

SECTION 4

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AUSTRALIAN FEDERAL POLICE

Overview

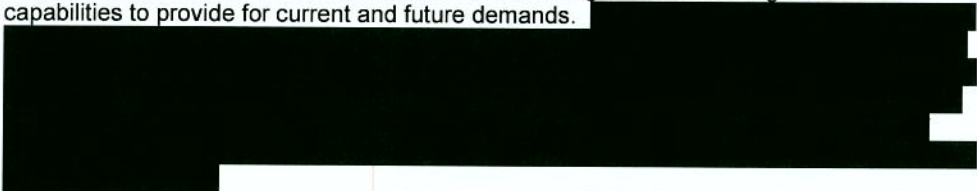
The **Australian Federal Police (AFP)** is the Australian Government's primary law enforcement agency. It is the chief source of advice to the Government on policing issues and is Australia's international law enforcement and policing representative. In recent years the AFP has faced a number of new challenges, including terrorism, people smuggling, cyber-crime and other transnational crimes, and a growing organised crime threat. There has also been an increased need for offshore deployments and peacekeeping operations.

Priorities

Organised crime was recognised by the December 2008 National Security Statement as a national security issue. This strategic shift in Commonwealth thinking was incorporated in the Federal Audit of Police Capabilities undertaken by Roger Beale which made a number of recommendations to define Commonwealth responsibilities for serious and organised crime. The Government articulated its strategy for addressing serious and organised crime as a national security problem through its Organised Crime Strategic Framework released in November 2009. To meet these challenges, the AFP was restructured with effect from 1 February 2010. The new structure realigns the previous Border and International and Economic and Special Operations portfolios into the Serious and Organised Crime (SOC) and Crime Operations (CO) portfolios. This approach facilitates a holistic focus on the spectrum of criminal activity from direct offending (such as importing drugs) to associated money laundering and the use of trusted insiders.

The AFP has worked closely with Commonwealth, State and Territory partners on a range of initiatives aimed at strengthening the collaborative frameworks required to address SOC. These initiatives include the Organised Crime Strategic Framework, and both the Commonwealth and National Organised Crime Response Plans. The AFP has endorsed the Commonwealth Organised Crime Response Plan and is currently in consultation with other stakeholders about the National Organised Crime Response Plan. The AFP continues to work closely with partner agencies on systemic improvements which will provide the best possible tools for law enforcement to combat SOC, such as institutional arrangements for confiscating the proceeds of crime.

The 2011-12 Budget: In January 2009, the Commonwealth Government commissioned Mr Roger Beale AO to conduct a Federal Audit of Police Capabilities in Australia. Mr Beale's report titled *New Realities: National Policing in the 21st Century (Beale Report)*, which was delivered to the Government in June 2009, examined and provided recommendations in relation to the Commonwealth's law enforcement arrangements including the AFP's capabilities to provide for current and future demands.



Comment [b85]: s.47C

The additional 500 police is a significant ongoing initiative. The 2008 Budget provided the AFP \$191.9 million over five years commencing in 2008-09, as part of the Government's five point plan for an additional 500 sworn AFP. This has been supplemented by \$23.5 million in additional funding provided in the 2010-2011 Federal Budget. The additional 500 initiative looks to increase the numbers of sworn investigators by 500 through a graduated increase in numbers. As at 28 November 2007 there were 2696 sworn police officers in the AFP and as at 22 July 2010 there were 3062. This is an increase of 366 sworn police officers, which is

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306 above initial targets. An additional 25 (approx) sworn police officers are expected to commence and graduate in the 2010 calendar year.

Project Macer: In 2005 the government commissioned Sir John Wheeler to undertake a review of aviation security. The major recommendation of Mr Wheeler's review titled Independent Review of Airport Security and Policing of Australian Airports was the introduction of the Unified Policing Model (UPM).

In accordance with the Government's endorsement of the recommendations of the Federal Audit of Police Capabilities, Project Macer has been established by the AFP to manage the transition from the current Unified Policing Model for Australia's 11 major airports to an "All-in" model over the next 3-5 years. Under this model the Commonwealth will assume responsibility for staffing nationally integrated aviation policing and security arrangements.

