

## 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 and Audit. 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
Portfolio overview	Page 2
Corporate overview	Secretary's overview (page vii) and The Department (page 7)
Social justice and equity	Page 131 and Appendix 5
Internal and external scrutiny	Page 135, and Appendixes 9.1 and 9.2
Service charters	Appendix 8
Business regulations	Appendix 15
Program performance reporting	Page 13
Discretionary grants	Appendix 14
Staffing overview	Appendixes 3.1–3.6
Performance pay summary	Performance pay for the 1996–97 period was paid during 1998–99. The total amount paid to Senior Executive Service officers of the Department was \$87 004. Of this amount, \$48 186 was paid to five Band 2 officers and \$38 818 was paid to five Band 1 officers. Performance pay for 1997–98 will be paid in 1999–2000.
Training summary	Expenditure by the Department on training and development activities in 1998–99 was \$2 502 422. There were 1 383 staff who attended some form of training and development activity, involving 4 904 person days. A total of 102 approvals were also given for staff to undertake studies.
Consultancy services	The total number of consultants used by the Department during 1998–99 was 83, involving a total expenditure of \$2 988 724. Details are at Appendix 12.
Industrial democracy	Appendix 6
Occupational health and safety	Appendix 7
Freedom of information	Appendixes 10.1 and 10.2
Advertising and market research	Appendix 13
Financial statements	Page 245

### **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 Government Info Shops (AusInfo). An on-line version of the Directory is accessible on the Internet at GOLD (<http://gold.gov.au>). Details of legislation administered by the Attorney-General's Portfolio are also accessible on the Department's Internet site *Window on the Law* (<http://law.gov.au>).

### **Contact details for enquiries**

For general enquiries about the annual report contact the Director, Corporate Performance and Coordination Section, Executive Branch, Attorney-General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600. Telephone number (02) 6250 6162; fax number (02) 6250 5948.

The Australian Government Solicitor (AGS) operated on an administratively separate basis from the Department during 1998–99, in anticipation of its establishment on 1 September 1999 as a statutory authority under the *Judiciary Act 1903* (as amended by the *Judiciary Amendment Act 1999*). This is the final year for which the AGS is included in the Department's annual report. Specific details for the AGS appear in the body of the report, and also in Appendixes 3.6 (staffing statistics), 5 (workplace diversity), 6 (participative work practices), and 10.1 (FOI s.8 functional statement). For further information concerning the AGS, please contact the Chief Financial Officer, Australian Government Solicitor, 50 Blackall Street, Barton ACT 2600. Telephone number (02) 6250 5816; fax number (02) 6250 5954.

APPENDIX 2

## Departmental Publications and Contributions to other Publications

### 2.1 DEPARTMENTAL PUBLICATIONS

*AGIS: Attorney-General's Information Service*

*AGLIBS: List of Subject Terms Used in AGIS*

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

*Annual Report on the Operation of the Witness Protection Act 1974*

*Attorney-General's Department Annual Report 1997–98*

*Attorney-General's Department Corporate Plan*

*Attorney-General's Department: Making a Complaint* (brochure)

*Attorney-General's Department Service Charter*, May 1998 (brochure)

*Attorney-General's Portfolio Additional Estimates Statement 1998–99*

*Attorney-General's Portfolio Budget Statements 1999–2000*

*Australian Legal Services Export Development Strategy Outline 1999–2002*

*Copyright Law in Australia: A Short Guide*, October 1998

*Crime prevention: Training Needs Assessment* (summary also available)

*Crimes Act 1914 Part 1AB Controlled Operations: Second Annual Report under Section 15T 1997–1998*

*CrimTrac draft Request for Tender*, June 1999

*CrimTrac Request for Information*, December 1998

*Delivery of Primary Dispute Resolution Services in Family Law: Next Steps*, July 1998

*Developing Australia–Indonesia Legal Cooperation*

*Discussion Paper: Property and Family Law – Options for Change*, March 1999

*Draft Electronic Transactions Bill 1999*, January 1999

*Ending Domestic Violence? Programs for Perpetrators* (summary also available)

*Explanatory Paper: Draft Electronic Transactions Bill 1999*, January 1999

*Family and Child Mediation Survey Report*, March 1999

*Hanging out: Negotiating Young People's Use of Public Space* (summary only)

*International Child Abduction Kit*, Revised October 1998

*Issues Paper: International Jurisdiction and the Recognition and Enforcement of Foreign Judgments in Civil Matters – Draft Hague Convention*

*Issues Paper: Jurisdiction and Procedures of the Copyright Tribunal*, June 1999

*Issues Paper: An Australian Legal Framework for Electronic Commerce*, November 1998

*Issues Paper: The Development of Uniform Rules on Electronic Signatures*, January 1999

*Legal Services Country Profile for Singapore*

*New Directions in Bankruptcy*

*Pathways to Prevention: Developmental and Early Intervention Approaches to Crime in Australia* (Volumes 1 and 2 and summary available)

*Personal Security: Australian Holders of High Office*

*Personal Security: Federal Parliamentarians and their Staff*

*Profile*

*Profiles of Debtors*

*Purchasing Legal Services*, June 1999

(<http://law.gov.au/aghome/legalpol/olsc/brochure.html>)

*Report on the Operation of the War Crimes Act 1945 to June 1998*

*Research Report: Child Inclusive Practice in Family and Child Counselling and Family and Child Mediation*, March 1999

*Research Report: Contact Services in Australia – Research and Evaluation Project*, June 1999

*Research Report: Use of, and Attitudes to Mediation Services Among Divorcing and Separating Couples*, March 1999

*Review of Small Business Access to the Legal System: Consultations Paper*

*Review of Small Business Access to the Legal System: Suggestions Paper*

*Review of the Commonwealth Acts Interpretation Act 1901*, August 1998

*Studying Law in Australia 1999*

Telecommunications (Interception) Act 1979 *Annual Report*

*The A-G E-News on Copyright Nos 2–7*

*The AGD E-commerce Homepage* (<http://law.gov.au/ecommerce>)

*The Sentinel*

*Transnational Practice for the Legal Profession*

(Delegation report published in collaboration with the Law Council of Australia)

*UNCITRAL Working Group on Electronic Commerce: Deliberations and Decisions at its 33rd meeting*, January 1999

*Working with Adolescents to Prevent Domestic Violence: Indigenous Rural Model*

The Office of Legislative Drafting prepares for publication by AusInfo, on behalf of the Government as a whole, the following materials:

- legislative instruments published in the Statutory Rules series;
- consolidated Acts and Statutory Rules and consolidations of certain other legislative instruments;
- tables of Acts and Statutory Rules.

## 2.2 CONTRIBUTIONS TO OTHER PUBLICATIONS

Cordina, Simon, 'News from the Attorney-General's Department', *Australian Intellectual Property Journal*, February 1999

Criminal Law Reform Unit, Domestic Violence Legislation Working Group, *Model Domestic Violence Laws*, April 1999 (report)

Criminal Law Reform Unit, Model Criminal Code Officers Committee, *Model Criminal Code Chapter 5, Non-Fatal Offences Against the Person*, September 1998 (report)

Criminal Law Reform Unit, Model Criminal Code Officers Committee, *Model Criminal Code Chapter 5, Sexual Offences Against the Person*, May 1999 (report)

Criminal Law Reform Unit, Model Criminal Code Officers Committee, *Model Criminal Code Chapter 6, Serious Drug Offences*, October 1998 (report)

Criminal Law Reform Unit, Model Criminal Code Officers Committee, *Model Criminal Code Chapter 7, Administration of Justice Offences*, July 1998 (report)

Criminal Law Reform Unit, Model Criminal Code Officers Committee, *Model Criminal Code Chapter 9, Slavery*, November 1998 (report)

Criminal Law Reform Unit, Model Criminal Code Officers Committee, *Model Forensic Procedures*, May 1999 (report)

Ey, Fiona, 'Australia launches draft E-commerce Bill for comment', *The Computer Law and Security Report*, May-June 1999

Govey, Ian & Ablett, Maia, 'The Commonwealth as a litigant: an insider's view 1', *Canberra Bulletin of Public Administration*, June 1999

Horner, Philippa, 'Living with Wik', *Conference Papers*, Living with Wik Conference, Sydney, November 1998

Hough, Carolyn, 'News from the Attorney-General's Department', *Australian Intellectual Property Journal*, April 1999

Minihan, Colin, 'Electronic commerce: Building the legal framework', *Conference Proceedings*, IBC Privacy in Victoria, December 1998

Minihan, Colin, 'Evaluating the legal framework that is driving government toward e-trading, Federal Electronic Transactions Bill 1999', *Conference Proceedings*, IIR Trading on the Internet, June 1999

Minihan, Colin, 'Removing legal impediments to E-commerce: Proposed legislation', *Conference Proceedings*, ICM E-commerce Digital Certification Forum, November 1998

Page, Ashley, 'What's new in the administration of bankruptcies', BLEC Forum, March 1999

Wynter, Marie, 'The Agreement on Sanitary and Phytosanitary Measures in the light of the WTO's decisions on EC measures concerning meat and meat products (hormones)' in Mengozzi, P. (ed) *International Trade Law on the Fiftieth Anniversary of the Multilateral Trade System*, Guiffre, Milan, 1999

## Human Resources

### 3.1 HISTORICAL PROFILE 1994–95 TO 1998–99

Provided below are human resource statistics showing paid and unpaid staff as at 30 June of each year from 1994–95 to 1998–99. The table presents a summary for all elements of the Attorney-General's Department, and as such includes details for areas which produce their own annual reports, e.g. the Administrative Review Council.

During the period 1 July 1994 to 30 June 1999 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 and offices.

The methodology for presenting the historical profile data changed last year from previous years. Before then, the historical figures were adjusted each year to align with the structure, which existed at 30 June of the reporting year. This adjustment was intended to assist in comparisons across years, although the figures would not necessarily reflect the exact staffing levels of component areas in earlier years. The historical data from last year's report remains unaltered and the 1997–98 and 1998–99 figures reflect structural changes adopted during the year, with explanatory notes as necessary. Although the change in methodology means that direct comparisons across years may not be possible, it reflects more accurately the staffing levels for previous years.

In relation to the method of recording:

- the tables for paid 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, rounded to whole numbers.

#### Paid Staff

	1994–95	1995–96	1996–97	1997–98	1998–99
<b>Executive and Support</b>					
Secretary and Deputy Secretaries (prior to 1997–98 includes position of Australian Government Solicitor)	4	4	4	3	3
Executive support staff	9	9	9	6	7
Support Group: (Support Group ceased during 1997–98 when elements split between CSD & AGS)					
Practice Development	60	50	55	3	-
Resources	144	124	121	-	-
Information Technology	161	135	127	-	-
Corporate Services Division (CSD) (created during 1997–98 from elements of Support Group; Trade Measures Review Secretariat function gained 9-2-99)	-	-	-	159	160

**Paid Staff (cont.)**

	1994-95	1995-96	1996-97	1997-98	1998-99
<b>Legal policy and services</b>					
Civil Law Division (CLD) (some functions transferred to OIL and ISLD on 3-2-97, and FLLAD on 1-1-99)	103	90	59	57	41
Criminal Law Division (CrLD)	40	33	35	39	35
Information and Security Law Division (ISLD) (created 3-2-97 from elements of CLD and the former Security Division and Business Law Division)	-	-	34	39	42
Component areas of ISLD prior to 3-2-97 (namely Security Division and Business Law Division)	59	68	-	-	-
Office of International Law (OIL) (some functions gained from CLD and former Business Law Division on 3-2-97)	12	12	19	22	20
Office of Legislative Drafting (OLD)	34	33	39	65	61
Office of Legal Services Coordination (OLSC) (created 1-7-97)	-	-	-	6	10
Native Title Task Force (function gained 1-12-98)	-	-	-	-	10
Administrative Review Council Secretariat	7	6	4	5	5
<b>Community affairs</b>					
Legal Aid and Family Services (LAFS) prior to 1-1-99 when some functions transferred to different portfolio	57	64	72	69	-
Family Law and Legal Assistance Division (FLLAD created 1-1-99 from elements of LAFS and CLD)	-	-	-	-	63
Insolvency and Trustee Service, Australia (ITSA)	307	270	287	244	244
<b>Community protection</b>					
Australian Protective Service (APS)	970	946	992	755	731
Protective Security Coordination Centre (PSCC) (created 22-7-96 from former Security Division)	-	-	53	59	72
Law Enforcement Coordination Division (LECD) (previously Office of Law Enforcement Coordination, functions gained 6-2-97)	28	38	39	42	53
<b>Other departmental elements</b>					
Auscript (sold on 26-6-98)	282	234	239	85	-
Joint Thai-Australian ONCB	2	2	1	1	1
<b>Overseas representatives</b> (functions ceased 1-12-96)	2	2	-	-	-
<b>Solicitor-General's staff</b>	2	2	2	2	2

