

CHAPTER 1

ATTORNEY-GENERAL'S PORTFOLIO

Introduction

1.1 This chapter summarises areas of interest and concern raised during the committee's consideration of the Additional Estimates for the Attorney-General's portfolio for the 2008-09 financial year.

Budget cuts

1.2 Committee members questioned a range of organisations in considerable depth about the effects of the increased efficiency dividend on staffing, and in particular on law enforcement and security. It emerged for example that the Australian Crime Commission had lost 35 staff positions and 15 funded seconded places from a total of 573 positions in the last six months,¹ the Australian Customs and Border Protection Service had lost 151 staff,² and the Australian Federal Police (AFP) lost 'around 170 members',³ including a number from the Air Security Officer Program.

Australian Human Rights Commission

1.3 The committee took evidence from the Commission in relation to a number of projects it is currently undertaking. These included explorations of freedom of religion and belief, and sex and gender.⁴ The Commission also gave evidence on consultations regarding a national Indigenous representative body.⁵

1.4 The committee sought information on Australia's international standing in respect of different aspects of human rights. The Commission was not aware of any composite assessment of Australia's overarching human rights record, but undertook to follow-up and provide advice to the committee.⁶

Federal and Family Courts of Australia and the Federal Magistrates Court

1.5 The committee heard that the functions and administration of the courts have become intermingled to varying extents. The reason given to the committee was that the financial accounting system used by the Federal Magistrates Court was unreliable,

1 *Committee Hansard*, 23 February 2009, p. 98.

2 *Committee Hansard*, 23 February 2009, p. 108.

3 *Committee Hansard*, 23 February 2009, p. 71.

4 *Committee Hansard*, 23 February 2009, pp 8–13.

5 *Committee Hansard*, 23 February 2009, pp 15-17.

6 *Committee Hansard*, 23 February 2009, p. 15.

resulting in the Family Court assuming responsibility for accounting, human resources and caseload management functions.⁷ The committee was told that the Semple review, which examined the future operation of family law services by federal courts, was still before Government and that a public announcement on action going forward had yet to be made. One senator queried whether the migration of administrative arrangements effectively pre-empted the Government's decision on the future of the Federal Magistrates Court.⁸

1.6 Officials from the Family Court also provided various performance statistics for the committee's information, as well as details on judicial vacancies and the operation of family relationship centres.⁹

Australian Federal Police

1.7 The AFP was closely questioned about the recent execution of a search warrant on the *Steve Irwin*, which had docked in Hobart following its anti-whaling activities in Antarctic waters. The committee was told that this action was triggered by Australia's signatory status to the *Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation*. Officials provided a comprehensive statement of the legal requirements that were incumbent on the Australian Government.¹⁰ This was in contrast to claims from the AFP on some previous occasions that questions would not be answered in relation to ongoing investigations or operational matters.

1.8 The committee also took evidence during the hearing in relation to child exploitation, the Britt Lapthorne case, security of air travel, a pending audit of police capability, IT security within the AFP, and the AFP's new accommodation.

High Court of Australia

1.9 The committee heard that the High Court has an operating loss of \$1.2 million, but appears to be short of funding, due to a combination of inadequate budget funding, the efficiency dividend and structural problems with the building and the forecourt. The committee was told that the Court's roof has leaked for many years and has recently become a problem to the extent that the court has been forced to decamp to Sydney and Melbourne.¹¹

7 Committee Hansard, 23 February 2009, pp 20–22.

8 Committee Hansard, 23 February 2009, pp 32–35.

9 Committee Hansard, 23 February 2009, pp 27–30.

10 Committee Hansard, 23 February 2009, pp 47–60.

11 Committee Hansard, 23 February 2009, p. 135.

Procedural Issues

1.10 The Attorney-General's Department was hesitant to reveal the process underlying the appointment of a committee of four people to conduct the National Human Rights Consultation, other than to say that they were appointed by the Attorney-General. Officials were also initially unwilling to reveal the sitting fees paid to the consultants, and did so only after confirming that no confidentiality clause was present in the service contract.¹² This reluctance is in spite of long-standing Senate declarations which make clear that claims of commercial confidentiality do not trump a request for details by a Senate committee.¹³

1.11 During the hearings senators also questioned officers on the response of the Federal Court to a review of the delivery of family law services by Australia's federal courts (the Semple review). While several courts have publicly responded to the Semple review, the Federal Court response, which took the form of a letter from the Chief Justice to the Attorney-General, was kept confidential at the request of the author.¹⁴ Officials resisted disclosing the contents of the letter. The discussion concluded with the committee inviting the Judge or Minister to publish the letter.

12 *Committee Hansard*, 23 February 2009, pp 115–118.

13 Odgers' *Australian Senate Practice*, 12th edition, 2008, pp 478–488.

14 *Committee Hansard*, 23 February 2009, p. 37.

