <p>Ms O'Brien: I have taken the question on notice.</p>	24 February 2015 L&CA 9
AE15/002	Australian Human Rights Commission	Collins	Submission of comments to the draft version of <i>The Forgotten Children National Inquiry into Children in Detention in Immigration Detention</i>	<p>Ms O'Brien: And that is what I was referring to also. Any specific issues that were raised we took on board, and the report was amended accordingly. There were some general observations made but, so far as they were not particularised, we were not able to pick them up and make specific amendments in relation to those general, perhaps more thematic concerns. But all of the specific issues raised by the department, I understand, were picked up and amended, and the report was amended accordingly.</p> <p>Senator JACINTA COLLINS: Is there any reason we could not have those amendments made available to us?</p> <p>Ms O'Brien: I might have to take that on notice.</p> <p>Senator JACINTA COLLINS: I understand you may have to consider matters such as public interest immunity in responding to such matters, which the Attorney seems quite satisfied about in respect of other matters. But I am happy for you to do so.</p> <p>Ms O'Brien: Thank you.</p>	24 February 2015 L&CA 13
AE15/003	Australian Human Rights Commission	Collins	Amendments to the draft version of <i>The Forgotten Children National Inquiry into Children in Detention in Immigration Detention</i>	<p>Senator JACINTA COLLINS: So adjustments were made to the draft. A final copy of the report was provided to both departments on 11 November. What precisely does that final copy of the report include from Immigration? Is it simply their response to the findings that are published with the report, or is it also expression of their more thematic concerns?</p> <p>Ms O'Brien: No. Our obligation in terms of our final report to the Attorney is to identify exactly what the department has said in response to our recommendations—what action, if any, they propose to take in response to our recommendations. However, in light of procedural fairness obligations, we have annexed the more thematic concerns the department had in relation to the report generally so that that is a matter of public record as well.</p> <p>Senator JACINTA COLLINS: So that is their thematic concerns, but from the report itself I could not backtrack and work out the actual amendments, could I?</p> <p>Ms O'Brien: No, you could not. I could give you a particular example, but I could not address every example today.</p> <p>Senator JACINTA COLLINS: Could I also ask that, in taking that on notice, you provide some more prompt consideration as to whether you might be able to make that available to the committee than in the normal question on notice type process.</p> <p>Ms O'Brien: Yes.</p>	24 February 2015 L&CA 13&14
AE15/004	Australian Human Rights Commission	Collins	Meetings held with the Minister and the department since 03 October 2014	<p>Senator JACINTA COLLINS: Professor Triggs, could you detail for me all meetings you have had since 3 October with either the Attorney or officers of the Attorney-General's Department.</p> <p>CHAIR: 3 October which year?</p> <p>Senator JACINTA COLLINS: Last year, Chair.</p> <p>Prof. Triggs: I will have to take that on notice, because I would want to be absolutely precise in answering the question, but I think, from memory, infrequently; although we did have dealings with the office to arrange for the Attorney's speech at the Human Rights Awards on 10 December. So, if you are concerned about that period, we would in particular have been responding to the usual queries with the Attorney's staff with regard to the speech and the timing et cetera.</p> <p>Senator JACINTA COLLINS: So the problem at the moment is partly because of how general my question is in terms of any officer of the department. Is that correct?</p> <p>Prof. Triggs: I think it is very general. I really would need to take it on notice to be able to look at exactly which officers I had spoken to and how often those meetings took place, but it was certainly very infrequent in relation to the Attorney at that time.</p> <p>Senator JACINTA COLLINS: Let's start at the top then. How many meetings have you have with the secretary?</p> <p>CHAIR: The Secretary of?</p> <p>Senator JACINTA COLLINS: A-GD.</p> <p>Prof. Triggs: I would have to take it on notice. I think there might have been one, but that is all I can recall.</p>	24 February 2015 L&CA 15
AE15/005	Australian Human Rights Commission	O'Sullivan	Impact on the Commission of the ceasing of delivery and	<p>Senator O'SULLIVAN: Thank you. As at 3rd December 2013, Professor Triggs, had your commission experienced a ceasing of the delivery or sharing of information by then? Had you established that that was having an impact on the commission, that information previously provided you by the department of immigration was now not being</p>	24 February 2015 L&CA 20&21

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			sharing of information	<p>provided to you? Prof. Triggs: That is my understanding, yes. Senator O'SULLIVAN: Okay. Could you tell me what areas of information had once been provided that were now no longer provided? Prof. Triggs: I would be very happy to provide you with that information on notice. Senator O'SULLIVAN: Okay. Do you have any independent thought on what this constriction was? Do you yourself remember thinking that the landscape had changed? Prof. Triggs: As I said a moment ago, I will take that on notice and consult staff to see the extent to which they were observing a failure to provide information that we had traditionally been receiving. CHAIR: We might have to leave it there, Senator O'Sullivan. You can obviously come back later on. Senator Bilyk.</p>	
AE15/006	Australian Human Rights Commission	Macdonald	Armed guards in immigration detention facilities	<p>CHAIR: Thank you. Why was the allegation first put in the draft report? On what basis was the allegation made? What substantiation was there that there were guard dogs—police dogs, sorry. Ms O'Brien: It was part of the evidence collected. I am not sure through what process that particular piece of evidence was collected, but it was either part of the interview process or perhaps a submission. I would have to take on notice exactly how that evidence was obtained by the inquiry. CHAIR: You will have to take that on notice. I could go through this in detail. There is the issue about dismissal of evidence provided to the commission on child mental health systems. I think the draft report said it is difficult to confirm the actual availability of child mental health specialists and services on the island, yet the department, or someone, the IHMS, on 19 September had written to you or given you information, written advice, of exactly which mental health specialists, which child psychiatrists, were there. So how was it that the draft report said 'It is difficult to understand it', when you had direct evidence that those professionals were there? Ms O'Brien: I am not sure whether there is some confusion as to whether they were general practitioners or whether they were specialists. We would have to take that question on notice. CHAIR: You have read the letter from the department which sets this out in spades. You may have changed it—I don't know. What I am asking is: how was the allegation first there? You do not need to take that on notice. You have read what the department said. Ms O'Brien: The allegation was accepted as part of the evidence collected for the inquiry. CHAIR: Yes, I accept that. But how did it come to be in the draft report when it was clearly not factual? You had been given the evidence, yet the draft report said you could not get any figures or evidence. Ms O'Brien: I am not sure we can conclusively say it was not factual. You are just pointing to the department's response. CHAIR: Oh, so you're saying that the department's advice to you is not factual? Ms O'Brien: I am saying that I do not have the information before me to talk about what specialists we are talking about, whether it is general practitioners or whether they are mental health specialists or whether they are paediatricians. I am very happy to take the question on notice, Senator.</p>	24 February 2015 L&CA 30
AE15/007	International Law and Human Rights Division	Wong	Senior role within government	<p>Senator Wong: Mr Reid, what is the basis of your advice that this should not be indicated? Chair: Can I just interrupt. The Senate rules provide that advice to government does not have to be talked about at these hearings. Senator Wong: What are the reasons you do not want the role identified? Senator Brandis: Senator Wong, since I was speaking, if I may finish. Mr Reid has given certain advice to the secretary and me. It is not advice that we have, as it were, encouraged—that is, he as a responsible officer has made a judgement. Now, what I am prepared to do—because I personally would quite like to answer your question—is take the question on notice and we will consider the matter.</p>	24 February 2015 L&CA 51
AE15/008	Australian Human Rights Commission	Reynolds	Ability to access information from government	<p>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</p>	24 February 2015 L&CA 56&57

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>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?</p> <p>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.</p> <p>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—</p> <p>Ms O'Brien: That may well be the case, and I can certainly take it on notice. My understanding—</p>	
AE15/009	Australian Human Rights Commission	Reynolds	Ability to access information from government – correspondence between AHRC and Mr Martin Bowles	<p>Senator REYNOLDS: You saw over a period of time, going back even before the caretaker period, that there had been a general drying up—</p> <p>Prof. Triggs: I would have to check my records; because, again, with regard to precise dates, I would like to check my records. And I would have to ask the staff of the commission at what time did they feel that the weekly meetings were not working. Usually, our staff could pick up the phone to their equivalent and get a very friendly and cooperative response; and, with whatever information they could properly give to us, they did. I need to get some dates, if that would help you, as to when we started to get the feeling that that level of cooperation with information was not at the same level.</p> <p>Senator REYNOLDS: But clearly if you had written to him 11 days after the caretaker period, you already had considerable issues. I presume you would have rung him. If you had not got an answer or you had got his response, you would have got on the phone to your colleague and said: 'Look, Martin, we've got an issue here. We're not getting the information we need anymore. What can we do to fix it?' What was his response? Did you contact him?</p> <p>Prof. Triggs: Again, we had good relations. I would have to take it on notice as to exactly what he said.</p> <p>Senator REYNOLDS: Thank you very much.</p>	24 February 2015 L&CA 59
AE15/010	National Security Law and Policy Division	Bilyk	Cancellation of welfare payments on security grounds	<p>Ms K Jones: The department seeks advice. It is informed from advice from ASIO and then provides information to the Department of Social Services asking whether those people are in receipt of welfare or not. If they are then the Attorney can issue a security notice, which is provided to the Minister for Social Services, who is the actual decision maker in relation to whether the welfare benefit is cancelled or not.</p> <p>Senator BILYK: Is the Attorney-General informed when the welfare payments are cancelled?</p> <p>Ms K Jones: That would be part of the process, yes. But at this point we have not had, under this mechanism, a cancellation yet.</p> <p>Senator BILYK: How is it proposed that the Attorney-General would be notified?</p> <p>Ms K Jones: I would have to take that on notice. We have worked with the Department of Social Services in order to be able to have a proper mechanism in place, but I would need to take on notice exactly how that comes about.</p>	24 February 2015 L&CA 86&87
AE15/011	National Security Law and Policy Division	Bilyk	Cancellation of welfare payments on security grounds	<p>Senator BILYK: So nobody has actually been cancelled yet?</p> <p>Ms K Jones: Not under these provisions. There have been cancellations under existing provisions that have been a part of the process for many years relating to the normal sorts of conditions upon which people would have welfare cancelled—that is, if they have left the country for a period of time and therefore cannot fulfil the requirements under the social security legislation in order to qualify for benefits.</p> <p>Senator BILYK: The Prime Minister made a comment in parliament and said, 'To the best of my knowledge and understanding, all of the foreign fighters who are currently overseas have had any welfare payments well and truly cancelled.' Are we able to clarify that that is the case?</p> <p>Ms K Jones: I would have to take that on notice.</p>	24 February 2015 L&CA 87
AE15/012	National Security Law and Policy Division	Bilyk	Cancellation of welfare payments on security grounds	<p>Senator BILYK: Obviously four have happened.</p> <p>Ms K Jones: I would have to take the specifics of that on notice. Obviously, in terms of the situation with people overseas, the information is changing on a regular basis. If I could take that on notice and come back, Senator?</p>	24 February 2015 L&CA 87

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				Senator BILYK: Thank you. How does the social services minister know who these people are?	
AE15/013	National Security Law and Policy Division	Bilyk	Cancellation of welfare payments on security grounds	<p>Ms K Jones: Once the Attorney-General's Department has received advice from the Department of Social Services that the people in question are indeed recipients of welfare, the department provides advice to the Attorney. Then he can issue a security notice that goes to the Minister for Social Services, and the Minister for Social Services makes the decision.</p> <p>Senator BILYK: When do we expect this process to be running smoothly—if I can put it that way?</p> <p>Ms K Jones: It is running now. As I said, there are four cases at the moment that are being considered with advice between our department and the Department of Social Services.</p> <p>Senator BILYK: You mentioned that there are other ways for people—for example, if they are travelling for a long time and therefore do not fill out the appropriate forms. Does that apply to anyone on welfare?</p> <p>Senator Payne: Portability issues—</p> <p>Senator BILYK: What other ways would there be, besides them travelling?</p> <p>Ms K Jones: I am sorry?</p> <p>Senator BILYK: Minister, I am happy if you—</p> <p>Senator Payne: It is a weird kind of arrangement.</p> <p>Senator BILYK: I do understand that—</p> <p>Senator Payne: She is doing a great job. If I can add anything, I will.</p> <p>Senator BILYK: It is handy to have you at the table.</p> <p>Ms Jones: In term of all the grounds on which cancellation of benefits could be made, I would have to profess that I am not an expert. I only know in terms of the security type grounds that have been introduced in this legislation. I would be happy to take that on notice and come back to you, in addition to the grounds that are provided for under the foreign fighters legislation, with what else there is.</p>	24 February 2015 L&CA 87
AE15/014	National Security Law and Policy Division	Bilyk	Cancellation of welfare payments on security grounds	<p>Ms Jones: In the mechanism that has been developed under the provisions under the foreign fighters act, once the cancellation has been done by the Minister for Foreign Affairs or the Minister for Immigration and Border Protection in relation to either the passport or the visa, then it comes to the Attorney-General's Department. We consult with the Department of Social Services, provide advice to the Attorney and it is the Attorney that provides the advice to the Minister of Social Services.</p> <p>Senator BILYK: What the roll of Centrelink officers once the decision has been made?</p> <p>Ms Jones: I would have to take that on notice. That part of the mechanism is the responsibility in the Department of Social Services and Department of Human Services.</p>	24 February 2015 L&CA 88
AE15/015	Constitutional and Corporate Counsel Division	Dastyari	Constitutional advice on appropriations	<p>Senator DASTYARI: I am not asking you whether there is a constitutional means of doing the appropriation. In fact, if I was doing that I would be asking you for advice to government. I am not asking for that. I am simply asking if you have provided advice to government on appropriation in relation to the \$5 billion fund that is being discussed and that I am discussing with you.</p> <p>Mr Faulkner: Yes. I am afraid I cannot answer that, because it is entirely possible that my officers have been involved in considering aspects of it. Personally, I do not recall having given any advice on that particular matter in the recent past, or even in the distant past, but I am often wrong in that my memory is not that great. As I said, there is a lot of advice given day-to-day. While I know it may seem evasive, I simply am in not in a position to say whether a particular—</p> <p>Senator DASTYARI: I am very conscious of time. Can you take it on notice?</p> <p>Mr Faulkner: Sure.</p>	24 February 2015 L&CA 94
AE15/016	Australian Federal Police	Collins	Information management and national-security	<p>Senator JACINTA COLLINS: The third example I wanted to ask about was in this evening's media. I have read a report on the Omarjan Azari case.</p> <p>Mr Colvin: Yes, this is a matter that was back in court today, I think, in Sydney.</p> <p>Senator JACINTA COLLINS: Are you aware of that report?</p> <p>Mr Colvin: I am not aware of the media reports but I am aware that the matter was back at court.</p> <p>Senator JACINTA COLLINS: I apologise for not having a copy of this available. It is just this evening's report. I will try to give you an opportunity to easily absorb the gist of what I am referring to. His barrister, Steve Boland, said comments by the Prime Minister, Tony Abbott, in the days and weeks after the counter-terrorism raids, were, as reported in <i>The Sydney Morning Herald</i> this afternoon, 'unprecedented interference in the criminal-justice process'. He went on to say, 'The people of Australia have been told there is a plot to behead somebody randomly. It is made up, your honour.'</p> <p>Mr Colvin: I have not seen the report. If it is reported that this is what his barrister has said, I am in no position to</p>	24 February 2015 L&CA 98&99

