

**List of Questions on Notice – 31 October 2005 – Supplementary Budget Estimates**

<b>Question No.</b>	<b>Output</b>	<b>Senator</b>	<b>Question</b>	<b>Hansard page/date or Tabled</b>
1	MJC/1.1	Heffernan	<p>a) What sort of inappropriate behaviour could be contemplated by a federal judicial commission; and would it be matters which are not criminal but are regarded as inappropriate?</p> <p>b) What powers does the Chief Justice have?</p> <p>c) Are there guidelines for dealing with complaints?</p> <p>d) Are the guidelines enforceable?</p> <p>e) Have any complaints been upheld or acted on?</p>	13-14
2	1.1	Stott-Despoja	<p>What assurances can the Department make that <i>Shared Parental Responsibility Bill</i></p> <p>a) will not increase the risk that family members will be exposed to violence and abuse?</p> <p>b) will not create even greater pressure on women, fearing violence or abuse, from reporting those concerns in the family law system, and can the Department outline its reasons for advising the Attorney-General's office against introducing penalties for supposed 'false allegations' of violence or abuse?</p>	T
3	1.1	Stott-Despoja	<p>a) Can the Department explain whether it has advised the Attorney-General's Office to adopt the Committee's recommendation that the safety of children should be recognized as an object of Part VII alongside the requirement to ensure meaningful involvement with both parents?</p> <p>b) Has the Department advised the Attorney-General's office against adopting the Committee's recommendation to change the definition of family violence in the Family Law Act?</p>	T
4	1.1	Stott-Despoja	<p>Can the Department advise how the new provisions proposed to be introduced into s60B and s68F to refer to the need for children to have a meaningful involvement with both parents will not, in every case where an allegation of violence or abuse is made, render nugatory the provisions in the same sections that refer to the need to protect children from harm?</p>	T
5	1.1	Stott-Despoja	<p>Can the Department explain how the proposed new s68F (ba) (<i>the willingness and ability of each of the child's parents to facilitate, and encourage, a close and</i></p>	T

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			<i>continuing relationship between the child and the other parent</i> ) will operate in a case where one parent is concerned about violence or abuse and is therefore unwilling to facilitate a relationship with the other parent? And won't such a parent, by definition, be prejudiced by this provision and discouraged from raising concerns about violence?	
6	1.1	Stott-Despoja	The framing of the current s60B (2) has been shown to have contributed to the prioritising of contact over safety. This framing includes stating that the principles are to apply except when it is or would be contrary to a child's best interests. The Exposure Draft essentially proposes to repeat this reference in the <i>negative</i> to best interests in s60B (2) (a). The Committee has recommended that s60B be redrafted to make it clearer that the best interests of the children are paramount. Has the Department also recommended that the Attorney-General reframe s60B to make positive reference to the best interests of children?	T
7	1.1	Stott-Despoja	Research undertaken on the first three years of the <i>Family Law Reform Act</i> demonstrated that those legislative provisions introduced in 1996 increased litigation and left women and children at greater risk of being subjected to violence, at least at interim hearing stages. Has the Department been asked to commission independent research, or are they aware of any commissioning of such research, on the impact of the <i>Shared Parental Responsibility Bill</i> ?	T
8	1.1	Stott-Despoja	What assurances can the Department offer that the provisions in the <i>Shared Parental Responsibility Bill</i> requiring parties to attend dispute resolution before they can issue court applications will not cause unsafe delays for parties who need to obtain court orders as a matter of urgency – eg where there has been violence or abuse?	T
9	1.1	Stott-Despoja	The <i>Every Picture Tells a Story</i> Report recommended against a presumption that children should spend equal time with both parents after separation. Can the Department assure us that the <i>Shared Parental Responsibility Bill</i> will be clear that it seeks to promote sharing of parental <i>responsibility</i> in appropriate cases and not sharing of time with children?	T
10	1.1	Stott-Despoja	a) Can the Department explain the rationale for having parenting plans override court	T

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			orders? Lack of clarity in Consent Orders and parenting plans already seems to be a major contributor to the total number of court applications. b) Can you advise what safeguards will be put in place to ensure that one parent does not coerce the other parent into agreeing to a parenting plan that will not be scrutinized in any way and that will override a prior court order? c) Can you explain how parents will be expected to understand what obligations they are or are not under?	
11	1.1	Stott-Despoja	The focus on strengthened enforcement in the Bill seems to reflect a notion that resident parents are gratuitously denying contact to non-resident parents with impunity. In fact the far greater problem seems to be with resident parents being brought back to court frivolously to ‘enforce’ contact orders. The Rhoades, Graycar & Harrison research shows that in the years 1996-1999, 45 per cent of contravention applications were dismissed and a further 17 per cent were considered trivial. <sup>1</sup> Is the Department addressing this problem in any way?	T
12	1.1	Stott-Despoja	The <i>Every Picture Tells a Story</i> Report recognised the imbalance between obligations imposed on resident parents and the lack of obligations imposed on non-resident parents, and indicated that the consequences of a deliberate breach of a court order should be as serious for a parent who does not make themselves available as a parent, as for a parent who does not make a child available. Why is this not reflected in the Bill? Instead the Bill appears to impose more punitive measures on resident parents, whilst maintaining the current position that non-resident parents are not in any way compelled to comply with orders about seeing their children that they may well have sought in the first place.	T
13	1.1	Stott-Despoja	The provisions in the Bill related to the conduct of child related matters are based on the pilot of the Children’s Cases Program in Sydney and Parramatta. a) Has the Department evaluated this pilot?	T

<sup>1</sup> Rhoades, Graycar & Harrison (note 2) at page 9.

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			b) When will the evaluation be released? c) Does the Department believe that a proper evaluation of CCP should occur before introducing it nationally and compulsorily?	
14	1.1	Stott-Despoja	The first 15 Family Relationship Centres are expected to start operating in July 2006. a) What reasons are there for not allowing sufficient time to evaluate the operation of these first 15 centres before the further 50 centres open? b) The later centres are anticipated to start 25 July 2007 and the final 25 in July 2008. This would not seem to allow sufficient time for evaluation. Will the Department evaluate the first 15 centres before making recommendations about the remaining 50 centres opening?	T
15	1.1	Stott-Despoja	The Government has stated that competency standards are currently being developed for family dispute resolution practitioners and family counsellors. When will these standards be complete and when will they become a legal requirement to comply with?	T
16	1.1	Stott-Despoja	Research has demonstrated the difficulty in identifying violence and abuse through screening processes. <sup>2</sup> The compulsion to attend mediation creates significant risks that cases where there has been violence or abuse will be pushed through the system, despite safeguards, because the court system is currently inaccessible to many due to insufficient legal aid funding and the costs of legal representation. a) How will relevant FDR services operate in practice, both in conducting screening for violence and abuse, and in conducting dispute resolution in cases where there may have been such abuse, but it has not been disclosed? Unless these issues are addressed there is even greater risk than currently exists for unrealistic, unfair and even unsafe agreements to be negotiated.	T

<sup>2</sup> R Rendell, Z Rathus and A Lynch, *An Unacceptable Risk: A report on child contact arrangements where there is violence in the family*, Women's Legal Service Inc., November 2000. Note also recent US research that found that mediators failed to recognize and report domestic violence in 56.9% of the domestic violence cases (N Johnson, D Saccuzzo and W Koen, *Child Custody Mediation in Cases of Domestic Violence, Violence against Women*, Vol 11 No. 8, August 2005).

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17	1.1	Stott-Despoja	a) Can the Department explain the rationale for excluding lawyers from Family Relationship Centres? b) How will it be ensured that parties attending family dispute resolution are given access to legal advice before being required to reach a final agreement on a parenting plan?	T
18	1.1	Stott-Despoja	What is the model of dispute resolution that is proposed to be used in FRC's and required by the legislation?	T
19	1.1	Stott-Despoja	There may be delays in the establishment of FRC's. What is the Department doing to ensure that the provisions requiring dispute resolution to occur before court proceedings are initiated, come into operation at times that fairly correspond to the availability of services at FRC's?	T
20	1.1	Stott-Despoja	Mediated outcomes are not necessarily sustainable or best for children. The Government has proposed a research project to examine the outcomes of judicial decisions and mediated outcomes. a)What are the timelines and processes for this research? b)Will the results be released to the public?	T
21	1.1	Evans	The Contact Orders Program, while a successful pilot project, serviced a relatively small number of families and was extremely resource intensive. (a) Please describe how the locations of the additional 15 new Programs funded in the 2005-06 Budget have been determined? (b) Does the Department have a strategy to handle the vast numbers of families across Australia who could also benefit from accessing such a Program but cannot due to distance and availability?	T
22	1.1	Ludwig	Please provide the raw data tables and statistical analysis used to select the locations for the 65 Family Relationship Centres	7
23	1.1	Ludwig	Optional protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: (a) are there other texts being negotiated with other countries besides that with	29

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			Lebanon? (b) have other countries contacted Australia to consider whether or not it would be in their interests to adopt a similar agreement?	
24	1.1	Siewert	a) Who developed the criteria for the establishment of the Family Relationship Centre? b) Who determines the successful tenders? c) How were the locations of the family relationship centres determined? d) Will services be required to be provided by professional qualified counsellors? e) What level of competence are counsellors expected to meet? f) If not, under what circumstances will unqualified counsellors be considered? g) Will there be full disclosure be required if a faith based provider is chosen?	T
25	1.2	Ludwig	Legal Services Direction: Can you make public the agencies that exceed their budgets?	18
26	1.3	Carr	a) The Department advised that the Standing Committee of Attorneys-General (SCAG) would consider the report of the Residential Tenancy Database Working Party at its meeting of 3-4 November. What was the outcome of SCAG's consideration of the Working Party's report? b) When will the Ministerial Council of Consumer Affairs (MCCA) consider the Working Party's report? c) Will the Working Party's report be made public? d) Is it proposed that national regulations governing the operation of RTDs will be developed? e) If so, who is responsible for developing the regulations? f) Who will be consulted and what will the process be for consultation? g) What is the timeframe for development of the regulations and their consideration by SCAG and the MCCA? h) Please provide details of the states and territories that have enacted, or are in the process of developing, their own legislation in regard to RTDs since the issue of a nationally consistent framework was first considered by the Ministerial Council of Consumer Affairs in August 2003.	T

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			<p>i) What impact will the existence of state/territory legislation have on the process for developing national regulations?</p> <p>j) Is that the fact that some jurisdictions have enacted their own legislation expected to affect the outcome of the national process? If so, in what way?</p>	
27	1.3	Crossin	Royalties payable on broadcast sound recordings:What meetings were held with stakeholders?	22
28	1.3	Crossin	Please provide an update on how the draft text of the convention on the rights of people with disabilities is progressing?	26
29	1.3	Crossin	Please provide a copy of correspondence seeking comment on the draft text of the Convention on the Rights of People with Disabilities?	27
30	1.4	Ludwig	<p>a) How many – if any – international court cases is Australia currently facing?</p> <p>b) What international bodies are they in?</p> <p>c) What are the subjects of the cases, and what is Australia's position in each case?</p>	T
31	1.4	Ludwig	<p>How many additional staff, including total cost, have been hired since budget in the following areas:</p> <p>(a) Offshore maritime security initiatives</p> <p>(b) free trade agreements</p> <p>(c) regional counter terrorism</p>	28
32	1.4	Ludwig	Please provide an executive summary of the submission to the Commission on the limits of the Continental Shelf (if this does not include a summary of the rights that are asserted over the continental seabed, please provide).	30
33	1.4	Ludwig	If you are able, please provide information on the further requests for information and clarification sought by the subcommission.	31
34	1.6	Crossin	<p>Reviews of the Native Title Act:</p> <p>(a) Who have you been consulting with in relation to the six aspects?</p> <p>(b) Please provide the committee with a list of all those who have been consulted and when?</p>	34-35
35	1.7	Crossin	Breakdown of appropriation for ATSI legal services:	39-40

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			(a) What is the breakdown per state? (b) Please give an indication of what a target might be in the crime area for each State and Territory?	
36	1.7	Crossin	Juvenile Diversionary Scheme: Please provide a list of agencies who are represented on the working group and what are the terms of references?	40-41
37	1.7	Crossin	a) What programs have been established that relate to juvenile diversion? (Amata?) Is this program linked to an SRA? b) What is it funded to specifically do?	41
38	1.7	Crossin	What was the previous cost of administering the Aboriginal Interpreter Services?	41
39	1.7/2.1	Ludwig	a) Regarding the diversionary program for juveniles in the Northern Territories, are you able to provide a copy of the independent evaluation of the Northern Territory agreement that was conducted by Urbis J H D in 2003/2004? b) Were any recommendations made by this report? c) If so, what recommendations were made? d) Where is the Department at in implementing the recommendations? (i) Could you provide a breakdown for each recommendation? (ii) How much has the implementation of the recommendations so far cost, and how much was originally budgeted for the implementation of each recommendation? (iii) Could you provide a cost breakdown for each recommendation? e) Could the Department provide a breakdown of the additional \$1.079 million dollars allocated in 05/06? f) Regarding the Juvenile Diversion Scheme is there any indication as to why the rate of diversions offered differed between non indigenous juveniles and indigenous juveniles by 16%? (i) Are there any reports or reviews into why this is the case? (ii) Is there any research why this is the case? (iii) Does the department know why this is the case?	T



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			<p>g) Have any specific funding measures been aimed to address this problem?                      (i) If so, what are they? If not, why not?</p> <p>h) With regard to the formal programs what constitutes a satisfactory completion?</p> <p>i) What further follow up work was done in the 10% of referrals who do not satisfactorily complete the program?</p> <p>j) Is there any follow up work done with the 90% who did satisfactorily complete the program?</p> <p>k) How were the locations for the community youth and developments units selected?                      (i) What criteria was used?                      (ii) How much funding has been given to each location?                      (iii) How was that determined?                      (iv) How often is it revised?                      (v) Have there been any requests for more funding from any of the regions?</p> <p>l) What was the form of the consultation for the over 300 agencies, organisations, service providers and community councils that were consulted in the community program development?</p> <p>m) How much did the government allocate for expenditure remote and regional CDU's in:                      (i)2001-02,                      (ii)2002-03,                      (iii) 2003-04 and,                      (iv) 2004-05?</p>	
40	2.1	Stott-Despoja	<p>Understanding that the Australian Government cannot interfere in a foreign judicial hearing, what are the steps the Government takes to ensure all Australian citizens receive a fair trial abroad and are treated in accordance with international agreements such as the Universal Declaration of Human Rights?</p>	T
41	2.1	Stott-Despoja	<p>A submission was made in June this year to the Director of National Crime Prevention by Mr Leigh Garrett on behalf of the Australian Crime Prevention Council for the establishment of a National Centre for Crime Prevention Training and Support. Can the</p>	T

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			Department explain why the Australian Crime Prevention Council has not received any acknowledgement of this submission?	
42	2.1	Stott-Despoja	a) Can the Department please detail current services provided to professionals working in the crime prevention area to improve their training, professional development and profile (credibility and status)? b) How much funding is provided for this purpose?	T
43	2.1	Stott-Despoja	a) Can you please provide details of the program to develop the parenting skills of people in prison, referred to by the Minister in his speech to the National Conference of the Australian Crime Prevention Council this year? b) How much funding is allocated to this program?	T
44	2.1	Ludwig	<b>Review of Criminal Penalties</b> a) Has the Department identified the areas from which it intends to divert resources to commence work in this area? b) If so, please indicate which areas and how much in terms of resources will be diverted from those areas. c) If not, when will the Department determine that?	T
45	2.1	Ludwig	<b>PNG Redeployment</b> a) Has there been any additional legislation brought in by the PNG government that attempts to circumvent the constitutional difficulties that were encountered last time? (i) If so, what additional legislation is there to enable the return of AFP personnel and how this legislation provides a different scenario to the last time? (ii) When is this legislation expected to be passed by the PNG Parliament? (iii) If not, why not? b) On what basis are the federal police returning – will they be exercising the same powers as they had on the previous occasion? c) What powers will they have for this deployment? d) Will they have legal immunity of any kind? (i) If yes, provide details.	T

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			<p align="center">(ii) If not, why not?</p> <p>e) What sort of legal status will they have when they return to PNG?                      (i) Will they be able to carry firearms or perform policing duties?</p> <p>f) What type of work will they be performing?</p> <p>g) How does this differ from the type of work they were performing last time,</p> <p>h) how does that affect the legal status of their redeployment?</p> <p>i) Are there any AGD staff currently seconded to PNG?</p> <p>j) If so, how many and in what roles?</p>	
46	2.1	Ludwig	<p><b>Solomon Islands Court Case</b></p> <p>a) In May estimates, it was indicated that there was a court case pending in the Solomon Islands on similar grounds to the one brought in PNG...</p> <p>b) Could you indicate what the outcome of that court case was in the Solomon Islands?</p> <p>c) Did it lead to the alteration of the status of any of the AFP or other personnel stationed on the Solomon Islands?                      (i) If so, how and what measures were taken to accommodate this?</p> <p>d) Are you aware of any other court cases or other legal challenges to the foreign deployment of AFP personnel or personnel from any other government department or agency?</p>	T
47	2.1	Ludwig	<p><b>ACLEI</b></p> <p>a) In terms of resources, how much has been put into the development of the exposure draft of ACLEI?</p> <p>b) What powers will the new body have?</p> <p>c) Will they be Royal-Commission style powers?</p> <p>d) What are going to be its general responsibilities?</p> <p>e) What agencies will fall under its aegis and what sorts of investigations will it undertake against those agencies?                      (i) Is it correct that it will initially only cover the ACC and the AFP?                      (ii) If so, why is that?                      (iii) Is there a timeframe for expanding ACLEI's coverage to other agencies?</p>	T

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			<p>(iv) Is it still planned to allow the expansion of ACLEI's coverage through regulation?</p> <p>(v) Will ACLEI be subject to the Federal Ombudsman, or any other watchdog agency?</p> <p>(vi) If so, which ones and what power will they have over ACLEI?</p> <p>(vii) If not, why not?</p> <p>f) Will its powers be specifically limited to issues of corruption, or will they encompass a broader spectrum of issues?</p> <p>(i) If so, what additional issues will fall under its aegis?</p> <p>g) Will the process for investigating those issues be the same as for corruption?</p> <p>(i) If not, how will it differ?</p> <p>h) Has any of the \$9.5million set-up fund been expended?</p> <p>(i) If so, how much has been expended and where has it been expended?</p>	
48	2.1	Ludwig	<p><b>Customer due diligence</b></p> <p>a) Is it correct that certain loans are currently not covered by customer identification requirements?</p> <p>b) Which loans are currently not covered by these identification requirements?</p> <p>c) Will this be addressed in the next round of legislation that is due to be released?</p> <p>(i) If yes, how will it be addressed?</p> <p>(ii) Will it eliminate all loans currently not covered by ID requirements, or simply limit them to a few?</p> <p>d) Will it be addressed in the first tranche or the second tranche?</p> <p>e) If not, why not, given that it is a FATF requirement.</p> <p>f) Do you have any information on how widespread these particular loans are, or how much money they cover?</p> <p>g) What is the prescribed low-value under which accounts can operate without the need for customer identification?</p> <p>h) When was this value set?</p> <p>i) Is it indexed to inflation, or is it stationary?</p>	T

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			j) Will this be addressed in the next round of legislation that is due to be released? k) Will it be addressed in the first tranche or the second tranche? l) If yes, how will it be addressed? m) Will it eliminate the threshold entirely, or simply lower it?	
49	2.1	Ludwig	a) How long are non-financial institutions (specifically, securities and insurance entities, foreign exchange dealers and money remitters) currently required to keep transaction records for after the transaction takes place? b) Will the proposed changes alter the record keeping requirements for non-financial institutions? c) Are there any other interim measures in place to ensure record keeping by the non-financial institution cash dealers? d) Will this be addressed in the next round of legislation that is due to be released? e) Will it be addressed in the first tranche or the second tranche?	T
50	2.1	Ludwig	Will the new legislation contain prohibitions on entering into relationships with shell banks?	T
51	2.1	Ludwig	(a) How much has been recovered under the Proceeds of Crime Act? Please indicate: (i) Where have these funds been allocated in terms of grants and programs? (ii) How much has been allocated in each grant or program? (iii) What is the process of selecting the recipients of Proceeds of Crime funding? (iv) Who is responsible for selecting the recipients of this funding? Is it done by a committee? (v) What criteria is used to select programs and grants for funding?	T
52	2.1	Ludwig	a) Was there another program specifically for the Western Sydney region under the NCCPP? b) How much funding is provided to that program as opposed to the national program? c) Are Western Sydney regions able to apply for funding under the national program as	T

