



Australian Government
Attorney-General's Department

Secretary

15 February 2022

Senator the Hon. Kim Carr
Deputy Chair
Legal & Constitutional Affairs Legislation Committee
Labor Senator for Victoria

Dear Senator

RE: Attorney-General's Portfolio appearance at Budget Estimates hearing

Thank you for your letter of 14 February 2022, advising of specific information that Opposition Senators have requested be made available at the upcoming Additional Estimates hearing on 15 February 2022.

The number and levels of staff currently employed by AGD

As at 31 January 2022, the Attorney-General's Department (the department) employed 1906 employees. This number excludes casual employees, employees on long term leave, contractors, labour hires and secondees.

A breakdown by level is provided below

Actual Classification			
Classification	HC	FTE	% HC
APS1	1	0.47	0.05%
APS2	4	4.00	0.27%
APS3*	60	58.19	4.44%
APS4	207	200.18	9.32%
APS5	233	225.51	12.57%
APS6	361	341.65	19.84%
EL1	516	494.72	27.15%
EL2	334	315.72	16.26%
SES1	155	150.64	8.13%
SES2	27	26.60	1.57%
SES3	8	8.00	0.38%
Total	1906	1825.68	100.00%

*Graduates included

Funding levels for the Australian Human Rights Commission

Commission Government Funding

Financial Year	Government Appropriation / Funding (\$'000)*
2021-22	20,672**
2020-21	17,489
2019-20	16,538
2018-19	16,709
2017-18	14,391
2016-17	14,593

* The figures presented exclude the Commission's own-source revenue arising from service fees and direct cost recoveries. Further information is provided in the Commission's annual reports and AG's Portfolio Budgets Statements / Portfolio Additional Estimates Statements.

** This figure excludes a \$16.050m equity injection provided in the 2021-22 Portfolio Additional Estimates Statements comprising equity injections of \$16.0m to provide for ongoing financial sustainability for the Commission and \$0.050m for the measure *Attorney-General's Portfolio – additional resourcing*.

Details regarding the implementation of the recommendations of the Respect@Work National Inquiry into Sexual Harassment in Australian Workplaces, including Recommendation 17 and Recommendation 18

Please find **attached** an update on the implementation of the Government's response to recommendations of the Respect@Work National Inquiry into Sexual Harassment in Australian Workplaces, including Recommendation 17 and Recommendation 18.

Details of all costs incurred by AGD, in relation to the prosecution of Witness K and Bernard Collaery to date (including AGS and external legal services)

As at 31 January 2022, the external legal costs incurred by the Commonwealth in the prosecutions of Witness K and Mr Collaery total approximately \$4,232,569.20 excluding GST.

The amount includes the services of the Australian Government Solicitor and external legal services such as counsel fees and legal disbursement costs. This amount includes the external counsel costs incurred by the Commonwealth Director of Public Prosecutions (CDPP) but does not include the CDPP's internal staff costs.

Details of all costs incurred by AGD since the conclusion of the case against Witness K, and hence which relate only to the continued prosecution of Bernard Collaery since that time

Between 19 June 2021 (the day after Witness K was sentenced) and 31 January 2022, the external legal costs incurred by the Commonwealth in relation to the prosecution of Mr Collaery total approximately \$424,642.38 excluding GST.

The amount includes the services of the Australian Government Solicitor and external legal services, such as counsel fees and legal disbursement costs. This amount includes the external counsel costs incurred by the Commonwealth Director of Public Prosecutions (CDPP) but does not include the CDPP's internal staff costs.

Details of AGD’s knowledge of, and any advice the Department provided the current of former Attorney-General in relation to, the \$100,000 donation made to the LNP by Geoffrey Thomas the day before the Government announced that Justice the Hon David Thomas had been appointed as President of the Administrative Appeals Tribunal

At the time of Justice Thomas’s appointment in 2017, the department was unaware of any political donation made by his brother. As a result, the department did not provide any advice to the then Attorney-General about the donation.

On 27 January 2022, the department advised the current Attorney-General’s Office that the Administrative Appeals Tribunal had responded to a media enquiry received that day from The Australian about the political donation.

