

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA

**Question No. 96**

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

How much was spent on advertising which provided electorate breakdowns of spending by the government on programmes within ITSA in 1996-97, 1997-98, 1998-99, 1999-00, 2000-01, 2001-02, 2002-03, 2003-04 to date.

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

ITSA commenced operation as an independent agency on 1 July 2000.

Nil

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA

**Question No. 97**

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

How much was spent on consultancies by ITSA in 1996-97, 1997-98, 1998-99, 1999-00, 2000-01, 2001-02, 2002-03, 2003-04 to date.

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

ITSA commenced operation as an independent agency on 1 July 2000.

Amount spent on consultancies by ITSA:

2000-01	2001-02	2002-03	2003-31/1/04
\$207,418	\$127,073	\$497,620	\$166,915

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA

**Question No. 98**

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

Did ITSA conduct any surveys of attitudes towards programmes run by their department in 1997-1996-97, 1997-98, 1998-99, 1999-00, 2000-01, 2001-02, 2002-03, 2003-04 to date.

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

ITSA commenced operation as an independent agency on 1 July 2000.

Not applicable – ITSA did not and does not conduct administered programmes.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA

**Question No. 99**

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

- a) On what programmes administered by ITSA were surveys conducted
- b) What were the findings of these surveys.

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

ITSA commenced operation as an independent agency on 1 July 2000. I refer to the answer to Question 98:

- a) Not applicable
- b) Not applicable

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

**Question No. 100**

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

- a) For each agency within the Department, please provide full details of each of the performance assessment mechanisms linked to the pay outcomes or other financial reward of individual employees, including:
  - i) what are the current process/es of performance assessment within the portfolio agency? If more than one, please provide details of each, and the employee category it applies to;
  - ii) for each of the performance assessment process/es identified in (i), please list the range of outcome results an employee can achieve from each of the performance assessment processes identified in (i);
  - iii) for each of the performance assessment process/es identified in (i), what pay or other financial change is linked to each outcome or result for the employee from the performance assessment [i.e., the pay increase or one-off bonus or classification or level change];
  - iv) for each of the performance assessments identified in (i), what is the classification level of employees subject to this performance assessment (eg SES, EL1, EL2 or APS and equivalent);
  - v) what is the principal industrial or other instrument governing each of the performance assessment mechanism/s (eg, the certified agreement or AWA); and
  - vi) does the performance assessment operate over a common cycle? Please provide the commencement and end dates of the most recent full cycle of each of the assessment process/es.
- b) For each performance assessment mechanism described in (a), advise the number of male and the number of female employees at each possible outcome, by classification level for the most recent full cycle (if the performance mechanism does not operate over a common cycle – aggregate outcomes using the 2002-03 financial year).

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

Details of the Attorney-General's Department's performance assessment mechanisms, linked to the pay outcomes or other financial reward of individual employees, are at Attachment A, followed by the Attorney-General's Portfolio Agency responses at Attachments B – V.

The staff of the Australian Institute of Police Management (AIPM) are employed under the certified agreement of the Australian Federal Police (AFP), therefore the response from the AFP at Attachment E includes the performance assessment mechanisms of the AIPM.

The Australasian Centre for Policing Research (ACPR) is an intergovernmental agency owned and governed by the Commonwealth, the States and Northern Territory, and New Zealand. The staff of

the ACPR are employed under the AFP Act and are subject to the terms and conditions of the AFP Certified Agreement 2003-2006. Accordingly, advice on ACPR performance assessment mechanisms may be interpreted directly from the AFP response (Attachment E).

The Defence Force Discipline Appeal Tribunal, Federal Police Disciplinary Tribunal and the Copyright Tribunal are staffed by the Federal Court of Australia, therefore the details of relevant assessment mechanisms for those staff are included in the response from the Federal Court at Attachment N.

The Criminology Research Council (CRC) is administered by the Australian Institute of Criminology (AIC). Details of the performance assessment mechanisms are at Attachment G, AIC return.

**ATTACHMENT****AGENCY**

A	Attorney-General's Department
B	Administrative Appeals Tribunal
C	Australian Crime Commission
D	Australian Customs Service
E	Australian Federal Police
F	Australian Government Solicitor
G	Australian Institute of Criminology
H	Australian Law Reform Commission
I	Australian Security Intelligence Organisation
J	Australian Transaction Reports and Analysis Centre (AUSTRAC)
K	CrimTrac
L	Commonwealth Director of Public Prosecutions
M	Family Court of Australia
N	Federal Court of Australia
O	Federal Magistrates Service
P	High Court of Australia
Q	Human Rights and Equal Opportunity Commission
R	Insolvency and Trustee Service Australia
S	National Native Title Tribunal
T	Office of Film and Literature Classification
U	Office of Parliamentary Counsel
V	Office of Federal Privacy Commissioner

## ATTORNEY-GENERAL'S DEPARTMENT

## Question a)

i) The current process of performance assessment within the Attorney-General's Department is the Program for Performance Improvement (PPI). The PPI encompasses all classifications within the Department. All ongoing employees, and all non-ongoing employees whose engagement is expected to be for six months or more, enter into a Performance Agreement on an annual basis, or within 4 weeks of commencing in the Department or starting new duties. The performance agreement has three major components. Firstly, the supervisor and employee jointly agree to a range of Key Result Areas (KRAs) and Key Performance Indicators (KPIs). Secondly, they develop a Personal Development Plan for both the employee's current position and for future career needs. Thirdly, they consider the Department's Generic Capabilities for each classification that are detailed in the performance agreement.

A mid-term review is conducted around half-way through the PPI appraisal cycle, and an annual review is conducted at the end of the cycle.

ii) Attorney-General's Department has four performance ratings. These are:

<b>Performance Rating</b>	<b>Description</b>
Exceeds Most Performance Targets	Applies to an employee who over an appraisal period at least meets set KRA and KPI targets and frequently exceeds those targets, particularly those having key business significance or importance.
Meets All Key Performance Targets	Applies to an employee who over an appraisal period successfully meets, and occasionally exceeds, all key KRA and KPI targets (ie, Those having high business significance)
Meets Most Performance Targets	Applies to an employee who, over an appraisal period satisfactorily meets most KRA and KPI targets. Where targets are not fully achieved, deficiencies in work performance are not significant and would normally require only short term action or be attributable to a lack of experience.
Does Not Meet Performance Targets	Applies to an employee whose performance over an appraisal period is not acceptable as reflected by a number of identified KRA and KPI targets not being achieved, particularly those with high business significance.



iii) Under their Australian Workplace Agreement (AWA), all SES employees are eligible to receive a bonus decided by the Secretary. The amount of the bonus is dependant on performance against KRAs, KPIs and the SES Capabilities at the annual appraisal. There are a few employees at the Executive Level classification who are also eligible to receive a bonus under an AWA. All non-SES staff are eligible for salary advancement within their classification salary range. While the SES are rated using the rating descriptors described above, as there are only two pay points in each SES classification level (the entry level and the AGD standard pay rate for an SES employee), no SES employee can achieve a two pay point advancement. Salary advancement outcomes against each rating descriptor are as follows:

<b>Rating Descriptor</b>	<b>Pay Advancement</b>
Exceeds Most Performance Targets	Two pay points
Meets All Key Performance Targets	One pay point
Meets Most Performance Targets	Nil
Does Not Meet Performance Targets	Nil

iv) All classifications within the Department are subject to the PPI.

v) The principal instrument governing the PPI is the Attorney-General's Department Certified Agreement 2002.

vi) The PPI operates over two common cycles. The current cycle follows:

<b>Employee Group</b>	<b>Cycle</b>
Managers (SES & ELs, including Senior Legal Officers (SLOs) & Principal Legal Officers (PLOs))	1 July 2003 to 30 June 2004
APS1 to 6 (including Legal Officers (LOs))	1 August 2003 to 31 July 2004

**Question b)**

**Male Employees**

<b>Classification Level (or equivalent)</b>	<b><sup>1</sup>Number of staff who did not receive advancement</b>	<b>Number of staff who received one point advancement</b>	<b>Number of staff who received two points advancement</b>	<b>Number of staff who received a bonus</b>
APS1/2	11	3	1	0
APS3	13	1	1	0
APS4	16	4	1	0
APS5	15	4	1	0
APS6	37	12	4	0
Executive Level 1	68	24	6	1
Executive Level 2	50	11	5	1
SES	27 <sup>2</sup>	7	Not Applicable	24

---

<sup>1</sup> No pay advancement possibly due to the employee being at the top pay point for the classification.

<sup>2</sup> No pay advancement as the employees are already at the AGD standard pay rate for an SES employee.

## Female Employees

<b>Classification Level (or equivalent)</b>	<b><sup>3</sup>Number of staff who did not receive advancement</b>	<b>Number of staff who received one point advancement</b>	<b>Number of staff who received two points advancement</b>	<b>Number of staff who received a bonus</b>
APS1/2	33	3	1	0
APS3	58	16	1	0
APS4	50	14	4	0
APS5	36	13	1	0
APS6	57	14	6	0
Executive Level 1	65	27	4	0
Executive Level 2	36	9	4	0
SES	19 <sup>4</sup>	4	0	13

---

<sup>3</sup> No pay advancement possibly due to the employee being at the top pay point for the classification.

<sup>4</sup> No pay advancement as the employees are already at the AGD standard pay rate for an SES employee.

