

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

EXAMINATION OF BUDGET ESTIMATES 2001 – 2002

**ADDITIONAL INFORMATION
VOLUME 1**

ATTORNEY-GENERAL'S PORTFOLIO

**Additional Information Relating to the
Examination of Expenditure 2001 – 2002**

November 2001

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Could you please provide information showing for the previous 12 months:

- a) The dates on which staff in the Office of the Attorney-General travelled on official business;
- b) The dates on which the staff in the Office of the Attorney-General were paid a travel allowance;
- c) The amount of travel allowance paid on each of those dates;
- d) The destination of travel (including same-day and overnight travel) on each of those dates; and
- e) The total cost of the travel, including airfares and travel allowance.

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

The cost of all travel, including travel allowance payment, for Ministerial staff (employed under the Members of Parliament (Staff) Act) is met by the Ministerial and Parliamentary Services Group of the Department of Finance. The Attorney-General's Department does not have the information requested.

The cost of travel and allowances for the Departmental Liaison Officers is shown in the attached table.

QoN 1 ATTACHMENT A

TRAVEL AND ALLOWANCE PAYMENT FOR DEPARTMENTAL LIAISON OFFICERS FOR THE OFFICE OF THE ATTORNEY-GENERAL

a) Date of travel	b) Date paid Travel allowance	c) Amount of Travel Allowance	d) Destination of Travel	e) Total Cost of travel (airfares and travel allowance)
17 to 20 May 2001	15 May 2001	\$604.60	Sydney Perth	\$1,260.00 (A/F) \$604.60 (T/A) Total: \$1,864.60
10 to 13 May 2001	11 May 2001	\$598.15	Perth	\$2,005.74 (A/F) \$598.15 (T/A) Total: \$2,603.89
1 May 2001	N/A	N/A – under 10 hours	Sydney	\$286.00 (A/F) Total: \$286.00
17 to 20 April 2001	13 April 2001	\$539.05	Perth	\$1,540.00 (A/F) \$539.05 (T/A) Total: \$2,079.05
10 to 12 April 2001	11 April 2001	\$439.50	Melbourne	\$440.00 \$439.50 Total: \$879.50
23 March	29 March 2001	\$40.00	Adelaide	\$801.90 (A/F) \$40.00 (T/A) Total: \$841.90

a) Date of travel	b) Date paid Travel allowance	c) Amount of Travel Allowance	d) Destination of Travel	e) Total Cost of travel (airfares and travel allowance)
22 to 23 March 2001	23 March 2001	\$119.10	Sydney	\$382.80 (A/F) \$119.10 (T/A) Total: \$501.90
16 February 2001	N/A	N/A – under 10 hours	Sydney	\$382.80 (A/F) Total: \$382.80
15 December 2000	21 December 2000	\$40.00	Melbourne	\$536.80 (A/F) \$40.00 (T/A) Total: \$576.80
13 December 2000	N/A	NA – under 10 hours	Sydney	\$382.80 (A/F) total: \$382.80
1 to 3 December 2000	1 December 2000	\$363.60	Perth	\$1,975.60 (A/F) \$363.60 (T/A) Total: \$2,339.20
16 to 17 November 2000	18 November 2000	\$190.10	Launceston	\$728.20 (A/F) \$190.10 (T/A) Total: \$918.30
26 to 29 October 2000	27 October 2000	\$539.05	Perth	\$1,719.30 (A/F) \$539.05 (T/A) Total: \$2,258.35
18 September 2000	28 September 2000	\$40.00	Brisbane	\$891.00 (A/F) \$40.00 (T/A) Total: \$931.00
13 September to 1 October 2000	14 September 2000	\$3,646.90	Sydney	\$363.00 (A/F) \$3,646.90 (T/A) Total: \$4,009.90
10 to 11 September 2000	16 September 2000	\$83.70	Bowral	By Car \$83.70 (T/A) Total: \$83.70
10 to 11 September	16 September 2000	\$83.70	Bowral	By Car \$83.70 (T/A)

a) Date of travel	b) Date paid Travel allowance	c) Amount of Travel Allowance	d) Destination of Travel	e) Total Cost of travel (airfares and travel allowance)
2000				Total: \$83.70
24 to 25 August 2000	31 August 2000	\$40.00	Melbourne	\$517.00 (A/F) \$40.00 (T/A) Total: \$557.00
5 to 7 August 2000	10 August 2000	\$350.20	Perth	\$1,823.00 (A/F) \$350.20 (T/A) Total: \$2,173.20
24 July 2000	3 August 2000	\$40.00	Sydney	\$363.00 (A/F) \$40.00 (T/A) Total: \$403.00
6 to 9 July 2000	6 July 2000	\$411.25	Perth	\$1,563.00 (A/F) \$411.25 (T/A) Total: \$1,974.25
4 to 5 July 2000	6 July 2000	\$200.10	Sydney	\$363.00 (A/F) \$200.10 (T/A) Total: \$563.10
15 to 18 June 2000	16 June 2000	\$519.05	Perth	\$2,326.40 (A/F) \$519.05 (T/A) Total: \$2,845.45

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Could you please provide information showing for the previous 12 months:

- a) The dates on which staff in the Office of the Minister for Justice and Customs travelled on official business;
- b) The dates on which staff in the Office of the Minister for Justice and Customs were paid a travel allowance;
- c) The amount of travel allowance paid on each of those dates;
- d) The destination of travel (including same-day and overnight travel) on each of those dates; and
- e) The total cost of the travel, including airfares and travel allowance.

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

The cost of all travel, including travel allowance payment, for Ministerial staff (employed under the Members of Parliament (Staff) Act) is met by the Ministerial and Parliamentary Services Group of the Department of Finance. The Attorney-General's Department does not have the information requested.

The cost of all travel, including travel allowance payment, for Liaison Officers is listed in the table below.

**TRAVEL AND ALLOWANCE PAYMENT FOR LIAISON
OFFICERS FOR THE OFFICE OF THE MINISTER FOR JUSTICE AND
CUSTOMS**

a) Date of travel	b) Date paid Travel allowance	c) Amount of Travel Allowance	d) Destination of Travel	e) Total Cost of travel (airfares and travel allowance)
21/08/2000	N/A	NIL	Sydney	\$363.00
13/10/2000	N/A	NIL	Sydney (one way VIP aircraft)	181.51
08/12/2000	N/A	NIL	Adelaide (one way VIP aircraft)	420.64
20-23/03/2001	16/03/2001	451.55*	Darwin	2072.29
TOTAL				\$3037.44

*Of the \$451.55, \$201.55 was T/A and \$250 was for accommodation costs purchased using a corporate credit card.

**TRAVEL AND ALLOWANCE PAYMENT FOR LIAISON
OFFICERS FOR THE OFFICE OF THE MINISTER FOR JUSTICE AND
AUSTRALIAN FEDERAL POLICE**

a) Date of travel	b) Date paid Travel allowance	c) Amount of Travel Allowance	d) Destination of Travel	e) Total Cost of travel (airfares and travel allowance)
15/06/2000	N/A	NIL	Adelaide	\$532.59
11 - 14/07/2000	N/A	NIL	Adelaide / Perth	\$1,827.25
26/07/2000	N/A	NIL	Adelaide	\$579.62
01/08/2000	N/A	NIL	Adelaide	\$553.67
04/12/2000	N/A	NIL	Brisbane	\$559.48
13 - 14/12/2000	N/A	NIL	Perth	\$1,415.75
18/12/2000	N/A	NIL	Adelaide	\$607.52
18/01/2001	N/A	NIL	Adelaide	\$775.43
02/03/2001	N/A	NIL	Adelaide	\$577.37
05 - 06/03/2001	N/A	NIL	Adelaide	\$168.50
15/03/2001	N/A	NIL	Sydney	\$318.42
19 - 21/03/2001	N/A	NIL	Darwin / Dili	\$1,947.61
				\$9,863.21

*The AFP does not pay travel allowance. Direct expenses incurred in official travel are met through the application of a corporate credit card.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What was the budget allocation for the implementation of the proposed Community Legal Services Information System for the financial years 1999-00, 2000-01 and 2001-02?

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

For the financial years 1999-00, 2000-01 and 2001-02 the budget allocation for the implementation of the Community Legal Services Information System was respectively \$508,000, \$1,717,000 and nil. This is a total allocation for the project of \$2,225,000.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What has been the expenditure for the implementation of the proposed Community Legal Services Information System for the financial years 1999-00 and 2000-01 providing details of purpose, amount and payee for each item of expenditure?

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

For the financial years 1999-00 and 2000-01 the respective expenditure for the implementation of the Community Legal Services Information System (CLSIS) has been \$310,618 and \$362,249. This is total expenditure for the project of \$672,866.

The following table displays a break down of CLSIS expenditure for each year.

Expenditure	1999-00	2000-01	Total
Community Link Australia	197,321	231,208	428,528
Contract staff	75,736	103,264	179,000
Stakeholder travel & related costs	37,561	27,777	65,338
Total CLSIS	\$ 310,618	\$ 362,249	\$ 672,866

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Of the allocation and expenditure for each year, referred to in the two previous questions, how much has been paid to a) community legal centres, b) external contractors other than centres?

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

- a) Community Legal Centres received reimbursement for incurred travel and related expenses for attendance at various system development meetings. This amounted to \$37,440 in 1999-00 and \$18,752 in 2000-01, a total of \$56,192.
- b) The total amounts paid to external contractors, other than centres was \$273,057 in 1999-00 and \$334,472 in 2000-01, a total of \$607,529.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What was the budget allocation for the proposed Community Legal Centres Service Standards Project for the financial years 1998-99, 1999-00 and 2000-01?

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

For the financial years 1998-99, 1999-00 and 2000-01 the budget allocation for the Service Standards and Performance Indicators project was respectively \$75,000, \$104,900 and \$59,000. This is a total allocation for the project of \$238,900.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What has been the expenditure for the proposed Community Legal Centres Service Standards Project for the financial years 1998-99, 1999-00 and 2000-01 providing details of purpose, amount and payee for each item of expenditure?

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

For the financial years 1998-99, 1999-00 and 2000-01, the respective expenditure for the Service Standards and Performance Indicators (SSPI) project was \$45,692, \$89,737 and \$106,012. This is total expenditure for the project of \$241,441.

The following table displays a break down of SSPI expenditure for each year.

Expenditure	1998-99	1999-00	2000-01	total
Community Link Australia	40,000	84,701	83,608	208,309
Sector travel & related costs	572	4,071	15,954	20,598
Consultants	5,119	965	4,659	10,743
Audit trial	-	-	1,791	1,791
Total	\$ 45,692	\$ 89,737	\$ 106,012	\$ 241,441

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Of the allocation and expenditure for each year, referred to in the two previous questions, how much has been paid to a) community legal centres, b) external contractors other than centres?

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

- a) Community Legal Centres received reimbursement for travel and related expenses for attendance at various consultative meetings. This amounted to \$2,913 in 1999-00 and \$15,954 in 2000-01. Four Community Legal Centres received payment for the additional staff costs needed to perform an audit trial of the Service Standards. This amounted to \$1,791 in 2000-01. This is a total of \$20,659 paid to Community Legal Centres.
- b) The total amounts paid to external contractors, other than centres was \$45,119 in 1998-99, \$85,666 in 1999-00 and \$88,267 in 2000-01, a total of \$219,052.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Of the budget allocation for the implementation of the proposed Community Legal Services Information System, how much has been set aside for the upgrade of computer equipment (software and hardware) for community legal centres?

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

For the implementation of the proposed Community Legal Services Information System (CLSIS) an amount of \$270,000 has been set aside for the upgrade of computer equipment (software and hardware) for community legal centres.

This amount may be subject to adjustment because the minimum computer specifications required to operate CLSIS have not yet been finally determined and computer hardware prices are subject to variation.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Of the budget allocation for the implementation of the proposed Community Legal Services Information System, how much has been set aside for the training of community legal centre workers in the use of the new system?

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

There is no specific allocation for training in the budget for development of the new system. An assessment of training needs will be made closer to implementation of the new system. Training requirements will be settled in consultation with the community legal sector.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

What payments are made for the administration of the Community Legal Services Program by State Level Program Manager – providing details of amount and payee for each state?

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

For 2000/01, the State Level Program Managers have been provided the following amounts by State:

Legal Aid New South Wales	\$92,139
Victoria Legal Aid	\$93,321
Legal Aid Western Australia	\$85,638
Legal Aid Queensland	\$88,002
Attorney General's Department of South Australia	\$80,910
Legal Aid Commission of Tasmania	\$50,000
Total	\$490,010

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What documentation governs the contractual arrangements for the administration of the Community Legal Services Program in each state?

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

There is a Management Protocol and Memorandum of Understanding between the Commonwealth and each State body.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Provide copies of the documentation that governs the contractual arrangements for the administration of the Community Legal Services Program in each state?

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

The Management Protocol and Memorandum of Understanding are attached.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Has the Family Law Pathways Advisory Group now met for the final time?

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

Yes, I understand that the Chair of the Family Law Pathways Advisory Group, Mr Des Semple, does not intend to bring the entire Group together again face to face. However, as the Report is currently being edited and finalised it is likely that there will need to be further discussions to settle the report. What form these discussions might take, and whether, for example, it might be necessary to bring together any of the group members either face to face or over the telephone is a matter for Mr Semple as he is in the best position to judge what is required to finalise a high quality Report.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Could you please update your Question on Notice number 77 to provide the final figure for the total costs associated with establishment and running of the Pathways group?

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

It is not possible to provide a final figure for the total costs associated with the establishment and running of the Pathways group. As I have explained in my answer to QoN 14, the Report of the Pathways group has not yet been finalised. It is currently being edited and, as the editing costs are determined on an hourly basis, and as the amount of printing is not yet known, it is not possible to predict with certainty what the final cost will be. Once final costs are known, a report will be provided to the Committee.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Could you please break down the total actual costs to show detail for costs associated with each of the following expenses referred to in your previous answer:

- a) sitting fees;
- b) travel allowance;
- c) airfares;
- d) administrative costs of meetings;
- e) venue hire;
- f) consultants (including research);
- g) editorial and publication costs;
- h) advertising;

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

Expenditure to date (15 June) in each of the categories is as follows:

a) sitting fees	\$19,301.23
b) travel allowance	\$22,751.85
c) airfares	\$29,141.00
d) administrative costs of meetings	\$3,871.05
e) venue hire	\$1,900.18
f) consultants (including research)	\$78,117.40
g) editorial and publication costs	\$ none to date
h) advertising	\$4,039.23

In addition costs have been incurred as follows:

Indigenous Forum	\$7,770.07
Miscellaneous	\$1,163.15
The overall total to date is:	\$168,055.16

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Which consultants were engaged, for what purposes and at what cost?

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

The following consultants were contracted to arrange, facilitate and report back to the Advisory Group on a number of service provider and/or consumer consultative forums in the locations and at the cost (exclusive of GST) indicated:

- Jane Jeffreys Consulting: Whyalla SA \$4,483.19.
- Bruce Callaghan and Associates P/L: Parramatta NSW and Dubbo NSW \$9,904.94.
- Donovan Research: Perth and Bunbury WA, Townsville QLD, Darwin NT, Canberra ACT, Melbourne, VIC and Hobart TAS: \$40,902,91.

The Australian Institute of Family Studies was contracted to undertake research by way of a number of targeted case studies of separated families, at a cost of \$22,826.36.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTION ON NOTICE

Senator Harradine asked the following question at the hearing of 28 May 2001.

What action has the government taken to undertake a major review of the classification guidelines? What is the rationale for such a review?

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

With the commencement of the *Classification (Publications, Films and Computer Games) Act 1995* Commonwealth, State and Territory Ministers responsible for censorship approved a sequential review of the classification guidelines. The sequential review process began with a review of the *Guidelines for the Classification of Films and Videotapes*. The revised *Guidelines for the Classification of Films and Videotapes* were approved by Censorship Ministers and took effect on 11 July 1996. That review was followed by a review of the *Printed Matter Classification Guidelines*. The revised *Guidelines for the Classification of Publications* came into effect on 1 September 1999. The *Guidelines for the Classification of Computer Games*, which were introduced in 1994, were to be reviewed during 1999-2000. In preparing the material for the computer games review it became evident that it would be desirable to review the film guidelines at the same time to take into account classification issues raised by the convergence of films and computer games in new forms of digital recordings. In November 2000 after obtaining the agreement of Censorship Ministers, the Government announced that the reviews of the *Guidelines for the Classification of Films and Videotapes* and the *Guidelines for the Classification of Computer Games* would be combined. The combined review will address classification issues arising from the convergence of films and computer games in new forms of digital recordings. It will also ensure that the classification guidelines keep abreast of technological developments in entertainment media.

The rationale for the reviews is to ensure that the guidelines continue to adequately reflect contemporary community standards and to better assist the Classification Board to apply the National Classification Code.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTION ON NOTICE

Senator Harradine asked the following question at the hearing of 28 May 2001.

Does the government have any plans to change the review (appeal) processes or structures which are part of the present classification system, and if so what are these?

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

No.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTION ON NOTICE

Senator Harradine asked the following question at the hearing of 28 May 2001.

What processes will the government undertake before deciding on guidelines for the classification of computer games?

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

The process for reviews of the classification guidelines was agreed by Commonwealth, State and Territory Censorship Ministers in 1995. The Guidelines for the Classification of Computer Games, together with the Classification Guidelines for Films and Videotapes will be reviewed in consultation with members of the public, community groups and organisations, including contributors to research. An issues paper and proposed revisions to the guidelines will be circulated for public discussion and comment. The review will also be advertised in the national media. The views of complainants, industry groups and other interested parties will be sought. Community input and responses will be reviewed by an independent person with expertise in the area of classification. The revised guidelines will be scrutinised by a language expert. Proposals to amend the guidelines will be considered by Censorship Ministers on completion of the review. When approved by Commonwealth, State and Territory Ministers, the Guidelines will be formally gazetted and tabled in the respective Parliaments.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTION ON NOTICE

Senator Harradine asked the following question at the hearing of 28 May 2001.

What action has been taken to encourage public discussion on the impact of computer games?

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

In 1995, the Office of Film and Literature Classification, with the approval of Commonwealth, State and Territory Censorship Ministers commissioned a major national study about computer games and the way in which they are perceived and used by Australians, *Computer Games and Australians Today*. Three independent research firms conducted the study with assistance from an expert reference group. The research findings were released publicly in 1999.

The process for the combined review of film and computer games includes wide advertisement in the national media and will encourage public discussion (see QoN 20).

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

How many staff does the Attorney have in his office, and what are their functions? How many of those are dedicated to the media (media monitoring or taking responsibility for responding to the media on behalf of the Attorney). How much does Rehame cost your office, if that is the company that does your media monitoring? Can you do that for the Attorney-General as well?

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

The Attorney-General has 13 Ministerial staff (including 2 departmental liaison officers) who provide a range of strategic and policy advice. Two of these staff are media advisers, one based in Canberra and one based in Perth.

Media Monitors and Rehame provide media monitoring services for the Attorney-General and the Attorney-General's Department.

For the 10 months to the end of April 2001, the costs of electronic media monitoring to the office of the Attorney-General were: \$31 817 (Media Monitors) and \$10 800 (Rehame).

For the same period, expenditure on the daily press clippings service provided by Media Monitors to the Department was \$71 744. In addition, expenditure on electronic media monitoring was \$18 357 (Media Monitors).

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

If there are any contracts that may come under the concerns that the Auditor has addressed in his report, could you please identify those to the Committee?

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

The only contract which we understand to fall within the ambit of the Auditor's concerns is a contract with QANTAS for the provision of travel services to 30 June 2001. The confidentiality provision relates to discounts being offered under the contract.

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

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Provide the details of the effect of the caretaker conventions on grants programs that have continued over years, go back and see what the practice has been under various governments during each election.

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

The Department is currently preparing a direction to staff on the handling of business during an election period. Such instructions to staff are routinely issued when an election is imminent.

The instruction draws on material provided by the Department of Prime Minister and Cabinet, which includes caretaker conventions and other pre-election practices published by that Department. The caretaker period commences at the time of dissolution of the House of Representatives and continues until the election result is clear.

As regards the effect of the caretaker conventions on grants programs, the conventions would require the Government to avoid taking major policy decisions likely to commit an incoming government. The conventions might not have application to longstanding, ongoing commitments, but would affect new or revised arrangements.

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

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Has this committee been going for some time? Can you tell us when you first put it together?

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

Discussions on specific family law related issues between the Attorney-General's Department, the Treasury and the Australian Taxation Office have been taking place since May 2000. An Interdepartmental Committee has not been formally constituted. The discussions have included one face to face meeting, on 8 August 2000, involving officers of the Department and of the Treasury.

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

Senator Cooney asked the following question at the hearing of 28 May 2001.

What was the methodology referred to in the news release on legal aid used for assessing the where community legal services should be located?

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

The news release referred to the State by State reviews of community legal services which the Commonwealth is undertaking in conjunction with State Governments and the community legal sector.

The reviews have incorporated a demographic assessment of disadvantage in each State under review to identify the areas of high need.

For the reviews which have been completed in South Australia, Queensland and Victoria, the analysis has involved a study of statistical local areas. This has been undertaken using statistical data produced by the Australian Bureau of Statistics which was considered to provide a measure of disadvantage such as the socio-economic indexes for areas.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator Cooney asked the following question at the hearing of 28 May 2001.

Publicity on raid at Port Hedland. How that came about? Whether people were tipped off about these raids. Had the AFP ever gone into a detention centre or a jail before?

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

(1) The Australian Federal Police (AFP) does not provide notice of its operational strategies and tactics to parties other than those directly involved in progressing the investigation.

(2) The AFP visits detention centres or jails when it is necessary in an investigation process to:

- obtain witness statements, for example, in relation to people smuggling prosecutions; and / or
- address allegations of civil disturbances, damage to Commonwealth property or other Commonwealth offences.

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

Senator Cooney asked the following question at the hearing on 28 May 2001.

Does the DPP think it is a good idea to prosecute cases, given the publicity that went on beforehand?

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

The issue of pre-trial publicity can vary from matter to matter. Relevant considerations include whether any hearing is before a Magistrate or a jury, the nature and extent of publicity, the length of time between the publicity and any hearing and the curial remedies, such as adjournments, that are available to cope with any potential prejudice. If, in considering all relevant factors in the circumstances of a particular case, the view was taken that it was not possible for a person to obtain a fair hearing at all, that would impact on the decision to initiate or continue with a prosecution.

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

Senator Cooney asked the following question at the hearing of 28 May 2001.

Whether DIMA got any advice from the Minister on this matter?

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

Neither the Minister for Justice and Customs nor the Attorney-General's Department provided advice to the Department of Immigration and Multicultural Affairs on the matter referred to in the Senator's question.

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

Senator Cooney asked the following question at the hearing of 28 May 2001.

Did the Department draw up the contract between the Commonwealth and the private prison operators or did the Australian Government Solicitor?

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

At the hearing, Senator Ellison suggested that this was a matter that might be more appropriately addressed to the Department of Immigration and Multicultural Affairs (DIMA). In giving evidence to the Committee on 30 May 2001, DIMA provided a response to this question (Hansard L&C 254 refers).

SENATE ESTIMATES COMMITTEE
AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001

Has the report of the Office of Regulation Review been publicised?
Is it a public document or is it a working document?

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

The report of the Taskforce reviewing the *Financial Transaction Reports Act 1988* and Regulations under the government's Regulation Review program has been published and can be accessed from AUSTRAC's website at www.austrac.gov.au or from the Attorney-General's Department website at www.law.gov.au ..

SENATE ESTIMATES COMMITTEE
AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001

When did the series of talks commence [with the Australian Securities and Investments Commission on HIH]?

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

AUSTRAC makes available a number of tools to assist law enforcement and revenue agencies in their intelligence gathering and investigation processes. Discussions with ASIC in respect of those tools are frequent and ongoing. AUSTRAC has consulted with ASIC on this matter and ASIC have advised that the specific discussions to which the Senator refers relate to an operational matter about which it would be more appropriate for ASIC to advise.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What was the expenditure on travel allowance for nights in which staff of the Attorney-General's office were required to stay away from Canberra due to their involvement in the interviewing process for AAT members?

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

<i>Staff member</i>	<i>Place, date</i>	<i>Travel allowance</i>
Ms Phoebe Dunn	Sydney, 9–10 April 2001	\$200.00
Ms Karen Moore	Melbourne, 10–12 April 2001	\$439.50
	Perth, 17–20 April 2001	\$539.05
		<u>\$1,178.55</u>

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

How are you dealing with the perception of undue influence now in relation to those out years where it might be levelled that the AAT is now funded from with[in] the Department for those out years rather than having its own budget and then being distinct from the operation of the Department—whether you have taken any legal advice in relation to that point?

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

There has been no change to the way in which the AAT is funded. The AAT will not be funded from within the Department for the out years.

The Government has indicated that it still intends to establish the Administrative Review Tribunal (ART). Accordingly, no funding for the out years for the AAT has been included in the Department's Portfolio Budget Statement.

