

## Appendixes

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PART

05

# APPENDIX 01

## Reporting arrangements for the portfolio

### Reporting requirements under the Act

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

Elements	Reporting arrangements
Family Law Council	B
Federal Court of Australia	B
Federal Magistrates Court of Australia	B
High Court of Australia	B
Human Rights and Equal Opportunity Commission	B
Insolvency and Trustee Service Australia	B&E
National Crime Statistics Unit	C
National Institute of Forensic Science	C
National Native Title Tribunal	B
Office of Parliamentary Counsel	B
Office of the Director of Public Prosecutions	B
Solicitor-General	A

## Key

### Notes:

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: Agencies that provide reporting on activities and financial performance to the Ministerial Council for Police and Emergency Management—Police under the auspice of the National Common Police Services.

D: The various Federal Court registries provide administrative support for these tribunals. Information about these bodies can be found in the annual report of the Federal Court of Australia.

E: The Attorney-General is required by paragraph 12(1)(d) of the *Bankruptcy Act 1966* to report to Parliament on the operation of the Act.

# APPENDIX 02

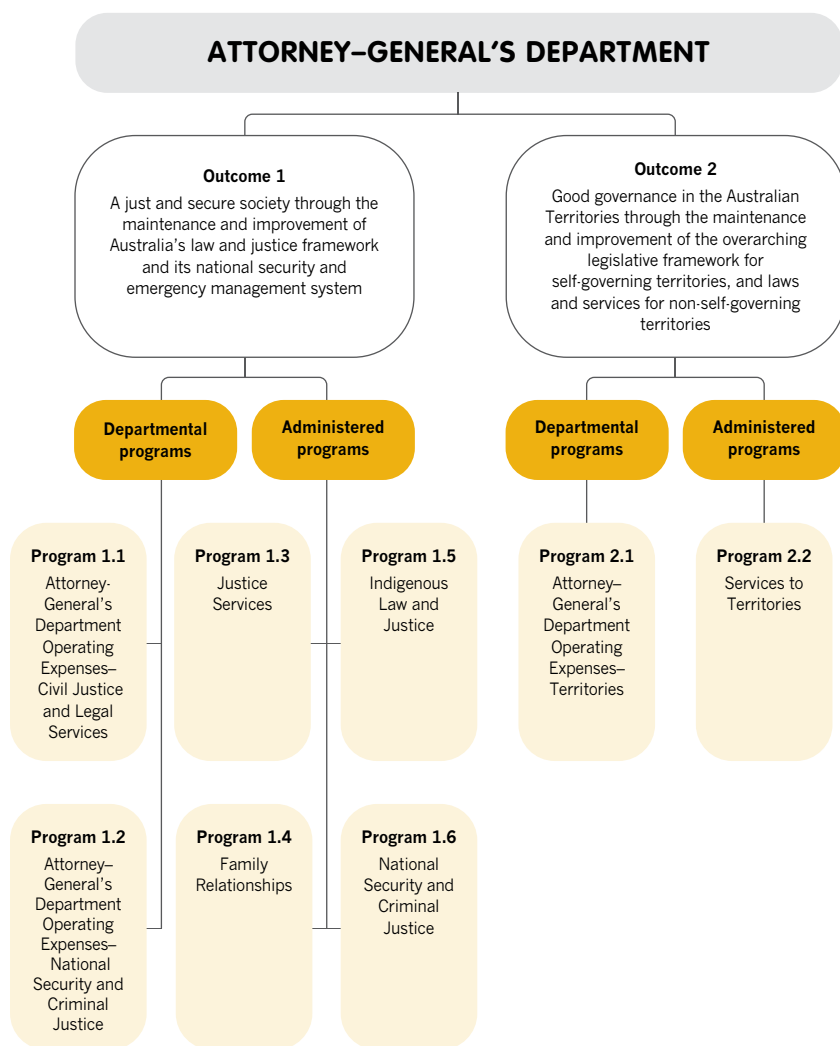
## Changes to Attorney-General's Department Outcome and Program structure

For 2010–11, the Department amalgamated the previous Outcomes 1 and 2 into one outcome—Outcome 1. The previous Outcome 3 is now Outcome 2. Responsibility for Outcome 2 transferred to the Department of Regional Australia, Regional Development and Local Government from 1 October 2010.

The Department's program structure was also revised and streamlined for 2010–11 to more clearly separate departmental and administered programs.

The following figure shows the structure from the 2010–11 Portfolio Budget Statements.

Figure 10: Structure of Attorney-General's Department's outcomes and programs



# APPENDIX 03

## Freedom of information statement

From 1 May 2011 agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. An agency plan showing what information is published in accordance with the IPS requirements is accessible from agency websites. The Department's information is published at <[http://www.ag.gov.au/www/agd/agd.nsf/Page/FreedomofInformation\\_InformationPublicationScheme\\_InformationPublicationScheme](http://www.ag.gov.au/www/agd/agd.nsf/Page/FreedomofInformation_InformationPublicationScheme_InformationPublicationScheme)>

Set out below is the information required by section 8 of the former FOI Act as it existed prior to 1 May 2011. Similar information is also set out in relation to the Copyright Tribunal of Australia, the Solicitor-General and Defence Force Discipline Appeal Tribunal (none of which publishes its own annual report). Reporting arrangements for portfolio agencies are set out at Appendix 1.

### Attorney-General's Department

#### Establishment

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

#### Organisation

The organisational chart (Figure 3 in Chapter 4) shows the structure of the Department.

#### Functions

The broad functions of the Department are described in Chapter 4. Legislation administered by the Attorney-General is published in the Administrative Arrangements Order, available at <<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, enable people or organisations outside the Commonwealth administration to be involved in the Department's policy-making functions or in its administration of various schemes and enactments.

Examples of such bodies are:

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

- Critical Infrastructure Advisory Council
- Critical Infrastructure Protection Futures Expert Advisory Group
- Emergency Management Infrastructure Assurance Advisory Group
- Family Law Council
- Family Relationship Services Australia
- Firearms Policy Working Group
- Intellectual Property Enforcement Consultative Group
- Interception Consultative Committee
- Intergovernmental Committee on Drugs
- Intergovernmental Committee on the Australian Crime Commission
- International Legal Services Advisory Council
- Law Council of Australia
- Law Enforcement Advisory Committee
- Mass Gatherings Infrastructure Assurance Advisory Group
- Model Criminal Law Officers Committee
- National Aboriginal Justice Advisory Committee
- National Alternative Dispute Resolution Advisory Council
- National Association of Community Legal Centres
- National Committee for Critical Infrastructure Protection
- National Corrective Services Statistics Unit Board and Advisory Group
- National Crime Statistics Unit Board and Advisory Group
- National Criminal Courts Statistics Unit Board and Advisory Group
- National Drug Law Enforcement Research Fund
- National Government Advisory Group on Chemicals of Security Concern
- National Identity Security Coordination Group
- National Industry Reference Group on Chemicals of Security Concern
- National Intercountry Adoption Advisory Group
- National Judicial College of Australia
- National Legal Aid
- National Legal Profession Reform Taskforce
- National Motor Vehicle Theft Reduction Council
- National Pro Bono Resource Centre
- National Roundtable on People Trafficking
- National Working Group on the Prevention of the Diversion of Precursor Chemicals into Illicit Drug Manufacture
- Native Title Consultative Forum
- Personal Property Securities Review Consultative Group
- Sporting Shooters and Firearms Advisory Council
- The Crown Copyright Working Group

- The Shire of Christmas Island
- The Shire of Cocos (Keeling) Islands
- The Wreck Bay Aboriginal Community Council
- Water Services Infrastructure Assurance Advisory Group
- The Risk Management Working Group on Chemical Security
- The Chemical Security Risk Assessment Technical Working Group
- Aviation Security Advisory Forum
- Aviation Security Identification Card Working Group
- Maritime Industry Consultative Forum
- Maritime Security Identification Card Working Group
- AusCheck Consultative Committee
- Business-Government Advisory Group on National Security
- Critical Infrastructure Advisory Council and associated sub-committees
- National Critical Infrastructure Resilience Committee, and
- National Emergency Management Committee and its sub-committees and reference groups.