**ADMINISTRATIVE APPEALS TRIBUNAL****Question a)**

i) There is one performance assessment mechanism linked to the pay outcomes of individual employees within the Administrative Appeals Tribunal. The AAT Performance Management Program applies to all ongoing employees from APS Level 1 up to SES Level. A simplified version of this Program applies to non-ongoing employees where appropriate. The Tribunal's Performance Management Program is designed to provide objective, fair and results orientated assessment. The Program also takes into account the principles of natural justice, privacy, equal opportunity and diversity. The AAT Performance Management Program operates through a 12-month cycle and has three components. The Program is described in separate guidebooks, one for APS Level 1 to 6 employees and one for SES employees and Executive Level 1 and 2 employees. The three components of the Program are:

- Performance Agreement and Training and Development Plan
- Continuous Feedback
- Annual Performance Appraisal

A performance management agreement is developed between an employee and the employee's supervisor. A training and development plan is completed at the start of the performance management cycle for each employee. Quarterly review discussions are held to assess whether the central goals of the performance agreement are being met and to consider whether any variation is needed. An end-of-cycle performance appraisal is then completed by the individual and supervisor including a written report. The assessment and written report are then referred to the appropriate manager for confirmation before a rating is announced to the employee and a new performance agreement will then be established to start the next cycle.

ii) The range of outcome results an employee can achieve from the performance assessment processes in operation within the AAT are the opportunity to progress through the incremental pay point range appropriate to the individual's classification and/or the opportunity to partake in training and development and/or career planning. In order to quantify the assessment of an employee, a five point rating scale is utilised as follows:

- 5 Outstanding/Exceptional
- 4 Superior
- 3 Fully Effective
- 2 Entry or Borderline/Room for improvement
- 1 Unsatisfactory

This scale provides for a standard approach to assessment and performance across the Tribunal.

iii) The AAT Performance Management Program allows for employees that receive a performance rating of 3 or 4 to be advanced to the next salary incremental pay point unless they are already at the top of the salary range. Employees receiving a rating of 5 may be

advanced to the next salary point or to the top of the range. Employees who receive a rating of 2 will remain at their current increment point and may not be advanced until they achieve a rating of 3, 4 or 5. The Tribunal does not have a bonus payment scheme.

iv) The Performance Management Program is for all Tribunal employees up to SES Level, however the Program is described in separate guidebooks, one for employees at APS Levels 1 to 6 and one for SES and Executive Level 1 and 2 employees.

v) The Administrative Appeals Tribunal Agency Agreement 1 July 2003 to 30 June 2006. The Performance Management Program in this Agency Agreement was carried over from the previous Agreement that ran from 1 July 2000 to 30 June 2003.

vi) The AAT Performance Management Program operates over a common cycle. The dates of the most recent full cycle for the assessment processes were as follows:

June 2002	Undertake appraisal of performance for previous 12 months and finalise performance agreements and training and development plan (where possible incorporating the officer's career development plan) for the next 12 months;
Sept02, Dec02, Mar 03	As a minimum requirement, discussion to take place between a staff member and their supervisor at quarterly interviews;
June 2003	Final appraisal, performance appraisal report completed, enter into new agreement and training and development plan.

#### **Question b)**

The Performance Management Program broadly applies to all of the Tribunal's employees. Employees already at the top of the pay point range for their classification do not receive any financial benefit from the Program. Employees on the entry or mid pay point of their classification range may be entitled to a pay rise as described in a) (iii) above. In the year 2002/2003, the following employees (by classification and gender) received an incremental advancement under the Program.

APS 2/3	7 females	5 males
APS 4	2 females	0 males
APS 5	3 females	1 male
APS6	2 females	0 males
EL1	0 females	0 males
EL2	0 females	0 males
SES	0 females	0 males

For the cycle ending June 2003, no increments were required to be withheld, i.e. no employees received less than a '3' rating.

## AUSTRALIAN CRIME COMMISSION

**Question a)**

i) Performance Recognition Program (PRP) for Australian Public Service and Executive level classifications. This program sets goals, work targets and performance measures, with an assessment at the end of the review period. It forms the basis of salary and bonus payment decisions.

ii)

1. Identified core competencies of job
2. Identified level of performance expected
3. Identified work targets
4. Learning & development needs
5. Expectation of regular coaching & feedback
6. Yearly performance rating
7. Salary advancement and/or bonus payment

iii)

For staff members not at the top of a salary range:

1. Rating 1 (target not achieved) - "Not yet effective performance" = No increment
2. Rating 2 (achieved most of work target) - "Adequate performance" = No increment
3. Rating 3 (achieves work target) - "Effective Performance" = One increment
4. Rating 4 (exceeds work target) - "More than able to demonstrate" = One increment, plus 1% bonus
5. Rating 5 (always exceeds work target) - "Highly effective demonstration" = One increment, plus 3% bonus

For staff members at the top salary point of their classification:

6. Rating 3 - 1% bonus
7. Rating 4 - 3% bonus
8. Rating 5 - 5 % bonus

iv)

All APS 1-6 classifications, EL1 & EL2 staff employed under the Certified Agreement.

v)

National Crime Authority Certified Agreement 2000-02 extended to 30 June 2003 under the Australian Crime Commission.

vi)

The performance assessment cycle operates from 1 July to 30 June.

**Question b)**

Details for the performance assessment cycle for 2002-03 are as follows:

**Men**

Class <sup>n</sup>	Rating	Outcome					Grand Total
		No Increment or Bonus	Increment	1% Bonus	3% Bonus	5% Bonus	
APS1	3		1				1
APS1 Total			1				1
APS2	3			1			1
	4				1		1
APS2 Total				1	1		2
APS3	2	1					1
	3		9	5			14
	4				5		5
APS3 Total		1	9	5	5		20
APS4	3			2			2
	4				1		1
	5					1	1
APS4 Total				2	1	1	4
APS5	3		5	1			6
	4				5		5
	5					1	1
APS5 Total			5	1	5	1	12
APS6	2	1					1
	3			6			6
	4				4		4
APS6 Total		1		6	4		11
EL1	3		6	7			13
	4				13		13
EL1 Total			6	7	13		26
EL2	3		1	8			9
	4				8		8
EL2 Total			1	8	8		17
<b>Total men</b>		<b>2</b>	<b>22</b>	<b>30</b>	<b>37</b>	<b>2</b>	<b>93</b>

## Women

Class <sup>n</sup>	Rating	Outcome					Grand Total
		No Increment or Bonus	Increment	1% Bonus	3% Bonus	5% Bonus	
APS1	3		1				1
APS1 Total			1				1
APS2	3		4	3			7
	4				2		2
APS2 Total			4	3	2		9
APS3	3		13	17			30
	4				19		19
	5					1	1
APS3 Total			13	17	19	1	50
APS4	3			4			4
	4				3		3
	5					1	1
APS4 Total				4	3	1	8
APS5	3		3	5			8
	4				12		12
	5					2	2
APS5 Total			3	5	12	2	22
APS6	3			5			5
	4				4		4
	5					1	1
APS6 Total				5	4	1	10
EL1	3			2			2
	4				4		4
	5					1	1
EL1 Total				2	4	1	7
EL2	4				3		3
EL2 Total					3		3
<b>Total women</b>			<b>21</b>	<b>36</b>	<b>47</b>	<b>6</b>	<b>110</b>



## AUSTRALIAN CUSTOMS SERVICE

### Question a)

i) The Customs Certified Agreement 2002-2004 governs the conditions of most staff. Australian Workplace Agreements cover 100 non SES and the Senior Executive Service. The processes of the Performance Assessment and Feedback System (PAF) system, the detail of which is covered in the Certified Agreement, for all three arrangements are basically the same. The PAF cycle commences in July each year, with a mid cycle review in November to February and end of cycle feedback and final assessment in June. The payment of performance pay is generally available in July for non SES AWA holders and Certified Agreement staff.

ii) The following rating scale is used for applying assessment criteria under the PAF. At the end of the performance cycle, the employee's assessors will decide an overall assessment and make a recommendation on salary advancement using the associated percentage increases in salary:

Performed Above Agreed Requirements	5%
Met Agreed Requirements	3%
Met Most Agreed Requirements	1%
Did Not Meet Agreed Requirements	0%

iii) A lump sum 5% bonus is available for employees who are on the maximum salary of a classification and receive a rating of "Performed Above Agreed Requirements". Where an employee is within 5% of the maximum salary of a classification and receives a rating of "Performed Above Agreed Requirements", the salary is increased to the maximum salary of a classification and any residual percentage is paid as a lump sum bonus. An appeal process is available to employees who wish to dispute the rating. Also, a moderation committee in each region reviews the spread of ratings by work area. A separate merit based selection process is necessary for classification advancement.

iv) The Certified Agreement covers the following eligible classifications:

- Customs Officer (Customs Level 1) APS 2/3 equivalent
- Senior Customs Officer (Customs Level 2) APS 3/4
- Customs Supervisor (Customs Level 3) APS 5/6
- Customs Manager (Customs Level 4) EL1
- Customs Director (Customs Level 5) EL2

v) For non SES Australian Workplace Agreements, the majority are at the Customs Director Level. SES Australian Workplace Agreements cover SES Bands One to Three.

vi) For SES staff, performance pay of up to 15% of salary is available and can take the form of an annual bonus and/or bonus payments during the cycle in recognition of outstanding contribution to a particular work outcome, or salary advancement. The Chief Executive Officer (CEO) undertakes the performance appraisal. Generally, the amount paid to individuals' accords with the Certified Agreement employee outcomes.

