

# Appendixes

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# Appendix I:

## Reporting arrangements for 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 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
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 published on page 26 shows the structure of the Department.

### Functions

The broad functions of the Department are described in the departmental overview of this report—see page 23. 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

Anti-Money Laundering Coordination Committee

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 (APMC)

Australia – New Zealand Ministerial Forum on Crime Prevention

Australian Federation of Disability Organisations

Banking and Finance Infrastructure Assurance Advisory Group

Biannual Ministerial Meeting with Financial Institutions

Board of the Australian Crime Commission

Building Access Policy Committee

Built Environment Expert Advisory Group

Business–Government Advisory Group on National Security

Catholic Welfare Australia  
 Copyright Law Review Committee  
 Corrective Services Ministers Conference  
 Critical Infrastructure Advisory Council  
 CIP Futures Expert Advisory Group  
 Family Services Australia  
 Firearms Policy Working Group  
 Heads of Commonwealth Law Enforcement Agencies  
 Icons and Public Gatherings Infrastructure Assurance Advisory Group  
 International Legal Services Advisory Council  
 Interdepartmental Committee on the OECD Working Group on Bribery's Phase 2 Review of Australia and the Asia Development Bank/OECD Anti-Corruption Action Plan  
 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  
 Model Criminal Code Officers Committee  
 National Aboriginal Justice Advisory Committee  
 National Alternative Dispute Resolution Advisory Council  
 National Inhalant Abuse Taskforce  
 National Motor Vehicle Theft Reduction Council  
 National Shooters Advisory Council  
 Native Title Consultative Forum  
 National Working Group on the Diversion of Precursor Chemicals  
 Relationships Australia  
 Standing Committee of Attorneys-General (SCAG)

Systems Working Group on Implementation of Anti-Money Laundering Reforms  
 Water Services Infrastructure Assurance Advisory Group

### Categories of documents held by the Department

The following categories of documents are held by the Department:

- internal administration papers and records, including working drafts, statistical records, copies of cables and facsimiles, and records relating to human and financial resource management
- ministerial, interdepartmental and general correspondence and papers
- policy documents, including 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, 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  
 Coordination and Support Services Section  
 Attorney-General's Department  
 Robert Garran Offices  
 National Circuit  
 BARTON ACT 2600  
 Phone: (02) 6250 5693  
 Fax: (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  
 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 not part of the Attorney-General's Department.

### Functions

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

### Categories of documents

The Solicitor-General maintains the following categories of documents:

- briefs, working notes, papers and advices for litigious and non-litigious matters
- correspondence, reports and minutes relating to the Special Committee of Solicitors-General
- correspondence, reports and minutes relating to 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  
 Phone: (02) 6250 5693  
 Fax: (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 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  
 ACT Registry  
 1st Floor  
 Commonwealth Law Courts Building  
 Childers Street  
 CANBERRA ACT 2601  
 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 the International Child Abduction, Child Support and Civil Procedure (ICACSCP) Service Charter and the Trade Measures Review Secretariat (TMRS) Service Charter.

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 Australian

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 2004–05.

Table 8: Compliance with customer service standards 2004–05

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, except one,* received a response within 28 days in compliance with standard.
	Personal information used only in accordance with the law.	No misuse of personal information, resulting in a breach of the privacy legislation, has been reported by the Privacy Commissioner.
	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 was reported last year and finalised during this reporting period. The conclusion was that there had been no breach of the service standard.
	Staff will act responsively to client needs.	**

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.	No complaints were received during the reporting period.
	Personal information used only in accordance with the law.	No misuse of personal information, resulting in a breach of the privacy legislation, has been reported by the Privacy Commissioner for attention.
	Correspondence to be a well-considered reply in plain English and to include the name and telephone number of the person dealing with the complaint.	**
	Subject to case-load priorities, we will act promptly for clients.	**
	Clients will be treated with courtesy, fairness and respect.	**
<b>Trade Measures Review Secretariat</b>	Clients will be referred to the appropriate body if we cannot help.	**
	Provision of professional and independent support to the Review Officer, ensuring that reviews are conducted in a timely, accurate and fair manner.	No complaints were received 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> newspaper.
	Personal information used only in accordance with the law.	No misuse of personal information, resulting in a breach of the privacy legislation, has been reported by the Privacy Commissioner.
	Provision of accurate, concise and well-considered responses in plain English to written correspondence.	**
	Generally, a written reply within 28 days of receiving letters 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 letters.	**

\* A longer time frame than that specified in the service standard was taken to deal with the complaint. Mechanisms have been put in place to remedy this situation.

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

Clients of the Department and those of 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

### 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*. 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; 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 of information on consultancies

During 2004-05, 33 new consultancy contracts were entered into involving actual expenditure of \$2,012,698. In addition, 14 ongoing consultancy contracts were active during the year involving total actual expenditure of \$1,012,255.