If the ART is not established, the AAT will continue to operate and will be funded. This will involve an appropriation being made for the AAT in the out years in the normal budget process. The AAT will continue to have its own budget, and will continue to be distinct from the operation of the Department.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001

When did the series of talks commence [with the Australian Securities and Investments Commission on HIH]?

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

AUSTRAC makes available a number of tools to assist law enforcement and revenue agencies in their intelligence gathering and investigation processes. Discussions with ASIC in respect of those tools are frequent and ongoing. AUSTRAC has consulted with ASIC on this matter and ASIC have advised that the specific discussions to which the Senator refers relate to an operational matter about which it would be more appropriate for ASIC to advise.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN LAW REFORM COMMISSION
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Could I get a copy of the minutes of your meetings?

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

The minutes of the meetings on 6 December 2000 and 11 December 2000 of the National Pro Bono Task Force are attached.

DRAFT

National Pro Bono Task Force Australian Law Reform Commission

Notes for file of [tick as appropriate]

phone conversation

consultation/meeting

team & other internal ALRC meetings

other [eg. seminar attendance etc]

File ref#: 2000/
Subject: National Pro Bono Task Force – NSW/ACT members
Time: 9:15 am – 12 pm
Date: 6 December 2000
Venue: ALRC Boardroom
Participants: Prof David Weisbrot (Chair); Jill Anderson (ACOSS); Andrea Durbach (PIAC/PILCH); Prof Paul Fairall (JCU/CALD); Jane Farnsworth (Mallesons); Annette O’Neill (NSW Law Foundation); Janet Power Cth AG’s Dept).

ALRC staff in attendance: Matt Hall (note taker), Lani Blackman, Craig Biscoe (intern).

Apologies: Dr Kate Harrison (Gilbert & Tobin); John Boersig (Many Rivers ALS)

Background matters

DW: Introduction and overview of the organisational matters and priority issues set down in his email of 6 December 2000 (*attached*).

Re membership: note that (1) Janet Power from the federal Attorney-General’s Department has been added to the Task Force; (2) Peter Martino QC has left the Task Force as he has been appointed to the WA District Court; (3) a replacement for peter from WA will be announced shortly.

The Task Force is large (17 members) and scattered (5 capital cities, Townsville and the ACT), with a limited budget (50K). Rather than exhaust the budget quickly on plenary meetings, I thought it sensible for me to meet with as many members as possible before the end of the year, and reserve a major plenary meeting for early next year (say, late Feb/early March). Apart from this meeting of NSW/ACT members – which Paul Fairall also has been able to attend, I will be

meeting in Melbourne next week with the Victorian-based Task Force members (and also will invite John Hodgins from South Australia).

Among other things, we need to identify whether there are any individuals, or preferably organisations, which can provide some research and drive to the Task Force.

The time frame given us by the Attorney means that (a) I need to write to him soon (3 months from establishment), outlining what we see as the key issues; (b) then we need to report no later than December 2001 (9 months); with the Second National Pro Bono Conference to take place after June 2002, probably piggybacking upon the Law Council's annual meeting in Canberra.

Priority issues

DW: Are there any other priority issues other than those listed on the Agenda, namely:

- establishing a pro bono ethos through legal education;
- better matching needs with services and resources;
- considering the need for a national secretariat, or other coordinating body;
- ensuring quality assurance (follow-up/feedback) in service delivery;
- establishing Best Practice management handbook/template for pro bono services;
- intra-professional issues (eg doctors, auditors providing complementary pro bono services).

XX: May need to add to these priority issues the development of an overview of pro bono services offered in Australia. There are many initiatives being addressed elsewhere by other organisations, which may overlap with Task Force initiatives. For example:

- The Law Society of New South Wales is promoting pro bono at present and has produced a Discussion Paper (contact the new President, Nick Meagher); also developing a pro bono kit and looking at quality assurance issues.
- The Federal Magistrates Service is meeting soon regarding the legal assistance referral scheme; concerned that the scheme set up under Order 18 of the Federal Court rules is under-utilised and can be improved.
- There is a joint initiative to create an expanded version of the Legal Aid Helpline, being developed by the New South Wales Attorney-General's Department, NSW Legal Aid, the Law Society of NSW and the NSW Bar. This will combine legal information and referrals, as well advice.

This is some concern about providing advice without the proper resources and expertise.

DW: When I was in Brisbane last week for other purposes, I found out that there had just been a meeting of CLCs, some law firms and Queensland Legal Aid, with agreement that the law firms would fund the establishment of a Queensland PILCH. That's a great development.

Mapping and Definitions

XX: Tied in with the mapping/overview priority is the need to clarify the conceptual basis of what pro bono service actually entails and what it encompasses. For example, is a legal helpline/referral service really pro bono according to most definitions? Is legal aid? .

DW: At the conference, three different approaches to defining “what is pro bono” emerged – we need to review these as to which is the most appropriate. One approach – strongly advocated by many participants – was that you need a *client-centred* definition. This would encompass all poverty law (or community welfare) practice, and other matters in which a client would suffer a great disadvantage, whether or not there is any over-riding ‘public interest’ issue involved. Another approach was much more *lawyer-centred*: so, if the lawyer was willing to provide the service for no fee, or a substantially reduced fee, this is pro bono service. And there was also a strong view that non-litigious work should not be forgotten – for example, engaging in law reform work, or regulation of the profession, or providing advice/assistance to community groups (eg Rotary, or schools, or church groups).

XX: Mainly there is a reactive response to gaps in existing legal services – and thus the services provided are disjointed. We need an overview, a proper picture of all pro bono work in Australia. But the term pro bono is being used to cover too great a range of activities and services.

XX: What implications are there for taking a wide or narrow view of pro bono?

DW: If pro bono includes, for example, test cases, then the plaintiffs in such cases may not be poverty clients. Therefore, if you took a poverty approach to defining pro bono, such cases would not be included.

The type of view taken has an impact on the skills, types of funding etc needed for pro bono services. It would also have an impact on the quality of pro bono work. If pro bono service providers have a clear conception of what pro bono work is, then this would lead to an increase of the quality of pro bono work.

In terms of what the Task Force recommendations can achieve, we need to balance tapping into private resources, using existing resources better and using a degree of public funding as effectively as possible. Therefore, there needs to be an articulation with the list of things that should receive public legal aid funding.

XX: How do we define pro bono in terms of fee issues? For example, should pro bono be ‘no fee raised’ rather than ‘no fee paid’?

XX: It should be ‘no fee raised’.

XX: Yes, this makes the distinction more clear between pro bono work and publicly funded services such as Legal Aid, CLCs, etc.

XX: However, there is overlap between the two; for example, PILCH and CLCs are staffed by salaried lawyers, but also make referrals to volunteer lawyers. Many CLCs consider themselves to provide pro bono services.

XX: Should the definition be that pro bono does not include services provided by the government to a person not paying?

XX: Need to focus on the actual source of the pro bono work. Focus on private lawyers providing a service for free. This is still pro bono work despite the fact that the firms providing the work are paying their solicitors a salary.

DW: We don’t need to resolve the global debate about what is or is not included in ‘pro bono’ legal services. But we *do* need to have some operational/working definition or model. In our report to the Attorney, we can canvass the wide range of services available that may or may not fit into the broad definition, but then specify that *for the purposes of the outcomes of the Task Force* we are using a particular working definition. We can emphasise that different definitions may be required for different purposes. For example, a private law firm may utilise a different definition of pro bono work than a CLC, for its billing and internal record-keeping purposes and to encourage (or at least not discourage) its solicitors to engage in pro bono work. This can be linked with the concept of developing a Pro Bono Code of Practice for the profession.

Matching needs with services

XX: We need to encourage more initiatives being taken, but this always must be balanced with the need for quality service.

XX: The problem with a referral-only service is that it may just be another step in the process leading to people dropping out. The most important issue is matching needs with services – let’s talk to Kate Harrison regarding this. The recent NSW Law Foundation report on pro bono practice also explores the various models.

XX: See also the recent Voluntas paper – it emphasises the need for a central point for Victorian initiatives to be coordinated. The use of the term ‘secretariat’ may lead to the wrong conception. We need a coordinating body, not an organising body – similar to the preferred Voluntas model.

XX: There is a need to identify: (1) what services there are out there? (2) Why some are being utilised more or less than others? (3) What needs are not currently being met by these schemes. And (4) what is limiting access – for example, do clients have to apply in writing?

For example, partnerships between law firms and CLCs can satisfy the need to provide the right person for the case, if they function as a matching mechanism, placing a client with one of a number of potential pro bono service providers.

DW: An important question is who should be the leader in setting up these relationships/partnerships/initiatives? Where does the responsibility for filling the gaps in services lie?

XX: The government cannot necessarily play that role. Given the need for a single port of call for pro bono serves, where is this best located?

DW: The problem is that if there is no state-based coordination, then the initiatives will be as they are now – sporadic, unbalanced and reactive. That is, the initiatives will be taken by individual firms and organisations, with different priorities, differing levels of commitment and service, and so on. Hence the need for call for unifying measures, such as coordinating bodies, best practice models etc.

DW: The discussion thus far seems to suggest a consensus that we:

- certainly don’t want to recommend the establishment of a centralised/prescriptive/bureaucratic to *control* pro bono practice;
- rather, we would like to build upon existing state/regional/professional programs (such as PIAC, PILCH) to promote a greater level of coordination and quality;
- but that there may well be some benefit in creating a *national clearinghouse*, or a *national forum* (both virtual and real).

Best practice/quality issues

XX: We need to try to tap into all the various motivations for pro bono work. Can’t afford to cut off such motivating influences by too narrow a definition. For example, motivations include the enthusiasm for pro bono work of young

solicitors and the motivation for firms to train/develop young staff through pro bono programs.

XX: Motivation is sometimes the biggest detriment to quality work. That people are well motivated often does not translate into quality work. The ‘good guy’ approach – the need to fulfil altruistic urges – does not necessarily produce quality work. PILCH is addressing this problem by following up on the outcomes of pro bono cases which have they referred. Motivation to do pro bono work is obviously essential, but this must always be matched with need and quality.

XX: Mentoring schemes are another way of improving the quality aspect.

The definition of pro bono gives motivation of focus – leads to high quality work, the right expertise underlying the work etc.

XX: Agreed – without this, motivation alone is too soft.

It is also very important to clarify the expectations of the client, the referral agency and the provider. This is also achieved through a clear definition of pro bono work.

DW: The development of a good professional Code of Practice – a client-centred Code of Practice – would go a long way towards clarifying expectations of services, and standards.

Legal Education

XX: It is not out of the question that the Priestley Committee could take on board compulsory pro bono for law schools.

DW: But it would be certainly be a radical departure, given the lingering obsession with listing substantive bodies of knowledge, rather than skills or attributes. Perhaps the addition of CALD and PLT reps might finally make some difference?

XX: Note that PILCH is running a course ‘Practising in the Public Interest’. This is a five-day course running in conjunction with UWS, UNSW and Sydney, in which law students are trained by PILCH and then placed for two days with pro bono providers. This is a very useful mechanism for reassuring young solicitors that they are able to do public interest work after graduation, although they may well end up in a private firm.

DW: Many American law schools run similar courses now – NYU is a very good example with a large, well-funded public interest law program. In fact some law schools now think this is so essential that they make such courses *compulsory*. There is also an excellent scholarship/fellowship program established by the

Soros Foundation, with matching funds from the profession and government, which is aimed both at assisting students who are from disadvantaged backgrounds, as well as supporting law students to undertake public interest work during the summer and school holidays (instead of having to work to earn money for tuition and living expenses).

Practical Issues for the Task Force

DW: We need to think carefully about what the Task Force can reasonably achieve. What kind of report should we be aiming for? For example, in terms of research, we might be able to conduct a search of the international literature, and perhaps map the extent of present pro bono schemes in Australia, but would it be realistic to attempt to undertake empirical research in this area? .

Consensus: Probably not.

XX: We should look at the possibility of a website.

XX: We need to come up with a series of sharp proposals, not a report detailing ‘what we know about pro bono’.

DW: I agree. Is the best approach for achieving that to divide the key priority issues up the task force to among the various members/organisations, by establishing sub-committees?

Consensus: Probably so.

DW: In conclusion, then, the six priorities areas that I identified in the agenda appear to be on target – perhaps with the addition of a mapping exercise to provide an overview of pro bono services, and the need to settle a working definition. We get stuck into these early next year.

-----Original Message-----

From: David Weisbrot
Sent: Wednesday, 6 December 2000 12:49 AM
Subject: DRAFT some issues / suggested priorities
Importance: High

PRO BONO TASK FORCE -- some issues / suggested priorities

A. ORGANISATIONAL MATTERS

- **WORKING STYLE**
 - plenary (17 members)?
 - issue-oriented working groups?
 - regional? (eg, NSW/ACT, Vic, Qld, WA-SA)
- **NEED FOR ANY EMPIRICAL RESEARCH?**
 - would need to start NOW
- **TIME FRAMES**
- **ORGANISATION OF 2nd NATIONAL CONFERENCE**

B. PRIORITY ISSUES

- **LEGAL EDUCATION**
 - creating a pro bono ethos in law schools
 - supporting clinical/situational approaches
 - **MATCHING NEEDS WITH SERVICES/RESOURCES**
 - clearinghouse function/website
 - PILCH or similar across Australia? (NB recent Qld developments)
 - assisting small or rural/regional firms -- twinning, secondments, info sharing
 - **NATIONAL SECRETARIAT?**
 - need? role? resourcing? etc
 - **QUALITY ASSURANCE/FOLLOW-UP/FEEDBACK issues**
 - **BEST PRACTICE MANAGEMENT HANDBOOK/TEMPLATE**
 - **INTER-PROFESSIONAL ISSUES**
 - what can we learn from PB practices in other professions?
 - cooperation from experts (eg doctors) in pro bono matters -- liaise with ACP?
- David

DRAFT

National Pro Bono Task Force Australian Law Reform Commission

Notes for file of [tick as appropriate]

phone conversation

consultation/meeting

team & other internal ALRC meetings

other [eg. seminar etc]

File ref#: 2000/2
Subject: National Pro Bono Task Force – Victorian members
Time: 2:30 – 5:30 pm; working dinner 6-7:30 pm
Date: 11 December 2000
Venue: L10 (Rms 25-26), Latham Chambers, 500 Bourke St, Melbourne
Participants: Prof David Weisbrot (Chair); Alexandra Richards QC (VicBar, Women Lawyers Assn); Prof Chris Arup (Latrobe); Mark Herron (Vic Law Foundation); Samantha Burchell (PILCH).

Background matters

DW: Introduction and overview of the organisational matters and priority issues set down in his email of 8 December 2000 (attached).

XX: We need to identify what the “National” in National Task Force stands for. Are we looking for, limited to, areas of national action? In practice, service is delivered at the local level, and even coordination may be better on a State-by-State basis? Is there a truly national element?

Consensus:

Will be difficult to hive off issues/projects on a *regional basis*. While groups of Task Force members may be based in Sydney, Melbourne and Brisbane, within each group there are different interests, backgrounds, agendas, bodies of expertise.

If we decide to utilise sub-committees, better to do this by interest than location. For example, CLC-based members or academic members of the Task Force may have similar interests and priorities, but be scattered around the country.

Organisations that could provide some research drive, resources?

Suggestions: NSW Law Foundation; Vic Law Foundation/Voluntas (has P/T director of research); ACOSS.

LISTSERV. It would be extremely helpful to establish a *LISTSERV* so that members of the Task Force can communicate readily, exchange documents

etc. This could be handled by either the NSW Law Foundation or Voluntas. And/or we could perhaps revive the Pro Bono Conference website?

Meet in plenary session? Although it will eat up much of the limited operational budget, we should get the whole Task Force together early in the new year for a couple of days of intensive work. Probably a Friday (for dinner) and Saturday (and perhaps ½ day on Sunday?), in Sydney, in late Feb or early March; invite the Attorney to open it, and participate to the extent he can. DW to meet with the Attorney first, to discuss this, and to clarify the role/expectations of the Task Force.

To keep faith with the Conference attendees and other interested parties, the Task Force should seek to publish one or more progress reports – perhaps using the Pro Bono Newsletter? Or the revived Conference website?

Mapping and Definitions

XX: The Law Council’s 1992 definition of ‘pro bono’ is generally accepted.

XX: PILCH Victoria administers the Bar’s pro bono scheme, even though there is no required ‘public interest’ component. But perhaps we need to develop a set of guidelines, priorities, criteria?

Consensus: ‘Let’s fudge the definition in the spirit of generosity/inclusiveness!’

XX: There already is a great deal of pro bono activity – for example, the NSW Bar referral figures are ‘quite staggering’. There is also lots of activity at the Victorian Bar (1400 barristers), but the Bar is really a collection of sole practitioners, so there is considerable variation among individuals.

Victorian barristers already operate through several existing pro bono schemes, including the:

- Federal Court’s scheme;
- Victorian PILCH;
- Victorian Bar’s own referral scheme, to which one in five barristers *formally* say yes; and
- Federal Magistrates Service’s new scheme.

There is a real risk that we will over-work the same small number of volunteers.

XX: A good research project we should recommend is: how do clients actually go about seeking services? Most of the surveys/studies of pro bono have looked at it from the legal end, not from the clients’ perspective.

Matching needs with services

XX: The Victorian Attorney-General's Working Group has been developing the idea of a secondment program in which large firm solicitors go to work for a time in CLCs. In general, it is a very good idea, but it does raise some issues of cultural compatibility, of quality control, of duplication of services, of ensuring secondments extend to rural and regional centres and not merely to suburban CLCs, and so on. Of course, some rural and regional areas don't have CLCs – although the need is there.

CLCs also are very concerned that greater entwinement with pro bono programs and private funding would threaten the level of public funding they now receive. There are government reviews of CLCs in train in Victoria and South Australia, and the CLCs are very worried about the outcomes and any effects on funding.

This has led to a consideration of more diverse models: eg, partnerships and twinning arrangements; cash contributions from large firms, rather than staff; hotlines.

The BDW Report would be valuable to see – can it be made public??

DW: At the Conference, it was notable that some of the major law firms were reporting that they had a strong commitment to pro bono practice, but were actually *under-spending* their pro bono budgets each year despite the very high level of unmet demand for legal assistance. Hence, all of the discussion of the need to bridge the 'mismatch between need and supply'. How do we tackle this?

XX: You have (potential) clients who don't know where to go for help; and you have large firms who can supply but aren't asked. Why? There is no natural link between the large corporate law firms and these sorts of clients in need. Mainly, they rely on serendipity. At least some firms have taken the important step of establishing the position of 'Pro Bono Coordinator'.

XX: It goes much, much deeper than a problem with the mechanics of referral. Lots of the legal aid overflow cases should find their way into the LIV referral scheme, but the scheme does not have much credibility with community organisations.

Firms want to do pro bono work as an aspect of firm development. They will happily do work for the not-for-profit welfare organisations (eg Marybynong Neighbourhood House; the Brotherhood of St Laurence; the Red Cross), or where there is a high profile public interest test case, or EEO/discrimination, or land rights, or where there are 'sexy' or unusual facts. Clayton Utz in Melbourne is an exception in that they actually will take the less glamorous CLC referrals and overflow work.

Most importantly, the areas of greatest need are in criminal law, family law, personal injury, migration, and administrative matters (eg social security appeals). Yet these are the areas that the big firms do not want to work in, don't have in-house expertise, and do not WANT to work in. This is at the heart of the mismatch.

Consensus: That is the crux of the ‘mismatch’ problem. Although we accept that the intention of the Task Force is not to detract from legal aid, there is still the critical issue of the relationship between pro bono practice and legal aid – particularly, the level of responsibility that governments are willing to assume for the basic provision of legal assistance to disadvantaged members of the community. Of course, even after that baseline is substantially met, there will still always be the need for pro bono services.

Is there a realistic way of providing big firm solicitors with the necessary training and skills for them to competently advise and represent clients in criminal law, family law etc?

National secretariat?

XX: Perhaps a *virtual* secretariat. There was a very good proposal along these lines by the NSW and Victorian Law Foundations that went nowhere. It emphasised the need for information sharing, networking, etc. We should seek to revive this plan, rather than re-invent something similar.

XX: It is essential to the success of pro bono practice that there is a feeling of OWNERSHIP of schemes, so the more localised the scheme the better. This is the problem with the Law Institute of Victoria’s scheme – no one feels they own it, and lawyers will much more likely put their energy into a program operated within their own firm or a community organisation they identify with.

Law firms will establish or participate in pro bono schemes for a variety of reasons: commercial imperatives; recruitment; practice/staff development; feelings of philanthropy.

CLCs are also very sensitive/suspicious about centralised models – they are based around the idea of community involvement/ownership.

XX: There are also well-developed programs in some States (NSW, Vic, WA). Rather than attempt to supplant or replicate them on a national basis (with consequent problems of ownership and logistics), it would be better to build up the infrastructure in the other states and territories.

XX: For example, PILCH Victoria does referrals for the Northern Territory and Queensland, because there are no equivalent schemes there (although there is now progress towards establishing a Queensland PILCH).

Consensus: Support for the above, and:

A national secretariat SHOULD NOT be involved in client referral or matching – ‘this is hard enough at the local level’.

However, a national body COULD usefully:

- broker relationships between organisations (CLCs, small firms, community organisations) and large firms. For example, major law firms might agree to take on responsibility for a particular area or areas (substantive or geographical) on a 12-24 month rotational basis;
- support the development/improvement of referral schemes at the State/Territory/local level;
- develop and provide information on successful pro bono models/structures;
- provide '*back-up*' advice, support and training in common areas of need/demand (eg children, family law, criminal law, migration). The US has a number of these 'back-up legal centres' that generally don't deal directly with clients, but rather with legal aid or pro bono lawyers servicing needy clients.

Best practice/quality issues

Consensus: developing a management handbook/template of international best practice would be an excellent idea, but not necessarily one for the Task Force itself.

Legal Education

XX: We need to get hold of the Report from the recent Clinical Legal Education Conference, which looked at some of these issues.

Practical Issues for the Task Force

Consensus: Issues that should be *added* to our agenda include:

- Litigants in person (LIPs)
- Overcoming structural impediments (#9 in the conference Outcomes document) – including the need to waive court fees in pro bono matters.

-----Original Message-----

From: David Weisbrot
Sent: Friday, 8 December 2000 4:35 PM
To: 'brian@johnstonwithers.com.au'; Alexandra Richards QC; Chris Arup; Mark Herron; Samantha Burchell
Cc: probonoteam; Martha Georgiou (E-mail); Kathy Laster (E-mail); Becky Bowyer
Subject: AGENDA -- Melbourne meeting (11/12) of Pro Bono Task Force
Importance: High

Dear Alexandra, Chris, Mark and Samantha (and) (and Kathy)

A reminder that the Pro Bono Task Force meeting of Melbourne-based members will be held on Monday, 11 December 2000, from 2:30 PM - 5 PM(-ish), at Alexandra Richards QC's chambers: Latham Chambers, 500 Bourke Street, Level 10 (Rooms 25-26). Please bring with you all of the relevant papers.

I will have to return to Sydney on the 9 pm flight in order to appear before a Senate Legal & Con Committee hearing on the ART Bill 2000 at 9 AM on Tuesday morning -- but perhaps we can have an early and quick dinner with such members of the Task Force as are willing and available??

Look forward to meeting with you soon.

FYI, the first meeting Sydney on Wednesday morning (6/12) went very well. Apart from all of the Sydney-based members (with one apology), we also had in attendance Janet Power from Canberra, who is now the AG's Dept representative, and Prof Paul Fairall of James Cook Uni, Townsville.

A suggested AGENDA for Monday's meeting:

PRO BONO TASK FORCE -- some issues / suggested priorities

A. ORGANISATIONAL MATTERS

- **WORKING STYLE**
 - how often plenary (17 members)?
 - regional? (eg, NSW/ACT, Vic, Qld, WA-SA)
 - issue-oriented sub-committees/working groups?
 - which individuals/organisations can provide research drive, resources?
- **NEED FOR ANY EMPIRICAL RESEARCH?**
 - would need to start NOW, if at all
- **TIME FRAMES**
 - 3 mos (letter to AG), + 9 mos (Dec 2001), 2nd National Conference in June 2002
- **ORGANISATION OF 2nd NATIONAL CONFERENCE**
 - especially, by whom?

B. PRIORITY ISSUES (NOT in any particular order):

- **MAPPING**
 - getting down on paper some sense of the volume and wide range of pro bono schemes/activities/models
 - revisit issue of working definitions/scope?
- **LEGAL EDUCATION / ADMISSION TO PRACTICE**
 - creating a pro bono ethos in law schools
 - supporting clinical/situational approaches
 - pre-requisites for admission
- **MATCHING NEEDS WITH SERVICES/RESOURCES**
 - clearinghouse function/website
 - PILCH or similar across Australia? (NB recent Qld developments)
 - assisting small or rural/regional firms -- twinning/partnerships, secondments, info sharing
- **NATIONAL SECRETARIAT?**
 - need? role? resourcing? etc
- **QUALITY ASSURANCE/FOLLOW-UP/FEEDBACK issues**
 - including the creation of a client-centred Code of Practice
- **BEST PRACTICE MANAGEMENT HANDBOOK/TEMPLATE**
 - a "how-to" guide to establishing, and maintaining, effective pro bono programs (in a variety of contexts)
- **INTER-PROFESSIONAL ISSUES**
 - what can we learn from PB practices in other professions?
 - cooperation from experts (eg doctors) in pro bono matters -- liaise with ACP?