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			<p>well as the regional program?</p> <p>d) Are there any other regional programs being considered?</p> <p style="padding-left: 20px;">(i) If not, why not?</p> <p style="padding-left: 20px;">(ii) If so, which ones and where are the considerations at?</p> <p>e) Please provide a list of the grants given under the NCCPP and broken down by postcode, including:</p> <p style="padding-left: 20px;">(i) The duration of the project</p> <p style="padding-left: 20px;">(ii) The amount of funding given to the project</p> <p>f) Who was on the committee based advisory panel for the assessment process for the surrounding western Sydney grants?</p> <p style="padding-left: 20px;">(i) How are they selected to be on it?</p> <p style="padding-left: 20px;">(ii) Who selects the advisory panel?</p>	
53	2.1	Ludwig	<p>Enhancing the capacity of Crime Stoppers</p> <p>a) Could you provide an update as to this budget measure, and how it is progressing?</p> <p>b) How much of the funding provided has been expended?</p> <p>c) Has all funding been expended?</p> <p style="padding-left: 20px;">(i) If not, how much funding has yet to be expended?</p> <p>d) Was there any variation to the stated budget for this program?</p> <p style="padding-left: 20px;">(i) If so, what was the variation?</p> <p style="padding-left: 20px;">(ii) Was additional funding provided, or did the program lose funding?</p> <p style="padding-left: 20px;">(iii) If the program lost funding, where was the funding transferred, and why?</p> <p style="padding-left: 20px;">(iv) Were any stop-gap measures put in place to</p> <p>e) What was the stated outcome of the program at the time the funding commenced?</p> <p style="padding-left: 20px;">(i) Did the program meet its stated outcome?</p> <p style="padding-left: 20px;">(ii) If not, in which areas did it not meet its stated outcome?</p> <p style="padding-left: 20px;">(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>(f) Has a review been conducted of the program?</p>	T

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			(i) If so, could you provide a copy? (ii) If not, why not? (iii) Is one being conducted, or will one be conducted? (iv) Are there any interim reports available? (v) Are there any plans to produce any interim reports?	
54	2.1	Ludwig	a) Is the handgun buyback program complete? (i) If not, how is it being funded now given it was discretely funded in 2004 and 2005? (ii) If it is receiving continuing funding, please outline anticipated cost? b) Were these funds from 2004 and 2005 fully expended? c) How were the funds expended? (specify allocation) d) Were any positions tied directly to this program? (i) If yes, now the program has been expired are they redundant? e) Did it meet budget? f) How much did it go over or under? g) Please provide a breakdown of final expenditure?	T
55	2.1	Ludwig	(a) How much of the funding provided to the 'Prevention of Illicit Drug manufacturing strategy' has been expended? (b) Has all funding been expended? (i) If not, how much funding has yet to be expended? (c) Was there any variation to the stated budget for this program? (i) If so, what was the variation? (ii) Was additional funding provided, or did the program lose funding? (iii) If the program lost funding, where was the funding transferred, and why? (iv) Were any stop-gap measures put in place to (d) What was the stated outcome of the program at the time the funding commenced? (i) Did the program meet its stated outcome? (ii) If not, in which areas did it not meet its stated outcome?	T

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			<p>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>(e) Has a review been conducted of the program?</p> <p>(i) If so, could you provide a copy?</p> <p>(ii) If not, why not?</p> <p>(iii) Is one being conducted, or will one be conducted?</p> <p>(iv) Are there any interim reports available?</p> <p>(v) Are there any plans to produce any interim reports?</p>	
56	2.1	Ludwig	<p>a) How much of the funding provided for 'Firearms policy development' has been expended?</p> <p>b) Has all funding been expended?</p> <p>(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p>(i) If so, what was the variation?</p> <p>(ii) Was additional funding provided, or did the program lose funding?</p> <p>(iii) If the program lost funding, where was the funding transferred, and why?</p> <p>(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p> <p>(i) Did the program meet its stated outcome?</p> <p>(ii) If not, in which areas did it not meet its stated outcome?</p> <p>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p>(i) If so, could you provide a copy?</p> <p>(ii) If not, why not?</p> <p>(iii) Is one being conducted, or will one be conducted?</p> <p>(iv) Are there any interim reports available?</p> <p>(v) Are there any plans to produce any interim reports?</p>	T



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57	2.1	Ludwig	a) How much of the funding provided for the ‘National Community Crime Prevention Program’ has been expended? b) Has all funding been expended? (i) If not, how much funding has yet to be expended? c) Was there any variation to the stated budget for this program? (i) If so, what was the variation? (ii) Was additional funding provided, or did the program lose funding? (iii) If the program lost funding, where was the funding transferred, and why? (iv) Were any stop-gap measures put in place to d) What was the stated outcome of the program at the time the funding commenced? (i) Did the program meet its stated outcome? (ii) If not, in which areas did it not meet its stated outcome? (iii) Were any other measures or additional funding required to meet the stated outcome of the program? e) Has a review been conducted of the program? (i) If so, could you provide a copy? (ii) If not, why not? (iii) Is one being conducted, or will one be conducted? (iv) Are there any interim reports available? (v) Are there any plans to produce any interim reports?	T
58	2.1	Ludwig	a) How much of the funding provided for the International Criminal Court Contribution has been expended? b) Has all funding been expended? (i) If not, how much funding has yet to be expended? c) Was there any variation to the stated budget for this program? (i) If so, what was the variation? (ii) Was additional funding provided, or did the program lose funding? (iii) If the program lost funding, where was the funding transferred, and	T

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			<p>why?</p> <p>(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p> <p>(i) Did the program meet its stated outcome?</p> <p>(ii) If not, in which areas did it not meet its stated outcome?</p> <p>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p>(i) If so, could you provide a copy?</p> <p>(ii) If not, why not?</p> <p>(iii) Is one being conducted, or will one be conducted?</p> <p>(iv) Are there any interim reports available?</p> <p>(v) Are there any plans to produce any interim reports?</p>	
59	2.1	Ludwig	Anti Money Laundering bill: When was the first draft completed?	50
60	2.1	Ludwig	Has the model/template for treaty negotiation been altered or have any treaties been negotiated since 1999 to reflect 8(1a) or 8(1b)?	47
61	2.1	Ludwig	Can you table the letter received on Friday 28 October from the Australian Bankers Association regarding anti money laundering?	52
62	2.2	Stott-Despoja	On 16 Feb 2004 the Secretary of the Attorney-General's Department Mr Robert Cornall told Senator Bolkus at the Senate Estimate's Committee that "...we have an agreement with the US that if the outcome negotiated by the British in respect of their detainees is more favourable than the outcome we have negotiated then the benefit of those additional negotiations shall flow through to the Australian detainees as well". As all nine United Kingdom Nationals have been released - including two that had already been designated by the United States President for trial by the Military Commission, why has the Government not called for Mr Hicks to be released?	T
63	2.2	Stott-Despoja	a) Has the Government made any attempts, or will they in the future make any attempts, to influence the outcome of Mr Hicks, application for United Kingdom citizenship?	T

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			<p>b) If Mr Hicks is granted United Kingdom citizenship, will the Government make any attempts to interfere with the agreement reached between the United States and the United Kingdom that all United Kingdom nationals held at GTMO are to be repatriated?</p> <p>c) Will the Government seek Mr Hicks' immediate repatriation to Australia in the event that the Commission is abandoned, the Commission is demonstrated to be incapable of delivering a fair trial or Mr Hicks is acquitted or convicted before it?</p> <p>d) US legal adviser to the military commissions, Brigadier-General Thomas Hemingway, said that if Hicks was convicted, the years he has spent in Guantanamo Bay would count for nothing in any sentencing. In the event that Mr Hicks is convicted, will the Government confirm that it will seek to have credit given for all time already served by Mr Hicks at GTMO?</p> <p>e) If the Government will not seek such credit, why not?</p>	
64	2.2	Stott-Despoja	<p>a) Can you please explain why the statutory review, as required under subsection 4(1) of the <i>Security Legislation Amendment (Terrorism) Act 2002</i>, was not convened more quickly, particularly given that the Government is now seeking to introduce new counter-terrorism laws?</p> <p>b) What impediments were there to establishing the review sooner?</p>	T
65	2.2	Stott-Despoja	<p>The Parliamentary Joint Committee on ASIO, ASIS and DSD is currently reviewing the efficacy and operation of Division 3, Part III of the <i>ASIO Act 1979</i>.</p> <p>a) Can you explain why the Anti-Terrorism Bill 2005 has been introduced into the Parliament before the statutory and Parliamentary reviews into current anti-terror legislation have been completed?</p> <p>b) On what basis can further regulation in this area be justified when we are not aware of the efficacy and issues about the operation of existing laws in the area?</p>	T
66	2.2	Stott-Despoja	<p>During the Parliamentary Joint Committee on ASIO, ASIS and DSD, former Director of ASIO Mr Dennis Richardson responded to a question by Senator Robert Ray on</p>	T

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			whether Mr Richardson was ‘satisfied that the existing powers equip you to do the job you need to do?’, Mr Richardson replied ‘Yes’ <sup>3</sup> . Can you explain what has changed since Mr Richardson left ASIO and how we should reconcile the apparent contradiction in introducing legislation granting greater powers?	
67	2.2	Stott-Despoja	a) Has the Attorney taken advice on the constitutionality of procuring the States and Territories to do what the Commonwealth could not otherwise do (i.e.: to detain a person in preventative detention for 14 days)? b) If yes, what was the advice?	T
68	2.2	Stott-Despoja	Has the Attorney taken advice on the constitutionality of subjecting a person to control orders for renewable periods of up to 12 months, which are potentially punitive measures (restricting freedom of movement, association, expression)?	T
69	2.2	Stott-Despoja	a) Has the Attorney taken advice in relation to the constitutionality of using judges in their personal capacity to approve executive action, rather than judges exercising judicial power? b) If yes, what was that advice?	T
70	2.2	Stott-Despoja	The most recent proscription of organisations as terrorist organisations began with the Attorney-General announcing his intention to re-list ESO, HAMAS’ Izz al-Din al-Qassam Brigades, LeT and PIJ on 25 May 2005. In doing so, the Attorney-General stated that “the Government continues to be satisfied on reasonable grounds that they are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act.” In the information submitted by the Attorney-General’s Department on each of the listed organisations, there is no reference to a security threat to Australian interests at home or abroad or any other policy imperative to justify the proscription and continued proscription of the organisations. However, part of the information on each of the listed organisations included an indication of whether	T

<sup>3</sup> Commonwealth, *Parliamentary Debates*, Parliamentary Joint Committee on ASIO, ASIS and DSD, transcript of public hearings, Canberra, 19 May 2005, 8. Available online: <http://www.aph.gov.au/hansard/joint/commttee/J8382.pdf> at 18 September 2005 at 18 September 2005

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			<p>comparable jurisdictions, such as the United States, the United Kingdom, Canada and the European Union, have listed the organisation as a terrorist organisation.</p> <p>(a) Does the Department understand the power to proscribe terrorist organisations to be a measure to protect Australia’s security interests, or rather, as a foreign policy imperative?</p> <p>(b) Can you explain why it is not considered appropriate for the Attorney-General to be required to be explicit about his motivation to proscribe an organisation as a terrorist organisation?</p> <p>(c) If it is to ensure a harmonized global posture in relation to a particular organisation, why is it not considered appropriate that the Attorney-General should detail why that is a desirable outcome for Australia and its interests</p> <p>(d) If it is to ensure that Australia’s interests are protected from identifiable terrorist threats, why is it appropriate that the Attorney-General is not required to detail why the organisation poses such a threat to Australian interests?</p>	
71	2.2	Stott-Despoja	<p>The <i>National Security Information Legislation Amendment Act 2005</i> gives to the Attorney the power to issue a certificate that a civil proceeding in a Court touches on “national security information” and to thereby cause the court to be closed and for certain procedures to be put in place. All courts are vested with a discretion to close their proceedings to the public, whether in their inherent jurisdiction or by virtue of their Rules of Procedure. Courts quite properly do so in limited circumstances.</p> <p>a) Can the Department explain how, in relation to the <i>National Security Information Legislation Amendment Act 2005</i>, it is consistent with the doctrine of separation of powers that the Attorney should be in a position to direct a judge to close a court room?</p> <p>b) Why is it not considered appropriate to seek leave to intervene to make submissions as to why a Court should take the extraordinary measures of closing the court room for reasons of national security?</p> <p>c) Why does the Attorney require an un-review-able, non-compellable discretion to close the court?</p> <p>d) Can the Department explain what “national security information” is?</p>	T

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			<p>e) How can legal practitioners, self-represented litigants and judges be certain of the scope of the term?</p> <p>f) Wouldn't the recent deportation of Scott Parkin indicate the apparent elasticity of the term 'national security'?</p>	
72	2.2	Ludwig	<p>a) Of the \$8million that was allocated to the Computer Network Vulnerability Assessment Program – and the \$800,000 allocated for the first year – could the Department indicate how much has been expended?</p> <p style="padding-left: 40px;">(i) Could you provide a breakdown of the expenditure so far?</p> <p>b) How much industry has allocated to the program?</p> <p>c) What was the acceptance rate for funding from the applicants?</p> <p>d) Have you completed the second round of funding applications?</p> <p style="padding-left: 40px;">(i) How many funding applications for the second round were recommended for approval?</p> <p style="padding-left: 40px;">(ii) How many gained approval?</p> <p style="padding-left: 40px;">(iii) Could you indicate which of the sectors the successful and unsuccessful funding applications came from, and how much each successful application received?</p> <p>e) Is there another round of funding planned?</p> <p style="padding-left: 40px;">(i) If so, when is that due for release?</p> <p style="padding-left: 40px;">(ii) What is the allocation to additional round?</p> <p>f) Have any cycles with a participating company been completed in the first round?</p> <p>g) How much in terms of grants have been paid to the companies on the completion of the grants?</p> <p>h) How many reports have each of the companies given to the Attorney-General's department?</p> <p style="padding-left: 40px;">(i) If yes, have any reports been done of the progress of the cycle?</p> <p style="padding-left: 40px;">(ii) If not, why not?</p> <p style="padding-left: 40px;">(iii) If so, please provide.</p> <p style="padding-left: 40px;">(iv) If not, when is it expected to be completed?</p>	T

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			i) What further workshops or seminars are planned?	
73	2.2	Ludwig	a) Could you identify the members of the government program that are currently on the information technology security expert advisory group? b) Is GovCert on this team? (i) If not, why not? If so, what are its functions on the team? And, when did it join the team? c) Could you indicate how many members of the team left this year, and when they left? d) Were reasons sought as to their departure? (i) If not, why not? If so, what were the reasons? e) What reasons did AusCERT give for leaving the team? f) Has the Department since approached AusCERT about rejoining the team? g) Have any new members joined? (i) If so, who has joined? (ii) If not, have you sought any to replace the outgoing members of the team? (iii) If so, what has their response been? h) What are the terms of reference the team operates under? (i) Does it produce reports, or analysis? (ii) If so, what sorts of reports and analysis does it produce? (iii) How does it set its priorities, and to whom does it disseminate them? i) Does the body initiate programs of its own accord, is it responsible for running programs? (i) If not, why not? If so, what programs has it initiated within the reporting period?	T
74	2.3	Ludwig	a) Regarding the Urban Search and Rescue Capabilities are WA, SA, Tas and the NT still classed as developing capabilities? (i) If not, when did they cease to be classed as developing capabilities? (ii) If so, what is the timeframe for completing the upgrade of these capabilities?	T

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			<p>(iii) Has EMA finished procuring equipment for this capability?                      (iv) How far away is EMA from establishing a national USAR capability?                      b) Regarding the gaps that EMA identified in SA, NT, ACT and Tas at the last estimates have you finished procuring the basic equipment for these states?                      (i) If not, when do you expect to do so?                      (ii) If so, when did you finish doing that?                      (iii) What was the total cost of the procurement of the basic equipment?                      (iv) What was the originally projected cost of this equipment?                      (v) Has the equipment been provided to the states?                      c) Could you indicate how much of the \$15million that the Federal government provided as part of its cost-sharing burden has been expended?                      (i) Could you provide a breakdown?                      (ii) Has any additional funding been requested?                      (iii) If so, how much and when was it requested?                      d) Could you indicate what work EMA is continuing to do with the non-developing states (Qld, NSW, Vic)?                      e) What sort of liaising are you doing with them?                      (i) Is it primarily expert advice, or providing resources?                      f) Are you continuing to monitor their training programs to ensure they are up-to-date with what is required?</p>	
75	2.3	Ludwig	<p>a) Could you indicate whether the AusDIN portal that EMA was developing has gone live?                      (i) If so, when did it go live? If not, why not?                      b) Could you provide a brief rundown on the outline of the program including the terms of references?                      c) Could you indicate who has access to AusDIN at the moment?                      d) Who else are you planning to give access to, and when are they going to get it?                      e) How much funding has gone into this project so far?                      (i) What was the original budget?</p>	T



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			(ii) How much of that original budget has been expended?	
76	2.3	Ludwig	a) Does EMA have any figures on how many people have so far undertaken the graduate certificate in emergency management? b) Do you have a target for how many people you wished to undertake the certificate? c) Is the certificate part of an EMA training course, or the training program of any of the state organisations? d) How many EMA employees have undergone the training course? e) Have you received any feedback on the course? (i) If so, what feedback have you received? (ii) Have you altered the course as a result of any feedback? (iii) If so, how and why?	T
77	2.3	Ludwig	(a) Could you indicate how much funding has been provided under the ‘Working Together to Manage Emergencies’ initiative? (b) What initiatives have been funded under this program? (c) What continuing work are you doing to monitor the implementation of the programs funded under this scheme? (d) What is the closing date for the next round of funding?	T
78	2.3	Crossin	Pacific and Indian Ocean Tsunami Warning Systems: Does the funding arrangement have an end date or is each program different?	60
79	2.4	Ludwig	a) Could you provide a list of the subcommittees and working groups constituted under the National Counter Terrorism Committee and their meeting dates, agendas and participation? b) Could you indicate what national policy and operational seminars, forums and workshops have been held? c) Could you indicate: (i) What their topics were? (ii) Who was invited? (iii) Who accepted?	T

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			<ul style="list-style-type: none"> <li>(iv) What the criteria was for invitation?</li> <li>(v) Were any open invitation?</li> <li>(vi) What their topics were?</li> <li>(vii) How these topics were selected?</li> <li>(viii) What were the costs of each of those?</li> <li>(ix) For any of those were any external firms engaged to help run them, if so, how much were provided to those firms?</li> <li>(x) was a tender process used for them?</li> <li>(xi) Was it an open or closed tender process?</li> <li>(xii) If it was a closed tender process, why was it a closed process who was invited to tender and how were they chosen?</li> </ul>	
80	2.4	Ludwig	<p>Continuous operation of the national crisis Watch office</p> <ul style="list-style-type: none"> <li>a) Could you provide an update as to this budget measure, and how it is progressing?</li> <li>b) How much of the funding provided has been expended?</li> <li>c) Has all funding been expended? If not, how much funding has yet to be expended?</li> <li>d) Was there any variation to the stated budget for this program?               <ul style="list-style-type: none"> <li>(i) If so, what was the variation?</li> <li>(ii) Was additional funding provided, or did the program lose funding?</li> <li>(iii) If the program lost funding, where was the funding transferred, and why?</li> <li>(iv) Were any stop-gap measures put in place to</li> </ul> </li> <li>e) What was the stated outcome of the program at the time the funding commenced?               <ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> </ul> </li> <li>f) Has a review been conducted of the program?               <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not? Is one being conducted, or will one be conducted?</li> <li>(iii) Are there any interim reports available?</li> </ul> </li> </ul>	T

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			(iv) Are there any plans to produce any interim reports?	
81	2.4	Crossin	National Security Hotline: Please update QoN 66 from 24 May 2005.	61
82	2.4	Crossin	National Security Hotline: Has any analysis been done on the numbers of calls received?	62
83	2.4	Ludwig	<p>a) Aside from the Attorney-General’s Department, which private organisations and government departments and agencies use the Australian Vetting Service?</p> <p>b) How many requests does the Australian Vetting Services receive per year and per month since its inception?</p> <p>c) Is there any private component to the Australian Vetting Service?</p> <p>d) Are there any components of the Australian Vetting Service that are outsourced?</p> <p style="padding-left: 40px;">(i) If so, what are the components that have been outsourced?</p> <p>e) What is the turnaround time for the clearances from the Australian Vetting Service?</p> <p>f) Is there an average turnaround time?</p> <p>g) Is there a target time for turnarounds for clearances from the AVS?</p> <p style="padding-left: 40px;">(i) If so, what is the target time? Is it currently being met (please provide figures for 00-01-02-03-04-05.</p> <p style="padding-left: 40px;">(ii) If not, why not?</p> <p>h) Does this differ for different classes of customers? If so, by how much?</p> <p>i) What measures are taken in the interim if a clearance can’t be provided in a timely manner?</p> <p>j) What fee does the Australian Vetting Service charge for its services to both public and private entities?</p> <p>k) Could the AFP provide a breakdown for the 1.8 million funding provided to this service?</p> <p style="padding-left: 40px;">(i) Aside from the fees it charges, what other funding does this body receive and from where?</p> <p>l) How many staff does the service employ?</p> <p>m) Where are the staff sourced from?</p>	T

