

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

**EXAMINATION OF BUDGET ESTIMATES 2000 – 2001
(Supplementary Hearing)**

**ADDITIONAL INFORMATION
VOLUME 4**

ATTORNEY-GENERAL'S PORTFOLIO

**Additional Information Relating to the
Examination of Expenditure 2000 – 2001**

February 2001

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SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What were the operating hours for each Family Court registry and sub-registry as at 1 July 1999, 1 July 2000 and today's date?

I am advised that the answer to the honourable Senator's question is as follows:

The Family Court of Australia's Certified Agreement 1999 – 2000 provides that the standard hours for staff are 8.45am to 1pm and 2pm to 5.06pm. Variations to opening and closing times exist in some locations as a result of the Court's focus on matching services to clients' needs.

An after hours emergency service is maintained by the Court for clients needing immediate attention outside of normal working hours.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How many staff were employed by each Family Court registry and sub-registry on 1 July 1999, 1 July 2000 and today's date – and on what basis (full time or part time)?

I am advised that the answer to the honourable Senator's question is as follows:

Registry	FTE (includes Judges)					
	01/07/1999		01/07/2000		29/11/2000	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Adelaide Registry	65	3	66	1	67	1
Brisbane Registry	113	7	96	1	90	2
Canberra Registry	24	8	26	3	27	3
Dandenong Registry	41	11	40	4	39	1
Darwin Registry	17	2	15		14	
Hobart Registry	22	7	21	4	19	3
Melbourne Registry	109	39	112	11	110	9
Newcastle Registry	31	10	35	5	32	5
Parramatta Registry	76	16	75	8	65	10
Sydney Registry	94	7	100	9	93	3
Townsville Registry	24	2	18	1	14	2
Sub-Registry Albury	5	2	4		3	1
Sub-Registry Alice Spring	3		1	2	1	1
Sub-Registry Cairns	8	1	4		4	
Sub-Registry Coffs Harbour	3	2	3	1		
Sub-Registry Dubbo	4		3		3	
Sub-Registry Gold Coast	6					
Sub-Registry Launceston	4	7	2	3	1	3
Sub-Registry Lismore	3	2	3	1	3	
Sub-Registry Rockhampton	2		1	2		0.4
Sub-Registry Wollongong	3	1	3		2	1
Total	657	127	628	56	587	45.4

NB. These are FTE figures and do not necessarily coincide with staff number figures based upon the number of people employed.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

If there has been a closure or reduction in hours of any Family Court registry or sub-registry, to which other registries are people directed when the registry or sub-registry is not operational?

I am advised that the answer to the honourable Senator's question is as follows:

The Court is committed to matching its resources to the needs of its clients in the most effective and efficient way possible. Changes to the resourcing of any registry or sub-registry has occurred after carefully considering the needs of the local community and how those needs can best be met.

Rockhampton

During non-circuit weeks Rockhampton clients are directed to Townsville via the 1800 number on Mondays, Wednesdays and Fridays. The office is staffed by a counsellor on Tuesdays and Thursdays during these weeks.

Alice Springs

The official operating hours at the Alice Springs sub- registry were reduced in mid 1999. However, phone calls are answered by family consultants and the counsellor outside the official operating hours, and clients attend appointments before and after the reduced opening hours.

Gold Coast

Service delivery in the Gold Coast region was modified in partnership with non government organisations in the region. The single Family Court premises at Bundall ceased to operate from 31 March 2000, upon the establishment of three other locations for the provision of mediation services, being: Mermaid Beach, Clear Island Waters and Burleigh Heads.

From 01 July 2000 counselling and mediation services have been provided from multiple sites on the Gold Coast strip allowing better flexibility of access for clients in the region. These mediation services are now conducted on the premises of agencies with whom the Family Court shares mutual clients ie Relationships Australia, Centacare and Interrelate. Deputy Registrar conciliation services continued in the region at Southport Magistrate's Court from April 2000 on a bi-monthly basis.

Coffs Harbour

Since the restructure of service delivery in the Coffs Harbour area which took effect on 30 September 2000, clients are now directed to the Newcastle registry and Lismore sub-registry. Lismore sub-registry operates a counselling visiting service to Coffs Harbour on an as needs basis, and a 1800 number directs clients to Newcastle when Coffs Harbour is not staffed.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

As at 1 July 1999, 1 July 2000 and today's date, was there a judge or registrar permanently located in each registry? If there has been a change, what is the nature of the new arrangements for judicial or registrar attendance? How often does this occur?

I am advised that the answer to the honourable Senator's question is as follows:

Registry	01/07/1999	01/07/2000	25/11/2000	Comments
Adelaide	4 Judges 1 Judicial Registrar 3 Registrars	5 Judges 1 Judicial Registrar 2 Registrars	5 Judges 1 Judicial Registrar 2 Registrars	Federal Magistrate appointed
Brisbane	8 Judges 1 Judicial Registrar 4 Registrars	8 Judges 1 Judicial Registrar 4 Registrars	8 Judges 1 Judicial Registrar 4 Registrars	Federal Magistrates appointed
Canberra	2 Judges 1 Registrar	2 Judges	2 Judges	Federal Magistrate appointed
Dandenong	1 Judge 1 Registrar	1 Judge 1 Registrar	0 Judge 0.6 Registrar	Defended hearings now heard in Melbourne
Darwin	1 Registrar	1 Registrar	Nil	
Hobart	1 Judge 1 Registrar	1 Judge 1 Registrar	1 Judge	Federal Magistrate appointed
Melbourne	11 Judges 2 Judicial Registrar 4 Registrars	11 Judges 2 Judicial Registrar 4 Registrars	12 Judges 2 Judicial Registrar 4 Registrars	Defended hearings from Dandenong now heard in Melbourne. Federal Magistrates appointed
Newcastle	1 Judge 1 Registrar	1 Judge	1 Judge	Federal Magistrate appointed
Parramatta	6 Judges 1 Judicial Registrar 2 Registrars	6 Judges 1 Judicial Registrar	6 Judges 1 Judicial Registrar	Federal Magistrates appointed
Sydney	11 Judges 2 Judicial Registrar 2 Registrars	11 Judges 2 Judicial Registrar 2 Registrars	10 Judges 2 Judicial Registrar 2 Registrars	Judge retired - replacement not yet named
Townsville	1 Judge 1 Registrar	0 Judge	1 Judge	Federal Magistrate appointed

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What arrangements exist for each registry and sub-registry for access to the Federal Magistrates Service?

I am advised that the answer to the honourable Senator's question is as follows:

Registry	Comments
Adelaide	Full filing services
Albury*	None, except for FMS circuits conducted from Melbourne.
Alice Springs*	None
Brisbane	Full filing services. A Federal Magistrate is located at the Registry
Cairns*	None, except for FMS circuits conducted from Townsville
Canberra	Full filing services. A Federal Magistrate is located at the Registry
Coffs Harbour*	None ¹
Dandenong	Full filing services and FMS circuits conducted from Melbourne
Darwin	Full filing services and FMS circuits plus FMS divorce and directions lists monthly via video.
Dubbo*	None ¹
Launceston*	Full filing services via Hobart. A Federal Magistrate is located at Launceston and all matters filed in Hobart by Northern Tasmanian clients will be heard by the FMS in Launceston or on circuit to the North West coast.
Lismore*	None, other than documents intended for the FMS are accepted at Lismore and sent to Newcastle or Brisbane Registries for filing.
Hobart	Full filing services for Tasmania. The Federal Magistrate based at Launceston will visit Hobart on a regular basis.
Melbourne	Full filing services. Two Federal Magistrates and the Chief Magistrate are located in the building.
Newcastle	Full filing services. A Federal Magistrate is located at the Registry
Parramatta	Full filing services. Two Federal Magistrates are located at the Registry
Rockhampton*	None, except for FMS circuits conducted from Brisbane
Sydney	Divorce filing services. Applications are dealt with by FCoA Registrars or Deputy Registrars under delegation from the Chief Magistrate.
Townsville	Full filing services. A Federal Magistrate is located at the Registry
Wollongong*	None ¹ .

* denotes sub – registry

1. Arrangements for proposed circuits for the Federal Magistrates Service in New South Wales are still being finalised.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In respect to each registry and sub-registry, what other changes had been made (other than with respect to registry opening hours and cuts to counselling services), in order to cut costs?

I am advised that the answer to the honourable Senator's question is as follows:

The Court is committed to a strategy of using its available resources in the most efficient manner possible. Measures that have been implemented across all registries include:

- reduction in registry vehicles and car parking
- purchase of lower cost furniture items
- reduction in travel expenditure
- general reduction in administrative expenditure – particularly office requisites

Administrative costs are closely monitored throughout the Court in an attempt to provide as many resources as possible to the primary role of effectively serving the Court's clients.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

As of 1 July 1999, 1 July 2000 and today's date, what were the resources for counselling in each registry, sub-registry, judicial circuit location and counselling circuits and outreach – how many counselling staff, at what level, were they full time or part time, how many days a week did they provide counselling services in this location?

I am advised that the answer to the honourable Senator's question is as follows:

Numbers of Counselling staff located in each Registry and Sub – Registry, shown by full time equivalent

	01/07/1999	01/07/2000	29/11/2000
Registry	Full Time Equiv.	Full Time Equiv.	Full Time Equiv.
Adelaide Registry (Total)	10.6	11.8	11.8
EXE2 (SOGA)	1		1
EXE2 (SOGB)	2	2	1
EXE1 (SOGC)	7.6	9.8	9.8
Brisbane Registry (Total)	15.9	10	12
EXE2 (SOGA)	2	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	13.9	9	11
Canberra Registry (Total)	5	2.8	3
EXE2 (SOGA)	1		
EXE2 (SOGB)			
EXE1 (SOGC)	4	2.8	3
Dandenong Registry (Total)	8	8	7.4
EXE2 (SOGA)	1	1	
EXE2 (SOGB)			1
EXE1 (SOGC)	7	7	6.4
Darwin Registry (Total)	3	1	1.4
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	2		0.4
Hobart Registry (Total)	3.8	3.2	2.
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	2.8	2.2	1.1

	01/07/1999	01/07/2000	29/11/2000
Registry	Full Time Equiv.	Full Time Equiv.	Full Time Equiv.
Melbourne Registry (Total)	23.2	22	17
EXE2 (SOGA)	1		1
EXE2 (SOGB)	2	3	2
EXE1 (SOGC)	20.2	19	14
Newcastle Registry (Total)	6.6	7.2	5
EXE2 (SOGA)	1		1
EXE2 (SOGB)			
EXE1 (SOGC)	5.6	7.2	4
Parramatta Registry (Total)	13.8	13.4	12
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	11.8	11.4	10
Sydney Registry (Total)	15	14.8	9.3
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	13	12.8	7.3
Townsville Registry (Total)	4	3	3
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	3	2	2
Sub-Registry Albury (Total)	3	3	2
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	2	2	1
Sub-Registry Alice Springs (Total)	1	0.6	0.6
EXE1 (SOGC)	1	0.6	0.6
Sub-Registry Cairns (Total)	3	2	2
EXE2 (SOGB)	1		
EXE1 (SOGC)	2	2	2
Sub-Registry Coffs Harbour (Total)	2	2	0
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	
EXE1 (SOGC)	1	1	
Sub-Registry Dubbo (Total)	2	2	2
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	1	1	1

	01/07/1999	01/07/2000	29/11/2000
Registry	Full Time Equiv.	Full Time Equiv.	Full Time Equiv.
Sub-Registry Launceston (Total)	3	2.2	2
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	2	1	1
Sub-Registry Lismore (Total)	2	2	2
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	1	1	1
Sub-Registry Rockhampton (Total)	0	0	0.4
EXE2 (SOGA)			
EXE2 (SOGB)			
EXE1 (SOGC)	0		0.4
Sub-Registry Wollongong (Total)	2	2	2
EXE2 (SOGA)			
EXE2 (SOGB)			
EXE1 (SOGC)	2	2	2
Total	126.9	113	97

CIRCUITS	Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 1/7/1999 and 1/7/2000				Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 29/11/2000				
	Judicial Circuit, Counselling Circuit or Both	Days/circuit	Circuits p.a.	No. of Counsellors per circuit	Total counsellor staff days p.a.	Days/circuit	Circuits p.a.	No. of Counsellors per circuit	Total counsellor staff days p.a.
New South Wales									
Nowra	Counselling	1	48	1	48	0	0	0	0
Orange	Counselling	2	12	1	36	0	0	0	0
		1	12	1					
Parkes	Counselling	1	12	1	12	0	0	0	0
Bourke	Counselling	1.5	3	1	4.5	0	0	0	0
Lightening Ridge	Counselling	1.5	3	1	4.5	0	0	0	0
Tamworth	Both	5	8	1	40	5	6	1	30
Taree	Counselling	5	7	1	35	5	5	1	25
Muswellbrook	Counselling	2	6	1	12	0	0	0	0
Coffs Harbour (Note Coffs harbour has changed from Sub-Registry to circuit location)	Both	Resident Counsellor	Resident Counsellor			alternate 2/3 days each month	12	2	60
Tenterfield/Glen Innes/Inverell	Counselling	5	10	1	50	0	0	0	0
Queensland									
Gold Coast	Counselling	4	48	1	192	4	48	1	192
Ayr/Bowen, Emerald, Mt Isa	Counselling	2	12	1	24	0	0	0	0
MacKay	Both	5	12	1	60	5	8	1	40
Rockhampton	Both	2	48	1	96	2	48	1	96

	Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 1/7/1999 and 1/7/2000					Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 29/11/2000								
Northern Territory														
Katherine	Counselling	4	8	1	32	3	7	1	21					
Tennant Creek	Counselling	3	7	1	21	3	7	1	21					
Pitlands		4	8	1	32	4	8	1	32					
Victoria														
Ballarat	Both	2	16	2	64	2	16	2	64					
Bendigo	Both	2	15	2	60	2	15	2	60					
Geelong	Judicial	0	0	0	0	0	0	0	0					
Mildura	Both	5	5	2	50	5	5	2	50					
Warrnambool	Both	5	5	2	50	5	3	2	30					
Griffith	Counselling	1	12	1	12	0	0	0	0					
Hamilton	Judicial	0	0	0	0	0	0	0	0					
Shepparton	Counselling	3	12	1	36	3	12	1	36					
Wagga Wagga	Counselling	3	12	1	36	2	12	1	24					
Bairnsdale	Both from 2001	1	12	1	12	1	12	1	12					
Sale	Counselling	2	12	2	48	2	12	1	24					
Traralgon	Counselling only from 2001	2	12	2	48	2	12	1	24					

	Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 1/7/1999 and 1/7/2000				Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 29/11/2000				
South Australia									
Berri	Counselling	2	5	1	10	2	4	1	8
Broken Hill	Both	5	6	1	30	5	4	1	20
Mt. Gambier	Both	5	7	1	35	5	4	1	20
Port Augusta	Counselling	1	8	1	8	1	6	1	6
Port Pirie	Counselling	2	8	1	16	2	6	1	12
Whyalla	Both	2	8	1	16	2	6	1	12
A.C.T.									
Batemans Bay	Counselling	1	12	2	24	1	12	1	12
Bega	Counselling	1	12	2	24	1	12	1	12
Tasmania	No circuits								

Outreach Services providing Counselling Services

	Number of Days Per Week	
	At 1/7/1999	At 29/11/2000
NSW		
Gosford(1)	4	4
Tasmania		
Devonport(2)	2	2

- (1) Service to Gosford provided by Newcastle Registry
- (2) Service to Devonport provided by Launceston Sub-Registry

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

To which local organisations does the Family Court now refer applicants in Family Court matters?

