

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.3

Question No. 106

Senator Ludwig asked the following question at the hearing on 16 February 2004:

- a) Can you provide an update on the number of calls on a monthly basis to the Hotline since September last year?
- b) Can you provide details about the current status of the Regional Law Hotline program and any plans for its future?
- c) When was the decision made to expand the program? Why did the Attorney-General himself not announce these plans? Is he aware that it is being expanded?
- d) Was there an official evaluation of the program to see whether it was working? Can you provide a copy of any review undertaken?
- e) What is the evidence to show that this program was a success, and should be expanded?
- f) What was the basis of the decision to expand it? What will be the funding for the new service? Will it be any more than the old program?
- g) What were CLCs told about the future of the program?
- h) When will the new program commence?

The answer to the honourable senator's question is as follows:

- a) Below is a table showing the number of calls on a monthly basis to the Hotline since September last year:

Month	Family Law Hotline Calls	Regional Law Hotline Calls	Total Calls Handled
October 2003	2,130	181	2,311
November 2003	2,037	140	2,177
December 2003	2,009	134	2,143
January 2004	2,810	185	2,995
Total	8,986	640	9,626

- b) The Regional Law Hotline service is currently available to people living in 14 selected regional, rural and remote areas of Australia. The general legal information and advice component of the service is presently provided by a mix of community legal services and legal aid commissions. Each region is serviced by a different provider. The Attorney-General has decided to expand the coverage of the Hotline to the whole of regional Australia and at the same time consolidate its provision amongst a smaller number of providers. From 1 July 2004 participating community legal services will no longer be funded to provide general legal information and advice to Hotline callers. Legal Aid Commissions have been invited to provide legal advice and information services across each State and the Northern Territory. To help the affected community legal services adjust to these changes Regional Law Hotline funding will continue for the remainder of the financial year. Any savings achieved through the consolidation will be used to help raise awareness of the Hotline service in rural and regional communities. A pilot promotion is proposed later this year in one or more of Tasmania, the Northern Territory or Queensland to test the effectiveness of a wider promotion campaign.

- c) The Attorney-General decided to expand the coverage of the Regional Law Hotline on 5 December 2003. The Attorney-General wrote to inform all the affected service providers of his decision on 9 December 2004.
- d) (i) There was no official evaluation of the program. However, the Department did conduct an internal review of the Australian Law Online initiative including the operation of the Regional Law Hotline. It did not result in a final report but there was a draft report prepared by the Department for internal use. (ii) A copy of the draft report is at Attachment A.
- e) Usage levels for the Regional Law Hotline service have been lower than expected. However this would appear to be a result of the low level of promotion the Hotline has received. A pilot promotion in four regions in July 2003 resulted in a significant increase in the number of calls. This indicated that the Hotline itself is seen as a useful service but that low public awareness and the restriction to 14 regions was limiting its usage.
- f) (i) The decision to expand the coverage of the Hotline to the whole of regional Australia and to consolidate its provision amongst a smaller number of providers should improve the usage level for the service in two ways. Firstly, the potential catchment area for callers will substantially increase. Secondly, any savings achieved through the consolidation of service providers will be used to help raise awareness of the Hotline service in rural and regional communities which should also increase the level of usage for the service. (ii) The expanded service will have the same funding as the old service.
- g) As indicated in the response to part (c) above, the Attorney-General wrote to all the affected community legal services informing them of his decision to expand the coverage of the Hotline to the whole of regional Australia and at the same time consolidate its provision amongst a smaller number of providers. They have also been advised that from 1 July 2004 they will no longer be funded to provide legal advice and information to Hotline callers.
- h) The expanded service will be progressively phased in as soon as arrangements with each of the participating legal aid commissions are concluded.

**AUSTRALIAN LAW ONLINE
REVIEW
APRIL 2002**

Review of the operation of Australian Law Online, an initiative of the Primary Dispute Resolution Unit, Family Law and Legal Assistance Division, Attorney-General's Department. An assessment of the appropriateness, effectiveness and efficiency of the Family Law Hotline, the Regional Law Hotline and the Family Law Online in helping to improve targeting, coordination and accessibility of information, and provide support for legal information and advice to the public: 21 June 2001 to 28 February 2002.

PURPOSE: to review the appropriateness, effectiveness and efficiency of the Australian Law Online initiative for the purpose of informing decision making for the future of the service.

The Australian Law Online initiative commenced on 21 June 2001 with the Family Law Hotline and the Family Law Online facilities. The Regional Law Hotline commenced on 6 September 2001. Centrelink manages the Hotline Call Centres. Customer Service Officers (CSOs) operate both Hotline facilities and use the Online resource. CSOs transfer appropriate Regional Law Hotline calls directly to the services of Community Legal Centres and Legal Aid Commissions in 14 designated areas. CSOs also refer Hotline callers to a range of other service providers.

2. Research conducted by the Department indicated that up to 350,000 phone calls per year could be received by the Hotlines. Due to uncertainty about the actual level of demand a risk management decision was made to initially staff the call centres to cater for 250,000 calls (around 1000 calls per operational day). In eight months the Hotline services have answered 12,703 calls. The maximum answered on any one day is 133.

3. The call volume has been influenced by factors that this review will not look at in detail. Rather, the review will examine the appropriateness, effectiveness and efficiency of the ALO to date, to inform decision making for the future of the initiative.

4. Both quantitative and qualitative data has been gathered and analysed.

DATA COLLECTION: statistics and questionnaire surveys were collected for information about the initiative from 21 June 2001 to 28 February 2002

5. The review uses information about the operation of the services from a number of sources. Statistics are provided by Centrelink who operate the Hotline Call Centres and who maintain the Online web-site facility. Call Centre CSOs and Call Centre Management have completed survey questionnaires. ALO Reference Group members and Regional Law service providers have also completed surveys.