**Paid Staff (cont.)**

	1994-95	1995-96	1996-97	1997-98	1998-99
<b>Australian Government Solicitor</b>					
Executive and support (includes Chief General Counsel)	-	-	-	6	*
Corporate Services	-	-	-	13	*
Business Development (created during 1997-98 from elements of Support Group)	-	-	-	54	*
Business Operations	18	15	16	23	*
ACT Regional Office	45	50	55	54	*
NSW Regional Office	254	213	206	144	*
Vic. Regional Office	146	121	141	91	*
Qld Regional Office	91	86	85	69	*
SA Regional Office	44	35	29	25	*
WA Regional Office	49	49	52	42	*
Tas. Regional Office	26	21	18	10	*
NT Regional Office	20	15	16	16	*
Office of General Counsel (includes Chief General Counsel, except for 1997-98)	36	46	44	44	*
Office of Litigation	34	33	38	33	*
Business and Commercial	67	52	65	58	*
<b>Departmental Total</b>	<b>3 113</b>	<b>2 858</b>	<b>2 956</b>	<b>2 343</b>	<b>1 560</b>

**Unpaid Inoperative Staff \*\***

	1994-95	1995-96	1996-97	1997-98	1998-99
Legal policy and services	66	47	42	16	22
Legal Aid and Family Services	2	3	4	4	-
Family Law and Legal Assistance Division	-	-	-	-	1
Insolvency and Trustee Service, Australia	15	8	14	14	11
Protective Security Coordination Centre	-	-	-	2	3
Law Enforcement Coordination Division	1	-	1	4	5
Other departmental elements	16	11	18	31	20
Australian Government Solicitor	46	55	46	39	*
<b>Departmental Total</b>	<b>146</b>	<b>124</b>	<b>125</b>	<b>110</b>	<b>62</b>

\* The AGS operated on a separate administrative basis from the Department during 1998-99 in anticipation of its establishment on 1 September 1999 as a statutory authority under the *Judiciary Act 1903* (as amended by the *Judiciary Amendment Act 1999*). This is the final year for which AGS will be included in the Department's Annual Report. The AGS staffing statistics for 1998-99 are reported at 3.6.

\*\* Staff who are on leave for more than 12 weeks, or on temporary transfer to other departments, and are not being paid by the Attorney-General's Department.

### 3.2 STAFF FIGURES AT 30 JUNE 1999

This table is a breakdown of Table 3.1 above as at 30 June 1999 by State and Territory office. It shows staff employed under the Public Service Act 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 1999. Numbers have been rounded to whole numbers. As with Table 3.1, the following table includes details for other departmental elements which produce their own annual reports.

<i>ACT</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Executive and support</b>									
Secretary and Deputy Secretaries	3	-	-	-	-	-	-	-	3
Executive support staff	1	-	-	-	-	1	-	5	7
Corporate Services Division	2	1	1	2	30	18	42	64	160
<b>Legal policy and services</b>									
Civil Law Division	2	4	10	11	3	-	1	10	41
Criminal Law Division	3	1	13	6	1	1	2	8	35
ISLD	2	2	13	13	1	1	-	10	42
Office of International Law	3	1	3	7	2	1	-	3	20
Office of Legislative Drafting	4	-	11	9	4	-	3	30	61
OLSC	2	1	1	3	-	-	-	3	10
Native Title Task Force	-	2	1	2	-	3	1	1	10
ARC Secretariat	1	-	1	2	-	-	-	1	5
<b>Community affairs</b>									
FLLAD	3	1	6	5	6	6	7	29	63
ITSA Secretariat	2	1	1	2	1	3	2	3	15
<b>Community protection</b>									
APS	4	-	-	-	21	1	220	38	284
PSCC	4	-	-	-	20	5	16	27	72
LECD	2	1	3	1	12	11	2	21	53
<b>Other departmental elements</b>									
Joint Thai-Australian ONCB	-	-	-	-	1	-	-	-	1
Solicitor-General's staff	1	-	-	-	-	-	-	1	2
<b>Total ACT</b>	<b>39</b>	<b>15</b>	<b>64</b>	<b>63</b>	<b>102</b>	<b>51</b>	<b>296</b>	<b>254</b>	<b>884</b>

<i>New South Wales</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Community affairs</b>									
ITSA (NSW/ACT)	1	-	-	-	16	7	30	25	79
<b>Community protection</b>									
Australian Protective Service	-	-	-	-	3	1	149	18	171
<b>Total NSW</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>19</b>	<b>8</b>	<b>179</b>	<b>43</b>	<b>250</b>

<i>Victoria</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Community affairs</b>									
ITSA	1	-	-	-	4	-	22	16	43
<b>Community protection</b>									
Australian Protective Service	-	-	-	-	2	-	59	11	72
<b>Total Vic.</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>6</b>	<b>-</b>	<b>81</b>	<b>27</b>	<b>115</b>

<i>Queensland</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Community affairs</b>									
ITSA	1	-	-	-	6	-	15	25	47
<b>Community protection</b>									
Australian Protective Service	-	-	-	-	2	-	52	7	61
<b>Total Qld</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8</b>	<b>-</b>	<b>67</b>	<b>32</b>	<b>108</b>

<i>South Australia</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Community affairs</b>									
ITSA (SA/NT)	-	-	-	-	1	2	8	16	27
<b>Community protection</b>									
Australian Protective Service	-	-	-	-	2	-	28	9	39
<b>Total SA</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3</b>	<b>2</b>	<b>36</b>	<b>25</b>	<b>66</b>

<i>Western Australia</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Community affairs</b>									
ITSA	-	-	-	-	3	-	12	9	24
<b>Community protection</b>									
Australian Protective Service	-	-	-	-	2	-	42	7	51
<b>Total WA</b>	-	-	-	-	5	-	54	16	75

<i>Tasmania</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Community affairs</b>									
ITSA	-	-	-	-	1	-	6	2	9
<b>Community protection</b>									
Australian Protective Service	-	-	-	-	-	-	1	-	1
<b>Total Tas.</b>	-	-	-	-	1	-	7	2	10

<i>Northern Territory</i>	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level 1-2</i>		<i>APS Level 1-6 &amp; equiv.</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<b>Community protection</b>									
Australian Protective Service	-	-	-	-	1	-	44	7	52
<b>Total NT</b>	-	-	-	-	1	-	44	7	52
<b>Departmental Total</b>	42	15	64	63	145	61	765	407	1 560

### 3.3 PART-TIME AND TEMPORARY STAFF AT 30 JUNE 1999

<i>State</i>	<i>Classification group</i>	<i>Part-time staff</i>			<i>Temporary staff</i>		
		<i>M</i>	<i>F</i>	<i>Total</i>	<i>M</i>	<i>F</i>	<i>Total</i>
ACT	Legal staff	2	8	10	6	5	11
	Exec Level 1-2	1	4	5	1	1	2
	APS Level 1-6 & equivalent	1	16	17	38	48	86
NSW	APS Level 1-6 & equivalent	1	2	3	14	3	17
Vic.	APS Level 1-6 & equivalent	1	1	2	6	2	8
Qld	APS Level 1-6 & equivalent	-	1	1	-	4	4
SA	APS Level 1-6 & equivalent	-	1	1	1	6	7
WA	APS Level 1-6 & equivalent	-	2	2	-	1	1
Tas.	APS Level 1-6 & equivalent	-	1	1	-	-	-
NT	APS Level 1-6 & equivalent	3	1	4	8	1	9
<b>Total</b>		<b>9</b>	<b>37</b>	<b>46</b>	<b>74</b>	<b>71</b>	<b>145</b>

### 3.4 SES MOBILITY 1998-99

	<i>Commencements</i>	<i>Separations</i>	<i>Internal promotion/transfer</i>
July	-	-	-
August	-	-	-
September	-	-	-
October	-	-	1
November	1	-	1
December	1	-	1
January	-	1	-
February	1	-	-
March	-	-	1
April	1	-	-
May	-	-	1
June	-	-	-
<b>Total</b>	<b>4</b>	<b>1</b>	<b>5</b>

### 3.5 SUBSTANTIVE SES OFFICERS AS AT 30 JUNE 1999

<i>Band/Gender</i>	<i>ACT</i>	<i>NSW</i>	<i>Vic.</i>	<i>Qld</i>	<i>SA</i>	<i>WA</i>	<i>Tas.</i>	<i>NT</i>	<i>Total</i>
3 Male	2	-	-	-	-	-	-	-	2
3 Female	-	-	-	-	-	-	-	-	-
2 Male	10	-	-	-	-	-	-	-	10
2 Female	2	-	-	-	-	-	-	-	2
1 Male	25	1	1	1	-	-	-	-	28
1 Female	14	-	-	-	-	-	-	-	14
<b>Total</b>	<b>53</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>56</b>

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

3.6 AUSTRALIAN GOVERNMENT SOLICITOR HUMAN RESOURCE  
STATISTICS AS AT 30 JUNE 1999

**Staff Figures**

	<i>SES</i>		<i>Legal staff</i>		<i>Exec Level</i>		<i>APS Level</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>1-2</i>		<i>1-6 &amp; equiv.</i>		
Executive and support	-	1	-	1	-	-	-	2	4
Office of the Chief Financial Officer	1	-	-	-	2	-	6	5	14
Business Development	3	3	1	1	11	3	6	12	40
Business Operations	1	-	-	-	4	2	3	16	26
ACT Regional Office	3	6	7	13	1	1	4	24	59
NSW Regional Office	9	3	28	25	1	2	8	26	102
Vic. Regional Office	7	4	18	23	1	2	2	24	81
Qld Regional Office	4	-	18	10	2	1	4	28	67
SA Regional Office	1	-	6	2	-	1	-	10	20
WA Regional Office	2	-	10	8	1	1	1	18	41
Tas. Regional Office	-	-	4	-	-	-	-	4	8
NT Regional Office	1	-	4	-	-	1	-	4	10
Office of General Counsel	12	4	15	9	-	-	-	6	46
Office of Litigation	5	4	9	7	-	-	1	16	42
Business and Commercial	6	5	17	12	-	-	1	18	59
<b>AGS Total</b>	<b>55</b>	<b>30</b>	<b>137</b>	<b>111</b>	<b>23</b>	<b>14</b>	<b>36</b>	<b>213</b>	<b>619</b>

NB: Actual staff numbers have been used for part-timers rather than full-time equivalents.

**Unpaid Inoperative Staff**

	1998-99
Australian Government Solicitor	26

### Part-time and Temporary staff

State	Classification group	Part-time staff			Temporary staff		
		M	F	Total	M	F	Total
ACT	Legal staff	-	12	12	4	6	10
	Exec Level 1-2	1	-	1	-	-	-
	APS Level 1-6 & equiv.	2	15	17	3	31	34
NSW	Legal staff	-	3	3	2	4	6
	Exec Level 1-2	-	1	1	-	-	-
	APS Level 1-6 & equiv.	-	-	-	-	2	2
Vic.	Legal staff	-	2	2	2	7	9
	Exec Level 1-2	-	-	-	-	1	1
	APS Level 1-6 & equiv.	-	-	-	1	8	9
Qld	Legal staff	-	1	1	3	1	4
	Exec Level 1-2	-	1	1	-	-	-
	APS Level 1-6 & equiv.	-	1	1	-	13	13
SA	Legal staff	-	-	-	2	1	3
	Exec Level 1-2	-	1	1	-	-	-
	APS Level 1-6 & equiv.	-	1	1	-	3	3
WA	Legal staff	1	3	4	4	4	8
	APS Level 1-6 & equiv.	-	5	5	-	4	4
Tas.	APS Level 1-6 & equiv.	-	-	-	-	1	1
NT	Legal staff	-	-	-	1	-	1
	Exec Level 1-2	-	1	1	-	1	1
<b>Total</b>		<b>4</b>	<b>47</b>	<b>51</b>	<b>22</b>	<b>87</b>	<b>109</b>

NB: Actual staff numbers have been used for part-timers rather than full-time equivalents.

### Substantive SES Officers as at 30 June 1999

Band/Gender	ACT	NSW	Vic.	Qld	SA	WA	Tas.	NT	Total
3 Male	3	-	-	-	-	-	-	-	3
3 Female	1	-	-	-	-	-	-	-	1
2 Male	11	1	1	1	-	1	-	-	15
2 Female	4	1	-	-	-	-	-	-	5
1 Male	17	8	6	3	1	1	-	1	37
<b>1 Female</b>	<b>18</b>	<b>2</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>24</b>
<b>Totals</b>	<b>54</b>	<b>12</b>	<b>11</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>1</b>	<b>85</b>

**SES Mobility 1998–99**

	<i>Commencements</i>	<i>Separations</i>
July	-	4
August	1	1
September	-	1
October	2	1
November	1	1
December	-	-
January	2	-
February	-	-
March	-	1
April	-	-
May	-	1
June	-	-
<b>Total</b>	<b>6</b>	<b>10</b>

## Staff Achievements

### AUSTRALIA DAY AWARDS

**Rose Beynon**, Family Law and Legal Assistance Division—for her commitment to the management and implementation of the FAMnet information system.

