

APPENDIX 10

Freedom of Information Matters**10.1 FUNCTIONAL STATEMENTS FOR THE ATTORNEY-GENERAL'S DEPARTMENT AND SOME PORTFOLIO AGENCIES**

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

- Administrative Appeals Tribunal
- Administrative Review Council
- Australian Federal Police
- Australian Institute of Criminology
- Australian Law Reform Commission
- Australian Security Intelligence Organization
- Australian Transaction Reports and Analysis Centre
- Criminology Research Council
- Family Court of Australia
- Family Law Council
- Federal Court of Australia
- Federal Police Disciplinary Tribunal
- High Court of Australia
- Human Rights and Equal Opportunity Commission
- Industrial Relations Court of Australia
- Inspector-General in Bankruptcy
- National Crime Authority
- National Native Title Tribunal
- Office of Film and Literature Classification (including the Classification Board and Classification Review Board)
- Office of Parliamentary Counsel
- Office of the Director of Public Prosecutions
- Privacy Commissioner

The Department's statement is provided first, followed by the agencies listed below.

- Australian Government Solicitor*
- Copyright Tribunal
- Defence Force Discipline Appeal Tribunal
- Official Trustee in Bankruptcy*
- Solicitor-General*

* For the purposes of the FOI Act, these positions are defined as separate agencies.

Auscript, the provider of court reporting and transcription services to the federal jurisdictions, has previously appeared in the Department's statement as a separate departmental element. Auscript was sold by trade sale on 26 June 1998 and is now known as Auscript Pty Ltd. Requests for access to documents in the possession of Auscript prior to it being sold should be directed to the relevant court or tribunal.

ATTORNEY-GENERAL'S DEPARTMENT

Establishment

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

Organisation

The organisation chart published on page 10 shows the structure of the Department.

Functions and powers

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

FOI procedures and initial contact points

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

FOI Coordinator
Ministerial and Parliamentary Section
Attorney-General's Department
Robert Garran Offices
National Circuit
Barton ACT 2600

Telephone: (02) 6250 6744
Facsimile: (02) 6250 5907

Inquiries may be directed to the FOI Coordinator at the above address/telephone number or to the FOI Contact Officers located in the Regional Offices of the Australian Government Solicitor listed below. These officers will assist applicants to identify the particular documents they seek.

<i>Sydney</i>	<i>Perth</i>
Level 21-25	Level 19
Piccadilly of Sydney	Exchange Plaza Building
133 Castlereagh Street	2 The Esplanade
Sydney NSW 2000	Perth WA 6000
(02) 9581 7777	(08) 9268 1199
<i>Melbourne</i>	<i>Brisbane</i>
12th Floor	Level 15
200 Queen Street	340 Adelaide Street
Melbourne Vic. 3000	Brisbane Qld 4000
(03) 9242 1222	(07) 3360 5600
<i>Adelaide</i>	<i>Darwin</i>
Level 20	9th Floor
Grenfell Centre	National Mutual Centre
25 Grenfell Street	11 Cavenagh Street
Adelaide SA 5000	Darwin NT 0800
(08) 8205 4211	(08) 8943 1444
<i>Hobart</i>	
8th Floor	
Commonwealth Government Centre	
188 Collins Street	
Hobart Tas. 7000	
(03) 6220 5474	

Attorney-General's Department

All Senior Executive Service officers in the Department are authorised to make decisions under the FOI Act. Those agencies within the Portfolio which do not have separate access facilities, but use the Department's access facilities, have the officers described in their separate statements as the only officers authorised to grant or deny access to the documents of the agency concerned.

Facilities for access

The Attorney-General's Department provides facilities for inspection of documents and preparation of copies if required, at each of the addresses for the FOI Coordinator and Contact Officers shown above.

Publications which are described as available free of charge upon request may be obtained through the FOI Contact Officers mentioned above. Publications which are available for purchase may be obtained through Government Info Shops (AusInfo). Information relating to judicial appointments or enforcement of judgments is generally made available to the public upon request. Inquiries should be directed to the FOI Coordinator in Canberra.

Arrangements for outside participation

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

Categories of documents

There are certain categories of documents which are common throughout the Department. These categories are listed below rather than separately with each branch or unit:

- 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 recommendations and decisions;
- requests for legal advice and copies or notes of advice given, and other legal documents;
- papers relating to new and amending legislation, drafting instructions and draft legislation;
- media releases;
- copies of texts of various public addresses, speeches, discussion papers and other statements made by the Attorney-General, the Minister for Justice and departmental officers;
- briefing papers and submissions prepared for the Attorney-General and the Minister for Justice;
- copies of draft Cabinet documents, Cabinet submissions and associated briefs;
- documents relating to meetings (agendas, minutes and reports);
- copies of questions in the Parliament together with related replies;
- copies of documents prepared for the Executive Council;
- reports relating to research and investigations.

Specialists

Several specific positions have been allocated throughout the Department to provide advice on matters referred by the Attorney-General, the Secretary, the Chief General Counsel or the Deputy General Counsel (Office of General Counsel) to assist the Solicitor-General, and to appear as counsel where appropriate.

LEGAL POLICY AND SERVICES

OFFICE OF INTERNATIONAL LAW

Functions

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

The Office is responsible for the following Acts:

- Admiralty Act 1988*
- Coastal Waters (Northern Territory Powers) Act 1980*
- Coastal Waters (Northern Territory Title) Act 1980*
- Coastal Waters (State Powers) Act 1980*
- Coastal Waters (State Title) Act 1980*
- Foreign Proceedings (Excess of Jurisdiction) Act 1984*
- Foreign States Immunities Act 1985*
- International Arbitration Act 1974*
- Marine Insurance Act 1909*
- Seas and Submerged Lands Act 1973*
- Trusts (Hague Convention) Act 1991*

The Office deals with international law, including litigation in the International Court, implementation of treaties, shipping law, air law, off-shore jurisdiction (including fisheries and mining), Antarctica and international environmental law.

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

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

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

Categories of documents

The Office maintains the following specific categories of documents (for general categories of documents, see page 173):

- copies of advice and other legal comments given to other departments or agencies in relation to projects or policies which these other departments or agencies are developing or implementing;
- documents assisting the preparation of arguments to be used on behalf of the Commonwealth in major litigation or assisting the Solicitor-General, the Secretary, the Chief General Counsel, the Australian Government Solicitor, or a Deputy Secretary of the Department;

Attorney-General's Department

- materials used in the preparation of reports to the United Nations' human rights committees, as well as the reports themselves;
- documents received from international organisations relating to matters and meetings for which the Office is responsible;
- briefs for Australian delegations to meetings of relevant international organisations, together with minutes of meetings and reports of delegations;
- papers and correspondence relating to Australian membership of and participation in the work of relevant international organisations;
- papers and correspondence relating to the question of Australia's attitude to the work of international trade law bodies;
- papers and correspondence relating to the organisation and convening of the international trade law conferences.

OFFICE OF LEGISLATIVE DRAFTING

Functions

The Office of Legislative Drafting (OLD) provides a wide range of services associated with drafting Commonwealth delegated legislation and ensuring free public access to the law. The Office consists of three Drafting Units, the Legislative Services Unit, the CONSOL Unit, the FRLI/SCALEplus Unit and the Business Operations Unit.

Drafting Units 1, 2 and 3 each draft instruments for, and provide advice to, a large number of Commonwealth departments and agencies. The Legislative Services Unit provides legislative support services to the Principal Legislative Counsel and drafting units. The CONSOL Unit maintains Commonwealth legislation in an up-to-date form and supplies consolidated legislation to SCALEplus for publication on the Internet.

The FRLI/SCALEplus Unit is responsible for the proposed Federal Register of Legislative Instruments (FRLI) as well as its precursor, the Legislative Instruments Database (LID). It also oversees the electronic publication of legislation and case law on SCALEplus. The Business Operations Unit provides financial, human and physical resource management to both OLD and the Office of International Law.

Categories of documents

The Office maintains the following specific categories of documents (for further general categories of documents, see page 173):

- drafting instructions (issued by departments and agencies) for Regulations, Ordinances and other instruments together with related correspondence and drafts;
- instructions for the guidance of staff of the Office in drafting delegated legislation and in arranging for its gazettal, publication and tabling.

CIVIL LAW DIVISION

Functions

The Civil Law Division is responsible for the administration and review of laws and the development of legal policies and law reform proposals relating to human rights and civil liberties, humanitarian law, administrative law including judicial and non-judicial review of administrative decisions, federal courts and tribunals, judicial procedures, enforcement of judgments and family law.

The Division also coordinates the Department's law and justice amendment legislation; is responsible for international legal cooperation in matters of civil procedure and family law; is responsible for negotiation and implementation of a range of international human rights obligations. The Division coordinates departmental support for the Standing Committee of Attorneys-General (SCAG) and for the departmental member of the Administrative Review Council and provides research and secretariat support for the Family Law Council, the National Alternative Dispute Resolution Advisory Council and the Federal Costs Advisory Committee.

It is organised into three branches and one unit: Civil Justice Branch, Human Rights Branch, Family Law Branch, and the Legal Procedure Unit.

Civil Justice Branch

Functions

The Branch administers the following legislation:

Acts Citation Act 1976

Acts Interpretation Act 1901 (insofar as it relates to the tabling or disallowance of instruments)

Administrative Appeals Tribunal Act 1975 (AAT Act issues, administrative review policy issues)

Administrative Changes (Consequential Provisions) Acts

Administrative Decisions (Judicial Review) Act 1977

Amendments Incorporation Act 1905

Australian Capital Territory Supreme Court (Transfer) Act 1992

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

Defence Force Discipline Appeals Act 1955 (Part II)

Domicile Act 1982

Environment Protection (Northern Territory Supreme Court) Act 1978

Family Law Act 1975 (Parts IV and IVA)

Federal Court of Australia Act 1976 (except Parts IIIA and IVA)

Federal Court of Australia (Consequential Provisions) Act 1976

High Court Justices (Long Leave Payments) Act 1979

High Court of Australia Act 1979

Judges (Long Leave Payments) Act 1979

Judges Pensions Act 1968

Judicial Appointment (Western Samoa) Act 1980

Judiciary (Diplomatic Representation) Act 1977

Judiciary Act 1903 (other than functions relating to the prosecution of indictable offences under s.69 of the Act and those functions which relate to the Australian Government Solicitor's and Attorney-General's Department lawyers)

Jurisdiction of Courts (Cross-vesting) Act 1987

Jurisdiction of Courts (Miscellaneous Amendments) Acts

Jury Exemption Act 1965

Law Officers Act 1964

Native Title Act 1993 (except to the extent administered by the Prime Minister)

Nauru (High Court Appeals) Act 1976

Privy Council (Appeals from the High Court) Act 1975

Privy Council (Limitation of Appeals) Act 1968

Statutory Declarations Act 1959

Statutory Rules made under Acts listed above

Workplace Relations Act 1996 (Part XIV, except for ss.413 and 417)

The Branch administers and reviews laws, develops legal policy and law reform proposals, and advises and assists the Attorney-General, Commonwealth departments and other bodies in relation to the following matters:

- policy development in relation to the role and structure of federal courts and tribunals;
- appointments to, and the jurisdiction of the High Court, the Federal Court, the Family Court, the Administrative Appeals Tribunal (AAT), the National Native Title Tribunal, the Federal Police Disciplinary Tribunal, the Defence Force Discipline Appeal Tribunal and the Administrative Review Council;
- legal practice in federal courts;
- judicial studies;
- judicial and statutory officer remuneration policy and terms and conditions;
- development of alternative dispute resolution procedures in federal courts and tribunals;
- National Alternative Dispute Resolution Advisory Council;
- monitoring the operation of the Commonwealth administrative review system;
- developing proposals for legislation relating to the review of administrative decisions;
- developing guidelines for departments and agencies with respect to review of administrative decisions in legislation;
- advising Commonwealth departments and authorities on the interpretation of the Administrative Decisions (Judicial Review) Act and the AAT Act;
- advising Commonwealth departments and agencies on Commonwealth administrative review policy;
- monitoring decisions made in respect of the AD(JR) Act and AAT Act and advises Commonwealth departments and authorities on the implications of these decisions;
- advises departments and agencies on the adequacy of proposals for administrative review systems in draft legislation and Cabinet decisions;
- advising the Attorney-General on matters to be referred to the Administrative Review Council;
- coordinating consideration of reports and letters of advice to the Administrative Review Council;
- advising on requests for the Attorney-General's agreement to undertake public interest litigation.

