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REPORTS

# (APPENDIX 1)

## Reporting arrangements for the portfolio 2008–09

<b>Elements</b>	<b>Reporting arrangements</b>
Administrative Appeals Tribunal	B
Administrative Review Council	B
Australian Commission for Law Enforcement Integrity	B
Australian Crime Commission	B
Australian Customs and Border Protection 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
Classification Board	B
Classification Review Board	B
Copyright Tribunal of Australia	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

Elements	Reporting arrangements
Federal Magistrates Court of Australia	B
High Court of Australia	B
Human Rights and Equal Opportunity Commission	B
Insolvency and Trustee Service Australia	B&E
National Capital Authority	B
National Crime Statistics Unit	C
National Institute of Forensic Science	C
National Native Title Tribunal	B
Office of Parliamentary Counsel	B
Office of the Director of Public Prosecutions	B
Solicitor-General	A

## Key:

- 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 Agencies that provide reporting on activities and financial performance to the Ministerial Council for Police and Emergency Management—Police under the auspice of the National Common Police Services.
- D The various Federal Court registries provide administrative support for these tribunals. Information about these bodies can be found in the Annual Report of the Federal Court of Australia.
- E The Attorney-General is required by paragraph 12(1)(d) of the *Bankruptcy Act 1966* to report to Parliament on the operation of the Act.

# (APPENDIX 2)

## Freedom of information statement

This functional statement is published to meet the requirements of section 8 of the *Freedom of Information Act 1982*.

The Department's statement is set out below, followed by those of the Copyright Tribunal of Australia, the Solicitor-General and Defence Force Discipline Appeal Tribunal (none of which publishes its own annual report). Agencies publishing their own annual reports are listed at Appendix 1. Freedom of information statistics for the Department and all portfolio agencies are set out in the Attorney-General's latest annual report to the Parliament on the operation of the *Freedom of Information Act 1982*, which is available at <<http://www.pmc.gov.au/foi>>.

## Attorney-General's Department

### Establishment

The Department was one of the original departments established at Federation in 1901.

### Organisation

The organisational chart (Figure 3) shows the structure of the Department.

### Functions

The broad functions of the Department are described in Chapter 4. Legislation administered by the Attorney-General is published in the Administrative Arrangements Order, which is available at <<http://www.pmc.gov.au/docs/aao.cfm>>.

### Arrangements for outside participation in policy development

A variety of bodies, through their association with the Department, enable people or organisations outside the Commonwealth administration to be involved in the Department's policy-making functions or in its administration of various schemes and enactments.

Examples of such bodies are:

- Accessible Public Transport National Advisory Committee
- Administrative Review Council
- Admiralty Rules Committee
- Anti-Money Laundering Assistance Team Strategic Priorities Reference Group
- Anti-Money Laundering Council
- Attorney-General's Non-Government Organisation Forum on Domestic Human Rights (25 peak human rights bodies)
- Australasian Institute of Judicial Administration
- Australia and New Zealand Police Advisory Agency
- Australian Bureau of Statistics
- Australian Federation of Disability Organisations
- Australian Institute of Criminology Board of Management
- Australian Institute of Family Studies
- Australian National Council on Drugs
- Australia–New Zealand Crime Prevention Senior Officers' Group
- Banking and Finance Infrastructure Assurance Advisory Group
- Biannual Ministerial Meeting with Financial Institutions
- Board of the Australian Crime Commission
- Building Access Policy Committee
- Business–Government Advisory Group on National Security
- Communications Security and Enforcement Roundtable
- Criminology Research Council
- CrimTrac Board of Management
- Critical Infrastructure Protection Futures Expert Advisory Group
- Critical Infrastructure Advisory Council
- Emergency Management Infrastructure Assurance Advisory Group
- Family Law Council
- Family Relationship Services Australia
- Firearms Policy Working Group

- Intellectual Property Enforcement Consultative Group
- Interception Consultative Committee
- Intergovernmental Committee on Drugs
- Intergovernmental Committee on the Australian Crime Commission
- International Legal Services Advisory Council
- Law Council of Australia
- Law Enforcement Advisory Committee
- Mass Gatherings Infrastructure Assurance Advisory Group
- Model Criminal Law Officers Committee
- National Aboriginal Justice Advisory Committee
- National Alternative Dispute Resolution Advisory Council
- National Association of Community Legal Centres
- National Committee for Critical Infrastructure Protection
- National Corrective Services Statistics Unit Board and Advisory Group
- National Crime Statistics Unit Board and Advisory Group
- National Criminal Courts Statistics Unit Board and Advisory Group
- National Drug Law Enforcement Research Fund
- National Government Advisory Group on Chemicals of Security Concern
- National Identity Security Coordination Group
- National Industry Reference Group on Chemicals of Security Concern
- National Judicial College of Australia
- National Legal Aid
- National Legal Profession Reform Taskforce
- National Motor Vehicle Theft Reduction Council
- National Intercountry Adoption Advisory Group
- National Pro Bono Resource Centre
- National Roundtable on People Trafficking
- National Working Group on the Prevention of the Diversion of Precursor Chemicals into Illicit Drug Manufacture
- Native Title Consultative Forum
- Personal Property Securities Review Consultative Group
- Sporting Shooters and Firearms Advisory Council
- The Crown Copyright Working Group
- The Shire of Christmas Island

## APPENDIX 2: FREEDOM OF INFORMATION STATEMENT

- The Shire of Cocos (Keeling) Island
- The Wreck Bay Aboriginal Community Council, and
- Water Services Infrastructure Assurance Advisory Group.

### Categories of documents held by the Department

The Department holds the following categories of documents:

- 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, interdepartmental and general correspondence and papers
- policy documents, including guidelines, 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
- documents relating to royal commissions and inquiries (including grants)
- copies of various public addresses, speeches and other statements, including those made by the Attorney-General, Ministers and departmental employees
- briefing papers, discussion papers and submissions prepared for the Attorney-General, the Minister for Justice and Customs, the Minister for Home Affairs, and other bodies
- documents relating to casework and program administration
- copies of draft Cabinet documents, Cabinet submissions and associated briefs
- documents relating to meetings (agenda, minutes and reports)
- copies of questions in the Parliament and related replies
- copies of documents prepared for the Executive Council
- reports relating to research and investigations
- tender documents
- documents relating to the management of appointments, and
- registers.

## Facilities for obtaining access to documents held by the Department

Many documents the Department holds are available free of charge upon request; others are publicly available for purchase.

Subject to certain exceptions, the *Freedom of Information Act 1982* also gives people a legally enforceable right of access to documents the Department holds.

Enquiries and requests to obtain access to any document the Department holds should be directed to:

The Director  
Freedom of Information & Privacy Section  
Attorney-General's Department  
3–5 National Circuit  
BARTON ACT 2600

Telephone: (02) 6141 2550  
Facsimile: (02) 6141 5583

## Copyright Tribunal of Australia

### Establishment

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

### Organisation

Section 138 of the *Copyright Act 1968* provides for a Copyright Tribunal consisting of a President and such number of Deputy Presidents and other members as are appointed.

### Functions

The jurisdiction of the Tribunal can be summarised as follows:

- to hear and determine applications for the granting of licences under licensing schemes
- to arbitrate disputes in relation to the terms of existing and proposed licensing schemes to fix the amounts of royalties or equitable remuneration payable under compulsory licences, and
- to make ancillary orders with respect to the operation of compulsory licensing schemes.

