

Appendix 6: Staffing profile

The tables on page 246 show staffing details for the Department at 30 June 2004 and 30 June 2005.

Table 11 provides a breakdown by location (region), broad-banded classification and gender for the Department. It includes all staff employed by the Department under the *Public Service Act 1999*—that is ongoing, non-ongoing, full-time and part-time. Part-time staff are shown as full-time equivalents.

Table 12 shows staff numbers by head count—that is, part-time staff are shown as the number of people employed, not full-time equivalents. Therefore, there is no correlation between the total figures in the

two tables. The total figures in Table 11 will be smaller than those shown in Table 12.

For the purposes of these tables, part-time staff are defined as staff members who work less than the standard hours per week (standard hours being 37 hours 30 minutes).

Only those staff that were paid by the Department are counted for the purposes of these tables. Staff on leave without pay and contractors are not counted.

Irregular or intermittent (casual) staff, numbering 38 at 30 June 2004, and 39 at 30 June 2005, are not recorded in these tables.

Table 11: Staffing by location (region), broad-banded classification and gender—paid staff (full-time equivalent) (includes ongoing, non-ongoing, full-time and part-time)

	At 30 June 2004										At 30 June 2005									
	SES		Executive Level I-2 & equivalent		APS Level 1-6 & equivalent		Total		SES		Executive Level I-2 & equivalent		APS Level 1-6 & equivalent		Total					
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F				
Australian Capital Territory	34.0	23.4	153.3	139.3	116.2	283.7	303.5	446.4	38.0	24.8	160.8	153.9	136.3	302.0	335.1	480.6				
Victoria	0	0	6.0	6.0	14.0	16.0	20.0	22.0	-	-	8.4	9.0	14.0	14.6	22.4	23.6				
New South Wales	-	-	-	-	-	-	-	-	-	-	-	-	-	3.0	3.0	3.0				
Queensland	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	1.0	2.0				
South Australia	-	-	-	-	-	-	-	-	-	-	-	-	-	1.0	1.0	1.0				
Western Australia	-	-	-	-	-	-	-	-	-	-	1.0	-	2.0	2.0	3.0	2.0				
Northern Territory	-	-	-	-	-	-	-	-	-	-	-	1.0	-	3.0	-	4.0				
Total	34.0	23.4	159.3	145.3	130.2	299.7	323.5	468.4	38.0	24.8	170.2	163.9	157.3	327.6	365.5	516.2				

Table 12: Staff numbers by broad-banded classification, gender, employment category and employment status—paid staff (head count)

	At 30 June 2004						At 30 June 2005					
	Ongoing		Non-ongoing		Total		Ongoing		Non-ongoing		Total	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
SES	24	2	0	0	25	0	22	2	1	0	0	0
Female	24	2	0	0	25	0	22	2	1	0	0	0
Male	34	0	0	0	38	0	37	0	1	0	0	0
Executive Level 1-2 & equivalent	151	15	4	0	172	4	143	24	5	0	0	0
Female	151	15	4	0	172	4	143	24	5	0	0	0
Male	160	6	6	0	171	6	163	3	5	0	0	0
APS Level 1-6 & equivalent	308	17	48	4	338	4	263	24	48	3	3	3
Female	308	17	48	4	338	4	263	24	48	3	3	3
Male	131	2	26	0	158	0	130	1	27	0	0	0
Total	483	34	52	4	535	4	428	50	54	3	3	3
Female	483	34	52	4	535	4	428	50	54	3	3	3
Male	325	8	32	0	367	0	330	4	33	0	0	0

Appendix 7: Staff achievements

The Department recognises the importance of providing a work environment that encourages team and individual achievement. In addition to its program of formal awards, the Department strongly encourages managers to use informal mechanisms to recognise good performance. It is against this background of constant encouragement and support that the Department can successfully implement its more formal reward and recognition arrangements.

The Department has in place a number of awards to acknowledge and reward individual and team achievements. Through these awards, the Department recognises and celebrates outstanding efforts and contributions of employees and promotes our departmental values.

These are additional to external awards, including the Public Service Medal, for which the Department will from time to time nominate employees.

The departmental awards are:

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

The Department's less formal recognition awards are administered by individual divisions and offices. A number of these awards were presented during this reporting period.

Recipients of awards for 2004-05 and noteworthy achievements are listed below.

Secretary's Award 2004

Stephen Bouwhuis

In recognition of his role in advising on legal and drafting issues in the negotiation of the Australia – United States Free Trade Agreement 2004.

Stephen Fox

In recognition of his key role in the negotiations on copyright issues for the Australia – United States Free Trade Agreement 2004.

Deputy Secretary's and General Manager's Awards

Civil Justice and Legal Services, Deputy Secretary's Award 2004

Peter Meibusch

In recognition of his outstanding leadership in the implementation of family law superannuation reform.

Criminal Justice and Security, Deputy Secretary's Award 2004

Michael Jerks and Leith Watson

In recognition of achieving a successful outcome to a multi-agency New Policy Proposal for Critical Infrastructure Protection.

