

# Part Five

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## Appendix 1

### Reporting arrangements in the Attorney-General's portfolio

Element	Reporting arrangements
Solicitor-General	A
Administrative Appeals Tribunal	B
Administrative Review Council	B
Australasian Centre for Policing Research	C
Australian Commission for Law Enforcement Integrity	B
Australian Crime Commission	B
Australian Customs Service	B
Australian Federal Police	B
Australian Government Solicitor	B
Australian Institute of Criminology	B
Australian Institute of Police Management	C
Australian Law Reform Commission	B
Australian Security Intelligence Organisation	B
Australian Transaction Reports and Analysis Centre	B
Classification Board	B
Classification Review Board	B
Copyright Tribunal	D
Criminology Research Council	B
CrimTrac	B
Defence Force Discipline Appeal Tribunal	D
Family Court of Australia	B

Element	Reporting arrangements
Family Law Council	B
Federal Court of Australia	B
Federal Magistrates Court of Australia	B
High Court of Australia	B
Human Rights and Equal Opportunity Commission	B
Insolvency and Trustee Service Australia	B & E
National Crime Statistics Unit	C
National Institute of Forensic Science	C
National Native Title Tribunal	B
Office of Film and Literature Classification*	B
Office of Parliamentary Counsel	B
Office of the Director of Public Prosecutions	B
Office of the Privacy Commissioner	B

#### Key

- A Although resourced by the Attorney-General's Department, the Solicitor-General is independent of the Department. The Solicitor-General does not report formally to Parliament.
  - B Separate reports from these bodies are tabled in Parliament.
  - C Reports on activities covered by the annual report on administration and activities of national common police services.
  - D Administrative support for these tribunals is provided by the various Federal Court registries. Information about these bodies can be found in the annual report of the Federal Court of Australia.
  - E The Attorney-General is required by sub-paragraph 12(1)(d) of the *Bankruptcy Act 1966* to report to Parliament on the operation of the Act.
- \* Will report with the Classification Board and the Classification Review Board for 2006-07. It will report as part of the Attorney-General's Department from 1 July 2007.

## Appendix 2

### Freedom of information matters

#### Functional statements for the Attorney-General's Department and some portfolio agencies

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

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

#### Attorney-General's Department

##### Establishment

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

##### Organisation

The organisation chart (Figure 1, pages 10–11) shows the structure of the Department.

##### Functions

The broad functions of the Department are described in Chapter 3. Legislation administered by the Attorney-General is published in the Administrative Arrangements Order, which is available at <[www.pmc.gov.au/docs/aao.cfm](http://www.pmc.gov.au/docs/aao.cfm)>.

##### Arrangements for outside participation in policy development

A variety of bodies, through their association with the Department, facilitate participation by persons or bodies outside the Commonwealth administration, in the policy making functions of

the Department or in its administration of various schemes and enactments. Examples of such bodies are:

Accessible Public Transport National Advisory Committee  
 Administrative Review Council  
 Admiralty Rules Committee  
 Anti-Money Laundering Assistance Team Strategic Priorities Reference Group  
 Anti-Money Laundering Council  
 Attorney-General's Non-Government Organisation on Domestic Human Rights (25 peak human rights bodies)  
 Australasian Centre for Policing Research  
 Australia–New Zealand Crime Prevention Senior Officers' Group  
 Australian Bureau of Statistics  
 Australian Federation of Disability Organisations  
 Australian Institute of Criminology Board of Management  
 Australian Institute of Family Studies  
 Australasian Institute of Judicial Administration  
 Australian National Council on Drugs  
 Banking and Finance Infrastructure Assurance Advisory Group  
 Biannual Ministerial Meeting with Financial Institutions  
 Board of the Australian Crime Commission  
 Building Access Policy Committee  
 Business–Government Advisory Group on National Security  
 Catholic Social Services Australia  
 CIP Futures Expert Advisory Group  
 Classification Board  
 Classification Review Board  
 Corrective Services Ministers Conference and its Senior Officers' Group  
 Criminology Research Council  
 CrimTrac Board of Management

Critical Infrastructure Advisory Council  
 Emergency Management Infrastructure Assurance Advisory Group  
 Family Law Council  
 Family Services Australia  
 Firearms Policy Working Group  
 Interception Consultative Committee  
 Intergovernmental Committee on Drugs  
 Intergovernmental Committee on the Australian Crime Commission  
 International Legal Services Advisory Council  
 Law Council of Australia  
 Law Enforcement Advisory Committee  
 Mass Gatherings Infrastructure Assurance Advisory Group  
 Ministerial Advisory Committee on AIDS, Sexual Health and Hepatitis  
 Ministerial Advisory Group on Money Laundering  
 Ministerial Council for Police and Emergency Management (previously the Australasian Police Ministers' Council)—and its Senior Officers Group  
 Ministerial Council on Drug Strategy  
 Model Criminal Law Officers Committee  
 National Aboriginal Justice Advisory Committee  
 National Alternative Dispute Resolution Advisory Council  
 National Committee for Critical Infrastructure Protection  
 National Community Crime Prevention Advisory Group  
 National Community Crime Prevention Advisory Group for the Greater Western Sydney Region  
 National Corrective Services Statistics Unit Board and Advisory Group  
 National Crime Statistics Unit Board and Advisory Group  
 National Criminal Courts Statistics Unit Board and Advisory Group  
 National Drug Law Enforcement Research Fund  
 National Identity Security Coordination Group  
 National Inhalant Abuse Taskforce  
 National Judicial College of Australia  
 National Legal Aid  
 National Motor Vehicle Theft Reduction Council  
 National Pro Bono Resource Centre

National Working Group on the Prevention of the Diversion of Precursor Chemicals into Illicit Drug Manufacture  
 Native Title Consultative Forum  
 Personal Property Securities Review Consultative Group  
 Relationships Australia  
 Sporting Shooters and Firearms Advisory Council  
 Standing Committee of Attorneys-General  
 Water Services Infrastructure Assurance Advisory Group

### Categories of documents held by the Department

The following categories of documents are held by the Department:

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

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

Many documents held by the Department are available free of charge upon request. Others are publicly available for purchase.

Subject to certain exceptions, the FOI Act also provides persons with a legally enforceable right of access to documents held by the Department.

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

The Director  
Freedom of Information Section  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600  
Phone: (02) 6250 5693  
Fax: (02) 6250 5908

## Copyright Tribunal of Australia

### Establishment

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

### Organisation

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

### Functions

The jurisdiction of the Tribunal can be summarised as follows:

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

### Categories of documents held by the Tribunal

The Tribunal maintains the following categories of documents:

- documents relating to matters heard by, or applications or references to, the Tribunal, including applications and supporting documents and copies of decisions

## Appendix 2: Freedom of information matters

- a register of matters coming before the Tribunal
- documents concerning administrative and financial aspects of the Tribunal's operation
- general correspondence
- documents filed with the Tribunal, and
- copies of the reasons of the Tribunal.

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

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

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

## Solicitor-General

### Establishment

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

### Organisation

The Solicitor-General is the Second Law Officer of the Commonwealth (the Attorney-General is the First Law Officer).

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

### Functions

The Law Officers Act 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 the Hague Conference on Private International Law, and
- miscellaneous papers, correspondence, and reports.

**Facilities for obtaining access to documents**

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

Director  
Freedom of Information Section  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600  
Phone: (02) 6250 5693  
Fax: (02) 6250 5908

**Defence Force Discipline Appeal Tribunal****Establishment**

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

**Organisation**

The Tribunal consists of a President, Deputy President and members. It has a Registrar and Deputy Registrars as required. The principal office of the Tribunal is located in Canberra.

**Functions**

The Tribunal is empowered to hear and determine appeals by persons who have been convicted of a service offence by a court martial or a Defence Force Magistrate under the *Defence Force Discipline Act 1982* or acquitted on the ground of unsoundness of mind. Subject to the reference of questions of law to the Federal Court of Australia, the Tribunal's determination is final.

**Categories of documents held by the Tribunal**

The Tribunal maintains the following categories of documents:

- documents in respect of a particular proceeding, transcript of the hearing, the Tribunal's reasons for the decision, 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, and
- general correspondence.

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

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

Federal Court of Australia  
Registry (ACT)  
1st Floor  
Commonwealth Law Courts Building  
Childers Street  
CANBERRA ACT 2600  
Phone: (02) 6267 0566  
Fax: (02) 6267 0625

## Appendix 3

### Service charters

The Attorney-General's Department Service Charter and associated complaints handling policy have been in operation since June 1998. The Department's charter is supplemented by charters covering International Child Abduction, Child Support and Civil Procedure (ICACSCP) and the Trade Measures Review Secretariat (TMRS).

Apart from the departmental areas covered by their own specific service charter, the Attorney-General's Department has limited direct dealings with members of the public. The Department serves the Government, and through it, the people of Australia.

The departmental and ICACSCP charters can be viewed on the Department's home page at <<http://www.ag.gov.au>>. The TMRS charter can be viewed at <<http://www.law.gov.au/tmro>>. All charters of the Department are available to clients in hard copy.

The following table sets out the customer service standards contained in each charter and the extent to which they were met during 2006–07.

