

APPENDIXES

05



Part 5: Appendices

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Appendix 1: Reporting arrangements

Table A1.1: Portfolio annual reporting requirements and arrangements

Elements	Reporting Arrangements
Administrative Appeals Tribunal	B
Australian 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
Family Law Council	B
Federal Court of Australia	B
Federal Circuit Court of Australia	B
High Court of Australia	B
Insolvency and Trustee Services Australia (incorporating Inspector General in Bankruptcy on the operation of the Bankruptcy Act Annual Report 2011–12)	B & E
National Crime Statistics Unit	C
National Institute of Forensic Science Unit	C
National Native Title Tribunal	D
Office of Parliamentary Counsel	B
Office of the Australian Information Commissioner	B
Office of the Commonwealth Director of Public Prosecutions	B
Solicitor-General	A

Key

- A: Although resourced by the 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 Standing Council on Police and Emergency Management 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.

Appendix 2: Service charters

The department's client service charter has 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. These charters are available from www.ag.gov.au.

The following tables set out the customer services standards contained in each charter and the extent to which they were met during 2012–13.

Table A2.1: Service charter — compliance with customer service standards

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.	Four incidences 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 A2.2: AusCheck service charter — compliance with customer service standards

Charter	Service standard	Compliance with service standard
Provide timely and effective background checks for the Aviation Security Identification Card and Maritime Security Identification Card 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 (i.e. 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

Comments

As part of its website upgrade the department changed the way it receives its feedback and complaints electronically, from Email to a web-form accessible via our website. This change was designed to reduce the amount of spam Email received and provide a communication platform consistent with other Australian Government websites. In the past year approximately 150 feedback or complaint messages were received by the department. Many of the matters raised were more appropriately the responsibility of other Australian Government or state/territory government departments and correspondents were referred to them as appropriate.

Seventy-four items of correspondence that related directly to the department were received. In four instances, the department did not meet the service charter of providing a response within 28 days of receipt. In two cases non-compliance arose due to administrative error and in a further two cases non-compliance arose due to delays in preparing responses. Standard operating procedures are being updated to avoid similar administrative errors and delays in future.

Appendix 3: Legal services expenditure

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 2012–13, along with the previous year's data for comparison. All expenditure figures include GST.

Table A3.1: Legal services expenditure summary, comparing 2011–12 and 2012–13

	2011–12	2012–13
Total legal services expenditure^a	\$11,819,550.28	\$13,514,431.64
Total external legal services expenditure	\$10,396,791.74	\$11,925,472.06
Total number of counsel briefed	109	156
Total number of counsel direct briefed	30	20
Total value of counsel briefs	\$2,142,382.95	\$2,673,857.74
Total disbursements (excluding counsel)	\$180,056.99	\$186,136.55
Total professional fees paid	\$8,074,351.80	\$9,065,477.77
Total internal legal services expenditure^b	\$1,422,758.54	\$1,588,959.58
Total costs recovered	\$62,602.37	\$235,000.00

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. The 2012–13 legal services expenditure figures include costs incurred in providing support for the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse, as well as costs related to the Commonwealth's representation before the Royal Commission.
- 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. The Office of Legislative Drafting and Publishing transferred to Office of Parliamentary Counsel in 2012, and related legal services expenditure is treated as external legal expenditure. 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 a Principal Legal Officer and two SES officers.

Table A3.2: External legal services expenditure summary, comparing 2011–12 and 2012–13

	2011–12	2012–13
Counsel		
Total number of counsel briefed	109	156
Male counsel briefed	61	93
Female counsel briefed	48	63
Total number of counsel direct briefed	30	20
Male counsel direct briefed	14	10
Female counsel direct briefed	16	10
Total value of counsel briefs	\$2,142,382.95	\$2,673,857.74
Male counsel briefs	\$881,660.73	\$1,227,623.22
Female counsel briefs	\$1,260,722.22	\$1,446,234.52
Disbursements (excluding counsel)	\$180,056.99	\$186,136.55
Professional fees	\$8,074,351.80	\$9,065,477.77