**Question b)**

Outcomes of the 2002-2003 performance cycle

Classification	Female Rating Outcome				Total	Male Rating Outcome				Total	Grand Total
	0	1	3	5		0	1	3	5		
Customs Level 1	2	24	942	29	997		20	1184	38	1242	2239
Customs Level 2		8	385	23	416	3	19	681	46	749	1165
Customs Level 3		6	201	14	221		17	502	43	562	783
Customs Level 4		2	51	12	65		8	172	13	193	258
Customs Level 5			24	5	29		4	56	4	64	93
<b>Total</b>	<b>2</b>	<b>40</b>	<b>1603</b>	<b>83</b>	<b>1728</b>	<b>3</b>	<b>68</b>	<b>2595</b>	<b>144</b>	<b>2810</b>	<b>4538</b>

The figures represent eligible staff including all those employed under the *Public Service Act 1999* who may be on leave or on loan from other agencies.

For SES staff the aggregate amount of performance pay for 2002-03 for Senior Executives was \$100 000, paid to half of the 31 staff who were eligible, as reported in the Annual Report 2002-03.

## AUSTRALIAN FEDERAL POLICE

**Question a)**

The Australian Federal Police effectively has three performance assessment mechanisms that are either directly or indirectly linked to pay outcomes or other financial reward of individual employees. They are –

- the Performance Development Agreement (PDA) – the AFP’s performance management model,
- advancement Arrangements for specified Policing Roles; and
- a Skills Assessment for New Police Members .

Details of the assessment mechanisms are:

**i) Current processes**

(A) **PDA** - This was introduced in September 2003 and can be described as an ongoing performance and feedback cycle. It is underpinned by three mandatory feedback exchanges per year between team leaders (supervisors) and team members (subordinates) and focuses on the two key areas of individual performance and development. It replaced the AFP Employment Management Plan which served the organisation for the previous three years.

(B) **Advancement Arrangements for specified Policing Roles** - Pivotal to this advancement arrangement is a behavioural assessment that tests and recognises the transition from less experienced to more experienced (policing) team members and team leaders. The assessment captures the feedback of supervisors, peers and (for team leaders) subordinates in order to determine the existence of behaviour capabilities required of the more experienced role.

(C) **Skills Assessment for New Police Members** - New Police members (recruits) are required to meet a range of probationary assessment requirements before confirmation of their employment and a corollary progression to the team member classification and advancement arrangements discussed at (B) above. Not only are conduct and performance measured by the PDA, but inter alia new police recruits are to successfully complete a separate skills and performance assessment.

**ii) Outcome results**

(A) **PDA** -The PDA is a performance assessment and development system. AFP employees can expect face to face regular feedback on expectations and performance and a real time focus on development needs.

(B) **Advancement Arrangements for specified Policing Roles** - Subject to the successful completion of the capability/behavioural assessment referred to at i), team members will progress from an AFP Band 3.3 to a Band 3.4 and team leaders from an AFP Band 6.3 to a Band 7.2 on their annual increment date. Advancement in both cases will not take place until the capability behavioural assessment requirements have been met.

(C) **Skills Assessment for New Police Members** - Subject to organisational requirements and managers providing evidence of a new recruit's performance/skills against on-the-job exposure to certain tasks/activities, new police members will have their appointment confirmed. It is also used to identify skill gaps and corollary training and development redress issues.

iii) **Pay or other financial change**

(A) **PDA** - The PDA links directly to the development of employees, their career opportunities and continued employment suitability.

(B) & (C) **Advancement Arrangements and Skills Assessment** - At specified employment points for specified policing roles, recruits/team members and team leaders can progress incrementally subject to the outcomes of behavioural or skills assessments.

iv) **Classification of employees**

(A) **PDA** - The PDA applies to all AFP employees from AFP Band 1 – 9 (APS 1 - 6 and EL 1&2 equivalent) and Managers of Office/Function and National Managers (APS SES equivalent).

(B) **Advancement Arrangements for specified Policing Roles** - This part of the honourable senator's question is addressed at ii)

(C) **Skills Assessment for New Police Members** - This impacts on new police members progressing from an AFP Band 2.4 to a Band 3.1.

v) **Principal industrial instrument**

The principal industrial instrument for all these performance assessment mechanisms is the AFP Certified Agreement 2003 – 2006.

vi) **Performance assessment cycles**

(A) **PDA** - The PDA observes a common cycle and requires a feedback exchange at the completion of each trimester being March to June, July to October and November to February.

(B) **Advancement Arrangements for specified Policing Roles** - This performance assessment does not operate over a common cycle; suffice to say its effect is tied to the annual increment date (which for most employees is 1 July at this time).

(C) **Skills Assessment for New Police Members** - This performance assessment does not operate over a common cycle. It is subject to recruit graduation dates and the consequent 12 months of probation.

**Question b)**

The numbers, by classification and gender, for each of the performance assessment mechanisms described above are as follows. As the mechanisms represent a “first” (rather than common) cycle and recent industrial initiatives, the data reflects:

- current information in terms of (A) the PDA; and
- forecast results for the police advancement arrangements at (B) and (C)

[noting that the previous common cycle and aggregate outcomes observed a separate framework/operation and do not correspond to the information provided in the first part of the response to the honourable senator’s question.]

**(A) Performance Development Agreement (PDA)**

Reflecting current information on participation expectation at this time.

<b>(A) Performance Development Agreement (PDA)</b>			
<b>AFP Band</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
<b>1</b>	2		2
<b>2</b>	169	259	428
<b>3</b>	255	228	483
<b>4</b>	468	864	1332
<b>5</b>	96	143	239
<b>6</b>	67	229	296
<b>7</b>	84	255	339
<b>8</b>	21	85	106
<b>9 &amp; above</b>	45	173	218
<b>Totals</b>	<b>1207</b>	<b>2236</b>	<b>3443</b>

**(B) Advancement Arrangements for specified Policing Roles**

Number of employees at AFP Band 3.3 (team member) expected to progress to Band 3.4 and number of employees at AFP Band 6.3 (team leader) expected to progress to Band 7.2 on 1 July 2004

<b>(B) Advancement Arrangements for specified Policing Roles</b>			
<b>AFP Band</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
<b>3.3</b>	3	10	13
<b>6.3</b>	10	99	109
<b>Totals</b>	<b>13</b>	<b>109</b>	<b>122</b>

**(C) Skills Assessment for New Police Members**

Number of employees at AFP Band 2.4 (new recruit) expected to progress to Band 3.1 (team member) over the next 12 months. Note: date of effect will be dependent on the “staggered” end date of the AFP training program rollout.

<b>(B) Advancement Arrangements for specified Policing Roles</b>			
<b>AFP Band</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
<b>2.4</b>	63	209	272

## AUSTRALIAN GOVERNMENT SOLICITOR

## Question a)

i) AGS is a government business enterprise (GBE) operating on a fully commercial and competitive basis for the provision of legal and related services primarily to Australian Government departments and agencies. A key element of AGS being a high performing legal practice is its performance program.

Under the program, each AGS employee, in partnership with his/her supervisor, develops a plan of performance goals under four accountability areas of work outcomes, client outcomes, people and teamwork, and professionalism; meets regularly with the supervisor to discuss progress; participates in an end of cycle discussion to provide and receive feedback on performance, and provide feedback to the supervisor; and receives an overall rating of performance for the purpose of assessing performance and contribution to AGS and participating in AGS' remuneration and reward systems.

ii) Each AGS employee's overall performance is assessed as one of the following ratings - 'not acceptable'; 'good'; 'very good'; 'excellent'; or 'exceptional'.

iii) An AGS employee with a fee-earning target whose overall performance, taking into account all the accountability areas, is assessed as 'good' or better receives an individual performance bonus related to earnings above his/her target.

An AGS employee without a fee-earning target whose performance is assessed as 'very good', 'excellent' or 'exceptional' receives an individual performance bonus based on a percentage of his/her salary.

All AGS employees whose performance is assessed as 'good' or better receive a separate bonus linked to overall AGS profitability.

iv) AGS' performance program applies to AGS employees in all classifications ie Legal Support, Lawyer, Senior Lawyer, Senior Executive Lawyer, Senior Executive, Specialist and Senior Specialist.

v) AGS Certified Agreement 2002.

vi) Yes. 1 July 2002 to 30 June 2003.

**Question b)**

The table below shows the actual outcomes of the 2002-03 end of performance cycle assessments by classification and gender.