This will be achieved by transitioning the Counter-Terrorist First Response workforce from Protective Service Officers (PSOs) to sworn AFP officers, transforming the hybrid Commonwealth/State/Territory model of Airport Uniform Policing (AUP) into an AFP workforce, and the recruitment and training of new AFP members as required. The first recruitment process targeting existing PSOs, current or former AUP officers and internal AFP members is underway. [REDACTED]

Comment [b86]: s.47C

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Comment [b87]: s.47F

Comment [b88]: s.47F

AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Overview

The **Australian Customs and Border Protection Service (Customs and Border Protection)** manages the security and integrity of Australia's borders. It protects the Australian community through the interception of illegal drugs and firearms, and sophisticated techniques are used to target high-risk aircraft, vessels, cargo, postal items and travellers. It works closely with other government and international agencies, in particular the Australian Federal Police, the Australian Quarantine and Inspection Service, the Department of Immigration and Citizenship and the Department of Defence to detect and deter unlawful movement of goods and people across the border.

Priorities

Maritime and People Smuggling

Customs and Border Protection is the lead agency for coordinating the Australian Government's operational response to maritime people smuggling. This involves leading whole-of-government strategy, as well as delivering intelligence, communications, and, through Border Protection Command aerial surveillance and on-water interception outcomes. Customs and Border Protection has provided separate classified intelligence and operational briefs on the maritime people smuggling situation to your Office.

[REDACTED]

[REDACTED]

Comment [b89]: s.47C

[REDACTED]

Comment [b90]: s.47E

[REDACTED]

Comment [b91]: s.47E

[REDACTED]

Comment [b92]: s.47C

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Total Average Staffing Levels (ASL) as reported at 2010-11 Budget is 5,250. This estimate will be revised to 5,320 ASL at 2010-11 Additional Estimates. The savings delivered have led to a reduction in ASL from 5,679 in 2008-09 to 5,489 in 2009-10 with a further fall expected over the forward estimates to approximately 5050.

Further detail on Customs and Border Protection's Budget and Funding is provided in the agency specific Incoming Government Brief.

Illicit drugs and criminality at the waterfront

[REDACTED]

Comment [b93]: s.47C

[REDACTED]

Comment [b94]: s.47C

While no immediate action or decision is required, this matter is a key priority for Customs and Border Protection. Further detail on Customs and Border Protection's role and performance in relation to illicit drugs and criminality at the waterfront is provided in the agency specific Incoming Government Brief.

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Comment [b95]: s.47F

Comment [b96]: s.47F

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Comment [b97]: s.7(2A)

AUSTRALIAN CRIME COMMISSION

Overview

The Australian Crime Commission (ACC) seeks to combat serious and organised crime.

Priorities

The early reintroduction of the Crimes Legislation Amendment Bill 2010 is a priority for the ACC. The Bill contained amendments to the *Australian Crime Commission Act 2002* to align the dismissal powers of the ACC CEO to deal with serious misconduct and corruption with those of the Australian Federal Police Commissioner and to provide for the flexible appointment of ACC examiners. Amendments to the ACC's information sharing regime are also sought and could be usefully progressed with the reintroduction of this Bill. The information sharing amendments would be aimed at overcoming ongoing constraints on the ACC's ability to effectively and quickly disseminate key pieces of intelligence from the CEO of the ACC to a broader range of stakeholders, including Ministers, a range of key Commonwealth and State government agencies and the private sector. These measures would maximise the ability of the ACC to work effectively with partner agencies in disrupting serious and organised crime. Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

The ACC is required, under its Act, to maintain a national database of criminal information and intelligence. This database, ACID/ALIEN, is a significant tool which assists Commonwealth and State and Territory law enforcement agencies to disrupt organised crime. ACID/ALEIN is reaching the limits of its capability and significant investment will be required in the medium term to substantially upgrade or replace this system. Short term funding has been sought to connect ACID/ALEIN with national security systems, including assisting law enforcement agencies to link organised criminal activity with other intelligence and investigations. In the future, establishing an ongoing system within the ACC that is directly linked to databases maintained by the ACC's partner agencies may more effectively assist law enforcement agencies to combat organised crime.

The ACC has recently established a Criminal Intelligence Fusion Centre, with \$14.5m over four years commencing from 1 July 2010. The Fusion Centre prov

ides an essential platform on which to identify the criminal economy and to assist in the disruption of the highest threat criminal targets. A key aspect of the Fusion Centre is the data provided by other Commonwealth agencies, including in relation to emerging criminal targets. This data will enable the ACC to not only focus its efforts against current known targets, but also to identify previously unknown targets and methodologies. AUSTRAC's data will be particularly important, and further delays around tranche two of the AML/CTF legislation will impact on the fusion capability.