**Rowena Cornwell**, Office of Legislative Drafting—for her outstanding work on designing and supporting new computer macros and templates for the Office.

**Bob Cruickshanks**, Insolvency and Trustee Service, Australia—for outstanding work in assisting the development of reforms to the bankruptcy system in Indonesia.

**Julianna Greenane**, Family Law and Legal Assistance Division—for her dedication and excellence in achieving the aims of the International Civil Procedures Unit.

**Joan Jardine**, Family Law and Legal Assistance Division—for her significant contribution to the development of the legal aid function.

**Mark Jennings**, Criminal Law Division—for his outstanding dedication to the International Criminal Court project.

**Nan Levett**, Family Law and Legal Assistance Division—for her dedication and excellence in achieving the aims of the International Civil Procedures Unit.

**Simone Marks**, Information and Security Law Division—for her outstanding service beyond the call of duty and the creation of a new billing system for the Division.

**Sarah Mudge**, Civil Law Division—for her dedication to the completion of an exemplary Regulation Impact Statement on proposed Disability Standards on Accessible Public Transport.

**Glenn Gore Phillips**, Family Law and Legal Assistance Division—for his dedication and excellence in achieving the aims of the International Civil Procedures Unit.

**Anita Seselja**, Family Law and Legal Assistance Division—for her dedication and excellence in achieving the aims of the International Civil Procedures Unit.

**Kim Terrell**, Law Enforcement Coordination Division—for his contribution to the Ayers Review of the Australian Federal Police, mainly in relation to complex organisational and financial management issues.

### OTHER AWARDS

**Bill Campbell**, Office of International Law—awarded the Public Service Medal for outstanding service with respect to international law.

**Philippa Horner**, Native Title Task Force—Public Service Medal awarded in recognition of her contribution to the development of the *Native Title Amendment Act 1998*.

**Fermin Lopez**, Corporate Services Division—awarded the Secretary's Prize for Academic Excellence. Mr Lopez completed a Bachelor of Laws degree with 2nd Class Honours.

**Cathy Rossiter**, Law Enforcement Coordination Division—awarded the National Award for Achievement in Policing by the Australasian Council of Women and Policing Inc. for most outstanding female administrator. The award was made in recognition of Ms Rossiter's work in placing issues raised at the first Women and Policing conference on the agenda of the Australasian Police Ministers' Council and in the lead-up to the establishment of the Australasian Council of Women and Policing in 1997.

**Dr Grant Wardlaw and staff** of the Office of Strategic Crime Assessments—Golden Candle Award for Excellence in Intelligence awarded at the 1999 European Intelligence Forum, The Netherlands.

#### OTHER ACHIEVEMENTS

**Peter Arnaudo**, Office of Legal Services Coordination—appointed by the President of the ACT Law Society to the ACT Law Society’s Continuing Legal Education Committee.

**Tony Blunn**, Secretary—elected member of the Governing Council of UNIDROIT (the International Institute for the Unification of Private Law) for 1999–2003.

**Steve Orłowski**, Information and Security Law Division—re-elected Chair of the APEC Electronic Authentication Task Group.

**Norman Reaburn**, Deputy Secretary—re-elected Chair of the OECD Working Party on Information Security and Privacy.

#### AUSTRALIAN PROTECTIVE SERVICE AWARDS

The National Medal is designed to recognise 15 years of diligent service by members of a uniformed force. It is awarded by the Governor-General on the recommendation of the chief officer of the relevant service. The Director’s Awards are designed to recognise Australian Protective Service officers whose performance and dedication is outstanding. Recipients for 1998–99 are set out below.

##### **National Medals**

Colin Cook, Anne Barbour, Leslie Leech, Greg Bodimeade, Trevor Wright, Stephen Kay-Smith, George Evans.

##### **Director’s Awards**

Dennis Dyer, Ross Birch, Adam Elm.

#### INSOLVENCY AND TRUSTEE SERVICE, AUSTRALIA (ITSA) MERIT AWARD

**Danny Klopovic**—for an outstanding level of performance on a consistent basis and the production of a dividends manual for ITSA Victoria Branch.

## **Workplace Diversity**

In line with the requirements of the Government's Public Sector reform agenda, the Department launched its Workplace Diversity Program on 28 October 1998.

The Program was developed after extensive consultation with staff and replaced existing EEO and Disability Programs. The Program, in booklet form, was widely distributed within the Department as well as being made accessible electronically on the Department's Intranet. The Canberra launch of the Program involved senior employees of the Department greeting staff who entered Robert Garran Offices in Barton on the day of the launch with a helium-filled balloon. These variously coloured balloons were used to illustrate the concept of diversity and to engage the interest of staff in the Workplace Diversity Program. The balloon motif was repeated on posters that were displayed within the Department to advertise the program. The response from staff to this initiative was very positive. The launch included a message to all staff from the Secretary, circulated both electronically and in hard copy, emphasising the importance of workplace diversity principles and encouraging staff to take time to read the Program and consider ways of making it work in practice. Posters, balloons and Program booklets were distributed to the Department's regional offices for celebrations scheduled to coincide with the launch in Canberra.

### **RESOURCES/CONSULTATIVE MECHANISMS**

The General Manager, Corporate Services Division (Senior Executive Service Band 2), is the senior executive responsible for EEO in the Department. Workplace diversity policy advice is the responsibility of the Employee Relations Section, Executive Branch, Corporate Services Division. The Department has appointed an Equity and Diversity Adviser who is the primary contact for such policy advice to staff. The Equity and Diversity Adviser keeps regular contact with, and makes biannual visits to, the various Divisions/Offices of the Department as a way of reporting upon and monitoring the effectiveness of the implementation of the Workplace Diversity Program. The Equity and Diversity Adviser also coordinates a network of Harassment Contact Officers for the Department Australia-wide.

In addition, the Department's Gender Advisory Committee continues its consultative role in the Department. The Committee's objective is to foster a working environment in which gender will not be an obstacle to staff in terms of the contribution they make to the organisation, their own career goals and job satisfaction.

The Gender Advisory Committee organised a Women's Consultative Forum in September 1998 at which all functional areas of the Department were represented, including regional staff of the Insolvency and Trustee Service, Australia (ITSA) and the Australian Protective Service (APS). The purpose of the Forum was to provide an opportunity for women across the Department to have input to several key strategic planning projects taking place in the Department at that time. In addition, a special purpose focus group for the Women's Network was conducted for the development of the Department's People Plan 1999–2001.

The Department's Board of Management (comprising the Secretary, Deputy Secretaries and Division/Office Heads) maintains a position of Adviser on Gender Issues to ensure a gender perspective on all management issues considered at Board level.

ITSA has initiated a women's forum aimed at providing a network for women in ITSA offices across Australia as a vehicle for consultation on issues that affect them and the distribution of information. In addition, ITSA now has a representative on the Department's Gender Advisory Committee.

The APS is planning to conduct workplace diversity and anti-harassment training sessions for Officers-In-Charge and supervisors at stations around Australia during 1999–2000.

## EEO DATABASE AND STATISTICAL DATA

During the 1998–99 year, the Department continued to use its computerised human resource management system (NOMAD) to maintain and capture EEO data on staff while moving towards the implementation of a more sophisticated human resource management system (SAP HR). It is expected that SAP HR will provide the Department with greater capability and flexibility in the management of corporate records and data.

At Tables 5.1 and 5.2 are summaries of representation of EEO groups within salary levels and representation of EEO groups within occupational groups for 1998–99 for both the Department and the Australian Government Solicitor.

## MAJOR ACHIEVEMENTS FOR 1998–99

The launch and implementation of the Department's Workplace Diversity Program was clearly the most significant achievement of the year for the Department in the area of workplace diversity. However, there were several other specific and important initiatives in this area:

- introduction of family friendly shift rosters for members of the Australian Protective Service;
- celebration of International Women's Day in March 1999 through the building of a Wall of Celebration in the foyer of Robert Garran Offices in Canberra. The wall comprised paper 'bricks' inscribed with positive images and messages reflecting the unique experiences and achievements of women, both in the Department and generally;
- review of Harassment Contact Officer training across the Department;
- conduct of a Conference for Harassment Contact Officers;
- development of revised guidelines for achieving a workplace free of harassment;
- significant development towards the production of a Harassment Contact Officer Information Kit;
- commencement of the integration of workplace diversity as a key theme in training and development activities conducted throughout the Department;
- inclusion in a staff opinion poll of specific elements addressing equity and diversity issues.

## PRIORITIES FOR 1999–2000

Two major areas of focus for 1999–2000 will be:

- continued monitoring and review of the implementation of the Workplace Diversity Program across the Department;
- assessment of the results of the staff opinion poll and the development and implementation of strategies to resolve any equity and diversity issues that require action.

## EEO/DIVERSITY IN APPOINTMENTS TO STATUTORY AND NON-STATUTORY BODIES

As at 30 June 1999 there were 392 appointments to statutory and non-statutory bodies in the Attorney-General's Portfolio. Of this number, 92 were women.

In 1998–99, 67 appointments were made to statutory and non-statutory bodies. Of these, 17 were women.

It was not possible to identify details for other EEO target groups during 1998–99. The provision of EEO data by appointees to statutory and non-statutory bodies is optional and these figures are unlikely to accurately reflect the diversity in appointments.

**Table 5.1 Representation of EEO groups within salary levels at 30 June 1999**

<i>Salary</i>	<i>Total no. of Staff</i>	<i>Women</i>	<i>People of non-English speaking background (1st Generation)</i>	<i>People of non-English speaking background (2nd Generation)</i>	<i>Aboriginal and Torres Strait Islander People</i>	<i>People with Disabilities</i>	<i>Staff with EEO data*</i>
Below \$27 251	32	4	1	0	2	0	10
APS1 and below		12.5%	3.1%	0%	6.2%	0%	31.2%
\$27 091 to	47	38	2	7	0	2	27
\$30 943		80.8%	4.2%	14.9%	0%	4.2%	57.4%
APS2 equivalent							
\$27 091 to	649	144	21	39	5	18	398
\$34 303		22.2%	3.2%	6%	0.8%	2.8%	61.3%
APS3 equivalent							
\$34 391 to	89	54	1	11	0	0	57
\$38 461		60.7%	1.1%	12.3%	0%	0%	64%
APS4 equivalent							
\$38 359 to	119	64	7	13	0	2	82
\$41 895		53.8%	5.9%	10.9%	0%	1.7%	68.9%
APS5 equivalent							
\$41 430 to	116	85	5	11	1	6	77
\$49 039		73.3%	4.3%	9.5%	0.9%	5.2%	66.4%
APS6 equivalent							
\$31 793 to	17	13	0	0	1	1	12
\$61 350		76.5%	0%	0%	5.9%	5.9%	70.6%
Legal Officer**							
\$50 931 to	171	62	8	9	0	5	89
\$66 563		36.3%	4.7%	5.3%	0%	2.9%	52%
EL1 equivalent							
\$57 983 to	140	50	6	6	0	2	97
\$75 813		35.7%	4.3%	4.3%	0%	1.4%	69.3%
EL2 equivalent							
\$69 600 to	58	15	0	1	0	1	39
\$189 500		25.9%	0%	1.7%	0%	1.7%	67.2%
Includes SES							
<b>Total</b>	<b>***1 438</b>	<b>529</b>	<b>51</b>	<b>97</b>	<b>9</b>	<b>37</b>	<b>888</b>
		<b>36.8%</b>	<b>3.5%</b>	<b>6.7%</b>	<b>0.6%</b>	<b>2.6%</b>	<b>61.7%</b>

\*Staff who have provided EEO information.

\*\*Legal Officer band staff have been reported on separately as the reporting system does not allow for accuracy of EEO data across salary levels.

\*\*\*These tables include permanent officers only and thus the total figure of 1 438 is less than the total Department staffing figure of 1560 shown at Appendixes 3.1 and 3.2. Australian Government Solicitor (AGS) staff have been included in a separate table below. The AGS operated on a separate administrative basis from the Department during 1998–99 in anticipation of its establishment on 1 September 1999 as a statutory authority under the *Judiciary Act 1903* (as amended by the *Judiciary Amendment Act 1999*).

