

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

Output 2.1

Question No. 39

Senator Ludwig asked the following question on 2 December 2004:

Is the Department aware of any entrants to Australia who are persons of interest in relation to war crimes in the Former Yugoslavia, including Bosnia, Croatia, Macedonia, Slovenia, Serbia, Montenegro, FYRO Macedonia and the autonomous Kosovo region?

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

No. The Attorney-General's Department is not responsible for monitoring entrants to Australia who are suspected of committing war crimes in the former Yugoslavia. The Department of Immigration and Multicultural and Indigenous Affairs is responsible for this issue.

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Output 2.1

Question No. 40

Senator Ludwig asked the following question on 2 December 2004:

Is the Department aware of any deportees from Australia who are persons of interest in relation to war crimes in the Former Yugoslavia, including Bosnia, Croatia, Macedonia, Slovenia, Serbia, Montenegro, FYRO Macedonia and the autonomous Kosovo region?

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

No. The Attorney-General's Department is not responsible for the deportation from Australia of those persons of interest in these regions. The Department of Immigration and Multicultural and Indigenous Affairs is responsible for this issue.

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Output 1.2 and 2.4

Question No. 41

Senator Ludwig asked the following question on 2 December 2004:

What obligations are put on agencies within the Attorney-General's Portfolio to take reasonable steps to ensure legal services providers maintain an adequate level of security for in confidence and sensitive material?

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

When engaging legal services providers, it is the responsibility of the Chief Executive Officer of each agency within the Attorney-General's portfolio to ensure that legal services providers understand their security responsibilities, have received appropriate security training and comply with the minimum standards detailed in the Commonwealth's Protective Security Manual in handling, processing, storing and destroying security classified information.

The Department's principal provider of legal services is the Australian Government Solicitor (AGS). The AGS has a range of information technology and telecommunications protective security arrangements, and physical, personnel and information security measures in place. It has also developed security policies and procedures to provide effective protection for information the AGS holds when handling in confidence and sensitive matters for the Department.

The issue of the security of material held on behalf of the Commonwealth by legal services providers is being considered in the current review of the Legal Services Directions. Recommendations will be made to the Government arising out of this review.

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Output 2.1

Question No. 42

Senator Ludwig asked the following question on 2 December 2004:

For the following countries, please provide information as to the offences and conviction rates of the outgoing requests for mutual assistance.

- a) Hong Kong SAR
- b) The Netherlands
- c) USA
- d) United Kingdom.

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

Records of conviction rates are not maintained for mutual assistance requests.

The following information details the number of requests made to Hong Kong SAR, the Netherlands, the United States of America and the United Kingdom and the primary offences to which those requests relate.

This information is accurate for the period 1 July 2003 to 17 December 2004 inclusive.

a) Hong Kong – 19 requests

Custom duty offences	1 request
Fraud	8 requests
Drug importation	1 request
Drug trafficking	3 requests
Money laundering	3 requests
Drug importation and possession	1 request
Conspiracy to commit insider trading	1 request
Drug trafficking; money laundering	1 request

b) The Netherlands – 26 requests

Drug trafficking	13 requests
Drug importation	5 requests
Money laundering	3 requests
Murder	1 request
Drug offences	1 request
Assault	1 request
Child pornography	1 request
Drug trafficking; Money laundering	1 request

c) USA – 31 requests

Attempted murder	2 requests
Fraud	6 requests
Murder	5 requests
Money laundering; Unlawful possession of a motor vehicle	1 request
Delivering objectionable publication	1 request
Drug trafficking	2 requests
Attempted drug importation	1 request
Child sexual assault	2 requests
Terrorism	4 requests
Drug possession	1 request
Money laundering	1 request
Corporations law offences; money laundering	1 request
Drug importation	3 requests
Child pornography	1 request

d) United Kingdom – 21 requests

Sexual assault	1 request
Corporations law offences	2 requests
Drug importation	2 requests
Drug trafficking	6 requests
Dealing in proceeds of crime	1 request
Fraud	6 requests
Driving under the influence	1 request
Theft	1 request
Perjury	1 request

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Output 2.1

Question No. 43

Senator Ludwig asked the following question on 2 December 2004:

What were the conviction rates of incoming and outgoing mutual assistance requests?