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			n)What are their position descriptions?	
84	2.4	Ludwig	a) Regarding the statement that the rates Australian Security Vetting Service pays are commercial in confidence, please justify the commercial in confidence? (b) If possible, please possible the rates in a redacted form? (c) If not, why not?	T
85	2.4/AFP	Evans	Please provide details of the estimated costs of security arrangements at the official residences for the current financial year.	T
86	2.4/CSG	Ludwig	a) Is the National Security Hotline program complete? (i) If not, how is it being funded now given it was discretely funded in 04 and 05? (ii) If it is receiving continuing funding, please outline anticipated cost? b) Were these funds from 04 and 05 fully expended? c) How were the funds expended? (specify allocation) d) Were any positions tied directly to this program? (i) If yes, now the program has been expired are they redundant? e) Did it meet budget? f) How much did it go over or under? g) Please provide a breakdown of final expenditure?	T
87	2.1	Ludwig	a) Regarding the development of the whole of government approach to identity security, could you provide a breakdown of the \$5.9 billion dollars allocated over 2 years to undertake the key project work in supporting the strategy? b) What key project work is being undertaken for the strategy? c) What agencies and department are being consulted in the development of whole government approach? d) What sorts of consultations are currently underway, have been completed or are planned to be underway? e) What is the form of the consultation?	T
88	FSG	Murray	a) What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not	T

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			provided, please explain why this is the case. b) What training and awareness sessions are provided, either in-house or through other training providers (eg. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.	
89	FSG	Murray	Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?	T
90	FSG	Murray	ANAO audits for the last three years have revealed a consistently low level of compliance across most agencies with DOFA confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest report on the Order (No.11 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order. (a) What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels? (b) What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected? (c) What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the agency considering the adoption of internal controls and checks?	T
91	FSG	Murray	What problems, if any, has the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?	T
92	ACC	Ludwig	a) Have you been in talks with the Attorney-General's department regarding difficulties	T

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			<p>encountered in the roles, powers and structures of the ACC and the Board?</p> <p>b) What has the AGD indicated are problems within the current structure?</p> <p>c) What have you indicated to the AGD are problems with the current structure from your point of view?</p> <p>d) How did these problems come to be identified?</p> <p>e) Was there a review process, or is this just what you noticed from the day-to-day operation of the ACC?</p> <p>f) Could you indicate whether you have assisted the AGD in any redrafting of any part of the act?</p>	
93	ACC	Ludwig	<p>a) How many former police officers has the ACC specifically recruited?</p> <p>b) What were the reasons behind the recruitment of these officers?</p> <p>c) Why was it the case that the ACC needed to recruit these officers, instead of getting them on secondment from another police agency?</p> <p>d) What were the needs identified that required the ACC to recruit its own police officers?</p> <p>e) How many surveillance, technical and covert intelligence officers does the ACC employ?</p> <p>f) When were these recruited?</p> <p>g) Why were they recruited? Again, why couldn't they be seconded from other agencies that already had the capacity?</p> <p>h) Could you also indicate on how many occasions an ACC employee has been made a special constable by either the AFP or a state police force?</p> <p style="padding-left: 40px;">i) On each occasion, could you specify how long the person held the position of special constable?</p> <p>i) How many ACC employees are currently special constables under the aegis of one of those agencies?</p>	T
94	ACC	Ludwig	<p>a) Could you indicate how many persons associated with organised crime have refused to cooperate with examinations in the years 2000, 2001, 2002, 2003, 2004 and 2005?</p> <p>b) Could you indicate how many persons in total have refused to cooperate with</p>	T

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			<p>examinations in the years 2000, 2001, 2002, 2003, 2004 and 2005?</p> <p>c) Of those who have refused to cooperate with examinations, are you able to indicate how many have faced prosecution?</p> <p>(i) How many of these prosecutions have been finalised?</p> <p>(ii) Of those that have been finalised, how many have resulted in a conviction, and how many resulted in an acquittal?</p>	
95	ACC	Ludwig	How many recruitments have you effected in the last financial year?	82
96	ACC	Ludwig	Are there any specific investigations in Western Australia on trafficking in persons or sex slavery?	89
97	ACC	Ludwig	<p>How many charges or prosecutions have been referred from the ACC to the DPP on sex trafficking?</p> <p>(a) could you please provide information on what stage any prosecution is at?</p> <p>(b) has it been finalised?</p> <p>(c) was there a conviction?</p> <p>(d) if so, what conviction was recorded?</p> <p>(e) if as a result, were criminal justice stay visas issued to witnesses?</p> <p>(f) have any people who gave evidence been returned?</p>	90
98	All Agencies and AGD	Conroy	<p>(a) Please provide details of total departmental/organisational spending on Information and Communications Technology products and services during the last 12 months</p> <p>(b) Please break down this spending by ICT function (eg communications, security, private network, websites).</p> <p>(c) Was this spending in line with budget forecasts for this 12 month period?</p> <p>If not, please provide details of:</p> <p>(i) The extent that ICT spending exceeded budget forecasts for this 12 month period;</p> <p>(ii) Details of on specific ICT contracts which resulted in department/organisation spending in excess of budget forecasts for this 12 month period;</p>	T

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			<p>(iii) The reasons ICT spending exceeded budget forecasts for this 12 month period.</p> <p>(d) Please provide details of any ICT projects that have been commissioned by the Department/organisation during the past 12 months that have failed to meet designated project time frames (ie have failed to satisfy agreed milestones by agreed dates). For such projects that were not completed on schedule, please provide details of:</p> <ul style="list-style-type: none"> <li>(i) The extent of any delay;</li> <li>(ii) The reasons these projects were not completed on time;</li> <li>(iii) Any contractual remedies sought by the Department/organisation as a result of these delays (eg penalty payments).</li> </ul> <p>(e) Please provide details of any ICT projects delivered in the past 12 months that have materially failed to satisfy project specifications.</p> <p>(f) Please provide details of any ICT projects that were abandoned by the Department/organisation within the last 12 months before the delivery of all project specifications outlined at the time the project was commissioned. For such abandoned projects, please provide details of:</p> <ul style="list-style-type: none"> <li>(i) Any contractual remedies sought by the Department as a result of the abandonment of these projects.</li> <li>(ii) Any costs of re-tendering the ICT project.</li> </ul>	
99	All Agencies and AGD	Fielding	<p>(a) How much money has the portfolio spent on domestic airfares for each of the last three financial years?</p> <p>(b) How much money has the portfolio spent on overseas airfares for each of the last three financial years?</p> <p>(c) How much money has the portfolio spent on economy class domestic airfares for each of the last three financial years?</p> <p>(d) How much money has the portfolio spent on business class domestic airfares for each of the last three financial years?</p>	T



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			(e) How much has the portfolio spent on first class domestic airfares for each of the last three financial years? (f) What would be the estimated financial year dollar saving if all public servants in the portfolio travelled economy class for flights of less than one and a half hours duration?	
100	2.2	Stott-Despoja	Would the procedures pursued in relation to Mr Parkin differ in any way under the new Anti-terrorism Bill?	T
101	ASIO	Stott-Despoja	a) Mr Scott Parkin's visa was apparently cancelled because ASIO allegedly gave him an "adverse security assessment." Could such an assessment, whether by ASIO or some other policing agency, be made against Australian Citizens? b) If yes, what proceedings would be taken against an Australian given an "adverse security assessment," or equivalent?	T
102	ASIO	Stott-Despoja	A Federal Bureau of Investigation spokeswoman in Los Angeles told the Sydney Morning Herald that Mr Parkin would not be tracked by the agency when he arrived back in the United States. Could this be seen as a vindication of Mr Parkin's denial of any wrongdoing?	T
103	ASIO	Stott-Despoja	Why is it considered appropriate that neither Mr Parkin nor his lawyer have been told on what ground Mr Parkin was deemed a threat to Australian security?	T
104	ASIO	Stott-Despoja	Mr Parkin alleged that authorities told him he had violated sections of the Migration Act and that he represented a "direct or indirect risk" to Australian national security. What sections of the Migration Act did Mr Parkin allegedly violate and what is the difference between a 'direct risk' and an 'indirect risk'?	T
105	ASIO	Stott-Despoja	Given that neither Mr Parkin nor his lawyers are able to find out what laws he has allegedly violated, or what risk he allegedly posed, how can other overseas visitors be certain they are not also violating these laws or posing a direct or indirect risk to Australia's national security?	T
106	ASIO	Stott-Despoja	Why is it considered appropriate that Mr Parkin was presented with a bill of over \$11,000 for his detention and return to the United States when no charges were made against him, and has such a situation previously occurred?	T

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107	ASIO	Stott-Despoja	<p>a) Is it true, as Mr Parkin has noted that while his plane arrived in Los Angeles on Thursday September 15, his Government escorts did not fly back to Australia until Monday September 19?</p> <p>b) If this is correct, was Mr Parkin charged with their weekend accommodation in Los Angeles?</p>	T
108	ASIO	Ludwig	<p>a) Are you able to indicate how many raids ASIO conducted over the course of the last financial year?</p> <p>b) Are you able to indicate how many people have been arrested or charged with an offence as a result of one of these raids?</p> <p>(i) Of those charged with an offence, what sort of offences were they charged with?</p> <p>(ii) How many of those charges have been finalised in the sense of being dropped or a conviction or acquittal being recorded?</p> <p>(iii) Of those finalised, how many were dropped, how many resulted in a conviction and how many resulted in an acquittal?</p>	T
109	ASIO	Ludwig	<p>In how many cases has ASIO been sued, for any reason?</p> <p>a) Could you provide a list of the occasions on which ASIO has been sued, the issue and the result of the action?</p> <p>b) How much has ASIO had awarded against it in damages for the years 2001, 2002, 2003, 2004 and 2005?</p>	T
110	ASIO	Ludwig	<p>Could you indicate how many times ASIO has used its powers of detention?</p> <p>a) When were these powers used?</p> <p>b) What was the duration of the detention in each occasion?</p> <p>c) Of those detained by ASIO, have any charges subsequently been pressed?</p> <p>d) Of those charged with an offence, what sort of offences were they charged with?</p> <p>e) How many of those charges have been finalised in the sense of being dropped or a conviction or acquittal being recorded?</p> <p>f) Of those finalised, how many were dropped, how many resulted in a conviction and</p>	T

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			how many resulted in an acquittal?	
111	ASIO	Ludwig	<p>Five year strategic plan unveiled for ASIO</p> <p>a) Could you provide the timeframe in which you intend to grow the ASIO staffing levels, in more detail than 1,860 by 2010-11?</p> <p>b) Could you indicate which areas of ASIO the additional staff are intended for deployment?</p> <p>c) How much additional funding is allocated specifically for the purpose of increasing the staff, broken down by each area in which the staffing levels are to be increased?</p> <p>d) Has any initial recruitment rounds been done so far for the increased staffing levels?</p> <p>(i) If so, how many additional staff have been recruited so far?</p> <p>e) Is there any increased recruitment drive advertising?</p> <p>(i) How much has been allocated to increased recruitment drive advertising?</p> <p>(ii) Where has it been advertised?</p> <p>f) Has there been an increase in the entrant of graduates from universities?</p> <p>(i) What has been this increase?</p> <p>g) Where are the additional staff going to be sourced from?</p> <p>(i) Elsewhere in the intelligence or law enforcement community?</p>	T
112	ASIO	Ludwig	<p>ASIO Numbers, Costs and Procedures</p> <p>a) What is the current state of recruitment of officers into ASIO?</p> <p>b) Prior to the recent announcement of a doubling of ASIO by 2010, were all available positions in ASIO filled?</p> <p>c) Given the rapid growth and the largely inexperienced workforce, how are training and career issues being managed?</p> <p>d) To what extent does ASIO rely on informants for information?</p> <p>e) How reliable is the information received from informants?</p> <p>f) How much has been spent on informants in the last financial year?</p> <p>g) Does ASIO give DIMIA names of persons of interest to go on an alert list for people entering Australia at airports?</p> <p>h) What is the procedure when a DIMIA official at an airport encounters an inbound</p>	T

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			passenger who has been flagged on an alert list? i) Does the officer at the airport call the Entry Operations Centre? j) Does the Centre then notify ASIO? k) What does ASIO then do? l) Is the DIMIA officer at the airport given instructions on how to proceed? m) If so, does this always happen? n) What is the DIMIA officer at the airport supposed to do if he/she doesn't receive any instructions?	
113	ASIO	Brown	Scott Parkin: Were ASIO officers present: (a) at the arrest? (b) at the consequent questioning? (c) did they take any part in relation to his stay after arrest and consequent deportation?	97
114	ASIO	Brown	What background did you have on Mr Parkin regarding violent or dangerous protesting in the United States?	97
115	ASIO	Brown	On what date was the Attorney-General informed that Mr Parkin represented a risk?	98
116	ASIO	Brown	Mr Scott Parkin was taken into detention by four AFP or ASIO officers and two Immigration compliance officers on Saturday 10 <sup>th</sup> September in Melbourne. a) Was it ASIO or AFP officers who arrested Mr Parkin? b) Where was he taken for questioning? c) Who was <u>present</u> during this time? ( <i>note not questioned but present</i> ) ( <i>if they won't say names, ask for types, AFP detective, ASIO officers</i> ) d) Was Mr Parkin questioned prior to his lawyer arriving?	T
117	ASIO	Brown	<i>[Background: Appeal waiver: When Scott was in custody, he was told that if he signed a waiver against his rights to appeal under the MRT, he would be able to return to the USA more quickly. This interaction was through an Immigration office Compliance Officer. He apparently did sign that waiver, but it was thrown out as not having any validity when his Migration lawyer spoke with him on the Tuesday.]</i> a) Mr Parkin asserts that on the day after he was taken in detention, he was advised that	T

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			<p>any attempt to appeal the revocation of his visa would prolong his detention and pressured to sign a statement waiving his right to appeal.</p> <p>b) What was the document that Mr Parkin was pressured to sign?</p> <p>c) Was it a standard Department of Immigration document?</p> <p>d) Do you have a copy of it available for the committee?</p> <p>e) Why was Mr Parkin asked to sign this document?</p> <p>f) Is it established practice by the Department of Immigration to encourage detainees to waive their appeal rights?</p> <p>g) Was it explained to Mr Parkin by the Immigration Compliance Officer the different legal implications between him being removed versus being deported?</p> <p>h) Was he told that he would be removed or deported when he was first taken into custody?</p> <p>i) Did Immigration Officials ever imply to Mr Parkin that if he didn't sign the waiver form, that his removal from Australia would be delayed, or that he would instead be deported?</p> <p>j) Was Mr Parkin transferred and detained in the Melbourne Custody Centre rather than Maribyrnong Detention centre like other immigration detainees?</p> <p>k) Was it to prevent access to him by lawyers, friends and media?</p> <p>l) Can you confirm under which section of the Migration Act Mr Parkin's visa was cancelled. Was it s.116(3) or s. 200?</p>	
118	ASIO	Brown	<p>a) Is it the usual practice that someone deported or removed from Australia is accompanied by immigration officials?</p> <p>(i) Why was it deemed necessary in Scott Parkin's case?</p> <p>(ii) Is the Minister informed?</p> <p>(iii) Was the Minister informed in Scott Parkin's case?</p> <p>b) Is the usual practice for someone to be charged for the cost of officials accompanying them when they are deported?</p> <p>c) Where did the immigration officers stay while in Los Angeles?</p> <p>d) Did they stay in Disneyland?</p>	T

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119	ASIO	Stott-Despoja	<p>Given that Mr Tallaal Adrey has complained of torture, mistreatment, that a fellow inmate has died in custody and Mr Adrey has needed tests to ensure he has not been infected with HIV or Hepatitis while imprisoned;</p> <p>(a) what steps has the Australian Government taken to guarantee his basic human rights?</p> <p>(b) Is the Government relying solely on advice given to them by Kuwaiti authorities?</p> <p>(c) And given that Kuwaiti authorities initially denied holding Mr Adrey, what has the Government done to ensure this advice is accurate?</p>	T
120	AUSTRAC	Ludwig	<p>(FATF Rec 15)</p> <p>a) Does AUSTRAC issue guidelines as to best practice in this area?</p> <p style="padding-left: 20px;">(i) If not, why not?</p> <p>b) Does AUSTRAC assess financial institutions to identify whether they have these practices in place?</p> <p style="padding-left: 20px;">(i) If not, why not?</p> <p>c) Of the financial institutions that AUSTRAC monitors:</p> <p style="padding-left: 20px;">(i) How many has AUSTRAC assessed to check these practices are in place?</p> <p style="padding-left: 20px;">(ii) How many were fully compliant with the AUSTRAC guidelines?</p>	T
121	AUSTRAC	Ludwig	<p>a) How many official on-site visits did AUSTRAC perform in</p> <p style="padding-left: 20px;">(i) 2003/04,</p> <p style="padding-left: 20px;">(ii) 2004/05?</p> <p style="padding-left: 20px;">(iii) Of those, how many are educational visits?</p> <p style="padding-left: 20px;">(iv) Please specify what other types of official visits are conducted by AUSTRAC?</p> <p>b) How many inspections did Austrac perform in 2003/04 and 2004/05 in:</p> <p style="padding-left: 20px;">(i) The cash dealer industries</p> <p style="padding-left: 20px;">(ii) The non-cash dealer industries</p> <p style="padding-left: 20px;">(iii) Total</p> <p>c) What industry-wide recommendations were made to the banks as a result of the audit process?</p>	T

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			<p>d) If any recommendations were made, what follow-up work has been done to ensure that the banks have followed the recommendations?</p> <p>e) Over the last two years, what other financial institutions have received compliance inspection audits?</p> <p>f) Generally, how often are these formal compliance inspections conducted?</p> <p>g) How are the rates, and frequency of audits of banks and other financial dealers determined?</p> <p>h) Who are they determined by, and what factors are taken into consideration in determining the above?</p> <p>i) How many investigations resulted from inspections as itemised in Question (b):</p> <ul style="list-style-type: none"> <li>(i) The cash dealer industries</li> <li>(ii) The non-cash dealer industries</li> <li>(iii) Total</li> </ul> <p>(specify figures for 2003/04 and 2004/05 please)</p> <p>j) As a result of inspections or investigations as itemised in Questions a and b how many:</p> <ul style="list-style-type: none"> <li>i) charges and</li> <li>ii) criminal sanctions were applied?</li> </ul> <p>(please specify “charge”, “quantity”, “total” figures for 2003/04 and 2004/05; “sanction”, “quantity”, “total” figures for 2003/04 and 2004/05).</p> <p>k) How many civil penalties have been applied either by AUSTRAC or via the courts as a result on dealers for breaches of their obligations under the FTR Act? (please specify “sanction”, “quantity”, “total” figures for 2003/04 and 2004/05).</p> <p>l) Could you indicate what would typically constitute agreed remedial action against a cash dealer?</p> <ul style="list-style-type: none"> <li>(i) Could you indicate what sort of follow-up compliance tests are done on the cash dealer?</li> <li>(ii) In how many cases has the cash-dealer still failed AUSTRAC’s subsequent follow-up compliance test?</li> </ul>	

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			(iii) What action is taken in those cases? (iv) In those cases, please indicate sanction imposed.	
122	AUSTRAC	Ludwig	a) Please specify whether any shell banks exist in Australia? (i) how are these banks identified? b) What volume of transfer of funds are legitimate organisations transferring to shell banks located: (i) in Australia (ii) externally? (2004/05 figures if possible) c) What about in terms of whether cash dealers dealing with foreign firms who themselves deal with shell banks? d) Does AUSTRAC keep any intelligence on foreign cash dealers who trade with shell banks? e) Why did Australia fail to comply with FATF recommendations concerning shell banks? f) What steps are AUSTRAC now taking to address this non-compliance? (Please detail; if none, why not?)	T
123	AUSTRAC	Ludwig	a) Please indicate how many countries AUSTRAC has identified as being high risk as per 38(1)(e) of the FTR Act. b) How are these identifications made – does AUSTRAC receive these assessments from foreign compliance agencies, international bodies (such as FATF) or other domestic agencies? c) According to the recent FATF compliance report on Australia, AUSTRAC has made only limited use of the FTR (s38(1)(e)) provisions:  “(1) The functions of the <u>Director</u> are: ... (e) to issue guidelines to <u>cash dealers</u> about their obligations under <u>this Act</u> and the regulations.”  Please indicate what <u>guidelines</u> you have issued to cash dealers regarding their	T