Table A3.3: Professional service providers, comparing 2011–12 and 2012–13

	2011–12	2012–13
Australian Government Solicitor	\$7,439,502.82	\$8,331,964.02
Ashurst	\$572,246.61	\$524,865.54
DLA Piper Australia	-	\$1,631.85
Norton Rose Fullbright		\$5,850.00
Hunt & Hunt Lawyers		\$6,490.00
Sparke Helmore Solicitors		\$194,676.36
Mallesons Stephen Jaques	\$62,602.37	0
Total professional fees	\$8,074,351.80	\$9,065,477.77

Appendix 4: Staff achievements

These awards are a significant occasion in the department's calendar as they provide an opportunity to acknowledge publicly the remarkable achievements of our staff. These annual awards recognise individuals or teams who have demonstrated excellence in achieving outcomes above and beyond general expectations.

Annual departmental awards

The 2012 Departmental Awards Ceremony was held in August 2012 to recognise the achievements of staff.

Secretary's award 2012

Awarded to Chris Jeacle for her significant contribution to the development and implementation of Personal Property Securities (PPS) reform and the PPS Register.

Deputy Secretaries' awards 2012

Civil Justice and Legal Services Group: Awarded to Cathy Rainsford for her outstanding contribution to the Family Law Branch.

Strategic Policy and Coordination Group: Awarded to Antonietta Middleton for excellent support and advice to managers and staff in case management.

National Security and Criminal Justice Group: Awarded to Yolonde Werner for outstanding contribution to the goals and reputation of the department through her work on natural disaster recovery program operations.

Academic achievement award 2012

Awarded to Sara Samios for completion of a Masters of Law in International Law.

Australia Day Achievement Awards 2012 — Recognising exceptional staff

On 24 January the department celebrated Australia Day by acknowledging staff who have made exceptional contributions to the work of the department through the 2013 Australia Day Achievement Awards ceremony.

Claire McAlister — for high levels of professionalism, dedication and customer focus in providing key support to enable the Australian Government to successfully implement its open, transparent and more diverse appointments process across a number of judicial appointments in 2012, including the appointment of two High Court justices.

The Native Title Institutional Reform team — Tiffany Karlsson, Stephen Still, Leith Watson, Alan Wu and David Taft — for excellent stakeholder and program management, and achieving excellent results for the department and native title system, in implementing the Australian Government's 2012 institutional reforms.

The Legal Services Reform Team — Emma White, Mark Long, Georgia Weichert and Rachel Allen — in recognition of significant contribution to reform of the Australian Government's legal services procurement framework.

Human Rights — Statements of Compatibility Team — Lucy Sargeson, Kate Orange, James Pender, Zoe Scanlon and Renuka Thilagaratnam — for high levels of professionalism and dedication in achieving the goal of greater accountability of the Australian Public Service and the Parliament to meet Australia's international human rights obligations.

Brian Ewert for implementation of the *Work Health and Safety Act 2011* in the department and for assistance to portfolio agencies and other APS agencies in respect of this task.

The Brumby Anti-Dumping Taskforce — Rachel Antone, Christopher Perry, Rohan Verco, Geoff Gleeson (Australian Customs and Border Protection Service) — who worked tirelessly to support the review of anti-dumping matters commissioned by the Minister for Home Affairs and Justice.

The Ministerial Section — Jayston Spindler, Kurt Linder, Shelley West, Jane Vucago, Lee Mills, Mark Tozer, Rose Booth and Katrina Morrison — for demonstrated high levels of professionalism, commitment and dedication in achieving exceptional outcomes for the department in the implementation of a parliamentary workflow solution and associated business processes and improvements.

Paul Stoddart and Kris Garred for excellence in progressing the protection and resilience of Australia's submarine cable network.

Rebekah Kilpatrick for outstanding leadership in support of Australia's ongoing effort to combat people trafficking.

A Cross-divisional team — Laura Munsie, Ben Shaw, Annette Willing, Karl Alderson, Alex Madsen, Roxane Nolan and Jennifer Cavenagh — for outstanding commitment, professionalism and stakeholder management in dealing with security aspects of irregular maritime arrivals.