## Categories of documents held by the Department

The Department holds the following categories of documents:

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

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

Many documents the Department holds are available free of charge upon request; others are publicly available for purchase.

Subject to certain exceptions, the Freedom of Information Act 1982 also gives people a legally enforceable right of access to documents the Department holds.

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

Director  
Freedom of Information and Privacy Section  
Attorney-General's Department  
3–5 National Circuit  
BARTON ACT 2600  
Telephone: 61 (2) 6141 2550

## Copyright Tribunal of Australia

### Establishment

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

### Organisation

Section 138 of the *Copyright Act 1968* provides for a Copyright Tribunal consisting of a President and such number of Deputy Presidents and other members as are appointed.

### Functions

In summary, the jurisdiction of the Tribunal is:

- 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:

- those 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
- those concerning administrative and financial aspects of the Tribunal's operation
- general correspondence
- those 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 the Tribunal holds should be forwarded to:

Registrar  
Copyright Tribunal  
Level 17  
Law Courts Building  
Queens Square  
SYDNEY NSW 2000

Telephone: 61 (2) 9230 8567

Facsimile: 61 (2) 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 1964* 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, 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 and Privacy Section  
Attorney-General's Department  
3–5 National Circuit  
BARTON ACT 2600  
Telephone: 61 (2) 6141 2550

## 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. The Principal Registry of the Tribunal is located in Melbourne, Victoria.

### Functions

Pursuant to the *Defence Force Discipline Appeals Act 1955*, the Tribunal can hear appeals against conviction, prescribed acquittal and punishment relating to prosecutions before a courts martial. Further, the Tribunal can also hear questions of law referred to it by the Director of Military Prosecutions.

### Categories of documents held by the Tribunal

The Tribunal maintains the following categories of documents:

- those relating to a particular proceeding, transcript of the hearing, the Tribunal's reasons for the decision, the decision, and related general correspondence
- those concerning procedures before the Tribunal
- those 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 the Tribunal holds should be forwarded to:

Federal Court of Australia  
Registry (VIC)  
Owen Dixon Commonwealth Law Courts Building  
Level 7, 305 William Street  
MELBOURNE VIC 3000  
Telephone: 61 (3) 8600 3504  
Facsimile: 61 (3) 8600 3522

# APPENDIX 04

## Service charters

The Attorney-General's Department service charter and associated complaint-handling policy have been in operation since June 1998.

The AusCheck service charter was released on 20 August 2009 to describe to the public, and to the aviation and maritime communities, the service experience that can be expected in dealing with AusCheck and its staff. The charter is available from <<http://www.ag.gov.au>> 'National security and counter-terrorism | Background checking'.

Tables 21 and 22 set out the customer service standards contained in each charter and the extent to which they were met during 2010–11.

**Table 21: Attorney-General's Department charter—compliance with customer service standards, 2010–11**

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	Nine of 11 complaints were compliant with the service standard
	Personal information used only in accordance with the law	Complied
	Work will be undertaken with care, diligence and sensitivity to the needs of clients	Complied
	Strong commitment to accountability and continuous improvement	Complied
	Clients will be treated with courtesy, fairness and respect	Complied
	Staff will act responsively to client needs	Complied

Table 22: AusCheck service charter—compliance with customer service standards, 2010–11

AusCheck service charter	Service standard	Compliance with service standard
AusCheck – provide timely and effective background checks for the Aviation Security Identification Card and Maritime Security Identification Card schemes	Acknowledgement of 100% of all ASIC and MSIC applications in one business day  Completing AusCheck's part in the background checking process in five business days or less 98% of the time (ie excluding time awaiting responses from checking partners or the person being checked)	Achieved  Achieved
Provide a consistent decision making process that ensures privacy and legal rights are protected	No AusCheck decisions were overturned on appeal to the Administrative Appeals Tribunal	Achieved  Four appeals were lodged with the AAT during the reporting period  Three have been withdrawn and one AusCheck decision was upheld

## Other comments

There were 11 complaints received during 2010–11. Nine were responded to or withdrawn within 28 days and two complaints were not.

The first of these related to a broken link on the Department's website. The link was repaired almost immediately but the Department failed to advise the complainant within the 28 days stated in the service charter.

The second complaint related to an application to become a marriage celebrant. The Department did not address this complaint because the application was still being assessed. A second complaint was then received and soon after, both complaints—together with notification of the outcome of the complainant's application—were addressed.

The Office of Legislative Drafting and Publishing (OLDP) received one formal complaint about inability to access legislation on ComLaw in October 2010. An investigation found that the site was operational for most of the day, except during a one-hour outage, which was notified to clients more than one week in advance. The complainant did not respond to a request for more information.

OLDP also received many compliments about the professionalism of its staff. The ComLaw Help Desk—which handled hundreds of public queries about Commonwealth legislation and the new ComLaw website during the year—received the most feedback, but agencies were also complementary about OLDP's contribution to resolving a number of urgent and unavoidable matters.

# APPENDIX 05

## Consultancy services

### Policy on selection and engagement of consultants

Contracting for a consultancy service is a prominent activity no different in principle from procuring other property and services. The requirements of the Commonwealth Procurement Guidelines and the Chief Executive Instructions are relevant. Additionally, departmental Chief Executive Instructions state that the Secretary's agreement is required for all consultancies of \$20,000 or more.

Consultancy services are assessed by determining whether the services meet the criteria of a consultancy as set out in the Department of Finance and Deregulation's *Financial Management Guidance No 15*. The assessment process distinguishes between consultancy and non-consultancy contracts, taking into account their respective characteristics. These characteristics represent an amalgam of those commonly exhibited across the diverse range of consultancy and non-consultancy arrangements.

In considering these characteristics, the Department focuses on two questions to determine the nature of the agreement, namely:

- do the services involve development of an intellectual output that assists with agency decision making, and
- will the output reflect the independent views of the service provider?

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

### Summary statement

During 2010–11, 35 new consultancy contracts were entered into, involving total actual expenditure of \$1.942 million. In addition, five ongoing consultancy contracts were active during the year involving total actual expenditure of \$0.529 million.

In accordance with the requirements for annual reports for departments, executive agencies and *Financial Management and Accountability Act 1997* bodies, detailed information relating to new consultancy contracts to the value of \$10,000 or more (including GST) is provided in Table 23.

