

## Appendices

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## Appendix 1 – Compliance with Annual Report Requirements

Departmental annual reports must be prepared in accordance with requirements presented to the Parliament by the Prime Minister after approval by the Joint Committee of Public Accounts. The following table either provides a short statement in relation to each requirement or shows where the relevant information may be found in this report.

Requirement item	Location/statement
Secretary's statement	Letter of transmittal
Aids to access	Table of contents, Introduction, Abbreviations, Appendix 1, Appendix 10.1 (for departmental plans and other major documents), Index  For general enquiries about the annual report contact the Director, Corporate Planning, phone (06) 250 6162
Portfolio overview	Page 2
Corporate overview	Secretary's overview (page vii), and The Department (page 7)
Social justice and equity	Page 121, and Appendix 5
Internal and external scrutiny	Page 123, and Appendices 8 and 9
Industrial democracy	Appendix 6
Occupational health and safety	Appendix 7
Freedom of information	Appendices 10.1 and 10.2
Advertising and market research	Appendix 13
Program performance reporting	Page 11
Staffing overview	Appendices 3.1–3.5 and 3.9
Performance pay summary	Appendix 3.8
Training summary	Appendix 3.6
Consultancy services summary	Appendix 3.7
Financial statements	Page 221

Privacy: During 1995–96 there were no reports served on the Department by the Privacy Commissioner under s.30 of the *Privacy Act 1988*, nor determinations served under ss.52 or 72.

Business regulations: During 1995–96 there were no significant new or amended business regulations falling under the Department's responsibility.

Portfolio legislation: Lists of enactments or parts of enactments administered by the Attorney-General are available in the consolidated Administrative Arrangements Order and the *Commonwealth Government Directory*. Copies of these documents can be obtained from Commonwealth Government Bookshops.

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***Information to be made available on request***

Certain information previously contained in annual reports no longer needs to be published, but is to be made available on request. For information on the items listed below please contact the Director, Secretariat Section, Executive Branch, Attorney-General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600. Telephone number (06) 250 6171; fax number (06) 250 5948.

Access and equity

Capital works management

Claims and losses

Companies and incorporated associations

Consultancy services

Decisions of courts and administrative tribunals

Environmental matters

Fraud control

Inquiries by parliamentary committees

Non-statutory bodies

Payment of accounts

Performance pay

Property usage

Purchasing (including information technology purchasing arrangements)

Reports by the Auditor-General

Statutory authorities and statutory offices—annual reports

Training and development programs

## Appendix 2 – Departmental Publications and Contributions to other Publications

### 2.1 – Departmental Publications

#### Legal Practice

*Amendments to Administrative Procedures approved under the EPIP Act (Legal Practice Briefing No.22)*

*Attorney-General's Department Annual Report 1994–95*

*Attorney-General's Department Corporate Plan—Overview*

*Attorney-General's Newsletter, No.3 September 1995*

*Attorney-General's Portfolio Evaluation Plan 1996–1998*

*Australia's Report under the Convention on the Rights of the Child (December 1995)*

*Australian Constitution (AGPS)*

*Australian International Legal Education and Training: Directions, Issues and Opportunities (January 1996)—ILSAC Secretariat*

*Australia–Indonesia Contract Management Handbook (draft) 1996—ILSAC Secretariat*

*Australia–Indonesia Legal Cooperation Overview (paper )—ILSAC Secretariat*

*Changes in the Administrative Appeals Tribunal (Legal Practice Briefing No.23)*

*Constitutional Law Forum August 1995 (papers)*

*Copyright Law in Australia (brochure)*

*Copyright Reform: A Consideration of Rationales, Interests and Objectives—Copyright Law Review Committee Secretariat*

*Devolution of Power within Government (Legal Practice Briefing No.24)*

*The Disciplining of Public Servants—Some Aspects (Legal Practice Briefing No.21)*

*Exporting Legal Services: Opportunities and Support Programs—ILSAC Secretariat*

*Freedom of Information Act 1982—Annual Report 1994–95*

*Guidelines on our Ethics, Values and Conduct*

*Indigenous Policies Issues Unit Pamphlet*

*Information Technology and Intellectual Property Update*

*International Child Abduction—Information for Parents (brochure)*

*International Commercial Dispute Resolution Awareness Kit 1996—ILSAC Secretariat*

*International Commercial Dispute Resolution Services Brochure 1996—ILSAC Secretariat*

*Justice Tips Cards*

*Leadership in the Department*

*Managing the Risk in the Development and Lease of Office Accommodation (Property and Construction Law Bulletin No.4)*

*The Native Title Act Case (Legal Practice Briefing No.20)*

*Obtaining Child Support from Overseas* (brochure)

*Regulation of On-Line Information Services* (Consultation Paper with the Department of Communications and the Arts)

*Report of the Alice Springs Interpreter Forum, 19–21 October 1995*

*Review of Part 1C of the Crimes Act 1914* (discussion paper)

*Round Table on Trade in Services July 1995* (paper)—ILSAC Secretariat

*Significant Changes to the Sex Discrimination Act (Legal Practice Briefing No.25)*

*Twenty-First International Trade Law Conference, Sydney 17–18 October 1994* (papers)

*Twenty-Second International Trade Law Conference, Canberra 27–28 October 1995* (papers)

*Upfront* (monthly magazine for staff)

## **Insolvency and Trustee Service, Australia**

*Annual Report by the Inspector-General in Bankruptcy on the Operation of the Bankruptcy Act 1966*

*New Directions in Bankruptcy*

## **Legal Aid and Family Services**

*Approved Organisations Offering Programs of Marriage/Relationship Counselling, Mediation and Marriage Education/Enrichment*

*Family Mediation: Fair Solutions for Separating Couples* (brochure, poster and booklet)

*Happily Ever Before and After Form 14A—Marriage Act 1961*

*Marriage Act 1961—s.115: List of Authorised Celebrants as at 1 January 1995*

*Quarterly Legal Aid Statistical Bulletin July–September 1995*

## **Australian Protective Service**

*Business Plan 1996–98*

*Profile* (bi-monthly magazine for clients)

*The Sentinel* (quarterly magazine for staff)

## 2.2 – Contributions to Other Publications

### Executive

Burmester, Henry, 'The Law of Treaties' Ch.11 in Reicher (ed), *Australian International Law Cases and Materials* (Law Book)

— —, 'National Sovereignty, Independence and the Impact of Treaties and International Standards' *Sydney Law Review*, Vol.17, 1995, pp.127–149

### Legal Practice

Armarego, Paul, 'Confidentiality and Business Networks', *Network News October 1995*

— —, 'Intellectual Property and Business Networks' and 'Commercialising Intellectual Property (Chairman's comments)', *Proceedings of International Business Growth Conference October 1995*

Balkin, Dr Rosalie, 'Protection of Property in Times of Armed Conflict', *Shelters from the Storm: Developments in International Humanitarian Law*, pp.237–256

— — (with Professor Jim Davis), 'Law of Torts', *2nd Edition Butterworths*

Criminal Law Reform Unit, Model Criminal Code Officers Committee, *Model Criminal Code Chapter 3, Final Report, Theft, Fraud, Bribery and Related Offences*, December 1995

— —, *Model Criminal Code Chapter 3, Conspiracy to Defraud*, Discussion Paper, June 1996

Doust, Lisa, Contributing editor to *Butterworths' Australian Immigration Law* looseleaf service

Hall, Dr Stephen, 'Nationality, Migration Rights and Citizenship of the Union', *Martinus Nijhoff*, 1995

— —, 'Loss of Union Citizenship in Breach of Fundamental Rights', *European Law Review*, Vol.21, p.129

— —, 'Political Rights, Preventive Detention and the Rule of Law in Singapore and Malaysia', *Lawasia*, 1995

Hughes, Bill, 'Advising the Government: The Family Law Council', *Australian Journal of Public Administration*, Vol.54, No.1, 1995, pp.46–57

— —, 'Female Genital Mutilation: The Complementary Roles of Education and Legislation in Combating the Practice in Australia', *Journal of Law and Medicine*, Vol.3, No.2, 1995, pp.202–210

The International Legal Services Advisory Council, *Studying Law in Australia* 1996 Edition

Lloyd, Stephen, 'Laws of Australia', *Constitutionally Guaranteed Rights*, Ch.19.6, Law Book Co.

Quinn, Roger, 'When is Income Tax a Provable Debt in Bankruptcy', *The CCH Journal of Australian Taxation*, July 1995

— —, 'Non-Resident Trusts: What a Tangled Web we Weave', *The CCH Journal of Australian Taxation*, January 1996

Reye, Susan, 'Liability for Environmental Damage in Antarctica: Current Negotiations', *Proceedings of the Fourth Annual Meeting of the Australian and New Zealand Society of International Law*

Schoneveld, Frank, 'Australia's Dumping Law and Practice', in *Dumping—A Comparative Approach* (International Chamber of Commerce, Paris)

— —, *Aspects of Doing Business in Europe for Semi-Government Organisations* (International Bar Association, London)

Singh, Sukhpal, 'Recent Developments in Australian Extradition Policy and Practice', *International Law News*, No.28, September 1995

Waddell, Sarah and Wills, David, 'Contaminated Sediments are they in the Too Hard Basket?' *National Environmental Law Association Inc., 1996 Conference, Papers and Proceedings*

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## Legal Aid and Family Services

Legal Aid and Family Services, *Partners in Any Language – Meeting the Access and Equity needs of consumers from non-English speaking backgrounds in Commonwealth-funded marriage and relationship counselling services* (1993 Census of Approved Marriage/Relationship Counselling Services)

## Appendix 3 – Human Resources

### 3.1 – Historical Profile 1991–92 to 1995–96

Provided below are human resource statistics, showing operative and paid inoperative staff, and unpaid inoperative staff, as at 30 June of each year from 1991–92 to 1995–96. The table presents a convenient summary for all elements of the Attorney-General's Department. It includes details for semi-autonomous units which produce their own annual reports such as the Administrative Review Council and Auscript.

During the period 1 July 1991 to 30 June 1996 there were a number of Government decisions involving transfer of functions that had an impact on the staffing levels of the Department. There were also internal restructures which resulted in fluctuations in staff numbers among the various Divisions. Accordingly, the historical staffing figures have been aligned to the current structure as at 30 June 1996 and may not reflect the actual staffing levels of previous years.

In relation to the method of recording:

- the tables relating to operative and paid inoperative staff report actual occupancy as at 30 June of each year, so, when an officer was on paid leave as at 30 June and another acted in the position, there are two officers recorded against the one position;
- the tables include staff employed under the *Public Service Act 1922*;
- temporary, casual and part-time staff are included in the statistics. Part-time staff are shown as full-time equivalents;
- numbers have been rounded to whole numbers.

#### Operative and Paid Inoperative Staff

	1991–92	1992–93	1993–94	1994–95	1995–96
<b>Board of Management (Incl Secretary)</b>	4	5	4	4	4
Support Staff	6	6	9	9	9
<b>Legal Practice</b>					
Civil Law Division	77	84	85	103	90
Criminal Law Division (Created 1-7-94)	39	42	42	40	33
International Trade Law and Intellectual Property Branch	14	11	18	16	19
Security Division (Created 1-7-94)	44	48	46	48	55
AGS NSW Regional Office	253	277	279	254	213
AGS Victoria Regional Office	177	173	152	146	121
AGS QLD Regional Office	102	94	93	91	86
AGS WA Regional Office	56	65	60	49	49
AGS SA Regional Office	53	46	44	44	35
AGS Tasmania Regional Office	19	18	27	26	21
AGS ACT Regional Office	40	39	41	45	50
AGS NT Regional Office	23	20	19	20	15

	1991-92	1992-93	1993-94	1994-95	1995-96
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**Central Practice**

Office of Litigation	30	34	30	34	33
Office of Commercial Law	46	48	59	67	52
Office of General Counsel (Includes Chief General Counsel)	24	26	38	36	46
Office of International Law	7	7	6	7	6
Office of Legislative Drafting	20	23	29	34	33
Business Operations (Created 1-1-96)	20	18	22	18	15

**Support Group**

Practice Development	46	46	54	60	50
Resources	242	182	160	144	124
Information Technology	234	197	194	161	135
Overseas Representatives	1	2	2	2	2
Solicitor-General's Staff	2	2	3	2	2

<b>Total</b>	<b>1 579</b>	<b>1 513</b>	<b>1 516</b>	<b>1 460</b>	<b>1 298</b>
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**Insolvency and Trustee Service, Australia**

Insolvency and Trustee Secretariat	30	30	25	26	20
Official Receiver NSW and ACT	100	94	96	86	75
Official Receiver Victoria	93	90	76	61	55
Official Receiver Queensland	75	62	60	49	51
Official Receiver WA	59	56	49	34	29
Official Receiver SA and NT	51	52	45	36	28
Official Receiver Tasmania	21	21	16	15	12

<b>Total</b>	<b>429</b>	<b>405</b>	<b>367</b>	<b>307</b>	<b>270</b>
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**Social Policy Group**

Legal Aid and Family Services	52	54	56	57	64
FBCA (functions transferred 11-3-96)					

<b>Total</b>	<b>52</b>	<b>54</b>	<b>56</b>	<b>57</b>	<b>64</b>
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	1991-92	1992-93	1993-94	1994-95	1995-96
<b>Semi Autonomous Units</b>					
Administrative Review Council	8	7	8	7	6
Auscript	277	240	268	282	234
Australian Protective Service (Functions gained 1-7-92)		988	971	970	946
Joint Thai/Australian ONCB	3	3	2	2	2
OFLC (report separately from 30-6-96)					
<b>Total</b>	<b>288</b>	<b>1 238</b>	<b>1 249</b>	<b>1 261</b>	<b>1 188</b>
<b>Departmental Total</b>	<b>2 348</b>	<b>3 210</b>	<b>3 188</b>	<b>3 085</b>	<b>2 820</b>

### Unpaid Inoperative Staff

	1991-92	1992-93	1993-94	1994-95	1995-96
<b>Legal Practice</b>					
Central Office	50	70	52	66	47
AGS NSW Regional Office	11	18	17	22	24
AGS Victoria Regional Office	14	11	7	12	16
AGS QLD Regional Office	5	6	3	1	6
AGS WA Regional Office	3	2	8	7	4
AGS SA Regional Office	5	5	5	1	2
AGS Tasmania Regional Office	-	3	2	-	1
AGS ACT Regional Office	3	1	2	2	1
AGS NT Regional Office	-	-	-	1	1
<b>Total</b>	<b>91</b>	<b>116</b>	<b>96</b>	<b>112</b>	<b>102</b>

	1991-92	1992-93	1993-94	1994-95	1995-96
<b>Insolvency and Trustee Service, Australia</b>					
Insolvency and Trustee Secretariat	-	1	-	1	1
Official Receiver NSW and ACT	3	3	4	3	4
Official Receiver Victoria	2	1	1	4	1
Official Receiver Queensland	1	1	1	-	-
Official Receiver WA	1	2	2	4	1
Official Receiver SA and NT	1	-	2	2	-
Official Receiver Tasmania	-	-	-	1	1
<b>Total</b>	<b>8</b>	<b>8</b>	<b>10</b>	<b>15</b>	<b>8</b>

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	1991-92	1992-93	1993-94	1994-95	1995-96
<b>Social Policy Group</b>					
Legal Aid and Family Services	2	2	4	2	3
FBCA (functions transferred 11-3-96)					
<b>Total</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>
<b>Semi Autonomous Units</b>					
Semi-autonomous units	4	29	22	17	11
<b>Departmental Total</b>	<b>105</b>	<b>155</b>	<b>132</b>	<b>146</b>	<b>124</b>

## 3.2 – Staff Figures at 30 June 1996

This table is a breakdown of table 3.1 above as at 30 June 1996 by State and Territory office. It shows staff employed under the *Public Service Act 1922* and reflects full-time equivalent for part-time staff. It also includes temporary and casual staff as well as paid inoperatives and those acting in a higher position at 30 June 1996. Numbers have been rounded to whole numbers. As with Table 3.1, the following table includes details for semi-autonomous units which produce their own annual reports.