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			<p>obligations under the FTR Act</p> <ul style="list-style-type: none"> <li>(i) Are these guidelines directed at certain types of cash dealers? (if so specify)</li> <li>(ii) Are they industry specific guidelines or general cash dealer guidelines?</li> <li>(iii) Are there any cash dealers or cash dealer industries that guidelines have not been issued to?</li> <li>(iv) How many guidelines have been published?</li> <li>(v) What feedback is sought from the cash dealers relating to their obligations under the guidelines?</li> <li>(vi) What guidelines have you released relating to dealings with high-risk countries?</li> <li>(vii) When were they released?</li> </ul> <p>d) How does AUSTRAC monitor compliance with issued Guidelines and Information Circulars regarding transactions with non-FATF compliant countries (other than Australia, of course)?</p>	
124	AUSTRAC	Ludwig	<p>Please indicate AUSTRAC's:</p> <ul style="list-style-type: none"> <li>a) projected 2004/05 budget</li> <li>b) actual 2004/05 budget</li> <li>c) projected 2005/06 budget</li> <li>d) 2004/05 staff level</li> <li>e) projected 2005/06 staff level for: <ul style="list-style-type: none"> <li>(i) Money Laundering Deterrence</li> <li>(ii) Money Laundering Targeting</li> <li>(iii) Information Technology</li> <li>(iv) Corporate services</li> <li>(v) Other (not listed above – specify)</li> </ul> </li> <li>f) Please supply an organisational chart showing component structure of the following divisions: <ul style="list-style-type: none"> <li>(i) Money Laundering Deterrence</li> </ul> </li> </ul>	T

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			<p>(ii) Money Laundering Targeting                      (iii) Information Technology                      (iv) Corporate services</p> <p>g) Of AUSTRAC staff, are any seconded to other agencies, departments or private sector organisations?                      (i) If yes, please supply beneficiary of seconded labour?</p> <p>h) In relation to the implementation of new AML/CTF laws, what additional resources are:                      (i) allocated to AUSTRAC for this purpose in the 2005 Budget and                      (ii) further projected requirements?                      (iii) Could you provide a breakdown of the new resources – staff, additional computers, etc?</p> <p>i) Was AUSTRAC consulted on the additional resources it would need under the new AML/CTF laws (post budget 2005)?                      (i) What was AUSTRAC’s projection of the additional resources it would need to cover the increased responsibilities?                      (ii) Has this changed?                      (iii) If so, how? If not, why not?</p>	
125	AUSTRAC	Ludwig	<p>a) Has AUSTRAC initiated any additional training specifically to enhance supervisory (as per Recommendation 30 of the FATF Evaluation Report) skills?                      (i) How much of this training relates to on-site inspections?                      (ii) If not, does AUSTRAC intend to?                      (iii) If yes, what is the timeframe for the additional training?                      (iv) How much is the additional training expected to cost?</p>	
126	AUSTRAC	Ludwig	<p>a) How much of the funding provided for Strengthening Regional FIUs has been expended?                      b) Has all funding been expended?                      (i) If not, how much funding has yet to be expended?</p>	T

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			<p>c) Was there any variation to the stated budget for this program?            (i) If so, what was the variation?            (ii) Was additional funding provided, or did the program lose funding?            (iii) If the program lost funding, where was the funding transferred, and why?            (iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?            (i) Did the program meet its stated outcome?            (ii) If not, in which areas did it not meet its stated outcome?            (iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?            (i) If so, could you provide a copy?            (ii) If not, why not?            (iii) Is one being conducted, or will one be conducted?            (iv) Are there any interim reports available?            (v) Are there any plans to produce any interim reports?</p>	
127	AUSTRAC	Ludwig	<p>a) How much of the funding provided for financial intelligence intensive training has been expended?</p> <p>b) Has all funding been expended?            (i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?            (i) If so, what was the variation?            (ii) Was additional funding provided, or did the program lose funding?            (iii) If the program lost funding, where was the funding transferred, and why?            (iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?            (i) Did the program meet its stated outcome?</p>	T

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			<ul style="list-style-type: none"> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> <li>e) Has a review been conducted of the program?                             <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> <li>(v) Are there any plans to produce any interim reports?</li> </ul> </li> </ul>	
128	AUSTRAC	Ludwig	<ul style="list-style-type: none"> <li>a) How much of the funding provided for high-risk cash dealer strategy has been expended?</li> <li>b) Has all funding been expended?                             <ul style="list-style-type: none"> <li>(i) If not, how much funding has yet to be expended?</li> </ul> </li> <li>c) Was there any variation to the stated budget for this program?                             <ul style="list-style-type: none"> <li>(i) If so, what was the variation?</li> <li>(ii) Was additional funding provided, or did the program lose funding?</li> <li>(iii) If the program lost funding, where was the funding transferred, and why?</li> <li>(iv) Were any stop-gap measures put in place to</li> </ul> </li> <li>d) What was the stated outcome of the program at the time the funding commenced?                             <ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> </ul> </li> <li>e) Has a review been conducted of the program?                             <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> </ul> </li> </ul>	T

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			(v) Are there any plans to produce any interim reports?	
129	AUSTRAC	Ludwig	How many cash dealers report suspicious transactions?	70
130	AUSTRAC	Ludwig	Taskforce Gordian: When did the two AUSTRAC members join the taskforce?	71
131	AUSTRAC	Ludwig	Has AUSTRAC accessed Customs cargo management re-engineering or cargo computer systems to monitor laundering?	73-74
132	AUSTRAC	Ludwig	Has AUSTRAC done anything specifically in attempting to identify shell banks?	74
133	CRIMTRAC	Ludwig	<p>Could you provide a timeline detailing the following:</p> <ul style="list-style-type: none"> <li>a) The date on which each CrimTrac database was proposed, and the date by which it was originally intended to be implemented</li> <li>b) The dates on which any design or functionality changes made to the database were made</li> <li>c) The dates on which any trials to the database were conducted, and when they ended</li> <li>d) The dates on which any reviews of the databases, or trials were conducted and when they were finalised</li> <li>e) The dates any CrimTrac databases were implemented, and any functionality changes were put in place</li> <li>f) The dates on which any database had its funding increased, also by how much and the reason for the increase.</li> <li>g) The initial cost and current actual cost of each database.</li> <li>h) The traffic for each database over the previous twelve months.</li> <li>i) The dates on which the database was rolled out to each state and the current projected dates for rollout to the other states.</li> <li>j) The original projected dates for the roll-out of the database to each state.</li> <li>k) The number of staff allocated to the development of each database, and when any staff were added to the development of the database, or removed from the development of the database.</li> </ul>	T
134	CRIMTRAC	Ludwig	a) Could CrimTrac indicate all additional functionality that NAFIS is intended to	T

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			<p>introduce?</p> <p>b) Why is this functionality needed?</p> <p>c) Can you indicate how the need for the increased functionality was identified?</p> <p>d) How many hand-held devices are going to be purchased and provided under the new upgrade?</p> <p style="padding-left: 40px;">(i) Could you indicate the cost of these devices?</p> <p style="padding-left: 40px;">(ii) What additional functionality are these devices intended to add to the existing systems?</p> <p>e) What is the timeframe for the deployment of the additional functionality?</p> <p>f) Could you provide a copy of the timeline, including all key dates?</p> <p style="padding-left: 40px;">(i) Have we passed any key dates, or deadlines so far in the deployment?</p> <p style="padding-left: 40px;">(ii) Have these all been met?</p> <p style="padding-left: 40px;">(iii) If not, which ones have not been met?</p> <p style="padding-left: 40px;">(iv) Has a workaround been provided for the functionality that has not yet been met?</p> <p>g) Could you indicate what constitutes 'lights out tenprint processing'? What exactly is it, and how does it work?</p> <p>h) Have any other requests for more Livescan devices (other than in Queensland and Western Australia) been received?</p> <p style="padding-left: 40px;">(i) If so, who made the request, and have they been filled</p> <p style="padding-left: 40px;">(ii) (if not, why not)?</p>	
135	CRIMTRAC	Ludwig	<p>Regarding the handheld biometric devices:</p> <p>a) Are they designed to record biometrics for later use, are they designed to access and verify biometrics data on the spot, or do they have another use?</p> <p>b) Do they store biometrics on a hard-drive or do they access them remotely?</p> <p>c) If they access them remotely, how does this work, what sort of security and encryption do these devices have?</p> <p>d) Do they 'plug in' to any of the existing CrimTrac databases, or any other government databases?</p>	T

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			<p>e) If so, how is information shared between the databases and the handheld devices?                      f) What sort of biometrics are going to be recorded on these devices, and what biometrics do these devices have the capability to record?                      g) Has a technical supplier been found for these devices?                      h) What is the timeframe for the deployment of these handheld biometric devices, and how are we progressing on this front?) How is the information going to be secured?                      i) How is it going to be exchanged?                      j) How is it going to be kept on databases?                      k) Does the information include names?                      l) What is the cost of handheld devices?                      m) Have these issues been investigated and has it been determined that the devices are practical and safe and provide secure information that cannot be accidentally downloaded or passed on to other people outside of the required use or policing service?</p>	
136	CRIMTRAC	Ludwig	<p>National Criminal Investigation DNA database                      a) When is intra-jurisdictional matching expected to begin occurring in the states that do not currently have it?                          (i) How does that match up with the original estimated timeframe for the deployment of the matching?                      b) Have any trials of the system been undertaken in these jurisdictions?                      c) Other than Western Australia and Queensland, what other states have commenced inter-jurisdictional matching?                          (i) For each state, when was it originally intended to occur?                          (ii) When are other states expected to begin inter-jurisdictional matching?                      d) Have any other states provided you with notification of their ability to use NCIDD within their bi-lateral agreements?                          (i) If so, which ones, and when is NCIDD expected to begin in those states?                          (ii) Once a state notifies you, what is the process from there – can data-matching begin immediately, or is there a further wait?</p>	T

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			<p>(iii) If there is a further wait, how long is the wait?</p> <p>(iv) What other checks and preliminary work needs to be done post-notification?</p> <p>e) Regarding the lower than expected than usage of NCIDD/SQL*Lims, is this caused by the non-usage of the system by several states, or is it due to under-usage in the states that are using it, or both?</p>	
137	CRIMTRAC	Ludwig	<p>Volunteer and Missing Persons entries on NCIDD</p> <p>a) With regards to the table of NCIDD records on page 21 of the annual report, how are volunteers selected or chosen for entry onto the system?</p> <p>b) Where are they sourced from?</p> <p>c) Are they permanently entered onto the system, or are they only on the system for a limited time span (if so, what is that time span)?</p> <p>(i) If it was an unlimited time span, could you indicate whether the volunteers were advised of this before they volunteered DNA records?</p> <p>(ii) If a volunteer wished to be removed from the NCIDD, would they be allowed that?</p> <p>(iii) What is the difference between a limited purpose volunteer, and an unlimited purpose volunteer?</p> <p>(iv) What are the purposes that the limited purpose volunteer can be searched for?</p> <p>d) Have any additional missing person's records been entered onto the NCIDD?</p> <p>e) If a missing person is found, will their record be removed from the NCIDD?</p> <p>(i) If not, why not?</p>	T
138	CRIMTRAC	Ludwig	<p>Are there any ongoing costs to the current installations of the NCIDD network? The ones that are installed in forensic laboratories in all police agencies?</p> <p>(i) Are these upgrade costs, support costs, hardware costs, etc.?</p> <p>(ii) What are the costs, if there are any?</p>	T
139	CRIMTRAC	Ludwig	<p>Priorities for NCIDD 2005-06</p> <p>Could you indicate when the post-implementation review of NCIDD is expected to</p>	T



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			begin? (i) What is the timeframe for the completion of the report? (ii) When is it expected to be completed?	
140	CRIMTRAC	Ludwig	a) Could you indicate what functionality ANCOR currently has, and what additional functionality it has gained since September 2004? b) What additional functionality do you intend to continue adding to ANCOR? c) Is this functionality that was intended to be part of ANCOR at the original release, or is it functionality that has been requested or otherwise assigned to ANCOR since that time? (i) If it is functionality that was intended to be part of ANCOR at the release date, why was it pushed back? (ii) What other functionality does ANCOR not have that it should have had when it launched? d) What functionality was ANCOR intended to have by now that it does not currently have? e) What additional enhancements are planned to ANCOR?	T
141	CRIMTRAC	Ludwig	Regarding the statement in the annual report that... <i>The board of management allocated an additional \$189,000 to the project to allow for the review of outstanding requirements in relation to additional functionality and tools to support investigations and full exploitation on ANCOR.</i> a) Does this mean it is a review to find out which of the functionality is not currently in place you no longer require? b) Could you provide a breakdown of the \$189,000? c) Are any monies being paid to external consultants? d) If so, which ones and what tender process were used to select them? (i) Was it open or closed? (ii) If it was closed, who was invited to tender and how were they selected? (iii) Of those invited to tender, who submitted tenders?	T

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			<ul style="list-style-type: none"> <li>(iv) Why was the winning tender chosen?</li> <li>(v) If it was open, was it advertised?</li> <li>(vi) If not, why not?</li> <li>(vii) If so, where was it advertised and at what cost was it advertised?</li> <li>(viii) How many tenders were received?</li> <li>(ix) Why was the winning tender chosen?</li> <li>e) Has the review been completed?               <ul style="list-style-type: none"> <li>(i) If so, please provide a copy.</li> <li>(ii) If not, when is it intended to be completed?</li> <li>(iii) Are there any interim reports due?</li> </ul> </li> </ul>	
142	CRIMTRAC	Ludwig	<p>Board-initiated review</p> <ul style="list-style-type: none"> <li>a) Are you able to provide a copy of the review?</li> <li>b) What were the terms of reference of the review?</li> <li>c) Could you indicate what flaws and quality gaps were identified in the system?</li> <li>d) Has the business case been completed? If not, when is it scheduled to be completed?               <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) Were organisational changes were recommended by the review?</li> <li>(iii) If so, what were they and have they been implemented?</li> <li>(iv) What is the timeframe for their implementation?</li> <li>(v) If not, why not?</li> </ul> </li> <li>e) What additional funds have been allocated to meet the requirements of the business case or the review?               <ul style="list-style-type: none"> <li>(i) How much of those funds have been expended?</li> <li>(ii) Is the budget on track for the implementation of those recommendations?</li> </ul> </li> </ul>	T
143	CRIMTRAC	Ludwig	<p>Regarding the additional funding allocated to the National Handgun Buyback Scheme:</p> <ul style="list-style-type: none"> <li>a) What were the additional reporting requirements requested?</li> <li>b) Why were they requested?</li> <li>c) When are they due to be completed?</li> <li>d) How much did it cost to implement the additional reporting requirements?</li> </ul>	T

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			<p>e) Are the additional reporting requirements now properly in place?                      (i) If not, what is the timeframe for the implementation of the reporting requirements?                      (ii) How much of the additional requirements are now in place?                      f) How much additional funds in total does that represent that has been provided?                      g) How much of the additional funds have been expended?                      h) Have any further funds been requested?</p>	
144	CRIMTRAC	Ludwig	<p>Regarding the National Vehicles of Interest scoping study of 2002-03...</p> <p>a) What proposals were originally brought up in the National Vehicles of Interest scoping study that have yet to be implemented?                      (i) Are you able to provide a complete list of the recommendations or areas of work that were brought up in this study?</p> <p>b) Since the annual report, have you been able to progress the work identified in this study?                      (i) If so, what additional work has been progressed? Is there a timeframe for the implementation of the study?</p> <p>c) Were any funds allocated to this project in 04-05?                      (i) If so, were they transferred to another area of CrimTrac?                      (ii) If so, which one?                      (iii) If not, why not?                      (iv) If not, why not?                      (v) Have any been allocated for 05-06?</p>	T
145	CRIMTRAC	Ludwig	<p>CRIMTRAC Police Reference System</p> <p>a) Were there any reviews of the system subsequent to the 90 day trial period, if so could you please provide subject outcome and conclusions of those reviews?                      (i) If there were reviews, did they make any recommendations?                      (ii) If so, what were they?                      (iii) Have they been implemented, or are they being implemented?                      (iv) If not, why not?</p>	T

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			b) How many people are registered to use the MNPP? c) Could you provide a copy of the report to the board of management on the capability trial? d) Do you have key dates for the implementation of the roll out, if so please provide? (i) Are there any that have passed? (ii) For the ones that have passed, did you meet them? (ii) If not, why not and when were they met? e) Is the final roll out date of September 2006 still planned? (i) If not, how has it changed and why? f) Did you get the business case of the 3 remaining components specialist reporting events and mapping data analysis to the board of management on 22 June? (i) Is it within budget at the moment? g) What was the additional budget allocated to those 3 additional components by the board meeting?	
146	CRIMTRAC	Ludwig	NAFIS Operating System: Please breakdown the \$4.9 million provided to upgrade the operating system and how much has been expended so far?	74
147	CRIMTRAC	Ludwig	How long is the licence agreement for SAGEM?	76
148	CRIMTRAC	Ludwig	NAFIS: How will the handheld biometric devices operate?	78
149	CRIMTRAC	Ludwig	What was the business case for the \$4.9 million NAFIS upgrade?	79
150	2.2	Ludwig	a) How many proscribed organisations are there? b) Of these, how many have had their assets frozen? c) Which ones have had their assets frozen? d) In each case, what was the value of the assets?	T
151	CRIMTRAC	Ludwig	Has the Livescan hardware been rolled out? How many devices and in which States/Territories?	80
152	DPP	Ludwig	a) Of the Indonesian fishing vessels apprehended by Customs, are you able to indicate in how many instances charges have been pressed against the operators? b) In what circumstances are charges brought, and in what circumstances are charges	T

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			<p>not brought?</p> <p>c) Of those charged, could you provide an outline of the charges brought against them?</p> <p>d) Do they include any charges for people-smuggling? If so, provide details on:</p> <p style="padding-left: 40px;">(i) How many charges?</p> <p style="padding-left: 40px;">(ii) Against whom they have been brought?</p> <p style="padding-left: 40px;">(iii) Whether any convictions have been recorded?</p>	
153	DPP	Ludwig	<p>a) How many prosecutions you have launched for failure to comply with an ACC coercive investigation or interview?</p> <p>b) How many have resulted in a conviction?</p>	T
154	DPP	Ludwig	<p>a) Please provide updated figures on the number of prosecutions and charges that are currently being brought against persons accused of human trafficking?</p> <p>b) Of the ten defendants mentioned at the last estimates hearing who are currently being prosecuted, do we have any information as to how those cases concluded?</p> <p style="padding-left: 40px;">(i) How many were convicted?</p> <p style="padding-left: 40px;">(ii) How many of the cases are ongoing?</p> <p>c) Since that time, how many further human trafficking, sexual servitude or slavery cases has the CDPP initiated?</p> <p style="padding-left: 40px;">(i) Are any of those concluded?</p> <p style="padding-left: 40px;">(ii) If so, what was the outcome?</p> <p style="padding-left: 40px;">(iii) If not, when are they expected to be concluded?</p>	T
155	DPP	Ludwig	<p>a) For the years 2001, 2002, 2003, 2004, and 2005, could you indicate:</p> <p style="padding-left: 40px;">(i) How many charges were laid against government employees in relation to drug offences?</p> <p>b) Could you provide a breakdown based on:</p> <p style="padding-left: 40px;">(i) The agency or department which the person worked for?</p> <p style="padding-left: 40px;">(ii) The charges that have been laid against the person;</p> <p style="padding-left: 40px;">(iii) The alleged value of the drugs;</p> <p style="padding-left: 40px;">(iv) Charges have been laid?</p>	T

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			(v) Has the prosecution commenced? (vi) What stage are the trials at? (vii) How many of the trials have concluded and, in how many of the trials was a conviction recorded, (viii) The severity of the conviction.	
156	DPP	Ludwig	Could the CDPP indicate: a) How many charges have been laid in relation to fraud against a Federal Government Department or agency in 2000, 2001, 2002, 2003, 2004 and 2005? Please provide a breakdown by each agency and department, and the number of persons involved in the charges. (i) In each case, how much did the fraud represent? (ii) In each case, how many prosecutions were launched against the person? (iii) Of those prosecutions that were launched, how many resulted in a conviction? (iv) How many were subsequently dropped, or resulted in a verdict of not guilty?	T
157	DPP	Ludwig	In each of the last three financial years, of those Centrelink customers who have been prosecuted by the Director of Public Prosecutions: (a) How many of these customers have a legal representative? (b) Could we have a breakdown of the range of sentences handed down, broken down by gender and age? The range of sentences are: no conviction; recognisance order; community service order; periodic detention; home detention; full custodial sentence; good behaviour bond; fines, plus any combinations of the above. (c) Could we get a breakdown by each state and territory of the sentences handed down? (d) Could we get a breakdown by Centrelink area office? (e) Could we get a breakdown of the sentences handed down by each local or magistrate's court that hears Social Security prosecution orders?	T

