

APPENDIXES



APPENDIX 1

REPORTING ARRANGEMENTS FOR OTHER ELEMENTS IN THE ATTORNEY-GENERAL'S PORTFOLIO



Element	Reporting Arrangements
Solicitor-General	A
Administrative Appeals Tribunal	B
Administrative Review Council	B
Australian Bureau of Criminal Intelligence	C
Australasian Centre for Policing Research	C
Australian Competition Tribunal	D
Australian Customs Service	B
Australian Federal Police	B
Australian Government Solicitor	B
Australian Institute of Criminology	B
Australian Institute of Police Management	C
Australian Law Reform Commission	B
Australian Security Intelligence Organisation	B
Australian Transaction Reports and Analysis Centre	B
Copyright Tribunal	D
Criminology Research Council	B
CrimTrac	B
Defence Force Discipline Appeal Tribunal	D
Family Court of Australia	B
Family Law Council	B
Federal Court of Australia	B
Federal Magistrates Service	B
Federal Police Disciplinary Tribunal	D
High Court of Australia	B
Human Rights and Equal Opportunity Commission	B
Insolvency and Trustee Service Australia	B & E
National Crime Authority	B
National Crime Statistics Unit	C
National Institute of Forensic Science	C
National Native Title Tribunal	B
Office of Film and Literature Classification	B
Office of Parliamentary Counsel	B
Office of the Director of Public Prosecutions	B
Office of the Federal Privacy Commissioner	B

A Although resourced by the Attorney-General's Department, the Solicitor-General is independent of the Department. The Solicitor-General does not report formally to Parliament.

B Separate reports from these bodies are tabled in Parliament.

C Reports on activities covered by the Annual Report on administration and activities of National Common Police Services.

D Administrative support for these Tribunals is provided by the various Federal Court registries. Information regarding these bodies can be found in the Annual Report of the Federal Court of Australia.

E The Attorney-General is required by sub-paragraph 12(1)(d) of the *Bankruptcy Act 1966* to report to Parliament on the operation of the Act.



APPENDIX 2

CHANGES TO ATTORNEY-GENERAL'S DEPARTMENT OUTCOMES AND OUTPUTS FRAMEWORK

The Department's outcomes and outputs structure has been revised since the 2001–02 Budget. Changes have been made to:

- accommodate new Administrative Arrangements Orders;
- identify more clearly the intended impact of outcomes;
- better align outputs and the organisational structure;
- improve output descriptions to more accurately reflect the nature of the output.

The usual basis for reporting in the annual report is the outcomes and outputs structure and associated performance information depicted in the Portfolio Budget Statements (PBS) for a particular financial year. However, where there have been changes during the year, the structure in existence at the end of the financial year can form the basis for reporting, provided it is reconcilable with that appearing in the PBS and the Portfolio Additional Estimates Statements (PAES). The structure used as the basis for our performance reporting in this annual report was approved by the Attorney-General in April 2002. The revised outcomes statements were subsequently endorsed by the Minister for Finance and Administration.

Table 2.1 maps the changes in outcomes and outputs from the 2001–02 PBS, through the 2001–02 PAES to the structure used as the basis for this annual report, and linking with the structure appearing in the 2002–03 PBS.

It should be noted that an item 'Machinery of Government obligations', which appeared in the 2000–01 PBS as Output 1.6 and in the 2000–01 PAES as Output 1.8, was deleted in the revised structure and is not reported on in this annual report. However, in accordance with financial reporting requirements, reference to that output is retained in the financial statements and resource summary tables appearing in this report.

The performance information associated with the Attorney-General's Department outcomes and outputs structure comprises performance measures for administered items and performance measures for departmental outputs. Performance measures for administered items were unchanged over the reporting period. However, performance measures for several departmental outputs were varied to reflect the changes in the outputs structure.

These variations were made to match the re-allocation of functions within the Department, and to more accurately reflect the nature of the output. In most cases the revised performance measures are presented differently but cover most of the aspects in the original version (outputs 1.1, 1.3, 1.6, 1.7 and 2.2 are in this category). In some instances there are minor changes (outputs 1.2, 1.4 and 2.4). The measures shown for output 2.3 reflect the reporting structure developed by Emergency Management Australia prior to its transfer to this Department. There were no changes to performance measures for outputs 1.5, 2.5 and 2.6.

Table 2.2 shows the variation in performance measures for departmental outputs, where changes occurred during the reporting period. Minor changes are shown in bold for ease of comparison.

TABLE 2.1 CHANGES TO OUTCOMES AND OUTPUTS STRUCTURE FOR ATTORNEY-GENERAL'S DEPARTMENT

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual Report 2001–02	New structure – PBS 2002–03	Nature of change
Outcome 1 An equitable and accessible system of federal law and justice	Outcome 1 An equitable and accessible system of federal civil justice	Outcome 1 An equitable and accessible system of federal civil justice	Outcome 1 An equitable and accessible system of federal civil justice	Outcome description changed to draw a clearer distinction between civil justice matters (outcome 1) and criminal justice matters (outcome 2).
Output 1.1: Maintenance and development of the federal system of civil justice and the rights and responsibilities of individuals, families, business and the community	Output 1.1: Legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure	Output 1.1: Legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure	Output 1.1: Legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure	This output previously included policy aspects of criminal justice, legal aid and family services, native title and information and security law. Policy is now aligned with related aspects of the output subject matter. Output 1.1 is now concerned solely with issues related to specific aspects of the federal civil justice system.
Output 1.2: Support for the Attorney-General as First Law Officer and advice on constitutional policy	Output 1.2: Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally	Output 1.2: Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally	Output 1.2: Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally	Change to output description to more accurately reflect the nature of the output.
Output 1.3: Administration of payments for, and the delivery of, government programs including legal assistance and family law related services	Output 1.3: Legal services and policy advice on family law and legal assistance and the administration of government programs providing legal assistance and family law related services	Output 1.3: Legal services and policy advice on family law and legal assistance and the administration of government programs providing legal assistance and family law related services	Output 1.3: Legal services and policy advice on family law and legal assistance and the administration of government programs providing legal assistance and family law related services	Policy aspects of the delivery of family services and legal aid included within this output.
Output 1.4: Protection of Australia's interests internationally and compliance with Australia's international obligations	Output 1.4: Legal services and policy advice on international law	Output 1.4: Legal services and policy advice on international law	Output 1.4: Legal services and policy advice on international law	This output is now confined to the work of the Office of International Law. Output 1.4 previously incorporated work of other departmental elements of an international nature.
Output 1.5: Drafting of legislative and other instruments and publication of legislation and related materials	Output 1.5: Drafting of legislative and other instruments, publication of legislative materials and provision of related legal services	Output 1.5: Drafting of legislative and other instruments, publication of legislative materials and provision of related legal services	Output 1.5: Drafting of legislative and other instruments, publication of legislative materials and provision of related legal services	Change to output description to more accurately reflect the nature of the output.
Output 1.6: Machinery of government obligations	Output 1.6: Legal services and policy advice on information law	Output 1.6: Legal services and policy advice on information law	Output 1.6: Legal services and policy advice on information law	New output specifically addressing information law previously included in Outputs 1.1 and 2.1.
Output 1.6: Machinery of government obligations	Output 1.7: Legal services and policy advice on native title	Output 1.7: Legal services and policy advice on native title	Output 1.7: Legal services and policy advice on native title	New output relating specifically to native title.
Output 1.6: Machinery of government obligations	Output 1.8: Machinery of government obligations	Output deleted	Output deleted	Re-numbered. Deleted as new outputs are focused on Government outcomes and the core business of the Department. Output lapsed at 30 June 2002.

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual report 2001–02	New structure – PBS 2002–03	Nature of change
<p>OUTCOME 2 Coordinated security, crime prevention and law enforcement arrangements</p>	<p>OUTCOME 2 Coordinated federal criminal justice, security and emergency management activity</p>	<p>OUTCOME 2 Coordinated federal criminal justice, security and emergency management activity, for a safer Australia</p>	<p>OUTCOME 2 Coordinated federal criminal justice, security and emergency management activity, for a safer Australia</p>	<p>Outcome description changed to draw a clearer distinction between civil justice matters (outcome 1) and criminal justice matters (outcome 2), to better align criminal justice and security elements, and reflect the expanded role of the Department. Latest change identifies more clearly the outcome's intended impact.</p>
<p>Output 2.1: Maintenance and development of the federal system of criminal justice, development and implementation of law enforcement and national security frameworks and a counter-terrorism capability and the prevention of violence and crime within the Australian community</p>	<p>Output 2.1: Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual assistance</p>	<p>Output 2.1: Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual assistance</p>	<p>Output 2.1: Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual assistance</p>	<p>Security law and policy aspects of protective security transferred to outputs 2.2 and 2.3 (now 2.4 and 2.5) respectively. This output now focuses on specific aspects of the criminal justice system.</p>
<p>Output 2.2: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services</p>	<p>Output 2.2: Legal services and policy advice on security law</p>	<p>Output 2.2: Legal services and policy advice on security law</p>	<p>Output 2.2: Legal services and policy advice on security law</p>	<p>Security law isolated from Output 2.1.</p>
<p>Output 2.2: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services</p>	<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p>	<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p>	<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p>	<p>New output accommodates transfer of Emergency Management Australia to the Attorney-General's Department under Administrative Arrangements Orders of 26 November 2001.</p>
<p>Output 2.2: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services</p>	<p>Output 2.4: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection</p>	<p>Output 2.4: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection</p>	<p>Output 2.4: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection</p>	<p>Re-numbered. Output description changed to more accurately reflect the nature of the output.</p>
<p>Output 2.3: Provision of diplomatic and consular guarding services</p>	<p>Output 2.5: Management and coordination of the delivery of security and guarding services to meet diplomatic, consular and other Commonwealth responsibilities</p>	<p>Output 2.5: Management and coordination of the delivery of security and guarding services to meet diplomatic, consular and other Commonwealth responsibilities</p>	<p>Output 2.5: Management and coordination of the delivery of security and guarding services to meet diplomatic, consular and other Commonwealth responsibilities</p>	<p>Re-numbered. Output description changed to more accurately reflect the nature of the output.</p>
<p>Output 2.4: Provision of protective security services</p>	<p>Output 2.6: Provision of protective security services</p>	<p>Output 2.6: Provision of protective security services</p>	<p>Output deleted</p>	<p>Re-numbered. Output subsequently removed to reflect transfer of Australian Protective Service to the Australian Federal Police with effect from 1 July 2002.</p>
<p>Output 2.5: Facilitation of the delivery of high quality national policing information services</p>	<p>Output 2.7: Facilitation of the delivery of high quality national policing information services</p>	<p>Output 2.7: Facilitation of the delivery of high quality national policing information services</p>	<p>Output 2.6: Facilitation of the delivery of high quality national policing information services</p>	<p>Re-numbered. Output will be deleted to reflect CrimTrac's changed status (a prescribed authority with effect from 1 July 2002).</p>

TABLE 2.2 CHANGES TO PERFORMANCE MEASURES FOR ATTORNEY-GENERAL'S DEPARTMENT OUTPUTS
OUTCOME 1

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual report 2001–02	New structure – PBS 2002–03
<p>Output 1.1: Maintenance and development of the federal system of civil justice and the rights and responsibilities of individuals, families, business and the community</p> <p>Policies maintain and develop institutional frameworks that deliver efficient and effective justice</p> <p>Policies recognise needs, rights and responsibilities of individuals and families</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing community interests</p> <p>Policies provide solutions that recognise legitimate business interests</p> <p>Commonwealth laws (and State/Territory laws with which they interact) and Government policies are effectively explained, implemented and applied</p>	<p>Output 1.1: Legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure</p> <p>Policies maintain and develop institutional frameworks that deliver efficient and effective justice</p> <p>Policies recognise needs, rights and responsibilities of individuals and families</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing community interests</p> <p>Policies provide solutions that recognise legitimate business interests</p> <p>Commonwealth laws (and State/Territory laws with which they interact) and Government policies are effectively explained, implemented and applied</p>	<p>Output 1.1: Legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure</p> <p>Timely and sound assistance to the Attorney-General and the Government to:</p> <ul style="list-style-type: none"> • maintain and develop institutional frameworks that deliver efficient and effective justice • develop policies that recognise <ul style="list-style-type: none"> – needs, rights and responsibilities of individuals and families – an appropriate balance of competing community interests – legitimate business and other economic interests • explain, implement and apply the Government's policies 	<p>Output 1.1: Legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure</p> <p>Timely and sound assistance to the Attorney-General and the Government to:</p> <ul style="list-style-type: none"> • maintain and develop institutional frameworks that deliver efficient and effective justice • develop policies that recognise <ul style="list-style-type: none"> – needs, rights and responsibilities of individuals and families – an appropriate balance of competing community interests – legitimate business and other economic interests • explain, implement and apply the Government's policies

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual report 2001–02	New structure – PBS 2002–03
<p>Output 1.2: Support for the Attorney-General as First Law Officer and advice on constitutional policy</p> <p>Policies, and their administration, maintain and develop an institutional framework for the efficient and timely delivery of high quality legal services to the Commonwealth</p> <p>Development and advancement of legal cooperation between Australia and the Asia-Pacific Region</p> <p>Timely and effective coordination of the Commonwealth's involvement in the Standing Committee of Attorneys-General</p> <p>Timely assistance and sound policy advice provided to Government on constitutional issues in litigation and in policy development</p> <p>Commonwealth classification of publications, films and computer games policies recognise the rights and responsibilities of the public and industry members in the classification of film and literature</p>	<p>Output 1.2: Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally</p> <p>Policies, and their administration, maintain and develop an institutional framework for the efficient and timely delivery of high quality legal services to the Commonwealth</p> <p>Development and advancement of legal services and legal cooperation between Australia and the Asia-Pacific Region</p> <p>Timely and effective coordination of the Commonwealth's involvement in the Standing Committee of Attorneys-General</p> <p>Timely assistance and sound policy advice provided to Government on constitutional issues in litigation and in policy development</p> <p>Commonwealth classification of publications, films and computer games policies recognise the rights and responsibilities of the public and industry members in the classification of film and literature</p>	<p>Output 1.2: Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally</p> <p>Advancement of a national legal profession and their administration, maintain and develop an institutional framework for the efficient and timely delivery of high quality legal services to the Commonwealth</p> <p>Development and advancement of legal services and legal cooperation between Australia and the Asia-Pacific Region</p> <p>Timely and effective coordination of the Commonwealth's involvement in the Standing Committee of Attorneys-General</p> <p>Timely assistance and sound policy advice provided to Government on constitutional issues in litigation and in policy development</p> <p>Commonwealth classification of publications, films and computer games policies recognise the rights and responsibilities of the public and industry members in the classification of film and literature</p> <p>In consultation with ITSA regarding personal insolvency laws:</p> <ul style="list-style-type: none"> provide regular advice to government on proposed changes to simplify the legislation and keep it up-to-date; and consultation about personal insolvency legislation acknowledged by stakeholders as effective and constructive 	<p>Output 1.2: Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally</p> <p>Advancement of a national legal profession Policies, and their administration, maintain and develop an institutional framework for the efficient and timely delivery of high quality legal services to the Commonwealth</p> <p>Development and advancement of legal services and legal cooperation between Australia and the Asia-Pacific Region</p> <p>Timely and effective coordination of the Commonwealth's involvement in the Standing Committee of Attorneys-General</p> <p>Timely assistance and sound policy advice provided to Government on constitutional issues in litigation and in policy development</p> <p>Commonwealth classification of publications, films and computer games policies recognise the rights and responsibilities of the public and industry members in the classification of film and literature</p> <p>In consultation with ITSA regarding personal insolvency laws:</p> <ul style="list-style-type: none"> provide regular advice to government on proposed changes to simplify the legislation and keep it up-to-date; and consultation about personal insolvency legislation acknowledged by stakeholders as effective and constructive

* Wording revised after PBS 2002–03 prepared. New wording will appear in PAES 2002–03.