Details of the recipients, precise purpose and timing of distribution of funds announced by the Attorney-General on 11 May 2021 in a joint Media Release titled

“Budget Delivering for Australian Women”

(<https://ministers.pmc.gov.au/payne/2021/budget-delivering-australian-women>) in relation to the following specific announcements:

- **“... \$129.0 million in additional legal assistance funding to women’s legal centres to help women access justice. This funding will be directed to women’s legal centres, to enable these providers to respond to increasing demand for domestic violence assistance”;**

Through the 2021-22 Budget, the government provided additional funding of \$128.992 million over four years for legal assistance providers in each state and territory to increase their capacity to deliver services to women, including those experiencing, or at risk of, family violence. This funding is being delivered through the National Legal Assistance Partnership (NLAP).

The funding is for the delivery of dedicated legal assistance services to women. The eligible recipients of the additional funding are community legal centres, legal aid commissions, and Aboriginal and Torres Strait Islander Legal Services. The Commonwealth has required states and territories to allocate some of this funding to community legal centres specialising in the delivery of services to women.

Payments of the additional funding have been made to all states and territories. These payments were made on 7 September 2021, 7 October 2021 and 7 November 2021. The timing of these payments was determined by when each jurisdiction signed the amendments to the NLAP required to deliver the funds. The final payment for 2021-22 is expected to be made on 7 April 2022, following the receipt of Jurisdictional Performance Reports on 11 March 2022.

Under the NLAP state and territory governments determine the allocation of the funding to individual service providers. States and territories were required to submit a progress report on 30 November 2021 with projected allocations to legal assistance providers. At that stage some states and territories had not determined precise funding amounts to service providers. Actual allocations will be confirmed in further Jurisdictional Performance Reports due on 11 March 2022.

The table below sets out projected state allocations for 2021-22 for increased legal assistance for vulnerable women, as reported at 30 November 2021. Please note, some states, including NSW, were undertaking procurement processes at the time of reporting and were not able to fully report on the projected allocation. The department has requested updates from NSW about its allocations, but has not yet received that information.

Projected state allocations to service providers for 2021-22

State & service provider	2021-2022 Projected Allocation (\$)
<u>NEW SOUTH WALES</u>	
Legal Aid NSW	\$ 3,798,000.00
<i>Outstanding amount to be allocated by NSW</i>	\$ 5,838,000.00
NEW SOUTH WALES TOTAL	\$ 9,636,000.00
<u>VICTORIA</u>	
<i>Community Legal Centres (Grant Process)</i>	\$ 2,062,000.00
Djirra	\$ 450,000.00
Victorian Aboriginal Legal Service	\$ 150,000.00
Women's Legal Service Victoria	\$ 4,000,000.00
VICTORIA TOTAL	\$ 6,662,000.00
<u>QUEENSLAND</u>	
Aboriginal and Torres Strait Islander Women's Legal Service NQ Inc	\$ 654,675.00
My Community Legal Inc	\$ 115,685.00
North Queensland Women's Legal Service Inc	\$ 2,818,507.00
Women's Legal Service Inc	\$ 2,642,038.00
<i>Outstanding amount to be allocated by QLD</i>	\$ 408,095.00
QUEENSLAND TOTAL	\$ 6,639,000.00
<u>WESTERN AUSTRALIA</u>	
Albany Community Legal Centre	\$ 76,359.42
Circle Green Community Legal	\$ 111,670.23
Freemantle Community Legal Centre	\$ 111,670.23
Goldfields Community Legal Centre	\$ 76,359.42
Gosnells Community Legal Centre	\$ 111,670.23
Kimberley Community Legal Services	\$ 111,670.23
Legal Aid Western Australia	\$ 1,609,500.00
Midland Information Debt and Legal Advocacy Service Inc (MIDLAS)	\$ 76,359.42
Northern Suburbs Community Legal Centre	\$ 55,835.11
Peel Community Legal Centre	\$ 76,359.42
Pilbara Legal Service	\$ 19,089.85
Regional Alliance West	\$ 76,359.42
Southern Communities Advocacy Legal Education Service (SCALES)	\$ 55,835.11
South West Community Legal Centre	\$ 76,359.42
Wheatbelt Community Legal Centre	\$ 55,835.11
Women's Legal Service	\$ 518,067.38
WESTERN AUSTRALIA TOTAL	\$ 3,219,000.00
<u>SOUTH AUSTRALIA</u>	
Aboriginal Legal Rights Movement	\$ 500,000.00
Legal Services Commission of South Australia	\$ 750,000.00
Women's Legal Service South Australia	\$ 715,000.00
<i>Outstanding amount to be allocated by SA to Legal Services Commission/Community Legal Centres</i>	\$ 400,000.00

