

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 299

Senator Nettle asked the following question on 2 December 2004:

- a) How many compulsory questioning warrants have been requested by the Director-General of ASIO under Division 3 of the *Australian Security Intelligence Organisation Act 1979 (CTH)* for the 2003 and 2004?
- b) What are criteria governing the making of such requests?
- c) Can I be provided with any documents relating to such criteria?

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

- a) As required by the ASIO Act 1979, the details sought are published in ASIO's annual *Report to Parliament*.
- b) – c) The criteria are those set out in the Act.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 300

Senator Nettle asked the following question on 2 December 2004:

How many compulsory questioning warrants have been issued under Division 3 of the Australian Security Intelligence Organisation Act 1979 (Cth) for the 2003 and 2004?

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

As required by the ASIO Act 1979, the details sought are published in ASIO's annual *Report to Parliament*.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 301

Senator Nettle asked the following question on 2 December 2004:

- a) How many detention warrants have been requested by the Director-General of ASIO under Division 3 of the *Australian Security Intelligence Organisation Act 1979 (CTH)* for the 2003 and 2004?
- b) What are criteria governing the making of such requests?
- c) Can I be provided with any documents relating to such criteria?

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

- a) As required by the ASIO Act 1979, the details sought are published in ASIO's annual *Report to Parliament*.
- b) – c) The criteria are those set out in the Act.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 302

Senator Nettle asked the following question on 2 December 2004:

How many detention warrants have been issued under Division 3 of the Australian Security Intelligence Organisation Act 1979 (Cth) for the 2003 and 2004?

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

As required by the ASIO Act 1979, the details sought are published in ASIO's annual *Report to Parliament*.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 303

Senator Nettle asked the following question on 2 December 2004:

Documents relating to Division 102 of the Criminal Code: Can I be provided with:

- a) Any guidelines, manuals or similar documents governing the Attorney-General's satisfaction that an organisation is a 'terrorist organisation' under the Criminal Code;
- b) Any guidelines, manuals or similar documents stating or explaining the criteria used by the Attorney-General in deciding whether an organisation is a 'terrorist organisation' under the Criminal Code, in particular, documents stating or explaining the terms: 'a terrorist act'; 'directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing' of such acts;
- c) Any guidelines, manuals or similar documents stating or explaining the process followed by the Attorney-General in deciding whether an organisation is a 'terrorist organisation', in particular, documents stating or explaining: the types and sources of information used by the Attorney-General; the authorities, both domestic and foreign, consulted by the Attorney-General; other relevant bodies, both domestic and foreign, consulted by the Attorney-General; whether the Attorney-General gives advance warning to persons affected of his decision and the opportunity to respond;
- d) Any guidelines, manuals or similar documents followed by officers of Attorney-General's Department in recommending to the Attorney-General whether an organisation is a 'terrorist organisation' under the Criminal Code;
- e) Any guidelines, manuals or similar documents stating or explaining the criteria used by such officer/s in recommending to the Attorney-General as to whether an organisation is a 'terrorist organisation' under the Criminal Code, in particular, documents stating or explaining the terms: 'a terrorist act'; 'directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing' of such acts;
- f) any guidelines, manuals or similar documents stating or explaining the process followed by such officer/s in recommending to the Attorney-General as to whether an organisation is a 'terrorist organisation', in particular, documents stating or explaining: the types and sources of information used by such officer/s; the authorities, both domestic and foreign, consulted by such officer/s; other relevant bodies, both domestic and foreign, consulted by such officer/s; whether such officer/s provides persons affected by a decision of the Attorney-General to determine an organisation to be a 'terrorist organisation' advance warning of such a decision and the opportunity to respond.

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

The Criminal Code (the Code) sets out the matters that must be established to the satisfaction of the Attorney-General in order for an organisation to fall within the definition of 'terrorist organisation' or to be specified as a terrorist organisation in regulations made under the Code. Subsection 100.1(1) of the Code defines the term 'terrorist act'.

The officers of the Attorney-General's Department (the Department) refer to the Code in recommending to the Attorney-General whether an organisation is a 'terrorist organisation' for the

purposes of the Code. The Attorney-General refers to the Code in deciding whether an organisation is a 'terrorist organisation' for the purposes of the Code. Neither the officers of the Department nor the Attorney-General use any guidelines, manuals or similar documents to make these recommendations or decisions respectively.

