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# Appendix 1

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

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<b>Element</b>	<b>Reporting arrangements</b>
Solicitor-General	A
Administrative Appeals Tribunal	B
Administrative Review Council	B
Australasian Centre for Policing Research	C
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
Copyright Tribunal	D
Criminology Research Council	B
CrimTrac	B
Defence Force Discipline Appeal Tribunal	D
Family Court of Australia	B
Family Law Council	B
Federal Court of Australia	B
Federal Magistrates Court of Australia	B
Federal Police Disciplinary Tribunal	B&D
High Court of Australia	B
Human Rights and Equal Opportunity Commission	B
Insolvency and Trustee Service Australia	B&E
National Crime Statistics Unit	C

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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

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- 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.

# 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 provided first, followed by those of the Copyright Tribunal, Solicitor-General and Defence Force Discipline Appeal Tribunal (none of which publish their own annual reports). 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 24–25) shows the structure of the Department.

#### Functions

The broad functions of the Department are described in the departmental overview of this report (pages 17–22). 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

Attorney-General's Non-Government Organisation on Domestic Human Rights (25 peak human rights bodies)

AUSTRAC Proof of Identity Steering Committee

Australasian Centre for Policing Research

Australasian Police Ministers' Council

Australia – New Zealand Crime Prevention Senior Offices' Group

Australian Bureau of Statistics

Australian Federation of Disability Organisations	National Alternative Dispute Resolution Advisory Council
Australian Institute of Criminology Board of Management	National Community Crime Prevention Advisory Group
Banking and Finance Infrastructure Assurance Advisory Group	National Community Crime Prevention Advisory Group for the Greater Western Sydney Region
Biannual Ministerial Meeting with Financial Institutions	National Crime Statistics Unit Board and Advisory Group
Board of the Australian Crime Commission	National Criminal Courts Statistics Unit Board and Advisory Group
Building Access Policy Committee	National Corrective Services Statistics Unit Board and Advisory Group
Built Environment Expert Advisory Group	National Drug Law Enforcement Research Fund
Business-Government Advisory Group on National Security	National Identity Security Coordination Group
Catholic Welfare Australia	National Inhalant Abuse Taskforce
Corrective Services Ministers Conference	National Motor Vehicle Theft Reduction Council
Criminology Research Council	National Shooters Advisory Council
CrimTrac Board of Management	Native Title Consultative Forum
Critical Infrastructure Advisory Council	National Working Group on the Prevention of the Diversion of Precursor Chemicals into Illicit Drug Manufacture
CIP Futures Expert Advisory Group	Relationships Australia
Family Law Council	Sporting Shooters and Firearms Advisory Council
Family Services Australia	Standing Committee of Attorneys-General (SCAG)
Firearms Policy Working Group	Water Services Infrastructure Assurance Advisory Group
Icons and Public Gatherings Infrastructure Assurance Advisory Group	
International Legal Services Advisory Council	
Intergovernmental Committee on the Australian Crime Commission	
Law Council of Australia	
Ministerial Advisory Committee on AIDS, Sexual Health and Hepatitis	
Ministerial Advisory Group on Money Laundering	
Ministerial Council on Drug Strategy	
Model Criminal Code Officers Committee	
National Aboriginal Justice Advisory Committee	

## 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, and
- tender documents.

## 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.

The FOI Act also, subject to certain exceptions, 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:

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

### Establishment

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

### Organisation

Section 138 of the Copyright Act provides for a Copyright Tribunal consisting of a President 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
- a register of matters coming before the Tribunal
- documents concerning administration of the Tribunal
- 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 Secretary  
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 and the decision, and general correspondence relating to the proceeding
- documents concerning procedures before the Tribunal
- documents concerning administrative and financial aspects of the Tribunal's operation, 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 departmental 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 as hard copy.

The following table sets out the customer service standards contained in each charter and the extent to which they were met during 2005–06.

**Table 8: Compliance with customer service standards 2005–06**

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 standard.
	Personal information only used in accordance with the law.	One complaint is currently being investigated by the Privacy Commissioner.
	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.	*

\* 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.

Table 8 (cont.)

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.	All complaints, except one, received a response within 28 days in compliance with the standard.
	Personal information only used in accordance with the law.	No misuse of personal information, resulting in a breach of the privacy legislation, has been reported by the Privacy Commissioner for attention.
	Correspondence to be a well considered reply in plain English and to include the name and telephone number of the person dealing with the complaint.	*
	Subject to caseload priorities, we will act promptly for clients.	*
	Clients will be treated with courtesy, fairness and respect.	*
	Clients will be referred to the appropriate body if we cannot help.	*
<b>Trade Measures Review Secretariat</b>	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 during the reporting period.
	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 newspaper.
	Personal information only used in accordance with the law.	No misuse of personal information, resulting in a breach of privacy legislation, has been reported to the Privacy Commissioner.
	Provision of accurate, concise and well-considered responses in plain English to written correspondence.	*
	Generally, a written reply within 28 days of receiving your letter will be provided. Alternatively, an interim response outlining the delay and when you can expect a response will be provided.	A written reply within 28 days of receipt of letter was provided in all cases.
	Correspondence will include the name and telephone number of the person dealing with your 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, wherever 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

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### Policy on selection and engagement of consultants

Departmental policy requires that the approving officer must ensure that the selection processes for consultants will promote open and effective competition to the extent practicable. Departmental selection procedures detail criteria that are to be addressed and refer to the core policies and principles for purchasing activities, including engaging consultants, outlined in the *Commonwealth procurement guidelines*. The Department engaged all consultants in accordance with appropriate principles and practices.

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 9.

### Summary statement

During 2005–06, 53 new consultancy contracts were entered into involving total actual expenditure of \$2,935,611. In addition, nine ongoing consultancy contracts were active during the year involving total actual expenditure of \$1,139,283.

**Table 9: Consultancy services to the value of \$10,000 or more let during 2005–06**

<b>Consultant name</b>	<b>Description</b>	<b>Contract price (\$)</b>	<b>Selection process (1)</b>	<b>Justification (2)</b>
Access Economics	Report on costs and benefits of a national personal property securities register	22,000	Direct sourcing	C
Acumen Alliance	Development of Financial Management Framework project briefs and implementation plan	29,700	Select tender	A
Australian Catholic University	Research and development of practitioner tools	123,420	Select tender	B
Australian Institute of Criminology	Research into copyright piracy and trade mark counterfeiting	39,875*	Direct sourcing	C
Australian Institute of Criminology	Preliminary research into community attitudes on criminal penalties as part of the Government's review into Commonwealth criminal penalties	80,000	Direct sourcing	B
Centre for International Economics	Research to determine the nature and extent of the tablet press market	115,540	Open tender	B, C
Courage Partners	Review of performance indicators & performance reporting	57,200 <sup>†</sup>	Direct sourcing	B
Creswell, Chris	Conduct major projects requiring high-level expertise in copyright law	109,456 <sup>†</sup>	Direct sourcing	B
Cultural Partners	Culturally and linguistically diverse communications strategy	66,000	Select tender	B
Cultural Perspectives	Development, printing and distribution of communications products to key audiences to promote awareness of people trafficking	88,000	Open tender	B, C
Deborah Nanschild & Associates, Australia	Independent review of Information Coordination Branch structure and Security Programs Branch	45,980	Direct sourcing	B
Effective People Pty Ltd	Provision of services to review AGD recruitment processes and operations	15,060	Select tender	B
Elliott and Shanahan <sup>†</sup>	Market research used to develop the community education campaign for the Family Law Reforms	287,240	Select tender	B
Ford, Peter	Review of information and intelligence sharing in the aviation sector	80,000	Direct sourcing	B
Gatecrasher <sup>†</sup>	Development of advertising for the community education campaign for the Family Law Reforms	707,469 <sup>†</sup>	Select tender	B
Gavin Jones Communication	Indigenous communications strategy	86,790	Select tender	B
Hiley, Graham, QC	Review of the claims resolution process in the native title system	126,376 <sup>†</sup>	Direct sourcing	C