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual report 2001–02	New structure – PBS 2002–03
<p>Output 1.3: Administration of payments for, and the delivery of, government programs including legal assistance and family law related services</p> <p>Implementing of new or enhancement of existing programs</p> <ul style="list-style-type: none"> • successful implementation and enhancement of programs/projects within projected timeframes <p>Negotiation and management of agreements/contracts</p> <ul style="list-style-type: none"> • successful negotiation and management of agreements/contracts which reflect the Commonwealth's requirements <p>Administration of programs</p> <ul style="list-style-type: none"> • applications for assistance, or payments made, under special schemes, assessed in accordance with agreed arrangements or guidelines for financial assistance <p>Service delivery by funded organisations</p> <ul style="list-style-type: none"> • funded organisations meet performance targets specified in agreements/contracts • initiatives implemented enhance service delivery by funded organisations <p>Consultation/liaison with stakeholders</p> <ul style="list-style-type: none"> • maintenance of effective partnerships and consultative arrangements with stakeholders 	<p>Output 1.3: Legal services and policy advice on family law and legal assistance and the administration of government programs providing legal assistance and family law related services</p> <p>Policies maintain and develop institutional frameworks that deliver efficient and effective justice</p> <p>Policies recognise needs, rights and responsibilities of individuals and families</p> <p>Implementation of new or enhancement of existing programs</p> <ul style="list-style-type: none"> • successful implementation and enhancement of programs/projects within projected timeframes <p>Negotiation and management of agreements/contracts</p> <ul style="list-style-type: none"> • successful negotiation and management of agreements/contracts which reflect the Commonwealth's requirements <p>Administration of programs</p> <ul style="list-style-type: none"> • applications for assistance, or payments made, under special schemes, assessed in accordance with agreed arrangements or guidelines for financial assistance <p>Service delivery by funded organisations</p> <ul style="list-style-type: none"> • funded organisations meet performance targets specified in agreements/contracts • initiatives implemented enhance service delivery by funded organisations <p>Consultation/liaison with stakeholders</p> <ul style="list-style-type: none"> • maintenance of effective partnerships and consultative arrangements with stakeholders <p>Process of international casework meets/satisfies requirements of Australian and foreign law</p>	<p>Output 1.3: Legal services and policy advice on family law and legal assistance and the administration of government programs providing legal assistance and family law related services</p> <p>Timely and sound assistance to the Attorney-General and the Government to develop and implement policies that recognise individuals and families</p> <ul style="list-style-type: none"> • needs, rights and responsibilities of individuals and families • an appropriate balance of competing community interests <p>Management of programs</p> <ul style="list-style-type: none"> • successful negotiation of agreements/contracts which reflect the Commonwealth's requirements • effective monitoring of performance of funded programs • successful implementation of new or enhanced programs/projects within available budget <p>Administration of programs</p> <ul style="list-style-type: none"> • applications for assistance, or payments made, under special schemes, assessed in accordance with agreed arrangements or guidelines for financial assistance <p>Consultation/liaison with stakeholders</p> <ul style="list-style-type: none"> • maintenance of effective partnerships and consultative arrangements with stakeholders <p>International casework</p> <ul style="list-style-type: none"> • process of international casework meets/satisfies requirements of Australian and foreign law 	<p>Output 1.3: Legal services and policy advice on family law and legal assistance and the administration of government programs providing legal assistance and family law related services</p> <p>Timely and sound assistance to the Attorney-General and the Government to develop and implement policies that recognise individuals and families</p> <ul style="list-style-type: none"> • needs, rights and responsibilities of individuals and families • an appropriate balance of competing community interests <p>Management of programs</p> <ul style="list-style-type: none"> • successful negotiation of agreements/contracts which reflect the Commonwealth's requirements • effective monitoring of performance of funded programs • successful implementation of new or enhanced programs/projects within available budget <p>Administration of programs</p> <ul style="list-style-type: none"> • applications for assistance, or payments made, under special schemes, assessed in accordance with agreed arrangements or guidelines for financial assistance <p>Consultation/liaison with stakeholders</p> <ul style="list-style-type: none"> • maintenance of effective partnerships and consultative arrangements with stakeholders <p>International casework</p> <ul style="list-style-type: none"> • process of international casework meets/satisfies requirements of Australian and foreign law

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual report 2001–02	New structure – PBS 2002–03
<p>Output 1.4: Protection of Australia's interests internationally and compliance with Australia's international obligations</p> <p>Relevant, sound and timely legal advice on international law issues</p> <p>Development and implementation of sound and effective policy on international law issues</p> <p>Effective response to challenges to Australia's interests and rights in international courts</p> <p>Treaties and arrangements negotiated, concluded and administered</p> <p>Compliance with reporting requirements of international treaties and appropriate responses to international committees</p> <p>Process of international casework meets/satisfies requirements of Australian and foreign law</p>	<p>Output 1.4: Legal services and policy advice on international law</p> <p>Relevant, sound and timely legal advice on international law issues</p> <p>Development and implementation of sound and effective policy on international law issues</p> <p>Effective response to challenges to Australia's interests and rights in international courts</p> <p>Treaties and arrangements negotiated, concluded and administered</p> <p>Compliance with reporting requirements of international treaties and appropriate responses to international committees</p>	<p>Output 1.4: Legal services and policy advice on international law</p> <p>Relevant, sound and timely legal advice on international law issues</p> <p>Development and implementation of sound and effective policy advice on international law issues</p> <p>Effective response to challenges to Australia's interests and rights in international courts</p> <p>Treaties and arrangements negotiated, concluded and administered in a manner consistent with Australia's interests</p> <p>Compliance with reporting requirements of international treaties and appropriate responses to international committees</p>	<p>Output 1.4: Legal services and policy advice on international law</p> <p>Relevant, sound and timely legal advice on international law issues</p> <p>Development and implementation of sound and effective policy advice on international law issues</p> <p>Effective response to challenges to Australia's interests and rights in international courts</p> <p>Treaties and arrangements negotiated, concluded and administered in a manner consistent with Australia's interests</p> <p>Compliance with reporting requirements of international treaties and appropriate responses to international committees</p>
<p>Output 1.6: Legal services and policy advice on international law</p> <p>Policies maintain and develop institutional frameworks that deliver efficient and effective justice</p> <p>Policies recognise needs, rights and responsibilities of individuals and families</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing community interests</p> <p>Policies provide solutions that recognise legitimate business interests</p> <p>Commonwealth laws (and State/Territory laws with which they interact) and Government policies are effectively explained, implemented and applied</p>	<p>Output 1.6: Legal services and policy advice on information law</p> <p>Policies recognise rights and responsibilities of stakeholders</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing interests</p> <p>Commonwealth laws (and State/Territory laws with which they interact) and Government policies are effectively explained, implemented and applied</p>	<p>Output 1.6: Legal services and policy advice on information law</p> <p>Policies recognise rights and responsibilities of stakeholders</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing interests</p> <p>Commonwealth laws (and State/Territory laws with which they interact) and Government policies are effectively explained, implemented and applied</p>	<p>Output 1.6: Legal services and policy advice on information law</p> <p>Policies recognise rights and responsibilities of stakeholders</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing interests</p> <p>Commonwealth laws (and State/Territory laws with which they interact) and Government policies are effectively explained, implemented and applied</p>

Output 1.7: Legal services and policy advice on native title
Policies maintain and develop institutional frameworks that deliver efficient and effective justice
Policies recognise needs, rights and responsibilities of individuals and families
Policies provide solutions for, and recognise an appropriate balance of, competing community interests
Policies provide solutions that recognise legitimate business interests
Commonwealth laws (and State/Territory laws with which they interact) and Government policies are effectively explained, implemented and applied

Output 1.7: Legal services and policy advice on native title
Timely and sound assistance to the Attorney-General and the Government:

- in the development of policies that maintain, develop and deliver efficient and effective justice in relation to native title for all Australians by providing solutions that:
 - achieve an appropriate balance of competing interests;
 - recognise the needs, rights and responsibilities of individuals and groups (including families), and legitimate business and other economic interests;
 - facilitate equitable resolution of native title issues;
- in the development and maintenance of legislative frameworks (Commonwealth laws and State/Territory laws with which they interact) that are appropriate for that purpose;
- to ensure that those policies are adequately explained, implemented and applied.

Output 1.7: Legal services and policy advice on native title
Timely and sound assistance to the Attorney-General and the Government:

- in the development of policies that maintain, develop and deliver efficient and effective justice in relation to native title for all Australians by providing solutions that:
 - achieve an appropriate balance of competing interests;
 - recognise the needs, rights and responsibilities of individuals and groups (including families), and legitimate business and other economic interests;
 - facilitate equitable resolution of native title issues;
- in the development and maintenance of legislative frameworks (Commonwealth laws and State/Territory laws with which they interact) that are appropriate for that purpose;
- to ensure that those policies are adequately explained, implemented and applied.

OUTCOME 2

**Previous structure –
PBS 2001–02**

Output 2.1: Maintenance and development of the federal system of criminal justice, development and implementation of law enforcement and national security frameworks and a counter-terrorism capability and the prevention of violence and crime within the Australian community

Relevant, sound and timely policy advice provided and development, administration and review of policies and related legislation in accordance with government objectives. Government policies are effectively explained, implemented and applied. Effective nation-wide counter-terrorism capability and protective security coordination and intelligence issues through cooperative relationships between governments and law enforcement and justice agencies within and outside of Australia. Establishment of a National Crime Information System in accordance with the agreed phased program. Development of appropriate strategies for violence and crime prevention. Informed strategic decision-making by Government on law enforcement matters through providing insights into the emerging criminal environment.

**Previous structure –
PAES 2001–02**

Output 2.1: Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual assistance

Relevant, sound and timely policy advice provided and development, administration and review of policies and related legislation in accordance with government objectives. Government policies are effectively explained, implemented and applied. Effective nation-wide counter-terrorism capability and protective security coordination. Effective coordination of investigation and intelligence issues through cooperative relationships between governments and law enforcement and justice agencies within and outside of Australia. Development of appropriate strategies for violence and crime prevention. Informed strategic decision-making by Government on law enforcement matters through providing insights into the emerging criminal environment.

**Structure for
Annual report 2001–02**

Output 2.1: Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual assistance

Policy advice

- sound policy advice provided to meet the Government's and Minister's timetable
- effective coordination and representation of Commonwealth interests in international and domestic policy development forums
- Government's legislation requirements met

Development of appropriate strategies for violence and crime prevention

Management of programs

- agreements/contracts negotiated which reflect the Commonwealth's requirements
- performance of contractual and agreement obligations monitored, reported and evaluated

Casework

- successful implementation of new or enhanced programs/projects within available budget

Casework

- applications for assistance or decisions under domestic and international arrangements for mutual assistance, extradition, federal prisoners, firearms importation and criminal laws, proactively managed and properly determined

**New structure –
PBS 2002–03**

Output 2.1: Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual assistance

Policy advice

- sound policy advice provided to meet the Government and Minister's timetable
- effective coordination and representation of Commonwealth interests in international and domestic policy development forums
- Government's legislation requirements met

Management of programs

- agreements/contracts negotiated which reflect the Commonwealth's requirements
- performance of contractual and agreement obligations monitored, reported and evaluated

Casework

- applications for assistance or decisions under domestic and international arrangements for mutual assistance, extradition, federal prisoners, firearms importation and criminal laws, proactively managed and properly determined

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual report 2001–02	New structure – PBS 2002–03
<p>Output 2.2: Legal services and policy advice on security law</p> <p>Relevant, sound and timely policy advice provided and development, administration and review of policies and related legislation in accordance with government objectives</p> <p>Government policies are effectively explained, implemented and applied</p> <p>Effective national security capability</p> <p>Development of appropriate strategies for violence and crime prevention</p>	<p>Output 2.2: Legal services and policy advice on security law</p> <p>Policies recognise rights and responsibilities of stakeholders</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing interests</p> <p>Government policies are effectively explained, implemented and applied</p>	<p>Output 2.2: Legal services and policy advice on security law</p> <p>Policies recognise rights and responsibilities of stakeholders</p> <p>Policies provide solutions for, and recognise an appropriate balance of, competing interests</p> <p>Government policies are effectively explained, implemented and applied</p>	<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p> <p>Develop a strategic emergency management framework and agenda</p> <p>Build effective emergency management partnerships</p> <p>Enhance emergency management capability</p> <p>Facilitate the development of sustainable and resilient communities</p>
<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p> <p>Develop a strategic emergency management framework and agenda</p> <p>Build effective emergency management partnerships</p> <p>Enhance emergency management capability</p> <p>Facilitate the development of sustainable and resilient communities</p>	<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p> <p>Operate EMA efficiently and effectively within a business context</p> <p>Increase EMA's influence with clients and stakeholders</p> <p>Develop and implement best practice emergency management strategies and policies</p> <p>Provide enhanced access to emergency management information</p> <p>Disaster assistance complies with Commonwealth procedures</p> <p>Leader in emergency management training products and services</p> <p>Value for money for Commonwealth funding*</p>	<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p> <p>Develop a strategic emergency management framework agenda</p> <p>Build more effective relationships between emergency management and other sector stakeholders</p> <p>Enhance emergency management capability</p> <p>Facilitate the process of developing resilient and safer sustainable communities</p>	<p>Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p> <p>Develop a strategic emergency management framework agenda</p> <p>Build more effective relationships between emergency management and other sector stakeholders</p> <p>Enhance emergency management capability</p> <p>Facilitate the process of developing resilient and safer sustainable communities</p>

* Wording revised after PBS 2002-03 prepared.