Powers

The Branch provides advice to the Attorney-General with respect to a number of decision-making powers he exercises under legislation administered in the Branch. These powers relate to the making of appointments under the following Acts:

Administrative Appeals Tribunal Act 1975

Family Law Act 1975, (Parts IV and IVA)

Federal Court of Australia Act 1976

High Court of Australia Act 1975

Native Title Act 1993

Complaints (Australian Federal Police) Act 1981

Defence Force Discipline Appeals Act 1955

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

Further, the Branch provides advice on additional matters as follows.

Administrative Decisions (Judicial Review) Act 1977:

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

Administrative Appeals Tribunal Act 1975:

- provide a certificate protecting specified information from disclosure in a statement of reasons furnished pursuant to s.28;
- intervene in proceedings before the AAT;
- provide a certificate protecting information and matter contained in documents from disclosure to persons other than members of the AAT;
- inform the AAT that the answering of a question by a person would be contrary to the public interest.

Ombudsman Act 1976:

- provide a certificate protecting certain information from disclosure.

Arrangements for outside participation

The Administrative Review Council, established by s.48 of the AAT Act, allows outside participation in the formulation of administrative law policy issues by the Attorney-General. There is outside participation in the development of policy on alternative dispute resolution issues via the National Alternative Dispute Resolution Advisory Council.

Categories of documents

The Branch maintains the categories of documents listed in the general categories of documents on page 173.

Human Rights Branch

Functions

The Branch is responsible for legal and policy advice to the Government and its agencies on the following Acts:

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Human Rights and Equal Opportunity Commission Act 1986

Disability Discrimination Act 1992

Geneva Conventions Act 1957

Geneva Conventions Amendment Act 1991

Genocide Convention Act 1949

Human Rights (Sexual Conduct) Act 1994

Crimes (Torture) Act 1988

Racial Hatred Act 1995

The Branch is also responsible for advice on human rights and civil liberties matters and on humanitarian law issues generally.

Attorney-General's Department

In relation to human rights, civil liberties and humanitarian law matters, the Branch is responsible for the following:

- minority rights, civil and political rights, measures to combat discrimination and, in connection with these matters, the general administration of the *Human Rights and Equal Opportunity Commission Act 1986*, the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992* and the Human Rights and Equal Opportunity Commission Regulations;
- Australia's involvement in international initiatives in the human rights and humanitarian field, in conjunction with the Department of Foreign Affairs and Trade, and the implementation within Australia of international human rights and humanitarian instruments;
- humanitarian law, particularly the administration of the *Geneva Conventions Act 1957*, the *Geneva Conventions Amendment Act 1991*, the *Genocide Convention Act 1949* and the *Crimes (Torture) Act 1988*;
- preparing input into reports under the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Covenant on Economic Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Elimination of All Forms of Racial Discrimination.

Arrangements for outside participation

A regular forum has been established for non-government organisations to exchange information and discuss domestic human rights issues and developments. The forum provides a focused opportunity for discussions and consultations with non-government organisations monitoring human rights in Australia in the context of domestic human rights developments and the development of Australia's treaty reports and policy development following the report and hearings. The forum meets approximately three times a year.

The Federal Government has responsibility for protecting and monitoring human rights in Australia and for providing comprehensive reports to UN treaty bodies on the implementation of those treaty obligations. The Government already liaises extensively with the States in preparing those reports and also consults with non-government organisations.

Non-government organisations currently meet regularly in a forum hosted by the Department of Foreign Affairs and Trade to consider human rights from the international perspective.

The SCAG Officers Working Group on Human Rights provides a focus for a coordinated approach to the promotion and protection of human rights and anti-discrimination legislation and the maintenance of an appropriate balance between the role of the Commonwealth and the States and Territories in the protection of human rights in Australia. It also provides a continuing basis for cooperation in meeting Australia's obligations to United Nations' human rights bodies in both treaty reporting and communications by individuals. Work on common definitions with a view to harmonising human rights legislation has commenced. Issues to be discussed include 'best practice' procedures in the areas of complaint handling, conciliation and alternative dispute resolution and methods for dealing with delays and case load management.

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

Membership of the Working Group includes representatives from the following organisations: Attorney-General's Department; Department of Health and Family Services; Department of Employment, Education, Training and Youth Affairs; Physical Disability Council of Australia; National Disability Advisory Council; National Federation of Blind Citizens Australia and the Human Rights and Equal Opportunity Commission. The Acting Disability Discrimination Commissioner is also a member of the Working Group.

Categories of documents

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 173):

- briefing for the Attorney-General on policy proposals within the Branch's responsibilities;
- advice on policy proposals concerning human rights and on the interpretation of provisions of the Racial Discrimination Act, the Sex Discrimination Act, the Human Rights and Equal Opportunity Commission Act and Regulations, the Disability Discrimination Act, the Geneva Conventions Act, the Geneva Conventions Amendment Act, the Genocide Convention Act and the Crimes (Torture) Act, and international human rights instruments to which Australia is a party, including the International Covenants, the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, ILO Conventions, and the 1951 Convention and 1967 Protocol Relating to the Status of Refugees;
- notes of meetings with private sector organisations and interdepartmental meetings relating to the Acts and international instruments for which the Branch is responsible and proposed legislation and other documents prepared for the purpose of such meetings;
- training materials;
- papers concerning human rights for the meetings of the SCAG (and previously the Ministerial Meetings on Human Rights), as well as internal memoranda and correspondence relating to those meetings.

Family Law Branch*Functions*

The Branch has legal policy and administrative responsibility in relation to family law.

The Branch administers the following Commonwealth legislation:

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

Family Law Regulations

Family Law (Child Abduction Convention) Regulations

Foreign Evidence Act 1994 (Parts 1, 2 and 6)

Foreign Judgments Act 1991

Foreign Judgments Regulations

Maintenance Orders (Commonwealth Officers) Act 1966

Marriage Act 1961

Marriage Regulations

Matrimonial Causes Act 1971

In relation to family law issues the Branch:

- furnishes advice on questions of law;
- formulates proposals for legislation;
- prepares draft Cabinet submissions;
- furnishes the Office of Parliamentary Counsel with drafting instructions for legislation;
- negotiates agreements with other countries in relation to matters falling within the functions of the Branch;
- negotiates agreements with the States and Territories in relation to matters falling within the functions of the Branch;
- provides policy advice or instructions to the Australian Government Solicitor in interventions by the Attorney-General in proceedings under Family Law and Marriage Acts;

Attorney-General's Department

- consults with the Director of Public Prosecutions in prosecutions under those Acts administered by the Attorney-General and falling within the functions of the Branch;
- advises the Attorney-General and the Secretary in relation to the exercise of their powers under the legislation for which the Branch is responsible;
- provides a secretariat for the Family Law Council;
- advises the Attorney-General on the recommendations made by the Family Law Council;
- provides liaison with other departments, the Family Courts and State and Territory authorities in relation to the matters for which the Branch is responsible;
- conducts research in relation to the matters for which the Branch is responsible;
- administers and reviews the *Foreign Judgments Act 1991*, the Foreign Judgments Regulations, the Family Law (Child Abduction Convention) Regulations and the Family Law Regulations in so far as they deal with international arrangements in relation to maintenance and custody;
- negotiates agreements with other countries;
- provides policy advice and instruction to the Australian Government Solicitor in interventions by the Attorney-General in proceedings under the Family Law (Child Abduction Convention) Regulations and the Family Law Regulations in so far as they deal with international arrangements in relation to maintenance and custody;
- advises the Attorney-General and the Secretary in relation to the exercise of their powers under this legislation;
- advises and undertakes administrative functions in relation to Australia's obligations under the Hague Convention on the Civil Aspects of International Child Abduction, the United Nations Convention on the Recovery Abroad of Maintenance (UNCRAM), the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, the Hague Convention Abolishing the Requirement of Legalisation of Foreign Public Documents and Australia's bilateral arrangements in relation to the recognition and enforcement of foreign judgments, service of documents, taking of evidence and maintenance;
- is responsible for Australia's general obligations as a member of the Hague Conference including promoting Australia's interests in relation to the future direction and work program of the Conference and budgetary obligations.

Powers

The Branch provides advice to the Attorney-General in relation to the exercise of his powers under legislation administered by the Branch, as follows:

- appointment of members of the Family Law Council;
- furnishing of legal advice concerning the validity of proposed marriages overseas (ss.68(4) and (5) of the Marriage Act);
- approval of marriages overseas where the person to be married is not an Australian citizen or member of the Defence Force (paragraph 78(2)(c) of the Marriage Act);
- appointment of persons to act as guardians *ad litem* (under the Rules of Court);
- appointment of judges of the Family Court of Australia to perform functions under the Marriage Act (paragraph (a) of definition of 'judge' in s.5(1) of the Marriage Act);
- appointment of persons to prepare parentage testing reports (r.21(F) of Family Law Regulations);
- the power to search records of proceedings under the Rules of Court;
- appointment of State and Territory Central Authorities in relation to International Child Abduction.

The Branch makes recommendations on the exercise of the following powers, which have been delegated to the Secretary by the Attorney-General under s.17(2) of the *Law Officers Act 1964*:

- the power to approve an organisation concerned with the welfare of children (paragraph (d) of the definition of 'welfare officer', s.4(1) of the Family Law Act);
- the power to prepare and sign marriage certificates where the celebrant has died without doing so or in other special circumstances (s.50(5) of the Marriage Act);
- appointment of marriage officers to celebrate marriage overseas (s.62 of the Marriage Act);
- the power to perform all functions of the Commonwealth Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction.

Arrangements for outside participation

An officer of the Branch has been appointed by the Attorney-General as a member of the Family Law Council. Persons outside the Commonwealth administration are members of the Family Law Council.

The Branch is responsible for matters related to the functions of the Branch which come before the SCAG.

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

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

Categories of documents

The following specific categories of documents are maintained by the Branch (for general categories of documents, see page 173):

- papers relating to the National Maintenance Inquiry;
- papers relating to the Child Support Scheme.

Legal Procedure Unit

Functions

The Legal Procedure Unit is responsible for:

- specific projects, particularly in the formulation of legislative policy and international arrangements, in the areas of evidence, service and execution of process, international judicial cooperation, private international law, enforcement of judgments, and practice and procedure;
- coordination of departmental support for the SCAG.

The Unit administers the following legislation:

Australia Act 1986

Australia (Request and Consent) Act 1985

Evidence Act 1995

Evidence Regulations

Evidence and Procedure (New Zealand) Act 1994

Evidence and Procedure (New Zealand) Regulations

Federal Court of Australia Act 1976 (Parts IIIA and IVA)

Service and Execution of Process Act 1992

Service and Execution of Process Regulations

Statute of Westminster Adoption Act 1942

Attorney-General's Department

An officer of the Unit is responsible for providing legal advice and legal policy advice in relation to development of legislation concerning censorship.