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				<p>say he has or has not.</p> <p>CHAIR: This is a current court case.</p> <p>Mr Colvin: It is a current court case, yes.</p> <p>Senator JACINTA COLLINS: I am not asking for comment on the case. I am asking questions in relation to information management around national-security matters. The assertion, in this case, was there was an unprecedented interference in the criminal-justice process. I assume from that—as I said, I have only picked this up this evening—that this is was another example of at least some people asserting that more information has been released into the public realm that could prejudice proceedings.</p> <p>Senator Payne: Chair, I do have concerns about discussing this in the public theatre of estimates as a matter currently before the courts.</p> <p>Senator JACINTA COLLINS: What I might do in this one, because it is only just currently being reported, as I said, is to give Mr Colvin an opportunity to reflect on what has been reported. He has responded to such concerns in relation to the earlier case that I indicated, which is why I have raised this one as at least a further report of concerns by some that the amount of information on national security matters is potentially compromising future proceedings. Are you happy to take that on notice?</p> <p>Mr Colvin: I am happy to take it on notice, and I will certainly be very careful about what we say about an ongoing matter. But as a general principle, it is not unusual or uncommon for material to be placed onto the public record, and I have no doubt that people form a view as to whether that is too much or too little. I will not comment on how the persons charged defence team wishes to conduct their defence; that is a matter for them. I will take my advice from our experience, and I also note the comments of the Commonwealth DPP in relation to what the Prime Minister said in parliament on 12 February.</p> <p>Senator JACINTA COLLINS: The reason I raise this one—I think, again, I have not given you a copy of this precise report—and you will take this on notice, was the quote—the assertion—that it is an unprecedented interference in the criminal justice process; that being comments made by the Prime Minister.</p> <p>Mr Colvin: As I said, that is a comment and an opinion by the defence team for the accused, and I am not going to make a comment on whether that is appropriate, right or not right.</p> <p>Senator JACINTA COLLINS: Again: I ask because you have reflected on comments made by others in relation to that earlier case, so I am giving you the same opportunity.</p> <p>Mr Colvin: As I said, in relation to 12 February, we gave explicit approval for the Prime Minister's statement in parliament on that day. I am not aware of what comments are actually in question here; the specificity is important. It is a matter before the court at the moment—literally before the court today—so I am going to be quite guarded and limited in what I will say.</p> <p>Senator JACINTA COLLINS: Which is why I am suggesting you take on notice—</p> <p>Mr Colvin: I am happy to take it on notice.</p> <p>Senator JACINTA COLLINS: what process occurred in relation to what information was released on this particular occasion.</p> <p>Mr Colvin: Absolutely.</p>	
AE15/017	Australian Federal Police	Milne	Referrals and investigations of journalists covering immigration and offshore detention networks	<p>Senator MILNE: I have a couple of lines of questioning. It was reported in January that journalists covering immigration and offshore detention networks are often reported to the police. Can you indicate to me how many referrals have been received and could you break them down into the number of referrals from an MP's office, a minister's office or a department or agency?</p> <p>Mr Colvin: We will just check if we have the figures in relation to how many current investigations or referrals we have had. I am quite certain that we will not have broken it down in the way that you have asked your questions and we will need to take that on notice.</p> <p>Ms Close: We do not have that level of detail, no. I will have to take that on notice.</p> <p>Senator MILNE: According to media reports, there have been a number of referrals—at least eight. How many journalists have been interviewed by the Federal Police in relation to those referrals?</p> <p>Mr Colvin: To the extent that we will be prepared to comment on ongoing investigations, we will answer that on notice, but we do not have that material with us at the moment.</p> <p>Senator MILNE: If you are going to take that on notice, could you also take on notice which law it is exactly that the people involved are alleged to have breached that would require the AFP to investigate the matter. Would you mind having a look at that?</p> <p>Mr Colvin: Certainly.</p>	24 February 2015 L&CA 99&100

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AE15/018	Australian Federal Police	Milne	Investor Visa Programme	<p>Senator MILNE: In terms of the significant investor visa program, there have been allegations that the significant investor visa program has been the means for laundering money, particularly from China but not exclusively so, and particularly into the property market in Australia. Can you indicate whether the AFP is involved in any cross checking with the significant investor visa program and the allegations of corruption from China and the Chinese government in particular in relation to those matters?</p> <p>Mr Colvin: That rings no particular bells with me. I do not believe that it rings any bells with the people at the front table with me, so we will take that on notice and come back to you if the AFP has had any referrals on those matters or if we have in some way been involved in the assessment of them. I do not believe that we are involved in the assessments.</p>	24 February 2015 L&CA 100
AE15/019	Australian Federal Police	Milne	Fraud and Anticorruption Team - external relationships	<p>Senator MILNE: Can you indicate to me what the relationship is between the Federal Police's fraud and anticorruption team or unit and CrimTrac? How do they interact?</p> <p>Mr Colvin: To be honest with you, not a great deal. CrimTrac is an agency that has no intelligence or investigative purpose. They are a data warehouse agency. They manage a lot the storage of central databases of law enforcement in this country. They are not an intelligence agency, and they are not an investigative agency. So the Fraud and Anti-Corruption Centre's interaction with CrimTrac, as part of the AFP, would be simply to access information that CrimTrac makes available to all law enforcement in this country.</p> <p>Senator MILNE: You would be aware of the criticism in today's media with regard to CrimTrac and its following up. Anyway, you obviously do not have that relationship—</p> <p>Mr Colvin: Senator, I have to be honest with you. I flew in from overseas at 12 o'clock today, so I am not aware of everything that was in the media but perhaps it was not CrimTrac. Was AUSTRAC the agency? That is more consistent with your line of questioning around money-laundering and flows of money. That would be AUSTRAC.</p> <p>Senator MILNE: Okay. Well let me broaden it. I thought it was CrimTrac when I heard it on the radio this morning. Can you just indicate to me how the fraud and anticorruption team work across agencies to maximise effectiveness in terms of following up this, or do we have a whole lot of silos? That is what I am actually trying to establish here</p> <p>Mr Colvin: It is a good question. No, we do not have a whole lot of silos. AUSTRAC are Australia's financial intelligence unit and they are the agency that runs the database that contains the flows of money into and out of this country. We work very closely with them on the analysis of those flows, the trends and the intelligence that may come from that which may be a pointer to further criminality—in which case, that would be a referral. So, again, AUSTRAC themselves do not investigate and take matters to prosecution. We work with AUSTRAC, as we do with the Australian Crime Commission, another important agency that has a key role in terms of understanding the illicit flows of money in Australia. The Fraud and Anti-corruption Centre would work very closely and does—as does all of the AFP—with the Australian Crime Commission.</p> <p>I am not aware of the specific criticisms that have been raised on this, but I am happy to take it on notice and have a look at it. But certainly from my perspective, we reinforce at every juncture, as do all of my police colleagues around the country, that we do not operate in silos. This information is central to our investigation. To the extent that AUSTRAC, as our financial intelligence unit, provides the analysis of money flows, that is the bread and butter for somewhere like the Fraud and Anti-corruption Centre to start their investigation. I think perhaps we have been given some more information.</p>	24 February 2015 L&CA 101
AE15/020	Australian Federal Police	Wright	Journalists publishing information	<p>Senator WRIGHT: I have some further questions along the line of questioning that Senator Milne was pursuing, regarding referrals in section 70 of the Crimes Act, in relation to journalists publishing information. I understand that Senator Milne has asked a few, but I have a few others. I understand that quite a lot of hers were taken on notice, but there may be some that you can answer today around procedures and so on. I think you have already taken on notice the question about the number of referrals received and broken down by number of referrals from an MP's office, a minister's office or a department or agency. I am also interested to ask how many referrals have arisen from media reports. Perhaps you could take that on notice.</p> <p>Mr Colvin: We would have to. We have put on the record a number of times before how many of these investigations we have. We would need to go back and look at each of them individually, see what the genesis was and determine if we are prepared to say what the genesis was.</p> <p>Senator WRIGHT: Thank you. Can I clarify the process. I understand that once such a referral has been received it is common practice for the AFP to contact the specific journalist involved and request that they identify their source of information and assist with the prosecution of the suspected section 70 offence. Is that the case and, if so, how many times has the AFP made those demands of journalists?</p> <p>Mr Colvin: The usual course of events would be that once a matter was brought to our attention we would move</p>	24 February 2015 L&CA 103

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				<p>into what we call an evaluation phase. The evaluation phase is for the AFP to determine a number of things, principal amongst which is: do we believe an offence may have been committed, and do we believe that there is a reasonable prospect that we will be able to bring evidence to bear to further that prosecution? That is all part of the evaluation phase before we accept the matter. As part of that evaluation we may speak to a journalist. We may make other inquiries before we get to that point and we may determine that, yes, there is a case or that there is not a case.</p> <p>How many times we have spoken to a journalist will depend entirely on the circumstances of the matter, the type of material that is alleged to have been inappropriately released and the circumstances of its release. I would not share your view that it is a common practice that we would do that automatically. It really would depend on the case that we have in front of us.</p> <p>Senator WRIGHT: When I am asking how many times those demands have been made of journalists I do not mean individual contacts with, maybe, one journalist, but is it possible to identify how many individual journalists have been contacted in the course of that part of the investigation I have described?</p> <p>Mr Colvin: I guess my concern would be that to do that I would need to have someone go back through every case. To me it is irrelevant whether we have contacted a journalist or a potential witness. I do not draw a distinction; I know others do. So, to answer that question we will need to go back through every case—I would need a time frame on it as well, to be honest, because this could go back a decade or more—and look at the specifics of that case and see what inquiries were made and how we went about those inquiries. I can answer the question but I would ask that we try and refine a period of time.</p> <p>Senator WRIGHT: I appreciate that. Perhaps I could ask for the last 12 months or so. Is that possible? I understand, and I certainly do not want to impose unnecessary burden on you when you have other things to do, but on the other hand I think this is a matter of real interest, particularly for journalists, who are likely to be contacted—more likely in relation to the question that I am asking than other members of the public. So could we make it the last 12 months.</p> <p>Mr Colvin: We can certainly take on notice the last 12 months. It will be a fairly generic answer because we do not wish to give any specificity—</p> <p>Senator WRIGHT: I understand that.</p> <p>Mr Colvin: and identify individuals or cases.</p> <p>Senator WRIGHT: Yes.</p> <p>Mr Colvin: But I will ascertain that we give you that answer on notice.</p>	
AE15/021	Australian Federal Police	Smith	Matters relating to the Australian Electoral Commission	<p>Senator SMITH: Have people been interviewed in relation to the one AEC matter and the 27 allegations?</p> <p>Ms Close: I will take that on notice, about whether people have been interviewed or not.</p>	24 February 2015 L&CA 106
AE15/022	Australian Federal Police	Smith	Australian Electoral Roll for the division of Indi	<p>Senator SMITH: Has there been a full audit of the electoral roll for the division of Indi? More specifically, have you been involved in a full audit of the electoral roll for Indi?</p> <p>Ms Close: No, that would be a matter for the Australia Electoral Commission.</p> <p>Senator SMITH: Of course, yes, that is right. I will be speaking to them this evening. How many officers are attached to the investigation at the moment?</p> <p>Ms Close: I would have to take that on notice.</p>	24 February 2015 L&CA 106
AE15/023	Australian Federal Police	Smith	Sunset clauses and statute of limitation issues	<p>Senator SMITH: Are there sunset clauses or statute of limitation issues that might arise with regard to the dates of any alleged activity and the Commonwealth offences that might be involved?</p> <p>Senator SMITH: It really will depend on what offences have sufficient evidence for us to take forward. So it depends on the outcome of the investigation.</p> <p>Senator SMITH: We know that only some elements of the Commonwealth law will be applicable. Perhaps you might take on notice whether those possible infringements have sunset clauses.</p> <p>Ms Close: Certainly.</p>	24 February 2015 L&CA 106
AE15/024	Commonwealth Director of Public Prosecutions	Collins	Director of Public Prosecution's statement to the media	<p>Senator JACINTA COLLINS: So you are aware of the discussion there around the DPP's statement to the media regarding the significance of the Prime Minister's comments on the future trial of the two men in Sydney?</p> <p>Mr Carter: Yes.</p> <p>Senator JACINTA COLLINS: Was the DPP asked to make that statement?</p> <p>Mr Carter: No.</p> <p>Senator JACINTA COLLINS: How was that statement made?</p> <p>Mr Carter: It was made following a request to the office for comment by the media.</p>	24 February 2015 L&CA 120

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				<p>Senator JACINTA COLLINS: How was it issued? Mr Carter: It was issued as a statement to the journalist who asked the question of the office. Senator JACINTA COLLINS: So it was not a public statement? Mr Carter: No, well— Senator Brandis: What do you mean, Senator? Mr Carter: It was a public— Senator JACINTA COLLINS: It was a reply to a journalist? Mr Carter: Yes, that is correct. Senator JACINTA COLLINS: It was not issued as a public statement other than being a reply to a journalist? Mr Carter: No. Senator Brandis: It was a statement on the record. Do you mean it was not issued, as it were, as a press release? Senator JACINTA COLLINS: Yes. Senator Brandis: Apparently not. Apparently, it was a on the record remark to a journalist. Senator JACINTA COLLINS: I was advised that it was made, or maybe it was subsequently represented, as a Tweet—is that true? Mr Carter: I do not know the answer to that. Senator JACINTA COLLINS: Perhaps you could take it on notice? Mr Carter: Very happy to do so. Senator JACINTA COLLINS: How often does the DPP make such statements in relation to current matters? Senator Brandis: Do you mean how often does the DPP respond on the record to inquiries made of him by journalists? Senator JACINTA COLLINS: During the course of an investigation, yes, or with respect to a current matter? Senator Brandis: There is a difference between the two. Do you mean with respect to a current matter? Ordinarily, by the time a brief lands in the hands of the DPP, the investigation is complete. So there is a difference between the two. Which one do you mean? Senator JACINTA COLLINS: I think both. Mr Carter: When the office receives a request for information, the matter is considered and the response is provided. Senator JACINTA COLLINS: Okay. So the only request you had on this occasion for a view from the DPP was that from a journalist—is that correct? Mr Carter: I believe so.</p>	
AE15/025	Commonwealth Director of Public Prosecutions	Collins	Director of Public Prosecution's statement to the media	<p>Senator JACINTA COLLINS: Can I ask you take on notice what advice, if any, the director received in issuing that response? You have already taken on notice how frequently such responses are made by the DPP. Mr Carter: Yes. Senator JACINTA COLLINS: Thank you.</p>	24 February 2015 L&CA 121
AE15/026	Administrative Appeals Tribunal	Wright	Proportion of litigants or parties that are self-represented	<p>Senator WRIGHT: Can you tell me the proportion of litigants or parties that are self-represented? Mr Matthies: I do not have those figures to hand, but I can take that on notice. Senator WRIGHT: Can you give me some indication? Mr Matthies: It varies between jurisdictions. Again, I would like to confirm it for you. Senator WRIGHT: Okay. If you could do it by jurisdiction and then the average. What additional efforts is the AAT undertaking to explain the processes that will apply under the amalgamated tribunal model? Are changes needing to be made there to explain to people what will be happening?</p>	24 February 2015 L&CA 122
AE15/027	Administrative Appeals Tribunal	Wright	Average hearing times	<p>Senator WRIGHT: A number of our stakeholders have raised concerns that the amalgamation may lead to a further institutionalisation of a quick and cheap approach to the resolution of matters at that AAT and the SSAT, where applicants are pushed through the system without appropriate support and without being allocated adequate hearing time to set out their case and provide evidence. What is the average hearing time for initial review proceedings in the AAT? Mr Matthies: We will have to take that question on notice.</p>	24 February 2015 L&CA 123
AE15/028	Administrative Appeals Tribunal	Wright	Implications to appointments under the <i>Tribunals Amalgamation Bill 2014</i>	<p>Senator WRIGHT: Under the Tribunals Amalgamation Bill, the minister appoints the registrar of the AAT, who is then responsible for the tribunal's staff. This is different from the current approach under the AAT where the president appoints the registrar. Do you see any implications from that change? Is it possible it could give rise to a situation where there is a clash or conflict of views between the president and the registrar that undermines the effectiveness of the AAT?</p>	24 February 2015 L&CA 124

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				<p>Mr Matthies: That may be a matter that is better addressed to the Attorney-General's Department, which has responsibility for the legislation.</p> <p>Senator WRIGHT: I am interested in the point of view of the tribunal, if you have a particular view. I am happy to hear from the department about that too.</p> <p>Ms Cuthbertson: I would say that we would need time to consider that. We have not actually formulated a view on that particular issue. It is certainly something which is new and something which we would like to think through. If you would be comfortable with that, we would like to get back to you through a subsequent response.</p> <p>Senator WRIGHT: I would certainly be happy to allow you to do that.</p>	
AE15/029	Access to Justice Division	Wright	Appointment provisions	<p>CHAIR: Can I just interpose here? Is it not the same as the current system for the appointment of people to the RRT and MRT?</p> <p>Senator Brandis: I do not think so. I am not the appointing minister for those; I am not the minister with carriage of those appointments.</p> <p>CHAIR: Who does? Perhaps Mr Matthies can tell me.</p> <p>Mr Matthies: I am not quite aware of the provisions in the Migration Act, which is where the appointment provisions for the—</p> <p>CHAIR: It would be, I suspect—</p> <p>Mr Matthies: MRT and RRT—</p> <p>CHAIR: from the Minister for Immigration and Border Protection.</p> <p>Mr Matthies: I suspect that is right.</p> <p>CHAIR: This is a function of the amalgamation of a multiplicity of specialist merits review tribunals into one divisionalised merits review tribunal so that the subject matter expertise of those who sit in the particular specialist divisions will be retained.</p> <p>Senator WRIGHT: There is no requirement in the bill for consultation or appointment, consultation with the Minister for Social Security—or whatever the new phrase is for the SSAT—is that right?</p> <p>Senator Brandis: I think there is.</p> <p>Senator WRIGHT: Is it similar? That is what I am asking.</p> <p>Senator Brandis: I will check. The scheme of this is where area-specific merits review tribunals have been brought into this new amalgamated structure. The Attorney-General, as the principal minister with responsibility for the AAT, has to consult with the minister with specialist responsibility for that particular area. That seems perfectly sensible to me, I must say.</p> <p>Senator WRIGHT: What is the tenure of appointment?</p> <p>Mr Manning: I am not sure if it is five or seven years, but it is the standard provision in relation to appointment.</p> <p>Senator WRIGHT: Is that the minimum or is that the maximum? Is it between or up to?</p> <p>Mr Manning: Up to.</p> <p>Senator WRIGHT: So it could be one year or two years?</p> <p>Mr Manning: Technically, yes.</p> <p>Senator Brandis: Sometimes people are appointed for shorter than the usual period.</p> <p>Senator WRIGHT: I am aware of that.</p> <p>Senator Brandis: And, of course, sometimes people are renewed.</p> <p>Senator WRIGHT: Yes, they are; indeed. But sometimes they are appointed for quite short periods and I am interested in that. It is up to five or seven years.</p>	24 February 2015 L&CA 125
AE15/030	Access to Justice Division	Wright	Process for the appointment of the AAT Registrar	<p>Mr Manning: That is right. I just come back to those comments. In drafting the bill, obviously government are very concerned about the workability of it and that it does reflect the current arrangements under the legislation in relation to statutory agency heads, which the registrar is discharging, and imposing that obligation to support the president in his or her discharge of his or her functions as well.</p> <p>Senator WRIGHT: Is there anything in the bill to require consultation between the minister appointing and the president specifically?</p> <p>Mr Manning: I will have to take that on notice. I am not sure.</p>	24 February 2015 L&CA 124
AE15/031	Access to Justice Division	Wright	Maximum penalty for offences under the <i>Tribunals Amalgamation Bill 2014</i>	<p>Senator WRIGHT: Thank you. My last question is about the maximum penalty for offences of failing to comply with a summons, failing to be sworn and answer questions and contempt of the tribunal under the bill. The penalties have been doubled for both the MRT and the RRT and the existing AAT from six months to 12 months. This doubling of penalties interests me because similar offences of non-compliance in Commonwealth legislation for courts, tribunals and royal commissions typically attract maximum penalties of six months—so it has actually</p>	24 February 2015 L&CA 126