The Attorney-General also receives advice from ASIO in making his decision. ASIO observes the Attorney-General's guidelines in relation to the performance of its functions relating to politically motivated violence, issued under section 8A of the *Australian Security Intelligence Organisation Act 1979*. However, there are no specific guidelines, manuals or similar documents used by ASIO in assessing and making recommendations to the Attorney-General in relation to whether an organisation is a terrorist organisation for the purposes of the Code. Similarly, there are no guidelines, manuals or similar documents used by ASIO in identifying organisations that pose a threat to Australian interests.

In addition, the Attorney-General receives advice from the Australian Government Solicitor (AGS) on legal aspects of the recommended decision. There are no specific guidelines, manuals or similar documents used by AGS in preparing this advice to the Attorney-General.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 304

Senator Nettle asked the following question on 2 December 2004:

Does ASIO conduct security clearances on all staff involved in the operations of Silex Systems Ltd at Lucas Heights?

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

No. Security clearances are the responsibility of individual Commonwealth Departments and Agencies, in the context of which a security assessment may be sought from ASIO. ASIO does not comment publicly on the detail of such assessments.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 305

Senator Nettle asked the following question on 2 December 2004:

Did ASIO provide security clearances for staff from a South African company named Scientific Development and Integration (Pty) Ltd (SDI) involved in the research being conducted by Silex Systems Ltd?

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

No. Security clearances are the responsibility of individual Commonwealth Departments and Agencies, in the context of which a security assessment may be sought from ASIO. ASIO does not comment publicly on the detail of such assessments.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 306

Senator Nettle asked the following question on 2 December 2004:

Did ASIO provide security clearances for staff from the US company Isonics Corporation which has involvement in the research being conducted by Silex Systems Ltd?

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

No. Security clearances are the responsibility of individual Commonwealth Departments and Agencies, in the context of which a security assessment may be sought from ASIO. ASIO does not comment publicly on the detail of such assessments.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 307

Senator Ludwig asked the following question on 2 December 2004:

In relation to risk management strategies, what issues were raised by ANAO's audit of AIC's financial statements?

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

No risk management issues were raised by ANAO during the 2003-04 financial statement audit.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 308

Senator Ludwig asked the following question on 2 December 2004:

In relation to the 20 consultancies mentioned in the Administrative Services section, who were the consultancies performed for? What area did each of the consultancies focus on and how much was paid for each consultancy?

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

For the period in question the 20 consultancies are listed below.

Output 1.1 To inform government of activities which aim to promote justice and reduce crime		
Consultant	Project	Cost (\$)
Forsythe Consultants Pty Ltd	NSW Drug Use Monitoring in Australia (DUMA) – data collection and interviews	212,031
Roy Morgan Pty Ltd	International Violence Against women Survey 2002 – telephone survey	166,841
Pacific Laboratory Medicine Services	DUMA - urinalysis	163,004
Walsh and Associates	DUMA – SA data collection and interviews	162,646
Hauritz and Associates	DUMA – QLD data collection and interviews	144,471
Australian Bureau of Statistics	Administration of the Australian Farm Crime Survey	93,200
Edith Cowan University	DUMA – WA data collection and interviews	70,545
Datacol Research	Small Business against Crime – data collection, entry and verification	68,875
ITMS Group	Information Technology – strategic network planning and management	58,899
Social Systems and Evaluation.	WA Drug Use Careers of Offenders (DUCO) – research data collection and interviews	46,504
Roy Morgan Pty Ltd	Online Credit Card Fraud Against Small Business – telephone survey	38,151
Hauritz and Associates	DUCO – QLD/NT data collection and interviews	32,809
Walsh and Associates	DUCO – SA data collection and interviews	29,700
Turning Point Alcohol and Drug Centre	DUCO – VIC data collection and interviews	27,939
Ascent	Internal Audits	27,602
University of South Australia	Comparative Outcomes for Young Offenders – collaborative research project	27,500
John Walker Crime Trends Analysis	Review of the interim funds distribution for Aboriginal and Torres Strait Islander Legal Services – research services	20,000
80-20 Software Pty Ltd	Document Management System implementation	16,927
Datacol Research	DUMA – data entry and verification	11,260
Output 1.2 Library, information and reference services to support policy advice and publications		

Libraries Alive Pty Ltd	Library Databases Review	12,705
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SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 309

Senator Ludwig asked the following question on 2 December 2004:

In relation to the expenditure for advertising and market research:

- a) How much was HMA Blaze Pty Ltd paid for its services in each of the campaigns?
- b) Was there a tender process for their selection?
- c) Who was on the selection committee?
- d) What was the selection criteria?
- e) What other tenders were received, and why were they rejected?

