

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 230

Senator Ludwig asked the following question at the hearing on 24 May 2005:

- a) Has either Airbus approached Customs or vice versa regarding new needs due to increased passenger loads?
- b) Has Customs had any discussions with any airport corporations about this matter? Has Customs approached any airport corporations seeking discussions on this matter?
- c) Has Customs commissioned any reports or done any other investigations regarding any changes that may need to be implemented when the new A380s enter operation?
 - i) If so, when were the commissioned, completed and by whom were they written?
 - ii) Further, what external stakeholders were involved with the writing of the reports?
 - iii) If not, why not? Are there any planned?
 - iv) Has Customs implemented any plans to account for the increase in expected traffic when the A380 comes into service?
 - v) Have any new staff been hired? Does Customs foresee that being necessary?
- d) When was the last report into expected arrivals released?
- e) In the last question on notice that Customs has stated that they continue to monitor passenger numbers...
- f) How often is this done? Is it a continuous process?
 - i) If so, how many personnel are engaged to do this, and what is their classification?
 - ii) If not, is it done on a quarterly, annual, monthly, etc. basis?
 - iii) Are reports generated on passenger numbers? If so, please provide the most recent report.
- g) Please outline the measures that Customs is undertaking to prepare for the arrival of Airbus flights in Australia

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

- a) No.
- b) Customs managers at airports are involved in ongoing and regular discussions with airport corporations in relation to passenger loads and border agency processing performance. Customs is a member along with other border agencies, the airport operator and airlines, of the Airport Facilitation Committee. This committee meets monthly and is the primary forum for raising these matters.
- c) Customs has not commissioned any reports that are specific to the introduction of the A380s.
 - i) Not applicable.
 - ii) Not applicable.
 - iii) Customs is not planning to conduct any reports that are specifically related to the introduction of A380s.
 - iv) Customs has entered into a Workload Growth Agreement with DOFA that will provide funding for additional staff as passenger numbers increase. Customs is continuing to recruit

and train additional staff for airports. Customs is commencing a new staff roster trialing intermittent and irregular hours at Sydney and Adelaide airports to respond to the peak workloads. Customs received funding in the 05/06 budget to implement biometric enabled automated passenger processing at Australian International airports.

v) Refer iv)

d) Customs does not produce reports on expected arrivals.

e) N/A

f) Passenger numbers are monitored on a continuous basis at each airport. Customs produces consolidated statistics on all aspects of airport operations, including passenger numbers monitored on a monthly basis.

i) 2 staff, 1 CL2 and 1 CL4.

ii) Not applicable

iii) Consolidated statistics for May 2005 are attached

g) Customs continues to work closely with airports, airlines and other government agencies to ensure that appropriate whole of airport strategies are developed to respond to increases in passenger numbers.

Fig 1: May 2005 International Air Pax movements by Airport ('000)

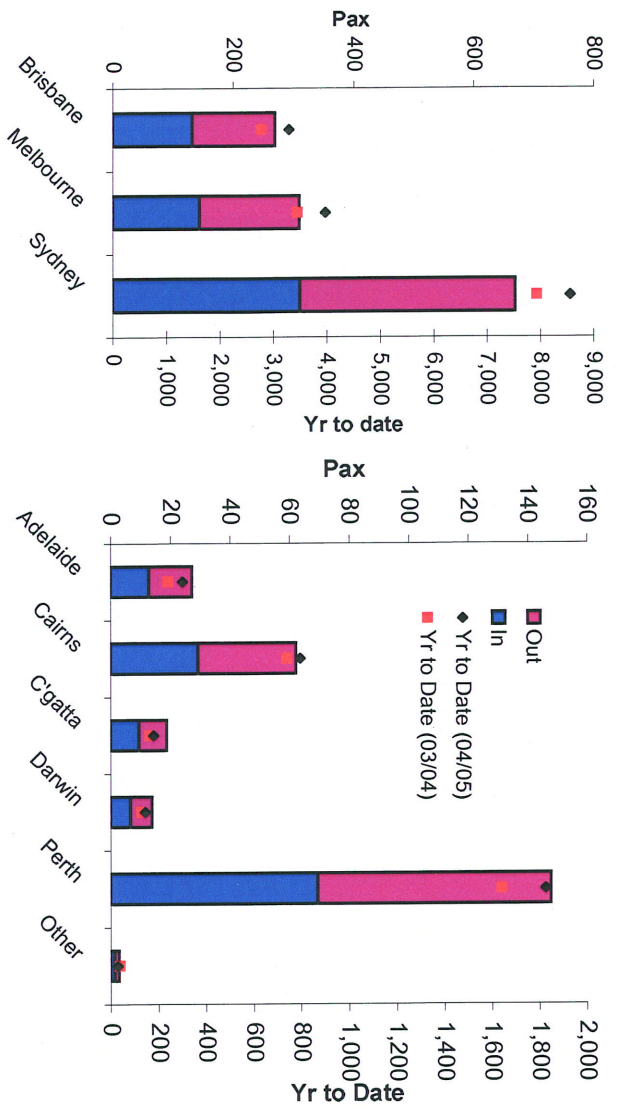
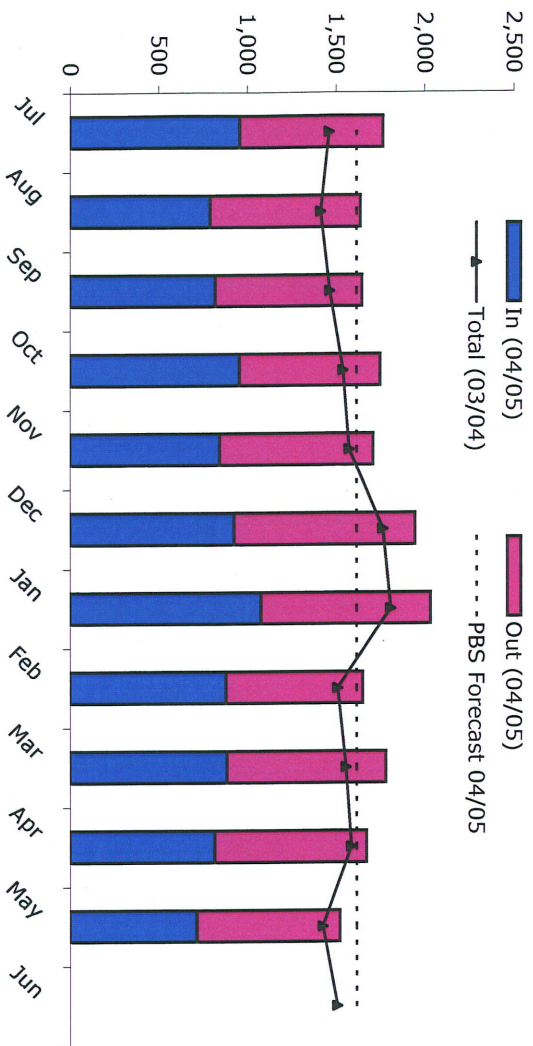


Fig 2: National Monthly International Air Pax movements ('000)



2. International Air Crew Movements

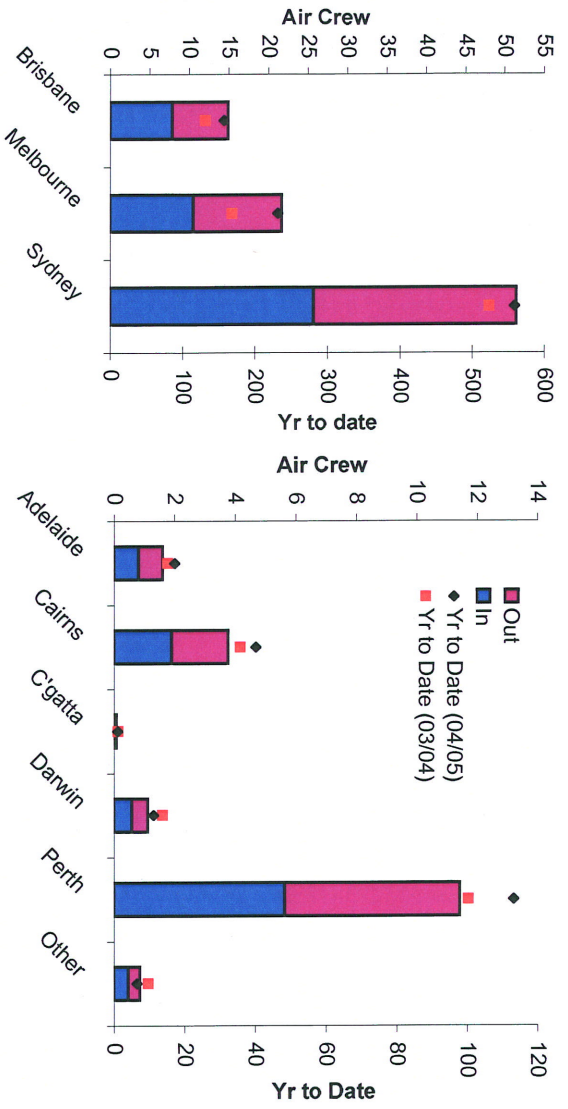
Table 2.1: May 2005 International Air Crew Movements by Airport

	Brisbane	Melbourne	Sydney	Adelaide	Cairns	Cyatta	Darwin	Perth	Other	Total
INCOMING AIR CREW										
May 05	7,826	10,487	25,676	806	1,901	33	578	5,631	460	53,398
Current Financial Year to date	81,890	112,068	276,706	8,463	20,410	477	5,474	56,075	3,273	564,836
Previous Financial Year (03/04) to date	68,144	80,729	259,027	7,296	17,834	497	6,753	50,169	4,881	495,330
% Var Year to date	20.2%	38.8%	6.8%	16.0%	14.4%	-4.0%	-18.9%	11.8%	-32.9%	14.0%
OUTGOING AIR CREW										
May 05	7,113	11,201	25,784	804	1,870	38	545	5,781	397	53,533
Current Financial Year to date	75,388	119,202	282,442	8,751	19,779	490	5,754	57,115	3,216	572,137
Previous Financial Year (03/04) to date	62,635	87,078	263,552	7,798	17,860	491	6,885	50,057	4,717	501,073
% Var Year to date	20.4%	36.9%	7.2%	12.2%	10.7%	-0.2%	-16.4%	14.1%	-31.8%	14.2%
TOTAL AIR CREW										
May 05	14,939	21,688	51,460	1,610	3,771	71	1,123	11,412	857	106,931
Current Financial Year to date	157,278	231,270	559,148	17,214	40,189	967	11,228	113,190	6,489	1,136,973
Previous Financial Year (03/04) to date	130,779	167,807	522,579	15,094	35,694	988	13,638	100,226	9,598	996,403
% Var Year to date	20.3%	37.8%	7.0%	14.0%	12.6%	-2.1%	-17.7%	12.9%	-32.4%	14.1%

Table 2.2: National Monthly International Air Crew Movements

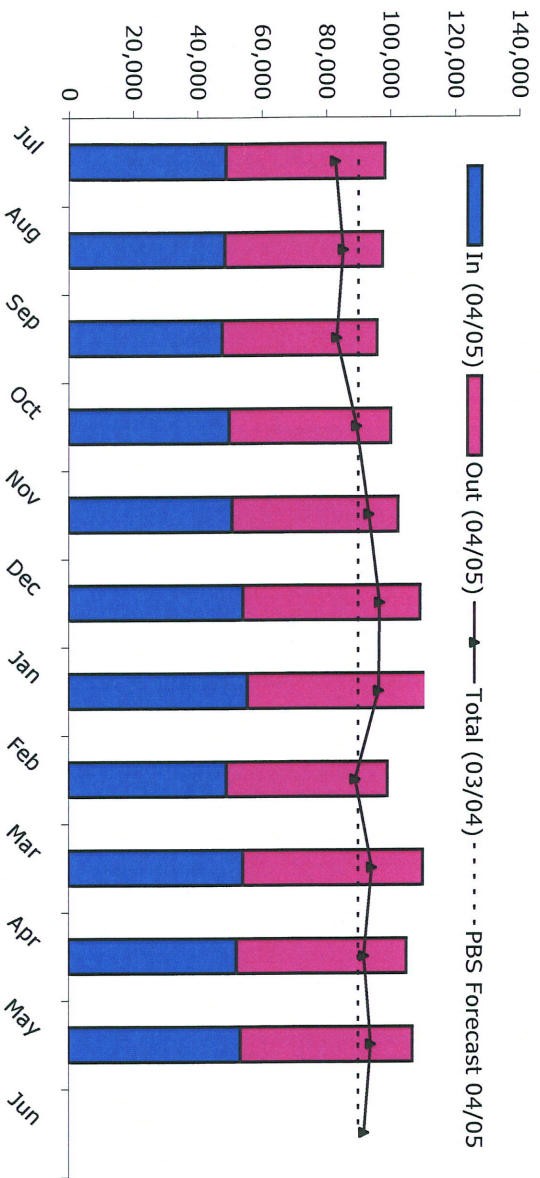
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Figure 3: May 2005 International Air Crew Movements by Airport ('000)