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				doubled those—and that is broadly consistent with state and territory legislation as well. Attorney, it is a policy issue, I suppose, but why has the change occurred? Has there been a rapid increase in the number of these offences occurring in recent times which would warrant a higher penalty as a deterrent, for instance? Why the change and why is it at odds with the common practice in relation to other states, territories and Commonwealth courts? Senator Brandis: I will take the question on notice.	
AE15/032	Administrative Appeals Tribunal	Macdonald	Fulltime member working arrangements	CHAIR: Could you tell me the conditions? Do you just start at nine and go home when you finish whatever cases you have, whether it be two o'clock or 10 am or pm? Mr Matthies: We would need to take that on notice to confirm what has been stated and if there is a statement around the number of ordinary hours that are expected. But certainly, in terms of full-time members, an ordinary Monday-to-Friday workday is expected. CHAIR: Ordinary by whose standards? Not by politicians', because that is about six am till about midnight, particularly on estimates nights. You are saying nine till five? Mr Matthies: We would need to check that. CHAIR: Yes, although judicial appointments are, I would have thought, somewhat different. Judges, in my limited understanding—very ancient now—work relatively regular hours. Certainly they think about judgements on weekend and at night, but then I do not know any person who works anywhere who does not think about their work at night. I am just curious as to what is expected of AAT members by the organisation. Mr Matthies: That is what I would like to take on notice to confirm in our documentation that is provided what the expectation is.	24 February 2015 L&CA 127
AE15/033	Office of the Australian Information Commission	Collins	Budget	Senator JACINTA COLLINS: Oh, dear. If you give me what I want, everything will be fine! Mr Pilgrim, will the cash reserves last you until the next budget? Mr Pilgrim: I would like to take that on notice. Senator JACINTA COLLINS: Sure.	24 February 2015 L&CA 131
AE15/034	Constitutional and Corporate Counsel Division	Dastyari	Section 61 (Executive Powers) – Infrastructure funding programmes	1. What is the process for the government to obtain advice from the Attorney-General's Department for infrastructure funding programs? 2. Does the government come to the Attorney General with different infrastructure projects and then ask for advice on how to get them through the parliament? 3. Has the Attorney-General's Department provided any such advice?	Written
AE15/035	Constitutional and Corporate Counsel Division	Dastyari	Section 61 (Executive Powers) – Infrastructure funding programmes	1. Has the Attorney-General's Department provided advice to Treasury, or any government agency, in relation to any potential constitutional challenges to the governments proposed infrastructure funding programs? 2. Has the government sought any such advice?	Written
AE15/036	Constitutional and Corporate Counsel Division	Dastyari	Section 96 (Grant Power) – Infrastructure funding	1. What legislative framework would need to be created in order to use section 96 powers to implement infrastructure funding?	Written
AE15/037	Constitutional and Corporate Counsel Division	Dastyari	By Regulation under 32B of the FMAA Act 1997	1. Can the FMAA be used to authorise infrastructure funding between the Commonwealth and the States? a. If so, how? By passing a Regulation under the FMAA?	Written
AE15/038	Constitutional and Corporate Counsel Division	Dastyari	By Regulation under 32B of the FMAA Act 1997	1. Has the Attorney General's department prepared advice on using Regulations under section 32B of the FMAA Act to authorise infrastructure funding in the manner proposed? a. Has the government sought such advice?	Written
AE15/039	Constitutional and Corporate Counsel Division	Dastyari	By Regulation under 32B of the FMAA Act 1997	1. Has the Attorney General's department provided advice to government on the consequences of a Regulation under the FMAA being disallowed by vote in the Senate? 2. If the government is relying on passing Regulation under the FMAA to authorise its funding arrangement with the states, and these Regulations are subsequently disallowed, doesn't this mean that the funding would no longer be authorised? 3. What legal consequences would arise for the States if this occurred? 4. Would they be obliged to pay the Commonwealth back? a. If so, why is the government asking states to start selling assets when it isn't even clear that the government has the power to make the incentive payments under the Asset Recycling program?	Written
AE15/040	Constitutional and Corporate	Dastyari	Section 61 (Executive Powers) – Asset	1. Following <i>Williams No. 1</i> , has the Attorney-General's Department provided advice to the government on the legislative framework needed to directly (or indirectly) fund state infrastructure? (Y/N)	Written

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
	Counsel Division		recycling programme	<p>2. What existing legislation or regulations does the Attorney-General's Department consider authorises the government's proposed asset-recycling program?</p> <p>a. (If none): So the current asset-recycling program would not be authorised unless the asset-recycling bill passes the parliament?</p> <p>b. (If stated): Then why is the government trying to pass the Asset Recycling Fund Bill 2014?</p>	
AE15/041	Constitutional and Corporate Counsel Division	Dastyari	Section 61 (Executive Powers) – Asset recycling schemes	<p>1. Has the Attorney-General's Department provided advice to Treasury, or any government agency, in relation to ways that any asset recycling scheme may be legally challenged?</p> <p>2. Has the government sought any such advice?</p>	Written
AE15/042	Constitutional and Corporate Counsel Division	Dastyari	Section 61 (Executive Powers) – <i>Asset Recycling Fund Bill 2014</i>	<p>1. Has the Attorney-General's Department provided advice to Treasury, or any government agency, regarding the potential constitutional challenges of the Asset Recycling Fund Bill 2014?</p> <p>2. Has the government sought any such advice?</p>	Written
AE15/043	Constitutional and Corporate Counsel Division	Dastyari	Section 61 (Executive Powers) – <i>Asset Recycling Fund Bill 2014</i>	<p>1. Has the Attorney-General's Department provided advice to Treasury, or any government agency, regarding the potential constitutional challenges of the Treasurer's public assertions that money can be allocated to states for asset recycling regardless of whether the <i>Asset Recycling Fund Bill 2014</i> passes the parliament?</p> <p>2. Has the government sought any such advice?</p>	Written
AE15/044	Constitutional and Corporate Counsel Division	Dastyari	Section 96 (Grants Power) – Asset recycling programme	<p>1. Has the Attorney General's department provided advice in relation to whether the asset-recycling program is authorised by the grants' power under section 96 of the Constitution?</p> <p>2. Has the government sought any such advice?</p>	Written
AE15/045	Civil Law Division	Dastyari	Personal Property Security Register (PPSR)	<p>1. What is the purpose of the PPSR?</p> <p>2. Why does the AG have responsibility for the PPSR?</p> <p>3. Who (or which company) designed the User Interface for the PPSR?</p> <p>4. How was the User Interface tested before it went public?</p> <p>5. What public consultation did the designers of the PPSR do before it went public?</p> <p>6. What additional public consultation has the AG's department done since the PPSR went public?</p> <p>7. Have you received complaints about the difficulty of using the PPSR?</p> <p>8. What is the nature of these complaints?</p> <p>9. How do you distinguish feedback, from complaints?</p> <p>10. Is anyone giving you feedback that the Register is easy to use?</p> <p>11. How many complaints the AG's department has received about the PPSR?</p>	Written
AE15/046	Office of the Australian Information Commissioner	Dastyari	Australian Privacy Principles	<p>From 12 March 2014, the Australian Privacy Principles (APPs) replaced the National Privacy Principles and Information Privacy Principles and will apply to government agencies and private sector organisations with an annual turnover of \$3 million or more.</p> <p>1. When a business and a customer sign a Privacy Authority, do they sign one to cover their relationship, or do they need to sign a new one for each transaction?</p> <p>2. Why the duplication? Would you describe this as an example of Red Tape?</p> <p>3. What public consultation did the designers of the APP do before it went public?</p> <p>4. What additional public consultation has the OAIC done since the APP came into effect last year?</p> <p>5. Have you sought the input and feedback of major industry associations?</p> <p>6. Do you receive complaints about the APP?</p> <p>7. What is the nature of these complaints?</p> <p>8. How many complaints do you receive?</p> <p>9. Would the government consider changing the Privacy Authority to a 'relational' agreement, instead of requiring a new one for each transaction?</p>	Written
AE15/047	Criminal Justice Division	Bullock	Aviation Security Identification Cards	<p>1. Has any work been done on establishing processes for providing automatic notification to the Office of Transport Security if a holder of an Aviation Security Identification Card commits particular offences against State, Territory or Commonwealth laws?</p> <p>a. If not, what steps would need to be taken to establish such a process?</p>	Written
AE15/048	Criminal Justice Division	Bullock	Scarlet Alliance Migration Project	<p>1. Please provide a copy of the first six monthly progress report from the Scarlet Alliance in relation to the grant of \$360,000 made under the Grants to Australian Community Organisations program for 2014-17.</p> <p>2. The Final Report, 1st July 2011-30th June 2014 of the Scarlet Alliance Migration Project states on page 3 that "the project has been involved in lobbying for equitable access to visas" for "sex workers travelling to Australia". The Alliance has made several submissions calling for 457 visas to be available for sex work. What steps are</p>	Written

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>being taken to ensure that none of the funds provided to the Scarlet Alliance are used for lobbying for this outcome?</p> <p>3. On page 13 of the Final Report, 1st July 2011-30th June 2014 of the Scarlet Alliance Migration Project it is stated as a "key success" that "many women who are currently studying in Thai universities have come to Empower requesting information about work rights on Student Visas if they were to transfer their studies to Australia". Are funds provided to the Scarlet Alliance being used, or are permitted to be used, to encourage or facilitate the migration to Australia of Thai students on student visas with the goal of working part time as a sex worker in Australia?</p>	
AE15/049	Australian Federal Police	Smith	Investigation into alleged voter fraud in the Divison of Indi - 2013 Federal Election	<p>1. At the Estimates hearing of 24 February 2015, Ms Close said that progress on finalising investigations generally "depends on what other matters we have before us at that particular point in time and prioritising those". She also indicated the AFP received quite a number of referrals relating to the 2013 election.</p> <p>2. Have these referrals themselves been prioritized?</p> <p>3. The allegations regarding Indi seem to include prima facie evidence that there was collusion amongst a number of people very close to the successful candidate.</p> <p>4. Does this factor place the Indi matter at the top of the list of priorities for investigations into referrals by the AEC? If not, where is the Indi investigation listed in terms of priority?</p> <p>5. Given that these events took place eighteen months ago, and there will be another election within the next eighteen months, does the AFP have the intention of completing the investigation and proceeding with prosecutions such that these matters are finalized in the courts in good time before the next federal election?</p> <p>6. If the allegations as reported in the media are proven, and particularly if some level of organized fraud is established, this matter will almost certainly require the government of the day to examine the matter with a view to changing electoral enrolment and voting procedures. Is the AFP cognisant of this imperative?</p> <p>7. Since the Indi investigation began, how many officers (and how many hours of their time, in total) have been assigned to it?</p> <p>8. How many interviews (in total) have AFP officers conducted to date with possible suspects and other people relevant to the investigation?</p> <p>9. Have any of the candidates for the seat of Indi at the 2013 election been interviewed?</p> <p>10. There were 27 cases of improper enrolments referred to the AFP:</p> <p>a. Is the investigation attempting to determine whether there were more instances than the 27? If not why not?</p> <p>b. Have there been any further cases identified? If so, how many?</p> <p>11. A person who deliberately enrolled in a Division improperly could be charged with the offence of making a false declaration. Yet if a number of people conspired to do this, other offences would have been committed. Is the AFP investigating this matter with the intent of proving that such conspiracy occurred, or is the investigation limited only to the referrals?</p> <p>12. Has the investigation extended beyond the identification and examination of occurrences of false enrolment? Has it, for example, looked at the events surrounding the AEC's sudden discovery of 1,000 missing votes during the counting process?</p>	Written
AE15/050	Australian Security Intelligence Organisation	Xenophon	Man Haron Monis	<p>I refer to reports from the Sydney Morning Herald that state in the same year Sydney Siege gunman Man Haron Monis was dropped from ASIO's "terror watch list", AFP received a report that showed Monis repeatedly harassed and threatened Osman Karolia, then principal of the Islamic Arkana College who he believed to be a "sell-out" to Islam.</p> <p>1. I note reports that ASIO doesn't have a "terror watch list" - what is then the equivalent term?</p> <p>2. Was ASIO notified of this report by AFP? What further investigation took place following this?</p> <p>3. Does ASIO monitor AFP reports, without such reports being directly passed on to AFP? Did any further investigation into this matter take place?</p> <p>4. What is the process for removing people from ASIO monitoring? Who authorises this?</p> <p>5. I understand there was an ASIO investigation which was current in about 2008-2009 and discontinued in 2009.</p> <p>a. When did ASIO first become aware of Monis?</p> <p>b. Why was the investigation discontinued?</p>	Written

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AE15/051	Criminal Justice Division	Xenophon	Witness K	I refer to Question No. SBE14/195 to the AFP regarding the ASIS Whistle-blower Witness K. 1. I asked the AFP if Witness K's passport had been returned and was advised the status of Witness K's passport is not a matter for the AFP. Which agency has responsibility for the status of Witness K's passport?	Written
AE15/052	Criminal Justice Division	Xenophon	East Timor	1. Please confirm whether any of the Persons with High-Level Command Responsibility (list at http://www.cavr-timorleste.org/chegaFiles/finalReportEng/08-Annexe3-High-Level-Command-Responsibility.pdf) for war crimes and crimes against humanity named by East Timor's Truth Commission are on a watch list to prevent them from entering the UK. 2. Please outline the steps the Australian Government has taken over the past 15 years to give effect to UN Security Council Resolutions 1264 and 1272 (both from 1999), which demanded that those responsible for serious crimes in East Timor be brought to justice. 3. Are the alleged killers of the Balibo Five on any watch list? 4. Has the Australian Government made any representations to Indonesia about justice for war crimes and crimes against humanity? 5. What is the Australian Government doing - Interpol warrants, watch lists, etc - to ensure that the killers of its own citizens are brought to justice?	Written
AE15/053	Civil Law Division	Leyonhjelm	Competition Policy Review	1. Has the Division provided input to the Competition Policy Review? If so, what was this input? 2. Given that the draft report of the Competition Policy Review states that the regulation of the legal profession restricts competition, does the Department have a program of work to address these restrictions on competition? If not, why not? If so, what is this program of work, and can documents arising from this program be provided to the Committee?	Written
AE15/054	Civil Law Division	Leyonhjelm	Publications Classification Guidelines	1. Is it true that the Classification Guidelines that distinguish soft core from hard core pornography state that soft core publications may depict genitals, but: a. there must be little or no detail, b. what is depicted cannot be prominent, and c. realism counts as a factor against classification as soft core porn? 2. If so, are there other factors in the distinction? If not, how is the distinction made?	Written
AE15/055	Civil Law Division	Leyonhjelm	Classification Board and Publications Classification Guidelines	1. Did the Classification Board raise the issue of this distinction — or any issue regarding the consequences of this distinction — with the Law Reform Commission for its report into the national classification scheme? What did the Board state? Did the Classification Board raise an option of moving from using specific terms and towards a more principles-based approach to classification? If so, what were the details surrounding this option? 2. Has the Classification Board raised issues regarding the distinction with the Department or Minister? If so, what was raised, when, what has been the response?	Written
AE15/056	Civil Law Division	Leyonhjelm	Australian Law Reform Commission and classification of publications	1. Did the Law Reform Commission discuss or make recommendations on this issue in its report? If so, what was this discussion/recommendation? If not, are you aware as to why there was no discussion or recommendation on this issue?	Written
AE15/057	Civil Law Division	Leyonhjelm	Publications Classification Guidelines - Airbrushing	1. Regarding the argument that the distinction has led to the frequent airbrushing away of prominent features of post-pubescent female genitalia, can the Department outline reasons for and against this argument? Can the Department provide to the Committee any documents in its possession relating to this argument? 2. Regarding the argument that the aforementioned airbrushing has contributed to a misunderstanding of what is normal, which in turn has contributed to an increase in the number of women seeking labiaplasties, can the Department outline reasons for and against this argument? Can the Department provide to the Committee any documents in its possession relating to this argument?	Written
AE15/058	Civil Law Division	Leyonhjelm	Alternative approach to classification of publications	1. Has the Department done any work regarding alternative classification approaches that would remove 'prominence' and 'realism' as factors in classification? If so, what is this work, and can the Department provide any documents to the Committee regarding this work? If not, why not?	Written
AE15/059	International Law and Human Rights Division	Whish-Wilson	Japanese whaling	1. Has the Government sought advice on how they can respond to the Japanese Government's plan to continue lethal whaling following the successful International Court of Justice (ICJ) case? 2. What is the advice on how the Government can respond to the Japanese Government's plan to continue lethal whaling? 3. Does Japan have the legal right to continue lethal whaling in the Southern Ocean following the finding in the ICJ?	Written