ACT	SES		Legal Staff		SO & equiv.		ASO1–6 & equiv.		Total
	M	F	M	F	M	F	M	F	
<b>Board of Management</b>	4	-	-	-	-	-	-	-	4
Support Staff	-	-	1	-	-	1	-	7	9
<b>Legal Practice</b>									
Civil Law Division	2	5	18	25	7	5	4	24	90
Criminal Law Division	3	-	10	11	1	1	3	4	33
International Trade Law and Intellectual Property Branch	1	-	4	6	1	2	-	5	19
Security Division	4	-	6	2	17	4	11	11	55
ACT Regional Office	1	3	11	10	2	-	2	21	50
<b>Central Practice</b>									
Office of Litigation	7	1	7	9	-	-	-	9	33
Office of Commercial Law	7	2	20	6	1	-	-	16	52
Office of General Counsel	13	5	8	12	-	-	1	7	46
Office of International Law	1	1	1	1	-	-	-	2	6
Office of Legislative Drafting	4	-	14	6	-	1	-	8	33
Business Operations (Created 1-1-96)	1	-	-	-	3	1	3	7	15
<b>Support Group</b>									
Practice Development	2	1	3	10	3	7	5	19	50
Resources	5	-	2	-	21	8	35	53	124
Information Technology	2	1	1	1	31	18	30	51	135
Brussels Representative	1	-	-	-	-	-	-	-	1
Washington Representative	1	-	-	-	-	-	-	-	1
Solicitor-General's Staff	1	-	-	-	-	-	-	1	2
<b>Sub Total</b>	<b>60</b>	<b>19</b>	<b>106</b>	<b>99</b>	<b>87</b>	<b>48</b>	<b>94</b>	<b>245</b>	<b>758</b>

ACT ctd.	SES		Legal Staff		SO & equiv.		ASO1–6 & equiv.		Total
	M	F	M	F	M	F	M	F	
<b>ITSA</b>									
ITSA Secretariat	3	1	1	3	4	-	2	6	20
<b>Legal Aid and Family Services</b>									
LAFS	1	2	7	1	10	13	7	23	64
<b>Semi Autonomous Units</b>									
Admin Review Council	1	-	1	2	-	-	1	1	6
Auscript	-	-	-	-	1	-	-	37	38
Australian Protective Service	2	1	-	-	21	2	211	37	274
ONCB	-	-	-	-	2	-	-	-	2
<b>Total</b>	<b>67</b>	<b>23</b>	<b>115</b>	<b>105</b>	<b>125</b>	<b>63</b>	<b>315</b>	<b>349</b>	<b>1162</b>

New South Wales	SES		Legal Staff		SO & equiv.		ASO1–6 & equiv.		Total
	M	F	M	F	M	F	M	F	
<b>Legal Practice</b>	11	2	46	42	2	1	24	85	213
ITSA (NSW/ACT)	1	-	-	-	3	1	44	26	75
<b>Semi Autonomous Units</b>									
Auscript	-	-	-	-	5	2	8	68	83
Australian Protective Service	1	-	-	-	6	-	187	40	234
<b>Total</b>	<b>13</b>	<b>2</b>	<b>46</b>	<b>42</b>	<b>16</b>	<b>4</b>	<b>163</b>	<b>219</b>	<b>605</b>

Victoria	SES		Legal Staff		SO & equiv.		ASO1–6 & equiv.		Total
	M	F	M	F	M	F	M	F	
<b>Legal Practice</b>	8	2	31	31	2	2	3	42	121
ITSA	1	-	-	-	3	-	29	22	55
<b>Semi Autonomous Units</b>									
Auscript (Vic./Tas.)	-	-	-	-	1	-	5	41	47
Australian Protective Service	1	-	-	-	4	2	108	21	136
<b>Total</b>	<b>10</b>	<b>2</b>	<b>31</b>	<b>31</b>	<b>10</b>	<b>4</b>	<b>145</b>	<b>126</b>	<b>359</b>

Queensland	SES		Legal Staff		SO & equiv.		ASO1-6 & equiv.		Total
	M	F	M	F	M	F	M	F	
Legal Practice	6	-	22	8	3	1	5	41	86
ITSA	1	-	-	-	5	-	19	26	51
<b>Semi Autonomous Units</b>									
Auscript (Qld/NT)	-	-	-	-	-	1	2	27	30
Australian Protective Service	-	-	-	-	2	-	59	7	68
<b>Total</b>	<b>7</b>	<b>-</b>	<b>22</b>	<b>8</b>	<b>10</b>	<b>2</b>	<b>85</b>	<b>101</b>	<b>235</b>

South Australia	SES		Legal Staff		SO & equiv.		ASO1-6 & equiv.		Total
	M	F	M	F	M	F	M	F	
Legal Practice	1	1	11	3	1	1	-	17	35
ITSA (SA/NT)	-	-	-	-	-	1	12	15	28
<b>Semi Autonomous Units</b>									
Auscript	-	-	-	-	1	-	2	12	15
Australian Protective Service	-	-	-	-	4	-	65	8	77
<b>Total</b>	<b>1</b>	<b>1</b>	<b>11</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>79</b>	<b>52</b>	<b>155</b>

Western Australia	SES		Legal Staff		SO & equiv.		ASO1-6 & equiv.		Total
	M	F	M	F	M	F	M	F	
Legal Practice	2	-	15	10	1	1	2	18	49
ITSA	-	-	-	-	1	-	14	14	29
<b>Semi Autonomous Units</b>									
Auscript	-	-	-	-	-	-	1	20	21
Australian Protective Service	-	-	-	-	7	-	64	28	99
<b>Total</b>	<b>2</b>	<b>-</b>	<b>15</b>	<b>10</b>	<b>9</b>	<b>1</b>	<b>81</b>	<b>80</b>	<b>198</b>

Tasmania	SES		Legal Staff		SO & equiv.		ASO1-6 & equiv.		Total
	M	F	M	F	M	F	M	F	
Legal Practice	1	-	6	4	-	-	3	7	21
ITSA	-	-	-	-	1	-	7	4	12
Australian Protective Service	-	-	-	-	1	-	6	1	8
<b>Total</b>	<b>1</b>	<b>-</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>-</b>	<b>16</b>	<b>12</b>	<b>41</b>

Northern Territory	SES		Legal Staff		SO & equiv.		ASO1–6 & equiv.		Total
	M	F	M	F	M	F	M	F	
Legal Practice	1	-	3	2	-	1	-	8	15
Australian Protective Service	-	-	-	-	3	-	38	9	50
<b>Total</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>38</b>	<b>17</b>	<b>65</b>
<b>Departmental Total</b>	<b>102</b>	<b>28</b>	<b>249</b>	<b>205</b>	<b>181</b>	<b>77</b>	<b>1 022</b>	<b>956</b>	<b>2 820</b>

### 3.3 – Part-Time and Temporary Staff at 30 June 1996

State	Classification Group	Part-Time Staff			Temporary Staff		
		M	F	Total	M	F	Total
ACT	SES	-	1	1	-	-	-
	Legal Staff	1	24	25	4	2	6
	Senior Officer & equivalent ASO1-6 & equivalent	1	6	7	1	-	1
		4	35	39	22	85	107
NSW	SES	-	-	-	2	1	3
	Legal Staff	-	10	10	2	3	5
	Senior Officer & equivalent ASO1-6 & equivalent	2	1	3	13	9	22
		2	7	9	9	60	69
Vic.	Legal Staff	-	3	3	7	9	16
	ASO1-6 & equivalent	-	7	7	-	35	35
Qld	Legal Staff	-	-	-	1	1	2
	ASO1-6 & equivalent	1	1	2	2	34	36
SA	Legal Staff	1	-	1	-	-	-
	Senior Officer & equivalent ASO1-6 & equivalent	-	2	2	-	-	-
		-	2	2	-	14	14
WA	Legal Staff	2	2	4	6	5	11
	ASO1-6 & equivalent	1	8	9	29	30	59
Tas.	ASO1-6 & equivalent	-	4	4	1	-	1
NT	Senior Officer & equivalent ASO1-6 & equivalent	-	1	1	-	-	-
		4	4	8	4	2	6
<b>Total</b>		<b>19</b>	<b>118</b>	<b>137</b>	<b>103</b>	<b>290</b>	<b>393</b>

### 3.4 – SES Commencements and Separations 1995–96

	Commencements	Separations
July	2	2
August	1	1
September	3	-
October	4	-
November	-	2
December	-	-
January	1	1
February	2	2
March	-	6
April	2	-
May	-	5
June	1	1
<b>TOTAL</b>	<b>16</b>	<b>20</b>

### 3.5 – Substantive SES Officers as at 30 June 1996

Band/Gender	ACT	NSW	VIC	QLD	SA	WA	TAS	NT	Total
3 Male	4	-	-	-	-	-	-	-	4
3 Female	-	-	-	-	-	-	-	-	-
2 Male	17	1	1	1	-	1	-	-	21
2 Female	2	1	-	-	-	-	-	-	3
1 Male	36	7	8	3	1	1	1	1	58
1 Female	16	1	1	-	1	-	-	-	19
<b>Total</b>	<b>75</b>	<b>10</b>	<b>10</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>105</b>

NB: This table does not include SES officers on loan to the Attorney-General's Department.

### **3.6 – Training and Development Programs—Summary**

The total eligible expenditure by the Department on training and development activities in 1995–96 was \$1,966,851. The total number of person days spent in participation by staff in training programs during the year was 5,397. A total of 1,621 officers of the Department attended at least one training activity during 1995–96.

### **3.7 – Consultancies—Summary**

The total number of consultants engaged by the Department during 1995–96 was 171 involving a total expenditure of \$7,314,477. (An additional \$746,347 was paid to advertising agencies, market research organisations, media advertising organisations and direct mail organisations—details at Appendix 13).

### **3.8 – Performance Pay—Summary**

The total amount of performance pay paid to Senior Executive Service officers of the Department in 1995–96 was \$775,300. Of this amount, \$278,600 was paid to 35 Band 2 and 3 officers, and \$496,700 was paid to 111 Band 1 officers.

## 3.9 – Senior Staff Mobility

### SES—Departures (Separations)

#### Legal Practice

Baker, J M	retired from	Office of Legislative Drafting	9 January 1996
Behm, A J	transferred to	Defence	9 February 1996
Davey, R C	retired from	Departmental Executive (Victoria)	1 March 1996
Govey, I R	transferred to	Treasury	2 May 1996
Ingram, V A	transferred to	Treasury	2 May 1996
Jessop, D A	retired from	Office of General Counsel	8 March 1996
Ley, J F	retired from	Practice Management	27 July 1995
Murphy, J A	transferred to	Treasury	2 May 1996
Sherman, T A	retired from	Departmental Executive	1 June 1996
Tidey, G	resigned from	Practice Development	2 May 1996
Yen, S W S	transferred to	Treasury	2 May 1996

#### Social Policy Group

Crockett, A	retired from	Departmental Executive	24 November 1995
Maddern, D I	retired from	Unattached	3 November 1995
Murphy, J	transferred to	Department of Industry, Science and Tourism	14 March 1996
Neave, C	resigned from	Departmental Executive	5 February 1996
Noonan, P J	transferred to	Department of Industry, Science and Tourism	14 March 1996
Rodgers, T	transferred to	Department of Industry, Science and Tourism	14 March 1996

#### Semi Autonomous Units

Rohl, T F	transferred to	Australian Federal Police	1 July 1995
Waters, N	transferred to	HREOC	4 August 1995

## SES—Commencements/promotions/transfers

### Legal Practice

Armarego, P A	promoted to	Senior Government Solicitor, Office of Commercial Law	26 October 1995
Burmester, H C	promoted to	Chief General Counsel	2 November 1995
Featherston, A L	promoted to	Senior Government Solicitor, Office of Commercial Law	26 October 1995
Ford, P M L	promoted to	First Assistant Secretary, Security Division	13 July 1995
Hammond, R R	promoted to	Senior Government Solicitor, Office of Commercial Law	26 October 1995
Hine, G A	transferred to	Manager, Financial Management Branch	21 September 1995
Holland, K C	promoted to	Assistant Secretary, Security Division	12 October 1995
Ingram, V A	promoted to	Assistant Secretary, Business Law Division	14 September 1995
Leon, R E	promoted to	Assistant Secretary, Civil Law Division	5 October 1995
Markus, D F	promoted to	General Counsel (DC&A)	14 September 1995
McClure, R E	promoted to	Director, AGS SA	18 January 1996
Mowbray, G A	promoted to	General Counsel (DIEA)	14 September 1995
Pitt, M P	promoted to	Director, AGS NSW	9 November 1995
Scala, J J	promoted to	Deputy Government Solicitor, Privatisation Group, AGS	25 April 1996
Staker, C R	promoted to	Counsel Assisting the Solicitor-General	6 July 1995

### Social Policy Group

Hambling, H K	promoted to	Assistant Secretary, LAFS	27 June 1996
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### Semi Autonomous Units

Bridges, A E	promoted to	Regional Commander, Australian Protective Service	25 January 1996
Fry, G M	promoted to	Director, External Operations, Australian Protective Service	3 August 1995
Van den Tol, R	appointed to	Regional Commander, Australian Protective Service	22 April 1996

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## Appendix 4 – Staff Achievements

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### Australia Day Awards

**Elizabeth Bouhabib**, Office of the Australian Government Solicitor, NSW, Organisation Development Unit—in recognition of her work relating to the development and presentation of a comprehensive training program to improve skills and expertise of support staff in the Sydney office.

**Minerva Breis**, Information Technology Group—in recognition of work associated with the decommissioning of the Department's mainframe computer facility at Belconnen and the migration (downsizing) of the Corporate Applications Systems from the mainframe computer to a local area networked UNIX computing platform.

**Jenny Collins**, Resources Group—in recognition of her contribution to the social club which has resulted in a significant increase in its operations and benefits to the members individually and the Department in general.

**Amanda Davies**, Civil Law Division—in recognition of her work in the development of family law reforms affecting children.

**David Demaid**, Australian Protective Service—in recognition of his efficient and professional performance of duties at Adelaide Airport, Christmas Island and Port Hedland WA.

**Atticus Fleming**, Office of General Counsel—in recognition of his major contribution in resolving the complex issues arising from the Gunn's decision, the revised EPIP procedures and the consideration of forestry issues during 1995.

**Barry Gale**, Information Technology Group—in recognition of work associated with the decommissioning of the Department's mainframe computer facility at Belconnen and the migration (downsizing) of the Corporate Applications Systems from the mainframe computer to a local area networked UNIX computing platform.

**Wynne Hannon**, Office of General Counsel—in recognition of her work as the National Client Service Manager for the Department of Health and Family Services.

**Paul Lang**, Office of the Australian Government Solicitor, Victoria—in recognition of his contribution to the successful Qantas Public Share Offer.

**Peter Lundy**, Office of Commercial Law—in recognition of his work as the National Client Service Manager for the Department of Defence.