**Table 10: Compliance with customer service standards, 2006–07**

Charter	Service standard	Compliance with service standard
<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 the standard.  One complainant asked for a review of the decision arising from their complaint; this matter has now been finalised.
	Personal information used only in accordance with the law.	*
	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.	*

**Table 10: Compliance with customer service standards, 2006–07 (continued)**

Charter	Service standard	Compliance with service standard
<b>International Child Abduction, Child Support and Civil Procedure</b>	Reply within 28 days of receipt of complaint.	One complaint in the relevant period. The complaint did not receive a response within the 28 days standard for response. There has been ongoing communication with the complainant through legal representatives.
	Personal information used only 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.
	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, staff will act promptly for clients.	*
	Clients will be treated with courtesy, fairness and respect.	*
<b>Trade Measures Review Secretariat</b>	Clients will be referred to the appropriate body if staff cannot help.	*
	Provision of professional and independent support to the Review Officer, ensuring that reviews are conducted in a timely, accurate and fair manner.	No complaints were received against the Secretariat during the reporting period. However, one complaint was received against the Review Officer. The complaint has been investigated in accordance with the complaints-handling mechanism for the Department.
	Provision of as much access as possible to the review process, ensuring that all interested parties are given the opportunity to have their views considered.	Public notices were published in the Australian Financial Review.
	Personal information used only in accordance with the law.	*
	Provision of accurate, concise and well-considered responses in plain English to written correspondence.	*
	Generally, a written reply within 28 days of receiving the client's letter will be provided. Alternatively, an interim response outlining the delay and when the client can expect a response will be provided.	*
	Correspondence will include the name and telephone number of the person dealing with the client's letter.	*

\* Information relating to these performance standards (including complaints data, compliments, and feedback from staff/client focus groups and surveys) indicates that they are being maintained.

Clients of the Department and those of the ICACSCP and TMRS can make a complaint or provide feedback in writing, via email, by telephone or in person. Staff of the Department, whenever possible, are encouraged to resolve complaints immediately. In those instances where a resolution cannot be reached at the time of the complaint, the complaint systems for all three charters require the recording of the following information for investigation and appropriate action:

- 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, and
- appeal rights advised (yes/no).

## Appendix 4

### Consultancy services

#### Policy on selection and engagement of consultants

Contracting for a consultancy service is a prominent activity no different in principle from the procurement of other goods and services. The requirements of the *Commonwealth procurement guidelines* and the Chief Executive's Instructions are relevant. Additionally, the Departmental policy requires that the agreement of the Secretary is required for all services of \$20,000 or more.

Consultancy services are a particular type of service delivered under a contract for services. They are distinguished from other contracts for services by the nature of the work performed. A consultant, whether an individual, a partnership or a corporation, is engaged to provide professional independent and expert advice or services. Typically, the term *consultancy services* is used to describe the application of expert professional skills to express an original concept; investigate or diagnose a defined issue or problem; carry out defined research, reviews or evaluations; or provide independent advice, information or creative solutions to assist the agency in management decision making.

The Department's consultancies have been identified using the Department of Finance and Administration's document titled *Guidance on identifying consultancies for annual report purposes*.

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

In accordance with the *Requirements for annual reports for departments, executive agencies and FMA Act bodies*, detailed information relating to new consultancy contracts to the value of \$10,000 or more (inclusive of GST) is provided in Table 11.

## Summary statement

During 2006–07, 41 new consultancy contracts were entered into, involving total actual expenditure of \$1,901,005. In addition, 13 ongoing consultancy contracts were active during the year, involving total actual expenditure of \$838,267.

**Table 11: Consultancy services let during 2006–07, to the value of \$10,000 or more**

Consultant name	Description	Contract price (\$)	Selection process <sup>1</sup>	Justification <sup>2</sup>
Acumen Alliance (ACT) Pty Ltd	Review of SAP business processes, a threat risk assessment and the preparation of a system security plan	36,382	Direct sourcing	C
Aequitas Pty Ltd	Facilitation of compulsory dispute resolution sessions	27,390	Direct sourcing	A
Allen Consulting Group Pty Ltd	To evaluate the adequacy of controls on precursor chemicals, in particular pseudoephedrine	129,534	Open tender	B
Australian Catholic University	Refine the screening and assessment framework, and practice guidelines for Family Relationship Centres and Family Relationship Advice Line	88,165	Select tender	B
Booz Allen Hamilton (Australia) Ltd	Investigation of new & emerging telecommunications technologies for application to <i>Telecommunications (Interception and Access) Act 1979</i>	225,875	Direct sourcing	B
Cathco Pty Ltd	Provision of anti-money laundering and counter-terrorism financing consultancy	60,000	Direct sourcing	B
Centre for International Economics	Prepare a regulatory impact statement on harmonising State & Territory security industry regulations	173,925	Direct sourcing	C
Change Corporation Pty Ltd	Undertake extensive analysis and confirmation of the AusCheck system business requirements.	230,423#	Open tender	B
Claire Grose	Develop corporate and financial aspects of Administrative Review Council report on complex and specific business arrangements	20,000	Direct sourcing	B
CPT Global Ltd	Conduct the AusCheck gateway review	35,159	Select tender	B
Deloitte (Australia) Pty Ltd	Capacity building to build the financial management capabilities of identified grant recipients for FVPLS–Carnarvon	80,000	Direct sourcing	B

## Appendix 4: Consultancy services

**Table 11: Consultancy services let during 2006–07, to the value of \$10,000 or more (continued)**

Consultant name	Description	Contract price (\$)	Selection process <sup>1</sup>	Justification <sup>2</sup>
Deloitte (Australia) Pty Ltd	Auditing test case grant funds for the Indigenous Legal Aid program	12,972	Direct sourcing	B
Deloitte (Australia) Pty Ltd	Capacity building to build the financial management capabilities of identified grant recipients for FVPLS–Kalgoorlie	35,000	Open tender	B
Deloitte (Australia) Pty Ltd	Development of AGD risk management plan	15,026	Select tender	B
Elliott Shanahan Research*	Research for stage 2 family law campaign	165,000	Select tender	C
Gavin Jones Communications Pty Ltd	Provision of Indigenous profiles for family law campaign	49,500	Select tender	B
GHD Services Pty Ltd	Training needs analysis for the CIP community	72,110	Open tender	A
Grahame Michael Hilton Delaney	Advice and assistance in development of legislation to support Federal Court's exercise of new indictable criminal jurisdiction	25,000	Direct sourcing	B
Grahame Michael Hilton Delaney	Professional advice and assistance on the Department's management of applications for exercise of the royal prerogative of mercy	80,000	Direct sourcing	B
Insight SRC Pty Ltd	To perform consultancy services in relation to the AGD 2006 staff survey	67,680	Direct sourcing	B
Insight SRC Pty Ltd	Briefing division, branch and individual leaders about the results of the AGD 2006 survey and assisting to develop strategies that address outcomes	33,000	Direct sourcing	B
Intelligent Risks Pty Ltd	Development of the security concept of operations for APEC Leaders' Week	55,000	Direct sourcing	A
Emergency Preparedness Capacity Builders	Review of the 'Working Together to Manage Emergencies' initiative and report on program's achievement of its desired outcome	29,300	Select tender	C
Kidsons Pty Ltd	Capacity building to build the financial management capabilities of identified grant recipients for FVPLS–Cairns	37,400	Open tender	B

**Table 11: Consultancy services let during 2006–07, to the value of \$10,000 or more (continued)**

Consultant name	Description	Contract price (\$)	Selection process <sup>1</sup>	Justification <sup>2</sup>
Kidsons Pty Ltd	Capacity building to build the financial management capabilities of identified grant recipients for FVPLS–Rockhampton	64,220	Open tender	B
Knowledge Pond Pty Ltd	Undertake a review of the <i>Criminology Research Act 1971</i>	55,000	Direct sourcing	B
KPMG Cairns	Conduct an effectiveness evaluation of the Aboriginal and Torres Strait Islander Community Legal Services (Townsville–N.Q.) Ltd for the Indigenous Legal Aid program	60,830	Select tender	B
Mark Terence Trowell	Review of provisions of <i>National Crime Authority Act 1984</i> and <i>Australian Crime Commission Establishment Bill 2002</i>	168,014#	Direct sourcing	B
Market Attitude Research Services Pty Ltd	Conduct a range of surveys and consultations to assess community awareness and views in relation to tsunami awareness	21,450	Select tender	C
Monash University	Production of Administrative Review Council best-practice publications	35,000	Direct sourcing	B
Noetic Solutions Pty Ltd	Provide a benefits management framework	18,163	Direct sourcing	B
Peter Ford Consultancy Pty Ltd	Conduct an examination of current practices for information sharing between law enforcement agencies	50,000	Direct sourcing	C
Peter Ford Consultancy Pty Ltd	Selection of Legal Opinions provided to the Commonwealth between 1923–45, suitable for publication as containing continuing legal and/or historical interest.	14,850	Direct Sourcing	B
PSI Consulting Pty Ltd	Professional review of multi-jurisdictional exercise final report	18,810	Select tender	B
Roy Morgan Research	Client satisfaction survey of government's Critical Infrastructure Protection program	50,000	Select tender	B
Salinger Consulting Pty Ltd	Privacy impact statement review for AusCheck	40,326	Open tender	B
SBR (ACT) Pty Ltd	Capacity building to build the financial management capabilities of identified grant recipients for FVPLS–Many Rivers	40,095	Select tender	B
Sue Sheridan	Developing guidelines for Family Relationship Advice Line	11,096#	Direct sourcing	B

**Table 11: Consultancy services let during 2006–07, to the value of \$10,000 or more (continued)**

Consultant name	Description	Contract price (\$)	Selection process <sup>1</sup>	Justification <sup>2</sup>
Tanner James Management Consultants Pty Ltd	Provide expert advice on the implementation of an overarching program management methodology. Provide project management coaching to implementation teams at critical stages of project implementation.	81,675#	Direct sourcing	B
Taskdynamics Pty Ltd	Provide Board with governance training and develop internal policy documentation for FVPLS–Ceduna	18,682	Open tender	B
Wallis Consulting Group Pty Ltd*	Market research for bushfire awareness campaign	44,495	Direct sourcing	C

# Indicates actual expenditure as no fixed contract price or payment exceeded agreed contract price.

Change Corporation

Mark Terence Trowell

Sue Sheridan

Additional travel costs were not included in these contracts.