Powers

The Unit advises the Attorney-General in relation to the exercise of his power to authorise a person under s.171 of the *Evidence Act 1995* to give evidence of certain matters.

Arrangements for outside participation

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

In connection with administering the Evidence Act:

- an officer of the Unit is a member of the Evidence Act Monitoring Committee;
- another officer is Secretary to the Committee;
- the Unit provides Secretariat services to the Committee.

Categories of documents

The Unit maintains the following specific categories of documents (for further general categories of documents, see page 173):

- advice on policy proposals relating to proposed international arrangements and proposed legislation being developed by the Unit;
- advice on proposals relating to censorship legislation;
- materials relating to professional development and training;
- agendas, minutes and briefing papers relating to meetings of the SCAG;
- documents for the Executive Council;
- documents relating to the Evidence Act Monitoring Committee.

CRIMINAL LAW DIVISION

The Division is organised into two branches: the Criminal Justice Branch and the International Branch. The Criminal Law Reform Unit also forms part of this Division.

Criminal Justice Branch

Functions

The Branch is responsible for the administration and review of criminal laws, the development of legal policies and law reform proposals, casework in relation to federal offenders and the remission of fines. The Branch also provides legal and policy advice relating to proceeds of crime, money laundering, federal offenders, sentencing and witness protection, Commonwealth and Territory criminal laws and proposed laws (including criminal law in Norfolk Island and other external territories) including advice on criminal law and criminal law policy matters (other than matters within the responsibility of the Director of Public Prosecutions) and advice on penalties and law enforcement powers generally.

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

Australian Federal Police Act 1979 (ss.9 and 12 (powers and immunities) and Part VA (loss of superannuation rights on conviction))

Common Informers (Parliamentary Disqualifications) Act 1975

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

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

Corporations Act 1989 (Section 46 insofar as it relates to ss.77(1), 91(3) and 92(1) of each of the following: the *Corporations Act 1990* (NSW), the *Corporations Act 1990* (Vic.), the *Corporations Act 1990* (Qld), the *Corporations Act 1990* (SA), the *Corporations Act 1990* (Tas.) and the *Corporations Act 1990* (NT); and paragraph 1315(1)(c) and s.1316 of the Corporations Law)

Crimes Act 1914 (except for ss.70, 89 and 89A of Part VII)

Crimes at Sea Act 1979

Crimes (Currency) Act 1981

Crimes (Overseas) Act 1964

Crimes (Superannuation Benefits) Act 1989

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

Death Penalty Abolition Act 1973

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

Defence (Transitional Provisions) Act 1946

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

Director of Public Prosecutions Act 1983

Financial Transaction Reports Act 1988 (except Part V1)

Proceeds of Crime Act 1987

Removal of Prisoners (Territories) Act 1923 (insofar as it relates to the release of prisoners and criminal lunatics removed from the Northern Territory of Australia)

Secret Commissions Act 1905

Special Prosecutors Act 1982

Transfer of Prisoners Act 1983

War Crimes Act 1945

Witness Protection Act 1994

Categories of documents

The Branch maintains no specific category of documents (for general categories of documents, see page 173).

International Branch

Functions

The Branch is responsible for the administration and review of the laws relating to extradition, mutual assistance in criminal matters, mutual assistance in business regulation, the International War Crimes Tribunal and the status of visiting forces and for the processing of case work arising under those laws. The Branch is also responsible for matters relating to international law enforcement assistance and for technical assistance to Pacific island countries. The performance of these functions involves:

- development of legal policies and law reform proposals;
- international law enforcement assistance;
- provision of legal advice and assistance;
- negotiation of bilateral and multilateral treaties and arrangements with other countries;
- participation in the negotiation of multilateral conventions dealing with crimes or creating an obligation to extradite (or to prosecute if extradition is refused) or to provide mutual assistance;

Attorney-General's Department

- preparation for, and participation in, international meetings, seminars and workshops;
- advising the Attorney-General in relation to, and processing:
 - requests by and of Australia for extradition;
 - requests by Australia for mutual assistance in business regulation and mutual assistance in criminal matters;
 - requests of Australia for mutual assistance in business regulation and mutual assistance in criminal matters including by the International War Crimes Tribunal for the former Yugoslavia and Rwanda;
 - cases arising under the *Defence (Visiting Forces) Act 1963* and Status of Forces agreements.

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

Defence (Visiting Forces) Act 1963

Extradition Act 1988

Extradition (Repeal and Consequential Provisions) Act 1988

Foreign Evidence Act 1994 (Part III)

International Transfer of Prisoners Act 1997

International War Crimes Tribunals Act 1995

International War Crimes Tribunals (Consequential Amendments) Act 1995

Mutual Assistance in Business Regulation Act 1992

Mutual Assistance in Criminal Matters Act 1987

Mutual Assistance in Criminal Matters (Consequential Amendments) Act 1987

Categories of documents

The Branch maintains no specific category of documents (for general categories of documents, see page 173).

Criminal Law Reform Unit

Functions

The Criminal Law Reform Unit is responsible for major legislative and policy proposals aimed at rationalising and simplifying the criminal laws of the Commonwealth. The Unit is also responsible for developing projects, in consultation with the States and self-governing territories, to harmonise the criminal laws of the Commonwealth and the criminal laws of those jurisdictions. The projects primarily relate to the implementation of recommendations of the Review of the Commonwealth Criminal Law (chaired by Sir Harry Gibbs, former Chief Justice of the High Court of Australia) and implementation of the recommendations of the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General.

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

Criminal Code Act 1995

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

Categories of documents

The Criminal Law Reform Unit maintains the following specific categories of documents (for further general categories of documents, see page 173):

- reports and discussion papers of the Criminal Law Officers Committee;
- reports and discussion papers of the Model Criminal Code Officers Committee.

INFORMATION AND SECURITY LAW DIVISION

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

Information Law Branch

Functions

The Branch is responsible for the Commonwealth-wide administration of, and provision of legal advice on, privacy and freedom of information legislation.

The Branch administers the following legislation:

Freedom of Information Act 1982

Freedom of Information Regulations

Parliamentary Papers Act 1908

Parliamentary Privileges Act 1987

Privacy Act 1988

In relation to privacy, the Branch:

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

As regards information access law, the Branch:

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

Powers

The Branch provides advice to the Attorney-General in relation to the exercise of his powers and the exercise of the powers of the Governor-General under legislation administered by the Branch as follows:

- appointment of the Privacy Commissioner;
- appointment of members of the Privacy Advisory Committee.

Arrangements for outside participation

Officers of the Branch consult regularly with key stakeholders, including persons outside the Commonwealth administration. Officers of the Branch participate in the Privacy Commissioner's consultative group on private sector privacy issues, and the Asia Pacific Smart Card Forum. These bodies include persons outside the Commonwealth administration. Internationally, the Branch was represented at meetings of the OECD

Attorney-General's Department

Group of Experts on Information Security and Privacy considering privacy issues relating to electronic commerce and cryptography and held discussions with the European Commission.

The Branch is responsible for matters related to the functions of the Branch coming before the SCAG, in particular defamation and privacy, and before the Ministerial Online Council, in particular privacy.

Categories of documents

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 173):

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

This Branch holds but is no longer maintaining the following specific categories of documents (for further general categories of documents, see page 173):

- guidelines on the interpretation of the FOI Act;
- memoranda summarising decisions by the Federal Court and the AAT under the FOI Act.

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

- a general description of the *Freedom of Information Act 1982*;
- a pamphlet guide to the Freedom of Information Act prepared by the Department.

Intellectual Property Branch

Functions

The Branch formulates legal policies and legislative proposals and provides legal advice in relation to intellectual property law. The work of the Branch involves:

- formulating policies and legislative proposals and providing legal advice concerning copyright, the *Copyright Act 1968*, including assistance to the Attorney-General in the exercise of his various powers under that Act and the *Circuit Layouts Act 1989*;
- in cooperation with AusInfo, developing policy for the granting of permission to members of the public to use materials in which Commonwealth copyright subsists (note that the authority for these decisions is administrative rather than statutory);
- negotiation of agreements between Commonwealth departments and agents representing copyright owners for Commonwealth use of their works;
- providing for departmental membership of the Public Lending Right Committee under the *Public Lending Right Act 1985*;
- work in connection with Australia's participation in the Berne Convention, Universal Copyright Convention, Rome and Geneva conventions on neighbouring rights, the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property Rights and the new World Intellectual Property Organisation treaties, including participation in international meetings concerning copyright;
- negotiation and implementation of bilateral copyright recognition, enforcement and cooperation agreements with other countries;
- provision of advice and assistance regarding copyright laws to countries that request it;
- servicing the Copyright Law Review Committee;
- providing legal advice concerning intellectual property matters generally.

Arrangements for outside participation

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

The Copyright Law Review Committee was established in September 1983 to consider and report on copyright matters referred to it by the Attorney-General. The Committee's membership comprises six persons and is assisted by an expert advisory group of four persons with relevant expertise and experience in a variety of fields. The current reference to the Committee is to advise on the simplification of the Copyright Act. The Committee has completed reports on the meaning of 'publication' under the Copyright Act, the legislative protection of performers, church use of copyright materials, moral rights for authors and artists, the importation of copyright material, conversion damages for copyright infringement, journalists' copyright and the protection of computer software and data bases.

Categories of documents

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 173):

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

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

- a booklet explaining copyright law;
- information sheets on the Australasian Performing Right Association, the Phonographic Performance Company of Australasia, and the Copyright Agency Limited;
- issues papers released by the Copyright Law Review Committee.

Security Law and Justice Branch*Functions*

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

- Australian Federal Police Act 1979* (Division 2 of Part II)
- Australian Protective Service Act 1987*
- Australian Security Intelligence Organization Act 1979*
- Crimes Act 1914* (ss.70, 89 and 89A and Parts II, IIA and VII)
- Crimes (Aviation) Act 1991*
- Crimes (Biological Weapons) Act 1976*
- Crimes (Foreign Incursions and Recruitment) Act 1978*
- Crimes (Hostages) Act 1989*
- Crimes (Internationally Protected Persons) Act 1976*
- Crimes (Ships and Fixed Platforms) Act 1992*

Attorney-General's Department

Customs Act 1901 (Division 1A of Part XII)
Public Order (Protection of Persons and Property) Act 1971
Telecommunications (Interception) Act 1979

The Branch provides advice on consents to prosecute where required under legislation administered by the Branch, and freedom of information and archives requests with security related aspects.

Categories of documents

The Branch maintains no specific categories of documents (for general categories of documents, see page 173).

OFFICE OF LEGAL SERVICES COORDINATION

Functions

The Office of Legal Services Coordination assists the Attorney-General to discharge his functions as First Law Officer in relation to the delivery of legal services to the Commonwealth, in particular, in relation to the conduct of litigation. It was established in July 1997 in the light of the Government's decision to establish the Australian Government Solicitor (AGS) as a statutory authority separate from the Attorney-General's Department.

The Office administers ss.55E, 55F and 55G of the *Judiciary Act 1903* which relate to the AGS, AGS lawyers and lawyers of the Attorney-General's Department.

The Office is responsible for advising the Attorney-General on the monitoring and coordination of the system for the delivery of legal services to the Commonwealth.