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Comment [b98]: s.47F

Comment [b99]: s.47F

AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY

Overview

The **Australian Commission for Law Enforcement Integrity (ACLEI)** provides independent assurance to government about the integrity of prescribed law enforcement agencies, currently the Australian Crime Commission and Australian Federal Police. Its primary role is to investigate law enforcement-related corruption issues, giving priority to serious and system corruptions.

Priorities

The current priority for ACLEI is expanding ACLEI's jurisdiction to include the Australian Customs and Border Protection Service. In response to recommendations of the Parliamentary Joint Committee on the ACLEI's Interim Report concerning its *Inquiry into the Operation of the Law Enforcement Integrity Commissioner Act 2006*, the previous Government agreed to expand ACLEI's jurisdiction to include the ACBPS, commencing 1 January 2011. To fund ACLEI's expanded jurisdiction, a transfer of \$2.7 million over four years from ACBPS to ACLEI, as agreed between this portfolio, PM&C and Finance, will be required through Supplementary Budget Estimates. New regulations will be required for the measure to take effect.

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Comment [b100]: s.47F

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Overview

The **Office of the Director of Public Prosecutions (CDPP)** maintains law and order for the Australian community through an independent and ethical prosecution service in accordance with the Prosecution Policy of the Commonwealth.

Priorities

The current priority for the CDPP is people smuggling. These prosecutions involve alleged organisers of people smuggling ventures and the captain and crew of the vessels. These are complex and challenging prosecutions and given the increasing number of these matters, these are being conducted in several jurisdictions.

[REDACTED]

Comment [b101]: s.47C

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Comment [b102]: s.47F

CRIMTRAC AGENCY

Overview

CrimTrac was established to develop the technology required to give police ready access to information needed to solve crimes. It primarily provides national information sharing solutions (technologies and opportunities) to support the effective operation of police services and law enforcement agencies across State and Territory borders.

Priorities

CrimTrac Governance review

CrimTrac's information sharing arrangements are underpinned by an Inter-Governmental Agreement (IGA) which was agreed to by the Commonwealth, State and Territory Police Ministers. The IGA is being reviewed to determine its sufficiency to support CrimTrac's functions of sharing information for law enforcement. This review has occurred following requests by the Standing Committee of Attorneys-General and the Federal Minister for Finance and Deregulation and the terms of reference were endorsed by the Ministerial Council for Police and Emergency Management – Police in November 2009. It is anticipated that the results of the review will be delivered to the Ministerial Council for consideration in November 2010 [REDACTED]

Comment [b103]: s.47C and below

Victorian Commissioner for Law Enforcement Data Security (CLEDS)

The Victorian Commissioner for Law Enforcement Data Security (CLEDS) instigated a review of the information sharing arrangements between Victoria Police and CrimTrac in early 2010. The CLEDS has provided his final report to the Victorian Minister for Police and Emergency Services. CrimTrac has not yet been provided with a copy of the report but understands that the final report will be provided to you directly by the Victorian Minister. CrimTrac anticipates that the findings may indicate [REDACTED]. CrimTrac has processes in place to safeguard the security and privacy of the information it holds, and complies with the Commonwealth Privacy Act. The current review of CrimTrac's governance presents an opportunity to draft specific legislation for CrimTrac that may provide a vehicle to address issues raised by CLEDS.

CrimTrac Funding Review

CrimTrac currently operates under an exemption from the Australian Government Cost Recovery Policy which is due to expire on 14 January 2011. CrimTrac recently finalised a review of its funding and pricing model to inform its approach to cost recovery for criminal history checking services. It is anticipated that the outcomes of the Review will be presented to the CrimTrac Board of Management in September 2010. Subject to their agreement to the proposed models, CrimTrac will work with AGD and Department of Finance and Deregulation to finalise its Cost Recovery Impact Statement for your consideration and presentation to the Minister for Finance and Deregulation later this year.

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Comment [b104]: s.47F

Comment [b105]: s.47F

AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE

Overview

The **Australian Transaction Reports and Analysis Centre (AUSTRAC)** protects the integrity of Australia's financial system and contributes to the administration of justice through expertise in countering money laundering and the financing of terrorism.