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158	DPP	Ludwig	<p>a) Is it the standard practice to continue with the criminal prosecution for Social Security fraud where a customer has been referred to the Director of Public Prosecutions and Centrelink or the Social Security Appeals Tribunal subsequently waives the debt?</p> <p>b) In the last three years, how many cases have been prosecuted where the debt has been fully waived by Centrelink or the Social Security Appeals Tribunal?</p> <p>c) In the last three years, how many cases have been withdrawn by the Director of Public Prosecutions where the debt has been either waived or found not to exist by Centrelink or the Social Security Appeals Tribunal?</p> <p>d) Over the last three financial years, how many customers have been referred from Centrelink to the Director of Public Prosecutions where the DPP has subsequently decided not to proceed with the prosecution?</p> <p>e) Does the Director of Public Prosecutions have any internal policy, specific to Social Security to assess when it is not in the “public interest” to prosecute a case for Social Security fraud? If so, please provide a copy of these guidelines.</p> <p>f) Does the DPP prosecute clients with terminal illness, serious brain injuries, or significant mental health problems?</p> <p>g) How many clients in such situations have been prosecuted by the DPP for Social Security fraud in each of the last three financial years?</p> <p>h) What is the dollar figure and percentage of the Director of Public Prosecution’s financial resources and staff time that has taken up in dealing with Social Security prosecutions for each of the last three years?</p>	T
159	OFPC	Stott-Despoja	<p>(a) Has the Privacy Commissioner provided advice to the Government on the privacy implications of the Anti-Terrorism Bill?</p> <p>(b) Given the community interest in this issue, why has the Commissioner not made a public statement of her views, following the lead of other independent statutory officers such as the President of the Human Rights Commission?</p>	T
160	OFPC	Stott-Despoja	In light of your Review commitment to consider increasing transparency of complaint outcomes (Recommendation No 43), do you intend to increase or at least maintain the	T

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			number of de-identified case studies to be published in this and subsequent financial years?	
161	OFPC	Stott-Despoja	Where the Privacy Commissioner has given generic advice to an industry sector, or to a major individual business, about interpretation of Privacy Act requirements, what steps have been taken to ensure that consumers and their representative bodies are aware of the content of this advice?	T
162	OFPC	Stott-Despoja	Did the Privacy Commissioner make any attempt to resist the Government's directive to Commonwealth Departments and executive agencies to adopt a uniform branding using the Commonwealth coat of arms and relevant Australian Government agency name? Can the Commissioner explain why her office has adopted this branding when other independent statutory offices including the Ombudsman, the Human Rights Commission, the Statistician and the Electoral Commissioner declined to do so, presumably to demonstrate and maintain their independence?	T
163	OFPC	Stott-Despoja	Has the Privacy Commissioner given advice to DFAT on the ePassport currently being introduced? In particular, how has the Office of the Privacy Commissioner satisfied itself that DFAT can comply with the security principle (IPP4) in relation to preventing access to information on the computer chip by unauthorised third parties?	T
164	OFPC	Carr	The OPC previously provided, in response to a question from Senator Lundy, information on the number of complaints it had received regarding the operation of Residential Tenancy databases (RTDs) between 21 December 2001 and 30 April 2005. a) How many complaints have been received regarding the operation of RTDs since 30 April 2005? b) Please provide a breakdown for all complaints about RTDs since 21 December 2001, giving the type of complaint (eg tenant, real estate agent, other) and the nature of the complaint (eg lack of access to records, incorrect information not corrected). c) Is the OPC involved in ongoing development of national policy/regulation relating to RTDs? Please provide details of any involvement in such processes.	T
165	OPC	Ludwig	For those category T bills not completed at 31 October 2005, was the reason (a) lack of	69



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			drafting instructions or (b) insufficient work teams available to complete the work?	
166	ACS	Ludwig	<p>a) Is it correct that a response to the <i>Modern Day Use of Averments in Customs Prosecutions</i> was given to the government in May of 2004?</p> <p>b) Was the response sent back to the Department for redrafting or any other reason?                      If so, when was it sent back to the department?                      If so, has a revised response been provided to the government?                      (i) If not, why not? Does the Department intend to provide a response and when will the Department provide one?                      (ii) If so, on what date was it provided to the government?</p> <p>(c) What was wrong with the response that was presented to you that was not adequate?</p>	T
167	ACS	Ludwig	<p>a) Is the First Port Boarding program complete?</p> <p>b) Were the funds fully expended?</p> <p>c) How were the funds expended? (specify allocation)</p> <p>d) Were any positions tied directly to this program?                      (i) If yes, now the program has been expired are they redundant?</p> <p>e) Did it meet budget?</p> <p>f) How much did it go over or under?</p> <p>g) Please provide a breakdown of final expenditure?</p>	T
168	ACS	Ludwig	<p>a) Is the Security Enhancements program complete?</p> <p>b) Were the funds fully expended?</p> <p>c) How were the funds expended? (specify allocation)</p> <p>d) Were any positions tied directly to this program?                      (i) If yes, now the program has been expired are they redundant?</p> <p>e) Did it meet budget?</p> <p>f) How much did it go over or under?</p> <p>g) Please provide a breakdown of final expenditure?</p>	T
169	ACS	Ludwig	a) Is the response to foot and mouth disease & other quarantine matters program complete?	T

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			b) Were the funds fully expended? c) How were the funds expended? (specify allocation) d) Were any positions tied directly to this program? (i) If yes, now the program has been expired are they redundant? e) Did it meet budget? f) How much did it go over or under? g) Please provide a breakdown of final expenditure?	
170	ACS	Ludwig	a) Is the Biometrics for Border Control program complete? b) Were the funds fully expended? c) How were the funds expended? (specify allocation) d) Were any positions tied directly to this program? (i) If yes, now the program has been expired are they redundant? e) Did it meet budget? f) How much did it go over or under? g) Please provide a breakdown of final expenditure?	T
171	ACS	Ludwig	a) How much of the funding provided for the doubling of Customs NMU surveillance and response capacity has been expended? b) Has all funding been expended? (i) If not, how much funding has yet to be expended? c) Was there any variation to the stated budget for this program? (i) If so, what was the variation? (ii) Was additional funding provided, or did the program lose funding? (iii) If the program lost funding, where was the funding transferred, and why? (iv) Were any stop-gap measures put in place to d) What was the stated outcome of the program at the time the funding commenced? (i) Did the program meet its stated outcome? (ii) If not, in which areas did it not meet its stated outcome? (iii) Were any other measures or additional funding required to meet the	T

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			<p>stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p>(i) If so, could you provide a copy?</p> <p>(ii) If not, why not?</p> <p>(iii) Is one being conducted, or will one be conducted?</p> <p>(iv) Are there any interim reports available?</p> <p>(v) Are there any plans to produce any interim reports?</p>	
172	ACS	Ludwig	<p>a) How much of the funding provided for Additional container x-ray machines has been expended?</p> <p>b) Has all funding been expended?</p> <p>(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p>(i) If so, what was the variation?</p> <p>(ii) Was additional funding provided, or did the program lose funding?</p> <p>(iii) If the program lost funding, where was the funding transferred, and why?</p> <p>(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p> <p>(i) Did the program meet its stated outcome?</p> <p>(ii) If not, in which areas did it not meet its stated outcome?</p> <p>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p>(i) If so, could you provide a copy?</p> <p>(ii) If not, why not?</p> <p>(iii) Is one being conducted, or will one be conducted?</p> <p>(iv) Are there any interim reports available?</p> <p>(v) Are there any plans to produce any interim reports?</p>	T
173	ACS	Ludwig	a) How much of the funding provided for Southern Ocean Surveillance has been	T

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			<p>expended?</p> <p>b) Has all funding been expended?</p> <p style="padding-left: 40px;">(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p style="padding-left: 40px;">(i) If so, what was the variation?</p> <p style="padding-left: 40px;">(ii) Was additional funding provided, or did the program lose funding?</p> <p style="padding-left: 40px;">(iii) If the program lost funding, where was the funding transferred, and why?</p> <p style="padding-left: 40px;">(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p> <p style="padding-left: 40px;">(i) Did the program meet its stated outcome?</p> <p style="padding-left: 40px;">(ii) If not, in which areas did it not meet its stated outcome?</p> <p style="padding-left: 40px;">(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p style="padding-left: 40px;">(i) If so, could you provide a copy?</p> <p style="padding-left: 40px;">(ii) If not, why not?</p> <p style="padding-left: 40px;">(iii) Is one being conducted, or will one be conducted?</p> <p style="padding-left: 40px;">(iv) Are there any interim reports available?</p> <p style="padding-left: 40px;">(v) Are there any plans to produce any interim reports?</p>	
174	ACS	Ludwig	<p>a) How much of the funding provided for the increased use of x ray for containers has been expended?</p> <p>b) Has all funding been expended?</p> <p style="padding-left: 40px;">(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p style="padding-left: 40px;">(i) If so, what was the variation?</p> <p style="padding-left: 40px;">(ii) Was additional funding provided, or did the program lose funding?</p> <p style="padding-left: 40px;">(iii) If the program lost funding, where was the funding transferred, and why?</p>	T

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			<p>(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p> <p>(i) Did the program meet its stated outcome?</p> <p>(ii) If not, in which areas did it not meet its stated outcome?</p> <p>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p>(i) If so, could you provide a copy?</p> <p>(ii) If not, why not?</p> <p>(iii) Is one being conducted, or will one be conducted?</p> <p>(iv) Are there any interim reports available?</p> <p>(v) Are there any plans to produce any interim reports?</p>	
175	ACS	Ludwig	<p>a) Could you provide a copy of any and all email and other correspondence between Lionel Woodward, Phil Burns and Murray Harrison since October 12 relating to the Cargo Management Re-engineering project?</p> <p>b) Could you provide a copy of any and all correspondence or emails between the Australian Customs Service since October 12 to software developers or their representatives relating to the Cargo Management Re-engineering project?</p> <p>c) Could you provide a copy of any and all correspondence including emails since October 12 between the Australian Customs Service and P&amp;O, Patricks and their representatives relating to the Cargo Management Re-engineering Project?</p> <p>d) Could you provide a copy of any and all correspondence including emails since October 12 between the Australian Customs Service and the Australian Quarantine Inspection Service relating to the implementation of the Cargo Management Re-engineering Project?</p>	T
176	ACS	Ludwig	<p>a) How much Customs has collected from duty in each month since March 2005?</p> <p>b) Could you provide a full list of seized items that Customs has auctioned in 2004-05, as well as an aggregate total of the revenue raised?</p> <p>c) Could you indicate how many of the auctioned items were forfeited for breach of</p>	T

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			duty-free limits? (i) Could you indicate the amount raised by these auctioned items?	
177	ACS	Ludwig	a) What is the timeframe of the review of the Administrative Arrangements for Tourist Shopping? b) What are the terms of reference of the review – what is being examined? c) Is Customs involved in the review? (i) If so, in what way? (ii) If not, why not? (iii) Please indicate how many meetings or other consultations have been held with Customs on this issue.	T
178	ACS	Ludwig	a) Of the \$100,000 supplied for the modifications to the SmartGate system, how much has been expended? (i) Have any further funds been requested? (ii) If so, how much and have they been provided? b) Have the new machines been rolled out? (i) If not, when are they due to be rolled out? (ii) If so, what was the final cost of the modifications? c) How many SmartGate machines have been reworked so far? d) How many more are there to be reworked? e) When is this expected to be completed?	T
179	ACS	Ludwig	a) What are Customs officers trained to look for in terms of tampered and fraudulent passports? (i) Are there specific warning signs that are taught in training? If so, what are they? (ii) Does it form a component of Customs officer training? (iii) If so, how much time is allocated to it during training? b) Do you have figures on how many cases of tampered or fraudulent passports were uncovered by Customs officers at the point of disembarkation, when the passports were	T

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			<p>presented for checking?</p> <p>(i) Of those, how many resulted in criminal charges or cancellation of visas?</p> <p>c) What capacity does SmartGate have for the detection of tampered and fraudulent passports?</p> <p>(i) If there were specific warning signs taught in training for the Customs officers, could you indicate whether SmartGate is able to determine whether a passport meets any of those warning signs and, if so, which ones?</p> <p>d) Has the technology been rolled out at any other airports, either domestic or foreign?</p> <p>e) What is the next phase for the roll-out of SmartGate?</p> <p>(i) What airports will SmartGate be rolled out to in the next phase?</p> <p>f) It is correct that SmartGate is scheduled for a roll-out at foreign ports?</p> <p>(i) Has any testing been done at foreign ports so far?</p> <p>(ii) If not, when is this intended to commence?</p>	
180	ACS	Ludwig	<p>a) It is correct that Customs will be referring incoming visitors to DIMIA for the collection of biometric identifiers?</p> <p>b) What criteria that Customs will be using to identify visitors that it wants to refer to DIMIA?</p>	T
181	ACS	Ludwig	<p>a) Does Customs have formalised guidelines or procedures relating to plea bargaining in criminal matters, or use formalised guidelines or procedures provided by another government department or agency?</p> <p>(i) If not, why not?</p> <p>(ii) If so, could you provide it?</p> <p>b) What is the procedure in Customs for authorising plea bargains?</p> <p>c) Does Customs have a view as to whether the laws relating to defrauding of Customs should be changed to provide for more severe punishment?</p> <p>d) In how many instances has Customs negotiated a plea agreement with an accused?</p> <p>e) For each of these cases, please indicate:</p> <p>(i) What charges was the person facing?</p> <p>(ii) If the charge involved defrauding Customs, the dollar amount that the</p>	T

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			fraud represented. (iii) The name of the person with whom the plea agreement was signed. (iv) The penalty imposed in the plea agreement, including the sum of any fines that were agreed to in the agreement.	
182	ACS	Ludwig	a) Is it correct that Customs assigns a level of error 1-6 for each error that occurs in CMR? b) Could Customs indicate the criteria for each level of error, and the process for assessing which level to assign to a particular problem? c) Could Customs indicate all CMR errors that were classified at levels 1-6? (i) Provide a breakdown based on the individual problem and the level of initial classification (i.e. when the error first became known) d) Could Customs indicate how many errors that were originally classified as 1 were subsequently reclassified at a different level? (i) Provide a breakdown of each error, what it was originally classified as and what it was reclassified to. (ii) For each error that was reclassified from 1 to a different level, could Customs indicate why it was reclassified, and what solution Customs provided to each problem that allowed it to be reclassified? (iii) For each error, was the original intended functionality restored? (iv) Was input sought from industry as to whether the problem should be reclassified? e) Could you indicate how many of the errors initially allocated a level of 1 have been completely fixed? (i) How many workarounds have been developed for errors of this level? f) Could you indicate how many of the errors initially allocated a level of 2 have been completely fixed? (i) How many workarounds have been developed for errors of this level? g) Could you indicate how many of the errors initially allocated a level of 3 have been completely fixed?	T



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			<p>(i) How many workarounds have been developed for errors of this level?</p> <p>h) Could you indicate how many of the errors initially allocated a level of 4 have been completely fixed?</p> <p>(i) How many workarounds have been developed for errors of this level?</p> <p>i) Could you indicate how many of the errors initially allocated a level of 5 have been completely fixed?</p> <p>(i) How many workarounds have been developed for errors of this level?</p> <p>j) Could you indicate how many of the errors initially allocated a level of 6 have been completely fixed?</p> <p>(i) How many workarounds have been developed for errors of this level?</p>	
183	ACS	Ludwig	<p><u>ICS User Group Register (pre-turn on time)</u></p> <p>a) Please supply a list of the issues register as it appeared at 00:00 12 October 2005</p> <p>b) Please identify each item that was not addressed as at the CMR imports “live time” of 02:00 12 October 2005. For each item, please provide:</p> <p>(i) an explanation as to why it was not addressed before the turn-on time</p> <p>(ii) the officer/manager responsible for progressing this issue</p> <p>(iii) the effect of not addressing the issue before turn-on time.</p> <p>(iv) whether a workaround was developed for each issue</p> <p>(v) whether the workaround was deployed for each issue</p> <p>(vi) whether the issue has now been addressed</p>	T
184	ACS	Ludwig	<p>Please supply a list of all CMR -related imports workarounds with an explanation of:</p> <p>a) Why the workaround was necessary</p> <p>b) How was the workaround effected</p> <p>c) Who effected the workaround (i.e. ACS, brokers, stevedores, third party software developers, etc)</p> <p>d) What is the current status of the workaround (i.e. active, inactive)</p> <p>e) Whether the workaround was ICS, CCF, COMPILE or non-IT related issue or whether it was a combination of same</p> <p>f) For those ICS imports workarounds operated by ACS, which section was responsible</p>	T

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			<p>for operating the workaround</p> <p>g) What was the total additional cost to ACS in developing and effecting each workaround?</p> <p>h) What labour costs were incurred as a result of the workaround?</p> <p>i) Labour Cost Breakdown: Specify whether Customs labour was <u>diverted from other areas</u> to effect the workaround (specify area/s affected, number of hours diverted and value of labour spent on the workaround, including overtime)</p> <p>j) Labour Cost Breakdown: Specify whether Customs labour overtime (other than that diverted from other areas as per above) was accessed to effect the workaround (specify hours and cost)</p> <p>k) What additional non-labour costs were attached to the workaround?</p>	
185	ACS	Ludwig	<p>a) On what date did industry software providers first alert ACS to the major problems they were having in compatibility with the ICS?</p> <p>b) For the period 12 October 2005 to 31 October 2005 how many complaints has ACS received about:</p> <ul style="list-style-type: none"> <li>(i)CMR imports including ACS imports processes (total since the turn on time)</li> <li>(ii) the ICS imports side specifically (since the turn on time)</li> <li>(iii) the CCF imports side specifically (since the turn on time)</li> <li>(iv) the COMPILE system (since the turn on time)</li> <li>(v) non-IT related CMR imports processes (since the turn on time)</li> </ul> <p>(c) For answer to a) above, specify from whom the complaint was received by industry group (eg broker, importer, stevedore, software provider etc).</p> <p>(d) For answer to a) above, specify how the complaint was received (Customs ICs hotline, letter, email etc).</p> <p>e) For answer to a) above, specify whether the complaint was resolved to client satisfaction, also how many remain unresolved.</p>	T

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			f) For the period 12 October 2004 to 31 October 2004 how many complaints were generated by ACS imports processes.	
186	ACS	Ludwig	a) When and how was the decision taken to abandon the cutover date and continue with COMPILE? b) Who made the final decision?	T
187	ACS	Ludwig	a) How many outages have been experienced by the ICS imports since 12 October 2005? (i) For each outage specify cause, duration. b) How many outages have been experienced by the CCF imports since 12 October 2005? (i) For each outage specify cause, duration. c) How many outages have been experienced by the COMPILE system since 12 October 2005? (i) For each outage specify cause, duration. d) For the period 12 October 2004 to 31 October 2004, how many outages were experienced by the COMPILE system? (i) For each outage specify cause, duration.	T
188	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify: a) how many air imports bills of lading were processed for each day b) the average length of processing time for bills of lading each day c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually g) how many staff were engaged in processing bills of lading	T
189	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify; a) how many sea imports bills of lading were processed for each day b) the average length of processing time for bills of lading each day	T

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			c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually g) how many staff were engaged in processing bills of lading	
190	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify; a) how many air import declarations were processed for each day b) the average length of processing time for import declarations each day c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually g) how many staff were engaged in processing imports declarations	T
191	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify; a) how many sea import declarations were processed for each day b) the average length of processing time for import declarations each day c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually g) how many staff were engaged in processing imports declarations	T
192	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify; a) how many air import cargo clearances were granted for each day b) the average length of processing time for cargo clearances each day c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually	T

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			g) how many staff were engaged in processing cargo clearances each day	
193	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify; a) how many sea import cargo clearances were granted for each day b) the average length of processing time for cargo clearances each day c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually g) how many staff were engaged in processing cargo clearances each day	T
194	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify; a) how many air import under bond movement authorities were granted for each day b) the average length of processing time for under bond movement authorities each day c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually g) how many staff were engaged in processing under bond movement authorities	T
195	ACS	Ludwig	For the period 12 October 2005 to 31 October 2005, specify; a) how many sea import under bond movement authorities were granted for each day b) the average length of processing time for under bond movement authorities each day c) how many were performed through COMPILE d) how many were performed through ICS e) how many were performed through CCF f) how many were performed manually g) how many staff were engaged in processing under bond movement authorities	T
196	ACS	Ludwig	<u>COMPILE comparison - imports</u> For the period 12 October 2004 to 31 October 2004; a) How many air bills of lading were lodged through the COMPILE system?	T