Hope this helps set the Agenda -- but feel free to add, subtract, comment. Looking forward to seeing you on Monday afternoon.

David

~~~~~  
 Professor David Weisbrot  
 President,  
 Australian Law Reform Commission  
 Level 10, 131 York Street      GPO Box 3708  
 Sydney NSW 2000              Sydney NSW 1044  
 AUSTRALIA  
  
 ph      (+61-2) 9284 6333  
 fax      (+61-2) 9284 6363  
 email   president@alrc.gov.au  
 ~~~~~

SENATE ESTIMATES COMMITTEE
NATIONAL NATIVE TITLE TRIBUNAL
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing on 28 May 2001.

Could you provide the formula (re increases in budget funding), giving details as to figures, X and Y and so on?

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

The budget allocation for 2001-02 and the out years is based on predicted levels of activity and resultant outputs, multiplied by the unit cost for each output.

The attached *table* shows the number of outputs predicted for 2001-02, their unit cost and the total cost per output.

The cost estimates in the table have been derived using an Activity Based Costing model based on 29 activities and the outputs that result from those activities.

The 29 activities cover the full range of work carried out by the Tribunal and together produce the 12 types of outputs. For example, the cost of the assistance output 1.4.1 is made up of the costs associated with new claim assistance, future act assistance, ILUA assistance (other than negotiation and registration assistance), compensation assistance and non-claimant assistance.

The Tribunal calculated the costs of its 29 activities from workload and cost data collected in the 1999-00 financial year. The Activity Based Costing model uses the costs of the activities to calculate the unit cost of each output (i.e. the average cost per individual output).

QoN 36 – Predicted outputs, unit costs and total costs 2001-02 - nationally

Outputs		Qty	2001-2002 Unit cost	Total cost (\$'000)
Output Group 1.1: Registration				
Output 1.1.1	Claimant applications	210	12,205	2,563
Output 1.1.2	Native title determinations	34	10,727	365
Output 1.1.3	Indigenous land use agreements	111	7,866	874
Output Group 1.2: Agreement-making				
Output 1.2.1	Indigenous land use and access	48	91,902	4,425
Output 1.2.2	Claimant, non-claimant and compensation	120	63,605	7,617
Output 1.2.3	Future act	117	12,122	1,416
Output Group 1.3: Arbitration				
Output 1.3.1	Future act determinations	22	92,239	2,036
Output 1.3.2	Objections to the expedited procedure	1,000	1,591	1,591
Output Group 1.4: Assistance, notification and reporting				
Output 1.4.1	Assistance to applicants and other persons	13,433	353	4,742
Output 1.4.2a	Notification adverts	175	2,361	410
Output 1.4.2n	Notification notices	12,290	124	1,522
Output 1.4.3	Reports to Federal Court	1,073	1,102	1,181
Total				28,743

For some output subgroups, applying a rounding up/down process to the number of predicted outputs has resulted in some variation between *total cost* and the product of *quantity* and *unit cost*.

The *total cost* of each output subgroup has been calculated using “unrounded” output figures.
Example:

48.15 predicted agreements (1.2.1) x *unit cost* \$91,902 = *total cost* \$4.425m.

The number of outputs has been rounded to make a prime number but the *total cost* of producing the unrounded number of outputs has been retained.

Example:

48.00 predicted agreements (1.2.1) x *unit cost* \$91,902 = \$4.411m (\$14,000 less than *total cost*).

If the number of outputs in the subgroup was rounded down, *total cost* would exceed *quantity* (rounded down) x *unit cost*. If the number of outputs was rounded up, *total cost* would be less than *quantity* (rounded up) x *unit cost*.

SENATE ESTIMATES COMMITTEE
NATIONAL NATIVE TITLE TRIBUNAL
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Can you provide a statement on formal table 2.1.1. on p. 183 - a budget estimate is shown on p.182 for each of the out years to 2004-05 - broken down by output subgroups and, to the extent that you can do this, broken down by state or territory as well? Including for work in the out years a projection of the number of registration tests out to 2004-05? And arbitration, assistance, notification and reporting?

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

The attached *table* shows the predicted numbers and types of outputs nationally for 2001-02 to 2004-05 inclusive. The output groups and subgroups in the table are the same as those presented in the Portfolio Budget Statement for 2001-02. The four groups are: 1.1 Registration, 1.2 Agreement-making, 1.3 Arbitration and 1.4 Assistance, notification & reporting. These groups are further broken down into 12 types of outputs, or subgroups.

The Tribunal has a state/territory breakdown, to some extent, for outputs 1.1.1, 1.1.3, 1.2.3, 1.3.1 and 1.3.2. There is a state/territory estimate for these outputs where a clearer pattern of activity is expected in the particular jurisdiction.

The Tribunal does not have state/territory breakdowns for outputs 1.1.2, 1.2.1, 1.2.2, 1.4.1, 1.4.2 and 1.4.3.

Output 1.1.1 Registration – decisions on claimant applications.

- 2001-02 - 210 nationally, including 165 associated with future act processes in NT and Qld (120 in NT, 45 in Qld).
- 2002-03 - 217 nationally, including 197 associated with future act processes in NT and Qld (157 in NT, 40 in Qld).
- 2003-04 - 194 nationally, including 182 associated with future act processes in NT and Qld (152 in NT, 30 in Qld).
- 2004-05 - 181 nationally.

Output 1.1.3 Registration – assessments of indigenous land use agreements.

- 2001-02 - 111 nationally, including 10 in Qld associated with future act processes.
- 2002-03 - 245 nationally, including 10 in Qld associated with future act processes.
- 2003-04 - 320 nationally, including 10 in Qld associated with future act processes.
- 2004-05 - 320 nationally.

Output 1.2.3 Agreement-making – mediated future act agreements.

- 2001-02 - 117 nationally, comprising 88 in WA, 10 in NT, 2 in SA, 10 in Vic and 7 in NSW.
- 2002-03 - 110 nationally.
- 2-03-04 - 120 nationally.
- 2004-05 - 120 nationally.

Output 1.3.1 Arbitration – decisions on future act determination applications.

- 2001-02 - 22 nationally, comprising 10 in WA, 7 in NT and 5 in Vic.
- 2002-03 - 17 nationally .
- 2003-04 - 19 nationally.
- 2004-05 - 19 nationally.

Output 1.3.2 Arbitration – decisions on objections to the expedited procedure.

- 2001-02 - 1000 nationally, comprising 700 in WA and 300 in NT.
- 2002-03 - 1110 nationally, comprising 810 in WA and 300 in NT.
- 2003-04 - 1110 nationally, comprising 810 in WA and 300 in NT.
- 2004-05 - 825 nationally.

QoN 37 – Predicted outputs and costs for 2001-02 to 2004-05 - nationally

Outputs	2001-2002		2002-2003		2003-2004		2004-2005	
	Qty	Total cost (\$'000)	Qty	Unit cost (\$'000)	Qty	Unit cost (\$'000)	Qty	Unit cost (\$'000)
Output Group 1.1: Registration								
Output 1.1.1 Claimant applications	210	2,563	217	12,205	194	12,205	181	12,205
Output 1.1.2 Native title determinations	34	365	53	10,727	63	10,727	56	10,727
Output 1.1.3 Indigenous land use agreements	111	874	245	7,866	320	7,866	320	7,866
Output Group 1.2: Agreement-making								
Output 1.2.1 Indigenous land use and access	48	4,425	80	91,902	64	91,902	64	91,902
Output 1.2.2 Claimant, non-claimant and compensation	120	7,617	135	63,605	150	63,605	140	63,605
Output 1.2.3 Future act	117	1,416	110	12,122	120	12,122	120	12,122
Output Group 1.3: Arbitration								
Output 1.3.1 Future act determinations	22	2,036	17	92,239	19	92,239	19	92,239
Output 1.3.2 Objections to the expedited procedure	1,000	1,591	1,110	1,591	1,110	1,591	825	1,591
Output Group 1.4: Assistance, notification and reporting								
Output 1.4.1 Assistance to applicants and other persons	13,433	4,742	8,590	353	8,582	353	8,500	353
Output 1.4.2a Notification adverts	175	410	465	2,361	514	2,361	501	2,361
Output 1.4.2n Notification notices	12,290	1,522	11,550	124	8,140	124	7,430	124
Output 1.4.3 Reports to Federal Court	1,073	1,181	1,560	1,102	1,496	1,102	1,484	1,102
Total		28,743		33,026		32,857		31,373

For some output subgroups, applying a rounding up/down process to the number of predicted outputs has resulted in some variation between *total cost* and the product of *quantity* and *unit cost*.

The *total cost* of each output subgroup has been calculated using “unrounded” output figures.

Example:

48.15 predicted agreements (1.2.1) for 2001-2002 x *unit cost* \$91,902 = *total cost* \$4.425m.

The number of outputs has been rounded to make a prime number but the *total cost* of producing the unrounded number of outputs has been retained.

Example:

48.00 predicted agreements (1.2.1) for 2001-2002 x *unit cost* \$91,902 = \$4.411m (\$14,000 less than *total cost*).

If the number of outputs in the subgroup was rounded down, *total cost* would exceed *quantity* (rounded down) x *unit cost*. If the number of outputs was rounded up, *total cost* would be less than *quantity* (rounded up) x *unit cost*.

SENATE ESTIMATES COMMITTEE
NATIONAL NATIVE TITLE TRIBUNAL
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Table 2.3.1 – Performance information for outcome 1 (p.186 & 187) – Can you tell us how the tribunal is meeting the performance measures in each output group? Please go through each one except current year which was explained during the hearing.

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

Senator Bolkus later amended this question at the hearing to limit it to the current year only. The performance measures in each output group for the current year were addressed at the hearing (see transcript L&C 32 and 33).

SENATE ESTIMATES COMMITTEE
FEDERAL MAGISTRATES SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

When is information re - estimates of value, likely to be available? Whether or not you have any breakdown of costs?

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

The initial estimate of services provided free of charge to the Federal Magistrates Service (FMS) by the Family Court and Federal Court is anticipated to be available by late July 2001. This amount will be reflected in the FMS 2000-01 financial statements which will be tabled as part of the FMS annual report. The amount shown in the financial statements will be an aggregate amount.

It is anticipated that the Family and Federal courts will provide details of costings by major registry activities, by major cost type (eg salaries, property and other operating costs), and classified by direct and indirect cost. This information will be provided to the Committee as soon as possible after it is provided by the courts (anticipated by late July 2001).

The initial estimate will be subject to refinement as the courts develop a better understanding of the level of support, and the capacity to measure the cost of that support.

SENATE ESTIMATES COMMITTEE
FEDERAL MAGISTRATES SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Provide the Committee with details of the circuit program as and when it is developed (Piecemeal basis at this point in time so we have some understanding of where it will be heading in the short term - also - will be revised and updated in due course).

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

The circuit schedule for 2001 as at 14 June 2001 is:

Victorian Circuit Schedule 2001

Albury

Monday 21 May 2001 to Friday 25 May 2001, 5 days

Bendigo

Monday 19 February 2001 to Friday 23 February 2001, 5 days

Monday 14 May 2001 to Friday 18 May 2001, 5 days

Monday 9 July 2001 to Friday 13 July 2001, 5 days

Monday 12 November 2001 to Friday 16 November 2001, 5 days

Dandenong

Monday 15 January 2001 to Thursday 25 January 2001, 9 days

Monday 5 February 2001 to Friday 9 February 2001, 5 days

Monday 26 February 2001 to Friday 9 March 2001, 10 days

Monday 9 April 2001 to Thursday 12 April, 4 days

Monday 23 April 2001 to Tuesday 24 April 2001, 2 days

Thursday 26 April 2001 to Friday 11 May 2001, 9 days

Monday 28 May 2001 to Friday 1 June 2001, 5 days

Monday 11 June 2001 to Friday 15 June 2001, 5 days

Monday 25 June 2001 to Friday 29 June 2001, 5 days

Monday 23 July 2001 to Friday 10 August 2001, 10 days

Monday 27 August 2001 to Friday 31 August 2001, 5 days

Monday 10 September 2001 to Friday 14 September 2001, 5 days

Monday 24 September 2001 to Friday 12 October 2001, 10 days

Monday 29 October 2001 to Friday 2 November 2001, 10 days

Monday 26 November 2001 to Friday 30 November 2001, 5 days

Monday 10 December 2001 to Friday 14 December 2001, 5 days

Geelong

Monday 12 February 2001 to Friday 16 February 2001, 5 days

Monday 2 April 2001 to Friday 6 April 2001, 5 days

Monday 18 June 2001 to Friday 22 June 2001, 5 days

Monday 20 August 2001 to Friday 24 August 2001, 5 days

Monday 19 November 2001 to Friday 23 November 2001, 5 days

Gippsland

Monday 29 January 2001 to Friday 2 February 2001, 5 days

Tuesday 17 April 2001 to Friday 20 April 2001, 4 days

Monday 4 June 2001 to Friday 8 June 2001, 5 days

Monday 13 August 2001 to Friday 17 August 2001, 5 days

Monday 15 October 2001 to Friday 19 October 2001, 5 days

Monday 3 December 2001 to Friday 7 December 2001, 5 days

Shepparton

Monday 19 March 2001 to Friday 23 March 2001, 5 days

Monday 16 July 2001 to Friday 20 July 2001, 5 days

Monday 22 October 2001 to Friday 26 October 2001, 5 days

Warrnambool

Monday 26 March 2001 to Friday 30 March 2001, 5 days

Monday 17 September 2001 to Friday 21 September 2001, 5 days

South Australian Circuit Schedule 2001

Berri

Thursday 29 March 2001, 1 day

Thursday 21 June 2001 to Friday 22 June 2001, 2 days

Thursday 25 October 2001 to Friday 26 October 2001, 2 days

Mount Gambier

Tuesday 2 October 2001 to Friday 5 October 2001, 4 days

Port Augusta

Monday 19 November 2001 to Tuesday 20 November 2001, 2 days

Port Lincoln

Thursday 24 May 2001 to Friday 25 May 2001, 2 days

Port Pirie

Thursday 14 June 2001 to Friday 15 June 2001, 2 days

Whyalla

Monday 2 April 2001 to Friday 6 April 2001, 5 days

Monday 17 September 2001 to Friday 21 September 2001, 5 days

Queensland Circuit Schedule 2001

Cairns

Monday 22 January 2001 to 26 January 2001, 5 days

Monday 19 March 2001 to 23 March 2001, 5 days

Monday 14 May 2001 to 18 May 2001, 5 days

Monday 25 June 2001 to 29 June 2001, 5 days

Monday 6 August 2001 to 10 August 2001, 5 days

Monday 17 September 2001 to 21 September 2001, 5 days

Monday 26 November 2001 to 30 November 2001, 5 days

Mackay

Monday 12 March 2001 to 16 March 2001, 5 days
Monday 9 April 2001 to 12 April 2001, 4 days
Monday 28 May 2001 to 1 June 2001, 5 days
Monday 20 August 2001 to 24 August 2001, 5 days
Monday 12 November 2001 to 16 November 2001, 5 days

Rockhampton

Monday 19 February 2001 to 23 February 2001, 5 days
Monday 9 April 2001 to 12 April 2001, 4 days
Monday 2 July 2001 to 6 July 2001, 5 days
Monday 8 October 2001 to 12 October 2001, 5 days

Northern Territory Circuit Schedule 2001

Darwin

Monday 5 February 2001 to 9 February 2001, 5 days
Monday 14 May 2001 to 18 May 2001, 5 days
Monday 4 July 2001 to 8 July 2001, 5 days
Monday 13 August 2001 to 17 August 2001, 5 days
Monday 8 October 2001 to 12 October 2001, 5 days
Monday 5 November 2001 to 9 November 2001, 5 days
(The Government proposes to appoint a federal magistrate to be located in Darwin or Adelaide and to hear cases in both locations. Circuit arrangements for the Northern Territory will be revised once that appointment is made.)

Tasmanian Circuits 2001

Devonport

Monday 12 February 2001 to 16 February 2001, 5 days
Monday 26 March 2001 to 30 March 2001, 5 days
Thursday 26 April 2001 to 27 April 2001, 2 days
Monday 14 May 2001 to 18 May 2001, 5 days
Monday 25 June 2001 to 29 June 2001, 5 days
Monday 6 August 2001 to 10 August 2001, 5 days
Monday 17 September 2001 to 21 September 2001, 5 days
Monday 29 October 2001 to 2 November 2001, 5 days
Monday 3 December 2001 to 7 December 2001, 5 days

Hobart

Monday 8 January 2001 to 12 January 2001, 5 days
Monday 26 February 2001 to 9 March 2001, 10 days
Monday 30 April 2001 to 4 May 2001, 5 days
Monday 28 May 2001 to 8 June 2001, 10 days
Monday 9 July 2001 to 13 July 2001, 5 days
Monday 13 August 2001 to 17 August 2001, 5 days
Monday 3 September 2001 to 7 September 2001, 5 days

Monday 8 October 2001 to 12 October 2001, 5 days

Monday 19 November 2001 to 30 November 2001, 10 days

Monday 10 December 2001 to 14 December 2001, 5 days.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTION ON NOTICE

Senator Greig asked the following question at the hearing of 28 May 2001.

In the annual report from pages 30 –37 there are summaries about the classifications, except X – why is that?

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

Consistent with previous annual reports the X classification is fully reported in the statistical table at page 107. The summaries of classification categories at pages 30–37 address trends within classification categories. At the time of reporting there were no relevant trends identified within the X classification category.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTION ON NOTICE

Senator Greig asked the following question at the hearing of 28 May 2001.

Who is Mr Joel Greenberg? Could a copy of his job description please be provided?

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

Mr Joel Greenberg is a member of the Australian Public Service and holds a Level 6 position as Policy Officer at the Office of Film and Literature Classification. Mr Greenberg's duty statement (which is applicable to all APS Level 6 Policy Officers employed at the Office) is as follows:

OFFICE OF FILM & LITERATURE CLASSIFICATION

DUTY STATEMENT

Title:	Policy Officer
Classification:	APS Level 6
Position Number:	
Section:	Policy Section
Immediate Supervisor:	Senior Policy officer, Exec L1
Highest Subordinate:	Nil

DUTIES

Under the limited direction of the Senior Policy Officer:

- Draft Policy Reports, submissions, correspondence, responses to parliamentary questions and other written materials, as appropriate.
- Provide advice as appropriate, regarding classification, policy and procedures
- Deal with enquiries and applications relating to review of classification and provide secretarial support to the Classification Review Board.
- Participate in policy related project work including legislation and guidelines review processes.
- Research and develop proposals relating to policy issues and the functions of the section, as appropriate.
- Coordinate and manage production of the OFLC/Board/Review Board Annual Report
- Liaise with relevant government agencies, industry bodies and community groups, and attend meetings, as required.
- Prepare fortnightly issues briefing for staff, Attorney General's Office, Attorney-General's department and state/territory censorship officers

- Provide secretariat and administrative support to and attend, as required, meetings of State and Territory censorship officials.
- Assess and prepare responses to written complaints including appropriate follow-up action
- Assist in the preparation of reports on the performance of the Policy section
- Assist in the Development of strategies and proposals for continuous improvement of the Policy section
- Assist in the establishment and ensuring the observation of quality control procedures within the Policy section

Undertake other duties relating to the Policy section as directed.

SENATE ESTIMATES COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Who has been consulted in this area? Re: tenancy organisations

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

The Office has identified tenancy databases as an area in which targeted consultation is necessary in relation to the NPP Guidelines. The Office is in the process of consulting with tenants' advocacy organisations, tenancy database operators, real estate agents and other related stakeholders on the NPP Guidelines. Tenancy-related organisations are also on the Office's mailing list or members of the Privacy Connections Network.

The following organisations have either been consulted or listed to be consulted as part of the ongoing consultation process for the development of the Guidelines.

Tenants Advocacy Organisations

Tenants' Union of Queensland
28 Robertson Street
Fortitude Valley QLD 4006

Tenants' Union of ACT Inc
Northbourne Ave
Turner ACT 2601

Housing Resource Service
PO Box 193
Acacia Ridge QLD 4110

Shelter Tasmania Inc
1st Floor
169 Campbell St
Hobart TAS 7002

Shelter NSW
Suite 2, 4th Floor
377-383 Sussex Street
Sydney NSW 2000

Aboriginal Housing Board of Victoria
Narrandjeri House
125-127 Scotchmer St
North Fitzroy VIC 3068

Youth Accommodation Association
Level 2, 619 Elizabeth St
Redfern NSW

Brisbane Inner Northside Housing
Resource Service
967 Brunswick St
New Farm QLD

NSW Federation of Housing
Associations
Level 3,
17 Randle Street
Surry Hills NSW 2010

Tenants' Advice Service Inc
PO Box 8437
Perth Business Centre
East Perth WA 6849

Tenants' Union of NSW
68 Bettington Street
Millers Point NSW 2000

The Commercial Tenants Association
321 Port Road
Hindmarch SA 5007

Tenants' Union of Victoria
PO Box 234
Fitzroy VIC 3065

Tenant Database Operators

Tenancy Information Centre Australia
Pty Ltd
PO Box 120
Concord NSW 2137

National Tenancy Database
PO Box 192
Fitzroy VIC 3065

Landlords' Advisory Service
Unit 5, First Floor
Applecross WA 6153

The Barclay MIS Group
Drummoyne NSW 2047

Real Estate Organisations

Real Estate Institute of Australia
Level 1
16 Thesiger Court
Deakin West ACT 2600

Real Estate Institute of NSW (Inc)
30-32 Wentworth Ave
(PO Box A624)
Sydney South NSW 1235

Real Estate Institute of Victoria (Inc)
335 Camberwell Rd
Camberwell VIC 3124

Real Estate Institute of Tasmania (Inc)
33 Melville Street
Hobart TAS 7000

Real Estate Institute of South Australia (Inc)
249 Greenhill Rd
Dulwich SA

Real Estate Institute of Queensland (Inc)
PO Box 1555
Coorparoo DC QLD 4151

Real Estate Institute of Western Australia (Inc)
215 Hay Street
Subiaco WA 6008

Real Estate Institute of Northern Territory (Inc)
6 Lindsay Street
Darwin NT 0800

SENATE ESTIMATES COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Can the draft guidelines relating to child privacy, please be provided to the Committee?

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

The draft guidelines the Privacy Commissioner referred to at the hearing were the Draft National Privacy Principles (NPP) Guidelines. These have been forwarded to the Committee in hardcopy along with copies of the Draft Code Development Guidelines and the Draft Health Privacy Guidelines (10 copies of each have been supplied.)

While the draft Guidelines deal with privacy issues for all members of the community, there is specific treatment of some issues affecting children (for example, consent in relation to young people in Chapter 3 of the draft NPP Guidelines and in Chapter 2 of the draft Health Privacy Guidelines).

The attachments referred to in QoN 44:

- Draft National Privacy Principles (NPP) Guidelines
- Draft Code Development Guidelines
- Draft Health Privacy Guidelines

are not included in this volume of Additional Information. A copy of these guidelines have been tabled with this Additional Information Volume and are available for viewing through the Table Office.

SENATE ESTIMATES COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Have you made inquiries of the department as to where the consultant group is that is meeting, who is on it, why they have not asked you, when the report is likely to be finalised - or where the discussion paper is, for that matter? [What have you been told and when?]

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

The press release concerning the First Meeting of Consultative Group on Children's Privacy is at Attachment A. The Terms of Reference - Protecting the Personal Information of Children is at Attachment B.

4 June 2001

980

FIRST MEETING OF CONSULTATIVE GROUP ON CHILDREN'S PRIVACY

A consultative group of people with experience in a range of areas affecting children will meet for the first time next month to review existing Commonwealth privacy laws to consider whether there is a need for more specific protection of children's personal information.

The group, convened by the Attorney-General's Department, includes experts in marketing (particularly to children), Internet issues, legal issues relating to children, education, discrimination, broadcasting and privacy.

The Privacy Amendment (Private Sector) Act 2000, which comes into effect on 21 December, provides for the protection of personal information of all Australians, including the personal information of children. However, the Howard Government recognises that children may require special consideration in particular areas, such as the increased use of technology by children.

The review will have regard to Commonwealth privacy laws, international obligations, State and Territory legislation concerning children, ethical concerns about the collection, use and disclosure of children's personal information, and rapid advances in technology.

It is vital that this important issue receives proper analysis. There will be widespread consultation with interested groups and the community. The Government will be particularly interested in the views of young people.

