

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
1	AHRC	Fifield	Disability Discrimination Act – disability standards	<p>Mr Innes: ... At this stage, whilst the Australian Railway Association and peak disability organisations have been working on the development of [the accessible rail services code of practice], in fact, it has no legal status but is a commitment, which industry and disability organisations seek to make, to address some of the issues where compliance with the standards is problematic given the need to comply with other areas of law... It is also to clarify some areas where the standards may not cover or may not cover adequately. If such a code were to have any legal effect, there would need to be changes to the Disability Discrimination Act to allow for some form of co-regulation. I understand that that is one of the matters that the government is giving consideration to in the exercise on which it is currently embarked regarding consolidation of discrimination legislation.</p> <p>Senator FIFIELD: There is a time pressure of sorts in relation to this because I think you or the commission have been granting exemptions to the rail industry, to the public transport sector, that I think expired in December of this year. Is that right?</p> <p>Mr Innes: I think it is December. It might have been January of next year, because I recall that we granted some of those exemptions very close to Christmas last year. It is either December or January.</p> <p>Senator FIFIELD: But there could be a number of exemptions with different expiry dates?</p> <p>Mr Innes: I would have to take that on notice. We have granted a number of different exemptions, so I would have thought that they would have different expiry dates.</p>	L&C 8-9	1/12/2011	9/02/2012
2	Program 1.1 ILHRD	Fifield	Discrimination- Co-regulation	<p>Senator FIFIELD: ... What time frame is government looking at in considering amending legislation...?</p> <p>Mr Wilkins: I might get Mr Matt Hall to answer that, Senator.</p> <p>Mr Hall: The process for considering the sorts of issues you have raised including the possibility of co-regulation—and that is certainly an issue that would be considered, I would expect, through the project to consolidate antidiscrimination laws—is underway at the moment. The discussion paper on the project was released on 22 September and the submissions on the discussion paper are due by 1 February next year, and they will inform draft legislation which will also be released for public consultation in 2012. So that is really the time frame.</p> <p>Senator FIFIELD: But the government does not have any particular</p>	L&C 9-10	28/11/2011	9/02/2012

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				<p>objections or difficulties with the concept of this sort of supplementary compliance mechanism?</p> <p>Mr Hall: The government has not considered the options, but certainly there have been no objections made by the government to this sort of proposal being put forward and considered.</p> <p>Senator FIFIELD: It might be something that the minister can take back to the Attorney-General, that there is a need here to facilitate this sort of cooperative approach and to provide greater certainty in particular sectors.</p> <p>Senator Ludwig: I will take these comments back to the Attorney-General and see if he wants to add anything. So effectively, I will take it on notice and he will obviously have a look at the transcript and see if he can provide any additional information.</p> <p>Senator FIFIELD: Thank you, Minister.</p>			
3	AHRC	Brandis	Proposed amendments to Migration Act to allow offshore processing	<p>Senator BRANDIS: Did you write to the Attorney, or any other minister for that matter, or did you have a meeting with the Attorney or any other minister as the Australian Human Rights Commission and say, 'Well, it is our view that the policy of your government is not a rights-respecting policy'?</p> <p>Ms Branson: I cannot identify a meeting with the Attorney. Normally on an issue of that kind—although the Attorney would have been alerted if I was speaking to another minister—I would have sought to speak with the minister for immigration. In this case I did not meet with him personally, as I have indicated. I think it likely that I wrote to him but certainly we made public statements and I think issued press releases to that effect.</p> <p>Senator BRANDIS: Could you please take this on notice. What I would like to see is the correspondence. You said you wrote to him.</p> <p>Ms Branson: I said I think I probably did.</p> <p>Senator BRANDIS: Can you produce to the committee please the correspondence from the Human Rights Commission to either the Attorney or to the minister for immigration in which the Human Rights Commission's concerns about the so-called Malaysia solution were expressed to the government?</p> <p>Ms Branson: I will take that on notice.</p> <p>Senator BRANDIS: Thank you.</p>	L&C 15-16	1/12/2011	9/02/2012
4	AHRC	Brandis	Racial Discrimination Act	<p>Senator BRANDIS: ...I want to ask you a couple of questions arising from the interest in section 18C of the Racial Discrimination Act, which has been provoked by the decision in the Andrew Bolt case. How many complaints</p>	L&C 16-17	1/12/2011	9/02/2012

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				<p>under section 18C of the Racial Discrimination Act is the commission currently seized of?</p> <p>Ms Branson: I would have to take that on notice. I cannot say.</p> <p>Senator BRANDIS: Please do. Are you able to tell us roughly? Are there any? Are there several? Are there many?</p> <p>Ms Branson: I would be surprised to find that there were many but I am not certain.</p> <p>Senator BRANDIS: Let me set out a series of questions which I would like you to take on notice. I would like to know: how many complaints under section 18C of the Racial Discrimination Act the commission is currently seized of; how many complaints under section 18C have been made to the commission in each year since section 18C came into operation in 1996; and in brief how were those complaints disposed of? I assume you have a process whereby complaints assessed as unmeritorious or slender complaints are not taken any further or where more serious complaints are investigated which, after investigation, suggest to the decision maker that they ought to be pursued and are the subject of some process of conciliation or ultimately action by the commission. Can you tell us of the disposal of, and what happened to, each of the complaints in each year under section 18C?</p> <p>Ms Branson: Just to clarify, our paths are conciliatory only.</p> <p>Senator BRANDIS: There is no other action you can take other than to conciliate, is there?</p> <p>Ms Branson: No.</p>			
5	AHRC	Pratt	Cyber-racism	<p>Senator PRATT: ... I think the Human Rights Commission has drawn attention to the prevalence of cyber-racism. What is the commission's view of the significance of this kind of problem? What kinds of effects is it having on the Australian community? What is the commission doing to help address this problem as a whole and in specific incidents of cyber-racism?</p> <p>Dr Szoke: ... Let me start with the last question: in relation to specific incidents, I would probably have to take that on notice...The commission has also been involved in initiatives, I think from the Attorney-General's Department, prior to my time and on an ongoing basis, looking at the issue in a general sense...</p> <p>Senator PRATT: What is the commission's view of the prevalence of this kind of activity? I know from the emails I receive—and, clearly, that is private correspondence from constituents expressing their views to their senator—that it is prevalent and that people feel that, once you have the non-</p>	L&C 18-19	1/12/2011	9/02/2012

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				<p>face-to-face aspect of the internet, anything goes and you can express whatever view you like about other people.</p> <p>Dr Szoke: I cannot answer at this stage on behalf of the commission; I am just not familiar with it. I am familiar with the Victorian jurisdiction and the experience there. From my previous role, I would indicate that there is an increase in the incidence of this, but I would not want to peg the commission to a particular view at this stage.</p> <p>Senator PRATT: That is fair enough.</p> <p>Dr Szoke: But perhaps we can take that on notice as well.</p> <p>Senator PRATT: Thank you, I would appreciate that</p>			
6	AHRC	Siewert	Declaration on the Rights of Indigenous people	<p>Senator SIEWERT: ... I want to pick up on the Declaration on the Rights of Indigenous Peoples. I know Senator Pratt asked a couple of questions. I have some specific ones about education—specifically about proposals that we have now seen for expansion of the SEAM process that is operating in the Northern Territory and Logan in Queensland. The SEAM process has been going for a while. This is the school enrolment and attendance program. Is that program consistent with the articles of the Declaration on the Rights of Indigenous Peoples?</p> <p>Mr Gooda: I would have to take that on notice. I have not really had a chance to look at that particular program.</p> <p>Senator SIEWERT: So you have not looked at the SEAM program that has been operating in a number of trial places in the Northern Territory?</p> <p>Mr Gooda: Is that about the welfare payment?</p> <p>Senator SIEWERT: Yes. It is the program where, after a certain process, if your child does not attend school you get your welfare payment cut.</p> <p>Mr Gooda: We have not specifically looked at it against the articles in the declaration.</p> <p>Senator SIEWERT: Could you take on notice having a look at that program?</p> <p>Mr Gooda: Yes.</p> <p>Senator SIEWERT: It is hard to take on looking at the proposal for rolling it out given that we have not seen that yet, but certainly the trial has been operating now for a number of years in the Northern Territory. If you could have a look at that against the articles, that would be appreciated. Having said that, what are the articles of DRIP that specifically relate to education?</p> <p>Mr Gooda: I cannot roll them off the top of my head, but—</p> <p>Senator SIEWERT: Sorry, I meant the philosophy or principles behind it.</p>	L&C 21-22	1/12/2011	9/02/2012

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				<p>Mr Gooda: The principles we look at in the declaration—and I keep arguing these—are things around free, prior and informed consent; the right to self-determination; the right to participate in decisions that affect our rights; and one, which is in the preamble, about the right to be different. That is just part of the preamble to the declaration. I keep on saying to people they have to design systems, whether they are education, health or employment, that cope with differences. It is not up to the individuals who are different to negotiate or navigate their way through the messy system we have in front of us. In looking at any specific article—and there are articles that relate to education across a whole range of things, specifically education and the right to be educated in your own language, which goes to some of the issues around bilingual education—I will generally look at those through the principles that I just mentioned: self-determination; the right to participate in decisions that affect us; the right to give or not give our free, prior and informed consent and the right to be different.</p> <p>Senator SIEWERT: Thank you. If you could take that question asked on notice, that would be appreciated.</p>			
7	AFP	Humphries	AFP staffing	<p>Senator HUMPHRIES: Could I start by getting a picture of the current staffing levels across the AFP? How many sworn police, protective service officers and unsworn staff are there?</p> <p>Mr Negus: As at 29 September 2011 there were 6,703 staff in total for the Australian Federal Police. Of those we have 3,243 sworn police officers, 952 protective service officers and 2,508 unsworn staff for a total of 6,703.</p> <p>Senator HUMPHRIES: Could you provide us on notice with a breakup of how those three categories of staff are distributed between different states, national operations and the ACT? That does include the ACT, I assume.</p> <p>Mr Negus: That does include the ACT, yes.</p> <p>Senator HUMPHRIES: And how many obviously are posted overseas as well?</p> <p>Mr Negus: Certainly.</p>	L&C 23	28/11/2011	9/02/2012
8	AFP	Humphries	AFP staffing	<p>Senator HUMPHRIES: Fraud is usually quite a complicated area of investigation for bringing forward a prosecution. How many people work in the area of fraud investigation at the moment inside the national operations of the AFP?</p> <p>Mr Colvin: I do have those figures, if you can just give me a moment. But the AFP operate a fluid model, so the figure that we would give at any given time can be increased or decreased according to what our priorities are. I do</p>	L&C 26	28/11/2011	9/02/2012

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				<p>not actually have the number of personnel, but I can tell you that an AFP investigation team is generally in the order of five to seven people. I will get an exact figure for you. But within our broad crime operations, which pick up our fraud area, we have three teams in Canberra, two teams in Adelaide, three teams in Brisbane, a team in Cairns, a team in Darwin, a team in Hobart, six teams in Melbourne, one team in Perth and 13 teams in Sydney. So any work that would flow to us from a carbon pricing mechanism or exploitation of the legislation will be divided up amongst those crime operations personnel. We do not run a model that says, 'You're a fraud investigator.' You are a general investigator. If we have specific skill sets we need we may call on those, but in a more general sense we do not run a specific specialist model.</p> <p>Senator HUMPHRIES: Can you tell us at this stage what kind of resources you expect to need to throw into that exercise?</p> <p>Mr Colvin: No, not at this stage.</p> <p>Senator HUMPHRIES: You say you have had discussions with the Department of Climate Change and Energy Efficiency. Is there some sort of formal structure, a working party or other mechanism, to describe the role that the AFP are expected to play?</p> <p>Mr Colvin: There is. The working group commissioned under the heads of law enforcement agencies is yet to meet. I believe the officers are meeting at the lower level this week to start the process and put in place some rules and terms of reference for what the working group will do. Of course, we also have an outposted officer attached to the Department of Climate Change and Energy Efficiency who is able to help us work through some of those issues as well.</p> <p>Senator HUMPHRIES: I will come back to those issues perhaps at the next estimates and get some more information about how that is unfolding.</p>			
9	AFP	Humphries	Villawood Detention Centre	<p>Mr Colvin: ...At this stage, our investigation has charged nine people, who have all been before the court and I believe they are next before the court on 9 November. I will say, though, that the investigation is ongoing and we are seeking advice from the Commonwealth DPP and external counsel about additional charges and additional people that may still be subject to charges.</p> <p>Senator HUMPHRIES: So you are conducting an investigation into who was responsible for the acts of disorder at the centre...</p> <p>Senator HUMPHRIES: ... Do you know if those nine people who have been charged already are still in immigration detention?</p> <p>Mr Colvin: I do not know that. We could find out. I do not know that they</p>	L&C 29	28/11/2011	9/02/2012

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				would still be at Villawood as well. I think they were removed but I cannot be sure. We will take that on notice and find out.			
10	AFP	Parry	ACLEI	<p>Senator PARRY: ... I now move to some issues about ACLEI. The relationship with ACLEI no doubt remains strong. The tables on page 120 of the annual report—I will get you the number in a moment—indicate that, of the corruption issues which are handled by ACLEI, there were a total of 30 for the 2010-11 year. That is table B1. Table B3, on the following page, indicates that of corruption issues there are 70 outstanding and 15 finalised. I realise that some of those 70 are from the previous financial year, 2009-10. Can you give us a breakdown of which are 2009-10 ones, or can you take that on notice if you have not got that at your fingertips.</p> <p>Mr Negus: Yes, we would have to take that on notice to give you the accurate figures....</p> <p>....</p> <p>Senator PARRY: Can you indicate whether any prosecutions have resulted from the 30 corruption complaints or the 15 finalised ones.</p> <p>Mr Negus: We are just testing our memory. Obviously these are things we would be briefed upon. There are a range of things, and they do go over a number of years. I should say, just to clarify this for the record, that where an allegation of corruption comes in, even from an anonymous source, those must under the act be referred to ACLEI in the first instance for them to make their own assessment. They regularly refer things that they see as less serious matters back to the AFP to investigate, with their supervision. We then notify them of the outcomes of that. I will take it on notice.</p>	L&C 30	1/12/2011	9/02/2012
11	AFP	Brandis	Funding for People Smuggling Strike Team	<p>Senator BRANDIS: In the 2009 budget the government provided \$41.6 million over four years to fund additional AFP officers for the People Smuggling Strike Team and for other purposes. I am reading from Budget Paper No. 2 of that year on page 93. In 2011-12 and 2012-13 that appropriation tailed off to respectively \$5.7 million and \$5.4 million. That was the projection at the time of the 2009 budget. Can you tell me what the funding position of the People Smuggling Strike Team is currently, please?</p> <p>Mr Colvin: I may have to take that on notice to give you an exact figure because there were a number of government funding lines that support the people-smuggling effort of the AFP.</p> <p>Senator BRANDIS: Okay. You might have to take that on notice.</p> <p>...</p> <p>Senator BRANDIS:... If you have Budget Paper No. 2 for that year you will</p>	L&C 34	16/12/2011	9/02/2012