**Pam McGilvary**, Australian Protective Service—for recognition of service to the client at the Australian Defence Satellite Communication Station Geraldton WA and the initial development implementation of the Quality Assurance program in WA.

**Jill Raynor**, Office of Litigation—in recognition of her contribution to the design and implementation of the national reporting system for the Australian Competition and Consumer Commission (former Trade Practices Commission).

**Cathy Reid**, Office of the Australian Government Solicitor, Victoria—in recognition of legal services provided in connection with the privatisation of Australian National Line Ltd and the conduct of negotiations for the sale of Australian National Line to P&O.

**Donna Reiger**, Resources Group—in recognition of her contribution to the social club which has resulted in a significant increase in its operations and benefits to the members individually and the Department in general.

**Mark Zanker**, Insolvency and Trustee Service, Australia—in recognition of his work on the Bankruptcy Legislation Amendment Bill 1995.

**The Litigation Legal Work Unit**, Office of the Australian Government Solicitor, Queensland. The litigation team which assisted the Australian Federal Police in relation to the Criminal Justice Commission Inquiry were recognised for the excellent service provided. The members of the team were Paula Anderson, Gaile Barnes, Barry Cosgrove, Lisa Davey, Liz Di Mauro, Monique Green, Martin Hanson, Noela Pemberton and Matthew Reynolds.

## Other Awards

**Jenny Clift**, International Trade Law Section, is currently participating in an Asia-Pacific Fellowship, which permits exchanges in the field of law and provides funding for this purpose. Ms Clift is based in Hong Kong, but is hoping to travel to Beijing between July and September of this year to undertake research on a number of areas of law, including international trade law harmonisation; China's proposed accession to the World Trade Organisation and its participation in APEC; and the development of China's commercial and corporate law.

**Peter Gerangelos**, Office of the Australian Government Solicitor, NSW, was awarded the Attorney-General's Department Post Graduate Study Award for 1996. The award aims to promote the professional development of departmental officers in order to improve the effectiveness of services provided to clients. It is awarded on the basis of academic performance and for a course of study with particular relevance to the Department. Peter will complete a Doctor of Juridical Studies at the University of NSW.

**Sarah Waddell**, Office of the Australian Government Solicitor, NSW, was awarded the Secretary's Prize for Academic Excellence for 1995 on completion of her Degree of Master of Environmental Law.

## Other Achievements

**Karl Alderson**, Criminal Law Division, was awarded a scholarship under the Australian Postgraduate Award program to undertake a PhD at the University of New South Wales.

**Paul Armarego, Rosemary Crowley and Marc Mowbray-d'Arbela**, Office of Commercial Law were presented with a Certificate of Appreciation from the Minister for Veterans' Affairs in recognition of their significant contribution to the Australia Remembers Program during 1995, the 50th anniversary of the end of World War II.

**Rosalie Balkin**, of the Office of International Law was elected Vice Chair of the Legal Committee of the International Maritime Organization.

**Norman Bowman**, obtained first place in the 1996 First Semester course at the Australian National University Legal Workshop.

**Alan Melrose**, Office of the Australian Government Solicitor, NSW, has been appointed a Supreme Court Mediation Panellist. In 1994 the NSW Parliament amended the rules of the Compensation Court, the District Court, the Industrial Court and the Supreme Court to enable those Courts to refer matters for mediation or neutral evaluation. In the Supreme Court the Chief Justice appoints mediators from names of solicitors and counsel nominated by the President of the Law Society.

**Daniel Rowland**, Office of the Australian Government Solicitor, NSW completed a Diploma course at the Ecole Nationale d'Administration (ENA) in Paris. The ENA is a specialist institute offering high-level postgraduate courses for public servants including lawyers. Daniel was accepted into the course after very keen world-wide competition for places.

**Gale Treadgold, Ann Featherston and Victoria Hawkins**, Office of Commercial Law were presented with a Commendation for exceptional performance in negotiating the contract for the supply of the C-130J aircraft and associated support for the RAAF, from the Secretary to the Department of Defence and the Chief of the Australian Defence Force.

## Australian Protective Service Awards

The National Medal is designed to recognise 15 years diligent service by members of a uniformed force and the CLASP for each additional 10 years of qualifying service. Both are awarded by the Governor-General on the recommendation of the chief officer of the relevant service. Recipients for 1995–96 are set out below.

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## National Medal

Joan Adams, John Arentz, William Bloxham, Russell Boyd, John Collins, Malcolm Crowley, Paul Davison, Michael Devenish, Trevor Gibson, Terry Greening, Mark Hogan, Geoff Johnston, Phillip Jones, Matthew Kennedy, David Lacon, Chris Mason, Vince McCabe, Brian O'Connor, Alan Porter, Laurie Simmons, Robert Snow, Peter Viney, Ronald Wallace, Peter Weller-Lewis.

## CLASP

Terence Amey, Peter Bird, Desmond Cooper, Alan Huntley, Charles Nibloe, Brian Pendlebury, John Pollard.

## ITSA Merit Award

Sarah Johns, Insolvency and Trustee Service, Australia, SA—in recognition of her work at the 1996 National Bankruptcy Congress.

Annette Moodie, Insolvency and Trustee Service, Australia, Vic.—in recognition of her contribution to training and development.

Rob Saunders, Greg Barrett, Allison Bryde, Wendy Casey, Tanya Chown, Rafi Landicho, Karen Markey, Sandra Mole, Margot Peschek and Sheryl Rodgers, Insolvency and Trustee Service, Australia, Qld—in recognition of their work as members of the OTISS Insolvency Module Pilot team.

## Appendix 5 – Equal Employment Opportunity (EEO)

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### EEO Program

The Department's new EEO Program 1995–98 is the third in a series of working documents which reflects an ongoing commitment to meet the EEO objectives of the Department. The EEO Program 1995–1998 was developed in line with the new model for EEO Programs developed by the Public Service and Merit Protection Commission and was implemented in December 1995.

The main focus of the Program is that EEO is an integral part of day to day management. Thus, the main responsibility for the implementation of EEO rests with individual managers and this differentiates from previous Programs which contained specific actions and targets to assist in implementing EEO practices within the Department. The EEO Program covers all areas of the Department.

The Program contains specific strategies for the four EEO groups, but also aims to remove any barriers to equal employment for all staff, actively incorporating EEO principles and measures into people management, for the purposes of modifying workplace culture, attitudes and behaviour.

The Program also includes qualitative and quantitative performance indicators against each of the objectives. The performance indicators are designed to measure the EEO principles being actively incorporated into people management practices and with the continued implementation of the strategies listed under each objective, that there will be a steady progress overall in the representation of EEO groups within the Department.

All action undertaken within the Department is to be in line with the merit principle as described in the *Public Service Act 1922*. EEO is a reaffirmation of the merit principle and the Program is designed to recognise and eliminate any discriminatory practices in the management of the Department's staff. Ensuring that practices are non-discriminatory makes sound economic sense, as the Department is then better placed to recruit and retain the best person for each job. It also benefits individual staff by creating a better work environment.

The 1995–1998 EEO Program is a strategic document which focuses on five key objectives:

- to raise the level of awareness and understanding of EEO among staff and managers and ensure that it is integrated into all areas of human resource management;
- to ensure that EEO group members are able to compete for recruitment and promotion as effectively as others;
- to ensure that all staff have equal access to training and career development activities;
- to ensure that work and family issues are considered in all areas of human resource management;
- to ensure the elimination of all forms of workplace harassment.

### Aboriginal and Torres Strait Islander Recruitment and Career Development Strategy

The Department's Aboriginal and Torres Strait Islander Recruitment and Career Development Strategy was endorsed by the Minister for Aboriginal and Torres Strait Islander Affairs in October 1992. The major objective of the Strategy is to establish a range of appropriate recruitment, training and career development programs, together with support measures, that will effectively increase access by Aboriginals and Torres Strait Islanders to permanent full-time employment in the Department in terms of:

- the range of available occupations, including those that require tertiary qualifications or formal accreditation;
- all levels of employment;
- the geographic spread of employment, where relevant.

A steering committee developed the Strategy and has carried responsibility for implementation.

During the financial year the Department recruited one additional legal cadet from the Aboriginal and Torres Strait Islander target group. Two legal cadets from the Aboriginal and Torres Strait Islander target group have completed Legal Workshop and were appointed to legal positions in the Legal Practice. The Department currently employs 5 legal cadets from the Aboriginal and Torres Strait Islander target group.

## Resources

EEO policy development and policy advice is the responsibility of the Employment Policies Section, Executive Branch, Resources Group.

There is a network of Treasury Centre/Office EEO coordinators, both in Central Office and Regional Offices. EEO coordinators in Regional Offices attend regular regional EEO network meetings. The function of the EEO coordinators is to coordinate EEO activity in each Treasury Centre/Office in line with activities described in the EEO Program.

The General Manager, Resources (SES Band 2) is the Senior Executive Responsible for EEO.

## Consultative mechanisms

A national EEO Sub-committee meets on an ad hoc basis and reports to the National Industrial Democracy Conference as necessary. The EEO Sub-committee was responsible for the development of the new EEO Program 1995–1998.

## EEO database

The Department has a computerised human resource management system (NOMAD) that has the capacity to capture EEO data and currently holds EEO data for 66 percent of permanent staff. The provision of all EEO data is optional.

## Statistical data

Tables 15.1 and 15.2 below summarise representation of EEO groups within salary levels and representation of EEO groups within occupational groups.

## Major outcomes for 1995–96

- evaluation of the EEO Program 1992–1994
- development and implementation of the new EEO Program 1995–1998
- maintenance of the EEO statistics held on NOMAD
- training of 8 new Harassment Contact Officers
- continued implementation of the Aboriginal and Torres Strait Islander Recruitment and Career Development Strategy
- national EEO Coordinators' Conference held in August 1995
- Gender Day Conference held in December 1995
- formalisation of the 'Women's Network Group'
- establishment of a Gender Advisory Committee
- nominated for the Work and Family Awards, highlighting the Department's Work and Family Friendly Policies as outlined in the Agency Agreement
- appointment by the Board of Management of a Special Adviser to advise on gender issues in the Department
- presentation of EEO sessions on orientation, and other training courses as required

## Priorities for 1996–97

The major priorities in the 1996–97 year will be the implementation of the EEO Program 1995–98, the review of the Department's 'Elimination of Workplace Harassment' guidelines, and the conduct of a gender awareness training program for the SES.

## Further documentation

- EEO Program 1995–1998
- Guidelines for the Elimination of Harassment in the Attorney-General's Department
- Aboriginal and Torres Strait Islander Recruitment and Career Development Strategy
- Gender Vision Statement
- Resource Kit for EEO Coordinators
- Management Memorandum No.22/92 Workers with Family Responsibilities
- Management Memorandum No.25/93 Role of EEO Coordinators
- Management Memorandum No.19/94 Sick Leave, Miscellaneous Leave and Leave Without Pay (includes LWOP for family purposes)
- Management Memorandum No.06/95 Variable 48/52 Leave Scheme

Details of the Department's EEO activities and program are available from the Employment Policies Section on telephone (06) 250 6761.

## EEO in Appointments to Statutory and Non-Statutory Bodies

As at 30 June 1996 there were 468 statutory appointments to statutory and non-statutory bodies in the Attorney-General's Portfolio. Of this number, 141 were women. There were 4 appointments identified as from the EEO target group 'Aboriginal and Torres Strait Islander', 2 who identified as having a sensory disability, 1 who identified in the EEO target group 'NESB1' (people born in a non-English speaking country) and 2 who identified in the EEO target group 'NESB2' (people born in Australia to parent/s born in a non-English speaking country).

In 1995–96, 125 appointments were made to statutory and non-statutory bodies. Of these, 57 were in the EEO target group 'Women' and 1 in the EEO target group 'Aboriginal and Torres Strait Islander'.

Table 5.1 – Representation of EEO groups within salary levels at 30 June 1996

Salary	Total No. of Staff	Women	People of non-English speaking background (1st Generation)	People of non-English speaking background (2nd Generation)	Aboriginal and Torres Strait Islander People	People with Disabilities	Staff with EEO data*
Below \$25 938 Includes ASO1	144	57 40%	5 7%	6 9%	4 6%	2 3%	68 47%
\$26 560 to \$29 453 Includes ASO2	936	339 36%	29 5%	75 13%	10 2%	30 5%	573 61%
\$30 252 to \$32 651 Includes ASO3	345	206 60%	15 6%	30 12%	1 0%	20 8%	254 74%
\$33 717 to \$36 609 Includes ASO4	169	84 50%	5 4%	8 7%	2 2%	- 0%	122 72%
\$37 607 to \$39 877 Includes ASO5	156	83 53%	8 7%	19 16%	- 0%	8 7%	116 74%
\$40 618 to \$46 658 Includes ASO6	166	72 43%	9 8%	13 12%	- 0%	1 0.9%	111 67%
\$49 932 to \$54 088 Includes SOG C	156	53 34%	2 2%	5 4%	2 2%	5 4%	115 74%
\$56 846 to \$64 877 Includes SOG B	358	179 50%	10 4%	27 12%	2 1%	8 3%	229 64%
\$67 154 Includes SOG A	238	87 36%	5 3%	25 14%	- 0%	5 3%	175 74%
Above \$66 890 Includes SES	105	22 21%	3 4%	5 6%	- 0%	2 3%	78 74%
<b>Total</b>	<b>***2 773</b>	<b>1 182 43%</b>	<b>91 5%</b>	<b>213 12%</b>	<b>21 1%</b>	<b>81 4%</b>	<b>1 841 66%</b>

Table 5.2 – Representation of EEO groups in occupational groups at 30 June 1996

Group	Total No. of Staff	Women	People of non-English speaking background (1st Generation)	People of non-English speaking background (2nd Generation)	Aboriginal and Torres Strait Islander People	People with Disabilities	Staff with EEO data*
SES	105	22 21%	3 4%	5 6%	- 0%	2 3%	78 74%
ASO & related	1 053	723 69%	46 7%	105 15%	12 2%	44 6%	683 65%
Professional	673	297 44%	22 5%	57 12%	2 0%	15 3%	460 68%
Technical **	942	140 15%	20 3%	46 7%	7 1%	20 3%	620 66%
<b>Total</b>	<b>***2 773</b>	<b>1 182 43%</b>	<b>91 5%</b>	<b>213 12%</b>	<b>21 1%</b>	<b>81 4%</b>	<b>1 841 66%</b>

\* Staff who have provided EEO information.

\*\* These figures include staff classified as Protective Security Officers, Australian Protective Service

\*\*\* These tables include permanent officers only and thus the total figure of 2,773 staff is less than the total Department staffing figure of 2,820 shown at Appendices 3.1 and 3.2.

## Appendix 6 – Industrial Democracy

The following report is provided in accordance with s.22C of the *Public Service Act 1922*.

The Department supports the principles of industrial democracy. This commitment is incorporated in the Department's *Corporate Plan* and *Critical Success Policies* and is embodied in the *Industrial Democracy Plan* (The Plan).

Through the Plan, the Department recognises:

- the role of unions in industrial democracy;
- the role of union delegates as the democratically elected representatives of staff;
- the role of union delegates in the consultative processes that are the core of industrial democracy practices.

The Department's commitment to the industrial democracy process is regularly restated in policy statements and instructions to managers, and is a consistent theme of management training programs.