I am advised that the answer to the honourable Senator's question is as follows:

The Family Court generally does not refer people who have made applications in children's matters to outside counselling organisations. Mediation services are usually provided by counsellors within the Court. If the Court counsellor when seeing clients considered that they would benefit from a program not available within the Court such as a specialised parenting program, they may make a referral with the clients' consent. In these circumstances the clients would return to the Court counsellor at the end of the program for further assessment and mediation if the matter was still proceeding in the Court.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Since 1995/96 in Newcastle Registry has the time frame from application to hearing for children's hearings of a day or more increased to 18 months?

I am advised that the answer to the honourable Senator's question is as follows:

During the financial years 96/97 and 97/98, the average time from filing to hearing was marginally greater than 18 months. Since 97/98, the average time from filing to hearing has decreased to a period lower than 18 months.

96/97 18.1 months
97/98 20.5 months
98/99 12.4 months
99/00 16.6 months

The Court has recently moved to recording filing to finished times using a percentile, rather than an average, methodology. This change provides a far more accurate analysis of the performance of each registry.

Number of Months Filing to Finished at 25th, 50th and 75th percentile for the period 5/7/99 to 30/9/00			
Registry	% of Matters Finalised *	No. of Months Filing to Finish	
		(accurate to nearest half month)	
Newcastle	25.0	11.0	
	50.0	14.0	
	75.0	18.0	

The above table shows that:

25% of matters were finished within 11 months
50% of matters were finished within 14 months
75% of matters were finished within 18 months

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Are the comparable figures for Sydney and Parramatta about 12 months?

I am advised that the answer to the honourable Senator's question is as follows:

Yes. The figures for Sydney and Parramatta are marginally better than for Newcastle using the new reporting methodology.

Number of Months Filing to Finished at 25th, 50th and 75th percentile				
for the period 5/7/99 to 30/9/00				
Registry	% of Matters Finalised *	No. of Months Filing to Finish		
		(accurate to nearest half month)		
Newcastle	25.0	11.0		
	50.0	14.0		
	75.0	18.0		
Sydney	25.0	7.0		
	50.0	10.0		
	75.0	13.0		
Parramatta	25.0	7.5		
	50.0	11.0		
	75.0	13.5		

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How many Judge sitting weeks has the Court provided at Newcastle in each year from 1995/1996 to 1999/2000, and how many are to be provided in the current year?

I am advised that the answer to the honourable Senator's question is as follows:

95/96	68 Judge weeks
96/97	81 Judge weeks
97/98	77 Judge weeks
98/99	60 Judge weeks
99/00	57 Judge weeks
00/01	60 Judge weeks

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How many applications for children's orders were filed in Newcastle Registry in each of the years from 1995/96 to 1999/2000?

I am advised that the answer to the honourable Senator's question is as follows:

Most applications seek more than one order. As it is not possible to distil from the Court's statistics which applications were responsible for which orders, the table below represents the number of orders sought at the Newcastle Registry. By definition, the figures contained in the table will be larger than the total number of applications which contains a children's order.

**Number of Children's Orders Sought Newcastle
Registry
(based on Forms 7, 8 and 12)**

	Residence	Contact	Specific
95/96*	595	668	n.a.
96/97	951	1097	770
97/98	1047	1176	854
98/99	1218	1342	1001
99/00	1209	1393	909

* 95/96 data based on forms 7 and 8 only

n.a. data on specific issues not collected prior to 96/97

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Is the Court concerned that practitioners from the Central Coast, Newcastle and the northern half of NSW have been filing children's applications in Sydney and Parramatta rather than Newcastle, because of the delays in Newcastle?

I am advised that the answer to the honourable Senator's question is as follows:

The Family Court of Australia at Newcastle is aware of this practice for practitioners on the Central Coast. It is not unusual and it is not necessarily a consequence of listing delays in Newcastle which have in fact improved on previous years. It should be noted that the Central Coast is equidistant in travel time between Newcastle and Sydney or Parramatta and there has always been a history of Central Coast practitioners filing in Newcastle, Sydney or Parramatta for various reasons including delays in each registry. Some people from New England find it easier to be serviced from Sydney as there are direct flights into Sydney from this region (there are no direct flights from Tamworth or Armidale to Newcastle).

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Has a decline in application numbers adversely affected the allocation of resources to Newcastle?

I am advised that the answer to the honourable Senator's question is as follows:

The Court's Resource Planning Model allocates resources based on workload, which provides a realistic and objective view of registry resource requirements.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How many Court Counsellors were employed at Newcastle Registry in 1995/96 and how many are there now?

I am advised that the answer to the honourable Senator's question is as follows:

There were 7 full time equivalent counsellors and 1 counselling manager employed at the Newcastle Registry in 1995/96 and there are now 4.2 full time equivalent counsellors plus .8 of a counselling manager.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Was the counselling staff at Newcastle reduced by two full time positions in the current financial year?

I am advised that the answer to the honourable Senator's question is as follows:

The number of counselling staff at Newcastle was reduced by 2.2 full time positions.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Is the counselling staff at Newcastle sufficient to provide welfare reports as currently being ordered by the Family Court at Newcastle and the Federal Magistrate at Newcastle?

I am advised that the answer to the honourable Senator's question is as follows:

Yes, but with significant support as usual from Regulation 8 welfare officers.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Would the counselling staff at Newcastle and the Newcastle Registry funding be able to provide the welfare reports needed by the Family Court if within the next 12 months additional Judge sitting time is provided at Newcastle so the elapsed time from filing to hearing in children's matters is reduced to less than 12 months?

I am advised that the answer to the honourable Senator's question is as follows:

The Court is confident that the counselling structure at Newcastle can handle the anticipated workload if properly supported during any peak that occurs as a consequence of additional judge sitting time.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Would the counselling staff at Newcastle be adequate to also provide reports for the Federal Magistrate at the current rate?

I am advised that the answer to the honourable Senator's question is as follows:

Current trends show a significant increase in the number of welfare reports being ordered as a result of FMS operations. If the trends continue, counselling resources allocated to Newcastle Registry will need to be increased if FMS requirements are to continue to be satisfied.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

If the Federal Magistrates Court provides an additional 2 days per week of Federal Magistrate sittings at Newcastle how would the Court supply the welfare reports ordered at Newcastle by the Family Court and the Federal Magistrates Court?

I am advised that the answer to the honourable Senator's question is as follows:

The Family Court and the FMS are developing a Memorandum of Understanding which provides that the FMS is to fund any significant increase in workload generated by its activities.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What steps has the Court taken since 1 January 1999 to reduce the delay in the hearing of children's matters at Newcastle?

I am advised that the answer to the honourable Senator's question is as follows:

The delays in children's matters were substantially reduced after the completion of a call-over process in May 1999. As at 30 June 1999 the delay in standard children's matters was 12 months. The gradual increase in delays at the Newcastle registry are frequently reviewed and strategies to address this are currently being developed.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Does the Court have any commitment or plan to ensure that delays for hearings by a Judge at Newcastle are comparable with figures for Sydney and Parramatta? If so, what are they?

I am advised that the answer to the honourable Senator's question is as follows:

The Court is committed to maintaining parity in delays between all registries. The situation in Newcastle is monitored and where delays occur they are investigated. If it is considered that additional judicial sittings are required these are supplied from Sydney or Parramatta registries primarily, subject to the availability of judicial officers.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Community Link Australia (\$1,211,858 + agreed expenses).

- (a) Could you please describe the nature of the work?
- (b) Who or what is Community Link Australia?
- (c) What was the cost of the agreed expenses?
- (d) Please provide a breakdown of the agreed expenses.

I am advised that the answer to the honourable Senator's question is as follows:

(a) Community Link Australia was contracted for consultancy and software development services for the provision of a new data collection system for the Commonwealth Community Legal Service Program. The existing data system, the National Information Scheme (NIS), no longer meets the needs of the stakeholders. The nature of the work is described in the following broad objectives of the consultancy:

- to engage in extensive consultation with stakeholders (Attorney-General's Department, the Legal Aid Commissions in NSW, Victoria, Queensland, Tasmania and WA, the South Australian Attorney-General's Department, and the community legal service sector) to determine the information and system needs for a new data collection and reporting system;
- to design and develop a new data collection and reporting system which meets stakeholder needs;
- to test and pilot the new system;
- to provide training to all system users;
- to effect a smooth transition from NIS;
- to provide system support for 6 months following implementation; and
- to facilitate acceptance and ownership of the new system in the user community

(b) Community Link Australia is a Brisbane based company specialising in the community services sector. Community Link has undertaken a number of projects for government and non-government clients and offers consultancy services in a range of areas including community consultation and survey work, data collection and statistical analysis and information technology development.

(c) Agreed expenses comprise travel and related expenses for consultants in meeting the contract deliverables. All travel and related costs must be agreed with the Department before occurring and are subject to a number of contractual conditions including a restriction of reimbursement rates to the current rates applicable to Attorney-General's Department non-senior executive service members.

(d) The contract continues until March 2002. Consequently, full costs for the agreed expenses are not yet available. Total to date is \$31 389.08. Breakdown as follows:

1. \$14,444.97 paid 6/12/1999 for travel and related expenses to conduct national consultations during October and November 1999;
2. \$3 274.29 paid 5/1/2000 for travel and related expenses in relation to attendance at project consultative committee meeting and conduct of a system development forum;
3. \$6 558.32 paid 3/3/2000 for travel and related expenses in relation to attendance and/or conduct of a reports working party meeting, a State Program Managers meeting, and a needs and solutions forum;
4. \$2 026.50 paid 30/6/2000 for travel and related expenses for attendance and conduct of a reports working party meeting;
5. \$1 704.63 paid 28/7/2000 for travel and related expenses for attendance and conduct of a data dictionary working party meeting; and
6. \$3 380.37 paid 7/9/2000 for travel and related expenses for attendance and conduct of a data dictionary working party meeting and a project consultative committee meeting.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Consultancies

Creswell, Chris (\$81,139) – Could you please describe the nature of the work?

I am advised that the answer to the honourable Senator's question is as follows:

The consultancy in relation to Mr Chris Creswell began at the end of November 1998 and has been renewed twice since then. It currently runs until 30 June 2001.

Prior to resigning from the Attorney-General's Department, Mr Creswell was Assistant Secretary, Intellectual Property Branch and was widely recognised in Australia and internationally as an expert in copyright law.

Having regard to his particular expertise, and the complexity of some of the legal and policy issues that needed to be addressed in domestic legislation and in the negotiation of new international agreements, Mr Creswell was engaged as a specialist consultant to assist in this work. He has since been responsible for developing the *Copyright Amendment (Computer Programs) Act 1999* and has most recently been responsible for assisting the Attorney-General in relation to the *Copyright Amendment (Moral Rights) Bill 2000*, which has now been passed by the Parliament. In addition, he is responsible for a range of other copyright law projects, including the negotiation within the World Intellectual Property Organisation, of new international norms for the protection of audio-visual performers.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTION ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Law Foundation of NSW (\$97,310).

- (a) Could you please describe the nature of the work?
- (b) Could you provide the Committee with the report on Phase One?
- (c) What is the timetable for completion of this project?

I am advised that the answer to the honourable Senator's question is as follows:

(a) In relation to the tender let to the Law Foundation of NSW (\$97,310), the nature of the work was a national evaluation project undertaken by a consultant with proven research skills in an applied social policy context. Phase 1 of the project is a limited, focussed evaluation which includes the following inter-related elements:

- Design evaluation – a description of the legal aid commissions' PDR programs and strategies currently in place and an examination of how these systems fit with the Government's broader PDR policy priorities and best practice principles for PDR identified in the literature and other research projects;
- Process evaluation – an examination of the processes being employed, for example, relating to areas such as client intake and screening, types of issues being dealt with and compulsory versus voluntary use of programs;
- Outcomes evaluation – to the extent that it is feasible within the timeframe proposed for Phase 1, some examination of the impact of programs and their effectiveness in achieving program goals; and
- Future planning – the development of an evaluation plan for Phases 2 and 3.

(b) A detailed methodology to meet the aims of Phase 1 of the evaluation and an indication of how this methodology will link with methodologies in Phases 2 and 3 was submitted.

Phase 1 required the use of both quantitative and qualitative methods such as:

- Descriptive statistics;
- Key informant interviews; and
- Focus groups.

The Department is unable to provide the committee with a copy of the report "Phase One of a National Evaluation of Primary Dispute Resolution Programs in Legal Aid Commissions" as it is not yet completed. Once completed it will be submitted to the Attorney-General for his consideration.

(c) Phase 1 of the project is scheduled to be completed in December 2000. It is expected that Phase 2 of the project (continuous improvement) will be undertaken by Departmental officers in conjunction with legal aid commission staff during 2001. It is envisaged that Phase 3 of the project (final evaluation) will be conducted by a consultant early in 2002.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What is the name of the legal entity to which contracts were entered into or payment was made in respect of each of the following consultancies: Berrico, Community Link Australia, People & Strategy, People First International, Rushworthy Consulting, Timmins Consultancy and Training.