Information on expenditure on contracts and consultancies is also available on the AusTender website at <<http://www.tenders.gov.au>>.

Table 23: Consultancy services let during 2010–11, to the value of \$10,000 or more

Consultant name	Description	Contract price (\$)	Selection process <sup>1</sup>	Justification <sup>2</sup>
Access Economics	Financial modelling and analysis for Disaster Recovery Taskforce	87,753	Panel	C
Australian Healthcare Associates	Review of prisoner through care projects (Indigenous Justice Program), Victoria and Tasmania	75,535	Open tender	C
Australian Institute of Aboriginal and Torres Strait Islander Studies	Federal Minimum Native Title Connection threshold research project	79,475	Direct	C
Australian Institute of Criminology	Evaluation of Indigenous Justice Program – diversion	499,164	Open tender	B
Centre for International Economics	Cost benefit analysis of licensing options for security guards working in the private industry	79,750	Direct	C
Clement Consulting Services Pty Ltd	Advise on Cyber Storm III pre-exercise planning	17,600	Direct	C
Cultural Perspectives Pty Ltd	Evaluation of Indigenous Justice Program – Aboriginal sentencing courts and conferences; offender support/ reintegration	704,990	Open tender	B
Deloitte Touche Tohmatsu	Regulation impact analysis – AML/CTF reforms to remittance sector	79,530	Panel	B
Deloitte Touche Tohmatsu	Cost allocations for lawful access to telecommunications	106,700	Select tender	A
Deloitte Touche Tohmatsu	Review financial health of Aboriginal and Torres Strait Islander Legal Services	127,527	Panel	B
Edith Cowan University	Evaluation of Indigenous Justice Program – night and community patrols	369,600	Open tender	B
Elliott Street Consulting Pty Ltd	Contract for the review of the Legislative Drafting Support Program using AusAID's criteria	15,884	Direct	C
Gibson Quai – AAS Pty Ltd	Identify better practice for the Triple Zero emergency service organisations	99,870	Direct	C
Global Justice Solutions (Asia) Pty Ltd	Review of prisoner through care projects (Indigenous Justice Program), South Australia and Western Australia	160,220	Open tender	C
Global Justice Solutions (Asia) Pty Ltd	Review of prisoner through care – out care	19,800	Direct	C
Horizon Research	Develop effective language for counter-terrorism related public messaging	75,752	Direct	C
Information Integrity Solutions Pty Ltd	Develop privacy impact assessment for reforms to the <i>Telecommunications (Interception &amp; Access) Act 1979</i>	68,750	Direct	C
Jakeman Business Solutions Pty Ltd	Write the national exercise report for Cyber Storm III	39,600	Panel	C
KPMG	Develop a risk-based methodology for prioritising CERT Australia's engagement with business	79,500	Panel	C
KPMG	Review of the Northern Territory Legal Aid Commission	262,202	Panel	B
Lateral Economics	Report concerning the impact on the legal services market of proposed reforms to Commonwealth legal services procurement.	75,377	Direct source	B

Consultant name	Description	Contract price (\$)	Selection process <sup>1</sup>	Justification <sup>2</sup>
Major Training Services Pty Ltd	NCTC training policy and framework review	16,500	Direct	C
Managing Justice	Prepare a report that designs the architecture necessary for the future collection of data about the federal civil justice system	25,850	Direct	B
Market Attitude Research Services Pty Ltd	Tsunami Community Education Strategy – Stage 1	60,000	Direct	B
Noetic Solutions Pty Ltd	Review of prisoner through care projects (Indigenous Justice Program), Queensland and Northern Territory	184,327	Open	C
Noetic Solutions Pty Ltd	Development of an ICT ASNET Strategic Plan 2011–2013	66,000	Direct	B
Noetic Solutions Pty Ltd	Cost benefit analysis of SAP HR and Aurion	77,000	Panel	B
Peter John Hamburger	Review of the Australian Commission for Law Enforcement integrity capabilities, operating arrangements and resources	24,000	Direct	B
Praxis Consultants Pty Ltd	Independent review of the Pacific Law Library Twinning Program	17,000	Direct	B
Price WaterhouseCoopers	Benchmarking ICT & finance functions	175,000	Open tender	B
Price WaterhouseCoopers	Development of RIS on chemical security	293,551	Open tender	B
SHL Australia Pty Ltd	Design and conduct second development centre for AGD EL2/PLO development program	80,000	Panel	B
Team HR Australia Pty Ltd	Training needs analysis for the Australian Emergency Management Institute	75,915	Panel	C
The Nous Group	Facilitate the National Disaster Resilience Workshop	11,550	Direct	B
Thinkplace Trust	Develop an evaluation model for the Organised Crime Strategic Framework	79,488	Direct	B
Yellow Edge Pty Ltd	Evaluation specialist for Countering Violent Extremism Taskforce	79,860	Direct	A

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 06

## Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918* the Department is required to disclose payments of \$11,200 or more (inclusive of GST) to specific types of organisations, including advertising agencies, market research companies, polling organisations, media advertising organisations, and direct mail organisations.

There were no payments in 2010–11 to direct mail or polling organisations.

Details of payments to the other categories of organisations are set out below.

**Table 24: Payments to advertising, market research and other designated organisations, 2010–11**

Name of organisation	Payment (\$)	Purpose	Key
Di Marzio Research Pty Ltd	81,950	Market research for Personal Property Securities campaign	B
	110,000	Market research for the national security public information campaign	B
GfK Bluemoon	97,139	Market research for the Countering Violent Extremism program	B
Lavender	80,000	Creative design for Personal Property Securities campaign	A
Adcorp Australia Limited	369,834	Non-campaign government advertising	C
Universal McCann	1,309,172	Media advertising for the national security public information campaign	C

The above payments were made in the 2010–11 financial year, of which certain payments may have been accrued in the 2009–10 financial year.

### Key

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

During 2010–11, the Attorney-General's Department conducted only one advertising campaign: the national security campaign. Further information on this is available at <[www.ag.gov.au](http://www.ag.gov.au)> and in the report on Australian Government advertising that is prepared by the Department of Finance and Deregulation at <<http://www.finance.gov.au/advertising/index.html>>.

# APPENDIX 07

## Legal services expenditure

The *Legal Services Directions 2005* paragraph 11.1(ba) requires all departments and agencies to report their legal services expenditure each financial year. This appendix provides a breakdown of the Department's expenditure for 2010–11, along with the previous year's data for comparison. All expenditure figures include GST.