Tanner James Management Consultants Pty Ltd

An internal delay resulted in an additional day being required to fulfil this consultancy.

\* Indicates consultancy reported in the division/office 'Advertising and market research' return.

1 Explanation of selection process terms:

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

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

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

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

2 Justification for decision to use consultancy:

A—skills currently unavailable within agency

B—need for specialised or professional skills

C—need for independent research or assessment

## Appendix 5

### Advertising and market research

Under section 311A of the Commonwealth *Electoral Act 1918* the Department is required to disclose payments of \$10,300 or more (inclusive of GST) to specific types of organisations. These organisations are advertising agencies, market research organisations, polling organisations, media advertising organisations, and direct mail organisations. There were no payments during 2006–07 to direct mail organisations or polling organisations. Details of payments to the other categories of organisations are set out below.

**Table 12: Payments to advertising, market research and other designated organisations**

Name of organisation	Payment (\$)	Purpose	Key
Australian Broadcasting Corporation	21,382	Media for bushfire awareness campaign	c
Brown Melhuish Fishlock Pty Ltd	43,615	Advertising campaign for bushfire awareness	a
Career FAQs	29,700	Non-campaign government advertising (graduates)	c
Colmar Brunton Social Research	43,976	Developmental research for broadcast of emergency warnings project	b
Colmar Brunton Social Research	171,733	Developmental research for counter-terrorism awareness strategy	b
Dimarzio Research Pty Ltd	199,558	Market research for national security campaign	b
Elliott & Shanahan Research*	182,952	Market research for community education campaign of family law reforms	b
Gatecrasher Advertising Pty Ltd	425,511	Advertising for community education campaign of family law reforms	a
HMA Blaze	1,025,250	Non-campaign government advertising	c

**Table 12: Payments to advertising, market research and other designated organisations (continued)**

Name of organisation	Payment (\$)	Purpose	Key
Open Mind Research Group	158,849	Market research for anti-money laundering and counter-terrorism campaign development	b
Universal McCann	4,615,437	Media buy for national security campaign	c
Universal McCann	1,911,255	Media for bushfire awareness campaign	c
Universal McCann	2,742,281	Media advertising for community education campaign of family law reforms	c
Wallis Consulting Group Pty Ltd*	44,495	Market research for bushfire awareness campaign	b
Worthington Di Marzio	89,599	Market research for national security campaign	b

\* Indicates Advertising and Market Research entry reported in the Division/Office return on Consultants.

#### Key

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

## Appendix 6

### Legal services expenditure

All departments and agencies are required, under paragraph 11.1(ba) of the *Legal Services Directions 2005*, to report on their legal services expenditure each financial year. A breakdown of the Department's expenditure for 2006–07 is set out below, along with the previous year's data for comparison.

All expenditure figures include GST.

	2005–06	2006–07
Total legal services expenditure	\$7,198,710.00	\$8,240,261.60
Total external legal services expenditure <sup>1</sup>	\$6,112,137.00	\$7,048,837.65
External expenditure on solicitors	\$5,523,449.00	\$5,672,721.03
External expenditure on counsel	\$588,688.00	\$1,376,116.62
Number of male counsel briefed	22	26
Value of briefs to male counsel	\$280,316.00	\$ 894,252.80
Number of female counsel briefed	11	12
Value of briefs to female counsel	\$308,371.00	\$ 481,863.82
Internal legal services expenditure <sup>2</sup>	\$1,086,573.00	\$1,191,423.95

1 These figures exclude amounts of legal services expenditure relating to the Hague Convention on the Civil Aspects of International Child Abduction, the United Nations Convention on the Recovery Abroad of Maintenance and international obligations under various bilateral maintenance arrangements. These are recorded separately because they do not constitute the purchase of legal services by the Department for itself. Rather, they arise because the Department pays for legal services that benefit other parties as a result of obligations under international agreements.

2 The Department does not have a separate internal legal services branch. Within the Department, there are units that provide both internal and external services, principally the Office of International Law, the Office of Legislative Drafting and Publishing, and the Counsel assisting the Solicitor-General. Legal services are provided at no cost to the areas of the Department receiving the services. There is no billing arrangement for internal legal services, and separate records are not kept about this expenditure. These expenses are treated as part of the aggregate of staffing costs for the Department.

An estimate of the cost of internal legal services has been derived from an assessment of the number of staff involved in providing internal legal services and the proportion of their time involved in providing those services. The staff of the Office of International Law devoted to providing internal legal services are the full-time equivalent of 0.5 of an APS Level 3, 0.5 Legal Officer (1.0 in 2005–06), 1.0 Senior Legal Officer, 0.5 Principal Legal Officer (1.0 in 2005–06) and 0.5 of an SES Officer (0.75 in 2005–06). The staff of the Office of Legislative Drafting and Publishing devoted to providing internal legal services are the full-time equivalent of 0.2 of a Legal Officer, 1.0 Senior Legal Officer, 0.4 (0.5 in 2005–06) of a Principal Legal Officer and 0.1 of an SES Officer. 0.5 full-time equivalent of the Counsel assisting the

Solicitor-General (a Principal Legal Officer) is devoted to providing legal services to the Department. Internal legal services that may be provided from time to time by other areas of the Department are not sufficiently material to enable separate costing.

The cost of internal legal services was then estimated based on salary levels for these positions and increased by a factor reflecting typical staffing and other overheads within the Department.

By this method, it is estimated that the Department's internal legal services expenditure was approximately \$1.191 million in 2006–07 and \$1.04 million in 2005–06. In addition, in 2005–06 internal legal services in relation to commercial law issues were provided by an officer seconded from the Australian Government Solicitor at a cost of \$46,573.

The costs of the Solicitor-General (including salary) are also met by the Department.

## Appendix 7

### Staffing profile

The tables on the following pages show staffing details for the Department at 30 June 2006 and at 30 June 2007 by each classification level.

Table 14 provides a breakdown of staff in full-time equivalent terms at 30 June 2006 by location (region), classification category and gender. It includes all staff employed by the Department under the *Public Service Act 1999*—that is, ongoing, non-ongoing, full-time and part-time. Part-time staff are shown as full-time equivalents (FTE). Table 16 gives information similar to that shown in Table 14, for each classification level, at 30 June 2007.

Table 15 shows staff numbers at 30 June 2006 by classification category, gender, and employment category and status. It shows head count numbers—that is, part-time staff are shown as the number of people employed, not full-time equivalents. Table 17 gives information similar to that shown in Table 15, for each classification level, at 30 June 2007.

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

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

Irregular or intermittent (casual) staff, numbering 46 at 30 June 2006, and 34 at 30 June 2007, are not recorded in these tables.

**Table 13: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2006**

		ACT	NSW	Vic	Qld	SA	WA	NT	Total
APS Level 1–2	Female	11.56	0	0	0	0	0	0	11.56
	Male	10.40	0	1.00	0	0	0	0	11.40
Graduate	Female	30.00	0	0	0	0	0	0	30.00
	Male	9.00	0	0	0	0	0	0	9.00
APS Level 3	Female	57.73	0	6.80	0	0	0	0	64.53
	Male	11.00	0	2.00	0	0	0	0	13.00

**Table 13: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2006 (continued)**

		ACT	NSW	Vic	Qld	SA	WA	NT	Total
APS Level 3–4	Female	5.00	0	1.00	0	0	0	0	6.00
	Male	3.00	0	0	0	0	0	0	3.00
APS Level 4	Female	56.32	0	0	1.00	0	0	0	57.32
	Male	18.00	0	0	0	0	0	0	18.00
APS Level 4–5	Female	8.00	0	1.00	0	0	0	0	9.00
	Male	14.00	0	0	0	0	0	0	14.00
APS Level 5	Female	65.30	0	5.00	0	0	0	0	70.30
	Male	29.00	0	1.00	0	0	0	0	30.00
APS Level 5–6	Female	7.60	0	0	0	0	0	0	7.60
	Male	12.00	0	0	0	0	0	0	12.00
APS Level 6	Female	71.17	0	7.43	1.00	0	0	0	79.60
	Male	38.00	2.00	3.00	3.00	0	1.00	0	47.00
Legal Officer	Female	51.12	0	0	0	0	0	0	51.12
	Male	24.00	0	0	0	0	0	0	24.00
Executive Level 1	Female	84.42	1.00	6.00	1.00	0	0	2.00	94.42
	Male	91.60	0	7.00	1.00	1.00	1.00	0	101.60
Senior Legal Officer	Female	58.68	0	0	0	0	0	0	58.68
	Male	25.00	0	0	0	0	0	0	25.00
Executive Level 2	Female	37.60	0	1.00	1.00	0	0	0	39.60
	Male	49.00	0	1.00	0	0	0	0	50.00
Principal Legal Officer	Female	38.79	0	0	0	0	0	0	38.79
	Male	29.80	0	0	0	0	0	0	29.80
SES Band 1	Female	16.60	0	0	0	0	0	0	16.60
	Male	30.90	0	0	0	0	0	0	30.90
SES Band 2	Female	6.00	0	0	0	0	0	0	6.00
	Male	12.00	0	0	0	0	0	0	12.00
SES Band 3	Female	1.00	0	0	0	0	0	0	1.00
	Male	2.00	0	0	0	0	0	0	2.00
<b>Total</b>	<b>Female</b>	<b>606.89</b>	<b>1.00</b>	<b>28.23</b>	<b>4.00</b>	<b>0</b>	<b>0</b>	<b>2.00</b>	<b>642.12</b>
	<b>Male</b>	<b>408.70</b>	<b>2.00</b>	<b>15.00</b>	<b>4.00</b>	<b>1.00</b>	<b>2.00</b>	<b>0</b>	<b>432.70</b>