**Table 9 (cont.)**

<b>Consultant name</b>	<b>Description</b>	<b>Contract price (\$)</b>	<b>Selection process (1)</b>	<b>Justification (2)</b>
Insight SRC Pty Ltd	Provision of complex analysis of the results of a departmental survey into environmental health and workgroup morale and skilling of AGD senior management in the survey results	26,000 <sup>+</sup>	Direct sourcing	B, C
IPS Worldwide	Provision of an Employee Assistance Program (EAP) to the Department	22,403	Select tender	B
KPMG	Financial viability assessments	36,966	Select tender	B
Leaf Software Engineering	Provision of services to enhance the Indicator Reporting Information System (IRIS) for data received from Indigenous legal aid service providers	22,346 <sup>+</sup>	Direct sourcing	B
Leapfrog Leadership	Review of Corporate Governance and Coordination Section	14,250	Direct sourcing	B
Levy, Ken, RFD	Review of the claims resolution process in the native title system	66,000 <sup>+</sup>	Direct sourcing	C
McLeod, Ron, AM	Investigated appropriateness of dealings between the Australian Department of Defence, an Australian company, an Australian Defence employee and a US citizen who was charged in the US with espionage offences	100,592 <sup>+</sup>	Direct sourcing	B
National Centre for Social and Economic Modelling	Modelling legal aid means test variables against simulated Australian State and Territory populations	104,500	Direct sourcing	B, C
Piper Alderman	International comparison advice on personal property securities	61,061	Direct sourcing	A, B
Quantum Edge Pty Ltd	Training needs analysis	37,716	Direct sourcing	B
Quay Connections	Development of public relations strategy for the Family Law Reforms	123,695	Select tender	B
RSM Bird Cameron	Provision of financial services to undertake staff entitlements audits for Indigenous legal aid service providers in NSW, SA, Tas and NT	51,508 <sup>+</sup>	Select tender	B
TNS Social Research <sup>†</sup>	Study of private legal practitioner participation in legal aid system.	218,198	Open tender	B
Tom Sherman	Independent review of the Proceeds of Crime (POC) Act 2002 under section 327 of the Act	40,000	Direct sourcing	C

Table 9 (cont.)

Consultant name	Description	Contract price (\$)	Selection process (1)	Justification (2)
Waincymer, Professor Jeffrey	Development and provision of intensive training in World Trade Organization law for 11 Indonesian Government lawyers and officials	55,000	Direct sourcing	A, B
Walter Turnbull	Provision of financial viability services for request for tender for legal aid services for Indigenous Australians	14,116 <sup>†</sup>	Direct sourcing	B
Walter Turnbull	Probity advice for the legal services tender for the Attorney-General's Department in 2006	10,153	Select tender	B, C
Worthington Di Marzio <sup>‡</sup>	Market research consultancy services for the National Security Information Campaign	180,000	Select tender	B

\* Australian Institute of Criminology: Liability for payment of the contract price is divided 50/50 between the Department and IP Australia. The total contract price is \$79,750.

† Indicates actual expenditure as no fixed-contract price or payment exceeded agreed contract price. Information regarding these contracts is as follows:

Chris Creswell: Actual expenditure including superannuation. Contract was on the basis of a daily rate.

Courage Partners: Additional research incurred additional expenditure of \$3,217. Contract variation completed.

Gatecrasher: The contract was not fixed price due to the nature of the consultancy. The contract reflected estimated costs for a range of advertising with actual costs to be approved by the Department during the course of the contract. This amount reflects actual amounts paid to the consultant on the basis of approvals provided by the Department.

Hiley, Graham: This was a fixed-price contract that was extended to provide for additional time spent by the consultant to complete the review.

Insight: Additional reports were required, which incurred additional expenditure of \$6,233.

Leaf Software Engineering: A flexible-costing arrangement was entered into.

Levy, Ken: This was a fixed-price contract that was extended to provide for additional time spent by the consultant to complete the review.

Ron McLeod AM: There was no fixed-price contract. Mr McLeod was paid a daily rate on the basis that the work was required urgently by the Attorney-General and was for an indeterminate period.

RSM Bird Cameron: A flexible-costing arrangement was entered into.

Walter Turnbull: A flexible-costing arrangement was entered into.

‡ Indicates consultancy also reported in Appendix 5.

(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 \$1,500 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 2005–06 to polling organisations. Details of payments to the other categories of organisations are set out below.

**Table 10: Payments to advertising, market research and other designated organisations**

Name of organisation	Payment (\$)	Purpose
<i>Advertising agency</i>		
Brown Melhuish Fishlock Pty Ltd	136,865	Advertising production and agency fees for National Bushfire Awareness and Preparedness advertising
Brown Melhuish Fishlock Pty Ltd	34,129	Creative production and consultancy fees for the National Security Campaign
Eryl Morgan Publications Pty Ltd	6,000	Advertising campaign for 'Working together to manage emergencies' programs
Fallick Family Settlements	7,161	Advertising campaign for 'Working together to manage emergencies' programs
Gatecrasher*	291,500	Development of advertising campaign for the Family Law Reforms
HMA Blaze	40,631	Advertising campaign for 'Working together to manage emergencies' programs
<i>Market research organisation</i>		
Elliott and Shanahan*	315,964	Market research used to develop the community education campaign for the Family Law Reforms
TNS Social Research	33,470	Research on the participation of private legal practitioners in the provision of legal aid services
Worthington Di Marzio *	181,093	Market research consultancy services for the National Security Campaign
Worthington Di Marzio *	65,780	Research to provide input into a strategy to promote public understanding of national counter-terrorism arrangements
<i>Media advertising organisation</i>		
HMA Blaze Pty Ltd	246,955	Non-campaign government advertising (recruitment, job vacancies)
HMA Blaze Pty Ltd	56,758	Advertising of the National Community Crime Prevention Programme grants

<b>Name of organisation</b>	<b>Payment (\$)</b>	<b>Purpose</b>
HMA Blaze Pty Ltd	36,339	Request for tenders for the provision of legal services to Indigenous Australians
HMA Blaze Pty Ltd	20,627	Non-campaign advertising of Computer Network Vulnerability Assessment Program
HMA Blaze Pty Ltd	19,733	Security Legislation Review Committee – Public Submissions (national media)
HMA Blaze Pty Ltd	27,422	Security Legislation Review Committee – public hearings in Sydney, Melbourne, Perth and Canberra (national media)
HMA Blaze Pty Ltd	3,385	Advertising of the National Community Crime Prevention Programme grants
HMA Blaze Pty Ltd	2,481	Request for tenders for production of Intellectual Property Better Practice Manual
HMA Blaze Pty Ltd	8,287	Placement of advertising concerning new marriage certificate
Inmedia Publishing Pty Ltd	5,985	Advertising campaign for 'Working together to manage emergencies' programs
Universal McCann	10,383,107	Media buy for National Security Campaign
Universal McCann	3,810,954	Media buy for Bushfire Awareness Preparedness Campaign from October 2005 to June 2006
Universal McCann	227,700	Media buy for advertising for the Family Law Reforms
<i>Direct mail organisation</i>		
Unimail	13,420	2005 and 2006 Graduate Recruitment advertising

Note: \* Indicates organisation also reported in Appendix 4.