Performance assessments by classification and gender - 2002-03											
AGS classification	Not acceptable		Good		Very good		Excellent		Exceptional		Total
	F	M	F	M	F	M	F	M	F	M	
Legal Support	2	0	8	1	38	3	72	6	26	0	156
Lawyer	0	0	3	4	16	17	30	10	4	1	85
Senior Lawyer	0	2	5	5	23	40	41	32	7	4	159
Senior Executive Lawyer / Senior Executive	0	0	2	0	5	13	22	29	12	24	107
Specialist	1	0	10	2	35	13	31	8	10	1	111
Senior Specialist	0	0	0	3	6	6	13	10	5	3	46
Total	3	2	28	15	123	92	209	95	64	33	664

## AUSTRALIAN INSTITUTE OF CRIMINOLOGY

### Question a)

- i) The Australian Institute of Criminology (AIC) through its' Agency Agreement provides the framework for the AIC Performance Assessment Scheme (PAS). This system has only been in place since June 2003.
- ii) The operational requirements, guidelines and Performance Agreement Forms are contained in the PAS User Manual. Procedures for 'Fairness in Managing Under Performance' are contained in the AIC Agency Agreement.
- iii) The key principles of the PAS are:
- focus on person's performance;
  - confidentiality of performance assessment results;
  - observe accepted tenets of natural justice:
    - full and open information;
    - timely and respectful communication;
    - recourse to review and avenues for resolution;
  - shared accountability of staff and supervisors; and
  - transparency.
- iv) The PAS has a fixed term assessment cycle which runs from the date of an employee's increment for a period of 11 months with a 6 monthly assessment.
- v) The PAS is made up of three components which link to remunerations:
- a Performance Agreement identifying tasks and responsibilities to be undertaken during the next 12 months;
  - ongoing feedback and a six monthly Performance Assessment providing a rating system; (ratings 1 – 3, 1 being below normal expectation, 2 being normal expectation and 3 exceeding expectation) and
  - a twelve monthly Performance Assessment providing a rating system.
- vi) The PAS is designed to assist the AIC achieve its corporate goals through providing feedback on performance and identifying and rewarding good performance.

2 consecutive '3' rating during a 12 month cycle	Eligible for advancement by two increment levels.
2 consecutive combination ratings: -2 x '2', -'2' and '3' -'3' and '2'	Eligible for advancement by one increment level.
Top salary band receiving two consecutive '3' rating during a 12 month cycle	Eligible to receive a lump sum payment. Currently \$1,000 determined by the current Agency Agreement.
A '1' rating at the end of either 6 monthly cycles	Eligibility to receive any incremental increases to be determined by Director. Staff will also be



	subject to the “Fairness in managing Under Performance’ guidelines.
--	---

The PAS is used to assess all staff in the AIC using the following levels and ranges:

Classification Level	Dollar range from (As at 31/8/03	Dollar Range to (As at 31/8/03
AIC Academic Level 1	\$35,656	\$50,023
AIC Academic Level 2	\$51,132	\$70,738
AIC Academic Level 3	\$75,535	\$85,645
AIC Academic Level 4	\$90,020	
AIC Academic Level 5	\$93,793	\$105,110
Admin Officer Level 1	\$29,543	\$32,653
Admin Officer Level 2/3	\$33,435	\$41,102
Admin Officer Level 4/5	\$42,446	\$50,201
Senior Admin Officer	\$51,132	\$70,738
Executive Officer Grade 1	\$75,535	\$85,645
Executive Officer Grade 2	\$88,758	

**Question b)**

During the 2002-03 financial year, twenty five females and ten males were successful in moving levels utilising the PAS.

## AUSTRALIAN LAW REFORM COMMISSION

**Question a)**

i) Every employee of the ALRC has their performance appraised annually on or near the anniversary of their appointment. The process requires employees to complete a pro-forma appraisal form. The form requires the employee to explain how they have met job specific criteria, as well as generic criteria such as judgement, initiative, and collegiality. A meeting is then held between the employee and President, Executive Director, and relevant Commissioner, to discuss performance and other training or career development issues.

ii – vi) The principal instrument governing performance appraisals is the Certified Agreement. The ALRC had a new Agreement certified on 24 December 2003. Arrangements under both the old and new Agreements are provided below.

All staff (except SES) under the *2000-2003 Certified Agreement* may receive between 0 and +3 pay point increment depending on the performance assessment. The performance assessment may range from ‘satisfactory’ (0 pay point increase), ‘effective’ (+1), ‘excellent’ (+2), to ‘exceptional’ (+3).

All staff (except SES) under *2003-2006 Certified Agreement* may receive between 0 and +2 pay point increase. In addition, those on the top salary point for their classification may receive up to a 3% salary bonus, depending on performance. The performance assessment may range from ‘adequate’ (0 pay point increase), ‘strong’ (+1), to ‘exceptional’ (+2).

There is one SES staff member at the ALRC, and they are employed under an AWA. The possible financial reward following the performance appraisal is a salary bonus of between 0% and 10%, depending on the performance assessment. The performance assessment may range from ‘effective’ (0 – 2.9%), ‘excellent’ (3.0 – 6.9%), to ‘outstanding’ (7.0 – 10.0%)

**Question b)**

The outcomes for the past year Jan 2003 – December 2003, under the *2000-2003 Certified Agreement*, are as follows (with numbers of M=males and F=females):

<b>Pay Point Increase</b>	<b>+0</b>	<b>+1</b>	<b>+2</b>	<b>+3</b>
Snr Legal Officer			1M 1F	1F
Legal Officer		2F		1M 1F
Manager		1F	1F	1F
Officer/Assistant	1M		3F	1F

Under AWA:

SES Officer	1 F 10% bonus
-------------	---------------

## AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

**Question a)**

- i) There is a single Performance Management System that operates in ASIO. All staff are required to enter into a Performance Agreement with their line manager.
- ii) The range of outcome results an employee can achieve vary between SES and non-SES staff.
- SES – Outstanding, Superior, Fully Effective, Adequate and Unsatisfactory
  - Non-SES – Superior, Fully Effective and Requires Improvement
- iii & iv) The pay or other financial change that may result from achieving an assessment in II above again varies between SES and non-SES.
- SES
    - Performance Based Pay – Outstanding: 12-15% of annual salary, Superior: 8-11% of annual salary
    - Unsatisfactory: may lead to regression within a classification level or transfer to a lower classification level
  - Non-SES
    - Superior or Fully Effective – incremental advancement within the salary band
    - Requires Improvement – may lead to deferral of increment
- v) The principal instrument governing ASIO's Performance Management System for SES staff is their individual agreements made under an Australian Workplace Agreement; for non-SES staff it is ASIO's Workplace Agreement
- vi) The performance assessment operates over a common cycle for all staff. The current Performance Management System was introduced in April 2003 and will conclude in June 2004. Thereafter the appraisal cycle will be 12 months from July to June each year.

The SES performance based pay arrangements have been in place for a considerable time, with the cycle from July to June each year.

**Question b)**

In 2002-03 there were 16 eligible SES officers comprising 3 female and 13 male officers. Payments were made to 1 female and 9 male officers.

In respect of officers below SES, performance data has not been aggregated to date.

## AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE (AUSTRAC)

### Question a)

i) AUSTRAC's performance management process involves an agreement and appraisal process between each staff member, and his/her supervisor and Senior Manager/ Deputy Director (as applicable). The process assesses performance based on activities and the function level of those activities, establishes work area priorities for the coming review period based on agency needs, provides an avenue for feedback, indicates areas for improvement, provides workflow analysis, and identifies training and development opportunities.

The annual performance agreement, negotiated between employees and their managers, sets individual performance objectives, performance measures and achievement targets and is an independent and two way process.

ii) The AUSTRAC annual performance review consists of an overall rating of performance for the period covered by the agreement based on an assessment of achievement of performance indicators in the employee's performance agreement.

There are two overall ratings:

1. Meets Job Requirements
2. Needs Improvement

iii) There is no pay increase or one-off bonus or classification or level change directly linked to each outcome or result for the employee from the performance assessment process.

iv) SES, EL 2, EL 1, APS 6 – APS 1

v) The AUSTRAC Certified Agreement 2002

vi) **EL 2's – APS 1's** -Performance agreements operate from 1 September to 31 August each year. Due to transition arrangements, the last full performance cycle ran from 1 March 2003 to 31 August 2003.

**SES's** – Performance agreements are reviewed on each anniversary of the date of their AWA.

### Question b)

APS Level	Meets requirements		Needs improvement	
	Male	Female	Male	Female
APS 1	0	0	0	0
APS 2	0	1	0	0
APS 3	1	6	0	0
APS 4	3	6	0	0
APS 5	3	6	0	0
APS 6	9	9	0	0
EL 1	2	2	0	0
EL 2	3	2	0	0
SES 1	1	0	0	0

## CRIMTRAC

## Question a)

- i) The work performance of an employee is formally appraised at the Mid-term Review, and at the Annual Review following completion of the appraisal cycle. The performance rating derived from an Annual Review takes into account the Mid-term appraisal rating and provides the basis for determining any performance pay outcome for the employee being appraised.

Where an ongoing employee is engaged with a probationary period, normally of six months duration, a formal review of the employee's work performance must take place no later than four months from the date of commencement to decide whether employment should continue beyond the probationary period. Where work performance is unsatisfactory and employment termination is being considered, advice must be obtained from the HR Adviser *before* any action is taken to ensure compliance with Workplace Relations Act 1996 requirements, particularly the unfair dismissal provisions.

- ii) Performance pay up to a maximum of 15% of salary will be paid to participating employees at the end of the PMF appraisal cycle after receiving an appropriate performance rating and moderated outcome.
- iii) Performance Appraisal Ratings will be indicative of the following performance pay outcomes:

Exceeds all performance targets	11-15%
Exceeds most performance targets	6-10%
Meets all key performance targets	1-5%
Meets most performance targets	No Payment
Does not meet performance targets	No Payment

- iv) All staff currently working to an Australian Workplace Agreement, currently APS, EL1 and EL2, and SES.
- v) Australian Workplace Agreement.
- vi) Performance assessment operates over a common cycle commencing 1 July and ending 30 June. The most recent full cycle commenced 1 July 2002 and ended 30 June 2003.

**Question b)**

A total of 16 females and 21 males can achieve possible outcomes of up to 15%.