Priorities

Cost Recovery

As part of the 2010-11 budget announcements, cost recovery for AUSTRAC's regulatory activities is to take effect from the 2011-12 financial year. Some industry sectors have expressed concern about this proposal. These concerns range from the potential financial impact and complexity of the charge/levy model to a fundamental view about the appropriateness of introducing cost recovery in relation to the AML/CTF regime. Industry consultation on alternative models has been delayed pending the end of the caretaker period.

[REDACTED]

Comment [b106]: s.47C

AUSTRAC technical assistance and training to Africa

AUSTRAC is working with Attorney-General's Department and the Australian Federal Police to provide technical assistance and training to strengthen the rule of law to selected African countries, having received \$8.14 million funding for four years (2009-2013). AUSTRAC is working directly with up to nine financial intelligence units (FIU) to provide FIU development, tailored capacity building to strengthen AML regulatory functions, and to enhance organisation effectiveness and governance.

[REDACTED]

Comment [b107]: s33(1)(a)(iii)

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Comment [b108]: s.47F

Comment [b109]: s.47F

**AUSTRALIAN INSTITUTE OF CRIMINOLOGY
CRIMINOLOGY RESEARCH COUNCIL**

Overview

The **Australian Institute of Criminology (AIC)** is Australia's national research and knowledge centre on crime and justice. It seeks to promote justice and reduce crime by undertaking and communicating evidence-based research to inform policy and practice.

The **Criminology Research Council (CRC)** supports research that is relevant to current and future public policy issues, fosters the undertaking of quality criminological research and ensures that CRC supported research is disseminated effectively. The CRC provides a forum for Attorneys-General and their representatives around Australia to assess needs in the field of criminological research and to fund specific research projects in universities, government agencies and elsewhere. The fund receives contributions every year from the Australian, State and Territory governments.

Priorities

Merging of the Australian Institute of Criminology and Criminology Research Council

A number of reviews have recommended merging the Australian Institute of Criminology (AIC) and the Criminology Research Council (CRC) into a single statutory agency regulated under the *Financial Management and Accountability Act 1997*. Legislative amendments to give effect to this proposal were included in the prorogued *Financial Framework Legislation Amendment Bill 2010*, introduced into the House of Representatives on 23 June 2010. The States and Territories initially expressed concerns that the new single agency may lead to a loss of independence or a reduction in functions of the two agencies. The proposed legislative changes, which introduce new governance arrangements but preserve all AIC and CRC functions, were endorsed by the AIC and CRC Boards, which have high-level State/Territory membership. There will also be a stakeholder communications strategy later in 2010.

Budget

The AIC has three New Policy Proposals (NPPs) lapsing in June 2011, totalling \$1.8 million. The lapsing NPPs are funding research into anti-money laundering/counter terrorism financing, human trafficking and two additional test sites for the AIC's Drug Use Monitoring Australia. AIC core funding has been cut by \$0.5 million in 2010-11, with a further \$1 million cut to core funding from 2011-12.

[REDACTED]

Comment [b110]: s.47C

Overseas student victimisation

Following a number of high-profile attacks on Indian overseas students in Australia, AIC was asked to undertake work investigating the extent of overseas student victimisation in Australia. Specifically, the AIC was tasked with developing a research methodology that would, as accurately as possible, estimate victimisation rates among International students (including Indian students) as well as to identify a range of situational and contextual factors that help to explain differential victimisation experiences. Findings are expected to be produced by October 2010 for discussion with Government.

Section 4 – Agencies and their Current Priorities

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Comment [b111]: s.47F

Comment [b112]: s.47F

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Comment [b113]: s.47F

Comment [b114]: s.47F

HIGH COURT OF AUSTRALIA

Overview

The **High Court** interprets and upholds the Australian Constitution and performs the functions of the ultimate appellate Court in Australia.

Priorities

The financial structure, governance and funding arrangements are priorities for the High Court.

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Comment [b115]: s.47F

FEDERAL MAGISTRATES COURT OF AUSTRALIA

Overview

The **Federal Magistrates Court of Australia (FMC)** provides the Australian community with a simple and accessible forum for the resolution of less complex disputes.

Priorities

Accommodation

The Federal Magistrates Court's current sublease from NSW Justice and Attorney General's Department (NSW JAGD) in John Maddison Tower (Sydney) expires 31 October 2011. The Federal Magistrates Court intends to bring forward a new policy proposal in the 2011-12 Budget to secure and fit out appropriate accommodation.