In particular, the Office is responsible for:

- advising the Attorney-General on the preparation and implementation of new Legal Services Directions which are to be issued after the commencement of the Judiciary Amendment Bill, and which will provide a framework for the delivery of Commonwealth legal services, whether by the AGS, in-house lawyers or external lawyers, (it is envisaged that these directions will cover such matters as requiring that clients act as model litigants and setting principles for settlements, as well as establishing mechanisms for reporting significant legal issues);
- advising the Attorney-General on general policy relevant to the delivery of Commonwealth legal services, especially litigation, and in relation to his responsibilities for the AGS;
- advising Commonwealth departments and agencies on purchasing legal services and on compliance with the new Legal Services Directions;
- prior to the full untying of litigation (except for the reserved categories), advising the Attorney-General, as well as Commonwealth departments and agencies, on the approach to be taken with the progressive untying of litigation on an *ad hoc* basis and subject to certain conditions to protect the Commonwealth's interests;
- assisting with the preparation of the draft legislation and administrative matters relating to the separation of the AGS from the Department.

Categories of documents

The Office maintains the following specific category of documents (for further general categories of documents, see page 173):

- directions, guidelines and policies relating to the provision of legal services to Commonwealth departments and agencies. (The policies, which are available on the Office's website at www.law.gov.au/olsc, include the policy for the progressive untying of litigation and counsel fees, the Commonwealth as a model litigant policy, the policy on the pleading of statutes of limitation, the policy for handling monetary claims, and the policy for assistance to officials in relation to legal proceedings.)

AUSTRALIAN GOVERNMENT SOLICITOR

Note: The AGS is to be established as a statutory authority separate from the Attorney-General's Department. Pending the passage of legislation for its formal commencement as a statutory organisation, the AGS operates administratively separate from the Department.

Regional Offices

Functions

There are offices of the Australian Government Solicitor (AGS) in each State and Territory capital city and in Townsville. Each office is under the control of a director, Office of the AGS (other than Townsville, which is responsible to Brisbane).

Each director has been authorised by the Secretary to act in the name of the Australian Government Solicitor (for further details, see separate entry at page 208).

In respect of functions performed on behalf of the AGS, the directors of the regional offices of the AGS and their staff are engaged in work that may be described as governmental in character as well as work that may be described as general legal practice work.

Governmental work includes administrative law matters, proceedings under the *Commonwealth Employees' Rehabilitation and Compensation Act 1988*, constitutional matters, taxation appeals, claims of Crown privilege objections to the production of documents, matters arising under the *Customs Act 1901*, the *Industrial Relations Act 1988* and the *Commonwealth Electoral Act 1918*, and intellectual property matters.

Offices of the AGS in Tasmania and the Northern Territory also conduct criminal prosecutions on behalf of the Commonwealth Director of Public Prosecutions (DPP). Under s.32 of the *Director of Public Prosecutions Act 1983*, the DPP has made arrangements with the Secretary to the Department for the persons authorised under s.55E(4) of the Judiciary Act to exercise specified powers and functions on behalf of the DPP under the Act. The agreement setting out the functions, powers, conditions and restrictions was published in the *Commonwealth of Australia Gazette*, no.GN9 of 7 March 1990.

General legal work includes claims both by and against the Commonwealth of Australia, or an authority of the Commonwealth, proceedings before coroners, the defence of Commonwealth drivers, bankruptcy and winding up proceedings, debt recoveries (including taxation and other revenue recoveries), post-sequestration and post-liquidation matters, dealings in real or personal property in which the Commonwealth or an authority of the Commonwealth is interested (and litigation relating to such property), and contracts, agreements, guarantees, securities and other legal documents to which the Commonwealth or an authority of the Commonwealth is a party or is directly or indirectly interested.

Powers

Subject only to instructions on matters of policy by the client department or authority, and to directions or guidelines issued by the Attorney-General, the Secretary or, in appropriate cases, the DPP, a director of a regional office of the AGS bears the responsibility for conducting litigation in such a way as to secure the best interests of the Commonwealth. This work thus involves the frequent exercise of decision-making and other powers, together with the provision of advice to the Attorney-General on matters requiring his decision or direction.

Statutory provisions directly conferring decision-making powers on the directors include the following:

- *Judiciary Act 1903*: s.55E(3) provides that the AGS may act as solicitor for the Crown in right of the Commonwealth, a person suing or being sued on behalf of the Commonwealth, a minister, a body established by an Act (other than the *ACT (Self-Government) Act 1988*) or a law of a Territory other than the ACT or the Northern Territory, an officer of the Commonwealth, a member of the defence force and certain other persons, and by s.55E(4) the directors who have been authorised by the Secretary may act in the name of the AGS;

Attorney-General's Department

- *Lands Acquisition Act 1955*: ss.38, 51, 87 and 123 provide for the lodging with the Registrar of Titles of authorising documents or notices of acquisition certified by persons authorised under s.55E(4) of the *Judiciary Act 1903* (which includes the directors), and for payment of compensation upon providing evidence of title to the satisfaction of such persons;
- High Court Rules: Order 45, Rule 10 provides that impounded documents in the custody of the Court shall, upon request by the Attorney-General, the Solicitor-General or the AGS, be given into their respective custody;
- Magistrates Court Rules (ACT): Rule 97B provides in specified circumstances for letters of request relating to obtaining of evidence for foreign tribunals to be transmitted to the AGS who may, with the consent of the Attorney-General, take steps to give effect to the letters.

Other officers of the Department have been given authorities or delegations, including the following:

- *Civil Aviation (Offenders on International Aircraft) Act 1970* (s.3): appointment of the Deputy Government Solicitor (Litigation), Barton Office, and all directors, regional offices of the AGS, as authorised persons for the purpose of inquiries by a magistrate under the Act;
- claims against the Commonwealth: authorities have been issued by the Secretary to directors, regional offices of the AGS, and other specified officers (subject to the requirements of the Finance Directions) to settle claims against the Commonwealth up to specified monetary limits. An authority has also been given to the Chief Executive Officer (position no. 2284), Deputy Government Solicitor (Litigation) and the Deputy Government Solicitors (Commercial);
- *Crimes (Hijacking of Aircraft) Act 1972* (s.3): appointment of the Deputy Government Solicitor (Litigation) and all directors of regional offices as authorised persons to authorise inquiries into alleged offences;
- *Crimes (Protection of Aircraft) Act 1973* (s.3): appointment of the Deputy Government Solicitor (Litigation) and all directors, regional offices of the AGS, as authorised persons to authorise inquiries into alleged offences;
- *Defence (Visiting Forces) Act 1963* (s.28(1)): delegation of powers to all directors, regional offices of the AGS, by the Attorney-General in relation to matters such as inquests or the reception of prisoners (the Secretary, Deputy Secretary (position no. 5), Chief Executive Officer (position no. 2284) and the Deputy Government Counsel (Civil Law Division) also hold delegations under the section);
- *Northern Territory (Self-Government) Act 1978* (s.70): relates to the lodging of notices by officers authorised under s.55E(4) of the *Judiciary Act 1903*, which includes the Northern Territory Director, Regional Office of the AGS;
- *Lands Acquisition Act 1955* (ss.136 and 139): authority to the Chief Executive Officer (position no. 2284), the Deputy Government Solicitors (Commercial) and specified staff to carry out powers and functions of the Attorney-General under s.136 of the Act.

Categories of documents

The Regional Offices of the AGS maintain the following specific categories of documents (for further general categories of documents, see page 173):

- documents relating to criminal matters (in the offices in Tasmania and the Northern Territory), claims by and against the Commonwealth and authorities, litigation or other proceedings before courts or tribunals, and pre-court action including counsels' briefs, opinions, court documents, clients' documents and witnesses' statements.

Office of General Counsel

Functions

The Office of General Counsel provides specialist advice and advocacy services in all areas of federal law, and has particular expertise in and responsibility for constitutional and public law, statutory interpretation and the legal aspects of policy development. With respect to Cabinet submissions, the Office provides coordination comments on legal and constitutional matters, and certifies whether legislation is necessary in the implementation of proposals.

The Office provides advice to departments and agencies on constitutional and other legal questions which arise out of projects or policies which they are developing or implementing. Where the projects or policies involve legislation, the Office provides assistance during the formative stages of that legislation, and in particular provides advice on constitutional questions that may arise out of the proposed legislation, on the effect of the proposed legislation on existing legislation and on the advantages and disadvantages, from a legal point of view, of adopting one or other of various means of achieving the aim of the proposed legislation.

Further, the Office develops and implements projects in the constitutional law field (e.g. constitutional review and reform) and in relation to reform or amendment of Acts administered within the Office (e.g. the *Acts Interpretation Act 1901*). Lawyers from the Office act as advocates and prepare arguments to be used on behalf of the Commonwealth in major litigation, particularly of a constitutional character. They prepare briefs and submissions for committees and conferences, including, as appropriate, parliamentary committees and represent the Department at such committees and conferences.

The functions of the Office are carried out by six units. The principal matters dealt with in each unit are shown below:

- Special Counsel deals with public law matters;
- the Finance Unit deals with law relating to finance, borrowings, appropriations, grants to the States, taxation, customs and excise duties, insurance, export incentives, superannuation, bounties, banking, currency, transport and competition policy;
- the General Unit deals with law relating to the environment, elections, industrial relations, health, primary industry, social security, acquisition of property, Commonwealth places and Territories;
- the Government Unit deals with law relating to the machinery of government, the Parliament, the Executive, the Judiciary, communications, Comcare, employment, defence, veterans' affairs and immigration;
- the Native Title Unit deals with issues arising out of the Mabo decision and the *Native Title Act 1993*;
- the Constitutional Policy Unit deals with proposals for constitutional reform, related proposals and education change.

Categories of documents

The Office maintains the following specific categories of documents (for further general categories of documents, see page 173):

- copies of advice and other legal comments given to other departments or agencies in relation to projects or policies which these other departments or agencies are developing or implementing;
- documents assisting the preparation of arguments to be used on behalf of the Commonwealth in major litigation or assisting the Solicitor-General, the Secretary, the Chief General Counsel, the Australian Government Solicitor, or a Deputy Secretary of the Department.

Office of Litigation

Functions

The Office oversees and contributes to the conduct of the more important civil litigation being handled by regional offices of the AGS and advises the Attorney-General in relation to such matters; provides legal advice on questions arising out of civil litigation or claims by and against the Commonwealth; advises the Attorney-General on intervention in cases involving constitutional issues; conducts litigation for the Australian Competition and Consumer Commission and other litigation as directed by the Secretary.

In order to carry out the above functions, the Deputy Government Solicitor (Litigation) has been authorised under s.55E(4) of the *Judiciary Act 1903* to act in the name of the Australian Government Solicitor.

The Office consists of three units. The Government and Revenue Unit discharges office functions in respect of taxation, customs and insolvency matters, and in respect of general government legal matters such as administrative law, negligence, defamation, contract, disclosure of information, court practice and procedures. The Trade Practices Unit conducts proceedings before the Trade Practices Tribunal and courts upon instructions from the Australian Competition and Consumer Commission and provides advice on legal questions in trade practices and consumer affairs matters. The Constitutional and Native Title Unit deals with constitutional cases, in particular intervention by the Attorney-General, and native title claims.

Categories of documents

The Office maintains the following specific categories of documents (for further general categories of documents, see page 173):

- documents relating to litigation conducted by the Office including instructions received, copies of pleadings, briefs or instructions delivered to counsel, notes of conversations, internal minutes, transcripts of proceedings, advice provided by the Office and by counsel, copies of minutes to the Attorney-General, evidentiary material and copies of judgments;
- documents concerning claims by and against the Commonwealth dealt with in the Office, including claims made and received, copies of requests for advice and advice given in respect of claims, copies of internal minutes concerning the claims and of decisions made in respect of them.