Corporate Services, General Manager's Award 2004

Ross Butler

In recognition of his high level of dedication and loyalty, over and above that which is required to achieve the business goals of Corporate Services Group and the Department.

Information and Knowledge Services, General Manager's Award 2004

Christine Hawke

In recognition of her exemplary services to the Department in the management and delivery of information and library services.

Academic Achievement Award

Rachel Bacon

In recognition of her outstanding achievements academically, in her job performance, and for maintaining a healthy work-life balance.

Australia Day Achievement Awards

Jim Anderson, Protective Security Coordination Centre—for excellence in the successful conduct of multi-jurisdictional counter-terrorism exercise Mercury 04.

Jill Baillie, Office of Legislative Drafting and Publishing—for her outstanding contribution to the success of the Federal Register of Legislative Instruments.

Gary Barkley, Protective Security Coordination Centre—for excellence in the successful management of a project to acquire armoured limousines for the Australian Government.

Alan Collins, Emergency Management Australia—for consistently high-level executive support of Emergency Management Australia's commitment to 'safer sustainable communities'.

Marc Hess, Security and Critical Infrastructure Division—for responsiveness and professionalism in fostering constructive international cooperation in the area of national security.

Peter Jonath, Trade Measures Review Secretariat—for an outstanding effort, often under considerable time pressures, for work in support of the Trade Measures Review Officer and strong and productive contribution to the independent reviews undertaken by this Office in respect of anti-dumping and countervailing matters.



2005 Australia Day Achievement Awards recipients

Bernadette Metschke, Office of Legislative Drafting and Publishing—for her outstanding contribution to providing the Australian community with very high-quality electronic access to Commonwealth legislation.

Sean Mowbray, Criminal Justice Division—for the development of the criminal law in a way which has anticipated the needs of the government and community.

Sam Ahlin, Kirsti Haipola, Barton Hoyle, Mark Jennings, Gabrielle Mackey, Geoff McDonald, Claire Parkhill, Fiona Phillips, Australia – United States Free Trade Agreement Copyright Obligations Team—for professionalism and dedication to achieving the Government's high priority of implementing the Australia – United States Free Trade Agreement.

Julie Atwell, Mark Jennings, Michael Johnson, Philip Kimpton, Paul Schofield, World Trade Organisation (WTO) Team—for excellent advice and legal assistance in WTO litigation.

Maryann Brooke, Eva Logan, Katherine Reimers, Trish Thorpe, Legal Aid Program Renegotiation Team—for demonstrating exceptional teamwork in renegotiating legal aid agreements with the States and Territories, managing ongoing work of the legal aid program, and coordinating participation in the Senate Inquiry into Legal Aid.

Ross Butler, Matt Madin, Gemma Smyth, Workplace Relations Committee Secretariat—for the commitment, initiative and professionalism displayed in support provided to the Workplace Relations Committee in the development of the Attorney-General's Department Agreement 2004.

Mark Carpenter, Coral Cottrell, Simon Hine, Simon Hogan, Paul Lyndon, Ruben Morten, Viet Duc Nguyen, Puran Singh, Information and Knowledge Services ComLaw Project Team—for demonstrated conspicuously high levels of professionalism and commitment in the successful development and implementation of ComLaw.

Richard Fairbrother, Lani Gibbons, Jessica Mackey, Kathryn Ovington, Heather Prostimo, Robin Warner, Kate Westmoreland, Mutual Assistance and Extradition Treaties Negotiation Team—for successful team negotiations of bilateral mutual assistance and extradition treaties.

Jodie Hagel, Dandy Latif, Craig Maconachie, 2004 Financial Reporting Team—for their outstanding efforts under considerable pressure for the successful preparation of the Department's 30 June 2004 annual financial statements.

Other achievements

Greg Potter, Information and Knowledge Services—awarded a commendation from the Director-General of Emergency Management Australia for enhancements to media monitoring and information management systems in the Emergency Management Australia National Emergency Coordination Centre.

Diana Rahman, Protective Security Coordination Centre—awarded the 2005 ACT International Women's Day Award for her contribution to and work with Canberra's multicultural, interfaith and social justice organisations. This was awarded by the ACT Government Office for Women.

Appendix 8: Occupational health and safety

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

The Department has a general Occupational Health and Safety (OH&S) Policy that was reviewed during 2004–05 and an OH&S Agreement, as required under section 16 of the Act. These documents, together with a range of topic-specific OH&S policies, are available to staff electronically through the Department's intranet and are promoted in

HR Matters, the newsletter produced by the Human Resources Branch.

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

The Occupational Health and Safety Committee met on a quarterly basis during the year, and the minutes of its meetings were made available to staff. Three new health and safety representatives were appointed to the Committee in 2004–05.