### Categories of documents held by the Tribunal

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 administrative and financial aspects of the Tribunal's operation
- general correspondence
- documents filed with the Tribunal, and
- copies of the reasons of the Tribunal.

### Facilities for obtaining access to documents held by the Tribunal

Enquiries and requests to obtain access to documents the Tribunal holds should be forwarded to:

The Registrar  
Copyright Tribunal  
Level 17  
Law Courts Building  
Queens Square  
SYDNEY NSW 2000

Telephone: (02) 9230 8567

Facsimile: (02) 9230 8535

## 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 a holder of public office to whom administrative services are provided by the Attorney-General's Department.

## Functions

The *Law Officers Act 1964* 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, and
- miscellaneous papers, correspondence and reports.

## Facilities for obtaining access to documents

Enquiries and requests to obtain access to documents should be directed to:

Director  
Freedom of Information & Privacy Section  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600

Telephone: (02) 6141 2550

Facsimile: (02) 6141 2583

## Defence Force Discipline Appeal Tribunal

### Establishment

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

### Organisation

The Tribunal consists of a President, Deputy President and members. It has a Registrar and Deputy Registrars. The Principal Registry of the Tribunal is located in Melbourne, Victoria.

### Functions

Pursuant to the *Defence Force Discipline Appeals Act 1955*, the Tribunal can hear appeals against conviction, prescribed acquittal and punishment relating to prosecutions before the Australian Military Court. Further, pursuant to recent amendments to the Act, the Tribunal can also hear questions of law referred to it by the Director of Military Prosecutions.

### Categories of documents held by the Tribunal

The Tribunal maintains the following categories of documents:

- those relating to a particular proceeding, transcript of the hearing, the Tribunal's reasons for the decision, the decision, and related general correspondence
- those concerning procedures before the Tribunal
- those concerning administrative and financial aspects of the Tribunal's operation, and
- general correspondence.

### Facilities for obtaining access to documents held by the Tribunal

Enquiries and requests to obtain access to documents the Tribunal holds should be forwarded to:

Federal Court of Australia  
Registry (VIC)  
Owen Dixon Commonwealth Law Courts Building  
Level 7, 305 William Street  
MELBOURNE VIC 3000

Telephone: (03) 8600 3504  
Facsimile: (03) 8600 3522

# (APPENDIX3)

## Service charters

The Attorney-General's Department Service Charter and associated complaints handling policy have been in operation since June 1998. Charters covering International Child Abduction, Child Support and Civil Procedure supplement the Department's charter.

Apart from the departmental areas covered by their own specific service charter, the Attorney-General's Department has limited direct dealings with members of the public.

The Department serves the Government and, through it, the people of Australia. The departmental and International Child Abduction, Child Support and Civil Procedure charters can be viewed at <<http://www.ag.gov.au>>. All the Department's charters are available to clients in hard copy.

Table 28 sets out the customer service standards contained in each charter and the extent to which they were met during 2008–09.

**Table 28: Compliance with customer service standards, 2008–09**

Charter	Service standard	Compliance with service standard
Attorney-General's Department	A reply in plain English within 28 days of receipt of complaint, including the name and telephone number of the person dealing with the complaint.	All complaints were responded to within the timeframes of 28 days There were no formal complaints to investigate
	Personal information used only in accordance with the law.	Complied
	Work will be undertaken with care, diligence and sensitivity to the needs of clients.	Complied
	Strong commitment to accountability and continuous improvement.	Complied
	Clients will be treated with courtesy, fairness and respect.	Complied
	Staff will act responsively to client needs.	Complied

Table 28: Compliance with customer service standards, 2008–09 *continued*

Charter	Service standard	Compliance with service standard
International Child Abduction, Child Support and Civil Procedure	Reply within 28 days of receipt of complaint.	Complied
	Personal information used only in accordance with the law.	Complied
	Correspondence to be a well-considered reply in plain English and to include the name and telephone number of the person dealing with the complaint.	Complied
	Subject to caseload priorities, staff will act promptly for clients.	Complied
	Clients will be treated with courtesy, fairness and respect.	Complied
	Clients will be referred to the appropriate body if staff cannot help.	Complied

### Other comments

The former Trade Measures Review Office Charter no longer operates as a separate entity; the Departmental Service Charter now covers the Trade Measures Review Office matters.

The Department received five compliments about its management of applications made under the Hague Convention (relating to international child abduction and access).

# (APPENDIX 4)

## Consultancy services

### Policy on selecting and engaging consultants

Contracting for a consultancy service is a prominent activity no different in principle from procuring other property and services. The requirements of the Commonwealth Procurement Guidelines and the Chief Executive Instructions are relevant. Additionally, departmental Chief Executive Instructions state that the Secretary's agreement is required for all consultancies of \$20,000 or more.

Consultancy Services are assessed by determining whether the services meet the criteria of a consultancy as set out in the Department of Finance and Deregulation's *Financial Management Guidance No 15*. The assessment process distinguishes between consultancy and non-consultancy contracts, taking into account their respective characteristics. These characteristics represent an amalgam of those commonly exhibited across the diverse range of consultancy and non-consultancy arrangements.

In considering these characteristics, the Department focused on two questions to determine the nature of the agreement, namely:

- Do the services involve development of an intellectual output that assists with agency decision making?
- Will the output reflect the independent views of the service provider?

Details of contractors—for example, those engaged through employment agencies for short-term relief or other purposes—are not included in this report.

### Consultancy services for 2008–09

During 2008–09, 69 new consultancy contracts were entered into, involving total actual expenditure of \$3.305 million. In addition, 20 ongoing consultancy contracts were active during the year involving total actual expenditure of \$448,227.

In accordance with the requirements for annual reports for departments, executive agencies and *Financial Management and Accountability Act 1997* bodies, detailed information relating to new consultancy contracts to the value of \$10,000 or more (including GST) is provided in Table 29.

Information on expenditure on contracts and consultancies is also available on the AusTender website at <<http://www.tenders.gov.au>>.

**Table 29: Consultancy services let during 2008–09, to the value of \$10,000 or more**

Consultant name	Description	Contract price	Selection process <sup>1</sup>	Justification <sup>2</sup>
A.C.N. 130 171 658 Pty Ltd	Develop a security risk assessment methodology for chemicals of security concern	\$148,016	Open tender	B
ACIL Tasman Pty Ltd	Economic modelling of the Indian Ocean Territories	\$109,981	Open tender	B
Alcatel Australia Ltd	Wireless priority service system feasibility study	\$511,349	Direct sourcing	B
Alexander J Dodd & Associates	Review the night patrol service	\$71,500	Direct sourcing	C
Allen Consulting Group Pty Ltd	Federal audit of police capabilities	\$352,000	Direct sourcing	B
	Undertake organisational audit	\$110,000	Direct sourcing	C
Ascent Governance Pty Ltd	Quality assurance consultancy of the classification fee review	\$20,625	Panel	C
Australian Institute of Criminology	Desk based review of criminological literature of links between criminal activity and risks to national security with report to be produced	\$29,700	Direct sourcing	B
Centre for Public Management Pty Ltd	Investigate review of actions	\$22,000	Direct sourcing	C
	Determinative review—Corporate Services	\$13,200	Direct sourcing	C
Certified Building Solutions Pty Ltd	Review and report on condition of housing stock in the Jervis Bay Territory	\$33,000	Direct sourcing	B