The consultative group includes Federal Privacy Commissioner Malcolm Crompton, Human Rights Commissioner Dr Sev Ozdowski, President of Perth Children's Court of WA Judge Valerie French, Australian Direct Marketing Association chief executive officer Rob Edwards, Andersen Legal partner Duncan Giles, WA Association of Independent Schools executive director Audrey Jackson, NetAlert representative Helen Bassett, National Children's and Youth Law Centre UNSW director Louis Schetzer, Suzanne Shippard from the Australian Broadcasting Authority, Walt Disney Internet Group International senior producer Christina Thurn and representatives of the Attorney-General's Department.

The group will consider a discussion paper on children's privacy prior to its release for public consultation to ensure that all relevant issues have been fully canvassed.

Media contact: Catherine Fitzpatrick (02) 6277 7300/
0419 423 965

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**TERMS OF REFERENCE – PROTECTING THE PERSONAL INFORMATION
OF CHILDREN**

The Consultative Group is convened by the Attorney-General's Department for purposes of advising on a review into matters relating to:

- (a) Whether additional legislative provisions are required for the protection of the personal information of children, including:
- (i) the appropriateness of requiring organisations to obtain the consent of a parent or guardian prior to the collection, use or disclosure of personal information from a child;
 - (ii) whether the need for additional provisions is greater in respect of certain activities or industry sectors, considering distinctions between activity that is either online or offline (or both), and whether it is a public sector or private sector activity; and
 - (iii) whether any activities or industry sectors should be exempted from the application of any additional provisions;
- (b) the possible definition of key terms, which may or may not already be defined in the *Privacy Act 1988*, including but not limited to:
- (i) "children", including consideration of what should be the appropriate upper age for the application of any additional provisions;
 - (ii) "consent", including consideration of issues such as requirements for implied or explicit consent, and how such consent could be demonstrated; and
 - (iii) "organisation", bearing in mind that the existing definition of this term has several exemptions that may or may not be appropriate in the context of this review.

The Consultative Group is to have regard to:

- the existing standards in the *Privacy Act 1988*, particularly the Information Privacy Principles and the National Privacy Principles, that apply to all Australians, including children;
- Australia's international obligations and any relevant overseas experience;
- State and Territory legislation concerning children;
- ethical concerns in relation to the collection, use and disclosure of children's personal information; and
- the rapid advances in technology, such as the Internet and interactive television.

It is expected that the Consultative Group's advisory role will be completed by 30 November 2001.

Dated 1 June 2001.

Daryl Williams
ATTORNEY-GENERAL

SENATE ESTIMATES COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Could you obtain when the issue was raised in those meetings and what questions you have put to ensure that it is still on the agenda? And when it is likely to get to you?

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

At a number of the monthly meetings held between the Attorney-General's Department and the Office of the Federal Privacy Commissioner, this Office was provided with a short verbal briefing on the arrangements being made to commence the review into children's privacy.

On 4 June 2001 the Attorney-General issued a press release announcing the establishment of a consultative group to consider children's privacy issues. His press release included the membership of the consultative group. The Privacy Commissioner will be participating in the consultative group. The Terms of Reference and the accompanying press release have been attached for your information.

SENATE ESTIMATES COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Please provide a break-up of those – staffing and task group?

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

The number of staff in the Policy Section of the OFPC was increased by four from August 2000. The additional staff were deployed as follows:

An increase of two people in the legislation implementation workgroup that is responsible for:

- developing guidelines on the National Privacy Principles, including undertaking research, establishing a reference group of stakeholders and consulting extensively key stakeholders;
- developing guidelines on the development and approval of codes under the *Privacy Act 1988* including consulting with key stakeholders;
- preparing information sheets about key aspects of the *Privacy Act 1988* as it applies to the private sector;
- providing advice to private sector organisations and others affected by the legislation;
- preparing the OFPC for its role in implementing the legislation, including staff training and developing procedures for code approval and so on.

An increase of two people in the health issues workgroup that is responsible for:

- developing guidelines on the National Privacy Principles for the health sector, including establishing a reference group of stakeholders, undertaking research and conducting extensive consultations; and
- providing advice to private sector organisations and others affected by the legislation.

SENATE ESTIMATES COMMITTEE
FEDERAL COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Can you tell us what that means in terms of staff costs, travel and other outgoings? Is there a breakup? Please provide the formula?

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

The additional funding of \$5.3 m in 2001-02 is to cover various costs associated with the Federal Court of Australia's case management of native title matters. It is anticipated that the additional funding will be expended on the following:

	Cost \$
Additional staff comprising 6 full-time staff, 2 part-time staff and, 2 temporary staff each employed for a period of nine months. These staff will be attached to Native Title Units established in each of the Court's registries.	538,000
A panel of expert anthropologists	300,000
Airfares, vehicle hire costs, travel allowances and accommodation costs associated with hearing native title matters in regional and remote locations. This includes where necessary the charter of planes and leasing of 4 wheel drives/trucks etc.	1,841,000
Increased postage and telecommunications and telecommunication costs due to regular dealings with multiple parties and freight costs associated with hearing cases in remote locations.	193,000
Hire of Venues in regional and remote locations for use as temporary court rooms	230,000
Purchase of IT equipment, office equipment, furniture and modifications to the Court's case management system to cater for the native title jurisdiction	640,000
Increased court reporting costs due to the large number of Directions Hearings and increased costs associated with hearing matters in remote locations	260,000
Other outgoings such as interpreter fees, specialised library materials, lease and rental of equipment, increased costs of stores and office services, staff advertising, title searches, minor contracting costs.	1,298,000

A description of the model used by the Court in determining its future native title funding requirements is provided in Attachment A.

NATIVE TITLE BUDGETING PROJECTION MODEL

The methodology used by the Federal Court of Australia to determine the future funds that it would require to manage its native title jurisdiction combines caseload projections and its impact on the major activities undertaken by the Court in respect to the Native Title jurisdiction. These are shown in Table 1.

The caseload projections for years 2001 – 2004 were determined in conjunction with the National Native Title Tribunal.

The major cost driver in the native title jurisdiction is the workload being processed by the Court. Each of the activities listed in Table 1 have different cost drivers.

For example:

Matters Heard - the number of matters heard by the judiciary and the complexity of each case are the cost drivers for this activity.

Notifications - the number of cases requiring notification drive the costs for this activity.

Appeals - the number of matters proceeding to appeal is the cost driver for this activity.

Workshops and cross-cultural training - the number of workshops and training sessions held are the cost drivers for this activity.

The costs associated with each of these activities also varies. For example:

Matters Heard - The more complex a case, the larger the funds required to case manage it. For example highly complex cases are often heard in a remote location over a period of many weeks, whereas consent determinations are relatively straight forward, with hearings often heard in capital cities and lasting less than one week. Other costs include Court staff involved in preparatory work prior to the hearing and also their involvement whilst the case is heard on-country.

Notifications - the cost of staff and associated administrative expenses (eg. postage etc) involved in processing notifications.

Native Title Units - costs are based on the number of staff in each Unit throughout the Court and associated administrative expenses.

Table 1: Activities Undertaken by the Court in Managing its Native Title Jurisdiction

Activity	Description of Activity
Matters Heard	Native Title matters that have proceeded to trial, also includes Direction Hearings before a judge.
Native Title Units	Native title claims differ from other proceedings in the Federal Court in that multiple parties are a regular feature. The processing and regular dealings with multiple parties create considerable workload for Court staff from the time of acceptance through to the various hearings. Given this increased workload and the special nature of the native title jurisdiction it is necessary for the Court to have native title units, comprising staff with specialist skills and knowledge to process and case manage native title claims.
Workshops and Cross-Cultural Training	Judicial and Court staff participation in Native Title Workshops and judicial attendance at an intensive cross-cultural training session comprising a two-day residential.
Native Title User Group Meetings	The Court convenes a number of User Group meetings for those involved in native title cases. The aim of a native title user group meeting is to allow the Court to explain its processes and procedures to the people who use the Court and to allow the users to explain to the Court their requirements. Importantly the user group is intended to provide a focus on the extent to which the Court's processes and procedures can be modified to achieve better results.
Regional Case Management	Judges of the Court often delegate to Registrars the holding of mediation and/or regional or multi application case management conferences to resolve either disputes where the Tribunal and Representative bodies have been unable to resolve or the coordinated listing of matters for a region.
Co-ordination Meetings	The role of the Native Title Co-ordination Committee is to provide advice to the Court on practice and procedure relevant to the native title jurisdiction with the aim of ensuring that the Court adopts a nationally consistent approach to the management of the jurisdiction. The Committee acts as a clearinghouse for information to Judges, Court staff and stakeholders on aspects of the management of native title matters.
Notifications	The resource requirements are based on the number of matters not yet notified and new filings requiring registration and notification. The resource requirements are expected to peak during the years 2001 – 2003. The Court assumes much of the activity will be generated from the increase in filings expected for the Northern Territory and Queensland.

Registration Test Reviews	See Notifications
Appeals - Registration Test Reviews	See Notifications
Other Case Management	This type of management takes place where Judges delegate to Registrars the holding of mediation and/or regional or multi application case management conferences.
Review Hearings	All applications are reviewed on a six monthly basis by way of a Directions Hearing. In addition most applications require Directions Hearings for specific issues such as joinder of parties outside the notification period, dismissal of parties, requests for change of applicants/claimants and finalisation of consent determinations.
Full Court Appeals	Where a matter is appealed from a single judge of the Court to a full court of the Federal Court usually consisting of three judges.
Panel of Anthropologists	The Court proposes to develop ways in which it may appoint its own panel of anthropological experts. Alternatively, the Court will explore the appointment of experts from time to time in individual cases.
Community Education Program	<p>The hearing and determination of native title is only one aspect of the challenge presented to the Court, albeit a major challenge. The Court also understands the critical role that dialogue with the community plays in both assuring the public of the nature of the Court's task and the integrity of the outcome and indeed in achieving a broad acceptance of this.</p> <p>Achieving this is an on-going challenge and the resource requirements identified by the Court for the year 2001 and onwards reflects the Court' approach to case management, communication and resolution of the issues in dispute.</p> <p>Some examples of how this enhanced communication has benefited the Court and its relationship with native title stakeholders have included:</p> <ul style="list-style-type: none"> ◆ Developing national strategies to promote consistent practice and procedure and information about the Court and its management of native title; ◆ Raising general awareness about the Court, the Justice system and the role of native title within this; ◆ Encouraging and seeking out feedback about the Court from the stakeholders through user groups.

SENATE ESTIMATES COMMITTEE
FEDERAL COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Going back to the forthcoming year, can you give us a breakdown of staff costs - full time and part time - travel and other outgoings for that additional expenditure.

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

Refer to the response to Question on Notice 48.

SENATE ESTIMATES COMMITTEE
FEDERAL COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Can you give us a breakdown of the costs of the types of services that the Federal Court is providing to the Federal Magistrates Services?

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

The Federal Court of Australia provides a number of services presently free of charge to the Federal Magistrates Service. These are set out in Attachment A. The Court has not yet undertaken any calculation of these costs, but is in the process of identifying the costs associated with providing these services. It is envisaged that these will be available in mid to late July 2001. The Court undertakes to provide the Committee with this information at that time and is not in a position to give a reliable estimate at this time.

ATTACHMENT A

Services Provided by the Federal Court free of Charge to the Federal Magistrates Service

The Court provides the Federal Magistrates Service with the full range of client services including;

- Answering inquiries via the telephone and in person
- Liaising with other registry staff and FMS staff
- Acceptance of applications, including filing, checking and receipting of fees
- Creating and putting together documents after a process has been filed in the Federal Magistrates Service (including applications, including creation, maintenance, transfers and indexing, if applicable)

The Court undertakes for the Federal Magistrates Services a range of listings functions including;

- Maintaining records in the Federal Magistrates Services Case Management System
- Assigning first return dates, allocation of court rooms and production of the report of listings
- Maintenance of the Services daily Court lists via press, internet and communicating this information to staff throughout the Court
- Allocation of court officers and arranging interpreters where necessary

The Court provides the Federal Magistrates Services with Records Management services including;

- Movement of files to/from chambers
- Sorting mail incoming/outgoing
- Arranging freight services where required
- Management of exhibits and subpoenaed documents
- File searches by clients
- Assisting clients with database searches
- Archiving & File storage
- Liaison with FMS staff

The Court provides the Federal Magistrates Services with library services including;

- Library tours for FMS Staff
- Providing training to FMS staff in the use of CD Roms
- Ad hoc research undertaken by library staff
- Provision of current awareness services by Library staff

The Court provides the Federal Magistrates Services with a range of management and administrative services including;

- Collection of fees on behalf of the Federal Magistrates Service, Collector of Public Moneys functions and banking of fees etc
- Advising the Federal Magistrates Service of fees collected and banked
- Liaising with the Federal Magistrates Service in respect to the refund of fees overpaid
- Assessment of applications for waivers & exemptions in respect to fees

The Court provides the Federal Magistrates Services with a range of legal services including;

- Assessment of Bill of Costs
- Conduct of mediations, including Court lists, preparation of a hearing room etc
- Conducting Hearings by a Registrar, including preparation and judgment writing
- Making Orders – from Magistrates and Registrars
- Settling of appeal indexes
- Providing information sessions to external organisations eg Law Society, Practitioners

SENATE ESTIMATES COMMITTEE
FEDERAL COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing of 28 May 2001.

Can you give us a breakdown of the costs of the types of services that the Federal Court is providing to the Federal Magistrates Services?

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

The Federal Court of Australia provides a number of services free of charge to the Federal Magistrates Service. These are set out in Attachment A. The cost of providing those services is set out in Attachment B.

ATTACHMENT A

Services Provided by the Federal Court free of Charge to the Federal Magistrates Service

The Court provides the Federal Magistrates Service with the full range of client services including;

- Answering inquiries via the telephone and in person
- Liaising with other registry staff and FMS staff
- Acceptance of applications, including filing, checking and receipting of fees
- Creating and putting together documents after a process has been filed in the Federal Magistrates Service (including applications, including creation, maintenance, transfers and indexing, if applicable)

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- Assigning first return dates, allocation of court rooms and production of the report of listings
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- Assisting clients with database searches
- Archiving & File storage
- Liaison with FMS staff

The Court provides the Federal Magistrates Services with library services including;

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- Providing training to FMS staff in the use of CD Roms
- Ad hoc research undertaken by library staff
- Provision of current awareness services by Library staff

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- Advising the Federal Magistrates Service of fees collected and banked
- Liaising with the Federal Magistrates Service in respect to the refund of fees overpaid
- Assessment of applications for waivers & exemptions in respect to fees

The Court provides the Federal Magistrates Services with a range of legal services including;

- Assessment of Bill of Costs
- Conduct of mediations, including Court lists, preparation of a hearing room etc
- Conducting Hearings by a Registrar, including preparation and judgment writing
- Making Orders – from Magistrates and Registrars
- Settling of appeal indexes
- Providing information sessions to external organisations eg Law Society, Practitioners

ATTACHMENT B

The cost to the Federal Court of providing services free of charge to the Federal Magistrates Service during the 2000-01 financial year is estimated to be \$2.437m.

The following table shows a breakdown of these costs:

Type of Cost	Cost \$'000
Employee Expenses [including salary and superannuation costs and accruing employee entitlements]	873
Suppliers Expenses {including administrative expenses, information technology and accommodation costs}	1,482
Depreciation and Amortisation Expenses	82
Total cost of resources provided free of charge to the Federal Magistrates Service	2,437

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Can you provide details, in relation to the corporations reference, if any of the states do not sign up by 1 July 2001?

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

All States enacted their reference legislation by 1 July 2001.

SENATE ESTIMATES COMMITTEE
NATIONAL CRIME AUTHORITY
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Provide a breakdown on special funding - how much would be for equipment as opposed to salary and other on-costs?

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

The NCA budget allocation comprises a combination of base and tied funding. Base funding is provided on an annual basis and is the primary source of capital and operational funding. The NCA is also the recipient of tied funding, which is targeted at major investigations and initiatives. Current NCA tied funding includes that resulting from New Policy Proposals (Operation Swordfish) and special allocations under the National Illicit Drugs Strategy (NIDS).

A breakdown of tied funding allocated to equipment is as follows:

- ***Swordfish***: In the Swordfish funding agreed for the 1997-98 budget (\$20 million over 3 years), a provision was made for the purchase of new radios for the NCA. About 10% of the cost of new radios for the NCA was funded from the Swordfish allocation, with the remainder from the NCA's normal base allocation.

In the Swordfish funding agreed for the 2000-01 budget (\$25.3 million over 3 years) \$0.3 million is allocated for computing equipment for a cybercrime forensic facility.

- ***NIDS***: In the NIDS II funding agreed for the 1998-99 budget (\$21 million over 4 years), there was an allocation of \$6 million for capital equipment. To date \$5.5 million has been expended on equipment.

In the NIDS III (COAG) funding agreed in the 1999-00 budget, there was an allocation of \$7.32 million over four years for a project to enhance the NCA's operational effectiveness. An amount of \$1.8 million of this funding is for equipment.

The NIDS funding will now continue after the initial four year allocation and proposals are being developed for further capital equipment expenditure from this on-going funding.

SENATE ESTIMATES COMMITTEE
HUMAN RIGHTS & EQUAL OPPORTUNITY COMMISSION
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

For the last two years –Can you provide a table about how many of these you produce, how many are successfully resolved to the complainant’s satisfaction and how many are not, how many you then expect the A-G to provide advice on, or what happens after that? Do they just remain on the books as an unsatisfied complaint in relation to that matter?

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

HUMAN RIGHTS & EQUAL OPPORTUNITY COMMISSION ACT REPORTS JUNE 1999 – JUNE 2001

Report No	TITLE	DATE of REPORT	RECOMMENDATION	Known compliance with recommendation
8	Report of an Inquiry into complaints of Discrimination in Employment and Occupation Age Discrimination in the Australian Defence Force Messrs Bradley, Barty, Petersen and Van Den Heuvel	May 2000	<p>Mr Bradley – Discrimination found and recommendation made. Mr Bradley to be compensated \$5000 for general damages.</p> <p>Mr Barty - Discrimination was found and recommendations made. The upper age limit should be removed from selection criteria and Mr Barty to be compensated \$5000 for general damages.</p> <p>Mr Peterson - Discrimination found and recommendations made. Upper age limit to be removed from selection criteria.</p> <p>Mr Van Den Heuvel - Discrimination found and recommendations made. Upper age limit to be abolished from selection criteria. Respondent to provide apology to Mr Van den Heuvel and compensation of \$10,000.</p>	Payments and apology made as recommended. Further reviews of acts and practices to be under taken by the respondent are detailed at page 12 of the report
9	Report on the Inquiry into complaints of discrimination in Employment and Occupation Discrimination on the Ground of	May 2000	Discrimination found. Recommendation made that the respondent pay each of the complainants \$5000 in compensation for damages.	No known compliance – advice received that a liquidator had been appointed to the respondent.

Report No	TITLE	DATE of REPORT	RECOMMENDATION	Known compliance with recommendation
	<p>Trade Union Activity Ernst Edwards, Ian Farrell and Wayne Moate v. O'Brien Metal Products Pty Ltd</p>			
10	<p>Report of an Inquiry into a Complaint of Acts or Practices Inconsistent with or contrary to Human Right in an Immigration Centre George Johnson v. DIMA</p>	May 2000	Discrimination found. Commissioner made a number of recommendations in relation to the practices of the Perth Immigration Detention Centre.	The respondent's response to the recommendations including advice of changed circumstances relating to the Perth IDC, and an outline of action taken and proposed actions are set out at pages 6-7 of the Report.
11	<p>Report of an Inquiry into a Complaint of Discrimination in Employment and Occupation – Discrimination on the Ground of Age Akiko Ishikuni v. Japan Travel Bureau (Australia)</p>	August 2000	Age discrimination found. Commission recommended compensation be payable to the complainant of \$43,385.	Payment was made by the respondent to the complainant in accordance with the recommendation.
12	<p>Report of an Inquiry into a Complaint of Acts or Practices inconsistent with or contrary to Human Rights in an Immigration Centre Quan Ri Qing & Su Yu Fei v. C'wealth of Australia, Department of Immigration & Multicultural Affairs</p>	November 2000	<p>Quan – Found breach of ICCPR Articles 10.1, 10(1) & 9 (1) Compensation payment of \$15,000 is recommended</p> <p>Su– Found breach of ICCPR Articles 10.1, 10(1) & 9 (1) Compensation payment of \$20,000 is recommended.</p>	The respondent advised that it disputes the Commissioner's finding of a breach of the ICCPR and accordingly would not make the payments recommended.

Report No	TITLE	DATE of REPORT	RECOMMENDATION	Known compliance with recommendation
13	<p>Report of an Inquiry into a Complaint of Acts or Practices inconsistent with or contrary to Human Rights Vo Tuan Kiet & Ors v. DIMA</p>	March 2001	<p>Report tabled on 26 June 2001. Commission recommended immediate release from detention pending deportation.</p>	<p>The respondents response to the recommendations (affirming their view that the detention is not arbitrary but noting a direction to relevant officers to conduct a review of the appropriateness of the continued detention of the complainants) is contained in full at page 13 of report.</p>

Please note that after a Report has been tabled in Parliament the Commission has no ongoing role in respect of that matter.

SENATE ESTIMATES COMMITTEE
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

How many post cards were produced and what was the cost of that? Is there any preliminary reaction to what the project did or achieved?

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

HREOC commissioned two post cards to be produced by Avant Card Pty Ltd.

The first postcard, entitled “Do everyone a favour – Support advertising that dignifies women”, was developed for International Women’s Day in conjunction with the federal Office of the Status of Women. It was launched by Sally Moyle, Director of the Sex Discrimination Unit of HREOC, on 8 March 2001.

The second post card was entitled “Respect –find out what it means to me”, and was developed in conjunction with the Advertising Federation of Australia. It was launched by the former Sex Discrimination Commissioner Susan Halliday, on 23 April 2001.

Number of cards produced

Avant Card produced 20,000 of each postcard.

Cost of the post cards.

The first card (“Do everyone a favour”) cost in total \$3,894.00 (GST incl.), for artwork, printing and distribution by Avant Card. Originally this was to be \$5, 142.00, However Avant card offered to pay for the distribution, as it was for a “good cause”. There was no cost involved in the launch of that card, as it was hosted by the Australian Education Union during its annual women’s dinner. The Office of the Status of Women has agreed to reimburse HREOC for 50% of the cost of the production of the card.

The “Respect” post-card cost a total of \$3,509.00 (GST incl.) for printing and distribution by Avant Card. Advertising agency Morris and Partners did the artwork at no cost on behalf of the Advertising Federation Australia, by way of co-funding the project. Again, Avant Card did not charge HREOC separately for distribution. Also, above the cost of printing and distribution was the cost of hiring a function room for the launch of the card. The cost of the hire, including refreshments was \$1, 039.87

The total cost is \$8,442.87. The Office of the Status of Women has agreed to reimburse HREOC of 50% of the cost of the first card (\$1,947), leaving HREOC with a net cost of \$6,495.87.

Reaction

HREOC requested that an initial run of 19,000 cards be distributed for each campaign (38,000 in total) throughout all capital cities. The balance of cards were retained for distribution by HREOC and its partner for each card. The placement of cards targeted cafes, restaurants, bars, cinemas, theatres, universities, hotels, galleries, retail fashion outlets, shopping centres, travel agencies, hostels, television studios, Community Arts Centres and sports venues. HREOC specifically confirms that the cards were distributed in pubs and bars, a point raised in the discussion during the Senate Committee meeting.

Avant Card supplies a “feedback pack” in relation to each card, so HREOC can assess the effectiveness of this method of public awareness-raising.

The first postcard, (“Do someone a favour”), was rated by Avant Card as a “fast mover” (the highest bracket of responses).

It took only 28 days for the cards to be distributed, with an overall total of 27,780 voluntarily taken by interested audiences (8,780 more than expected). By state breakdown; NSW distributed 8,410, WA 3,000, Tasmania 680, Victoria 6,630, ACT 1,970, NT 250, QLD 3,160, and SA distributed 3,930. To further highlight the sector of the market most responsive to the cards, it is interesting to note that, in all states, the top distribution points were cafes and restaurants followed by cinemas.

The feedback pack for the second post card (“Respect”) is due shortly.

The Human Rights and Equal Opportunity Commission postcards referred to in QoN. 54 are not included in this volume of Additional Information. The postcards have been tabled with this Volume and are available for viewing through the Table Office.

SENATE ESTIMATES COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
QUESTIONS ON NOTICE

Senator Bolkus asked the following question at the hearing on 28 May 2001.

Have these matters been brought to your (DPP) attention? (re allegations made by Mrs Firebrace in the Joint Committee on Native Title & Aboriginal & Torres Strait Islander Land Fund)

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

No.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Why had the legislation not been brought on?