Table 25: Legal services expenditure summary, comparing 2009–10 and 2010–11

	2009–10	2010–11
<b>Total legal services expenditure<sup>a</sup></b>	<b>\$12,851,432.29</b>	<b>\$11,830,853.69</b>
<b>Total external legal services expenditure<sup>1</sup></b>	<b>\$11,913,184.80</b>	<b>\$10,640,152.42</b>
Total number of counsel briefed	71	81
Total number of counsel direct briefed	6	18
Total value of counsel briefs	\$2,365,978.93	\$1,767,378.37
Total disbursements (excluding counsel)	\$130,729.73	\$339,724.11
Total professional fees paid	\$9,416,476.14	\$8,533,049.94
<b>Total internal legal services expenditure<sup>b</sup></b>	<b>\$938,247.49</b>	<b>\$1,190,701.27</b>
<b>Total costs recovered</b>	<b>\$0.00</b>	<b>\$21,666.66</b>

Notes:

- a These figures exclude amounts of legal services expenditure relating to The Hague Convention on the Civil Aspects of International Child Abduction, the United Nations Convention on the Recovery Abroad of Maintenance, and international obligations under various bilateral maintenance arrangements. The Department records these separately as they do not constitute purchase of legal services by the Department for itself. Rather, they arise because the Department pays for legal services that benefit other parties as a result of obligations under international agreements.
- b The Department does not have a separate internal Legal Services Branch. It has legal practices that provide both internal and external services, principally the Office of International Law and the Office of Legislative Drafting and Publishing. Legal services are provided within the Department at no cost to the receiving areas. No billing arrangement for internal legal services provided to the Department by the practices operates, nor are separate records of expenditure kept. Such expenses are treated as part of the Department's aggregate staffing costs.

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 0.3 of an APS 3; 0.1 of an APS 4; 1.5 Legal Officer; 2.0 Senior Legal Officer; 1.5 of a Principal Legal Officer and 0.6 of an SES Band 1 Officer.

The staff of the Office of Legislative Drafting and Publishing devoted to providing internal legal services are the full-time equivalent of 1.0 of a Senior Legal Officer; 0.7 of a Principal Legal Officer; and 0.1 of an SES Officer. 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 estimated based on salary levels for these positions and increased by a factor reflecting typical staffing and other overheads within the Department. This approach is consistent with the ANAO's August 2006 Better Practice Guide, and the Department of Finance and Deregulation's on-cost model.

The Department also meets the cost of the Solicitor-General and Counsel Assisting the Solicitor-General (including salary).

Table 26: External legal services expenditure summary, comparing 2009-10 and 2010-11

	2009-10	2010-11
<b>Counsel</b>		
<b>Total number of counsel briefed</b>	<b>71</b>	<b>81</b>
Male counsel briefed	39	61
Female counsel briefed	32	20
<b>Total number of counsel direct briefed</b>	<b>6</b>	<b>18</b>
Male counsel direct briefed	6	14
Female counsel direct briefed	0	4
<b>Total value of counsel briefs</b>	<b>\$2,365,978.93</b>	<b>\$1,767,378.37</b>
Male counsel briefs	\$444,437.72	\$757,966.95
Female counsel briefs	\$1,921,541.21	\$1,009,411.42
<b>Disbursements (excluding counsel)</b>	<b>\$130,729.73</b>	<b>\$339,724.11</b>
<b>Professional fees</b>	<b>\$9,416,476.14</b>	<b>\$8,533,049.94</b>

Table 27: Professional service providers, comparing 2009-10 and 2010-11

	2009-10	2010-11
Australian Government Solicitor <sup>a</sup>	\$9,345,573.29	\$8,211,418.08
Blake Dawson <sup>b</sup>	\$63,654.40	\$223,374.07
Trinity Law <sup>c</sup>	\$7,248.45	\$1,439.90
Department of Premier and Cabinet New South Wales – Office of General Counsel <sup>c</sup>	–	\$96,817.89
<b>Total professional fees</b>	<b>\$9,416,476.14</b>	<b>\$8,533,049.94</b>

a The Department has Deeds of Standing Offer with the Australian Government Solicitor and Blake Dawson.

b The payment to Trinity Law relates to financial assistance provided under Appendix E of the *Legal Services Directions 2005* which deals with assistance to Commonwealth employees for certain legal proceedings.

c The payment to the Department of Premier and Cabinet New South Wales - Office of General Counsel relates to the engagement of Mr Dennis Murphy for the development of draft legislation as part of the National Legal Profession reform agenda.

# APPENDIX 08

## Staffing profile

Table 28: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) at 30 June 2011

Classification	Gender	ACT	NSW	NT	PNG	QLD	VIC	WA	Total
APS level 1–2	FEMALE	8.17							<b>8.17</b>
	MALE	4.19					2		<b>6.19</b>
APS Level 2	FEMALE	0.6							<b>0.6</b>
	MALE								<b>0</b>
APS Level 3	FEMALE	62.67	2				4.4		<b>69.07</b>
	MALE	12	3				1		<b>16</b>
APS Level 3–4	FEMALE	1							<b>1</b>
	MALE								<b>0</b>
APS Level 4	FEMALE	93.13	6.4				1		<b>100.53</b>
	MALE	27.8	3						<b>30.8</b>
APS Level 4–5	FEMALE	2							<b>2</b>
	MALE	4							<b>4</b>
APS Level 5	FEMALE	1							<b>1</b>
	MALE								<b>0</b>
APS Level 5–6	FEMALE	177.04	9				12.5		<b>198.54</b>
	MALE	126.7	8			5	3.52	1	<b>144.22</b>
APS Level 6	FEMALE	3							<b>3</b>
	MALE	2							<b>2</b>
Cadet	FEMALE	1							<b>1</b>
	MALE	2							<b>2</b>
Executive Level 1	FEMALE	157.31	2.92	2			5.8		<b>168.03</b>
	MALE	117.08	2	1		2.8	4	1	<b>127.88</b>

Classification	Gender	ACT	NSW	NT	PNG	QLD	VIC	WA	Total
Executive level 2	FEMALE	54.66	1				1		56.66
	MALE	74.2	2		2		1		79.2
Graduate	FEMALE	18							18
	MALE	16							16
Legal Officer	FEMALE	66.34							66.34
	MALE	36							36
Principle Legal Officer	FEMALE	66.36	0			2			68.36
	MALE	26.7				5			31.7
Senior Legal Officer	FEMALE	90.65							90.65
	MALE	45.4							45.4
SES Band 1	FEMALE	32.14	1			1			34.14
	MALE	28							28
SES Band 2	FEMALE	4							4
	MALE	10							10
SES Band 3	FEMALE	2							2
	MALE	2							2
<b>Total</b>	<b>FEMALE</b>	<b>841.07</b>	<b>22.32</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>24.7</b>	<b>0</b>	<b>893.09</b>
	<b>MALE</b>	<b>534.07</b>	<b>18</b>	<b>1</b>	<b>7</b>	<b>7.8</b>	<b>11.52</b>	<b>2</b>	<b>581.39</b>

Table 29: Staffing by classification, gender, employment category and employment status—paid staff (head count) at 30 June 2011

Classification	Gender	Non-ongoing		Ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS level 1–2	FEMALE	1	1	6	1	9
	MALE	2	1	3	1	7
APS Level 2	FEMALE		1			1
	MALE					0
APS Level 3	FEMALE	23	6	40	4	73
	MALE	6		10		16
APS Level 3–4	FEMALE			1		1
	MALE					0
APS Level 4	FEMALE	9		85	10	104
	MALE	10	1	19	1	31
APS Level 4–5	FEMALE			2		2
	MALE	1		3		4
APS Level 5	FEMALE			1		1
	MALE					0
APS Level 5–6	FEMALE	14	3	163	30	210
	MALE	9	1	134	1	145