Classification levels for the most recent cycle are:

	<b>Female</b>	<b>Male</b>	<b>Total</b>
SESB1-EL2	2	4	6
EL1	4	13	17
APS6	3	2	5
APS5	2	0	2
APS4	5	2	7
<b>TOTAL</b>	<b>16</b>	<b>21</b>	<b>37</b>

ATTACHMENT L

**COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**

**Question a)**

The CDPP Certified Agreement 2003-2006 provides that on-going employees of the Commonwealth Director of Public Prosecutions (CDPP) undergo an annual performance assessment under the Performance Management Scheme (PMS).

- The PMS operates on a 12 month cycle beginning 1 July – 30 June with a mid term review in November and an end of year appraisal in May.
- The CDPP does not pay performance pay or performance bonuses.
- There is provision for advancement through a classification. Advancement is contingent on satisfactory performance over the previous performance cycle.

i – ii) The aim of the PMS is to foster a high performance culture by emphasising the personal development of staff and the relationship between corporate goals and individual skills, responsibilities and performance.

This also enables assessment by a supervisor to determine one of the following outcomes:

1. Qualified for advancement – employee is assessed as ready to advance and will advance to the next salary point if not already at the maximum.
2. Qualified for advancement – but employee is already on the top of the range of their classification level.
3. Employee not ready to advance – employee is assessed as not yet ready to advance as the employee:
  - may not be performing at an acceptable level and appropriate remedial action will be taken ; or
  - may not have yet obtained the necessary skills required for the classification level and procedures will be implemented to assist the employee to obtain the required skills.

A Personal Development Plan is developed and implemented over a 12 month period.

iii) The only monetary value that flows from the PMS is that an employee may increase one salary point in the classification, provided they are not already on the maximum point.

iv) The PMS covers all on-going non-SES staff. The classification levels are APS 1 – 6, EL1, EL2, LO1, LO2, SLO and PLO.

v) The CDPP Certified Agreement 2003-2006.

vi) Yes as stated above the CDPP's PMS commences 1 July – 30 June.

**Question b)**

The total number of employees that underwent an assessment under the PMS for the last completed cycle 1 July 2002 – 30 June 2003 was 394.

Females	253
Males	141



## FAMILY COURT OF AUSTRALIA

**Question a)**

The Family Court of Australia does not have a performance assessment mechanism as such. The Court has in place a Performance Development System (PDS) as described below. The Court does not operate a system of any kind for performance pay or other financial rewards. Performance pay was eliminated from the Court in January 2003.

The Court's PDS is recognised as an innovative approach, both for the Court as well as the broader APS. This system does not involve ratings, assessment or pay bonuses. The approach adopted by the Court is about developing organisational capability through building individual capability.

The PDS is an on-line management tool designed to facilitate open, honest and ongoing dialog between the manager or supervisor and employee on issues relating to performance, and to lay a framework for developing and implementing improvement strategies.

The PDS process is designed to assist staff in understanding how their job contributes to the strategic goals of the Court, creates a shared responsibility for ensuring staff do the best job they can, allows encouragement and recognition for their contribution as well as identifying barriers to improvement. The PDS approach covers six dimensions identified in consultation with staff that impact on optimal performance. These are:

1. **Expectations:** This dimension assesses understanding of what is expected to be achieved, including quality and quantity of outputs, what individuals need to do to produce these outputs and standards of conduct and behaviours.
2. **Evaluation:** Identifies issues and factors impacting upon meaningful feedback and subsequent abilities to evaluate performance against expectations.
3. **Motivation:** Looks at the factors that impact on an individual's drive and motivation.
4. **Infrastructure:** Looks at work systems, procedures and resources available to support an individual in their job.
5. **Support:** Examines the support environment provided by the people within it to include levels of trust, group and individual dynamics, actions and understanding
6. **Capacity:** Examines skill sets, knowledge and attributes of an individual required for effective job performance.

## FEDERAL COURT OF AUSTRALIA

**Question a)**

- i) The Federal Court's Performance and Development program applies to all staff in the Court including Senior Executive Service staff. It provides for annual salary progression within the pay range applying to the classification, to the top of the relevant salary range. This progression is subject to achieving a rating of 'satisfactory to fully effective' or better in an annual performance appraisal. There is also a mid-cycle review of the performance, and development needs, of each staff member.
- ii) The range of possible outcomes is as follows:
- Outstanding
  - Satisfactory to fully effective
  - Marginal
  - Unsatisfactory
- iii) Pay outcomes contingent on performance assessments are as outlined under i. above. That is, staff progress to a higher pay point - up to the maximum of the relevant pay scale - subject to performing at a satisfactory or better level.
- iv) The process outlined above applies to all Court staff.
- v) The process is contained in a Court-wide policy which is drafted under the provisions of both the Court's Certified Agreement 2002 – 2005 and Australian Workplace Agreements applying to staff not covered by the Certified Agreement.
- vi) The Court's performance cycle is subject to annual review in September each year with a mid-cycle review in March.

**Question b)**

The Court does not currently retain centralised data on the outcomes of performance assessments except where staff are rated as 'marginal' or 'unsatisfactory'. No staff were rated as marginal or unsatisfactory in the performance appraisals conducted in September 2003. As a result, all staff achieved ratings in the 'satisfactory to fully effective' or 'outstanding' categories. The Court's current profile of staff by level and gender is reproduced below.

<b>Salary</b>	<b>Total staff</b>	<b>Women</b>
\$28829 - 31860 FCS1	1	
\$32626 - 36178 FCS2	63	35
\$37160 - 40107 FCS3	61	40
\$41418 - 44969 FCS4	9	5
\$46195 - 48985 FCS5	141	108
\$49893 - 57313 FCS6	21	6
\$38289 - 77674 FCM1/FCL1	31	15
\$73620 - 88489 FCM2/FCL2	31	16
SES	10	2
<b>TOTAL</b>	<b>368</b>	<b>227</b>

## FEDERAL MAGISTRATES SERVICE

## Question a)

- i) The current process of assessment for court staff is an initial feedback session at the beginning of the cycle, normally in July (or within 4 weeks of commencement of employment or return from leave) resulting in an Action Plan - ie a short and clear summary of performance expectations and development needs; feedback about performance and development progress at 6 months, including revisions to any existing Action Plans to take account of workplace changes, and; a final performance assessment at the end of the cycle in May (or on return from absence prior to 1 July). The current process for the CEO is an annual assessment by the Chief Federal Magistrate forwarded to the Remuneration Tribunal for determination.
- ii) For court staff: unsatisfactory, marginal, satisfactory, highly effective, or outstanding. For the CEO: as established by the Chief Federal Magistrate from time to time.
- iii) Court employees who are not yet at the top pay point in their classification are eligible to advance one pay point within their classification level, based on the annual assessment. Employees at the top of their classification level are eligible for a performance bonus of 3%. The CEO is eligible for an annual performance bonus up to 15% of base salary.
- iv) Court employees in the range APS1 to EL2 (there are no SES staff) are subject to the performance assessment. The CEO is a statutory appointment.
- v) For court employees, the principal industrial instrument is the certified agreement. For the CEO, Remuneration Tribunal determinations.
- vi) Yes, financial year 1 July 2002 to 30 June 2003.

## Question b)

	Male	Female	Total
Chief Executive Officer	1		1
Executive Level 2	2	2	4
Executive Level 1	1	5	6
APS 5	1	19	20
APS 4	1	18.6	19.6
APS 3		2.8	2.8
<b>TOTAL</b>	<b>6</b>	<b>47.4</b>	<b>53.4</b>

**HIGH COURT OF AUSTRALIA****Question a)**

The High Court of Australia assesses the performance of its staff through a combination of probation assessments (for new staff), salary increment assessments, and formal performance agreements in AWAs for Senior Executive staff.

i) Probation Report: this report is used to assess a new employee's conduct and work performance during the first 6 to 12 months of their employment and prior to confirmation of their employment. Probation reports cover the classification levels from High Court Officer Level 1 to High Court Executive Level 2.

Salary Increment Report: the High Court Administration Workplace Agreement provides that where a scale of rates of salary apply, increments may be paid in accordance with that scale. The payment of an increment reflects the greater contribution which should be made by an employee as knowledge and experience increase. The salary increment report is used for this purpose and applies to officers from High Court Officer Level 1 to High Court Executive Officer Level 2.

AWA Performance Agreement: an integral part of an Australian Workplace Agreement is the Performance Agreement, which lists the strategies, outputs, outcomes and standards expected from the employees for the life of the AWA. The Performance Agreement applies generally to High Court Senior Executives.

- ii) Outcome results from performance assessments identified in (i):
- Probation Report: Confirmation of appointment, extension of probation or annulment of appointment.
  - Salary Increment Report: pay increase or deferment of increment.
  - Performance Agreement: salary increase, plus further increase(s) during the life of the AWA.
- iii) Pay or other financial change linked to each outcome or result is as follows:
- Probation Report: no pay or financial change is linked to this report.
  - Salary Increment Report: pay increase to the next level within a salary scale.
  - AWA Performance Agreement: salary movements as specified in the AWA.
- iv) Classification level of employees subject to the performance agreements:
- Probation Report: High Court Officers Levels 1 to 6 Executive Levels 1 and 2.
  - Salary Increment Report: High Court Officers Levels 1 to 6 Executive Levels 1 and 2.
  - AWA Performance Agreement: High Court Senior Executive Level.
- v) Instruments governing the High Court's performance assessment mechanisms:
- The probation report and salary increment reports are governed by the High Court Administration Certified Agreement. The AWA performance agreement is governed by individual AWAs.

vi) Cycle of operation for performance assessment:

- Probation Reports are completed three months after an officer's commencement with the Court and again at six months. Unsatisfactory reports can extend the probation period for up to twelve months.
- Salary Increment Reports are completed every twelve months until the employee reaches the top of their appointed classification salary range.
- AWA Performance Agreements run generally for a two-year period with the most recent full cycle ending on 30 June 2002.