I am advised that the answer to the honourable Senator's question is as follows:

The legal entity to which contracts were entered into or payment made were:

- a) Cypice Pty Ltd trading as Berrico Consultants
- b) Community Link Australia Pty Ltd
- c) People and Strategy (ACT) Pty Ltd
- d) People First International Pty Ltd
- e) Rushworth Consultancy (Partnership)
- f) Timmins Consulting Australia Pty Ltd

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

Can you provide the Committee with a copy of the Level of Client Satisfaction Survey and the findings? The outline in the report is understandably brief, can you provide the Committee with the detail.

I am advised that the answer to the honourable Senator's question is as follows:

A copy of both the Executive Summary and the Final Report of the 1999/2000 Australian Federal Police Client Satisfaction Survey has been provided to the Committee.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

Why was the decision made to survey key clients?

I am advised that the answer to the honourable Senator's question is as follows:

See page 60 L&C Hansard 22 November – *'Because it is one of our performance indicators.'*

Further, the AFP recognised that any choice of participants within an initial survey was subjective in nature and any number of rationales could be adopted to nominate who would be approached. It was determined that for the first survey those clients making the greatest demand upon AFP services would form the statistical basis.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

Why was the decision made to get a consultant to conduct the Level of Client Satisfaction Survey?

I am advised that the answer to the honourable Senator's question is as follows:

See page 60 Hansard L&C 22 November – *'The decision to use a consultant was so that we could get, from an integrity point of view, a nonbiased, objective, scientific result that could be relied upon.'*

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

Who were the “key clients” who were interviewed for the Level of Client Satisfaction Survey?

I am advised that the answer to the honourable Senator’s question is as follows:

Participating Commonwealth clients, partners and stakeholders were nominated by the AFP based on client demand and levels of service provided. Those clients were: Australian Customs Service; Attorney General’s Department; Australia Post; Australian Securities and Investments Commission; Australian Taxation Office; Centrelink; Department of Defence; Department of Education, Training and Youth Affairs; Department of Employment, Workplace Relations and Small Business; Department of Foreign Affairs and Trade; Department of Finance and Administration; Department of Immigration and Multicultural Affairs; Family Court of Australia; Health Insurance Commission; Insolvency Trustee Service Australia; the National Crime Authority; Comcare; Air Services Australia; Civil Aviation Authority; Aboriginal and Torres Strait Islander Commission; Australian Protective Service; Christmas Island Gaming Authority; Australian Electoral Commission; Director of Public Prosecution; and, the Department of Agriculture, Fisheries and Forestry.

Other agencies, including private companies were included in the survey where the only service considered was criminal history checks – a function no longer performed by the AFP.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

There were 221 individual clients interviewed for the Level of Client Satisfaction Survey:

- a) How were these people identified?
- b) How were they approached?
- c) Were there many people approached who declined to participate? What were their reasons?

I am advised that the answer to the honourable Senator's question is as follows:

a) See page 60 Hansard L&C 22 November – *'Anyone who referred matters to the AFP became a potential person or entity to be surveyed. We looked at the rate of referral and, in the first year of the client survey, tried to survey the main referral agencies. We did that internally in consultation with the consultant. Given that it was our first year, we tried to work with people from agencies with the largest number of referrals.'*

Further, the AFP recognised that any choice of participants within an initial survey was subjective in nature and any number of rationales could be adopted to nominate who would be approached. It was determined that for the first survey those clients making the greatest demand upon AFP services would form the statistical basis.

b) See page 60 Hansard L&C 22 November – *'It was conducted by way of having meetings with focus groups initially, where the consultant went around to various agencies and met with focus groups. Then a written survey was sent out to people within the agencies.'*

Further, the individual participants were identified and nominated by the participating client agencies. Agreement to participate was obtained by the AFP prior to the nominated agency representatives being contacted by the consultant by telephone to arrange interviews, and later to answer a questionnaire.

c) See page 60 Hansard L&C 22 November – *'Not to my knowledge'*.

Further, the AFP has no record of any agency approached to participate in the survey that declined the request. It should be noted that some agencies only agreed to participate in the survey once confidentiality was guaranteed.

See response to (c) above in relation to confidentiality. The precise nature of all perceived service faults have not been made privy to the AFP for reasons of client confidentiality.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

There was about a third of respondents to the Level of Client Satisfaction Survey, so about 70 key clients expected the AFP to add greater value and improve service delivery. What were the specific complaints of these clients?
Why did these complaints arise?

I am advised that the answer to the honourable Senator's question is as follows:

The 1999/2000 Survey found that 91% of clients were satisfied with overall AFP service delivery. Agreed participation in the survey from several clients was conditional upon a guarantee of confidentiality. The AFP is therefore not privy to the specific examples for resultant dissatisfaction or the agencies providing them. General feedback was provided by MARS, however, from the 9% minority who were dissatisfied. Those clients felt that:

- the AFP was slow in providing information;
- there had been a decline in the experience of seconded AFP officers;
- there was an inconsistency in cases accepted by the AFP;
- the AFP was reluctant to share information and intelligence; and
- the AFP was under constant resource pressure to service priorities other than those of the client.

More detailed comments are included within Specific AFP Service Delivery Issues section at page 46 of the 1999/2000 Australian Federal Police Client Satisfaction Survey, Final Report document provided.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

The initiatives to rectify these complaints – where is the money coming from to implement them?

I am advised that the answer to the honourable Senator's question is as follows:

Remedial action taken by the AFP to improve services includes:

- provision of additional relevant contacts for each case;
- a fourteen-day response limit on all referrals;
- standardised rejection letters explaining the reasons for not investigating referrals;
- AFP Client Service Team follow-up on client enquiries; and
- enhancements to the PROMIS electronic case management system such as automatic selection of Quarterly Case Management Reporting for client cases.

These remedial actions are being implemented from within existing resources.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

The report talks about ensuring that clients have realistic expectations of the AFP – does this mean that the AFP just does not have the resources to address all client needs?

I am advised that the answer to the honourable Senator's question is as follows:

See response to Question on Notice 33 - the remedial actions are being implemented from within existing resources.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

Will the follow-up survey be undertaken by a consultant?

I am advised that the answer to the honourable Senator's question is as follows:

The tender process will be applied next year and MARS will be invited to participate. The AFP has, to date, been satisfied with the consistency, efficiency and quality of the MARS product and considers that it has developed a very good knowledge and understanding of the specialised AFP structure and operating environment.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

Is the Order of Merit process for determining promotions still in use since the passage of the Australian Federal Police Amendment Act?

- a) If no, what process is currently in place to determine promotions?
- b) If yes, is it always followed? Is it prescribed by the Act?

I am advised that the answer to the honourable Senator's question is as follows:

In 1990, the AFP moved away from advancement based on rank/seniority and introduced merit-based selection processes for promotion. The *AFP Legislative Amendment Act 2000* and the current *AFP Certified Agreement 1999 – 2002 [CA]*, have explicitly reaffirmed these processes for advancement (promotion).

Section 70 of the above *Act* and Regulation 3 of the amended regulations, establish the values on which employment decisions must be based. In addition, clause 11.4.1 provides that as agreed between the parties to the *CA*, where appropriate Joint Selection Committees [JSC] or other processes will be used for non-Executive Advancements (grades 1-14).

A Joint Selection Committee comprises an independent convenor from the Public Service and Merit Protection Commission (PSMPC), an employee representative and the Commissioner's nominee. To date, as required under the *CA*, in respect of Advancements to a vacant position, the JSC has invariably been used.

Under the AFP JSC processes an Order of Merit is established for filling an advertised vacancy. An Order of Merit may also be used as required for advancing an applicant to a subsequently advertised vacancy with similar duties. The Order of Merit can be utilized in this way for a period of up to 12 months from the initial date of advertising the vacancy. This is consistent with the current APS selection processes.

In relation to Senior Executive vacancies, under the *AFP Legislative Amendment Act 2000*, the Commissioner has the power to engage an employee and to declare an employee to be a "Senior Executive" AFP employee. The Commissioner also has the power under the Act to assign to an employee the particular duties to be undertaken, and the place at which the duties are to be performed.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

In the period immediately before the Amendment Act which abolished AFPAS was put into place, were officers who were transferring to the AFP from other services promised AFPAS as part of their employment package?

If yes, what is the situation with these officers now that there is no AFPAS?

I am advised that the answer to the honourable Senator's question is as follows:

AFPAS was superseded by the staff vote (some 2 out of every 3 who voted) accepting the current Certified Agreement on 12 November 1999. The *Australian Federal Police Amendment Act 2000* became effective 2 July 2000.

No recruit who accepted employment with the AFP after the certification of the Australian Federal Police Certified Agreement on 12 November 1999 would have had any expectation to be paid any entitlement under the AFP Adjustment Payment Scheme. Employees with the AFP prior to 12 November 1999 were entitled to vote on that AFP Certified Agreement that superseded AFPAS arrangements.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Given that the new service (Administrative Review Tribunal) is now hoped to commence on 1 July 2001 rather than 1 February 2001, have changes to the budget figures been prepared? What are the new figures? When will revised budget allocations be issued?

I am advised that the answer to the honourable Senator's question is as follows:

Adjustments to funding to reflect the changed start date for the ART have been made in the additional estimates process. Details are set out on page 103 of the *Portfolio Additional Estimates Statements 2000–01* for the Attorney-General's Portfolio.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What will be the expected savings from the establishment of the ART, after the revision has been taken into account, for the year commencing 1 July 2001, and the three subsequent outyears?

I am advised that the answer to the honourable Senator's question is as follows:

With the change of the start date to the commencement of a financial year, the expected annual savings for the first year of the ART's operations will be the same as for each of the three subsequent outyears. The expected annual savings identified in the 2000–2001 budget were \$9.1m.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Has the Attorney-General commissioned any consultants to examine, whether exclusively or among other things, the costing for the ART proposal?

I am advised that the answer to the honourable Senator's question is as follows:

When the Government decided to provide \$17.6m, including a capital injection of up to \$15m, to establish the Administrative Review Tribunal, it decided that the capital injection would be subject to the preparation of a detailed investment proposal.

A draft investment proposal has been prepared by Deloitte Touche Tohmatsu, engaged by the Attorney-General's Department.

In accordance with government capital injection policy, the draft investment proposal is also subject to scrutiny by accounting firm Walter and Turnbull and by KPMG Corporate Finance, engaged by the Department of Finance and Administration.

The draft investment proposal is currently being considered by relevant departments.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Who was or is responsible for preparing this report on the ART or reviewing the costings? [i.e. which firm or company?]

I am advised that the answer to the honourable Senator's question is as follows:

The draft investment proposal has been prepared by Deloitte Touche Tohmatsu, engaged by the Attorney-General's Department.

In accordance with government capital injection policy, the draft investment proposal is also subject to scrutiny by accounting firm Walter and Turnbull and by KPMG Corporate Finance, engaged by the Department of Finance and Administration.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Over what period were these consultancy services provided? Is the consultancy complete, or ongoing? What was the cost of the consultancy?

I am advised that the answer to the honourable Senator's question is as follows:

On 3 August 2000 the Department engaged Deloitte Touche Tohmatsu to prepare a business plan in the form of an investment proposal for the establishment costs of the Administrative Review Tribunal (ART). The fee for the consultancy services was \$29,400 with provision for increases attributable to availability of information or decisions outside the consultant's control, such as the change in commencement date for the ART. The consultancy is not complete at the time of this response.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What was the outcome/recommendations of the report?

I am advised that the answer to the honourable Senator's question is as follows:

The draft investment proposal is currently being considered by relevant departments, so it would not be appropriate to provide detail as to its contents.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Is it true that the savings claimed in this year's budget were not supported by the work undertaken by the consultant engaged for the purpose of more accurately costing the ART? When will the new figures be made public?

I am advised that the answer to the honourable Senator's question is as follows:

The draft investment proposal is currently being considered by relevant departments.

The contents of the draft investment proposal, once finalised, will form the basis of costings for the 2001–02 budget.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What was the budget estimate for total remuneration costs for each of the following positions: President of the ART, Executive Members, Senior Members, Members?

I am advised that the answer to the honourable Senator's question is as follows:

The budget estimate of the total annual remuneration cost (including superannuation, long service leave loading and Comcare premiums) for each full-time position was as follows:

President	\$196,725
executive member	\$169,825
senior member	\$107,325
member	\$94,125

Assuming an average of 46.6 days per year per member (the same average as presently applies across the existing tribunals) the budget estimate of the total annual remuneration cost for each part-time position was as follows:

senior member	\$25,889
member	\$19,076

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How does this compare to existing salaries earned by presidential members, senior members, members, etc of the AAT, SSAT, MRT and RRT?

I am advised that the answer to the honourable Senator's question is as follows:

The remuneration for members of the existing tribunals is as follows (the comparable ART figures are given in answer to Question on Notice no. 47):

<i>Full-time offices in existing tribunals</i>	<i>Remuneration</i>	<i>Supplement</i>	<i>Total</i>
President			
AAT	212,900	1,100	214,000
Deputy President			
AAT	174,600		174,600
Principal Member			
RRT	129,600	8,500	138,100
MRT	129,600	8,500	138,100
Deputy Principal Member			
RRT	107,400	5,750	113,150
National Convenor			
SSAT	107,400	5,750	113,150
Senior Member			
AAT	153,400		153,400
RRT	87,200	5,750	92,950
MRT	87,200	5,750	92,950
SSAT	87,200	5,750	92,950
Member in charge			
Large Registry—SSAT	65,100	4,500	69,600
Medium Registry—SSAT	61,400	4,500	65,900
Small Registry—SSAT	60,100	4,500	64,600
Member			
AAT	127,800	8,500	136,300
RRT	77,800	5,750	83,550
MRT	77,800	5,750	83,550
SSAT	55,400	4,500	59,900

<i>Part-time offices in existing tribunals</i>	<i>Remuneration (per day)</i>	<i>Supplement (annual)</i>
Deputy President		
AAT	630	6,300
Senior Member		
AAT	630	6,300
SSAT	500	
Member		
AAT	580	5,800
RRT	500	
MRT	500	
SSAT	370	
Specialist member		
SSAT (medical)	420	

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Has any revision been made to the estimated salaries on which the ART proposal was initially costed?