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

Records of conviction rates are not maintained for mutual assistance requests.

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Output 2.1

Question No. 44

Senator Ludwig asked the following question on 2 December 2004:

How many incoming and outgoing mutual assistance requests involved an offence involving the import or export of goods, terrorism, offences committed on an airline or narcotics, and what was the conviction rate of those offences?

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

Records of conviction rates are not maintained for mutual assistance requests.

The following information details the number of requests made in the four broad areas identified in the question. Please note that offences involving drug importation and drug trafficking will normally involve the import or export of goods. To avoid double counting, these offences are dealt with under the heading of narcotics.

This information is accurate for the period 1 July 2003 to 17 December 2004 inclusive.

Import or export of goods – 1 request

Defrauding customs	1 incoming request
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Terrorism - 23 requests

Outgoing	12 requests
Incoming	11 requests

Offences committed on an airline – 0 requests

Records of offences committed on airlines are not maintained. However, officers of the Attorney-General's Department are not aware of any incoming or outgoing mutual assistance requests that relate to offences committed on airlines within the reporting period.

Narcotics – 95 requests

Drug importation (26 requests)

Outgoing	24 requests
Incoming	2 requests

Drug trafficking (69 requests)

Outgoing	40 requests
Incoming	29 requests

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Output 2.1

Question No. 45

Senator Ludwig asked the following question on 2 December 2004:

How many incoming and outgoing mutual assistance requests required the involvement of Customs?

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

The Department does not maintain consolidated information on the number of requests made by an individual agency.

Mutual assistance requests are by the Attorney-General's Department on behalf of the Australian Government.

Any response to an incoming mutual assistance is provided by the Attorney-General's Department on behalf of the Australian Government. The Attorney-General's Department does not maintain consolidated information on individual agency contributions to Australia's response to incoming mutual assistance requests.

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Output 2.1

Question No. 46

Senator Ludwig asked the following question on 2 December 2004:

Please provide a copy of the advice the DPP provided in relation to the following matters:

- a) Proposed new offences with a terrorist organisation
- b) The prosecution and investigation of terrorism offences

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

It is not appropriate to provide copies of advice of this nature. It is internal to the Australian Government and is therefore confidential.

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Output 2.4

Question No. 47

Senator Ludwig asked the following question on 2 December 2004:

What were the high-level security initiatives provided by the department?

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

The Protective Security Coordination Centre (PSCC) is responsible for output 2.4. Relevant highlights of this output include:

- coordinating the National Counter-Terrorism Committee (NCTC) exercise program, including the first multi-jurisdictional counter-terrorism exercise *Mercury 04*,
- contributing to national and international security events, including the Bali commemoration in Indonesia and Anzac Day in Gallipoli, and
- coordinating and developing security arrangements for the Melbourne 2006 Commonwealth Games and Asia-Pacific Economic Cooperation (APEC) meetings to be held in Australia in 2007, in consultation with other relevant agencies.

The Department is responsible for a wide range of security initiatives that encompass a number of output levels. Significant highlights include:

- expanding the Government's relationship with business on national security matters, including through the identification and treatment of vulnerabilities in Australia's critical infrastructure. Recent activity includes the development of *National Guidelines for Protecting Critical Infrastructure from Terrorism* (under consideration by the Council of Australian Governments), and the establishment or further expansion of business-government consultative mechanisms including the Business-Government Ministerial Forum, the Business-Government Advisory Group, the industry advisory groups comprising the Trusted Information Sharing Network.
- building on the counter terrorism legislative framework established by the Government in the preceding year, the Department developed amendments to enhance the Australian Federal Police and the Australian Security Intelligence Organisation's questioning and detention powers and to ensure bail and sentencing decisions appropriately reflect the seriousness of terrorist activity. These and other amendments to terrorism related legislation have ensured that Australia is at the forefront of appropriate counter-terrorism and national security legislative measures.
- Emergency Management Australia contributing, through the NCTC, to consequence management and recovery arrangements as they are integral to the broader national security arrangements,
- providing significant policy and legal support for the development and implementation of the Government's program for Air Security Officers, in conjunction with the Department of Transport and Regional Services and the Australian Federal Police, and

- developing identity security policy proposals. Identity security and identity theft are matters of significant concern to the Government in the context of its responsibilities for national security and criminal justice

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Output 2.1

Question No. 48

Senator Ludwig asked the following question on 2 December 2004:

Regarding the indigenous diversionary program for juveniles:

- a) What proportion of the \$5 million allocated is directed towards the pre-court juvenile scheme and what proportion is directed towards the Aboriginal Interpreter Service?
- b) Please provide a cost breakdown for these programs.

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

- a) Of the \$5 million allocated per year under the NT Agreement, from 1 September 2000 to 31 August 2004, approximately 75% was directed to the pre-court juvenile diversion scheme and 25% to the jointly funded Aboriginal Interpreter Service. The AIS proportion includes payments made directly to the NT Aboriginal Legal Services for the purchase of interpreter services.
- b) The following are budget breakdowns for Year 4 of the Agreement (1 September 2003 to 31 August 2004) on which payments were made. The Department has not yet received acquittals from the NT Government for this period.

<i>Pre-court juvenile diversion scheme:</i>	Juvenile Diversion Unit	personnel costs	\$1,500,000
		operational costs	\$ 538,000
	Community Programs		\$1,789,000
<i>Aboriginal Interpreter Service</i>		Australian Government contribution to personnel and operational costs	\$ 542,750
	Legal Community Awareness Program		\$ 180,000
	Aboriginal Legal Services		\$ 453,929
		<i>Total Allocation</i>	\$5,003,679

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Output 2.1

Question No. 49

Senator Ludwig asked the following question on 2 December 2004:

Regarding the public tender for an external evaluator of this (indigenous diversionary program for juveniles) program:

- a) Who or what committee was responsible for the selection of these organisations?
- b) What were the criteria for selection of these organisations?
- c) How was the tender advertised?

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

- a) A selection panel was formed comprising senior representatives of the Northern Territory Department of Justice, the Australian Institute of Criminology and the Criminal Justice Division of the Attorney General's Department.
- b) The criteria for the assessment of tenders were listed at Item 4.1.3 of the Request for Tender 03/1076: "Subject to clause 4.1.1 (reference to consistency with Commonwealth procurement policies), the criteria to be applied for the purposes of evaluation may include the following:
 - i relevant qualifications and experience of the personnel undertaking the project, including performance in delivering evaluation of a similar nature and scope for other public and/or private sector organisations;
 - ii demonstrated understanding and or expertise of the issues involved in this consultancy, particular in relation to Crime Prevention, Juvenile diversion programs and Aboriginal interpreter services;
 - iii demonstrated ability to communicate effectively and sensitively with Aboriginal and Torres Strait Islander people, including a high level of knowledge and understanding of both cultures and societies from a historical perspective and the issues which impact upon contemporary Indigenous society;
 - iv demonstrated organisational capacity to undertake an evaluation of this nature within the expected time frame;
 - v clarity of the proposal, particularly the details of the consultant's proposed approach to the assignment and methodology;
 - vi value for money; and
 - vii referee reports".
- c) The tender was advertised in *The Australian* and the *Northern Territory News* on 8 March 2003 and readvertised in both newspapers on 5 April 2003. It was also advertised on the Attorney-General's Department website and the 'crimnet' email list.