Reporting requirements under the Act

Section 68 occurrences (Notification and reporting of accidents and dangerous occurrences)	There was one notification.
Investigations	No investigations were conducted.
Section 45 directions (Power to direct that workplace, etc not be disturbed)	No directions were given to the Department under s 45 of the Act.
Section 29 notices (Provisional improvement notices)	No notices were issued under s 29 of the Act.
Section 30 notices (Duties of employers in relation to health and safety representatives)	No notices were issued under s 30 of the Act.
Section 46 notices (Power to issue prohibition notices)	No notices were issued under s 46 of the Act.
Section 47 notices (Power to issue improvement notices)	No notices were issued under s 47 of the Act.

Outcomes for 2004-05

The Department continued to conduct regular workplace inspections throughout 2004-05. Reports were provided to division heads outlining recommendations and improvements. There was continual improvement across the Department, with divisions displaying an ongoing commitment to eliminating OH&S hazards. Staff awareness of OH&S has increased, resulting in improved prevention of, and early intervention for, workplace injuries and illnesses.

Major activities completed in 2004-05 included:

- **OH&S policy:** All OH&S policies were revised to ensure compliance with legislative requirements, demonstrate our commitment to OH&S, and assist managers and staff to better understand their OH&S responsibilities.
- **OH&S initiatives:** The Department introduced workplace keyboard management software to manage occupational overuse syndrome cases. The software monitors the number and rate of key strokes undertaken by an employee and advises them when to take breaks, both minor and major, from keying.
- **OH&S inspections:** A new workplace inspection program policy was prepared that aligned with the Comcare's Safety Map OH&S auditing tool, and a program of regular workplace safety inspections was continued to ensure compliance with legislation and identify areas for improvement.
- **OH&S training and induction:** An online OH&S awareness training program for business supervisors and line managers was developed and implemented. This training provided managers and supervisors with information on their roles and responsibilities and practical exercises in injury prevention and management. Training for health and safety representatives in the conduct of workstation assessments was undertaken. Training for first aid officers and fire wardens was also conducted.
- **Work and wellbeing survey:** The Department's work and wellbeing survey was conducted in May 2005 to identify issues at an organisational and group level that contribute to employee satisfaction, morale, health, wellbeing and performance. The survey is an important strategic initiative that is driven by the Department's commitment to continuous improvement. The data collected by the survey will help the Department to benchmark key occupational health and people management factors, and to track changes over time.
- **Employee Assistance Program:** The Employee Assistance Program provides employees with confidential and professional counselling services to assist them in resolving work and other issues that may impact on their work performance.
- **Health and Wellbeing Strategy:** The Department's Health and Wellbeing Strategy was formally launched in March 2005, with copies of the strategy and Attorney-General's Department water bottles provided to employees. All divisions were also encouraged to host a 'healthy' morning tea.
- **Lunchtime and after-work activity:** The Department continued to facilitate staff attendance at lunchtime activities that are designed to enhance their health and wellbeing. Posture and flexibility classes, seated workplace massage, belly dancing, soccer and yoga classes help to reduce stress and the occurrence of occupational overuse syndrome.

- **Flu immunisation:** Employees were provided with an opportunity to participate in a flu immunisation program. Influenza vaccinations were provided for about 300 employees.

Priorities for 2005–06

The Department's priorities for 2005–06 are to:

- develop strategies and actions to address the key findings of the work and wellbeing survey
- continue to reduce the numbers of compensation claims by targeting the cause of the injuries
- promote the Department's integrated health and wellbeing program
- better coordinate workstation assessments
- focus more on longer-term compensation claims, and
- enhance the reporting of health and wellbeing performance.

Appendix 9: Commonwealth Disability Strategy

The Commonwealth Disability Strategy is designed to assist agencies to improve access for people with disabilities to their programs, services and facilities. Under this strategy, the Department reports on its role as an employer and policy adviser.

Employer role

Performance indicator 1: Employment policies and procedures comply with the requirements of the Disability Discrimination Act 1992.

Performance measure: Number of employment policies, procedures and practices that meet the requirements of the *Disability Discrimination Act 1992*.

Current level of performance 2004-05:

The Department has approximately 50 employment policies and programs. During 2004-05, in keeping with the principles of the *Disability Discrimination Act 1992*, the following policies and programs were developed or reviewed:

- Program for Performance Improvement electronically enhanced
- an electronic recruitment kit and an online application process
- online training to support legal compliance and awareness associated with the employment of staff with disabilities, and
- a draft employment charter that seeks to identify and remove barriers to employment for people with disabilities.

Goals for 2005-06: The Department aims to:

- develop and implement new initiatives included in the Attorney-General's Department Agreement 2004
- implement and/or monitor strategies in the Workplace Diversity Program 2004-06, and
- implement the new recruitment kit electronically.

Actions for 2005-06: During the development and implementation of new initiatives for the Agreement 2004, and the implementation or monitoring of strategies in the Workplace Diversity Program 2004-06, specific attention will be given to the principles of the Disability Discrimination Act.

Performance indicator 2: Recruitment information for potential job applicants is available in accessible formats on request.

