

Appendixes

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Reporting arrangements for the portfolio

Reporting requirements under the Act

Elements	Reporting arrangements
Administrative Appeals Tribunal	B
Administrative Review Council	B
Australian Commission for Law Enforcement Integrity	B
Australian Crime Commission	B
Australian Customs and Border Protection Service	B
Australian Federal Police	B
Australian Government Solicitor	B
Australian Human Rights Commission	B
Australian Institute of Criminology	B
Australian Institute of Police Management	C
Australian Law Reform Commission	B
Australian Security Intelligence Organisation	B
Australian Transaction Reports and Analysis Centre	B
Classification Board	B
Classification Review Board	B
Copyright Tribunal of Australia	D
CrimTrac	B
Defence Force Discipline Appeal Tribunal	D
Family Court of Australia	B

Elements	Reporting arrangements
Family Law Council	B
Federal Court of Australia	B
Federal Magistrates Court of Australia	B
High Court of Australia	B
Insolvency and Trustee Service Australia	B&E
National Crime Statistics Unit	C
National Institute of Forensic Science	C
National Native Title Tribunal	B
Office of Parliamentary Counsel	B
Office of the Australian Information Commissioner	B
Office of the Director of Public Prosecutions	B
Solicitor-General	A

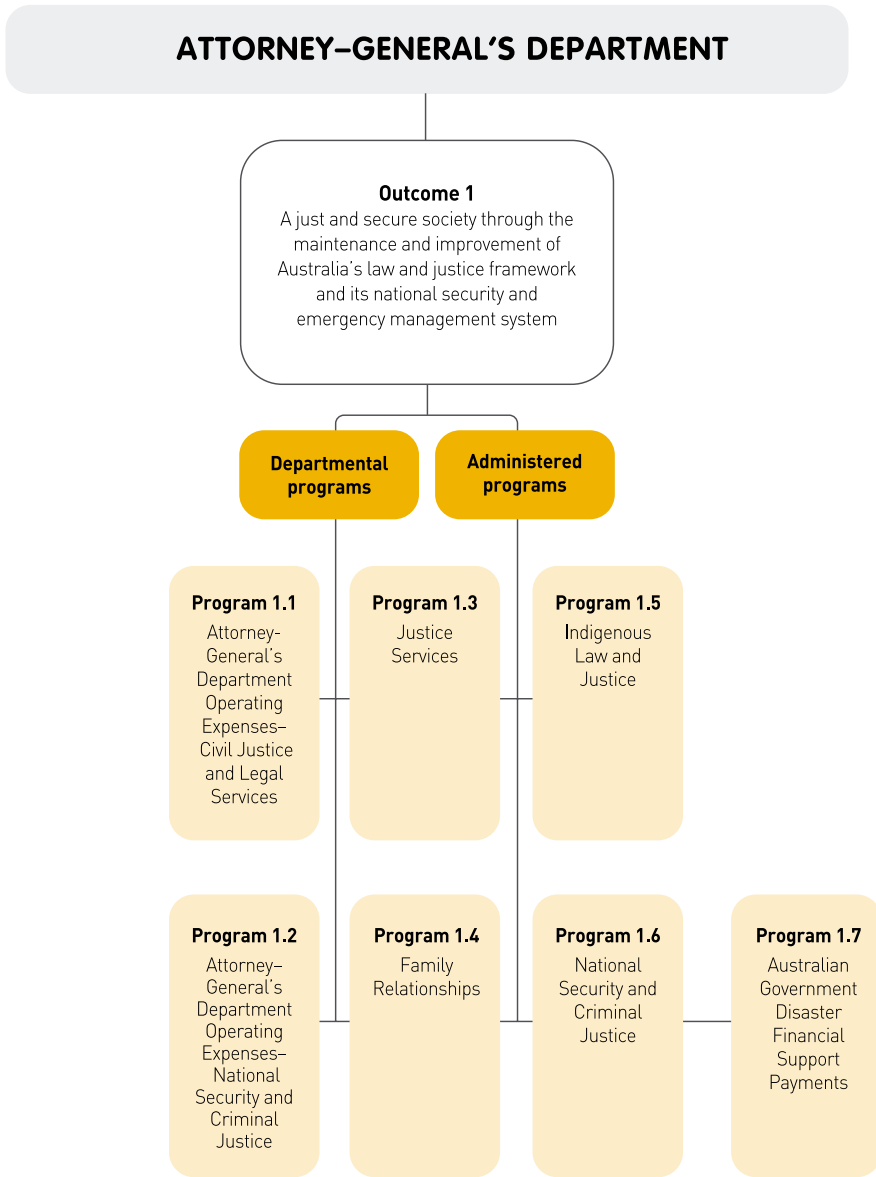
Key

- A: Although resourced by the Attorney-General's Department, the Solicitor-General is independent of the department. The Solicitor-General does not report formally to Parliament.
- B: Separate reports from these bodies are tabled in Parliament.
- C: Agencies that provide reporting on activities and financial performance to the Ministerial Council for Police and Emergency Management – Police under the auspice of the National Common Police Services.
- D: The various Federal Court registries provide administrative support for these tribunals. Information about these bodies can be found in the annual report of the Federal Court of Australia.
- E: The Attorney-General is required by paragraph 12(1)(d) of the *Bankruptcy Act 1966* to report to Parliament on the operation of the Act.

Changes to Attorney-General's Department Outcome and Program structure

For 2011–12, the department established a new Program 1.7 Australian Government Disaster Financial Support Payments. Disaster recovery support payments previously included in Program 1.6 are now reported under Program 1.7.

Figure A2.1: Structure of Attorney-General's Department outcomes and programs



Service charters

The Attorney-General's Department service charter and associated complaint-handling policy have been in operation since June 1998.