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				<p>see the aggregate of those various measures over four years was, as I said, \$41.6 million, which did include what is described as: ... to fund additional Australian Federal Police (AFP) officers for the People Smuggling Strike Team; establish a technical investigation unit in Indonesia; and deploy AFP liaison officers to Sri Lanka, Pakistan, Indonesia, Malaysia and Thailand. I am keen to know whether the level of deployment of those officers that was provided for under that four-year program has been kept at that level, whether it has increased or whether it has decreased.</p> <p>Mr Colvin: I will take that on notice, but I am quite confident that the level has been kept at the level it was then.</p>			
12	AFP	Brandis	People smuggling staffing in Indonesia	<p>Senator BRANDIS: We have about 20 under a commander engaged in all of the Australian Federal Police's activities in Indonesia in collaboration with the Indonesian policing authorities?</p> <p>Mr Negus: That is right.</p> <p>Senator BRANDIS: Of whom six are specifically tasked to deal with people smuggling?</p> <p>Mr Negus: That is right.</p> <p>Senator BRANDIS: Has that number changed since the 2009 budget measure was introduced or has it remained constant at six?</p> <p>Mr Colvin: I would expect that the number has fluctuated according to needs.</p> <p>Senator BRANDIS: You might take on notice how it has fluctuated in each of the years since the 2009 budget.</p>	L&C 35	28/11/2011	9/02/2012
13	AFP	Rhiannon	RAMSI	<p>Senator RHIANNON: I may come back to that but I want to move on to some of the aspects of RAMSI. I understand that in August 2010 a Solomon Islands High Court judge, David Cameron, threw out evidence because AFP officers investigating a murder had, in his words, 'forgot basic procedures, including reading the suspect their rights'. Are the AFP officers who came before this judge in this case still with the AFP? If they are, are they still working in the Solomon Islands? Were the AFP officers advised on appropriate procedures that should have been used and should be followed in future?</p> <p>Mr Negus: I do not have any notes on that particular topic but I do have the head of our International Deployment Group, Assistant Commissioner Frank Prendergast, here. He was running the organisation's component at that time. Mr Prendergast should be able to address some of those issues.</p> <p>Mr Prendergast: In answer to your question about the current status of those people, I would need to take that on notice, but I can say that our officers who</p>	L&C 39	14/12/2011	9/02/2012

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				deploy overseas are very well prepared. They are experienced police; that is one of the criteria before they deploy. They need five years experience and they also go through extensive pre-deployment training.			
14	AFP	Rhiannon	Release of Highly Protected documents	<p>Senator RHIANNON: Thank you for explaining that. I understand there are two documents marked 'Highly protected' relating to the case of three Solomon Island MPs who claimed the AFP fabricated charges against them for inciting the 2006 post-election riot. Can these two documents be released?</p> <p>Mr Prendergast: I would need to consider that. They are marked 'Highly protected'. I am aware of the case you were speaking of, but I do not have the latest situation on that issue. I believe it was back in the Solomon Islands court recently. I will take that question on notice.</p> <p>.....</p> <p>Senator RHIANNON: So you are happy to take that on notice and come back to us if those documents can be released?</p> <p>Mr Prendergast: That is correct.</p>	L&C 40-41	1/12/2011	9/02/2012
15	AFP	Rhiannon	RAMSI funding	<p>Senator RHIANNON: What portion of the total funding for RAMSI goes to the AFP?</p> <p>Mr Prendergast: I would need to take that on notice, Senator</p>	L&C 41	1/12/2011	9/02/2012
16	AFP	Rhiannon	Sri Lanka	<p>Senator RHIANNON: Thank you. In response to a question from Senator Brandis, you said that one of your people is stationed in Sri Lanka. Are you aware that, in September, a boat leaving Sri Lanka carrying 44 asylum seekers was stopped by the Sri Lankan security forces; and, if you are aware of that, did the Australian Federal Police officer stationed there assist the Sri Lankan security forces with any information about that boat and, possibly, in stopping the boat?</p> <p>Mr Negus: I might get Deputy Commissioner Colvin to answer that question.</p> <p>Mr Colvin: Senator, certainly we are aware. As we work with a number of partners around the region there are a number of vessels that get stopped by our regional partners. We are aware that that vessel was intercepted by Sri Lankan authorities. In terms of our specific knowledge at the time and information we may have provided, I will have to take that on notice. Suffice to say, we are working with the Sri Lankan police service on a range of fronts including people smuggling and broader trans-national crime and building their capacity. I would have to take on notice our specific knowledge of that particular venture.</p>	L&C 41-42	28/11/2011	9/02/2012
17	AFP	Rhiannon	AusAID funding	<p>Senator RHIANNON:... How much of the AusAID funding makes up the proportion of the AFP funding?</p>	L&C 42 - 43	14/12/2011	9/02/2012

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				<p>Mr Negus: Senator, we actually work with AusAID very closely. I think we are the second largest deliverer of AusAID's funding behind AusAID, so it is a large proportion. But we will just have to get that figure for you.</p> <p>Senator RHIANNON: I am happy for that to be taken on notice. You receive, as you have said, the largest proportion of aid money after AusAID itself. Australian aid money that you receive goes to projects. Do you keep that separate from your core AFP funding? Are there some projects that you will only undertake because you receive aid money? If so, what are they?</p> <p>Mr Negus: Yes, there are. We would have to take that on notice.</p>			
18	AFP	Furner	Operation Rescue	<p>Senator FURNER: Would you update the committee on the status of the charges made in relation to Operation Rescue as well? I understand it was an international investigation into an online network of child sex offenders.</p> <p>Mr Negus: I will ask Assistant Commissioner Neil Gaughan, who is the head of our high-tech crime operations, which covers child protection operations, to give you some details. Mr Gaughan: Thanks for the question. Some of the matters in relation to Operation Rescue are currently before the court; in fact, that is the vast majority of those people. That said, there have been a couple who have been before the court at this stage who have actually pleaded guilty. Our experience with this particular crime type is that well in excess of 95 per cent of people plead guilty at the earliest opportunity. It is unfortunately about all the information we have. We can provide some further breakdown of the actual status of each offender, but we will have to take that on notice.</p>	L&C 52	28/11/2011	9/02/2012
19	AFP	Pratt	Aviation budget	<p>Senator PRATT: I have some further aviation questions. I would like to know how much money the federal government has invested in policing at Australian airports in recent budgets.</p> <p>Mr Drennan: The budget for the current financial year for aviation is \$122.197 million.</p> <p>Senator PRATT: So that is for the AFP's part of the responsibilities? Is that correct?</p> <p>Mr Drennan: That is for the AFP's aviation portfolio, which relates to policing at airports.</p> <p>Senator PRATT: Does that capture everything that is in the all-in model for aviation policing and security? It is my understanding that it would not necessarily do that.</p> <p>Mr Drennan: Yes, it does.</p> <p>Senator PRATT: What is the investment over, say, the next four years? I understand there was an investment of \$200 million in aviation security</p>	L&C 55-56	10/02/2012	1/03/2012

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				<p>measures, but I also understand that there is \$760 million over the four years. I do not know if they are separate and what they include.</p> <p>Mr Drennan: It is probably best if we detail that to you on notice. The reason I say that is that in the forward estimates there is a range of leasing costs and there is a range of capital which has been provided to the AFP for us to establish a purpose-built premises at each of the airports where we have offices located around the country. The \$122.197 relates to the AFP's operations at airports as is, and in the forward estimates there is additional funding for future lease costs and also for capital to fit out buildings as they come online.</p> <p>Senator PRATT: What is the budget for Project MESA at our airports?</p> <p>Mr Drennan: The costing to implement Project MESA is absorbed within the aviation function budget. It is incorporated within that \$122.197 million.</p> <p>Senator PRATT: As I understand it, that is where the Commonwealth is assuming responsibility for staffing over the next three to five years. Is that right?</p> <p>Mr Drennan: Yes. The Commonwealth had responsibility for policing at the airports but it was a hybrid policing model, as I explained earlier on. The future for model core policing will be an all-in, sworn model. All police officers doing policing at the airports will be sworn members of the AFP.</p> <p>Senator PRATT: The 2010-11 budget for the forward estimates is the \$760 million I am referring to. Correct?</p> <p>Mr Drennan: I cannot tell you if that is correct exactly. It incorporates a considerable amount of lease costs for premises in the future and also capital expenditure in the future. So it is roughly that but I really would need to get the exact details to give you a precise answer.</p>			
20	AFP	Humphries	Staff retention – ACT policing	<p>Senator HUMPHRIES: Could you take on notice a break-up over the last, say, five years of how many people have gone from ACT to national policing—for each of those five years, please.</p> <p>Mr Negus: Certainly.</p>	L&C 57	28/11/2011	9/02/2012
21	AFP	Xenophon	Alan Kessing	<p>Mr Negus: With his written consent. I think that we would certainly be able to give a transcript of anything that he has participated in if it is still available.</p> <p>Senator XENOPHON: Or, more importantly, the videorecording of the raid.</p> <p>Mr Negus: Yes. I hear he has participated in the conversation with that process, so he would be entitled to a copy of it.</p> <p>Senator XENOPHON: Normally you would keep something like this, wouldn't you? What policy do you have on destroying documents or material?</p>	L&C 58-59, 62	1/12/2011	9/02/2012