Performance measures:

Percentage of recruitment information requested and provided in:

- accessible electronic formats, and
- accessible formats other than electronic.

Average time taken to provide accessible information in:

- electronic formats, and
- formats other than electronic.

Current level of performance 2004-05:

100 per cent of requested information is made available both electronically, in HyperText Markup Language (HTML) and Microsoft Word format, via the intranet, Internet and email, and in hard copy, via the post. No other format was requested.

The average time to provide accessible information in both electronic and non-electronic formats is two days.

Goals for 2005–06: 100 per cent of requests for electronic information to be fulfilled within 48 hours of request.

100 per cent of customers requesting information in accessible formats, other than electronic, will be advised of the expected delivery date of their preferred format within 48 hours of the request.

Where necessary, extensions to the closing date for applications will be made in keeping with the time taken to supply information in accessible formats.

The recruitment unit will investigate the processes required to establish TTY functionality (in addition to the existing email and Web access) to enable all hearing-impaired applicants to successfully request information in accessible formats.

Actions for 2005–06: The recruitment unit to:

- ensure all managers and external recruiters are aware of the procedures for handling a request for information in accessible formats
- ensure the recruitment kit is marketed and in an accessible format
- stock a selection of standard recruitment materials in accessible formats
- maintain a log of all requests for information in accessible formats and time frames
- introduce TTY functionality using existing TTY into the recruitment unit, and
- ensure recruitment unit staff are trained in the use of TTY functionality as appropriate.

Performance indicator 3: Agency recruiters and managers apply the principles of reasonable adjustment.¹

Performance measure: Percentage of recruiters and managers provided with information on reasonable adjustment.

Current level of performance 2004–05:

Advice on reasonable adjustment for managers is available on the Department's intranet. 100 per cent of both internal recruiters and managers were provided with information about reasonable adjustments when requested. The recruitment guidelines were reviewed and include reference to the principles and practice of reasonable adjustment.

Goals for 2005–06: 100 per cent of managers will receive advice about the principles and practice of reasonable adjustment when requested.

Actions for 2005–06: The Human Resources Branch will provide information on reasonable adjustment on an ongoing basis as required.

Performance indicator 4: Training and development programs consider and respond to the needs of staff with disabilities.

Performance measure: Percentage of training and development programs that consider the needs of staff with disabilities.

Current level of performance 2004–05:

100 per cent of training and development nomination forms ask staff to identify any disability-related needs at the time of registration. 100 per cent of training and development evaluation forms ask staff to assess the management of their disability-related needs following the training sessions. 100 per cent of staff with disabilities who attended training or development programs report having their particular access needs addressed.

¹ Reasonable adjustment: Where a person can perform the inherent requirements of a job, an employer is required to make reasonable adjustments to the workplace or work practices to accommodate any additional needs that the person may have.

Goals for 2005-06: The introduction of an online enrolment and training module in the Department's human resource information system (Aurion) will capture information that considers the needs of staff with disabilities, and produce automated reports.

Actions for 2005-06: To input relevant data into the human resource information system, and develop and refine reporting capabilities.

Performance indicator 5: Training and development programs include information on disability issues as they relate to the content of the program.

Performance measure: Percentage of training and development programs that include information on disability issues as they relate to the program.

Current level of performance 2004-05: The Department offered 50 training and development programs during the year. Five of these programs—Orientation, Graduate Program, Management Skills Program, and two Client Relationship courses—address disability and diversity issues, representing 10 per cent of programs.

Programs contained in the People Development Strategy were reviewed before being offered during the year. Where appropriate, these were updated to include information on disability issues as they relate to the various training programs.

An online training program was developed for all staff as part of the Workplace Diversity Program 2004-06 that will include content on the APS Values and Code of Conduct, discrimination and legal compliance, cultural awareness, bullying and diversity, and occupational health and safety.

Goals for 2005-06: To roll out the online training program for all employees; to explore the option of expanding the online training available; and to ensure staff regularly refresh their knowledge and understanding in relation to the programs, especially disability issues.

Actions for 2005-06: To ensure staff participate in the online training program with particular emphasis on disability and diversity issues, and that all staff continue to attend accountability training.

Performance indicator 6: Complaint/grievance mechanism, including access to external mechanisms, in place to address issues and concerns by staff.

Performance measure: Established complaints/grievance mechanisms, including access to external mechanisms, in operation.

Current level of performance 2004-05: The Department has established processes for handling complaints, which includes internal and external mechanisms, eg harassment contact officers, Employee Assistance Program, and the Australian Public Service Commission.

An analysis of complaints during the reporting period revealed no complaints or grievances involved disability issues in the workplace.

Departmental advices and guidelines on complaints handling and review of actions were promulgated on the Department's intranet site, to which all staff have access. All staff received an invitation to attend information sessions to advise them of the engagement of a new Employee Assistance Program provider and of the services offered through this program. This information was also promulgated via email and on the intranet site.