Previous structure – PBS 2001–02	Previous structure – PAES 2001–02	Structure for Annual report 2001–02	New structure – PBS 2002–03
<p>Output 2.2: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services</p> <p>Security education and awareness meets clients needs and reflects standards as set out in the Protective Security Manual</p> <p>Security clearance investigations conducted in accordance with standards specified in the Protective Security Manual in line with Memoranda of Understanding with client agencies</p> <p>Effective management and coordination of security arrangements for Australian office holders, visiting dignitaries and diplomatic and consular personnel</p> <p>Effective protective security practices, procedures and standards for Commonwealth departments and agencies</p>	<p>Output 2.4: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection</p> <p>Effective coordination of intelligence issues through cooperative relationships between governments and law enforcement and justice agencies within and outside of Australia</p> <p>Security education and awareness meets clients needs and reflects standards as set out in the Protective Security Manual</p> <p>Security clearance investigations conducted in accordance with standards specified in the Protective Security Manual in line with Memoranda of Understanding with client agencies</p> <p>Effective management and coordination of security arrangements for Australian office holders, visiting dignitaries and diplomatic and consular personnel</p> <p>Effective protective security practices, procedures and standards for Commonwealth departments and agencies</p>	<p>Output 2.4: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection</p> <p>Effective coordination of security issues through cooperative relationships between governments and law enforcement and justice agencies within and outside of Australia</p> <p>Security education and awareness meets clients needs and reflects standards as set out in the Protective Security Manual</p> <p>Security clearance investigations conducted in accordance with standards specified in the Protective Security Manual in line with Memoranda of Understanding with client agencies</p> <p>Effective management and coordination of security arrangements for Australian office holders, visiting dignitaries and diplomatic and consular personnel</p> <p>Effective protective security practices, procedures and standards for Commonwealth departments and agencies</p>	<p>Output 2.4: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection</p> <p>Effective coordination of security issues through cooperative relationships between governments and law enforcement and justice agencies within and outside of Australia</p> <p>Security education and awareness meets clients needs and reflects standards as set out in the Protective Security Manual</p> <p>Security clearance investigations conducted in accordance with standards specified in the Protective Security Manual in line with Memoranda of Understanding with client agencies</p> <p>Effective management and coordination of security arrangements for Australian office holders, visiting dignitaries and diplomatic and consular personnel</p> <p>Effective protective security practices, procedures and standards for Commonwealth departments and agencies</p>

APPENDIX 3

FREEDOM OF INFORMATION MATTERS



3.1 FUNCTIONAL STATEMENTS FOR THE ATTORNEY-GENERAL'S DEPARTMENT AND SOME PORTFOLIO AGENCIES

This functional statement is published to meet the requirements of section 8 of the *Freedom of Information Act 1982* (FOI Act). The following agencies in the Attorney-General's portfolio publish their own annual reports and are therefore not included in this functional statement.

Administrative Appeals Tribunal	Federal Magistrates Service
Administrative Review Council	Federal Police Disciplinary Tribunal
Australian Customs Service	High Court of Australia
Australian Government Solicitor*	Insolvency and Trustee Service Australia
Australian Federal Police	Human Rights and Equal Opportunity Commission
Australian Institute of Criminology	National Crime Authority
Australian Law Reform Commission	National Native Title Tribunal
Australian Security Intelligence Organisation*	Office of Film and Literature Classification (including the Classification Board and Classification Review Board)
Australian Transaction Reports and Analysis Centre	Office of Parliamentary Counsel
Criminology Research Council	Office of the Director of Public Prosecutions
CrimTrac	Official Trustee in Bankruptcy
Family Court of Australia	Privacy Commissioner
Family Law Council	
Federal Court of Australia	

* These bodies are exempt from the operation of the FOI Act and are not required to publish statements under section 8 of the Act.

The Department's statement is provided first, followed by the agencies listed below which do not publish their own Annual Reports.

Copyright Tribunal
Defence Force Discipline Appeal Tribunal
Solicitor-General

ATTORNEY-GENERAL'S DEPARTMENT

Establishment

The Attorney-General's Department was one of the original departments established at Federation in 1901.

Organisation

The organisation chart published on page 15 shows the structure of the Department.

Functions

The broad functions and powers of the Attorney-General's Department are described in the earlier sections of this report. Legislation administered by the Attorney-General is published in the Administrative Arrangements Order. Further details of the functions of the Department and other particulars required by section 8 of the FOI Act are given below in relation to the various offices, divisions and branches of the Department.

FOI procedures and initial contact point

Requests and enquiries under the FOI Act for access to documents in the possession of the Department should be directed to:

Director
Freedom of Information Section
Corporate Services
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

Phone: (02) 6250 5693

Fax: (02) 6250 5907

Pursuant to arrangements approved by the Secretary of this Department under subsection 23(1) of the FOI Act, the Director of the FOI Section and a number of designated SES employees are authorised to make decisions under the FOI Act. The Director, FOI Section, is authorised to make all primary decisions on access to documents. The designated SES employees are authorised to conduct internal reviews of primary decisions if and when requested.

Facilities for access

The Department provides facilities for inspection of documents and preparation of copies if required, at the address of the Director, FOI Section, shown above.

Publications that are described as available free of charge upon request may be obtained through the Director, FOI Section. Publications that are available for purchase may be obtained through Government Info Shops (AusInfo). Information relating to judicial appointments or enforcement of judgments is generally made available to the public upon request. Inquiries should be directed to the Director, FOI Section.

Arrangements for outside participation

There are no arrangements for outside participation unless separately stated within each branch or unit entry below.

Categories of documents

There are certain categories of documents that are common throughout the Department. These categories are:

- internal administration papers and records, including working drafts, statistical records, copies of cables and facsimiles, and records relating to human and financial resource management;
- ministerial, inter-departmental and general correspondence and papers;
- policy documents, including recommendations and decisions;
- requests for legal advice and copies or notes of advice given, and other legal documents;
- papers relating to new and amending legislation, drafting instructions and draft legislation;
- media releases;
- copies of texts of various public addresses, speeches, discussion papers and other statements made by the Attorney-General, the Minister for Justice and Customs and departmental employees;

- briefing papers and submissions prepared for the Attorney-General and the Minister for Justice and Customs;
- copies of draft Cabinet documents, Cabinet submissions and associated briefs;
- documents relating to meetings (agendas, minutes and reports);
- copies of questions in the Parliament together with related replies;
- copies of documents prepared for the Executive Council;
- reports relating to research and investigations;
- tender documents.

A separate list of categories of documents that are specific to each departmental area appears in the following pages after the description of each area.

AUDIT COMMITTEE

Functions

The Audit Committee is appointed by and is responsible to the Secretary for the provision of advice relating to:

- the departmental system of internal control;
- management of financial risk;
- review of financial reporting;
- control of public money and assets;
- regulatory compliance.

From 1 July 2002, the Audit and Evaluation function has been performed by Deloitte Touche Tohmatsu under an outsourcing arrangement. The audit and evaluation function conducted by Deloitte is overseen by the Audit Committee. Deloitte provide a comprehensive internal audit service to management and in doing so it provides analysis, appraisals, and recommendations on the areas and operations reviewed. This is achieved by examining and evaluating the adequacy, effectiveness and efficiency of systems of internal control and the quality of management in an independent and professional manner both annually and strategically.

Categories of documents

The following specific categories of documents are maintained (for further general categories of documents, see page 164):

- reports and associated working papers resulting from internal audit reviews;
- strategic and annual working plans for internal audit activity;
- audit manuals and packages containing audit standards and operating procedures;
- minutes and associated papers of the departmental Audit Committee;
- papers relating to liaison with the Australian National Audit Office and professional bodies, and investigation reports and working papers.

CIVIL JUSTICE AND LEGAL SERVICES GROUP

CIVIL JUSTICE DIVISION

The responsibilities of the Civil Justice Division (CJD) fall into two broad subject areas: Justice System and Administrative Law, and Human Rights and Humanitarian Law.

Justice System and Administrative Law

Functions

CJD provides legal and policy advice in relation to the following matters:

- policy development in relation to the role and structure of federal courts and some tribunals;
- proposed establishment of the Administrative Review Tribunal;
- administrative law and judicial review legislation and policy, including consideration of reports by the Administrative Review Council;
- proposals for conferral of jurisdiction on federal courts and tribunals in draft legislation and Cabinet submissions;
- appointments to, and the jurisdiction of, the High Court, the Federal Court, the Family Court, the Federal Magistrates Service, the Administrative Appeals Tribunal, the National Native Title Tribunal, the Federal Police Disciplinary Tribunal and the Defence Force Discipline Appeal Tribunal;
- judicial and related officer remuneration policy and terms and conditions;
- proposals for judicial education;
- policy development in relation to alternative dispute resolution;
- National Alternative Dispute Resolution Advisory Council;
- Federal Costs Advisory Committee;
- payments to the States in connection with the exercise by State courts of family law jurisdiction;
- appointments to the Administrative Review Council;
- evidence law, and matters of legal procedure, including service and execution of process, Part IVA of the *Federal Court of Australia Act 1976* (representative proceedings) and limitation of actions;
- private international law matters (including the enforcement of judgments), matters arising under the *Foreign Evidence Act 1994* and *Foreign Judgments Act 1991*, and reciprocal arrangements with New Zealand (including under Part IIIA of the *Federal Court of Australia Act*);
- requests for the Attorney-General's agreement to intervene in matters raising questions of law under administrative or judicial review or evidence legislation;
- the *Acts Interpretation Act 1901* and related legislation, including the Government's review of the *Acts Interpretation Act*;
- statute stocktake.

CJD provides advice to the Attorney-General with respect to a number of decision-making powers under legislation administered in the Division. These powers are:

Administrative Decisions (Judicial Review) Act 1977

- to provide a certificate protecting specified information from disclosure in a statement of reasons furnished pursuant to section 13;
- to intervene in proceedings before the Federal Court.

Administrative Appeals Tribunal Act 1975

- to provide a certificate protecting specified information from disclosure in a statement of reasons furnished pursuant to section 28;

- to intervene in proceedings before the Administrative Appeals Tribunal;
- to provide a certificate protecting information and matters contained in documents from disclosure to persons other than members of the Tribunal;
- to inform the Tribunal that the answering of a question by a person would be contrary to the public interest.

Evidence Act 1995

- to authorise a person under section 171 to give evidence of certain matters.

Ombudsman Act 1976

- to provide a certificate protecting certain information from disclosure.

As referred to above, CJD also provides advice to the Attorney-General with respect to powers relating to the making of appointments under the following Acts:

Administrative Appeals Tribunal Act 1975 (Administrative Appeals Tribunal and Administrative Review Council)

Complaints (Australian Federal Police) Act 1981

Defence Force Discipline Appeals Act 1955

Family Law Act 1975 (Parts IV and IVA)

Federal Court of Australia Act 1976

Federal Magistrates Act 1999

High Court of Australia Act 1975

Native Title Act 1993

CJD also works with the Australian Government Solicitor on advising the Attorney-General in relation to notices provided to the Attorney-General under the *Judiciary Act 1903* and the *Jurisdiction of Courts (Cross-vesting) Act 1987*.

CJD administers the following legislation relating to the Justice System and Administrative Law:

Acts Citation Act 1976

Acts Interpretation Act 1901

Administrative Appeals Tribunal Act 1975

Administrative Changes (Consequential Provisions) Act 1976

Administrative Changes (Consequential Provisions) Act 1978

Administrative Decisions (Judicial Review) Act 1977

Amendments Incorporation Act 1905

Australian Capital Territory Supreme Court (Transfer) Act 1992

Australian Law Reform Commission Act 1996

Australian Law Reform (Repeal Transitional and Miscellaneous Provisions) Act 1996

Commonwealth Motor Vehicles (Liability) Act 1959

Complaints (Australian Federal Police) Act 1981 (Part VI)

Defence Force Discipline Appeals Act 1955 (Part II)

Domicile Act 1982

Environment Protection (Northern Territory Supreme Court) Act 1978

Evidence Act 1995

Evidence (Transitional Provisions and Consequential Amendments) Act 1995

Evidence and Procedure (New Zealand) Act 1994

Evidence and Procedure (New Zealand) (Transitional Provisions and Consequential Amendments) Act 1994

Family Law Act 1975 (Parts IV and IVA)
Federal Court of Australia Act 1976
Federal Court of Australia (Consequential Provisions) Act 1976
Federal Magistrates Act 1999
Foreign Evidence Act 1994 (except Part III)
Foreign Evidence (Transitional Provisions and Consequential Amendments) Act 1994
Foreign Judgments Act 1991
High Court Justices (Long Leave Payments) Act 1979
High Court of Australia Act 1979
Judges (Long Leave Payments) Act 1979
Judges' Pensions Act 1968
Judicial Appointment (Western Samoa) Act 1980
Judiciary (Diplomatic Representation) Act 1977
Judiciary Act 1903 (other than Parts VIIIA (Legal practitioners), VIIIB (the Australian Government Solicitor), VIIC (the Attorney-General's Legal Services Directions), section 61 (suits by Commonwealth), section 63 (service of process when the Commonwealth is a party), and section 78A and section 78B (provisions relating to constitutional matters) and Part X (criminal jurisdiction))
Jurisdiction of Courts (Cross-vesting) Act 1987
Jury Exemption Act 1965
Native Title Act 1993 (Part III except subparagraph 66(2)(a)(ii), Parts IV, V, VI, VII, VIII and XIV)
Nauru (High Court Appeals) Act 1976
Privy Council (Appeals from the High Court) Act 1975
Privy Council (Limitation of Appeals) Act 1968
Service and Execution of Process Act 1992
Service and Execution of Process (Transitional Provisions and Consequential Amendments) Act 1992
Statutory Declarations Act 1959
Statute Stocktake Act 1999
Workplace Relations Act 1996 (Part XIV, except for sections 413 and 417)
 Statutory Rules made under the Acts listed above.

Arrangements for outside participation

CJD consults State and Territory departments and agencies, the Law Council of Australia and other bodies as appropriate in relation to its functions.

In connection with administering the Evidence Act:

- an employee of CJD is a member of the Evidence Act Monitoring Committee;
- another employee is Secretary to the Committee;
- CJD provides secretariat services to the Committee.

The Administrative Review Council, established by section 48 of the Administrative Appeals Tribunal Act, allows outside participation in the formulation of administrative law policy issues by the Attorney-General.

There is outside participation in the development of policy on alternative dispute resolution issues via the National Alternative Dispute Resolution Advisory Council.