**Table 29: Consultancy services let during 2008–09, to the value of \$10,000 or more *continued***

Consultant name	Description	Contract price	Selection process <sup>1</sup>	Justification <sup>2</sup>
Deloitte Touche Tohmatsu	Analyse the second tranche of anti-money laundering/ counter-terrorism financing reforms	\$24,900	Direct sourcing	B
	Functional review of information and knowledge services	\$19,800	Panel	C
	Review administration of night patrol services provided by Kalano Community Association	\$11,614	Direct sourcing	C
	Review administration of night patrol services provided by Julalikari Aboriginal Council	\$11,614	Direct sourcing	C
	Review financial and administrative processes of Geraldton Yamatji Patrol Aboriginal Corporation	\$16,701	Direct sourcing	C
	Conduct forensic audit on Geraldton Yamatji Patrol Aboriginal Corporation	\$12,584	Direct sourcing	C
	Conduct internal audit on Aboriginal and Torres Strait Islander Community Legal Service (Townsville)	\$16,896	Direct sourcing	C
Fujitsu Australia Ltd	Risk management assessment for the information communications technology component of National Crisis Coordination Capability project	\$51,157	Direct sourcing	B
Gibson Quai—AAS Pty Ltd	Emergency Warning System Network congestion review	\$53,044	Direct sourcing	B
Godden Mackay Logan Pty Ltd	Provide heritage management services in the Indian Ocean Territories	\$145,793	Open tender	B
HBA Consulting	Workplace investigations	\$15,400	Panel	B
Hudson Global Resources (Aust) Pty Ltd	Engage an international expert to help design the Personal Property Securities Registrar's Office structure and processes	\$20,409	Direct sourcing	B
Information Integrity Solutions Pty Ltd	Prepare a privacy impact assessment for the personal property securities reform	\$44,000	Direct sourcing	B

## APPENDIX 4: CONSULTANCY SERVICES

Table 29: Consultancy services let during 2008–09, to the value of \$10,000 or more *continued*

Consultant name	Description	Contract price	Selection process <sup>1</sup>	Justification <sup>2</sup>
Intelligence Dynamics Pty Ltd	Develop and deliver training course	\$17,627	Direct sourcing	B
Ipsos Public Affairs Pty Ltd	Market research for the national security information campaign	\$87,769	Select tender	C
Kordia Solutions	Analyse preferred model for integrated public number database access	\$34,003	Direct sourcing	B
KPMG	Advise on assessing the costs and benefits of family dispute resolution	\$17,843	Direct sourcing	B
Major General Brian W. (Hori) Howard (Retired)	National Counter-Terrorism Committee Support—prepare independent report on major NCTC activity	\$27,500	Direct sourcing	A
Maunsell Australia Pty Ltd	Community engagement strategy for Indian Ocean Territories	\$346,894	Open tender	B
Mr Anthony Blunn AO	Review Commonwealth Legal Services procurement	\$69,975	Direct sourcing	C
Ms Sybille Krieger	Review Commonwealth Legal Services procurement	\$69,975	Direct sourcing	C
MTD Making the Difference	Emergency Management Volunteers—options for attraction, support and retention	\$48,400	Direct sourcing	C
Odyssey Capital Pty Ltd	Report on performance and functionality of Aboriginal Corporation for Homeless and Rehabilitation Services and Aboriginal Legal Services (NSW/ACT)	\$19,800	Direct sourcing	C
Open Mind Research Group Holdings Pty Ltd	Market research services	\$150,000	Select tender	B
Optyma Pty Ltd	Chemicals deregulation and security approach	\$30,000	Direct sourcing	B
Parsons Brinckerhoff Australia Pty Ltd	Review emergency management arrangements for Indian Ocean Territories, with the intention of improving those arrangements	\$78,807	Open tender	A
PLR Systems Consulting	National Counter-Terrorism Committee Communications and Information Management Mapping Exercise	\$178,812	Direct sourcing	B

**Table 29: Consultancy services let during 2008–09, to the value of \$10,000 or more *continued***

Consultant name	Description	Contract price	Selection process <sup>1</sup>	Justification <sup>2</sup>
Protiviti Pty Limited	Business Manager functional review	\$22,000	Direct sourcing	C
	Review of public affairs function	\$32,500	Direct sourcing	C
Quality Management Solutions	Workplace investigations	\$13,000	Direct sourcing	B
	Workplace investigations	\$17,000	Panel	B
Quantum Market Research (Aust) Pty Ltd	Conduct initial developmental research to inform overarching communications strategy for Chemical Security Campaign and inform the consultant briefs for developing promotional materials	\$172,150	Select tender	C
Richard Colin Chisholm	Help the Department review the structure and administration of the Family Law (Child Abduction Convention) Regulations 1986	\$29,267	Direct sourcing	C
	Help with performance assessment of the Legal Advice Service of the Family Relationship Advice	\$11,000	Direct sourcing	B
RSM Bird Cameron	Review administration of grant programs including controls, efficiency and effectiveness, system support and grant management framework	\$33,000	Panel	C
Senatore Brennan Rashid	Review night patrol services operated by Barkly Shire Council	\$19,745	Direct sourcing	B
	Appraise night patrol services Julalikari and Kalano Aboriginal Corporations	\$19,250	Direct sourcing	C
	Review night patrol services provided by Tangentyere Council Inc	\$20,913	Direct sourcing	B
Spatial Vision	National Counter Terrorism Committee National Symbology Project—Phase 1	\$69,955	Open tender	B

**Table 29: Consultancy services let during 2008–09, to the value of \$10,000 or more *continued***

Consultant name	Description	Contract price	Selection process <sup>1</sup>	Justification <sup>2</sup>
WDScott Asia Pty Ltd	Provide business analyst services for the personal property securities register project contact centre	\$86,108	Direct sourcing	B
	Provide business analyst services to the personal property securities project	\$17,600	Direct sourcing	B

Notes:

1 Explanation of selection process terms:

**Open tender:** A request for tender is published widely and all submissions received before the deadline are accepted from any potential suppliers who satisfy the conditions for participation.

**Select tender:** An invitation to tender is issued to potential suppliers from a short list.

**Direct sourcing:** A form of restricted tendering in which an agency may invite a potential supplier or suppliers of its choice to make a submission because of their expertise and/or their special ability to supply the goods and/or services sought.

**Panel:** An invitation to tender is issued to a panel of potential suppliers (who have pre-qualified) established by the agency to supply to the Government.

2 Justification for decision to use consultancy:

**A** Skills currently unavailable within agency

**B** Need for specialised or professional skills

**C** Need for independent research or assessment

# (APPENDIX 5)

## Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918* the Department is required to disclose payments of \$10,900 or more (inclusive of GST) to specific types of organisations. These organisations are advertising agencies, market research organisations, polling organisations, media advertising organisations, and direct mail organisations (Table 30).

**Table 30: Payments to advertising, market research and other designated organisations, 2008–09**

Name of organisation	Payment	Purpose	Key
HMA Blaze	\$947,086	Non-campaign government advertising	C
Ipsos-Eureka Social Research Institute	\$87,769	Market Research for National Security Campaign	B
Open Mind Research Group	\$82,500	Market Research for Personal Property Security Campaign	B
Open Mind Research Group	\$25,520	Study on Anti-Money Laundering and Counter-Terrorism Financing law brochure	B
Orima Research	\$17,939	AusCheck Client Satisfaction Survey	B
Quantum Market Research	\$33,880	Market Research for Chemicals of Security Concern Communications	B
Sensis Yellow Pages	\$241,039	Advertising for Family Relations Centres and Family Advice Line	C
Telstra White Pages	\$166,559	Advertising for Family Relations Centres and Family Advice Line	C
Universal McCann	\$6,050,000	Media buy for the National Security Campaign	C

Key:

- A Paid to a creative advertising agency to develop advertising campaign
- B Paid to a market research organisation
- C Paid to a media advertising organisation for placing government advertising (both campaign and non-campaign) in the media.