Goals for 2005-06: To increase staff awareness of the harassment contact officers and their roles; to review and update the policies and procedures of the complaints/grievances process and to advise 100 per cent of staff of any changes.

Actions for 2005-06: To provide training for new harassment contact officers and refresher training for existing officers.

Policy adviser role

Performance indicator 1: New or revised policy/program proposals assess impact on the lives of people with disabilities prior to decision.

Performance measure: Percentage of new or revised policy/program proposals that document consideration of the impact of the proposal before taking any decision.

Current level of performance 2004–05:

Relevant policies/programs are assessed for their impact on the lives of people with disabilities prior to decision. Areas of particular focus during the year include the development of the Disability Standards for Access to Premises and the Disability Standards for Education, and amendments to the Disability Standards for Accessible Public Transport. Also, preliminary consultation occurred for the review of provisions of the *Copyright Act 1968* to enable appropriate access by people with disability to copyright material.

Performance indicator 2: People with disabilities are included in consultation about new or revised policy/program proposals.

Performance measure: Percentage of consultations about new or revised policy/program proposals that are developed in consultation with people with disabilities.

Current level of performance 2004–05:

The Department provides funding to support the Disability Discrimination Act Standards Project, which facilitates the involvement of, and consultation with, the disability sector on the development of disability standards. Grants were provided to the Australian Federation of Disability Organisations (AFDO) to manage participation of disability sector representatives on the Building Access Policy Committee, which advises government on the development of the Disability Standards for Access to Premises.

In August 2004, People with Disability, in conjunction with AFDO and the National Association of Community Legal Centres, provided a report on national consultations on draft text of a United Nations Convention on the Rights of People with Disabilities. The consultations were funded by a grant from the Department.

Departmental representatives met with disability sector representatives at the Attorney-General's NGO Forum on Domestic Human Rights in June 2005.

People with disability have been consulted about the possible need for amendments to the Copyright Act to enable appropriate access to copyright materials, and to examine ways to facilitate production of accessible-format material.

Performance indicator 3: Public announcements of new, revised or proposed policy/program initiatives are available in accessible formats for people with disabilities.

Performance measure: Percentage of new, revised or proposed policy/program announcements available in a range of accessible formats, and time taken in providing announcements in accessible formats.

Current level of performance 2004–05:

The Department endeavours to publish all new, revised and proposed policy/program announcements electronically in a minimum of two formats suitable for screen-readers. The preferred formats for publishing are HTML and Microsoft Word.

Appendix 10: Extradition, mutual assistance and criminal justice certificates

Extradition matters dealt with in 2004-05 or continuing as at 30 June 2005

Extradition requests made by Australia	
Requests carried forward from 2003-04	14
New requests made	9
Requests granted	7
Requests withdrawn	2
Requests refused	0
Requests otherwise discontinued	0
Requests continuing	14

The following countries granted Australian extradition requests:

Hong Kong – Special Administrative Region of the People's Republic of China	1
Netherlands	1
Solomon Islands	1
Thailand	2
United Kingdom	1
United States of America	1

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

Australia	2
Fiji	1
Hong Kong – Special Administrative Region of the People's Republic of China	1
Netherlands	1
Pakistan	1
United Kingdom	1

People were surrendered for the following major categories of offences:

Child sex	2
Drugs	1
Manslaughter	1
Murder	1
People smuggling	1
Perverting course of justice	1

In previous reporting years, Australia has requested the prosecution of people in foreign countries that had refused Australian extradition requests for those people on the grounds of nationality. At 30 June 2005, one such case was continuing.

The following countries were still considering requests:

Canada	2
Hong Kong – Special Administrative Region of the People's Republic of China	2
Ireland	1
Malaysia	1
South Africa	1
United Kingdom	5
United States of America	2

Extradition requests made to Australia

Requests carried forward from 2003-04	44
New requests received	15
Requests granted	12
Requests withdrawn	3
Requests refused by the Attorney-General	1
Requests refused by the Courts	0
Requests otherwise discontinued	10
Requests continuing	33

Australia granted extradition requests made by the following countries:

Belgium	2
Brazil	1
Germany	2
Hong Kong – Special Administrative Region of the People's Republic of China	2
Pitcairn Island	1
Sri Lanka	1
Switzerland	1
United Kingdom	1
United States of America	1

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

Australia	3
Belgium	1
Brazil	1
Germany	2
Sri Lanka	1
Switzerland	1
United Kingdom	2
United States of America	1

* Nine of the people surrendered consented to being returned to the requesting country.

People were surrendered for the following major categories of offences:

Assault	1
Child sex	2
Drugs	1
Fraud	3
Money laundering	1
Sexual assault	1
Taxation offences/fraud	1
Theft	2

Australia was still considering requests made by the following countries:

Argentina	2
Cambodia	1
Canada	1
Germany	1
Greece	1
Hong Kong – Special Administrative Region of the People's Republic of China	1
Hungary	1
India	1
Ireland	1
Italy	1
Lebanon	2
Philippines	1
Poland	4
Portugal	1
Singapore	1
South Africa	2
Spain	1
United Kingdom	4
United States of America	6

Note: Extradition requests vary considerably in complexity and the time it takes to resolve them. The complexity of an extradition request depends on the criminal offences and the 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 appeals, to a few months if a fugitive consents to extradition.