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				<p>Mr Negus: I would have to double-check that. There are obligations under the Archives Act on a range of things. You can imagine how many exhibits and statements and other things the Federal Police would collect over a period of years.</p> <p>Senator XENOPHON: Do you digitise things now, though? Do you put them on a hard drive?</p> <p>Mr Negus: It depends. Some things are uploaded onto our case management systems. But again it is going back several years for this case—back to 2005 from memory. We could certainly check whether it is still there, but I suspect it would be. Yes, we are just checking now to see if we can get you an answer straightaway. But certainly, on the back of this, we will make inquires and look to do that.</p> <p>...</p> <p>Mr Colvin: I may be able to answer one question for the senator that we took on notice. On 6 September there was video and audio of the search that was executed at Mr Kessing's property. Transcripts have been disclosed to Mr Kessing through his defence team of that video and audio and that included him being offered an opportunity to participate in an interview, which he declined.</p> <p>Senator XENOPHON: Do you still have the video available of that?</p> <p>Mr Colvin: We are just checking the status of that at the moment. It may be that we just have the transcript and not the video. We will have to take that on notice.</p>			
22	AFP	Xenophon	Alan Kessing	<p>Senator XENOPHON: But that begs a very big question as to whether it was actually disclosed that Lipson told Ayliffe told that he had a couple of sources.</p> <p>Mr Negus: I cannot answer anything more than that. I am happy to take on notice again the questions about what specifically was disclosed and I can give you some more information...</p> <p>...</p> <p>Senator XENOPHON:... Reference was made to Mr Kessing being a disgruntled employee of Customs and that was part of the circumstantial case against him. Was that information that was provided by the AFP as a result of your investigations or was that coming directly from Customs?</p> <p>Mr Negus: I could not answer that without taking it on notice. Again, this goes back to 2005. The officers sitting at the table here were not intimately involved with the investigation. For those sorts of details we would have to</p>	L&C 60-62	16/12/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>seek the people who were involved in putting the brief together.</p> <p>Senator XENOPHON: Take that on notice because that is a pertinent issue. The investigation made reference to the reports in the <i>Australian</i> which triggered the investigation in terms of the leak of the report. The 31 May 2005 and 1 June articles by Jonathan Porter and Martin Chulov referred to a source describing events in relation to Schapelle Corby and cocaine importation from South America. I think he describes the source the journalist has as an eyewitness referring to CCTV footage. Was that part of the circumstantial case against Mr Kessing?</p> <p>Mr Negus: Without actually having reference to the brief of evidence—</p> <p>Senator XENOPHON: You can take that on notice. I do not expect you to answer it now.</p> <p>Mr Negus: Yes.</p> <p>Senator XENOPHON: There was also correspondence from the regional director on 13 May 2005 to Mr Kessing's supervisor, Ms Magni, raising issues about the reports in question. This was prior to the publication of the <i>Australian</i> article. There was a response by Ms Magni saying that 'not only are we aware of these reports'—that is, within that office—'but the issues are still quite pertinent in terms of issues of security breaches that were raised in the reports written by Mr Kessing'. Could you take on notice whether that formed part of the circumstantial case or whether that material was disclosed to the defence?</p> <p>Mr Negus: I am happy to take those questions on notice....</p>			
23	AFP	Ludlam	Child protection operations	<p>Mr Negus:... During 2011-12 the AFP has 53 dedicated officers to conduct child protection operations. We talked about this earlier in the day but at any time the AFP can bring people into and out of particular areas of investigation as the need arises. For instance, we could have 400 people working on a counterterrorism operation yet there are 149 working in that portfolio. It is matter of what the priorities are. In 2010-11 there were a total of 98,669 hours expended on incident types relating to child protection operations. Almost 100,000 hours were expended in child protection operations. Nearly 56,000 of those were from the High-Tech Crime Operations area. Almost half again is from our generalist investigative pool with Assistant Commissioner Gaughan's specialists providing half of that total.</p> <p>Senator LUDLAM: Are you quoting from the PBS?</p> <p>Mr Negus: No, it is from an internal brief. A total of 576 members from across the AFP contributed to these hours. If you think about the number of</p>	L&C 62-63	28/11/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>investigators we have, almost 600 of them at some stage worked on child protection operations throughout the year. I talked before about it being an ever-growing problem and it is something we are really focusing on with something like 750-plus apprehensions since 2005 when the High Tech Crime Operations portfolio was put in place, and over 1,000 charges.</p> <p>...</p> <p>Senator LUDLAM: Could I ask you to table whatever part of the briefing you have got that is suitable for public release.</p> <p>Mr Negus: Yes, absolutely.</p>			
24	AFP	Ludlam	Online child sexual abuse	<p>Senator LUDLAM: ... What are you doing preventatively with offenders?</p> <p>Mr Gaughan: Nothing specifically with offenders, I suppose. But we are also working with the telecommunications industry and the ISPs to block this type of offending material, which has been reasonably successful.</p> <p>Senator LUDLAM: It does not get rid of it though and it does not stop people going looking for it. I am not disputing the value of all those other things. Specifically going to the issue of the people who are popping up, who you are prosecuting or who you suspect of doing this stuff, what is out there for rehabilitation and what is out there for therapy for whatever can be brought to bear on the people who are offenders?</p> <p>Mr Gaughan: There are processes in place through the judicial process for dealing with offenders. It is not really a market that the AFP historically has been involved in whether it be for this crime type or any other crime type. That said, we are working with academia to actually try to come up with some solutions to break the offending cycle. That is the importance of what the VGT is doing in relation to some of the international conferences we have been hosting. One we are going to host in the UAE shortly will try to address some of those issues.</p> <p>Senator LUDLAM: I will leave it there. It does not sound like it is part of your core business, but I just wonder, rather than me working through a maze of different departments and portfolios, whether you can pull out for us who is doing the work? Is it child protection at a state level or what do you do? ...</p> <p>Mr Gaughan: We will take that on notice. I was just talking to Mr Wilkins, and between ourselves and the department we may be able to give you a steer of where, if any, action is being taken.</p>	L&C 63-64	1/12/2011	9/02/2012
25	AFP	Ludlam	Online child pornography	<p>Senator LUDLAM: When I asked ACMA similar questions in sessions past about the much broader range of material that is subject to domestic takedown orders or on the domestic refused classification list they provided us with a</p>	L&C 65	1/12/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>list of categories of kinds of material without identifying the URLs obviously. They did that periodically, numbers of links, whether it is a high-level host or an individual item on a particular site and a rough breakdown of categories of material. Are you able to do something similar for us?</p> <p>Mr Gaughan: I would have to take that on notice.</p>			
26	AFP	Cash	AFP services regarding Contract Notice	<p>Senator CASH: My question is in relation to a contract notice.</p> <p>Mr Negus: We will do our best to answer it.</p> <p>Senator CASH: It is contract notice No. CN437586. The agency is the Department of Immigration and Citizenship, the category is police services, the contract period is 12 April 2011 to 30 June 2012, the contract value is \$753,605.41 and the description is 'AFP cost'. It says 'Villwood centre'. Is it meant to say Villawood centre?</p> <p>Mr Negus: Like you, I would imagine so. We do actually send invoices to the department of immigration but I would not have thought they would be classified under a contract.</p> <p>Senator CASH: No, it has come up as: 'Name: Australian Federal Police; Contract name: Property procurement and contracts'. My question, basically, is: what is it for?</p> <p>Mr Negus: It might be best if we take it on notice. Broadly we do invoice DIAC for services provided, such as the Villawood detention centre or—</p> <p>Senator CASH: What type of services would you have provided to, say, Villawood detention centre?</p> <p>Mr Negus: Policing services which would be above the normal response to a particular incident.</p> <p>Senator CASH: For example, during the riots?</p> <p>Mr Negus: That is right; Christmas Island, likewise. There has been a recuperation of funds expended in those environments to support DIAC and Serco in those environments.</p> <p>Senator CASH: Are you able to provide that information to me today, by any chance?</p> <p>Mr Negus: We will do our best. We are just making sure we can get some information at this time. We will certainly get something back to you—yes or no.</p> <p>Senator CASH: Thank you very much.</p> <p>...</p> <p>Mr Wilkins: Chair, I have a communication here from the Australian Federal Police and it is asking me to advise this committee that, in relation to Senator</p>	L&C 66-67, and 95-96	16/12/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>Cash's question to the AFP in relation to the DIAC contract, and advise that this contract had been of course generated by DIAC. They are still trying to get a response to your question. I am advised by the AFP that, unfortunately, it will not be available this evening.</p> <p>Senator CASH: Thank you very much.</p>			
27	AFP	Humphries	Christmas Island staffing	<p>Senator HUMPHRIES: Can I ask about AFP operations on Christmas Island at the moment. Can you tell me how many staff are currently on Christmas Island?</p> <p>Mr Drennan: There are 46 currently on Christmas Island.</p> <p>Senator HUMPHRIES: How many of them are from the International Deployment Group, and how many of them are permanently stationed Christmas Island community police officers?</p> <p>Mr Drennan: There would be three categories of people on the island. Of those who are currently there, there are 10 who we call members of the Christmas Island police; they are either AFP or special members of the AFP who are positioned there. As far as the actual numbers for the other two categories go—some of them are there for public order, and the third category are those that are there in regard to people-smuggling investigations—there are 21 of the public order people.</p> <p>Senator HUMPHRIES: The public order people being the ones looking after the detention facilities?</p> <p>Mr Drennan: They do not actually look after the detention facilities, but if there were to be some violent activity there then, yes, they would step in to support Serco and have the day-to-day running of those facilities under DIAC.</p> <p>Senator HUMPHRIES: That is what I meant to say.</p> <p>Mr Drennan: That is just to be clear for the record. That would leave 15 in regard to people smuggling.</p> <p>Senator HUMPHRIES: All right. Could you take it on notice to tell us—perhaps on a month-by-month basis over the last 12 months—how many AFP officers have been on the island and how they break up between those three categories, please.</p> <p>Mr Negus: We did provide that at the last estimates, I think. Certainly we can do it from that period to now.</p> <p>Senator HUMPHRIES: If you could, yes—just from the last set of figures till now, please. That would be good.</p>	L&C 67	6/12/2011	9/02/2012
28	AFP	Humphries	Christmas island	<p>Senator HUMPHRIES: ... Between 9 and 12 June there was a riot on</p>	L&C 68	28/11/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
			riots	<p>Christmas Island involving approximately 100 detainees, with a group on the roof of one of the buildings, I understand. I understand that they were using metal poles and concrete blocks as weapons. Perhaps you can take this on notice: could you give us details of the weapons that were allegedly used by those people with respect to that incident, and can you also update us on the status of charges out of that incident, please.</p> <p>Mr Colvin: We will take on notice the particular details of what weapons, but the matter is ongoing.</p>			
29	CDPP	Humphries	People smuggling	<p>Senator HUMPHRIES: Has anybody in those last three years been given the maximum penalty, which I understand is 20 years imprisonment for involvement in people smuggling?</p> <p>Mr Colvin: No, no-one has received the maximum penalty.</p> <p>Senator HUMPHRIES: Do you know what maximum penalty has been imposed by the courts?</p> <p>Mr Colvin: No, I would have to take that on notice.</p>	L&C 68	28/11/2011	9/02/2012
30	AFP	Hanson-Young	Christmas Island staff	How many Australian Federal Police are still on Christmas Island?	Written	28/11/2011	9/02/2012
31	AFP	Rhiannon	AFP Commissioner's Chief of Staff	<ol style="list-style-type: none"> Does the AFP Commissioner Tony Negus have a chief of staff? If not why not? If there is no chief of staff who is the senior staff person in the Commissioner's office? 	Written	28/11/2011	9/02/2012
32	AFP	Rhiannon	Development aid money	<ol style="list-style-type: none"> How much of the development aid money allocated to the AFP is spent in Australia? What projects is this money spent on? 	Written	14/12/2011	9/02/2012
33	ACBPS	Abetz	Staffing issues	<p>Senator ABETZ: Was the director—and I do not want names—of National Pay and Accounts responsible for the overseeing of this task?</p> <p>Mr Carmody: No, they were involved in a lot of the testing and specifications, but they were not responsible for the overall project.</p> <p>Senator ABETZ: Which person—not by name designation but by position—was responsible for the overall delivery of these two projects?</p> <p>Mr Carmody: That changed over time, but in the latter part we assigned an</p>	L&C 71-72	10/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>individual SES officer. Her exclusive role was to bring the project to fruition. Senator ABETZ: And it has not come to fruition? Mr Carmody: Yes, it has. It is operating now. We have been paying through that system since the first pay in this financial year. Senator ABETZ: So it has now come to fruition, but with a write-off of considerable millions of dollars. Has that person received a bonus payment? Mr Carmody: I do not know, but the person who delivered that took over a project—as is evident from the impairments or write-offs—that was not delivering to the standard we expected, so I am not doing her performance assessment now. But that person actually brought the project on track. Senator ABETZ: Was that person paid a bonus? Mr Carmody: I do not know. Senator ABETZ: You can take that on notice. You can give us a date on notice as to when responsibility shifted from one designated officer to another, keeping in mind I do not want to know names. Mr Carmody: I understand. Senator ABETZ: And whether the predecessor person—if I can describe it as such—who was responsible for implementing this was paid a bonus in the previous years. Mr Carmody: We will take that on notice.</p>			
34	ACBPS	Brandis	Irregular maritime arrivals	<p>Senator WRIGHT: Just turning to the second boat, this was the boat with 105 Hazaras aboard which went missing on or around 2nd or 3rd of October 2009. The home affairs minister, Brendan O'Connor, was reported in the <i>Sydney Morning Herald</i> on 25 May 2010 as saying that 'subsequent credible information' to Customs showed the boat's difficulties had been resolved. He later added: ... surveillance activities that day by border protection command did not detect a vessel in distress. But since then, Customs and Border Protection has been quoted as saying: ... information Customs and Border Protection received about a vessel in distress on 3 October 2009 may have referred to this incident ... Customs and Border Protection advised the Australian Maritime Safety Authority ... of a possible distress situation, including possible vessel coordinates ... AMSA contacted ... the Indonesian National Search and Rescue Agency, who accepted responsibility for coordinating the search. So my first question in relation to this vessel is: where did Customs get the information from that there was a boat in distress?</p>	L&C 75-76	16/12/2011	9/02/2012

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				<p>Mr Carmody: I do not know that I can go into specific detail of intelligence we receive, but it was a report about a possible vessel in distress. We did cover this in the estimates hearing in May of last year.</p> <p>Senator WRIGHT: My understanding is that additional information has come to light, which is why I am asking these questions again. So there was a report that there was a boat in distress?</p> <p>Mr Carmody: We received a level of intelligence that a vessel may have departed and be in distress. Then we provided that information to AMSA. Because the possible location was reported to be in the Indonesian search and rescue zone, AMSA then, as is normal practice, provided that information to BASARNAS, the Indonesian search and rescue authority. I am not quite sure of the sequence. Shortly after we got the initial evidence, we got a further source of intelligence that said that the vessel was no longer in distress. BASARNAS also reported back that they had been unable to locate a vessel in distress. Notwithstanding that, we continued a flight pattern just to make sure as best we could whether there was such a vessel in distress and that showed no evidence, there was no sighting of the vessel.</p> <p>Senator WRIGHT: But it sounds from your answer that there was no firm evidence that the vessel had been located, so—</p> <p>Mr Carmody: We never located a vessel—</p> <p>Senator WRIGHT: the assumption was that because no vessel was found, there was not a vessel.</p> <p>Mr Carmody: We do not know. The truth is that we just do not know. There were those reports. We pursued them. AMSA pursued them. We were never able to locate the vessel.</p> <p>Senator WRIGHT: What date was that initial report made?</p> <p>Mr Carmody: On 3 October 2009.</p> <p>Senator WRIGHT: You have indicated that you do not feel at liberty to indicate who made that initial report.</p> <p>Mr Carmody: That is right.</p> <p>Senator WRIGHT: What degree of credibility was attached to the report?</p> <p>Mr Carmody: It was sufficient for them to make the report for us. We take all these issues seriously because of the potential consequences. We judged it sufficient to raise it with AMSA and then judged it sufficient to raise it with BASARNAS. Notwithstanding BASARNAS's response that they were unable to locate any such vessel in distress, we did take the precaution of continuing to do a flying pattern to attempt to locate it.</p>			

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				<p>Senator WRIGHT: What period of time was that over?</p> <p>Mr Carmody: It was over a number of days, I think.</p> <p>Senator WRIGHT: You are not quite sure but you think it was a number of days?</p> <p>Mr Carmody: No, I do not have the exact detail of the flying time but it was a few days.</p> <p>Senator WRIGHT: I might ask you to take that question on notice and then we can establish what period of time.</p> <p>Mr Carmody: We will take that on notice.</p>			
35	ACBPS	Brandis	Irregular maritime arrivals	<p>Senator BRANDIS: I am going to pursue the issue that Senator Wright has just been pursuing about these two missing vessels. Let us start with what we might call the October 2009 vessel. Your agency answered in question on notice No. 86, taken from Senator Ronaldson at the last estimates, that it had conducted a review into the incident and that there may have been a boat carrying 105 Hazara asylum seekers. When was that review instigated? In particular, was it only instigated after the matter was first reported in the press on 17 January 2010?</p> <p>Mr Carmody: Following the report on 18 January, we conducted a further review of our holdings of information, which confirmed, as I understand it, the information we had previously given in Senate hearings.</p> <p>Senator BRANDIS: Who ordered the review? Did you order it, Mr Carmody, or did the minister order it?</p> <p>Mr Carmody: I did not; I do not know who.</p> <p>Senator BRANDIS: Mr Pezzullo?</p> <p>Mr Carmody: Mr Pezzullo can tell you.</p> <p>Mr Pezzullo: After the emergence of media reporting, which itself was based on very similar phenomena to the matter that you discussed before with the AFP about where family members come forward, both the Department of Immigration and Citizenship and the Federal Police advised us of concerns being raised by family members. Coincidental with the publication of the media report in the <i>Age</i> on 18 January—I cannot quite remember the sequence; I will have to take that on notice—I directed the intelligence assessment team, which works within Customs and Border Protection but which draws together relevant reports from all agencies, to review, as Mr Carmody just put it, all of our holdings on the matter, all the contemporaneous sources of information that we had, including the information that Senator Wright just went to. We satisfied ourselves that there</p>	L&C 76-77	10/02/2012	1/03/2012