### Australian Government Solicitor at 30 June 1999

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 \$13 238	1	0	0	0	1	0	1
Cadet equivalent		0%	0%	0%	100%	0%	100%
\$27 091 to \$30 042	47	42 89.4%	1 2.1%	4 8.5%	0 0%	0 0%	24 51.1%
APS2 equivalent							
\$30 857 to \$34 304	59	56 94.9%	3 5.1%	10 16.9%	0 0%	4 6.8%	40 67.8%
APS3 equivalent							
\$34 391 to \$37 341	33	27 81.8%	0 0%	2 6.1%	0 0%	1 3.0%	19 57.6%
APS4 equivalent							
\$38 359 to \$40 675	26	16 61.5%	1 3.8%	3 11.5%	0 0%	0 0%	18 69.2%
APS5 equivalent							
\$41 430 to \$47 591	18	10 55.5%	1 5.5%	1 5.5%	0 0%	0 0%	10 55.5%
APS6 equivalent							
\$31 793 to \$61 350	79	40 50.6%	1 1.3%	6 7.6%	2 2.5%	3 3.8%	49 62%
Legal Officer**							
\$50 931 to \$66 175	30	11 36.7%	1 3.3%	0 0%	0 0%	1 3.3%	18 60%
EL1 equivalent							
\$57 983 to \$70 331	138	52 37.7%	2 1.4%	11 8%	0 0%	1 0.7%	89 64.5%
EL2 equivalent							
\$68 228 to \$190 000	85	29 34.1%	1 1.2%	7 8.2%	0 0%	0 0%	61 71.8%
Includes SES							
<b>Total</b>	<b>***516</b>	<b>283 54.8%</b>	<b>11 2.1%</b>	<b>44 8.5%</b>	<b>3 0.6%</b>	<b>10 1.9%</b>	<b>329 63.7%</b>

\*Staff who have provided EEO information.

\*\*Legal Officer band staff have been reported on separately as the reporting system does not allow for accuracy of EEO data across salary levels.

\*\*\*These tables include permanent officers only and thus the total figure of 516 is less than the total AGS staffing figure at Appendix 3.6. The AGS operated on a separate administrative basis from the Department during 1998-99 in anticipation of its establishment on 1 September 1999 as a statutory authority under the *Judiciary Act 1903* (as amended by the *Judiciary Amendment Act 1999*).

**Table 5.2 Representation of EEO groups in occupational groups at 30 June 1999**

<i>Occupational Group</i>	<i>Total no. of Staff</i>	<i>Women</i>	<i>People of non-English speaking background (1st Generation)</i>	<i>People of non-English speaking background (2nd Generation)</i>	<i>Aboriginal and Torres Strait Islander People</i>	<i>People with Disabilities</i>	<i>Staff with EEO data*</i>
SES	58	15 25.9%	0 0%	1 1.7%	0 0%	1 1.7%	39 67.2%
APS1-6 and Exec. Officers	602	378 62.8%	29 4.8%	51 8.5%	4 0.7%	20 3.3%	368 61.1%
Professional	187	72 38.5%	10 5.3%	13 7%	1 0.5%	7 3.7%	137 73.3%
Technical **	591	67 11.3%	12 2%	37 6.3%	4 0.7%	9 1.5%	372 62.9%
<b>Total</b>	<b>***1 438</b>	<b>532 37%</b>	<b>51 3.5%</b>	<b>102 7%</b>	<b>9 0.6%</b>	<b>37 2.6%</b>	<b>916 63.7%</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 1 438 is less than the total Department staffing figure of 1 560 shown at Appendixes 3.1 and 3.2.

**Australian Government Solicitor at 30 June 1999**

<i>Occupational Group</i>	<i>Total no. of Staff</i>	<i>Women</i>	<i>People of non-English speaking background (1st Generation)</i>	<i>People of non-English speaking background (2nd Generation)</i>	<i>Aboriginal and Torres Strait Islander People</i>	<i>People with Disabilities</i>	<i>Staff with EEO data*</i>
SES	85	29 34.1%	1 1.2%	7 8.2%	0 0%	0 0%	61 71.8%
APS1-6 and Exec. Officers	189	150 79.4%	5 2.6%	20 10.6%	1 0.5%	6 3.2%	120 63.5%
Professional	221	99 44.8%	4 1.8%	17 7.7%	2 0.9%	4 1.8%	139 62.9%
Technical	21	5 23.8%	1 4.8%	0 0%	0 0%	0 0%	9 42.9%
<b>Total</b>	<b>**516</b>	<b>283 54.8%</b>	<b>11 2.1%</b>	<b>44 8.5%</b>	<b>3 0.6%</b>	<b>10 1.9%</b>	<b>329 63.8%</b>

\*Staff who have provided EEO information.

\*\*These tables include permanent officers only and thus the total figure of 516 is less than the total AGS staffing figure at Appendix 3.6. The AGS operated on a separate administrative basis from the Department during 1998-99 in anticipation of its establishment on 1 September 1999 as a statutory authority under the *Judiciary Act 1903* (as amended by the *Judiciary Amendment Act 1999*).

## **Industrial Democracy (Participative Work Practices)**

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

An Industrial Democracy Plan has been in place for the Department since 1993. The principles of industrial democracy are also reflected in various certified employment agreements covering elements of the Department. In respect of those elements, the relevant agreements override the 1993 Industrial Democracy Plan.

The 1993 Industrial Democracy Plan provides for primary responsibility for employee consultation to rest with line managers and for the establishment of Division and Office based consultative committees. Under the Plan, all elements of the Department had arrangements at both national and regional levels to consult with employees. In addition, the Department established consultative arrangements during 1998–99 to develop agreements for certification by the Australian Industrial Relations Commission.

The Department has established arrangements for industrial democracy and participative work practices to give effect to the objects of the *Workplace Relations Act 1996* to provide for more direct relations with employees and comply with the freedom of association provision of the Act.

The *Attorney-General's Department Performance, Cooperation and Change Agreement 1999* (the AGD Agreement) was certified on 28 September 1998 and covers all elements of the Department other than the Insolvency and Trustee Service, Australia (ITSA), the Australian Protective Service (APS) and the Australian Government Solicitor (AGS). Part 6 of the AGD Agreement provides for cooperative workplace relations, including provisions which constitute the industrial democracy plan for the relevant departmental elements.

In particular, Part 6 of the AGD Agreement provides for continuation of the Workplace Relations Committee (WRC) which was established to consult about the development of the Agreement. The WRC monitors the operation of the Agreement and provides a focus for consultation with staff about issues arising under the Agreement. The WRC is comprised of management representatives, elected staff representatives and union nominees. In addition, as provided in the AGD Agreement, Division and Office heads have made appropriate arrangements to consult regularly with staff.

Clause 19 of the *ITSA Certified Agreement 1998–2000* (the ITSA CA) provides for employee participation which is consistent with the provisions of the Workplace Relations Act. This includes provision for Branch Consultative Committees with management representatives and elected employee representatives. The ITSA CA also provides for the establishment of a National Consultative Committee, comprising management representatives, a nominated employee representative from each branch consultative committee and a union representative. The consultative committees replace the industrial democracy arrangements established under the 1993 Industrial Democracy Plan.

The APS is currently developing a certified agreement. The APS facilitates participative work practices by holding conferences of representatives from all workplaces and briefing sessions for all officers on a regular basis. Employees determine their own representatives consistent with the freedom of association provisions of both the Workplace Relations Act and government policy.

For the Australian Government Solicitor, the *People, Performance and Business Success – AGS Agreement on Employment Conditions* was certified on 1 June 1999. The Agreement was developed in consultation with all AGS employees and through a Chief Executive Officer's Staff Consultative Group comprising eight AGS employees. The Agreement provides for employee involvement at national and local levels and commits the AGS to involvement of employees in decisions that affect them through the establishment of an AGS Employee Council. The Council has six elected employee representatives, two union representatives, the CEO and other employees with relevant corporate responsibilities.

## 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* (the Act).

### OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) ACT

The implementation of the Department's Occupational Health and Safety Agreement continued this year in accordance with the Act. The Agreement was endorsed by management and the relevant unions on 21 October 1992 and a review of the Agreement has been periodically undertaken.

### DEPARTMENTAL OCCUPATIONAL HEALTH AND SAFETY POLICY

The Department remains committed to ensuring that all reasonably practicable steps are taken to maintain the health and safety of its staff and provide a healthy and safe work environment.

The Occupational Health and Safety Committee met regularly throughout the year. Selections for Health and Safety Representatives and Deputy Health and Safety Representatives were conducted, with representatives being appointed until the end of 2000.

### REPORTING REQUIREMENTS UNDER THE ACT

#### Section 68 Occurrences

(Notification and reporting of accidents and dangerous occurrences)

One notification was provided to Comcare.

#### 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/OUTCOMES

The Department continues to adopt the recommendations from a joint ANAO/Comcare better practice guide for senior managers, *The Management of Occupational Stress in Commonwealth Agencies*, December 1997, and provides the Board of Management with occupational health and safety reports.

In line with better practice the reports contain statistical information including:

- Comcare premium rate;
- the average cost of compensation claims, with an emphasis on occupational overuse injury and occupational stress claims;
- the number of claims lodged during the reporting period by injury group;
- average sick leave per employee during the reporting period.

The priorities for 1998–99 included a review of the Department’s occupational health and safety policies, and workplace inspections. These were undertaken by an Occupational Health and Safety consultant. The workplace inspections were undertaken both centrally and in regional/State offices. Division/Office Heads received reports on the outcomes of the inspections and addressed the issues relevant to their areas. As part of the consultancy, information sessions were presented to managers on occupational health and safety, return to work and management of the Comcare premium.

A major health initiative for 1998–99 was staff having the opportunity to participate in individual health assessments. The non-threatening program is designed to provide staff with a range of information about personal health and to identify lifestyle factors that may increase risk of preventable illness. A second round of the program is being offered in 1999–2000 for those staff who missed the first round.

The Department also facilitated staff attendance at lunchtime activities designed to enhance the health and well-being of staff. Posture and flexibility classes are designed to stretch all parts of the body, although there is a strong focus on the back, neck and shoulders. Seated workplace massage aims to prevent occupational overuse syndrome, muscle strain, stress and other related injuries.

#### PRIORITIES FOR 1999–2000

The Department’s priorities for 1999–2000 are:

- continuing implementation of health initiatives that focus on occupational overuse syndrome and occupational stress;
- implementing the SAP HR OH&S module;
- an integrated approach to occupational health and safety, rehabilitation, and injury prevention and management.

## Service Charters

The Attorney-General's Department Service Charter and associated complaints handling policy have been in operation since June 1998. The departmental charter is supplemented by charters covering the Insolvency and Trustee Service, Australia (ITSA) and International Child Abduction, Child Support and Civil Procedure (ICACSCP) functions. ICACSCP were the responsibility of the International Civil Procedures Unit, Civil Law Division until 1 January 1999 when the Unit was moved to the newly formed Family Law and Legal Assistance Division. The ICACSCP functions and charter remain unchanged. Aside from the departmental areas covered by their own service charter and the Australian Protective Service, the Attorney-General's Department has limited direct dealings with members of the public. The Department serves the Government, and through it, the people of Australia. The Australian Protective Service is covered by the departmental service charter which expresses our commitment to providing quality service in all our dealings.

The general departmental service charter and the ICACSCP charter were distributed to all staff and are provided to new recruits at induction. The charters are able to be viewed on the Department's homepage, *Window on the Law* (<http://law.gov.au>) and are available in hard copy to all clients. All staff of ITSA and approximately 60 per cent of clients are aware of the ITSA charter. ITSA staff are provided with the charter. The rate of client awareness was derived from the distribution of service charters to ongoing clients and to those contemplating bankruptcy or one of its alternatives.

The following table sets out the customer service standards contained in each charter and the extent to which they were met during 1998–99.

<i>Charter</i>	<i>Service Standard</i>	<i>Compliance with Service Standard</i>
<b>Attorney-General's Department</b>	A reply in plain English within 28 days of receipt of complaint, including the name and telephone number of the person dealing with the complaint.	All complaints received a response within 28 days in compliance with standard.
	Personal information only used in accordance with the law.	No misuse of personal information, resulting in a breach of the privacy legislation, has been reported by the Privacy Commissioner for attention.
	Work will be undertaken with care, diligence and sensitivity to the needs of clients.	*
	Strong commitment to accountability and continuous improvement.	*
	Clients will be treated with courtesy, fairness and respect.	*
Staff will act responsively to client needs.	*	
<b>International Child Abduction, Child Support and Civil Procedure</b>	Reply within 28 days of receipt of complaint.	All complaints received a response within 28 days in compliance with standard.
	Personal information only used in accordance with the law.	No misuse of personal information, resulting in a breach of the privacy legislation, has been reported by the Privacy Commissioner for attention.