**Table 14: Staffing by classification, gender, employment category and employment status—paid staff (head count) as at 30 June 2006**

		Ongoing		Non-ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS Level 1–2	Female	4	3	5	1	13
	Male	6	0	6	0	12
Graduate	Female	30	0	0	0	30
	Male	9	0	0	0	9
APS Level 3	Female	40	3	21	3	67
	Male	9	0	4	0	13
APS Level 3–4	Female	6	0	0	0	6
	Male	3	0	0	0	3
APS Level 4	Female	44	3	11	1	59
	Male	13	0	5	0	18
APS Level 4–5	Female	7	0	2	0	9
	Male	12	0	2	0	14
APS Level 5	Female	57	6	9	1	73
	Male	26	0	4	0	30
APS Level 5–6	Female	8	0	0	1	9
	Male	11	0	1	0	12
APS Level 6	Female	74	4	4	0	82
	Male	41	0	6	0	47
Legal Officer	Female	38	0	12	2	52
	Male	17	0	7	0	24
Executive Level 1	Female	87	6	3	2	98
	Male	94	0	8	0	102
Senior Legal Officer	Female	55	8	0	0	63
	Male	22	0	3	0	25
Executive Level 2	Female	35	3	2	0	40
	Male	50	0	0	0	50
Principal Legal Officer	Female	38	3	0	0	41
	Male	26	2	2	0	30
SES Band 1	Female	15	2	0	0	17
	Male	29	1	1	0	31
SES Band 2	Female	5	0	1	0	6
	Male	12	0	0	0	12
SES Band 3	Female	1	0	0	0	1
	Male	2	0	0	0	2
<b>Total</b>	<b>Female</b>	<b>544</b>	<b>41</b>	<b>70</b>	<b>11</b>	<b>666</b>
	<b>Male</b>	<b>382</b>	<b>3</b>	<b>49</b>	<b>0</b>	<b>434</b>

**Table 15: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2007**

		ACT	NSW	Vic	Qld	SA	WA	NT	Total
APS Level 1–2	Female	12.05	0	0	0	0	0	0	12.05
	Male	11.32	0	0	0	0	2.00	0	13.32
Graduate	Female	24.00	0	0	0	0	0	0	24.00
	Male	10.00	0	0	0	0	0	0	10.00
APS Level 3	Female	68.78	0	0	0	0	6.00	0	74.78
	Male	14.00	0	0	0	0	1.00	0	15.00
APS Level 3–4	Female	4.00	0	0	0	0	1.00	0	5.00
	Male	4.00	0	0	0	0	0	0	4.00
APS Level 4	Female	76.69	1.00	0	0	0	0	0	77.69
	Male	30.68	0	0	0	0	0	0	30.68
APS Level 4–5	Female	6.00	0	0	0	0	1.00	0	7.00
	Male	8.00	0	0	0	0	0	0	8.00
APS Level 5	Female	89.22	0	0	0	1.00	3.6	0	93.82
	Male	21.90	0	0	0	1.00	2.00	0	24.90
APS Level 5–6	Female	12.00	0	0	0	0	0	0	12.00
	Male	11.50	0	0	0	0	0	0	11.50
APS Level 6	Female	92.60	2.00	0	0	0	7.03	0	101.63
	Male	52.00	1.00	0	1.00	0	3.0	1.00	58.00
Legal Officer	Female	76.64	0	0	0	0	0	0	76.64
	Male	27.00	0	0	0	0	0	0	27.00
Executive Level 1	Female	108.92	3.00	2.00	1.00	0	7.00	0	121.92
	Male	108.75	3.00	0	1.00	2.00	6.00	1.00	121.75
Senior Legal Officer	Female	63.38	0	0	0	0	0	0	63.38
	Male	24.00	0	0	0	0	0	0	24.00
Executive Level 2	Female	38.89	1.00	0	1.00	0	1.00	0	41.89
	Male	54.00	0	0	0	0	1.00	0	55.00
Principal Legal Officer	Female	44.76	0	0	0	0	0	0	44.76
	Male	28.50	0	0	0	0	0	0	28.50
SES Band 1	Female	22.44	0	0	0	0	0	0	22.44
	Male	31.00	0	0	0	0	0	0	31.00
SES Band 2	Female	11.00	0	0	0	0	0	0	11.00
	Male	10.00	1.00	0	0	0	0	0	11.00
SES Band 3	Female	0.00	0	0	0	0	0	0	0.00
	Male	4.00	0	0	0	0	0	0	4.00
<b>Total</b>	<b>Female</b>	<b>751.37</b>	<b>7.00</b>	<b>2.00</b>	<b>2.00</b>	<b>1.00</b>	<b>26.63</b>	<b>0.00</b>	<b>790.00</b>
	<b>Male</b>	<b>450.65</b>	<b>5.00</b>	<b>0.00</b>	<b>2.00</b>	<b>3.00</b>	<b>15.00</b>	<b>2.00</b>	<b>477.65</b>

**Table 16: Staffing by classification, gender, employment category and employment status—paid staff (head count) as at 30 June 2007**

		Ongoing		Non-ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS Level 1–2	Female	7	3	3	1	14
	Male	12	1	1		14
Graduate	Female	24				24
	Male	10				10
APS Level 3	Female	45	4	26	1	76
	Male	10		5		15
APS Level 3–4	Female	3		2		5
	Male	2		2		4
APS Level 4	Female	53	3	21	2	79
	Male	17	2	12		31
APS Level 4–5	Female	7				7
	Male	8				8
APS Level 5	Female	74	9	13	2	98
	Male	20		4	1	25
APS Level 5–6	Female	12				12
	Male	9	1	2		12
APS Level 6	Female	88	6	10		104
	Male	51		7		58
Legal Officer	Female	64		11	3	78
	Male	25		2		27
Executive Level 1	Female	102	15	8	1	126
	Male	114	1	6	1	122
Senior Legal Officer	Female	56	9	2		67
	Male	24				24
Executive Level 2	Female	37	4	2		43
	Male	53		2		55
Principal Legal Officer	Female	38	9		1	48
	Male	23	3	3		29
SES Band 1	Female	21	1	1		23
	Male	30		1		31
SES Band 2	Female	10		1		11
	Male	11				11
SES Band 3	Female	0	0	0	0	0
	Male	4				4
<b>Total</b>	<b>Female</b>	<b>641</b>	<b>63</b>	<b>100</b>	<b>11</b>	<b>815</b>
	<b>Male</b>	<b>423</b>	<b>8</b>	<b>47</b>	<b>2</b>	<b>480</b>

## Appendix 8

### Staff achievements

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

Both individuals and staff teams were recognised for their outstanding professional contribution in 2006. The Secretary reflected on the commitment and professionalism of not only the recipients but also the Department as a whole and noted the wide range of skills and expertise available among AGD staff.

The departmental awards are:

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

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

Recipients of awards for 2006–07 and noteworthy achievements follow:

#### Public Service Medal

**Helen Daniels**, Assistant Secretary of the Copyright Law Branch, was awarded the Public Service Medal in the Queen's Birthday Honours announced on 11 June 2007. The award was for outstanding public service in implementing the Australian Government's copyright reform agenda.

## Secretary's Award 2006

**Alison Playford**, Assistant Secretary of the Administrative Law and Civil Procedure Branch, received the Secretary's Award 2006 in recognition of her outstanding role and leadership in the development of the major family law reforms: the *Family Law Amendment (Shared Parental Responsibility) Act 2006*.

## Deputy Secretaries' Awards 2006

### National Security and Criminal Justice Group, Deputy Secretary's Award

**Karen Horsfall** and **Kirsten Kobus**—for the high level of dedication and professionalism, over and above that required to achieve the business goals of the Department, that was demonstrated in delivering on the Council of Australian Government legislative counter-terrorism response to the London bombings of July 2005.

### Civil Justice and Legal Services Group, Deputy Secretary's Award

**Cathy Rainsford**—in recognition of her outstanding role in the implementation of the new family law system, in particular in overall project management and planning and in managing the development of a call management system for the new Family Relationship Advice Line.

## General Managers' Award 2006

### Corporate Services

**Natalie Marsh**—in recognition of her outstanding role and leadership in managing the Department's Graduate Program over many years.

## Australia Day Achievement Awards

**Rachel Antone**, Freedom of Information Unit—for professionalism and dedication in achieving exceptional outcomes for the Department.

**Alex Boland-Bondarenko**, Emergency Management Australia—for outstanding service as the NEMCC Preparedness Officer, particularly in response to emergencies in 2006, including the Yogyakarta earthquake, Tropical Cyclone Larry, civil unrest in Timor-Leste and the bushfires in Victoria.

**Sharyn Crozier**, Civil Justice Division—for responsibility and commitment in managing the high volume of family law ministerials in the first half of 2006.