The AusCheck service charter was released on 20 August 2009 to describe to the public, and to the aviation and maritime communities, the service experience that can be expected in dealing with AusCheck and its staff. The charter is available from <http://www.ag.gov.au/Nationalsecurityandcounterterrorism/Backgroundchecking/Pages/AusCheckServiceCharter.aspx>

Tables A3.1 and A3.2 set out the customer services standards contained in each charter and the extent to which they were met during 2011–12.

Table A3.1: Attorney-General's Department charter – compliance with customer service standards, 2011–12

Charter	Service standard	Compliance with service standard
Attorney-General's Department	A reply in plain English within 28 days of receipt of complaint, including the name and telephone number of the person dealing with the complaint	Single incidence of non-compliance
	Personal information used only in accordance with the law	Complied
	Work will be undertaken with care, diligence and sensitivity to the needs of clients	Complied
	Strong commitment to accountability and continuous improvement	Complied
	Clients will be treated with courtesy, fairness and respect	Complied
	Staff will act responsively to client needs	Complied

Table A3.2: AusCheck service charter – compliance with customer service standards, 2011–12

Charter	Service standard	Compliance with service standard
Provide timely and effective background checks for the Aviation Security Identification Card (ASIC) and Maritime Security Identification Card (MSIC) schemes	Acknowledgement of 100% of all ASIC and MSIC applications in one business day	Complied
	Completing AusCheck’s part in the background checking process in five business days or less 98% of the time (ie excluding time awaiting responses from checking partners of the person being checked)	Complied
Provide a consistent decision-making process that ensures privacy and legal rights are protected	No AusCheck decisions were overturned on appeal to the Administrative Appeals Tribunal	Complied
		Four appeals were lodged with the AAT during the reporting period
		Three have been withdrawn and one is pending AAT consultation

Other comments

Complaints received with respect to the Indigenous Legal Assistance and Policy Reform Program related primarily to clients not meeting eligibility criteria for legal assistance and have been resolved. Complaints were received with respect to the Family Violence Prevention Legal Services Program from staff in two funded organisations which were placed under special administration. The complaints special administrator arrangements have concluded and the department is continuing to work with the two organisations.

The Social Inclusion Division received three complaints about the timing of its 2011–12 funding decisions under the Indigenous Justice Program. Two organisations were offered, and accepted, wind-down funding. The third organisation was offered conditional six months’ funding, with a further six months’ funding to be considered pending satisfactory performance. This offer was accepted and the grantee is still receiving funding under the Program. Investigations found that the decisions should have been communicated earlier to have enabled the affected organisations sufficient time to seek funding from other sources. The department also undertook a broader review of program management in the Social Inclusion Division to improve its administrative processes.

One of the complainants also alleged that an officer from the department communicated the funding decision in a disrespectful manner. An investigation found that there are no grounds for this allegation.

Regarding the single incidence of non-compliance with the requirement to respond to a complaint within twenty-eight days, the complainant wrote to the department on three separate occasions within the same month about its complaint. The department formally responded to the organisation forty-three days after the first letter and thirty-eight days after the third letter. However, the officers in the department were in communication with the organisation during the forty-three day period regarding its complaint.

Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918* the department is required to disclose payments of \$11,200 or more (inclusive of GST) to specific types of organisations. These organisations are advertising agencies, market research organisations, polling organisations, media advertising organisations, and direct mail organisations.

Details of payments to the other categories of organisations are set out below.

Table A4.1: Payments to advertising, market research and other designated organisations, 2011–12

Name of organisation	Payment (\$)	Purpose	Key
Adcorp Australia Ltd	\$503,751	Non-campaign government advertising	C
Di Marzio Research Pty Ltd	\$44,000	Market research for the National Security Public Information Campaign	B
Di Marzio Research Pty Ltd	\$12,325	Market research for the Personal Property Securities Campaign	B
Andrews Group Pty Ltd	\$58,970	Market research for the Personal Property Securities Campaign	B
Universal McCann	\$1,313,526	Media advertising for the Personal Property Securities Campaign	C
Universal McCann	\$514,133	Media advertising for the National Security Public Information Campaign	C
Stamford Interactive	\$35,000	Market research for redevelopment of departmental website	B
Lavender	\$60,000	Creative design for Personal Property Securities Campaign	A
Mark Dignam & Associates Pty Ltd	\$34,882	Market research for development of chemical security information products	B
Key			
A Paid to a creative advertising agency to develop advertising campaign.			
B Paid to a market research organisation.			
C Paid to a media advertising organisation for placing government advertising (both campaign and non-campaign) in the media.			

The payments listed in Table A4.1 were made in the 2011–12 financial year, of which certain payments may have been approved in the 2010–11 financial year.

Mandatory statement

During 2011–12, the Attorney-General's Department conducted the following advertising campaigns: Personal Property Securities Campaign and the National Security Team. Further information on those advertising campaigns is available at www.ag.gov.au and in the reports on Australian Government advertising that are prepared by the Department of Finance and Deregulation. Those reports are available at www.finance.gov.au/advertising/index.html.

Legal services expenditure

The Legal Services Directions 2005 paragraph 11.1(ba) requires all departments and agencies to report their legal services expenditure each financial year. This appendix provides a breakdown of the department's expenditure for 2011–12, along with the previous year's data for comparison. All expenditure figures include GST.