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				4. Is Australia preparing a case for the ICJ or other international forum to prevent Japan beginning its new Southern Ocean whaling program?	
AE15/060	Australian Federal Police	Ludwig	AFP security awareness training	I refer you to question F85 asked of the department of Finance from Supplementary Estimates in 2014. The Commonwealth Superannuation Corporation said that they spent \$12,279.91 on "Security Awareness Training" by the AFP. Could you please provide the following information with regard to this training: 1. What topics were covered during this training? 2. How many people attended this training and what were their job titles? 3. What is the justification for this training? 4. Were there any security breaches that provided the need for this training? If yes, please detail the incident. Please include: The date of the breach; the nature of the breach; have any reviews or reports been commissioned to study the breach; was anyone disciplined as a result of the breach?	Written
AE15/061	Emergency Management Australia	Ludwig	Changes to the NDRRA funding guidelines	In January, 2015 the NDRRA guidelines were revised to make it more difficult for people to access Category C and Category D payments. 1. Please outline the NDRRA determination changes made at the end of 2014/2015: Please include changes to Category c payments; and the changes to the "standard grants". 2. Please outline what was previously eligible that is no longer eligible under these grants. 3. Please outline the process by which it was determined to change the guidelines for category C and D funding. 4. Who was involved in this process? Please detail the involvement of the minister; his office; any other ministers or their offices; the department; any other departments. 5. What outside consultation was done during this process? Please include dates and costs associated with these consultations. 6. What was the justification for changing the guidelines to give less people access to the grants? 7. Have any studies of reports been commissioned to study what impact the change in guidelines will have on those affected? If yes, please provide copies. 8. Given the widespread destruction and suffering caused by cyclone Marcia in February, has the Minister considered opening Category C and D payments up to those affected, using the old guidelines? If no, why not? If yes: a. Please provide a time frame for when this will happen? b. Will there be any restrictions placed on applicants that did not exist prior to the changes in January? c. Have the impacts on those affected by the lack of access to grants been provided to the minister to aid in this decision? If yes please provide a copy of these impacts.	Written
AE15/062	Strategy and Delivery Division	Ludwig	Dinner at Massimo Restaurant London	With reference to the Minister dinner at Massimo Restaurant London on 4 April 2014 which was charged to the Australian taxpayer at a cost of approximately \$1123: 1. Who attended the dinner? Please provide a list of attendees and include which organisation/agency/department they were representing and the reason why it was deemed they should be invited to attend. 2. Please provide a copy of all receipts related to the dinner. 3. Did any of the Minister's staff attend the dinner? If so, who? 4. Who decided to hold the dinner at the Massimo Restaurant? 5. Was consideration given to holding the dinner at a less extravagant venue? If yes: a. Please detail other venues that were considered and the reasons they were rejected. 6. Why did the Minister spend over \$400 on alcohol? 7. Why was it necessary for the Minister's party to consume 2 glasses of champagne, 3 bottles of mineral water 3 bottles of white wine and 1 bottle of dessert wine? If yes, please detail the reason. 8. Why did the Minister spend over \$120 on a single bottle of dessert wine? 9. Did the Minister give consideration to purchasing a less extravagant bottle of dessert wine?	Written
AE15/063	Civil Law Division	Rhiannon	Freedom of Information Amendment Bill	1. Last year, the Senate Standing Committees on Legal and Constitutional Affairs reviewed the government's Freedom of Information Amendment bill. Of the 32 submissions received by the committee, not a single one supported the proposed changes outlined in the Bill: a. Was the community response to the FOI amendment bill and the new OAIC changes considered by the government in proceeding with the changes?	Written

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				b. Has the OAIC had any other feedback or complaints from the community about the changes? Please outline what kind of feedback you have received?	
AE15/064	Civil Law Division	Rhiannon	Delay in processing cases	1. One of the key arguments raised by the government in support of its changes has been the delays experienced in the processing of cases by the OAIC. The government has argued that this highlights inadequacies in the organisation and thus it should be abolished. However, a number of witnesses to last year's inquiry argued that the delays associated with the OAIC processing cases were the result of underfunding from both Labor and Coalition governments. a. Does OAIC have a view on the reasons for the OAIC's backlog in processing cases? b. Has the OAIC offered a rationale for the backlog in its discussions with government?	Written
AE15/065	Civil Law Division	Rhiannon	Time taken for the OAIC review	1. In its report, the Senate Standing Committees on Legal and Constitutional Affairs noted that the committee did not receive evidence indicating that AAT review would necessarily be faster than review by the OAIC. On the contrary, the then FOI Commissioner Dr James Popple advised the committee that comparison of the FOI reviews dealt with since 2010 revealed that the AAT had taken almost exactly the same average time as the OAIC to resolve FOI cases. a. Did the OAIC or Dr Popple advise the government of this? b. If so, has the government explained its rationale for proceeding with the proposed changes to the OAIC?	Written
AE15/066	Administrative Appeals Tribunal	Rhiannon	Ruling on appeals	1. I understand that Dr Popple is now a senior member of the Administrative Appeals Tribunal, having previously been the FOI commissioner. a. Does this mean that Dr Popple could now be ruling on appeals that he originally oversaw in his role as commissioner? b. Is there a mechanism or process in place to address potential conflicts such as these?	Written
AE15/067	Civil Law Division	Rhiannon	Projected savings of \$10million over four years	1. Another argument offered by the government in support of its changes is the projected saving of \$10 million over four years. a. Has the OAIC provided any advice to the government on the accuracy of this projection? b. Does the \$10 million projected saving account for the costs to individuals, the cost to the AAT, the cost to agencies for mandatory internal reviews? c. If so, where could we find these costings?	Written
AE15/068	Civil Law Division	Rhiannon	Fees for external review decisions	1. Has the OAIC provided any advice to the government on the high level of fees required to be paid in order to apply for an external review of decisions through the AAT? a. Is the OAIC aware if the government considered the potential of these costs to deter potential applicants?	Written
AE15/069	Civil Law Division	Rhiannon	OAIC advice to government	1. In his evidence at last year's inquiry, Professor Julian Disney emphasised other factors that may affect accessibility to the AAT including the formality and intimidator impact of the AAT process and environment. The Guardian Australia also raised concerns in their evidence, including that the AAT process, particularly need for formal hearings, "imposes burdens on all parties and on the tribunal". a. Has the OAIC provided any advice to the government on the impact of these barriers? b. Is the OAIC aware of any steps the government has taken to address these barriers? May I have the details? c. Has the government considered the efficiency and cost-effectiveness of the AAT process compared to the OAIC process? d. If so, where could we find that analysis?	Written
AE15/070	Civil Law Division	Rhiannon	Conflict of interest	1. As part of last year's inquiry, concerns were raised by the Open Australia Foundation and academic Bruce Baer Arnold around potential conflicts of interest relating to the exercise of functions by the Attorney-General's department. a. Is it the case that the new arrangements would allow the Attorney General to define categories of information that were 'unreasonable' to publish, including information sought from his own department?	Written
AE15/071	Civil Law Division	Rhiannon	Freedom of Information Amendment Bill	1. In evidence to last year's inquiry, Privacy Commissioner Timothy Pilgrim stated that 'the Bill creates a model that is not suited to achieving the objectives of the [Privacy Act] in the most efficient way'. Did Mr Pilgrim advise the government of his view?	Written
AE15/072	Civil Law Division	Rhiannon	Freedom of Information Commissioner	1. How long has the position of Freedom of Information Commissioner been vacant? a. Has the position been advertised? b. If so, when? c. When do expect to appoint someone?	Written

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
AE15/073	Civil Law Division	Rhiannon	Disbandment of the OAIC	<p>1. On 16 July 2014, a statement appeared on the OAIC website called "How the OAIC will deal with IC reviews and FOI complaints until 31 December 2014". The opening paragraph stated "The Australian Government announced as part of the 2014-15 Budget that the Office of the Australian Information Commissioner (OAIC) will be disbanded from 31 December 2014." That did not eventuate. Please detail what has happened with regard to the OAIC?</p> <p>a. When was OAIC advised it would not be disbanded?</p> <p>b. Who provided this advice?</p> <p>c. What has been the role of the OAIC since December 2014?</p>	Written
AE15/074	Office of the Australian Information Commissioner	Rhiannon	Scale-back of operations	<p>1. When did the OAIC scale back its operations in the expectation that the government bill would pass?</p>	Written
AE15/075	Civil Law Division	Rhiannon	Freedom of Information	<p>1. Does the failure to disband the OAIC mean that FOI matters can still be heard by the Commission with the ombudsman, with appeals going to Admin Appeals Tribunal?</p>	Written
AE15/076	Civil Law Division	Rhiannon	Freedom of Information	<p>1. It was widely promoted that the FOI system would change, with appeal applications to be limited to the AAT incurring an \$800 fee. Considering this change was widely promoted but has not yet been introduced, has any work been undertaken to inform the public that the old regime is still in place and they don't have pay \$800 if they wish to appeal an FOI decision?</p>	Written
AE15/077	Civil Law Division	Rhiannon	Freedom of Information	<p>1. Please supply figures for use of FOI and appeals to FOI decisions for each month in 2014.</p>	Written
AE15/078	Civil Law Division	Rhiannon	Freedom of Information	<p>1. At an estimates hearing in December 2013, we heard that the FOI workload was increasing by 10%-15% per year.</p> <p>a. Was there anticipation that the workload would decrease with the change in how appeals work?</p> <p>b. Was the appeal system changed to drive down the number of appeals?</p>	Written
AE15/079	Civil Law Division	Rhiannon	Freedom of Information	<p>1. The Hawke Review did not recommend what is currently being proposed by the Government, and in fact commented positively on the OAIC. It made a number of recommendations to improve the functions and operations of Australia's FOI regime. To OAIC's knowledge, are any of these recommendations being pursued by the Government? Which ones?</p>	Written
AE15/080	Civil Law Division	Wong	Deregulation Costing Methodology	<p>a) Can the Department confirm the first Amending Acts Repeal Bill – Amending Acts 1901 to 1969 Repeal Bill 2014 – had \$210,000 in deregulatory savings attached to it?</p> <p>b) Can the Department explain how it calculates \$210,000 in deregulatory savings?</p> <p>c) What is the methodology for calculating a saving of \$210,000 as a result of repealing 1,120 acts that will not "substantially alter existing arrangements or make any change to the substance of the law"? Is it based on some costing method that can be described in detail? For example, what unit costs have been assumed in determining the final deregulatory saving amount?</p> <p>d) Similarly the second Amending Acts Repeal Bill – Amending Acts 1970 to 1979 Repeal Bill 2014 calculated \$100,000 in deregulatory savings through repealing over 656 amending and repeal acts. Can the Department describe how it has calculated that there will be \$100,000 in deregulatory savings?</p> <p>e) With reference to the repeal of Navigation Act 1970 which amended the Navigation Act 1912-1968. Under legal conventions, this amending act became redundant once the amendments passed into law. Were there any deregulatory savings attached to this repeal? If so, how does the Department calculate the amount of savings?</p> <p>f) With reference to the Statute Law Revision Bills from Autumn – there were \$350,000 in deregulatory savings involved. Can the Department explain where the deregulatory savings come from? How does the Department calculate \$350,000 from fixing up these technical issues? What is the methodology used to calculate \$350,000?</p> <p>g) With reference to the Statute Law Revision Bills from Spring, there were \$420,000 in deregulatory savings from correcting "technical errors in legislation" and repealing spent and obsolete legislation, and repealing three spent Acts. Can the Department outline the methodology it has used to calculate the \$420,000 saving?</p> <p>h) What type of benchmarking has the Department used to base its deregulatory savings costs on?</p>	Written
AE15/081	Access to Justice Divison	Wright	National Aboriginal and Torres Strait Islander Legal Services	<p>Mr Manning: Just to clarify, no money has been cut from an Aboriginal and Torres Strait Islander Legal Service and, as a result of the announcement yesterday, the quantum for those services will remain the same. There is a difference between the program and the services you fund under the program. The program has had a saving taken from it but no service provider has.</p> <p>Senator WRIGHT: I want to be really clear on that. The \$1.820 million you describe as being uncommitted, held-</p>	27 March 2015 (AM) L&CA6

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>back funding from the programs, in case there is additional—</p> <p>Mr Manning: That is right.</p> <p>Senator WRIGHT: Were any of the services in a position where they understood, including the NATSILS, that there would be some aspect of that money able be used for purposes in the future?</p> <p>Mr Manning: Not to my knowledge. Certainly not last year, in relation to the year before I came into this job as this was all happening. I will take that on notice and check it. Certainly, the NATSILS have still received their funding over the last two years.</p> <p>Senator WRIGHT: What I am interested in is if they were of the understanding that that money had been uncommitted the specific programs but it was there, they may well have been doing some planning on the basis of that if they had. You will clarify that for us?</p> <p>Mr Manning: Not to my knowledge, but I will check in relation to 2013-14.</p>	
AE15/082	Access to Justice Divison	Wright	Expensive Commonwealth Criminal Cases Fund	<p>Mr Manning: That \$6.5 million is, again, split between what has happened so far and what was scheduled to happen over the next two financial years. It is important to clarify that no legal aid commission has received a funding cut and they were never going to. There is an additional fund called the Expensive Commonwealth Criminal Cases Fund and the amount that was available in that fund was reduced. That was always the proposal. So \$3.5 million was taken from that fund in 2013-14 and \$1 million was taken from that fund in 2014-15, although you may be aware that in February the government did announce the availability of an additional \$5.2 million for the remainder of this financial year for that fund.</p> <p>Senator JACINTA COLLINS: So far to date, \$4.5 million was taken out of the Expensive Commonwealth Criminal Cases Fund, but then \$5.2 million was put in as of when?</p> <p>Mr Manning: It was the end of February. I would have to check the date. I think it was around 20 February.</p>	27 March 2015 (AM) L&CA6
AE15/083	Access to Justice Divison	Macdonald	Community Legal Centres	<p>CHAIR: You told us that the total legal aid budget over the four years is \$1.3 billion. Apart from the money coming out of the EDO funding, that \$1.3 billion will more or less remain. Is that correct?</p> <p>Mr Manning: Yes.</p> <p>CHAIR: What percentage of funding for community legal centres comes from the Commonwealth and what do the states and territories contribute?</p> <p>Ms Jardine: Overall, 57 per cent nationally.</p> <p>Mr Manning: From the Commonwealth.</p> <p>CHAIR: Does that vary by state or territory?</p> <p>Ms Jardine: Yes.</p> <p>CHAIR: Perhaps on notice, is it possible to tell us what the figures are in each state and territory?</p> <p>Ms Jardine: Yes.</p>	27 March 2015 (AM) L&CA9
AE15/084	Access to Justice Divison	Collins	Schemer of legal aid funding	<p>Senator JACINTA COLLINS: Chair, while you are asking for that on notice: Senator Moore just mentioned to me that what would be quite helpful would be a table or a schemer that describes which legal aid funds go under which programs under which department, where the actual cuts were in the two stages so far and which of those have been remedied. If we could have that in a schemer and if you could build into it the domestic violence stuff which is with the Department of the Prime Minister and Cabinet—</p> <p>Mr Moraitis: Do you want it broken down to the specific centres and legal aid commissions?</p> <p>Senator JACINTA COLLINS: No, not centres. I will be coming to centres a bit later when we deal with the impact of what has occurred to date. But, just picking up from the chair's question, if we could combine that with that, I think that would be very useful for the committee.</p> <p>....</p> <p>CHAIR: So, Senator Collins, what exactly do you want the department to tell you on notice that has not been told?</p> <p>Senator JACINTA COLLINS: What Senator Moore suggested would be helpful to the committee would be if we asked the department to provide us with a schema that breaks up where the legal aid funding goes into the different programs, what the cuts in both MYEFO—which we have just talked about—and the budget were going to impact and what has been redressed. As I understand it, that is simply MYEFO and not budget, which we will get to later.</p> <p>Mr Manning: That is right.</p> <p>Senator JACINTA COLLINS: If a template could describe for us all of that, then hopefully we will be less confused.</p>	27 March 2015 (AM) L&CA9 L&CA10
AE15/085	Access to Justice Divison	Collins	Expenditure guidelines	<p>Senator WRIGHT: Was there any funding cut in the budget last year that would have flown to the community legal centres in Australia?</p> <p>Mr Manning: Last year's budget? No. The only cuts for community legal centres were in the 2013 MYEFO.</p>	27 March 2015 (AM) L&CA12

