



Australian Government
Attorney-General's Department

Secretary

27 May 2005

Mr Owen Walsh
Secretary
Legal and Constitutional Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

Budget Estimates

I refer to my evidence given at Budget Estimates on 23 May 2005.

On reviewing my responses to the Senators' questions, I note that there are two minor corrections which should be made:

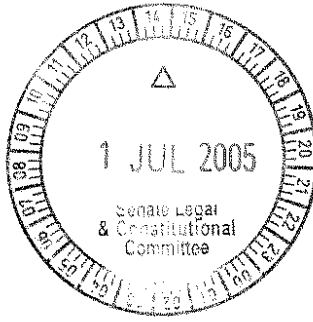
1. On page 77, I refer to a draft general memorandum which I described as 'over 100 pages long'. The document in typed form is in fact 80 pages (including the index and the overview).
2. On page 84, I said that my recollection is that I was the chair of the selection panel for Australian Crime Commission Examiners. In fact, the chair of that panel was Commissioner Keelty (which I had previously advised the Committee on my evidence in Budget Estimates on 24 May 2004).

I would be pleased if you would bring these minor corrections to the attention Committee members.

Yours sincerely

A handwritten signature in black ink, appearing to read 'RCornall'.

Robert Cornall
Secretary



Australian Government
Attorney-General's Department
Criminal Justice Division

05/6869

24 June 2005

Mr Owen Walsh
Committee Secretary
Senate Legal and Constitutional Committee
Room number S.1.61
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

Clarification of responses provided in the Senate Estimates hearings on 23 May 2005

On 23 May 2005, I provided responses to questions from Senator Ludwig in Senate Estimates hearings regarding mutual assistance which I would like to clarify. The responses are set out on pages 104 to 106 of the Hansard proof of 23 May 2005.

Regarding confidentiality of mutual assistance requests, section 43C of the *Mutual Assistance in Criminal Matters Act 1987* (MA Act) governs disclosure of mutual assistance requests from foreign countries. Section 43C provides:

A person who, because of his or her office or employment, has knowledge of:

- (a) the contents of a request for international assistance made by a foreign country to Australia under this Act; or
- (b) the fact that such a request has been made; or
- (c) the fact that such a request has been granted or refused;

must not intentionally disclose those contents or that fact except if:

- (d) it is necessary to do so in the performance of his or her duties; or
- (e) the Attorney-General has given his or her approval to the disclosure of those contents or that fact.

Penalty: Imprisonment for 2 years.

This provision only applies to requests from foreign countries. While it does not apply to requests to foreign countries, Australian Government policy is not to disclose these requests because they relate to ongoing law enforcement matters.

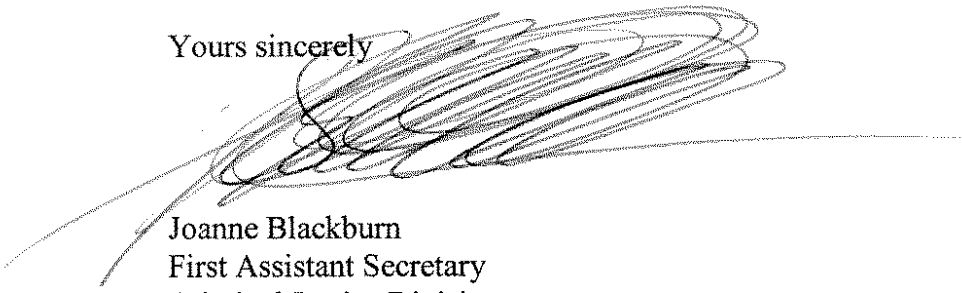
Regarding a mutual assistance manual, I confirm that there is no current mutual assistance manual in use by the Department. The latest version of the *Mutual Assistance in Criminal Matters Manual*

was published in July 2000. The manual has not been updated since that date and is no longer in use.

Senator Ludwig asked questions about subsections 8(1A) and 8(1B) of the MA Act. The references in the Hansard proof to section 8(1)(a) should read section 8(1B). The references to section 8(1)(b) should read section 8(1A).

The action officer for this matter is Lani Gibbins who can be contacted on (02) 6250 5643.

Yours sincerely



Joanne Blackburn
First Assistant Secretary
Criminal Justice Division

Telephone: (02) 6250 6699
Facsimile: (02) 6273 0075
E-mail: joanne.blackburn@ag.gov.au



10 June 2005

Secretary
Senate Legal and Constitutional Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

Letter of Correction

During the Senate Legal and Constitutional Estimates hearings of 24 May 2005, Senator Ludwig asked me about an incident, reported in the *West Australian* on 2 April 2005, concerning the detention by a Broome fisherman of a Foreign Fishing Vessel (FFV). In particular, Senator Ludwig asked if AQIS had a role in this incident.

In responding to Senator Ludwig's question, I indicated that I was uncertain of the exact event reported by the *West Australian*, but thought it might relate to a situation where an Australian Fishing Vessel took action against an FFV. In view of my uncertainty, I undertook to check the details and report back to the Committee.