6. Under a Memorandum of Understanding Centrelink must meet certain service level standards. Centrelink provides a range of statistical information that gives details about Call Handling¹ and Call Outcomes².

CALL CENTRE STATISTICS

7. Statistics have been tabulated for the period 21 June 2001 to 28 February 2002. Call handling statistics started from 21 June 2001. More comprehensive call outcome statistics have been captured since 22 November 2001 when enhancements to the system were made.

(a) Call Handling Statistics: 21 June 2001 to 28 February 2002

(i) Number of calls that received a busy signal. Busy signals were received by 164 of the 14,809 successful calls made (0.01 %).

(ii) Successful calls answered by the Interactive Voice Response. The total number of calls answered by the IVR is 14,809, an average of 83 per day for the 178 operational days. The monthly totals appear to have reached a peak and are now showing signs of downturn.

Family Law Hotline – 21 June 2001 to 28 February 2002

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
330	1001	1599	1560	2231	2085	1751	2295	1772	14,624

Regional Law Hotline – 6 September 2001 to 28 February 2002

Sep	Oct	Nov	Dec	Jan	Feb	Total
75	27	27	22	16	18	185

A time-line chart for Successful Calls is attached.

(iii) Abandoned Calls. The number of callers who terminate the call after listening to the IVR but before being answered by a Customer Service Officer is 648 of the 14,809 successful calls for the period (4.4 %). There is no particular pattern to the figures. People who hang up after listening to the recorded message may simply be those who realise they have the wrong number/wrong service.

(iv) Average waiting time in the queue before being answered by a CSO (in seconds). The average waiting time has increased recently owing to a reduction in the number of CSOs answering calls. AGD reduced the number of CSOs because the low number of calls did not justify the staffing level.

¹ The Call Handling statistics give details such as the numbers of calls made, how long they waited in the queue, and how many were answered by a CSO. The time taken to talk to the callers and the time between calls are also recorded.

² The call outcome statistics provide various details. The information recorded tells us more about what the callers wanted, what information was given, and how that information was accessed. Other statistics include the number of callers transferred directly to service providers and to whom they were made. There is information about referrals to other service providers. Caller satisfaction is also recorded.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
4	7	8	7	7	7	16	27	31

The service standard adopted is that 80 % of calls are answered within 30 seconds. The longest average is marginally over the service standard level. Centrelink started collecting statistics from 14 February 2002 to show the actual percentage answered within 30 seconds. The figures for the period 14 February to 28 February 2002 show the 30-second standard is being met for above 80 % of cases.

(v) Average maximum delay time in the queue before being answered by a CSO (in seconds). The longest times for each day of the month any customer waited in the queue before being answered, averaged for each month.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
14	53	103	84	55	83	152	451	399

These figures are illustrative only. They do not reflect the percentage of calls answered within the 30-second service standard. What they do show is the increasing delay time following the reduction in the number of CSOs handling Hotline calls.

(vi) Number of calls answered by CSOs per month.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
304	830	1360	1430	1985	1857	1504	1934	1499	12,703

The total number of calls answered is 12,703. For the 178 operational days this averages at 71 calls per day. The lowest number on any day was 27. The highest number was 133, on 8 October 2001.

A time-line chart for calls answered is attached. The downturn in the number of calls answered is apparent.

(vii) Average 'talk time' per customer. The average length of calls from the time the CSO answered the call (in minutes and seconds).

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
6:38	8:14	7:43	7:15	7:51	7:54	7:40	6:58	7:00

The overall average is 7 minutes 33 seconds. The MOU established a 'talk time' of 5 minutes plus a 2-minute call fulfilment time.

(viii) Average 'work time' per customer. The average time between calls answered on the Hotlines. The figures indicate the average time, rounded to the nearest minute, between calls where the CSOs were not occupied on ALO business.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
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91 111 57 44 27 16 13 5 6

In the earlier months the Call Centres were staffed for the anticipated 1000 calls per day. More CSOs waited longer for the few calls received. The most recent monthly figures reflect the reduction in the number of CSOs taking calls and thus the shorter time lag between calls answered.

(ix) Average 'call handling' time per customer. This is the addition of 'talk time' and 'work time', rounded to the nearest minute.

Jun Jul Aug Sep Oct Nov Dec Jan Feb

103 119 64 60 34 23 21 12 13

The total call handling time has reduced in line with the work time. Staffing levels are now more aligned with the low demand.

(b) Call Outcome Statistics: 21 June 2001 to 28 February 2002

Most of these statistics have been recorded since 22 November 2001.

(i) Categorisation of Calls. 14,643 reasons were recorded for the 12,703 calls answered since 21 June 2001, suggesting some callers had more than one reason for calling.

11,824 (80 %) were categorised as seeking family law information or advice. 756 (6 %) were recorded as seeking non-family law information or advice. This second group includes callers on the Regional Law Hotline, and other callers who had issues outside the scope of the initiative.

(ii) Caller Details. Gender has been recorded since November.

3091 females and 2002 males have called. The female/ male caller ratio is 61/39. 164 people called on behalf of someone else (3 %).

(iii) Main Reason. 6523 reasons recorded for 5500 calls answered since November 2001.

42 % concerned children
13 % seeking advice about relationships
10 % seeking legal help aid
10 % seeking information about Courts
10 % asking about property

(iv) Call Success – Information. These figures recorded from November 2001 show whether or not the CSOs found sufficient Online fact sheets or service provider information to answer the callers' questions.

