

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Portfolio**

**Question No. 140**

**Senator Humphries asked the following question at the hearing on 12 February 2013:**

Reviews

For this financial year to date:

- a) How many Reviews are being undertaken?
- b) What reviews have concluded, and for those that are still ongoing, when will those reviews be concluded?
- c) Which of these reviews has been provided to Government?
- d) When will the Government be responding to the respective reviews that have been completed?
- e) Has the Government responded to all reviews within the timeframe? If not, why not?
- f) What is the estimated cost of each of these Reviews?
- g) What reviews are planned?
- h) When will each of these reviews be concluded?

**The answer to the honorable senator's question is as follows:**

Australian Government Solicitor (AGS) is a government business enterprise operating on a commercial and competitive basis in providing legal and related services to government and its agencies. AGS does not receive any Budget or other appropriations and its employees are engaged outside of the *Public Service Act 1999*. The question is therefore not applicable to AGS.

- a)– f) The following Agencies have not undertaken any reviews in the period 1 July 2012 to 31 January 2013 nor plan to undertake a review for the remainder of the 2012/13 financial year:

Administrative Appeals Tribunal, Australian Crime Commission, Australian Commission for Law Enforcement Integrity, Australian Federal Police, Australian Institute of Criminology, Australian Law Reform Commission, Australian Security and Intelligence Organisation, Australian Transaction Reports and Analysis Centre, Commonwealth Director of Public Prosecutions, CrimTrac, Family Court of Australia, Federal Magistrates Court, High Court of Australia, Insolvency and Trustee Service Australia, Office of the Australian Information Commissioner and the Office of Parliamentary Counsel.

Other responses are provided in the table below.

a)-f)

<b>Attorney-General's Portfolio – Reviews 1 July 2012 – 31 January 2013</b>						
<b>Agency</b>	<b>Review</b>	<b>End date</b>	<b>Status</b>	<b>Has review been provided to Government?</b>	<b>Has Govt responded within the timeframe? If not, why not?</b>	<b>Cost (exclusive of GST)</b>
National Native Title Tribunal(NNTT) /Federal Court of Australia/ Attorney-General's Department (in consultation with Department of Families, Housing, Community Services and Indigenous Affairs)	The Government has agreed to the recommendations of the Strategic Review of Small and Medium Agencies in the Attorney-General's portfolio that discretionary functions of the NNTT should be reviewed and consideration be given to the introduction of cost recovery for some or all of these services.	Second half of 2013	Commenced	No	N/A - End date is second half of 2013.	Nil (within existing resources)
National Native Title Tribunal (NNTT)	In December 2012, the President and the Registrar of the National Native Title Tribunal appointed an independent consultant to conduct a review of conflict of interest arrangements within the Tribunal and related matters.	February 2013	Completed	No	N/A	\$32,782.26

<b>Attorney-General's Portfolio – Reviews 1 July 2012 – 31 January 2013</b>						
<b>Agency</b>	<b>Review</b>	<b>End date</b>	<b>Status</b>	<b>Has review been provided to Government?</b>	<b>Has Govt responded within the timeframe? If not, why not?</b>	<b>Cost (exclusive of GST)</b>
Attorney-General's Department	Independent review of Family Law Pathways Networks	July 2012	Completed	Yes.	No. No statutory guideline for a response but on track to respond before next round of funding agreements for 2013-14.	\$150,000
Attorney-General's Department	The Australian Government commissioned ACIL Allen Consulting in May 2012 to conduct an independent review of the National Partnership Agreement on Legal Assistance Services.	Second half of 2013	Ongoing	No	N/A - End date is second half of 2013.	Total contract cost of \$768,048.18 Expenditure to date is \$497,281.39 The states and territories have paid a contribution of \$167,341 towards the contract price.
Attorney-General's Department	Review of Family Violence Prevention Legal Services Program	August 2012	Completed.	No.	N/A	\$140,822