Business and Commercial

Functions

The principal functions of Business and Commercial are to provide legal services in connection with agreements (including international agreements) involving the Commonwealth or its authorities in a wide range of commercial activities; joint ventures and company arrangements; property matters and the procurement of goods and services; corporatisation and privatisation; legal advice to the Attorney-General, ministers, departments and statutory bodies on the above matters.

Business and Commercial consists of four groups: Finance, Property and the Environment; Government Enterprises and Commercialisation; Information Technology and Intellectual Property; and Defence. While there is some overlap, the orientation of each of the groups is set out below:

- Finance, Property and the Environment Group: government to government agreements (including international agreements), contracts and other instruments relating to property matters, agreements relating to grants of financial assistance, financial agreements and guarantees (including those guarantees relating to overseas borrowing), construction, shipbuilding and civil engineering contracts;
- Government Enterprises and Commercialisation Group: privatisation, corporatisation and commercial restructuring of government agencies and enterprises;
- Information Technology and Intellectual Property Group: contracts, agreements and advisings involving significant information technology or intellectual property matters;
- Defence: defence-related work which is within the functions of Business and Commercial and, as required from time to time, specific commercial tasks of significance to the Commonwealth.

In order to carry out the above functions, the Deputy Government Solicitors (Commercial) have been authorised under s.55E(4) of the *Judiciary Act 1903* to act in the name of the AGS. Those officers also hold delegations from the Attorney-General under the *Lands Acquisition Act 1989*, s.136, and the *Defence Housing Authority Act 1987*, s.60(3).

Categories of documents

The Office maintains the following specific categories of documents (for further general categories of documents, see page 173):

- documents relating to contracts, agreements and other legal documents;
- papers relating to draft contracts, treaties, and other agreements including claims disputes.

Business Development

Functions

The functions of Business Development include: people management; professional development; corporate planning; marketing; continuous improvement and quality initiatives; information technology; the production of legal information publications and management of information on the AGS website.

The people management function provides the AGS Executive and managers with advice and develops and implements policies that support the strategic business directions of the AGS as a commercial organisation including: workplace relations; terms and conditions of employment; productivity and performance; occupational health and safety; workplace diversity; grievances; and discipline.

The professional development function aims to establish policy, education and development programs which will enable staff to perform to the best of their ability. Some national training is also provided. The legal professional development function coordinates and advises on continuing legal education and other activities.

In providing corporate planning and marketing services for the AGS, the strategic planning and marketing team maintains a database which contains client information. This information is vital to the successful coordination of marketing planning and related activities aimed at overall service improvement.

The continuous improvement function is responsible for developing and managing implementation of a strategic quality management framework for the AGS through encouraging a culture of continuous improvement throughout the AGS. A second function is research of performance of business lines to identify opportunities where projects will make a strong contribution to the corporate goals of the AGS.

The function of the Information Technology team is to coordinate, manage, deliver and support information technology and information systems which assist the business functions of the AGS and facilitate workable partnerships between AGS staff and clients.

The Opinions team is responsible for a computer based on-line legal information system (VIEWS) which contains the legal opinions of the Attorney-General and Attorney-General's Department, Australian Government Solicitor, Solicitor-General and counsel.

The Litigation Support Unit provides leading edge, technology based solutions to deliver high quality, cost effective and timely applications and solutions nationally to its internal users and external clients of the AGS.

The publication and marketing of legal information of the AGS is the function of the Legal Information and Publishing Unit, in addition to ensuring efficient accessibility to this information.

The Business Development Support Unit covers a wide range of administrative support to information technology relating to personnel and fiscal management. Other functions include monitoring and administration of information technology contracts and the coordination of corporate reporting and machinery of government activities.

Categories of documents

Business Development maintains the following categories of documents:

- marketing, public relations and promotional material;
- training packages, training course evaluations and reports and other training related documents;
- documents relating to people management policies and procedures;
- the Corporate Plan;
- national work instructions and quality procedures;
- the Corporate Information Technology Plan;
- various supporting documents used in the creation, development, enhancement and maintenance of computer systems;
- contracts for information technology and other support service;
- manuals of computer operations standards and procedures, including the Attorney-General's Department Information Technology Security Policy, and Systems Administrators' Guide;
- bound volumes of opinions containing opinions of the Department, the Attorney-General, Solicitor-General and counsel (these volumes are indexed according to subject matter and, where applicable, the relevant provisions of Commonwealth, State or Territory legislation including the Australian Constitution);
- documents associated with the VIEWS database of legal opinions.

COMMUNITY AFFAIRS

INSOLVENCY AND TRUSTEE SERVICE, AUSTRALIA (ITSA)

ITSA is headed by the Inspector-General in Bankruptcy. It consists of a Regulation and Policy Branch and a Secretariat Branch in Canberra, each headed by an Assistant Secretary, and a branch in each State, headed by an Official Receiver. There are sub-offices of the Queensland Branch in Townsville, the South Australian Branch in Darwin, and the New South Wales Branch in Parramatta and Canberra. The functions of the Inspector-General in Bankruptcy and the Official Receivers are described below.

Inspector-General in Bankruptcy

The Inspector-General in Bankruptcy is a statutory office holder who is primarily responsible for the overall operation of ITSA and the administration of the *Bankruptcy Act 1966* (the Act). The Inspector-General has a number of statutory functions under the Act. These include a power to:

- make such inquiries and investigations as the Attorney-General and Minister for Justice direct;
- make other inquiries and investigations as he thinks fit with respect to the conduct of a trustee in relation to a bankruptcy, or an administration under Part IV, X or XI of the Act;
- make such investigations as he thinks fit with respect to so much of the conduct and examinable affairs of a bankrupt or a debtor in relation to an administration under Part IV, IX, X or XI of the Act;
- attend and participate in, but not to vote at, a meeting of creditors;
- obtain from Official Receivers and other officers reports as to the operation of the Act;
- oversee the conduct, trade, dealings, property and affairs of a debtor or bankrupt;
- review decisions of trustees relating to assessments of bankrupts' income;
- review contribution assessments of bankrupts, by his or her own motion, or on application by the bankrupt, including asking bankrupts for further information;
- review decisions of trustees objecting to the discharge of a bankrupt, on his or her own initiative, at the request of the Ombudsman or the bankrupt, including asking bankrupts, trustees or Official Receivers for further information;

- review determinations of trustees rejecting an application for early discharge, on his or her own motion or at the request of the bankrupt, or the Ombudsman;
- inquire, examine, or apply to the court regarding a trustee's conduct;
- prepare an annual report on the operation of the Act;
- be the registering authority for registered trustees;
- approve bankruptcy forms including debtor's petition, statements of affairs, trustee's accounting statements, applications for registration as a trustee, authorities under s.188, consents by registered trustees to act as trustee of a bankruptcy, Part X administration or trustee of a deceased debtor and proofs of debt.

The Inspector-General holds certain delegations from the Minister for Justice to assist in the administration of ITSA and the administration of the Bankruptcy Act. The present delegations give the Inspector-General the Minister's powers and functions with respect to the giving of directions that the cost of certain legal proceedings relating to the estate of a bankrupt or a deceased person be paid by the Commonwealth and the giving of directions that there be a remission or reduction of fees due to be paid under the Bankruptcy Regulations.

The Inspector-General also holds a delegation from the Secretary to the Attorney-General's Department enabling him to exercise the Secretary's powers and functions with respect to the appointments of persons to act in the place of Official Receivers.

ITSA also has responsibility for legislative policy in relation to bankruptcy law. This involves the formulation of proposals for legislation, the preparation of draft Cabinet submissions and the delivery of drafting instructions to the Office of Parliamentary Counsel. On behalf of the Official Trustee in Bankruptcy, the Official Receivers have functions arising from the making of orders under the *Proceeds of Crime Act 1987* and the *Customs Act 1901*. These functions are more fully described under the heading Official Trustee in Bankruptcy (see page 214).

Official Receivers

The functions of the Official Receivers dealt with in this entry are in addition to and distinct from their function to act for and on behalf of the Official Trustee in Bankruptcy when that corporation is the trustee of an estate (see separate entry). The functions of the Official Receivers under the Act are to:

- issue bankruptcy notices;
- accept debtor's petitions;
- maintain bankruptcy records, within the framework of the National Personal Insolvency Index (NPII);
- administer the pre-bankruptcy moratorium provisions;
- accept authorities signed by debtors under s.188 to enable the debtor to propose to creditors an administration under Part X of the Act;
- be the repository for documents required to be filed by registered trustees, such as accounts relating to the administration of estates;
- investigate, to the extent that a trustee indicates that he or she does not propose to do so, the bankrupt's examinable affairs, or the financial affairs of an associated entity of the bankrupt in so far as they appear to be relevant to the bankrupt, or any of the bankrupt's conduct, dealings, transactions, property and affairs;
- have access to bankrupts' books and get such information from a registered trustee as is necessary to enable the Official Receiver to perform his or her duties;
- apply to the court to enforce an order or direction which a bankrupt, a debtor, a trustee or other person has failed to comply with under the Act;
- represent the Official Trustee at public examinations of bankrupts and apply to examine the bankrupt or other persons;
- on the requisition of a creditor, summon a meeting of creditors for the purpose of filling a vacancy in the Office of the Trustee in Bankruptcy;

Attorney-General's Department

- access all premises and books for any purpose of the Act, and to make copies of or take extracts from any books;
- issue notices to a person requiring that person to give information required for the Official Receiver's functions under the Act, to attend before the Official Receiver to give evidence on oath and to produce relevant books in that person's possession;
- issue offshore information notices where evidence about a bankrupt's financial affairs and dealings is located in a foreign country;
- authorise departure from the income contribution regime in cases of specified hardship;
- collect monies owing by way of income contribution from persons other than the bankrupt;
- recover property on behalf of trustees disposed of by a bankrupt in a transaction to defeat creditors which is void against the trustee;
- attend meetings under Part X of the Bankruptcy Act when the Official Trustee in Bankruptcy acts as controlling trustee of an administration under that Part and to sign minutes of those meetings;
- notify as prescribed the making of administration orders that estates of deceased persons be administered in bankruptcy under Part XI and receive copies of statements of affairs filed under Part XI;
- receive copies of deceased persons' statements of affairs filed by legal personal representatives.

In addition to the statutory duties stated above, the Official Receivers have administrative duties as a result of their responsibility to supervise the administration of bankruptcy generally and the activities of their branches.

Arrangements for outside participation

In 1996 the Attorney-General established the Bankruptcy Reform Consultative Forum comprising various stakeholders within the insolvency industry. It meets twice a year. Meetings alternate between Sydney and Melbourne.

Categories of documents

ITSA maintains the following specific categories of documents (for further general categories of documents, see page 173):

- copies of ministerial delegations given to the Inspector-General and related correspondence;
- correspondence and papers relating to work undertaken on behalf of the Official Receivers;
- legislation and reports relating to bankruptcy law in common law jurisdictions other than Australia;
- correspondence and reports relating to the Inspector-General's functions under s.12 of the Bankruptcy Act;
- bankruptcy records on NPIL.

LEGAL AID AND FAMILY SERVICES

Functions

Legal Aid and Family Services is responsible for all aspects of the management of Commonwealth legal aid policy and funding for legal aid commissions and community legal services, and policy and funding for family relationships services. Family relationships services include family and child counselling, marriage and relationship education, family and child mediation, adolescent mediation and family therapy, family skills training, and children's contact services. The office is also responsible for appointments of marriage celebrants and for provision of direct financial assistance in accordance with a number of legal aid schemes. The office consists of the Legal Aid Branch, the Family Services Branch and the Finance and Corporate Support Section.