<i>Outstanding amount to be allocated by SA</i>	\$ 58,000.00
SOUTH AUSTRALIA TOTAL	\$ 2,423,000.00
<u>TASMANIA</u>	
Hobart Community Legal Service	\$ 126,528.00
Launceston Community Legal Service	\$ 126,528.00
North-West Community Legal Centre	\$ 126,528.00
Tasmania Legal Aid	\$ 324,000.00
Tasmanian Aboriginal Legal Service	\$ 152,000.00
Tenants' Union of Tasmania	\$ 126,528.00
Women's Legal Service Tasmania	\$ 325,887.00
TASMANIA TOTAL	\$ 1,308,000.00
<u>AUSTRALIAN CAPITAL TERRITORY</u>	
Canberra Community Law	\$ 55,014.21
Legal Aid ACT	\$ 120,000.00
Women's Legal Centre	\$ 512,986.79
AUSTRALIAN CAPITAL TERRITORY TOTAL	\$ 688,000.00
<u>NORTHERN TERRITORY</u>	
Central Australian Women's Legal Service (CAWLS)	\$ 262,750.00
Katherine Women's Information and Legal Service (KWILS)	\$ 262,750.00
Northern Territory Legal Aid Commission	\$ 262,750.00
Top End Women's Legal Service (TEWLS)	\$ 262,750.00
NORTHERN TERRITORY TOTAL	\$ 1,051,000.00

- **“More than \$60.8 million will fund the reform of family law case management in the federal family courts to improve outcomes and better meet the needs of families and children.”**

In the 2021-22 Budget, the Government provided additional funding of \$60.8 million over four years to the Federal Circuit and Family Court of Australia (FCFC). The purpose of the funding is to enable the courts to give effect to a new approach to managing and resolving family law cases. This new approach is designed to significantly shorten the time separating families spend in litigation, and increasing access to alternative dispute resolution (ADR). The FCFC has announced that its primary target is to resolve more than 90 per cent of family law cases within 12 months.

The funding supports the engagement of additional non-judicial staff, including Registrars, Family Consultants, Indigenous Liaison Officers (ILOs), and legal and administrative support staff. A comprehensive recruitment process has been undertaken by the FCFC for all the positions funded under this measure.

Key features of the new case management model include:

- Registrars triaging cases into appropriate case management streams at the front end of the litigation process (eg: hearings before judges, ADR, specialist lists)
- A specialised Central Assessment Team centralises the processing of over 106,000 family law applications per annum, enabling nationally consistent case management through the assessment and triaging of matters. This will support the creation of a single point of entry into the federal family law courts, as part of the establishment of the FCFC.
- Registrars conducting ADR conferences for appropriate family law matters to settle or narrow issues in dispute, with increased use of family consultants for the more challenging parenting

matters.

- Senior Registrars with delegated judicial powers hearing and resolving interim and procedural applications.
- Increased use of ILOs to assist Aboriginal and Torres Strait Islander Australians navigate barriers to accessing the family law system. This includes building relationships, referrals, preparing cultural reports and delivering culturally-appropriate programs.

Further questions about the implementation of this measure would be most appropriately directed to the FCFC.