## (APPENDIX 6)

## Legal services expenditure

The *Legal Services Directions 2005* paragraph 11.1(ba) requires all departments and agencies to report their legal services expenditure each financial year. This appendix provides a breakdown of the Department's expenditure for 2008–09, along with the previous year's data for comparison. All expenditure figures include GST.

**Table 31: Legal services expenditure summary, comparing 2008–09 and 2007–08**

Summary of legal services expenditure	2007–08	2008–09
<b>Total legal services expenditure<sup>a,b</sup></b>	<b>\$9,212,438.49</b>	<b>\$9,397,101.70</b>
<b>Total external legal services expenditure</b>	<b>\$8,571,915.42</b>	<b>\$8,639,608.31</b>
Total number of counsel briefed	50	41
Total number of counsel direct briefed	5	5
Total value of counsel briefs	\$1,370,977.59	\$1,215,924.79
Total disbursements (excluding counsel)	n/a	\$381,311.83
Total professional fees paid	\$7,200,937.83	\$7,042,371.69
<b>Total internal legal services expenditure<sup>c</sup></b>	<b>\$640,523.07</b>	<b>\$757,493.39</b>
<b>Total costs recovered</b>	<b>n/a</b>	<b>\$0.00</b>

Notes:

- a In early 2008, the *Legal Services Directions 2005* were amended to include a reporting template mandated for use from 2008–09. Expenditure from the previous year (2007–08) has been backcast where possible to conform to the new requirements. Information on disbursements (excluding counsel) and costs recovered were not captured in 2007–08 and have not been included.
- b These figures exclude amounts of legal services expenditure relating to the Hague Convention on the Civil Aspects of International Child Abduction, the United Nations Convention on the Recovery Abroad of Maintenance, and international obligations under various bilateral maintenance arrangements. The Department records these separately as they do not constitute purchase of legal services by the Department for itself. Rather, they arise because the Department pays for legal services that benefit other parties as a result of obligations under international agreements.

In 2007–08, \$440,002.23 relating to obligations under bilateral arrangements was included in error. The 2007–08 total legal services expenditure, total external legal services expenditure, total professional fees paid and professional fees by provider have been adjusted in the tables above to reflect the corrected expenditure. The correction has been noted in Chapter 9 of this report.

These figures do not include expenditure related to the Clarke Inquiry into the case of Dr Mohamed Haneef and the Equine Influenza Inquiry.

- c The Department does not have a separate internal legal services branch; instead it has units that provide both internal and external services, principally the Office of International Law and the Office of Legislative Drafting and Publishing. Legal services are provided within the Department at no cost to the receiving areas. No billing arrangement for internal legal services operates, nor are separate records of expenditure kept. Such expenses are treated as part of the Department's aggregate staffing costs.

An estimate of the cost of internal legal services has been derived from an assessment of the number of staff involved in providing internal legal services and the proportion of their time involved in providing those services. The staff of the Office of International Law devoted to providing internal legal services are the full-time equivalent of 0.2 of an APS 3; 0.1 of an APS 4; 1.0 Legal Officer; 1.0 Senior Legal Officer; 0.75 of a Principal Legal Officer; and 0.5 of an SES Officer. The staff of the Office of Legislative Drafting and Publishing devoted to providing internal legal services are the full-time equivalent of 0.2 of a Legal Officer; 1.0 Senior Legal Officer; 0.4 of a Principal Legal Officer; and 0.1 of an SES Officer. Internal legal services that may be provided from time to time by other areas of the Department are not sufficiently material to enable separate costing.

The cost of internal legal services was estimated based on salary levels for these positions and increased by a factor reflecting typical staffing and other overheads within the Department. This approach is consistent with the ANAO's August 2006 Better Practice Guide.

By this method, it is estimated that the Department's internal legal services expenditure was approximately \$0.757 million in 2008–09 and \$0.641 million in 2007–08.

The Department also meets the costs of the Solicitor-General and Counsel Assisting the Solicitor-General (including salary).

**Table 32: External legal services expenditure summary, comparing 2008–09 and 2007–08**

Summary of external legal services expenditure	2007–08	2008–09
<b>Counsel</b>		
<b>Total number of counsel briefed</b>	<b>50</b>	<b>41</b>
Male counsel briefed	33	28
Female counsel briefed	17	13
<b>Total number of counsel direct briefed</b>	<b>5</b>	<b>5</b>
Male counsel direct briefed	4	5
Female counsel direct briefed	1	0
<b>Total value of counsel briefs</b>	<b>\$1,370,977.59</b>	<b>\$1,215,924.79</b>
Male counsel briefs	\$993,147	\$373,158
Female counsel briefs	\$377,830	\$842,767
<b>Disbursements (excluding counsel)</b>	<b>N/A</b>	<b>\$381,311.83</b>
<b>Professional fees</b>	<b>\$7,200,937.83</b>	<b>\$7,042,371.69</b>

## APPENDIX 6: LEGAL SERVICES EXPENDITURE

Table 33: Professional service providers, comparing 2008–09 and 2007–08

Professional service providers	2007–08	2008–09
Australian Government Solicitor	\$6,856,541.30	\$6,902,531.05
Blake Dawson	\$344,396.53	\$139,840.64
<b>Total professional fees</b>	<b>\$7,200,937.83</b>	<b>\$7,042,371.69</b>

# (APPENDIX 7)

## Staffing profile

Tables 34 to 37 show staffing details for the Department at 30 June 2008 and at 30 June 2009, by each classification level. The tables show substantive and acting staff placements at 30 June 2009.

**Table 34: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2009**

	Gender	ACT	NSW	Vic	Qld	SA	WA	NT	Total
APS Level 1–2	Female	12.33	0	0	0	0	0	1	13.33
	Male	15.12	0	0	0	0	2	0	17.12
Graduate	Female	31	0	0	0	0	0	0	31
	Male	13	0	0	0	0	0	0	13
APS Level 3	Female	74.6	2	0	0	0	5.61	0.8	83.01
	Male	15	2	0	0	0	1	0	18
APS Level 3–4	Female	3	1	0	0	0	1	0	5
	Male	3	0	0	0	0	0	0	3
APS Level 4	Female	90.64	5	0	0	0	0	0	95.64
	Male	20	2	0	0	0	0	0	22
APS Level 4–5	Female	14	0	0	0	0	1	0	15
	Male	14	0	0	0	0	0	0	14
APS Level 5	Female	84.45	5	0	0	0	4.6	0	94.05
	Male	31	1	0	0	1	1	0	34
APS Level 5–6	Female	17.8	0	0	0	0	0	0	17.8
	Male	19.9	0	0	0	0	0	0	19.9
APS Level 6	Female	117.4	2	0	0	0	2.43	1	122.83
	Male	52.6	10	0	1	0	4	3	70.6
Legal Officer	Female	69.33	0	0	0	0	0	0	69.33
	Male	19	0	0	0	0	0	0	19