Terms and conditions for Federal Magistrates

Federal Magistrates are seeking improvements to their terms and conditions.

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Comment [b116]: s.47F

Comment [b117]: s.47F

FEDERAL COURT OF AUSTRALIA

Overview

The **Federal Court of Australia (FCA)** applies and upholds the rule of law to deliver remedies and enforce rights, contributing to the social and economic development and well-being of all Australians.

Priorities

[REDACTED]

Comment [b118]: s.47C and s.47F

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Comment [b119]: s.47F

Comment [b120]: s.47F

FAMILY COURT OF AUSTRALIA

Overview

The **Family Court of Australia (FCoA)** is Australia's specialist superior family court which determines cases with complex law and facts, and provides national coverage as the appellate court in family law matters.

Priorities

[REDACTED] A new building has been proposed but has not been funded. Option deeds over two preferred sites expired recently. The Department of Finance and Deregulation has advised it is continuing discussions with the owners to renew these. [REDACTED]
[REDACTED]

Comment [b121]:

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ADMINISTRATIVE APPEALS TRIBUNAL

Overview

The **Administrative Appeals Tribunal (AAT)** provides independent review with as little formality and technicality as possible of a wide range of administrative decisions made by the Australian government and some non-government bodies. Both individuals and government agencies use the services of the AAT.

Priorities

The Administrative Appeals Tribunal (AAT) is established under the *Administrative Appeals Tribunal Act 1975* to provide independent merits review of administrative decisions. Appointments to the AAT are made by the Executive Council.

Prior to the election, the Attorney-General had recommended the appointment of a full-time Deputy President in Melbourne and the reappointment of part-time Deputy Presidents in Perth and Sydney. These appointments require prompt attention as a short term arrangement is operating in Melbourne and the terms of the Deputy Presidents in Perth and Sydney expire on 5 and 30 September 2010 respectively.

The Attorney-General had also accepted the President's recommendations for:

- the appointment or reappointment of several Judges of the Federal Court and Family Court as presidential members of the AAT;
- the reappointment of the full-time Deputy President in Brisbane; and
- the reappointment of part-time members in Queensland (1 member) and the Australian Capital Territory (2 members).

Arrangements had also been made, or were in progress, for the appointment or reappointment of part-time members in South Australia (1 member) and the Australian Capital Territory (1).

These appointments will need to be made before 30 November 2010.

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Comment [b122]: s.47F

Comment [b123]: s.47F

NATIONAL NATIVE TITLE TRIBUNAL

Overview

The **National Native Title Tribunal (NNTT)** facilitates native title determinations, agreements and the disposition of related matters for claimants and others with interests in land and waters through mediation, agreement-making and administrative decisions.

Priorities

Tribunal membership

The Tribunal is seeking the appointment of another part-time member based in Perth to replace a member who resigned in May 2010. The appointment is currently being considered.

Tribunal resources

The annual appropriations to the Tribunal were reduced in the 2009-10 budget (following a 2008 review of funding of the native title system which redirected funding to assist NTRBs as a priority), and were further reduced for the four years from 2010-11. To ensure a balanced operating budget and reflect its revised role following the 2009 native title institutional reforms, the Tribunal has significantly reduced its discretionary expenditure, closed its Darwin registry (and now services the Northern Territory from Adelaide), relocated its Melbourne registry to the Commonwealth Law Courts building, and initiated a program of voluntary redundancies. Other measures are being implemented, or are planned, to significantly reduce Tribunal expenditure while it aims to perform its statutory functions at a high level.

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Comment [b124]: s.47F

AUSTRALIAN HUMAN RIGHTS COMMISSION

Overview

The **Australian Human Rights Commission (AHRC)** promotes an Australian society in which human rights are respected, protected and promoted through independent investigation and resolution of complaints, education and research to promote and eliminate discrimination, and monitoring, and reporting on human rights.

Priorities

AHRC priorities are:

To build understanding and respect for human rights in the community through the development of cohesive human rights policy, projects and community engagement. We have a multi-faceted focus on schools, workplaces, vulnerable communities as well as the general community.

To tackle violence, harassment and bullying in our community. Discrimination can be a key factor behind acts of violence, harassment and bullying. We believe that addressing this root cause is a critical element in building a safer and more inclusive Australia. Some of our work under this theme includes advocacy for regular and independent monitoring of the progress being made to stamp out violence against women and the conciliation of complaints regarding harassment in the workplace. We are developing a new initiative with other key players to help young Australians take a stand against bullying, whether it happens to them or people they know. Our goal is to provide young people with the strategies and confidence to say no to bullying, especially bullying that occurs on social networking sites, chat rooms and other cyber-locations.