Categories of documents

CJD maintains the following specific categories of documents (for further general categories of documents, see page 164):

- advice on policy proposals relating to legislation administered by, and proposed international arrangements and proposed legislation being developed by CJD;
- materials relating to professional development and training;
- documents for the Executive Council;
- documents relating to the Evidence Act Monitoring Committee;
- documents relating to the Administrative Review Council.

Human Rights and Humanitarian Law

Functions

CJD provides legal and policy advice on the following Acts or Regulations made under those Acts:

Crimes (Torture) Act 1988

Disability Discrimination Act 1992

Geneva Conventions Act 1957

Genocide Convention Act 1949

Human Rights and Equal Opportunity Commission Act 1986

Human Rights (Sexual Conduct) Act 1994

Racial Discrimination Act 1975

Sex Discrimination Act 1984

CJD also provides legal and policy advice on human rights and humanitarian law issues generally, including:

- minority rights, civil and political rights and measures to combat discrimination;
- Australia's involvement in international initiatives in the human rights and humanitarian field, in conjunction with the Office of International Law and the Department of Foreign Affairs and Trade and other relevant departments, and the implementation within Australia of international human rights and humanitarian instruments.

Arrangements for outside participation

A regular forum has been established for non-government organisations. The forum provides a focused opportunity for discussions and consultations with non-government organisations monitoring human rights in Australia. The forum meets twice a year.

The Standing Committee of Attorneys-General Officers' Working Group on Human Rights provides a focus for a coordinated approach to the promotion and protection of human rights and anti-discrimination legislation, and the maintenance of an appropriate balance between the role of the Commonwealth and the States and Territories in the protection of human rights in Australia. It also provides a continuing basis for cooperation in relation to human rights bodies regarding both treaty reporting and communications by individuals.

The Disability Discrimination Act Standards Working Group was established by the Attorney-General in August 1993. The Working Group advises the Attorney-General on the processes for development of standards under the Disability Discrimination Act, the need for and possible priority of areas for standards, the form of any such standards, and other issues affecting the development of such standards.

Membership of the Working Group includes representatives from relevant Government departments, the disability community and the Human Rights and Equal Opportunity Commission. The Acting Disability Discrimination Commissioner is also a member of the Working Group.

Categories of documents

CJD maintains the categories of documents listed in the general categories of documents on page 164.

OFFICE OF INTERNATIONAL LAW

Functions

The Office of International Law (OIL) provides specialist legal advice on public international law, including international trade law, and its implementation in Australia. It has responsibility for litigation, projects and policy development involving international law and for the constitutional aspects for its implementation in Australia. It also administers a range of legislation associated with Australia's international obligations. OIL is also responsible, in conjunction with the Department of Foreign Affairs and Trade, for the clearance of all national interest analyses relating to proposed treaty actions prepared by line departments responsible for the treaty action.

OIL is responsible for the following Acts:

Admiralty Act 1988

Coastal Waters (Northern Territory Powers) Act 1980

Coastal Waters (Northern Territory Title) Act 1980

Coastal Waters (State Powers) Act 1980

Coastal Waters (State Title) Act 1980

Foreign Proceedings (Excess of Jurisdiction) Act 1984

Foreign States Immunities Act 1985

International Arbitration Act 1974

Marine Insurance Act 1909

Seas and Submerged Lands Act 1973

Trusts (Hague Convention) Act 1991

OIL deals with international law, including litigation in the international courts and tribunals, implementation of treaties, shipping law, air law, off-shore jurisdiction (including fisheries and mining), Antarctica and international environmental law.

OIL consists of two branches: the Public International Law Branch and the International Trade and Environment Law Branch.

Public International Law Branch

Functions

The Public International Law Branch provides specialist advice on public international law and its implementation in Australia. It also assists in litigation before both international and domestic courts and tribunals in matters involving international law. It prepares reports to the human rights committees on Australia's compliance with its obligations under various human rights conventions and responds to communications by individuals alleging violations of those conventions.

International Trade and Environment Law Branch

Functions

The International Trade and Environment Law Branch provides advice on international trade law, including trade in legal services, and its implementation in Australia. It has responsibility for Australia's input into international organisations dealing with trade law and the unification of private law, and for projects and policy development in areas including international arbitration and private international law.

Categories of documents

OIL maintains the following specific categories of documents (for general categories of documents, see page 164):

- copies of advice and other legal comments given to other departments or agencies in relation to projects or policies which these other departments or agencies are developing or implementing;
- documents assisting the preparation of arguments to be used on behalf of the Commonwealth in major litigation or assisting the Solicitor-General, the Secretary, the Chief General Counsel, the Australian Government Solicitor, or a General Manager of the Department;
- briefs for Australian delegations to meetings of relevant international organisations, together with minutes of meetings and reports of delegations;
- papers and correspondence relating to Australian membership of, and participation in, the work of relevant international organisations;
- papers and correspondence relating to the question of Australia's attitude to the work of international trade law bodies;
- papers and correspondence relating to organisation and convening of the international law conferences.

The following categories of documents are made available (other than under the FOI Act) upon request:

- reports to certain human rights committees;
- documents received from international organisations relating to matters and meetings for which the Office is responsible.

OFFICE OF LEGAL SERVICES COORDINATION

Functions

The Office of Legal Services Coordination (OLSC) assists the Attorney-General to discharge his functions as First Law Officer in relation to the delivery of legal services to the Commonwealth and, in particular, in relation to the conduct of litigation.

OLSC administers:

Judiciary Act 1903 Parts VIII A (Legal practitioners), VIII B (the Australian Government Solicitor), VIII C (the Attorney-General's Legal Services Directions), section 61 (suits by Commonwealth), section 63 (service of process when the Commonwealth is a party), and section 78A and section 78B (provisions relating to constitutional matters)

Classification (Publications, Films and Computer Games) Act 1995

Australia (Request and Consent) Act 1985

Customs Act 1901 (insofar as it relates to the making of regulations making provisions in the nature of censorship of imported goods, including printed matter and films)

Law Officers Act 1964

Australia Act 1986

Statute of Westminster Adoption Act 1942

In particular, OLSC is responsible for:

- advising the Attorney-General on the Legal Services Directions which were issued pursuant to section 55ZF of the *Judiciary Act 1903*. These Directions provide a framework for the delivery of legal services to the Commonwealth;
- advising the Attorney-General on the operation of the Australian Government Solicitor (AGS) as a separate authority under the *Judiciary Amendment Act 1999* and coordinating the Department's ongoing relationship with AGS;

- advising the Attorney-General on applications made by Commonwealth Ministers for financial assistance under the Parliamentary Entitlements Regulations;
- advising Commonwealth departments and agencies on purchasing legal services and on compliance with the Legal Services Directions;
- coordination of the Commonwealth's involvement in the Standing Committee of Attorneys-General;
- advising the Attorney-General on classification issues;
- provision of advice on policy issues relating to the legal profession;
- coordinating advice concerning trade in legal services and related matters and assisting in legal cooperation with other countries;
- servicing the International Legal Services Advisory Council (ILSAC);
- in conjunction with Insolvency and Trustee Service, Australia (ITSA) advising the Attorney-General on personal insolvency issues.

OLSC includes the Constitutional Policy Unit. The Unit was established to provide advice and assistance to the Attorney-General on a wide range of constitutional policy and related public law issues.

Arrangements for outside participation

OLSC consults with the legal profession (including legal practitioners, law firms and the Law Council of Australia) both directly and indirectly through representative bodies. Consultations cover a range of issues arising from the Commonwealth legal services market, the Legal Services Directions and the development of uniform national regulatory arrangements for the legal profession.

In relation to censorship issues, OLSC consults with the States and Territories and the Office of Film and Literature Classification and participates in consultations with stakeholders arranged by the Office of Film and Literature Classification.

In relation to personal insolvency issues, OLSC works closely with ITSA and participates in consultations with stakeholders arranged by ITSA.

There is outside participation in the development of policy advice on international legal services issues via the International Legal Services Advisory Council (ILSAC). ILSAC was established in 1990 as a private-public sector consultative body to provide advice on Australia's performance in international legal services. It reports to the Attorney-General. The Council is chaired by the Hon. Sir Laurence Street, AC KCMG QC who was re-appointed in April 2002 until 30 June 2002, and subsequently extended to 31 December 2003. The body of the Council was appointed for three years from 1 January 2001. Members receive no sitting fee or remuneration.

Categories of documents

OLSC maintains the following specific categories of documents (for further general categories of documents, see page 164):

- the Legal Services Directions, policies and guidelines relating to the provision of legal services to Commonwealth departments and agencies. (The Directions, which are available on the Office's website at www.law.gov.au/olsc, include directions on the engagement of counsel, the Commonwealth's Obligation to Act as a Model Litigant, Handling Monetary Claims, Tied Areas of Commonwealth Legal Work and Assistance to Officials for Legal Proceedings.);
- documents relating to issues arising out of the Legal Services Directions, including correspondence and opinions;
- documents relating to possible statutory appointments;

- guidelines in relation to responsibility for handling litigation involving the Commonwealth or Commonwealth agencies;
- documents relating to constitutional issues, including correspondence and opinions;
- documents relating to matters considered by the Standing Committee of Attorneys-General;
- documents relating to censorship, personal insolvency and legal profession policy and issues;
- documents and materials used in the preparation of research and briefing concerning trade in legal services and legal cooperation matters;
- papers and correspondence relating to the operation and work of ILSAC.

The following documents are made available (other than under the FOI Act) free of charge:

- *Australian Legal Services Export Development Strategy 1999–2002*;
- *Third Triennium Report of ILSAC (1996–99)*.

OFFICE OF LEGISLATIVE DRAFTING

Functions

The Office of Legislative Drafting (OLD) provides a wide range of services associated with drafting Commonwealth delegated legislation and other instruments and ensuring free public access to the law. The Office consists of three drafting units and the Legislative Services and Publication Unit.

The drafting units draft instruments for, and provide related advice to, Commonwealth departments and agencies. The Legislative Services and Publication Unit (LPSU) provides support services to the Principal Legislative Counsel and the drafting units, as well as specialised IT application and documentation writing services to OLD as a whole. LPSU also manages OLD's editing quality assurance processes and its extensive continuous improvement program. In addition, it is responsible for preparations for the proposed Federal Register of Legislative Instruments and manages its precursor, the Legislative Instruments Database, as well as the gazettal, printing and tabling of statutory rules.

LPSU also maintains the legislation of the Commonwealth and the non-self governing Territories, in an up-to-date form, which it makes available on the Internet, along with other legal materials, at the SCALEplus website. It also provides a copy of consolidated legislation and related materials to the printer for those titles selected for hardcopy printing.

From 1 July 2002 the Office became responsible for publication of the Government Notices Gazette.

Categories of documents

The Office maintains the following specific categories of documents (for further general categories of documents, see page 164):

- drafting instructions (issued by departments and agencies) for Regulations, Ordinances and other instruments, together with related correspondence and drafts;
- instructions for the guidance of staff in Office procedures.

FAMILY LAW AND LEGAL ASSISTANCE DIVISION

Functions

The Family Law and Legal Assistance Division (FLLAD) consists of the Legal Assistance Branch, the Family Law Branch, and the Primary Dispute Resolution Unit.

FLLAD is responsible for management of Commonwealth legal aid policy and funding for legal aid commissions and community legal services.

FLLAD is also responsible for the provision of direct financial assistance in accordance with a number of legal assistance schemes.

FLLAD has policy responsibility for primary dispute resolution in family law. It also has policy oversight of funding for family law related dispute resolution services managed in the Family Relationships Services Program by the Department of Family and Community Services under a Business Partnership Agreement. These include family and child counselling, family and child mediation, contact orders pilot and children's contact services.

FLLAD has policy and administrative responsibility in relation to family law and marriage issues as well as international child abduction, intercountry adoption and international maintenance matters and acts as the Commonwealth Central Authority for international matters. The Division provides secretariat support to the Family Law Council.

FLLAD also administers the authorisation under the *Marriage Act 1961* of civil and religious marriage celebrants (other than nominees of recognised denominations).

Legal Assistance Branch

Functions

The Legal Assistance Branch (LAB) is responsible for Commonwealth legal aid policy development and advice, and administration of agreements with the State/Territory governments or legal aid commissions for the provision of legal assistance services for Commonwealth matters. LAB is also responsible for policy and administration of the Commonwealth's Community Legal Services Program.

LAB is responsible for determination of individual applications for legal assistance towards legal costs and related expenses, under the following statutory and non-statutory schemes:

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (subsection 30(2))

Aboriginal Land Rights (Northern Territory) Act 1976 (sections 54C and 74A)

Administrative Appeals Tribunal Act 1975 (section 69, including the War Service Scheme)

Defence Force Discipline Appeals Regulations (regulation 11)

Federal Proceedings (Costs) Act 1981

Freedom of Information Act 1982 (section 66)

Human Rights and Equal Opportunity Commission Act 1986 (section 46PU)

Judiciary Act 1903 (subsections 69(3) and 78B(4))

Jurisdiction of Courts (Cross-vesting) Act 1987 (section 6(7))

National Crime Authority Act 1984 (section 27)

Native Title Act 1993 (section 183)

Navigation (Marine Casualty) Regulations (regulation 29)

Privacy Act 1988 (section 63)

Proceeds of Crime Act 1987 (section 102)

Trade Practices Act 1974 (section 170)

War Crimes Act 1945 (section 19)

Workplace Relations Act 1996 (section 342)

Special Circumstances Scheme

Special Circumstances (Overseas) Scheme

Overseas Custody (Child Removal) Scheme

Royal Commissions and Inquiries Scheme

Common Law (Native Title) Scheme

Special Circumstances (Native Title) Scheme

Commonwealth Public Interest and Test Cases Scheme

Financial Assistance for Legal Costs before the Royal Commissions into HIH and Building and Construction Industry.

Categories of documents

LAB maintains the following specific categories of documents (for further general categories of documents, see page 164):

- agreements between the Commonwealth and State/Territory governments or legal aid commissions in relation to the delivery of legal assistance for Commonwealth law matters;
- Commonwealth legal aid priorities and guidelines for legal assistance in respect of matters arising under Commonwealth law;
- forms of application, letters and material in support of individual applications, recommendations, decisions, accounts submitted by private legal practitioners and related papers in respect of applications for direct Commonwealth assignments of legal aid;
- documents relating to monitoring of expenditure under the departmental appropriation item on provision of legal costs and related expenses.