<i>Charter</i>	<i>Service Standard</i>	<i>Compliance with Service Standard</i>
International Child Abduction, Child Support and Civil Procedure	Correspondence to be a well considered reply in plain English and to include the name and telephone number of the person dealing with the complaint.	*
	Subject to caseload priorities, we will act promptly for clients.	*
	Clients will be treated with courtesy, fairness and respect.	*
	Clients will be referred to the appropriate body if we cannot help.	*
Insolvency and Trustee Service, Australia**	<u>To bankrupts/debtors</u> Acceptance of bankruptcy documents within one day.	99% - manual measurement
	<u>To creditors</u> Issue of bankruptcy notices within one day. Send report to creditors: within 14 days in 90% of cases*** within 28 days in 100% of cases***	99% - manual measurement 95% - electronic data 98% - electronic data
	<u>To private bankruptcy trustees</u> Issue notices to enforce the law within five days.****	100% - manual measurement
	<u>To anyone obtaining information from public records</u> Update the public record within one day of receipt of information.	99% - manual measurement
	<u>Bankruptcy regulation</u> Report results of inspections within two weeks of exit interview. Review decisions of trustees within 60 days. Respond to complainants on findings and advise action within 28 days.	100% - manual measurement 100% - manual measurement 99% - manual measurement
	<u>General</u> Return telephone calls and send documents within one day. Acknowledge or reply to letters within seven days.	* *

\* Qualitative information obtained relating to these performance standards (including complaints data, compliments, and feedback from staff/client focus groups) indicates that they are being maintained. Participative management practices seek to foster professionalism, innovation and best practice.

\*\* The Insolvency and Trustee Service, Australia has a separate complaints handling procedure which has been developed to meet the special requirements of the Bankruptcy Act.

\*\*\* These standards will be amended on 1 July 1999 to 'reports sent in 90% of cases within seven days and 100% of cases within 14 days'.

\*\*\*\* This standard has been amended to 'notices issued within one day'.

Clients of the Department and those of the ICACSCP can make a complaint or provide feedback in writing, by email, by telephone or in person. Clients of ITSA are surveyed every two years in addition to the already described mechanisms for the provision of feedback. ITSA also obtains feedback from the national Bankruptcy Reform Consultative Forum which meets every six months and is attended by representatives of peak client bodies, and via other meetings with client groups and the presentation of material at conferences and seminars organised by those client groups.

Wherever possible staff of the Department are encouraged to resolve complaints on the spot. If a resolution cannot be reached at the time of the complaint, the complaint systems for all three charters involve the recording of the following information for investigation and appropriate actioning:

- the Division and officer receiving the complaint;
- the date of the complaint;
- the complainant's name, address and contact number;
- how the complaint was made;
- the resolution/decision;
- how the complainant was notified of the resolution/decision and date;
- review of the decision (if required);
- decision/comments/remedial action;
- reviewing officer's name and title;
- appeal rights advised (yes/no).

NB: ITSA clients are also informed of their rights to the specific statutory review of decisions under the Bankruptcy Act.

In relation to complaints directed at ITSA, customer feedback has resulted in changes to procedures, forms and proforma questionnaires, written material and pamphlets. For the Department, including the ICACSCP, the nature of the complaints has not necessitated any service delivery or process changes at the corporate level.

Information from feedback on customer service, including compliments and complaints, is referred to the action officer concerned and drawn to the attention of other staff as appropriate. The Corporate Performance and Coordination Section of the Department, which coordinates the complaints process, collects complaints data from departmental elements for the purpose of addressing any significant areas of concern. ITSA, generally addresses its own service provision matters and associated complaints, and feed the response into its Division's corporate planning element. ITSA has separate provisions for complaints handling as some of its clients have specific statutory appeal rights in relation to decisions made under the Bankruptcy Act.

The Department received a total of 108 complaints during the reporting period, 98 of which were received by ITSA. Of the ten remaining complaints, nine were directed to the APS which is covered by the departmental charter.

The following is a summary table of the types of complaints and compliments received by the Department as a whole. The information has been presented according to each service charter's governance of specific standards relating to the area's responsibilities.

<i>Service Charter</i>	<i>Complaints/Compliments</i>
<b>Attorney-General's Department</b>	<p><b>Complaints</b> performance below expectation</p> <p><b>Compliments</b> letters, emails and telephone calls in appreciation of standard of service provided by Department</p>
<b>International Child Abduction, Child Support and Civil Procedure</b>	<p><b>Complaints</b> rudeness of action officer</p> <p><b>Compliment</b> letters of appreciation  visit by non-abducting parent following return of abducted child</p>
<b>Insolvency and Trustee Service, Australia</b>	<p><b>Complaints</b> not taking certain action  delay in taking action  lack of understanding or insufficient information about how the bankruptcy system works</p> <p><b>Compliments</b> the professional and personal way that staff dealt with customers  the quality of presentation of information sessions to client groups  the valuable information and the manner staff explained matters to a customer using the information service</p>

The average time taken to investigate and resolve complaints recorded about any aspect of client service provided by the Attorney-General's Department was one week. The time taken to resolve the sole complaint received regarding the ICACSCP was ten minutes. On average, ITSA's resolution of complaints takes less than one day, ranging from less than one hour to several days depending on the nature of the issue and the availability of those involved.

For both the Attorney-General's Department and the ICACSCP charters, 100% of complainants considered the handling of their complaint to be satisfactory. Complainants have the right to elevate their complaint and demand further investigation be undertaken, including by the Commonwealth Ombudsman, if an outcome is not to their satisfaction. For the ITSA charter, an examination of the record of complaints indicated that 90 per cent of complainants were satisfied with the way their complaint was handled.

## External Scrutiny—List of Matters

### 9.1 REVIEWS BY THE AUDITOR-GENERAL

Report No.5 *Performance Audit - Commonwealth Agencies' Security Preparations for the Sydney 2000 Olympic Games* (tabled 24 August 1998)

Report No.20 *Audits of the Financial Statements of Commonwealth Entities for the Period Ended 30 June 1998* (tabled 8 December 1998)

Report No.47 *Performance Audit - Energy Efficiency in Commonwealth Operations* (tabled 15 June 1999)

### 9.2 INQUIRIES BY PARLIAMENTARY COMMITTEES—REPORTS TABLED

Committee	Subject of Inquiry
Joint Standing Committee on Foreign Affairs, Defence and Trade	Bougainville Peace Process (Interim Report)
Joint Standing Committee on Treaties	Report 15: Treaties Tabled on 1 April and on 12, 13 and 26 May 1998
Joint Standing Committee on Treaties	Report 16: OECD Convention on Combating Bribery and Draft Implementing Legislation Tabled on 2 July 1998
Joint Standing Committee on Treaties	Report 17: United Nations Convention on the Rights of the Child
Joint Standing Committee on Treaties	Report 18: Multilateral Agreement on Investment
Joint Standing Committee on Treaties	Report 19: The Fifth Protocol to the General Agreement on Trade in Services and Five Treaties Tabled on 30 June 1998
Joint Standing Committee on Treaties	Report 20: Two Treaties Tabled on 26 May 1998, the Bougainville Peace Monitoring Group Protocol and
Treaties	Tabled on 11 November 1998
Joint Standing Committee on Treaties	Report 21: Five Treaties Tabled on 16 February 1999
Joint Standing Committee on Treaties	Report 22: Five Treaties Tabled on 11 May 1999
Senate Standing Committee for the Scrutiny of Bills	Judiciary Amendment Bill 1998
Senate Environment, Communications, Information Technology and the Arts Legislation Committee	Australian Content Standard for television & paragraph 160(d) of the <i>Broadcasting Services Act 1992</i>
Senate Legal and Constitutional Legislation Committee	Provisions of the Genetic Privacy and Non-Discrimination Bill 1998
Senate Legal and Constitutional References Committee	Privacy and the Private Sector, Inquiry into Privacy Issues, including the Privacy Amendment Bill 1998

## Freedom of Information Matters

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

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

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

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

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 11 shows the structure of the Department.

### *Functions and powers*

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

### *FOI procedures and initial contact point*

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

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

Telephone: (02) 6250 6744

Facsimile: (02) 6250 5907

Inquiries may also be directed to the FOI Coordinator, who will assist applicants to identify the particular documents they seek.

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

### *Facilities for access*

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

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

### *Arrangements for outside participation*

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

### *Categories of documents*

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

- internal administration papers and records, including working drafts, statistical records, copies of cables and facsimiles, and records relating to human and financial resource management;
- ministerial, interdepartmental and general correspondence and papers;
- policy documents, including recommendations and decisions;
- requests for legal advice and copies or notes of advice given, and other legal documents;
- papers relating to new and amending legislation, drafting instructions and draft legislation;
- media releases;
- copies of texts of various public addresses, speeches, discussion papers and other statements made by the Attorney-General, the Minister for Justice and Customs and departmental officers;
- briefing papers and submissions prepared for the Attorney-General and the Minister for Justice and Customs;
- copies of draft Cabinet documents, Cabinet submissions and associated briefs;
- documents relating to meetings (agendas, minutes and reports);
- copies of questions in the Parliament together with related replies;
- copies of documents prepared for the Executive Council;
- reports relating to research and investigations.

### *Specialists*

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

## LEGAL POLICY AND SERVICES

### **OFFICE OF INTERNATIONAL LAW**

#### *Functions*

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

The Office is responsible for the following Acts:

*Admiralty Act 1988*

*Coastal Waters (Northern Territory Powers) Act 1980*

*Coastal Waters (Northern Territory Title) Act 1980*

*Coastal Waters (State Powers) Act 1980*

*Coastal Waters (State Title) Act 1980*

*Foreign Proceedings (Excess of Jurisdiction) Act 1984*

*Foreign States Immunities Act 1985*

*International Arbitration Act 1974*

*Marine Insurance Act 1909*

*Seas and Submerged Lands Act 1973*

*Trusts (Hague Convention) Act 1991*

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

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

### **Public International Law Branch**

#### *Functions*

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

### **International Trade and Environment Law Branch**

#### *Functions*

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

#### *Categories of documents*

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

- copies of advice and other legal comments given to other departments or agencies in relation to projects or policies which these other departments or agencies are developing or implementing;
- documents assisting the preparation of arguments to be used on behalf of the Commonwealth in major litigation or assisting the Solicitor-General, the Secretary, the Chief General Counsel, the Australian Government Solicitor, or a Deputy Secretary of the Department;
- materials used in the preparation of reports to the United Nations' human rights committees, as well as the reports themselves;
- documents received from international organisations relating to matters and meetings for which the Office is responsible;

- briefs for Australian delegations to meetings of relevant international organisations, together with minutes of meetings and reports of delegations;
- papers and correspondence relating to Australian membership of and participation in the work of relevant international organisations;
- papers and correspondence relating to the question of Australia's attitude to the work of international trade law bodies;
- papers and correspondence relating to the organisation and convening of the international trade law conferences.

## **OFFICE OF LEGISLATIVE DRAFTING**

### *Functions*

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

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

The CONSOL Unit maintains Commonwealth legislation in an up-to-date form and supplies consolidated legislation to the SCALEplus Unit for publication on the Department's *Window on the Law* (WOTL) website and to AusInfo for printing. The Business Operations Unit provides financial, human and physical resource management to both the OLD and the Office of International Law.

### *Categories of documents*

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

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

## **CIVIL LAW DIVISION**

### *Functions*

The Civil Law Division is responsible for the administration and review of laws and the development of legal policies and law reform proposals relating to human rights and civil liberties, humanitarian law, administrative law including judicial and non-judicial review of administrative decisions, federal courts and tribunals, judicial procedures and private international 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 is responsible for negotiation and implementation of a range of international human rights obligations. The Division coordinates departmental support for the Standing Committee of Attorneys-General (SCAG) and for the departmental member of the Administrative Review Council and provides research and secretariat support for the National Alternative Dispute Resolution Advisory Council and the Federal Costs Advisory Committee.

The Division is organised into two branches and one unit: Civil Justice Branch, Human Rights Branch and the Legal Procedure Unit.

### **Civil Justice Branch**

#### *Functions*

The Branch administers the following legislation:

*Acts Citation Act 1976*

*Acts Interpretation Act 1901*

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

*Administrative Decisions (Judicial Review) Act 1977*

*Amendments Incorporation Act 1905*

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

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

*Defence Force Discipline Appeals Act 1955* (Part II)

*Domicile Act 1982*

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

*Family Law Act 1975* (Parts IV and IVA)

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

*Federal Court of Australia (Consequential Provisions) Act 1976*

*High Court Justices (Long Leave Payments) Act 1979*

*High Court of Australia Act 1979*

*Judges (Long Leave Payments) Act 1979*

*Judges Pensions Act 1968*

*Judicial Appointment (Western Samoa) Act 1980*

*Judiciary (Diplomatic Representation) Act 1977*

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

*Jurisdiction of Courts (Cross-vesting) Act 1987*

*Jury Exemption Act 1965*

*Law Officers Act 1964*

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

*Nauru (High Court Appeals) Act 1976*

*Privy Council (Appeals from the High Court) Act 1975*

*Privy Council (Limitation of Appeals) Act 1968*

*Statutory Declarations Act 1959*

Statutory Rules made under Acts listed above

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

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

- policy development in relation to the role and structure of federal courts and tribunals;
- appointments to, and the jurisdiction of, the High Court, the Federal Court, the Family Court, the Administrative Appeals Tribunal (AAT), the National Native Title Tribunal, the Federal Police Disciplinary Tribunal, the Defence Force Discipline Appeal Tribunal and the Administrative Review Council;
- judicial and statutory officer remuneration policy and terms and conditions;
- policy development in relation to alternative dispute resolution;
- National Alternative Dispute Resolution Advisory Council;
- monitoring the operation of the Commonwealth administrative review system;
- developing proposals for legislation relating to the review of administrative decisions;
- advising Commonwealth departments and authorities on the interpretation of the Administrative Decisions (Judicial Review) Act and the AAT Act;
- advising Commonwealth departments and agencies on Commonwealth administrative review policy;
- advising departments and agencies on the adequacy of proposals for administrative review systems in draft legislation and Cabinet decisions;
- advising the Attorney-General on matters to be referred to the Administrative Review Council;
- coordinating consideration of reports and letters of advice to the Administrative Review Council;
- advising on requests for the Attorney-General's agreement to undertake public interest litigation;
- advising the Government on matters relating to the *Acts Interpretation Act 1901*, including review of the Act.