The Department of Immigration and Multicultural Affairs has advised that the answer to the honourable Senator's question is as follows:

The reason why the legislation has not been brought on for debate is that following the Legal and Constitutional References Committee's report on the Migration Legislation Amendment (Judicial Review) Bill 1998, the Minister for Immigration and Multicultural Affairs and his staff have been discussing the Bill with members of the Opposition with a view of obtaining support for passage of the Bill.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

There is \$6.692M for disease and other quarantine risks. What assets will be purchased under this matter? Will any be purchased?

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

Assets will be purchased with this \$6.692m. The assets to be purchased are:

- . Audio Video equipment;
- . X-ray machines; and
- . Property fit-out which will be capitalised.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Can you provide on notice the cost of providing customs services at each airport in Australia and the same for each port in Australia? Provide update on question from 3 October 2000?

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

Costings are prepared on a regional basis, not for individual airports and ports. Customs response to a House of Representatives Question on Notice from Mr Martin Ferguson dated 3 October 2000 is attached. The figures quoted in that response are those for the most recent complete financial year (1999-2000) and are therefore the current figures. An update is not possible until the end of the 2000-2001 financial year.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

What proportion of the total fee collected is the administration cost?

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

For the most recent complete financial year (1999-2000), 0.51% of the total Passenger Movement Charge collected was paid to airlines for their administration costs.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator Cooney asked the following question at the hearing of 28 May 2001.

What sorts of measures – ‘effort’ – do we use through Customs to stop the intellectual property of our citizens being affected?

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

Intellectual Property

The Australian Customs Service (Customs) is tasked with administering import provisions of the *Copyright Act 1968* and the *Trade Marks Act 1995* and this role is restricted to goods at the ‘border’ that have not been released from Customs control. The formulation of Government policy on intellectual property rights is the responsibility of the Attorney-General’s Department and IP Australia. Customs provides input into the design of import provisions of the relevant acts.

Under intellectual property legislation, the rights owner, or their authorised agent, can object, by lodging a Notice of Objection, to the importation of goods that allegedly infringe their intellectual property. Customs seizes goods believed to infringe intellectual property and holds them for a specified period within which the objector may commence civil action. If no action is commenced, the goods are returned to the importer. If civil action is commenced, Customs continues to hold the goods for a further specified period, or until a direction from the court is received within that specified period. If no advice is received from the court the goods are returned to the importer.

Parallel Importations

Parallel importation is the term used to describe importations of genuine product by an importer who is not the intellectual property rights holder or their authorised agent. Parallel importations are considered to be infringing goods and may be seized where a Notice of Objection is in place (described above). Changes to copyright legislation in recent years have meant that, in certain circumstances such as music cd’s and in relation to copyright in packaging and labelling, parallel importations do not infringe copyright and are not seized. Under Trade Marks legislation, the goods infringe unless the trade mark is applied with the consent of the Australian trade mark owner.

Olympics

The work done in relation to the Sydney Olympics is an example of Customs efforts in protecting intellectual property. The *Sydney 2000 Games (Indicia and Images) Protection Act 1996* commenced operation on 28 June 1996 and ceased operation after 31 December 2000. This Act protected the use of certain words and images associated with the Sydney 2000 Olympic Games, and operated in a similar manner to other intellectual property legislation.

In the four and a half years that the legislation was in force 119 seizures were made, involving 149,819 items, with an approximate value of \$2.6 million. The majority of these seizures took place in New South Wales in the year preceding the Games. Major categories of goods seized were baseball caps, clothing, lapel pins, sporting equipment, jewellery and bags.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Do you know how many people you would be authorised to test?

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

Initial enquiries indicate that there are between 450 and 800 federal prisoners whom the AFP is authorised to test. The exact number of persons is difficult to determine at this stage, as the legislation refers to persons convicted of an offence which attracts a penalty of five years or more. The information available to the AFP at this time indicates that there are approximately 800 federal prisoners, of whom some 450 are serving sentences of five years or more. However, the number of persons the AFP is authorised to test will increase once it is determined which of the remaining federal prisoners have been convicted of an offence which attracts a five year penalty, but for which they have received a lesser sentence. This figure also does not include parolees, people serving home or periodic detention, or people under community service orders.

The AFP is continuing work to determine the exact number of prisoners it will be authorised to test.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Incidents in Woomera last year – do you know whether the AFP were making the decisions in regard to charges after the incident at Woomera?

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

The Australian Federal Police was responsible for making decisions in relation to the detainees and the nature of any applicable charges. During this decision making process, however, advice on potential offences was obtained from the Commonwealth Director of Public Prosecutions (DPP), including offences under the *Public Order (Protection of Persons and Property) Act 1971*. The DPP provided advice on potential charges under sections 7A, 29 and 76(1)(b)(ii) of the *Crimes Act 1914* and advised that the intent of the *Public Order (Protection of Persons and Property) Act* was not to cover activities such as those that occurred in the detention centre.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

On the Port Hedland occasion, was any consideration given to making any charges under the Public Order (Protection of Persons and Property) Act?

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

The Australian Federal Police (AFP) gave consideration to possible offences contained within the *Public Order (Protection of Persons and Property) Act 1970* as well as those contained in the *Crimes Act 1914*. Advice was sought and provided to the AFP by the Commonwealth Director of Public Prosecutions (DPP), Perth Office, in relation to the appropriateness of either Act with the result being that the *Public Order (Protection of Persons and Property) Act 1970* was not considered appropriate on this occasion.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Port Hedland – whether any of the detainees requested legal aid?

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

The Australian Federal Police (AFP) made interpreters available to assist the detainees in their understanding of the arrest process. The AFP is not aware of any detainee making a request to speak to a solicitor at the time of their arrest or immediately thereafter.

The AFP did not attempt to interview any of the detainees prior to their first court appearance, nor before they had the opportunity to speak with a solicitor.

The AFP is aware that Legal Aid representatives appeared with the detainees at their first court appearance on 28 May 2001.

The AFP wrote to Legal Aid, WA, on the 5 June 2001, inviting each detainee to take part in a taped record of interview with police, however none of these invitations have been accepted to date.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Tax minimisation schemes (SMH, 11/04/01). Whether the matter has been referred to the AFP? When? What is the AFP doing about it in terms of resources? Has it chosen to investigate it? Who made the referral – did the PM or his office refer it? Did you pick it up independently? Or if it is a matter that you cannot investigate or you have not picked up because it is a matter that might be too difficult or outside your jurisdiction, is it an area that the A-G PDT might comment in relation to public interest funds?

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

The 11/04/01 *Sydney Morning Herald* article related to a range of alleged tax minimisation schemes. The AFP has not received a specific, general or umbrella referral from the Prime Minister or the Office of the Prime Minister as a result of this article.

The AFP has however accepted 214 referrals for investigation from the Australian Taxation Office since 1 July 1998, 26 of which were received after 11/04/01. None of these referrals appear to relate to this article.

The Attorney-General's Department does not administer any funds of the kind referred to by Senator Ludwig.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Is that under their particular interception legislation? By whom would that have been and when? What other, if any, authorisations were obtained from Fiji in relation to that operation? By whom and for what purpose? What happened since or the outcome – at least provide an update?

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

The interception and disclosure of telecommunications in Fiji is authorised under Section 33 of the *Posts and Telecommunication Decree No. 37 of 1989*. Two separate warrant applications were made on 20 and 29 September 2000 in respect of 18 telecommunications services, subject of joint investigation Operation Avian Logrunner. The interception of telecommunications was authorised by Presidential Warrants signed by His Excellency, Ratu Josefa Iloilo, President of the Republic of the Fiji Islands.

The disclosure of lawfully intercepted material resulting from the execution of warrants issued pursuant to the *Posts and Telecommunication Decree No. 37 of 1989*, is at the discretion of the Commissioner of the Fiji Police. The material intercepted subject of this investigation was in turn disclosed to AFP members attached to the Operation Avian Logrunner team.

For the purpose of undertaking investigative activities, the Commissioner of the Fiji Police Force gave AFP members the status of special constable of the Fiji Police Force. No other special authorisations were required during the course of the investigation.

As a result of this operation, three persons were arrested and are currently in custody in Fiji awaiting trial. Another is in custody in Kiribati on unrelated charges and the Fiji Director of Public Prosecutions has submitted an application for the extradition of this person. The narcotics located during this operation were destroyed in Fiji on 20/21 January, 2001. No date for trial of those arrested has yet been set.

SENATE ESTIMATES COMMITTEE
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Can you confirm the 74% increase in debt agreements compared with the corresponding period of the previous year?

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

Debt Agreements (Part IX)

The increase in the number of debt agreements in the March 2001 quarter over the March 2000 quarter is 74.6%.

Number of debt agreements in the March 2000 quarter	189
Number of debt agreements in the March 2001 quarter	330

SENATE ESTIMATES COMMITTEE
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Have any measurements been done since the introduction of debt agreements on the impact that debt agreements have had on the number of bankruptcies? Is there any way that we can measure one against the other? (A graph).

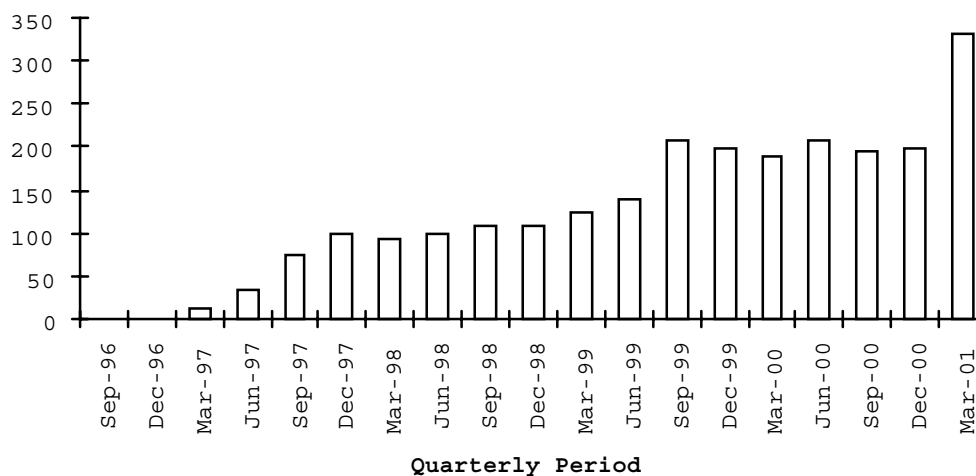
I am advised that the answer to the honourable Senator's question is as follows:

No measurements have been done since the introduction of debt agreements to specifically indicate the impact (if any) that debt agreements have had on the number of bankruptcies.

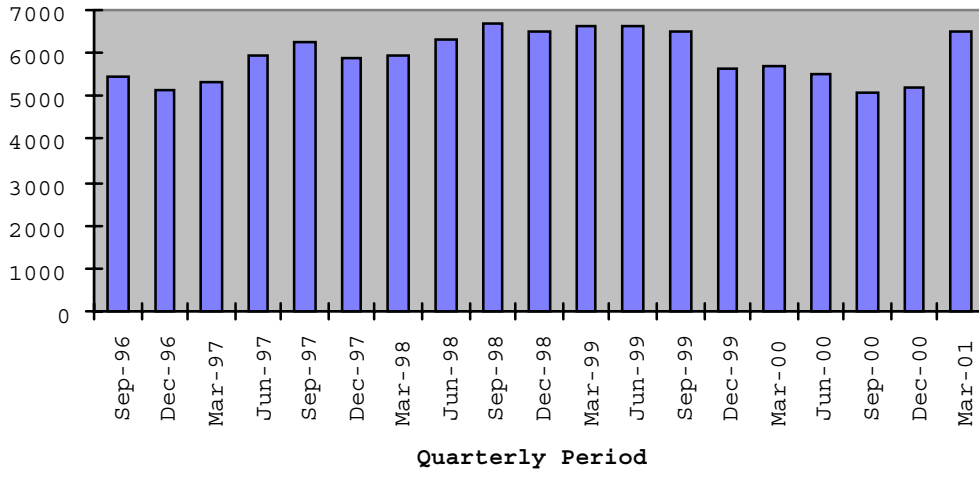
However, the two graphs below show the quarterly movement in the number of debt agreements and bankruptcies since the introduction of debt agreements in 1996.

Two separate graphs have been prepared due to the significant difference in numbers of debt agreements compared to bankruptcies.

Debt Agreements (Part IX)



Bankruptcies (Parts IV and XI)



SENATE ESTIMATES COMMITTEE
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA
QUESTIONS ON NOTICE

Senator Cooney asked the following question at the hearing of 28 May 2001.

In regards to Trustee creditors: who comes first? Are the employees tops yet?

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

The priority creditors remain unchanged. Employees rank fifth after, respectively:

- first, the petitioning creditor's taxed costs and the trustee's costs and expenses of the administration including remuneration;
- secondly, the remuneration costs and expenses of a controlling trustee authorised by the debtor, prior to the bankruptcy, to put a Part X proposal to creditors;
- thirdly, if a bankruptcy occurs within 2 months of a debtor's Part X arrangement having been declared void, annulled, set aside or terminated, the liabilities, commitments, expenses or remuneration of the trustee of that arrangement; and
- fourthly, the funeral and testamentary expenses of the estate of a deceased debtor whose estate is bankrupt.

The priority given to employees relates to salary, wages, commission or other remuneration for services rendered to or for the bankrupt before the date of bankruptcy. There is a \$1,500 cap per employee but it has been increased by regulation 6.02 (1) of the Bankruptcy Regulations to \$3,100 and that figure itself is indexed by regulation 6.02 (1). The current figure is \$3,150. The fifth priority given to employees does not extend to amounts for long service leave, extended leave, annual leave, recreation leave or sick leave. Such amounts rank as the seventh priority, that is, after payment of the sixth priority, being workers compensation liabilities accrued before the date of the bankruptcy.

A copy of section 109 of the *Bankruptcy Act 1966* is attached for information.

QoN 70 (Attachment)

109(1) [Priority payments] Subject to this Act, the trustee must, before applying the proceeds of the property of the bankrupt in making any other payments, apply those proceeds in the following order:

- (a) first, in the order prescribed by the regulations of the taxed costs of the petitioning creditor and the costs, charges and expenses of the administration of the bankruptcy, including the remuneration and expenses of the trustee and the costs of any audit carried out under section 175;
- (b) second, if the bankrupt has signed an authority under section 188 before the date of the bankruptcy, in payment of:
 - (i) the remuneration of the controlling trustee (as defined in section 187); and
 - (ii) the costs, charges and expenses properly and reasonably incurred by the controlling trustee while the authority was in force (including any debts incurred by the controlling trustee that are provable in the bankruptcy);
- (c) third, in case of a bankruptcy that occurs within 2 months after a deed of assignment or a deed of arrangement executed by the bankrupt, or a composition or scheme of arrangement accepted by the bankrupt's creditors, has (including at a time before the commencement of this paragraph) been declared to be void or been annulled, set aside or terminated, in payment of liabilities, commitments, expenses or remuneration referred to in section 114;
- (d) fourth, in case of the estate of a deceased debtor whose estate is being administered under Part XI, in payment of proper funeral and testamentary expenses;
- (e) fifth, in payment of amounts (including amounts payable by way of allowance or reimbursement under a contract of employment or under an award or agreement regulating conditions of employment, but not including amounts in respect of long service leave, extended leave, annual leave, recreation leave or sick leave), not exceeding in the case of any one employee \$1,500 or such greater amount as is prescribed by the regulations for the purposes of this paragraph, due to or in respect of any employee of the bankrupt, whether remunerated by salary, wages, commission or otherwise, in respect of services rendered to or for the bankrupt before the date of the bankruptcy;
- (f) sixth, in payment of all amounts due in respect of compensation payable under any law of the Commonwealth or of a State or Territory relating to workers compensation, being compensation the liability for which accrued before the date of the bankruptcy;
- (g) seventh, in payment of all amounts due to or in respect of any employee of the bankrupt, whether remunerated by salary, wages, commission or otherwise, in respect of long service leave, extended leave, annual leave, recreation leave, or sick leave in respect of a period of time before the date of bankruptcy;

(h) eighth, in payment of any sum payable under section 113;

(i) ninth, in payment of:

(i) such preferences, priorities or advantages in favour of any creditor or group of creditors as regards any other creditor or group of creditors; and

(ii) such costs, charges and expenses incurred in the interests of creditors before the date of the bankruptcy

as a meeting of the creditors, by special resolution, resolves.

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

Senator McKiernan asked the following question at the hearing of 21 May 2001

Are you in a position to provide the Committee with the name of that person? (Brief withdrawn from person who may be in a bankrupt state)

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

A brief has been withdrawn by the Attorney-General's Department from one individual on the basis that it was inappropriate for him to act for the Commonwealth in view of the publicity against him and other barristers. In withdrawing the brief the Commonwealth made it clear that it was not pre-judging the allegations made in that publicity.

Having regard to privacy considerations, and the policy underlying the Privacy Act 1988, the Department would prefer not to disclose the name of the individual.

The Department is not aware of any other briefs that have been withdrawn by any other Department from counsel in these circumstances.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 29 May 2001.

FMS - Can you detail the amount, for services provided by the Family Court in 2000 - 01, up to 30 June 2000? If there are figures that you have projected after that, they would be appreciated. Have you costed the service that the Family Court has provided to the FMS in the transfer of other funds, service or in - kind work?

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

This question was answered by both Mr Foster and Mr Phelan as per L&C 122.

As part of the response to this question, Mr Foster gave an undertaking to provide a set of statistics regarding the relative workloads of the Family Court and the Federal Magistrates Service. This information is enclosed below:

In the period 01 July 2000 to 31 March 2001:

Volume of forms filed

	Total
Form 4/5 - Divorces total	36,006
<i>% FMS</i>	<i>52.3%</i>
Form 7 - Final Orders total	17,463
<i>% FMS</i>	<i>15.6%</i>
Form 8 - Interim Orders total	17,259
<i>% FMS</i>	<i>14.4%</i>
Form 12a - Consent Orders total	8,982
<i>(No FMS Equivalent)</i>	<i>(n.a.)</i>
Other Applications# total	4,621
<i>% FMS</i>	<i>16.0%</i>
Total YTD Q3 Forms Filed	84,331

Note: Forms counts are based on 'correct' form code entries, eg for FMS registries only 'M' forms counted.

Other Applications are Forms 12, 43, 44, 45b, 46, 48, 49, 63 and 64 (or 'M' Form equivalent).

Deputy Registrar Work

Divorces Listed - total	26,164
<i>% FMS</i>	<i>11.3%</i>
Conciliation Conf. - total	5,337
<i>% FMS</i>	<i>2.0%</i>
Pre Hearing Conf. - total	6,291
<i>(No FMS Equivalent)</i>	<i>(n.a.)</i>

% FMS is the percentage of Deputy Registrar workload undertaken for the FMS

Counsellor Work *

Total New Interventions opened		15,288
	<i>% FMS</i>	3.5%
Total interviews		29,488
	<i>% FMS</i>	3.0%

% FMS is the percentage of Counsellor workload undertaken for the FMS

* Does not include Case Conferences

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Is the letter from the CEO of the FMS to the Family Court able to be provided to the committee?

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

There is no letter from the Chief Executive Officer of the Federal Magistrates Service to the Chief Executive Officer of the Family Court of Australia regarding the return funding from the Federal Magistrates Service to the Family Court of Australia. The letter to which Mr Foster was referring at the hearing was, in fact, a letter from the Federal Magistrates Service to the Attorney-General's Department on a number of Budget issues which was copied to the Family Court. As it was part of the Budget process, the Attorney-General does not propose to make the letter available.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Where the targets end at 75% in output 1.1.1 Mediated Agreements, and where they end at 90% - are there figures that will demonstrate how long the tail takes to complete?

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

The Family Court of Australia's current case management system does not hold information which would allow accurate reporting on the times taken by cases to resolve through mediation. A new case management system is under development (for implementation in 2002) and this will allow more accurate reporting. Therefore, this answer is estimated from a sample taken from existing statistical systems.

For the nine months to 31 March 2001, approximately 75.5% of applications for final orders filed in the Family Court of Australia have been resolved through mediation. Of those matters resolved, it is estimated that 90% were resolved within 6 months of filing. It is further estimated that the remaining 10% (usually litigious and complex in nature) may take up to a further 9.5 months to resolve.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Can you update the QoN 1, 4, 5, 6, 7, 8, & 9 (from the Hearings of 19 February 2001) with the appropriate figures as at 1 June 2000?

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

The updated questions 1, 5, 7 and 9 (from the Hearings of 19 February 2001) are attached. There has been no change to the answers provided for questions 4, 6 and 8 from the Additional Estimates Hearing in February 2001.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Can you provide an update of any positions lost as a result of this year's Budget decisions and compare that with staffing levels over the last 3 years?

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

The positions lost this year due directly to Budget decisions have been SES Band 2 Registrars and their assistant staff as a result of the establishment of the Federal Magistrates Service. The Registrars were employed from April/May 1999.

The numbers of Registrars and assistants at the following dates are:

	Registrars	Assistants
30 June 1999	18	18
30 June 2000	21	21
29 May 2001	10	10

The Family Court is now funded for seven Registrars and seven assistants from 1 July 2001 until 30 June 2003 following negotiations with the FMS.

Until very recently, the Family Court was funded for four SES Band 2 Registrars and four assistants after 30 June 2001 and two Registrars and two assistants after 30 June 2002.

Reduced appropriations generally have also had an impact on numbers of other staff, principally Court counsellors. The numbers of counsellors (FTE) at the following dates are:

	Counsellors
30 June 1999	127
30 June 2000	113
29 May 2001	86

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

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

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

Registry	FTE (excludes Judges)					
	01/07/1999		01/07/2000		29/05/2001	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Adelaide Registry	65	3	66	1	64	1
Brisbane Registry	113	7	96	1	75	3
Canberra Registry	24	8	26	3	24	4
Dandenong Registry	41	11	40	4	33	3
Darwin Registry	17	2	15	0	15	0
Hobart Registry	22	7	21	4	17	4
Melbourne Registry	109	39	112	11	93	10
Newcastle Registry	31	10	35	5	35	3
Parramatta Registry	76	16	75	8	72	9
Sydney Registry	94	7	100	9	75	4
Townsville Registry	24	2	18	1	16	0
Sub-Registry Albury	5	2	4	0	3	0
Sub-Registry Alice Springs	3	0	1	2	2	2
Sub-Registry Cairns	8	1	4	0	4	1
Sub-Registry Coffs Harbour	3	2	3	1	0	1
Sub-Registry Dubbo	4	0	3	0	2	0
Sub-Registry Gold Coast	6	0	0	0	0	0
Sub-Registry Launceston	4	7	2	3	0	4
Sub-Registry Lismore	3	2	3	1	3	1
Sub-Registry Rockhampton	2	0	1	2	0	3
Sub-Registry Wollongong	3	1	3	0	2	1
Total	657	127	628	56	535	54

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

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 29 May 2001.

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

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

Registry	01/07/1999	01/07/2000	29/05/2001	Comments
Adelaide	5 Judges 1 Judicial Registrar 3 Registrars	5 Judges 1 Judicial Registrar 2 Registrars	5 Judges 1 Judicial Registrar 2 Registrars	Federal Magistrate appointed and number of Registrars reduced
Brisbane	8 Judges 1 Judicial Registrar 4 Registrars	7 Judges 1 Judicial Registrar 4 Registrars	8 Judges 1 Judicial Registrar 3 Registrars	Judge retired on 30/06/2000 and was replaced July 2000. Federal Magistrates appointed and number of Registrars reduced
Canberra	2 Judges 1 Registrar	2 Judges	2 Judges	Federal Magistrate appointed and Registrar position terminated
Dandenong	1 Judge 1 Judicial Registrar 1 Registrar	1 Judge 1 Judicial Registrar 1 Registrar	1 Judicial Registrar	Judge transferred to Melbourne and defended hearings now heard in Melbourne. All other services maintained by registry staff supported by circuits of Judicial Officers as needed.
Darwin	1 Registrar	1 Registrar	Nil	Circuits conducted by both FCoA and FMS. A Federal Magistrate position has been advertised to service both Adelaide and Darwin.
Hobart	1 Judge 1 Registrar	1 Judge 1 Registrar	1 Judge	Federal Magistrate appointed and Registrar position terminated
Melbourne	11 Judges 1 Judicial Registrar 4 Registrars	11 Judges 1 Judicial Registrar 4 Registrars	12 Judges 1 Judicial Registrar 3 Registrars	Judge transferred from Dandenong. Federal

				Magistrates appointed and number of Registrars reduced
Newcastle	1 Judge 1 Registrar	1 Judge	1 Judge	Federal Magistrate appointed and Registrar position terminated.
Parramatta	6 Judges 1 Judicial Registrar 2 Registrars	6 Judges 1 Judicial Registrar	6 Judges 1 Judicial Registrar	Federal Magistrates appointed and number of Registrars reduced
Sydney	11 Judges 2 Judicial Registrar 2 Registrars	11 Judges 2 Judicial Registrar 2 Registrars	10 Judges 2 Judicial Registrar 2 Registrars	Judge retired - replacement not yet named
Townsville	1 Judge 1 Registrar	1 Judge	1 Judge	Federal Magistrate appointed and Registrar position terminated.