I am advised that the answer to the honourable Senator's question is as follows:

The Remuneration Tribunal has made an indicative determination for ART members as follows:

<i>Office</i>	<i>Full-time base salary</i>	<i>Office holder supplement</i>	<i>Performance pay (full-time only)</i>	<i>Daily (part-time)</i>
President	\$155,000	\$11,500	nil	
Executive Member	\$135,000	nil	up to \$20,250	
Senior Member	\$95,000	nil	up to \$14,250	\$500
Member	\$77,800	nil	up to \$11,670	\$370
CEO	\$108,000	nil	up to \$16,200	

The Tribunal later added to that indicative determination with advice that an extra \$50 per day would be payable to some part-time members as a specialist supplement.

The budget costings were prepared before the Remuneration Tribunal had made its indicative determination. The draft investment proposal takes account of the indicative determination.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What is the government's estimate for the savings that arise solely due to the abolition of second tier review from the SSAT? On what basis were these costings produced?

I am advised that the answer to the honourable Senator's question is as follows:

Approximately \$2.6m of the estimated \$9.1m annual savings can be attributed to restrictions on access to second-tier review. This assumes a reduction of 7.5% in the number of matters due to those restrictions, which is based on an assumption that one third of applications for leave to apply for second-tier review will be successful. (This applies across all jurisdictions where second-tier review is available, not just to those that are currently reviewed by the SSAT.)

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What percentage of cases from the SSAT were assumed would be appealed on the limited range of grounds for second tier review? [e.g. was it assumed that only 1% of SSAT matters would go to a second tier review? 10%? How many?]

I am advised that the answer to the honourable Senator's question is as follows:

It was assumed that one third of applications for leave to apply for second-tier review would be successful. At the time that the costings were prepared, approximately 15% of SSAT matters were appealed to the AAT.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How many times has the Family Law Pathways Advisory Group met? On which dates?

I am advised that the answer to the honourable Senator's question is as follows:

The Family Law Pathways Advisory Group has met on four occasions to date, with one more meeting scheduled.

Meetings to date:	22, 23 June 2000;
	27, 28 August 2000
	26, 27 October 2000
	1 December 2000
Future meetings:	12, 13 February 2001

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Will the Family Law Pathways Advisory Group report by December 2000 as originally anticipated?

I am advised that the answer to the honourable Senator's question is as follows:

The Advisory Group has requested from ministers an extension for its final report to the end of February 2001, due to the amount of material to be considered.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What are the total costs associated with the establishment, meetings and deliberations of the Advisory Group – not counting secretariat support provided by the department?

I am advised that the answer to the honourable Senator's question is as follows:

The total budget allocated to the Advisory Group, excluding secretariat support, which has been shared equally between the Attorney-General's Department and the Department of Family and Community Services is \$250,000 over the life of the inquiry.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTION ON NOTICE

Senator McKiernan asked the following question at the hearing on 22 November 2000.

Has the new funding for family law legal aid assignments model been implemented in all States and Territories?

I am advised that the answer to the honourable Senator's question is as follows:

- A stage of matter model for the assignment of legal assistance in family law matters was introduced in the Commonwealth Priorities and Guidelines for Legal Assistance on 1 July 2000.
- The stage of matter model has been implemented in the following legal aid commissions: Queensland, the Northern Territory, New South Wales, South Australia, and Victoria.
- Legal aid commissions in the Australian Capital Territory, Western Australia and Tasmania are yet to implement the new guidelines.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTION ON NOTICE

Senator McKiernan asked the following question at the hearing on 22 November 2000.

How does the new funding model for family law legal aid assignments encourage the use of alternative means of resolving disputes?

I am advised that the answer to the honourable Senator's question is as follows:

- The stage of matter model was developed to emphasise the importance of assistance directed at the early resolution of a matter through PDR processes, in recognition of the need for priority to be given to resolving family law matters through non-litigious processes. Under the Stage of Matter model the PDR process equates to stage 1, and in many cases the PDR process will be the first stage of funding for a matter. Commissions must consider resolving family law matters by referring an applicant for legal assistance to a PDR process, unless it is clearly inappropriate.
- However, the model also provides for PDR methods to be undertaken at any time during the course of a matter. The timing of referral to a PDR process will be affected by the nature of the dispute and any need for urgent intervention.
- The model encourages the use of PDR processes without mandating their application.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How is the expensive cases criminal fund administered? Who may apply under the fund? Legal Aid Commissions or accused persons themselves?

I am advised that the answer to the honourable Senator's question is as follows:

The Expensive Commonwealth Criminal Cases Fund is administered by the Department according to a set of guidelines, and applications are made by legal aid commissions to the department in relation to particular cases. Applications may not be made by the accused persons themselves.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Expensive cases criminal fund:

Over what period will the amount of \$9 million be available? [i.e. what was the start time and what is the end time for allocations from the fund?]

I am advised that the answer to the honourable Senator's question is as follows:

On 21 December 1999 the Attorney-General announced that the Government would establish a Expensive Commonwealth Criminal Case Fund that would receive \$9 million over the next four and a half years. The \$9m includes \$5m allocated as a result of a surplus of funds in Victoria Legal Aid. The Fund commenced operation on 1 January 2000 with the \$9m allocation covering the period from that date until 30 June 2004.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How much has already been distributed from the expensive cases criminal fund? For how many criminal cases?

I am advised that the answer to the honourable Senator's question is as follows:

A total of \$ 490,000 has already been paid out in grants from the fund for 142 cases as at 27 November 2000. This comprises a grant from the fund to the South Australian Legal Services Commission of \$320,000 for one case, a grant to Legal Aid Queensland of \$20,000 for one case and a grant to the Northern Territory Legal Aid Commission of \$150,000 towards funding a class of 140 cases which have like characteristics, and which relate to offences under Commonwealth legislation introduced or changed since 1 July 1999.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What are the criteria which are applied in determining whether someone qualifies for assistance from the fund? Are the criteria published or available online? Where? If not, can the Committee be provided with a copy?

I am advised that the answer to the honourable Senator's question is as follows:

Attached is a copy of the Guidelines which are applied in determining whether a Commission qualifies for assistance from the Expensive Commonwealth Criminal Cases Fund.

Guideline 8 Commonwealth Criminal Law – Expensive Cases Fund

8.1 Purpose of Fund

The Commonwealth Criminal Law – Expensive Cases Fund (the *Fund*) has been established to assist Commissions to cater for high, one-off costs associated with criminal cases, particularly where potential stays of Commonwealth criminal prosecutions may be granted under the High Court's decision in *Dietrich's Case*.

8.2 Administration of Fund

- (1) The Fund is administered by, and allocation is at the discretion of, the Commonwealth Attorney-General's Department (the *Department*).
- (2) Approval of an application for an allocation from the Fund is at the Department's discretion having regard to:
 - (a) the circumstances of the application;
 - (b) the likely impact that approval of the application would have on the resources of the Fund; and
 - (c) other applications to the Fund.
- (3) An allocation of funds may be made on such terms and conditions as the Department may require.

8.3 Application for funds

- (1) An application for an allocation from the Fund may only be made by a Legal Aid Commission (the *applicant*).

- (2) A separate application must be made to the Department for each allocation from the Fund.
- (3) Cases for which an application may be made include:
 - (a) a criminal conspiracy case;
 - (b) a criminal case arising under the Corporations Law; and
 - (c) a class of criminal cases which have like characteristics, and which have resulted from a change in Commonwealth legislation since 1 July 1999.

For example: people smuggling cases arising under the *Migration Act 1958*.

Note Paragraphs (a), (b) and (c) are examples, and not an exhaustive list, of the types of matters that the Commonwealth is prepared to consider in applications to the Fund.

- (4) An application may be made before commencement of proceedings in an expensive case.
- (5) An application must include sufficient information to satisfy the Department that:
 - (a) the likely cost of the case is high, and is likely to significantly affect the capacity of the applicant to implement the Commonwealth's other legal aid priorities;
 - (b) in estimating the likely cost of the case, the applicant has included details of any consultation with the prosecution about the likely direction of the trial;
 - (c) the applicant will take all necessary steps to manage the case in accordance with the Commonwealth cost management guidelines for Criminal Law matters specified in subclause 3.3 (1) of the Criminal Law Guidelines;
 - (d) the applicant has made estimates of likely expenditure on the case by financial year; and
 - (e) there is potential for a stay under *Dietrich's Case* to be granted if funds for the case are not provided.
- (6) Before making an application, the applicant must take into account its reserves of Commonwealth funds.
- (7) The Department must be satisfied that the applicant has, before the date of the application, been managing its funding in accordance with the Service Purchasing Agreement.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

On which dates have SCAG meetings been scheduled between now and 30 June 2001?

I am advised that the answer to the honourable Senator's question is as follows:

A joint SCAG MINCO meeting was held on 28 November 2000. A SCAG meeting has been scheduled for 22/23 March 2001. It is possible that there will be a further SCAG meeting during this period.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Law By Telecommunications Initiative:

What was the total cost of the Scoping Study prepared by Cutler & Company Pty Ltd dated July 1999?

I am advised that the answer to the honourable Senator's question is as follows:

The following payments were made to Cutler and Company Pty Ltd with respect to the scoping study dated July 1999:

Payment to Cutler and Company Pty Ltd on signing contract for a scoping study and technical consultancy for the tendering, establishment and operation of rural, regional and remote telecommunications community legal services	\$30,000
Payment to Cutler and Company Pty Ltd on completion of the scoping study	\$51,317
Total	\$81,317

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Law By Telecommunications Initiative:

What was the total cost of the consultant's report prepared by Cutler & Company Pty Ltd dated February 2000?

I am advised that the answer to the honourable Senator's question is as follows:

The total cost of the consultant's report prepared by Cutler and Company Pty Ltd, dated February 2000 was \$30,000.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What other expenditures have been made from the funding announced for the two services which have been combined as the Law By Telecommunications Initiative?

I am advised that the answer to the honourable Senator's question is as follows:

In addition to the payments made to Cutler and Company Pty Ltd, as at 18 January 2001, the following payments have been made from the combined administered expenses provided for the Law by Telecommunications initiative:

Financial Year	Payment Description	Payment Amount
1998-1999	Advertising for tenders to undertake a scoping study and technical consultancy for the tendering, establishment and operation of rural, regional and remote telecommunications community legal services	\$15,874
1999-2000	Sponsorship of first national conference on the legal needs of women in regional, rural and remote Australia and access to legal services (Albury-Wodonga 13-15 June 2000)	\$15,000

As at 18 January 2001, the following expenditure has been committed from the combined administered expenses provided for the Law by Telecommunications initiative:

Financial Year(s)	Commitment Description	Commitment Amount
2000-2002	MOU with Centrelink to establish a national call centre	\$4,011,809
2000-2001	Project management services	Up to \$85,000
2000-2001	Internet portal development	Up to \$130,000

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What were the 15 schemes under which the Department provided financial assistance? How much was provided under each scheme, and (without identifying particular applicants), how much was provided in 1999-2000 to each applicant?

I am advised that the answer to the Honourable Senator's question is as follows:

The Department administers 17 statutory schemes and 6 non-statutory schemes. Over 600 grants of financial assistance were approved in 1999-2000. Resources are not available to undertake the work in itemising each grant. The schemes under which grants were approved or expenditure was incurred during the 1999-2000 financial year and the average cost per grant under each scheme, are listed in the table.

Scheme	Applications approved	Expenditure	Average cost per grant
S 69 Administrative Appeals Tribunal Act 1976	43	\$123,797	\$2,879
Reg 11 Defence Force Discipline Appeals Regulations	—	\$14,917	N/A
Federal Proceedings (Costs) Act 1981	75	\$423,783	\$5,650
Disability Discrimination Act 1992*	1	\$19,946	\$19,946
S 27 National Crime Authority Act 1984	4	\$3,675	\$919
S 183 Native Title Act 1993	294	\$6,124,883	\$20,833
S 83 Sex Discrimination Act 1984*	1	\$10,145	\$10,145
S 342 Workplace Relations Act 1996	14	\$102,130	\$7,295
Special Circumstances (Native Title)	—	\$907,794	N/A
Commonwealth Public Interest and Test Cases	16	\$226,272	\$14,142
Overseas Custody (Child Removal)	51	\$149,038	\$2,922
Special Circumstances	1	\$69,985	\$69,985

* as of 30 April 2000 applications for financial assistance are made under S 46PU Human Rights and Equal Opportunity Commission Act 1986.

These figures are qualified by two factors:

1. some expenditure during 1999-2000 relates to grants approved in previous years; and
2. some grants approved during 1999-2000 will not have been fully paid out in that year.

Total expenditure during the financial year 1999-2000 was \$8,176,365.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

Which reviews are complete? Can you provide the Committee with the reports and recommendations prepared as a result of completed reviews?

I am advised that the answer to the honourable Senator's question is as follows:

Reviews of community legal services in South Australia and Queensland have been completed.

The reports and recommendations prepared as a result of those reviews are attached.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

Which reviews are currently underway?

I am advised that the answer to the honourable Senator's question is as follows:

The review of Victorian community legal services is currently underway.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

Could you please briefly describe the methodology of the review?

I am advised that the answer to the honourable Senator's question is as follows:

The reviews of community legal services are being undertaken to examine how to ensure that Government resources are distributed equitably to meet the need for services.

The processes followed in each State were broadly similar and involve the following steps.

- Convening a group to oversee the management of the review. The basic membership structure has included Commonwealth and State Government officers, Legal Aid Commission and Community Legal Service members and an independent chair.
- A mapping exercise of existing services and resources.
- Consultations with centres and other major stakeholders.
- Collation and analysis of demographic and other relevant data.
- The preparation of a report, including recommendations to Government of any action considered necessary arising from the review.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

When is it proposed to commence reviews of other states?

I am advised that the answer to the honourable Senator's question is as follows:

Joint Commonwealth-State reviews in New South Wales and Western Australia are planned for early next year. Both will be due for completion by 30 June 2001.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

What was the outcome of the South Australian review?

I am advised that the answer to the honourable Senator's question is as follows:

In accordance with the recommendations of the Implementation Advisory Group a regional funding model was established for Metropolitan Adelaide.