To work towards a more socially inclusive community where diverse groups live harmoniously and respect rights. The Commission will work with vulnerable groups – including international students and African Australians – to build understanding of their rights and how they can respond to violence and discrimination they may encounter.

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Comment [b125]: s.47F

Comment [b126]: s.47F

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Comment [b127]: s.47F

Comment [b128]: s.47F

AUSTRALIAN LAW REFORM COMMISSION

Overview

The **Australian Law Reform Commission (ALRC)** conducts inquiries into areas of law reform at the request of the Attorney-General. The Commission's functions include providing recommendations on options to simplify and modernise the law, improve access to justice, and harmonise Commonwealth, State and Territory laws.

Priorities

The Family Violence Inquiry Final Report will be presented to Attorney-General on 10 September 2010. The 2009 report of the National Council to Reduce Violence Against Women and Their Children, *Time For Action*, identified the complex interaction between State and Territory family and domestic violence and child protection laws and the Commonwealth *Family Law Act 1975*. Following the National Council's recommendations, the ALRC is reviewing the interaction of relevant Commonwealth, State and Territory criminal laws. The review will also look at the impact of inconsistent interpretation or application of laws in cases of sexual assault occurring in a family/domestic violence context, including rules of evidence. The ALRC is working jointly with the New South Wales Law Reform Commission, and the Commissions were granted an extension to their reporting time from 31 July to 10 September in order to receive submissions.

The ALRC has received Terms of Reference for an inquiry into Discovery Laws to improve access to justice. The 2009 report by the Access to Justice Taskforce, *A Strategic Framework for Access to Justice in the Federal Civil Justice System*, examined access to civil justice in the federal system from a system-wide, strategic perspective. In considering barriers to justice in relation to court based dispute resolution, the Taskforce noted the high and often disproportionate cost of discovery, and recommended further analysis of the issue. The ALRC has begun work on this Inquiry, and is due to report in March 2011. A part-time Commissioner needs to be appointed to the Inquiry as soon as practicable.

The ALRC has received Terms of Reference for a second Family Violence Inquiry into the impact of Commonwealth laws on those experiencing family violence. Commonwealth laws include child support and family assistance law, immigration law, employment law, social security law, superannuation law and privacy provisions in relation to those experiencing family/domestic violence. The ALRC will begin work on this Inquiry in October, following completion of the first Family Violence Inquiry, and a part-time Commissioner needs to be appointed to this Inquiry as soon as practicable. The report for this inquiry is due on 30 November 2011.

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Comment [b129]: s.47F

Comment [b130]: s.47F

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Comment [b131]: s.47F

Comment [b132]: s.47F

AUSTRALIAN GOVERNMENT SOLICITOR

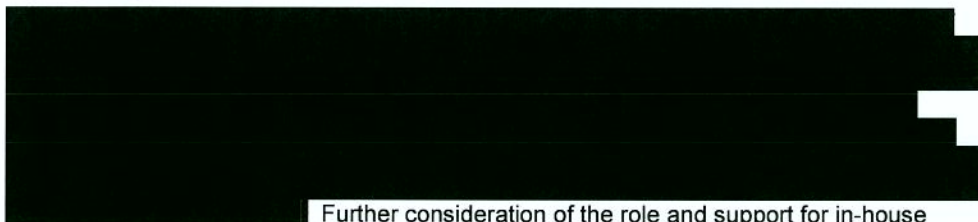
Overview

The **Australian Government Solicitor (AGS)** provides legal and related services primarily to Australian Government departments and agencies through AGS offices situated in every Australian State and Territory. It operates on a fully commercial and competitive basis in competition with private law firms (except in relation to work that is tied to AGS under the Legal Services Directions which accounts for about 5% of AGS's revenue). AGS has two shareholder ministers: the Attorney-General and the Minister for Finance and Deregulation.

Priorities

Reform of Commonwealth Legal Services

AGS would welcome reforms to enhance its role and reduce the cost of Commonwealth legal services procurement. AGS remains a strong and profitable GBE, providing comprehensive and coordinated legal services to Commonwealth agencies in each jurisdiction. While the volume of legal work AGS undertakes has gradually reduced over recent years, this will not prevent it continuing to be profitable and the pre-eminent legal adviser to the Commonwealth.