Table A5.1: Legal services expenditure summary, comparing 2010–11 and 2011–12

	2010–11	2011–12
Total legal services expenditure^a	\$11,830,853.69	\$11,819,550.28
Total external legal services expenditure	\$10,640,152.42	\$10,396,791.74
Total number of counsel briefed	81	109
Total number of counsel direct briefed	18	30
Total value of counsel briefs	\$1,767,378.37	\$2,142,382.95
Total disbursements (excluding counsel)	\$339,724.11	\$180,056.99
Total professional fees paid	\$8,533,049.94	\$8,074,351.80
Total internal legal services expenditure^b	\$1,190,701.27	\$1,422,758.54
Total costs recovered	\$21,666.66	\$62,602.37

Notes:

- a These figures exclude amounts of legal services expenditure relating to The Hague Convention on the Civil Aspects of International Child Abduction, the United Nations Convention on the Recovery Abroad of Maintenance, and international obligations under various bilateral maintenance arrangements. The department records these separately as they do not constitute purchase of legal services by the department for itself. Rather, they arise because the department pays for legal services that benefit other parties as a result of obligations under international agreements.
- b The department's Office of Corporate Counsel was established in December 2011 with the responsibility for providing legal advice necessary for the operation of the department. The department also has legal practices that provide both internal and external services, principally the Office of International Law and the Office of Legislative Drafting and Publishing. Legal services are provided within the department at no cost to the receiving areas. No billing arrangement for internal legal services provided to the department by the practices operates, nor are separate records of expenditure kept. Such expenses are treated as part of the department's aggregate staffing costs.

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 Corporate Counsel devoted to providing internal legal services are the full-time equivalent of 0.7 of an SES Officer.

Table A5.2: External legal services expenditure summary, comparing 2010–11 and 2011–12

	2010–11	2011–12
Counsel		
Total number of counsel briefed	81	109
Male counsel briefed	61	61
Female counsel briefed	20	48
Total number of counsel direct briefed	18	30
Male counsel direct briefed	14	14
Female counsel direct briefed	4	16
Total value of counsel briefs	\$1,767,378.37	\$2,142,382.95
Male counsel briefs	\$757,966.95	\$881,660.73
Female counsel briefs	\$1,009,411.42	\$1,260,722.22
Disbursements (excluding counsel)	\$339,724.11	\$180,056.99
Professional fees	\$8,533,049.94	\$8,074,351.80

Table A5.3: Professional service providers, comparing 2010–11 and 2011–12

	2010–11	2011–12
Australian Government Solicitor ^a	\$8,211,418.08	\$7,439,502.82
Ashurst ^{a,b}	\$223,374.07	\$572,246.61
Trinity Law	\$1,439.90	\$0.00
Department of Premier and Cabinet New South Wales – Office of General Counsel	\$96,817.89	\$0.00
Mallesons Stephen Jaques ^c	-	\$62,602.37
Total professional fees	\$8,533,049.94	\$8,074,351.80

Notes:

- a The department has Deeds of Standing Offer with the Australian Government Solicitor and Ashurst.
- b Blake Dawson changed name part way through 2011–12 to Ashurst.
- c The payment to Mallesons Stephen Jaques relates to special investigations.

Staffing profile

Table A6.1: Staffing by location (region), classification and gender – paid staff (full-time equivalent – includes ongoing, non-ongoing, full-time and part-time) at 30 June 2012

	Gender	ACT	NSW	NT	PNG	QLD	VIC	WA	Total
APS Level 1–2	Female	7.66							7.66
	Male	5.79					2		7.79
APS Level 3	Female	45.52	2				5.99		53.51
	Male	10.4	2						12.4
APS Level 4	Female	100.5	4.9				1		106.4
	Male	34	1.6						35.6
APS Level 5–6	Female	181.47	9			1	12.95		204.42
	Male	125.7	9	1		3	4		142.7
Cadet	Female	2							2
	Male	1							1
Executive Level 1	Female	133.77	1.97			0.8	4.2		140.74
	Male	120.45	1			1.91	2	1	126.36
Executive Level 2	Female	45.7	2				1		48.7
	Male	53.66	2			1	1		57.66
Graduate	Female	17							17
	Male	17							17
Legal Officer	Female	95.69	1						96.69
	Male	44							44
Principal Legal Officer	Female	65.21	1		3				69.21
	Male	25.86			6	1			32.86
Senior Legal Officer	Female	116.37							116.37
	Male	38	1						39
SES Band 1	Female	29.92	1						30.92
	Male	25							25

	Gender	ACT	NSW	NT	PNG	QLD	VIC	WA	Total
SES Band 2	Female	5							5
	Male	12							12
SES Band 3	Female	1							1
	Male	3							3
Total	Female	846.81	22.87	0	3	1.8	25.14	0	899.62
	Male	515.86	16.6	1	6	6.91	9	1	556.37

Table A6.2: Staffing by classification, gender, employment category and employment status – paid staff (head count) at 30 June 2012

	Gender	Non-ongoing		Ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS Level 1–2	Female		2	5	2	9
	Male	1		6	1	8
APS Level 3	Female	7	1	43	6	57
	Male		1	12		13
APS Level 4	Female	10		91	9	110
	Male	5	1	30		36
APS Level 5–6	Female	12	1	172	29	214
	Male	7		134	2	143
Cadet	Female			2		2
	Male	1				1
Executive Level 1	Female	4	1	118	26	149
	Male	2	1	121	3	127
Executive Level 2	Female			44	6	50
	Male			54	4	58
Graduate	Female			17		17
	Male			17		17
Legal Officer	Female	3		89	8	100
	Male	5		39		44
Principal Legal Officer	Female	4		54	15	73
	Male	7	1	25		33
Senior Legal Officer	Female	6		90	29	125
	Male			39		39
SES Band 1	Female			29	3	32
	Male			25		25
SES Band 2	Female			5		5
	Male			12		12
SES Band 3	Female			1		1
	Male			3		3
Total	Female	46	5	760	133	944
	Male	28	4	517	10	559

Table A6.3: Staffing by location (region), classification and gender – paid staff (full-time equivalent – includes ongoing, non-ongoing, full-time and part-time) at 30 June 2011