The Cybercrime Convention implementation Team — David Cramsie, Greg Sadler, Andrew Kiley, Branko Ananijevski and Catherine Smith — for demonstrated high levels of professionalism and commitment in the successful progression of Australia's Accession to the Council of Europe Convention on Cybercrime.

Simona Timmons and Camille Goodman were recognised in the Department of Agriculture, Fisheries and Forestry's Australia Day Awards for work completed while on secondment in relation to a new fisheries Treaty, the 'Agreement on Strengthening Implementation of the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region'.



Table A5.1: Staffing by location (region), substantive classification and gender — full time equivalent — includes ongoing, non-ongoing, full-time and part-time in 2012 and 2013 at 30 June of each year

Substantive Classification	Gender	ACT		NSW		NT		QLD		VIC		WA		Indonesia		PNG		Total	Variance from 2012	
		2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013			
APS Level 1-2	Female	9.77	7.66															9.77	7.66	2.11
	Male	6.79	5.79							2	2							8.79	7.79	1
APS Level 3	Female	31.8	45.52	2	2					5.35	5.99							39.15	53.51	-14.36
	Male	10.8	10.4	2	2					2								14.8	12.4	2.4
APS Level 4	Female	106.98	100.5	10	4.9					2	1							118.98	106.4	12.58
	Male	36	34	2.6	1.6													38.6	35.6	3
APS Level 5-6	Female	177.5	181.47	12.9	9			1	1	14.73	12.95							206.13	204.42	1.71
	Male	121.2	125.7	10	9	1	1	3	3	3	4			1				135.2	142.7	-7.5
Cadet	Female	1	2															1	2	-1
	Male	1	1															1	1	0
Executive Level 1	Female	135.36	133.77	3.92	1.97			0.8	6.4	4.2								145.68	140.74	4.94
	Male	114.74	120.45	5	1			1	1.91	3.6	2	1						124.34	126.36	-2.02
Executive Level 2	Female	54.77	45.7	5.54	2					1	1							61.31	48.7	12.61
	Male	53.54	53.66	6	2			1	1	1	1							61.54	57.66	3.88
Graduate	Female	18	17															18	17	1
	Male	17	17															17	17	0
Legal Officer	Female	79.55	95.69	1	1													80.55	96.69	-16.14
	Male	53	44	1														54	44	10
Principal Legal Officer	Female	54.07	65.21		1													1	3	-14.14
	Male	14.85	25.86															5	6	-13.01
Senior Legal Officer	Female	100.33	116.37															101.33	116.37	-15.04
	Male	33.4	38		1													33.4	39	-5.6
SES Band 1	Female	21.73	29.92	3	1													26.73	30.92	-4.19
	Male	18	25															18	25	-7
SES Band 2	Female	4	5															4	5	-1
	Male	11	12															11	12	-1
SES Band 3	Female	1	1															1	1	0
	Male	3	3															3	3	0
Total	Female	795.86	846.81	38.36	22.87	0	0	1	1.8	30.48	25.14	0	0	0	0	0	0	868.7	899.62	-30.92
	Male	494.32	515.86	26.6	16.6	0	1	2	6.91	11.6	9	0	1	1	0	5	6	540.52	556.37	-15.85

Note: casuals are excluded

Table A5.2: Staffing by substantive classification, gender, employment category and employment status (headcount) in 2012 and 2013 at 30 June of each year