68 % stated there was sufficient fact sheet information
32 % said there was insufficient fact sheet information
62 % stated there was sufficient information about service providers

38 % said there was insufficient service provider information

(v) Call Success – Procedures. This is a record of the ease with which CSOs found relevant Online information to answer questions - since November.

59 % stated they were able to locate information easily

15 % said they were unable to locate information easily

20 % stated they required a link to another web-site to answer callers' questions.

(vi) Top 10 fact sheets referred to by CSOs for answering callers' questions.

1. Parenting orders
2. Children – residence
3. Children – contact
4. Parenting plans
5. Consent orders
6. Divorce
7. Property settlements
8. Penalties for breaking parenting orders
9. Divorce – the process
10. Children – issues guide

(vii) Referral reasons for callers to contact service providers have been recorded since November 2001.

52 % the customer wanted legal advice

14 % support was required

10 % the customer wanted to talk to someone about their particular situation.

(viii) Referrals made by CSOs since November 2001, for callers to seek further legal or other advice on their own behalf.

2087 (35 %) to Community Legal Centres

1200 (20 %) to Legal Aid Commissions

1472 (24 %) to other service providers.

(ix) Direct transfers by CSOs of Regional Law Hotline callers to one of the designated regional service providers. 214 records were made.

83 (39 %) of calls were answered, and 68 (32 %) were answered quickly

18 (8 %) were accepted

38 (18 %) are recorded as 'unable to comment – referral given'

7 (3 %) have been recorded as 'not answered'.

(x) How did the Hotline caller find out about the service? These statistics have been recorded by CSOs since November 2001. There has been minimal publicity of the ALO services. There are 4360 records.

36 % 1568 callers knew of the service from other service providers

12 % family / friend

5 % Internet

4 % Centrelink

4 % electronic media (electronic media sources are not recorded)

39 % (1700) 'Other'. (What 'Other' sources might be is unhelpful in this context, for such a large proportion.)

(xi) Call Success – Customer Service. CSOs have been recording customer satisfaction with the Hotline service since 22 November 2001.

39 % Customer completely satisfied

43 % Customer satisfied

14 % Customer neutral

2 % Customer unhappy

2 % Customer not satisfied

STATISTICAL ANALYSIS: What the statistics tell us about the ALO Hotline telephone services, its use, who is using it and why, and the perceived success and failure of the initiative.

8. It is clear that the service has not reached the anticipated level of use. The lack of publicity is a factor in the low level of usage. How much impact a comprehensive advertising and publicity campaign may have had on the level of usage is speculative in the absence of any control.

9. The Call Centres were initially staffed to deal with 1000 calls a day. This is reflected in the excellent level of service achieved in the first few months. Calls that received a busy signal number 0.01 %. Average waiting times were consistently in the realm of 6 to 8 seconds, well below the 30-second service standard. The 'talk time' average of 7 minutes 33 seconds can also be regarded as excellent given the complex nature of family law issues. This is all the more notable when looked at in relation to the Online problems mentioned in the survey questionnaire responses.

10. The average 'work time' in the first five months is not a good indicator of value for money. The Call Centres were staffed at a level above the demand. It would have been foolish not to have done so in the first instance. Had actual demand reached the expected level without adequate staffing it may have led to complaints and embarrassment for the Attorney-General and the Department. Appropriate action by AGD staff has seen a reduction in CSOs to match the low demand. The average 'work time' and the average 'call handling time' have been reduced significantly.

11. Despite the lack of publicity, the service has reached a proportion of the intended target group. 80 % of callers sought family law information or advice. The main reason for calling the Hotline shows 42 % seeking information about children. The top fact sheets accessed by CSOs to answer callers' questions are for parenting orders and plans, and children residence and contact. Other top fact sheets include consent orders, penalties for breaking parenting plans, and the children issues guide.

12. CSOs refer callers who seek further legal or other advice to appropriate services. 52 % of callers wanted legal advice. Of all referrals in the period, 35 % were to Community Legal Centres and 20 % to Legal Aid Commissions.

13. There has not been a widespread Department-sponsored advertising and publicity campaign for ALO. It appears other service providers have been promoting ALO. Callers record in 36 % of

cases they heard about the ALO service from other service providers, and 4 % from Centrelink. Family and friends accounted for 12 % of callers' knowledge of ALO. As mentioned in paragraph 10, it is not possible to really know what the level of demand may have been if publicity had been more comprehensive.

14 Even though utilised to a lesser extent than originally envisaged, it can be said that those people who have used the ALO Hotline services have been satisfied. 82 % of callers are recorded as being satisfied with the service. 39 % of these claim to be completely satisfied. Only 4 % cent were unhappy or not satisfied.

SUMMARY: What do the statistics say about how good the Hotline service is and what are its downfalls?

15. For those who use it, the Family Law Hotline provides appropriate information for people with issues relating to family breakdown. However it has not yet reached the number of users originally envisaged.

16. The Regional Law Hotline service has been under-utilised. The service, for those using it, has been as good as the Family Law Hotline. It has provided information and referral advice. It has been efficient in answering calls quickly and timely. It has not yet been effective in attracting a significant level of calls from people in rural and remote areas with legal issues who need information and advice.

FAMILY LAW ONLINE WEBSITE SUMMARY STATISTICS

17. The Family Law Online facility is open for access to the general public. CSOs in the Call Centres use the Online information to answer calls on the Family Law Hotline and the Regional Law Hotline for callers with family law issues.

18. CSOs have commented on the positive aspects of the system, as well as the difficulties.

19. The Online facility hosted by Centrelink has had a lot of problems. The major problem is the slowness of access and in displaying information. There has been considerable down-time and instances of access being timed-out before information is displayed. Centrelink Management have said there are problems with updating information and with delays in updates. Inadequate software has been blamed.