The current *Industrial Democracy Plan* was adopted in 1993. The main thrust of the Plan is to recognise devolution of management responsibilities by emphasising consultation within Treasury Centres on matters which affect them. This is facilitated through a requirement under the Plan for individual Treasury Centres to establish industrial democracy committees. The Australian Protective Service, Insolvency and Trustee Service, Australia and Auscript, as national treasury centres, have established such committees at both national and regional levels.

The Plan established an annual National Industrial Democracy Conference (NIDC). Conferences have been held in October 1994 and June 1995. The NIDC oversees industrial democracy arrangements in the Department including the evaluation of the strategies outlined in the Plan and the ongoing development of industrial democracy in the Department. Subcommittees to act as a national network in the areas of equal employment opportunity, occupational health and safety, technological change and organisational change were also established under the Plan.

The Plan is consistent with the Department's Critical Success Policy on Corporate Awareness and Teamwork which states that:

‘With high levels of corporate awareness and teamwork, staff will be better motivated and better able to participate in meeting the Department's objectives set out in its Corporate Plan.’

In the second half of 1995 the Department and the union conducted joint industrial democracy training days for State and Territory based Treasury Centres. Sessions were held in Sydney, Melbourne and Adelaide, with participation from Treasury Centre Industrial Democracy Committee (TCIDC) members from all States. The training was based on sessions held earlier in the year for ACT based TCIDC members. In addition, training materials prepared for the training days were collected into an *Industrial Democracy Information and Resources* book. The book has been distributed to all Treasury Centres. Evaluation comments from participants in the training sessions were extremely positive.

The Department's agency bargaining agreement, the *Attorney-General's Department Agreement 1994*, relies on the departmental Industrial Democracy Plan because it provides for consultation on a range of resource management and organisational change issues at departmental and Treasury Centre levels.

In addition to the issues discussed in the formal consultative arrangements, and in line with its commitment to industrial democracy, the Department continued to consult with staff and unions on issues that affect them. These issues included:

- the advent of ‘user choice’ for Legal Practice clients;
- agency bargaining;
- changes to organisational arrangements;
- technological change projects (particularly LOIS);

- performance management and performance pay;
- accommodation arrangements;
- staff development;
- user pays proposals.

Responsibility for the implementation of industrial democracy in the Department rests with Treasury Managers. In addition the Employment Policies Section provides support to Treasury Managers in undertaking their role and in providing secretariat services to the formal consultative arrangements. This involves a percentage of the time of the Employment Policies Section which comprises a Senior Officer Grade A, four Senior Officers Grade C, and Administrative Service Officers Class 5 and 4. The General Manager, Resources (Senior Executive Service Band 2) is the senior executive responsible for industrial democracy in the Department.

## Appendix 7 – Occupational Health and Safety

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

### Occupational Health and Safety (Commonwealth Employment) Act

The implementation of the Department's Occupational Health and Safety (OH&S) Agreement continued this year in accordance with the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the Act). The Agreement was endorsed by management and the relevant unions on 21 October 1992.

### Departmental Occupational Health and Safety Policy

The Department recognises the importance of taking all reasonably practicable steps to ensure the health and safety of its staff and provide a healthy and safe work environment.

The Department's policy in ensuring the health and safety of staff is to:

- provide and maintain a healthy and safe work environment;
- consult and cooperate with the unions and staff to achieve a healthy and safe workplace;
- comply with the Act as a minimum standard, and implement in full the requirements of the Act and its Regulations;
- ensure that appropriate organisational arrangements are in place to facilitate the implementation of the Act;
- provide appropriate resources to ensure that necessary occupational health and safety programs and activities are established and maintained;
- ensure that the staff elected as health and safety representatives are appropriately trained and provided with facilities appropriate to the performance of their responsibilities;
- inform all staff about relevant health and safety matters and provide such information in languages other than English where this might be necessary;
- integrate compliance with this policy into the Department's Corporate Plan and Performance Management Programs.

### OH&S Agreement

Implementation of the Agreement continued in accordance with the Act. Regional Health and Safety Committees met regularly during the year. The Occupational Health and Safety Agreement covers all areas of the Department.

### Reporting requirements under the Act

#### Section 68 Occurrences

(Notification and reporting of accidents and dangerous occurrences)

There were no accidents and no occurrences during the year that required giving notice to Comcare, under s.68 of the Act.

#### Investigations

There were no investigations conducted.

#### Section 45 Directions

(Power to direct that workplace etc. not be disturbed)

There were no directions given to the Department under s.45 of the Act.

**Section 30 Notices**  
(Duties of employers in relation to health and safety representatives)

No notices were issued under s.30 of the Act.

**Section 46 Notices**  
(Power to issue prohibition notices)

No notices were issued under s.46 of the Act.

**Section 47 Notices**  
(Power to issue improvement notices)

No notices were issued under s.47 of the Act.

## General

All requests for advice and investigations of reported incidents and hazards were dealt with in accordance with service standards targets.

During the year a number of policies were reviewed and developed. These included:

- accident prevention;
- first aid;
- eyesight testing for screen-based equipment.

In addition, other issues addressed during the year included:

- a report to the Board of Management outlining the feasibility of introducing a health and fitness program;
- a booklet 'A Guide to Health and Safety in the Office' was distributed to Treasury Managers and Business/Office Managers.

Two planned workplace investigations concerning occupational health and safety policies and management systems were conducted by Comcare Australia at the Office of the Australian Government Solicitor, Victoria and the Office of the Australian Government Solicitor, Tasmania.

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## Appendix 8 – Client Comments

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### Legal Practice

The Legal Practice has a complaints handling policy in place which recognises the importance of responding to complaints in a timely and responsible manner in developing sound relationships with clients. The policy which sets out guidelines, procedures and assigns responsibilities in relation to complaints directed to the Practice is complemented by the client services management program and service agreements.

### Client Service Management

Increased client focus is a key management strategy in the commercialisation of legal services provided by the Legal Practice. Major clients of the Practice are closely consulted in the development of management policy and commercial strategies.

The Legal Practice has a National Client Service Manager network of senior officers who monitor the Practice's client relationships. This network is the primary method of monitoring and handling inquiries from clients regarding service arrangements and complaints.

It is also the role of the General Managers, Central Practice and Practice Development and of each other Treasury Centre Manager in the Legal Practice to oversee the Practice's relations with its clients and this includes dealing with complaints from them.

### Role of Service Agreements

A number of service agreements or arrangements have been made with clients. These take a range of forms and, where made, are a major focus for clients and the Legal Practice in identifying the needs and expectations of clients. Discussions on service delivery arrangements are continuing with clients and provision is made for resolving any problems clients have in the delivery of their legal services.

### Complaints from non-Australian Public Service clients

The Legal Practice's client base is largely comprised of organisations within the Australian Public Service. In relation to those clients of the Practice outside the Australian Public Service, there were no complaints recorded in 1995–96.

### Insolvency and Trustee Service, Australia

There were 97 complaints made during the year in relation to the approximately 25,500 bankrupt estates finalised or still under administration. This total excludes some instances of multiple but unjustified complaints from persons dissatisfied with their circumstances as distinct from complaints about the administration of their bankrupt estates.

One complaint was found to be warranted. It related to the interpretation of s.139L of the *Bankruptcy Act 1966* under which ITSA had sought to characterise, as income of a bankrupt, the value of superannuation contributions made on his behalf by his employer. As a result, the practical interpretation and relevant staff guidelines were changed.

### Legal Aid and Family Services

A survey was undertaken during 1995–96 to identify strengths and weaknesses in working relationships between LAFS and stakeholders.

The research consisted of a telephone survey of 125 stakeholders, and a further 32 in-depth discussions with nominated stakeholders. Stakeholders included service providers, researchers and evaluators, national peak bodies and other government agencies and departments.

Major topics canvassed in the survey included:

- organisational capacity to communicate and meet LAFS corporate objectives;
- a partnership approach with stakeholders involving greater communication and information sharing with service providers;
- adoption of 'best practice' principles in relation to funding;
- a stronger role for LAFS in innovative research and policy development.

While overall there appeared to be a good understanding of the role of LAFS, it was felt that there may be some need for clarification as perceptions differed across stakeholders. Peak bodies saw LAFS as having a broad directional policy-related role, whereas service providers tended to see a more practical and administrative role for LAFS.

The findings of the survey will assist LAFS in the service-wide performance information review, to be undertaken by the Department in 1996–97.

## Australian Protective Service

To reflect its mission and vision statement the Australian Protective Service (APS) works closely with its clients to meet their specific needs and expectations in terms of service delivery.

The APS has in place a National Portfolio Manager program which monitors its client relationships. The role of the individual Portfolio Manager is to ensure that the contracted service delivery provided by the APS, reflects the Memorandum of Understanding in place with clients on a national basis.

Complaints at a regional level are dealt with by the relevant Regional Commander and where complaints are of national significance, the Portfolio Manager is responsible for investigation and resolution. APS policy requires that all complaints be investigated and resolved in ten days.

## Appendix 9 – Internal and External Scrutiny—List of matters

### 9.1 – Reviews by the Auditor-General

*Report No.13 of 1995–96 Financial Statements Audit—Results of the 1994–95 Financial Statements Audits of Commonwealth Entities*—tabled 28 November 1995

*Report No.15 of 1995–96 Financial Statement Audit—Aggregate Financial Statement Prepared by the Minister for Finance year ended 30 June 1995*—tabled 13 February 1996

*Report No.22 of 1995–96 Performance Audit—Workers’ Compensation Case Management Comcare Australia and Selected Agencies*—tabled 9 May 1995

*Report No.26 of 1995–96 Performance Audit—Defence Export Facilitation and Controls*—tabled 14 June 1996

*Report No.27 of 1995–96 Financial Control and Administration Audit—Asset Management*—tabled 14 June 1996

*Report No.33 of 1995–96 Preliminary Study—Joint Commercial Arrangements*—tabled 25 June 1996

### 9.2 – Inquiries by Parliamentary Committees

#### Legal Practice

Committee	Subject of Review
Joint Committee of Public Accounts	Administration of Specific Purpose Payments <sup>d</sup>
Joint Standing Committee on Foreign Affairs, Defence and Trade	Australia’s relations with Thailand <sup>bcd</sup>
Joint Standing Committee on Foreign Affairs, Defence and Trade	Australia’s response to the situation in the former Yugoslavia <sup>bcd</sup>
Joint Select Committee on Certain Family Law Issues	Funding and administration of the Family Court of Australia <sup>d</sup>
Senate Environment, Recreation, Communications and the Arts References Committee	Coastal and marine pollution <sup>b</sup>
Senate Finance and Public Administration References Committee	Service delivery by the Australian Public Service <sup>d</sup>
Senate Foreign Affairs, Defence and Trade References Committee	Australian Government provision of consular services <sup>bf</sup>
Senate Foreign Affairs, Defence and Trade References Committee	Crash of RAAF Nomad Aircraft A18-401 <sup>d</sup>
Senate Foreign Affairs, Defence and Trade References Committee	Nuclear testing and non-proliferation <sup>bc</sup>
Senate Legal and Constitutional Legislation Committee	Crimes Amendment (Controlled Operations) Bill 1996 <sup>bc</sup>
Senate Legal and Constitutional Legislation Committee	Crimes Amendment (Forensic Procedures) Bill 1995 <sup>bc</sup>
Senate Legal and Constitutional Legislation Committee	Sex Discrimination Amendment Bill 1995 <sup>cc</sup>

Senate Legal and Constitutional  
References Committee

Senate Legal and Constitutional  
References Committee

Senate Legal and Constitutional  
References Committee

Senate Legal and Constitutional  
References Committee

Senate Select Committee on Public  
Interest Whistleblowing

House of Representatives Standing  
Committee on Aboriginal and Torres  
Strait Islander Affairs

House of Representatives Standing  
Committee on Legal and Constitutional  
Affairs

## Insolvency and Trustee Service, Australia

### Committee

Senate Legal and Constitutional  
Legislation Committee

Senate Legal and Constitutional  
References Committee

## Legal Aid and Family Services

### Committee

House of Representatives Standing  
Committee on Community Affairs

House of Representatives Standing  
Committee on Employment, Education  
and Training

### Key

- <sup>a</sup> Response made to the Committee
- <sup>b</sup> Submission made to the Committee
- <sup>c</sup> Appearance made before the Committee
- <sup>d</sup> Report handed down by the Committee, still under consideration by the Department
- <sup>e</sup> Legislation has been drafted in response to recommendations by the Committee
- <sup>f</sup> Inquiry in progress
- <sup>g</sup> Final response presented

Administrative Decisions (Effect of  
International Instruments) Bill 1995 <sup>d</sup>

The Commonwealth's actions in relation  
to *Ryker (Faulkner) v. The  
Commonwealth and Flint* <sup>abcdg</sup>

The Commonwealth's treaty-making  
power and the external affairs power <sup>g</sup>

Payment of a Minister's legal costs <sup>b</sup>

Whether the practice of whistleblowing  
should be the subject of Commonwealth  
legislation to enable such disclosures in  
the public interest <sup>bcd</sup>

Review the first annual report of the  
implementation of the Commonwealth  
Government response to the Royal  
Commission into Aboriginal Deaths in  
Custody <sup>g</sup>

Protection of confidential personal and  
commercial information held by the  
Commonwealth <sup>bcd</sup>

### Subject of Review

Bankruptcy Legislation Amendment Bill  
1995 <sup>bcd</sup>

The Commonwealth's actions in relation to  
*Ryker (Faulkner) v. The Commonwealth  
and Flint* <sup>bcd</sup>

### Subject of Review

Migrant access and equity <sup>a</sup>

Truancy and exclusion from school <sup>a</sup>

## Appendix 10 – Freedom of Information (FOI) Matters

### 10.1 – Attorney-General’s Department and some Portfolio Agencies—functional statements

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

- Administrative Appeals Tribunal
- Administrative Review Council
- Austrac
- Australian Federal Police
- Australian Institute of Criminology
- Australian Law Reform Commission
- Australian Security Intelligence Organization
- Criminology Research Council
- Director of Public Prosecutions
- 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
- 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.

# 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 *Freedom of Information Act 1982* 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: (06) 250 6744  
Facsimile: (06) 250 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.

*Sydney*  
Level 21–25  
Piccadilly of Sydney  
133 Castlereagh Street  
Sydney NSW 2000  
(02) 9581 7777

*Melbourne*  
12th Floor  
200 Queen Street  
Melbourne Vic 3000  
(03) 9242 1222

*Adelaide*  
Level 20  
Grenfell Centre  
25 Grenfell Street  
Adelaide SA 5001  
(08) 205 4211

*Hobart*  
4th Floor  
Commonwealth Law Courts Building  
39–41 Davey Street  
Hobart Tas 7000  
(03) 6232 1830

*Perth*  
Level 19  
Exchange Plaza  
2 The Esplanade  
Perth WA 6000  
(09) 268 1199

*Brisbane*  
Level 15  
340 Adelaide Street  
Brisbane Qld 4001  
(07) 3360 5600

*Darwin*  
9th Floor  
National Mutual Centre  
11 Cavenagh Street  
Darwin NT 0800  
(09) 8943 1444

All Senior Executive Service officers in the Department are authorised to make decisions under the 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 locations shown above as the addresses of the FOI Coordinator and Contact Officers.