Mutual assistance matters dealt with in 2004-05 or continuing as at 30 June 2005

Mutual assistance in criminal matters requests made by Australia

Requests carried forward from 2003-04	170
New requests made	151
Requests finalised*	126
Requests continuing	195

* Past annual reports have distinguished between 'requests executed' and 'requests otherwise completed'. From this year, these two categories have been combined under the single heading of 'requests finalised'. This category includes all requests for which assistance is no longer sought, including requests completely executed, requests partially executed where the remainder of the assistance is no longer required, and requests withdrawn.

The following countries finalised requests by Australia for mutual assistance in criminal matters in 2004-05:

Argentina	2
Austria	3
Belgium	6
British Virgin Islands	1
Brunei	1
Canada	3
China	2
Dominica	1
Fiji	3
Finland	1
France	1
Germany	10
Greece	2
Hong Kong – Special Administrative Region of the People's Republic of China	7
Indonesia	1
Iran	1
Ireland	1
Italy	2
Japan	2
Lebanon	1
Monaco	1

Netherlands	14
Netherlands Antilles	1
New Zealand	6
Peru	1
Singapore	5
South Africa	2
Spain	1
Switzerland	4
Thailand	4
Turkey	1
United Arab Emirates	1
United Kingdom	27
United States of America	7

The types of assistance granted to Australia can be categorised as follows:**

Obtain bank/business records	28
Search and seizure	18
Proceeds of crime (restraining and confiscation orders)	3
Service of documents	3
Other (obtain statement/conduct interview; obtain criminal records; obtain company records; obtain telecommunications records; obtain email records, etc)	74

** Only the primary type of assistance provided is listed.

Mutual assistance in criminal matters requests made to Australia

Requests carried forward from 2003-04	162
New requests	205
Requests finalised*	191
Requests refused	0
Requests continuing	176

* Past annual reports have distinguished between 'requests executed' and 'requests otherwise completed'. From this year, these two categories have been combined under the single heading of 'requests finalised'. This category includes all requests for which assistance is no longer sought, including requests completely executed, requests partially executed where the remainder of the assistance is no longer required, and requests withdrawn.

Australia finalised requests for mutual assistance in criminal matters from the following countries in 2004–05:

Argentina	2
Austria	6
Belarus	1
Belgium	5
Burma/Myanmar	1
Chile	1
Croatia	3
Czech Republic	1
Denmark	3
Estonia	1
Fiji	1
France	1
Germany	9
Hong Kong – Special Administrative Region of the People's Republic of China	2
Hungary	47
Italy	7
Latvia	1
Liechtenstein	2
Mexico	1
Monaco	1
Netherlands	18
New Zealand	6
Norway	1
Poland	3
Portugal	1
Russian Federation	4
Scotland	2
Serbia and Montenegro	1
Slovak Republic	1
Slovenia	2
Spain	4
Sri Lanka	1
Sweden	1
Switzerland	10
Turkey	8

Ukraine	2
United Kingdom	18
United States of America	10
Vanuatu	1
Zambia	1

The types of assistance Australia granted can be categorised as follows:**

Obtain bank/business records	14
Take evidence	35
Search and seizure	19
Service of documents	98
Other (obtain statement/conduct interview; obtain telecommunications records; obtain brief of evidence; obtain certificates of conviction, etc)	25

** Only the primary type of assistance provided is listed.

Mutual assistance in business regulation requests made to Australia

Two requests (one from the United States of America and one from New Zealand) were received and executed under the *Mutual Assistance in Business Regulation Act 1992* in the past financial year.

International war crimes

There were four new requests for assistance from the International War Crimes Tribunal for the former Yugoslavia in The Hague during 2004–05 (and four carried over from 2003–04). Included in the four new requests were requests to locate a witness, serve documents on a witness and make arrangements for witnesses to travel to The Hague to give evidence.

There were no cases on hand concerning the International War Crimes Tribunal for Rwanda or the Special Court for Sierra Leone or the International Criminal Court.

Criminal justice certificates dealt with in 2004-05 or continuing as at 30 June 2005

Criminal justice certificates issued	
Commonwealth entry ^a	51
Commonwealth stay ^a	78
Commonwealth trafficking stay ^b	23
State entry (endorsed) ^c	18

Criminal justice certificates cancelled^d

Commonwealth entry	42
Commonwealth stay	67
Commonwealth trafficking stay	5
State entry	11

Criminal justice certificates current as at 30 June 2005

Commonwealth entry	22
Commonwealth stay	192
Commonwealth trafficking stay	23

- a Commonwealth certificates are issued in relation to proceedings involving Commonwealth offences.
- b Criminal justice stay certificates are issued to suspected victims of people-trafficking offences who are assisting with the investigation or prosecution of those offences.
- c State certificates are issued for proceedings involving State offences. State entry certificates are issued by the relevant State agency, and endorsed by the Australian Attorney-General or his delegate. State stay certificates are issued by the relevant State agency. State entry and State stay certificates may be cancelled by the relevant State agency without notifying the Australian Attorney-General or his delegate.
- d Commonwealth certificates are cancelled by the Australian Attorney-General or his delegate.