Classification	Gender	ACT	NSW	NT	PNG	QLD	VIC	WA	Total
APS level 1-2	Female	8.17							8.17
	Male	4.19					2		6.19
APS Level 2	Female	0.6							0.6
	Male								0
APS Level 3	Female	62.67	2				4.4		69.07
	Male	12	3				1		16
APS Level 3-4	Female	1							1
	Male								0
APS Level 4	Female	93.13	6.4				1		100.53
	Male	27.8	3						30.8
APS Level 4-5	Female	2							2
	Male	4							4
APS Level 5	Female	1							1
	Male								0
APS Level 5-6	Female	177.04	9				12.5		198.54
	Male	126.7	8			5	3.52	1	144.22
APS Level 6	Female	3							3
	Male	2							2
Cadet	Female	1							1
	Male	2							2
Executive Level 1	Female	157.31	2.92	2			5.8		168.03
	Male	117.08	2	1		2.8	4	1	127.88
Executive level 2	Female	54.66	1				1		56.66
	Male	74.2	2		2		1		79.2
Graduate	Female	18							18
	Male	16							16
Legal Officer	Female	66.34							66.34
	Male	36							36
Principal Legal Officer	Female	66.36	0		2				68.36
	Male	26.7			5				31.7
Senior Legal Officer	Female	90.65							90.65
	Male	45.4							45.4
SES Band 1	Female	32.14	1		1				34.14
	Male	28							28
SES Band 2	Female	4							4
	Male	10							10
SES Band 3	Female	2							2
	Male	2							2
Total	Female	841.07	22.32	2	3	0	24.7	0	893.09
	Male	534.07	18	1	7	7.8	11.52	2	581.39

Table A6.4: Staffing by classification, gender, employment category and employment status – paid staff (head count) at 30 June 2011

	Gender	Non-ongoing		Ongoing		Total
		Full-time	Part-time	Full-time	Part-time	
APS level 1-2	Female	1	1	6	1	9
	Male	2	1	3	1	7
APS Level 2	Female		1			1
	Male					0
APS Level 3	Female	23	6	40	4	73
	Male	6		10		16
APS Level 3-4	Female			1		1
	Male					0
APS Level 4	Female	9		85	10	104
	Male	10	1	19	1	31
APS Level 4-5	Female			2		2
	Male	1		3		4
APS Level 5	Female			1		1
	Male					0
APS Level 5-6	Female	14	3	163	30	210
	Male	9	1	134	1	145
APS Level 6	Female			3		3
	Male			2		2
Cadet	Female	1				1
	Male	2				2
Executive Level 1	Female	4	1	144	26	175
	Male	2	1	121	5	129
Executive level 2	Female		1	52	5	58
	Male	5	1	71	3	80
Graduate	Female			18		18
	Male			16		16
Legal Officer	Female	5		58	6	69
	Male	1		35		36
Principal Legal Officer	Female	2	2	53	15	72
	Male	5		25	2	32
Senior Legal Officer	Female	1	1	74	22	98
	Male	2	1	42	1	46
SES Band 1	Female			31	4	35
	Male			28		28
SES Band 2	Female	1		3		4
	Male			10		10
SES Band 3	Female			2		2
	Male			2		2
Total	Female	61	16	736	123	936
	Male	45	6	521	14	586

Staff achievements

The department recognises the importance of rewarding individuals and teams who have made a significant contribution, beyond the requirements of their positions, to the work or profile of the department. Employee achievements are celebrated and acknowledged through formal awards and informal mechanisms for their exceptional contributions and outstanding achievements.

Individuals and teams were recognised for their exceptional professional contribution in 2011–12. The Secretary praised recipients for their skills and expertise and all who displayed exceptional levels of commitment to their work.

The recipients of awards for 2011–12 and their achievements follow.

Annual Departmental Awards

The 2011 Departmental Awards were announced on Monday, 15 August 2011 at a ceremony in the atrium of Robert Garran Offices. The Attorney-General presented the department's Academic Achievement Award.

Secretary's Award 2011

The Commonwealth Law Ministers Meeting team – Janette Dines, Luke Brown, Thomas Browne, Jasmin Barker-Mitchell, Ariane Malpas, Kristen Duthie, Wendy Gibson, Rebecca Flynn, Tracy Brennan, Peta Schuller – for demonstrating excellent team work and commitment to successfully organising the participation of over 200 delegates from 44 countries in this year's Commonwealth Law Ministers Meeting.

Deputy Secretaries' Awards 2011

Civil Justice and Legal Services

Lean Six Sigma Project Team – Eleanor Lewis, Sarah Christensen, Lynda Marsden, Terina Koch, Jane Atchison, Jennie Miller, John Power, Matt O'Brien, Christine Paszkiewicz, Scott Rollason, Anita Seselja, Diana Rahman – for demonstrating excellent teamwork, innovative thinking and commitment to learning in applying Lean Six Sigma principles to the review of the Marriage Celebrants Program and the Financial Assistance Program.

Strategic Policy and Coordination Group

Corporate Communications and Publications Section – Mark Godfrey, Jessica Swain, Carolyn Wilkinson, Brett Kessey, Brett Russell, Matt Fenwick, Wendy Pang, Jessica McDonald, Avital Terkowski – for sustained provision of client-focused corporate communication and promotion of a professional Attorney-General's Department brand.

National Security and Criminal Justice Group

Cross-portfolio National Security Budget Measures – Natalie Pearse – for outstanding commitment and professionalism in the development of the 2011 Budget.

Cross-portfolio People-Smuggling Budget Measures – Douglas Rutherford – for outstanding commitment and professionalism in the development of the 2011 Budget.

Communication Award 2011

2011 Staff Survey – Alex Maron, Eliška Donaldson – for best practice communication evidenced by the success of the Staff Survey 2011 *Have your say* campaign.

Academic Achievement Award 2011

Lindsay Buckingham – for completion of Masters of Law (International Law).

Australia Day Achievement Awards 2012

The 2012 Australia Day Achievement Awards were presented on 3 February 2012 in a ceremony led by the Secretary to acknowledge those individuals and teams who have made exceptional contributions to the work of the department.

The Secretary reflected on the achievements of the department as a whole, praising all staff for their high standards of professionalism and strong levels of commitment.