Comments

Figure 4: National Monthly International Air Crew Movements



3. International Aircraft Movements

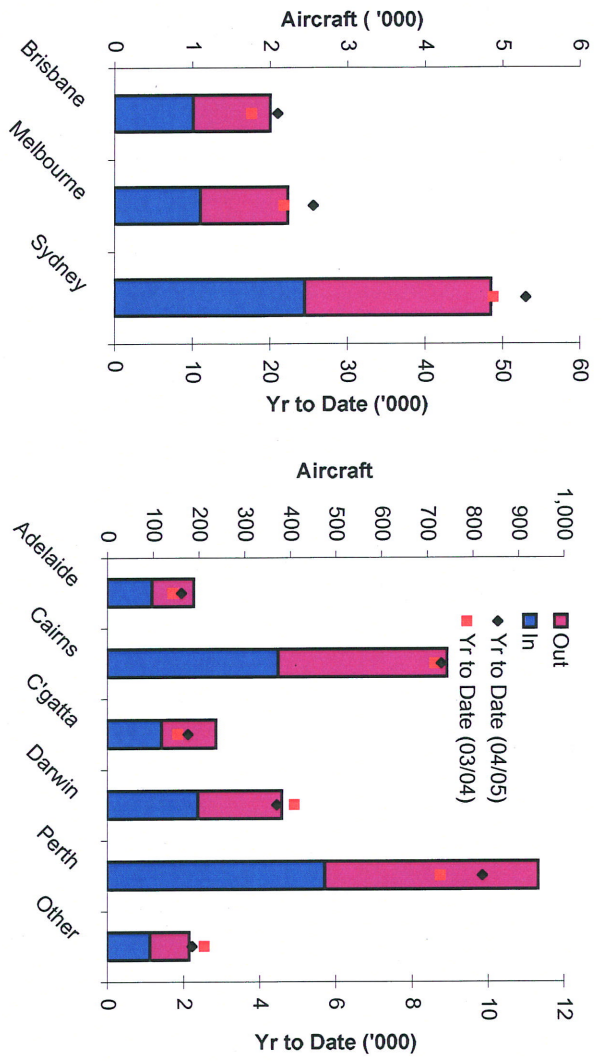
Table 3.1: May 2005 International Aircraft Movements by Airport

Table 2.1: May 2000 International Airports Performance Summary											
	Brisbane	Melbourne	Sydney	Adelaide	Cairns	C'gatta	Darwin	Perth	Other	Total	
INCOMING AIRCRAFT											
May 05	1,007	1,104	2,452	97	374	118	198	476	93	5,919	
Current Financial Year to date	10,523	12,684	26,651	987	4,413	1,058	2,235	4,932	1,157	64,640	
Previous Financial Year (03/04) to date	8,861	10,774	24,470	853	4,271	920	2,435	4,364	1,298	58,246	
% Var Year to date	18.8%	17.7%	8.9%	15.7%	3.3%	15.0%	-8.2%	13.0%	-10.9%	11.0%	
OUTGOING AIRCRAFT											
May 05	999	1,129	2,399	92	369	120	184	467	86	5,845	
Current Financial Year to date	10,481	12,920	26,353	954	4,350	1,056	2,214	4,918	1,069	64,315	
Previous Financial Year (03/04) to date	8,737	10,994	24,307	849	4,314	912	2,465	4,359	1,238	58,175	
% Var Year to date	20.0%	17.5%	8.4%	12.4%	0.8%	15.8%	-10.2%	12.8%	-13.7%	10.6%	
TOTAL AIRCRAFT											
May 05	2,006	2,233	4,851	189	743	238	382	943	179	11,764	
Current Financial Year to date	21,004	25,604	53,004	1,941	8,763	2,114	4,449	9,850	2,226	128,955	
Previous Financial Year (03/04) to date	17,598	21,768	48,777	1,702	8,585	1,832	4,900	8,723	2,536	116,421	
% Var Year to date	19.4%	17.6%	8.7%	14.0%	2.1%	15.4%	-9.2%	12.9%	-12.2%	10.8%	

Table 3.2: National Monthly International Aircraft Movements

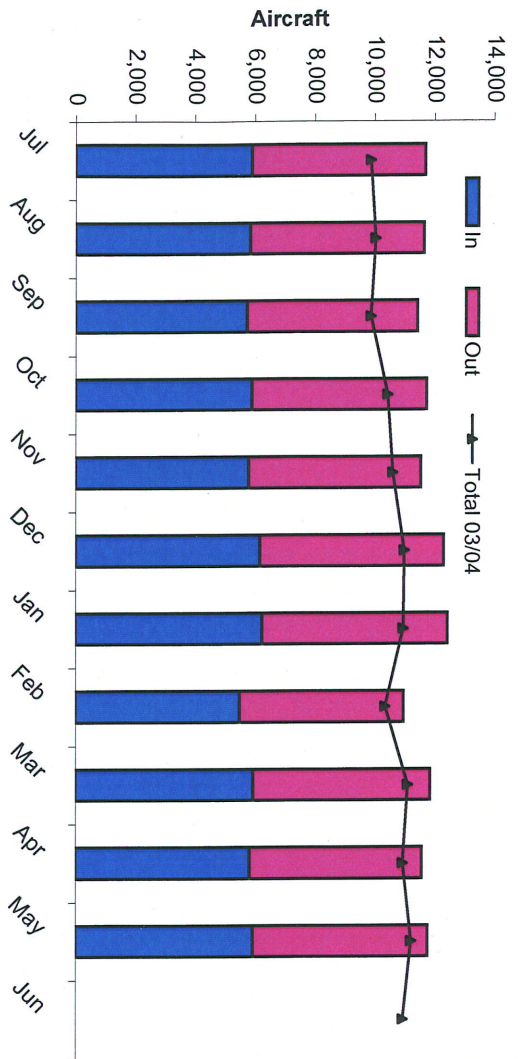
Period	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
INCOMING AIRCRAFT													
2004-05	5,885	5,832	5,728	5,886	5,786	6,157	6,226	5,479	5,933	5,809	5,919		64,640
2003-04	4,970	5,029	4,931	5,214	5,295	5,494	5,481	5,164	5,554	5,473	5,641		58,246
Var Month	18.4%	16.0%	16.2%	12.9%	9.3%	12.1%	13.6%	6.1%	6.8%	6.1%	4.9%		11.0%
OUTGOING AIRCRAFT													
2004-05	5,808	5,820	5,707	5,851	5,755	6,147	6,200	5,498	5,917	5,767	5,845		64,315
2003-04	4,900	5,007	4,945	5,223	5,312	5,503	5,481	5,191	5,559	5,470	5,584		58,175
Var Month	18.5%	16.2%	15.4%	12.0%	8.3%	11.7%	13.1%	5.9%	6.4%	5.4%	4.7%		10.6%
TOTAL AIRCRAFT													
2004-05	11,693	11,652	11,435	11,737	11,541	12,304	12,426	10,977	11,850	11,576	11,764		128,955
2003-04	9,870	10,036	9,876	10,437	10,607	10,997	10,962	10,355	11,113	10,943	11,225		116,421
Var Month	18.5%	16.1%	15.8%	12.5%	8.8%	11.9%	13.4%	6.0%	6.6%	5.8%	4.8%		10.8%
Var YTD	18.5%	17.3%	16.8%	15.7%	14.2%	13.8%	13.7%	12.8%	12.1%	11.4%	10.8%		

Figure 5: May 2005 International Aircraft Movements



Comments

Figure 6: National Monthly International Aircraft Movements



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

Output 1.7

Question No. 231

Senator Ludwig asked the following question at the hearing on 23 May 2005:

- (a) What are the four year forward estimates for Commonwealth funding of community legal services?
- (b) What is the breakdown of this funding by state and territory?
- (c) Which services received Commonwealth funding in 2004-05 and how much did they receive?

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

- (a) The four year forward estimate for Commonwealth funding provided to community legal services is:

2005-06	2006-07	2007-08	2008-09
\$21,765,541	\$22,200,852	\$22,644,869	\$23,097,767

- (b) The table below shows the breakdown of funding for each state and territory for the period.
- (c) The table also shows the breakdown of funding by centre and by sub-program (ie funding category) for the 2004-05 financial year.

CCLSP ALLOCATION	Sub- Program	2004/05	2005-06 indexation	2006-07 est index'n	2007-08 est index'n	2008-09 est index'n
NEW SOUTH WALES			2.20%	2.20%	2.20%	2.20%
Blue Mountains CLC	CLC	89,323	91,288	93,114	94,976	96,876
Central Coast CLC	CLC	174,266	178,099	181,661	185,295	189,000
Western NSW CLS	CLC	180,306	184,273	187,959	191,718	195,552
Western NSW CLS	RWOL	66,132	67,587	68,938	70,317	71,723
Consumer Credit Service	CLC	123,011	125,718	128,232	130,797	133,413
Court Support Scheme	CLC	29,325	29,970	30,569	31,181	31,804
Environmental Defenders Office	ELI	83,406	85,241	86,946	88,685	90,459
Far West CLS	CLC	221,229	226,096	230,618	235,230	239,935
Hawkesbury Nepean CLC	CLC	123,145	125,854	128,371	130,939	133,558
HIV/AIDS Legal Centre	CLC	60,146	61,470	62,699	63,953	65,232
Hunter District CLC	CLC	186,022	190,115	193,917	197,795	201,751
Illawarra Legal Centre Inc.	CLC	128,702	131,534	134,164	136,848	139,585
Illawarra Legal Centre Inc.	WRC	80,960	82,742	84,396	86,084	87,806
Illawarra Legal Centre Inc.	CSS	148,351	151,615	154,647	157,740	160,895
Immigration Advice & Rights Group	CLC	86,736	88,644	90,417	92,225	94,070
Inner City Legal Centre	CLC	89,321	91,286	93,112	94,974	96,874
Kingsford Legal Centre	CLC	39,214	40,076	40,878	41,696	42,529
Kingsford Legal Centre	CLE	111,306	113,755	116,030	118,350	120,717
Macarthur Legal Centre	CLC	117,542	120,128	122,531	124,981	127,481
Macarthur Legal Centre	CSS	77,989	79,705	81,299	82,925	84,584
Macquarie Legal Centre	CLC	137,884	140,917	143,735	146,610	149,542
Marrickville Legal Centre	CLC	136,325	139,324	142,110	144,953	147,852
Mt Druitt and Area CLC	CLC	174,035	177,864	181,421	185,050	188,751
North and North West CLC	CLC	174,982	178,831	182,408	186,056	189,777
Northern Rivers CLC	CLC	177,118	181,015	184,635	188,328	192,094
Northern Rivers CLC	RWOL	66,132	67,587	68,938	70,317	71,723
NSW Disability Discrimination Legal Centre	DDL	178,455	182,381	186,029	189,749	193,544
Public Interest Advocacy Centre	CLC	101,417	103,648	105,721	107,835	109,992
Redfern Legal Centre	CLC	138,783	141,836	144,672	147,566	150,517
Shoalcoast CLC	CLC	222,476	227,370	231,918	236,556	241,287
South West Sydney Legal Centre Inc.	CLC	97,335	99,476	101,466	103,495	105,565
South West Sydney Legal Centre Inc.	CSS	77,381	79,083	80,665	82,278	83,924
Tenants Union of N.S.W.	CLC	66,672	68,139	69,502	70,892	72,309
The Aged Care Rights Service	CLC	29,998	30,658	31,271	31,896	32,534
Welfare Rights Centre	WRC	201,868	206,309	210,436	214,644	218,937
Women's Legal Service NSW (Women's Legal Re	WLS	333,219	340,549	347,360	354,308	361,394
Women's Legal Service NSW (Women's Legal Re	SWP	166,291	169,949	173,348	176,815	180,351
Women's Legal Service NSW (Women's Legal Re	ATSIP	254,777	260,382	265,590	270,901	276,319
NEW SOUTH WALES TOTAL		4,951,579	5,060,513	5,161,724	5,264,958	5,370,257
VICTORIA						
Albury-Wodonga CLS	CLC	222,390	227,283	231,828	236,465	241,194
Brimbank Melton CLC	CLC	63,935	65,341	66,648	67,981	69,341
Broadmeadows CLS	CLC	134,600	137,561	140,312	143,118	145,981
Casey Cardinia CLS	CLC	101,892	104,133	106,216	108,340	110,507
Central Highlands CLS	CLC	159,931	163,450	166,719	170,053	173,454
Coburg - Brunswick CLC	CLC	83,180	85,010	86,710	88,445	90,213
Community Connections (VIC)	CLC	102,777	105,038	107,139	109,281	111,467
Community Connections (VIC)	RWOL	66,132	67,587	68,938	70,317	71,723
Consumer Credit Legal Service	CLC	63,115	64,504	65,794	67,110	68,452
Darebin CLS	CLC	47,429	48,472	49,442	50,430	51,439
Disability Discrimination Law Advocacy Service	DDL	162,703	166,283	169,609	173,001	176,461
Eastern CLC	CLC	118,304	120,907	123,325	125,792	128,308
Environment Defenders Office	ELI	81,647	83,444	85,113	86,815	88,551
Essendon CLC	CLC	47,535	48,581	49,553	50,544	51,555
Fitzroy Legal Service	CLC	151,508	154,841	157,938	161,097	164,318
Flemington & Kensington CLC	CLC	80,017	81,777	83,413	85,081	86,783
Footscray CLC	CLC	48,134	49,193	50,177	51,181	52,204
Geelong CLS	CLC	98,471	100,637	102,650	104,703	106,797
Geelong CLS	WRC	85,135	87,008	88,748	90,523	92,334