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				<p>was nothing further that had come to light in the period between October 2009, when the incident contemporaneously had occurred, and January 2010, when those media reports started to emerge. I satisfied myself that there was no further information that we had to hand. Nonetheless, as is stated in the response to question on notice No. 86, we took the liberty of consulting again with a number of other agencies just to make sure that no-one had any fresh information that had come to light since.</p> <p>Senator BRANDIS: So you initiated this review.</p> <p>Mr Pezzullo: Yes.</p> <p>Senator BRANDIS: And the review, having canvassed the matters you have just mentioned, reached the conclusion you have just given. What became of the review? To whom was it sent? Was it, for example, sent to your minister?</p> <p>Mr Pezzullo: Indeed, as is referred to in the answer as part (e), a brief on the review that had been conducted was submitted to the Minister for Home Affairs on 20 January 2010.</p> <p>Senator BRANDIS: That review has never been made public, has it?</p> <p>Mr Pezzullo: No.</p> <p>Senator BRANDIS: What is the reason?</p> <p>Mr Pezzullo: Elements of it would be highly classified.</p> <p>Senator BRANDIS: What sort of elements?</p> <p>Mr Pezzullo: Some of the matters that Mr Carmody was going to earlier in terms of how we come to learn certain things about the status of a vessel, the syndicates that put them to sea and other relevant matters.</p> <p>Senator BRANDIS: Certain operational, policing, surveillance matters—</p> <p>Mr Pezzullo: And intelligence matters.</p> <p>Senator BRANDIS: and intelligence matters would be highly confidential. I can understand that. Why can't the review with the redaction of those matters be published?</p> <p>Mr Pezzullo: That is something I would have to look at very carefully, to take on notice and give consideration to.</p> <p>Senator BRANDIS: I am asking you to do that, Mr Pezzullo and Mr Carmody.</p>			
36	ACBPS	Brandis	Irregular maritime arrivals	<p>Senator BRANDIS: ... Was there a time line as well between the point at which you understood the [October 2009] vessel to be in distress and the point at which your best information was that the vessel was no longer in distress and had resumed its journey? In other words, how many hours after the report that the vessel was in distress was the last real-time evidence that</p>	L&C 80	6/12/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>you had that it was continuing to undertake its journey?</p> <p>Mr Pezzullo: I will correct the record if required but, as I recall it, it all transpired within a matter of hours.</p> <p>Senator BRANDIS: Within a matter of hours. Okay. And, at the time the vessel was believed to be in distress, was it in international waters?</p> <p>Mr Pezzullo: I would have to take that on notice. In terms of the possible coordinates, which were not precise, not down to seconds in terms of latitude and longitude, I would have to take that on notice; but it certainly was, because of the AMSA referral process, in Indonesia's search and rescue zone.</p> <p>Senator BRANDIS: It was in the Indonesian search and rescue zone, and it may or may not have been in international waters.</p> <p>Mr Pezzullo: Whether it was in their contiguous zone or just outside, I just do not recall.</p> <p>Senator BRANDIS: That is fine.</p>			
37	ACBPS	Brandis	Irregular maritime arrivals	<p>Senator BRANDIS: So it is the person who is in charge on the shift at that particular time who makes the call to send an urgent message to AMSA?</p> <p>Ms Grant: The officer in that area needs to be notified. If the information comes in through, say, our intelligence side of the business, our intel part of the business will inform the operations floor so they can immediately pass that information to AMSA.</p> <p>Senator BRANDIS: I understand that. I am just trying to get the sequence right. There must be a person whose task it is in circumstances like these to make a call—in other words, to conclude that there is a sufficiently serious or grave situation that AMSA should be contacted. Who was that person on this particular occasion?</p> <p>Ms Grant: I would have to take the name on notice to get exactly the position—</p> <p>Senator BRANDIS: That is fine; you do that, Ms Grant.</p>	L&C 81-82	2/12/2011	9/02/2012
38	ACBPS	Brandis and Humphries	Irregular maritime arrivals	<p>Senator BRANDIS: As you said before—or perhaps it was Mr Pezzullo—a log is kept. That log would tell us how many hours or minutes—or even seconds potentially—elapsed between the making of the call or the declaration that there may be a distress situation, to conveying it to the watch-keeping officer and the watch-keeping officer conveying the message to AMSA and AMSA in its turn conveying the message, as in a case like this, to the Indonesian search and rescue authorities.</p> <p>Ms Grant: The log, in the terms you are probably envisaging, is kept in the Border Protection Command, so they would log in the time they receive the</p>	L&C 82 and 95	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>information from the intelligence officer, and they would log the time they made the call to AMSA. Once it gets to AMSA, they have their own log records.</p> <p>Senator BRANDIS: Of course, and we can ask AMSA that in another committee. Can those sections of the log from the time the call was made that there was possibly a vessel in distress to the time at which AMSA was contacted—can those parts of the log be produced, please?</p> <p>Ms Grant: We can certainly take it on notice to produce a declassified version.</p> <p>...</p> <p>Senator HUMPHRIES: I want to follow up something. Earlier today, there was reference to the communication that Customs and Border Protection was likely to have sent to AMSA in relation to that boat of October 2009. Is it possible to have that correspondence tabled?</p> <p>Mr Carmody: We will take that on notice and if it is possible we will provide it.</p> <p>Senator HUMPHRIES: Thank you.</p>			
39	ACBPS	Brandis	Irregular maritime arrivals	<p>Senator BRANDIS: You said that there had been aerial surveillance on—was it the 5th, did you say, Mr Carmody?</p> <p>Mr Carmody: It was 3 October and 5 October.</p> <p>Senator BRANDIS: And that aerial surveillance would have been focused on the coordinates of the vessel, of course?</p> <p>Mr Carmody: The broad area that those coordinates indicated. They were not precise coordinates, as Mr Pezzullo has already mentioned.</p> <p>Senator BRANDIS: I understand that. My point is that you were not searching the whole of the Arafura or the Timor Sea. You knew where to look for this vessel.</p> <p>Mr Carmody: We might have been on the day but this particular flight was directed because of that incident.</p> <p>[Brandis: Because of that incident. you knew where to look, you sent the surveillance flights over and the surveillance flights could not find anything?]</p> <p>Mr Carmody: That is correct.</p> <p>Senator BRANDIS: Approximately how far from the nearest coastline were the coordinates?</p> <p>Mr Carmody: I am not sure I can answer that precisely. My understanding of the coordinates, as Mr Pezzullo has indicated—and I do not understand these terms—was that the last figure on the coordinates, which is the seconds, was</p>	L&C82-83	6/12/2011	9/02/2012

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				not included. That means it was quite a sizeable box, a large area. Senator BRANDIS: How many square kilometres? Mr Carmody: We would have to take that on notice. I do not have that detail here.			
40	ACBPS	Brandis	ACBPS Staffing	Senator BRANDIS: Have any border protection officials take stress leave or had stress related illnesses over the past 12 months and, if so, how many? Ms Grant: We would need to take that on notice. Senator BRANDIS: That is fine. Have any customs staff stationed on Christmas Island take stress leave or had stress related illnesses and, if so, how many? Ms Grant: Likewise, we would need to take that on notice.	L&C 88	16/12/2011	9/02/2012
41	ACBPS	Brandis	ACBPS staffing	Senator BRANDIS: What is the breakdown by APS classification of staff in the Trade Measures Review Branch? Mr Carmody: Can we take that on notice ? Senator BRANDIS: Yes. For how many years have those staff—that is, the staff in the trade measures review branch—been in (a) the branch, (b) Customs and (c) the Public Service? Mr Carmody: We will have to take that on notice. It is now the Trade Remedies Branch. Its full title is: International Trade Remedies Branch.	L&C 88	6/12/2011	9/02/2012
42	ACBPS	Brandis	Aerial surveillance	Senator BRANDIS: Let me just ask you this: were the number of hours of aerial surveillance conducted in 2010-11 by the aggregate of the Customs Dash 8 aircraft and the RAAF assets greater or less than in the previous year? Ms Grant: In terms of hours, I would need to take that on notice. Senator BRANDIS: Do you know? Ms Grant: No, I do not know because we do not record our results in terms of hours. We record our results— Senator BRANDIS: What is your benchmark measurement then? If it is not hours of surveillance, what is your benchmark measurement? Ms Grant: It is the area of surveillance coverage we achieve, how many million square nautical miles we cover in the areas of interest— ... Senator BRANDIS: I do not think this should be as hard as perhaps I am making it. I want, according to your benchmark, a comparison—comparing like with like—as to whether there was more or less aerial surveillance in 2010-11 than in 2009-10. Whatever the benchmark or the yardstick is, I just want to know whether you undertook more aerial surveillance last year than in the previous year.	L&C 92-93	28/11/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>Mr Carmody: I think Ms Grant has already answered that, if you go back to the point before—and I am sure she will correct me if I am wrong—when she indicated our benchmark of square nautical miles. I should point out that that is not static. It is not just a case of looking at the map and saying, 'Well, there's that many square nautical miles.' It is the number of times you fly over that adds to the square nautical miles coverage, so it is a cumulative total, to address the point you were making earlier. I think Ms Grant has already indicated that, because of the composition of that flying, particularly the long-haul flights to Christmas Island—you would be aware of the tragedy there and some of the increased flying—the overall cumulative square nautical miles covered were increased.</p> <p>Ms Grant: I can confirm that the million square nautical miles that we flew in 2010-11 was more than we flew in 2009-10.</p> <p>Senator BRANDIS: Do you have those figures in front of you? Could you read them onto the record for me?</p> <p>Ms Grant: We achieved 147.76 million square nautical miles in the 2010-11 year which exceeded the PBS target by 2.7 6 million, the target being 145. I do not have with me the exact number of hours for the 2009-10 year but I do recall that we came in slightly under target for last year so that is why I can say that 2010-11 was greater than 2009-10, but I would need to take on notice to provide you with the precise number for 2009-10.</p> <p>Senator BRANDIS: Could you do that for me please?</p>			
43	ACBPS	Xenophon	Alan Kessing	<p>Senator XENOPHON: ... I just want to go to a couple of issues. Firstly, Mr Kessing wrote, through my office, on 12 August a letter of response to Mr Coles at the Attorney-General's Department in relation to his application for a pardon under the royal prerogative of mercy. We know from the evidence given earlier today during my questioning of the AFP commissioner that the AFP was provided with a copy of that letter of 12 August, presumably in order to comment on it for the Attorney-General's office to consider. Can you advise whether Customs received that letter or whether there have been any communications with the Attorney-General's Department in relation to Mr Kessing's application for a pardon.</p> <p>Mr Carmody: We are not aware of any. We will correct that if it is the case but on the material we have we are not aware of having received that.</p> <p>Senator XENOPHON: Could you double-check that.</p> <p>Mr Carmody: I will double-check it, of course.</p>	L&C 93	14/12/2011	9/02/2012
44	ACBPS	Xenophon	Alan Kessing	<p>Senator XENOPHON: That does surprise me, because a letter from the</p>	L&C 93-94	6/12/2011	9/02/2012

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				<p>Commonwealth Director of Public Prosecutions dated 17 May 2010 to the Attorney-General's Department set out reasons why Mr Kessing should not receive a pardon. One of those reasons set out in terms of so-called circumstantial evidence was that Mr Kessing was: ... a disgruntled employee of the Australian Customs Service and therefore had a motive to seek to embarrass the Australian Customs Service or to publicly expose what he perceived as the Australian Customs Service's inaction regarding the subject matter of the reports by leaking the reports to the media. Presumably the conclusion that Mr Kessing was a disgruntled employee would have been something that would have come from his employer, namely, the Australian Customs Service. Mr Carmody: I cannot comment on that. That is not something I am aware of. Senator XENOPHON: Could you take it on notice. Mr Carmody: Absolutely. Senator XENOPHON: That is something that would be within your knowledge, presumably. Mr Carmody: Sorry, yes, I was just saying that I do not have that information with me at the moment. I am more than happy to take it on notice and clarify. ... Senator XENOPHON: To what extent was the assertion from the Commonwealth DPP that he was a disgruntled employee founded in any material provided by the Australian Customs Service? Mr Carmody: I will provide that to you on notice, Senator.</p>			
45	ACBPS	Xenophon	Alan Kessing	<p>Senator XENOPHON: Can I just go to a letter from the region again—I am happy for you to provide this on notice. The regional director of Customs for New South Wales on 13 May 2005 sent an email to Mr Kessing's supervisor, Ms Catarina Magni, which in summary says, 'What do you know about reports that have been prepared about security at Sydney airport?'—regarding the security issues, presumably they are the reports that Mr Kessing prepared back in 2003-04. There was a response from Ms Magni on 16 May 2011 saying, words to the effect, that, 'Yes, we are aware of these reports and these issues are still pertinent, or the concerns are still valid in terms of the security concerns.' When did the regional director become aware of the reports referred to in his email of 13 May 2005? What was the nature of the regional director's understanding of those reports? How many people within Customs</p>	L&C 94	6/12/2011	9/02/2012

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				were aware of the reports that Mr Kessing was charged with and later convicted of leaking to the media? And I note that Mr Kessing continues to deny this vehemently. Could you take that on notice as well? Mr Carmody: I will take that on notice.			
46	ACBPS	Williams	Illicit tobacco trade	<ol style="list-style-type: none"> 1. What is the government doing to reclaim any of the \$1.1 billion in lost revenue caused by the illicit tobacco trade? 2. If Plain Packaging is implemented, how much more revenue is expected to be lost due to the illicit trade? 	Written	1/12/2011	9/02/2012
47	ACBPS	Hanson-Young	Irregular maritime arrivals	How many boats have customs and border protection received intelligence about?	Written	28/11/2011	9/02/2012
48	ACBPS	Brandis	Incoming passenger cards	<ol style="list-style-type: none"> 1. Does Customs and Border Protection Service keep incoming passenger cards that passengers fill out upon entering Australia? 2. If so, how long do they keep them for and who can they be accessed by? 	Written	28/11/2011	9/02/2012
49	ALRC	Humphries	ALRC advisory committee	<p>Senator HUMPHRIES: ... I have a question about the ALRC advisory committee. What is the current composition of the advisory committee?</p> <p>Prof. Flew: Two part-time commissioners continue to advise the ALRC, Justice Collier and Justice Kenny. Otherwise, advisory committees I believe have been formed on an ad hoc basis around particular inquiries. For instance, the classification review has an advisory committee of 14 members representing industry and government.</p> <p>Senator HUMPHRIES: Do you describe the work of the advisory committees in the annual report?</p> <p>Prof. Flew: I would have to have a look at that. I might have to get back to you.</p> <p>Senator HUMPHRIES: If you do, that would be great. If you do not describe it in the annual report, a short description of what it has been doing over this last financial year would be useful. I also would like to know how many times the advisory committee, however composed, has met and, if possible, the agenda items discussed.</p> <p>Prof. Flew: I will take those questions on notice.</p>	L&C98	28/11/2011	9/02/2012