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Senator WRIGHT: Okay. That is what I wanted to check. Was any of \$15 million supplementary funding that has been cut possibly going to flow from legal aid commissions through to community legal centres? Was that a possibility?</p> <p>Mr Manning: I do not have the details. It is a possibility. Sometimes legal aid commissions contract community legal centres to do certain things for them, so that is a possibility.</p> <p>Senator JACINTA COLLINS: Could you provide us on notice with the details of the guidelines for the use of those funds so that we have some sense both of what the intention was for the supplementary funding and what behavioural impact might have occurred when they were told that they now only had half of it.</p> <p>Mr Manning: Certainly.</p>	
AE15/086	Access to Justice Divison	Collins	Expenditure guidelines	<p>Senator WRIGHT: Can I ask one more clarifying question? I just want to clarify something. People have been grappling and struggling with this idea of: 'What is advocacy and what is not?' and 'When do you cross the line into advocacy?' You have talked about a 'sustained campaign', but what about if there is a meeting of concerned people in a regional area about a particular issue and the legal centre turns up there and makes an argument for law reform because one of the reasons that issue is live is because there is a problem with the law. Is that advocacy? Is that community legal education?</p> <p>Senator O'SULLIVAN: I would have thought so.</p> <p>Mr Manning: I am actually interested in asking the department.</p> <p>CHAIR: Mr Manning, you are aware you do not have to give legal advice or opinions.</p> <p>Mr Manning: Put it this way: there have been guidelines provided to each of the service providers in relation to advocacy; that said, I think we in the Attorney-General's Department are just applying the ordinary dictionary definition and letting people decide. But, if people are going to a meeting and telling people what their legal rights are, then I do not think that is advocacy. But, if they are going for the point of trying to achieve a political aim, for example, and—</p> <p>Senator WRIGHT: Law reform, not necessarily a political aim.</p> <p>CHAIR: Thanks, Senator Wright.</p> <p>Mr Manning: Sorry, I was just using an example. I was not saying it. Can I add one thing to that? We have made it very clear to providers, for example, that coming to a committee such as this and putting forward a view based on the experience and expertise they have is not anything that has been changed under the guidelines.</p> <p>Senator WRIGHT: That is very interesting. Thank you for that.</p> <p>CHAIR: Thank you, Mr Manning. Senator Collins?</p> <p>Senator JACINTA COLLINS: Mr Manning, could you provide us on notice with a copy of those guidelines. I would be most interested.</p> <p>Mr Manning: There are different changes for each of the programs, and we can provide those, certainly.</p>	27 March 2015 (AM) L&CA16
AE15/087	Access to Justice Divison	Collins	Expenditure guidelines	<p>Senator JACINTA COLLINS: No, I am asking in relation to this case and where the money that was guaranteed was coming from—not where will it come from in the future.</p> <p>Mr Manning: That was still being resolved and it will now be resolved as part of a much bigger resolution as a result of the announcement yesterday. That will be announced in the budget.</p> <p>Senator JACINTA COLLINS: So it was not even resolved as to where it would come from—AGD or somewhere else?</p> <p>Mr Manning: We knew there were a number of options but where it was finally going to come from had not been resolved.</p> <p>....</p> <p>Senator JACINTA COLLINS: I will go back to the question. How usual is it for the government to decide that it will cancel the cut that was to occur to the Yarra Ranges service and not have in mind at that point in time how that was to occur?</p> <p>Mr Manning: In the 12 or 15 months that I have been in charge of this program, I think it is quite usual for government to move money around as need dictates or as decisions are made and that there is often, as part of doing that, a lag between the decision and the finding of the money and, if you like, doing the paperwork and handing over the money.</p> <p>Senator JACINTA COLLINS: So based on your experience in this program?</p> <p>Mr Manning: I am not saying that it does not happen all the time. It is not unusual for money to be moved within programs and transferred according to needs and decisions.</p> <p>Senator JACINTA COLLINS: Tell me how this particular case came about; why this case was resolved in perhaps January as opposed to the other representations that government has been receiving and has subsequently received and finally now responded to.</p>	27 March 2015 (AM) L&CA18 L&CA19

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Mr Manning: I do not know. I was not involved, so I cannot help you with that. I can take it on notice and made enquiries.</p> <p>Senator JACINTA COLLINS: Okay. Then, if necessary, if I need to talk to Prime Minister and Cabinet, you will let me know that too?</p> <p>Senator Scullion: Senator, I am happy to take that question on notice. If there are associated questions with Aboriginal Legal Aid today—I know the announcement was made yesterday, so whilst it is not an estimates sitting of PM&C, with regard to those particular questions I am more than happy to ensure that the Department of Prime Minister and Cabinet answers those on notice, to be of assistance.</p> <p>Senator JACINTA COLLINS: Thank you.</p>	
AE15/088	Access to Justice Divison	Collins	Far West Legal Service	<p>Mr Manning: I am not aware of any reports today, but the far west legal service is certainly a centre that was receiving supplementary funding for 2015-16 and 2016-17 and, as a result of the government's announcement tomorrow, will still receive that funding—that is right.</p> <p>Senator JACINTA COLLINS: Let me run through what was on ABC breakfast radio this morning. I appreciate you may not necessarily have heard that.</p> <p>Mr Manning: No, I have not.</p> <p>Senator JACINTA COLLINS: Four staff have already resigned. They have not been told any details of how much they will be given by government. Some people have already left and started other jobs. Their principal solicitor has already resigned and accepted another job. They had already turned away clients—80 people. There is damage to staff morale. It has caused distress to vulnerable people. I am paraphrasing a radio report here. They will have to rebuild the far west legal centre from the ground up, and they are still crippled by the defunded advocacy services. Did the department or government receive any representations with respect to the far west legal centre? I think it is in Broken Hill.</p> <p>Ms Jardine: Yes, I think we received representations.</p> <p>Senator JACINTA COLLINS: What can you tell me about those?</p> <p>Ms Jardine: They generally reflected what you have just said. I think what you said is an update, but we understood that staff had left.</p> <p>Senator JACINTA COLLINS: The initial report I heard about this service was that it was going to close, I think, this week. Had you been advised of that?</p> <p>Ms Jardine: No.</p> <p>Senator JACINTA COLLINS: The concerning part of this one was that they are saying—at least on radio this morning—that they had already turned away 80 people. Had you received that information?</p> <p>Mr Manning: Not that I am aware of.</p> <p>Ms Jardine: I would have to take that on notice. I cannot recall.</p>	27 March 2015 (AM) L&CA22&23
AE15/089	Access to Justice Divison	Collins	Closure of the Nhulunbuy Legal Service	<p>Senator JACINTA COLLINS: I am happy to take your suggestion that the anomaly was that one particular example of four of five. But there are a number of services which I still want to understand—the circumstances around what is happening to them to the best that we are able. You have taken on notice also the Yarra Ranges legal centre. The next one I want to ask about is the closure of the Nhulunbuy service. What can you tell me about that one?</p> <p>Mr Manning: That is the centre run by NAAJA in the Northern Territory, is that the one you are referring to?</p> <p>Senator JACINTA COLLINS: Yes.</p> <p>Mr Manning: That body made a decision to close that centre. I do not have the details with me; I think it was last year that they announced that.</p> <p>Senator JACINTA COLLINS: You do not have the details?</p> <p>Mr Manning: I do not have the details of the date they made the announcement.</p> <p>Senator JACINTA COLLINS: No, I am after the details of the—</p> <p>Senator Scullion: I have some background knowledge, because I have had discussions with NAAJA about this. Again, there is no really unique assumption I can make from this, but I have yet to hear from NAAJA, in consideration of yesterday's announcement, about whether or not their decision to close Nhulunbuy was in fact a rationalisation in front of what they thought might be able to happen. You also have to take into consideration that about the time they made that announcement there was also an announcement that the fundamental economy of Nhulunbuy—that is, the bauxite mine—indicated it would close its alumina production, and it has since has. Again, I am not sure, and I do not wish to verbal them, but it is something that is a matter for NAAJA. A number of things happened around that time that certainly would have had an impact on what they considered the provision of</p>	27 March 2015 (AM) L&CA30&31

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>those services. It could have been an anticipation of the budget and it could also have been associated with the closure of the mine.</p> <p>Senator JACINTA COLLINS: Can I understand what representations they made to either the department or the government as to the circumstances that would lead to the closure.</p> <p>Mr Manning: We can take the question in relation to details on notice, but at that time there was uncertainty in relation to the proposed budget cuts and about the quantum that each of the ATSILSs would receive. My recollection is that, at the time, NAAJA attributed the decision, at least in part, to that uncertainty. My recollection is also that it did not mean a cessation of services in that area but rather that they would provide them from one of their other offices on a circuit basis, if you like, rather than having a permanent presence. The decision of yesterday will mean that they will not receive the impact of the funding reduction, because of the cuts that were proposed up until yesterday.</p>	
AE15/090	Access to Justice Divison	Collins	Impact of moving to circuit type delivery	<p>Mr Manning: In relation to the Indigenous Legal Assistance Program, we do not require services to be provided in particular locations. That is left to the providers. Obviously, there would be a limit to that. They have made a decision more than 12 months before receiving a funding reduction to close a particular office. As I said earlier, in their public statements they attributed some of that to some funding uncertainty, but whether or not that its entirety of the factors that were taken into account in their decision-making process, as I think the minister indicated, is a matter for the NAAJA board. As I said earlier, they are servicing from the Darwin office on a circuit arrangement, as they do in a number of other locations.</p> <p>Senator JACINTA COLLINS: Do you know what impact there is of moving to a circuit type delivery? In similar terms to what we were just talking about with respect to the far west legal service, which says that it has turned away 80 people, do we know what the impact is of a service such as the Nhulunbuy one moving to being operated on a circuit basis?</p> <p>Mr Manning: I would have to take that on notice. I do not have that information here.</p> <p>Senator JACINTA COLLINS: You will correct the evidence if you are wrong about exactly when the service closed, too, I am sure.</p> <p>Mr Manning: I think there is a difference, potentially, between when that service closed and when the leasing et cetera terminates. As I said, I am advised that it has already occurred, but they are probably still—</p> <p>Senator JACINTA COLLINS: Perhaps if you could just take on notice—</p> <p>Mr Manning: but I will clarify.</p> <p>Senator JACINTA COLLINS: when it did close.</p> <p>Mr Manning: Certainly, Senator.</p>	27 March 2015 (AM) L&CA31
AE15/091	Access to Justice Divison	Collins	Redfern Legal Service	<p>Senator JACINTA COLLINS: Thank you. Now, what can you tell me about Redfern?</p> <p>Mr Manning: Are we talking about Redfern community legal centre? It was one of the centres which are impacted by the government's decision yesterday, in the sense that its additional funding that would have ceased two years early no longer will.</p> <p>Senator JACINTA COLLINS: Yes, but what has happened to its operations to date; and what representations has the department or government received with respect to the Redfern service?</p> <p>Mr Manning: I do not have that information. I am not sure if Ms Jardine has personal knowledge of it.</p> <p>Ms Jardine: No. We have received a number of representations, and we are happy to take on notice which organisations we received representations from.</p> <p>Senator JACINTA COLLINS: Yes, I think that would be a useful question for you to take on notice: the full number of organisations for which representations have been made with respect to the impact of the foreshadowed reductions in funding that have now been reversed. I think that would be a helpful one. Are you aware of the statements by Liana Buchanan reported in <i>The Age</i> today? She is the Chief Executive of the Federation of Community Legal Centres in Victoria. She said: ... many centres had already reduced their lawyers and wound back services in preparation for the planned funding cuts.</p>	27 March 2015 (AM) L&CA32
AE15/092	Royal Commission into Institutional Responses to Child Sexual	Collins	Breakdown of \$137.5million expended on the Royal Commission	<p>CHAIR: I am just wondering if there is any indication of when it might conclude. On notice can you give me, unless you have it with you, indications of the cost of that commission to date.</p> <p>Mr Reed: The letters patent indicate that the final report is to be provided to the government by 15 December 2017. Currently the overall budget for the royal commission to the end of the royal commission is \$372 million.</p>	27 March 2015 (AM) L&CA37

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
	Abuse			<p>CHAIR: That is the estimate; can you tell me how much has actually been spent in cash money to date?</p> <p>Mr Reed: Actual expenditure to 28 February 2015 is \$137.5 million.</p> <p>CHAIR: I hear the letters patent run through to the end of 2017, but is there any other indication of whether it will be finished before then?</p> <p>Mr Reed: At this stage, no. We are working to that date.</p> <p>CHAIR: Can you give me on notice some detail about the \$137.5 million spent to date. I do not mean fine detail but just broad details about how much was for legal fees and how much was for travel expenses and rent.</p>	
AE15/093	Royal Commission into Trade Union Governance and Corruption	Collins	Procurement rules	<p>Senator JACINTA COLLINS: Let's just say that the government might want to consider the quality of their response to a public interest immunity claim and not simply turn up to estimates with a commercial-in-confidence assertion.</p> <p>CHAIR: I have more regard for Senator Cormann's economic and financial ability.</p> <p>Senator JACINTA COLLINS: Anyway, we digress.</p> <p>CHAIR: We do.</p> <p>Senator Scullion: Just to correct the record, I made it clear that the claim of public interest immunity is not available to the officers. So you cannot ask them questions—</p> <p>Senator JACINTA COLLINS: I have not.</p> <p>Senator Scullion: I am saying that the public interest immunity claim is available to the minister. I want to clarify for the record that it is available in two areas. One is the commercial-in-confidence area. There is an element of that that exposes the Commonwealth to financial difficulty. That is the commercial-in-confidence element. The other is that it exposes it potentially to litigation. That is the second thing I was bringing forward. I have made a public interest immunity claim, and they are the two reasons for that.</p> <p>Senator JACINTA COLLINS: And I have reserved my rights as to the degree to which I am satisfied with that claim.</p> <p>Senator Scullion: That is usually a matter for the Clerk of the Senate.</p> <p>Senator JACINTA COLLINS: It is not usually a matter for the Clerk of the Senate; it is a matter for a senator, Senator Scullion.</p> <p>Senator Scullion: It usually is in these matters. As you indicated earlier, I have been here for a while. For those matters of standing orders—</p> <p>Senator JACINTA COLLINS: Yes, and it is good to see you have now taken some advice.</p> <p>Senator Scullion: it seems to me that, if there are some issues around that, what you normally do is seek clarification from the Clerk of the Senate. So it is not a matter for a senator. This is a matter where I have claimed public interest immunity. If you think that public interest immunity claim is insufficient you should check with the Clerk of the Senate. That is the advice I am providing you.</p> <p>Senator JACINTA COLLINS: I can seek advice from the Clerk of the Senate, but it is the Senate that determines these things. Anyway, we digress. Let's move on to the issues of substance here. Were the contracts that I referred to previously that you have indicated maximum allowable amounts—is that an acceptable phrase?—published on AusTender within 42 days as required by the Commonwealth procurement rules?</p> <p>Ms Fitzgerald: I would need to confirm that.</p> <p>Senator JACINTA COLLINS: If the answer is not, could you also please indicate why not?</p> <p>Ms Fitzgerald: Certainly.</p>	27 March 2015 (AM) L&CA38
AE15/094	Royal Commission into Trade Union Governance and Corruption	Collins	Minter Ellison	<p>Ms Fitzgerald: Minter Ellison are the solicitors assisting the trade union royal commission. I am happy to go into detail about what that role entails if you would like me to.</p> <p>Senator JACINTA COLLINS: Yes, please.</p> <p>Ms Fitzgerald: They are providing the solicitor support to the counsel assisting and to the royal commissioner in the meeting of the requirements of the terms of reference in relation to the royal commission. They were engaged at the beginning of the royal commission and worked with counsel assisting and the royal commissioner, and indeed, from my own experience, the office of the royal commission very successfully throughout the course of 2014. Their contract was extended with the extension of the trade union royal commission.</p> <p>Senator JACINTA COLLINS: Did the extension of that contract involve a recalibration of the maximum amount?</p> <p>Ms Fitzgerald: I am not entirely sure what your question is. Sorry.</p> <p>Senator JACINTA COLLINS: What has been put on AusTender here refers to the \$17 million. Was there a different amount that was then adjusted because of the extension of the contract?</p> <p>Ms Fitzgerald: To my knowledge, there have been three different adjustments to the figure. The first figure that</p>	27 March 2015 (AM) L&CA38&39