**Tony D'Amico**, Information and Communications Technology—for leadership and project management skills for the provision of IT support and services for the Centenary House Inquiry and Oil-for-Food Inquiry.

**Kirsti Haipola**, Information Law and Human Rights—for demonstrated high levels of professionalism and commitment to the implementation of copyright treaty obligations.

**Anita Mackay**, Civil Justice Division—for organising the 2006 Civil Justice and Legal Services Group Summer Clerks program including the selection process, induction program and placements.

**Kathy Mildren**, Emergency Management Australia—for professionalism and dedication to duty in the successful administration of the 'Working Together to Manage Emergencies' initiative.

**Jeff Murphy**, Criminal Justice Division—for exemplary dedication and contribution to developing the Government's response to the Cole Commission of Inquiry Report.

**Megan Rowe**, Property Team—in recognition of professionalism and dedication in achieving exceptional outcomes for the Department.

**George Sanderson**, Ministerial and Parliamentary Services—in recognition of professionalism and dedication in achieving exceptional outcomes for the Department.

**Geoff Skillen**, Office of International Law—for outstanding work and dedication in the provision of advice and guidance to the Government on international law.

**Leith Watson**, Criminal Justice Division—for exemplary project management skills in the development of the National Clandestine Laboratory Database.

**Maia Ablett, Julia Galluccio, Tamsyn Harvey, Kirsten Law**, Legislation, Scrutiny and International Team—for professionalism, dedication and teamwork in the development of reforms to the native title system.

**Jacqueline Aumann, Anna Chisholm, Daniel Gleeson, Chantel Myers, Caroline Rebaque, Ruth Treyde**, Family Law Reforms Community Education Team—for outstanding work on the development and implementation of Phase One of the Family Law Reform community education campaign.

**Serena Beresford-Wylie, Jing-Ting Chan, Jeanette Daniel, Simon Hine, Glenda Kelly, Fermin Lopez, Cathy Rainsford, Angela Tsongas**, Family Relationship Advice Line and Online Team—for outstanding work and dedication to the development of the Family Relationship Advice Line and Family Relationships Online.

**Danny Bondarenko, Mark Goldsby**, Support Services Maintenance and Removals Team—for always providing prompt moving and fixing assistance—with good will and good humour.

**Melanie Brocklehurst, Matt Hall**, Preparation of New Policy Proposals for 2007–08 Team—for outstanding services to the Civil Justice and Legal Services Group in the preparation of new policy proposals for the 2007–08 Budget cycle.

**Maryann Brooke, Sonya Davidson, Maria Messner, Pascal Michaux, Kate Wilson, Veronica Zelenika, Wanlin Zhang**, Legal Aid Program Section—for contributing to the development and implementation of the Legal Aid Reporting Initiative.

**Sonia Burton, Mark Canning, Myfanwy Edwards, Julia Felton, Niluka Jayasinghe, Sonya Kim, Michael Piotrowicz, Felicity Richmond, Kerry Veness**, Indigenous Legal Aid Section—for the timely and efficient management of the national Indigenous legal aid tender.

**Mark Canning, Anthony Heiser, Michael King, Geoffrey McDougall, David O'Brien, Heather Prostimio**, Legal Services Tender Evaluation Team—for exceptional service in contributing to the intensive evaluation of legal services tenders with a long-term, whole-of-department focus while also continuing to perform their usual duties.

**Diana Ferry, Siw Wittkopf, Carolyn Wolfenden**, Commonwealth Games Team—for professionalism and dedication in coordinating security arrangements to achieve a safe and secure Melbourne 2006 Commonwealth Games.

**Lani Gibbins, Lisa O'Connell, Jessica Robinson, Kate Tubridy, Andrew Walter**, Extradition and Mutual Assistance Review Team—for excellent work developing policy reforms for the Extradition and Mutual Assistance Reviews.

**Maka Kama, Helen Knight, Judi McNaughton, Paul Seymour, Kathy Voudouris**, Internet Redevelopment Project Team—in recognition of the Internet Redevelopment Project Team's dedication, professionalism and the successful redevelopment and deployment of the Department's Internet site.

## Other awards

**Trevor Clement**, Emergency Management Australia—was presented with a special Award Certificate from the Prime Minister, The Hon John Howard, MP, and The Hon Peter Beattie, MP, Premier of Queensland, for outstanding leadership during the response to Tropical Cyclone Larry.

**Malcolm Purcell**, Emergency Management Australia—received a commendation from Mr Tony Pearce, Director General of EMA, for outstanding contribution to the success of the Australian Government response to the Dili Harbour hazardous materials emergency.

**Peter Arnold, Joelene Azzopardi, Alex Bondarenko, Lauren Cappello, Peter Channells, Elizabeth Cotsell, Kim Fitzgerald, James Gustus, David Imhoff, Trevor Jenner, Janelle Keyes, Stephanie King, Tina Liakatos, Paul McAlonan, Sally McKay, Scott Milne, Malcolm Purcell, Justine Rixon, Matthew Smith, Caroline Thompson, Peter Willett, Diana Williams, Alastair Wilson**, Emergency Management Australia—were acknowledged for their involvement in the response to Tropical Cyclone Larry. At a special award ceremony, the Attorney-General, the Hon Philip Ruddock, MP, and the Secretary of the Attorney-General's Department, Mr Robert Cornall AO, presented awards from the Prime Minister, the Hon John Howard, MP, and from

the Hon Peter Beattie MP, Premier of Queensland. All recipients were also presented with commendations from Mr Tony Pearce, Director-General of EMA.

**Suzie Brady, Michele Hendrie and Justine O'Brien**, Public Affairs Branch, Corporate Services Group—were presented with a Commendation Award certificate and Cyclone Larry Relief Pin.

**Cathy Rossiter**, Protective Security Coordination Centre—received the Attorney-General's Department Women's Network Award 2006–07 for dedication to achieving excellence across disparate and challenging subject areas while at the same time contributing to the departmental community and wider community through mentoring and charity work.

## Appendix 9

### Occupational health and safety

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

The Department, in consultation with employees, has developed five written health and safety management arrangements to assist with the ongoing management of occupational health and safety (OH&S):

1. OH&S policy statement
2. Health and Safety Committee membership and operational guidelines
3. designated work group guidelines
4. health and safety representatives' guidelines and templates, and
5. health and safety dispute resolution guidelines.

The Occupational Health and Safety Committee met on a quarterly basis during the year, and the minutes of its meetings were made available to staff. Five new health and safety representatives were appointed to the Committee during 2006–07.

#### Reporting requirements under the Act

<b>Section 68 occurrences</b> (Notification and reporting of accidents and dangerous occurrences)	There were 15 notifications under s 68 of the Act.
<b>Section 45 directions</b> (Power to direct that workplace, etc not be disturbed)	No directions were issued under s 45 of the Act.
<b>Section 29 notices</b> (Provisional improvement notices)	No notices were issued under s 29 of the Act.
<b>Section 30 notices</b> (Duties of employers in relation to health and safety representatives)	No notices were issued under s 30 of the Act.
<b>Section 41 investigations</b> (Investigations addressing compliance and possible breaches)	There was one investigation regarding reporting, labelling and management of asbestos-containing material under s 41 of the Act.
<b>Section 46 notices</b> (Power to issue prohibition notices)	No notices were issued under s 46 of the Act.
<b>Section 47 notices</b> (Power to issue improvement notices)	No notices were issued under s 47 of the Act.

#### Outcomes for 2006–07

We continued to conduct regular workplace inspections throughout 2006–07. Reports were provided to division heads outlining recommendations and improvements. There was continual improvement across the Department, with divisions displaying an ongoing commitment to eliminating OH&S hazards. Staff awareness of OH&S has increased, resulting in improved prevention of, and early intervention for, workplace injuries and illnesses.

Major activities completed in 2006–07 included:

- **OH&S inspections:** A program of regular workplace safety inspections was continued to ensure compliance with legislation and identify areas for improvement.
- **OH&S training and induction:** Interactive OH&S presentations informing employees of recent and significant changes to both OH&S and workers' compensation arrangements within the Commonwealth jurisdiction were delivered during May and June. Training for health and safety representatives, first aid officers and fire wardens was also provided.
- **Staff survey:** The Department carried out a work and wellbeing survey in May 2005. A follow-up to that survey was conducted during 2006–07. It showed a noticeable improvement in the leadership and cultural behaviours that underpin staff wellbeing and service delivery. It is anticipated that another survey will be conducted during 2007–08.
- **Comcare premium:** We received a bonus of \$139,131 in respect of the 2006–07 premium due to a better than expected performance in injury management, incident reporting, risk management and safety training during 2006–07.
- **Employee Assistance Program:** The Employee Assistance Program continued to be provided during 2006–07. The program provides employees with confidential and professional counselling services to assist with resolving work and other issues that may impact on their work performance.

# 10

## Appendix 10

### Commonwealth Disability Strategy

#### Policy adviser role

##### Performance indicator # 1

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
New or revised policy/program proposals assess impact on the lives of people with disabilities prior to decision.	Percentage of new or revised policy/program proposals that document that the impact of the proposal was considered prior to the decision-making stage.	The Human Rights Branch continued to play a significant role in providing policy advice to assist in ensuring that departmental and government initiatives, legislation and programs promote access and ensure that the needs of people with disability are considered, and that consultation occurs, where possible, directly with people with disability themselves.	Legislation is subject to legislative scrutiny to ensure compliance with Commonwealth anti-discrimination law and policy.	Continue to provide policy advice to this and other Departments on policy and programs that may impact on the lives of people with disability, and provide scrutiny of legislation.
		The Department also participated in a Review of the NSW Community Legal Centres Funding Program. The review processes considered the impact of the program on people with disabilities, with input from community consultations. This is documented in the review report.	New or revised policies/programs will document that the impact of the proposal on people with disabilities was considered prior to the decision.	We are currently conducting a Review of the Commonwealth Community Legal Services Program, which will consider the impact of any proposals on people with disabilities.