The 2012 recipients were:

Civil Justice and Legal Services

Leith Watson – demonstrating outstanding dedication and initiative in leading the development of a Part-Timers Toolkit for the Social Inclusion Division.

Petra Gartmann, Elena Rosenman, Caroline McGregor, Kate Deronne, Nicole Asman, Penelope Davie, Sophie Ismail, Tracey Pearce, Rachael Holland, Georgia Flynn – for demonstrated high levels of professionalism and commitment in the successful development and implementation of the Human Rights Public Sector Education Program.

Janette Dines, Luke Brown, Andrew Haslock, Eva Logan, Adam Raszewski, Jasmin Barker-Mitchell, Janean Richards – for demonstrating exceptional professionalism and teamwork in managing and coordinating the Commonwealth's legal representation in the 2011 Queensland Floods Commission of inquiry.

Katrina Fairburn, Chloe Baldwin, Loren Cousins, Tracy Ballantyne – outstanding effort and dedication in developing key legislation in a short timeframe, to foster greater transparency and accountability in the handling of complaints about judicial officers in the federal courts.

Strategic Policy and Coordination

Stephen Abbey and Paul Warren – for demonstrated high levels of professionalism and commitment in the successful restoration of ICT services to the department.

Matthew Hobbs – for outstanding input into the goals of ICT Security Services and for displaying a high degree of professionalism and expertise promoting the image and reputation of People, Information and Technology Division.

Ross Oakman, Matthew Hobbs, Paul Warren, Christopher Skinner, Geoffrey Thornthwaite, Ian Jaggard, Stelios Shizas, Mayuran Sivarama, Nicholas Halbert-Lillyman, Jayston Spindler, Kurt Lindner, Shelley West, Jane Vucago, Lee Mills – for excellence in collaborative working relationships and achievement of outcomes in a short timeframe.

National Security and Criminal Justice

Douglas Rutherford, Danica Yanchenko, Owen Lodge, Ryan Kennedy, Graeme Gunn – for consistent performance at a very high level throughout 2011.

Robyn Devin – for professionalism, expertise and commitment in planning, organising and managing the SIG 2011 Conference.

Majda Hordern, Simone Davenport, Matthew Ford, Joeline Azzopardi, Robyn Hunt, Kerry Wallace, Rheannon Nicholson, Mark Hayes, Daniel Mogaldeanu, Catherine Baily, Claire Major, Sharon Elliott, Mark Carpenter, Mark Goldsby – for demonstrated high levels of dedication, professionalism and commitment in the successful development and implementation of the Australian Government Crisis Coordination Centre.

Tara Inverarity, Catherine Barker, Branko Ananijevski – for outstanding performance in developing the cyber crime agenda of the 2011 Quintet of Attorneys-General and of the 2011 Commonwealth Law Ministers' Meeting.

Tanya Boulter, Olivia Shen, Aaron Kim – for determination, commitment and vision in creating the department's innovative Resilient Communities website, which embodies the collaboration between communities and government to prevent violent extremism.

Other awards

Women's Network Awards

The Women's Network hosted the annual Women's Network Awards on 10 May, which saw three women recognised not just for their professional achievements but also for the outstanding contributions they make to their workplace and their communities.

These awards recognise the valuable contributions women make to the work of the department, as well as its life and culture – and this year's recipients encompassed this and more.

Marjorie Todd, Assistant Secretary of the Legal Assistance Branch, received special recognition for her great energy and enthusiasm, and for being a positive role model for her staff.

Lucy Sargeson, a Principal Legal Officer in the Legislative Scrutiny Section, received the Women's Network Award – encourage, empower, achieve, for her exceptional commitment to encouraging and mentoring her colleagues.

Alita Menchavez, from Emergency Management Australia, was nominated for her outstanding contribution to the work and life of the Australian Emergency Management Institute. As an Administration Officer in the National Security Training, Education and Development Branch, Alita contributes enormously to the social fabric of the department, particularly at Mt Macedon. In addition to her outstanding work ethic, Alita volunteers on weekends to teach English to new migrants.

Implementation of the Personal Property Securities Reforms

Special awards from the Secretary, to recognise outstanding commitment in the development and implementation of the Personal Property Securities (PPS) Reforms, were awarded to Chris Jeacle, David Bergman, Wayne Bobbin and Deryk Bartlett. The Personal Property Securities Branch as a whole also received an award recognising all the officers who have worked on making PPS Reforms a success since 2006, as did the Information Division (ID), to recognise the delivery of a high quality outcome and the outstanding commitment and professional competence of all those in ID who made the PPS Reforms happen.

Achievements

Jane Bailey, Chief Information Officer, was selected to participate in the prestigious Cranlana Programme. The Cranlana Colloquium is designed for senior leaders to enable them to enhance their understanding of the philosophical, ethical and social issues central to creating a just, prosperous and sustainable society in Australia through examining their own roles and responsibilities.

Suzanne Akila received one of the first Sir Roland Wilson Foundation scholarships to undertake a PhD in Public International Law at the Australian National University.

In 2011-12, the department participated in the Jawun Indigenous Corporate Partnerships Program, which places high performing EL1 and EL2 APS employees in Indigenous organisations on shortterm secondment arrangements. Lavinia Gracik from the Native Title Unit was selected to participate in the program to be placed at the La Perouse Local Aboriginal Land Council in NSW from 23 July to 17 August 2012.

Andrew Lock has been awarded the Medal of the Order of Australia (OAM) for his services to mountaineering. Andrew is the first Australian to climb all of the world's fourteen peaks over 8,000 metres, and to lead a commercial expedition to the summit of Mount Everest.