CCLSP ALLOCATION	Sub- Program	2004/05	2005-06 indexation	2006-07 est index'n	2007-08 est index'n	2008-09 est index'n
Geelong CLS	CSS	144,031	147,200	150,144	153,147	156,210
Gippsland CLS	CLC	220,801	225,658	230,171	234,775	239,470
Monash - Oakleigh Legal Service	CLC	12,540	12,816	13,073	13,334	13,601
Monash - Oakleigh Legal Service	CLE	110,544	112,976	115,235	117,540	119,891
Murray-Mallee CLS	CLC	178,541	182,469	186,118	189,841	193,637
Murray-Mallee CLS	RWOL	66,132	67,587	68,938	70,317	71,723
North Melbourne Legal Service	CLC	74,411	76,048	77,569	79,120	80,703
Lawyers	CYL	71,642	73,218	74,683	76,176	77,700
Peninsula CLS	CLC	165,641	169,285	172,671	176,124	179,646
Peninsula CLS	CSS	132,653	135,571	138,282	141,048	143,869
Springvale Community Aid and Advice Bureau	CSS	63,799	65,202	66,506	67,837	69,193
Springvale Monash Legal Service	CSS	101,065	103,288	105,354	107,461	109,610
Springvale Monash Legal Service	CLC	92,891	94,935	96,833	98,770	100,745
Springvale Monash Legal Service	CLP	73,847	75,471	76,981	78,520	80,091
St.Kilda Legal Service	CLC	85,267	87,143	88,886	90,664	92,477
Tenants Union of Victoria	CLC	94,695	96,779	98,714	100,689	102,702
Welfare Rights Unit	WRC	169,060	172,779	176,234	179,759	183,354
Werribee Legal Service	CLC	94,644	96,727	98,661	100,634	102,647
West Heidelberg CLS	CLC	79,985	81,745	83,380	85,047	86,748
Western Suburbs Legal Service	CLC	78,569	80,297	81,903	83,541	85,212
Women's Legal Service Victoria	WLS	326,219	333,396	340,064	346,865	353,802
Women's Legal Service Victoria	SWP	165,329	168,966	172,345	175,792	179,308
<i>Pending reallocation</i>	ATSIP	88,175	90,115	91,917	93,756	95,631
VICTORIA TOTAL		4,609,315	4,710,720	4,804,935	4,901,033	4,999,054
QUEENSLAND						
Brisbane Welfare Rights Centre	WRC	158,951	162,448	165,697	169,011	172,391
Brisbane Welfare Rights Centre	DDL	65,741	67,188	68,532	69,902	71,300
Cairns CLS	CLC	125,773	128,540	131,110	133,733	136,407
Cairns CLS	DDL	65,741	67,188	68,532	69,902	71,300
Caxton Legal Centre	CLC	102,029	104,273	106,359	108,486	110,656
Caxton Legal Centre	CLE	110,544	112,976	115,235	117,540	119,891
Caxton Legal Centre	CSS	121,598	124,273	126,759	129,294	131,880
Central Queensland CLC	CLC	174,767	178,612	182,184	185,827	189,544
Environmental Defenders Office	ELI	82,031	83,836	85,513	87,223	88,967
Highway Legal Service-Gold Coast Citizens Advice Bureau	CLC	178,010	181,927	185,565	189,277	193,062
Logan Youth Legal Service	CYL	73,603	75,222	76,727	78,261	79,827
North Queensland Environmental Defender's Office	ELI	81,719	83,517	85,187	86,891	88,629
North Queensland Women's Legal Service	WLS	253,052	258,619	263,791	269,067	274,448
North Queensland Women's Legal Service	ATSIP	165,329	168,966	172,345	175,792	179,308
Pine Rivers Welfare Association	CLC	6,301	6,439	6,568	6,699	6,833
Prisoners Legal Service	CLC	61,570	62,925	64,183	65,467	66,776
Roma Legal Service	CLC	33,232	33,963	34,642	35,335	36,042
South Brisbane Immigration & CLS	CLC	142,813	145,955	148,874	151,852	154,889
South West Brisbane CLS	CLC	2,630	2,687	2,741	2,796	2,852
Suncoast CLS	CLC	14,653	14,975	15,274	15,580	15,892
Taylor Street CLC	CLC	77,956	79,671	81,264	82,890	84,548
Tenants Union of Qld	CLC	16,253	16,610	16,943	17,281	17,627
Toowoomba CLS	CLC	79,507	81,256	82,881	84,539	86,230
Toowoomba CLS	RWOL	99,583	101,774	103,809	105,885	108,003
Townsville CLS	CLC	102,196	104,445	106,533	108,664	110,837
Townsville CLS	WRC	61,296	62,645	63,898	65,176	66,479
Western Queensland Justice Network	CLC	221,978	226,861	231,399	236,027	240,747
Women's Legal Service	WLS	318,519	325,527	332,037	338,678	345,452
ATSIWLAS	ATSIP	143,285	146,437	149,366	152,354	155,401
Youth Advocacy Centre	CYL	84,914	86,782	88,518	90,288	92,094
QUEENSLAND TOTAL		3,225,574	3,296,537	3,362,468	3,429,717	3,498,311

CCLSP ALLOCATION	Sub- Program	2004/05	2005-06 indexation	2006-07 est index'n	2007-08 est index'n	2008-09 est index'n
<u>SOUTH AUSTRALIA</u>						
Adelaide Central Mission Inc	CLC	259,122	264,823	270,119	275,521	281,032
Adelaide Central Mission Inc	CYL	71,642	73,218	74,683	76,176	77,700
Adelaide Central Mission Inc	DDL	114,142	116,653	118,986	121,366	123,793
Environmental Defender's Office	ELI	81,705	83,503	85,173	86,876	88,614
Southern Communities Justice Centre	CLC	216,157	220,912	225,330	229,837	234,434
Southern Communities Justice Centre	CSS	125,344	128,102	130,664	133,277	135,943
Northern Community Legal Service	CLC	192,503	196,738	200,673	204,687	208,780
Northern Community Legal Service	CSS	110,544	112,976	115,235	117,540	119,891
Westside Community Lawyers Inc	CLC	218,106	222,904	227,362	231,909	236,548
Westside Community Lawyers Inc	CLP	73,847	75,471	76,981	78,520	80,091
Port Pirie - Westside Community Lawyers Inc (formerly Spencer Gulf CLC)	CLC	222,300	227,190	231,734	236,369	241,096
Riverland CLS Association	CLC	220,952	225,813	230,329	234,936	239,634
South East CLS Association	CLC	220,984	225,846	230,363	234,970	239,670
Welfare Rights Centre (SA)	WRC	169,398	173,124	176,587	180,119	183,721
Women's Legal Service SA	WLS	318,698	325,709	332,223	338,868	345,645
Women's Legal Service SA	ATSIP	99,197	101,379	103,407	105,475	107,585
Women's Legal Service SA	RWOL	77,153	78,851	80,428	82,036	83,677
SOUTH AUSTRALIA TOTAL		2,791,793	2,853,213	2,910,277	2,968,482	3,027,852
<u>WESTERN AUSTRALIA</u>						
Albany CLS	CLC	222,457	227,351	231,898	236,536	241,267
Bunbury CLC	CLC	50,067	51,169	52,192	53,236	54,300
Bunbury CLC	CSS	110,544	112,976	115,235	117,540	119,891
Community Legal & Advocacy Centre	CLC	21,333	21,802	22,238	22,683	23,136
Community Legal & Advocacy Centre	WRC	53,585	54,764	55,859	56,976	58,116
Consumer Credit Legal Service	CLC	53,560	54,738	55,833	56,949	58,088
Environmental Defenders Office (WA)	ELI	81,557	83,351	85,018	86,719	88,453
Geraldton Resource Centre	CLC	100,093	102,295	104,341	106,428	108,556
Geraldton Resource Centre	RWOL	82,665	84,484	86,173	87,897	89,655
Geraldton Resource Centre	ATSIP	80,828	82,606	84,258	85,944	87,662
Goldfields CLC	CLC	220,844	225,703	230,217	234,821	239,518
Gosnells CLC	CLC	116,384	118,944	121,323	123,749	126,224
Gosnells CLC	CSS	77,381	79,083	80,665	82,278	83,924
Kimberley CLS	CLC	221,974	226,857	231,394	236,022	240,742
Kimberley CLS	ATSIP	80,828	82,606	84,258	85,944	87,662
Multicultural Services Centre of WA Inc (North Per	CLC	105,291	107,608	109,760	111,955	114,194
Northern Suburbs CLC	CLC	175,375	179,234	182,818	186,475	190,204
Pilbara Legal Service	CLC	82,404	84,217	85,901	87,619	89,372
Pilbara Legal Service	RWOL	82,665	84,484	86,173	87,897	89,655
Pilbara Legal Service	ATSIP	80,828	82,606	84,258	85,944	87,662
Service (SCALES)	CLE	111,344	113,793	116,069	118,391	120,759
Sussex St. Community Law Service	CLC	110,256	112,681	114,935	117,234	119,578
Sussex St. Community Law Service	WRC	53,585	54,764	55,859	56,976	58,116
Sussex St. Community Law Service	DDL	114,333	116,849	119,186	121,569	124,001
Tenants Advice Service	CLC	121,997	124,681	127,175	129,718	132,313
Welfare Rights & Advocacy Service	WRC	170,366	174,114	177,596	181,148	184,771
Women's Law Centre (Women's Legal Services W	WLS	312,537	319,413	325,801	332,317	338,964
Youth Legal Service WA	CYL	73,300	74,912	76,411	77,939	79,498
WESTERN AUSTRALIA TOTAL		3,168,380	3,238,084	3,302,846	3,368,903	3,436,281
<u>TASMANIA</u>						
Environmental Defender's Office (TAS)	ELI	82,611	84,428	86,117	87,839	89,596
Hobart CLS	CLC	131,875	134,777	137,472	140,222	143,026
Bridgewater Satellite Service	CLC	82,105	83,911	85,590	87,301	89,047
Hobart CLS	WRC	53,579	54,758	55,853	56,970	58,110
Hobart CLS	CSS	77,381	79,083	80,665	82,278	83,924
Launceston CLS)	CLC	109,024	111,423	113,651	115,924	118,243
Launceston CLS	WRC	54,340	55,536	56,646	57,779	58,935