SENATE ESTIMATES COMMITTEE
FAMILY COURT OF AUSTRALIA
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 29 May 2001.

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

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

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

	01/07/1999	01/07/2000	29/05/2001
Registry	Full Time Equiv.	Full Time Equiv.	Full Time Equiv.
Adelaide Registry (Total)	10.6	11.8	10
EXE2 (SOGA)	1		1
EXE2 (SOGB)	2	2	1
EXE1 (SOGC)	7.6	9.8	8 ^{#1}
Brisbane Registry (Total)	15.9	10	7.6^{#2}
EXE2 (SOGA)	2	1	1
EXE2 (SOGB)			1
EXE1 (SOGC)	13.9	9	5
APS 6			0.6 ^{#2}
Canberra Registry (Total)	5	2.8	2.8
EXE2 (SOGA)	1		
EXE2 (SOGB)			
EXE1 (SOGC)	4	2.8	2.8
Dandenong Registry (Total)	8	8	5
EXE2 (SOGA)	1	1	
EXE2 (SOGB)			1
EXE1 (SOGC)	7	7	4
Darwin Registry (Total)	3	1	1.4
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	2		0.4
Hobart Registry (Total)	3.8	3.2	2
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	2.8	2.2	1

	01/07/1999	01/07/2000	29/05/2001
Registry	Full Time Equiv.	Full Time Equiv.	Full Time Equiv.
Melbourne Registry (Total)	23.2	22	13.65
EXE2 (SOGA)	1		1
EXE2 (SOGB)	2	3	2
EXE1 (SOGC)	20.2	19	10.65
Newcastle Registry (Total)	6.6	7.2	5.4
EXE2 (SOGA)	1		0.8
EXE2 (SOGB)			
EXE1 (SOGC)	5.6	7.2	4.6
Parramatta Registry (Total)	13.8	13.4	12.4
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	11.8	11.4	10.4
Sydney Registry (Total)	15	14.8	9.7
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	13	12.8	7.7
Townsville Registry (Total)	4	3	3
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	3	2	2
Sub-Registry Albury (Total)	3	3	2
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	2	2	1
Sub-Registry Alice Springs (Total)	1	0.6	0.6
EXE1 (SOGC)	1	0.6	0.6
Sub-Registry Cairns (Total)	3	2	2
EXE2 (SOGB)	1		1 ^{#3}
EXE1 (SOGC)	2	2	1
Sub-Registry Coffs Harbour (Total)	2	2	0
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	
EXE1 (SOGC)	1	1	
Sub-Registry Dubbo (Total)	2	2	2
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	1
EXE1 (SOGC)	1	1	1

	01/07/1999	01/07/2000	29/05/01
Registry	Full Time Equiv.	Full Time Equiv.	Full Time Equiv.
Sub-Registry Launceston (Total)	3	2.2	2
EXE2 (SOGA)			
EXE2 (SOGB)	1	1	0
EXE1 (SOGC)	2	1	2
Sub-Registry Lismore (Total)	2	2	2
EXE2 (SOGA)	1	1	1
EXE2 (SOGB)			
EXE1 (SOGC)	1	1	1
Sub-Registry Rockhampton (Total)	0	0	0.4
EXE2 (SOGA)			
EXE2 (SOGB)			
EXE1 (SOGC)	0		0.4
Sub-Registry Wollongong (Total)	2	2	2
EXE2 (SOGA)			
EXE2 (SOGB)			
EXE1 (SOGC)	2	2	2
Total	126.9	113	85.95

Please also note that Alice Springs, Darwin and Cairns also share between them 6 positions for Aboriginal Family Consultants. Of the six actual occupants, four are accredited by the Court as Mediators.

#1 Adelaide Registry is currently in the process of reducing the number of Counsellors from 8 to 6 FTE's

#2 Please note that Brisbane Registry is currently employing a "Family & Child counsellor" at APS6 level for 3 days per week not shown in the table. This non-ongoing part-time employee undertakes privileged counselling only - does not undertake Family Report work.

#3 Cairns Sub – Registry - One Counsellor is taking LSL July – Dec 01. Workload to be covered by circuit from Townsville

Gold Coast	Counselling	4	48	1	192	2	48	1	96 ^{#5}
Ayr/Bowen	Counselling	2	12	1	24	2	8	1	16
Mackay	Judicial and Counselling	5	12	1	60	3	8	1	24
Ingham	Counselling	0	0	0	0	1	12	1	12
Charters Towers	Counselling	0	0	0	0	1	12	1	12
Atherton	Counselling	0	0	0	0	2	12	1	24

CIRCUITS	Judicial Circuit, Counselling Circuit or Both	Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 1/7/1999 and 1/7/2000					Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 29/05/2001				
		Days/ circuit	Circuits p.a.	No. of Counsellors per circuit	Total counsellin g staff days p.a.	Days/ circuit	Circuits p.a.	No. of Counsellors per circuit	Total counsellin g staff days p.a.		
Queensland Cntd.											
Innisfail	Counselling	0	0	0	0	2	12	1	24		
Rockhampton	Judicial and Counselling	2	48	1	96	2	48	1	96		
Northern Territory											
Katherine	Counselling	4	8	1	32	3	7	1	21		
Tennant Creek	Counselling	3	7	1	21	3	7	1	21		
Pititlands		4	8	1	32	4	8	1	32		
Victoria											
Ballarat	Counselling only since FMS	2	16	2	64	2	15	2	60		
Bendigo	Counselling only since FMS	2	15	2	60	2	12	2	48		

Geelong	Counselling only since FMS	1	50	1	50	1	50	1	50
Mildura	Counselling only since FMS	5	5	2	50	5	4	2	40
Warrnambool	Counselling only since FMS	3	5	2	30	3	5	2	30

		Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 1/7/1999 and 1/7/2000					Counsellor Resources deployed on circuit from Registries and Sub-Registries as at 29/05/2001				
	Judicial Circuit, Counselling Circuit or Both	Days/ circuit	Circuits p.a.	No. of Counsellors per circuit	Total counselling staff days p.a.	Days/ circuit	Circuits p.a.	No. of Counsellors per circuit	Total counselling staff days p.a.		
Victoria Cntd.											
Griffith	Counselling	1	12	1	12	0 ^{#6}	0	0	0		
Shepparton	Counselling	3	12	1	36	2.6	12	1	31.2		
Wagga Wagga	Counselling	1	26	1	26	1.5	12	1	18		
Wangaratta	Counselling	1	26	1	26	1.6	26	1	41.6		
Bairnsdale	Judicial and Counselling from 2001	1	12	1	12	1	12	1	12		
Sale	Counselling	2	12	2	48	1	10	1	10		

Tasmania	No circuits								
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Outreach Services providing Counselling Services

	Number of Days Per Week		
	At 1/7/1999	At 1/7/2000	At 29/05/2001
NSW			
Gosford	4	4	2
Campbelltown	1	1	0
Penrith	Total of 24 days p.a.	Total of 24 days p.a.	0
Tasmania			
Devenport	2	2	2

- #4. The Nowra circuit ceased in March 2001.
- #5. For the Gold Coast, 2 staff circuit 3 locations 4 days per fortnight. The FCoA operates out of CBA premises.
- #6. Griffith circuits depend upon demand and are scheduled in conjunction with circuits to Wagga Wagga.

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

Senator McKiernan asked the following question at the hearing of 29 May 2001.

Has the department used any additional external consultants for the purposes of public affairs or media support in the last 12 to 18 months or two years?

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

The Attorney-General's department within the nominated period has engaged only one public affairs/media consultancy. The Phillips Group was engaged in March 2000 to provide communications advice on the National Crime Prevention Communication Strategy. The cost of this consultancy was \$1,394.

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Could you provide a table with – the amount which was appropriated for each item in table 2.1.1 in outcome 1 & table 2.1.2 in outcome 2; the amount which was appropriated in respect of each item for 2000-01; the estimated actual expenditure on each of those items for 2000-01; the amount which lapsed in 2000-01 as a result of underspending on each of those items; and any such lapsed amounts which have not been reappropriated or reflected in the same amount or within a significant difference and appropriated for 2000-01 in addition to the previous forward estimates for 2001-02.

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

The attached table sets out the information sought by the Senator in respect of administered activities. In particular, the table identifies estimated unspent funding rephased to 2001-02 and estimated unspent funding that will not be rephased to 2001-02.

Explanations for the rephasings from 2000-01 to 2001-02 for the Commonwealth legal aid program and diversionary programs for juveniles in the Northern Territory were provided at the hearing.

Unspent funding in 2000-01 for expenditure under Part 9 of the Native Title Act will be returned to the Budget as a provision has been made in the forward estimates for these expenditures and as the timing and level of expenditure in 2001-02 and future years are uncertain. The same reasons apply to the return of unspent overdraft facility funding to the Budget.

Departmental appropriations do not lapse at the end of a financial year. The Department draws down its departmental appropriations to match the timing of expenses incurred in producing outputs. Where expenses will be deferred from 2001-02, the draw down of 2000-01 appropriation funding for those expenses will also be deferred to 2001-02. The estimated appropriation deferrals from 2000-01 to 2001-02 for the Department are set out in Appendix 6 on page 65 of the Portfolio Budget Statements.

Administered Expenses	2000-01					2001-02				
	1	2	3	4	5	6	7	8	9	10
	Base Approp \$'000	One-off Variations \$'000	Approp Available \$'000	Estimated Actual \$'000	Lapsing Approp \$'000	Rephased Approp \$'000	Base Approp \$'000	Budget Measure \$'000	Rephased Approp \$'000	Total Approp \$'000
Outcome 1										
Payments for the provision of legal aid	61,251	-	61,251	61,251	-	-	65,844	-	-	65,844
Commonwealth legal aid program	47,168	4,980	52,148	49,388	-	2,760	51,813	-	2,760	54,573
Grants to family relationship support organisations	25,777	5,675	31,452	31,452	-	-	26,105	-	-	26,105
Community legal services	21,315	4,356	25,671	25,671	-	-	21,794	-	-	21,794
Financial assistance towards legal costs and related expenses	8,320	222	8,542	8,542	-	-	8,442	4,967	-	13,409
Expenditure under Part 9 of the <i>Native Title Act 1993</i>	14,000	-	14,000	-	14,000	-	11,000	-	-	11,000
Family Court of WA - operating expenses	9,155	-	9,155	9,155	-	-	9,359	-	-	9,359
Reimbursements or payments - Family Law Act	5,566	-	5,566	5,566	-	-	5,616	-	-	5,616
Law Courts Ltd and Joint Law Library - contribution to operating expenses	2,309	-	2,309	2,309	-	-	2,341	-	-	2,341
Publication of Acts and Statutory Rules	1,479	-	1,479	1,479	-	-	1,494	-	-	1,494
International bodies - membership contributions	367	-	367	367	-	-	363	-	-	363
Australian organisations - grants	357	-	357	357	-	-	350	-	-	350
Constitutional Centenary Foundation Incorporated	153	-	153	153	-	-	-	-	-	-
Construction of court facilities	-	27	27	27	-	-	-	-	-	-
Act of Grace payments	-	-	-	1	-	-	-	-	-	-
Sub-Total	197,217	15,260	212,477	195,717	14,000	2,760	204,521	4,967	2,760	212,248
Special Appropriations				29,407						30,170
Total Table 2.1.1				225,124						242,418
Outcome 2										
SAC-PAV - operating expenses	3,725	2,938	6,663	6,663	-	-	3,790	-	-	3,790
Diversionary programs for juveniles in the Northern Territory	5,000	-	5,000	4,000	-	1,000	5,000	-	1,000	6,000
Overdraft facility for the Australian Protective Service	3,500	-	3,500	-	3,500	-	3,500	-	-	3,500
International bodies - membership contributions	15	-	15	15	-	-	15	-	-	15
Business rational and redundancy costs (Australian Protective Service)	-	742	742	742	-	-	-	-	-	-
Act of Grace payments	-	-	-	6,822	-	-	-	-	-	-
Sub-Total	12,240	3,680	15,920	18,242	3,500	1,000	12,305	-	1,000	13,305
Special Appropriations				290						290
Total Table 2.1.2				18,532						13,595

Notes

Column 2 : includes one-off rephasings from 1999-2000, one-off funding for 2000-01 Budget Measures and accrual adjustments.

Column 3 : the appropriation available does not include any funding that may be required for outcome 2 as a result of the Act of Grace payment.

Column 6 : 2000-01 unspent funds approved by Department of Finance for rephasing to 2001-02.

Column 8 : Budget Measures are those announced in the 2001-02 Budget.

Column 9 : this is the 'carry forward' of amounts in Column 6.

The shaded columns 4 and 10 correspond to the 2000-01 estimated actuals and 2001-02 Budget estimates in the resource tables in the Portfolio Budget Statements.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Provide an update on how long the tender process has been ongoing?

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

The decision to tender out the legal representation for the South Australian case was made by the Legal Services Commission of South Australia on 31 May 2000. An advertisement calling for expressions of interest from practitioners to represent the accused was placed in *The Australian* and *The Advertiser* (Adelaide) newspapers in November 2000. Copies of the advertisement were also provided to Bar Associations and Law Societies around Australia.

The closing date for expressions of interest was 11 December 2000. A short list of five teams was chosen by the Commission's selection panel to go on to the next stage of the tender process. The Director of the Commission wrote to each of the teams on 31 May 2001 asking them to examine the evidence and enter into discussions with the DPP and the defendants with a view to submitting their best offer. The teams have been given 2 months to respond.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

How many tender processes have gone out and how long they have taken?

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

Apart from the current tender process in South Australia, to the Department's knowledge, only one other tender has been undertaken for legally aided representation and that was in Western Australia in late 1997. In that instance, the Legal Aid Commission of Western Australia wrote to local practitioners and to the Bar in early February 1998 requesting expressions of interest. By the end of February 1998, forty practitioners or firms had expressed their willingness to represent the accused at the payment rate specified by the Commission. The accused were then given the list of practitioners and made their own selection. A court date for the trial had already been set for October 1998 prior to the tender process beginning.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

How many of these have been completed and how many are ongoing and some of the funding at least has been expended?

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

Between 1 October 1999 and 31 May 2001 NTLAC approved 224 people smuggling cases for legal assistance. Of these, 174 were finalised by 31 May 2001. There are 51 cases ongoing.

To date, the Northern Territory has received two payments from the ECCCF, the first being for \$150,000 in June 2000, and the second for \$217,228 in March 2001. We have received an acquittal from the Northern Territory for the initial payment of \$150,000, which has all been spent. Although the second payment has not all been spent as yet, advice from the Commission indicates that the current case load will still leave a short fall in the region of \$60,000.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Please explain where we are in this matter (NT).

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

The issue of people smuggling is ongoing. The guidelines for the Commonwealth Criminal Law Expensive Cases Fund provide that cases for which an application to the Fund may be made include a class of criminal cases which have like characteristics, and which have resulted from a change in Commonwealth legislation since 1 July 1999. All people smuggling cases are being treated as one application to the Fund, subject to the other criteria for approval of an application to the Fund continuing to be met.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Does the Commonwealth have access to any figures on the number of persons who would be charged with this offence and who would be granted legal aid?

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

In the period 1 October 1999 to 31 May 2001, 225 people have been charged with people smuggling and granted legal aid. Legal assistance has been required in all cases in order to avoid a Dietrich stay.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Is the Commonwealth able to discern from those figures how the money is expended and the breakdown between family law matters, for example and that spent on general migration matters?

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

The Department does not presently have data in relation to the costs of matters handled by inhouse legal aid commission practitioners. As the vast majority of immigration matters are handled by inhouse practitioners rather than referred to private practitioners, we are unable to provide a figure for the expenditure on general migration matters in comparison to family law.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

The figure of \$31M of estimated actual – was there another \$9M floating around last year in the budget that is not reflected here? If there was, where is it now?

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

Family and relationship counselling and mediation services are funded from the Attorney-General's Department appropriation of \$31.452 million and from the Department of Family and Community Services (FaCS) appropriation for family relationship support organisations. The allocation from FaCS makes up the balance. We have confirmed from FaCS that in 1999-00 this amount was \$8.751 million and in 2000-01, the estimated actual is \$8.487 million.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Do you have a breakdown of those programs (referring to the community legal service appropriation) that were additionally funded? Can you give us a breakdown under note 4 of those? You mentioned the Law by Telecommunications initiative; can we have a breakdown of those amounts that were put to those programs?

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

Note 4 refers to the following amounts which were rephased to 2000-01 from the 1999-2000 budget:

Law by Telecommunications	\$1.454m
CLS program reviews	\$1.046m
New data system	\$1.800m
Other program costs	\$0.700m
Total	\$5.000m

The amount of \$5.000m was subsequently adjusted by \$0.644m to reflect actual 1999-2000 end of year expenditure in the program, providing for a final rephased amount of \$4.356m for 2000-01

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What is the amount of funding for the Law by Telecommunications project in the 2001-2002 Budget?

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

The 2001-2002 Budget for the Law by Telecommunications project is \$2,017,000.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Can you confirm whether that has been announced or not, or is it on the drawing board? When will it be announced, and what will it consist of? How much money will it consist of? What proportion of the funding for one-off special projects is available to each state? Has that been announced by a minister? Is there a press release about it?

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

On 11 May 1999, a press release from the Attorney-General announced a Budget initiative of \$15.7 million. He stated that funding would be provided through the Family Relationships Services Program, that \$3 million would increase legal aid client use of primary dispute resolution and that a community awareness strategy will encourage the use of primary dispute resolution.

On 28 February 2001, a press release from the Attorney-General announced that of the \$15.7 million, \$1.75 million would go to community organisations in metropolitan areas where voluntary counselling will not be available through the Family Court. He also stated that \$1.2 million had been allocated to the Federal Magistrates Service to fund primary dispute resolution provided by community organisations.

The \$1.75 million was allocated across the States in the proportions that matched the number of pre-filing counselling client interventions in 1999-00 by the Family Court Registries at Brisbane including Gold Coast, Sydney, Parramatta, Melbourne, Dandenong and Adelaide. The proportion allocated by State is: NSW 26%, Qld 15%, SA 13%, and Vic 46%.

The 2001-02 Budget Fact Sheet on primary dispute resolution reported that tenders had been called to improve dispute management practices in family law and for the provision of new conciliation services, and that applications had been sought for primary dispute resolution services in regional Australia.

The Attorney-General approved an allocation of \$2 million for one-off primary dispute resolution projects in regional high need areas. The proportion available across the States was determined according to the 1999 divorce rates¹. The existing funding levels for these services at the state level correlate with divorce rates at the state level, with the exception of the smaller states/territories. The proportion allocated by State is: ACT 5%, NSW 20%, NT 5%, Qld 25%, SA 10%, Tas 5%, Vic 20% and WA 10%.

On 14 June the Attorney-General released details of PDR funding. See attached press releases.

¹ Australian Bureau of Statistics, 1999, *Marriages and Divorces Australia*, Cat No. 3310.0, Canberra, p.97.

14 June 2001

**MORE MONEY TO HELP SEPARATING FAMILIES RESOLVE LEGAL PROBLEMS
WITHOUT GOING TO COURT**

Separating families – particularly those living in regional areas - will benefit from a Commonwealth decision to allocate more money for primary dispute resolution services around Australia.

The money will go to community organisations, legal aid commissions and the Federal Magistrates Service to provide services that help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

- An extra \$2 million will go to 39 projects in 33 regional and rural locations around the nation. Each project has been tailored to meet the needs of the local community and, in many areas, local service providers in the community have collaborated to identify those needs.
- An extra \$3.1 million will enable legal aid commissions to expand their primary dispute resolution services for separating families, including counselling, mediation, conferencing and solicitor negotiations.
- A further \$1.2 million is being provided to the Federal Magistrates Service to assist it to purchase primary dispute resolution services from community organisations. The Service is evaluating tenders for community-based counselling and mediation services. It will also use the existing counselling and mediation services of the Family and Federal Courts, providing as wide a choice as possible for clients of the Service.
- An extra \$1.75 million will go to community organisations to provide primary dispute resolution services that were previously provided by the Family Court in metropolitan areas. The Family Court has significantly reduced the number of voluntary counselling services it provides for separating couples, having decided instead to focus primarily on court-ordered mediation and family report services.

This financial year the Howard Government has allocated about \$40 million in total for primary dispute resolution services. In contrast, Labor spent \$21 million in 1995-96.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children. A list of the organisations to receive the new money for projects is attached.

STATE	REGION	Type of PDR	ORGANISATION
ACT		Legal Aid	Legal Aid Office (ACT)
ACT	Canberra	Regional/Rural PDR	Marymead Child & Family Centre Centacare and Relationships Aust
NSW		Legal Aid	Legal Aid Commission New South Wales
NSW	Bathurst/Orange	Regional/Rural PDR	Centacare Bathurst
NSW	Coffs Harbour	Regional/Rural PDR	Interrelate Coffs Harbour
NSW	Dubbo	Regional/Rural PDR	Interrelate Dubbo
NSW	Lismore	Regional/Rural PDR	Community Connections North Coast Interrelate Lismore
NSW	Nowra	Regional/Rural PDR	Centacare Wollongong Anglicare Welfare Services, Illawarra
NSW	South Coast, Snowy	Regional/Rural PDR	Centacare Canberra and Region

	Mtns		
NSW	Tamworth	Regional/Rural PDR	Anglican Counselling Service, Tamworth
NSW	Wagga Wagga	Regional/Rural PDR	Centacare Wagga Wagga
NSW	Sydney	Conciliation PDR	Centacare Sydney
NSW	Parramatta	Conciliation PDR	UNIFAM
NT		Legal Aid	Legal Aid Commission Northern Territory
NT	Alice Springs	Regional/Rural PDR	Anglicare Top End
NT	Alice Springs	Regional/Rural PDR	Centacare NT
			Relationships Aust NT
QLD		Legal Aid	Legal Aid Queensland
QLD	Brisbane, Gold Coast	Conciliation PDR	Relationships Australia Qld
QLD	Bundaberg	Regional/Rural PDR	Relationships Australia Qld
			Centacare Bundaberg
			Lifeline Bundaberg
QLD	Cairns	Regional/Rural PDR	Relationships Australia Qld
QLD	Mackay	Regional/Rural PDR	Relationships Australia Qld
QLD	Mackay	Regional/Rural PDR	Centacare Central Qld
			Mackay George St Neighbourhood Centre
QLD	Mt Isa	Regional/Rural PDR	Centacare Townsville
QLD	Rockhampton	Regional/Rural PDR	Centacare Central Qld
QLD	Rockhampton	Regional/Rural PDR	Relationships Australia Qld
QLD	Toowoomba	Regional/Rural PDR	Lifeline Darling Downs
			and Centacare Toowoomba
QLD	Toowoomba	Regional/Rural PDR	Relationships Australia Qld
QLD	Townsville	Regional/Rural PDR	Relationships Australia Qld
QLD	Townsville	Regional/Rural PDR	Centacare Townsville
SA		Legal Aid	Legal Services Commission South Australia
SA	Adelaide, Mt Gambier	Conciliation PDR	Centacare South Australia
SA	Mt Gambier	Regional/Rural PDR	Centacare Family Services, Mount Gambier
SA	Murray Lands SA	Regional/Rural PDR	Relationships Australia SA
SA	Port Pirie	Regional/Rural PDR	Uniting Care Port Pirie
			Central Mission
SA	Whyalla	Regional/Rural PDR	Centacare Diocese of Port Pirie
TAS		Legal Aid	Legal Aid Commission of Tasmania
TAS	Burnie – Devonport	Regional/Rural PDR	Centacare Family Services
TAS	Launceston	Regional/Rural PDR	Relationships Australia Tas

STATE	REGION	Type of PDR	ORGANISATION
VIC	Melbourne	Conciliation PDR	Relationships Australia Vic
VIC	Dandenong	Conciliation PDR	Family Mediation Centre
VIC	Melbourne and regional Victoria	Conciliation PDR	Centacare Melbourne
VIC		Legal Aid	Victoria Legal Aid
VIC	Albury – Wodonga	Regional/Rural PDR	Lifeworks, Centacare Diocese of Sandhurst
VIC	Ballarat	Regional/Rural PDR	Relationships Australia Vic
VIC	Bendigo	Regional/Rural PDR	Centacare Diocese of Sandhurst
			Salvation Army
VIC	Mildura	Regional/Rural PDR	Mallee Family Care
VIC	Mildura	Regional/Rural PDR	Centacare Diocese of Ballarat
VIC	Shepparton	Regional/Rural PDR	Relationships Australia Vic

VIC	Traralgon	Regional/Rural PDR	Relationships Australia Vic
VIC	Warrnambool	Regional/Rural PDR	Centacare Diocese of Ballarat
WA		Legal Aid	Legal Aid Western Australia
WA	Albany	Regional/Rural PDR	Anglicare WA
WA	Geraldton	Regional/Rural PDR	Centacare Family Services
WA	Kalgoorlie	Regional/Rural PDR	Centrecare Marriage and Family Service

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN NSW

Separating families in New South Wales – particularly those in regional areas - will benefit from a Commonwealth decision to allocate more than \$400,000 to community organisations for a range of additional primary dispute resolution services to support them.