### Question b)

Number of Male and Female employees by classification at each possible outcome for the 2002-03 financial year.

### PROBATION REPORTS

Classification Level	Continuation of probation to six months		Continuation of probation beyond six months		Confirmation of appointment		Annulment of appointment	
	M	F	M	F	M	F	M	F
Executive Level 2	1				1			
Executive Level 1		1				1		
HCO Level 6	1	1			1	1		
HCO Level 5	1	1				1		
HCO Level 3	1		1		1		1	
HCO Level 2		1				1		
HCO Level 1	1				1			

### SALARY INCREMENT REPORTS

Classification Level	Increment Approved	
	M	F
Executive Level 1		2
HCO Level 5	2	1

### AWA PERFORMANCE AGREEMENT.

Classification Level	Salary Increase		Further increase during life of AWA	
	M	F	M	F
Senior Executive	1	2	1	2

**HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION****Question a)**

i – ii ) All employees are assessed under HREOC's Performance Management Scheme and all employees are assessed against the following rating scale:

- Highly Effective – Significantly surpassed standard required.
- Effective – Fully Competent delivery of all key work objectives.
- Needs Improvement – Delivery of some or none of the key work objectives, remedial action in place.
- Not Effective – Action is or will be taken under the HREOC Certified Agreement.

iii) If an employee is rated as Highly Effective or Effective there is salary advancement within their classification, where applicable.

iv) APS1-6, EL1 and EL2.

v) The HREOC Certified Agreement 2003-2005 and individual Australian Workplace Agreements.

vi) Yes. It operates over a 12 month cycle from 1 July to 30 June.

**Question b)**

For the 2002/03 cycle the breakdown was:

<b>Classification</b>	<b>Rating</b>	<b>Male</b>	<b>Female</b>
APS1	Highly Effective Effective	1	
APS2	Highly Effective Effective	2	
APS3	Highly Effective Effective	3	7 3
APS4	Highly Effective Effective	2	3 2
APS5	Highly Effective Effective	3	2
APS6	Highly Effective Effective	1 3	6 14
EL1	Highly Effective Effective	3	5 3
EL2	Highly Effective Effective	8 2	12 1

## INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA

### Question a)

(i) ITSA's performance assessment system is its Performance Feedback Scheme (PFS), a program of communication and agreement between all employees and managers about employee performance and development. Each employee's Performance and Development Plan (PDP) provides a record of this communication.

The objectives of ITSA's PFS are to:

- align the work of each employee to ITSA's overall outcomes;
- identify and communicate performance expectations;
- foster a work environment that encourages feedback on performance; and
- identify and plan training and development.

(ii) Based on the review discussion and an evaluation of performance against the key accountabilities and each generic capability, employees and their managers agree on an overall rating based on the following rating scale:

HIGHLY EFFECTIVE	Performance consistently exceeds expectations and agreed outcomes.
EFFECTIVE	Performance meets expectations and agreed outcomes.
UNSATISFACTORY	Overall performance does not meet the expectations and agreed outcomes.

Employees and managers also draft a development plan which aims to document any gaps between where the employee is and where they need to be in terms of knowledge, skills and capabilities. The plan then outlines proposed learning and development activities to address those gaps.

(iii) There are no pay or other financial outcomes, or opportunities for classification or level change, available to employees as a result of ITSA's performance feedback scheme.

(iv) All ITSA employees, other than the Chief Executive, participate in this performance assessment. This includes employees at APS1, APS2, APS3, APS4, APS5, APS6, EL1, EL2 and SES.

(v) ITSA's Certified Agreement or individual Australian Workplace Agreements, as applicable.

(vi) The ITSA performance assessment cycle for all employees commences on 1 September and concludes 31 August. There is also a mid-cycle review undertaken in March.

**Question b)**

<b>breakdown of ratings by classification group</b>									
	<b>highly effective</b>		<b>effective</b>		<b>unsatisfactory*</b>		<b>incomplete</b>		<b>totals</b>
<b>EL2-SES</b>	20	69%	9	31%	0	0%	0	0%	29
<b>APS 5 - EL1</b>	31	30%	71	69%	0	0%	1	1%	103
<b>APS 1 - 4</b>	13	14%	80	83%	0	0%	2	2%	95

<b>breakdown of ratings by gender</b>									
	<b>highly effective</b>		<b>effective</b>		<b>unsatisfactory*</b>		<b>incomplete</b>		<b>totals</b>
<b>male</b>	31	30%	70	68%	0	0%	1	1%	102
<b>female</b>	33	26%	90	72%	0	0%	2	2%	125



**NATIONAL NATIVE TITLE TRIBUNAL****Question a)**

- i) The current processes of performance assessment within the National Native Title Tribunal are performance management program and probation.

**Performance Management Program**

The Performance Management Program aims to:

- improve employee performance and accountability;
- set out individual responsibilities and the standards of performance expected from employees;
- identify and encourage learning and skills development needs and ways these can be met;
- provide an opportunity for regular feedback;
- provide a mechanism for salary advancement and,
- establish effective processes for managing underperformance.

The details of the employee category that the performance management process applies to are all employees engaged under the NNTT Certified Agreement (except non-ongoing employees of one month or less) will participate.

**Probation**

The purpose of probation is to see whether the employees conduct and work performance meet the standards expected. This applies to all ongoing employees on engagement.

**ii) Performance Management**

The outcome results an employee can achieve are:

- an integrated corporate, team and individual work plan through Performance Management
- an identified standard of performance expected from employees, measured against the Tribunal Capability Framework
- regular feedback on performance to all employees
- learning and skills development identification for improved future performance
- identification and management of underperformance, and
- salary advancement.

**Probation**

Assessment of performance merit one of the following:

- Confirmation of employment.
- Extension of probation period.
- Termination of employment.

**Reward and Recognition**

A reward and recognition program is being developed in line with the current certified agreement.

The program will offer a range of non-salary options, providing a formal incentive for:

- Rewarding individuals who exceed performance standards beyond normal salary advancement provisions, and
- Providing access for top-of-range employees who achieve a satisfactory performance rating to a limited range of non-remunerative awards.

iii) **Performance Management**

Salary advancement of one level for all employees, Cadets to EL 2 on successful completion of the performance management requirements.

**Probation**

Confirmation of employment at stated classification.

**Rewards and Recognition**

Non-salary reward, to be determined when guidelines endorsed.

iv) **Performance Management**

Cadet to EL 2 and equivalent

**Probation**

APS 1 to EL 2 and equivalent

**Reward and Recognition**

APS 1 to EL 2 and equivalent

v) NNTT Certified Agreement 2003-2006, and Australian Workplace Agreements.

vi) The performance assessment cycle runs from 1 July to 30 June each year. The most recent full cycle was 1 July 2002 to 30 June 2003. For the Reward and Recognition program this has not yet commenced.

**Question b)**

Below are three tables which outline total number of employees as at 30 June 2003. The data is from the most recent full performance assessment cycle.

The tables outline employees by:

- classification
- gender,
- employees subject to probationary period during the 02/03 financial year,
- groups of employees who qualified for and received salary advancement,
- two groups of employees who did not qualify for a salary advancement on 30 June 2003.

### Total number of NNTT employees by gender

Level	Female	Male	Total
Cadet	2	0	2
APSL1	0	0	0
APSL2	38	7	45
APSL3	18	3	21
APSL4	39	16	55
APSL5	7	5	12
APSL6 (includes Lib2 Med 1)	55	28	83
EXEC1 (includes Legl 1 Med 2)	27	18	45
EXEC2 (includes Legl 2)	3	12	15
SES1	1	1	2
<b>Total</b>	<b>190</b>	<b>90</b>	<b>280</b>

### Total number of NNTT employees subject to Probation by gender

Includes employees who commenced Probation before 1 July 2002 and were either confirmed or not during the 02/03 financial year.

Commenced	Gender	Confirmed	Current	Resigned	Grand Total
Post 1/7/02	Female	9	15	1	25
	Male	11	3		14
Post 1/7/02 Total		20	18	1	39
Pre 1/7/02	Female	4			4
	Male	10			10
Pre 1/7/02 Total		14			14
<b>Grand Total</b>		<b>34</b>	<b>18</b>	<b>1</b>	<b>53</b>

### Salary advancement of NNTT employees for the 2002-2003 performance assessment cycle

Level	Top of Range at 30 June 2003			Eligible and received salary advancement (refer notes below)			Eligible but not advanced (refer notes below)			Not eligible due to commencing after 1 April 03 (refer notes below)		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total
Cadet	0	0	0	0	0	0	0	0	0	0	0	0
APSL1	0	0	0	0	0	0	0	0	0	0	0	0
APSL2	3	4	7	25	4	29	7	0	7	3	1	4
APSL3	11	3	14	11	1	12	1	0	1	1	0	1
APSL4	19	7	26	12	9	21	2	0	2	4	0	4
APSL5	6	1	7	3	2	5	0	0	0	0	0	0
APSL6	21	13	34	30	16	46	4	0	4	3	0	3
EXEC1	18	16	34	3	2	5	1	0	1	0	1	1
EXEC2	2	10	12	0	0	0	1	1	2	0	0	0
SES1	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>80</b>	<b>54</b>	<b>134</b>	<b>84</b>	<b>34</b>	<b>118</b>	<b>16</b>	<b>1</b>	<b>17</b>	<b>11</b>	<b>2</b>	<b>13</b>

- Employees who were eligible and received salary advancement for 02/03 financial year were paid on 14 August 2003. This included payments made at nominal and actual levels.
- Employees who were eligible and did not receive payment reflects employees at the nominal level. The Tribunal is unable to readily identify employees who were eligible and not paid at the actual level such as those on Temporary Assignment of Higher Duties.
- Employees who commenced after 1 April 2003 were covered by the Performance Management guidelines but were not eligible for salary advancement under the NNTT CA 2000-2003 clause 25.