Extradition and mutual assistance

International transfer of prisoners

Table A8.1: International transfer of prisoners

	2010–11	2011–12
Applications made to transfer from Australia	36	25
Applications made to transfer to Australia	17	20

Extradition matters dealt with in 2011–12 or continuing at 30 June 2012

Table A8.2: Extradition requests made by Australia

	2011–12
Requests carried forward	37
New requests made	14
Requests granted	9
Requests withdrawn	2
Requests refused	0
Requests otherwise finalised*	3
Requests continuing	37
* Requests otherwise finalised includes requests where the suspect is believed to have left the jurisdiction to which the request was made, and deportation cases.	

Table A8.3: Australian extradition requests granted

Country	Number
Germany	1
India	2
Mexico	1
South Africa	1
Thailand	2
United States	2

Table A8.4: Citizenship of people surrendered to Australia

Country	Number
Australia*	5
France*	1
India	2
United Kingdom	1
United States	1

* One person was a dual Australian–French national

Table A8.5: Major categories of offences for which people were surrendered

Offence	Number
Child sex offences	1
Drugs	3
Assault and other offences against the person	2
Murder and attempted murder	1
Foreign bribery	1
Culpable driving	1

Table A8.6: Extradition requests made to Australia

	2011-12
Requests carried forward	57
New requests received	22
Requests granted	10
Requests withdrawn	2
Requests refused by the Attorney-General	1
Requests refused by the courts	0
Requests otherwise finalised*	14
Requests continuing	52

* Requests otherwise finalised includes requests in which extradition proceedings were not initiated, requests where the suspect was not located in, or had left, the country and requests returned to the foreign country for further information and not pursued.

Table A8.7: Extradition requests granted by Australia

Country	Number
Hong Kong Special Administrative Region	1
Indonesia	1
Ireland	1
United Kingdom	6
United States	1

Table A8.8: Citizenship of people surrendered by Australia

Country	Number
Australia	5
China (Hong Kong SAR)	1
Ecuador*	1
United Kingdom*	3
United States	1

* One person was a dual United Kingdom–Ecuadorian national

Table A8.9: Major categories of offences for which people were surrendered

Offence	Number
Child sex and child exploitation offences	4
Drugs	1
Theft and/or fraud	3
Corruption	1
Culpable driving	1

Note: Extradition requests vary considerably in complexity and the time it takes to resolve them. The time taken to resolve an extradition request can vary from a few years, if a fugitive wishes to contest extradition and exercise all rights of review and appeal, to a few months if a fugitive consents to extradition.

Mutual assistance matters dealt with in 2011-12 or continuing at 30 June 2012

Table A8.10: Mutual assistance in criminal matters requests made by Australia

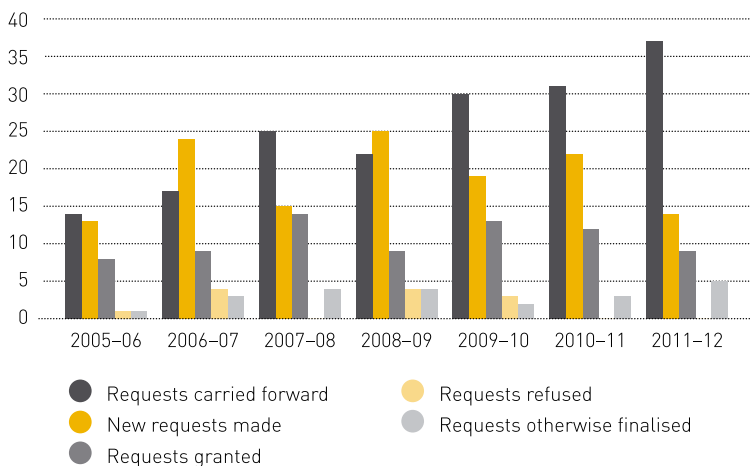
	2011-12
Requests carried forward	257
New requests made/requests reopened	263
Requests finalised	225
Requests continuing	295

Table A8.11: Mutual assistance in criminal matters requests made to Australia

	2011-12
Requests carried forward	151
New requests received/requests reopened	387
Requests finalised	391
Requests refused	1
Requests continuing	146

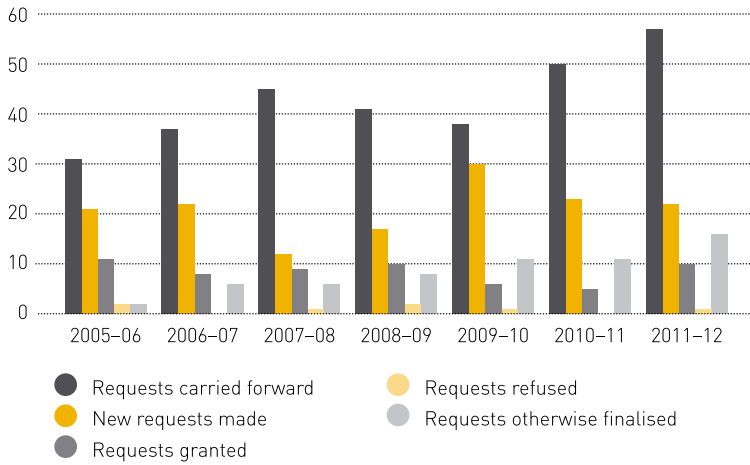
Comparative statistics for extradition and mutual assistance cases, 2005-06 to 2011-12

Figure A8.1: Extradition requests made by Australia, 2005-06 to 2011-12



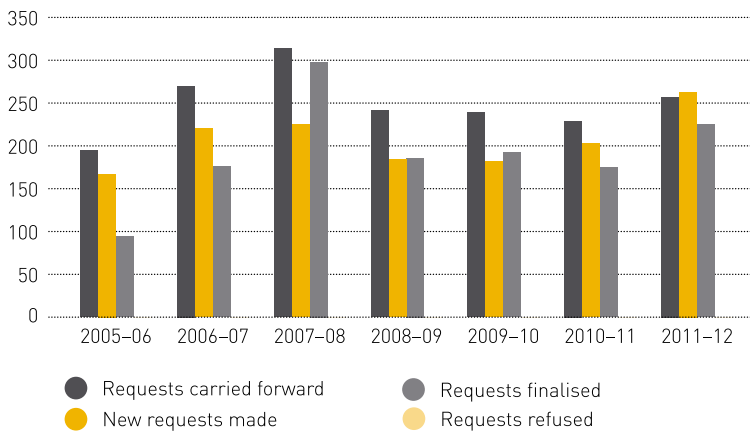
Note: Requests otherwise finalised includes requests withdrawn