CCLSP ALLOCATION	Sub-Program	2004/05	2005-06 indexation	2006-07 est index'n	2007-08 est index'n	2008-09 est index'n
Launceston CLS	DDL	79,653	81,405	83,033	84,694	86,388
North West CLC	CLC	90,602	92,595	94,447	96,336	98,262
Tenants' Union of Tasmania	CLC	54,369	55,565	56,676	57,809	58,966
Women's Legal Service Tas	WLS	176,368	180,248	183,853	187,530	191,281
Pending reallocation	ATSIP	44,088	45,058	45,959	46,878	47,816
TASMANIA TOTAL		1,035,994	1,058,786	1,079,962	1,101,561	1,123,592
NORTHERN TERRITORY						
Springs	WLS	173,096	176,904	180,442	184,051	187,732
Darwin CLS Inc.	CLC	240,782	246,079	251,001	256,021	261,141
Darwin CLS Inc.	WRC	54,023	55,211	56,316	57,442	58,591
Darwin CLS Inc.	DDL	72,897	74,500	75,990	77,510	79,060
Environmental Defenders Office (NT)	ELI	80,378	82,146	83,789	85,465	87,174
Top End Women's Legal Service	WLS	172,930	176,734	180,269	183,874	187,551
Katherine Women's Information & Legal Service	WLS	70,196	71,741	73,175	74,639	76,132
NORTHERN TERRITORY TOTAL		864,301	883,315	900,982	919,001	937,381
AUSTRALIAN CAPITAL TERRITORY						
Canberra Welfare Rights and LC	CLC					
Canberra Welfare Rights and LC	WRC	212,878	217,561	221,913	226,351	230,878
Canberra Welfare Rights and LC	DDL	68,324	69,827	71,224	72,648	74,101
Environmental Defenders Office (ACT)	ELI	40,558	41,451	42,280	43,125	43,988
Women's Legal Centre (ACT & Region)	WLS	176,009	179,881	183,479	187,149	190,892
AUSTRALIAN CAPITAL TERRITORY TOTAL		497,770	508,721	518,895	529,273	539,859
National Children's & Youth Law Centre	CLC	152,301	155,652	158,765	161,940	165,179
COMMONWEALTH MANAGEMENT TOTAL		1,514,372	1,547,688	1,578,642	1,610,215	1,642,419
TOTAL FUNDING		21,297,007	21,765,541	22,200,852	22,644,869	23,097,767
ATSIP	ABORIGINAL AND TORRES STRAIT ISLAND PROJECT					
CLP	CIVIL LITIGATION PROGRAM					
CLC	GENERALIST CLC					
CSS	CHILD SUPPORT SERVICE					
CYL	CHILDREN AND YOUTH LAWYER INITIATIVE					
ELI	ENVIRONMENTAL LEGAL INITIATIVE					
DDL	DISABILITY DISCRIMINATION LEGAL SERVICES					
RWOL	RURAL WOMENS OUTREACH PROGRAM					
SWP	SATELLITE WOMENS PROJECT					
WRC	WELFARE RIGHTS CENTRE					
WLS	WOMENS LEGAL SERVICES					

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

Output 1.3

Question No. 232

Senator Ludwig asked the following question at the hearing on 23 May 2005:

- a) How much has the Copyright Law Review Committee cost in 2004/2005?
- b) What were these costs (eg secretariat support, travel, printing costs)?
- c) What remuneration was paid to the Committee members?
- d) What was the cost of the Copyright Law Review Committee in each of the years from 2000/2001 to 2003/2004?
- e) Will future references be provided to the Copyright Law Review Committee?

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

- a) The estimated total cost of the Copyright Law Review Committee in 2004-05 was \$289,330.
- b) These costs comprise the Committee Secretariat costs, ie a Principal Legal Officer, Legal Officer and an APS Level 3 at various times during the year. They do not include an estimate of the staff costs for the Attorney-General's Department representative on the Committee. In addition, they do not include costs associated with Committee Secretariat work performed by other officers of the Copyright Law Branch or IT, accommodation and other corporate services provided to the Committee.

The costs also include:

- Committee member remuneration (sitting fees)
- venue hire, meeting costs and incidentals
- domestic airfares, travel allowances and other costs associated with travel to meetings
- publications/printing and binding
- stationery
- library subscription, and
- phone/communication charges.

- c) The total remuneration paid to Copyright Law Review Committee members for 2004-05 was \$37,323. This amount was made up of daily sitting fees. The Attorney-General's Department representative on the Committee was not paid sitting fees.

- d) The estimated costs of the Copyright Law Review Committee in each of the financial years from 2000/2001 to 2003/2004 were:

2000/2001: \$161,602
2001/2002: \$269,752
2002/2003: \$211,272
2003/2004: \$224,305

The Committee Secretariat usually comprised a Principal Legal Officer, Legal Officer and APS Level 3 and the estimated costs are based on those positions in the Secretariat being occupied on a full time basis for each of the years. (The estimated costs exclude superannuation and on costs.) However, there were periods where the Secretariat did not employ some of these officers in a full time capacity (eg between references). Additionally, there were other times where work was performed by a contractor, or two Legal Officers were employed instead of one. There were also periods where some of the Committee Secretariat's work was performed by Copyright Law Branch employees, and Committee Secretariat employees assisted the Copyright Law Branch with other projects. Further, these costs do not include an estimate of the staff costs for the period when the Attorney-General's Department was represented on the Committee.

In view of the varying factors that affect the estimate of costs during the above periods, it would not be practicable to compile more precise estimates.

e) The Government has decided to discontinue the work of the Copyright Law Review Committee.

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

Output 1.1

Question No. 233

Senator Ludwig tabled the following question after the hearing on 23 May 2005:

- a) Is the Department aware of any private sector organisations (such as financial institutions) using a Form 15 marriage certificates for proof of identity purposes? Which organisations?
- b) Have any private sector organisations raised with the Attorney-General or the Attorney-General's Department specific concerns about the use of Form 15 certificates for proof of identity purposes?
- c) Can the Attorney advise if any Federal or State Government departments accept a Form 15 certificates as proof or partial proof of identity?

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

a) Under the Regulations to the *Financial Transaction Reports Act 1988* (FTR Act), it is permissible for an organisation to use a Form 15 marriage certificate which has a value of 25 points under what is known as 'the 100 point test' for proof of identity. The Department is not aware of the practices of private sector organisations using a Form 15 marriage certificate in applying this test.

b) The Department is not aware of any private sector organisations raising specific concerns with either the Attorney-General or the Department about the use of Form 15 certificates for proof of identity purposes. It is, however the Government's view that identification security is now of major importance across the country and that to leave open a possible loophole until after it is exploited would be inappropriate. From 1 September 2005 all marriage celebrants will be required to issue to marrying couples a Form 15 marriage certificate, which they have purchased from the approved supplier. These certificates will be printed with security features to protect them from misuse and will be readily traceable because all certificates will be individually numbered and records of their use will be kept.

c) The Department is not able to provide advice on the approach of State Government Departments to the acceptance of Form 15 marriage certificates as proof or partial proof of identity. The Department is anecdotally aware that some State Roads and Traffic Authorities accept Form 15 marriage certificates and that others now require a marriage certificate issued by a Registry of Births, Deaths and Marriages (BDM) to be produced by clients wishing to change the name on their driver's licence or vehicle registration.

The Department is aware of the following arrangements in certain Australian Government Departments:

- The Australian Tax Office does not accept marriage certificates as proof of identity.
- Centrelink only accepts BDM issued marriage certificates as proof of identity.
- The Australian Passports Office in the Department of Foreign Affairs and Trade uses the marriage certificate as evidence of change of name but only accepts the BDM issued marriage certificate.

- The Health Insurance Commission (HIC) accepts either a BDM issued marriage certificate or a Form 15 marriage certificate for Medicare. The HIC is requiring a BDM issued marriage certificate for Medicare smartcards presently being trialled in Tasmania.
- The Department of Immigration, Multicultural and Indigenous Affairs accepts either a BDM issued marriage certificate or a Form 15 marriage certificate for citizenship applications as evidence of a change of name from the name used when the person was born or arrived in Australia.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AGENCIES

Question No. 234

Senator Ludwig asked the following question at the hearing on 23 May 2005:

Legal services expenditure:

- a) What amount did the Agency spend during the financial year 2004/2005 on outsourced legal practitioners (including private firms, individuals, the Australian Government Solicitor, and any others)?
- b) What was the budgeted amount for outsourced legal practitioners in 2004/2005?
- c) What amount did the Agency spend on internal legal services? (Provide an estimate if exact amount is unavailable.)
- d) Does the Agency have an in-house legal section? If so, what was the 2004/2005 actual cost of this section? What was the budgeted amount for this section in 2004/2005? What is the budget amount for this section in 2005/2006?
- e) What is the total projected expenditure on legal services for 2005/2006 for the Agency?
- f) Which organisations or individuals were contracted to provide legal services to the Agency in 2004/2005?
- g) In each instance, how much was each organisation or individual paid for these services?
- h) Does the Agency use an open tendering or select tendering process (as described in the Commonwealth Procurement Guidelines, p 42) when procuring legal services?
- i) If a select tendering process is used: (a) which method of select tendering is used and (b) which firms or individuals are currently eligible to tender for legal services?
- j) If a multi-use list is used: (a) which firms or individuals are currently on that list and (b) when was the list last opened for applications?
- k) In 2004/2005 did the Agency obtain any legal services using a direct sourcing procurement process? If so, provide details including the name of the provider, the work involved and the cost?
- l) In 2004/2005 did the Agency procure any legal services under the thresholds required for 'covered procurements' (within the meaning of 8.6 of the Commonwealth Procurement Guidelines)? If so, provide details including the name of the provider, the work involved and the cost.
- m) In 2004/05 did the Agency contract any legal firms to provide services other than legal services (such as consulting, conduct of policy reviews etc)? If so, provide details including the name of the firm, the project involved and the cost of the contract.

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

The following agencies did not engage any legal services during the specified period –

Australasian Centre for Policing Research

Nil.

Australian Government Solicitor

Not applicable. The question appears to be directed at the departments and agencies that receive legal services under outsourced and/or in-house arrangements, rather than the legal practices, such as the Australian Government Solicitor (AGS) and private legal firms, that provide externally based legal services to government.

Australian Institute of Police Management

Nil

Copyright Tribunal

Nil

Defence Force Disciplinary Appeals Tribunal

Nil

Federal Police Disciplinary Tribunal

Nil

The following agencies did engage legal services during the specified period:

Administrative Appeals Tribunal (AAT)

- (a) \$46,845.58*.
- (b) The budgeted amount for outsourced legal practitioners in 2004-05 was \$15,000. This amount related to legal expenditure in relation to appeals to the Federal Court in respect of matters heard in the AAT. No specific amount was budgeted for in respect of legal services relating to property and contracting matters.
- (c) In 2004-05, the AAT commenced to represent itself when filing submitting appearances in appeals from matters heard in the AAT to the Federal Court where the AAT or a Member was named as a party to the proceedings. Principal Registry staff who are solicitors, attend to this work which involves the drafting and filing of a submitting appearance, attending on the first return date and then maintaining a watching brief on the matter. The Registrar acts as solicitor on the record. No time or cost is recorded against this activity although it is not expected to exceed the budgeted amount for representation which is described in the answer in paragraph (b) above of \$15,000.