The **New South Wales Legal Aid Commission** will also get an extra \$518,000 to establish a pilot family law conferencing program for indigenous clients, especially those in rural and regional centres.

The extra money for primary dispute resolution services in NSW will help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help with their ongoing responsibility for the care of their children.

Centacare Bathurst has been providing relationship support services in the central west of NSW since 1988. It will get an extra \$50,000 to extend its existing services and add new ones. Centacare will work with local law firm, McIntosh, McPhillamy & Co. to provide family mediation in Bathurst, which has not been available in the region. Centacare will also extend its family relationship counselling and provide a series of workshops in and around Bathurst on separation issues.

Interrelate in Coffs Harbour will get an extra \$50,000 to provide additional family relationship counselling services to the outlying areas of Dorrigo, Bellingen, Grafton and Woolgoolga. This new project will mean greater access to relationship support services for everyone in the region and particularly for people in the country areas, who will no longer have to travel long distances for counselling services.

Interrelate in Dubbo will get an extra \$50,000 for additional family relationships counselling services to families in rural and remote areas, giving more people greater access to a range of family relationships support services in the north west of NSW.

An extra \$50,000 has been allocated to **Community Connections North Coast** for a collaborative project with **Interrelate** at Lismore to provide specialised family mediation services for indigenous people in the region. The services will work in partnership to develop a panel of skilled indigenous family mediators to address the need for culturally-safe family mediation in indigenous communities. The extra funding will mean that more services are working together to help indigenous families solve their problems out of court.

Centacare Wollongong and **Anglicare Welfare Services (Illawarra)** will get an extra \$50,000 for a joint project in the Illawarra and Shoalhaven region to expand relationship support services in the area. The two services will work together to increase the availability of relationship counselling and mediation in the region. They also plan to hold information sessions on family law and separation issues, drawing on the expertise of other service providers in the area. This extra funding will mean additional services available to help families make their own decisions about important family law issues.

Centacare Canberra and Region will get an extra \$50,000 for a project based in Bega to expand counselling services for families at the time of separation, including providing sessions on parenting after separation.

The **Anglican Counselling Service** in Tamworth will get an extra \$50,000 to reduce waiting lists for relationship counselling and mediation in the area, giving more people access to a range of relationship support services to help them resolve important issues at an early stage.

An extra \$50,000 will go to **Centacare Wagga** to train 15 of its counsellors in family mediation skills so that it will be able to offer family mediation from its Griffith, Leeton and Wagga Wagga offices. The service also plans to offer information sessions on family law issues for couples

facing separation. This will assist people to make their own decisions about important family law issues.

A total of \$2 million has been allocated for 39 projects in 33 regional locations across Australia. The funding will increase the availability of primary dispute resolution services (such as counselling and mediation) in regional and rural Australia. Each project has been tailored to meet the needs of the local community and in many areas local service providers in the community have collaborated to identify those needs.

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN THE ACT

Separating families in the Australia Capital Territory will benefit from a Commonwealth decision to allocate \$100,000 to three community organisations for a joint project that will support separating families in the region.

Relationships Australia, Centacare and Marymead have provided services to support individuals, couples and families in the ACT for well over 25 years and are well respected in the local community. This innovative project will develop a range of group programs to suit families' different needs as they move through the process of separation.

In addition, the Legal Aid Office (ACT) will establish a property arbitration scheme with an extra \$143,000 from the Howard Government. The Commission will also conduct training sessions to develop mediation skills for conference chairs and raise awareness of the dynamics of domestic violence for conference participants.

These new primary dispute resolution services will assist people to make their own decisions about resolving family law issues at an early stage.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children. A total of \$2 million has been allocated for 39 projects in 33 regional locations across Australia. The funding will increase the availability of primary dispute resolution services such as counselling and mediation in regional and rural Australia. Each project has been tailored to meet the needs of the local community and, in many areas, local service providers in the community have collaborated to identify those needs.

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN THE NT

Separating families in Alice Springs will benefit from a Commonwealth decision to allocate \$82,000 to **Anglicare Top End** to extend its family mediation service. **Relationships Australia NT** and **Centacare NT** will also receive \$20,000 for a research project.

This money will complement the extra \$75,000 granted to the Legal Aid Commission of the Northern Territory to expand its existing primary dispute resolution service. That money will allow more grants of aid for representation for negotiations and also includes referral to external counselling and mediation services. The Commission will also establish a new primary dispute resolution program to give people awaiting hearings in the Family Court or the Federal Magistrates Service the opportunity to attend conferencing with a view to achieving an early settlement of issues in dispute.

The extra money for community organisations will help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children. Anglicare Top End will develop a panel of fully-trained mediators, including three indigenous mediators, who will work from Alice Springs and also provide outreach service. Relationships Australia NT and Centacare NT will undertake a community project to raise awareness of family relationships services. Together, these projects will give more people greater access to a range of family relationship support services in the region around Alice Springs.

A total of \$2 million has been allocated for 39 projects in 33 regional locations across Australia. The funding will increase the availability of primary dispute resolution services (such as counselling and mediation) in regional and rural Australia. Each project has been tailored to meet the needs of the local community and, in many areas, local service providers in the community have collaborated to identify those needs.

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN QLD

Separating families in Queensland – particularly those in regional areas - will benefit from a Commonwealth decision to allocate more than \$504,000 to community organisations for a range of additional primary dispute resolution services to support them.

In addition, Legal Aid Queensland will use extra funding of about \$614,000 to establish two property arbitration services for the Commission's family law clients. Property arbitration represents a new approach to dealing with disputes which are often complex and time consuming. The Commission will also review its intake process for its family law conferencing program.

The extra money will help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children.

Relationships Australia Qld, Centacare Bundaberg and Lifeline Bundaberg will get an extra \$70,000 to provide a new, mediation-solution focussed counselling process, called Parenting Apart, where separated parents are encouraged to focus on their children's needs by developing arrangements together. The services will also provide mediation training for staff, trial video conferencing and conduct group programs for separated men. These projects will give more people greater access to a range of family relationships support services in the **Wide Bay-Burnett** area of Queensland.

In addition, **Relationships Australia Qld** will get \$229,000 to provide the Parenting Apart program to people in the far north (**Cairns**) region, the northern (**Townsville**) region, the Fitzroy (**Rockhampton**) region, the Darling Downs (**Toowoomba**) region and the **Mackay** region.

Centacare Central Queensland and the **Mackay George Street Neighbourhood Centre** will get more than \$35,000 to develop referral networks with Townsville's Family Court, to provide mediation and development courses for counselling staff and to run an eight-week program called Moving Forward which helps people experiencing difficult relationships, separation and/or divorce.

Centacare Townsville will get an extra \$100,000 to provide counselling and mediation via video conferencing to couples in Townsville and Mt Isa.

Centacare Central Queensland will get almost \$35,000 to provide early intervention training for practitioners working with voluntary clients considering separation. Up to 40 practitioners will be trained at Gladstone, Emerald, Yeppoon and Rockhampton.

Lifeline Darling Downs and **Centacare Toowoomba** will get an extra \$35,000 to develop a community website and provide additional counselling for men and families, and courses/groupwork for parents and partners. These two organisations will provide counselling services for men going through separation and divorce.

A total of \$2 million has been allocated for 39 projects in 33 regional locations across Australia. The funding will increase the availability of primary dispute resolution services (such as counselling and mediation) in regional and rural Australia. Each project has been tailored to meet the needs of the local community and, in many areas, local service providers in the community have collaborated to identify those needs.

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN SOUTH AUSTRALIA

Separating families in South Australia – particularly those in regional areas - will benefit from a Commonwealth decision to allocate more than \$150,000 to community organisations for a range of additional primary dispute resolution services to support them.

In addition, the Legal Services Commission of South Australia will get about \$215,000 extra to implement a new three-stage primary dispute resolution process. This service will assist clients in exploring options for resolution of disputes prior to litigation, once litigation has commenced and immediately prior to final hearing.

The extra money for primary dispute resolution services will help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children.

Centacare Family Services (Mount Gambier) will get an extra \$50,000 to establish a confidential 1800 telephone counselling service and extend its existing services so that relationship counselling and family mediation will be available to residents in remote areas of the south east of South Australia

Relationships Australia will get an extra \$50,000 to provide information to people in the **Murrayland** and **Riverland** regions about primary dispute resolution services and how to reach them. It will establish an outreach counselling service in the Murray Mallee and also a telephone support service for service providers in remote areas.

Almost \$54,000 will go to the **Uniting Care Port Pirie Central Mission** to provide family relationship counselling for individuals, couples and families and to run a series of group programs on parenting after separation in the **Port Pirie** area.

Centacare Diocese of Port Pirie at Whyalla will get an extra \$50,000 to provide new services for families facing separation including family and child counselling, family mediation and group programs on parenting after separation.

A total of \$2 million has been allocated for 39 projects in 33 regional locations across Australia. The funding will increase the availability of primary dispute resolution services (such as counselling and mediation) in regional and rural Australia. Each project has been tailored to meet the needs of the local community and, in many areas, local service providers in the community have collaborated to identify those needs.

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN TASMANIA

Separating families in Tasmania – particularly those in the northern region - will benefit from a Commonwealth decision to allocate more than \$100,000 to community organisations for a range of additional primary dispute resolution services to support them.

In addition, the Legal Aid Commission of Tasmania will get an additional \$635,00 to develop a primary dispute resolution service for people who are eligible for legal aid, to train family conferencers and to develop and distribute comprehensive information for program participants.

The extra money for primary dispute resolution services will help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children.

Centacare Family Services will get an extra \$50,000 to extend its services to people in the **Burnie** region by offering family relationship mediation. Group sessions about parenting after separation are also planned over the next 12 months.

Relationships Australia at **Launceston** will get an extra \$50,000 to expand its relationship counselling and family mediation services to meet increasing demand in the region. The project will give more people greater access to a range of family relationship support services that may assist them in the often difficult process of separation.

A total of \$2 million has been allocated for 39 projects in 33 regional locations across Australia. The funding will increase the availability of primary dispute resolution services (such as counselling and mediation) in regional and rural Australia. Each project has been tailored to meet the needs of the local community and, in many areas, local service providers in the community have collaborated to identify those needs.

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN VICTORIA

Separating families in Victoria – particularly those in regional areas - will benefit from a Commonwealth decision to allocate more than \$454,000 to community organisations for a range of additional primary dispute resolution services to support them.

In addition, Victoria Legal Aid will get an extra \$178,000 to employ a primary dispute resolution coordinator to ensure that potential applicants for legal assistance receive appropriate referrals to quality service providers. The Commission will also provide a two-day skills-based training course in primary dispute resolution to the Commission's panel of child representatives.

The extra money for primary dispute resolution services in Victoria will help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children.

Lifeworks and Centacare Diocese of Sandhurst at Bendigo will get an extra \$55,000 to establish a primary dispute resolution consortium of community-based service providers in the Murray (**Albury-Wodonga**) area. Consortium members will have priority to refer clients needing help with family law matters to consortium counsellors.

Relationships Australia Vic will get an extra \$165,000 to provide a new service to assist separating couples with children in the Central Highlands (**Ballarat**), the Goulburn (**Shepparton**) region and the Gippsland (**Traralgon**) to prepare parenting plans. Three parenting education programs will assist parents to understand the effects on children of separation. The programs in Ballarat will be provided jointly with Centacare Ballarat and the Department of Children and Family Services. Six practitioners will also receive training in primary dispute resolution processes, with a focus on how to explain litigation pathways to parents and the benefits of resolving differences outside the Court processes.

Centacare Diocese of Sandhurst and the **Salvation Army** will get an extra \$55,000 to develop specific separation mediation services to suit the needs of separating partners in the **Bendigo** region. A part-time practitioner will be employed to provide additional mediation services and information to separating couples. The Separation Mediation Pilot Program also contains a research component with La Trobe University. Centacare and the Salvation Army will provide staff with mediation training.

The **Mallee Family Care** and **Centacare Diocese of Ballarat** will get an extra \$70,000 to hold a series of information sessions in the **Mallee** region on the process of separating. In addition, a practitioner from the Murray Mallee Community Legal Service will conduct information evenings to facilitate appointments for individual counselling and mediation sessions (with additional services available in Swan Hill). Centacare will provide mediation training for staff involved with counselling, and additional counselling and mediation services. Two post-separation parenting programs will be held in Mildura and three seminars will be run in Mildura and Red Cliffs.

Centacare Diocese of Ballarat will get a further \$55,000 to provide additional counselling, mediation and post-separation parenting programs in **Warrnambool** and the surrounding areas of **Portland, Hamilton, Casterton, Mortlake** and **Camperdown**. Two counsellors will be trained in mediation, and networks will be established with family law practitioners and other potential referrers throughout south west Victoria.

14 June 2001

MORE MONEY TO HELP SEPARATING FAMILIES IN WA

Separating families in Western Australia – particularly those in regional areas - will benefit from a Commonwealth decision to allocate more than \$195,000 to community organisations for a range of additional primary dispute resolution services to support them.

An extra \$736,000 will also go to Legal Aid Western Australia to enhance its existing family law conferencing model and develop a new facilitated negotiation model for less complex disputes.

The extra money will help people resolve their family law disputes more simply, quickly and cheaply than if they had to use the emotionally and financially costly alternative of going to court.

This reflects the Commonwealth's commitment to increasing the availability of alternatives to litigation for family law disputes and to providing effective support services for separating families, especially to help parents with their ongoing responsibility for the care of their children.

Anglicare WA will get an extra \$65,000 for a four-stage program targeted at the **Great Southern** region, which includes training and development for family and child mediators to provide primary dispute resolution; the establishment of referral processes and protocols with the Family Court for client referrals for mediation (particularly parent-child issues in family law); co-parenting skills training for parents in separation and divorce; and community education about primary dispute resolution services for teachers and young people. Mediation services will provide an alternative for clients waiting for visiting court services.

Centacare Family Services in Geraldton will get more than \$65,000 to employ a community development officer to liaise with other relevant service providers and establish referral protocols and develop and conduct information sessions. In particular, the project will provide support and information to separating couples and their children.

Centrecare Marriage and Family Service in Kalgoorlie will get an extra \$65,000 to promote primary dispute resolution services and identify ways to improve client services. Referral networks with other service providers (particularly the Family Court visiting counselling service) will be established and staff training in mediation and outreach services will be provided to Esperance.

A total of \$2 million has been allocated for 39 projects in 33 regional locations across Australia, including the three in regional Western Australia.

The funding will increase the availability of primary dispute resolution services (such as counselling and mediation) in regional and rural Australia. Each project has been tailored to meet the needs of the local community and, in many areas, local service providers in the community have collaborated to identify those needs.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

The SA review – what was the cost of that review?

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

The Commonwealth has provided the South Australian Attorney-General's Department with \$300,000 for costs associated with the conduct of the review and implementation of its recommendations. This will represent the full cost of the review to the Commonwealth.

However, the total cost of the review process is not yet finalised. A number of implementation costs are still to be incurred for those services which are in the process of winding up their operations. In addition, a considerable portion of the review work was undertaken by staff of the South Australian Attorney-General's Department. These costs have not been calculated

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

(In the context of the SA review) please confirm the progress of the establishment of the new services that have received funding for the first time.

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

No new services were established as a result of the review process. All tenders for new services went to community legal services (CLS) which already receive funding under the CLS program.

Those services are:

Noarlunga CLS;
Adelaide Inner Northern CLS in partnership with the Adelaide Central Mission;
Parks CLS in partnership with Anglicare; and
Para Districts legal service.

Under the new service arrangements the CLS are required to provide services to one of four regional areas which covers the entire metropolitan area. The services have been provided with additional resources to meet their additional service responsibilities.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Is the Department aware of what happened to those CLCs that were defunded as a result of the review? Have any or all of the services closed, and which ones?

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

Three community legal centres are no longer funded under the CLS program in South Australia. These services are Marion CLS, Bowden Brompton CLS and Roma Mitchell Community Legal Centre Inc.

It is understood that 2 services - Marion and Bowden Brompton – have subsequently decided to close down and are in the process of winding up their operations.

The Roma Mitchell centre intends to remain open.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Do you have any idea what the costs of the reviews in NSW and WA will be?

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

A notional estimate of \$50,000 has been made by the Department for the cost of each review in NSW and WA.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Where has the funding for the indigenous women's legal services projects in WA now been redistributed? What amount was involved? When did it cease?

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

Funding for indigenous women's legal services projects continues to go to those organisations which have been engaged to provide services. The only change has been in the administrative arrangements for the distribution of the funds.

The funding is provided to:

Geraldton Resource Centre	\$100 000
Pilbara Community Legal Service	\$100 000
Kimberley Community Legal services	\$ 75 692
Goldfields Community Legal Service	\$ 78 000

The change in administrative arrangements means that these funds are no longer managed by the Women's Legal Service in WA on behalf of the Commonwealth. Funding is now distributed through Legal Aid Western Australia.

The provision of Indigenous funds to the Women's Legal Service ceased as of 10 October 2000.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Is it possible to provide the Committee with the details about the section of the service agreement under which the funding was withdrawn? – Please provide the complete agreement.

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

Clause 3.2 of the service agreement provides that payment of funding is subject to compliance with the Agreement, and relevant Parliamentary Appropriation and Ministerial approval. This provided the scope for the Department to take the action which it did.

A copy of the generic service agreement which the Commonwealth enters into with community legal services is attached.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

What is the cost of the review of the Victorian CLCs? And the cost of the review in QLD?

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

The Department is advised that to date the Victorian Review has cost \$133,302.

The cost of the Queensland Review was \$50,300, of which the Commonwealth provided a contribution of \$40,000.

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Human Rights Branch – In respect of your staffing levels, how have they fluctuated over the period? Have they been relatively stable in that Branch? For 1995, 1996, 1997, 1998, 1999 and 2000? Have they always been at the 14 level?

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

As indicated to the Committee, the Branch has recently converted two part time positions into one full time position, so the staffing level is now 13.

The following table provides a snapshot of the average number of paid staff (full or part time) for each financial year (FY) commencing FY 95/96. The statistics drawn from Departmental records indicate that the average paid staffing level for the Human Rights Branch has remained stable since FY 96/97. The fluctuation between FY 95/96 and 96/97 is attributable to a divisional restructure/reorganisation which affected all areas of the Division at that time. The slight variations after that time are due in part to time lags associated with the recruitment of replacement staff following the departure of an employee. Significant effort is made to recruit new staff quickly.

As outlined in response to Question on Notice 96 an additional four staff in the Civil Justice Division have recently been allocated for part of their time to human rights matters.

	FY 95/96	FY 96/97	FY 97/98	FY 98/99	FY 99/00	FY 00/01
Average No. of Paid Staff	22	15	13	13	11	12

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

How long have the positions been vacant? How many staff have been pulled in from other places and for how long in relation to that area we have defined?

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

There are 3 positions currently vacant.

One Principal Legal Officer position has been vacant since 26 February 2001.

One Legal Officer position has been vacant since 21 May 2001, when its occupant commenced to act in a Senior Legal Officer position. That position is the amalgam of 2 part time positions, which became vacant on 4 May and 20 May respectively. As a result of recent recruitment action, another person will be commencing in the Senior Legal Officer position on 16 July.

A further Legal Officer position has been vacant since 29 March 2001. However it should be noted that since July 1999 there have been successive vacancies in various positions at the Legal Officer level. The combined effect of these periods is the equivalent of one vacant Legal Officer position over that time.

The cluster of the Civil Justice Division dealing with human rights issues has included, in addition to the staff of the former Human Rights Branch, from 2 April to 18 May 2001, 2 additional staff allocated for part of their time to human rights matters and, from 21 May 2001, a further 2 staff allocated for part of their time to human rights matters.

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Please provide an update of the leave rates for the Human Rights Branch and the Department.

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

For the period from 1 February 2001 to 31 May 2001, Departmental records indicate that the percentage of hours on sick leave (including absences on workers compensation), annual leave, long service leave and miscellaneous paid leave for the Human Rights Branch remain below the average for the Department. Of these, the percentage rate for sick leave reduced below the Departmental average; the percentage rate for recreation leave reduced; and the percentage rate for other leave remained lower than the Departmental average for the same period.

The average rate is expressed as a percentage of available working days.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Law by Telecommunications Initiative – Can the Committee please be provided with a copy of the consultants' report if it has not been provided already?

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

The Department has no record of providing a copy the consultants' report previously.

A copy of the scoping study prepared by Cutler & Company Pty Ltd, entitled *Scoping Study: The Scope for Delivery of Legal Services to Regional, Rural and Remote Australia via Telecommunications Channels July 1999* is attached.

The attachment to QoN 98, *'Attorney-General's Department, Scoping Study: the Scope for Delivery of Legal Services to Regional, Rural and Remote Australia via Telecommunications Channels, July 1999'* is not included in this volume of additional information. However, a copy of the attachment has been tabled with this Additional Information Volume and is available from the Table Office.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

With respect to the scoping study, provide information on whether the needs of regional, rural and remote Australian were assessed, particularly given the final outcome of a web site and a national call centre?

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

The scoping study considered the needs of rural, regional and remote Australians through an examination of:

- rural clients;
- the availability of legal services in regional, remote and rural areas;
- access to telecommunications services; and
- telephone call rates to community legal centres.

The scoping study recommended that:

The conclusions reached in this study indicate that the establishment of a national rural telephone advice service would significantly improve the delivery of legal services in regional, rural and remote areas of Australia. Page 58

The study also found that the initiative should incorporate a 'legal information database for the use of solicitors and legal information officers' and a 'web browsing' tool. These features will be present in the LBT initiative.

A complete list of the recommendations is contained in the copy of the scoping study which has been provided.

The rural, regional and remote Advice Line, which has been incorporated with the Family Law Information Line to become the Law by Telecommunications Project, was part of an integrated package of measures under the community services program contained in the 1998-99 Budget. This included funding for 6 new community legal centres in regional, remote and rural Australia, an expansion of outreach programs and the telephone advice line.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Did the Department at any stage consult with the Department of Transport and Regional Services (DOTRS), including the Regional Women's Advisory Council, in relation to the Law by Telecommunications Initiative? Also dates on which and through which that consultative process took place?

Did the Department consult with ATSIC in relation to the Law by Telecommunications Initiative?

Did the Department consult with the Office of the Status of Women in relation to the Law by Telecommunications Initiative? What were the dates and through what process did that consultative process take place?

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

During the early stages of the Law by Telecommunications Project the Department held discussions with DOTRS regarding possible cooperation between their Rural Transaction Centres Program and the Law by Telecommunications project. A formal meeting occurred on 30 March 1999.

The Department is also involved on an ongoing basis with the Regional Forum meetings that DOTRS coordinates. No direct consultations have been held with the Regional Women's Advisory Council.

No direct consultations have been held with ATSIC in relation to the Law by Telecommunications initiative.

An information paper was provided to the Office of the Status of Women on 9 January 2001 seeking comments on the proposal.

A request for information on progress with implementation was received from the Office of the Status of Women on 3 May 2001. A response was provided in the first week of June 2001.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

How are the principles from the Regional Australia Summit reflected in the final shape of the Law by Telecommunications Initiative?

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

The guiding principles listed in the regional summit report are:

- governments, businesses and communities have a joint responsibility to address the problems facing regional Australia and should work together in a spirit of partnership;
- a "bottom up" rather than a "top down" approach should be built into responses aimed at empowering communities at the local level; and
- initiatives should be sufficiently flexible to cater for the particular circumstances and needs of various regional, rural and remote communities.

The regional, rural and remote telephone assistance component of the Law by Telecommunications initiative reflects these principles utilising services which are located in the communities to be assisted by the service.

Community legal services (CLS) are an excellent example of government, the private profession and the community working together to help those in need of assistance.

The participation of CLS in the project to provide telephone legal advice in designated local areas means that services will be locally based, reflect the needs of the community being served, and be flexible to those local needs.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Could you provide an estimate of the actual expenditure for 2000/2001 and also the forward estimates for 2002/2003?

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

The total estimated expenditure for the Law by Telecommunications project for 2000/2001 is \$2,277,000. There is currently no funding for the Law by Telecommunications in 2002/2003.

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

Senator Ludwig asked the following question at the hearing of 28 May 2001.

Could you provide an estimate of future funding to any advertisement programs?

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

There is no planned campaign advertising associated with the Law by Telecommunications initiative. However, the total estimated cost of promotional activities associated with the Law by Telecommunications initiative is \$186,000.

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

Senator McKiernan asked the following question at the hearing of 29 May 2001.

Do you have details of the cost of the recruitment of a manager of the public affairs unit? Including the advertising that occurred. Can you provide details of the expenditure on the earlier recruitment drive or advertising drive – Can you also provide details of the Public Service level at which the officer is employed?

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

The position of Director, Public Affairs was originally advertised in the Canberra Times on 18 September 1999 at a cost of \$574.48, and in the Australian Government Gazette on 16 September 1999, at an estimated cost of \$50.00.