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 the Commonwealth Government (AGPS) bookshops. 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 and departmental officers;
- briefing papers and submissions prepared for the Attorney-General;
- 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 Practice

### 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 of the AGS, see separate entry at page 200).

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 under 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 1903* 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 practice 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;
- *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 Legal Practice and Directors 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), Central 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 Deputy Secretary (position no.75), Deputy Government Solicitor (Litigation) and the Deputy Government Solicitor (Commercial Law);
- *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), Deputy Secretary (position no.75) and the Deputy Government Counsel, Civil Law Division also hold delegations under the section);
- *Northern Territory (Self-Government) Act 1978* (s.70): relates to 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 Deputy Secretary (position no.75), the Deputy Government Solicitors (Commercial Law and Special Projects) 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 165):

- documents relating to criminal matters (in the offices in Tasmania and the Northern Territory), to claims by and against the Commonwealth and authorities and to 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 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 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; and is responsible for administration of the *Commonwealth Motor Vehicles (Liability) Act 1959*.

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 normally consists of four units. The Civil Unit deals with a broad range of matters falling within the functions of the Office, other than those dealt with by the other Units. The Revenue Unit discharges office functions in respect of taxation, customs and insolvency matters. 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 Unit deals with intervention by the Attorney-General in cases involving a constitutional issue.

### **Categories of documents**

The Office maintains the following specific categories of documents (for further general categories of documents, see page 165):

- 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 against the Commonwealth dealt with in the Office, including claims received, copies of requests for advice and advice given in respect of claims received, copies of internal minutes concerning the claims and of decisions made in respect of them.

## **Office of Commercial Law**

### **Functions**

The principal functions of the Office 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; and legal advice to the Attorney-General, ministers, departments and statutory bodies on the above matters.

The Office consists of four groups: Finance, Property and the Environment, Government Enterprises and Commercialisation, Information Technology and Intellectual Property, and Defence and Special Projects. 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 and Special Projects Group: defence-related work which is within the functions of the Office of Commercial Law 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 Law) 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 165):

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

## 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 (eg. constitutional review and reform) and in relation to reform or amendment of Acts administered within the Office (eg. 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 Office is responsible for the following Acts:

*Acts Citation Act 1976*

*Acts Interpretation Act 1901* (except in so far as it relates to the tabling and disallowance of instruments)

*Amendments Incorporation Act 1905*

*Australia Act 1986*

*Australia (Request and Consent) Act 1985*

*Commonwealth Places (Application of Laws) Act 1970*

*Parliamentary Papers Act 1908*

*Parliamentary Privileges Act 1987*

*Statute of Westminster Adoption Act 1942*

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

- 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 and transport;
- 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 change, particularly in relation to Australia becoming a republic.

### **Categories of documents**

The Office maintains the following specific categories of documents (for further general categories of documents, see page 165):

- 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 International Law**

### **Functions**

The principal function of the Office is to provide legal advice to ministers and departments and, as appropriate, to statutory bodies and parliamentary committees on international legal questions, except that other areas of the Department will ordinarily give advice on matters relating to their functions or subject area.

The Office develops and implements projects in the international field. It prepares briefs and submissions for committees and conferences, including, as appropriate, parliamentary committees and international conferences and, as required, represents the Department at such committees and conferences. It also provides assistance to the Solicitor-General, the Secretary and the Deputy Secretaries.

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*

*Seas and Submerged Lands Act 1973*

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.

### **Categories of documents**

The Office maintains the following specific categories of documents (for general categories of documents, see page 165):

- 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 Legislative Drafting

### Functions

The principal function of the Office is the drafting of delegated legislation, including, regulations and other instruments under Commonwealth Acts, Ordinances for Australia's non-self-governing territories, instruments under such Ordinances, and other instruments for execution by the Governor-General, ministers, and officers of departments and statutory bodies. The Office also advises on drafting legislative instruments and the formalities of making legislative instruments.

The Office consists of three Drafting Units, a Law Revision Unit and the Registration and Support Unit.

The three drafting Units draft legislative and other instruments under Commonwealth Acts. In addition, Drafting Unit 2 drafts Ordinances and Regulations for the following Territories: Christmas Island, Cocos (Keeling) Islands, Ashmore and Cartier Islands, Coral Sea Islands, Australian Antarctic Territory, the Territory of Heard Island and McDonald Islands and the Jervis Bay Territory. The Law Revision Unit rewrites laws that are difficult to use or understand and is responsible for preparing the Delegated Legislative Instruments Handbook and guidelines for review of existing instruments.

The Registration and Support Unit is responsible for the gazettal, publication and tabling of Statutory Rules and of legislation of the Territories referred to above.

### Categories of documents

The Office maintains the following specific categories of documents (for further general categories of documents, see page 165):

- drafting instructions (issued by departments and authorities) 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;
- copies of Commonwealth, Territory and State legislation and draft legislation.

## International Trade Law and Intellectual Property Branch

### Functions

The Branch formulates legal policies and legislative proposals and provides legal advice in relation to both international trade law and intellectual property law. Its work in the field of international trade and commercial law involves: attendance at meetings and other work in connection with Australia's participation in a number of international trade law bodies (in particular, UNCITRAL, Unidroit and the Hague Conference on Private International Law) and in connection with the Department's consultations with the International Trade and Business Committee and the International Legal Practice Committee of the Law Council of Australia; conduct of the annual international trade law conference; consideration of the proposed implementation of conventions relating to international trade law, international commercial arbitration, including responsibility for the *International Arbitration Act 1974*; international sale of goods, international contracts formed by electronic document interchange, including bills of lading, international bills of exchange, cheques and other negotiable instruments and international credit transfers; advising on dispute resolution provisions of investment protection agreements between Australia and other countries, international legal practice including globalisation of legal services, right of practice of foreign lawyers and the General Agreement on Trade in Services as it relates to legal services; servicing the International Legal Services Advisory Council and the Australian International Legal Cooperation Committee.

In the field of 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 the Australian Government Publishing Service, developing policy for the granting of permission to members of the public to use legal 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 and the World Trade Organisation Agreement on Trade-related Aspects of Intellectual Property Rights, 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; advice on action against Australia under s.301 of US Trade Act; servicing the Copyright Law Review Committee; and providing legal advice concerning intellectual property matters generally.

### **Arrangements for outside participation**

The Branch seeks the views of the International Law Section, the International Trade and Business Committee and the International Legal Practice Committee of the Law Council of Australia on some of the more important international trade law matters related to the functions of the Branch. The views expressed by the Section and the Committees assist in the formulation of Australian attitudes to such matters.

As part of the broad consultative arrangements between the Commonwealth, the States and the Territories, the Branch seeks views on Australia's involvement in the formulation of international treaties and in relation to whether Australia should implement conventions in the field of international trade law. Certain matters relating to international treaty making and the implementation of certain treaties in the field of international law are referred to the Standing Committee of Attorneys-General in order to obtain the views of the States and Territories.

The Branch organises an annual international trade law conference which provides an opportunity for Australian business people and lawyers to be informed of developments in the field and to contribute to the development of Australia's policies.

The International Legal Services Advisory Council (ILSAC) was established in late 1990 to help improve Australia's international performance in the legal and related services area, by providing a consultative forum of private and public sector interests to consider relevant issues and to help ensure government policies and programs are well coordinated. The Committee is chaired by Sir Laurence Street, and comprises about 17 members representing government departments and agencies (including the Attorney-General's Department), the private legal profession, educational institutions and the business community.

The Australian International Legal Cooperation Committee is a part-time committee which advises the Attorney-General on the Australian International Legal Cooperation (AILEC) program. The objective of the AILEC program is to strengthen relations between Australia and Vietnam, Cambodia and Laos in the field of law. The Committee develops and coordinates legal cooperation activities and disseminates information in addition to advising on implementation and management of the AILEC program.

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 five persons and is assisted by an expert advisory group of three persons with relevant expertise and experience in a variety of fields. The Government is presently reviewing the structure and function of the Committee. 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, the 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 165):

- 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;
- papers and correspondence relating to the question of Australia's attitude to the work of international trade law bodies and to the question of Australian accession to or ratification of international conventions in this field;
- papers and correspondence relating to the organisation and convening of the international trade law conferences and to other symposiums conducted by the Department;
- papers and correspondence relating to application for permission to use legal material in which Commonwealth Crown copyright subsists.

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

- a booklet explaining copyright law;
- an information sheet on the Australasian Performing Right Association and Phonographic Performance Company of Australasia;
- discussion papers issued by the Copyright Law Review Committee;
- a discussion paper on proposals for reform of Australian bills of lading legislation;
- brochures on the International Legal Services Advisory Council (ILSAC) and the Australian International Legal Cooperation (AILEC) Committee and Program.

## 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, privacy, administrative law including judicial and non-judicial review of administrative decisions, federal courts and tribunals, judicial procedures, enforcement of judgments, freedom of information, 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; and 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 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 four branches and one unit: Courts and Tribunals Branch, Human Rights Branch, Family and Administrative Law Branch, International Civil and Privacy Branch and the Legal Procedure Unit.

## Courts and Tribunals Branch

### *Functions*

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 and resources of the High Court, the Federal Court, Family Court, Industrial Relations Court, the Administrative Appeals Tribunal (AAT) and the National Native Title Tribunal;
- development of policy and programs on training of court interpreters in Aboriginal and Torres Strait Islander languages;
- Federal Costs Advisory Committee;
- legal practice in federal courts;
- judicial studies;
- judicial and statutory officer remuneration policy and terms and conditions;
- payments to the States in connection with the exercise by State courts of family law jurisdiction;
- development of alternative dispute resolution procedures in federal courts and tribunals;
- National Alternative Dispute Resolution Advisory Council.

The Branch administers the following legislation:

*Administrative Appeals Tribunal Act 1975* (some AAT Act issues, eg. review procedures, are dealt with by the Family and Administrative Law Branch)

*Australian Capital Territory Supreme Court (Transfer) Act 1992*

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

*Defence Force Discipline Appeals Act 1955*

*Domicile Act 1982*

*Environment Protection (Northern Territory Supreme Court) Act 1978*

*Family Law Act 1975* (Parts IIIA, 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*

*Industrial Relations Act 1988* (Part XIV)

*Industrial Relations Act 1988* (Part XIV except sections 413 and 417)

*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)

*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

## 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 *Administrative Appeals Tribunal Act 1975*, Parts IV and IVA of the *Family Law Act 1975*, the *Federal Court of Australia Act 1976*, the *High Court of Australia Act 1975*, part XIV of the *Industrial Relations Act 1988*, the *Native Title Act 1993*, the *Complaints (Australian Federal Police) Act 1981*, the *Defence Force Discipline Appeals Act 1955* and the *Copyright Act 1968*.

The Branch works with the Office of Litigation on advising the Attorney-General in relation to notices provided to the Attorney-General under the *Judiciary Act 1903*, *Jurisdiction of Courts (Cross Vesting) Act 1987* and the *Native Title Act 1993*. Following changes to the Administrative Arrangements Order on 11 March 1996, the Prime Minister became responsible for receiving notices under the Native Title Act.

## Categories of documents

The Branch maintains the categories of documents listed in the general categories of documents on page 165.

## Human Rights Branch

### Functions

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

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Human Rights and Equal Opportunity Commission Act 1986*

*Disability Discrimination Act 1992*

*Geneva Conventions Act 1957* and the *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.

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* and 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;*

- prepares 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**

The Geneva Conventions Dissemination Committee is a body comprising representatives of the Attorney-General's Department (chair), the Department of Foreign Affairs and Trade, the Department of Defence, and the Australian Red Cross Society. The Committee has responsibility for dissemination of information on the Geneva Conventions and Protocols throughout Australia.

It is proposed to establish a regular Forum for non-government organisations to exchange information and discuss domestic human rights issues and developments. 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 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.

The Forum will provide a focussed 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. Details and the likely timing for the Forum are still being considered. The work will involve developing an agenda, organising the Forum including venue, catering, letters of invitation, opening speech for Attorney-General and follow up submission to the Attorney-General on issues raised/outcomes. The Forum is likely to meet twice a year.

The Working Group 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 will advise 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:

- National Coalition for the Development of Disability Standards;
- Australian Disability Consultative Council;
- Disability Discrimination Commissioner and one of her officers;
- Attorney-General's Department;
- Department of Health and Family Services.

### **Categories of documents**

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 165):

- briefing for the Attorney-General on policy proposals within the Branch's responsibilities;
- advice on policy proposals concerning human rights and privacy 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 Standing Committee of Attorneys-General (and previously the Ministerial Meetings on Human Rights), as well as internal memoranda and correspondence relating to those meetings.

## Family and Administrative Law Branch

### Functions

The Branch has legal policy and administrative responsibility in relation to family law; the Commonwealth-wide administration of, and provision of legal advice on, the *Freedom of Information Act 1982*; and legal policy and administrative responsibility for administrative review.

The Branch administers the following Commonwealth legislation:

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

*Administrative Appeals Tribunal Act 1975* (administrative review policy issues only)

*Administrative Decisions (Judicial Review) Act 1977*

*Family Law Act 1975*

Family Law Regulations (except in so far as they relate to international arrangements for maintenance and custody)

*Freedom of Information Act 1982*

Freedom of Information 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;
- 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.

The administrative law area of the Branch is responsible for information access law and for administrative review of government decisions. In relation to information access law, the FOI Act gives the Attorney-General the power to approve the form in which agencies publish statements required by s.8 of the FOI Act, and requires that a statement setting out the addresses of Information Access Offices be published. The FOI Act also requires the Attorney-General to prepare and table in Parliament an annual report on the operation of the Act.

As regards information access law, the Branch:

- monitors the implementation and use of the FOI Act;
- develops proposals for legislation concerned with access to Commonwealth Government information;
- develops guidelines on the interpretation, application and operation of the FOI Act;
- advises Commonwealth departments and authorities on the administration of the FOI Act;
- develops instructional and training materials on the FOI Act and conducts training seminars for officers of agencies under the Act;
- provides officers to speak on the FOI Act to interested groups outside the Commonwealth administration;
- advises Commonwealth departments and authorities in respect of matters concerning the FOI Act brought on appeal before the Administrative Appeals Tribunal (AAT) or the Federal Court of Australia;
- monitors decisions made by the AAT and courts in respect of the FOI Act and advises Commonwealth departments and authorities on the implications of those decisions;
- liaises with State and overseas authorities responsible for FOI matters;
- provides legal advice and assistance to Commonwealth departments and agencies on the FOI Act, *Archives Act 1983*, *Ombudsman Act 1976* and secrecy provisions in Commonwealth legislation;
- provides legal advice and assistance to the Australian Archives in relation to its powers and functions under the Archives Act and the application of that Act to records of other departments and agencies;
- provides legal advice and assistance to the Office of Film and Literature Classification and State and Territory authorities.

In relation to administrative review, the Branch:

- monitors the operation of the Commonwealth administrative review system;
- develops proposals for legislation relating to the review of administrative decisions;

- develops guidelines for departments and agencies with respect to review of administrative decisions in legislation;
- advises Commonwealth departments and authorities on the interpretation of the Administrative Decisions (Judicial Review) Act and the AAT Act;
- advises Commonwealth departments and agencies on Commonwealth administrative review policy;
- monitors 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;
- advises the Attorney-General on matters to be referred to the Administrative Review Council;
- coordinates consideration of reports and letters of advice to the Administrative Review Council.

## 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 and the Administrative Review 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.

Further, the Branch provides advice on the following—

### *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.

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).

### ***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 and coming before the Standing Committee of Attorneys-General.

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.

The Administrative Review Council, established by s.48 of the AAT Act, may allow outside participation in the formulation of administrative law policy issues by the Attorney-General.

### ***Categories of documents***

The following specific categories of documents are maintained by the Branch (for general categories of documents, see page 165):

- papers relating to the National Maintenance Inquiry;
- papers relating to the Child Support Scheme;
- guidelines on the interpretation of the FOI Act;
- memoranda summarising decisions by the Federal Court and the AAT under the FOI Act;
- documents relating to the development of training materials for FOI and administrative law training programs.