## Performance indicator # 2

Performance indicator	Performance measure	Current level of performance 2006–07	Goals for 2007–08	Actions for 2007–08
People with disabilities are included in consultation about new or revised policy/program proposals.	Percentage of consultations about new or revised policy/program proposals that are developed in consultation with people with disabilities.	Disability sector representatives were invited to participate in and contribute to departmental and government processes and initiatives through a number of sector consultations. Disability representatives were consulted on amendments to the Copyright Act by the <i>Copyright Amendment Act 2006</i> passed in December 2006, and which, amongst other things, provided new exceptions to enhance access to copyright materials by people with disability. Disability representatives were invited to and attended EMAs inaugural National Forum on Emergency Warnings to the Community to present on the issues affecting them directly in relation to community warnings. The Forum will serve as an ongoing vehicle for the identification of issues relating to the issuing of warnings to people, including those with disabilities, and a means of identifying possible avenues for resolving issues thus identified. Representatives from disability peak groups were amongst the 22 non-government organisations (NGOs) who attended the 15th Attorney-General's NGO Forum on Domestic Human Rights held in Canberra on 15 June 2007.	To continue to ensure that people with disability and peak groups representing people with disability are consulted about new or revised policy program proposals as appropriate.	Include people with disability in consultation processes to assist the Government's consideration of ratification of the UN Convention on Rights of Persons with Disabilities. Promote the need to use accessible venues for general public consultation processes.

Performance indicator	Performance measure	Current level of performance 2006–07	Goals for 2007–08	Actions for 2007–08
		UN Disabilities Convention Perhaps the most positive example of disability sector input and consultation has been in relation to the Department's work on the United Nations Convention on the Rights of Persons with Disabilities, which was adopted by the UN General Assembly in December 2006, and signed by Australia on 30 March 2007. In the previous reporting period, the Department funded the Australian Federation of Disability Organisations to conduct nationwide consultations on the draft text of the Convention. Its resultant report continued to inform the Australian delegation's negotiating position at the final Ad Hoc meetings and the successful negotiation of that Convention. The official Australian delegation finalising the text at the August 2006 Ad Hoc Committee session included the Acting Disability Discrimination Commissioner, HREOC, Mr Graeme Innes AM, and an NGO disability sector representative. At a workshop held by the Human Rights and Equal Opportunity Commission on 27 June 2007, the Attorney-General expressed appreciation for the disability sector's participation in the treaty making process. He encouraged continued participation of stakeholders in the steps towards the Australian Government's consideration of ratification of the Convention. The Department participated in the Review of the NSW Community Legal Centres Funding Program. The review included input from disability organisations.	New or revised policy/program proposals are developed in consultation with people with disabilities.	The Department is currently conducting a Review of the Commonwealth Community Legal Services Program, which will incorporate input from organisations whose constituents include people with disabilities.

### Performance indicator # 3

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
Public announcements of new, revised or proposed policy/program initiatives are available in accessible formats* for people with disabilities in a timely manner.	Percentage of new, revised or proposed policy/program announcements available in a range of accessible formats. Time taken in providing announcements in accessible formats.	The Department clarified its policy regarding official correspondence: people with disability who cannot access hard-copy responses from the Attorney-General may ask to be sent additional electronic versions of official correspondence to enable it to be read with accessibility software. The Department ensures that its annual NGO Human Rights Forum is accessible to promote maximum stakeholder engagement, providing sign language interpreters, hearing loops, and ramps. Electronic newsletters such as the E-News on Copyright are provided in accessible formats.	Appropriate publication formats to be considered on a case by case basis, keeping in mind the targeted audience.	Provide electronic copies of official correspondence from the Attorney-General to people with disability who cannot access hard-copy responses and request accessible versions.
		The report of the Review of the NSW Community Legal Centres Funding Program is available on the Internet. Performance measure for electronic formats = 100% None were produced in Braille (P.m. = 0%) Audio (P.m. = 0%) Large print (P.m. = 0%) Easy English (P.m. = 0%)	Appropriate publication formats to be considered on a case by case basis, keeping in mind the targeted audience.	In the event that we produce any publications, we will consider appropriate publication formats, given the target audience.

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

## Employer role

### Performance indicator # 1

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
Employment policies, procedures and practices comply with the requirements of the Disability Discrimination Act 1992.	Number of employment policies, procedures and practices that meet the requirements of the Disability Discrimination Act 1992.	During 2006-07, the following employment instruments, policies and procedures were reviewed and updated as appropriate: <ul style="list-style-type: none"> <li>AGD Disability Strategy</li> <li>Workplace Diversity Program</li> <li>AGD Collective Workplace Agreement</li> <li>Occupational Health and Safety Policy</li> <li>Learning and Development Program.</li> </ul> This review includes recommendations from the 2006 Management Advisory Committee Report <i>Employment of People with Disability in the APS 2006</i> .	During 2007-08, the Department will ensure 'disability' is defined in the Workplace Diversity Plan and this plan will be made available to all staff. The plan will ensure all new employment policies and practices are consistent with the Disability Discrimination Act 1992.	A new Workplace Diversity Plan is to be developed that will build upon initiatives in the current plan.

## Performance indicator # 2

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
Recruitment information for potential job applicants is available in accessible formats* on request.	Percentage of recruitment information requested and provided in: accessible electronic formats, and accessible formats other than electronic.  Average time taken to provide accessible information in: electronic formats, and formats other than electronic.	Relevant statements advising of the availability of special support have been incorporated into all recruitment documentation. A register has been established to record requests for information in accessible formats or assistance with the application process.  TTY is used within the Department and is available as required (currently utilised in the Department by one employee).  A tender for recruitment services has been developed and will be released shortly. Departmental guidelines for utilising this panel will provide information for handling requests in accessible formats.  Currently requests for information in accessible formats are handled by the Recruitment Unit, CSG.  All requested information is made available both electronically, in HTML and Microsoft Word format, and via the intranet, Internet and email, and in hard copy, via the post. No other formats were requested.	All requests for information are to be responded to within 24 hours.	The Recruitment Team will continue to maintain the register of requests for information in accessible formats.

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

## Performance indicator # 3

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
Agency recruiters and managers apply the principle of reasonable adjustment.	Percentage of recruiters and managers provided with information on reasonable adjustment.  Policy for reasonable adjustment in AGD is to provide assistance on an "as needs" basis and that funding is provided from Divisional funds.  A tender for recruitment services has been developed and will be released shortly.	All employees and managers involved in recruitment processes receive advice about the principles and practice of reasonable adjustment at the start of the process for internal recruiters and when requested.  Policy for reasonable adjustment in AGD is to provide assistance on an "as needs" basis and that funding is provided from Divisional funds.  A tender for recruitment services has been developed and will be released shortly.	Ensure all new agency recruiters (external recruitment agencies) utilised by the Department are aware of the Department's diversity commitments and policies, including reasonable adjustment.	A tender for recruitment services has been developed and will be released shortly. The deed of standing offer in this tender specifies that all reasonable adjustments are to be made during the recruitment and selection process.  External recruitment firms must address this when responding to the tender.

**Performance indicator # 4**

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
Training and development programs consider the needs of staff with disabilities.	Percentage of training and development programs that consider the needs of staff with disabilities.	The Department provides adaptive technology including JAWS screen reading software to enable employees with disabilities to access Departmental systems and the Internet. Familiarisation training is provided as required on the use of specialist equipment. Training nomination forms ask staff to identify disability needs. From these forms, measures are taken to accommodate people's needs, eg advising the trainer, asking the person to sit close to the board. One staff member stated in the feedback form following a training course that their needs were not met, however, no disability was reported to Employee Development and Conduct prior to the course. One on one training in the use of specialist equipment is available as required.	100% of staff with disabilities who attend training or development programs identify any particular requirements at time of training nomination, with these requirements then addressed.	The Employee Development and Conduct team will maintain the process of requesting training nominees to identify particular disability access needs and respond appropriately to address those requirements.

**Performance indicator # 5**

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
Training and development programs include information on disability issues as they relate to the content of the program.	Percentage of training and development programs that include information on disability issues as they relate to the program.	The Department has continued to implement development programs associated with the Workplace Diversity Program and promotes the use of online training programs covering disability and diversity issues. All new employees undertake Accountabilities for APS employees training, which discusses HR policies, including workplace diversity and disability.	Training and development courses will continue to include information on disability issues where relevant.	The Employee Development and Conduct Section will monitor training courses to ensure disability issues are integrated into course content where applicable.

**Performance indicator # 6**

Performance indicator	Performance measure	Current level of performance 2006-07	Goals for 2007-08	Actions for 2007-08
Complaints/grievance mechanisms, including access to external mechanisms, in place to address issues and concerns by staff.	Established complaints/grievance mechanisms, including access to external mechanisms in operation.	During 2006-07, the number of harassment contact officers within the Department increased by 70% (from 10 to 17). Training is provided to ensure expertise in this area is continually updated. Harassment Contact Officers will be listed prominently in the intranet redesign to increase awareness. The number of posters displayed across the 12 AGD locations relating to harassment has increased. The use of online bullying prevention videos has been increased within the Department. The Department has an established process for complaints handling. This includes access to external mechanisms (eg Employee Assistance Program, Merit Protection and Review Agency). In addition Departmental advices and guidelines on complaints handling and review of actions are promulgated on the Department's intranet site, to which all staff have access. Analysis of complaints reveal no complaints/grievances involved disability issues in the workplace during 2006-07.	New employee induction program implemented in the Department, with 100% of new employees undertaking induction, which includes information on disability, bullying, harassment and grievance/complaints resolution processes.	Review of employee induction, to include awareness raising in relation to bullying and harassment. Investigate options such as online modules, to ensure effectiveness and coverage.