The following categories of documents are available (other than under the FOI Act) free of charge upon request:

- National Information Scheme Management Structure and Operations;
- National Information Scheme Data Management Protocol;
- Guidelines for the provision of financial assistance by the Commonwealth under Part XII of the *Workplace Relations Act 1996*;
- Guidelines for the provision of financial assistance by the Attorney-General in native title cases;
- Guidelines for the provision of legal or financial assistance by the Commonwealth other than under the *Workplace Relations Act 1996*;
- Guidelines for the provision of assistance by the Commonwealth for legal and related expenses under the Commonwealth Public Interest and Test Cases Scheme;
- Guidelines for the Special Circumstances Scheme;
- Guidelines for consideration of financial assistance for legal costs and related expenses under the Overseas Custody (Child Removal) Scheme;
- Financial assistance guidelines for legal costs before commissions and inquiries;
- Guidelines for Financial Assistance for Legal Costs before the Royal Commissions into HIH and Building and Construction Industry;
- Guidelines for Community Legal Services Program;
- Guidelines for the Special Circumstances (Overseas) Scheme;
- Notices to Practitioners under the *Federal Proceedings (Costs) Act 1981*—section 10 certificates;
- Notices to Practitioners under the *Federal Proceedings (Costs) Act 1981*—sections 6, 8 and 9 certificates.

Arrangements for outside participation

Employees of LAB meet with directors of the legal aid commissions on a regular basis. Employees of the Branch also participate in ad hoc working groups with both legal aid commissions and community legal centres. Employees also attend the Native Title Consultative Forum to discuss issues of concern for respondents to native title claims. Other consultative arrangements are put in place as the need arises.

Family Law Branch

Functions

The Family Law Branch (FLB) has policy and administrative responsibility in relation to family law.

FLB administers the following Commonwealth legislation:

Family Law Act 1975 (except Parts IV, IVA and XIVA)

Family Law Regulations

Family Law (Child Abduction Convention) Regulations

Family Law (Hague Convention on Intercountry Adoption) Regulations

Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations

Maintenance Orders (Commonwealth Officers) Act 1966

Marriage Act 1961

Marriage Regulations

In relation to family law issues FLB:

- furnishes advice to the Attorney-General on questions of law;
- formulates proposals for legislation;
- furnishes the Office of Parliamentary Counsel with drafting instructions for legislation;
- negotiates agreements with other countries in relation to matters falling within the functions of FLB;
- negotiates agreements with the States and Territories in relation to matters falling within the functions of FLB;
- provides policy advice or instructions to the Australian Government Solicitor in interventions by the Attorney-General in proceedings under Family Law and Marriage Acts;
- consults with the Australian Federal Police and the Director of Public Prosecutions in prosecutions under those Acts administered by the Attorney-General and falling within the functions of FLB;
- advises the Attorney-General and the Secretary in relation to the exercise of their powers under the legislation for which FLB is responsible;
- provides a secretariat for the Family Law Council;
- advises the Attorney-General on the recommendations made by the Family Law Council;
- provides liaison with other departments, the Family Court and State and Territory authorities in relation to the matters for which FLB is responsible;
- conducts research in relation to the matters for which FLB is responsible;
- administers and reviews the Family Law (Child Abduction Convention) Regulations and the Family Law Regulations in so far as they deal with international arrangements in relation to maintenance and parenting;
- negotiates agreements relating to family law with other countries;
- provides policy advice and instruction to the Australian Government Solicitor in interventions by the Attorney-General in proceedings under the Family Law (Child Abduction Convention) Regulations in so far as they deal with international arrangements in relation to parental child abduction;
- administers and reviews the Family Law (Hague Convention on Intercountry Adoption) Regulations in so far as they deal with international arrangements in relation to intercountry adoption;
- administers and reviews the Family Law Regulations in so far as they deal with international arrangements in relation to maintenance and parenting;
- advises and undertakes administrative functions in relation to Australia's obligations under the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and United Nations Convention on the Recovery Abroad of Maintenance (UNCRAM).

Arrangements for outside participation

An employee of FLB has been appointed by the Attorney-General as a member of the Family Law Council. Other members of the Family Law Council are from outside the Commonwealth administration.

FLB is responsible for matters related to the functions of the Branch which come before the Standing Committee of Attorneys-General.

As necessary, consultations are held with the Law Council of Australia, and interested community groups. Employees of FLB also attend, as necessary, meetings of Family Court committees on Rules of Court.

Employees of FLB attend meetings of the Child Support Steering Committee on the development of proposals for child support and the evaluation of the Child Support Scheme.

Categories of documents

The following specific category of documents is maintained by FLB (for general categories of documents, see page 164):

- Family Law Council reports.

Primary Dispute Resolution Unit

Functions

The Primary Dispute Resolution Unit (PDRU) is responsible for:

- Commonwealth policy development and advice on primary dispute resolution in family law;
- Commonwealth policy development, advice and project management of family law related dispute resolution services;
- policy oversight of a Business Partnership Agreement with the Department of Family and Community Services for the delivery of family law related dispute resolution services funded by the Attorney-General's Department;
- administration of the family law aspects of Australian Law Online;
- policy advice in relation to the Report of the Family Law Pathways Advisory Group, *Out of the Maze – Pathways to the Future for Families Experiencing Separation*, including participation in the Government taskforce developing a draft response to the report.

Categories of documents

PDRU maintains the categories of documents listed in the general categories of documents on page 164.

Arrangements for outside participation

As necessary, consultations are held with the industry representative bodies for the Family Relationships Services Program, the Family Court of Australia, Federal Magistrates Service, legal aid providers, Law Council of Australia, Australian Children's Contact Services Association, Centrelink, Child Support Agency, primary dispute resolution professional associations and interested community groups and individuals.

Employees of PDRU attend meetings of the Separation Support Network and the Family Law Pathways Taskforce and represent the Department at various steering committees and advisory groups.

NATIVE TITLE DIVISION

Functions

On behalf of the Attorney-General, the Native Title Division (NTD) administers the *Native Title Act 1993* (other than those provisions administered by the Minister for Immigration and Multicultural and Indigenous Affairs).

NTD is responsible for formulating policy advice on native title. This includes ongoing monitoring of the operation of the Native Title Act; managing Commonwealth involvement in the resolution of native title determination applications and liaison with Commonwealth agencies and State and Territory governments on the implementation of native title arrangements.

In particular, NTD:

- assists Commonwealth agencies in negotiating Indigenous Land Use Agreements to ensure that the Commonwealth's policy framework is effectively applied and that fair outcomes result for all parties;
- manages the Commonwealth's involvement in the resolution of native title determination applications, including negotiating with other parties about the possibility of achieving a consent determination and managing the Commonwealth's involvement in native title litigation;
- advises the Attorney-General on implementation of the Commonwealth's offer to contribute towards certain State and Territory costs associated with compensation for acts affecting native title and the cost of establishing and administering State/Territory based arbitral bodies.

NTD is also responsible for:

- contributing to briefing for other agencies on the Native Title Act in the context of Australia's international obligations;
- advising the Attorney-General on Commonwealth and Territory legislation to introduce their own alternative regimes to replace certain provisions of the Act;
- monitoring the implementation of the Act.

Arrangements for outside participation

NTD consults regularly with other Commonwealth agencies, State government agencies and as appropriate with persons outside government administration.

Categories of documents

NTD maintains documents that fall within the general categories of documents (see page 164):

A range of information on the activities of NTD is available at its website <http://www.nttf.gov.au> .

CRIMINAL JUSTICE AND SECURITY GROUP

INFORMATION AND SECURITY LAW DIVISION

The Information and Security Law Division is organised into three branches: the Information Law Branch, the Copyright Law Branch, and the Security Law and Justice Branch.

Information Law Branch

Functions

The Information Law Branch (ILB) is responsible for the Commonwealth-wide administration of, and provision of legal advice on, freedom of information, parliamentary privilege, defamation and privacy matters.

ILB administers the following legislation:

Freedom of Information Act 1982

Freedom of Information Regulations

Parliamentary Papers Act 1908

Parliamentary Privileges Act 1987

Privacy Act 1988

In relation to information access law, ILB:

- administers and reviews the FOI Act;
- develops legal policy proposals;
- assists and advises other Commonwealth agencies on information access implications of policy proposals;
- advises the Attorney-General;
- provides legal and legal policy advice to Commonwealth agencies;
- collects statistics and prepares an annual report for the Attorney-General on the operation of the FOI Act for tabling in Parliament;
- maintains the FOI home page at www.law.gov.au/foi;
- responds to public enquiries about the operation of the FOI Act.

In relation to parliamentary privilege, ILB:

- administers and reviews the Parliamentary Privileges Act and the Parliamentary Papers Act;
- develops legal policy proposals;
- assists and advises other Commonwealth agencies in relation to parliamentary privilege;
- advises the Attorney-General;
- provides legal and legal policy advice to Commonwealth agencies;
- provides training to employees from Commonwealth agencies.

In relation to defamation, ILB advises the Attorney-General.

In relation to privacy ILB:

- administers and reviews the Privacy Act;
- develops legal policy proposals;
- assists and advises other Commonwealth agencies on privacy implications of policy proposals;
- advises the Attorney-General;
- liaises with the Privacy Commissioner and his office;
- liaises with the private sector;
- provides legal and legal policy advice to Commonwealth agencies;

- provides training for agencies covered by the Privacy Act;
- responds to public inquiries about the operation of the Privacy Act.

ILB provides advice to the Attorney-General in relation to the exercise of his powers and the exercise of the powers of the Governor-General under the Privacy Act to appoint the Privacy Commissioner and members of the Privacy Advisory Committee.

Arrangements for outside participation

Employees of ILB consult regularly with key stakeholders, including persons outside the Commonwealth administration. The Branch coordinated widespread consultation on the development of the privacy legislation for the private sector. These bodies and consultations included persons outside the Commonwealth administration. Internationally, ILB was represented at a meeting of the OECD Working Party on Information Security and Privacy considering privacy issues relating to electronic commerce, and employees held discussions with the European Commission and Council of Europe.

ILB is responsible for privacy and defamation matters coming before the Standing Committee of Attorneys-General, and for privacy matters coming before the Ministerial Online Council.

Categories of documents

ILB maintains the following specific categories of documents (for further general categories of documents, see page 164):

- documents received from international organisations relating to matters and meetings for which ILB is responsible;
- briefs for Australian delegations to meetings of relevant international organisations, together with minutes of meetings and reports of delegations;
- papers and correspondence relating to Australian membership of and participation in the work of relevant international organisations.

ILB holds, but maintains only on an irregular basis, the following specific categories of documents (for further general categories of documents, see page 164):

- guidelines on the interpretation of the FOI Act;
- summaries of decisions by the Federal Court and the AAT under the FOI Act up to 1996.

The following categories of documents are available to the public (other than under the FOI Act) free of charge upon request:

- a general description of the FOI Act (also available on the FOI home page at www.law.gov.au/foi);
- a pamphlet guide to the FOI Act prepared by the Department (also available on the FOI home page);
- information paper on the operation of the proposed private sector privacy legislation;
- fact sheets on how the proposed private sector privacy legislation will apply to Government contractors, related bodies corporate, existing databases, the media, the electronic environment, overseas organisations and the practice of sending information overseas, health information, small business and employee records. A fact sheet is also available on making a complaint under the private sector privacy scheme.

These documents are available at www.law.gov.au/privacy and www.law.gov.au/foi.

Copyright Law Branch

Functions

The Copyright Law Branch (CLB) formulates legal policies and legislative proposals and provides legal advice in relation to copyright and related rights. The work of CLB involves:

- formulating policies and legislative proposals, and providing legal and policy advice, on copyright matters;

- developing policy guidelines in relation to acquisition and management of Commonwealth copyright;
- negotiation of agreements between Commonwealth departments and agents representing copyright owners for Commonwealth use of their works;
- providing for departmental membership of the Public Lending Right Committee under the *Public Lending Right Act 1985*;
- work in connection with Australia's participation in the Berne Convention, Universal Copyright Convention, Rome and Geneva conventions on neighbouring rights, the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property Rights and the new World Intellectual Property Organisation treaties, including participation in and representation at international meetings concerning copyright;
- negotiation and implementation of bilateral copyright recognition, enforcement and cooperation agreements with other countries and participation in regional activities, particularly in APEC, for the protection and improved efficiency of administration of intellectual property rights;
- advice and assistance regarding copyright and related rights to countries that request it;
- representation on inter-departmental committees dealing with intellectual property issues;
- secretariat support to the Copyright Law Review Committee;
- as requested, legal advice to Government concerning intellectual property matters generally.

CLB also provides advice to the Attorney-General in relation to the exercise of his powers under the *Copyright Act 1968* as set out below:

- declaring certain bodies and institutions as institutions assisting persons with a print disability, or institutions assisting persons with an intellectual disability;
- the declaration of collecting societies for the purposes of the statutory licences in each of Part VA (copying and communication of broadcasts by educational and other institutions), Part VB (reproducing and communicating works etc. by educational and other institutions), and Part VC (retransmission of free-to-air broadcasts);
- revocation of declarations made under the Act;
- appointment of notice holders for the purposes of Division 4 of each of Parts VA and VC;
- tabling of reports and documents as may be required under the Act;
- advising the Governor-General on the appointment of the members of the Copyright Tribunal;
- appointment of the Secretary of the Tribunal;
- approval of agreements or licences fixing terms upon which a person other than the Commonwealth may do acts comprised in a copyright under s.183(1) of the Act.

CLB also advises the Attorney-General in relation to the exercise of his powers under the *Circuit Layouts Act 1989*.

Arrangements for outside participation

In connection with the administration of the Copyright Act, CLB consults with a large number of intellectual property interests, including the Australian Copyright Council, the Intellectual Property Committee of the Law Council of Australia and industry and consumer groups.

The Copyright Law Review Committee was established in September 1983 to consider and report on copyright matters referred to it by the Attorney-General. The Committee's membership, appointed by the Attorney-General, comprises seven persons with specialist expertise and experience in a variety of fields. The Committee's last reference was on the relationship of copyright and contract law. The Committee has also completed reports on the meaning of 'publication' under the Copyright Act; the legislative protection of performers; church use of copyright materials; moral rights for authors and artists; the importation of copyright material; conversion damages for copyright infringement; journalists' copyright and the protection of computer software and databases; simplification of the Copyright Act; and the jurisdiction and procedures of the Copyright Tribunal.

Categories of documents

CLB maintains the following specific categories of documents (for further general categories of documents, see page 164):

- documents received from international organisations relating to matters and meetings for which CLB is responsible;
- briefs for Australian delegations to meetings of relevant international organisations, together with minutes of meetings and reports of delegations;
- papers and correspondence relating to Australian membership of and participation in the work of relevant international organisations.