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			b) How many sea bills of lading were lodged through the COMPILE system? c) How many air import declarations were lodged through the COMPILE system? d) How many sea import declarations were lodged through the COMPILE system? e) How many air cargo clearances were granted through the COMPILE system? f) How many sea cargo clearances were granted through the COMPILE system? g) How many air cargo under-bond movement authorities were issued via the COMPILE system? h) How many sea cargo under-bond movement authorities were issued via the COMPILE system?	
197	ACS	Ludwig	Why has the new cargo systems newsletter ceased functioning in the middle of new cargo systems implementation?	T
198	ACS	Ludwig	a) Has Customs invited the Privacy Commissioner to conduct an audit of the system failure that allowed Customs Brokers to access the confidential data of other brokers, and how did Customs become aware? b) If not, why not? Does Customs intend to? c) If so, on what date was the Privacy Commissioner advised? d) Has the Privacy Commissioner begun the audit? e) When is it expected to be completed? f) If it has been completed, could Customs provide a copy?	T
199	ACS	Ludwig	Could you indicate who is on the Industry Action Group and what issues are they are currently working on?	T
200	ACS	Ludwig	Regarding the answer to question on notice 209, from the May Budget Estimates: a) Are you able to provide the actual figures for the 04-05 year? b) Did these figures meet the target? (i) If not, what are you doing to ensure that you do meet the target? (ii) Have any extra funds been allocated to ensure that you reach the targets? (iii) If so, how much and how much of it has been expended? (iv) If not, why not?	T

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201	ACS	Ludwig	<p>a) In the answer to question on notice 200, from the May Budget Estimates: part (a) – it is stated that Customs aims at a target of zero percent of cargo lines reported after vessel arrival...</p> <p style="padding-left: 40px;">(i) Is this an actual target, or simply a best-case scenario?</p> <p style="padding-left: 40px;">(ii) If it is a best-case scenario, then why is it that you don't have an alternative target?</p> <p>b) If it is an actual target, what measures has Customs put in place to meet the target?</p> <p style="padding-left: 40px;">(i) Since Customs has put these measures in place, what is the current percentage of cargo lines reported after vessel arrival?</p> <p>c) Have late reports started attracting infringement penalties yet?</p> <p style="padding-left: 40px;">(i) If so, how much in terms of infringement penalties have been collected by Customs?</p> <p style="padding-left: 40px;">(ii) Could you provide a breakdown of the infringement penalties?</p> <p style="padding-left: 40px;">(iii) If not, why not and when are they intended to start?</p>	T
202	ACS	Ludwig	<p>a) How many IT staff have been dispatched to deal with the CMR problems?</p> <p>b) How many of these staff have been seconded from other areas or programs to assist with CMR?</p> <p>c) What other programs have they been transferred from to assist with CMR?</p> <p>d) Have other staff been transferred to the CMR ?</p>	T
203	ACS	Ludwig	<p>a) Since June 2005, on how many occasions was a flight cancelled or shortened due to aircraft unserviceability or crew unavailability (please provide a breakdown), and on which dates did this occur?</p> <p>b) On how many occasions have Customs or Coastwatch boats been out-of-service for repairs? Please provide a breakdown of total time (in days) in which a boat was out-of-service due to repairs or other maintenance work.</p> <p>c) Could you provide the same figure for the same time periods in 01-02-03-04?</p> <p>d) Since June 2005, on how many occasions was a Coastwatch boat patrol cancelled or shortened due to boat unserviceability or crew unavailability (please provide a breakdown), and on which dates did this occur?</p>	T

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			<p>e) On how many occasions have Customs or Coastwatch boats been out-of-service for repairs? Please provide a breakdown of total time (in days) in which a boat was out-of-service due to repairs or other maintenance work.</p> <p>f) Could you provide the same figure for the same time periods in 2001, 2002, 2003 and 2004?</p>	
204	ACS	Ludwig	<p>a) Regarding the additional boats that Customs have been allocated...</p> <ul style="list-style-type: none"> <li>(i) When will the boats be purchased?</li> <li>(ii) What is the planned date of purchase?</li> <li>(iii) What is the intended date for the boats to be operational?</li> </ul> <p>b) Regarding the additional personnel that Customs have been allocated...</p> <ul style="list-style-type: none"> <li>(i) What is the intended date for the deployment of the personnel?</li> <li>(ii) How many personnel have been deployed so far?</li> </ul> <p>c) Has Customs diverted resources from any existing operations for increased patrols or surveillance efforts in northern Australia?</p> <ul style="list-style-type: none"> <li>(i) If so, how much in terms of resources or funding have been diverted, and from which programs?</li> <li>(ii) if not, why not?</li> </ul> <p>d) Has Customs diverted personnel from any existing operations for increased patrols or surveillance efforts in northern Australia?</p> <ul style="list-style-type: none"> <li>(i) If so, how much in terms of resources or funding have been diverted, and from which programs?</li> <li>(ii) If not, why not?</li> </ul> <p>e) Have any additional resources been allocated to surveillance and patrols over the Gulf of Carpentaria?</p> <ul style="list-style-type: none"> <li>(i) If so, what additional resources have been allocated?</li> </ul>	T
205	ACS	Ludwig	<p>ICS: (a) Was it always intended that the system have a printable function before you turned it on?</p> <p>(b) Did you have this function on 12 October 2005?</p>	124-125



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206	ACS	Ludwig	ICS: What were the response times identified in testing: (a) prior to 12 October 2005? (b) post 12 October 2005 (up to hearing date 31 October 2005)? (c) what was the average response time? (d) what was the longest response time?	127-128
207	ACS	Ludwig	Customs hotline: (a) How many calls did the industry helpdesk receive since 12 October 2005? (b) What were the waiting times for assistance? (c) The longest wait time was 58 minutes, what does this compare to prior to 12 October 2005? (d) What was the longest wait time? (e) What was the average?	134
208	ACS	Ludwig	a) When did Customs become aware of the system failure that allowed Customs Brokers to access the confidential data of other brokers, and how did Customs become aware? b) Exactly what information was available to other brokers, and how were they able to get access to it? (i) What action did Customs take to correct the problem, and when was this action taken? (ii) Is the problem now rectified? Is the system failure fixed, or has a workaround been provided? c) Was this problem present from the initial start-up of the system, or did it occur post start-up? d) Was this problem located at a specific port or ports, or did it affect the entire system? e) Was the confidential data of any other industry in the supply chain compromised? f) How many companies have been affected by the privacy glitches? (i) Is Customs able to say how many files have been accessed by other companies that should not have been accessed? g) Is Customs able to guarantee that this problem will not occur again?	T

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			<p>h) Have any of the affected companies commenced legal action, or indicated that they will commence legal action?</p> <p>i) What is the normal process for dealing with staff who disclose unauthorised material or who breach confidentiality?</p> <p>(i) Has this process been followed in this case?</p>	
209	ACS	Ludwig	<p>a) Did the Australian Customs Service request P&amp;O and Patrick to forgo the three free days at the wharves and, if so, what was there response?</p> <p>b) Did you talk to the underbond warehouses about storage costs and, if so, what was communicated to them and what was their response?</p> <p>c) Did you talk to P&amp;O and or Patrick about forgoing costs of late container returns and if so, what was communicated to them and what was their response?</p> <p>d) Did you talk to transport sector about costs to date, if so what was communicated to them and what was there response?</p>	T
210	ACS	Ludwig	<p>For each recommendation of the ANAO CEF Report, please indicate:</p> <p>a) Was any money paid to external consultants or other external agencies for work on implementing these recommendations? If so, please indicate:</p> <ul style="list-style-type: none"> <li>(i) How much was paid, and to whom?</li> <li>(ii) Was a tender process used? If so...</li> <li>(iii) Was it open or closed? If it was closed, why was it closed and who was invited to tender?</li> <li>(iv) Was it advertised?</li> <li>(v) Who was on the selection committee?</li> <li>(vi) Had the winning tender been engaged by the government to work on any other projects?</li> <li>(vii) If a tender process was not used...</li> <li>(viii) Why not?</li> <li>(ix) Which company was selected to perform the work, and why?</li> <li>(x) How much were they paid?</li> </ul> <p>b) How much was originally allocated to the implementation of each recommendation?</p>	T

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			<p>(i) Whether any further funds have been requested for allocation to the implementation of that recommendation, and the date of the request.</p> <p>(ii) Whether those funds were granted, and the date on which the request was granted.</p> <p>(iii) Have any funds been diverted from the development of this system to another area of Customs?</p> <p>(iv) If so, how much has been diverted from the development of this system, and where has it been diverted to?</p> <p>(v) When was it diverted?</p> <p>(vi) On whose authority was it diverted?</p> <p>c) Is the implementation of that recommendation complete?</p> <p>d) Is there a timeframe for the implementation of that recommendation?</p> <p>(i) Could you provide a copy of the timeframe?</p> <p>(ii) Have all key dates been met so far?</p> <p>(iii) If not, which ones have not been met and why?</p> <p>(iv) If not, what is the expected date of completion?</p> <p>(v) What was the original expected date of completion?</p> <p>e) How many staff were allocated to implement each recommendation?</p>	
211	ACS	Ludwig	<p>Recommendation 1 of the ANAO CEF Report.</p> <p>a) Could you indicate how much progress has been made on the development of the new system?</p> <p>b) Is there a timeframe for the development of this system?</p> <p>c) Could you please provide a copy of the timeframe, including...</p> <p>(i) When the system began development</p> <p>(ii) When the system is intended to be operational</p> <p>(iii) The dates of any intended trial phases of the system, and whether these trial phases were completed</p> <p>(iv) The number of staff allocated to the system, the dates on which</p>	T

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			any of them were transferred, and why they were transferred. d) Have all key dates been met so far? (i) If not, which ones have not been met and why?	
212	ACS	Ludwig	Recommendation 6 of the ANAO CEF Report. a) What target has been set for each of the three CEF specific measures in the Customs Outcomes/Outputs framework? b) Have you begun measuring the actuals for each of these measures? (i) If not, why not? When do you intend to begin measuring the actuals? (ii) If so, could you provide the actuals for each of the measures?	T
213	ACS	Ludwig	Please provide a copy of the review mentioned in recommendation 8 of the ANAO CEF Report.	T
214	ACS	Ludwig	a) How much duty was underpaid in total following the UN classification changes? b) How much is being demanded on the basis that Customs are only able to recover the relevant duty for a 12 month period under Section 165 of the Customs Act 1901 (as then applied)? c) What advice has Customs received or secured regarding its ability to recover this underpaid customs duty? d) How many demands have been issued to importers to recover the allegedly underlevied customs duty? e) Does Customs intend to pursue every demand which is not paid by importers? Is there some sort of tolerance on the amount of customs duty owing from each importer before recovery action is undertaken? f) Does Customs have any estimate on the likely cost to recover the customs duty? g) How much is being paid as refunds to importers from whom the customs duty had been improperly collected? h) How much would have been paid in refunds in total if the requirement to pay refunds extended beyond 12 months from the date that the right to the refund was created?	T

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			<p>i) Was the duty recovery and payment of refund decision made purely by Customs or with the advice or input from Treasury?</p> <p>j) What steps have been taken to avoid problems reoccurring?</p>	
215	ACS	Webber	<p>a) In the light of recent announcements on increased funding to deter illegal fishing can you outline what additional funding is being made available to Customs and how this money will be expended?</p> <p>b) Are the new measures designed primarily to deal with illegal fishermen once they are apprehended rather than deterring the activity from taking place in the first instance?</p> <p>c) Can you explain what the role of the six additional Customs staff in Broome will be?</p> <p>d) Can you tell the Committee what the operational capability of the new 4 tactical boats to be stationed at Broome, Darwin, Gove and Thursday Island will be?</p> <p>e) How far from the coast can these boats operate?</p> <p>f) Are there any limitations in respect of range etc?</p> <p>g) Can Customs provide an estimate of the average catch per year of illegal foreign fishing vessels in the AFZ?</p> <p>h) Can the Commonwealth Government explain why the number of automatic forfeitures continues to increase in the face of increasing illegal activity?</p> <p>i) Instead of 200 arrests and 242 automatic forfeitures why was there not 442 arrests?</p> <p>j) Can Customs detail the degree of recidivism among apprehended fishermen?</p>	T
216	ACS	Webber	Can Customs provide data on the total number of sea days by surface vessels for dedicated patrols to detect illegal fishing activity in the AFZ (during the last month / year / 3 years)?	T
217	ACS	Webber	<p>a) Can Customs provide an estimate of the total number of illegal foreign fishing vessels operating in the AFZ and the average number of fishing days per boat (during the last month / year / 3 years)?</p> <p>b) What is the ratio between the number of foreign fishing vessels sighted by surveillance platforms versus those that are effectively apprehended?</p> <p>c) What is the cost effectiveness of the current foreign fishing vessel compliance</p>	T

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			program versus alternative sources of delivery such as smaller dedicated patrol vessels?	
218	ACS	Webber	<p>a) If the States / Territory were to commit resources to assist the Commonwealth in foreign fishing vessel compliance, will the Commonwealth provide normal Commonwealth support in the prosecution and repatriation of any foreign fishing vessel crews apprehended by State / Territory officers, whether apprehended in Commonwealth or State waters?</p> <p>b) To what degree has Customs cooperated with the States / Territory in relation to the resources that the States / Territory may be able to provide to assist in the provision of coastal surveillance?</p>	T
219	ACS	Webber	<p>a) Has the Commonwealth Government explored the possibility of incorporating the management of illegal foreign fishing incursions solely within the Australian Customs Service and developing fisheries compliance expertise within that group as part of a broader approach to border security?</p> <p>b) If so, would that expertise be regionally located to take advantage of existing knowledge and expertise?</p>	T
220	ACS	Webber	a) Will the Commonwealth share the costs with the States / Territory to improve coastal surveillance and intelligence networks by Indigenous communities along the northern Australian coast and to improve coverage on breaches associated with quarantine, migration, disease, Customs and other incidents?	T
221	ACS	Webber	<p>a) Is there a long term plan by Customs to be involved in the elimination of illegal fishing?</p> <p>b) Do the financial penalties applied to those fishing illegally apply to the owners of the boats rather than just the crew?</p> <p>c) What steps are taken to prevent crews from re-offending?</p>	T
222	AFP	Nettle	<p>a) What progress has been made since your answers in November 2005 in pursuing the third SIEV X accused?</p> <p>b) Is his name Maysam (alternate spellings Mithem, Miythem, Miythem Kamil Radhia, Mytam Kamirada)?</p>	T

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			<p>c) Does he have a brother Maysar, reported in many survivor accounts as being the third Middle Eastern assistant to Abu Quassey in launching the SIEV X voyage?</p> <p>d) Does AFP intend to prosecute Maysar, at the same time or later, as his brother Maysam?</p> <p>e) If so, why not prosecute the two together, so as to wrap up the case?</p> <p>f) Given the ease with which the AFP located Khaleed Daoed in Sweden in 2003, why the delay in locating and charging these two remaining SIEV X suspects?</p> <p>g) Will AFP consider the option with Abu Quassey's remaining Middle Eastern assistants of prosecuting them for homicide, given the great distress to survivors that the lesser people smuggling charge caused in the 2004-2005 trial of Khaleed Daoed in Brisbane? If not, why not?</p>	
223	AFP	Stott-Despoja	<p>a) Can the AFP explain how it calculates the Drug Harm Index?</p> <p>b) Is it correct that the Index is calculated by multiplying the number of kilograms of seizures where the AFP played a significant role by an estimate of the money value attributed to the harm associated with a kilogram of the drug concerned as described in <i>AFP Research Note no. 5</i> issued in March 2004?</p> <p>c) Can you explain how a money value is attributed to each type of illicit drug and how this is then converted into a harm per kilogram measure?</p> <p>d) How accurate is the data that you use to estimate the proportion of the total social costs of illicit drug use that are allocated to each type of illicit drug?</p> <p>e) How accurate are the estimates of the total amount of each illicit substance that are used to calculate the harm per kilogram measure?</p>	T
224	AFP	Stott-Despoja	<p>In presenting the <i>Law and Justice Legislation Amendment (Serious Drug Offences And Other Measures) Bill 2005</i>, the Attorney-General stated that its prime object was “to reduce the supply of illicit drugs”.<sup>4</sup> Without accurate indicators of the size of the various drug markets, how is it possible to show that the level of drugs seized reduces</p>	T

<sup>4</sup>Attorney-General second reading speech of the *Law and Justice Legislation Amendment (Serious Drug Offences And Other Measures) Bill 2005*.

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			the supply of drugs available in Australia’s drug markets?	
225	AFP	Stott-Despoja	In <i>Evaluation of Australian drug anti-trafficking law enforcement</i> , Adam Sutton and Steve James commented that “our evaluation demonstrates that to date there has been little capacity in the law enforcement sector to reliably and validly relate its activities to changes in drug markets. In part, this is a function of the traditional performance indicators adopted by drug enforcement agencies: the number, volume, and type of illegal drug seizures, and the number and type of drug-related arrests and convictions. These measures are well recognised as basically flawed indicators of effectiveness. They reflect more upon levels of law enforcement <i>activity</i> than they do ratios of interdiction and reduction, and therefore cannot be used as indicators of the effectiveness of agencies in reducing the total supply of illegal drugs.” <sup>5</sup> Would the AFP agree with this statement?	T
226	AFP	Stott-Despoja	a) How accurate would it be to say that the level of drug seizures is often an indicator of the amount of drugs available in the market, that is, as supply increases, so do seizures, and visa versa? b) If that is the case, is presenting an increase in seizures as a meaningful indicator of law enforcement success misleading? Wouldn’t an increase in seizures, in many cases, be more a measure of failure than success?	T
227	AFP	Stott-Despoja	(a) On p. 52 of the AFP Annual Report it is stated that “Australia has maintained a higher MDMA [or ecstasy] seizure rate than North America, the European Union and the world in the years available for comparison.” How can this be judged a success for the AFP when the percentage of the Australian population that has used ecstasy recently has more than trebled since 1995? <sup>6</sup> (b) The AFP Annual Report also states at p. 52 that “In terms of cocaine seizures	T

<sup>5</sup> Adam Sutton & Steve James, *Evaluation of Australian drug anti-trafficking law enforcement*, Australasian Centre for Policing Research report series no. 128 (National Police Research Unit, Payneham SA, 1996) p. 107 at <http://www.acpr.gov.au/pdf/ACPR128.pdf>.

<sup>6</sup> Trends in “recent use”- within the past 12 months – are given in Australian Institute of Health and Welfare, *2004 National Drug Strategy Household Survey: First results* (Drug statistics series no. 13) (Canberra, April 2005) at <http://www.aihw.gov.au/publications/phe/ndshs04/ndshs04.pdf>



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			Australia has lagged behind North America, the European Union and the world in most years.” Is it true to say that the reason cocaine seizures are low is because cocaine has never been widely used or available in Australia (except in NSW at the height of the heroin drought)?	
228	AFP	Stott-Despoja	A British confidential report that recently become available states that “A <i>sustained seizure rate of over 60 per cent is required to put a successful trafficker out of business</i> ” and that “ <i>anecdotal evidence suggests that seizure rates as high as 80 per cent may be needed in some cases</i> ”. The report adds that: “ <i>Sustained successful interventions on this scale have never been achieved</i> ” (p. 73). Does the AFP agree with these comments? <sup>7</sup>	T
229	AFP	Stott-Despoja	a) Does the AFP have estimates of the amount of drugs seized as a percentage of the supply of illicit drugs in Australia? b) If so, please provide the details of these estimates, including the methodology used to arrive at the estimates?	T
230	AFP	Stott-Despoja	a) The officially funded study by Degenhardt <sup>8</sup> and others of the causes of the heroin shortage records that the immediate cause of the shortage was the withdrawal of key groups from supplying the drug to Australia – “ <i>a small number of key groups had traditionally financed major heroin imports to Australia in the 1990s, and these groups had withdrawn from the financing and facilitating these imports in the late 1990s.</i> ” Adopting the assessment of key law enforcement informants, the study attributes this decision to “ <i>coordinated action of Australian law enforcement</i> ”. Can the AFP explain why, if law enforcement was so effective in deterring heroin suppliers, it was, at the same time, so ineffective in preventing a flood of the new potent methamphetamine stimulants, like crystal meths, that originated from the same region and passed through	T

<sup>7</sup> *SU Drugs Project: Phase 1 Report: Understanding the Issues* (13 June 2003) at <http://image.guardian.co.uk/sys-files/Guardian/documents/2005/07/05/Report.pdf>.

