

CHAPTER 2

ATTORNEY GENERAL'S

PORTFOLIO

Introduction

2.1 This chapter summarises areas of interest and concern raised during the committee's consideration of the budget estimates for the Attorney-General's portfolio for the 2007-08 financial year.

Australian Commission for Law Enforcement Integrity

2.2 In its first appearance before the committee, ACLEI provided an overview of its current caseload. Officers told the committee 24 cases had been referred since ACLEI commenced operation on 30 December 2006. Officers also provided the committee with a breakdown on the progress of the cases, who referred them, and a broad outline of the issues involved in each case. The committee acknowledges the work of Professor McMillan in setting up ACLEI, and also looks forward to the appointment of a permanent Commissioner.

Australian Federal Police

2.3 The committee questioned the AFP in relation to matters including:

- recruitment to the AFP's International Deployment Group (IDG)¹;
- implementation of the recommendations of the *Wheeler Review into Airport Policing and Security* and, in particular, the difficulties state police forces were experiencing providing police for uniformed policing roles at airports²; and
- reasons for the delays in the development of the new AFP headquarters at ANZAC Park West.³

2.4 In response to questioning from the committee, officers advised the committee of progress made in recruiting officers to the AFP's IDG. The committee heard that like state police services, the AFP was experiencing difficulty in recruiting experienced police officers.⁴

1 *Committee Hansard*, 23 May 2007, pp 21-26.

2 *Committee Hansard*, 23 May 2007, pp 18-20.

3 *Committee Hansard*, 23 May 2007, pp 28-30.

4 *Committee Hansard*, 23 May 2007, p. 47.

2.5 The committee obtained an update on the three AFP investigations into weapons allegedly stolen from the Australian Defence Force (ADF). The AFP advised the committee that since the Additional Estimates round in February no additional cases of missing weapons had been referred to the AFP, and of the cases referred to the AFP, one was currently before the courts. The AFP also advised that in several cases it was working with the ADF to identify how many weapons (if any) had been stolen and their type.⁵

Attorney-General's Department

2.6 Changes in the outcome/output structure for AGD are outlined in appendix 5.

2.7 The committee examined the financial position of AGD, seeking detail on the \$13.1 million dollar expected surplus for the 2006-07 financial year.⁶ AGD provided the committee with a detailed breakdown of underspends in the department citing a range of factors contributing to the predicted surplus, including difficulty in recruiting staff. The committee also examined current and predicted expenditure of AGD on communication campaigns with officers tabling a document outlining the various campaigns and their costs.⁷

2.8 Senators sought details on security arrangements for the 2007 APEC forum. Officers told the committee that the government had allocated \$169.1 million since 2004 for APEC security, with \$78 million dollars of the total figure being provided as a supplementation for the New South Wales police force. With the remainder of the money being allocated to AGD, AFP, ASIO, the Department of Transport and Regional Services (DoTARS), the Department of Defence, and the Australian Customs Service (ACS).⁸

2.9 The committee continued its interest from previous estimates rounds in the case of Mr David Hicks.⁹ The committee heard a detailed breakdown of the costs involved in bringing Mr David Hicks back to Australia, with officers telling the committee that the charter flight to bring Mr Hicks back to Australia cost \$526,187. Officers explained why it was necessary to charter an aircraft, and the requirements for the aircraft itself which had contributed to the cost. Senators also obtained details on the prisoner transfer agreement between Australia and the United States and its operation.

5 *Committee Hansard*, 23 May 2007, pp 34-38.

6 *Committee Hansard*, 23 May 2007, pp 110-111.

7 *Committee Hansard*, 23 May 2007, pp 111-114.

8 *Committee Hansard*, 23 May 2007, pp 115-118.

9 *Committee Hansard*, 23 May 2007, pp 121-124.

Other agencies and themes

2.10 Detailed questioning of departments and agencies on expenditure, both past and predicted, was a consistent feature of the hearings. The committee questioned several agencies on their predicted underspends; seeking detail on the reasons for underspends, their amounts, and how underspends would be dealt with.

2.11 Committee members also questioned officers of the Family Court of Australia, Federal Court of Australia, High Court of Australia, Federal Magistrates Court on the accountability and oversight mechanisms for federal judges. Officers told the committee that there are a range of accountability mechanisms in place, with each court having its own procedures for dealing with misconduct, conflicts of interest and complaints.

2.12 The committee sought details from the courts and tribunals on the numbers of self represented litigants, with officers from all courts and tribunals telling the committee that there had been an increase in self represented litigants in recent years. Officers provided details on how registries managed self represented litigants, highlighting areas where procedures and staff training had been adapted to improve service and efficiency.

Procedural issues

2.13 During the committee's examination of the Officer of the Privacy Commissioner, committee members raised concerns about commonwealth agencies and departments citing privacy as a reason for not providing information. Committee members expressed concern that it may reduce the ability of the committee to scrutinise the activities of government.¹⁰

2.14 In response to question on notice 60 from the Additional Estimates round of February 2007, ACS provided a copy of two submissions made to the House of Representatives Standing Committee on Legal and Constitutional Affairs which were accepted as confidential by that committee. As a matter of comity between the houses the committee resolved not to accept the submissions so as not to circumvent the decision of the House Legal and Constitutional Affairs Committee in relation to them.

Senator Guy Barnett

Chair

10 *Committee Hansard*, 24 May 2007, pp 105-106.