Legal Aid Branch

Functions

The Legal Aid Branch is responsible for Commonwealth legal aid policy development and advice, administration of agreements with the States and Territories for provision of legal aid and purchase of Commonwealth legal aid services. The Branch also administers direct assignments of legal aid under a number of statutory and non-statutory legal aid schemes. The Branch is responsible for developing, maintaining and interpreting a national legal aid statistics collection for legal aid commissions, a national information scheme for community legal centres and a statistical collection for direct Commonwealth assignments.

The Branch is responsible for determination of individual applications for assignments of legal aid towards legal costs and related expenses, under the following statutory provisions:

- Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (s.30(2))
- Aboriginal Land Rights (Northern Territory) Act 1976* (ss.54C and 74A)
- Administrative Appeals Tribunal Act 1975* (s.69, including the War Service Scheme)
- Australian Security Intelligence Organization Act 1979* (s.72)
- Conciliation and Arbitration Act 1904* (ss.132H, 132J, 141A, 141B, 158U and 168)
- Defence Force Discipline Appeals Regulations (r.11)
- Disability Discrimination Act 1992* (ss.105, 105B and 105F)
- Federal Proceedings (Costs) Act 1981*
- Freedom of Information Act 1982* (s.66)
- Industrial Relations Act 1988* (ss.342 and 344)
- Judiciary Act 1903* (ss.69(3) and 78B(4))
- Jurisdiction of Courts (Cross-vesting) Act 1987* (s.6(5))
- National Crime Authority Act 1984* (s.27)
- Native Title Act 1993* (s.183)
- Navigation (Marine Casualty) Regulations (r.29)
- Privacy Act 1988* (s.63)
- Proceeds of Crime Act 1987* (s.102)
- Racial Discrimination Act 1975* (ss.25ZB, 25ZCA and 25ZCE)
- Sex Discrimination Act 1984* (ss.83, 83B and 83F)
- Trade Practices Act 1974* (s.170)
- War Crimes Act 1945* (s.19)

The Branch is also responsible for assignments of legal aid towards legal costs and related expenses, under the following non-statutory schemes:

- Overseas Custody (Child Removal) Scheme;
- Royal Commissions and Inquiries Scheme;
- Native Title Common Law Cases Scheme;
- Special Circumstances Scheme.

Individual applications are dealt with by officers in the Branch exercising the Attorney-General's powers under a delegation.

Categories of documents

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 173):

- Commonwealth–State agreements concerning legal aid;
- forms of application, letters and material in support of individual applications, recommendations, decisions, accounts submitted by private legal practitioners and related papers in respect of applications for Commonwealth assignments of legal aid;
- documents relating to monitoring of expenditure under the departmental appropriation item on provision of legal costs and related expenses.

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

- statistical reports relating to the provision of legal aid;
- documents and information concerning the development and operation of the national legal aid statistics collection, including specifications and code tables;
- National Information Scheme Management Structure and Operations;
- National Information Scheme Data Management Protocol;
- Industrial Relations Act – financial assistance guidelines;
- Guidelines for the provision of financial assistance by the Attorney-General in native title cases;
- Guidelines for the provision of legal or financial assistance by the Commonwealth other than under the Conciliation and Arbitration Act;
- Guidelines for Commonwealth Public Interest and Test Cases Scheme;
- Guidelines for Special Circumstances Schemes;
- Guidelines for consideration of financial assistance for legal costs and related expenses under the Overseas Custody (Child Removal) Scheme;
- Financial assistance for legal costs under the Royal Commissions and Inquiries Scheme;
- Guidelines for Community Legal Services Program;
- Guidelines for Child Support Scheme Legal Services Program.

Family Services Branch

Functions

The Branch is responsible for:

- Commonwealth policy development and advice on family relationships and funding of community organisations providing family relationships services;
- authorisation of religious (other than nominees of recognised denominations) and civil marriage celebrants under s.39(2) of the *Marriage Act 1961*.

The Branch also:

- recommends the approval of, and grants of financial assistance to, organisations providing services for family and child counselling, family and child mediation, marriage education, adolescent mediation and family therapy, family skills training and contact centres;
- undertakes evaluation of the various sub-programs;
- recommends the proclamation of recognised denominations for the purpose of registration of religious marriage celebrants;
- recommends the appointment of prescribed authorities for the purposes of the Marriage Act;
- authorises the appointment of civil and religious marriage celebrants (other than nominees of recognised denominations) under s.39(2) of the Marriage Act.

Categories of documents

The following specific categories of documents are maintained by the Branch (for further general categories of documents, see page 173):

- forms of application for approval and funding, letters and material in support of applications, recommendations, decisions for allocation of funding etc.;
- documents relating to monitoring of expenditure under the departmental appropriation item on the funding of family services;
- documents relating to estimates of expenditure as well as the funding of family and child counselling, marriage education, family and child mediation, family skills training program, adolescent mediation and family therapy and contact centres;
- applications for approval as family and child counselling, mediation and marriage education organisations and related papers, including for purposes of the *Income Tax Assessment Act 1936*;
- management statistics in relation to the activities and expenditure of organisations approved for funding under the Family Relationships Services Program;
- applications for authorisation as a civil or religious marriage celebrant and related papers;
- papers concerning the activities of approved family services organisations and authorised marriage celebrants;
- applications from family services agencies for funding.

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

- information about procedures for authorisation of marriage celebrants, including complaints procedures for the marriage celebrants sub-program;
- lists of Commonwealth funded services for family and child counselling, marriage education, family and child mediation, adolescent mediation and family therapy, family skills training and contact centres;
- reports of evaluations, reviews, research studies and public consultations conducted from time to time by or on behalf of the branch;
- guidelines in respect of family and child counselling, marriage and relationship education, family and child mediation, adolescent mediation and family therapy, family skills training and contact centres;
- reporting of family violence and other serious matters;
- guidelines for organisations in developing complaints policy for their clients.

Finance and Corporate Support Section

Functions

This Section, which is directly under the control of the First Assistant Secretary, is responsible for controlling Commonwealth funding and running costs for all legal aid and family relationships services programs.

Categories of documents

The Section maintains the following categories of documents (for further general categories of documents, see page 173):

- documents relating to estimates of expenditure and receipts in respect of the provision of legal aid and family relationships services programs.

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

- financial reports and statements relating to the provision of legal aid and family services.

COMMUNITY PROTECTION

LAW ENFORCEMENT COORDINATION DIVISION

Functions

The Law Enforcement Coordination Division (LECD) is responsible for policy matters relating to the operational law enforcement agencies within the Attorney-General's portfolio and general law enforcement issues; policy advice relating to fraud, firearms and illicit drugs; administration of the National Campaign against Violence and Crime; secretariat support to the Ministerial Council on the Administration of Justice (MCAJ); support to the Commonwealth Law Enforcement Board (CLEB). CLEB comprises the Secretary, Attorney-General's Department; the Chairperson, National Crime Authority (NCA) [Board Chair]; the Commissioner, Australian Federal Police (AFP); the Director, Australian Transaction Reports and Analysis Centre (AUSTRAC).

LECD comprises three branches: Policy Coordination and Crime Prevention, Strategic Planning and Policy, and the Office of Strategic Crime Assessments.

The **Policy Coordination and Crime Prevention Branch** comprises the Policy Coordination Section, the National Campaign Against Violence and Crime, and the Legal Section.

The Policy Coordination Section provides policy advice in relation to law enforcement issues. It is responsible for progressing the implementation of Government decisions in relation to law enforcement policy, and liaising with Commonwealth law enforcement agencies with a view to coordinating their efforts in the development and implementation of the Government's law enforcement policy. It is also responsible for liaison with State agencies as required, and provides advice in relation to MCAJ agenda items and the National Common Police Services, on the Commonwealth interest in firearms policy and the law enforcement aspects of drugs policy.

The National Campaign Against Violence and Crime (NCAVAC) aims to facilitate the development of a national strategy on community safety and crime prevention, to act as a centre for research and information sharing in best models of crime prevention, to assist the national coordination of crime prevention activities, and to enhance crime prevention at the community level. This is being achieved through targeted research and demonstration crime prevention programs, community education and information sharing, the provision of crime prevention policy advice to Government and other agencies, and assisting the States and Territories to enhance their crime prevention capacity.

The Legal Section provides legal and legal policy advice on matters within the Division's functions and advises on legislation administered by LECD.

The **Strategic Planning and Policy Branch** comprises the MCAJ Secretariat, Strategic Planning, Information Technology and Fraud Policy.

The MCAJ Secretariat provides secretariat services for the meetings of CLEB and the MCAJ and associated senior officer groups. The MCAJ comprises the Australasian Police Ministers' Council, the Inter-governmental Committee on the NCA and the Corrective Services Ministers' Conference.

Strategic Planning is responsible for assisting CLEB with the strategic law enforcement planning processes.

Information Technology is responsible for assisting the CLEB in developing and monitoring the implementation of information technology developments and strategies for Commonwealth law enforcement purposes.

Fraud Policy is responsible, in partnership with the Australian Federal Police, for implementing and further developing the *Commonwealth Fraud Control Policy*.

The **Office of Strategic Crime Assessments (OSCA)** comprises coordination and assessment functions.

The primary role of OSCA is to provide the CLEB and the Government with strategic assessments of significant crime trends and criminal threats to Commonwealth interests likely to emerge over the next five

years. Its second major role is to support cooperative arrangements within the law enforcement intelligence community to coordinate the Commonwealth's law enforcement strategic intelligence efforts.

LECD is supported by a Corporate Services Unit which, within the context of departmental corporate services, is responsible for all administrative requirements of LECD.

Categories of documents

LECD maintains the following specific categories of documents:

- policy documents on law enforcement, crime prevention and related issues, including recommendations and decisions;
- reports and publications relating to research, investigations and consultancies;
- firearm exemption certificates issued under the Customs (Prohibited Import) Regulations;
- records of CLEB meetings, briefings for those meetings, correspondence and advice to ministers;
- briefing papers for Heads of Commonwealth Law Enforcement Agencies (HOCOLEA) meetings and National Anti-Crime Strategy meetings;
- Commonwealth agency risk assessments and fraud control plans;
- guidelines on the preparation and evaluation of fraud control documents;
- information on the development of fraud prevention, detection and investigation competencies;
- minutes and reports related to the meetings of Regional Fraud Liaison Committees;
- documents covering OSCA's management policies and operating procedures;
- OSCA reports and advice/reporting provided in response to client requests;
- documents covering liaison and coordination arrangements with other agencies and material received as a result of that cooperation and liaison;
- documents relating to OSCA's occasional seminar and publications programs;
- open-source information retained by OSCA for collation purposes.

Facilities for access

Facilities for inspection of documents, and preparation of copies if required, are available by contacting the FOI coordinator.

AUSTRALIAN PROTECTIVE SERVICE

Functions

The principal functions of the Australian Protective Service (APS) are to meet client requirements in the areas of physical security services including: protective and custodial services; diplomatic and consular security within Australia; a counter-terrorist first response role at security-designated airports; and specialised advisory services on various aspects of protective security services.

Arrangements for outside participation

The APS maintains close consultation with the Community and Public Sector Union (CPSU), Australian Protective Service Association (APSA) and the Transport Workers Union (TWU) with regular and *ad hoc* consultative forums throughout the year at national and station levels. Close consultation is maintained with customers at national and station levels.