20. (Note: the statistics provided are not in strict month-by-month order until October. The dates for the earlier periods are: 21 June – 9 July; 10 July – 2 August; 3 August – 7 September; 8 – 30 September.)

(a) Number of unique users. This is a record of access to the Online web-site from all unique visitor sites. Unique visitors may include multiple users of common services at sites such as libraries, schools, etc. Unique visitors are counted once only.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
1319	1869	4578	2259	1959	2009	1292	1265	1812	18,362

Daily average unique visitors: 73

(b) Number of users who visited more than once.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
347	649	879	430	419	433	307	376	398	4,238

Daily average: 17

(c) Number of user sessions (ie. visits).

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total	
5042		5332	7664	4073	5940	5811	2409	3333	3946	43,550

Daily average visits: 173

(d) Server Errors. The number of internal errors occurring on the web-site during visits.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total		
17855		34336		3842	1524	708	791	71	293	419	59,839

Daily average errors: 237

(e) Total number of web-site 'hits'. These are records of each single action on the web-server. It measures web-site activity only. It is not a useful indicator of visits.

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total			
253719		272459		141754		84928	89828	86018	63723	84011	92175	1,168,615

Daily average hits: 4637

SUMMARY: How many people have visited the web-site and how trouble free were those visits.

21. The total number of unique visitors to the web-site is 18,362. On average there are 73 accesses from new visitor sites per day. How many individuals access the site is difficult to estimate given the lack of knowledge about the use of common Internet services at places such as community libraries or schools and universities. New statistics started in the last 3 months indicate that about 760 documents are viewed Online each day.

22. The problems with the web-site mentioned by CSOs and Call Centre Management in the surveys are confirmed by the rate of server errors recorded.

SURVEY QUESTIONNAIRES

23. Four different survey questionnaires were distributed on 13 February 2002. These were designed to seek qualitative information about the Hotline and Online systems and service. The respondents include 20 Call Centre CSOs with different levels of experience. A combined response from the Call Centre Management was provided. Three Reference Group members responded. Eleven of the 14 Regional Law service providers responded.

24. The survey responses reflect opinions about the appropriateness, effectiveness and efficiency of the service. Some of the opinions are well supported by the statistics. Some responses are not consistent with the statistics or with other responses.

Call Centre Customer Service Officer Survey

25. CSOs were surveyed to gather information about the quality of the Hotline and the Online systems.

26. CSOs speak of the value of the service and the success they have in helping people with their family law issues. There are mixed responses on how best to deal with callers given the nature of the service and the limits placed upon the CSOs to stay strictly within the fact sheet scripts. Their comments about the perceived situation of callers are valuable insights into the range of people using the service. Comments and suggestions from CSOs about improvements to the service are thoughtful.

(a) Family Law system information. CSOs report that the system provides good basic information for getting started. Fact sheets provide a lot of information. 90 % of the responses say that the Online information covers the range of family law system issues from an adequate to a high level.

(b) User-friendliness of the system. The system is considered to be very user-friendly. There are many positive aspects of the Online system. These include easy readability and simple language. The large print format and step-by-step processes are noted. Being easy to navigate and locate relevant information is also positive.

(c) Significant gaps in Online information. CSOs with experience of the system note shortfalls. There is an increasing number of family law issues for which there are no fact sheets. Superannuation, interim orders, children's name-changing, and the rights of grandparents are noted. Some consider the fact sheets are too general and stop short of giving good information, leaving some callers confused. A major complaint is the mismatch of service provider information to postcode localities.

(d) Non-ALO issues. CSOs report an increasing trend in callers wanting services that are delivered by other agencies. Callers wanting Family Court forms and advice on completing them are an issue. Many callers believe they are speaking to the Family Court. This has been suggested as resulting from the Family Court giving the ALO Hotline number on the Family Court's answering machine as an after-hours contact. CSOs also report that many callers come to ALO after spending a considerable time waiting on other agencies' call lines. It is also reported that callers are frustrated by the inadequate responses they get from other agencies, then try ALO. Many callers say other legal system service providers have referred them to ALO.

(e) System problems. The most significant problems reported by CSOs concern not the content, but the system. All surveys report the problems of slow response times and system down-times. Access to the system in general and access to particular parts of the system are reported as consistently failing. These problems have led to long delays in giving information, caller frustration and CSO embarrassment. Despite the delays caused by these technical difficulties the average time spent with callers has been maintained at a reasonably good level (see paragraph 11 above).

(f) Other issues. CSOs report having to rely on Centrelink Online information to answer questions, especially postcode-related services. The Family Court's Online information has also been used and in some cases described as better than FLO. 80 % of the responses report going outside the fact sheet scripts to answer questions, for reasons such as the FLO content and style is demeaning to the caller's intelligence. Others edit the FLO scripts as they go in order to highlight certain aspects.

SUMMARY: What the CSO survey says about the service.

27. The CSOs are generally positive about the ALO service. They consider the Online system to be very good when it is functioning effectively. The CSOs have identified a number of aspects that need improvement. An overall opinion is that the service is much needed and receives overwhelming customer praise.

Call Centre Management Survey

28. There are 2 Centrelink Call Centres that handle the Family Law Hotline and the Regional Law Hotline calls. In the set-up phase some 50 Customer Service Officers were trained to take Hotline calls.

29. The number of ALO-dedicated CSOs has recently been reduced to deal with the less than anticipated demand.

30. The Centrelink Call Centre Management survey was compiled into one response.

(a) The Hotline. The Call Centre Management reported that resources and staffing have been more than adequate to meet the demand. Staff are planned and scheduled to meet the identified periods of peak demand. Demand is monitored and responded to by the efficient transfer of staff. The Call Centre Management claim that 80 % of calls are answered within 30 seconds (recent statistics support this).