Table 9: Consultancy services contracts let during 2004–05 to the value of \$10,000 or more

Consultant name	Description	Contract price (\$)	Selection process	Justification
AMBIT Recruitment	Development of Enterprise Architecture (IT) for Department	25,000	Direct sourcing	A
Australian Institute of Criminology	Research into the impact and cases of the cessation or adjournment of Australian criminal trials	100,000	Direct sourcing	B, C
Australian Institute of Criminology	Research into the nature of firearms theft	55,000	Direct sourcing	B, C
Australian Institute of Criminology	Review of Australia's firearm legislation	55,000	Direct sourcing	B, C
Australian Institute of Criminology	Research into firearms penalties and sentencing for firearms offences	130,000	Direct sourcing	B
Blunn, Anthony	Review of the Regulation of Access to Communications	80,000	Direct sourcing	C
CNM & Associates	Review of Prevention, Diversion and Rehabilitation Program	19,305 <sup>#</sup>	Direct sourcing	C
Creswell, Chris	Conduct major projects in the Copyright Law Branch requiring high-level expertise	110,042	Direct sourcing	B
HBO+EMTB Consulting	Advice on leasing and Heads of Agreement issues	34,831	Select tender	B
Human Rights and Equal Opportunity Commission	Development, printing and distribution of culturally specific education materials on pregnancy and potential pregnancy discrimination in the workplace for Indigenous women	40,000	Direct sourcing	A
Insight SRC	Conduct work and wellbeing survey and provide analysis of results	20,000	Direct sourcing	B
Interaction Consulting Group	Design, develop and deliver programs on Understanding Public Service Accountabilities	110,880	Direct sourcing	B
KAZ Technology Services Pty Ltd	Scoping study to investigate broad options and costs for the development of a national firearms management system	786,912	Open tender	B, C
Le Quesne & Associates (Aust) Pty Ltd	Independent advice on service requirements for new building for Department	12,320	Direct sourcing	C
Lloyd, Stephen	Finalise Administrative Review Council's final report on <i>The scope of the judicial review</i>	12,000	Direct sourcing	B

Consultant name	Description	Contract price (\$)	Selection process	Justification
Sparke Helmore	Finalisation of request for tender for legal aid services for Indigenous Australians	10,450 <sup>#</sup>	Direct sourcing	C
Task Dynamics	Review of policy and procedures in relation to the Family Violence Prevention Legal Services program	21,780	Select tender	B
Techniworks Action Learning Pty Ltd	Provide e-learning solutions for training in HR compliance matters	22,000	Select tender	B
University of Western Australia	Research of high-need areas for Indigenous family violence	28,905	Direct sourcing	C
WalterTurnbull	Provision of financial analysis requirements for request for tender for legal aid services for Indigenous Australians	50,007 <sup>#</sup>	Direct sourcing	B
WT Partnership	Quantity surveying services for new building for Department	112,000	Open tender	B

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

CNM & Associates: This was a fixed-price contract that was extended following the completion of the review to provide for additional associated work that the contractor was engaged to undertake.

Sparke Helmore: A fixed-price contract was not entered into due to the nature of the task and the likely variation in estimated time to complete the work.

Walter Turnbull: A flexible-costing arrangement was entered into on the basis that the number of respondents to the tender process would be unknown.

#### 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 government.

#### 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

#### 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 of \$1,500 or more (inclusive of GST) to specific types of organisations. These organisations are advertising agencies, market research organisations, polling organisations, direct

mail organisations and media advertising organisations. There were no payments during 2004–05 to polling or direct mail 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	189,979	Development of national security campaign
<i>Market research organisation</i>		
Worthington Di Marzio Pty Ltd	148,275	Market research on national security
<i>Media advertising organisations</i>		
Eryl Morgan Publications Pty Ltd	2,500	Advertising promoting winners of EMA's Safer Community Awards
Eryl Morgan Publications Pty Ltd	3,000	Advertising campaign for Working together to manage emergencies programs
HMA Blaze Pty Ltd	25,183	Non-campaign government advertising (recruitment, job vacancies)
HMA Blaze Pty Ltd	55,521	Advertising campaign for Working together to manage emergencies programs
HMA Blaze Pty Ltd	7,594	Campaign to promote the Regional Law Hotline in Tasmania
HMA Blaze Pty Ltd	26,138	Request for tenders for the provision of legal services for Indigenous Australians
HMA Blaze Pty Ltd	59,074	Advertising of the National Community Crime Prevention Programme grants
HMA Blaze Pty Ltd	6,813	Call for applications for service providers for the expansion of the Indigenous Family Violence Prevention Legal Services Program
Inmedia Publishing Pty Ltd	2,932	Advertising campaign for Working together to manage emergencies programs
Universal McCann Pty Ltd	7,150,000	National security campaign advertising