



11/19846-04

2 December 2011

Ms Julie Dennett
Committee Secretary
Senate Standing Committee on
Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Ms Dennett

Clarifications and corrections to Hansard

I write concerning evidence provided by officers from the Attorney-General's Portfolio to the Senate Standing Committee on Legal and Constitutional Affairs at the Supplementary Budget Estimates hearing of 18 October 2011.

Following the hearing, officers from the Attorney-General's Portfolio who provided evidence to the Committee reviewed the proof copies of Hansard. Consequently, I wish to submit the attached corrections to Hansard and the following clarifications on behalf of the Attorney-General's Portfolio.

Evidence of Mr Irvine

In his opening statement on page 100 of the transcript, Mr Irvine stated "In the last estimates hearing I briefed the committee on steps taken by the government to streamline the process of providing security assessments to IMAs. Upon request we provide them to the Department of Immigration and Citizenship."

The Australian Security and Intelligence Organisation (ASIO) wishes to clarify that Mr Irvine meant to say he had briefed the committee on steps taken by the government to streamline the process of providing security assessments for Irregular Maritime Arrivals, which ASIO undertakes upon request from the Department of Immigration and Citizenship.

Evidence of Mr Groves

In an exchange with Senator Brandis regarding the impairment associated with the Microster project, Mr Groves states on page 71 of the transcript that Customs and Border Protection impaired \$3.6 million dollars in the 2009-10 financial year. Australian Customs and Border Protection wishes to clarify the correct impairment amount was \$2.3 million for the Microster project and this amount was reflected in the agency's 2008-09 financial statements.

Evidence of Mr Negus

Mr Negus was involved in an exchange with Senator Rhiannon regarding a submission by the Australian chapter of the International Council of Jurists, which relates to allegations of war crimes and crimes against humanity in Sri Lanka at the end of 2009. During this exchange, Mr Negus stated on page 39 of the transcript, "It depends on the jurisdiction that can be applied. Some of these matters may well be referred to the International Criminal Court or they may be prosecuted here in Australia if there are appropriate jurisdictional issues we can actually treat".

The Australian Federal Police wishes to clarify that only situations and not individual cases can be referred to the International Criminal Court (ICC) by States Parties under the provisions of the ICC's Statute. States Parties (including Australia) can refer situations in which one or more crimes within the jurisdiction of the ICC appear to have been committed, requesting the prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with the commission of such crimes. The ICC can only exercise jurisdiction over situations referred by States Parties if the State on whose territory the conduct in question occurred, or the State of which the person accused of the crime is a national, is a Party to the ICC's Statute.

There would be a number of issues to consider in this regard, including the key issue that Sri Lanka is not a Party to the ICC's Statute.

Evidence of Mr Drennan

On page 52 of the transcript, Mr Drennan stated that over 100 AFP officers were deployed to New Zealand in response to the Christchurch earthquake disaster earlier this year. The AFP wishes to clarify that 80 AFP personnel were deployed to New Zealand.

Evidence of Mr Gaughan

In an exchange regarding the AFP's work on child sex tourism offences, Mr Gaughan stated that two AFP officers had recently returned from the Philippines. The AFP would like to clarify that the officers were actually located in Thailand.

The action officer for this matter is Anna Gordon who can be contacted on

Yours sincerely

Megan Burrowes
A/g Director
Legislation and Parliamentary Liaison Section