Classification	Gender	Non-ongoing		Ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS Level 6	FEMALE			3		3
	MALE			2		2
Cadet	FEMALE	1				1
	MALE	2				2
Executive Level 1	FEMALE	4	1	144	26	175
	MALE	2	1	121	5	129
Executive level 2	FEMALE		1	52	5	58
	MALE	5	1	71	3	80
Graduate	FEMALE			18		18
	MALE			16		16
Legal Officer	FEMALE	5		58	6	69
	MALE	1		35		36
Principle Legal Officer	FEMALE	2	2	53	15	72
	MALE	5		25	2	32
Senior Legal Officer	FEMALE	1	1	74	22	98
	MALE	2	1	42	1	46
SES Band 1	FEMALE			31	4	35
	MALE			28		28
SES Band 2	FEMALE	1		3		4
	MALE			10		10
SES Band 3	FEMALE			2		2
	MALE			2		2
<b>Total</b>	<b>FEMALE</b>	<b>61</b>	<b>16</b>	<b>736</b>	<b>123</b>	<b>936</b>
	<b>MALE</b>	<b>45</b>	<b>6</b>	<b>521</b>	<b>14</b>	<b>586</b>

Table 30: Staffing by location (region), classification and gender—paid staff (full-time equivalent—includes ongoing, non-ongoing, full-time and part-time) at 30 June 2010

	Gender	ACT	NSW	Vic	Qld	SA	WA	NT	Total
APS Level 1–2	Female	4.4	0	0	0	0	0	0	4.4
	Male	15.12	0	0	0	0	0	0	7.4
Graduate	Female	31	0	0	0	0	0	0	31
	Male	13	0	0	0	0	0	0	13
APS Level 3	Female	74.6	2	0	0	0	5.61	0.8	83.01
	Male	15	2	0	0	0	1	0	18
APS Level 3–4	Female	3	1	0	0	0	1	0	5
	Male	3	0	0	0	0	0	0	3
APS Level 4	Female	90.64	5	0	0	0	0	0	95.64
	Male	20	2	0	0	0	0	0	22
APS Level 4–5	Female	14	0	0	0	0	1	0	15
	Male	14	0	0	0	0	0	0	14
APS Level 5	Female	84.45	5	0	0	0	4.6	0	94.05
	Male	31	1	0	0	1	1	0	34
APS Level 5–6	Female	17.8	0	0	0	0	0	0	17.8
	Male	19.9	0	0	0	0	0	0	19.9
APS Level 6	Female	117.4	2	0	0	0	2.43	1	122.83
	Male	52.6	10	0	1	0	4	3	70.6
Legal Officer	Female	69.33	0	0	0	0	0	0	69.33
	Male	19	0	0	0	0	0	0	19
Executive Level 1	Female	140.11	0.52	1	1	0	8	1	151.63
	Male	111.28	3	0	0	1	6	3	124.28
Senior Legal Officer	Female	76.99	0	0	0	0	0	0	76.99
	Male	32.2	0	0	0	0	0	0	32.2
Executive Level 2	Female	54	1	0	0	0	0	0	55
	Male	64.23	2	0	0	0	1	2	69.23
Principal Legal Officer	Female	61.31	0	0	0	0	0	0	61.31
	Male	27.6	0	0	0	0	0	0	27.6
SES Band 1	Female	26.81	2	0	0	0	0	0	28.81
	Male	38	0	0	0	0	0	0	38
SES Band 2	Female	9	0	0	0	0	0	0	9
	Male	12	0	0	0	0	0	0	12
SES Band 3	Female	3	0	0	0	0	0	0	3
	Male	2	0	0	0	0	0	0	2
<b>Total</b>	<b>Female</b>	<b>885.77</b>	<b>18.52</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>22.64</b>	<b>3.8</b>	<b>932.73</b>
	<b>Male</b>	<b>489.93</b>	<b>20</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>15</b>	<b>8</b>	<b>535.93</b>

Table 31: Staffing by classification, gender, employment category and employment status—paid staff (head count) at 30 June 2010

Classification	Gender	Non-ongoing		Ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS Level 1–2	Female	3	1		1	5
	Male	6	1	1		8
Graduate	Female	27				27
	Male	13				13
APS Level 3	Female	54	4	21	3	82
	Male	12		5		17
APS Level 3–4	Female	3		1		4
	Male	3		1		4
APS Level 4	Female	88	5	7		100
	Male	19		4		23
APS Level 4–5	Female	9	1	1		11
	Male	13		1		14
APS Level 5	Female	80	9	2	2	93
	Male	26	1	5		32
APS Level 5–6	Female	18	1	1		20
	Male	18		1		19
APS Level 6	Female	95	12	9	1	117
	Male	75	1	7		83
Legal Officer	Female	61	7	8	2	78
	Male	23		11		34
Executive Level 1	Female	131	23	1		155
	Male	123	2	4	1	130
Senior Legal Officer	Female	68	22	1		91
	Male	39		1		40
Executive Level 2	Female	47	3			50
	Male	72	1	4	1	78
Principal Legal Officer	Female	56	13	2	2	73
	Male	27	2	5		34
SES Band 1	Female	27	4			31
	Male	28		1		29
SES Band 2	Female	4				4
	Male	11				11
SES Band	Female	2				2
	Male	1				1
<b>Total</b>	<b>Female</b>	<b>773</b>	<b>105</b>	<b>54</b>	<b>11</b>	<b>943</b>
	<b>Male</b>	<b>509</b>	<b>8</b>	<b>51</b>	<b>2</b>	<b>570</b>

## APPENDIX

## 09

## Staff achievements

The Department recognises the importance of rewarding individuals and teams who have made a significant contribution, beyond the requirements of their position, to the work or profile of the Department. Employees are celebrated and acknowledged through formal awards and informal mechanisms for their exceptional contributions and outstanding achievements.

Individuals and teams were recognised for their exceptional professional contribution in 2010–11. The Secretary praised recipients for their skills and expertise and all who displayed exceptional levels of commitment to their work.

The recipients of awards for 2010–11 and their achievements follow.

### Annual departmental awards

On Tuesday 10 August 2010, staff gathered to recognise their colleagues at the 2010 departmental awards.

#### Secretary's Award 2010

The Legal Assistance National Partnership Agreement Team—Garry Burlingham, Katrina Fairburn, Megan Lane, Cameron Rapmund, Maryann Brooke, Kosta Lucas and Albin Smrdel—for the development and negotiation of the new four-year National Partnership Agreement on legal assistance services.

#### Deputy Secretaries' Awards 2010

##### *Civil Justice and Legal Services*

Luke Brown—for outstanding contribution to the goals and reputation of the Attorney-General's Department through his work in coordinating the Commonwealth's involvement in the 2009 Victorian Bushfires Royal Commission.

### *Strategic Policy and Coordination*

The AFPSec Team—Michael Dunne, Paul Griffith, Russell Knudsen, Glen Trafford, Jarrad Chant, Andrei Storozhev, Lilys Koesmarno, Francis Grealy, Dominic Palombi, Nigel Curry, Richard Bakoss, Ben Clark-Taylor, Colan Haisell, Alf Moscaritolo and Rebecca Florence—for demonstrating excellence in achieving outcomes above and beyond general expectations and enhancing the reputation of the Department in delivering the Australian Federal Police Secret (AFPSec) network.