The following categories of documents are made available in hard copy or (other than under the FOI Act) free of charge upon request (and are available on-line from the Department's web site at <http://law.gov.au/ip/>):

- a booklet, *Copyright Law in Australia: a Short Guide*, explaining copyright law;
- information and fact sheets on policy and law concerning Government decisions on parallel importation and other policy or legal issues of current interest;
- an information sheet on the Circuit Layouts Act;
- CLB's e-news on copyright newsletter is e-mailed free of charge to subscribers (who may self subscribe) and back issues are also available from the website at <http://www.law.gov.au/ip/Publications.htm>;
- issues papers and reports released by the Copyright Law Review Committee (which if made available on line are placed on the CLRC website at: <http://www.law.gov.au/clrc>).

Security Law and Justice Branch

Functions

The Security Law and Justice Branch (SLJB) is responsible for the administration and review of laws, the development of legal policies and law reform proposals, and the provision of legal and policy advice in relation to electronic commerce, cryptography, national security, telecommunications interception and listening devices, counter-terrorism, protective security, public order and official secrets. On behalf of the Attorney-General, SLJB administers of the following legislation:

Australian Federal Police Act 1979 (Division 2 of Part II)

Australian Protective Service Act 1987

Australian Security Intelligence Organisation Act 1979

Crimes Act 1914 (sections 70, 89 and 89A and Parts II, IIA and VII)

Crimes (Aviation) Act 1991

Crimes (Biological Weapons) Act 1976

Crimes (Foreign Incursions and Recruitment) Act 1978

Crimes (Hostages) Act 1989

Crimes (Internationally Protected Persons) Act 1976

Crimes (Ships and Fixed Platforms) Act 1992

Criminal Code Act 1995 (Divisions 71, 72, 81 and Part 5.3 except Division 103)

Customs Act 1901 (Division 1A of Part XII)

Electronic Transactions Act 1999

Public Order (Protection of Persons and Property) Act 1971

Telecommunications (Interception) Act 1979

SLJB provides advice on consents to prosecute under security related legislation, and freedom of information and archives requests with security related aspects. It also provides policy advice and secretariat support in relation to the protection of the National Information Infrastructure (NII).

SLJB advises the Attorney-General in relation to the exercise of his powers under the *Telecommunications (Interception) Act 1979* to issue telecommunications service warrants, named person warrants and warrants for the collection of foreign intelligence.

SLJB also advises the Attorney-General in relation to the exercise of his powers under the *Telecommunications Act 1997* to make determinations in relation to interception capabilities or special assistance capabilities applicable to a carriage service, and determine that a person or body is to act as the Agency Coordinator.

Arrangements for outside participation

SLJB was tasked with setting up the Business-Government Task Force on Critical Infrastructure, which met in March 2002 and made its report to the Prime Minister in May 2002. The aim of the Task Force was to give business greater input into the assessment of current arrangements to protect key national infrastructure. The Task Force has recommended the setting up of a permanent consultative network which will be established in 2002-03.

As part of his role in administering the *Telecommunications (Interception) Act 1979*, the Agency Coordinator chaired quarterly meetings of the Interception Consultative Committee (ICC). The ICC provides a forum for consultation with intercepting agencies in relation to legal, policy and technical issues.

Employees of the Department also participate in meetings of the Law Enforcement Advisory Committee (LEAC) which are convened by the Australian Communications Authority. LEAC provides a forum for law enforcement agencies, telecommunications carriers, and government officials to discuss matters arising under the *Telecommunications Act 1997* and the *Telecommunications (Interception) Act 1979*.

Categories of documents

SLJB maintains the following specific categories of documents (for further general categories of documents, see page 164):

- documents received from international organisations relating to matters and meetings for which SLJB is responsible;
- briefs for Australian delegations to meetings of relevant international organisations, together with minutes of meetings and reports of delegations;
- papers and correspondence relating to Australian membership of and participation in the work of relevant international organisations;
- copies of warrants issued under Part VI of the *Telecommunications (Interception) Act 1979*;
- copies of the General and Special Registers of warrants created pursuant to the *Telecommunications (Interception) Act 1979*

CRIMINAL JUSTICE DIVISION

The Criminal Justice Division (CrJD) is organised into four branches: the Criminal Law Branch, the International Crime Branch, the National Law Enforcement Policy Branch and the Crime Prevention Branch.

Criminal Law Branch

Functions

The Criminal Law Branch (CrLB) is responsible for the administration and review of criminal laws, the development of legal policies and law reform proposals, including the development of the Model Criminal Code. CrLB also provides legal and policy advice relating to proceeds of crime, money laundering, Commonwealth and Territory criminal laws and proposed laws (including criminal law in Norfolk Island and other external territories), advice on criminal law and criminal law policy matters (other than matters within the responsibility of the Director of Public Prosecutions) and advice on penalties and law enforcement powers generally.

CrLB is responsible for legal and policy advice to the Government and its agencies in respect to the following Acts:

Australian Federal Police Act 1979 (other than Division 2 of Part II)

Common Informers (Parliamentary Disqualifications) Act 1975

Commonwealth Places (Application of Laws) Act 1970 (in consultation with Civil Justice Division on civil law aspects)

Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980 (section 34 when having effect as modified by Regulation 10.1.02 of the Corporations Regulations)

Complaints (Australian Federal Police) Act 1981 (other than Part III which is administered by the Department of the Prime Minister and Cabinet, and Part VI which is administered by Civil Justice Division)

Corporations Act 1989 (section 46 where it relates to sub-sections 77(1), 91(3) and 92(1) of each of the following: the *Corporations (New South Wales) Act 1990*; the *Corporations (Victoria) Act 1990*; the *Corporations (Queensland) Act 1990*; the *Corporations (South Australia) Act 1990*; the *Corporations (Tasmania) Act 1990*; the *Corporations (Northern Territory) Act 1990*; and paragraph 1315(1)(c) and section 1316 of the Corporations Law). This cooperative scheme was replaced in July 2001.

Crimes Act 1914 (except for Part 1B which is administered by the National Law Enforcement Policy Branch, and Parts II, IIA, VI, VII and sections 70, 89 and 89A which are administered by the Security Law and Justice Branch)

Crimes at Sea Act 2000

Crimes (Currency) Act 1981

Crimes (Overseas) Act 1964

Crimes (Superannuation Benefits) Act 1989

Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990

Criminal Code Act 1995 (except for Divisions 71, 72 and 80 and most of Part 5.3 which, apart from Division 10, is administered by the Security Law and Justice Branch)

Customs Act 1901 (Division 3 of Part XIII dealing with forfeiture)

Death Penalty Abolition Act 1973

Defence (Re-establishment) Act 1965 (Part III; and section 59, in respect of powers and functions under Part III)

Defence (Transitional Provisions) Act 1946

Defence Transition (Residual Provisions) Act 1952 (in relation to National Security (Supplementary) Regulation 100)

Director of Public Prosecutions Act 1983

Financial Transaction Reports Act 1988

National Crime Authority Act 1984

National Crime Authority (Status and Rights of Former Chairman) Act 1984

Proceeds of Crime Act 1987

Special Prosecutors Act 1982

War Crimes Act 1945

Categories of documents

CrLB maintains the following specific categories of documents (for further general categories of documents, see page 164):

- reports and discussion papers of the Criminal Law Officers' Committee;
- reports and discussion papers of the Model Criminal Code Officers' Committee;
- reports and discussion papers of the Domestic Violence Legislation Working Group;
- Commonwealth Criminal Code Guidelines for Practitioners (March 2002).

International Crime Branch

Functions

The International Crime Branch (ICB) is responsible for the administration and review of the laws relating to extradition, mutual assistance in criminal matters, mutual assistance in business regulation, the International War Crimes Tribunals, the International Criminal Court, the status of visiting forces, and for the processing of case work arising under those laws.

The performance of these functions involves:

- development of legal policies and law reform proposals;
- provision of legal advice and assistance;
- negotiation of bilateral and multilateral treaties and arrangements with other countries;
- participation in the negotiation of multilateral conventions dealing with crimes or creating an obligation to extradite (or to prosecute if extradition is refused) or to provide mutual legal assistance;
- preparation for, and participation in, international meetings, seminars and workshops;
- advising the Attorney-General in relation to, and processing:
 - requests by and of Australia for extradition;
 - requests by Australia for mutual assistance in business regulation and mutual assistance in criminal matters;
 - requests of Australia for mutual assistance in business regulation and mutual assistance in criminal matters, including by the International War Crimes Tribunals for the former Yugoslavia and Rwanda;
 - cases arising under the *Defence (Visiting Forces) Act 1963* and Status of Forces agreements.

ICB is responsible for legal and policy advice to the Government and its agencies in respect of following Acts:

Defence (Visiting Forces) Act 1963

Extradition Act 1988

Extradition (Repeal and Consequential Provisions) Act 1988

Foreign Evidence Act 1994 (Part III)

International Criminal Court Act 2002

International Criminal Court (Consequential Amendments) Act 2002

International Transfer of Prisoners Act 1997

International War Crimes Tribunals Act 1995

International War Crimes Tribunals (Consequential Amendments) Act 1995

Mutual Assistance in Business Regulation Act 1992

Mutual Assistance in Criminal Matters Act 1987

Mutual Assistance in Criminal Matters (Consequential Amendments) Act 1987

Categories of documents

ICB maintains the categories of documents listed in the general categories of documents on page 164).

National Law Enforcement Policy Branch

Functions

The National Law Enforcement Policy Branch (NLEPB) is responsible for policy matters relating to the operational law enforcement agencies within the Attorney-General's portfolio and general law enforcement issues, particularly relating to strategic planning in law enforcement, fraud, firearms, money laundering, illicit drugs and strategic crime assessments.

NLEPB provides secretariat support to the Ministerial Council on the Administration of Justice. The Branch also coordinates advice to the Attorney-General and Minister for Justice and Customs, incorporating the views of the law enforcement agencies within the Attorney-General's Portfolio. It also supports cooperative arrangements within the law enforcement intelligence community to coordinate the Commonwealth's law enforcement strategic intelligence functions. This function will be transferred to the control of the Australian Bureau of Criminal Intelligence on 1 July 2002. NLEPB provides advice in relation to federal offenders and undertakes casework associated with the administration of sentences for federal prisoners.

NLEPB is responsible for progressing the implementation of Government decisions in relation to law enforcement policy, statutory appointments and for liaising with Commonwealth law enforcement agencies with a view to coordinating their efforts in the implementation of that policy.

NLEPB is also responsible for matters relating to international law enforcement assistance and for technical assistance to Pacific Island countries. Work is also undertaken for the Attorney-General's attendance at the Commonwealth Law Ministers' Meetings, and liaison with the Commonwealth Secretariat.

In partnership with the Australian Federal Police, NLEPB is responsible for the Commonwealth's fraud control policy and the *Commonwealth Fraud Control Policy Guidelines*. The Branch produces an annual report to the Minister for Justice and Customs on fraud control issues. NLEPB also works closely with the National Crime Authority on issues relating to the effective performance of its functions.

NLEPB is responsible for administering the following Acts:

Crimes Act 1914 (Part IB)

Criminology Research Act 1971

National Firearms Program Implementation Acts 1996, 1997 and 1998

Removal of Prisoners (Territories) Act 1923 (in relation to the release of prisoners and criminal mentally impaired offenders removed from the Northern Territory of Australia)

Transfer of Prisoners Act 1983

Witness Protection Act 1994

Categories of documents

NLEPB maintains the categories of documents listed in the general categories of documents on page 164.

Crime Prevention Branch

Functions

The Crime Prevention Branch (CPB) is responsible for the National Crime Prevention Program (NCPP), the management of the Commonwealth Agreement with the Northern Territory to provide a juvenile pre-court diversionary scheme and to jointly fund an Aboriginal interpreter service.

The NCPP is a strategic Commonwealth Government initiative to support and promote policies and projects that prevent crime and fear of crime. This is being achieved through targeted research and pilot projects, community education, information sharing, the provision of crime prevention policy advice to Government and other agencies, and assisting the States and Territories to enhance their crime prevention capacity.

Under the Commonwealth agreement with the Northern Territory, \$20 million is being provided over four years to divert juveniles from the criminal justice system and to jointly fund the Aboriginal Interpreter Service. Funds are also being provided to key Aboriginal legal services to enable them to have access to interpreters to alleviate the language barriers faced by Aboriginal persons in the criminal justice system.

CPB provides secretariat support to the National Aboriginal Justice Advisory Committee (NAJAC) which is made up of the State/Territory level committees. The committees were established as a direct response to Recommendations 2 and 3 of the Royal Commission into Aboriginal Deaths in Custody.

CPB also provides policy advice on indigenous justice and administers the national coordination and fund raising point for Crime Stoppers. The Branch provides funding over four years to expand the capacity of Crime Stoppers by establishing a national coordination and fund raising point.

Categories of documents

CPB maintains the categories of documents listed in the general categories of documents on page 164.

PROTECTIVE SECURITY COORDINATION CENTRE

Functions

The primary roles of the Protective Security Coordination Centre (PSCC) are to develop and coordinate policies, administrative practices and arrangements for safeguarding national security and Commonwealth protective security interests, and to manage protective security arrangements relating to the Commonwealth's security responsibilities, including the protection of Australian high office holders and high-level visiting dignitaries.

Specific functions of the PSCC include:

- advice to the Attorney-General and the Minister for Justice and Customs on protective security;
- responsibility for protective security policy and for providing a policy framework in which to promote and enhance protective security practices;
- provision of protective security advice to Commonwealth departments and agencies;
- coordination of the Department's protective security responsibilities and interests in respect of special events (e.g. CHOGM);
- responsibility for development and revision, in conjunction with the Protective Security Policy Committee (PSPC), of the *Protective Security Manual*;
- conduct of a comprehensive protective security training program;
- conduct of the Security in Government annual conferences;
- provision of a security vetting service to the Commonwealth and contractors to the Commonwealth through the Australian Security Vetting Service;
- provision of departmental security services and advice to the Attorney-General's Department;
- coordination and management of the Standing Advisory Committee on Commonwealth-State Cooperation for Protection Against Violence (SAC-PAV);
- coordination of the joint development by the Commonwealth and States/Territories of the nation-wide counter-terrorism capability, including crisis management arrangements;

- coordination of the Special Interdepartmental Committee for the Protection Against Violence (SIDC-PAV);
- coordination of the Commonwealth Protective Security Policy Committee;
- development of appropriate protective security arrangements consistent with the Review of Office Holders Security;
- maintenance of a permanent Watch Office which has the capacity to operate on a full time basis and which is capable of providing an effective framework for the coordination of information and responses to security incidents by Commonwealth and State policing and security services;
- provision of high level leadership and management of the Commonwealth–State arrangements for the protection of visiting dignitaries;
- maintenance of appropriate levels of security for diplomatic and consular representation in Australia.