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50	ALRC	Siewert	Review of compensation payments	<p>Senator SIEWERT: I am interested in following up some recommendations from the committee's report on the review of compensation payments from last year and specifically the comments that were made in the report about Centrelink debt. Have you done any work or had a look at the waiver of debt provisions contained in social security legislation?</p> <p>Prof. Flew: I would have to take that question on notice. Others have worked on that inquiry and I could get them to provide you with the information on that.</p> <p>Senator SIEWERT: In that case, you will probably have to take this question on notice too. If you are looking at the issues, the recommendations and the comments that were made in the report, where are you up to in that process and what is the time frame for completing that work?</p> <p>Prof. Flew: I will take that question on notice.</p>	L&C 98	28/11/2011	9/02/2012
51	ASIO	Brandis	Foreign visitors	<p>Senator BRANDIS: ... You may perhaps want to take this next question on notice. Are you aware of foreign visitors who entered Australia to participate in either of the recent two Hizb-ut-Tahrir conferences—that is, the July conference in Sydney and the October conference in Melbourne?</p> <p>Mr Irvine: I will have to take that on notice.</p> <p>Senator BRANDIS: Would you also take on notice how many there were and from which countries they came.</p> <p>Mr Irvine: Yes.</p>	L&C 101	1/12/2011	9/02/2012
52	ASIO	Rhiannon	Juvenile people smugglers	<p>Senator RHIANNON: There are a number of young Indonesians in Australian jails who worked on boats that brought asylum seekers to Australia. Does ASIO have any involvement with these young Indonesians—I am referring to the young men who are under age—at any stage once they reach Australia?</p> <p>Mr Irvine: Off the top of my head, no.</p> <p>Senator RHIANNON: Does that mean no?</p> <p>Mr Irvine: To the best of my knowledge, definitely no. I am not sure whether they have been interviewed, but I think it would be most unlikely.</p> <p>Senator RHIANNON: As there does seem to be some uncertainty, could you take it on notice, please.</p> <p>Mr Irvine: Yes, I will take it on notice.</p>	L&C 101	1/12/2011	9/02/2012
53	ASIO	Cash	Security assessments	How long is it currently taking for ASIO to make security assessments of offshore entry persons?	Written	1/12/2011	9/02/2012
54	AGS	Brandis	Legal advice	Senator BRANDIS: Other than Mr Deane and leaving aside essentially	L&C 104	29/11/2011	9/02/2012

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				<p>formal matters like doing the solicitor's work in the High Court appeal, did other officers of the Australian Government Solicitor provide advice to the immigration department concerning the Malaysia solution?</p> <p>Mr Govey: I would need to take that on notice.</p> <p>Senator BRANDIS: Do you know?</p> <p>Mr Govey: No, I do not. I think it is true that other officers were involved but whether or not anybody else gave advice I am not sure about.</p>			
55	AGS	Brandis	Legal advice matters	<p>Senator BRANDIS: There is a schedule to the opinion. It is a one-page schedule. It lists 18 documents with which Messrs Gageler, Lloyd and Kennett were briefed. I do not mean any disrespect at all in saying this, but it is not perfectly clear from the face of the opinion precisely what questions they were asked to address. It is pretty clear the area that they were asked to address but the questions to which they respond are not formulated in the text of their opinion. What I am eager to know, because there has been a little bit of unpleasant political misrepresentation of the effect of the Solicitor-General's opinion, is what the precise questions were that Messrs Gageler, Lloyd and Kennett were asked to answer for their opinion of 2 September. Are you able to help us with that?</p> <p>Mr Govey: No, I am not.</p> <p>Senator BRANDIS: Are you able to tell us, or if you cannot take it on notice, whether in fact the instructions for that opinion came from your office?</p> <p>Mr Govey: I will need to take that on notice and talk to both my own colleagues and the department of immigration.</p> <p>Senator BRANDIS: Indeed it is not apparent from the face of this opinion who the client was. Counsel do not, for example, say, 'we were asked to advise'—X, Y, Z—'on these matters.' Would it be unusual for the Solicitor-General to be approached directly by a minister or even the Prime Minister to give advice without the interposition of an instructing solicitor?</p> <p>Mr Govey: I would have to take that on notice as well. I am certainly aware that it has happened and I do not just mean in recent times as I can say over many years. It was not unusual—I should not say 'unusual'—but it was not unknown for the Solicitor-General to receive those sorts of requests including under the former government.</p> <p>Senator BRANDIS: We know that on the evening of the High Court decision on 31 August the Solicitor-General briefed the cabinet viva voce, because the Prime Minister has said that. It was the day before she attacked the High Court. And we know, because the government has released the opinion, that</p>	L&C 105-106	29/11/2011	9/02/2012

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				<p>the Solicitor-General and his two senior colleagues provided an advice on 2 September and the Solicitor-General himself, though on this occasion without co-authorship, the following day provided another brief opinion about the guardianship aspects of the High Court decision as well. Now, given that the government itself has publicly released the Solicitor-General's two opinions, might I ask you, in those slightly unusual circumstances, to provide—or if your office had no involvement in commissioning the opinions to let us know, but this is if you did—the instructions to counsel so that the opinions might be properly interpreted and in particular the expressed questions that the Solicitor-General was asked to address, which would have appeared in the instructions to him, can be made part of the public record as well.</p> <p>Mr Govey: I will take that on notice but, as you would appreciate, that will not be a call that AGS makes.</p> <p>Senator BRANDIS: I understand why you say that. Mr Govey, there were other opinions not released by the government provided by the Solicitor-General before the High Court's decision. Did the Australian Government Solicitor instruct the Solicitor-General in relation to any of those opinions; that is, opinions about the Migration Act?</p> <p>Mr Govey: Again, I would need to take that on notice, but I know that he did work very closely with Ian Deane in particular.</p> <p>Senator BRANDIS: So would it be a fair surmise that, if the Solicitor-General did provide advice—as we know he did because we have been told so—that he would have provided that advice on the instructions of Mr Deane?</p> <p>Mr Govey: I really would prefer to take it on notice.</p> <p>Senator BRANDIS: Okay.</p>			
56	AGS	Brandis	Drafting of appeal submissions, and legal advice matter	<p>Senator BRANDIS: ... Were officers of your department involved in the preparation of the written submissions that were filed in the High Court on the appeal?</p> <p>Mr Govey: Yes.</p> <p>Senator BRANDIS: Did they draft those submissions or were the submissions drafted by the Solicitor-General and his office?</p> <p>Mr Govey: I am not sure of the precise details. I know that my colleagues from AGS were part of the Solicitor's team.</p> <p>Senator BRANDIS: Were officers of the Australian Government Solicitor, apart from Mr Deane, involved in the drafting of the terms of the document issued by the governments of Australia and Malaysia which has misleadingly been called an agreement but is described on its face as an arrangement in</p>	L&C 106	29/11/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>relation to asylum seekers?</p> <p>Mr Govey: Again, I would need to take that on notice.</p> <p>Senator BRANDIS: Did you or officers of your department at any time advise the government that it was likely to be successful in the High Court proceedings?</p> <p>Mr Govey: I will have to take that on notice as well. Again, it will not be a matter for us in AGS to provide the answer.</p> <p>Senator BRANDIS: I understand that.</p>			
57	CDPP	Brandis	Craig Thomson	<p>Senator BRANDIS: Have you had any reference from either the Australian Electoral Commission or Fair Work Australia or, indeed, from any other Commonwealth entity concerning the conduct of the Health Services Union's east branch and alleged non-compliance with its disclosure obligations?</p> <p>Mr Craigie: I am in the same situation. I cannot assist you.</p> <p>Senator BRANDIS: When you say you cannot assist me, are you telling me that the answer to my question is no, or are you telling me that you do not feel at liberty to answer my question?</p> <p>Mr Craigie: I think that is a question I should take on notice.</p> <p>Senator BRANDIS: If your position is that you know the answer but you feel you are not at liberty to provide it, then that is what you should say.</p> <p>Mr Craigie: I do not know the answer. I would be acting on a hunch if I were to give you one, and I do not think that would be helpful.</p> <p>Senator BRANDIS: You do not know the answer to that so you will take that question on notice and you will obviously reserve your right to decline to answer it on consideration when you have made your inquiries.</p> <p>Mr Craigie: Indeed.</p>	L&C 109	28/11/2011	9/02/2012
58	CDPP	Brandis	David Hicks	<p>Senator BRANDIS: Was that restraining order made on an interim basis when the matter was last before the court?</p> <p>Mr Craigie: As I understand it, yes.</p> <p>Senator BRANDIS: Was that a consent order?</p> <p>Mr Craigie: It would appear so.</p> <p>Senator BRANDIS: Who were the respondents? Obviously Mr Hicks. Was his publisher, William Heinemann, also a respondent?</p> <p>Mr Craigie: I do not have the process in front of me. That is what would help answer that question.</p> <p>Senator BRANDIS: I would just like to know what procedural steps have been taken and what orders have been made.</p> <p>Mr Craigie: If you permit me, I will take that on notice and we can refer to</p>	L&C 110	28/11/2011	9/02/2012

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				<p>the papers as filed and see who is indicated.</p> <p>Senator BRANDIS: Can you also tell me—surely you have this in front of you on your file—if there are any respondents other than Mr Hicks and his publisher and, if so, who they are?</p> <p>Mr Craigie: I do not have that detail.</p> <p>Senator BRANDIS: You do not know?</p> <p>Mr Craigie: Not in detail.</p> <p>Senator BRANDIS: Take it on notice please. On the interim orders that were made by the Supreme Court, were there ancillary orders made at the same time in relation to the disclosure of the location of proceeds?</p> <p>Mr Craigie: I am not across that particular detail. Again, it is something I can certainly give you on notice.</p>			
59	OPC	Brandis	Drafting instructions	<p>Senator BRANDIS: I have only one question for you, Mr Quiggin. Was your office responsible for drafting the Migration Legislation Amendment (Offshore and Other Measures Bill) 2011—that is, the government's bill to deal with the High Court's decision about the Malaysia solution—which was ultimately not proceeded with by the government?</p> <p>Mr Quiggin: Yes.</p> <p>Senator BRANDIS: From whom did you take instructions? Was it from the department of immigration or was it from any other department or agency?</p> <p>Mr Quiggin: The department of immigration was the instructing department for that bill.</p> <p>Senator BRANDIS: Were any other departments or agencies involved in providing you with instructions?</p> <p>Mr Quiggin: The Australian Government Solicitor was involved through in-house counsel.</p> <p>Senator BRANDIS: Was that Mr Deane?</p> <p>Mr Quiggin: Yes, and the Attorney-General's Department was involved at one point.</p> <p>Senator BRANDIS: Can you produce, please—and you may want to take this on notice—a copy of the drafting instructions you were given?</p> <p>Mr Quiggin: I would need to take that on notice.</p> <p>Senator BRANDIS: I might say, Mr Quiggin, in informing your thinking about whether you want to make any objection, that the bill is a public document and copies of the draft of the bill when it was still in an iterative stage were provided to Mr Abbott, Mr Morrison and me on 16 September by your client department. So if there is any privilege issue, your client has</p>	L&C 111	28/11/2011	9/02/2012

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				<p>waived that privilege by providing— Senator Ludwig: It is a bold claim, Senator Brandis, and Mr Quiggin has taken it on notice. He may have to refer to the primary department which has given him the instructions for determining— Senator BRANDIS: We are not talking about legal advice here. Senator Ludwig: It is still advice to government. Senator BRANDIS: We are not talking about legal advice here. What I am asking about is instructions in relation to the preparation of a legislative instrument which was provided to the opposition at an iterative stage and which is now a public document. That is all. Senator Ludwig: I understand what you are asking for, and I have just said that it will be taken on notice. CHAIR: You are actually asking for the drafting instructions, so Mr Quiggin is going to take that on notice. Senator BRANDIS: Thank you.</p>			
60	Program 1.1 ILHRD	Brandis	Migration Act amendments	<p>Senator BRANDIS: I am not going to press that any further. I am reading from what Senator Carr said to the Senate on 22 September in response to my question. Is it the truth that it is the view of the Office of International Law that the [Migration Act 1958] amendments are 'consistent with Australia's international obligation'?</p> <p>Senator Ludwig: The government says it is.</p> <p>Senator BRANDIS: I am asking whether that is the view of the Office of International Law.</p> <p>Senator Ludwig: You are entitled to ask the question and I am entitled to answer.</p> <p>Senator BRANDIS: This one is a little different. You see, I asked some questions of Senator Carr about the view of the Office of International Law and he came back into the Senate chamber and asserted that that was the view of the Office of International Law.</p> <p>Senator Ludwig: I do not recall that.</p> <p>Senator BRANDIS: Either he was telling the truth or he was not.</p> <p>Senator Ludwig: Do you have the transcript there?</p> <p>Mr Wilkins: Can we take that on notice, Senator?</p> <p>Senator Ludwig: I would not mind looking at the transcript just to confirm that. It is not that I doubt that you are saying it accurately; I just think on that basis that it would—</p> <p>Senator BRANDIS: I refer you to page 57 of the <i>Hansard</i> of 22 September.</p>	L&C 119	1/12/2011	9/02/2012

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				<p>Senator Ludwig: On that basis I am happy to take it on notice.</p> <p>Senator BRANDIS: Since you are taking it on notice, let me formulate the question very clearly. Is it the view of the Office of International Law that the government's amendments to the Migration Act are consistent with Australia's international obligations under both the UN refugee convention and the UN convention against torture?</p> <p>Mr Wilkins: I will take that on notice.</p>			
61	Program 1.1 ILHRD	Wright	David Hicks	<p>Senator WRIGHT: My questions are in relation to David Hicks. Has the government responded yet to the United Nations Commission on Human Rights regarding David Hicks' claims?</p> <p>Mr Wilkins: These are perhaps some questions that Mr Manning can answer.</p> <p>Mr Manning: The government's submissions were lodged last Friday.</p> <p>Senator WRIGHT: Can you tell us what that response was?</p> <p>Mr Manning: Not at this stage. The usual practice in these matters is not to comment on the detail of submissions while they are ongoing and I doubt, for example, that Mr Hicks' advocates have received a copy of it yet.</p> <p>Senator WRIGHT: Can you give any idea about when we might be able to see the content of the submission?</p> <p>Mr Manning: It is in the hands of the committee. I am unable to give you an indication of that off the top of my head.</p> <p>Senator WRIGHT: Given the intense public interest in the case of David Hicks, can the government publicly release any legal advice it may have received about the compatibility of David Hicks' military commission trial with international law, specifically the 1949 Geneva Conventions and the International Covenant on Civil and Political Rights?</p> <p>Senator Ludwig: The short answer is no. It is not intended to release it. I will reiterate for those who are new that there is a longstanding convention from Attorneys-General of both political persuasions not to release legal advice. You can ask questions in a limited way about whether the advice exists and a couple of minor procedural questions around that. The former Attorney-General, Mr Ruddock, I think put it eloquently back in 2004. It also goes to the issue of, if there are opinions or advices as the case may be, that it is for government, not for others.</p> <p>CHAIR: We can ask questions, Senator Wright, on did you seek a legal opinion, who sought it, who was it given to, when was the sort and how was it sought, but the content of it is confidential to the government.</p> <p>Senator WRIGHT: Thank you. Was a legal opinion sought in relation to</p>	L&C 119- 120	1/12/2011	9/02/2012