### *National Security and Criminal Justice*

Lisa Wyman and Jessica Robinson—for excellence in extradition litigation practice and working to achieve Australia's international crime cooperation objectives.

### **Academic Achievement Award 2010**

Netta Goussac—for completing her Master of Laws – International Law. Netta successfully pursued her studies in key areas of work of the Office of International Law or the law of armed conflict and use of force, international security law, and peace keeping and peace building.

### **Australia Day Achievement Awards 2011**

The 2011 Australia Day Awards were presented in a ceremony led by the Secretary to recognise individuals and teams who have made outstanding contributions to the work of the Department.

Deputy Secretary Civil Justice and Legal Services, Elizabeth Kelly, announced the awards and outlined each recipient's contributions. Ms Kelly also highlighted the opportunity for the Department to acknowledge those who have excelled in their work.

The Secretary reflected on the achievements of the Department as a whole, commending all staff for strong levels of commitment and high standards of professionalism.

The 2011 recipients were:

Sunila Srivastava, Sandra Purser, and Gary Fellows—Civil Law Division—for professionalism and commitment to successfully delivering legal services events at the Shanghai World Expo 2010.

Susan Davis, Deborah Nance, Mary O'Connor, Jane Atchison, Melissa Lynch, Susan de Carle, Angela Tsongas, Diana Rahman, Catherine Bonnin-Mueke, Sharyn Crozier, Jenny Miller, Lisa Hinder, Katie Stokes, Anita Seselja, Christine Paszkiewicz, Matthew O'Brien, John Power, and Damaris Lofthouse—Marriage Celebrants Section, Access to Justice Division—for demonstrating outstanding dedication in meeting the demands of and committing to improve the marriage celebrants program.

James Potter, Netta Goussac, and Frances Anggadi—Office of International Law Division—for outstanding legal and policy work in support of the 2010 Review Conference for the Rome Statute of the International Criminal Court.

Sandra Henderson Kelly, Peter Meibush, Rachel Hackwill and Erin East—Legislation Project Team, Family Law Branch—for professionalism and excellence in the development of complex proposed amendments to the *Family Law Act 1975*.

Glynis Harwood—Civil Law Division—for commitment shown to going above and beyond the roles of supporting the Department, for exceptional initiative, and for leading by example.

Laura Munsie—National Security Capability Development Division—for exemplary commitment, leadership and stakeholder management on national security legal issues.

Colin Peters, Stephanie King and Brianna Heseltine—National Security Resilience Policy Division—for demonstrated high-level of professionalism and commitment in the development of the National Disaster Resilience Strategy.

John Ramsdale, Rob Beatson and Wayne Pegg—National Security Capability Development Division—for outstanding service to the emergency management sector through facilities and grounds services at AEMI, Mt Macedon, Victoria.

Ashleigh Saint, Andrew Warnes, James Ghaeni, and Fay Charafeddine—International Crime Cooperation Division—for outstanding effort and dedication in developing and implementing Australia's Framework for Law and Justice Engagement in the Pacific.

Jayston Spindler, Rachael Jackson, Tara Cheyne, and Anna Gordon—Caretaker and Incoming Government Briefs Team, Priorities and Coordination Division—for outstanding and innovative management of the caretaker and incoming government briefing process for the Department.

## Other awards

The Department's 2009–10 Annual Report received two Australasian Reporting Awards in recognition of its high standard of content and design. The two Bronze Awards were in the categories of Print Report and Online Report. The Australasian Reporting Awards are open to all companies and organisations in Australia. Though coordinated through the Public Affairs Branch, production of the Annual Report represents the hard work and cooperation of many staff in the Department.

Andrew Lock, National Security Capability Development Division, was awarded the Medal of the Order of Australia in the 2011 Queen's Birthday Honours List for his services to mountaineering.

Gary Barkley was recognised for his outstanding contribution to specialist procurement on behalf of the National Counter-Terrorism Committee and was presented with an award by Deputy Secretary National Security and Criminal Justice Group.

## Achievements

PART  
05

Tony Keel and Vern Amey from Security Coordination Branch successfully completed a UK Home Office Centre for the Protection of National Infrastructure course in Hostile Vehicle Mitigation. This course has practical and theoretical elements and builds the Australian Government's capability against vehicle borne terrorism. The successful completion of this invitation-only course reflects well on the standing of the Australian Government and in particular the Attorney-General's Department.

Staff from the International Law and Human Rights Division, in particular Annemarie Devereux, Rowan McRae, Kathryn Simon and Ben Crompton, coordinated Australia's involvement in the Universal Periodic Review process. The team was responsible for number of steps taken throughout 2010–11, including consultation, preparation and lodgment of Australia's National Report. This culminated in Australia's appearance at the 10th Universal Periodic Review Session of the United Nations Human Rights Council in Geneva and lodgment of Australia's response to the recommendations. Australia's approach to the Universal Periodic Review, including the consultative and constructive relationship with civil society and non-government organisations, was formally noted by a large number of states in the course of the review and informally noted by a number of missions and international non-government organisations.

# APPENDIX 10

## Occupational health and safety

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

The Department continues to maintain written health and safety management arrangements, as required under section 16 of the *Occupational Health and Safety (OHS) Act*. These policies, along with a range of topic-specific health and safety Employee Relation Advices, are available to employees through the Department's intranet.

The Department is committed to providing a healthy and safe work environment for all employees, contractors and visitors, and promotes the integration of early intervention and prevention strategies into day-to-day business.

The Health and Safety Committee met twice during the year, and minutes from both meetings were made available to employees on the Department's intranet. In total, 17 new health and safety representatives were appointed to the Committee in 2010–11.

### Reporting requirements under the Act

<b>Section 68 occurrences</b> (Notification and reporting of accidents and dangerous occurrences)	Six accidents and dangerous occurrences were reported under section 68 of the OHS Act
<b>Section 45 directions</b> (Power to direct that workplace, etc not be disturbed)	No directions were given to the Department under section 45 of the OHS Act
<b>Section 29 notices</b> (Provisional improvement notices)	No notices were issued under section 29 of the OHS Act
<b>Section 30 notices</b> (Duties of employers in relation to health and safety representatives)	No notices were issued under section 30 of the OHS Act
<b>Section 41 investigations</b> (Investigations addressing compliance and possible breaches)	No investigations were conducted under section 41 of the OHS Act
<b>Section 46 notices</b> (Power to issue prohibition notices)	No notices were issued under section 46 of the OHS Act
<b>Section 47 notices</b> (Power to issue improvement notices)	No notices were issued under section 47 of the OHS Act

## Outcomes for 2010–11

The Department continued to conduct regular workplace inspections during 2010–11. Reports were provided to division heads outlining recommendations for improvements in OHS practices. A reinvigorated health and safety representative network across the Department has assisted employee awareness relevant to OHS practices and workplace injury prevention strategies, resulting in divisions displaying an ongoing commitment to eliminating OHS hazards and maintaining a safe working environment.

Major activities completed in 2010–11 included:

**Health and safety management arrangements:** a review of the Department's health and safety management arrangements and health and safety Employee Relation Advices commenced in early 2011. Review consultation is being facilitated through the Department's Health and Safety Committee.