Figure A8.2: Extradition requests made to Australia, 2005–06 to 2011–12

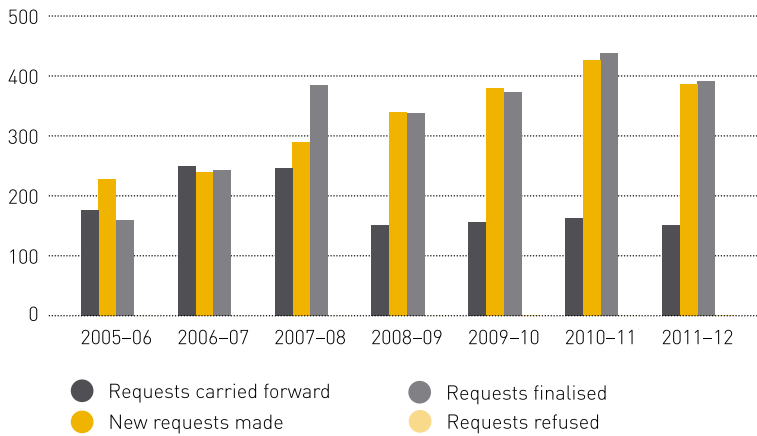


Note: Requests otherwise finalised includes requests withdrawn

Figure A8.3: Mutual assistance requests made by Australia, 2005–06 to 2011–12



Note: There were no requests refused.

Figure A8.4: Mutual assistance requests made to Australia, 2005-06 to 2011-12

Note: There was one request refused in 2009-10 and one refused in 2011-12

Extradition – Additional reporting

Australia has not extradited any permanent residents in the report period.

Australian authorities have not noted in the reporting period any breaches of substantive obligations contained in bilateral extradition treaties.

International war crimes

Australia received three mutual assistance requests from the International Criminal Tribunal for the former Yugoslavia. Australia received two mutual assistance requests from the International Criminal Court.

International Criminal Court

The *International Criminal Court Act 2002* came into force on 28 June 2002. Section 189 of that Act provides that the department must publish each year, as an appendix to its annual report, a report on the operation of the Act, the operations of the International Criminal Court (ICC), and the impact of the operations of the ICC on Australia's legal system.

Operation of the *International Criminal Court Act 2002*

The *International Criminal Court Act 2002* establishes mechanisms to facilitate Australia's compliance with its obligations under the *Rome Statute of the International Criminal Court*, including those relating to the provision of investigative assistance and the arrest and surrender of suspects.

The crimes over which the ICC can currently exercise jurisdiction – genocide, war crimes and crimes against humanity – are criminalised under Australia's domestic law and, in each instance, apply whether or not the alleged offence occurs in Australia and regardless of whether the alleged offender is an Australian national.

At the first Review Conference of the ICC, which was held in Uganda from 31 May to 11 June 2010, States Parties to the Rome Statute adopted by consensus amendments that extend the ICC's jurisdiction to three new war crimes relating to non-international armed conflict. For those States Parties that ratify the amendments, the new war crimes will come into force one year after ratification.

At that same meeting, States Parties also adopted, by consensus, amendments setting out the definition of the crime of aggression and the conditions under which the ICC's jurisdiction over the crime could be exercised. Activation of the ICC's jurisdiction over the crime cannot occur until 2017 at the earliest, following a two-thirds majority decision of States Parties and ratification of the amendments by at least thirty States Parties.

Under the Rome Statute a case will be inadmissible before the ICC if the relevant conduct is being investigated or prosecuted by national authorities, unless those national authorities are unwilling or genuinely unable to carry out the investigation or prosecution. Australian authorities can therefore investigate and prosecute crimes within the ICC's jurisdiction, allowing Australia to retain primary jurisdiction over such crimes that are alleged to have been committed in Australian territory or by Australian citizens. The International Criminal Court Act does not affect the right of Australia to exercise primary jurisdiction over these crimes.

Operations of the International Criminal Court

The Rome Statute entered into force generally, on 1 July 2002, and for Australia, on 1 September 2002. At the end of the reporting year, 121 countries were States Parties to the Statute.

The ICC, which is based in The Hague in the Netherlands, is the first permanent international court capable of investigating and prosecuting the most serious crimes of international concern. Its jurisdiction is currently limited to the crime of genocide, crimes against humanity and war crimes, and is confined to crimes committed after the Rome Statute entered into force.

During the year, Australia participated in the tenth session of the Assembly of State Parties, held from 12 to 21 December 2011. At the tenth session, the Assembly of State Parties elected a new President of the Assembly of State Parties, six new judges to the Court, the next Prosecutor, and six members to the Committee on Budget and Finance. Further, the Assembly adopted six resolutions: on cooperation, amendment to the Rules of Procedure and Evidence, reparations, permanent premises, the 'omnibus' resolution and the 2012 budget.

The eleventh session of the Assembly of States Parties will be held in The Hague, The Netherlands between 14 and 22 November 2012. At this session, the Assembly is expected to elect a new Deputy Prosecutor to replace current Deputy Prosecutor (and Prosecutor-elect) Bensouda. As there are currently two Deputy Prosecutor positions (Prosecutions, Investigations), with the latter remaining unoccupied, incoming Prosecutor Bensouda may decide to nominate candidates for both positions.

During the year the ICC progressed a number of judicial proceedings.