Arrangements for outside participation

The Director of the PSCC is the Executive Deputy Chair of SAC-PAV and the PSCC provides executive and secretariat support. SAC-PAV proposes strategies and policies to Government, needed to counter terrorism and politically motivated violence in Australia. Through cooperative arrangements between the Commonwealth and States/Territories its members include representatives of Commonwealth and State departments and agencies, police services and the Australian Defence Force.

The Director of the PSCC is the Chair of PSPC and the PSCC provides research and secretariat support. The aims of the PSPC are to:

- promote and coordinate the development of policy standards and guidelines for sound protective security management within Commonwealth agencies;
- ensure that the Commonwealth's protective security policy and procedures are consistent, efficient, effective and relevant, and reflect sound risk management principles.

Its members include representatives of a broad cross section of Commonwealth departments and agencies.

The Director of the PSCC is the Chair of the SIDC-PAV. SIDC-PAV comprises relevant Commonwealth departments and agencies with the role of developing an effective process of strategic analysis and assessment. This role assists in the development of Commonwealth policies, strategies, and arrangements to prevent and respond to incidents of politically motivated violence. SIDC-PAV meets monthly and is briefed by a number of SIDC-PAV sub-committees such as the Dignitary and Diplomat Security Sub-Committee.

Categories of documents

PSCC maintains the following specific categories of documents:

- correspondence, reports and electronic documents relating to counter-terrorism policies, crisis management arrangements, purchase of equipment, and planning guidelines;
- correspondence, reports and electronic documents relating to protective security arrangements for visiting dignitaries and diplomatic/consular representatives in Australia;
- correspondence and other documents relating to the Commonwealth's protective security policies and practices, including the *Protective Security Manual*;
- correspondence, reports and electronic documents relating to protective security arrangements for Australian holders of high office;
- correspondence, reports and electronic documents relating to protective security plans and policies for special events (e.g. CHOGM).

EMERGENCY MANAGEMENT AUSTRALIA

Functions

Emergency Management Australia (EMA) is the federal agency responsible for reducing the impact of natural, technological and human-induced disasters on the Australian community. Through the development of plans and policies, conducting a nationally recognised curriculum and increasing community awareness, EMA promotes 'Safer Sustainable Communities' by:

- providing national leadership in the development of measures to reduce risk to communities and to manage the consequences of disasters;
- developing national emergency management capabilities in order to reduce the impact of emergencies and disasters on Australian communities;
- promoting emergency risk management approach incorporating risk assessment, prevention, preparedness, response and recovery activities;
- actively working to build Australia's capability to maintain safer sustainable communities;
- providing national strategic leadership by working with stakeholders to identify issues of national importance and then to develop and implement strategies to address them;
- having responsibility for Commonwealth emergency management policy and providing a strategic coordination role to address emergency management matters;
- providing Australian emergency management representation for the development of international agreement and initiatives;
- building mitigation capability by developing and delivering training courses for local government and planners, supporting research to better understand the costs of disaster and the benefits of mitigation and developing best practise guidelines on land use planning;
- coordinating the civil defence preparedness activities. Responsibility includes policy development and coordination and a variety of support activities involving planning and training;
- leading development in consequence management;
- coordination of disaster assistance provided by the Commonwealth Government;
- leading a coordinated approach to emergency management research;
- involvement in applied research including post-disaster impact studies, hosting or sponsoring specialist seminars and facilitating consultancies;
- conducting education and training activities which are derived from National Emergency Management Competency Standards;
- publishing the *Australian Journal of Emergency Management*;
- developing an Emergency Management Reference Centre, providing a national reference centre for specialist information for the Australian emergency management community;
- participating in the development of the Australian Disaster Information Network, AusDIN, an initiative supported by Emergency Management Australia, designed to promote the sharing of information and knowledge pertaining to emergency and disaster management in Australia;
- actively promoting Community Awareness through the provision of curriculum-based material and resource kits for secondary school and by developing and maintaining an Australian disaster events database – EMATRack.

Arrangements for outside participation

EMA is the Commonwealth agency with responsibilities for civil defence. EMA works closely with States and Territories and the Australian Defence Force in planning for this contingency.

During disasters, EMA coordinates provision of assistance from the National Emergency Management Coordination Centre at EMA's Canberra office. EMA works in close collaboration with other Commonwealth Government departments, including Defence, and agencies within the affected State or Territory.

EMA maintains close links with emergency management agencies throughout the world. EMA assists with training and capacity building, as well as planning for post-disaster with the countries of the South-West Pacific and South-East Asia. EMA works closely with AusAID in the South Pacific region.

EMA is active in leading a coordinated approach to emergency management research and is working closely with organisations such as Royal Melbourne Institute of Technology University and Centre for Resource and Environmental Studies at Australian National University.

EMA works closely with the Bureau of Meteorology, Geoscience Australia and other specialist agencies to increase community awareness through the production of a wide variety of publications.

EMA is actively working with Australian States and Territories and other emergency management sector partners in developing actual and virtual knowledge networks which enable the sharing and retention of valuable knowledge within the emergency management community.

EMA has partnered with Commonwealth and State agencies, local government, Planning Institute of Australia and the Institute of Engineers Australia to promote greater investment in disaster mitigation.

EMA provides funding for the annual Projects Program, encouraging individuals, community groups, business, non-government organisations and government agencies to develop innovative project proposals addressing risk assessment, prevention, preparedness, response and recovery strategies.

EMA's active partnerships are reflected in the management of the State Support Package, a resourcing agreement with the States and Territories that facilitates and provides funding for the ongoing development of emergency management capability in Australia.

Categories of documents

EMA maintains the following categories of documents:

- Commonwealth contingency plans;
- emergency management best practice material.

AUSTRALIAN PROTECTIVE SERVICE

Functions

The principal functions of the Australian Protective Service are to meet client requirements in the areas of physical security services, including protective and custodial services; diplomatic and consular security within Australia; a counter-terrorist first-response role at security-designated airports; air security officer program; and specialised advisory services on various aspects of protective security services. Under section 23 of the FOI Act, the Director has the decision-making powers for the Service. As of 1 July 2002, Australian Protective Service moved from the Attorney-General's Department to become an operating division of the Australian Federal Police.

Arrangements for outside participation

There are no arrangements for outside participation unless separately stated within each branch or unit entry below.

Categories of documents

The following specific categories of documents are maintained by the Australian Protective Service (for further general categories of documents, see page 164):

- training;
- business planning;
- grievance, discipline and complaints;
- accounting and budgetary data and analysis;
- operational planning information;
- operational incident reports;
- assets registers;
- security clearance records for staff;
- marketing and promotional information and material including videos;
- recruiting campaign files;
- personnel and pay administration records;
- performance appraisal documents (held by supervisors/managers);
- tenders and associated commercial information.

Facilities for access and FOI contact point

Facilities for examining documents and preparation of copies, if required, are available at the address of the FOI coordinator, shown below:

FOI Coordinator
Australian Protective Service
West Block Offices
Queen Victoria Terrace
PARKES ACT 2601

Phone: (02) 6270 2600
Fax: (02) 6270 2699

INFORMATION AND KNOWLEDGE SERVICES GROUP

Functions

The Information and Knowledge Services Group (IKS) has responsibility for providing all information technology (IT) and communication systems and electronic services, including knowledge development and sharing. IKS was created to provide an impetus for improved use of technology and electronic service delivery to assist the operations of the Department. IKS comprises eight sections: Strategic Information Systems, IT Services, the Library, Records and Information Management, Knowledge Management, Contract Management, IT Security, and Business Management, with responsibilities outlined below.

IKS has a focus on business planning to ensure IT continues to support departmental strategic directions. These include analysis of business requirements, drafting of business cases and proposals, project planning and administration, evaluation of hardware and software, provision of technical advice and the development, maintenance and enhancement of computer system applications. Areas of key activity include the increased utilisation and integration of Internet technologies, use of Office of Government Online (OGO) Shared Systems Suite solutions as appropriate, planning and analysis for the implementation of Government policy such as outsourcing, *Government Online*, *e-Permanence* and development of knowledge management initiatives.

The Strategic Information Systems Section has responsibility for the development and support of Department business applications, including business and systems analysis and design functions. The Section also provides technology advice and assistance to departmental staff, and assistance with technology project management.

The IT Services Section provides help desk and technical support, computer operations, security management, maintenance and management of computing systems, data bases, network infrastructure and telephone facilities. This includes IT support for the Australian Secure Network. Major work addresses problem prevention by placing an emphasis on planning, monitoring and reporting on capacity, performance and security, and diagnosis and resolution of problems with network equipment, software and telecommunications links. The Section plans and undertakes changes to the computing infrastructure to maintain high levels of system performance and availability which meets the Department's business needs.

The Lionel Murphy Library provides a comprehensive law collection of approximately 140 000 volumes for the use of employees in the Department, and offers a high level legal reference, research and information service. The Library is also responsible for the management of departmental Intranet and Internet sites.

The Records and Information Management Section is responsible for the management of the Department's records and information management functions, including administration of the Department's registry.

Knowledge Management Section helps foster knowledge sharing within the Department, and with its clients. Other responsibilities include IT training, facilitating communication between IKS and its clients, and advising on change management aspects of implementing information management projects.

The IT Contract Management Section is responsible for Departmental IT contracts. Its most visible function is outsourcing selected functions for the Department under the Whole of Government IT Infrastructure Outsourcing Initiative. The section provides other commercial services on IT related matters, such as contract management, IT asset management, IT purchasing, software licence management and IT transitions for changes to the Department's structure.

The IT Security Section is responsible for providing the department with advice on IT security matters. It also has a role in developing and enforcing departmental IT security policy and procedures, and providing IT security awareness training.

The Business Management Section provides administrative support functions to IKS including financial management, personnel matters, travel and the coordination of corporate reporting and machinery of government activities.

Categories of documents

IKS maintains the following specific categories of documents (for further general categories of documents, see page 164):

- the IKS Strategic Plan incorporating the Information Technology Plan;
- various supporting documents used in the creation, development, enhancement and maintenance of computer systems;
- manuals of computer operations standards and procedures, such as the *Attorney-General's Department Information Technology Security Policy and the Systems Administrators' Guide*;
- indexes and registers in computer-readable form relating to all files (note that all departmental files, other than those in the National Archives, are held by the Records and Information Management Section when not in use, but when in use, are maintained by various functional areas). Included in these registers are records of receipt, movement and dispatch of files;
- registers of National Archives holdings of material controlled by the Department;
- legal library books and research materials;
- *AGIS (Attorney-General's Information Service) – a Digest of Legal Journals* (also held on CD-ROM) and Informat Online;
- the IT Forward Work Plan;
- desktop applications training documentation;
- contracts for IT services.

CORPORATE SERVICES GROUP

Functions

Corporate Services Group (CSG) provides advice and services to the Portfolio Ministers and departmental Executive and Groups, and provides general support in the areas of:

- corporate strategy and performance;
- freedom of information;
- support services;
- market testing;
- employee relations;
- pay operations;
- budget and financial analysis;
- finance and accounting services;
- public relations;
- ministerial and parliamentary liaison;
- corporate systems.

CSG also provides the Trade Measures Review Secretariat for the Trade Measures Review Officer.

Executive Branch

Functions

The Executive Branch is comprised of the following areas with responsibilities as outlined below.

The Corporate Performance and Coordination Section supports the Department's performance management program by coordinating strategic planning and performance monitoring and reporting activities including corporate planning and the annual report. The Section has responsibility for risk management coordination in the Department. It also coordinates the Department's cost-to-government administration and whole-of-government reporting responsibilities including service charters, access and equity and social justice programs, and business regulatory compliance. The Corporate Performance and Coordination Section

undertakes general cross-Department and cross-portfolio coordination projects, and coordinates arrangements for visiting dignitaries and associated briefing for portfolio Ministers.

The Freedom of Information Section processes, in accordance with relevant legislative requirements, all FOI requests received by the Department. This involves a determination of which documents are covered by the request, retrieval of those documents and a determination of which documents should be released or withheld.

The Support Services Section provides and maintains a wide range of operational and administrative services to the Department including reception services in Robert Garran Offices, mail delivery and collection, building maintenance and access, environmental services, supply and issue of general stationery items, international travel services, photocopying and associated services and conference centre facilities. The Section undertakes property management services, providing project management services for the Department in relation to its accommodation requirements.

The Market Testing Unit undertakes the market testing of activities and services, as directed by the Department's Executive, in line with the Government's policies and guidelines. The Unit also provides advice and assistance to other areas of the Department on tendering and contracting services.

Categories of documents

The Executive Branch maintains the following specific categories of documents (for further general categories of documents, see page 164):

- documentation related to FOI requests;
- organisation charts;
- plans and photographs of departmental office areas, major courts buildings, including building service plans;
- control registers concerning purchasing, official telephones, stores, assets, departmental vehicles, travel and internal services;
- documentation related to market testing and tender processes.

Human Resources Branch

The Human Resources Branch (HRB) provides expert and strategic advice in developing the Department's human resource management policies and consists of two sections as described below.

The Employee Relations Section provides expert and strategic advice in developing the Department's human resource management policies and practices with particular emphasis on:

- employment conditions;
- workplace relations;
- workforce planning;
- organisational development;
- recruitment and selection;
- performance management;
- learning and development;
- reward and recognition;
- equity and diversity.

The Personnel Operations Section (previously known as Pay and Structures Section) is responsible for salary and allowance administration including processing of pay; processing of leave, higher duties and compensation; OH&S policy and procedures, service to the OH&S Sub-committee, accident and injury reporting; compensation case management and rehabilitation.

Categories of documents

HRB maintains the following specific categories of documents (for further general categories of documents, see page 164):

- personnel records for all employees for whom standard personnel services are provided;
- performance management and performance pay documentation;
- employment equity documentation (e.g. Workplace Diversity Program);
- management memoranda and employee relations advices relating to departmental and employee relations resource management policies and procedures;
- review of actions and breach of code documentation;
- training packages, training course evaluations and reports and other training related documents;
- staff recruitment records;
- organisation and staffing records, both manual and computerised, including organisational proposals, duty statements, lists of staff and establishments, position occupancy records, staffing level reports and staff statistics;
- plans and records of action taken for the staffing and setting up of new statutory authorities or new elements of the Department;
- plans and records of action taken relating to the transfer of functions and staff records between the Attorney-General's Department and other departments;
- records of redeployment and rehabilitation activities for all ACT based staff.

Budget and Financial Analysis Branch

The Budget and Financial Analysis Branch (BAFA) provides financial budgeting and reporting services and advice including preparation and maintenance of output and administered activities budgets, coordination and preparation of portfolio Budget documents including budgeted financial statements for the Department, monthly financial statements and management reports, audited financial statements and treasury functions.

Categories of documents

BAFA maintains the following specific categories of documents (for further general categories of documents, see page 164):

- budgetary estimates and financial statement preparation records;
- plans and records of action taken relating to the transfer of functions between the Attorney-General's Department and other departments;
- accounting records including claims and payment records.