# Appendix 6

## Legal services expenditure

All departments and agencies are now 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 2005-06 is set out below, along with the previous year's data for comparison.

All expenditure figures include GST and are rounded to the nearest dollar.

**Table 11: Legal services expenditure, 2004-05 and 2005-06**

	2004-05	2005-06
Total legal services expenditure	\$6,646,501	\$7,198,710
Total external legal services expenditure (See note 1)	\$5,696,501	\$6,112,137
External expenditure on solicitors	\$4,564,109	\$5,523,449
External expenditure on counsel	\$1,132,392	\$588,688
Number of male counsel briefed	30	22
Value of briefs to male counsel	\$714,296	\$280,316
Number of female counsel briefed	6	11
Value of briefs to female counsel	\$418,096	\$308,371
Internal legal services expenditure (See note 2)	\$950,000	\$1,086,573

### Explanatory notes

1. These figures exclude amounts of legal services expenditure relating to the Hague Convention on the Civil Aspects of International Child Abduction and 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 as 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 APS3, 1.0 Legal Officer, 1.0 Senior Legal Officer, 1.0 Principal Legal Officer and 0.5 (0.75 in 2005-06) of an SES Officer. 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, 0.3 (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 approximately \$0.95m was spent on internal legal services by the Department in 2004–05 and approximately \$1.04m was spent in 2005–06.

From January 2006, internal legal services in relation to commercial law issues are provided by an officer seconded from the Australian Government Solicitor. For 2005–06 the cost was \$46,573.

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

# Appendix 7

## Staffing profile

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The PM&C *Requirements for annual reports for departments, executive agencies and FMA bodies* this year specify that staffing statistics should show each classification level. In previous annual reports we have reported using three broad classification categories: Senior Executive Service, Executive Level 1-2 and equivalents, and APS Level 1-6 and equivalents. As well as the standard APS classifications, the Department has several broad-banded classifications, for example APS 5-6, and also specialist classifications such as Legal Officer.

The specialist classifications and the standard APS classification equivalents are as follows:

Graduate	APS 1-2 equivalent
Legal Officer	APS 3-6 equivalent
Senior Legal Officer	Executive Level 1
Principal Legal Officer	Executive Level 2

The tables on the following pages show staffing details for the Department at 30 June 2005 by broad classification categories, and at 30 June 2006 by each classification level.

Table 12 provides a breakdown at 30 June 2005 by location (region), broad classification category and gender for the Department. It includes all staff employed by the Department under the *Public Service Act 1999* – that is ongoing, non-ongoing, full-time and part-time. Part-time staff are shown as full-time equivalents. Table 14 gives similar information to Table 12, but for each classification level, at 30 June 2006.

Table 13 shows staff numbers at 30 June 2005 by broad 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 15 gives similar information to Table 13, but for each classification level, at 30 June 2006.

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 39 at 30 June 2005, and 46 at 30 June 2006, are not recorded in these tables.

**Table 12: Staffing by location (region), broad classification category and gender – paid staff (full-time equivalent) (includes ongoing, non-ongoing, full-time and part-time) as at 30 June 2005**

		ACT	NSW	Vic	Qld	SA	WA	NT	Total
Senior Executive Service	Female	24.8	0	0	0	0	0	0	<b>24.8</b>
	Male	38.0	0	0	0	0	0	0	<b>38.0</b>
Executive Level 1–2 and equivalent	Female	153.9	0	9.0	0	0	0	1.0	<b>163.9</b>
	Male	160.8	0	8.4	0	0	1.0	0	<b>170.2</b>
APS Level 1–6 and equivalent	Female	302.0	3.0	14.6	2.0	1.0	2.0	3.0	<b>327.6</b>
	Male	136.3	3.0	14.0	1.0	1.0	2.0	0	<b>157.3</b>
<b>Total</b>	<b>Female</b>	<b>480.6</b>	<b>3.0</b>	<b>23.6</b>	<b>2.0</b>	<b>1.0</b>	<b>2.0</b>	<b>4.0</b>	<b>516.2</b>
	<b>Male</b>	<b>335.1</b>	<b>3.0</b>	<b>22.4</b>	<b>1.0</b>	<b>1.0</b>	<b>3.0</b>	<b>0</b>	<b>365.5</b>

**Table 13: Staffing by broad classification category, gender, employment category and employment status – paid staff (head count) as at 30 June 2005**

		Ongoing		Non-ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
Senior Executive Service	Female	22	2	1	0	<b>25</b>
	Male	37	0	1	0	<b>38</b>
Executive Level 1–2 & equivalent	Female	143	24	5	0	<b>172</b>
	Male	163	3	5	0	<b>171</b>
APS Level 1–6 & equivalent	Female	263	24	48	3	<b>338</b>
	Male	130	1	27	0	<b>158</b>
<b>Total</b>	<b>Female</b>	<b>428</b>	<b>50</b>	<b>54</b>	<b>3</b>	<b>535</b>
	<b>Male</b>	<b>330</b>	<b>4</b>	<b>33</b>	<b>0</b>	<b>367</b>