Democratic Republic of Congo

The ICC's first trial, against Thomas Lubanga Dyilo for alleged war crimes committed in the Democratic Republic of the Congo, concluded in August 2011. On 14 March 2012, Lubanga was found guilty of enlisting and conscripting children under the age of fifteen years and using them to participate actively in hostilities. On 10 July 2012, he was sentenced to a total period of fourteen years of imprisonment. The decision was the first conviction of an individual by the ICC.

The trial of Germain Katanga and Mathieu Ngudjolo Chui, for the alleged commission of war crimes and crimes against humanity in the Democratic Republic of Congo, commenced in November 2009. Closing statements took place from 15 to 23 May 2012, and this case is close to finalisation. As at the end of the reporting year, the ICC is yet to pronounce its decision.

The ICC issued an arrest warrant for Bosco Ntaganda in April 2008 for the alleged commission of war crimes. As at the end of the reporting year, he still remains at large. In December 2011, the ICC declined to confirm charges against Callixte Mbarushimana. On 30 May 2012, the Appeals Chamber of the ICC dismissed the Prosecution's appeal against this decision.

Central African Republic

The trial of Jean-Pierre Bemba Gombo, for alleged war crimes and crimes against humanity committed in the Central African Republic, commenced on 22 November 2010. In addition, the initial appearance hearings for six alleged perpetrators of post-election violence in Kenya were held on 7 and 8 April 2011. A challenge by the Kenyan Government to the admissibility of these cases was rejected by the ICC on 30 May 2011. In March 2012, the prosecution finished its presentation of forty witnesses. On 1 May 2012, participating victims began giving evidence. The defence case begins on 14 August 2012.

Libya

In 2010–11, the Office of the Prosecutor commenced an investigation into the situation in the Libyan Arab Jamahiriya following a unanimous referral by the United Nations Security Council. On 27 June 2011 the ICC issued arrest warrants against Muammar Gaddafi, Saif Al Islam Gaddafi and Abdullah Al-Sanussi for alleged crimes against humanity committed in Libya in February 2011. On 22 November 2011, the ICC formally terminated the case against Muammar Gaddafi due to his death. On 1 May 2012, Libyan authorities applied to challenge the admissibility of the case against the two remaining suspects, Saif Al Islam Gaddafi and Al-Sanussi, on the basis that they are currently being investigated in Libya for crimes against humanity. The ICC's final determination on Libya's challenge remained outstanding at the end of the reporting year.

Côte d'Ivoire

On 3 October 2011 the ICC authorised the commencement of an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire since 28 November 2010. This is the first time that an investigation is being conducted in a State that has not acceded to the Rome Statute but that has nevertheless accepted the jurisdiction of the ICC. All previous cases before the ICC relate to alleged crimes committed in the territory of State Parties to the Rome Statute, or have otherwise commenced following a referral from the United Nations Security Council. On 22 February 2012, the ICC expanded the scope of the investigation to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010. Laurent Gbagbo, former President of Côte d'Ivoire, was transferred to the ICC in November 2011. The ICC Prosecutor was scheduled to confirm the charges against Gbagbo in June 2012. However, at the request of Gbagbo's defence lawyers, this has been postponed to 13 August 2012.

Kenya

In March 2010, the ICC Prosecutor was authorised to commence an own-motion investigation into alleged crimes against humanity committed in Kenya in 2007–08. Initial appearance hearings were held in April 2011 for (i) William Samoei Ruto, (ii) Henry Kiprono Kosgey, (iii) Joshua Arap Sang, (iv) Francis Kirimi Muthaura, (v) Uhuru Muigai Kenyatta and (vi) Mohammed Hussein Ali. A challenge by the Kenyan Government to the admissibility of these cases was rejected by the ICC in May 2011. In August 2011, the ICC rejected an appeal by the Kenyan Government and confirmed the admissibility of the cases. In January 2012, the ICC confirmed charges against Ruto, Sang, Muthaura, and Kenyatta. The trial of these individuals is scheduled for 10 April 2013. The ICC declined to confirm the charges against Ali and Kosgey.

Uganda

In July 2004, the ICC Prosecutor commenced an investigation into senior leaders of the Lord's Resistance Army, following a referral of the situation by Uganda in December 2003. The ICC issued arrest warrants against Joseph Kony, Vincett Otti, Okot Odhiambo, and Dominic Ongwen in October 2005. At the end of the reporting year, all four individuals remained at large.

Sudan

In June 2005, the ICC Prosecutor commenced an investigation into the 2003 Darfur genocide. Cases have commenced against (i) Sudanese President Omar Hassan Ahmad Al-Bashir, (ii) Bahar Idriss Abu Garda, (iii) Ahmad Harun and Ali Kushayb, (iv) Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus, and (v) Abdel Raheem Muhammad Hussein.

Al-Bashir, Harun and Kushayb have had arrest warrants issued against them, but at the end of the reporting year still remained at large. The ICC declined to confirm the charges against Garda in February 2010, and the Prosecutor's appeal against this decision was rejected in April 2010. However, this decision does not preclude the Prosecution from subsequently requesting confirmation of the charges if such a request is supported by additional evidence.

Charges against Banda and Jerbo were confirmed on 7 March 2011. On 6 January 2012, Banda and Jerbo's defence lawyers requested a temporal stay in the proceedings due to the impossibility of investigations in Sudan, problems and dangers of interviewing witnesses in third countries, deaths of witnesses and inability to access documents. On 25 May 2012, the ICC decided to hold a hearing and a status conference on 11 and 12 July 2012. An arrest warrant against Hussein was issued on 1 March 2012. The execution of the arrest warrant is pending as at the end of the reporting year.

For further information about the ICC, see www.icc-cpi.int.

Impact of the operations of the International Criminal Court on Australia's legal system

During the reporting year, the operations of the ICC had no discernible impact on Australia's legal system. The future impact of ICC operations is expected to depend on the number of active prosecutions and investigations it undertakes and the number and nature of requests for assistance Australia receives.

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