

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

Group 3

Program 1.6

Question No. 43

Senator Abetz asked the following question at the hearing on 12 February 2013:

Senator ABETZ: My questions relate to a [Parliamentary] question that I placed on notice, which is No. 2544. It relates to the Commonwealth Firearms Advisory Council.

...

Mr Wilkins: We do have some answers to your questions. It went to the minister's office and the minister had provided the answer to the question.

Senator ABETZ: So this was as drafted by the department?

Mr Wilkins: Not entirely, no.

Senator ABETZ: Did the minister's office make some adjustments to it?

Mr Wilkins: Apparently, yes.

Senator ABETZ: Thank you. That helps me immensely, because, if I might say, it is one of the most obfuscating answers that I have received in a considerable period of time. I asked whether the minister had any difficulty in receiving CFAC minutes. That was question (2). Can somebody tell me where in the answer that is discussed or even mentioned?

Mr Wilkins: Which of your questions did you refer to?

Senator ABETZ: Question (2). I have put the questions as (1)(a) and (b), (2) and then (3)(a), (b) and (c). We got answers to 1(a) and (b) and then four lines to answer the next seven questions.

Mr Wilkins: The minister has cleared the answer. I think that it is something that you need to take up with the minister, not with me—with due respect.

Senator ABETZ: Fair enough, Mr Wilkins. Senator Ludwig, you are in the hot seat. Can you please explain, because you are representing the minister, where in the answer that question is answered?

Senator Ludwig: Given that it is not my answer and I am representing the minister it would be much better if I took that on notice and asked Minister Clare to respond accordingly.

Senator ABETZ: Then you might like to tell us where question 3 is answered. And, if I might say, this is the most concerning aspect and the most misleading aspect, because I specifically asked: up to 8 August 2012, when did the minister meet with CFAC? Answer: in relation to the remaining questions the minister and members of his staff met several times with members of CFAC. Can you please take on notice the following: up to 8 August 2012, what are the dates of the several times asserted that the minister met?

Senator Ludwig: I will certainly take that on notice.

...

Senator ABETZ: Can we also have confirmed that up until 8 August Minister Clare had not met either with a chair or with the CFAC as a whole.

Mr Wilkins: I will take that on notice, too. As I understand it you have already asked that question above, in 1 to 8. The minister is going to take that up with Minister Clare.

Senator ABETZ: Seeing that when I asked it once it was not answered I thought if I asked it twice I might actually get an answer.

Mr Wilkins: I am not sure that I can take it on notice as the minister is actually taking it up.

Senator ABETZ: Ultimately the buck stops with the minister. It is the ministers answers that are ultimately tabled.

Senator Ludwig: I will certainly take it on notice.

...

Senator ABETZ: The fact that they meet regularly is not in dispute. They in fact say that they do so, but it is a voluntary council. It has passed numerous resolutions largely, I am told, with the unanimous support of the government representatives and they are aimed at focusing Australian government enforcement activities on areas that will provide the greatest community safety benefits. It looks as though the government representatives or departmental representatives are in heated agreement—so nothing too controversial—yet completely ignored. There is nothing to suggest that the council's resolutions have been or will be incorporated into legislation or

regulations. The council also expressed its disappointment that 'you have not met or engaged with any members of your council nor acknowledged receipt of any written communications from the chairman on behalf of the council.' Can we take that on notice?

Mr Anderson: Senator, if I can just say that it is perhaps putting it a bit too high to say 'heated agreement' from the government members. There have certainly been some proposals of the council that have not been—

...

Senator ABETZ: Just provide the answers that Minister Clare refused to give and we might be able to have some more discussion next time.

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

Meeting notes and resolutions of Commonwealth Firearms Advisory Council (CFAC) meetings have been provided to the Office of the Minister for Home Affairs for all meetings since the Minister was appointed. The advice of the Council has informed the Government's consideration of, among other issues, a range of proposals to amend the Customs (Prohibited Imports) Regulations 1956 (the Regulations) addressing firearms imports.

The Minister for Home Affairs and Justice has attended two CFAC meetings, on 22 October 2012 and 27 February 2013.

Between the Minister's appointment in December 2011 and the 22 October 2012 meeting, there were two meetings of the CFAC which the Minister was unable to attend, on 17 April and 6 August. The CFAC also met on 30 November 2012 in Melbourne. The Minister's Chief of Staff attended the 30 November meeting on the Minister's behalf.

The Minister met with the Chair of CFAC at the CFAC meetings held on 22 October 2012 and 27 February 2013.