**Table 34: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2009 *continued***

	Gender	ACT	NSW	Vic	Qld	SA	WA	NT	Total
Executive Level 1	Female	140.11	0.52	1	1	0	8	1	151.63
	Male	111.28	3	0	0	1	6	3	124.28
Senior Legal Officer	Female	76.99	0	0	0	0	0	0	76.99
	Male	32.2	0	0	0	0	0	0	32.2
Executive Level 2	Female	54	1	0	0	0	0	0	55
	Male	64.23	2	0	0	0	1	2	69.23
Principal Legal Officer	Female	61.31	0	0	0	0	0	0	61.31
	Male	27.6	0	0	0	0	0	0	27.6
SES Band 1	Female	26.81	2	0	0	0	0	0	28.81
	Male	38	0	0	0	0	0	0	38
SES Band 2	Female	9	0	0	0	0	0	0	9
	Male	12	0	0	0	0	0	0	12
SES Band 3	Female	3	0	0	0	0	0	0	3
	Male	2	0	0	0	0	0	0	2
<b>Total</b>	<b>Female</b>	<b>885.77</b>	<b>18.52</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>22.64</b>	<b>3.8</b>	<b>932.73</b>
	<b>Male</b>	<b>489.93</b>	<b>20</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>15</b>	<b>8</b>	<b>535.93</b>

**Table 35: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2008**

	Gender	ACT	NSW	Vic	Qld	SA	WA	NT	Total
APS Level 1–2	Female	15.56	0	0	0	0	1.00	0	16.56
	Male	11.02	0	2.00	0	0	0	0	13.02
Graduate	Female	42.00	0	0	0	0	0	0	42.00
	Male	13.00	0	0	0	0	0	0	13.00

**Table 35: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2008 *continued***

	Gender	ACT	NSW	Vic	Qld	SA	WA	NT	Total
APS Level 3	Female	77.00	3.00	3.83	0	0	0.80	0	84.63
	Male	17.29	1.00	2.00	0	0	0	0	20.29
APS Level 3-4	Female	3.00	1.00	1.00	0	0	0	0	5.00
	Male	5.00	0	0	0	0	0	0	5.00
APS Level 4	Female	84.24	6.00	0	0	0	0	0	90.24
	Male	24.80	2.00	0	0	0	0	0	26.80
APS Level 4-5	Female	7.00	0	0	0	0	0	0	7.00
	Male	13.00	0	1.00	0	0	0	0	14.00
APS Level 5	Female	97.32	3.00	3.60	0	0	0	1.00	104.92
	Male	32.45	2.00	1.00	0	0	0	0	35.45
APS Level 5-6	Female	16.40	0	0	0	0	0	0	16.40
	Male	15.90	0	0	0	0	0	0	15.90
APS Level 6	Female	124.83	3.00	9.03	0	1.00	1.00	1.00	139.86
	Male	50.00	9.00	2.00	0	0	4.00	0	65.00
Legal Officer	Female	62.73	0	0	0	0	0	0	62.73
	Male	26.00	0	0	0	0	0	0	26.00
Executive Level 1	Female	143.65	2.52	5.00	1.00	0	1.00	1.85	155.02
	Male	112.39	2.00	6.00	1.00	2.00	3.00	0	126.39
Senior Legal Officer	Female	74.15	0	0	0	0	0	0	74.15
	Male	28.00	0	0	0	0	0	0	28.00
Executive Level 2	Female	44.49	1.00	1.00	0	0	0	0	46.49
	Male	64.00	2.00	1.00	0	0	1.00	0	68.00
Principal Legal Officer	Female	54.95	0	0	0	0	0	0	54.95
	Male	29.80	0	0	0	0	0	0	29.80
SES Band 1	Female	27.30	1.00	0	0	0	0	0	28.30
	Male	30.00	0	0	0	0	0	0	30.00
SES Band 2	Female	8.00	0	0	0	0	0	0	8.00
	Male	9.00	0	0	0	0	0	0	9.00
SES Band 3	Female	0	0	0	0	0	0	0	0
	Male	2.00	0	0	0	0	0	0	2.00
<b>Total</b>	<b>Female</b>	<b>882.62</b>	<b>20.52</b>	<b>23.46</b>	<b>1.00</b>	<b>1.00</b>	<b>3.80</b>	<b>3.85</b>	<b>936.25</b>
	<b>Male</b>	<b>483.65</b>	<b>18.00</b>	<b>15.00</b>	<b>1.00</b>	<b>2.00</b>	<b>8.00</b>	<b>0</b>	<b>527.65</b>

**Table 36: Staffing by classification, gender, employment category and employment status—paid staff (head count) as at 30 June 2009**

	Gender	Ongoing		Non-ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS Level 1–2	Female	9	1	3	1	14
	Male	14	1	1	3	19
Graduate	Female	31	0	0	0	31
	Male	13	0	0	0	13
APS Level 3	Female	54	6	23	3	86
	Male	9	0	9	0	18
APS Level 3–4	Female	3	0	2	0	5
	Male	3	0	0	0	3
APS Level 4	Female	74	6	17	1	98
	Male	18	0	4		22
APS Level 4–5	Female	11	0	4	0	15
	Male	11	0	3	0	14
APS Level 5	Female	84	10	3	1	98
	Male	29	1	4	0	34
APS Level 5–6	Female	16	1	1	0	18
	Male	19	2	0	0	21
APS Level 6	Female	109	12	6	0	127
	Male	68	0	2	1	71
Legal Officer	Female	62	4	5	0	71
	Male	16	0	3	0	19
Executive Level 1	Female	135	20	2	0	157
	Male	120	2	3	0	125
Senior Legal Officer	Female	65	15	3	0	83
	Male	31	1	1	0	33
Executive Level 2	Female	50	4	2	0	56
	Male	65	1	2	2	70
Principal Legal Officer	Female	53	12	0	0	65
	Male	21	2	5	0	28
SES Band 1	Female	25	4	0	1	30
	Male	37	0	1	0	38
SES Band 2	Female	8	0	1	0	9
	Male	12	0	0	0	12
SES Band 3	Female	3	0	0	0	3
	Male	2	0	0	0	2
<b>Total</b>	<b>Female</b>	<b>792</b>	<b>95</b>	<b>72</b>	<b>7</b>	<b>966</b>
	<b>Male</b>	<b>488</b>	<b>10</b>	<b>38</b>	<b>6</b>	<b>542</b>

**Table 37: Staffing by classification, gender, employment category and employment status—paid staff (head count) as at 30 June 2008**

	Gender	Ongoing		Non-ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS Level 1–2	Female	6	2	7	5	20
	Male	8	2	2	4	16
Graduate	Female	42	0	0	0	42
	Male	13	0	0	0	13
APS Level 3	Female	47	8	29	4	88
	Male	11	0	9	1	21
APS Level 3–4	Female	4	0	1	0	5
	Male	5	0	0	0	5
APS Level 4	Female	66	7	19	0	92
	Male	17	1	9	0	27
APS Level 4–5	Female	5	0	2	0	7
	Male	12	0	2	0	14
APS Level 5	Female	95	8	4	1	108
	Male	32	0	3	1	36
APS Level 5–6	Female	15	1	1	0	17
	Male	13	2	2	0	17
APS Level 6	Female	125	10	7	0	142
	Male	62	0	3	0	65
Legal Officer	Female	56	3	5	0	64
	Male	19	0	7	0	26
Executive Level 1	Female	136	21	3	1	161
	Male	122	2	2	0	126
Senior Legal Officer	Female	65	13	1	0	79
	Male	26	1	1	0	28
Executive Level 2	Female	43	2	1	1	47
	Male	65	0	3	0	68
Principal Legal Officer	Female	45	13	0	1	59
	Male	25	1	4	0	30
SES Band 1	Female	26	3	0	0	29
	Male	29	0	1	0	30
SES Band 2	Female	7	0	1	0	8
	Male	9	0	0	0	9
SES Band 3	Female	0	0	0	0	0
	Male	2	0	0	0	2
Total	Female	783	91	81	13	968
	Male	470	9	48	6	533

# (APPENDIX 8)

## Staff achievements

The Department values and fosters a work environment of achievement, and recognises individuals and teams that demonstrate excellence in achieving outcomes beyond expectations. To acknowledge and show appreciation for the outstanding contributions of staff, the Department has in place both formal awards and informal mechanisms that distinguish and support good performance.