- (d) See answer in paragraph (c).
- (e) The total projected expenditure amount for outsourced legal practitioners in 2005-06 is estimated to be \$50,000 (mainly due to additional legal services for assistance in relation to lease and contract negotiations).
- (f) The following organisations or individuals were contracted to provide legal services to the AAT in 2004-05 and the amounts paid are as follows:

Provider	Amount*
Australian Government Solicitor	\$36,801.21
Clayton Utz	\$ 4,732.47
Sparke Helmore	\$ 5,311.90
Total	\$46,845.58

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.
- (j) Not applicable.
- (k) No.
- (l) The following legal services were procured under the thresholds required for 'covered procurements' in 2004-05:

Provider	Nature of work	Amount*
Australian Government Solicitor	Provision of services in relation to representation of the AAT in appeals where the AAT or a Member is named as a party to the proceedings. under the <i>Administrative Decisions (Judicial Review) Act 1977</i> and the <i>Judiciary Act 1903</i> . In addition, the AGS has provided advice and assistance in relation to Canberra and Sydney lease negotiations and preparation of contracts for communications tender, case management system tender.	\$36,801.21
Clayton Utz	Representation in two appeals to the Federal Court – one involving a submitting appearance, the second a submitting appearance and where submissions were made at the invitation of the Federal Court.	\$ 4,732.47
Sparke Helmore	Representation in relation to a number of related appeals before the Federal Court	\$ 5,311.90

	where the AAT and Members were named as parties. The retainer of Sparke Helmore was terminated mid through the proceedings and the AAT represented itself until further parties were joined to the proceedings to enable a contradictor to be present. This action was taken to contain costs.	
Total		\$46,845.58

(m) No.

* As at 15 June 2005.

Australian Crime Commission (ACC)

- (a) \$236,718.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 was \$150,000.
- (c) The amount spent on internal legal expenses to May 2005 was \$1,715,161. This figure includes Salaries, On Costs and Expenses.
- (d) The ACC has an in-house legal section.

Actual cost in 2004-05	\$1,715,161
Budgeted amount for 2004-05	\$1,977,214
Budgeted amount for 2005-06	\$2,301,290

- (e) The total projected expenditure on external legal services for 2005-06 is \$260,000.
- (f) The following organisations or individuals were contracted to provide legal services to the ACC in 2004-05 and the amounts paid are as follows:

Provider	Amount
Attorney-General's Department	\$ 426
Australian Government Solicitor	\$124,919
Barristers' Clerking Services (Anthony Southall QC)	\$ 43,480
Dicker Matthew	\$ 1,595
Duncan's List (John Buxton)	\$ 2,591
G J Mcnaught Pty Ltd (Dr Stephen Donaghue)	\$ 14,955
Mark Hunter Barrister	\$ 2,170
Michael Green Pty Ltd (Dr S McNicol)	\$ 38,807
Middletons Lawyers (David Hartnett)	\$ 3,243
Neil Williams SC	\$ 3,632
Ralph Devlin	\$ 900
Total	\$236,718

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.
- (j) Not applicable. The ACC only uses in house solicitors or the Australian Government Solicitor as solicitors. It does use a range of barristers as indicated above. The ACC does not have a formal list of barristers it uses. It uses barristers which it considers have sufficient experience and expertise in the areas needed (criminal, administrative and constitutional matters). The ACC will expand the pool of barristers it uses as it becomes aware of barristers with sufficient experience and speciality. It is in the interests of the ACC to have as wide a pool as possible in order to ensure that someone is always available to represent the ACC (particularly at short notice).
- (k) No.
- (l) No.
- (m) No.

Australian Customs Service (Customs)

- (a) \$8,957,996.*
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 was \$7.5 million. The variation between the budget and the actual expenditure is explained by several large tenders, project consultation and increased legal costs for supporting core activities.
- (c) Nil. All Customs legal services are outsourced.
- (d) Customs has an in-house legal section provided under contract by the Australian Government Solicitor.

Actual cost in 2004-05	The actual costs will be reconciled with the budgeted costs in July 2005.
Budgeted amount for 2004-05	\$2,200,000
Budgeted amount for 2005-06	The budget for 2005-06 will be determined in July based on movement in the appropriate economic indicator.

- (e) The total projected expenditure on external legal services for 2005-06 is \$7.57 million.

- (f) The following organisations or individuals were contracted to provide legal services to Customs in 2004-05 and the amounts paid are as follows*:

Provider	Amount
Australian Government Solicitor	\$8,458,129
Blake Dawson Waldron	\$ 82,264
Clayton Utz	\$ 271,345
Dibbs Barker Gosling	\$ 119,517
Hunt and Hunt	\$ 26,741
Total	\$8,957,996

- (g) See answer in paragraph (f) above.
- (h) Customs used an open tendering process to appoint law firms to its legal panel.
- (i) Not applicable.
- (j) Not applicable.
- (k) In 2004-05 Customs used Direct Procurement to contract legal services from the Australian Government Solicitor for core business:

Provider	Nature of work	Amount
Australian Government Solicitor	In-house services to provide legal advice on “core matters	\$2,200,000
Australian Government Solicitor	Provision of legal services to Customs regions for prosecutions, operational activities and other matters.	\$6,258,129

- (l) The following legal services were procured under the thresholds required for ‘covered procurements’ in 2004-05*:

Provider	Nature of work	Amount
Hunt and Hunt	Legal advice	\$ 26,741

- (m) This information is held on individual issue files within Customs and would require a significant diversion of resources to process.

*As at 20 June 2005.

Australian Federal Police (AFP)

- (a) \$1,125,047.*
- (b) The AFP does not allocate a specific budget for the provision of outsourced legal practitioners. This is because the requirement to engage external legal practitioners is very often dependant on circumstances outside the control of the AFP, such as legal proceedings initiated against the AFP. The AFP does allocate a budget for compensation and legal expenses which includes a provision for outsourced legal practitioner expenses. In the financial year 2004-05 the budget was \$4,248,056.
- (c) As at 20 June 2005, the AFP recorded an expenditure of \$1,731,280 for internal legal services. This figure includes cost components for salaries, recreation leave, long service leave, superannuation, workers compensation, office running expenses, training expenses and travel expenses. The AFP maintains offices to assist in prosecution and judicial support and summons and subpoena preparations. The costs of these offices are not reflected in the AFP legal expenditure.
- (d) The AFP has an in-house legal section.

Actual cost in 2004-05	\$1,731,280
Budgeted amount for 2004-05	\$1,859,698
Budgeted amount for 2005-06	Not finalised

- (e) The 2005-06 financial budget has not been finalised.
- (f) The following organisations or individuals were contracted to provide legal services to the AFP in 2004-05 and the amounts paid are as follows*:

Provider	Amount
Australian Government Solicitor	\$ 872,369
Blake Dawson Waldron	\$ 18,312
Clayton Utz	\$ 77,617
Dibbs Barker Gosling	\$ 16,496
Dr Renwick	\$ 26,924
Bradley Allen Lawyers	\$ 3,842
Mallesons Stephen Jaques	\$ 450
Ken Archer, Barrister	\$ 109,037
Total	\$1,125,047

- (g) See answer in paragraph (f) above.
- (h) No. The AFP does not use an open tendering or select tendering process. The AFP has a single preferred supplier arrangement with the Australian Government Solicitor. That arrangement will conclude during the financial year 2005-06, when an open tender procurement will be conducted. During 2004-05, the AFP used a select tender process on

one occasion for the provision of legal services regarding the relocation of the AFP Headquarters.

- (i) Not applicable.
- (j) Not applicable.
- (k) The AFP has a single preferred supplier arrangement with the Australian Government Solicitor. However, the AFP used a direct sourcing procurement process on three occasions in financial year 2004-05:

Provider	Nature of work	Amount
Bradley Allen Lawyers	Legal advice	\$ 3,842
Ken Archer, Barrister	Advice and appearance for the AFP in the ACT Coroner's Court proceedings into the ACT Bushfire	\$109,037
Blake Dawson Waldron	Legal advice	\$ 18,312

- (l) No.
- (m) The following firms or persons were engaged by the AFP to provide services other than legal services in 2004-05:

Provider	Nature of work	Amount
Ken Archer, Barrister	Legal training to AFP	\$19,800

* As at 20 June 2005.

Australian Institute of Criminology (AIC) and Criminology Research Council (CRC)

- (a) The AIC: \$7,502; the CRC: Nil.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the AIC was \$5,000. The budgeted amount for outsourced legal practitioners for 2004-05 for the CRC was Nil.
- (c) Nil.
- (d) No.
- (e) The total projected expenditure on external legal services for 2005-06 is for the AIC is \$10,000. The total projected expenditure on external legal services for 2005-06 is for the CRC is Nil.

- (f) The following organisations or individuals contracted to provide legal services in 2004-05 and the amounts paid were as follows:

Agency	Provider	Amount
AIC	Australian Government Solicitor	\$7,502
CRC	Nil	Nil

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.
- (j) Not applicable.
- (k) Direct Sourcing/Engagement process has been used in each instance as a response was needed quite urgently (as per paragraph 8.65(b) of the Commonwealth Procurement Guidelines) and the expected cost of providing an open tender process would not have provided any further value for money. The following legal services were obtained by the AIC by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	FOI Inquiry	\$542
Australian Government Solicitor	Intellectual Property Policy advice	\$2,619
Australian Government Solicitor	Advice on current building lease arrangements and future accommodation requirements	\$4,341

- (l) The following legal services were obtained by the AIC under the thresholds required for 'covered procurements' in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	FOI Inquiry	\$542
Australian Government Solicitor	Intellectual Property Policy advice	\$2,619
Australian Government Solicitor	Advice on current building lease arrangements and future accommodation requirements	\$4,341

- (m) The following firms or persons were engaged by the AIC to provide services other than legal services in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Intellectual Property Policy advice	\$2,619

No firms or persons were engaged by the CRC to provide services other than legal services in 2004-05

Australian Law Reform Commission (ALRC)

- (a) \$766.15.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the ALRC was \$2,000.
- (c) Nil.
- (d) No.
- (e) The total projected expenditure on external legal services for 2005-06 is for the ALRC is \$2000.
- (f) The following organisations or individuals were contracted to provide legal services to the ALRC in 2004-05 and the amounts paid are as follows:

Provider	Amount
Australian Government Solicitor	\$766.15

- (g) See answer in paragraph (f) above.
- (h) No. The ALRC does not use an open tendering process because it has a small requirement for legal advice.
- (i) Not applicable.
- (j) Not applicable.
- (k) The following legal services were obtained the ALRC by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Resolution of a legal dispute	\$766.15

- (l) No.
- (m) No.

Australian Security Intelligence Organisation (ASIO)

- (a) ASIO does not publish financial data below Organisational level for reasons of national security.
- (b) ASIO does not publish financial data below Organisational level for reasons of national security.
- (c) ASIO does not publish financial data below Organisational level for reasons of national security.
- (d) Yes. ASIO does not publish financial data below Organisational level for reasons of national security.
- (e) ASIO does not publish financial data below Organisational level for reasons of national security.
- (f) The Australian Government Solicitor was contracted to provide legal services to ASIO for 2004-05. On one occasion, ASIO briefed counsel directly, together with another Australian Government agency.
- (g) ASIO does not publish financial data below Organisational level for reasons of national security.
- (h) ASIO has not used an open tendering or select tendering process when procuring legal services in recent years. In accordance with paragraph 2 of the Legal Services Directions (issued by the Attorney-General pursuant to section 55ZF of the *Judiciary Act 1903*) work relating to national security is tied to the Australian Government Solicitor. Though not all of ASIO's legal issues are of a national security nature, the bulk of the ASIO's outsourced legal work has been 'tied' work, and the practice in recent years has been to refer all outsourced legal work to the Australian Government Solicitor.
- (i) Not applicable.
- (j) ASIO's practice in recent years has been to direct source all outsourced legal services from the Australian Government Solicitor.
- (k) Yes. As noted above, the ASIO's practice in recent years has been to direct source all outsourced legal services from the Australian Government Solicitor.
- (l) In 2004-05, ASIO approved a number of procurements of legal services from the Australian Government Solicitor under the covered procurement threshold of \$80,000. ASIO considers that details about its individual contracts should be protected because the disclosure of this material could reasonably be expected to cause damage to national security.
- (m) No.