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

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

## **International Civil and Privacy Branch**

The Branch is responsible for privacy, international arrangements for cooperation in matters of civil procedure and family law, Australia’s membership of the Hague Conference on Private International Law and international reporting and complaints procedures in relation to human rights.

The Branch administers the following legislation

*Privacy Act 1988*

*Foreign Judgments Act 1991*

Foreign Judgments Regulations

*Foreign Evidence Act 1994* Parts 1, 2 and 6

Family Law (Child Abduction Convention) Regulations

Family Law Regulations (in so far as they deal with international arrangements in relation to maintenance and custody).

In relation to privacy, the Branch:

- administers and reviews the *Privacy Act 1988*;
- develops legal policy and law reform proposals;
- advises the Attorney-General;
- liaises with the Privacy Commissioner;
- provides legal and legal policy advice to Commonwealth agencies;
- provides training for agencies covered by the Act.

In relation to international arrangements for cooperation in matters of civil procedure and family, the Branch:

- 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.

In relation to the Hague Conference on Private International Law, the Branch is responsible for Australia's general obligations as a member of the Conference including promoting Australia's interests in relation to the future direction and work program of the Conference and budgetary obligations.

In relation to international human rights reporting and complaints procedures, the Branch:

- prepares Australia's reports to the United Nations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;
- prepares the Department's input to reports to the United Nations prepared by other Departments under 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;
- prepares Australia's submissions to the United Nations in response to complaints by individuals under the First Optional Protocol to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;
- liaises with Commonwealth and State and Territory agencies and non-government organisations in relation to the above reporting and complaints machinery;
- develops policy and advises the Attorney-General in relation to the above reporting and complaints machinery.

## **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;
- appointment of State and Territory Central Authorities in relation to International Child Abduction.

The Branch also 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 perform all functions of the Commonwealth Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction;
- the power to perform all functions of a Transmitting Agency or a Receiving Agency under the United Nations Convention on the Recovery Abroad of Maintenance.

The Branch also has the responsibility to transmit custody, access and maintenance orders in respect of matters where a party is in a reciprocating jurisdiction pursuant to the Family Law Regulations.

## **Arrangements for outside participation**

An officer of the Branch participates in the Privacy Commissioner's Credit Reporting Consultative group, the Austel Privacy Advisory Committee, the Ministerial Council of Consumer Affairs Working Group on Distance Selling Code of Conduct and the Asia Pacific Smart Card Forum. All these bodies include persons outside the Commonwealth administration. Internationally, the Branch was represented at the Ad Hoc Meeting of Experts on Privacy Security and Intellectual Property convened by the Organisation for Economic Co-operation and Development Committee in Canberra in February 1996 and at the 17th meeting of the Council of Europe Project Group and Data Protection in an observer capacity. An officer of the Branch also attended the New Zealand Privacy Commissioner's Privacy Issues Forum in Wellington in June 1995.

The Branch liaises with Commonwealth, State and Territory agencies in preparing international human rights reports and responses to complaints by individuals to the United Nations. The Branch has also liaised on a pilot basis with non-government bodies in preparing Australia's report under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. The establishment of a Non-government Organisation Forum has been agreed to by the Attorney-General. This will provide the basis for future liaison with non-government organisations in the preparation of reports.

The Branch is responsible for matters related to the functions of the Branch coming before the Standing Committee of Attorneys-General.

## **Categories of documents**

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 165):

- training materials on privacy;
- United Nations documentation with respect to the reports prepared under various human rights treaties;
- documentation on complaints to United Nations treaty bodies.

## **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 Standing Committee of Attorneys-General.

The Unit administers the following legislation:

*Evidence Act 1995*

Evidence Regulation 1995

*Evidence and Procedure (New Zealand) Act 1994*

Evidence and Procedure (New Zealand) Regulation 1995

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

*Service and Execution of Process Act 1992*

Service and Execution of Process Regulation 1993

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

### **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.

### **Categories of documents**

The Unit maintains the following specific categories of documents (for further general categories of documents, see page 165):

- 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 Standing Committee of Attorneys-General;
- documents for the Executive Council;
- documents relating to the Evidence Act Monitoring Committee.

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.

## **Criminal Law Division**

### **Functions**

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 and providing legal advice, in relation to:

- 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;
- legal and policy advice on the *Crimes Act 1914*, the *Crimes at Sea Act 1979*, the *Crimes (Overseas) Act 1964*, the *Crimes (Currency) Act 1981*, the *Director of Public Prosecutions Act 1983*, the *Secret Commissions Act 1905*, *War Crimes Act 1945*, *Criminology Research Act 1971*, *Transfer of Prisoners Act 1983* and the *Witness Protection Act 1994*;
- legal and policy advice relating to proceeds of crime and money laundering as well as advice on the *Proceeds of Crime Act 1987*, the *Crimes (Superannuation Benefits) Act 1989*, Part XIII, Division 3 of the *Customs Act 1901* and the *Financial Transaction Reports Act 1988*;
- legal advice and policy advice in relation to federal offenders, sentencing and witness protection.

### Categories of documents

The Branch maintains the following specific category of documents (for general categories of documents, see page 165):

- applications, submissions and decisions relating to the release of federal prisoners, the revocation of parole or licence, welfare and trial transfers, copies of parole orders and licences granted;
- applications, submissions and decisions relating to the granting of pardons and the remission of sentences and fines.

## International Branch

### Functions

The Branch is responsible for the administration and review of the laws relating to extradition, mutual assistance in criminal matters 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;
- 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 and of Australia for the taking of evidence in criminal matters,
  - requests by and of Australia for other mutual assistance in criminal matters,
  - cases arising under the *Defence (Visiting Forces) Act 1963* and Status of Forces agreements.

### Categories of documents

The Branch maintains no specific category of documents (for general categories of documents, see page 165).

## 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.

### Categories of documents

The Criminal Law Reform Unit maintains the following specific categories of documents (for further general categories of documents, see page 165):

- discussion papers issued by the Review of the Commonwealth Criminal Law and departmental observations thereon;
- working papers of the Criminal Law Officers Committee;
- working papers of the Model Criminal Code Officers Committee.

## Security Division

The Division is organised into two branches: the Security Law and Justice Branch and the Protective Security Coordination Centre.

### 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 national security, telecommunications interception and listening devices, counter-terrorism, protective security and public order, and official secrets, and, on behalf of the Attorney-General, administering the following Acts of Parliament:

*Australian Federal Police Act 1979*

*Australian Security Intelligence Organization Act 1979*

*Complaints (Australian Federal Police) Act 1981*

*Crimes Act 1914, s.70 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*

*Customs Act 1901, Division 1A of Part XII*

*National Crime Authority Act 1984*

*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 165).

## **Protective Security Coordination Centre**

### **Functions**

The primary role of the Centre is to coordinate policies, plans and arrangements for countering the assessed threat and risk of politically motivated violence and for managing the Commonwealth's security responsibilities.

Specific functions include:

- responsibility for protective security policy, including the Commonwealth's Protective Security Manual, and for promoting effective protective security practices;
- analysis, development and coordination of Commonwealth policy, training programs and equipment acquisition to counter terrorism in conjunction with the States and Territories;
- development and review of national counter-terrorism contingency plans and procedures;
- maintenance of appropriate levels of security for diplomatic and consular representation in Australia;
- analysis and development of Commonwealth policy and plans for the protection of Australian and visiting holders of high office.

### **Arrangements for outside participation**

The head of the Centre is the Executive Deputy Chair of the Standing Advisory Committee on Commonwealth–State Cooperation for Protection Against Violence (SAC-PAV) and the Centre 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 State and Commonwealth departments and agencies, police and the Defence Force.

### **Categories of documents**

The Centre maintains the following specific categories of documents (for further general categories of documents, see page 165):

- 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 dignitaries including diplomatic and consular representation;
- correspondence and other documents relating to protective security policies for Commonwealth personnel and establishments.

## Overseas Representatives

### United States of America \*

#### *Functions*

The overseas representative in the United States of America is the Minister-Counsellor (Legal) in the Australian Embassy in Washington. The functions of the overseas representative are to provide legal advice and other legal services to the Government in connection with matters of concern arising in North America; to provide legal representation in Australian delegations to conferences where it would be far more costly and sometimes not practicable to send Australia-based officers; and to maintain liaison with legal authorities in the United States and Canada and to report to the Government on legal developments in those countries of relevance to Australia.

#### *Categories of documents*

The representative maintains the following specific categories of documents (for further general categories of documents, see page 165):

- correspondence and records of communications between the representative and Australian, United States of America and Canadian Governments and agencies, and other diplomatic missions and representatives;
- records of communications within the Embassy;
- briefs provided by the Department to enable the office to provide representation at international meetings;
- communications with and documents emanating from the secretariats of international organisations in respect of which the office has representational functions;
- records of miscellaneous communications with persons and organisations in Australia, the United States and Canada, chiefly concerning requests for information relating to specific legal developments, or laws, in Australia, the United States or Canada.

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

- media releases and other similar material relevant to the functions of the office (which are also available from the Central Office of the Department).

\* Office to close 31 December 1996

### Europe

#### *Functions*

The Counsellor (Legal) in the Australian Embassy in Brussels acts as Legal Counsel (Europe) for the Government. The functions of Legal Counsel (Europe) are to provide legal advice and other legal services to the Government in connection with matters of concern arising in Europe; to provide legal representation in Australian delegations to conferences where it would be far more costly and sometimes not practicable to send Australia-based officers; and to maintain liaison with legal authorities in Europe and to report to the Government on legal developments in Europe of relevance to Australia.

#### *Categories of documents*

Legal Counsel (Europe) maintains the following specific categories of documents (for further general categories of documents, see page 165):

- correspondence and records of communications between Legal Counsel (Europe) and Australian, European Governments and agencies, and other diplomatic missions and representatives;

- records of communications within the Embassy;
- briefs provided by the Department to enable the office to provide representation at international meetings;
- communications with and documents emanating from the secretariats of international organisations in respect of which the office has representational functions;
- records of miscellaneous communications with persons and organisations in Australia and Europe, chiefly concerning requests for information relating to specific legal developments, or laws, in Australia or Europe.

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

- media releases and other similar material relevant to the functions of the office (which are available also from the Central Office of the Department).

## Support Group

The Support Group provides the services of a 'managing partner' to the Legal Practice as well as providing support to other elements of the Department in respect of non-devolved functions. The Group comprises Practice Development, Resources, and Information Technology.

## Practice Development

### *Functions*

Practice Development is responsible for coordinating activities to develop the Legal Practice so that it becomes the pre-eminent provider of legal services and legal policy advice in the Australian public sector. Marketing, quality initiatives and client service aspects of the user choice system for the delivery of legal services fall within the responsibilities of Practice Development, as do the communication responsibilities undertaken by the Public Affairs Section, the publications responsibilities of the Office of Legal Information and Publishing, and the professional development responsibilities of the Professional Development Unit.

Practice Development is responsible for marketing in the Legal Practice. This embraces coordination of marketing planning and provision of marketing services.

Practice Development is also responsible for client service management, practice group and process improvement programs to improve the quality of service provided to clients of the Legal Practice.

Regular liaison is maintained with legal staff in other agencies and formal liaison through the conduct of meetings of the Government Lawyers Liaison Group.

The Public Affairs Section of Practice Development promotes the image of the Department, including the Legal Practice, both internally and externally. It also provides a full range of public relations support to the Attorney-General.

The Office of Legal Information and Publishing was established in November 1992. The Office has responsibility for the coordination and most efficient accessing of the legal information held in the Legal Practice. The Office also has the responsibility for the publishing and marketing of legal materials produced in the Legal Practice.

The Professional Development Unit has a major responsibility for the development of policies and education and development programs aimed at ensuring the staff of the Department and the Legal Practice have the right mix of knowledge and skills. The Unit provides national internally developed programs for staff, coordinates and develops a range of other training and development activities and provides legal education services to the Practice and its clients. The Unit administers the legal cadet program and the Department's participation in the Aboriginal legal cadet program and the Public Service Commission's Executive Development Scheme and Senior Women in Management program. The Unit also provides policy advice to the Department on human resource development issues.

## Categories of documents

Practice Development maintains the following specific categories of documents (for further general categories of documents, see page 165):

- news releases by the Attorney-General;
- marketing, public relations and promotional material;
- training packages, training course evaluations and reports and other training related documents.

## Resources Group

### Functions

The Resources Group provides policy advice and supporting services to the Attorney-General and his staff, and the Executive and managers in the Department in relation to the management of human, financial and physical resources.

The two branches of the Group are the Executive Branch and the Financial Management Branch. In addition, the Audit and Evaluation Section, although overseen by an Audit Committee, reports administratively to the General Manager, Resources.

## Executive Branch

### Functions

The Branch is comprised of five Sections with responsibilities as outlined below.

The Employment Policies Section provides the Executive and managers with advice and develops and implements policies and plans pertaining to human resource management issues within the Department, including: industrial relations, industrial democracy, equal employment opportunity, occupational health and safety, grievance and discipline, conditions of service and performance management and performance pay.

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

The Secretariat Section provides support to the Board of Management and the Legal Practice Management Committee and undertakes the coordination of corporate-level tasks involving the entire Department or Portfolio. Coordination of programs and visits by ministers, members of the judiciary and officials from other countries is also undertaken within the Section, as well as departmental coordination of briefing material for the Attorney-General when on official visits overseas. The Section has responsibility for coordinating the corporate planning process and social justice matters, including the Access and Equity Strategy.

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, fitout and repairs and maintenance requirements are all handled within this area.

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, photocopying services, graphic design and general printing services and parliamentary tabling functions for the Portfolio.

### ***Categories of documents***

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 165):

- submissions and reports to the Board of Management and Legal Practice Management Committee;
- 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 (eg Equal Employment Opportunity Program);
- the Corporate Plan;
- Management Memoranda relating to departmental and human 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;
- duplicate departmental identification passes;
- control registers concerning purchasing, official telephones, stores, assets, departmental vehicles, travel and internal services.

## **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 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 Corporate Systems 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, including the Department's Financial Statements.

The Financial Operations Section is responsible for the provision of general accounting policy, including the development of the Secretary's Supplementary Instructions, Management Memoranda and associated financial and personnel delegations on matters affecting the Department; and liaison with the Australian National Audit Office and the Department of Finance on accounting policy issues.

The Pay and Structures Section provides pay processing services, including pay and conditions advice, for Central Office staff and staff of the Victorian, Queensland and Northern Territory Offices of the Australian Government Solicitor, advice on recruitment and classification matters, and assists with the redeployment and rehabilitation of departmental staff.

### ***Categories of documents***

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 165)

- 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 NSW, WA, Tasmania, and South Australia 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.

## Audit and Evaluation Section

### *Functions*

The Section provides internal audit services to the Department, undertakes quality assurance reviews against industry approved standards and reviews 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 the Portfolio Evaluation Plan 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 165):

- 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.

## Information Technology Group

The Information Technology Group (ITG) is one of the three specialist support groups for the Legal Practice. It comprises the Business Planning and Delivery Branch, the Business Support Branch, an Information Systems Unit and the Resource Management Section. The role of the ITG is to identify, deliver and support information technology, library and legal information services which assist the business functions of the Department and, in particular, the Legal Practice.

### Business Planning and Delivery Branch

#### *Functions*

The Branch explores business opportunities with an information technology (IT) component to improve the competitive position of the Legal Practice and to achieve the goals of Treasury Centre business plans. It coordinates, manages and supports IT systems to facilitate workable partnerships between departmental staff and clients.