<sup>8</sup> Louisa Degenhardt, Carolyn Day and Wayne Hall (eds.), *The causes, course and consequences of the heroin shortage in Australia*, NDLERF Monograph Series no. 3 (Funded by the National Drug Law Enforcement Research Fund, an initiative of the National Drug Strategy, [Marden, SA], 2004) & NDARC monograph no. 53 (National Drug and Alcohol Research Centre, University of New South Wales, 2004) summary at <http://www.ndlerf.gov.au/>.

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			similar hands? b) The Degenhardt study states that the reductions in heroin supply were most likely the result of actions aimed “at the very high levels of drug trafficking” (p. xviii). Do you agree with this statement? If so, why is so much of the law enforcement effort directed at low level suppliers and consumers?	
231	AFP	Stott-Despoja	Do you think the drop in the supply of heroin has played any part in the increase in the supply of and demand for psychostimulants such as methamphetamines?	T
232	AFP	Stott-Despoja	(a) Can the AFP explain why the drug seizures of federal agencies for 2003-04 in the present AFP report are substantially different to those attributed to the AFP in table 27 of the <i>Illicit drug data report 2003-04</i> of the Australian Crime Commission? (b) Given the considerable differences, how is possible to obtain an accurate picture of what seizures are made by the AFP and other federal agencies and what seizures are made by State and Territory law enforcement agencies?	T
233	AFP	Stott-Despoja	The Sydney Morning Herald on the 26 October 2005 contained an article, “Damned from the start: letters show AFP knew the Bali nine’s whole plot”, about correspondence and the provision of information between the AFP and the Indonesian police. (a) Who authorised the provision of information by the AFP to the Indonesian police in relation to the nine Australians? (b) Who in the AFP and the Government knew and approved the action? (c) Were they aware that such action would almost certainly lead to the death penalty for some, if not all, of the Australians involved? (d) When was the government informed of the case and where they told of the provision of information? (e) What policy or guidelines are applied in a situation where the provision of information may lead to the death penalty?	T
234	AFP	Stott-Despoja	The Sydney Morning Herald article of the 26 October 2005 quotes a letter from the AFP to the Indonesian police that reads, “ <i>if you suspect ... the couriers are carrying</i>	T

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			<p><i>drugs at the time of their departure, please take whatever action you deem necessary.”</i></p> <p>(a) Given that the alleged offence almost certainly would result in the death penalty, why was it necessary to have the Australians arrested in Indonesia and not Australia?</p> <p>(b) Do the guidelines or policies differ when the provision of information or assistance that may result in the death penalty involve Australian nationals as opposed to foreign nationals? If so, what are the differences?</p>	
235	AFP	Stott-Despoja	What, if any, arrangements for international law enforcement co-operation are being put in place to ensure that Australians are not put at risk of being exposed to the death penalty in other countries?	T
236	AFP	Ludwig	<p>a) Is the Australian Federal Police Reform Programme Stage 2 complete?</p> <p>b) Were the funds fully expended?</p> <p>c) How were the funds expended?</p> <p>d) Were any positions tied directly to this program?</p> <p>(i) If yes, now the program has been expired are they redundant?</p> <p>e) Did it meet budget?</p> <p>f) How much did it go over or under?</p> <p>g) Please provide a breakdown of final expenditure?</p>	
237	AFP	Ludwig	<p>a) How much of the funding provided for enhanced checking of aviation security ID cardholders has been expended?</p> <p>b) Has all funding been expended?</p> <p>(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p>(i) If so, what was the variation?</p> <p>(ii) Was additional funding provided, or did the program lose funding?</p> <p>(iii) If the program lost funding, where was the funding transferred, and why?</p> <p>(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p>	T

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			<ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> <li>e) Has a review been conducted of the program?                             <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> <li>(v) Are there any plans to produce any interim reports?</li> </ul> </li> </ul>	
238	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) Is this rapid response capability program complete?</li> <li>b) Were the funds fully expended?</li> <li>c) How were the funds expended? (specify allocation)</li> <li>d) Were any positions tied directly to this program?                             <ul style="list-style-type: none"> <li>(i) If yes, now the program has been expired are they redundant?</li> </ul> </li> <li>e) Did it meet budget?</li> <li>f) How much did it go over or under?</li> <li>g) Please provide a breakdown of final expenditure?</li> <li>h) Do you believe our rapid response capability is up to scratch?</li> <li>i) The funding was for the provision of technical and communications platforms and facilities similar to those available in metropolitan areas to be provided to rural areas, is that correct?</li> <li>j) Could you indicate whether this was completed?                             <ul style="list-style-type: none"> <li>(i) What hardware was provided under this scheme?</li> <li>(ii) Where was this hardware sourced from?</li> <li>(iii) What sort of tender scheme was provided for the supply of the hardware?</li> <li>(iv) Was this tender open or closed, and why?</li> <li>(v) If it was closed, who was invited to tender and how were they chosen?</li> <li>(vi) If it was open, where was it advertised?</li> </ul> </li> </ul>	T

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			k) What was the cost of any hardware that was sourced under the scheme? l) Was the purpose of the project to add this capability to existing AFP remote offices and command posts, or was it to allow the AFP to expand its capability into remote offices and command posts at a later date?	
239	AFP	Ludwig	a) How much of the funding provided to double the strike team capacity of the AFP has been expended? b) Has all funding been expended? (i) If not, how much funding has yet to be expended? c) Was there any variation to the stated budget for this program? (i) If so, what was the variation? (ii) Was additional funding provided, or did the program lose funding? (iii) If the program lost funding, where was the funding transferred, and why? (iv) Were any stop-gap measures put in place to d) What was the stated outcome of the program at the time the funding commenced? (i) Did the program meet its stated outcome? (ii) If not, in which areas did it not meet its stated outcome? (iii) Were any other measures or additional funding required to meet the stated outcome of the program? e) Has a review been conducted of the program? (i) If so, could you provide a copy? (ii) If not, why not? (iii) Is one being conducted, or will one be conducted? (iv) Are there any interim reports available? (v) Are there any plans to produce any interim reports?	T
240	AFP	Ludwig	a) How much of the funding provided for the Jakarta Centre for Law Enforcement has been expended? b) Has all funding been expended? (i) If not, how much funding has yet to be expended?	T

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			<p>c) Was there any variation to the stated budget for this program?            (i) If so, what was the variation?            (ii) Was additional funding provided, or did the program lose funding?            (iii) If the program lost funding, where was the funding transferred, and why?            (iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?            (i) Did the program meet its stated outcome?            (ii) If not, in which areas did it not meet its stated outcome?            (iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?            (i) If so, could you provide a copy?            (ii) If not, why not?            (iii) Is one being conducted, or will one be conducted?            (iv) Are there any interim reports available?            (v) Are there any plans to produce any interim reports?</p>	
241	AFP	Ludwig	<p>a) How much of the funding provided for the People Smuggling Strike Team has been expended?</p> <p>b) Has all funding been expended?            (i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?            (i) If so, what was the variation?            (ii) Was additional funding provided, or did the program lose funding?            (iii) If the program lost funding, where was the funding transferred, and why?            (iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?            (i) Did the program meet its stated outcome?</p>	T

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			<ul style="list-style-type: none"> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> <li>e) Has a review been conducted of the program?               <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> <li>(v) Are there any plans to produce any interim reports?</li> </ul> </li> </ul>	
242	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) How much of the funding provided for enhanced technical capacity (NIDS) has been expended?</li> <li>b) Has all funding been expended?               <ul style="list-style-type: none"> <li>(i) If not, how much funding has yet to be expended?</li> </ul> </li> <li>c) Was there any variation to the stated budget for this program?               <ul style="list-style-type: none"> <li>(i) If so, what was the variation?</li> <li>(ii) Was additional funding provided, or did the program lose funding?</li> <li>(iii) If the program lost funding, where was the funding transferred, and why?</li> <li>(iv) Were any stop-gap measures put in place to</li> </ul> </li> <li>d) What was the stated outcome of the program at the time the funding commenced?               <ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> </ul> </li> <li>e) Has a review been conducted of the program?               <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> </ul> </li> </ul>	T

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<b>Question No.</b>	<b>Output</b>	<b>Senator</b>	<b>Question</b>	<b>Hansard page/date or Tabled</b>
			(v) Are there any plans to produce any interim reports?	
243	AFP	Ludwig	<p>a) How much of the funding provided for the enhancement of protective security services has been expended?</p> <p>b) Has all funding been expended?</p> <p style="padding-left: 40px;">(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p style="padding-left: 40px;">(i) If so, what was the variation?</p> <p style="padding-left: 40px;">(ii) Was additional funding provided, or did the program lose funding?</p> <p style="padding-left: 40px;">(iii) If the program lost funding, where was the funding transferred, and why?</p> <p style="padding-left: 40px;">(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p> <p style="padding-left: 40px;">(i) Did the program meet its stated outcome?</p> <p style="padding-left: 40px;">(ii) If not, in which areas did it not meet its stated outcome?</p> <p style="padding-left: 40px;">(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p style="padding-left: 40px;">(i) If so, could you provide a copy?</p> <p style="padding-left: 40px;">(ii) If not, why not?</p> <p style="padding-left: 40px;">(iii) Is one being conducted, or will one be conducted?</p> <p style="padding-left: 40px;">(iv) Are there any interim reports available?</p> <p style="padding-left: 40px;">(v) Are there any plans to produce any interim reports?</p>	T
244	AFP	Ludwig	<p>a) How much of the funding provided for presence and support in Melanesia has been expended?</p> <p>b) Has all funding been expended?</p> <p style="padding-left: 40px;">(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p style="padding-left: 40px;">(i) If so, what was the variation?</p> <p style="padding-left: 40px;">(ii) Was additional funding provided, or did the program lose funding?</p>	T



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			<ul style="list-style-type: none"> <li>(iii) If the program lost funding, where was the funding transferred, and why?</li> <li>(iv) Were any stop-gap measures put in place to</li> <li>d) What was the stated outcome of the program at the time the funding commenced?               <ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> </ul> </li> <li>e) Has a review been conducted of the program?               <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> <li>(v) Are there any plans to produce any interim reports?</li> </ul> </li> </ul>	
245	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) Is the 2004 East Timor Support to UN Mission program complete?</li> <li>b) Were the funds fully expended?</li> <li>c) How were the funds expended? (specify allocation)</li> <li>d) Were any positions tied directly to this program?               <ul style="list-style-type: none"> <li>(i) If yes, now the program has been expired are they redundant?</li> </ul> </li> <li>e) Did it meet budget?</li> <li>f) How much did it go over or under?               <ul style="list-style-type: none"> <li>(i) Please provide a breakdown of final expenditure</li> </ul> </li> <li>g) Was real estate or other assets acquired in ET for the purpose of this program?               <ul style="list-style-type: none"> <li>(i) If yes, what is the status of these assets?</li> <li>(ii) Given the program has finished, how were they disposed of or how will they be disposed of?</li> </ul> </li> <li>h) Are there any redundant vacant properties being leased by the AFP in East Timor?</li> </ul>	T
246	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) Is the Solomon Islands Regional Assistance Mission program complete?</li> <li>b) Were the funds fully expended?</li> </ul>	T

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			<p>c) How were the funds expended? (specify allocation)</p> <p>d) Were any positions tied directly to this program?                      (i) If yes, now the program has been expired are they redundant?</p> <p>e) Did it meet budget?</p> <p>f) How much did it go over or under?                      (i) Please provide a breakdown of final expenditure</p> <p>g) Was real estate or other assets acquired in Solomon Islands for the purpose of this program?                      (i) If yes, what is the status of these assets?                      (ii) Given the program has finished, how were they disposed of or how will they be disposed of?</p> <p>h) Are there any redundant vacant properties being leased by the AFP in Solomon Islands?</p>	
247	AFP	Ludwig	<p>a) How much of the funding provided to the AFP law enforcement cooperation programme has been expended?</p> <p>b) Has all funding been expended?                      (i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?                      (i) If so, what was the variation?                      (ii) Was additional funding provided, or did the program lose funding?                      (iii) If the program lost funding, where was the funding transferred, and why?                      (iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?                      (i) Did the program meet its stated outcome?                      (ii) If not, in which areas did it not meet its stated outcome?                      (iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p>	T

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<b>Question No.</b>	<b>Output</b>	<b>Senator</b>	<b>Question</b>	<b>Hansard page/date or Tabled</b>
			<ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> <li>(v) Are there any plans to produce any interim reports?</li> </ul>	
248	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) How much of the funding provided for the AFP overseas liaison network has been expended?</li> <li>b) Has all funding been expended?                             <ul style="list-style-type: none"> <li>(i) If not, how much funding has yet to be expended?</li> </ul> </li> <li>c) Was there any variation to the stated budget for this program?                             <ul style="list-style-type: none"> <li>(i) If so, what was the variation?</li> <li>(ii) Was additional funding provided, or did the program lose funding?</li> <li>(iii) If the program lost funding, where was the funding transferred, and why?</li> <li>(iv) Were any stop-gap measures put in place to</li> </ul> </li> <li>d) What was the stated outcome of the program at the time the funding commenced?                             <ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> </ul> </li> <li>e) Has a review been conducted of the program?                             <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> <li>(v) Are there any plans to produce any interim reports?</li> </ul> </li> </ul>	T
249	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) How much of the funding provided for the Solomon Islands Health Services for AFP Personnel has been expended?</li> <li>b) Has all funding been expended?</li> </ul>	T

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<b>Question No.</b>	<b>Output</b>	<b>Senator</b>	<b>Question</b>	<b>Hansard page/date or Tabled</b>
			<p>(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p>(i) If so, what was the variation?</p> <p>(ii) Was additional funding provided, or did the program lose funding?</p> <p>(iii) If the program lost funding, where was the funding transferred, and why?</p> <p>(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p> <p>(i) Did the program meet its stated outcome?</p> <p>(ii) If not, in which areas did it not meet its stated outcome?</p> <p>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</p> <p>e) Has a review been conducted of the program?</p> <p>(i) If so, could you provide a copy?</p> <p>(ii) If not, why not?</p> <p>(iii) Is one being conducted, or will one be conducted?</p> <p>(iv) Are there any interim reports available?</p> <p>(v) Are there any plans to produce any interim reports?</p>	
250	AFP	Ludwig	<p>a) How much of the funding provided for the expansion of the Law Enforcement Cooperation Programme has been expended?</p> <p>b) Has all funding been expended?</p> <p>(i) If not, how much funding has yet to be expended?</p> <p>c) Was there any variation to the stated budget for this program?</p> <p>(i) If so, what was the variation?</p> <p>(ii) Was additional funding provided, or did the program lose funding?</p> <p>(iii) If the program lost funding, where was the funding transferred, and why?</p> <p>(iv) Were any stop-gap measures put in place to</p> <p>d) What was the stated outcome of the program at the time the funding commenced?</p>	T

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			<ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> <li>e) Has a review been conducted of the program?                             <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> <li>(iv) Are there any interim reports available?</li> <li>(v) Are there any plans to produce any interim reports?</li> </ul> </li> </ul>	
251	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) How much of the funding provided for the Air Security Officer program has been expended?</li> <li>b) Has all funding been expended?                             <ul style="list-style-type: none"> <li>(i) If not, how much funding has yet to be expended?</li> </ul> </li> <li>c) Was there any variation to the stated budget for this program?                             <ul style="list-style-type: none"> <li>(i) If so, what was the variation?</li> <li>(ii) Was additional funding provided, or did the program lose funding?</li> <li>(iii) If the program lost funding, where was the funding transferred, and why?</li> <li>(iv) Were any stop-gap measures put in place to</li> </ul> </li> <li>d) What was the stated outcome of the program at the time the funding commenced?                             <ul style="list-style-type: none"> <li>(i) Did the program meet its stated outcome?</li> <li>(ii) If not, in which areas did it not meet its stated outcome?</li> <li>(iii) Were any other measures or additional funding required to meet the stated outcome of the program?</li> </ul> </li> <li>e) Has a review been conducted of the program?                             <ul style="list-style-type: none"> <li>(i) If so, could you provide a copy?</li> <li>(ii) If not, why not?</li> <li>(iii) Is one being conducted, or will one be conducted?</li> </ul> </li> </ul>	T

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<b>Question No.</b>	<b>Output</b>	<b>Senator</b>	<b>Question</b>	<b>Hansard page/date or Tabled</b>
			(iv) Are there any interim reports available? (v) Are there any plans to produce any interim reports?	
252	AFP	Heffernan	What percentage of time do the AFP liaison officers in the South-East Asia region spend on information relating to child sex tourism?	106
253	AFP	Heffernan	Since July 1994, how many of those prosecuted under child sex tourism legislation in Australia have also been prosecuted under the relevant foreign legislation?	107
254	AFP	Heffernan	How long had the Royal Thai Police and the AFP been working together on the arrest of Robert Scoble?	107
255	AFP	Heffernan	What travel document did Mr Scoble use to travel to Australia, and who issued it?	107
256	AFP	Milne	SIEV-X: What investigations have been undertaken into a third person and the role that third person may have had?	108
257	AFP	Allison	AFP officer under internal investigation: (a) Can you inform the Committee at what point it was resolved that he had not tipped off those under investigation? (b) On 19 October 2005, was the officer advised that the investigation into this aspect was complete? (c) When was the last time the officer was interviewed?	110/115
258	AFP	Crossin	What countries and programs are the AFP involved in regarding the elimination of violence against women and children?	113
259	AFP	Ludwig	(a) Is the AFP guidelines on police liaison available to the Committee? (b) Are bilateral agreements available to the Committee?	119
260	AFP	Heffernan	Did the Royal Commission into the NSW Police communicate with the AFP any information that would be relevant to the AFP and its overseas activities on child sex tourism?	120
261	AFP	Allison	Did the AFP make a formal response to the Auditor-General in regard to contracts the AFP considered confidential (that ANAO did not)?	121
262	AFP	Ludwig	a) What is the total cost of intelligence functions under Output 1.1? b) Please provide the cost for this year, the projected costs for the next four years and	T

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<b>Question No.</b>	<b>Output</b>	<b>Senator</b>	<b>Question</b>	<b>Hansard page/date or Tabled</b>
			the costs over the four previous years.	
263	AFP	Ludwig	<p>a) Please provide an organisational chart for the intelligence portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years.</p> <p>b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years:</p> <ul style="list-style-type: none"> <li>(i) The Transnational Crime Coordination Centre</li> <li>(ii) The National Intelligence Management Team</li> <li>(iii) The Intelligence Secretariat</li> <li>(iv) Protection Intelligence</li> <li>(v) Project Axiom</li> <li>(vi) The Asian Regional Heads of Criminal Intelligence Working Group</li> <li>(vii) Transnational Targetting Network</li> </ul>	T
264	AFP	Ludwig	<p>a) Please provide an organisational chart for the Counter-Terrorism intelligence portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years.</p> <p>b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years...</p> <ul style="list-style-type: none"> <li>(i) South-East Asia-Indonesian Team</li> <li>(ii) South-East Asian-Philippines Team</li> <li>(iii) Convergence Team</li> <li>(iv) Target development team</li> <li>(v) National Threat Assessment Centre</li> <li>(vi) Joint Counter-Terrorism intelligence Coordination unit</li> </ul>	T
265	AFP	Ludwig	<p>a) Please provide an organisational chart for the counter-terrorism portfolio and provide the funding that this portfolio received this year, for the previous four years and the</p>	T

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			<p>projected spending for the next four years.</p> <p>b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years:</p> <ul style="list-style-type: none"> <li>(i) Joint Counter Terrorism Taskforces <ul style="list-style-type: none"> <li>- Could you indicate who the 11 JCTTs are?</li> <li>- Could you provide a breakdown of the funding provided to the Taskforces and the location of each taskforce?</li> </ul> </li> <li>(ii) AFP International network</li> <li>(iii) Counterterrorism offshore rapid response</li> <li>(iv) Counterterrorism regional co-operation team</li> <li>(v) Indonesian National Police-Australian Federal Police team</li> <li>(vi) Philippines National Police-Australian Federal Police team</li> <li>(vii) AFP-led 6 regional law-enforcement agencies</li> <li>(viii) Jakarta Centre for Law Enforcement Cooperation</li> <li>(ix) Family Investigative Officer Liaison Program</li> <li>(x) The six advanced counter-terrorism investigation programs</li> <li>(xi) Language training</li> <li>(xii) Overseas deployment awareness training</li> <li>(xiii) The international police forward command workshop</li> <li>(xiv) Hostage negotiator training</li> </ul>	
266	AFP	Ludwig	Please provide an organisational chart for the Illicit drugs portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years.	T
267	AFP	Ludwig	<p>a) Please provide an organisational chart for the People Smuggling portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years.</p> <p>b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the</p>	T