Substantive Classification	Gender	2013 Non-ongoing		2012 Non-ongoing		2013 Ongoing		2012 Ongoing		2013 total		2012 total		Variance from 2012 Total
		Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Total	Total	Total	Total	
APS Level 1-2	Female	2	3	2	4	3	5	2	12	9	3			
	Male			1	6	1	6	1	9	8	1			
APS Level 3	Female	6	3	7	1	32	43	6	41	57	-16			
	Male	4		1	10	1	12		15	13	2			
APS Level 4	Female	17	10	10	93	13	91	9	123	110	13			
	Male	12		5	26	1	30		39	36	3			
APS Level 5-6	Female	28	6	12	153	32	172	29	219	214	5			
	Male	12		7	121	3	134	2	136	143	-7			
Cadet	Female				1		2		1	2	-1			
	Male	1		1					1	1	0			
Executive Level 1	Female	19	5	4	1	102	28	118	26	154	149			
	Male	11	1	2	1	108	6	121	3	126	127			
Executive Level 2	Female	9	2		45	8	44	6	64	50	14			
	Male	4	3		51	5	54	4	63	58	5			
Graduate	Female				18		17		18	17	1			
	Male				17		17		17	17	0			
Legal Officer	Female	3		3	73	7	89	8	83	100	-17			
	Male	4		5	50		39		54	44	10			
Principal Legal Officer	Female	2		4	37	22	54	15	61	73	-12			
	Male	5		7	13	2	25		20	33	-13			
Senior Legal Officer	Female	4		6	75	32	90	29	111	125	-14			
	Male	2			29	3	39		34	39	-5			
SES Band 1	Female				26	1	29	3	27	32	-5			
	Male				18		25		18	25	-7			
SES Band 2	Female				4		5		4	5	-1			
	Male				11		12		11	12	-1			
SES Band 3	Female				1		1		1	1	0			
	Male				3		3		3	3	0			
Total	Female	90	19	46	5	662	146	760	133	919	944			-25
	Male	57	4	28	4	463	22	517	10	546	559			-13

Note: casuals are excluded

Appendix 6: Extradition and mutual assistance

International transfer of prisoners

Table A6.1: International transfer of prisoners

	2011–12	2012–13
Applications made to transfer from Australia	25	36
Applications made to transfer to Australia	20	10

Extradition matters dealt with in 2012–13 or continuing as at 30 June 2013

Table A6.2: Extradition requests made by Australia

	2012–13
Requests carried forward	37
New requests made	16
Requests granted	14
Requests withdrawn	2
Requests refused	1
Requests otherwise finalised	2
Requests continuing	34

Table A6.3: Australian extradition requests granted

Country	Number
United Kingdom	4
Thailand	2
United States of America	2
Canada	1
India	1
Ireland	1
Italy	1
Malaysia	1
United Arab Emirates	1

Table A6.4: Citizenship of people surrendered to Australia

Country	Number*
Australia	8
United Kingdom	3
Afghanistan	1
Canada	1
Colombia	1
India	1
Ireland	1
United States of America	1

* Note — as some of these people held dual nationality, the numbers total more than the number of people surrendered.

Table A6.5: Major categories of offences for which people were surrendered

Offence	Number
Child sex offences	4
Drugs	3
Fraud / theft offences	3
People smuggling	2
Murder / attempted murder	1
Other sexual offences	1
Proceeds of crime offences	1

Table A6.6: Extradition requests made to Australia

	2012-13
Requests carried forward	52
New requests received	23
Requests granted	11
Requests withdrawn	1
Requests refused by the Attorney-General	0
Requests refused by the courts	2
Requests otherwise finalised	14
Requests continuing	47

Table A6.7: Extradition requests granted by Australia

Country	Number
United States of America	4
Ireland	3
United Kingdom	3
Finland	1

Table A6.8: Citizenship of people surrendered by Australia

Country	Number*
Ireland	4
United States of America	4
United Kingdom	3
Australia	1
Greece	1
Syria	1
Venezuela	1

* Note — as some of these people held dual nationality, the numbers total more than the number of people surrendered.

Table A6.9: Major categories of offences for which people were surrendered

Offence	Number
Fraud/theft offences	6
Other sexual offences	2
Proceeds of crime offences	2
Arson	1
Child sex offences	1
Drugs	1
Murder/attempted murder	1

Note: Extradition requests vary considerably in complexity and the time it takes to resolve them. The complexity of an extradition request depends on the alleged criminal offence or offences and the alleged criminal conduct underlying the offences. 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 2012–13 or continuing as at 30 June 2013

Table A6.10: Mutual assistance in criminal matters requests made by Australia

	2012-13
Requests carried forward	295
New requests made/requests reopened	292
Requests finalised	259
Requests continuing	328