All details of all legal assistance approved under the Parliamentary Business Resources Regulations 2017 since 1 January 2020, including in relation to:

- **the defamation claim made against Minister Michael Sukkar on 9 August 2021;**
- **the undisclosed claim made against Senator Reynolds on 20 January 2022;**
- **the legal assistance provided to Senator Reynolds in relation to an AFP investigation, which was approved in April 2021 by the Minister for Finance; the preparation of a witness statement by Mr Alan Tudge;**
- **the legal assistance provided to Minister Paul Fletcher in relation to a claim made on 21 April 2021 regarding an employment matter; and**
- **any other legal assistance approved under the Parliamentary Business Resources Regulations 2017 since 1 January 2020.**

Current and former Ministers can apply for assistance from the Commonwealth for legal proceedings brought against them that arise because they hold or held the office of a Minister. The *Parliamentary Business Resources Regulations 2017* (the Regulations) set out the eligibility criteria for a Minister to receive legal assistance. Details of all approvals for legal assistance since 1 January 2020 are as follows:

Approvals since 1 January 2020

Date of approval	Applicant	Approver	Matter
2 February 2022	Senator the Hon Linda Reynolds	Attorney-General, Senator the Hon Michaelia Cash	In relation to a claim made against her on 20 January 2022
10 January 2022	Senator the Hon Michaelia Cash	Minister for Finance, Senator the Hon Simon Birmingham	In relation to 2 separate claims
23 August 2021	Hon Michael Sukkar MP	Attorney-General	In relation to defamation claims made against him on 9 August 2021
17 August 2021	Hon Peter Dutton MP	Attorney-General	For 5 claims in relation to the <i>Migration Act 1958</i> commenced in the Federal Court of Australia
20 May 2021	Senator the Hon Jonathon Duniam	Attorney-General	In relation to a defamation claim made against him on 12 May 2021

14 May 2021	Senator the Hon Jonathon Duniam	Attorney-General	In relation to a defamation claim made against him on 29 April 2021
7 May 2021	Hon Paul Fletcher MP	Attorney-General	In relation to claims made on 21 April 2021 in relation to an employment matter
30 April 2021	Senator the Hon Linda Reynolds	Minister for Finance	In relation to an Australian Federal Police (AFP) investigation
23 November 2020	Senator the Hon Michaelia Cash	then Attorney-General, the Hon Christian Porter MP	In relation to proceedings commenced in the Federal Circuit Court of Australia on 2 November 2020
22 October 2020	Hon Alan Tudge MP	then Attorney-General	To assist in an inquiry
30 June 2020	Hon Scott Morrison MP	then Attorney-General	Responding to defamation claims made against him
30 June 2020	Hon Christian Porter MP	Prime Minister	In relation to an application made to the Fair Work Commission
22 June 2020	Hon Scott Morrison MP	then Attorney-General	In relation to a claim made against him in the NSW Civil and Administrative Tribunal
23 March 2020	Hon Scott Morrison MP	then Attorney-General	In relation to an application for a Personal Protection Order (PPO)
23 March 2020	Hon Peter Dutton MP	then Attorney-General	In relation to an application for a Personal Protection Order (PPO)
12 February 2020	Hon Scott Morrison MP	then Attorney-General	To meet the costs of legal representation in relation to legal assistance approved on 12 February 2020
5 February 2020	Hon Christian Porter MP	Prime Minister	In relation to a subpoena to give evidence issued by the ACT Supreme Court in connection with the matter of <i>R v McBride</i>
5 February 2020	Hon Stephen Smith MP	Prime Minister	In relation to a subpoena to give evidence issued by the ACT Supreme Court in connection with the matter of <i>R v McBride</i>
17 January 2020	Hon Peter Dutton MP	Acting Attorney-General, the Hon Greg Hunt MP	Associated with a complaint made by an immigration detainee

Expenditure tabled since 1 January 2020

Copies of the consolidated statements of costs detailing expenditure from 1 July 2019 until 30 June 2021 are attached. I note that the 2019-20 statement was tabled un-dated, but I am advised that it was tabled on 3 September 2020.

I trust this information is of assistance. The department will be available to answer any further questions Senators have on these or other matters at the hearing. The action officer for this matter is who can be contacted on

Yours sincerely

Katherine Jones PSM

Enclosures:

- Update on implementation of Government response to Respect@Work report
- PBR Consolidated Statement of Expenditure 2019-20
- PBR Consolidated Statement of Expenditure 2020-21