**Table 14: 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	<b>11.56</b>
	Male	10.40	0	1.00	0	0	0	0	<b>11.40</b>
Graduate	Female	30.00	0	0	0	0	0	0	<b>30.00</b>
	Male	9.00	0	0	0	0	0	0	<b>9.00</b>
APS Level 3	Female	57.73	0	6.80	0	0	0	0	<b>64.53</b>
	Male	11.00	0	2.00	0	0	0	0	<b>13.00</b>
APS Level 3–4	Female	5.00	0	1.00	0	0	0	0	<b>6.00</b>
	Male	3.00	0	0	0	0	0	0	<b>3.00</b>
APS Level 4	Female	56.32	0	0	1.00	0	0	0	<b>57.32</b>
	Male	18.00	0	0	0	0	0	0	<b>18.00</b>
APS Level 4–5	Female	8.00	0	1.00	0	0	0	0	<b>9.00</b>
	Male	14.00	0	0	0	0	0	0	<b>14.00</b>
APS Level 5	Female	65.30	0	5.00	0	0	0	0	<b>70.30</b>
	Male	29.00	0	1.00	0	0	0	0	<b>30.00</b>
APS Level 5–6	Female	7.60	0	0	0	0	0	0	<b>7.60</b>
	Male	12.00	0	0	0	0	0	0	<b>12.00</b>
APS Level 6	Female	71.17	0	7.43	1.00	0	0	0	<b>79.60</b>
	Male	38.00	2.00	3.00	3.00	0	1.00	0	<b>47.00</b>
Legal Officer	Female	51.12	0	0	0	0	0	0	<b>51.12</b>
	Male	24.00	0	0	0	0	0	0	<b>24.00</b>
Executive Level 1	Female	84.42	1.00	6.00	1.00	0	0	2.00	<b>94.42</b>
	Male	91.60	0	7.00	1.00	1.00	1.00	0	<b>101.60</b>
Senior Legal Officer	Female	58.68	0	0	0	0	0	0	<b>58.68</b>
	Male	25.00	0	0	0	0	0	0	<b>25.00</b>
Executive Level 2	Female	37.60	0	1.00	1.00	0	0	0	<b>39.60</b>
	Male	49.00	0	1.00	0	0	0	0	<b>50.00</b>
Principal Legal Officer	Female	38.79	0	0	0	0	0	0	<b>38.79</b>
	Male	29.80	0	0	0	0	0	0	<b>29.80</b>
SES Band 1	Female	16.60	0	0	0	0	0	0	<b>16.60</b>
	Male	30.90	0	0	0	0	0	0	<b>30.90</b>
SES Band 2	Female	6.00	0	0	0	0	0	0	<b>6.00</b>
	Male	12.00	0	0	0	0	0	0	<b>12.00</b>
SES Band 3	Female	1.00	0	0	0	0	0	0	<b>1.00</b>
	Male	2.00	0	0	0	0	0	0	<b>2.00</b>
<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 15: 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	<b>13</b>
	Male	6	0	6	0	<b>12</b>
Graduate	Female	30	0	0	0	<b>30</b>
	Male	9	0	0	0	<b>9</b>
APS Level 3	Female	40	3	21	3	<b>67</b>
	Male	9	0	4	0	<b>13</b>
APS Level 3–4	Female	6	0	0	0	<b>6</b>
	Male	3	0	0	0	<b>3</b>
APS Level 4	Female	44	3	11	1	<b>59</b>
	Male	13	0	5	0	<b>18</b>
APS Level 4–5	Female	7	0	2	0	<b>9</b>
	Male	12	0	2	0	<b>14</b>
APS Level 5	Female	57	6	9	1	<b>73</b>
	Male	26	0	4	0	<b>30</b>
APS Level 5–6	Female	8	0	0	1	<b>9</b>
	Male	11	0	1	0	<b>12</b>
APS Level 6	Female	74	4	4	0	<b>82</b>
	Male	41	0	6	0	<b>47</b>
Legal Officer	Female	38	0	12	2	<b>52</b>
	Male	17	0	7	0	<b>24</b>
Executive Level 1	Female	87	6	3	2	<b>98</b>
	Male	94	0	8	0	<b>102</b>
Senior Legal Officer	Female	55	8	0	0	<b>63</b>
	Male	22	0	3	0	<b>25</b>
Executive Level 2	Female	35	3	2	0	<b>40</b>
	Male	50	0	0	0	<b>50</b>
Principal Legal Officer	Female	38	3	0	0	<b>41</b>
	Male	26	2	2	0	<b>30</b>
SES Band 1	Female	15	2	0	0	<b>17</b>
	Male	29	1	1	0	<b>31</b>
SES Band 2	Female	5	0	1	0	<b>6</b>
	Male	12	0	0	0	<b>12</b>
SES Band 3	Female	1	0	0	0	<b>1</b>
	Male	2	0	0	0	<b>2</b>
<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>

# Appendix 8

## Staff achievements

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The Department has in place a number of awards to acknowledge and reward individual and team achievements. The rewards and recognition arrangements are an important component of the Department's approach to recognising and celebrating the outstanding efforts and contributions of employees and for promoting our departmental values and behaviours. These are additional to external awards, including the Order of Australia and the Public Service Medal.

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

The departmental awards are:

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

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

Recipients of formal awards for 2005-06 and noteworthy achievements are listed below.

### Order of Australia

**Robert Cornall**, the Secretary of the Department, was appointed an Officer in the General Division of the Order of Australia in the Australia Day honours list in 2006.

The appointment was for service to the community through contributions to the development of public policy, particularly counter terrorism arrangements in a changing global security environment; and through providing advice and governance across a diverse range of responsibilities within the civil justice system.

### Public Service Medal

**Geoff McDonald**, Assistant Secretary of the Security Law Branch, was awarded the Public Service Medal in the Queen's Birthday Honours announced on 12 June 2006. The award was for outstanding public service in the development of the Australian Government's legislative response to terrorism.

### Secretary's Award 2005

#### **Susie van den Heuvel**

For strengthening the role of Public Affairs on national security issues and expanding the Department's media and communications capability.

## Deputy Secretaries' Awards 2005

### CIVIL JUSTICE AND LEGAL SERVICES, DEPUTY SECRETARY'S AWARD 2005

#### Wayne Bobbin

For an outstanding contribution to the effectiveness of the federal civil justice system over many years.

### NATIONAL SECURITY AND CRIMINAL JUSTICE, DEPUTY SECRETARY'S AWARD 2005

#### Jan Baker, Helen Cheung, Chris Dennis, Sally Kuschel, Matthew Lapworth, Edwina MacDonald

In recognition of the Criminal Justice Division working smarter team's contribution to individual and group learning within the Division.

## General Managers' Award 2005

#### Manh Nguyen

In recognition of sustained and exemplary efforts in the provision of innovative IT solutions.

## Academic Achievement Award

#### Alexandra White

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

## Australia Day Achievement Awards

**Bruce Bannerman**, Criminal Justice Division – in recognition of a longstanding commitment to the Department and, in particular, for high-quality work on the

development of modern anti-money laundering/counter-terrorism financing legislation.

**Rose Beynon**, Civil Justice Division – for leadership and personal commitment in developing ground-breaking selection documentation for the new Family Relationship Centres.

**Alan Collins**, Emergency Management Australia – for leadership and management of the Local Grant Scheme and the National Volunteer Support Fund.

**Nicola Cowan**, Civil Justice And Legal Services Group – for professionalism and dedication in supporting the work of the Civil Justice and Legal Services Group.

**Colin Ford**, Information and Knowledge Services Group – for leadership of the ASNET infrastructure upgrade, developing the profile of ASNET and for building strong, productive relationships with State, Territory and Federal Government agencies.

**Rebecca Healey**, Financial Services Group – for excellence and outstanding achievement in managing the Department's financial management information system.

**Sandra Purser**, Legal Services and Native Title Division – for an outstanding contribution to legal cooperation between Australia and Indonesia.

**Kim Rawson**, Corporate Services Group – for outstanding work and dedication as departmental International Travel Officer.

**Catherine Smith**, Security and Critical Infrastructure Division – for responsiveness and professionalism in administering the Telecommunications Interception Act and for fostering international cooperation in the area of lawful interception.

**Wendy Tjerks**, Corporate Services Group – for outstanding work with the Ministerial Correspondence Unit over a long period, and most particularly during the record workloads of the past year.

**Linda Wayne**, Office of Legislative Drafting and Publishing – for an outstanding contribution in producing high quality compilations and reprints of Commonwealth legislation.

**Maia Ablett, Caroline McGregor**, Guidelines for Financial Assistance for Native Title Respondents Team – for developing new guidelines for the provision of financial assistance for native title respondents.

**Peter Arnaudo, Serena Beresford-Wylie, Sabrena Donaldson, Janet Douglas, Kim Farrant, Fermin Lopez, Susie Noad, Dianne Orr, Alison Playford, David Syme, Michele Warner**, Family Law Reforms Team – for outstanding advice to Government on the development of the biggest ever investment in the family law system and introduction into Parliament of the most significant changes to family law legislation in 30 years.