Individuals and teams were recognised for their outstanding professional contribution in 2008–09. The Secretary commended recipients for their roles in highlighting the Department's excellent work and in being a source of inspiration to other staff.

The departmental awards are:

- Secretary's Award
- Deputy Secretaries' and General Managers' Awards
- Australia Day Achievement Awards, and
- Academic Achievement Award.

Individual divisions administer less formal recognition awards within the Department. A number of these awards were presented during this reporting period.

The recipients of awards for 2008–09 and their noteworthy achievements follow.

### Secretary's Award 2008

Sheryl Klaffer—in recognition of her outstanding contribution to the Christmas and Cocos Islands communities for airfreight resupply in May 2008.

### Deputy Secretaries' Awards 2008

#### National Security and Criminal Justice Group

Pam McGilvary—in recognition of her outstanding contribution to the effectiveness of the whole-of-Australian Government security coordination for the Papal visit and World Youth Day event in July 2008.

## Civil Justice and Legal Services Group

Catherine Fitch—in recognition of her consistently high-level commitment and flexibility in delivering Government priorities.

## General Managers' Awards 2008

Lisa Garrett—in recognition of her commitment to the Program for Performance Improvement.

## Australia Day Achievement Awards

Rachel Antone, Human Rights Branch—for outstanding professionalism, coordination and legal policy advice in preparing the National Interest Analysis on the United Nations Convention on the Rights of Persons with Disability.

Eddie Carthew, Counter-Terrorism Capability Development Branch—for excellence in work that enhances Australia's national counter-terrorism capabilities.

Wendy Kelly, Telecommunications and Surveillance Law Branch—for responsiveness and professionalism in administering the *Telecommunications (Interception and Access) Act 1979*.

Jim Kichenside, Territories West Branch—for outstanding dedication and professionalism towards the Rumah Baru Freight and Passenger Facility on Cocos (Keeling) Islands.

Nan Levett, Family Law Branch—for excellence in handling and resolving international child abduction matters for Australia.

Peter Meibusch, Family Law Branch—for dedication and commitment to developing and facilitating the passing of the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008.

Damien Van Der Toorn, Office of International Law—for outstanding contribution to negotiating a landmark international treaty banning use of cluster munitions.

Melanie Ashby, Katrina Beard and John Haydock, Professional Education Section, Emergency Management Australia—for excellence and innovation in promoting community resilience and preparedness through involving children.

Maryann Brooke, Sonia Burton, Philippa Vickery, Sonya Davidson and Alison Budd, Legal Assistance Framework Strategic Team—for outstanding contribution toward developing a more sustainable and integrated legal assistance framework.

## APPENDIX 8: STAFF ACHIEVEMENTS

Margaret Close, Kimberlee Trent, Joanna Eisemann, Paul Smith and Chris Sant, Judicial Appointments Process Development and Implementation Team—for professionalism in developing and implementing a more transparent appointments process.

Marcella Hawkes and Maryanne Draney, E-Security Review Team—for outstanding teamwork in furthering the Government's strategy to protect Australia's computer systems.

Alex Hutton, Kirsten Law and Sean Mowbray, Legislation and Policy Section Team—for excellent skills and initiative in developing effective measures for international cooperation against crime.

Claire Pitham, Sue Prunster, Chris McDermott and Penelope Davie, Territories East Branch—for developing and implementing recommendations for Government on managing the Commonwealth's responsibility for Australia's National Capital.

Elsa Sengstock, Dr Anthony Krone, Andrew Warnes, Nicole Stewart and Kay Knight, Criminal Law Branch Coordination and Follow-Up Team—for distinguished contribution to the 2008 Federal Criminal Justice Forum.

Denise Shepherd, Leanne Huddy, Karyn Gladwish, Paul Lyndon and Qing Le, Attorney-General's Information Service (AGIS) Redevelopment Team—for outstanding work in redeveloping the Attorney-General's Information System into one of the great success stories of the Attorney-General's Department.

Allison Wood, Margaret Close, Erin Wells and Lucy Sargeson, Family Law Courts Review Team—for dedication and outstanding work in developing policy directed at achieving a more effective federal court system and excellence in working with stakeholders.

### Other awards

Susan Downing, Office of International Law, was elected a Vice-Chairperson of the United Nations Commission on International Trade Law, 42nd Session, 29 June to 17 July 2009.

Stephen Bouwhuis, Office of International Law, was a finalist in the 2008 Australian Corporate Lawyers' Association Government Lawyer of the Year Award.

# (APPENDIX 9)

## Occupational health and safety

This report is presented in accordance with the requirements of section 74 of the *Occupational Health and Safety Act 1991*.

The Department has a number of written Health and Safety Management Arrangements, as required under section 16 of the *Occupational Health and Safety Act 1991*. These policy documents, together with a range of topic-specific health and safety Employee Relation Advices, are available to employees electronically through the Department's intranet.

The Department seeks to provide a healthy and safe work environment for all employees, contractors and visitors, and promotes integration of prevention activities into day-to-day business.

The Health and Safety Committee met half-yearly, and the minutes of its meetings were made available to employees through the Department's intranet. Three new health and safety representatives were appointed to the Committee in 2008–09.

### Reporting requirements under the Act

<b>Section 68 occurrences</b> (Notification and reporting of accidents and dangerous occurrences)	Eight accidents and dangerous occurrences were reported
<b>Section 45 directions</b> (Power to direct that workplace, etc not be disturbed)	No directions were given to the Department
<b>Section 29 notices</b> (Provisional improvement notices)	No notices were issued
<b>Section 30 notices</b> (Duties of employers in relation to health and safety representatives)	No notices were issued
<b>Section 41 investigations</b> (Investigations addressing compliance and possible breaches)	No notices were issued
<b>Section 46 notices</b> (Power to issue prohibition notices)	No notices were issued
<b>Section 47 notices</b> (Power to issue improvement notices)	No notices were issued

## Outcomes for 2008–09

The Department continued to conduct regular workplace inspections during 2008–09. Reports were provided to Division Heads outlining recommendations for improvements in occupational health and safety practices. Divisions displayed an ongoing commitment to eliminating occupational health and safety hazards, which resulted in continued improvement across the Department. Employees' awareness of occupational health and safety has increased, resulting in improved prevention of, and early intervention for, workplace injuries and illnesses.