(b) Hotline Issues. The Call Centre Management acknowledges that the call outcome data has provided results that are disappointing for AGD, but does not elaborate on which particular aspects. AGD notes that some statistics supporting claims made by Centrelink have only recently been provided, for example, the percentage of calls answered within 30 seconds.

(c) The Website. It is acknowledged that the website has been slow to respond and at times goes down altogether. Access to particular Online details has also had problems.

(d) Website Issues. Centrelink Management acknowledges that there are difficulties with updating the Online facility. Updates are infrequent which allows out-of-date information to remain unchanged for long periods. The data upload process is complicated and lengthy, and hampered by software problems. Centrelink Management state these delays have caused frustration for CSOs using the data to answer callers' questions, with incorrect and dated information remaining on the site.

CONCLUSIONS

31. The Australian Law Online initiative has not met the expected target volume but is providing an effective service to those who are accessing it, particularly the Family Law Hotline. The Regional Law Hotline is, however, under-utilised.

Appropriateness

32. In general, the Family Law Hotline and the Regional Law Hotline provide appropriate information and referral advice in answer to callers' questions. Eighty-two per cent of callers to the Hotlines are satisfied with the service. The Family Law Online facility generally provides appropriate information and referral advice for web-site visitors. However, there are problems with the Online facility being slow and at times inaccessible. There are also problems with the delays in up-dating the Online material and the fact that out-of-date information remains on the system.

33. There is a need to ensure that Customer Service Officers limit the information they provide to that contained in the Family Law Online data-base, and not to offer inappropriate information or advice. It may be appropriate in the future to give limited approval for access to other related web-sites to provide relevant family law system information or referral advice. This needs further consideration. The IVR message needs to more strongly emphasise the service does not provide legal advice, and to reiterate this before transferring the call to a CSO. This would reinforce the CSOs stand to refuse to offer 'advice', and to emphasise the 'information only' basis of the service.

Effectiveness

34. The Family Law Hotline service has been effective in drawing a high proportion of calls from people with family law issues. The Regional Law Hotline has failed to generate significant interest from people in regional, remote and rural areas.

35. The lack of an on-going and comprehensive publicity and promotion campaign may be the main reason for the low use of the services. Knowledge of the ALO service has been reported to have come from a range of sources other than official Departmental campaigns.

Efficiency

36. Calls to the Hotlines have been handled quickly and timely.

37. The Online system has not been operating efficiently throughout the period. It is slow, has a high rate of down-time, and the up-dating of information is too time-consuming and inefficient. Access to particular elements on the site pose difficulties and there are problems with matching services to regions.

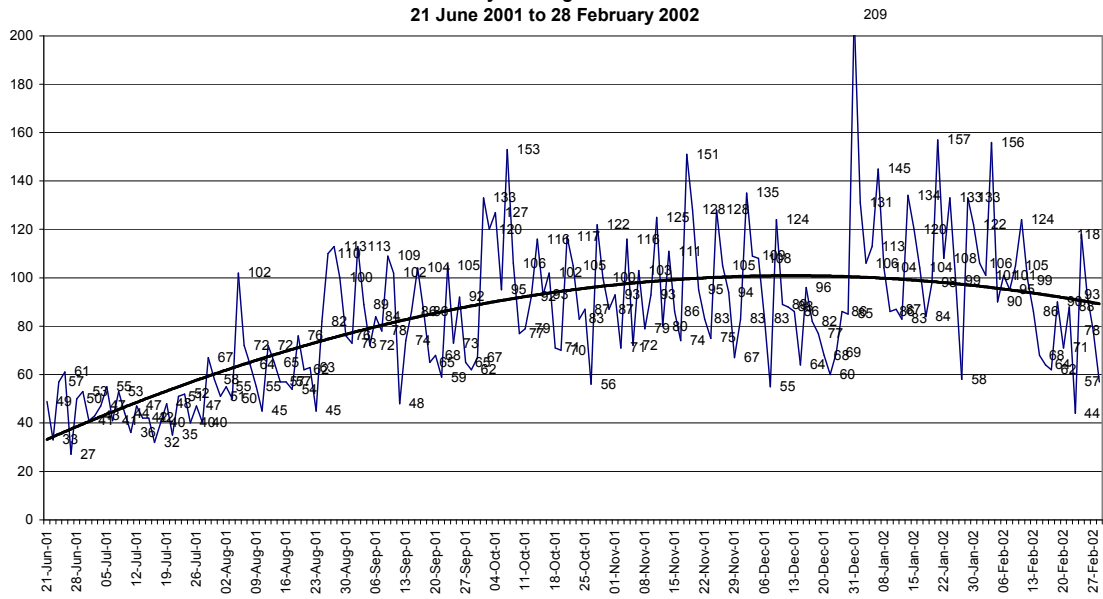
RECOMMENDATIONS

38. It is recommended that consultation with the peak bodies including meetings with NLA and NACLC be undertaken to assist in the consideration of future options.