**Margaret Beattie, Eva Gilbert, Julie Hall, Helen Monroe, Felicity Richmond**, Family Violence Prevention Legal Service Team – for the efficient and timely expansion of the Family Violence Prevention Legal Services Program.

**Anne Burr, Audrey Cooney, Carolyn McLachlan, Stephanie Purcell, Natalie Wadley, Eve Wilson**, Payroll Services Team – for delivering quality, professional and reliable payroll services to the Department.

**Sophie Davey, Daniel Gleeson, Robert Vigo Di Gallidoro**, National Security Website Re-Development Team – for the successful delivery of an innovative, redeveloped national security web site.

**Lani Gibbins, Catherine Hawkins, Andrew Walter**, International Legal Cooperation Matters Team (Corby) – for highly responsive management of Government interests in high-profile international legal cooperation matters.

**Camille Goodman, Roxane Nolan, Kelisiana Thynne**, UN Rights Of The Child Convention Team – for outstanding effort in producing comprehensive briefing for Australia's appearance before the UN Committee on the Rights of the Child.

**Katherine Hayman, Effie Meischke, Annette Quinn, William Story**, Attorney-General's Overseas Travel 2005 – for outstanding professionalism and commitment in coordinating the Attorney-General's overseas visits in 2005.

**Matthew Lapworth, Nicola Thompson**, Eleventh UN Congress On Crime Prevention Team – for infrastructure management and logistics support for the Attorney-General, the Minister for Justice and Customs and the Australian Delegation to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

**National Security Hotline and Watch Office** – for responsiveness and professionalism in fostering constructive national cooperation in the area of national security.

## Other awards

### HUMANITARIAN OVERSEAS SERVICE MEDAL

**Steven Banks, Donovan Croucamp, Barry Dean, Trevor Haines, Paul McAlonan, Don Patterson**, Emergency Management Australia staff members from Canberra and Mt Macedon Offices who were deployed to Phuket, Thailand and Banda Aceh, Indonesia during Operation Tsunami Assist – for professionalism, dedication to duty, and for providing critical support to Australian Medical and Public Health teams in Thailand and Indonesia.

A further 41 staff members received personal letters of thanks from the Attorney-General for their efforts during the operation.

### COMMENDED AWARD IN THE SAFETY, REHABILITATION AND COMPENSATION COMMISSION'S SAFETY AWARDS 2005

**Sebastian Ford, Matt Huntington, Roger Lye, Greg Potter, Adam Reis, Geoff Thornthwaite, Daniel Young** – in recognition of their 'Roll-on Roll-off Strategy' minimising manual handling of IT equipment. The award, presented by the

Minister for Employment and Workplace Relations, was in the category of Workplace Safety Innovative Solution Award.

## Other achievements

**Alex Boland** and **Scott Milne**, members of the ACT State Emergency Service – officially recognised by the ACT Government for their involvement in the December 2005 storm-damage operation in the Canberra region.

**Helen Daniels**, Assistant Secretary, Copyright Law Branch – participated in the United States Government International Visitor and Leadership program in March 2006.

**Colin Ford, Vicky Green, Arif Hamayan**, Information and Knowledge Services – were acknowledged for their assistance to the planning and delivery of the Australian Government's contribution to security for the Melbourne 2006 Commonwealth Games. The letter of appreciation was received from the Security Adviser to the M2006 Commonwealth Games Taskforce, Department of Communications Information Technology and the Arts.



2005 Women's Network Award winners  
(Left to right) Penny Milne, Jan Blomfield (Acting General Manager, Corporate Services Group – presenter of awards), Charlotte McAuliffe and Kym Duggan (accepted on behalf of Anita Mackay)

# Appendix 9

## Occupational health and safety

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

Our Department has a general Occupational Health and Safety (OH&S) Policy and an OH&S Agreement, as required under section 16 of the Act. These documents, together with a range of topic-specific OH&S policies, are available to staff electronically through the Department's intranet and are promoted in *HR Matters*, the newsletter produced by the Human Resources Branch.

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

The Occupational Health and Safety Committee met on a quarterly basis during the year, and the minutes of its meetings were made available to staff. Five new Health and Safety representatives were appointed to the Committee in 2005-06.

### Reporting requirements under the Act

<b>Section 68 occurrences</b> (Notification and reporting of accidents and dangerous occurrences)	There were six notifications.
<b>Investigations under Section 68 of the Act</b>	No investigations were conducted.
<b>Section 45 directions</b> (Power to direct that workplace, etc not be disturbed)	No directions were given to the Department 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 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)	One notice was issued under s 47 of the Act relating to the Department's failure to notify a dangerous occurrence within the timeframes prescribed in the <i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i> and for having insufficient risk control measures in place to ensure the health and safety of EMA employees undertaking disaster management activities.

## Outcomes for 2005–06

We continued to conduct regular workplace inspections throughout 2005–06. 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 2005–06 included:

- **OH&S policy:** All OH&S policies were revised to ensure compliance with legislative requirements, demonstrate our commitment to OH&S, and assist managers and staff to better understand their OH&S responsibilities.
- **OH&S 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:** An online OH&S awareness training program for business supervisors and line managers was implemented. This training provided managers and supervisors with information on their roles and responsibilities and practical exercises in injury prevention and management. Training for health and safety representatives in the conduct of workstation assessments was undertaken. Training for first aid officers and fire wardens was also conducted.
- **Work and wellbeing survey:** Our work and wellbeing survey was conducted in May 2005 to identify issues at an organisational and group level that contribute to employee satisfaction, morale, health, wellbeing and performance. A number of strategies were implemented in 2005–06 to address areas of concern that were raised in the survey and two workshops for SES employees were held. A follow-up survey will be conducted in July 2006.
- **Comcare Premium:** We received a bonus of \$219,669 from the 2005–06 premium due to a better than expected performance in injury management, incident reporting, risk management, and safety training in 2005–06.
- **Employee Assistance Program:** We conducted a request for tender for a new Employee Assistance Program provider during the year. The Employee Assistance Program provides employees with confidential and professional counselling services to assist them in resolving work and other issues that may impact on their work performance.
- **Health and Wellbeing Strategy:** Our Health and Wellbeing Strategy encourages employees to undertake activities ranging from quitting smoking and increasing their physical activity to losing weight and decreasing their stress levels.
- **Lunchtime and after-work activity:** We continued to facilitate staff attendance at lunchtime activities that are designed to enhance their health and wellbeing. Posture and flexibility classes, seated workplace massage, soccer and yoga classes help to reduce stress and the occurrence of occupational overuse syndrome.
- **Flu immunisation:** Employees were provided with an opportunity to participate in a flu immunisation program. Influenza vaccinations were provided for 421 employees.

## Priorities for 2006–07

Our OH&S priorities for 2006–07 are to:

- develop strategies and actions to address the key findings of a further staff survey building on work done with the work and wellbeing survey in 2005–06
- continue to reduce the numbers of compensation claims by targeting the cause of the injuries
- introduction of on-line accident and incident reporting and improving staff awareness of incident reporting requirements
- review and enhance documentation and awareness of risk control measures, particularly in relation to emergency management activities
- promote our Department's integrated health and wellbeing program
- better coordinate workstation assessments
- focus more on longer-term compensation claims, and
- enhance the reporting of health and wellbeing performance.