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

In 2003-04, HMA Blaze Pty Ltd was used on one occasion to place advertisements about the existence of the drink spiking hotline for Stage 1 of the drink spiking project. The total payment to HMA Blaze for this service was \$15,715.

HMA Blaze were appointed the successful master media placement agency for Commonwealth Government advertising as at 1 December 2002 for a period of three years and ten months.

The Department of Prime Minister and Cabinet manages the Commonwealth's Central Advertising System to facilitate media placement by all Commonwealth Government departments and agencies.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 310

Senator Ludwig asked the following question on 2 December 2004:

In relation to AIC research projects, what criteria were used to determine the grants that were approved? On what basis were the deferred grants deferred? On what basis were the deferred grants eventually granted?

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

The AIC does not award research grants; this is undertaken by the Criminology Research Council, to which the AIC provides criminological research advice, and secretarial and administrative services as specified in the *Criminology Research Act 1971*.

The criteria taken into account by the Council when assessing applications include:

- a) public policy relevance;
- b) the extent to which the proposed research will have practical application and contribute to the understanding, prevention or correction of criminal behaviour;
- c) the likelihood of the proposed research making a substantial and original contribution to criminological knowledge;
- d) the cost effectiveness of the research;
- e) the soundness of the design and methodology and the feasibility of the research;
- f) the competence of the applicant(s) or principal investigator(s) to undertake the proposed research;
- g) Ethics Committee approval, where appropriate;
- h) availability of data, where required; and
- i) the extent of funding or in kind support obtained from relevant agencies.

Four grants were deferred by Council at their general grants meeting held on 27 November 2003. Two were deferred to enable the applicants to address issues of concern related to methodology and were consequently reconsidered and approved by Council at their next meeting held on 25 March 2004.

The remaining two grants were applications for further funding for follow up studies for existing projects. Council deferred these two applications subject to satisfactory reports for Stage 1 being received. Both grant applications were reconsidered by Council at their meeting on 27 July 2004. However, Council resolved not to proceed with the grants as it did not consider them to be of further research benefit.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 311

Senator Ludwig asked the following question on 2 December 2004:

How much was allocated to each of the four research programs in 2003-04 (those being Violence, property crime and drugs program; Sophisticated crime, regulation and business program; Social policy and crime program; and Research dissemination and support program), how much of this funding has been utilised and what criteria were used in determining allocation of funding to these programs?

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

In 2003-04, the AIC Financial Management Information System (FMIS) only allocated funds to the Research Services level. During the later part of 2003-04, a review of the AIC structures and financial reporting requirements occurred resulting in the FMIS chart of accounts being enhanced, enabling program and project reporting to occur from 2004-05 financial year.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 312

Senator Ludwig asked the following question on 2 December 2004:

Are there any interim reports on the research programs? If yes, please provide. If not, when will they be available?

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

Interim reports are not produced. Final research programmes reports are provided on pages 21 to 21 of the AIC Annual Report 2003-04. The annual report is available at: <http://www.aic.gov.au/institute/anreport/>.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 313

Senator Ludwig asked the following question on 2 December 2004:

Regarding the stakeholders in National Armed Robbery Monitoring Program, what community, business groups and private security providers have been involved in the project, what was their involvement and how many people were utilised from each community group?

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

Presentations, meetings and/or discussions providing an update as to the progress of the development of the National Armed Robbery Monitoring Program were held in 2003-04 with the following groups/persons:

- A presentation was delivered to members of the Security and Allied Industry Federation at their annual meeting on the 4th December 2003 in Melbourne;
- Ms Cara Lawrence, CEO of Loss Prevention; and
- Australian Bankers Association.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 314

Senator Ludwig asked the following question on 2 December 2004:

Regarding the concern about the increase in the use of amphetamine-type stimulants in the drug use monitoring program, what information led to the concerns about the increase in amphetamine use?

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

Trend data from the Drug Use Monitoring in Australia (DUMA) program indicate that there have been increases in the proportion of police detainees testing positive to amphetamines (specifically, methamphetamines) across the DUMA sites. The proportion of adult male detainees who tested positive to methamphetamines increased from 11 per cent in 1999 to 36 per cent in 2003 at the East Perth site, 1 per cent in 1999 to 14 per cent in 2003 at the Bankstown site, 11 per cent in 1999 to 21 per cent in 2003 at the Parramatta site, and 12 per cent in 1999 to 21 per cent in 2003 at the Southport site.