Nationalities of persons who hold current Commonwealth criminal justice certificates as at 30 June 2005

Belgium	1
Bolivia	1
Brazil	2
Canada	6
Colombia	6
France	1
Germany	1
Hong Kong – Special Administrative Region of the People's Republic of China	9
India	10
Indonesia	14
Iran	1
Iraq	8
Israel	2
Japan	2
Korea	1
Malaysia	17
Mexico	1
Netherlands	9
New Zealand	2
Nigeria	3
North Korea	1
Pakistan	3
People's Republic of China	28
Peru	1
Republic of China (Taiwan)	1
Singapore	14
South Africa	9
South Korea	1
Spain	7
St Vincent and the Grenadines	1
Thailand	36
Tonga	1
United Kingdom	16
United States of America	15
Uruguay	1
Uzbekistan	1
Vietnam	3
Unknown	1

Table 13: Comparative statistics for extradition and mutual assistance cases, 2000-01 to 2004-05

Extradition requests made by Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	16	7	4	1	0
2001-02*	13	7	4	1	5
2002-03	10	12	6	0	1
2003-04	15	9	6	1	3
2004-05	14	9	7	0	2

* During 2001-02, the Extradition Unit developed and implemented an electronic records and statistical retrieval system to replace the paper-based system used in previous reporting periods. This more accurate and comprehensive system, and the process of transcribing paper-based records and archival information to it, identified some discrepancies between opening and closing balances.

Extradition requests made to Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	39	15	13	1	2
2001-02*	32	16	8	3	1
2002-03	36	23	8	6	2
2003-04	43	23	14	3	5
2004-05	44	15	12	1	13

* During 2001-02, the Extradition Unit developed and implemented an electronic records and statistical retrieval system to replace the paper-based system used in previous reporting periods. This more accurate and comprehensive system, and the process of transcribing paper-based records and archival information to it, identified some discrepancies between opening and closing balances.

Mutual assistance requests made by Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	32	63	31	0	10
2001-02	54	88	44	2	19
2002-03	77	135	62	0	22
2003-04	133*	161	104	0	51
2004-05	170	151	126	0	n/a

* The higher figures for mutual assistance requests carried forward in 2003-04 for requests made to and from Australia reflect the practice adopted in 2003-04 of counting supplementary requests as separate requests.

Mutual assistance requests made to Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	78*	153	148	0	38
2001-02	45*	156	78	0	13
2002-03	110	166	124	2	38
2003-04	117†	179	109	1	30
2004-05	162	205	198	0	n/a

* During 2003-04, the Mutual Assistance Unit implemented an electronic records and statistical retrieval database to replace the paper-based system used in previous reporting periods. This new mutual assistance database has provided a more accurate and comprehensive records system, which has identified some discrepancies between the figures in 2003-04 and previous reporting periods.

† The higher figures for mutual assistance requests carried forward in 2003-04 for requests made to and from Australia reflect the practice adopted in 2003-04 of counting supplementary requests as separate requests.

Appendix II: The *International Criminal Court Act 2002*

The *International Criminal Court Act 2002*

The *International Criminal Court Act 2002* (the ICC Act) entered into force on 28 June 2002.

The ICC Act includes an annual reporting requirement under section 189, which adopts recommendation 6 of the Joint Standing Committee on Treaties' Report 45 on the ratification of the Rome Statute of the International Criminal Court (the ICC Statute). Section 189 provides that the Department must publish each year, as an appendix to the Department's annual report for that year, a report on the operation of this Act, the operations of the International Criminal Court (the ICC), and the impact of the operations of the ICC on Australia's legal system.

The purpose of these reports is to enable Parliament to ensure that, in light of the operation and jurisprudential developments of the ICC, it continues to be in Australia's national interest to remain a Party to the ICC Statute.

Operation of the *International Criminal Court Act 2002*

The ICC Act establishes mechanisms to permit Australia to comply with its international obligations under the ICC Statute. It also contains provisions to implement the terms of a declaration that Australia lodged with its ratification. The declaration indicates how Australia will practically give effect to the Statute while fully adhering to its obligations.

The declaration protects Australian sovereignty by:

- reaffirming the primacy of Australian criminal jurisdiction in relation to crimes within the ICC's jurisdiction
- declaring that no person can be arrested on a warrant issued by the ICC or surrendered to the ICC without the consent of the Attorney-General, and
- declaring Australia's understanding that offences under the Statute will be interpreted and applied in a way that accords with the way they are implemented in Australian law.