# 11

## Appendix 11

### Extradition, mutual assistance and criminal justice certificates

#### Extradition matters dealt with in 2006-07 or continuing as at 30 June 2007

##### Extradition requests made by Australia

Requests carried forward from 2005-06	17
New requests made	24
Requests granted	9
Requests withdrawn	2
Requests refused	4
Requests otherwise discontinued	1
Requests continuing	25

The following countries granted Australian extradition requests:

Canada	2
Hong Kong	1
Lebanon	1
Malaysia	1
United Kingdom	3
United States of America	1

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

Australia	7
Canada	2

*Note:* Two of the above citizens were dual Australian citizens.

People were surrendered for the following major categories of offences:

Child sex offences	1
Drugs	3
Grievous bodily harm	1
Murder	2
Theft and/or fraud	2

The following countries were still considering requests:

Canada	1
Cambodia	1
Costa Rica	1
El Salvador	1
Greece	2
Guatemala	1
Hong Kong	1
India	1
Indonesia	1
Malta	1
Mexico	1
Papua New Guinea	1
Solomon Islands	1
South Africa	2
United Kingdom	4
United States of America	5

##### Extradition requests made to Australia

Requests carried forward from 2005-06	37
New requests received	22
Requests granted	8
Requests withdrawn	3
Requests refused by the Attorney-General	0
Requests refused by the courts	0
Requests otherwise discontinued	3
Requests continuing	45

Australia granted extradition requests made by the following countries:

Belgium	1
Poland	1
United Kingdom	3
United States of America	3

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

Australia	1
Pakistan	1
Philippines	1
Poland	1
United Kingdom	1
United States of America	3

*Note:* Four of the eight people surrendered consented to being returned to the requesting country.

Australia was still considering requests made by the following countries:

Albania	2
Argentina	3
Belgium	1
Canada	1
Croatia	4
Denmark	1
Finland	1
France	1
Germany	3
Greece	2
Hungary	1
Indonesia	2
Ireland	1
Italy	2
Jordan	1
Poland	3
Romania	1
Slovakia	1
Slovenia	1
Spain	1
Switzerland	1
United Kingdom	4
United States of America	7

People were surrendered for the following major categories of offences:

Assault	2
Child sex offences	2
Drugs	2
Dangerous driving	1
Theft and/or fraud	1

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

## Mutual assistance matters dealt with in 2006-07 or continuing as at 30 June 2007

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

Requests carried forward from 2005-06*	270
New requests made	220
Requests finalised	176
Requests continuing	314

\* In 2006-07, the mutual assistance database was upgraded. The database records 270 requests carried forward from 2005-06. This is a small discrepancy of two requests between the figure reported above and the figure of 268 reported in 2005-06.

Requests by Australia for mutual assistance to the following countries were finalised in 2006-07:

Bahamas	1
Belgium	3
Belize	1
Bermuda	5
Canada	2
China	4
Democratic People's Republic of Korea	1
Denmark	1
Dominica	1
France	1
Germany	5
Ghana	1
Greece	4
Hong Kong	14
India	2
Indonesia	7
Ireland	1
Israel	3
Italy	1
Japan	1
Latvia	1
Lebanon	1
Macau	1
Malaysia	2
Mauritius	2
Netherlands	5
New Zealand	10
Peru	1
Philippines	4
Republic of Korea	2

Serbia and Montenegro	2
Singapore	9
Solomon Islands	2
South Africa	2
Sri Lanka	1
St Kitts and Nevis	1
Sweden	1
Switzerland	1
Thailand	7
Timor-Leste	1
Turkey	2
United Arab Emirates	3
United Kingdom	22
United States of America	32
Uruguay	1
Vanuatu	1

The types of assistance requested by Australia in finalised matters can be categorised as follows:\*

Search and seizure	36
Take evidence/obtain witness statement	67
Proceeds of crime (restraining and confiscation orders)	16
Other (eg transfer of prisoner to give evidence, request criminal record, etc)	57

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

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

Requests carried forward from 2005–06*	249
New requests	239
Requests finalised	242
Requests refused	0
Requests continuing	246

\* In 2006–07, the mutual assistance database was upgraded. The database records 249 requests carried forward from 2005–06. This is a small discrepancy of four requests between the figure reported above and the figure of 245 reported in 2005–06.

Australia finalised requests for mutual assistance in criminal matters from the following countries in 2006–07:

Argentina	2
Austria	5
Belarus	1
Belgium	6
Brazil	2
Bulgaria	1
Colombia	3
Croatia	2
Cyprus	1
Czech Republic	4
Denmark	1
Estonia	1
Finland	3
France	4
Georgia	1
Germany	6
Greece	5
Hong Kong	2
Hungary	55
India	4
Indonesia	1
Israel	1
Italy	4
Japan	1
Latvia	1
Lithuania	1
Netherlands	19
New Zealand	5
Poland	4
Portugal	5
Romania	2
Russian Federation	2
Scotland	3
Serbia and Montenegro	2
Solomon Islands	2
South Africa	1
Spain	5
Switzerland	7
Turkey	24
Ukraine	2
United Kingdom	29
United States of America	11
Vanuatu	1

The types of assistance requested in mutual assistance requests to Australia can be categorised as follows:\*

Take evidence/obtain witness statement	66
Search and seizure	30
Service of documents	106
Evidence collected in an Australian investigation	7
Other (transfer of prisoner to give evidence, obtain certificates of conviction, proceeds of crime, etc.)	33

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

#### Mutual assistance in business regulation requests made to Australia

In September 2006, the administration of the *Mutual Assistance in Business Regulation Act 1992* was transferred to the Department of the Treasury. Treasury will now administer mutual assistance in business regulation requests made to Australia.

#### International war crimes

There was one new request for assistance from the International War Crimes Tribunal for the former Yugoslavia in The Hague during 2006–07. This request was finalised.

There were no new requests from the International Criminal Court. One request carried forward from 2005–06 was finalised.

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

## Criminal justice certificates dealt with in 2006–07 or continuing as at 30 June 2007

### Criminal justice certificates issued

Commonwealth entry*	43
Commonwealth stay*	94
Commonwealth trafficking stay†	13
State entry (endorsed)‡	18

### Criminal justice certificates cancelled§

Commonwealth entry	37
Commonwealth stay	93
Commonwealth trafficking stay	5

### Criminal justice certificates current as at 30 June 2007

Commonwealth entry	15
Commonwealth stay	219
Commonwealth trafficking stay	29
State entry (endorsed)	40

\* Commonwealth certificates are issued in relation to proceedings involving Commonwealth offences.

† Criminal justice trafficking stay certificates are issued to suspected victims of people trafficking offences who are assisting with the investigation or prosecution of those offences.

‡ State certificates are issued for proceedings involving State offences. State entry certificates are issued by the relevant State agency, and endorsed by the Australian Attorney-General or his delegate. State stay certificates are issued by the relevant State agency. State entry and State stay certificates may be cancelled by the relevant State agency without notifying the Australian Attorney-General or his delegate.

§ Commonwealth certificates are cancelled by the Australian Attorney-General or his delegate.

### Nationalities of persons who hold current Commonwealth criminal justice certificates as at 30 June 2007

Bangladesh	1
Belgium	1
Bolivia	1
Brazil	2
Cambodia	8
Canada	19
China	26
Colombia	6
Democratic People's Republic of Korea	2
Fiji	4
Finland	1
France	2
Germany	6
Greece	1
Hong Kong—Special Administrative Region of the People's Republic of China	12
India	12
Indonesia	16
Iran	1
Iraq	1
Israel	1
Italy	1
Japan	2
Lebanon	1
Malaysia	15
Mexico	2
Netherlands	10
New Zealand	10
Nigeria	5
Pakistan	3
Papua New Guinea	3
Peru	1
Philippines	5
Republic of China (Taiwan)	2
Republic of Korea	6
Singapore	12
South Africa	9
Spain	6
Thailand	40
Tonga	1
United Kingdom	17
United States of America	23
Venezuela	2
Vietnam	2
Unknown	2

### Comparative statistics for extradition and mutual assistance cases, 2002–03 to 2006–07

Table 17: Extradition requests made by Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise finalised
2002–03	10	12	6	0	1
2003–04	15	9	6	1	3
2004–05	14	9	7	0	2
2005–06	14	13	8	1	1
2006–07	17	24	9	4	3

Table 18: Extradition requests made to Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise finalised
2002–03	36	23	8	6	2
2003–04	43	23	14	3	5
2004–05	44	15	12	1	13
2005–06*	31	21	11	2	2
2006–07	37	22	8	0	6

\* During 2005–06, the Extradition Unit developed and implemented a new electronic records and statistical retrieval system to replace the system used in previous reporting periods. This more accurate and comprehensive system identified some discrepancies between opening and closing balances.