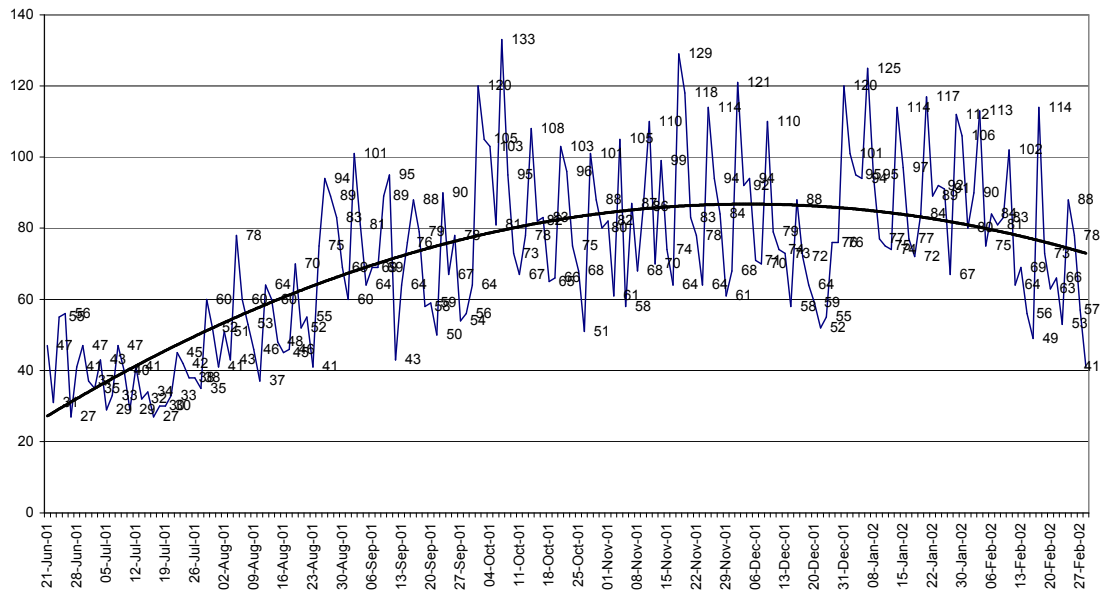
39. It is recommended to reconvene the ALO Steering Committee to consider future options for the initiative following the proposed consultation.

April 2002

Successful Family and Regional Law Hotline Calls
21 June 2001 to 28 February 2002



Answered Family and Regional Law Hotline Calls
21 June 2001 to 28 February 2002



SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.3

Question No. 107

**Senator Bolkus asked the following question at the hearing on 16 February 2004:
Negotiation of new Legal Aid Funding Agreements**

- a) What is the total spend on Legal Aid in 2002-03?
- b) Please remind us when the current Legal Aid agreements expire?
- c) What is the status of the negotiations for the new funding agreements?
- d) What is the quantum of funds and number of agencies we are talking about?
- e) Are you aware of the report by the Law Council of Australia, which looked at the impact of clients not being able to access Legal Aid funding?
- f) Are you concerned about the mounting evidence (lots of it gained through the Senate Legal Aid inquiry) of justice being denied to people in all jurisdictions, because of the inadequate levels of Legal Aid funding? What is the government doing about this?
- g) What is the status of the University of Canberra report looking at the withdrawal of private practitioners from the Legal Aid field? When will it be available?
- h) In March 2001 (nearly two years ago) the then Attorney-General released a discussion paper on a national fee scale for legal aid work to address this issue. What is happening with this paper?

The answer to the honourable senator's question is as follows:

- a) Commonwealth expenditure on legal aid for 2002-03 is set out in the response to Question No. 105.
- b) The current legal aid agreements are due to expire on 30 June 2004. However there is provision for them to continue until replaced or terminated.
- c) There have been extensive preliminary discussions between the Attorney-General's Department and State and Territory legal aid commissions about the issues for negotiation. The Attorney-General has written to his counterparts in the States and Territories commencing formal negotiations.
- d) Funding for the Commonwealth's legal aid program under new agreements is a matter for consideration by government in the Budget process. The current agreements provide for Commonwealth funding for legal aid commissions to continue at current levels until they are replaced or terminated. Direct funding under these agreements in 2003-04 is \$126.482m. There are eight legal aid commissions which provide legal aid services for the Commonwealth under the agreements. Some State and Territory government departments with legal aid responsibilities will also be involved in the renegotiation process.

- e) The Attorney-General's Department is aware of the Law Council of Australia's report titled "Erosion of Legal Representation in the Australian Justice System."
- f) Issues which have been raised by legal aid stakeholders regarding the availability of legal aid services, including those raised in reports such as the Law Council of Australia's report titled "Erosion of Legal Representation in the Australian Justice System", are being considered in the context of the renegotiation of legal aid agreements.
- g) The Department has reviewed drafts of the report by the Centre for Labour Market Research at the University of Canberra on the available research regarding the participation of legal practitioners in providing legal aid services. The final report is still to be delivered by the authors and will be submitted to the Attorney-General for his consideration in due course.
- h) Responses to the discussion paper on a national fee scale for legal aid work were received and considered by the former Attorney-General. The current Attorney-General has been briefed on the issues.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.4

Question No. 108

Senator Ludwig asked the following question at the hearing on 16 February 2004:

Did the report on the legality of the war in Iraq go to the Prime Minister and the Minister for Defence or was it just given to the Prime Minister?

The answer to the honourable senator's question is as follows:

The signed advice of 12 March 2003 was conveyed to the Office of the Attorney-General and the Office of the Minister for Foreign Affairs. It was subsequently tabled in the House of Representatives by the Prime Minister on 18 March 2003.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.1

Question No. 109

Senator Ludwig asked the following question at the hearing on 16 February 2004:

Since Australia's appointment to chair of the UN Commission on Human Rights, is it likely that there will be a request or an understanding that Australia might lead by example and sign the optional protocol and the prevention of torture? Is there an expectation that Australia will sign?

The answer to the honourable senator's question is as follows:

No. There is no expectation that holding the Chair of the Commission on Human Rights obligates a nation to sign and ratify any instrument with which it has concerns. Australia's role as Chair of the Commission is importantly one which is independent of any national concerns that Australia has regarding particular human rights issues. The Government continues to hold serious concerns about both procedural and substantive aspects of the Optional Protocol.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.6

Question No. 110

Senator Bishop asked the following question at the hearing on 16 February 2004

Could you outline the major changes that have been agreed in the Free Trade Agreement with the United States as they affect intellectual property?