#### *Powers*

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

*Administrative Appeals Tribunal Act 1975*

*Family Law Act 1975* (Parts IV and IVA)

*Federal Court of Australia Act 1976*

*High Court of Australia Act 1975*

*Native Title Act 1993*

*Complaints (Australian Federal Police) Act 1981*

*Defence Force Discipline Appeals Act 1955*

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

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

*Administrative Decisions (Judicial Review) Act 1977:*

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

*Administrative Appeals Tribunal Act 1975:*

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

*Ombudsman Act 1976:*

- provide a certificate protecting certain information from disclosure.

*Arrangements for outside participation*

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

*Categories of documents*

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

## **Human Rights Branch**

*Functions*

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

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Human Rights and Equal Opportunity Commission Act 1986*

*Disability Discrimination Act 1992*

*Geneva Conventions Act 1957*

*Geneva Conventions Amendment Act 1991*

*Genocide Convention Act 1949*

*Human Rights (Sexual Conduct) Act 1994*

*Crimes (Torture) Act 1988*

*Racial Hatred Act 1995*

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

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

- minority rights, civil and political rights, measures to combat discrimination and, in connection with these matters, the general administration of the *Human Rights and Equal Opportunity Commission Act 1986*, the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992* and the Human Rights and Equal Opportunity Commission Regulations;
- Australia's involvement in international initiatives in the human rights and humanitarian field, in conjunction with the Department of Foreign Affairs and Trade, and the implementation within Australia of international human rights and humanitarian instruments;
- humanitarian law, particularly the administration of the *Geneva Conventions Act 1957*, the *Geneva Conventions Amendment Act 1991*, the *Genocide Convention Act 1949* and the *Crimes (Torture) Act 1988*.

#### *Arrangements for outside participation*

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

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

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

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

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

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

#### *Categories of documents*

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

### **Legal Procedure Unit**

#### *Functions*

The Legal Procedure Unit is responsible for:

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

The Unit administers the following legislation:

*Australia Act 1986*

*Australia (Request and Consent) Act 1985*

*Evidence Act 1995*

Evidence Regulations

*Evidence and Procedure (New Zealand) Act 1994*

Evidence and Procedure (New Zealand) Regulations

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

*Foreign Evidence Act 1994* (except Part 3)

*Foreign Judgments Act 1991*

Foreign Judgments Regulations

*Service and Execution of Process Act 1992*

Service and Execution of Process Regulations

*Statute of Westminster Adoption Act 1942*

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

#### *Powers*

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

### *Arrangements for outside participation*

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

In connection with administering the Evidence Act:

- an officer of the Unit is a member of the Evidence Act Monitoring Committee (nominees of the federal courts and the Law Council of Australia are the other members);
- another officer is Secretary to the Committee;
- the Unit provides secretariat services to the Committee.

### *Categories of documents*

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

- materials relating to professional development and training;
- agendas, minutes and briefing papers relating to meetings of the SCAG;
- documents relating to the Evidence Act Monitoring Committee.

## **CRIMINAL LAW DIVISION**

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

### **Criminal Justice Branch**

#### *Functions*

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

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

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

*Common Informers (Parliamentary Disqualifications) Act 1975*

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

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

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

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

*Crimes at Sea Act 1979*

*Crimes (Currency) Act 1981*

*Crimes (Overseas) Act 1964*

*Crimes (Superannuation Benefits) Act 1989*

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

*Death Penalty Abolition Act 1973*

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

*Defence (Transitional Provisions) Act 1946*

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

*Director of Public Prosecutions Act 1983*

*Financial Transaction Reports Act 1988* (except Part VI)

*Proceeds of Crime Act 1987*

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

*Secret Commissions Act 1905*

*Special Prosecutors Act 1982*

*Transfer of Prisoners Act 1983*

*War Crimes Act 1945*

*Witness Protection Act 1994*

#### *Categories of documents*

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

#### **International Branch**

##### *Functions*

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

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

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

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

*Defence (Visiting Forces) Act 1963*

*Extradition Act 1988*

*Extradition (Repeal and Consequential Provisions) Act 1988*

*Foreign Evidence Act 1994* (Part III)

*International Transfer of Prisoners Act 1997*

*International War Crimes Tribunals Act 1995*

*International War Crimes Tribunals (Consequential Amendments) Act 1995*

*Mutual Assistance in Business Regulation Act 1992*

*Mutual Assistance in Criminal Matters Act 1987*

*Mutual Assistance in Criminal Matters (Consequential Amendments) Act 1987*

#### *Categories of documents*

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

### **Criminal Law Reform Unit**

#### *Functions*

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

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

*Criminal Code Act 1995*

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

### *Categories of documents*

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

- reports and discussion papers of the Criminal Law Officers Committee;
- reports and discussion papers of the Model Criminal Code Officers Committee;
- report and discussion paper of the Domestic Violence Legislation Working Group.

### **INFORMATION AND SECURITY LAW DIVISION**

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

#### **Information Law Branch**

##### *Functions*

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

The Branch administers the following legislation:

*Freedom of Information Act 1982*

Freedom of Information Regulations

*Parliamentary Papers Act 1908*

*Parliamentary Privileges Act 1987*

*Privacy Act 1988*

In relation to information access law, the Branch:

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

In relation to parliamentary privilege, the Branch:

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

In relation to privacy, the Branch:

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

#### *Powers*

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

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

#### *Arrangements for outside participation*

Officers of the Branch consult regularly with key stakeholders, including persons outside the Commonwealth administration. Officers of the Branch have participated in, for example, the review of the Electronic Funds Transfer Code and the Asia-Pacific Smart Card Forum. The Branch is coordinating widespread consultation on the development of the privacy legislation for the private sector. These bodies and consultations include persons outside the Commonwealth administration. Internationally, the Branch was represented at a meeting of the OECD Group of Experts on Information Security and Privacy considering privacy issues relating to electronic commerce, and officers held discussions with the European Commission and Council of Europe.

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

#### *Categories of documents*

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

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

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

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

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

- a general description of the FOI Act;
- a pamphlet guide to the FOI Act prepared by the Department.

### **Intellectual Property Branch**

#### *Functions*

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

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

#### *Arrangements for outside participation*

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

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

### *Categories of documents*

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

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

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

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

## **Security Law and Justice Branch**

### *Functions*

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

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

*Australian Protective Service Act 1987*

*Australian Security Intelligence Organization Act 1979*

*Crimes Act 1914* (ss.70, 89 and 89A and Parts II, IIA and VII)

*Crimes (Aviation) Act 1991*

*Crimes (Biological Weapons) Act 1976*

*Crimes (Foreign Incursions and Recruitment) Act 1978*

*Crimes (Hostages) Act 1989*

*Crimes (Internationally Protected Persons) Act 1976*

*Crimes (Ships and Fixed Platforms) Act 1992*

*Customs Act 1901* (Division 1A of Part XII)

*Public Order (Protection of Persons and Property) Act 1971*

*Telecommunications (Interception) Act 1979*

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

### *Categories of documents*

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

## **OFFICE OF LEGAL SERVICES COORDINATION**

### *Functions*

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

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

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

In particular, the Office is responsible for:

- advising the Attorney-General on the preparation and implementation of new Legal Services Directions which are to be issued after the commencement of the *Judiciary Amendment Act 1999*, and which will provide a framework for the delivery of Commonwealth legal services, whether by the AGS, in-house lawyers or external lawyers (it is envisaged that these directions will cover such matters as requiring that clients act as model litigants and setting principles for settlements, as well as establishing mechanisms for reporting significant legal issues);
- advising the Attorney-General on general policy relevant to the delivery of Commonwealth legal services, especially litigation, and in relation to his responsibilities for the AGS;
- advising Commonwealth departments and agencies on purchasing legal services and on compliance with the new Legal Services Directions;
- prior to the full untying of litigation (except for the reserved categories), advising the Attorney-General, as well as Commonwealth departments and agencies, on the approach to be taken with the progressive untying of litigation on an *ad hoc* basis and subject to certain conditions to protect the Commonwealth's interests;
- assisting with the preparation of the draft legislation and administrative matters relating to the separation of the AGS from the Department.

The Office of Legal Services Coordination includes the Constitutional Policy Unit. The Unit was established to provide advice and assistance to the Attorney-General on a wide range of constitutional policy issues. In particular, the Unit deals with proposals for constitutional reform, related proposals and education change. The Unit has been extensively involved in providing advice to the Attorney-General, the Steering Group and the Referendum Taskforce on legal and other issues arising in connection with the referendum on the republic (planned to be held in November 1999). It has also provided advice and been responsible for the development of policy in relation to the federal cross-vesting scheme and the qualification of members of the Commonwealth Parliament.

### *Categories of documents*

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

- directions, guidelines and policies relating to the provision of legal services to Commonwealth departments and agencies. (The policies, which are available on the Office's website at [www.law.gov.au/olsc](http://www.law.gov.au/olsc), include the policy for the progressive untying of litigation and counsel fees, the Commonwealth

as a model litigant policy, the policy on the pleading of statutes of limitation, the policy for handling monetary claims, and the policy for assistance to officials in relation to legal proceedings);

- documents relating to constitutional issues, including correspondence and opinions.

## **NATIVE TITLE TASK FORCE**

### *Functions*

The Native Title Task Force is responsible for the formulation of policy advice on native title. This includes amendments to the *Native Title Act 1993*; liaison with State and Territory governments on the implementation of native title arrangements; and the development of conditions agreed with the States and Territories for the provision of native title financial assistance. The Task Force is also responsible for the management of Commonwealth involvement in native title litigation.

On behalf of the Attorney-General, the Task Force administers the Native Title Act (other than those provisions administered by the Minister for Aboriginal and Torres Strait Islander Affairs on behalf of the Prime Minister).

The Native Title Act allows for State and Territory governments to introduce their own alternative regimes to replace certain provisions of the Commonwealth Act in order to allow for native title to be dealt with in a manner that is both flexible and appropriate to each jurisdiction. Where a State or Territory is developing legislation with the aim of replacing the right to negotiate in respect of certain acts, the Task Force provides assistance to the State or Territory and advises the Attorney-General on the progress of the legislation and its relative compliance with the provisions of the Native Title Act.

The Native Title Act also provides for the Commonwealth to enter into financial assistance agreements with the States and Territories to contribute towards certain costs associated with compensation for acts affecting native title and the cost of establishing and administering State/Territory based arbitral bodies. The Task Force is responsible for finalising the draft conditions of offer provided by the Commonwealth, working with the States and Territories towards agreement and advising the Attorney-General.

The Task Force is also responsible for:

- the Commonwealth role in native title litigation, including the development and approval of submissions, and advising the Attorney-General on the progress of the litigation and the Commonwealth interest in each matter;
- contributing to briefing for other agencies on the Native Title Act in the context of Australia's international obligations;
- monitoring the implementation of the Native Title Act, in particular for any transitional issues that might arise subsequent to the passage of the *Native Title Amendment Act 1998*.

### *Categories of documents*

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

- briefing for the Attorney-General on policy proposals within the area's responsibilities;
- advice on policy proposals relating to proposed native title determinations;
- advice on policy proposals relating to the financial assistance offer;
- advice on policy proposals relating to native title litigation.

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

- a plain English guide to the Native Title Amendment Act.

## AUSTRALIAN GOVERNMENT SOLICITOR

*Note:* The Australian Government Solicitor (AGS) operated on an administratively separate basis from the Department during 1989–99, in anticipation of its establishment as a statutory authority under the *Judiciary Act 1903* (as amended by the *Judiciary Amendment Act 1999*).

### Regional Offices

#### *Functions*

There are offices of the 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).

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

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

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

#### *Powers*

Subject only to instructions on matters of policy by the client department or authority, and to directions or guidelines issued by the Attorney-General or the Secretary, 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* (which includes the directors), and for payment of compensation upon providing evidence of title to the satisfaction of such persons;
- High Court Rules: Order 45, Rule 10 provides that impounded documents in the custody of the Court shall, upon request by the Attorney-General, the Solicitor-General or the AGS, be given into their respective custody;

- Magistrates Court Rules (ACT): Rule 97B provides in specified circumstances for letters of request relating to obtaining of evidence for foreign tribunals to be transmitted to the AGS who may, with the consent of the Attorney-General, take steps to give effect to the letters.