Public Affairs Unit

The Public Affairs Unit (PAU) has a direct reporting line to the Secretary in respect of operational activities. It provides a full range of professional public relations support to the Department including electronic and paper-based publishing services, managing the quality and procedural standards of corporate communications and media issues, drafting media releases, speech writing, and providing advice on and managing public education campaigns.

Categories of documents

PAU maintains the following specific categories of documents (for further general categories of documents, see page 164):

- news releases by the Attorney-General and the Minister for Justice and Customs;
- marketing, public relations and promotional material.

Ministerial and Parliamentary Section

The Ministerial and Parliamentary Section (M&PS) provides parliamentary, Cabinet, legislation, Executive Council and Ministerial liaison and support services for the portfolio. M&PS has a direct reporting line to the Secretary in respect of the operational activities of the Section.

Categories of documents

M&PS maintains the following specific categories of documents (for further general categories of documents, see page 164):

- registers in computer readable form of Cabinet documents, Ministerial correspondence and submissions, Parliamentary questions, and the legislative program.

Corporate Systems Section

The Corporate Systems Section (CSS) is responsible for the development, implementation, integration of and support for the Department's financial and human resource information systems CSS is also responsible for the processing of the Department's accounts, both payable and receivable, departmental purchasing, and administration of departmental credit cards and travel expenses cards, Business Activity Statements and banking.

Categories of documents

CSS maintains the following specific categories of documents:

- records relating to staff, payroll, organisation structures, vendors, customers and business transactions;
- systems development and enhancement records;
- hard copy tax invoices;
- system access authorisations.

Trade Measures Review Officer

Functions

The Trade Measures Review Officer (TMRO) functions as an independent review mechanism for parties affected by anti-dumping decisions. The powers and responsibilities of the TMRO are set out in Divisions 8 and 9 of Part XVB of the *Customs Act 1901*, which can be accessed from the TMRO website at <http://www.law.gov.au/tmro>. The TMRO is supported by a Trade Measures Review Secretariat.

Categories of documents

The Trade Measures Review Secretariat maintains the following specific categories of documents (for further general categories of documents, see page 164):

- reports relating to reviews conducted into anti-dumping matters;
- public file documents relating to specific case investigations.

PORTFOLIO AGENCIES NOT PRODUCING THEIR OWN ANNUAL REPORTS

COPYRIGHT TRIBUNAL

Establishment

The Copyright Tribunal was established by the *Copyright Act 1968*.

Organisation

Section 138 of the Copyright Act provides for a Copyright Tribunal consisting of a President and such number of Deputy Presidents and other members as are appointed. Section 139 of that Act provides that a member shall be appointed by the Governor-General. Subsection 140(1) of the Act provides that a person shall not be appointed as the President unless he or she is a judge of the Federal Court of Australia. Subsection 140(1A) provides that a person is not to be appointed as a Deputy President unless he or she is, or has been, a judge of a federal court or of the

Supreme Court of a State or Territory. Subsection 140(2) provides that a person shall not be appointed as a member (other than the President or the Deputy President) unless:

- he or she is or has been a judge;
- he or she is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than five years;
- he or she has had experience, for not less than five years, at a high level in industry, commerce, business, public administration, education or the practice of a profession;
- he or she has obtained a degree of a university, or an educational qualification of a similar standing, after studies in the field of law, economics or public administration;
- he or she has, in the opinion of the Governor-General, special knowledge or skill relevant to the duties of a member.

The Tribunal presently consists of a President, two Deputy Presidents and three lay members.

The Secretary of the Tribunal is a part-time officer.

Functions

The jurisdiction of the Copyright Tribunal is contained in Division 3 of the Copyright Act and its present charter is to inquire into and deal with the following:

- inquiries into royalty payable in respect of records of musical works;
- applications to the Tribunal for determination of remuneration payable for making a recording or film of a work;
- applications to the Tribunal for determination of remuneration payable to the owner of copyright for copies made under statutory licence;
- applications to the Tribunal for determination of remuneration payable to the owner of copyright in a recording in respect of public playing of the recording;
- applications to the Tribunal for apportionment of royalty in respect of a record;
- reference of proposed licence schemes to the Tribunal;
- reference of existing licence schemes to the Tribunal;
- applications to the Tribunal for determination of the amount of equitable remuneration payable for the making of a copy of a television broadcast while a records notice or a sampling notice is in force;
- applications to the Tribunal for the determination of a sampling system to be used to assess the extent of copying of broadcasts;
- applications to the Tribunal in relation to licences.

Section 161 of the Act provides for the referral of questions of law from the Copyright Tribunal to the Federal Court of Australia.

Categories of documents

The Tribunal maintains the following categories of documents:

- documents relating to matters heard by, or applications or references to, the Tribunal, including applications and supporting documents and copies of decisions;
- a register of matters coming before the Tribunal;
- documents concerning administration of the Tribunal;
- general correspondence;
- documents filed with the Tribunal (section 38 of the FOI Act may apply);
- copies of the reasons of the Tribunal.

The following brochure is available (otherwise than under the FOI Act) free of charge upon request:

- *Copyright Law in Australia* (produced by the Attorney-General's Department).

Facilities for access

Facilities for examining documents and obtaining copies are available at the address shown below as the initial contact point. Information about the facilities available to assist people with disabilities to obtain access to documents can be obtained from the officer nominated below as initial contact. If necessary, special arrangements can be made to overcome any difficulties in physical access. Documents available free of charge upon request outside the FOI Act are available from:

The Secretary
Copyright Tribunal
Level 16
Law Courts Building
Queens Square
SYDNEY NSW 2000

Phone: (02) 9230 8567

Fax: (02) 9230 8535

Documents such as registers are open to public inspection subject to a fee or other charge, and are also available at the Law Courts Building.

FOI procedures and initial contact points

The FOI contact officer will assist applicants to identify the particular documents they seek.

The only officer authorised to grant or deny access to documents is the Secretary.

Inquiries concerning access to documents or other matters relating to FOI should be directed to the Secretary at the above address. Business hours are 9 am to 4 pm.

DEFENCE FORCE DISCIPLINE APPEAL TRIBUNAL

Establishment

The Defence Force Discipline Appeal Tribunal (DFDAT) was established under the *Defence Force Discipline Appeals Act 1955*.

Organisation

DFDAT consists of a President, a Deputy President and such other persons as are appointed to be members of the Tribunal. There is a Registrar of the Tribunal and such deputies of the Registrar as are required. The Registrar has custody of the records of the Tribunal and of documents lodged with him or her or a Deputy Registrar. The principal office of the DFDAT is located in Canberra.

Functions

DFDAT is empowered under the Defence Force Discipline Appeals Act to hear and determine appeals by persons who have been convicted or who have been acquitted of a Service offence on the ground of unsoundness of mind ('a prescribed acquittal') by a court martial or a Defence Force Magistrate under the *Defence Force Discipline Act 1982*. It may determine an appeal in one of the following ways: it may allow an appeal and quash the conviction, substitute for the conviction so quashed an acquittal on the ground of unsoundness of mind and direct that the appellant be kept in strict custody until the pleasure of the Governor-General is known; if it finds that the appellant was unfit to stand trial, it may allow the appeal, quash the conviction or prescribed acquittal and direct that the appellant be kept in strict custody until the pleasure of the Governor-General is known. Subject to the reference of questions of law and appeals on questions of law to the Federal Court of Australia, the Tribunal's determination is final.

In addition to the above powers, DFDAT has general procedural powers. It has the power to order that no report of or relating to the whole or a specified part of the proceedings of the Tribunal at a sitting of the Tribunal be published. The President is charged with the power to determine the times and places, which may include places outside Australia, of sittings of the Tribunal. He or she also has other general administrative powers.

When hearing appeals, DFDAT is required to consist of an uneven number of members, being a number of not less than three. Generally, the President or Deputy President presides at the hearings. A single member may exercise certain powers of the Tribunal ancillary to an appeal.

Categories of documents

DFDAT maintains the following categories of documents:

- documents lodged with the Registrar or a Deputy Registrar in respect of a particular proceeding, transcript of the hearing, the DFDAT's reasons for the decision and the decision, and general correspondence relating to the proceeding;
- documents concerning procedures before the DFDAT;
- documents concerning administrative and financial aspects of the DFDAT's operation;
- general correspondence.

Facilities for access

Facilities for examining documents and obtaining copies are available at the addresses shown below as initial contact points.

FOI procedures and initial contact points

FOI contact officers will assist applicants to identify the particular documents they seek. The only officer authorised to deny access to documents is the Registrar. Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the following initial contact officers during the business hours shown:

Canberra (Principal office)

c/- Federal Court of Australia
ACT Registry
1st Floor, Commonwealth Law
Courts Building
Childers Street
CANBERRA CITY ACT 2601
Phone: (02) 6267 0566
Fax: (02) 6267 0625
TTY: (02) 6267 0566
Email: actman@fedcourt.gov.au
DX 5758 – Canberra
Hours: 10 am – 1 pm;
2 pm – 4 pm

Sydney

c/- Federal Court of Australia
NSW Registry
Level 16, Law Courts Building
Queens Square
SYDNEY NSW 2000
Phone: (02) 9230 8567
Fax: (02) 9230 8535
TTY: (02) 9230 8270
Email: nswdr@fedcourt.gov.au
DX 613 – Sydney
Hours: 9 am – 4 pm

Melbourne

c/- Federal Court of Australia
Victoria Registry
Level 7, Commonwealth Law
Courts Building
305 William Street
MELBOURNE VIC 3000
Phone: (03) 8600 3333
Fax: (03) 8600 3280
TTY: (03) 9670 0320
Email: vireg@fedcourt.gov.au
DX 435 – Melbourne
Hours: 9 am – 4 pm

Brisbane

c/- Federal Court of Australia
 Queensland Registry
 Level 6, Commonwealth Law
 Courts
 119 North Quay
 BRISBANE QLD 4000
 PO Box 13034
 George Street Post Shop,
 BRISBANE QLD 4003
 Phone: (07) 3248 1100
 Fax: (07) 3248 1102
 TTY: (07) 3248 1272
 Email: qldreg@fedcourt.gov.au
 Hours: 9 am – 4 pm

Adelaide

c/- Federal Court of Australia
 SA Registry
 8th Floor, Grenfell Centre
 25 Grenfell Street
 ADELAIDE SA 5000
 GPO Box 1350
 ADELAIDE SA 5001
 Phone: (08) 8205 4436
 Fax: (08) 8205 4439
 TTY: (08) 8205 4416
 Email: sareg@fedcourt.gov.au
 Hours: 9 am – 4 pm

Perth

c/- Federal Court of Australia
 WA Registry
 Level 6, Commonwealth Law
 Courts
 1 Victoria Avenue
 PERTH WA 6000
 GPO Box A30
 PERTH WA 6001
 Phone: (08) 9268 7100
 Fax: (08) 9221 3261
 TTY: (08) 9325 7053
 Email: waregistry@fedcourt.gov.au
 DX 60203 – Perth
 Hours: 8.30 am – 4 pm

Hobart

c/- Federal Court of Australia
 Tasmania Registry
 Ground Floor, Commonwealth
 Law Courts
 39–41 Davey Street
 HOBART TAS 7000
 GPO Box 903J
 HOBART TAS 7001
 Phone: (03) 6232 1715
 Fax: (03) 6232 1701
 TTY: (03) 6232 1865
 Email: tasreg@fedcourt.gov.au
 Hours: 9 am – 4 pm

Darwin

c/- Federal Court of Australia
 NT Registry
 Level 1, TCG Building
 80 Mitchell Street
 DARWIN NT 0800
 GPO Box 1806
 DARWIN NT 0801
 Phone: (08) 8941 2333
 Fax: (08) 8981 6081
 TTY: (08) 8982 0838
 Email: ntreg@fedcourt.gov.au
 Hours: 9.30 am – 4 pm

SOLICITOR-GENERAL**Establishment**

The office of Solicitor-General was established under the *Law Officers Act 1964*.

Organisation

The Solicitor-General is the Second Law Officer of the Commonwealth (the Attorney-General is the First Law Officer). The Solicitor-General is not part of the Attorney-General's Department.

Functions

The Law Officers Act sets out the functions of the office, which include acting as counsel for the Commonwealth, giving opinions on questions of law to the Attorney-General, and carrying out such other functions, ordinarily performed by counsel, as the Attorney-General requests.

Categories of documents

The Solicitor-General maintains the following categories of documents:

- briefs, working notes, papers and advices for litigious and non-litigious matters;
- correspondence, reports and minutes relating to the Special Committee of Solicitors-General;
- correspondence, reports and minutes relating to the Hague Conference on Private International Law;
- miscellaneous papers, correspondence, and reports.

Facilities for access

The Solicitor-General does not provide facilities for access. Documents may be examined and copies obtained through the access facilities provided by the Attorney-General's Department.

FOI procedures and initial contact points

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the Attorney-General's Department. The Solicitor-General is authorised to grant or deny access to documents under the FOI Act.

3.2 DEPARTMENTAL FREEDOM OF INFORMATION STATISTICS

REQUESTS

	2000-01	2001-02
Requests carried over from previous year	5	2
Requests received	43	64
Granted in full	10	18
Granted in part	11	5
Refused	14	18
Transferred	4	10
Withdrawn or lapsed	7	3
Requests outstanding at the end of the year	2	12

REVIEWS OF DECISIONS

Three requests for internal review were received during 2001-02. All reviews affirmed the original decision. There was also one application for review made to the Administrative Appeals Tribunal in relation to a departmental FOI decision.

RESPONSE TIMES

The following table indicates the time taken to finalise requests for access. It takes into account extensions of time granted by the legislation in cases of third party consultations and negotiations over the payment of fees and/or clauses under the Act.

Time taken to respond (days)	2000-01	2001-02
0-30	36	35
31-60	5	6
61-90	1	0
over 91	4	0
Total	46	41

FEES AND CHARGES

	2000-01	2001-02
	\$	\$
Application fees	990	850
Charges received	1029	Nil
Total	2019	850

COSTS

Detailed information on the cost of freedom of information activities in 2001-02 will be provided in the FOI Act Annual Report to Parliament.

SECTION 8

The section 8 functional statements for the Department and some portfolio agencies are at Appendix 3.1

SECTION 9

Each agency within the Attorney-General's portfolio has a responsibility under section 9 of the FOI Act to publish information in relation to documents in the nature of guidelines, manuals etc. used by the agency in decision making which affect members of the public. The list of such documents is available for inspection through the Director, FOI Section, or at Information Access Offices of the National Archives of Australia or can be accessed via the Attorney-General's website at www.ag.gov.au.