## OFFICE OF FILM AND LITERATURE CLASSIFICATION

### Question a)

(i) **For OFLC employees in the APS 1 to Executive Level 2 range.**

The Office of Film and Literature's Performance and Development Review Scheme (PDRS) applies to all APS employees below the level of Senior Executive Service (SES) and establishes a performance management process that determines an employee's progression within a salary range.

The following performance assessment processes are established in the OFLC by the PDRS:

- A written Performance and Development Agreement is established between the employee and his/her supervisor. This takes place at the commencement of the performance cycle (1 June -31 May), or on commencement of the employee, and involves:
  - The weighting of five generic key result areas (KRA's) in consideration of the specified duties of the employee
  - Discussion of the strengths and weaknesses of the employee's performance against the KRA's
  - Identification of, and agreement on, areas for development, indicators to measure improved performance and support actions to assist the individual's performance improvement over the cycle
- A formal mid-cycle review is conducted between both parties to provide feedback on employees' progress and, as necessary, agree any changes required in relation to the performance agreement.
- An end-of-cycle appraisal is conducted between both parties at the end of May. The parties discuss performance against each of the KRA's including the employee's achievements in relation to the agreed areas for development. A rating from a five point scale is agreed for each of the key result areas and this is multiplied by the agreed weighting for the KRA.
- All appraisals are then forwarded to the Director for his consideration, approval of any salary or financial payment recommendations and to ensure the program is operating effectively and consistently across the organisation.

**For OFLC SES employees.**

The framework of the PDRS is used in relation to the performance management of OFLC SES employees.

The following performance assessment processes currently exist for OFLC SES employees:

- A written Performance and Development Agreement is established between the SES employee and the Director. This takes place at the commencement of the performance cycle or on commencement of the employee, and involves:
  - The weighting of generic key result areas (KRA's) in consideration of the specified duties of the employee
  - Discussion of the strengths and weaknesses of the employee's performance against the KRA's and specific business objectives.

- Identification of, and agreement on, specific business objectives, areas for development, indicators to measure performance and support actions to assist the individual's performance improvement
- A formal mid-cycle review is conducted between both parties to provide feedback on employees' progress and, as necessary, agree any changes required in relation to the performance agreement.
- An end-of-cycle appraisal is conducted by both parties in the last month of the cycle. The parties discuss performance against each of the KRA's and, in particular, achievement of business objectives. A rating from a five point scale is agreed for each of the KRA's and this is multiplied by the agreed weighting for the KRA. Additionally, the Director will form an opinion as to whether the specified business objectives have been met or exceeded or not.

**(ii) For OFLC employees in the APS 1 to Executive Level 2 range**

Having completed a performance agreement cycle each employee will receive an overall rating out of a possible 500 (calculated by multiplying the rating for each individual KRA by the percentage weighting for that KRA and adding these amounts). This overall rating will determine, for those eligible, the recommendation to be made regarding the employee's salary advancement and any other financial payment.

**For OFLC SES employees**

Having completed a performance agreement cycle each SES employee will receive an overall rating out of a possible 500 (calculated by multiplying the rating for each individual KRA by the percentage weighting for that KRA and adding these amounts). Additionally the Director will form an opinion as to whether the specified business objectives have been met. The overall rating against the KRA's and performance against specified business objectives will determine eligibility for a one-off performance bonus rather than salary advancement.

**(iii) For OFLC employees in the APS 1 to Executive Level 2 range**

The following pay or financial changes will result for an individual employee in relation to the particular overall rating received:

- An overall rating of less than 200 will not warrant a recommendation for a salary increment or may warrant a recommendation for deferral of a salary increment.
- An overall rating of 200-449 will warrant a recommendation for an increment of one salary point within the classification range, where available.
- An overall rating of 450 – 500 will warrant a recommendation for an increment of two salary points, where available. For employees on the maximum of the range for their classification level, a rating of 450 – 500 will entitle them to be paid, for the following twelve months, at the equivalent of bottom level of the salary range for the next classification level.

Incremental advancement is only available to staff on completion of the first full appraisal cycle after 12 months service at the classification level.

**For OFLC SES employees**

The following pay or financial changes will result for an individual SES employee in relation to the particular overall rating received:

- an overall rating of 200 or over against the KRA's and, in the opinion of the Director, achievement of or exceeding the specified business objectives will warrant a performance bonus of a percentage of the employee's salary.

**(iv) For OFLC employees in the APS 1 to Executive Level 2 range**

- APS Level 1 to Executive Level 2
- For OFLC SES employees
- SES 1

**(v) For OFLC employees in the APS 1 to Executive Level 2 range**

- OFLC Policy and Procedure in accordance with the Agency Agreement 2003-06.
- For OFLC SES employees
- OFLC Policy and Procedure in accordance with specified employment conditions in individual Australian Workplace Agreements (AWA's).

**(vi) For OFLC employees in the APS 1 to Executive Level 2 range**

Yes. The PDRS operates over a common cycle. The commencement and end dates of the most recent full cycle was 1 June 2002 to 31 May 2003 respectively.

**(vi) For OFLC SES employees**

No. Performance assessment does not operate over a common cycle for OFLC SES employees. However, there is currently only one OFLC SES employee and the commencement and end dates of the most recent full cycle was 1 February 2003 to 31 January 2004 respectively.

**Question b)**

**For OFLC employees in the APS 1 to Executive Level 2 range**

No increment payable (overall rating of less than 200)

	<b>Male</b>	<b>Female</b>
APS Level 1	N/A	N/A
APS Level 2/3		
APS Level 4		
APS Level 5		
APS Level 6		
Exec Level 1		
Exec Level 2		

One increment payable, where available (overall rating of between 200 and 449)

	Male	Female
APS Level 1	N/A	N/A
APS Level 2/3		1
APS Level 4	3	2
APS Level 5		1
APS Level 6	3	2
Exec Level 1	1	1
Exec Level 2		2

Two increments payable or payment equivalent to bottom level of salary range for the next classification level (overall rating of between 450 and 500)

	Male	Female
APS Level 1	N/A	N/A
APS Level 2/3		
APS Level 4	1	1
APS Level 5	1	
APS Level 6		
Exec Level 1	1	1
Exec Level 2		

No increment payable (full cycle not yet completed)

	Male	Female
APS Level 1	N/A	N/A
APS Level 2/3		
APS Level 4		1
APS Level 5	1	1
APS Level 6	1	3
Exec Level 1		
Exec Level 2	1	

**For OFLC SES employees**

Outcome for the 2003-04 cycle not yet finalised.

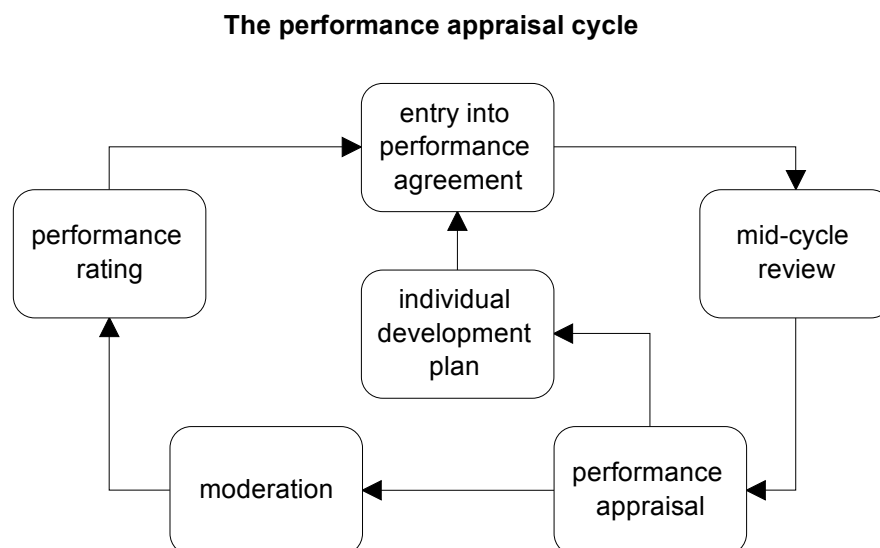
	Male	Female
SES 1		



## OFFICE OF PARLIAMENTARY COUNSEL

## Question a)

i) The current process/es of performance assessment for all employees within OPC are described in the following diagram.