Major activities completed in 2008–09 included:

- **Health and Safety Management Arrangements:** Eleven occupational health and safety policies were reviewed or newly developed in 2008–09.
- **Occupational health and safety inspections:** As part of the occupational health and safety risk management program, regular workplace safety inspections were undertaken to ensure compliance with legislation and to identify areas for improvement.
- **Occupational health and safety training and induction:** Monthly occupational health and safety induction programs for new starters were held. These sessions cover the Health and Safety Management Arrangements, the Employee Assistance Program, the Department's health and wellbeing programs, incident and accident reporting and workstation assessments. Accredited training for health and safety representatives, first aid officers and fire wardens was also provided.
- **Comcare premium:** The Department received a bonus of \$78,468 for the 2008–09 premium for ongoing improvements in injury prevention and management, incident reporting, risk management and safety training. The premium for 2009–10 of 0.36 per cent of payroll compares very favourably with the APS average premium of 1.25 per cent.
- **Employee Assistance Program:** The Department continued to fund the Employee Assistance Program that provides employees with free, confidential and professional counselling services to help resolve work and other issues that may affect their work performance.

## Commonwealth Disability Strategy

### Policy adviser role

#### Performance indicator # 1

Performance indicator	Performance measure	Current level of performance 2008-09	Goals for 2009-10	Actions for 2009-10
New or revised policy/program proposals assess impact on the lives of people with disabilities prior to decision.	Percentage of new or revised policy/program proposals that document that the impact of the proposal was considered before the decision making stage.	n/a	n/a	n/a

# (APPENDIX 10)

## Performance indicator # 2

Performance indicator	Performance measure	Current level of performance 2008–09	Goals for 2009–10	Actions for 2009–10
People with disabilities are included in consultation about new or revised policy/program proposals.	Percentage of consultations about new or revised policy/program proposals that are developed in consultation with people with disabilities.	<p>The National Human Rights Consultation was designed to encourage as many people as possible to share their views on how human rights in Australia could be better protected and promoted. This included:</p> <ul style="list-style-type: none"> <li>ensuring venues used for the 66 community roundtables provided disabled access, including lifts or ramps for wheelchairs, hearing loops and access for guide dogs</li> <li>providing a registration process for the roundtables so people who needed help to attend were able to seek services such as Auslan interpreters, scribes for hearing-impaired people unable to sign, and printed materials in large type</li> <li>conducting a 'virtual' online consultation to help people participate who could not physically attend the community roundtables, and</li> <li>using the National Relay Service to ensure consultation phone numbers (1800, Speak and Listen, and Internet relay) were accessible to people who have a hearing or speech impairment.</li> </ul>	<p>Consultation plans are developed taking account of the need to include community legal centres providing services to people with disabilities.</p>	<p>Any consultations on new or revised policy/program proposals will include community legal centres providing services to people with disabilities.</p>

### Performance indicator # 3

Performance indicator	Performance measure	Current level of performance 2008–09	Goals for 2009–10	Actions for 2009–10
Public announcements of new, revised or proposed policy/program initiatives are available in accessible formats for people with disabilities in a timely manner.	Percentage of new, revised or proposed policy/program announcements available in a range of accessible formats.	Information about, and the call for nominations for, the new national Indigenous law and justice advisory body were made available in accessible electronic formats, including html. To help people with disabilities participate in the National Human Rights Consultation, the consultation website was designed to meet disability accessibility requirements, and submissions to the consultation were published on the website in alternative formats.	Appropriate publication formats to be considered on a case-by-case basis, taking into account the target audience.	In the event that any publications are developed, consideration is given to releasing these in formats suitable to the target audience.
		100% of ComLaw announcements accessible in ASCII (or equivalent) or html.	To maintain standard of 100%.	To maintain standard of 100%.
	Time taken to provide announcements in accessible formats.	Provided as part of normal business activity.	Maintain standard.	Maintain standard.

Notes: Accessible formats include electronic formats such as ASCII (or .txt) files and html for the web. Non-electronic formats include Braille, audiocassette, large print and easy English. Other ways of making information accessible include video captioning and Auslan interpreters.

Key: n/a = not applicable

# (APPENDIX 11)

## Extradition and mutual assistance

### Extradition matters dealt with in 2008–09 or continuing as at 30 June 2009

#### Extradition requests made by Australia

	<b>2008–09</b>
Requests carried forward	22
New requests made	25
Requests granted	9
Requests withdrawn	2
Requests refused	4
Requests otherwise finalised	2
Requests continuing	30

The following countries granted Australian extradition requests:

<b>Country</b>	<b>Number</b>
Canada	1
Hong Kong	1
Indonesia	2
Netherlands	1
Solomon Islands	1
United Kingdom	1
United States of America	2

The people surrendered to Australia were citizens of the following countries:

<b>Country</b>	<b>Number</b>
Australia	7
Canada	1
Colombia	1
Iran	1
Iraq	1
Lebanon	1
United States of America	1
Vietnam	1

Note: two persons were dual citizens of Australia and one person was a dual Iranian/Iraqi citizen.

People were surrendered for the following major categories of offences:

<b>Offence</b>	<b>Number</b>
Child sex offences	1
Drugs	2
Assault and other offences against the person	2
Murder and attempted murder	2
Proceeds of crime offences	1
People smuggling	1

### Extradition requests made to Australia

	<b>2008-09</b>
Requests carried forward	41
New requests received	17
Requests granted	10
Requests withdrawn	5
Requests refused by the Attorney-General	2
Requests refused by the courts	0
Requests otherwise finalised	3
Requests continuing	38

Australia granted extradition requests made by the following countries:

<b>Country</b>	<b>Number</b>
Denmark	1
Germany	2
Malaysia	1
United Kingdom	3
United States of America	3

The people surrendered by Australia were citizens of the following countries:

<b>Country</b>	<b>Number</b>
Australia	2
Denmark	1
Germany	1
Sri Lanka	1
United Kingdom	3
United States of America	3

Note: one person was a dual Sri Lankan/United Kingdom citizen.

## APPENDIX 11: EXTRADITION AND MUTUAL ASSISTANCE

People were surrendered for the following major categories of offences:

<b>Offence</b>	<b>Number</b>
Arson	1
Assault/attempted murder	1
Drugs	1
Theft and/or fraud	6
Tax offences	1

Note: Extradition requests vary considerably in complexity and the time it takes to resolve them. The complexity of an extradition request depends on the alleged criminal offence or offences and the alleged criminal conduct underlying the offences. The time taken to resolve an extradition request can vary from a few years, if a fugitive wishes to contest extradition and exercise all rights of review and appeal, to a few months if a fugitive consents to extradition.

### Mutual assistance matters dealt with in 2008–09 or continuing as at 30 June 2009

#### Mutual assistance in criminal matters requests made by Australia

	<b>2008–09</b>
Requests carried forward	241
New requests made/requests reopened	184
Requests finalised	186
Requests continuing	239

#### Mutual assistance in criminal matters requests made to Australia

	<b>2008–09</b>
Requests carried forward	151
New requests/requests reopened	340
Requests finalised	338
Requests refused	0
Requests continuing	156