# Appendix 10

## Commonwealth Disability Strategy

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

### Employer role

**PERFORMANCE INDICATOR 1: EMPLOYMENT POLICIES AND PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE DISABILITY DISCRIMINATION ACT 1992.**

#### Performance measure:

Number of employment policies, procedures and practices that meet the requirements of the Disability Discrimination Act.

*Current level of performance 2005–06:*

During 2005–06, in keeping with the principles and programs of the Disability Discrimination Act, the following policies and programs were actioned:

- electronic recruitment kit launched, and
- workplace diversity promotional material updated and released.

Analysis of complaints and grievances reveals no complaints made by staff with disabilities with regard to current work practices.

*Goals for 2006–07:*

To review the following employment instruments, policies and procedures and

update to incorporate recommendations from the 2006 Management Advisory Committee Report *Employment of People with Disability in the APS 2006*:

- AGD Disability Strategy
- Workplace Diversity Program
- AGD Collective Workplace Agreement
- Occupational Health and Safety Policy, and
- Learning and Development Program.

*Actions for 2006–07:*

During the negotiations for the new Agency Agreement, specific attention will be given to the principles of the Disability Discrimination Act.

Implement a new Workplace Diversity Program and disability strategy.

**PERFORMANCE INDICATOR 2: RECRUITMENT INFORMATION FOR POTENTIAL JOB APPLICANTS IS AVAILABLE IN ACCESSIBLE FORMATS\* ON REQUEST.**

#### Performance measures:

Percentage of recruitment information requested and provided in:

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

Average time taken to provide accessible information in:

- electronic formats, and
- formats other than electronic.

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

*Current level of performance 2005-06:*

All requested information is made available both electronically, in HyperText Markup Language (HTML) and Microsoft Word format, via the intranet, Internet and email, and in hard copy, via the post. No other formats were requested.

All requested information, both electronic and hard copy format, is despatched within 24 hours of the request.

*Goals for 2006-07:*

Investigate the process required to establish TTY functionality (in addition to the existing email and Web access) to enable all hearing-impaired applicants to successfully request information in accessible formats.

*Actions for 2006-07:*

Incorporate relevant statements advising special support available into all recruitment documentation.

Improve awareness for managers and external recruiters of procedures for handling a request for information in accessible formats.

Establish a log of all requests for information in accessible formats and the timeframes involved.

**PERFORMANCE INDICATOR 3: AGENCY RECRUITERS AND MANAGERS APPLY THE PRINCIPLE OF REASONABLE ADJUSTMENT\*.**

**Performance measure:**

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

*Current level of performance 2005-06:*

Advice on reasonable adjustment is available for all managers on the Department's intranet.

All internal recruiters and managers were provided with information regarding reasonable adjustments when requested.

*Goals for 2006-07:*

All of the Department's contracts with external recruitment firms will specify that, where required, all reasonable adjustments are to be made during the recruitment and selection process.

All internal recruiters will receive advice on reasonable adjustment at the start of the recruitment process.

All managers will receive advice about the principles and practice of reasonable adjustment when requested.

*Actions for 2006-07:*

Include requirements regarding reasonable adjustment in all contracts with external recruiters.

Update recruitment and selection guidelines to include advice on reasonable adjustment.

Review departmental policy on reasonable adjustment and management of related costs.

**PERFORMANCE INDICATOR 4: TRAINING AND DEVELOPMENT PROGRAMS CONSIDER THE NEEDS OF STAFF WITH DISABILITIES.**

**Performance measure:**

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

*Current level of performance 2005-06:*

All training and development nomination forms ask staff to identify any disability-related needs. All training and development evaluation forms ask staff to assess the management of their disability-related needs following training sessions. All staff with disabilities who have attended training and

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

development programs report having their particular needs addressed.

One-on-one training in use of specialist equipment provided to staff with disability.

*Goals for 2006-07:*

Introduction of the online enrolment and training modules in the Department's human resource information system (Aurion) which captures information that considers the needs of staff with disabilities and produces automated reports.

The Information Documentation Management Section to work with an adaptive technologies consultant from Vision Australia to develop appropriate information regarding JAWS for access by all staff through the intranet.

Familiarisation training for internal and external trainers on the use of specialist equipment.

*Actions for 2006-07:*

Maintain access to training and development programs which meet needs of staff with disabilities as identified.

Conduct familiarisation training for internal and external trainers on the use of specialist equipment as implemented.

**PERFORMANCE INDICATOR 5: TRAINING AND DEVELOPMENT PROGRAMS INCLUDE INFORMATION ON DISABILITY ISSUES AS THEY RELATE TO THE CONTENT OF THE PROGRAM.**

**Performance measure:**

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

*Current level of performance 2005-06:*

The Department offered several training and development programs during the year which included information on disability issues. These courses included Orientation, Accountabilities for APS employees and Management Skills Programs.

An online training program was developed and released for all staff as part of the Workplace Diversity Program 2004-06 which includes content on the APS Values and Code of Conduct, discrimination and legal compliance, cultural awareness, bullying and diversity, and occupational health and safety. These courses are available for all employees.

All training programs which have a relationship with disability issues include information as part of the content of the program.

*Goals for 2006-07:*

The Department will continue to implement development associated with the Workplace Diversity Program 2004-06, and further consider training and awareness as part of a new Workplace Diversity Strategy to be developed in 2006.

*Actions for 2006-07:*

Promote the use of online training programs covering disability and diversity issues.

Ensure that all new employees undertake Accountabilities training which discusses HR policies, including workplace diversity and disability.

**PERFORMANCE INDICATOR 6: COMPLAINTS/GRIEVANCE MECHANISM, INCLUDING ACCESS TO EXTERNAL MECHANISMS, IN PLACE TO ADDRESS ISSUES AND CONCERNS BY STAFF.**

**Performance measure:**

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

*Current level of performance 2005-06:*

The Department has an established process for complaints handling, which includes access to external mechanisms (eg Employee Assistance Program, Merit Protection and Review Agency).

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.

Analyses of complaints reveal no complaints/grievances involved disability issues in the workplace during 2005-06.

#### *Goals for 2006-07:*

To increase staff awareness of the harassment contact officers and their roles.

To increase the use of the online bullying prevention videos which provide information about reporting options.

#### *Actions for 2006-07:*

To increase the number of harassment contact officers within the Department.

## Policy adviser role

### **PERFORMANCE INDICATOR 1: NEW OR REVISED POLICY/PROGRAM PROPOSALS ASSESS IMPACT ON THE LIVES OF PEOPLE WITH DISABILITIES PRIOR TO DECISION.**

#### **Performance measure:**

Percentage of new or revised policy/program proposals that document that the impact of the proposal was considered prior to the decision-making stage.

#### *Current level of performance 2005-06:*

Relevant policies/programs are assessed for their impact on the lives of people with disability prior to decisions.

Areas of particular focus during the year include working towards developing the Disability Standards for Access to Premises and the implementation of the Government's response to the Productivity Commission review of the Disability Discrimination Act.

The Commonwealth Copyright Section (CCS) developed one major policy for 2005-06, being the whole-of-government intellectual property (IP) management framework. CCS

assessed the impact of the IP Policy on people with disabilities during the development phase. This is documented on file.