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

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

#### *Categories of documents*

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

- claims by and against the Commonwealth and authorities, litigation or other proceedings before courts or tribunals, and pre-court action including counsels' briefs, opinions, court documents, clients' documents and witnesses' statements.

### **Office of General Counsel**

#### *Functions*

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

The Office provides advice to departments and agencies on constitutional and other legal questions which arise out of projects or policies which they are developing or implementing. Where the projects or policies

involve legislation, the Office provides assistance during the formative stages of that legislation, and in particular provides advice on constitutional questions that may arise out of the proposed legislation, on the effect of the proposed legislation on existing legislation and on the advantages and disadvantages, from a legal point of view, of adopting one or other of various means of achieving the aim of the proposed legislation.

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

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

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

#### *Categories of documents*

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

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

### **Office of Litigation**

#### *Functions*

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

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

The Office consists of three units. The Government and Revenue Unit discharges office functions in respect of taxation, customs and insolvency matters, and in respect of general government legal matters such

as administrative law, negligence, defamation, contract, disclosure of information, and court practice and procedures. The Trade Practices Unit conducts proceedings before the Trade Practices Tribunal and courts upon instructions from the Australian Competition and Consumer Commission and provides advice on legal questions in trade practices and consumer affairs matters. The Constitutional and Native Title Unit deals with constitutional cases, in particular intervention by the Attorney-General, and native title claims.

#### *Categories of documents*

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

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

### **Business and Commercial**

#### *Functions*

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

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

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

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

#### *Categories of documents*

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

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

## **Business Development**

### *Functions*

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

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

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

Corporate Communications provides policy, advice and support services for the AGS' strategic planning and marketing. It maintains a database which contains client information. This information is vital to the successful coordination of marketing planning and related activities aimed at overall service improvement. Corporate Communications is also responsible for the management of all tender processes in which the AGS participates.

Corporate Communications, in addition to ensuring efficient accessibility to AGS information, is responsible for the publication of information about the AGS, both in hard copy and on the AGS website, and AGSNet (intranet); legal text publications and legal information publications.

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

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

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

Corporate Communications and IT&T combine to provide litigation support systems for leading edge, technology based solutions to deliver high quality, cost effective and timely applications and solutions nationally to its internal users and external clients of the AGS.

### *Categories of documents*

Business Development maintains the following categories of documents:

- marketing, public relations and promotional material;
- training packages, training course evaluations and reports and other training related documents;
- documents relating to people management policies and procedures;
- the Corporate Plan;
- the Statement of Corporate Intent;
- national work instructions and quality procedures;

- the Corporate IT&T Strategic Plan;
- various supporting documents used in the creation, development, enhancement and maintenance of computer systems;
- contracts for information technology and other support services;
- manuals of computer operations standards and procedures, including the Attorney-General's Department Information Technology Security Policy, and Systems Administrators' Guide;
- bound volumes of opinions containing opinions of the Department, the Attorney-General, Solicitor-General and counsel (these volumes are indexed according to subject matter and, where applicable, the relevant provisions of Commonwealth, State or Territory legislation including the Australian Constitution);
- documents associated with the VIEWS database of legal opinions.

### **Office of the Chief Financial Officer (CFO)**

#### *Functions*

The Office of the CFO has three main parts; corporate and financial systems, pay team and audit.

Corporate and financial systems operates the AGS time recording, billing, budget and financial management systems. It assists the AGS in setting a financial framework and ensuring that adverse variances and other trends are drawn to the attention of management. It seeks to ensure that financial control and effective billing, banking and other financial processes are maintained throughout the enterprise.

The pay team is responsible for ensuring the correct and timely payment of AGS staff and the provision of information to staff and to management.

Audit is responsible for reviewing the integrity, efficiency and effectiveness of AGS operations.

#### *Categories of documents*

The Office of the CFO maintains the following specific categories of documents:

- accounting and budgetary records including estimates, claims, payment records etc;
- records of receipts, outstanding debt and work in progress;
- personnel records for all staff, including both manual and computerised records;
- audit plans and manuals and risk evaluation documents;
- reports and working papers resulting from internal audit reviews.

## COMMUNITY AFFAIRS

### INSOLVENCY AND TRUSTEE SERVICE, AUSTRALIA (ITSA)

#### *Functions*

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

#### **Inspector-General in Bankruptcy**

##### *Functions*

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

- make such inquiries and investigations as the Attorney-General and the Minister for Justice and Customs direct;
- make other inquiries and investigations as the Inspector-General thinks fit with respect to the conduct of a trustee in relation to a bankruptcy, or an administration under Part IV, X or XI of the Act;
- make such investigations as the Inspector-General thinks fit with respect to so much of the conduct and examinable affairs of a bankrupt or a debtor in relation to an administration under Part IV, IX, X or XI of the Act;
- attend and participate in, but not to vote at, a meeting of creditors;
- obtain from Official Receivers and other officers reports as to the operation of the Act;
- oversee the conduct, trade, dealings, property and affairs of a debtor or bankrupt;
- review decisions of trustees relating to assessments of bankrupts' income;
- review contribution assessments of a bankrupt, by his or her own motion, or on application by the bankrupt, including asking bankrupts for further information;
- review decisions of trustees objecting to the discharge of a bankrupt, on his or her own initiative, at the request of the Ombudsman or the bankrupt, including asking bankrupts, trustees or Official Receivers for further information;
- review determinations of trustees rejecting an application for early discharge, on his or her own motion or at the request of the bankrupt, or the Ombudsman;
- inquire, examine, or apply to the court regarding a trustee's conduct;
- prepare an annual report on the operation of the Act;
- be the registering authority for registered trustees;
- approve bankruptcy forms including debtor's petition, statements of affairs, trustee's accounting statements, applications for registration as a trustee, authorities under s.188, consents by registered trustees to act as trustee of a bankruptcy, Part X administration or trustee of a deceased debtor and proofs of debt.

The Inspector-General holds certain delegations from the Minister for Justice and Customs to assist in the administration of ITSA and the administration of the Bankruptcy Act. The present delegations give

the Inspector-General the Minister's powers and functions with respect to the giving of directions that the cost of certain legal proceedings relating to the estate of a bankrupt or a deceased person be paid by the Commonwealth and the giving of directions that there be a remission or reduction of fees due to be paid under the Bankruptcy Regulations.

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

ITSA also has responsibility for legislative policy in relation to bankruptcy law. This involves the formulation of proposals for legislation, the preparation of draft Cabinet submissions and the delivery of drafting instructions to the Office of Parliamentary Counsel. On behalf of the Official Trustee in Bankruptcy, the Official Receivers have functions arising from the making of orders under the *Proceeds of Crime Act 1987* and the *Customs Act 1901*. These functions are more fully described under the heading Official Trustee in Bankruptcy (see page 216).

### **Official Receivers**

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

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

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

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

#### *Arrangements for outside participation*

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

#### *Categories of documents*

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

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

## **FAMILY LAW AND LEGAL ASSISTANCE DIVISION**

### *Functions*

Family Law and Legal Assistance Division is responsible for all aspects of the management of Commonwealth legal aid policy and funding for legal aid commissions and community legal services.

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

The Division has legal policy and administrative responsibility in relation to family law and marriage issues as well as international child abduction, intercountry adoption and international maintenance matters and acts as the Commonwealth Central Authority for these matters.

The Division also administers the appointment under the Marriage Act of civil and religious marriage celebrants (other than nominees of major recognised denominations) and provides secretariat support to the Family Law Council.

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

The Division consists of the Legal Aid Branch, the Family Law Branch, the Policy Development Coordination Unit and the Finance and Corporate Support Section.

### **Legal Aid Branch**

#### *Functions*

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

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

*Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (s.30(2))

*Aboriginal Land Rights (Northern Territory) Act 1976* (ss.54C and 74A)

*Administrative Appeals Tribunal Act 1975* (s.69, including the War Service Scheme)

*Australian Security Intelligence Organization Act 1979* (s.72)

*Conciliation and Arbitration Act 1904* (ss.132H, 132J, 141A, 141B, 158U and 168)

Defence Force Discipline Appeals Regulations (r.11)

*Disability Discrimination Act 1992* (ss.105, 105B and 105F)

*Federal Proceedings (Costs) Act 1981*

*Freedom of Information Act 1982* (s.66)

*Industrial Relations Act 1988* (ss.342 and 344)

*Judiciary Act 1903* (ss.69(3) and 78B(4))

*Jurisdiction of Courts (Cross-vesting) Act 1987* (s.6(5))

*National Crime Authority Act 1984* (s.27)

*Native Title Act 1993* (s.183)

Navigation (Marine Casualty) Regulations (r.29)

*Privacy Act 1988* (s.63)

*Proceeds of Crime Act 1987* (s.102)

*Racial Discrimination Act 1975* (ss.25ZB, 25ZCA and 25ZCE)

*Sex Discrimination Act 1984* (ss.83, 83B and 83F)

*Trade Practices Act 1974* (s.170)

*War Crimes Act 1945* (s.19)

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

Overseas Custody (Child Removal) Scheme

Royal Commissions and Inquiries Scheme

Native Title Common Law Cases Scheme

Special Circumstances Scheme

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

#### *Categories of documents*

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

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

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

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

## **Policy Development and Coordination Unit**

### *Functions*

The Unit is responsible for:

- Commonwealth policy development and advice on primary dispute resolution in family law;
- Commonwealth policy development and advice on family law related dispute resolution services;
- policy oversight of a Business Partnership Agreement with the Department of Family and Community Services for the delivery of family law related dispute resolution services funded by the Attorney-General's Department.

### *Categories of documents*

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

### *Arrangements for outside participation.*

An officer of the Unit was appointed by the Attorney-General as a member of the Family Services Council. Persons outside the Commonwealth administration are members of the Family Services Council.

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

Officers of the Unit attend meetings of the Interdepartmental Committee on the Child Support Formula and the Regional Forum Australia Program Interdepartmental Working Group.

## **Family Law Branch**

### *Functions*

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

The Branch administers the following Commonwealth legislation:

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

Family Law Regulations

Family Law (Child Abduction Convention) Regulations

Family Law (Bilateral Arrangements - Intercountry Adoption) 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;
- administers and reviews the Family Law (Child Abduction Convention) Regulations and the Family Law Regulations in so far as they deal with international arrangements in relation to maintenance and parenting;
- negotiates agreements relating to family law with other countries;
- provides policy advice and instruction to the Australian Government Solicitor in interventions by the Attorney-General in proceedings under the Family Law (Child Abduction Convention) Regulations and the Family Law Regulations insofar as they deal with international arrangements in relation to maintenance and parenting;
- 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).

#### *Powers*

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

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

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

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

#### *Arrangements for outside participation*

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

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

#### *Categories of documents*

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

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

### **Finance and Corporate Support Section**

#### *Functions*

This Section is responsible for the provision of financial management and support services to the Division.

#### *Categories of documents*

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

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

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

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

## COMMUNITY PROTECTION

### **LAW ENFORCEMENT COORDINATION DIVISION**

#### *Functions*

The Law Enforcement Coordination Division (LECD) is responsible for policy matters relating to the operational law enforcement agencies within the Attorney-General's portfolio and general law enforcement issues; policy advice relating to fraud, firearms and illicit drugs; administration of the National Crime Prevention program; secretariat support to the Ministerial Council on the Administration of Justice; and support to the Commonwealth Law Enforcement Board (CLEB). CLEB comprises the Secretary, Attorney-General's Department; Chairperson, National Crime Authority (NCA) (Board Chair); Commissioner, Australian Federal Police (AFP); Director, Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Chief Executive Officer of the Australian Customs Service. It provides coordinated advice to the Attorney-General and the Minister for Justice and Customs, including strategic crime assessments and strategic planning, and has overall responsibility for the Commonwealth's fraud control policy under which it provides an annual report on fraud control issues.

LECD comprises the Law Enforcement Group, National Crime Prevention, the Office of Strategic Crime Assessments and a Project Office responsible for the implementation of the CrimTrac initiative.

#### **Law Enforcement Group**

##### *Functions*

The Law Enforcement Group comprises teams covering policy advice in relation to law enforcement and related issues. It is responsible for progressing the implementation of Government decisions in relation to law enforcement policy, and liaising with Commonwealth law enforcement agencies with a view to coordinating their efforts in the development and implementation of that policy. Furthermore, the group represents the Commonwealth interest in drugs and firearms policy and, in partnership with the Australian Federal Police, is responsible for implementing and further developing the Commonwealth Fraud Control Policy. A legal team provides legal and legal policy advice on matters within the Division's functions and advises on legislation administered by LECD. The group also provides the Division's secretariat functions.

#### **National Crime Prevention**

##### *Functions*

National Crime Prevention (NCP) is a strategic Commonwealth Government initiative to find and promote programs, policies and projects that prevent and reduce violence and crime and fear of crime. This is being achieved through targeted research and demonstration crime prevention programs, community education and information sharing, the provision of crime prevention policy advice to Government and other agencies, and assisting the States and Territories to enhance their crime prevention capacity.