Table A6.11: Mutual assistance in criminal matters requests made to Australia

	2012-13
Requests carried forward	146
New requests /requests reopened	398
Requests finalised	385
Requests refused	1
Requests continuing	159

Comparative statistics for extradition and mutual assistance cases, 2004–05 to 2012–13

Figure A6.1: Extradition requests made by Australia, 2004–05 to 2012–13

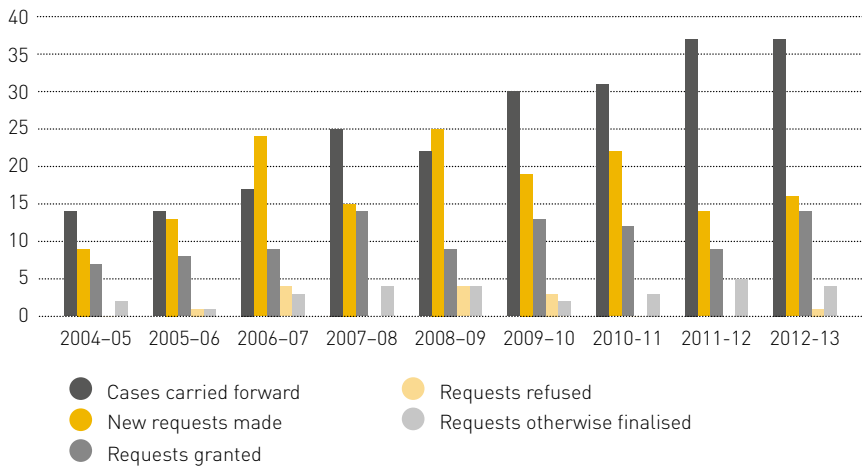


Figure A6.2: Extradition requests made to Australia, 2004–05 to 2012–13

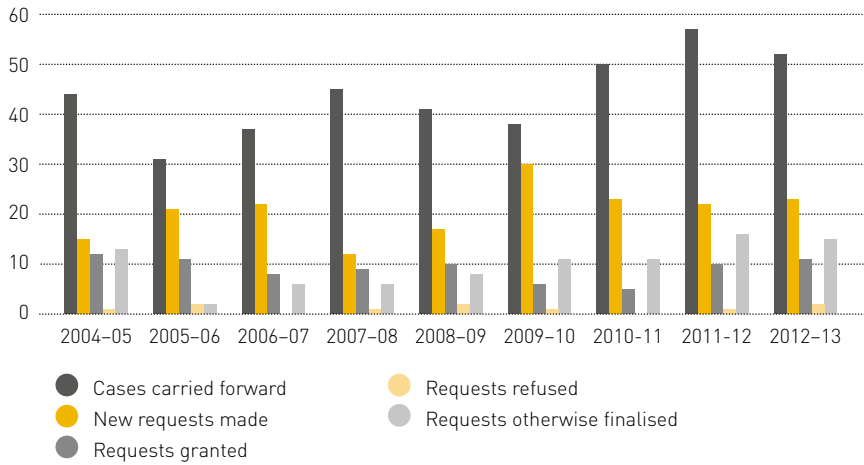


Figure A6.3: Mutual assistance requests made by Australia, 2004–05 to 2012–13

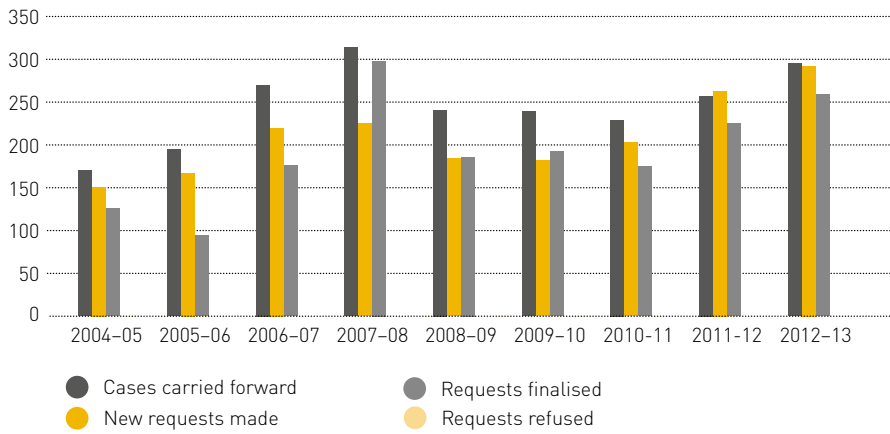
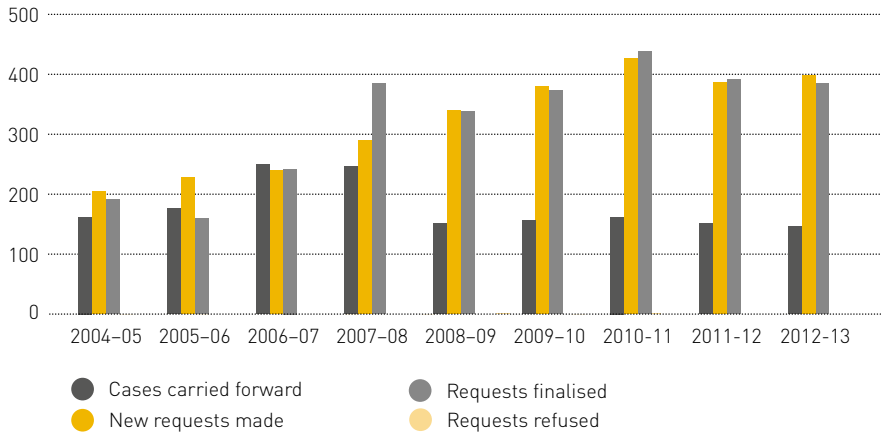


Figure A6.4: Mutual assistance requests made to Australia, 2004–05 to 2012–13

International war crimes

Australia received three requests for assistance from the International Criminal Tribunal for the former Yugoslavia. Two were finalised and one remains current.

Breaches of undertakings

In response to the House Standing Committee on Social Policy and Legal Affairs' Advisory Report on the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011, the Australian Government undertook to report all breaches of undertakings in relation to extradition or mutual assistance processes that come to the attention of the Government, in the Attorney-General's Department annual report.

A person was surrendered by Australia to the United Kingdom in April 2012 pursuant to a request for the person's extradition. As part of that request, the United Kingdom undertook that (relevantly) the person would not be detained or tried for an offence other than the offence for which the person was surrendered. The Attorney-General's Department became aware that the person had been sentenced for an additional (minor) offence and sought clarification from the United Kingdom Home Office about whether the undertaking had been breached.