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				those matters which I have just outlined? Mr Manning: I would have to take that on notice, given the expiration of time.			
62	Program 1.1 ILHRD	Wright	David Hicks	Senator WRIGHT: Has the government sought advice as to whether or not David Hicks received a fair trial in accordance with minimum international standards? Mr Manning: Again, I will have to take that on notice.	L&C 120	1/12/2011	9/02/2012
63	Program 1.1 ILHRD	Williams	Tobacco plain packaging	<ol style="list-style-type: none"> 1. I assume the Attorney-General's department has been involved in the provision of legal advice regarding the proposed Tobacco Plain Packaging Bill. How much has been spent obtaining legal advice? 2. Who has been paid to provide legal advice? 3. What does that legal advice say? 4. How much was paid in 1995 to provide legal advice regarding plain packaging measures proposed by then Health Minister Carmen Lawrence? 5. How does current advice differ from the Attorney-General's department provided to Minister Lawrence? 6. As a result of the Attorney-General's advice at the time, Minister Lawrence reportedly dismissed the proposal, apparently saying "It is just not feasible. We would have to buy the tobacco companies trademarks and that would cost millions of dollars" In 1995, how much did your department estimate would have to be paid? 7. How much would the government have to pay today to tobacco companies if plain packaging is implemented? 8. Do you believe legal challenges might ensue as a result of the government's plain packaging legislation? 9. Have you seen the "robust legal advice" referred to by Health 	Written	1/12/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>Minister Roxon?</p> <p>10. Are you confident this legal advice would withstand a High Court challenge?</p> <p>11. Has the department paid for legal opinions on whether the Plain Packaging proposal threatens not only domestic legal obligations, but international treaties and obligations as well?</p> <p>12. If so, how much has been spent?</p> <p>13. The Trade marks Amendment Act proposed by the government is contrary to the fundamental principles of trade marks law which protect and enshrine the rights of registered trade marks, their owners and authorised users. Are there plans to compensate owners of other trade marks besides tobacco in the future?</p>			
64	Program 1.3 SID	Wright	Aboriginal and Torres Strait Islander Legal Services funding	<p>Senator WRIGHT: In relation to community legal centres and services, officers from the Attorney-General's Department have commented to some Aboriginal and Torres Strait Islander legal services that a different funding formula is used in determining funding to these bodies when compared to other community legal services. Is that so?</p> <p>Ms Chidgey: We do use a particular funding allocation model for funding Aboriginal and Torres Strait Islander legal services. The model is based on a range of factors, including the distribution of Indigenous populations and other demographic data. It includes estimates for demand and also weighted factors for cost-of-service delivery. The model is designed to ensure that funding is allocated to areas where demand for services is likely to be higher including, for example, due to education and employment levels and where also the cost of delivering services is higher, such as remoteness and non-English speakers.</p> <p>Senator WRIGHT: How does that compare with the formula applied to non-Aboriginal community legal centres?</p> <p>Mr Arnaudo: In relation to community legal centres there is no one model because there is quite a lot of diversity in the sector. Also, state and territory</p>	L&C 120- 121	28/11/2011	9/02/2012

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				<p>governments provide funding to those services. In Indigenous legal aid the Commonwealth is largely the exclusive funder of Aboriginal and Torres Street Islander legal services. The states make some contributions in some places. There are different types of services being provided in that context which are not directly comparable. Perhaps the closest comparison would be for mainstream legal aid commissions for the funding that the Commonwealth provides to the states and territories and they use the model with different factors, because there are different client groups and different types of matters, which is very similar to the model we use in Indigenous legal aid. So there is a similarity there but in terms of community legal centres there are differences with the community legal centre model. Because of the diversity in that sector, it is quite different from the model we use for Indigenous legal aid.</p> <p>As Ms Chidgey explained, with Indigenous legal aid we use very much population projections and other demand and cost factors to make adjustments to ensure we target the funding to the areas where it is most needed but also to reflect the cost of the delivering services because of remoteness and other factors as well.</p> <p>Senator WRIGHT: Is the formula that is then applied across Aboriginal legal services a uniform formula which will then have differentials according to those factors or is it a variable formula from service to service?</p> <p>Mr Arnaldo: It varies from service to service because the services have different jurisdictions and regions to which they have to provide. For example, New South Wales as one of the largest Aboriginal populations in the country compared to the population in Tasmania. So Tasmania will be getting less funding because the population there is smaller than in New South Wales. Also, the other factors such as remoteness and cost of delivering those services with the other factors need to be taken into account. There is no one uniform policy.</p> <p>Ms Chidgey: It is certainly the case that the same set of factors is used to apply that funding allocation model, even though those factors are more significant in some jurisdictions than in others.</p> <p>Senator WRIGHT: Is it possible to obtain details of the formula which has been applied and the funding which has been—</p> <p>Mr Arnaldo: Sure, we can take that on notice and provide more detail.</p> <p>Senator WRIGHT: I would appreciate that, across the various Aboriginal services.</p>			

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				<p>Mr Arnaudo: Across the various jurisdictions in Australia, yes we can do that.</p> <p>Senator WRIGHT: Thank you very much.</p>			
65	Program 1.3 SID	Crossin	NSW legal aid funding	<ul style="list-style-type: none"> • How much funding has been given to Legal Aid NSW to act in employment law matters including unfair dismissals? • Have any requirements been placed on Legal Aid NSW in terms of who is entitled to representation by them and in what matters? 	Written	28/11/2011	9/02/2012
66	Program 1.3 SID	Wright	Native Title	<p>I refer to the Native Title Respondent Funding Scheme Review. The Frequently Asked Questions document for the Review on the Department of the Attorney-General's website indicates \$0.71m of saving will come from the Native Title Respondent Funding Scheme in the year 2011-12 with ongoing savings of \$2.5m from 2012-13 from the 26 Schemes overall.</p> <ol style="list-style-type: none"> 1. Can you confirm the above mentioned savings? 2. Will the savings from the Native Title Respondent Funding Scheme and from the consolidation of the 26 schemes remain in the native title system, for example will it be used to bolster the activities of Native Title Representative Bodies and Service Providers? 	Written	1/12/2011	9/02/2012
67	Program 1.5 SID	Wright	Closing the Gap	<p>I refer to:</p> <ul style="list-style-type: none"> • Recommendation 1 of the Aboriginal and Torres Strait Islander Social Justice Commissioner's '2009 Social Justice Report' that the Australian Government, through COAG, set criminal justice targets that are integrated into the Closing the Gap agenda; • Recommendation 2 of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs' June 2011 report, 'Doing Time – Time for Doing: Indigenous youth in the criminal justice systems' that the Commonwealth Government endorse justice targets developed by the Standing Committee of Attorneys-General for inclusion in COAG's Closing the Gap strategy; and 	Written	1/12/2011	9/02/2012

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				<ul style="list-style-type: none"> the summary of decisions contained in the Standing Committee of Attorneys-General Communiqué of 21-22 July 2011 which states that the Ministers agreed to refer to COAG the possible adoption of justice specific Indigenous closing the gap targets. <p>Given it is now almost 2 years since the ATSI Social Justice Commissioner first highlighted the need for justice targets to be included in COAG's Closing the Gap Strategy, please advise:</p> <ol style="list-style-type: none"> whether or not SCAG has developed and endorsed specific justice targets for proposed inclusion in COAG's Closing the Gap strategy; and whether or not the possible adoption of justice specific Closing the Gap targets is included on the agenda for the next COAG meeting. 			
68	Program 1.2 CrJD	Cash	B-Safe project	<ol style="list-style-type: none"> Why was the decision made not to extend the B-Safe project beyond the three-year pilot conducted from 2007 to 2010 in the Hume region in Victoria? What were the benefits of the B-Safe Program? The Cost analysis in the B-Safe final report shows that: 'The cost of a woman with children who accesses crisis accommodation, refuge, transitional housing and then exits into private rental in the Hume region was estimated at \$10,195.90', compared with a cost of \$3755.12 for women who access crisis accommodation and returned home with B-Safe. What was the rationale behind axing a policy that had a proven economic impact? 	Written	1/12/2011	9/02/2012
69	Program 1.2 CrJD	Rhiannon	B-Safe project	<p>The government cut funds to a program called B-safe that provided personal alarms to women victims of domestic violence and sexual assault to give them added level of safety. The alarm notifies several emergency contacts at once. The \$125,000-a-year program ended on 31/8/2011.</p> <p>Questions:</p>	Written	14/12/2011	9/02/2012

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				<ol style="list-style-type: none"> 1. Why did it lose its funding? Which department funded it? 2. Were you consulted about the cuts before the decision was made? If so by who? 3. Have you made any representations to other departments or agencies about the B-Safe program cuts reported on the 7:30 program recently? 4. Are there any plans to further fund this project? 			
70	Program 1.2 CrJD	Hanson- Young	Illegal foreign fishers	How many illegal foreign fishers under the age of 18 are currently being held in jail?	Written	2/12/2011	1/03/2012
71	Program 1.3 AJD	Boyce	The Family Law Legislation Amendment	<p>The Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 is currently before the parliament. The bill considerably expands the definition of ‘family violence’ and ‘abuse of a child’. The expanded definitions and categories of persons who can engage special court processes will have resource implications for the Family Court and yet no further resourcing has been provided to the Family Court.</p> <ol style="list-style-type: none"> 1. Are you able to advise me how the Family Law Court will be able to deal with the increased demands placed on it by the expanded definitions contained in the bill when it has been provided with further resourcing? 2. Because of the expanded definitions and categories of persons who can engage special court processes under this bill, would you agree that without further resourcing, there will be increased bottlenecks in having cases heard which will only add to the pressure that families are facing who are going through the family law system. 	Written	1/12/2011	9/02/2012
72	Program 1.3 AJD	Boyce	Use of Regulations	The government is increasingly using regulations – law that is subordinate to Acts passed by Parliament - to usurp Acts of Parliament. As the federal department responsible for Commonwealth law, are you alarmed that the increasing trend of using regulations is undermining Australia’s legal system	Written	28/11/2011	9/02/2012

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				and this erosion is setting a dangerous precedent?			
73	Program 1.3 AJD	Wright	Marriage celebrants reform	What measures to increase professionalism were identified in the Attorney General's Regulation Impact Statement?	Written	2/12/2011	9/02/2012
74	Program 1.3 AJD	Wright	Marriage celebrants reform	Did the Attorney General's Department consult with marriage celebrants and the general public about the decision to fully cost recover an expanded Marriage Law and Celebrant Section by requiring an annual registration fee from the celebrants who conduct 60% of the weddings in Australia?	Written	1/12/2011	9/02/2012
75	Program 1.3 AJD	Wright	Marriage celebrants reform	<p>Attorney General's Regulation Impact Statement (RIS) states "In 1973 The Marriage Celebrants Program (the Program) was established to provide marrying couples who did not want to have a religious ceremony with a dignified and meaningful alternative to a registry wedding".</p> <p>Did the original Marriage Celebrants' program, established in 1973, regulate the number of marriage celebrants on a needs basis per head of population as well as regulating the fees charged by marriage celebrants - on the premise that civil marriage celebrants were delivering a government service to the community as appointees of the government?</p>	Written	1/12/2011	9/02/2012
76	Program 1.3 AJD	Wright	Marriage celebrants reform	Did the government in 1995 deregulate the set fee for weddings by civil marriage celebrants to allow them to set their own fees, as is the case for ministers of religion of a recognized denomination?	Written	1/12/2011	9/02/2012

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77	Program 1.3 AJD	Wright	Marriage celebrants reform	<ol style="list-style-type: none"> 1. In 2000 how many Commonwealth Marriage Celebrants were there? 2. In 2000 how many staff did the Marriage Celebrant program have and what was its overall budget? 3. Allowing for inflation, what would be the % of cost of the 2000 Marriage Celebrant Program compared to the \$ 4.2 million being sought now for full-cost recovery of an expanded Marriage Law & Celebrant Section? 4. What are the current staffing numbers of the Marriage Law & Celebrant Section (MLCS) and what is its overall budget? 5. How many extra Marriage Law & Celebrant Section (MLCS) staff is it planned to employ in the expanded Marriage Law & Celebrant Section? 6. What classification of staff be employed in the proposed expanded Marriage Law & Celebrant Section? 7. How many Commonwealth Appointed Marriage Celebrants have been previously, or are employed, by the Marriage Law & Celebrant Section? 	Written	1/12/2011	9/02/2012
78	Program 1.3 AJD	Wright	Marriage celebrants reform	Did the government in 2003 make a number of major changes to the Marriage Act and Marriage Regulations based upon the assumption that independent civil and minority religious celebrants were no longer providing a community service, but were assumed to be small businesses and that open market forces would regulate their numbers and the quality of their services?	Written	1/12/2011	9/02/2012
79	Program 1.3 AJD	Wright	Marriage celebrants reform	Given that 10,500 celebrants have been appointed in less than 10 years, and with more joining the ranks every day and the Department's claims of a drop in the quality of marriage services provided by this group of celebrants, is it accurate to say that the business model - with numbers and quality of services	Written	2/12/2011	9/02/2012

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				to be regulated by open market forces- has not delivered the promised outcomes of 2003 (ie that market forces would regulate numbers and quality of service)?			
80	Program 1.3 AJD	Wright	Marriage celebrants reform	<p>Attorney General's Regulation Impact Statement (RIS) states “The number of enquiries handled by the Department is approximately 18,000 per annum. Many of these enquiries are complex, raise significant legal issues and require a written response”.</p> <p>(a) Is it accurate that all Commonwealth Marriage Celebrants are advised that they must contact the Department if they had any queries or concerns about legal aspects of their work?</p> <p>(b) What happened with these types of queries prior to 2003?</p>	Written	1/12/2011	9/02/2012
81	Program 1.3 AJD	Wright	Marriage celebrants reform	<ol style="list-style-type: none"> 1. Were Commonwealth Marriage Celebrants, until recently, allowed a measure of interpretation of sections 45 and 46 of the Marriage Act? 2. Have Commonwealth Marriage Celebrants, who are not ministers of religion of a recognized denomination, been advised that they are now required to adhere strictly to sections 45 and 46 of the Marriage Act? 3. Will the Marriage Law and Celebrant Section provide Commonwealth Marriage Celebrants with legal advice as to the adequacy of the wording they intend to use and its compliance with the requirements of the Marriage Act? 	Written	1/12/2011	9/02/2012

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82	Program 1.3 AJD	Wright	Marriage celebrants reform	<ol style="list-style-type: none"> 1. Attorney General's Regulation Impact Statement (RIS) states “The raw average for the number of marriages conducted by each celebrant registered under the Program is approximately 6.6 per annum.” and that “it is anticipated that this factor may result in approximately 10% of celebrants registered under the Program deciding to leave the Program on a one-off basis”. <ol style="list-style-type: none"> (a) By reducing the number Commonwealth Appointed Marriage Celebrants by 10%, what is anticipated to be the average number of weddings per marriage celebrant per year? (b) By reducing the number Commonwealth Appointed Marriage Celebrants by 30%, what is anticipated to be the average number of weddings per marriage celebrant per year? 2. Is the Annual Registration fee designed to discourage Commonwealth Appointed Marriage Celebrants who are doing very few weddings? 3. What information or data does the Department have as to the average number of weddings being performed by ministers of religion of a recognized denomination? 4. The Department formerly required annual returns from Commonwealth Marriage celebrants to enable some analysis of the distribution of the number of weddings per celebrant, as well as those performed in other languages. When was the requirement for Annual Returns discontinued? 5. The 1999 annual returns provided to the Department by the then 1671 commonwealth marriage celebrants showed that the average number of weddings per celebrant was 35 per year (5 times higher than today’s rate of 6.6) and that less than 4% of those celebrants were able to gain full-time sustainable income from wedding work alone. Is it accurate that, even then, the vast majority of 	Written	1/12/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date <i>or</i> Written Question	Final answer received	Date tabled
				commonwealth appointed marriage celebrants were providing marriage services for part-time income or as a volunteer community service?			