Performance agreements generally follow a standard form with variations negotiated between appraisees and appraisers in relation to the weightings assigned to each target and the weightings assigned to each skill or activity within each target.

ii) Appraisees are appraised against a 3 point rating scale using generic performance standards and OPC specific descriptions of the “fully effective” standard for each work level in respect of the skills and activities covered by the performance targets as follows:

- **Fully Effective**—indicates that a person has “clearly more than met standard work requirements”.
- **Adequate**—indicates that a person has met “the standard expected at this classification level”, and has “delivered satisfactory results against most significant indicators”.
- **Unsatisfactory**—indicates that a person has not met “the standard expected at this classification level”.

iii) For SES, an Experience Loading for each year of work in OPC since the employee was first promoted to an SES Band 1/2 position in OPC as follows:

- **Fully Effective**—\$1,500, up to a maximum Experience Loading of \$15,000.
- **Adequate**—\$750, up to a maximum Experience Loading of \$7,500.
- **Unsatisfactory**—Nil, and may be subject to a reduction in salary and processes to manage unsatisfactory performance.

For other employees:

- **Fully Effective**—if not at the top pay point, an employee advances to the next pay point within his or her classification.
  - **Adequate**—not eligible for salary advancement.
  - **Unsatisfactory**—not eligible for salary advancement, and may be subject to processes to manage unsatisfactory performance.
- iv) SES, EL2, EL1, and APS and equivalent.
- v) Certified Agreement and AWAs.
- vi) Yes. 1 July 2002 to 30 June 2003.

**Question b)**

- For SES, 6 males and 4 females received a rating of 3. No SES received ratings of 2 or 1.
- For EL2 and equivalent, 5 males and 6 females received a rating of 3. No EL2s received ratings of 2 or 1.
- For EL1 and equivalent, 2 males and 3 females received a rating of 3. No EL1s received ratings of 2 or 1.
- For APS 2-6 and equivalent, 5 males and 10 females received a rating of 3, and 1 male received a rating of 2.

## OFFICE OF FEDERAL PRIVACY COMMISSIONER

## Question a)

- i) All employees are assessed under OFPC's Performance Management Scheme.
- ii) All employees are assessed against the following rating scale:
- *Highly Effective* – Significantly surpassed standard required.
  - *Effective* – Fully Competent delivery of all key work objectives.
  - *Needs Improvement* – Delivery of some or none of the key work objectives, remedial action in place.
  - *Not Effective* – Action is or will be taken under the OFPC Certified Agreement.
- iii) If an employee is rated as *Highly Effective* or *Effective* there is salary advancement within their classification, where applicable. For SES and EL staff on AWA's a performance bonus may be paid.
- iv) APS1-6, EL1 and EL2 and SES.
- v) The OFPC Certified Agreement and individual Australian Workplace Agreements.
- vi) Yes. It operates over a 12 month cycle from 1 July to 30 June.

## Question b)

For the 2002/03 cycle the breakdown was:

Classification	Rating	Male	Female
APS3	Effective	1	2
APS4	Highly Effective	2	
APS5	Effective		4
APS6	Highly Effective Effective	4	2 6
EL1	Highly Effective Effective	3 1	1 1
EL2	Highly Effective Effective		2 1
SES	Highly Effective	1	

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

**Output AGD**

**Question No. 101**

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

**Freedom of Information**

- a) Can you advise whether your Department has a dedicated FOI officer, how many officers employed to deal with FOI requests, and what levels they are employed at?
- b) How many applications did you have under the FOI Act in the 2002-03 financial year?
- c) How did this figure compare to previous years?
- d) How many internal reviews of applications occurred in the last financial year?
- e) How many times have internal reviews affirmed the original decision?
- f) Can this information be broken into those requesting individual information vs. "political" (ie media, opposition, etc)
- g) What percentage of cases go to external review?
- h) What percentage of original decisions that go to external review are upheld?
- i) What percentage of fees are waived?
- j) How much was charged in fees for FOI applications? How much of this was actually collected?
- k) How much did the Department spend in defending these appeals?
- l) In relation to refusals to grant requests, can you provide figures on which exemption categories are used when information is refused?
- m) What percentages of refusals are within each category (what percentage of refusals by Departments are on commercial-in-confidence ground, and on other grounds?)
- n) Does the Department have any statistics over a significant period to show whether the use of this exemption is static, reducing or growing?

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

- a) The Attorney-General's Department employs three full time officers who have the sole responsibility of processing all FOI requests made to the Department. These officers are employed at the following levels: APS 5, APS 6 and EL2. The EL2 officer and APS 6 officer are both qualified lawyers.
- b) 74 applications were received by the Attorney-General's Department during 2002-03.
- c) The figure of 74 represents an increase of ten requests on the previous financial year when 64 requests were received.
- d) Three internal reviews of FOI decisions occurred during 2002-03.

- e) All internal reviews affirmed the decision made in the first instance.
- f) The current categories in existence for annual reporting of FOI cases for the purposes of the FOI Annual Report allows for the distinction between requests for information that is purely personal and requests for other information. Of the 74 requests received during 2002-03, 31 were requests for personal information and 43 requests were for other information.
- g) Assuming that 'external review' means review by the Administrative Appeals Tribunal (AAT), during 2002 – 03 there were three appeals against Departmental decisions made to the AAT (i.e. 4.05% of primary decisions made were reviewed by the AAT).
- h) All decisions (three) reviewed by the AAT during 2002-03 were upheld.
- i) During 2002 – 03 fees were waived in 19 requests (25.7 %).
- j) The total amount of fees charged for FOI requests during 2002-03 was \$690.00. All fees charged were collected.
- k) The Department incurred no additional costs in defending the three AAT appeals made against the decisions during 2002-03. This was because the Director of the FOI Section, a qualified lawyer, represented the Department in the Tribunal – assisted by the APS 6 officer, also a qualified lawyer.
- l) Such information is not readily available. No such statistics are kept by the Department and the FOI Act does not require that this information be collected. The statistics kept for quarterly and annual reporting purposes do not allow for such a breakdown. Retrieval of such information would necessitate an examination of individual files created in relation to each request made to the Department. Such retrieval would constitute an unreasonable diversion of the Department's resources.
- m) For the same reasons outlined in respect of question (l), it is not possible for the Department to provide such figures without creating an unreasonable diversion of the Department's resources.
- n) For the same reasons outlined in respect of question (l), it is not possible for the Department to provide such figures without creating an unreasonable diversion of the Department's resources.

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

**Output 1.4**

**Question No. 102**

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

I note that in answer to question 29(2) from the November estimates, the Department responded that the Attorney-General's Department has not provided advice on the position Australia should take on the UN cloning convention.

- a) Did the Department provide any input to advice on the convention?
- b) What was the nature of the input? If not, why was the Department consulted?

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

- a) The Attorney-General's Department has not provided advice in relation to the position Australia should take on the convention.
- b) It is normal practice for a range of agencies to be consulted in the process of the development of a Government position on an issue. The Department was consulted on this basis.

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

**Output 1.2**

**Question No. 103**

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

Provide a breakdown of the contract amounts of the type of work contracted that the Attorney-General has entered into in terms of legal outsourcing.

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

See the answer to Question on Notice 104.

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

**Output 1.2**

**Question No. 104**

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

- (a) How much did you spend in 2002-2003 on outsourced legal services (including private firms, the Australian Government Solicitor, and any others), broken down by whether it was spent on barristers or solicitors?
- (b) How much did you spend on internal legal services?
- (c) What is your projected expenditure on legal services for the 2003-2004 financial year?

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

- (a) The amount spent on outsourced legal services provided by solicitors for 2002-03, including some disbursements, was \$7,109,283.57 (GST inclusive).

The amount spent on outsourced legal services provided by barristers engaged through the Australian Government Solicitor for 2002-03 was \$711,244.15 (GST inclusive).

Some of the amount shown as solicitors' fees includes disbursements for counsel engaged by private firms. Until recently, separate records were not kept for expenditure on solicitors and barristers, and it would not be a justifiable diversion of resources to track the individual details. However, the Attorney-General's Department has, for this financial year, introduced a ledger code that will, in future, separately record amounts spent on barristers and solicitors.

- (b) Because the Attorney-General's Department does not have a separate internal legal services branch, and a reasonable proportion of its staff is comprised of lawyers mostly engaged in legal policy rather than legal advice work, the Department does not separately cost internal legal services.
- (c) The projected expenditure on legal services for the 2003-04 financial year is \$7,250,442.75.



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

**Output 1.2**

**Question No. 105**

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

Can you provide an appropriate breakdown of the legal aid spend?

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

The Attorney-General's Department administers three Commonwealth programs which provide financial assistance for legal services. These are the legal aid program, the community legal centre program and Commonwealth schemes of financial assistance. Expenditure on these programs for 2002-03 comprised the following.

<b>Legal Aid Program</b>	\$122.781m
Direct payments to commissions	\$120.570m
Primary Dispute Resolution initiative	\$1m
Expensive Commonwealth Criminal Cases Scheme	\$0.673m
Payments to ACT for War Veterans matters	\$0.13m
Payments to South Australia for Stage 1 Child Support matters	\$0.408m
<b>Community Legal Centre Program</b>	\$24.062m
Direct payments to community legal centres for service delivery totalled \$21.032m. Other program payments were for data system development and maintenance, regional law hotline services, other program support and one-off payments for non-service delivery costs.	
<b>Commonwealth Financial Assistance Schemes</b>	
Native Title Schemes	\$10.2m
B&CI and HIH Royal Commissions	\$3.436m
All other schemes*	\$0.929m
* Does not include payments under the War Veterans scheme as this is included under the payments to legal aid commissions listed above.	