I have now examined the article in question, and would advise that the response I provided to the Committee did not relate to the event that I outlined at the Committee hearing. In fact, the article relates to the provision of assistance by an Australian fishing vessel to an FFV near Bedford Islands, 160 nautical miles north of Broome.

The circumstances of AQIS's involvement in the event were as follows:

On 20 March 2005, in accordance with Standard Operating Procedures, Coastwatch advised a number of agencies, including AQIS, of a report that an Indonesian FFV was in distress with engine trouble, limited water and no food, six nautical miles off Caffarelli Island near Derby, Western Australia. The initial report had been received from an Australian fishing vessel on the Customs Hotline number and further information was provided by AusSAR.

Coastwatch advised appropriate agencies that there were no response vessels in the immediate vicinity. The FFV was anchored and AusSAR issued a Danger to Navigation Notice advising the location of the vessel.

AusSAR arranged for a charter vessel to bring the FFV crew to Cockatoo Island where they were met by an AQIS and a Customs Officer and transferred to Broome. The Master of the FFV was subsequently found guilty of Fisheries offences.

AQIS requested that Coastwatch continue to monitor the position of the vessel until surface assets were available to respond. Coastwatch maintained liaison with relevant client agencies, including AQIS, until the response vessel arrived. The Customs response vessel and Coastwatch aircraft searched the area, but could not relocate the FFV. On 27 March 2005, a Coastwatch aircraft located wreckage which, on comparison with surveillance photographs, was considered to be from the vessel.

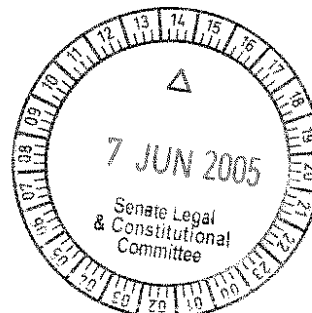
I hope that this information is of assistance.

Yours sincerely

R H CRANE, RADM
Director-General
Coastwatch

3 June 05

Mr Owen Walsh
Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600



Dear Mr Walsh

I have examined the Hansard transcript of my appearance before the Legal and Constitutional Committee on 24 May 2005 at the 2005 Budget Estimates hearings, and am writing to clarify some of the evidence I provided on that day.

The first point of clarification arises on page L&C 33 of the transcript, as follows:

“Senator Ludwig – What is the amount of money that has been expended to date on those initiatives?”

Mr Keelty – I can give you that figure. The cost is \$14.8 million for the 2004-05 financial year up to 1 May.”

After reading the transcript, it is clear to me that Senator Ludwig asked the question in relation to the Regional Cooperation Teams (RCTs – previously referred to as Regional Engagement Teams in the Government’s election announcement *Fighting Terrorism at its Source*). The \$14.8 million I referred to is the total amount for all Australian Federal Police (AFP) offshore counter-terrorism operations during the nominated period, including all 2004-05 CT New Policy Initiatives.

The second point of clarification relates to my comment further on the same page:

“Mr Keelty – The initiative rolls out under a number of programs. One is the ‘fighting terrorism at its source’ new initiative which was the one that we were talking about. That is made up of the teams that I described to you – the one in the Philippines, the multiagency team and the ones that have been engaging with other countries. From 1 April it also provides funding for coordination of law enforcement agency activities in the region. The AFP will

IN-CONFIDENCE

have about \$500,000 to \$1.2 million in operational costs per year to operate offshore.”

The figures referred to here relate to the costs associated with RCTs. These are approximately \$500,000 to establish an RCT, and approximately \$1.2 million each year for the operational expenses for each RCT to work offshore.

Yours sincerely



M J Keelty

IN-CONFIDENCE



FEDERAL MAGISTRATES COURT OF AUSTRALIA
Office of the Chief Executive Officer

Lionel Bowen Building
97-99 Goulburn Street
Sydney NSW 2000

Telephone: (02) 9217 7242
Facsimile: (02) 9217 7234
john.mathieson@fmc.gov.au

22 June 2005

Secretary
Senate Legal and Constitutional Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

Letter of Correction

During the Senate Legal and Constitutional Estimates Hearings on 24 May 2005, Senator Kirk asked me whether the Federal Magistrates appointed during 2004-05 had managed to clear any of the backlog in migration matters.

In responding I indicated that, on my calculations, at the end of 2003-04 there was a backlog within the Federal Magistrates Court of about 1,900 migration matters. During 2003-04, 3,046 migration matters were filed in the Court and 1,194 migration matters were finalised. As a result, for that year new migration filings exceeded migration finalisations by 1,852. However, at the end of 2002-03 there were already 893 migration matters pending. Therefore, the actual backlog at the end of 2003-04 was 2,745 migration matters.

As I indicated in my further evidence, in the first 10 months of 2004-05, with the availability of the new federal magistrates for part of the year, 2,294 migration matters were able to be finalised with the result that, even though 2,067 new migration matters were filed, the backlog had been reduced by 227 to 2,518.

I hope that this information is of assistance.

Yours sincerely,

John Mathieson
Chief Executive Officer
Federal Magistrates Court of Australia