Categories of documents

The following specific categories of documents are maintained by the APS (for further general categories of documents, see page 173):

- training;
- business planning;

Attorney-General's Department
202

- grievance, discipline and complaints;
- accounting and budgetary data and analysis;
- operational planning information;
- operational incident reports;
- assets registers;
- security clearance records for staff;
- marketing and promotional information and material including videos;
- recruiting campaign files.

FOI contact point

Requests for access to documents should be directed to the APS special FOI Coordinator rather than the general departmental coordinator. Details are as follows:

FOI Coordinator
Australian Protective Service
West Block Offices
Queen Victoria Terrace
PARKES ACT 2601
Ph: (02) 6270 2698
Fax: (02) 6270 2684

PROTECTIVE SECURITY COORDINATION CENTRE

Functions

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

Specific functions of the PSCC include:

- responsibility for protective security policy and for providing a policy framework in which to promote and enhance protective security practices;
- coordination of the Department's protective security responsibilities and interests in respect of the Olympic Games;
- responsibility for development and revision, in conjunction with the Protective Security Policy Committee (PSPC), of the *Protective Security Manual*;
- conduct of a comprehensive Protective Security Training Program;
- administration of the Standing Advisory Committee on Commonwealth-State Cooperation for Protection Against Violence (SAC-PAV);
- development and review of national counter-terrorism contingency plans and procedures;
- development of appropriate protective security arrangements consistent with the Review of Office Holders Security;
- maintenance of a 24-hour duty officer system in order to provide an effective framework for the coordination of information and responses to security incidents by Commonwealth and State policing and security services;
- provision of high level leadership and management to the Commonwealth-State arrangements for the protection of visiting dignitaries;
- maintenance of appropriate levels of security for diplomatic and consular representation in Australia.

Arrangements for outside participation

The Director of the PSCC is the Executive Deputy Chair of SAC-PAV and the PSCC provides executive and secretariat support. SAC-PAV is the body responsible for coordinating counter-terrorism planning and making recommendations to governments on measures to protect Australia from terrorism. Its members include representatives of Commonwealth and State departments and agencies, police and the Australian Defence Force.

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

- to promote the development of policy standards and guidelines for sound protective security management within Commonwealth agencies;
- to ensure that protective security policy and procedures are efficient, effective and relevant.

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

Categories of documents

The PSCC maintains the following specific categories of documents:

- correspondence and reports relating to counter-terrorism policies and arrangements, including purchase of equipment, contingency plans and national plans;
- correspondence and other documents relating to protective security arrangements for visiting dignitaries and diplomatic/consular representatives in Australia;
- correspondence and other documents relating to the Commonwealth's protective security policies and practices, including the *Protective Security Manual*;
- correspondence and other documents relating to protective security arrangements for Australian holders of high office;
- correspondence and other documents relating to protective security plans and policies for the Olympic Games.

CORPORATE SERVICES DIVISION

Functions

The Division provides policy advice and supporting services to the Attorney-General and the Minister for Justice and their staff, and the Executive and managers in the Department in relation to the management of human, financial and physical resources.

The three branches of the Division are the Executive Branch, the Financial Management Branch and the Information Technology Branch. In addition, the Audit and Evaluation Section, although overseen by an Audit Committee, reports administratively to the General Manager, Corporate Services Division.

Executive Branch*Functions*

The Branch is comprised of six areas with responsibilities as outlined below.

The Employee Relations Section has responsibility for the development, implementation and promotion of policies and standards in relation to the employment conditions framework; performance management including performance appraisal, discipline, inefficiency and grievances; work environment matters including occupational health and safety, workplace diversity and the employee participation structures and mechanisms; industrial relations including the development of the certified agreement and Australian Workplace Agreements; job analysis and design; recruitment and selection policy and procedures, and human resource development.

The Ministerial and Parliamentary Section provides parliamentary, Cabinet, legislation, Executive Council and ministerial liaison and support services for the portfolio. The Section also coordinates responses to FOI requests made to the Department.

The Corporate Performance and Coordination Section supports the Department's performance management program by coordinating strategic planning and performance monitoring and reporting activities including the Corporate Plan and the Annual Report. It also coordinates the Department's cost-to-government obligations and whole-of-government reporting responsibilities including service charters, access and equity and social justice programs. The Section provides support to the Board of Management, undertakes general cross-Department and cross-portfolio coordination projects, and coordinates arrangements for visiting dignitaries and associated briefing for portfolio Ministers.

The Public Affairs Section provides a full range of professional public relations support to the Department including electronic and paper-based publishing services.

The Construction and Property Management Section provides project management services for the Department in relation to its accommodation requirements. These services include the preparation of user requirement briefs, liaison with users regarding their requirements, dealing with relevant construction and property services providers, consultation with staff associations and professional groups and general monitoring of projects to ensure that they remain on target and users' property needs are met. Major construction projects under the Courts Construction Program, medium and minor works, as well as lease, fit out, and repairs and maintenance requirements are all handled within this area.

The Continuous Improvement Program Secretariat, through the Continuous Improvement Council, coordinates the activities of the Continuous Improvement Program across the Department. The Secretariat provides support to the Council and undertakes research.

Categories of documents

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 173):

- submissions and reports to the Board of Management;
- performance management and performance pay documentation;
- registers in computer-readable form of Cabinet documents, ministerial correspondence and submissions, parliamentary questions, the legislation program and FOI requests;
- employment equity documentation (e.g. the Equity and Diversity Plan);
- the Corporate Plan;
- management memoranda and employee relations advices relating to departmental and employee relations resource management policies and procedures;
- organisation charts;
- grievance and discipline documentation;
- plans and photographs of departmental office areas, major courts buildings, including building service plans;
- news releases by the Attorney-General and the Minister for Justice;
- marketing, public relations and promotional material;
- training packages, training course evaluations and reports and other training related documents.

Financial Management Branch

Functions

The Branch comprises four sections which have responsibility for financial management, pay and structures matters and corporate systems.

The Budget and Financial Analysis Section provides financial/budget management services including the monitoring and provision of advice on expenditure and revenue trends, prepares the Department's financial statements, prepares and coordinates portfolio new policy proposals, prepares forward, revised, additional and supply estimates and advises the Executive of the Department in appearances before parliamentary committees.

The Finance and Accounting Services Section is responsible for the development, implementation, integration of and support for the Department's corporate systems, resulting in the production of standard and *ad hoc* financial and management reports, the provision of general accounting policy, including the development of the Chief Executive Instructions, management memoranda and associated financial delegations on matters affecting the Department and liaison with the Australian National Audit Office and the Department of Finance and Administration on accounting policy issues.

The Pay and Structures Section provides pay processing services, including pay and conditions advice, for Central Office staff and the Australian Protective Service, advice on recruitment and classification matters and assists with the redeployment and rehabilitation of departmental staff.

The Support Services Section provides a wide range of general support and office services for Central Office staff including reception in Robert Garran Offices, mail, fleet management, office environment services, records management, archival services, purchasing and stores, travel services and photocopying and general printing services.

Categories of documents

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 173):

- accounting and budgetary records including estimates, claims, payment records etc.;
- personnel records for all officers for whom standard personnel services are provided (excluding files relating to officers located in WA and Tas. which are held in each of the respective regional offices);
- staff recruitment records;
- organisation and staffing records, both manual and computerised, including organisational proposals, duty statements, lists of staff and establishments, position occupancy records, staffing level reports and staff statistics;
- plans and records of action taken for the staffing and setting up of new statutory authorities or new elements of the Department;
- plans and records of action taken relating to the transfer of functions, staff records, etc. between the Attorney-General's Department and other departments;
- records of redeployment and rehabilitation activities for all ACT based staff;
- duplicate departmental identification passes;
- control registers concerning purchasing, official telephones, stores, assets, departmental vehicles, travel and internal services.

Information Technology Branch

Functions

The role of the Branch is to identify, deliver and support information technology, library and legal information services which assist the operations of the Department. The Branch comprises four sections with responsibilities as outlined below.

Major activities undertaken by the Information Technology (IT) Information Systems Section include raising the awareness of information technology capability and the delivery of information technology solutions to improve responsiveness and effective communication within the Department and its external clients. The

Section has a focus on business planning to ensure information technology continues to support departmental strategic directions. These include analysis of business requirements, drafting of business cases and proposals, project planning and administration, evaluation of hardware and software, provision of technical advice and the development, maintenance and enhancement of computer system applications. Areas of key activity include the increased utilisation and integration of Internet technologies and planning and analysis for the implementation of government policy such as outsourcing.

The IT Services Section provides help desk and technical support, operations, security management, maintenance and management of the Legal Office Information System (LOIS) infrastructure computing systems, data bases, network infrastructure and telephone facilities. Major work addresses problem prevention by placing an emphasis on planning, monitoring and reporting on capacity, performance and security and diagnosis and resolution of problems with network equipment, software and telecommunications links. The Section plans and undertakes changes to the computing infrastructure to maintain high levels of system performance and availability.

The Lionel Murphy Library provides a comprehensive law collection of approximately 140 000 volumes for the use of officers in the Department, offers a high-level legal reference, research and information service and provides policy advice, review and consultancy services on library matters within the portfolio.

The functions of the Resource Management Section include monitoring and administration of information technology contracts, coordination of corporate reporting and machinery of government activities and IT Forward Work Plan coordination and management.

The review, development and coordination of LOIS user training, as well as IT technical and management training, is also part of the Section's responsibility. Other functions of the Section cover a wide range of administrative support to Information Technology Branch relating to personnel and fiscal management.

Categories of documents

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 173):

- the Corporate Information Technology Plan;
- various supporting documents used in the creation, development, enhancement and maintenance of computer systems;
- manuals of computer operations standards and procedures, such as the Attorney-General's Department Information Technology Security Policy and the Systems Administrators' Guide;
- legal library books and research materials;
- Attorney-General's Information Service (AGIS) — a digest of Legal Journals (also held on CD-ROM);
- the IT Forward Work Plan;
- LOIS information publications including *LOIS News*;
- LOIS training documentation;
- contracts for IT services.

Audit and Evaluation Section

Functions

The Section provides internal audit services to the Department and reports to management on the integrity, efficiency and effectiveness of departmental operations. The Section also liaises with the Australian National Audit Office (ANAO) in relation to external audit coverage, coordinates the development of Department Fraud Risk Assessments and Control Plans and is responsible for undertaking preliminary fraud investigations where required.

Categories of documents

The Section maintains the following specific categories of documents (for further general categories of documents, see page 173):

- reports and associated working papers resulting from internal audit reviews;
- strategic and annual working plans for internal audit activity;
- audit manuals and packages containing audit standards and operating procedures for the Section;
- minutes and associated papers of the departmental Audit Committee;
- portfolio program evaluation plans and associated papers, papers relating to liaison with the ANAO and fraud risk review and investigation reports and working papers.

AGENCIES DEFINED FOR THE PURPOSES OF THE FOI ACT

AUSTRALIAN GOVERNMENT SOLICITOR

Establishment

The Australian Government Solicitor was established as a body corporate by the *Judiciary Amendment Act (No.2) 1984*, which came into operation on 1 July 1984.

Organisation

Under s.55E(4) of the *Judiciary Act 1903* the Secretary to the Attorney-General's Department may act personally in the name of the Australian Government Solicitor and the Secretary is also empowered to authorise certain professionally qualified officers to act in the name of the Australian Government Solicitor. A limited number of senior officers in each State and Territory have received such an authorisation. Offices of the Australian Government Solicitor are located in the Barton Office in Canberra, in each State and Territory capital city, and in Townsville.