Australian Transaction Reports and Analysis Centre (AUSTRAC)

- (a) \$106,078.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for AUSTRAC was \$96,000.
- (c) Nil.
- (d) No.
- (e) The total projected expenditure on external legal services for 2005-06 is for AUSTRAC is \$272,000.
- (f) The following organisations or individuals were contracted to provide legal services to AUSTRAC in 2004-05 and the amounts paid are as follows:

Provider	Amount
Australian Government Solicitor	\$106,078

- (g) See answer in paragraph (f) above.
- (h) AUSTRAC will use an open or select tendering process if appropriate. However, neither process was used during 2004-05 as either the value of each engagement did not justify the expense or delay associated with seeking tender or the work was tied to Australian Government Legal providers.
- (i) Not applicable.
- (j) Not applicable.
- (k) The following legal services were obtained by the AUSTRAC by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Legal advice	\$ 4,474
Australian Government Solicitor	Legal advice	\$ 9,914
Australian Government Solicitor	Legal advice	\$13,576
Australian Government Solicitor	Legal advice	\$ 4,117
Australian Government Solicitor	Legal advice	\$ 511
Australian Government Solicitor	Legal advice	\$ 5,048
Australian Government Solicitor	Legal advice	\$ 5,509

Australian Government Solicitor	Legal advice	\$ 4,158
Australian Government Solicitor	Legal advice	\$ 5,066
Australian Government Solicitor	Legal advice	\$ 2,576
Australian Government Solicitor	Legal advice	\$ 4,580
Australian Government Solicitor	Legal advice	\$ 1,155
Australian Government Solicitor	Legal advice	\$ 1,368
Australian Government Solicitor	Legal advice	\$ 369
Australian Government Solicitor	Legal advice	\$ 320
Australian Government Solicitor	Legal advice	\$ 672
Australian Government Solicitor	Legal advice	\$ 1,601
		\$ 64
Australian Government Solicitor	Drafting and Legal advice	\$41,000

(l) No.

(m) No.

CrimTrac

(a) \$135,900*.

(b) The budgeted amount for outsourced legal practitioners for 2004-05 for CrimTrac was \$187,273.

(c) Nil.

(d) No.

(e) The total projected expenditure on external legal services for 2005-06 is for CrimTrac is \$190,750.

- (f) The following organisations or individuals were contracted to provide legal services to CrimTrac in 2004-05 and the amounts paid are as follows:

Provider	Amount*
Australian Government Solicitor	\$134,706
Corrs Chambers Westgarth	\$ 1,194
Total	\$135,900

- (g) See answer in paragraph (f) above.(h) No.
- (i) Not applicable.
- (j) Not applicable.
- (k) The following legal services were obtained by the CrimTrac by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount*
Australian Government Solicitor	Contract advice	\$2,938
Australian Government Solicitor	Access to IPND	\$2,064
Australian Government Solicitor	Advice on disclosure of information	\$1,374
Australian Government Solicitor	Exchange of information update	\$20,787
Australian Government Solicitor	Intellectual property	\$7,010
Australian Government Solicitor	ISP tender	\$1,320
Australian Government Solicitor	MV allowances on leased vehicles	\$5,890
Australian Government Solicitor	NCHRC MOU	\$32,164
Australian Government Solicitor	NCIDD agreement	\$5,823
Australian Government Solicitor	NCIDD – DNA profiles	\$35,567
Australian Government Solicitor	NCIDD – Northern Territory	\$2,541
Australian Government Solicitor	NCIDD - South Australia	\$1,534
Australian Government Solicitor	NCIDD - Tasmania	\$2,145
Australian Government Solicitor	NEVDIS participation agreement	\$2,601
Australian Government Solicitor	Review RFT & contract templates	\$3,267

Australian Government Solicitor	Contract advice	\$4,776
Australian Government Solicitor	Teachers Registration & Standards Act 2004	\$2,905
Corrs Chambers Westgarth	Copyright fees	\$1,194

CrimTrac has not undertaken a legal services covered procurement since introduction of the revised Commonwealth Procurement Guidelines. CrimTrac's legal services are primarily obtained from the Australian Government Solicitor. The agency's requirements are infrequent and often involve Commonwealth and state or territory legal matters for which the Australian Government Solicitor is a recognized expert.

(l) See answer in paragraph (k) above.

(m) No.

* Exclusive of GST.

Director of Public Prosecutions

(a) \$16,165.62.

(b) The function of the Director of Public Prosecutions is to carry out criminal prosecutions and related proceedings and the whole Director of Public Prosecutions budget is directed to that purpose. The Director of Public Prosecutions spent \$16,165.62 on other legal services obtained in accordance with the Legal Services Directions.

(c) See answer in paragraph (b) above.

(d) See answer in paragraph (b) above.

(e) See answer in paragraph (b) above.

(f) The following organisations or individuals were contracted to provide legal services to the Director of Public Prosecutions in 2004-05 and the amounts paid are as follows:

Provider	Amount
Australian Government Solicitor	\$ 5,100.50
Minter Ellison	\$11,065.12
Total	\$16,165.62

(g) See answer in paragraph (f) above.

(h) See answer in paragraph (b) above.

(i) See answer in paragraph (b) above.

(j) See answer in paragraph (b) above.

(k) See answer in paragraph (b) above.

- (l) The following legal services were procured under the thresholds required for 'covered procurements' in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Legal advice on contracts	\$ 5,100.50
Minters	Legal advice on contracts	\$11,065.12
Total		\$16,165.62

- (m) No.

Family Court of Australia

- (a) \$101,085*.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the Family Court of Australia was \$66,720.
- (c) The amount spent on Internal Legal Expenses was \$87,541. This consisted of the salary cost for the Family Court of Australia's internal legal services.
- (d) The Family Court of Australia has an in-house legal section.

Actual cost in 2004-05	\$87,541
Budgeted amount for 2004-05	\$87,541
Budgeted amount for 2005-06	\$91,043

- (e) The total projected expenditure on external legal services for the Family Court of Australia in 2005-06 is \$163,043.
- (f) The Family Court of Australia has a Legal Services Panel which consists of six firms. Terry Murphy SC and the following four of the six panel firms were contracted in 2004-05 to provide legal services to the Family Court of Australia and the amounts paid are as follows:

Provider	Amount*
Terry Murphy SC	\$ 3,300
Australian Government Solicitor	\$40,734
Minter Ellison Lawyers	\$44,483
Pigott Wood & Baker	\$ 3,910
Taussig & Cherrie	\$ 8,658
Total	\$101,085

- (g) See answer in paragraph (f) above.
- (h) The Family Court of Australia uses the open tendering process.
- (i) Not applicable.
- (j) Not applicable.

- (k) The following legal services were obtained by the Family Court of Australia by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount*
Terry Murphy SC	Legal advice on fringe benefits tax.	\$3,300

- (l) No.

- (m) No.

* As at May 2005.

Federal Court of Australia

- (a) \$54,961.

- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the Federal Court of Australia was \$49,671.

- (c) Not applicable.

For the purposes of responding to this question, it is assumed that internal legal services refers to legal advice and representation provided by legal staff of the Court in connection with the administration or management of the Court as distinct from the work performed by the registrars of the Court in relation to proceedings, or possible proceedings, before the Court. It is also assumed not to refer to the provision of legal policy advice, preparation of Rules of Court and related matters.

- (d) No.

- (e) The total projected expenditure on external legal services for 2005-06 is for the Federal Court of Australia is \$51,359.

- (f) The following organisations or individuals were contracted to provide legal services to the Federal Court of Australia in 2004-05 and the amounts paid are as follows:

Provider	Amount
Australian Government Solicitor	\$54,961

- (g) See answer in paragraph (f) above.

- (h) No. Open Tendering or Select tendering processes are prescribed under the Mandatory Procurement Procedures for Covered Procurement at Division 2 of the Commonwealth Procurement Guidelines. The engagement of an expert or neutral person, including engaging a solicitor or barrister, for any current or anticipated litigation or dispute, is exempt from the Mandatory Procurement Procedures (refer Appendix B Item 8). The Federal Court of Australia has not established a panel arrangement for procuring legal services.

- (i) Not applicable.

- (j) Not applicable.
- (k) Yes. The Federal Court of Australia engages legal services infrequently, usually as a matter of some urgency, and generally on the basis of highly specialised requirements. Accordingly, direct sourcing represents an efficient procurement process in these circumstances.

As noted in the answers in paragraphs (f) and (g) above, in 2004-05 the Federal Court of Australia engaged the Australian Government Solicitor on a number of occasions at a total cost of \$54,961.

- (l) All of the legal services procured by the Federal Court of Australia in 2004-05 were under the threshold. See answers in paragraphs (f), (g) and (k) above.

The legal services involved debt recovery, legal representation for submitting an appearance in cases where a Federal Court Judge has made a party to a proceeding in the High Court and advice on the Federal Court of Australia's rule making powers.

- (m) No.

Federal Magistrates Court

- (a) \$25,509.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the Federal Magistrates Court was \$34,000.
- (c) Nil.
- (d) No.
- (e) The total projected expenditure on external legal services for 2005-06 is for the Federal Magistrates Court is \$40,000.
- (f) The following organisations or individuals were contracted to provide legal services to the Federal Magistrates Court in 2004-05 and the amounts paid are as follows:

Provider	Amount
Australian Government Solicitor	\$22,799
Minter Ellison	\$ 2,710
Total	\$25,509

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.
- (j) Not applicable.

- (k) The following legal services were obtained by the Federal Magistrates Court by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Legal advice	\$22,799
Minter Ellison	Contractual advice	\$ 2,710

- (l) The following legal services were procured under the thresholds required for 'covered procurements' in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Legal advice	\$22,799
Minter Ellison	Contractual advice	\$ 2,710

- (m) No.

High Court of Australia

- (a) \$8,350.99.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the High Court of Australia was \$10,000.00.
- (c) Nil.
- (d) No.
- (e) The total projected expenditure on external legal services for 2005-06 is for the High Court of Australia is \$5,000.00.
- (f) The following organisations or individuals were contracted to provide legal services to the High Court of Australia in 2004-05 and the amounts paid are as follows:

Provider	Amount
Australian Government Solicitor	\$8,350.99

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.
- (j) Not applicable.

- (k) The Australian Government Solicitor is the High Court of Australia 's exclusive legal service provider.
- (l) Not applicable.
- (m) No.

Human Rights and Equal Opportunity Commission (HREOC)

- (a) \$44,105*.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for HREOC was \$30,000 for the use of barristers involved in intervention processes. Otherwise, funding was allocated on a needs basis.
- (c) The amount spent on Internal Legal Expenses was \$674,920* (excluding costs of redundancies, superannuation and long service leave which are funded as corporate overheads and excluding costs of outsourced providers).
- (d) HREOC has an in-house legal section.

Actual cost in 2004-05*	\$674,920
Budgeted amount for 2004-05	\$961,082
Budgeted amount for 2005-06	The 2005-06 internal budget has not yet been finalised.

- (e) The total projected expenditure on external legal services for 2005-06 for HREOC is expected to be similar to that which occurred in the 2004-05 year. The 2004-05 year to date result is considerably less than the pro-rata 2004-05 budgeted year to date result (with a 2004-05 budget base of \$961,082 which includes provision for outsourced providers). This variance from budget reflects the impact of the cuts to legal staffing which occurred during the 2004-05 year. These savings are expected to be carried forward at the current level into 2005-06.
- (f) The following organisations or individuals were contracted to provide legal services to HREOC in 2004-05 and the amounts paid are as follows:

Provider	Amount*
Clayton Utz	\$ 7,581
Australian Government Solicitor	\$ 4,790
Ms Rachel Pepper	\$10,827
Mr Jeremy Kirk	\$10,059
Minter Ellison	\$ 3,512
Sashi Maharaj	\$ 1,773
G.J McNaught Pty Ltd for services of Melanie Young	\$ 5,563
Total	\$44,105

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.
- (j) Not applicable.
- (k) No.
- (l) See answer in paragraph (f) above. The engagement of an expert or neutral person including engaging counsel or barristers for any current or anticipated litigation or dispute is explicitly exempt under Appendix B (8) from the provisions of 8.6 of the Commonwealth Procurement Guidelines.
- (m) No.

*As at 31 May 2005.

Insolvency and Trustee Service Australia (ITSA)

- (a) \$448,210*.
- (b) ITSA's budget does not have a detailed breakdown to a level that provides a budgeted amount for outsourced legal practitioners.
- (c) The amount spent on Internal Legal Expenses was an estimated \$655,624 comprising salary and other employee costs and related administrative costs spent by those legally qualified employees.
- (d) Yes. ITSA has a Legal and Practice Support section.