As a consequence, 6 centres affected by the new model were asked to undertake discussions aimed at amalgamating their services (2 in the Central region, 2 in the South region and 2 in the West region).

The centres were offered government funded mediation to assist their negotiations towards amalgamation. However, all centres failed to reach agreements on amalgamations as a result of irreconcilable differences. Consequently the Commonwealth and State moved to an open tender process for the selection of new services.

Tenders for the 3 regions have been considered and the recommendations of the Tender Committee are being considered by the State and Commonwealth Attorneys-General. An announcement on successful tenderers is expected shortly.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

How have Community Legal Centres in South Australia responded to the results of the review?

I am advised that the answer to the honourable Senator's question is as follows:

Centres in some areas in metropolitan Adelaide were not able to cooperate in implementation of changes proposed as a result of the review. It has therefore been necessary to tender for services in the affected areas.

Centres which are affected by the tender process have continued to participate in the community legal services program, pending the outcome of that process, and continue to meet the accountability and reporting requirements of their funding agreements.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

Does the review for South Australia require CLCs to amalgamate in order to retain Commonwealth funding?

I am advised that the answer to the honourable Senator's question is as follows:

Yes, it was a requirement of the review process that existing services amalgamate in order to be eligible to receive Commonwealth funding.

The review found there was a concentration of community legal services located in metropolitan Adelaide. The review concluded that there was little or no access to community legal services for disadvantaged people in the outer metropolitan and urban fringe areas of the city.

As such, the Implementation Advisory Group (IAG) developed a new regional model whereby services would be accessible in the outer metropolitan areas of Adelaide. In developing this regional model, the IAG recommended the amalgamation of some services so that the community legal services could better service the larger regional areas developed under the new model.

This recommendation was accepted by Attorneys-General and affected centres were asked to undertake discussions aimed at servicing the region cooperatively. It was made clear that if these discussions were unsuccessful then an open tender process would be undertaken to select new services.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

What will happen to those centres which do not, or are unable to, amalgamate with other centres?

I am advised that the answer to the honourable Senator's question is as follows:

When the tender outcomes are settled, unsuccessful bidders will be notified. Any currently funded services which are unsuccessful will be given sufficient advance notice of the intention to withdraw program funding to allow them time wind up their operations should they decide to do so.

This will include sufficient time to meet award requirements in relation to giving staff notice, and pay off outstanding debts to creditors.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Review of community legal centres:

What timeframes and deadlines have been placed on South Australian CLCs with respect to outcomes of the review? When does their existing Commonwealth funding run out?

I am advised that the answer to the honourable Senator's question is as follows:

Final implementation of the review recommendations is scheduled to occur by April 2001.

Funding agreements with the services were extended for 2 months from 31 December 2000 pending a final decision on the tender process. A further assessment of the situation will be undertaken prior to the end of February 2001 and arrangements made to ensure services continue to receive funding until the transition to the new regional model comes into effect.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Could you please provide an annual breakdown of the number of questions received in each financial year since 1993-1994, the number answered within 30 days of receipt, the number not so answered within 30 days of receipt and the number which remained unanswered but which were still within the 30 day period for response.

I am advised that the answer to the honourable Senator's question is as follows:

Since February 2000, an electronic database has been used to monitor questions on notice, providing detailed information on the movement of draft answers to questions and response times.

The Department has used the records of the Senate Table Office and its own records to compile the following chart. Some information sought is not available.

Period	Number of Questions	Number answered within 30 days	Number not answered within 30 days	Number remaining unanswered
1993-94	176	*	*	1
1994-95	442	*	*	nil
1995-96	162	*	*	nil
1996-97	313	141	172	nil
1997-98	244	72	170	2 questions withdrawn
1998-99	155	43	112	nil
1999-2000	292	nil	292	nil

* Information not available

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

How many indigenous justice projects have been funded through the NCP over the last two years? Can we have details of what these projects were, who ran them, funding amount and period for each project.

I am advised that the answer to the honourable Senator's question is as follows:

The following projects relating to preventing violence and crime in indigenous communities have been funded under the National Crime Prevention program over the last two years:

1997/1998

- The "Healing for Harmony" project - Mt Isa, Queensland

Capacity building funds were provided to the Queensland Government through the Queensland Police Service (\$100,000 in 1997/98). The aim of the project was to take a culturally inclusive approach to crime prevention through a health and learning process, and was specifically aimed at Aboriginal youth aged 10 to 18 years identified by either the community or government agencies as being at risk of offending or re-offending. Overall there were 94 participants in the project.

1998/99 to 1999/00

- The "Adolescents and Domestic Violence Intervention Project"
The Avon Valley Help Centre Inc. was contracted to undertake a pilot project in the rural township of Northam to address the trans-generational cycle of domestic violence by working with young people in a school setting.

The Commonwealth provided \$130,000 for this project, which commenced in August 1998 and concluded in October 1999. The project was managed by the Northam Regional Domestic Violence Committee which included representatives from Waminda Women's Refuge and local Aboriginal communities.

The programme included an external evaluation component. The Department contracted the Police Force of Western Australia and Edith Cowan University to conduct the evaluation at a cost of \$20,000.

- The "National Research on Young Peoples Attitudes to and Experiences of Domestic Violence" project.

This national research was jointly commissioned by the Attorney-General's Department and the Department of Education, Training and Youth Affairs at a total cost of \$400,000. It was carried out by the Crime Research Centre, University of

Western Australia, and Donovan Research and included a survey of 5000 young people aged 12 to 20 years. Qualitative research was undertaken with specific groups, including Indigenous youth.

A fact sheet that summarises the research findings was released in April 2000, and a full report on the survey and the qualitative research is due for release in the near future.

- The "Violence in Indigenous Communities" research project
The consultancy firm Paul Memmott & Associates was contracted to provide a report on preventing violence in Indigenous communities, which included an overview of relevant literature, statistics and community programs. The cost of the consultancy over the two financial years totalled over \$40,000.

The main findings will be released as a main report and as a fact sheet.

1999/00 to 2000/01

- The "Crime Impact Response Process" – Kalgoorlie.
Capacity building funds (\$70,000 in 1999/00, \$25,000 in 2000/01) are being provided to the Western Australian Government (through the Western Australia Police Service and the Ministry of Justice).

This 19 month project will develop community based strategies to address identified crime priorities. Although the project is not focusing exclusively on indigenous issues, it is anticipated that violence in local Aboriginal communities will be one of the priority areas addressed in the project. The funding is matched by the Western Australian government.

2000/01

- "Respect Yourself, Respect Your Culture - Croc Eisteddfod Festival"
\$45,000 was provided to Indigenous Festivals Australia as a contribution to the costs of hosting of three indigenous music festivals: Alice Springs (June); Moree (June) and Weipa (August).

The aim of the project was to bring together indigenous students from remote and regional schools in order to enable improved school participation and education skills and to discourage anti-social behaviour.

Other Commonwealth sponsors included the Departments of: Health and Aged Care; Education, Training and Youth Affairs; Transport and Regional Services; Immigration and Multicultural Affairs; Industry, Science and Resources. A broad spectrum of private sector organisations also provided funding.

- Working with Adolescents to prevent Domestic Violence – Derby.
\$130,000 is being provided to the Shire of Derby West Kimberly for a 12 month community based pilot project working with young indigenous people to prevent current or future domestic violence.

Its objectives are to help young people to articulate clear messages about the non-acceptability of violence and to provide a vehicle for intervention with adolescents to help prevent current and future family violence.

The Shire is the auspice body for the project which is being managed by a locally based Steering Committee.

The programme includes an external evaluation component. The Department has contracted Madjullah Aboriginal Corporation to conduct the evaluation at a cost of \$20,000.

- **Western Australian Aboriginal Child Health Survey**
\$250,000 is being provided to the TVW Telethon Institute for Child Research to enable it to undertake a survey of 3150 Aboriginal children aged 0 to 17 years in rural, remote and metropolitan areas in Western Australia.

The aim of the survey is to define priority targets for existing services and to develop a knowledge base from which preventative strategies, health promotion and educational programs can be developed.

The funds are part of a total Federal Government contribution to the survey of \$1.03 million. The funds were provided to TVW via the Department of Health and Aged Care under a Memorandum of Understanding (MOU). The departments of Education Training and Youth Affairs and Family and Community Services are also party to the MOU.

- **Development Work for Implementation of Community Justice Program (Pilot Projects) in New South Wales.**
The Department is providing seed funding of \$25,000 to Unity of First People of Australia (UFPA) to undertake developmental work on a proposed NSW Community Justice Program

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Apart from funding projects, what other work does the NCP do regarding indigenous justice?

I am advised that the answer to the honourable Senator's question is as follows:

The Crime Prevention Branch administers the Agreement with the Northern Territory Government which includes the juvenile pre-court diversion scheme and the jointly funded Aboriginal Interpreter Service.

The Branch has provided policy input into other Commonwealth initiatives relating to Indigenous justice, early intervention and crime prevention, both within the Department and in other agencies.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What is the relationship between the NCP and the diversionary programs for juveniles in the NT?

I am advised that the answer to the honourable Senator's question is as follows:

The Crime Prevention Branch in the Criminal Justice Division of the Attorney-General's Department manages both the National Crime Prevention program and the implementation of diversionary programs under the Agreement with the Northern Territory.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Is the NCP responsible for the management of the \$5 million per annum under the Howard/Burke deal?

I am advised that the answer to the honourable Senator's question is as follows:

Yes, the Crime Prevention Branch in the Criminal Justice Division of the Attorney-General's Department will be managing the implementation of this Agreement.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Does the NCP continue to fund indigenous crime prevention projects now that there is the Howard/Burke deal? If not, why not?

I am advised that the answer to the honourable Senator's question is as follows:

Projects addressing crime and violence in indigenous communities will continue to be funded under the National Crime Prevention Program.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Provide a breakdown for the financial years 1995-96, 1996-97, 1997-98, 1998-99, 1999-2000 of:

- research projects,
- pilot projects,
- prevention activities,
- communication activities and
- crime prevention training

that have been or are being funded under the NCP initiative together with the amount of Commonwealth funding provided.

I am advised that the answer to the honourable Senator's question is as follows:

Due to changes in Departmental financial systems and in program structure, we are unable readily to provide this breakdown for the Financial Years 1995-96, 1996-97, 1997-98. Breakdowns for the 1998-99 and 1999-00 Financial Years are as follows:

1998-99:

Research Projects	\$ 517,139.82
Pilot Projects	\$ 336,816.00
Prevention Activities (included in Pilot Projects)	nil
Communication Activities	\$ 1,126,616.31
Crime Prevention Training	\$ 144,998.50

1999-00

Research Projects	\$ 1,096,243
Pilot Projects	\$ 846,166.22
Prevention Activities	\$ 404,799
Communication Activities	\$ 922,937.05
Crime Prevention Training	\$ 262,139.29

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In relation to each of the category of projects funded under the NCP, are:

- (a) there funding guidelines for them?
- (b) there evaluation measures or procedures which are in place?
- (c) these documents available?

I am advised that the answer to the honourable Senator's question is as follows:

- (a) Funding guidelines are available for the component of the program which is managed on a submission basis, the Jurisdictional Capacity building component. Capacity building involves the short term (non-recurrent) resourcing by the Commonwealth of agencies, sectors and jurisdictions in order to enhance their long term ability to achieve crime and violence prevention goals. A copy of these guidelines is attached for the information of the Committee.
- (b) Evaluation is built into each pilot project. Communications activities are also evaluated.
- (c) Decisions on publication will be made as the reports become available.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Within the NCP, is there a separate program following from the 'Pathways to Prevention' report?

I am advised that the answer to the honourable Senator's question is as follows:

The *Youth Crime and Families Strategy*, which is part of the National Crime Prevention program, will implement a range of projects in the area of early intervention following on from 'Pathways to Prevention' report. The strategy was announced in the 1999-2000 Budget.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

- a) If there is not a 'Pathways to Prevention' program, is there an identifiable program of funding for the \$8 million for early intervention work which is commonly associated with 'Pathways to Prevention'?
- b) What guidelines are there for funding under this \$8 million?
- c) What programs have been funded so far, what are the amounts?
- d) What evaluation procedures are in place?

I am advised that the answer to the honourable Senator's question is as follows:

a) The *Youth Crime and Families Strategy*, which is part of the National Crime Prevention program, will implement a range of projects in the area of early intervention following on from the 'Pathways to Prevention' report. The strategy was announced in the 1999-2000 Budget.

The Minister has not yet publicly announced the majority of the projects to be funded under the Youth Crime and Families Strategy. We anticipate the Minister will be making such announcements in the New Year.

b) As the Youth, Crime and Families Strategy is not a grants program, funding guidelines are not needed. All expenditure will, of course, be in accordance with the Financial Management and Accountability Act and associated requirements.

c) As part of the Youth Crime and Families Strategy, the Department has gone to public tender for a project on "Bullying in Australian Primary Schools and Preschools". This involves a meta-evaluation of anti-bullying programs and approaches implemented in preschools and primary schools both in Australia and overseas and the production of associated anti-bullying communication materials for parents, carers and teachers of primary and preschool aged children.

The notional budget for the bullying project is \$500,000, (to cover the meta-evaluation and the development, production and distribution of resource materials). No contract has yet been let.

d) Each project within the *Youth Crime and Family Strategy* will have an evaluation component

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

Is an evaluation of the NCP being undertaken or is there one planned, if so when will the results be available?

I am advised that the answer to the honourable Senator's question is as follows:

No evaluation of the National Crime Prevention program has been undertaken or planned. However, pilot projects and communication activities undertaken as part of the program are evaluated.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

What is the Commonwealth's involvement with the National Anti-Crime Strategy?
What is the funding involvement?

I am advised that the answer to the honourable Senator's question is as follows:

The Commonwealth is represented on the Crime Prevention Officers' Forum (formerly the National Anti-Crime Strategy). The Minister for Justice and Customs is a member of the Australian and New Zealand Crime Prevention Ministerial Forum.

The Commonwealth has funded a number of projects as part of its involvement with this Forum. Total funding provided by the Commonwealth to date amounts to \$1,746,096.

