



12/11552-04

22 November 2012

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

Dear Ms Dennett

### **Clarifications and corrections to Hansard**

I write concerning evidence provided by officers from the Attorney-General's Portfolio to the Senate Standing Committee on Legal and Constitutional Affairs at the Supplementary Budget Estimates hearing of 16 October 2012.

Officers from the Attorney-General's Portfolio who provided evidence to the Committee have identified a number of corrections to Hansard and clarifications to their evidence, as follows.

#### Australian Human Rights Commission

In an exchange with Senator Wright on page 10 of the transcript, referring to complaints received from people in immigration detention, President Professor Gillian Triggs said that 'in the last 12 months there has been quite a noticeable drop in those complaints'. Professor Triggs would like to clarify that the more correct timeframe for a noticeable drop in this type of complaint is six months.

#### Australian Crime Commission

In an exchange with Senator Wright on page 28 of the transcript, Chief Executive Officer John Lawler said that summary documents of key findings from the National Illicit Firearms Assessment (NIFA) were publically available on the website. The Australian Crime Commission (ACC) would like to advise that the NIFA findings were not published on the ACC website at the time of the hearing, but have since been incorporated into the ACC's updated Firearms Factsheet, published on 5 November 2012.

In an exchange with Senator Humphries on page 29 of the transcript, Mr Lawler agreed with the Senator's statement that funding available to the commission in 2012-13 has been reduced by \$1.69 million. The ACC would like to clarify that while the reduction of \$1.69 million is correct, this only represents a 1.8 per cent reduction in the ACC's operating appropriation. The 9.1 per cent reduction quoted by Senator Humphries may relate to the 2012-13 Portfolio Budget Statement resource statement on page 87. The total resourcing (including prior year unused appropriation, current year appropriation (operating and capital), and other s31 agency receipts) was reduced from \$136.997m last year to \$124.501m this year – a reduction of \$12.496m or 9.1 per cent.

### Australian Federal Police

In an exchange with Senator Rhiannon regarding a brief from the International Commission of Jurists Australian Section (ICJA) in relation to alleged war crimes committed by officials in Sri Lanka, pages 65 to 66 of the transcript, Deputy Commissioner Andrew Colvin stated that “We evaluated the information in the brief. I believe some of the matters contained in the brief are still ongoing... There is still one aspect of that that we have had an open investigation in regard to”.

The Australian Federal Police wishes to clarify that none of the allegations provided in the brief by the ICJA or reported by media and other sources in regards to these alleged war crimes are the subject of ongoing investigations.

### Attorney-General's Department

On page 126 of the transcript, Senator Brandis asked how many reports of non-compliance with the Legal Services Directions had been received in 2012-13. First Assistant Secretary Matt Minogue stated that the finalised reviews included “...an issue in relation to the same model litigant obligation matter that I referred to that had been carried over.”

The Attorney-General's Department would like to clarify that in the current financial year, the department has finalised 17 reviews of which five have resulted in concerns of non-compliance:

- two relating to a failure to seek constitutional law advice appropriately
- one breach for an agency that did not consult with the primary agency administering legislation. The agency received advice in relation to another agency's legislation without consulting the primary agency
- one concern about failing to brief counsel in accordance with the directions; and
- one matter involving non-compliance with the model litigant obligation.

The action officer for this matter is Anna Gordon

Yours sincerely

Simon Kelly  
Director  
Legislation and Parliamentary Liaison Section