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>was there was only in relation to the 2013-14 financial year. The figure was subsequently adjusted to take into account the 2014-15 financial year. Obviously, with the extension of the trade union royal commission and thereby the extension of the contract in relation to Minter Ellison, another extension of that AusTender contract documentation was required.</p> <p>Senator JACINTA COLLINS: And this is the final one, from what you were saying earlier?</p> <p>Ms Fitzgerald: Unless, of course, the figures need to be adjusted.</p> <p>Senator JACINTA COLLINS: What were the earlier figures?</p> <p>Ms Fitzgerald: I do not have those figures at my fingertips. I would be able to get them. They are publicly available on the AusTender website too. From my recollection—and it is only my recollection—the initial figure was around \$2 million. The subsequent figure was around \$7 million. And I think the third figure is around \$16 million. I am happy to confirm those figures if you would like me to.</p>	
AE15/095	Royal Commission into Trade Union Governance and Corruption	Collins	Minter Ellison	<p>Senator JACINTA COLLINS: What I am trying to get to is what public accountability is there in the first place? I do not want to revisit a public interest immunity aspect to this. At the moment, I am just trying to ascertain how much information will ever be publicly available and when we might have that information. On the face of it, almost \$17 million for solicitors in this case, and at this point in time you are saying it is a maximum but you cannot tell me when we will ever understand what proportion of that maximum is spent.</p> <p>Ms Fitzgerald: I can only go back to my earlier answer that, in this instance, in relation to this royal commission, the Commonwealth followed the usual rules that it follows in relation to the procurement of legal services and that includes obviously getting the best value for money in relation to the particular matter at hand. I am not entirely sure that I could go beyond that at this point.</p> <p>CHAIR: But you will be able to, as someone has just given me in relation to the child abuse, give me what has been spent and the broad titles of amounts on legal fees.</p> <p>Ms Fitzgerald: Precisely. Yes and I think I undertook to do that earlier in relation to the broad category of legal expenditure.</p> <p>Senator JACINTA COLLINS: The question that we have not quite pinned down is: when?</p> <p>Ms Fitzgerald: I am happy to take on notice the expenditure to date in relation to legal expenditure.</p>	27 March 2015 (AM) L&CA39&40
AE15/096	Australian Human Rights Commission	Macdonald	Period of inquiry – Mr Basikbasik	<p>CHAIR: Well, you have already told me that. I am after the 40 infractions.</p> <p>Senator JACINTA COLLINS: That occurred during which period?</p> <p>Ms O'Brien: When? Could you refer me—</p> <p>CHAIR: You have spent simply weeks and months investigating this.</p> <p>Ms O'Brien: Sorry, I just do not know the time frame or what 40 infractions you are referring to, Senator.</p> <p>CHAIR: Well, tell me: have you heard of any 40 infractions that Mr Basikbasik has committed?</p> <p>Ms O'Brien: At what point in time?</p> <p>CHAIR: At any time.</p> <p>Senator O'SULLIVAN: Oh, dear. This is starting to become farcical.</p> <p>Ms O'Brien: I am sorry; you would have to make the question more specific so I could answer it, Senator.</p> <p>CHAIR: You have never read a newspaper report or heard from anyone that there have been 40 infractions?</p> <p>Ms O'Brien: Not that I can recall.</p> <p>CHAIR: How long did you spend investigating Mr Basikbasik?</p> <p>Ms O'Brien: The report was sent to the Attorney-General in June 2014.</p> <p>CHAIR: That is not what I asked. How long did—</p> <p>Ms O'Brien: I would have to take on notice the period of the inquiry.</p> <p>CHAIR: Was it months, days, hours, minutes, years?</p> <p>Ms O'Brien: Complaints are investigated through the investigation and conciliation section. When they cannot be resolved by conciliation and they think they may result in a breach of human rights they are then transferred through to the legal section.</p> <p>CHAIR: Professor Triggs has issued the report. Perhaps she could help us with how long the assessment, the report, into this gentleman continued.</p> <p>Prof. Triggs: Cases of this kind take many months, in part because we have to get the facts right and in part because we attempt to negotiate with the government.</p> <p>CHAIR: Professor Triggs, that is an interesting comment. My question—you answer whatever question you like in your own time; in my time, please answer mine—is: what period of time did your investigation proceed over?</p> <p>Prof. Triggs: I would have to take that on notice.</p>	27 March 2015 (PM) L&CA11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>CHAIR: Well, can you give me a hint?</p> <p>Prof. Triggs: I have just explained to you, Senator Macdonald—</p> <p>CHAIR: Was it years?</p> <p>Prof. Triggs: it would take months. I do not think it took years; it would take months. I have answered that question twice now. That is quite clear. The exact dates we will be very happy to give you. When we get back to the office, we can tell you when we received the complaint—</p>	
AE15/097	Australian Human Rights Commission	Collins	Compensation recommendations	<p>Senator JACINTA COLLINS: You indicated that compensation is calculated consistent with Federal Court criteria—I do not want to verbal you—but on several occasions in the past they have not been met. It seems to a number of senators that it is unheard of that compensation would be recommended. From what you seem to be saying, there have been several occasions when former presidents have recommended compensation but it has not been met by whichever government was in power. Could you elaborate on that point?</p> <p>Prof. Triggs: First of all we have a power to make to make compensation recommendations, once I have made a final finding—</p> <p>Senator JACINTA COLLINS: Is it a power or is it a requirement?</p> <p>Prof. Triggs: It is a power. As you will appreciate, any matter that concerns a legal judgement, you usually exercise that power to recommend the compensation payment. That would be normal procedure, and it has been the procedure of the commission for 30 years. As far as I am aware, it has never been questioned. Your precise question is: is usual for us to make compensation recommendations? The answer is 'Yes.' Every time we find a breach of Australia's human rights obligations, we invariably make a recommendation. It may be that sometimes financial compensation is not appropriate. We do in a number of matters actually recommend an apology or some written statement—sometimes it is in the private sector and it is worked out within the business that is involved or with the government. That is absolutely normal procedure.</p> <p>Senator JACINTA COLLINS: Could you take on notice the details of compensation recommendations that have been made? Can you tell me how onerous the length of time might be for compensation of a financial nature?</p> <p>Prof. Triggs: We can give you a complete list of every one of our decisions in which compensation payment has been recommended.</p> <p>Senator JACINTA COLLINS: And quantum of that?</p> <p>Prof. Triggs: Indeed, with the precise amounts that I have recommended. I am very happy to do that.</p>	27 March 2015 (PM) L&CA12
AE15/098	International Law and Human Rights Division	Moore	Coordination of responses to the recommendations of the <i>Children's Rights Report 2014</i>	<p>Ms Mitchell: Yes. AIHW is under Minister Ley's portfolio, whereas ABS is under the Treasurer's portfolio. I have already had some initial indications from the Parliamentary Secretary to the Treasurer that the ABS will be providing information of the kind that I have asked for on a regular basis. I do need to confirm what that looks like and what form it is going to take, but that is a good early indication that there might be some movement in that area.</p> <p>Senator MOORE: And Minister Morrison? You have already published in the report that the AIFS study is now picking up the particular question, which is a huge advance. So it is back through Minister Morrison's department.</p> <p>Ms Mitchell: Yes. Children's issues are disparately located across government, so a relationship with Minister Morrison will be important to advance the recommendations as well.</p> <p>Senator MOORE: But your basic report goes to the Attorney-General first, and then it is tabled?</p> <p>Ms Mitchell: It goes to the parliament via the Attorney-General.</p> <p>Senator MOORE: From the Attorney's point of view, when you get a report of this nature—and this was late last year?</p> <p>Ms Mitchell: December.</p> <p>Senator MOORE: December last year. The process is it comes back to the Attorney. Does the Attorney's department have any role in coordinating the response? When you have a range of recommendations across so many different departments, does it have a responsibility to do any coordination work there?</p> <p>Mr Reid: Yes, that is right. We have started working through the recommendations in the commissioner's report. I will have to take on notice the engagement we have had with other departments at this stage, but we will have a role in bringing people together. I do not know whether we will end up coordinating issues or whether different portfolios will take things forward separately.</p>	27 March 2015 (PM) L&CA18
AE15/099	International Law and Human Rights Division	Moore	Tabling of a formal response on the <i>Children's Rights Report 2014</i>	<p>Senator MOORE: I love that saying. Is there any convention about how soon a response to a report from the Human Rights Commission should take? There is a laughing convention about other committee reports, that they have a three-month turnaround. In my lifetime that has not happened. Is there a convention within the Attorney's department for how long a response has to take?</p>	27 March 2015 (PM) L&CA18&19

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Mr Reid: There is not.</p> <p>Senator MOORE: Is the government's response tabled in parliament?</p> <p>Mr Reid: There may not be a formal government response. It will depend on the circumstances and what the recommendations.</p> <p>Senator MOORE: I will be asking the minister as to whether there could be a formal response to this one, amongst many others, but I have just taken a particular interest in this one. It would be a matter of seeking the minister's view as to whether there would be a formal response?</p> <p>Mr Reid: That is exactly right.</p> <p>Senator MOORE: Minister, can I make that formal response through you to the minister about seeking some information about whether there will be a formal response to the <i>Children's rights reports 2014</i>? Can I do it in this way?</p> <p>Senator Scullion: If you are asking me, and I think you are, to simply take that on notice to get back to the committee, I see there are nods all around to say that is the case, so, yes.</p> <p>Senator MOORE: If it requires a letter of something, I am happy to do that.</p> <p>Senator Scullion: We are happy to take that on notice.</p>	
AE15/100	Australian Human Rights Commission	Moore	Cost of purchasing data from other government agencies	<p>Senator MOORE: But you can respond to anything, Minister, but I was particularly asking about the children's one. I just want to check on the costings. Ms Mitchell, it struck me as odd that you had to, at the commission's expense, buy information from other government agencies. Is that standard practice?</p> <p>Ms Mitchell: It depends. Government agencies charge other agencies for various pieces of work if it is outside their standard work. Obviously, I would like to have this data and I think it is in the public interest to have this data available regularly for free for everybody to use and for use for research and other purposes. It is a frustration for researchers as well. I do think it would be desirable for governments to review the charging practices in critical policy areas.</p> <p>Senator MOORE: Can we find out how much it cost?</p> <p>Ms Mitchell: I will take that on notice. Some agencies charge more than others.</p> <p>Senator MOORE: Exactly, but this is actually an expense for the commission. Congratulations on making the decision to do the work, but it was not at anyone's request as such. It would be useful to know what cost that was, because it was your basic dataset.</p> <p>Ms Mitchell: I am very happy to provide that for you.</p>	27 March 2015 (PM) L&CA19
AE15/101	Australian Human Rights Commission	Macdonald	Offences committed by Mr Basikbasik	<p>CHAIR: President or Director, can I ask you, on notice if necessary, if you were aware that between 1986 and the year 2000 Basikbasik committed a number of violent offences culminating in the 2000 bashing of his 28-year-old Australian partner, who was four months pregnant. Are you aware of that?</p> <p>Ms O'Brien: Sorry, could you repeat the sentence?</p> <p>Senator JACINTA COLLINS: I am after the same thing, actually, Chair. I have just started to try and comprehend the full question. Between 1986 and when?</p> <p>CHAIR: Are you aware that, between 1986 and the year 2000, Mr Basikbasik committed a number of violent offences, culminating in the 2000 bashing of his 28-year-old Australian partner, who was then four months pregnant? Were you aware of that?</p> <p>Ms O'Brien: I can tell you what we were aware of. We were aware that Mr Basikbasik was convicted of a range of criminal offences in Australia dating from 1986. In May 2000, Mr Basikbasik was charged with the manslaughter of his de facto spouse.</p> <p>CHAIR: Are you aware that she was his 28-year-old partner and she was four months pregnant?</p> <p>Ms O'Brien: It may well be the case.</p> <p>CHAIR: No, my question is: are you aware? You either are or you are not. When I say 'you', Director, I mean whoever is responsible for this report.</p> <p>Senator WRIGHT: Do you mean now or at some other time in the past?</p> <p>CHAIR: At that time the report was made.</p> <p>Senator WRIGHT: It is important to be clear.</p> <p>Ms O'Brien: I am aware of that personally from media reports to that effect. As to what the particular lawyer assisting the president was aware of, I could not answer that.</p> <p>CHAIR: Can you take that on notice. Are you aware that in 2007 Mr Basikbasik was moved to immigration detention when the department of immigration ruled that he was not fit to rejoin society? Are you aware of that, or is whoever did the report aware of that, and were they at the time of—</p>	27 March 2015 (PM) L&CA23&24

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>Ms O'Brien: Sorry, I have to be careful. Could you repeat that sentence.</p> <p>CHAIR: In 2007, Mr Basikbasik was moved to immigration detention when the department of immigration ruled that he was not fit to rejoin society.</p> <p>Ms O'Brien: I am aware that in 2007 Mr Basikbasik was released from prison and was thereafter detained in Villawood Immigration Detention Centre.</p> <p>CHAIR: Are you aware that the department of immigration ruled that he was not fit to rejoin society—you or whoever was responsible for this report at the time the report was being drafted?</p> <p>Ms O'Brien: I am aware that the minister for immigration in 2003 cancelled Mr Basikbasik's protection visa under section 501 of the Migration Act.</p> <p>CHAIR: Thank you for that information. That is not the question.</p> <p>Ms O'Brien: That was the reason that he was moved to the immigration—</p> <p>CHAIR: Are you or was the commission aware that the department of immigration ruled that he was not fit to rejoin society in 2007 when they placed him in immigration detention?</p> <p>Ms O'Brien: I have not got that document—</p> <p>CHAIR: Okay, you will take that on notice?</p> <p>Ms O'Brien: Sorry, Senator, if I could answer: the reason he was placed in immigration detention, as I understand it, was that his visa was cancelled in 2003. I am not aware and would have to take on notice whether there was a separate ruling by the department of immigration following his release from prison.</p>	
AE15/102	Australian Human Rights Commission	Macdonald	Mr Basikbasik	<p>CHAIR: I am happy for you to take all these on notice if you are not currently able to answer. Are you aware that, while in detention, Mr Basikbasik had more than 40 infractions, including assault? Are you aware of that, or was the person who prepared this report aware of that when preparing this report?</p> <p>Ms O'Brien: I will take it on notice.</p> <p>CHAIR: Thank you. Are you aware that he fathered 14 children by four different women?</p> <p>Ms O'Brien: I will take it on notice.</p> <p>CHAIR: Thank you. Are you aware that a psychiatrist who assessed Mr Basikbasik in 2008 found that he was a high risk of committing further violent offences and would not benefit from treatment, having shown little insight into his aggressive behaviour? Are you aware of that?</p> <p>Ms O'Brien: I will take it on notice.</p> <p>CHAIR: Sorry, I am not asking either of you the question. I will start again. Are you aware that social work expert Deborah Walsh was quoted as saying that women simply were not safe around him?</p> <p>Ms O'Brien: I will take that on notice.</p>	<p>27 March 2015 (PM) L&CA24</p> <p>L&CA24</p> <p>L&CA24</p> <p>L&CA25</p>
AE15/103	Australian Human Rights Commission	Macdonald	International travel	<p>CHAIR: Thank you; that is what I wanted you to do. That completes my questions there, although Senator O'Sullivan might have some for the rest of my time, but I do have another area that I just want to briefly run to, which I think we gave you some notice of. Can you give me details of the overseas travel by commissioners in the last, say, 12 months to, let us say, the end of February 2015?</p> <p>Ms Raman: I am happy to take that on notice. Would you like all commissioners?</p> <p>CHAIR: Yes, all commissioners. Did we not give you notice that I would be asking these questions and ask that you have these details available?</p> <p>Ms Raman: Not on international travel.</p> <p>CHAIR: I understand—the secretary advises me—that there is sometimes some confusion, Mr Moraitis, in that the requests of the committee go to the department and then do not necessarily always go to the commission, but in the future we will correct that. I will just try and find out now. In those details, will you nominate them by individual commissioners on whose—</p> <p>Ms Raman: I am happy to do so.</p> <p>CHAIR: Would you also be able to give me the cost of those trips and what class of travel commissioners used.</p> <p>Ms Raman: I am happy to do that.</p> <p>Senator JACINTA COLLINS: What class, destination—</p> <p>CHAIR: Yes, that would be a good idea.</p> <p>Senator JACINTA COLLINS: and event?</p> <p>CHAIR: My colleague rightly reminds me that I also include the president in the term 'commissioners', just in case the point is taken, as I think it has been in the past—the president and the commissioners.</p> <p>Ms Raman: Sure. And would you like accommodation and travel?</p> <p>CHAIR: It should be relative. Is there much of it? Is this a big request?</p>	<p>27 March 2015 (PM) L&CA25</p>