Further consideration of the role and support for in-house agency lawyers would also enable a more effective whole of government approach to legal services.

Comment [b133]: s.47C

Canberra accommodation project

Canberra is the largest AGS office and essential to the delivery of high quality legal services on the most important Commonwealth matters. Its current use of four separate buildings which provide outdated and unsuitable accommodation has been problematic for several years. Following detailed discussions with Finance and AGD, AGS put a specific proposal to shareholder Ministers in December 2009 for new, consolidated premises. As a GBE, this proposal is fully funded and so involves no impost on the budget. More efficient accommodation will enhance AGS's overall operations as the prime source of Commonwealth legal services. Urgent action to enable AGS to secure suitable accommodation is needed, especially having regard to the expiry dates of the existing leases.

AGS Advisory Board

AGS has an Advisory Board comprising the CEO and 3-5 external members appointed by the CEO on the nomination of shareholder Ministers. The Board advises the CEO on the strategic development of AGS as a business and on AGS's financial performance. There are presently two external member vacancies and two of the remaining three positions (including the Chair) will become vacant in November 2010. Early action is required to fill the existing Board vacancies to ensure that AGS continues to have a functioning Board (as required under its corporate governance arrangements issued by shareholder Ministers) and Audit Committee (as required under the *Commonwealth Authorities and Companies Act 1997*).

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Comment [b134]: s.47F

Comment [b135]: s.47F

OFFICE OF PARLIAMENTARY COUNSEL

Overview

The **Office of Parliamentary Counsel (OPC)** prepares laws that give legal effect to the intended policy and form a coherent and readable body of Commonwealth legislation through the drafting of Bills and amendments for passage by the Commonwealth Parliament.

Priorities

OPC is continuing to work with the Department on a range of initiatives to improve Commonwealth law—in particular on a plan for clearer Commonwealth law and an associated complexity flag initiative.

OPC is operating extremely well. OPC has been able to deliver the Government's legislative program. Feedback from clients continues to be very positive. In addition, OPC has recorded extremely good results in a recent staff survey. In particular, 100% of OPC staff consider that OPC is a good place to work and 100% also considered that OPC's senior management is of the highest quality. OPC is committed to continuing to provide a high level of service to the Government and the community. OPC would want to be consulted before any decisions were made to make changes to OPC's current arrangements, including OPC's functions, that might adversely affect OPC's ability to provide this high level of service.

In the new Parliament, there may be increased likelihood of private members' Bills and amendments being passed, and the Government may want to be more accommodating to private members' Bills and amendments than has been the case in the past. Because of these factors, consideration may need to be given to what the role of OPC is to be in relation to drafting for private members in the new Parliament. Any increased role in drafting for private members will probably impact on OPC's ability to deliver the Government's legislation program in accordance with the Government's legislative priorities. OPC recommends that OPC and the Clerks of the two Houses be consulted before any decision is made about OPC's role in relation to private member drafting in the new Parliament.

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INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA

Overview

Insolvency and Trustee Service Australia (ITSA) provides a personal insolvency system that minimises the impact of financial failure on the community, produces equitable outcomes for debtors and creditors and enjoys public confidence, through application of bankruptcy laws, regulation and trustee services. ITSA performs the roles of Inspector-General in Bankruptcy, Official Receiver and the Official Trustee.

Priorities

Workload funding - New Policy Proposal (NPP) for continued supplementation

To ensure ITSA can meet the increased service delivery obligations arising from annual growth in numbers of new personal insolvencies, in both the May 2007 Budget and the May 2009 Budget ITSA received funding supplementation for two years, on the understanding that it would bring forward a fresh New Policy Proposal (NPP) for continued supplementation (based on latest workload growth) at the end of the two year period. The next NPP is due in the coming Budget round. Under ITSA's Cost Recovery regime, fees and charges revenues returned to Consolidated Revenue are equivalent to approximately 76% of total appropriation funding provided.

Changed outcome to reflect operational responsibility for the personal property securities register

The Appropriation Acts appropriate moneys against Government outcomes. ITSA currently has one outcome:

A personal insolvency system that minimises the impact of financial failure on the community, produces equitable outcomes for debtors and creditors and enjoys public confidence, through application of bankruptcy laws, regulation and trustee services.