The Government made a decision to introduce a new exception to the *Copyright Act 1968*, which allows for non-commercial uses of copyright material for the benefit of people with disabilities. The exception will permit a wider range of uses of copyright material by people with disabilities where that use does not conflict with the legitimate interests of copyright owners.

In formulating the proposed legislative amendments resulting from the Fair Use review, we assessed ways of improving access to copyright material by people with disabilities during the development phase, and also used feedback from community consultations and advice from peak bodies and other relevant organisations when assessing impact.

#### *Goals and actions for 2006-07:*

In consulting with government agencies prior to finalisation of the IP Manual, assess the adequacy of the IP Manual in alerting policy officers to the impacts of IP Policy on people with disabilities.

### **PERFORMANCE INDICATOR 2: PEOPLE WITH DISABILITIES ARE INCLUDED IN CONSULTATION ABOUT NEW OR REVISED POLICY/PROGRAM PROPOSALS.**

#### **Performance measure:**

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

#### *Current level of performance 2005-06:*

Significant opportunity has been provided to the disability sector in the context of developing Australia's negotiating position on the proposed UN Convention on Rights of People with Disabilities. In October-December 2005, and in the lead up to the seventh session of the UN's Ad

Hoc Committee (which is negotiating the Convention), the Department and FaCSIA consulted relevant stakeholders including disability and human rights organisations. In November 2005, the Attorney-General approved a grant of \$50,000 to the Australian Federation of Disability Organisations (AFDO) to assist towards the costs of conducting nation-wide consultation within the disability sector on the Chair's Text of the proposed Convention. The AFDO report informed the Australian delegation's negotiating position for the seventh session and will be of ongoing usefulness at subsequent sessions. During May and June 2006, and prior to the eighth session of the UN Ad Hoc Committee scheduled for August 2006, the Department and FaCSIA consulted again with the disability sector on an updated draft text of the Convention prepared by the Chair of the Ad Hoc Committee.

Representatives from the disability sector attended the Attorney-General's Non-Government Organisation Forum on Domestic Human Rights held in Canberra in June 2006.

Disability organisations were consulted on the new exception to the Copyright Act which will allow for non-commercial uses of copyright material for the benefit of people with disabilities.

#### *Goals and actions for 2006-07:*

There will be ongoing consultation with disability organisations on an exposure draft of the amendments to the Copyright Act.

**PERFORMANCE INDICATOR 3: PUBLIC ANNOUNCEMENTS OF NEW, REVISED OR PROPOSED POLICY/PROGRAM INITIATIVES ARE AVAILABLE IN ACCESSIBLE FORMATS\* FOR PEOPLE WITH DISABILITIES IN A TIMELY MANNER.**

#### **Performance measure:**

Percentage of new, revised or proposed policy/program announcements available in a range of accessible formats.

Time taken in providing announcements in accessible formats.

#### *Current level of performance 2005-06:*

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

The preferred formats for publishing are HTML and Microsoft Word.

#### *Goals and actions for 2006-07:*

The Department will continue to use formats suitable for screen readers in public announcements of new, revised or proposed policies and programs.

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

# Appendix 11

## Extradition, mutual assistance and criminal justice certificates

### Extradition matters dealt with in 2005–06 or continuing as at 30 June 2006

#### EXTRADITION REQUESTS MADE BY AUSTRALIA

Requests carried forward from 2004–05	14
New requests made	13
Requests granted	8
Requests withdrawn	0
Requests refused	1
Requests otherwise discontinued	1
Requests continuing	17

The following countries granted Australian extradition requests:

Brazil	1
Hong Kong – Special Administrative Region of the People’s Republic of China	1
United Kingdom	4
United States of America	2

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

Australia	1
China	1
Nigeria	1
United Kingdom	4
United States	1

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

People were surrendered for the following major categories of offences:

Child sex	2
Drugs	2
Money Laundering	1
Murder	1
Perverting course of justice	2
Theft and/or Fraud	1

*Note:* In previous reporting years, Australia has requested the prosecution of people in foreign countries that refused Australian extradition requests for those people on the grounds of nationality. At 30 June 2006, one such case was continuing.

The following countries were still considering requests:

Canada	2
Greece	1
Lebanon	1
Malta	1
Malaysia	1
Mexico	1
United Kingdom	6
United States of America	4

#### EXTRADITION REQUESTS MADE TO AUSTRALIA

Requests carried forward from 2004–05	31
New requests received	21
Requests granted	11
Requests withdrawn	0
Requests refused by the Attorney-General	2
Requests refused by the Courts	0
Requests otherwise discontinued	2
Requests continuing	37

Australia granted extradition requests made by the following countries:

Germany	2
India	1
Singapore	1
United Kingdom	5
United States of America	2

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

Australia	1
Germany	1
New Zealand	1
Taiwan	1
United Kingdom	6
United States of America	1

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

Australia was still considering requests made by the following countries:

Algeria	1
Argentina	2
Belgium	1
Canada	1
Croatia	3
Germany	1
Greece	2
Hong Kong – Special Administrative Region of the People’s Republic of China	1
Indonesia	2
Italy	2
Lebanon	2
Mexico	1
Poland	5
South Korea	1
Spain	1
Switzerland	1
United Kingdom	5
United States of America	5

People were surrendered for the following major categories of offences:

Child sex	4
Drugs	1
Murder	2
Theft and/or fraud	4

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

## Mutual assistance matters dealt with in 2005–06 or continuing as at 30 June 2006

### MUTUAL ASSISTANCE IN CRIMINAL MATTERS REQUESTS MADE BY AUSTRALIA

Requests carried forward from 2004–05	195
New requests made	167
Requests finalised*	94
Requests continuing	268

\* 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.

Requests by Australia for mutual assistance to the following countries were finalised in 2005-06:

Argentina	3
Belgium	1
Brazil	1
British Virgin Islands	1
Canada	2
Denmark	1
Ecuador	1
Germany	3
Greece	1
Hong Kong – Special Administrative Region of the People’s Republic of China	8
Indonesia	1
Iran	1
Italy	3
Japan	1
Jersey	2
Lebanon	1
Macau – Special Administrative Region of the People’s Republic of China	1
Malaysia	3
Netherlands	3
Netherlands Antilles	1
New Zealand	6
Norway	2
Pakistan	5
Peru	3
Philippines	1
Poland	1
Singapore	7
South Africa	1
South Korea	1
Switzerland	2
Thailand	2
United Kingdom	7
United States of America	14
Uruguay	1
Vanuatu	1
Vietnam	1

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

Obtain bank/business/company records	24
Search and seizure	5
Take evidence procedures	12
Proceeds of crime (restraining and confiscation orders)	2
Other (obtain statement/conduct interview; obtain criminal records; obtain telecommunications records; obtain email records, service of documents etc)	51

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

#### MUTUAL ASSISTANCE IN CRIMINAL MATTERS REQUESTS MADE TO AUSTRALIA

Requests carried forward from 2004-05	176
New requests	228
Requests finalised*	159
Requests refused	0
Requests continuing	245

\* 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.