#### **Office of Strategic Crime Assessments**

##### *Functions*

The Office of Strategic Crime Assessments (OSCA) comprises coordination and assessment functions. The primary role of OSCA is to provide the CLEB and the Government with strategic assessments of significant crime trends and criminal threats to Commonwealth interests likely to emerge over the next five years. Its second major role is to support cooperative arrangements within the law enforcement intelligence community to coordinate the Commonwealth's law enforcement strategic intelligence efforts.

## **CrimTrac Project Office**

### *Functions*

The CrimTrac Project Office is responsible for the development and implementation of the Federal Government's \$50m CrimTrac initiative. The Project Office is working closely with the States and Territories to put in place four key deliverables: a new National Automated Fingerprint Identification System, a new National DNA Criminal Investigation System, a National Child Sex Offender System, and the provision of integrated access to police information (e.g. domestic violence orders, criminal history information and missing persons information).

### *Categories of documents*

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

- project documents on the CrimTrac project.

### *Facilities for access*

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

## **Australian Protective Service**

### *Functions*

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

### *Arrangements for outside participation*

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

### *Categories of documents*

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

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

### *FOI contact point*

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

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

Ph: (02) 6270 2698

Fax: (02) 6270 2684

## **PROTECTIVE SECURITY COORDINATION CENTRE**

### *Functions*

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

Specific functions of the PSCC include:

- responsibility for protective security policy and for providing a policy framework in which to promote and enhance protective security practices;
- coordination of the Department's protective security responsibilities and interests in respect of the Sydney 2000 Games;
- responsibility for development and revision, in conjunction with the Protective Security Policy Committee (PSPC), of the *Commonwealth Protective Security Manual*;
- conduct of a comprehensive protective security training program;
- provision of a security vetting service to the Commonwealth and contractors to the Commonwealth;
- provision of departmental security services and advice to the Attorney-General's Department;
- administration of the Standing Advisory Committee on Commonwealth–State Cooperation for Protection Against Violence (SAC–PAV);
- development and review of national counter-terrorism contingency plans and procedures;
- development of appropriate protective security arrangements consistent with the Review of Office Holders Security;
- maintenance of a 24-hour duty officer system in order to provide an effective framework for the coordination of information and responses to security incidents by Commonwealth and State policing and security services;
- provision of high level leadership and management to the Commonwealth–State arrangements for the protection of visiting dignitaries;
- maintenance of appropriate levels of security for diplomatic and consular representation in Australia.

### *Arrangements for outside participation*

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

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

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

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

### *Categories of documents*

The PSCC maintains the following specific categories of documents:

- correspondence, reports and electronic documents relating to counter-terrorism policies and arrangements, including purchase of equipment, contingency plans and national plans;
- correspondence, reports and electronic documents relating to protective security arrangements for visiting dignitaries and diplomatic/consular representatives in Australia;
- correspondence and other documents relating to the Commonwealth's protective security policies and practices, including the *Commonwealth Protective Security Manual*;
- correspondence, reports and electronic documents relating to protective security arrangements for Australian holders of high office;
- correspondence, reports and electronic documents relating to protective security plans and policies for the Sydney 2000 Games.

## **CORPORATE SERVICES DIVISION**

### *Functions*

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

The three branches of the Division are the Executive Branch, the Financial Management Branch and the Information Technology Branch. In addition, the Audit and Evaluation Section, although overseen by an Audit Committee, comes within the Corporate Services Division's area of operations, for administrative purposes.

### **Executive Branch**

#### *Functions*

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

The Employee Relations Section has responsibility for the development, implementation and promotion of policies and standards in relation to the employment conditions framework; performance management including performance appraisal, discipline, inefficiency and grievances; work environment matters

including occupational health and safety, workplace diversity and the employee participation structures and mechanisms; industrial relations including the development of the certified agreement and Australian Workplace Agreements; job analysis and design; recruitment and selection policy and procedures, and human resource development.

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

The Corporate Performance and Coordination Section supports the Department's performance management program by coordinating strategic planning and performance monitoring and reporting activities including the Corporate Plan and the Annual Report. It also coordinates the Department's cost-to-government obligations and whole-of-government reporting responsibilities including service charters; access and equity and social justice programs; and business regulatory compliance. The Section provides support to the Board of Management, undertakes general cross-Department and cross-portfolio coordination projects, and coordinates arrangements for visiting dignitaries and associated briefing for portfolio Ministers. Additionally, it coordinates the activities of the Continuous Improvement Program across the Department and provides support to the Board of Management, undertaking related research, and providing information and facilitation skills where necessary. The facilitator network also provides support and facilitation skills for each division's continuous improvement activities.

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

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

#### *Categories of documents*

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

- submissions and reports to the Board of Management;
- performance management and performance pay documentation;
- registers in computer-readable form of Cabinet documents, ministerial correspondence and submissions, parliamentary questions, the legislation program and FOI requests;
- employment equity documentation (e.g. Workplace Diversity Program);
- the Corporate Plan;
- management memoranda and employee relations advices relating to departmental and employee relations resource management policies and procedures;
- organisation charts;
- grievance and discipline documentation;
- plans and photographs of departmental office areas, major courts buildings, including building service plans;

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

## **Financial Management Branch**

### *Functions*

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

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

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

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

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

### *Categories of documents*

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

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

## **Information Technology Branch**

### *Functions*

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

Major activities undertaken by the Information Technology (IT) Information Systems Section include raising the awareness of information technology capability and the delivery of information technology solutions to improve responsiveness and effective communication within the Department and with external clients. The Section has a focus on business planning to ensure information technology continues to support departmental strategic directions. These include analysis of business requirements, drafting of business cases and proposals, project planning and administration, evaluation of hardware and software, provision of technical advice and the development, maintenance and enhancement of computer system applications. Areas of key activity include the increased utilisation and integration of Internet technologies, use of Office of Government Online (OGO) Shared Systems Suite solutions as appropriate, and planning and analysis for the implementation of government policy such as outsourcing.

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

The Lionel Murphy Library provides a comprehensive law collection of approximately 140 000 volumes for the use of officers in the Department and offers a high-level legal reference, research and information service.

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

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

### *Categories of documents*

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

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

## **Audit and Evaluation Section**

### *Functions*

Audit and Evaluation is an appraisal activity independent of the area being appraised; its role is to perform programmed reviews of all departmental functions, processes, systems and organisational arrangements and undertake other audit tasks that the Audit Committee might decide on. Audit and Evaluation's overall objective is to assist management in the achievement of corporate goals and objectives by assessing the efficiency and effectiveness of operations, procedures and activities of the Department.

### *Categories of documents*

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

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

## **AGENCIES DEFINED FOR THE PURPOSES OF THE FOI ACT**

### **COPYRIGHT TRIBUNAL**

#### *Establishment*

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

#### *Organisation*

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

- he or she is or has been a judge;
- he or she is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than five years;
- he or she has had experience, for not less than five years, at a high level in industry, commerce, business, public administration, education or the practice of a profession;
- he or she has obtained a degree of a university, or an educational qualification of a similar standing, after studies in the field of law, economics or public administration; 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 (produced by the Attorney-General's Department).

### *Facilities for access*

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

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

Phone: (02) 9230 8567

Fax: (02) 9230 8535

Registers and other documents 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 Secretary at the above address. Business hours are from 9 am to 4 pm.

### **DEFENCE FORCE DISCIPLINE APPEAL TRIBUNAL**

#### *Establishment*

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

#### *Organisation*

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

#### *Functions and powers*

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

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

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

### *Categories of documents*

The Tribunal maintains the following categories of documents:

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

### *Facilities for access*

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

### *FOI procedures and initial contact points*

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

#### **Canberra (Principal office)**

c/- Federal Court of Australia

ACT Registry

Commonwealth Law Courts Building

Childers Street

Canberra City ACT 2601

Phone: (02) 6267 0566

Fax: (02) 6267 0625

DX 5758 – Canberra

Hours: 10 am–1 pm; 2 pm–4 pm

#### **Sydney**

c/- Federal Court of Australia

NSW Registry

Level 16, Law Courts Building

Queens Square

Sydney NSW 2000

Phone: (02) 9230 8567

Fax: (02) 9230 8535

DX 613 – Sydney

Hours: 9 am–4 pm

**Melbourne**

c/- Federal Court of Australia  
Victoria Registry  
Level 7, Commonwealth Law Courts Building  
305 William Street  
Melbourne Vic. 3000

Phone: (03) 8600 3333

Fax: (03) 8600 3280

DX 435 – Melbourne

Hours: 9 am–4 pm

**Brisbane**

c/- Federal Court of Australia  
Queensland Registry  
Level 6, Commonwealth Law Courts  
119 North Quay  
Brisbane Qld 4000

PO Box 84, Brisbane Roma Street Qld 4003

Phone: (07) 3248 1100

Fax: (07) 3248 1102

DX 40125 – Uptown

Hours: 9 am–4 pm

**Adelaide**

c/- Federal Court of Australia  
SA Registry  
8th Floor, Grenfell Centre  
25 Grenfell Street  
Adelaide SA 5000

GPO Box 1350, Adelaide SA 5001

Phone: (08) 8205 4436

Fax: (08) 8205 4439

Hours: 9 am–4 pm

**Perth**

c/- Federal Court of Australia  
WA Registry  
Level 6, Commonwealth Law Courts  
1 Victoria Avenue  
Perth WA 6000

GPO Box A30, Perth WA 6001

Phone: (08) 9268 7100

Fax: (08) 9221 3261

DX 60203 – Perth

Hours: 8.30 am–4 pm

**Hobart**

c/- Federal Court of Australia  
Tasmania Registry  
Commonwealth Law Courts  
39–41 Davey Street  
Hobart Tas. 7000

Phone: (03) 6232 1700

Fax: (03) 6232 1701

Hours: 9.30 am–1 pm; 2 pm–4 pm

**Darwin**

c/- Federal Court of Australia  
NT Registry  
First Floor  
Commonwealth Law Courts  
Cnr Mitchell & Herbert Streets  
Darwin NT 0800

GPO Box 1806, Darwin NT 0801

Phone: (08) 8941 2333

Fax: (08) 8981 6081

Hours: 9.30 am–4 pm

**OFFICIAL TRUSTEE IN BANKRUPTCY***Establishment*

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

*Organisation*

The Official Trustee is a body corporate.

*Functions and powers*

The Official Trustee acts as the trustee of:

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

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

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

- receives debtor proposals for Debt Agreements;
- ascertains whether the proposal is acceptable to the debtor's creditors;
- ascertains the bankrupt's assets and liabilities and assesses the bankrupt's income;

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

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

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

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

When goods are designated as condemned or forfeited in accordance with s.9 of the *Crimes Act 1914*, the Official Trustee disposes of the property and deposits the proceeds, after deduction of the Official Trustee's costs and remuneration, into the Confiscated Assets Trust Fund, as required by s.34B of the Proceeds of Crime Act. Similarly, s.208DA of the *Customs Act 1901* requires the Official Trustee to dispose of 'narcotic-related' goods and deposit the proceeds, after deduction of the Official Trustee's costs and remuneration, into the Confiscated Assets Trust Fund.

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

#### *Categories of documents*

The Official Trustee maintains the following categories of documents:

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

#### *Facilities for access*

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

#### *FOI procedures and initial contact points*

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the Attorney-General's Department. The officers authorised to deny access to documents under the FOI Act are the Inspector-General in Bankruptcy, the Assistant Secretary, Regulation and Policy Branch, 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 1998–99

### Requests

	1997–98	1998–99
Requests carried over from previous year	15	6
Requests received	34	97
Granted in full	15	12
Granted in part	9	19
Refused	6	11
Transferred	4	14
Withdrawn or lapsed	9	36
Requests outstanding at the end of the year	6	11

### Review of decisions

Eleven requests for internal review were received, excluding two that were yet to be finalised from the previous financial year. Three reviews upheld the original decision; six provided greater access to the applicant but not in full; one was withdrawn; and the remaining three were not finalised at the end of the financial year.

### Response times

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

<i>Time taken to respond (days)</i>	1997–98	1998–99
0–30	24	52
31–60	9	29
61–90	8	10
over 91	2	1
<b>Total</b>	<b>43</b>	<b>92</b>

### Fees and Charges

	1997–98	1998–99
	\$	\$
Application fees	790	1 230
Charges received	1 264	3 685
<b>Total</b>	<b>2 054</b>	<b>4 915</b>

### Costs

Detailed information on the cost of freedom of information activities in 1998–99 will be provided in the FOI Act Annual Report to Parliament.

### Section 8

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

## **Section 9**

Each agency within the Attorney-General's portfolio has a responsibility under s.9 of the FOI Act to publish information in relation to documents in the nature of guidelines and manuals 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 National Archives of Australia.