



The Constitution

AS IN FORCE ON 1 JUNE 2003

together with

Proclamation Declaring

Establishment of the
Attorneys General's
Office of

APPENDIXES



1. Reporting arrangements for other elements in the Attorney-General's portfolio
2. Freedom of Information matters
3. Service charters
4. Consultancy services
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Appendix 1: Reporting arrangements for other elements in the Attorney-General's portfolio

Element	Reporting arrangements
Solicitor-General	A
Administrative Appeals Tribunal	B
Administrative Review Council	B
Australasian Centre for Policing Research	C
Australian 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	B
Federal Police Disciplinary Tribunal	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
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 Federal Privacy Commissioner	B

- A Although resourced by the Attorney-General's Department, the Solicitor-General is independent of the Department. The Solicitor-General does not report formally to Parliament.*
- B Separate reports from these bodies are tabled in Parliament.*
- C Reports on activities are 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, Defence Force Discipline Appeal Tribunal and Solicitor-General (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 FOI Annual Report, which is accessible at 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 published on pages 14–15 shows the structure of the Department.

Functions

The broad functions of the Department are described in Part 1 of this report—see page 12. Legislation administered by the Attorney-General is published in the Administrative Arrangements Order which is available at www.pmc.gov.au/docs/aao.cfm.

Arrangements for outside participation in policy development

The following 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:

Australian Copyright Council; Law Council of Australia; Copyright Law Review Committee; Administrative Review Council; National Alternative Dispute Resolution Advisory Council; Standing Committee of Attorneys-General (SCAG); SCAG Officers' Working Group on Human Rights; Disability Discrimination Act Standards Project; International Legal Services Advisory Council; Native Title Consultative Forum; Family Law Council; Interception Consultative Committee; Relationships Australia; Family Services Australia; Catholic Welfare Australia; Critical Infrastructure Advisory Council; Business-Government Advisory Group on National Security; Partnerships Against Domestic Violence Taskforce; Taskforce on Child Development, Health and Wellbeing; National Aboriginal Justice Advisory Committee; National Motor Vehicle Theft Reduction Council; National Inhalant Abuse Taskforce; Advisory Policy Committee of the International Centre for Crime Prevention; Ministerial Advisory Committee on AIDS, Sexual Health and Hepatitis; Australasian Centre for Policing Research; Standing Commonwealth Senior Executive Service Inter-departmental Committee on Indigenous Issues; Biannual Ministerial Meeting with Financial Institutions; Commonwealth Reference Group on Identity Fraud; AUSTRAC Proof of Identity Steering

Committee; Australasian Police Ministers' Council (APMC); Corrective Services Ministers Conference; Australia New Zealand Ministerial Forum on Crime Prevention; Firearms Policy Working Group; National Shooters Advisory Council; Ministerial Advisory Group on Money Laundering; FATF-APG Coordination Group; Heads of Commonwealth Law Enforcement Agencies; SCAG/APMC Joint Working Group; National Working Group on the Diversion of Precursor Chemicals; Inter-departmental Committee on Trafficking in Persons; Inter-departmental Committee on the OECD Working Group on Bribery's Phase 2 Review of Australia and the Asia Development Bank/OECD Anti-Corruption Action Plan.

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, inter-departmental and general correspondence and papers
- policy documents, including recommendations and decisions
- requests for legal advice and copies or notes of advice given, and other legal documents
- papers relating to new and amending legislation, drafting instructions and draft legislation
- media releases
- documents relating to Royal Commissions
- 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 provides, subject to certain exceptions, 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
 Coordination and Support Services Section
 Attorney-General's Department
 Robert Garran Offices
 National Circuit
 BARTON ACT 2600
 Telephone: (02) 6250 5693
 Facsimile: (02) 6250 5948

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
Telephone: (02) 9230 8567
Facsimile: (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 not part of the Attorney-General's Department.

Functions

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

Categories of documents

The Solicitor-General deals with 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
 Coordination and Support Services Section
 Attorney-General's Department
 Robert Garran Offices
 National Circuit
 BARTON ACT 2600
 Telephone: (02) 6250 5693
 Facsimile: (02) 6250 5948

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 Registrar 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
 ACT Registry
 1st Floor,
 Commonwealth Law Courts Building
 Childers Street
 CANBERRA CITY ACT 2601
 Telephone: (02) 6267 0566
 Facsimile: (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 2003–04.