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83	Program 1.3 AJD	Wright	Marriage celebrants reform	Is it not discriminatory to charge the 10,500 Commonwealth Marriage Celebrants an annual registration fee and not the 24,000 s of religion of a recognized denomination?	Written	2/12/2011	9/02/2012
84	Program 1.3 AJD	Wright	Marriage celebrants reform	<ol style="list-style-type: none"> 1. Are Commonwealth Appointed Marriage Celebrants required, under the Regulations, to have: a Certificate IV in Celebrancy, a dedicated office and a lockable filing cabinets etc for confidentiality of marriage records? 2. Are Commonwealth Appointed Marriage Celebrants expected, under the Code of Practice, to have a reliable vehicle, appropriate attire for “wedding” work, phone and email access, website, computer and printer access for preparing marriage ceremonies and official marriage documents, business cards and other stationery, a public address system, reference books and other materials, celebrant insurance, copyright licence cover, professional association membership and 5 hours ongoing professional development from the first year? 	Written	1/12/2011	9/02/2012
85	Program 1.3 AJD	Wright	Marriage celebrants reform	Given the requirements of the regulations and the code of practice what would be an estimate of the reasonable establishment costs for each new marriage celebrant appointed (not including their time)?	Written	1/12/2011	9/02/2012
86	Program All	Humphries	Staffing	<ol style="list-style-type: none"> 1. How many permanent staff recruited this FYTD? 2. What classification are these staff? 3. How many temporary positions exist or have been created this FYTD? 4. This FYTD, how many employees have been employed on contract and what is the average length of their employment 	Written	10/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				period?			
87	Program All	Humphries	Staffing	<ol style="list-style-type: none"> 1. How many permanent staff recruited for the year 2010-11? 2. What classification are these staff? 3. How many temporary positions exist or have been created for the year 2010-11? 4. For the year 2010-11, how many employees have been employed on contract and what is the average length of their employment period? 	Written	10/02/2012	1/03/2012
88	Program All	Humphries	Staffing	<ol style="list-style-type: none"> 1. Are there any plans for staff reduction? If so, please advise details ie. reduction target, how this will be achieved, services/programs to be cut etc. 2. If there are plans for staff reductions, please give the reason why these are happening. 	Written	13/02/2012	1/03/2012
89	Program All	Humphries	Efficiency dividend	<ol style="list-style-type: none"> 1. How has the efficiency dividend been implemented? 2. Please list where and what spending has been reduced to meet the efficiency dividend. 	Written	10/02/2012	1/03/2012
90	Program All	Humphries	Advertising	<ol style="list-style-type: none"> 1. What advertising – Campaign and Non-Campaign – did the Department/Agency undertaken in 2011-12? Provide details of each advertising, including the program the advertising was for, the total spend and the business that provided the advertising services. 2. Did the Department of Finance and Deregulation provide any 	Written	10/02/2012	1/03/2012

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				<p>advice about the advertising? Provide details of each advertising item.</p> <p>3. Did the Advertising comply with the Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies (March 2010)? Provide the details for each advertising item.</p> <p>4. Provide details for any other communications program, including details of the program, the total spend and the business that provided the communication services.</p> <p>5. What advertising – Campaign and Non-Campaign – and other communications programs is the Department/Agency undertaking, or are planning to undertake?</p>			
91	Program All	Humphries	Hospitality and entertainment	<p>1. What is the Department/Agency's hospitality spend for the year 2010-11? Detail date, location, purpose and cost of all events.</p> <p>2. For each Minister and Parliamentary Secretary office, please detail total hospitality spend for the year 2010-11. Detail date, location, purpose and cost of each event.</p> <p>3. What is the Department's entertainment spend for the year 2010-11? Detail date, location, purpose and cost of all events.</p> <p>4. For each Minister and Parliamentary Secretary office, please detail total entertainment spend for the year 2010-11. Detail date, location, purpose and cost of each event.</p> <p>5. What hospitality spend is the Department/Agency's planning on</p>	Written	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>spending? Detail date, location, purpose and cost of all events.</p> <p>6. For each Minister and Parliamentary Secretary office, what hospitality spend is currently being planned for? Detail date, location, purpose and cost of each event.</p> <p>7. What entertainment spend is the Department/Agency's planning on spending? Detail date, location, purpose and cost of all events.</p> <p>8. For each Minister and Parliamentary Secretary office, what entertainment spend is currently being planned for? Detail date, location, purpose and cost of each event.</p>			
92	Program All	Humphries	Board appointments	<ol style="list-style-type: none"> 1. What is the gender ratio on each board and across the portfolio? 2. Detail any board appointments for the year 2010-11. 3. Please detail any board appointments for the FYTD. 	Written	13/02/2012	1/03/2012
93	Program All	Humphries	Freedom of information	<ol style="list-style-type: none"> 1. Has the Department/agency received any advice on how to respond to FOI requests? 2. How many FOI requests has the Department received for the year 2010-11? How many have been granted or denied? 3. How many conclusive certificates have been issued in relation to FOI requests for the year 2010-11? 4. How many FOI requests has the Department received for this FYTD? How many have been granted or denied? 	Written	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date <i>or</i> Written Question	Final answer received	Date tabled
				5. How many conclusive certificates have been issued in relation to FOI requests for this FYTD?			
94	Program All	Humphries	Community Cabinet	<ol style="list-style-type: none"> 1. What was the cost of Ministers travel and expenses for the Community Cabinet meetings held for the year 2010-11? 2. How many Ministerial Staff travelled with the Minister for the Community Cabinet meetings for the year 2010-11? What was the total cost of this travel? 3. How many Departmental officers travelled with the Minister for the Community Cabinet meetings for the year 2010-11? What was the total cost of this travel? 4. What was the total cost to the Department and the Ministers office for the Community Cabinet meetings for the year 2010-11? 5. What was the cost of Ministers travel and expenses for the Community Cabinet meetings held this FYTD? 6. How many Ministerial Staff travelled with the Minister for the Community Cabinet meetings held this FYTD? What was the total cost of this travel? 7. How many Departmental officers travelled with the Minister for the Community Cabinet meetings held this FYTD? What was the total cost of this travel? 8. What was the total cost to the Department and the Ministers office for the Community Cabinet meetings held this FYTD? 	Written	6/12/2011	9/02/2012

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95	Program All	Humphries	Reviews	<p>1. For the year 2010-11:</p> <p>a) How many Reviews were being undertaken by all departments and agencies in each portfolio?</p> <p>b) When will each of these reviews be concluded?</p> <p>c) What reviews have been concluded?</p> <p>d) Which of these reviews has been provided to Government?</p> <p>e) When will the Government be responding to the respective reviews that have been completed?</p> <p>f) What is the estimated cost of each of these Reviews?</p> <p>2. For this financial year to date:</p> <p>a) What reviews are planned?</p> <p>b) When will each of these reviews be concluded?</p> <p>c) What reviews have been concluded this FYTD?</p> <p>d) Which of these reviews has been provided to Government?</p> <p>e) When will the Government be responding to the respective reviews that have been completed?</p> <p>f) What is the estimated cost of each of these Reviews?</p>	Written	10/02/2012	1/03/2012
96	Program All	Humphries	Consultancies	<p>1. How many consultancies were undertaken in 2010-11? Identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the arrangement, and the method of procurement (ie. open tender, direct source, etc). Also include total value for all consultancies.</p> <p>2. Were there any changes to any of the portfolio's tenders in 2010-11? Detail any changes</p> <p>3. How many consultancies have been undertaken or are underway this FYTD? Identify the name of the consultant, the subject</p>	Written	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>matter of the consultancy, the duration and cost of the arrangement, and the method of procurement (ie. open tender, direct source, etc). Also include total value for all consultancies.</p> <p>4. Does each department and agency stand by its current tenders on the Austenders website? Have any changes or corrections been made for any tenders advertised on to Government Tenders website (www.tenders.gov.au) for tenders advertised this financial year? Explain. Are up to date with reporting requirements?</p> <p>5. How many consultancies are planned for this calendar year? Have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, cost and method of procurement as above, and the name of the consultant if known.</p>			
97	Program All	Humphries	Media monitoring	<p>1. What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Minister's office for the year 2010-11?</p> <p>a) Which agency or agencies provided these services? b) What is the estimated budget to provide this same services for the year 2011-12? c) What has been spent providing these services FYTD?</p> <p>2. What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Department and its agencies for the year 2010-11?</p>	Written	10/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				a) Which agency or agencies provided these services? b) What is the estimated budget to provide this same services for the year 2011-12? c) What has been spent providing these services FYTD?			
98	Program All	Humphries	Social media	Has there been any changes to department and agency social media or protocols about staff access and usage of Youtube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs since May 2011? Please explain.	Written	6/12/2011	9/02/2012
99	Program All	Humphries	Contractors	Since May 2011: 1. Has the department/agency ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details. 2. Has the department/agency ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details. 3. Has the department/agency ever employed John Utting & UMR Research Group in any capacity or is it considering employing John Utting & UMR Research Group? If yes, provide details. 4. Has the department/agency ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details. 5. Has the department/agency ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details. 6. Has the department/agency ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details. 7. Has the department/agency ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details.	Written	10/02/2012	1/03/2012

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				<p>8. Has the department/agency ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details.</p> <p>9. Has the department/agency ever employed McKinsey & Company in any capacity or is it considering employing McKinsey & Company? If yes, provide details.</p>			
100	Program All	Humphries	Discretionary grants	<p>1. Could the Department provide a list of all discretionary grants, including ad hoc and one-off grants for the year 2010-11? Please provide details of the recipients, the intended use of the grants and what locations have benefited from the grants.</p> <p>2. Could the Department provide a list of all discretionary grants, including ad hoc and one-off grants FYTD? Please provide details of the recipients, the intended use of the grants and what locations have benefited from the grants.</p> <p>3. Has the Department complied with interim requirements relating to the publication of discretionary grants?</p>	Written	13/02/2012	1/03/2012
101	Program All	Humphries	Commissioned reports	<p>1. How many Reports have been commissioned by the Government in your portfolio for the year 2010-11? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.</p> <p>a) How much did each report cost? How many departmental staff were involved in each report and at what level?</p> <p>b) What is the current status of each report? When is the Government intending to respond to these reports?</p> <p>2. How many Reports have been commissioned by the Government</p>	Written	13/02/2012	1/03/2012

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				<p>in your portfolio FYTD? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.</p> <p>a) How much did each report cost/or is estimated to cost? How many departmental staff were involved in each report and at what level?</p> <p>b) What is the current status of each report? When is the Government intending to respond to these reports?</p>			
102	Program All	Humphries	Government payments of accounts	<ol style="list-style-type: none"> 1. For the year 2010-11, did the department/agency paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e.within 30 days)? 2. If not, why not, and what has been the timeframe for payment of accounts? 3. Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.) <ol style="list-style-type: none"> a) For accounts not paid within 30 days, was interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year? b) Where interest is being paid, what rate of interest is being paid and how is this rate determined? 4. For the FYTD, has the department/agency paid its accounts to contractors/consultants etc in accordance with Government 	Written	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>policy in terms of time for payment (i.e.within 30 days)?</p> <p>5. If not, why not, and what has been the timeframe for payment of accounts?</p> <p>6. Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.)</p> <p>a) For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year?</p> <p>b) Where interest is being paid, what rate of interest is being paid and how is this rate determined?</p>			
103	Program All	Humphries	Stationary	How much was spent by each department and agency on the government (Ministers/Parliamentary Secretaries) stationery requirements in your portfolio (i.e. paper, envelopes, with compliments slips) in 2010-11? What is the estimated cost for 2011-12?	Written	13/03/2012	1/03/2012
104	Program All	Humphries	Media subscriptions	<p>1. Does your department or agencies within your portfolio subscribe to pay TV (for example Foxtel)?</p> <p>a) If yes, please provide the reason why, the cost and what channels.</p> <p>b) What was the cost for 2010-11?</p> <p>c) What is the estimated cost for 2011-12?</p> <p>2. Does your department or agencies within your portfolio subscribe to newspapers?</p> <p>a) If yes, please provide the reason why, the cost and what</p>	Written	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>newspapers.</p> <p>b) What was the cost for 2010-11?</p> <p>c) What is the estimated cost for 2011-12?</p> <p>3. Does your department or agencies within your portfolio subscribe to magazines?</p> <p>a) If yes, please provide the reason why, the cost and what magazines.</p> <p>b) What was the cost for 2010-11?</p> <p>c) What is the estimated cost for 2011-12?</p>			
105	Program All	Humphries	Travel costs	<p>1. For the year 2010-11, please detail all travel (itemised separately,) undertaken by your portfolio Minister and Parliamentary Secretaries. Include details of what the travel was for, what cost was spent on travel (including travel type – i.e. business airfare), accommodation, security, food, beverages (alcohol listed separately), gifts, entertainment, and all other expenses.</p> <p>2. For the year 2010-11, please provide the same information (itemised separately) for any Minister and Parliamentary staff that accompanied the Minister and Parliamentary Secretary on their travel and include a similar breakdown of the costs incurred by or on behalf of those staff.</p> <p>3. For the year 2010-11, please provide the same information (itemised separately) for Departmental officers that accompanied the Minister and Parliamentary Secretary on their travel and include a similar breakdown of the costs incurred by or</p>	Written	13/02/2012	1/03/2012