A management decision was taken in early 2000 not to proceed with an appointment at that time.

The Department subsequently engaged a private sector staff placement firm to source a field of applicants for the position. Advertisements were placed in the Canberra Times and the Weekend Australian on 7 October, and the position was advertised on the staff placement firm's website.

The contract provided for the standard range of services provided by staff placement firms. The staff placement fee was \$21,540 (including GST of \$1958.15) plus advertising costs of \$7,975.00 (including GST of \$725.00). In addition, there were scribing service costs of \$784.30 (including GST of \$71.30).

As a result of this recruitment process an experienced officer was appointed to the position at the level of Executive Level 2. She commenced employment with the department on 12 February 2001.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Please provide details of the \$100,000 associated with pro bono matters.

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

The net direct cost of the Pro Bono Conference held in August 2000 was \$141.73.

Details of revenue and expenditure are set out below:

<u>Revenue</u>	
Registration fees	40,897.97
Contributions by major law firms	82,000.00
Total Revenue	122,897.97
<u>Expenditure</u>	
Conference Dinner etc	38,444.09
Venue hire & incidentals	24,528.43
Consultants fees	15,390.91
Consultants disbursements	725.69
Domestic airfares	3,848.75
Travel allowances	5,772.00
Casual car/taxi hire	2,293.46
Publications/printing	23,660.08
Advertising	3,919.18
Stationery & consumables	4,147.68
Audio visual	140.00
Phone/communication charges	144.68
Photocopying charges	24.75
Total expenditure	123,039.70
Variation	-141.73

In addition, a number of departmental officers were involved in the organisation of the Conference.

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

Senator McKiernan asked the following question at the hearing of 29 May 2001.

What is the dedicated expenditure of additional funding towards CHOGM? Can you isolate that amount of money within the amount of \$799,000, that will be for next year's funds for the public affairs unit?

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

The additional funding available for CHOGM during 2001 - 2002 is \$1.359584M which will be reimbursed to the Department from the Department of Prime Minister and Cabinet, for costs incurred by the Protective Security Coordination Centre.

In addition, it is estimated that salary and travel costs of approximately \$81,000 will be expended in respect of CHOGM related matters by the Public Affairs unit of the Department. Public information and media liaison is recognised as a key component in the operational security arrangements outlined in Australia's National Anti-Terrorist Plan.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

- a) Can you breakdown the 855 who were offered diversion?
- b) Do you have a breakdown or the details of the alleged crimes for which these juveniles have been offered diversionary programs?

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

We are able to provide a breakdown of the data supplied in the Northern Territory's first six monthly report which covers the period 1 September 2000 to 31 March 2001.

a) As of 31 March 2001:

- of the 855 juveniles offered diversion, 464 were indigenous and 391 were non-indigenous.
- 118 indigenous females and 96 non-indigenous females were offered diversion.
- 28 juveniles were referred to programs, 14 to registered programs and 14 to informal programs. These comprised 22 indigenous males, 2 indigenous females and 4 non-indigenous males.
- 182 formal cautions/family-conferences and 40 victim-offender conferences were carried out.
- 132 juveniles had conditions imposed upon them as a result of their diversion, ranging from a simple apology to family-imposed conditions, restitution or restoration of damage.

b) Under the terms of the Agreement between the Commonwealth and the Northern Territory, all minor property offences are to be offered diversion; diversion for more serious offences is at the discretion of police.

As of 31 March 2001,

- all of the 194 apprehension cases which related solely to the commission of a minor property offence were offered diversion. ("Minor property offences" are property offences where the value of the property involved does not exceed \$100, but do not include unlawful entry). Of these:
 - 28 were apprehended for criminal damage;
 - 2 were apprehended for possessing stolen goods;
 - 1 was apprehended for receiving;
 - 1 was apprehended for a minor property offence; and
 - 162 were apprehended for stealing.

- Of the 661 juveniles who were apprehended for serious offences and were offered diversion:
 - 60 were apprehended for offences against the person;
 - 153 were apprehended for offences against property;
 - 41 were apprehended for drug offences;
 - 5 were apprehended for firearms offences;
 - 1 was apprehended for an offence against justice (this is a breach of a Court order);
 - 20 were apprehended for property damage;
 - 175 were apprehended for offences against public order;
 - 1 was apprehended for robbery;
 - 73 were apprehended for traffic offences;
 - 44 were apprehended for unlawful entry (building);
 - 68 were apprehended for unlawful entry (dwelling); and
 - 20 were apprehended for unlawful use of a motor vehicle.

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

Senator Crossin asked the following question at the hearing of 28 May 2001:

From the statistics that you are gathering, can you tell us where the 855 who were offered diversionary programs come from in the Northern Territory?

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

I am advised that of the 855 juveniles who had been were offered as at 31 March:

- 450 were in Darwin, where 50% of all juvenile apprehensions in the Northern Territory took place.
- 170 were in Alice Springs
- the remaining 235 were located in 25 communities across the Northern Territory.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

Provide the numbers that have proceeded to court.

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

I am advised that as of 31 March 2001, of the 1033 total apprehension cases, 195 had proceeded to court. This figure comprises the 8 juveniles who had declined diversion, the 9 who had failed diversion, and the 178 juveniles who were not offered diversion due to the nature of the offences for which they had been apprehended.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

Do you know how many staff are working in the juvenile diversion unit of the Northern Territory police?

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

Juvenile Diversion Units have been established in Darwin and Alice Springs.

Staffing of the Juvenile Diversion Units currently comprises 11 police officers, 1 police auxiliary, 2 administrative officers and 1 program development officer.

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

Senator Crossin asked the following question at the hearing of 28 May 2001:

How many police officers have been employed under the use of this funding to date? My figures at February tell that the funding had been used to employ 11 police officers and a couple of other professional and administrative support staff. Is that accurate? Or are there more police officers than that?

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

As of 1 June 2001, 11 police officers have been employed under the Agreement.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

Has the federal Attorney-General, Mr Williams, been happy with the way the program has been operating?

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

Yes. The diversionary scheme only came into operation in September last year and since that time very considerable progress has been made. A very high proportion of juveniles who have been apprehended have been diverted away from the criminal justice system. As of 31 May 2001, 81% of all juvenile apprehension cases have been offered diversion. I am also particularly pleased with the achievements of the Aboriginal Interpreter Service since it began operation in April 2000. A measure of its dedication and commitment is that they now offer a 24-hour booking service. Over 200 interpreters covering 104 languages are now registered with the service. They are providing an invaluable service to indigenous people, communities and government agencies.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

Are you aware of any diversionary programs that Mr Williams might have visited while he was in the NT during the year?

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

During his visit to the NT in April 2001, the Attorney-General visited Darwin, Alice Springs, Port Keats (Wadeye) and Daly River. He discussed with justice professionals, Council representatives, elders, and community members existing programs approved for diversion referrals and the need to establish new programs in certain locations.

I understand that Port Keats is one of the communities with whom the Northern Territory is currently finalising its consultations and that a new youth diversion program will be developed there early in the new financial year.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

Please provide the Committee with the first six-monthly report.

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

A copy of the first report is attached. We have since had more recent, though less detailed, data to 31 May 2001 from the diversionary program which is summarised below.

Apprehensions:

Total apprehension cases	1302	<i>Note: Some cases involved more than 1 apprehension of a juvenile. This figure is for total apprehension cases of juveniles for all offences</i>
Number offered diversion	1059 (81%)	<i>Percentage of total apprehensions</i>
Number that declined diversion offer	16	<i>Juvenile or his family refused to accept diversion</i>
Number that undertook diversion	1043 (80%)	<i>Percentage of total apprehensions</i>
Number that failed diversion program	9 (1%)	<i>Percentage of those who undertook diversion</i>
Number that were denied diversion by police	243 (19%)	<i>Serious or excluded offences</i>

Diversion Referrals – General:

Verbal warnings	477 (46%)	<i>Percentage of total diversions</i>
Written warnings	268 (26%)	<i>Percentage of total diversions</i>
Family conference or formal caution	241 (23%)	<i>Percentage of total diversions</i>
Victim offender conference	57 (6%)	<i>Percentage of total diversions</i>

Conditions:

Cases where conditions are imposed in addition to the diversion requirements	152	<i>Apologies to victims, repair/compensate damage, curfew, school attendance etc</i>
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Programs:

Total personal programs	298	<i>All family and victim offender conferences involve a personal program for the juvenile and not necessarily 'referral' to service providers</i>
Total referred to registered programs	31	<i>Total registered programs currently available: 92</i>
Total referred to informal (non-registered) programs	27	

Demographics:

Indigenous apprehension cases	730 (56%)	<i>Percentage of total apprehension cases</i>
Indigenous offered diversion	585 (80%)*	<i>Percentage of total indigenous apprehension cases</i>
Non-indigenous apprehension cases	572 (44%)	<i>Percentage of total apprehension cases</i>
Non-indigenous offered diversion	472 (83%)*	<i>Percentage of total non-indigenous apprehension cases</i>

** Note: In 2 instances there was no record of whether the case involved an indigenous or non-indigenous juvenile.*

Aboriginal Interpreter Service

I am advised that, as at 31 May 2001, the Aboriginal Interpreter Service had over 200 interpreters covering 104 languages on its register, and the Service had received more than 1300 requests for assistance.

Other achievements of the Service include

- The establishment of an on-site interpreter service at the Royal Darwin Hospital and the provision of duty interpreters 3 days a week at the Darwin and Alice Springs magistrates courts;
- an extensive program of training for Aboriginal Interpreters and clients of the AIS. To date over 180 clients of the AIS have been trained in effective use of interpreters. This includes members of the judiciary, police, health professionals, lawyers and legal staff.

The attachment to QoN 114, 'Performance Information - Juvenile Diversion' is not included in this volume of additional information. However, a copy of the attachment has been tabled with this Additional Information Volume and is available from the Table Office.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

Do you expect a first acquittal of moneys to come to you after the end of August?

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

The first acquittal will be due after the end of the first year of the Agreement,
31 August 2001.

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

Senator Crossin asked the following question at the hearing of 28 May 2001.

How many of those staff would actually be police officers and how much, if any, of your allocated funding to the Northern Territory Police – not for community based programs but the first allocation you mentioned – goes to the Northern Territory police juvenile diversion unit?

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

As of 1 June 2001, 11 of the staff in the Juvenile Diversion Unit were sworn police officers.

In the first year of the agreement, \$2.489 million has been allocated to the NT Police to set up the Juvenile Diversion Unit and to conduct victim-offender conferencing and other diversionary measures. This allocation covers the cost of running and administering the juvenile pre-court diversion scheme, including the training of police and Aboriginal Community Police Officers across the Territory.

At 30 April 2001, \$731,000 had been paid to the NT Police to meet personnel costs associated with the scheme, including staffing the Juvenile Diversion Unit.

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

Senator McKiernan asked the following question at the hearing of 28 May 2001.

Provide a copy of whatever was distributed when the announcement was made re Commonwealth giving funds to state and territory police to buy new equipment.

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

The Attorney-General's Department (PSCC) received NPP funds of \$3.4m in 2000-01 for distribution to Commonwealth and State law enforcement and security agencies to purchase equipment to move to a new frequency band for microwave video links.

An extract from the 2000-01 Portfolio Budget Statements and a joint press release dated 9 May 2000 (which refers to this initiative in the eighth dot point on page 2) are attached.

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Can the Department provide details on how much each of those programs was worth and where they came from and how the money is then rolled up into the \$4.7M?

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

It is not possible to provide a comprehensive list of programs related to the anticipated National Crime Prevention Program underspend for 2000-01. A number of projects are still in the development stage, often involving negotiations with other governments, and have not yet been approved or announced.

Other projects have had longer than anticipated timeframes for consultation/development and contract negotiations. There have also been delays in receiving formal proposals for state and territory governments requiring expenditure to be deferred to later years.

In terms of specific projects, the Project Australia pilot ceased requiring funds to be reallocated.

Further work in the area of sexual violence has been postponed to ensure that any activity complements that which will be carried out by Department of Prime Minister and Cabinet under its recently announced \$16.5M budget initiative.

It is anticipated that Minister Ellison will be announcing a number of new projects in the coming financial year.

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Can you itemise what the [National Crime Prevention Program] expenditure went to? Also for 1998, 1999 and 2000 period.

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

National Crime Prevention Program expenditure from the 1998-99 financial year to 30 May 2001 is listed below. The figures shown include developmental and administrative costs directly associated with the projects indicated, such as contract legal fees, meeting and incidental costs.

Changes to the program structure in the current financial year have led to differences in project categories and the manner in which graphic design and publication costs are attributed.

1998-99:

Research Projects

Project Name	Amount
Project management initial consultation expenses	\$4,071
Alana & Madelaine Foundation contribution	\$100,000
<i>National Research Project into Best Practice in Community Crime Prevention</i>	\$1,273
Evaluation kit for community crime prevention programs	\$41,849
NCAVAC strategic directions & planning	\$7,825
Domestic Violence Perpetrators Forum	\$101,864
Preventing young peoples involvement in motor vehicle theft	\$168
Payment to the Australian Institute of Criminology for commissioned research (progress payment)	\$65,000
<i>Violence in Indigenous Communities</i>	\$31,804
Volunteering and Crime Prevention Project	\$40,000
<i>Young People and Domestic Violence</i>	\$123,286
Total Research Projects:	\$517,140

Pilot Projects

Project Name	Amount
Working With Adolescents to Prevent Domestic Violence - Derby	\$21,212
Working With Adolescents to Prevent Domestic Violence – Northam	\$70,213
Fear of Crime ACT - Burnie Court Project	\$30,000
Fear of Crime TAS - Common Ground Project	\$120,392
Preventing Residential Break & Enter Pilot Project – SA and Qld	\$95,000
Total Pilot Projects:	\$336,817

Prevention Activities (included in Pilot Projects) nil

Communication Activities
(Includes general communications expenditure in addition to specific projects.)

Project Name	Amount
Exploratory research to support NCAVAC communications activities	\$63,478
Research into community attitudes to crime	\$64,273
National Crime Prevention Training Needs Assessment	\$51,260
<i>Pathways to Prevention</i>	\$93,744
Payment to the Australian Institute of Criminology for commissioned research (progress payment)	\$65,000
Public relations activities	\$162,114
Costs associated with publications/distribution	\$626,747
Total Communication Activities:	\$1,126,616

Crime Prevention Training Projects

Project Name	Amount
Integrated Framework for Crime Prevention Training	\$90,511
Learning Circles Project	\$54,488
Total Crime Prevention Training Projects:	\$144,999

1999-00:

Research Projects

Project Name	Amount
Alcohol Consumption, Young People and Crime – payment to the Australian Institute of Criminology for commissioned research	\$5,000
Evaluation kit for community crime prevention programs	\$18,307
Crime Atlas - funds transfer to Australian Institute of Criminology	\$144,000
CROC Eisteddford Sponsorship	\$31,500
Sexual Violence – payment to the Australian Institute of Criminology for commissioned research	\$18,000
Domestic Violence Perpetrators Forum	\$20,899
Drug Use & Minor Property Crime – payment to the Australian Institute of Criminology for commissioned research	\$5,000
Preventing young peoples involvement in motor vehicle theft	\$14,000
<i>Planning A Safe Public Event: Practical Guidelines</i>	\$77,151
<i>Living Rough: Preventing Crime and Victimisation among Homeless Young People</i>	\$321
Roadmap of Early Intervention Projects – payment to the Australian Institute of Criminology for commissioned research	\$12,730
Crime and Small Business Survey - funds transfer to Australian Institute of Criminology	\$125,025
<i>Hanging Out: Negotiating young people's use of public</i>	\$16,617
<i>Violence in Indigenous Communities</i>	\$7,920
Contribution to the WA Aboriginal Child Health Survey	\$150,000
Volunteering and Crime Prevention	\$22,000
Young Men & Violence Roundtable and research paper- payment to the Australian Institute of Criminology for commissioned research	\$74,263
Young People, Gangs & Violence – payment to the Australian Institute of Criminology for commissioned research	\$15,000
<i>Young People and Domestic Violence</i>	\$159,776
International Crime Victimisation Survey - funds transfer to Australian Institute of Criminology	\$170,000
Total Research Projects:	\$1,087,509

Pilot Projects

Project Name	Amount
Working With Adolescents to Prevent Domestic Violence - Derby	\$10,500
Working With Adolescents to Prevent Domestic Violence – Northam	\$10,375
Fear of Crime TAS - Common Ground Project	\$68,389
Preventing Residential Break & Enter pilot project - SA and Qld	\$85,000
Preventing Residential Break & Enter information campaign	\$810
Project Australia	\$670,675
Total Pilot Projects:	\$845,749

Prevention Activities

Project Name	Amount
Crime Prevention Extension Service - funds transfer to the Australian Institute of Criminology	\$404,799
Total Prevention Activities:	\$404,799

Communication Activities

(Includes general communications expenditure in addition to specific projects.)

Project Name	Amount
Development and production of sexual violence prevention information resources	\$226,750
Crime Prevention Question & Answer Manual	\$25,000
Costs associated with publications/distribution	\$606,334
Media transcripts and public relations	\$8,321
Conferences and seminars	\$56,533
Total Communication Activities:	\$922,938

Crime Prevention Training

Project Name	Amount
Integrated Framework for Crime Prevention Training	\$139,223
Learning Circles Project	\$231,652
Total Crime Prevention Training Projects:	\$370,875

2000-01:

Violent Crime

Project Name	Amount
Sponsorship of CROC Eisteddford	\$13,500
<i>Young People and Domestic Violence</i>	\$1,000
Contribution to the <i>Rekindling Family Relationships</i> forum	\$20,000
Development and production of sexual violence prevention information resources	\$100,516
Working With Adolescents to Prevent Domestic Violence - Derby	\$49,614
Community Justice Pilot – seed funding	\$22,727
<i>Violence in Indigenous Communities</i>	\$43,728
Contribution to WA Aboriginal Child Health Survey	\$45,455
Total Violent Crime Projects:	\$296,540

Public Safety

Project Name	Amount
Fear of Crime and older Australians	\$23,275
Fear of Crime TAS - Common Ground Project	\$20,000
<i>Planning A Safe Public Event: Practical Guidelines</i>	\$22,130
Total Public Safety Projects:	\$65,405

Early Intervention

Project Name	Amount
NSW Capacity Building Project – Cannabis intervention trial for juveniles	\$80,218
TAS Capacity Building Project - Truancy and Juvenile Crime	\$15,000
Project Australia	\$4,113
Bullying in Primary & Pre-Schools	\$14,494
Prisoners and Their Families Program	\$159,569
Youth Conferencing	\$98
Total Early Intervention Projects:	\$273,492

Property Crime

Project Name	Amount
ACT Capacity Building Project – Burglary prevention	\$35,500
Preventing Residential Break & Enter pilot project Qld and SA	\$2,925
Preventing Residential Break & Enter information campaign	\$188,174
Total Property Crime Projects:	\$226,599

Private Sector

Project Name	Amount
QLD Capacity Building Project – Fraud prevention	\$119,548

Best Practice

Project Name	Amount
Evaluation kit for community crime prevention programs	\$17,315
Integrated Framework for Crime Prevention Training	\$38,580
WA Capacity Building – community crime prevention	\$70,000
Crime Atlas - funds transfer to the Australian Institute of Criminology	\$104,895
Total Best Practice Projects	\$230,790

Communications

Project Name	Amount
Website redevelopment - funds transfer to the Australian Institute of Criminology	\$153,982
<i>Crime in Australia: a state by state comparison</i>	\$23,305
Learning Circles Project	\$5,353
Crime Prevention Question & Answer Manual	\$76
Costs associated with publication	\$61,001
Freight and mailing services	\$34,214
Total Communications Projects	\$277,931

National Links

Project Name	Amount
National Missing Persons Unit - funds transfer to Australian Bureau of Criminal Intelligence	\$195,000
Australian Institute of Criminology commissioned research	\$688
Total International Links Projects	\$195,688

International Links

Project Name	Amount
Ending Child Pornography, Prostitution and Trafficking	\$54,655
Building Commonwealth Capacity - International Crime Prevention Commission - legal advice	\$1,455
Total International Links Projects	\$56,110

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Of the \$8M in relation to the Youth Crime & Families Strategy, how much has been announced publicly to be spent?

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

A project worth a total of \$.5M aimed at preventing bullying in primary and pre-schools has been advertised in the press. As part of this project, the National Crime Prevention Program has recently finalised a contract with the University of South Australia to produce a meta-evaluation of bullying programs in Australian primary and pre-schools, and develop associated information materials.

State and Territory Corrective Service Ministers have received correspondence outlining the Prisoners and Their Families project. Already successfully implemented in Risdon Prison in Tasmania, the project will soon be underway in South Australia. Negotiations are underway with Queensland and the NT and it is envisaged that the project will expand to the remaining States and Territories in 2001-02. The Government has committed some \$2M to this project.

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Of the \$21.4M announced in 1998, how much of the total has been spent?

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

The total expenditure under the National Crime Prevention Program for the period from the 1998-99 to 8 June 2001, is \$12,145,884. This total includes employee costs and general administrative expenditure.

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

Senator McKiernan asked the following question at the hearing of 29 May 2001.

Was the provision of guarding services – I assume these are at head office, the Robert Garran building – a competitive process in which Chubb won over APS or others?
How was Chubb selected?

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

The original contract for the provision of security guarding services at Robert Garran Offices was awarded to Chubb (then Wormald Security Australia Pty Ltd) following a competitive tender process. Since the expiration of that contract, Chubb Security have been retained on a month by month basis. The Department is currently preparing a brief to enable a tender process to be commenced for awarding of the guarding services contract.

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

Senator Ludwig asked the following question at the hearing of 29 May 2001.

Provide the relevant section of the Workplace Relations Act (Which would prevent the making of an AWA or any other sort of agreement following the making of an arbitrated award while the award applies)

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

The relevant sections in the Workplace Relations Act are as follows:

Section 170LY(2) – Effect of a Certified Agreement in relation to awards and other Certified Agreements.

- (2) If:
- (a) an award is made under subsection 170MX(3) (which deals with the exercise of arbitration powers on termination of a bargaining period); and
 - (b) before the award is made, or after it is made but before its nominal expiry date passes, a certified agreement is certified; and
 - (c) the employment of at least one employee is subject to both the award and the certified agreement;

the certified agreement does not operate at any time while the award operates.

And

Section 170VQ (2) –Effect of AWA on awards and agreements

- (2) An AWA is of no effect if it is made:
- (a) after the commencement of an award that is made under subsection 170MX(3) and applies to the employee's employment; and
 - (b) before the nominal expiry date of the award.

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

Senator Cooney asked the following question at the hearing of 29 May 2001.

What is the thickest contract in the Attorney-General's Department (number of pages) and whether an average can be struck?

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

The thickest contract within the Attorney-General's Department is 421 pages, which includes 76 pages for the body of the contract and 345 pages for associated schedules. The schedules, of which there are 30, include software and hardware, price and payment, and training documentation. The contract relates to the National Automated Fingerprint Identification System System Licensing and Implementation Contract.

The Department has single page contracts. The average length of a contract would be less than 20 pages.

Senate Legal and Constitutional Legislation Committee
Attorney-General's Portfolio
 Questions on notice from Budget Estimates Hearing 28-30 May 2001

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	Written questions on notice	
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	Questions from the Hansard Transcript	
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30	30	27/06/01
31	15	06/07/01
32	22	14/06/01
33	23	15/06/01
34	25	06/07/01
35	26	09/07/01
36	30	06/07/01
37	31	06/07/01
38	32	02/07/07
39	38	27/06/01
40	39	27/06/01
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No.	Hansard page	Reply received
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53	66	19/07/01
54	67	06/07/01
55	72	28/06/01
56	75	22/06/01
57	83	10/07/01
58	85	06/07/01
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62	97	10/07/01
63	98	06/07/01
64	99	06/07/01
65	100	11/07/01
66	103	11/07/01
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69	111	15/06/01
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74	125	27/06/01
75	125	06/07/01
76	127	12/07/01
77	129	22/06/01
78	136	02/07/01
79	136	02/07/01
80	136	02/07/01
81	136	06/07/01
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93	144	02/07/01
94	144	02/07/01
95	148	06/07/01
96	148	06/07/01
97	150	15/06/01
98	157	02/07/01
99	158	02/07/01
100	158	02/07/01
101	159	02/07/01

No.	Hansard page	Reply received
102	159	02/07/01
103	160	02/07/01
104	161	27/06/01
105	162	24/08/01
106	162	06/07/01
107	166	27/06/01
108	166	27/06/01
109	166	27/06/01
110	168	27/06/01
111	168	27/06/01
112	168	06/07/01
113	168	28/06/01
114	168	27/06/01
115	168	27/06/01
116	168	27/06/01
117	170	06/07/01
118	173	10/07/01
119	176	10/07/01
120	178	10/07/01
121	178	09/07/01
122	187	06/07/01
123	188	06/07/01
124	132	28/06/01