Major activities undertaken by the Branch include raising the awareness of IT capability and the delivery of IT solutions to improve responsiveness and effective communication between clients and staff. The Branch has a focus on business planning to ensure IT continues to support future business 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, the development of an integrated desk top and the development, maintenance and enhancement of computer systems, in particular those which guide work practices.

### ***Categories of documents***

The Branch maintains the following specific categories of documents (for further general categories of documents, see page 165):

- the Corporate Information Technology Plan;
- the Information Technology Group Forward Work Plan;
- the Information Technology Group Business Plan;
- various supporting documents used in the creation, development, enhancement and maintenance of computer systems.

## **Business Support Branch**

### ***Functions***

The Branch provides help desk and technical support, operations, security management, maintenance and management of the 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 Branch plans and undertakes changes to the computing infrastructure to maintain high levels of system performance and availability.

Further functions of the Branch include advice to management and project teams on the design and cost of proposed computing systems, development of the computing infrastructure component of the IT Strategic Plan, and maintenance and publication of operational guides and standards.

### ***Categories of documents***

The Branch maintains the following specific categories of documents (for general categories of documents, see page 165):

- manuals of computer operations standards and procedures:
  - Attorney-General's Department IT security policy (draft);
  - Systems Administrators' Guide.

## **Information Systems Unit**

### ***Functions***

The SCALE/CONSOL/Opinions Section is responsible for a computer based online legal information retrieval system (SCALE) which offers Government and private users access to up-to-date Commonwealth and some State legislation, and decisions of federal and State courts and tribunals. It arranges the receipt and distribution of the Department's legal opinions, and the inclusion of those opinions in a SCALE database. The Section is also responsible for the electronic consolidation of all Commonwealth legislation, the preparation of annual volumes of Acts and Statutory Rules and associated tables for printing and distribution. The Section also arranges the reprint of legislation for free distribution.

The Lionel Murphy Library provides a comprehensive law collection of approximately 140,000 volumes for

the use of officers in the Department and Portfolio agencies; 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 Library in Hobart is a shared facility with the Regional Office of the Australian Government Solicitor, the Federal and Family Courts and the Administrative Appeals Tribunal. It provides a working law collection of approximately 36,000 volumes and offers, on a much smaller scale, the same reference, research and consultancy services as the Lionel Murphy Library.

### ***Categories of documents***

The Information Systems Unit maintains the following specific categories of documents (for further general categories of documents, see page 165):

- 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;
- legal research materials;
- decisions of court hearings held loosely in chronological order for federal and State courts and tribunals;
- transcript of court hearings held loosely in chronological order for each federal court;
- High Court judgments held loosely in chronological order;
- reprints of legislation for free distribution;
- lists of organisations and persons entitled to receive legislation free of charge.

## **Resource Management Section**

### ***Functions***

The functions of the Section cover a wide range of administrative support to the ITG relating to personnel and fiscal management.

Other functions include monitoring and administration of IT contracts and the coordination of corporate reporting and machinery of Government activities.

Coordination of LOIS user training as well as ITG technical and management training is also part of the Section's responsibility.

### ***Categories of documents***

The Information Systems Unit maintains the following specific categories of documents (for further general categories of documents, see page 165):

- Contracts for IT Services;
- LOIS information publications including:
  - LOIS News;
  - General Manager's Newsletter.

## Insolvency and Trustee Service, Australia (ITSA)

### Organisation

ITSA is headed by the Inspector-General in Bankruptcy. It consists of a Secretariat Branch in Canberra, 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 these units 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 Inspector-General has a number of statutory functions under the *Bankruptcy Act*. These are to:

- make such inquiries and investigations as the Attorney-General directs;
- 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 *Bankruptcy Act*;
- attend at and participate in, but not to vote at, a meeting of creditors;
- obtain from Official Receivers, Registrars 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 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 *Bankruptcy Act*.

The Inspector-General also holds certain delegations from the Attorney-General to assist in the administration of ITSA and the administration of the *Bankruptcy Act*. The present delegations give the Inspector-General the Attorney-General'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 Rules*.

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 the *Bankruptcy Act*. This involves the formulation of proposals for legislation, the preparation of draft Cabinet submissions and the delivery of drafting instructions to 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 Official Trustee in Bankruptcy item (see page 204).

### Official Receivers

The functions of the Official Receivers dealt with in this section 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 *Bankruptcy Act 1966* are to:

- 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 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;
- prepare reports (after causing the applicant to be interviewed) providing opinion as to the applicant's ability and fitness to be registered as a trustee;
- 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;
- 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 moneys 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;
- destroy, in accordance with s.312, accounts and records held by them.

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***

The Inspector-General liaises with the Insolvency Practitioners Association of Australia. Meetings are held as the need arises to ensure that there is an interchange of views between ITSA and registered trustees in bankruptcy on issues of common interest.

### ***Categories of documents***

ITSA maintains the following specific categories of documents (for further general categories of documents, see page 165):

- 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.

## 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 including community legal centres and the legal aid aspects of the Child Support Program, and policy and funding for family services. Family Services include family and child counselling, marriage education, family and child mediation, adolescent mediation and family therapy, family skills training, and changeover and visiting centres. The Office is also responsible for appointments of marriage celebrants. The Office consists of the Finance and Corporate Support Section, the Legal Aid Branch and the Family Services Branch.

### 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 services programs.

#### Categories of documents

The Section maintains the following categories of documents (for further general categories of documents, see page 165):

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

## Legal Aid Branch

### Functions

The Legal Aid Branch is responsible for undertaking legal aid policy development on behalf of the Commonwealth, negotiating and renegotiating agreements with the States and Territories and advising the Attorney-General on all matters relating to the Commonwealth legal aid program, including social community legal centres and the legal aid aspects of the Child Support Scheme. The Branch also administers direct grants of financial assistance under a number of statutory and non-statutory 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 collation for the financial assistance scheme.

The Branch is responsible for the policy in respect of, and the determination of individual applications for, the following:

- financial assistance 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

- financial assistance 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 usually dealt with by holders of specified offices 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 165):

- 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 financial assistance;
- documents relating to monitoring of expenditure under the departmental appropriation item on provision of financial assistance towards legal costs.

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;

- Attorney-General's press release No.2/83 of 7 January 1983 entitled 'Legal aid for veterans';
- Attorney-General's press release No.113/83 of 17 August 1983 containing the joint press release by the Attorney-General and Minister for Veterans' Affairs entitled 'Legal aid for veterans';
- Industrial Relations Act—financial assistance guidelines;
- 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 Centre Program;
- Guidelines for Child Support Scheme Legal Services Program.

## Family Services Branch

### Functions

The Branch is responsible for:

- Commonwealth funding of community organisations providing family 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 changeover and visiting centres;
- undertakes evaluation of counselling, mediation and educational practices;
- undertakes investigations of breaches of the Marriage Act;
- 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 165):

- 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 changeover and visiting centres;

- applications for approval as family and child counselling, mediation and marriage education organisations and related papers, including for purposes of the *Income Assessment Act 1936*;
- management statistics in relation to the activities and expenditure of organisations approved for funding under the Family 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;
- 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 changeover and visiting centres;
- guidelines in respect of the following services: family and child counselling, marriage education, family and child mediation, adolescent mediation and family therapy, family skills training program and changeover and visiting centres;
- reporting of family violence and other serious matters.

## Australian Protective Service

### *Functions*

The principal functions of the Australian Protective Service (the Service) are to meet client requirements in the areas of physical security services; custodial and escort 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 Service maintains close consultation with the Community and Public Sector Union with regular and *ad hoc* consultative forums throughout the year at national, regional and station level. Close consultation is maintained with customers at national and establishment levels.

### *Categories of documents*

The following specific categories of documents are maintained by the Service (for further general categories of documents, see page 165):

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

## 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 he is also empowered to authorise certain professionally qualified officers of the Department to act in the name of the Australian Government Solicitor. A limited number of senior officers in the Department's Central Office and Directors in each State and Territory have received such an authorisation. Offices of the Australian Government Solicitor are located in the Central Office of the Attorney-General's Department in Canberra, and in each State and Territory capital city and in Townsville.

#### *Functions*

The *Judiciary Act 1903* 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 done in the name of the Australian Government Solicitor encompasses litigation, including criminal law litigation, on behalf of the Director of Public Prosecutions in Tasmania and the Northern Territory.

The work also includes 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 the business of the legal representative for 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 of the Department 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 officers of the Department in the Central Office and the Regional Offices.

## **Facilities for access**

The Australian Government Solicitor does not maintain its own 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.

# **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. 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. 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; or
- 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* brochure (produced by the Commonwealth 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  
(02) 230 8544

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.

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the following 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 four deputies of the Registrar. 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 Melbourne.

## 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 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. Business hours in all of the locations are from 10 am to 4 pm.

*Melbourne*  
Deputy Registrar  
Federal Court of Australia Registry  
450 Little Bourke Street  
Melbourne VIC 3000  
(03) 9289 9316

*Canberra*  
Registrar  
Federal Court of Australia Registry  
Childers Street  
Canberra City ACT 2600  
(06) 267 0566

*Sydney*  
Deputy Registrar  
Federal Court of Australia Registry  
Level 16, Law Courts Building  
Queens Square  
Sydney NSW 2000  
(02) 230 8544

*Brisbane*  
Deputy Registrar  
Federal Court of Australia Registry  
Level 27, MLC Centre  
239 George Street  
Brisbane QLD 4000  
(07) 3248 1200

## Official Trustee in Bankruptcy

### **Establishment**

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

### **Organisation**

The Official Trustee is a corporation solely vested in the Secretary to the Department for the time being administering the Act, presently the Attorney-General's Department.

### **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 Bankruptcy 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 Bankruptcy 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 Bankruptcy Act. The Official Trustee:

- 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 Bankruptcy Act or under Part XI or XII of the repealed *Bankruptcy Act 1924*, 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 moneys 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 distributed equally to law enforcement and drug education/rehabilitation programs.

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 1995–96

### Requests

	1994–95	1995–96
Requests carried over from previous year	9	6
Requests received	46	38
Granted in full	15	11
Granted in part	12	5
Refused	6	9
Transferred	11	7
Withdrawn or lapsed	5	7
Requests outstanding at the end of the year	6	5

### Review of decisions

Two requests for internal review were received. One review upheld the original decision to deny access to the applicant on the grounds of legal professional privilege and the other is yet to be finalised.

Two requests for internal review carried over from 1994–95 were finalised. The original decision to exempt the documents was substantially upheld in both cases but some additional documents were released to the applicants.

### 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.

Time taken to respond (days)	1994–95	1995–96
0–30	29	27
31–60	9	7
61–90	5	3
over 91	6	2
<b>Total</b>	<b>49</b>	<b>39</b>

### Fees and Charges

	1994–95	1995–96
	\$	\$
Application fees	1 036	570
Charges received	1 939	165
<b>Total</b>	<b>2 975</b>	<b>735</b>

The total amount of fees and charges received in 1995–96 were significantly lower than in previous years. The overall decrease was the result of fewer requests received in 1995–96 and the proportionally high number of requests received which were either withdrawn, lapsed, transferred or refused on the grounds that no documents existed. In addition, five requests had all charges waived on the grounds of financial hardship.

## Costs

Detailed information on the cost of freedom of information activities in 1995–96 will be provided in the *Freedom of Information Act 1982* 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 *Freedom of Information Act 1982* 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.

## Appendix 11 – Extradition and Mutual Assistance

### 11.1 – Extradition matters dealt with in 1995–96 or continuing as at 30 June 1996

#### Extradition requests by Australia

Requests carried forward from 1994–95	18
New requests made	7
Requests granted	9

Germany	2
Spain	1
United Kingdom	2
United States of America	4

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

Australia	7
United Kingdom	2

One request, to the United States, was withdrawn. A request is classified as withdrawn where a foreign government has been requested to surrender a person and either Australia decides that the matter should not proceed or the person is subsequently located in another country. Extradition practice is to advise the requested country of the withdrawal of the request.

Persons were surrendered for the following major categories of offences:

Drugs	3
Child sex offences	2
Fraud	2
Murder and serious assault	2

Two of the above people surrendered faced multiple types of charges upon extradition.

Requests refused	0
Requests continuing	15

Austria	1
Botswana	1
Chile	1
France	1
Greece	1
Hong Kong	1
United Arab Emirates	1
United Kingdom	5
United States of America	3

#### Extradition requests of Australia

Requests carried forward from 1994–95	20
New requests received	11
Requests granted	11

Germany	1
Italy	1
Netherlands	1
Sweden	2

United Kingdom	3
United States of America	3

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

Australia	3
Germany	1
Netherlands	1
Sweden	2
United Kingdom	2
United States of America	2

Eight of the people surrendered consented to being returned to the requesting country.

Persons were surrendered for the following major categories of offences:

Drugs	1
Child sex offences	1
Fraud	4
Theft and robbery	3
Murder and serious assault	2

Three of the above people surrendered faced multiple types of charges upon extradition.

Requests withdrawn	3
Requests refused by Attorney-General	1
Requests refused by Courts	1
Requests continuing	15
Austria	1
France	1
Germany	1
Indonesia	1
Singapore	1
South Africa	1
South Korea	1
United Kingdom	2
United States of America	6

## 11.2 – Mutual assistance matters dealt with in 1995–96 or continuing as at 30 June 1996

### Mutual assistance requests made by Australia

Requests carried forward from 1994–95	71
New requests made	73
Requests granted	46
Austria	1
Canada	2
Croatia	1
France	3
Germany	5
Greece	1
Guernsey	1
Hong Kong	2
Israel	1
Italy	2
Japan	1
Jersey	2
Luxembourg	1
Malta	1
Monaco	1
Netherlands	1
New Zealand	2
Philippines	1
Singapore	3
Switzerland	3
Tonga	1
UK	4
Uruguay	1
USA	3
Vanuatu	2

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

Authenticate documents	1
Bank records	6
Official records	4
Other	4
Proceeds of crime	4
Search and seizure	7
Serve documents	2
Surveillance	1
Take evidence	28

Note that some requests required the provision of more than one type of assistance.

Requests otherwise completed	8
Requests refused	7
Requests continuing	83

## Mutual assistance requests made to Australia

Requests carried forward from 1994–95	51
New requests received	87
Requests granted	78
Austria	5
Brazil	1
Canada	1
Finland	3
France	1
Germany	2
Greece	12
India	2
Italy	3
Japan	1
Netherlands	1
New Zealand	2
Noumea	2
Micronesia	1
Philippines	1
Poland	1
Portugal	1
Russia	1
Spain	6
Switzerland	6
Turkey	14
United Kingdom	8
Ukraine	1
USA	2

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

Bank records	3
Official records	2
Other	1
Proceeds	3
Restraining order	1
Search & seizure	1
Service of documents	27
Take evidence	42

Note that some requests required the provision of more than one type of assistance.

Requests otherwise completed	12
Requests refused	2
Requests continuing	46

In addition to mutual assistance requests, substantial advices were provided in 39 cases during the year. A further 63 requests have been received from the International War Crimes Tribunal in The Hague. However, not all requests require formal action to be taken under the *International War Crimes Tribunals Act 1995*.