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				<p>on behalf of those staff.</p> <ol style="list-style-type: none"> 4. For the year 2010-11, please detail all travel (itemised separately) undertaken by employees of each department and agency within each portfolio. Include details of what the travel was for, what cost was spent on travel (including travel type – i.e. business airfare), accommodation, security, food, beverages (alcohol listed separately), gifts, entertainment, and all other expenses. 5. For the FYTD, please detail all travel (itemised separately) undertaken by your portfolio Minister and Parliamentary Secretaries. Include details of what the travel was for, what cost was spent on travel (including travel type – i.e. business airfare), accommodation, security, food, beverages (alcohol listed separately), gifts, entertainment, and all other expenses. 6. For the FYTD, please provide the same information (itemised separately) for any Minister and Parliamentary staff that accompanied the Minister and Parliamentary Secretary on their travel and include a similar breakdown of the costs incurred by or on behalf of those staff. 7. For the FYTD, please provide the same information (itemised separately) for Departmental officers that accompanied the Minister and Parliamentary Secretary on their travel and include a similar breakdown of the costs incurred by or on behalf of those staff. 8. For the year FYTD, please detail all travel (itemised separately) undertaken by employees of each department and agency within 			

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date <i>or</i> Written Question	Final answer received	Date tabled
				each portfolio. Include details of what the travel was for, what cost was spent on travel (including travel type – i.e. business airfare), accommodation, security, food, beverages (alcohol listed separately), gifts, entertainment, and all other expenses.			
106	Program All	Humphries	Legal costs	<ol style="list-style-type: none"> 1. What sum did each portfolio department and agency spend on legal services for the year 2010-11 within the department and agency? Please provide a list of each service and costs. 2. What sum did each portfolio department and agency spend on legal services for the year 2010-11 from the Australian Government Solicitor? Please provide a list of each service and costs. 3. What sum did each portfolio department and agency spend on legal services for the year 2010-11 from private firms? Please provide a list of each service and costs. 4. What sum did each portfolio department and agency spend on legal services for the year 2010-11 from other sources? Please provide a list of each service and costs. 5. What sum did each portfolio department and agency spend on legal services FYTD within the department and agency? Please provide a list of each service and costs. 6. What sum did each portfolio department and agency spend on legal services FYTD from the Australian Government Solicitor? Please provide a list of each service and costs. 7. What sum did each portfolio department and agency spend on 	Written	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>legal services FYTD from private firms? Please provide a list of each service and costs.</p> <p>8. What sum did each portfolio department and agency spend on legal services FYTD from other sources? Please provide a list of each service and costs.</p>			
107	Program All	Humphries	Education expenses	<p>1. For the year 2010-11, detail all education expenses (i.e. in house courses and tertiary studies) for each portfolio department and agency. Include what type of course, the total cost, cost per participant, how many participants and the amount of study leave granted to each participant.</p> <p>2. For the FYTD, detail all education expenses (i.e. in house courses and tertiary studies) for each portfolio department and agency. Include what type of course, the total cost, cost per participant, how many participants and the amount of study leave granted to each participant.</p>	Written	13/02/2012	1/03/2012
108	Program All	Humphries	Executive leadership and coaching 2010-11	<p>1. In relation to the purchase of executive coaching and/or other leadership training services purchased by each portfolio department and agency, please provide the following information for the year 2010-11:</p> <p>a) Total spending on these services</p> <p>b) The number of employees offered these services and their employment classification</p> <p>c) The number of employees who have utilised these services, their employment classification and how much study leave each employee was granted</p> <p>d) The names of all service providers engaged</p>	Written	13/02/2012	1/03/2012

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				<p>2. For each service purchased form a provider listed under 1 (d), please provide:</p> <ul style="list-style-type: none"> a) The name and nature of the service purchased b) Whether the service is one-on-one or group based c) The number of employees who received the service and their employment classification d) The total number of hours involved for all employees e) The total amount spent on the service f) A description of the fees charged (i.e. per hour, complete package) <p>3. Where a service was provided at any location other than the department or agency's own premises, please provide:</p> <ul style="list-style-type: none"> a) The location used b) The number of employees who took part on each occasion c) The total number of hours involved for all employees who took part d) Any costs the department or agency's incurred to use the location 			
109	Program All	Humphries	Executive coaching and leadership FYTD	<p>1. In relation to the purchase of executive coaching and/or other leadership training services purchased by each portfolio department and agency, please provide the following information FYTD:</p> <ul style="list-style-type: none"> a) Total spending on these services b) The number of employees offered these services and their employment classification 	Written	13/02/2012	1/03/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date or Written Question	Final answer received	Date tabled
				<p>c) The number of employees who have utilised these services, their employment classification and how much study leave each employee was granted</p> <p>d) The names of all service providers engaged</p> <p>2. For each service purchased from a provider listed under 1 (d), please provide:</p> <p>a) The name and nature of the service purchased</p> <p>b) Whether the service is one-on-one or group based</p> <p>c) The number of employees who received the service and their employment classification</p> <p>d) The total number of hours involved for all employees</p> <p>e) The total amount spent on the service</p> <p>f) A description of the fees charged (i.e. per hour, complete package)</p> <p>3. Where a service was provided at any location other than the department or agency's own premises, please provide:</p> <p>a) The location used</p> <p>b) The number of employees who took part on each occasion</p> <p>c) The total number of hours involved for all employees who took part</p> <p>d) Any costs the department or agency's incurred to use the location</p>			
110	Program All	Humphries	Paid parental leave	<p>1. Please list how many staff in each portfolio department and agency are eligible to receive payments under the Government's Paid Parental Leave scheme?</p> <p>2. For the year 2010-11 list which portfolio department and</p>	Written	6/12/2011	9/02/2012

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard Page and Hearing Date <i>or</i> Written Question	Final answer received	Date tabled
				<p>agencies are providing its employees with payments under the Government's Paid Parental Leave scheme? Please list how many staff are in receipt of these payments.</p> <p>3. For the FYTD list which portfolio department and agencies are providing its employees with payments under the Government's Paid Parental Leave scheme? Please list how many staff are in receipt of these payments.</p>			
111	Program All	Humphries	Training for Portfolio Minister and Parliamentary Secretaries	How much is spent on training for Ministers and Parliamentary Secretaries in your portfolio? Itemise each training, cost and for which Minister and/or Parliamentary Secretary the training was for.	Written	10/02/2012	1/03/2012
112	Program All	Humphries	Corporate cars	<ol style="list-style-type: none"> 1. How many cars are owned by each department and agency in your portfolio? 2. Where is the car/s located? 3. What is the car/s used for? 4. What is the cost of each car for 2010-11? 5. How far did each car travel in 2010-11? 	Written	10/02/2012	1/03/2012
113	Program All	Humphries	Taxi costs	How much did each department/agency spend on taxis in 2010-11? Provide a breakdown of each business group in each department/agency.	Written	13/02/2012	1/03/2012
114	Program All	Humphries	Credit cards	<ol style="list-style-type: none"> 1. How many staff in each department and agency have a corporate credit card? What is their classification? 	Written	13/02/2012	1/03/2012

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				<ol style="list-style-type: none"> 2. What action is taken if the corporate credit card is misused? 3. How is corporate credit card use monitored? 4. What happens if misuse of a corporate credit card is discovered? 5. Have any instances of corporate credit card misuse have been discovered? List staff classification and what the misuse was, and the action taken. 6. What action is taken to prevent corporate credit card misuse? 			
115	Program All	Humphries	Carbon price legislation	<ol style="list-style-type: none"> 1. How was your department/agency consulted in the development of the carbon price package? 2. Is the carbon price package consistent with all of the policies in your department/agency? 	Written	13/02/2012	1/03/2012
116	Program All	Humphries	Communications	How many communications people are there in each of your departments and agencies. List their classification, position description, services they provide to Ministers and/or Parliamentary Secretaries and any guidelines they must adhere to.	Written	13/02/2012	1/03/2012
117	Program 1.2 CrJD	Brandis	CRIS addendum	<ol style="list-style-type: none"> 1. What was the rationale behind this price increase? 2. The price increases have taken affect from 1 October 2011. Is that correct? 3. I understand that stakeholders received written advice on or around 22 August 2011 that fees would increase. What do your records indicate as to when the industry was informed of the increases? 4. Was consultation with relevant industries, such as airports or ports undertaken? 5. If so, what did this involve? When did this take place? 	Written	2/12/2011	9/02/2012

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				<p>6. If not, why not?</p> <p>7. The Cost Recovery Impact Statement (CRIS) 1 July 2010 - 30 June 2012 requires at least three months notice of those affected by changes to fees, to quote from the CRIS</p> <p><i>“If one of our checking partners (CrimTrac, ASIO, DIAC) changes the fees they charge us, we will pass this on. In such case we would seek to secure from the relevant checking partner at least 3 months notice for those affected by the change to fees.”</i></p> <p>In this case just over 1 month notice was provided. Why was the 3 month notification period provided for in the CRIS not adhered to?</p> <p>8. As you may be aware on 21 November 2011 the new Aviation Transport Security Regulations take effect. The new Regulations are designed to encourage ASIC applications. Have you undertaken any analysis on the impact this cost increase will have on ASIC and MSIC update?</p> <p>9. In 2.3 of the CRIS it states:</p> <p><i>“Charges for goods and services can give an important message to users or their customers about the cost of resources involved. It may also improve equity by ensuring that those who use Australian Government products and services, or who create the need for regulation, bear the cost”</i></p> <p>And in 2.4 it states</p> <p><i>“Cost recovery may not be appropriate for some of these activities. For example, cost recovery many not be warranted where it would be</i></p>			

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				<p><i>inconsistent with government policy objectives;.....”.</i></p> <p>Given that the new Aviation Transport Security Regulations are designed to encourage ASIC/MSIC applications how is this price increase consistent with policy objectives?</p> <p>10. The CRIS covers issues such as cost reduction due to staff productivity and in fact has figures showing that demand and costs will reduce in 2011/2012 and 2012/13. How then can price rises be justified?</p>			
118	Program 1.1 CLD	Boyce	Legal profession	<p>Under the Government’s push to regularize the legal profession, the Federal Government, through the COAG process, is empowered with national regulations of the Legal Profession (at least so far as Queensland, New South Wales and Victoria are concerned).</p> <p>a) Is it intended for there to be a federal body empowered to regulate the legal profession?</p> <p>b) If so, is it envisaged that there will be set up and running costs associated with this national regulator? What are the anticipated set up costs? Who will be responsible for these costs?</p> <p>c) Is it expected that any of these costs are to be borne by the current or future members of the legal profession?</p> <p>d) Will there be recurring costs of this regulatory body? If so, what are the estimated annual running costs? How will these costs be funded?</p> <p>e) Is it intended that current practitioners will be required to pay increased practicing certificate fees to cover these running costs?</p>	Witten	10/02/2012	1/03/2012

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				<p>If so, what are these costs estimated at? If not, how will these recurring costs be met?</p> <p>f) Is it the position that a fee of at least \$750.00 will be imposed on law graduates applying for practicing certificates?</p> <p>g) How much is expected to be raised to cover these recurring costs?</p> <p>h) If law graduate members decrease, so that the annual recurring costs of regulating body are not met by the charge on practicing certificates, how will the shortfall be made up?</p> <p>i) Is the new regulatory regime intending for the large law firm group (LLFG) to have only one trust account?</p> <p>j) If that trust account is in one where trust monies are received in different states – how is it intended for the legal aid funds (% of interest on trust funds) to be properly accounted for in respect of each state?</p> <p>k) In relation to the National Ombudsman that will be created under the reforms; how will that be paid for? Who will pay for the National Ombudsman? How much will it cost?</p> <p>l) Where will the secretariat be located?</p> <p>m) Is this not just another layer of bureaucracy which will increase costs which eventually be passed onto solicitors' clients?</p>			

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119	Program 1.1 CLD	Boyce	Legal advice	<p>1. Does the department receive copies of all legal advice sought by all government departments and ministerial offices from outside law firms? If not, why not?</p> <p>2. There are examples where the government has received outside legal advice that an intended policy is likely to be unlawful and yet the government has ignored the advice and continued to pursue that policy.</p> <p>a) When this happens and the department is aware that the government is likely to be breaking the law if it continues to implement that policy – what action must you take? For example do you write a submission to cabinet raising concerns about the proposed actions of the government?</p> <p>b) Where are the checks and balances in this scenario and what are the protections for taxpayers who could be left with massive legal costs because the government has still gone ahead and implemented policy that it had been advised was unlawful?</p>	Written	2/12/2011	9/02/2012
120	Program 1.1 ILHRD	Boyce	Aboriginal prisoners with intellectual and mental impairment	<p>Thank you for your very comprehensive answer to question no. 75 in budget estimates about aboriginal prisoners with intellectual or cognitive impairment; however as you noted, much of the work referred to prisoners with mental illness.</p> <p>Are you able to give me a further update on work regarding prisoners with an intellectual disability or cognitive impairment?</p>	Written	28/11/2011	9/02/2012
121	Program	Boyce	Aboriginal	1. The National Indigenous Law and Justice Framework	Written	1/12/2011	9/02/2012

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	1.5 SID		prisoners with intellectual and mental impairment	<p>recognises the need to ensure that all levels of the justice system responds effectively to the mental health needs of Aboriginal and Torres Strait Islander peoples. Although implementation of actions relevant to the strategy falls to State and Territory Governments, the Commonwealth has a significant role to play.</p> <p>Would you please outline how you measure whether the justice system is responding effectively to the mental health needs of Aboriginal and Torres Strait Islander peoples?</p> <p>2. I'm trying to understand how the mechanics of the framework works. For example, say if a State introduces a program which has outstanding results, how do the other States and Territories learn about that program; ie how is the strategy coordinated between all levels of the justice system?</p> <p>3. The Department is currently evaluating a number of initiatives under the Framework including:</p> <p>Namatjira Haven – Drug and Alcohol Healing Centre (NSW) Dthina Yuwali – Aboriginal Alcohol and Other Drugs Program (NSW) Aggression Replacement Training (Qld) The Salvation Army Trust – Towards Independence Warrondi Program (SA) Koori Cognitive Skills Program (Vic)</p>			

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				<p>Would you make the results of those evaluations available to the committee please?</p> <p>4. Does the Department provide the results of these evaluations to all State and Territory Governments so they can see what programs are getting the best outcomes, what programs are successful and not so successful?</p>			
122	AHRC	Cash	Sex discrimination initiatives	<p>How does the Sex Discrimination Commissioner justify running the Male Champions of Change program, which is designed to encourage cultural change through assisting large organisation to increase the number of women in leadership roles?</p> <p>Are there not enough corporate programs already working to achieve this aim without government assistance?</p> <p>Shouldn't the Commissioner be using resources to assist women whose human rights are genuinely being violated and/or threatened?</p>	Written	1/12/2011	9/02/2012