Small agencies (with less than \$100 million resources under their control each year) are usually expected to have one outcome. With the addition of operational responsibility for the personal property securities register later this financial year, ITSA's outcome will need changing before the coming Budget round. To affect this, the agreed procedure is for the relevant Portfolio Minister to write to the Finance Minister seeking formal approval for the change.

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CLASSIFICATION BOARD

Overview

The **Classification Board** makes classification decisions about films, computer games and publications.

Priorities

Recruitment

Selection processes for the Deputy Director, Senior Classifier and four members have been completed and recommendations will be forwarded for approval and consultation with States and Territories. Approval will soon be sought to commence selection processes for the Director of the Board and Deputy Convenor of the Classification Review Board whose terms of appointment expire in April 2011.

Adult Material

The Board has been criticised about the classification of certain adult magazines and the availability and content of this type of material. The Director has powers to issue call in notices for material marked unclassified. In 2009/10, 49 unclassified publications and 444 unclassified films were called in. None were submitted. The Board has no enforcement powers however the Department's Classification Liaison Scheme checks publishers', distributors' and retailers' compliance with the law and refers breaches to State and Territory law enforcement agencies. In 2009, an intergovernmental working party was established to consider options for more effective enforcement of classification laws.

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CLASSIFICATION REVIEW BOARD

Overview

The **Classification Review Board** can review original classification decisions in certain circumstances and make a fresh classification decision.

Priorities

The Review Board made eight classification decisions in 2009/10 (five films, two computer games and 1 publication). Three reviews were requested by the Minister for Home Affairs and five were made by the original applicant.

Following a request for review by the Minister for Home Affairs, the Review Board classified the film *Salo - O Le 120 Giornate Di Sodoma* (*Salo - 120 Days Of Sodom*) - R 18+ with the consumer advice "Scenes of torture and degradation, sexual violence and nudity". A Federal Court challenge to this review process is currently underway (Hot Issues **Salo Litigation** refers).

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NATIONAL CAPITAL AUTHORITY

Overview

The **National Capital Authority (NCA)** manages the strategic planning, promotion and enhancement of Canberra as the National Capital for all Australians through the development and administration of the National Capital Plan, operation of the National Capital Exhibition, delivery of education and awareness programs and works to enhance the character of the National Capital.

Priorities

Role and Responsibility of the National Capital Authority (NCA)

The future role responsibility and resourcing of the NCA have been uncertain since the change of government in 2007. There is a significant risk of compromising the significance of the National Capital unless this uncertainty is resolved. It is recommended that Government resolve the future role, responsibility and resourcing of the NCA within the first six months of its term. There is potential for the Government's control of Canberra, as the National Capital, to play a leading role in the national debates about sustainability, population, urban density, healthy living and carbon reduction.

Commonwealth National Capital Responsibilities Task Force

On 16 July 2008 the Joint Standing Committee on the National Capital and External Territories tabled its report "*The Way Forward – Inquiry into the Role of the National Capital Authority*". Following this report the Minister convened a task force to examine the extent and delivery of the Commonwealth's responsibilities in the National Capital and consider the ways in which the Commonwealth maintains, develops and protects the elements of the national capital that are important to all Australians. The task force completed its work during 2009-10. The recommendations are still under Ministerial consideration. Following the work of the task force, and in response to concerns from the Chief Executive of the NCA regarding the financial sustainability of the NCA, the Attorney General's Department has established a taskforce to develop advice on the future financial sustainability of the agency.

Inter-governmental Committee on Planning

Also in response to the Joint Standing Committee report, "*The Way Forward*", the government undertook to establish an inter-governmental committee (IGC) with the ACT Government to review planning and land management responsibilities in the ACT. The work of the planning IGC is continuing, with an outcome expected during 2010-2011.

Inter-departmental Committee on Parking

On 14 July 2009 the then Minister for Home Affairs, announced the formation of an inter-governmental committee (IGC) on parking to assist in resolving long-standing parking issues in the Parliamentary Zone and adjacent areas. The IGC will develop options for managing parking on national land within the study area taking account of the needs of all types of visitors to the area, the isolation of the area from commercial facilities and the impact of each option on adjacent areas. The IGC will develop an implementation plan for the preferred strategy, including timing, infrastructure, financial implications and any necessary supporting arrangements. The IGC expects to release a discussion paper outlining the issues shortly.

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