Comparative statistics for extradition and mutual assistance cases, 2002–03 to 2006–07

Table 19: Mutual assistance requests made by Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2002–03	77	135	62	0	22
2003–04	133*	161	104	0	51

Year	Cases carried forward	New requests made	Requests finalised†	Requests refused
2004–05	170	151	126	0
2005–06	195	167	94	0
2006–07	270	220	176	0

Table 20: Mutual assistance requests made to Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2002–03	110	166	124	2	38
2003–04	117*	179	109	1	30

Year	Cases carried forward	New requests made	Requests finalised†	Requests refused
2004–05	162	205	191	0
2005–06	176	228	159	0
2006–07‡	249	239	242	0

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

† Past annual reports have distinguished between 'requests executed' and 'requests otherwise completed'. From 2004–05, these two categories have been combined under the single heading of 'requests finalised'. This category includes all requests for which assistance is no longer sought, including requests completely executed, requests partially executed where the remainder of the assistance is no longer required, and requests withdrawn.

‡ During 2003–04, the Mutual Assistance Unit implemented an electronic records and statistical retrieval database to replace the paper-based system used in previous reporting periods. The database was substantially upgraded in 2006–07.

Comparative statistics for extradition and mutual assistance cases, 2002–03 to 2006–07

Figure 10: Extradition requests made by Australia

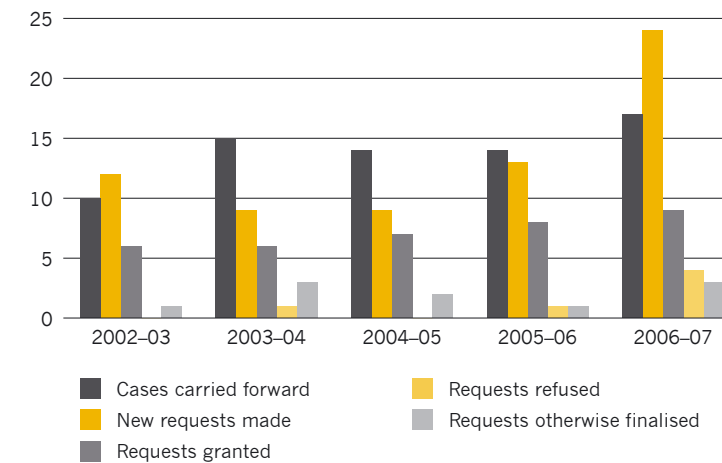
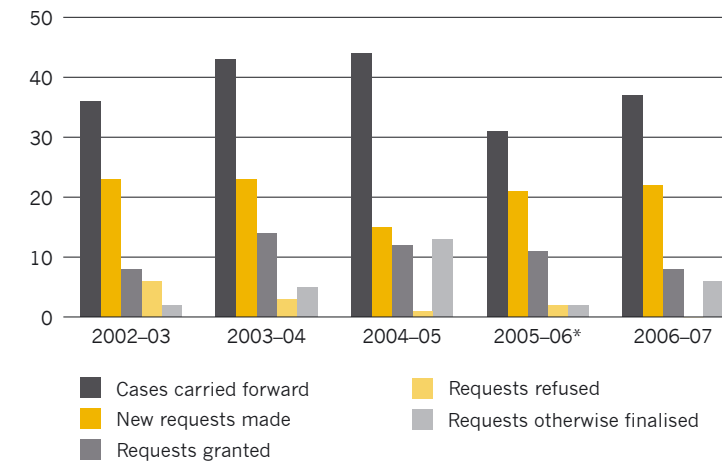


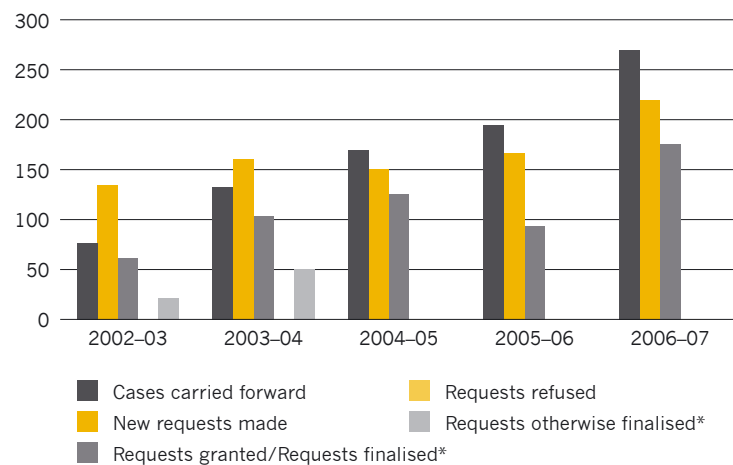
Figure 11: Extradition requests made to Australia



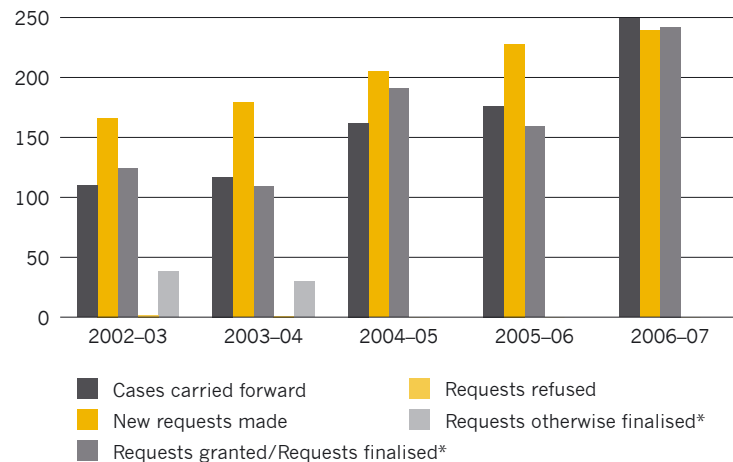
\* During 2005–06, the Extradition Unit developed and implemented a new electronic records and statistical retrieval system to replace the system used in previous reporting periods. This more accurate and comprehensive system identified some discrepancies between opening and closing balances.

## Comparative statistics for extradition and mutual assistance cases, 2002–03 to 2006–07

**Figure 12: Mutual assistance requests made by Australia**



**Figure 13: Mutual assistance requests made to Australia**



\* Past annual reports have distinguished between 'requests executed' and 'requests otherwise completed'. From 2004–05, these two categories have been combined under the single heading of 'requests finalised'. This category includes all requests for which assistance is no longer sought, including requests completely executed, requests partially executed where the remainder of the assistance is no longer required, and requests withdrawn.

**Notes:**

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

During 2003–04, the Mutual Assistance Unit implemented an electronic records and statistical retrieval database to replace the paper-based system used in previous reporting periods. The database was substantially upgraded in 2006–07.

## Appendix 12

### The *International Criminal Court Act 2002*

#### The *International Criminal Court Act 2002*

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

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

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

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

The ICC Act establishes mechanisms that facilitate Australia's compliance with its international obligations under the ICC Statute. It also contains provisions to implement the terms of a declaration that Australia lodged with its ratification. The declaration indicates how Australia will practically give effect to the Statute while fully adhering to its obligations. The declaration protects Australian sovereignty by:

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

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

## Operation of the International Criminal Court

The ICC Statute was adopted and opened for signature and ratification on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. The Statute entered into force generally on 1 July 2002. As at 20 June 2007, there are 104 Parties and 139 signatories to the ICC Statute. Australia signed the Statute on 9 December 1998 and ratified the Statute on 1 July 2002. The Statute entered into force for Australia on 1 September 2002.

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

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

No new crime can be added to the ICC's jurisdiction until seven years after the Statute's entry into force (1 July 2009). No new crime will apply to acts done in the territory of, or by citizens of, a State Party that has not ratified that crime. The only new crime currently being contemplated is the crime of aggression.

A Working Group of States Parties has been discussing possible definitions and other aspects of this crime. An intersessional meeting of the Special Working Group on the Crime of Aggression was held at the Liechtenstein Institute on Self Determination at Princeton University from 11 to 14 June 2007.

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

Australia participated in the Fifth Assembly of States Parties held over two sessions from 23 November to 1 December 2006 and 29 January to 1 February 2007, the latter of which was devoted primarily to the special working group on the crime of aggression. The Fifth Assembly's key achievements included the election of five members to the Board of Directors of the Victims Trust Fund and the approval of a budget of 88.87 million euros for the fifth financial year. Australia also worked with Canada and New Zealand to ensure that the

United Nations maximum assessed contribution rate is applied to States Parties' contributions to the ICC, which facilitated Japan's decision to accede to the ICC Statute.

The Sixth Assembly of States Parties will take place at the United Nations headquarters from 30 November to 14 December 2007.

The ICC is investigating four situations, one in Uganda at the request of the Ugandan Government (the activities of the Lord's Resistance Army), one in the Democratic Republic of the Congo (DRC) at the request of the President of the DRC, one in the Darfur region of Sudan at the request of the United Nations Security Council, and one in the Central African Republic (CAR) at the request of the CAR Government.

The prosecution of Thomas Lubanga Dyilo in respect of crimes allegedly committed in the DRC, primarily allegations of recruitment of child soldiers, is under way. The charges against Mr Dyilo were confirmed on 24 January 2007 and he was committed for trial on 29 January 2007.

Arrest warrants have been issued in respect of two persons in the Darfur, Sudan, situation and five persons in the Ugandan situation.

On 22 May 2007, the ICC Prosecutor announced the opening of an investigation in the Central African Republic. The investigation into this situation follows the referral from the CAR Government in December 2004 and a determination by the Office of the Prosecutor that the jurisdiction, admissibility and interests of justice requirements of the Rome Statute were satisfied.

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

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

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