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			projected funding for the next four years: (i) Transnational Sexual Exploitation and Trafficking Team (ii) Childwise	
268	AFP	Ludwig	a) Please provide for the Economic and Special Operations portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years. b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years: (i) The Australian High-Tech Crime Centre (ii) Virtual Global Taskforce (iii) Joint Banking and Finance Sector Investigations Team (iv) Identity Crime Taskforce	T
269	AFP	Ludwig	a) Please provide an organisational chart for the External territories portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years. b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years: (i) Christmas Island (ii) Cocos Island (iii) Norfolk Island (iv) Jervis bay	T
270	AFP	Ludwig	a) Please provide an organisational chart for the International network portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years. b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the	T

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			projected funding for the next four years: (i) Interpol (ii) Law Enforcement Co-operation Program (iii) Pacific Trans-National Crime Coordination Centre (iv) Pacific TPCUS (v) National Crime Bureau	
271	AFP	Ludwig	a) Please provide an organisational chart for the Close Personal Protection portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years. b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years: (i) National Witness Protection Program	T
272	AFP	Ludwig	a) How many officers are assigned to a program under the International Services output? b) Of those assigned to a program under this output, how many are stationed overseas? c) Please provide an organisational chart for the International Services portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years. d) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years: (i) International Deployment Group (ii) RAMSI (iii) Enhanced Co-operation program to Papua New Guinea (iv) Nauruan National Police Force (v) Jordan International Police Training Centre (vi) UN Mission in support of East Timor (vii) UN Office in Timor Leste	T

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			<ul style="list-style-type: none"> <li>(viii) Cyprus – UN Peacekeeping Force in Cyprus</li> <li>(ix) Indonesian Transnational Crime Coordination Centre</li> <li>(x) Philippines Counter-Terrorism Capacity Building Project</li> <li>(xi) Disaster victim identification team</li> <li>(xii) Asian Region Law Enforcement Cooperation program</li> <li>(xiii) Permanent Participation programs mentioned on page 66 of the Annual report</li> <li>(xiv) International training complex</li> <li>(xv) Operations Response Team</li> </ul>	
273	AFP	Ludwig	<p>a) Please provide an organisational chart for the Guarding Services portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years.</p> <p>b) Could you please provide the funding that each of the following programs receive, including the funding received this year, the funding for the previous four years and the projected funding for the next four years:</p> <ul style="list-style-type: none"> <li>(i) Counter-Terrorism first response</li> <li>(ii) Regional Rapid Deployment Team</li> <li>(iii) Protective Security Liaison Office Unit</li> <li>(iv) Air Security Officers</li> <li>(v) Protective Security Operations</li> </ul>	T
274	AFP	Ludwig	Please provide an organisational chart for the Enabling Services portfolio and provide the funding that this portfolio received this year, for the previous four years and the projected spending for the next four years.	T
275	AFP	Ludwig	<p>a) How many investigations of fraud against Federal Government Departments or agency have been conducted by the AFP in 2000, 2001, 2002, 2003, 2004 and 2005? Please provide a breakdown by agency and department.</p> <ul style="list-style-type: none"> <li>(i) In each case, how much is the fraud alleged to represent?</li> </ul> <p>b) Of the above investigations, were any charges laid? If so, please provide a</p>	T

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			breakdown of charges laid in each case and the number of persons charged with a fraud offence? c) How many of the prosecutions resulted in a successful conviction?	
276	AFP	Ludwig	a) Regarding the people smuggling strike team: (i) How many officers are currently on the strike team? (ii) How many other personnel are currently under the strike team? (iii) Where are they located? (iv) Have there been any fluctuations in the numbers of people assigned to the strike team over the last 3 years? b) What coordination does the strike team have with Coastwatch? (i) Does it include sharing personnel, resources, etc.? (ii) Are there joint settings of priorities? c) What information does the AFP provide to Coastwatch regarding the entry of vessels? d) What information does Coastwatch provide to the AFP regarding the entry of vessels? e) Are any officers seconded to Coastwatch or does Coastwatch have any members on this team? (i) If so, how many, how long, when did they first join the team? (ii) If not why not?	T
277	AFP	Ludwig	a) Regarding the statement it is predominantly men who travel outside Australia for child sex tourism activities, could the AFP indicate how many women have been identified as engaging in these sorts of activities? b) Have there been any investigations about women travelling overseas for child sex tourism? c) Have there been any charges or prosecutions laid against the women? d) With which countries does Australia have signed a memorandum of understanding to combat child sexual abuse? (i) Is Australia in negotiations with any other countries regarding a	T

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			<p>memorandum of understanding?</p> <p>(ii) If so, are the AFP able to say which countries we are negotiating we?</p> <p>(iii) Are we expected to sign any time soon?</p>	
278	AFP	Ludwig	<p>a) Regarding the Child Wise Advertising Campaign - <i>Don't Let Child Abuse Travel</i>, how many reports of suspected of child sex tourists have there been under the AFP website?</p> <p>b) How many of those reports have resulted in an investigation?</p> <p>c) How many of those reports have resulted in charges and prosecutions being filed against those persons?</p> <p>d) How many of those prosecutions resulted in convictions?</p> <p>e) How many of those prosecutions are currently underway?</p>	T
279	AFP	Ludwig	<p>a) Could the AFP indicate why the police team on Christmas Island is fully funded by the Department of Transport and Regional Services?</p> <p>b) Is DOTRS funding any AFP deployments or programs anywhere else in Australia? If so:</p> <p>(i) Where?</p> <p>(ii) How much funding is being provided?</p> <p>c) How much funding have they provided to the Christmas Island office?</p> <p>d) Are any other departments funding AFP deployments or programs? If so:</p> <p>(i) What deployment or program is receiving funding from another department?</p> <p>(ii) Which department is providing the funding?</p> <p>(iii) Is the AFP providing any funding to that program and how much is it providing?</p>	T
280	AFP	Ludwig	<p>Could the AFP please provide more information on the Opal group:</p> <p>(a) What is its membership?</p> <p>(b) What are its functions and duties?</p> <p>(c) How much funding does it receive?</p>	T

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			(d) How much funding does it receive from the AFP? (e) Does it receive any other resources from the AFP?	
281	AFP	Ludwig	a) How many times the police consultative group on missing persons has met this year? b) What recommendations it made? c) Has it produced any reports? d) What were its activities this year? e) Has the national missing persons unit started any initiatives this year? f) Has it funded any new programs? g) Has it coordinated new programs from the other states? h) Has it produced any reports?	T
282	AFP	Ludwig	a) In how many cases has a person had assets restrained and or forfeited prior to the finalisation of a criminal prosecutions commencing or when the criminal charges are heard? (i) What is the total value of the restrained assets? (ii) Of those assets that have been restrained prior to the finalisation of a criminal prosecution commencing, how many have subsequently been forfeited, and how many have been released back to the original owner? b) Regarding requests for assistance from foreign law enforcement agencies, proceeds of crime, how many requests have been received? (i) What countries have they been received from? (ii) How much has been forfeited to these countries? (iii) What is the process of requesting? (iv) How many requests are denied? (v) What reasons are they denied for?	T
283	AFP	Ludwig	a) How many Australian arrests have there been for online child sex exploitation? (i) Could you provide a breakdown of the arrests and charges resulting from them? b) Of these arrests, how many arrests resulted from information gathered by the mutual	T

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			global taskforce? (i) How many charges have been laid? (ii) Have any successful prosecutions, if so were there any convictions recorded? (iii) What were the convictions and the length of the convictions? c) How many of those included convictions for grooming children on internet chat rooms for child pornography?	
284	AFP	Ludwig	a) Could the AFP indicate what the functions of the intelligence secretariat are? b) Who is on the body? (i) Is it a cross jurisdictional body? (ii) What sort of liaisons does it have with other agencies? (iii) Could the AFP indicate any agencies with which it has worked to develop strategies, reports, etc. during the year? c) Does it have any specific funding of its own? (i) If so, what is this funding? (ii) How much funding does the AFP provide? (iii) Provide a breakdown of the other sources of funding for the Intelligence Secretariat, including the source of the funding and the amount provided by each source? d) Does it have any responsibility to administer or run programs? (i) If so, what are they?	T
285	AFP	Ludwig	a) Could the AFP indicate if the AFP have liaised with AUSTRAC in developing the financial intelligence capability of the AFP? (i) If so, what was the content of the communication? (ii) If not, why not? b) How does this financial intelligence gathering differ from the functions of AUSTRAC? c) Has AUSTRAC been consulted on how the AFP are performing the financial intelligence gathering functions?	T

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			<p>d) Has AUSTRAC provided any resources or staff to assist the AFP in developing its financial intelligence capacity?</p> <p>e) Could you indicate how many AFP officers are currently seconded to the development work of this capacity?</p> <p style="padding-left: 40px;">(i) Of those, how many are sworn and how many are unsworn?</p> <p>f) What external clients and interim clients have the AFP been building relationships with over the past 12 months?</p> <p>g) Does this include both private agencies and government agencies?</p> <p>h) How many financial analysts/financial officers been recruited as part of this program?</p> <p style="padding-left: 40px;">(i) What has been the cost of recruiting them?</p> <p style="padding-left: 40px;">(ii) How were they selected?</p> <p>i) What work has the AFP done with AUSTRAC on the recruitment of appropriate analysts and financial officers?</p>	
286	AFP	Ludwig	<p>a) Regarding the new government funding for the development of a rapid deployment capability, how much funding was provided?</p> <p style="padding-left: 40px;">(i) Could the AFP provide a breakdown of the budget?</p> <p style="padding-left: 40px;">(ii) How much has been expended so far this financial year?</p> <p style="padding-left: 80px;">(iii) Could you indicate how much funding has been expended over the last four years, and what is the projected expenditure over the next four years?</p> <p style="padding-left: 40px;">(iv) Can the AFP give a break down of how much has been expended so far?</p> <p>b) What is the time line for the development and implementation of this capability?</p> <p style="padding-left: 40px;">(i) What are the key dates for the timeline?</p> <p style="padding-left: 40px;">(ii) Have these dates been met so far?</p> <p>c) How many officers are seconded to the rapid deployment capability?</p> <p style="padding-left: 40px;">(i) How many officers are seconded to each intelligence team?</p> <p style="padding-left: 40px;">(ii) What roles do they each perform?</p> <p>d) If there has been deployment of intelligence teams...</p>	T



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			<ul style="list-style-type: none"> <li>(i) Where have they been to and for how long?</li> <li>(ii) Are there any currently deployed if were able to say?</li> </ul>	
287	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) Is the Taskforce on Identity Crimes report referred to in this Question on Notice available?</li> <li>b) Regarding the statement that the APMC endorsed the national identities security strategy in principles, does that mean there is more work to be done?                             <ul style="list-style-type: none"> <li>(i) If so in what area does work have to be done?</li> <li>(ii) If there is more work to be done how has that progressed?</li> <li>(iii) Was the original general timetable for the tabling of the report and for the development of the strategy?</li> <li>(iv) If so, what was that timetable?</li> <li>(v) Did it contain key dates?</li> <li>(vi) If so, were the key dates met?</li> </ul> </li> </ul>	T
288	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) What are the range of offences that have been authorised under Controlled Operations program in 2004-05?</li> <li>b) What are the range of allowable offences that may be authorised under the controlled operations program?</li> </ul>	T
289	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) How many staff are posted at the Transnational Crime Coordination Centre?                             <ul style="list-style-type: none"> <li>(i) Could you provide a breakdown for sworn and unsworn officers and contractors?</li> </ul> </li> <li>b) Are they all AFP staff? If not, what other agencies have staff there?</li> <li>c) How many teams does the centre have?</li> <li>d) How many members of each team?</li> <li>e) What are the roles and functions of each team?</li> </ul>	T
290	AFP	Ludwig	<ul style="list-style-type: none"> <li>a) How many requests for assistance in preventing terrorism have been received by the Rapid Response Taskforce of the AFP?</li> <li>b) Of these requests, how many were acted on?</li> <li>c) How many requests have resulted in officers been deployed overseas, and to where</li> </ul>	T

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			are they deployed? d) What are the usual time frames for the deployments? e) How long do the deployments last for?	
291	AFP	Ludwig	a) Could the AFP provide a breakdown of funding the AFP and AusAid are giving to the Philippines in terms of its counter terrorism capacity building project? b) Could the AFP also indicate if the AFP are providing similar funding to any other countries and, if so, which ones? c) How much funding has been provided so far? d) Please provide a break down of funding for each country? e) Does the AFP intend to establish any more counter terrorism regional cooperation teams? (i) If so, when are they due to be established? (ii) Where are they due to be established?	T
292	AFP	Ludwig	a) Regarding the counter-terrorism regional engagement teams, in May it was indicated that the AFP was undertaking feasibility studies to determine the need and demand for the AFP to be present in 4 countries namely Bangladesh, Laos, India and Sri Lanka. Could the AFP please provide an update as to what the AFP have done since then regarding the feasibility studies? (i) Are they completed? (ii) If so, what was their outcome? (iii) If not, when are they due to be completed? (iv) What is the usual timeframe for this sort of feasibility study? b) Has the AFP begun to establish counter-terrorism regional engagement teams in any of those countries? If not, why not? c) Have any AFP officers been deployed overseas to the Counter-Terrorism Regional Engagement Teams or to facilitate the creation of the Regional Engagement Teams? d) What is the time frame for the establishment of the regional engagement teams in these countries? e) Could you indicate any costs that have so far been expended on these teams, and	T

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			provide a breakdown of the costs?	
293	AFP	Ludwig	<p>a) Which specific assets are the AFP employees in PNG monitoring? Mentioned in Question on Notice 46 from the hearing of 23 May 2005.</p> <p>b) What are the assets being used for and by whom now that there is no Australian Police there? How many of the 7 AFP personnel are sworn officers?</p> <p>c) What is the total value of the assets?</p> <p>d) Where are the assets located – how many police are monitoring each asset?</p>	T
294	AFP	Ludwig	<p>a) What is the timeframe for the redeployment in Papua New Guinea?</p> <p>b) How many officers will be deployed? Will these officers be sworn or unsworn?</p> <p>c) What is the cost of the deployment?</p> <p>d) Where in PNG will the officers be deployed to?</p> <p>e) Will there be a joint command structure?</p> <p style="padding-left: 40px;">(i) If so, could the AFP provide a diagram or information regarding the structure of the joint command chain?</p> <p style="padding-left: 40px;">(ii) If not, why not?</p> <p>f) Was a joint command structure considered prior to the last deployment?</p> <p style="padding-left: 40px;">(i) If not, why not?</p> <p style="padding-left: 40px;">(ii) If so, why was it not implemented? If it was not deemed suitable, please provide reasons.</p>	T
295	AFP	Ludwig	<p>In relation to the funding that was originally allocated to the PNG deployment before the withdrawal of the AFP:</p> <p>a) How much funding was originally allocated, and how much was unused following the withdrawal?</p> <p>b) Has any of this funding been reallocated to any other programs?</p> <p style="padding-left: 40px;">(i) If so, which programs, and how much?</p> <p style="padding-left: 40px;">(ii) Who authorised the transfer of the funding, and when?</p> <p style="padding-left: 40px;">(iii) When were the funds transferred?</p> <p style="padding-left: 40px;">(iv) Have any of the unused funds been reallocated to the new deployment</p>	T

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			<p>of the AFP to Papua New Guinea? If so, how much?</p> <p>c) What is the projected cost of the redeployment of AFP personnel to Papua New Guinea?</p> <p>(i) How much has been expended so far?</p>	
296	PSCC	Ludwig	<p>a) Regarding the \$79,942 expended in the 2004/05 in private sector guarding, is it correct that this is not openly contracted?</p> <p>(i) Why is it not openly contract?</p> <p>(ii) Who are the service providers?</p> <p>(iii) How are they chosen?</p> <p>(iv) What exactly do they do?</p> <p>(v) What sort of security programs do they undertake?</p> <p>b) Are these security providers employed elsewhere by the AFP on any other basis?</p> <p>(i) What sort of contacts do they have?</p> <p>(ii) Are the services provided on an ongoing basis or an intermittent basis?</p>	T
297	AFP	Ludwig	<p>a) Which recommendations of the review of the protective security for holders on high office conducted in 03-04 have been implemented?</p> <p>b) Please provide the details of which ones haven't and have not been implemented?</p> <p>c) Can the AFP provide the costs that the review has taken up and provide a breakdown of those costs? Please provide an update on each recommendation.</p> <p>d) Is there a timeframe for the implementation of the remaining recommendations?</p> <p>(i) If so, what is the time frame?</p> <p>(ii) Was there an original time frame planned for the introduction of the review?</p> <p>(iii) If so, please provide that time frame and indicate which key dates were met and which key dates weren't met.</p>	T
298	2.2	Stott-Despoja	The Human Rights and Equal Opportunities Commission (HREOC) president John Von Doussa QC commented that under the draft Bill, "there is no realistic opportunity to challenge a detention order against an individual or a control order against the person's	T

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			family” and they are “not told why they're subject to it, nor is there any way in which they can go about challenging the facts upon which that order is made.” HREOC has suggested that a “special court should be established to review enforcement provisions in the draft Bill.” Mr Von Doussa has said that “Australian laws would enable the proposed special court to keep sensitive information suppressed while allowing a person subject to a detention order to learn the charge against them.” Are you aware of any such considerations by the Government in relation to the establishment of such a court, and in your opinion would such a court be appropriate? If not, what impediments are there to the establishment of such a court?	
299	FSG	Ludwig	<p>Cross-Outcome                      Additional Funding for increased responsibilities \$6.2million</p> <p>a) Is this program complete?                      (i) If not, how is it being funded now given it was discretely funded in 2004 and 2005?                      (ii) If it is receiving continuing funding, please outline anticipated cost?</p> <p>b) Were these funds from 2004 and 2005 fully expended?                      c) How were the funds expended? (specify allocation)                      d) Were any positions tied directly to this program?                      (i) If yes, now the program has been expired are they redundant?</p> <p>e) Did it meet budget?                      f) How much did it go over or under?                      g) Please provide a breakdown of final expenditure?</p>	T
300	1.2	Bishop	a) With reference to Appendix E of the Legal Service Directions applying to "Assistance to Commonwealth Employees for Legal Proceedings" effective 1 September 1999, (a) are those directions advisory or mandatory in their application to all Commonwealth agencies, and (b) in which agencies are these directions encapsulated in other internal instructions and guidelines.	T
301	1.2	Bishop	Does the Minister's department have a reporting system from agencies whereby	T

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			application of the Directions by other agencies is monitored; if so, in each of the last five years in each Commonwealth agency, (a) on how many occasions have approvals been granted for legal assistance under the Directions, (b) what was the specific nature of the legal action faced, (c ) what was the outcome and cost in each case, (d) on how many occasions was approval withheld pending the outcome of the legal action, (e) in which cases were fines and penalties paid , (f) in which cases were grants refunded due to adverse outcome for actions where employees were not considered to have acted "reasonably and responsibly", and (g) in how many instances in each year were agencies found to be in breach of the Directions.	
302	1.2	Bishop	What freedom have other agencies to alter the directions for their own use, and what provisions are there for such a process with respect to approval and review.	T
303	1.2	Bishop	<p>Is the Minister aware of Health Policy Directive # 904 issued by the Surgeon General of the Department of Defence 31 October 1991 contains the following statement at paragraph 8 :</p> <p>"ADF personnel do not have a specific statutory right to be indemnified by the Commonwealth for liability for acts of negligence in the course of a member's duties, although the Commonwealth may choose to do so. From a practical point of view, it is considered most unlikely that a member of the ADF Health Services would be made personally responsible for meeting any judgement given in respect of negligent acts occurring in the course of the member's duty".</p> <p>If so, (a) was the Minister's department ever consulted on this contradictory drafting, (b)what reviews have ever been conducted of such a policy by the Department of Defence, (d) when, and (e) by whom.</p>	T
304	1.2	Bishop	Can it be confirmed as a matter of policy applying to all Commonwealth agencies that such legal assistance should only be considered "to the extent that the employee is not indemnified or insured..." as set out in DoFA Finance Circular 1997/19; if so, in how	T

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			many cases in each of the last five years has financial assistance been granted to Commonwealth officers where such indemnity or insurance cover existed.	
305	1.2	Bishop	Is the Minister's department aware of the application of the Directions by the Department of Defence to the defence of naval reservist Commander in an inquiry conducted by the Medical Board of WA in which Commander McKenzie received the benefit of \$ 377,000 in legal costs notwithstanding findings of negligence, as well as having 80% of the Board's legal costs charged to him, paid by the Department of Defence; if so, (a) what action has been taken by way of investigation, (b) has any breach of the Directions been identified, (c ) what sanctions can be applied in the event of an identified breach, and (d) what power exists to have the cost charged to Commander McKenzie in light of the findings of negligence against him.	T