## Comparative statistics for extradition and mutual assistance cases, 2004-05 to 2008-09

Figure 12: Extradition requests made by Australia, 2004-05 to 2008-09

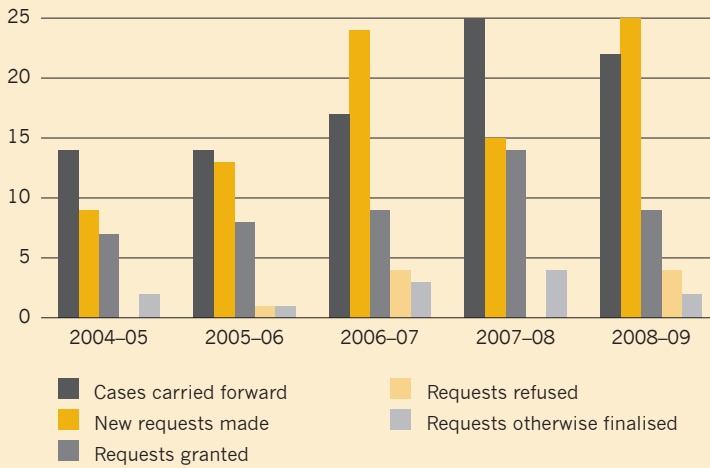
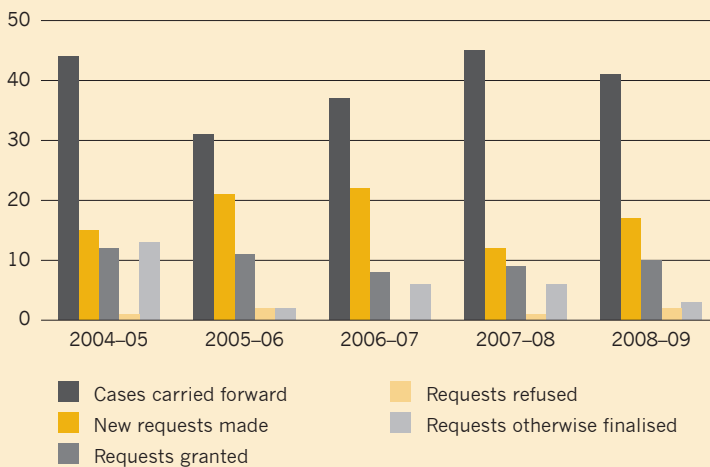
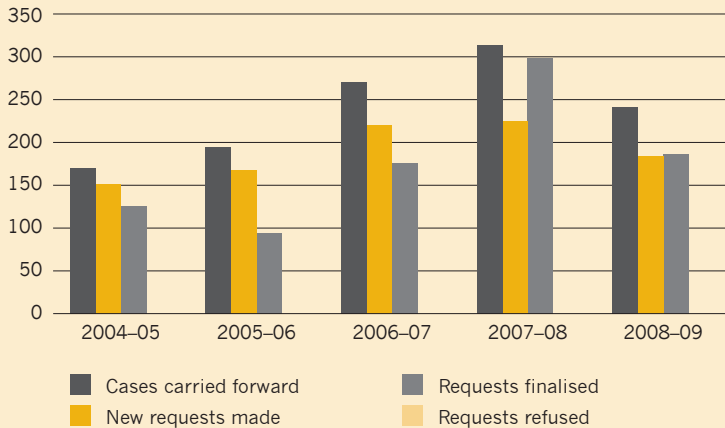


Figure 13: Extradition requests made to Australia, 2004-05 to 2008-09

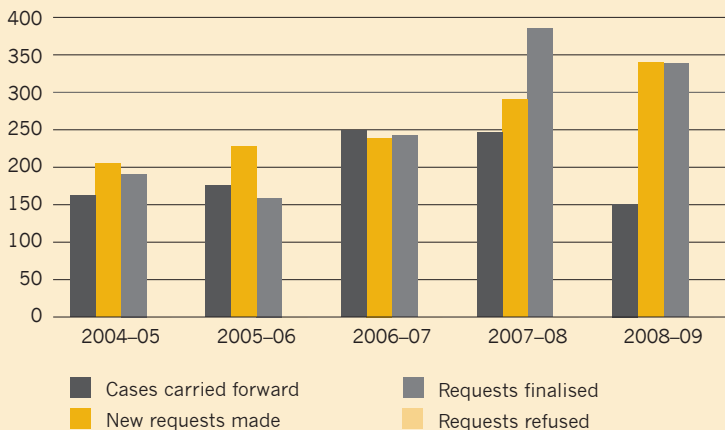


## APPENDIX 11: EXTRADITION AND MUTUAL ASSISTANCE

**Figure 14: Mutual assistance requests made by Australia, 2004–05 to 2008–09**



**Figure 15: Mutual assistance requests made to Australia, 2004–05 to 2008–09**



### International war crimes

Australia has received three requests from the International Criminal Tribunal for the former Yugoslavia.

# (APPENDIX12)

## International Criminal Court

The *International Criminal Court Act 2002* entered into force on 28 June 2002.

Section 189 of that Act provides that the Department must publish each year, as an appendix to its annual report, a report on the operation of the Act, the operations of the International Criminal Court (ICC), and the impact of the operations of the ICC on Australia's legal system.

### Operation of the *International Criminal Court Act 2002*

The *International Criminal Court Act 2002* establishes mechanisms to facilitate Australia's compliance with its obligations under the Rome Statute for the ICC. All crimes set out in the ICC Statute are criminalised under Australia's domestic law, and the ICC has jurisdiction only if national courts are unwilling or unable to genuinely investigate or prosecute a case. This means Australia can investigate and prosecute ICC crimes if necessary, guaranteeing it retains primary jurisdiction over such crimes committed in Australian territory or by Australian citizens.

### Operation of the International Criminal Court

The ICC Statute entered into force generally on 1 July 2002. As at 30 June 2008, 109 countries were States Parties to the Statute. The Statute entered into force for Australia on 1 September 2002.

The ICC, which is based in The Hague, is the first permanent international court capable of investigating and prosecuting the most serious crimes of international concern. Its jurisdiction is limited to the crimes of genocide, crimes against humanity and war crimes, and is confined to crimes committed after the ICC Statute entered into force.

All crimes over which the ICC has jurisdiction are strictly defined in the ICC Statute. States Parties have been discussing including the crime of aggression within the ICC's jurisdiction through a Special Working Group on the Crime of Aggression and other informal meetings. Australian representatives have participated actively in these discussions.

Australia also participates actively in the Assembly of States Parties for the ICC. The Assembly's responsibilities include electing officers of the ICC and providing management oversight of administering the Court. An Australian Government official served on the Assembly's Committee on Budget and Finance from 2003 to April 2009.

During the reporting year, Australia participated in the seventh Assembly of States Parties held over three sessions from 14 to 22 November 2008, 19 to 23 January 2009 and 9 to 13 February 2009, the last of which was devoted primarily to the Special Working Group on the Crime of Aggression. A key achievement of the seventh Assembly was deciding on Uganda as the location for the first Review Conference of the ICC Statute in 2010.

The eighth Assembly of States Parties will take place at The Hague from 18 to 26 November 2009 with a resumed session likely to take place before June 2010.

The ICC is investigating situations in:

- Uganda, at the request of the Ugandan Government
- the Democratic Republic of the Congo, at the request of the President of the Democratic Republic of the Congo
- the Darfur region of Sudan, at the request of the United Nations Security Council, and
- the Central African Republic, at the request of the Central African Republic Government.

The Court has now issued 13 arrest warrants in respect of persons in Uganda, the Democratic Republic of the Congo, Sudan and the Central African Republic, of which eight remain outstanding including one for the current President of Sudan, Omar Hassan Ahmad Al Bashir.

The first trial of the ICC—against Thomas Lubanga Dyilo for crimes allegedly committed in the Democratic Republic of the Congo—commenced on 26 January 2009. The trial of a further two defendants from the Democratic Republic of the Congo—Germain Katanga and Mathieu Ngudjolo Chui—is expected to commence in September 2009.

For further information about the ICC, see <<http://www.icc-cpi.int>>.

## Impact of the International Criminal Court on Australia's legal system

The operations of the ICC have to date had no discernible impact on Australia's legal system. The future impact of ICC operations is expected to depend on the number of active prosecutions and investigations it undertakes and the number and nature of requests for assistance Australia receives.