Assessment of Training Needs for Community Crime Prevention: \$223,822

Managing and Reducing Fear of Crime: \$ 279,845

Domestic Violence Prevention Among Adolescents: \$444,619

Young People, Homelessness, Victimization & Crime Prevention: \$100,000

Early Intervention and Developmental Approaches in Crime Prevention: \$80,000

Negotiating Young People's Use of Public Space: \$60,000

Best Practice Pilot Project: \$128,000

Managing Public Events to Prevent Violence and Crime: \$124,000

Models of Evaluation for Community Crime Prevention: \$130,000

Preventing Residential Break and Enter: \$175,810

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following questions at the hearing of 22 November 2000.

Apart from funding projects;

- a) what other activities are undertaken by the NCP?
- b) What are the mechanisms for cooperation/information sharing between the NCP and State Governments?
- c) What meetings and/or conferences has the NCP been involved in?

I am advised that the answers to the honourable Senator's questions are as follows:

- a) Other activities undertaken by the Crime Prevention Branch include:
 - provision of advice to the Government on crime prevention and early intervention activities;
 - management of the Agreement with the Northern Territory regarding diversion programs;
 - liaison with other government agencies, non government organisations and the community regarding aspects of crime prevention and early intervention;
 - preparation of ministerial briefings, correspondence, speeches etc;
 - preparation, dissemination and distribution of crime prevention information and publications to policy makers, crime prevention practitioners, academics and members of the public; and
 - conduct of communication activities on specific crime prevention issues.
- b) The primary mechanisms for cooperation/information sharing between the Crime Prevention Branch and State and Territory Governments include the Crime Prevention Officers' Forum and the Partnerships Against Domestic Violence Taskforce, both of which meet three times a year.

In addition, State and Territory governments are represented on a number of project management groups for projects funded under the National Crime Prevention Program. Under the jurisdictional capacity building stream, the Commonwealth is working cooperatively with the States and Territories to support individual initiatives in each jurisdiction.

Another avenue for information exchange between Federal and State and Territory Governments is through meetings of various Ministerial Councils and associated senior officials' working groups. The Crime Prevention Branch provides input as relevant to briefings for meetings of senior officials and of Ministers.

An Officers' Group will be established under the terms of the Agreement with the Northern Territory comprising representatives from relevant Commonwealth and Territory government agencies.

- c) Staff from the Crime Prevention Branch have been active participants in meetings involving a wide range of groups, including:
- The Crime Prevention Officer's Forum;
 - The Partnerships Against Domestic Violence Taskforce and assorted project management groups;
 - The Reference Group for the National Domestic and Family Violence Clearing House;
 - Project management groups for projects funded under the National Crime Prevention program;
 - Round tables on crime prevention issues convened by the Australian Institute of Criminology;
 - The Youth Round Table convened by the Department of Education, Training and Youth Affairs;
 - Inter Departmental Committees and working groups related to issues such as: mental health; early intervention; suicide prevention; violence in indigenous communities; male peer violence; relationship education; child contact services; family law pathways; trafficking; violence against women; the model criminal code; and international crime prevention initiatives; and
 - The National Motor Vehicle Theft Reduction Council.

Since April 1998, Crime Prevention staff have attended 55 local, national and international conferences and presented papers at 17 conferences.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Mason asked the following question at the hearing of 22 November 2000.

At the hearing on 29 May 2000, I asked:

“a) How many managerial staff within the CEO's office will go? b) Will there be any reductions in travel? c) I understand that some savings were achieved by the Court in relation to its new group airline booking arrangements. What was the extent of these savings for the Family Court for 2000-2001? d) How are those savings to be applied?”

In answer to this question it is stated that the court intends to reduce its expenditure on travel by 40% between this year and next.

- a. Will this adversely affect the performance of the Court's duties?
- b. If yes, then why is it being done?
- c. If no, why wasn't this measure adopted previously?

I am advised that the answer to the honourable Senator's question is as follows:

- a. The Court is reducing its expenditure on travel as part of a series of Court-initiated administrative measures intended to address funding pressures while minimising impacts on Court clients. The new air travel arrangement is an example where significant expenditure reductions (through discounts) will be achieved without affecting Court services. The Court is also increasing the use of technology (especially videoconferencing) which, while helping to reduce costs overall (and travel costs in particular), is expected to improve client access to Court services.
- b. Not applicable
- c. The Court is continually improving the ways in which it delivers services and looking to take advantage of technological, service and commercial opportunities when they arise. The reduction in travel budgeting was not adopted previously because the combined impacts of previous travel costs structures, service requirements and technology (including costs of technology) would have meant that a significant reduction in travel expenditure would have produced reduced levels of service provided by the Court.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Mason asked the following question at the hearing of 22 November 2000.

At the hearing on 29 May I asked:

- “a) I was wondering if I could have some figures of the numbers of days each member (judge) of the Family Court sat and heard cases in the calendar year 1999
b) Secondly, who was on leave in the calendar year 1999?”
- a. Why are the details of judicial workload prior to July 1999 (in the words of the answer to Question on Notice 22) “unreliable or misleading”?
 - b. If the management information system for the purposes of determining how many days in a calendar year a judge sat and heard cases was “unreliable and misleading”, why did it take until July 1999 to reform the management information system?
 - c. How were the output of judges and performance against standards assessed prior to July 1999? If it did not involve in any way measuring sitting days, what was measured and why?

I am advised that the answer to the honourable Senator's question is as follows:

- a. Question on Notice 22 asked for certain information about judicial workload in the calendar year 1999. In providing the information for the 1999/2000 financial year, the answer mentioned that "(i)information on sitting days prior to July 1999 is unreliable or misleading *for the purposes of this question*". While the information available prior to July 1999 was not “unreliable or misleading” per se, or for the purposes of administering the Court, it was at the time supported by a set of partly automated and partly manual information systems, covering different types of work of judges. The sum of the separate systems would have produced double counting of days in which “a judge sat and heard cases” without manually intensive checking of individual diaries of judges. Integration of the systems had been completed by the commencement of the period for which the answer was provided.
- b. The Family Court is among the leaders in courts anywhere in introducing comprehensive performance analysis systems for judicial workload. It has developed these progressively over the past two years from its own resources and will continue to enhance them through the introduction of the new integrated Court case management system (“Casetrack”) over the next year. As mentioned in paragraph (a), above, previous systems were not unreliable or misleading for the purposes of administering the Court. The development of best practice systems has occurred in accordance with appropriate priorities set for the expenditure of Court funds.

- c. The changes in the ways the Court has measured and reported on its performance over the past few years have reflected the wider public sector changes to introduce accrual budgeting and accountabilities for outputs. The earlier Court systems focused on measuring average times, by Registry, for dealing with certain inputs (applications) and comparing them with standards included in the Court's Case Management Guidelines. The focus on Registry performance reflected the integrated nature of how the Court dealt (and continues to deal) with applications, involving the inter-dependent deployment of judicial and non-judicial resources to deal with particular issues raised. The new management information focus is on measuring outputs (eg cases determined after a defended hearing), including litigated outputs of Judges. In both the old (input focused) and the new (output focused) systems, the number of days in which judges sat and heard cases has been measured but other measures (such as the numbers of cases determined) have been regarded as more relevant. The systems as developed also now allow the derivation of more detail on particular aspects of judicial performance.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Mason asked the following question at the hearing of 22 November 2000.

At the hearing on 29 May 2000, I asked:

- “a) Can I have an indication of the number of outstanding judgements in both the general division of the court and also the appeal division of the court?
b) It would be helpful if those outstanding judgements could be broken up into those that are less than three months old, those between three and six months and then those that are more than six months old.
c) With those judgements that are older than six months, could you give an indication as to which judges are responsible for those judgements?”

The Court's Case Management Guidelines provide that in relation to reserved judgements: “Except in unusual circumstances, reserved judgements will be delivered no later than three months from the date upon which they are reserved” (15.11)

- a. As of 16 June 2000, there were 109 general division judgements outstanding for more than 3 months but less than 6 months. In addition there are 14 general division judgements outstanding for more than 6 months. That makes a total of 41 judgements (out of a total of 109 – nearly 40%) outstanding for more than 3 months. In this context what sort of “appropriate actions” (from answer QoN 23 (c)) are being taken by the Chief Justice to “maintain timeliness in the delivery of judgements”?
- b. Having regard to the number of outstanding judgements in past years has there been any improvement recently?
- c. Why are the number of appeal division judgements outstanding for less than 3 months not available?

I am advised that the answer to the honourable Senator's question is as follows:

- (a) The actions taken by the Chief Justice to maintain timeliness in the delivery of judgements were outlined in the answer to QoN 24 of the Budget Estimates hearing of 29 May 2000 (attached).
- (b) As at 17/11/2000, there were 31 judgments outstanding (ie, more than three months had elapsed from the date they were reserved), representing an improvement of around 25% since June 2000:
- 18 were for a period of between three and six months;
 - 13 were for a period of more than six months.
- (c) In terms of the Court's Case Management Guidelines, judgements reserved for less than three months are not “outstanding”. However, since the answer to QoN 23 was provided, the Appeals Management System has been automated and the

information requested can be provided. There is currently one appeal judgement reserved for a period of less than three months.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Mason asked the following question at the hearing of 22 November 2000.

At the hearing on 29 May 2000, I requested more detail about system used to monitor outstanding judgements. Given the significant number of outstanding judgements, is the Family Court satisfied that their system of monitoring outstanding judgements is working? What plans, if any, are there for reform of the system?

I am advised that the answer to the honourable Senator's question is as follows:

The Court has a good system for monitoring outstanding judgements, including a comprehensive automated information management and reporting system. While the Court will continue to focus on delivering judgements in a timely manner, the number of outstanding judgements is very small compared with the total numbers of cases heard. As mentioned in the answer to QoN 23 of the Budget Estimates hearing of 29 May 2000, individual circumstances, such as the complexity of particular cases and personal issues which may impact on a judge (eg, illness), may also produce delays which cannot be remedied. There are no plans to reform the Court's system for monitoring outstanding judgements.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Mason asked the following question at the hearing of 22 November 2000.

At the hearing on 29 May 2000, I asked:

“a) Can I also have details of all days during the calendar year 1999, other than public holidays, court vacations and weekends, when more than half of the court did not sit.

b) And whether there is a reason for that failure to sit?”

a. Again, why aren't statistics available until July 1999 to answer questions relating to sitting days of the judges of the Family Court?

b. What is the particular “purpose different from that of the Question on Notice” that the information on sitting and non-sitting days has been collected for in the past such that no answer can be given to QoN 25?

I am advised that the answer to the honourable Senator's question is as follows:

(a) and (b) See answer to QoN 87.

SENATE ESTIMATES COMMITTEE
FEDERAL COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig (Hansard page LC&L 6-7) asked the following question at the hearing of 22 November 2000.

In relation to the Court's project that allows for the electronic filing, lodgement, service and handling of documents:

Can the Court clarify the cost of developing it, the projected savings and indicate what the Court has already looking into by way of integration of videoconferencing and the Internet?

I am advised that the answer to the honourable Senator's question is as follows:

The electronic filing project is being managed through a series of outsourced contracts, although some elements, such as the purchase of computer servers on which to run the program, are being managed by Court staff. The project involves several stages, the first of which is now complete and which allows litigants or the profession to file documents with the Court via Internet e-mail and pay the associated fees by EFT. The costs of this stage were \$120,096, which included \$28,161 on hardware. There will be recurring maintenance cost of \$47,242.

Stage two of the project is currently in progress. It is intended to further automate the electronic filing system to allow signed and sealed documents to be returned electronically for service. The Court rules have been modified for this stage to enable most documents to be signed electronically. This simplifies the current process, which requires a scanned version of the signature.

The final stages of this project are intended to provide a totally integrated e-commerce solution, which would:

- enable external users on-line access for filing, viewing and retrieval of electronic documents, court dockets and calendars, including the ability to search court databases using current search engines, and hypertext-links;
- enable the immediate delivery (not necessarily only in the court room) of the orders made by the court, including comprehensive directions arising from directions hearings;
- enable "hearings" to occur where it will not be necessary for parties representative to attend the actual court room but still provide to those representatives immediate access to information from the court's databases about the status of matters or about earlier terms of directions;
- allow the Court to publish court-related data for public access via the Internet; and
- enable judges and staff to obtain access to a collection of statistical information within the court's databases.

The final stages of the project are still in planning and the timing of implementation is subject to completion of the new case management system, which is expected in 2001-02.

The introduction of electronic filing is analogous to a counter open in every corner of the world 24 hours a day. In conjunction with over-the-counter filing, and the other media of post and facsimile, electronic filing facilitates greater access to the broader community to the Court's services. Electronic filing makes it possible to deal with the Court, irrespective of geographic location and at times that suit the litigant, other than what might be usually regarded as 'business hours'.

The main objectives of the project have been to improve access to justice rather than specific cost savings. However, we expect cost efficiencies will flow from improvements in administrative processes. By enabling electronic receipt of documents with automatic uploading to the case management system, this will eliminate some manual processes. The resources made available are likely to be used for either providing improved customer services (such as enhanced procedural assistance, particularly to unrepresented parties) or modern in-courtroom services, such as the immediate production of orders, directions and other documents. In essence, savings will enable improved services.

The Court has investigated integrating videoconferencing with the Internet. The Internet videoconferencing is not presently of a standard that could replace our videoconferencing system. However, we have been advised that the quality of Internet videoconferencing will improve substantially within the next three years. We contemplate that a review of our videoconferencing services should commence in about two years, to coincide with the full implementation of our e-commerce project and the complete implementation of our new case management system.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C7) asked the following question at the hearing of 22 November 2000.

What dates has the Audit Committee (page 18 of Annual Report) met since 1 July 2000?

I am advised that the answer to the honourable Senator's question is as follows:

This information was provided by the Secretary, Mr Cornall later in proceedings (see Hansard page L&C77).

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C8) asked the following question at the hearing of 22 November 2000.

On what occasions did the Secretary of the Department attend the Audit Committee as an observer?

I am advised that the answer to the honourable Senator's question is as follows:

This information was provided by the Secretary, Mr Cornall later in proceedings (see Hansard page L&C77).

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C8) asked the following question at the hearing of 22 November 2000.

Are minutes of the Audit Committee meetings available and can they be provided to the Committee?