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				Ms Raman: No, it is not.	
AE15/104	Australian Human Rights Commission	Moore	40th anniversary of the Racial Discrimination Act	<p>Senator MOORE: Leading on from that, we know it is the 40th anniversary of the Racial Discrimination Act this year and that that will be a time to some celebration and acknowledgement, I would expect. What is the role of the commission in terms of that kind of acknowledgement and celebration process? That stuff has to be led from someone, otherwise it just does not happen.</p> <p>Prof. Triggs: Thank you, again. Dr Soutphommasane has embarked on this year's celebration of that remarkable document that has been so important in the development of Australia in terms of human rights law. He has held a conference just about three weeks ago, in which we had various speakers talk about the way in which the legislation was passed by parliament, what has been achieved and what reform might be necessary. In a few weeks, a book will be launched that pulls together some of this work and further examines the importance of the act. Its contribution will continue throughout the year.</p> <p>Senator MOORE: Is there a scheduled interaction with parliament on that? So much is going on around a whole range of things in the legislation's basis and also in Australia's role. It is bringing it back into engaging with the parliament in one respect to make sure that the parliament is involved and to make sure that we understand the link with parliament—not the government, but with parliament. Is there any proposal within this process to have some form of activity here that promotes the importance of the act, promotes some history of the act and actually engages with parliamentarians?</p> <p>Prof. Triggs: I will have to take that on notice. I expect that my colleague will be thinking along those lines. I would also—perhaps through questions on notice—come back to you on the broader question, because this is something that we would very much like to work on with parliament. Indeed, we are thinking of things like holding seminars or sessions with those members of parliament who would like to be involved with this to talk about the way in which the various acts that we administer work in practice. There is so little understanding of what our role actually is.</p> <p>We feel it might be helpful to work with parliament more closely, particularly with the development of the Parliamentary Joint Committee on Human Rights' scrutiny committee. That is proving to be more and more effective. It has got a very wide mandate. We have worked and want to continue to work very closely with it. We would be delighted to see more parliamentarians get involved in the process so that the process of considering the human rights implications of legislation is more front of mind than perhaps it has been.</p>	27 March 2015 (PM) L&CA27&28
AE15/105	Australian Human Rights Commission	Collins	Membership on the Administrative Review Council	<p>Senator JACINTA COLLINS: Professor Triggs, are you a member of the Administrative Review Council?</p> <p>Prof. Triggs: I believe I have been an adviser to it.</p> <p>Senator JACINTA COLLINS: But you are not a member?</p> <p>Prof. Triggs: No.</p> <p>Senator JACINTA COLLINS: Are you aware of when it last met?</p> <p>Prof. Triggs: No, I am not. It reports and I receive its reports. But when it last met, I do not know.</p> <p>Senator JACINTA COLLINS: What is the nature of the advice you provide to that council?</p> <p>Prof. Triggs: It has been that I have looked at matters that raise matters of public international law, essentially, and international human rights treaties. But my engagement has been a very slight one. In fact, it was in the earlier days of my presidency rather than now.</p> <p>Senator JACINTA COLLINS: It may be some time since it has met.</p> <p>Prof. Triggs: It would have been at least nearly two years ago that I had any dealings with them. But may I take that on notice and come back to you?</p> <p>Senator JACINTA COLLINS: Yes, if you could. I am also interested in terms of how its affairs relate to your ongoing role as well, if you could deal with that question.</p> <p>Prof. Triggs: We would be very happy to look at that.</p>	27 March 2015 (PM) L&CA28
AE15/106	Australian Human Rights Commission	O'Sullivan	Production of documents	<p>Senator O'SULLIVAN: Professor, I want to set a platform question before I go to the heart of my inquiry. Are you familiar with a case handled by the commission referred to as MG v the Commonwealth?</p> <p>Prof. Triggs: Yes. That is one of the many complaints that we have received.</p> <p>Senator O'SULLIVAN: You are familiar, clearly, from the exchange of evidence, with the Basikbasik case. There is another one referred to as Mr Charlie. Are you familiar with that particular matter also?</p> <p>Prof. Triggs: Yes, again, I am familiar with that case, but I would have to refresh my mind as to the precise detail.</p> <p>Senator O'SULLIVAN: No, I do not intend to ask you any questions about it today, but we will get to that, no doubt. Professor, the Senate provides for us to ask a witness to produce documents relevant to the work of the committee. I am now about to ask you about, or give you notice of a request about, the production of documents.</p>	27 March 2015 (PM) L&CA28

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>range of security issues that may be relevant to those schools. In terms of the information that is provided as part of the grant-assessment process, I would need to take that on notice and come back to you.</p> <p>Senator WRIGHT: As you identified, the Schools Security Program is quite a long-running scheme.</p> <p>Ms K Jones: Yes.</p> <p>Senator WRIGHT: Were different measures used to assess security risks this time around?</p> <p>Ms K Jones: I would need to take that on notice.</p> <p>Senator WRIGHT: There is no-one here who can help me with those answers.</p> <p>Ms K Jones: I apologise—no.</p> <p>Senator WRIGHT: On notice, how was an increased terror threat factored into the decision-making process? In other words, how have things, developments, changed over recent times? I note that this is the first year that funding can be used to employ security guards. Why was that change made?</p> <p>Ms K Jones: I would need to check that. I understand it was part of the election commitment of the government to broaden the program to enable security guards to be provided as part of the measures that schools could seek funding for, but I would like to confirm that for you.</p> <p>Senator WRIGHT: Thank you, if you would do that. So was an increased terror threat factored into the decision-making process?</p> <p>Ms K Jones: Certainly the general security environment was one relevant factor to considering both the program in general and in relation to each of the schools that applied. That general security context is relevant.</p> <p>Senator WRIGHT: What evidence is there that these schools where a security guard is to be deployed would actually benefit by hiring guards? What evidential process has there been in making that decision?</p> <p>Ms K Jones: Again, I would need to take that on notice.</p> <p>Senator WRIGHT: In this funding round more than 80 per cent of the money has gone to independent schools. Is there any evidence to show that independent schools are 80 per cent more likely to be victims of attack, harassment or violence caused by racial or religious intolerance?</p> <p>Ms K Jones: In terms of the specifics, because that is a very complex question I would not want to give a glib answer but I think one of the things that are relevant in relation to this program is that quite a lot of the schools are specialist religious schools, whether they are Islamic, Jewish and otherwise, and so they may for that reason have a heightened risk of attack, so that is one of the relevant factors in those circumstances.</p> <p>Senator WRIGHT: Perhaps if the answer could indicate the breakdown and what the thinking or evidentiary basis was for the decision that was made. Also I said more than 50 was what was in the media report but how many schools are there? Are there 51, or more than that? Could you find that for me please?</p> <p>Ms K Jones: I am happy to provide that.</p> <p>Senator WRIGHT: Minister, I appreciate you are not the minister who can probably answer this at this point. This appears to have been characterised as an antiterror measure. How appropriate do you think it is that this issue around security at schools has been characterised as an antiterror measure?</p> <p>Senator Scullion: You are right, I am not aware of the motivation that might have led to this but across governments one would think that you would move to secure a particular area of the community—in this case protecting our most vulnerable and sometimes most exposed. Clearly this has been an area that has been analysed in terms of what level of threat that that would attract. There is no doubt that an attack on a school would probably have one of the greatest impacts in that it would terrorise our community and would make us very fearful. No doubt this has been identified as a consequence of a risk rather than anything else and I think that is quite appropriate.</p> <p>Senator WRIGHT: I am interested. Can you confirm that applications for these security guards and enhanced security measures for these schools were made in September last year. Is that right? Can you take that on notice if you do not know?</p> <p>Ms K Jones: I will confirm that for you.</p>	<p>L&CA32</p> <p>L&CA32</p> <p>L&CA33</p> <p>L&CA33</p> <p>L&CA33</p>
AE15/110	Australian Federal Police	Xenophon	Balibo 5 investigation	<p>I refer the statement by AFP Deputy Commissioner Phelen at the Legal and Constitutional Affairs Senate Estimates Committee of 20 November 2014 that the AFP received a number of pieces of legal advice from the Attorney General's office, as well as from independent Legal Counsel, that were instrumental in the AFPs decision not to proceed with the Balibo 5 war crimes investigation.</p> <p>Given that over \$500,000 and 5 years were expended in this failed investigation, and that the Attorney General Senator Brandis acknowledged that the decision to release this legal advice rests solely with the government, I now call upon the government to fully release this vital information.</p>	Written

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				<p>For 40 years the Australian public and the families of the murdered men have sought clarity on this tragic matter, and for 40 years successive Australian governments have hidden behind a spurious “national interest” excuse to deny natural and legal justice.</p> <p>At a time when Australians have a significant crisis of confidence in the ability of our own government and Federal Police force to uphold fundamental human rights, the only transparent option is to fully disclose the legal basis on which the Balibo 5 investigation into war crimes was abandoned.</p> <p>Will you therefore immediately release the departmental and independent legal advice which lead to the abandonment of the Balibo 5 war crimes case?</p>	
AE15/111	Access to Justice Division	Wright	National Aboriginal and Torres Strait Islander Legal Services	<p>The National Aboriginal and Torres Strait Islander Legal Services (NATSILS) is essential to allow ongoing coordination of ATSIILS reporting and is a key partner in the Australian Legal Assistance Forum.</p> <ol style="list-style-type: none"> Please provide a breakdown of the current Commonwealth funding for NATSILS. Please confirm how much Commonwealth funding for NATSILS has been cut since the 2013-14 Federal Budget. On what basis were these funding cuts excluded from the Attorney General’s reversal of funding cuts to the legal assistance sector announced on 26 March 2015? 	Written
AE15/112	Access to Justice Division	Wright	Funding model to commence after expiry of current National Partnership Agreement	<ol style="list-style-type: none"> The MYEFO cuts to legal assistance services announced in December 2013 amounted to \$43.1 million, yet the ‘reversal’ of the cuts announced on 26 March 2015 ‘restored’ only \$25.5 million over two years. Please list the legal assistance services that will be impacted the shortfall in the reversal of these cuts? When will the Commonwealth Government disclose the new funding formula for the allocation of State and Territory CLC funding? <ol style="list-style-type: none"> Can you confirm that this formula was not developed in consultation with the community legal sector? Will this formula include safeguards to guarantee that existing centres will not be closed due to the potential redistribution of funding? Will this formula guarantee that no family violence intervention order services will be impacted by the proposal to stop the use of Commonwealth funds on community legal centre cases relating to State matters that are not connected to a Family Court proceeding? Does the Department intend to defer the commencement of the new funding formula for the legal assistance sector to enable evidence-based legal needs assessment and jurisdictional service planning to take place? If so, for how long? Can you confirm that under the new funding model, the Commonwealth will no longer play a coordination role with CLC program management and administration? <ol style="list-style-type: none"> If so, what resources and assistance will be provided to the States to enable them to transition to this coordinating role? Will this change be taken into account when setting the time frames for the commencement of the new funding model? 	Written
AE15/113	Access to Justice Division	Wright	Advocacy Ban	<p>On 30 March 2015 ABC’s <i>Four Corners</i> program highlighted payday lending and the extensive lobbying efforts of the industry to secure favourable regulation. Community legal centres are prominent in defending the victims of this industry, however, due to Commonwealth funding restrictions, these centres are unable to able to advocate to stem the tide of victims coming through their doors.</p> <p>Please explain the policy basis for the prohibition on the use of Commonwealth funding by community legal centres for advocacy that is directly related to their front line legal services.</p>	Written
AE15/114	Access to Justice Division	Wright	Family Relationships Services Program	<ol style="list-style-type: none"> Does the Family Relationships Services Program currently provide services to same-sex couples or same-sex parents? <ol style="list-style-type: none"> If not, why? If so, what percentage of clients identify as a same-sex family? Has any advice been prepared or discussed to prevent same-sex couples accessing this program? Does the High Court’s decision in <i>William v Commonwealth of Australia (No 2) June 2014</i> impact on this program? 	Written
AE15/115	Constitutional and Corporate Counsel Division	Wright	Constitutionality of funding	<ol style="list-style-type: none"> What actions has the department taken in response to the High Court’s decision <i>William v Commonwealth of Australia (No 2) June 2014</i>? Has the department undertaken a program-by-program analysis to determine if funding for its programs are at risk following the above case? <ol style="list-style-type: none"> If so, which programs are regarded as high risk? If not, why has the analysis not been undertaken? Has the Attorney General’s Department or Australian Government Solicitor undertaken any whole-of- 	Written

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<p>government process to consider the risks associated with existing government programs?</p> <p>4. How are any potential constitutional issues addressed when the government is considering or developing new policy proposals?</p> <p>a. Has this process changed since <i>William v Commonwealth of Australia (No 2) June 2014</i>?</p> <p>b. If this process has changed since <i>William v Commonwealth of Australia (No 2) June 2014</i>, how has it changed?</p>	
AE15/116	International Crime Cooperation Division	Wright	Death penalty	<p>1. Please provide details of the assistance provided by the Attorney General's Department to Myuran Sukumaran and Andrew Chan and their families – for example, has the AGD provided financial assistance to cover their legal expenses?</p> <p>2. Has the Department reviewed the current AFP guidelines on police-to-police assistance in death penalty matters – last updated in 2009 – to ensure that the guidelines comply with Australia's international commitment to proactively push for the abolition of the use of the death penalty?</p>	Written
AE15/117	Australian Financial Security Authority	Wright	Debt agreement administrators	<p>1. What efforts have the Australian Financial Security Authority (AFSA) made to ensure debt agreement administrators do not engage in inappropriate marketing and selling of their services?</p> <p>2. Does AFSA believe it has sufficient power to crack down on misleading promotions of debt agreement administrators, particularly those that over-sell the benefits of a debt agreement and fail to mention that these agreements have very similar consequences to bankruptcy?</p> <p>3. In the case of <i>Re Dosanjh, Ex parte Duus</i> [1995] 56 FCR 521, it was established that the court would not allow a trustee in bankruptcy to split a bankrupt's personal injury claim amount into amounts for pain and suffering and thereby claim the loss of income component of the personal injury damages amount paid to a bankrupt.</p> <p>4. Can you confirm that Australian Financial Security Authority (AFSA) does not have a policy whereby it relies on an insurer's breakdown of a personal injury amount or itself makes a breakdown of the amount and claims what it perceives to be the income component of a compensation payout?</p>	Written
AE15/118	Commonwealth Director of Public Prosecutions	Wright	Social security prosecutions	<p>1. In 2013-14, how many people prosecuted for social security related offences were convicted? What was the average financial amount involved? Of those convicted please provide a breakdown by:</p> <p>a. Gender</p> <p>b. Payment type</p> <p>c. Age</p> <p>d. State and territory of those prosecuted.</p> <p>2. For 2013-14, how many social security recipients - out of the total population of social security recipients - were convicted for social security fraud (in number and percent)?</p> <p>3. What percentage of resources and how many staff at the CDPP were dedicated to social security prosecutions compared to tax prosecutions, in 2013-14?</p> <p>4. For the financial periods 2011-12, 2012-13 and 2013-14 please provide a breakdown of the sentencing outcomes of recipients convicted (for social security fraud offences) by the CDPP by type of sentence (e.g. custodial sentence, good behaviour bond, community service order, etc.). Please provide a breakdown of the sentencing outcomes by:</p> <p>a. Age</p> <p>b. Gender</p> <p>c. State and Territory, and</p> <p>d. Indigenous/non-Indigenous background</p> <p>5. For the financial periods 2011-12, 2012-13 and 2013-14 please provide a breakdown of the sentencing outcomes of recipients convicted [for tax fraud offences] by the CDPP by type of sentence (e.g. custodial sentence, good behaviour bond, community service order, etc.). Please provide a breakdown of the sentencing outcomes by:</p> <p>a. Age</p> <p>b. Gender</p> <p>c. State and Territory, and</p> <p>d. Indigenous/non-Indigenous background</p>	Written
AE15/119	Access to Justice Division	Collins	Community Legal Centres' funding	<p>1. On 26 March the Attorney-General announced '\$25.5 million over two years to 30 June 2017, of funding for Legal Aid Commissions, Community Legal Centres and Indigenous legal service providers'. Please provide a breakdown of when and where this funding will be allocated.</p>	Written