**OHS inspections:** workplace inspections form part of the Department's health and safety risk management arrangements. Workplace safety inspections were undertaken during the year to ensure compliance with OHS legislation and to identify areas for improvement.

**OHS training and induction:** OHS induction programs were made available to new employees. The program covers the health and safety management arrangements, Employee Assistance Program, the Department's health and wellbeing program, incident and accident reporting and workstation assessment processes. Accredited training for health and safety representatives, first aid officers and fire wardens was also provided.

**Changes to workstation assessment:** work station assessment arrangements were endorsed by the Department's Operations Executive Committee and implemented during the year. The improved process enables employees to arrange an assessment through their designated health and safety representatives. A 12-month contract was initiated with several OHS providers to accommodate more complex workstation and workplace assessments.

**Comcare premium:** the premium for 2010–11 of 0.16 per cent of payroll costs compares favourably with the APS average premium of 1.41 per cent.

**Employee Assistance Program:** the Department continued to offer the Employee Assistance Program to all employees. The program provides free, confidential and professional counselling services to help resolve work and other issues that may affect an employee's work performance. A variation to the existing contract was made in August 2010 providing piggyback arrangements to the Department's portfolio agencies.

# APPENDIX 11

## Extradition and mutual assistance

### International transfer of prisoners

	2009-10	2010-11
Applications made to transfer from Australia	22	36
Applications made to transfer to Australia	30	17

### Extradition matters dealt with in 2010-11 or continuing at 30 June 2011

#### Extradition requests made by Australia

	2010-11
Requests carried forward	31
New requests made	22
Requests granted	12
Requests withdrawn	1
Requests refused	0
Requests otherwise finalised	2
Requests continuing	38

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The following countries granted Australian extradition requests:

<b>Country</b>	<b>Number</b>
Germany	1
Italy	1
Indonesia	1
Jersey	1
The Netherlands	1
Singapore	1
Syria	1
Thailand	1
United Kingdom	3
United States	1

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

<b>Country</b>	<b>Number</b>
Australia	5
Canada	1
India	1
Italy	1
Jersey	1
United Kingdom	5
United States	2

\* One person was a dual Australian-United Kingdom national. One person was a dual United States-Canadian national. One person was a dual United States-United Kingdom national. One person was a dual Australian-Italian national.

People were surrendered for the following major categories of offences:

Child abduction	1
Drugs	1
Fraud	4
Money-laundering	1
Murder	2
Perjury	1
Sexual offences	2

---

Extradition requests made to Australia

	<b>2010-11</b>
Requests carried forward	50
New requests received	23
Requests granted	5
Requests withdrawn	4
Requests refused by the Attorney-General	0
Requests refused by the courts	0
Requests otherwise finalised	7
Requests continuing	57

---

Australia granted extradition requests made by the following countries:

Country	<b>Number</b>
Poland	1
Ireland	1
Switzerland	1
United Kingdom	2

---

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

<b>Country</b>	<b>Number</b>
Australia	1
France	1
Ireland	1
New Zealand	1
Poland	1
Switzerland	1
United Kingdom	1

---

\* One person was a dual Polish-French national. One person was a dual Australian-Swiss national.

People were surrendered for the following major categories of offences:

Attempted murder	1
Drugs	1
Fraud	2
Theft	1

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

## Mutual assistance matters dealt with in 2010–11 or continuing at 30 June 2011

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

	<b>2010–11</b>
Requests carried forward	229
New requests made/requests reopened	203
Requests finalised	175
Requests continuing	257

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

	<b>2010–11</b>
Requests carried forward	162
New requests/requests reopened	427
Requests finalised	438
Requests refused	0
Requests continuing	151

*Comparative statistics for extradition and mutual assistance cases, 2004-05 to 2010-11*