Australia finalised requests for mutual assistance in criminal matters from the following countries in 2005–06:

Austria	7
Belarus	1
Belgium	3
Burma/Myanmar	1
Croatia	3
Czech Republic	1
Denmark	1
Estonia	2
Finland	7
France	4
Germany	6
Greece	2
Hong Kong – Special Administrative Region of the People’s Republic of China	2
Hungary	60
Israel	2
Italy	3
Latvia	1
Monaco	1
Netherlands	6
New Zealand	6
Poland	4
Portugal	2
Scotland	2
Serbia and Montenegro	1
Slovenia	1
Spain	1
Switzerland	11
Turkey	1
Ukraine	2
United Kingdom	10
United States of America	5

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

Obtain bank/business records	7
Take evidence	4
Search and seizure	4
Service of documents	100
Evidence collected in an Australian investigation	5
Other (obtain statement/conduct interview; obtain telecommunications records; obtain certificates of conviction, etc)	39

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

#### MUTUAL ASSISTANCE IN BUSINESS REGULATION REQUESTS MADE TO AUSTRALIA

Four requests (three from the United States of America and one from the United Kingdom) were received. One of these requests was executed under the *Mutual Assistance in Business Regulation Act 1992* in the past financial year. The other three requests will be carried forward to the next financial year.

#### INTERNATIONAL WAR CRIMES

There was one new request for assistance from the International War Crimes Tribunal for the former Yugoslavia in The Hague during 2004–05. This request was finalised along with two requests carried forward from the previous year.

One request was received from the International Criminal Court. This request will be carried forward to the next financial year.

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 2005–06 or continuing as at 30 June 2006

### CRIMINAL JUSTICE CERTIFICATES ISSUED

Commonwealth entry <sup>a</sup>	13
Commonwealth stay <sup>a</sup>	76
Commonwealth trafficking stay <sup>b</sup>	7
State entry (endorsed) <sup>c</sup>	9

### CRIMINAL JUSTICE CERTIFICATES CANCELLED<sup>d</sup>

Commonwealth entry	12
Commonwealth stay	75
Commonwealth trafficking stay	5
State entry	15

### CRIMINAL JUSTICE CERTIFICATES CURRENT AS AT 30 JUNE 2006

Commonwealth entry	30
Commonwealth stay	222
Commonwealth trafficking stay	24

a Commonwealth certificates are issued in relation to proceedings involving Commonwealth offences.

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

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

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

## Nationalities of persons who hold current Commonwealth criminal justice certificates as at 30 June 2006

Belgium	1
Bolivia	1
Brazil	2
Bulgaria	3
Canada	16
Colombia	6
France	1
Germany	5
Hong Kong – Special Administrative Region of the People’s Republic of China	8
India	11
Indonesia	18
Iran	1
Iraq	7
Israel	3
Japan	3
Korea	2
Liberia	1
Macedonia	1
Malaysia	14
Mexico	1
Netherlands	13
New Zealand	3
Nigeria	3
North Korea	2
Pakistan	3
Papua New Guinea	1
People’s Republic of China	24
Peru	1
Philippines	4
Republic of China (Taiwan)	1
Singapore	13
South Africa	8
Spain	8
Sri Lanka	1
St Vincent and the Grenadines	1
Thailand	39
Tonga	1
United Kingdom	19
United States of America	17
Uruguay	1
Venezuela	2
Vietnam	3
Unknown	3

**Table 16: Comparative statistics for extradition and mutual assistance cases, 2001–02 to 2005–06****EXTRADITION REQUESTS MADE BY AUSTRALIA**

<b>Year</b>	<b>Cases carried forward</b>	<b>New requests made</b>	<b>Requests granted</b>	<b>Requests refused</b>	<b>Requests otherwise completed</b>
2001–02	13	7	4	1	5
2002–03	10	12	6	0	1
2003–04	15	9	6	1	3
2004–05	14	9	7	0	2
2005–06	14	13	8	1	1

**EXTRADITION REQUESTS MADE TO AUSTRALIA**

<b>Year</b>	<b>Cases carried forward</b>	<b>New requests made</b>	<b>Requests granted</b>	<b>Requests refused</b>	<b>Requests otherwise completed</b>
2001–02	32	16	8	3	1
2002–03	36	23	8	6	2
2003–04	43	23	14	3	5
2004–05	44	15	12	1	13
2005–06*	31	21	11	2	2

\* 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.

**MUTUAL ASSISTANCE REQUESTS MADE BY AUSTRALIA**

<b>Year</b>	<b>Cases carried forward</b>	<b>New requests made</b>	<b>Requests granted</b>	<b>Requests refused</b>	<b>Requests otherwise completed</b>
2001–02	54	88	44	2	19
2002–03	77	135	62	0	22
2003–04	133*	161	104	0	51
2004–05	170	151	126	0	n/a
2005–06	195	167	94	0	n/a

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

## MUTUAL ASSISTANCE REQUESTS MADE TO AUSTRALIA

<b>Year</b>	<b>Cases carried forward</b>	<b>New requests made</b>	<b>Requests granted</b>	<b>Requests refused</b>	<b>Requests otherwise completed</b>
2001–02	45*	156	78	0	13
2002–03	110	166	124	2	38
2003–04	117 <sup>†</sup>	179	109	1	30
2004–05	162	205	191	0	n/a
2005–06	176	228	159	0	n/a

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

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

# 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 this Act, the operations of the International Criminal Court (the ICC), and the impact of the operations of the ICC on Australia's legal system.

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

### Operation of the Act

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

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

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

## Operation of the International Criminal Court

The ICC Statute was adopted and opened for signature and ratification on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. The Statute entered into force generally on 1 July 2002. As of 14 July 2006, there are 100 Parties and 139 signatories to the ICC Statute. Australia signed the Statute on 9 December 1998 and ratified the Statute on 1 July 2002. The Statute entered into force for Australia on 1 September 2002.

The entry into force of the ICC Statute established the first permanent international court capable of investigating and prosecuting the most serious crimes of international concern. The ICC fills a legal vacuum that could otherwise prevent the prosecution of egregious crimes due to a lack of judicial infrastructure or political will. The ICC is physically 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). Importantly, no new crime will apply to acts done in the territory of, or by citizens

of, a State Party that has not ratified that crime. The only new crime currently being contemplated is the crime of aggression.

A Working Group of States Parties has been discussing possible definitions and other aspects of this crime. An intersessional meeting of the Special Working Group on the Crime of Aggression was held at the Liechtenstein Institute on Self Determination at Princeton University from 8 to 11 June 2006. A resumed session of the Working Group will be held in New York at a date still to be determined.

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 Fourth Assembly of States Parties held from 28 November to 3 December 2005 and 26 to 27 January 2006.

Key achievements of the Fourth Assembly of States Parties included:

- the election of six judges for three-year terms
- the election of six members of the Committee on Budget and Finance including Australian Dr David Dutton, and
- the approval of an 82.46 million euro budget for the fourth financial year.

The Fifth Assembly of States Parties will take place in The Hague from 23 November to 1 December 2006 and at the United Nations Headquarters from 29 to 31 December 2006.

The ICC is investigating three situations, one in Uganda at the request of the Ugandan Government (the activities of the Lord's Resistance Army), one in the Democratic Republic of Congo (DRC) at the request of the President of the DRC, and one in the Darfur region of Sudan at the request of the

United Nations Security Council (referred on 31 March 2005). On 17 March 2006, the ICC made its first arrest in Kinshasa, in the Democratic Republic of Congo.

The ICC has also received a referral of the general situation in the Central African Republic (CAR) from the CAR Government. This referral is currently being considered by the Prosecutor in order to determine whether to initiate an investigation.

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

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

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