The United Kingdom Home Office has confirmed that, as a result of what appears to have been a miscommunication within the UK Crown Prosecution Service (CPS), the undertaking was breached. Following ongoing dialogue between the Attorney-General's Department and the United Kingdom Home Office, the CPS brought the matter back before the court with the court setting aside the person's conviction for the additional offence in July 2013, before the person had served any part of the sentence for that conviction.

Appendix 7: The 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.

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.

Operation 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, 122 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 crimes 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 eleventh session of the Assembly of States Parties, held from 14 to 22 November 2012. At the eleventh session, the Assembly of States Parties elected a new Deputy Prosecutor as well as the members of the newly formed Advisory Committee of Judicial Nominations. Further, the Assembly adopted eight resolutions on: the 2013 budget, amendment to the Rules of Procedure and Evidence, permanent premises, the Independent Oversight Mechanism, cooperation with the court, complementarity, victims and reparations, and strengthening the International Criminal Court and the Assembly of States Parties. The next session of the Assembly of States Parties will be held in The Hague, the Netherlands, between 20-28 November 2013.

During the year the ICC continued a number of judicial proceedings in respect of situations in each of the Democratic Republic of Congo, the Central African Republic, Libya, Cote d'Ivoire, Kenya, Uganda, the Sudan and Mali. These proceedings currently range from the investigation to appeal stages and predominately address cases of war crimes and crimes against humanity.

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 undertaken and the number and nature of requests for assistance received by Australia.