**Attorney-General's Portfolio – Reviews 1 July 2012 – 31 January 2013**

Agency	Review	End date	Status	Has review been provided to Government?	Has Govt responded within the timeframe? If not, why not?	Cost (exclusive of GST)
Attorney-General's Department	Research on Family Law Services under the Family Support Program	May 2013	Completed	No.	No. No statutory guideline for a response but on track to respond before next round of funding agreements for 2013-14.	\$400,000
Attorney-General's Department	Statutory Review of the operation of the Freedom of Information Act 1982 and the Australian Information Commissioner Act 2010	April 2013	On track	No	N/A	Estimate costs \$70,000
Attorney-General's Department	AGD is conducting a review of Technological Protection Measure exceptions made under the Copyright Act 1968.	N/A	Commenced	No	N/A	Within existing resources
Attorney-General's Department	Brumby Anti-Dumping Review	November 2012	Completed	Yes	Yes	\$273,622.10
Australian Customs and Border Protection Service	Intertek Pty Ltd provided an analytical report to assess what systems and procedures are in place for sampling, testing, handling, storage and transport of unknown or hazardous substances in the Cargo Operations environment	July 2011	Completed	No	N/A	\$18,608.08

**Attorney-General's Portfolio – Reviews 1 July 2012 – 31 January 2013**

Agency	Review	End date	Status	Has review been provided to Government?	Has Govt responded within the timeframe? If not, why not?	Cost (exclusive of GST)
Australian Customs and Border Protection Service	Assessment of the agency's portfolio, program and project management capability (P3M3 Assessment)	31 July 2012	Completed	Yes	Internal review of Agency capability only.	\$42,303
Australian Customs and Border Protection Service;  Department of Defence;  Australian Maritime Safety Authority	Internal Review in to the Maritime Incidents of 21 and 27 June 2012	August 2012	Completed	Yes	Yes	Absorbed
Australian Customs and Border Protection Service	APSC Capability Review	25 July 2013	Underway	No	N/A	Absorbed

<b>Attorney-General's Portfolio – Reviews 1 July 2012 – 31 January 2013</b>						
<b>Agency</b>	<b>Review</b>	<b>End date</b>	<b>Status</b>	<b>Has review been provided to Government?</b>	<b>Has Govt responded within the timeframe? If not, why not?</b>	<b>Cost (exclusive of GST)</b>
Australian Human Rights Commission	The Review into the Treatment of Women at ADFA (Phase 1) and in the ADF (Phase 2). Phase 3 of the Review is ongoing and requires the preparation of a report into the implementation of the recommendations of each Report 12 months after their release	3 Nov 2011 (Phase 1) 22 Aug 2012 (Phase 2) (Phase 3 ongoing - first half of 2014)	No	Yes	No timeframe was provided for a Government response however, the Government, through the Minister of Defence and the ADF has responded to Phases 1 and 2 of the Review	Defence allocated \$6.7M to the Australian Human Rights Commission for Phase 1, 2 and 3. The Commission spent \$2.975M for Phase 1 and 2. Of the \$6.7M Defence has allocated, \$2.0M for the Commission to undertake Phase 3. The unspent funds are retained by Defence

g) – h) The following Agencies are not planning any Reviews as at 31 January 2013:

Administrative Appeals Tribunal, Australian Crime Commission, Australian Commission for Law Enforcement Integrity, Australian Federal Police, Australian Institute of Criminology, Australian Law Reform Commission, Australian Security and Intelligence Organisation, Australian Transaction Reports and Analysis Centre, Commonwealth Director of Public Prosecutions, CrimTrac, Family Court of Australia, Federal Court of Australia, Federal Magistrates Court, High Court of Australia, Insolvency and Trustee Service Australia, National Native Title Tribunal Office of the Australian Information Commissioner and the Office of Parliamentary Counsel.

Other responses are provided in the table below.

**Attorney-General's Portfolio – Planned Reviews**

<b>Agency</b>	<b>Planned Review</b>	<b>Proposed end date</b>	<b>Status</b>
Attorney-General's Department	Review of the operation of section 47A of the <i>Australian Crime Commission Act 2002</i> and the amendments made by Part 2 of Schedule 1 to the <i>Crimes Legislation Amendment Act 2011</i> .	2013	Not yet commenced.
Australian Customs and Border Protection Service	Assessment of the agency's portfolio, program and project management capability (P3M3 Assessment)	30 August 2013	Currently preparing to commence procurement of external accredited assessor.