I am advised that the answer to the honourable Senator's question is as follows:

The minutes of the relevant Audit Committee meetings are available. However, I would ask the Committee to reconsider this request. The Audit Committee considers detailed aspects of the Department's operations. The minutes are treated in confidence by members of the Audit Committee and can therefore provide a full record of Committee discussions (including reference on occasions to individuals). They are not prepared for broader publication.

If the minutes are to be the subject of public discussion through the Committee, it could inhibit the effective performance of the internal audit function.

I have discussed this question with the Auditor-General, Mr Pat Barrett, who agrees with this response.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C8) asked the following question at the hearing of 22 November 2000.

In relation to the review of audit reports involving matters of concern to senior management of the department:

what are those matters of concern?

can the Department also provide what advice the Audit Committee provided in regard to each of the matters of concern?

I am advised that the answer to the honourable Senator's question is as follows:

As stated at the hearing of 22 November 2000, in the past it has been the practice not to provide detailed internal audit reports. This is because the publishing of detailed internal audit reports is likely to inhibit the internal audit function.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In relation to the establishment and maintenance of appropriate ethical standards:
Can the Committee be provided with the formal procedures for determining the breaches of the code of conduct?

I am advised that the answer to the honourable Senator's question is as follows:

The procedures for determining conduct breaches are contained in the document *Management of AGD Employee Conduct and Whistleblower Reports* provided in response to Question on Notice 97.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C 8) asked the following question at the hearing of 22 November 2000.

Can the Committee be provided with the procedures established for dealing with whistleblower reports as required by Public Service Regulation 2.4?

I am advised that the answer to the honourable Senator's question is as follows:

A copy of the procedures is attached.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C 8) asked the following question at the hearing of 22 November 2000.

Can the Committee be provided the further details of the nature of the whistleblower report?

I am advised that the answer to the honourable Senator's question is as follows:

There was one disclosure prior to 1 July 1999 that was finalised after 1 July 1999. Following an investigation it was found that there was insufficient information or substance in the allegations.

At the Estimates hearing the Secretary alluded to a disclosure made to him seeking protection under the whistleblower guidelines to a third party. On receipt of the information it was the Secretary's' view that it was not appropriate to deal with the matter as a disclosure under the whistleblower guidelines.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C9) asked the following question at the hearing of 22 November 2000.

Can the Department provide the Committee with a detailed departmental structure which identifies the reporting relationship for each employee in the department? (ie. The number, level and employment status of employees contributing to each of the output groups and subgroups – for example, details of the employees contributing to each output group 1.1.1, 1.1.2 and so on).

I am advised that the answer to the honourable Senator's question is as follows:

As advised by the Department at the Additional Estimates hearings of 9 February 2000, and as reported in the Attorney-General's Department Annual Report 1999-2000, the accrual based budgeting, outcomes and outputs framework has been revised to an 11 output structure; 1.1-1.7 and 2.1-2.4. Employee information by outputs is shown in the accompanying table.

Staffing levels by Outputs

Output 1.1	Level	No of Staff	Status
	SES Band 3	2.00	Ongoing
	SES Band 2	3.37	Ongoing
	SES Band 1	12.27	Ongoing
	Principal Legal Officer	31.05	Ongoing
	Senior Legal Officer	26.02	Ongoing
	Legal Officer	14.64	Ongoing
	Legal Officer	7.07	Non Ongoing
	Exec2	6.66	Ongoing
	Exec1	14.43	Ongoing
	Exec1	1.80	Non Ongoing
	APSL6	5.81	Non Ongoing
	APSL6	3.60	Non Ongoing
	APSL5	5.39	Ongoing
	APSL4	8.82	Ongoing
	APSL3	8.51	Ongoing
	APSL2	4.86	Ongoing
	APSL2	5.53	Non Ongoing
	APSL1	0.86	Ongoing
Output 1.2	SES Band 1	1.00	Ongoing
	Principal Legal Officer	3.00	Ongoing
	Legal Officer	1.00	Ongoing
	Legal Officer	1.00	Non Ongoing
	Exec2	2.00	Ongoing
	Exec1	2.00	Ongoing
	APSL3	2.00	Ongoing

Output 1.3	SES Band 2	0.23	Ongoing
	SES Band 1	0.40	Ongoing
	Principal Legal Officer	0.56	Ongoing
	Senior Legal Officer	0.96	Ongoing
	Legal Officer	0.40	Ongoing
	Exec2	3.19	Ongoing
	Exec1	4.56	Ongoing
	Exec1	0.16	Non Ongoing
	APSL6	2.39	Ongoing
	APSL6	0.40	Non Ongoing
	APSL5	0.80	Ongoing
	APSL4	1.36	Ongoing
	APSL3	2.45	Ongoing
	APSL2	1.26	Ongoing
	APSL3		Ongoing
Output 1.4	SES Band 2	1.25	Ongoing
	SES Band 1	3.33	Ongoing
	Principal Legal Officer	7.85	Ongoing
	Senior Legal Officer	6.52	Ongoing
	Senior Legal Officer	3.00	Non Ongoing
	Legal Officer	0.66	Non Ongoing
	Legal Officer	1.00	Non Ongoing
	Exec2	0.16	Ongoing
	Exec1	0.86	Ongoing
	Exec1	0.05	Non Ongoing
	APSL6	0.49	Ongoing
	APSL5	0.81	Ongoing
	APSL4	1.67	Ongoing
	APSL3	1.88	Ongoing
	APSL2	1.88	Ongoing
	APSL2	0.48	Non Ongoing
	APSL1	0.14	Ongoing
	Output 1.6	SES Band 2	1.00
SES Band 1		3.00	Ongoing
Principal Legal Officer		10.00	Ongoing
Senior Legal Officer		4.00	Ongoing
Senior Legal Officer		1.00	Non Ongoing
Legal Officer		4.00	Ongoing
Legal Officer		1.00	Non Ongoing
Exec2		2.00	Ongoing
APSL6		5.00	Ongoing
APSL5		5.00	Ongoing
APSL4		8.00	Ongoing
APSL3		3.00	Ongoing
APSL3		1.00	Non Ongoing
APSL2		3.00	Ongoing

Output 1.7	SES Band 2	0.05	Ongoing	
	SES Band 1	0.10	Ongoing	
	SES Band 1	0.14	Non Ongoing	
	Principal Legal Officer	3.20	Ongoing	
	Senior Legal Officer	0.25	Ongoing	
	Legal Officer	0.10	Ongoing	
	Exec2	5.90	Ongoing	
	Exec2	0.14	Non Ongoing	
	Exec1	5.69	Ongoing	
	Exec1	0.10	Non Ongoing	
	APSL6	2.67	Ongoing	
	APSL6	0.38	Non Ongoing	
	APSL5	7.46	Ongoing	
	APSL4	2.05	Ongoing	
	APSL3	2.19	Ongoing	
	APSL3	0.14	Non Ongoing	
	Casual	1.00	Non Ongoing	
	Output 2.1	SES Band 2	1.50	Ongoing
		SES Band 1	2.15	Ongoing
SES Band 1		0.86	Non Ongoing	
Principal Legal Officer		4.34	Ongoing	
Senior Legal Officer		3.08	Ongoing	
Legal Officer		1.20	Ongoing	
Legal Officer		0.12	Non Ongoing	
Exec2		10.39	Ongoing	
Exec2		0.86	Non Ongoing	
Exec1		12.49	Ongoing	
Exec1		0.90	Non Ongoing	
APSL6		9.33	Ongoing	
APSL6		2.62	Non Ongoing	
APSL5		4.11	Ongoing	
APSL4		1.50	Ongoing	
APSL3		2.70	Ongoing	
APSL3		0.86	Non Ongoing	
APSL2		0.95	Ongoing	
Output 2.2		SES Band 2	0.60	Ongoing
	SES Band 1	1.75	Ongoing	
	Exec2	3.71	Ongoing	
	Exec1	8.97	Ongoing	
	APSL6	6.03	Ongoing	
	APSL5	6.43	Ongoing	
	APSL4	1.60	Ongoing	
	APSL3	7.26	Ongoing	
	APSL2	1.05	Ongoing	
Output 2.3		nil		

Output 2.4	SES Band 2	1	Ongoing
	SES Band 1	1	Non-Ongoing
	Exec2	8	Ongoing
	Exec1	24	Ongoing
	Protective Service Asst Insp	2	Ongoing
	Snr Protective Service Officer	31	Ongoing
	Protective Service Officer 2	48	Ongoing
	Protective Service Officer 1	480	Ongoing
	Protective Service Officer 1	7	Non-Ongoing
	Asst Protective Service Officer	22	Ongoing
	Asst Protective Service Officer	2	Non-Ongoing
	Protective Service Officer Trainee	5	Ongoing
	Protective Service Officer Trainee	1	Non-Ongoing
	APSL6	10	Ongoing
	APSL6	3	Non-Ongoing
	APSL5	7	Ongoing
	APSL4	3	Ongoing
	APSL3	5	Ongoing
	APSL3	2	Non-Ongoing
	APSL2	1	Ongoing
	APSL2	3	Non-Ongoing
	ASO6	1	Ongoing
	ASO5	3	Ongoing
	ASO3	1	Ongoing
	ASO3	1	Non-Ongoing
	ASO2	1	Ongoing
	ASO2	1	Non-Ongoing

Corporate Services Group and Information and Knowledge Management Group

SES3	1	Ongoing
SES2	2	Ongoing
SES Band 1	1	Ongoing
LO	1	Ongoing
Exec2	11	Ongoing
Exec1	15	Ongoing
Exec1	2	Non Ongoing
APSL6	22	Ongoing
APSL6	1	Non Ongoing
APSL5	14	Ongoing
APSL5	2	Non Ongoing
APSL4/5	1	Ongoing
APSL4	3	Ongoing
APSL4	1	Non Ongoing
APSL3	11	Ongoing
APSL3	2	Non Ongoing
APSL2/5	1	Ongoing
APSL2	9	Ongoing
APSL2	5	Non Ongoing
APSL1	1	Ongoing
APSL1	2	Non Ongoing
GRAD APS	4	Ongoing

The cost of Corporate Services and Information and Knowledge Management is attributed as follows:

Output 1.1	33.92%
Output 1.2	3.56%
Output 1.3	4.99%
Output 1.4	9.28%
Output 1.5	nil
Output 1.6	14.43%
Output 1.7	5.63%
Output 2.1	18.56%
Output 2.2	9.63%
Output 2.3	nil
Output 2.4	nil

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan (Hansard page L&C 9) asked the following question at the hearing of 22 November 2000.

Can the Department provide the Committee with a list of the consultancies for which the actual cost exceeded the initial quote by, say, five percent?

I am advised that the answer to the honourable Senator's question is as follows:

No consultancy exceeded the initial quote by five percent.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan (Hansard pages L&C 9 and 11) asked the following questions at the hearing of 22 November 2000.

- a) How many consultancies were there with a value of less than \$10 000, including the name of the consultant, the contract price, the purpose, the selection process and the justification of proceedings by way of consultancy?
- b) Do you have a total cost of what you have under \$10 000?

I am advised that the answer to the honourable Senator's question is as follows:

- a) There were 20 consultancies under \$10 000 let during 1999-2000. Details are contained in the following table:

**DETAILS OF CONSULTANCIES < \$10 000
FOR FY 1999-2000**

Consultant	Contract Price \$	Purpose	Selection Key	Justification Key
Barclay Consulting Pty Ltd	6 740	Team development training	f	A
Deloitte Touche Tohmatsu	2 075	GST workshop	f	A
Maurie Kennedy – Public Sector Management Adviser	3 955	Provision of advice on corporate governance issues	d	A
PSMPC	4 735	Staff health assessment workshop	e	A
Falls Corporate Research	3 785	Staff survey feedback – ITSA, Qld Office	f	E
Don Clayton & Associates	2 000	Conduct and analysis of staff survey – ITSA, W.A. Office	f	E

Moreland Group	4 500	Strategic planning workshop	f	F
Elizabeth Bilney	3 000	Rewrite of Public Events guidelines	b	A
Indonesia-Australia Language Foundation	8 000	Pre-departure English language training for 8 Indonesian lawyers attending the Short Course on International Law	f	A
Ryad Chairil	4 200	Translation of English language papers to Indonesian for seminar on International Law	f	A
Tom Sherman	5 000	Member of Reference Group for the Review of Financial Transaction Reports Act required under the Council of Australian Government's Competition Principles Agreement	d	E
Think Bank	5 000	Member of Reference Group for the Review of Financial Transaction Reports Act required under the Council of Australian Government's Competition Principles Agreement	d	E
O'Connor McNamara	8845	FBT return	e	A
SAC Report Writing Services	2 100	Staff recruitment scribing	f	A
Cameron & Associates	7 830	Staff negotiation skills workshop	f	A
Pegasus IT Consulting	4084	Development of CSD client survey software	f	A

Synergy Plus	4000	Women in Leadership training	e/f	A
Kirsten Hagon	375	Research on disputes for, and referral of parties to, different types of dispute resolution	f	A
Judy Ryan	2 260	Assistance with the establishment of the Federal Magistrates Service	f	A
PALM Pty Ltd	3 000	Preparation and facilitation of a planning workshop	f	A

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.

b) The total cost of consultancies under \$10 000 for 1999-2000 is \$79 472.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

Can you provide the Committee with a copy of *The Story of Sydney Airport*?

I am advised that the answer to the honourable Senator's question is as follows:

The Australian Protective Service, National Headquarters sent a copy of this book directly to Senator McKiernan, on 22 November 2000.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

In relation to *The Story of Sydney Airport*, who was the legal entity with which the contract was entered into or payment was made to?

I am advised that the answer to the honourable Senator's question is as follows:

The name of the organisation is Focus Publishing Pty Ltd and payment was made directly to them.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In relation to discretionary grants:

- a) What were the criteria for including grant recipients in the annual report?
- b) Is there a requirement there now?
- c) Why does the annual report not include the full information of all grant recipients?

