

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 additional estimates for the Attorney-General's portfolio for the 2006-2007 financial year.

Attorney General's Department

2.2 The committee sought information regarding consultation between the Attorney General's (AGD), the Minister, or the Attorney-General, and the Exclusive Brethren in relation to the family law reforms and exemptions from anti-discrimination legislation or the *Family Law Act 1975*.¹ The committee notes that AGD has subsequently provided the committee with a response on issues which were unable to be answered at the hearings.

2.3 The committee examined the rollout of Family Relationship Centres (FRCs) by the Department. The committee heard that there are currently 15 FRCs in operation in various locations around the country and that 25 more are due to commence operation by 2 July 2007.² Committee members also questioned officers on staffing levels, locations of FRCs, and services provided.

2.4 During the hearings, officers raised concerns about providing information on the grounds that the same information was not provided pursuant to a Freedom of Information (FOI) request.³ In 1999 the Senate adopted the following test of relevance for questions in estimates hearings:

Any questions going to the operations or financial position of the departments and agencies which are seeking funds in the estimates are relevant questions for the purpose of estimates hearings.

2.5 To this end, information provided to the committee during estimates is different to that which would be provided under a FOI request. While there may be some areas of overlap between FOI exemptions and the public interest grounds that the committee recognises as a basis for not providing information during estimates hearings, the committee can choose to request any information within the boundaries of the test adopted by the senate. The committee would therefore be concerned if FOI

¹ *Committee Hansard*, 13 February 2007, p. 14-19.

² *Committee Hansard*, 13 February 2007, pp 22-23.

³ *Committee Hansard*, 13 February 2007, p. 25.

restrictions were adopted by agencies as the standard for evidence provided through the committee to the Parliament.

2.6 The committee received an update on the implementation of the national Document Verification Service (DVS). Officers provided the committee with a copy of the evaluation of the prototype document verification service. The committee also heard that the national DVS would not be ready by the time the proposed government 'access card' was due to begin operation.⁴

2.7 Senators were interested in the budget allocations for legal aid, in particular allocations for Indigenous legal aid. Officers told the committee that the budget for 2006-07 is just over \$155 million, an increase from just over \$148 million in the 2005-06 period.⁵

2.8 Committee members sought information about Mr David Hicks. Issues raised included:

- the conditions of his detention;
- time frame for laying charges against Mr Hicks;
- time frame for the commencement of court hearings; and
- the frequency and purpose of consular visits.⁶

2.9 During the hearings, some officers were asked questions relating to bills before Senate committees for examination. The Chair reminded senators and officers that the Clerk had advised that while questions at estimates had a very wide ambit:

Where a bill is before a Senate committee, this means that the Senate has given that committee the task of conducting an inquiry specifically into that bill. This indicates that an intention that any inquiry into the provisions of the bill be conducted at hearings and meetings of the committee specifically designated for that inquiry, and not pursued at estimates hearings which interested senators might not be able to attend and for which there is usually no notification of such specific subject matters of inquiries.⁷

2.10 The committee agreed to direct its questions to the relevant inquiry.

Australian Customs Service

2.11 The committee examined the Australian Customs Service (ACS), at length, on the implementation of the Integrated Cargo System (ICS). In particular, Senators

⁴ *Committee Hansard*, 13 February 2007, p. 66.

⁵ *Committee Hansard*, 13 February 2007, p. 57-58.

⁶ *Committee Hansard*, 13 February 2007, pp 70-88.

⁷ *Committee Hansard*, 13 February 2007, p. 51.

questioned officers on issues arising out of the Australian National Audit Office's (ANAO) report into the ICS such as:

- the approval process;
- how the ICS project was managed;
- details of variations to the initial contract; and
- compensation paid to businesses adversely affected by the disruption of cargo movements which resulted from failings of the ICS.⁸

2.12 Officers told the committee that all the ANAO report's recommendations had been accepted and ACS was implementing a number of changes, such as the appointment a new deputy chief executive officer, in response to the ANAO report.⁹

2.13 The committee also sought details on the ACS Coastwatch program. Officers provided the committee with details of the air surveillance program, in particular allocated flying hours. The committee heard that there can be discrepancies between the planned number of flying hours and the actual number of hours flown based on factors such as staff and aircraft availability, weather conditions, and seasonal workloads.¹⁰

Australian Federal Police

2.14 Senators sought clarification from the Australian Federal Police (AFP) on a number of allegations made in the media relating to the theft of military equipment. The AFP gave the committee an update on the background, progress, and number of investigations related to the allegations.¹¹

2.15 The committee also questioned officers on:

- costs of an AFP deployment to Afghanistan;¹²
- the AFP's role in the implementation and use of the proposed government 'access' card;¹³

⁸ Australian National Audit Office (ANAO), *Customs' Cargo Management Re-engineering Project*, Audit Report No. 42, 2006-07.

⁹ *Committee Hansard*, 13 February 2007, p. 90.

¹⁰ *Committee Hansard*, 13 February 2007, pp 116-117.

¹¹ *Committee Hansard*, 13 February 2007, pp 123-130.

¹² *Committee Hansard*, 13 February 2007, p. 131.

¹³ *Committee Hansard*, 13 February 2007, pp 132-133.

- assistance given to the Vanuatu police to search the vessel Retriever 1 (the crew of this vessel allegedly assisted Mr Peter Foster to enter Vanuatu without a visa);¹⁴ and
- the current status of the Regional Assistance Mission to Solomon Islands (RAMSI) mission including the loss of the Fijian police contingent.¹⁵

Senator Marise Payne

Committee Chair

¹⁴ *Committee Hansard*, 13 February 2007, pp 133-134.

¹⁵ *Committee Hansard*, 13 February 2007, p. 133-134.