Table 3: Compliance with customer service standards 2003–04

Charter	Service standard	Compliance with service standard
Attorney-General's Department	A reply in plain English within 28 days of receipt of complaint, including the name and telephone number of the person dealing with the complaint.	All complaints received a response within 28 days in compliance with standard.
	Personal information only used in accordance with the law.	No misuse of personal information, resulting in a breach of the privacy legislation, has been reported by the Privacy Commissioner for attention.
	Work will be undertaken with care, diligence and sensitivity to the needs of clients.	*
	Strong commitment to accountability and continuous improvement.	*
	Clients will be treated with courtesy, fairness and respect.	One complaint in relation to Output 1.4 alleged a failure to treat clients with courtesy, fairness and respect. This complaint is being finalised.
	Staff will act responsively to client needs.	*

Charter	Service standard	Compliance with service standard
International Child Abduction, Child Support and Civil Procedure	Reply within 28 days of receipt of complaint.	No complaints were received during the reporting period.
	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.	*
Trade Measures Review Secretariat	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 <i>Australian Financial Review</i> and all identified parties were notified in writing, inviting an opportunity to provide submissions in relation to the specific matter under review, for each review undertaken.
	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.
	Provision of accurate, concise and well-considered responses in plain English to written correspondence.	*

Charter	Service standard	Compliance with service standard
	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 each case.
	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 e-mail, 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

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 also refer to the *Commonwealth procurement guidelines*, which outlines core policies and principles for purchasing activities, including engaging consultants. All consultants were engaged by the Department in accordance with appropriate principles and practices.

Consultancy services are one 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 is an entity, whether an individual, a partnership or a corporation, 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; and to provide independent advice, information or creative solutions to assist the agency in management decision-making.

The Department of Finance and Administration issued late in the reporting period a new document titled *Guidance on identifying consultancies for annual report purposes*. These Guidelines include certain types of legal services that previously had been excluded from the definition for reporting purposes. The Department is examining its financial management systems to enable more comprehensive reporting of legal services and other consultancies in future annual reports.

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

The *Requirements for annual reports for departments, executive agencies and FMA Act bodies* specify that the only detailed information required to be provided relates to new consultancy contracts of value \$10,000 or more (see Table 4).

Summary of information on consultancies

Number of consultancy services contracts let during 2003-04	26
Total expenditure on consultancy services in 2003-04 (relates to continuing as well as new consultancies)	\$2,747,579

Table 4: New consultancy contracts of value \$10,000 or more, let during 2003–04

Name of consultant	Contract price for consultancy (\$)	Purpose	Selection key	Justification key
Anglicare Western Australia	55,000	Research into a new model for assisting separated parents to develop a parenting plan	d	A
Australian Institute of Family Studies	42,687	Research into disputes about contact between parents and children after family separation	d	A
Barristers Clerking Services Pty Ltd (Jane Macdonnell)	30,000	Scoping study for possible review of the Guidelines on Provision of Financial Assistance in Native Title Matters	f	E
Booz Allen Hamilton	208,692	Review of the National Crime Prevention Program	b	C
David Sadleir and Associates Pty Ltd	66,568	Review of protective security strategies for Holders of High Office and diplomatic and consular missions	d	E
Deloitte Touche Tohmatsu	13,080	Audit of community legal services under the Community Legal Services Program	c	A
Ernst and Young	14,599	Business practices review of the Australian Secure Network (ASNET) Support Team	c	B
Hudson Global Resources	35,700	Design and development of Achieving Excellence in SES (AxIS) program	c	A
Hudson Global Resources	10,000	Development of interview assessment tools for the Graduate Program 2005	e	B
KAZ Technology Services	50,000	Scoping analysis for the development and implementation of a National Clandestine Laboratory Database	e	A