Estimated cost in 2004-05	\$655,624
Budgeted amount for 2004-05	\$633,701
Proposed budgeted amount for 2005-06**	\$647,833

** ITSA's internal budget allocations for 2005-06 have yet to be finalised at the time of completing this answer.

- (e) The detail supporting ITSA's budget for 2005-06 does not enable a breakdown to be given to cover total projected expenditure on legal services for that year in the context of these questions.
- (f) ITSA does not contract for the provision of legal services with outsourced legal practitioners, in the sense of an ongoing contract or retainer, as indicated in the answer to sub-question h below. Due to the manner in which details of expenditure to outsourced legal practitioners are recorded and maintained and the staff time and other costs associated with obtaining the names of those practitioners, responding to this sub-question in the detail

it requires would entail a significant reallocation of public resources that cannot be justified in the public interest.

- (g) Similarly, due to the staff time and other costs associated with researching and reporting the respective amounts paid to each outsourced legal practitioner, responding to this sub-question in the detail it requires would entail a significant reallocation of public resources that cannot be justified in the public interest.
- (h) ITSA does not use an open tendering or select tendering process when procuring legal services. Given the specialised nature of insolvency practice, each state ITSA office ordinarily briefs either the Australian Government Solicitor or a legal firm with recognised expertise in insolvency and related work. Due to the potential for the relatively small number of insolvency legal service providers to have a conflict of interest, and the narrow and specialised area of law involved, a number of legal firms are briefed from time to time. The national office and the Bankruptcy Regulation branch ordinarily brief the Australian Government Solicitor.
- (i) Not applicable.
- (j) Not applicable.
- (k) No.
- (l) During 2004-05, ITSA would have procured legal services under the 'Covered Procurements' threshold in some of the instances covered in the answers in paragraphs (f) & (h) above. As indicated in the answer in paragraph (f), the staff time and other costs associated with researching and reporting on that information would entail a significant reallocation of public resources that cannot be justified in the public interest.
- (m) No.

* As at 16 June 2005.

Office of Film and Literature Classification (OFLC)

- (a) \$64,400*.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the OFLC was \$77,000.
- (c) The amount spent on Internal Legal Expenses was an estimated \$36,500.
- (d) No. In 2004-05 the OFLC had one legal practitioner but did not have an in-house legal unit operating as a business activity and charging for services.
- (e) The total projected expenditure on external legal services for 2005-06 for the OFLC is \$79,200.
- (f) The following organisations or individuals were contracted to provide legal services to the OFLC in 2004-05 and the amounts paid are as follows:

Provider	Amount*
Australian Government Solicitor	\$64,400

- (g) See answer in paragraph (f) above.
- (h) In procuring legal services, the OFLC applies the Commonwealth Procurement Guidelines, Attorney-General's Department Purchasing Legal Services guidelines and the Attorney-General's Department Legal Services Directions.

Select or open tendering is used when procuring services exceeding the covered procurement threshold amount of \$80,000. To date the OFLC has never obtained legal services which exceeds the covered procurement threshold of \$80,000. Most legal services procurements by the OFLC are small in value (less than \$10,000 each) and relate to advice on interpretation of legislation administered by the OFLC, in which case the OFLC uses the Australian Government Solicitor.

- (i) See answer in paragraph (h) above.
- (j) No.
- (k) The following legal services were obtained by the OFLC by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount*
Australian Government Solicitor	This has covered advices in approximately 24 matters, including 2 matters in which the OFLC engaged the Australian Government Solicitor to act in Administrative Appeals Tribunal proceedings. The work has been mainly one of legislative interpretation and each procurement has been small in value (less than \$10,000).	\$64,400

- (l) See answer in paragraph (k) above.
- m) No.

* As at 31 May 2005.

Office of Parliamentary Counsel (OPC)

- (a) \$6,552.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the OPC was \$2,810.
- (c) Nil.
- (d) No.
- (e) The total projected expenditure on external legal services for 2005-06 for the OPC is \$6,000.

- (f) The following organisations or individuals were contracted to provide legal services to the OPC in 2004-05 and the amounts paid are as follows:

Provider	Amount*
Australian Government Solicitor	\$6,552

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.
- (j) Not applicable.
- (k) No.
- (l) No.
- (m) No.

Office of the Privacy Commissioner

- (a) \$83,200*.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the Office of the Privacy Commissioner was \$71,618.
- (c) Nil.
- (d) No.
- (e) The total projected expenditure on external legal services for 2005-06 for the Office of the Privacy Commissioner is expected to be similar to that which occurred in 2004-05.
- (f) The following organisations or individuals were contracted to provide legal services to the Office of the Privacy Commissioner in 2004-05 and the amounts paid are as follows:

Provider	Amount*
The Human Rights and Equal Opportunity Commission	\$63,946
Australian Government Solicitor	\$10,528
Stephen Gageler SC	\$ 8,726
Total	\$83,200

- (g) See answer in paragraph (f) above.
- (h) No.
- (i) Not applicable.

- (j) Not applicable.
- (k) No.
- (l) Legal Services below the thresholds for a covered procurement were entered into as indicated in the answer in paragraph (f) above.

However the engagement of an expert or neutral person including engaging counsel or barristers for any current or anticipated litigation or dispute is explicitly exempt under Appendix B (8) from the provisions of 8.6 of the Commonwealth Procurement Guidelines.

- (m) No.

* As at 31 May 2005 (excluding GST).

National Native Title Tribunal (NNTT)

- (a) \$59,861*.
- (b) The budgeted amount for outsourced legal practitioners for 2004-05 for the NNTT was \$38,000.
- (c) The amount spent on Internal Legal Expenses was \$534,003**.
- (d) Yes. The NNTT has a Legal and Practice Support Section.

Estimated cost in 2004-05**	\$534,003
Budgeted amount for 2004-05	\$711,737
Budgeted amount for 2005-06	\$659,428

- (e) The total projected expenditure on external legal services for 2005-06 is for the NNTT is \$732,428.
- (f) The following organisations or individuals were contracted to provide legal services to the NNTT in 2004-05 and the amounts paid are as follows:

Provider	Amount*
Andrew Beech (Counsel)	\$ 350
Australian Government Solicitor	\$37,085
Ebsworth & Ebsworth	\$10,000
Gadens Lawyers	\$ 3,185
Michael Neal Lawyers	\$ 4,104
Minter Ellison	\$ 5,137
Total	\$59,861

- (g) See answer in paragraph (f) above.
- (h) No. Expressions of interest where appropriate.

- (i) Where expressions of interest are sought they are usually done on a limited basis depending upon whether the firm is free from a conflict of interest and has the necessary skills and knowledge in the area of law (in native title law). It should be noted that the Australian Government Solicitor has determined that it is likely to have a conflict of interest in native title matters because the Commonwealth may wish to become a party or intervene in a native title matter. In addition, native title matters may have many if not hundreds of respondent parties. In these matters most law firms with native title experience have a conflict of interest because they already represent a party to the proceeding. The firm(s) to be used in native title matters therefore is determined on a case by case basis taking into account the issues raised above.
- (j) Not applicable.
- (k) The following legal services were obtained by the NNTT by using a direct procurement process in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Legal advice and litigation in various matters.	\$37,085
Minter Ellison	Judicial review	\$ 5,137
Michael Neal Lawyers	Judicial review	\$ 4,104

- (l) The following legal services were procured by the NNTT under the thresholds required for 'covered procurements' in 2004-05:

Provider	Nature of work	Amount
Andrew Beech (Counsel)	Legal advice	\$ 350
Australian Government Solicitor	Legal advice and litigation in various matters.	\$37,085
Ebsworth & Ebsworth	Legal advice	\$10,000
Gadens Lawyers	Judicial review	\$ 3,185
Michael Neal Lawyers	Judicial review	\$ 4,104
Minter Ellison	Judicial review	\$ 5,137

- (m) No.

* Figures include disbursements and exclude GST.

**As at 31May 2005.

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

Question No. 235

Senator Ludwig asked the following question at the hearing on 24 May 2005:

Legal service expenditure:

- (a) What amount did the Department spend during the financial year 2004/2005 on outsourced legal practitioners (including private firms, individuals, the Australian Government Solicitor, and any others)?
- (b) What was the budgeted amount for outsourced legal practitioners in 2004/2005?
- (c) What amount did the Department spend on internal legal services? (Provide an estimate if exact amount is unavailable.)
- (d) Does the Department have an in-house legal section? If so, what was the 2004/2005 actual cost of this section? What was the budgeted amount for this section in 2004/2005? What is the budget amount for this section in 2005/2006?
- (e) What is the total projected expenditure on legal services for 2005/2006 for the Department?
- (f) Which organisations or individuals were contracted to provide legal services to the Department in 2004/2005?
- (g) In each instance, how much was each organisation or individual paid for these services?
- (h) Does the Department use an open tendering or select tendering process (as described in the Commonwealth Procurement Guidelines, p 42) when procuring legal services?
- (i) If a select tendering process is used: (a) which method of select tendering is used and (b) which firms or individuals are currently eligible to tender for legal services?
- (j) If a multi-use list is used: (a) which firms or individuals are currently on that list and (b) when was the list last opened for applications?
- (k) In 2004/2005 did the Department obtain any legal services using a direct sourcing procurement process? If so, provide details including the name of the provider, the work involved and the cost?
- (l) In 2004/2005 did the Department procure any legal services under the thresholds required for 'covered procurements' (within the meaning of 8.6 of the Commonwealth Procurement Guidelines)? If so, provide details including the name of the provider, the work involved and the cost.
- (m) In 2004/05 did the Department contract any legal firms to provide services other than legal services (such as consulting, conduct of policy reviews etc)? If so, provide details including the name of the firm, the project involved and the cost of the contract.

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

- (a) \$5,181,874.03. This excludes amounts of legal expenditure relating to the *United Nations Convention on the Recovery Abroad of Maintenance*, the *United Nations Convention on the Civil Aspects of International Child Abduction* and international obligations under various bilateral maintenance arrangements. These are recorded separately because they do not constitute the purchase of legal services by the Department for itself. Rather, they arise as the Department pays for legal services that benefit other parties as a result of obligations under international agreements.
- (b) The budgeted amount for outsourced legal practitioners in 2004-05 was \$6.06M. This consists of approximately \$0.5M allocated for obligations under the international agreements referred to in paragraph (a) and \$5.56M for legal services purchased by the Department for itself.
- (c) The Department does not have a separate legal services branch as such. Within the Department, there are units that provide both internal and external services, principally the Office of International Law, the Office of Legislative Drafting and Publishing, and the Counsel assisting the Solicitor-General. Legal services are provided at no cost to the areas of the Department receiving the services. There is no billing arrangement for internal legal services and separate records are not kept about this expenditure. These expenses are treated as part of the aggregate of staffing costs for the Department.

An estimate of the cost of internal legal services has been derived from an assessment of the number of staff involved in providing internal legal services and the proportion of their time involved in providing those services. The staff of the Office of International Law devoted to providing internal legal services are the full time equivalent of 0.5 of an APS3, 1.0 Legal Officer, 1.0 Senior Legal Officer, 1.0 Principal Legal Officer and 0.5 of an SES Officer. The staff of the Office of Legislative Drafting and Publishing devoted to providing internal legal services are the full time equivalent of 0.2 of a Legal Officer, 1.0 Senior Legal Officer, 0.3 of a Principal Legal Officer and 0.1 of an SES Officer. 0.5 full time equivalent of the Counsel assisting the Solicitor-General (a Principal Legal Officer) is devoted to providing legal services to the Department.

The cost of internal legal services was then estimated based on salary levels for these positions and increased by a factor reflecting typical staffing and other overheads within the Department.

By this method, it is estimated that approximately \$0.95M was spent on internal legal services by the Department in 2004-05 and approximately \$0.99M is expected to be spent in 2005-06.

In addition, the costs of the Solicitor-General (including salary) are met by the Department.

- (d) See answer in paragraph (c).
- (e) The total projected expenditure amount for outsourced legal practitioners in 2005-06 has not been finalised but a preliminary estimate is \$6.4M. Of this, approximately \$0.6M would be for obligations under the international agreements referred to in paragraph (a) and approximately \$5.8M for the purchase of legal services by the Department for itself.

- (f) The following organisations or individuals were contracted to provide legal services to the Department in 2004-05 and the amounts paid are as follows:

Australian Government Solicitor	\$5,069,620.15*
Commonwealth Director Of Public Prosecutions	\$ 95,893.88
Ian Leader-Elliott	\$ 1,700.00
Robert James Ellicott QC	\$ 14,560.00
Peter Bayne	\$ 100.00
Blake Dawson Waldron	\$ 0.00**
Total	\$5,181,874.03

* This amount includes amounts paid to barristers engaged by the Australian Government Solicitor on behalf of the Department.