Figure 11: Extradition requests made by Australia, 2004-05 to 2010-11

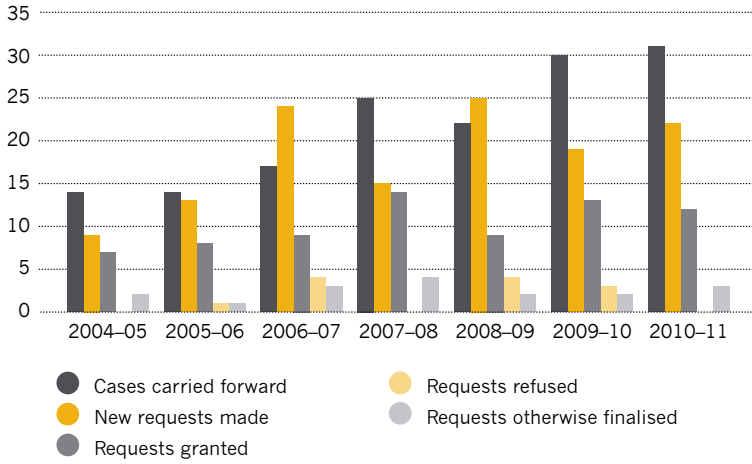


Figure 12: Extradition requests made to Australia, 2004-05 to 2010-11

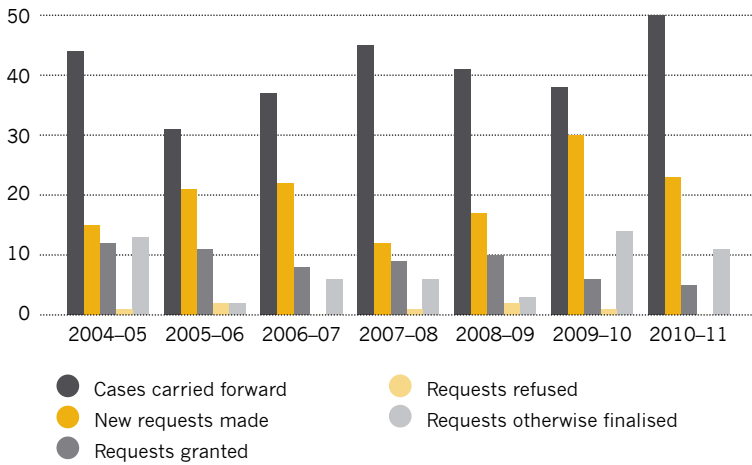


Figure 13: Mutual assistance requests made by Australia, 2004–05 to 2010–11

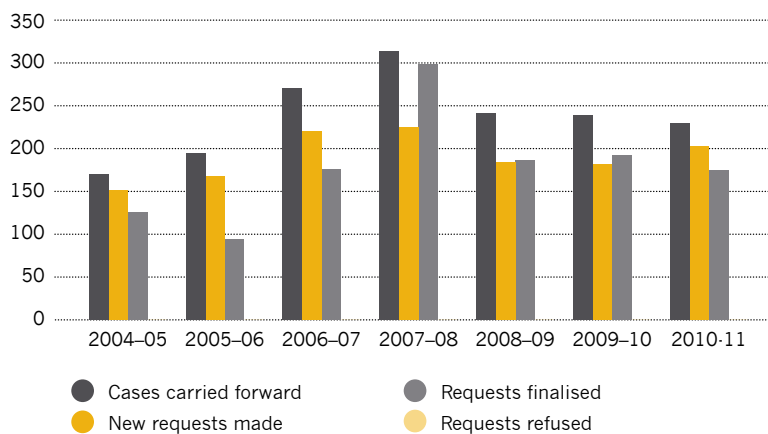
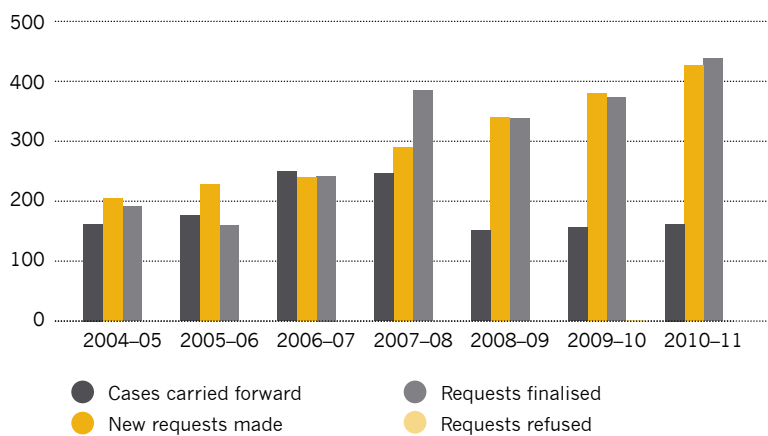


Figure 14: Mutual assistance requests made to Australia, 2004–05 to 2010–11



## International war crimes

Australia received and finalised one mutual assistance request from the International Criminal Tribunal for the former Yugoslavia.

# APPENDIX 12

## International Criminal Court

The *International Criminal Court Act 2002* came into force on 28 June 2002. Section 189 of that Act provides that the Department must publish each year, as an appendix to its annual report, a report on the operation of the Act, the operations of the International Criminal Court (ICC), and the impact of the operations of the ICC on Australia's legal system.

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

The *International Criminal Court Act 2002* establishes mechanisms to facilitate Australia's compliance with its obligations under the *Rome Statute of the International Criminal Court*, including those relating to the provision of investigative assistance and the arrest and surrender of suspects.

The crimes over which the ICC can currently exercise jurisdiction—genocide, war crimes and crimes against humanity—are criminalised under Australia's domestic law and, in each instance, apply whether or not the alleged offence occurs in Australia and regardless of whether the alleged offender is an Australian national.

Under the Rome Statute a case will be inadmissible before the ICC if the relevant conduct is being investigated or prosecuted by national authorities, unless those national authorities are unwilling or genuinely unable to carry out the investigation or prosecution. Australian authorities can therefore investigate and prosecute crimes within the ICC's jurisdiction, allowing Australia to retain primary jurisdiction over such crimes that are alleged to have been committed in Australian territory or by Australian citizens. The International Criminal Court Act does not affect the right of Australia to exercise primary jurisdiction over these crimes.

### Operations of the International Criminal Court

The Rome Statute entered into force generally on 1 July 2002, and for Australia on 1 September 2002. At the end of the reporting year, 116 countries were States Parties to the Statute.

The ICC, which is based in The Hague in the Netherlands, is the first permanent international court capable of investigating and prosecuting the most serious crimes of international concern.

Its jurisdiction is currently limited to the crime of genocide, crimes against humanity and war crimes, and is confined to crimes committed after the Rome Statute entered into force.

At the first Review Conference of the ICC, which was held in Uganda from 31 May to 11 June 2010, States Parties to the Rome Statute adopted by consensus amendments that extend the ICC's jurisdiction to three new war crimes relating to non-international armed conflict. For those States Parties that ratify the amendments, the new war crimes will come into force one year after ratification.

At that same meeting, States Parties also adopted, by consensus, amendments setting out the definition of the crime of aggression and the conditions under which the ICC's jurisdiction over the crime could be exercised. Activation of the ICC's jurisdiction over the crime cannot occur until 2017 at the earliest, following a two-thirds majority decision of States Parties and ratification of the amendments by at least 30 States Parties.

Australia actively participates in the Assembly of States Parties, which is the ICC's management oversight and legislative body. The Assembly, which meets at least once a year, sets the general policies for the administration of the ICC and reviews its activities.

During the year, Australia participated in the ninth Assembly of State Parties, held from 6 to 10 December 2010. The ninth session sought to build upon the outcomes of the Review Conference, with a focus on strengthening the institutional framework of the Rome Statute system. To this end, the Assembly created a study group on governance to facilitate dialogue between States Parties and the ICC on methods for enhancing the efficiency and effectiveness of the ICC, while fully preserving its judicial independence. The Assembly also adopted a resolution on the operational mandate of the independent oversight mechanism, which was established to investigate alleged misconduct of elected officials and staff of the ICC.

The 10<sup>th</sup> session of the Assembly of States Parties will be held in New York between 12 and 21 December 2011. At this session, the Assembly is expected to elect six new judges and a new Prosecutor to replace Mr Luis Moreno-Ocampo, whose nine-year term is due to conclude in mid-2012.

During the year the ICC progressed a number of judicial proceedings. The ICC's first trial, against Thomas Lubanga Dyilo for alleged war crimes committed in the Democratic Republic of the Congo, drew nearer to conclusion following the closure of the presentation of evidence on 20 May 2011. A verdict is expected after closing statements are presented on 25 and 26 August 2011.

The trial of Jean-Pierre Bemba Gombo for alleged war crimes and crimes against humanity committed in the Central African Republic commenced on 22 November 2010. In addition, the initial appearance hearings for six alleged perpetrators of post-election violence in Kenya were held on 7 and 8 April 2011. A challenge by the Kenyan Government to the admissibility of these cases was rejected by the ICC on 30 May 2011.

Nine unsealed arrest warrants issued by the ICC in respect of its investigations into the situations in the Democratic Republic of the Congo, Uganda and the Darfur region of Sudan remained outstanding at the end of the reporting year. Two of these warrants were for the arrest of the President of Sudan, Omar Hassan Ahmad Al Bashir. A warrant for the arrest of Callixte Mbarushimana was executed by French authorities on 11 October 2010. The alleged Executive Secretary of the Democratic Forces for the Liberation of Rwanda, Mbarushimana was subsequently surrendered to the ICC to face charges of war crimes and crimes against humanity relating to the situation in the Democratic Republic of the Congo. These charges were to be confirmed by the ICC on 17 August 2011.

In 2010–11, the Office of the Prosecutor commenced an investigation into the situation in the Libyan Arab Jamahiriya following a unanimous referral by the United Nations Security Council. On 27 June 2011 the ICC issued arrest warrants against Muammar Gaddafi, Saif Al Islam Gaddafi and Abdullah Al-Sanussi for alleged crimes against humanity committed in Libya in February 2011.

On 23 June 2011 it was announced that the Prosecutor had sought authorisation from the ICC to commence an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire since 28 November 2010. This was the first time that an application had been made to open an investigation into a situation in a State that had not acceded to the Rome Statute but that had nevertheless accepted the jurisdiction of the ICC. All previous cases before the ICC had related to alleged crimes committed on the territory of State Parties to the Rome Statute, or had otherwise commenced following a referral from the United Nations Security Council.

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

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

During the reporting year, the operations of the ICC had no discernible impact on Australia's legal system. The future impact of ICC operations is expected to depend on the number of active prosecutions and investigations it undertakes and the number and nature of requests for assistance Australia receives.