Functions

The Judiciary Act provides that the Australian Government Solicitor may act as barrister, solicitor or barrister and solicitor for:

- the Crown in right of the Commonwealth;
- the Commonwealth;
- a person suing or being sued on behalf of the Commonwealth;
- a minister;
- a body established by an Act or a law of a Territory other than the Northern Territory;
- an officer of, or a person employed by, the Commonwealth or a body established by an Act or a law of a Territory other than the Northern Territory;
- a person holding office under an Act or a law of a Territory other than the Northern Territory;
- a member of the defence force;
- any other person or body for whom the Attorney-General requests the Australian Government Solicitor to act.

The work includes litigation, commercial and conveyancing work for departments and authorities and major commercial work for Commonwealth procurement authorities. In effect, the Australian Government Solicitor is the firm name under which the Secretary to the Department and the authorised officers conduct business as the legal representative of the Commonwealth.

Powers

Subject only to instructions on matters of policy by the client department or instrumentality, and to directions by the Attorney-General, the Secretary or an authorised officer acting in the name of the Australian

Government Solicitor bears the responsibility for conducting litigation and all other legal work in such a way as to secure the best interests of the Commonwealth.

Categories of documents

The work of the Australian Government Solicitor is carried out by the Secretary to the Attorney-General's Department and by officers authorised by him under s.55E(4) of the *Judiciary Act 1903*. Documents relevant to the operation of the Australian Government Solicitor are held by the Barton Office and each regional office.

Facilities for access

The Australian Government Solicitor maintains facilities for access. Documents may be examined and copies obtained through the access facilities provided by the Barton Office and each regional office. For further details, please see page 172.

FOI procedures and initial contact points

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the Australian Government Solicitor.

COPYRIGHT TRIBUNAL

Establishment

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

Organisation

Section 138 of the Copyright Act provides for a Copyright Tribunal consisting of a President, a Deputy President and such other members as are appointed. Section 139 of that Act provides that a member shall be appointed by the Governor-General. Sub-section 140(1) of the Act provides that a person shall not be appointed as the President or the Deputy President unless he or she is a judge of the Federal Court of Australia. Sub-section 140(2) provides that a person shall not be appointed as a member (other than the President or the Deputy President) unless:

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

The Tribunal presently consists of a President, a Deputy President and three lay members. The Secretary of the Tribunal is a part-time officer.

Functions and powers

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

- inquiries into royalty payable in respect of records of musical works;
- applications to the Tribunal for determination of remuneration payable for making a recording or film of a work;
- applications to the Tribunal for determination of remuneration payable to the owner of copyright for copies made under statutory licence;

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

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

Categories of documents

The Tribunal maintains the following categories of documents:

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

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

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

Facilities for access

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

The Secretary
Copyright Tribunal
Level 16
Law Courts Building
Queens Square
Sydney NSW 2000
Phone: (02) 9230 8567
Fax: (02) 9230 8535

Registers etc. open to public inspection subject to a fee or other charge are also available at the Law Courts Building.

FOI procedures and initial contact points

The FOI contact officer will assist applicants to identify the particular documents they seek. The only officer authorised to grant or deny access to documents is the Secretary.

Attorney-General's Department
210

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

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

Functions and powers

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

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

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

Categories of documents

The Tribunal maintains the following categories of documents:

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

Facilities for access

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

FOI procedures and initial contact points

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

Canberra (Principal office)

c/- Federal Court of Australia
ACT District Registry
Childers Street Canberra City ACT 2601
Phone: (02) 6267 0566
Fax: (02) 6267 0625
DX 5758 — Canberra
Hours: 10 am–1 pm; 2 pm–4 pm

Sydney

c/- Federal Court of Australia
NSW District Registry
Level 16, Law Courts Building
Queens Square Sydney NSW 2000
Phone: (02) 9230 8567
Fax: (02) 9230 8535
DX 613 — Sydney
Hours: 9 am–4 pm

Melbourne

c/- Federal Court of Australia
Victoria District Registry
450 Little Bourke St
Melbourne Vic. 3000
Phone: (03) 9289 9333
Fax: (03) 9670 4965
DX 435 — Melbourne
Hours: 9 am–4 pm

Brisbane

c/- Federal Court of Australia
Queensland District Registry
Level 6, Commonwealth Law Courts
119 North Quay
Brisbane Qld 4000
PO Box 84, Brisbane Roma Street Qld 4003
Phone: (07) 3248 1100
Fax: (07) 3248 1102
DX 40125 — Uptown
Hours: 9 am–4 pm

Adelaide

c/- Federal Court of Australia
SA District Registry
8th Floor, Grenfell Centre
25 Grenfell Street
Adelaide SA 5000
GPO Box 1350, Adelaide SA 5001
Phone: (08) 8205 4436
Fax: (08) 8205 4439
Hours: 9 am-4 pm

Perth

c/- Federal Court of Australia
WA District Registry
Level 6, Commonwealth Law Courts
1 Victoria Avenue
Perth WA 6000
GPO Box A30, Perth WA 6001
Phone: (08) 9268 7100
Fax: (08) 9221 3261
DX 60203 — Perth
Hours: 8.30 am-4 pm

Hobart

c/- Federal Court of Australia
Tasmania District Registry
Commonwealth Law Courts
39-41 Davey Street
Hobart Tas. 7000
Phone: (03) 6232 1700
Fax: (03) 6232 1701
Hours: 9.30 am-1 pm; 2 pm-4 pm

Darwin

c/- Federal Court of Australia
NT District Registry
Commonwealth Law Courts
Cnr Mitchell & Herbert Streets
Darwin NT 0800
GPO Box 1806, Darwin NT 0801
Phone: (08) 8941 2333
Fax: (08) 8981 6081
Hours: 9.30 am-4 pm

OFFICIAL TRUSTEE IN BANKRUPTCY

Establishment

The Official Trustee is established under the *Bankruptcy Act 1966*.

Organisation

The Official Trustee is a body corporate.

Functions and powers

The Official Trustee acts as the trustee of:

- the estates of bankrupts during a vacancy in the office of trustee of the bankrupt estate;
- the estate of a debtor who has entered into a deed of assignment, a deed of arrangement or a composition under Part X of the Act where a vacancy occurs in the office of trustees of the deed or composition;
- the estate of a deceased person which is being administered in bankruptcy under the provisions of Part XI of the Act where the creditors have not appointed a registered trustee;
- the estate of a debtor who has entered into a deed or composition under Parts XI or XII of the repealed *Bankruptcy Act 1924* where there is a vacancy in the office of trustee.

The Official Trustee also acts as interim receiver of the estate of a debtor before sequestration and where there is a vacancy in the office of trustee.

The principal powers and functions of the Official Trustee, when acting as trustee of a bankrupt or deceased estate, are set out in the Act. The Official Trustee:

- receives debtor's proposals for Debt Agreements;
- ascertains whether the proposal is acceptable to the debtor's creditors;
- ascertains the bankrupt's assets and liabilities and assesses the bankrupt's income;
- takes and enforces possession of assets and records;
- evaluates whether the bankrupt is eligible for, and is not disqualified from early discharge;
- is vested with the bankrupt's property and deals with property;
- conducts the administration of a bankruptcy in the interests of creditors;
- convenes meetings of creditors and secures appointment of a committee of inspection;
- seeks public examination of the bankrupt;
- keeps proper books and records and make such returns as the Inspector-General in Bankruptcy directs;
- complies with the Inspector-General's directions as to banking;
- applies to the court to be released from a bankrupt estate;
- pays dividends.

When acting as trustee of a deed or composition under Part X of the Act or under Part XI or XII of the repealed Act, the Official Trustee has the functions and duties set out in the relevant deed or composition.

Besides acting as trustee of the estates listed above, the Official Trustee maintains an account known as the Common Investment Fund into which must be paid monies received by the Official Trustee.

The Official Trustee also administers the Confiscated Assets Trust Fund, established by Part IIA of the *Proceeds of Crime Act 1987*, into which all proceeds of confiscated assets under the Proceeds of Crime Act and other associated legislation are deposited and from which proceeds are paid to the Consolidated Revenue Fund.

When goods are designated as condemned or forfeited in accordance with s.9 of the *Crimes Act 1914*, the Official Trustee disposes of the property and deposits the proceeds, after deduction of the Official Trustee's costs and remuneration, into the Confiscated Assets Trust Fund, as required by s.34B of the Proceeds of Crime

Act. Similarly, s.208DA of the *Customs Act 1901* requires the Official Trustee to dispose of 'narcotic-related' goods and deposit the proceeds, after deduction of the Official Trustee's costs and remuneration, into the Confiscated Assets Trust Fund.

When property is forfeited under ss.20 and 30 of the Proceeds of Crime Act, the Official Trustee disposes of the forfeited property and deposits the net proceeds into the Confiscated Assets Trust Fund.

Categories of documents

The Official Trustee maintains the following categories of documents:

- statements of affairs lodged by bankrupts and on behalf of deceased persons whose estates are being administered in bankruptcy;
- proofs of debt lodged by creditors in relation to estates administered by the Official Trustee;
- correspondence;
- copies of court documents;
- security documents and related control records;
- financial and other documents relating to the Common Investment Fund;
- legal opinions and correspondence concerning the Official Trustee's functions under the Customs Act and under the Proceeds of Crime Act.

Facilities for access

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

FOI procedures and initial contact points

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the Attorney-General's Department. The officers authorised to deny access to documents under the FOI Act are the Inspector-General in Bankruptcy, the Adviser (Insolvency Law), and the Assistant Secretary, Secretariat Branch.

SOLICITOR-GENERAL

Establishment

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

Organisation

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

Functions

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

Categories of documents

The Solicitor-General maintains the following categories of documents:

- briefs, working notes, papers and advices for litigious and non-litigious matters;
- correspondence, reports and minutes relating to the Special Committee of Solicitors-General;
- correspondence, reports and minutes relating to multi-lateral international organisations;
- miscellaneous papers, correspondence, and reports.



Facilities for access

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

FOI procedures and initial contact points

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



10.2 DEPARTMENTAL FREEDOM OF INFORMATION STATISTICS 1997-98

Requests

	<i>1996-97</i>	<i>1997-98</i>
Requests carried over from previous year	5	15
Requests received	42	34
Granted in full	10	15
Granted in part	6	9
Refused	9	6
Transferred	4	4
Withdrawn or lapsed	3	9
Requests outstanding at the end of the year	15	6

Review of decisions

Six requests for internal review were received. Two reviews upheld the original decision to deny access to the applicant. Two reviews granted partial access to the applicants concerned. The other two requests were not finalised as at the end of the year.

Response times

The following table indicates the time which elapsed in finalising requests for access. It includes matters that were determined, withdrawn or transferred in full.

<i>Time taken to respond (days)</i>	<i>1996-97</i>	<i>1997-98</i>
0-30	11	24
31-60	14	9
61-90	3	8
over 91	4	2
Total	32	43

Fees and charges

	<i>1996-97</i>	<i>1997-98</i>
	<i>\$</i>	<i>\$</i>
Application fees	730	790
Charges received	587	1264
Total	1 317	2 054

Costs

Detailed information on the cost of freedom of information activities in 1997-98 will be provided in the FOI Act Annual Report to Parliament.

Section 8

The s.8 functional statements for the Department and some portfolio agencies are at Appendix 10.1.

Section 9

Each agency within the Attorney-General's Portfolio has a responsibility under s.9 of the FOI Act to publish information in relation to documents in the nature of guidelines, manuals etc used by the agency in decision making which affect members of the public. The list of such documents is available for inspection through the FOI Coordinator or at Information Access Offices of the Australian Archives.