The answer to the honourable senator's question is as follows:

The Attorney-General's Department is responsible for the administration of the *Copyright Act 1968* (the Act) which is one of the various areas of intellectual property dealt with in the Intellectual Property Chapter of the Free Trade Agreement with the United States. The Department shares policy responsibility in relation to the Act with the Department of Communications, Information Technology and the Arts.

Many aspects of that Chapter take account of Australia's existing intellectual property regime but some legislative change will be required to implement Australia's obligations.

In relation to the Copyright Act there will need to be changes to provide for a scheme for immunity of Internet Service Providers (ISPs) for potential copyright infringement in return for compliance with a scheme for the removal of allegedly infringing material on their networks. Legislative change will also be needed to implement copyright term extension, to provide for enhanced measures against copyright infringement - particularly on networks, and in support of the technology used by owners in seeking to protect their material in electronic form. There will need to be changes to the scope of the remedies and criminal offences in the Act and for new rights for performers in sound recordings.

The text of the agreement together with a guide to the Intellectual Property Chapter, have been released on the website of the Department of Foreign Affairs and Trade
http://www.dfat.gov.au/trade/negotiations/us_fta/text/index.html.

The guide provides an overview of the areas where it is expected that changes will be required in the various areas of intellectual property law or administration covered by the Chapter, including those not administered by the Attorney-General's Department.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.6

Question No. 111

Senator Ludwig asked the following question at the hearing on 16 February 2004:

- (a) Does the AGs monitor other Departments' compliance with Freedom of Information Act? Are you aware of any work done by AGs of possible reforms given old ALRC reports etc?
- (b) Can you advise which Government functions that would have fallen inside the catchment of the FOI Act when introduced in 1982 that would now not do so because of restructuring/privatisation/outsourcing of Government functions?
- (c) How many organisations have been prescribed by regulation under s4(b) "definition of prescribed authority" since 1996?

The answer to the honourable senator's question is as follows:

- (a) The Attorney-General prepares an annual report on the operation of the *Freedom of Information Act 1982* (FOI Act). The report includes FOI statistics provided by agencies and Ministers. The report is a record of some aspects of agencies' compliance with the FOI Act. The Attorney-General has no legislative powers to enforce agencies' compliance with the FOI Act. A number of the recommendations of the 1996 joint report of the Australian Law Reform Commission and the Administrative Review Council entitled 'Open Government: a review of the federal *Freedom of Information Act 1982*' have been implemented by the Government. Other recommendations in that report are still under consideration by the Government. The Department is progressing technical and other amendments to the FOI Act.
- (b) The FOI Act only applies to documents in the possession of an agency. If a document is held by a private sector organisation as a result of the contracting out of functions of an agency, then the FOI Act will not provide access to that document. The Government is developing legislation to bring all documents which relate to the provision of a service to Government within the coverage of the FOI Act.
- (c) None.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Output 1.7

Question No. 112

Senator O'Brien asked the following question at the hearing on 16 February 2004:

What is the extent of native title coverage in area - in hectares or square kilometres? Please provide information for each state/territory.

The answer to the honourable senator's question is as follows:

The National Native Title Tribunal (NNTT) maintains spatial records and associated spatial reference data on native title matters it administers. Data provided by the NNTT indicates that as at 26 February 2004 there are some 31 registered native title determinations to the effect that native title exists in the entire determination area or in parts of the determination area. Determinations recognising native title have been made in New South Wales, Queensland, Western Australia and the Northern Territory. There have been 17 determinations that native title does not exist in the entire determination area. Determinations not recognising native title in the entire claim area have been made in New South Wales, Victoria, Queensland, Western Australia, and South Australia. The determination in South Australia is on appeal and is in mediation before a Federal Court registrar.

With respect to determinations in the other jurisdictions, the NNTT advises that it does not have comprehensive figures quantifying the amount of the Australian landmass which is taken up by successful native title claims. The available data relates to the total areas of land which have been subject to registered native title determinations in cases where native title has been found to exist in the entire determination area, *or in part of the determination area*. This is because the areas which are subject to determination are defined, in the first instance, by external boundaries within which there may be areas of freehold land and other land tenures in which native title has been totally extinguished. It is not practicable to quantify how much land has been excluded from each determination because the exclusions are based on legal categories (such as references to freehold land), rather than on descriptions of identified parcels of land.

The data provided by the NNTT indicates that as at 26 February 2004 the approximate total areas of land which are subject to native title determinations in cases where native title was found to exist in the entire determination area, or in part of the determination area, are as follows:

New South Wales	12 hectares
Queensland	8370 square kilometres
Western Australia	338 720 square kilometres
Northern Territory	7270 square kilometres
Total	354 360 square kilometres

These figures, which exclude areas seaward of the high water mark, represent the maximum possible geographic extent of the registered native title determinations for each of the above jurisdictions.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.7

Question No. 113

Senator O'Brien asked the following question at the hearing on 16 February 2004:

Has any work been done to show what percentage of the Australian landmass is taken up by native title claims that have been successful?

The answer to the honourable senator's question is as follows:

As noted in the answer to question 112, there are no comprehensive figures quantifying the amount of the Australian landmass which is taken up by successful native title claims. The data provided by the National Native Title Tribunal indicates that as at 26 February 2004 the total area of land which is subject to native title determinations in cases where native title was found to exist in the entire determination area, *or in part of the determination area*, was approximately 354 360 square kilometres. This figure, which excludes areas seaward of the high water mark, represents the maximum possible geographic extent of registered native title determinations. It comprises approximately 4.61% of Australia's total area of approximately 7 691 900 square kilometres.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Output 1.7

Question No. 114

Senator O'Brien asked the following question at the hearing on 16 February 2004:

Can a copy of the new [March 2003] policy on native title application be made available to the Committee?