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Hearing Date and Proof Hansard Page or Written
				<ol style="list-style-type: none"> 2. Have any individual CLCs been notified of the restoration of their funding? If not, when will this take place? 3. When will CLCs receive the restored funding promised? 4. Does this figure include the funding for the Yarra Ranges CLC announced in March by Tony Smith MP? 	
AE15/120	Access to Justice Division	Collins	Family Court Appointments	<ol style="list-style-type: none"> 1. Have any Family Court judges been appointed since the Abbott Government took office in September, 2013? 2. When will the Abbott Government appoint a replacement for Justice Fowler of the Family Court, who retired some 15 months ago? 3. When will the Abbott Government appoint a replacement for Justice Bell who retired in February 2015? 	Written
AE15/121	National Security Law Policy Division	Collins	Countering Violent Extremism	The Labor Government had a CVE grant program from 2010 onwards. At last Estimates, the Government made it clear that they had decided not to renew this program when they took Government. Can you confirm that the Government did not allocate any further grant funding after the 2013 election?	Written
AE15/122	National Security Law Policy Division	Collins	Living Safe Together Grants	<ol style="list-style-type: none"> 1. Have any grants been allocated under the Living Safe Together Grants programme? Please provide details on each grant. 2. When was the first grant awarded to a successful organisation? When was that organisation notified? When was grant money first delivered to that organisation? 3. The AGD website indicates that the deadline for applications for these grants was extended to 2 March 2015. What was the original deadline? Why was this extended? 4. Can you confirm that the cap for grants is \$50,000? 5. Why was this cap chosen? Has the Government received any advice, from inside or outside Government, that this cap might limit the effectiveness of programs? 	Written
AE15/123	International Law and Human Rights Division	Collins	Human Rights Law Centre dinner	<ol style="list-style-type: none"> 1. Did the Attorney-General receive an invitation to the Human Rights Law Centre and Justice Connect Annual Human Rights Dinner, to be held in honour of Professor Gillian Triggs in Melbourne on Friday 5 June 2015 and Sydney on Friday 12 June 2015? 2. Will the Attorney-General attend the Dinner? If not, why not? 	Written
AE15/124	International Law and Human Rights Division	Collins	Comments by the Human Rights Commissioner	<ol style="list-style-type: none"> 1. Is the Attorney-General aware of the comments of the Human Rights Commissioner, Mr Tim Wilson, on ABC's The Drum on 1 December 2014, in which he stridently defended the Abbott Government's budget and criticised the budget strategy of the previous Labor Government? 2. If so, has Mr Wilson's political advocacy of the Abbott Government's budget strategy "fatally compromised" the impartiality of the Australian Human Rights Commission? 3. Can the Attorney-General advise whether economic commentary or political advocacy are within the ambit of Mr Wilson's role as Human Rights Commissioner? 	Written
AE15/125	International Law and Human Rights Division	Collins	Human Rights Commissioner's affiliations – Liberal Party	<ol style="list-style-type: none"> 1. Can the Attorney-General advise whether Mr Wilson has resigned his membership of the Liberal Party? If the answer is "yes", on what date did that resignation occur? 2. Can the Attorney-General advise whether Mr Wilson remains actively involved in the affairs of the Liberal Party? 3. Can the Attorney-General advise whether Mr Wilson has attended any Liberal Party functions, either formal or informal and in either a professional or personal capacity, since his appointment as Human Rights Commissioner? If the answer is "yes", can a schedule of Mr Wilson's attendance at these functions please be provided? 	Written
AE15/126	International Law and Human Rights Division	Collins	Human Rights Commissioner's affiliations – Institute of Public Affairs	<ol style="list-style-type: none"> 1. Can the Attorney-General advise whether Mr Wilson has resigned his membership of the Institute of Public Affairs? If the answer is "yes", on what date did that resignation occur? 2. Can the Attorney-General advise whether Mr Wilson remains actively involved in the affairs of the Institute of Public Affairs? 3. Can the Attorney-General advise whether Mr Wilson has attended any Institute of Public Affairs functions, either formal or informal and in either a professional or personal capacity, since his appointment as Human Rights Commissioner? If the answer is "yes", can a schedule of Mr Wilson's attendance at these functions please be provided? 	Written
AE15/127	International Law and Human Rights Division	Collins	Human Rights Commissioner's tenure	<ol style="list-style-type: none"> 1. Does the Attorney-General have confidence in Mr Wilson? 2. Has the Attorney-General sought Mr Wilson's resignation? 3. Has the Attorney-General spoken with the Secretary of his Department about seeking Mr Wilson's resignation? 4. Has the Attorney-General considered making another role available to Mr Wilson should he resign his position as Human Rights Commissioner? 	Written

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AE15/128	Civil Law Division	Collins	<i>Copyright Amendment (Online Infringement) Bill 2015 - Consultation</i>	<ol style="list-style-type: none"> 1. When did the Government first consult with industry or stakeholders on the precise terms of the <i>Copyright Amendment (Online Infringement) Bill 2015</i>? 2. Which groups or individuals were consulted? 	Written
AE15/129	Civil Law Division	Collins	<i>Copyright Amendment (Online Infringement) Bill 2015 - Development</i>	<ol style="list-style-type: none"> 1. Was a private barrister retained by the Government to assist in finalising the drafting of the Bill? What was the cost of this work? 2. Did the Attorney-General personally have any part in the drafting of the Bill? 3. Has the Government sought advice on whether the terms of the Bill or any previous draft would capture some VPNs? Can the Government guarantee that VPNs cannot be caught by the terms of the Bill? 4. Has any industry stakeholder requested that the Government allow for the blocking of VPNs by this Bill? 5. Does the Bill provide for the indemnification of ISPs against third party lawsuits by rights-holders? If not, why not? 	Written
AE15/130	Civil Law Division	Collins	Estimated costs of site blocking	<ol style="list-style-type: none"> 1. Has the Government estimated the cost to industry of site-blocking? <ol style="list-style-type: none"> a. What is the expected cost per site blocked? b. What is the expected aggregate cost, industry-wide, once the scheme is in full operation? 	Written
AE15/131	Ministry for the Arts	Collins	Staffing	<ol style="list-style-type: none"> 1. What was the number of full time equivalent positions in the Ministry for the Arts on: <ul style="list-style-type: none"> • 7 September 2013 • 30 June 2014 • 1 April 2015 2. What functions are now not being performed as a result of staff reductions over the past 18 months? 	Written
AE15/132	Ministry for the Arts	Collins	Opera Review	<ol style="list-style-type: none"> 1. An answer to a QON stated that the cost of the opera review is being met from departmental resources. What resources have been allocated within the Ministry to service this review? What contribution is being made by the Australia Council? 2. Why were the recent public consultations for the opera review held in January, at very short notice, when the Minister's press release stated they would be held "later in 2014"? 3. What were the main issues raised at the opera review's public consultations? 4. What other consultations with stakeholders have taken place for the opera review? What issues have been raised? 5. The answer to a previous QON stated there will be a discussion paper for the opera review, when is that to be expected? 6. Is the panel's final report still expected by June 2015? 	Written
AE15/133	Ministry for the Arts	Collins	Book Council	<ol style="list-style-type: none"> 1. What were the reasons for the formation of a stand-alone Book Council, replicating many of the functions of the Australia Council, at the same time as the government was abolishing some hundreds of other councils, committees and bodies on the grounds of duplication and excessive bureaucracy? 2. What are the functions of the Book Council, and how are they different from the Australia Council in the field of books and literature. 3. What consultations or representations took place from bodies outside government advocating the establishment of a book council? 4. When can we expect the membership of the Book Council to be announced? 5. What will be the staffing for the Book Council? How will those staff be selected? Where will the Council be physically located? 6. What consultation took place with the Australia Council prior to the announcement of the Book Council, particularly regarding its functions and funding? 	Written
AE15/134	Ministry for the Arts	Collins	Prime Minister's Literary Awards	What was the role or involvement of the Prime Minister in the selection of winners of the Prime Minister's Literary Awards? How many of the shortlisted books did he read? Were the shortlisted books provided to him to read?	Written
AE15/135	Ministry for the Arts	Collins	Entertainment Visa Review	<ol style="list-style-type: none"> 1. Why was a Discussion Paper on the Entertainment Visa Review placed on the Ministry website in January with no public announcement or media release? 2. What representations were received by the Minister or the Ministry about the need for such an entertainment visa review, prior to publication of the discussion paper? 3. What bodies or persons did the Minister or Ministry consult about the entertainment visa review before publication of the discussion paper? 4. What resources have been allocated within the ministry for the conduct of the entertainment visa review? Who is actually conducting the review? What is their expertise in the media and entertainment industries? 	Written

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				5. What public consultation for the entertainment visa review will take place, and will a draft report be published?	
AE15/136	Ministry for the Arts	Collins	Core cultural data	Answers to QoNs state that the Ministry is working with state and territory bodies to identify options for continuing the collection of core cultural data. What is meant by "core cultural data"? What options have been identified?	Written
AE15/137	Ministry for the Arts	Collins	Cultural Ministers Officials Working Group	An answer to a QoN states that the Cultural Ministers Officials Working Group has provided funds for the ABS to update elements of the 2008-09 Cultural and Creative Activity Satellite Account. What are those "elements"? How much funding has been provided? When will that update be published?	Written
AE15/138	Ministry for the Arts	Collins	Indigenous Art Code	In reference to the letter from the Minister to the Chair of the Indigenous Art Code, Ron Merkel QC, provided in answer to a QoN. In that letter the Minister said he wanted the code to continue in a voluntary capacity (ie, not mandatory). He also said he would keep the matter under review. What form will that review take? When will there be an outcome from the review? Has the Minister directed the Ministry to undertake a review of the code?	Written
AE15/139	Australia Council	Collins	Staffing	1. What was the number of full time equivalent positions in the Australia Council on <ul style="list-style-type: none"> • 7 September 2013 • 30 June 2014 • 1 April 2015 2. What functions are now not being performed as a result of staff reductions over the past 18 months?	Written
AE15/140	Australia Council	Collins	Peer review process	What progress has been made on the implementation of the new peer review process? How many applications have been received? In what areas? How many have been processed? How many have been successful?	Written
AE15/141	Australia Council	Collins	Strategic Plan	1. What progress has been made on implementation of the Strategic Plan? 2. Part of the Strategic Plan was "As part of a new international arts strategy the Council will establish a world-wide network of arts managers and partners that can be accessed by Australian artists and organisations." Who are these arts managers and partners, and where are they? Are these the "international development managers" referred to in an answer to QoNs. 3. The Strategic Plan says that you will be "developing and delivering an international development strategy". When will that be published?	Written
AE15/142	Australia Council	Collins	Appointments	1. What public service level and salary has been determined for the appointment of international development manager for Western Europe ? Is that a contract position or an on-going public service appointment? If it is a contract position, what is the salary and term of appointment? Why was Western Europe given priority over any other part of the world? 2. I note that four additional appointments may be made - where will they be placed? Why are no officers placed overseas? I would have thought it would be difficult to "gather market intelligence, to support artist mobility and networks and to increase audiences for Australian arts in key international markets" if the international development manager is not placed in that international market.	Written
AE15/143	Australia Council	Collins	Book Council	1. Were you consulted about the establishment of the Book Council before it was announced by the Prime Minister? 2. From what parts of the Australia Council budget will the \$6m funding for the Book Council be taken? What functions or services will now not be undertaken as a result of that \$6m cut to your budget? 3. Given that the Council previously had, and presumably still has, responsibility for literature as an important part of Australian culture, what parts of that responsibility will the council relinquish to the new Book Council? Alternatively, how will it manage duplications of responsibilities?	Written
AE15/144	Screen Australia	Collins	Staffing	What was the number of full time equivalent positions in Screen Australia on <ul style="list-style-type: none"> • 7 September 2013 • 30 June 2014 • 1 April 2015 	Written
AE15/145	Screen Australia	Collins	Reduction in funding	At Estimates on 20 November last year Mr Mason said that, apart from "some reduction in screen resource organisation funding", there would be no cuts to any other programs. We have now received an answer to a QON which flatly denies that he made that statement. In particular \$1.1m of the cuts will have a direct on-screen effect. What programs or services will in fact be curtailed or discontinued?	Written
AE15/146	Screen Australia	Collins	Cuts to grants funding	What cuts have been made to Screen Australia grants to state film corporations? What has been the flow on effect to the funding of their programs?	Written

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AE15/147	Australian Federal Police	Collins	Secondment of Mr Peter Drennan	<p>With reference to the secondment of Mr Peter Drennan from the Australian Federal Police to the United Nations for a period of five years, and with reference to Mr Drennan's leave without pay and superannuation arrangements during that period:</p> <ol style="list-style-type: none"> Is it usual for the AFP to approve secondment/leave without pay for a period of five years? What were the circumstances in Mr Drennan's case that prompted the approval of secondment/leave without pay for such a significant period? In deciding to approve his secondment, was consideration given to the fact that Mr Drennan will be close to retirement age when he returns from the United Nations? If so, why was such a long period of secondment deemed appropriate? Why didn't the public announcement of Mr Drennan's departure from the AFP mention that he was going on secondment to the United Nations or that it was a period of leave without pay, rather than a departure? Why was Mr Drennan's leave without pay approved a month after he took the job with the United Nations? In deciding to approve Mr Drennan's secondment/period of leave without pay, was consideration given to a view, reportedly expressed by Mr Drennan, that the pay and conditions provided by the United Nations were not sufficient? Were AFP resources used to provide reports on Mr Drennan's tax arrangements while an employee of the United Nations? Why? Is this a usual practice of the AFP? Were AFP resources tasked to exploring Mr Drennan's rental arrangements in New York, while an employee of the United Nations? Why? Is this a usual practice of the AFP? Is it usual practice for the AFP to contribute toward the rent of an employee on secondment? Is the AFP contributing towards Mr Drennan's rent in New York while he is working for the UN? 	Written
AE15/148	Family Court of Australia	Collins	Staffing levels - Judges	<ol style="list-style-type: none"> How many judges sit on the Family Court of Australia? Are any other Family Court judges due to retire in the next 12 months? 	Written
AE15/149	Family Court of Australia	Collins	Impact of a reduced staffing level - Judges	<ol style="list-style-type: none"> If a judge retires and then is not replaced, what is the impact on the Court's capacity to hear cases in a timely manner and to give timely decisions? The Family Court has been left without a full complement of judges for 15 months. Are there delays in judgments being delivered in the Family Court? What is the impact of court delay on litigants using the Family Court? 	
AE15/150	Family Court of Australia	Collins	Workload	<ol style="list-style-type: none"> Has the workload of the Family Court been increasing over recent years? Is it correct that in the last financial year that the workload of the Family Court, as reflected by the amount of applications filed, has increased? Has there been a decrease in the final and interim orders that were finalised in the Family Court last financial year? 	Written
AE15/151	Australian Human Rights Commission	Collins	Expenditure of funds – Human Right Commissioner	<ol style="list-style-type: none"> Since his appointment as Human Rights Commissioner in February 2014, how much has been spent purchasing business cards for Mr Tim Wilson? <ol style="list-style-type: none"> Can a copy of Mr Wilson's business card please be provided? How much has been spent purchasing letterhead paper for Mr Wilson? <ol style="list-style-type: none"> Can a copy of Mr Wilson's letterhead please be provided? What type of paper is it printed on? How much has been spent purchasing other office equipment for Mr Wilson? <ol style="list-style-type: none"> Can an itemised list of equipment please be provided showing make and model and costs on a per unit and total basis? Has Mr Wilson been provided with a mobile telephone? <ol style="list-style-type: none"> If so, what make and model and what was the cost of the handset? What is the total cost to the Commonwealth of Mr Wilson's mobile telephone bills? How much has been spent on domestic airfares for Mr Wilson? <ol style="list-style-type: none"> When travelling domestically, is Mr Wilson entitled to travel in business class? How much has been charged to Mr Wilson's Cabcharge card? Is Mr Wilson entitled to use Comcar? <ol style="list-style-type: none"> If so, what is the total cost of his Comcar usage to date? How much has been spent on international air fares for Mr Wilson? <ol style="list-style-type: none"> When travelling internationally, does Mr Wilson travel in business or first class? What is the total cost of Travelling Allowance paid to Mr Wilson to date? 	Written

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				10. What is the total cost of any other meals and incidentals in respect of Mr Wilson? 11. What is Mr Wilson's annual salary? a. How much superannuation is he paid? b. Is Mr Wilson provided with a Privately Plated Vehicle or allowance in lieu? If so, what are the make and model of the vehicle/what is the value of the annual allowance in lieu?	