The Parliament enacted amendments to the *Criminal Code Act 1995* in the *International Criminal Court (Consequential Amendments) Act 2002* (the ICC (CA) Act) to ensure that all crimes set out in the ICC Statute are also crimes in Australian domestic law. The ICC has jurisdiction only if national courts are unwilling or unable to genuinely investigate or prosecute a case. The ICC (CA) Act ensures that Australia will always be able to investigate or prosecute ICC crimes if necessary, thereby guaranteeing that Australia will retain primary jurisdiction over all such crimes committed on Australian territory or by Australian citizens.

In conjunction with the *Defence Force Discipline Act 1982*, the ICC Act and the ICC (CA) Act have had a significant positive impact on Australia's overseas military operations during the reporting year. By defining with greater certainty individual criminal responsibility of Australian Defence Force members and others for crimes under

the ICC Statute in Australian domestic law, the legislation has lent greater certainty to these operations. More broadly, the legislation will perform an important role in upholding the rule of law and punishing those guilty of the most serious crimes of international concern.

Operation of the International Criminal Court

The ICC Statute was adopted and opened for signature and ratification on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. The Statute entered into force generally on 1 July 2002. As of 1 July 2005, there are 99 Parties and 139 signatories to the ICC Statute. Australia signed the Statute on 9 December 1998 and ratified the Statute on 1 July 2002. The Statute entered into force for Australia on 1 September 2002.

The entry into force of the ICC Statute established the first permanent international court capable of investigating and prosecuting the most serious crimes of international concern. The ICC fills a legal vacuum that could otherwise prevent the prosecution of egregious crimes due to a lack of judicial infrastructure or political will. The ICC is physically established in The Hague, the Netherlands.

The ICC jurisdiction is limited to the crimes of genocide, crimes against humanity and war crimes. The ICC jurisdiction is further limited to crimes committed after the ICC Statute's entry into force on 1 July 2002. All crimes over which the ICC has jurisdiction are strictly defined in the ICC Statute. The definitions reflect international law that predates the Court's existence.

No new crime can be added to the ICC's jurisdiction until seven years after the Statute's entry into force (1 July 2009).

Importantly, no new crime will apply to acts done in the territory of, or by citizens of, a State Party that has not ratified that crime. The only new crime currently being contemplated is the crime of aggression.

A Working Group of States Parties has been discussing possible definitions and other aspects of this crime. An intersessional meeting of the Special Working Group on the Crime of Aggression was held at the Liechtenstein Institute on Self Determination at Princeton University from 13 to 15 June 2005.

Since the entry into force of the ICC Statute, Australia has actively participated in the Assembly of States Parties. Each State Party has one vote in the Assembly. The Assembly's responsibilities include electing officers of the ICC and providing management oversight of the administration of the Court.

Australia participated in the Third Assembly of States Parties from 6 to 10 September 2004.

Key achievements of the Third Assembly of States Parties included:

- approving the text of a 'Relationship Agreement' with the United Nations regarding cooperation between the two bodies, particularly with respect to the exchange of information, judicial assistance and administrative and technical cooperation. The agreement was signed in New York by United Nations Secretary-General Kofi Annan and ICC President Philippe Kirsch on 4 October 2004, and entered into force upon signature
- the election of a second Deputy Prosecutor, Fatou Bensouda (The Gambia), who was sworn in during an open session of the ICC on 1 November 2004

- the election of six members of the Committee on Budget and Finance and the election of a future President of the Assembly of States Parties, Ambassador Bruno Stagno (Costa Rica), whose term of office will commence on the first day of the Fourth Session of the Assembly of States Parties
- the adoption of consolidated and partially revised Rules for the Nomination and Election of Judges
- the establishment of a Secretariat for the Victims Trust Fund, and
- the approval of a 67 million euro budget for the third financial year, and the establishment of a 10 million euro contingency fund.

The Committee on Budget and Finance appointed David Dutton of Australia as Rapporteur for the fourth session of the Committee, held from 4 to 6 April 2005.

The Fourth Assembly of States Parties will take place from 28 November to 3 December 2005 in The Hague.

The ICC is investigating three situations, one in Uganda at the request of the Ugandan Government (the activities of the Lord's Resistance Army), one in the Democratic Republic of Congo (DRC) at the request of the President of the DRC, and one in the Darfur region of Sudan at the request of the United Nations Security Council (referred on 31 March 2005). For further information about the ICC, see generally <<http://www.icc-cpi.int/>>.

The ICC has also received a referral of the general situation in the Central African Republic (CAR) from the CAR Government, and the Prosecutor will carry out an analysis in order to determine whether to initiate an investigation.

Impact of the operations of the ICC on Australia's legal system

As no cases have yet been tried by the ICC, its operation has had no discernible impact upon Australia's legal system. The future impact of ICC operations is expected to depend on how many active prosecutions and investigations the ICC undertakes and the number and nature of requests for assistance received by Australia.