The answer to the honourable senator's question is as follows:

On 7 March 2003, the Prime Minister approved an updated approach on the resolution of determination applications made under the *Native Title Act 1993*. The revised policy relates to both onshore and offshore native title determination applications.

Onshore native title determination applications

Under the revised policy, the Attorney-General will consider intervention at first instance in onshore native title matters where important matters of policy are involved. The decision to intervene will be made on a case-by-case basis, and will take into account the extent of the Commonwealth's interests in a matter, the position of other parties and any resource implications. The Commonwealth will continue to become a party in appropriate circumstances to protect Commonwealth property interests.

Offshore native title determination applications

It has been, and remains, Commonwealth policy to become a party to applications seeking recognition of native title offshore. Under the revised policy, the Commonwealth aims to resolve through mediation those applications for the recognition of native title rights and interests offshore that are consistent with the High Court's decision in *Commonwealth v Yarmirr; Yarmirr v Northern Territory*¹ (*Croker*) and where there is sufficient connection material and evidence. This approach is consistent with the Commonwealth's four consent determination negotiation principles.

The Commonwealth will continue to oppose and, if necessary litigate, where native title applicants assert rights that are not consistent with *Croker* or where issues are raised that have not yet been the subject of judicial consideration. For example, the Commonwealth continues to oppose claims seeking recognition of native title rights beyond Australia's territorial sea.

¹ [2001] HCA 56 (11 October 2001)

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Output 1.7

Question No. 115

Senator O'Brien asked the following question at the hearing on 16 February 2004:

How many are represented or assisted by native title representative bodies?

The answer to the honourable senator's question is as follows:

Responsibility for Native Title Representative Bodies (NTRBs) does not lie within the Attorney-General's portfolio and more detailed information may be available from the Immigration and Multicultural and Indigenous Affairs portfolio.

The Federal Court has provided the following information which it possesses on the involvement of NTRBs in relation to claimant determination applications and compensation applications which are proceeding in the States and Territories. The details are accurate as at 26 February 2004.

New South Wales (including ACT and Jervis Bay)

There are no formal NTRBs recognised for these jurisdictions. However, New South Wales Native Title Services (NSW NTS), which is funded by the Commonwealth, performs much of the representative body work in NSW and ACT.

There are 68 applications on foot in NSW and ACT. Seven of these matters are represented and funded, in whole or in part, by the NSW NTS. NSW NTS has provided some assistance in respect of another 14 of these matters. The remaining 47 matters have not been the subject of representation or other assistance by NSW NTS.

Victoria

There is no formal NTRB recognised for this jurisdiction. The Mirimbiak Nations Aboriginal Corporation (Mirimbiak) was the recognised NTRB for Victoria prior to its deregistration in April 2003. A new body funded by the Commonwealth, known as Native Title Services Victoria (NTSV), has been established to take on most of Mirimbiak's functions.

There are 20 applications on foot in Victoria. NTSV is on the record as representing eight of these matters, and Mirimbiak is on the record as representing nine matters. NTSV is intending to secure instructions to act in these nine matters. The extent to which NTSV provides other forms of assistance, if any, in respect of the remaining three matters is not clear

Queensland

There are 198 applications on foot in Queensland. 143 of these matters are represented by NTRBs. The extent to which NTRBs provide other forms of assistance, if any, in respect of the remaining 55 matters is not clear.

Western Australia

There are 119 applications on foot in Western Australia. 94 of these matters are represented by NTRBs. The extent to which NTRBs provide other forms of assistance, if any, in respect of the remaining 25 matters is not clear.

South Australia

The Australian Land Rights Movement (ALRM) is the sole NTRB for South Australia. There are 26 applications on foot in the jurisdiction. The ALRM represents the applicants in four of these matters. The ALRM is a respondent in the remaining 22 matters. In some instances the ALRM is also providing assistance to the applicants in these matters although the extent of assistance provided is not clear.

Northern Territory

There are 193 applications on foot in the Northern Territory. 162 of these matters are represented by NTRBs. The remaining 31 matters have not been the subject of representation or other assistance by NTRBs.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Output 2.1

Question No. 116

Senator Kirk asked the following questions at the hearing on 16 February 2004:

- a) What was the total increase of the budget of the International Criminal Court (ICC) if our contribution was \$1.5 Million?
- b) What sort of percentage is Australia contributing?

The answer to the honourable senator's questions are as follows:

- a) In 2003, the total programme budget of the ICC was €23,170,125 (AUD 37,894,402.61 based on current exchange rates).

The 2004 ICC programme budget is €53,071,846 (AUD 86,798,232.62 based on current exchange rates).

This is an increase of approximately 129% in the ICC's programme budget from 2003 to 2004.

- b) In 2003, Australia contributed 3.34% of the ICC's overall budget for 2003.

In 2004, Australia's contribution has been assessed at 3.21% of the 2004 overall ICC budget.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Output 2.1

Question No. 117

Senator Greig asked the following question at the hearing on 16 February 2004:

In relation to the request from the US for Australia to enter into an article 98 agreement pursuant to the Rome statute. In what form did that come? Was it a letter? If so, from whom?

The answer to the honourable senator's question is as follows:

On 17 July 2002, the United States' (US) Ambassador to Australia met with the Secretary of the Department of Foreign Affairs and Trade and proposed that the US and Australia enter into an agreement that would come under Article 98(2) of the Statute of the International Criminal Court.

During this meeting, the Ambassador gave a copy of the US model agreement to Australian officials. This document was communicated in confidence by the Government of the United States.