Name of consultant	Contract price for consultancy (\$)	Purpose	Selection key	Justification key
KPMG	172,150 ¹	2004 Review of funding in the Native Title System	c	A
Latrobe University	319,000	Research into effectiveness of child inclusive practices in family mediation	d	A
Latrobe University	117,865	Development of draft standards for the approval of primary dispute practitioners under the <i>Family Law Act 1975</i>	b	A
Leader-Elliott, Ian	15,000	Assist with the development of the Criminal Code	d,e,f	A
National Institute of Forensic Science	349,100	Conduct and report on pilot projects to improve monitoring and detection capabilities to minimise potential criminal use of explosives in Australia	d	A
Quality Management Solutions	32,120	Conduct investigations	f	E
Rein Mere Company	136,125	Reassess national counter-terrorism capability	c	E
Sherman, Tom	16,000	Independent review of Division 11A of Part 1D of the <i>Crimes Act 1914</i>	d,e,f	E
University of Sydney	60,892	Research into disputes about contact between parents and children after family separation	d	A
UrbisJHD (formerly Urbis Keys Young)	208,745	Evaluation of the NT Agreement-pre-court juvenile diversion scheme and Aboriginal Interpreter Service	b	B

¹ This figure includes an optional additional stage of the Review. If the additional stage is not required, the overall cost will be \$162,250. The Department's contribution will be \$50,000 with the balance from other portfolio agencies and portfolios.

Selection key

- a Publicly advertised
- b Public tender
- c Selective tender
- d Direct engagement of recognised and pre-eminent expert
- e Direct engagement of consultant previously undertaking closely related work for Department
- f Direct engagement of consultant known to have requisite skills where the value of the project did not justify expense or delay associated with seeking tenders

Justification key

- A Special skills not available within the Department
- B Special skills available within the Department but because of other staff resource priorities consultant engaged
- C Participation of outside professional is a requirement of the Department of Finance and Administration
- D Requirement to use particular consultant a condition of conducting project for client
- E Need for independent study or assessment
- F Need for change agent or facilitator
- G Need for rapid access to latest technology or experience with application

Note:

In some instances additional costs for expenses and travel have been met from ordinary departmental administrative cost allocations. Resources are not available to conduct the detailed searches of individual financial transaction records required to identify such costs.

Appendix 5: Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918* the Department is required to disclose payments to specific types of organisations. The organisations are categorised into advertising agencies, market research

organisations, polling organisations, direct mail organisations, and media advertising organisations. Details of payments to organisations are set out below.

Table 5: Payments to advertising, market research and other designated organisations

Name of organisation	Payment (\$)	Purpose	Key
BMF Advertising	145,050	Development of national security campaign	a
Eryl Morgan Publications Pty Ltd	2,750	Promoting National Crime Prevention information resources	d
Green Words & Images	1,540	Design and artwork for Regional Law Hotline publicity materials	c
Hallmark Editions	297	Advertising National Community Crime Prevention Programme grants scheme	d
HMA Blaze Pty Ltd	1,945	Advertising Copyright Law Review Committee Inquiry on Crown Copyright	d
HMA Blaze Pty Ltd	4,627	Invitation to register interest as an information and technology supplier	d
HMA Blaze Pty Ltd	8,382	Notice of public consultation for review of Copyright Digital Agenda reforms	d
HMA Blaze Pty Ltd	10,767	Notice of listing of terrorist organisations	d
HMA Blaze Pty Ltd	12,490	Notices inviting submissions for review of Division 11A of Part 1D of <i>Crimes Act 1914</i>	d
HMA Blaze Pty Ltd	12,498	Advertising for Regional Law Hotline	d
HMA Blaze Pty Ltd	29,590	Advertising National Community Crime Prevention Programme	d
HMA Blaze Pty Ltd	51,223	Advertising National Standards for Firearms Safety Training	d
HMA Blaze Pty Ltd	669,110	Government advertising both campaign and non-campaign (recruitment, job vacancies, tender notices)	d

Name of organisation	Payment (\$)	Purpose	Key
Quantum Ideas Bureau	4,549	Printing of information packs for National Community Crime Prevention Programme	a
Universal Express	77,275	Managing and distributing publications for Community Safety and Justice Branch	c
Wordwallah	2,200	Design and printing of information packs for National Community Crime Prevention Programme	a
Worthington Di Marzio	369,215	Market research on national security	b

Key

- a Paid to a creative advertising agency to develop advertising campaign
- b Paid to a market research organisation
- c Paid to a direct mail organisation, creative agency or direct marketing agency for the creation and distribution of direct mail materials
- d Paid to a media advertising organisation for placing government advertising (both campaign and non-campaign) in the media