I am advised that the answer to the honourable Senator's question is as follows:

- a) The criteria for including grant recipients in the annual report are those specified by the *Requirements for Annual Reports* approved by the Joint Committee of Public Accounts and Audit, and issued by the Department of the Prime Minister and Cabinet. The *Requirements* specify that the annual report must contain a list of discretionary grant programs administered by the Department, and that a list of grant recipients be available. Discretionary grants are defined in the *Requirements* as "payments where the portfolio minister/paying agency has discretion in determining whether or not a particular applicant receives funding and may or may not impose conditions in return for the grant". The requirement and the definition are mentioned on page 27 of the 1999-2000 Annual Report under the sub-heading 'Discretionary grants' in the 'Financial Management' item.
- b) The requirement for including information on discretionary grants in the annual report is still current, and will only change if the *Requirements for Annual Reports* are amended.
- c) The annual report provides information on discretionary grants in accordance with the *Requirements*. The Attorney-General's Department administers only one discretionary grants program – Grants to Australian Organisations. Although not required, a description of this program is included in the annual report to aid the reader's understanding of the nature of the program, which can potentially cover a diverse range of organisations. The number of grant recipients under this program is usually small and so the list of recipients is included with the above material and presented in an appendix.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In relation to financial statements:

- a) What are the legal matters in which the department is involved?
- b) Is it possible to provide an estimate of those outcomes?
- c) Are there any upper limits placed or to be placed on the liabilities that may arise?

I am advised that the answer to the honourable Senator's question is as follows:

- a) The legal matters referred to at page 214 of the Department's Annual Report were of the following kind:
 - (i) Contingent Losses
 - Claim for compensation for alleged trespass, other perceived wrongs and constitutional issues. The proceedings are continuing.
 - Potential claim arising out of a tender process. No monetary claim has been made at this time.
 - Native title compensation claims.
 - (ii) Contingent Gains
 - awards of costs in favour of the Commonwealth as the successful party in litigation initiated by various individuals. Where the parties have been unable agree on quantum, costs are awaiting assessment/taxation by the courts. It is unclear whether various litigants have sufficient means to pay costs and whether, as a matter of policy, costs will be pursued.
- b) At the time of preparation of the Report it was not possible to provide an estimate of the outcome of those matters.
- (c) At the time of preparation of the Report it was not possible to place or estimate upper limits on liability in relation to the matters.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Ludwig (Hansard page L&C13) asked the following questions at the hearing of 22 November 2000.

- a) Where in the annual report provides the costing for the move from Macintosh to PC?
- b) Is it part of your normal ongoing operating expense or your budget?
- c) What consultancies have been utilised to smooth the transition from the Macintosh to the PC platform?
- d) With your database or your records management system, what costings have been put in place?
- e) I guess some of the material would be stored in a Macintosh format so you will need it, by and large, to be translated to a PC format so it can be accessed again. Is that being looked at and what is the cost of that translation?
- f) Has any information been lost in the translation

I am advised that the answer to the honourable Senator's question is as follows:

- a) The costing for the move from Macintosh to PC has not been identified separately in the annual report.
- b) It is part of our budget.
- c) The Department issued a RFQ and subsequently a GITC3 based contract was drawn for the supply and installation of PC hardware. Dell Computer Pty Limited is the supplier of PC equipment. Dell engaged a sub-contractor, Unisys, to provide PC installation services and the removal of old Macintosh workstations including the erasure of data from the hard disk.

The Department engaged Interim Technology Corporate Education to provide Macintosh to PC conversion training. All other technical services including conversions and user support have been provided in-house.

- d) In the context of the Macintosh replacement project no costings have been put in place for Departmental databases or the records management system.
- e) It has been the Department's policy to store corporate documents on NT file servers and not on the Macintosh desktop. Thus the documents are in Windows NT format which would minimise work on the conversion process.

It has been the Department's strategy for the last 5 years to use cross-platform software in preparation for the move to PCs. The move to PCs has been identified as a necessary step to rationalise services prior to outsourcing IT.

Departmental documents are in Microsoft Office format accessible by PCs and Macs. FileMaker Pro databases are cross-platform software. Corporate systems

such as SAP, Objective are also cross-platform software and are run on emulation software on the Macintosh platform.

Users were provided with detailed instructions on migrating data files from the Macintosh. In addition, it was stipulated in the contract for services that user data on the hard disk of each replaced workstation be backed up to CD-Rom media. As a result, there have been no significant issues with the changeover and the cost of the translation has been met by ongoing operational expense.

- f) There were a small number of instances where the conversion of calendar files failed. However, users were warned that this process is not “foolproof” and they were asked to print a hard copy of their calendar files to serve as a contingency.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Ludwig (Hansard page L&C13) asked the following questions at the hearing of 22 November 2000.

In relation to the maintenance of the PC platform:

- a) Is that in the budget, and under what name? What consultancy is it and what is the total cost of the consultancy?
- b) Is there a monitoring process to ensure that it has been finalised?
- c) Is there a sign-off date?

I am advised that the answer to the honourable Senator's question is as follows:

- a) Maintenance of the new PC platform is covered under a three year warranty from the supplier of the equipment, Dell.
- b) The PC Rollout Project Manager scheduled project tasks and timeframe using Microsoft Project. The project has been monitored throughout, ensuring installation of PC equipment and disposal of old Macintosh workstations have been tracked. Sign-offs have taken place on a Division by Division basis.
- c) The final sign-off date is 8 December 2000.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000:

In relation to the appointment of the President and the CEO of the ART, could you advise the Committee when those appointments are made?

I am advised that the answer to the honourable Senator's question is as follows:

The positions of President and Chief Executive Officer of the Administrative Review Tribunal were advertised in the *Financial Review* on 29 September and the *Weekend Australian* on 30 September 2000. Appointments are expected to be made soon after passage of the Administrative Review Tribunal Bill 2000.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In regard to the retirement and replacement of judges, could you inform the Committee which judges have retired and in which locations prior to 1 July 2000?

I am advised that the answer to the honourable Senator's question is as follows:

Refer to Mr Foster's response at L&C page 14.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In relation to the number of counsellors:

Can the Court provide the Committee with detail of where the reductions have taken place?

I am advised that the answer to the honourable Senator's question is as follows:

Registry	Counselling FTEs @ June 1999	Counselling FTEs@ June 2000	Counselling FTEs@ November 2000
Adelaide	10.6	11.8	11.8
Albury	3	3	2
Alice Springs	1	0.6	0.6
Brisbane	15.9	10	12
Cairns	3	2	2
Canberra	5	2.8	3
Coffs Harbour(1)	2	2	0
Dandenong	8	8	7.4
Darwin	3	1	1.4
Dubbo	2	2	2
Launceston	3	2.2	2
Lismore	2	2	2
Hobart	3.8	3.2	2.1
Melbourne	23.2	22	17
Newcastle	6.6	7.2	5
Parramatta	13.8	13.4	12
Rockhampton (2)	0	0	0.4
Sydney	15	14.8	9.3
Townsville	4	3	3
Wollongong	2	2	2
Total	126.9	113	97

(1) In July 2000 the Coffs Harbour counselling position was relocated to Lismore.

(2) Rockhampton was previously provided counselling services from Townsville and Cairns on a visiting basis

The Court has recently announced a change in the provision of pre filing counselling services in major metropolitan areas of Sydney, Parramatta, Melbourne, Brisbane, Dandenong and Adelaide. This will involve the further reduction of approximately 11 positions nationally.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 22 November 2000.

In relation to accreditation under the act, can the Court confirm that this accreditation is done by the Department of Family and Community Services?

Can the Court also find out if there is any specific and special training for dealing with Family Court matters, rather than a general counselling service?

Can the Court provide any information on any unique requirements within the Family Court for dealing with the trauma of separation of couples, and then of course when children come into it.

I am advised that the answer to the honourable Senator's question is as follows:

Parts (a) and (b) are provided by the Attorney – General's Department. Part (c) is provided by the Family Court of Australia.

a). The Government currently provides funding for community organisations to provide Primary Dispute Resolution services (counselling and mediation) through the Family Relationships Services Program (FRSP). The management of this program was transferred to the Minister for Family and Community Services (FaCS) under Administrative Arrangement Orders following the 1998 election, whilst the Attorney-General retained responsibility for the *Family Law Act 1975*. The Attorney-General has authorised the Minister for Family and Community Services to exercise the powers vested in him under Part II of the Family Law Act on his behalf. This provides the authority for the Minister for Family and Community Services to approve and fund family and child mediation and family and child counselling organisations. Organisations that were 'approved' whilst the Attorney-General's Department managed the FRSP are still approved. Some of the organisations recently funded for Men and Relationships services were not previously funded through the FRSP. The Minister for Community Services approved those new organisations which were going to provide counselling or mediation services to clients. Funded organisations are listed on the Department of Family and Community Services (FaCS) website.

Approval under the Family Law Act is required not only for funding purposes but also to provide protection under the Family Law Act in regard to confidentiality and inadmissibility as evidence of information disclosed in counselling sessions. There are currently no administrative procedures for the approval of family and child mediators and family and child counsellors outside the funded program administered by Family and Community Services. The Attorney-General's Department is in the process of writing a proposal for change to Part 5 of the Regulations, with a view to introducing a Quality Framework that would enable, for example, the approval of non-funded organisations. The framework will ensure the quality of all primary dispute resolution under the Family Law Act whether it is funded by Government or not.

b). The 1996 amendments to the Family Law Act were made to ensure that the best interests of children were adequately addressed in family law matters. This means that, under the Family Law Act, children must be taken into account in decisions about parents' relationship difficulties, relationship breakdown and divorce. The amendments to the Act attempt to ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties and meet their responsibilities concerning the care, welfare and development of their children. Family and child counsellors and family and child mediators, funded through the FRSP, are approved under the Act, and are required to comply with the intentions of the Act. In this regard there is no difference between primary dispute resolution provided as part of Family Court matters or as part of community-based organisations services.

In 1998 a report entitled "Child Inclusive Practice in Family and Child Counselling and Family and Child Mediation" was jointly released by the Attorney-General and the Minister for Family and Community Services. The report recommended that a training strategy in child-inclusive practice be developed and made available to the wider field of service providers. The Government has funded circulation of an information package to all FRSP organisations, and facilitated five 'good practice' forums in 2000 for representatives of counselling, mediation, contact services and adolescent mediation and family therapy services. These forums aimed to enhance awareness foster cross fertilisation of child-inclusive practice approaches in the sector, and expand networks for organisations to identify people with expertise and skills in this area.

(c) The Family Court deals with couples involved with separation primarily through the provision of its mediation services. There is a range of other Government and community based counselling and mediation services that would also deal with people managing separation. Community based counselling and mediation services in particular provide services similar to those provided by the Court in its pre filing mediation services. Program development is ongoing within the Attorney General's Department and Family and Community Services to improve the quality of services for families in selecting and receiving the help they need from these services at times of transition or crisis.

The Court also provides mediation services for Court ordered clients who have filed applications. Currently, Court ordered mediation is provided by its in-house mediation service.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Buckland asked the following question at the hearing of 22 November 2000.

In relation to the perceived reduction in services:

What is the actual waiting time, firstly, for families seeking mediation and, also, for those seeking pre-trial counselling? Can you isolate those that are non-capital city based?

I am advised that the answer to the honourable Senator's question is as follows:

As at 30/9/2000	Adelaide	Albury	Alice Springs	Brisbane	Canberra	Coffs Harbour	Dandenong	Darwin	Dubbo
Q1. Voluntary privileged counselling appointments Mean Waiting Time (Weeks):	2.0	4.0	3.0	4.0	15.0*	4.0	4.0	3.0	2.0
Q2. Court ordered pre First Directions Hearing privileged counselling appointments Mean Waiting Time (Weeks):	3.0	3.0	2.0	4.0	4.0	4.0	2.0	3.0	2.0
Q3. Court ordered post First Directions Hearing privileged counselling appointments Mean Waiting Time (Weeks):	3.0	3.0	2.0	4.0	4.0	4.0	3.0	3.0	2.0

As at 30/9/2000		Hobart	Lismore	Melbourne	Newcastle	Parramatta	Rockhampton	Sydney	Townsville	Wollongong
Q1. Voluntary privileged counselling appointments Mean Waiting Time (Weeks):	5.0	2.0	4.0	10.0	2.0	0.0	4.0	1.0	3.0	
Q2. Court ordered pre First Directions Hearing privileged counselling appointments Mean Waiting Time (Weeks):	3.0	2.0	2.0	4.0	8.0	4.0	2.0	1.0	3.0	
Q3. Court ordered post First Directions Hearing privileged counselling appointments Mean Waiting Time (Weeks):	3.0	2.0	4.0	3.0	2.0	7.0	2.0	1.0	3.0	

* Specific programs have been recently introduced to address the delay in voluntary counselling. The program introduced involves group sessions initially for clients, followed by individual sessions if required.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 22 November 2000.

In the Court's report, you say that the recommendations contained in the Australian Law Reform Commission's report *Managing Justice* were of little value.

Can you tell the Committee which recommendations were of little value?

How are you dealing or not dealing with them as the case may be?

How is it that your Court says that they do not need to deal with them?

I am advised that the answer to the honourable Senator's question is as follows:

The comment in the Court's Annual Report reflects the fact that, between its draft and final reports, the ALRC largely embraced the process improvements already being introduced by the Court. The Court is continuing to implement the process improvements it has developed.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
QUESTIONS ON NOTICE

Senator Ludwig (Hansard page L&C17) asked the following question at the hearing of 22 November 2000.

- (a) Is the Department aware of those recommendations and that the Family Court has said that they are of little value?
- (b) Has the Department from a higher view had a look at the recommendations and had a look at whether or not the answer that the Family Court has given in relation to those recommendations – that they are of little value – is an accurate reflection?
- (c) Have those comments been passed on to the Australian Law Reform Commission?
- (d) Should there be any follow-up in relation to that?

I am advised that the answer to the honourable Senator's question is as follows:

- (a) Yes.
- (b) The Department is considering the recommendations in the context of advising the Government on a response to the *Managing Justice* report of the Australian Law Reform Commission.
- (c) The Australian Law Reform Commission is aware of the Family Court's views on this matter.
- (d) No. In developing its response to the Commission's report, the Government will be considering the views of a diverse range of interested parties who were invited by the Attorney-General to provide comments in relation to the ALRC's recommendations. The comments of the Family Court are being considered in this context.

Senate Legal and Constitutional Legislation Committee
Attorney-General's Portfolio
 Questions on notice from Supplementary Budget Estimates Hearing 22 November
 2000

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