## 11.3 – Comparative statistics for extradition and mutual assistance cases 1991–92 to 1995–96

### Extradition requests made by Australia

Year	Cases carried forward	NewRequests requests made	Requests granted	Requests refused	otherwise completed
1991–92	15	15	11	nil	1
1992–93	14	16	10	nil	1
1993–94	19	15	8	5	3
1994–95	18	16	14	2	1
1995–96	18	7	9	nil	1

### Extradition requests made to Australia

Year	Cases carried forward	NewRequests requests made	Requests granted	Requests refused	otherwise completed
1991–92	16	14	7	3	3
1992–93	9	17	7	2	3
1993–94	14	9	2	1	3
1994–95	17	12	7	1	2
1995–96	20	11	11	2	3

### Mutual assistance requests made by Australia

Year	Cases carried forward	NewRequests requests made	Requests granted	Requests refused	otherwise completed
1991–92	38	108	97	1	26
1992–93	43	44	21	nil	7
1993–94	59	58	45	1	15
1994–95	56	64	33	1	15
1995–96	71	73	46	7	8

### Mutual assistance requests made to Australia

Year	Cases carried forward	NewRequests requests made	Requests granted	Requests refused	otherwise completed
1991–92	21	45	28	nil	9
1992–93	30	33	23	nil	15
1993–94	25	51	37	2	10
1994–95	27	105	48	5	28
1995–96	51	87	78	2	12

## Appendix 12 - Commonwealth–State relations

Ministerial councils continue to provide an effective forum for fostering Commonwealth–State relations and for developing an harmonious or unified approach to the resolution of common problems in the area of law reform and law enforcement. Throughout the year departmental officers serviced the ministerial councils involving the portfolio Ministers by way of briefing and/or provision of a secretariat.

A brief description of the functions and work of each of the councils is set out below.

### Ministerial Council of Attorneys-General

The Ministerial Council of Attorneys-General was established in 1993 following a review of ministerial councils by the Council of Australian Governments. Included in the Council were the Standing Committee of Attorneys-General (SCAG), the Ministerial Council for Corporations (MINCO), the Standing Committee of Censorship Ministers and the Ministerial Council on Financial Institutions (membership of the latter is restricted to the States and Territories).

Since that decision, the Standing Committee of Censorship Ministers has been formally absorbed into the Standing Committee of Attorneys-General.

However, the Ministerial Council for Corporations and the Standing Committee of Attorneys-General are still referred to in their separate entities. Commonwealth involvement in the Ministerial Council for Corporations is now provided through the Treasurer's portfolio.

### Standing Committee of Attorneys-General

The Standing Committee of Attorneys-General (SCAG) comprises the Attorneys-General of the Commonwealth, the States, the Northern Territory, the Australian Capital Territory and New Zealand.

The Committee seeks to achieve uniform legislation in appropriate cases, or to harmonise legislative and other action within the portfolio responsibilities of its members. The Committee also provides a forum for discussion by Ministers of matters of mutual interest. In censorship matters the Committee considers such issues as the operation and administration of the national censorship scheme, censorship legislation, enforcement of legislative requirements, classification guidelines and community attitudes.

For censorship matters, the Western Australian Minister of Fair Trading replaces that State's Attorney-General.

The Committee met on three occasions in 1995–96.

The Committee receives assistance from the Special Committee of Solicitors-General (particularly in relation to constitutional matters) and the Parliamentary Counsel's Committee which arranges for the drafting of proposed legislation, and the Model Criminal Code Officers Committee which is preparing a Model Criminal Code for Australia.

Twenty-six new items were added to the Committee's agenda and twenty-two items were removed from the agenda in 1995–96. A list of matters considered by the Committee during the year is set out below.

- Aboriginal justice issues
- access to the law
- access to interpreters in the Australian legal system
- Australian Law Reform Commission report on Choice of Laws
- Australian Institute of Criminology
- Australian Institute of Judicial Administration
- authorised trustee investment
- bills of lading
- COAG (Council of Australian Governments)—principles and guidelines for national standards
- COAG—reform of the legal profession
- code of conduct for the judiciary

- confidentiality of jury deliberations
- confiscation of proceeds of crime—review of legislation
- controlled availability of opioids
- convention on intercountry adoption
- Convention on the Safety of UN Personnel
- cooperation between law reform bodies
- cooperatives legislation
- coronial inquiries
- Council of Europe Convention on Money Laundering
- court benchmarks
- court information technology
- crimes at sea
- criminal investigations (extra territorial offences) legislation
- cross-vesting of jurisdiction: a review of the operation of the national scheme
- defamation
- *Dietrich v R*—implications for legal aid
- *Esso Petroleum v Plowman*
- evidence
- family law—children’s referral of powers: *parens patriae re marian*
- female genital mutilation
- fine default
- gender re-assignment
- globalisation of legal practice—foreign lawyers
- Hague Convention on minors
- human rights matters
- implications of *Rogers v Moore*
- integration of births, deaths and marriages registrations
- International Criminal Court
- international transfer of prisoners
- interstate transfer of prisoner scheme
- judicial awareness—gender bias
- judicial salaries
- Justice Statement
- Law Reform Commissions’ work program
- model criminal code
- mutual assistance in criminal matters
- national approach to the storage of legislation in electronic form
- national coronial information
- national crime statistics unit
- national criminal court statistics
- parentage presumptions
- personal property securities
- plea discussion
- privilege for journalists
- proportional liability
- prosecution of military personnel for civil offences
- recognition of interstate and foreign grants of probate and administration
- referral of SCAG Bills to Scrutiny of Bills committees
- report of the Legal Working Party on the Intergovernmental Committee on AIDS
- report of Parliamentary Counsel’s Committee
- report of Special Committee of Solicitors-General
- request from Norfolk Island government for observer status on SCAG
- telecommunications interception
- Transport Minister’s request for Parliamentary Counsels’ Committee to draft bill regarding liability of commercial air carriers
- treaties and the response to the decision in *Teob*

- uniform limitation periods
- uniform powers of attorney
- uniform succession and testators family maintenance legislation
- uniform trustee company legislation
- white collar crime

## Censorship

A list of censorship matters considered by the Committee during 1995-96 is set out below.

- implementation of a new legislative scheme
- film and classification guidelines review
- R-classified programs on pay TV
- regulation of on-line services
- labelling of material exempt from classification
- amendment to the Refused Classification criteria in relation to the treatment of children
- regulation of material broadcast on free-to-air television
- Classification Liaison Officer scheme to assist with enforcement issues
- classification of new technologies including 'click-on' access films
- offensive audio material
- advertising exemptions for feature films
- revision of the 'R' and 'X' categories for films and videos
- computer games research findings and proposal for further research
- fee arrangements for processing film festival exemptions

## Community Services Ministers' Conference

The Conference is considering the possible ratification by Australia of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption which was concluded at the Hague on 29 May 1993. A departmental officer participated in the proceedings of the Conference to ensure the Commonwealth's interests are taken into account.

The proposals for ratification are being developed by a Committee of representatives of State and Territory Departments of Community Services. A National Secretariat coordinates the meetings for both bodies and prepares papers for meetings and records decisions taken.

## National Aboriginal Justice Advisory Committee

In July 1995, the Standing Committee of Attorneys-General (SCAG) agreed to the establishment of the National Aboriginal Justice Advisory Committee (NAJAC). Established in October 1995, its objectives and functions include the cooperation for achievement of acceptable standards on criminal justice issues and legislation impacting on indigenous people across jurisdictions; no time has been set for dissolution or review.

Three meetings have been held and the reports presented to the SCAG. The Commonwealth, States and Territories meet the expense of holding meetings; the Commonwealth meets some of the expense of travel and accommodation up to a maximum of \$15,000 a year. The Security Law and Justice Branch (SLAJ) provides limited secretariat support and organises the meetings, drafts background papers, minutes and press releases. The States pay members' air fares to attend the meetings. NAJAC does not have its own accounting system and this is handled by SLAJ through the Department's accounting system. NAJAC's functions do not include the distribution of funds to others.

NAJAC members are Chairs of State/Territory Aboriginal Justice Advisory Committees. There are no maximum terms of appointment. Members are:

Ms Cheryl Buchanan (Spokesperson)

Queensland

Ms Kaye Mundine

Australian Capital Territory

Justice Robert Bellear	New South Wales
Mr Jackie Margourngourn Vincent	Northern Territory
Mr Tauto Sansbury	South Australia
Ms Wanda Braybrook	Victoria
Ms Glynis Sibosado	West Australia

## Standing Advisory Committee on Commonwealth–State Cooperation for Protection Against Violence (SAC-PAV)

This is an officials' committee rather than a ministerial council. However, its function is to propose to Ministers strategies and policies necessary to counter politically motivated violence in Australia. The Committee is also required, through cooperation between relevant Commonwealth, State and Territory Government agencies, to develop, monitor and review nationwide arrangements and preparedness for the protection of Australia from politically motivated violence so as to contribute to the security of the Australian community. In meeting its responsibilities, the Committee:

- reviews and develops the National Anti-Terrorist Plan (NATP);
- conducts regular exercises with Commonwealth, State and Territory agencies to test the NATP;
- conducts an intensive training program for police and other agencies to develop operational and crisis management skills;
- purchases specialist counter-terrorist equipment for police.

The Committee comprises senior representatives of State and Territory Police Services and Premiers' and Chief Ministers' Departments. The Commonwealth delegation is led by the Attorney-General's Department and includes representatives of the Australian Federal Police, the Department of the Prime Minister and Cabinet, the Department of Defence, the Department of Transport and Regional Development, the Australian Security Intelligence Organization, the Australian Protective Service and the Department of Finance. New Zealand has observer status and is represented by the Prime Minister's Department and the New Zealand Police. The Department of Foreign Affairs and Trade also has observer status.

Meetings are held twice a year, usually in May and November. The chair rotates between all participating governments and meetings are held in the capital city of the jurisdiction providing the chair. The Head of the Protective Security Coordination Centre (PSCC) of the Attorney-General's Department is Executive Deputy Chairman to the Committee.

The PSCC provides the secretariat and coordinates briefing for the SAC-PAV meetings.

### **NOTE: Ministerial Council on the Administration of Justice**

This Council is composed of the following bodies:

- Australasian Police Ministers' Council (APMC), supported by a Senior Officers Group;
- Corrective Services Ministers Conference (CSMC), supported by the Corrective Services Administrators Conference;
- Intergovernmental Committee of the National Crime Authority.

The secretariat and some briefing functions have been performed by the Commonwealth Law Enforcement Board since April 1994. However, the Department provides considerable briefing material for the Commonwealth delegates. Departmental officers also attend meetings of the APMC and CSMC and their support groups.

## Appendix 13 – Advertising and Market Research

During 1995–96 the Department used the services of a number of advertising agencies, market research organisations and media advertising organisations. Details are supplied below. There were no payments made to direct mail organisations.

### Legal Practice

<i>Name of organisation</i>	<i>Cost (\$)</i>	<i>Purpose</i>
AGPS	20 730	Non-campaign advertising (recruitment, proclamation, special gazette, purchasing and company notices) <sup>c</sup>
Cultural Perspectives Pty Ltd	387	Advertising in foreign newspaper (Inquiry into the deaths of Australian based journalists in East Timor in 1975) <sup>c</sup>
Neville Jeffress Advertising	36 134	Non-campaign advertising (seminar notices for changes in family law) <sup>c</sup>
Neville Jeffress Advertising	245 205	Non-campaign advertising (recruitment, public inquiry, seminar and company notices) <sup>c</sup>
Neville Jeffress Advertising	5 902	Advertising costs associated with recruitment of contractors for Melbourne Law Courts <sup>c</sup>
Neville Jeffress Advertising	5 198	Advertising in Australian and foreign newspapers (Inquiry into the deaths of Australian based journalists in East Timor in 1975) <sup>c</sup>
The West Australian	275	Non-campaign advertising (seminar) <sup>c</sup>

### Insolvency and Trustee Service, Australia

<i>Name of organisation</i>	<i>Cost (\$)</i>	<i>Purpose</i>
Neville Jeffress Advertising	2 249	Non-campaign advertising (job vacancies, recruitment notices, advertising services) <sup>c</sup>

### Legal Aid and Family Services

<i>Name of organisation</i>	<i>Cost (\$)</i>	<i>Purpose</i>
AGB McNair	30 200	Marriage/relationship counselling and family mediation national poll <sup>b</sup>
Neville Jeffress Advertising	1 896	Recruitment advertising <sup>c</sup>
Neville Jeffress Advertising	85 983	Campaign advertising for Justice Statement funding <sup>c</sup>
REARK Research	29 945	Stakeholders survey <sup>b</sup>

Riley Research Pty Ltd	27 800	Family Mediation Community Education campaign market research consultancy <sup>b</sup>
Social Change Media	221 478	Public relations (family mediation community education) consultancy services <sup>a</sup>
Social Change Media	1 300	Production of tip cards for Test Cases and Disbursements schemes <sup>a</sup>

## Australian Protective Service

<i>Name of organisation</i>	<i>Cost (\$)</i>	<i>Purpose</i>
Character Pacific Publications	895	Advertising (Melbourne Airport Directory) <sup>c</sup>
Green Advertising	2 983	Advertising (fire alarm monitoring) <sup>c</sup>
Morgan and Banks	3 500	Non-campaign advertising (recruitment notices) <sup>c</sup>
Neville Jeffress Advertising	23 807	Non-campaign advertising (job vacancies, recruitment notices, advertising services) <sup>c</sup>
Yellow Pages Australia	480	Advertising (APS Services) <sup>c</sup>

### Key

- a Paid to a creative advertising agency to develop advertising campaign(s).
- b Paid to a Market Research or Polling Organisation
- c Paid to a media advertising organisation for placing Government advertising in the media.

## Appendix 14 – Reporting arrangements for those bodies whose activities are not specifically addressed by the Department’s Annual Report

Program reference	Organisation	Reporting Arrangements
1.2	Solicitor-General	A
1.3	Office of Parliamentary Counsel	B
3.1	Human Rights and Equal Opportunity Commission	B
3.2.1	Law Reform Commission	B
3.2.2	Administrative Review Council	B
3.2.3	Family Law Council	B
3.2.4	Constitutional Centenary Foundation	C
3.3	Office of Film and Literature Classification	B
4.1	Federal Court of Australia	B
4.2	Family Court of Australia	B
4.3	Administrative Appeals Tribunal	B
4.4	Industrial Relations Court of Australia	B
4.5	National Native Title Tribunal	B
4.6.1	Copyright Tribunal	D
4.6.2	Defence Force Discipline Appeal Tribunal	D
4.6.3	Federal Police Disciplinary Tribunal	B
4.6.4	Australian Competition Tribunal	D
4.7	Auscript	B
5	High Court of Australia	B
6.1	Commonwealth Law Enforcement Board	B
6.2	Australian Federal Police	B
6.3	National Crime Authority	B
6.4.1	Australian Bureau of Criminal Intelligence	E
6.4.2	National Police Research Unit	E
6.4.3	Australian Institute of Police Management	E
6.5.1	Australian Institute of Criminology	B
6.5.2	Criminology Research Council	B
6.6	Australian Transaction Reports and Analysis Centre	B
6.7	Office of the Director of Public Prosecutions	B
6.8	Australian Security Intelligence Organization	B

- A Although resourced by the Attorney-General’s Department, the Solicitor-General is independent of the Department. The Solicitor-General does not report formally to Parliament.
- B Separate reports from these bodies are tabled in Parliament.
- C The Foundation operates independently of the Department.
- D Administrative support for these Tribunals is provided by the various Federal Court registries. Information regarding these bodies can be found in the Annual Report of the Family Court of Australia.
- E Annual Reports incorporated in the Annual Report on administration and activities of Australian Common Police Services.