** Payment is expected to be made in 2005-06.

- (g) See answer in paragraph (f) above.
- (h) The Department currently does not use a tendering process for the procurement of legal services. The Department purchases most of its externally sourced legal services from the Australian Government Solicitor (AGS) under an agreement that has been in effect since 1 January 2005 and expires on 30 June 2006. The Department is currently considering whether to use an open tender process, select tender process or multi use list for the procurement of legal services following the expiry of that agreement.
- (i) See answer in paragraph (h) above.
- (j) See answer in paragraph (h) above.
- (k) See answer in paragraph (h) above.
- (l) The following legal services were procured under the thresholds required for 'covered procurements' in 2004-05:

Provider	Nature of work	Amount
Ian Leader-Elliott	Legal advice	\$ 1,700
Robert James Ellicott QC	Legal advice	\$ 14,560
Peter Bayne	Advising the Attorney-General's delegate under Part 1B of the <i>Crimes Act 1914</i>	\$ 100
Blake Dawson Waldron	Legal advice	\$ 6,890

- (m) The following firms were engaged by the Department to provide services other than legal services in 2004-05:

Provider	Nature of work	Amount
Australian Government Solicitor	Training provided to staff of International Crime Branch	\$ 3,041

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

Output CSG

Question No. 236

Senator Ludwig asked the following question at the hearing on 23 May 2005:

A follow-up to QoN 22 CSG from December 2004:

Regarding the employees that your department or agency has identified as having:

- a) fluency
- b) accredited translator
- c) accredited interpreter

Of these employees, please indicate what the department is doing in order to make full use of its employees skills in this regard, and please provide a breakdown of this between employees whose accreditation was paid for by the department and those whose were not?

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

As previously advised in December 2004, information in relation to employees language skills is provided on a voluntary basis and is not a mandatory requirement for employment within the Attorney-General's Department.

When the need for specialised language skills arises in the organisation the skills are identified internally through an "All staff email", a known employee or sought from external sources.

The department does not keep a formal record of employees whose accreditation was paid for by the department and those who were not. In most cases, the study of a specific language is not identified as it is usually a subject of a higher academic qualification. For example, in the Bachelor of Arts majoring in International Relations, the course has a language component but this is not specifically identified in departmental records. Therefore, all staff with language skills, irrespective of where those skills were developed, are able to utilise them as required from time to time.

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

Output CSG

Question No. 237

Senator Carr asked the following question at the hearing on 23 May 2005:

- a) Is performance pay available under your department/agencies certified agreement?
- b) If not, how many staff in your Department/Agency are eligible for performance based pay?
- c) Please provide a breakdown of performance pay awarded for this financial year to date including the following details:
 - i) How many staff have received performance pay?
 - ii) What levels are those staff at?
 - iii) What gender, a breakdown please?
 - iv) How much has each staff member received?
 - v) When did they receive it?
 - vi) What was the rationale for the awarding of performance pay in each instance?
- d) Did the Department/Agency head receive performance pay? If yes;
 - i) How much?
 - ii) When?
 - iii) On what grounds?

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

a) No, performance pay is not available under the Attorney-General's Department's Certified Agreement. Access to performance pay is only available to staff employed under Australian Workplace Agreements.

b) and c) i – iv): The following answers relate to performance payments made during 2004/05 for performance during financial year 2003/04.

Level	Staff Eligible	Staff Paid		Amount Paid \$	Average \$	Range \$
		Male	Female			
SES Band 2/3	15	9	4	188,415.30	14,493.84	19,912 – 7,625
SES Band 1 & EL	41	22	15	329,370.68	8,033.43	12,896 – 4,000
Total	56	31	19	517,785.98		

v) Performance bonuses were paid to eligible staff in August 2004

vi) All performance pay decisions are based on achievement against agreed performance criteria.

d) i-iii) The performance assessment period for secretaries runs from 1 July to 30 June each year. Any performance pay which a secretary might have received in 2004-05 would therefore have related to performance during the 2003-04 financial year. Under the Prime Minister's determination of secretaries' remuneration and other conditions (which is made following advice from the Remuneration Tribunal), a secretary is eligible each year for performance pay of either 10% of total remuneration for superior performance or 15% for outstanding performance. However, it has been the practice not to provide detailed/individual information on performance ratings and performance bonuses relating to secretaries. Such information has only been disclosed in aggregate form.

For the financial year 2003-04, performance bonuses paid to secretaries, as determined by the Prime Minister on the advice of the Secretary of the Department of the Prime Minister and Cabinet and the Australian Public Service Commissioner, came to a total of approximately \$690,000.

Based on experience in systems overseas and the Commonwealth's particular legislative framework including the APS Values, the following broad areas form the basis of assessment of the performance of Secretaries over the performance cycle:

- i. meet government objectives for the agency in a whole-of-government context (taking into account the Minister's Charter Letter, the Portfolio Budget Statements, and any specific areas identified by the Minister)
- ii. provide strategic, high quality, frank and timely advice to Ministers
- iii. implement government decisions effectively (include major initiatives in recent years affecting the portfolio)
- iv. manage the department in a way that ensures efficient, effective and ethical use of Commonwealth resources, and that maintains or enhances its future capacity including in the area of succession planning
- v. provide leadership to the department: set a vision and strategic focus and motivate others; articulate a clear direction; and cultivate productive relationships between the department and external stakeholders, and
- vi. maintain a high standard of professional and personal integrity; implement and promote the APS Values and the Code of Conduct.

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

Output FSG

Question No. 238

Senator Carr asked the following questions at the hearing on 23 May 2005:

- a) What financial impact will the increased efficiency dividend have on your department/agency this financial year and in the out years?
- b) The increase in the efficiency dividend was announced in last year's elections, what plans have you made to meet it?
- c) What will this mean for staff numbers?
- d) Will any specific programs be cut? Please specify which ones and the size of the estimated savings?
- e) Will any core functions be affected by these savings measures?
- f) How will meeting the efficiency dividend affect your graduate recruitment plans?
- g) How will meeting the efficiency dividend affect your ability to retain experienced staff?

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

- a) The financial impact of the increased efficiency dividend on the Attorney-General's Department is a reduction in appropriation funding of \$0.367 million in 2005-06, \$0.797 million in 2006-07 and \$1.205 million in 2007-08 and ongoing.
 - i. The increased efficiency dividend from 1% to 1.25% commenced in 2005-06 for a period of three years. The increased efficiency dividend has a cumulative effect on reducing appropriation funding as it is applied each year in the three year period.
- b) The increase in the efficiency dividend will be managed in the context of the overall budget for the Department which includes a significant increase in funding for measures in the 2005-06 Budget.
- c) Staff numbers will increase as a result of the overall increase in funding for the Department in the 2005-06 Budget.
- d) The increase in the efficiency dividend will be allocated across all outputs. This will have only a marginal effect on funding for each output. This marginal effect on funding will be managed within the total funding for each output without any cuts to programs.
- e) As for D above, the reduction in funding from the increased efficiency dividend will be managed within the total funding for each output without affecting core functions.
- f) The increase in the efficiency dividend will not affect the Department's graduate recruitment plans.
- g) The increase in the efficiency dividend will not affect the Department's ability to retain experienced staff.

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

Output CSG

Question No. 239

Senator Carr asked the following question at the hearing on 23 May 2005:

AWAs

- a) How many staff are covered by AWAs in your Agency/Department?
- b) Can you provide a break down of AWA's by gender and by classification?
- c) Can you tell me how many of the staff on AWA's are paid more than the band for their classification under the certified agreement?
- d) Why were these staff not simply promoted to a higher classification?

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

a) 109

b)

SES Band 3 Male	SES Band 3 Female	SES Band 2 Male	SES Band 2 Female	SES Band 1 Male	SES Band 1 Female	Principal Legal Officer Male	Principal Legal Officer Female
2	0	9	6	22	17	5	2

Executive Level 2 Male	Executive Level 2 Female	Executive Level 1 Male	Executive Level 1 Female	APS6 Male	APS6 Female	APS4 Male	APS4 Female
5	3	1	1	0	1	16	19

c) 10

d)

- Six of the ten employees are paid at a rate higher than the maximum rate for their classification under the certified agreement but at a lower rate than the minimum rate for the next higher classification.
- Three Executive Level 2 classified employees are performing temporary project-based duties at the SES level. Two of these will revert to their Executive Level 2 salaries at the completion of their respective projects. The third is a non-ongoing employee who will cease duty on completion of the project.
- The final employee is paid at a fixed rate within the salary range of the next higher classification. The AWA has been offered as a retention measure because of particular skills held by the employee and will operate for a limited period while arrangements are made for skills transfer to occur.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 240

Senator Carr asked the following question at the hearing on 24 May 2005:

AFP leak inquiries inside the Australian Public Service that have been referred to the DPP

a) How many APS leak inquiry investigations have been referred to the DPP by the AFP since and including 2000? Please provide a year-by-year breakdown.

b) Please provide a table like the one provided by the AFP in answer to Senator Jacinta Collins (Senate Parliamentary QoN 2904, Senate Debates, Aug 3, 2004, attached) including the following data:

i) How many inquiries were referred each year, how much this has cost each year, including legal advice. Also in how many cases charges were laid, and how many convictions have been made in these kinds of cases?

c) Can you tell me now in what the current situation is? How many inquiries have been referred to you by the AFP this year and last? And how many convictions have resulted?

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

a) - c)

Prosecutions under section 70 of the *Crimes Act 1914*

	2000	2001	2002	2003	2004	2005 (1/1/05 - 22/6/05)
Defendants referred	1	3	0	0	2	0
Defendants charged	3 (2 of these were referred in 1999)	3	0	0	2 (these were the defendants referred in 2004)	0
Defendants convicted	1* (this defendant was referred in 1999)	4 (these were the one defendant referred in 2000 and the three referred in 2001)	0	0	1 (this was one of the defendants referred in 2004)	0
Defendants being prosecuted						2 (One referred in 1999 and charged in 2000 and one referred and charged in 2004)

* A further one defendant was acquitted on a charge under section 70 of the *Crimes Act 1914* but convicted on another charge.

The DPP does not record the overall cost of conducting individual prosecutions.

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

Output 1.3

Question No. 241

Senator Lundy asked the following question at the hearing on 23 May 2005:

- (a) When will the Ministerial Council of Consumer Affairs report on Real Estate Tenancy Databases be released to the public?
- (b) Can you commit to that date?
- (c) When the report is released can you confirm whether or not stakeholders will have the opportunity to comment on the draft report when it is finally promulgated?
- (d) This is a complex issue, but why is such an important review taking so long to complete?
- (e) What is the federal Government doing to ensure they move to consistent guidelines before more states are required to from their own unilateral legislation?

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

- (a) and (b) The Ministerial Council of Consumer Affairs and the Standing Committee of Attorneys-General jointly agreed to establish the Residential Tenancy Database Working Party. Once they have received and considered the Working Party's report it will be a matter for the Ministerial Council and SCAG to determine whether the Working Party's report will be released and the date of any such release. The Working Party will be presenting their final report to SCAG in November 2005.
- (c) It is for Ministers to determine whether further stakeholder consultation is necessary after considering the Working Party's report.
- (d) Work on the residential tenancy database (RTD) report is continuing. The recommendations in the Privacy Commissioner's report into the private sector privacy provisions of the *Privacy Act 1988*, relating to residential tenancy databases, have impacted on the options being developed in the RTD report. The Department is currently working on a revised draft of the report for consideration by the Working Party in August 2005.
- (e) The Government will consider this issue once it has received the final report of the Working Party.

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

Output 1.3

Question No. 242

Senator Carr asked the following question at the hearing on 23 May 2005:

What growth has occurred in financial assistance to respondents in native title matters over the past 5 years?

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

The Legal Assistance Branch has received a steadily increasing number of applications for respondent funding in native title matters. The table below records the number of current grants of financial assistance under the native title financial assistance schemes as at the end of each financial year, since 1 July 2000.

**Grants of financial assistance under section 183 of the
Native Title Act 1993 and special circumstances schemes**

Financial Year	Total
2000-2001	534
2001-2002	814
2002-2003	907
2003-2004	1073
2004-2005	1316