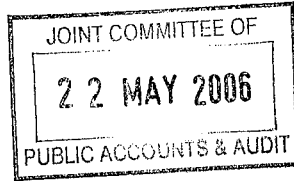




ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

05/18151



19 MAY 2006

The Chair
Joint Committee of Public Accounts and Audit
Suite R1.108
Parliament House
CANBERRA ACT 2600

Dear Chair

I write in response to *Report 404: Review of Auditor-General's Report 2003-2004 Third and Fourth Quarters; and First and Second Quarters of 2004-2005* by the Joint Committee of Public Accounts and Audit. The Report contained a number of recommendations relevant to my portfolio.

I enclose Executive Minutes from the Secretary of the Attorney-General's Department, Mr Robert Cornall AO, addressing recommendations one, two and 33.

The action officer for this matter in my Department is Anthony Coles who can be contacted on 6250 5877.

Yours/sincerely

Philip Ruddock

EXECUTIVE MINUTE

on
JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
REPORT 404

Review of Auditor-General's Reports 2003–2004 Third and Fourth Quarters; and First and
Second Quarters of 2004–2005

Response to the recommendations

Recommendation 1 paragraph 2.33

The Committee recommends that the Attorney-General's Department commence development of a whole-of-government approach and guidance for the management of the Commonwealth's intellectual property, for completion by May 2006. The Attorney-General's Department should consult widely with Commonwealth agencies, particularly those which are major generators of intellectual property.

Accept in principle.

The Attorney-General's Department, in consultation with the Department of Finance and Administration, IP Australia and the Department of Communications, Information Technology and the Arts, are working to develop a whole-of-government approach to management of intellectual property (IP) by Australian Government agencies. Development of a whole-of-government approach to management of IP is being undertaken in two stages:

- *Statement of IP Principles* - the statement will articulate the Government's approach to IP use and management in broad terms including the contribution made by commercialisation of IP to the Government's innovation policy
- *IP Better Practice Manual* – the Manual will provide practical guidance and advice on IP management, including the implementation of the *Statement of IP Principles*

A *Draft Statement of IP Principles* was released in September 2005 for the purpose of consultation. Stakeholder comment was sought from all Australian Government Departments and major generators of IP such as the CSIRO and ANSTO, as well as private sector interests. The draft *Statement of IP Principles*, which reflects stakeholder input, is currently under consideration by Ministers.

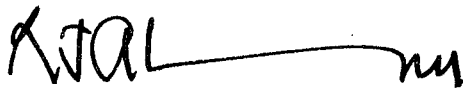
The Attorney-General's Department has commenced preparation of the *IP Better Practice Manual*. A consultant, Spruson & Ferguson, was engaged to assist with this work in April 2006. Departments and agencies, as well as private sector stakeholders, are being consulted on the content of the draft manual. It is expected that the final manual will be published in the second half of 2006.

Recommendation 2 paragraph 2.35

The Committee recommends that the whole-of-government approach to the management of the Commonwealth's intellectual property within a framework for IP management should leave each Commonwealth agency free to optimise its role within the framework.

Accept.

The whole-of-government approach to management of intellectual property, which will be expressed through the *Statement of IP Principles* and the *IP Better Practice Manual*, will allow individual agencies flexibility to optimise their own management of IP. This is consistent with the legislative and other requirements whereby agencies are individually responsible for the effective and efficient management of resources under their control and custody.

A handwritten signature in black ink, appearing to read 'R. Cornall', with a long horizontal line extending to the right.

Robert Cornall AO
Secretary

EXECUTIVE MINUTE

on
JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
REPORT 404

Review of Auditor-General's Reports 2003–2004 Third and Fourth Quarters; and First and Second Quarters of 2004–2005

General comments

The Attorney-General's Department administers the *Commonwealth Places (Application of Laws) Act 1970*. The Application of Laws Act applies State and Territory laws to Commonwealth Places. Because the Act is self-executing, revenue collected by the States and Territories under each applicable act automatically forms part of the Consolidated Revenue Fund. The Application of Laws Act provides that the Commonwealth shall pay an equal amount to the States and Territories as received by the Commonwealth under the applied provision having effect in or in relation to Commonwealth Places in that State. In its report on the Financial Management of Special Appropriations, (Report No 15 2004–05) the Australian National Audit Office identified the Application of Laws Act as an instance in which the self-executing nature of the Consolidated Revenue Fund had not been effectively addressed by entities in their administration of special appropriations.

Response to the recommendation(s)

Recommendation No. 33 paragraph 10.65

The Committee recommends that the Attorney-General's Department and the Department of Finance and Administration resolve which agency is best equipped to administer the Special Appropriation in relation to the *Commonwealth Places (Application of Laws) Act 1970*.

The Attorney-General's Department has discussed the recommendation with the Department of Finance and Administration. The Attorney-General's Department agrees that it is responsible for the administration of the special appropriation in relation to the *Commonwealth Places (Application of Laws) Act 1970*.



Robert Cornall AO
Secretary